

Mount Pocono Borough Council
Regular Meeting Minutes,
Wednesday, November 8, 2023, 6:30 P.M.

The Mount Pocono Borough Council meeting held on Wednesday, November 8, 2023, called to order at 6:30 P.M. by President D. Struckle and who stated that a Public Hearing was held earlier this evening at 6:15 P.M., regarding an Amendment to Sign Ordinance.

Roll Call: Councilman N. DeLano, present; Councilwoman D. Fulton, present; Councilwoman A. Harris, present; Councilwoman E. Santiago, absent; President D. Struckle, present; Councilwoman C. Williams present; Councilman J. Simeone; and, Mayor R. Altemose, present.

In Attendance: J. Fareri, Solicitor; M. Duffy, Borough Manager; and, Borough Treasurer D. Hewitt were present.

Approval of Minutes – Vice President N. DeLano moved to accept the Regular Meeting minutes of October 3, 2023, as presented. Councilman J. Simeone seconded. Councilwoman A. Harris abstained explaining that she was not at this meeting. Motion carried 5 – 0.

Presentations – None

Public Comment (agenda items only) – None

New Business

Newland Warehouse Building Dimension Change and Amended Final Development Plan – Mr. Matthew Frank, Newland Capital Group and current owner; and his Engineer Mr. Mitchell Brady, Pennoni Associates. Mr. Frank explained that they have a tenant who is requesting a building dimension increase to 8,000 square feet; and, to change the land development plan to an As-Built Plan, as recommended by the Planning Commission.

Borough Alternate Engineer Chris McDermott of Reilly Associates reviewed the plans and the Applicant's request. He stated that there would be a minor shift of the building and recommended to Borough Council to approve the change to the plans and that the Applicant would not exceed the 8,000 square feet as requested.

Mr. Frank discussed the relocation of the emergency access road from SR 940 to be between Wal-Mart and AutoZone, which was also recommended by the Planning Commission. Mr. Frank stated that they need approval tonight so that they can have a discussion with PennDOT.

Mayor R. Altemose and Councilwoman A. Harris who is also the Planning Commission Chair were concerned that the Fire Chief was not contacted as was promised prior to going before Borough Council and Councilwoman A. Harris questioned if the adjacent property owners were notified.

Councilwoman A. Harris moved to be not opposed to the Applicant's plan of the relocation of the emergency access road, subject to be fully reviewed by the Borough's Alternate Engineer, Borough's Traffic Engineer also subject to approval by the Pocono Mountain Fire Company and PennDOT. Councilwoman D. Fulton seconded. Motion carried 6 – 0.

Councilman J. Simeone moved to approve the building dimension change to increase to 8,000 square feet of the eastern side of the building as depicted in a plan and to amend final development plan SP4.0 and that the extension to be shown on an As-Built Plan once the project is completed without the necessity of going through a land development plan approval. Vice President N. DeLano seconded. Motion carried 6 – 0.

The Engineers were excused at this time.

Unfinished Business

Sign Ordinance 7 of 2023 Adoption – Solicitor J. Fareri stated that there was a Public Hearing earlier this evening and was properly advertised amending the Sign Ordinance Chapter 215.

Vice President N. DeLano moved amend the Sign Ordinance as 7 of 2023 as presented:

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THE BOROUGH OF MOUNT POCONO ORDINANCE NO. 7 OF 2023

AN ORDINANCE AMENDING THE MOUNT POCONO ZONING ORDINANCE RELATING TO SIGNAGE

WHEREAS, the Borough of Mount Pocono has adopted a Comprehensive Zoning Ordinance in accordance with the provisions of the Pennsylvania Municipalities Planning Code; and

WHEREAS, the Zoning Ordinance is codified in the Mount Pocono Borough Code at §215;

WHEREAS, regulations pertaining to signage appear in the Zoning Ordinance at code §215-78 to 100; and

WHEREAS, the Pennsylvania Municipalities Planning Code, as well as the Mount Pocono Zoning Ordinance, permit amendment of the Ordinance from time to time; and

WHEREAS, the Borough Council believes that as in the best interest that the Borough amend the sign Ordinance in accordance with the below changes to such Ordinance.

NOW, THEREFORE, The Mount Pocono Zoning Ordinance pertaining to signages amended as follows:

1. Code §215-82 is amended to add new section L as follows:
Directional signs. Directional signs giving directional assistance for the convenience of the public, not exceeding four square feet per side in area or located closer than five feet to any property line, are permitted. Directional signs may be internally or illuminated by white light only.

If erected along a right-of-way and directing traffic to a facility or activity not located on the property on which the sign is erected, the sign shall:
 - A. Be limited in content to the name of the event, distance to the event in miles and a directional arrow.
 - B. Under no circumstances reference any enterprise or activity which is more than eight miles from the sign location.
 - C. If clustered, have maximum dimensions of 36 inches by 48 inches.*If erected on the same private property on which the facility is located, the sign shall:*
 - A. Be limited in content to the name of the business or enterprise, directional information and a directional arrow.
 - B. Not reference any additional enterprise which is not located on the same premises.
2. Amend Code §215-83(b) to remove "video display signs".
3. Amend §215-85(a)(1) to replace the existing language with the following:
In the case of a grand opening or similar event, banners, posters, pennants, ribbons, streamers, spinners or other similar moving, fluttering or revolving devices may be used for a period of 30 days.
4. Amend Code §215-88 to add new section H as follows:
Portable signs. Portable signs shall be allowed as freestanding on-premises signs only under the following circumstances:
 - A. When a standard freestanding sign cannot be erected without creating a hazard to traffic.
 - B. Portable signs classified as freestanding signs shall in all cases be permitted only upon the granting of a special exception by the Zoning Hearing Board.
 - C. Portable signs must be conformed to the general standards and size requirements of this chapter for on-premises signs.
5. Amend Code §215-88 to add new section L as follows:
Video Display Signs. Video Display Signs shall be permitted according to the following restrictions.
 - A. All messages, images, or displays shall not change and shall remain unchanged for a minimum of eight seconds.
 - B. There shall be no appearance of a visual dissolve or fading, in which any part of one message, image, or display disappears simultaneously with the appearance of any part of a second message, image, or display.
 - C. There shall be no appearance of flashing or sudden bursts of light, and no appearance of video motion, animation, movement, or flow of message, image, or display within the sign.
 - D. The intensity and contrast of light levels shall remain constant throughout the sign face.
 - E. Digital Display signs shall be equipped with an automatic day/night dimming software to reduce the illumination of the sign, based on the ambient light levels, to be visible without providing glare or distraction to the public. The dimming device shall minimize the illumination used to the lowest level necessary to make the sign conspicuous and visible during both daytime and nighttime hours. In no case shall the nighttime illumination intensity of the sign from one hour after sunset to one hour prior to sunrise exceed 150 nits.
 - F. The size limitations for Digital Display Signs shall be determined by the restrictions that apply by that type of sign, zoning district and any other restriction regulated throughout this chapter.
6. Amend Code §215-89(g)(1) to change "seven" to "thirty".

Councilwoman D. Fulton seconded. Motion carried 6 – 0.

Fee Schedule Resolution #7 – Vice President N. DeLano moved to adopt Resolution #7 of 2023 Amending current Fee Schedule as amended by Solicitor J. Fareri. Councilman J. Simeone. Motion carried 6 – 0.

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New Business Continued

Planning Commission Recommendation on Borough Maintenance Building – As this is currently before the Zoning Hearing Board (ZHB), Vice President N. DeLano moved to table this until the ZHB decision is rendered. Councilwoman D. Fulton seconded. Motion carried 6 – 0.

Electric Supplier Bids – Councilwoman A. Harris moved to accept the electric supplier bid from APPI Energy with the contract starting December 2023. Vice President N. DeLano seconded. Motion carried 6 – 0.

Renew Audit Services – Councilwoman D. Fulton moved to continue with the Borough’s current auditor, Kirk, Summa & Co. who agrees not to exceed \$9,500.00 for its audit services. Councilwoman A Harris seconded. Motion carried 6 – 0.

Police Budget 2024 – Upon reviewing the submitted Police Budget of 2024, Councilwoman D. Fulton moved to accept the Police Budget of 2024 in the amount of \$1,027,922.06. Councilwoman A. Harris seconded. Motion carried 6 – 0.

Pocono Mountain Public Library Appointment – Councilwoman A. Harris moved to reappoint Barbara Tyrell to the Pocono Mountain Public Library for the term of January 2024 until December 31, 2026. Vice President N. DeLano seconded. Motion carried 6 – 0.

Parks and Recreation Additional Equipment – Councilwoman A. Harris moved to accept the quote from Recreation Resource USA in the amount of \$30,000.00 for the Parks and Recreation additional equipment. Vice President N. DeLano seconded. Motion carried 6 – 0.

Officer Reports:

President’s Report – No report.

Mayor’s Report – Mayor R. Altemose noted that he would be inviting Chief Wagner from Pocono Mountain Regional Police Department to our next work session to discuss the 2024 Police Budget.

Borough Manager’s Report – No report.

Solicitor’s Report – No report.

Treasurer’s Report – Borough Treasurer D. Hewitt presented the Cash Report and Borough’s bill list. Vice President N. DeLano moved to approve and pay the bills list of Wednesday, November 8, 2023, as outlined:

Cash Report as of October 31, 2023

<u>NBT General Fund</u>		<u>NBT Liquid Fuels Fund</u>	
Beginning Balance	\$ 359,464.58	Beginning Balance	\$ 140,552.34
Deposit	82,536.83	Deposit	0.00
Interest	4.45	Interest	2.37
Expense	221,838.94	Expense	2,674.02
Service Charge	36.81	Ending Balance	<u>\$ 137,880.69</u>
Ending Balance	<u>\$ 220,130.11</u>		
<u>NBT Road Rehab Fund</u>		<u>NBT Park & Recreation Fund</u>	
Beginning Balance	\$ 125,556.37	Beginning Balance	\$ 108,462.38
Deposit	899.31	Deposit	0.00
Interest	321.98	Interest	246.67
Expense	0.00	Expense	15,747.38
Ending Balance	<u>\$ 126,777.66</u>	Ending Balance	<u>\$ 92,961.67</u>

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NBT Traffic Signal Maintenance Fund (5 Pts)

Beginning Balance	\$ 92,347.27
Deposit	0.00
Interest	230.56
Expense	<u>2,746.40</u>
Ending Balance	<u>\$ 89,831.33</u>

NBT Pine Hill Intersection Fund

Beginning Balance	\$ 352,919.29
Deposit	0.00
Interest	5.99
Expense	0.00
Ending Balance	<u>\$ 352,925.28</u>

NBT Stormwater Fund

Beginning Balance	30,809.50
Deposit	0.00
Interest	78.50
Expense	<u>0.00</u>
Ending Balance	<u>\$ 30,888.00</u>

NBT Planning Commission Fund

Beginning Balance	\$ 6,121.65
Deposit	0.00
Interest	15.58
Expense	<u>27.00</u>
Ending Balance	<u>\$ 6,110.23</u>

PLGIT General Fund

Beginning Balance	\$ 870,411.89
Deposit	0.00
Deposit (EIT)	9,104.09
Deposit (LST)	2,537.37
Interest	3,838.11
Expense	<u>0.00</u>
Ending Balance	<u>\$ 885,891.46</u>

PLGIT Liquid Fuels Fund

Beginning Balance	\$177.61
Deposit	0.00
Interest	.78
Expense	<u>0.00</u>
Ending Balance	<u>\$ 178.39</u>

PLGIT Capital Fund

Beginning Balance	\$103,082.57
Deposit	0.00
Interest	482.47
Expense	<u>0.00</u>
Ending Balance	<u>\$ 103,565.04</u>

PLGIT Fund Balance

Beginning Balance	\$103,082.57
Deposit	0.00
Interest	482.47
Expense	<u>0.00</u>
Ending Balance	<u>\$103,565.04</u>

NBT Payroll Fund

Beginning Balance	\$ 5,872.79
Deposit	28,650.76
Interest	.11
Expense	<u>30,104.91</u>
Ending Balance	<u>\$ 4,418.75</u>

From General Fund to PR

(w/e 10/6/23)	\$7,293.59
(w/e 10/11/23)	\$7,124.46
(w/e 10/18/23)	\$7,247.37
(w/e 10/25/23)	<u>\$6,985.34</u>
Total Payroll	<u>\$30,104.91</u>

Sparkle Car Wash

Beginning Balance	\$ 5,056.82
Deposit	0.00
Interest	.09
Expense	0.00
Service Charge	<u>9.63</u>
Ending Balance	<u>\$ 5,047.28</u>

PLGIT Park & Rec and Other

Beginning Balance	\$610,045.35
Deposit	0.00
Interest	2,675.74
Expense	<u>0.00</u>
Ending Balance	<u>\$612,721.09</u>

Beautification

Beginning Balance	\$1,219.20
Deposit	0.00
Interest	3.11
Expense	<u>0.00</u>
Ending Balance	<u>\$ 1,222.31</u>

E-Com

Beginning Balance	\$ 16.81
Deposit	45.74
Interest	0.00
Expense	<u>47.44</u>
Ending Balance	<u>\$ 15.11</u>

ESSA Line of Credit - \$103,115.80

***BILLS TO BE APPROVED AND PAID 10/1/23 - 11/1/23 FROM THE NBT GENERAL FUND ACCOUNT:**

Alarm Installers Corp.	(General Release of Claim)	\$1,188.00
Barry Isette & Associates	(Reimb: Hirshland LDP& Harvest Properties Sketch Plan)	1,103.95*

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	(Safety: PennDOT/Committee & Boro & Revisions)	\$2,928.50
	(Maintenance Bldg. Site Plan LDP)	9,928.00
Berkheimer Associates	(Local Service Tax: Operating Commission Sept.)	29.81
Bill Beekman's Plumbing & Heating	(Garage: 3 Furnaces & Chimney Bases Nozzles, etc.)	495.00
Cintas Corporation	(PP: Maintenance Uniforms & Mats/ Rugs)	345.65
Custom Products Corporation	(Street & Road Signs)	700.24
Denise Clouse Cleaning Services	(Cleaning Boro 9/11,9/19,9/25,10/2,10/10,10/23,10/10)	1,050.00
ESSA	(PP: October Building Loan)	2,309.20
First Net	(PP: Manager iPhone, Road iPhone & Tablet)	124.05
Frank & Susan Guastella	(Refund – STR Conditional Use)	425.00
Geisinger Health Plan	(PP: Oct. Road Crew Health Plan)	6,855.52
Gleco Paint	(Parking Lot Paint: Lines/Stops/Bars/Hash Marks)	483.96
Gotta Go Potties	(P&R: (1) Port of Potties 8/7-9/4/23 & (2) 9/29-10/1/23)	420.00
Highmark Blue Shield	(PP: Oct. – Road Crew Vision/ Dental)	268.82
Kausen Family Trust c/o McDonalds	(Refund: Taxes – McDonalds)	3,848.79
Lowe's	(PP: Garage, P&R & General)	1,490.82
Mahki Owens	(Reimb: Incorrect Bank – Traffic Ticket)	47.44
Met Life	(PP: Highway: October – Life and Disability Ins.)	150.90
Modern	(Repair: Generator Running Continuously)	896.25
NAPA Auto Parts	(PP: Highway 2012 Pete)	137.93
NBT Cardmember Service	(PP: Garage/P&R/General)	5,473.36
Newman Williams, Mishkin, Corveleyn	(Reimb: Guastella Hearing)	390.00*
PA American Water Co.	(PP; Boro & Garage Water, Fire Hydrants)	934.88
PA One Call System, Inc.	(PA One Call)	6.66
Payroll Unlimited	(Payroll: 10/6,10/13,10/20,10/27,10/31/23)	114.60
Pitney Bowes	(PP: Pitney Bowes Lease)	134.00
Pocono Mountain Public Library	(Library: RE Taxes Int. B & Delinquent Taxes)	231.00
Pocono Mountain Regional EMS	(EMS: RE Taxes Int. B & Delinquent Taxes)	616.28
Pocono Mountain Regional Police Dept.	(November 2023 Payment)	79,488.67
Pocono Mountain Volunteer Fire Company	(FC: RE Taxes Int. B/Delinquent Taxes & Fuel Expense)	3,231.00
PPL Electric Utilities	(PP: 36 Lighting, Boro/Garage Electric, Park & Rec Conc.)	661.41
Purchase Power	(PP: Postage)	372.89
Quill Corp	(PP: Office Supplies – Copy Paper)	99.98
Selective Insurance	(PP: Oct. Insurance Pmt. & Deductible Recovery Claim)	4,239.04
SFM Consulting	(Zoning 40.5 Hours, 9 BC Permits & 3 rd Qtr. 2023)	6,204.50
Steele's Hardware	(Maint: Chain Saw Chains)	41.38
Sunoco Universal Fleet	(PP: Highway Vehicles Fuel Purchase)	869.44
The Two Shields, LLC	(repairs: 2009 Ford F550)	2,381.95
Tulpehocken Spring Water	(Bottled Water)	93.99
US Bank	(PP: October Copier Contract)	128.45
GRAND TOTAL:		<u>\$140,941.31</u>

*Reimbursable Items

Councilwoman D. Fulton seconded. Motion went to a roll call vote: Councilman J. Simeone, "Yes"; Vice President N. DeLano, "Yes"; Councilwoman A. Harris, "No"; Councilwoman D. Fulton, "Yes"; Councilwoman C. Williams, "No"; and, President D. Struckle, "Yes". Motion carried 4 – 2.

Zoning Officer's Report – Borough Manager M. Duffy gave the Zoning Officer's report for the month of October 2023 regarding Zoning and Code Enforcement issues as presented:

• **Permits Issued:**

- Thirty (30) permits issued.
- Six (6) Zoning Permits – Two (2) Commercial & Four (4) Residential
- Eight (8) Building Permits – Three (3) Commercial & Four (4) Residential
- One (1) Driveway Permit
- Two (2) Building CO's
- Two (2) Zoning CO's
- Seven (7) Resale, Use and Occupancy
- One (1) Chicken Keeping

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- Three (3) Short-Term Rentals
- **Enforcement Actions:**
 - September 20, 2023 – Enforcement Notice – 21 Center Avenue– Establishing a two-family dwelling on the subject property without first obtaining the necessary permits. *The property owner has since contacted the Zoning Office and is in the process of submitting the required application and documents to receive a Certificate of Non-Conformity. This Certificate is predicated on the property owner providing evidence of the two-family dwelling being established on the property prior to the adoption of the Zoning Ordinance.*
 - October 27, 2023 – Letter – 240 Winona Road – Parking a commercial vehicle in a residential neighborhood. The property owner has since contact the Zoning Office and has stated that the tractor-trailer will no longer be parked on the property. *They were informed that if the violation occurs again that they will receive a formal Notice of Violation.*
 - October 30, 2023 – Order to Show Cause – 124 Snowshoe Court – The Zoning and Building Code Office had received complaints from the manager of the condominium association expressing concerns regarding multiple decks located on the subject property. An inspection of the property was completed, and we determined that the decks were hazard to the occupants and that there were alterations to the decks completed without first obtaining permits. *If they fail to respond to the Building Code Office within thirty (30) days, we will require that the decks be secured from entry.*
 - October 31, 2023 – Enforcement Notice – 1 James Court – Establishing a Contractors Yard on the subject property.
- **Public Hearing Matters:**
 - Fazard Mohammed – 17 Old Timber Road – The property owner has appeal the ZHB decision to the Court of Common Pleas. *The Hearing has been scheduled for November 8, 2023 at 1:00 pm.*
 - Adrien and Jennifer Bohdal – 56 Pine Hill Road – Establishment of a Contractor's Yard on the subject property. *The Borough has reinstated the filing of the civil complaint against the property owners. A hearing date has been set for November 22, 2023 at 10:00 am.*
 - Susan and Frank Guastella – 113 Ward Avenue – *The Zoning Office has settled the complaint with the Property Owner and they have obtained all required permits to bring them into compliance with the Borough Zoning Ordinance.*
 - Fazard Mohammed – 22 Brunswick Drive – The property owner has appealed the ZHB decision to the Court of Common Pleas. *A Hearing date has yet to be determined.*
 - Mount Pocono Borough – 57 Knox Street – A ZHB application has been submitted for a dimensional variance request for the proposed maintenance garage. *The Hearing is proposed to be held on November 30, 2023 at 6:00 pm.*
- **Resale Use and Occupancy Violations:**
 - The following properties were issued Notices for their violations of the Borough Resale, Use, and Occupancy Ordinance: 33 Heath Lane; 139 Foxfire Drive; 1369 Pocono Boulevard; 14 Stonegate Court; 14 Hemlock road; 12 Pointe Street; 33 Reeder Street; 419 Manor View Avenue; 5 Stonegate Court; 85 Church Avenue; 405 Park Avenue; 257 Nittany Court; and, 267 Nittany Court.

Borough Manager M. Duffy clarified that the letters for the non-dedicated roads will be sent out directly.

PUBLIC PARTICIPATION - After some discussion from the public, Borough Council agreed to have a grace period of one (1) year to take care of the non-dedicated roads.

Meeting adjourned at 8:30 P.M.

Respectfully submitted,

Marissa Duffy, Borough Manager

