

**MOUNT POCONO BOROUGH COUNCIL
REGULAR MEETING MINUTES
MONDAY, APRIL 3, 2017
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, K. Transue; C. Williams; 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 approve the Public Hearing minutes of Monday, March 6, 2017, as presented. Councilmember M. Oser seconded. Motion carried unanimously.

Councilmember K. Transue moved to approve the Regular Meeting minutes of Monday, March 6, 2017, as presented. Councilmember D. Casole seconded. Motion carried unanimously.

OFFICERS' REPORTS

PRESIDENT

President K. Davis stated that we have not heard from the representatives of the Hirshland property and has no new information to report. He also stated that the 2017 paving projects will begin soon and we will be working on the streets. He further stated that at the Mount Pocono/ K-Mart Shopping Plaza, the Hibachi grill and the Pet Value plans are under review with Labor & Industry and once they are approved it is hopeful that their permits will be forth coming from Bureau Veritas.

90th Anniversary Celebration

President K. Davis stated that the Borough's 90th Anniversary received a nice gift from Mr. Bill Bracey of Shop-Rite, purchasing over four hundred (400) calendars and that has helped tremendously.

President K. Davis noted that the Personal Committee will be meeting this month and they will be hiring a part-time mower and groundskeeper. He encouraged anyone who has not done so to read the Hirshland transcript from their conditional use hearing in 2004, as there is a great deal of information in there.

MAYOR

Mayor F. Courtright apologized for missing last month's meeting. He noted that he has had no weddings in the first quarter of 2017. He announced that last Thursday he spoke at former Councilmember Shelli Bird's Northampton County Community College class, discussed medical marijuana. He also stated that he has worked with Councilmember M. Oser and had revised Resolution #4 that was adopted at last month's meeting. He stated that he will discuss the revised resolution under Unfinished Business.

TREASURER'S REPORT

The following cash report was given as follows:

GENERAL FUND CHECKING ACCOUNT	\$ 83,867.51
ESSA MONEY MARKET	17,347.83
PENN SECURITY GENERAL FUND ACCOUNT	765.71
CAPITAL RESERVE ACCOUNT	49,086.61

**MOUNT POCONO BOROUGH COUNCIL
REGULAR MEETING MINUTES
MONDAY, APRIL 3, 2017
7:00 P.M.**

BANNER BEAUTIFICATION ACCOUNT	\$ 3,034.29
STATE LIQUID FUELS	110,515.66
PARK & RECREATION FUND	868.27
PLANNING COMMISSION REIMB. FUND	17,069.06
ROAD FUND – GENERAL FUND	127.46
STORMWATER FUND	133,414.37
GENERAL FUND RESERVE ACCOUNT	41,941.24
SANITATION FUND	17,280.01
ROUTE 940 CORRIDOR FUND	53,675.00
FIVE POINT INTERSECTION FUND	<u>443,157.24</u>

GRAND TOTAL **\$ 972,150.26**

BILLS TO BE PAID FROM THE GENERAL FUND CHECKING ACCOUNT:

ACE Hardware	(sidewalk calcium, keys, bolts)	\$ 186.73
Amerihealth Casualty	(workers comp)	2,737.22
Blue Ridge Communications	(phones)	356.59
Boston Mutual	(disability insurance)	253.08
Cintas	(uniform & rug service)	268.70
Community Planning & Mgmt.	(medical marijuana ord.)	21.25
Eastern Time	(fire alarm monitoring/service contract)	934.00
ESSA Bank	(interest on line of credit)	608.08
FNB Visa	(PSAB Webinar, radon kits)	198.00
Matt Hensel	(website admin)	75.00
Highmark Blue Shield	(health insurance)	7,305.65
International Code Council	(yearly dues)	135.00
Kimball Midwest	(spray grease)	153.48
Russell R. Kresge, Jr.	(engineering services)	297.70*
Monroe County Control Center	(dues)	867.00
Monroe County Info Services	(RE Tax bills, journals, blanks)	636.46
NAPA Auto Sales	(windshield blades & gloves)	74.37
Newman, Williams, Mishkin	(1/2 Fareri Retainer)	10,000.00
PACCAR Financial	(2015 Kenworth due 5/1/17)	36,145.18
PPL	(electric)	1,334.04
PSAB	(seminar Managing a Prof. PD)	150.00
Panko Reporting	(PH March 6, 2017)	229.80
PA American Water	(water bills)	712.56
PA Dept of Labor & Industry	(elevator license)	36.00
PA Paper & Supply	(case of brown roll paper towels)	28.40
Plociniak Oil	(oil for boro bldg. & maint garage)	1,575.06
Pocono Mountain Regional Police	(April Mortgage Payment)	2,811.27
Pocono Mountain Regional Police	(1 st Quarter 2017)	180,279.26
Pocono Mtn. Public Library	(RE Taxes – March 2017)	3,517.17
Pocono Mtn. Vol. Fire Co.	(RE Taxes - March 2017)	3,517.59
Pocono Mtn. Reg. EMS	(RE Taxes – March 2017)	1,758.69
Pocono Record	(advertising)	379.20
Quill	(office supplies – paper, ink)	383.00
Response Computers	(updated drivers, repair to Maint)	210.00
Selective Insurance	(insurance premium)	4,880.00
Signal Service, Inc.	(signal back plates)	768.00
Sunoco	(gas/diesel)	1,411.66
Thyssenkrupp Elevator	(quarterly maint)	176.52
Tulpehocken Spring Water	(bottled water)	15.00
US Bank	(copier lease)	294.10

**MOUNT POCONO BOROUGH COUNCIL
REGULAR MEETING MINUTES
MONDAY, APRIL 3, 2017
7:00 P.M.**

Verizon	(phone)	\$ 32.48
Verizon Wireless	(cell phone)	<u>137.85</u>

GRAND TOTAL **\$265,891.14**

BILLS ALREADY PAID FROM THE GENERAL FUND CHECKING ACCOUNT:

Mt Pocono Payroll	(w/e 03/08/17)	\$ 5,873.26
Mt Pocono Payroll	(w/e 03/15/17)	8,214.84
Mt Pocono Payroll	(w/e 03/22/17)	5,743.74
Mt Pocono Payroll	(w/e 03/29/17)	<u>6,195.43</u>

GRAND TOTAL **\$26,027.27**

BILLS TO BE PAID FROM THE STATE LIQUID FUELS ACCOUNT:

Cargill	(de-icing salt)	\$8,199.22
Locust Ridge Quarry	(Anti-Skid)	619.60
PPL	(traffic signals & street lights)	<u>335.25</u>

GRAND TOTAL **\$9,154.07**

Councilmember K. Transue moved to pay and approve the bills as outlined in the Treasurer’s Report dated Monday March 6, 2017, as presented and to make the necessary transfers as needed. Councilmember C. Williams seconded. Councilmember M. Oser discussed the 1st quarterly payment to the Regional Police explaining that he is not in favor of paying this bill at this time. The motion went to a roll call vote: Councilmember C. Williams, “Yes”; Councilmember M. Oser, “No”; Councilmember D. Casole, “Yes”; Councilmember K. Transue, “Yes”; Councilmember F. O’Boyle, “Yes”; and President K. Davis, “Yes”. Motion carried 5 – 1.

SOLICITOR

Solicitor J. Fareri stated that the Zoning Hearing Board denied the application of Mr. Chadha owner of 10 Shelly Lane, as he did not file the Zoning Hearing Board paperwork in a timely fashion. He has not heard of any appeal or any other applications to the Zoning Hearing Board.

PERSONS TO BE HEARD

None

UNFINISHED BUSINESS

Medical Marijuana

Borough Council was in receipt of a revised proposed Medical Marijuana Ordinance from the Planning Commission. During the discussion, it was explained that the Planning Commission agreed to remove the Growers/ Processors from a C-2 District and to allow them in the RLM District.

Councilmember K. Transue moved to send the revised proposed Medical Marijuana Ordinance to the Monroe County Planning Commission to review and once we hear back from them we then would advertise a Public Hearing. Councilmember C. Williams seconded. There was discussion on the motion regarding the location of the RLM District and that the RLM District abuts residential areas. The motion went to a roll call vote but before a vote was officially recorded, there was further discussion and review of the Borough’s Zoning District Map and the location of the RLM district. In view of the new discussion, Solicitor J. Fareri instructed the Borough Secretary to conduct a recall of the roll call vote: Councilmember K. Transue, “Yes”; Councilmember M. Oser, “Yes”; Councilmember C. Williams, “Yes”;

**MOUNT POCONO BOROUGH COUNCIL
REGULAR MEETING MINUTES
MONDAY, APRIL 3, 2017
7:00 P.M.**

Councilmember F. O'Boyle, "No"; Councilmember D. Casole, "Yes"; and, President K. Davis, "No". Motion carried 4 – 2.

Neville Resignation Park & Recreation Board

Councilmember M. Oser moved to accept the resignation of Tom Neville from the Park and Recreation Board. Councilmember F. O'Boyle seconded. Motion carried unanimously.

Generator Maintenance Agreement

Borough Council was in receipt of a quote from Modern Group Power Systems to provide a major and a minor preventative maintenance inspection on the Borough's generator two (2) times a year at a cost of \$810.00.

Councilmember K. Transue moved to contract with Modern Group Power Systems for two (2) inspection per year at a cost of \$810.00. Councilmember M. Oser seconded. Motion unanimously.

NEW BUSINESS

Resolution #4 of 2017

Mayor F. Courtright presented the new revised language for Resolution #4 of 2017, that was adopted last month.

Councilmember K. Transue moved to amend the Resolution #4 of 2017, that was adopted at last month's meeting with the following language:

***BE IT RESOLVED**, the Borough of Mount Pocono formally rejects any decision by the Pocono Mountain Regional Police Commission to remove any person appointed to the Commission by the Borough of Mount Pocono. The decision to appoint any and or remove any Borough representatives to the Pocono Mountain Regional Police Commission rests solely with the Borough of Mount Pocono. The Pocono Mountain Regional Police Commission must follow the 1996 Agreement (with Amendments) which allows for its continued existence.*

Councilmember C. William seconded. Motion carried unanimously.

Resolution 5 of 2017 – Authorizing the Usage of Radar Time Equipment

Councilmember K. Transue moved to adopt Resolution #5 of 2017, Authorizing the usage of radar time equipment as follows:

WHEREAS, it is deemed by this Council that local police departments, in the best interests of the safety and well-being of The People in their communities, should be entitled the use of the most modern and accurate equipment to enforce local speed limits, and;

WHEREAS, current state laws prohibit local law enforcement from the use of Radar timing equipment towards these ends, and;

WHEREAS, Pennsylvania is the only state in the United States of America that does not allow its municipal police to use radar, and because Pennsylvania law allows motorists to travel faster in municipalities where radar is prohibited from being used and because the curvatures and slopes of roadways limit the locations where speed can be enforced *by means other than radar*, there is an unequal enforcement of the maximum speed laws in Pennsylvania;

NOW, THEREFORE, BE IT RESOLVED that the Council of the Borough of Mount Pocono hereby petitions the Representatives and Senators duly elected from our district to the Pennsylvania State Congress to support the Coalition to Eliminate the Prohibition Against Municipal Police Using Radar, comprised of members from the Pennsylvania Chiefs of Police Association, the Pennsylvania State Association of Boroughs, the Pennsylvania Municipal League, the

**MOUNT POCONO BOROUGH COUNCIL
REGULAR MEETING MINUTES
MONDAY, APRIL 3, 2017
7:00 P.M.**

Pennsylvania Association of Township Supervisors and the Pennsylvania State Mayor's Association, in making the change in one sentence in Section 3368 (c),(2) of the Motor Vehicle Code. That sentence currently reads:

"[E]lectronic devices such as radio-microwave devices (commonly referred to as electronic speed meters or radar) may be used only by members of the Pennsylvania State Police".

Now let it be read, *"[E]lectronic devices such as radio-microwave devices (commonly referred to as electronic speed meters or radar) may be used by any police officer".*

Councilmember D. Casole seconded. Motion carried unanimously.

Resolution #6 of 2017 - Small Game of Chance Resolution

Councilmember D. Casole moved to adopt Resolution #6 of 2017, small game of chance as follows:

WHEREAS, it is deemed by this Council that community charitable organizations operating in the public interest greatly benefit our citizenry by providing benevolent and philanthropic functions, emergency response activities and other civic services and benefits, and;

WHEREAS, these operations, activities, services and benefits aid in lessening the burdens borne by government or voluntarily supporting, augmenting or supplementing services which government would normally render to the people, through fund-raising efforts and the citizens' participation in small games of chance; and

WHEREAS, it is the opinion of this Council that such organizations promoting the public welfare should not be hindered as to their level of charity, nor the citizens be hindered by their level of participation in the raising of funds for such charitable endeavors,

NOW, THEREFORE, BE IT RESOLVED that the Council of the Borough of Mount Pocono hereby petitions the Representatives and Senators duly elected from our district to the Pennsylvania State Congress to support the following changes to House Bill No. 290, Session of 2013, in the General Assembly of Pennsylvania as follows:

As currently stated on Page 6, Line 2-4, Section 302 of the act, amended February 2, 2012 (P.L.7, No.2), which reads as follows, "(b) Aggregate prize limit. --No more than [\$25,000] \$35,000 in prizes shall be awarded from games of chance by a licensed eligible organization in any seven-day period."

Now let it be read, "(b) Aggregate prize limit. --There shall be no monetary limit in prizes awarded from games of chance by a licensed eligible organization during any time period, so long as the provision outlined in Section 502(a), Distribution of proceeds, is not found in violation."

Councilmember C. Williams seconded. Motion carried unanimously.

Mount Pocono United Methodist Church Yard Sale

Councilmember M. Oser moved to allow the Mount Pocono United Methodist Church to hold two (2) yard sales through the summer, one being on May 27th and the other on August 19th and to waive the associated fees.

Councilmember D. Casole seconded. Motion carried unanimously.

Official Map

Borough Council requested that the action on the Official Map will be tabled until the next meeting and that further review of this would be at the next meeting.

**MOUNT POCONO BOROUGH COUNCIL
REGULAR MEETING MINUTES
MONDAY, APRIL 3, 2017
7:00 P.M.**

Property Maintenance Board of Appeals Appointments

Councilmember D. Casole moved to appoint Mr. Ken Koehl to a three (3) year term on the Property Maintenance Board of Appeals and to appoint Mrs. Sondria Miller-Davis to a two (2) year term on the Property Maintenance Board of Appeals. Councilmember M. Oser seconded. Motion carried unanimously.

STANDING COMMITTEES

Planning Commission

Councilmember D. Casole stated that the Planning Commission reviewed the Medical Marijuana Ordinance that Council reviewed earlier this evening.

Parks & Recreation

Councilmember D. Casole gave the following report:

Chairman Randy Altemose called the meeting to order with Board Members John Scalamandre and Terry Cramer present. Absent was Tom Ford.

It was reported that Tom Ford received one Board Member Application for the 501c(3) Not for Profit Parks and Recreation Foundation.

There was very concerned discussion regarding the condition of the Baseball Fields for the upcoming Spring Season. Randy Altemose has volunteered to perform the initial start-up of Spring grounds maintenance for the Baseball Fields in order to have a suitable base to start with.

It is imperative after Randy Altemose's basic start-up of grounds maintenance; to continue with regular scheduled follow-up grounds maintenance by the Boro especially during the growing Season.

The Board is respectfully requesting a Maintenance Schedule from Council in order to keep track and stay consistent with the grounds maintenance for the Baseball Fields to prevent the fields getting overrun with weeds and soil erosion.

Councilmember K. Transue moved to advertise a part-time position for a lower field groomer. Councilmember D. Casole seconded. Motion carried unanimously.

Sanitation

Councilmember C. Williams noted that the 3rd Annual Joseph Battisto Litter Pick-Up will be held on Saturday, April 22, 2017, at 9:00 A.M. She also noted that on April 11, 2017, at 10:00 A.M., the Sanitation Committee will be holding a PRD meeting and a committee meeting immediately thereafter.

Department of Public Works

Councilmember M. Oser gave the following report:

- Road crew back to four (4) members, just in time for big snowstorm.
- No major issues with the storm. Most people seem to realize that when it snows, there may be snow on the roads.
- He believes we did NOT receive the grant promised for the Crestwood work.

Utilities

The following water report was given by Councilmember D Casole:

**MOUNT POCONO BOROUGH COUNCIL
REGULAR MEETING MINUTES
MONDAY, APRIL 3, 2017
7:00 P.M.**

March has been a relatively quiet month with respect to Water Quality and Distribution. There was one Main Break in Coolbaugh Township that was localized and did not impact Mt. Pocono.

There were no Water Quality Complaints in Mt. Pocono during the month of March.

PA will be looking to schedule Hydrant Flushing in Mt. Pocono, but waiting for the last of the snow to melt so as to not exacerbate any flooding issues.

PA will give an update regarding the Hydrant Flushing as soon as the Plans are finalized.

Councilmember M. Oser reported that the Mount Pocono Municipal Authority (MPMA) met on Thursday, March 9, 2017, where the usual and customary decision made to pay bills, engineering reports and plan operations. Also discussed were personnel needs. It was also reported that their representatives of the MPMA met with the Broadhead Creek Regional Authority) and explored items regarding the current operation of the MPMA. Bids were received for upgrade to the MPMA facilities however no bids were accepted. The next meeting of the MPMA is April 13, 2017, where bids are anticipated at that time.

Buildings

Councilmember M. Oser gave the following report:

- New access hatch in conference room looks good.
- Major maintenance items STILL looming:
 - Windows
 - Boiler
 - Roof air conditioners
 - Carpeting
- If the Borough wants this building for sentimental reasons, we need to find more money to maintain it and stop soaking the taxpayers for it.
- Building and surrounding land appraised at \$500,000.00, would probably sell for twice that to a nearby buyer. UPDATE: Probably nearly FOUR TIMES the appraised value.
- No signed documents back from Souaid (maintenance garage property).
- Mount Pocono welcome sign on SR 611 (northbound) needs to be rebuilt.

Pocono Mountain Regional Police

The Regional Police held its monthly meeting on April 11, 2017, and discussed the Regional Police's Policy and Procedures and the Personnel Manual.

Budget & Finance

No report.

Personnel

No report.

Regional Police/ EMS

Mayor F. Courtright noted that the EMS subscription drive will be starting soon and the cost is \$75.00 per household.

COG

It was reported that their April meeting was cancelled and their next meeting will Monday, May 15, 2017.

**MOUNT POCONO BOROUGH COUNCIL
REGULAR MEETING MINUTES
MONDAY, APRIL 3, 2017
7:00 P.M.**

Public Participation

Ken Koehl, 49 Crestwood Drive, discussed the Property Maintenance Board of Appeals appointment and said Ordinance.

There being no further business or any further public participation coming before the Board, Councilmember M. Oser moved to adjourn at 8:58 P.M. Councilmember C. Williams seconded. Motion carried unanimously.

Respectfully submitted,

Lori Noonan, Borough Secretary