

**ACTION LIST  
MOUNT POCONO BOROUGH COUNCIL  
REGULAR MEETING  
AUGUST 5, 2019**

Fire Works Ordinance	<p>08/05/19 – Borough Council to review @ 8/19/19 Work Session</p> <p>07/01/19 – Still under review by Borough Council</p> <p>06/03/19 – Still under review by Borough Council</p> <p>05/06/19 – Still under review by Borough Council</p> <p>04/01/19 – Council questioned if can exempt non-profit organizations from the firework ordinance or any part thereof, i.e. bond requirement?</p> <p>03/04/19 – Council reviewed proposed ordinance with PM Vol. Fire Co. and is researching if they are required to adopt such an ordinance.</p> <p>02/04/19 – Sol. J. Fareri is reviewing/providing definitions for “consumer fireworks” &amp; “display fireworks”</p> <p>01/7/19 – Council has received the Planning Commission’s recommendations.</p> <p>12/3/18 – Planning Commission should be forwarding draft to Council at their next meeting</p> <p>11/5/18 – Planning Commission still reviewing</p> <p>10/1/18 – Planning Commission still reviewing</p> <p>9/4/18 – Sample draft ordinance were forwarded to the Planning Commission for their review and recommendation. This is still in the review process.</p> <p>8/6/18 -Council received copies of a sample draft ordinance and the PA Fireworks Law.</p>
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<p>Anthony Lepre – donation of property Lot 103, Section 4 Brunswick Dr.</p>	<p>08/05/19 – No Update 07/01/19 – Listed on Municibids (an online auction) 03/04/19 – Permission to list property for sale on Municibids (an online auction) 02/04/19 – Property advertised for sale 01/7/19 – Received Bid Docs &amp; Advertising will publish this week 12/3/18 – Property being advertised for sale 11/5/18 – For Sale Sign posted on property 10/1/18 – For Sale Sign posted on property 9/4/18 – Appraisal of property has been received. What are Council's intentions for this property? 8/6/18 - Property has been donated to the Borough and the deed received. Council also received the quarterly sewer bill. What are Council's intentions for this property?</p>
<p>AED</p>	<p>08/05/19 – No Update 07/01/19 – Scheduling date for training 06/03/19 – Setting up dates for training with Rachel Moyer 01/7/19 – Maint. Dept AED Cabinet received. Training on AED Needed 12/3/18 – Training on AED's is needed. 11/5/18 – AED's were delivered. Training needs to be scheduled and the Maintenance Dept. needs a protective cabinet for their AED. Cost \$190</p>

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	<p>10/1/18 – AED’s have been ordered. The AED’s were Delivered on 9/28/18. Employees need to be trained. Rachel Moyer can provide training (2-3-hour class)</p> <p>9/4/18 – Rachel Moyer advised Council of a grant she received and the cost per AED is now \$500. Two (2) AED’s were ordered on 8/23/18</p>
MCTA Bus Stop SR 940 & BK Entrance	<p>08/05/19 – Solicitor J. Fareri met with MCTA last month and will provide an update</p> <p>03/04/19 No Update</p> <p>02/04/2019 – Sol. J. Fareri reviewing Bus Parking Ord. to contact MCTA</p> <p>01/7/19 – Council adopted Bus Parking Ord on 10/3/11. On 11/7/11 meeting Council, per the Bus Parking Ord. designated bus stops. They designated ONE (1) stop: School Drive @ the municipal building. No other stops were designated at that meeting or any meeting after that.</p> <p>11/1/18 – In review</p> <p>10/1/18 – Researching Minutes to determine if Council approved all MCTA bus stops in the Borough, particularly the SR940/BK Entrance stop</p> <p>9/4/18 – Solicitor J. Fareri &amp; Borough Secretary/Treasurer are working on this matter.</p> <p>8/6/18 - MCTA advised Council if the stop was moved, Council would be responsible to bring the new bus stop ADA compliant. Solicitor J. Fareri is to review and advise Council</p>

**ACTION LIST  
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AUGUST 5, 2019**

<p>Borough Building Sidewalks &amp; Ramp 3 Year Warranty</p>	<p>07/01/19 – D. McGarry contacted Potcher to set up meeting date via email.  06/03/19 – D. McGarry advised that Potcher is planning on replacing the concrete the last week in June, weather permitting. D. McGarry will be meeting with Potcher prior to replacement. I will notify Bldg. Comm. Of said meeting.  05/06/19 – waiting for weather to break  03/21/19 – Spoke with D. McGarry he stated Potcher will honor 3-year additional warranty. I again requested something in writing. I called D. McGarry again today (3/29/19) – D. McGarry was out of the office. Left message.  03/04/19 – No Update  02/04/2019 No Update  01/7/19 – D. McGarry stated Potcher will honor the 3-year additional warranty. Waiting for weather to break.  12/3/18 – No Update  11/5/18 – No Update  10/1/18 – VP O’Boyle &amp; Councilmember Hensel met with Dave McGarry on 9/24/18 – Mr. McGarry scheduling a meeting with Potcher Construction Representative &amp; Door manufacturer  9/4/18 – Called Dave McGarry (he’s on vacation) to schedule meeting.  8/6/18 Three (3) year warranty will end on March 31, 2019. Meeting with Schoonover &amp; Vanderhoof will be scheduled during the month of September to inspect the current conditions on the sidewalks &amp; ramp</p>
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Bed & Breakfast Amendment	<p>07/01/19 – Will be advertised with next Ordinance</p> <p>12/3/18 – B&amp;B Ord. being advertised</p> <p>11/5/18 – Council reviewed the MCPC comments at the 10/15/18 work session. Council needs to advertise ordinance for adoption</p> <p>10/1/18 – Council reviewed the MCPC comments at their 9/17/18 work Session and sent the MCPC comments to the MPPC for their advisement.</p>
Playground Mulch	8/5/19 – Ed's Auto, Erb's Landscaping & JPA Masonry donated time & materials to remove the weeds & re-mulch the playground area. This was completed on 7/27/19
Land Bank Draft Strategic Plan	8/5/19 – Council received the draft plan on 7/11/2019. Comments are due to the Redevelopment Authority by 8/7/19

Traffic Signal SR 611 & Pine Hill Road	<p>07/01/19 – Received confirmation that LSA Grants extended until 06/31/21 and the ShopRite turn 940 lane was approved to be re-scoped to Pine Hill Road. Letter sent to PA DOT requesting they "reclaim the SR 611 Right-of-Way."</p> <p>06/03/19 – Zoning/Codes Officer spoke with PA DOT representative. PA DOT's recommendation was that the Borough send a letter to PA DOT requesting PA DOT "reclaim the SR 611 Right-of-Way".</p> <p>04/01/19 – Borough Sec/Treas. Provided council with a timeline on this project. Letters were received from C. Leonard, MCIDA regarding this project.</p> <p>03/04/19 – PMIPA seeking "legislator intervention" on this project</p> <p>02/04/19 – No Update</p>
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	<p>09/04/18 - 01/7/19 – No Update</p> <p>8/6/18 - Project design is 95% complete. PA DOT Legal is reviewing documents forwarded to them to confirm compliance with PA DOT regulations. PA DOT requires indemnification from Project Sponsor due to inability to obtain contiguous property owner sign offs. Indemnification requirements must now be reviewed by Project Sponsor.</p>
Shopping Cart Ord.	<p>08/05/19 – PC working to include shopping carts in a nuisance ordinance</p> <p>07/01/19 – Still under review by the PC</p> <p>06/03/19 – Council reviewed at 5/28/19 work session. Ord. being sent back to the PC for further review/comment.</p> <p>Shopping Cart Ord. 3/4/19 – Council will discuss at 3/18/19 work session</p> <p>2/4/19 – Council in receipt of proposed Shopping Cart Ordinance</p>
MCPC Infrastructure System Planning Program	<p>02/04/2019 – No Update</p> <p>12/03/18 - 01/7/19 – No Update</p> <p>11/5/18 – Councilmember M. Hensel is scheduling the meeting with the County PC</p> <p>10/1/18 – C-member M. Hensel advised Council that the MPMA met with Nate Staruch and Ken Brown regarding this program. Councilmember M. Hensel suggested that a committee of Council, Road Foreman, ZO/Codes Enforcement Officer meet with MCPC Representatives N. Staruch &amp; K. Brown to discuss this program</p>

**ACTION LIST**  
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**REGULAR MEETING**  
**AUGUST 5, 2019**

Fairview Ave. & Oak Street Culvert replacement	<p>07/01/19 – No Update – will request update from PA DOT on this project in October 2019</p> <p>06/03/19 – This has been a PA DOT “on going” project dating back to 2006. In 2012 PA Dot advised Borough that work on the replacement would occur in 2013. I called PA DOT representative this week for a status update. PA DOT advised that the project has been sent back to be redesigned due to utilities above existing culvert need to be moved/replaced. ETA for replacement is 2020.</p>
Fertilizer & Weed Quotes	<p>08/05/19 – Erb’s Landscaping decided not to provide a quote to continue weed control of playground area. Can not apply fertilizer to ball fields. Waiting on a quote from Destination Landscaping in Cresco.</p>
Crossing Guard Info	<p>08/05/19 – Working with Senator Scavello &amp; PA DOT to get training for crossing guards</p> <p>06/20/19 – Provided Council with data regarding cost to “outfit” a crossing guard and insurance information</p>
Main Street Lehigh Valley Grant	<p>07/01/19 – received confirmation that Borough was awarded \$1,000 grant (boro must match \$1,000).</p>
Anti-Litter Ordinance	<p>08/05/19 – PC still reviewing</p> <p>07/01/19 – Planning Commission reviewing proposed ordinance</p>

MOUNT POCONO BOROUGH COUNCIL

PUBLIC HEARING

MONDAY, AUGUST 5, 2019

6:30 PM

1. Call to Order

Pledge of Allegiance

2. Purpose of Public Hearing:

*To Consider a proposed Amendment to the Mount Pocono  
Zoning Ordinance Chapter 215, Section 215-97.E Directory  
Signs*

3. Council Comment

4. Public Comment

5. Adjourn



## **NOTICE OF PUBLIC HEARING**

### **MOUNT POCONO BOROUGH COUNCIL**

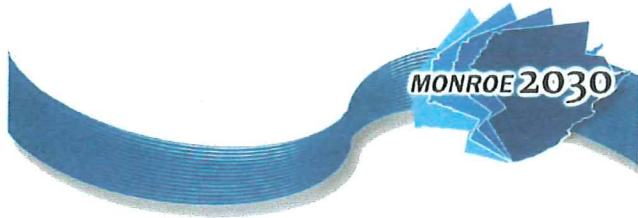
The Borough Council of the Borough of Mount Pocono shall conduct a public hearing on August 5, 2019 at 6:45 p.m. in the Council Meeting Room, Municipal Building, 1361 Pocono Boulevard, Mount Pocono, PA 18344 to consider a proposed Amendment to the Mount Pocono Zoning Ordinance.

The proposed Amendment is to Chapter 215 of the Code of the Borough of Mount Pocono, Section 215-97.E. The proposed Amendment is as follows:

- (1) Directory Sign Regulations. A Directory Sign permitted above shall comply with the following:
  - (a) Sign Area. The sign area shall not exceed 200 square feet;
  - (b) Sign Height. The sign height shall not exceed 25 feet;
  - (c) Individual Business Listing Size. The sign may include individual listings of businesses within the Planned Commercial Development. No individual business listing on the Directory Sign shall utilize letters, words and/or symbols less than 4 inches in height; and
  - (d) Separation. A Directory Sign shall be exempt from the freestanding sign separation requirement of § 87.G of this Chapter. Rather, a Directory Sign shall be no less than 125 feet from any other freestanding on-premises sign.

BY ORDER OF THE MOUNT POCONO  
BOROUGH COUNCIL

JAMES V. FARERI, ESQ., SOLICITOR



## *MONROE COUNTY PLANNING COMMISSION*

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July 30, 2019

Lori Noonan, Secretary/Treasurer  
Mount Pocono Borough Council  
1361 Pocono Boulevard, Suite 100  
Mount Pocono, PA 18344

ADMINISTRATIVE CENTER  
1 Quaker Plaza, Room 106  
Stroudsburg, PA 18360-2169  
Phone: 570-517-3100  
Fax: 570-517-3858  
mcpc@monroecountypa.gov  
www.monroecountypa.gov

Re: Directory Sign Regulations  
Zoning Ordinance Amendments  
Mount Pocono Borough  
MCPC review #112-19

Dear Ms. Noonan:

The above cited amendments were reviewed by Eric Koopman, Lead Senior Planner, on behalf of the Monroe County Planning Commission. You will find his comments enclosed. Should you have any special concerns regarding these comments, please contact us immediately.

All comments are preliminary and will be acted upon by the Planning Commission at its regular meeting on August 13, 2019 at 5:00 p.m. at the Monroe County Administrative Center. This action is in keeping with the Planning Commission's review policy and allows the municipalities and other interested parties to respond to the review comments before the Planning Commission's public meeting.

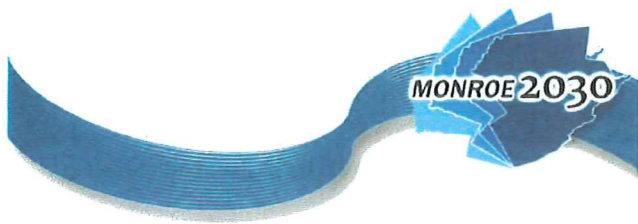
If these comments are not amended and are found to be acceptable by the Board at the next meeting, they should be considered to be approved as enclosed.

If you have any questions or if we can be of further service to you, please feel free to contact me.

Sincerely yours,

Christine Meinhart-Fritz  
Director

CMF/ek



## **MONROE COUNTY PLANNING COMMISSION**

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TO: Christine Meinhart-Fritz, Director

FROM: Eric Koopman, Lead Senior Planner

DATE: July 30, 2019

SUBJECT: Directory Sign Regulations  
Zoning Ordinance Amendments  
Mount Pocono Borough  
MCPC review #112-19

*ADMINISTRATIVE CENTER  
1 Quaker Plaza, Room 106  
Stroudsburg, PA 18360-2169  
Phone: 570-517-3100  
Fax: 570-517-3858  
mcpc@monroecountypa.gov  
www.monroecountypa.gov*

The Borough of Mount Pocono proposes to amend its zoning ordinance concerning signage for planned commercial and industrial developments. Specifically, additional standards are being proposed for Directory Signs for these developments. These standards concern maximum sign area, height, business listing size, and separation distance.

The above mentioned zoning amendments have been reviewed on the basis of generally accepted planning principles and the provisions set forth by the Pennsylvania Municipalities Planning Code (PMPC), as amended. The following comments are offered:

1. The proposed zoning ordinance amendments are generally consistent with the PMPC, Act 247 of 1968, as amended, in terms of following required procedures.
2. There appears to be some discrepancy between the proposed amendments and existing §215-98 'Directory Signs'. §215-98 states that commercial and industrial properties may erect a directory sign not to exceed 16 square feet in area and six feet in height, while the standards for directory signs being proposed are markedly different (200 s.f. area, 25' height). It is unclear which standards would apply.
3. It should also be noted that §215-98 states that utilizing a Directory Sign precludes the use of any other freestanding signs for the property on the same street frontage. If it is the intent of the Borough to replace this section with the proposed amendments, then this standard should also be included, especially considering the significant increases in allowable sign area and height.
4. The dimensions being proposed for Directory Signs may result in visual obstructions for vehicles. A 10' x 20' sign of 25' in height for example, would only have a clearance of five feet from the ground. The Borough should discuss whether the proposed dimensional standards are appropriate for the character of the Borough or if they may be excessive.

5. The proposed amendments would allow for individual occupants to be listed on planned commercial development directory signs. While there is a minimum size for letters and symbols proposed, a maximum number of individual business listings is not being proposed, nor are dimensional standards for the area of individual listings. Inserting such standards would limit visual clutter which ultimately undermines the purpose of such signage.
6. It is unclear where such signs would be permitted on a property. It appears that there are no restrictions being proposed in regard to the locations of Directory Signs beyond a separation distance between freestanding signs. The Borough should ensure that signs do not present visual obstructions for vehicles entering and exiting the development.
7. In a recent Supreme Court decision, it has been determined that the content of a sign may not be a factor in determining deferential restrictions through zoning, *Reed v. Town of Gilbert, Ariz.*, 135 S. Ct. 2218 (2015). While the specific implications of this ruling are currently evolving within the court system, it appears that different standards based on specific sign content (political, real estate, etc.) would not be considered constitutional. Examples of signage that is regulated by content include real estate, institutional, business, and development signs. Regulating these signs based on their content would be inconsistent given a strict interpretation of the Supreme Court ruling. This should be discussed with the Borough's solicitor.
8. If any revisions are made to the proposed zoning ordinance amendments, they must be resubmitted to the MCPC for review prior to adoption. This requirement was affirmed by the Pennsylvania Commonwealth Court in *Hanover Healthcare Plus, Inc. v. Zoning Hearing Board of Penn Township* 875 A.2d 1255 (Pa. Cmwlth 2005). It is recommended that the Township discuss this with their solicitor.
9. The Staff has reviewed the proposed zoning ordinance amendments and recommends that adoption be contingent upon the above noted comments being satisfactorily addressed.

In an attempt to maintain a library of municipal ordinances, we request that any adopted ordinance amendments (Zoning, Zoning Map and SALDO) be sent to the MCPC within 30 days of enactment as specified in the PMPC.

This review is subject to the approval of the Monroe County Planning Commission at its next regularly scheduled meeting.



## Mount Pocono Borough Planning Commission

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# Memo

**Date:** July 23, 2019  
**To:** Borough Council  
**From:** Planning Commission  
**RE:** Proposed Text Amendment Chapter 215 Zoning, Section § 215-97.E

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The Planning Commission, at its Regular Meeting on Wednesday, July 17, 2019, approved a motion to recommend that Borough Council approve the proposed Text Amendment Chapter 215 Zoning, § 215-97.E. with changes hi-lighted below:

- (1) Directory Sign Regulations. A Directory Sign permitted above shall comply with the following:
  - (a) Sign Area. The sign area shall not exceed 200 square feet;
  - (b) Sign Height. The sign height shall not exceed 25 feet; The sign height, including the support structure and sign, shall not exceed 25 feet above ground level;
  - (c) Individual Business Listing Size. The sign may include individual listings of businesses within the Planned Commercial Development. No individual business listing on the Directory Sign shall utilize letters, words and/or symbols less than 4 inches in height; and
  - (d) Separation. A Directory Sign shall be exempt from the freestanding sign separation requirement of § 87.G of this Chapter. Rather, a Directory Sign shall be no less than 125 feet from any other freestanding on-premises sign.
  - (e) Sign Visibility and responsibility. Visibility of all signs within a Planned Commercial Development shall not be impaired by any other signs and the burden of responsibility for such visibility shall fall upon the Developer/Owner of the Planned Commercial Development.

Thank you for your consideration on this matter.



*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)**

# MEMORANDUM

Date: July 5, 2019

To: Kevin Kirkwood, Chair, MPPC

From: Lori Noonan, Secretary/Treasurer *YN*

RE: Zoning Text Amendment – Directory Sign Regulations

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Borough Council, at their Regular Meeting conducted on Monday, July 5, 2019, requested the Planning Commission review and provide comments on the proposed text amendment to the Zoning Ordinance Chapter 215-97 E. Attached is the proposed amendment for your review. Borough Council has scheduled a Public Hearing on this amendment for Monday, August 5, 2019 @ 6:30 pm.

Should you have any questions, please do not hesitate to contact me.

BOROUGH OF MOUNT POCONO  
MONROE COUNTY, PENNSYLVANIA

ORDINANCE NO. \_\_\_\_ OF 2019

**AN ORDINANCE AMENDING THE ZONING ORDINANCE, CHAPTER 215 OF THE CODE OF THE BOROUGH OF MOUNT POCONO, MONROE COUNTY, PENNSYLVANIA, TO UPDATE SIGN STANDARDS FOR PLANNED COMMERCIAL DEVELOPMENTS AND/OR PLANNED INDUSTRIAL DEVELOPMENTS.**

**BE IT HEREBY ORDAINED AND ENACTED** by the Borough Council of the Borough of Mount Pocono, Monroe County, Pennsylvania, by the authority of and pursuant to the provisions of Act of July 31, 1968, P.L. 805, No. 247 of the General Assembly of the Commonwealth of Pennsylvania, as reenacted and amended, known and cited as the *Pennsylvania Municipalities Code*; that the Borough of Mount Pocono's Zoning Ordinance Chapter 215 of the Code of the Borough of Mount Pocono is amended as follows:

**ITEM 1**

**Chapter 215 Zoning, Section § 215-97.E is hereby amended to add the following:**

- (1) Directory Sign Regulations. A Directory Sign permitted above shall comply with the following:
  - (a) Sign Area. The sign area shall not exceed 200 square feet;
  - (b) Sign Height. The sign height shall not exceed 25 feet;
  - (c) Individual Business Listing Size. The sign may include individual listings of businesses within the Planned Commercial Development. No individual business listing on the Directory Sign shall utilize letters, words and/or symbols less than 4 inches in height; and
  - (d) Separation. A Directory Sign shall be exempt from the freestanding sign separation requirement of § 87.G of this Chapter. Rather, a Directory Sign shall be no less than 125 feet from any other freestanding on-premises sign.

**Severability**

Should any section, subsection, clause, provision or other portion of this Ordinance be declared invalid by any court of competent jurisdiction, such decision shall not affect the validity of the remainder of this Ordinance; the Board

of Supervisors having adopted this Ordinance as if such invalid portions had not been included therein.

**Interpretation**

The object of interpretation and construction of this Ordinance and/or the provisions thereof shall be, if possible, to give effect to all of its provisions. Wherever a provision of this Ordinance shall be in conflict with another provision in the same section or another part of this Ordinance or another Ordinance or part thereof, the two (2) shall be construed, if possible, so that the effect may be given to both.

**Effective Date**

This Ordinance shall become effective immediately upon adoption.

**Adoption**

ORDINANCE ORDAINED AND ENACTED this \_\_\_\_ day of August, 2019, by the Borough Council of the Borough of Mount Pocono, Monroe County, Pennsylvania, to be effective immediately.

**BOROUGH OF MOUNT POCONO**

By: \_\_\_\_\_  
Claudette Williams, Council President

**ATTEST:**

\_\_\_\_\_  
Lori Noonan, Borough Secretary

**APPROVED** this \_\_\_\_ day of August, 2019.

By: \_\_\_\_\_  
Michael Penn, Mayor





# August 2019



SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
				1 MPMA Const. Mtg 10:00 am	2 8:30 – 10 am Chamber of Commerce First Friday – 6 pm	3
4	5 Council Mtg – 7 pm	6	7 Library Mtg 7 pm Trash Pickup	8 Municipal Auth 7 pm	9	10
11	12	13 PMRPC – 7 pm ZHB – 7 PM – (No Mtg)	14 Trash Pickup	15 Park & Rec Mtg 7 pm Open Space 7 pm	16	17
18	19 Council W/S – 7 pm	20	21 Planning – 7 pm Trash Pickup	22 MPMA W/S 5 pm EMS 7 pm @Toby	23 Free Yard Sale	24 Free Yard Sale
25 Free Yard Sale	26 COG @ 10 am	27 Mt. Pocono Association – 10 am	28 Trash Pickup	29	30	31

## Mount Pocono Borough Planning Commission

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# Memo

**Date:** July 23, 2019  
**To:** Borough Council  
**From:** Planning Commission  
**RE:** Proposed Chapter 35 of the Borough Code

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The Planning Commission, at its Regular Meeting on Wednesday, July 17, 2019, reviewed and discussed the proposed Amendment to Chapter 35 of Code of the Borough of Mount Pocono Article II "*Cost Recovery for Excessive Police Calls & Police Calls Which Do Not Result in Charges*".

After reviewing and discussing part of Chapter 35, it was noted that this Ordinance should not have come before the Planning Commission.

A recommendation was made by the Planning Commission to send Chapter 25 of the Borough Code back to Borough Council for further consideration, as the Ordinance in its current form cannot be implemented.

Thank you for your consideration on this matter.



*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***

# MEMORANDUM

Date: July 5, 2019

To: Kevin Kirkwood, Chair, MPPC

From: Lori Noonan, Secretary/Treasurer 

RE: Proposed Amendment to Chapter 35 of the Borough Code

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Borough Council at their Regular Meeting conducted on Monday, July 5, 2019, discussed a proposed amendment to Chapter 35 of the Code of the Borough of Mount Pocono, Article II *"Cost Recovery for Excessive Police Calls & Police Calls Which Do Not Result in Charges"* for your review. Borough Council has requested your comments for their next meeting scheduled for Monday, August 5, 2019 @ 7:00 pm.

Should you have any questions, please do not hesitate to contact me.

**BOROUGH OF MOUNT POCONO**  
MONROE COUNTY, PENNSYLVANIA

**ORDINANCE NO. \_\_\_\_ OF 2019**

AN ORDINANCE AMENDING CHAPTER 35 OF THE CODE OF THE BOROUGH OF MOUNT POCONO CODE.

It is hereby Ordained by the Borough Council of Borough of Mount Pocono, County of Monroe, Commonwealth of Pennsylvania, that Chapter 35 of the Borough Code of Mount Pocono is amended to add Article II as follows:

**Chapter 35**

**Article II**

**COST RECOVERY FOR EXCESSIVE POLICE CALLS  
AND POLICE CALLS WHICH DO NOT RESULT IN CHARGES**

**§35-XX Findings and Intent.**

**§35-XX Definitions**

**§35-XX Cost Recovery Required for  
Excessive Police Calls**

**§35-XX Billing**

**§35-XX Police Service Cost Invoice**

**§35-XX Failure to Pay**

**§35-XX Repealer.**

**§35-XX Severability.**

**§35-XX Interpretation.**

**§35-XX Effective Date.**

**§35-XX Findings and Intent.**

A. The Borough Council finds that a number of commercial businesses located within the Borough require a disproportionate amount of police service. The Borough Council further recognizes that the Borough hosts a number of retail businesses and other businesses patronized primarily by individuals who do not live within the Borough. Partly as a result of the number of businesses which serve people who do not live in the Borough, there are an extraordinary number of calls to the police, all of which result in the devotion of police personnel to such calls and, in effect, result in less police service being available for other locations, and for emergencies and other more typical police service duties. Such calls also involve claims where the representatives of the business do not follow through or cooperate with the filing of formal criminal proceedings in connection with the call. Police calls which do not result in the filing of formal criminal proceedings overburden the Borough by causing excessive costs for police protection and have no or little deterrent effect.

B. The Borough police services are provided through a regional police organization, of which the Borough is a member. The Borough pays for its police services on an hourly basis. The Borough Council finds that the hours devoted by our regional police in responded to non-emergency calls to

commercial businesses in the Borough are excessive and reduce the hours available to our regional police for addressing traffic and pedestrian safety issues, emergencies, and other more typical police service duties.

C. The Borough Council desires to create a structure which effectively utilizes the current and future police assets and other resources available to the Borough and to do so by encouraging cooperative action which results, where appropriate, in the filing of appropriate charges, yet discourages police calls which result in ineffective allocation of personnel and other police resources. In order to create such a structure, the Borough Council has developed a cost structure intended to assess the cost of unnecessary police personnel and other resource costs to businesses where either excessive calls are made or excessive calls are made which do not result in appropriate filing of criminal charges.

D. The Borough Council is authorized, under §1203 of the Borough Code, to make and adopt all ordinances, bylaws, rules and regulations for the proper management, care and control of the Borough and the maintenance of peace, good government, safety and welfare of the Borough and its trade, commerce and manufacturers.

E. The Borough Council finds that the regulatory structure envisioned by this ordinance reflects an appropriate balance between the Board's duty and desire to provide effective police services to the Borough community and to make such services available to businesses and other citizens and landowners in a manner which provides for the most effective use of the Borough resources.

F. The purpose of this ordinance is to provide for appropriate cost recovery from businesses which permit, allow, or fail to prevent excessive calls for police service and to businesses which habitually fail to file or support criminal proceedings after making a call for police service, all of which compromise the public health, safety and welfare of the Borough.

**§35-XX Definitions.** For the purpose of this Article II, certain terms, phrases and words are defined as follows:

A. Tense, Gender and Number. Words used in the present tense include the future; words in the masculine gender include the feminine and the neuter; the singular number includes the plural and the plural singular.

B. General Terms. The words "shall," "will" or "must" are always mandatory; the words "should" or "may" are permissive. The words "used for" includes "designed for," "arranged for," "intended for," "maintained for" or "occupied for." The word "building" includes "structure" and shall be construed as if followed by the phrase "or part thereof." The word "person" includes "individual," "profit or nonprofit organization," "partnership," "company," "incorporated association" or other similar entities.

C. Terms, Phrases and Words Not Defined. When terms, phrases or words are not defined, they shall have their ordinarily accepted meaning or such as the context may imply.

D. Specific Terms. The following words and phrases when used in this Article shall have the meanings given to them in this section unless the context clearly indicates otherwise

"Council" - The Mount Pocono Borough Council.

"Business" - Any individual, sole proprietor, corporation, partnership, limited liability company, and any other type of business entity which engages in business or commercial activities, including the sale of goods, within the Township.

"Calendar Month" - The period which begins on the first day of one of the months as named in the calendar and which ends on the last day of that same month as named in the calendar.

"Criminal Complaint" - A complaint filed in an appropriate court by a witness or complainant to the event which was the cause or subject matter of the police call.

"Manager" - The individual or entity which is responsible for the management of a Business as defined herein, or the person who appears to the general public to have supervisory responsibility for the management of such a business.

"Owner" - The individual or entity which owns a Business as defined herein.

"Police" or "PMRP" - The Pocono Mountain Regional Police Department.

"Police Service Cost" - The costs as established in the provisions which follow.

"Police Call" - A call or request for response made to the Police requiring a response by Police to a Business in connection with an incident or suspected incident or criminal activity.

#### **§35-XX Cost Recovery Required for Excessive Police Calls**

A. Every owner and/or manager responsible for the management and regulation of a business is required to pay police service costs for (i) each police call in excess of two (2) within a calendar month and (ii) each police call which does not result in the filing of a criminal complaint by the business in excess of two (2) within three calendar months.

B. For each police call in excess of two (2) within a calendar month, the owner and manager shall be jointly and severally responsible to make payment in an amount to be established from time to time by resolution of Borough Council.

C. For each police call which does not result in the filing of a criminal complaint by the business in excess of two (2) within three calendar months, the owner and manager shall be jointly and severally responsible to make payment in an amount to be established from time to time by resolution of Borough Council.

D. The payment to be assessed by Borough Council shall be based on a reasonable estimate of

the charges incurred by the Borough based upon time spent by the PMRP on the Police Call in question"

#### **§35-XX Billing**

Police service costs due in accordance with this ordinance shall be billed to the owner and manager by the Borough Secretary through a police service cost invoice and shall be due and payable within thirty (30) days of such billing.

#### **§35-XX Police Service Cost Invoice**

A. The police service cost invoice shall identify the calendar month, the business, and the date of each call during that calendar month, with an indication of whether that police call resulted in the filing of a criminal complaint.

B. The police service cost invoice shall indicate the number of police calls in that calendar quarter and shall indicate the number of police calls which did not result in the filing of a criminal complaint in excess of two (2) during that calendar quarter and shall indicate the amount of the police service cost to be reimbursed by the business.

#### **§35-XX Failure to Pay**

Unpaid police service costs may be collected by civil action by the Borough against the owner and/or manager, and/or may be imposed or assessed against the subject property as a municipal lien. In either event, a penalty of ten (10%) percent and interest at the rate of ten (10%) percent per annum shall be added and collected as provided by law for payments not made within thirty (30) days of billing. In the event of civil actions for collection, in addition to penalties and interest, the Borough shall be entitled to collect its attorney fees and costs.

#### **§35-XX Repealer.**

All Ordinances or parts of Ordinances which are inconsistent herewith are hereby repealed.

#### **§35-XX Severability.**

If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or part of this Ordinance. It is hereby declared as the intent of the Borough Council that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

#### **§35-XX Interpretation.**

The object of interpretation and construction of this Ordinance and/or the provisions thereof shall be, if possible, to give effect to all of its provisions. Whenever a provision in this Ordinance shall be in conflict with another provision in the same section or another part of this Ordinance or another Ordinance or part thereof, the two (2) shall be construed, if possible, so that the effect may be given to both.

**§35-XX Effective Date.**

This Ordinance shall become effective on the first day of the month following thirty (30) days after enactment of this Ordinance.

**ADOPTION**

ORDINANCE ORDAINED AND ENACTED this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by the  
Borough Council of the Borough of Mount Pocono, Monroe County, Pennsylvania.

By: \_\_\_\_\_  
Council President

ATTEST:

\_\_\_\_\_  
Lori Noonan, Secretary

APPROVED this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

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



**Council of Governments (COG) Committee Report  
July 2019**

The COG meetings for July and August have been canceled. Next COG meeting will be held on September 30, 2019.

Respectfully submitted,

Lori Noonan, Borough Secretary

MOUNT POCONO BOROUGH  
REGULAR MEETING AGENDA  
MONDAY, JULY 1, 2019  
7:00 P.M.

1. Call to Order  
Pledge of Allegiance
2. Preliminary Announcements:
3. Approval of Minutes:       a. Regular Meeting of Monday, June 3, 2019
4. Officer's Reports:
  - a. President: Recognition of Junior Councilmembers
  - b. Mayor
  - c. Secretary/Treasurer
  - d. Zoning Officer
  - e. Solicitor
5. Persons to be Heard: Susan & John Faraone, Pocono Roasted Corn (Farmers Mkt)  
Karen Struckle, Mt Pocono Association Liaison  
Robin LaForge, Park Foundation Representative
6. Unfinished Business:
  - a. Action Items List
  - b. Proposed Zoning Text Amend. – Directory Sign Separation
  - c. Underdog Computer/Webmaster Contract
  - d. Traffic Engineer
7. New Business:
  - a. Stephenson Equipment – Asphalt Hot Box
  - b. Burn Ban Ordinance
8. Standing Committees:
  - a. Junior Councilmember Report: Shawky Nabil Darwish, Kristina Rinaldi
  - b. Planning: D. Casole, C. Williams, T. Ford, M. Penn
  - c. Dept. of Public Works: C. Williams, F. O'Boyle, D. Casole, M. Penn
  - d. Utilities: M. Hensel, A. Montanez, F. O'Boyle
  - e. Water: D. Casole, S. Stewart-Keeler, A. Montanez
  - f. Recreation: S. Stewart-Keeler, C. Williams, T. Ford
  - g. Sanitation: A. Montanez, M. Hensel, S. Stewart-Keeler, M. Penn
  - h. Buildings: F. O'Boyle, M. Hensel, D. Casole, M. Penn
  - i. Budget & Finance: C. Williams, F. O'Boyle, A. Montanez, M. Penn
  - j. Personnel: C. Williams, F. O'Boyle, M. Hensel, M. Penn
  - k. Regional Police/EMS: C. Williams, M. Penn
  - l. COG: L. Noonan, F. O'Boyle, C. Williams
9. Public Participation
10. Adjourn

Check out our NEW & IMPROVED WEB Site @ [www.mountpocono-pa.gov](http://www.mountpocono-pa.gov)

**MOUNT POCONO BOROUGH COUNCIL  
REGULAR MEETING MINUTES  
MONDAY, JULY 1, 2019  
7:00 P.M.**

Vice President F. O'Boyle opened the Regular Meeting at 7:00 P.M. with the following members present: Councilmembers; D. Casole; M. Hensel; T. Ford; A. Montanez; and, S. Stewart-Keeler. Mayor M. Penn, Solicitor J. Fareri, Borough Secretary/ Treasurer L. Noonan, and Zoning/Codes Enforcement Officer D. Noonan were also present.

President C. Williams was absent.

Junior Councilmembers S. Darwish and K. Rinaldi were also absent.

The Pledge of Allegiance was said by all.

**PRELIMINARY ANNOUNCEMENTS**

Vice President F. O'Boyle reminded everyone that they should treat everyone the way they want to be treated.

**APPROVAL MINUTES**

Councilmember M. Hensel moved to accept the Regular Meeting minutes of Monday, June 3, 2019, as presented. Councilmember S. Stewart-Keeler seconded. Motion carried unanimously.

**OFFICERS' REPORTS**

**PRESIDENT**

Vice President F. O'Boyle stated that Borough Council President C. Williams was out of town so he will be filling in tonight.

**MAYOR**

Mayor M. Penn discussed gave the following report for the month of June:

1. There were no weddings in June
2. County Landbank Program is underway. Borough is first participating municipality. Hoping to have properties acquired by September 2019
3. Continues to work with property owner of Winona Road Property to regain possession of her property
4. Neighborhood Watch Program. Once formed & registered he will arrange for Regional Police to set up protocols and training
5. Crosswalk Safety and purchase of crossing banners and need for crossing guards
6. Farmer's Market behind borough building to be discussed later in the meeting
7. Recommended the Burn Ban Ordinance be sent to the Planning Commission for review and amend to allow fire pits
8. Reminded everyone to look for his ongoing column in the *Pocono Record* called Ophelia's Window

Mayor M. Penn attending the following events this month:

1. Women Veteran's Museum Grand Opening
2. Pocono Mountain Regional Police 25<sup>th</sup> Anniversary
3. Hometown Hero Banner Dedication
4. John Davis' 100<sup>th</sup> Birthday celebration

Councilmember T. Ford moved to send to the Planning Commission the Excessive Police Calls Ordinance and request that they report back to Borough Council for its August meeting. Councilmember M. Hensel seconded. Councilmember T. Ford stated that this ordinance subjects retail stores in the Borough to a penalty for excessive police calls. Motion carried unanimously.

**MOUNT POCONO BOROUGH COUNCIL  
REGULAR MEETING MINUTES  
MONDAY, JULY 1, 2019  
7:00 P.M.**

Tom Neville, 209 Knob Road discussed the section of Knob Road between the Knox Street and Rambling Way is very bad.

**TREASURER'S REPORT**

GENERAL FUND CHECKING ACCOUNT	\$ 473,354.19
PENN SECURITY GENERAL FUND ACCOUNT	982.81
CAPITAL RESERVE ACCOUNT	1,293.30
BANNER BEAUTIFICATION ACCOUNT	3,173.07
STATE LIQUID FUELS	55,547.24
PARK & RECREATION FUND	879.53
PLANNING COMMISSION REIMB. FUND	9,925.57
ROAD FUND – GENERAL FUND	104,152.69
STORMWATER FUND	48,780.74
GENERAL FUND RESERVE ACCOUNT	1,117.96
SANITATION FUND	3,285.09
INTERSECTION& SIGNALIZATION FUND	<u>250,234.16</u>

GRAND TOTAL \$952,726.35

Councilmember S. Stewart-Keeler moved to approve the Treasurer's Report dated Monday July 1, 2019 and pay the bills as presented. Councilmember D. Casole seconded. Motion carried. unanimously.

**BILLS TO BE PAID FROM THE GENERAL FUND CHECKING ACCOUNT:**

Ace Hardware	(maint. & bldg./park supplies)	\$ 190.48
Barry Isett & Associates	(Hirshland)	300.52*
Berkheimer Associates	(LST Commission)	185.68
Blue Ridge Communications	(phones)	417.91
Cintas	(uniforms/rugs)	410.48
H. Clark Connor	(May & June PC Solicitor)	480.00
DG Nicholas	(fuel filter for groomer)	6.58
Ed's Auto	(repairs to '06 Pete)	3,335.27
ESSA Bank	(loan payment)	2,309.20
FNB Visa	(website, park & rec, plaques)	530.13
Geisinger	(health insurance)	7,351.13
Gleco Paints	(traffic paint)	458.11
Highmark Blue Shield	(eye/dental)	258.62
MetLife	(life/disability insurance – 3 months)	1,288.66
Lowe's	(weed killer)	7.11
Monroe County Control Center	(Fire/EMS)	694.23
NAPA Auto Parts	(spark plugs for groomer)	2.60
Newman, Williams, Mishkin	(Hirshland)	279.00*
Payrolls Unlimited	(payroll service – 2 months)	205.00
Michael Penn	(reimb. supplies for proclamations)	151.93
PP & L	(electric)	572.28
PA American Water Co	(water)	744.97
PA Paper & Supply Co.	(paper products)	167.69
Pocono Lake Supply	(drain boxes)	42.90
Pocono Mountain Regional Police	(July Mortgage Payment)	2,792.12
PM Public Library	(1 mill dedicated RE Taxes)	334.62
PM Vol. Fire Co.	(1 mill dedicated RE Taxes)	150.37
PM Regional EMS	(1/2 mill dedicated RE Taxes)	75.19
Response Computers	(security updates, repair outlook)	187.50
Scott's Signs	(nameplate – Chairman Pro Tem)	24.00
Selective Insurance	(insurances)	8,677.00

**MOUNT POCONO BOROUGH COUNCIL  
REGULAR MEETING MINUTES  
MONDAY, JULY 1, 2019  
7:00 P.M.**

Signal Service, Inc.	(Sr 940 & Shopping Ctr Dr. Repair)	332.00
Sunoco	(gas/diesel)	609.10
TEAM Supply	(inlet boxes)	4,448.00
Thyssenkrupp Elevator Corp	(elevator inspection)	188.28
Tulpehocken Spring Water	(water)	56.99
Underdog Computer	(website maintenance)	75.00
Verizon Wireless	(cell phones)	137.62

**GRAND TOTAL** **\$38,478.27**

\*Reimbursable

**BILLS ALREADY PAID FROM THE GENERAL FUND CHECKING ACCOUNT:**

Mt Pocono Payroll	(w/e 06/05/19)	\$ 7,301.80*
FP Mailing Solutions	(postage for meter)	400.00
AM Trust North America	(workers comp insurance)	2,974.00
Mt Pocono Payroll	(w/e 06/12/19)	9,271.02#
Pocono Lake Supply Co.	(mulch for flower beds)	56.00
Mt Pocono Payroll	(w/e 06/19/19)	6,249.54
Mt Pocono Payroll	(w/e 06/26/19)	6,288.82

**GRAND TOTAL** **\$32,541.18**

\*tax collector was paid in this pay period

#Elected Officials were paid

**BILLS TO BE PAID FROM THE LIQUID FUELS ACCOUNT:**

Locust Ridge Quarry	(cold patch)	\$ 847.36
P P & L	(electric)	<u>238.20</u>

**GRAND TOTAL** **\$1,085.56**

**ZONING/CODES ENFORCEMENT OFFICER**

Zoning/ Codes Enforcement Officer D. Noonan reviewed the following report for June 2019:

Permits / Certificates Issued (6/1 to 6/30):

Roof – 2  
Excavation – 1  
New Driveway - 1

Fees (6/1 to 6/30): \$465.50

Rental Inspections: 2

Additional Work / Activities:

- 6/3 - Council meeting.
- 6/5 – Short Term Rental Roundtable
- 6/17 – Council Work Session
- 6/19 – Planning Commission
- Issued 18 Violation Advisory Notices
- Weekend monitoring of STR properties - #1 Summit and #10 Shelly

**MOUNT POCONO BOROUGH COUNCIL  
REGULAR MEETING MINUTES  
MONDAY, JULY 1, 2019  
7:00 P.M.**

The Zoning/ Codes Enforcement Officer stated that he is spending a lot of time on short-term rentals. He attended a roundtable last month on this subject. A discussion ensued regarding short-term rentals in the Borough.

Councilmember T. Ford recommended that Borough Council eliminate the Short-Term Ordinance and make it a nuisance ordinance to handle loud noise and public urination and other nuisances that come along with short-term rentals.

**SOLICITOR**

Solicitor J. Fareri stated that he has been working with Hirshland and Chuck Niclaus on the developer's agreement and escrow accounts for the Hirshland Development.

**PERSONS TO BE HEARD**

**Susan Faraone, Pocono Roasted Corn (Farmers Market)**

Susan Faraone of Pocono Roasted Corn submitted a certificate of Insurance and requested to be able to set up behind the Borough building on Wednesdays, Fridays, and Saturdays from 8:00 A.M. to 1:00 P.M. and all day on Sundays. She stated that the vending fee is \$400.00 a year, however she's only going to be operational from June through December and only half a week and she requested to pay half the amount.

The record should reflect that during the discussion of the Farmer's Market, Mayor M. Penn phoned Council President C. Williams so she could participate in the discussion and voting on this subject matter.

Councilmember A. Montanez moved to allow Pocono Roasted Corn to open a Farmer's Market behind the Borough Building four (4) days a week and to maintain the vending permit fee of \$400 and to allow for payment arrangements of said fee. Motion went to a roll call vote: Councilmember T. Ford, "Yes"; Councilmember A. Montanez, "Yes"; Councilmember M. Hensel, "Yes"; Councilmember S. Stewart-Keeler, "No"; Councilmember D. Casole, "No"; President C. Williams "No"; and, Vice President F. O'Boyle, "No". Motion failed 5-2.

Councilmember S. Stewart-Keller moved to allow the Farmers Market to open four (4) days a week and to pay a modified fee of \$200.00 per year in two (2) installments with \$100.00 due now and \$100.00 due three (3) months later. Councilmember D. Casole seconded. Motion went to a roll call vote: Councilmember T. Ford, "Yes"; Councilmember A. Montanez, "No"; Councilmember M. Hensel, "Yes"; Councilmember S. Stewart-Keeler, "Yes"; Councilmember D. Casole, "Yes"; President C. Williams, "Yes"; and, Vice President F. O'Boyle, "Yes". Motion carried 6-1.

**Jodi Bohdal, Mount Pocono Association**

Ms. Bohdal discussed the Harvest Festival scheduled for September 28<sup>th</sup> and that they have over sixty (60) vending spots have been filled. She discussed the crosswalks and the need for more another crosswalk between Fairview Avenue & Knob Road.

Borough Secretary/ Treasurer L. Noonan noted that the Road Foreman, Jim Trombetta scheduled a meeting with Chuck Richards of PennDOT on Wednesday, July 3<sup>rd</sup> at 10:00 A.M. to discuss the crosswalks and the possibility of placing a crosswalk on Pocono Boulevard at Delmar Street.

**UNFINISHED BUSINESS**

**Action Items List**

The Borough Secretary/ Treasurer reviewed and updated the Action Item List accordingly.

Borough Secretary/ Treasurer L. Noonan discussed the crossing banners and a quote that we received from DELCOM Graphics for double-sided banners at a cost of \$250 each or a total of \$500.00.

**MOUNT POCONO BOROUGH COUNCIL  
REGULAR MEETING MINUTES  
MONDAY, JULY 1, 2019  
7:00 P.M.**

Councilmember A. Montanez moved to purchase two (2) double-sided crossing banners from DELCOM Graphics at a cost of \$250.00 each. Councilmember T. Ford seconded. Motion carried unanimously.

Vice President F. O'Boyle stated that he is willing to repair the welcome sign that's located just below the railroad trestle. He will cover the posts with vinyl sleeves if the Borough Council is willing to replace the welcome sign and get quotes for said sign. It was agreed that quotes to replace the sign would be obtained by the next meeting.

**Proposed Zoning Text Amendment**

Councilmember M. Hensel moved to send to the Planning Commission and the Monroe County Planning Commission the proposed Zoning Text Amendment for the Hirshland development for directional signs and to schedule a Public Hearing at 6:30 P.M. on Monday, August 5, 2019, and that the Applicant is responsible for all fees. Councilmember S. Stewart-Keeler seconded. Motion carried unanimously.

**Underdog Computer/ Webmaster Contract**

Councilmember T. Ford tabled this to allow Solicitor J. Fareri time to review.

**Traffic Engineer**

Councilmember M. Hensel moved to appoint Barry Isett & Associates as our Traffic Engineer for any new projects coming into the Borough. Councilmember T. Ford seconded. Motion carried unanimously.

**NEW BUSINESS**

**Stephenson Equipment, Inc.**

Borough Council was in receipt of a quote for a used 2014 Stepp Manufacturing Asphalt Hot Box. It's has a 3 cubic yard capacity, 4 ton hydraulically controlled dump box, electric overnight heat (220V) strobe light, compactor plate with carrier, stainless steel tool holder, battery charger, washdown with hose reel, shovel cleaning compartment, LED lights, electric brakes with tandem axle, at a price of \$18,800.00.

Councilmember A. Montanez moved to purchase the used 2014 Stepp Manufacturing Asphalt Hot Box at cost of \$18,600.00. Councilmember T. Ford seconded. Councilmember D. Casole suggested that we offer \$18,000.00 and if they will not accept the lower price Council will pay \$18,800.00 Both Councilmembers A. Montanez and T. Ford agreed to amend their motion per Councilmember D. Casole's suggestion. Motion carried unanimously.

**Burn Ban Ordinance**

Councilmember A. Montanez moved to send to the Planning Commission the Burn Ban Ordinance and to send recommendations to Borough Council if it should be amended or keep it as it is. Councilmember T. Ford seconded. Motion went to a roll call vote: Councilmember D. Casole, "No"; Councilmember S. Stewart-Keeler, "Yes"; Vice President F. O'Boyle, "No"; Councilmember A. Montanez, "Yes"; Councilmember M. Hensel, "Yes"; Councilmember T. Ford, "Yes". Motion carried 4-2.

**STANDING COMMITTEES**

It was agreed that we would bypass the Standing Committee Reports unless there was a committee report that was urgent.

**MOUNT POCONO BOROUGH COUNCIL  
REGULAR MEETING MINUTES  
MONDAY, JULY 1, 2019  
7:00 P.M.**

**Utilities/ Mount Pocono Municipal Authority (MPMA)**

Councilmember M. Hensel stated that sewer rates will increase \$30.00 for residential EDU and \$48.00 for commercial EDU in the October billing.

**Sanitation**

Councilmember D. Casole stated that the dumpsters at KFC in a commercial area do not have any screening and questioned if this could be corrected.

**Park & Recreation**

First Friday will be held on July 5<sup>th</sup>.

**Regional Police**

Mayor M. Penn stated that they will be voting on the Resolution for aiding police departments outside our jurisdictions.

**PUBLIC PARTICIPATION**

**Tom Neville, 209 Knob Road**, thanked Robin LaForge and the Park Foundation for their hard work and noted that the Hometown Heroes banners look excellent.

**Mike Oser, 39 Fairview Avenue**, discussed the Pocono Mountain Regional Police Resolution that will be discussed at its meeting next week. He distributed copies of the Resolution. The Resolution was to allow Regional Police to respond and aid other municipalities outside of our jurisdiction with drug busts and speed traps alike.

There was a great deal discussion on the proposed Resolution. Councilmember T. Ford moved to instruct our Regional Police Commission representative to vote in favor of the Resolution. Councilmember M. Hensel seconded. Mayor M. Penn stated that this is an advisory position. Councilmember A. Montanez requested that the motion be amended to state that they vote in favor as long as it doesn't cost the Borough any additional monies. The motion went to a roll call vote: Councilmember T. Ford, "Yes"; Councilmember A. Montanez, "No"; Councilmember M. Hensel, "Yes"; Vice President F. O'Boyle, "Yes"; Councilmember S. Stewart-Keeler, "No"; Councilmember D. Casole, "No". It was a tie vote with Mayor M. Penn voting "No". Motion died.

There being no further business or any further public participation coming before the Board, Councilmember A. Montanez moved to adjourn at 9:35 P.M. Councilmember S. Stewart-Keeler seconded. Motion carried unanimously.

Respectfully submitted,

Lori Noonan, Borough Secretary



# JULY 2019 MAINTENANCE OVERVIEW

7-1 Pickup trash at the Parks, Knob, Clock, pickup TV'S (5) of them, cannot finish crosswalks due to Penn DOT still paving rt. 314 and sending traffic down Fairview Ave. to 611 and 611 to Fairview Ave. so we move on to painting stop bars in Parkside

7-2 Paint stop bars in Parkside and then move over to Pinehill, Penn DOT told me do anything until after the Holiday (painting crosswalks), cut grass at the Boro sign at 611 & R&R bridge, go get gas for the Parks Dept.

7-3 Redo all military banners and zip-tie them thru gromets to poles so they do not blow down, install the new fuel pump on trap rake did not work sent back and try another one when it comes in, met with Penn DOT, Thom Ford and the Pocono Rocks ladies and Lori about adding new crosswalk in the middle of the block downtown, pickup the 10 ped crosswalk signs that are on the right side of the travel lane they are not permitted, cut grass and weed-wack at the Boro sign at the R&R bridge

7-4 **HOLIDAY**

7-5 **Craig off Personal Day**, Go to 401 Manorview Ave. for shoulder repair (not a quick job) need to recut a (3) foot shoulder and put in modified put it on the list, filled in shoulder on Park Ave. and Montivision Ave. with modified 3" of material

gone, fill near the four cross pipes on Center Ave. from wash out, check the Knob for trash from last nights Forth of July fire works material, pickup extra garbage at the pavilion from fire works, take a deposit to the bank for Lori, sign card for Craig, water big plant upstairs, go push off Laurel a lot of brush and trees dumped from Ike, clean up Ike's mess left in the Boro park on School Dr. of cut off stumps, someone broke the mushroom and had it zip tied it was just laying there also gone

7-8 RAINING AGAIN 1"- per hour, pickup trash at the Parks, Knob, Clock, go to Pocono Four Wheel drive and get trailer hitch plug and wiring for the F-550 for new Blacktop Hot Box, need to shop Walmart for Ollie's supplies, check on Metz repairing AC at the Borough Building, work on getting the right fuel pump for the Parks Dept. trap rake, while looking if we can add the new trailer hitch plug we found a broken dump body frame take to Darrell tomorrow for repairs

7-9 Take F-550 to Darrell to weld frame, paint stop bars in Pinehill, go mark Pa one calls, clean out the rest of the old shed it's ready to fall down, change a light bulb for Randy at the Carnival with the Bucket Truck,

7-10 Finish Crosswalks downtown, They are all done finally, go get the final fuel pump for the trap rake and install it, mark out and call in Pa one call for Center Ave. drainage, pickup (40) trash bags on 940 and Rite-aid cul-de-sa from teenagers community service cleanup, cleanup oil dumped on Rite-Aid cul-de-sac with cinders piled around the cul-de-sac

7-11 Start cutting trees on Center Ave. need to take (5) of them, rain started at 11-am and all afternoon finish trees tomorrow, go check Pa one calls, work around shop

7-12 **Kevin off vacation**, Cut the last of the trees on Center Ave., and pull (5) stumps reswale ditch for the weekend, start boxes and pipes on Monday, take the trap rake back to Oak St. shed, go mark Pa one calls, Craig broke the dump lever on the F-550 called E.M. Kutz Matt will ship one out UPS

7-15 Pickup trash at the Parks, Knob, Clock, also on 940 E from teenagers community service cleanup (14) bags, pickup TV's, start drainage on Center Ave. 1<sup>st</sup> box in

7-16 Back to center Ave. drain pipes, add drain pipes to the box, need to get gas for the parks dept., take engine cover for trap rake to Oak St.

7-17 **Jim off vacation**, Drop off F-550 to Ed's to install new 7-pin hitch plug for new blacktop hot box and repair antifreeze leak, add new tail lights, shrink wrap TV's and take them to Blakeslee, cut the grass at the Boro sign at the R&R bridge, jackhammer another drain box two ends 15", Jim in 7-pm open drainage on Center Ave. Heavy Rain

7-18 **Kevin leaving at 3-pm**, Raining and foggy again, work in the shop on the trucks and the lawn mower

7-19 Go back to Center Ave. take (3) more loads sweepings for over and around pipes and box, pull dirt piles back down ditch and compact, too muddy and too much water in the ditch to dig today, meet with Samantha Wascavage (Penn DOT) on sign replacement and moving some, push off Laurel Dirt piles, take landscape fabric over and cone off the boro parking lot for playground mulch to be delivered tomorrow from Erb's, Ron K. working on cleaning up (power washing) #5 2012 Pete of cold patch tar and dirt

7-22 Put up over 611 (2) new Pedestrian Banners, change the poles on the Bernie Pallo Banner and take pictures, too wet to dig for pipe on Center Ave. but we did remove two loads of dirt, ditch filled with water did not want to flood out Rutt Contractors they are moving water boxes and shut offs that are in the way, move the flashing 30 mph ahead sign 600' further down 611 toward Grange Rd., install new 30x36 30 mph sign near the Borough Of Mt. Pocono sign need a Pa one call first Verizon lines are near , and remove the second flashing 30 mph ahead not needed, install new 30x36 35 mph sign on a 12' post in front lawn of Pizza Hut on 196, need to install two more signs but started to rain hard

7-23 Wet and raining this morning, pickup trash at the Parks, Knob, Clock, caution off playground for Erb's he is going to weed kill today and Thursday, pull out smaller 35 mph sign on 196 and replace it with the bigger one closer to Pinehill Rd. On 196, redo one of the military banners with new poles, take the sump pump to Center Ave. and pump the water out of the ditch

so we can continue with our pipe work, need to shop for Ollie cleaning supplies

7-24 Back to Center Ave. dig and install 80' of 15" pipes and (1) box

7-25 Back to Center Ave. dig and install 80' of 15" pipes and back fill and level 200' of ditch line

7-26 Saw cut 3- driveways on Center Ave. install 20' of 15" pipe and 1- box, Blacktop Hot Box Delivered today

7-29 Pickup trash at the Parks, Knob, Clock, mark Pa one calls, back to Center Ave. drainage dig and install pipes, check on Belmont cross ditch kids filling with pallets, check on graffiti on the Knob

7-30 Back to Center Ave. dig and install 15' pipes and a box

7-31 Craig texted out not feeling good, Line stripping company here to paint our center lines, I needed to go with them to show what needed to be painted took 4-hours, Kevin and Ron get gas for the Parks Dept., clean out drainage on Belmont behind Snowshoe condo's we had a complaint, pickup 40- bags of garbage from MCCF teen community service cleanup

Kwame Amofo-Danquah  
49 Seneca Road  
Mount Pocono, PA 18344

Board of Directors  
Mt Pocono Municipal Authority  
1361 Pocono Blvd  
Mt Pocono, PA 18344

RECEIVED

APR 23 2019

April 19, 2019

MT. POCONO BOROUGH

RE: **Storm Water Flooding Complaint (2<sup>nd</sup> Complaint)/1<sup>st</sup> letter submitted on 12/27/2018**

Dear Mayor Michel Penn & Board of Directors,

There is a rain water storm line that runs underneath my front lawn at **49 Seneca Road** that I have no complaint about. However, I will like to formally complain about storm water that floods my garage and disrupts my landscape every time that it rains heavily for the past 8 to 10 years.

I am reaching out to you because it has become unbearable and too costly for me to constantly bear the cost of clean-up every time there is a heavy rain fall. I have recently paid \$891.00 to Roto Rooter for cleaning the storm line and am appealing to the Board of Directors of the Borough of Mount Pocono to re-imburse me. See attached for a copy receipt and pictures of my garage and surrounding areas after heavy rain fall.

I will like Borough of Mount Pocono to re-imburse me of the cost of cleaning up as well as set repair the storm line to prevent my garage and surrounding areas from being flooded over and over again.

Note that I did inform my former next-door neighbor Fred Cartwright (Mayor) at 47 Seneca Road on several occasions. 47 Seneca Road used to have a similar issue until Fred Cartwright became the mayor and the issues got resolved. The storm water line at 47 Seneca Road is more than 15 feet from the middle of the street but the issue was repaired by the Borough of Mount Pocono. I am therefore appealing to the Board of Directors to re-imburse me for cleaning cost and also send the borough construction team to contact me to repair the flooding issue immediately.

Thanks for your cooperation



Kwame Amofo-Danquah

Tel: 570-839-8346 /Email: [audbren@msn.com](mailto:audbren@msn.com)

BOROUGH OF MOUNT POCONO  
MONROE COUNTY, PENNSYLVANIA

ORDINANCE NO. \_\_\_\_ OF 2019

**AN ORDINANCE AMENDING THE ZONING ORDINANCE, CHAPTER 215 OF THE CODE OF THE BOROUGH OF MOUNT POCONO, MONROE COUNTY, PENNSYLVANIA, TO UPDATE SIGN STANDARDS FOR PLANNED COMMERCIAL DEVELOPMENTS AND/OR PLANNED INDUSTRIAL DEVELOPMENTS.**

**BE IT HEREBY ORDAINED AND ENACTED** by the Borough Council of the Borough of Mount Pocono, Monroe County, Pennsylvania, by the authority of and pursuant to the provisions of Act of July 31, 1968, P.L. 805, No. 247 of the General Assembly of the Commonwealth of Pennsylvania, as reenacted and amended, known and cited as the *Pennsylvania Municipalities Code*; that the Borough of Mount Pocono's Zoning Ordinance Chapter 215 of the Code of the Borough of Mount Pocono is amended as follows:

**ITEM 1**

**Chapter 215 Zoning, Section § 215-97.E is hereby amended to add the following:**

- (1) Directory Sign Regulations. A Directory Sign permitted above shall comply with the following:
  - (a) Sign Area. The sign area shall not exceed 200 square feet;
  - (b) Sign Height. The sign height shall not exceed 25 feet;
  - (c) Individual Business Listing Size. The sign may include individual listings of businesses within the Planned Commercial Development. No individual business listing on the Directory Sign shall utilize letters, words and/or symbols less than 4 inches in height; and
  - (d) Separation. A Directory Sign shall be exempt from the freestanding sign separation requirement of § 87.G of this Chapter. Rather, a Directory Sign shall be no less than 125 feet from any other freestanding on-premises sign.

**Severability**

Should any section, subsection, clause, provision or other portion of this Ordinance be declared invalid by any court of competent jurisdiction, such decision shall not affect the validity of the remainder of this Ordinance; the Board

of Supervisors having adopted this Ordinance as if such invalid portions had not been included therein.

**Interpretation**

The object of interpretation and construction of this Ordinance and/or the provisions thereof shall be, if possible, to give effect to all of its provisions. Wherever a provision of this Ordinance shall be in conflict with another provision in the same section or another part of this Ordinance or another Ordinance or part thereof, the two (2) shall be construed, if possible, so that the effect may be given to both.

**Effective Date**

This Ordinance shall become effective immediately upon adoption.

**Adoption**

ORDINANCE ORDAINED AND ENACTED this \_\_\_\_ day of August, 2019, by the Borough Council of the Borough of Mount Pocono, Monroe County, Pennsylvania, to be effective immediately.

**BOROUGH OF MOUNT POCONO**

By: \_\_\_\_\_  
Claudette Williams, Council President

**ATTEST:**

\_\_\_\_\_  
Lori Noonan, Borough Secretary

**APPROVED** this \_\_\_\_ day of August, 2019.

By: \_\_\_\_\_  
Michael Penn, Mayor



**Sanitation Committee Report  
August 2019**

The following is important “by the number” information for the month of July regarding sanitation/recycling:

# OF TRASH CERTS GIVEN	3
# OF SHERIFF’S SALES PROVIDED	2
JUNE RECYCLING TONAGE	22.08 tons
JUNE GARBAGE/REFUSE TONAGE	48.62 Tons
# EMAIL COMMUNICATIONS (sent & received from Secretary/Treasurer)	42
Pick Up the Pocono’s	Mark your calendars: Saturday, September 28, 2019

Respectfully submitted,

Lori Noonan, Borough Secretary

# SUNGUARD

2200 WILLOW PARK ROAD  
BETHLEHEM, PA 18020  
610.882.9900

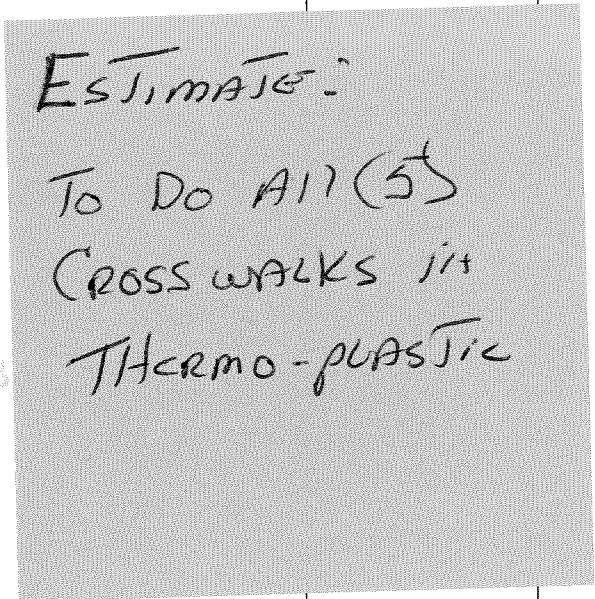
Estimate

**Name/Address**

Mt Pocono Boro  
1361 Pocono Blvd. Suite 100  
Mount Pocono, PA 18344

Date	Estimate No.
07/10/19	3368

Project Name
Mt Pocono

Description	Quantity	Cost	Total
Striping using Thermo plastic. 55 bars at 24inches x 6 ft. 5 locations	1	3,200.00	3,200.00
			

Thank you

Total

\$3,200.00



# Website Maintenance Proposal

Written by Carmine J. Corridore

## SECTION 1

# Welcome Page

## **Underdog Computer and Network Support LLC.**

### Website Support and Maintenance

### About Underdog Computer and Network Support

At Underdog, our passion for technology and what it can do for people and businesses is our driving force. Our goal is to improve your life by making it easier to harness technology on every level. We do this by using almost three decades in the field evaluate, educate, support, troubleshoot, design, and spearhead the installation, upgrading, and configuration of operating systems and network devices. Small businesses are the foundation of this country, and Underdog Computer is the premier technical support firm that is a natural extension for all businesses in the Poconos.

## SECTION 2

# Plan Details

## Our **Website Maintenance** Plan

### Web Maintenance Basic Plan Details:

**The monthly plan will consist of executing the following services. Underdog Computer and Network Support LLC will:**

- Update WordPress to the latest version
- Update WordPress plugins to their latest version
- Unlimited page adds, uploads and page modifications a month.
- Provide a detailed Monthly Report of updates and findings
- Provide ongoing email support

### Services Explicitly Excluded from Plan:

The following is not included in the web maintenance plan

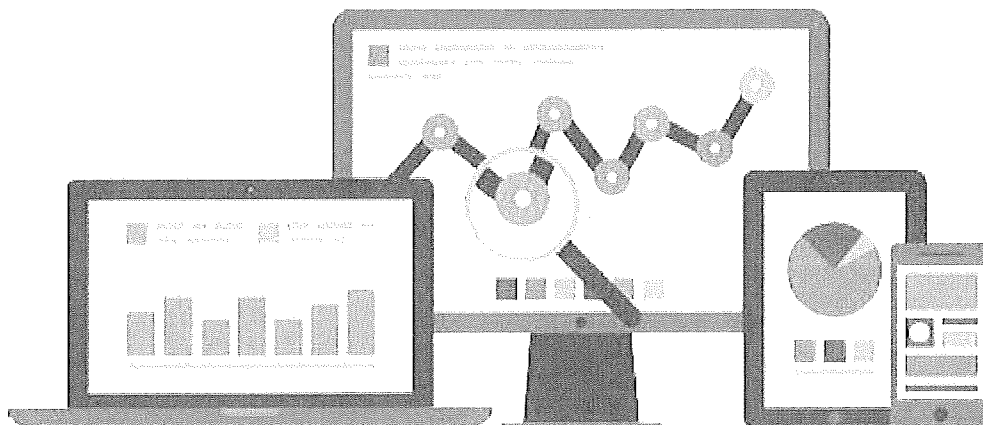
- Website Backup
- Website Security
- Website Hosting
- Major updates or design changes to the website. *Major is defined as the look and functionality of the website. These are considered redesigns and will be subject to additional costs.*

# Your Monthly Investment

It's not a fee. It's an investment

We have kept our fees simple.

Just one, clear monthly investment to ensure your website continues to work well and keeps your business flowing.



BASIC WEBSITE MAINTENANCE  
Basic Website Maintenance

\$75 /month

---

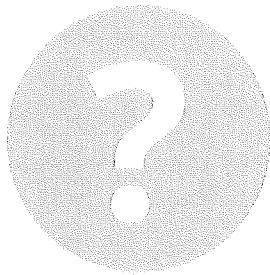
**Monthly Total \$75/month**

Peace of mind, **made Simple.**

## SECTION 4

# FAQs

## Frequently Asked **Questions**



### Why do I need an ongoing plan when my web host updates my WordPress version?

Web hosting providers may or may not update your WordPress software for you (please check their policy), but all web hosts will not update your plugins.

WordPress plugins are created by multiple authors, and are consistently updated to newer versions to comply with the latest version of WordPress, or to address security issues and bugs. It is not guaranteed that the mandated updates to WordPress will not break the website, nor that plugins will continue to function if not updated.

For this reason, having a trained web specialist on hand to monitor the website is necessary to update plugins, rollback plugins, replace plugins or even adjust the theme to continue optimal performance.



## Can I cancel anytime?

Yes, you can cancel anytime. You are under no obligation to continue the ongoing service. We just ask you give us [30 days] notice so we can carry out our last thorough update of the website and remove our administrator credentials.

## How do I contact you when I have a problem?

We provide a support ticket desk for quick turnaround and tracking of all support requests. You can submit all requests to [support@underdog-development.com](mailto:support@underdog-development.com) and we will reply within normal business hours.

## SECTION 5

# Terms & Conditions

## Terms & Conditions

### **Authorization:**

You are engaging Underdog Computer and Network Support LLC, as an independent contractor to perform work as described in the package(s) or service(s) you have purchased. In the event access to your website is necessary, you hereby authorize Underdog Computer and Network Support LLC access and "write permissions" to all directories and files of your account with any other third party hosting provider, as well as permission to install any necessary WordPress plugins for maintenance and security.

### **Pricing & Payments:**

Once a client of Underdog Computer and Network Support LLC, you authorize Underdog Computer and Network Support LLC to charge the payment method you submitted for all the invoices generated for the services rendered under this ongoing website care plan.

### **Cancellation:**

Cancellation of any monthly recurring service can occur at any time after your first one month (30 days) of service.

In order to cancel your recurring payment or change payment method, simply contact Underdog Computer and Network Support LLC prior to your payment's due date.

### **Third Party or Client Page Modification:**

You acknowledge that you or your staff have access to independently edit or update web pages within the WordPress platform.

You also acknowledge that anyone other than **Mount Pocono Borough** or its subcontractors who attempt to update the website and damages the design or impairs the ability for the web pages to display or function properly, may result in the time to repair the web pages in order to restore the website.

You further acknowledge that the services under the excluded section Underdog Computer and Network Support LLC is not covered under this contract and are subject to additional costs.

In this event, damages will be assessed at an *hourly rate of \$95.00* with a one-hour minimum. Work to repair the website from third-party modifications is outside of the support time and scope of the ongoing website care plan.

**Limitation of Liability; Disclaimer of Warranties:**

Although there are limitations to the guarantees we can provide, your satisfaction is very important to us. Please read and understand our limits of liability before engaging in our services.

Although we strive for your website's optimal performance and security, we did not build the WordPress software or plugins used on the website, nor are you supplying the hosting platform it runs on.

For this reason, Underdog Computer and Network Support LLC does not represent, guarantee or warrant that the functions contained in these web pages or internet website will be uninterrupted, error-free, free from loss, corruption, attack, viruses, interference, hacking, or other security intrusions, and Underdog Computer and Network Support LLC disclaims any liability relating thereto.

To the extent not prohibited by law, in no event will Underdog Computer and Network Support LLC be liable to the client or any third party for any damages, including, but not limited to, any lost profits, lost savings, loss of data, business interruption, or incidental, consequential or special damages arising out of the operation of or inability to operate these web pages or website, however, caused, even if Underdog Computer and Network Support LLC has been advised of the possibility of such damages.

**Ready to go ahead?**

Go to 'Next Steps' to sign your  
**proposal!**

## SECTION 6

# Next Steps

## Take the **Next Step**

### Let's Get Started

**To proceed with the ongoing website care plan:**

- Sign and agree to the proposal and terms in the section below

**Please sign** above to **approve your proposal.**



**Zoning / Code Enforcement Office**  
**July 2019 - Report to Council**

Permits / Certificates Issued (7/1 to 7/31):

Roof – 1  
Driveway – 1  
CO – 1  
Demolition – 1  
Deck – 1  
Fence – 1  
Sign – 2  
Garage - 1

Fees (7/1 to 7/31): \$918.50

Rental Inspections: 1

Additional Work / Activities:

- 7/1 - Council meeting.
- 7/17 – Planning Commission
- Issued 8 Violation Advisory Notices
- Review Verizon micro / small cell wireless communication facility proposal.
- RTK request re: 219 Nittany Court.

Respectfully submitted,

Dennis Noonan  
Zoning / Codes Enforcement