

**Pocono Township Board of Commissioners
Regular Meeting Minutes
June 6, 2022 | 6:17 p.m.**

The regular meeting of the Pocono Township Board of Commissioners was held on June 6, 2022 and was opened by President Rich Wielebinski at 6:17 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: Leo DeVito, Township Solicitor; John Tresslar, Township Engineer, LVL Engineering; Taylor Muñoz, Township Manager; Shawn Goucher, Acting Chief of Police; Robert Sargent, Public Works Supervisor; and Krisann MacDougall, Administrative Assistant.

Public Comment

Greg Pence (350 Summit Ave, Pocono Manor) – Opposed to Swiftwater Solar project. Concerned about the volume of forest/vegetation being removed from the property, steep slopes and sensitive environmental features. Expressed that storms are more intense and frequent than in the past. Expressed concerns that engineering values being used for the project may no longer be valid. Stated significant recent rainfall negatively affected a retaining wall on his property. Concerns about mud slides and erosion.

Tom Wise (108 Wise Lane, Scotrun) – Shared concerns about location of this solar farm. Said project is destructive and not keeping in fabric with the Pocono region. Cited impact of the deforestation on wildlife species. Stated if the project is approved, it may have flooding implications, particularly with hurricanes.

Abby Jones (PennFuture) – Submitted written comments to the Township in opposition to the Swiftwater Solar project. Stated the Township should have a public hearing on the project. Expressed concerns about the impact to the environment. Would like applicant to provide a de-commissioning plan.

Robert Gurman (CFO of Pocono Manor Investors) – PMI sought to develop clean solar energy at Pocono Manor and, after a nationwide search, chose Apex Clean Energy for the solar project.

Louise Troutman (437/439 Cherry Lane Rd, Executive Director of PHLT, Lake Swiftwater Club) – From an environmental conservation perspective, does not consider it stewardship to clearcut 430 acres of forest. Asked for further clarification regarding the waivers requested. The Lake Swiftwater Club provided detailed comments earlier today including maintenance of stormwater basins, decommissioning/reforestation of the site, and monitoring of headwaters of Swiftwater Creek.

Terri Martin (524 Recreation Drive, Effort) – Problem is that some streams are not being maintained properly. Need better maintenance of streams to better handle runoff. Do not want to see deforestation and rape anymore, but our infrastructure in the area is also lacking. Stated we sorely need renewable energy and does not believe Apex is here to harm the region.

Linda Danges (Jackson Township) – Concerned about the project and feels this is an archaic solution to a present-day problem.

Dr. Alexander Jackson (Executive Director, BWA) – BWA stated a number of their members are residents of Pocono Township. Supports renewable energy, but not at expense of other sensitive environmental features. Feels the use is inappropriate in the RD zone. Stated 450 acres of clearcut is highly visible from Camelback/Big Pocono. Concerns about effectiveness of stormwater basins. Urged Board to refrain from a vote on the plan tonight and hold a public hearing.

Tim Wilson (Polk Township resident) – Studied environmental science in college and feels this project makes no environmental sense. Expressed opposition as a county resident and would rather see land preserved.

Maria Danges (Swiftwater resident) – Stated the richness of the Poconos is based in the trees and the streams as the treasure of the region. Feels that is being destroyed because of this project.

Announcements

- An executive session was held on Tuesday, May 31st for the purpose of discussing the Public Works union contract. Executive session was also held before the meeting for personnel matters.

Hearings

R. Wielebinski made a motion, seconded by J. Belvin, to open a Public Hearing to consider adoption of Ordinance 2022-03 Renaming a Street Known as “John’s Lane” to “Kevin’s Lane” in Pocono Township; Providing for the Placement of Street Signs; and Providing for the Amendment of the Official Township Street Map. All in favor. Motion carried.

L. DeVito relayed that a resident made a request to rename street after deceased family member. Indicated that all residents on existing road have consented to the name change. Ordinance would rename road from John’s Lane to Kevin’s Lane. No public comment.

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

R. Wielebinski made a motion, seconded by E. Gnandt, to adopt Ordinance 2022-03 Renaming a Street Known as “John’s Lane” to “Kevin’s Lane” in Pocono Township; Providing for the Placement of Street Signs; and Providing for the Amendment of the Official Township Street Map. All in favor. Motion carried.

Presentations – None

Resolutions

R. Wielebinski made a motion, seconded by E. Gnandt, to approve Resolution 2022-23 granting Conditional Approval of the Re-Subdivision of Brookdale Road Preliminary/Final Minor Subdivision Plan – Lands of Steven & Mary Agnes Larson. All in favor. Motion carried.

Resolution 2022-24 – Motion to approve Resolution 2022-24 granting conditional approval of the Swiftwater Solar Preliminary/Final Land Development Plan.

Jeff Hammond, Apex Clean Energy – Sketch plan was submitted in August of 2020. Have gone through 1½ years of review and are close to obtaining a NPDES permit. Proposing an 80 megawatt facility. Leased property spans 636 acres, with approximately 75% of being disturbed. Native vegetative meadow mix to be planted on the property, as reviewed through MCCD and Township engineers. Asking for conditional approval, in addition to waivers that were recommended by the Planning Commission. Property has been considered as an essential service, which is permitted in RD zones. There are economic benefits and a payment in lieu of open space. Will offer grant funds for environmental projects once project is completed. Grant funds have also been offered to local groups.

Developed area is buffered by trees. Vegetative buffers being planted. Project will generate about 14,000 homes worth of renewable energy. Stated there is already an existing power line that runs through the middle of the property through PPL. Apex has completed raptor surveys, bog turtle surveys and many shovel tests for archaeological surveys. Project is buffered from all the wetland areas and does not require any Army Corp of Engineers permissions. Will post a bond that pays for decommissioning of the project.

R. Wielebinski asked if Apex will reforest the acreage. E. Gnandt stated she would like a public hearing and to ask questions. J. Hammond stated several presentations have been provided publicly,

including Planning Commission meetings. J. Belvin asked if this must be acted on in certain timeframe. L. DeVito stated it is not the Township's role to grant extensions of plans, so the developer would have to grant the approval. L. DeVito said the Board could vote no if they have an objective basis for doing so. Suggested that the Board review the waiver requests individually. J. Lastowski asked if the plan was tabled, would it have any impact on the extension/approval of the project. L. DeVito stated no. J. Lastowski asked whether the electric will be used locally and asked whether there are permits still needed from DEP and other third-party organizations. Applicant has obtained all DEP permits except for NPDES. J. Lastowski asked whether Apex has had other projects with steep slopes. Applicant stated they have another project in Virginia that is very similar. J. Lastowski asked if they have experienced any significant storm events and asked if the applicant would be interested in an extension allowing a hearing. J. Hammond stated applicant has spent almost two years in public review process and to have a hearing would not result in opponents favoring this project. R. Wielebinski asked if applicant would be willing to provide detailed reports on maintenance of the basins; asked if the company would reforest the area in the event of de-forestation; and asked if Apex would agree to monitor headwaters adjoining the project site. E. Gndt requested a two-week extension for further discussion. R. Wielebinski asked if there are any legal reasons to deny the plan. L. DeVito indicated the only issue would be waivers being requested which have been recommended for approval by the Planning Commission.

J. Belvin asked J. Tresslar to clarify stormwater basin designs. L. DeVito suggested reviewing the six waivers requested by developer. Waivers were reviewed. E. Gndt asked if waiver covers potential damage to roads during timber harvesting/construction and potential bonding of roads. Township can request the applicant bond the roads or enter into a traffic maintenance agreement. Discussion regarding roadway construction requirements; timbering of the property; depth and design of the proposed stormwater detention basins; timeline for the project (12 months); and stormwater calculations.

It was clarified that the first phase of the project is construction of stormwater basins for control of stormwater during and after conclusion of the project.

The Resolution will include bonding of roads.

Further discussion regarding restoration and/or reforestation of the property and the County Planning Commission letter.

E. Gndt made a motion, seconded by J. Lastowski, to re-open public comment. All in favor. Motion carried.

Public discussion:

Greg Pence (1377 Pocono Blvd., Mt. Pocono) - Regarding decommissioning of the site. Reviewed the conditions outlined in the lease agreement. Discussed Monroe County Planning Commission letter which states the project is inconsistent with the open space requirements Pocono Township agreed to in the past.

Abby Jones (Legal/Policy at PennFuture) – Solicitor mentioned an objective basis needed to deny Resolution, feels an objective basis exists. Urged need for a public hearing. Expressed concerns about quality of surrounding waters.

Mike Velardi (2751 Pocono Circle, Bartonsville; Planning Commission Member) – Stated the Planning Commission has reviewed this plan for two years and suddenly everyone is expressing concerns. Stated this has been vetted multiple times by the Commission and the project is on private property. Encouraged Board to move forward with approval of the project.

Dr. Alexander Jackson (Executive Director, BWA) – Referenced PA environmental rights are collective rights of Pennsylvanians. Brought up zoning determination that was issued at the beginning of the project.

Terri Martin (524 Recreation Drive, Effort) – Thanked Board for allowing public comment. Stated there was a fire every year on the mountain when she was a little girl. Believes this plan is inconsistent with open space. Also stated she does not believe the BOC has a legal basis to reject the plan.

R. Wielebinski made a motion, seconded by J. Belvin, to approve Resolution 2022-24 Granting Conditional Approval of the Swiftwater Solar Preliminary/Final Land Development Plan. Discussion with R. Wielebinski stating that private landowners who follow the Township's ordinances, and county and state laws cannot be denied. J. Lastowski stated he came into the meeting not knowing how he would vote, but said he has faith in the Planning Commission and the hours spent vetting the project. Has not heard a reason from the DEP, MCCD or anyone else to reject the project. 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 16, 2022 regular meeting of the Board of Commissioners.
 - Financial transactions through June 2, 2022 including:
 - Ratification of vouchers payable in the amount of \$10,994.83, sewer operating expenditures in the amount of \$686,802.15, and sewer construction expenditures in the amount of \$464.58.
 - Ratification of gross payroll for the pay period ending May 15, 2022 in the amount of \$116,139.16.
 - Vouchers payable in the amount of \$56,232.78.
 - Sewer operating fund expenditures in the amount of \$123,281.94.
 - Sewer construction fund expenditures in the amount of \$205,863.63.
 - Capital reserve fund expenditures in the amount of \$47,761.24.
 - A Fire Tax disbursement of \$37,179.65.
 - A transfer of \$733.33 from the American Recovery Plan Act Fund to the Capital Reserve Fund for Traisr e-permitting implementation costs.

R. Wielebinski made a motion, seconded by E. Gndt, to approve the consent agenda. All in favor. Motion carried.

NEW BUSINESS - None

Report of the President

Richard Wielebinski

Thanked office staff for all work with Touch-a-Truck.

- Discussion and motion to award 2022 paving bid.

Road project bid was revised to remove approximately \$630,000 of road paving, due to bids exceeding budgeted capital funds.

- **H&K Bid - \$1,248,514.54**
- Hanson Bid - \$1,249,997.20

R. Wielebinski made a motion, seconded by K. Meeker, to award paving bid to H&K. All in favor. Motion carried.

R. Wielebinski made a motion, seconded by K. Meeker, to advertise Zoning Ordinance amendments for public hearing and 30-day review by the Monroe County Planning Commission, as recommended by the Pocono Township Planning Commission. Proposed amendments include changes to the Timber Harvest

Ordinance; unit density for planned residential developments (PRDs); RD Zone impervious area; and modification to the definition of "minor access street." All in favor. Motion carried.

R. Wielebinski made a motion, seconded by J. Belvin, to contract with Kimmel Bogrette Architecture for a municipal complex architectural feasibility study for maximum cost of \$35K. R. Wielebinski stated at last meeting J. Lastowski suggested Township review plans from Archibald complex. T. Muñoz explained his interactions with current architect. J. Lastowski commended Township for comparing apples to apples. E. Gmandt said Township should focus on community and safety center as basis for future grant funds. R. Wielebinski stated if another analysis comes back with a proposal that is significantly less expensive, it is worth pursuing. All in favor. Motion carried.

- Discussion regarding possible youth softball and baseball training facility at TLC Park - Nothing further on TLC Park right now.

Commissioner Comments

Jerrod Belvin – Vice President

Asked T. Muñoz regarding status of Traistr rollout.

Beehler Road pothole – The Township hot-patched the pothole last year, but there are broader drainage issues that need to be addressed. R. Sargent said the Road Crew would address the problem.

J. Belvin made a motion, seconded by R. Wielebinski, to open agenda for addressing cameras at TLC Park. All in favor. Motion carried.

Increased vandalism at TLC Park and, while meeting tonight was underway, there was a shooting at TLC Park. Rodney Smith, Township's IT, will have a full camera quote proposal by the end of the week. J. Belvin reached out to three companies that handle license plate recognition for cameras. Most competitive quote was the Recor system.

J. Belvin made a motion, seconded by R. Wielebinski, to approve, conditional on Leo DeVito's review and review of Recor system with Shawn Goucher, to purchase one license plate reader camera for TLC Park for \$8,995 plus \$60/month fee. J. Lastowski asked for confirmation that this is the best system for the Township. J. Belvin stated this will not be the only camera installed. E. Gmandt asked if cameras are filming all day long. J. Belvin verified they automatically write over themselves and hold two weeks of footage at a time. Motion was amended to include review with Acting Police Chief of new proposed system. Further discussion regarding proposed camera systems. All in favor. Motion carried.

Discussion regarding traffic light on Warner Road timing issues and vandalism to pedestrian button.

Ellen Gmandt – Commissioner

Discussion regarding needed equipment for the Police Department and tools for Public Works.

Asked if the Township is doing more trimming with the bucket truck and whether additional training or certification is needed.

Jerry Lastowski – Commissioner

- Update – Paving of Burton Road following UGI project work.

UGI stated road paving will begin once school is out following the pipe replacement. Stated if UGI were to pave Burton Road, the Township would have to put in a claim.

Keith Meeker – Commissioner – None

Reports

Emergency Services Reports

- Motion to approve a revised tattoo policy for the Pocono Township Police Department

Discussion of current tattoo policy, which requires officers to wear a sleeve to cover tattoos. New policy would state that no sleeve is required to cover existing tattoos, require approval for future tattoos and set parameters for what types of tattoos are acceptable.

J. Belvin made a motion, seconded by J. Lastowski, to approve a revised tattoo policy for the Pocono Township Police Department. All in favor. Motion carried.

Discussion of Police Acting Sergeant position duties.

R. Wielebinski made a motion, seconded by J. Belvin, to amend agenda for action to appoint an Acting Sergeant position. All in favor. Motion carried.

The Acting Sergeant position would include scheduling of training and PTO; TAC officer duties (quality control for ensuring officers using system correctly); and oversight of corporals' reports (to keep corporals from looking over their own reports.)

R. Wielebinski made a motion, seconded by J. Belvin, for the Acting Chief of Police to appoint an Acting Sergeant and Acting Corporal for the PTPD. All in favor. Motion carried.

12-hour shifts update – As of May 31, the department had thirty-two (32) total hours of open shifts. The same time last year was 266.5 hours. Forty-one percent (41%) of overtime is court time, and most of that is traffic court. Reviewed total incident counts for May.

Stated the Monroe County DA's office is willing to pay for one year of Pocono Township's subscription to a Crime Stoppers service, in the amount of \$2,100, which would allow the Township to pilot the program.

Discussion regarding TLC Park shooting. Township will lock up court and turn off lights until cameras are installed.

Public Works Report

- Discussion and possible action regarding a quote for a four (4) foot chain link fence extension for the TLC Park Basketball Court – Tabled until other quotes are received.
- Discussion and possible action regarding quotes for new chain link fence for the Mountain View Park lower field perimeter fence, men's field, Sullivan Trail fence, and backstop fence – Tabled until other quotes are received.
- Discussion and possible action regarding the paving of the Pocono Township portion of Hunters Farm Road, included as part of Paradise Township's paving contract, in the amount of \$22,597.50 - Paradise Township is repaving a road that includes a 684 ft section in Pocono Township. Paradise approached Pocono as to whether Township would entertain a full pave so there are no seams in the road unnecessarily.

R. Wielebinski made a motion, seconded by E. Gndt, to approve an expenditure for paving the Pocono Township portion of Hunters Farm Road, included as part of Paradise Township's paving contract, in the amount of \$22,597.50. All in favor. Motion carried.

- Quotes received for the resurfacing of courts at Mountain View Park – Received individual quotes based on vendor supplying materials, equipment, and oversight of park staff completing the labor.
- Current Public Works projects – Park Lane Culvert project started today. Finishing drainage on Summit Road, Deer Mountain, and Old Orchard.
- Mountain View Park updates – A new hire started today.

- Update – Park Lane Culvert Replacement – Dirt and Gravel Grant - Project began today.

Administration – Manager’s Report

- 2022-2023 MCTI Police Coverage Rate discussion - BOC consensus to keep the same rate as last year.
- 2022 Township Events
 - Community Day – Saturday, September 10, 2022
 - Trunk-or-Treat – TBD
 - Christmas Tree Lighting – TBD

Township Engineer Report

- Engineering study for identified stormwater projects – Laurel Lake Road and Oakwood Acres – Survey work complete, working on engineering design.
- Parking area design for Old Learn Farm open space parcel adjacent to PPL easement - CAD file being given to LVL from previous engineering firm for developing the property access area.
- TASA SR 611 sidewalk project – Kickoff meeting planned for mid-July.
- Update – Righthand turn lanes from Rt. 611 onto Rimrock Road and Bartonsville Avenue – Waiting for funding and PennDOT comments.

Township Solicitor Report

- Zoning Hearing Board updates.
 - Update – Johnson Appeal - Office called prothonotary for Commonwealth Court but did not receive a call back.
- Update – Kelly Trust Property - Completed but needs to be filed.
- Update – PJJWA Transfer Agreement – Meeting next week with Todd Weitzmann to review a rough draft received. Will share with the BOC.

E. Gnadts stated the Township should work to adopt a grid scale solar ordinance and should look at Polk and Stroud Townships. Further discussion. L. DeVito said the main question to answer is where the Township wants to allow the solar use.

Public Comment

Todd Sebring (194 Cherry Lane Rd) – Stated opinion that Hanson would be a better choice for paving bid. Stated concerns regarding permit received for work done at his house. Received stop work order from Zoning for work at his house. Stated they figured out an alternative approach.

K. Meeker expressed concerns regarding how residents are addressed when cease-and-desists are issued.

Adjournment

R. Wielebinski made a motion, seconded by E. Gnadts, to adjourn the meeting at 10:14 p.m. All in favor. Motion carried.