

**Pocono Township Board of Commissioners  
Regular Meeting Minutes  
November 2, 2020 7:00 p.m.**

The regular meeting of the Pocono Township Board of Commissioners was held on November 2, 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 Gndt, 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 Comment** – No public comment.

**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.
- The Board of Commissioners will convene a work session on Wednesday, November 4, 2020 at 6:00 p.m. to discuss the FY 2021 Township Budget.
- If you have not already, we would encourage you to sign up for the Township newsletter at [www.poconopa.gov](http://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](http://www.savvycitizenapp.com).

**Hearings**

- Ordinance 2020-08 – Motion to adopt Ordinance 2020-08 amending the Pocono Township Code of Ordinances Chapter 200, Fireworks to require all facilities selling Consumer Fireworks to post, in a prominent location, a placard, provided by the Township, advising customers of those dates when fireworks are permitted to be discharged within the Township.

R. Wielebinski made a motion, seconded by J. Lastowski, to open a public hearing on Ordinance 2020-08. All in favor. Motion carried.

L. DeVito explained the hearing is for an amendment to the current Pocono Township Fireworks Ordinance and requires sellers of consumer fireworks located within Pocono Township to place a placard advising customers of dates when fireworks may be displayed or discharged in the Township and provides a warning letter and penalties for sales establishments that do not comply.

E. Gndt stated she is concerned this would penalize the store owner and R. Wielebinski indicated it is a way to let consumers know the Township rules. L. DeVito clarified that sales establishments are not being penalized for discharge of fireworks but would be penalized for refusal or failure to display the sign.

R. Wielebinski made a motion, seconded by K. Meeker, to close the public hearing on Ordinance 2020-08. All in favor. Motion carried.

R. Wielebinski made a motion, seconded by J. Belvin, to adopt Ordinance 2020-08 amending the Pocono Township Code of Ordinances Chapter 200, Fireworks to require all facilities selling Consumer Fireworks to post, in a prominent location, a placard, provided by the Township, advising customers of those dates when fireworks are permitted to be discharged within the Township. Roll Call: J. Belvin, yes; E. Gndt, no; J. Lastowski, yes; K. Meeker, yes; R. Wielebinski, yes. Motion carried.

J. Lastowski asked how soon placards would be distributed. T. Muñoz will inform the Board when they are distributed.

### **Presentations**

- Recognition and plaques were presented to Scott Gilliland and Ronald Swink for their years of service to the Pocono Township Planning Commission.
- Pocono Township Q3 Treasurer's Report – Frank Cefali, CPA and Pocono Township Treasurer. Provided the Q3 Financial Report to the Commissioners, indicating cash is stable and the overall budget is in line with what was expected.
- Discussion regarding potential access across a Township-owned property adjoining I-80 to a neighboring parcel – Jonathan Weber, Marathon Studios, Inc.

Chris Brown, the attorney representing Jonathan Weber, provided exhibits and discussed gaining access to a 6-acre parcel to potentially erect a billboard. The property abuts a stream on one side and Township-owned property adjoining I-80 on the other. Pocono Township received the property by quick claim deed in 1995, where it has not been used for years. There is access to this property by a gate off I-80. J. Weber indicated the proposal is to allow access through the existing gate via I-80, with a second option to access the property by Pocono Creek Drive that goes into the back of the lot. Both options would cross Township-owned properties. J. Weber indicated interest in purchasing the Township property but noted concerns of being outbid if a bidding process was required. J. Lastowski asked if PennDOT would need to provide access and discussed the pros and cons of the Township providing an easement versus selling, indicating he would be in favor of selling the property. L. DeVito noted an easement would be in perpetuity and an encumbrance on the property, so the area could not be obstructed. It would not be an impediment but would be sold subject to the easement. C. Brown added the road bisects the property with an existing dirt road. They would improve the road surface to a paved surface which would enhance the value of the parcel. Discussion was referred to L. DeVito who suggested getting an appraisal and advertising via sealed bid.

R. Wielebinski made a motion, seconded by J. Belvin, to have Pocono Township's 10- acre property off I-80, PIN 12637100775152, appraised for potential sale. All in favor. Motion carried.

### **Resolutions**

R. Wielebinski made a motion, seconded by J. Belvin, to adopt Resolution 2020-22, authorizing and securing the issuance of a debt obligation in the form of a non-appropriation lease in the maximum principal amount of \$170,589.00 to finance a 2021 Peterbilt Model 348 dump truck and related equipment; accepting a bank lease proposal; setting forth the terms and substantial form of the lease; and containing related provisions. This motion will also authorize the President of the Board of Commissioners to execute all documents related to this transaction. Under discussion, E. Gnant asked if this was budgeted for and T. Muñoz indicated yes it was included in the FY 2020 budget. All in favor. Motion carried.

### **OLD BUSINESS**

R. Wielebinski made a motion, seconded by K. Meeker, to approve the minutes of the October 5, 2020 regular meeting of the Board of Commissioners. All in favor. Motion carried.

### **NEW BUSINESS**

#### **1. Personnel**

R. Wielebinski made a motion, seconded by J. Belvin, to hire Krisann Wean as a new administrative assistant at a salary of \$40,386.00, subject to a 90-day probationary period. After the 90-day probationary period, the employee shall begin receiving healthcare and retirement benefits. After one year of employment, employee shall receive a base salary of \$50,481.60. E. Gnant asked if this employee must

be a union member and whether she was given the option to not join the union. T. Muñoz stated this is a union position, as defined by the CBA, and the Township cannot coerce an employee to not join the union. An employee can choose not to join the union on their own volition. All in favor. Motion carried.

## **2. General Fund Budget Adjustments**

R. Wielebinski made a motion, seconded by J. Lastowski, to approve FY2020 general fund budget adjustments for the week of November 2, 2020. All in favor. Motion carried.

## **3. Financial Transactions**

R. Wielebinski made a motion, seconded by E. Gndt, to ratify vouchers payable received through October 29, 2020 in the amount of \$105,356.51. All in favor. Motion carried.

R. Wielebinski made a motion, seconded by K. Meeker, to ratify gross payroll for pay period ending October 18, 2020 in the amount of \$104,100.31. All in favor. Motion carried.

R. Wielebinski made a motion, seconded by J. Belvin, to approve vouchers payable received through October 29, 2020 in the amount of \$111,791.02. All in favor. Motion carried.

R. Wielebinski made a motion, seconded by K. Meeker, to approve sewer operating fund expenditures through October 29, 2020 in the amount of \$14,090.90. All in favor. Motion carried.

R. Wielebinski made a motion, seconded by E. Gndt, to approve capital fund expenditures through October 29, 2020 in the amount of \$8,186.01. All in favor. Motion carried.

## **4. Travel/Training Authorizations - None**

### **Report of the President**

R. Wielebinski made a motion, seconded by J. Belvin, to approve a MOU with Teamsters Local 773 to document a change in the maximum weekly benefit of the disability plan from \$500 per week to \$1,000 per week for full-time employees. E. Gndt asked for clarification of whether it is 70% of individual's pay with a maximum \$1,000 per week. All in favor. Motion carried.

- Discussion and possible action regarding remaining park capital projects for the year – chain link fence at Mountain View Park and new John Deere Gator. Quotes were received for replacement of MVP Basketball Court fence. The lowest price received was \$10,725.

R. Wielebinski made a motion, seconded by J. Belvin, to replace the chain link fence at MVP Basketball Court for a cost not to exceed \$11,000. All in favor. Motion carried.

- Further discussion regarding the purchase of John Deere Gators. R. Wielebinski called John Deere in Bangor to ask about pricing of the Gators. They do not expect the price to increase, but they expect a minimum delivery timeframe of at least eight weeks.

R. Wielebinski made a motion, seconded by K. Meeker, to purchase one John Deere Gator from Hilltop in Bangor. All in favor. Motion carried.

- Discussion regarding enforcement actions against 17 Summit Avenue and potential structural hazards – This property was cited approximately one year ago, and the property owner did not respond.

R. Wielebinski made a motion, seconded by K. Meeker, to authorize the Township Zoning Officer to inspect 17 Summit Avenue under the Property Maintenance Ordinance and report back to the Commissioners. E. Gndt questioned how the property maintenance ordinance applies. All in favor. Motion carried.

- Discussion of amendment to Pocono Township Sign Ordinance and advertisement for public hearing.

R. Wielebinski made a motion, seconded by J. Lastowski, to forward the Pocono Township Sign Ordinance to the Monroe County Planning Commission for review and comments. E. Gmandt questioned regulations over digital billboards and whether they are necessary, since all electronic billboards in the Township appear to be in violation of the ordinance. All in favor. Motion carried.

- Discussion regarding Trap Enterprises request to extend time limit for the Developer to satisfy the conditions of approval for the 1) Trap Enterprises, LLC Hotel Project and 2) Abraham and Trapasso Enterprises, LLC Route 611 Project. An indefinite extension and five-year extension are requested for each project, respectively.

Attorney Marc Wolf stated that, earlier this year, requests were granted by the Township to extend the timeframe for both projects pre-COVID-19. COVID has hurt the leisure and hospitality industries and they are asking for extensions due to the impact of COVID. L. DeVito indicated indefinite extensions have not been granted in the past and 24-month extensions are typical. The developer asked whether the Township would grant an additional 24 months on each extension as a middle ground.

E. Gmandt made a motion, seconded by J. Lastowski, to authorize resolutions be prepared for the next BOC meeting to grant an additional 24 months for each extension. All in favor. Motion carried.

### **Commissioner Comments**

Jerrod Belvin – Vice President

- Emergency Management Update – No update.
- Tropical Storm Isaias Update – FEMA is still reviewing requests for December 5, 2020.
- FEMA Flood Mitigation grant application - No update.

Ellen Gmandt – Commissioner

- Discussion regarding Mountain View Park season closure. MVP is closed and has not been winterized. A two-week period is now underway to clean up and winterize park. R. Sargent stated biodegradable antifreeze was placed in toilet and sink traps. Pipes will be completely drained.
- Asked for status of damaged police cars. The autobody shop was asked to expedite repair of police vehicles if possible.

Jerry Lastowski – Commissioner

- Follow-up discussion regarding PennDOT and Upper Swiftwater Road repair. Repair work has been made. Thank you to R. Sargent and T. Munoz for whomever called PennDOT for their swift response.
- Ongoing enforcement actions against Short Term Rentals, including 150 Gravatts Way.

Discussion regarding whether Township should pursue further proactive enforcement against STRs conducting non-permitted activity. E. Gmandt asked if the Township can seek an injunction against the STR. L. DeVito indicated injunctions are extraordinary remedies. The Township was granted one injunction for an STR, but that was due to safety concerns of no ingress/egress in bedrooms, no fire alarms, etc. The owners' intent-to-defend date for Gravatts Way is December 7, 2020. One civil judgement was already issued against the property. Current civil action has been filed for \$12,000 and two \$1,000 trash citations. Judy Acosta, Zoning Officer, indicated the contact lives in Long Island, NY. E. Gmandt suggested alerting state and county they are not getting hotel tax dollars. Discussion continued regarding additional hours for proactive enforcement of short-term rentals with focus being on specific areas in Pocono Township where STR are not permitted.

J. Lastowski made a motion, seconded by R. Wielebinski, to authorize Zoning to add 15 additional hours toward STR compliance. J. Acosta requested clarification on the area of focus. Direction was given to focus on Pocono Township areas where short-term rentals are not permitted. All in favor. Motion carried.

Keith Meeker – Commissioner – No comment.

## **Reports**

**Zoning** – October 2020 Permits Report was issued.

### **Emergency Services**

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

### **Public Works Report**

- Discussion regarding potential sale of dump truck to another municipality. Decision was made to keep the truck for backup.
- Current and remaining Public Works projects for 2020. Work on TLC projects are ongoing.
- Robin Lane Drainage Project. Robin Lane project is approximately one third done and goal is to complete this year, weather-permitting.
- Update – Park Lane Culvert Replacement – Dirt and Gravel Grant. Project will start in spring.
- Update – Well Work at MVP. Work complete and waiting for test results. Consultant talked to DEP and start-up procedures are being finalized.

J. Lastowski asked if MVP lights were on for election day. R. Sargent indicated all lights were currently in working order.

### **Administration – Manager’s Report**

- Discussion regarding PMCCI community. Parcel-by-parcel drive-through inspection and observation will be completed by two zoning officers. L. DeVito feels it is more than a Zoning issue and, before DEP gets involved, a coordinated effort should be made between sewage enforcement, administration, zoning and Township solicitor to devise a plan to rectify the situation and inform the Board as to the plan. Township SEO, H. Beers, should be included on any issues and future plans for PMCCI.
- Update – Library inquiry regarding new signage. It was agreed that the Library will pay for new signage and the Township will get a quote and do the installation on their behalf.
- Update – Pending grant applications. LSA, Multimodal and recreation grant applications are active. DCED is anticipated to make decisions at the end of this month regarding outstanding recreation grants. Will follow-up with state legislators with reminder of Township requests. Anything received will help relieve the burden on park capital expenditure projects for next year.
- Wine Press Inn – Interest in Township-owned property. No update.
- Update – Regional HSPS Comprehensive Plan. Next meeting on Wednesday, December 16, 2020 at 6:00 p.m.

### **Township Engineer Report**

- St. Paul’s Lutheran Drainage Basin. Spoke to Church last week. They have not received a proposal from their engineer. A letter was sent as a reminder. If no response is received, Township solicitor will follow-up.
- Archer Lane Drainage Issues. No report.
- Update – Righthand turn lanes from Rt. 611 onto Rimrock Road and Bartonsville Avenue. On drafting table.

### **Township Solicitor Report**

- Discussion regarding amendment to the HJP Park cooperation agreement. Waiting for Attorney Weitzmann to put together an agreement for the Township.
- Update – Kelly Family Trust. Luzerne County had to be deputized by Monroe County to serve the trustee of the Kelly Family Trust. When information is received, Commissioners will be updated.
- Update – Johnson Appeal Zoning Hearing. Pocono Township Zoning Hearing Board ruled in favor of the Township, denying the appeal for the Johnsons' to operate a STR in the Cobble Creek development.
- Following up from the Sewer meeting, L. DeVito stated that Counsel for DCNR, Josh Ebersol, explained the DCNR sewer line conveyance agreement has been signed by the Department and they are waiting for the Attorney General's office to sign it.

**Public Comment** – No public comment.

### **Adjournment**

R. Wielebinski made a motion, seconded by E. Gmandt, to adjourn the meeting at 9:15 and go into executive session to discuss personnel and litigation matters. All in favor. Motion carried.