

**Mount Pocono Borough Council  
Regular Agenda  
Tuesday, January 2, 2024**

**Call To Order  
Pledge of Allegiance**

**Roll Call:**

\_\_\_\_\_Norman DeLano, \_\_\_\_\_Debra Fulton, \_\_\_\_\_Ann Marie Harris, \_\_\_\_\_Joe Simeone  
\_\_\_\_\_Erin Melbert, \_\_\_\_\_Donald Struckle, \_\_\_\_\_Claudette Williams, \_\_\_\_\_Mayor Altemose

**Public Comment**( agenda items only)  
**Approve Minutes**

**New Business:**

Adopt Millage Ordinance  
ZHB Re-Appointment- Fran O'Boyle  
PMRPD Amendment  
Conflict of Interest/ Solicitor Recusal for Sheetz

**Officer Reports**

President  
Mayor  
Borough Manager  
Solicitor  
Zoning  
Treasurer(Bill's List)  
-Motion to approve bills

**Public Comment**

**Adjournment**

**Mount Pocono Borough  
Borough Council Chambers  
Public Hearing  
Wednesday, December 5, 2023, 6:15 P.M.**

The Mount Pocono Borough Council Public Hearing held on Wednesday, November 8, 2023, was called to order at 6:15 P.M. by President Don Struckle at the Borough Council Chambers.

**Pledge of Allegiance** – was said by all.

**Roll Call:** Vice President Norm DeLano, present; Councilwoman Debra Fulton, present; Councilwoman Ann Marie Harris, present; Councilwoman Ella Santiago, absent; Councilman Joseph Simeone, present; President Donald Struckle, present; Councilwoman Claudette Williams present; and, Mayor R. Altomose, present.

**In Attendance:** James Fareri, Solicitor; Marissa Duffy, Borough Manager; and, Danielle Hewitt, Treasurer.

**Purpose of Hearing**

President D. Struckle stated that the purpose of this Public Hearing is to receive public comment regarding the proposed Amendment to the Sign Ordinance. At this time Solicitor J. Fareri explained that any Amendment to the Borough's Zoning Ordinances require to have a Public Hearing as to have the public to have the opportunity to comment. He stated that proposed Amendment to the Sign Ordinance has been properly advertised as presented:

**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:*

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- 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".*

**Public Comments** – none

**Councilmember Question or Comments** – Councilwoman A. Harris questioned if this proposed Ordinance would affect the Borough's new digital sign. It was acknowledged that until the Amendment be adopted the Borough is not in compliant with the current Ordinance regarding the length of time for the digital sign to change.

**Adjournment** – Public Hearing adjourned at 6:25 P.M.

Respectfully submitted,

Marissa Duffy  
Borough Manager



**Mount Pocono Borough Council**  
**Regular Meeting Minutes,**  
**Tuesday, December 5, 2023, 6:30 P.M.**

The Mount Pocono Borough Council meeting held on Wednesday, December 5, 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:** Vice President N. DeLano, present; Councilwoman D. Fulton, present; Councilwoman A. Harris, present; Councilwoman E. Santiago, arrived at 6:35 P.M.; President D. Struckle, present; Councilwoman C. Williams present; Councilman J. Simeone, present; 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 Sign Ordinance Public Hearing Minutes of November 8, 2023 as presented. Councilwoman D. Fulton seconded. Motion carried 7 – 0. Councilwoman A. Harris moved to accept the Regular Meeting minutes of November 8, 2023, as presented. Councilman J. Simeone seconded. Motion carried 7 – 0.

**Presentations** – None

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

**Unfinished Business** - None

**New Business**

**Consider Road Tax Configuration** – Vice President N. DeLano moved to accept the Road Tax Configuration as presented. Councilwoman C. Williams seconded. Councilwoman A. Harris reminded the public that the taxes have not been raised. Motion carried 7 – 0.

**Authorize 2024 Budget for Public Inspection** – Councilwoman C. Williams moved to authorize the 2024 Budget for Public Inspection. Vice President N. DeLano seconded. Motion carried 7 – 0.

**Consider 2024 Meeting Dates** – Councilwoman C. Williams moved to approve the Borough Council meeting dates be the first Tuesday of each month and the work session be on third Tuesday of each month or otherwise indicated. Vice President N. DeLano seconded. Motion carried 7 – 0.

**Modern Estimate – Generator Repairs** – Councilwoman A. Harris moved to accept the estimate in the amount of \$7,357.52 from Modern for generator repairs. Vice President N. DeLano seconded. Motion carried 7 – 0.

**Changing Zoning Board Composition** – Councilwoman D. Fulton moved to reduce the amount of members on the Zoning Hearing Board from five (5) to three (3) by Ordinance to set by Solicitor J. Fareri. Vice President N. DeLano seconded. Motion carried 7 – 0.

**Consider Dog Park Rules/Sign** – Councilwoman D. Fulton moved to approve the Dog Park rules and sign as presented. Councilman J. Simeone seconded. Motion carried 7 – 0.

**Security Release Recommendation Newland Park** – Upon the recommendation from the Borough's Alternate Engineering Firm, Reilly Associate, Vice President N. DeLano moved to release \$3,562,840.00 of the retained security. Councilwoman C. Williams seconded. Motion carried 7 – 0.

**Consider Submitting Project Scoping Form for Green Light PennDOT Go Grant for 5 Points Intersection Study** – Councilwoman C. Williams moved to submit the project scoping form for Green Light PennDOT Go Grant for 5 Points Intersection Study. Councilwoman D. Fulton seconded. Motion carried 7 – 0.

**Authorize Borough Manager to submit DEP Recycling Grant Application** – Councilwoman A. Harris moved to authorize the Borough manager to submit an application for the DEP Recycling Grant. Councilwoman D. Fulton seconded. Motion carried 7 – 0.

**Officer Reports:**

**President's Report** – No report.



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**Mayor's Report** – Mayor R. Altemose stated that he had received an email from the warehouse owners for the new warehouse under construction asking if Borough Council would consider LERTA for this project and if they would like to meet and discuss this further with the Borough Council. He also thanked Councilwoman Ella Santiago for her service and that she will be greatly missed.

**Borough Manager's Report** – Borough Manager M. Duffy updated Borough Council that the Zoning Hearing Board agreed that the setbacks for the maintenance garage are fine.

**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 Tuesday, December 5, 2023, as outlined:

**CASH REPORT AS OF NOVEMBER 30, 2023**

**NBT General Fund**

Beginning Balance	\$ 220,130.11
Deposit	298,397.80
Interest	4.88
Expense	230,462.63
Service Charge	34.70
Ending Balance	<u>\$ 288,035.46</u>

**NBT Liquid Fuels Fund**

Beginning Balance	\$ 137,880.69
Deposit	0.00
Interest	2.26
Expense	2,697.32
Ending Balance	<u>\$ 135,185.63</u>

**NBT Road Rehab Fund**

Beginning Balance	\$ 126,777.66
Deposit	2,321.67
Interest	300.79
Expense	12,369.08
Ending Balance	<u>\$ 117,031.04</u>

**NBT Park & Recreation Fund**

Beginning Balance	\$ 92,961.67
Deposit	0.00
Interest	222.80
Expense	5,203.50
Ending Balance	<u>\$ 87,980.97</u>

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

Beginning Balance	\$ 89,831.43
Deposit	40,000.00
Interest	224.79
Expense	0.00
Ending Balance	<u>\$ 130,056.22</u>

**NBT Pine Hill Intersection Fund**

Beginning Balance	\$ 352,925.28
Deposit	0.00
Interest	5.80
Expense	0.00
Ending Balance	<u>\$ 352,931.08</u>

**NBT Stormwater Fund**

Beginning Balance	30,888.00
Deposit	0.00
Interest	76.16
Expense	0.00
Ending Balance	<u>\$ 30,964.16</u>

**NBT Planning Commission Fund**

Beginning Balance	\$ 6,110.23
Deposit	0.00
Interest	15.07
Expense	0.00
Ending Balance	<u>\$ 6,125.30</u>

**PLGIT General Fund**

Beginning Balance	\$ 885,891.46
Deposit	0.00
Deposit (EIT)	57,382.01
Deposit (LST)	19,934.24
Interest	3,509.94
Expense (to General Fund)	200,000.00
Ending Balance	<u>\$ 766,717.65</u>

**PLGIT Liquid Fuels Fund**

Beginning Balance	\$178.39
Deposit	0.00
Interest	.76
Expense	0.00
Ending Balance	<u>\$ 179.15</u>

**PLGIT Capital Fund**

Beginning Balance	\$103,565.04
Deposit	0.00
Interest	471.95
Expense	0.00
Ending Balance	<u>\$ 104,036.99</u>

**PLGIT Reserve Fund Balance**

Beginning Balance	\$103,565.04
Deposit	0.00
Interest	471.95
Expense	0.00
Ending Balance	<u>\$104,036.99</u>

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**NBT Payroll Fund**

Beginning Balance	\$ 4,418.75	(w/e 11/1/23)	\$6,980.00
Deposit	34,874.85	(w/e 11/8/23)	\$7,006.92
Interest	.10	(w/e 11/15/23)	\$6,993.47
Expense	<u>28,931.65</u>	(w/e 11/22/23)	\$6,751.26
Ending Balance	<u>\$ 10,361.78</u>	(w/e 11/29/23)	<u>\$7,142.93</u>
		<b>Total Payroll</b>	<b><u>\$34,874.58</u></b>

**From General Fund to PR**

**Sparkle Car Wash**

Beginning Balance	\$ 5,047.28
Deposit	0.00
Interest	.02
Expense	0.00
Service Charge	<u>5,047.30</u>
Ending Balance (Account Closed)	<u>\$ 0.00</u>

**PLGIT Park & Rec and Other**

Beginning Balance	\$612,721.09
Deposit	0.00
Interest	2,609.79
Expense	<u>0.00</u>
Ending Balance	<u>\$615,330.88</u>

**Beautification**

Beginning Balance	\$1,222.31
Deposit	0.00
Interest	3.01
Expense	<u>0.00</u>
Ending Balance	<u>\$ 1,225.32</u>

**E-Com - \$ 15.11**

**ESSA Line of Credit - \$103,116.70**

**\*BILLS TO BE APPROVED AND PAID 11/1/23 – 12/1/23 FROM THE NBT GENERAL FUND ACCOUNT:**

ARGS Technology, LLC	(IT Service)	\$859.35
AMTrust North America	(PP: Fire Company Workers Compensation)	2,759.00
Ann Marie Harris	(Councilmember – 7/1/23- 12/31/23)	450.00
Berkheimer Associates	(Local Service Tax: Operating Commission Oct.)	63.32
Cintas Corporation	(PP: Maintenance Uniforms & Mats/ Rugs)	337.88
Claude S. Cyphers, Inc.	(3 New Batteries #2014 Kenworth & 2 Battery Chargers)	549.75
Claudette Williams	(Councilmember – 7/1/23- 12/31/23)	450.00
Debra Fulton	(Councilmember – 7/1/23- 12/31/23)	450.00
Donald Struckle	(Council President – 7/1/23- 12/31/23)	450.00
Ella Santiago	(Councilmember – 7/1/23- 12/31/23)	450.00
ESSA	(PP: November Building Loan)	2,572.87
First Net	(PP: Manager iPhone, Road iPhone & Tablet)	124.05
GateHouse Media PA Holdings, Inc.	(Advertise Zoning Garage Set Back Variance 2x)	208.06
Geisinger Health Plan	(AWD: Nov Road Crew Health Plan)	6,855.52
Gotta Go Potties	(P&R: (1) Port of Potties 10/2/23-10/30/23)	175.00
Highmark Blue Shield	(PP: Nov. Road Crew Vision/ Dental)	268.82
Joseph Simeone	(Councilmember 10/1/23-12/31/23)	225.00
Lori Noonan	(Council Vice President 7/1/23-9/5/23)	162.50
Lowe's	(PP: Borough & Highway)	256.72
Met Life	(PP: Highway: November – Life and Disability Ins.)	164.52
NAPA Auto Parts	(PP: Highway Snowplow Guides & Hood Lift Support)	154.57
NBT Cardmember Service	(PP: Highway & Borough)	480.74
Norman DeLano, Jr.	(Councilmember & Vice President – 7/1/23- 12/31/23)	450.00
PA American Water Co.	(PP; Boro & Garage Water, Fire Hydrants)	938.01
PA One Call System, Inc.	(PA One Call)	22.86
Payrolls Unlimited	(Payroll 11/3,11/10,11/17,11/24/23)	95.20
Plociniak Oil Co.	(Garage & Boro Building Heat)	4,095.11
Pocono Lake Supply Company	(Concrete Mix, Stone for 3 Flagpoles)	802.50
Pocono Mountain Public Library	(Library: RE Taxes & Delinquent Taxes)	409.03
Pocono Mountain Regional EMS	(EMS: RE Taxes & Delinquent Taxes)	205.80



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Pocono Mountain Regional Police Dept.	(December 2023 Final Payment)	\$79,488.67
Pocono Mountain Volunteer Fire Company	(FC: RE Taxes & Delinquent Taxes)	409.03
PPL Electric Utilities	(PP: 36 Lighting, Boro/Garage Electric, Park & Rec Conc.)	660.81
Randy Altemose	(Mayor 7/1/23-12/31/23)	500.00
Reilly Associates	(Reimb: Clarius Park Development Plan)	51,368.12*
Schader Yesco	(LED Lights for Black Posts)	479.46
Selective Insurance	(PP: Nov. Selective Insurance)	4,074.00
SFM Consulting, LLC	(Nov. Zoning 43 Hrs.)	2,795.00
	(Building Permits)	1,272.87
	(Resale Occupancy Permits)	910.00
Steele's Hardware	(Rental: Cement Mixer - Flagpoles)	66.00
Summit Welding	(Weld Crack Sealer Trailer)	75.00
TK Elevator Corporation	(Service Date – 10/1/23-12/31/23)	214.71
Topp Business Solutions	(Copier 8/4/23-11/3/23 B/W & Color Overages)	298.62
US Bank	(PP: November Copier Contract)	<u>128.45</u>
<b>GRAND TOTAL:</b>		<b><u>\$168,226.92</u></b>

\*Reimbursable Items

Councilwoman A. Harris seconded. Motion carried 7 – 0.

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

● **Permits Issued:**

- Seventeen (17) permits issued.
- Five (5) Zoning Permits – Three (3) Commercial & Two (2) Residential
- Four (4) Building Permits – Two (2) Commercial & Two (2) Residential
- One (1) Driveway Permit
- Four (4) Resale, Use and Occupancy
- One (1) Road Opening
- Three (3) Short-Term Rentals

● **Enforcement Actions:**

- November 13, 2023 – Letter – 6 Devonshire Lane – Paving of a residential driveway without first obtaining permits from the Borough. *The property owner has since obtained the necessary permit and the violation has been closed.*
- November 22, 2023 – Letter – 19 Stonegate Court – Using a trash provider that is not in contract with the Borough. *The property owner has reached out to the Zoning Office, expressing discontent with GFL. Despite being informed of potential enforcement measures for non-compliance, they have adamantly refused to switch waste providers. The property owner has indicated a desire to attend a Borough Council meeting to address concerns related to the Ordinance.*
- November 27, 2023 – Enforcement Notice – 11 Cedar Road – Multiple property maintenance violations were brought to our attention by Jim Trombetta. The Notice of Violation was sent regarding high grass and vegetation and a lack of upkeep of the building on the property.

● **Previously Discussed Properties:**

- 134 Winona Road – Jonathan Klotz from the Mount Pocono Borough Municipal Authority informed the Zoning Office that he observed an individual residing in the dwelling when he went to post it. The Zoning Office performed a follow-up inspection and observed that the dwelling is not secure and easily accessible to individuals who would like to gain access. *Are we still moving forward with the Road Department securing the property?*
- 21 Center Avenue – The Zoning Office initiated an enforcement notice against the owner of the mentioned property for establishing a two-family dwelling on the premises. Subsequently, the property owner presented evidence indicating that the two-family dwelling predated the adoption of the Zoning Ordinance. As a result, the violation has been resolved, and the property owner has acquired a Certificate of Non-Conformity, legitimizing the use of the property.
- 124 Snowshoe Court – The Zoning and Building Code Office issued an Order to Show Cause against the property owner due to hazardous structures on the property. Renee Speaks, the property manager, has communicated with the Zoning and Building Code Office, indicating that the decks have been made inaccessible to residents, but there is insufficient



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funding for timely repairs to the hazardous structures. Additional conversations will occur with the Building Code Official to decide on an appropriate course of action.

● **Public Hearing Matters:**

- Fazard Mohammed – 17 Old Timber Road – The property owner has appealed the Zoning Hearing Board decision to the Court of Common Pleas. *The hearing was held on November 6<sup>th</sup> and the Court upheld the Zoning Officers determination. An appeal of this determination has yet to be filed.*
- 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 December 20, 2023, at 10:15 am.*
- Fazard Mohammed – 22 Brunswick Drive – The property owner has appealed the Zoning Hearing Board decision to the Court of Common Pleas. *A hearing date has yet to be determined.*
- Mount Pocono Borough – 57 Knox Street – A Zoning Hearing Board application has been submitted for a dimensional variance request for the proposed maintenance garage. *The hearing is scheduled for 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: 1258 Pocono Boulevard; 21 Sterling Road; 83 Knox Street; 104 Sunset Drive; 37 Mt Pocono Court; and, 14 Villas Road (Unit 104)

**PUBLIC PARTICIPATION** – None

Meeting adjourned at 7:26 P.M.

Respectfully submitted,

Marissa Duffy, Borough Manager

**BOROUGH OF MOUNT POCONO  
MONROE COUNTY, PENNSYLVANIA  
ORDINANCE NO.   1   OF 2024**

The Borough of Mount Pocono hereby adopts and ordains a 2024 Millage Ordinance as follows:

**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 2024, as follows: the 2024 Real Estate Tax Millage will be 5.875 mills, with a .240 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.

Ordained and enacted this \_\_\_ day of January 2024 by the Council of Mount Pocono Borough.

\_\_\_\_\_  
Don Struckle, Council President

Attested by:

\_\_\_\_\_  
Marissa Duffy, Borough Manager

Approved this \_\_\_ day of January 2024.

By: \_\_\_\_\_  
Randy Altemose, Mayor



Municipal Building  
1361 Pocono Boulevard, Suite 100  
Mount Pocono, PA 18344

# MOUNT POCONO BOROUGH

INCORPORATED  
1927

(570) 839-8436  
Fax (570) 839-0981  
[www.mountpocono-pa.gov](http://www.mountpocono-pa.gov)

November 14, 2023

Mr. Fran O'Boyle  
6 Kinney Avenue  
Mount Pocono, PA 18344

**RE: ZONING HEARING BOARD RE-APPOINTMENT**

Dear Fran:

Please be advised that your term on the Zoning Hearing Board will expire on December 31, 2023.

Please advise Council, at your earliest convenience, whether you would like to be re-appointed to the Zoning Hearing Board.

Should you have any questions or require any further information, please do not hesitate to contact me.

Sincerely,

**MOUNT POCONO BOROUGH COUNCIL**

Marissa Duffy  
Borough Manager

MD/dj

*I will accept this appointment*  
*Fran Boyle*

**RECEIVED**

**NOV 29 2023**

**MT. POCONO BOROUGH**



**AMENDMENT TO 1996 AGREEMENT ON POCONO MOUNTAIN REGIONAL  
POLICE DATED NOVEMBER 19, 1996, AND SUBSEQUENT AMENDMENTS**

This Amendment to the 1996 Agreement on Pocono Mountain Regional Police dated November 19, 1996 (“Agreement”), and Amendments thereto, in entered into this \_\_\_\_\_ day of December 2023, by and between TOBYHANNA TOWNSHIP, TUNKHANNOCK TOWNSHIP, COOLBAUGH TOWNSHIP, MOUNT POCONO BOROUGH and BARRTETT TOWNSHIP, all of Monroe County, Pennsylvania (hereinafter collectively the “Participants”).

The Participants hereby agree to amend the Agreement as set forth herein:

1. This Amendment shall become effective upon the approval of this Amendment by the existing Participants.

2. Article 2, Section 2.2 (d) of the Agreement is amended to provide that the manner of selection for Tunkhannock Township representatives on the Commission is amended consistent with a Resolution of Tunkhannock Township Board of Supervisors. The following new sub-paragraph in Article 2, Section 2.2 (d) is hereby adopted:

- d. The two (2) representatives from Tunkhannock Township shall be citizens of the Township and shall be appointed at the annual reorganization meeting of the Township.

**IN WITNESS WHEREOF**, the Participants hereto have executed the same effective the date first listed above.

**TOBYHANNA TOWNSHIP:**

By: \_\_\_\_\_  
[title]

Attest: \_\_\_\_\_

**MOUNT POCONO BOROUGH:**

By: \_\_\_\_\_  
[title]

Attest: \_\_\_\_\_

**TUNKHANNOCK TOWNSHIP:**

By: \_\_\_\_\_  
[title]

Attest: \_\_\_\_\_

**COOLBAUGH TOWNSHIP:**

By: \_\_\_\_\_  
[title]

Attest: \_\_\_\_\_

**BARRETT TOWNSHIP:**

By:           *Parula Moody*            
[title] *Exec. Sec./Treasurer*

Attest:           *[Signature]*



# Newman Williams, P.C.

ATTORNEYS AT LAW

A Professional Corporation

P. O. Box 511  
712 Monroe Street  
Stroudsburg, PA 18360  
570.421.9090

[www.newmanwilliams.com](http://www.newmanwilliams.com)

Marc R. Wolfe, Esquire  
[mwolfe@newmanwilliams.com](mailto:mwolfe@newmanwilliams.com)

December 21, 2023

Jessica L. Urbas, P.E., PMP  
Engineering/Permit Manager  
Sheetz, Inc.  
351 Sheetz Way  
Claysburg, PA 16625

Mount Pocono Borough  
**ATTN: Donald Struckle, Council President**  
1361 Pocono Boulevard, Suite 100  
Mount Pocono, PA 18344

**RE: Proposed Development of New Sheetz Location in the  
Borough of Mount Pocono, Monroe County, Pennsylvania  
Our File No. 59067**

Dear Ms. Urbas and Mr. Struckle:

Sheetz, Inc. ("Sheetz") has requested that this law firm represent it in connection with the land development plan approval process for a proposed new Sheetz location (the "Project") in Mount Pocono Borough (the "Borough"). It is anticipated that among other local land use approvals required for the Project a Conditional Use approval will be required which will necessitate a public hearing before Borough Council.

Before we can commence representation of Sheetz we believe it necessary that this firm disclose that such representation creates a conflict of interest and/or the appearance of a conflict of interest. A conflict of interest or the appearance of a conflict of interests exists due to the fact that James F. Fareri, Esquire of this firm is the Solicitor for the Borough. I understand that Mr. Fareri has recused himself from this matter. Nevertheless, I wish to confirm my understanding that Borough Council will engage the Alternate Solicitor to represent Borough Council in this matter. We also request that both Sheetz and the Borough waive the appearance of a conflict by countersigning this letter on Page 3.

The Pennsylvania Rules of Professional Conduct provide that an attorney shall not represent a client if the representation involves a concurrent conflict of interest. A concurrent conflict of interest exists if: (1) the representation of one client will be directly adverse to another



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client or (2) there is significant risk that the representation of one or more clients will be materially limited by the lawyer's responsibilities to another client, a former client, or a third person or by a personal interest of the lawyer. Notwithstanding the existence of a concurrent conflict of interest, a lawyer may represent a client if: (1) the attorney reasonably believes that the attorney will be able to provide a competent and diligent representation to each affected client; (2) the representation is not prohibited by law; (3) the representation does not involve the assertion of a claim by one client against another client represented by the lawyer in the same litigation or other proceeding before a tribunal; and (4) each affected client gives informed consent.

Our proposed representation of Sheetz is not prohibited by law, and does not involve the assertion of a claim by one client against another client we represent in the same matter. Accordingly, we believe we may proceed with the representation of Sheetz with the consent of both clients.

In connection with receiving written consent, I would ask that you sign and return to me the attached copy of this letter acknowledging for our respective files:

1. That you are aware (i) of the conflict of interest that may result from our representation of the Sheetz with respect to the land development plan approval process; and (ii) that Mr. Fareri has recused himself from any issues involving the Project;

1. That while Mr. Fareri is recused from the Sheetz matter that Mr. Fareri may continue to represent the Borough in other matters unrelated to the Project;

2. That notwithstanding this conflict of interest, you consent to our representation of Sheetz with regard to the Project and Mr. Fareri's simultaneous continued representation of the Borough as its Solicitor in other unrelated matters. Moreover, you agree that not only can Newman Williams, P.C. continue to represent Sheetz in present unrelated matters, but that Newman Williams, P.C. can represent them in future unrelated matters as well;

3. That you have had an adequate opportunity to ask questions of us pertaining to this conflict of interest matter and the consequences thereof; and

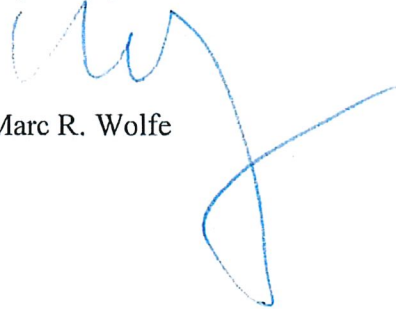
4. That you are satisfied with the scope and nature of the disclosure which has been made by us concerning this conflict.

Please feel free to give me a call if you would like to discuss this matter further. You should also, of course, feel free to consult with independent counsel of your choosing concerning this question.

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We look forward to hearing from you concerning this matter and hope that you will consent to our continued representation of both parties in these unrelated matters.

Very truly yours,



Marc R. Wolfe

MRW/aml  
cc: James V. Fareri, Esq.

I have read and fully understand the matters described above and consent to having Newman Williams, P.C. simultaneously act as counsel for Sheetz in connection with the above referenced Land Development Plan approval process in the Borough as well as James V. Fareri, Esquire's continuing representation of the Borough as its Solicitor

Accepted and agreed to this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

SHEETZ, INC.

By: \_\_\_\_\_

Accepted and agreed to this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

BOROUGH OF MOUNT POCONO

By:  \_\_\_\_\_

**Borough of Mt. Pocono-General Fund**  
**Bills To Be Approved and Paid**  
12/20/2023 - 12/29/2023

Type	Date	Num	Memo	Due Date	Amount
<b>Barry Isett &amp; Associates</b>					
Bill	12/28/2023	184274	Maintence Bldg Site Plan Variance Hearing Attendance & Review of Variance	12/28/2023	664.30
Total Barry Isett & Associates					664.30
<b>Debra Fulton</b>					
Bill	12/28/2023	Trunk ...	P&R Trunk & Treat: Supplies	12/28/2023	150.00
Total Debra Fulton					150.00
<b>Medico Construction Equip. Inc.</b>					
Bill	12/28/2023	SMO52...	2008 Case Wheel Loader: Rented Truck Delivery Cost	12/28/2023	415.00
Total Medico Construction Equip. Inc.					415.00
<b>Miller's Automotive</b>					
Bill	12/28/2023	R/O J0...	1997 Ford F-350 State Inspection	12/28/2023	35.00
Total Miller's Automotive					35.00
<b>Pocono Mountain Public Library</b>					
Bill	12/28/2023		Library: RE Tax (2), & Delinquent Tax	12/28/2023	1,150.04
Total Pocono Mountain Public Library					1,150.04
<b>Pocono Mountain REgional EMS</b>					
Bill	12/28/2023		EMS: RETax (2) & Delinquent Tax	12/28/2023	578.64
Total Pocono Mountain REgional EMS					578.64
<b>Pocono Mountain Volunteer Fire Company</b>					
Bill	12/28/2023		FC: RE Tax (2) & Delinquent Tax	12/28/2023	1,150.04
Total Pocono Mountain Volunteer Fire Company					1,150.04
<b>SFM Consulting</b>					
Bill	12/28/2023	U&O 0...	U&O 230021 & (230024 Commercial)	12/28/2023	210.00
Bill	12/28/2023	Z-0012	Zoning Officer Salary	12/28/2023	2,535.00
Bill	12/28/2023		Building Permits	12/28/2023	233.09
Total SFM Consulting					2,978.09
<b>The Two Shields, LLC</b>					
Bill	12/28/2023	79991	Repairs: 2014 Kenworth Air Leak Repairs	12/28/2023	813.85
Total The Two Shields, LLC					813.85
<b>TOTAL</b>					<b>7,934.96</b>



**TREASURER'S REPORT****JANUARY 2, 2024****\*BILLS TO BE APPROVED AND PAID 12/20/23 - 12/29/23 FROM THE NBT GENERAL FUND ACCOUNT:**

Barry Isett & Associates	(Maintenance Bldg. Variance Hearing & Review)	\$664.30
Deb Fulton	(P&R Trunk or Treat Supplies)	150.00
Medico Construction Equip. Inc.	(2008 Case Wheel Loader Rented Truck Delivery Cost)	415.00
Miller's Automotive	(1997 Ford F-350 State Inspection)	35.00
Pocono Mountain Public Library	(Library: RE Tax (2) & Delinquent Tax)	1,150.04
Pocono Mountain Regional EMS	(EMS: RE Tax (2) & Delinquent Tax)	578.64
Pocono Mountain Volunteer Fire Company	(FC: RE Tax (2) & Delinquent Tax)	1,150.04
SFM Consulting	(U&O 230021 & 230024 Commercial)	210.00
	(Zoning Officer Salary)	2,535.00
	(Building Permit)	233.09
The Two Shields, LLC	(Repairs: 2014 Kenworth Air Leak Repairs)	<u>813.85</u>
<b>GRAND TOTAL:</b>		<b><u>\$7,934.96</u></b>



# Zoning Department

## MOUNT POCONO BOROUGH

### MONTHLY ZONING REPORT

**TO:** Mount Pocono Borough Council  
**FROM:** Lindsay Scerbo, Zoning Administrator  
**CC:** Shawn McGlynn, Zoning Officer  
**DATE:** December 27, 2023

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Following is a report of the Zoning Office's monthly activity for the month of **December 2023:**

Permits Issued: 12

Zoning Permits: 4	New Construction: 0	Building Permits: 4
Commercial – 0	Commercial – 0	Commercial– 4
Residential – 4	Residential – 0	Residential– 0
Driveway – 0	Building CO – 2	Zoning CO – 0

● **Enforcement Actions:**

- December 1, 2023 – Enforcement Notice –36 Fairview Avenue– Construction without a permit. **The property owner has since contacted the Zoning Office and is in the process of submitting the required application and documents to obtain their permit retroactively.**

● **Resale Use and Occupancy Violations:**

- 142 Knob Road
- 1245 Pocono Boulevard - **This property has been inspected and repairs will need to be made to the space to meet basic life safety requirements.**

● **Previously Discussed Properties:**

- 11 Cedar Road – A Notice of Violation was sent to the property owner on November 27<sup>th</sup> for violations of the Borough Property Maintenance Ordinance. We have yet to be contacted by the property owner and there seems to be no progress made on the property. **Is the Board in favor of filing a civil complaint against the property owner?**

● **Public Hearing Matters:**

- Adrien and Jennifer Bohdal – 56 Pine Hill Road – Establishment of a Contractor's Yard on the subject property. **A hearing date has been set for January 3, 2023 at 10:45 am.**
- David and Emma Wengerd – Lot 21 Timberbrook Terrace – A Zoning Hearing Board application seeking a variance in relief of Section 215-38(B)(5) of the Borough Ordinance. **This specific section relates to the minimum 150' buffer from designated wetlands.**
- Mount Pocono Borough – 57 Knox Street – A Zoning Hearing Board application was submitted for a dimensional variance request for the proposed maintenance garage. **The Hearing took place on November 30, 2023, at 6:00 pm and the Board granted the variances requested.**