

**Pocono Township Board of Commissioners
Regular Meeting Minutes
November 16, 2020 7:00 p.m.**

The regular meeting of the Pocono Township Board of Commissioners was held on November 16, 2020 at the Pocono Township Municipal Building and opened by President Rich Wielebinski at 7:00 p.m. followed by the Pledge of Allegiance.

Roll Call: Jerrod Belvin, present; Ellen Gnadtt, present; Jerry Lastowski, present; Keith Meeker, present; and Rich Wielebinski, present.

In Attendance: L. DeVito, Township Solicitor, Broughal & DeVito; Jon Tresslar, Township Engineer, Boucher & James, Inc.; and Taylor Muñoz, Township Manager.

Public Comments

Todd Cannon (Serenite, 501 Upper Deer Valley Rd, Tannersville) – Provided perspective on Serenite shared ownership development and its economic impact. Asked for reconsideration to allow construction of second building to begin.

Tom Wise (108 Wise Lane, Scotrun) – Question about transient dwelling use. Property was a duplex on 9 acres when he and his wife purchased. House built included a mother-daughter structure. Mother-in-law passed and now they have an empty apartment that they would like to rent out via Airbnb. At some point, Pocono Township changed the zoning from RD to R1. Reviewed TDU ordinance and asked for further information as to whether the ordinance applies to his property. R. Wielebinski said T. Muñoz will research how the zoning change came about from RD to R1 and get back in touch with Wise family. Stated Township appreciated hearing from Mr. Wise.

Diane Zweifel (Post Hill Court, Henryville) – Stated she does not agree with increasing the township millage rate due to concerns over COVID-19. She feels the Board should look at other options to raise revenue, including further raising the amusement tax. T. Muñoz recommended resident read the full budget presentation packet posted on the Township website for public feedback for an understanding of where the Township has lost revenue and for an explanation of Township expenditures.

Theresa Purcell (215 Wilke Road, Tannersville) – Stated she shares concerns with the proposed millage increase and cited hardships like rising fuel prices. Expressed concerns about working to control costs.

R. Wielebinski highlighted several areas where the Township has saved taxpayer dollars and continued brought greater efficiency to Township operations.

Announcements

- Mountain View Park is now closed for the winter season. Thank you to all our residents who continue to frequent our park and to our committed staff.
- If you have not already, we would encourage you to sign up for the Township newsletter at www.poconopa.gov, follow our Facebook page for frequent community updates and subscribe to our township-wide Savvy Citizen notification system at www.savvycitizenapp.com.

Presentations

- FY 2021 Township Budget & Budget Narrative Presentation – Taylor Muñoz, Township Manager

The FY 2021 budget was presented by T. Muñoz. While 2020 revenues have remained relatively stable, Pocono Township experienced losses in its three primary revenue categories: Real Estate Tax, Earned Income Tax (EIT) and Local Services Tax (LST). T. Muñoz explained that the LST was hit hardest, likely due to reduced employment during COVID-19. The biggest financial hit to the Township's budget is due to the County granting successful property tax appeals following the county reassessment in 2019. Pocono Township received assessed values from the county to develop its tax rate, only to have the assessments further lowered as the county approved property tax appeals – resulting in a 6.4% revenue hit for the Township. Other items were discussed, including needed capital expenditures, personnel costs due to union contractual obligations and establishing a separate fire tax millage rate for the Volunteer Fire Company.

E. Gndt commended T. Muñoz on the budget presentation. She is concerned about dipping into reserves of about \$1.3 million and leaving roughly \$3 million left in reserves at the end. She expressed the opinion that the Township should have a three-month reserve of expenses and feels that raising the amusement tax would allow the Township to have a surplus to put away for the capital reserve.

E. Gndt made a motion to raise the amusement tax to 6% beginning July 1, 2021. Motion failed for lack of second.

J. Lastowski stated he is not opposed to raising the amusement tax, but that the tax is new to the resorts and the Township should establish themselves with the initial 3% first and see what revenues are received before raising the tax. He said if the amusement tax is raised too quickly, the resorts could take us to court and we could be tied up and receive nothing. F. Cefali, Township Treasurer, stated the Township is already borrowing from itself, which may have to be repaid down the road. He does not see the value in borrowing additional funds on top of borrowing from ourselves. R. Wielebinski pointed out over the last 6 to 8 years, taxes were maintained or reduced.

Resolutions

R. Wielebinski made a motion, seconded by J. Lastowski, to adopt Resolution 2020-23 granting an additional 24-month extension of time to satisfy conditions of the plan approval of the Trap Enterprises Desaki Hotel Final Land Development Plan. Trap Enterprises, LLC shall have a period of 24 months from February 3, 2022 to satisfy the conditions of final plan approval and record the Plan. All in favor. Motion carried.

R. Wielebinski made a motion, seconded by E. Gndt, to adopt Resolution 2020-24 granting an extension of time to satisfy conditions of the plan approval of the Trap Enterprises Route 611 Final Land Development Plan. Abraham and Trapasso Enterprises, LLC, successor-in-interest to Trap Enterprises, LLC, shall have a period of twenty-four (24) months from August 3, 2021 to satisfy the conditions final plan approval and record the Plan. All in favor. Motion carried.

R. Wielebinski made a motion, seconded by K. Meeker, to adopt Resolution 2020-25 approving the withdrawal of Hamilton Township from the Hamilton-Jackson-Pocono Park and Recreation Commission, approving and accepting a deed conveying all of Hamilton Township's right, title and interest in the jointly-owned Park property to Pocono and Jackson Townships, acknowledging and agreeing that Pocono and Jackson Townships will continue to jointly maintain the Park property, and committing to enter into a new Intergovernmental Cooperation Agreement between Pocono and Jackson Townships for the future maintenance and operation of the Park property for public recreation and open space purposes. Discussion: J. Lastowski asked if this locks the Township into any monetary commitments. L. DeVito indicated it simply confirms that Hamilton will leave the partnership, and Pocono and Jackson Townships would be joint owners of the land. E. Gndt inquired about whether any outstanding liabilities exist. L. DeVito indicated there were none. All in favor. Motion carried.

OLD BUSINESS

R. Wielebinski made a motion, seconded by K. Meeker, to approve the minutes of the November 2, 2020 regular meeting of the Board of Commissioners. E. Gndt said under her report, Bob – not Rich - was the one that said antifreeze was in the traps. This change was accepted by Keith. All in favor. Motion carried.

NEW BUSINESS

1. Personnel – No new business.

2. Financial Transactions

R. Wielebinski made a motion, seconded by J. Lastowski, to ratify vouchers payable received through November 12, 2020 in the amount of \$96,738.90. All in favor. Motion carried.

R. Wielebinski made a motion, seconded by K. Meeker, to ratify gross payroll for pay period ending November 1, 2020 in the amount of \$95,755.55. All in favor. Motion carried.

R. Wielebinski made a motion, seconded by J. Belvin, to approve vouchers payable received through November 12, 2020 in the amount of \$133,384.52. E. Gndt had some questions and would like answers to those questions at some point. All in favor. Motion carried.

R. Wielebinski made a motion, seconded by J. Lastowski, to approve sewer operating fund expenditures through November 12, 2020 in the amount of \$101,492.20. All in favor. Motion carried.

R. Wielebinski made a motion, seconded by K. Meeker, to approve capital fund expenditures through November 12, 2020 in the amount of \$23,828.16. All in favor. Motion carried.

3. Travel/Training Authorizations – None.

Report of the President

Richard Wielebinski

R. Wielebinski made a motion, seconded by J. Belvin, to engage Zelenkofske Axelrod LLC to audit the financial statements of Pocono Township as of and for the year ended December 31, 2020 and to authorize the Township Manager to sign the engagement letter on behalf of the Township. E. Gndt stated the engagement letters need to be changed and that the Township receives an audited statement but does not need the accompanying report. The letters read that they want an engagement for a compilation. She believes we should have audited numbers with an auditor's opinion. Also mentioned changing the reference to GAAP statements, as the Township does not follow GAAP principles. Stated we do not want Township financial statements compiled, rather, they should be audited. R. Wielebinski suggested T. Muñoz, L. DeVito and F. Cefali find out what is needed and include E. Gndt in conversation with auditors. Motion rescinded.

J. Lastowski made a motion, seconded by R. Wielebinski, to table the motion to engage Zelenkofske Axelrod LLC to audit the financial statements of Pocono Township as of and for the year ended December 31, 2020. All in favor. Motion carried.

- Discussion regarding enforcement actions against 17 Summit Avenue and potential structural hazards. R. Wielebinski and T. Muñoz visited the property and had difficulty going up driveway due to overgrown brush. Part of the house is falling apart and not secure. T. Muñoz will work with S. McGlynn and consult with Monroe County Landbank.

R. Wielebinski made a motion, seconded by J. Belvin, to have the Township Manager, Township Zoning & Code Enforcement Officer, and solicitor look into and discuss with the Monroe County Land Bank

whether they would acquire property located at 17 Summit Avenue in Pocono Manor, Monroe County, Pennsylvania. All in favor. Motion carried.

Commissioner Comments

Jerrod Belvin – Vice President

- Emergency Management Update – No update.
- Tropical Storm Isaias Update – No update, still pending.
- FEMA Flood Mitigation grant application – No further update.
- MCTI Walkthrough – A walkthrough was done last Friday at MCTI reviewing emergency operations procedures and pandemic response plan.
- Traffic Light Update – The Discovery Drive and SR 611 light has been signed off by PennDOT. Retrieved old traffic lights that did not integrate the Township's adaptive system. Signal Service will attach them and redo the timing in December.

Ellen Gndt – Commissioner

- Stated that the Township Emergency Management Plan is outdated. J. Belvin is working on a update and will present the updated plan to the BOC.

Jerry Lastowski – Commissioner

- Repurposing of Pocono Township's two electronic message signs. Jerry suggested the Township electronic message signs include positive holiday messages for the Christmas season. Also suggested the Township ask billboard owners to post positive holiday messages.
- Gravatts Way Short-Term Rental. L. DeVito indicated the Township has a default hearing on December 7, 2020 where Township is seeking a civil judgment of \$12,000. December 7, 2020 is the deadline for defendant to enter a defense. The Township has received favorable results with past hearings, with three other problem properties either being sold or no longer used as short-term rentals. J. Lastowski suggested repeating to the concerned residents that we are doing everything possible to shut this location down. E. Gndt inquired about the court process. L. DeVito said the judgment also gives the Township remedy to do an injunction. Officer L. Miller has visited the property each weekend to write a report and keep a record of violations.

J. Lastowski made a motion, seconded by E. Gndt, to prepare an injunction for filing after December 7, 2020 hearing. Discussion followed regarding courts possibly closing due to COVID-19, short-term rentals being closed, having uniformed police officers identifying individuals on the property and violations being issued through the Township Zoning office. All in favor. Motion carried.

- Potential of limiting access due to COVID-19. Discussion regarding the Township hosting remote meetings, installing audio/visual system for live-streaming and remote staffing.

Keith Meeker – Commissioner

Inquired about PMCCI development. L. DeVito is coordinating a meeting with T. Muñoz, H. Beers, S. McGlynn and J. Acosta to formulate a plan to address numerous health and safety concerns in this development. Township zoning officials will begin drive-by inspections this week, without getting out of the vehicles, in preparation for a meeting the first week of December. Once the drive by inspections are complete, a meeting will be scheduled to discuss action plan moving forward.

Reports

Zoning

Emergency Services

- Police – No report.
- EMS – No report.
- Fire – No report.

Public Works Report

- Current and remaining Public Works projects for 2020. Completing leaf collection and working on getting TLC ice skating rink set up by next week.
- Robin Lane Drainage Project. Complete except for some touchup work in the Spring.
- Update – Park Lane Culvert Replacement Dirt and Gravel Grant. Placeholder until Spring.
- Update – Well Work at MVP. Park is closed. Water system torn down, drained, blown out, two gallons of antifreeze put in the traps and windows locked.
- Since last meeting, two trucks have had bodies fall off their frames. COSTARS price on aluminum body replacement would be \$28,054 each installed. The trucks are 14 and 16 years old, respectively.

J. Belvin made a motion, seconded by K. Meeker, to purchase one truck body for \$28,054 if the truck body can be complete by the end of January at the latest. All in favor. Motion carried.

- R. Sargent would like to put two items on Municibid – a Ford Escape with a rotted undercarriage and a 20-year-old mower.

R. Wielebinski made a motion, seconded by J. Lastowski, to put a Ford Escape and 20-year-old lawn mower on Municibid. All in favor. Motion carried.

Administration – Manager’s Report

- First reading of the 2021 Proposed Budget as required by the First Class Township Code

J. Lastowski made a motion, seconded by R. Wielebinski, to authorize the Township Manager to make available for public inspection the proposed FY 2021 Pocono Township Budget, as required by the First Class Township Code, as of Thursday, November 18, 2020, with versions available in hard copy at the Township office and posted on the Township website. Discussion followed on the timeline of adding the truck body to the budget. All in favor. Motion carried.

R. Wielebinski made a motion, seconded by J. Lastowski, to authorize the Township Manager to advertise the FY 2021 proposed budget, as required by the First Class Township Code, at least twenty (20) days prior to the date for tentative adoption set for December 21, 2020. All in favor. Motion carried.

J. Belvin made a motion, seconded by K. Meeker, to authorize the order of three (3) 2021 Chevy Tahoe Police Pursuit Vehicles through Enterprise Fleet Management. Under discussion, the comparison of interest rates for Enterprise Fleet Management, which is part of a cooperative purchasing agreement through another coop called Sourcewell, was 3.69% versus F.N.B. at over 4%. After conversation with Zelenkofske Axelrod, Sourcewell is another valid cooperative purchasing entity that also meets the statutory bidding requirements in state law. All in favor. Motion carried.

- Update – Pending grant applications – LSA, Multimodal & Recreation Grant Applications – No report.
- Wine Press Inn – Interest in Township-owned property – No update.
- Update – Regional HSPS Comprehensive Plan – Wednesday, December 16, 2020 at 6:00 p.m.

Township Engineer Report

- St. Paul’s Lutheran Drainage Basin. Spoke to building committee representative and still waiting for proposal from engineer. L. DeVito suggested a letter from the solicitor’s office.
- Archer Lane Drainage Issues – No report.
- Update – Righthand turn lanes from Rt. 611 onto Rimrock Road and Bartonsville Avenue. No update.

- R. Wielebinski asked for J. Tresslar's recommendation regarding the Serenite presentation earlier this evening and their request to begin construction on another building. Was asking to build one more building. L. DeVito indicated it has been made extremely clear what they need to do to move forward.

Township Solicitor Report

R. Wielebinski made a motion, seconded by J. Belvin, to authorize the Township Solicitor to prepare an ordinance establishing a Fire Services Tax and setting the rate at .201 mills. All in favor. Motion carried.

- Discussion regarding amendment to the HJP Park cooperation agreement. Next step is to coordinate with Township representatives from Jackson and Pocono to re-work the cooperation agreement.
- Update – Kelly Family Trust – No update.
- Update – Ryan Possinger Appeal Zoning Hearing – November 24, 2020. Zoning appeal regarding Possinger's desire to erect billboard on Rimrock Road near I-80. It is an appeal of the revocation of the zoning permit previously issued. Possinger increased the size of his billboard through a sign permit renewal application, rather than the required conditional use process.

R. Wielebinski made a motion, seconded by J. Lastowski, to authorize L. DeVito to attend the Ryan Possinger appeal zoning hearing on November 24, 2020. All in favor. Motion carried.

Public Comment – No public comment.

Adjournment

R. Wielebinski made a motion, seconded by E. Gndt, to adjourn the meeting at 9:36 p.m. All in favor. Motion carried.