

**Pocono Township Board of Commissioners
Regular Meeting Minutes
September 19, 2022 | 6:07p.m.**

The regular meeting of the Pocono Township Board of Commissioners was held on September 19, 2022 and was opened by President Rich Wielebinski at 6:07 p.m. followed by the Pledge of Allegiance.

Roll Call: Jerrod Belvin, absent; Ellen Gndt, absent; 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; Robert Sargent, Public Works Supervisor; and Jennifer Gambino, Administrative Assistant.

Public Comment

Mary Mclsaac (Jackson Township Resident) – Expressed concerns about impact of proposed warehouse activity in the Township and specifically the Core5 proposed warehouse off Stadden Road. Specifically mentioned concerns about endangered species, including the bog turtle. Voiced her support for the purchase of PEC by Pocono Township.

Announcements

- 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.

Hearings

R. Wielebinski made a motion, seconded by K. Meeker, to open a public hearing for consideration of Ordinance 2022-06 Amending the Pocono Township Codified Ordinance, Chapter 365, Stormwater Management, to Establish a Program for Stormwater Management; Fixing Penalties for Violation of This Ordinance; and Repealing All Ordinances Inconsistent Herewith. All in favor. Motion carried.

L. DeVito stated the amendment is required by the PA DEP in accordance with MS4 mandates affecting municipalities. The amendments are based on a model provided by DEP. J. Tresslar stated the changes are not significant, and future changes may be in order, but these were changes per DEP recommendations.

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 approve Ordinance 2022-06 Amending the Pocono Township Codified Ordinance, Chapter 365, Stormwater Management, to Establish a Program for Stormwater Management; Fixing Penalties for Violation of This Ordinance; and Repealing All Ordinances Inconsistent Herewith. All in favor. Motion carried.

Presentations – None

Resolutions

- Resolution 2022-31 – Discussion and action to approve Resolution 2022-31 to confirm the declaration of the municipal curative amendment as required by Section 609.2 of the PA Municipalities Planning Code.

L. DeVito stated at the last meeting the BOC took the first step to begin the municipal curative amendment process, declaring the Township's ordinances pertaining to warehouse uses as defective. The second step is to pass tonight's ordinance within 30 days setting forth the issues with the Township's existing ordinance. L. DeVito reviewed specific issues, including lack of definitions, ambiguities, and discrepancies. Next step is for the Township to develop language amendments within 180 days.

R. Wielebinski made a motion, seconded by K. Meeker, to approve Resolution 2022-31 to confirm the declaration of the Municipal Curative Amendment as required by Section 609.2 of the PA Municipalities Planning Code. All in favor. Motion carried.

Consent Agenda

- Motion to approve a consent agenda of the following items:
 - Old business consisting of the minutes of the September 6, 2022 regular meeting of the Board of Commissioners.
 - Financial transactions through September 15, 2022 including:
 - Ratification of general fund expenditures in the amount of \$32,005.23 and sewer operating expenditures of \$126.94.
 - Ratification of gross payroll for pay period ending August 21, 2022 in the amount of \$119,799.67.
 - Vouchers payable in the amount of \$226,659.03.
 - Sewer operating fund expenditures in the amount of \$23,996.95.
 - Sewer construction fund expenditures in the amount of \$46,596.57.
 - Capital reserve fund expenditures in the amount of \$73,444.68.
 - Fire Tax disbursement of \$1,129.36.

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

- Thank you to those who attended the TLC Park ribbon cutting for the new playground equipment installation.

Commissioner Comments

Jerrod Belvin – Vice President - Absent

Ellen Gandt – Commissioner - Absent

Jerry Lastowski – Commissioner

- Discussion regarding basketball programs and/or leagues at TLC Park – A gentleman asked J. Lastowski about beginning a basketball league at TLC Park in 2023.

Keith Meeker – Commissioner - None

Reports

Police Report

- Update – New Officer Hiring Process – New hire in final steps of onboarding process. J. Lastowski asked questions about background checks and timeframe in hiring.
- Update – PTPD Grant Applications – Received JAG grant and waiting on COPS grant award. Applying for PCCD grant mainly for equipment and IT items.

Public Works Report

- Current Public Works projects – Performing maintenance work on roads. Working on grant for Wilke Road.
- Mountain View Park updates
 - Coordinating installation of new slide at Mountain View Park – T. Muñoz indicated the slide may be received by the installer this week and the installation may take up to three months.
- TLC Park updates
 - Update – Dog park installation – Contractor is completing installation of the fence and R. Sargent is researching amenities.
 - Update – Fencing around basketball court and along parking lot border – Contractor indicated approximately 2 ½ weeks out for installation.

Discussion regarding Little League interest in upper baseball field at Mountain View Park. Bob Ehrman spoke on behalf of Pocono Mountain East Little League. Looking to further utilize MVP facilities. Little League would like to put in for grants to help with needed park upgrades, including repair of backstop fencing. Once the drainage issue is resolved, would like to apply two triaxles of infield mix. To help drainage, they would also do aeration and include a load of sand. Talked about installation of a screen that helps batters' line of sight.

R. Wielebinski asked about restriping of Sullivan Trail/SR 715 traffic light to replace the stop bar.

Administration – Manager's Report

- Proposed scope of services from Nanci Scarcinello regarding full-scale revisions to the Zoning Ordinance – Discussed current zoning ordinance being outdated with new uses coming into the Township. Looking for strategic assessment of the Zoning Ordinance. Nanci Scarcinello, an independent consultant, will submit a scope of services by end of month with a strategy and proposed costs. J. Lastowski asked whether the ordinance adequately limits adult bookstore uses.
- 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
- Evaluation ongoing regarding electric supplier rates.
- 2022 Township Events
 - Fall Cleanup – September 30 & October 1, 7:30 a.m. to 3:00 p.m.
 - Trunk-or-Treat – Sunday, October 30, 2022, 3 p.m. to 6:00 p.m.
 - Christmas Tree Lighting – December 3, 2022

Township Engineer Report

- Quotes for TLC Park spillway wingwalls – Plans were completed and distributed. Seven contractors were contacted, and one quote has already been received. October 3rd is deadline.
- Sidewalk installation for Wendy's and Turkey Hill – Will nudge Turkey Hill engineer for sidewalk installation.
- Engineering study for identified stormwater projects – Laurel Lake Road and Oakwood Acres – On hold; working with R. Sargent when assistance is needed.

- Parking area design for Old Learn Farm open space parcel adjacent to PPL easement – Plans were submitted to PPL.
- Update – TASA SR 611 sidewalk project – Completed survey work and getting in queue for design.
- Update – Righthand turn lanes from SR 611 onto Rimrock Road and Bartonsville Avenue – On hold.

T. Muñoz asked about overall costs for Laurel Lake Road project and status for the repair of salt shed steel supports.

Township Solicitor Report

- Zoning Hearing Board updates
 - 9/20 – Heinzee LLC Public Hearing (continued) – Hearing will reconvene tomorrow at 5:00 p.m.
 - 9/27 – 245 Cherry Lane Road (Schlier variance request) - Request has been withdrawn and hearing will not occur.
 - 9/27 – 386 Camelback Road (Mashriqi STR appeal of denial of application) – Hearing will occur September 27th.
 - TBD – 391 Laurel Lake Road (Crawford STR appeal of enforcement action) – To be scheduled.
- Local Agency Hearing
 - 249 Camelback Road (Grossi STR appeal) – 10/3 – Hearing concerns enforcement notices and revocation of STR license.
- Update – Closing date for sale of Bartonsville Avenue parcel – Agreement of sale was signed and waiting on closing date.
- Update – Tobyhanna Act 537 Sewage Capacity Request – Received request from PMI/Kalahari for additional capacity and will further discuss at next sewer meeting.
- Update – Kelly Trust Property – Hearing is scheduled for next Wednesday if Zoning finds the property is not in compliance.
- Update – Johnson Appeal Commonwealth Court argument – Commonwealth Court denied continuance request from Johnson attorney. Court will accept arguments in writing.
- Update – PJJWA transfer agreement – Sent out revised agreement to Board, slowly progressing.

R. Wielebinski made a motion, seconded by J. Lastowski, to open agenda to add settlement stipulation agreement between Pocono Township and Carlos Tavares/Stephanie Rodriguez. No comment. All in favor. Motion carried.

L. DeVito described STR issue at 332 Butz Lane. An enforcement notice was issued and it was appealed to the ZHB and County Court, who upheld the Township. They continued to use the property and zoning filed a civil action for \$12,000 at district court. Township negotiated a \$6,000 civil judgment, which the Township has already received, with conditions that the owners would cease using the property as an STR as of 9/27. Agreement will be entered as an order of court, which would mean the Township could go directly to the Court of Common Pleas if issues continue. Only caveat they requested was that, in the event the law changes allowing STRs where they own their property, they would be allowed to begin renting on a short-term basis.

R. Wielebinski made a motion, seconded by J. Lastowski, to approve the settlement stipulation agreement between Pocono Township and Carlos Tavares/Stephanie Rodriguez. T. Muñoz asked for clarification. All in favor. Motion carried.

Public Comment

Joshua Knapp (Township Resident) – Spoke regarding the curative amendment resolution and suggested that the Township incorporate input/feedback from PennFuture and the Brodhead Watershed Association. Stated this will increase tourism and property values.

Adjournment

R. Wielebinski made a motion, seconded by K. Meeker, to adjourn the meeting at 7:11 p.m. All in favor. Motion carried.