

**MOUNT POCONO BOROUGH COUNCIL
REGULAR MEETING MINUTES
MONDAY, MARCH 6, 2017
7:00 P.M.**

President K. Davis opened the Regular Meeting at 7:00 P.M. with the following members present: Vice President J. Woehrle; Councilmembers: F. O'Boyle; D. Casole, K. Transue; C. Williams; and, M. Oser. Solicitor J. Fareri and Borough Secretary/ Treasurer L. Noonan were also present.

Mayor F. Courtright was absent.

The Pledge of Allegiance was said by all.

PRELIMINARY ANNOUNCEMENTS

President K. Davis noted that he has made some changes to the Standing Committees. He has added Councilmember C. Williams to the Department of Public Works, Utilities, Water and Buildings, noting that she remains the Chair of the Sanitation Committee.

APPROVAL OF MINUTES

Councilmember K. Transue moved to approve the Regular Meeting minutes of Tuesday, January 3, 2017, as presented. Councilmember D. Casole seconded. Motion carried unanimously.

Councilmember K. Transue moved to approve the Regular Meeting minutes of Monday February 6, 2017, as presented. Vice President J. Woehrle seconded. Motion carried unanimously.

OFFICERS' REPORTS

PRESIDENT

President K. Davis noted that Mayor F. Courtright was not feeling well and therefore he is not in attendance this evening. President K. Davis also noted that he has been in contact with Heidenberg Properties, the managing company of the Mount Pocono Plaza and the Hibachi and Pet Value are still on track to open within the next few months. He further noted that another company is considering occupying the area vacated by K-Mart. He has met with representatives from St. Luke's who are looking in the surrounding area for the placement of an urgent care center. He stated that he has discussed the SR 940/ Knox Street intersection with Senator M. Scavello and they're hoping to get this project back on track and he is looking forward to new development on the SR 940 corridor.

MAYOR

No report.

TREASURER'S REPORT

The following cash report was given as follows:

GENERAL FUND CHECKING ACCOUNT	\$ 83,867.51
ESSA MONEY MARKET	17,347.83
PENN SECURITY GENERAL FUND ACCOUNT	765.71
CAPITAL RESERVE ACCOUNT	49,086.61
BANNER BEAUTIFICATION ACCOUNT	3,034.29
STATE LIQUID FUELS	110,515.66
PARK & RECREATION FUND	868.27
PLANNING COMMISSION REIMB. FUND	17,069.06
ROAD FUND – GENERAL FUND	127.46
STORMWATER FUND	133,414.37
GENERAL FUND RESERVE ACCOUNT	41,941.24
SANITATION FUND	17,280.01

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ROUTE 940 CORRIDOR FUND	\$ 53,675.00
FIVE POINT INTERSECTION FUND	<u>443,157.24</u>

GRAND TOTAL	<u>\$ 972,150.26</u>
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BILLS TO BE PAID FROM THE GENERAL FUND CHECKING ACCOUNT:

ACE Hardware	(storage container)	\$ 3.22
Amerihealth Casualty	(workers comp)	2,737.22
Berkheimer Associates	(LST Commission)	267.68
Blue Ridge Communications	(phones)	356.59
Boston Mutual	(disability insurance)	253.08
Cintas	(uniform & rug service)	377.88
H. Clark Connor	(P.C. Solicitor)	825.00
Ed's Auto Service & Towing	(2014 Kenworth Inspection & oil service)	681.53
E.M. Kutz, Inc.	(2012 Peter – Spinner extension)	61.00
ESSA Bank	(interest on line of credit)	453.34
FP Mailing Solutions	(ink for postage meter)	113.01
FNB Visa	(PSAB Webinar & Go Daddy Webpage)	415.20
Matt Hensel	(website admin)	75.00
Highmark Blue Shield	(health insurance)	7,305.65
Russell R. Kresge, Jr.	(engineering services)	295.00*
Lowe's	(landscape light posts)	117.64
Medico Industries	(wheel lock for Case Loader)	28.40
Monroe Cty Office of Controller	(Reimb. Tax Collector Interest)	7.30
NAPA Auto Parts	(grease, hydraulic coupler, fuse kit)	89.49
Newman, Williams & Mishkin	(ZHB & Pine Hill Signal)	1,337.66
PA One Call	(monthly activity)	31.86
PPL	(electric)	1,651.49
Panko Reporting	(ZHB – 10 Shelly Lane ZHB)	172.50
Payrolls Unlimited	(February payroll)	81.40
PA American Water	(water bills)	712.56
Plociniak Oil	(oil for boro bldg. & maint garage)	1,685.69
Pocono Mountain Regional Police	(March Mortgage Payment)	2,811.27
Pocono Record	(advertising)	204.00
Precise Home Inspections	(radon test)	175.00
Brandon R. Reish, Esq., LLC	(Summary Trial Commonwealth v. Oser)	600.00
Response Computers	(Update Security & repairs to Maint)	230.00
Scott's Signs	(nameplate)	23.00
Selective Insurance	(insurance premium)	4,880.00
Signal Service, Inc.	(Repairs Rt 940 & Walmart Dr)	2,498.00
Stratix Systems	(service contract)	725.00
Sunoco	(gas/diesel)	1,013.26
Tulpehocken Spring Water	(bottled water)	50.00
Tu-Way Communications	(trouble shoot problem)	52.50
US Bank	(copier lease)	294.10
Verdin Clock Company	(Planned Maint. Agreement – Town Clock)	580.00
Verizon	(phone)	32.48
Verizon Wireless	(cell phones & new battery)	137.99
Walmart	(shop supplies, bldg. cleaning supplies)	<u>82.28</u>

GRAND TOTAL	<u>\$34,496.87</u>
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BILLS ALREADY PAID FROM THE GENERAL FUND CHECKING ACCOUNT:

Mt Pocono Payroll	(w/e 02/08/17)	\$ 5,681.49
Mt Pocono Payroll	(w/e 02/16/17)	6,374.75
Mt Pocono Payroll	(w/e 02/23/17)	5,462.51
FP Mailing Solutions	(postage for meter)	200.00
Mt Pocono Payroll	(w/e 03/01/17)	<u>5,580.31</u>

GRAND TOTAL **\$23,299.06**

BILLS TO BE PAID FROM THE STATE LIQUID FUELS ACCOUNT:

Cargill	(de-icing salt)	\$16,878.30
Locust Ridge Quarry	(Anti-Skid)	1,356.48
PPL	(traffic signals & street lights)	<u>2,539.82</u>

GRAND TOTAL **\$20,774.60**

Councilmember D. Casole moved to pay and approve the bills as outlined in the Treasurer's Report dated Monday March 6, 2017, as presented. Councilmember C. Williams seconded. Motion carried unanimously.

Community Yard Sales

Councilmember M. Oser moved to approve Community Free Yard Sale dates of May 19th through May 21st, July 7th through July 9th and September 8th through 10th. Councilmember K. Transue seconded. Motion carried unanimously.

PMVFC Annual Contract

Councilmember M. Oser moved to execute the Fire Protection Contract between the Pocono Mountain Volunteer Fire Company and the Borough. Councilmember M. Oser questioned when the Borough sends the money to the fire company and if that should be outlined in the contract. Solicitor J. Fareri did not feel that was necessary. Vice President J. Woehrle seconded. Councilmember F. O'Boyle abstained as he is a volunteer fireman. Motion carried unanimously.

Notification of Mayor's Intent

Borough Council was in receipt of a notification from the Mayor of his intentions to charge and retain marriage fees. It was explained that Mayor F. Courtright will return the first \$1,000.00 he receives for performing marriages, anything above \$1,000.00 he intends to keep.

Councilmember C. Williams moved to accept the Mayor's Intent to Charge and retain his marriage fees. Vice President J. Woehrle seconded, with the understanding that the mayor would reimburse the Borough the first \$1,000.00. Motion carried unanimously.

SOLICITOR

Solicitor J. Fareri stated that Borough Council will be holding an Executive Session at the end of Public Participation in regards to the Pocono Mountain Regional Police and potential litigation.

Solicitor J. Fareri stated that the condemnations are ongoing and the Pocono Mountain Volunteer Fire Company lawsuit is still ongoing.

PERSONS TO BE HEARD

None

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UNFINISHED BUSINESS

Ordinance 2 of 2017 – Commercial Communication Devices Ordinance Amendment

Councilmember K. Transue moved to adopt Ordinance 2 of 2017, the Amendments to the Commercial Communication Devices Ordinance. Vice President J. Woehrle seconded. Motion carried unanimously.

Ordinance # of 2017 – Medical Marijuana

Councilmember K. Transue stated that in view of the Monroe County Planning Commission comments, he moved to send the Medical Marijuana Ordinance back to the Planning Commission to have them review the legislative law and the legal setback requirements in a C-2 district, to determine if the C-2 district in the Borough is conducive to allowing these grower/processor plants. Councilmember D. Casole seconded. Motion went to a roll call vote: Councilmember K. Transue, “Yes”; Councilmember M. Oser, “Yes”; Councilmember C. Williams, “Yes”; Vice President J. Woehrle, “No”; Councilmember F. O’Boyle, “Yes”; Councilmember D. Casole, “Yes”; and, President K. Davis, “No”. Motion carried 5 – 2.

Solicitor J. Fareri stated that the records should show that this matter will be reconsidered and discussed at the April 3, 2017, Borough Council’s regular meeting and that this matter is still considered open from tonight’s Public Hearing.

Tom Neville Resignation from Park & Recreation

Councilmember M. Oser moved to accept the resignation of Tom Neville from the Park and Recreation Board. Councilmember F. O’Boyle seconded. Motion carried unanimously.

Brodhead Water Authority

Vice President J. Woehrle moved that a letter be sent to Ken Brown of the Broadhead Creek Water Regional Authority to open a dialogue/discussion for future capacities of the Borough system. Councilmember M. Oser seconded. Motion carried unanimously.

NEW BUSINESS

Generator Maintenance Agreement

Councilmember K. Transue moved to sign off on the Generator Maintenance Agreement at an annual cost of \$940.00. Councilmember D. Casole seconded. Motion went to a roll call vote: Councilmember K. Transue, “Yes”; Councilmember M. Oser, “Yes”; Councilmember C. Williams, “No”; Vice President J. Woehrle, “No”; Councilmember F. O’Boyle, “No”; Councilmember D. Casole, “No”; and President K. Davis, “Yes”. Motion denied 4 – 3. It was requested that the Borough Secretary obtain other quotes for the maintenance of the generator.

Monroe County Gigabit Broadband Project Request for Proposal

Councilmember M. Oser moved to sign off and send a letter of interest for the Monroe County Gigabit Broadband Project Request for Proposal. Councilmember C. Williams seconded. Motion carried unanimously.

Resolution 3 of 2017 – Authorizing of the Signing of the Automated Red Light Enforcement Program Project Funding Agreement

Councilmember K. Transue moved to sign off and adopt Resolution 3 of 2017, the Automated Red Light Enforcement Program Project Funding Agreement. Councilmember M. Oser seconded. Motion carried unanimously.

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Penn DOT ARLE Agreement

Councilmember K. Transue moved to sign off on the Penn DOT ARLE Agreement. Vice President J. Woehrle seconded. Motion carried unanimously.

STANDING COMMITTEES

Planning Commission

No report

Parks & Recreation

Councilmember K. Transue stated that he has had discussions with the Pocono Mountain East Little League and they are interested in coming back and utilizing our fields.

Sanitation

Councilmember C. Williams stated that the committee will be meeting on March 9, 2017, at 10:00 A.M.

Department of Public Works

Vice President J. Woehrle stated there have been average expenses for snow removal this year.

Utilities

Meeting was called to order by the Municipal Authority Solicitor and accepted nominations for Reorganization of Board Members and Committee Chairs as follows:

Chairman-Jake Seip, Vice-Chairman-Matt Hensel, Treasurer-Vince Paoletti, Secretary-Ron Emile – absent.

Policy & Procedures Manual – Vince Paoletti-Chairman, Paul Sanborn, and Jake Seip.

Purchasing Committee: Vince Paoletti-Chairman, Matt Hensel and Ron Emile

Plant Committee: Bill Miller-Chairman, Mike Oser, Ron Emile, Matt Hensel. Alternate Chairman-Matt Hensel

Office Employee Committee: Vince Paoletti-Chairman, Paul Sanborn, Matt Hensel.

Boro Council Liaison: Mike Oser

Water Quality Committee: Paul Sanborn-Chairman, Mike Oser, Jake Seip

A Mt. Pocono Municipal Authority WASTEWATER TREATMENT PLANT HISTORY prepared by RKR Hess updated February 14, 2017, and was given to all Board Members. The New Board Members will especially benefit from this handout to comprehend the History of the Authority from 1970 – 2017. A Copy of this WASTEWATER TREATMENT PLANT HISTORY is available upon request. Also, submitted by RKR Hess Engineers to the Board Members were a full comprehensive Recommendations/Guide to assist Board Members with Safety Items, Operation Items, Maintenance & Repairs, Replacements, Staffing, Permit Testing/Process Testing/Laboratory, etc. Copy available of STP – Recommendations upon request.

PAWC (Pennsylvania American Water Company)

With the extreme weather that has happened in the last few days, the Pocono area fared rather well, some of PAWC's Districts were hit with damaging winds that the Mount Pocono areas were spared of.

Since February was unusually mild, the amount of water main breaks and service breaks were quite low. One main break that did affect the Mt. Pocono area occurred on Saturday, February 18, 2017 on Holly Forest Road.

This water main break did take some extra care to repair due to buried electrical lines in the same trench as the water main pipe. The break was reported in the early morning and service was restored around 6 p.m.

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PAWC made every effort to flush this line after the repair but some Customers did experience water quality problems the following day, which were addressed by PAWC.

There have been no further water quality complaints. With the continued great fluctuations in temperatures, PAWC will be paying close attention to the Distribution System for additional breaks as the ground reacts with expansion and contraction.

Buildings

Councilmember K. Transue noted that we are going to do a lengthier radon test for a six (6) month period to determine our average and to help determine what type of system the Borough needs.

Pocono Mountain Regional Police

The Regional Police held its monthly meeting on February 22, 2017, preceded by an Executive Session of the entire Commission on an issue involving both personnel and legal.

The Commission had a robust discussion, initiated by Commissioner Oser, about the ability of individual commissioners to access police logs. The discussion centered around the process for providing to the commissioners both access as well as ensuring that the information being accessed was meaningful toward the questions being asked. In a split vote, the Commission approved of the ability of individual commissioners to access those logs (with both Borough representatives voting in the affirmative). The Commission also took the time to reiterate the current chain-of-command process whereby queries should pass through the Chair so that he can coordinate with the Chief and his staff for access and timeliness.

Councilmember M. Oser presented a Resolution 4 of 2017, to the Borough Council for adoption.

After some discussion, Councilmember M. Oser moved to adopt Resolution 4 of 2017 as follows:

BE IT RESOLVED the Borough of Mount Pocono to formally reject any decision in the future by the Pocono Mountain Regional Police Commission to remove any person appointed to that Commission by the Borough of Mount Pocono Council President. The decision to appoint and or remove any Commissioner from the Borough of Mount Pocono to the Pocono Mountain Regional Police Commission rests solely with the President of Council and no other authority. The Pocono Mountain Regional Police Commission is subservient to the Borough of Mount Pocono Council and its residents. Councilmember D. Casole seconded. Motion carried unanimously.

Councilmember M. Oser also had several other Resolutions for Borough Council's consideration, however, these were not discussed as they contain information in regard to possible litigation.

Budget & Finance

No report.

Personnel

President K. Davis stated that there a meeting will be a held this month.

Regional Police/ EMS

No Report

COG

Councilmember M. Oser stated that the following were items of discussion at the last COG Meeting:

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- #1. Police Coverage Tax - discussed as an avenue for Governor Wolf to close the budget gap; as of this date no legislation has been proposed to create the tax. It is a negotiation tool.
- #2. IN state legislation, there is no policy in place to utilize the state police and local police forces in conjunction to relieve the local tax burden on local municipalities for local police coverage.
- #3. Rep Rader stated we pay for state police coverage now in the existing tax bases.
- #4. there was a brief discussion of using the County Sheriffs as a county wide police force similar to other states.
- #5. Rep Rader advised that the budget is first then property tax reform is next although they have been talking about that issue for over thirty years.
- #6. Property Tax relief -- SB 76 & HB 76 did not pass.
- #7. There are continuing discussion and meetings held by the Commissioners of Monroe County regarding the tax re-assessment.
- #8. Discarding electronics was an issue that was discussed in detail relating to what is accepted, current contracts in place, new contracts pending and what is the future for the discarded electronics.

Public Participation

Tom Neville, Knob Road, thanked Borough Council for all its hard work.

President K. Davis discussed the alternate police protection report that he had assigned to Councilmember C. Williams and Councilmember K. Transue, noting that Councilmember K. Transue is not able to work on this project so he has asked Councilmember M. Oser to work on this project with Councilmember C. Williams.

Councilmember F. O'Boyle stated that he noted that the business that purchased our old bucket truck that we sold over a year ago, still has the Borough's markings on it, and the Borough should contact them and ask them to remove any/all borough markings.

Borough Council went to into an Executive Session at 8:45 P.M. to discuss possible litigation with the Pocono Mountain Regional Police Commission and the Zoning Hearing Board's recent hearing in regard to 10 Shelly Lane.

Borough Council reconvened at 9:18 P.M.

Councilmember K. Transue moved to authorize the Borough Solicitor to enter into a Defense Agreement with Pocono Mountain Regional Police. Councilmember D. Casole seconded. Motion carried unanimously.

There being no further business or any further public participation coming before the Board, Councilmember M. Oser moved to adjourn at 9:20 P.M. Councilmember D. Casole seconded. Motion carried unanimously.

Respectfully submitted,

Lori Noonan, Borough Secretary