The Mount Pocono Borough Council meeting held on Tuesday, December 6, 2022, was called to order at 6:30 P.M. by President D. Struckle.

Roll Call: Councilman Norm 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 present; and, Mayor R. Altemose, absent.

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

Public Comment (agenda items only) - Sanitation Bids

In attendance representing GFL (County Waste) was Mr. Jonas Kreitzer and representing J.P. Mascaro were: Mr. Mike Belusko, General Manager; Mr. Al Dijaneiro, Senior Counsel; and, Mr. Sam Augustine, Marketing. Mr. J. Kreitzer first of all apologized that he did not submit a sanitation bid on time. He commented that the latest bid received by the Borough was outrageous and that his bid would be more reasonable if the Borough Council decides to reject the bid received. He added that if more time is needed to decide that his company would be willing to extend their current contract. Solicitor J. Fareri interjected that the sanitation bid went out twice and GFL did not submit a bid either time. He concluded that it was inappropriate for Mr. J. Kreitzer to make any comments on what GFLs price would be. Solicitor J. Fareri stated that Borough Council should not consider his oral statements since he did not submit a bid.

Approval of Minutes – Councilwoman C. Williams moved to accept the Regular Meeting minutes of November 1, 2022, and November 15, 2022, as presented. Councilwoman D. Fulton seconded. Motion carried 7 – 0.

Presentations - None

Unfinished Business

Sanitation Bid Results – Consider accepting the only sanitation bid received from J.P. Mascaro – Borough Manager J. Walker introduced Mr. Mike Belusko, General Manager, who in turn introduced his team: Mr. Al Dijaneiro, Senior Counsel; and, Mr. Sam Augustine, Marketing.

After their presentation, Councilman N. DeLano moved to reject the sanitation bid from J.P. Mascaro based on the high price.

Public comments from the following: Gary, 12 Cedar Road, stated that he cannot afford the trash pick-up: Joe Simeone, 10 Devonshire Lane, questioned if there is an option for a trash compactor; and, Jonas Kreitzer, GFL, made a few more comments.

Councilwoman C. Williams seconded. Motion carried 7 - 0.

Councilman N. DeLano moved to advertise for a new sanitation bid and request GFL to extend the current contract for sixty (60) days. Councilwoman C. Williams seconded. Motion carried 7-0.

Consider adopting Ordinance No 8 of 2022 – No Parking on Route 196 – Vice President L. Noonan moved to adopt Ordinance No 8 of 2022 – No Parking on Route 196 as follows:

ORDINANCE NO. 8 OF 2022

An Ordinance prohibiting parking on Pennsylvania Route 196

WHEREAS, the Borough Code provides generally that a Borough may make regulations as may be necessary for the health, safety, morals and general welfare and safety of the Borough, Borough Code Section 1202(5); and

WHEREAS, the Borough Code further provides that a Borough may regulate streets within the Borough, as well as to regulate parking under Borough Code Sections 12.02(12) and 31(ii); and

WHEREAS, Borough Council has determined that it is in the best interest of the safety and welfare of citizens of the Borough and as well as visitors to the Borough to prohibit any and all parking on PA Route 196 within Borough boundaries.

NOW, THEREFORE, Borough Council of the Borough of Mount Pocono Enacts and Ordains the following:

- 1. Parking of all vehicles as defined under the Pennsylvania Motor Vehicle Code is hereby prohibited on PA Route 196 within the Borough of Mount Pocono.
- 2. Notice of the designated no parking zone shall be posted with appropriate signs in accordance with Pennsylvania Department of Transportation Regulations.
- 3. Any person violating provisions of this Ordinance relating to parking violations shall be guilty of a summary offense and shall, upon conviction thereof, be sentenced to pay a fine of \$25.00 together with cost of prosecution. To the extent that any prior ordinance established as a lesser fine for such offense said provision is repealed and the fine set forth in this section shall be controlling.
 - 4. This Ordinance shall be effective immediately.

Councilwoman E. Santiago seconded. Motion carried 7 – 0.

Consider adopting Ordinance No 9 of 2022 – to amend the current Snow Ordinance – Vice President L. Noonan moved to adopt Ordinance 9 of 2022 amending the current Snow Ordinance as follows:

ORDINANCE NO. 9_ OF 2022

AN ORDINANCE AMENDING THE STREET AND SIDEWALKS ARTICLE II. SNOW REMOVAL CODE OF THE BOROUGH OF MOUNT POCONO, BOROUGH CODE § 183, seq.

WHEREAS, the Borough of Mount Pocono adopted a Street and Sidewalks Article II. Snow Removal Code, which is codified at Borough Code §183, et seq.;

WHEREAS, Borough Council seeks to amend the Ordinance as specified below,

NOW THEREFORE, in accordance with the Authority granted the Borough by the Pennsylvania Borough Code, the above referenced Ordinance is amended as follows:

- 1. § 183-7. Snow removal required within a certain time.
 - A. All owners or persons having care of any property bordering any street, highway or public place within the Borough of Mount Pocono, in the County of Monroe and State of Pennsylvania (hereinafter called the "Borough") is hereby required to remove or cause to be removed from all the sidewalks in front of or alongside such property all snow or ice thereon fallen or formed within 24 hours after the same shall have ceased to fall or to from any cause whatsoever:
 - a. Remove or cause to be removed all snow or ice from the physical building to the curb for the length of the sidewalk of the entire border in or on said street, highway, or public place, including from any pedestrian access ramps cut into street curbs bordering said property and, for corner lots, from the portion(s) of the sidewalk extending past the property to and including the street curb, and provide for the treatment of any snow or ice remaining on any shoveled sidewalk, with sand, salt or other suitable material;
 - b. Remove or cause to be removed all snow or ice from around any fire hydrant on the sidewalk bordering said property; and
 - c. Remove or cause to be removed all snow or ice from the opening of any catch basin bordering the sidewalk of said property. The property owner is solely responsible for compliance to this ordinance whether or not they occupy the building and property. In a case, where the lot is empty, the property owner(s) shall still be responsible for compliance to this ordinance.
- B. It shall be unlawful for any person to push, pile or place snow or ice so that it unreasonably obstructs or blocks driveways or streets or blocks the visibility of motorists or otherwise creates a dangerous condition for pedestrian or vehicular traffic. In the event that the snow and/or ice accumulation becomes so hard that it cannot be removed by means of a snow shovel, or similar device, then the owner, occupant or tenant of such property shall, within the time set forth in § 183-7.A above, abide by the rules of the emergency declaration cause enough cinder, sand or other similar abrasive to be out on the sidewalk to make travel reasonably safe, and shall, as soon as weather permits, cause to be cleared a pathway as described in § 183-7.A above.

§ 183-8. Borough may remove snow and charge expenses.

In any case where the owner, occupant or tenant, as aforesaid, shall fail, neglect or refuse to comply with any of the provisions of § 183-7.A of this article within the time limit prescribed therein, the Borough authorities may proceed immediately to clear all snow and/or ice from the sidewalk of such owner, occupant or tenant, and to collect the expenses thereof, with any additional amount allowed by law, from such owner, occupant or tenant, as the case may be, which may be in addition to any fine or penalty imposed under § 183-9 of this article.

§ 183-9. Violations and penalties.

Any person, firm or corporation who shall violate any provision of this article shall, upon conviction thereof, be assessed a civil penalty as follows:

First offense: \$100 Second offense: \$250 Third offense: \$375

and

Fourth offense and every subsequent offense: \$500 plus a court filing fee. Every day that a violation of this article continues shall constitute a separate offense. If the property owner has resolved a violation but is found to be in violation again this shall be treated as a new offense. This article shall be enforced by the Borough Codes Enforcement/Zoning Officer or other designee of the Borough of Mount Pocono.

2. This Amendment shall be effective immediately upon adoption.

Councilwoman E. Santiago seconded. Motion carried 7 - 0.

New Business

Consider advertising the proposed 2023 General Fund Budget, Street Improvement Budget, Liquid Fuels Budget, and Capital Fund Budget – Councilwoman C. Williams moved to advertise the proposed 2023 General Fund Budget, Street Improvement Budget, Liquid Fuels Budget and the Capital Fund Budget as presented this evening. Councilman N. DeLano seconded. Motion carried 7 – 0.

Consider advertising the Public Budget Hearing for Tuesday, December 20 at 6:00 P.M. – Vice President L. Noonan moved to advertise the Public Budget Hearing for Tuesday, December 20, 2022, at 6:00 P.M. Councilwoman D. Fulton seconded. Motion carried 7-0.

Consider advertising the Special Meeting to adopt the 2023 Budgets for Tuesday, December 20 immediately following the Work Session – Vice President L. Noonan moved to advertise the Special Meeting to adopt the 2023 Budgets for Tuesday, December 20, 2022, immediately following the Work Session. Councilwoman E. Santiago seconded. Motion carried 7 – 0.

Consider approving proposal from Barry Isett for the Candlewood stormwater project in the amount of \$5,500.00 — Vice President L. Noonan moved to accept the proposal from Barry Isett for the Candlewood stormwater project in the amount of \$5,500.00. Councilman N. DeLano seconded. Motion went to a roll call vote: Councilman N. DeLano, "Yes"; Councilwoman E. Santiago, "Yes"; Councilwoman A. Harris, "No"; Councilwoman C. Williams, "Yes"; Vice President L. Noonan, "Yes"; Councilwoman D. Fulton, "Yes"; and, President D. Struckle, "Yes". Motion carried 6 — 1.

Consider the following appointments and reappointments to various Boards and Committees:

- Parks and Recreation –Debra Fulton; Peter Richert; Stephen Speno; Joe Simeone
 - Three seats are available:
 - Term expires December 31, 2025
 - Term expires December 31, 2024
 - Term expires December 31, 2023
- Planning Commission Ann Marie Harris, four-year term to expire December 31, 2026
- Library Board Barbara Wilson, three-year term to expire December 31, 2025

Vice President L. Noonan moved to appoint the following to the Parks and Recreation Board: Debra Fulton, term to expire December 31, 2025; Peter Richert, term to expire December 31, 2024; and, Joe Simeone, term to expire December 31, 2023. Also to reappoint Ann Marie Harris to the Planning Commission term to expire December 31, 2026, and to reappoint Barbara Wilson to the Pocono Mountain Library Board, term to expire December 31, 2025. Councilwoman D. Fulton seconded. Motion carried 7 – 0.

Consider advertising an Ordinance to Eliminate Council and Mayor Compensation – Councilwoman A. Harris moved to advertise an Ordinance to eliminate Council and Mayor compensation. Councilwoman E. Santiago seconded. Motion carried 7-0.

Consider advertising the Council meeting dates for 2023 as the regular meeting occurring the first Tuesday and the work session occurring on the third Tuesday of every month at 6:30 P.M. – Councilwoman A. Harris moved to advertise the Council meeting dates for 2023 as the regular meeting occurring the first Tuesday and the work session occurring on the third Tuesday of every month at 6:30 P.M. Councilman N. DeLano seconded. Motion carried 7 – 0.

Consider advertising the dates of the following Boards and Committees for 2023:

- Planning Commission every third Wednesday at 7:00 P.M.
- O Zoning Hearing Board every seconded Tuesday at 7:00 P.M.
- Park and Recreation every third Thursday at 7:00 P.M.
- Safety Commission every fourth Monday at 7:00 P.M.

Councilwoman D. Fulton requested due to new members on the Park and Recreation Board that she would like confirm the day of the meeting with the Board and not be part of the advertisement. Councilwoman A. Harris moved to advertise the dates for the following Boards and Committee for 2023: the Planning Commission – every third Wednesday at 7:00 P.M.; Zoning Hearing Board – every second Tuesday at 7:00 P.M.; and, Safety Commission – every fourth Monday at 7:00 P.M. Councilman N. DeLano seconded. Motion carried 7-0.

Consider having committee members attend trainings -

Vice President L. Noonan clarified that when trainings or workshops become available that new members of the boards especially Planning Commission and Zoning Hearing Board should be contacted. Councilwoman A. Harris added that most of the members of these boards are new and would like to see trainings available.

Vice President L. Noonan moved to appoint Stephen Speno to the Planning Commission as an alternate member, term to expire December 31, 2026. Councilwoman D. Fulton seconded. Motion carried 7-0.

Officer Reports:

President's Report – President D. Struckle thanked the Budget and Finance Committee, Vice President L. Noonan and Councilwoman D. Fulton, for all of their hard work and long hours to get the budget ready. He also thanked the Mount Pocono Association for hosting Santa and the lighting of the Christmas tree and the Pocono Mountain Fire Company for transporting Santa down to Pocono Rocks. He recognized and thanked Road Supervisor Jim Trombetta and his road crew for making sure that everything was ready for the lighting. He thanked the Pocono Mountain School District for having their choir perform. He stated that Borough Council held two (2) executive sessions: one being on Thursday, December 1st, from 6:30 P.M. to 7:00 P.M. and the second one on Monday, December 5th, from 7:30 P.M. to 8:00 P.M. both for personnel issues.

Mayor's Report – No report.

Borough Manager's Report — Borough Manager J. Walker stated that he will be busy tomorrow with advertising the sanitation rebid, the budget meeting dates and the rest of the advertising that was approved this evening. He reported that the HVAC system is back on-line however he was advised that the second circulator would need to be replaced. He also stated that he reached out to UGI for a gas line to the Borough building, explaining that the first 100 feet is free however the 700 feet to the building would cost approximately \$100,000.00. He noted that the new maintenance garage could easily be hooked up. He advised everyone that he sat down with new store manager of Wal-Mart regarding the shopping carts. He was advised that Wal-Mart will be contracting a maintenance company who will pick-up any carts. He announced that currently all the carts have been picked up and all violators have been invoiced.

Solicitor's Report – Solicitor J. Fareri gave an update on the condemnation of the Latzanich property where the Borough offered \$3,500.00, as per an appraisal, for the property however it was not accepted. Since Mr. Latzanich has passed away we have received an offer from the attorney of the estate that \$3,500.00 would be accepted along with the lawyer fees which amounted to \$4,000.00.

Vice President L. Noonan moved to pay \$7,500.00 which included the attorney fees and to pay this from the Five Points Intersection Fund. Councilwoman C. Williams seconded. Motion carried 7-0.

Solicitor J. Fareri stated that there was a hearing before District Justice Riley regarding the property owner of 17 Old Timber Road who is conducting a commercial contracting business in a residential zone. He noted that Zoning Officer Shawn McGlynn was

present as were two (2) Councilmembers; President D. Struckle and Councilwoman A. Harris, and he was also present representing the Borough. Testimony was given and Justice Riley will consider the testimony given and would make decision in a couple of days.

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, December 6, 2022, as outlined:

Cash Report as of November 30, 2022

NBT General Fund		NBT Liquid Fuels Fund		
Beginning Balance	\$ 486,559.91	Beginning Balance	\$ 99,553.44	
Deposit	65,140.10	Deposit	0.00	
Interest	6.59	Interest	1.60	
Expense	153,956.24	Expense	<u>3,556.42</u>	
Service Charge	25.17	Ending Balance	\$ 95,998.62	
Ending Balance	\$ 397,725.19			
NBT Road Rehab Fund		NBT Park & Recreation Fun-		
Beginning Balance	\$ 35,434.79	Beginning Balance	\$ 129,902.60	
Deposit	978.67	Deposit	0.00	
Interest	1.47	Interest	26.69	
Expense	0.00	Expense	0.00	
Ending Balance	\$ 36,414.93	Ending Balance	\$ 129,929.29	
Uncleared Transactions \$19	9,091.10			
NBT Five Points Intersect		NBT Beautification Fund		
Beginning Balance	\$ 67,309.61	Beginning Balance	\$ 1,195.61	
Deposit	0.00	Deposit	0.00	
Interest	2.77	Interest	.05	
Expense	0.00	Expense	0.00	
Ending Balance	\$ 67,312.38	Ending Balance	\$ 1,195.66	
NBT Stormwater Fund		NBT Planning Commission Fund		
Beginning Balance	\$ 38,823.34	Beginning Balance	\$ 6,522.73	
Deposit	0.00	Deposit	0.00	
Interest	1.56	Interest	0.27	
Expense	1,000.00	Expense	0.00	
Ending Balance	\$ 37,824.90	Ending Balance	\$ 6,523.00	
PLGIT General Fund		PLGIT Liquid Fuels Fund		
Beginning Balance	\$ 303,099.42	Beginning Balance	\$ 74.77	
Deposit	86,129.78	Deposit	0.00	
Interest	938.89	Interest	0.21	
Expense (to GF)	17,069.66	Expense	0.00	
Ending Balance	\$ 372,159.54	Ending Balance	\$ 74.98	
American Rescue		E-Commerce		
Beginning Balance	\$ 116,976.68	Beginning Balance	\$ 66.69	
Deposit	0.00	Deposit	1,728.04	
Interest	1.66	Interest	0.00	
Expense	31,773.03*	Expense/Transferred to GF	1,778.08	
Ending Balance	¢ 95 205 21	Ending Balance	\$ 16.65	
*Payroll	\$ 85,205.31	Ending Dalance	Ψ 10.03	

NBT Payroll Fund		From ARAP to PR	
Beginning Balance	\$ 3,094.71	(w/e 11/2/22)	\$6,404.81
Deposit	31,773.03*	(w/e 11/9/22)	\$6,424.14
Interest	0.07	(w/e 11/16/22)	\$6,697.10
Expense	26,941.82	(w/e 11/23/22)	\$6,364.39
Ending Balance	\$7,925.99	(w/e 11/30/22)	\$5,882.59
			\$ 31,773.03

Sparkle Car Wash Escrow - \$486,977.08

ESSA - \$103,109.38

Pine Hill Intersection - \$365,741.48

BILLS TO BE APPROVED AND PAID 11/1/22 -11/30/22 FROM THE NBT GENERAL FUND ACCOUNT:

ARGS Technology, LLC	,	\$ 359.50
Ace Hardware	(Highway Supplies – Chains)	28.96
AMTrust North America		2,439.00
Ann Marie Harris	(Councilmember 7/1/22-12/31/22)	450.00
Barry Isett & Associates		2,439.50
	(Reimb: Sparkle Car Was/Taco Bell/ARYA/	
		2,899.13*
Berkheimer Associates	(Local Service Tax Operating Commission)	54.83
Campbell Durrant, PC	(General Labor & Employment Matter – October 2022)	154.00
Cintas Corporation	(Maintenance Uniforms & Mats/ Rugs)	322.10
Claudette Williams	(Council Pro-Tem Member 7/1/22-12/31/22)	450.00
Cushion Products Corporation	(Re-Addressing Signs/Street Signs & Reflectors)	744.04
Debra Fulton	(Councilmember 7/1/22-12/31/22)	450.00
Denise Clouse Cleaning Services	(Cleaning Borough 9/6, 9/129/19, 9/26,	
	10/3, 10/10, 10/17 10/24 & 10/31)	1,350.00
Donald Struckle	(Council President 7/1/22-12/31/22)	450.00
Donna Kenderdine Reporting	(Reimb: Court Reporter – Barberio)	150.00*
Ella Santiago	(Councilmember 7/1/22-12/31/22)	450.00
ESSA		2,309.20
Franks Home Restoration Inc.	(PREPAID: Clean & Varnish 2 nd Floor 2/3 of Payment)	8,559.30
GateHouse Media PA Holdings, Inc.	(Advertise: Ordinance to Decrease Planning Commission)	60.77
Giant Carpet One	t One (PREPAID: 1 ST Floor Office/Hall Carpet & Vinyl 1/2 Pmt.)	
Gleco Paint	(Boro Building Pain & Supplies)	669.76
Gotta Go Potties	(P&R Portable Toilet Rental 11/3/22-11/14/22 Final &	
	10/6/22 – 11/3/22)	243.86
Highmark Blue Shield	(PREPAID: Road Crew & Admin Manager Vision/ Dental)	354.94
Holler Oak Farm, LLC	(PREPAID: Maintenance building Wall Repair Blocks)	2,750.00
Lori Noonan	(Council Vice President 7/1/22-12/31/22)	450.00
Met Life	(PREPAID: Highway: Life and Disability Insurance)	150.90
Metz, Incl	(Heating Repairs 10/28/22)	779.64
Miller's Automotive	(State Inspection 2001 GMC Bucket Truck)	72.68
NBT Cardmember Service	(PREPAID: Payroll/Highway/Boro Bldg. Paint Supplies, etc	c.)939.53
Newman, Williams, Mishkin, Corvelyn	(Reimb: Barberio Cond. Use)	300.00*
Nicholas Barberio	(Plan & Zoning Refund)	217.38
Norman DeLano, Jr.	(Councilmember 7/1/22 – 12/31/22)	450.00
PA American Water Co.	(PREPAID: Fire Hydrants, Borough & Garage Water	769.25
PA One Call System, Inc.	(PA One Call)	40.91
Payrolls Unlimited	(Payroll 11/4/22-11/25/22)	99.60

Pitney Bowes Bankinc Purchase Power	(PREPAID: Postal Meter Ink & Postage)	\$ 237.98
Plociniak Oil Co.	(Boro Bldg. & Garage Oil)	2,093.35
Pocono Mountain Public Library	(Library Taxes)	560.81
Pocono Mountain Regional EMS	(EMS Taxes)	281.68
Pocono Mountain Regional Police Dept.	(December 2022 Payment)	68,256.94
Pocono Mountain Volunteer Fire Co.	(Fire Company Taxes)	560.81
PPL Electric Utilities	(PREPAID: Boro Bldg./Maint Garage/P&R, etc.)	609.44
Quill Corp	(HP Computer Ink & Yr. End Supplies)	495.19
Randy Altemose	(Mayor 7/1/22-12/31/22)	500.00
Reilly Associates	(Reimb: Clarius Park LDP)	8,693.31*
Selective Insurance	(PREPAID: Insurance Payment)	3,422.00
SFM Consulting	(November Zoning)	1,690.00
Sunoco Universal Fleet	(PREPAID: Gas)	548.89
The Two Shields, LLC	(State Inspection 2006 Peterbilt, Repairs)	2,902.10
Topp Business Solutions	(Copier 8/4/22-11/3/22 B/S & Color Overages	
Tulpehocken Spring Water	(Bottled Water)	47.99
US Bank	(Copier Contract – 11/1/22-11/30/22)	128.45
Verizon	(PREPAID: Highway – Telephone)	75.56
GRAND TOTAL:		128,216.62
*Reimbursable Items	<u>v</u>	120,210.02

Councilwoman C. Williams seconded. Motion carried 7 - 0.

Zoning Officer's Report – a written report from the Zoning Officer was given by the Borough Manager and stated that violation letters have been sent with prompt responses. He noted that illegal short-term rentals have been contacted and some will probably change to long term and he and Lindsay have been working closely on the shopping carts violations.

PUBLIC PARTICIPATION

Joe Simeone, 10 Devonshire Lane, commented that the street looks great with the lighting better than in the past years. It was acknowledged that the road crew did the decorating of the street and the Borough building in which they were complemented on a very nice job. He thanked Borough Council for moving towards a third sanitation bid and thought it was a very good decision. He questioned if there were more than two (2) trash haulers in our area.

Mike Reardon, 14 Cedar Road, brought up the littering problem in the Borough and to possibly make the fines higher. He stated that he and his neighbor have not had any problems with the trash hauler, County Waste (GFL), and would like to see them back as the Borough's trash hauler.

Councilwoman A. Harris, questioned if we have received any applications for chickens. Borough Manager J. Walker responded he has not. Councilwoman A. Harris also questioned if the trash hauler violates anything with contract would we fine them. Borough Manager J. Walker responded by advising her that we would follow up with any violations.

Meeting adjourned at 8:09 P.M.

Respectfully submitted,

Joshua Walker Borough Manager