

**Pocono Township Board of Commissioners
Regular Meeting Minutes
September 6, 2022 | 6:16p.m.**

The regular meeting of the Pocono Township Board of Commissioners was held on September 6, 2022 and was opened by President Rich Wielebinski at 6:16 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: Leo DeVito, Township Solicitor, Broughal & DeVito; Jon Tresslar, Township Engineer, LVL Engineering; Taylor Muñoz, Township Manager; Shawn Goucher, Acting Chief of Police; Judy Acosta, Zoning Officer; Robert Sargent, Public Works Supervisor; and Krisann MacDougall, Administrative Assistant.

Public Comment

Lisa Buchholz (Jackson Resident) – Comments regarding proposed warehouse on Stadden Road. Expressed concerns about proposed warehouse interest in the area and urged reference to the Regional Impact Development provisions of the Pocono Township zoning ordinance. Stated there will be regional impacts from proposed developments. Stated there is a difference between “commercial” and “industrial” uses. Expressed concerns about impact to property values.

Kevin Schlier (Pocono Resident) – Thanked the Pocono Township Police Department for attending the last Planning Commission meeting and helping ensure everyone’s safety.

Joshua Knapp (258 Wellington Road & owns home on Stadden Road) – Stated he appreciates the Township’s work and stated concerns about the impact of proposed warehouse development on the Township.

Guy Doleiden (Township Resident) – Expressed concerns about the impact of the proposed warehouse and its construction impacting their home on Ruby Lane.

Anna Lopez (Coolbaugh Resident & PMSD School Director) – Working to gather information regarding concerns of the public. Concerned about proximity of the proposed warehouse off Stadden Road and expressed concerns about any survey work done on the adjoining properties.

Tracy Tannahill (Township Resident) – Concerns regarding her son who lives adjacent to the proposed warehouse facility. Shared concerns regarding traffic patterns, particularly as it pertains to school bus traffic and impact on water quality.

Neil Walsh (Kevin’s Lane) – Had water running through property last year down onto I-80. Expressed concerns about additional development accentuating the stormwater issues.

Michelle Milan (Foxborough Court) – Area had major flooding issues in 2021 during month of August and she experienced significant issues accessing her home because of flooding. Expressed concerns about infrastructure limitations.

Sate Representative Maureen Madden – Has been contacted by numerous concerned citizens regarding the proposed warehouse project and is particularly concerned about the PEC property. Concerned about the quality of life implications. Expressed that the region should not become a focal point for warehouse development.

Vitaliy Braverman (Township Resident) – Thanked Board for their role with the Township. Highlighted the Regional Impact Development provisions of the Pocono Township zoning ordinance.

Announcements

- Pocono Township Community Day is this Saturday, September 10, 2022 from 10 a.m. to 2 p.m. at the Township municipal complex. All area residents are invited to bring their families for a day of fun, food, community exhibitors and activities for the family. All proceeds from food concessions and raffle prizes will benefit the Pocono Township Volunteer Fire Department.
- The Pocono Township Fall Cleanup will be held Friday & Saturday, September 30 – October 1 from 7:30 AM to 3:00 PM each day. This service is offered for Township residents only and a fee schedule will be available on the Township website and Facebook. Please call the Township Office with any questions.

Consent Agenda

- Motion to approve a consent agenda of the following items:
 - Old business consisting of the minutes of the August 15, 2022 regular meeting of the Board of Commissioners.
 - Financial transactions through September 1, 2022 including:
 - Ratification of general fund expenditures in the amount of \$9,458.24 and sewer operating expenditures of \$1,023.05.
 - Ratification of gross payroll for pay period ending August 21, 2022 in the amount of \$137,339.89.
 - Vouchers payable in the amount of \$97,430.74.
 - Sewer operating fund expenditures in the amount of \$113,931.64.
 - Capital reserve fund expenditures in the amount of \$177,414.33.
 - Fire Tax disbursement of \$6,286.80.
 - Transfer of \$1,033.33 from the ARPA fund to the General Fund for the purpose of covering the Township's TRAISR e-permitting system.

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

NEW BUSINESS

1. Personnel - None

2. Travel/Training Authorizations

PSATS Northeast Regional Forum at Camelback on September 22, 2022.

Report of the President

Richard Wielebinski

R. Wielebinski thanked Rep. Madden for her attendance and her support of DCED grant funds for the Township's proposed splash pad.

- Opening and award of public bids for the Mountain View Park fencing project – J. Tresslar presented four bids:
 - Patel Construction - \$84,060.00
 - Promax Fence Systems, LLC - \$86,052.00
 - Minichi, Inc. – \$125,000
 - Rutkoski Fencing - \$164,998.50

J. Tresslar confirmed Patel is the low bidder but is a recently formed company and does not have the required five years minimum experience.

J. Lastowski made a motion, seconded by K. Meeker, to award the bid to Promax. All in favor. Motion carried.

R. Wielebinski made a motion, seconded by J. Lastowski, to approve the updated Public Works Collective Bargaining Agreement with Teamster Local Union No. 773 effective January 1, 2023 through December 31, 2027. All in favor. Motion carried.

R. Wielebinski made a motion, seconded by J. Belvin, to advertise police interceptor Unit 93 on Municibid for public bid. E. Gnandt asked for clarification. All in favor. Motion carried.

R. Wielebinski made a motion, seconded by K. Meeker, to authorize the Pocono Township zoning officer to review all land development plans submitted to Pocono Township as part of the standard review process. E. Gnandt asked whether this has to be established by ordinance. L. DeVito stated this can be established by policy. All in favor. Motion carried.

- Discussion and possible action regarding amendments to the Pocono Township zoning ordinance

R. Wielebinski made a motion, seconded by E. Gnandt, to declare the Township zoning ordinance defective as it pertains to distribution centers, truck terminals, warehouses and other similar uses. The defects include, but are not limited to, the lack of definitions for each of these uses; contradictions between the text of uses permitted in Commercial Districts and the zoning code's table of uses; de facto exclusionary concerns pertaining to the Industrial District; and the provisions of a "regional impact development" and whether it applies to these types of uses. All in favor. Motion carried.

L. DeVito explained that under the PA Municipalities Planning Code there is a provision that permits a municipality to declare its zoning ordinance legally defective. The Township now has 30 days to prepare a formal resolution setting forth the deficiencies. The Township also has 180 days in which to provide, draft and properly pass an amendment to the zoning ordinance to clear up these deficiencies. This is not necessarily a prohibition or moratorium, but a recognition that the current ordinance is deficient. The Board will have to re-evaluate the zoning ordinance and better provide for such uses. Regarding the Warner Road project, this has received conditional approval. Regarding Stadden Road, will have to verify whether this action applies.

- Discussion and possible action regarding potential property acquisition – R. Wielebinski detailed how Pocono Township previously approached Pocono Mountain School District about the purchase of PEC because of limitations with the Township's current property. The current facility was constructed at a time when the Township had few employees and limited services. R. Wielebinski stated if the school district is open for negotiations, the Township would be interested.

R. Wielebinski made a motion, seconded by J. Lastowski, to approach PMSD to negotiate a sale price for Pocono Township to purchase PEC for a future complex to house municipal activities. Discussed further details regarding community center, library and other potential uses. All in favor. Motion carried.

Commissioner Comments

Jerrod Belvin – Vice President

- Emergency Management Update

J. Belvin made a motion, seconded by K. Meeker, to donate police fleet vehicle Unit #87 to the Pocono Township Volunteer Fire Company. All in favor. Motion carried.

J. Belvin made a motion, seconded by E. Gnandt, to re-open the TLC Park Basketball Court. J. Lastowski inquired about police presence at the park. T. Muñoz shared cameras are installed in various locations. All in favor. Motion carried.

J. Belvin made a motion, seconded by E. Gnandt, to set Pocono Township's 2022 Trick-or-Treat hours for Monday, October 31 from 5 p.m. to 8 p.m. All in favor. Motion carried.

- Update – PPL utility lines and possible drainage issues on Barton Court – Have an appointment next week to visit the MCTI property to investigate whether there are any drainage stemming from the existing retention basin.
- Update – Installation of security cameras at TLC Park – Discussed previously.

Ellen Grandt – Commissioner – None

Jerry Lastowski – Commissioner – None

Keith Meeker – Commissioner – None

Reports

Zoning

J. Acosta provided a detailed zoning report. R. Wielebinski expressed concerns about weeds and signage on SR 611. J. Belvin shared concerns about STR activity on Laurel Lake Road.

Police Report

- PTPD Monthly Report – Hopeful for feedback and positive award of grant funding for the PTPD. Looking at another grant for updating Township's body and dash cams and purchase of truck scales. 1,119 incidents for the month of August with 2022 total incidents being 10,094. E. Grandt asked about status of ballistic shields. S. Goucher confirmed they are on order and Sanofi has donated.
- Update – New Officer Hiring Process – Completing background check with new hire. Already completed other testing.

Ambulance Report – Shared with Commissioners previously.

Public Works Report

- Current Public Works projects – Road Crew finishing up major projects in next two weeks. Moving on to maintenance issues that cropped up during summer.
- Mountain View Park updates
 - Coordinating installation of new slide at Mountain View Park – Waiting to hear from company doing installation.
- TLC Park updates
 - Installation of TLC Park Playground structures – Installation complete and mulch installed. Much positive feedback from community.
 - Update – Dog park installation – Installation has begun but some limitations due to weather. Will be proceeding with purchase of features and equipment for the dog park.
 - Update – Fencing around basketball court and along parking lot border – Will confirm with company regarding timing.
- Update – Replacement of rims on Township basketball courts – Completed two weeks ago.
- Update – Purchase of Park Truck – Made offer to Jackson Township, Northumberland County, of \$4,000 for a 2002 Ford Ranger truck.

J. Belvin thanked Bob and the Road Crew for their work taking on big projects in the Township.

Administration – Manager's Report

- \$500,000 economic development grant received from the Commonwealth, with the support of Senator Mario Scavella, for the remainder of the Learn Road/SR 611 Safety Enhancement Project – Discussed various locations grant monies would be applied.
- Ribbon cutting for new TLC Park playground equipment – Thursday, September 15, 2022 – Discussed future plans for TLC Park to provide play opportunities for children of all ability levels.
- 2022 Budget Work Sessions

- October 11, 2022 @ 4:30 p.m.
- October 24, 2022 @ 4:30 p.m.
- LSA grant application being submitted for P-25 radios for the PTPD – Actively underway for submission this month.
- 2022 Township Events
 - Community Day – Saturday, September 10, 2022
 - TLC Park Playground Structures Ribbon Cutting – Thursday, September 15, 2022 at 4 p.m.
 - Trunk-or-Treat – Sunday, October 30, 2022
 - Christmas Tree Lighting – December 3, 2022

R. Wielebinski stated that over 100 individuals attended Stargazing at Mountain View Park.

Township Engineer Report

- Public bid for TLC Park spillway wingwalls – Drawings are complete as of today and specs almost finished. Intent to try to secure three telephonic quotes on the project to come under the bid threshold. Finalizing last details. Hopeful to get plans circulated among potential contractors by the end of the week.
- Sidewalk installation for Wendy's and Turkey Hill – Sent plans to Turkey Hill and will keep in communication with their engineer. For Wendy's, reached out to PennDOT regarding their 611/715 improvements. PennDOT has not finalized the exact improvements in front of Wendy's, so he would advise they keep the sidewalk completely on their property.
- Engineering study for identified stormwater projects – Laurel Lake Road and Oakwood Acres – Working to submit a GP5 permit to DEP. The Army Corps and DEP stated they want the HOA on Laurel Lake to change the outlet structure on their dam. Need to ensure the Township is compliant with what the HOA is asked to change.
- Parking area design for Old Learn Farm open space parcel adjacent to PPL easement – PPL is reviewing the Township's proposed plan.
- Update – TASA SR 611 sidewalk project – Survey complete and design beginning on project.
- Update – Righthand turn lanes from Rt. 611 onto Rimrock Road and Bartonsville Avenue – Project on hold until more direction from PennDOT.

Township Solicitor Report

- Zoning Hearing Board Updates
 - Update – Camelback public hearing – Camelback withdrew their appeal and indicated they will come into compliance promptly. Enforcement notice becomes firm, as it was not appealed, and Camelback agrees not to use units within the subject HOA as employee housing.
 - 9/7/22 Cherry Lane Development Partners (Wawa) – Zoning hearing tomorrow regarding proposed Wawa. They are seeking two forms of variances – one for their sign package, and a dimensional variance. Zoning ordinance requires all structures be set back 75 feet. Requesting variance to allow canopy to be 65 feet from property line rather than 75 feet. E. Gmandt asked for clarification of signage variance and expressed concerns about sign waivers.

J. Lastowski made a motion, seconded by E. Gmandt, to send Township Solicitor and Engineer to object to the sign variance. R. Wielebinski asked for clarification. E. Gmandt asked for clarification. Further discussion regarding nature of the variance request. Roll call vote: J. Belvin, no; E. Gmandt, yes; K. Meeker, no; J. Lastowski, no; R. Wielebinski, no. Motion failed.

- 9/20 – Heinzee LLC Public Hearing (continued) - Sunset Hill will present their case at the next hearing.
- TBD – 249 Camelback Road (Grossi STR appeal) – Appeal has been filed. Need to schedule a local agency hearing before the BOC. Board will advertise hearing for October 3, 2022.
- TBD – 245 Cherry Lane Road (Schlier variance request) – Requesting variance for a bed and breakfast use on the property in an R-1 district. Hearing will be tentatively held on September 27, 2022.

R. Wielebinski made a motion, seconded by E. Gndt, to have L. DeVito attend the Schlier variance request hearing for 245 Cherry Lane Road. All in favor. Motion carried.

- TBD – 391 Laurel Lake Road (Crawford STR appeal of enforcement action) – Appeal of enforcement action under zoning to change to a STR.

E. Gndt made a motion, seconded by R. Wielebinski, to have L. DeVito attend the 391 Laurel Lake Road STR appeal. All in favor. Motion carried.

- TBD – 386 Camelback Road (Mashriqi STR appeal of denial of application) – Denied change of use under zoning. Property in an R1 district. Property has a small section of commercial zone at the road. J. Acosta believes the commercial zone was there to establish the billboard use, and the rest of the property is residential. Property owner is challenging the denial because the property is in residential and commercial. Seeking a variance.

E. Gndt made a motion, seconded by R. Wielebinski, to have L. DeVito attend the 386 Camelback Road STR appeal to oppose the request. Meeting tentatively scheduled for 9/27/22. All in favor. Motion carried.

- Update – Advertising of Park Rules Ordinance & Stormwater Management Ordinance – Park rules have been circulated. Both ordinances will be acted upon at hearing next meeting.
- Update – Closing date for sale of Bartonsville Avenue parcel – Coordinating closing date.
- Update – Kelly Trust Property – Will verify whether any change in condition on property.
- Update – Johnson Appeal September Commonwealth Court argument – Argue case next week.
- Update – PJJWA transfer agreement – Revised agreement sent last week and will recirculate among commissioners.

J. Belvin asked where Township sits on White Oak property. L. DeVito in process of addressing.

Public Comment

Cynthia Anglemyer (Township Resident) – Asked that prior to any approvals to Stadden Road project, to kindly drive back Ruby Lane to see what the neighborhood looks like and the impact to their properties. Stated Ruby Lane is a one-lane dirt road and area is threatened by proximity of a neighboring warehouse.

Joshua Knapp (258 Wellington Road & owns home on Stadden Road) – Asked whether the Township is offering any remedy to stop existing project work prior to any work being completed in the area. Asked if there is a way to take a pause on the proposed Stadden project. L. DeVito provided clarification.

State Representative Maureen Madden – Asked for information regarding Camelback STR units being used as housing for employees. T. Muñoz will provide information.

Karen Delion (Township Resident) – Asked BOC to take a visit to Ruby Lane as well to see impact of proposed warehouse development.

Carmen T. (Foxborough Court) – Expressed concerns about flooding at intersection where proposed Wawa is looking. Expressed concerns regarding impact to Warner Road flooding with any Warner Road development.

Guy Doleiden (Township Resident) – Will be at PMSD meeting to advocate for Township to get purchase of PEC.

Anna Lopez (Coolbaugh Resident & PMSD School Director) – Asked that when Pocono revamps zoning, not to let fear of litigation change the Township's approach.

Abby Jones (PennFuture) – Thanked Board for continuing to allow broadcast of public meetings. PennFuture has been looking into appropriate zoning for municipalities and would appreciate opportunity to review with the Township.

Adjournment

R. Wielebinski made a motion, seconded by E. Gmandt, to adjourn the meeting at 8:30 p.m. All in favor. Motion carried.

DRAFT