

**MOUNT POCONO BOROUGH COUNCIL
REGULAR MEETING MINUTES
MONDAY, JANUARY 7, 2019
7:00 P.M.**

President C. Williams opened the Regular Meeting at 7:00 P.M. with the following members present: Vice President F. O'Boyle Councilmembers; T. Ford; M. Hensel; A. Montanez; and, S. Stewart-Keeler. Mayor M. Penn, Solicitor J. Fareri, Borough Secretary/ Treasurer L. Noonan, and Zoning/Codes Enforcement Officer D. Noonan were also present.

Councilmember D. Casole and Junior Councilmembers S. Darwish and K. Rinaldi were absent.

The Pledge of Allegiance was said by all.

PRELIMINARY ANNOUNCEMENTS

President C. Williams wished everyone a Happy New Year and thanked all for coming out to tonight's meeting. She requested all cell phones be silenced during the meeting.

APPROVAL OF PUBLIC/ SPECIAL MEETING MINUTES OF DECEMBER 18, 2018

Councilmember A. Montanez moved to accept the Public/ Special Meeting minutes of Monday, December 18, 2018, as presented. Councilmember T. Ford seconded. Motion carried unanimously.

OFFICERS' REPORTS

PRESIDENT

President C. Williams stated that there was a lot of work in the Borough before the holiday due to the rain. The road crew has been busy cleaning drains and gutters. If anyone is experiencing problems let them know.

There were comments from Gary Allen and Norman DeLano, Jr. regarding the drainage on Edgewood Drive.

It was noted that the Monroe County Budget was adopted on December 14, 2018, the total of the County budget is 108.4 million-dollar.

President C. Williams noted that she and the Borough Secretary/ Treasurer attended an active shooter seminar on Thursday, January 3, 2019. It was a very good seminar. She stated that the Borough is tight on funds but if needed, the Borough needs to plan on adding safety precautions to the Borough building. She also noted that late last month the Borough received a letter from Regional EMS looking for additional funding. This will be discussed further at the January 22nd, work session.

MAYOR

UPDATE ON MONTHLY ACTIVITIES

Mayor M. Penn reported that a few days before Christmas, he married Kimberly Gonzalez and Herb Henry of Pocono Summit in the Mayor's Chambers. It was a nice small ceremony, about 8 people, and we used Franny's pillars and flowers.

WEDDING CEREMONIES

Married Couple	Locale	Date	License #	Paid
Kimberly Gonzalez & Herb Henry	Borough Hall	12/20/2018	62440	150.00
Total				150.00

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MAYOR'S OPEN OFFICE HOURS

Just a reminder of Mayor's Office Hours:

Monday's, Noon – 2:00 PM

Thursday's, 3:00 – 5:00 PM

Or by appointment

TREASURER'S REPORT

GENERAL FUND CHECKING ACCOUNT	\$ 26,325.31
PENN SECURITY GENERAL FUND ACCOUNT	6,311.36
CAPITAL RESERVE ACCOUNT	1,281.99
BANNER BEAUTIFICATION ACCOUNT	3,145.30
STATE LIQUID FUELS	16,552.90
PARK & RECREATION FUND	871.83
PLANNING COMMISSION REIMB. FUND	9,759.67
ROAD FUND – GENERAL FUND	2,646.81
STORMWATER FUND	67,746.92
GENERAL FUND RESERVE ACCOUNT	1,108.18
SANITATION FUND	8,430.14
INTERSECTION& SIGNALIZATION FUND	<u>344,057.20</u>
 GRAND TOTAL	 <u>\$488,237.61</u>

Vice President F. O'Boyle moved to pay and approve the bills and transfers as outlined in the Treasurer's Report dated Monday January 7, 2019, as presented. Councilmember S. Stewart-Keeler seconded. Motion carried unanimously.

BILLS TO BE PAID FROM THE GENERAL FUND CHECKING ACCOUNT:

ACE Hardware	(batteries, ice melt, sump pump)	\$ 328.60
Barry Iset & Associates	(engineering)	461.80*
Blue Ridge Communications	(phones)	416.41
Cyphers Truck Parts	(strobe lights for '06 Pete)	125.10
Cintas	(uniforms/rugs)	422.12
DG Nicholas Co	(hydraulic oil for '06 Pete)	317.50
ESSA Bank	(loan)	2,309.20
Ed's Auto	(1997 inspection & oil change)	585.66
FNB Visa	(maint. supplies, tree lighting supplies)	270.11
H. Clark Connor	(PC Solicitor – 10/30/2018-12/19/2018)	870.00
Highmark Blue Shield	(health insurance)	8,301.83
Jack Williams Tire	(repair to F-550 rear right tire)	24.95
Lowe's	(building supplies)	47.00
Monroe County Control Center	(fire/ems portion) DD 01.31.2019	694.23
Mt Pocono Municipal Authority	(sewer for Brunswick Dr. Property)	74.40
MetLife	(life/disability)	306.52
Monroe County Info Services	(RE Tax Bills)	67.09
NAPA Auto Parts	(zip ties & hydraulic oil)	422.54
P P & L	(electric – 2 months) DD 02.02.2019	3,591.77
PA One Call	(service – 2 months) DD 01.31.2019	32.35
PA Paper & Supply	(paper towels/toilet paper)	122.84
PA American Water	(hydrants) DD 01.24.2019	685.77
Payrolls Unlimited	(December)	99.25
Plociniak Oil	(heating oil)	3,582.27

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Pocono Mountain Regional Police	(January Mortgage Payment)	2,792.12
PM Public Library	(One Mill dedicated RE Taxes)	613.16
PM Vol. Fire Co.	(one mill RE Taxes)	613.20
PM Regional EMS	(1/2 mill dedicated RE taxes)	306.61
Pocono Record	(advertising – November)	52.04
Service Tire Truck Centers	(backhoe/loader tire repair)	36.50
Sunoco	(gas/diesel)	947.72
Thyssenkrupp Elevator	(service)	188.29
Tulpehocken Spring Water	(water)	62.49
Tu-Way Mobil Communications	(service @ maint garage)	240.00
US Bank	(copier lease)	317.54
Verizon Wireless	(cell phones)	141.68
Walmart	(maint. Supplies)	<u>23.60</u>

GRAND TOTAL **\$30,494.26**

*Reimbursable

Highlighted Bills to be paid on due dates (DD) as outlined above, total \$5,004.12

BILLS ALREADY PAID FROM THE GENERAL FUND CHECKING ACCOUNT:

Mt Pocono Payroll	(w/e 12/05/18)	\$ 6,766.97
Mt Pocono Payroll	(w/e 12/12/18)	8,017.23
Mt Pocono Payroll	(w/e 12/19/18)	7,770.30
Mt Pocono Payroll	(w/e 12/26/18)	7,071.06
Mt Pocono Payroll	(w/e 01/02/19)	<u>6,791.93</u>

GRAND TOTAL **\$36,417.49**

BILLS TO BE PAID FROM THE LIQUID FUELS ACCOUNT:

Cargill	(de-icing salt)	\$2,869.91
EM Kutz, Inc.	(tire chains & cutting edges)	2,500.98
P P & L	(electric – 2 months)	<u>5,311.00</u>

GRAND TOTAL **\$10,681.89**

BILLS TO BE PAID FROM THE INTERSECTION FUND:

Signal Services, Inc.	(repairs to SR940 & Indust.)	<u>\$370.00</u>
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ZONING/CODES ENFORCEMENT OFFICER

Zoning/ Codes Enforcement Officer D. Noonan reviewed the following report for December 2018:

Permits / Certificates Issued (12/4 to 1/4):

- Road Cut – 1
- Fence – 1
- Shed – 2
- Roof – 1
- Solar Installation - 1

Fees (12/4 to 1/4): \$572.00

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Rental Inspections: 2

Additional Work / Activities:

- 12/3 - Council meeting.
- 12/19 - PC meeting.
- 1/4/19 – 5 Seneca / 83 Winona site inspection with Attorney Clark Conner, property owner Jim Moore and Attorney De Stefano.
- Initiated comprehensive zoning ordinance and SALDO review.

SOLICITOR

Solicitor J. Fareri stated that Borough Council was supposed to vote on the incurring debt of Mount Pocono Municipal Authority (MPMA) USDA Funding this evening, but due to the government shutdown the USDA is not functioning and as such the Bond Council has requested that the Borough publicly announce they may hold a Special Meeting on Tuesday, January 22, 2019, at 7:00 P.M. should the government shutdown be over at that time and they would be able to close on that loan.

Advertise Special Meeting

Councilmember A. Montanez moved to advertise a Special Meeting on Tuesday, January 22, 2019 and to place advertise as late as possible to save money should the government shutdown not be over in time. Councilmember S. Stewart-Keeler seconded. Motion carried unanimously.

Solicitor J. Fareri also stated that he was contacted today by Attorney Todd Witesman who represents the Monroe County Redevelopment Authority regarding the land bank properties and title of blighted properties. They are interested in working with Borough as its first participant in this project. He noted they are scheduling a meeting with the Pocono Mountain School District on January 17, 2019, he will keep Borough Council apprised of the meeting date, time and place as information is made available to him.

PERSONS TO BE HEARD

None

UNFINISHED BUSINESS

Action Items List

The Borough Secretary/ Treasurer reviewed and updated the Action Item List accordingly.

Proposed Fireworks Ordinance

Borough Solicitor J. Fareri advised that the definitions of “Consumer Fireworks” and “Display Fireworks” need to be outlined. He will review and provide.

Richard Varney, 21 Church Street, questioned if “ground fireworks” were permitted.

Council agreed to review the proposed Fireworks Ordinance at the next work session.

Proposed Chicken Ordinance

Vice President F. O’Boyle moved to make no changes to the current Ordinance. Councilmember A. Montanez seconded.

2019-204

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Councilmember M. Hensel moved to advertise the Chicken Ordinance as received this evening.
Councilmember T. Ford seconded.

Questions on the motion went to back to the first motion made by Vice President F. O'Boyle recommending that no changes be made to the current Ordinance. A lengthy discussion ensued amongst the Borough Council, ranging from the length of the permits, what is or can be done with the chicken "waste", can chickens spread the Avian Flu, and whether a tenant/renter can obtain a permit for chickens.

Questions from the public:

Ms. Doreen Camplone of 14 Skyline Way, discussed the Avian Flu and could chickens infect turkeys and/ or water fowl.

Mr. Richard Varney of 21 Church Avenue, questioned if there was such a thing as an odorless chicken coop.

Councilmember T. Ford explained that our Ordinance requires that there be a secured chicken coop and there are no free-range chickens allowed.

Mr. Mike Oser of 39 Fairview Avenue, stated that we currently have violators and what are we going to do with more violations, more chickens, more coops and more non-enforcement.

Vice President F. O'Boyle stated that he has heard there is a petition that has been signed but he has not seen this petition.

President C. Williams went back to the motion made by Vice President F. O'Boyle, seconded by Councilmember A. Montanez to make no changes to existing Ordinance. Motion went to a roll call vote: Councilmember T. Ford, "No"; Councilmember A. Montanez, "Yes"; Councilmember M. Hensel, "No"; Councilmember S. Stewart-Keeler, "No"; Vice President F. O'Boyle, "Yes"; President C. Williams, "Yes". Motion was tied with Mayor M. Penn breaking the tie with a "Yes" vote. Motion carried.

Councilmember M. Hensel moved to advertise the proposed Chicken Ordinance. Councilmember T. Ford seconded. Motion went to a roll call vote: Councilmember T. Ford, "Yes"; Councilmember A. Montanez, "No"; Councilmember M. Hensel, "Yes"; Councilmember S. Stewart-Keeler, "Yes"; Vice President F. O'Boyle, "No"; President C. Williams, "No". Motion was tied with Mayor M. Penn breaking the tie with a "No" vote. Motion failed.

Referendum

Councilmember A. Montanez moved to research the process to have a referendum on the ballot regarding chickens. Vice President F. O'Boyle seconded. Motion went to roll call vote: Councilmember T. Ford, "No"; Councilmember A. Montanez, "Yes"; Councilmember M. Hensel, "No"; Councilmember S. Stewart-Keeler, "Yes"; Vice President F. O'Boyle, "Yes"; and, President C. Williams, "Yes". Motion carried 4 -2.

NEW BUSINESS

Ordinance 1 of 2019 – Tax Millage Ordinance

Vice President F. O'Boyle moved to adopt Ordinance 1 of 2019, the setting the Real Estate Tax Millage for 2019. Councilmember A. Montanez seconded. Motion carried unanimously.

Committee Resignations

Vice President F. O'Boyle moved to accept the resignations of Robin LaForge from the Park & Recreation Board and Vincent Misuraca from the Planning Commission. Councilmember S. Stewart-Keeler seconded. Motion carried unanimously.

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Park & Recreation Appointments

Councilmember M. Hensel moved to reappoint Deb Fulton to the Park & Recreation Board for a term to expire on December 21, 2022. Councilmember S. Stewart-Keeler seconded. Motion carried unanimously.

Councilmember T. Ford moved appoint Robert Stank to the Park & Recreation Board for a term to expire on December 21, 2021. Councilmember S. Stewart-Keeler seconded. Motion carried unanimously.

Planning Commission Appointment

Councilmember M. Hensel moved to appoint Richard Varney to the Planning Commission for a term to expire on December 31, 2021. Councilmember T. Ford seconded. Motion carried unanimously.

Alternate Member to Planning Commission Appointment

Councilmember T. Ford moved to appoint Patricia Bucco as an Alternate Member to the Planning Commission. Councilmember M. Hensel seconded. Motion carried unanimously.

Zoning Hearing Board Appointments

Councilmember M. Hensel moved to appoint Norman A. DeLano, Jr. to the Zoning Hearing Board for a five (5) year term. Councilmember T. Ford seconded. Motion carried unanimously.

Councilmember T. Ford moved appoint Leanon Trawick as an Alternate Member to the Zoning Hearing Board. Councilmember A. Montanez seconded. Motion carried unanimously.

Mount Pocono Municipal Authority (MPMA) Appointments

Councilmember T. Ford moved appoint Jodi Bohdal to MPMA for a five (5) year term. Councilmember M. Hensel seconded. Motion went to a roll call vote: Councilmember T. Ford, "Yes"; Councilmember A. Montanez, "No"; Councilmember M. Hensel, "Yes"; Vice President F. O'Boyle, "No"; Councilmember S. Stewart-Keeler, "No"; and, President C. Williams, "No". Motion failed.

Vice President F. O'Boyle moved to appoint Mike Penn to the MPMA for a five (5) year term. Councilmember S. Stewart-Keeler seconded. Motion carried unanimously.

STANDING COMMITTEES

Junior Councilmember Report

No report.

Planning

It was noted that Councilmember D. Casole submitted her report in writing and is in everybody's packets.

Department of Public Works

Vice President F. O'Boyle stated that he was contacted by Ed's Auto about the Borough's 1997 Chevy one-ton pickup truck which passed inspection this year but will not pass inspection next year. Vice-President F. O'Boyle stated that Council will need to decide what to do with the vehicle. The current inspection is good through December 31, 2019.

2019-2020

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Chevy Tahoe

Vice President F. O'Boyle moved to advertise the Chevy Tahoe SUV for sale and with the clause that the Borough has right to reject any and all bids. Councilmember A. Montanez seconded. Motion carried unanimously.

Vice President F. O'Boyle discussed Center Street and that the Lansdowne property was flooded right before the holidays and he stated that three (3) driveways on Center Avenue need pipes and other pipes need to be installed under Center Avenue to ensure that this flooding does not continue. He stated that this is work that should be done once the weather breaks.

Utilities

Councilmember M. Hensel stated that they are o.k. even with the government shutdown they are still able to pay their contractors with general fund monies. The project is still on schedule

Water

No report.

Recreation

Councilmember S. Stewart-Keeler stated that the Cookie Swap was held in December, they did not have a great turnout, but they will plan better for next year. She noted that the next Park & Recreation meeting is scheduled for Thursday, January 17, 2019.

Sanitation

Councilmember A. Montanez stated that the Sanitation Committee will be meeting with PRDs and County Waste on Monday, January 14, 2019.

Buildings

Vice President F. O'Boyle noted that the downspouts in front of the building need to be hooked back up.

Budget and Finance

Budget and Finance was discussed earlier.

Personnel

President C. Williams stated that they will be meeting with the Maintenance Department personnel this month.

Regional Police

Mayor M. Penn gave the following Regional Police Report:

November Police Report – Mount Pocono Statistics

- 181 total calls [154 complaints + 27 accidents]
- 13 criminal arrests
- 91 traffic arrests
- 46 vehicle code warnings
- 12 ordinance arrests

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- Overall down from prior month, except traffic arrests
- Patrol hours and Investigative hours up slightly
- Overall, about 27 hours under budget for the month, YTD on target
- *Mount Pocono Borough Crime Stats:*
 - 17 larceny & theft (15 commercial & 2 residential)
 - 4 disorderly conduct
 - 7 domestics
 - 2 assault
 - 1 forgery
 - 1 vandalism
 - 2 DUI
 - 1 drunkenness
 - 2 drug violations
 - 9 domestics
- *Active Shooter Threat:*
 - Mike Oser attended the last Police Commission Meeting and voiced his concern that he was called an “active shooter threat” by one of Mount Pocono’s Council Members.
 - As a result, the Regional Police were asked to investigate Mike Oser, and Mount Pocono has incurred Investigative hour expenses.
 - I have known Mike Oser for a couple years now and served on various boards with him. Although we differ on some things, I have never considered Mike Oser an active shooter threat.
 - Prior to Mike Oser coming before this Council last month voicing the same concern about a Council Member calling him an active shooter threat, I had never heard these words uttered in relation to Mike Oser and was surprised when he made the claim.
 - Upon further inquiry, it became clear that Council Member Matt Hensel called Mike Oser, planting that seed and asking him if he was an active shooter threat, knowing Mike Oser would then place a Right to Know Request for correspondence to uncover who called him an active shooter request.
 - I looked back at the December 3, 2018 Minutes under Persons to Be Heard, and there wasn’t specific mention in the Minutes that Mike Oser objected at the Council Meeting to being called an active shooter threat.
 - The minutes aren’t meant to be verbatim, but because of the weight of this comment, Lori, could we include this in the Minutes for tonight’s meeting? The same issue came up at the PMRPC meeting, and it’s how they dealt with it.

Regional EMS

Mayor M. Penn noted that there was no meeting due to inclement weather and that they are still seeking additional funding.

2019-008

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COG

Borough Secretary/ Treasurer L. Noonan stated that the next meeting will be held on Monday, January 28, 2019.

Sidewalk & Safety Committee

President C. Williams discussed the Sidewalk & Safety Committee. She stated that she received several phone calls asking why she doesn't support the Sidewalk & Safety Committee that was posted on the Facebook page. She stated that she did not know anything about the committee and was upset that people were stating that she was against it.

There was a lengthy discussion about the Facebook page and what is represented on that Facebook page. Further discussion occurred about the "Coffee with Council" event that was posted noting that Councilmembers T. Ford & M. Hensel would be in attendance, however, not all Councilmembers were aware of the "Coffee with Council" meetings. The discussion became loud and argumentative.

In response to previous discussion, Councilmember M. Hensel abruptly left the meeting stating that he resigns. President C. Williams questioned Solicitor J. Fareri for advice on the resignation. Solicitor J. Fareri stated that Councilmember M. Hensel needs to submit a formal letter of resignation to Borough Council.

Public Comment:

Tom Neville, Knob Road, stated that he is not a Facebook fan.

Richard Varney, Church Avenue, discussed the Facebook page.

PUBLIC PARTICIPATION

Mike Oser, Fairview Avenue, questioned if those who do not pay their garbage bills if liens have been placed on their properties.

Tom Neville, 209 Knob Road, thanked Borough Council for all its work.

There being no further business or any further public participation coming before the Board, Councilmember S. Stewart-Keeler moved to adjourn at 9:30 P.M. Councilmember A. Montanez seconded. Motion carried unanimously.

Respectfully submitted,


Lori Noonan, Borough Secretary

2019-010