

**MOUNT POCONO BOROUGH COUNCIL  
REGULAR MEETING MINUTES  
MONDAY, DECEMBER 4, 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; D. Casole; K. Transue; M. Oser; and C. Williams. Mayor F. Courtright, Solicitor J. Fareri and Borough Secretary/ Treasurer L. Noonan were also present. Alternate Solicitor H. C. Connor was present to represent the Borough on the Mt. Pocono, LLC Minor Subdivision & Land Development.

The Pledge of Allegiance was said by all.

**PRELIMINARY ANNOUNCEMENTS**

None

**APPROVAL OF MINUTES**

Councilmember M. Oser moved to approve the Regular Meeting minutes of Monday, November 6, 2017, as presented. Vice President J. Woehrle seconded. Motion carried unanimously.

**PERSONS TO BE HEARD**

**Mt. Pocono LLC**

Attorney Dave Kidwell was present on behalf of the Applicant, Mt. Pocono LLC. Mr. Rhett Chiliberti, Engineer, Mr. Nicholas Aiello, Transportation Planning, both with Maser Consulting, and Mr. Pablo Medeiros with Heidenberg Properties, the Applicant, were all present.

Attorney D. Kidwell explained that the plan is for the subdivision of a 1.43-acre, Lot #2 containing the McDonald's along SR 940 from the Mt. Pocono Plaza property.

The Mount Borough Planning Commission has reviewed the minor subdivision and the revised subdivision land development plan and has recommended approval with several conditions. There were also several waivers that were requested and recommended by the Planning Commission, with one (1) not recommended to be approved by Planning Commission, which was: §187-48W & X. A waiver of the requirements to provide curb and sidewalk within the right-of-way.

Attorney D. Kidwell discussed the waivers in particular the waiver that was not recommended for approval by the Planning Commission for the curb and sidewalks, noting that for the Applicant to meet this requirement it would be a big undertaking and very costly to the Applicant. Also, they would be providing a sidewalk that would serve no purpose in their opinion.

There was a great deal of discussion regarding the waiver request and whether the sidewalks should be put in. There was also a discussion regarding the other waivers.

After a lengthy discussion, Councilmember K. Transue moved to approve all five (5) waivers as follows:

*§187-47C (4). A waiver from the requirement for all lot lines to be perpendicular or radial to the street. Approval of this request was recommended by the Planning Commission at the September meeting.*

*§187-62.1F(1)(b). A waiver of the requirements for the number of constructed and reserved parking spaces. A Parking Assessment has been provided to demonstrate the adequacy of the*

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*parking spaces for the shopping center. Clarification is requested inasmuch as the assessment appears to be based on the same parking manual as the Ordinance requirements, but with different parking demand values.*

*§187-31B (19). A waiver of the requirement to provide wetland information. Approval of this request was recommended by the Planning Commission at the September meeting.*

*§187-48A (1). A partial waiver to permit access to a public road via an easement to a PennDOT right-of-way.*

*§187-48W & X. A waiver of the requirements to provide curb and sidewalk within the right-of-way.*

Vice President J. Woehrle seconded. Motion carried unanimously.

Solicitor H. C. Connor noted that as per the Borough Engineer's review letter regarding §187-31E and §187-48A. The Second Amendment to the Memorandum of Lease and Grants of Permanent Easements should be reviewed by the Solicitor to determine if Lot #2 will be provided with adequate access. Solicitor H.C. Connor stated that he reviewed and found that all is in order.

A motion to approve the minor subdivision and the revised land development plan of the Mt. Pocono LLC was made by Councilmember K. Transue with the following conditions that need to be met:

*§187-31B (21). The parcel identification numbers are required for the property being subdivided. These include 10635511571458, 10635510467730C1, 10635510477293 and 10635511571088.*

*It is recommended that the language in General Note No. 10 be preceded with the language from the Municipalities Code, "A highway occupancy permit is required pursuant to Section 420 of the Act of June 1, 1945 (P.L. 1242, No. 428) known as the "State Highway Law", before driveway access to a State highway is permitted."*

Councilmember C. Williams seconded. Motion carried unanimously.

## **OFFICERS' REPORTS**

### **PRESIDENT**

President K. Davis noted that on November 15<sup>th</sup>, he and Vice President J. Woehrle met with members of Ridge Development regarding a site analysis of a lot that is in the Mount Pocono Industrial Park. Their lot is in both Mount Pocono Borough and Coolbaugh Township and they are interested in building a nine hundred thousand (900,000) square foot light manufacturing building and it may be forth coming in the very near future.

President K. Davis congratulated all who were successful in the last election.

### **MAYOR**

Mayor F. Courtright stated the Mount Pocono Association presented him with a six hundred-dollar (\$600.00) donation to the Borough's Beautification Fund. He also congratulated the newly elected officials and noted that the swearing in will be at 9:00 A.M. on Tuesday, January 2, 2018. He noted that the Breakfast with Santa, hosted by the Pocono Mountain Regional EMS, will be held on Saturday, December 16h, from 9:00 A.M. to 12:00 P.M. at the Pocono Mountain Volunteer Fire Company. He stated that he has been contacted by the

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owners of 103 Brunswick Drive who wish to donate the property to the Borough. He also noted that it is a wooded lot with a steep slope.

Councilmember M. Oser moved to move forward with Solicitor J. Fareri doing a title search on the property and for the Borough to continue looking into receiving the property as a donation if there is a clean title search. Vice President J. Woehrle seconded. Motion carried unanimously.

**TREASURER’S REPORT**

GENERAL FUND CHECKING ACCOUNT	\$ 136,356.83
PENN SECURITY GENERAL FUND ACCOUNT	2,042.21
CAPITAL RESERVE ACCOUNT	1,280.83
BANNER BEAUTIFICATION ACCOUNT	2,542.60
STATE LIQUID FUELS	44,501.39
PARK & RECREATION FUND	871.05
PLANNING COMMISSION REIMB. FUND	9,747.01
ROAD FUND – GENERAL FUND	1,869.01
STORMWATER FUND	67,659.01
GENERAL FUND RESERVE ACCOUNT	1,107.19
SANITATION FUND	19,895.38
INTERSECTION& SIGNALIZATION FUND	<u>482,490.40</u>
 GRAND TOTAL	 <u>\$770,362.91</u>

**BILLS TO BE PAID FROM THE GENERAL FUND CHECKING ACCOUNT:**

ACE Hardware	(bldg. supplies, repairs to flag light)	\$ 293.98
AmTrust North America	(workers comp)	3,015.00
Brown & Brown	(treasurer’s bond)	275.00
Blue Ridge Communications	(phones)	409.74
Cintas	(uniform & rug service)	539.63
Cramer’s	(new side boards for trucks)	64.00
ESSA	(loan payment)	2,309.20
FNB Visa	(Flags, batteries & background check)	52.86
H. Clark Connor	(PC Solicitor)	465.00
Hadley Construction	(roof mansard painting)	28,441.00
Highmark Blue Shield	(health insurance)	7,318.99
Russell R. Kresge, Jr.	(Mt Pocono LLC & Meetings)	589.50*
MetLife	(life/disability Insurance)	284.84
Monroe County Info Services	(RE tax bills)	68.36
NEPA Alliance	(annual dues)	275.00
Ike Olson	(tree removal on Center Avenue)	785.00
One Eight Five Media, LLC	(Matt Hensel/website admin)	75.00
Payrolls Unlimited	(November Payroll)	91.90
Plociniak Fuel	(boro bldg. & Maint heating oil)	1,033.08
Pocono Mountain Regional Police	(December Mortgage Payment)	2,792.12
Pocono Mountain Reg. Police	(1 month of 4 <sup>th</sup> Quarter)	60,093.09
Pocono Mountain Public Library	(RE Taxes)	128.12
Pocono Mtn. Vol. Fire Co.	(RE Taxes)	128.15
Pocono Mountain Regional EMS	(RE Taxes)	64.07

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Pocono Record	(advertising)	\$ 50.57
Selective Insurance	(insurances)	5,266.00
Sunoco	(gas/diesel)	245.41
Tulpehocken Spring Water	(water for coolers)	25.00
US Bank	(copier lease)	294.10
United Concordia	(dental insurance)	182.59
Verdin	(clock Preventative Maint. Agreement)	630.00
Verizon	(phone)	35.12
Verizon Wireless	(cell phones)	141.22
Wal*Mart	(bldg. & Maint. Supplies)	<u>39.72</u>

**GRAND TOTAL** **\$ 116,502.36**

\*Engineering Reimb. \$589.50

**BILLS ALREADY PAID FROM THE GENERAL FUND CHECKING ACCOUNT:**

Mt Pocono Payroll	(w/e 11/08/17)	\$ 8,934.75
Mt Pocono Payroll	(w/e 11/15/17)	5,739.57
Mt Pocono Payroll	(w/e 11/22/17)	6,546.39
Mt Pocono Payroll	(w/e 11/29/17)	5,781.09
Pocono Mtn. Regional Police	(1 month of 4 <sup>th</sup> Quarter)	<u>60,093.09</u>

**GRAND TOTAL** **\$ 87,094.89**

**BILLS TO BE PAID FROM THE LIQUID FUELS ACCOUNT:**

PP&L (traffic signals) **\$2,965.05**

Vice President J. Woehrle moved to pay and approve the bills as outlined in the Treasurer's Report dated Monday, December 4, 2017, as presented. Councilmember C. Williams seconded. Motion carried unanimously.

**SOLICITOR**

No report.

**UNFINISHED BUSINESS**

**Route 611/ Pine Hill Road Traffic Signal**

Vice President J. Woehrle moved to extend the three hundred thousand-dollar (\$300,000.00) allocation to the Route 611/ Pine Hill Road Signalization Project for one (1) more year. Councilmember C. Williams seconded. Motion carried unanimously.

**Proposed 2018 Budget**

Councilmember C. Williams moved to advertise the 2018 Budget open for public inspection and to hold a Public Hearing and Special Meeting on Monday, December 18, 2017, beginning at 6:45 P.M. Vice President J. Woehrle seconded. Motion went to a roll call vote: Councilmember K. Transue, "Yes"; Councilmember M.

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Oser, “No”; Councilmember C. Williams, “Yes”; Vice President J. Woehrle, “Yes”; Councilmember F. O’Boyle, “Yes”; Councilmember D. Casole, “Yes”; and, President K. Davis, “Yes”. Motion carried 6 to 1.

**NEW BUSINESS**

**MPMA Request for Salary Increase**

Councilmember K. Transue moved to approve the salary increase requested by the Mount Pocono Municipal Authority (MPMA) members from four hundred dollars (\$400.00) a year to five hundred dollars (\$500.00) a year. Vice President J. Woehrle seconded. Councilmember M. Oser abstained. Motion carried.

**Zoning Officer Resignation**

Councilmember M. Oser moved to accept the resignation of the Borough Zoning Officer James A. Borger with regret and to advertise the opening to receive applications. Councilmember K. Transue seconded. Motion carried unanimously.

**Planning Commission Resignations**

Councilmember M. Oser moved to accept the resignations of the Planning Commission members Jeff Woehrle and Matt Hensel with regret. Councilmember K. Transue seconded. Motion carried unanimously.

Councilmember M. Oser moved to instruct the Solicitor to draw up and advertise an Ordinance that would reduce the Planning Commission’s membership from seven (7) to five (5) as per the request of the Mount Pocono Planning Commission. Councilmember D. Casole seconded.

Mr. Matt Hensel, former Planning Commission member and current Councilmember Elect, asked Borough Council to consider holding off on advertising the Ordinance or moving forward on this matter and give the Planning Commission a little bit more time to think about it, as they may have a busy year and may need seven (7) members.

After a brief discussion regarding this with the Chairman of the Planning Commission Kevin Kirkwood, stating that his opinion is that the Planning Commission still wishes to be reduced to five (5) members.

Motion went to a roll call vote: Councilmember K. Transue, “No”; Councilmember M. Oser, “Yes”; Councilmember C. Williams, “No”; Vice President J. Woehrle, “Yes”; Councilmember F. O’Boyle, “No”; Councilmember D. Casole, “Yes”; and, President K. Davis, “Yes”. Motion carried 4 to 3.

**Railroad Trestle Photographs**

Councilmember F. O’Boyle moved to send a letter with photographs to the Lackawanna County and Monroe County Railroad Authority, copy PennDOT, State Senator Mario Scavello and State Representative Jack Rader regarding the railroad trestle hazard. Councilmember D. Casole seconded. Motion carried unanimously.

**STANDING COMMITTEES**

**Planning Commission**

Councilmember D. Casole submitted the following report:

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On November 1, 2017, the Mt. Pocono LLC, (Mt. Pocono Plaza Rt. 940 & Oak Street Shopping Center) Maser Consulting P.A, submitted the following items for the Proposed Minor Sub-Division Plan resubmission presented to the Planning Commission:

A November 1, 2017 Revised "Minor Sub-Division Plan", A Land Title Survey, A Copy of the Parking Assessment Summary, and a Copy of the Lease Agreement dated August 22, 2017 between Mt. Pocono LLC and McDonald's Corporation, and a Parking Supply Analysis/Assessment conducted to examine the adequacy of the existing parking supply and parking stall dimensions of Lot #1 and Lot #2.

Rhett Chiliberti, P.E. for Maser Consulting P.A. in his letter to the Recording Secretary of the Planning Commission outlined his responses to the Borough Engineer Review Letter regarding Zoning, Chapter 215, and his responses to H. Clark Connor's Memorandum to the Planning Commission. These Comments/Recommendations were discussed such as Parking, various Waivers, Signage, Penn-Dot- Right-of-Ways, Easements, and a strong recommendation to conform to Mt. Pocono's Ordinance No.3 of 2011 amended Sections 187-48 W & Z of SALDO requiring curbs and sidewalks located adjacent to an existing street.

There was discussion in regard to reducing the number of Planning Commissioners. Topics discussed by Boro Council at their November Meeting were acknowledged by this writer as follows: A Boro Resolution

Prohibiting the location of a Category 4 Casino Licensed Facility within the Boro. Act 42 of 2017 authorizes the placement of ten Category 4 Casinos with the Commonwealth. A Category 4 Casino is a "mini casino" with not less than 300 or more than 750 slot machines and table games.

The Boro received a requesting for a Possible Land Lease on a Boro owned Property in a Pine Hill cul-de-sac to erect a telecommunications tower. Council discussed waiting to receive more information regarding the height of Tower and any other pertinent related details of Tower.

Mr. Michael Penn has been appointed by Boro Council to serve on the Planning Commission.

There will be no Planning Commission Meeting held in December due to lack of submissions.

**Public Works**

Vice President J. Woehrle stated that the new hire is working out nicely.

**Utility and Water**

Councilmember D. Casole stated that she has not received an update from PAWC.

**Parks & Recreation**

The next meeting is scheduled for December 21<sup>st</sup>.

**Sanitation**

Councilmember C. Williams stated that they met with County Waste, the cans should be delivered by the last week of December, pick-up will remain on Tuesdays and there is a meeting with the PRDs scheduled for Tuesday, December 19<sup>th</sup>.

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**Buildings**

Borough Council acknowledged the decorations noting that the Borough building, and town look beautiful.

**Personnel**

No report.

**Regional Police/ EMS**

Mayor F. Courtright noted that an officer was in an accident on Oak Street. The officer is o.k. Mayor F. Courtright again announced that the EMS Breakfast with Santa is on Saturday, December 16<sup>th</sup>, from 9:00 A.M. to noon.

**COG**

No report.

**Public Participation**

**Hildy Franzo, Knob Road**, stated that the decorations and downtown look beautiful.

**Eugene Murray, Pocono Boulevard**, stated that the utility pole at the intersection of Kinney and SR 611 is a hazard and needs to be removed.

**Councilmember Mike Oser**, presented Borough Council with information that he received from his Right to Know Request from the Pocono Mountain Regional Police Department and provided copies of the information he received and discussed what he went through to obtain this information. He stated that he is formally asking for an apology from the Regional Police in this matter.

**Councilmember F. O'Boyle**, brought up the illegal parking area behind the Forensic Psychology business on Pocono Boulevard.

**Eugene Murray, Pocono Boulevard**, noted personally that he would rather see their clients park behind their building than to park in the public areas at the Borough building or the little picnic area behind his house on School Drive as the Forensic Psychology treat very disturbed individuals and he fears for the safety of the residents in the area at night.

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

Respectfully submitted,

Lori Noonan, Borough Secretary