

MOUNT POCONO BOROUGH COUNCIL
REGULAR MEETING MINUTES
MONDAY, JULY 6, 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; C. Williams; and, W. Jabara. 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

None

APPROVAL OF MINUTES

Councilmember J. Scalamandre moved to approve the Regular Meeting minutes of May 5, 2015, as submitted. Councilmember F. O'Boyle seconded with the request that the heading "Beauty Street" on page 3 under the Solicitor's Report be removed. Motion carried unanimously.

OFFICERS' REPORTS

PRESIDENT

President J. Finnerty recognized State Representative Jack Rader who was in attendance at the meeting.

State Representative J. Rader presented and read to Mrs. Ruth Gross, widow of Roy J. Gross, Sr., a proclamation of condolences from the State House of Representatives.

President J. Finnerty thanked Vice President K. Davis for handling the meeting last month.

President J. Finnerty discussed an issue that has become problem since the runway at the Pocono Mountains Municipal Airport has been extended a few years ago. President J. Finnerty explained that most of the air traffic now goes directly over the Borough. He went on record that it is his opinion that the airport should be in better contact with the Borough with flight plans. He continued by discussing a 3:30 am fly over on June 29th that woke everyone up in his house and possibly neighborhood.

President J. Finnerty also discussed that he has received requests from several Councilmembers to meet more than one time a month and asked Borough Council if that's what they wished to do.

After some discussion, Councilmember D. Casole moved to hold work sessions on the third Monday of each month at 7:00 P.M., and to advertise such work sessions. Councilmember C. Williams seconded. Motion carried unanimously.

MAYOR

Mayor F. Courtright thanked State Representative J. Rader for recognizing former Vice President Roy Gross with the lovely condolence letter from the State House of Representatives. He said, in the number of years that he knew Roy, there was one thing that he knew was true and that it was that he loved his wife.

Mayor F. Courtright discussed that he was recently out at the Knob and it is a mess with a lot of litter. He stated that the Borough needs to form a beautification litter pick up details and be proactive about it.

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Mayor F. Courtright noted that this past Friday, July 3rd, was First Friday and they had a good turnout with lots of kids, good food and music. He also noted that the Borough now has 996 members on its Facebook page.

Mayor F. Courtright also discussed Senate Bill #3, regarding Medicinal Cannabis. He stated that it was passed by the Senate and did have the Support of Senator Scavello and it now goes before the House of Representatives.

TREASURER'S REPORT

The following cash report was given as follows:

GENERAL FUND CHECKING ACCOUNT	\$ 514,048.13
PENN SECURITY GENERAL FUND ACCOUNT	20,692.71
CAPITAL RESERVE ACCOUNT	48,723.86
BANNER BEAUTIFICATION ACCOUNT	2,417.36
STATE LIQUID FUELS	60,834.38
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>
GRAND TOTAL	<u>\$ 1,512,360.16</u>

Councilmember J. Scalandre moved to pay and approve the bills as outlined in the Treasurer's Report dated Monday, July 6, 2015, as presented. Councilmember D. Casole seconded. Motion carried unanimously.

Borough Resident Michelle Peck questioned the Road, Stormwater and Route 940 Corridor Funds and what that money was used for.

BILLS TO BE PAID FROM THE GENERAL FUND CHECKING ACCOUNT:

ACE Hardware	(shop/ building supplies)	\$ 218.44
American Casualty Service	(workers comp)	8,639.24
Berkheimer	(LST Commission)	189.00
Blue Cross of NEPA	(health insurance)	11,069.53
Blue Ridge Communications	(phones/ internet)	352.25
Boston Mutual	(life/ disability insurance)	94.31
CS-Graphx	(permit manager annual support/maint)	222.56
First National Bank	(website host)	224.25
Fry Communications, Inc.	(PA Bulleting)	82.00
G & K Services	(uniforms/ rugs)	368.98
Gilmore & Associates, Inc.	(Engineering)	3,334.74
Gotta Go Potties	(port-a-potties)	340.00
H. Clark Connor	(PC Solicitor)	525.00
Jack Williams tire & Auto	(tires)	1,852.66

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Locust Ridge Quarry	(hot black top)	\$ 157.86
Martin's Power Sweeping	(street sweeping)	4,230.00
Metz, Inc.	(parts)	367.74
Mountain Landscaping	(payment 2 of 3)	3,325.00
NAPA Auto Sales	(parts)	38.27
Neopost	(postage meter)	109.80
Newman, Williams, Mishkin	(PMRP Lit. Defense/Declaratory Judge)	58.00
PACCAR	(truck payment)	31,648.79
Panko Reporting	(Beauty Street Conditional Use Hearing)	331.65
Payrolls Unlimited	(June payroll)	98.00
PA American Water	(bldgs. & fire hydrants)	773.29
PPL	(electric)	1,552.68
PA One Call	(monthly fees – 2 months)	27.41
Pocono Lake Supply	(pipe)	402.60
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 May – 1 mil)	949.02
Pocono Mtn. Vol. Fire Co.	(2015 RE taxes rec'd May – 1 mil)	948.97
Pocono Mtn. Reg. EMS	(2015 RE taxes rec'd May ½ mil)	474.67
<i>Pocono Record</i>	(advertising)	97.40
Reliable Sign & Striping	(signs, tape, posts)	2,170.25
Response Computers	(new router/web update/maint problem)	360.00
Schoonover & Vanderhoof	(architectural services)	4,012.50
Selective Insurance	(insurances)	6,755.00
Sunoco (COSTARS)	(gas/ diesel)	627.39
Tulpehocken Spring Water	(bottled water)	25.00
United Concordia	(dental insurance)	358.00
US Bank	(copier lease)	317.06
Verizon Wireless	(phones)	113.34
WB Mason (COSTARS)	(paper)	24.27
Wal*Mart	(supplies)	8.68
Zee Medical	(update First Aid Kits both buildings)	<u>1,137.53</u>

GRAND TOTAL **\$ 149,041.12**

BILLS ALREADY PAID FROM THE GENERAL FUND CHECKING ACCOUNT:

Mt Pocono Payroll	(w/e 06/03/15)	\$ 6,566.48
Mt Pocono Payroll	(w/e 06/10/15)	5,331.56
Mt Pocono Payroll	(w/e 05/20/15)	4,577.53
PACCAR Financial	(2015 Pete Payment)	32,932.69
Mt Pocono Payroll	(w/e 06/24/15)	9,666.71
Mt Pocono Payroll	(w/e 07/01/15)	<u>4,614.49</u>

GRAND TOTAL **\$ 63,689.46**

BILLS TO BE PAID FROM THE STATE LIQUID FUELS ACCOUNT:

PPL	(traffic signals – 2 months)	<u>\$ 3,853.08</u>
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GRAND TOTAL **\$ 3,853.08**

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Sale of John Deere Sweepster

Councilmember W. Jabara moved to advertise the John Deere Sweepster for sale with a minimum bid being accepted of \$2,750.00. Councilmember F. O'Boyle seconded. Motion carried unanimously.

Fire Company Meeting

Borough Secretary/ Treasurer L. Noonan advised Borough Council that the Fire Company has requested a member of Borough Council to attend a meeting at the Fire Company along with members of Paradise Township and the Fire Company being present. This meeting will be held on Wednesday, July 8th.

It was agreed that Vice President K. Davis and Councilmember D. Casole would attend.

Handicap Ramp Bids

Councilmember W. Jabara moved to advertise the bid for the renovations to the Borough building, specifically the handicap ramp, doors and an alternate bid for replacement of the front steps to the building. Councilmember D. Casole seconded. Motion carried unanimously.

August Meeting Change of Date

In view of the Borough building renovation bids and the opening occurring after the Borough Council's regularly scheduled August 3rd meeting Borough Council agreed to change its meeting date to accommodate awarding these bids as soon as possible.

Councilmember C. Williams moved to advertise the change in date of Borough Council meeting from Monday, August 3rd, to August 10, 2015. Vice President K. Davis seconded. Motion carried unanimously.

ZONING OFFICER

Borough Secretary/ Treasurer L. Noonan stated that the Borough's Zoning Officer report is in their packets for the month June.

SOLICITOR

Resolution 5 of 2015 – Resolution Establishing Use of Real Estate Acquired by the Borough as “Open Space” in Perpetuity

Councilmember J. Scalamandre moved to adopt Resolution 5 of 2015. Vice President K. Davis seconded. Motion carried unanimously.

Ordinance 3 of 2015 – Amending Agreement Pocono Mountain Regional Police Dated November 19, 1996

Councilmember Jabara moved to adopt Ordinance 3 of 2015 which amended the agreement of the Pocono Mountain Regional Police dated November 19, 1996, and allow Barrett Township to join the PMRPD. Councilmember J. Scalamandre seconded. Motion carried unanimously.

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PERSONS TO BE HEARD

Hotel M Expansion Land Development Plan

Mr. Chuck Niclaus from Niclaus Engineering was present on behalf of the owners of Hotel M which was seeking a land development plan approval for third floor expansion of their hotel located on SR 611 of the Borough.

Borough Engineer D. Alker was present on behalf of the Borough, noting that she reviewed the amended plans that she received earlier today. She stated that notes need to be placed on the plans to remove the ten (10) unit building. It was noted that there will be total on 103 units and that the entire site needs to be brought back into compliance with the original plan, specifically in regards to stormwater, landscaping and signage. She also stated that the stormwater inspection and maintenance fees would need to be paid at time of obtaining permits and regular stormwater maintenance needs to be completed.

Councilmember J. Scalamandre moved to approve Hotel M Expansion Land Development Plans, subject to the conditions set forth in the Planning Commission's memo dated June 24, 2015:

- *Confirmation that the water supply wells located on the site have been closed per PADEP requirements must be provided.*
- *All of the existing buildings other than the main hotel building must be disconnected from the sewer and water lines. Any plan notes regarding the proposed uses of those buildings must be modified accordingly.*
- *The Applicant shall provide documentation to the Borough to confirm that water pressure and volume will be adequate for proper functioning of the sprinkler system.*
- *The site must be brought back into compliance with the prior approved land development plans, including but not limited to signage, stormwater, lighting, and landscaping. If there any changes to these items the Applicant must be in compliance with current Ordinances as required.*
- *A stormwater inspection and maintenance plan, including a checklist, must be provided for all stormwater facilities on the property. A stormwater maintenance agreement is also required.*
- *The "stop" signs and "all traffic must turn right" signs required as part of the PennDOT HOP permit for the two driveways must be installed immediately.*

and that Note #9 on the plan is amended to strike the third line "plus two remodeled larger older motel units equals 105 units, storage use of abandoned units (4,000 square feet)". Additionally, that it be noted on the plan that the entire hotel will be sprinklered and that the plans be corrected to reference PAWC and not the Brodhead Creek Water Authority. Councilmember W. Jabara seconded. Motion carried unanimously.

MPMA Spray Irrigation & Plant Improvements Waiver Requests

Mr. Wayne Gross with RKR Hess was present on behalf of the Mount Pocono Municipal Authority (MPMA). Mr. Gross explained that the MPMA was seeking a waiver from the following sections of the Borough Stormwater Ordinance: Section 179.12.A, Water Quality Requirements and from Section 179-15.B, which requires that the rainfall values used in the calculation be taken from Table B-1 of the Ordinance.

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Borough Engineer D. Alker explained the waivers and why they were needed. Borough Engineer D. Alker further advised Council that they should consider amending these sections of the Stormwater Ordinance to prevent having to issue these same waivers in the future to other developers.

Borough Council was in receipt of memo from the Mount Pocono Planning Commission recommending approval of the two waiver requests.

Councilmember J. Scalamandre moved to approve and grant the waivers needed to the MPMA from Stormwater Ordinance Section 179-12.A, Water Quality Requirements and Section 179-15.B, Rainfall Values. Vice President K. Davis seconded. Councilmember F. O'Boyle abstained. Motion carried.

Vice President K. Davis moved to direct the Planning Commission to work on amending Ordinance Sections 179-12.A and 179-15.B, so these type of waivers would not be needed in the future as per Borough Engineer D. Alker's suggestion. Councilmember J. Scalamandre seconded. Motion carried unanimously.

Paul Fratacangeli

Mr. Paul Fratacangeli was present on behalf of his brother Frank Fratacangeli. Mr. Fratacangeli was again before Borough Council asking them to reconsider permitting a tattoo shop in C-1 Zone and stated that his business has been vacant for the last one and half (1 ½) years. He discussed last month's meeting where it was discussed that it was an undesirable business. He then introduced Mr. Eric Gearhart, a Commander in the VFW and is retired from the Marine Corps. Mr. Gearhart discussed tattoos stated that they do not have the stigma that they had years ago.

There was a lengthy discussion regarding this.

At the end of the discussion, Councilmember J. Scalamandre moved to refer the request to the Planning Commission for its review and recommendation to Borough Council on whether or not we should allow tattoo shop/ parlors in a C-1 Zone. Vice President K. Davis seconded. Motion carried unanimously.

UNFINISHED BUSINESS

Belmont Avenue Bridge

Councilmember J. Scalamandre discussed the Belmont Avenue bridge and grant monies that are available.

There was discussion regarding the location of the bridge and that ninety-five percent (95%) or possibly even more is actually in Coolbaugh Township.

It was agreed that Councilmember J. Scalamandre would contact Coolbaugh Township and try to set up a meeting to see if they would be willing to jointly apply for a LSA Grant.

Air Pollution Control Ordinance

Borough Council was in receipt of memo from the Mount Pocono Planning Commission seeking direction on the Air Pollution Control Ordinance. In view of the recent letter from the DEP, it was agreed that the Planning Commission did not need to work any further on an Air Pollution Control Ordinance.

It was agreed that Solicitor J. Fareri would put together a monitoring agreement with Pula per the Conditional Use Decision.

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NEW BUSINESS

Playground Tot Lot

Borough Council was in receipt of a request for direction from Logan R. Evans, proprietor of the Mountain Landscaping, LLC, in regards to the playground tot lot behind the Borough building and whether or not the Borough was going to proceed with the weed barrier and new certified playground mulch.

Mr. Evans strongly urged that Borough Council to do this to prevent the playground from going back to the way it was earlier in the season.

It was agreed that Councilmember W. Jabara, Vice President K. Davis and Mayor F. Courtright will meet with Mr. Evans and provide him with direction.

STANDING COMMITTEES

President J. Finnerty stated that in view of the time if any committee needed to give their report they can do so now, if they can hold off until the next meeting that would be fine.

Planning

Councilmember D. Casole gave a thorough report on the Planning Commission's meeting where by they gave conditional approval to Hotel M and recommended the waivers for the spray irrigation needed by the MPMA and discussed the Air Pollution Control Ordinance.

Water

Councilmember D. Casole noted that the hydrant near Burke's Tavern has been installed; however it's not in service. She noted that once the drought is lifted and PAWC can flush the hydrant they will put that hydrant into service. She further noted that the dumpsters on Pine Hill Road on PAWC property will be removed and noted that we received a letter from PAWC in regards to restoration of streets and their upcoming projects.

Sanitation

Councilmember C. Williams discussed adopt a highway with PennDOT and that litter clean-up details need to be done on a regular basis in the Borough.

Personnel

Borough Secretary/ Treasurer noted that Borough maintenance employee, Dave Elders, has been out of work since June 5th, on disability due to a medical issue and we're not sure when he is expected back at this time.

PUBLIC PARTICIPATION

Daniel Schafer, owner of Mount Mini Storage on Belmont Avenue, discussed the recent rains and drainage issues and presented Borough Council with photographs of his concerns on that street because the pipes seemed to be blocked or not working properly his business is being flooded.

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Michelle Peck, 34 Summit Drive, stated that this is the fourth time that she is before Borough Council meeting regarding stormwater coming from Mountain Drive and flooding her property. She says that she has been complaining since 2012 and she has a newspaper article to prove when she was here before Borough Council the first time. She noted that there are two (2) big sink holes in front of her house and her neighbor's property. She also stated that she's been told that all the water is due to the Hirshland property and she's now requesting Borough Council to do something about this problem.

Councilmember W. Jabara gave an update of what he has done and is slated to do in the upcoming months.

Ms. Peck submitted a petition from her neighbors regarding the runoff requesting that it be fixed properly.

Blanche Campbell, 1 Summit Drive and Kellyn Derran, 101 Mountain Drive/ 30 Summit Drive, also discussed their stormwater concerns.

Mike Oser, Fairview Avenue, spoke on behalf of Alice Makla and read a poem about problems in the Borough.

State Representative Jack Rader, discussed crosswalks in the Borough on SR 611 and asked for some direction on the type of crosswalks we would like to see put down when paving is being done.

Michelle Peck, 34 Summit Drive, discussed the money in the various accounts that she questioned earlier and requested that some of that funding be used to correct the problem on Summit Drive.

There being no further business or any further public participation coming before the Board, Councilmember J. Scalamandre moved to adjourn at 10:20 P.M. Vice President K. Davis seconded. Motion carried unanimously.

Respectfully submitted,

Lori Noonan, Borough Secretary