

**MOUNT POCONO BOROUGH COUNCIL  
REGULAR MEETING MINUTES  
MONDAY, AUGUST 10, 2015  
7:00 P.M.**

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

The Pledge of Allegiance was said by all.

**PRELIMINARY ANNOUNCEMENTS**

President J. Finnerty recognized Matt Hensel a Borough resident residing on Cedar Road, who is interested in filling one (1) of the vacancies on the Planning Commission.

Mr. Hensel introduced himself to the Borough Council and discussed his desire and willingness to serve on the Planning Commission. Mr. Hensel confirmed that he is available to attend the Planning Commission meetings on the third Wednesday of each month at 7:00 pm.

**APPROVAL OF MINUTES**

Councilmember J. Scalamandre moved to approve the Regular Meeting minutes of Monday, July 6, 2015, as submitted. Councilmember D. Casole seconded. Motion carried unanimously.

**OFFICERS' REPORTS**

**PRESIDENT**

**Resignation of Councilmember William (Bill) Jabara**

Councilmember F. O'Boyle moved to accept the resignation of Councilmember William "Bill" Jabara with deep regret and with noted reluctance. Councilmember J. Scalamandre seconded and echoed that he too is very reluctant and regrets having to accept this resignation. Motion carried unanimously.

**Councilmember Vacancy**

President J. Finnerty reminded Borough Council that we had received several letters of interest when we had to fill the vacancy of Vice President Roy Gross. He also reminded Borough Council that letters of interest were submitted by: Keith Transue; Richard Libbey; Ron Terbovich; Michael Oser; and, Jeff Woehrle.

Councilmember F. O'Boyle moved to appoint Jeff Woehrle to fill the remaining term of William Jabara which will expire on December 31, 2015. Councilmember J. Scalamandre seconded. Councilmember C. Williams questioned Bill Jabara's term; and, whether or not his name will be on the ballot. It was explained that Mr. Jabara's current term will expire on December 31, 2015, and further explained that Mr. Jabara is currently on the ballot for the upcoming election and that only Mr. Jabara can remove his name from the ballot, should he wish to do so. It was also noted that Mr. Jabara served as the Chairman Pro Tem and that Council will need to fill that vacancy as well. Motion carried unanimously.

Vice President K. Davis moved to appoint Councilmember Claudette Williams as the Chairman Pro Tem. Councilmember D. Casole seconded. Motion carried unanimously.

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At this time, Mayor F. Courtright administered the Loyalty Oath to John Scalamandre and Jeff Woehrle.

**MAYOR**

Mayor F. Courtright stated that Harvest Fest will be held on Saturday, September 26<sup>th</sup>, and he was requesting permission to have Council/ Citizen Q & A table at the festival.

Councilmember J. Scalamandre moved to allow Mayor F. Courtright to have a Council/ Q & A table during Harvest Fest. Councilmember C. Williams seconded. Motion carried unanimously.

Mayor F. Courtright stated that currently the Official Mount Pocono Facebook has approximately 1,100 members.

**TREASURER'S REPORT**

The following cash report was given as follows:

GENERAL FUND CHECKING ACCOUNT	\$ 401,866.67
PENN SECURITY GENERAL FUND ACCOUNT	20,692.71
CAPITAL RESERVE ACCOUNT	48,723.86
BANNER BEAUTIFICATION ACCOUNT	2,417.36
STATE LIQUID FUELS	56,981.30
PARK & RECREATION FUND	16,027.98
PLANNING COMMISSION REIMB. FUND	52,687.63
ROAD FUND – GENERAL FUND	96,932.17
STORMWATER FUND	132,447.61
GENERAL FUND RESERVE PLGIT ACCOUNT	41,631.17
SANITATION FUND	28,392.26
ROUTE 940 CORRIDOR FUND	53,675.00
FIVE POINT INTERSECTION FUND	<u>443,849.90</u>
<b>GRAND TOTAL</b>	<b><u>\$ 1,396,325.62</u></b>

Councilmember J. Scalamandre moved to pay and approve the bills as outlined in the Treasurer's Report dated Monday, August 10, 2015, as presented. Councilmember D. Casole seconded. Motion carried unanimously.

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

ACE Hardware	(shop/ building supplies)	\$ 126.56
American Casualty Service	(workers comp)	2,450.22
Berkheimer	(LST Commission)	159.56
Blue Cross of NEPA	(health insurance)	8,790.34
Blue Ridge Communications	(phones/ internet)	356.16
Boston Mutual	(life/ disability insurance)	199.19
First National Bank	(website software, maint tools)	501.76
G & K Services	(uniforms/ rugs)	290.72
Gilmore & Associates, Inc.	(Engineering)	6,782.97
Gotta Go Potties	(port-a-potties)	170.00
Shirley Lansdowne	(frames/ historical)	43.87
Locust Ridge Quarry	(hot black top)	260.31

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Lowe's	(repair to traffic light)	\$ 48.94
JoAnn Misuraca Ficco	(supplies/ postage)	16.33
Miller's Automotive	(repair to F-550)	515.81
Monroe County Control Center	(3 <sup>rd</sup> Quarter)	1,155.47
Mountain Landscaping	(payment 3 of 3)	3,325.00
Payrolls Unlimited	(July & August payroll)	183.00
PA American Water	(bldgs. & fire hydrants)	768.37
PPL	(electric)	854.68
PA One Call	(monthly fees – 2 months)	18.08
PA Paper & Supply	(paper towels/ tissues)	242.40
Pocono Mtn. Reg. Police	(mortgage)	2,811.27
Pocono Mtn. Reg. Police	(monthly payment)	57,216.72
Pocono Mtn. Public Library	(2015 RE taxes rec'd July – 1 mil)	1,201.16
Pocono Mtn. Vol. Fire Co.	(2015 RE taxes rec'd July – 1 mil)	1,201.26
Pocono Mtn. Reg. EMS	(2015 RE taxes rec'd July ½ mil)	600.62
Pocono Mtn. Reg. EMS	(fuel)	500.00
<i>Pocono Record</i>	(advertising)	371.20
Response Computers	(new router/web update/maint problem)	140.00
Schoonover & Vanderhoof	(architectural services)	5,387.00
Selective Insurance	(insurances)	2,175.00
Sunoco (COSTARS)	(gas/ diesel)	709.55
ThyssenKrupp	(elevators service)	164.93
Tulpehocken Spring Water	(bottled water)	75.00
United Concordia	(dental insurance)	524.60
US Bank	(copier lease)	317.06
Verizon Wireless	(phones)	111.85
Verizon	(phones)	43.97
Wal*Mart	(supplies)	<u>57.75</u>

**GRAND TOTAL** **\$ 100,868.68**

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

Mt Pocono Payroll	(w/e 07/08/15)	\$ 4,600.11
Mt Pocono Payroll	(w/e 07/15/15)	4,641.43
Mt Pocono Payroll	(w/e 07/22/15)	4,417.31
Mt Pocono Payroll	(w/e 07/29/15)	4,592.58
Mt Pocono Payroll	(w/e 08/05/15)	<u>4,608.66</u>

**GRAND TOTAL** **\$ 22,860.09**

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

PPL	(traffic signals – 2 months)	<u>\$ 1,955.90</u>
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**GRAND TOTAL** **\$ 1,955.90**

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Borough Secretary/ Treasurer L. Noonan provided Borough Council the Zoning Officer's report for the month of July, noting that he issued two (2) driveway permits, two (2) re-roof permits, one (1) addition to a house, one (1) fence permit along with other numerous rental inspections.

Borough Council requested more information from the Zoning Officer in his report such as locations and where the permits were given.

**PMVFC Workers' Compensation Questions Resolution**

It was noted that last month the Pocono Mountain Volunteer Fire Company (PMVFC) had a meeting with representatives from the Paradise Township Supervisors and Mount Pocono Borough Council. One of the items of discussion was a request of the PMVFC that the Borough and Township adopt a Resolution in regards to outlining what is covered under their workers' compensation coverage and what is not. In view of this Paradise Township Supervisors had numerous questions and were requesting a work session with the worker's compensation insurance agent, John Barry. Their work session will be held on Thursday, September 3, 2015, at 5:00 P.M. Borough Secretary/ Treasurer L. Noonan asked if several Councilmembers would like to attend that meeting. It was agreed that Vice President K. Davis and Councilmembers F. O'Boyle and D. Casole would also attend that work session.

**ZEE Medical Portable Oxygen Systems**

Borough Secretary/ Treasurer L. Noonan noted that ZEE Medical is having a special through the end of the month for emergency oxygen systems. She noted that there was no oxygen systems in the building however we do have AED.

Mr. Keith Transue, resident, EMT and current Police Officer, noted that it is not always recommended that oxygen be given in fact it is being widely considered to be something to be administered by a certified EMT and could cause more harm than good in certain situations.

**Gypsy Moth Meeting**

Borough Secretary/ Treasurer L. Noonan noted that on Wednesday, August 12, 2015, at the Public Safety Center of DCNR officials will provide information to the public about the 2016 Gypsy Moth Suppression program for Monroe County. This information will include Gypsy Moth biology, abundance in Pennsylvania, and information regarding property treatment for the 2016 season. It was agreed that Vice President K. Davis would be attending that informative meeting.

Borough Secretary/ Treasurer L. Noonan also noted that Borough Council requested that she advertise work sessions to be held the third Monday of each month. She further noted that next Monday, August 17, 2015, at 7:00 P.M., will be the first work session and the item on the agenda for that evening is in regards to the crematory.

Vice President K. Davis discussed the K-Mart detention basin and it's inadequacies and that a letter was sent a while ago however he feels that the Zoning Officer needs to go after them and be more strict and making sure that detention basin and stormwater deficiencies be corrected.

**SOLICITOR**

Solicitor J. Fareri provided an update to Borough Council of the lawsuit between Coolbaugh Township and the Pocono Mountain Regional Police Commission and that he recently attended part of those hearings.

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**Borough Building Renovations**

President J. Finnerty acknowledged Dave McGarry with Schoonover & Vanderhoof who is our Design Architect for the renovations to the Borough building. The bids were opened last Thursday, August 6, 2015. The four (4) bids received were as follows:

<b>BIDDER</b>	<b>BID SECURITY</b>	<b>BASE BID</b>	<b>ALT. #1</b>	<b>ALT. #2</b>
Bognet, Inc.	X	\$277,700.00	\$63,100.00	\$32,700.00
Potcher Construction	X	\$208,800.00	\$59,000.00	\$25,000.00
Kobalt Construction	X	\$149,920.00	\$112,525.00	\$16,744.00
Richard Pierce Builder	X	\$163,256.00	\$77,054.00	NO BID

It was noted that both Kobalt Construction and Richard Pierce Builders once contacted acknowledged that they did not bid properly as per the instructions on the tabulation sheets and both have agreed to withdraw their bids. Mr. McGarry explained that Potcher Construction was the low bidder with the base bid for the handicap ramp replacement and the alternate bid which would include new sidewalks at the front of the building and the grand total for both those bids was \$183,800.00.

Solicitor J. Fareri stated for the record we should receive written letters from both Kobalt Construction and Richard Pierce Builders that they have withdrawn their bids; and if Borough Council chooses to award the bid this evening that it should be contingent upon receipt of those two (2) letters.

Councilmember J. Scalandre moved to award the bid for the Borough building renovations to Potcher Construction in the total amount of \$183,800.00 contingent upon receipt of letters from Kobalt Construction and Richard Pierce Builders that they are withdrawing their bids as they did not bid in accordance with the bid instructions. Vice President K. Davis seconded. Motion carried unanimously.

Borough Secretary/ Treasurer L. Noonan discussed having Schoonover & Vanderhoof on-site one (1) time a week to inspect the work being done by the contractor.

Mr. McGarry stated he could put together a cost estimate but he did not believe that it would cost more than \$2,000.00 for him to come on-site one (1) time a week to make inspections. Mr. McGarry agreed to send a proposal letter this week.

Vice President K. Davis moved to hire Schoonover & Vanderhoof to provide inspections of the work in progress of Potcher Construction for one (1) time a week. Councilmember D. Casole seconded. Motion carried unanimously.

**PERSONS TO BE HEARD**

**Nicole C. Davalos, 92 Fairview Avenue**

Ms. Nicole Davalos was present stating that she has five (5) trees that she would like to take down on her property in her backyard as they are close to their house and she would like to have a yard.

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There was some discussion regarding the trees. As they are still healthy trees and that the Zoning Officer could not grant authority for her to take those trees down.

Mrs. Dolores DeSanto, her direct neighbor, was in attendance and stated that she is in favor of the trees being removed.

After some discussion, Councilmember J. Woehrle moved to allow Nicole Davalos to cut all five (5) trees down in her backyard. Vice President K. Davis seconded. Motion carried unanimously.

**Nicole LeFante, 19 Skyline Way**

Ms. LeFante stated that she has been a resident of the Borough for the last six (6) or seven (7) years and her husband, John, has lived here most of his life and this is the first time that she has experienced the issues that she has with the current garbage hauler, J. P. Mascaro. She went on to explain that her garbage is consistently missed and that other strange things have happened where her garbage cans have disappeared but then have shown back up several days later.

It was agreed that the Borough would discuss with J. P. Mascaro this complaint and see what they could do to have it rectified. It was also requested that should the LeFantes have any further problems with their garbage not being picked up that they should notify the Borough offices as soon as possible.

**UNFINISHED BUSINESS**

**MPMA Stormwater Follow-up to Section 701, 703 & 704 of the Borough's Ordinance**

Borough Secretary' Treasurer L. Noonan explained that just before Borough Engineer Donna Alker left Gilmore & Associates, she sent an email to her regarding a few things that she neglected to mention at the last Borough Council meeting and that she felt Borough Council should consider in regards to the Municipal Authority's stormwater approval they were granted at last month's meeting. Those are: Section 701 – requires a need for a performance bond; Section 703- the need for a Stormwater Maintenance Agreement; and, Section 740 – the need for a contribution to the stormwater maintenance fund.

Councilmember F. O'Boyle stated that he felt that the Municipal Authority should be granted a waiver to these sections and any additional costs as they would be past right onto the user who is also a taxpayer.

Councilmember J. Scalamandre moved to grant waivers to Section 701, 703 and 704 to the Mount Pocono Municipal Authority. Councilmember J. Woehrle seconded. Motion carried unanimously.

**Tattoo Establishments/ Piercings**

Borough Council was in receipt of memo from the Mount Pocono Planning Commission advising them that at its last regular meeting on Wednesday, July 15, 2015, the Planning Commission reviewed the request from

Borough Council regarding amending the Borough's Zoning Ordinance to permit tattoo parlors in a C-1 Zoning District. After a lengthy discussion and review, the Planning Commission recommended to Borough Council to allow tattoo establishments in a C-1 Zoning District as a Conditional Use.

There was a very lengthy discussion, regarding whether or not tattoo parlors should be permitted in a C-1 Zone.

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Councilmember J. Scalamandre moved to instruct the Planning Commission to draft an Ordinance Amendment which would outline tattoos and body piercing establishments and to include their hours of operation, licensing requirements and the number of artists permitted in each establishment. Councilmember J. Woehrle seconded. There was another very lengthy discussion on whether or not we want this type of establishment on our main road. Motion went to a roll call vote: Councilmember J. Woehrle, "No"; Vice President K. Davis, "No"; Councilmember F. O'Boyle, "No" Councilmember J. Scalamandre, "No"; Councilmember C. Williams, "Yes"; President J. Finnerty "No"; and, Councilmember D. Casole, "Yes". Motion denied 5 – 2.

**NEW BUSINESS**

**Resignations**

Councilmember J. Scalamandre moved to accept the resignations of Elias Dudash from the Planning Commission, Leigh Stelzer from the Zoning Hearing Board, Patricia Farley from the Planning Commission and the Pocono Mountain Public Library with deepest regret. Councilmember D. Casole seconded. Motion carried unanimously.

Vice President K. Davis moved to accept the resignation of Donna Alker as the Borough Engineer and acknowledged Russ Kresge from Gilmore & Associates will now take over the duties of Borough Engineer for the remainder of this year. Councilmember C. Williams seconded. Motion carried unanimously.

**Planning Commission Appointment**

Councilmember J. Scalamandre moved to appointment Matt Hensel to the Planning Commission for a four (4) year term. Vice President K. Davis seconded. Motion carried unanimously.

**Advertise Various Board Openings**

Vice President K. Davis moved to advertise openings on the Planning Commission, the Zoning Hearing Board and Public Library. Councilmember J. Woehrle seconded. Motion carried unanimously.

**COG**

Borough Secretary/ Treasurer L. Noon noted that the Council of Governments (COG) annual picnic is being held on Monday, August 31, 2015, at 6:00 P.M., at the Blanch Price Park in Tobyhanna Township and the cost is \$17.00.

Vice President K. Davis stated that he would be attending that meeting.

**Economic Outlook Summit**

It was noted that ESU was holding the 2015 Economic Outlook Summit on Friday, September 11, 2015, from 7:30 A.M. to 1:30 P.M., with a cost of \$35.00. It was also noted that Mayor F. Courtright, Vice President K. Davis and Councilmember C. William would like to attend.

Councilmember J. Woehrle moved to spend \$105.00 to register Mayor F. Courtright, Vice President K. Davis, and Councilmember C. Williams to attend the 2015 Economic Outlook Summit at ESU. Vice President K. Davis seconded. Motion carried unanimously.

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**PA Municipal Legal Update**

Borough Secretary/ Treasurer L. Noonan noted that Councilmember C. Williams would like to attend the PA Municipal Legal Update with a cost of \$250.00.

Vice President K. Davis moved to register Councilmember C. Williams to attend the PA Municipal Legal Update at a cost of \$250.00. Councilmember J. Scalamandre seconded. Motion carried unanimously.

**STANDING COMMITTEES**

**Streets**

Councilmember F. O'Boyle stated that he has been working with the maintenance department and Road Foreman Jim Trombetta to make sure that things are getting done. He noted paving of the roads started today and they had 1 ½" of 9 mm on Mount Pocono Court to do the entire road and the cost now is \$21,451.00. He also noted that Mr. Bracey was willing to contribute \$15,000.00 towards the paving of Knox Street.

Vice President K. Davis stated that he also stepped in and kept in touch with Road Foreman Jim Trombetta and would take the position as the Roadmaster.

It was then agreed Councilmember J. Woehrle who used to be on the Street Committee, when he was an elected official, would be the Roadmaster for the remainder part of this year.

**Parks/Open Space**

Councilmember F. O'Boyle noted that the pavilions still need to be painted and he felt that this should be done this year. He also discussed two (2) properties that the Borough owns: the one (1) is the Old Little Mexico Gift Shop property and the other property is on Brunswick Drive. He stated that there are now EDUs available and in his opinion Borough Council should list the property and put it in the hands of a realtor.

Solicitor J. Fareri stated that he will need to review the Borough Code about selling this property. He will report back at the next meeting.

Councilmember F. O'Boyle stated that Borough Council made a motion and awarded the bid for the Borough building renovations however he feels that Borough Council should look into obtaining a loan to pay for these renovations.

**Planning/ Water**

Councilmember D. Casole gave her reports for the both planning and water.

**Sanitation**

Councilmember C. Williams discussed that she is trying to form litter pick-up crews and requested that the Borough Secretary/ Treasurer find out about obtaining vests, gloves and bags for the litter pick-up volunteers



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**Miscellaneous**

Councilmember J. Scalamandre stated that he will be attending an upcoming meeting at Coolbaugh Township regarding the replacement of the Belmont Avenue Bridge.

It was also noted that the litter found on Knox Street recently contained several forms of identification and it is now in the hands of the Monroe County Waste Management Authority to review.

Mayor F. Courtright stated that he may have a couple of Boy Scouts that are willing to paint the concession stand and possibly the pavilion.

**Regional Police**

Mayor F. Courtright noted that the next meeting of the Pocono Mountain Regional Police Commission will be held tomorrow August 11<sup>th</sup>.

**Regional EMS**

Mayor F. Courtright noted that a media packet is being presented which will give an overview of the revenues, money and personnel.

**Streets**

Councilmember F. O'Boyle requested that a letter be written to the Monroe County Commissioners seeking \$42,000.00 to micro-surface Industrial Park Drive next year.

**PUBLIC PARTICIPATION**

**Agnes Danch, 32 Summit Drive**, discussed problems with stormwater and that her driveway was broken and needs to be repaired.

**Shirley Lansdowne, Center Avenue**, stated that this coming weekend approximately seventy (70) adults who as children attended school at the Borough building will be having a reunion. They will be coming and visiting the Borough building to look at photographs throughout the building.

There being no further business or any further public participation coming before the Board, Councilmember J. Scalamandre moved to adjourn at 9:50 P.M. Councilmember F. O'Boyle seconded. Motion carried unanimously.

Respectfully submitted,

Lori Noonan, Borough Secretary