

**Pocono Township Board of Commissioners
Regular Meeting Minutes
November 7, 2022 | 6:41 p.m.**

The regular meeting of the Pocono Township Board of Commissioners was held on November 8, 2022 and was opened by President Rich Wielebinski at 6:41 p.m. followed by the Pledge of Allegiance.

Roll Call: Jerrod Belvin, present; Ellen Gndt, absent; Jerry Lastowski, present; Keith Meeker, present; and Rich Wielebinski, present.

In Attendance: Taylor Munoz, Township Manager; Leo DeVito, Township Solicitor; Jon Tresslar, Township Engineer; Shawn Goucher, Acting Chief of Police; Judy Acosta, Zoning Officer; and Krisann MacDougall, Administrative Assistant.

Public Comment

Vitaliy Braverman (Resident) – Emphasized the importance of the “rule of law” as it pertains to Township decisions and the importance of holding businesses who work in the Township to the same standard.

Mary Mclsaac (Jackson Resident) – Expressed concern about proposed warehouse activity in the Township and its impacts.

Announcements

- The Board of Commissioners held an executive session immediately prior to tonight’s meeting for the purpose of discussing personnel matters.
- The Board of Commissioners will hold a public meeting on Tuesday, November 15 at 4:30 p.m. for the purpose of discussion and potential action regarding the Township’s current architectural feasibility studies for a new municipal complex. This meeting will vet current proposals, including the costs involved, for 1) a new municipal complex at the Township’s current location off Township Drive or 2) the potential acquisition of the former Pocono Elementary Center property.
- Township offices will be closed tomorrow, November 8, for the General Election. Residents who need more information, including their voting location, are encouraged to visit www.vote.pa.com.
- The Pocono Township Christmas tree lighting ceremony will take place on December 2, 2022 at TLC Park. More details will follow via the Township Facebook page and website. **Date changed to December 2 from what was originally discussed.**

Hearings

- Local Agency Hearing – 249 Camelback Road – Appeal of Lori A. Grossi and Felicia Damato regarding an enforcement notice dated September 9, 2022 and revocation of a transient dwelling unit permit dated September 12, 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 public hearing. All in favor. Motion carried.

L. DeVito reviewed history of current appeal. Attorney Lisman for applicant requested for continuance of hearing at a December date.

J. Lastowski made a motion, seconded by R. Wielebinski, to grant the continuance to the December 5 meeting at 6:00 p.m. All in favor. Motion carried.

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

- Ordinance 2022-09 – Adoption of Ordinance 2022-09 Amending Chapter 398 Taxation, of the Code of Ordinances of Pocono Township, to add a new Article VI, Property Tax Penalty Waiver Provisions.

R. Wielebinski made a motion, seconded by J. Belvin to open public hearing. All in favor. Motion carried.

L. DeVito explained this amendment provides the tax collector with ability to waive penalties and interest for first time delinquent taxpayers, per state law changes.

R. Wielebinski made a motion, seconded by J. Belvin, to close public hearing. All in favor. Motion carried.

R. Wielebinski made a motion, seconded by K. Meeker, to adopt Ordinance 2022-09 Amending Chapter 398 Taxation, of the Code of Ordinances of Pocono Township, to add a new Article VI, Property Tax Penalty Waiver Provisions. All in favor. Motion carried.

Presentations

- Rezoning petition request of TL Realty pertaining to a property located on Learn Road, Tax Parcel No. 12.94172.

Tom Lovito, owner of Pocono Farmstand, requesting rezoning of piece of property behind his business. Intends to use the property to store merchandise for the business, protecting it from flooding. The property has restrictive qualities due to a PPL easement. L. DeVito stated next step would be to make a motion to forward this request to the Pocono Township Planning Commission for review.

R. Wielebinski made a motion, seconded by J. Lastowski, to send the TL Realty Parcel No. 12.94172 request to the Pocono Township planning commission for review and comment. All in favor.

- Discussion regarding driveway grade waiver request for 132 Cobble Creek Drive, Tannersville. Issue already addressed.

Resolutions

R. Wielebinski made a motion, seconded by J. Belvin, to authorize the submission of a \$5,000 grant request to Natural Lands for the purpose of obtaining funding for revisions to the Township Zoning and Subdivision & Land Development Ordinances. 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 October 17, 2022 regular meeting of the Board of Commissioners.
 - Financial transactions through November 3, 2022 including:
 - Ratification of general fund expenditures in the amount of \$1,612.13, sewer operating expenditures of \$23,653.35 and sewer construction expenditures of \$46,500.00.
 - Ratification of gross payroll for pay periods ending October 16 and October 28, 2022 in the amount of \$251,338.71.
 - Vouchers payable in the amount of \$65,597.69.
 - Sewer operating fund expenditures in the amount of \$2,885.34.
 - Sewer construction fund expenditures in the amount of \$3,050.16.
 - Capital reserve fund expenditures in the amount of \$697,192.71.
 - Liquid Fuels expenditures in the amount of \$432,471.20.
 - Fire Tax disbursement in the amount of \$725.47.

- Transfers of American Recovery Plan Act funds in the amount of \$36,972.75 and \$1,023.33 to the Township Capital Fund and General Fund respectively.

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

NEW BUSINESS - None

Report of the President

Richard Wielebinski

- Acknowledgement of \$6,029.52 donation to the Pocono Township Volunteer Fire Company from Community Day sponsorship funds.
- Special thank you to State Rep. Maureen Madden for her securing of \$102,000 of state funds for the completion of playground upgrades at TLC Park.

R. Wielebinski made a motion, seconded by J. Lastowski, to approve Trapasso Hotel Land Development Construction Escrow Release No. 2 in the amount of a \$410,394.20 reduction as recommended by the Pocono Township Engineer's letter dated October 20, 2022. All in favor. Motion carried.

Commissioner Comments

Jerrod Belvin – Vice President

- Emergency Management Update - Thanked Jennifer Gambino for putting together the Trunk or Treat event.
- Update – PPL utility lines and possible drainage issues on Barton Court – Placeholder.

Ellen Grandt – Commissioner – Absent

Jerry Lastowski – Commissioner

- Request to host basketball programs and/or leagues in Township park(s).
 - No response received back to-date from requester – J. Lastowski said this can be removed from the agenda.

Stated trash is accumulating at the bus stop again in Swiftwater.

Expressed concern about weekend food bank in Swiftwater blocking SR 314 access.

Keith Meeker – Commissioner

- Christmas tree planting at TLC Park – Tree being planted at TLC Park for Township Christmas Tree Lighting event on December 2nd.

Reports

Zoning

Short term rental issue at 110 Sebring Road settled out of court for \$3,000. Civil complaint for Birchwood property filed with the court under property maintenance code.

Police Report

- S. Goucher provided monthly report statistics.
- Status of onboarding for new hire – New officer starting November 28th.

- Update – PTPD Grant Applications – Still waiting on information.

Ambulance Report

- October 2022 Ambulance Report distributed to Commissioners.

Public Works Report

- Current Public Works projects
- Mountain View Park updates
 - Update – MVP fencing project underway.
 - Update – Installation of new slide – Installation intended for November has been delayed.
- TLC Park updates
 - Christmas tree planting – Tree will be planted within the next two weeks.
 - Update – Dog park installation – Amenities ordered previously with a four to six-week lead time for installation. All components received for mag lock system. Putting finishing touches on registration process.
 - Update – TLC Park fencing projects – Border fence and 4-foot extension on basketball court have been completed.

T. Munoz indicated TLC park cameras helped catch a person allowing his dogs to defecate on the basketball court. The individual has been cited under the park rules ordinance.

Administration – Manager’s Report

- First draft of curative amendment zoning language to establish Enterprise Zone overlay and address warehouse and distribution-type uses within Pocono Township – T. Muñoz reviewed verbiage used in the curative amendment.

R. Wielebinski made a motion, seconded by J. Belvin, to send the first draft of curative amendment zoning language to establish an Enterprise Zone overlay and address warehouse and distribution-type uses within Pocono Township to the Township Planning Commission. J. Lastowski asked for clarification regarding impact to residents. All in favor. Motion carried.

- Discussion and possible action regarding petition submitted by residents on Talon Drive to rezone their six properties from commercial to residential. The properties, located on the east side of Learn Road, are immediately bordered by properties zoned R-1.

R. Wielebinski added that he is one of the property owners who signed the petition to rezone.

J. Lastowski made a motion, seconded by J. Belvin, to send the petition submitted by residents on Talon Drive to rezone their six properties from commercial to residential to the Township Planning Commission. All in favor. Motion carried.

- PSATS Sunshine Act Training – Requirements of minute taking for public meetings are:
 - 1) Date/Time/Place; 2) Attendees; 3) Official Actions with Votes; and 4) Public Comment.
- Update – Transfer of PJJWA Small Water & Sewer grant to BCRA – Working with grant liaison on process necessary to formally transfer the agreement that accompanies the grant to BCRA.
- 2022 Township Events
 - Christmas Tree Lighting – **December 2, 2022**

Township Engineer Report

- Sidewalk installation for Wendy’s and Turkey Hill – Board asked Leo to get involved in contacting the developer.
- Engineering study for identified stormwater projects – Laurel Lake Road and Oakwood Acres – Working with R. Sargent.

- Parking area design for Old Learn Farm open space parcel adjacent to PPL easement.
 - Easement needed from adjoining property owner (Lovito) – In process of getting easement needed.
- Update – TASA SR 611 sidewalk project – Moving forward with project.
- Update – Righthand turn lanes from Rt. 611 onto Rimrock Road and Bartonsville Avenue – No update.

Township Solicitor Report

- Zoning Hearing Board updates
 - November 10, 2022 – Anthony Maula hearing request for parking area variance for Spirit of Swiftwater property – Has an approved plan for a hotel that he would like to convert to apartments.
 - Wawa hearing request for variance related to underground detention basin located within the floodplain – Date was secured today for the hearing of November 22 at 5:30 p.m.

R. Wielebinski made a motion, seconded by K. Meeker, to have Township solicitor and engineer attend the hearing on November 22 at 5:30 p.m. All in favor. Motion carried.

- Update – Closing date for sale of Bartonsville Avenue parcel – Looking to close by end of the month.
- Update – Tobyhanna Act 537 Sewage Capacity Request – Discussed previously.
- Update – Kelly Trust Property - Resolved – remove from agenda.
- Update – Johnson Appeal Commonwealth Court argument – Waiting on court opinion.
- Update – PJJWA transfer agreement – Discussed previously.

J. Belvin asked about status of STR on Laurel Lake Road.

Sunset Hill shooting range will be deliberated and voted on for November 10.

Public Comment – None

Adjournment

R. Wielebinski made a motion, seconded by K. Meeker, to adjourn the meeting at 8:01 p.m. All in favor. Motion carried.