

**Mount Pocono Borough Council  
Regular Meeting Minutes  
Tuesday, September 7, 2021  
7:05 P.M.**

The Mount Pocono Borough Council meeting held on Tuesday, September 7, 2021 was called to order at 7:05pm 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, present; Councilmember Stacy Stewart-Keeler, present.

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

**PRELIMINARY ANNOUNCEMENTS** – President F. O’Boyle stated Borough Council held an Executive Session this evening from 6:08 P.M. to 7:00 P.M. to discussed Personnel and Legal Matters. He reminded everyone that a Public Hearing has been advertised for Monday, September 20, 2021, at 6:30 P.M. for the purposes of the Clarius Text Amendment.

**OFFICER’S REPORTS:**

**President’s Report**

President F. O’Boyle requested Solicitor J. Fareri prepare a taxing agreement between the Borough and Coolbaugh with regards to the Lot 28 project. He disclosed that new commercial properties are not on the tax rolls as of yet. He suggested that the Borough receive a monthly report from Bureau Veritas.

**Mayor’s Report**

Mayor M. Penn reported that he reactivated the Emergency Operations Plan in response to Hurricane Ida. He noted once activated the Borough building would be available to anyone who needed shelter. He also reported on the budget process for Pocono Mountain Regional Police Department (PMRPD). The Mayor further gave a statement about hate crimes. He stated he would like to see a Human Relations Committee formed as exists in the Stroudsburg Borough.

**Borough Manager/ Secretary’s Report** – Borough Manager J. Walker reported the following: County Waste is on a one-day delay due to the holiday; Sparkle Car Wash Land Development Plan (LDP) is on the agenda for approval and Borough Engineer C. Niclaus and the Applicant will arrive at 8:00 P.M.; top ARPA priorities are: security camera; burglar/ fire alarm integration; and A/V upgrades in Council chambers.

**Treasurer’s Report** – Borough Treasurer D. Hewitt presented cash report and bills list. Councilmember P. Bucco moved to approve and pay the bills for Tuesday, September 7, 2021 as corrected. Councilmember S. Stewart-Keeler seconded.

**CASH REPORT FROM 8/1/21 - 8/31/21**

<b><u>NBT General Fund</u></b>		<b><u>NBT Liquid Fuels Fund</u></b>	
Beginning Balance (8/31/21)	398,687.66	Beginning Balance (8/31/21)	\$ 78,330.98
Deposit	149,227.86	Deposit	0.00
Interest	6.67	Interest	1.22
Expense	<u>155,105.18</u>	Expense	<u>5,833.44</u>
Ending Balance (9/30/21)	\$ 392,817.03	Ending Balance (9/30/21)	\$72,498.76
<b><u>NBT Road Rehab Fund</u></b>		<b><u>NBT Park &amp; Recreation Fund</u></b>	
Beginning Balance (8/31/21)	\$ 115,595.67	Beginning Balance (8/31/21)	\$ 140,512.66
Deposit	829.28	Deposit	0.00
Interest	4.77	Interest	5.77

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Expense	<u>0.00</u>	Expense	<u>0.00</u>
Ending Balance (9/30/21)	\$ 116,429.72	Ending Balance (9/30/21)	\$ 140,518.46
<b><u>NBT Five Points Intersection Fund</u></b>		<b><u>NBT Beautification Fund</u></b>	
Beginning Balance (8/31/21)	\$ 94,963.13	Beginning Balance (8/31/21)	\$ 2,095.68
Deposit	0.00	Deposit	0.00
Interest	3.90	Interest	.09
Expense	<u>0.00</u>	Expense	<u>0.00</u>
Ending Balance (9/30/21)	\$ 94,967.03	Ending Balance (9/30/21)	\$ 2,095.77
<b><u>NBT Stormwater Fund</u></b>		<b><u>NBT Planning Commission Fund</u></b>	
Beginning Balance (8/31/21)	\$ 43,271.19	Beginning Balance (8/31/21)	\$ 6,752.79
Deposit	0.00	Deposit	0.00
Interest	1.78	Interest	.28
Expense	<u>0.00</u>	Expense	<u>0.00</u>
Ending Balance (9/30/21)	\$ 43,272.97	Ending Balance (9/30/21)	\$ 6,753.07
<b><u>PLGIT General Fund</u></b>		<b><u>PLGIT Liquid Fuels Fund</u></b>	
Beginning Balance (8/31/21)	\$ 193,338.33	Beginning Balance (8/31/21)	\$ 64.27
Deposit (EIT & LST)	61,674.80	Deposit	0.00
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
<b><u>NBT Payroll Fund</u></b>			
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

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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
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)	75.81

**GRAND TOTAL:**

**\$123,169.28**

\*Reimbursable Items

There was discussion. Motion carried unanimously.

**Zoning Officer** – Zoning/ Codes Enforcement Officer A. Wilkinson spoke on Building Code Enforcement protocol, Bureau Veritas, and quotes being gathered for the razing of 32 Brunswick.

**Sparkle Car Wash Land Development Plan (LDP)**

Sparkle Car Wash owner Mr. Kevin Detrick, the applicant's Engineer Terri DeGroot and Marianne Michalak from Bohler were present to ask Council for two waiver requests and an approval of the LDP. Borough Engineer C. Niclaus was present to give his comments on the Sparkle Car Wash LDP.

Councilmember P. Bucco moved to grant the following two waivers requested by Sparkle Car Wash. Councilmember S. Stewart-Keeler seconded.

1. *A waiver is requested from SALDO Section 187-56.B, which requires four-inch caliper deciduous trees; where trees have been provided at two-and-a-half-inch caliper. While there are some short-term benefits to the installation of a larger tree, such as larger immediate size, the long-term benefits of planting a smaller tree outweigh these short term benefits. The disadvantages of using a larger tree include a longer transplant shock period resulting in little above-*

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*ground growth for several years, a significantly larger risk of failure, increased need for irrigation the first couple of years, and stunted growth. In contrast, the smaller tree requires less irrigation, is less susceptible to pests and diseases, and will have more above-ground growth since it's transplant shock period will be greatly reduced.*

2. *A waiver is requested from SALDO Section 187-62.2.D.(2), which provides limits on Maximum Average light levels. This section provided lighting levels for parking lots with high (4.0 fc) and Low (2.0 fc) levels of activity. It does not specifically address lighting levels for vacuum spaces or gas stations, however, correspondence from the Barry Isset & Associates, Inc. dated July 27, 2021 stated that a maximum average of 10 FC would be acceptable. High levels of lighting are required for the vacuum bays to enable patrons to see what they are doing when vacuuming their vehicles. The light levels proposed for the vacuum area are similar to what is being proposed for the lighting under the canopy of the gas station in the shopping center that was previously approved. We are requesting a waiver to allow the lighting levels in the vacuum area to be as presented on the Land Development plans in the vacuum area. Lighting levels at the property line will not exceed 0.1 fc as required by SALDO Section 187-62.2.F.(13).*

Motion carried unanimously.

Borough Engineer C. Niclaus noted that a developer's agreement would be required for the Sparkle Car Wash LDP.

Vice President M. Oser moved to approve the Sparkle Car Wash LDP with conditions as outlined in the Borough Engineer's letter dated August 17, 2021, also outside agencies approvals with the developer's agreement. Councilmember P Bucco seconded. Motion carried unanimously.

At 8:30 P.M. Borough Engineer C. Niclaus left the meeting.

**Security Camera Updates (ARPA Funds)** – Mr. Mike Shea spoke via Google Meet and discussed the Borough's current surveillance system. He noted that the current system is outdated. After more discussion the Borough Manager stated that more quotes will be gathered.

**Solicitor** – Solicitor J. Fareri reported that there are two slip and fall cases against the Borough. One occurred at Martz Bus Station and the other at Summit Pointe. He explained that there is no exposure to the Borough and that the Borough's insurance company is handling both cases. He also followed up on a previous discussion regarding limiting the bond amount to be paid for employees. He stated that this can be done by Resolution instead of by Ordinance.

Vice President M. Oser moved to adopt Resolution #9 of 2021. Councilmember P. Bucco seconded.

**RESOLUTION NO. 9 OF 2021**

**A RESOLUTION OF MOUNT POCONO BOROUGH, COUNTY OF MONROE**  
**Addressing bond requirements for Borough officials of the Borough of Mount Pocono**

*WHEREAS, in accordance with the Borough Code certain Municipal employees and officials are required to obtain a financial bond in conjunction with their services; and*

*WHEREAS, The Borough currently employs a Borough Manager/Secretary, and a separate Borough treasurer; and*

*WHEREAS, the Borough Manager is required to be bonded by Ordinance and Treasurer by the Borough Code.*

*WHEREAS, the elected Tax Collector of the Borough of Mt. Pocono is required to post bond in accordance with the, local Tax Collector law; and*

*WHEREAS, the Borough wishes to address situations wherein the employee or official in question cannot qualify for a bond at the usual premium rate;*

*NOW, THEREFORE, be it RESOLVED as follows:*

*1. In the event that the cost of the annual bond for the above referenced position is in excess of \$400.00, such cost will be born, on an annual basis, by the employee/official, with the Borough of Mt. Pocono being responsible for only the first \$400.00 of the annual bond premium.*

*2. No Borough employee/official required to be bonded shall assume the duties of their office prior to having such bond in place.*

Motion went to a roll call vote: Councilmember S. Stewart-Keeler, "No"; Councilmember C. Williams, "No"; Councilmember A. Montanez, "No"; Councilmember P. Bucco, "Yes"; Vice President M. Oser, "Yes"; Councilmember R. Emilie, "Yes"; and, President F. O'Boyle, "Yes". Motion carried 4 to 3.

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**APPROVAL OF MINUTES**

Councilmember P. Bucco moved to approve the following regular meeting minutes for approval were: June 7, 2021; June 21, 2021; July 6, 2021; and, August 16, 2021, with corrections. Councilmember S. Stewart-Keeler seconded. Motion carried 6 to 1 with Vice President M. Oser abstaining as he was not on Borough Council during these times.

**PERSONS TO BE HEARD**

**Rabbi Jeanette Friedman**, expressed disgust regarding racism and hatred in the Borough.

**Mount Pocono Municipal Authority (MPMA) – Alternate Board Member Nominations** - Vice President M. Oser stated prospects are non-committal but would like to keep this on the agenda moving forward.

**Mount Pocono Association** - Chair J. Bohdal discussed the upcoming Harvest Fest on September 25<sup>th</sup> and she commented that the planters the Borough has would be maintained by the downtown business owners.

**Safety Commission** – Chair J. Bohdal reported that they are making strides and that rumble strips are still being investigated.

**UNFINISHED BUSINESS**

**LSA Grants** – There was discussion on the applications for the Maintenance Garage and sidewalks on Rt 611 between Five Points and Pine Hill. LSA grants need to be submitted by September 30, 2021.

**County Waste** – Borough Manager expressed that we haven't implemented any penalties to date. Sanitation Committee Chair A. Montanez stated that she would work on the letter to exercise the final one-year option to extend services for the year 2022 with no changes in the contract price.

**Hazard Mitigation Plan** – Mayor M. Penn reported that the damages from the recent storms were submitted to PEMA then FEMA.

**Pick Up the Pocono** – Councilmember A. Montanez questioned if she was still the Sanitation Committee Chair and President F. O'Boyle stated that she was. She selected October 9, 2021, as the Pick Up the Poconos Day.

**Notary Fees** – After some discussion, Councilmember A. Montanez moved to reimburse Administrative Assistant Diana Jackowski her notary fees in the amount of \$488.35. Councilmember S. Stewart-Keeler seconded. Motion went to a roll call vote: Councilmember S. Stewart-Keeler, "Yes"; Councilmember C. Williams, "Yes"; Councilmember A. Montanez, "Yes"; Vice President M. Oser, "No"; Councilmember P. Bucco, "No"; Councilmember R. Emilie; "Yes"; and, President F. O'Boyle, "Yes". Motion carried 5 to 2.

**NEW BUSINESS**

**Approval of Malachi Orr as Permanent Employee** – Councilmember P. Bucco moved to end Malachi Orr's probationary period and to make him a permanent full-time employee with a \$1.00 per hour increase, bringing his salary to \$20/hour. Councilmember S. Stewart-Keeler seconded. Motion carried unanimously.

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**Savvy Citizen** – Councilmember A. Montanez moved to purchase Savvy Citizen while ARPA funds are available. Motion went to a roll call vote: Councilmember S. Stewart-Keeler, “Yes”; Councilmember C. Williams, “Yes”; Councilmember A. Montanez, “Yes”; Councilmember P. Bucco, “No”; Vice President M. Oser, “No”; Councilmember R. Emilie, “Yes”; and, President F. O’Boyle, “No”. Motion carried 4 to 3.

**Expanding Planning Commission to Seven Members** – Vice President M. Oser moved to advertise the Ordinance to increase the Planning Commission members from five to seven. Councilmember P. Bucco seconded. Motion carried unanimously.

**Zoning Hearing Board Resignation** – Vice President M. Oser moved to accept the resignation from Michelle Peck as an alternate member of the Zoning Hearing Board. Councilmember P. Bucco seconded. Motion carried unanimously. Zoning/ Codes Enforcement Officer A. Wilkinson volunteered to find out how many members are currently on the Zoning Hearing Board as they haven’t met to reorganize.

**March 4<sup>th</sup> Transcript/ Minutes** – Solicitor J. Fareri volunteered to review the transcript and minutes. This item was tabled.

**Borough Manager/ Position & Ordinance** – tabled.

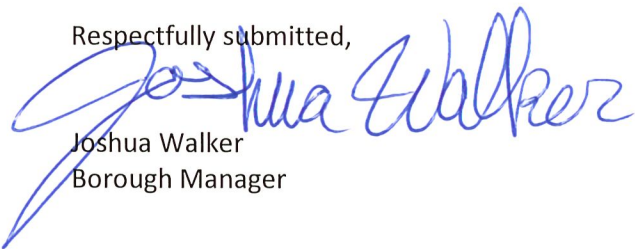
**Additional Signatures** – President F. O’Boyle stated that Vice President M. Oser will become a signatory on the Borough’s bank accounts.

**Public Participation**

**Ann Marie Harris, 236 Winona Road**, questioned who is responsible for the driveway washouts.

There being no further business or public participation Vice President M. Oser moved to adjourn the meeting at 9:51 P.M.

Respectfully submitted,



Joshua Walker  
Borough Manager