

**Pocono Township Board of Commissioners  
Regular Meeting Minutes  
March 6, 2023 | 6:15 p.m.**

The regular meeting of the Pocono Township Board of Commissioners was held on March 6, 2023 and was opened by President Rich Wielebinski at 6:15 p.m. followed by the Pledge of Allegiance.

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

**In Attendance:** Taylor Munoz, Township Manager; Leo DeVito, Township Solicitor; Jon Tresslar, Township Engineer; and Jennifer Gambino, Administrative Assistant.

**Public Comment**

Mary Mclsaac (Jackson Resident) – Stated Core5 would be limited from taking down trees until a certain time of the year due to the federally endangered Indiana Bat migration.

Mary Ann Hubbard (Pike County) – Commended the Township for all that it is doing, the quality Police Department and Township recreation facilities.

**Announcements**

- An executive session held prior to the meeting to discuss the potential acquisition of real estate and information gathering regarding board appointments.
- Pocono Township is bringing back the Fishing Derby to TLC Park on April 15 from 9 a.m. to noon! More information is posted on the Township's website and Facebook page. We ask that everyone pre-register, as space is limited.
- The Pocono Township Spring Cleanup will be held Thursday, April 27<sup>th</sup> through Saturday, April 29<sup>th</sup> at the Township complex. Residents are welcome to bring their items between 7:30 a.m. and 3:00 p.m. each day. The Cleanup Fee Schedule is on the Township website at [www.poconopa.gov](http://www.poconopa.gov).

**Presentations** – None

**Hearings**

R. Wielebinski made a motion, seconded by K. Meeker, to open a public hearing for consideration of Ordinance 2023-02 Authorizing and Approving the Sale of the Water System Assets of the Pocono-Jackson Joint Water Authority (PJJWA) to the Brodhead Creek Regional Authority (BCRA). E. Gndt stated she is opposed to the hearing because she feels the documents are not yet in final enough form. L. DeVito provided clarification that the BCRA will pay off the remaining loan balance, whether to the PJJWA directly or by the BCRA directly. Stated that this ordinance is the precondition to the agreement, so the Township still has the ability to refine final provisions. Roll call: J. Belvin, yes; E. Gndt, no; J. Lastowski, yes; K. Meeker, yes; R. Wielebinski, yes. Motion carried.

L. DeVito reviewed the details pertaining to the ordinance authorizing the sale from PJJWA to the BCRA. Stated the Township is not approving the agreement but authorizing the appropriate parties to move forward. J. Belvin asked whether the Township needs to approve the transfer and whether the transaction is in jeopardy if the documents are not acted on expeditiously. J. Lastowski asked who would determine if something happened that was undisclosed. L. DeVito stated it would likely end up in court. R. Wielebinski stated he believes there have been many eyes on the related agreements over the years and it is time to turn over the ownership of the system. E. Gndt asked clarification questions including those pertaining to Township authorization for transfer; financial portions of the agreement; definition of material adverse effect; purchase price language; excluded liabilities; and other provisions.

Lisa Buccholz (Jackson Township) expressed concerns about the verbiage. J. Belvin asked whether the comments that E. Gndt has made are considered “substantial.”

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

R. Wielebinski made a motion, seconded by K. Meeker, to approve Ordinance 2023-02 (i) Authorizing and Approving the Sale of the Water System Assets of the Pocono-Jackson Joint Water Authority to the Brodhead Creek Regional Authority; (ii) Authorizing and Directing the Execution and Delivery of the Asset Purchase Agreement by the Township and Pocono-Jackson Joint Water Authority; (iii) Authorizing and Approving the Form of an Asset Purchase Agreement; (iv) Authorizing and Directing the Proper Officers of the Township to Do All Things Necessary to Carry Out the Ordinance and the Sale of the Water System Assets; (v) Authorizing Incidental Actions; (vi) Providing for Severability of the Provisions of the Ordinance; (vii) Rescinding Inconsistent Ordinances and Resolutions; and (viii) Establishing the Effective Date of the Ordinance. Roll call: J. Belvin, yes; E. Gndt, no; J. Lastowski, yes; K. Meeker, yes; R. Wielebinski, yes. Motion carried.

### **Resolutions**

R. Wielebinski made a motion, seconded by K. Meeker, to approve Resolution 2023-07 Granting Conditional Approval of the Lots 36 and 38, Laurel Lane, Crescent Lake and Resort Lot Combination Plan submitted by Kevin S. Carpenter and Deidre L. Carpenter. All in favor. Motion carried.

R. Wielebinski made a motion, seconded by K. Meeker, to approve Resolution 2023-08 Authorizing Commissioners Richard Wielebinski, Jerrod Belvin, Ellen Gndt, Jerry Lastowski and Keith Meeker; Township Manager Taylor Munoz; and Treasurer Frank Cefali as authorized signatories for all ESSA bank accounts required for the receipt of DCNR grant funds for the TLC Park Splash Pad Project. All in favor. Motion carried.

### **Consent Agenda**

- Motion to approve a consent agenda of the following items:
  - Old business consisting of the minutes of the February 21, 2023 meeting of the Board of Commissioners.
  - Financial transactions through March 2, 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 J. Belvin, to approve the consent agenda. All in favor. Motion carried.

### **NEW BUSINESS** – None

### **Report of the President**

Richard Wielebinski

- Discussion and motion to award the 2023 Spring and Fall Cleanup bids received:

Waste Management – \$49.43/CY  
G&S Container – \$31.75/CY  
Marki Rolloff – \$32.00/CY  
That’s Gotta Go LLC – \$30/CY

J. Belvin made a motion, seconded by E. Gndt, to award the 2023 Spring and Fall Cleanup bid to That’s Gotta Go LLC at \$30.00/cubic yard. All in favor. Motion carried.

R. Wielebinski made a motion, seconded by E. Gndt, to authorize Construction Escrow Release No. 4 for the Trapasso Hotel Land Development project in the amount of \$277,182.73 per the recommendation of the Township Engineer's letter dated February 21, 2023. All in favor. Motion carried.

- Discussion and possible action regarding expansion of the Township's sewer service area.

R. Wielebinski made a motion, seconded by J. Lastowski, to perform a survey of Oakwood Acres and Talon Drive to see what residents think of expanding sewer service and authorizing Helen Beers to evaluate. J. Tresslar stated, after the will of the residents is determined, DEP will want a survey of how good the systems are operating. Discussion regarding process and order of potential survey and testing activities. R. Wielebinski and J. Lastowski rescinded motion.

R. Wielebinski made a motion, seconded by J. Lastowski, to authorize Helen to conduct testing and send a letter to residents. All in favor. Motion carried.

- Update – Recognition of Fishing Derby sponsors to-date - Update provided by Jennifer Gambino. Recognized sponsors for Fishing Derby.
- Update – Research ongoing regarding a formal audit of the Township's Amusement Tax – Reached out to Zelenkofske Axelrod who are unable to perform audit until next year. Researching other options.

**Commissioner Comments** – None

## **Reports**

### **Public Works Report**

- Current Public Works projects – Cutting back brush along Township roads ongoing. Have transitioned back to winter activities with snow weather.
- Mountain View Park updates – Toured property with Township Manager. Some staff began back today, beginning cleanup and servicing of equipment. Remaining Park crew will come back next Monday. Meeting at basketball court with electrician.
- TLC Park updates – Met at park with representative from Pocono Pride softball. Identified projects needing completion, including trees requiring removal and fence repairs.
- Update regarding the rental or lease of a new sweeper truck – Looking at two different units and expecting response regarding a lease-demo option. Also investigating replacement tow-behind broom.

### **Administration – Manager's Report**

- Completed application to receive \$102,000.00 of grant funds obtained by Representative Madden from the PA DCED for installation of more playground equipment at TLC Park.
- Completed grant application for \$20,000.00 to the Pocono Mountains Visitors Bureau (PMVB) to offset the cost of installing the Old Learn Farm trailhead. Finalizing easement agreement.
- Completing punch list of items for installation of splash pad – Looking to begin work in April.
- Due diligence ongoing regarding Swiftwater bus stop dumping issues – Waiting for PennDOT response.

J. Belvin asked for zoning to look into the temporary signs popping up throughout the Township.

E. Gndt asked for update on status of barbed wire installation around police impound yard.

### **Township Engineer Report**

- Sidewalk installation for Wendy's and Turkey Hill – L. DeVito indicated letter will be going out to Turkey Hill tomorrow.

- Parking area design for Old Learn Farm open space parcel adjacent to PPL easement – T. Muñoz covered previously.
- TASA SR 611 sidewalk project – Getting close to completing design. May have enough funds to complete intersection improvements where Learn Road meets S.R. 611. Discussing ROW requirements next week.
- Righthand turn lanes from Rt. 611 onto Rimrock Road and Bartonsville Avenue – No update.

#### **Township Solicitor Report**

- Easement agreement with Tom Lovito for access to Old Learn Farm open space parcel – Discussed previously.
- 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 – Still working on overlay for the Board to review.
- Update – Closing for sale of Bartonsville Avenue parcel – Will hand deliver new deed tomorrow and hopeful for completion this week.
- Zoning Hearing Board updates – No new cases.
- Update – Johnson Appeal Commonwealth Court argument – Waiting on decision.
- Update – PJJWA transfer agreement – Discussed previously.

**Public Comment** – None

#### **Adjournment**

R. Wielebinski made a motion, seconded by E. Gnanadt, to adjourn the meeting at 8:01 p.m. All in favor. Motion carried.