

MOUNT POCONO BOROUGH
REGULAR MEETING AGENDA
TUESDAY, JULY 5, 2016
7:00 P.M.

1. Call to Order
Pledge of Allegiance
2. Preliminary Announcements
3. Approval of Minutes:
 - a. Public Hearing of Monday, June 6, 2016
 - b. Regular Meeting of Monday, June 6, 2016
4. Officer's Reports:
 - a. President
 - b. Mayor
 - c. Secretary/Treasurer
 - d. Solicitor
5. Persons to be Heard: Maryann Patterson, We Go Global Volunteers
Tracey Lee, 73 Knox Street
6. Unfinished Business:
 - a. Park & Recreation Commission Vacancy
 - b. Potcher Construction – 3 Year Warranty
 - c. iPhone Request
 - d. Additional Insurance Quotes
7. New Business:
 - a. PMRP Foundation Banner Request
 - b. Traffic Safety Solar Powered Radar Speed Signs
 - c. Proposed Shopping Cart Ordinance
8. Standing Committees:
 - a. Planning: D. Casole, K. Davis, J. Woehrle
 - b. Dept. of Public Works: J. Woehrle, F. O'Boyle, K. Davis
 - c. Utilities/Water: F. O'Boyle, D. Casole, M. Oser
 - d. Recreation: K. Transue, D. Casole, M. Oser
 - e. Sanitation: C. Williams, K. Transue, F. Courtright, M. Oser
 - f. Buildings: K. Davis, J. Woehrle, K. Transue, F. O'Boyle
 - g. Budget & Finance: K. Davis, J. Woehrle, F. O'Boyle, F. Courtright
 - h. Personnel: K. Davis, J. Woehrle, F. Courtright, D. Casole
 - i. Regional Police/EMS: F. Courtright, C. Williams
 - j. COG: K. Davis, M. Oser
9. Public Participation
10. Adjourn



July 2016



SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
					1 1st Friday – 6 pm	2 Farmer's Market 9 am to 4 pm
3	4 July 4 th Holiday Offices Closed	5 Council Mtg 7 pm	6 Library Mtg 7 pm Farmer's Market	7 Municipal Auth 7 pm Open Space 7 pm	8	9 Farmer's Market 9 am to 4 pm
10	11	12 ZHB (no mtg) 7 pm PMRPC 7 pm	13 EMS 6:30 pm Farmer's Market	14 Park & Rec 7 pm	15 Rock the Mts. 80's Fest @ PMVFC	16 Farmer's Market 9 am to 4 pm
17	18 Work Session 7 pm COG Picnic 6 pm	19	20 Planning 7 pm Farmer's Market	21	22	23 Farmer's Market 9 am to 4 pm
24	25 COG Meeting – 10 am Public Safety Center	26 State Rep. J. Rader's Representative 10 am – Noon CARNIVAL	27 Farmer's Market CARNIVAL	28	29	30 Farmer's Market 9 am to 4 pm CARNIVAL
CARNIVAL	CARNIVAL					
31						

**MOUNT POCONO BOROUGH COUNCIL
PUBLIC HEARING MINUTES
MONDAY, JUNE 6, 2016
6:30 P.M.**

President K. Davis opened the Public Hearing at 6:30 P.M. with the following members present: Councilmembers: F. O'Boyle; D. Casole; K. Transue; M. Oser and C. Williams. Mayor F. Courtright Solicitor J. Fareri and Borough Secretary/ Treasurer L. Noonan were also present.

Vice President J. Woehrle was absent.

Also present was Attorney Ralph Matergia, representing the president of the Touka Hibachi Steakhouse, Inc., Xiong Cheng. Mr. Xiong Cheng was also present.

PURPOSE OF PUBLIC HEARING

Solicitor J. Fareri explained that a Public Hearing is required by law whenever a liquor license is being transferred from one (1) municipality to another and thus is the purpose of tonight's Public Hearing.

Attorney Ralph Matergia stated that his client Mr. Xiong Cheng wishes to obtain the liquor license for his proposed Touka Hibachi Steakhouse & Sushi Bar which will occupy storefronts #18 and #19 in the Mount Pocono Shopping Plaza at 3236 SR 940 in the Borough of Mount Pocono. It was also explained that the liquor license inter-municipal transfer of LID #70720 and it will be transferred from Chestnuthill Township. Attorney R. Matergia explained that Touka Hibachi Steakhouse & Sushi Bar will be opened Mondays and Thursdays from 11:00 A.M. to 10:00 P.M., Fridays and Saturdays from 11:00 A.M. to 11:00 P.M. and Sundays from 11:00 A.M. to 9:00 P.M. It is a two hundred and thirty-five (235) seat restaurant opening in November. It was noted that the timeframe for the liquor license transfer is anywhere from ten (10) to twelve (12) weeks.

BOROUGH COUNCIL COMMENTS

President K. Davis opened the floor to Borough Council comments.

Councilmember F. O'Boyle questioned the other locations of the restaurants. Attorney R. Matergia stated that Mr. Xiong Cheng had another steakhouse and sushi bar in Pottstown.

Councilmember M. Oser questioned if there was the required number of EDUs available for this eating establishment.

It was stated by President K. Davis that the EDUs were looked into prior to the signing of the lease.

Other questions from Councilmembers were: the opening date; and, if they provide takeout.

PUBLIC COMMENT

President K. Davis opened the floor to public comments.

There were no questions and there was no one in opposition of the liquor transfer.

Noted for the record, public in attendance were: Mrs. Ruth Gross; Mr. Kevin Kirkwood; and, Mr. Tom Neville.

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MONDAY, JUNE 6, 2016
6:30 P.M.**

Borough Council was in receipt of the necessary Resolution needed to transfer the liquor license, Resolution #2 of 2016

Councilmember C. Williams moved to adopt Resolution # 2 of 2016, a Resolution of the Borough of Mount Pocono approving transfer of Pennsylvania Restaurant Liquor License No. 4-20904 into Mount Pocono Borough from the Township of Chestnuthill. Councilmember M. Oser seconded. Motion carried unanimously.

There being no further comments from the public or from Borough Council, Councilmember M. Oser moved to adjourn at 6:45 P.M. Councilmember K. Transue seconded. Motion carried unanimously.

Respectfully submitted,

Lori Noonan, Borough Secretary

DRAFT

**MOUNT POCONO BOROUGH COUNCIL
REGULAR MEETING MINUTES
MONDAY, JUNE 6, 2016
7:00 P.M.**

President K. Davis opened the Regular meeting at 7:00 P.M. with the following members present: Councilmembers: F. O'Boyle; D. Casole; C. Williams; K. Transue; and, M. Oser. Mayor F. Courtright Solicitor J. Fareri and Borough Secretary/ Treasurer L. Noonan were also present.

Vice President J. Woehrle was absent.

The Pledge of Allegiance was said by all.

PRELIMINARY ANNOUNCEMENTS

None

APPROVAL OF MINUTES

Councilmember K. Transue moved to accept the Regular Meeting minutes of May 2, 2016, as presented. Councilmember D. Casole seconded. Motion carried unanimously.

OFFICERS' REPORTS

PRESIDENT

President K. Davis presented Certificates of Recognition for Litter Clean-Up Day to the youth volunteers. It was noted that these volunteers collected more than one hundred (100) large bags of litter in our area. Certificates of Recognition were given to: Marilin Baez; Rafael Baez; Daniel Dempster; Andrew Dempster; Diana Dempster; Declan Courtright; Rose Mercedes Courtright; Brant Degroat; Mary Degroat; Brian Degroat; Cordell Degroat; Ronald Degroat; Alexanderick Newport; Jacob Transue; Spencer Transue; and, Elizabeth Transue.

President K. Davis noted that he and Vice President J. Woehrle met last week with State Representative Jack Rader, as he is interested in helping them promote and is in favor of growing Mount Pocono and they are looking into options to do this.

President K. Davis stated that Nathaniel Staruck of the Monroe County Planning Commission who is on tonight's agenda under Person to be Heard will not be present this evening however he is expected to be in attendance at the June 20, 2016, work session.

MAYOR

Mayor F. Courtright noted that the Memorial Day Ceremony was held at the VFW due to the inclement weather. He also noted that this past Friday messed with the First Friday event and had to be cancelled. The next First Friday will be held on Friday, July 1, 2016, at 6:00 P.M. He also noted that the first concert being held at the Pocono Mountain Volunteer Fire Company grounds is scheduled for Thursday, June 9, 2016. He further noted that he recently talked with Logan Evans of Mountain Landscaping regarding the playground area and they are hoping to start working on it in the coming weeks.

President K. Davis thanked Coolbaugh Township for stepping up and keeping the library afloat and encouraged participation from Borough Council and its residents at the library's upcoming fundraising activities.

TREASURER'S REPORT

The following cash report was given as follows:

GENERAL FUND CHECKING ACCOUNT	\$ 565,934.62
PENN SECURITY GENERAL FUND ACCOUNT	20,692.71
CAPITAL RESERVE ACCOUNT	48,805.46
BANNER BEAUTIFICATION ACCOUNT	2,570.72
STATE LIQUID FUELS	92,212.74

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PARK & RECREATION FUND	\$ 4,842.95
PLANNING COMMISSION REIMB. FUND	52,775.88
ROAD FUND – GENERAL FUND	127.46
STORMWATER FUND	132,663.71
GENERAL FUND RESERVE ACCOUNT	41,701.02
SANITATION FUND	6,899.08
ROUTE 940 CORRIDOR FUND	53,675.00
FIVE POINT INTERSECTION FUND	<u>443,880.60</u>

GRAND TOTAL **\$ 1,466,781.95**

Councilmember K. Transue moved to pay and approve the bills as outlined in the Treasurer’s Report dated Monday, May 2, 2016, as presented removing the Potcher Construction bill. Councilmember C. Williams seconded. Motion carried unanimously.

BILLS TO BE PAID FROM THE GENERAL FUND CHECKING ACCOUNT:

Ace Hardware	(shop supplies, small tools)	\$ 204.89
Amerihealth Casualty	(workers comp)	6,645.02
Berkheimer Associates	(LST Commission)	316.34
Blue Ridge Cable	(phones)	380.98
Boston Mutual	(disability insurance)	240.01
DG Nicholas Co.	(lights for bucket truck/ supplies)	46.34
CS-Graphx	(support & maint agmt – Permit Mgr.)	1,850.00
Ehrlich	(quarterly pest protection)	85.00
First National Bank	(postage, battery back UPS, supplies)	91.36
Fry Communications	(PA Bulletin)	82.00
Gleco Paint	(traffic paint)	260.97
G & K Services	(uniforms & rug service)	254.98
Gotta Go Potties	(port-o-potties (2))	170.00
Highmark Blue Shield	(health insurance)	6,196.56
Hartman Electrical Contracting	(repairs to pole lights)	627.20
H. Clark Connor	(PC Solicitor – two months)	1,200.00
Hilltop Sales & Service	(additional keys for mower)	20.18
Home Depot	(flowers for bldg.)	309.15
Journal of Pocono Plateau	(advertisement – property for sale)	221.00
Russell R. Kresge, Jr.	(engineer)	359.20
Lowe’s	(wet mop, cleaning supplies, lock)	60.57
Metz, Inc.	(parts per annual contract)	39.06
NAPA Auto Parts	(truck wash)	6.86
Newman, Williams, Mishkin	(expenses – DCED review fee)	70.46
Overhead Doors	(service/ repairs to maint. Garage doors)	569.91
Payrolls Unlimited	(May)	84.00
PPL	(electric)	1,629.90
PA American Water	(water bills)	703.66
PA One Call System	(monthly fee – 2 months)	32.20
PACCAR Financial	(truck payment)	32,932.69
Pocono Record	(advertising – 2 months)	633.80
Pocono Mtn. Regional Police	(June Mortgage Payment)	2,811.27
Pocono Mtn. Public Library	(1 mill RE Tax May 2016 & Delinq. Taxes)	22,161.16
Pocono Mtn. Vol. Fire Co.	(1 mill RE Tax May 2016 & Delinq. Taxes)	22,162.26
Pocono Mtn. Reg. EMS	(1/2 mill RE Tax May 2016 & Delinq. Taxes)	11,081.14
Quill	(office supplies)	277.62
Reliable Sign	(nuts & bolts for signs)	127.50
Response Computer	(external hard drive)	140.00

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Selective Insurance	(insurances)	4,950.00
Signal Service	(SR 940 & Oak St/ junction box location)	\$ 3,137.40
Stratix Systems	(supplies for wide format copier)	450.00
SunnocoCOSTARS	(diesel/ fuel)	542.57
United Concordia	(dental insurance)	365.18
US Bank	(copier rental)	317.06
Verizon Wireless	(cell phones)	170.94
Verizon	(phone)	32.55
Wal-Mart	(shop & bldg. supplies)	63.52
Zee Medical Service	(medicine cabinet restock)	<u>38.63</u>

GRAND TOTAL **\$ 135,317.09**

BILLS TO BE PAID FROM THE GENERAL FUND CHECKING ACCOUNT:

Mt Pocono Payroll	(w/e 05/04/16)	\$ 7,605.02
Mt. Pocono Payroll	(w/e 05/11/16)	6,373.65
Mt Pocono Payroll	(w/e 05/18/16)	6,247.88
Mt Pocono Payroll	(w/e 05/25/16)	6,352.76
Mt Pocono Payroll	(w/e 06/01/16)	<u>6,209.45</u>

GRAND TOTAL **\$ 32,788.76**

BILLS TO BE PAID FROM THE STATE LIQUID FUELS ACCOUNT:

JET-Way, LLC	(cold patch)	\$ 2,339.25
PPL	(traffic signals & street lights – 2 months)	3,895.29
TEAM Supply	(drainage boxes/tops)	<u>300.45</u>

GRAND TOTAL **\$ 6,534.99**

Potcher Construction

Councilmember F. O'Boyle moved to authorize Solicitor J. Fareri to draft a letter regarding the Borough Council's concerns on the warranty of the ramp and present to Borough Council for their review. Councilmember K. Transue seconded. Motion carried unanimously.

Postage Meter

Borough Secretary/ Treasurer L. Noonan presented two (2) quotes for postage meters. One (1) from Hasler at a monthly rate of \$48.95 for thirty-six (36) month lease and one (1) from FP Mailing Solutions at a cost of \$25.00 per month for a thirty-six (36) month lease.

Councilmember F. O'Boyle moved to enter into a thirty-six (36) month lease agreement with FP Mailing Solutions for a postage meter, PostBase 20 Meter/Base, at a cost of \$25.00 per month. Councilmember C. Williams seconded. Motion carried unanimously.

ARLE Grant

Borough Secretary/ Treasurer L. Noonan advised Borough Council that we have been awarded a 2015 Automated Red Light Enforcement (ARLE) Funding Grant in the amount of \$41,997.00. This money is to be used on PA SR 940 and Oak Street/ Wal-Mart Drive for signal improvement upgrades including the installation of a preemption device.

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Smartphone

Borough Secretary/ Treasurer stated that she was asked by Vice President J. Woehrle in his absence to bring up the request of the Borough's Maintenance Supervisor to upgrade his Borough cell phone to a smartphone at an additional cost of \$14.99 per month.

There were some questions regarding for the fee for the data and also if there were any other unforeseen extra fees associated with the smartphone.

It was agreed that this items will be discussed at the next meeting.

SOLICITOR

Solicitor J. Fareri stated that DCED requested some revisions be made to the debt statement and those revisions have been made and were forwarded to DCED. We are hoping that DECD will close on this matter soon. He noted that Borough Council held a Public Hearing earlier this evening in regards to a liquor license transfer and that the Resolution #2 of 2016 was adopted at said Public Hearing.

PERSONS TO BE HEARD

Sherman Theater

Mr. Tim Gasiewski was present on behalf of the Sherman Theater, Mr. Gasiewski explained that the Sherman Theater would like to display a banner across SR 611 for thirty (30) days to promoted the August 20th, Pocono Mountains Beer Festival.

There was some discussion regarding the length a banner could stay up across SR 611.

After a review of the Resolution that Borough Council adopted with PennDOT and also noting that the proper certificate of insurance was received for said banner, Councilmember K. Transue moved to permit a banner to be in place to promote the Pocono Mountains Beer Festival being held on August 20th, for fifteen (15) days prior to the event plus an additional two (2) days after to allow for takedown of said banner. Councilmember C. Williams seconded.

There was some discussion regarding the cost. It was further noted that the \$100.00 fee charged for the erection of said banner would be paid by the Sherman Theater. Motion carried numinously.

UNFINISHED BUSINESS

Short-Term Rental Ordinance

Solicitor J. Fareri stated that Borough Council advertised and held a Public Hearing in regards to the Short Term Rental and the Drop-off Collection Boxes in April, however the Monroe County Planning Commission had reviewed and suggested some changes. The Mount Pocono Planning Commission reviewed and made some changes in response to the Monroe County Planning Commission comments. He also stated that he has reviewed all changes and they are minor in nature and stated this Ordinance does not have to be re-advertised.

In view of that, Councilmember F. O'Boyle moved to adopt Ordinance #2 and #3 of 2016 which, Ordinance # 2 was an Ordinance amending the Zoning Chapter 215 of the Code of the Borough of Mount Pocono to provide for Short-Term Rental of dwelling units and donation drop-off boxes. Ordinance #3 of 2016 was an Ordinance amending Chapter 154 of the Code of the Borough of Mount Pocono in regards to short-term rentals. Councilmember M. Oser seconded.

Councilmember F. O'Boyle then discussed the definition of bedroom that was proposed by the Monroe County Planning Commission. It was noted that the Borough's Ordinance under Chapter 215 Standards and Condition outlines the size of

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bedrooms, noting that a bedroom shall not be less than seven (7) feet in any planned dimension and that every bedroom shall contain not less than seventy (70) square feet, thus there was not a need to amend the definition of bedroom.

Motion went to a roll call vote: Councilmember K. Transue, "Yes"; Councilmember M. Oser, "Yes"; Councilmember C. Williams, "No"; Councilmember F. O'Boyle, "Yes"; Councilmember D. Casole, "Yes"; and, President K. Davis, "Yes". Motion carried 5 – 1.

Sale of Property

Solicitor J. Fareri opened sealed bids that were received for the sale of property as follows:

In regards to the sale of the property located at 20 Fork Street, Mr. & Mrs. Bohdal submitted a bid in the amount of \$10,000.00 and submitted the necessary bond in the amount of \$1,000.00. Mr. Yoni Ramirez submitted a bid for 20 Fork Street in the amount of \$5,000.00 and submitted the necessary bond for \$500.00.

In regards to the sale of Section 4 on Timberbrook Terrace, Yoni Ramirez submitted a bid in the amount of \$1,500.00 and included a \$150.00 check for the bond.

Councilmember F. O'Boyle moved to accept the bid of \$10,000.00 for the sale of the property located at 20 Fork Street. Councilmember D. Casole seconded.

There was discussion regarding the property with Councilmember K. Transue, noting that he is against selling this property as he feels that this a prime location for a pole barn or other structure to house Borough equipment, most specifically the new ten (10) ton dump truck.

Motion went to a roll call vote: Councilmember K. Transue, "No"; Councilmember M. Oser, "No" Councilmember C. Williams, "Yes"; Councilmember F. O'Boyle, "Yes"; Councilmember D. Casole, "Yes"; and, President K. Davis, "Yes". Motion carried 4 -2.

Councilmember F. O'Boyle moved to accept the bid from Yoni Ramirez for the sale of Section 4 Timberbrook Terrace in the amount of \$1,500.00. Councilmember D. Casole seconded.

There was discussion regarding the location of Timberbrook Terrace.

Motion went to a roll call vote: Councilmember K. Transue, "No"; Councilmember M. Oser, "No"; Councilmember C. Williams, "No"; Councilmember D. Casole, "Yes"; Councilmember F. O'Boyle, "Yes"; President K. Davis, "Yes"; Mayor F. Courtright broke the tie voting, "Yes", in agreement to sell Timbrook Terrace. Motion carried 4 – 3.

Mount Pocono Municipal Authority Vacancy

Councilmember F. O'Boyle moved to appoint John Scalandre to fill the vacancy created by the resignation of George Wolff to the Mount Pocono Municipal Authority (MPMA). Due to a lack of a second the motion died.

Councilmember C. Williams moved to appoint Paul Sanborn to the MPMA to fill the vacancy created by the resignation of George Wolff. Councilmember M. Oser seconded. Motion went to a roll call voted: Councilmember K. Transue, "Yes"; Councilmember M. Oser, "Yes"; Councilmember C. Williams, "Yes"; Councilmember D. Casole, "Yes"; Councilmember F. O'Boyle, "No"; President K. Davis, "Yes"; Motion carried 5 – 1.

NEW BUSINESS

Property Maintenance Code

Borough Secretary/ Treasurer L. Noonan noted that the Property Maintenance Code will be discussed at the next work session to be held on Monday, June 20, 2016, and requested that all Councilmembers review the

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Property Maintenance Code and provide any comments and or questions as soon as possible prior to the work session.

Optional Insurance Quotes

Borough Secretary/ Treasurer L. Noonan noted that Borough Council has several optional insurance quotes that they may choose to take, those being: an increase from the current umbrella \$4,000,000.00 to \$5,000,000.00 which is an additional premium of \$701.00; or to add an employee benefits liability up to \$1,000,000.00 for an additional premium of \$323.00; and also, CyCurity Coverage with a \$100,000.00 limit and \$2,500.00 deductible for an additional premium of \$654.00.

There was much discussion regarding the increase in the umbrella and also the added employee benefits liability with Borough Council requesting that the Borough Secretary/ Treasurer obtain a little more information on each of these policies.

In regards to the CyCurity Coverage, Councilmember M. Oser moved to take the additional coverage for CyCurity Coverage with an additional premium of \$654.00. Councilmember D. Casole seconded. Motion carried unanimously.

STANDING COMMITTEES' REPORTS

Planning

Councilmember D. Casole stated that she attended the recent Planning Commission meeting held on May 18th, and gave a detailed report on the meeting noting that they reviewed and recommended to Borough Council to adopt the Property Maintenance Code.

Department of Public Works

Councilmember F. O'Boyle noted that he and Vice President J. Woehrle met with Mr. Souaid regarding the possibility of purchasing some of his property near the maintenance garage. However, it does not look like that a deal can be negotiated with Mr. Souaid.

Utilities

Councilmember D. Casole noted that PAWC has completed the fire hydrant program for the Mount Pocono area and achieved satisfactory scouring of the system resulted in very minimal system disturbances. This was accomplished by targeting the suspected troubled areas during off peak hours. PAWC's water treatment parameter and results were analyzed and adjusted to minimize sediment accumulation. Noting that PAWC will continually monitor both the source water and distribution system so that PAWC may have a proactive approach to reduce their susceptibility to unforeseen system disturbances. If there any questions and/ or concerns regarding this report, we may contact Mr. George Smidhum – 24/7 on his cell and email with the contact information given to the Councilmembers.

Recreation

Councilmember K. Transue stated that there was no meeting this past month and he has been looking for a rain free weekend to begin the painting work that needs to be completed.

Sanitation

Mayor F. Courtright noted that three (3) months ago the Sanitation Committee met with the PRDs and last Thursday, we held a follow-up meeting with J. P. Mascaro and representatives of the PRDs and things are going very well and there will be no amendments made to the contract. He also noted that they are looking to adjust quarterly invoices.

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Buildings

No report.

Budget & Finance

It was agreed that the Budget and Finance Committee will be held after July 1st, to have a good look at a six (6) month picture of where we stand with the budget versus actual.

Personnel

President K. Davis requested that a Personnel Committee meeting be set up.

Regional Police/ EMS

Mayor F. Courtright noted that Lieutenant Will Lavery will be retiring from the force somewhere the end of July. He also noted that the Regional Police will be looking into the ATV's in the Pine Hill area and also at the Oak Street Park.

COG

Councilmember M. Oser noted that he attended the May 23, 2016, dinner meeting with twenty-nine (29) people were in attendance and the discussion of the night at the meeting was the ineffectiveness of COG and how to resolve this issue.

PUBLIC PARTICIPATION

Tom Neville, Knob Road, thanked Borough Council for their work and their dedication to the Borough. He also discussed the farmer's market that is held behind the Borough building on Wednesdays and Saturdays and whether or not the farmer paid fees to be here.

Hildy Franzo, Knob Road, also discussed the farmer's market held at the Tractor Supply and at Hoffman's on SR 940 and questioned if they pay fees.

Alice Makla, Knob Road, complained about the Murray's towing truck on School Drive.

Councilmember F. O'Boyle discussed the high grass areas in the Borough.

There being no further business or any further public participation coming before the Board, Councilmember F. O'Boyle moved to adjourn at 9:38 P.M. Councilmember M. Oser seconded. Motion carried unanimously.

Respectfully submitted,

Lori Noonan, Borough Secretary

BOROUGH SECRETARY/ TREASURER'S REPORT
MONDAY, JULY 5, 2016
CASH REPORT

GENERAL FUND CHECKING ACCOUNT	\$ 560,553.14
PENN SECURITY GENERAL FUND ACCOUNT	20,692.71
CAPITAL RESERVE ACCOUNT	48,805.46
BANNER BEAUTIFICATION ACCOUNT	2,570.72
STATE LIQUID FUELS	85,677.75
PARK & RECREATION FUND	4,842.95
PLANNING COMMISSION REIMB. FUND	52,775.88
ROAD FUND – GENERAL FUND	127.46 ¹
STORMWATER FUND	132,663.71 ^{2 3}
GENERAL FUND RESERVE ACCOUNT	41,701.02
SANITATION FUND	6,899.08
ROUTE 940 CORRIDOR FUND	53,675.00
FIVE POINT INTERSECTION FUND	<u>443,880.60</u>
 GRAND TOTAL	 <u>\$1,454,865.48</u>

1. A MOTION TO PAY AND APPROVE THE BILLS AS OUTLINED IN THE BOROUGH SECRETARY/TREASURER'S REPORT DATED JULY 5, 2016.

¹ \$20,000.00 LTS Money is contained in this figure

² \$40,000.00 transferred to the Park & Recreation Account on August 12, 2008. Reimbursement has not taken place as of this date & Reimbursement should be made to the Buildings Fund

³ \$78,000.00 LTS Money is contained in this figure for Church Avenue/Center Avenue stormwater improvements

BILLS TO BE PAID FROM THE GENERAL FUND CHECKING ACCOUNT:

ACE Hardware	(shop supplies, repairs to push mower)	\$ 310.29
Amerihealth Casualty	(workers comp)	2,630.22
Avalanche Services	(repairs to shop septic – April)	1,763.00
Bartonsville Printing	(ZO Business Cards)	60.00
Blue Ridge Communications	(phones)	360.55
Blue Tarp Financial	(weather station)	35.31
Boston Mutual	(disability insurance)	240.01
Cintas Corp	(uniform/rug service)	281.51
Ed's Auto Service	(2015 Kenworth Inspection)	94.38
First National Bank	(DOTgov registration, supplies)	172.75
Gotta Go Potties	(port-o-potties (2))	170.00
Highmark Blue Shield	(health insurance)	6,196.56
Journal of the Pocono Plateau	(advertising)	78.00
J. Kirk, LLC	(DCED Borrowing Base Certificate)	100.00
Russell R. Kresge, Jr.	(engineer)	329.20*
Lowe's	(repair window @ Oak St Park)	7.31
Miller's Automotive	(leaking RR wheel – bucket truck)	240.56
Monroe County Control Center	(Fire/EMS)	1,155.47
PP & L	(electric)	120.43
Payrolls Unlimited	(June)	84.00
PA American Water	(water bills)	701.59
PA Paper & Supply	(garbage bag liners, towels)	198.67
Pocono Mountain Regional Police	(July Mortgage Payment)	2,811.27
Pocono Mtn. Public Library	(1 mill RE tax June 2016)	795.51
Pocono Mtn. Vol. Fire Co.	(1 Mill RE Tax June 2016)	795.59
Pocono Mtn. Reg. EMS	(1/2 mill RE Tax June 2016)	397.77
RKR Hess Associates	(115 Knob Road – On Lot SEO)	403.90*
Response Computer	(installed updated security/troubleshoot)	560.00
Schonover & Vanderhoof	(Roof Project)	3,997.50
Selective Insurance	(insurances)	2,416.00
SunocoCOSTARS	(diesel/fuel)	681.78
Thyssenkrupp Elevator	(service)	170.64
Tulpehocken Spring Water	(bottled water)	55.00
United Concordia	(dental insurance)	365.18
US Bank	(copier rental)	317.06
Verizon Wireless	(cell phones & equipment)	128.15
Verizon	(phone)	32.55
Walmart	(printer ink - shop)	<u>107.56</u>

GRAND TOTAL**\$29,365.27****Reimbursable from developers \$329.20 & \$403.90***BILLS ALREADY PAID FROM THE GENERAL FUND CHECKING ACCOUNT:**

Mt Pocono Payroll	(w/e 06/08/16)	\$ 6,307.52
Mt Pocono Payroll	(w/e 06/15/16)	6,406.97
Mt Pocono Payroll	(w/e 06/22/16)	6,439.32
Mt Pocono Payroll	(w/e 06/29/16)	<u>11,699.36</u>

GRAND TOTAL**\$30,853.17**

BILLS TO BE PAID FROM THE STATE LIQUID FUELS ACCOUNT:

PPL	(traffic signals & Street lights – 2 mos)	2,019.85
Reliable Sign & Striping	(sign posts, bases, blades)	<u>2,392.50</u>

GRAND TOTAL **\$4,412.35**

DEPOSITS:

FNB GENERAL FUND DEPOSITS:

June 6, 2016: \$11,444.06 – RE Taxes, District Magistrate, new house permit, bus terminal paving, yard sales, sale of zoning ordinance, re-roof permits, change of use, occupancy permit

June 17, 2016: \$7,741.33 – MPMA Rent, yard sale, certificate of occupancy, driveway, roof, sign, deck permits, RE Taxes.

June 22, 2016: \$13,350.75 – RE Taxes, Re-roof permit, certificate of occupancy, sign permit

July 1, 2016: \$124,784.20 – EIT, LST, Yard sale, shed permit, rental inspection, certificate of occupancy, On Lot Septic Tank Replacement permit, conditional use permit, Bureau Veritas

July 1, 2016: \$3,468.44 - RE Transfer Tax Direct Deposit

SANITATION FUND DEPOSITS:

July 1, 2016: \$392.70 – Sheriff Sale – 29 Brunswick Drive



BUSINESS LAW OFFICE, P.C.

Aggressively Representing Business™

21 Fairview Avenue • Mount Pocono, Pennsylvania 18344
Ph: 570.762.2163 • Fax: 570.820.8444
www.tomfordbusinesslaw.com

Tom Ford
tom@tomfordbusinesslaw.com

Please Note NEW MAILING ADDRESS:
67 Center Avenue, Mount Pocono, Pennsylvania 18344

June 3, 2016

via email only

Mr. Keith Transue
Mount Pocono Borough Council
1361 Pocono Boulevard – Suite 100
Mount Pocono, Pennsylvania 18344

Re: Parks & Recreation Committee

Dear Keith:

Thank-you for advising the community of the opening on the Parks & Recreation Committee. I grew up in the Poconos (SHS Class of '74) and moved to Mount Pocono a little over three years ago. After we purchased a home here earlier this year, I've been looking for ways to become more involved in the Community.

This is a good fit for me. When my children were young, I coached their baseball and softball teams, served on the Penns Woods Girl Scout Council, was a Boy Scout volunteer, served as the "Cookie Mom" for my daughter's Girl Scout Troop, was an active PTA member, among numerous other activities centered around the nourishment and development of the community's youth. As my children grew, the opportunities to participate in those sorts of activities diminished.

I would look forward to helping develop vibrant facilities for our children and general community, and to find cost-effective means of expanding the range of uses for the Borough properties.

Thank you for your kind consideration.

Sincerely,

Tom Ford

June 4, 2016

Terry Cramer
24-102 Cobblewood Dr.
Mount Pocono, PA 18344

Mount Pocono Borough Council
1361 Pocono Blvd
Mount Pocono, PA 18344

Dear Council Members,

I am writing to you to express interest in one of the openings that you currently have posted for the Parks and Recreation Committee. I have lived in the Borough for the past 9 years and am a lifelong resident of Monroe County.

In recent years, I have been wanting to become more community oriented and feel that I could be of help in making the Borough better. Having a 6 year old son, who is involved with multiple sports, I see on a daily basis, areas that are in need of a little help.

Two years ago, I started giving back by becoming a Pocono Mountain Volunteer Fire Company member, and haven't looked back since. It has been one of the most rewarding things that I have ever been involved with.

I appreciate your time in considering myself to be a part of our community on another level.

Sincerely,

Terry Cramer

Lori Noonan

From: Tom Neville <bloominonionpoconos@gmail.com>
Sent: Tuesday, June 7, 2016 1:50 PM
To: lori@mountpocono-pa.gov
Subject: Note of interest

A note of interest for the open seat for parks and recreational.

I'm interested in the position to help our Borough go forward in a positive direction for our residents and visitors alike. Being a resident for over 10 years, I take much pride in our borough and want to help make it a safer and enjoyable place to live. Thank you for your time and consideration. Tom Neville. 209 Knob Road

POTCHER CONSTRUCTION INC.
125 MEADOWBROOK LANE
STROUDSBURG, PA. 18360

Dear Borough of Mount Pocono Council,

Concerning the small concrete crack in the front right hand corner of the slab of the new ramp. Potcher Construction will monitor this caulked crack for a period of 3 years. If it opens up or displaces to a thickness that is repairable, we will discuss the repair with the architect and perform the repair. Most construction warranties would provide for a crack that opens up to a 1/4" or more. The normal repair would be to cut a bevel or "V" groove from one end of the crack to the other, fill and trowel smooth with hydraulic cement or epoxy. This crack as of March 31, 2016 is approximately 1/64" open, caulked and not visible. The end date of our warranty is March 31, 2019.

Please call with any other concerns during your one year warranty on any other items.

Sincerely,

Randy Graver

Construction Manager

Potcher Construction Inc.

Office: 570 992 3349

Fax: 570 992 9299

Cell: 570 872 8622

Email: pci@epix.net

Jim Trombetta

From: "Johns, Nathan" <Nathan.Johns@VerizonWireless.com>
 Date: Monday, June 13, 2016 2:50 PM
 To: "Jim Trombetta" <borocrew@ptd.net>
 Subject: RE: [E] New cell phones

Hi Jim-

Below is a full Price Quote for you to switch to a smartphone on the account.

You will notice that I am recommending to switch to a 600 Min plan mainly due to you not using all of the minutes.

You may be able to get away with a total of 400 Minutes on the account, but I think that may be cutting it a little close.

Let me know if you have any questions...

-Nate

Wireless Service Quote For: Mount Pocono Borough

Quote is used for estimating purposes only and does not include taxes or other fees

Prepared by	Nathan Johns
Mobile #	610-220-8692
Email Address	nathan.johns@verizonwireless.com
Today's Date	6/13/16
Valid Until	6/30/16

Current Minute Usage 3-month Avg	292 Minutes
New Allowance	600 Minutes
Current Cost /Monthly	\$101.19
New Cost Monthly	\$118.27
Difference Monthly	\$17.08

Current Plan - 4 Basic Phones Sharing 800 Minutes

WSCA Contract #1907

Plan	Qty	Standard Rate	23% Discounted Monthly Access Per line	Shared Usage Per Line	Overage Charges	Included Features	Sub Total
400 Min Share Basic Phone	2	\$38.45	\$29.61	Each Line contributes 400 Min to Bucket	\$0.25/ Min	800 minutes shared, Unlimited Verizon to Verizon minutes, Unlimited Nights/Weekends, 100 Messages	\$59.21
Basic Phone Access w/ PTT+ Service	2	\$18.99	n/a	Each Line SHARES in the Minute Bucket	\$0.25/ Min	800 minutes shared, Unlimited Verizon to Verizon minutes, Unlimited Nights/Weekends, 100 Messages	\$37.98
Push-To-Talk+	2	\$2.00	n/a	PTT+ Service for basic phones	n/a	PTT+ Service for the 2 basic phones that don't have it included with the plan	\$4.00
Total	4						\$101.19

Proposed Plan - 3 Basic Phones/ 1 Smartphone Sharing 600 Minutes

WSCA Contract #1907

Plan	Qty	Standard Rate	23% Discounted Monthly Access Per line	Shared Usage Per Line	Overage Charges	Included Features	Sub Total
200 Min Share Basic Phone	1	\$34.99	\$26.94	Each Line contributes 100 Min to Bucket	\$0.25/ Min	600 minutes shared, Unlimited Verizon to Verizon minutes, Unlimited Nights/Weekends, 100 Messages	\$26.94
400 Min Share Smartphone	1	\$64.09	\$49.35	Each Line contributes 400 Min to Bucket	\$0.25/ Min	600 minutes shared, Unlimited Verizon to Verizon minutes, Unlimited Nights/Weekends, Unlimited Messaging, Unlimited Data	\$49.35
Basic Phone Access -0- Minute w/ PTT+ Service	2	\$18.99	n/a	Each Line SHARES in the Minute Bucket	\$0.25/ Min	600 minutes shared, Unlimited Verizon to Verizon minutes, Unlimited Nights/Weekends, 100 Messages	\$37.98
Push-To-Talk+	2	\$2.00	n/a	PTT+ Service for basic phones	n/a	PTT+ Service for the 2 basic phones that don't have it included with the plan	\$4.00
Total	2						\$118.27



Nathan Johns
 Government Account Manager
 Lehigh, Northampton, Monroe Counties, PA and Warren County, NJ

Lori Noonan

From: John Barry <jbarry@bbinslv.com>
Sent: Thursday, June 9, 2016 11:50 AM
To: Lori Noonan (lori@mountpocono-pa.gov)
Cc: Jennifer Koeppe
Subject: FW: This is what else we quoted.

Lori .

Following each of the quotes see a **brief explanation** of the following quotations;
Regards,

John M. Barry, CIC
Insurance Broker
Brown & Brown of Lehigh Valley
O#-800-634-8237 Extension 1883
Cell# 610-390-7096
3001 Emrick Blvd. Suite 120
Bethlehem, PA 18020

IMPORTANT: Please remember that insurance coverage cannot be bound, changed or cancelled via an electronic message.

CONFIDENTIALITY NOTICE:

The information contained in this communication, including attachments, may contain privileged and confidential information that is intended only for the exclusive use of the addressee. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering it to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error please notify us by telephone immediately.

Thank you.

From: Jennifer Koeppe
Sent: Thursday, June 09, 2016 11:31 AM
To: John Barry
Subject: This is what else we quoted.

Increase Umbrella from \$4,000,000 to \$5,000,000 – additional premium \$701= provides excess limits when the limits of underlying liability policies are exhausted by the payment of claims; **This will provide an added 1 Million (4 to 5 Million total) over and above the base limits of 1 Million for the General liability, Auto Liability ,the 500,000 Employers Liability of the Workers Compensation and the 1 Million Limit for the Directors and Officers Liability including Employment Practices. It's the least expensive way to provide higher limits under the Umbrella Policy.**

Add Employee Benefits Liability \$1,000,000 – additional \$323 - Liability of an employer for an error or omission in the administration of an employee benefit program, such as failure to advise employees of benefit programs. **If you or another employee forgets to add someone on the benefits plans; Group Health, Life and Disability this protects for the liability claims from the employee or estate due to that mistake.**

Hello,

06/30/16

On behalf of Pocono Mountain Regional Police Foundation I'd like to request Mount Pocono Borough Council approval to hang a banner across Rte 611 with the acceptable size/specs sharing information regarding their August 29, 2016 Golf Fundraiser at Pinecrest Resort in Pocono Pines with the community.

This is the organization's main fundraising effort for the year. Funds continue to go toward acquiring department equipment and the Pocono Mountain Regional Police K9 & bike unit.

Aware that the Sherman Theater has a banner planned for August 5 to 22, we would like to respectfully ask for installation July 25 and removal August 5 (to make it easier for the borough's staff to remove this when they put up the Sherman banner that day).

We would also like to ask that council please consider waiving the \$100 installation fee for this 501 (c) (3) organization as its efforts continue to benefit our local law enforcement men and women, as well as the community they serve.

Attached please find Hofbauer Strategies LLC's Certificate of Liability Insurance which is noted in the borough's ordinance as a requirement.

Thank you for your time and consideration.

Regards,

Jeanine Hofbauer



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
6/29/2016

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER HMK Insurance 54 South Commerce Way Suite 150 Bethlehem PA 18017	CONTACT NAME:	
	PHONE (A/C, No, Ext): (610) 868-8507	FAX (A/C, No): (610) 868-7604
	E-MAIL ADDRESS:	
	INSURER(S) AFFORDING COVERAGE	
	INSURER A: Selective Insurance Co of SC	NAIC # 19259
	INSURER B:	
INSURER C:		
INSURER D:		
INSURER E:		
INSURER F:		

COVERAGES **CERTIFICATE NUMBER:** 16g1 **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	GENERAL LIABILITY			S 2227431	6/29/2016	6/29/2017	EACH OCCURRENCE \$ 1,000,000
	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY						DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000
	<input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR						MED EXP (Any one person) \$ 5,000
	GEN'L AGGREGATE LIMIT APPLIES PER:						PERSONAL & ADV INJURY \$ 1,000,000
	<input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC						GENERAL AGGREGATE \$ 3,000,000
							PRODUCTS - COMP/OP AGG \$ 3,000,000
	AUTOMOBILE LIABILITY						COMBINED SINGLE LIMIT (Ea accident) \$
	<input type="checkbox"/> ANY AUTO						BODILY INJURY (Per person) \$
	<input type="checkbox"/> ALL OWNED AUTOS	<input type="checkbox"/> SCHEDULED AUTOS					BODILY INJURY (Per accident) \$
	<input type="checkbox"/> HIRED AUTOS	<input type="checkbox"/> NON-OWNED AUTOS					PROPERTY DAMAGE (Per accident) \$
	UMBRELLA LIAB						EACH OCCURRENCE \$
	EXCESS LIAB						AGGREGATE \$
	<input type="checkbox"/> OCCUR						
	<input type="checkbox"/> CLAIMS-MADE						
	DED						
	RETENTION \$						
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY						WC STATUTORY LIMITS
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)						OTHER
	If yes, describe under DESCRIPTION OF OPERATIONS below						E.L. EACH ACCIDENT \$
							E.L. DISEASE - EA EMPLOYEE \$
							E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

CERTIFICATE HOLDER **CANCELLATION**

MOUNT POCONO BOROUGH 1361 POCONO BLVD SUITE 100 MOUNT POCONO, PA 18344	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.
	AUTHORIZED REPRESENTATIVE T Hartzell, CPCU, CIC <i>Thomas R Hartzell, CPCU</i>

*Municipal Building
303 Pocono Boulevard
Mount Pocono, PA 18344*

**MOUNT POCONO
BOROUGH**

(570) 839-8436
Fax (570) 839-0981

INCORPORATED
1927

**COMMONWEALTH OF PENNSYLVANIA
BOROUGH OF MOUNT POCONO
MONROE COUNTY**

**A RESOLUTION OF THE BOROUGH OF MOUNT POCONO MONROE COUNTY,
PENNSYLVANIA, AUTHORIZING THE PLACEMENT OF BANNERS ACROSS A
STATE HIGHWAY OR WITHIN THE HIGHWAY RIGHT OF WAY.**

RESOLUTION NO. 9

WHEREAS, the Department of Transportation recently revised Publication 46, Section 1.10.14 to modify the requirements for displaying an overhead sign or banner, and:

WHEREAS, the Borough of Mount Pocono has single events, recurring events or multiple events that occur throughout the year.

WHEREAS, the Borough of Mount Pocono desires to erect such overhead signs and banners across Routes 611 in the Borough of Mount Pocono; and,

WHEREAS, permanent cables have been installed across the state highway right of way for the erection of banners; and,

WHEREAS, Route 611 is not considered a limited access highway in the Borough of Mount Pocono

NOW THEREFORE, BE IT RESOLVED by the Council of the Borough of Mount Pocono to authorize certain persons, municipalities and corporate entities to place overhead signs or banners across Route 611 in those locations where permanent cables have been installed under the following conditions:

- a. The locations for banner placement on permanent cables over Route 611 and Church Avenue known as PPL Pole numbers 65883/ N35785 and 65876/ N35784 and at Route 611 and Fork Street, at PPL Pole # 65993/ N35577 and 65999/ N35585.
- b. The minimum vertical clearance will be seventeen feet and six inches (17'6") above the roadway;

- c. Banners will have a maximum size of 11 feet long by 3'6" (11'x 3'6") listing the organization and events which are of a national, state, regional or local function or charitable affair.
- d. Banners will be erected not earlier than thirty (30) days prior to the event and will be removed within four (4) days after the event.
- e. The Borough of Mount Pocono or the organization responsible for the banner, will assume full responsibility for erecting, maintaining and removing the banner.
- f. The Borough of Mount Pocono or the organization responsible for the banner will assume all liability for the sign or banner by filing a Certificate of Insurance for the banner. No sign or banner will be erected without first providing proof of insurance.
- g. No more than 20% of the message on the sign or banner will relate to naming or advertising a commercial product, enterprise, business or company.
- h. While erecting, maintaining, and removing the banner, traffic control will be performed in accordance with the most current PennDot Publication 203.
- i. The Borough of Mount Pocono may charge a fee, not to exceed \$100.00 for services associated with the erection of the banner.

RESOLVED AND ADOPTED, this 16th day of June, 2003.

BOROUGH OF MOUNT POCONO COUNCIL

BY: John P. Finnerty

John P. Finnerty, President

BY: Nancy Golowich

Nancy Golowich, Mayor

ATTEST:

Lori Yocum
Lori Yocum, Borough Secretary/Treasurer



Quote

Traffic Safety Corp.
2708 47th Avenue
Sacramento, CA 95822
Phone: 916-394-9884
Fax: 916-394-2809
www.xwalk.com

Customer Number: 02-QUOTEPA

Quote Number: 0059198
Quote Date: 6/29/2016
Expires On: 7/29/2016
Salesperson: Eva Gapie

Bill To:
Mount Pocono Borough
jeff@mountpocono-pa.gov
Confirm To:
Jeff Woehrle

Ship To:
Mount Pocono Borough

Notes: 570-807-7844

	Ship VIA BEST WAY		Terms Net 30 Days From Invoice Date		
Item / Description		UOM	Qty Quoted	Price	Amount
SI-SP100-S Solar Powered Safe Pace 100 Radar Speed Sign		EA	1.00	2,599.00	2,599.00
SI-SP100-B4 Battery Powered Safe Pace 100 Radar Speed Sign 4 Cell Battery up to 4 weeks		EA	1.00	2,399.00	2,399.00
SI-SP100/700CLT LT Cruiser for SP100-700 Radar Signs		EA	1.00	3,499.00	3,499.00
SI-SP-DATA Data Collection Software One per sign Optional		EA	1.00	400.00	400.00

Freight at Customer's Expense

Thank you for considering us!!

Please contact us with any questions.
Terms and conditions apply. All prices are in U.S. dollars.

For Traffic Safety Warranty information: http://www.xwalk.com/pages/sys_warranty.htm

Net Order:	8,897.00
Freight:	0.00
Sales Tax:	0.00
Order Total:	8,897.00



Traffic Safety Corporation
 2708 47th Ave.
 Sacramento, CA 95822-3806
 Toll Free: 888.446.9255
 Tel: 916.394.9884
 Fax: 916.394.2809
 Email: sales@xwalk.com
 Web: www.xwalk.com

SafePace 100 Driver Feedback Radar Speed Sign

General Description

The SafePace 100 driver feedback sign is the solution that fits your budget.

This compact radar speed sign offers exceptional visibility and power efficiency in a lightweight and portable solution. Featuring the options you need at remarkably affordable pricing, the SafePace 100 driver feedback sign will help you keep your neighborhoods safe for years to come.

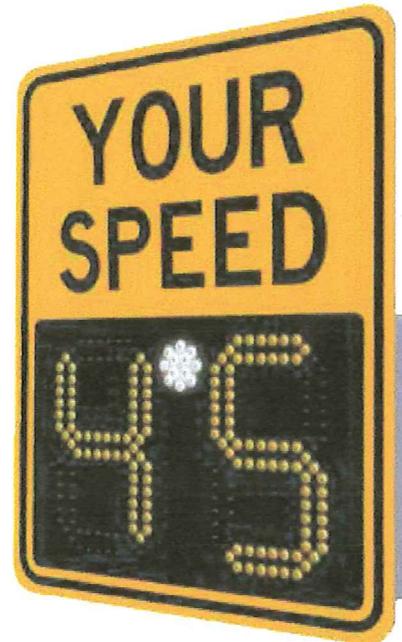
Features

- **Energy Efficient:** The sign can function up to 3 weeks autonomously with optional battery power (depending on traffic volume).
- **Optimal Visibility:** Unique light enhancing, anti-glare lens system along with automatic ambient light adjustment provides brilliant visibility in poor lighting conditions.
- **User Friendly Software Interface:** Easy-to-use management software lets you set sign parameters quickly and easily while optional data collection allows you to download traffic data and generate statistical reports.
- **Stealth Mode:** Collect baseline traffic data while speed display appears blank to motorists (requires Data Collection option).
- **Speed Violator Strobe:** Programmable flashing strobe to alert speeding drivers comes standard with every sign.

SafePace 100 Specifications

Digit Size	11"
Weight	21 lb.
24/7, 365 Scheduling	√
Data Collection Compatibility*	√
Solar Compatibility*	√
Battery Operated Compatibility*	√
Universal Mounting Compatibility*	√
Cloud Compatibility*	√
Trailer Compatibility*	√
Dolly Compatibility*	√
Hitch Compatibility*	√
Warranty	2 Years

* Optional feature.



Choice of faceplate colors available.
 Sign: 29"(h) x 23"(w) x 3.5"(d)

SafePace Sign Dolly

The SafePace sign dolly offers a compact, portable mounting solution for your SafePace sign.

Features

- **Portable:** Control traffic in multiple locations by parking and locking the SafePace dolly wherever you need it.
- **Compatibility:** Use with the SafePace 100, 250, 450, 475, 550, 625, or 650 sign.
- **Universal Mounting Bracket:** Install and remove radar sign with the simple turn of a key.
- **Speed Limit Sign:** Available with adjustable speed limit sign to remind drivers of the speed they should be driving.
- **Solar Panel Option:** Available with optional solar power for improved energy efficiency.
- **One Year Warranty.**



Specifications

- Height: 62", Width: 29.5", Depth: 35.5", Weight: 63 lb.
- Heavy duty 15" wheels.
- Powder coated black steel tube frame.

Visit our web site: www.xwalk.com



Traffic Safety Corporation
2708 47th Ave.
Sacramento, CA 95822-3806
Toll Free: 888.446.9255
Tel: 916.394.9884
Fax: 916.394.2809
Email: sales@xwalk.com
Web: www.xwalk.com

SafePace Radar Sign Trailers

SafePace Cruiser Radar Sign Trailer

Sturdy, folding trailer for displaying your SafePace series radar signs at multiple locations. The trailer can be set up by single operator in a matter of minutes and deployed for days, weeks or even months at a time. Its sleek design allows for smooth towing on even the smallest of vehicles.

Features

- **Integrates with Full Size SafePace Signs:** Compatible with the SafePace 450, 500, 600, and 700 display signs.
- **Quick and Easy Deployment:** Less than 5 minute deployment by single operator for quick and easy setup at multiple locations.
- **Portable:** Low profile design makes it easy to tow and transport.
- **Theft Prevention:** Fully retractable tongue, stabilizing jacks with removable handles, and wheel locking mechanism prevent theft and vandalism.
- **Rust-Proof:** Polyester powder coat finish for rust-proof protection.
- **Sturdy Design:** Full size 700 lb. sign trailer provides sturdy traffic enforcement, while folding down for quick and easy transport.
- **Customizable:** Choice of speed plate numbers and color backgrounds.
- **Versatile:** Enables you to use one sign at multiple locations with limited maintenance for years of continuous use.
- **Cushioned Ride:** Torflex axle for cushioned soft ride.
- **Built to Last:** Square tubing sign frame for extra strength.
- **2 Year Warranty.**

Applications

- Residential roads
- Law enforcement
- School zones
- Hazard zones
- Special events
- Short term work zones



Options

- **Solar Power:** Complete and compact solar power system available.
- **Battery Power:** Up to 3 additional batteries for extended autonomous use.
- **Spare Tire:** For added security.



Solar Power Option

Specifications

- Overall Width: 51"
- Overall Length: 110"
- Frame Size: 18"(W) x 36"(H)
- Height in Deployed Position: 95"
- Length with Tongue Extended: 115"
- Travel Height, Down Position: 41"
- Transport Height: 32"
- Gross Trailer Weight: 700 lb.
- Tire Size: 12"
- Trailer Lights: Sealed Beam



Spare Batteries



Spare Tire Option

Visit our web site: www.xwalk.com



Traffic Safety Corporation
2708 47th Ave.
Sacramento, CA 95822-3806
Toll Free: 888.446.9255
Tel: 916.394.9884
Fax: 916.394.2809
Email: sales@xwalk.com
Web: www.xwalk.com

SafePace Radar Sign Trailers

SafePace Cruiser LT Radar Sign Trailer

Lightweight, economical radar trailer with all the features you need for portable speed control. The SafePace Cruiser LT can be deployed or transported in a matter of minutes with a simple lever that raises and lowers the sign face. The sign can be rotated to face oncoming traffic, eliminating the need for precise trailer parking. Rotation also offers wind protection during travel. The trailer includes a speed limit sign that has interchangeable numbers for quick speed limit adjustments.

Features

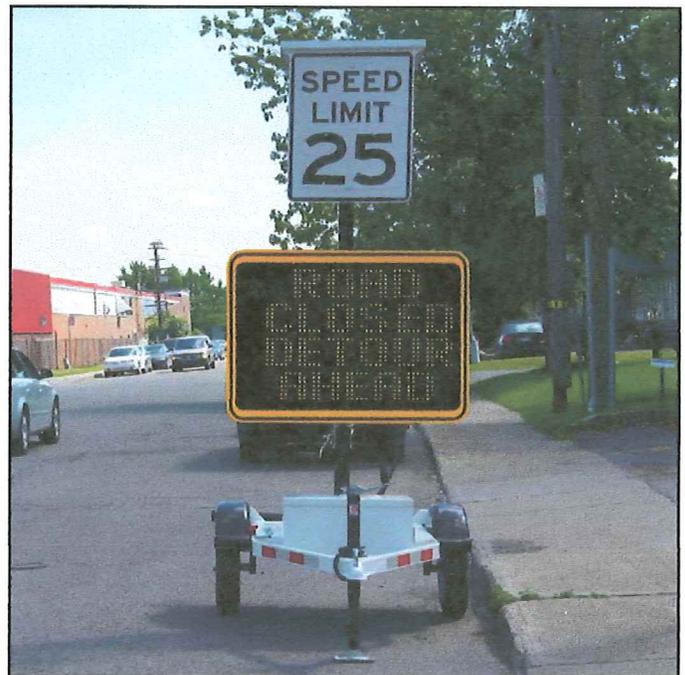
- **Integrates with SafePace Sign of Your Choice:** Compatible with all SafePace sign models (slightly different version for SafePace 100 sign).
- **Quick and Easy Deployment:** Less than 3 minute deployment by single operator for quick and easy setup at multiple locations.
- **Interchangeable Speed Limit Numbers:** Included speed limit sign has interchangeable numbers for quick speed limit adjustments.
- **Portable:** Sign face can be lowered and rotated for simple towing and transporting.
- **Built to Last:** Square tubing sign frame for extra strength.
- **Rust-Proof:** Polyester powder coat finish for rust-proof protection.
- **Allows for Rotating Sign Display:** The SafePace Cruiser LT can display the SafePace 800 sign either vertically or horizontally.
- **Intuitive Design:** Simple crank system makes the trailer easy to deploy, tow, and transport.
- **Cost Effective:** Enables you to use one sign at multiple locations with limited maintenance for years of continuous use.
- **Cushioned Ride:** Torflex axle for cushioned soft ride.
- **2 Year Warranty.**

Applications

- Residential roads
- Law enforcement
- School zones
- Hazard zones
- Special events
- Short term work zones



Trailer includes speed limit sign with interchangeable numbers.



Options

- **Solar Power:** Complete and compact solar power system available.
- **Battery Power:** Additional battery available for extended autonomous use.
- **Spare Tire:** For added security.
- **Theft Prevention:** Wheel locking mechanism prevents theft and vandalism.



Solar Power Option



Spare Batteries

Specifications

- Overall Width: 51"
- Overall Length: 92"
- Height in Deployed Position: 118"
- Travel Height, Down Position: 77"
- Transport Height: 32"
- Gross Trailer Weight: 425 lb.
- Tire Size: 12"
- Trailer Lights: Sealed Beam



Wheel Lock Option

Visit our web site: www.xwalk.com

RECEIVED

JUN 28 2016

MT. POCONO BOROUGH

To: Mr. Karl Davis, President
Mt. Pocono Boro

Lori Noonan, Secretary Treasurer

From: Council Member Donna Casole

Re: Article 12 -CONTROL OF SHOPPING CARTS

Good afternoon! It has been brought to my attention by Mr. John Scalamandre that there is dangerous and inappropriate group use-activity with Shopping Carts on Oak Street by means of children, teenagers etc. using Shopping Carts like bikes and riding down that hilly section of Oak Street. This activity is causing much concern for the Residents, and motor vehicle traffic on Oak Street which is creating a very dangerous situation and an accident waiting to happen with someone getting seriously injured either by a car hitting one of them or hurting themselves.

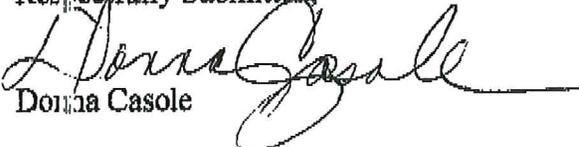
At the beginning of the last Planning Commission Meeting on May 18, 2016, Mr. Scalamandre brought this topic up to the attention of the Planning Commission. Being a few minutes late, I only caught the very end of the discussion of which at the end of the discussion -Mr. Scalamandre handed the attached Article 12 - Control of Shopping Carts to me to bring to the attention of Boro Council.

I do recall past discussions regarding Shopping Carts discarded or abandoned in ditches, on private property, etc.

I advised Mr. Scalamandre that I would bring this to your attention for possible discussion in the future.

Thank you for your attention and consideration of this matter.

Respectfully Submitted,


Donna Casole

ARTICLE 12CONTROL OF SHOPPING CARTS

<u>Section</u>	<u>Subject Matter</u>
<u>6-12.01</u>	<u>DEFINITIONS</u>
<u>6-12.02</u>	<u>ENFORCEMENT</u>
<u>6-12.03</u>	<u>PROHIBITION AGAINST REMOVAL OR POSSESSION OF ABANDONED CART</u>
<u>6-12.04</u>	<u>MANDATORY SIGN REQUIREMENTS ON CARTS AND PREMISES</u>
<u>6-12.05</u>	<u>MANDATORY PHYSICAL MEASURES TO PREVENT THE REMOVAL OF CARTS</u>
<u>6-12.06</u>	<u>PLAN PROVIDING ALTERNATIVE TO MANDATORY PHYSICAL MEASURES TO PREVENT THE REMOVAL OF CARTS</u>
	<u>6-12.07</u> <u>PROPOSED MODIFICATION TO EXISTING PHYSICAL MEASURES OR A PREVIOUSLY- APPROVED ALTERNATIVE PLAN</u>
<u>6-12.08</u>	<u>INADEQUATE CART CONTROL MEASURES AND DIRECTIVE TO MODIFY MEASURES</u>
<u>6-12.09</u>	<u>PENALTIES FOR FAILING TO IMPLEMENT PHYSICAL CART CONTROL MEASURES, AN APPROVED ALTERNATIVE PLAN, OR DIRECTED MODIFICATION</u>
<u>6-12.10</u>	<u>IMPOUNDMENT OF ABANDONED CARTS</u>
<u>6-12.11</u>	<u>COSTS AND FINES FOR IMPOUNDED CARTS</u>
<u>6-12.12</u>	<u>APPEALS</u>

Section	Subject Matter
<u>6-12.13</u>	<u>DISPOSITION OF CARTS AFTER THIRTY DAYS</u>
<u>6-12.14</u>	<u>SEVERABILITY AND VALIDITY</u>
<u>6-12.15</u>	<u>EFFECTIVE DATE</u>

ARTICLE 12

CONTROL OF SHOPPING CARTS

SEC. 6-12.01 DEFINITIONS.

- a. Cart. Cart shall mean a basket, which is mounted on wheels or a similar device, provided by a business establishment for use by a customer for the transporting of goods of any kind.
- b. Owner. Owner shall mean any person or entity, which in connection with the conduct of a business, owns, possesses, or makes one or more carts available to customers or to the public. For purposes of this Article, owner shall also include the owner's on-site or designated agent that provides the carts for use by its customers.
- c. Premises. Premises shall mean the entire area owned and utilized by the business establishment that provides carts for use by customers, including any parking lot or other property provided by the owner for customer parking.
- d. Abandoned Cart. Abandoned cart shall mean any cart that has been removed without written permission of the owner, agent or on-duty manager from the premises of the business establishment, regardless of whether it has been left on either private or public property.

SEC. 6-12.02 ENFORCEMENT. The Director of Public Works, or designated City staff, shall oversee the implementation, administration and enforcement of this Article.

SEC. 6-12.03 PROHIBITION AGAINST REMOVAL OR POSSESSION OF ABANDONED CART.

- a. It shall be unlawful to either temporarily or permanently remove a cart from the premises, of a business establishment without the express prior written approval of the owner or on-duty manager of the business establishment.
- b. This section shall not apply to carts that are removed for repair or maintenance.

SEC. 6-12.04 MANDATORY SIGN REQUIREMENTS ON CARTS AND PREMISES. Within ninety (90) days of the effective date of this article, owners of one or more carts shall place signs on carts and premises as follows:

- a. Required signs on carts. Every cart owned or provided by any business establishment in the City of Hayward must have a sign permanently affixed to it that contains the following information:
 - (1) Identification of the owner of the cart or the name of the establishment, or both;

- (2) Notification of the public of the procedure for authorized removal of the cart from the premises;
 - (3) Notification of the public that the unauthorized removal of the cart from the premises of the business establishment is a violation of state law;
 - (4) Telephone number to contact to report the location of an abandoned cart or an address for returning the cart to the owner or business establishment.
- b. Required signs on premises. Signs shall be placed in pertinent places near doors to warn customers that cart removal is prohibited and constitutes a violation of state and local law.

SEC. 6-12.05 MANDATORY PHYSICAL MEASURES TO PREVENT THE REMOVAL OF CARTS. Within ninety (90) days of the effective date of this article, owners of retail businesses that utilize carts with five thousand (5,000) or more square feet of space enclosed within a building, shall put in place one or more of the following physical measures to prevent the removal of carts from their premises:

- a. Disabling devices on all carts, activated when they cross an electronic or other barrier at the perimeter of the premises or
- b. Physical barriers located at doors, around loading areas or other defined perimeters, that prevent the passage of carts beyond the barriers. Barriers may also be placed on the carts themselves to prevent them from passing through door openings or other defined perimeters and

In addition to (a) or (b) above, businesses shall designate personnel during all hours of retail operation whose responsibility it is to monitor and prevent the removal of carts from the premises.

SEC. 6-12.06 PLAN PROVIDING ALTERNATIVE TO MANDATORY PHYSICAL MEASURES TO PREVENT THE REMOVAL OF CARTS. Within sixty (60) days of the effective date of this article, owners who do not wish to implement one of the mandatory measures described in Section 6-12.05 may present a plan to the Director of Public Works setting forth proposed alternative measures to achieve cart control. If the Director deems the proposed measures acceptable, owner will be required to implement the plan within sixty (60) days of written notification. If the Director deems the proposed measures unacceptable, owner will be required to implement one of the physical measures described in Section 6-12.05 within sixty (60) days of written notification. The decision of the Director of Public Works shall be final unless appealed in writing within ten (10) days of written notification, pursuant to Sec. 6-12.12

SEC. 6-12.07 PROPOSED MODIFICATION TO EXISTING PHYSICAL MEASURES OR A PREVIOUSLY-APPROVED ALTERNATIVE PLAN. Should an owner wish to modify existing physical measures or a previously-approved alternative plan, the proposed modification shall be submitted to the Director of Public Works for review. Should the Director approve the proposal, owner shall implement proposed changes within thirty (30) days of written notification. The decision of the Director of Public Works shall be final unless appealed in writing within ten (10) days of written notification, pursuant to Sec. 6-12.12.

SEC. 6-12.08 INADEQUATE CART CONTROL MEASURES AND DIRECTIVE TO MODIFY MEASURES. Should the Director of Public Works find that an owner's physical measures or alternative plans are not producing satisfactory results, the Director shall have the authority to direct owner to modify measures to ensure more satisfactory cart control results. Modified measures shall be put in place within thirty (30) days of written notification of the Director's decision. The decision of the Director of Public Works shall be final unless appealed in writing within ten (10) days of written notification, pursuant to Section 6-12.12.

SEC. 6-12.09 PENALTIES FOR FAILING TO IMPLEMENT PHYSICAL CART CONTROL MEASURES, AN APPROVED ALTERNATIVE PLAN, OR DIRECTED MODIFICATION. Any owner who fails to implement physical cart control measures, an approved alternative plan or a directive to modify measures shall be subject to enforcement procedures as provided in Chapter 1, Article 3, Section 1-3.00 of this Code. The remedies provided in this Article shall be cumulative and not exclusive.

SEC. 6-12.10 IMPOUNDMENT OF ABANDONED CARTS. The Director of Public Works shall have authority to retrieve and impound carts located outside the premises of a business establishment as follows:

- a. A cart with the signs required by Section 6-12.04 may be impounded if it has not been retrieved after three days' notice to the owner of the discovery and location of the cart. The notice to the owner shall include information regarding procedures and costs for retrieval and storage of the cart. In instances where the location of the cart will constitute a safety hazard, the Director shall have the authority to immediately retrieve the cart from public or private property.
- b. The Director shall have the authority to immediately retrieve and impound a cart with the required signs if the owner is provided with actual notice of the impoundment and the location of the cart within 48 hours following the impoundment. If the owner reclaims the cart within three business days following notice of the impoundment, the cart shall be released to the owner at no charge whatsoever, including any impound or storage fees or fines that would otherwise be applicable pursuant to Section 6-12.11. Any cart reclaimed within the three-business-day period shall not be deemed an occurrence for purposes of Section 6-12.11.
- c. A cart without the signs required by Section 6-12.04 may be retrieved immediately and impounded.

SEC. 6-12.11 COSTS AND FINES FOR IMPOUNDED CARTS. The owner of any cart impounded by the City pursuant to Section 6-12.10 shall be liable for the City's actual costs of retrieval and storage, as the City Council may adopt by resolution from time to time relating to enforcement of this Article. In addition, the City may fine the owner of an impounded cart fifty (\$50) dollars for each occurrence in excess of three occurrences during a specified six-month period. A single occurrence includes all carts impounded in a 24-hour period. The decision of the Director of Public Works to impose costs and/or a fine shall be final unless appealed in writing within ten (10) days of written notification, pursuant to Sec.6-12.12.

SEC. 6-12.12 APPEALS. An owner shall be entitled to appeal a decision by the Director to impose fines and/or costs or to implement cart control measures to the City Manager. The City Manager shall hear and consider all relevant evidence, including objections and protests

offered on behalf of the owner. The decision of the City Manager shall be final.

SEC. 6-12.13 DISPOSITION OF CARTS AFTER THIRTY DAYS. Any cart not reclaimed from the City within thirty (30) days after notification to the owner and any unmarked cart shall be sold or otherwise disposed of by the Director of Public Works.

SEC. 6-12.14 SEVERABILITY AND VALIDITY. If any section, subsection, paragraph or sentence of this article, or any part thereof, is for any reason found to be unconstitutional, invalid or beyond the authority of the City of Hayward by a court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this article.

SEC. 6-12.15 EFFECTIVE DATE. This article shall become effective thirty (30) days after adoption by the City Council.

Ordinance 7-2000 - Nuisances Ordinance

AN ORDINANCE OF THE TOWNSHIP OF STROUD, MONROE COUNTY, PENNSYLVANIA, READOPTING AND REENACTING AN ORDINANCE PROHIBITING NUISANCES, INCLUDING BUT NOT LIMITED TO STORING OR ACCUMULATING GARBAGE OR RUBBISH, JUNK MATERIAL, ABANDONED OR JUNKED MOTOR VEHICLES, OFFENSIVE DRAINAGE, BURNING OF TIRES, MAINTAINING ABANDONED OR UNOCCUPIED BUILDINGS OR PARTS OF BUILDINGS IN A STATE OF DILAPIDATION OR DISREPAIR, ALLOWING OPEN PITS OR EXCAVATIONS, DEPOSITING SNOW ON PUBLIC ROADS, ALLOWING CONSTANT BARKING OR RUNNING AT LARGE OF ANY DOG, AND OTHER OFFENSIVE CONDUCT; PROVIDING FOR THE ABATEMENT OF SUCH NUISANCES AFTER NOTICE TO THE OWNERS TO DO SO; PROVIDING FOR THE COLLECTION THE COSTS OF SUCH ABATEMENT OR REMOVAL BY THE TOWNSHIP; AND PRESCRIBING PENALTIES FOR VIOLATION THEREOF.

WHEREAS, the Board of Supervisors of Stroud Township, Monroe County, Pennsylvania, deems it to be in the best interests and general welfare of the citizens and the residents of this Township to prohibit the unreasonable, unwarrantable or unlawful use of private ore public property which causes injury, damage, harm, inconvenience, annoyance or discomfort to others in the legitimate enjoyment of their rights of person or property; and

WHEREAS, Section 1529 of the Second Class Township Code, Act of May 1, 1933, P.L. 103, as amended, found at 53 P.S. 66529, authorizes the Board of Supervisors to prohibit nuisances, including but not limited to, accumulations of garbage and rubbish, and the storage of abandoned or junked automobile, and the carrying on of any offensive activity, to remove same, and to impose penalties therefore; and

WHEREAS, Section 1530 of the Second Class Township Code, Act of May 1, 1933, P.L. 103, as amended, found at 53 P.S. 66530, authorizes the Board of Supervisors to prohibit and regulate the running at large of dogs; and

WHEREAS, Section 1533 of the Second class Township Code Act of May 1, 1933, P.L. 103, as amended, found at 53 P.S. 66533, authorizes the Board of Supervisors to require the owner to remove any nuisance or dangerous structure on public or private grounds after notice to the owner to do so, and to remove the nuisance or structure and collect the cost of the removal, together with the penalty imposed by ordinance, from the owner; and

WHEREAS, the Board of Supervisors enacted Ordinance No. 204 on September 19, 1994, to prohibit nuisances, and desire to amend and comprehensively replace the said Ordinance No. 204 with this Ordinance No. 7 of 2000, as hereinafter set forth;

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Supervisors of Stroud Township, Monroe County, Pennsylvania, and it is hereby ordained and enacted by the authority of the same, to wit:

SECTION 1:

DEFINITIONS:

For the purposes of this Ordinance, the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number, and the word "shall" is always mandatory and not merely directory.

- A. Township is the Township of Stroud, which is located in Monroe County, Pennsylvania.
- B. Board of Supervisors is the Board of Supervisors of Stroud Township, Monroe County, Pennsylvania.
- C. Owner is a person owning, leasing, occupying, or having charge of any premises within the Township.
- D. Person is any natural person, firm, partnership, association, corporation, company, club, co-partnership, society, or any organization of any kind.
- E. Vegetation is any grass, weed or vegetation whatsoever, which is not edible or planted for some useful, legal or ornamental purposes.
- F. Nuisance is the unreasonable, unwarrantable, or unlawful use of public or private property which causes injury, damage, harm, inconvenience, annoyance or discomfort to any person or resident in the legitimate enjoyment of his or her reasonable rights of person or property.
- G. Abandoned or Junked Motor Vehicle is any vehicle in non-serviceable condition, or without having a current inspection sticker or current registration plate.
- H. Shopping Cart is any push cart of the type or types which are commonly provided by grocery stores, drug stores, department stores, home improvements centers, or other retail mercantile establishments for the use of the public in transporting commodities in stores and markets, and, incidentally, from the stores to a place outside the store but on the same property as the store.

Section 2:

NUISANCES DECLARED ILLEGAL AND PROHIBITED:

- A. Storing or accumulating the following:
 1. Garbage or rubbish.
 2. Junk material, including, but not limited to, unused or abandoned machinery, equipment or appliances, and all forms of waste and refuse of any type of materials, including scrap metal, glass, industrial waste and other salvageable materials, unless such items are held for resale, in a manner such that they cannot be seen from any public highway, road, street, avenue, lane or alley, stream, or public property, which is maintained by the Township, or by the Commonwealth of Pennsylvania.
- B. Storing or accumulating abandoned or junked motor vehicles that can be seen from any public highway, road, street avenue, lane or alley, stream, or public property, which is maintained by the Township, or by the Commonwealth of Pennsylvania. All such vehicles must be moved within thirty (30) days, or, if at vehicle repair businesses, within sixty (60) days.
- C. Storing or accumulating more than three (3) antique or collector motor vehicles for restoration which are neither sheltered by a building nor enclosed behind an evergreen or solid fence as permitted by applicable zoning ordinances; or storing or accumulating in an unordered fashion three (3) or less antique or collector motor vehicles for registration.
- D. Draining or flowing, or allowing to drain or flow, by pipe or other channel, whether natural or artificial, any foul or offensive water or drainage from sinks, bathtubs, wash stands, lavatories, water closets, swimming pools, privies, or cesspools of any kind or nature whatsoever, or any foul or offensive water, or foul or offensive drainage of any kind from property along any public highway, road, street, avenue, lane or alley, or from any property into or upon any adjoining property.
- E. Draining or flowing, or allowing to drain or flow, any water or drainage from within dwellings situate upon property along any public highway, road, street, avenue, lane or alley in the Township, into or upon the cartway or traveled portion for said drainage by means of a drainage ditch or otherwise.
- F. Burning of tires or tar products.
- G. Maintaining, or causing to be maintained, any dangerous structure, including, but not limited to, abandoned or unoccupied buildings or parts of buildings in a state of dilapidation or disrepair.
- H. Permitting the growth of any grass, weeds, noxious weeds, or any vegetation whatsoever, not edible or planted for some useful, legal or ornamental purpose, to conceal any rubbish, garbage, trash or any other violation of this ordinance.
- I. Permitting or allowing any well, cistern, or open pit to be or remain uncovered.

- J. Pushing, shoveling, or otherwise depositing snow upon the cartway or traveled portion of any public highway, road or street which is maintained by the Township or by the Commonwealth of Pennsylvania, and allowing same to remain thereon.
- K. Allowing or permitting any excavation, material excavated, or obstruction, on or adjoining any highway, street, or road to remain opened or exposed, without the same being secured by a barricade, temporary fence, or other protective materials.
- L. The uncontrolled use of shopping carts, including but not limited to the following:
 - 1. Failure on the part of a store owner offering the use of shopping carts as part of customer service to retrieve shopping carts that have been taken off-site within twenty-four (24) hours of being alerted to the presence of the off-site shopping cart.
 - 2. Failure on the part of a store owner offering the use of shopping carts as a part of customer service to corral shopping carts at a frequency sufficient to prevent the carts being taken off-site.
 - 3. Failure on the part of a store owner offering the use of shopping carts as a part of customer service to corral shopping carts at a frequency sufficient to prevent a limitation in available parking or a decrease in safe internal traffic circulation.
 - 4. Removal of a shopping cart from the premises of any store without the expressed written consent of the cart owner.
 - 5. Failure of any real private property owner to return a shopping cart left on that owner's property or failure to contact the owner of the shopping cart and make the owner aware that a shopping cart has been taken off-site.
- M. Failing to remove snow from any sidewalk, right-of-way, driveway, or parking lot open to public use within twenty-four (24) hours of the end of the most recent snowfall.
- N. Failure on the part of the owner, custodian or keeper of any dog to curb constant barking of any such dog.
- O. Allowing a dog to run at large at any time, either upon any of the streets, roads, alleys or public grounds in the Township, or upon the property of another than the owner, custodian or keeper of such dog, unless accompanied by and under the immediate control of such owner, custodian or keeper.
- P. Storing or accumulating tires or other material suitable as breeding habitat for mosquitoes outside for more than three (3) days between the months of March and October and for more than one (1) week during any other time of the year.
- Q. Discharging stormwater or redirecting stormwater in a manner where flooding, excessive wetness, erosion, or other damage occurs to an adjacent property without that property owner's expressed written approval.
- R. Causing any noise not in compliance with the performance standards addressing noise in the Stroud Township Zoning Ordinance.

- S. Causing any vibration not in compliance with the performance standards addressing noise in the Stroud Township Zoning Ordinance.
- T. Causing glare not in compliance with the performance standards addressing glare in the Stroud Township Zoning Ordinance or directing any exterior light in a manner that it shines onto an adjacent property or into an adjacent building without the expressed written permission of the adjacent property owner.
- U. Allowing trash dumpsters or waste containers to overflow or to be kept or maintained without lids so as to prevent accidental fire or malicious mischief.

SECTION 3:

WRITTEN NOTICE TO VIOLATORS REQUIRED:

Whenever a condition constituting a nuisance is created or maintained, the Board of Supervisors shall cause written notice to be served upon the owner in one of the following manners:

- A. By making personal delivery of the notice to the owner;
- B. By handing a copy of the notice, at the residence of the owner, to an adult member of the family with which the person resides, but if no adult member of the family is found, then to an adult person in charge of such residence;
- C. By fixing a copy of the notice to the door at the entrance of the premises in violation;
- D. By mailing a copy of the notice to the last known address of the owner by certified mail;
- E. By publishing a copy of the notice in a local newspaper of general circulation within Monroe County, Pennsylvania, once a week for three (3) successive weeks.

Such notice shall set forth in what respect such condition constitutes a nuisance, whether removal is necessary and required by the Township, or whether the situation can be corrected by repairs, alterations, or by fencing or boarding, or in some way confining and limiting the nuisance. Such notice shall require the owner to commence action in accordance with the terms thereof within twenty (20) days, and thereafter to comply fully with reasonable dispatch, with all material to be supplied and work to be done at the owner's expense; provided, however, if any provision of Section 2(F), (I), (J), or (K) is violated, and if the circumstances require immediate corrective measures, such notice shall require the owner to immediately comply with the terms thereof.

SECTION 4:

PENALTY FOR VIOLATION:

If the owner, after receiving due notice, refuses to comply with the terms thereof:

- A. The owner shall be guilty of a violation of this ordinance, and shall, upon summary conviction thereof, pay a fine of not more than One Thousand (\$1,000.00) Dollars and the costs of prosecution, including but not limited to attorney's fees, engineering fees, and court costs, and, in default of payment of such fine and costs of prosecution, to undergo imprisonment of not more than ten (10) days, provided further, that each day's continuance of a violation shall constitute a separate offense.
- B. The Board of Supervisors may direct the removal, repair, or alteration, as the case may be, to be done by the Township and to certify the costs thereof to the Township Solicitor. The cost of such removal, repairs or alterations shall be a lien upon such premises from the time of such removal, cutting, repairs and alterations, which date shall be determined by the certificate of the person doing such work, and filed with the Township Secretary, and which claim shall be filed against the owner of the subject premises in the manner allowed by law for the filing of a municipal lien.
- C. The Township, by means of a complaint in equity, may compel the owner of the premises to comply with the terms of any notice of violation, or seek any such other relief as any such court of competent jurisdiction is empowered to afford.

SECTION 5:

SEVERABILITY:

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

SECTION 6:

REPEALER:

Ordinance Nos. 70 and 204, and all amendments thereto, are hereby expressly repealed. All other ordinances or parts of ordinances inconsistent with the provisions hereof are hereby repealed or rescinded.

SECTION 7

EFFECTIVE DATE:

This ordinance shall take effect five (5) days after its enactment.

ORDAINED AND ENACTED into an Ordinance at a regular meeting of the Board of Supervisors of Stroud Township, Monroe County, Pennsylvania, this 1st day of May, 2000.

————— **DISCLAIMER** —————

The information contained herein was current as of the date this site was established. Changes or modifications may have occurred since that date. The user is urged to contact the responsible department to confirm the accuracy of this information. Stroud Township makes no representation or warranty as to the suitability of the information for any particular purpose. To the extent you use or implement this information, you do so at your own risk. In no event will Stroud Township be liable for any damages whatsoever, whether direct, consequential, incidental, special or claims for attorney's fees arising out of the use or inability to use the information provided herewith.

ORDINANCE No. 778

**BOROUGH OF FOUNTAIN HILL
LEHIGH COUNTY, PENNSYLVANIA**

**AN ORDINANCE OF THE BOROUGH OF FOUNTAIN HILL,
LEHIGH COUNTY, PENNSYLVANIA RELATING TO
ABANDONED SHOPPING CARTS**

WHEREAS, the Borough of Fountain Hill (“Borough”) finds that shopping carts are an eyesore, a potential hazard, and a nuisance; and

WHEREAS, the Borough intends that the owners of shopping carts should be held responsible for containing their shopping carts on their respective Business Premises;

NOW THEREFORE, BE IT ORDAINED AND ENACTED by the Borough of Fountain Hill, Lehigh County, Pennsylvania, in lawful fashion duly assembled, as follows:

SECTION 1. Definitions. For purposes of this Ordinance only, and unless the context clearly requires a different meaning, the words, terms and phrases set forth in this Section are defined as follows:

A. “Business Premises” means the interior of a Cart Owner's commercial establishment, adjacent walkways, any loading area, and the parking area, as defined herein.

B. “Cart Identification Sign” means a sign or engraved surface which is permanently affixed to a shopping cart containing information related to the Cart Owner.

C. “Cart Owner” means the owner or operator of a commercial establishment which provides carts for use by its customers for the purpose of transporting goods of any kind.

D. "Cart Removal Warning" means a placard, sign or painted text which meets the requirements of Section 4 of this Ordinance.

E. "Enforcement Officer" means any officer or employee of the Borough designated with the authority to enforce the applicable provisions of the Borough Code of Ordinances.

F. "Individual Cart Identification Number" means a number unique to each cart owned or provided by a Cart Owner.

G. "On-site Cart Containment System" means one or more of the following measures: designated containment areas which prevent carts from being removed from the Business Premises; bollards and chains around the Business Premises to prevent cart removal, if applicable and/or permitted; and any other measure approved by the Cart Owner as a means to contain carts on premises.

H. "Parking Area" means a parking lot or other property provided by a commercial establishment for use by a customer for parking an automobile or other vehicle.

I. "Physical Containment System" means one of the following, as approved by the Borough: Any other system of equipment utilized on the Business Premises which physically contains shopping carts on Business Premises.

J. "Qualified Cart Retrieval Service" means a commercial service, operated by a third party and paid by a Cart Owner to retrieve and return shopping carts.

K. "Shopping Cart" means a basket which is mounted on wheels or a similar device provided by the operator of a commercial establishment for the use of customers for the purpose of transporting goods of any kind.

SECTION 2. Required On-Site Cart Containment System; Exception.

A. Every Cart Owner shall operate and maintain an On-site Cart Containment System. A Cart Owner may be exempted from this requirement if he or she provides proof of contracting with a qualified cart retrieval service and submits an operations plan which demonstrates to the satisfaction of the Borough that the qualified cart retrieval service will both actively locate shopping carts within a one-mile radius of the Cart Owner's Business Premises and respond to complaints from the public in a manner which results in the retrieval of shopping carts within twenty-four (24) hours after receiving complaint(s).

B. Each Cart Owner must contain all shopping carts on the Business Premises at all times.

SECTION 3. Violation; Penalties.

A. Any instance in which a shopping cart owned or provided by a Cart Owner is found off of the Business Premises shall be considered a violation by the Cart Owner of this Ordinance.

B. Any Cart Owner, whether a person, partnership or corporation, which

violates any provision of this Ordinance shall be assessed a civil fine of not more than six hundred dollars (\$600.00). Each day that a violation is continued shall constitute a separate offense. All fines shall be paid to the Borough for its general use.

C. The removal of any shopping cart from the Business Premises shall be considered a violation of this Ordinance. Any person found in violation of this Section 3.C. of this Ordinance shall be assessed a civil fine of not more than three hundred dollars (\$300.00). Each day that a violation is continued shall constitute a separate offense. All fines shall be paid to the Borough for its general use.

D. Nothing herein contained shall prevent the Borough from taking such other lawful action as is necessary to prevent or remedy any violation.

SECTION 4. Cart Removal Warning.

A. Every Cart Owner shall post and maintain Cart Removal Warnings which shall contain a statement in two or more languages to the effect that unauthorized removal of a shopping cart from the Business Premises, or possession of a shopping cart in a location other than on the Business Premises, is a violation of the Borough Ordinance. The Cart Removal Warning shall list a local or toll-free telephone number for the Business Premises for the purpose of cart retrieval and shall be affixed to an interior wall of the building or otherwise permanently and prominently displayed within two (2) feet of all customer entrances and exits.

B. Cart Removal Warnings on the exterior of the building are not considered “signs” within the meaning of those regulated by the Borough Code of Ordinances.

SECTION 5. Cart Identification Signs for Shopping Carts.

A. Each shopping cart owned or used within the Borough shall have, permanently affixed and easily visible, a Cart Identification Sign or engraved surface which includes all of the following information: the name of the Cart Owner, the telephone number of the Cart Owner and/or commercial establishment to which the cart belongs, the individual cart identification number, if applicable, a valid toll-free phone number for cart retrieval, the procedure (if any) to be followed to obtain permission to remove the cart from the Business Premises, and a notice to the public that unauthorized removal of the cart from the Business Premises is a violation of the Borough Ordinance.

B. It shall be the responsibility of each Cart Owner to comply with subsection (A) of this section, and to continuously maintain, or cause to be maintained, the Cart Identification Sign so that all of the required information is accurate and clearly legible.

SECTION 6. Physical Containment System.

A. A Cart Owner shall be required to install a Physical Containment System to the satisfaction of the Borough when the Cart Owner establishes a facility consisting of more than five thousand square feet of new construction.

B. A Cart Owner may be required to install a Physical Containment System to the satisfaction of the Borough and the Borough Solicitor following the ten (10) documented violations in a thirty (30) day period.

SECTION 7. Borough Powers Not Limited by this Ordinance. Nothing in this Ordinance is

intended to limit the ability of the Borough to remove or dispose of any cart to which a cart identification sign is not attached; any cart which has been left abandoned off of the

Business Premises; any cart which impedes the provision of emergency services; or any cart which is an immediate threat to public health and safety, to the full extent permitted by state law.

DULY ENACTED AND ORDAINED on this 5th day of November, 2102, by the Borough of Fountain Hill in lawful session duly assembled.

	Motion	2nd	Yes	No	Abstain	Absent
Ed Stech		X	X			
Carolee Gifford	X		X			
Norman Blatt			X			
Fred Capuano			X			
Larry Rapp			X			
Doug Trotter			X			
Helen Halleman			X			
Mayor Jose Rosado						

BOROUGH OF FOUNTAIN HILL

LEHIGH COUNTY, PENNSYLVANIA

Lawrence E. Rapp, President of Council

ATTEST:

Ricky L. Prill, Borough Secretary

APPROVED:

Jose Rosado, Mayor

Chapter 346, SHOPPING CARTS

[HISTORY: Adopted by the City Council of the City of Binghamton 7-15-1996 by Ord. No. 118-96 (Ch. 9, §§ 9-60 through 9-63, of the 1970 Code). Amendments noted where applicable.]

§ 346-1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

ABANDONMENT -- The act of leaving, deserting or giving up control and/or possession of a shopping cart in a public place.

PUBLIC PLACE -- Any street, highway, sidewalk or other publicly owned property to which the public or a substantial number of persons has access.

SHOPPING CART -- Any device, vehicle or wheeled container of the kind customarily provided by merchants to customers for the purpose of carrying merchandise.

§ 346-2. Shopping carts to be marked.

Every supermarket or business establishment which makes a shopping cart available to the public shall permanently mark said cart with the name and address of the owner.

§ 346-3. Removal of shopping carts from establishments.

It shall be unlawful for any person to remove a shopping cart or permit the removal of a shopping cart from the property of the establishment or business that makes said cart available, except that such a cart may be removed to a parking area adjoining the property of said establishment or business.

§ 346-4. Carts found in public places. [Amended 10-6-1997 by Ord. No. 97-143; Amended 2-5-2014 by Ord. No. 14-4]

- A. The Commissioner of the Public Works Department is hereby authorized to remove or cause to be removed any shopping carts found in any public area and to store said cart until it is redeemed or otherwise disposed of.
- B. Within 30 days after said removal, the Commissioner shall mail a notice, by first-class mail, to the owner of the cart, stating that each cart may be redeemed by the owner upon payment to the City Treasurer of the sum of \$50.00 per cart.
- C. Any carts remaining unredeemed after a reasonable time may be destroyed or otherwise disposed of by the Public Works Department.