

**Mount Pocono Borough Council
Regular Meeting Minutes,
Tuesday, March 7, 2023, 6:30 P.M.**

The Mount Pocono Borough Council meeting held on Tuesday, March 7, 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 present; and, Mayor R. Altemose, present.

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

Approval of Minutes – Councilwoman D. Fulton moved to accept the Regular Meeting minutes of February 7, 2023, as presented. Councilwoman E. Santiago seconded. Councilwomen C. Williams and A. Harris abstained as they were not in attendance at this meeting. Motion carried 5 – 0.

Presentations – Maryjane Baer representing the Pocono Music Festival gave a presentation explaining the purpose of the Pocono Music Festival. She stated that the festival will be held over two (2) weekends in July and since 2018 the board has expanded the festival participants. She explained part of their mission statement is to educate and with this in mind a two (2) week performing arts camp will be held for the young artists that would culminate to a performance for the public. She asked Borough Council to get the word out about this program and to consider providing a sponsorship for the camp.

Public Comment (agenda items only) – None

Unfinished Business

Consider adopting Ordinance No 3 of 2023 which amends the following:

- o Borough Ordinance 187-39 regarding the Improvement Maintenance Guarantee
- o Borough Ordinance 187-18 to 187-24 regarding Land Development submission requirements
- o Borough Ordinance 187-56 G.(2)(c) regarding the caliper of shade trees

Councilwoman C. Williams moved to adopt Ordinance No 3 of 2023 as presented. Councilman N. DeLano seconded. After some discussion, Councilwoman C. Williams amended her motion to delete the section regarding the caliper of shade trees and to read as follows:

ORDINANCE NO. 3 of 2023

AN ORDINANCE AMENDING THE MOUNT POCONO SUBDIVISION AND LAND DEVELOPMENT (SALDO) ORDINANCE

WHEREAS, the Borough of Mount Pocono has adopted a Subdivision and Land Development Ordinance (SALDO) in accordance with the Pennsylvania Municipalities Planning Code which is codified in the Borough Code of Ordinances at §187-1 et seq.; and

WHEREAS, in accordance with §187-78 of the SALDO, the SALDO may be amended after public hearing and public notice in accordance with the Pennsylvania Municipalities Planning Code; and

WHEREAS, the Borough wishes to enact the following amendments to the SALDO, which the council believes are in the best interest of the Borough and its residents.

NOW THEREFORE BE IT ENACTED AND ORDAINED as follows:

1. § 183-18 (d)(5)(a) is amended to change the word "ten (10)" to "four (4)" and to add an additional sentence is added to the end of the paragraph as follows: "In addition to the above, electronic copies shall be provided".
2. § 183-20(b) is amended in subsections (1), (2) and (3) to change the numbers of copies to be provided to (4) and in subsection (4) to change the number of copies to be provided to (2).
A new section 183-20(b)(5) is added as follows: "In addition to the above, electronic copies shall be provided".
3. § 187-22(d)(2) is amended to provide that subsection (a), (b), (c) and (d) shall require submission of six (6) copies. Subsection (e) is amended to provide that two (2) copies shall be provided.
A new section 187-22(d)(2)(f) is added as follows: "In addition to the above, electronic copies shall be provided".
4. § 187-23(a)(2) is amended to provide that in subsections (a), (b) and (c) that four (4) copies shall be provided. Subsection (d) is amended to provide that two (2) copies shall be provided.
A new section 187-23 (a)(2)(f) is added as follows: "In addition to the above, electronic copies shall be provided".

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5. § 187-24(e)(2) is amended in subsections (a), (b), and (c) to provide that four (4) copies shall be provided. Subsection (d) is amended to provide that two (2) copies shall be provided.

A new section 187-24 (e)(2) is added as follows: "In addition to the above, electronic copies shall be provided".

6. § 187-39(a) is deleted in its entirety and replaced with the following:

A) Guarantee. Before dedicated improvements are accepted, the developer shall provide to the Borough a maintenance guarantee in an amount determined by the Council but not more than 15% of the cost of all dedicated improvements as estimated by the applicant's engineer and approved by the Borough Engineer.

(1) Such maintenance guarantee shall be in such form as prescribed in § 187-37A and shall guarantee that the developer shall maintain all improvements in good condition during the 18 months after the acceptance of the dedication. If the developer is negligent or fails to maintain all improvements in good condition during the eighteen-month period, the Council may enforce the maintenance guarantee, bond or other surety by appropriate and equitable remedies. If proceeds of such bond or other surety are insufficient to pay the cost of maintaining the improvements during the said eighteen-month period, the Council, at its option, may institute appropriate legal or equitable action to recover the monies necessary for maintaining the improvements in good condition.

(2) After the expiration of the 18 months from the date of the acceptance of the subject improvements and if all improvements are certified by the Applicant's Engineer and approved by the Borough Engineer to be in good condition, the Council shall release the said maintenance guarantee and surety to the developer or party posting the said maintenance guarantee and surety.

Councilman N. DeLano seconded. Motion carried 7 – 0.

New Business

Consider approving Resolution No 1 of 2023 approving the DCNR Park Rehabilitation and Development Grant application in the amount of \$585,085.00 –Vice President L. Noonan moved to adopt Resolution No. 1 of 2023 approving the DCNR Park Rehabilitation and Development application in the amount of \$585,085.00:

**RESOLUTION NO. 1 OF 2023
A RESOLUTION OF MOUNT POCONO BOROUGH, COUNTY OF MONROE
REQUESTING A DEPARTMENT OF CONSERVATION AND NATRUAL RESOURCES GRANT
FOR MOUNT POCONO MEMORIAL PARK IMPROVEMENTS**

WHEREAS, MOUNT POCONO BOROUGH ("Applicant") desires to undertake the project, "Mount Pocono Memorial Park Improvements" ("Project Title"); and

WHEREAS, the applicant desires to receive from the Department of Conservation and Natural Resources (Department) a grant for the purpose of carrying out this project; and

WHEREAS, the application package includes a document entitled "Terms and Conditions of Grant" and

WHEREAS, the applicant understands that the contents of the document entitled "Terms and Conditions of Grant," including appendices referred to therein, will become the terms and conditions of a Grant Agreement between the applicant and the Department **if the applicant is awarded a grant**; and

NOW THEREFORE, it is resolved that:

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1. *The grant application may be electronically signed on behalf of the applicant by "Joshua Walker" who, at the time of signing, has a TITLE of "Borough Manager" and the email address of "office@mountpocono-pa.gov".*
2. *If this Official signed the Grant Application Electronic Authorization prior to the passage of this Resolution, this grant of authority applies retroactively to the date of signing.*
3. *If the applicant is awarded a grant, the Grant Application Electronic Authorization, signed by the above Official, will become the applicant/grantee's executed signature page for the Grant Agreement, and the applicant/grantee will be bound by the Grant Agreement.*
4. *Any amendment to the Grant Agreement may be signed on behalf of the grantee by the Official who, at the time of signing of the amendment, has the "TITLE" specified in paragraph 1 and the grantee will be bound by the amendment.*

Councilwoman D. Fulton seconded. Motion carried 7 – 0.

Consider awarding the Knob Overlook project to one of the following companies:

- o Stage Tree Specialists – \$9,000.00 for a full trim and mulch; is open to clean up and mulch if another company does the trimming.
- o Keystone Tree Specialists – free as an Arbor Day project with publicity.
- o KC Tree Service - \$5,000.00 to clean up and mulch if another company does the trimming.

After some consideration, Councilwoman D. Fulton moved to award the Knob Overlook project to Keystone Tree Specialists who will do the project for free as an Arbor Day project with publicity. Vice President L. Noonan seconded. Motion carried 7 – 0.

Consider advertising once in the Pocono Record for all vacancies on Boards and Committees – Councilwoman A. Harris moved to advertise in the Pocono Record for all vacancies on Board and Committees. Councilwoman C. Williams seconded. Motion carried 7 – 0.

Consider approving the proposal from Barry Isett to update the Dog Park plans as per comments from Parks and Recreation Committee in the amount of \$6,500.00 – Councilwoman D. Fulton moved to table the proposal from Barry Isett to update the Dog Park plans. Vice President L. Noonan seconded. Motion carried 7 – 0.

Consider a request from NAACP to use the Council meeting room to host a Pocono Mountain School District candidates' forum on March 29, 2023 from 7 – 8 pm – Councilwoman C. Williams moved to allow the NAACP to use the Council meeting room to host a Pocono Mountain School District candidates' forum on March 29, 2023 from 7:00 to 8:00 P.M. Vice President L. Noonan seconded. Motion carried 7 – 0.

Consider what action to take regarding the MPMA leased office space – After a lengthy discussion, Councilwoman A. Harris moved to table any action regarding the MPMA leased office. Councilwoman E. Santiago seconded. Motion carried 7 – 0.

A motion to grant the request to extend the time to make a decision on the Bizio Land Development application to May 9, 2023 – Councilwoman A. Harris moved to grant an extension to May 9, 2023, to make a decision on the Bizio Land Development Application. Councilman N. DeLano seconded. Motion carried 7 – 0.

Officer Reports:

President's Report – President D. Struckle first thanked Councilman N. DeLano, Councilwoman C. Williams, Councilwoman A. Harris and Mayor R. Altemose for a great job on the Borough's new quarterly newsletter, "The Forks Post". He mentioned that he has received good comments regarding the newsletter. He reported that Borough Manager J. Walker has applied for a grant through the Pocono Mountains Visitor Bureau for the clearing of the Knob Overlook, additional flag poles out front and a LED message board.

Mayor's Report – No report.

Borough Manager's Report – Borough Manager J. Walker noted that the maintenance overview and vehicle report are in the packets and that at one of the future work sessions a review of all the Borough's vehicles will be conducted. He gave an update

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regarding the purchase of the maintenance vehicle. Vice President L. Noonan suggested that the Budget and Finance Committee meet to discuss this.

Solicitor's Report –

- **Consider a motion to approve the E Party (12 Devonshire) settlement agreement** – Councilwoman C. Williams moved to approve and sign the E Party, LLC (12 Devonshire) settlement agreement. Councilwoman D. Fulton seconded. Motion carried 7 – 0.
- **Consider a motion to approve the LPC Pocono I, LP (Lot 28) tax agreement between Mount Pocono Borough and Coolbaugh Township** – Councilman N. DeLano moved to approve the LPC Pocono I, LP (lot 28) tax agreement between Mount Pocono Borough and Coolbaugh Township. Councilwoman C. Williams seconded. Motion carried 7 – 0.
- **Committees and Commissions conducting fundraising** – he noted that the Borough Code does not really address this item. Due to liability issues he does not advise that the Borough conduct any fundraising. It was determined that this item will be further discussed at a work session.
- **17 Old Timber** – He reminded Borough Council that this property had a judgement against them due to running a business in a residential zoning district. He advised Borough Council that a hearing will take place in Stroudsburg which could be within sixty (60) days with the decision hopefully in the Borough's favor.

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, March 7, 2023, as outlined:

Cash Report as of February 28, 2023

NBT General Fund

Beginning Balance	\$ 730,608.88
Deposit	34,932.47
Interest	9.68
Expense	232,885.02
Service Charge	<u>24.79</u>
Ending Balance	<u>\$ 532,641.29</u>

Uncleared Transactions \$1,197.02

To Plgit \$200,000.00 (March 1, 2023)

NBT Liquid Fuels Fund

Beginning Balance	\$ 86,042.21
Deposit	0.00
Interest	1.18
Expense	<u>16,737.20</u>
Ending Balance	<u>\$ 69,312.18</u>

NBT Road Rehab Fund

Beginning Balance	\$ 36,855.30
Deposit	0.00
Interest	35.34
Expense	<u>0.00</u>
Ending Balance	<u>\$ 36,890.64</u>

NBT Park & Recreation Fund

Beginning Balance	\$ 110,367.83
Deposit	2,000.00
Interest	107.75
Expense	<u>0.00</u>
Ending Balance	<u>\$ 112,475.58</u>

Traffic Signal Maintenance Fund (new name)

Beginning Balance	\$ 98,913.08
Deposit	0.00
Interest	94.64
Expense	<u>220.00</u>
Ending Balance	<u>\$ 98,787.72</u>

NBT Beautification Fund

Beginning Balance	\$ 1,198.00
Deposit	0.00
Interest	1.15
Expense	<u>0.00</u>
Ending Balance	<u>\$ 1,199.15</u>

NBT Stormwater Fund

Beginning Balance	\$ 37,398.29
Deposit	0.00
Interest	34.73
Expense	<u>6,600.00</u>
Ending Balance	<u>\$ 30,833.09</u>

NBT Planning Commission Fund

Beginning Balance	\$ 6,535.78
Deposit	0.00
Interest	6.27
Expense	<u>0.00</u>
Ending Balance	<u>\$ 6,542.05</u>

PLGIT General Fund

Beginning Balance	\$52,293.04
Deposit (EIT)	38,606.98

PLGIT Liquid Fuels Fund

Beginning Balance	\$75.50
Deposit	0.00

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Deposit (LST)	18,934.06	Interest	.25
Interest	258.19	Expense	0.00
Expense	0.00	Ending Balance	<u>\$ 75.75</u>
Ending Balance	<u>\$ 110,092.27</u>		

<u>American Rescue</u>		<u>Pine Hill Intersection</u>	
Beginning Balance	\$ 30,941.26	Beginning Balance	\$ 365,747.09
Deposit	0.00	Deposit	0.00
Interest	.21	Interest	5.61
Expense	<u>27,174.86*</u>	Expense	0.00
Ending Balance	<u>\$ 3,766.61</u>	Ending Balance	<u>\$365,752.70</u>

*Payroll

<u>NBT Payroll Fund</u>		<u>From ARAP to PR</u>	
Beginning Balance	\$ 4,945.03	(w/e 2/1/23)	\$7,470.77
Deposit	27,174.86*	(w/e 2/8/23)	\$6,663.38
Interest	.12	(w/e 2/15/23)	\$6,575.33
Expense	<u>25,198.38</u>	(w/e 2/22/23)	<u>\$6,465.38</u>
Ending Balance	<u>\$ 6,921.63</u>		<u>\$ 27,174.86</u>

E Commerce - \$16.65

Sparkle Car Wash Escrow - \$487,001.09

ESSA Line of Credit - \$103,111.98

BILLS TO BE APPROVED AND PAID 2/1/23 -2/2823 FROM THE NBT GENERAL FUND ACCOUNT:

Altronics Security Systems	(Moved Zoning/Treasurer Office Motion Sensor)	\$110.00
ARGS Technology, LLC	(IT Service - Remote Service, Server Update, Cloud, etc.)	359.50
AMTrust North America	(PP: Borough Workers Compensation)	2,439.00
Barry Isett & Associates	(Reimb: Hirshland, Harbor, ARYA LDP, & Popeye's)	1,002.35*
	(General Engineer Services & Safety)	19,580.25
Berkheimer Associates	(Local Service Tax Jan. Operating Commission)	69.37
Campbell Durrant, PC	(General Labor & Employment Matters Jan Work 2023)	2,467.50
Cintas Corporation	(PP: Maintenance Uniforms & Mats/ Rugs)	320.41
Claude S. Cyphers, Inc.	(In House Fix: 2009 Ford 550 & 2012 Pete)	161.55
Denise Clouse Cleaning Services	(Cleaning Borough 1/3, 1/16, 1/23, 2/6, 2/13, 2/20 & 2/27)	1,050.00
District Court 43-4-02	(PP: Civil Complaint Property Maint – 14 Stonegate Ct)	208.25
E.M. Kutz, Inc.	(In House Fix: 2015 Kenworth Chains)	1,047.52
ESSA	(PP: Building Loan)	2,309.20
GateHouse Media PA Holdings, Inc.	(Ads: Land Development & ZHB Mohammed Appeal)	524.80
Geisinger Health Plan	(PP: Road Crew & Admin Manager Health Plan)	9,237.30
Gleco Paint	(Boro Building Paint & Supplies)	143.48
Highmark Blue Shield	(PP: Feb – Road Crew & Admin Manager Vision & Dental)	357.04
JNK Hydrotect & Extinguisher Supply, Co	(Borough Office/Garage Yearly Fire Extinguishers Tested)	415.50
Kingdom Mechanical	(HVAC Maintenance: Bearing Assembly/Pump Coupling)	2,985.00
Lowe's	(PP: Maintenance Cleaning Supplies)	53.08
Met Life	(PP: Highway: Feb – Life and Disability Ins.)	150.90
Miller's Automotive	(2001 Replace GMC Bucket Bracket)	1,814.71
NAPA Auto Parts	(PP: Highway: F550 Brake Parts Hydraulic Couplers)	284.04
National Water Specialties	(Garage/Boro Bldg.: Tested Backflow Valve)	300.00
NBT Cardmember Service	(PP: Garage/Boro Bldg. Miscellaneous)	818.14
Newman, Williams, Mishkin, Corveleyn	(Zoning Enforcement Emails)	77.50
PA American Water Co.	(PP: Boro & Garage Water, Fire Hydrants)	802.62

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PA One Call System, Inc.	(PA One Call)	\$ 34.58
PA State Association of Boroughs	(Extended Member Directory/News Magazine & Conf. Reg.)	370.00
Pangiotis Karygiannes	(RE: Tax Refund to Rite Aid)	3,225.68
Payrolls Unlimited	(Payroll 2/3-2/24/23)	97.40
Plociniak Oil Co.	(Boro Bldg. & Garage Oil)	3,376.57
Pocono Mountain Regional Police Dept.	(March 2023 Payment)	79,488.68
PPL Electric Utilities	(PP: 36 Lighting, Boro/Garage Electric, Park & Rec Conc.)	404.90
Selective Insurance	(PP: Insurance Payment)	3,422.00
SFM Consulting	(February Zoning 31.5 Hours)	2,047.50
Steele's Hardware	(Maintenance: Vehicle HvyDtyToggle Switch)	9.59
Sunoco Universal Fleet	(PP: Maintenance Gas & Oil)	857.91
The Two Shields, LLC	(2006 Pete: Repairs)	429.95
Topp Business Solutions	(Copier 11/4/22-2/3/23 B/W & Col Overages)	172.19
Tulpehocken Spring Water	(Bottled Water)	93.99
US Bank	(PP: Feb Copier Contract)	128.45
Verizon	(PP: Highway Telephone)	51.57
GRAND TOTAL:		<u>\$143,299.97</u>

*Reimbursable Items

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

Zoning Officer's Report – Borough Manager just received it today and will email it to Borough Council.

PUBLIC PARTICIPATION –

Barry St. Cyr, Borough Employee – Road Crew, introduced himself by stating that he is the person who is out there making sure the roads are clear day and/or night even on holidays. He expressed his concern regarding the union negotiations and how long they are taking.

Malachi Orr, Borough Employee – Road Crew, also expressed his concerns regarding the union negotiations, agreeing with Mr. B. St. Cyr's comments.

Diana Jackowski, Borough Employee – Administrative Assistant, stated that she is very disappointed and frustrated on how union negotiations are going, and that she is for the guys (road crew) who are a very important part of the Borough.

Mike Mancuso, First Assistant District Attorney of Monroe County, introduced himself that he is the First Assistant District Attorney and has been employed by the County since 2000, prior to this he has been a public defender and had his own practice. He stated that he is running for District Attorney this coming primary in May and that his plan for the District Attorney's office is to be more proactive with more community engagement.

Councilwoman C. Williams, stated that yesterday was the Women's Veterans Museum's one (1) year anniversary and they had a huge turnout for this celebration. She expressed her appreciation for all of the community support the museum has received.

Councilwoman A. Harris, added the outpouring yesterday at the museum was amazing. She noted that we have an attorney that will help veterans with their wills after finding out that there are veterans who don't have wills.

Meeting adjourned at 7:37 P.M.

Respectfully submitted,


 Joshua Walker, Borough Manager