



POCONO TOWNSHIP COMMISSIONERS
AGENDA

May 1, 2023 | 6:00 p.m.

112 Township Drive, Tannersville, PA

Dial-In Option: 646 558 8656

Meeting ID: 892 102 5946

Passcode: 18372

Zoom Link:

<https://us06web.zoom.us/j/8921025946?pwd=Q1VtaFVkVEpRWTUvdIFrSHJ1cE1Td09>

PLEASE NOTE: THE POCONO TOWNSHIP COMMISSIONERS MEETING OCCURS IMMEDIATELY AFTER THE SEWER COMMITTEE MEETING ON THE FIRST MEETING DATE OF EACH MONTH.

Open Meeting

Pledge of Allegiance

Roll Call

Public Comment

For any individuals wishing to make public comment tonight, including those dialed in by phone, please state the spelling of your name and identify whether you are a taxpayer of Pocono Township.

Please limit individual comments to five (5) minutes and direct all comments to the President. Public comment is not for debate or answering questions, rather it is for "comment on matters of concern, official action or deliberation...prior to taking official action" [PA Sunshine Act, Section 710.1].

Announcements

- Pocono Township Touch-a-Truck is being held on Saturday, June 3, 2023 from 10 a.m. to 2 p.m. Bring your entire family for this free event and enjoy an interactive experience with all types of construction equipment, vehicles, a helicopter, activities, raffle prizes and more. All proceeds to benefit the Pocono Township Volunteer Fire Department. An event flyer is available on the Township website and Facebook page.

Hearings

- Hearing for Rezoning of Seven (7) Learn Road Parcels – Motion to open a public hearing for consideration of Ordinance 2023-03 to change the zoning district classification from commercial (C) to low density residential (R) for parcel tax ID numbers 12.116701, 12.116702, 12.116703, 12.116704, 12.116705, and 12.116706; and to change the zoning district classification for parcel 12.94172 from low density residential (R-1) to commercial (C). **(Action Item)**

- Motion to close public hearing. **(Action Item)**
- Motion to approve Ordinance 2023-03 to change the zoning district classification from commercial (C) to low density residential (R) for parcel tax ID numbers 12.116701, 12.116702, 12.116703, 12.116704, 12.116705, and 12.116706; and to change the zoning district classification for parcel 12.94172 from low density residential (R-1) to commercial (C). **(Action Item)**

Presentations – None**Resolutions – None****Consent Agenda**

- Motion to approve a consent agenda of the following items:
 - Old business consisting of the minutes of the April 17, 2023 meeting of the Board of Commissioners.
 - Financial transactions through April 27, 2023 as presented, including ratification of general fund expenditures, sewer operating expenditures and gross payroll; vouchers payable, sewer operating expenditures, construction fund expenditures, capital reserve expenditures and transfers. **(Action Items)**

NEW BUSINESS**1. Personnel – None****2. Travel/Training Authorizations****Report of the President**

Richard Wielebinski

- Motion to rescind Pocono Township's offer for the purchase of the former Pocono Elementary Center property from Pocono Mountain School District. **(Action Item)**
- Motion to approve and authorize the Township Manager to execute an encroachment agreement with PPL to allow access across PPL right-of-way to the Old Learn Farm open space parcel. **(Action Item)**

Commissioner Comments

Jerrold Belvin – Vice President

- Motion to authorize the Pocono Township engineer to conduct survey work in connection with the rehabilitation of the Laurel Lake Dam in an amount not to exceed \$3,000. **(Action Item)**
- Emergency Management Update
 - Laurel Lake Dam
- Update – PPL utility lines and possible drainage issues on Barton Court.

Ellen Gnant – Commissioner

Jerry Lastowski – Commissioner

Keith Meeker – Commissioner

Reports**Zoning**

Police Report

- General police updates.

Ambulance Report

Public Works Report

- Motion to approve a COSTARS quote for the purchase of a Ferris 60 inch mower from Lawn & Golf Supply Company in the amount of \$12,807.00 as provided for in the 2023 Township capital budget. **(Action Item)**
- Spring Cleanup recap.
- PSATS conference recap, including potential utilization of Roadbotics software.
- Current Public Works projects.
- Mountain View Park updates.
- TLC Park updates.
 - Splash Pad Installation.
 - Dog Park Project(s)
- Update regarding potential lease purchase of new backhoe.

Administration – Manager’s Report

- Current communication with Kegerreis Outdoor Advertising regarding removal of defunct bus stops and replacement with billboards of same dimensions.

Township Engineer Report

- Status of Laurel Lake survey work.
- Limiting of commercial traffic on Bartonsville Avenue and Beehler Road.
- Preparation of amendments to Township’s stormwater management ordinance per DEP and MCCD Act 167 model ordinance recommendations.
- 25 MPH speed limit on Tara Drive, Bull Pine Road and Terrace Drive.
- Potential installation of speed tables on Learn Road for speed control.
- Learn Road safety enhancement project and roundabout survey work.
- Parking area design for Old Learn Farm open space parcel adjacent to PPL easement.
- Update – TASA SR 611 sidewalk project.

Township Solicitor Report

- General legal update.
- Turkey Hill sidewalk installation.
- Discussion regarding preparation of an ordinance codifying BCRA’s public water service area for consistency with the Township’s central sewage (Act 537) service area.
- Zoning Hearing Board updates.
- Update – Johnson Appeal Commonwealth Court argument.
- Update – PJJWA transfer agreement.

Public Comment

For any individuals wishing to make public comment tonight, including those dialed in by phone, please state the spelling of your name and identify whether you are a taxpayer of Pocono Township. Please limit individual comments to five (5) minutes and direct all comments to the President.

Adjournment

**POCONO TOWNSHIP
MONROE COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2023-03

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF POCONO TOWNSHIP TO CHANGE THE ZONING DISTRICT CLASSIFICATION FROM COMMERCIAL (C) TO LOW DENSITY RESIDENTIAL (R-1) ON THOSE CERTAIN PARCELS IDENTIFIED AS TAX ID NOS. 12.116701, 12.116702, 12.116703, 12.116704, 12.116705, AND 12.116706; AND TO CHANGE THE ZONING DISTRICT CLASSIFICATION FROM LOW DENSITY RESIDENTIAL (R-1) TO COMMERCIAL (C) ON THAT CERTAIN PARCEL IDENTIFIED AS TAX ID NO. 12.94172.

WHEREAS, Section 609 of the Pennsylvania Municipalities Planning Code, codified at 53 P.S. § 10609, and Chapter 470, Zoning, Article IX, §470-125 of the Pocono Township Code of Ordinances, authorize the Board of Commissioners to enact zoning ordinance amendments, including changes to the Official Zoning Map; and

WHEREAS, pursuant to the authority of the Municipalities Planning Code and the Pocono Township Zoning Ordinance, the Board desires to change the zoning classification of certain parcels of land in Pocono Township bearing Tax ID Nos. 12.116701, 12.116702, 12.116703, 12.116704, 12.116705, and 12.116706 from Commercial (C) to Low Density Residential (R-1); and

WHEREAS, pursuant to the authority of the Municipalities Planning Code and the Pocono Township Zoning Ordinance, the Board desires to change the zoning classification of a certain parcel of land in Pocono Township bearing Tax ID No. 12.94172 from Low Density Residential (R-1) to Commercial (C); and

WHEREAS, the Board finds that it is in the best interests of the health, safety and welfare of Pocono Township residents to change the zoning district classifications on the said properties and to amend the Official Zoning Map as set forth in this Ordinance.

NOW, THEREFORE, the Board of Commissioners of Pocono Township, Monroe County, Pennsylvania, does hereby *ENACT* and *ORDAIN*:

SECTION 1. AMENDMENT OF ZONING CLASSIFICATIONS AND OFFICIAL ZONING MAP OF POCONO TOWNSHIP.

The Pocono Township Code of Ordinances, Chapter 470, Zoning, Article III, Zoning Map and Zoning Districts, is hereby amended to change the zoning district classification of the parcels of land identified as Tax ID Nos. 12.116701, 12.116702, 12.116703, 12.116704, 12.116705, and 12.116706 from Commercial (C) to Low Density Residential (R-1), as shown on Exhibit 1 attached hereto and made a part hereof; and to change the zoning classification Tax ID No. 12.94172 from

Low Density Residential (R-1) to Commercial (C), as shown on Exhibit 2 attached hereto and made a part hereof. In addition, this change in the zoning district classifications of the said properties shall be entered on the Official Zoning Map of Pocono Township promptly after this ordinance is adopted by the Board of Commissioners.

SECTION 2. SEVERABILITY.

The provisions of this ordinance are severable and in the event that any provision is held invalid, void, illegal, or unconstitutional by any court, it is the intent of the Board of Commissioners that such determination by the Court shall not affect or render void the remaining provisions of this ordinance. It is the declared intent of the Board of Commissioners that this ordinance would have been enacted if any provision subsequently declared to be void, invalid, illegal or unconstitutional had not been included at the time of enactment.

SECTION 3. REPEALER.

Any specific provisions of the Pocono Township Zoning Ordinance and Official Zoning Map that are in direct conflict with this ordinance are hereby repealed.

SECTION 4. AUTHORITY.

This ordinance is enacted under the authority conferred by the Pennsylvania Municipalities Planning Code, Act of 1968, P.L. 805, No. 247 as reenacted and amended.

SECTION 5. EFFECTIVE DATE.

This ordinance shall take effect five (5) days after the date of its enactment.

ENACTED and **ORDAINED** this 1st day of May, 2023.

ATTEST:

**TOWNSHIP OF POCONO
BOARD OF COMMISSIONERS**

By: _____
Print Name: Taylor Munoz
Title: Township Manager

By: _____
Print Name: Richard Wielebinski
Title: President

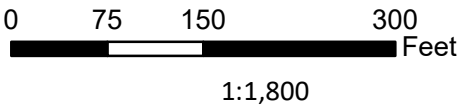
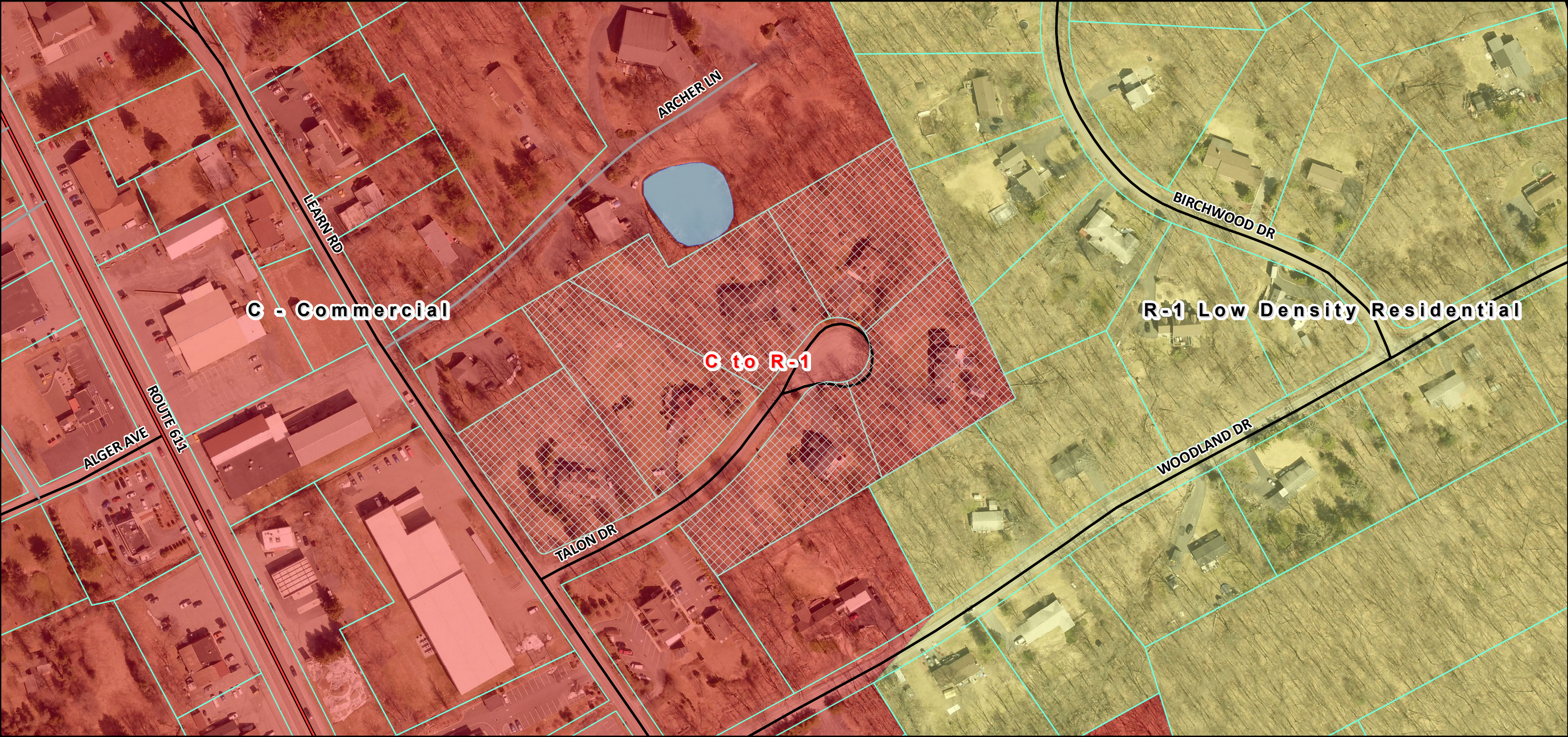
EXHIBIT 1

EXHIBIT 2

EXHIBIT 1 - R-1 DISTRICT EXPANSION

ZONING MAP AMENDMENT - POCONO TOWNSHIP - MONROE COUNTY - PENNSYLVANIA

Affected Parcel Identification Numbers:
12.116701, 12.116702, 12.116703,
12.116704, 12.116705, 12.116706.



The County of Monroe makes no express or implied warranties concerning the release of this information. The County of Monroe is unaware of the use or uses to be made of this data. Consequently, the County of Monroe does not warrant this data as fit for any particular purpose.



- Proposed R-1 District Expansion
- Parcels

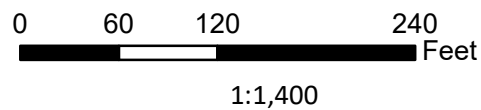
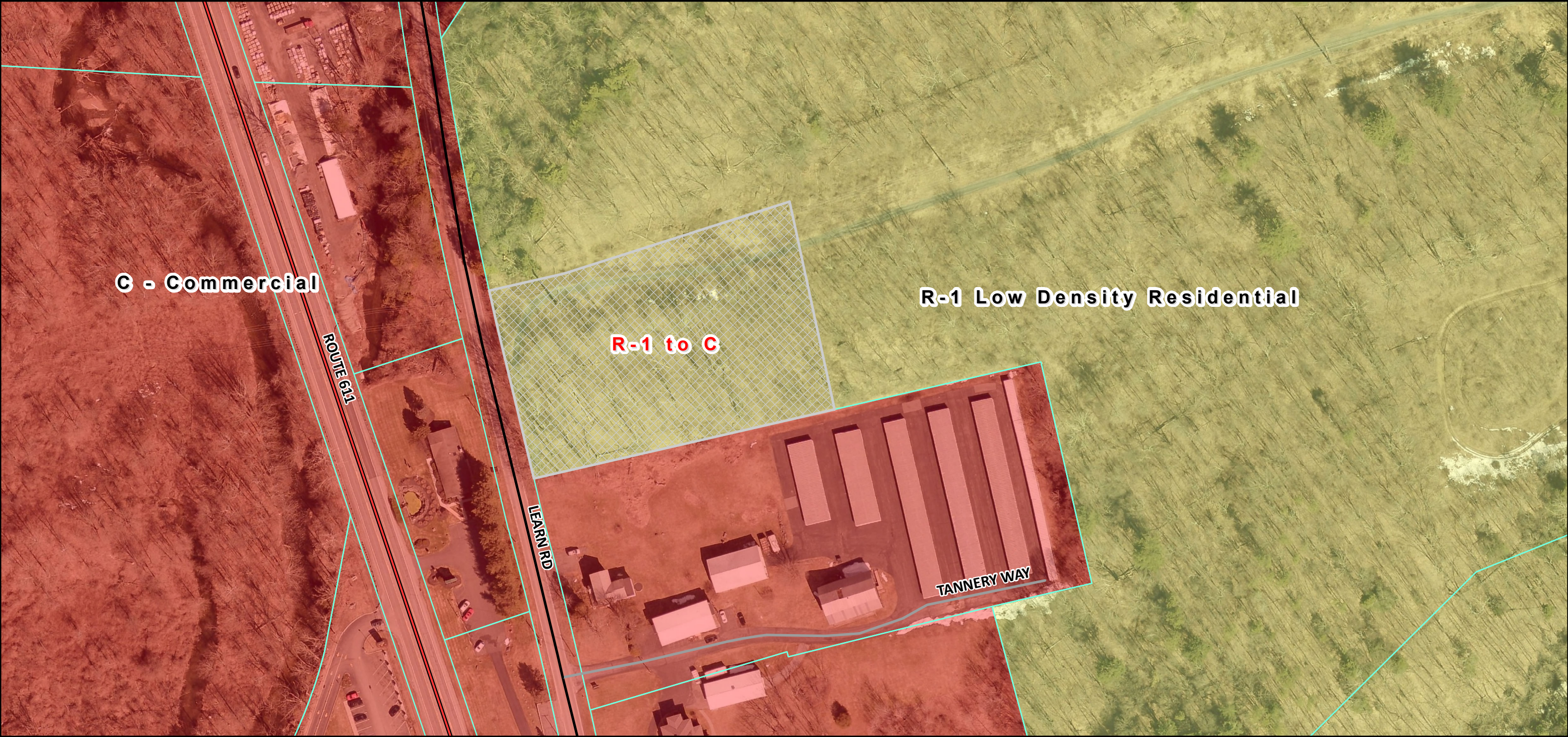
- Existing R-1 Low Density Residential Zone
- Existing C Commercial Zone

PREPARED BY:
**Monroe County
Planning Commission**
701 Main Street, Suite 405
Stroudsburg, PA 18360
(570) 517-3100
mcpc@monroecountypa.gov
February 2023

EXHIBIT 2 - C DISTRICT EXPANSION

ZONING MAP AMENDMENT - POCONO TOWNSHIP - MONROE COUNTY - PENNSYLVANIA

Affected Parcel Identification Number:
12.94172



The County of Monroe makes no express or implied warranties concerning the release of this information. The County of Monroe is unaware of the use or uses to be made of this data. Consequently, the County of Monroe does not warrant this data as fit for any particular purpose.



- Proposed C District Expansion
- Parcels

- Existing R-1 Low Density Residential Zone
- Existing C Commercial Zone

PREPARED BY:
**Monroe County
Planning Commission**
701 Main Street, Suite 405
Stroudsburg, PA 18360
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February 2023

701 Main Street, Suite 405
Stroudsburg, PA 18360



Phone: 570-517-3100
Fax: 570-517-3858
mcpc@monroecountypa.gov
www.monroecountypa.gov

MONROE COUNTY PLANNING COMMISSION

April 17, 2023

Taylor Munoz, Manager
Pocono Township
112 Township Drive
Tannersville, PA 18372

Re: Learn Road Rezoning, R-1 to C and C to R-1
Zoning Map Amendment
Pocono Township
MCPC review #56-23

Dear Mr. Munoz:

The above cited amendment was reviewed by Eric Koopman, Lead Senior Planner on behalf of the Monroe County Planning Commission. You will find his comments enclosed. Should you have any special concerns regarding these comments, please contact us immediately.

All comments are preliminary and will be acted upon by the Planning Commission at its regular meeting on May 9, 2023 at 5:00 p.m. at the Monroe County Administrative Center. This action is in keeping with the Planning Commission's review policy and allows the municipalities and other interested parties to respond to the review comments before the Planning Commission's public meeting.

If these comments are not amended and are found to be acceptable by the Board at the next meeting, they should be considered to be approved as enclosed.

If you have any questions or if we can be of further service to you, please feel free to contact me.

Sincerely yours,

A handwritten signature in dark ink, appearing to read "Christine Meinhart-Fritz".

Christine Meinhart-Fritz
Director


701 Main Street, Suite 405
Stroudsburg, PA 18360



Phone: 570-517-3100
Fax: 570-517-3858
mcpc@monroecountypa.gov
www.monroecountypa.gov

MONROE COUNTY PLANNING COMMISSION

TO: Christine Meinhart-Fritz, Director

FROM: Eric Koopman, Lead Senior Planner 

DATE: April 17, 2023

SUBJECT: Learn Road Rezoning, R-1 to C and C to R-1
Zoning Map Amendment
Pocono Township
MCPC review #56-23

The Township of Pocono is proposing a rezoning of seven parcels located on the easterly side of Learn Road. Six of the parcels in question (Tax ID 12.116701, 12.116702, 12.116703, 12.116704, 12.116705, and 12.116706) are currently zoned Commercial (C) and are to be rezoned as Low Density Residential (R-1). The seventh parcel (Tax ID 12.94172) is currently zoned Low Density Residential (R-1) and is to be rezoned as Commercial (C).

The above mentioned zoning map amendments have been reviewed on the basis of generally accepted planning principles and environmental concerns. The following technical comments concerning the proposed amendments are offered:

1. The proposed amendment is generally consistent with the PMPC, Act 247 of 1968, as amended, in terms of following required procedures.
2. The parcels to be rezoned as R-1 currently contain existing single-family dwellings. While this land use is permitted in both the R-1 and C districts, the nature of this use and those in the immediate area are more consistent with the intent of the Low-Density Residential district.
3. It should be noted that the minimum lot size for single-family dwellings in the R-1 zone is two acres. The aforementioned parcels are on an average of one acre in area, and would then become non-conforming in regard to dimensional requirements. The Oakwood Acres subdivision directly to the east of the proposed rezoning also contains lots averaging a single acre. It is recommended that the Township consider comprehensively updating residential zoning standards and/or district boundaries to reduce the number of non-conformities.
4. While the proposed rezoning of the parcel from R-1 to C possesses several characteristics of spot zoning such as affecting only a small area of land and being to the benefit a single property owner, it would not meet the strict criteria of spot zoning as the location is adjacent to an existing Commercial district, as well as an existing commercial business.

Page Two

Learn Road Rezoning, R-1 to C and C to R-1

Zoning Map Amendment

Pocono Township

MCPC review #56-23

5. The proposed rezoning would extend an existing commercial zone and allow for opportunities to redevelop properties in a manner that would increase the local tax base. Redevelopment of a number of areas in the region is a major recommendation of the HSPS Regional Comprehensive Plan Update.
6. It should be noted that our office has previously worked with the Township in order to develop various mapping projects. Our office remains available to provide assistance with creating an updated zoning map upon request.
7. If any revisions are made to the proposed zoning map amendment, it must be re-submitted to the MCPC for review prior to adoption. This requirement was affirmed by the Pennsylvania Commonwealth Court in *Hanover Healthcare Plus, Inc. v. Zoning Hearing Board of Penn Township* 875 A.2d 1255 (Pa. Cmwlth 2005). It is recommended that the Township discuss this with their solicitor.
8. The Staff has reviewed the proposed zoning map amendment and recommends that adoption be subject to the above noted comments being satisfactorily addressed.

In an attempt to maintain a library of municipal ordinances, we request that any adopted ordinance amendments (Zoning, Zoning Map and SALDO) be sent to the MCPC within 30 days of enactment as specified in the PMPC.

This review is subject to the approval of the Monroe County Planning Commission at its next regularly scheduled meeting.

**Pocono Township Board of Commissioners
Regular Meeting Minutes
April 17, 2023 | 6:02 p.m.**

The regular meeting of the Pocono Township Board of Commissioners was held on April 17, 2023 and was opened by President Rich Wielebinski at 6:02 p.m. followed by the Pledge of Allegiance.

Roll Call: Jerrod Belvin, present; Ellen Gnadtt, present; Jerry Lastowski, present; Keith Meeker, present via Zoom; and Rich Wielebinski, present.

In Attendance: Taylor Munoz, Township Manager; Leo DeVito, Township Solicitor; Jon Tresslar, Township Engineer; Shawn Goucher, Acting Chief of Police; and Jennifer Gambino, Administrative Assistant.

Public Comment – None

Announcements

- The Pocono Township Spring Cleanup will be held Thursday, April 27th through Saturday, April 29th at the Township complex. Residents are welcome to bring their items between 7:30 a.m. and 3:00 p.m. each day. The Cleanup Fee Schedule is on the Township website at www.pocconopa.gov.

Hearings

- Cold River Properties LLC Conditional Use Hearing – Hearing to consider conditional use application for a proposed daycare located at 2936 Route 611, Tannersville.

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

John Besser presented as applicant. Hearing for conditional use to operate a daycare center for property located at 2936 Route 611, Tannersville. Daycare is a conditional use in a commercial zone. L. DeVito outlined criteria for daycares as a conditional use. The Planning Commission recommended approval of the conditional use subject to appropriate pavement markings. Mr. Besser outlined the steps they have taken to meet state regulations for establishing the daycare at the location, including pavement markings, signage, number of children, supervisory personnel, crosswalks, playground, and safety components. Further commissioner discussion regarding various concerns.

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. Belvin, to approve conditional use that the applicant will paint the parking lot to designate drop off areas, traffic flow, parking and crosswalk for the children to and from the play area; that the tenant comply with and obtain all required licenses from the state, with a copy provided to the Township; that bollards be placed/located around the playground area; installation of speed bumps; that if parking spaces must be removed, that it be reviewed by Zoning and/or the Township Engineer; and comply with any and all ordinances. Roll call: J. Belvin, yes, E. Gnadtt, yes; K. Meeker, no; J. Lastowski, yes; R. Wielebinski, yes. Motion carried.

Presentations – None

Resolutions

R. Wielebinski made a motion, seconded by J. Belvin, to pass Resolution 2023-12 Granting a six-month time Extension to Poconos Hospitality, LLC to Satisfy Conditions of the Plan Approval of the

Poconos Hospitality Land Development Plan. E. Gndt asked for clarification of timeline. 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 April 3, 2023 meeting of the Board of Commissioners.
 - Financial transactions through April 13, 2023 as presented, including ratification of general fund expenditures, sewer operating expenditures and gross payroll, vouchers payable, sewer operating expenditures, construction fund expenditures, capital reserve expenditures and transfers.

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

NEW BUSINESS

1. Personnel – None

2. Travel/Training Authorizations

R. Wielebinski made a motion, seconded by J. Lastowski, to approve the Township Manager's attendance, with associated transportation and lodging costs, at the Association for Pennsylvania Municipal Management (APMM) Annual Conference in Pittsburgh from May 22-24, 2023. All in favor. Motion carried.

Report of the President

Richard Wielebinski

R. Wielebinski made a motion, seconded by J. Lastowski, to approve an access easement and maintenance agreement with TL Realty for access to the Township-owned Old Learn Farm open space parcel. R. Wielebinski provided details regarding the proposed access and trail plans. Clarification provided regarding terms of agreement. All in favor. Motion carried.

R. Wielebinski made a motion, seconded by J. Belvin, to publicly advertise the Township's 2023 road paving bid package for letting on May 15, 2023. E. Gndt asked about the roads included in the bid package. All in favor. Motion carried.

R. Wielebinski made a motion, seconded by J. Lastowski, to approve Trapasso Hotel Land Development Construction Escrow Release No. 5 in the amount of \$188,425.61 per the Township Engineer's recommendation letter dated April 13, 2023. All in favor. Motion carried.

R. Wielebinski made a motion, seconded by J. Belvin, to approve the terms of a letter provided by Natural Lands for a \$5,000.00 grant to offset the Township's costs for revisions to the Zoning and SALDO ordinances. All in favor. Motion carried.

- Discussion and possible action regarding the installation of "Children at Play" signs on Talon Drive - Township manager contacted by a resident on Talon Drive expressing concerns about traffic on the cul-de-sac and safety of the children on that stretch of road. Request for signage to slow traffic in the area.

R. Wielebinski made a motion, seconded by E. Gndt, to install "slow children at play" sign on Talon Drive for protection of the children in that neighborhood. All in favor. Motion carried.

R. Wielebinski made a motion, seconded by J. Lastowski, to amend the agenda for awarding of material bids. All in favor. Motion carried.

R. Wielebinski made a motion, seconded by J. Lastowski, to award Pocono Township's 2023 material bid for SP Surge and alternate material bids for 2B Crushed Stone, Ballast 2-4" Crushed Stone, and 9.5 mm Asphalt to Eureka Stone Quarry. All in favor. Motion carried.

R. Wielebinski made a motion, seconded by E. Gnandt, to award the Pocono Township 2023 material bid for QPR High Performance Cold Patch to Hei-Way. All in favor. Motion carried.

R. Wielebinski made a motion, seconded by J. Belvin, to award the Pocono Township 2023 material bid for 2RC Crushed Stone to Heidelberg Northeast. All in favor. Motion carried.

Commissioner Comments

Jerrod Belvin – Vice President

- Discussion and possible action regarding commercial traffic on Bartonsville Avenue and Beehler Road - Discussion regarding limiting of commercial traffic on Bartonsville Avenue. Issue with trucks detouring on Township roads to avoid SR 611 traffic, specifically Bartonsville Avenue and Beehler Road. Will look into engineering required to meet PennDOT specifications.

J. Belvin made a motion, seconded by K. Meeker, to authorize Township engineer to evaluate requirements for limiting truck traffic on Beehler Road and Bartonsville Avenue for deliveries only, no through traffic. All in favor. Motion carried.

- Discussion and possible action regarding Township board vacancies – No update.
- Emergency Management Update
 - Laurel Lake Dam – Engineer for the HOA evaluating cost for the dam. Will connect Township engineer with their engineer to coordinate design, as Township is planning improvements for Laurel Lake Road. HOA wanted to know if Township could help prepare survey work. The Township would spend approximately \$2,000 to \$2,500. Will add to agenda for next meeting.
- Update – PPL utility lines and possible drainage issues on Barton Court – No update.

Ellen Gnandt – Commissioner

Asked for update regarding PJJWA. L. DeVito shared that Attorney Maturgia stated that one of BCRA's concerns is that DEP has looked at the PJJWA system. BCRA is working to get a consent order identifying where there are deficiencies and capping exposure to those deficiencies as best they can, so that they do not immediately get fines and penalties when they acquire the system. Further discussion regarding the future of the system. Asked for update on the dog park.

Jerry Lastowski – Commissioner

Asked about sign for a construction company near intersection of Wiscasset/SR 611. Discussion regarding additional Butz property violations.

Keith Meeker – Commissioner - None

Reports

Police Report

- General police updates - Highlighted items in monthly police report.
- Installation of barbed wire around impound yard complete - Installed last week.

Public Works Report

J. Belvin made a motion, seconded by J. Lastowski, to approve a COSTARS quote for the purchase of a new tow behind broom in the amount of \$25,360.50. E. Gmandt asked whether it is in the budget. All in favor. Motion carried.

- Current Public Works projects – Working on pipework and various roads needing repaving.
- Mountain View Park updates – No update.
- TLC Park updates
 - Splash Pad Installation – Set to begin this week.
 - Dog Park Project(s) – Grading and seeding the enclosure.
 - Sealing of Lower Pond – Pond holding water and the level is low due to lack of rain.
- Update regarding potential lease purchase of new backhoe – Current discussion regarding owning a sweeper versus renting a sweeper. Looking to purchase a backhoe instead.

Administration – Manager’s Report

- Recap of April 15 Fishing Derby – J. Gambino gave a recap. The event was a success and appreciated by the public and Board.
- Tannersville Lion’s Club to donate \$10,000.00 toward inclusive sensory play equipment for TLC Park.
- Due diligence ongoing regarding Swiftwater bus stop dumping issues – Previously discussed, will follow-up.

Discussion regarding potential sewer service to Paradise Township.

Township Engineer Report

- Update – 25 MPH speed limit on Tara Drive, Bull Pine Road, and Terrace Drive – Have begun looking into the process. Found conflicting information in PennDOT regulations as to whether a study is required.
- Update – Potential installation of speed tables on Learn Road for speed control – Reviewing PennDOT publication for speed calming devices.
- Learn Road safety enhancement project and roundabout survey work - Continuing design work.
- Parking area design for Old Learn Farm open space parcel adjacent to PPL easement – Complete and submitted to public works.
- Update – TASA SR 611 sidewalk project – Design continuing.

Township Solicitor Report

- Turkey Hill sidewalk installation – Applicant to provide updated design to the Township.
- Discussion regarding preparation of an ordinance codifying BCRA’s public water service area for consistency with the Township’s central sewage (Act 537) service area – Still gathering information.
- Zoning Hearing Board updates
 - May 3, 2023 – LVHN Realty Holding Company – Off-street truck loading variance request – Board consensus to not send Township attorney.
- Update – Johnson Appeal Commonwealth Court argument – No update.
- Update – PJJWA transfer agreement - Previously discussed.

Public Comment - None

Adjournment

R. Wielebinski made a motion, seconded by J. Belvin, to adjourn the meeting at 8:38 p.m. All in favor. Motion carried.

POCONO TOWNSHIP

Monday, May 1, 2023

SUMMARY

Ratify

General Fund	\$	16,944.87
Payroll	\$	131,085.30
Sewer Operating	\$	7,300.01
Sewer Construction	\$	-
Capital Reserve	\$	4,872.12

Bill List

TOTAL General Fund	\$	58,055.29
TOTAL Sewer <u>OPERATING</u> Fund	\$	18,992.56
TOTAL Sewer <u>CONSTRUCTION</u> Fund	\$	2,637.48
TOTAL Capital Reserve Fund	\$	13,639.76
Liquid Fuels	\$	-

TOTAL EXPENDITURES	\$	253,527.39
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Fire Tax Disbursement	\$	85,091.18
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Budget Adjustments**Budget Appropriations****Budgetary Interfund Transfer****Use of Grant Funds**

ARPA FUNDS TO CAPITAL RESERVE

LVL Engineering

ARPA FUNDS TO GENERAL FUND

Total Transfers	\$	-
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Notes:

POCONO TOWNSHIP CHECK LISTING

RATIFY

Monday, May 1, 2023

General Fund

	Date	Check	Vendor	Memo	Amount
Payroll	04/21/2023			PAYROLL ENDING 04/16/2023	\$ 131,085.30
TOTAL PAYROLL					\$ 131,085.30

General Expenditures

	Date	Check	Vendor	Memo	Amount
	04/13/2023	63283	POCONO RECORD	TWP ADVERTISEMENT	\$ 178.49
	04/18/2023	63284	PPL	ELECTRIC SERVICES	\$ 2,581.39
	04/18/2023	63285	ELAN FIN. SERVICES	TWP CREDIT CARD	\$ 12,094.63
	04/18/2023	63286	ELAN FIN. SERVICES	POLICE CREDIT CARD	\$ 2,090.36
TOTAL General Fund Bills					\$ 16,944.87

Sewer Operating Fund

	Date	Check	Vendor	Memo	Amount
	04/18/2023	2461	Multi-Dimensional Integration Inc.	Valve Stations 1 & 2 Programming Modifications 10/11-11/30/23	\$ 6,743.14
	04/20/2023	2462	Verizon Wireless	Sewer Modems	\$ 120.03
	04/21/2023	2463	MET-ED	Pump Station 3 & 4 Phone	\$ 311.72
	04/24/2023	2464	BLUE RIDGE COMMUNICATIONS	Pump Station 3 Phone	\$ 125.12
					\$ 7,300.01

Sewer Construction Fund

	Date	Check	Vendor	Memo	Amount
TOTAL Sewer Construction Fund					\$ -

Capital Reserve Fund

	Date	Check	Vendor	Memo	Amount
	4/18/2023	1411	Elan Financial Services	EM capital purchases & TLC cap. Prjcts.	\$ 4,872.12
TOTAL Capital Reserve Fund					\$ 4,872.12

TOTAL General Fund	\$	148,030.17	
TOTAL Sewer Operating	\$	7,300.01	Authorized by:
TOTAL Sewer Construction	\$	-	
Total Capital Reserve	\$	4,872.12	Transferred by:
	\$	160,202.30	

POCONO TOWNSHIP CHECK LISTING

Monday, May 1, 2023

General Fund

Date	Check	Vendor	Memo	Amount
4/24/2023	63287	American Heritage Life Insurance Company	SUPPLEMENTAL INSURANCE	\$ 844.08
4/24/2023	63288	AMERICAN UNITED LIFE INSURANCE CO.	GTL	\$ 3,149.57
4/24/2023	63289	Best Auto Service Center	Unit 2017 Ford Police Interceptor Util Base	\$ 115.84
4/24/2023	63290	Bianchi Joe	4/11/23 Prisoner Transport	\$ 15.06
4/24/2023	63291	Broughal & DeVito, L.L.P.	LEGAL SERVICES	\$ 8,847.52
4/24/2023	63292	COMMONWEALTH OF PA - DEPT OF AGRICULTURE	BU11442 Renewal 1/1/23 - 12/31/23	\$ 35.00
4/24/2023	63293	Cooper Electric	TLC Park	\$ 138.49
4/24/2023	63294	Creative Works Systems, Inc.	3/31 TWP Archiving	\$ 87.50
4/24/2023	63295	DES	Mar 2023 TWP Recycling	\$ 30.00
4/24/2023	63296	Donna Kenderdine Reporting	11/7/22 Appearance Grossi Ord 2022-09	\$ 29.20
4/24/2023	63297	Gotta Go Potties, Inc	Fishing Derby Rental 4/14 - 4/17/23	\$ 85.00
4/24/2023	63298	J. P. Mascaro & Sons	MVP Waste Removal Apr 2023	\$ 218.30
4/24/2023	63299	J. P. Mascaro & Sons	TWP Waste Removal	\$ 370.08
4/24/2023	63300	JDM Consultants, LLC	April 2023 Grant Writing Services	\$ 3,500.00
4/24/2023	63301	Locust Ridge Quarry	Pipe Proj 2024 Paving Prep Work	\$ 1,046.00
4/24/2023	63302	LVL Engineering Group	Engineering services	\$ 9,641.45
4/24/2023	63303	MetLife - Non Uni. Pen. Plan	Non uniform pension	\$ 7,336.44
4/24/2023	63304	Mountain Road Feed Store	TLC park	\$ 498.00
4/24/2023	63305	Nationwide - 457	Supplemental Pension EE & ER contribution	\$ 8,975.06
4/24/2023	63306	Patriot Workwear	Uniforms	\$ 298.00
4/24/2023	63307	PPL Electric Utilities	TLC Lighting	\$ 160.44
4/24/2023	63308	Rath, Eric	4/11/23 Prisoner Transport Gas	\$ 10.00
4/24/2023	63309	STTC Service Tire Truck Centers, INC.	Truck 10 Service	\$ 608.35
4/24/2023	63310	Suburban Propane	Vehicle fuel and heating oil	\$ 2,555.02
4/24/2023	63311	Suburban Testing Labs	SDWA Seasonal Apr-Oct Monthly - 705	\$ 601.00
4/24/2023	63312	T-Mobile USA, Inc.	Police services	\$ 25.00
4/24/2023	63313	Tulpehocken Mountain Spring Water Inc	TWP Drinking Water	\$ 93.69
4/24/2023	63314	UNIFIRST Corporation	PW Uniforms & Carpets	\$ 177.00
4/24/2023	63315	US BANK - Lockbox CM9722	EE Contribution	\$ 7,455.11

4/24/2023	63316	Wittel, Jason	4 Doors Lettering	\$	1,109.09
				TOTAL GENERAL FUND	\$58,055.29

Sewer Operating

Date	Check	Vendor	Memo	Amount
4/24/2023	2465	BROUGHAL & DEVITO, L.L.P.	Legal services	\$ 128.00
4/24/2023	2466	EEMA O&M Services Group, Inc.	Apr 2023 O&M	\$ 7,824.31
4/24/2023	2467	J P Mascaro & Sons	Sewer Station 5 Waste Removal Apr 2023	\$ 252.84
4/24/2023	2468	LVL Engineering Group	Engineering services	\$ 4,761.69
4/24/2023	2469	Multi-Dimensional Integration Inc.	Pump Station 4 Replacement PLC	\$ 6,025.72
TOTAL Sewer Operating				\$18,992.56

Sewer Construction Fund

Date	Check	Vendor	Memo	Amount
4/24/2023	747	LVL Engineering	Engineering services	\$ 2,637.48
TOTAL Sewer Construction Fund				\$2,637.48

Capital Reserve Fund

Date	Check	Vendor	Memo	Amount
4/24/2023	1412	Gilroy NE LLC	Clay for TLC Pond Repair	\$ 3,825.00
4/24/2023	1413	LVL ENGINEERING GROUP	Engineering services	\$ 7,195.76
4/24/2023	1414	MOUNT POCONO FENCE	TLC Ball Field Fence	\$ 1,685.00
4/24/2023	1415	MOUNTAIN ROAD FEED STORE	Straw for Dog Park	\$ 84.00
4/24/2023	1416	PRIMROSE LANDSCAPING	TLC Dog Park Hydroseeding	\$ 850.00
TOTAL Capital Reserve Fund				\$13,639.76

Liquid Fuels

Date	Check	Payee	Memo	Amount
				\$ -

Fire Tax Disbursement

Date	Check	Payee	Memo	Amount
4/24/2023	1037	Pocono Township Vol. Fire Dep.	Pmnt # 3 RE Taxes	\$ 85,091.18
TOTAL Fire Tax				\$ 85,091.18

ESSA

General Fund	\$	58,055.29	
Sewer Operating	\$	18,992.56	
Sewer Construction Fund	\$	2,637.48	Authorized by: _____
Capital Reserve	\$	13,639.76	
Fire Tax Disbursement	\$	85,091.18	
Liquid Fuels	\$	-	
TOTAL ESSA TRANSFER	\$	178,416.27	Transferred by: _____

Prepared by: PPL Electric Utilities

Return to: PPL Electric Utilities
2 N. 9th Street
Allentown, PA 18101
Attn: Janet Lembach

Parcel ID: 12/94172
Property Owner: T.L. Realty Corp.
Municipality: Pocono Township

ENCROACHMENT AGREEMENT

THIS ENCROACHMENT AGREEMENT (“**Agreement**”), made this ____ day of _____, 2023, by and between PPL ELECTRIC UTILITIES CORPORATION, a Pennsylvania Corporation, having an address of 2 N. Ninth Street, Allentown, Pennsylvania 18101, hereinafter called “**PPL**,” and POCONO TOWNSHIP, a Pennsylvania First-Class Township organized and existing under the laws of the Commonwealth of Pennsylvania having a mailing address of 112 Township Drive, Tannersville, Pennsylvania 18372, hereinafter called “**Requester**.”

WITNESSETH:

WHEREAS this Agreement is between a public utility and a municipal corporation and is therefore subject to Pennsylvania Public Utility Commission (“PUC”) review pursuant to 66 Pa.C.S.A. Section 507. The Effective Date of this Agreement shall be the later of i) thirty (30) days from the date that PPL submits the Agreement to the PUC; or ii) if the PUC opens an investigation of the Agreement, on the date the PUC approves the Agreement; and

WHEREAS, PPL, has an existing electric transmission easement located in Pocono Township, Monroe County, Pennsylvania, recorded in the Monroe County Recorder of Deeds Office at Volume 365, Page 1154 (“**PPL ROW**”), located on the property identified as Tax Parcel Number 12/94172, with said property being more fully described in a deed recorded in the Monroe County Recorder of Deeds Office at Instrument # 202142123 (the “**Property**”); and

WHEREAS PPL utilizes the PPL ROW for an existing electric transmission line and will utilize the PPL ROW for future electric transmission lines (“**PPL’s Lines/Facilities**”); and

WHEREAS the Property Owner, set forth above, has consented to the installation of the facilities and has agreed to grant an easement for the facilities pursuant to an Agreement to Grant Easement dated _____, recorded _____ to the Monroe County Recorder at _____; and

WHEREAS Requester is desirous of entering into an agreement for the purposes of laying, constructing, maintaining, operating, repairing, replacing, and removing access drive (collectively the “**Facilities**”) within the PPL ROW; and

WHEREAS, Requester’s Facilities are more fully identified on the plans entitled “Learn Road Farm Parking” Layout Plan, prepared by LVL Engineering Group, dated August 9, 2022 which is attached hereto as Exhibit “A” and incorporated by reference herein (the “**Plans**”); and

NOW THEREFORE, for and in consideration of the sum of \$10.00 and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereto, intending to be legally bound hereby, agree as follows:

1. Recitals. The recitals set forth hereinabove are true and correct and are incorporated herein.

2. Encroachment License.

2.1 The right and authorization granted to Requester for the Facilities to occupy the PPL ROW is a non-exclusive license for the purposes of construction, operation, maintenance, repair, removal and replacement of the Facilities on the PPL ROW (“**Encroachment License**”). PPL’s grant of the Encroachment License to Requester is conditioned on Requester constructing, operating, and maintaining its Facilities in accordance with the terms of this Agreement. Only the Facilities shown on the Plans are permitted and any additional buildings, structures, equipment, or facilities in addition to the Facilities shown on the Plans are prohibited unless prior written approval is received from PPL.

2.2 Requester shall not, within the PPL ROW: (i) store flammable fuels or materials above ground; (ii) park vehicles that contain highly flammable or explosive cargoes; (iii) fuel vehicles; or (iv) conduct any blasting.

2.3 PPL reserves rights of ingress and egress over the PPL ROW and Property for line maintenance, repair, reconstruction or other work. Should both the PPL and Requester need access to the PPL ROW at the same time the parties will use their best efforts to coordinate their activities so as not to interfere with the activities of the other.

2.4 Any cranes or other equipment which may be used on or near the PPL ROW for the installation or repair of the Facilities must be operated in a manner that will avoid contact with the electric lines and be in accordance with any and all applicable municipal, state or federal rules, statutes, ordinances or regulations, including but not limited to the Federal Occupational Safety and Health Act and safety standards and regulations promulgated by the Department of Labor and Industry. Requester acknowledges that it is requesting to install its Facilities in the vicinity of electric transmission and distribution facilities, and Requester agrees that Requester and its contractors shall exercise extreme caution to avoid shock hazards.

2.5 PPL utilizes the Property for an existing electric transmission line and may utilize the Property for future additional electric transmission lines. In the event that Requester requires relocation or temporary reinforcement of PPL's Lines/Facilities to accommodate the installation, operation and/or maintenance of Requester's Facilities and PPL agrees to such relocation or temporary reinforcement in advance in writing, such relocation or temporary reinforcement shall be performed by PPL at the sole expense of Requester.

2.6 PPL reserves the right to trim or remove any tree or shrub that interferes with ingress, egress, maintenance or operation of PPL Lines/Facilities without obligation to restore same.

2.7 Should PPL determine in its sole discretion that additional PPL Lines/Facilities are to be installed, operated and maintained on the PPL ROW, Requester shall cooperate with PPL to accommodate the additional PPL Lines/Facilities at Requester's sole cost and expense. Requester's accommodation shall include providing additional protection to Requester's Facilities, and any other reasonable request of PPL.

2.8 Requester's activities under this Agreement, including but not limited to, the installation, operation, and maintenance of the Facilities shall be in compliance with any and all municipal, state and/or federal laws, statutes, rules, ordinances or regulations. Requester agrees to remove, at its sole cost and expense, any and all Facilities if any of the Facilities violate any future laws, statutes, codes or regulations, including but not limited to those laws, statutes, codes or regulations governing the operation of electric transmission or distribution facilities.

2.9 To the extent that Facilities is an access road, Facilities withing PPL ROW shall be designed for HS 25 loading.

3. Indemnification. Requester hereby releases, quitclaims, discharges, indemnifies, defends and holds harmless PPL, its officers, directors, employees and agents (collectively the "**Indemnified Parties**"), from and against any and all loss, liability, damages, demands, claims, suits, fines, penalties, including attorneys' and experts' fees and/or causes of action whatsoever, caused by, resulting from, or in any way related to the presence of the Facilities on the Property and/or the presence of Requester or its agents or employees on the Property, including but not limited to claims of PPL's own negligence, gross negligence, and indemnification against third-party claims or claims by employees or agents of Requester.

4. Environmental Claims. Requester hereby agrees to indemnify and save the Indemnified Parties harmless against any and all claims, losses and liabilities, including costs and reasonable counsel fees arising out of or related to the handling, disturbance, transport, storage, or disposal of Hazardous Substances brought onto, generated, or allowed to enter the Property by Requester, or its/their contractors and subcontractors. "Hazardous Substances" shall mean any chemicals, materials or substances defined as or included in the definition of "hazardous substances", "hazardous wastes", "hazardous materials", "hazardous constituents", "restricted hazardous materials", "extremely hazardous substances", "toxic substances", "contaminants", "pollutants", "toxic pollutants" or words of similar meaning and regulatory effect under any applicable Environmental Laws. "Environmental Laws" shall mean all federal, state, local, tribal

and foreign laws, regulations, rules, ordinances, codes and similar provisions having the force and effect of law, decrees, judgments, directives, judicial or administrative orders and determinations, and all common law concerning pollution or protection of the environment, natural resources (including threatened or endangered species and natural resource damages) or human health and safety.

5. Damages.

5.1 If Requester or its employees or agents damage any of PPL's Lines/Facilities, including, but not limited to PPL's Lines/Facilities located underground, and counterpoise, the damage shall be reported immediately to PPL and Requester shall be responsible to reimburse PPL for all costs and expenses incurred by PPL in repairing PPL's Lines/Facilities.

5.2 Requester agrees to restore the PPL ROW to its original condition and to be responsible for any ground settling which may result from the installation of the Facilities, for a period of one (1) year from completed installation of Facilities, and one (1) year from the date any maintenance which may be required thereafter is completed.

5.3 If Requester violates any of the reservations, terms, or conditions set forth in this Agreement and fails to cure such breach within the time period set by PPL in the written notice sent to Requester, PPL may terminate this Agreement, or PPL may cure said breach at Requester's sole cost and expense. In the event that this Agreement is terminated PPL is permitted to remove the Facilities from the PPL ROW at Requester's sole cost and expense and take whatever action necessary to extinguish the Agreement from the public record if the Agreement had been recorded prior to the termination.

5.4 Requester hereby releases PPL from any and all damages to the Facilities or losses sustained by Requester caused by PPL's use of equipment, including but not limited to trucks or other heavy equipment (up to 50 tons double-axle weight), which may be operated over and across the Property.

6. Insurance.

6.1 Requester shall, and shall cause all of its successors and assigns to, during any period where the Facilities are being installed and/or maintained on the PPL ROW, at Requester's sole cost and expense, maintain, or cause to be maintained with insurance companies having an A.M. Best Insurance Rating of 'A-' or better and financial strength category of VIII or higher, the minimum insurance coverages, hereinafter referred to as the "**Required Coverages**", as set forth below. The Commercial General Liability coverage required of Requester and each successor or assign shall be written on an occurrence basis.

6.2 Requester shall name PPL and its officers, directors and employees as additional insureds and shall include a waiver of subrogation in favor of the additional insureds. The insurance coverages afforded under the policies required hereunder shall be primary and non-contributing. The Required Coverages shall include: (a) Commercial General Liability policy for bodily injury and property damage in the amount of \$2,000,000; (b) statutory workers

compensation coverage; and (3) automobile insurance at the statutory minimum. PPL reserves the right to change the Required Coverages by providing 30 days written notice to Requester.

7. Miscellaneous.

7.1 This Agreement shall run with the Property and be binding upon the respective successors and assigns of each of the parties hereto.

7.2 This Agreement shall not be amended, altered, or modified except by an instrument in writing duly executed by both parties.

7.3 If any part or provision of this Agreement shall be determined to be invalid by a court of competent jurisdiction, said part shall be ineffective to the extent of such invalidity only, without in any way affecting the remaining parts of said provision or the remaining provisions of this Agreement.

7.4 This Agreement constitutes the entire agreement between the parties with respect to the subject matter hereof and supersedes any and all prior oral or written agreements, commitments or understandings with respect to the matters provided for herein.

7.5 This Agreement has been duly authorized by all required corporate or other necessary action of both parties and, upon execution hereof, shall constitute a valid and binding obligation of both parties, enforceable in accordance with its terms.

7.6 All notices, requests, claims, demands, invoices, and other communications hereunder shall be in writing and shall be given (and except as otherwise expressly provided herein, will be deemed to have been duly given if so given) by hand delivery, by electronic mail, by mail (registered or certified, postage prepaid), or by reputable overnight delivery service (prepaid or billed to sender), effective upon receipt, to the respective Parties as follows:

If to PPL:

PPL Electric Utilities Corporation
Attn: Manager-Transmission Siting/ROW/Permits/Real Estate
Two North Ninth Street
Allentown, Pennsylvania 18101

With a copy to:

PPL Services Corporation
Office of General Counsel
Two North Ninth Street
Allentown, Pennsylvania 18101

If to Requester:

Pocono Township
112 Township Drive
Tannersville, Pennsylvania 18101

7.7 The Encroachment License granted by this Agreement shall continue in force until terminated at any time by PPL giving Requester, its successors and assigns, sixty (60) days' notice of PPL's intention to terminate. Requester acknowledges that because of the nature of PPL's business, it may be required at any time for PPL to invoke the herein stated termination clause to ensure the use of the PPL ROW for PPL's business purposes as a public utility.

[SIGNATURES ON FOLLOWING PAGE]

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed the day and year first written above.

WITNESS:

PPL ELECTRIC UTILITIES CORPORATION

By: _____
Austin Weseloh
Transmission Right of Way and Real Estate Supervisor

WITNESS:

POCONO TOWNSHIP

By: _____
Name: Taylor Munoz
Township Manager

COMMONWEALTH OF PENNSYLVANIA)
 : SS
COUNTY OF LEHIGH)

On this the _____ day of _____, 20__ before me, a Notary Public in and for the Commonwealth of Pennsylvania, the undersigned officer, personally appeared Austin Weseloh, who acknowledged himself to be the Transmission Right of Way and Real Estate Supervisor of PPL Electric Utilities Corporation, a corporation, and that he as such Transmission Right of Way and Real Estate Supervisor, being authorized to do so, executed the foregoing instrument for the purposes therein contained by signing the name of the corporation by himself as Transmission Right of Way and Real Estate Supervisor.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Notary Public

COMMONWEALTH OF PENNSYLVANIA)
 : SS
COUNTY OF LEHIGH)

On this the _____ day of _____, 20__ before me, a Notary Public in and for the Commonwealth of Pennsylvania, the undersigned officer, personally appeared Taylor Munoz, who acknowledged himself to be the Township Manager of Pocono Township, a township, and that he as such Manager, being authorized to do so, executed the foregoing instrument for the purposes therein contained by signing the name of the township by himself as Township Manager.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Notary Public

EXHIBIT ‘A’



Lawn & Golf Supply Co., Inc.
647 Nutt Road
P.O. Box 447
Phoenixville, PA 19460
Phone: (610) 933-5801
Fax: (610) 933-8890
www.lawn-golf.com

PROPOSAL

Proposal ID	Date
16410	4/13/2023
Sales Person	Page
Kyle Irwin	1 of 1

Proposal To:

POCONO TOWNSHIP
112 TOWNSHIP DRIVE
TANNERSVILLE, PA 18372

Phone 570-629-1922 EXT 1217
Fax
E-Mail PBRIEGEL@POCONOPA.GOV
Contact PAT BRIEGEL

Description: PA CONTRACT # 4400020083

Quantity	Item ID	Description	Unit	Amount
1.00	FE5902071	PA CONTRACT # 4400020083 SRS Z3 60" Deck 37 hp* Vanguard BIG BLOCK EFI ETC OGS w/ Hydro-Gear ZT-4400 Transaxles	12,807.00	12,807.00

ACCEPTANCE OF PROPOSAL

The above prices, specifications, and conditions are satisfactory and are hereby accepted.

Proposal is valid until May 13, 2023

Signature _____

Date _____

Subtotal	12,807.00
Sales Tax	Exempt
Total	12,807.00