

**Pocono Township Board of Commissioners
Regular Meeting Minutes
March 15, 2021 7:00 p.m.**

The regular meeting of the Pocono Township Board of Commissioners was held remotely on March 15, 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 Gnandt, 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; Paola Razzaq, Fiscal Administrator; Bob Sargent, Roadmaster; Krisann Wean, Administrative Assistant; and Donna Kenderdine, Court Reporter.

Public Comments – No public comment.

Announcements

- Pocono Township will hold its annual Spring Cleanup from Thursday, April 30 through Saturday, May 1, 2021. Proof of Township residency is required. Residents can bring their difficult-to-dispose-of items to the Township building between 7:30 a.m. and 3:00 p.m. each day. Disposal fees begin at \$5.00 for a carload and \$10.00 for a pick-up truck load, with higher fees depending on size of vehicle or trailer load. Electronics are collected at no charge. Please note that this public service is offered for residential users only. If you have any questions, please call the Township office directly at 570-629-1922.
- 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 2021-02 – Amendment to Pocono Township's Transient Dwelling Use (TDU)

R. Wielebinski made a motion, seconded by E. Gnandt, to open a public hearing on Ordinance 2021-02 for consideration of amending certain provisions of Chapter 302 of the Pocono Township Code of Ordinances, Transient Dwelling Use of Single-Family Dwellings. All in favor. Motion carried.

L. DeVito explained the Township has a health, safety, and welfare Ordinance to govern short-term rentals, which are allowed in commercial and recreational districts. The purpose of this amendment is to limit the number of guests to not more than fourteen individuals, provided that the home is sufficient to safely house those individuals. T. Muñoz clarified the amendment contains changes to the two-strike provision allowing Zoning officials to rescind, revoke, or not issue permits to short-term rental operators with ongoing compliance issues. No public comment.

R. Wielebinski made a motion, seconded by E. Gnandt, to close the public hearing on Ordinance 2021-02. All in favor. Motion carried.

R. Wielebinski made a motion, seconded by K. Meeker, to amend Chapter 302 of the Pocono Township Code of Ordinances, Transient Dwelling Use of Single-Family Dwellings, limiting overnight occupancy of short-term rentals to no more than 14 individuals and further clarifying the license revocation provision for repeat violations. E. Gnandt stated she is not in favor of the Ordinance due to concerns with the capacity limitations. L. DeVito clarified the amendment would only affect homes that can accommodate more than fourteen individuals. Roll call vote: J. Belvin, yes; E. Gnandt, no; J. Lastowski, yes; K. Meeker, yes; R. Wielebinski, yes. Motion carried.

▪ Ordinance 2021-03 – Amendment to the Pocono Township Sign Ordinance

R. Wielebinski made a motion, seconded by J. Belvin, to open a public hearing for consideration of an amendment to the Pocono Township Code of Ordinances, by amending certain provisions of Chapter 470, Zoning, Article II, Terminology, and Article VII, Signs, and repealing all ordinances inconsistent therewith. All in favor. Motion carried.

L. DeVito explained the proposed amendments clarify language issues and other issues discovered in the ordinance over time, including regulations governing billboards. The Monroe County Planning Commission has reviewed the amendment language twice with no substantive comments. E. Gnandt stated the existing ordinance prohibits moving images on electronic billboards, but there are existing billboards that having moving images, so the Township has not been enforcing the Ordinance, and has not cited anyone recently. T. Muñoz indicated several notices of violation were sent to sign owners with no response, and there are efforts underway to bring all sign owners into compliance. No public comment.

R. Wielebinski made a motion, seconded by K. Meeker, to close the public hearing on Ordinance 2021-03. All in favor. Motion carried.

R. Wielebinski made a motion, seconded by K. Meeker, to amend the Pocono Township Code of Ordinances, by amending certain provisions of Chapter 470 – Zoning, Article II – Terminology, and Article VII – Signs, and repealing all ordinances inconsistent therewith. Roll call vote: J. Belvin, yes; E. Gnandt, no; J. Lastowski, yes; K. Meeker, yes; R. Wielebinski, yes. Motion carried.

Presentations

Zach Williard, PFM Financial Advisors, and Jens Damgaard, Township Tax Counsel with Eckert Seamans, provided an update regarding the RFP for Sewer Revenue Note Proposals. Z. Williard provided an update and presentation regarding the proposals received from several banks through the competitive RFP process. Explained that if the Township wants to move forward with accepting one of the proposals, tax counsel will prepare all necessary documents to prepare a debt ordinance to lock in the new interest rate. E. Gnandt asked when the estimates begin assuming the CAP rate and what would happen if the Township does nothing with its debt. J. Lastowski asked for clarification as to what determines when the CAP rate of each loan begins. R. Wielebinski clarified that the Township would be rolling all three loans into one and, if the Township chooses the First Keystone proposal, the Township may be able to pay off the remaining debt at the end of the term in full without incurring the higher cap rate. First Keystone would require establishing a banking relationship with \$250,000 kept in a deposit account. J. Lastowski asked if the Sewer Fund and proposed projects would be negatively impacted by the Township paying down \$1 million of debt as part of the refinancing and keeping the \$250,000 in a First Keystone account. P. Razzaq indicated there is a CD at ESSA for sewer construction that can be moved to Keystone bank once it matures to fulfill their \$250,000 requirement. J. Damgaard indicated the Board was giving the professionals guidance tonight with the final decision to happen when the Ordinance is approved at the next sewer meeting.

R. Wielebinski made a motion, seconded by J. Belvin, to move entire sewer debt for Pocono Township to First Keystone Bank for 10 years at a fixed rate of 1.4% with reset at 45% of Wall Street Journal prime rate, and prepare a debt Ordinance for action at the April 5, 2021 Sewer Committee meeting. All in favor. Motion carried.

Resolutions

- Resolution 2021-04 – Motion to grant a two-year extension of time from April 3, 2022 for completion of the remaining portion of a private access road as shown on the approved Margaret and Christopher Kinsley Minor Subdivision Plan. Deanna Schmoyer, D&D Engineering, indicated the Kinsleys must complete a cul-de-sac or turnaround area as part of the original private access road plans.

J. Belvin made a motion, seconded by R. Wielebinski, to grant a two-year extension of time from April 3, 2022 for completion of the remaining portion of a private access road as shown on the approved Margaret and Christopher Kinsley Minor Subdivision Plan. All in favor. Motion carried.

OLD BUSINESS

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

NEW BUSINESS

1. Personnel

R. Wielebinski made a motion, seconded by K. Meeker, to hire Matthew Bonham, Brandon Buchan, Ethan Reese, Frank Anico, and Dustin Stevens as 2021 seasonal park workers at a rate of \$12.00 per hour, as provided for in the 2021 Township budget. E. Gndt asked if staff were comfortable with the applicants. All in favor. Motion carried.

R. Wielebinski made a motion, seconded by J. Belvin, to re-hire Kevin Daher as the seasonal Park Lead at a rate of \$18.00 per hour, as provided for in the 2021 Township budget. All in favor. Motion carried.

R. Wielebinski made a motion, seconded by K. Meeker, to re-hire Jack Manuel for a seasonal position at a rate of \$17.00 per hour. E. Gndt asked question regarding compensation versus another employee. All in favor. Motion carried.

2. Financial Transactions

R. Wielebinski made a motion, seconded by E. Gndt, to ratify vouchers payable received through March 11, 2021 in the amount of \$109,849.64. All in favor. Motion carried.

R. Wielebinski made a motion, seconded by J. Lastowski, to ratify gross payroll for pay periods ending February 21, 2021 in the amount of \$109,081.90. E. Gndt asked if this includes any adjustments per the arbitration. T. Muñoz indicated it did not include adjustments per the arbitration and would be reflected on the next payroll. All in favor. Motion carried.

R. Wielebinski made a motion, seconded by J. Belvin, to approve vouchers payable received through March 11, 2021 in the amount of \$184,003.79. All in favor. Motion carried.

R. Wielebinski made a motion, seconded by J. Lastowski, to approve sewer operating fund expenditures through March 11, 2021 in the amount of \$118,624.29. J. Lastowski asked whether Township time/equipment is being reimbursed by the sewer. All in favor. Motion carried.

R. Wielebinski made a motion, seconded by K. Meeker, to approve sewer construction fund expenditures through March 11, 2021 in the amount of \$388.75. All in favor. Motion carried.

R. Wielebinski made a motion, seconded by J. Lastowski, to approve capital reserve fund expenditures through March 11, 2021 in the amount of \$436.50. All in favor. Motion carried.

3. Travel/Training Authorizations – No travel/training authorizations.

Report of the President

Richard Wielebinski

R. Wielebinski made a motion, seconded by E. Gndt, to waive Mountain View Park pavilion and Heritage Center rental fees for Girls on the Run for two meetings per week for the months of April and May 2021. All in favor. Motion carried.

R. Wielebinski made a motion, seconded by J. Lastowski, to waive Mountain View Park Pavilion 3 rental fees for Boy Scout Troop 85's Summer Court of Honor Picnic on Sunday, August 8, 2021. All in favor. Motion carried.

- Update – Fish Hill Road Right-of-Way and drainage culvert issues – No update.

Commissioner Comments

Jerrod Belvin – Vice President

- COVID-19/Emergency Management Update – No update.
- FEMA Flood Mitigation grant application – Expect to hear about the Flood Mitigation grant application late summer.
- Monroe County Hazard Mitigation Plan Update – Moving forward with the plan update. Next meeting is March 26, 2021.

J. Belvin made a motion, seconded by K. Meeker, to grant permission to Sanofi Pasteur, Inc. to designate the Pocono Township public meeting room as an off-site Emergency Operations Center, should an emergency occur at their facility that would require site evacuation and render their emergency operations facilities inoperable. All in favor. Motion carried.

- J. Belvin shared that the Township experienced a power outage and the internet was down as the generator failed again. The Township is losing money every time there is an outage. Discussion continued regarding various generator loads, Township needs and options moving forward. J. Tresslar and T. Muñoz will find out what the Township needs, assess portable vs. permanent, and bring their findings back to the Board of Commissioners.

Ellen Gndt – Commissioner – No updates.

Jerry Lastowski – Commissioner

- Pocono Jackson Joint Water Authority (PJJWA) Update – Asked Board members whether they felt it would be worthwhile to ask Pocono representatives on the PJJWA Board to report back to the BOC approximately every three months with a report of any activity being addressed by the PJJWA. Feels it would be helpful to open up communications and keep the BOC informed.

J. Lastowski made a motion, seconded by J. Belvin, to have PJJWA representatives provide a report every three months to the BOC with any pertinent issues. All in favor. Motion carried.

- Route 314 was reopened after UGI work. Jerry asked whether the road will be repaved. J. Belvin confirmed they plan on a repave in the May timeframe when the asphalt plants reopen.
- Asked about whether any further paving will be completed on the Swiftwater Route 611 project. Indicated that last fall the Township was told there would be one final coat. T. Muñoz will confirm completion of the paving and find out what remaining work they will be completing to finish the project.

Keith Meeker – Commissioner – No comment.

Reports

Zoning – No report.

Emergency Services

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

Public Works Report

- Current Public Works projects report – Moving forward with carrying out Spring projects in the Township.
- Active bid advertisements for Township Cleanup Days and material purchases – April 2, 2021 is bid opening date for cleanup days.
- Update – Park Lane Culvert Replacement – Dirt and Gravel Grant – Met last week with the Monroe County Conservation District. Waiting for DEP permit.
- Update – Well at MVP – All components were put back in bathhouse today. Well pump was replaced and working last Thursday. Asked the Board about option of having Craig LaBarre do water testing once per month. T. Muñoz noted Suburban Testing Labs does the Park water testing regularly and suggested retaining Craig's services as the Township's certified operator and for seasonal startup. The Seasonal Startup Plan and the Operations and Maintenance Plan were submitted to DEP last week. Waiting for response.
- Fire company approached R. Sargent and noted 53 fire hydrants are unmarked with a pole and/or flag, making them difficult to locate during inclement weather.

J. Lastowski made a motion, seconded by K. Meeker, to purchase 53 spring-mounted fire hydrant markers through USA Blue Book at \$13.89 for a total of \$736.17. All in favor. Motion carried.

J. Lastowski asked whether there should be an ordinance that requires business owner/individual to clear fire hydrants.

J. Lastowski made a motion, seconded by K. Meeker, to have L. DeVito develop an ordinance to require that individuals/business owners keep their fire hydrants clear of any snow/debris or anything else that would interfere with use of the hydrant. All in favor. Motion carried.

Administration – Manager's Report

E. Gmandt made a motion, seconded by J. Belvin, to authorize the Township Manager to proceed with submitting a mini-grant application to the Pocono Forests & Waters Grant Program for an amount not to exceed \$10,000 for the purpose of developing public access to The Old Learn Farm parcel on Learn Road, including installation of a parking area and trail development. All in favor. Motion carried.

- Next steps regarding dangerous structure located at 17 Summit Drive in Pocono Manor – No response was received from the property owner who lives in New Jersey. Stated there are no remaining options to remediate the property that do not include the Township taking on the financial responsibility and liability of acquiring or demolishing the property. L. DeVito stated the site would have to be inspected and checked for asbestos and underground tanks, which would need remediation before demolishing. He advised if the Township is inclined, to petition the court for authority to enter on the property to remove or take down the building.
- Update – Appraisal of 114 Alger Avenue – Spoke with property owner and Tom McKeown is completing an appraisal.
- Update – Pending grant applications for the Township's LSA, Multimodal & Recreation Grant submissions – These grants have monies allocated but the release of funding is delayed due to political actions by the Governor's administration.
- Discussion regarding the Wine Press Inn owner's interest in the purchase of the adjoining Township parcel on Bartonville Avenue – No update.
- Evaluation of Township's Wireless Carrier – Verizon vs. FirstNet (ATT) – No update.
- Regional HSPS Comprehensive Plan – No update.
- Discussion regarding opening of dedicated Fire Tax bank account – It was determined last year, after talking to the county assessment office, tax collector and other Townships, that Pocono Township residents should pay a combined municipal and fire tax in one check to the tax collector. The tax collector will submit everything to the Township, who will send the fire company their check. For this

to happen, a separate account is needed that would receive the fire tax funds for payment to the fire company.

J. Lastowski made a motion, seconded by R. Wielebinski, to open a new checking account with ESSA Bank and Trust for the purpose of depositing the fire tax revenue for issuance to the fire department and to add the Board of Commissioners, Township Manager, and Treasurer as authorized signatories on that account. E. Gnadts asked how the tax revenue received would be broken down for the Township. T. Muñoz indicated the tax collector would provide the breakdown. All in favor. Motion carried.

- J. Belvin inquired about Archer Lane drainage issues and their amusement tax permit. T. Muñoz stated they are putting in another drainage swale and, while the amusement tax application was picked up at the Township, a completed application has not been returned.

Township Engineer Report

- St. Paul's Lutheran Drainage Basin – Spoke with engineer and things are moving forward.
- Archer Lane Drainage Issues – Property owner is installing another drainage swale.
- Righthand turn lanes from Rt. 611 onto Rimrock Road and Bartonsville Avenue – Setting up an onsite meeting with PennDOT and getting new traffic counts as requested. PennDOT's consultant called regarding funds they have available to help with the improvements.
- Fish Hill Road Drainage Issues – Contacted HOA members and will be meeting with them this Wednesday morning onsite in order to finalize survey and easement plan for the project.

Township Solicitor Report

- During a meeting with the Pocono Heritage Land Trust (PHLT), it was determined that the Township would assign its interest as holder of the easement to the PHLT and the Township would become the qualified beneficiary under that agreement. Assignment agreement was drafted for passage.

R. Wielebinski made a motion, seconded by J. Lastowski, to approve the Assignment Agreement between Pocono Township and the Pocono Heritage Land Trust (PHLT) designating PHLT as the Holder of the Conservation Easement and Pocono Township as the Qualified Beneficiary for the Learn Conservation Easement, Monroe County tax parcel number 12.8.2.79. All in favor. Motion carried.

E. Gnadts noted the signature page refers to "Pennsylvania Heritage" and it should be "Pocono Heritage."

- Discussion regarding I-80 parcel easement request – Jonathan Weber – T. Muñoz reached out to Mr. Weber and information was provided that they contend supports their position that the Township is required to give them an easement for access to their property. L. DeVito stated the historical conveyances of this property are convoluted at best and it was requested that J. Tresslar review and give a ballpark estimate of what it is going to cost to clarify its history. J. Lastowski asked if this was the Township's responsibility to determine whether the right-of-way is required or is it on the requestor to do the research and spend the money to determine that. L. DeVito confirmed that Mr. Weber has alleged and set forth in his letter that the documents that he provided demonstrate that he is entitled to easement access, so now it is incumbent upon the Township to confirm.
- Update – Gravatts Way Court Injunction – Have not received a hearing date. Requesting an executive session following tonight's meeting to discuss more details.
- Update – Kelly Family Trust – Scheduling conflict with the judge. A trial in this case will be held in July or early August and the Board will be informed of that date.
- Zoning Hearing Board Update
 - Appeal of Ryan Possinger – Matter will be concluded as far as testimony and presentation March 30, 2021 at 5 pm.
 - Butz Lane STR – This was scheduled for next week and has been continued. Mr. McGlynn will be out of town during that week and his presence is needed to testify.

Public Comment – No public comment.

Adjournment

R. Wielebinski made a motion, seconded by E. Gndt, to adjourn the meeting at 9:12 p.m. and go into executive session for the purpose of discussing litigation and personnel issues and will not return. E. Gndt stated we need to disclose what litigation is being referenced. L. DeVito indicated it is the AAA Pocono Real Estate Gravatts Way litigation. All in favor. Motion carried.

DRAFT