

**REGULAR MEETING  
MINUTES  
September 3, 2019 7:00 P.M.**

The regular meeting of the Pocono Township Commissioners was held on Tuesday, September 3, 2019 at the Pocono Township Municipal Building, Tannersville, PA, and was opened by President Gerald Lastowski at 7:00 p.m., followed by the Pledge of Allegiance.

**ROLL CALL:** Keith Meeker, present; Rich Wielebinski, present; Gerald Lastowski, present; Chad Kilby, present. Jerrod Belvin, present,

**IN ATTENDANCE:**

Leo DeVito, Twp. Solicitor, Broughal & DeVito; Jon Tresslar, Twp. Engineer, Boucher & James, Inc.; Donna M. Asure, Township Manager; and Dee Ackerman, Administrative Assistant.

**PUBLIC COMMENT:**

Ellen Gndt, Twp. Resident asked about the status of the audit. She was told the audit is scheduled to be presented at the September 16<sup>th</sup> meeting.

Ms. Gndt questioned the draft Transient Dwelling Use (TDU) Ordinance and the difference between that and a short-term rental. Solicitor DeVito explained that TDU's have always been allowed in the commercial and RD districts and this is a health, safety and welfare ordinance.

Ms. Gndt questioned the Amusement Tax. The Board stated that the township has voted to implement this tax on January 1, 2020 and is reaching out to involved parties to amicably do so. The township is also waiting to find out the new assessment for the township.

Ms. Gndt questioned as to when the detention basin on the township property was going to be completed. R. Sargent stated this Thursday.

Ms. Gndt asked that when the minutes of August 5, 2019 are discussed will there be public comment before the vote

**ANNOUNCEMENTS:**

J. Lastowski announced that the following –

- An executive session was held on August 29, 2019 to discuss negotiations and personnel
- An executive session was held this evening, September 3<sup>rd</sup> to discuss litigation including The Shoppes at Turtle Walk, the Gndt Lawsuit and the Amusement Tax

**HEARINGS:**

J. Lastowski opened the hearing to consider Ordinance 219-05. L. DeVito, Township Solicitor explained the information contained within the ordinance.

J. Lastowski made a motion, seconded by C. Kilby, to close the hearing for Ordinance 2019-05. Roll Call Vote: K. Meeker, yes; R. Wielebinski, yes; J. Lastowski, yes; C. Kilby, yes; J. Belvin, yes. Motion carried.

J. Lastowski made a motion, seconded by C. Kilby, to adopt Ordinance 2019-05 amending Chapter 145, construction codes, Uniform; Article 1, building construction; Section 1457 Fees of the Code of Codified Ordinances to provide fees for enforcement and administration of the Construction code of the Township of Pocono. Roll Call Vote: K. Meeker, yes; R. Wielebinski, yes; J. Lastowski, yes; C. Kilby, yes; J. Belvin, yes. Motion carried.

**PRESENTATIONS:** Update from Jason Fitzgerald, JDM Consulting, grant writer (taken out of order during personnel)

Jason Fitzgerald, JDM Consulting was present to update the board on the grant applications submitted to date, the anticipated dates the state will consider the applications and new programs available for applications. An RCAP grant was submitted for the township complex but was not successful. Will be resubmitted in next years round. Two DCED grants have been submitted by the July 31<sup>st</sup> deadline, the turning lanes and the streetscape project. Both have received positive feedback. No date set for consideration by the CFA. The Board was told of funding now available through the LSA program. Applications are due by September 30, 2019. The Board instructed the manager to work with the engineer and the grant writer to submit an LSA grant application for the repair of the dam at TLC. The Board was informed about the discussions with PJJWA concerning Small sewer and water grants that may be available to PJJWA.

**RESOLUTIONS:** none

**MINUTES:**

J. Lastowski made a motion, seconded by R. Wielebinski, to approve the minutes of the 08/5/2019 regular meeting of the Board of Commissioners.

J. Belvin made a motion to amend the 8/5/19 minutes, seconded by R. Wielebinski, to add the following statement to the August 5, 2019 Board of Commissioner meeting minutes. Discussion followed on the proper way to have the minutes amended. L. DeVito stated that you may amend the minutes and if amended it should be opened to public comment.

Commissioner Belvin stated –

Tonight, I want to make a formal statement for inclusion in our official minutes to address a grave concern stemming from a very serious remark that was made at our Aug 5th commissioner's meeting.

As many Pocono residents know, there has been a rash of municipal shootings in Monroe County that have touched close to home - specifically and most recently with the loss of our Zoning officer, Mike Tripus. Mike's passing left a huge void both in the personal lives of those who loved him and professionally within our township.

In light of the tragic shooting that took one of our own, in addition to the tragedy in Ross Township a few years back, I take it very personally as an elected official when comments are made - even if seemingly "in jest" - that make light of something as serious as a shooting. As elected officials, we sit up here because our fellow residents put their faith and trust in our leadership, and we do our absolute best to make integrity-driven decisions on a host of very difficult issues that impact our township. Today, as elected officials, we sometimes find ourselves figuratively and literally in the cross hairs of angry residents - simply because we are up here doing what we feel is right for our township.

At the Aug 5'th meeting, a seemingly benign issue was discussed regarding ongoing issues with a township drainage pipe and its impact (or lack thereof) on a neighboring resident's property. There were a number of issues at play that were not the township's doing - as has been affirmed and supported by the County Conservation District and our Township Engineer Jon Tresslar.

While discussing this issue, the township minutes reflect that Ms. Ellen Gndt made remarks in relation to this issue, but the minutes do not reflect the details of the exchange, which I would like to have formally reflected in tonight's minutes. As the aforementioned drainage pipe issue was discussed, Ms. Gndt made a comment stating: "she (the affected neighbor) had tried to help herself and put some –allegedly- put some sandbags in there. And I'm just saying maybe if the township had ah, attended to that earlier you wouldn't have got that far. But at least it was a sandbag and not a gun, so" ...(-laughter) - and then she proceeded to laugh. I have been made aware of public meetings in this County where residents were removed from meetings for lesser comments and it is my opinion that this type of "joking" or lewd comment has no place in our township.

The next time a comment like this is made by any individual, I would request that the President have said individual removed from the meeting.

Public comment –

E. Gndt, Twp. Resident, questioned what would be placed in the minutes. She informed the board that she wanted a copy of the transcript and stated that the tape should not be destroyed. She was instructed to submit a Right To Know.

Roll call Vote: K. Meeker, abstain; R. Wielebinski, yes; J. Lastowski, yes; C. Kilby, yes; J. Belvin, yes. Motion carried.

J. Lastowski made a motion, seconded by R. Wielebinski, to approve the minutes of the 08/15/2019 special and regular meeting of the Board of Commissioners. Roll call Vote: K. Meeker, abstain; R. Wielebinski, yes; J. Lastowski, yes; C. Kilby, yes; J. Belvin, yes. Motion carried.

**NEW BUSINESS:**

Personnel -

The Board acknowledged the completion of the one-year probationary period for Officer Raymond Kuehner effective August 20, 2019 and sent congratulations.

(Presentation by grant writer)

J. Lastowski made a motion, seconded by J. Belvin, to approve the continued internship of Reecha Patel beginning September 4, 2019 through December 31, 2019 for up to ten (10) hours per week at a rate of \$12.00 per hour. Roll Call Vote: K. Meeker, yes; R. Wielebinski, yes; J. Lastowski, yes; C. Kilby, yes; J. Belvin, yes. Motion carried.

### **Financial Transactions –**

#### Ratify vouchers payable

J. Lastowski a motion, seconded by C. Kilby, to ratify vouchers payable for a period ending 08/29/2019 in the amount of \$ 6,109.09. Roll call Vote: K. Meeker, yes; R. Wielebinski, yes; J. Lastowski, yes; C. Kilby, yes; J. Belvin, yes. Motion carried.

#### Ratify gross payroll -

J. Lastowski made a motion, seconded by J. Belvin, to approve to ratify the gross payroll for the pay period ending August 11, 2019 in the amount of \$ 104,283.76 and pay period ending August 25, 2019 in the amount of \$ 105,925.97. Roll call Vote: K. Meeker, yes; R. Wielebinski, yes; J. Lastowski, yes; C. Kilby, yes; J. Belvin, yes. Motion carried.

#### Vouchers Payable

J. Lastowski made a motion, seconded by C. Kilby, to approve vouchers payable received through 08/29/2019 in the amount of \$ 6,791.38. Roll call Vote: K. Meeker, yes; R. Wielebinski, yes; J. Lastowski, yes; C. Kilby, yes; J. Belvin, yes. Motion carried.

#### Capital Expenditures

J. Lastowski made a motion, seconded by R. Wielebinski, to approve the capital expenditures for the period ending 8/29/19 in the amount of \$ 11,987.47. Roll call Vote: K. Meeker, yes; R. Wielebinski, yes; J. Lastowski, yes; C. Kilby, yes; J. Belvin, yes. Motion carried

#### Emergency Generator-

J. Lastowski made a motion, seconded by J. Belvin, to approve the bid received from Crowder Jr. Company in the amount of \$ 13,468.00 for emergency generator and automatic transfer switch integration. Roll call Vote: K. Meeker, yes; R. Wielebinski, yes; J. Lastowski, yes; C. Kilby, yes; J. Belvin, yes. Motion carried

#### Fall Clean-up –

D. Asure reported that only one bid was received for the fall clean-up. The packet from Northeast Cartage was discussed. R. Wielebinski made a motion, seconded by C. Kilby, to award the fall clean-up to Northeast Cartage at \$35/yard for dumpsters for September 27 and 28, 2019. Discussion followed concerning the prices charged to residents. The Commissioners instructed the manager to set and advertise the prices for fall clean-up. Roll call Vote: K. Meeker, yes; R. Wielebinski, yes; J. Lastowski, yes; C. Kilby, yes; J. Belvin, yes. Motion carried

### **REPORT OF THE PRESIDENT:**

Gerald Lastowski, President

J. Lastowski stated that he met with staff from Congressman Matt Cartwright's office concerning grants that may be available for the PJJWA water system. The Congressman's office suggested the USDA, which they may be helpful with.

J. Lastowski reported that Senator Scavello has told him that the first part of the 715.611 realignment will now begin with the mountain area at Rt. 715. They are conducting environmental studies which may take six months and then they will need to negotiate the taking of the land with the landowner.

J. Lastowski made a motion, seconded by R. Wielebinski, for discussion, to authorize the zoning officer to conduct an inspection at 1923 Route 611 for possible dangerous structure violations. Discussion followed concerning the fact that this property has been discussed in the past and nothing has happened. It is hoped that this time if violations are documented follow through will occur. Roll call Vote: K. Meeker, yes; R. Wielebinski, yes; J. Lastowski, yes; C. Kilby, yes; J. Belvin, yes. Motion carried

J. Lastowski made a motion, seconded by R. Wielebinski, to authorize the zoning officer to conduct an inspection at Lots 17 & 18, Pocono Manor for possible dangerous structure violations. Roll call Vote: K. Meeker, yes; R. Wielebinski, yes; J. Lastowski, yes; C. Kilby, yes; J. Belvin, yes. Motion carried

J. Lastowski questioned whether all board members had received the memo from a citizen concerned about the move to go from 4G to 5G for wireless services. Discussion followed on whether hazards exist with this type of equipment. No action taken.

## COMMISSIONERS COMMENTS

Rich Wielebinski - Vice President -

Commissioner Wielebinski discussed the Hometown Heroes program which is done in many towns. He contacted another township and received information. R. Wielebinski made a motion, seconded by J. Belvin, to initiate the Hometown Heroes program for Pocono Township and to post the information on the township website and on billboard. Roll call Vote: K. Meeker, yes; R. Wielebinski, yes; J. Lastowski, yes; C. Kilby, yes; J. Belvin, yes. Motion carried

Keith Meeker – Commissioner - none

Chad Kilby - Commissioner

Intersection Lighting Update – C. Kilby reported that light project is completed in the Scotrun area.

Traffic Control through Tannersville - C. Kilby discussed the meeting that was held with PennDot on the township's concerns over traffic congestion. Delineators were discussed at that meeting and the township would like to move forward but it appears that PennDot now has concerns over this project. The Board requested that the manager reach out to PennDot with the draft plans of placement of delineators, contact the county to see if there has been or can be a traffic study in the Sullivan Trail area and if not what would be the cost of such a study.

TLC Park Fencing – C. Kilby discussed the vision for TLC Park and installing a split rail fence. Discussion followed on the timing of the installation of the fence at TLC Park, the fact that it adds a level of security to the area and it will show residents that the board is moving forward with making TLC Park a park residents can be proud of. C. Kilby made a motion, seconded by K. Meeker, to install 650 feet of 2 rail split rail fencing at TLC Park in an amount not to exceed \$2600.00. Roll call Vote: K. Meeker, yes; R. Wielebinski, yes; J. Lastowski, yes; C. Kilby, yes; J. Belvin, yes. Motion carried

To Fish Hill Road Closure – Discussion occurred on the safety concerns of people using Learn to Pigeon and To Fish Hill Roads as short cuts to avoid traffic. C. Kilby made a motion, seconded by J. Belvin, to shut To Fish Hill Road down. Further discussion followed on how this could be done and the legal requirements to do so. C. Kilby withdrew his motion, J. Belvin withdrew his second. C. Kilby made a motion, seconded by J. Belvin, to authorize the solicitor and engineer to prepare an ordinance and plans to close off "To Fish Hill Road" no later than the first meeting in October. Roll call Vote: K. Meeker, yes; R. Wielebinski, yes; J. Lastowski, yes; C. Kilby, yes; J. Belvin, yes. Motion carried

Jerrod Belvin – Commissioner –

J. Belvin made a motion, seconded by R. Wielebinski, to authorize the zoning officer to conduct an inspection at 2477 Clubhouse Drive and 452 Cherry Lane Road for possible dangerous violations. Roll call Vote: K. Meeker, yes; R. Wielebinski, yes; J. Lastowski, yes; C. Kilby, yes; J. Belvin, yes. Motion carried

J. Belvin made a motion, seconded by K. Meeker, to authorize the zoning officer to proceed with Notice of Violations for dangerous structures at 164 JoJo Road based on inspection conducted. Roll call Vote: K. Meeker, yes; R. Wielebinski, yes; J. Lastowski, yes; C. Kilby, yes; J. Belvin, yes. Motion carried

NIMS Update – J. Belvin reported that under Title 35 all elected officials must take certain emergency management courses. With the addition of Commissioner Meeker, Pocono Township, for the first time since 2008, is in compliance with this regulation and all Commissioners have taken the required courses.

Bollards in front of Public Works – Discussion occurred on installing bollards in the front of the public safety building. The road supervisor was instructed to move forward with this installation.

Aerating Fountain at TL Park – J. Belvin discussed the need to aerate the water in the pond at TLC park. J. Belvin made a motion, seconded by R. Wielebinski, to authorize the purchase of an aerating fountain to be installed in the pond at TLC park for an approximate amount of \$1500.00. Public Comment – E. Gandt asked if this is a water fountain to drink from. It was explained this is a fountain to aerate the pond. Roll call Vote: K. Meeker, yes; R. Wielebinski, yes; J. Lastowski, yes; C. Kilby, yes; J. Belvin, yes. Motion carried

## REPORTS:

### Public Works

Road Crew Projects - R. Sargent reported the shoulder work has been completed today and they will move on to blacktopping some township roads.

Park Operations - R. Sargent reported all is looking very good at the park. The Board stated that the park is starting to look very nice.

Lighting from Heritage Center to Basketball Courts – R. Sargent reported he and Commissioner Belvin worked on this issue and he is moving forward with repairing.

Line Stripping – R. Sargent reported that the company was supposed to be here today to line strip roads that were not paved. He is uncertain if they were but will check.

Woodlands road issues – R. Sargent stated he is unaware of any issues within this development. Commissioner Wielebinski stated that several months ago there were issues that were going to be looked into concerning drainage.

Mowing Shoulders – R. Sargent stated he has been unable to get to this task due to manpower issues. He hopes this will begin by the end of the week.

Pipe Replacement Report – R. Sargent reported the road crew has installed 78 pipes this year.

Retention Basin - R. Sargent reported that this was discussed earlier and he will begin work on the retention basin on September 5<sup>th</sup>.

### Administration - Manager's Report

Regional Comprehensive Plan – The proposals for consultant were received and a date is being determined for interviews.

Traffic Task Force - No report

Pocono Business Association – An email was sent but to date only one response.

Green Light Go 2015 – No update has been received from PennDot.

Green Light Go 2017 – No update.

D. Asure reported that correspondence has been received for the following projects as listed –

- Extension received from Tannersville Point through November 30, 2019
- Extension received from BCRA Pump and Tank Station through October 21, 2019
- Extension received from Running Lane Hotel Land Development and Minor Subdivision Plan through December 31, 2019

PSASTS regional Fall Forum – D. Are reported that the Fall Forum for PSATS will be held at Kalahari on November 15<sup>th</sup> and 16<sup>th</sup> at a cost of \$75.00 per person. The Board members are interested in attending and the manager will look into registration.

Township Garbage Pickup – D. Asure reported that Northeast Cartage has presented the township with a quote to become the garbage hauler for the township properties. J. Belvin made a motion, seconded by C. Kilby, to accept the quote from Northeast Cartage for trash removal at township complex, MVP and Pump Station 5 at a cost of \$342.00 per month. Under discussion it was reported that this will save approximately \$200 per month. Roll Call Vote: K. Meeker, yes; R. Wielebinski, yes; J. Lastowski, yes; C. Kilby, yes; J. Belvin, yes. Motion carried.

#### **TOWNSHIP ENGINEER REPORT:**

White Oak Culvert replacement project - no report – waiting on grant

Right Hand Turn Lanes - Information provided to grant writer

TLC Bridge- Discussed earlier.

TLC Dam – will work with grant writer to get information needed for LSA grant.

Culvert Cleaning Maintenance - No report

Master Sidewalk Plan - Everything has been submitted to grant writer on behalf of the township

Erosion and Sedimentation Ordinance – C. Kilby made a motion, seconded by R. Wielebinski, to authorize the township solicitor to advertise for a public hearing to consider the Erosion and Sedimentation Ordinance on September 16, 2019. Roll Call Vote: K. Meeker, yes; R. Wielebinski, yes; J. Lastowski, yes; C. Kilby, yes; J. Belvin, yes. Motion carried.

Well at Mountain View Park - J. Tresslar reported they are working on plans for a small filtration system which should be done by the end of the week. The road crew can do a majority of the project but an electrician will be needed to do the final hookup. .

MS4 - no update

Generator – discussed earlier.

145 Camelback Road – J. Tresslar reported that as Floodplain Administrator he conducted an inspection on this property and there are violations. There is a bridge with no permit which DEP has already been no site to inspect, and there appears to be buildings, with or without permits, that appear to be in the floodplain. He will be sending a letter to the property owner.

#### **TOWNSHIP SOLICITOR REPORT**

Exxon Monitoring Wells - no report

White Oak Culvert easements - L. DeVito is working with J. Tresslar to develop a concept for the access.

Breezewood Drive Easements – discussion with property owner

Feeling Good LLC et al court update – L. DeVito reported that the civil suit filed by Feeling Good, LLC, another One Bites the Dust, LLC and Tatiana Marchenko was heard on August 28, 2019. The Judge ruled in the favor of the township concerning the injunction but is considering the other items in the suit.

Transient Dwelling Use – L. DeVito reported that the draft ordinance has been reviewed by zoning and building codes and a few small changes were made. R. Wielebinski made a motion, seconded by K. Meeker, to authorize the township solicitor to advertise for a public hearing to consider the Transient

Dwelling Use Ordinance to be held on September 16, 2019. Roll Call Vote: K. Meeker, yes; R. Wielebinski, yes; J. Lastowski, yes; C. Kilby, yes; J. Belvin, yes. Motion carried.

1563 Sullivan Trail – L. DeVito reported that constables were used to serve the Notice of Violation to the owner of 1563 Sullivan Trail. A tentative hearing date has been scheduled for September 30, 2019. J. Lastowski, made a motion, seconded by J. Belvin, to authorize the solicitor to attend the hearing on 1563 Sullivan Trail with the Zoning Officer. Roll Call Vote: K. Meeker, yes; R. Wielebinski, yes; J. Lastowski, yes; C. Kilby, yes; J. Belvin, yes. Motion carried.

**PUBLIC COMMENT:** none

**ADJOURNMENT:**

J. Lastowski made a motion, seconded by R. Wielebinski, to adjourn the meeting at 8:20pm. Roll call Vote: R. Wielebinski, yes; J. Lastowski, yes; C. Kilby, yes; and J. Belvin, yes. Motion carried.