

**Mount Pocono Borough Council
Regular Meeting Minutes,
Tuesday, April 4, 2023, 6:30 P.M.**

The Mount Pocono Borough Council meeting held on Tuesday, April 4, 2023, was called to order at 6:30 P.M. by President D. Struckle and stated that an Executive Session was held earlier this evening from 6:20 P.M. to 6:25 P.M. regarding personnel with no action taken.

Roll Call: Councilman Norman DeLano, present; Councilwoman Debra Fulton, present; Councilwoman Ann Marie Harris, present; Vice President Lori Noonan, present; Councilwoman Ella Santiago, present; President Donald Struckle, present; Councilwoman Claudette Williams absent; and, Mayor R. Altomose, present.

In Attendance: James Fareri, Solicitor; Joshua Walker, Borough Manager; and, Borough Treasurer D. Hewitt were present.

Approval of Minutes – Councilman N. DeLano moved to accept the Regular Meeting minutes of March 7, 2023, as presented. Councilwoman E. Santiago seconded. Motion carried 6 – 0.

Presentations – not in attendance as of yet and will continue once the presenter arrives.

Public Comment (agenda items only) – None

Unfinished Business

Consider one of the following architect proposals for the maintenance garage project: adopting Ordinance No 3 of 2023 which amends the following:

- The proposal from architect David McGarry of Dansbury Design and Drafting to design the architectural plans for the Maintenance Garage Project is as follows:
 - Architectural Services - \$12,050
 - Structural Engineering Services - \$9,500
 - Mechanical/Electrical/Plumbing/Fire Protection Services - \$11,750
- The proposal from architect Francis Sloan to design the architectural plans for the Maintenance Garage Project is as follows:
 - Architectural Services - \$3 per square foot.
 - Structural Engineering Services is also included in the above price.
 - Mechanical/Electrical/Plumbing Services – does not do Mechanical, or Fire Protection, Electrical and Plumbing is included in above price.

After some discussion, Councilwoman A. Harris moved to table any action until we receive more bid proposals. Councilwoman E. Santiago seconded. Motion carried 6 – 0.

New Business

Consider approving Resolution No 2 and 3 of 2023 which establishes the Building Code fee schedules – After our review at a work session, Vice President L. Noonan moved to adopt Resolution No 2 of 2023 establishing the Non-Residential Building Code Fee schedule and Resolution No 3 of 2023 establishing the Residential Building Code Fee Schedule. Councilwoman D. Fulton seconded. Motion carried 6 – 0.

Consider adopt Resolution No 4 of 2023 approving the changes to the Borough's Official Fee Schedules – After its review at a work session, Vice President L. Noonan moved to adopt Resolution No. 4 of 2023 approving the changes to the Borough's Official Fee Schedules. Councilwoman A. Harris seconded. Motion carried 6 – 0.

Consider purchasing a 2012 John Deere 5085M 2WD Cab Utility Tractor with side mount boom mount from Paradise Township at a price of \$40,000 – Councilman N. DeLano moved to purchase the 2012 John Deer Cab Utility Tractor. Councilwoman E. Santiago seconded. After some discussion, motion failed 6 – 0.

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Consider approving the Medico Construction Equipment estimate for the 2004 Backhoe repairs – Vice President L. Noonan moved to approve the Medico Construction Equipment estimate of \$15,000.00 for the 2004 Backhoe repairs. Councilwoman D. Fulton seconded. Motion carried 6 – 0.

Consider approving a pay increase for the Borough Manager increasing his salary from \$60,000 to \$65,000 for 2023. The increase will retroactively apply to January 1, 2023 – As this was discussed during the budget work sessions, Vice President L. Noonan moved a pay increase for the Borough Manager from \$60,000 to \$65,000 for 2023, retroactively apply to January 1, 2023. Councilwoman A. Harris seconded. Motion carried 6 – 0.

Consider approving an hourly increase for the Treasurer from 16 hours a week to 17.75 hours a week increasing her earnings from \$20,800 to \$23,000 for 2023. The increase will retroactively apply to January 1, 2023 – Councilwoman A. Harris moved to increase the hourly increase for the Treasurer from 16 hours a week to 17.75 hours a week increasing her earnings from \$20,800 to \$23,000 for 2023, retroactively apply to January 1, 2023. Councilman N. DeLano seconded. Motion carried 6 – 0.

Consider advertising Ordinance 4 of 2023 which amends Borough Ordinance Chapter 154 Article III Short-Term Rental (STR) which will prohibit STRs in any residential zoning district, allow STRs to be a principal permitted use in all commercial districts and prohibit STR certificates of occupancy from being transferred to a new owner – Solicitor J. Fareri clarified that there are two (2) Ordinance, one being a stand-alone, with one Ordinance will change the permitted uses and not to be allowed in any residential areas. Vice President L. Noonan moved advertise two (2) Ordinances amending Borough Ordinance Chapter 154 Regulating rental properties and Short-Term Rentals (STR) that prohibits STR certificates of occupancy from being transferred to a new owner and Chapter 215 which will prohibit STRs in any residential zoning district, allows STRs to be a principal permitted use in all commercial districts and to schedule a Public Hearing for Tuesday, May 2, 2023, at 6:15 P.M. Also to send the Zoning Ordinance to the Monroe County Planning Commission for its review. Councilman N. DeLano seconded. Motion carried 6 – 0.

Consider approving the collective bargaining agreement at presented – President D. Struckle stated that there is a tentative agreement with the union that will be written up and given to our labor attorney for their review. Once received it will be reviewed at the next work session and at the next regular meeting it would be voted on.

Officer Reports:

President's Report – President D. Struckle announced that the Mount Pocono Business Association will be having an event “Spring into Happiness” on Saturday, May 20th, with a rain date on Sunday, May 21st. Scheduled performances are: Pocono Mountain East Choir; Mr. Kim Karate demonstration; library reading; additional entertaining; a couple of food trucks; and a pet parade with judging for best dog costume. He stated that we received the grant from Pocono Mountains Visitor Bureau in the amount of \$15,000.00 with the help from Borough Manager J. Walker. This grant will help with the cost of clearing the Knob Overlook, additional flagpoles out front and a LED message board. He reminded everyone that First Fridays are coming up and it should be great year for this event.

Mayor's Report – Mayor R. Altomose stated that he was asked to speak at the VFW on March 29, 2023, Vietnam Veterans Day. He noted it was a very nice event.

Borough Manager's Report – Borough Manager J. Walker ask Borough Council to consider a motion to advertise the 2023 Street Improvement (Road Paving) Request for Bids. He noted that this Monday the PennDOT representative will meet with him and the Road Supervisor and asked Borough Council to refer to the paving schedule with the budget of \$200,000.00 – Vice President L. Noonan moved advertise the 2023 Street Improvement Request for Bids. Councilwoman E. Santiago seconded. Motion carried 6 – 0.

Borough J. Walker noted that he had a letter from Council of Governments (COG) regarding the Stormwater Management Amendment that needs to be passed by May 1, 2023, however in the last line in the letter it suggests that most municipalities will not be able to meet this deadline.

Solicitor's Report –

- **Library Lawsuit Update** –Solicitor J. Fareri updated everyone that the judge has to issue an opinion.

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- **Vote on Amendment to Development Agreement for Clarius Park project CP Mt Pocono LLC/Newland re: posting of performance guarantee** – After Solicitor J. Fareri giving updated information, Councilwoman D. Fulton moved to amend the Development Agreement for Clarius Park project CP Mt Pocono LLC/Newland regarding posting of performance guarantee. Vice President L. Noonan seconded. Motion carried 6 – 0.

Treasurer’s Report – Borough Treasurer D. Hewitt presented the Cash Report and Borough’s bill list. Vice President L. Noonan moved to approve and pay the bills list of Tuesday, April 4, 2023, as outlined:

Cash Report as of March 31, 2023

NBT General Fund

| | |
|-------------------|----------------------|
| Beginning Balance | \$ 532,641.29 |
| Deposit | 220,411.32 |
| Interest | 4.99 |
| Expense | 397,453.95 |
| Service Charge | 39.54 |
| Ending Balance | <u>\$ 355,564.11</u> |

NBT Liquid Fuels Fund

| | |
|-------------------|---------------------|
| Beginning Balance | \$ 69,312.18 |
| Deposit | 0.00 |
| Interest | 1.14 |
| Expense | 6,946.50 |
| Ending Balance | <u>\$ 62,366.82</u> |

NBT Road Rehab Fund

| | |
|-------------------|---------------------|
| Beginning Balance | \$ 36,890.64 |
| Deposit | 26,278.23 |
| Interest | 80.41 |
| Expense | 0.00 |
| Ending Balance | <u>\$ 63,249.28</u> |

NBT Park & Recreation Fund

| | |
|-------------------|----------------------|
| Beginning Balance | \$ 112,475.58 |
| Deposit | 0.00 |
| Interest | 196.45 |
| Expense | 0.00 |
| Ending Balance | <u>\$ 112,672.03</u> |

Traffic Signal Maintenance Fund (5 Points)

| | |
|-------------------|---------------------|
| Beginning Balance | \$ 98,787.72 |
| Deposit | 0.00 |
| Interest | 172.54 |
| Expense | 0.00 |
| Ending Balance | <u>\$ 98,960.26</u> |

NBT Pine Hill Intersection Fund

| | |
|-------------------|----------------------|
| Beginning Balance | \$ 365,752.70 |
| Deposit | 0.00 |
| Interest | 6.16 |
| Expense | 5,100.00 |
| Ending Balance | <u>\$ 360,658.86</u> |

NBT Stormwater Fund

| | |
|-------------------|---------------------|
| Beginning Balance | \$ 30,833.02 |
| Deposit | 0.00 |
| Interest | 53.85 |
| Expense | 0.00 |
| Ending Balance | <u>\$ 30,886.87</u> |

NBT Planning Commission Fund

| | |
|-------------------|--------------------|
| Beginning Balance | \$ 6,542.05 |
| Deposit | 0.00 |
| Interest | 11.43 |
| Expense | 0.00 |
| Ending Balance | <u>\$ 6,553.48</u> |

PLGIT General Fund

| | |
|-------------------|----------------------|
| Beginning Balance | \$110,092.27 |
| Deposit (EIT) | 30,819.89 |
| Deposit (LST) | 3,307.91 |
| Interest | 515.27 |
| Expense | 0.00 |
| Ending Balance | <u>\$ 144,735.34</u> |

PLGIT Liquid Fuels Fund

| | |
|-------------------|-----------------|
| Beginning Balance | \$75.74 |
| Deposit | 0.00 |
| Interest | .29 |
| Expense | 0.00 |
| Ending Balance | <u>\$ 76.04</u> |

PLGIT Capital Fund

| | |
|-------------------|----------------------|
| Beginning Balance | \$ 0.00 |
| Deposit | 100,000.00 |
| Interest | 406.90 |
| Expense | 0.00 |
| Ending Balance | <u>\$ 100,406.90</u> |

PLGIT Fund Balance

| | |
|-------------------|---------------------|
| Beginning Balance | \$ 0.00 |
| Deposit | 100,000.00 |
| Interest | 406.90 |
| Expense | 0.00 |
| Ending Balance | <u>\$100,406.90</u> |

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NBT Payroll Fund

| | | | |
|-------------------|--------------------|--------------------------------|-------------------------|
| Beginning Balance | \$ 6,921.63 | From General Fund to PR | |
| Deposit | 33,587.58 | (w/e 3/1/23) | \$3,766.61 (Final ARAP) |
| Interest | .17 | (w/e 3/1/23) | \$3,295.70 (GF) |
| Expense | <u>33,526.21</u> | (w/e 3/8/23) | \$6,457.43 |
| Ending Balance | <u>\$ 8,983.17</u> | (w/e 3/15/23) | \$8,860.18 |
| (w/e 3/29/23) | <u>\$6,373.24</u> | (w/e 3/22/23) | \$6,834.42 |
| | | | <u>\$ 35,587.58</u> |

ARAP

| | | | |
|-------------------|----------------------|--|---|
| Beginning Balance | \$3,766.61 | <u>E Commerce</u> - \$16.65 | <u>Beautification</u> - \$1,201.24 |
| Deposit | 0.00 | | |
| Interest | 0.00 | <u>Sparkle Car Wash Escrow</u> - \$487,009.36 | |
| Expense | <u>3,766.61</u> (PR) | <u>ESSA Line of Credit</u> - \$103,109.77 | |
| | \$ 0.00 | | |

BILLS TO BE APPROVED AND PAID 3/1/23 -3/31/23 FROM THE NBT GENERAL FUND ACCOUNT:

| | | |
|--|---|-----------|
| ARGS Technology, LLC | (IT Service - Remote Service, Server Update, Cloud, etc.) | \$ 264.50 |
| Barry Isett & Associates | (Reimb: Popeye's/Sparkle Car Wash/Hirshland LDP) | 687.50* |
| | (General Engineer Services & Safety) | 4,896.00 |
| Berkheimer Associates | (Local Service Tax Feb. Operating Commission) | 311.06 |
| Campbell Durrant, PC | (General Labor & Employment Matters Feb Work 2023) | 1,809.50 |
| Cintas Corporation | (PP: Maintenance Uniforms & Mats/ Rugs) | 320.41 |
| ESSA | (PP: March Building Loan) | 2,309.20 |
| GateHouse Media PA Holdings, Inc. | (Ad: ZHB Mohammed Appeal) | 188.04 |
| Geisinger Health Plan | (PP: Road Crew & Admin Manager Health Plan) | 9,237.30 |
| General Code | (Maplink: Annual Maintenance - 4/1/23-3/31/24) | 1,195.00 |
| Gleco Paint | (Boro Building Paint & Supplies) | 147.96 |
| H. Clark Connor | (Reimb: PC Commonwealth Charter Academy) | 525.00* |
| | (PC Reviews & Emails) | 402.50 |
| Highmark Blue Shield | (PP March – Road Crew & Admin Manager Vision & Dental) | 357.04 |
| Lowe's | (PP: New Light Emergency Steps & Cold Patch) | 413.69 |
| Met Life | (PP: Highway: March – Life and Disability Ins.) | 150.90 |
| Monroe County Control Center | (Fire/EMS Dispatching Fees 2 of 4) | 1,198.96 |
| NBT Cardmember Service | (PP: Garage/Boro Bldg. Miscellaneous) | 874.08 |
| Newman, Williams, Mishkin, Corveleyn | (1/2 Annual Retainer/ 12 Devonshire & Pro Tech) | 11,331.50 |
| PA American Water Co. | (PP: Boro & Garage Water, Fire Hydrants) | 939.75 |
| PA State Association of Boroughs | (Random Alcohol & Drug Testing) | 90.68 |
| Payrolls Unlimited | (Payroll 3/3/23 – 3/31/23) | 123.30 |
| Pitney Bowes BankInc Purchase Power | (PP: Postage) | 150.00 |
| Plociniak Oil Co. | (Boro Bldg. & Garage Heating Oil) | 5,102.75 |
| Pocono Mountain Public Library | (Library: Taxes, Delinquent, PY) | 4,403.19 |
| Pocono Mountain Regional EMS | (EMS: Taxes, Delinquent, PY) | 2,215.70 |
| Pocono Mountain Regional Police Dept. | (April 2023 Payment) | 79,488.68 |
| Pocono Mountain Volunteer Fire Company | (FC: Taxes, Delinquent, PY) | 4,403.19 |
| PPL Electric Utilities | (PP: 36 Lighting, Boro/Garage Electric, Park & Rec Conc.) | 1,182.08 |
| Quill Corp | (PP: Zoning/Planning) | 67.16 |
| Selective Insurance | (PP: Insurance Payment& Summit Risk Payment) | 5,755.96 |
| SFM Consulting | (March Zoning 43 Hours) | 2,795.00 |
| STR Business Solutions | (Ink Cartridge for Postage Machine) | 84.00 |
| Sunoco Universal Fleet | (PP: Maintenance Gas) | 873.14 |
| Tulpehocken Spring Water | (Bottled Water) | 99.74 |
| US Bank | (PP: March Copier Contract) | 128.45 |

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Verizon
GRAND TOTAL:

(PP: Highway Telephone)

\$ 51.57
\$144,574.48

*Reimbursable Items

Councilwoman E. Santiago seconded. Motion carried 6 – 0.

Zoning Officer's Report – Borough Manager J. Walker gave the Zoning Officer's report as presented.

Presentations Continued – Jay Livingston, Architect with Strada, LLC representing Commonwealth Charter Academy (CCA) 4 Fork Street was in attendance also present was Borough Engineer C. Niclaus. After Mr. J. Livingston's presentation, it was acknowledged that the following recommendations from the Mount Pocono Planning Commission were submitted:

Upon its review, the Planning Commission recommends that this project doesn't warrant to be a Land Development Plan; however, the following items need to be addressed by the applicant and included when applying for a Zoning Permit as noted when submitted by the Applicant:

1. *Stormwater Ordinance Section 179-20A(5) Exemptions – recommended for approval to be forwarded to Mount Pocono Borough Council on the request for a 5,000 sf exemption from the Stormwater Ordinance specific design requirements. Impervious area is required to be lessened from what is existing.*
2. *SALDO Section 187-56F(3)(e) Buffers and screens – recommended to approve this waiver as it will widen the access drive in front of the building adjacent Fork Street and remove the required 10' buffer. The applicant did propose providing all requirements of the landscape plantings in the existing buffer area to remain and this is a requirement of granting the waiver. Borough Council to approve.*
3. *Submit a lighting plan subject to the Borough's Ordinance requirements SALDO 187-62 and have it reviewed by a professional reimbursed by the Escrow account of the Sketch Plan application.*
4. *Parking space sizes less than 10' x 20' were recommended to match the existing sizes of parking spaces and meet 85th percentile reservations. The applicant was encouraged to provide the average number parking spaces required with some 10' x 20' spaces. The parking layout must be designed and provided in accord with the most current Institute of Transportation Engineers Traffic Engineering Handbook. The Applicant shall provide copies of the methodology used for the design for review by a Professional.*

Borough Engineer C. Niclaus referred to the Planning Commission recommendations as follows:

1. *Stormwater Ordinance Section 179-20A(5) Exemptions – revised plans were submitted dated March 31, 2023 have reduced impervious area with increased landscaping.*
2. *SALDO Section 187-56F(3)(e) Buffers and screens – landscaping proposed in other areas changing to pervious exceeds lost area.*
3. *Submit a lighting plan subject to the Borough's Ordinance requirements SALDO 187-62 – submitted, found to be satisfactory.*
4. *Parking space sizes less than 10' x 20' were recommended to match the existing sizes of parking spaces and meet 85th percentile reservations. Parking spaces now meet Ordinance requirements and use of existing sizes meets peak requirements.*

Councilwoman A. Harris questioned if this building would be tax exempt due to being a school. Solicitor J. Fareri stated that this question would need to be answered by the charter school and that they could possibly apply for an exemption to the Monroe County Assessment Office and that doesn't guarantee that the school would be exempt.

Upon the recommendation from the Borough Engineer and the Planning Commission, Vice President L. Noonan moved accept the Planning Commission recommendation that the CCA project is not subject to the Land Development requirements. Also to approve the request for 5,000 sf exemption from the Stormwater Ordinance Section 179-20A(5) with the reduced impervious area with the increased landscaping as in the revised plans submitted. Councilman N. DeLano seconded. Motion carried 6 – 0.

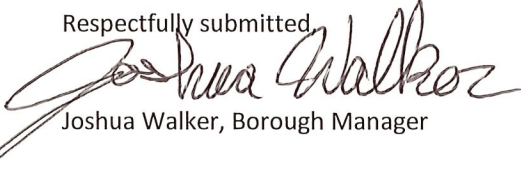
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Upon the recommendation from the Borough Engineer and the Planning Commission with the revised submissions, Vice President L. Noonan moved to approve the waiver request for the 187-56F(3)(e) Buffers and screens as it will widen the access drive in front of the building adjacent Fork Street and remove the required 10' buffer, as revised. Councilwoman d. Fulton seconded. Motion carried 6 – 0.

PUBLIC PARTICIPATION – None Borough Manager J. Walker asked Borough Engineer C. Niclaus for an update regarding the maintenance garage and what may be needed from Borough Council.

Meeting adjourned at 7:50 P.M.

Respectfully submitted,

A handwritten signature in black ink that reads "Joshua Walker". The signature is written in a cursive style with a large, sweeping initial "J".

Joshua Walker, Borough Manager