

**MOUNT POCONO PLANNING COMMISSION  
RE-ORGANIZATION & REGULAR MEETING MINUTES  
WEDNESDAY, JANUARY 16, 2019  
7:05 P.M.**

Commissioner K. Kirkwood opened the Regular Meeting at 7:05 P.M. with the following members present: Commissioners R. Dorkoski; N. DeLano; M. Penn; and, R. Varney. Also, present were Solicitor H. C. Connor; Zoning/ Codes Enforcement Officer D. Noonan; and, Planning Commission Recording Secretary D. Jackowski.

Commissioners B. Harper and H. Velasco; and, Borough Engineer C. Niclaus were absent.

Representing Borough Council was Councilmembers D. Casole.

In the audience were: Mr. Michael Reardon of 14 Cedar Road and the newest member of the Zoning Hearing Board, Mr. Norman DeLano, Jr.

Pledge of Allegiance was said by all.

Prior to re-organizing Mr. Richard Varney, the newest member of the Planning Commission was introduced, and he stated that he has been in the Borough for the last three and a half (3 ½) years and is an insurance broker.

## **RE-ORGANIZATION**

### **Nominations**

Solicitor H. C. Connor asked for nominations for Chairman of the Planning Commission.

Commissioner M. Penn moved to nominate Kevin Kirkwood to be the Planning Commission Chairman for 2019. Commissioner N. DeLano seconded. Solicitor H. C. Connor asked if there were any other nominations for Chairman.

Solicitor H. C. Connor asked one (1) more time if there were any more nominations for this position. There being none, Solicitor H. C. Connor closed the nominations for Planning Commission Chairman. Motion carried unanimously.

Solicitor H. Connor turned the gavel over to Chairman K. Kirkwood.

Chairman K. Kirkwood asked for nominations for Planning Commission Vice Chair.

Commissioner N. DeLano moved to nominate Rich Dorkoski for Planning Commission Vice Chair. Commissioner M. Penn seconded. Chairman K. Kirkwood asked if there were any more nominations for this position. There being none, motion carried unanimously.

Chairman K. Kirkwood asked for nominations for Planning Commission Secretary.

Chairman K. Kirkwood moved nominate Commissioner Norman DeLano for Planning Commission Secretary. Commissioner Vice Chair R. Dorkoski seconded. Chairman K. Kirkwood asked if there were any more nominations for this position. There being none, motion carried unanimously.

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Chairman K. Kirkwood discussed that due to several Planning Commission members attend the Borough Council meeting regularly a liaison would not be needed. He noted that there has been at least one (1) Councilmember in attendance at the meetings to update the Planning Commission.

As far as the Zoning Hearing Board Liaison, he noted that the Zoning Hearing Board hardly meets.

Vice Chair R. Dorkoski moved to nominate Commissioner M. Penn as Zoning Hearing Board Liaison. Commissioner N. DeLano seconded. Chairman K. Kirkwood asked if there were any more nominations for this position. There being none, motion carried unanimously.

**PRELIMINARY ANNOUNCEMENTS**

None

**APPROVAL OF MINUTES**

Prior to the approval of the minutes, Commissioner R. Varney questioned if his comments regarding the Fireworks Ordinance, specifically aerial/ ground fireworks that he discussed at last month's meeting weren't included in the minutes or the Ordinance.

It was explained that the Fireworks Ordinance was recommended without these included.

Solicitor H. C. Connor noted that due to the Fireworks Ordinance has been recommended to Borough Council he suggested that Commissioner R. Varney send this amendment to the Borough Secretary/ Treasurer who would forward to the Borough Council for it to review.

Commissioner N. DeLano moved to accept the Regular Meeting minutes of Wednesday, December 19, 2018, as presented. Vice Chair R. Dorkoski seconded. Motion carried unanimously.

**SUBMISSIONS**

None

**OLD BUSINESS**

**Proposed Shopping Cart Ordinance Review**

The changes/ additions to the proposed Shopping Cart Ordinance from last month's meeting were discussed. It was agreed that a section will be added to the Ordinance that will describe the notification process and that Zoning/ Codes Enforcement Officer will relay this information to the Planning Commission Recording Secretary.

After some discussion, Vice Chair R. Dorkoski moved to recommend the Shopping Cart Ordinance to be known as Chapter 163 of the Mount Pocono Borough Code that will include a section of the notification process by the Zoning/ Codes Enforcement Officer. Commissioner M. Penn seconded.

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***AN ORDINANCE REGULATING THE CONTROL OF SHOPPING CARTS  
TO BE KNOWN AS CHAPTER 163 OF THE MOUNT POCONO BOROUGH CODE***

**SECTION 1. PURPOSE.**

- A. *Abandoned shopping carts constitute a nuisance, create potential hazards to the health and safety of the public, and interfere with pedestrian and vehicular traffic within the Borough of Mount Pocono. Wrecked, dismantled and/or abandoned shopping carts on public or private property create conditions that reduce property values and promote blight and deterioration within the Borough's neighborhoods.*
- B. *The purpose of this chapter is to make the removal of shopping carts from the premises of a business establishment a violation of the code. In addition, this chapter ensures the storeowners will take action to reduce the removal of shopping carts from a business establishment's premises. This chapter requires business establishment owners to facilitate the retrieval of those shopping carts removed from the establishment's premises.*

**SECTION 2. DEFINITIONS.**

- A. **CART:** *Shall mean a basket, which is mounted on wheels or a similar device, provided by a business establishment for use by a customer for the transporting of goods of any kind.*
- B. **OWNER:** *Shall mean any person or entity, which in connection with the conduct of a business, owns, possesses, or makes one or more carts available to customers of to the public. For purposes of this Chapter, owner shall also include the owner's on-site or designated agent that provides the carts for use by its customers.*
- C. **PREMISES:** *Premises shall mean the entire area owned and utilized by the business establishment that provides carts for use by customers, including any parking lot or other property provided by the owner for customer parking.*
- D. **ABANDONED CART:** *Abandoned cart shall mean any cart that has been removed without written permission of the owner, agent or on-duty manger from the premises of the business establishment, regardless of whether it has been left on either private or public property.*

**SECTION 3. ENFORCEMENT**

*The Zoning/ Code Enforcement Officer shall oversee the implementation, administration and enforcement of the Ordinance.*

**SECTION 4. PROHIBITION AGAINST REMOVAL OR POSSESSION OF ABANDONED CART.**

- A. *It shall be unlawful to either temporarily or permanently remove a cart from the premises, of a business establishment without the express prior written approval of the owner or on-duty manager of the business establishment.*
- B. *This section shall not apply to carts that are removed for repair of maintenance.*

**SECTION 5. MANDATORY SIGN REQUIREMENTS ON CARTS AND PREMISES.**

*Within ninety (90) days of the effective date of this Chapter, owners of one or more carts shall place identification signs on carts and signage on premises as follows:*

- A. *Signs shall be affixed to carts or placed in pertinent places near doors to warn customers that cart removal is prohibited and constitutes a violation of state and local law.*

**SECTION 6. IMPOUNDMENT OF ABANDONED CARTS.**

*The Zoning / Code Enforcement Officer or other designated Borough employee shall have the authority to retrieve and impound carts located outside the premises of a business establishment as follows:*

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- A. *The Zoning / Codes Enforcement Officer or other designated employee shall have the authority to immediately retrieve and impound a cart. If the owner reclaims the cart within three (3) business days following notice of the impoundment, the cart shall be released to the owner at no charge whatsoever.*

**SECTION 7. COSTS AND FINES FOR IMPOUNDED CARTS.**

*The owner of any cart impounded by the Borough pursuant to Section 6 shall be liable for the Borough's actual costs of retrieval and storage, as the Borough Council may adopt by resolution from time to time relating to enforcement of this Ordinance. In addition, the Borough may fine the owner of an impounded cart as per fee schedule.*

**SECTION 8. DISPOSITION OF CARTS AFTER THIRTY (30) DAYS.**

*Any cart not reclaimed from the Borough within thirty (30) days after notification to the owner and any unmarked cart shall be sold or otherwise disposed of by the Borough.*

**SECTION 9. SEVERABILITY AND VALIDITY.**

*If any section, subsection, paragraph, or sentence of the Ordinance, or any part thereof, is for any reason found to be unconstitutional, invalid or beyond the authority of the Mount Pocono Borough by a court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance.*

**SECTION 10. EFFECTIVE DATE.**

*This Ordinance shall become effective immediately after adoption by the Borough Council.*

Motion carried unanimously.

**NEW BUSINESS**

None

**DISCUSSION**

It was noted at this time that Commissioner B. Harper's last meeting that she attended was July 18, 2018, and a discussion ensued on the procedure of removing a Planning Commission member.

Solicitor H. C. Connor questioned if the Borough's Planning Commission had bylaws and it was noted that the Planning Commission follows the guidelines from the Pennsylvania Municipalities Planning Code (PMPC).

Chairman K. Kirkwood asked Commissioner R. Varney to read/ research anything that may come before the Planning Commission for its content, due to his background.

**PROJECT UPDATES**

None

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**LIAISON REPORTS**

**Borough Council**

Councilmember D. Casole reported that the Hirshland Project received their NPDES Permit from Department of Environmental Protection. She noted that it started January 8, 2019 and expires on January 7, 2024. She also reported that the Chicken Ordinance was defeated at the last Borough Council meeting.

**Zoning Hearing Board**

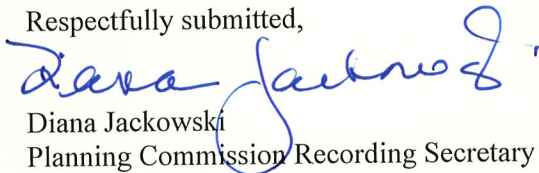
None

**PUBLIC PARTICIPATION**

None

There being no public participation and no further business coming before the Planning Commission, Vice Chair R. Dorkoski moved to adjourn at 7:50 P.M. Commissioner N. DeLano seconded. Motion carried unanimously.

Respectfully submitted,

  
Diana Jackowski  
Planning Commission Recording Secretary

