

**MOUNT POCONO BOROUGH COUNCIL
REGULAR MEETING MINUTES
MONDAY, AUGUST 3, 2020
7:10 P.M.**

President C. Williams opened the Regular Meeting at 7:10 P.M. with the following members present: Vice President F. O'Boyle, Councilmembers; T. Neville, A. Montanez, P. Bucco and, R. Emilie. Mayor M. Penn, Solicitor J. Fareri, Borough Engineer C. Niclaus; Acting Zoning Officer J. Simchak; and Borough Secretary/ Treasurer L. Noonan were also present.

Councilmember S. Stewart-Keeler was participating via conference call.

Junior Councilmembers K. Crosby and A. Chambers were absent.

The Pledge of Allegiance was said by all.

PRELIMINARY ANNOUNCEMENTS

President C. Williams stated that we are currently in violation of the maximum allowed of twenty-five (25) people in a room due to the COVID-19 pandemic. She advised all in the room that we will not be discussing the Pocono Mountain Regional Police at this evening's meeting and that the August 17th work session will be dedicated entirely for the Pocono Mountain Police. She also advised occupants inside the meeting room needed to move out into the hallway or come back on August 17th.

Borough resident Mary Peck asked, "Will there be enough room for everyone? How will you let resident know? Will you advertise in the *Pocono Record* the information for Zoom?"

It was advised the information will be posted on the Borough building and the website.

President C. Williams also acknowledged that there was a large contingency of individuals present this evening to discuss issues with short-term rentals. As such she decided to change the agenda around and agreed to move the discussion on short-term rentals up on agenda.

PERSONS TO BE HEARD

Short-Rentals

Mr. Michael Digioia, 1 Deerfield Drive requested that he and the following individuals be put on record of complaints on short-term renters, and that buyers are purchasing properties for profit in R-1 jurisdiction. He stated that he has filed numerous police reports. He knows firsthand of these renters and he would like to see a solid plan put in place to address these short-term rentals. He discussed how it has affected them emotionally and mentally. He reviewed the Summit Pointe Owner's HOA rules and regulations. In June of 2016, the Borough adopted a Short-Term Ordinance and April of 2019 the Supreme Court decision came down; however, the renting of these properties continue at 1 Summit Drive and 10 Shelly Lane. He says that they are currently listed on Air B&B and they are booked through September. They are compromising the health and well being of everyone around as the homes are overcrowded, they are fire hazards, they were no masks, they pose a health risk, there's noise pollution and trash dumped into the lake. There have been numerous of calls to the Pocono Mountain Regional Police. He discussed the Chaddha case who is the owner of 10 Shelly Lane and respectfully requested an update about this matter.

Richard Mason, 19 Heath Lane stated he purchased his home six (6) months before 1 Summit Drive was purchased and that they have been renting it for five (5) years and now they are going to short-term rental and it's a mess. Eighty percent (80%) of the time they are young people and it looks like a frat house. People are urinating in the lawns, out the windows, noise of so many people, all drinking, fireworks being always shot out. He called the state and they cannot do anything about this. He has seen semi-nudity, urinating publicly. He called the police one (1) time and they came to his home first then went over to talk to the renters. He fears retaliation so he will not call the police every time or at all. He hopes Borough Council help him with this problem.

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Verio Candela, 3 Summit Drive stated that he has been living there for twenty (20) years. He noted that in the last two (2) years it has gotten out of hand; it is gotten worse because no one is doing anything about it. He has made phone calls with no response and things are terrible.

Bill Moss, 10 Deerfield Drive questioned, "Is it illegal for short-term rentals in a R-1 district?"

Solicitor J. Fareri responded that it is illegal to run short-term rentals in a R-1 district. He said that the Supreme Court overturned the three (3) lower courts decisions.

Mr. Moss noted that 28 Summit Drive is still renting out. They purchased it two (2) years ago and they advertise it sleeps sixteen (16) plus people and he believes it is a three (3) bedroom home.

Warren Shaprio, 12 Shelly Lane discussed the potential disaster for a fire hazard at these short-term rentals, especially at 10 Shelly Lane. Do they have fire alarm smoke detectors? He noted that they are polluting the lake.

Christie Reed, 14 Heath Lane stated that she has more of an issue with the noise and the construction. She noted that her issues are being addressed however she can attest to the noise, the fireworks, and the rude people at the short-term rentals. She also stated that she has a vested interest in the area.

Greg Melbert, 10 Brunswick Drive stated that he has a problem with the short-term rentals; problems with fireworks and noise and that the short-term renters must be taken care of.

Zoning Officer A. Wilkinson stated that they have done their best to field calls, issue violations, they are doing background research, they are discovering short-term rentals almost daily. It is not a matter of registering it is a matter of getting them out. Zoning Officer is only a part-time position. These are illegally posted on Air B&B. She has issued a cease and desist. Modifications are needed to the Ordinance as there are differences shore-term rentals and Air B&B.

Zoning Officer J. Simchak stated that she has sent out violations to 28 Summit Drive. They stopped for two (2) weeks but now they are right back at renting. She also noted that going through the District Magistrate is a waste of money and everyone's time. She noted that getting an injunction and it is not all the Borough's fault there has to be some education. She also noted that Summit Pointe Homeowner's Association (HOA) has more teeth to prevent this than the Borough. They need to change their Board. She complimented everyone who came here tonight. She urged the residents to keep records and advised them to call the police.

Mayor M. Penn read a Resolution that he is going to be asking Borough Council to adopt this evening and thanked everyone for coming this evening and expressing their issues. The Police have determined that they cannot enforce the Short-Term Rental Ordinance. This Resolution reaffirms that the Police or identified as the enforcing agent for this Ordinance and Borough Council is asking them to enforce it.

Councilmember P. Bucco moved to adopt resolution for the Pocono Mountain Regional Police to enforce the short-term rentals. Councilmember R. Emilie seconded. Motion carried unanimously. Motion went to a roll call vote: Councilmember T. Neville, "Yes"; Vice President F. O'Boyle, "Yes"; Councilmember P. Bucco, "Yes"; Councilmember A. Montanez, "No"; Councilmember S. Stewart-Keeler, "Yes"; Councilmember R. Emilie, "Yes"; and, President C. Williams, "Yes". Motion carried 6 – 1.

CONTINUING WITH PERSONS TO BE HEARD

Hirshland Stormwater

Borough Engineer C. Niclaus was present and reviewed the stormwater regulations with Borough Council and explained the Hirshland stormwater underground detention basins and how they work.

Darly Eggen, 84 Mountain Drive was present and discussed her double driveway and that there are drainage problem and soil has eroded with water going onto her property.

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It was agreed that Borough Engineer C. Niclaus and the Borough's Zoning Officer would meet with Ms. Eggen later this week.

McDonald's Sidewalk Resolution

Councilmember P. Bucco moved to adopt the resolution needed for PennDOT regarding the McDonald's sidewalk extension. Councilmember S. Stewart-Keeler seconded.

Borough resident Mike Oser questioned if the Borough is now responsible for the upkeep. Borough Engineer C. Niclaus stated yes.

Motion carried unanimously.

Multi-Modal Grant

Borough Engineer C. Niclaus was also present to discuss the Multi-Modal Grant he was working on for the Borough and reviewed the plans and the scope of work for said grant. It was noted that this would provide bump outs and traffic coming out throughout Pocono Boulevard section of Knox Street to Church Avenue. He noted that the Borough would be responsible for the engineering or approximately ten percent (10%) of the total cost. Borough may not get approved for the full amount and if approved for the partial amount the Borough Council will review the cost estimate and decide what to be removed. Borough Engineer C. Niclaus stated that he would need a motion to move forward with the grant application.

Vice President F. O'Boyle stated that he has been to every meeting, this is the first time he heard at the work session on July 20, 2020. He was left out and this is wrong. Vice President F. O'Boyle accused some Councilmembers of having private meetings.

Councilmember A. Montanez questioned where we are getting the money for the ten percent (10%) match.

There was a lengthy discussion on where we will get the money.

Vice President F. O'Boyle stated that this is being proposed and he knew nothing about it.

After some discussion, Councilmember A. Montanez moved to approve submitting the Multi-Modal Grant in the amount of \$1,513,000.00 noting that the ten percent (10%) would be approximately \$150,000.00 with the understanding that we can amend the amount if necessary. Councilmember P. Bucco seconded.

Borough resident Mike Oser asked what the likelihood that this would get funded.

Borough Engineer C. Niclaus stated there are still revenue streams out there and his company is doing many applications for other municipalities.

Councilmember T. Neville questioned width of the center island.

Motion went to a roll call vote: Councilmember T. Neville, "Yes"; Vice President F. O'Boyle, "No"; President C. Williams, "Yes"; Councilmember P Bucco, "Yes"; Councilmember R. Emilie, "No"; Councilmember A. Montanez, "Yes"; and, Councilmember S. Stewart-Keeler, "Yes". Motion carried 5 – 2.

Councilmember A. Montanez left at 9:30 P.M.

Vice President F. O'Boyle asked about Heath Lane and if this was a temporary pavement.

It was agreed that Borough Engineer C. Niclaus would be reviewing that this week with Zoning Officer A. Wilkinson, noting that this is a temporary fix.

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Moving forward on the agenda Debra Fulton Vice Chair of the Park & Recreation Board was not present.

Jodi Bohdal, Mount Pocono Association

Mrs. Bohdal stated that she is happy about the grant. She noted that at last week's Mount Pocono Association meeting they decided to cancel this year's Harvest Fest, instead they will be doing a community day with sidewalk sales on October 10th from 11:00 A.M. to 5:00 P.M. in the Casino Theatre parking lot and the vendors would be open to Mount Pocono Association members only.

PRELIMINARY ANNOUNCEMENTS CONTINUED

President C. Williams announced there was an Executive Session held earlier this evening regarding personnel.

APPROVAL MINUTES

Councilmember P. Bucco moved to accept the Regular Meeting minutes of Monday, July 6, 2020, as presented. Councilmember R. Emilie seconded. Motion carried unanimously.

OFFICERS' REPORTS

PRESIDENT

President C. Williams stated that she is asking for several motions this evening. One being a motion to not destroy any records moving forward and to change the personnel policy regarding time off; employee cannot take a vacation day before or after a holiday.

Councilmember S. Stewart-Keeler moved that no Borough records are to be destroyed and they should kept until approved by Borough Council. Councilmember P. Bucco seconded. Motion carried unanimously.

Councilmember P. Bucco moved to change the personnel policy to state if a Borough employee calls in sick before or after a holiday they would forfeit the holiday or if they call in sick after a vacation day, unless the employee can provide a doctor's note. Councilmember S. Stewart-Keeler seconded. Motion carried unanimously.

MAYOR

Mayor M. Penn thanked Road Foreman Jim Trombetta and Hanson for paving Knob Road. He noted that the fireworks have been numerous complaints about the fireworks, clearly the Ordinance is not being enforced and he is working on it. He also noted that the Zoning Officers need IDs and badges and requested that a time be made at the County Offices of Emergency Services for them to get their IDs and badges.

Sheds

Zoning Officer A. Wilkinson noted that a lot of properties have multiple sheds and its better to allow a larger one and that this should be reviewed by the Planning Commission.

Councilmember P. Bucco moved to send the larger shed verbiage to the Planning Commission for review to increase the size of shed permitted. Councilmember S. Stewart-Keeler seconded. Motion carried unanimously.

TREASURER'S REPORT:

GENERAL FUND CHECKING ACCOUNT	\$ 246,632.36
PENN SECURITY GENERAL FUND ACCOUNT	650.56
BANNER BEAUTIFICATION ACCOUNT	3,791.50
STATE LIQUID FUELS	84,058.80
PARK & RECREATION FUND	200,953.81

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PLANNING COMMISSION REIMB. FUND	\$ 4,535.95
ROAD FUND – GENERAL FUND	198,349.18
STORMWATER FUND	35,981.96
SANITATION FUND	3,660.34
INTERSECTION & SIGNALIZATION FUND	<u>149,382.25</u>
 GRAND TOTAL	 <u>\$927,996.71</u>

Councilmember T. Neville moved to pay and approve the bills as outlined in the Borough Secretary/ Treasurer's report dated August 3, 2020. Councilmember P. Bucco seconded. It was agreed that the bill to Modern for the replacement of the generator battery would be held onto for further explanation on the price. Motion carried unanimously.

BILLS TO BE PAID FROM THE GENERAL FUND CHECKING ACCOUNT:

<i>Affordable Locksmith</i>	<i>(keys cut)</i>	\$ 105.00
<i>Alarm Installers Corp</i>	<i>(motion detector – maint garage)</i>	184.00
<i>Berkheimer Associates</i>	<i>(LST commission)</i>	33.30
<i>Blue Ridge Communications</i>	<i>(phones)</i>	421.73
Cintas	(uniforms/rugs)	469.56
FNB	(NE Title & Tag, time clocks, .gov domain, Hay & seed, hard hats, website host)	\$1,573.33
FP Mailing Solutions	(postage meter)	75.00
Joann Misuraca Ficco	(School Taxes – Brunswick Dr. property)	467.77
Geisinger	(health insurance)	10,878.87
Gleco Paint	(road paint)	242.97
Highmark Blue Shield	(eye/dental)	409.57
Lowe's	(bldg. supplies, highway supplies)	129.08
Kuharchik Construction	(remaining invoice for ARLE Grant)	2,588.15
Met Life	(life/disability)	313.14
Modern	(replace generator batteries)	947.86
Nagle Elevator	(lifting inspection)	80.00
NAPA Auto Parts	(wiper blades)	8.44
PA American Water Co	(water)	740.31
PA Paper & Supply	(c-fold paper towels)	49.74
Pennoni Associates	(Clarius Partners)	3,123.50
Pocono Mountain Regional Police	(August Mortgage Payment)	2,792.12
PM Regional Police	(August monthly payment)	60,964.91
PM Public Library	(dedicated RE Taxes)	840.38
PM Vol. Fire Co.	(dedicated RE Taxes)	840.36
PM Regional EMS	(dedicated RE Taxes)	420.18
Quill	(copy paper, file folders, labels, tablets)	208.71
SPW Cleaning Services, Inc.	(general office cleaning – July)	600.00
Selective Insurance	(insurances)	2,938.00
Steele's Hardware	(road marking paint)	37.96
Sunoco	(gas/diesel)	890.46
Tulpehocken Spring Water	(bottled water)	56.99
Underdog Computer	(website maintenance)	75.00
Verizon Wireless	(cell phones)	<u>141.15</u>
 GRAND TOTAL		 <u>\$93,647.54</u>

*Engineer & Solicitor Reimbursable

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BILLS ALREADY PAID FROM THE GENERAL FUND CHECKING ACCOUNT:

Mt Pocono Payroll	(w/e 07/08/20)	\$ 5,931.62
Blue Ridge Communications	(office internet & phones)	355.07
Mt Pocono Municipal Authority	(Lot 103 Brunswick Dr)	87.40
Sun Litho-Print, Inc.	(letterhead & envelopes)	415.00
Barry Isett & Associates	(engineering reimbursable)	1,623.98*
Mt Pocono Payroll	(w/e 06/15/20)	6,039.33
AM Trust North America	(workers comp)	2,704.00
US Bank	(copier lease)	278.04
Mt Pocono Payroll	(w/e 07/23/20)	7,199.60
FP-Mailing Solutions	(postage)	100.00
ESSA Bank	(loan payment)	2,309.20
PP & L	(electric)	604.65
Alexis Wilkinson	(reimb. deed search)	5.00
Monroe County Control Center	(3 rd Quarter Fire/EMS)	694.23
PA One Call	(services)	15.15
Mt Pocono Payroll	(w/e 07/29/20)	<u>\$6,718.93</u>
GRAND TOTAL		<u>\$35,081.20</u>

BILLS ALREADY PAID FROM THE LIQUID FUELS ACCOUNT:

P P & L	(electric)	<u>\$1,725.87</u>
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BILLS TO BE PAID FROM THE LIQUID FUELS ACCOUNT:

Lehigh Hanson	(modified stone)	\$2,518.51
Locust Ridge Quarry	(blacktop)	<u>2,090.55</u>
GRAND TOTAL		<u>\$4,609.06</u>

BILLS TO BE PAID FROM THE BEAUTIFICATION FUND:

Rileigh's Outdoor Décor (LED Bulbs for wreaths)	<u>\$ 692.13</u>
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Ed's Auto Estimate

Councilmember R. Emilie moved to spend the money to repair the 2006 Peterbuilt at a cost of \$1,060.58. Councilmember P. Bucco seconded. Motion carried unanimously.

Bucket Truck Repairs

No decision or action taken this evening.

ZONING/CODES ENFORCEMENT OFFICER

Land Bank

Zoning Officer A. Wilkinson discussed the Land Bank stated that she called Martha Robbins regarding a deadline to resubmit blighted properties to them by July 31, 2020. Ms. Robbins advised that was not a hard date and that she is still working the list. She further noted that they did away with the Intergovernmental Agreement between the County, school district and the Borough. There were two (2) new certificate of occupancies issued to Subs Your Way and Goodwill.

President C. Williams asked about an update on the rental inspections.

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It was noted that they are trying to work getting the rental inspections, it is hard to get people commit a time for the inspections.

SOLICITOR

No report.

JUNIOR COUNCILMEMBER

None present.

UNFINISHED BUSINESS

Action Items

The action items list was reviewed and updated.

Sanitation Bid Specs

Councilmember S. Stewart-Keeler moved to advertise the bids for the sanitation. Councilmember P. Bucco seconded. Motion carried unanimously.

LSA Grants

It was discussed that to resubmit the LSA Grant for the maintenance garage.

President C. Williams discussed roadwork at Candlewood Drive and Brunswick Drive and noted that the work has not been neat with the cuts and patching and that this needs to be corrected. She stated that she has talked to the road crew numerous times. Councilmember P. Bucco suggested that the entire road crew be written up for shoddy work.

Councilmember P. Bucco noted that Zoning Officer Juan Rosario was not in attendance tonight because he is away on military leave and asked if Alexis can work extra hours. It was agreed that she should.

NEW BUSINESS

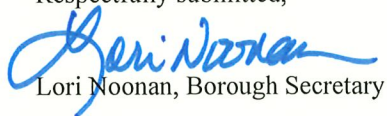
None

PUBLIC PARTICIPATION

None

There being no further public participation or any further business coming before the board, the meeting adjourned at 10:50 P.M.

Respectfully submitted,


Lori Noonan, Borough Secretary

