

Mount Pocono Borough Council
Regular Meeting Minutes
Monday, April 5, 2021
7:16 P.M.

President F. O'Boyle opened the meeting at 7:16 P.M. with Vice President T. Neville, Councilmembers A. Montanez, S. Stewart-Keeler and P. Bucco who were in attendance in person. Councilmember C. Williams and was in attendance via zoom. Also present in person were: Mayor M. Penn, Solicitor J. Fareri, Borough Secretary J. Walker, Treasurer D. Hewitt and Zoning/ Codes Enforcement Officer A. Wilkinson.

Councilmember R. Emilie was absent.

Pledge of Allegiance was said by all.

PRELIMINARY ANNOUNCEMENTS

President F. O'Boyle stated that Borough Council held an Executive Session at 6:00 P.M. on personnel matters prior to this evening's Public Hearing which started at 6:45 P.M. until 7:05 P.M. on transfer of a liquor license.

Minutes – It was noted that the Regular Meeting Minutes of March 4, 2021, are not ready.

President F. O'Boyle wanted to point out some items on the Regular Meeting Minutes of March 15, 2021, that under the President's Report that the meeting with Vice President T. Neville, Mayor M. Penn, Borough Secretary J. Walker and himself was not to set the agenda for that night's meeting. Also Mayor M. Penn had a correction under his report that the meetings would be more civil. Councilmember P. Bucco moved to accept the Regular Meeting Minutes of March 15, 2021, with the corrections as presented. Councilmember A. Montanez questioned the content and would like to review her notes further. At this time Councilmember P. Bucco withdrew her motion and it was agreed that these minutes would be tabled.

Liquor License Transfer –Solicitor J. Fareri noted that the Public Hearing for the Wawa Liquor License Transfer and a resolution will need to be adopted. Councilmember P. Bucco moved to adopt Resolution No. 3 of 2021 approving the transfer of restaurant liquor license No. R-20076 into Mount Pocono Borough from Hamilton Township. Councilmember S. Stewart-Keeler seconded.

RESOLUTION NO. 3 OF 2021

A RESOLUTION OF MOUNT POCONO BOROUGH, COUNTY OF MONROE COMMONWEALTH OF PENNSYLVANIA, APPROVING THE TRANSFER OF RESTAURANT LIQUOR LICENSE NO. R-20076 INTO MOUNT POCONO BOROUGH FROM HAMILTON TOWNSHIP

WHEREAS, Act 141 of 2000 ("the Act") authorizes the Pennsylvania Liquor Control Board ("PLCB") to approve, in certain instances, the transfer of restaurant liquor licenses across municipal boundaries within the same county regardless of the quota limitations provided for in Section 461 of the Liquor Code if sales of liquor and malt or brewed beverages are legal in the municipality receiving the license; and

WHEREAS, the Act requires the applicant obtain from the receiving municipality a resolution or ordinance approving the inter-municipal transfer of the liquor license prior to the applicant's submission of an application to the PLCB; and

WHEREAS, the Liquor Code stipulates that, prior to adoption of a resolution or ordinance by the receiving municipality, at least one public hearing be held for the purpose of permitting individuals residing within the municipality to make comments and recommendations regarding the applicant's intent to transfer a liquor license into the receiving municipality; and

WHEREAS, an application for transfer filed under the Act must contain a copy of resolution or ordinance adopted by the municipality approving the transfer of a liquor license into the municipality.

NOW, THEREFORE, BE IT RESOLVED, that Wawa, Inc. has requested the approval of the Mount Pocono Borough Council for the proposed transfer of Pennsylvania restaurant liquor license no. R-20076 (currently held by Kar Development Corp., 3492 Rte 611, Bartonsville, PA 18321-7814) by Wawa, Inc. to its new facility within Mount Pocono Borough to be located at Route 940 & Industrial Boulevard, Mount Pocono, PA 18344 with the understanding that said transfer must be approved at a later date by the PLCB; and

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BE IT FURTHER RESOLVED, that the Mount Pocono Borough Council has held a properly advertised public hearing pursuant to the notice provisions of Section 102 of the Liquor Code to receive comments on the proposed liquor license transfer; and

BE IT RESOLVED, that the Borough of Mount Pocono approves, by adoption of this Resolution, the proposed inter-municipal transfer of restaurant liquor license no. R-20076 into Mount Pocono Borough by Wawa, Inc.; and

BE IT FURTHER RESOLVED, that transfers, designations and assignments of licenses hereunder are subject to approval by the Pennsylvania Liquor Control Board.

Duly adopted this 5th day of April, 2021, by the Borough Council of Mount Pocono Borough, Monroe County, Pennsylvania, in lawful session duly assembled.

There was discussion. Motion carried unanimously.

OFFICER'S REPORTS:

President – President F. O'Boyle stated that we had an Executive Session and a Public Hearing prior to this evening's meeting. He noted progress that has been made since the March 15th meeting which includes: determining who has keys to our buildings; who has the Borough properties, i.e., laptops and cell phones; the adoption of a new fee schedule. He also noted that the staff working from home policy, building closing policy, and the personnel policy were not yet complete.

Mayor – Mayor M. Penn announced that Joseph Battisto Clean-Up Day, will be on Saturday, April 24th, from 8:00 A.M. to 12:00 P.M.; street sweeping will be from April 19th through April 22nd; leaf pick-up will be on Wednesday, April 28th. He also spoke about a letter of support request from the Brodhead Watershed Association (BWA) for a grant. Lastly, he gave an update on the County's hazard mitigation plan.

Borough Secretary – Borough Secretary J. Walker spoke on correspondence received and projects in process.

Borough Secretary J. Walker reported that he has a staff meeting every other Monday. During the meeting staff become aware that documents, files (equipment file) and audio recordings for the March 4th Regular Meeting Minutes had gone missing from the Borough offices. He also reported that files were disturbed or removed from his locked office.

Mayor M. Penn stated that he took the audio tape in question, because there were some concerns of inaccuracies on these minutes and felt that the tape would be destroyed. He noted that they are on tonight's agenda to have them transcribed by a court recorder.

There was a lengthy discussion regarding the contents of the minutes. The Borough Secretary reminded everyone that only business transactions should be included in the minutes. It is not a transcription.

Solicitor J. Fareri stated that the purpose of this meeting is to do the business of the Borough. He agreed that this should be resolved but council should not spend so much time on it with many more items on the agenda that need to be discussed. He also stated that he has been the Solicitor for the Borough for thirty-one (31) years and has never seen anything like this. He added that he was shocked and embarrassed by what he has heard at these meetings. He advised Borough Council to get its act together.

Borough Secretary J. Walker continued with his report stating he was concerned that items were missing from the Borough offices so he checked security footage which shows the mayor taking items out of the Borough offices without informing any of the office staff. This included going into the Borough Secretary's office empty handed and leaving with papers in his hand.

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Treasurer's Report – Councilmember A. Montanez asked for or some clarification on the bill list for two (2) reimbursed items to Councilmember C. Williams and Mayor M. Penn both for zoom links. It was confirmed that the difference is that the Mayor's was for a full year. Mr. Mike Oser of 39 Fairview Avenue questioned the reimbursed amount to Mr. Karygiannes. President F. O'Boyle responded that Mr. Karygiannes won his tax assessment appeal. Councilmember A. Montanez moved to approve and pay the bills for Monday, April 5, 2021 as presented. Councilmember S. Stewart-Keeler seconded.

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

Barry Issett & Associates	(Developer Fees Reimb.)	1,838.88*
Blue Ridge Communications	(Internet & Phone Service)	428.55
Cintas Corporation	(Uniforms & Rugs)	370.89
Claude S. Cyphers, Inc.	(Vehicle Parts)	123.90
Claudette Williams	(Reimb: 6 Months Zoom Link)	95.34
E.M. Kutz, Inc.	(Vehicle Parts & Kenworth Tire Chains, etc.)	470.83
Eastern Time, Inc.	(Fire Security/Sound Systems)	1,072.00
ESSA	(Building Loan March Payment)	\$ 2,309.20
FNB Commercial Credit Cart	(Google Suite)	82.68
Fuller Paper Company	(Dispensers: Paper Towel & Twin Tissue)	280.75
Kirk, Summa & Co., LLP	(Audit: 2020 Partial Payment)	2,000.00
Met Life	(Life & Disability Insurance)	176.06
Michael Penn	(Reimb: Annual Zoom Communications & Microphone)	296.68
Monroe County Control Center	(Fire/EMS Dispatching Fees – 2 of 4)	776.65
PA American Water Co.	(Borough Bldg. & Garage Water)	62.47
Panagiotis Karygiannes	(Reimb: Rite Aid RE Taxes)	11,200.13
Payrolls Unlimited	(March 2021)	85.40
Plociniak Oil, Co.	(Borough Bldg. & Garage Heating Oil -Feb)	2,407.18
Pocono Mountain Regional Police Dept.	(April Loan Payment)	2,792.12
<i>Pocono Record</i>	(Advertisements)	60.76
PPL Electric Utilities	(Electric)	746.36
Quill Corp	(Office & Garage Supplies)	291.46
Scott Signs & Printing	(8 Nameplates)	192.00
SPW Cleaning Services, Inc.	(Monthly Cleaning & Covid Cleaning)	625.00
STR Business Solutions	(Postage Machine Ink Cartridge)	75.00
The Two Shields, LLC	(2012 Peterbilt Parts)	237.95
Tulpehocken Spring Water	(Bottled Water)	29.49
Underdog Computer & Network Support	(Jan & Feb Work - Website)	150.00
Verizon	(Road Crew: Telephone)	9.53
Wal-Mart	(Borough Bldg. Batteries & Garage Supplies)	<u>77.79</u>

GRAND TOTAL: **\$ 29,365.05**

*Developer fees Reimbursable

BILLS TO BE PAID FROM THE PLANNING COMMISSION FUND:

Patricia Bucco	(Reimb: Postage for Clarius Public Hearing)	<u>\$140.00</u>
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GRAND TOTAL: **\$ 140.00**

APPROVED & PAID 3/15/21 FROM NBT GENERAL FUND CHECKING ACCOUNT:

Pocono Mountain Regional Police Dept.	(Mount Pocono Police Services)	<u>\$ 61,758.67</u>
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GRAND TOTAL: **\$ 61,758.67**

BILLS ALREADY PAID 3/22/21 FROM NBT GENERAL FUND CHECKING ACCOUNT:

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AMTrust North America	(Workers Compensation)	\$ 2,704.00
Chris English Designs, LLC	(50% of Payment)	2,750.00
Geisinger	(Health Insurance)	5,486.09
Highmark	(Dental/ Vision)	376.85
Plociniak Oil, Co.	(Borough Bldg. Oil - March)	794.18
Plociniak Oil, Co.	(Garage Oil – March)	1,756.80
PPL Electric Utilities	(Electric – 36 Pocono Blvd.)	<u>48.17</u>

GRAND TOTAL: **\$ 13,916.09**

BILLS ALREADY PAID FROM THE FNB PAYROLL ACCOUNT:

Mt Pocono Payroll	(w/e 03/3/21)	\$ 6,154.03
Mt Pocono Payroll	(w/e 03/12/21)	5,991.16
Mt Pocono Payroll	(w/e 03/19/21)	5,476.80
Mt Pocono Payroll	(w/e 03/26/21)	5,339.35
Mt Pocono Payroll	(w/e 03/31/21)	5,635.13

GRAND TOTAL **\$ 28,596.47**

BILLS ALREADY PAID FROM THE FNB LIQUID FUELS ACCOUNT:

General Fund	(Reimb. The Borough's Electric Account)	\$ 1,662.39
Locust Ridge	(Anti-Skid @ \$42.99/ton)	638.40
Locust Ridge	(Anti-Skid @ \$65.11/ton)	<u>966.88</u>

GRAND TOTAL **\$ 3,267.67**

Motion went to a roll call vote: Councilmember A. Montanez, "Yes"; Vice President T. Neville, "Yes"; Councilmember S. Stewart-Keeler, "Yes"; Councilmember P. Bucco, "Yes"; Councilmember C. Williams, "No"; and President F. O'Boyle, "Yes". Motion carried 5 to 1.

Zoning/ Codes Enforcement Officer – Zoning/ Codes Enforcement Officer A. Wilkinson stated that her full report was in everyone's packet.

At this time, it was clarified that any media inquiries are to be referred to the mayor.

Solicitor – Solicitor J. Fareri gave an update regarding short-term rentals: he is taking a deposition regarding 1 Summit Drive and after that deposition he will be able file a motion. The other rental 10 Shelly Lane is more complicated. There was a Zoning Hearing Board decision where it went against the Borough and there was an appeal where the applicant states that the Borough doesn't have any right to stop a short-term rental at this property. The borough is threatened with legal fees and law suits. He apologized that these items are taking a longer time than expected. He suggested that he and the Zoning/Codes Enforcement Officer discuss this within the next ten (10) days.

PERSONS TO BE HEARD

Mount Pocono Business Association – Representing the Mount Pocono Business Association (MPBA), Mrs. Karen Struckle announced that the MPBA will be holding a small event with tents at the Casino Theatre parking lot on Saturday, June 5th, from 11:00 A.M to 4:00 P.M. for the MPBA members. She asked Borough Council would waive any fees associated with this event. Vice President T. Neville moved to waive the vending fees for the MPBA Community Day for the businesses of Mount Pocono Borough on Saturday, June 5th from 11:00 A.M. to 4:00 P.M.at the Casino Theatre parking lot. Councilmember P. Bucco seconded. Motion carried unanimously.

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UNFINISHED BUSINESS

Borough Manager Bond – tabled.

Website Update – Mayor M. Penn updated Borough Council that the new web designer will be coming in tomorrow to start mapping out the navigation of pages, menu and so on. He noted there is more to come.

Zoning/Codes Enforcement Officer A. Wilkinson wanted everyone to be aware that people trying to pay their Municipal Authority bills on the Borough's website and cannot. Mayor M. Penn will look into this however the Borough's website has been compromised and it is difficult to update anything on this site.

Time Clock Discussion – will be discussed at the work session.

Sale of Brunswick Lot – discussed earlier.

County Waste Option to Renew Letter – There was some discussion regarding the term on the renewal letter for the County Waste contract. Councilmember A. Montanez noted that she had the letter here and she will make the necessary edits.

Phone Proposals – will be discussed at the work session.

New Building Code Policy – to be discussed at the work session.

Clarius Conditional Use Hearing Reminder – is scheduled for Monday, April 12, 2021, at 6:00 P.M. at the Borough building

New Business

New Road Crew Employee Hire – Councilmember P. Bucco moved to hire Nick Simon as a road crew employee to replace Craig Seese with an hourly wage of \$18.00 with his starting date of April 19, 2021. Councilmember S. Stewart-Keeler seconded. Councilmember A. Montanez was concerned that she wasn't able to meet him. Borough Resident M. Oser confirmed that Mr. Simon was here at 6:30 P.M. however he had a family emergency and had to leave at approximately at 7:15 P.M. Motion went to a roll call vote: Councilmember A. Montanez, "No"; Councilmember P. Bucco, "Yes"; Vice President T. Neville, "Yes"; Councilmember C. Williams, "No"; Councilmember S. Stewart-Keeler, "Yes"; and, President F. O'Boyle, "Yes". Motion carried 4 – 2.

Joseph Battisto Clean-Up Day – Vice President T. Neville moved to approve that Saturday, April 24, 2021, will be the official Joseph Battisto Clean-Up Day with the hours from 8:00 A.M. to 12:00 P.M. Councilmember P. Bucco seconded. Motion carried unanimously.

Letter of Support for the BWA Grant for the National Fish and Wildlife Foundation – Councilmember

S. Stewart-Keeler moved to send a letter of support for the BWA Grant. Councilmember A. Montanez seconded. After some discussion councilmembers S. Stewart-Keeler and A. Montanez rescinded their motions. No action was taken.

Hire Court Stenographer the March 4th Regular Meeting Minutes – Vice President T. Neville moved to hire court stenographer to transcribe the Regular Meeting Minutes of March 4, 2021, and approve payment. Councilmember P. Bucco seconded. Councilmember A. Montanez questioned that the

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transcription would include only motions and not side discussions and asked what the cost would be. Solicitor J. Fareri stated that he is not in favor of transcribing minutes on a regular basis but in this particular instance because of the controversy around what was said at this meeting it's not a bad idea to have them transcribed. He added that the stenographer will charge per page. Mayor M. Penn noted that he contacted the stenographer and was quoted \$3.65 per page and about \$45.00 per hour which could amount to \$500.00. Motion went to a roll call vote: Councilmember A. Montanez, "No"; Councilmember P. Bucco, "Yes"; Vice President T. Neville, "Yes"; Councilmember C. Williams, "No"; Councilmember S. Stewart-Keeler, "No"; and, President F. O'Boyle, "Yes". Motion went to a tie 3 to 3 with Mayor M. Penn breaking the tie with "Yes" vote. Motion carried 4 - 3.

Robert Stank Resignation from the Park & Recreation Board – Councilmember P. Bucco moved to accept the resignation of Robert Stank from the Park & Recreation Board and to place the vacancy in the newsletter. Vice President T. Neville seconded. Motion carried unanimously.

Vacancy Board – President F. O'Boyle stated that council received one (1) letter of interest for the Vacancy Board from Matt Hensel. Mayor M. Penn noted that there was one (1) other person who expressed interest but hasn't sent anything. Vice President T. Neville stated that we should wait for more people to express interest. Councilmember C. Williams moved to approve Matt Hensel to be on the Vacancy Board. Motion died due to no second.

Public Participation

Borough Secretary, stated that he received an email from Matt Hensel who said he built the website and would be happy to volunteer for free to get the site up until the new one is active and running. Mayor M. Penn will reach out to Mr. Matt Hensel.

Mike Oser, Chairman of Mount Pocono Municipal Authority, stated that the Covid 19 regulations regarding shutting off water for non-payment of sewer bills has been relaxed. As of tomorrow or Wednesday the shut off notices will be sent to the residents who have not paid their bills.

Vice President t. Neville moved to accept the two (2) weeks' notice from road crew employee, Nick Michaylira. Councilmember P. Bucco seconded. Motion carried unanimously.

There being no further business or public participation Councilmember A. Montanez moved to adjourn the meeting at 9:25 P.M. Vice President T. Neville seconded. Motion carried unanimously.

Respectfully submitted,


Borough Secretary Joshua Walker