

**Pocono Township Board of Commissioners
Regular Meeting Minutes
July 17, 2023 | 6:01 p.m.**

The regular meeting of the Pocono Township Board of Commissioners was held on July 17, 2023 and was opened by President Rich Wielebinski at 6:01 p.m. followed by the Pledge of Allegiance.

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

In Attendance: Taylor Munoz, Township Manager; Leo DeVito, Township Solicitor; Amy Montgomery, Engineer; Shawn Goucher, Chief of Police; Patrick Briegel, Public Works Director; Lindsay Scerbo, Zoning; and Jennifer Gambino, Administrative Assistant.

Public Comment

Jeff Hammond, Apex Clean Energy (Nonresident) – Stated the Swiftwater Solar project needs a little more time to satisfy the conditions imposed by the Township. Asked for three-week additional extension beyond the current August timeline.

Announcements

- Please take note of Pocono Township's upcoming summer activities:
 - July 27 at 6:00 p.m. – The Leah Fuls Band performing on the Fireman's Field off Alger Avenue.
 - August 22 at 10:00 a.m. – The Wide World of Bugs at Mountain View Park.

Hearings – None

Presentations

- Retirement Recognition – Recognized Chief Kent J. Werkheiser for 25 years of committed service as Pocono Township Chief of Police.
- Appointment of Chief of Police – Acting Chief Shawn Goucher

R. Wielebinski made a motion, seconded by J. Lastowski, to appoint Acting Chief Shawn Goucher, as Chief of Police. All in favor. Motion carried.

Magisterial District Justice Daniel Kresge administered the oath of office to Chief Shawn Goucher.

- Retirement Recognition – Ed Getz recognized for 35 years of service on Township Road Crew.
- Retirement Recognition – Dean Hartshorn recognized for 22 years of service on Township Road Crew.

Resolutions

R. Wielebinski made a motion, seconded by J. Belvin, to pass Resolution 2023-15 Approving the Lease Purchase of a 2023 Caterpillar 420XE Backhoe Loader in the Amount of \$151,400.00 and Authorizing the Execution of a Lease Purchase Agreement with Bank Capital Services LLC, D/B/A F.N.B. Equipment Finance. J. Lastowski asked if it was a budgeted item. 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 July 3, 2023 meeting of the Board of Commissioners.
 - Financial transactions through July 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 J. Lastowski, to approve the consent agenda. All in favor. Motion carried.

NEW BUSINESS - None

Report of the President

R. Wielebinski made a motion, seconded by E. Gndt, to amend the agenda to move police report up and consider an extension of the Swiftwater Solar Project. All in favor. Motion carried.

Police Report

General police updates – Chief Goucher provided a report for the month of June 2023. Requested the BOC move to begin testing for Sergeant position.

R. Wielebinski made a motion, seconded by J. Belvin, to start the testing process for the Sergeant position. All in favor. Motion carried.

E. Gndt made a motion, seconded by J. Lastowski, to utilize ARPA funds for the purchase of a 2 Cam L5M License Plate Reader System in an amount not to exceed \$12,000.00 for a Police Department patrol car. S. Goucher provided data for the LPRs. 1.1 million detections for the year and 4.8 million for the time period the Township has had LPRs. Provided further data for how the LPR systems have been used over time and the hits they have had. All in favor. Motion carried.

R. Wielebinski asked whether officers could do walk arounds to increase community presence at the Township parks to interact with patrons.

R. Wielebinski made a motion, seconded by J. Belvin, to grant Apex Clean Energy an extension to August 30 subject to a Resolution being passed at the first Board meeting in August. Roll Call Vote: J. Belvin, yes; E. Gndt, no; J. Lastowski, yes; and R. Wielebinski, yes. Motion carried.

Richard Wielebinski

R. Wielebinski made a motion, seconded by J. Lastowski, to advertise a 30-day review and comment period for the proposed Great Wolf Lodge Employee Housing Sewage Planning Application. Discussion – Nate Oiler stated previously Great Wolf was granted an exemption by DEP. Now they are being made to do a sewage planning module with DEP. 62 EDUs are being added and Great Wolf has paid the reservation fees. R. Wielebinski asked about the total capacity being used by the project. E. Gndt asked about the Act 537 area. P. Briegel stated this is the type of waste the system needs. All in favor. Motion carried.

- Review of bids and award of Pocono Township's 2023 road micro-surfacing projects.

One bid was received for Laurel Lake Road, Beehler and Old Mill Road. \$152,500.00 bid received from Asphalt Paving Systems. J. Lastowski asked if the Township has used this company in the past. Asked if they are a reputable company. E. Gndt asked whether the Township has to re-bid when only one bid is received. R. Wielebinski asked about project timing.

R. Wielebinski made a motion, seconded by J. Belvin, to award the bid to Asphalt Paving Systems. All in favor. Motion carried.

- Discussion and possible action regarding the application of SBA Towers X, LLC to the Zoning Hearing Board for a special exception for a communication tower.
 - Certification that no suitable co-location opportunities are available within a one-mile radius of the proposed communication tower, per Section 470-52(B) of the Township Zoning Ordinance.

Attorney Beard stated that the Township ordinance indicates the Board of Commissioners must certify that there are no tower co-location opportunities within one mile of the proposed tower. Board would send a letter to the ZHB indicating there are no suitable co-location opportunities within a one-mile radius. Applicant stated there are no locations close enough to this location to mount proposed equipment. J. Lastowski asked whether this is being proposed because there is a lack of signal.

J. Belvin stated in 2020, the Township participated in the “dead cell project” and it was determined this area was a dead zone, particularly for the police department.

Questions regarding balloon to do viewshed analysis and impact to adjoining property owners; tower height of 150 feet; and capacity issues with increased demand for cell service.

L. DeVito stated that conditions can be imposed if/after a special exception granted. Stated this is a special exception, where the burden is on the applicant to show the communications tower will not emit noise or other things in excess of a typical communication tower. If they prove this, the burden is then on the objector to disprove. All that is being requested by the Board is a certification or acknowledgement there are no other communication towers in a one-mile radius of what is being proposed, as required by the zoning ordinance.

R. Wielebinski made a motion, seconded by J. Belvin, to provide a certified letter. Roll call: J. Belvin, yes; E. Gandt, no; J. Lastowski, yes; R. Wielebinski, yes. Motion carried.

- Discussion and possible action regarding the design and property acquisition process for the proposed roundabout at the intersection of Learn Road and Fish Hill Road.

R. Wielebinski stated LVL has put together a design for the proposed roundabout and land will need to be purchased to do the project the right way. Looking for a motion to begin discussion with property owners. Township would need an appraisal.

R. Wielebinski made a motion, seconded by J. Belvin, to sit down with property owners to discuss the roundabout with the potential four property owners. All in favor. Motion carried.

Commissioner Comments

Jerrod Belvin – Vice President

- Discussion and possible action regarding Pocono Township entering a contract with Rapid Response Inc. for the purpose of HAZMAT cleanup and decontaminations for emergency incidents, subject to Township solicitor review – J. Belvin stated the Township has had four HAZMAT spills in 2023 that has cost the Township for response. Monroe County LEPC (local emergency planning commission) contracts with a company called Datum Products. The Township has had trouble with response of Datum. Stated that the Township should contract with its own company. The closest responding company is Rapid Response, who Northampton County also uses for all their HAZMAT decon needs.

J. Belvin made a motion, seconded by R. Wielebinski, to enter into a HAZMAT contract with Rapid Response. R. Wielebinski asked if the County is aware of the performance issues with Datum. Discussion regarding cost. Datum will not give a price sheet for their services. Rapid Response provided a price sheet. All in favor. Motion carried.

- Emergency Management Update

Recap of a recent diesel spill at Pocono Logistics of approximately 100 gallons. Datum came out with DEP. They are working with the insurance company for the business. Zoning has visited the site and there are several zoning/land development issues on the site.

Provided update regarding Fountain Court fire. The Small Business Administration will be at the Township beginning tomorrow to work with the affected businesses.

Discussion regarding concern of local residents about the commercial zoning of PEC.

Ellen Gandt – Commissioner

Asked about the status of opening the splash pad.

Jerry Lastowski – Commissioner

Asked for update regarding the trailers on the Butz property.

Keith Meeker – Commissioner – Absent

Reports

Zoning - Presented zoning report on all current violations.

Ambulance Report - None

Public Works Report

- Current Public Works projects - Whole crew went a couple weeks ago to Chestnuthill Township for an LTAP safety training. Several crew members went to a dirt/gravel and low volume road program training. Thanked Stroudsburg Borough for sending DPW guys and camera truck to assist with scoping a pipe in the Township. Met with Fountain Court representatives today to get side buildings connected back into water and sewer. Continuing with roadside cutting and drainage projects.
- Mountain View Park updates.
- TLC Park updates
 - Splash Pad Installation – Concrete was poured and all fixtures in place. Completing grading and walkway work. Updated DCNR plan was submitted and approved.
 - Dog Park Project(s) – Grass has grown nicely and close to opening.

J. Belvin made a motion, seconded by J. Lastowski, to approve an agreement with RoadBotics in the amount of \$7,800.00, subject to legal review, for the purpose of assessing the pavement condition and prioritizing road improvement projects for Pocono Township roads. All in favor. Motion carried.

R. Wielebinski made a motion, seconded by J. Lastowski, to advertise for public bid via PennBid the cleaning and epoxy spray coating of eight (8) sanitary sewer manholes. This bid will be offset by funds set aside from Sanofi to contribute to the manhole refurbishment. All in favor. Motion carried.

R. Wielebinski made a motion, seconded by J. Belvin, to approve a COSTARS quote provided by Multi-Dimensional Integration (MDI) in an amount not to exceed \$35,000 for the upgrade of sewer pump station modems with redundant internet and cellular services, subject to contract review by the Township solicitor. R. Wielebinski asked for clarification. All in favor. Motion carried.

J. Belvin made a motion, seconded by E. Gndt, to approve a COSTARS quote in the amount of \$145,393, provided by Multi-Dimensional Integration and reviewed by the Township Engineer, for the installation of updated sewer pump station control system hardware and software, subject to Township solicitor review. P. Briegel explained that the systems currently in the pump and valve stations are antiquated by today's standards. The equipment manufacturers will not support some of the software any longer. J. Lastowski asked how long the equipment will last. All in favor. Motion carried.

R. Wielebinski made a motion, seconded by J. Belvin, to install two speed tables, one on the north and one on the south section of Learn Road, for speed control. J. Lastowski asked how far apart. Discussion regarding placement and justification for the installation. All in favor. Motion carried.

Discussion regarding Archer Lane drainage issues.

Administration – Manager's Report – No update.

Township Engineer Report

- Motion to advertise for adoption the Township's revised Act 167 stormwater ordinance, incorporating changes to the ordinance as prepared by the Township engineer and as required by PA DEP - Discussion regarding stormwater detention basin inspections and other provisions. Will refine language for action at a future meeting.
- Learn Road safety enhancement project and roundabout survey work.
- Update – TASA SR 611 sidewalk project. Currently designing handicapped ramps.

Township Solicitor Report

- General legal update.
- Update – Maintenance and operation escrow requirements for land development projects that require installation of new traffic lights. Near completion and will circulate for review.
- Zoning Hearing Board updates
 - Discussion and possible action as to the Township solicitor's representation at the zoning hearing for SBA Towers X, LLC on July 20, 2023 – Discussion regarding viewshed impact and other ancillary impacts. No motion.
 - Crawford Appeal – Mr. & Mrs. Crawford were operating a STR in an R1 zone. ZHB ruled against and it was upheld by Judge Zulick. They have now appealed to the Commonwealth Court.

Received decision in Heinzee case. ZHB upheld enforcement notice and Court ruled in favor of ZHB/Township on the first issue pertaining to expansion of the nonconforming use without special exception approval. Court denied that the use had changed to an outdoor activity entertainment venue. The question is whether the Board wants to appeal the entertainment use denial.

- Update – Johnson Appeal Commonwealth Court argument.

Public Comment - None

Adjournment

R. Wielebinski made a motion, seconded by E. Gmandt, to adjourn the meeting at 8:55 p.m. All in favor. Motion carried.