

**Pocono Township Board of Commissioners  
Regular Meeting Minutes  
April 1, 2024 | 6:00 p.m.**

The regular meeting of the Pocono Township Board of Commissioners was held on April 1, 2024 and was opened by President Rich Wielebinski at 6:02 p.m. followed by the Pledge of Allegiance.

**Roll Call:** Jerrod Belvin, present; Ellen Gndt, present; Natasha Leap, present; Mike Velardi, present; and Rich Wielebinski, present.

**In Attendance:** Taylor Muñoz, Township Manager; Leo DeVito, Township Solicitor; Jon Tresslar, Engineer; Patrick Briegel, Public Works Director; Lindsay Scerbo, Zoning Officer; Shawn McGlynn, Zoning Officer & Building Codes; and Jennifer Gambino, Administrative Assistant.

**Public Comment**

Brian Davis (Taxpayer) – Owns Jiva Java Café in Bartonsville. Expressed concerns regarding prohibited signage, specifically feather flags. Asked that the Board consider an amendment to the ordinance that would allow for a version of the flag/sign.

Eric Battle (Taxpayer) – Expressed interest in Planning Commission Alternate position.

Joshua Knapp (Taxpayer) – Expressed concerns with traffic speed on Stadden Road near the intersection of Wellington Road. Also expressed concerns pertaining to an amendment to the Township Manager Ordinance.

Cheryl Parks (Taxpayer) – Expressed concerns about dogs on the adjoining property that was recently the subject of a Pocono Township Zoning Hearing Board hearing regarding a kennel use.

**Announcements**

- Mark your calendars for the annual Pocono Township Fishing Derby on April 13, 2024 at TLC Park. Registration instructions will be included on the Township Facebook and website. Any questions or concerns can be forwarded to Jennifer Gambino via the main Township phone number or email.
- The Pocono Township Spring Cleanup will take place from April 25 through April 27, 2024. For more information, please contact the Township office.
- Please note that *the next regularly scheduled Board of Commissioners meeting will take place on Tuesday, April 23, 2024* due to a conflict with the annual PSATS Conference the week of April 15<sup>th</sup>.

**Presentations**

- Louise Troutman – Pocono Heritage Land Trust. Discussion regarding Township's zoning regulations as they pertain to recreational uses in R1 zones and existing open space parcels in the Township.

Discussion regarding requested changes to R-1 Zoning District in Pocono Township to allow open space and recreation opportunities on properties appropriate for trail development and other recreation uses. Will follow up with Zoning to work on draft verbiage for a zoning amendment.

- Eli Kresge, Eagle Scout Candidate – Eagle Project ideas for Old Learn Farm trailhead.

Eli Kresge presented his Eagle Project ideas for improving the Old Learn Farm trailhead, including construction of new connecting trails, trail markers and tree identification. Board expressed their approval of his project proposal and Eli will work with Patrick Briegel to complete his project.

R. Wielebinski made a motion, seconded by M. Velardi, to amend the agenda for Planning Commission Alternate interviews. All in favor. Motion carried.

Eric Battle – Township resident who lives on Cherry Lane Church Road. Discussed his business experience as owner of Eats & Sweets. Stated he knows many business owners in Pocono Township and is a 14-year resident of Pocono Township.

Bruce Kilby – Scotrun resident who has lived in Pocono for 36 years and was on Planning Commission in the past. He had to step down due to health issues. Now that he has gotten past his health issues, he would be interested in serving again.

### **Hearings**

Ordinance 2024-02 – Public hearing for consideration of Ordinance 2024-02 amending the Code of Codified Ordinances of Pocono Township, Part I, Administrative Legislation; Chapter 33, Pensions; adding a new section 33-2, Consolidated Amendments, to codify prior amendments and adding a new section 4.9 Deferred Retirement Option Program (DROP) to the Pocono Township Police Pension Plan.

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

L. Devito explained through Township Manager urging, this ordinance is a consolidation of all the amendments to the Township pension plan ordinance from over the years, in addition to adding DROP pension language to the ordinance.

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

R. Wielebinski made a motion, seconded by J. Belvin, to approve Ordinance 2024-02 amending the Code of Codified Ordinances of Pocono Township, Part I, Administrative Legislation; Chapter 33, Pensions; adding a new section 33-2, Consolidated Amendments, to codify prior amendments and adding a new section 4.9 Deferred Retirement Option Program (DROP) to the Pocono Township Police Pension Plan. All in favor. Motion carried.

### **Resolutions**

Resolution 2024-06 – Motion to approve Resolution 2024-06 granting conditional approval of the Travis A. Youngken Lot Combination Plan. **(Action Item)**

Plan to consolidate two existing nonconforming properties – one 1.115 acres and the other 1.691 acres. Both are non-conforming lots (less than two acres) and the consolidation makes a single conforming lot both in terms of size and lot width, eliminating the nonconformities.

R. Wielebinski asked whether anything is currently built on the property. J. Tresslar recommended approval.

R. Wielebinski made a motion, seconded by M. Velardi, to approve Resolution 2024-06 granting conditional approval of the Travis A. Youngken Lot Combination Plan. 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 March 19, 2024 regular meeting.
  - General Fund budget adjustments in the amount of \$50,000 for the purpose of providing additional funding for the following line items: Police New Hires Expense, Travel/Lodging

- for additional employee training, and Police Meetings & Training for additional 2024 Training.
- General Fund budget adjustments for the following: the Building Permits Revenue line item in the amount of \$1,068,973 and Professional Services – Building Codes Officer in the amount of \$948,973 to reflect permit fees received from the Swiftwater Solar project.
  - Financial transactions through March 28, 2024 as presented, including ratification of general fund expenditures, sewer operating expenditures and gross payroll; vouchers payable, sewer operating expenditures, construction fund expenditures, and capital reserve expenditures.
- (Action Items)**

R. Wielebinski made a motion, seconded by M. Velardi, to approve the consent agenda. N. Leap asked for clarification as to the expense for additional police training. EG asked for clarification that the transfers can happen as of April 1. L. Devito confirmed that yes, the Township is now past the first quarter. All in favor. Motion carried.

## **NEW BUSINESS**

### **1. Personnel – None**

### **2. Travel/Training Authorizations**

R. Wielebinski made a motion, seconded by J. Belvin, to approve Road Crew attendance at the annual PSATS convention on Monday, April 15, 2024. All in favor. Motion carried.

## **Commissioner Comments**

### **Richard Wielebinski – President**

Discussion regarding proposed changes to the Township Manager Ordinance. Changes discussed include removing the one-year limitation for a Township Commissioner serving as Township Manager. EG stated she is opposed to removing this provision. The following motions were made to guide the Township Solicitor in the process of preparing a draft ordinance amendment.

R. Wielebinski made a motion, seconded by M. Velardi, to remove the one-year limitation to allow a Township Commissioner to apply for the position of Township Manager. J. Belvin, abstain; E. Gndt, no; N. Leap, yes; M. Velardi, yes; R. Wielebinski, yes. Motion carried.

J. Belvin clarified that his abstention was due to the fact that, should the majority of the Board of Commissioners vote to remove the one-year restriction, he would be interested in applying for the Township Manager position.

R. Wielebinski made a motion, seconded by M. Velardi, to amend Section 8C of the ordinance to add language to require the manager to advise Commissioners when department head budget meetings occur, should Board members want to attend. J. Belvin, abstain; E. Gndt, yes; N. Leap, yes; M. Velardi, yes; R. Wielebinski, yes. Motion carried.

R. Wielebinski made a motion, seconded by M. Velardi, to amend Section 8L for the addition of language to state “letting and negotiation of contracts.” J. Belvin, abstain; E. Gndt, yes; N. Leap, yes; M. Velardi, yes; R. Wielebinski, yes. Motion carried.

Discussion regarding resolution language pertaining to Township Manager spending limits.

N. Leap made a motion, seconded by M. Velardi, to amend 8S to require the Township Manager to alert the Board of Commissioners of legislative changes affecting the Township. J. Belvin, abstain; E. Gndt, yes; N. Leap, yes; M. Velardi, yes; R. Wielebinski, yes. Motion carried.

Discussion of changes to Section 9 regarding adding language to allow Township Commissioners to communicate with Township employees for emergency or liability purposes.

E. Gndt made a motion, seconded by R. Wielebinski, to amend Section 6 – Compensation to read “by resolution, contract or employment agreement.” J. Belvin, abstain; E. Gndt, yes; N. Leap, yes; M. Velardi, yes; R. Wielebinski, yes. Motion carried.

E. Gndt made a motion, seconded by R. Wielebinski, to amend Section 8B to have L. DeVito review this section to include HR Manager responsibilities and make recommendations to the Board. J. Belvin, abstain; E. Gndt, yes; N. Leap, yes; M. Velardi, yes; R. Wielebinski, yes. Motion carried.

E. Gndt made a motion, seconded by R. Wielebinski, to amend Section 8D to include regular financial reporting of budget versus actual and other financial statements. J. Belvin, abstain; E. Gndt, yes; N. Leap, yes; M. Velardi, yes; R. Wielebinski, yes. Motion carried.

Discussion regarding combination of 8H with item D. L. DeVito advised keeping the items separate.

E. Gndt made a motion, seconded by R. Wielebinski, to amend Section 8I to establish a time limit whereby the close of fiscal year report would be provided to the Board within 90 days of the end of the fiscal year. J. Belvin, abstain; E. Gndt, yes; N. Leap, yes; M. Velardi, yes; R. Wielebinski, yes. Motion carried.

E. Gndt made a motion, seconded by R. Wielebinski, to amend Section 8J to add the language “ensure that all terms and conditions are faithfully kept and performed.” J. Belvin, abstain; E. Gndt, yes; N. Leap, yes; M. Velardi, yes; R. Wielebinski, yes. Motion carried.

E. Gndt made a motion, seconded by N. Leap, to amend Section 8N to add 2016 language to the provisions of 8N. J. Belvin, abstain; E. Gndt, yes; N. Leap, yes; M. Velardi, yes; R. Wielebinski, yes. Motion carried.

R. Wielebinski made a motion, seconded by M. Vealrdi to authorize L. Devito to circulate draft language for an amendment to the Township Manager Ordinance for review by the Board at their next meeting in April. J. Belvin, abstain; E. Gndt, no; N. Leap, yes; M. Velardi, yes; R. Wielebinski, yes. Motion carried.

▪ **Motion to award 2024 Materials Bids. (Action Item)**

R. Wielebinski made a motion, seconded by J. Belvin, to award Heidelberg Materials the following: 2A, DGA Crushed Stone FOB @ \$11.5 & delivered at \$18.29 along with 2RC Crushed Stone FOB at \$10 & Delivery at \$16.79. All in favor. Motion carried.

R. Wielebinski made a motion, seconded by M. Velardi, to Award Hei-Way LLC the bid for Cold Patch QPR High Performance FOB at \$98.50. All in favor. Motion carried.

R. Wielebinski made a motion, seconded by N. Leap, to Award Eureka Stone Quarry the following:

- #57, 2B, ¾” Crushed Stone FOB @ \$21 and Delivered @ \$25.95
- SP Surge FOB @ \$21 and Delivered @ \$25.95
- #1 Ballast, 2-4” Crushed Stone FOB @ \$22 and Delivered @ \$26.95
- #3 Crushed Stone FOB @ \$22 and Delivered @ \$26.95
- R-3 Crushed Stone Gabion FOB @ \$21 and Delivered @ \$25.95
- R-4 Crushed Stone FOB @ \$21 and Delivered @ 25.95
- Asphalt 9.5 mm pg65s-22 0.0<0.3 FOB @ \$68.94
- Asphalt 19 mm pg64s – 22 0.0<0.3 FOB @ \$62.14
- Asphalt 25mm pg64s-22 0.0<0.3 FOB @ 56.32

All in favor. Motion carried.

E. Gndt opened a discussion on COSTARS aggregates bids, L. Devito and P. Briegel will do further research into this.

R. Wielebinski made a motion, seconded by E. Gndt, to authorize advertisement of the Pocono Township 2024 Paving and Seal Coat bids. All in favor. Motion carried

R. Wielebinski made a motion, seconded by J. Belvin, to authorize Payment #1 to Telco, Inc. in the amount of \$64,998.72 for the Green Light Go Adaptive Signaling Control Project. All in favor. Motion carried.

R. Wielebinski made a motion, seconded by M. Velardi to authorize the Pocono Township Zoning & Building Codes Office to designate 229 Hemlock Road as a “Dangerous Structure” under Chapter 382 of the Pocono Township Code of Ordinances and order it be secured from entry and demolished. E. Gndant asked for clarification as to the process and owner notification. All in favor. Motion carried.

**Jerrod Belvin – Vice President**

- Emergency Management Update – Traffic light tests to take place sometime in April. 15 callouts over last three weeks due to traffic light timing issues that will be resolved with Green Light Go.
- Update – Archer Lane.
- Update – Laurel Lake Dam – Had meeting with DEP and HOA representatives.

Discussion regarding outcome of special exception hearing for the proposed Ruby Lane Kennel, outstanding violations, and conditions imposed.

Asked J. Tresslar about status of Turkey Hill sidewalks.

**Ellen Gndant – Commissioner**

Expressed concerns about a semi-truck and trailer sitting on SR 715 headed toward Henryville.

Discussion regarding need for zoning to review specific electronic signs for issues with brightness.

Asked for update on Swiftwater Solar construction inspections. Asked for verification of whether the Township road has sustained any damage.

Discussion regarding status of SBA Cell Tower. J. Tresslar indicated application was received and their attorney submitted evidence they had access to driveway.

**Natasha Leap – Commissioner**

N. Leap made a motion, seconded by R. Wielebinski, to open the agenda for appointment of an interim Township manager. All in favor. Motion carried.

N. Leap made a motion, seconded by R. Wielebinski, to appoint P. Briegel as interim Township manager. All in favor. Motion carried.

**Mike Velardi – Commissioner**

M. Velardi made a motion, seconded by R. Wielebinski, to amend the agenda for appointment of Bruce Kilby as Planning Commission Alternate. J. Belvin, yes; E. Gndant, no; N. Leap, yes; M. Velardi, yes; R. Wielebinski, yes. Motion carried.

M. Velardi made a motion, seconded by J. Belvin, to appoint Bruce Kilby as Planning Commission alternate. Discussion regarding Bruce’s prior Township service. J. Belvin, yes; E. Gndant, no; N. Leap, yes; M. Velardi, yes; R. Wielebinski, yes. Motion carried.

Stated he would like to have a field day up at Mountain View Park next summer with a lot of Township pride next year.

**Reports**

**Zoning**

R. Wielebinski made a motion, seconded by J. Belvin, to approve Attorney Bob Kidwell as outside counsel to represent the Zoning Office during the April 23, 2024 Local Agency Hearing for the denial of a TDU license for 205 Lake Drive. All in favor. Motion carried.

A hearing will be held on Thursday, 4/4 regarding a short term rental operating without a license and with a septic system supporting two homes.

R. Wielebinski made a motion, seconded by M. Velardi, to send L. Devito to the hearing to represent the Township. All in favor. Motion carried.

Proposed amendment to property maintenance ordinance providing for “litter” and grounds for pulling illegal temporary signs.

R. Wielebinski made a motion, seconded by M. Velardi, to authorize the township solicitor to prepare a draft amendment to the property maintenance ordinance. All in favor. Motion carried.

### **Police Report**

- Department updates. Second annual Coffee with a Cop will be May 18 at Nick’s Big Belly Deli. Currently have four police applicants. Department interest in the corporal and detective positions. New portable radios have arrived paid for through LSA funds. Chief Wagner will be away for training the week of the next meeting.

**Ambulance Report** – None

### **Public Works Report**

- Sewer Business Update. Took two newest commissioners on a tour of one of the pump stations. Completed restraints at Valve Station 2 last week. Have a meeting tomorrow morning to review with BCRA the operations of the Valve Station.

J. Belvin made a motion, seconded by R. Wielebinski, to approve a COSTARS quote by Keystone Sealcoating in the amount of \$95,019.00 for resurfacing of a basketball court and installation of three pickleball courts at Mountain View Park, as provided for in the 2024 Capital Budget. All in favor. Motion carried.

J. Belvin made a motion, seconded by M. Velardi, to approve a COSTARS quote by ProMax Fence Systems in the amount of \$27,832.00 for the installation of automatic barrier gates and controls at the entrance to Mountain View Park, as provided for in the 2024 Capital Budget. J. Belvin, yes; E. Ghandt, no; N. Leap, yes; M. Velardi, yes; R. Wielebinski, yes. Motion carried.

M. Velardi made a motion, seconded by J. Belvin, to approve a quote in the amount of \$6,090.00 provided by Zindle Construction LLC for required electrical work for the Mountain View Park gate installation. All in favor. Motion carried.

- Update – Cobble Creek Drainage Project. Provided original subdivision plans to the township engineer for review. Does not appear to be an existing drainage easement.
- Update – Old Learn Farm parking access. Completed with the exception of handicapped parking paving and apron. Need to complete split rail fence and trailhead kiosk.
- Current Public Works Projects. Sweeping intersections and taking care of drainage. Attended LTAP training for winter storm maintenance.
- Mountain View Park Updates. Open for the season.
- TLC Park Updates. Looking forward to fishing derby.

### **Administration – Manager’s Report**

- Pocono Township received \$216,235 in Multimodal Grant Funds on March 26, providing the remaining funds needed to complete the Learn Road Safety Enhancement Project Roundabout. Sent notes of thanks to Senator Brown and Representative Madden.

### **Township Engineer Report**

- Sewer Business Update. No new business.
- Learn Road safety enhancement project and roundabout survey work. Working to complete design.
- Update – TASA SR 611 sidewalk project. Working on specifications. Waiting on release of CAD drawings.
- In Progress – Discussion and possible action regarding 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.

### **Township Solicitor Report**

- Sewer Business Update. Received correspondence from Vince Pompo, Tobyhanna Township sewer counsel, and correspondence from Kalahari solicitor and will review this week.
- Letter received from Attorney Andrew Wolf pertaining to the enforcement notices received for the Butz Trust property in Swiftwater. There is a prospective buyer for the property which will provide cash for the completion of cleanup activities. Confirmation that progress has been made.
- April 23, 204 Local Agency Hearing – 205 Lake Drive (Pocono Summit Holdings) appeal of a TDU license application.
- General legal update.
- Zoning Hearing Board updates.
  - March 28, 2024 – 154 Ruby Lane.
  - 585 Railroad Drive – Review letter was provided by engineers regarding Pocono Logistics. As-built plan lacks a lot of information and further review/submissions will be necessary.
- Update – Johnson Appeal Supreme Court petition. Petition for leave was submitted. Letter of no-reply was received from Attorney MacDonald.

L. DeVito wished T. Munoz all the best in his future endeavors and commended him for his tenure as Township Manager.

### **Public Comment**

Holly Gardner (Resident) – Asked for an explanation for the proposed roundabout at the bottom of Fish Hill.

Dawn Eilber (Resident) – Asked whether there is an update regarding SBA Tower. No update at this time.

Karen Doleiden (Resident) – Thanked Taylor Muñoz for his service as Township Manager.

### **Adjournment**

R. Wielebinski made a motion, seconded by M. Velardi, to adjourn the meeting at 7:20 p.m. and go into executive session for discussion of the acquisition of real estate and not return. All in favor. Motion carried.