

**MOUNT POCONO BOROUGH COUNCIL
REGULAR MEETING MINUTES
MONDAY, OCTOBER 2, 2017
7:10 P.M.**

President K. Davis opened the Regular Meeting at 7:10 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.

The Pledge of Allegiance was said by all.

PRELIMINARY ANNOUNCEMENTS

None

APPROVAL OF MINUTES

Councilmember K. Transue moved accept the Public Hearing minutes of Tuesday, September 5, 2017, as presented. Councilmember F. O'Boyle seconded. Motion carried unanimously.

Councilmember K. Transue moved to approve the Regular Meeting minutes of Tuesday, September 5, 2017, as presented. Councilmember C. Williams seconded. Motion carried unanimously.

Councilmember D. Casole moved to accept the Conditional Use Hearing minutes of Monday, September 25, 2017, as presented. Councilmember F. O'Boyle seconded. Motion carried unanimously.

OFFICERS' REPORTS

PRESIDENT

President K. Davis noted that the paving has been completed in Summit Pointe and on Crestwood Drive with line painting and shoulder work to be underway. He also noted that the Ollie's Odd Lot store should be opening soon in the old K-Mart store location and the interior work on the Hibachi Grill is moving along. He stated that Planet Fitness will also be occupying part of the old K-Mart store and they are hoping to open that soon as well.

President K. Davis stated that his thoughts and the thoughts of the Borough Council have been with Vice President J. Woehrle and his family with the recent passing of Jeff's mom.

MAYOR

Mayor F. Courtright stated that his thoughts have also been with Vice President J. Woehrle and his family. He noted that his thoughts have been with the people affected by the events in Las Vegas. He also noted that he and Councilmember F. O'Boyle attended the Pocono Mountain Regional EMS Pig Roast, it was a beautiful day and a great event. He further noted that the Harvest Fest was held last week and that was also a beautiful day and well attended. He reminded everybody that the first and only First Friday for 2017 will be held this Friday, October 6, 2017, at 5:00 P.M. He noted that the time has been moved up as it's starts to get dark earlier in the day now.

TREASURER'S REPORT

GENERAL FUND CHECKING ACCOUNT	\$ 363,107.72
ESSA MONEY MARKET	17,347.83

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PENN SECURITY GENERAL FUND ACCOUNT	\$ 2,042.21
CAPITAL RESERVE ACCOUNT	49,248.91
BANNER BEAUTIFICATION ACCOUNT	2,539.63
STATE LIQUID FUELS	60,392.12
PARK & RECREATION FUND	870.53
PLANNING COMMISSION REIMB. FUND	9,738.74
ROAD FUND – GENERAL FUND	110,432.19
STORMWATER FUND	73,735.54
GENERAL FUND RESERVE ACCOUNT	42,079.90
SANITATION FUND	19,708.85
INTERSECTION& SIGNALIZATION FUND	<u>482,490.40</u>

GRAND TOTAL \$1,233,734.57

BILLS TO BE PAID FROM THE GENERAL FUND CHECKING ACCOUNT:

ACE Hardware	(road paint, elec. Supplies, straw)	\$ 119.11
AMTrust North America	(workers comp)	4,800.00
A & M Custom Embroidery	(jerzee shirts for maint Signed PO)	300.00
Berkheimer Associates	(LST Commission)	37.50
Blue Ridge Communications	(phones)	411.04
Boston Mutual	(disability insurance)	324.88
CANWIN/Journal	(volunteers wanted ad)	132.00
Cintas	(uniform & rug service)	316.80
CPC Signs	(Oak St. Park signs)	116.38
Ehrlich	(pest control)	88.00
ESSA Bank	(interest only on loan)	552.80
FNB Visa	(Notary renewal)	426.93
Highmark Blue Shield	(health insurance)	7,318.99
Kramer’s Sheds	(new shed)	6,100.00
Russell R. Kresge, Jr.	(Crestwood Drive & Domino’s)	409.50*
Monroe County Control Center	(4 th quarter)	867.00
Newman, Williams & Mishkin	(appeal - Chaddha)	105.00
Northern Tool	(renewal)	39.99
One Eight Five Media, LLC	(Matt Hensel/website admin)	75.00
Panko Reporting	(Public Hearing Official Map)	150.00
PA American Water	(water bills)	706.28
Payroll Unlimited	(payroll – September)	107.00
PA One Call	(monthly service)	71.79
PA State Mayors’ Association	(yearly dues)	60.00
Plociniak Oil	(heating oil for bldgs.)	1,762.49
Pocono Mountain Regional Police	(October Mortgage Payment)	2,811.27
Pocono Mountain Public Library	(RE Taxes)	3,098.59
Pocono Mtn. Vol. Fire Co.	(RE Taxes)	3,098.76
Pocono Mtn. Vol. Fire Relief Assoc.	(fire relief allocation)	18,138.61
Pocono Mountain Regional EMS	(RE Taxes)	1,549.36
Pocono Record	(advertising)	474.82
PSAB Retirement Trust	(non-uniform pension MMO 2016)	26,263.95
Quill	(offices supplies, paper)	173.77
Signal Services	(repairs to lights @ Lowe’s)	108.50

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Sunoco	(gas/diesel)	\$ 520.24
ThyssenKrupp	(elevator service)	176.52
US Bank	(copier lease)	294.10
United Concordia	(dental insurance)	182.59
Verizon	(phone)	35.12
Verizon Wireless	(cell phones)	<u>139.41</u>

GRAND TOTAL **\$82,464.09**

*Engineering Reimb. \$315.00

BILLS ALREADY PAID FROM THE GENERAL FUND CHECKING ACCOUNT:

JoAnn Misuraca-Ficco	(reimb. of overpayment of RE Taxes)	\$53,352.83
Mt Pocono Payroll	(w/e 09/06/17)	5,383.85
Mt Pocono Payroll	(w/e 09/13/17)	5,520.87
Mt Pocono Payroll	(w/e 09/20/17)	5,479.19
Mt Pocono Payroll	(w/e 09/27/17)	<u>5,528.64</u>

GRAND TOTAL **\$75,265.38**

BILLS TO BE PAID FROM THE STATE LIQUID FUELS ACCOUNT:

Central Clay Products, Inc.	(cast manhole risers)	\$ 416.24
Lehigh Hanson	(2A subbase stone)	1,025.11
PPL	(traffic signals)	<u>2,485.13</u>

GRAND TOTAL **\$3,926.48**

Councilmember K. Transue moved to pay and approve the bills as outlined in the Treasurer’s Report dated Monday, October 2, 2017, as presented. Councilmember M. Oser seconded. Motion carried unanimously.

SOLICITOR

None

PERSONS TO BE HEARD

Mr. David Unkovic, McNees Wallace & Nurick, LLC

Mr. Unkovic with McNees Wallace & Nurick, LLC, was present regarding an Ordinance that Borough Council needs to adopt approving certain projects being undertaken by the Mount Pocono Municipal Authority (MPMA) as follows:

This Ordinance authorizes the incurrence of lease rental debt by the Borough in the maximum aggregate principal amount of \$7,505,000, consisting of (a) the guaranty by the Borough of the maximum principal amount of \$4,993,000 under a certain guaranty agreement (the “2017A Guaranty Agreement”) and (b) the guaranty by the Borough of the maximum principal amount of \$2,512,000 under a certain guaranty agreement (the “2017B Guaranty Agreement”, and together with the 2017 A Guaranty Agreement, the “Guaranty Agreements”) both by the Borough in favor of ESSA Bank &

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Trust (the "Bank"); sets forth dates and amounts of principal and interest to be paid by the Borough under the Guaranty Agreements to certain fiscal years; covenants to budget and pay the amounts payable under the Guaranty Agreements; pledges the full faith, credit and taxing power of the Borough in respect of its guaranties; authorizes for exclusion of lease rental debt as self-liquidating debt; and authorizes the proper officers to take such additional action necessary to consummate the purposes of the Ordinance and incur lease rental debt evidenced by the Guaranty Agreements.

The lease rental debt represents the issuance by the Mount Pocono Municipal Authority of its Guaranteed Construction Note, Series A of 2017, in the maximum principal amount of \$4,993,000, and its Guaranteed Construction Note, Series B of 2017, in the maximum principal amount of \$2,512,000. Omissions from the Ordinance, as proposed, as well as any amendments thereto, if any, will be supplied at the time of the enactment of the Ordinance, if the Borough shall determine to proceed.

Mr. Unkovic explained that the MPMA has agreed to the ESSA loan. And in 2014 Borough Council approved the loan. He noted that this is part of that original loan.

After some discussion, Councilmember M. Oser moved adopt Ordinance #6 of 2017 as presented. Councilmember D. Casole seconded. Motion carried unanimously.

Tom Ford, 67 Center Avenue

Mr. Ford was before Borough Council requesting Borough Council to consider a change to the Borough's Ordinances permitting a bed and breakfast in a R-1 Zoning District as a Conditional Use or Special Exception. He stated that his property at 67 Center Avenue is a little over one (1) acre, he has six (6) bedrooms, three (3) bedrooms on the first floor and he would like to have a traditional bed breakfast set-up with the owners residing in the home.

Solicitor J. Fareri stated that Mr. Ford's request should be referred to the Planning for their review and recommendation.

Councilmember D. Casole moved to have the Planning Commission review and make any recommendations regarding Mr. Ford's request for a bed and breakfast in a R-1 Zoning District as either a Conditional Use or Special Exception. Councilmember M. Oser seconded. Motion carried unanimously.

Logan Evans, Pocono Mountain Volunteer Fire Company

No show

UNFINISHED BUSINESS

Ordinance #5 of 2017, Repealing the Tree Ordinance

Councilmember K. Transue moved adopt Ordinance #5 of 2017, repealing the Tree Ordinance. Councilmember M. Oser moved seconded. Motion went to a roll call vote: Councilmember K. Transue, "Yes"; Councilmember M. Oser, "Yes"; Councilmember F. O'Boyle, "Yes"; Councilmember C. Williams, "Yes"; Councilmember D. Casole, "No"; and, President K. Davis, "Yes". Motion carried 5 -1.

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NEW BUSINESS

Pocono Mountain Regional Police 2018 MMO Pension

Councilmember K. Transue moved to adopt the 2018 Minimum Municipal Obligation of the Pocono Mountain Regional Police Pension with the Uniform Pension MMO in the amount of \$79,952.82 and the Non-Uniform Pension MMO in the amount of \$1,054.04. Councilmember D. Casole seconded. Motion carried unanimously.

Ticketing Ordinance

Borough Council was in receipt of memo from the Mount Pocono Planning Commission advising Borough Council that they have researched and reviewed the Ticketing Ordinance and after a lengthy discussion and much evaluation of said Ordinance the Planning Commission recommends to Borough Council to not consider adopting such an Ordinance at this time.

Councilmember F. O'Boyle moved to accept the recommendation of the Planning Commission noting that it is not cost effective and due to lack of enforcement. Councilmember K. Transue seconded. Motion carried unanimously.

STANDING COMMITTEES

Planning Commission

Councilmember D. Casole submitted the following report:

Mr. Alan Rodriguez, Owner of current operations as ALZ Auto Sales located at 186 Sterling Road, Mt. Pocono, PA submitted a Conditional Use Application seeking approval to Display Cars in the Front and Back of the Building.

Mr. Rodriguez indicated that his Engineer Mr. Courtright had failed to have the completed plans ready for the September 20, 2017 Hearing after several repeated contacts with him.

Upon further discussion the Planning Commission recommended an Extension be filed by Mr. Rodriguez and approved by Borough Council.

On August 30, 2017, Mt. Pocono LLC, submitted to the Borough various items for a Proposed Lot Improvement Subdivision Application and future Zoning Application.

The Project proposes to subdivide the existing Mt. Pocono Plaza Shopping Center into 2 Lots. Lot #2, (1.43 acres) will contain an existing Fast-Food Restaurant (McDonald's) with associated parking and Trash enclosure. Lot #1, (19.58 acres) will contain an existing Shopping Center, Bank and associated parking facilities. New construction is not proposed at this time.

On September 15, 2017, the Mt. Pocono Borough Engineer, Russ Kresge, referred to 18 sections under the Borough's Zoning, Chapter 215 and Subdivision and Land Development, Chapter 187 to the Planning Commission regarding the Mt. Pocono, LLC (Mt. Pocono Plaza) Subdivision Plan dated August 30, 2017.

On September 20, 2017, Mr. Jim Borger, also submitted a Comment Letter regarding the Proposed Minor Subdivision for Mt. Pocono LLC which were also reviewed and discussed.

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There were many issues discussed such as PennDOT Right of Way, existing Signage, and Parking Spaces conforming to the Borough's current 10' x 20' Parking Space Ordinance. Each section was reviewed and discussed for compliance and the legalities of each section of the Zoning and Sub-division and Land Development.

The Violation Ticketing Ordinance has been discussed during the past two Planning Commission Meetings for possible adoption. The purpose of this Ordinance is to allow the designated Code Officer to issue a ticket rather than a citation to permit a Citizen who caused a violation to pay the ticket rather than being issued a citation and enduring a costly and protracted legal hearing before a District Judge.

This Ticketing would permit the Borough to maintain and enforce its laws while resolving the violation in a manner that doesn't unduly burden the Resident so accused by requiring the issuance of a citation and a court hearing.

Further discussion of this Ticketing requires a Code Enforcement Officer, and the legal process with the State Police permission to write tickets. The Borough's Zoning Officer is currently employed 2 days a week and is definitely very busy with the current workload trying to keep up. It was recommended that this process would not be feasible at this time.

Public Works

No report.

Water

Councilmember D. Casole submitted the following report:

PAWC has been proceeding with the Water Main Replacements in the Pine Hill Section of Mt. Pocono on Brookville Terrace, Brunswick Drive, Seneca Road, and Holly Forest.

These Water Mains have had an increasing number of Water Main Breaks over the last few years, and with the new cement lined ductile Iron Water Mains, these specific areas should see a much-improved service reliability.

The new Water Mains are installed and have been tested.

PAWC is well along the way of connecting the Residents over to the new Water Mains. Once completed, the Final Restoration and Paving will commence.

There have been no recent disturbances impacting the Boro, and the continued patience of the Residents along the work areas is appreciated. They are working towards minimizing impacts to Service and Property.

Parks & Recreation

Councilmember D. Casole submitted the following report:

Old Business Item discussed was the Pocono Pride League requesting permission to erect a Building at the Deerfield Park. Play use of the Park behind the Boro Building was pretty much inactive.

Maintenance/Replacement inventory of the Deerfield Park revealed that the Stationary Bike Pedals needed to be replaced and the inventory will continue further for both Boro Parks.

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Advertising in the Newspapers for Prospective New Parks & Recreation Commission Members was confirmed.

There was some discussion that Commission Members would like to be informed and/or consulted of required improvements/maintenance issues, if possible, prior to Council's final decisions, so as to respectfully assist with the expedition of Park Projects large and small, which is the goal of the Parks & Recreation Commission.

Questions arose as to Budget Allowances for the Parks & Recreation; and if Mt. Pocono Boro was officially a non-participant in PARC. It was confirmed to the Commission that Mt. Pocono Boro had officially withdrawn from the Municipal Partnership between Paradise and Barrett Townships respectively PARC.

The Commission was advised that the Mt. Pocono Budget Committee will commence Budget Meetings shortly.

There was discussion of perhaps the Parks & Recreation Committee meeting every other month if the Boro Code allows. If one of the current 3 Members currently on the Commission is absent, no meeting can be conducted, due to the required three Commission Members required to make a quorum.

After the report was given, there was some discussion regarding how often they need to meet, and it was agreed that they do not need meet monthly.

Sanitation

Councilmember C. Williams stated that it is the end of contract with J. P. Mascaro as of January 1, 2018, County Waste will take over who will be providing cans. She has received a copy of the delinquent list and she noted the Sanitation Committee will be meeting soon.

Budget & Finance

Borough Secretary/ Treasurer L. Noonan stated that she will be working on the worksheets and will be sending those out this month. She noted that the Budget and Finance Committee should meet before the next meeting.

Buildings

It was noted that the shed was delivered and set-up.

Personnel

Borough Council will be holding interviews for CDL driver in the next couple of weeks.

Pocono Mountain Regional Police

Mayor F. Courtright stated that there is a small savings in the bottom line next year. There is \$100,000.00 that they can move into the Capital Improvements Fund. \$400,000.00 was brought forward and that equates to \$24,370.00 savings to the Borough.

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Regional Police/ EMS

Mr. Lee Rosato, Deputy of Pocono Mountain Regional EMS was present. He stated that there were sixty-one (61) incidents in the month of September with four hundred and thirty-six (436) incidents year to date for the Borough. There were five hundred and thirty (530) total calls received in the total coverage area for September with a year to date total of four thousand six hundred and forty-six (4,646) incident count. He noted that they have applied for a LSA Grant for stretchers and requested a letter of support from the Borough Council.

Councilmember M. Oser moved to send a letter of support for the LSA Grant for stretchers for the Pocono Mountain Regional EMS. Councilmember C. Williams seconded. Motion carried unanimously.

COG

Councilmember M. Oser discussed a \$5.00 increase in car registrations that the County is considering in adopting. It was noted that the County has discussed that the monies generated from this \$5.00 per car registration increase would go to maintaining bridges.

Mount Pocono Motel

Councilmember K. Transue discussed the violations at the Mount Pocono Motel and requested that the Zoning Officer look into these violations.

Public Participation

Mary Peck, 8 Oak Street, discussed the Pocono Mountain Regional Police, State Police and asked what is going on. She has heard a lot of rumors that Borough Council was considering leaving the Regional Police, noting that she is not in agreement with this.

Vincent Misuraca, 13 Devonshire Lane, also discussed the Pocono Mountain Regional Police and stated that there a lot of things the Regional Police does. They give demonstrations at Camp Minsi and that he is not in favor of the Borough leaving the Regional Police.

Marie Farnan, Oak Street, stated that the safety of residents should come first, and she was not in favor of the Borough leaving the Regional Police.

Mayor F. Courtright stated that Borough Council is doing their job by reviewing the costs associated with the Regional Police and not overpaying and allowing flexibility.

Aida Montanez, Ward Avenue, stated that she formally/orally requesting to volunteer to serve on the MPMA.

Linda Fleming, Fairview Avenue, stated that the shopping carts are being used as benches at K-Mart Shopping Plaza and she finds that this is a safety violation. She also discussed fundraisers for the Regional Police.

Dawn Misuraca, Devonshire Lane, discussed the Facebook page stating that it is a disgrace and there was some discussion regarding this, with Borough Council noting that the Facebook page is a product of the Mayor and that Borough Council has nothing to do with the Facebook page.

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Matt Hensel, Edgewood Drive, stated as the Vice Chair of the MPMA he requested that Borough Council consider appointing Ms. Montanez to the vacancy on the MPMA as they really need another member. He pointed out that Ms. Montanez has been faithfully attending Borough Council meetings this calendar year and she has also attended recent MPMA meetings.

Councilmember D. Casole moved to appoint Aida Montanez to the MPMA. Councilmember M. Oser seconded. Motion carried unanimously.

There was continued discussion regarding the Facebook page and that monitors need to be careful of phony people, people disguising themselves, or made-up people requesting to “friend” your Facebook account.

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

Respectfully submitted,

Lori Noonan, Borough Secretary