

**Pocono Township Board of Commissioners
Regular Meeting Minutes
October 3, 2022 | 6:30 p.m.**

The regular meeting of the Pocono Township Board of Commissioners was held on October 3, 2022 and was opened by President Rich Wielebinski at 6:30 p.m. followed by the Pledge of Allegiance.

Roll Call: Jerrod Belvin, present; Ellen Gnandt, present via Zoom and later in-person; Jerry Lastowski, present; Keith Meeker, present; and Rich Wielebinski, present.

In Attendance: Leo DeVito, Township Solicitor; Jon Tresslar, Township Engineer; Shawn Goucher, Acting Chief of Police; Shawn McGlynn, Township Building/Zoning Officer; Judith Acosta, Township Zoning Officer; Robert Sargent, Public Works Supervisor; and Krisann MacDougall, Administrative Assistant.

Public Comment

Vitaliy Braverman (Township Resident) – Expressed concerns about the impact of warehouse and distribution centers on Township roads; the financial impact of the facilities; and the impact on his home on Ruby Lane.

Mary McIsaac (Jackson Resident) – Believes zoning is primary method for the regulation of land. Feels Warner Road Core5 project does not meet all township zoning requirements.

Elina Braverman (Township Resident) – Requested that the Commissioners require Core5 follow Township codes and perform a community impact study with an independent third-party review to ensure this type of development does not endanger residents.

Lisa Buchholz (Jackson Resident) – Expressed concern about what entity would occupy proposed Core5 warehouse, water use and direct impact on neighboring homes.

Cindy Anglemyer (Township Resident) – Asked for clarification as to whether Sanofi was involved in potential Core5 development. It was stated that they were not.

E. Gnandt requested the individual speakers share their research with her.

Announcements

- An executive session was held before tonight's meeting for the purpose of discussion personnel issues and the potential acquisition of real estate.
- The Board of Commissioners will hold a special meeting this coming Thursday, October 6 at 6:00 p.m. for the purpose of discussion and possible action regarding the establishment of a zoning overlay for commercial and industrial zoning districts and any other business that might come before the Board.
- The Board of Commissioners will hold a work session on Tuesday, October 11 at 4:30 p.m. for the purpose of discussing the 2023 Township Budget.
- Pocono Township's Trunk-or-Treat will take place on Sunday, October 30 from 3:00 p.m. to 6:00 p.m. at the Township complex. We welcome children and their families to come in costume and enjoy various treats and activities, including hayrides, throughout the day. Live music will be performed by Joe O'Malley. More information is found on our Township Facebook page.

Hearings

R. Wielebinski made a motion, seconded by E. Gnandt, to open a public hearing for consideration of Ordinance 2022-07 to add Chapter 280 Parks to the Pocono Township Codified Ordinances.

establishing rules and regulations of parks within the Township of Pocono and repealing all ordinances and parts of ordinances inconsistent herewith. All in favor. Motion carried.

L. DeVito stated the ordinance hearing establishes formal rules and regulations for the parks and provides for penalty provisions and opened floor to public comment. Audience member asked to review the ordinance. R. Wielebinski announced all agendas and documents for meetings are posted each Friday for public review. L. DeVito summarized the ordinance. E. Gnadtt noted the ordinances are not attached to the agendas.

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

R. Wielebinski made a motion, seconded by E. Gnadtt, to approve Ordinance 2022-07 to add Chapter 280 Parks to the Pocono Township Codified Ordinances, establishing rules and regulations of parks within the Township of Pocono and repealing all ordinances and parts of ordinances inconsistent herewith. J. Lastowski noted a misspelling and asked for clarification with wording. R. Wielebinski amended the motion to remove under TLC Park, Section B, Item 2 - Pocono Township residents have priority use of basketball court, and correct misspelling under Tobacco, Section B, Item 2. Amendment accepted. All in favor. Motion carried.

R. Wielebinski made a motion, seconded by J. Lastowski, to open a public hearing for consideration of Ordinance 2022-08 amending Chapter 425 of the Pocono Township Codified Ordinances, Chapter 425 Vehicles and Traffic, Article III Parking Regulations at TLC Park, amending parking regulations in TLC Park and repealing all ordinances and parts of ordinances inconsistent herewith. All in favor. Motion carried.

L. DeVito reviewed ordinance changes and opened the floor for public comment. Elina Braverman, Township resident, asked for clarification.

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

R. Wielebinski made a motion, seconded by J. Lastowski, to approve Ordinance 2022-08 amending Chapter 425 of the Pocono Township Codified Ordinances, Chapter 425 Vehicles and Traffic, Article III Parking Regulations at TLC Park, amending parking regulations in TLC Park and repealing all ordinances and parts of ordinances inconsistent herewith. All in favor. Motion carried.

- Local Agency Hearing – 249 Camelback Road – Appeal of Lori A. Grossi and Felicia Damato, of two enforcement notices, dated July 22, 2022 and August 3, 2022, issued by the Township Zoning Officer for violations of Chapter 302, Transient Dwelling Use of Single-Family Dwellings.

R. Wielebinski made a motion, seconded by K. Meeker, to open a public hearing for the Appeal of Lori A. Grossi and Felicia Damato, of two enforcement notices, dated July 22, 2022 and August 3, 2022, issued by the Township Zoning Officer for violations of Chapter 302, Transient Dwelling Use of Single-Family Dwellings. All in favor. Motion carried.

L. DeVito informed the Board an appeal was filed by the owners of 249 Camelback Road challenging enforcement of regulations of the TDU Ordinance, Chapter 302 which seeks the revocation of a license issued for a short term rental at this property. He explained the role of the Board sitting as a quasi-judicial body and noted the owners of 249 Camelback Road were being represented by John Lisman, Hoegen & Associates.

A full record of the Local Agency Hearing was transcribed by a court reporter and full details are contained therein.

R. Wielebinski made a motion, seconded by J. Belvin, to grant the appeal of Zoning Exhibit 6, dated August 3, 2022, finding the enforcement notice not valid. L. DeVito clarified Zoning Exhibit 6 is the

violation cited for advertising occupancy in excess of the licensed amount of sixteen (16). All in favor. Motion carried.

R. Wielebinski made a motion, seconded by J. Belvin, to uphold the Zoning Officer's notice of violation for Zoning Exhibit 2, Zoning Exhibit 3 and Zoning Exhibit 4. 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 19, 2022 regular meeting of the Board of Commissioners.
 - Financial transactions through September 30, 2022 including:
 - Ratification of general fund expenditures in the amount of \$2,900.00 and sewer operating expenditures of \$528.90.
 - Ratification of gross payroll for pay period ending September 18, 2022 in the amount of \$141,784.12.
 - Vouchers payable in the amount of \$417,724.20.
 - Sewer operating fund expenditures in the amount of \$14,524.91.
 - Sewer construction fund expenditures in the amount of \$607.50.
 - Capital reserve fund expenditures in the amount of \$10,849.34.
 - An interfund transfer of \$50,000 of open space in-lieu-of funds from the General Fund to the Capital Reserve for the installation of TLC Park Playground equipment.

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

NEW BUSINESS - None

Report of the President

Richard Wielebinski

R. Wielebinski made a motion, seconded by J. Belvin, to ratify a quote for an appraisal performed by Tom McKeown in the amount of \$5,500 on the Pocono Elementary Center (PEC) property on Warner Road in Tannersville. All in favor. Motion carried.

- Quotes received for the TLC Park Spillway Wingwalls project
 - Jon Tresslar reviewed quotes received with the Board. Request was made for a lump sum quote to remove wingwalls and rebuild them in place using the same material and putting a concrete cap on wall to match bridge. All contractors were given the same specifications. Received quotes were as follows:
 - Randy Peechatka - \$20,840
 - Anderson Masonry - \$58,000
 - Mar Allen - \$91,991
 - Stonecraft, LLC - \$91,005

R. Wielebinski made a motion, seconded by E. Gndt, to award the rebuilding of the Spillway Wingwalls at TLC Park to Randy Peechatka for \$20,840. All in favor. Motion carried.

R. Wielebinski made a motion, seconded by K. Meeker, to authorize the Township Manager to proceed with scheduling installation of the TLC Park Splash Pad through Recreation Resource for the 2023 construction season. R. Wielebinski discussed timing of projects when grant monies are received. All in favor. Motion carried.

R. Wielebinski made a motion, seconded by J. Belvin, to accept a proposal from Sarcinello Planning & GIS Services in the amount of \$44,800 for preparation of amendments to the Pocono Township Zoning

Ordinance, Zoning Map and SALDO focusing on land uses, zoning district boundaries and natural resource protection. J. Lastowski asked for clarification. All in favor. Motion carried.

- Thanked our legislators for supporting a \$125,000 DCED Greenways, Trails & Recreation Program grant for the TLC Splash Pad.
- Discussion regarding spraying of Township parks for gypsy moths – Conservation District recommends residents survey their trees for gypsy moth egg masses.

Commissioner Comments

Jerrod Belvin – Vice President

J. Belvin commended Sanofi for being incredible community partners in Pocono Township and indicated Sanofi has no plans to build warehouses on Warner Road. J. Lastowski stated Sanofi gave a grant of \$75,000 each year for five years for the Fire Department's ladder truck.

- Update – Installation of security cameras at TLC Park – Cameras are up and working. Noticed vandalism at Mountain View Park.

Ellen Grandt – Commissioner - None

Jerry Lastowski – Commissioner

- Discussion regarding basketball programs and/or leagues at TLC Park – Placeholder for next meeting.

Inquired about clearcutting the mountain behind Swiftwater Apartments. J. Belvin indicated Anthony Maula intends to build condos/townhouses. J. Tresslar stated Mr. Maula initially wanted to build a hotel and, with a change of land use, would need to go through the land development process again.

Keith Meeker – Commissioner - None

Reports

Zoning – J. Acosta gave review of monthly zoning report. R. Wielebinski inquired if Spa Castle can be cited for code violations.

Police Report

- Update – New Officer Hiring Process – New officer started today. Formal presentation at next BOC meeting.
- Update – PTPD Grant Applications – Still working on grant application.

Public Works Report

- Current Public Works projects – Buttoning up items.
- Mountain View Park updates – No update.
- TLC Park updates
 - Update – Dog park installation – Working with Township Manager to order equipment amenities for the Dog Park.
 - Update – Fencing around basketball court and along parking lot border – No update.

Administration – Manager's Report

- 2022 Budget Work Sessions
 - October 11, 2022 @ 4:30 p.m.
 - October 24, 2022 @ 4:30 p.m.

- LSA grant application submitted for P-25 radios for the PTPD.
- 2022 Township Events
 - Trunk-or-Treat – Sunday, October 30, 2022, 3 p.m. to 6:00 p.m.
 - Christmas Tree Lighting – December 3, 2022

Township Engineer Report

- Sidewalk installation for Wendy's and Turkey Hill – Wendy's is waiting for PennDOT and waiting to hear from Turkey Hill.
- Engineering study for identified stormwater projects – Laurel Lake Road and Oakwood Acres – No update.
- Parking area design for Old Learn Farm open space parcel adjacent to PPL easement – No update.
 - Easement needed from adjoining property owner (Lovito).
- Update – TASA SR 611 sidewalk project – No update.
- Update – Righthand turn lanes from Rt. 611 onto Rimrock Road and Bartonsville Avenue – No update.

Township Solicitor Report

- Zoning Hearing Board updates.
 - Recap: Heinzee LLC Public Hearing – Concluded a week ago. Waiting for transcript from D. Kenderdine to file brief.
 - Withdrawn: 245 Cherry Lane Road – Schlier variance request – Variance request was withdrawn.
 - Recap: 386 Camelback Road (Mashriqi STR appeal of denial of application) – This was a split zone property. A small portion fronting on Camelback Road was zoned commercial to allow some billboards to remain and the remaining majority of the property is zoned R-1. The Zoning Hearing Board denied the appeal.
 - 10/13: 391 Laurel Lake Road (Crawford STR appeal of enforcement action) – Date set for 10/13/22.
- Local Agency Hearing
 - 2nd Local Agency Hearing Request for 249 Camelback Road (Grossi) – Application received regarding enforcement actions from 9/9/22 & 9/12/22 with permit revocation. Both are for noise and one for permit revocation.
- Update – Closing date for sale of Bartonsville Avenue parcel – Need to schedule closing date.
- Update – Tobyhanna Act 537 Sewage Capacity Request – Discussed during sewer meeting.
- Update – Kelly Trust Property – Kelly property is being cleaned up bringing them into compliance.
- Update – Johnson Appeal Commonwealth Court argument – No decision was made.
- Update – PJJWA transfer agreement – Received final version of PJJWA transfer agreement and will forward to the Board for final comments.

Received a zoning request from Tom Lovito to rezone his property (from R1 to Commercial) that is 2.1 acres, the old Daystar Bible Holiness Church property they recently purchased. Presentation will be at next BOC meeting and if Board is inclined to consider rezoning, it would go to Planning Commission for review and recommendation.

Public Comment - None

Adjournment

R. Wielebinski made a motion, seconded by J. Belvin, to adjourn the meeting at 11:04 p.m. All in favor. Motion carried.