

**Pocono Township Board of Commissioners
Regular Meeting Minutes
October 5, 2020 7:00 p.m.**

The regular meeting of the Pocono Township Commissioners was held on October 5, 2020 at the Pocono Township Municipal Building and opened by President Rich Wielebinski at 7:00 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: L. DeVito, Township Solicitor, Broughal & DeVito; Jon Tresslar, Township Engineer, Boucher & James, Inc.; and Taylor Muñoz, Township Manager.

Public Comments – None

Announcements

- A public work session will occur this Wednesday, October 7, 2020 for the purpose of discussing the FY 2021 Budget.
- 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 - None

Presentations

- Northridge at Camelback – Presented proposed amendment to Land Development Plan, changing Building 1 from four Units to seven units. Structure was shown where seven units will be added and three units removed to remain within overall approved unit count. E. Gndt asked if the area where the three units are removed will still show a four-unit or one-unit footprint. It was clarified that it will either be one unit, or they will possibly eliminate the four units altogether. L. DeVito indicated the form of ownership was changed from “fee ownership” to “shared ownership” and that any changes in unit count would need to remain under the overall number of units approved. It was clarified that the question before the Board was whether the applicant should be issued a temporary certificate of occupancy permit for Building 1 only.

J. Belvin made a motion, seconded by K. Meeker, to authorize the Township Zoning Officer to issue a temporary certificate of occupancy to Northridge at Camelback for Building #1, a seven-unit multi-family building, conditioned on the approval of the revised final land development plan, final PRD plan and major modification of their NPDES permit. All in favor. Motion carried.

Resolutions

R. Wielebinski made a motion, seconded by K. Meeker, to approve the submission of a Multimodal Transportation Fund grant application in the amount of \$1,100,000 to the Commonwealth Financing Authority. Discussion followed providing clarification for the remaining cost of the road project. All in favor. Motion carried.

R. Wielebinski made a motion, seconded by J. Lastowski, to approve the submission of a Multimodal Transportation Fund grant application in the amount of \$1,100,000 to the Pennsylvania Department of Transportation. All in favor. Motion carried.

OLD BUSINESS

R. Wielebinski made a motion, seconded by K. Meeker, to approve the minutes of the September 21, 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 E. Gndt, to ratify vouchers payable received through October 1, 2020 in the amount of \$121,184.03. All in favor. Motion carried.

R. Wielebinski made a motion, seconded by E. Gndt, to ratify gross payroll for pay period ending September 20, 2020 in the amount of \$111,750.17. All in favor. Motion carried.

R. Wielebinski made a motion, seconded by J. Belvin, to approve vouchers payable received through October 1, 2020 in the amount of \$354,304.91. All in favor. Motion carried.

R. Wielebinski made a motion, seconded by K. Meeker, to approve sewer operating fund expenditures through October 1, 2020 in the amount of \$9,399.19. All in favor. Motion carried.

R. Wielebinski made a motion, seconded by K. Meeker, to approve sewer construction fund expenditures through October 1, 2020 in the amount of \$354.50. Discussion followed and E. Gndt was informed what the fee was for. All in favor. Motion carried.

R. Wielebinski made a motion, seconded by K. Meeker, to approve capital fund expenditures through October 1, 2020 in the amount of \$18,703.28. All in favor. Motion carried.

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

Report of the President

R. Wielebinski made a motion, seconded by E. Gndt, to establish October 31, 2020 trick or treat hours from 5-8 p.m. Discussion followed on COVID guidelines. All in favor. Motion carried.

R. Wielebinski made a motion, seconded by J. Belvin, to waive Mountain View Park Pavilion fees for Girls on the Run for the use of pavilion throughout the month of October, and Pocono Pride Softball Hit-a-Thon for October 17 & 18, 2020. Discussion followed regarding Girls on the Run using the Heritage Center when it gets dark earlier and permission was granted. All in favor. Motion carried.

R. Wielebinski made a motion, seconded by J. Belvin, to advertise the Property Maintenance Ordinance as written and recommended by the Planning Commission for advertisement and hearing at next public meeting subject to correction of typos. Discussion followed and E. Gndt expressed concerns about need for plain language and predictability for residents. J. Tresslar indicated every section has been thoroughly discussed, including whether certain sections are redundant. L. DeVito addressed key provisions per E. Gndt's questions. Roll Call Vote: J. Belvin, yes; E. Gndt, no; J. Lastowski, yes; K. Meeker, yes. R. Wielebinski, yes. Motion carried.

- TLC Park – Discussion was held regarding a public contest for residents to rename the park, as the location no longer contains the Tannersville Learning Center (TLC). The contest would mirror the public process of deciding the new police logo a few years ago.
- Fireworks Issues – R. Wielebinski commented that the message boards have helped with residents understanding local fireworks regulations. Would like to amend ordinance to mandate that a copy of the ordinance be handed out with all purchases, or that consumers be notified of the days fireworks are allowed, and have the Township Zoning Officer enforce. E. Gndt asked

what the consequences of non-compliance would be, and L. DeVito stated it would be the same as fines listed in the fireworks ordinance. L. DeVito indicated the Township can mandate that Township fireworks sellers hand out a copy of the ordinance or a summary of the regulations. R. Wielebinski inquired whether the Township can mandate a placard be displayed on the premises of the fireworks store. J. Lastowski stated if it is legal, require the business owner to display a placard provided by the Township in a conspicuous location which would make it easier for the Zoning Officer to verify compliance by the business owner.

R. Wielebinski made a motion, seconded by J. Belvin, to amend the fireworks ordinance to mandate that fireworks stores in Pocono Township be required to display a placard provided by the Township with the Township's regulations in a conspicuous place. Roll Call Vote: J. Belvin, yes; E. Gmandt, no; J. Lastowski, yes, K. Meeker, yes, R. Wielebinski, yes. Motion carried.

Commissioner Comments

Jerrod Belvin – Vice President

- Emergency Management Update – A quarterly update of the batteries and equipment in the Emergency Management vehicle was performed last week.
- Tropical Storm Isaias Update – Commended J. Tresslar for proactive work in getting preliminary information together for DEP. Accompanied R. Sargent and J. Tresslar in getting measurements, pictures and descriptions of sites impacted by Isais for possible grant funding.

Ellen Gmandt – Commissioner

- Township financial status update – No update. Budget meeting scheduled for October 7, 2020.
- Mountain View Park Update – R. Sargent stated the park will close to the public on November 2, with staff staying two extra weeks to close down the park.
- Discussion regarding COVID group gathering guidelines - Governor Wolf was issued a stay by the Courts allowing for his group gathering restrictions to continue.

Jerry Lastowski – Commissioner

- Township response regarding short term rental complaints and violation notices – T. Muñoz gave update on enforcement actions at Gravatts Way and Cobble Creek (Johnson appeal).
- Pocono Township public comment discussion – Follow-up from prior discussion regarding limitation of public comment when classified as character assassination. E. Gmandt referenced an additional court case that indicates there may be ability to limit content of public comment. L. DeVito stated there are limitations of public comment, including that comments must be relevant to the discussion and no profanity. He looked at cases referenced in E. Gmandt's email, stating that they pertained to special meetings where the agenda is content specific. He has not found any cases that references public comment limitations during a general meeting, unless the content is vulgar or racist. L DeVito stated the Township should consider airing on the side of First Amendment speech freedoms, rather than shutting down comment and risking litigation. E. Gmandt stated her concerns were regarding employees being verbally attacked. L. DeVito expressed concern about determining where one draws the line. Further discussion followed.

Keith Meeker – Commissioner – No comment.

Reports

Zoning – September 2020 Permits Report was submitted.

Emergency Services

- Police – September 2020 Report – No report.
- EMS – No report.
- Fire – Bill Sayre provided the fire department report.

Public Works Report

- Current and remaining Public Works projects for 2020 – Currently working at TLC Park and finishing up small projects. TLC spillway completed and sides of pond being armored with rock. J. Belvin commended Public Works department for work on the TLC pond.
- Robin Lane Drainage Project – Will be starting Robin Lane project next week once paperwork is complete.
- Update – Park Lane Culvert Replacement – Dirt and Gravel Grant – Project will likely start in the spring. Submitted plans and still waiting on permit back from DEP.
- Update – Well Work at MVP - Waiting on last water test, at which point Craig LaBarre will evaluate way forward from there.
- R. Wielebinski commended Public Works crew for paving work.

Administration – Manager’s Report

- Update on Amusement Tax Implementation – Sixteen amusement tax application packs were sent out, seven of which will register as permanent amusements. Three applications were received. Camelback submitted an application and will remit taxes on admissions to Camelbeach, day passes to Aquatopia and CBK Adventures. Paintball Asylum and Sunset Hill Shooting Range also submitted applications. Will follow-up with the remaining four – including Great Wolf Lodge, Splinters Hatchet & Axe Throwing and Trap Door Escape Room in Fountain Court. Camelback is outsourcing their parking and parking fees are covered under the amusement tax. T. Munoz was notified by Linda Schlier, who runs Haunted House Tours at the Candle Shoppe of the Poconos, that she will follow-up with the application when tours resume.
- Update on pending grant applications – LSA, Multimodal & Recreation Grant Applications – LSA and Multimodal grants are in the works. Submitting grants to finish the Rimrock Road project. Also submitting an LSA grant application for fire department breathing apparatus and tanks. The Township is awaiting consideration for funding from two recreation grant programs for TLC park projects. Awards are anticipated this fall.
- LED Speed Signs Permit Update – Permit application has been submitted to PennDOT and we are waiting for approval. Township has four electronic speed sign units with extra equipment. The roads submitted were Alpine Lake Road, Back Mountain Road, Bartonsville Ave, Bog Road, Brookdale Road, Cherry Lane Church Road, Cranberry Road, Deerfield Way, Fish Hill Road, Laurel Lake Road, Learn Road, McKay Road, Shine Hill Road, Summit Drive, and Wild Cherry Lane. With three of these roads having no speed limits, ordinance amendments should be made to establish speed limits on these roadways.
- Wine Press Inn – Interest in Township-owned property – Have not heard update. In hands of property owner to get back to us with his engineer to provide update.
- Update – Regional HSPS Comprehensive Plan – Meeting is Wednesday, October 21, 2020 at 6:00 p.m. and is open to all Commissioners.
- Update – MS4 Requirements – No update.
- COVID-19 Reimbursement – Executed a grant agreement with the County for COVID reimbursement of approximately \$42,000 and received confirmation funds were approved. Audio/visual system upgrades were included and fully covered under the grant. Also included is the capability for live streaming with camera hookup. CSi is doing the system installation. E. Gnanadt asked whether this system would help the lag experienced when participating remotely. T. Muñoz indicated the Township’s bandwidth should be at least 250 megabits per second (mbps) to handle streaming. Township will inquire with PTD about additional bandwidth. Storage and retention of videos was discussed, and records retention policy to address videos will be reviewed.

R. Wielebinski made a motion, seconded by J. Belvin, to live stream Township meetings once Box Cast technology is installed. All in favor. Motion carried.

- Administrative Job Position Posted – The deadline for applications is October 21, 2020. Received ninety applications from Indeed, four from Facebook, and three were mailed.
- J. Lastowski inquired when the road paving between Swiftwater and Scotrun would be complete. T. Muñoz contacted Leeward, the project manager, and PennDOT. A final coat will be completed this spring. The project should be officially done by April/May of next year, depending on weather. The Brookdale Road red light should be activated this year, pending realignment of road, as PPL has been authorized to add that light to the Township's account.
- BCRA Route 715 Water Line Project Paving – T. Muñoz is pushing BCRA to have paving complete. New timeframe was October 13 & 14 to get paving done. Contractor had issues with PennDOT which caused delays.

Township Engineer Report

- St. Paul's Lutheran Drainage Basin - Talked to church reps directly September 29, 2020. They indicated they were due to receive a proposal from their engineer in the next couple days. J. Tresslar asked them to reach out to the engineer and he would follow up the following week. They understand issues need to be remediated quickly.
- Archer Lane Drainage Issues – Requires further legal action at this point.
- Update – Righthand turn lanes from Rt. 611 onto Rimrock Road and Bartonsville Avenue – Working on this internally.
- Update – TLC Bridge & TLC Dam - Bridge contract is being closed out, final inspection completed and recommendations made to release funds. R. Sargent was commended for the concrete dam work that has been completed.

Township Solicitor Report

- Discussion regarding amendment to the HJP Park cooperation agreement – In process and need to coordinate a meeting with John Dunn and Todd Weitzmann.
- Archer Lane – A letter was sent to Archer Lane attorney with no response. Will speak with Shawn McGlynn to have him issue citation.

Public Comment – No public comment.

Adjournment

R. Wielebinski made a motion, seconded by E. Gnandt, to adjourn the meeting at 8:49 p.m. All in favor. Motion carried.