

**Mount Pocono Borough Council  
Regular Meeting Minutes,  
Tuesday, June 6, 2023, 6:37 P.M.**

The Mount Pocono Borough Council meeting held on Tuesday, June 6, 2023, called to order at 6:37 P.M. by President D. Struckle and who stated that an Executive Session was held on May 31, 2023, regarding personnel and an Executive Session was held this evening at 6:20: P.M. which also dealt with personnel issue.

**Roll Call:** Councilman Norman DeLano, present; Councilwoman Debra Fulton, present; Councilwoman Ann Marie Harris, present; Councilwoman Ella Santiago, present; President Donald Struckle, present; Vice President Lori Noonan was 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** – Vice President L. Noonan moved to accept the Regular Meeting minutes of May 2, 2023, as presented. Councilman N. DeLano seconded. Councilwoman C. Williams abstained. Motion carried 6 – 0.

**Presentations** – none

**Public Comment (agenda items only)** – None

**Unfinished Business**

**Consider accepting one of the proposals below for Architectural Services:**

- **Dave McGarry | Dansbury Designs: \$33,300.00**
- **Francis Sloan: \$3.00 per square foot**
- **Wayne Vanderhoof | Schoonover and Vanderhoof: \$34,230.00**
- **Joseph Sedler | Sedler Design and Redevelopment**

After reviewing the proposals at a recent work session, Vice President L. Noonan moved to accept the proposal in the total amount of \$34,230.00 to Wayne Vanderhoof | Schoonover and Vanderhoof. Councilwoman D. Fulton seconded. Motion carried 7 – 0.

**New Business**

**Consider hiring Marissa Duffy as Borough Manager at a salary of \$62,500.00 to begin on Thursday, June 8, 2023** – Councilwoman C. Williams moved to hire Marissa Duffy as Borough Manager at \$62,500.00 and after ninety (90) days increase to \$65,000.00 with no health care. Vice President L. Noonan seconded. Motion carried 7 – 0.

**Consider retroactively approving the hiring of Anthony Pecorale as a Seasonal Part-Time Maintenance Worker at a rate of \$15/hour for a maximum of 20 hours per week with a start date of May 10, 2023** – Vice President L. Noonan moved to retroactively approve the hiring of Anthony as a Seasonal Part-Time Maintenance Worker at a rate of \$15.00 per hour for a maximum of twenty (20) hours per week with a start date of May 10, 2023. Councilwoman A. Harris seconded. Motion carried 7 – 0.

**Consider renewing the Property and Casualty Insurance policy with Selective Insurance. The insurance package premium costs \$41,995.00. The Workers Compensation premium costs \$28,391.00. The total renewal premium will cost \$70,386.00 for the term of 6/1/2023 to 5/31/2024** – Vice President L. Noonan moved to renew the Property and Casualty Insurance policy with Selective insurance with the insurance premium costs of \$41,995.00 and the Workers Compensation premium costs \$28,391.00 with total renewal premium cost of \$70,386.00, for the term of 6/1/2023 to 5/31/2024. Councilwoman C. Williams seconded. Motion carried 7 – 0.

**Consider awarding the Road Paving Bid received by Heidelberg Materials NE, LLC in the amount of \$132,396.75 to pave Winona Road, Stonegate Drive and Candlewood Drive** – Councilwoman A. Harris moved to award the Road Paving Bid to Heidelberg Materials NE, LLC in the amount of \$132,396.75 to pave Winona Road, Stonegate Drive and Candlewood Drive. Councilman N. DeLano seconded. Motion carried 7 – 0.

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Consider approving the following amendments to the Borough Code and Zoning Ordinances pertaining to Short-Term Rentals:

- **Ordinance 4 of 2023: An Amendment to Borough Code § 154-10**
- **Ordinance 5 of 2023: An Amendment to the Mount Pocono Zoning Ordinance Pertaining to Short-Term Rentals**

Councilman N. DeLano moved to approve amendments to Ordinance 4 of 2023: An Amendment to Borough Code § 154-10 and Ordinance 5 of 2023: An Amendment to the Mount Pocono Zoning Ordinance pertaining to short-term rentals as follows:

**ORDINANCE NO. 4 of 2023**

**AN ORDINANCE AMENDING BOROUGH CODE § 154 REGULATING RENTAL PROPERTIES AND SHORT-TERM RENTALS**

WHEREAS, in 2006 the Borough adopted an Ordinance pertaining to the regulation of rental property which is codified, as amended, at Borough Code § 154; and

WHEREAS, the Borough maintains inherent authority under the Borough Code to repeal and/or amend ordinances at the discretion of Borough Council; and  
WHEREAS, Borough Council believes it is appropriate to amend the Short-Term Rental Ordinance pertaining to Short-Term Rentals in the Borough of Mount Pocono.

NOW, THEREFORE, AMENDMENTS TO BOROUGH CODE § 154 ARE ADOPTED as follows:

1. **§ 154-10 LICENSE REQUIRED** is amended to delete 154-10(c) in its entirety and replace with the following:
  - a) (c) **LICENSE NON-TRANSFERABLE.** A short-term rental license the dwelling unit. Upon recordation of any deed or any document transferring title to the dwelling unit, any license hereunder shall immediately be revoked and become null and void. Such license shall not be reissued after such expiration to any party to whom title of the dwelling unit has been transferred in any zoning district in the Borough whereby short-term rentals are not permitted in accordance with the terms and provisions of the Mount Pocono Zoning Ordinance, as amended.
2. Code §154-10 is further amended to include a new sub-section (d) as follows:
  - a) (d) under no circumstances shall any short-term rental license be issued for any dwelling unit located in any residential zone of the Borough of Mount Pocono.

**ORDINANCE NO. 5 of 2023**

**AN ORDINANCE AMENDING THE MOUNT POCONO ZONING ORDINANCE PERTAINING TO SHORT TERM RENTALS**

WHEREAS, the Mount Pocono Zoning Ordinance, Borough Code § 215, provides for permitted locations of "Short Term Rentals" as that term is defined in §215-12 of said Ordinance; and

WHEREAS, said Ordinance provides for amendments from time to time by the Borough Council as permitted by Borough Code § 215-118; and  
WHEREAS, Council wishes to amend provisions of the Ordinance pertaining to zones in which short-term rentals are permitted as a permitted or conditional use.

NOW, THEREFORE, BOROUGH COUNCIL ADOPTS AMENDMENTS TO THE MOUNT POCONO ZONING ORDINANCE CODE § 215 as follows:

1. Attachment 3 to the Zoning Ordinance, "Table of Uses Permitted by District", is amended to change zoning districts in which short-term rentals are permitted as follows:
  - a) R-1, R-2, and R-3 Not permitted;
  - b) C-1, C-2 Permitted;
  - c) M, R-LM Not permitted.

Vice President L. Noonan seconded. Motion carried 7 – 0.

**Consider authorizing the Department of Public Works to secure the Dangerous and Unsafe Building situated at 134 Winona Road in accordance with Section 149-7B of the Mount Pocono Borough Code of Ordinance for the purposes of protecting the surrounding community** – Councilwoman A. Harris moved to authorize the Department of Public Works to secure the dangerous and safe building situated at 134 Winona Road in accordance with Section 149-7B of the Mount Pocono Borough Code for the purpose of protecting the surrounding community. With the cost be invoiced to the property owner. Councilman N. DeLano seconded. Motion carried 7 – 0.

**Authorize NBT Bank to remove Borough Manager Joshua Walker as a signatory on all Borough bank accounts** – Vice President L. Noonan moved to authorize NBT Bank to remove Borough Manager Joshua Walker as a signatory on all Borough bank accounts. Councilwoman C. Williams seconded. Motion carried 7 – 0.



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**Authorize NBT Bank to add Marissa Duffy, if voted in as Borough Manager, as a signatory on all Borough bank accounts –** Councilwoman A. Harris moved authorize NBT Bank to add the newly appointed Borough Manager Marissa Duffy as a signatory on all Borough bank accounts. Vice President L. Noonan seconded. Motion carried 7 – 0.

**Consider waiving the application fees and escrow fees for the Pocono Pride Softball facility –** Councilman N. DeLano moved to waive the application and escrow fees for the Pocono Pride Softball facility and that any fees accrued will be paid out of the Parks and Recreation Fund. Councilwoman D. Fulton seconded. Motion carried 7 – 0.

**Consider approving the Conditional Use Application of Dimitriy Baranov for a short-term rental proposed to be located at 31 Seneca Road –** Councilman N. DeLano moved to approve the Conditional Use Application of Dimitriy Baranov for a short-term rental located at 31 Seneca Road with the following conditions:

1. Twenty-four (24) hour period between renters.
2. Applicant must comply with all Borough Ordinances especially regarding fire pits.
3. The applicant will have his trash be removed by applicant's cleaning service immediately each time that a rental concluded at the property change of rental and the trash to be taken away from the property immediately.
4. A maximum of eight (8) people per rental period.
5. The applicant will rent only to people over the age of twenty-five (25) years.
6. The applicant will not allow parties to be conducted at the property.
7. The applicant will comply with all Borough Ordinances, especially section 115-410, pertaining to licensing for short-term rentals.
8. The applicant will collect and pay all sales tax and hotel occupancy tax to the proper authorities.

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

**Consider approving the Condition Use Application of Tyrell Shivers for a short-term rental proposed to be located at 130 View Court –** At this time Solicitor J. Fareri advised Borough Council that he recommends that this application be denied due to the following: the applicant not appear in person or by a representative; emails were exchanged by not only himself, but the Borough Manager but also his representative informing of the date, time and place of Public Hearing; the issue of certified notices were not sent to the neighbors which were not provided to the Planning Commission or to Borough Council; Mr. Shivers was not going to attend the Hearing and that his representative would attend however Solicitor J. Fareri advised the representative that a notarized letter advising that the representative would be in attendance in lieu of the owner; and, no communications was made that no one would be attending the Hearing.

Upon the recommendation from Solicitor J. Fareri, Councilwoman A. Harris moved to deny the Conditional Use Application of Tyrell Shivers for a short-term rental proposed to be located at 130 View Court due to the applicant not appearing for the Public Hearing that was held earlier this evening and that no certified notifications were made to the neighboring property owners. Councilman N. DeLano seconded. After the suggestion from Vice President L. Noonan, Councilwoman A. Harris amended her motion to include that a letter be sent to the Oakview Condominium Association advising them that Mr. Shivers doesn't have Borough Council's permission to use his property as a short-term rental. Councilman N. DeLano seconded the amended motion. Motion carried 7 – 0.

**Officer Reports:**

**President's Report –** President D. Struckle congratulated Marissa Duffy on coming onboard and can't wait until she starts this Thursday.

**Mayor's Report –** Mayor R. Altomose also congratulated Marissa Duffy. He would like to say that we will miss Joshua Walker, noting over the past year and half he has done a good job for the Borough of Mount Pocono residents and Council. He added that he appreciated Joshua and wished him all of the best in the future. Mayor R. Altomose stated that PennDOT is conducting a preliminary design in the corridor of SR 196, Pine Hill and in Coolbaugh Township on Green Road. He noted that this is a couple of years away and added that PennDOT will hold discussion meetings with the municipalities involved.

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**Borough Manager's Report** – Borough Manager J. Walker noted that there is a maintenance review report, the vehicle mileage and repairs reports in your packets. He thanked Borough Council, especially Councilwoman C. Williams who was the only one from the previous Council when he started for bringing him in and encouraged him. He also thanked Borough Council for keeping him and that we were able to accomplish a lot. He stated that the Borough is heading the right direction and feels that the residents should be proud of the current Councilmembers. He congratulated Marissa Duffy and look forward to being there for her to assist in the transition.

**Solicitor's Report** – Solicitor J. Fareri discussed the warehouse and the status of the letter of credit which he stated that and agreement has been made to extend the time. He noted that he has been in contact with the Borough's Zoning Officer and Engineer to keep him updated with the project. Solicitor J. Fareri will follow-up with a request regarding 12 Devonshire Lane if it is still being used as a short-term rental.

**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, June 6, 2023, as outlined:

**Cash Report as of May 31, 2023**

**NBT General Fund**

Beginning Balance	\$ 593,884.40
Deposit	1,433,527.72
Interest	18.02
Expense	<u>933,314.97</u>
Ending Balance	<u>\$ 1,094,113.17</u>

**NBT Liquid Fuels Fund**

Beginning Balance	\$ 59,072.28
Deposit	107,069.79
Interest	2.23
Expense	<u>13,581.314</u>
Ending Balance	<u>\$ 152,563.16</u>

**NBT Road Rehab Fund**

Beginning Balance	\$ 126,499.33
Deposit	115,270.32
Interest	570.69
Expense	<u>0.00</u>
Ending Balance	<u>\$ 242,340.34</u>

**NBT Park & Recreation Fund**

Beginning Balance	\$ 112,929.01
Deposit	9,215.00
Interest	298.07
Expense	<u>1,088.75</u>
Ending Balance	<u>\$ 121,353.33</u>

**NBT Traffic Signal Maintenance Fund (5 Pts)**

Beginning Balance	\$ 99,892.34
Deposit	1,000.00
Interest	255.84
Expense	<u>0.00</u>
Ending Balance	<u>\$ 101,148.18</u>

**NBT Pine Hill Intersection Fund**

Beginning Balance	\$ 353,014.70
Deposit	0.00
Interest	6.00
Expense	<u>0.00</u>
Ending Balance	<u>\$ 353,020.70</u>

**NBT Stormwater Fund**

Beginning Balance	\$ 30,957.32
Deposit	7,500.00
Interest	87.06
Expense	<u>1,200.00</u>
Ending Balance	<u>\$ 37,344.38</u>

**NBT Planning Commission Fund**

Beginning Balance	\$ 6,568.43
Deposit	0.00
Interest	16.74
Expense	<u>0.00</u>
Ending Balance	<u>\$ 6,585.17</u>

**PLGIT General Fund**

Beginning Balance	\$158,372.65
Deposit (EIT)	57,742.24
Deposit (LST)	17,393.82
Interest	822.45
Expense	<u>0.00</u>
Ending Balance	<u>\$ 234,331.16</u>

**PLGIT Liquid Fuels Fund**

Beginning Balance	\$76.33
Deposit	107,069.79
Interest	98.31
Expense	<u>107,069.79</u>
Ending Balance	<u>\$ 174.64</u>

**PLGIT Capital Fund**

**PLGIT Fund Balance**



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Beginning Balance	\$100,815.34	Beginning Balance	\$100,815.34
Deposit	0.00	Deposit	0.00
Interest	438.93	Interest	438.93
Expense	0.00	Expense	0.00
Ending Balance	<u>\$ 101,254.27</u>	Ending Balance	<u>\$101,254.27</u>

**NBT Payroll Fund**

Beginning Balance	\$ 4,564.42
Deposit	50,922.42
Interest	.14
Expense	45,204.25
Ending Balance	<u>\$ 10,282.73</u>

**From General Fund to PR**

(w/e 5/3/23)	\$8,217.55
(w/e 5/8/23)	\$12,970.81
(w/e 5/10/23)	\$6,784.80
(w/e 5/17/23)	\$7,009.59
(w/e 5/17/23)	\$1,786.70
(w/e 5/24/23)	\$7,146.60
(w/e 5/31/23)	<u>\$7,006.37</u>
Total Payroll	\$50,922.42

**Sparkle Car Wash**

Beginning Balance	\$487,017.36
Deposit	0.00
Interest	2.20
Expense	481,924.00
Service Charge	.54
Ending Balance	<u>\$ 5,095.02</u>

**PLGIT Park & Rec and Other**

Beginning Balance	\$598,772.00
Deposit	0.00
Interest	1,116.89
Expense	0.00
Ending Balance	<u>\$599,888.89</u>

**Beautification**

Beginning Balance	\$1,203.98
Deposit	0.00
Interest	3.07
Expense	0.00
Ending Balance	<u>\$ 1,207.05</u>

**E-Com**

Beginning Balance	\$16.81
Deposit	549.98
Interest	0.00
Expense	499.72
Ending Balance	<u>\$ 67.07</u>

**ESSA Line of Credit - \$103,111.44**

**BILLS TO BE APPROVED AND PAID 5/1/23 -5/31/23 FROM THE NBT GENERAL FUND ACCOUNT:**

ARGS Technology, LLC	(IT Service - Remote Service, Server Update, Cloud, etc.)	\$ 359.50
Affordable Locksmith	(Service Call for Cut Keys)	115.00
AMTrust North America	(PP: Borough Worker's Compensation)	2,454.00
Barry Isett & Associates	(Reimb: Popeye's/Sparkle Car Wash/ Harbor Freight/ McDonalds Sidewalk & Commonwealth Charter Academy)	2,390.90*
	(General Engineer Services & Safety: Gateway Sketch Plan)	4,707.50
	(Local Service Tax: Operating Commission April)	80.84
Berkheimer Associates	(General Labor & Employment Matters April Work 2023)	1,991.50
Campbell Durrant, PC	(PP: Maintenance Uniforms & Mats/ Rugs)	303.28
Cintas Corporation	(In House Fix: GMC Bucket Truck & Shop Parts/Supplies)	110.58
Claude S. Cyphers, Inc.	(Supplies: First Fridays)	182.75
Deb Fulton	(Civil Complaint: Violations of Property Maint. Code)	224.25
District Court 43-4-02	(PP: May Building Loan)	2,309.20
ESSA	(PP: Manager iPhone, Road iPhone & Tablet)	123.91
First Net	(Advertise: Financial Audit 4/24/23)	142.30
GateHouse Media PA Holdings, Inc.	(PP: Road Crew & Admin Manager Health Plan)	9,237.30
Geisinger Health Plan	(Blackout Traffic Paint)	284.28
Gleco Paint	(STR Escrow Deposit Appeal Refund 26 Seneca Rd)	1,500.00
Global Investment	(P&R: (2) Port of Potties 4/17-5/15/23)	175.00
Gotta Go Potties		

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H. Clark Connor	(Reimb: Charter Academy/Baronov/ Cannabis Disp./Shivers)	\$350.00
Highmark Blue Shield	(PP: May – Road Crew & Admin Manager Vision & Dental)	357.04
Kirk, Summa & Co., LLP	(Audit of Records – Year 2022)	8,200.00
Lowe's	(PP: Asphalt Potholes)	377.94
Met Life	(PP: Highway: May – Life and Disability Ins.)	150.90
NAPA Auto Parts	(PP: Highway: Oil Filter)	37.59
NBT Cardmember Service	(PP: Garage/Zoning/Office Miscellaneous)	1,505.95
PA American Water Co.	(PP: Boro & Garage Water, Fire Hydrants)	945.83
PA State Association of Boroughs	(Online Learning Public Works Management Training)	100.00
Payrolls Unlimited	(Payroll 5/5, 5/12, 5/17, 5/19 & 5/26)	135.10
Pitney Bowes Bankinc Purchase Power	(PP: Postage Stamps)	150.00
Plociniak Oil Co.	(Borough Building Hear 463.80 Gallons @ \$2.49)	1,159.04
Pocono Lake Supply Company	(New String Head for Weed Wacker)	31.98
Pocono Mountain Public Library	(Library: RE Taxes & Delinquent)	14,514.55
Pocono Mountain Regional EMS	(EMS: RE Taxes & Delinquent)	7,302.83
Pocono Mountain Regional Police Dept.	(June 2023 Payment)	79,488.68
Pocono Mountain Volunteer Fire Company	(FC: RE Taxes & Delinquent)	14,514.55
PPL Electric Utilities	(PP: 36 Lighting, Boro/Garage Electric, Park & Rec Conc.)	711.40
Reliable Sign & Striping, Inc.	(Road Maintenance: Sign & Posts Nuts/Bolts)	169.60
Scott's Signs & Printing	(2 Planning Commission Nameplates)	54.00
SFM Consulting	(Zoning 40 Hours)	2,600.00
	(Building Permits – 8)	2,983.30
Sunoco Universal Fleet	(PP: Maintenance Gas & Oil)	658.40
The Two Shields, LLC	(2014 KW State Inspection)	72.75
Topp Business Solutions	(Copier – 2/4/23-5/3/2023 B/W & Col. Overages)	290.25
Tulpehocken Spring Water	(Bottled Water)	82.49
US Bank	(PP: May Copier Contract)	128.45
Wal-Mart	(PP: Maintenance Supplies, Notepads)	5.86
<b>GRAND TOTAL:</b>		<b><u>\$163,770.57</u></b>

\*Reimbursable Items

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

Vice President L. Noonan moved to transfer \$500,000.00 from the NBT General Fund to the PLGIT General Fund to gain interest. Councilwoman C. Williams seconded. Motion carried 7 – 0.

**Zoning Officer's Report** – Borough Manager J. Walker gave the Zoning Officer's report as presented. He noted that there were a number of driveway permits issued and prior to that letters were sent to the property owners advising them that permits were needed. Most have complied.

#### **PUBLIC PARTICIPATION**

**Mary Kinney, 45 High Street**, wasn't aware of the amount of trees that were cut down for the warehouse and how bare it looks. She also noted that she didn't receive the last newsletter in the mail.

**Councilwoman C. Williams** reminded everyone that June 12<sup>th</sup> is Women's Veterans Day. She also thanked Joshua Walker for all of his hard work even through the hard times.

**President D. Struckle** wanted to have last say to thank Joshua Walker for all of his help with being a new President of Council. He acknowledged what Joshua went through with the previous Council and stuck it out. He wished Joshua good luck in Harrisburg and not to forget the Borough.

Meeting adjourned at 7:35 P.M. Respectfully submitted, Joshua Walker, Borough Manager