

**Pocono Township Board of Commissioners
Regular Meeting Minutes
June 5, 2023 | 6:11 p.m.**

The regular meeting of the Pocono Township Board of Commissioners was held on June 5, 2023 and was opened by President Rich Wielebinski at 6:11 p.m. followed by the Pledge of Allegiance.

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

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

Public Comment

Elizabeth Casciano (Township Resident) – Expressed concerns about a proposed solar field in Swiftwater and the scale of the project.

Lisa Buccholz (Jackson Township Resident) – Expressed concerns about a proposed solar field in Swiftwater. Shared concerns about environmental impact and lack of economic benefit. Expressed disappointment in the regulatory bodies – including the EPA and DEP – for not stopping the proposed project.

Caroline Grossi (Jackson Township Resident) – Expressed concerns about the proposed solar field in Swiftwater.

Jim Pellegrini (Township Resident) – Expressed concerns about the proposed solar field in Swiftwater. Stated concerns about the environment, low paying jobs, traffic volume, and the changing nature of the Poconos.

Joshua Knapp (Township Resident) – Expressed concerns about the proposed solar field in Swiftwater and the cumulative effects of numerous economic development projects in the region.

Announcements

- The Township will host a series of three outdoor concerts this summer on the ball field off Alger Avenue adjacent to the Little League field. The series will kick off on June 22 at 6:00 p.m. with live music performed by Erin McClelland. Visit the Township Facebook page for more information.

Hearings

R. Wielebinski made a motion, seconded by J. Belvin, 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-1) 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). All in favor. Motion carried.

L. DeVito stated that a petition was filed by seven landowners to have their properties rezoned. Letters to affected landowners were sent out on May 4, 2023 and none were returned. The properties were posted on-premises as required, per a certification of posting.

Mark Love (Resident on Talon Drive) – Spoke as one of the residents asking for the rezoning to take place. The street has always been residential and will continue to be, with deed restrictions that limit the uses that can occur on the respective properties.

J. Lastowski asked where one of the properties was located.

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

R. Wielebinski made a motion, seconded by J. Belvin, approve Ordinance 2023-03 to Change the Zoning District Classification from Commercial (C) to Low Density Residential (R-1) 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). Roll call: J. Belvin, yes; E. Gnantt, yes; J. Lastowski, yes; K. Meeker, yes; R. Wielebinski, abstain.

R. Wielebinski made a motion, seconded by J. Lastowski, to open a public hearing for consideration of Ordinance 2023-04 to Amend Chapter 425 of the Code of Ordinances of Pocono Township, Amending Article IV, Traffic Regulations, Adding Truck Traffic Restrictions for Bartonsville Avenue and Beehler Road, and Repealing All Ordinances or Parts of Ordinances Inconsistent Herewith. All in favor. Motion carried.

L. DeVito stated this is an ordinance to restrict truck traffic on Bartonsville Avenue and Beehler Road for their entire lengths. If passed, appropriate signage would be installed, and Township police would have the ability to enforce it.

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

R. Wielebinski made a motion, seconded by J. Belvin, to approve Ordinance 2023-04 Amending Chapter 425 of the Code of Ordinances of Pocono Township, Amending Article IV, Traffic Regulations, Adding Truck Traffic Restrictions for Bartonsville Avenue and Beehler Road, and Repealing All Ordinances or Parts of Ordinances Inconsistent Herewith. All in favor. Motion carried.

R. Wielebinski made a motion, seconded by J. Lastowski, to open a public hearing for consideration of Ordinance 2023-05 to Amend Chapter 425 of the Code of Ordinances of Pocono Township, Amending Article I Speed Limits, Establishing a Maximum Speed Limit of 25 MPH for Motor Vehicles on Tara Drive, Bull Pine Road, and Terrace Drive, and Repealing all Ordinances and Parts of Ordinances Inconsistent Herewith. All in favor. Motion carried.

L. DeVito indicated the Township has proof of publication and the ordinance will establish 25 MPH speed limits on the cited roads. J. Belvin asked about the potential for installation of speed tables or speed bumps.

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

R. Wielebinski made a motion, seconded by J. Belvin, to approve Ordinance 2023-05 Amending Chapter 425 of the Code of Ordinances of Pocono Township, Amending Article I Speed Limits, Establishing a Maximum Speed Limit of 25 MPH for Motor Vehicles on Tara Drive, Bull Pine Road, and Terrace Drive, and Repealing all Ordinances and Parts of Ordinances Inconsistent Herewith. All in favor. Motion carried.

Presentations – None

Resolutions

R. Wielebinski made a motion, seconded by J. Belvin, to approve Resolution 2023-13 granting a 60-day extension to Swiftwater Solar, following the withdrawal of the appeal to the applicant's NPDES permit in May of 2023, to satisfy the conditions of preliminary/final plan approval and record the plan as set forth in Resolution No. 2022-24. E. Gnantt asked for clarification. L. DeVito stated the Township was not involved in the appeal to the DEP. The BWA and PennFuture appealed the applicant's NPDES permit, which was taken to the DEP. The net result was a settlement agreement between the appellants and the developer, where certain modifications were agreed to in their development to the agreement of all sides. Jeff Hammond, Apex Clean Energy, confirmed the details shared by L. DeVito. Stated that the applicant went through extensive discussions on all aspects of stormwater and sediment control, and the settlement just occurred last week. The extra time is to finalize the NPDES considerations for the DEP. It was clarified that the process tonight is ministerial to set a timeframe for completion of the plans. The Municipalities Planning Code provides that time spent under litigation when an applicant's approvals are challenged does not count against the applicant.

Roll call: J. Belvin, yes; E. Gndt, no; J. Lastowski, yes; K. Meeker, yes; R. Wielebinski, yes. Motion carried.

Consent Agenda

- Motion to approve a consent agenda of the following items:
 - Old business consisting of the minutes of the May 15, 2023 meeting of the Board of Commissioners.
 - Financial transactions through June 1, 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

Report of the President

Richard Wielebinski

R. Wielebinski made a motion, seconded by J. Lastowski, to approve construction escrow release No. 6 for the Trapasso Hotel Land Development in the amount of \$499,076.30 as recommended by the Township engineer in a letter dated May 25, 2023. All in favor. Motion carried.

R. Wielebinski made a motion, seconded by E. Gndt, to approve the fireworks application for Camelback Resort for a display on July 2, 2023, subject to receiving the completed permit application with required bond and insurance certificate. J. Lastowski asked whether a rain date is scheduled. All in favor. Motion carried.

R. Wielebinski made a motion, seconded by J. Belvin, to approve the fireworks application for the Pocono Township Volunteer Fire Company for a display on July 20, 2023, subject to receiving the completed permit application with required bond and insurance certificate. J. Belvin inquired about waiving fee. The motion was amended to reflect waiver of fee for the fire company. All in favor. Motion carried.

- Discussion regarding maintenance and operation escrow requirements for land development projects that require installation of new traffic lights - To make a requirement, would include in SALDO. L. DeVito will work to draft language.

R. Wielebinski made a motion, seconded by J. Belvin, to authorize the Township solicitor to work with the Township engineer to craft an ordinance requiring a maintenance escrow for any new lights as part of a land development. All in favor. Motion carried.

Commissioner Comments

Jerrod Belvin – Vice President

- Motion to have the Township solicitor recover reimbursement from the owner of the property located at 210 Redwing Lane for emergency management supplies expended in the amount of \$594.00 in response to a hazmat fuel spill that occurred on May 19, 2023.

Emergency Management called out to fuel spill at the subject address. The fuel tank was ruptured at the location, and emergency response was able to act quickly with containing the spill. DEP and zoning have been involved in the incident.

J. Belvin made a motion, seconded by J. Lastowski, to have the Township solicitor recover reimbursement from the owner of the property located at 210 Redwing Lane for emergency management supplies expended in the amount of \$594.00 in response to a hazmat fuel spill that occurred on May 19, 2023. E. Gndt asked whether the homeowner's insurance will cover the cost. J. Belvin stated the land

is owned by a different individual than the owner of the trailer. L. DeVito will need a list of supplies, costs, and the name of the landowner. All in favor. Motion carried.

- Emergency Management Update
 - Laurel Lake Dam – Will know more in July. The HOA will provide dam recommendations to DEP by the end of June.
- Update – PPL utility lines and possible drainage issues on Barton Court – No update at this time.

Ellen Gndt – Commissioner

E. Gndt asked for an update regarding PJJWA transfer. L. DeVito will ask for approval to advertise the mandatory connection ordinance and a motion to execute the transfer agreement. E. Gndt asked for clarification regarding legal consideration in the transfer agreement. J. Lastowski asked a question regarding the revised map.

Jerry Lastowski – Commissioner

Discussion regarding bus stop at corner of Wiscasset/SR 611.

K. Meeker made a motion, seconded by J. Belvin, to remove the bus stop at the corner of Wiscasset/SR 611. All in favor. Motion carried.

J. Lastowski asked for an update regarding the rusted-out trailers on the Butz property.

Keith Meeker – Commissioner

Commended Jenn Gambino, road crew, and police department for efforts with Touch a Truck.

Reports

Zoning – Lindsey Scerbo distributed a monthly zoning report for the BOC review.

Police Report

- General police updates – No official report. Received one complaint the whole Memorial Day weekend for fireworks issues.

Ambulance Report - None

Public Works Report

- Current Public Works projects – Crew has completed significant roadside cutting and removal of dead trees. Continuing weed control and fertilization.
- Mountain View Park updates – Zip line was delivered for the park and completed a site visit to review installation needs. Expected installation end-of-June into July. Refurbished park entrance sign, added annual plantings, installed mulch/decorative stone and a historic grist wheel in the front. A new shed was delivered and installed at the top field for storage for the youth soccer program. Completed drainage along perimeter of the ball field.
- TLC Park updates
 - Splash Pad Installation – Progressing well. The footings were poured today and pad pouring scheduled for next week.
 - Dog Park Project(s) – Features have been assembled and will be installed later this week. Need additional rain to strengthen the new grass plantings.
- Update regarding potential lease purchase of new backhoe – No update.

E. Gndt asked for status on dog park opening.

Administration – Manager’s Report

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

Township Engineer Report – No new updates.

Township Solicitor Report

- 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.

R. Wielebinski made a motion, seconded by J. Belvin, authorizing Township solicitor to advertise for an ordinance codifying BCRA’s public water service area for consistency with the Township’s central sewage (Act 537) service area. All in favor. Motion carried.

- Zoning Hearing Board updates – No current requests for hearings.
- Update – Johnson Appeal Commonwealth Court argument - No update.
- Update – PJJWA transfer agreement – Transfer being finalized. Asking Board for motion to authorize the execution of the PJJWA asset purchase agreement between PJJWA as seller and BCRA as buyer.

R. Wielebinski made a motion, seconded by J. Belvin, to authorize signatory on PJJWA transfer agreement. All in favor. Motion carried.

E. Gndt asked for status regarding opinion for the Golden Slipper hospital zoning hearing. L. DeVito will follow up.

Public Comment

Lisa Buccholz (Jackson Township Resident) – Shared how impressed she was by Touch a Truck and gave kudos to Jennifer Gambino for her work.

Marie Guidry (Resident) – Stated she appreciates the work of transferring PJJWA to BCRA.

Adjournment

R. Wielebinski made a motion, seconded by J. Lastowski, to adjourn the meeting at 7:51 p.m. into executive session to discuss personnel and CBA negotiation matters and not return. All in favor. Motion carried.