

**Pocono Township Board of Commissioners
Regular Meeting Minutes
July 6, 2021 7:00 p.m.**

The regular meeting of the Pocono Township Board of Commissioners was held on July 6, 2021 and was opened by President Rich Wielebinski at 7:05 p.m. followed by the Pledge of Allegiance.

Roll Call: Jerrod Belvin, present; E. Gndt, present; J. Lastowski, present; Keith Meeker, present; and Rich Wielebinski, present.

In Attendance: Leo DeVito, Township Solicitor, Broughal & DeVito; Amy Montgomery, P.E., Representative for Township Engineer, Boucher & James, Inc.; Taylor Muñoz, Township Manager; Robert Sargent, Roadmaster; and Krisann MacDougall, Administrative Assistant.

Public Comment

John LeFante (58 Swiftwater Ave, Pocono Manor) – Provided history of Pocono Manor and broad issues related to Air BnB. Identified nuisance issues with short term rentals.

Sammy Jackson (204 Lake Road, Pocono Manor) – Thanked J. Acosta and T. Munoz for assistance in addressing concerns with an Air BnB across from his home. Showed video of repeated issues with the subject Air BnB. Asked whether the Township could give them notification of potential short-term rentals.

Wendy Koch (330 Sunset Ave, Pocono Manor) – Feels strongly that enforcement of Township ordinances and zoning regulations are needed. Identified issues with noise as a recurrent concern with Air BnBs. Asked questions about ordinance provisions.

R. Wielebinski outlined the strong stance the Township has taken against Air BnBs. L. DeVito gave history of legal cases surrounding short term rentals and various ordinance provisions. J. Belvin stated we have the option to also get the County Waste Authority involved.

Tom Cogswell (16 Park Terrace, Pocono Manor) – Asked whether Pocono Manor could be rezoned to residential.

J. Lastowski made a motion, seconded by E. Gndt, to suspend the agenda to consider the first item on R. Wielebinski's report. All in favor. Motion carried.

R. Wielebinski made a motion, seconded by J. Lastowski, to rescind the Township's mask policy to reflect the current CDC guidelines and the Commonwealth lifting the mask mandate as of June 28, 2021. All in favor. Motion carried.

Announcements

- Pocono Township will host our annual Community Day on Saturday, August 14 (with an August 15 rain date). We will have a variety of activities, exhibitors, and food for the whole family, with fundraising opportunities to support our Fire Company and Library.

Hearings

- Ordinance 2021-05 – Orion Fuels LLC Liquor License Transfer

R. Wielebinski made a motion, seconded by K. Meeker, to open a Public Hearing for consideration of the request of Orion Fuels, LLC d/b/a Orion Markets to transfer Restaurant Liquor License No. R-8316 to their facility located at 1933 Route 611, Swiftwater, Pocono Township, Monroe County pursuant to

the Pennsylvania Liquor Code. J. Lastowski asked if there are any restrictions that go along with the transfer or whether it is a paper issue for the Township. L. DeVito stated it is standard for the Township to allow for liquor license transfer and the applicant is subject to the Liquor Control Board regulations. The Liquor Control Board requires that the Township has a hearing so that transfer can be publicly vetted. E. Gndt asked whether we should specify where the license is coming from. All in favor. Motion carried.

Applicant stated they have a liquor license in Middle Smithfield Township tied to a building they have not been able to use. They are requesting to transfer the license to their Pocono Township gas station. J. Lastowski asked about layout of the building and seating accommodations. Applicant is working with architect and engineer for renovations and land development. R. Wielebinski asked about whether beer purchases are vetted using a driver's license. J. Belvin asked how parking will be handled. Applicant stated they are looking at the neighboring property that is for sale for possible parking purposes in the future.

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 hearing to consider Ordinance 2021-05 to approve the transfer of Restaurant Liquor License No. R-8316 to Orion Fuels, LLC d/b/a Orion Markets located at 1933 Route 611, Swiftwater, Pocono Township, Monroe County pursuant to the Pennsylvania Liquor Code. No comments. All in favor. Motion carried.

No public comment.

R. Wielebinski made a motion, seconded by K. Meeker, to close the Public Hearing. E. Gndt asked that the Ordinance reflect that the license is being transferred from Middle Smithfield Township. All in favor. Motion carried.

R. Wielebinski made a motion, seconded by J. Lastowski, to adopt Ordinance 2021-05 to approve the transfer of Restaurant Liquor License No. R-8316 to Orion Fuels, LLC d/b/a Orion Markets located at 1933 Route 611, Swiftwater, Pocono Township, Monroe County pursuant to the Pennsylvania Liquor Code. All in favor. Motion carried.

Presentations – No presentations.

Resolutions – No resolutions.

Consent Agenda

- Motion to approve a consent agenda including the following items:
 - Old Business comprised of the minutes of the June 21, 2021 regular meeting of the Board of Commissioners.
 - New business comprised of approval of the following financial transactions:
 - Ratification of vouchers payable received through July 1, 2021 in the amount of \$1,115.99.
 - Ratification of gross payroll for pay periods ending June 27, 2021 in the amount of \$105,758.98.
 - Vouchers payable received through July 1, 2021 in the amount of \$45,847.34.
 - Sewer operating fund expenditures through July 1, 2021 in the amount of \$16,290.64.
 - Sewer construction fund expenditures through July 1, 2021 in the amount of \$13,495.29.
 - Capital reserve fund expenditures through July 1, 2021 in the amount of \$19,311.30.
 - Approval of a Fire Tax disbursement of \$4,973.85 to the Pocono Township Volunteer Fire Company.

R. Wielebinski made a motion, seconded by J. Lastowski, to approve the consent agenda. All in favor. Motion carried.

NEW BUSINESS

1. Personnel

R. Wielebinski made a motion, seconded by E. Gndt, to extend an offer of conditional employment to Devin Dehart, candidate for Patrol Officer with Pocono Township Police Department, and, if declined, to authorize the Township Manager and Police Sergeant to extend an offer of employment to the next qualified candidate per the Civil Service process. All in favor. Motion carried.

2. Travel/Training Authorizations

R. Wielebinski made a motion, seconded by E. Gndt, to approve the attendance of Paola Razzaq, Township Fiscal Administrator, at the 2021 PA Institute of Certified Public Accountants 2021 Virtual Conference for Not-For-Profit & Government Accounting (July 12-13, 2021), and all costs associated with registration including the \$579 registration fee. All in favor. Motion carried.

R. Wielebinski made a motion, seconded by E. Gndt, to approve the attendance of Taylor Muñoz, Township Manager, at the PSATS "Developing Your Township Budget" training on August 12, 2021 held at Worcester Township, and to approve all costs associated with the class including the \$35.00 registration fee. All in favor. Motion carried.

R. Wielebinski made a motion, seconded by E. Gndt, to approve the attendance of Taylor Muñoz, Township Manager, at the 2021 PSATS HR & Labor Management Institute held September 23-24, 2021 and all costs associated with the training including the \$99.00 registration fee and \$89 discounted hotel stay. E. Gndt stated great that there are trainings. All in favor. Motion carried.

Report of the President

Richard Wielebinski

R. Wielebinski made a motion, seconded by K. Meeker, to advertise the renewal of Pocono Township's Cable Franchise Agreement for Public Hearing on July 19, 2021. E. Gndt outlined concerns with sections 1.6, 1.7, 2.1, 2.4, 2.5, 2.6, 3.1, 9.3 and 13.3. Requested that addresses be updated for the Township and various community facilities. J. Lastowski moved to table motion, E. Gndt seconded. All in favor. Motion carried.

R. Wielebinski made a motion, seconded by K. Meeker, to waive the formal land development process for inclusion of a food truck corral on the property of The Crossings, on the condition that they provide a revised final land development plan for recording in the Monroe County Recorder of Deeds office. T. Muñoz clarified there would be virtually no physical changes to the property, with notations indicated on the land development plan where food trucks would be permanently located. E. Gndt inquired about removing parking spaces for food trucks. Roll call vote: J. Belvin, yes; E. Gndt, no; J. Lastowski, yes; K. Meeker, yes; R. Wielebinski, yes. Motion carried.

R. Wielebinski made a motion, seconded by K. Meeker, to contract with Bob & Mike Wallingford Mason Contractors for \$17,500.00 to repair and rebuild the wingwalls for the TLC Park spillway, including repointing all walls and building an approximately 30-foot stone wall. E. Gndt asked whether three quotes were received. R. Wielebinski amended motion to include the additional stone masons that did not provide quotes. All in favor. Motion carried.

- Commended Commissioner Jerrod Belvin, Township Emergency Management Coordinator, for completion of the PA Municipal Government Academy (PMGA) and his recognition by the International Association of Emergency Managers (IAEM) for their Region 3 "40 Under 40."
- Update – COSTARS quote from Miller Sports for the installation of a basketball court at TLC Park – Waiting on response from Miller Sports.

Commissioner Comments

Jerrod Belvin – Vice President

- FEMA Flood Mitigation grant application – Will have further information in August.
- Discussion regarding Township generator failure - Generator did not work during last power outage. Township is still powered off a residential feed. T. Muñoz will research vendors on COSTARS and contact companies to come evaluate Township needs.

Ellen Gndt – Commissioner – No comment.

Jerry Lastowski – Commissioner – Was asked by a resident whether Township has any control over inventory of fireworks maintained by fireworks businesses. J. Belvin shared that the State Police fire marshal is researching whether there are any regulations regarding supply of fireworks. E. Gndt asked whether we should include the grocery stores in posting the fireworks restrictions notice since they sell fireworks.

Keith Meeker – Commissioner – No comment.

Reports

Emergency Services

- Police – S. Goucher indicated incident reports are up. There has been an increase in traffic citations, written warnings, accident reports and 911 calls. 13 fireworks calls were received between Friday and Monday. A resident was cited for repeat violations. Two fireworks calls were Air BnBs and some were local residents who were given warnings. Fireworks cannot be transported or stored in U-Haul trucks.

Public Works Report

- Current Public Works projects report – Paving will be complete tomorrow. Road crew is adding shoulders to roads paved and completing drainage culverts in Deer Mountain development.
- TLC Park Project Update – As soon as shoulders and drainage work are complete, crew will move forward with grading work at TLC.
- Update – Park Lane Culvert Replacement – Dirt and Gravel Grant – Still under review.

Administration – Manager’s Report

- American Recovery Act – Funds expected by middle of July.
- Update – Subdivision and appraisal of Bartonsville Avenue pump station property – Waiting on response from appraiser.
- Discussion regarding comprehensive update of the Township’s Stormwater & Land Development Ordinance (SALDO) – Looking ahead to next year, a full revision of the Township’s SALDO should be undertaken and budgeted.
- Update – Regional HSPS Comprehensive Plan – Regional Comp Plan meeting was held last Wednesday. A draft plan copy should be available for review in August.
- Seeking permission to hire an additional Mountain View Park seasonal employee at a rate of \$12.00 per hour, and to fill additional vacancies as needed should the workload require.

R. Wielebinski made a motion, seconded by K. Meeker, to hire an additional seasonal MVP employee at a rate of \$12.00 per hour. All in favor. Motion carried.

- Food Truck Issue – Will work with Lisa Pereira to prepare a food truck ordinance draft for the Board’s consideration.

Township Engineer Report

- Righthand turn lanes from Rt. 611 onto Rimrock Road and Bartonsville Avenue – Resubmission made to PennDOT, waiting on review. Possibly another 30 days to hear back from PennDOT.
- Fish Hill easement plan – Email was received back from St. Paul's Lutheran Church indicating their property committee will discuss the easement request at a meeting on July 15, 2021.
- Preliminary plan to address drainage issues at Sunlite Lane & Tara Hill Drive – Finalizing recommendations. A sketch was submitted previously.

Township Solicitor Report

- Update – Purchase of 114 Alger Avenue – Everything needed has been prepared for closing. Motion needed to authorize the President or Vice President to sign, along with the Manager, all appropriate documents to complete the closing. Will send out draft of settlement statement so Township knows what is paid and any other costs associated with sale.

R. Wielebinski made a motion, seconded by J. Belvin, to authorize the President and Township Manager to sign all documents required for the closing of 114 Alger Avenue. All in favor. Motion carried.

- Public bid active for the Township-owned I-80 parcel – Bid was sent out and advertised. Opening of bids is scheduled for next Commissioners meeting.
- Core5 Industrial Partners Variance Request – Township received two variance requests from Core5 Industrial Partners. Developers are proposing a warehouse on Warner Road. One request is to reduce the number of parking spaces. The second variance request relates to encroachment into the wetland buffer during construction.

R. Wielebinski made a motion, seconded by E. Gnandt, for L. DeVito and Engineer to attend Zoning Hearing for Core5 Industrial Partners variance request. J. Lastowski would like more information before voting. R. Wielebinski rescinded his motion, along with E. Gnandt, until more information is received.

- Zoning Hearing Board Update – Appeal of Ryan Possinger - ZHB hearing concluded and ruled against the Township. Will discuss further in executive session.
- Update – Johnson STR Appeal - Case was argued before Judge Zulick last week.

Public Comment – No public comment.

Adjournment

R. Wielebinski made a motion, seconded by K. Meeker, to adjourn the meeting at 9:59 p.m. and go into Executive Session to discuss personnel and potential litigation regarding the Possinger Zoning Hearing Board matter, and not return. All in favor. Motion carried.