

**MOUNT POCONO BOROUGH COUNCIL
REGULAR MEETING MINUTES
MONDAY, MAY 1, 2017
7:00 P.M.**

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

Councilmember C. Williams was absent, with Councilmember D. Casole arrived at 7:03 P.M.

The Pledge of Allegiance was said by all.

PRELIMINARY ANNOUNCEMENTS

None.

APPROVAL OF MINUTES

Councilmember K. Transue moved to approve the Regular Meeting minutes of Monday, April 3, 2017, as presented. Councilmember M. Oser seconded. Motion carried unanimously.

OFFICERS' REPORTS

PRESIDENT

President K. Davis stated that he has learned that Bureau Veritas has issued the necessary permits to Pet Value and they will be beginning their renovations and hopefully opening at the Mount Pocono Shopping Center in the very near future. He noted that the Hibachi Grill is still working on obtaining their permits from Bureau Veritas and satisfying the State Department of Labor and Industry requirements. He also noted that he, the Zoning Officer and Vice President J. Woehrle met with Heidelberg Properties a week or so ago, to discuss their plans for the old K-Mart location. He advised that they were told that Heidelberg Properties have agreements to divide the old K-Mart location into three (3) separate units, and have agreement with Ollies Outlet and Planet Fitness to fill two of the locations.

MAYOR

Mayor F. Courtright stated that the 3rd Annual Joseph Battisto Clean-Up Day went well and he thanked all the participants. He gave a heartfelt congratulation to former Council President John Finnerty who got married last week. He stated that he recently went up to the former Coolbaugh Elementary Center which is now the Mountain Center that is a one stop shop for social services, offering a variety services there such as Big Brothers and Big Sisters and if anybody needed any assistance that's the place they should go. He discussed a complaint that he has received about the garbage hauler tossing the garbage cans. He noted that the Farmer's Market started this past Saturday and they will be here the rest of the summer, every Saturday and Wednesdays, beginning May 10th. He also noted that the first free yard sale weekend will be May 19th through May 21st.

TREASURER'S REPORT

The following cash report was given as follows:

GENERAL FUND CHECKING ACCOUNT	\$ 336,119.69
ESSA MONEY MARKET	17,347.83
PENN SECURITY GENERAL FUND ACCOUNT	765.71
CAPITAL RESERVE ACCOUNT	49,145.13
BANNER BEAUTIFICATION ACCOUNT	3,037.33
STATE LIQUID FUELS	78,415.28
PARK & RECREATION FUND	869.24
PLANNING COMMISSION REIMB. FUND	17,089.41
ROAD FUND - GENERAL FUND	54,333.78
STORMWATER FUND	88,519.78
GENERAL FUND RESERVE ACCOUNT	41,991.25

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SANITATION FUND	\$ 17,297.33
ROUTE 940 CORRIDOR FUND	53,675.00
FIVE POINT INTERSECTION FUND	<u>443,157.24</u>

GRAND TOTAL \$1,201,764.00

BILLS TO BE PAID FROM THE GENERAL FUND CHECKING ACCOUNT:

ACE Hardware	(sidewalk calcium, keys, bolts)	\$ 81.78
Berkheimer Associates	(LST Commission)	101.89
Blue Ridge Communications	(phones)	356.59
Boston Mutual	(disability insurance)	253.08
Cintas	(uniform & rug service)	263.24
CPC Signs	(sign tape, sign supplies)	296.73
Ed's Auto Service	(2014 left rear axle seal)	119.06
ESSA Bank	(interest on line of credit)	534.37
FNB Visa	(office supplies)	11.98
FP Mailing Solutions	(postage meter rental)	75.00
Gotta Go Potties	(portable toilet)	170.00
Matt Hensel	(website admin)	75.00
Highmark Blue Shield	(health insurance)	7,318.99
Hunter Peterbilt	(exhaust clamp)	20.70
Lowe's	(toilet)	220.46
Martin's Power Sweeping	(street sweeping)	2,722.50
Robert M. Maskrey, Jr.	(ZHB Solicitor 4 th Qtr '16 & 1 st Qtr '17)	1,215.00
Metz, Inc.	(2017 HVAC Contract)	1,872.00
NAPA Auto Sales	(oil & battery for field dresser)	58.07
Nagle Elevator	(routine elevator inspection)	75.00
Newman, Williams, Mishkin	(Kevin Fontaine Suit)	225.00
PA American Water	(water bills)	712.56
PA Association of Notaries	(Diana's Notary Renewal)	354.28
PA One Call	(monthly activity/service)	2.46
PA Paper & Supply	(paper/cleaning supplies)	339.07
Payroll Unlimited	(payroll – March)	105.95
Pocono Mountain Regional Police	(March Mortgage Payment)	2,811.27
Pocono Mtn. Public Library	(RE Taxes – April 2017)	14,268.47
Pocono Mtn. Vol. Fire Co.	(RE Taxes - April 2017)	14,269.04
Pocono Mtn. Reg. EMS	(RE Taxes – April 2017)	7,134.55
Selective Insurance	(insurance premium)	82.00
Sunoco	(gas/diesel)	260.99
US Bank	(copier lease)	294.10
Verizon	(phone)	32.58
Verizon Wireless	(cell phones)	138.94
WB Mason	(folders/office supplies)	88.91
Walmart	(maint. & office supplies/coffee pot)	<u>398.99</u>

GRAND TOTAL \$57,360.60

BILLS ALREADY PAID FROM THE GENERAL FUND CHECKING ACCOUNT:

Mt Pocono Payroll	(w/e 04/05/17)	\$ 4,232.81
Mt Pocono Payroll	(w/e 04/12/17)	7,722.33*
Mt Pocono Payroll	(w/e 04/19/17)	6,045.02
FP Mailing Solutions	(postage for meter)	200.00
PPL	(electric)	1,318.98

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Mt Pocono Payroll	(w/e 04/26/17)	<u>6,173.01</u>
GRAND TOTAL		<u>\$25,692.15</u>

*Tax Collector paid in this pay period

BILLS TO BE PAID FROM THE STATE LIQUID FUELS ACCOUNT:

Locust Ridge Quarry	(Anti-Skid)	\$ 748.64
PPL	(already paid traffic signals & lights)	2,233.26
PPL	(traffic signals & street lights)	<u>246.39</u>
GRAND TOTAL		<u>\$3,228.29</u>

BILLS TO BE PAID FROM THE BEAUTIFICATION FUND:

Stroudsburg Granite Company	(pavers)	<u>\$500.00</u>
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Councilmember K. Transue moved to pay and approve the bills as outlined in the Treasurer's Report dated Monday May 1, 2017, as presented. Councilmember M. Oser seconded. Motion carried unanimously

Landscaping

Borough Secretary/ Treasurer L. Noonan presented Borough Council with a quote from Mountain Landscaping to complete the landscaping in front of the Borough building at a cost of \$3,660.00, if the Borough road crew can handle removing and disposal of the existing plants including root balls, removal of sod at the south end of the building, the removal of the sod at the north side of the building as well as the rough grading of the landscape beds and preparations for installation.

Vice President J. Woehrle moved to the accept the proposal from Mountain Landscaping in the amount of \$3,660.00. Councilmember F. O'Boyle noting to request that they do not plant too many items to allow room for them to grow. Motion carried unanimously.

SOLICITOR

Solicitor J. Fareri stated that the matter that went before the Zoning Hearing Board for 10 Shelly Lane has filed an appeal before the Court of Common Pleas. He asked the Borough Council if they would like them to intervene and have him file a brief with the Zoning Hearing Board Solicitor R. Maskrey.

Councilmember M. Oser moved to instruct Solicitor J. Fareri to intervene on behalf of the Borough and file a brief in the Chadha appeal. Vice President J. Woehrle seconded. Motion carried unanimously.

Solicitor J. Fareri also advised Borough Council for their information that former Regional Police employee, Gary Gaus, filed the necessary documents notifying the Regional Police and member municipalities that he plans to file a claim. He discussed with Borough Council the Pocono Mountain Regional Police Inter Governmental Agreement (IGA). He noted that he will forward the most recent draft agreement for everybody to review and plan to discuss this at their next work session, as we need to take a position on this matter. He further noted that there is nothing new to report regarding the Fountain lawsuit matter, the Pocono Mountain Volunteer Fire Company and Mount Pocono Borough.

PERSONS TO BE HEARD

None

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UNFINISHED BUSINESS

Proposed Ordinance - Medical Marijuana

Borough Council was in receipt of the most recent review of the revised language of the proposed Medical Marijuana Ordinance from the Planning Commission.

Councilmember F. O'Boyle moved advertise the proposed Medical Marijuana Ordinance for adoption at the June 5, 2017, meeting and to hold a Public Hearing on June 5, 2017, at 6:45 P.M. Councilmember D. Casole seconded. Motion carried unanimously.

Official Map

Borough Council was in receipt of the language for the proposed amendment to the Borough's Official Map Ordinance which needs to be forwarded to the Monroe County Planning Commission for a forty-five (45) day review period

Councilmember M. Oser moved to forward the proposed language for the Official Map Ordinance to the Monroe County Planning Commission to begin their forty-five (45) day review. Vice President J. Woehrle seconded. Motion carried unanimously.

Hiring a Part-Time Mower Grounds Maintenance

The Personal Committee has agreed to submit the name Jerry Cribbs for the part-time grounds maintenance position contingent on a clean background check and the proposed rate of pay is \$12.00 per hour.

Councilmember M. Oser moved to hire Jerry Cribbs in a part-time position for twenty (20) hours a week at rate of \$12.00 per hour, contingent on a clean background check. Councilmember D. Casole seconded. Motion unanimously.

NEW BUSINESS

Resolution #7 of 2017 – Opposing Elimination of the CDBG Funding

Borough Council had Resolution #7, Opposing the Elimination of the Community Development Block Grant (CDBG) Program, which they reviewed at their last work session.

Councilmember M. Oser moved to adopt Resolution #7 of 2017, Opposing Elimination of the CDBG Program. Vice President J. Woehrle seconded. Motion carried unanimously.

William Miller Resignation from the MPMA

Vice President J. Woehrle moved to accept the resignation of William E. Miller from the Mount Pocono Municipal Authority with regret. Councilmember F. O'Boyle seconded. Motion went to a roll call vote: Vice President J. Woehrle, "Yes"; Councilmember F. O'Boyle, "Yes"; Councilmember D. Casole, "Yes"; Councilmember K. Transue, "Yes"; Councilmember M. Oser, "No"; and, President K. Davis, "Yes". Motion carried 5 – 1.

Metz Company HVAC Contract

Borough Council was in receipt of the proposed contract for HVAC services from Metz Company in the amount of \$1, 872.00 per year.

Councilmember K. Transue moved to accept the proposed contract for HVAC services from Metz Company in the amount of \$1,872.00 per year. Councilmember M. Oser seconded. Motion carried unanimously.

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Property Maintenance Board of Appeals

Councilmember M. Oser moved to appoint Mr. Tom Neville to the Property Maintenance Board of Appeals for a one (1) year term with an appointment to expire on December 31, 2017. Councilmember K. Transue seconded. Motion carried unanimously.

Advertisement 2017 Road Rehabilitation Road Bids

Councilmember F. O'Boyle moved to advertise the 2017 Road Rehabilitation Road Bids for the streets outlined in the meeting packets. Councilmember K. Transue seconded. Motion carried unanimously.

Advertising for the Sanitation Bids

Councilmember M. Oser moved to advertise the Sanitation Bid Specifications, once they are approved by the Sanitation Committee. Councilmember D. Casole seconded. Motion carried unanimously.

Fee Waivers

Councilmember M. Oser moved waive any fees in conjunction with the Drive-In Fly-In Breakfast that the Mount Pocono Rotary holds each year and also for the Mother's Day Flower Sale held at the Mount Pocono Methodist Church. Vice President J. Woehrle seconded. Motion carried unanimously.

STANDING COMMITTEES

Planning Commission

There was no Meeting held for the month of April due to a lack of submissions/ applications.

Parks & Recreation

Councilmember D. Casole gave the following report:

The Meeting was called to order by Chairman Randy Altemose at 7:05 p.m. with Board Members Terry Cramer, and Tom Ford present. Absent: John Scalandre
Donna Casole, representing Boro Council

Old Business: Applications for the Non-Profit have not been returned. Only one application returned thus far. No new Prospects for the Parks and Recreation Foundation. Discussion was entertained for inviting Prospects to the next monthly meeting.

Randy Altemose spent approximately 8 hours cleaning fields at Oak Street.... Lower Field almost done, Upper Field was too wet. Ballfield needs to be mowed, and edging performed for the Upper Field.

Job Interviews for the Boro Maintenance Position have been conducted. Randy is willing to work with the New Job Hire in order to Prep Ball fields correctly.

New Business: Field Usage Request as follows: Boondock Saints, Ron Hashak, Pocono Pride Fast Pitch Softball Practice from April to November 2017, Wednesday nights.

Pocono Pride is willing to purchase 2" of Inn Field - Sand/Silt Mix to bring Field back to prior Ballfield standards due to depletion from erosion and wind.

Upper Field requires Sand/Silt Mix, and the Lower Field requires Diamond Tek, with the assistance of the Boro Maintenance to pick up the loads.

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Fence Topper at Oak Street – Yellow for Out-field, Green for Foul Sides needs replacing.

Toddler Swing behind Boro building needs to be replaced due to children not in the Toddler Stage using the swing causing damage to Swing.

A Motion to approve use for Youth - Waiver Fee by Terry Cramer, and seconded by Tom Ford. All were in favor, Motion Passed.

Utilities/ Water

Councilmember F. O'Boyle stated that PAWC is looking for a rate increase before the PUC. He also discussed the recent bill and that it appears that the residents are being charged for fire hydrant fees and he doesn't feel that it is proper since the Borough pays for fire hydrant fees.

It was agreed that Councilmember D. Casole will look into this.

Sanitation

Councilmember K. Transue stated that the 3rd Annual Joseph Battisto Clean Up Day went well. They had fewer volunteers than they had in the past, he felt that the weather impacted that. However, they picked up one hundred and twelve (112) bags of garbage.

He also discussed the Pocono Mountain East Little League and a shed that they had, that was built by a Boy Scout as an Eagle Scout project and they would like to put the shed near the Oak Street ballfield.

Vice President J. Woehrl moved that the Pocono Mountain East Little League can place a shed at the Oak Street ballfield provided that they give us a certificate of insurance listing the Borough as an additional insurer and to sign an agreement in regard to shed and to comply with all zoning regulations. Councilmember M. Oser seconded. Motion carried unanimously.

There was discussion regarding the shed removal behind the Borough building for a safety issue and it was noted that we received a quote from KAT Contracting in the amount of \$5,475.00.

Councilmember D. Casole stated that she received some information for the Millennia Home Improvements to build one, the cost would be slightly under \$10,000.00

In view of the range of quotes and not having a set description on exactly what is wanted in the shed, such as; size and garage doors. It was agreed that this item will be tabled until the next month.

Buildings

Councilmember F. O'Boyle asked for a status of the Souaid property and if the property plans have been filed and the proper deeds drawn up.

It was stated that Mr. Shupp picked up the plans and he will have them recorded. Once we have them back Solicitor J. Fareri will draw up the deeds.

It was also stated that the Farmer's Market would like to put a shed on the Borough's property and is asking permission to do so. Borough Council said no.

Budget & Finance

The Budget & Finance Committee will be meeting sometime this month or in the month of June.

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Personnel

Covered earlier in the evening.

Pocono Mountain Regional Police

Councilmember M. Oser gave the following report:

Report from April 11, 2017 Commission Meeting

The normal operations of the Police Department were discussed. The purchase of the mobile computers and communications facilities for the department vehicles was moved and seconded.

Bill list was presented, questioned and approved.

The information pertinent to the Borough of Mount Pocono is as follows:

Patrol:	27.20 hours
Investigation:	297.97 hours
Vascar:	.5
Court:	42.46
Assigned:	265.86

From the report, Mount Pocono Borough has used a -201.18 hour versus the purchased hours. To date, Mount Pocono has purchased 2243.90 hours and used 2052.72 hours.

The Director of the E911 center was present to respond to questions. The underlying answer to a question regarding the dispatching of a police officer to any scene is, "garbage in garbage out!"

In the ongoing discussion of why there was no police presence at the scene of the accident in January 2017, apparently, there were not enough calls were made to the E911 center to describe the accident.

One of the police commissioners stated that since the tow truck operator went and started the clean-up and etc, he probably knew what he was doing. So there was really no issue. If he felt unsafe he did not need to get out of his vehicle.

The overall performance of the Pocono Mountain Police Commission was distributed in the Annual Report of the Pocono Mountain Regional Police for 2016.

The report breaks down the operations of the Regional Police regarding the man hours used for patrol, investigations, speed, court and assigned duties. It is lengthy and due to the type of report, it is very difficult to electronically forward; the report is huge in MB and will not go through most servers.

The report is available at the Borough of Mount Pocono office. Please contact Lori, Borough Secretary/Treasurer.

The ongoing request for written information from the Commission is not completed. HOWEVER, Commission Mike Oser was accorded time to review the information of the logs for the two weekends in January 2017, the Code of Conduct and the policy for high-speed chases. No copies, photograph or electronic faxes were permitted. Councilman Mike Oser will have a comment and motion regarding this incident.

There was an executive session regarding different items of a sensitive nature.

Councilmember M. Oser moved to direct Pocono Mountain Regional Police Department (PMRPD) to provide a written copy of police logs of police officers of the Pocono Mountain Regional Police dated:

1. 0001 hours 21 January 2017 through 2400 hours 22 January 2017; (or as reviewed by Councilmember Mike Oser on April 21, 2017)
2. 0001 hours 28 January 2017 through 2400 Hours 29 January 2017; (or as reviewed by Councilmember Mike Oser on April 21, 2017)
3. The Code of Conduct;
4. The Police regarding high speed chases

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

Regional Police/ EMS

Mayor F. Courtright stated that the EMS subscription drive is ongoing and the cost is \$75.00 per household. He noted that we can now subscribe on-line and use a credit card.

COG

It was noted that there was no meeting during the month of April and the next meeting is scheduled for Monday, May 15, 2017.

Public Participation

Rich Jones, 101 Winona Road, stated that he agreed with Councilmember M. Oser on his motion in regard to the Pocono Mountain Regional Police.

There being no further business or any further public participation coming before the Board, Councilmember M. Oser moved to adjourn at 8:50 P.M. Vice President J. Woehrle seconded. Motion carried unanimously.

Respectfully submitted,

Lori Noonan, Borough Secretary