

**Mount Pocono Borough Council  
Regular Meeting Minutes  
Monday, October 4, 2021  
7:03 P.M.**

The Mount Pocono Borough Council meeting held on Monday, October 4, 2021 was called to order at 7:03 P.M. by President Fran O'Boyle.

**Roll Call:** Councilmember Ron Emilie via phone; Councilmember Patty Bucco, present; Vice-President Mike Oser, present; President Fran O'Boyle, present; Councilmember Aida Montanez, present; Councilmember Claudette Williams, absent; Councilmember Stacy Stewart-Keeler, present.

**In Attendance:** Michael Penn, Mayor; Joshua Walker, Borough Manager; Alexis Wilkinson, Zoning/ Codes Enforcement Officer; Danielle Hewitt, Treasurer

**Absent:** Councilmember Claudette Williams

**PRELIMINARY ANNOUNCEMENTS** – President F. O'Boyle reminded everyone of the Borough's Code of Conduct.

**Text Amendment – Warehouse Height** – Solicitor J. Fareri gave a recap of the Text Amendment for height warehouse in a C-2 Zoning District and that this Ordinance was advertised. Councilmember M. Oser moved to adopt Ordinance 5 of 2021 to amend the building height limitation for warehouse approved by conditional use in the C-2 District. Councilmember P. Bucco seconded.

**ORDINANCE NO. 5 OF 2021**

**AN ORDINANCE TO AMEND PART 7 OF THE ZONING CODE, CHAPTER 215 OF THE BOROUGH CODES, FOR THE BUILDING HEIGHT LIMITATION FOR WAREHOUSES APPROVED BY CONDITIONAL USE IN THE C-2 COMMERCIAL, GENERAL DISTRICT**

*The Borough Council of Mount Pocono Borough does hereby ENACT and ORDAIN:*

**SECTION 1. AMENDMENT TO CODE**

*The Zoning Code of the Borough of Mount Pocono, Chapter 215 of the Borough Codes, is hereby amended to add the following to the Table labeled Part 7 Maximum Building Height in Attachment 2 Schedule of Development Standards:*

*Exception for Warehouses. The Building Height for buildings for warehouse use which have been approved by Borough Council as a conditional use in the C-2 District shall be 50 feet measured as an average of the height at the building corners from the first floor slab to the outside roof surface at the corner, excluding parapets or other decorative appurtenances.*

**SECTION 2. – SEVERABILITY**

*The provisions of this Ordinance are severable, and if any Section, sentence, clause or phrase shall be held by a court of competent jurisdiction to be illegal, invalid, or unconstitutional, the remaining portions of this Ordinance shall not be affected or impaired thereby.*

**SECTION 3. – REPEALER**

*Any Ordinance or part of any Ordinance conflicting with the provisions of this Ordinance shall be deemed and the same are hereby repealed to the extent of such conflict.*

**SECTION 4. – EFFECTIVE DATE**

*This Ordinance shall take effect immediately upon adoption.*

Motion carried 6 – 0.

**OFFICER'S REPORTS**

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**President's Report** – President F. O'Boyle spoke on grants that the Borough is pursuing.

**Mayor's Report** – Mayor M. Penn reported that both LSA grants were submitted as of September 30, 2021. He stated that there are four (4) potential grants totaling two million dollars. He also reported that there was a water main break on Knob Road that effected pressure Borough wide and impacted water quality. He thanked both Rich Gannon and Joshua Walker for the handling of this matter.

**Borough Manager/ Secretary's Report** – Borough Manager J. Walker discussed the Zoning Hearing Board vacancies, the Pick-Up the Poconos event, and the bulk pick-up revisions. He also noted that the monthly maintenance report is in the packets and that the road crew have been very busy. He discussed budget line items; Borough's website; Savory Citizens; and, review contracts with various vendors that we use.

**Treasurer's Report** – Borough Treasurer D. Hewitt presented cash report and bills list. Councilmember P. Bucco moved to approve and pay the bills for Monday, October 4, 2021, as presented. Councilmember S. Stewart-Keeler seconded.

**CASH REPORT FROM 9/1/21 – 9/30/21**

**NBT General Fund**

Beginning Balance (8/31/21)	398,687.66
Deposit	149,227.86
Interest	6.67
Expense	<u>155,105.18</u>
Ending Balance (9/30/21)	\$ 392,817.03

**NBT Liquid Fuels Fund**

Beginning Balance (8/31/21)	\$ 78,330.98
Deposit	0.00
Interest	1.22
Expense	<u>5,833.44</u>
Ending Balance (9/30/21)	\$72,498.76

**NBT Road Rehab Fund**

Beginning Balance (8/31/21)	\$ 115,595.67
Deposit	829.28
Interest	4.77
Expense	<u>0.00</u>
Ending Balance (9/30/21)	\$ 116,429.72

**NBT Park & Recreation Fund**

Beginning Balance (8/31/21)	\$ 140,512.66
Deposit	0.00
Interest	5.77
Expense	<u>0.00</u>
Ending Balance (9/30/21)	\$ 140,518.46

**NBT Five Points Intersection Fund**

Beginning Balance (8/31/21)	\$ 94,963.13
Deposit	0.00
Interest	3.90
Expense	<u>0.00</u>
Ending Balance (9/30/21)	\$ 94,967.03

**NBT Beautification Fund**

Beginning Balance (8/31/21)	\$ 2,095.68
Deposit	0.00
Interest	.09
Expense	<u>0.00</u>
Ending Balance (9/30/21)	\$ 2,095.77

**NBT Stormwater Fund**

Beginning Balance (8/31/21)	43,271.19
Deposit	0.00
Interest	1.78
Expense	<u>0.00</u>
Ending Balance (9/30/21)	\$ 43,272.97

**NBT Planning Commission Fund**

Beginning Balance (8/31/21)	\$ 6,752.79
Deposit	0.00
Interest	.28
Expense	<u>0.00</u>
Ending Balance (9/30/21)	\$ 6,753.07

**PLGIT General Fund**

Beginning Balance (8/31/21)	\$ 193,338.33
Deposit (EIT & LST)	61,674.80

**PLGIT Liquid Fuels Fund**

Beginning Balance (8/31/21)	\$ 64.27
Deposit	0.00

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Interest	1.85	Interest	0.00
Expense (to General Fund)	<u>43,486.91</u>	Expense	<u>0.00</u>
Ending Balance (9/30/21)	\$211,526.22	Ending Balance (9/30/21)	\$ 64.27

**NBT Payroll Fund**

Beginning Balance (8/31/21)	\$ 3,301.48	(w/e 9/1/21)	\$6,541.94
Deposit	33,886.47	(w/e 9/8/21)	6,824.78
Interest	0.09	(w/e 9/15/21)	6,912.02
Expense	<u>27,988.53</u>	(w/e 9/22/21)	6,817.82
Ending Balance (9/30/21)	\$ 9,199.51	(w/e 9/29/21)	6,789.91

\*ARA – American Rescue Act = \$163,236.47 + \$2.68 (interest) = \$163,239.15  
 Fire Withholding – 32 Brunswick = \$5,617.45                      E-Commerce NBT = \$11.00

**BILLS TO BE APPROVED FROM THE NBT GENERAL FUND CHECKING ACCOUNT:**

ARGS Technology, LLC	(IT Service August Remote Service, Firewall, etc.)	\$ 549.50
AMTrust North America	(PREPAID: Fire Co. Workers Compensation)	2,614.00
Barry Isett & Associates	(Reimb. Hirshland, Sparkle & Taco Bell)	2,354.90*
	(LSA Grant & General Eng. Services)	157.50
Berkheimer Associates	(Local Service Tax Operating Commission)	238.14
Bill Beekman's Plumbing & Heating	(Garage: Clean & Vacuumed 3 Units, Nozzles, etc.)	465.00
Blue Ridge Communications	(Maintenance Building – Internet)	105.83
Campbell Durant, PC	(General Labor & Employment Matter – September)	781.00
Christopher English	(PREPAID: Final Payment of Website)	2,750.00
Cintas Corporation	(PREPAID: Maintenance Uniform)	295.89
Diana v. Jackowski	(Reimburse for Notary Reappointment)	488.35
District Court 43-4-02	(Violation of Short Term Rental – 94 Winona Rd.)	194.25
Ehrlich	(Borough Building: Pest Control)	106.00
ESSA	(Building Loan October Payment)	2,309.20
Fuller Paper Company	(Borough Building: Towels, Bath Tissue, Cups)	169.39
Geisinger Health Plan	(PREPAID: Maintenance & Admin Manager Health Plan)	4,287.54
Gotta Go Potties	(P&R: Porto Potties 7/30/21)	340.00
Hanson Aggregates Pennsylvania, Inc.	(Highway Supplies 2-A Modified for Washouts)	1,139.39
Highmark Blue Shield	(PREPAID: Maintenance/Admin Manager Vision & Dental)	149.54
Met Life	(PREPAID: Highway Life & Disability Ins.)	121.29
Miller's Automotive	1997 Ford F-350 New Starter)	511.43
Monroe County Control Center	(Fire/EMS Dispatching Fees 4 of 4)	776.65
Murray's Towing Service	(Tow Ford Dump Truck to Miller's Auto)	150.00
NAPA Auto Parts	(Batteries – F-350 #9 & Oil – Bucket Truck)	299.00
NBT Cardmember Service	(Office/Building/Highway/Zoning/Maint. Miscellaneous)	2,435.59
Newman, Williams, Mishkin	(Half Annual Retainer & Judge Williamson's Opinion)	10,030.00
	(Reimb. Clarius Warehouse Ord. Amend.)	\$ 60.00*
PA American Water Co.	(PREPAID: Fire Hydrants)	714.09
	(Maintenance & Borough Building Water)	97.98
PA One Call System, Inc.	(PA One Call)	\$ 70.08
Pennoni Associates	(Reimb: Clarius – Traffic Impact Study)	2,729.00*
Pocono Mountain Public Library	(Dedicated Current RE Tax – Library)	276.38
Pocono Mtn. Regional Police Dept.	(October Loan Payment)	2,792.12
Pocono Mtn. Regional EMS	(Dedicated Current RE Taxes – EMS)	139.02

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Pocono Mtn. Regional Police Dept.	(October Payment)	61,758.67
Pocono Mtn. Vol. Fire Co.	(Dedicated Current RE Taxes – Fire Company)	276.38
	(Fire Relief Association Disbursement)	14,703.22
Pocono Record	(Advertisements)	152.20*
PPL Electric Utilities	(PREPAID: Boro Bldg./Garage/Concession Stand/etc.)	623.51
Purchase Power	(PREPAID: Meter Postage)	185.25
Selective Insurance	(PREPAID: Insurance Payment)	3,225.00
SPW Cleaning Services, Inc.	(Cleaning Boro Bldg. 9/14 & 9/28)	350.00
Sunoco Universal Fleet	(PREPAID VIA PHONE: Gas & Oil)	739.81
Tulpehocken Spring Water	(Bottled Water)	67.99
ULINE	(P&R: trash Liner Bags)	184.94
US Bank	(Copier Contract 9/1/21-9/30/21)	128.45
Verizon	(PREPAID: Highway – Telephone)	<u>75.81</u>

**GRAND TOTAL:** **\$123,169.28**

\*Reimbursable Items

There was discussion. Motion carried 6 – 0.

**Zoning Officer** – Zoning/ Codes Enforcement Officer A. Wilkinson gave an update on 32 Brunswick razing. She added that once the demolition is completed she will then lien the property for the remainder of the cost of razing the property. Solicitor J. Fareri stated that he would help coordinate the process.

**Solicitor** – Solicitor J. Fareri stated that there are no new updates on the litigation of the short-term rentals, but he is still pursuing this item. He also stated that he has not completed the Ordinance to increase the membership of the Planning Commission from five (5) to seven (7) members. He asked Borough Council to table the March 4, 2021, regular meeting minutes and stenographic transcript, until the November regular meeting.

**Minutes**

Vice President M. Oser moved to accept the minutes for the August 24, 2021, regular meeting with correction. Councilmember S. Stewart-Keeler seconded. Motion carried 6 – 0.

Councilmember A. Montanez moved to accept the minutes for the September 7, 2021, regular meeting as presented. Councilmember S. Stewart-Keeler seconded. Motion carried 6 – 0.

Vice President M. Oser moved to accept the minutes for the September 28, 2021, regular meeting as presented. Councilmember P. Bucco seconded. Motion carried 6 – 0.

**PERSONS TO BE HEARD**

**Chuck Leonard, PMEDC – LERTA Discussion** – Mr. Chuck Leonard of Pocono Mountains Economic Development Corporation (PMEDC) discussed the advantage of the LERTA program. He explained that for new businesses or expansions there is a ten (10) year program available. He requested that Borough Council participate with LERTA (Local Economic Revitalization Tax Abatement) program for the golf course property. Vice President M. Oser moved to participate in a Public Hearing for LERTA consideration sponsored by PMEDC without commitment. Councilmember S. Stewart-Keeler seconded. Motion carried 6 – 0.

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**Ebony Austin – Amazon** – Ms. Ebony Austin, Staffing Coordinator for Amazon explained that there two (2) local facilities that have positions to be filled. After her presentation, Vice President M. Oser requested that her information be put on the Borough’s website. Solicitor J. Fareri cautioned Borough Council that this could open a Pandora’s box by “advertising” for Amazon.

**Mount Pocono Association** – Ms. Karen Struckle stated that the Harvest Fest was a success with a great turnout. She noted that they are exploring potential for multiple days.

**Safety Commission** – Mr. Don Struckle, Chair of the Safety Commission, stated that they will be meeting tomorrow and will be discussing LTAP recommendations and will make a report at the next Borough Council meeting.

**Park & Recreation – Dog Park** – Ms. Debra Fulton requested a meeting with the Borough Engineer to develop a sketch plan. Solicitor J Fareri suggested getting a quote from the Borough Engineer so Borough Council has an idea of cost. Borough Manager will coordinate.

**UNFINISHED BUSINESS**

**Possinger Payment Plan – Razing 32 Brunswick:** Solicitor J. Fareri will get notices out to owners.

**County Waste – Establish Bulk Pick-Up:** Councilmember P. Bucco moved to revise the bulk pick-up for the first and third Thursday of the month through March 2022. Councilmember S. Stewart-Keeler seconded. Motion carried 6 – 0.

**Hazard Mitigation Plan** – Mayor M. Penn reported that the plan has not been received/ approved by FEMA yet.

**Mount Pocono Municipal Authority Alternate Board Member Nominations** – No update.

**NEW BUSINESS**

**Letter of Interest FEMA Hazard Mitigation Assistance Grant Programs** – It was noted that the letters of interest are due at the end of the month. Vice President M. Oser moved to send the letter of interest for the FEMA Hazard Mitigation Assistance Grant Programs to include the following: (1) Firehouse; (2) Holly Forest Land Remediation; (3) Pine Hill replacement generator; (4) Center Avenue retention basin; (5) Devil’s Hole Road water pipe underpass; (6) Five Points Intersection Study; (7) expansion tank – MPMA; (8) firetruck equipment retrofits; (9) Fairview Lake remediation; (10) MPMA motor pump; and, (11)stormwater management plan impact study. Councilmember A. Montanez seconded. Motion carried 6 – 0. Vice President M. Oser moved to establish a FEMA Grant Committee consisting of the following individuals: Jonathan Klotz; Richard Gannon; Mike Penn; Mike Oser; Patty Bucco; and Anthony Pannico. Councilmember P. Bucco seconded. Motion carried 6-0.

**Short-Term Rentals** – There was discussion about signage prohibiting short-term rentals in the R-1 Zoning District.

**Halloween Trick or Treat Hours** – Councilmember P. Bucco moved to establish the Halloween Trick or Treat hours as Sunday, October 31, 2021, from 6:00 P.M. to 8:00 P.M. Councilmember S. Stewart-Keeler seconded. Motion carried 6 – 0.

**Pennsylvania Senate Bill 552** – Vice Presented M. Oser expressed his support of this Bill. He requested that Council adopt a resolution in support of this Bill. Solicitor J. Farer stated a letter of support would be sufficient. Vice President

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M. Oser moved to send a letter to the Senator who sponsored Senate Bill 552. Councilmember A. Montanez seconded. Motion went to a roll call vote: Councilmember S. Stewart-Keeler, "No"; Councilmember A. Montanez, "Yes"; Councilmember R. Emilie, "Yes"; Councilmember P. Bucco, "Yes"; Councilmember P. Bucco, "Yes"; Vice President M. Oser, "Yes"; and, President F. O'Boyle, "Yes". Motion carried 5 – 1.

**Hispanic Heritage Month** – Councilmember A. Montanez reminded everyone that this month is Hispanic Heritage Month.

**American Legion Fundraiser** – Councilmember A. Montanez announced that the American Legion is conducting a fundraiser on November 14<sup>th</sup>, from 6:00 P.M. to 10:00 P.M. at 271 Washington Street, East Stroudsburg. She added that the cost is \$75.00 in advance and at the door \$100.00.

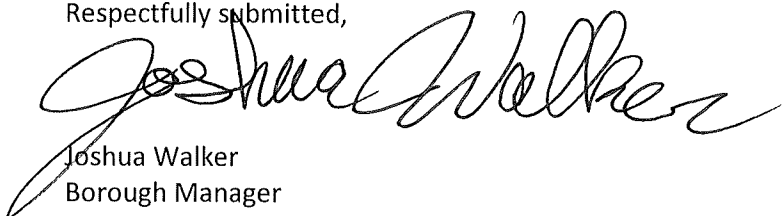
**November Council Meeting** –It was noted that the November 1<sup>st</sup> Borough Council regular meeting is the day before the election and after some discussion it was agreed that the meeting date will stay the same; Monday, November 1, 2021, at 7:00 P.M.

**Borough Manager/ Position & Ordinance** – this item was tabled.

**Public Participation** - none

There being no further business or public participation Vice President M. Oser moved to adjourn the meeting at 9:10 P.M. Councilmember A. Montanez seconded. Motion carried unanimously.

Respectfully submitted,



Joshua Walker  
Borough Manager