

MOUNT POCONO BOROUGH COUNCIL
REGULAR MEETING MINUTES
MONDAY, APRIL 6, 2020
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; S. Stewart-Keeler; T. Neville, P. Bucco and, A. Montanez. Solicitor J. Fareri, Mayor M. Penn, Borough Engineer C. Niclaus, Junior Councilmembers: K. Crosby and A. Chambers and Borough Secretary/ Treasurer L. Noonan were also present.

Mount Pocono Borough Council following national, state, and local COVID guidelines as well as recommendations from the Office of Open Records, has established a conference call for Councilmembers, the Borough Secretary/ Treasurer, Solicitor, Engineer and anyone who wishes to call in to participate in tonight's meeting.

The following individuals called and participated on the conference call: Ron Emilie; Rick Longacre, representing LPC1 Lot 28; Wil Freve, representing LPC1 Lot 28; Mike Jeitner with Bohler Engineers; John Wichner, Traffic Engineer; representing POSH Development & McDonald's Rebuild Land Development, Jason Posh and Jim Preston with POSH Development and Richard Burkhardt with McDonald's.

PRELIMINARY ANNOUNCEMENTS

None

APPROVAL MINUTES

Councilmember P. Bucco moved to accept the minutes from the March 2, 2020 Regular Meeting as presented. Vice-President F. O'Boyle seconded. Borough resident Mike Oser of 39 Fairview Avenue questioned Councilmember P. Bucco stating that it would be a conflict of interest for her to review the budget for the budget saving measures. Borough Secretary/ Treasurer L. Noonan commented that this stated under the Action List Items. Motion carried unanimously.

OFFICERS' REPORTS

PRESIDENT

President C. Williams stated that this is strange in having a meeting in this fashion and not being able to see everyone. She wished everybody well in these times.

MAYOR

Mayor M. Penn hoped everyone is staying safe and healthy. He discussed the Emergency Management Coordinator and that the Borough neglected to reappoint an Emergency Management Coordinator in January and we are without one. He requested Borough Council appoint Richard Gannon and Denise Doremus as the Emergency Management Coordinator and Assistant Emergency Management Coordinator.

Borough Secretary/ Treasurer L. Noonan advised that the Emergency Management Coordinators are not reappointed each year and that they are appointed and remain on for as long as they wish or until they are removed by the Governor or replaced by Borough Council. She stated our current Emergency Management Coordinator is Jeff Woehrle and Randy Altemose the Assistant Emergency Management Coordinator. Ms. Noonan also reminded Council that the Governor must authorize the appointments.

Mayor M. Penn suggested that the Borough Council appoint Rich Gannon as the Emergency Management Coordinator and Denise Doremus as the Assistant Emergency Management Coordinator.

Councilmember T. Neville moved to appoint Rich Gannon as the Emergency Management Coordinator and Denise Doremus as the Assistant Emergency Management Coordinator as long as they meet any and all requirements needed to hold the Emergency Management Coordinator positions. Councilmember S. Stewart-Keeler seconded. Motion carried unanimously.

Mike Oser questioned who will declare an emergency until their appointment is finalized.

**MOUNT POCONO BOROUGH COUNCIL
REGULAR MEETING MINUTES
MONDAY, APRIL 6, 2020
7:00 P.M.**

TREASURER'S REPORT:

GENERAL FUND CHECKING ACCOUNT	\$ 95,814.37
PENN SECURITY GENERAL FUND ACCOUNT	440.56
BANNER BEAUTIFICATION ACCOUNT	3,790.72
STATE LIQUID FUELS	\$ 98,675.88
PARK & RECREATION FUND	883.99
PLANNING COMMISSION REIMB. FUND	2,526.77
ROAD FUND – GENERAL FUND	125,327.72
STORMWATER FUND	49,338.86
SANITATION FUND	577.97
INTERSECTION & SIGNALIZATION FUND	<u>149,281.01</u>
 GRAND TOTAL	 <u>\$526,657.85</u>

Councilmember A. Montanez moved to pay and approve the bills as outlined in the Borough Secretary/ Treasurer's report dated April 6, 2020. Councilmember P. Bucco seconded. Motion carried unanimously.

BILLS TO BE PAID FROM THE GENERAL FUND CHECKING ACCOUNT:

Barry Isett & Associates	(Munic., Hirshland, POSH Prop.)	4,785.28*
Berkheimer Associates	(LST Commission)	349.59
Blue Ridge Communications	(phones)	413.93
Cintas	(uniforms/rugs)	187.80
Eastern Time	(fire alarm maint. contract)	1,036.00
Ed's Auto	(remains to 2014 Kenworth & 2009 Ford)	1,861.54
ESSA Bank	(loan payment)	2,309.20
FNB Visa	(postage, ruck parts, supplies, hi-vis hats)	428.20
Geisinger	(health insurance)	10,878.87
Highmark Blue Shield	(eye/dental)	409.57
Joann Misuraca Ficco	(Re Taxes – Brunswick Dr. Property)	192.41
Lowe's	(posts)	46.60
Met Life	(life/disability)	360.74
MPMA	(sewage for Brunswick Dr. property)	87.40
NAPA Auto Parts	(grease fitting & gloves)	29.65
Newman, Williams, Mishkin	(Fareri ½ retainer & Additional Fees)	10,610.00
Dennis Noonan	(mileage reimb. August - February)	312.83
PP & L	(electric)	855.33
PA American Water Co	(water)	745.88
Payrolls Unlimited	(Jan & Feb. Payroll)	231.60
Pennoni Associates	(ARLE Grant & Lot 28)	2,166.75*
PA One Call	(service – 2 months)	21.50
PA Paper & Supply	(paper products)	303.15
PA Water Specialists	(testing of 2 backflow devices)	300.00
Plociniak Oil	(heating oil – Maint & boro bldg.)	970.92
Pocono Mtn. COG	(annual dues – 2020)	300.00
Pocono Mountain Regional Police	(April Mortgage Payment)	2,792.12
PM Public Library	(dedicated RE Taxes)	3,004.80
PM Vol. Fire Co.	(dedicated RE Taxes)	3,004.82
PM Regional EMS	(dedicated RE Taxes)	1,502.38
Pocono Record	(advertising)	1,253.55
Response Computers	(troubleshoot desktop deposit scanner)	112.50
Scott's Signs & Printing	(name plate)	24.00
Signal Service	(Repairs to traffic signals @ 5 Points)	3,727.49##
Signal Service	(maintenance contract)	1,700.00
Sunoco	(gas/diesel)	299.00

MOUNT POCONO BOROUGH COUNCIL
REGULAR MEETING MINUTES
MONDAY, APRIL 6, 2020
7:00 P.M.

Thyssenkrupp Elevator	(service)	\$ 194.46
Underdog Computer	(website maintenance)	75.00
Verizon Wireless	(cell phones)	<u>138.72</u>

GRAND TOTAL **\$58,023.58**

*Engineer Reimbursable

- Insurance claim was made and paid \$3,227.49 of this invoice

BILLS ALREADY PAID FROM THE GENERAL FUND CHECKING ACCOUNT:

Mt Pocono Payroll	(w/e 03/05/20)	\$ 6,704.66
Mt Pocono Payroll	(w/e 03/12/20)	7,578.36*
US Bank	(copier lease)	406.51
AMTrust North America	(workers comp insurance)	2,526.00
Mt Pocono Payroll	(w/e 03/19/20)	5,576.58
Mt Pocono Payroll	(w/e 03/26/20)	6,050.62
Mt Pocono Payroll	(w/e 04/01/20)	<u>\$6,034.95</u>

GRAND TOTAL **\$34,877.68**

*Tax Collector was paid this pay period.

BILLS TO BE PAID FROM THE LIQUID FUELS ACCOUNT:

P P & L	(electric)	<u>\$1,792.55</u>
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ZONING/CODES ENFORCEMENT OFFICER

Acting Temporary Zoning Officer Jean Simchak reported that her report was sent via email this evening prior to the meeting.

SOLICITOR

No report.

JUNIOR COUNCILMEMBER

Junior Councilmember K. Crosby advised that the program she has been participating with Senator Blake has been cancelled but she is staying connected with the other participants.

Junior Councilmember A. Chambers stated that they are beginning home schooling and she is working on a program to help younger students.

PERSONS TO BE HEARD

Posh LDP

Michael Jeitner with Bohler Engineering and John Wichner the Traffic Engineer, Jason Posh and Jim Preston were on the conference call on behalf of Posh LDP.

Solicitor J. Fareri stated that the first item Council should act on in the waivers, which are listed on the Planning Commission memo dated March 30, 2020.

Vice President F. O'Boyle moved to accept the following waivers as recommended in the Planning Commission's memo dated March 30, 2020:

**MOUNT POCONO BOROUGH COUNCIL
REGULAR MEETING MINUTES
MONDAY, APRIL 6, 2020
7:00 P.M.**

1. *A Waiver from Section 187-30. A – To not provide an Existing Resources and Site Analysis plan as part of the final plan approval requirements, due to the nature of the existing graded pad site.*
2. *A Waiver from Section 187-30. B – To not provide of a Final Resource Impact and Conservation plan as part of the final approval plan requirements, due to the nature of the existing graded pad site.*
3. *A Waiver from Section 187-56. E. (4) – To provide a minimum 0-foot wide buffer in lieu of the required 10-foot wide low buffer along the western property line.*
4. *A Waiver from Section 187-56. E. (4) – To provide a minimum 3.7-foot wide buffer in lieu of the required 10-foot wide low buffer along the northern property line.*
5. *A Waiver from Section 179-11 M. & 179-18 & 179-23 C – To not provide a Consumptive Use Tracking Report.*
6. *A Waiver from Section 187-56. F.3.e – To provide required buffering trees at an alternate location on site.*

Councilmember S. Stewart-Keeler seconded. Motion carried unanimously.

Councilmember A. Montanez moved to grant approval of the Posh Land Development Plan upon satisfaction of all outstanding items listed in the Borough Engineer's letter dated March 25, 2020, which includes the Land Development Agreement and post the additional security. Councilmember S. Stewart-Keeler seconded. Motion carried unanimously.

McDonald's Rebuild LDP

Mr. Richard Burkhart, McDonald's; Michael Jeitner with Bohler Engineering; and, John Wichner, Traffic Engineer were on the conference call on behalf of the McDonald's Land Development Plan.

Solicitor J. Fareri stated that Borough Council should act on the waivers as outlined in the February 25, 2020, memo from the Planning Commission.

Councilmember A. Montanez moved to grant the waivers as outlined in the Planning Commission memo dated February 25, 2020:

1. *A Waiver from Section 187-30. A. To not provide an Existing Resources and Site Analysis plan as part of the final plan approval requirements due to the nature of the existing graded pad site.*
2. *A waiver from Section 187-30. B – To not provide a Final Resource Impact and Conservation plan as part of the final approval plan requirements, due to the nature of the existing graded pad site.*
3. *A Waiver from Section 187-44 – To not require a Four-Step design Process*
4. *A Waiver from Section 187.56.C (2)(e) – To locate the required planting island trees outside of planting islands.*
5. *A Waiver from Section 187-56.D (3)(a) – To provide 2 ornamental trees in lieu of the required 9 trees along Pocono Summit Road.*
6. *A Waiver from Section 187-56.F(3)(e) – To provide 0 evergreen trees, 2 ornamental trees, 0 canopy trees, and 68 shrubs in lieu of the required 17 evergreen trees, 7 ornamental trees, and 7 canopy trees, and 68 shrubs along Pocono Summit Road.*
7. *A Waiver from Section 187-56.F(3)(e) – To provide 0 canopy trees, 0 ornamental trees, and 0 shrubs in lieu of the required 3 canopy trees, 2 ornamental trees, and 6 shrubs along the east property line.*

**MOUNT POCONO BOROUGH COUNCIL
REGULAR MEETING MINUTES
MONDAY, APRIL 6, 2020
7:00 P.M.**

8. A Waiver from Section 187-56.F(3)(e) – To provide 0 canopy trees, 3 ornamental trees, and 45 shrubs in lieu of the required 6 canopy trees, 3 ornamental trees, and 14 shrubs along the south property line.
9. A Waiver from Section 187-56.F(3)(e) – To provide 0 canopy trees, 3 ornamental trees, and 10 shrubs in lieu of the required 4 canopy trees, 2 ornamental trees, and 10 shrubs along the west property line.

Councilmember S. Stewart-Keeler seconded. Motion carried unanimously.

Councilmember A. Montanez moved to approve the Land Development Plan of the McDonald's Rebuild upon satisfactory completion of all outstanding items as outlined in the Borough Engineer's letter dated March 25, 2020, the Developer's Agreement, and the security deposit. Councilmember P. Bucco seconded. Motion carried unanimously.

UNFINISHED BUSINESS

Declaration of Disaster Emergency

Councilmember A. Montanez moved to adopt the Declaration of Disaster Emergency for the novel corona virus COVID-19:

DECLARATION OF DISASTER EMERGENCY

WHEREAS, on or about March 17, 2020 the novel corona virus COVID-19 has caused or threatens to cause injury, damage, and suffering to the persons and property of the Borough of Mount Pocono; and

WHEREAS, COVID-19 has endangered the health, safety and welfare of a substantial number of person residing in the Borough of Mount Pocono, and threatens to create problems greater in scope that problems the Borough of Mount Pocono, may be able to resolve; and

WHEREAS, emergency management measures are required to reduce the severity of this disaster and protect the health, safety and welfare of affected residents in the Borough of Mount Pocono;

NOW, THEREFORE, we, the undersigned Council of the Borough of Mount Pocono pursuant to the provisions of Section 7501 of the Pennsylvania Emergency Management Services Code, (35 PA. C.S., Section 7501), as amended, do hereby declare the existence of a disaster emergency in the Borough of Mount Pocono.

FURTHER, we direct the Borough of Mount Pocono Emergency Management Coordinator to coordinate the activities of the emergency response, to take all appropriate action needed to alleviate the effects of this disaster, to aid in the restoration of essential public services, and to take any other emergency response action deemed necessary to respond to this emergency.

STILL FURTHER, we authorize officials of the Borough of Mount Pocono to act as necessary to meet the current exigencies of this emergency, namely: by the employment of temporary worker, by the rental of equipment, by the purchase of supplies and materials, and by entering into such contracts and agreements for the performance of public works as may be required to meet the emergency, all without regard to those time-consuming procedures and formalities normally prescribed by law, mandatory constitutional requirements excepted.

This Declaration shall take effect immediately.

Vice President F. O'Boyle seconded. Motion carried unanimously.

LPC-1 Lot 28 Inspection Request

Mr. Wil Freve and Rick Longacre were both present on the conference call, requesting that since this project straddles both Mount Pocono Borough and Coolbaugh Township they were requesting that one engineering firm be used for all inspections.

There was a great deal of discussion regarding this with Borough Council finally concluding that they did not feel that it was in the best interest of the Borough to allow Coolbaugh Township's Engineer to conduct all inspections.

Mr. Wil Freve stated that he would rescind his request as it is a moot point.

Borough Engineer Chuck Niclaus left the meeting at 8:28 P.M.

**MOUNT POCONO BOROUGH COUNCIL
REGULAR MEETING MINUTES
MONDAY, APRIL 6, 2020
7:00 P.M.**

Action Items List

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

2020 Road Rehabilitation Bids

Borough Council was in receipt of four (4) bids submitted for the 2020 Road Rehabilitation Bids. Councilmember S. Stewart-Keeler moved to award the Hanson Aggregates, the low bidder, the 2020 Road Rehabilitation Bid with the understanding that Borough Council will work with Hanson to try to lower the bid. Councilmember P. Bucco seconded. Motion carried.

NEW BUSINESS

Vacancy Board – Schedule Meeting

Councilmember P. Bucco moved to advertise a Vacancy Board Meeting for Thursday, April 9, 2020, at 6:00 P.M. Vice President F. O’Boyle seconded. Motion carried unanimously.

Standing Committees

President C. Williams stated that if any standing committees needed to give a report to do so.

Buildings – Vice President F. O’Boyle discussed the furnace and stated that the last time that Metz was called it was for a similar repair; he talked with the company and they did not charge us for the most recent that repair.

Personnel: It was agreed that the Personnel Committee will meet on Wednesday, April 8, 2020, at 10:00 A.M. to discuss the cleaning of the building. They will continue reviewing/updating the personnel policy at the next work session.

PUBLIC PARTICIPATION

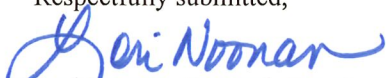
Colleen McGuire, Pocono Rocks, discussed that Pocono Rocks was not advised or asked if they would like to participate in donating food to the food drive or giveaway that was being done every day behind the Borough building and that Pocono Rocks would have participated.

Mike Oser, Fairview Avenue, discussed the Government Ordinance updates and the link to the Zoning Ordinance.

Jean Simchak, Fairview Avenue, discussed the Zoning Officer position and her also being on the Zoning Hearing Board and that she requested Solicitor J. Fareri provide the information that it is a conflict of interest for her to be on both. Also, the need for additional alternate members to the Zoning Hearing Board be posted.

There being no further public participation or any further business coming before the Council, the meeting adjourned at 9:42 P.M.

Respectfully submitted,


Lori Noonan, Borough Secretary