

MOUNT POCONO BOROUGH COUNCIL
REGULAR MEETING MINUTES
THURSDAY, NOVEMBER 5, 2020
7:04 P.M.

President C. Williams opened the Regular Meeting at 7:04 P.M.

The Pledge of Allegiance was said by all.

With the following members present: President C. Williams, Vice President F. O'Boyle, Councilmembers; T. Neville, S. Stewart-Keeler, P. Bucco. Mayor M. Penn, Solicitor A. D'Angelo; Asst. Secretary/Treasurer J. Simchak; Zoning Officers A. Wilkinson and J. Rosario were also present.

Absent: Councilmember R. Emilie (left after Executive session), Councilmember A. Montanez and Solicitor J. Fareri.

PRELIMINARY ANNOUNCEMENTS

President C. Williams stated that an Executive Session was held today at 6:00 P.M. to discuss a personnel matter.

APPROVAL OF MINUTES

Councilmember P. Bucco moved to accept the Regular Meeting minutes of October 5, 2020, as presented. Councilmember S. Stewart-Keeler seconded. Councilmember T. Neville asked that the minutes be corrected as he "questioned" if the time clocks were working, not a statement that they were working. Motion carried with correction unanimously.

OFFICER'S REPORTS

President

President C. Williams turned over her report to Vice President F. O'Boyle.

Vice President F. O'Boyle questioned whether the individual who made an offer on the lot on Brunswick Rd was contacted to see if they were still interested. He recommends moving on the matter because every year that goes by will result in a decreased amount offered.

He noted that he reviewed the 2020 budget, and no equipment is due to be purchased in the upcoming year.

He recommended that \$40,000 be transferred from Park & Rec into the General Fund because it is needed. President C. Williams called for a motion. Vice President F. O'Boyle made a motion to transfer \$40,000 that is due to the Borough from Park & Rec into the General Fund in repayment of funds paid on their behalf in 2008. Councilmember T. Neville seconded. Discussions clarified that the funds were given as a loan by the Borough to cover an invoice for stormwater management work that needed to be done during a project, but Parks & Rec did not have funds to pay at the time. Councilmember Bucco questioned whether the amount of \$40,000 was confirmed. She also questioned why there is a separate account for Parks & Rec considering there are on-going expenses associated with the parks, such as, porta-potties, and lawn cutting that comes out of the General Fund, not Parks & Rec. Clarification was made that Parks & Rec does not have their own outside account, but there is a separate bank account within the Borough. Councilmember Bucco recommended to just make it a budgetary line item, not held in a separate account moving forward and that their related expenses be drawn from Parks & Rec. Mayor Penn questioned the solicitor as to whether there was any obligation to have a separate account for Parks & Rec. Attorney A. D'Angelo believes it is needed to separate the individually earmarked impact funds. He deferred to Attorney Fareri for further clarification/determination. Randy Altemose, Parks & Rec chairman, came forth to request that funds continue to stay separate from the General Fund. He stated that separate accounts are easier to manage. He also mentioned that he felt there would never be adequate funding for projects for Parks & Rec if regular expenses were assessed to them. He went on to say that the only money Park & Rec gets is from impact fees and there are large spans when no money comes in when there is no new construction. He also stated that the impact fee is down to \$0.15/square foot. Zoning Officer A. Wilkinson corrected that it is \$0.25/SF according to our current fee schedule (March 3, 2019). Councilmember Neville inquired about other funding sources for Park & Rec. R. Altemose said there are no other sources at the current time, except potentially from a foundation that is not directly associated with

the Borough. Discussions trying to identify other sources were had. Motion to transfer \$40,000 from Park & Rec to General Fund passed unanimously.

Vice President O'Boyle mentioned that the ARLE Grant, which pertains to traffic signals, is mostly complete but needs to be finalized.

He questioned whether the Borough has received reimbursement payment from Paradise Twp. for Workman's Comp (Fire Company). He noted that contributions to the Fire Company (for gasoline) of \$3,000, and EMS of \$500 has not been paid yet. Acting Secretary/Treasurer J. Simchak said no invoice for these items has been received. Vice President O'Boyle stated that historically no

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invoice has ever been generated; the Borough just pays it. President Williams questioned if the Borough receives a receipt for the "donation". Vice President O'Boyle says the entities do provide some sort of acknowledgement.

Asst. Secretary/Treasurer J. Simchak questioned a bill for line painting in the amount of \$250. Vice President O'Boyle responded that it is a split cost with Paradise Twp. which the Borough reimburses them for. It was noted that all these matters were handled by the Secretary/Treasurer in the past.

Mayor

Mayor M. Penn thanked everyone who took the time out to vote. He reported that Council needed to either adopt or reject the 2021 Regional Police Budget tonight. If the decision is to reject, they need to send a list of points for clarification or amendments by November 15. If accepted, there will be a \$10,000 annual increase, with no additional hours. The new cost will be \$741,104.22/annually, which equates to \$61,758.69/monthly. In addition, the Borough will also pay \$103,199.16 towards the pension obligation and \$27,600 towards the mortgage obligation. The resolution to accept the 2021 Regional Police Budget is included in the meeting packet. Councilmember P. Bucco made a motion to accept the proposed budget, Vice President O'Boyle seconded the motion. Discussion followed. Vice President O'Boyle stated that the increase was not bad considering no change in hours. Resident Mike Oser voiced concern that the Borough cannot afford it considering existing budget deficits and recommended rejecting the 2021 budget and reverting back to the 2020 budget. He questioned why Council does not pursue the utilization of State Police instead at zero cost. Mayor Penn offered a correction that if rejected, it would revert to the 2019 budget, which is the current operating budget. Mayor Penn also noted that there is no remedy built into the budget regarding outcomes should Council reject. He speculated that a possible solution may be further reduction of hours but said that further discussions with Regional would need to occur in that event. Mayor Penn noted that acceptance of the budget is a separate matter from the decision to withdraw. Motion to accept carried unanimously.

Mayor Penn made the recommendation, based upon input from the personnel committee, to hire Nicholas Michaylira as a full-time member of the road crew. Councilmember P. Bucco made a motion to hire Nicholas Michaylira at \$18/hour plus benefits, effective immediately. Councilmember T. Neville seconded. Mr. Michaylira was given the opportunity to introduce himself. He said that he would offer his current employer two-weeks' notice, but in the event that he was not required to fulfill the entire two weeks, he was willing to start at the Borough as soon as possible. Motion carried unanimously.

Mayor Penn offered a courtesy update regarding he and President C. Williams' participation in a Labor Relations Board meeting in Harrisburg pertaining to a complaint filed by Dennis and Lori Noonan. He noted that it would be several months (approx. 72 days) before there were any findings on the matter.

He also noted that the 2016 Monroe County Hazard Mitigation Plan is due to expire in October 2021. He needed to know if in lieu of preparing their own if Council preferred to adopt the County's plan. He said that the County has asked municipalities to put together a wish list. Mayor Penn requested that councilmembers and residents contact him (preferably via email) to note any concerns they have regarding hazardous conditions in the Borough (e.g., flooding). The County committee is looking to commence right after Thanksgiving, so information should be forwarded as soon as possible so it can be compiled and sent to the County.

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Borough Secretary/Treasurer

Acting Borough Secretary/ Treasurer J. Simchak offered the following regarding currents debts and deposits:

Bills (Total): \$131,653.17

Liquid Fuels: \$2,372.60

Beautification: \$169.91 (will be submitted for grant reimbursement)

Parks & Recreation (Picnic tables): \$3,358.00

Payroll: \$28,892.99

Vendor Name	\$ Amount	OK	Check #	Pd Date	Notes
Amttrust	\$ 2,709.00				Insurance
ACS (Avaya) phones	\$ 285.00				
Alarm Installers Corp	\$ 756.00				Monitoring of 3 Alarm System
Barry ISETT	\$ 5,762.43				\$4,647.50 Reimbursable
Berkheimer	\$ 71.54				
Beskmann's Plumbing & Heat	\$ 465.00				
Blue Ridge	\$ 60.93				Maintenance
Blue Ridge	\$ 360.89				Office
Cintas	\$ 429.53				Uniforms
H. Clark Connor	\$ 375.00				PC Solicitor
Custom Products Corp.	\$ 126.88				
DeAngelo Contracting	\$ 10,700.34				Special Paint- road striping
Deluxe	\$ 224.16				Special Window Envelopes
ESSA	\$ 2,309.20				Loan Payment
Ed's Auto	\$ 1,048.62				
FNB Visa Card	\$ 366.48				Gas/Diesel & Time Clock
FP Mailing Solutions	\$ 75.00				Postage Machine
The Law Office of Michael V. Gazza	\$ 802.60				ZHB - Aspen Dental
Gelsenger	\$ 10,517.00				Health Insurance
Gotta Go Potties, Inc.	\$ 170.00				
Go Daddy-Back IT Consultant	\$ 259.88				Jean Simchak (Reimbursement)
Highmark Blue Shield	\$ 169.14				Due from last month - full amt not paid
Highmark Blue Shield	\$ 203.20				
Kirk Summa & Co. LLP	\$ 7,400.00				Annual Audit
Linder Engineering	\$ 413.75				Sketch for LSA/ Garage
Lowe's	\$ 82.54				Maint & Bldg Supplies
Mason (W.B.)	\$ (15.48)				Need Order Placed
Medico	\$ 50.28				Backhoe Teeth
Mosko Glass	\$ 259.00				Glass ZO Office Window
Mat-Life	\$ 641.64				
Matz, Inc.	\$ 2,451.76				Combustion Damper, Safety Valve
Bruce & Dorothy Matula	\$ 655.09				RE Tax Refund
Newman, Williams, Mishkin	\$ 91.50				

Panko Reporting	\$ 175.00				ZHB Aspen Dental
Pennoni	\$ 548.00				Clarius
Pennoni	\$ 2,405.00				Lot 28 Market Way
Pa. American Water	\$ 116.37				47.98 to 68.40 gar
Pa. One Call	\$ 13.40				
PSAB	\$ 463.00				Membership Dues
PSAB Training	\$ 225.00				Training
Pa. Paper & Supplies	\$ 243.09				Kleen, Trash Bags, Towels, Toilet Tis
Pocono Record	\$ 738.92				Aspen, Emg. Meet. Special Mtg.
PMRPD	\$ 60,984.91				Police services
PMRPD	\$ 2,792.12				Mt. Mortg. Fee
PM Public Library	\$ 723.59				RE Taxes & Delinq. Taxes Owed
PM Vol. Fire Company	\$ 723.60				RE Taxes & Delinq. Taxes Owed
PM Regional EMS	\$ 361.81				RE Taxes & Delinq. Taxes Owed
PPL	\$ 75.89				Meter 1 Pocono Blvd
PPL	\$ 60.23				Meter 3 Pocono Blvd
PPL	\$ 30.03				Center/Oak Concession Stand
PPL	\$ 49.23				36 Pocono Blvd. Lighting
PPL	\$ 259.36				Boro Office 1361 Pocono Blvd.
PPL	\$ 45.97				Meter 3 Pocono Blvd
PPL	\$ 117.41				Knox & Kinney Maint.
Payrolls Unlimited	\$ 125.15				payroll service
Quill Corp	\$ 79.55				UB Drives
Response Computers	\$ 205.00				Install Trend Micro
Underdog	\$ 150.00				Carmin Oct & Nov. \$75.00
CW Harrisburg Trip Boro Bus	\$ 116.51				30. park, 42.51 gas, Meals 44. (2)
MP Harrisburg Trip Boro Bus.	\$ 44.00				Meals 2 \$44.00 Verified by JES
Signal Services	\$ 220.00				\$30 Lab. Serv. Veh. \$20. Dector \$170
Signal Services	\$ 376.00				Repairs to EB Yellow @ 5 Pts
Signal Services	\$ 1,700.00				Yearly Maintenance
Selective	\$ 5,836.00				Minimum Payment
SPW Cleaning Services	\$ 600.00				General Cleaning for October 2020
Treasurer's Office	\$ 78.77				Tax Collect Resolution Monroe
Tulpehocken	\$ 89.99				Dispute

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Pennoni	\$	2,405.00			Lot 28 Market Way		
Pa. American Water	\$	116.37			47.98 to 68.40 gar		
Pa. One Call	\$	13.40					
PSAB	\$	463.00			Membership Dues		
PSAB Training	\$	225.00			Training		
Pa. Paper & Supplies	\$	243.09			Kleen, Trash Bags, Towels, Toilet Tis		
Pocono Record	\$	738.92			Aspen, Eng. Meet. Special Mtg.		
PMRPD	\$	60,984.91			Police services		
PMRPD	\$	2,792.12			Mt. Mortg. Fee		
PM Public Library	\$	723.59			RE Taxes & Delinq. Taxes Owed		
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Selective	\$	5,836.00			Minimum Payment		
SPW Cleaning Services	\$	600.00			General Cleaning for October 2020		
Treasurer's Office	\$	78.77			Tax Collect Resolution Monroe		
Tulpehocken	\$	89.99			Dispute		

Veridin Clocks	\$	567.00			Clock Renewal Invoice		
Reimbursement	\$	8.99			Jean (Batteries) office		
GRAND TOTAL		\$131,653.17					
BILLS TO BE PAID FROM LIQUID FUELS:							
Hanson	\$	1,065.83			#760776197638		
Locust Ridge Quarry	\$	513.98			Invoice 191861 192145		
Locust Ridge Quarry	\$	466.08			Invoice 192764 192834 192924		
PPL	\$	27.92			Blinker Rte 611		
PPL	\$	47.35			Rte. 611 Traffic Signal 1/2 Bel		
PPL	\$	28.53			Traffic Signal Rte 940		
PPL	\$	71.41			Rte 940 Intersection		
PPL	\$	51.50			Rte 940 & Industrial Park Dr.		
GRAND TOTAL		2,372.60					
BILLS TO BE PAID FROM BEAUTIFICATION FUND:							
Lowe's		\$169.91			MSLV Grant Reimbursable		
BILLS TO BE PAID FROM THE PARK & REC FUND:							
George Ely Associates		\$3,358.00			Picnic Tables		
PAYROLL TRANSFERS FROM GENERAL FUND:							
Payroll w/e 09.30.2020		5,704.74					
Payroll w/e 10.07.2020		6,240.50					
Payroll w/e 10.14.2020		5,405.21					
Payroll w/e 10.21.2020		5,700.89					
Payroll w/e 10.28.2020		5,841.65					
GRAND TOTAL		28,892.99					

EIT/LST October: \$11,143.98					
Penn Security Deposits:					
October 13, 2020: \$131.50					
Road Rehab Deposits:					
October 13, 2020 \$433.50					
November 2, 2020 \$267.60					
Beautification Fund Deposit:					
November 2, 2020 \$1,000 MSLV Reimbursement					
FNB General Fund Deposits:					
October 13, 2020 \$15,829.14					
November 2, 2020 \$10,479.08					
November 2, 2020 \$35,905.10					

General Checking:	\$162,615.03
General Account Fund:	\$782.06
Banner Beautification:	\$2,263.24
Liquid Fuels:	\$31,918.33
Parks & Recreation:	\$201,367.77
Planning Commission Reimbursement:	\$7,059.72
Road Fund:	\$1,879.02
Stormwater Fund:	\$35,732.90
Sanitation:	\$4,199.40
<u>Intersection/Signalization:</u>	<u>\$149,382.25</u>
Total:	\$597,199.72

Borough received a quote from Metz in the amount of \$28,470 to upgrade the HVAC system. This work could be covered by the CARES Act grant (\$37,000). Councilmember Bucco requested a second quote.

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Vice President O'Boyle questioned the bill from AIC (alarm company). He requested verification of what year the bill was for. He recommended that if it is for 2021, to pay it at a later date. He also questioned what the fee for "Custom Products" was for. Asst. Secretary/Treasurer J. Simchak said she did not know what it was for but would speak with L. Noonan tomorrow.

Vice President O'Boyle also inquired about a fee from D'Angelo Contracting Services. It was confirmed that it was for road striping services rendered. Councilmember P. Bucco disclosed that at the last COG meeting she learned that D'Angelo Contracting was relieved from services due to poor quality workmanship in other municipalities.

Asst. Secretary/Treasurer J. Simchak said she is holding checks for all questionable items until clarification is made.

Councilmember S. Stewart-Keeler moved to pay and approve the bills as outlined in the attachment in the Borough Treasurer's report. Councilmember P. Bucco seconded. Motion carried unanimously.

ZONING/CODES ENFORCEMENT OFFICER

Zoning officer A. Wilkinson addressed the urgent need to move forward with contracting General Codes. She mentioned that Borough ordinances are not available on-line and the bound copy in-house is more than 10 years old. She noted that this produces an inefficient work environment. She summarized that the recommendation is to continue with the contract that was initiated by the Borough in 2013-2014 for \$12,000. The Borough got halfway through and stopped. She said she was able to negotiate with a representative from General Codes who agreed to honor the 2013/2014 contract and then provided a change order in the amount of \$3,283 to address amendments that were passed after the date of the initial contract. There is approximately a \$6500 remaining balance on the original contract, therefore the total out of pocket cost is approximately \$9,783. The change order dated October 5, 2020 is under a 90-day time clock to activate. Zoning Officer J. Rosario pointed out that moving forward would eliminate third-party involvement and provide easy access to residents and others. Due to the time-sensitivity of the matter, President C. Williams called for a motion. Councilmember P. Bucco made a motion to accept the change order and move forth the initial contract through General Codes. Councilmember S. Keeler seconded. Vice President O'Boyle requested verification of the exact figure of previous monies owed. Zoning Officer Wilkinson said she was confident that, though not exact, the \$6500 amount was in the correct ballpark. To allow for minor adjustments, Council decided to amend the motion to provide a \$10,000 cap. Motion carried unanimously.

Zoning Officer Wilkinson addressed the revised shed ordinance. The ordinance presented was approved by the Borough Planning Commission on October 21, 2020, with the condition of adding stormwater management verbiage recommended by the engineer. The revised ordinance would be 5 of 2020. Councilmember P. Bucco made a motion to accept the shed ordinance, as presented. Councilmember S. Keeler seconded. Motion carried unanimously.

Zoning Officer J. Rosario voiced concern that within the current fee schedule many fees are assessed the same for both commercial and residential properties. He recommended revising prior to the new year. Prompted by questions, he confirmed that the zoning office had already taken the initiative to compare with neighboring municipalities and others. President C. Williams requested zoning prepare a revised fee schedule and present it to Council at the work session.

Zoning Officer Rosario acknowledged that he emailed prospective building code enforcement companies to the Mayor and President which were approved by Labor and Industry. Mayor Penn agreed to forward to the rest of council and the matter will be addressed at a subsequent meeting. Zoning looking for direction on who Council would like them to contact.

Zoning Officer Rosario reminded Council that the execution of the contract with Azavar for franchise audit services was still outstanding. He updated Council on a meeting with an Azavar consultant that occurred when Vice President O'Boyle and Councilmember S. Keeler were present. The contract is contingency based, with no out-of-pocket to the Borough, and imposes a 55-45 split of proceeds in the Borough's favor. Contracts were sent to the solicitor and are awaiting his input. Councilmember S. Keeler recommended that all councilmembers take the initiative of reaching out to neighboring municipalities to pass on the word. More local involvement can equate to a larger profit share. Resident Michael Oser requested to be involved in franchise fee efforts.

President Williams acknowledged that both zoning officers completed their 90-day probationary period. She requested a motion to retain and designate Zoning Officer A. Wilkinson as department supervisor at a rate of \$20/ hour and retain Zoning Officer J. Rosario as a zoning and code enforcement officer, reporting to ZO Wilkinson, at a rate of \$16/hour. Both individuals would remain part-time employees. Motion to accept was brought forth by Councilmember P. Bucco and was seconded by Councilmember T. Neville. Motion carried unanimously.

SOLICITOR

Solicitor A. D'Angelo stood in for Solicitor J. Fareri and offered the following updates:

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Developer's Agreement- In regard to the McDonald's rebuild, the draft agreement was sent to the developer's engineer approximately 3 months ago. No response has been received to date.

I Summit Drive- Traditional service has been unsuccessful to date. He stated their office has obtained an order from the court for Special Service.

Franchise Audit- Attorney Fareri is in the processing of reviewing.

Pinehill Road- Attorney D'Angelo requested a motion on behalf of LPC (Lot 28) to amend their Developer's Agreement to allow coordination of Pinehill Road Intersection improvements and associated roadway extension to not be tied to their CO, as the projected timing of project completion is currently way ahead of desired offsite improvements. LPC agrees to provide required funding as pertains to Pinehill Rd. improvements. Zoning Officer Wilkinson requested that language include coordination with Coolbaugh Township. Councilmember S. Keeler moved to accept the amended agreement. Councilmember P. Bucco seconded. Motion carried unanimously.

Other- Vice President O'Boyle questioned two pending appeals (Monroe County Assessment office) which he believes Attorney Fareri needs to attend. Attorney D'Angelo said the Borough needs to forward to Attorney Fareri for coordination because it does not appear that he was cc'd directly.

PERSONS TO BE HEARD

GoDaddy- Not present.

UNFINISHED BUSINESS

New Hire-Matter was resolved during the Mayor's report (see above).

Update on e-mail services- President Williams addressed that action needs to be taken to get the system up and ready for remote operations.

Asst. Secretary/Treasurer Simchak updated the Council that the Receptionist's computer is complete down (crashed motherboard), and since it works as a mini server there are major impacts on the entire office's functionality. Permit Manager runs exclusively through that computer but that a temporary fix was initiated to keep the zoning office partially functional. Additionally, the computer in the treasurer's office is corrupt and the email is inconsistent. President C. Williams requested a motion to allow IT consulted Joseph O'Lall to assess the needs and make recommendations for Dell computers. Councilmember P. Bucco made a motion to use Joseph O'Lall and to purchase four (4) new computers with a budget of \$6,000. Amount does not include the consultant fee. Councilmember Neville seconded. Motion carried unanimously.

Forensic Audit- Council decided not to move forward with pursuing firms at this time. Councilmember P. Bucco moved to table for now. Councilmember T. Neville seconded. Motion carried unanimously.

AED Training- Training is confirmed for November 12, 2020 from 10am-12pm in Borough Council Chambers. Anticipated attendees include the Borough road crew, and members of the Municipal Authority. Offer was extended to the new hire (Nicoletti) if he is able to attend.

Parks & Rec- Pocono Pride received their letter of support for Oak St. project. The purchase order for the field groomer was issued on October 21, 20.

ACTION ITEMS

Sanitation Updates- Council decided to extend the contract with the existing hauler since there were no major issues and overall, the Borough has been satisfied with services to date. J. Simchak pointed out that there are some discrepancies with the tonnage in the current specs that need to be revised moving forward. President Williams requested that a meeting be set up with the hauler to work out extension details. She also requested that a letter be sent to the other bidder to let them know the Borough has decided to extend.

Health Insurance- Matter was addressed during the Borough Secretary/Treasurer report (see above).

Services & Contract-Reviews (Auditors, Alarms, Phones, Computers, etc.)- Addressed during Officer's reports and

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UNFINISHED BUSINESS

Borough Lots Listed Commission \$5,000.00- Addressed during the President's report. Decision was made to contact the individual who made a past offer and see if they are still interested.

Set Working Budget dates- Vice President O'Boyle requested that the budget be updated to include actuals through October. The following budget committee meeting dates and times were set forth: **11/19 (1pm); 12/9 (1pm); and 12/11 (2pm).**

PERSONNEL

Office Staffing-

Zoning Officers Probationary Period End Permanent Hires- Motion- Matter was addressed by President Williams as part of the Zoning Officer report (see above).

Update on Road Crew and Temp. Borough Manager- Road Crew new hire was addressed during the Mayor's report (see above). Council decided to pause search for a Borough Manager.

PUBLIC PARTICIPATION

Borough Resident questioned why Fork Street is not one-way all the way through. He said there are dangerous situations created by people who treat it like a two-way street. Various Councilmembers said that they believe it to be one-way in its entirety. President Williams said she will address it with the Road Crew.

Randy Altemose, Park & Recreation Chairman said that he was informed that the alarm codes and locks at the Borough building have changed and he was concerned that it would impede his access for should he need for a Parks & Rec meeting. It was confirmed that this assertion was untrue, and his access should be unhindered.

He repeated his concern over maintaining separation of Parks & Rec funds and keeping the existing footnote conventions in place to account for funds.

There being no further public participation or any further business coming before the board, the meeting was adjourned at 9:16 P.M.

Respectfully submitted and transcribed by



Alexis Wilkinson, Zoning/Codes Enforcement Officer