

**Pocono Township Board of Commissioners
Regular Meeting Minutes
August 17, 2020 7:00 p.m.**

The regular meeting of the Pocono Township Commissioners was held on August 17, 2020 at the Pocono Township Municipal Building, Tannersville, PA, and opened by President Rich Wielebinski at 7:00 p.m. followed by the Pledge of Allegiance.

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

In Attendance: L. DeVito, Township Solicitor, Broughal & DeVito; Jon Tresslar, Township Engineer, Boucher & James, Inc.; Taylor Muñoz, Township Manager; and Dee Ackerman, Administrative Assistant.

Public Comments

Lorri Zimmerman (145 Ponder Lane, Scotrun) – Received copy of a building permit issued 7/30/2020 and asked that no permits be issued on this parcel of property without the legal owner's permission. Stated that SBA Network Services was issued a permit and neither she nor Robert Miller Jr. were notified. She would like evidence of who signed for the permit as the owner. She states there was no contact and both were unaware of the work for which the permit was issued.

Juliana Farrell (314 Bog Road, Stroudsburg) – Thanked the Commissioners for installing the speed limit signs and "Local Deliveries Only" sign. She expressed concerns that the limitations are not being enforced. R. Wielebinski will have the Manager work with the Chief of Police to address the issue.

Announcements

- An executive session was held on Wednesday, August 12, 2020 to discuss personnel issues.
- The Board of Commissioners will be holding a work session this Wednesday, August 19, 2020 for the purpose of discussing the Township's 2021 budget. Members of the public are welcome to attend.
- Township residents are encouraged to please respond to the 2020 Census by going to www.2020census.gov. It is critical that Pocono Township receives an accurate census count, so the Township receives the state and federal funds due the Township for the next 10 years.
- If you have not already, we would encourage you to sign up for the Township newsletter at www.poconopa.gov, follow our Facebook page for frequent community updates and subscribe to our Township-wide Savvy Citizen notification system at www.savvycitizenapp.com.

Hearings

Ordinance 2020-06 – Motion to adopt Ordinance 2020-06 amending the Code of Ordinances of Pocono Township, Chapter 398, Taxation, Article IV, Amusement Tax; and repealing all ordinances inconsistent herewith.

R. Wielebinski made a motion, seconded by J. Belvin, to open a public hearing on Ordinance 2020-06. All in favor. Motion carried.

- L. DeVito indicated at the last meeting there was a typographical error on the amusement tax draft. It was re-advertised on August 8, 2020. No public comment on the ordinance.

R. Wielebinski made a motion, seconded by K. Meeker, to close the public hearing on Ordinance 2020-06. All in favor. Motion carried.

R. Wielebinski made a motion, seconded by K. Meeker, to adopt Ordinance 2020-06 amending the Code of Ordinances of Pocono Township, Chapter 398, Taxation, Article IV, Amusement Tax; and repealing all ordinances inconsistent herewith. All in favor. Motion carried.

Presentations

- Apex Clean Energy, Swiftwater Solar Project – Jeff Hammond, Director of Project Development to update Commissioners regarding status of solar project on Pocono Manor property.
 - Jim Cahill, managing partner with Pocono Manor Investors (PMI), provided background on the Pocono Manor site, history of other projects proposed and current focus on clean energy. Introduced Robert Gurman, Chief Financial Officer for PMI, who handles the Bailey Family's investments. R. Gurman has investigated a variety of energy projects for PMI and it was determined the area off Back Mountain Road is optimal for solar development. Apex Clean Energy was selected to undertake this solar project.
 - Jeff Hammond, Director of Project Development for Apex Clean Energy, stated he will serve as the point of contact for this project and explained Apex is one of largest and fastest growing renewable energy companies in the U.S. The proposed Swiftwater Solar project will generate 80 megawatts of electricity over 600 acres of PMI owned land, generating clean energy equivalent to approximately 12,000 homes. Apex has met with the Planning Commission and Zoning Officer, Shawn McGlynn, to present a sketch plan. The project has been classified as a major essential service. The project is in a permitted RD district and will generate an estimated \$150,000-200,000 per year in property tax payments. The area will be clear-cut of trees and the impact on drainage and water accumulation is being discussed with the County Conservation District. R. Wielebinski was assured Apex is using best management practices for all state and county approvals.

Resolutions – No resolutions.

OLD BUSINESS

R. Wielebinski made a motion, seconded by J. Belvin, to approve the minutes of the August 3, 2020 regular meeting of the Board of Commissioners. All in favor. Motion carried.

NEW BUSINESS

1. **Personnel** – No new business.

2. **Financial Transactions**

R. Wielebinski made a motion, seconded by K. Meeker, to ratify vouchers payable received through August 13, 2020 in the amount of \$101,600.48. All in favor. Motion carried.

R. Wielebinski made a motion, seconded by E. Gndt, to ratify gross payroll for pay period ending August 9, 2020 in the amount of \$101,118.50. All in favor. Motion carried.

R. Wielebinski made a motion, seconded by K. Meeker, to approve vouchers payable received through August 13, 2020 in the amount of \$460,009.78. All in favor. Motion carried.

R. Wielebinski made a motion, seconded by E. Gndt, to approve sewer construction fund expenditures through August 13, 2020 in the amount of \$1,336.14. All in favor. Motion carried.

R. Wielebinski made a motion, seconded by J. Belvin, to approve capital fund expenditures through August 13, 2020 in the amount of \$749,807.92. All in favor. Motion carried.

R. Wielebinski made a motion, seconded by J. Belvin, to approve Liquid Fuels expenditure in the amount of \$473,000.00. Discussion followed. R. Wielebinski amended his motion, seconded by J. Belvin, to approve Liquid Fuels expenditure in an amount not to exceed the amount received from the state. All in favor. Motion carried.

3. Travel/Training Authorizations – No travel/training authorizations.

Report of the President

Richard Wielebinski

- Update - LED Speed Signs Purchase. T. Muñoz was commended for obtaining quotes from five companies for radar speed signs. Quotes were sent to Commissioners prior to the meeting and Elan City's quote was discussed further. J. Belvin inquired whether they were cloud accessible and T. Muñoz indicated Elan City is the only company that offers free data collection and cloud services for the life of the unit.

R. Wielebinski made a motion, seconded by J. Belvin, to purchase 4 Evolis Radar Speed Signs from Elan City for \$11,398.00 and an additional four brackets at \$50 apiece for a total cost of \$11,598.00. All in favor. Motion carried.

- Discussion regarding TLC Park capital project priorities. T. Muñoz reminded the Board of two active grant applications through DCNR and DCED for TLC park upgrades. Will reach out to BCRA about replacing the basketball court that was damaged during their project. The hoops were donated by Camp Lindenmere. Discussion continued regarding the ice skating area, maintenance of a prospective dog park, bidding for topsoil and chain link fence installation. Discussion was tabled until further figures are received from J. Tresslar detailing the cost of rehabilitating the dam spillway.
- Discussion was held regarding the appointment of two new Planning Commission members, following the resignation of two former members, and appointment of a new representative to the PJJWA Board.

R. Wielebinski made a motion, seconded by J. Belvin, to appoint Christina Kauffman and Joe Folsom as full-time Planning Commission members to the Board. All in favor. Motion carried.

- Manager will advertise for interested applicants for the Planning Commission and PJJWA Board.

Commissioner Comments

Jerrod Belvin, Vice President

- Emergency Management Update. Extensive flooding was experienced throughout the Township from recent storm events. Township is seeking mitigation funds to deal with storm damage. Significant damage was incurred to various stormwater facilities, including the Learn Road bridge. J. Tresslar assessed the damage to the bridge and estimated total replacement costs of approximately \$350,000, which will be shared with the County for possible emergency funding. Many of the Township bridges are hydraulically underrated. J. Belvin thanked the Board members for their support during the storm event.

Ellen Gandt – Commissioner

- Review of year-to-date Township financials. Review of financials will take place Wednesday, August 12, 2020, which was formally advertised.

Jerry Lastowski – Commissioner

- Stated the Township's mask-wearing policy should be extended to include that all individuals in common areas should be masked until they get to where they are meeting Township personnel. It is then up to those individuals to determine whether a mask is required for the duration of their meeting.

J. Lastowski made a motion, seconded by R. Wielebinski, to require that all individuals wear masks in all common areas of the Township until they get to the area they are meeting, where it is then up to those individuals to determine whether mask use is necessary. All in favor. Motion carried.

- Update – Special allocation to fire company for costs incurred at Pocono Manor fire. The Township Manager reached out to his contact with Pocono Manor who contacted their insurance company. The insurance company is willing to cover all the fuel costs incurred by the Pocono Township Volunteer Fire Company (PTVFC), which amounts to approximately \$8,000.00. Bills will be forwarded for reimbursement. While the Fire Department's insurance company covered other expenses, the Fire Department did not receive reimbursement for a \$250 deductible out-of-pocket expense. Discussion followed as to whether the Township should cover this cost. E. Gndt stated she would prefer the deductible not come from taxpayer dollars and offered to personally cover the cost of the deductible. J. Lastowski stated he feels the residents collectively support and benefit from the PTVFD and that it is appropriate that taxpayer dollars cover the expense.

J. Lastowski made a motion, seconded by R. Wielebinski, to cover the \$250 insurance deductible to the PTVFD. Roll call vote: J. Belvin, yes; E. Gndt, no; J. Lastowski, yes; K. Meeker, yes; R. Wielebinski, yes. Motion carried.

- E. Gndt made a personal donation of \$250 to the Pocono Township Volunteer Fire Department.
- J. Lastowski expressed concerns about individuals not participating in the census and possible errors for those who have. He stated he filled out the census information and still had multiple census takers arrive at his home claiming no information was received from him. He expressed his hope that all issues with the Census are fixed.

Keith Meeker – Commissioner – No comment.

Reports

Zoning – No report.

Emergency Services

- Police – No report.
- EMS – No report.
- Fire – No report.

Public Works Report

- Road Crew Projects – In process of upgrading drainage areas that washed out from the recent storm. Serfas Dr. and Beehler Rd. had 4-inch rock pushed out onto Rt. 611. Road crew is cleaning up and providing additional retention in various areas.
- Robin Lane Drainage Issues – J. Tresslar indicated survey work is complete, stakes were installed in the right-of-way, and looking to finalize easement agreements.
- Park Lane Culvert Replacement – Dirt and Gravel Grant – Boucher & James filed for a GP-11 permit for the Park Lane Culvert replacement. Waiting on the permit.
- Update – Well Work at MVP and Replacement Fixtures – Waiting on DEP's approval to open restrooms. At the recommendation of Mike Gable from Boucher & James, Water Specialist Craig LaBarre has been consulted to complete DEP's re-opening requirements. C. LaBarre has decades of experience in water issues and is in the process of helping the Township meet all procedures and punch list items required by DEP. Will meet onsite Thursday, August 20, 2020 to

fine tune the system and make sure next tests are completed to DEP standards. Everything is installed and ready to go. Further discussion was held.

- R. Wielebinski spoke of the flooding that occurs from Pocono Creek. He observed large trees impeding the water flow. Pat Ross, member of the Conservation District Board, suggested consulting with the Monroe County Conservation District to clean out the creek. T. Munoz indicated the Conservation District is fine with the Township doing the work and bearing the full cost if environmental approvals are granted. It was suggested to reach out to Brodhead Watershed Association and Trout Unlimited to inquire about grants.

Administration – Manager’s Report

- Wine Press Inn – Interest in Township-owned property. Mr. Desai is going to speak to Chris McDermott of Reilly associates and re-retain his services so a conversation can be had between the Township and Mr. Desai to ensure the environmental information is up-to-date, engineering is current and that the project will not have any impact on the sewer pump station located adjacent to property Mr. Desai wants to purchase.
- Request for re-calculation of TDU permit fees – Eunyong Chang. Ms. Chang received a short term rental permit earlier this year. She paid full permit fees and is disappointed she will again have to pay the full renewal permit fee this fall, as the Township does not have a process for prorating permit fees for transient dwellings. Board discussion stated that annual fees are paid by all short-term rentals, regardless of whether they are renting for the full or partial year. Also stated it is clear on the application when renewal fees take effect.
- Update on pending grant applications. The LSA grant deadlines were pushed back two months due to COVID-19, so grant applications open on September 1 through the end of November. Township will submit for two grants that were approved prior – one for the Rimrock Road turning lanes project and another for fire company equipment. The PJJWA DCED grant for approximately \$495,000 is in the works for approval.
- 2020 Census Response. Township residents are encouraged to please respond to the 2020 Census by going to www.2020census.gov. It is critical that Pocono Township receives an accurate census count, so the Township receives the state and federal funds due the Township for the next 10 years.
- Electric contract. A 12-month agreement was signed with World Connect Energy Services at a rate of \$0.06069/kWh. The company has contract provisions where, if there are lower supplier rates in the interim, the Township may be able to blend new rates into the current agreement at a lower cost and extend it further during the agreement. There are no penalties for early departure from the contract.

Township Engineer Report

- Discussion regarding revised final land development plan for Trap Enterprises. J. Tresslar noted that Trap Enterprises submitted a land development plan in 2013 that received final approval for an office building, vacant lot and a gas station with convenience store. Plan was given final approval but never recorded. Trap Enterprises recently submitted a revised plan with a date of July 31, 2020, which entails some minor plan revisions related to having obtained a specific user for the planned gas station, which is understood to be Sheetz. It was determined that an engineer’s review is all that would be necessary to approve the changes. Three minor issues should be addressed, based on the Engineer’s review.

J. Belvin made a motion, seconded by J. Lastowski, to approve the revised final land development plan conditioned on meeting the three outstanding items identified by the Engineer’s review letter. All in favor. Motion carried.

J. Lastowski made a motion, seconded by J. Belvin, that Trap Enterprises comply with all the terms and conditions of the original resolution approving the land development plan. All in favor. Motion carried.

- Discussion regarding the St. Paul's Lutheran Church drainage basin. J. Tresslar will reach out to the engineer for the church and work to establish a timeline for remediation.
- Roof Replacement on Maintenance Building. An onsite pre-bid meeting was held on August 13 with four prospective bidders for the re-bidding of the Public Works roof replacement.

Township Solicitor Report

- Discussion regarding amendment to the HJP Park cooperation agreement. Solicitors for respective municipalities are working to transfer Hamilton's interests to Jackson and Pocono.
- DCNR Assignment of Sewer Line Agreement. Language has been finalized between DCNR and the Township. The Sewer Agreement will be on the agenda for approval at the next Commissioners meeting in September.
- Update – ZHB – Johnson Appeal for Transient Dwelling Unit. Hearing was held on July 24 and a continuance hearing is scheduled for August 26 where the Township will present its case.

Public Comment – No public comment.

Adjournment

R. Wielebinski made a motion, seconded by K. Meeker, to adjourn the meeting at 9:04 p.m. All in favor. Motion carried.