

**Mount Pocono Borough Council
Regular Meeting Minutes
Tuesday, August 24, 2021
7:02 P.M.**

The Mount Pocono Borough Council meeting held on Tuesday, August 24, 2021 was called to order at 7:02pm by President Fran O'Boyle.

Roll Call: Councilmember Ron Emilie, present; Councilmember Patty Bucco, present; Councilmember 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.

Absent: Danielle Hewitt, Treasurer

OFFICER'S REPORTS:

President

President F. O'Boyle spoke on the importance of tracking the hours the Borough spends on storm recovery as there may be recovery funds in the future. He further reported that former Councilmember T. Neville turned building keys in to him.

Mayor's Report

Mayor M. Penn reported that he has declared a State of emergency and activated its Emergency Operations Plan with regard to Tropical Storm Henri. He asked Borough residents who have experienced flood or water damages to send photographs to the Borough offices, along with address or location of any storm damage. He also reported that Pocono Mountain Regional Police Department (PMRPD) is currently working on their budget and he had asked Chief Wagner to attend the Borough's next work session to explain how police hours are determined and distributed. Mayor M. Penn asked Borough Council to consider increasing the police hours for next year's budget. Mayor M. Penn clarified a few issues from last week's meeting including the resignation of Tom Neville from Borough Council and the timing of it. Mayor M. Penn also made comments on the appointment of Councilmember M. Oser and in his opinion that Councilmember M. Oser would be an asset to Borough Council.

Borough Manager

Borough Manager J. Walker reported that the new mulch has been distributed onto the playground by the road crew and very hot days. He also reported that Administrative Assistant D. Jackowski has been working hard on successfully receiving outstanding trash liens. He also reported that Zoning/ Codes Enforcement Officer A. Wilkinson has been quickly and efficiently issuing permits and dealing with the codes enforcement issues.

Treasurer's Report – Borough Manager J. Walker presented the Borough Treasurer's cash report and bills list. Councilmember S. Stewart-Keeler moved to approve and pay the bills for Tuesday, August 24, 2021 as presented. Councilmember C. Williams seconded.

CASH REPORT FROM 7/1/21 - 7/31/21

<u>NBT General Fund</u>		<u>NBT Liquid Fuels Fund</u>	
Beginning Balance (6/30/21)	\$ 574,257.12	Beginning Balance (6/30/21)	\$ 80,104.27
Deposit	259,394.03	Deposit	0.00
Interest	9.49	Interest	1.35
Expense	<u>321,218.22</u>	Expense	<u>1,775.97</u>
Ending Balance (7/31/21)	\$ 512,442.42	Ending Balance (7/31/21)	\$78,329.65
*Includes the American Rescue Act (ARA) deposit & transfer to another bank account.			
Uncleared Transactions = \$5,861.88			

<u>NBT Road Rehab Fund</u>		<u>NBT Park & Recreation Fund</u>	
Beginning Balance (6/30/21)	\$ 110,174.19	Beginning Balance (6/01/21)	\$ 140,500.75
Deposit	4,780.07	Deposit	0.00
Interest	4.79	Interest	5.97
Expense	<u>0.00</u>	Expense	<u>0.00</u>
Ending Balance (7/31/21)	\$ 114,959.05	Ending Balance (7/31/21)	\$ 140,506.72

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NBT Five Points Intersection Fund

Beginning Balance (6/30/21)	\$ 94,955.07
Deposit	0.00
Interest	4.03
Expense	<u>0.00</u>
Ending Balance (7/31/21)	\$ 94,959.10

NBT Beautification Fund

Beginning Balance (6/30/21)	\$ 2,095.43
Deposit	0.00
Interest	.09
Expense	<u>0.00</u>
Ending Balance (7/31/21)	\$ 2,095.59

NBT Stormwater Fund

Beginning Balance (6/30/21)	\$ 43,267.51
Deposit	0.00
Interest	1.84
Expense	<u>0.00</u>
Ending Balance (7/31/21)	\$ 43,269.35

NBT Planning Commission Fund

Beginning Balance (6/30/21)	\$ 6,752.21
Deposit	0.00
Interest	.29
Expense	<u>0.00</u>
Ending Balance (7/31/21)	\$ 6,752.50

PLGIT General Fund

Beginning Balance (6/01/21)	\$ 104,309.58
Deposit (EIT & LST)	10,439.08
Interest	1.28
Expense	<u>681.13</u>
Ending Balance (7/31/21)	\$ 137,603.74

PLGIT Liquid Fuels Fund

Beginning Balance (6/01/21)	\$ 64.27
Deposit	0.00
Interest	0.00
Expense	<u>0.00</u>
Ending Balance (7/31/21)	\$ 64.27

FNB Payroll Fund

Beginning Balance (6/01/21)	\$ 4,115.86
Deposit	0.00
Interest	0.44
Expense	<u>0.00</u>
Ending Balance (7/31/21)	\$ 4,116.30

FNB General Fund

Beginning Balance (6/01/21)	\$ 32,711.73
Deposit	0.00
Interest	0.00
Expense (Analysis charge)	<u>73.15</u>
Ending Balance (7/31/21)	\$ 32,638.58

NBT Payroll Fund

Beginning Balance (6/01/21)	\$ 8,164.28	(w/e 7/9/21)	\$6,555.88
Deposit	28,545.04	(w/e 7/16/21)	\$7,827.25
Interest	0.09	(w/e 7/23/21)	7,058.49
Expense	<u>32,926.37</u>	(w/e 7/30/21)	6,948.40
Ending Balance (7/31/21)	\$ 3,783.04		

*ARA – American Rescue Act = \$163,231.64 + \$20.06 (interest) = \$163,233.70 (7/9/21)
Fire Withholding – 32 Brunswick = \$5,617.17 E-Commerce NBT = \$1,00

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

ARGS Technology, LLC	(IT Service June Remote Service, New Firewall, etc.)	\$ 549.50
AMTrust North America	(PREPAID: Fire Co. Workers Compensation)	2,614.00
Barry Isett & Associates	(Reimb. Hirshland, Posh & Taco Bell)	2,438.28*
	DCED Multimodal Gran Application Fee	100.00
Berkheimer Associates	(Local Service Tax Operating Commission)	129.81
Campbell Durant, PC	(General Labor & Employment Matter – July)	2,400.20
Cintas Corporation	(Maintenance Uniform & Boro Logo Rugs)	368.90
ESSA	(Building Loan August Payment)	2,309.20
Geisinger Health Plan	(PREPAID: Maintenance & Admin Manager Health Plan)	6,361.18
Gleco Paint	(Highway Construction –Traffic Paint)	1,571.83
Gotta Go Potties	(P&R: Porto Potties 6/3/21-7/1/21)	170.00
Guyette Communications Industries	(Highway/Office/Zoning – New Phones)	2,794.00
Highmark Blue Shield	(PREPAID: Maintenance/Admin Manager Vision & Dental)	268.72
Lowe's	(Highway Supplies)	\$ 58.88

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Met Life	(PREPAID: Highway Life & Disability Ins.)	121.29
Metz, Inc.	(CARES Grant final Payment of AC & Parts)	13,350.50
Michael Penn	(Mayor Conference Pittsburgh)	885.23
NBT Cardmember Service	(Office/Building/Highway/Zoning/Maint. Miscellaneous)	1,376.40
Newman, Williams, Mishkin	(Reimb: McDonald's Rebuild & Pocono Trailer)	217.00*
PA American Water Co.	(PREPAID: Fire Hydrants)	714.09
	(Water – Garage & Boro Bldg.)	61.15
Payrolls Unlimited	(July Payroll)	128.30
Pocono Mtn. Public Library	(Dedicated Real Estate Tax - Library)	1,593.55
Pocono Mtn. Regional Police Dept.	(August Loan Payment)	2,792.12
Pocono Mtn. Regional EMS	(Dedicated Real Estate Tax – EMS)	801.74
Pocono Mtn. Regional Police Dept.	(August Payment)	61,758.67
Pocono Mtn. Vol. Fire Co.	(Dedicated Real Estate Tax – Fire Co.)	1,593.55
Pocono Record	(Advertisements)	419.63
PPL Electric Utilities	(PREPAID: Boro Bldg./Garage/Concession Stand/etc.)	654.15
Selective Insurance	(PREPAID: Insurance Payment)	3,245.00
SPW Cleaning Services, Inc.	(Cleaning Boro Bldg. 7/8 & 7/20)	350.00
Sunoco Universal Fleet	(PREPAID VIA PHONE: Gas & Oil)	774.25
TKE Elevator Corporation	(Oil & Grease Elevator – 7/1/21-9/30/21)	200.85
Tulpehocken Spring Water	(Bottled Water)	56.99
US Bank	(New Copier Contract 7/1/21-7/31/21)	128.45
Verizon	(PREPAID: Highway – Telephone)	75.91
Walmart Capital One	(Highway Supplies)	<u>31.36</u>

GRAND TOTAL:

\$113,464.68

***Reimbursable Items**

Motion carried unanimously.

Zoning Officer –Zoning/ Codes Enforcement Officer A. Wilkinson gave an update on 32 Brunswick. There was discussion. Councilmember M. Oser moved to have the Zoning/ Codes Enforcement Officer A. Wilkinson solicit quotes, not to exceed \$17,974.00 to raze the structure at 32 Brunswick Drive and lien the property. Councilmember S. Stewart-Keeler seconded. Motion carried unanimously.

Zoning/ Codes Enforcement Officer A. Wilkinson continued her report with updates on Sparkle Car Wash Land Development, the Clarius Text Amendment Public Hearing, short-term rentals, and Mr. Gabe Scavello's situation at 75 Deerfield Drive.

Councilmember P. Bucco moved to have a letter sent to Mr. G. Scavello that will convey that the Borough will not assist with the engineering of the 75 Deerfield drainage issue. Councilmember C. Williams seconded. Motion carried 6 to 1 with Councilmember A. Montanez against.

Solicitor

Solicitor J. Fareri reported on the short-term rental litigations. With Chadha – judge denied request to dismiss; Lun Jun Hang – plan to submit summary judgment.

At this time, Councilmember M. Oser moved to terminate Borough Manager J. Walker effectively immediately with a no rehire status. Councilmember R. Emilie seconded. There was discussion. Several councilmembers and members of the public spoke including Lori Noonan, Anne Marie Harris, Don Struckle, Jodi Bodhal, Deb Fulton, Diane Schepp, and Norman DeLano. Solicitor J. Fareri stated this motion would be in violation of the Borough Manager Ordinance which states a thirty (30) day written notice must be given before termination. The motion was withdrawn.

Councilmember M. Oser moved restating his motion for Borough Council to accept the thirty (30) day written notice of terminating Borough Manager J. Walker with no rehire status. Councilmember P. Bucco seconded. Motion went to a roll call vote: Councilmember S. Stewart-Keeler, "No"; Councilmember C. Williams, "No"; Councilmember A.

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Montanez, "No"; Councilmember R. Emilie, "Yes"; Councilmember P. Bucco, "Yes"; Councilmember M. Oser, "Yes"; and, President F. O'Boyle, "No". Motion failed 3 to 4.

APPROVAL OF MINUTES

Councilmember A. Montanez moved to approve the following regular meeting minutes as presented: April 5, 2021; April 19, 2021; May 3, 2021; and, May 17, 2021. Councilmember S. Stewart-Keeler seconded. Motion carried unanimously. It was noted that the March 4, 2021, regular meeting minutes have been delivered by the stenographer to the Borough.

Persons to be Heard

CP Mount Pocono (Clarius) - Upon receipt of a memo from the Planning Commission recommending that Borough Council consider this text amendment, Councilmember A. Montanez moved to advertise a public hearing for Monday, September 20, 2021, at 6:30 P.M. for the purpose of reviewing the proposed Text Amendment to the Zoning Ordinance regarding the warehouse height limit in the C-2 Commercial Zoning District. Councilmember P. Bucco seconded. Motion carried unanimously.

Ann Shincovich, Pocono Mountain Public Library Director, discussed the Tax Referendum Petition in reference to the proposed referendum that seeks to change the library millage rate from 1 full mil to a ¼ mil. Solicitor J. Fareri stated that this does not have to go to a referendum adding it is a function of the governing body. Councilmember P. Bucco moved to pass this on to the County for its consideration on whether this is a referendum item or not. Councilmember S. Stewart-Keeler seconded. Motion carried unanimously.

Mount Pocono Association - Harvest Fest on September 25th was discussed.

Safety Commission - reported on Borough signage and crosswalk safety.

Unfinished Business

Resolution for Multimodal Grant RE Streetscape - Councilmember S. Stewart-Keeler moved to adopt the Resolution requesting a multimodal transportation fund grant in the amount of \$1,368,646.00 from the Commonwealth Financing Authority to be used towards improvements to Pocono Boulevard (SR 611) for the purpose of pedestrian safety, traffic calming, road restoration and landscaping. Councilmember A. Montanez seconded. President F. O'Boyle suggested waiting a year given the aggregate figure of \$1,368,646. Motion was withdrawn and Borough Council agreed to table this item until the next meeting.

Status of Borough Building Window Repair and Reimbursement - It was reported that one pane was repaired and one is pending. The cost has been paid by Metz.

Code Enforcement Officer Hire Status - Mayor M. Penn, Chair of the Personnel Committee reported that calls were made to some applicants but no interviews were given yet.

County Waste - President F. O'Boyle suggested sending a letter for a second year extension. Councilmember A. Montanez will draft the letter.

LSA Grants - Updates were given regarding the maintenance garage application and the Route 611 sidewalks application.

NEW BUSINESS

Resolution for One-Way Only Traffic on Fork Street - Councilmember P. Bucco moved to adopt Resolution #8 of 2021 establishing direction of traffic on one-way traffic on Fork Street. Councilmember S. Stewart-Keeler seconded.

*A RESOLUTION OF MOUNT POCONO BOROUGH, COUNTY OF MONROE
ESTABLISHING DIRECTION OF TRAFFIC ON ONE-WAY TRAFFIC ON FORK STREET*

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WHEREAS, the Borough of Mount Pocono is an organized Borough and political subdivision in the Commonwealth of Pennsylvania; and

WHEREAS, the Pennsylvania Borough Code authorizes Boroughs to regulate streets within its political boundaries in accordance with Section 1202 (12) of the Borough Code; and

WHEREAS, a Borough may additionally make regulations as necessary for the health, safety, morals and general welfare of the Borough:

NOW, THEREFORE, be it RESOLVED as follows:

1. *Fork Street, a street in the Borough of Mount Pocono, shall by this resolution become a one-way street.*
2. *Fork Street shall be designated a one-way street from the entrance at the northerly intersection with Pocono Boulevard (PA Route 611) to exit at the southern intersection of Fork Street with Pocono Boulevard (PA Route 611).*
3. *One-way directional signage shall be posted on Fork Street in accordance with this resolution.*

Duly adopted this 24th day of August, 2021, by the Borough Council of Mount Pocono Borough, Monroe County, Pennsylvania, in lawful session duly assembled.

Motion carried unanimously.

RadioPro Gateway Tu-Way Radio Replacement Quote – Councilmember A. Montanez moved accept the quote from TuWay Communications in the amount of \$2,110.00 for the Gateway replacement. Councilmember C. Williams seconded. It was suggested to look into the American Rescue Plan to see if this cost would be covered. Motion carried unanimously.

Hazard Mitigation Plan – Mayor M. Penn stated that this needs to be done quickly and the Borough should adopt the County's plan.

Pick-Up the Poconos – It was noted that Pick-Up the Poconos is the same day as the Borough's Harvest Fest and Councilmember A. Montanez requested for a table to promote this event. She also noted that she will contact Jim Lambert of the Monroe County Waste Management Authority for information to be given out at the Harvest Fest.

At this time, Councilmember P. Bucco moved to appoint Councilmember M. Oser as Vice President. Councilmember M. Oser seconded. Motion went to a roll call vote: Councilmember C. Williams, "No"; Councilmember S. Stewart-Keeler, "No"; Councilmember A. Montanez, "No"; President F. O'Boyle, "Yes"; Councilmember P. Bucco, "Yes"; Councilmember M. Oser, "Yes"; and, Councilmember R. Emilie, "Yes. Motion carried 4 to 3. After this vote Councilmember S. Stewart-Keeler left the meeting.

Public Participation

Ann Marie Harris, 236 Winona Road, questioned how long does the trash/ bulk items stay out to be picked up. **Diane Schepp 3 Deerfield Drive**, questioned how the trash violations are given out and recorded. She is upset that she has been on hold for a long time with the trash hauler and was given wrong information.

Executive Session – Borough Council went into executive session at 10:23 P.M. and returned at 10:28 P.M.

President F. O'Boyle explained the reason for the executive session was regarding to former employee Craig Seese and that Borough Council initially denied his unemployment. Vice President M. Oser moved to deny Craig Seese his request for unemployment compensation. Councilmember P. Bucco seconded. Motion carried unanimously.

There being no further business or public participation Vice President M. Oser moved to adjourn the meeting at 10:29 P.M. Councilmember C. Williams seconded. Motion carried unanimously.

Respectfully submitted,


Joshua Walker
Borough Manager

