

Mount Pocono Borough Council
Regular Meeting Minutes (Rescheduled Meeting)
Thursday, March 4, 2021
7:04 P.M.

Please note: This meeting was originally scheduled for Monday, March 1, 2021. It was rescheduled to Thursday, March 4, 2021 at 7pm. The location was moved to Mount Pocono United Methodist Church due to the COVID pandemic and social distancing requirements. The room in which the meeting was held has a maximum occupancy of 250. As per the Governor's mitigation order 15% of that maximum occupancy is 37 people. The total number of people present including council members did not exceed 37.

The acoustics in the meeting room were poor. The Borough Secretary made an effort to transcribe the minutes by listening to a tape recording made during the meeting. Because of the acoustic difficulty the minutes were difficult to transcribe. The tape was subsequently given to a stenographer to transcribe, and a transcript of the meeting was made. The transcript is incorporated by this reference as part of these minutes.

The Mount Pocono Borough Council in-person only meeting held on Thursday, March 4, 2021 was called to order at 7:04 PM. by President C. Williams.

In attendance were Vice President F. O'Boyle, Councilmembers: T. Neville, S. Stewart-Keeler, A. Montanez, R. Emilie, and P. Bucco. Also present were: Mayor M. Penn, Solicitor J. Fareri, Borough Manager J. Walker and Treasurer D. Hewitt.

Alexis Wilkinson, Zoning/ Codes Enforcement Officer was absent.

PRELIMINARY ANNOUNCEMENTS

Tommy Neville asked that Claudette Williams resign from the position of Council President and be replaced by Fran O'Boyle. President C. Williams said he was out of order. She explained why the meeting was in person. She referenced the motion to remove her as President. She read an email from Councilmember T. Neville in which he asked for her resignation. Councilman T. Neville responded that President C. Williams is not doing her job and needs to be removed from the office of President. No action was taken on Neville's request.

APPROVAL OF MINUTES

Councilmember A. Montanez moved to approve the following minutes as presented: Regular Meeting of February 1, 2021; Special Meeting of February 11, 2021; and, Mid-Month Regular Meeting of February 16, 2021, as presented. Councilmember S. Stewart-Keeler seconded. Motion carried unanimously.

OFFICER'S REPORTS:

President

President C. Williams said the Borough is in a bad place. She read an email from Neville asking for her resignation. She mentioned Councilmembers T. Neville and P. Bucco as being opposed to her possibly because of "who I am and what I look like". She mentioned that the Borough Manager is still not bonded but the application has been submitted.

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There was discussion on the Borough's website and web designer. President Williams indicated that she had not received or reviewed a contract from the web designer Chris English. An invoice was sent to the Secretary for \$2750.00 to be paid. Council President noted that since council approved his proposal with 50 % initial payment did not need to be approved. Council President was concerned that Mr. English was not a business and did not have an EIN according to her research.

Mayor

Mayor M. Penn read a statement and mentioned how the Council is divided. Said that the President was the reason it is divided. Mayor M. Penn said he asked the President to resign. Mayor M. Penn noted that a Council President hasn't spoken to him in weeks and was not returning any of his emails. He denied that he acted on his own or outside of his role as Mayor. He noted that Council President could not keep up with her responsibilities as President of Council and asked him to step in on a regular basis. Penn noted he is aware of the weak mayor system in Pennsylvania. He stated he only took actions and made decisions at the request of other Councilmembers. He said race should not have been brought up and it is not an issue on this Council.

Borough Manager

Borough Manager J. Walker gave his report. A few Councilmembers asked questions. Councilmember A. Montanez made a motion to change Borough Manager J. Walker's position from Borough Manager to Borough Secretary because of the present lack of a bond with the salary of the previous Secretary. Seconded by S. Stewart-Keeler. Questions were asked to the Borough Manager by Councilmembers regarding the status of the bond. Motion went to a roll call vote: Councilmember A. Montanez, "Yes"; Councilmember S. Stewart-Keeler, "Yes"; Councilmember P. Bucco, "No"; Vice President F. O'Boyle, "No"; Councilmember T. Neville, "No"; Councilmember R. Emilie, "No"; and, President C. Williams, "Yes". Motion failed, 4 to 3.

Solicitor J. Fareri clarified that J. Walker remains as Borough Manager, and that a reasonable solution was to have him continue as Secretary until he could obtain a bond.

Vice President F. O'Boyle to terminate J. Walker as Borough Manager due to not being bonded. Councilmember T. Neville seconded. There was discussion. Solicitor J. Fareri stated that terminating J. Walker would be a harsh solution, as Council allowed him to resume the position of Borough Manager without a bond. Councilmember P. Bucco noted that J. Walker does not have experience in a lot of areas, but she has faith in him. Vice President F. O'Boyle rescinded the previous motion.

Councilmember A. Montanez moved to remove J. Walker as Borough Manager and appoint him as Borough Secretary with the same pay and to give him until the end of his probationary period to get his bond which is March 21, 2021. Councilmember S. Stewart-Keeler seconded. Motion went to a roll call vote: Councilmember P. Bucco, "Yes"; Councilmember S. Stewart-Keeler, "Yes"; Councilmember A. Montanez, "Yes"; Vice President F. O'Boyle, "Yes"; Councilmember T. Neville, "Yes"; Councilmember R. Emilie, "Yes"; and, President C. Williams, "Yes". Motion carried unanimously.

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Treasurer's Report

Councilmember A. Montanez asked for some clarification on the bill list. Councilmember A. Montanez moved to approve and pay the bills for Thursday, March 6, 2021 as presented. Councilmember S. Stewart-Keeler seconded.

BILLS TO BE PAID FROM THE GENERAL FUND CHECKING ACCOUNT:

ARGS Technology, LLC	(IT Services)	\$ 760.00	
AMTrust North America	(Workers Compensation)	2,704.00	
Barry Issett & Associates	(Developer Fees Reimb.)	1,502.02*	
Berkheimer Associates	(Operating Commission)	69.36	
Blue Ridge Communications	(Internet & Phone Service)	428.55	
Campbell Durant, PC	(General Labor & Employment Matters)	\$ 3,277.80	
Cintas Corporations	(Uniforms & Rugs)	181.62	
Ehrlich	(Pest Control)	102.00	
FNB Commercial Credit Card	(Google Workspace, Go Daddy Ext. & Gas)	502.36	
General Code Publishers	(E-Codes)	3,256.75	
Highmark Blue Shield	(Road Crew Vision & Dental)	71.69	
JNK Hydrotest & Extinguisher Supply Co.	(Fire Extinguishers Tested)	259.50	
Kirk, Summa & Co. LLP	(Audit – Jan 1 – Nov 19, 2020)	2,000.00	
Monroe County General Fund	(Interest Per Tax Collector)	39.44	
NAPA Auto Parts	(Maint. Supplies & Bucket Truck Battery)	161.31	
National Water Specialties	(Backflow Tested Boro. Bldg. & Garage)	300.00	
Newman, Williams, Mishkin, etc.	(Developer Fees Reimb.)	217.00*	
	(Professional Services)	502.75	
PA American Water Co.	(Boro. Water & Fire Hydrants)	707.19	
PA State Association of Boroughs	(PSAB Elected Officials & Manager Trainings)	112.50	
Payrolls Unlimited	(January 2021)	119.60	
Pocono Mtn. Regional Police Dept.	(Mortgage March 2021)	2,792.12	
Pocono Mountains COG	(2021 PMCOG Membership Fee)	300.00	
Pocono Record	(Ad: Ordinance)	146.20	
PPL Electric Utilities	(Electric Bills)	900.76	
Selective Insurance	(Insurance Premium – March 2021)	2,919.00	
SPW Cleaning Services, Inc.	(Cleaning Boro. Bldg.)	650.00	
Tulpehocken Spring Water	(Bottled Water)	64.48	
US Bank	(Copier Lease)	301.86	
Verizon	(Road: Telephone)	<u>66.26</u>	
GRAND TOTAL		<u>\$ 25,416.12</u>	

*Developer fees reimbursable

Motion carried unanimously.

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Vice President F. O'Boyle moved for the Treasurer to pay the police bill provided we have the funds. Councilmember T. Neville seconded. Motion carried unanimously.

Zoning Officer

Borough Secretary J. Walker noted that due to the rescheduling of the meeting Zoning/ Codes Enforcement Officer A. Wilkinson was unable to attend. Her report update dated February 26, 2021 not only included in the packets but is below:

Since the last report:

- *Hirshland-*

- *On-going coordination efforts with Monroe County 911 re-addressing unit to determine proposed addresses for each use within the development.*
- *Sparkle Car Wash presented a sketch plan to the Planning Commission on 2/17/21. Plan proposes modification of "Retail B" area of the approve site plan which reduces the size of the retail building from 26,000 SF to approx. 13,000 SF and adds a 1-conveyor car wash facility. Sketch was found to be in basic conformance with zoning codes and applicant was advised to proceed with preparing detailed site plan.*
- *Taco Bell was advised to proceed with preparing detailed amended site plan for dual-lane drive-thru. Zoning was informed by their engineer (Bohler Engineering) that they would be submitting for building code approval shortly.*

- *Posh Properties-*

- *ZO received a sign permit application from Reed Sign company on 2/8/21.*
- *Borough Engineer, Chuck Niclaus, performed a site visit on 2/24/21 in response to a request for release. The site was snow covered at the time which limited full assessment ability.*

- *Lot 28-*

- *Nothing new to report. Project is still on track for a June 2021 opening. ZO requested a general coordination meeting with Coolbaugh officials to keep forward momentum.*

- *Short-Term Rentals*

- *On-going short-term rental activity continues at peak level.*
- *ZO went to 12 Devonshire to address on-street parking and excess trash accumulation matters. A total of 5 vehicles where at the premises when ZO arrived. Two SUVs were parked on the roadway. It should be noted that there was an active snow event at the time, therefore, ZO was seeking to offer a courtesy reminder to move vehicles off the roadway so road crew could plow uninhibited. Though there were individuals on-premises, no one answered the door. ZO contacted Regional police to enforce parking matter. A Regional police officer responded to the property and the vehicles were moved immediately as a result. This property continues to exhibit patterns of short-term rental activity. The trash was overflowing, and multiple bags were blocking the front door. County Waste will not pick-up bags outside of receptacles. Consequently, ZO issued a trash violation notice to owner.*

- *Inspections- ZO conducted a resale inspection @ 96 Megargel Ln.*

- *Zoning Office-*

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- *Zoning office is actively pursuing updating violation letter templates in hopes of streamlining the issuance process. Alexis and Diana have already initiated some changes in Permit Manager.*
- *ZO attended PSAB Webinar-“Code Enforcement Tips” on 2/17/21.*
- *General Codes contacted the Borough to initiate draft review of codes. ZO will seek to coordinate with Borough Manager and attorney for support of this effort.*
- **Miscellaneous Items**
 - *On-going coordination efforts regarding 32 Brunswick continue. Bureau Veritas issued a notice of violation recommending demolition of structure. There is an open claim on the property. Insurance adjusters are still determining course of action. Zoning secured an insurance escrow in accordance with Chapter 115 of the Borough Code. These funds will be released to owner once they satisfy conditions.*
 - *ZO issued snow-removal violation notices pursuant to storm events that occurred since our last report. These first notices served as a courtesy reminder. Subsequent violations will result in fee assessment in accordance with Borough Code.*

Other matters (on-going):

- *Website Redesign*
- *Zoning officers’ badges (gold shield).*
- *Big Boats & RV parking*
- *Nuisance Ordinance*
- *Food Trucks*

Any questions can be directed to the Zoning/ Codes Enforcement Officer via email or phone call.

Solicitor

Solicitor J. Fareri stated an Executive Session was held at the borough building at 6:00 P.M. to discuss personnel. Solicitor also stated that Mount Pocono Borough lost the Tom Ford V. Mount Pocono Appeal. Councilmember A. Montanez moved to withdraw the appeal to the Commonwealth Court and to provide Mr. Tom Ford with the information he requested. Councilmember S. Stewart-Keeler seconded. Motion carried unanimously.

PERSONS TO BE HEARD: none

UNFINISHED BUSINESS

New Building Code Company - Tabled for next meeting.

Library Board Appointment

Councilmember A. Montanez moved to appoint Barbara Tyrrel to the Library Board. Councilmember S. Stewart-Keeler seconded. Motion carried unanimously

Road Crew Member Position - hiring process

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Claudette stated that the Personnel Committee will be reviewing the hiring process. Noting that Three (3) applicants will be brought to a Council work session for Councilmembers to meet and ask questions.

Vacancy Board

Councilmember A. Montanez moved to advertise for the for the Vacancy Board. Councilmember S. Stewart-Keeler seconded. Motion carried unanimously

Phone Proposals - Tabled to work session

Councilman T. Neville was recognized and moved to remove Claudette Williams as President of Borough Council and to be replaced by Vice President Fran O'Boyle at the final gavel of tonight's meeting. Councilmember P. Bucco seconded. There was discussion. Councilmember T. Neville stated that President C. Williams worked hard for the community but at this point of the junction he does not believe she is the right person for the position. Councilmember T. Neville thinks that Vice President F. O'Boyle would be a better leader at this point. More discussion was had by Councilmembers regarding the diversity of the board, personalities, division of the board, and various feelings of President C. Williams' leadership. Motion went to a roll call vote: Councilmember P. Bucco, "Yes"; Councilmember S. Stewart-Keeler, "No"; Councilmember A. Montanez, "No"; Vice President F. O'Boyle, "Yes"; Councilmember T. Neville, "Yes"; Councilmember R. Emilie, "Yes"; and, President C. Williams, "No". Motion carried 4 to 3.

Councilmember A. Montanez moved to name Claudette Williams as Vice President. President C. Williams denied the motion.

Councilmember P. Bucco moved to name Tom Neville as Vice President. Councilmember R. Emilie seconded. Motion went to a roll call vote: Councilmember P. Bucco, "Yes"; Councilmember S. Stewart-Keeler, "No"; Councilmember A. Montanez, "No"; Vice President F. O'Boyle, "Yes"; Councilmember T. Neville, "Yes"; Councilmember R. Emilie, "Yes"; and, President C. Williams, "No". Motion carried 4 to 3.

New Business

Amend Treasurer's work hours and wage

President C. Williams was looking for a motion to increase the Treasurer's weekly hours from sixteen (16) to twenty-eight (28) and decrease hourly wage from \$25.00 per hour to \$14.28.

Councilmember A. Montanez moved to increase the Treasurer's hours from sixteen (16) to twenty-eight (28) but retain her same wage of \$25.00 per hour. Councilmember P. Bucco seconded. Motion went to a roll call vote: Councilmember P. Bucco, "Yes"; Councilmember S. Stewart-Keeler, Councilmember A. Montanez, "Yes"; Vice President F. O'Boyle, "No"; Councilmember T. Neville, "No"; Councilmember R. Emilie, "Yes"; and, President C. Williams, "Yes". Motion carried 5 to 2.

Clarius Conditional Use Public Hearing

Solicitor J. Fareri clarified the details of the Public Hearing for the Clarius Conditional Use. He noted that this must be advertised twice and must be a week apart and at least seven (7) days prior the Public Hearing. There was a discussion on the following possible dates: April 1st, April 8th, April 12th or April 15th.

(End of Transcribed Notes)

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Councilmember A. Montanez moved to hold the Clarius Conditional Use Public Hearing on Monday, April 12, 2021, at 6:00 P.M. and to advertise it. Councilmember T. Neville seconded. Motion carried unanimously.

Berkheimer Resolution

Vice President F. O'Boyle moved to approve Resolution 2 of 2021 to approve Berkheimer contact that adds "Treasurer" as a new contact. Councilmember S. Stewart-Keeler seconded.:

RESOLUTION 2 OF 2021

A RESOLUTION OF THE GOVERNING BOARD OF MOUNT POCONO BOROUGH, MONROE COUNTY, PENNSYLVANIA, AUTHORIZING, EMPOWERING AND DIRECTING THE PROPER OFFICERS OF THE GOVERNING BOARD TO APPOINT A LIAISON BETWEEN IT AND BERKHEIMER, THE DULY APPOINTED COLLECTOR OF LOCAL TAXES FOR THE DISTRICT, FOR THE EXPRESS PURPOSE OF SHARING CONFIDENTIAL TAX INFORMATION WITH THE DISTRICT FOR OFFICIAL PURPOSES.

WHEREAS, the Local Tax Enabling Act ("LTEA"), authorizes certain political subdivisions, including MOUNT POCONO BOROUGH, MONROE COUNTY, to provide for the creation of such bureaus or the appointment and compensation of such officers, clerks, collectors and other assistants and employees as may be deemed necessary for the assessment and collection of taxes imposed under the authority of that Act; and

WHEREAS, MOUNT POCONO BOROUGH, MONROE COUNTY, has entered into contractual agreement with BERKHEIMER of Bangor, Pennsylvania, whereby and where under MOUNT POCONO BOROUGH appointed Berkheimer to collect certain local taxes; and

WHEREAS, the LTEA specifically mandates that any information gained by the appointed tax officer, his agents or by any other official or agent of the taxing district, as a result of any declarations, returns, investigations, hearings or verifications required or authorized by the taxing municipality's ordinance or resolution, be kept confidential, except for official purposes; and

WHEREAS, any person who divulges any information which is confidential under the provisions of any ordinance or resolution, upon conviction may be subject to fines and/ or imprisonment, upon conviction, and dismissal from office or discharge from employment; and

WHEREAS, Berkheimer requires passage of a resolution by the governing body of MOUNT POCONO BOROUGH, MONROE COUNTY specifying that said confidential information is needed for official purposes and absolving Berkheimer from any liability in connection with the release of said confidential information;

NOW, THEREFORE, BE IT RESOLVED that:

1. MOUNT POCONO BOROUGH, MONROE COUNTY hereby appoints Treasurer as its authorized representative to make requests upon and receive any and all tax information and records from Berkheimer, relative to the collection of taxes for MOUNT POCONO BOROUGH, as desired and deemed necessary by MOUNT POCONO BOROUGH, to be used for official purposes only; and

2. Berkheimer is hereby directed to provide and/ or transmit any and all tax information and records, or any portion thereof, relating to the collection of taxes for the MOUNT POCONO BOROUGH, upon request, to Treasurer as the authorized contact representative for it.

3. MOUNT POCONO BOROUGH, MONROE COUNTY hereby saves harmless, indemnifies and/ or absolves Berkheimer from and against any and all liability in connection with the release of said confidential information.

RESOLVED, ENACTED AND ADOPTED on the 4th day of March, 2021.

Motion carries unanimously.

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Website Proposal

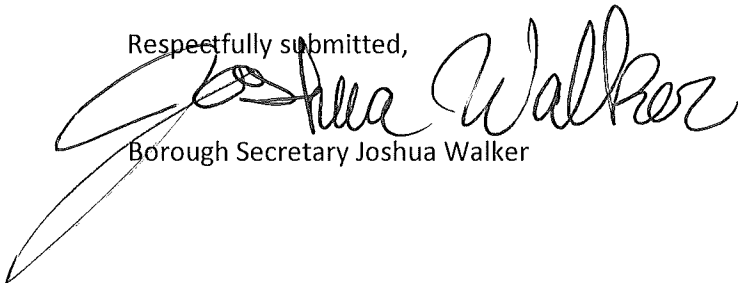
President C. Williams moved to rescind the agreement with Chris English as the website developer. Seconded by S. Stewart-Keeler. Councilmember A. Montanez asked for Chris English to be able to speak on the allegations of not being an established business before any payments are made or before we move on to another company. Motion went to a roll call vote: Councilmember P. Bucco, "No"; Councilmember S. Stewart-Keeler, "Yes"; Councilmember A. Montanez, "Yes"; Vice President F. O'Boyle, "No"; Councilmember T. Neville, "No"; Councilmember R. Emilie, "Yes"; President C. Williams, "Yes". Motion carried 4 to 3.

Public Participation

Councilmember T. Neville thanked President C. Williams for her service. Mr. Matt Hensel commented about the level of trust the public has for some members of Council. Ms. Colleen McGuire asked for Mount Pocono Municipal Authority to be added to persons to be heard from here on out. Mr. Mike Oser said good luck to Councilmember T. Neville and Vice President F. O'Boyle on their new positions.

There being no further business or public participation the meeting adjourned at 9:34 P.M.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Joshua Walker", is written over the typed name. The signature is fluid and cursive, with a long, sweeping underline that extends to the left.

Borough Secretary Joshua Walker