

**Pocono Township Board of Commissioners
Regular Meeting Minutes
February 16, 2021 7:00 p.m.**

The regular meeting of the Pocono Township Board of Commissioners was held remotely on February 16, 2021 via video and teleconference and was opened by President Rich Wielebinski at 7:00 p.m. followed by the Pledge of Allegiance.

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

In Attendance: Leo DeVito, Township Solicitor, Broughal & DeVito; Jon Tresslar, Township Engineer, Boucher & James, Inc.; Taylor Muñoz, Township Manager; Judy Acosta, Township Zoning Officer, Bob Sargent, Roadmaster; and Krisann Wean, Administrative Assistant.

Public Comments – No public comment.

Announcements

- We encourage residents to avail themselves of our Township ice skating rink located at TLC Park at the corner of Route 715 and Route 611 in Tannersville. The rink is open weather dependent. While we do our best to update our Facebook page with its availability, we ask residents to always exercise caution and use common sense before using the rink.
- 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.

Hearings

- Ordinance 2021-01 – Sheetz, Inc. Liquor License Transfer –

R. Wielebinski made a motion, seconded by J. Lastowski, to open a Public Hearing for consideration of the request of Sheetz, Inc. to transfer Restaurant Liquor License No. R-20799 to their facility to be located at Route 611 and Discovery Lane, Swiftwater, Pocono Township, Monroe County pursuant to the Pennsylvania Liquor Code. All in favor. Motion carried.

L. DeVito explained Sheetz is looking to obtain a liquor license for their new location on S.R. 611 in Swiftwater. Mark Kozar, attorney representing Sheetz, stated they are seeking approval of an ordinance to transfer a liquor license to 2008 Route 611 in Swiftwater. The Pennsylvania Liquor Control Board (PLCB) allows transfer of liquor license between municipalities if the receiving municipality approves. Attorney Kozar provided a detailed background on Sheetz, their retail operations, and safeguards in place for alcohol sales. Sheetz prefers not to have beer consumed on premises. J. Lastowski asked if adult managers are always on duty and expressed concerns about younger employees overseeing the licensed premises. M. Kozar stated it is required there be a licensed manager on premises 40 hours per week to specifically oversee the licensed premises, there is always someone over 21 on duty, and the card scanner cannot approve sales to anyone under the age of 21.

No public comment.

R. Wielebinski made a motion, seconded by J. Lastowski, to close the public hearing. All in favor. Motion carried.

R. Wielebinski made a motion, seconded by J. Lastowski, to open a Public Hearing to consider Ordinance 2021-01 to approve the transfer of Restaurant Liquor License No. R-20799 into Pocono Township, Monroe County, Pennsylvania from Smithfield Township, Monroe County. L. DeVito

specified that the first hearing was required by the Liquor Control Board and this hearing is to formally approve the transfer of the liquor license from Smithfield Township into Pocono Township. All in favor. Motion carried.

No public comment.

R. Wielebinski made a motion, seconded by E. Gnandt, to close the public hearing. All in favor. Motion carried.

R. Wielebinski made a motion, seconded by J. Lastowski, to adopt Ordinance 2021-01 to approve the transfer of Restaurant Liquor License No. R-20799 into Pocono Township, Monroe County, Pennsylvania from Smithfield Township, Monroe County. L. DeVito indicated the actual address of 2008 Route 611 was received today for the new Sheetz location. Will do a supplemental resolution to identify the specific address. R. Wielebinski amended his motion to include a supplemental resolution to identify the specific address. E. Gnandt agreed to the amendment. All in favor. Motion carried.

Presentations

- Pocono Heritage Land Trust – Louise Troutman, Director & Don Miller, Founder/Member - Discussion regarding public access on and management of two Pocono Township preserved parcels.
 - The Old Learn Farm – 129 acres with access off Learn Road and an adjoining 59-acre parcel.

PHLT is looking to acquire an additional property in Pocono Township and they are looking to apply for DCNR funds. Pocono Township received federal and state grant funds for a previous land purchase in Pocono Township, the Old Learn Farm, that still has not been formally opened to the public. A public access plan is needed. When the Township applied for grant funds, the Township committed to developing a property management plan and forest management plan.

The Township would ideally have a parking area for the public, with a kiosk and signage. D. Miller indicated the property has been used extensively over the years by ATVs because of its proximity to the PPL power lines. Existing ATV trails could be utilized and identified. If the Township puts a parking lot at the property, it will generate activity even before trails are fully developed. D. Miller stated the first step would be to post the boundaries of the property as a starting point so that the public does not veer off the property. E. Gnandt said she would be in favor of having PHLT help the Township with a plan and asked if any of the ATV activities are harming the stream. R. Wielebinski feels it would be a good first step to begin with a little parking lot and signage. J. Lastowski thanked PHLT for bringing this to the attention of the Township and asked if the Township received the grants from 15 years ago. L. Troutman indicated the Township bought the 129-acre parcel in 2006 for \$497,000, paid for through the Land & Water Conservation Fund, DCNR monies and the Monroe County open space bond. All monies were used to purchase the property and complete survey, title work, and environmental assessments. A 59-acre parcel was purchased in 2008 for \$414,000 with a county open space grant secured. R. Wielebinski asked the Commissioners if they would agree to work with PHLT and do a walk of the property to move forward with a plan for the open space.

- The Learn Conservation Easement – 24 acres along Old Mill Road.

L. Troutman indicated the Township purchased an easement from George and Olive Learn in 2010. PHLT and Trout Unlimited have performed several habitat improvements on this parcel over the years and have worked with the Learn family to develop trails, signage, and arrange for parking areas at the old NCC campus. The Township is currently the holder of the easement and PHLT the beneficiary. As holder of the easement, the Township is supposed to monitor the property at least once per year, which has not occurred. Proposal to have PHLT hold the easement and the Township be the beneficiary. R. Wielebinski stated he has no issue with this approach. D. Miller noted there is an existing loop trail along the easement, catch and release fishing with artificial lures only, and five parking spaces designated on the old NCC campus for

parking. The conservation easement is a restriction on the land that goes with the deed of the land.

R. Wielebinski made a motion, seconded by J. Belvin, to have L. DeVito review the agreement pertaining to the Learn Easement to have the Township be the beneficiary and PHLT the holder of the easement. All in favor. Motion carried.

The Board directed that L. DeVito should speak with the attorney for PHLT to get the process started to designate PHLT as the holder of the easement.

Resolutions

R. Wielebinski made a motion, seconded by E. Gndt, to approve Resolution 2021-01 granting Running Lane, LLC a twelve (12) month extension of time to February 16, 2022 to satisfy conditional plan approval and record the Plan as set forth in Resolution No. 2020-08. Chuck Niclaus, Engineer and representative for applicant, indicated the pandemic has affected the applicant's plans and they appreciate the extension. All in favor. Motion carried.

R. Wielebinski made a motion, seconded by J. Belvin, to approve Resolution 2021-02 to adopt and submit to the PA DEP for its approval as a revision to the "Official Sewage Facilities Plan" of the municipality the Sewage Facilities Planning Module for Lindenmere Sports Arts Center LLC, described as Camp Lindenmere Land Development, for their proposed community on-lot system. Under discussion, J. Tresslar explained the official sewage plan was adopted by the Township years ago and, when it was adopted, it showed how every parcel of land within the Township was proposed to have sewage service. If an applicant further develops a property above and beyond the intensity of what was shown on the official plan, DEP requires the adoption of a resolution for the planning module. All in favor. Motion carried.

OLD BUSINESS

R. Wielebinski made a motion, seconded by K. Meeker, to approve the minutes of the February 1, 2021 regular meeting of the Board of Commissioners. All in favor. Motion carried.

NEW BUSINESS

1. Personnel – No new business.

2. Financial Transactions

R. Wielebinski made a motion, seconded by E. Gndt, ratify vouchers payable received through February 11, 2021 in the amount of \$104,591.67. All in favor. Motion carried.

R. Wielebinski made a motion, seconded by K. Meeker, to ratify gross payroll for pay periods ending February 7, 2021 in the amount of \$102,342.93. All in favor. Motion carried.

R. Wielebinski made a motion, seconded by J. Belvin, to approve vouchers payable received through February 11, 2021 in the amount of \$165,934.82. All in favor. Motion carried.

R. Wielebinski made a motion, seconded by K. Meeker, to approve sewer operating fund expenditures through February 11, 2021 in the amount of \$135,116.03. E. Gndt inquired about the replacement sewer manhole covers. R. Sargent indicated risers were installed over manholes on roads that were recently repaved in the Township. The new manholes switch from hinged manhole covers which are not compatible with the risers that were needed. Thirteen were ordered with seven extras for inventory. All in favor. Motion carried.

R. Wielebinski made a motion, seconded by E. Gndt, to approve capital reserve fund expenditures through February 11, 2021 in the amount of \$520.00. 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 advertise a public hearing for March 15, 2021 to consider an ordinance amending the Pocono Township Code of Ordinances, Chapter 302, Transient Dwelling Use of Single-Family Dwellings. All in favor. Motion carried.

R. Wielebinski made a motion, seconded by J. Lastowski, to prepare bid specifications and advertise for public bid the 2021 Township Spring Clean-Up Days, set for April 29 to May 1, 2021, and the Fall Clean-up Days, set for October 1 & 2, 2021. All in favor. Motion carried.

R. Wielebinski made a motion, seconded by J. Belvin, to prepare the specifications for and advertise the 2021 Materials Bid. All in favor. Motion carried.

- Discussion and possible action regarding the purchase of the following new equipment:
 - John Deere w/Tiger Mower
 - Stevenson Equipment, Inc. (COSTARS Price) – \$142,953.66
 - Gearhart Brothers Services (**NOT** COSTARS) – \$166,980.00

R. Wielebinski made a motion, seconded by J. Belvin, to order a John Deere w/Tiger Mower from Stevenson Equipment, Inc. with a COSTARS price of \$142,953.66 and to lease for a period of 5 years with a buyout option at end of lease. E. Gmandt asked about lifespan of equipment. R. Sargent indicated 10 to 15-years of usage. All in favor. Motion carried.

- 5-Ton Asphalt Roller
 - Stephenson Equipment, Inc. (COSTARS Price) – BOMAG Roller – \$56,500.00 (not a 3-year warranty)
 - Cleveland Brothers (COSTARS Price) – CAT CB34B - \$57,200.00 (3-year warranty)
 - Highway Equipment & Supply Co. (COSTARS Price) – VOLVO DD35 – \$61,553.00

R. Wielebinski made a motion, seconded by J. Belvin, to purchase a CAT CB34B 5-Ton Asphalt Roller from Cleveland Brothers for a COSTARS price of \$57,200.00. All in favor. Motion carried.

- Bucket Truck
 - VERSALIFT EAST (COSTARS Price) – Model VST47MHI - \$135,184.00

R. Wielebinski made a motion, seconded by K. Meeker, to lease a Bucket Truck Model VST47MHI from VERSALIFT EAST for \$135,184.00 for a five-year term with a dollar buyout. E. Gmandt clarified buyout terms. All in favor. Motion carried.

- Update – Fish Hill Road Right-of-Way and drainage culvert issues - Property below St. Paul's Lutheran Church off Fish Hill Road has heavy stormwater issues, which is flooding out adjoining properties and causing erosion. J. Tresslar and R. Sargent visited the site. The Township has right-of-way above the property and an existing culvert below the property. J. Tresslar recommends obtaining a stormwater easement parallel to Fish Hill Road. The Township would clean out the swale, make improvements to the cross pipe, and improve drainage. E. Gmandt asked about ownership of culvert and individuals responsible for maintaining it.

R. Wielebinski made a motion, seconded by K. Meeker, to have J. Tresslar and L. DeVito work to obtain a stormwater easement from the edge of St. Paul's property down to Pocono Township's existing stormwater easement. Discussion regarding contacting adjacent property owners, cleaning out the existing drainage area and fixing hazards with existing pipe. J. Lastowski made a motion, seconded by E. Gmandt, to table motion to next meeting. All in favor. Motion carried.

Township staff will reach out to HOA to investigate and see if there is willingness to work with the Township.

Commissioner Comments

Jerrod Belvin – Vice President

- COVID-19/Emergency Management Update – No update.
- FEMA Flood Mitigation grant application – No update.

Stated we have exceeded our snow totals this year by over a foot and commended Bob Sargent and road crew for their work. Township is still under budget in salt purchases.

Ellen Gndt – Commissioner

Asked for PFM to provide the analysis of what Township has saved with the refinancing of sewer debts.

Jerry Lastowski – Commissioner

Asked about Gravatts Way and whether any further Township action can be taken. L. DeVito indicated the Contempt of Court petition is complete and he is waiting on a copy of the order from the Court. Contempt petition will be filed with the Court and fines and remuneration will be sought. E. Gndt asked about further remedies if they continue to rent the location. J. Belvin asked why the Township is settling for pursuing \$5,000, when the Township opted to forgo the \$12,000 fine. It was recommended the Township pursue an amount higher than \$5,000.

Asked for an update on UGI issue on SR 314. UGI spoke with J. Belvin regarding reopening of S.R. 314 on March 1, 2021. J. Lastowski asked that T. Muñoz post for residents.

Keith Meeker – Commissioner – No comment.

Reports

Zoning – No report.

Emergency Services – No reports.

- Police
- EMS
- Fire

Public Works Report

- Current Public Works projects report – Current focus on snow removal and maintaining roads.
- Update – Park Lane Culvert Replacement – Dirt and Gravel Grant – No update.
- Update – Well at MVP – No update. Waiting for snow to melt.

Received delivery of the new John Deere gator for Mountain View Park.

R. Wielebinski indicated a resident on Spring Drive near Sanofi thanked Township for the work the Public Works crew has done with removing snow in the area.

Administration – Manager's Report

- Testing of Egnyte software to convert physical township servers to cloud-based system – Discussed physical servers versus cloud-based systems and the pros and cons of both. Cloud-based has an added layer of security and encryption. Currently quantifying the cost and cost savings the Township would realize. E. Gndt asked for other township references.

- Discussion of proposal by Ms. Charlie Trapasso to design a plaque commemorating the Pocono Township Bicentennial for installation at the Heritage Center - J. Lastowski stated it is an excellent idea and E. Gndt expressed agreement.

J. Lastowski made a motion, seconded by E. Gndt, to have T. Muñoz work with Charlie Trapasso to design a plaque commemorating the Township Bicentennial for installation at the Township building. All in favor. Motion carried.

- Monroe County Land Bank – Site visit and potential acquisition of 17 Summit Drive, Pocono Manor – No report.
- Evaluation of Township’s Wireless Carrier – Verizon vs. FirstNet (ATT) – No report.
- Discussion regarding the interest of the owner of the Wine Press Inn parcel in the purchase of the adjoining Township parcel – It was noted that the Township-owned parcel, which has a sewer pump station, would have to be subdivided to sell any property to the adjoining landowner. L. DeVito indicated the size of tract being created must comply with zoning. J. Tresslar added because it is already an irregular shaped lot, an appraisal cannot be done until the configuration is determined. If it is not a conforming lot that anybody interested can use, that is going to affect the appraisal price and the minimum bid would be the appraised value. L. DeVito, J. Tresslar, and T. Muñoz will do further research and report to the board at the next meeting.
- Update – Pending grant applications – LSA, Multimodal & Recreation Grant Applications – No report.
- Update – Regional HSPS Comprehensive Plan – Wednesday, February 17, 2021 at 6:00 p.m. – No report.

Township Engineer Report

- St. Paul's Lutheran Drainage Basin – No update received back. Will check back with the engineer to see if requested changes were made.
- Archer Lane Drainage Issues – Hearing scheduled with Magisterial District Judge at end of the month.
- Update – Righthand turn lanes from Rt. 611 onto Rimrock Road and Bartonsville Avenue – Working on PennDOT comments. Need to conduct a meeting with the Township regarding storage facility and where driveway should be located as a result of adding a right-hand turn lane. Facilitating a meeting with PennDOT and T. Muñoz in next few weeks to address concern.

Township Solicitor Report

- Discussion regarding I-80 parcel easement request – Jonathan Weber – Reached out to attorney for Mr. Weber asking for him to share information. Continuing to investigate, as the property involves deeds that go back into the 1950s.
- Update – Kelly Family Trust – The amended complaint adding Mr. Kelly individually has been served and waiting for an answer. The case will continue to move forward. R. Wielebinski asked how long we must wait for a response from the trustee. L. DeVito indicated approximately twenty days.
- Zoning Hearing Board Update
 - Appeal of Ryan Possinger – Last hearing was postponed due to a medical emergency with attorney’s family. Meeting has not been rescheduled.

L. DeVito indicated another Zoning Hearing Board application was received last week for 332 Butz Lane in Pocono Township for a short-term rental in Scotrun. Would need a motion to attend and participate.

J. Belvin made a motion, seconded by J. Lastowski, to have DeVito attend and participate in the 332 Butz Lane short-term rental zoning hearing. E. Gndt asked for clarification and L. DeVito explained the situation is similar to the Johnson appeal. All in favor. Motion carried.

T. Muñoz stated the work session meeting this Thursday with Tobyhanna Township regarding the status of the EQ tank has been cancelled. The work session was determined to not be necessary, as there may be a consensus on a way forward. Tobyhanna’s solicitor is reaching out to Kalahari’s legal counsel directly and will speak with L. DeVito following. Waiting for clarity until after conversation is held.

Public Comment – No public comment.

Adjournment

R. Wielebinski made a motion, seconded by J. Lastowski, to adjourn the meeting into executive session at 9:15 p.m. All in favor. Motion carried.