

East Stroudsburg Borough, April 16, 2013

A special meeting and regular meeting of the East Stroudsburg Borough Council was held at the Municipal Building on Tuesday, April 16, 2013. The following members were in attendance: Peter Begley, Roger DeLarco; Ed Flory, Don Repsher, William Reese, and Sonia Wolbert. Also attending were: Manager James S. Phillips; Solicitor John C. Prevoznik; Codes Official Marvin Walton; and Engineering Representative Samuel D'Alessandro of R.K.R. Hess Associates, Inc.

Call to Order/Pledge of Allegiance – President DeLarco

President DeLarco called the meeting to order at 7:30 p.m. The pledge of allegiance was led by Sonya Cole.

Discussion/Comments on proposed Rental Housing Licensing and Inspection Program

Mr. DeLarco explained this special meeting is being held to obtain additional comments on the proposed Rental Housing Program, in followup to the previous meeting held in December. Mr. DeLarco said one hour is being allotted to this discussion, prior to the regular meeting set to begin at 7:30 p.m.

Codes Officer Marvin Walton explained changes to the current draft ordinance, which has been distributed, from the draft previously reviewed; and noted changes made in response to comments received:

- Annual license period has been changed to August 1-July 31.
- Inspections will be performed every 2 years, instead of every 4 years.
- The criteria for inspections will be the adopted Property Maintenance (IPMC) Code.
- The Borough will not require submittal of lease copies; but will provide an addendum to landlords to utilize.

Pat Jeanschild of 126 East Brown Street submitted a multi-page petition from people in favor of the proposed regulations that Council is considering. Ms. Jeanschild stated she hopes that if residents call the Police Dept., that the Police will cite student violators, not just tell them to go back inside their houses. She also said East Stroudsburg University needs to do more about students who cause problems in the neighborhoods.

Mr. DeLarco noted that the petition appears to be from residents, and stated that if the Police Dept. issues citations, they also notify ESU if a student is cited, and ESU does take disciplinary action against students.

Gene Percudani asked about the requirements for eviction of tenants due to disruptive conduct, and said he feels it is discriminatory to require eviction of all tenants perhaps due to the violations of only one.

Dave Czahor of 147 Analomink St. asked if the number of people permitted is based on the number of rooms in the unit? Mr. Walton replied no. Mr. Czahor also asked about the Phi Sig fraternity house, and was advised that building is a “grandfathered” unit.

Kirsten Lee of 114 East Brown St. stated it is important that the Police Dept. cite violators when they come across disruptive conduct.

Steve Zimmerman of Ransberry Avenue said, in his experience, that the Police do not hesitate to issue citations when appropriate.

Marie Summa stated that increasing the number of persons permitted per dwelling will increase overcrowding, and increase parking problems in the Borough.

Spiro Darcinos said he previously had complained about landlords with more than 2 unrelated people in their unit, and was always told it was difficult to prove more than 2.

Mr. DeLarco said under this proposed ordinance, there will be more requirements placed on the landlords, and more ability for the Borough to enforce provisions.

Anthony Maula asked if there could be a “commercial inspection” done for properties such as his, which is recent construction. Mr. Maula said inspections every 2 years could be quite burdensome.

Sonya Cole questioned a provision added to the definition of “family” concerning handicapped individuals? Mr. Prevoznik said that language was added to comply with federal law. Mrs. Cole also asked about wording in the ordinance about “obscene language or gestures”? Mr. Prevoznik said that language is taken right from the statute on disorderly conduct. Mrs. Cole also said language throughout the ordinance referring to notifying the owner should be consistently “shall” not “may”. Mrs. Cole said she feels it is mean-spirited to subject a new tenant to being subject to being evicted because of the disruptive conduct of a previous tenant.

Charles Koberlein of East Brown St. said the reference to requiring an email address from landlords should be dropped, because it can be changed without notice.

Steve Zimmerman asked about the inspection criteria to be used, and was advised it will be the adopted IPMC Property Maintenance Code.

Taylor Munoz of the Pocono Mountains Assoc. of Realtors asked whether the inspection criteria for this program will be the same used for Certificate of Occupancy inspections? Mr. DeLarco said that is still under discussion.

Sonya Cole said she does not think that requiring inspections every 2 years is a good use of funds, and also said it is intrusive to require posting of a “license” in each residence.

Steve Zimmerman said perhaps a window sticker could be used instead of posting a license in each residence.

Mr. Repsher arrived at the meeting at this time.

Wanda Lasher questioned language requiring posting of a bond? Mr. Walton said that provision had been removed from this draft. Mrs. Lasher also said she thinks it is not fair for all tenants to be evicted for the violation of perhaps only one.

Tanya Clothier said Council should consider a “clean slate” for new tenants.

Pat Jeanschild said landlords might look at this issue differently if they lived in the same neighborhoods where their rental units were located.

Mr. DeLarco noted that the time was on hand for starting the regular meeting; and advised all that Council will hold a public hearing prior to action on this proposed ordinance.

#### Minutes of April 2, 2013 Regular Council Meeting

Mr. Begley made a motion, seconded by Mr. Reese, to approve the minutes of the regular council meeting held Tuesday, April 2, 2013 as submitted; the motion carried unanimously.

#### Public Comments - Agenda Items

None.

Report on Bids Received 4/15/13 for Ridgeway Street Waterline and Sewerline Replacement Projects

Mr. D'Alessandro reviewed the tabulation of bids received for the waterline work, to be funded by Community Development Block Grant (CDBG) monies, and the sewerline work to be funded by Borough monies:

<u>Contract No. 1 - Waterline Replacement</u>				
Bidder	Total Base Bid	Bid Security	NC Affidavit	
Addendum				
C.E. Ankiewicz, Inc.	\$230,778.48	10% BB	X	X
Kobalt Construction, Inc.	290,050.00	10% BB	X	X
Locust Ridge Contractors	172,350.00	10% BB	X	X
Northeast Site Contractors	215,673.25	10% BB	X	X
R-III Construction, Inc.	339,305.00	10% BB	X	X

Mr. D'Alessandro stated the bids have been reviewed; and the low bidder appears to have satisfied all requirements including the minority contractor solicitation requirements for use of CDBG funds. Mr. Repsher made a motion, seconded by Mr. Reese, to authorize the acceptance of the proposal from and issuance of the Notice of Intent to Award contract for the waterline work to the low bidder, Locust Ridge Contractors, as recommended. The motion carried unanimously.

<u>Contract No. 2 - Sewerline Replacement</u>				
Bidder	Total Base Bid	Bid Security	NC Affidavit	
Addendum				
	With Discount*			
C.E. Ankiewicz, Inc.	\$352,805.75	10% BB	X	X
Dirt Work Solution	303,610.00	10% BB	X	X
Kobalt Construction, Inc.	454,975.00	10% BB	X	X
Locust Ridge Contractors	237,465.00	10% BB	X	X
Northeast Site Contractors	315,721.00	10% BB	X	X
R-III Construction, Inc.	622,750.00	10% BB	X	X

- Discount if awarded both waterline and sewerline contracts

Mr. D'Alessandro stated the bids have been reviewed; and the low bidder appears to have satisfied all requirements. Mr. Repsher made a motion, seconded by Mr. Flory, to authorize the acceptance of the proposal from and issuance of the Notice of Intent to Award contract for the sewerline work to the low bidder, Locust Ridge Contractors, as recommended. The motion carried unanimously.

SARPD Report – March 2013

Captain Brian Kimmins noted that traffic contacts are up this month; also, the “homeless camp” area under the Veterans Bridge has been cleaned up by both Boroughs. Mr. Reese asked what will stop homeless people from congregating under the bridge? Capt. Kimmins said a meeting is being held to discuss how to cordon off the areas under the bridge so that this does not occur again.

Mr. DeLarco noted that the Manager had asked Council for locations for speed device checks; he suggested East Brown St. and Washington St.

Mayor Martinelli asked about the large beer party held at a house on Hallet Street last weekend? Capt. Kimmins said only one anonymous complaint was received about that location, but the officers did respond to that scene.

Mrs. Wolbert asked if the Dept. had received any calls concerning open fires on Van Gordon Street? Capt. Kimmins said there were several citations issued to occupants of Van Gordon St.

Public Hearing on Proposed Ordinance Amending Vehicle and Traffic Code, Chapter 150, Revising Parking Restrictions on a section of North Courtland Street

Mrs. Wolbert made a motion, seconded by Mr. Reese, to open a public hearing on the proposed ordinance; the motion carried unanimously. Mr. Phillips said the proposed ordinance will delete the current 2 hr. parking zone on Courtland from Lackawanna Ave. to E. 1<sup>st</sup> Street and establish the restriction of No Parking midnight to 8 a.m., which is in effect for the rest of the street going north. Also, the west side of the street from the railroad north will also be No Parking midnight to 8 a.m. Mr. Phillips said the entire ordinance was advertised in the *Pocono Record* on April 8, 2013; proof of publication was available for inspection. Mr. Prevoznik asked for any residents who wished to speak on the proposed ordinance to sign in.

Marie Summa of 249 East Broad Street asked about parking on East Broad Street, but was advised that was not included in this proposed ordinance for consideration.

Mr. Prevoznik stated that the following exhibits would be introduced into the record for the hearing:

- Exhibit A, proposed ordinance
- Exhibit B, proof of publication of notice of proposed ordinance
- Exhibit C, sign-in sheet.

With no further comments, Mr. Reese made a motion, seconded by Mr. Flory, to close the public hearing; the motion carried unanimously.

Proposed Ordinance No. 1275 Amending Vehicle and Traffic Code, Chapter 150, Revising Parking Restrictions on a section of North Courtland Street

Mr. Reese made a motion, seconded by Mr. Flory, to adopt proposed Ordinance No. 1275 as advertised; the motion carried unanimously.

Designation of Towing Contractor and Impound Location as required by Section 150.40 of East Stroudsburg Code

Mr. Walton said he had contacted the Regional Police Dept. to obtain their RFP criteria used for selecting a tower, but had not received the information yet..

Proposed Resolution No. 7-2013 Proclamation for Observation of Arbor Day in Borough – Friday April 26, 2013

Mr. Flory made a motion, seconded by Mr. Repsher, to adopt proposed Resolution No. 7-2013 proclaiming April 26, 2013 as Arbor Day; the motion carried unanimously.

Public Comments – New Business

Sonya Cole asked if the Borough would plant another tree in front of the old Train Station? The Garden Club is replacing one tree that died but is under warranty. Mr. Phillips said he would check with the Shade Tree Commission on that manner.

Correspondence:

- Mr. Phillips reported receipt of the following items of correspondence:
- i. Monroe County Historical Association – Renewal of Membership for 2013 year
  - ii. Pennsylvania State Association of Boroughs (PSAB) – 2012 Year Annual Report
  - iii. MEA Environmental Services, Inc. – Remedial Action Progress Report for former Smith's Gas Station Site, N. Courtland Street
  - iv. MRM Property & Liability Insurance Trust – Dividends issued for Self-insured Retention Program – East Stroudsburg Borough received \$5,023.04

## Reports

Mr. D'Alessandro reviewed his written Engineers Report previously submitted to Council. Mr. D'Alessandro reviewed the draft sidewalk code, including several issues which Council will have to decide, including: specifications for driveway openings for commercial facilities; and application fees.

Mr. Reese reported on the recent Twin Boroughs Recycling Committee meeting, and distributed some figures on recycling materials marketed year to date.

Mr. Flory inquired about taking bids for sale of the old aerial truck? Mr. Phillips reported that the Sewer Plant staff can use several of the ladders from the old truck.

Mayor Martinelli reported that he was approached by several ESU students who want to hold a "duck race" fundraiser on the Brodhead Creek.

Mr. Begley noted that we need a picture of the new Fire Station to update on the Borough website. Mr. Flory said Joe Toterio of the Fire Co. should have some pictures.

Mr. DeLarco reported that the Stroud Area Regional Police Commission swore in two officers promoted to Lieutenant positions at their recent meeting. Mr. DeLarco also asked about getting an "Adopt a Street group" to cleanup along Ridgeway St. and Crystal St.? Mr. Phillips said no group is assigned to Ridgeway St. since it is a state highway. Mr. DeLarco said he recently attended training conducted by the PA Downtown Center for the Eastburg Community Alliance and noted that ECA must obtain funding commitments for the next five years as part of its exit strategy for Main Street funding already received. Mr. DeLarco noted receipt of the financial reports for March 2013 and also commented again about forming a Finance Committee, and about the "parking in front yards" ordinance that Council had been considering.

Mr. Prevoznik reported that he had held a conference call with Johnson Controls and they are to get back to him concerning the revised agreement for energy savings projects.

Mr. Phillips reminded Council members of the April 24 PA Municipal League District meeting at Wilkes-Barre, and stated that water system flushing of hydrants is tentatively scheduled for April 24-25. Mr. Phillips also reported that problems are being experienced with both Well No. 1 (pump motor needs replaced), and Well No. 3 (well screens needs cleaned after fifteen years). Both repairs will not be inexpensive.

## List of Bills Payable – April 16, 2013

Mr. Reese made a motion, seconded by Mr. Flory, to approve the List of Bills Payable as submitted; the motion carried unanimously.

## Executive Session

None.

## Adjournment

With no further business, Mr. Reese made a motion, seconded by Mrs. Wolbert, to adjourn the meeting at 8:42 p.m.; the motion carried unanimously.

James S. Phillips, Secretary