

**MOUNT POCONO BOROUGH COUNCIL
REGULAR MEETING MINUTES
MONDAY, NOVEMBER 6, 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.

The Pledge of Allegiance was said by all.

PRELIMINARY ANNOUNCEMENTS

None

APPROVAL OF MINUTES

Councilmember M. Oser moved to approve the Public Hearing minutes of Monday, October 2, 2017, as presented. Councilmember D. Casole seconded. Motion carried unanimously.

Councilmember C. Williams moved to approve the Regular Meeting minutes of Monday, October 2, 2017, as presented. Councilmember M. Oser seconded. Motion carried unanimously.

Councilmember M. Oser moved to approve the Conditional Use Public Hearing minutes of Monday, October 23, 2017, as presented. Councilmember K. Transue seconded. Councilmember C. Williams abstained. Motion carried unanimously.

OFFICERS' REPORTS

PRESIDENT

President K. Davis stated that Borough Council has received a letter from Borough Engineer Russ Kresge advising Borough Council that he will not be seeking reappointment as the Borough's Engineer. Borough Council would need to start searching for a replacement engineer to appoint in January.

President K. Davis discussed a water meter tower that Pennsylvania American Water Company (PAWC) has put up on Knox Street that will read meters. He reminded everyone that tomorrow is Election Day.

MAYOR

Mayor F. Courtright also reminded everyone that tomorrow is Election Day and for people to go out and do their civic duty and vote. He noted that the polls open from 7:00 A.M. to 8:00 P.M. He also noted that last month they held a First Friday, it was a huge success and he thanked everyone who showed up and helped put that together. He stated that PAWC will not have the paving complete in Pine Hill, they have a couple more pipes to run and the paving will happen in the Spring of 2018. He also stated that this Saturday, November 11th, is Veteran's Day and there will be a ceremony held at the Borough Building at 10:00 A.M. and there will be a free luncheon at the VFW Post on SR 196 for anyone who wishes to attend at 11:00 A.M.

TREASURER'S REPORT

GENERAL FUND CHECKING ACCOUNT	\$ 370,259.26
ESSA MONEY MARKET	17,347.83
PENN SECURITY GENERAL FUND ACCOUNT	2,042.21
CAPITAL RESERVE ACCOUNT	49,270.50

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BANNER BEAUTIFICATION ACCOUNT	\$ 2,541.87
STATE LIQUID FUELS	56,380.90
PARK & RECREATION FUND	870.80
PLANNING COMMISSION REIMB. FUND	9,743.01
ROAD FUND – GENERAL FUND	111,461.44
STORMWATER FUND	73,767.86
GENERAL FUND RESERVE ACCOUNT	42,098.35
SANITATION FUND	19,889.66
INTERSECTION& SIGNALIZATION FUND	<u>482,490.40</u>

GRAND TOTAL \$ 1,238,164.09

BILLS TO BE PAID FROM THE GENERAL FUND CHECKING ACCOUNT:

ACE Hardware	(electric supplies, trash bags, paint)	\$ 225.89
AIC	(monitoring of security systems)	720.00
AmTrust North America	(workers comp)	3,015.00
Anthracite Electric	(repairs to security)	110.00
Association of Mayors	(yearly dues)	60.00
Berkheimer Associates	(LST Commission)	619.63
Blue Ridge Communications	(phones)	409.74
Cintas	(uniform & rug service)	321.89
H. Clark Connor	(PC Solicitor – Sept & Oct 2017)	1,275.00
Ed's Auto Service & Towing	(2001 GMC Inspec & repair to hydraulic)	512.36
FNB Visa	(Woehrle Funeral & Flood's Nursery)	263.78
FP Mailing Solutions	(postage meter)	75.00
Highmark Blue Shield	(health insurance)	7,318.99
Russell R. Kresge, Jr.	(Mt Pocono LLC & Meetings)	946.50
Robert M. Maskrey, Jr.	(ZHB 2 nd & 3 rd Quarter 2017)	1,147.50
Metz, Inc.	(repairs to furnace)	1,263.30
Nagle Elevator Inspection	(PA Code routine inspection)	75.00
Newman, Williams & Mishkin	(appeal – Chaddha & Liquor License)	1,676.75
One Eight Five Media, LLC	(Matt Hensel/website admin)	75.00
PP & L	(electric)	1,311.68
Panko Reporting	(ALZ Auto & Liquor License & ZHB)	590.90
PA American Water	(water bills)	706.28
Payroll Unlimited	(payroll –October)	84.55
PA One Call	(monthly service)	75.54
Pocono Mountain Regional Police	(November Mortgage Payment)	2,792.12
PM Regional Police Pension	(2017 MMO Balance Due)	7,556.43
Pocono Mountain Public Library	(RE Taxes & Delinquent Taxes)	939.66
Pocono Mtn. Vol. Fire Co.	(RE Taxes & Delinquent Taxes)	939.70
Pocono Mountain Regional EMS	(RE Taxes & Delinquent Taxes)	469.84
Pocono Record	(advertising)	104.96
PSAB	(Boro Membership Dues & Council dues)	493.00
Response Computers	(repair printer & update ransomware)	140.00
Schaedler/Yesco	(electrical for boro shed)	89.17
Selective Insurance	(insurances)	5,291.00
Sunoco	(gas/diesel)	206.68
Tulpehocken Spring Water	(water for coolers)	25.00

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TuWay Communications	(loader radio repair)	\$ 273.50
US Bank	(copier lease)	294.10
United Concordia	(dental insurance)	182.59
Verizon	(phone)	35.12
Verizon Wireless	(cell phones)	138.75
Zee Medical Supplies	(restock medical boxes)	<u>118.26</u>

GRAND TOTAL **\$ 42,970.16**

*Engineering Reimb. \$946.50

2017 ROAD REHAB:

Hanson Aggregates (2017 Bid) **\$ 364,327.60***
***to be paid from Gen fund & Road Rehab Fund**

BILLS ALREADY PAID FROM THE GENERAL FUND CHECKING ACCOUNT:

P P & L	(electric)	\$ 1,204.50
Mt Pocono Payroll	(w/e 10/04/17)	5,465.98
Mt Pocono Payroll	(w/e 10/11/17)	5,426.15
Mt Pocono Payroll	(w/e 10/18/17)	5,492.48
Mt Pocono Payroll	(w/e 10/25/17)	4,817.38
Mt Pocono Payroll	(w/e 11/01/17)	5,155.76
ESSA	(loan payment)	<u>2,309.20</u>

GRAND TOTAL **\$ 29,871.45**

BILLS TO BE PAID FROM THE STATE LIQUID FUELS ACCOUNT:

PP & L	(electric – already paid)	\$ 102.42
DBI Services	(line painting)	1,345.14
Lehigh Hanson	(2A subbase stone)	6,598.42
Fry's Plastic	(storm water pipe)	6,138.32
PPL	(traffic signals)	2,603.95
Reliable Sign & Striping	(dog waste signs, posts, tape)	<u>\$ 1,237.00</u>

GRAND TOTAL **\$ 18,025.25**

Councilmember D. Casole moved to pay and approve the bills as outlined in the Treasurer's Report dated Monday, November 6, 2017, as presented. Councilmember M. Oser seconded. Motion carried unanimously.

Met Life – Life, Short-Term Disability, Long-Term Disability

Borough Secretary/ Treasurer L. Noonan explained to Borough Council that a few months ago the Municipal Authority changed their carrier for their short-term disability. In doing so, because our plans were joined in some fashion the Borough's plan was terminating on November 1, 2017. She asked Pat Rogan with Power Kunkle Associates for quotes and she also worked with Karen, with Donaghy Insurance Agency in Cresco, if

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she could obtain a quote from Boston Mutual. Boston Mutual would not cover our group size, however, Donaghy obtained a comparable rate with Met Life. Pat Rogan with Power Kunkle Associates quoted Sun Life and another policy insurer, both of which were much higher than the Met Life. The Met Life plan, which would include short-term disability, long-term disability and a life insurance policy for the employees comes in at a total of \$260.00 a month for the current employees, which is an increase of approximately \$20.00 per month. The plan had to be signed prior to tonight's meeting, the Personnel Committee was aware of these decisions prior to paying the bill which was on tonight's approval of bills already paid. However, Borough Council needs to formally accept the Met Life proposal.

In view of this, Councilmember M. Oser moved to enter with Met Life as the provider of our short-term disability, long-term disability and life insurance for the employees at a cost of \$284.66. Councilmember K. Transue seconded. Motion carried unanimously.

Street Light

Borough Secretary/ Treasurer L. Noonan also discussed with Borough Council a double street light post that was damaged several years ago that was repaired by Summit Welding. Jim Trombetta, Road Foreman, noticed that the welding is not safe, and the road crew had to remove the pole. To replace the pole and the fixture that was damaged when they took it down is a cost of \$4,262.20.

It was agreed by Borough Council that this replacement will be held off until Spring when more budget monies would be available.

SOLICITOR

Mini Casinos

Solicitor J. Fareri discussed with Borough Council a proposed Resolution from PSATS regarding prohibiting the location of a Category 4 Casino Facility within the Borough.

There was some discussion regarding the resolution with Borough Council agreeing that they were not in agreement said Resolution.

Litigation ZHB Chadha

Solicitor J. Fareri stated that the Zoning Hearing Board (ZHB) met last week regarding the appeal not being filed in a timely fashion. It is Solicitor J. Fareri's opinion that the ZHB should rule in the Borough's favor as there was not a valid excuse given to the ZHB.

Solicitor J. Fareri also discussed the police litigation, noting that nothing will happen until after January.

Mayor F. Courtright stated that the Pocono Mountain Regional Police Officer Gaus' lawsuit, that he received a notice from Solicitor Coleman that this has been dismissed without prejudice and they do not expect it to be refiled. Mayor F. Courtright also stated that he would forward this correspondence to all Councilmembers later this week.

Councilmember M. Oser discussed the ZHB and that applications to the ZHB should not be completed in whole or part by any employee. He explained it was his understanding that this was a possible issue at the ZHB meeting held last week.

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Solicitor J. Fareri agreed and stated that this should be made as part of an office policy or a directive from Borough Council as a provision to the Employee Manual.

Councilmember M. Oser moved to amend the Employee Manual to state that any employee cannot in part or whole complete any ZHB application. Councilmember F. O'Boyle seconded. Motion carried unanimously.

PERSONS TO BE HEARD

None

UNFINISHED BUSINESS

Bed & Breakfast R-1 Zoning Change Request

Mr. Tom Ford and Ms. Maureen Cosgrove, owners of 67 Center Avenue, were present this evening regarding their request to permit a bed and breakfast in a R-1 Zoning District as a Conditional Use.

Ms. Cosgrove stated that when she and her husband initially purchased this property their plan for this large home was to convert the first floor for a family member to reside but said family member has passed away. Since that time in an effort to alleviate their costs they want to turn the property into a bed and breakfast. They would continue to reside there, turning three (3) of the six (6) rooms to be offered as a bed and breakfast.

Mr. Ford gave a very impressive presentation regarding bed and breakfasts and statistics of the individuals who visit them and the type of activities they are interested in.

After some discussion, Councilmember M. Oser moved to table this request and discuss at the Borough's next work session. Councilmember D. Casole seconded. Motion went to a roll call vote: Councilmember K. Transue, "No"; Councilmember M. Oser, "Yes"; Councilmember C. Williams, "No"; Vice President J. Woehrle, "No"; Councilmember F. O'Boyle, "No"; Councilmember D. Casole, "Yes"; and, President K. Davis, "Yes". Motion failed 4-3.

Councilmember K. Transue moved to send the request and the proposed Ordinance to Monroe County Planning Commission (MCPC) for their comment. Councilmember C. Williams seconded. Motion went to a roll call vote: Councilmember K. Transue, "Yes"; Councilmember M. Oser, "No"; Councilmember C. Williams, "Yes"; Vice President J. Woehrle, "Yes"; Councilmember F. O'Boyle, "No"; Councilmember D. Casole, "No"; and, President K. Davis, "No". Motion failed 4-3.

There was some more discussion regarding a bed and breakfast request with some members of Borough Council voicing their opinion that a bed and breakfast should not be permitted in a R-1 Zone.

After some discussion, Solicitor J. Fareri recommended that proposed Ordinance be sent to the MCPC for their comments.

Vice President J. Woehrle moved to send the proposed Ordinance amendment to the MCPC for their comments and then for Borough Council to hold a work session to review the comments received from the MCPC, prior to advertising said Ordinance. Councilmember K. Transue seconded. Motion carried unanimously.

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Appointment to the Mount Pocono Planning Commission

Councilmember C. Williams moved to appoint Michael Penn to the Mount Pocono Planning Commission as an Alternate Member. Vice President J. Woehrle seconded. Motion carried unanimously.

NEW BUSINESS

Mt. Pocono LLC Time Extension

Councilmember K. Transue moved to accept the Planning Commission's recommendation to extend the time extension for the Mt. Pocono LLC project until December 4, 2017. Councilmember M. Oser seconded. Motion carried unanimously.

CDL Driver New Hire

Councilmember M. Oser moved to hire Mr. Craig Seese as a full-time CDL Driver/ Maintenance Worker at a cost of \$16.00 per hour for forty (40) hours a week. Councilmember D. Casole seconded. Motion carried unanimously.

Resolution #10 of 2017 Opposing HB 1620

A Resolution in opposition to House Bill 1620, entitled the "Wireless Infrastructure Deployment Bill".

Councilmember K. Transue moved adopt Resolution #10 of 2017 as follows:

WHEREAS, broadband service is a critical catalyst for economic development, student achievement, quality healthcare, and the efficiency of local governments. As such, Mount Pocono Borough supports the deployment of broadband services – both wired and wireless – in our community and throughout the Commonwealth; and

WHEREAS, a relatively new wireless technology, known as distributed antenna systems or DAS, includes the placement of wireless towers and antennae in the public rights-of-way; and

WHEREAS, Pennsylvania municipalities are charged by state law with the management of the public rights-of-way; including not only vehicular and pedestrian traffic, but also the numerous facilities installed by public utilities and related companies. Municipalities must manage these facilities to maintain public safety and preserve the character of our communities; and

WHEREAS, pursuant to federal law, municipalities have the right to regulate the "placement, construction, and modification" of wireless facilities through their local zoning authority so that the deployment of these facilities is achieved in an orderly fashion. The FCC has also issued multiple orders stating in detail how municipalities may regulate these facilities; and

WHEREAS, House Bill 1620, entitled the "Wireless Infrastructure Deployment" bill, would strip municipalities of their legal authority to regulate wireless facilities in the public rights-of-way and would therefore undermine public safety and the protection of the rights-of-way; and

WHEREAS, specifically HB 1620 would abolish municipal zoning authority over wireless antenna in the rights-of-way and nearly abolish their authority over wireless towers in the rights-of-way, thereby placing public safety at risk and removing the public from the approval process for towers and antennae; and

WHEREAS, HB 1620 would prohibit municipalities from requiring standard legal protections from companies with wireless facilities in the public rights-of-way, including full indemnification, bonding, and insurance coverage; and

WHEREAS, HB 1620 would severely limit the assessment of fees for wireless facilities in the rights-of-way such that municipalities could only charge minimal fees that are less than actual municipal costs; and

WHEREAS, HB 1620 would allow wireless contractors to submit up to 50 permit requests in one application and would curtail the time frame for initial review of wireless applications from 30 days to 10 days such that municipalities would be unable to perform these reviews in time; and

WHEREAS, HB 1620 would allow wireless companies to reverse a denial of a wireless application simply by resubmitting a revised application without having to obtain zoning approval.

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WHEREAS, HB 1620 would expose outside municipal Solicitors and other municipal law firms to financial liability of up to \$10,000 per occurrence simply for drafting a wireless ordinance that is deemed to be in violation of HB 1620.

WHEREAS, if the Pennsylvania General Assembly is permitted to abolish municipal rights-of-way authority over wireless facilities today, then it could abolish all municipal authority over the public rights-of-way tomorrow.

NOW THEREFORE BE IT RESOLVED,

1. *That the Borough Council of Mount Pocono Borough does hereby express its opposition to HB 1620 because it is not in the best interests of Pennsylvania.*
2. *That this Resolution shall be sent to our State Representative(s), State Senator, Governor, and all Members of the House Consumer Affairs Committee, which is the Committee to which HB 1620 has been assigned.*
3. *This Resolution shall be effective immediately.*

Vice President J. Woehrle seconded. Motion carried unanimously.

Hardy Communications

Borough Council was in receipt of a request from Hardy Communications to lease land that the Borough owns at Timberbrook Terrace. It was noted that this property is on the cul-de-sac of Timberbrook Terrace and is mostly wetlands which have been delineated by the Army Corps of Engineers. It was explained that Hardy Communications will have a lot of hurdles to negotiate to put the wireless telecommunication tower at this location, that would be up to them to get those approvals.

In view of this, Vice President J. Woehrle moved to negotiate a lease agreement with Hardy Consulting for a wireless telecommunication tower on property owned by the Borough at the very end of Timberbrook Terrace in the Borough of Mount Pocono. Councilmember K. Transue seconded. Motion went to a roll call vote: Councilmember K. Transue, "Yes"; Councilmember M. Oser, "Yes"; 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 unanimously.

STANDING COMMITTEES

Planning Commission

Councilmember D. Casole submitted the following report:

The ALZ Auto Sales Conditional Use Application located at 184/186 Sterling Road was further discussed due to the time extension granted by Boro Council on October 23, 2017. Besides the Conditional Uses granted in 2015 being complied with, there were 7 additional Conditional Uses discussed with Mr. Rodriguez by the Boro Engineer Russ Kresge and the Planning Commission; that Mr. Rodriguez, Owner, must comply with in order to display additional For Sale Cars outside in front of building, and in the rear of building.

The Planning Commission recommended to Boro Council an Extension be granted to the Mt. Pocono LLC Project to December 4, 2017– 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 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 currently.

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The other Agenda Item was the Bed & Breakfast – R-1 – Zoning Change Request Review. A presentation by Mr. Tom Ford requested by Owner Maureen Cosgrove of 67 Center Avenue which consists of a 1.05-acre parcel located in an R-1 Zoning District to permit a “Bed & Breakfast” in an R-1 District as a Conditional Use or Special Exception.

After a lengthy discussion of some of the issues associated with a “Bed and Breakfast” in a Single-Family Zoning District was the close resemblance of Short-term Rentals which was just enacted into Boro Ordinance banning this activity a Single Family Residential R-1 Zoning District. Also, the issue of chipping away at Single Family R-1 Zoning to permit this type of business, which currently by Boro Ordinance, is permitted in a R-3 – multi-family, C-1, and C-2 Commercial Districts.

A roll call vote of 4 Votes in Favor, and 1 dissenting Vote, the Planning Commission recommended to Boro Council to consider amending the Schedule of Uses of the Borough’s Ordinance to permit a “Bed & Breakfast” as a Conditional Use for a Single-Family residence of at least 3,000 square feet on lots of at least one acre.

Public Works

Vice President J. Woehrle stated that the road crew has been working on road cuts and the new hire will be helpful when he starts next week as Dave is still out on a disability.

Water

Councilmember D. Casole submitted the following report:

There was a motor vehicle accident in Mt. Pocono that struck a Fire Hydrant on Crestwood Drive. This resulted in a considerable water loss but was isolated in time to prevent any wide spread water outages.

There were some resulting Water Quality Complaints that were remedied with flushing of some Residents’ Service Lines.

This Fire Hydrant was replaced on November 2, 2017, and placed back in service.

The System Improvement Project on Holly Forest and Seneca has been completed and Pa American is waiting for the go ahead from the Borough to perform the overlay of the pavement.

It is PA American’s understanding that there are 2 Storm Culverts that must be completed by Mt. Pocono before they can pave.

Parks & Recreation

Councilmember D. Casole reported that no meeting was held in October and the next meeting is scheduled for Thursday, November 16, 2017.

Sanitation

Councilmember C. Williams stated that we will be meeting with the trash hauler before the end of the year.

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Budget & Finance

Vice President J. Woehrle moved to advertise budget 2018 prep work sessions to be held on: November 13th, November 20th, November 27th, November 29th at 7:00 P.M. and on Monday, December 4, 2017, at 6:00 P.M. Councilmember M. Oser seconded. Motion carried unanimously.

Buildings

No report.

Personnel

No report.

Pocono Mountain Regional Police

Mayor F. Courtright stated that the Regional Police budget, even though there was a savings they are going to roll that into a capital reserve fund and the Borough's budget line item would stay the same.

Regional Police/ EMS

Mayor F. Courtright noted that the next meeting will be on Thursday, November 16th, at Tobyhanna Township. Subscription cards will go out in January for 2018.

COG

Councilmember M. Oser stated that gas fuel and heating oil COG bids were opened, He noted that COG donated over \$3,000.00 to charities this year. Their next meeting will be held in January of 2018.

Public Participation

Matt Hensel, Edgewood Drive, as Vice Chairman of the Mount Pocono Municipal Authority noted that the (MPMA) will be closing on their loan tomorrow and they will have a preconstruction kick-off meeting on November 14th.

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

Respectfully submitted,

Lori Noonan, Borough Secretary