

**Mount Pocono Borough Council
Regular Meeting Minutes
Summit Pointe Meeting Room – 13 Summit Drive
Monday, December 6, 2021
7:00 P.M.**

The Mount Pocono Borough Council meeting held on Monday, December 6, 2021, was called to order at 7:00 P.M. by President Fran O’Boyle at the Summit Point Meeting Room.

Roll Call: Councilmember Patty Bucco, present; Vice-President Mike Oser, present; President Fran O’Boyle, present; Councilmember Aida Montanez, present; Councilmember Claudette Williams, present; Councilmember Stacy Stewart-Keeler, present.

In Attendance: Michael Penn, Mayor; Joshua Walker, Borough Manager; Alexis Wilkinson, Zoning/ Codes Enforcement Officer; and, Danielle Hewitt, Treasurer were all present with Solicitor James Fareri via Google Meet.

Absent: Councilmember Ron Emilie

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

OFFICER’S REPORTS

President’s Report – President F. O’Boyle stated that he spoke with the County Assessor’s office and was advised that the assessments for the new commercial properties will be posted in the first quarter of 2022.

Mayor’s Report – Mayor M. Penn congratulated the newly elected Mayor, Councilmembers and Tax Collector. He read his previously posted public address. He noted that there have been three budget meetings and the next budget meeting is scheduled for Friday, December 10, 2021, at 6:00 P.M. He stated that all of the minutes for this year must be approved by the current council and by the end of the year. He addressed the reporter of the *Journal* directly of the validity of a recent article to call out misrepresentation and to correct the record. Mayor M. Penn said that he was wrongly accused about holding secret committee meetings and lying about when agendas were posted at the last meeting. Mayor M. Penn stated, “As a result of Aida’s defamatory comments and continued harassment, and likewise those of our Borough Manager, I am engaging outside counsel which the Borough must pay for.” He cited borough code section 1117(b). He reiterated that he is engaging outside counsel and asked that these comments be reflected in the minutes.

Borough Manager/ Secretary’s Report – Borough Manager J. Walker reported on the remediation by Servpro, the Engineer’s invasive investigation, and clarification of holiday closings which are Friday, December 24th; Monday, December 27th; and, Friday, December 31st.

Treasurer’s Report – Borough Treasurer D. Hewitt presented the bills list and cash report. Vice President M. Oser moved to approve and pay the bills for Monday, December 6, 2021, as presented. Councilmember P. Bucco seconded.

CASH REPORT FROM 11/1/21-12/6/21

<u>NBT General Fund</u>		<u>NBT Liquid Fuels Fund</u>	
Beginning Balance	\$ 310,297.03	Beginning Balance	\$ 69,995.52
Deposit	55,305.73	Deposit	0.00
Interest	3.77	Interest	1.08
Expense	<u>157,977.36</u>	Expense	<u>6,668.38</u>
Ending Balance	\$ 207,629.17	Ending Balance	\$63,328.22
Uncleared Transactions - \$168,007.19			

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NBT Road Rehab Fund

Beginning Balance	\$ 116,742.29
Deposit	609.27
Interest	4.81
Expense	<u>0.00</u>
Ending Balance	\$ 117,356.37

NBT Park & Recreation Fund

Beginning Balance	\$ 140,524.43
Deposit	0.00
Interest	5.77
Expense	<u>0.00</u>
Ending Balance	\$ 140,530.20

NBT Five Points Intersection Fund

Beginning Balance	\$ 94,971.06
Deposit	0.00
Interest	3.90
Expense	<u>0.00</u>
Ending Balance	\$ 94,974.96

NBT Beautification Fund

Beginning Balance	\$ 2,095.68
Deposit	0.00
Interest	.08
Expense	<u>500.00</u>
Ending Balance	\$ 1,595.94

NBT Stormwater Fund

Beginning Balance	\$ 43,274.81
Deposit	0.00
Interest	1.78
Expense	<u>0.00</u>
Ending Balance	\$ 43,276.59

NBT Planning Commission Fund

Beginning Balance	\$ 6,753.36
Deposit	0.00
Interest	.28
Expense	<u>0.00</u>
Ending Balance	\$ 6,753.64

PLGIT General Fund

Beginning Balance	\$ 224,840.44
Deposit (EIT & LST)	63,804.25
Interest	3.51
Expense	<u>0.00</u>
Ending Balance	\$288,648.20

PLGIT Liquid Fuels Fund

Beginning Balance (8/31/21)	\$ 64.27
Deposit	0.00
Interest	0.00
Expense	<u>0.00</u>
Ending Balance	\$ 64.27

American Rescue

Beginning Balance	\$ 158,818.87
Deposit	0.00
Interest	2.61
Expense	<u>0.00</u>
Ending Balance	\$158,821.48

NBT Payroll Fund

Beginning Balance	\$ 3,718.56	(w/e 11/5/21)	\$6,682.67
Deposit	26,953.67	(w/e 11/10/21)	6,723.48
Interest	0.06	(w/e 11/17/21)	6,952.12
Expense	<u>27,622.24</u>	(w/e 11/24/21)	6,595.40
Ending Balance	\$ 3,050.05		

Fire Withholding – 32 Brunswick = \$5,617.45

E-Commerce NBT = \$16.00

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

Aida Montanez	(Elected Official – Councilmember)	\$450.00
ARGS Technology, LLC	(IT Service October Remote Service, Firewall, etc.)	549.50
Alarm Installers Corp.	(Monitoring Service 12/21 – 11/22 Boro Bldg. & Maint.)	1,188.00
American Computing Services	(Install Cabling w/Messenger to Maint. Garage)	435.00
AMTrust North America	(PREPAID: Fire Co. & Borough Workers Compensation)	2,614.00
Barry Isett & Associates	(Reimb. Hirshland LDP & McDonald’s Rebuild)	827.40*
	(P&R Dog Park Outline Work Scope, Budgeting Cost)	161.50
Berkheimer Associates	(Local Service Tax Operating Commission)	65.31
Cintas Corporation	(PREPAID: Maintenance Uniform)	297.44
Claudette Williams	(Elected Official – Councilmember)	450.00
Custom Products Corporation	(Crosswalk Signs & Short Term Rental Prohibited Signs)	1,628.33
ESSA	(Building Loan December Payment)	2,309.20
Francis O’Boyle	(Elected Official – Council President)	450.00
Geisinger Health Plan	(PREPAID: Maintenance & Admin Manager Health Plan)	7,932.82
Gotta Go Potties	(PREPAID: P&R Port of Potties 9/23-11/1/21)	236.66
H. Clark Connor	(Reimb. Clarius, Bizio & Mt Pocono Plaza)	577.50*
	(Planning Commission Legal: Meeting Agenda & Documents)	332.50
Highmark Blue Shield	(Road Crew/Admin Manager Vision & Dental thru 12/31/21)	468.72
Jean Simchak	(Repay J. Simchak Credit Card for Go Daddy 10/16/21)	299.88
Lowe’s	(PREPAID: Highway Elect. Eyes Post Lights Downtown)	25.64
Medico Construction Equip. Inc.	(Parts Kit: Backhoe)	83.25
Met Life	(PREPAID: Highway Life & Disability Ins.)	135.68
Metz, Inc.	(Fall Heating PM & Inspections)	608.87
Michael Penn	(Appointed Official – Mayor)	500.00
Michael Oser	(Appointed Official – Vice President)	336.29
Miller’s Automotive	(1997 Ford F-350 Power Steering Line Replacement)	302.85
Nagle Elevator	(Routine Elevator Inspection)	80.00
NAPA Auto Parts	(Maintenance Small Tools Post Lights)	13.98
NBT Cardmember Service	(Boro \$649.64 Road \$1,523.46))	2,173.10
Newman, Williams, Mishkin	(Reimb. Clarius Warehouse Height)	490.00*
PA American Water Co.	(PREPAID: Fire Hydrants)	714.09
	(Garage & Borough Building Water)	59.23
PA One Call System, Inc.	(PA One Call.)	17.33
Patricia Bucco	(Appointed Official – Councilmember)	450.00
Pennoni Associates	(Reimb: Clarius Traffic Impact Study)	2,414.50*
Plociniak Oil Co.	(Borough & Garage Heating Oil)	1,684.24
Pocono Mountain Public Library	(Dedicated Current RE Tax – Library)	203.03
Pocono Mtn. Regional Police Dept.	(December Loan Payment)	2,792.12
Pocono Mtn. Regional EMS	(Dedicated Current RE Taxes – EMS)	102.18
Pocono Mtn. Regional Police Dept.	(December Payment)	61,758.66
Pocono Mtn. Regional Police Pension	(2021 Police & Non Uniform Pension MMO Allocation)	54,687.10
Pocono Mtn. Vol. Fire Co.	(Dedicated Current RE Taxes – Fire Company)	203.03
Pocono Record	(Advertisements)	70.72
PPL Electric Utilities	(PREPAID: Decorative Lighting)	43.46
	(Boro Bldg./Garage/Concession Stand/etc.)	602.52
Quill Corp	(Office Supplies)	388.82
Ron Emilie	(Appointed Official – Councilmember)	450.00
Schadler Yesco	(P&R Pavilion Parking Lot Light)	12.43

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Selective Insurance	(Insurance Payment)	\$3,225.00
Stacey Stewart-Keeler	(Elected Official – Councilmember)	450.00
Sunoco Universal Fleet	(PREPAID VIA PHONE: Gas & Oil)	789.34
The Two Shields, LLC	(2006 Pete TK; Replacing King Pine, State Inspection)	2,691.35
Tom Neville	(Appointed Official – Vice President – Resignation)	113.71
Topp Business Solutions	(Copier Overage & Copier Moved to Fire Hall)	667.27
Tulpehocken Spring Water	(Bottled Water)	23.99
TuWay Communications	(Highway Maint CB Radio New Gateway Power Box)	2,110.00
US Bank	(Copier Contract 11/1/21-11/30/21)	128.45
Verizon	(PREPAID: Highway – Telephone)	<u>155.10</u>

GRAND TOTAL: **\$162,492.44**

*Reimbursable Items

There was discussion. Motion carried unanimously.

Zoning Officer – Zoning/ Codes Enforcement Officer A. Wilkinson updated Borough Council regarding the 32 Brunswick Drive demolition project that could be completed by the end of the year.

Solicitor – Solicitor J. Fareri gave the following updates: 1) Litigations – short term rentals – 10 Shelly Lane court ordered requirement to provide information, awaiting information; 1 Summit Drive summary judgement should be filed in two weeks. 2) Lot #28 – he is still working on the Taxing Authority Agreement with Coolbaugh Township. 3) Bid thresholds regarding the mold remediation, noting that the Borough can bypass the bid requirements because it is an emergency situation.

PERSONS TO BE HEARD

Mount Pocono Association – no one was present to give a report.

Safety Commission – Mrs. Lori Noonan submitted a budget consideration for the Safety Commission and announced the next meeting is scheduled for Monday, December 13th. This meeting may be cancelled if there is a budget meeting.

UNFINISHED BUSINESS

Borough Building Mold Remediation and Repairs – Colby D’Anieri of SERVPRO was present and presented the remediation proposal for \$70,773.50. There was discussion on the scope of work.

Invasive Investigation Proposal – Forensic Engineer Andy Munas of Barry Issett & Associates via Google Meet presented the Invasive Investigation proposal for a cost of \$8800. There was discussion on the scope of work.

Councilmember A. Montanez moved to approve the invasive investigation proposal from Barry Issett & Associates not to exceed \$8,800.00. Councilmember S. Stewart-Keeler seconded. Motion carried unanimously.

Councilmember C. Williams moved to approve the SERVPRO Mold Remediation Proposal of \$70,773.50. Councilmember P. Bucco seconded. Vice President M. Oser and President F. O’Boyle both suggested that a second quote is needed. Motion went to a roll call vote: Councilmember C. Williams, “Yes”; Councilmember S. Stewart-Keeler, “Yes”;

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Councilmember A. Montanez, "Yes"; Councilmember P. Bucco, "Yes"; Vice President M. Oser, "No"; and President F. O'Boyle, "No". Motion carried 4 – 2.

Vice President M. Oser moved to accept the following payment schedule for SERVPRO Mold Remediation of the Borough building: first payment - \$24,000.00; second payment upon completion - \$24,000.00; and, thirty days later the final payment approximately \$24,000.00. Councilmember P. Bucco seconded. Motion carried unanimously.

Insurance Claim Update – Borough Manager was advised to try to contact another person at the insurance company to request a reassessment of the claim payout.

NEW BUSINESS

Pocono Mountain Regional Police Department (PMRPD) Budget Resolution – Mayor M. Penn explained that Tobyhanna Township was awarded a grant and that the Borough would receive a portion with a commitment \$62,500.00 over three years. He asked Borough Council to adopt the PMRPD Resolution outlining the conditions.

Vice President M. Oser moved to adopt Resolution #13 of 2021, approving the budget for the Pocono Mountain Regional Police Commission as presented. Councilmember P. Bucco seconded.

BOROUGH OF MT. POCONO

RESOLUTION NO. 13 of 2021

A Resolution approving budget for Pocono Mountain Regional Police Commission

WHEREAS, the Borough of Mt. Pocono ("Borough") is a member of the Pocono Mountain Regional Police Commission ("PMRPC"); and

WHEREAS, PMRPC in accordance with the Inter-Municipal Agreement sets the budget on an annual basis to be approved by the Member Municipalities; and the Borough Council has reviewed the budget presented by PMRPC to the Member Municipalities for review; and

WHEREAS, PMRPC has also advised Member Municipalities that it has been awarded a COPS grant for \$250,000 over three years for the purpose of employing two PMRPC officers for three years, with the further requirement that the officers be employed for at least one additional year (4th year) after the grant is over, and further that Member Municipalities requesting additional hours would have to commit to maintaining such hours for a four-year period commencing in 2022; and

WHEREAS, the value of the COPS grant to Borough is \$62,500 over three (3) years; and

WHEREAS, Borough wishes to purchase twenty (20) additional weekly hours from PMRPC in 2022; and

WHEREAS, 2021 is a Municipal election year such that a new council will be seated on January 3, 2022,

NOW, THEREFORE, be it RESOLVED as follows:

- 1. Borough Council for the Borough of Mount Pocono approves the 2022 PMRPC budget (FINAL Draft #3 + 2 Officers) as it was presented by PMRPC to the Borough of Mount Pocono for approval.*
- 2. The Borough of Mount Pocono shall purchase twenty (20) additional hours from PMRPD in 2022 splitting forty (40) hours with Tobyhanna Township, with the intent of maintaining such hours for four ("4") years commencing in 2022 to comply with the COPS grant.*
- 3. The present Council strongly recommends that the incoming Council reaffirm the within Resolution after being seated and organized on January 3, 2022.*

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BE IT SO RESOLVED AND APPROVED this 6th day of December, 2021.

Motion carried unanimously.

Grant Applications Updates – Councilmember P. Bucco stated that we were denied the Borough Building Park grant (GTRP) because of the project readiness and the financial leverage. Mayor M. Penn gave an update on the SR 611 Sidewalks and Streetlamps (LSA) grant noting that we are waiting for a letter of support from Senator M. Scavello.

Mount Pocono Municipal Authority (MPMA) – Leased Office Space and Losses – Vice President M. Oser who is also the Chairman of the MPMA stated that the MPMA Solicitor is working on the losses with the Borough’s Solicitor and the insurance carrier from the mold issue in the Borough building and that the MPMA is planning to lease an office trailer that will be placed on the MPMA property. He noted that an official notice will be given to Borough Council that MPMA will not need to lease office space in the Borough building.

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

Public Participation –

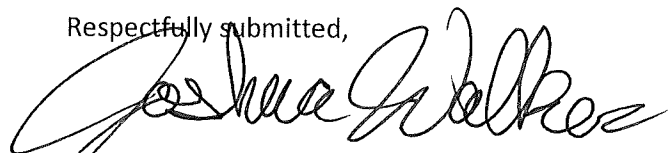
Vice President M. Oser – announced that the VFW is hosting a children’s Christmas party on December 12, 2021, from 12:00 P.M. – 4:00 P.M. and is free.

Deb Fulton, Parks and Recreation – questioned when will the \$50,000.00 that was transferred for payroll be reimbursed to the Parks and Recreation Fund.

Ann Marie Harris, 236 Winona Road – questioned Borough Council why no answer was given to Ms. Fulton’s inquiry.

There being no further business or public participation Vice President M. Oser moved to adjourn the meeting at 8:59 P.M.

Respectfully submitted,



Joshua Walker
Borough Manager