

**Mount Pocono Borough Council
Regular Meeting Minutes,
Tuesday, January 3, 2023
6:30 P.M.**

The Mount Pocono Borough Council meeting held on Tuesday, January 3, 2023, 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 absent; and, Mayor R. Altemose, present.

In Attendance: James Fareri, Solicitor; Joshua Walker, Borough Manager; and, Chuck Niclaus, Borough Engineer. Borough Treasurer D. Hewitt was absent.

Approval of Minutes – Councilman N. DeLano moved to accept the Regular Meeting minutes of December 6, 2022, and the Special Budget Meeting of December 20, 2022, as presented. Vice President L. Noonan seconded. Motion carried 6 – 0.

Public Comment (agenda items only) – Joe Simeone, 10 Devonshire Lane, stated his concerns regarding 12 Devonshire Lane the illegal short-term rental. Solicitor J. Fareri responded that he has filed a civil complaint today against this property and after speaking with the property owner’s attorney he was advised that the property is listed for sale.

Presentations – None

Unfinished Business

Consider adopting Ordinance No 1 of 2023 Council Compensation – Councilman N. DeLano moved to adopt Ordinance No 1 of 2023 eliminating compensation for Council members and Mayor as follows:

ORDINANCE NO. 1 OF 2023

An Ordinance Eliminating Compensation for Salary of Council Members and Mayor

WHEREAS, the Borough Code of the Commonwealth of Pennsylvania establishes that both members of Borough Council and the mayor may be compensated in accordance with statutory limits. Borough Code § 1001(d) and §10A04(a); and

WHEREAS, the Borough has previously adopted ordinances providing for the compensation of members of Council and the Mayor in accordance with said statutory provisions; and

WHEREAS, Council at this time would like to eliminate salaries for both Councilpersons as well as the mayor.

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

- 1. Compensation for members of Borough Council previously set by ordinance in accordance with Borough Code § 1001(e) or its predecessor, is by this ordinance eliminated effective at the beginning of the next term of each member of council.*
- 2. Compensation for the mayor, previously set by ordinance in accordance with Borough Code § 10A04 or its predecessor, is by this ordinance eliminated effective at the beginning of the next term of the Mayor.*
- 3. Any ordinances previously adopted by the Borough setting salaries for either Councilpersons or the Mayor are by this ordinance repealed.*
- 4. This Ordinance shall be effective immediately.*

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

Consider adopting Ordinance No 2 of 2023 which imposes a 1 mil tax increase – Vice President L. Noonan moved to adopt Ordinance No 2 of 2023 – which imposes a 1 mil tax increase as follows:

ORDINANCE NO. 2 OF 2023

The Borough of Mount Pocono hereby adopts and ordains a 2023 Millage Ordinance as follows:

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Section 1. *That a tax be levied on all real property within the Borough of Mount Pocono, subject to taxation for Borough purposes for fiscal year of 2023, as follows: the 2023 Real Estate Tax Millage will be 5.15 mills, with a .965 mill dedication street improvement tax, a .155 mill dedicated library tax, a .155 mill dedicated fire tax, and a .078 mill dedicated EMS tax, for a total millage rate of 6.503 mills.*

Section 2. *That a taxpayer subject to the tax on real property within the Borough of Mount Pocono:*

(1) Shall be entitled to a discount of two (2) percent from the amount of such tax, upon making payment thereof within two (2) months after the date of the tax notice;

(2) Shall be charged a penalty of ten (10) percent of the amount of such tax, upon failure to make payment thereof within four (4) months after the date of the tax notice. The penalty shall be added to the taxes by the tax collector.

Section 3. *That any Ordinance or part of any Ordinance, conflicting with this Ordinance be and the same is hereby repealed.*

EFFECTIVE DATE

This Ordinance shall become effective immediately upon adoption.

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

New Business

Consider approving the proposal from Borough Engineer Chuck Niclaus of Barry Isett for the new maintenance building project in the amount of \$46,500.00 –Borough Engineer C. Niclaus spoke on the grant and the proposal. Vice President L. Noonan moved to approve the proposal from Borough Engineer C. Niclaus of Barry Isett & Associates for the new maintenance building project in the amount of \$46,500.00 being expensed out of the LSA Grant. Councilwoman D. Fulton seconded. Motion carried 6 – 0.

Consider approving the proposal from Borough Traffic Engineer Jerrid Dinnen of Barry Isett to conduct a survey verification to update 2014 data for the SR 611 and Pine Hill intersection in the amount of \$12,750.00 – Vice President L. Noonan moved to approve the proposal from Borough Traffic Engineer J. Dinnen of Barry Isett to conduct a survey verification to update the 2014 data for the SR 611 and Pine Hill intersection in the amount of \$12,750.00 with part of this expense coming out of a LSA Grant and the rest could coming out of the Traffic Signal Maintenance Fund. Councilman N. DeLano seconded. Motion carried 6 – 0.

Consider advertising an amendment to Borough Ordinance 187-39 regarding the Improvement Maintenance Guarantee – Vice President L. Noonan moved to advertise the amendment to Borough Ordinance 187-39 regarding the Improvement Maintenance Guarantee. Councilwoman E. Santiago seconded. Motion carried 6 – 0.

Consider advertising an amendment to Borough Ordinance 187-18 to 187-24 regarding Land Development submission requirements – Vice President L. Noonan moved to advertise the amendment to Borough Ordinance 187-18 to 187-24 regarding Land Development submission requirements. Councilwoman A. Harris seconded. Motion carried 6 – 0.

Consider advertising an amendment to Borough Ordinance 187-56 G.(2)(c) regarding caliper of shade trees – Borough Engineer C. Niclaus explained that developers have asked for waivers from this Ordinance due to the difficulty of sustaining the trees required per the Ordinance. Councilwoman A. Harris moved to advertise amending Borough Ordinance 187-56 G.(2)(c) regarding caliper of shade trees from 4 inches to 2.5 inches. Councilman N. DeLano seconded. Motion carried 6 – 0.

At this time Borough Engineer C. Niclaus finished his presentations and was excused from the remainder of the meeting.

Consider proceeding with sheriff's personal property levy at 12 Devonshire on the Borough's \$9,782.00 judgement – Councilwoman A. Harris moved to proceed with sheriff's personal property levy at 12 Devonshire Lane on the Borough's \$9,782.00 judgement. Vice President L. Noonan seconded. Motion carried 6 – 0.

Consider approving an agreement between the Borough and GFL regarding a continuation of trash collecting services for a term that expires February 28, 2023 – Vice President L. Noonan moved to approve the agreement between the Borough and GFL

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regarding the continuation of trash collection services for a term to expire on February 28, 2023. Councilwoman D. Fulton seconded. Motion carried 6 – 0.

Consider approving estimate from Miller’s Automotive for the Ford F-350 inspection and repairs in the amount of \$3,318.23 – Councilwoman A Harris moved to approve the estimate from Miller’s Automotive for the Ford F-350 inspection and repairs in the amount of \$3,318.23. Councilman N. DeLano seconded. Motion carried 6 – 0.

Officer Reports:

President’s Report – President D. Struckle wished everyone a happy new year. He stated that many things were accomplished especially as we came together and we did the right things for our residents. He also stated that the Budget Committee has come up with some ideas on where we would allocate the money. He noted that starting at next month’s work session he would like to see the committee chairs give a report even if there is nothing to report. He thanked everyone for their continued support.

Mayor’s Report – Mayor R. Altemose reported that a vehicle crushed the traffic signal control box at the Five Points Intersection on Christmas day and Road Supervisor J. Trombetta and his guys came out to work on the problem. He noted that Borough Manager J. Walker, our Emergency Coordinator R. Gannon, President D. Struckle and himself worked and getting temporary stop signs as the signal lights were not working. There was another malfunction of the traffic signals over new year’s eve weekend due to the wires freezing which has been fixed. He also noted that our emergency planning coordination is working. He also reported that he officiated a wedding in early December.

Borough Manager’s Report – Borough Manager J. Walker thanked President D. Struckle, Mayor R. Altemose and the rest of the Borough Council for their continued support this past year. He gave his report of the Borough’s accomplishments for this past year including: the website update and completion; overhaul of the entire security system by Altronics; hiring SFM Consulting as our Zoning/ Codes Enforcement Officer; and, applying for over three million dollars in grants; the Borough has become more pro-economic development, committing to more commercial developments, while ensuring the residents rights and properties are protected. He also mentioned various street and stormwater improvements and building improvements. He stated looking ahead toward 2023 we will be working towards: a new maintenance garage; street paving; maintaining the improved PennDOT relationship; and, keeping our finances strong which includes growing both the capital fund and fund balance.

Vice President L. Noonan stated that the files in the Borough offices have been digitized; Samuel a part-time seasonal employee was hired as groundskeeper and has painted the inside of the Borough building; after a clarification from Borough Manager J. Walker, she noted that the Borough adopted nine (9) Ordinances and fifteen (15) Resolutions, and all this was due to everyone working smoothly together. She added that she as the Budget Committee Chair is happy to see that carry over funds are more than in the past.

Solicitor’s Report – Solicitor J. Fareri gave an update on the 12 Devonshire matter, noting that he is drafting a complaint to shut them down completely and asked that Borough Council make a motion to allow him to file action of inequity.

Vice President L. Noonan moved to authorize Solicitor J. Fareri to file an action inequity against 12 Devonshire Lane. Councilwoman A. Harris seconded. Motion carried 6 – 0.

Solicitor J. Fareri stated that there are still issues with 17 Old Timber Road that is currently conducting an electrical business out of that location in a residential zone. He noted that they are attempting to shut him down however the owner of the property is appealing this. As far at Lot 28, he stated that he has forwarded the agreement but has not heard anything from them and that he will follow-up with this.

Treasurer’s Report – With the absence of Borough Treasurer D. Hewitt, Borough Manager J. Walker presented the Cash Report and Borough’s bill list. Vice President L. Noonan moved to approve and pay the bills list of Tuesday, January 3, 2023, as outlined:

Cash Report as of December 31, 2022

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NBT General Fund

Beginning Balance	\$ 397,725.19
Deposit	55,379.99
Interest	6.12
Expense	167,399.93
Service Charge	<u>27.66</u>
Ending Balance	<u>\$ 285,683.71</u>
Uncleared Transactions \$40,534.60	

NBT Liquid Fuels Fund

Beginning Balance	\$ 95,998.62
Deposit	0.00
Interest	1.62
Expense	<u>1,816.00</u>
Ending Balance	<u>\$ 94,184.24</u>

NBT Road Rehab Fund

Beginning Balance	\$ 36,414.93
Deposit	368.48
Interest	32.80
Expense	<u>0.00</u>
Ending Balance	<u>\$ 36,816.21</u>

NBT Park & Recreation Fund

Beginning Balance	\$ 129,929.29
Deposit	0.00
Interest	120.14
Expense	<u>0.00</u>
Ending Balance	<u>\$ 130,049.43</u>

NBT Five Points Intersection Fund

Beginning Balance	\$ 67,312.38
Deposit	
Interest	
Expense	
Ending Balance	

NBT Beautification Fund

Beginning Balance	\$ 1,195.66
Deposit	0.00
Interest	1.07
Expense	<u>0.00</u>
Ending Balance	<u>\$ 1,196.73</u>

NBT Stormwater Fund

Beginning Balance	\$ 37,824.90
Deposit	0.00
Interest	33.73
Expense	<u>500.00</u>
Ending Balance	<u>\$ 37,358.63</u>

NBT Planning Commission Fund

Beginning Balance	\$ 6,523.00
Deposit	0.00
Interest	5.85
Expense	<u>0.00</u>
Ending Balance	<u>\$ 6,528.85</u>

PLGIT General Fund (Not Available)

American Rescue

Beginning Balance	\$ 85,205.31
Deposit	0.00
Interest	1.24
Expense	<u>26,733.16*</u>
Ending Balance	<u>\$ 85,205.31</u>
*Payroll	

PLGIT Liquid Fuels Fund (Not Available)

E-Commerce

Beginning Balance	\$ 16.65
Deposit	0.00
Interest	0.00
Expense/Transferred to GF	<u>1,778.08</u>
Ending Balance	<u>\$ 16.65</u>

NBT Payroll Fund

Beginning Balance	\$ 7,928.99
Deposit	26,733.16*
Interest	0.09
Expense	<u>30,335.72</u>
Ending Balance	<u>\$ 4,323.52</u>

From ARAP to PR

(w/e 12/7/22)	\$6,485.54
(w/e 12/14/22)	\$6,781.03
(w/e 12/21/22)	\$6,780.28
(w/e 12/28/22)	<u>\$6,686.31</u>
	<u>\$ 26,733.16</u>

Sparkle Car Wash Escrow - \$486,985.35

Pine Hill Intersection - \$365,741.48

BILLS TO BE APPROVED AND PAID 12/1/22 -12/31/22 FROM THE NBT GENERAL FUND ACCOUNT:

ARGS Technology, LLC

(IT Service - Remote Service, Server Update, Cloud, etc.) \$ 454.50

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Berkheimer Associates	(Local Service Tax Operating Commission)	\$ 350.61
Cintas Corporation	(Maintenance Uniforms & Mats/ Rugs)	380.86
Denise Clouse Cleaning Services	(Cleaning Borough 11/17, 11/14, 11/21 & 1128)	600.00
E.M. Kutz, Inc.	(#* Plow Cutting Edge Bolts)	81.00
Franks Home Restoration Inc.	(Sand & Clean 2 nd Floor Hardwood (3/3 of payment)	5,849.70
GateHouse Media PA Holdings, Inc.	(Advertise: Ordinances, Waste Collection Bid, Budget)	1,071.75
Giant Floor & Rugs	(1 st Floor Vinyl Tile & Carpet – Mold Remediation)	6,700.00
Gleco Paint	(Boro Building Pain & Supplies)	167.68
PA American Water Co.	(PREPAID: Fire Hydrants)	714.09
PA One Call System, Inc.	(PA One Call)	6.60
Payrolls Unlimited	(Payroll 12/02/22-12/30/22)	124.50
Plociniak Oil Co.	(Boro Bldg. & Garage Oil)	2,215.17
Pocono Mountain Public Library	(Library Taxes: Regular & Delinquent)	316.85
Pocono Mountain Regional EMS	(EMS Taxes: Regular, Delinquent & Upset Sales)	281.68
Pocono Mountain Volunteer Fire Co.	(Fire Company Taxes: Regular, Delinquent & Upset Sales)	316.85
PPL Electric Utilities	(PREPAID: 36 Lighting)	48.25
Servpro	(Scanning Phase: 3 of 3 payments)	9,037.16
Sunoco Universal Fleet	(PREPAID: Gas & Oil)	991.28
Tulpehocken Spring Water	(Bottled Water)	<u>59.49</u>

GRAND TOTAL: **\$29,768.02**

Councilman N. DeLano seconded. Motion carried 6 – 0.

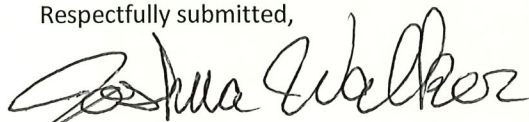
Zoning Officer's Report – a written report from the Zoning Officer was given by Borough Manager J. Walker. President D. Struckle stated that if anyone had any questions to contact the Zoning Officer directly.

PUBLIC PARTICIPATION

Councilwoman A. Harris, first of all she congratulated Borough Manager J. Walker on the birth of his son Luca. She questioned the following: why our current newsletter is not on the website; does the Zoning Officer have enough hours to do their job; can the meeting time be changed to 6:00 PM; and, was looking for a status on the Mount Pocono Municipal Authority and if there is a lease.

Meeting adjourned at 7:39 P.M.

Respectfully submitted,



Joshua Walker
 Borough Manager

