

**MOUNT POCONO BOROUGH COUNCIL  
REGULAR MEETING MINUTES  
MONDAY, FEBRUARY 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; K. Transue; C. Williams; and, M. Oser. Mayor F. Courtright, Solicitor J. Fareri and Borough Secretary/ Treasurer L. Noonan were also present.

Councilmember D. Casole arrived at 7:08 P.M.

The Pledge of Allegiance was said by all.

**PRELIMINARY ANNOUNCEMENTS**

President K. Davis announced that Borough Council will hold an Executive Session after Public Participation this evening in regards to a personnel issue and no motions are expected.

President K. Davis recognized Mr. Tyler Day, representing State Representative Jack Rader's office in attendance.

**APPROVAL OF MINUTES**

Councilmember K. Transue moved to approve the Regular Meeting minutes of Tuesday, January 3, 2017, as presented. Vice President J. Woehrle seconded. It was requested that the word "committee" be changed to "commission" on page 1 under the Mayor's Report. Motion carried unanimously.

Councilmember K. Transue moved to approve the Special Meeting minutes of Tuesday January 17, 2017, as presented. Councilmember M. Oser seconded. Councilmember F. O'Boyle requested that the item in the minutes regarding Resolution 1 of 2017 regarding the Municipal Authority's membership be removed from the minutes as there was no Resolution. It was explained that the discussion and the resolution that he is referring to happened at the January 3, 2017, meeting and not the January 17, 2017, meeting. Motion carried unanimously to approve the January 17, 2017, Regular Meeting minutes.

In view of Councilmember F. O'Boyle's discussion regarding the Resolution, Councilmember K. Transue moved to rescind his motion on accepting the January 3, 2017, Regular Meeting minutes. Vice President J. Woehrle seconded. It was requested that the motion on approval of these minutes be tabled until the next meeting in order to give the Secretary time to listen back to the tape. Motion carried unanimously.

**OFFICERS' REPORTS**

**PRESIDENT**

President K. Davis stated that Mr. Hirshland has been calling and is looking to discuss with Borough Council his plans for his land development on SR 940 and he and Vice President J. Woehrle may be meeting with him sometime in the next few weeks.

President K. Davis also noted today he received a letter from PennDOT regarding some road improvements to signage that they will be doing at the Knob and Knox Streets intersection. He discussed an email that was sent out by the Mayor in regards to medical marijuana and cautioned the Mayor that when he speaks he does so on behalf of himself and he should not give the impression that he is speaking for everybody on Borough Council.

**MAYOR**

Mayor F. Courtright stated that on March 31<sup>st</sup>, he will be speaking at Northampton Community College for Shelli Bird who used to be Shelli Angle a former Councilmember who is teaching a local government class at the Northampton Community College. He noted that his topic of discussion will be Medical Marijuana. He noted that it's Girl Scout cookie time and if anybody needs cookies they can speak with him. He also noted that at the end of the month it will be his fifty-second (52<sup>nd</sup>) birthday.

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**TREASURER'S REPORT**

The following cash report was given as follows:

GENERAL FUND CHECKING ACCOUNT	\$ 70,065.04
ESSA MONEY MARKET	17,347.83
PENN SECURITY GENERAL FUND ACCOUNT	546.71
CAPITAL RESERVE ACCOUNT	49,086.61
BANNER BEAUTIFICATION ACCOUNT	3,034.29
STATE LIQUID FUELS	13,515.34
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 PLGIT ACCOUNT	41,941.24
SANITATION FUND	17,280.01
ROUTE 940 CORRIDOR FUND	53,675.00
FIVE POINT INTERSECTION FUND	<u>443,157.24</u>

**GRAND TOTAL** **\$ 861,128.47**

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

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

ACE Hardware	(screws, chains & ice melt)	\$ 231.35
Alarm Installers Corp	(wireless panic on 2 <sup>nd</sup> floor)	164.00
Amerihealth Casualty	(workers comp)	2,630.22
Berkheimer Associates	(LST commission)	65.01
James A. Borger	(2016 mileage reimb.)	232.20
Blue Ridge Communications	(phones)	357.24
Blue Tarp Financial	(maint. Reflective jackets)	110.60
Boston Mutual	(disability insurance)	253.08
Cintas	(uniforms/rug service)	188.94
Community Planning & Design	(zoning medical marijuana)	63.75
Ehrlich	(pest control)	85.00
E.M. Kutz, Inc.	(cutting edge for 2014 Kenworth)	1,004.25
ESSA Bank	(interest on line of credit)	417.94
FP Mailing Solutions	(postage meter)	75.00
Friedman Electric	(replacement street light & pole)	2,628.33
Edward Geisler	(constable service (3))	60.00
FNB Visa	(PSAB Grant Courts & batter UPS)	311.99
Matt Hensel	(website admin)	75.00
Highmark Blue Shield	(health insurance)	7,305.65
JNK Hydrotect & Extinguisher Supply	(maint. dept, boro bldg. & trucks)	224.70
Russell R. Kresge, Jr.	(engineering services)	486.70
Medico Industries, Inc.	(repairs to wheel loader)	79.53
NAPA Auto parts	(hydraulic oil, coupler, bracket, wiring)	252.66
Newman, Williams & Mishkin	(Fontaine Suite & Pine Hill Signal)	925.00
PA Assoc. of Municipal Administrators	(annual dues)	140.00
PPL	(electric)	2,238.58
PA State Assoc. of Boroughs	(Membership Directory)	40.00
Panko Reporting	(copy of transcript 2005)	176.35
Payrolls Unlimited	(December & January payroll)	214.70

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Pennoni Associates	(multi-modal grant)	5,505.44
PA American Water	(water bills)	\$ 699.25
PA One Call	(monthly service)	11.70
Plociniak Oil	(oil for boro bldg. & maint. garage)	1,630.22
Pocono Mtn. Public Library	(RE Taxes & Delinq. Taxes)	529.12
Pocono Mtn. Vol. Fire Co.	(RE Taxes& Delinq. Taxes)	529.03
Pocono Mtn. Reg. EMS	(RE Taxes& Delinq. Taxes)	264.53
Pocono Mountain Regional Police	(February Mortgage Payment)	2,811.27
<i>Pocono Record</i>	(advertising)	379.00
RKR Hess	(115 Knob Road septic)	149.30
Selective Insurance	(insurance premium)	4,856.00
Service Tire Truck Centers	(case wheel loader tire repair)	166.50
Signal Services	(SR 940 & Industrial Park Dr. Signal)	1,031.00
SunocoCOSTARS	(gas/ diesel)	1,139.70
Tulpehocken Spring Water	(bottled water)	25.00
Tu-Way Communications	(trouble shoot problem)	155.00
US Bank	(copier lease)	294.10
Verizon	(phone)	32.44
Verizon Wireless	(cell phones & new battery)	138.04
Wal-Mart	(shop supplies, office supplies)	52.02
R.V. Yanora	(back flow device testing)	<u>250.00</u>

**GRAND TOTAL** **\$ 41,659.43**

**BILLS TO BE PAID FROM THE ESSA LINE OF CREDIT:**

Hadley Construction	(payment #1 for roof)	<b><u>\$ 33,615.00</u></b>
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**BILLS TO BE PAID FROM THE GENERAL FUND CHECKING ACCOUNT:**

Mt Pocono Payroll	(w/e 01/04/17)	\$ 6079.04
Mt Pocono Payroll	(w/e 01/11/17)	5,830.77
Mt Pocono Payroll	(w/e 01/18/17)	5,859.08
FP Mailing Solutions	(postage for meter)	100.00
Mt Pocono Payroll	(w/e 01/25/17)	5,732.43
Mt Pocono Payroll	(w/e 02/01/17)	<u>5,638.63</u>

**GRAND TOTAL** **\$ 29,239.95**

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

Cargill	(de-icing salt)	\$ 9,592.34
PPL	(traffic signals & street lights)	<u>2,617.34</u>

**GRAND TOTAL** **\$ 12,209.68**

**Tax Collector Salary**

Councilmember K. Transue moved to set the Tax Collector salary for the next term 2018-2021 at \$5,600.00 per year.  
Councilmember M. Oser seconded. Motion carried unanimously.

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**PSAB Webinars**

Councilmember M. Oser moved to allow the Borough Secretary/ Treasurer to attend a two (2) day webinar on February 15<sup>th</sup> and 16<sup>th</sup> on The Role of the Municipal Secretary at a cost of \$90.00. Councilmember K. Transue seconded. Motion carried unanimously.

Councilmember C. Williams moved to allow the Borough Secretary/ Treasurer and Office Assistant to attend a webinar on February 28<sup>th</sup>, in regards to Municipal Records Management. Councilmember D. Casole seconded. Motion carried unanimously.

President K. Davis stated that he would like to attend a webinar on March 2<sup>nd</sup>, regarding Mayor/Council Relations and requested that Vice President J. Woehrl, Mayor F. Courtright and President Pro-Tem C. Williams also attend. It was noted that there would be a fee for this although it would probably be a minimum fee of about \$40.00 to \$50.00.

Councilmember M. Oser moved allow the President, Mayor, Vice President and the Pro-Tem to attend the webinar in regards to Mayor/Council Relations on March 2<sup>nd</sup>. Councilmember F. O'Boyle seconded. Motion carried unanimously.

**PAWC Advisory Line Repair**

Borough Council was in receipt of a notice that they could pay a monthly fee of \$24.99 for each water line that would protect the water and sewer lines and act as an insurance.

Councilmember M. Oser moved to reject the repair pipes fee from PAWC. Councilmember K. Transue seconded. Motion carried unanimously.

**SOLICITOR**

**SR 611/ Pine Hill Road Traffic Signal**

Solicitor J. Fareri stated that notice of taking have been filed and mailed on Friday, February 3<sup>rd</sup>, to the two (2) parties involved for the property needed for the SR 611/ Pine Hill Road traffic signal.

**Pocono Mountain Regional Police**

Solicitor J. Fareri advised Borough Council he took the suggestions back that were outlined at our last meeting and another meeting with the Solicitors will be scheduled in the very near future.

Solicitor J. Fareri noted that he plans to attend the February 13, 2017, Zoning Hearing Board meeting in regards the 10 Shelly Lane, non-conformance use.

President K. Davis stated that the Borough Zoning Officer is prepared to begin enforcing our Ordinances to the next level to the District Magistrate and to have a Solicitor present with him at these hearings are not covered under Solicitor J. Fareri's retainer and would be his hourly rate.

Councilmember K. Transue moved to allow the Borough's Solicitor to represent the Zoning Officer on an as needed basis when he is taking cases before the District Magistrate. Councilmember D. Casole seconded. Motion carried unanimously.

**PERSONS TO BE HEARD**

None

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**UNFINISHED BUSINESS**

**Ordinance 1 of 2017 – Real Estate Tax Millage**

Vice President J. Woehrle moved to adopt Ordinance 1 of 2017, establishing the Tax Millage Rate for 2017. Councilmember F. O'Boyle seconded. Motion carried unanimously.

**Reschedule Public Hearing for Proposed Commercial Communication Devices**

Councilmember K. Transue moved to schedule a Public Hearing for 6:45 P.M. on Monday, March 6, 2017, to take public comment on the proposed Commercial Communication Devices Ordinance. Councilmember M. Oser seconded. Motion carried unanimously.

**NEW BUSINESS**

**Medical Marijuana & Conditional Use and Special Exception Zoning Amendments**

Councilmember K. Transue moved to schedule a Public Hearing on the proposed Medical Marijuana and Conditional Use and Special Exception Zoning Amendments for Monday, March 6, 2017, at 6:30 P.M. Councilmember M. Oser seconded. Motion carried unanimously.

**Mount Pocono Planning Commission Annual Report**

Councilmember M. Oser moved to accept the Mount Pocono Planning Commission's 2016 Annual Report as presented. Councilmember D. Casole seconded. Motion carried unanimously.

**Pocono Builders Association Banner Request**

Councilmember D. Casole moved to erect the banner on March 13, 2017 and taken down March 27, 2017, for the Greater Pocono Home & Outdoor Living Show being held on March 25 and 26, 2017, at the Kalahari Resort & Convention Center. Councilmember M. Oser seconded. Motion carried unanimously.

**Tom Neville Resignation from Park & Recreation Board**

Councilmember K. Transue asked Mr. Neville who was in attendance this evening if the meeting night can be changed to another day during the week would he be willing to remain on the Board.

Mr. Neville stated that if it was held on a Tuesday he would be able to make those meetings.

Borough Council requested that the Borough Secretary/ Treasurer contact the Park & Recreation Board to see if they would be able to change their meeting day to Tuesday.

Councilmember M. Oser moved to hold off accepting the resignation of Mr. Tom Neville from the Park & Recreation Board and inquire if the Park & Recreation Board would be willing to change their meeting night to Tuesday. Councilmember D. Casole seconded. Motion carried unanimously.

**George Souaid Property**

Councilmember F. O'Boyle discussed the George Souaid property and the lot line adjustment plans that were mailed to him a month or so ago.

It was agreed that a letter be written to Mr. Souaid with the information of the property owner of the small piece of property that Mr. Souaid is interested in to include the owner's name, address and phone number be provided to him and to advise him that he would have to work with the property owner directly to obtain that property.

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**PAWC Statement of Interest for the MPMA**

Vice President J. Woehrle distributed to Borough Council a statement of interest from PAWC. He noted that one of the things that Borough Council were interested in selling the Mount Pocono Municipal Authority (MPMA) would be to get an appraisal and we should consider that. He stated that the next step would be to have PAWC be present and to have a question and answer session with Borough Council and MPMA.

Councilmember M. Oser requested that wait until the new MPMA board is in place prior to scheduling the question and answer session.

Councilmember F. O'Boyle warned that if USDA gets word of this, we could be in big trouble, because USDA has provided the MPMA a loan and grant money.

Councilmember M. Oser moved to schedule a joint work session with MPMA and the Borough Council for Tuesday, March 21, 2017, at 7:00 P.M., with MPMA board members and Councilmembers. Councilmember K. Transue seconded. Motion carried unanimously.

Mayor F. Courtright stated that we need to know the value of what we own. Council discussed that a list of questions for the Q & A Session be provided to the Borough Secretary/ Treasurer by February 16, 2017.

**STANDING COMMITTEES**

**Planning Commission**

Councilmember D. Casole gave a written report as follows:

The Mt. Pocono Planning Commission conducted a Special Meeting on February 1, 2017, in the Boro Building at 7 p.m., with all Commissioners present except for Mr. Delano.

A Draft Ordinance amending the Zoning Ordinance, Chapter 215 of the Code of the Borough of Mt. Pocono, Monroe County, Pennsylvania, to include Medical Marijuana and Amendments to the Conditional Use and Special Exception Sections were presented to the Commissioners for discussion as follows:

The Following Definitions will be added to the Borough of Mt. Pocono's Zoning Ordinance - Chapter 215-12:




**ITEM 1**

**MEDICAL MARIJUANA DISPENSARY** – A person, including a natural person, corporation, partnership, association, trust or other entity, or any combination thereof, which hold a permit issued by the Commonwealth to dispense medical marijuana.

**MEDICAL MARIJUANA GROWER/PROCESSOR** – A person, including a natural person, corporation, partnership, association, trust or other entity, or any combination thereof, which hold a permit from the Commonwealth to grow and process medical marijuana.

**ITEM 2**

*Medical Marijuana Dispensary and Medical Marijuana Grower/Processor* included in the following Schedule of Uses in 215 Attachment, and update the Table of Uses Permitted by District in 215 Attachment 3 to be consistent with the amended Schedule of Uses:

-  C-2 – Commercial, Medical Marijuana Dispensary as a Conditional Use
-  C-2 - Commercial, Medical Marijuana Grower/Processor as a Conditional Use
-  M-----Industrial, Medical Marijuana Grower/Processor as a Conditional Use

**ITEM 3** – Amend Submission Procedures – Chapter 215-109. Zoning Hearing Board Hearings and Decision; Notices – Certified - to be mailed by the Applicant to Owners of all Properties contiguous to and across the street from.

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Amending Chapter 215-111 for Conditional Uses and Special Exceptions Applications - Procedures – Notices.

After a very intense and detailed discussion, the Planning Commission voted to recommend the above Draft Medical Marijuana Ordinance be Approved by Boro Council.

**Department of Public Works**

Vice President J. Woehrle stated that the road crew is working well with three (3) operators.

**Utilities**

Councilmember M. Oser reported that a pre-bid meeting was held on February 1<sup>st</sup>, and was attended by over eighty (80) people with approximately fifty (50) of those attending a tour of the plant.

**PAWC (Pennsylvania American Water Company)**

Councilmember D. Casole gave a written report as follows:

Pennsylvania American Water Company reported that January has been a very quiet month. There were no Water Quality issue complaints from the Residents of Mt. Pocono.

The Water Table has recovered and there are no issues with water supply.

PAWC is also moving forward with the installation of a Steel Gate denying unauthorized entry of vehicles into PAWC's Private Property where the 100,000-gallon Water Storage Tower is situated upon and located on Lot #6 Stonegate Court, Pine Hill Park, Mt. Pocono.

**Parks & Recreation**

Councilmember D. Casole gave a written report as follows:

The Parks and Recreation Meeting was called to order by Chairman, Randy Altemose. A Reorganization of Officers was voted on and resulted with Randy Altemose, Chairman, Terri Cramer, Vice-Chairman, and John Scalamandre, Secretary.

Board Member Tom Ford was present. Board Member Tom Neville was absent due to his regretful resignation. Secretary/Treasurer Lori Noonan was notified by Mr. Neville of his resignation from Parks & Recreation with Boro Council having no objections.

There was discussion centering around the possibility of the Non-Profit 501C (3) Organization for Parks & Rec Recruitment for Board Officers being advertised on the Boro Web-site. And, if Boro Council approves such advertisement, interested individuals can contact Board Member Tom Ford. The Board is hopefully anticipating recruitment of Board Members for the Non-Profit Parks & Rec Organization by this year's mid-summer.

Board Members discussed the field grooming of Mount. Pocono's two (2) parks. It was discussed that Baseball Leagues will not utilize the Ball Fields due to insufficient soil grooming of the ball field for suitable play. Maintenance of the Ball Field requires more than just cutting the grass. The Baseball Fields require routine field dredging to maintain the integrity of the baseball soil suitable for decent baseball play. Turnover of soil is imperative to keep the weeds from taking over the very expensive baseball field special soil.

Because of the lack of baseball field grooming, there was only 1 Baseball League this past year that played at the Oak Street Field, and it was said that they probably will not return this year. The Baseball League paid \$275.00 for use of the field. Parks and Rec cannot afford to forfeit even the limited funds obtained from baseball leagues because every bit of revenue helps towards the advancement of Parks & Rec.

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The baseball field behind the Boro Building was used only for practice.

The Park & Recreation Board would like to know what Boro Council's intentions are this year regarding the grooming of the Baseball Fields. The Board has stressed that the Baseball Fields cannot undergo another year of maintenance neglect. Long term baseball field maintenance neglect can only enhance the deterioration of the fields costing thousands of dollars more later on to restore them back into a decent playing field.

The Board is also respectfully requesting a copy of the Budget regarding Parks & Recreation.

During discussion regarding grooming the baseball fields, Councilmember K. Transue noted that Mr. Ron Miller, the seasonal employee that's his duty and he needs to learn how to use the grooming machine and he feels that this would be done properly this coming year.

Councilmember K. Transue stated that we should contact Pocono Mountain East Little League and reach out to other teams and hopefully have them use our fields.

**Sanitation**

Councilmember C. Williams stated that there was a PRD meeting held, however, no PRDs showed up. She noted that there is a committee meeting scheduled for March 9<sup>th</sup>, to review the bid specs and to also plan the 3<sup>rd</sup> Annual Joseph Battisto Clean Up Day.

**Buildings**

Vice President J. Woehrle stated that the roof access is in and active.

**Budget & Finance**

No report however spending should be kept a minimum.

**Personnel**

President K. Davis stated that a meeting will be held soon.

**Pocono Mountain Regional Police**

Mayor F. Courtright a written report as follows:

The Pocono Mountain Regional Police Commission held a reorganizational meeting on January 5, 2017, where it welcomed new members Mike Oser (Mount Pocono, replacing Claudette Williams) and Lynn Kelly (Coolbaugh replacing Peter Volpe).

The Executive Board was re-appointed in full, including Mayor Fred Courtright reappointed as Commission Treasurer.

Immediately after the reorganizational meeting was the first regular meeting of 2017 for the Commission. Highlights from that meeting included the swearing in of two new officers by District Magistrate Phil Reilly, and the promotion of others to new positions.

The Commission approved a "drop pension" policy, whereby a uniformed employee can lock in a pension date by submitting their resignation letter up to two years in advance. This advance notice gives the commission time to make personnel changes (including new hires, and resulting domino personnel shuffling that occurs when longtime employees leave). Detective Kenny Lenning is the first to take advantage of the program and by submitting his resignation which will take effect in two years.

Commission discussed a new contract with Verizon regarding the GPS technology for the vehicles.



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December was a busy month for police hours in the Borough, mostly due to ongoing investigation time. As a result, we ended the year 2016 with 223 hours over what we purchased, which was carried over to 2017. Mayor F. Courtright noted that the next Regional Police Commission meeting will on Wednesday, February 22, 2017, at 7:00 P.M.

**Regional Police/ EMS**

No Report

**COG**

Councilmember M. Oser stated that at the last meeting they had a tour of the Control Center.

**Public Participation**

**Councilmember M. Oser, Fairview Avenue**, stated that Borough Council needs to request the duty rosters of the Pocono Mountain Regional Police for January 20<sup>th</sup>, 21<sup>st</sup>, 22<sup>nd</sup>, 27<sup>th</sup>, 28<sup>th</sup> and 29<sup>th</sup>, as he wants to know what happened on these days as he called the control center and received no calls or reports.

It was agreed that Councilmember M. Oser can request those rosters.

Councilmember M. Oser moved to request the duty rosters of the Pocono Mountain Regional Police for January 20<sup>th</sup>, 21<sup>st</sup>, 22<sup>nd</sup>, 27<sup>th</sup>, 28<sup>th</sup> and 29<sup>th</sup>.

President K. Davis stated that as a Pocono Mountain Regional Police Commission member he can request this information directly and he could report back to Borough Council on his findings.

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

**Richard Jones, Winona Road**, stated that he is not in favor of PAWC taking over the MPMA as he currently pays over \$900.00 a year for water.

**Councilmember F. O'Boyle, Kinney Avenue**, stated that we are talking about selling the MPMA, he feels that whatever funds the Borough would receive the funds should be distributed back to the user. He reminded everyone that PAWC gets a fourteen percent (14%) profit.

Councilmember C. Williams moved to reorganize the Borough Council. Councilmember M. Oser seconded. Councilmember C. Williams stated that she is elected by the community and the leadership under the current President she feels that she cannot serve as she should be. Motion went to a roll call vote: Councilmember K. Transue, "No"; Councilmember M. Oser, "No"; Councilmember C. Williams, "Yes"; Vice President J. Woehrle, "No"; Councilmember F. O'Boyle, "No" noting that there has been enough turmoil for 2017; Councilmember D. Casole, "No"; and, President K. Davis, "No". Motion is denied 6 – 1.

Councilmember C. Williams stated that she will take no more disrespect from President K. Davis.

Borough Council went into an Executive Session at 9:05 P.M. to discuss a personnel issue. Borough Council reconvened at 9:20 P.M.

There being no further business or any further public participation coming before the Board, Councilmember M. Oser moved to adjourn. Vice President J. Woehrle seconded. Motion carried unanimously.

Respectfully submitted,

Lori Noonan, Borough Secretary