

**Pocono Township Board of Commissioners
Regular Meeting Minutes
December 20, 2021 | 7:00 p.m.**

The regular meeting of the Pocono Township Board of Commissioners was held on December 20, 2021 and was opened by President Rich Wielebinski at 7:00 p.m. followed by the Pledge of Allegiance.

Roll Call: Jerrod Belvin, present; Ellen Gnandt, present; Jerry Lastowski, present; Keith Meeker, present; Rich Wielebinski, present.

In Attendance: Leo DeVito, Township Solicitor, Broughal & DeVito; Jon Tresslar, Township Engineer, Boucher & James; Taylor Muñoz, Township Manager; and Robert Sargent, Roadmaster.

Public Comment

Matthew Hensel, Co-owner of Big Screen Escapes – Asked for opportunity to speak regarding proposed tax increase. He was directed to provide official comment during the ordinance hearing.

Announcements

- An executive session of the Board of Commissioners was held on Tuesday, December 14, 2021 at 4:30 p.m. for the purpose of discussing a police grievance arbitration.

Hearings

- Ordinance 2021-06 – Amusement Tax Increase

R. Wielebinski made a motion, seconded by J. Lastowski, to open a Public Hearing to consider adoption of an Ordinance amending Chapter 398, Taxation, Article IV, Amusement Tax, of the Code of Ordinances of Pocono to increase the rate of the amusement tax from 3% to 10% for general Township purposes. No discussion. All in favor. Motion carried.

L. DeVito stated that upon review of the proposed increase, it was determined that the amusement tax could be set at a maximum of 5%. Advised that, should the Board choose, the ordinance would need to be readvertised and scheduled for a future public hearing. The hearing could be held as early as January 17, if necessary. Pete Hensel, co-owner of Big Screen Escapes, stated that a further increase in the amusement tax may have a negative effect on local business owners. Matthew Hensel, co-owner of Big Screen Escapes, stated while 2% may not break Pocono Township's bank, it may be a burden for local business owners. E. Gnandt stated this is a tax paid by the tourist, not the business, as a pass-through tax. J. Lastowski explained he understands the concerns expressed by the business owners, that the Board labored extensively over the increase and that the proposed budget also increases taxes on property owners. He would rather see tourists pay for part of Township services than see it put on the homeowners of the Township. J. Lastowski stated that police and fire company services spend extensive resources addressing incidents related to tourism activities. M. Hensel asked about exemptions for ski facilities and non-profits. Also stated a lot of locals frequent their businesses and they are trying to remain competitive with other businesses. It was clarified that ski facilities are exempt from amusement taxes, per state law.

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

R. Wielebinski made a motion, seconded by E. Gnandt, to readvertise an ordinance hearing to consider increasing the amusement tax to 5%. All in favor. Motion carried.

R. Wielebinski made a motion, seconded by E. Gnandt, to include in the advertisement an effective date for the 5% amusement tax of February 11, 2022. All in favor. Motion carried.

▪ Ordinance 2021-07 – Adoption of the Pocono Township FY 2022 Budget

R. Wielebinski made a motion, seconded by K. Meeker, to open a Public Hearing to consider adoption of the FY 2022 budget and appropriate funds estimated to be required for the purposes of the government of the Township of Pocono, fixing the real estate millage rate for the 2022 Fiscal Year at a rate of 2.429 mills per dollar of assessed valuation and a fire tax rate at 0.201 special purpose mills. No discussion. All in favor. Motion carried.

L. DeVito stated this is a required action setting the Township tax rate and fire tax rate for 2022. 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 K. Meeker, to adopt Ordinance 2021-07 approving the FY 2022 budget and appropriating funds estimated to be required for the purposes of the government of the Township of Pocono, fixing the real estate millage rate for the 2022 Fiscal Year at a rate of 2.429 mills per dollar of assessed valuation and a fire tax rate at 0.201 special purpose mills. J. Lastowski asked for clarification regarding the tax increase year-over-year. Roll call: J. Belvin, yes; E. Gnant, no; J. Lastowski, yes; K. Meeker, yes; R. Wielebinski, yes. Motion carried.

Presentations - None

Resolutions

R. Wielebinski made a motion, seconded by J. Belvin, to approve Resolution 2021-32 granting conditional approval of the Great Wolf Lodge Expansion Land Development Plan. All in favor. Motion carried.

R. Wielebinski made a motion, seconded by J. Belvin, to approve Resolution 2021-33 granting conditional approval of the Northridge at Camelback Phase 11-16, Phase 2 – Hunter Circle preliminary land development plan. J. Tresslar stated the applicant had two phases of their original plan. Phase II is for a larger plan and there were changes to parking/buildings. Stated recommendation is for conditional approval as all planning comments have been met and only technical comments remain. E. Gnant asked question regarding change in proposed units on this plan. J. Tresslar indicated many units have been eliminated and they have been concentrated in centralized locations. R. Wielebinski asked if Planning Commission recommended approval of the plan as presented. 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 December 6, 2021 meeting of the Board of Commissioners.
 - A budget adjustment request of \$53,000.00 to ensure specified line items have sufficient funding for the remainder of 2021.
 - Financial transactions through December 16, 2021 including:
 - Ratification of vouchers payable in the amount of \$394.83 and sewer operating expenditures in the amount of \$125.76.
 - Ratification of gross payroll for the pay period ending December 12, 2021 in the amount of \$214,765.75.
 - Vouchers payable in the amount of \$251,687.17.
 - Sewer operating fund expenditures in the amount of \$139,931.06.
 - Sewer construction fund expenditures in the amount of \$22,612.73.
 - Capital reserve fund expenditures in the amount of \$19,086.00.
 - A fire tax disbursement of \$387.35.
 - An American Rescue Plan Act transfer to the General Fund of \$6,126.00 for the purchase of a blower attachment to clear Township stormwater facilities.

R. Wielebinski made a motion, seconded by J. Lastowski, to approve the consent agenda. E. Gnandt asked about the bid threshold, particularly as it related to invoices for soil used at TLC Park. Roll call: J. Belvin, yes; E. Gnandt, no; J. Lastowski, yes; K. Meeker, yes; R. Wielebinski, yes. Motion carried.

NEW BUSINESS – None

Report of the President

Richard Wielebinski

- Discussion regarding Township position on sidewalks and curbing for 3101 Route 611 (the old jewelry store) – Board agreed to defer the sidewalk installation requirement for the old jewelry store property on SR 611 for the interested purchaser. J. Tresslar indicated that a note will be put on the land development plan for the future.

Commissioner Comments

Jerrod Belvin – Vice President

- Emergency Management Update – Still waiting on the repairs for the light at the corner of SR 611 and Warner Road. Projected will be complete by the end of the year.
- Discussion and possible action regarding the institution of a one-year pilot program for 12-hour shifts for Pocono Township patrol officers – T. Muñoz gave a synopsis of the proposed 12-hour pilot program.

J. Belvin made a motion, seconded by K. Meeker, to start the institution of a one-year pilot program for 12-hour shifts for Pocono Township patrol officers, effective January 1. J. Lastowski asked for Corporal Rath to present on the Corporals' experience with the three-month pilot and asked if they had any issue with fatigue. J. Belvin asked whether E. Rath's overtime has gone down. E. Rath confirmed yes it had. J. Belvin asked about increased saturation levels since starting 12-hour shifts. Discussion regarding increased corporal supervision as benefit of 12-hour shifts. Corporal Aaron Anglemyer described a quality of life increase and increased productivity. E. Gnandt asked question regarding productivity increase and how it would be measured. J. Lastowski emphasized the need for a rubric to measure department-wide pilot. R. Wielebinski stated he believes the MOU developed between the Township and Union outlines all concerns. E. Gnandt asked for clarification regarding calculation of overtime; asked question about shift differentials; and asked about personal days and the duration of the agreement. E. Gnandt stated we should go into this agreement knowing what the measurables are and stated she would have liked more time to review. No public comment. Roll call: J. Belvin, yes; E. Gnandt, no; J. Lastowski, yes; K. Meeker, yes; R. Wielebinski, yes. Motion carried.

Ellen Gnandt – Commissioner – No comment.

Jerry Lastowski – Commissioner – Commended T. Muñoz regarding UGI communication for the gas line project on Upper Swiftwater.

Keith Meeker – Commissioner – No comment.

Reports

Emergency Services

- Chief Werkheiser provided a police report. November numbers included 919 total incidents. 9,670 incidents have been recorded year-to-date – an increase of over 3,000 incidents from 2020.

Public Works Report

- Current Public Works projects – Road department completing leaf cleanouts. Alger Avenue demolition complete except for garage being kept temporarily for storage purposes. 74.57 tons removed from the premises.

- TLC Park Project Update – PPL hooked up electric at the park, which will enable the lighting of the basketball court lights. Ice rink being monitored. The lower pond is currently dry due to the low level of the Pocono Creek and water not reaching the inlet feeding the pond.
- Update – Park Lane Culvert Replacement – Dirt and Gravel Grant – No update.

Administration – Manager’s Report

- Interviews for Township job openings being scheduled for early January – Interviews are scheduled for the first two weeks of January.
- Regional HSPS Comprehensive Plan update – Still waiting on draft plan.

Township Engineer Report

- Consolidation of the Municipal Complex lots - Lot consolidation plan is complete and ready for signature. J. Tresslar will speak with Lisa Pereira regarding preparation of a resolution.
- Update – Righthand turn lanes from Route 611 onto Rimrock Road and Bartonsville Avenue - Waiting on comments back from PennDOT.

R. Wielebinski asked if there is a plan to address drainage issues on Woodland Drive. J. Tresslar prepared plan and will meet with Township manager and prioritize drainage issues throughout the Township.

Township Solicitor Report

- Zoning Hearing Board updates.
 - Taveras Appeal – Township won the Taveras Appeal at the Court of Common Pleas. They can appeal to the Commonwealth Court if they choose.
 - Johnson Appeal – No new report. On appeal to the Commonwealth Court.
- Update – Closing for sale of I-80 parcel happened last week and is now complete.
- HJP Park Agreement between Pocono and Jackson Townships – Discussion regarding terms of initial grant funds used to acquire the property.

Discussion regarding the state opioid settlement started by Attorney General Josh Shapiro and the County’s request that six Townships, including Pocono, withdraw as non-litigating parties from the settlement.

R. Wielebinski asked for update regarding the PJJWA agreement. L. DeVito will check for an update.

Public Comment – No public comment.

Adjournment

R. Wielebinski made a motion, seconded by J. Belvin, to adjourn the meeting at 9:10 p.m. All in favor. Motion carried.