

East Stroudsburg Borough, April 21, 2015

A regular meeting of the East Stroudsburg Borough Council was held at the Municipal Building on Tuesday, April 21, 2015. The following members were in attendance: Peter Begley, Roger DeLarco, Edward Flory, William Reese, Richard Smith, and Sonia Wolbert. Also attending were: Mayor Armand M. Martinelli; Solicitor John C. Prevoznik, Manager James S. Phillips; Director of Public Works Steven DeSalva; Codes Official Marvin Walton; Engineering Representative Samuel D'Alessandro of R.K.R Hess, a Division of UTRS; and Chief William Parrish of the Stroud Area Regional Police Department.

#### Call to Order/Pledge of Allegiance – President DeLarco

Council President Roger DeLarco called the meeting to order at 7:30 p.m. The Pledge of Allegiance was led by David Horton.

#### Moment of Silence

A moment of silence and reflection was observed by all in attendance.

#### Minutes of April 7, 2015 Council Meeting

Mr. Flory made a motion, seconded by Mr. Begley, to approve the minutes of the April 7, 2015 regular Council meeting as submitted; motion carried unanimously.

#### Public Comments - Agenda Items

Pat Murray of 6 Spangenburg Avenue asked about the variance request for the residence on Lackawanna Avenue. Mr. Walton said the applicant had requested approval to convert the residence into a duplex; the Planning Commission had recommended approval of two variances, the Zoning Hearing Board (ZHB) held a hearing on the matter 4/16/15. Mrs. Wolbert asked what was the basis for the PC recommendation? Mr. Walton said they felt this was a foreclosed home that would be improved, if granted the variance.

Mrs. Wolbert said she was not aware of the conversion request, prior to the ZHB hearing, and felt that Council should have been notified since other Council members also expressed concern for limiting future residential conversions.

#### Proposed Information Commons Building Project at East Stroudsburg University – Requests for Waivers from provisions of the Subdivision and Land Development Code

Ken Long, ESU Vice President for Finance and Administration, and David Horton, P.E., of Penonni Associates, were present to present the requests on behalf of the University. Mr. Horton said the Borough Planning Commission has reviewed the waiver requests and recommended approval of each. Mr. Horton then reviewed the waiver requests for the project individually:

1. Waiver for submittal of a combined preliminary/final land development plan. Mrs. Wolbert made a motion, seconded by Mr. Reese, to grant the waiver as requested; motion carried unanimously.
2. Waiver from requirements for lot(s) to be large enough to provide required parking. Mr. Horton said parking for this project is being addressed via the university-wide parking management plan, not just for the 18 acre project parcel. Mr. Reese made a motion, seconded by Mrs. Wolbert, to grant the waiver as requested; motion carried unanimously.
3. Waiver from the requirement to size and type all existing trees on the entire ESU campus. Mr. Horton said the trees have been noted for the area directly surrounding the proposed building project; trees on property not effected by construction improvements have not been inventoried. Mr. Begley made a motion, seconded by Mrs. Wolbert, to grant the waiver as requested; motion carried unanimously.
4. Waiver from the requirement to add shade trees in existing parking areas. Mr. Flory questioned why the variance should be granted? Mr. Horton said the University is not adding any new parking for this project, and the only work proposed for existing parking areas is re-lining due to ADA handicap parking designations. Therefore, the University is

applying for the waiver to not have to add shade trees and reconstruct existing parking areas. After brief discussion, Mr. Begley made a motion, seconded by Mrs. Wolbert, to grant the waiver as requested; motion carried unanimously.

5. Waiver from the requirement for year-round spray irrigation of stormwater. Mr. Horton said stormwater will be retained in underground storage then spray irrigated in the “quad” area. However, the spray irrigation is only proposed for only March 15 – November 15, due to weather conditions. Mr. Reese made a motion, seconded by Mrs. Wolbert, to grant the waiver as requested; motion carried unanimously.

Mr. Horton next addressed the issue of the two Borough water wells located on ESU property. Mr. Prevoznik said the wells were installed in 1976, but do not meet current requirements for protection of the water supply; the Borough adopted its Wellhead Protection Ordinance in 1990. This matter was discussed at the meeting held today with representatives of ESU, regarding permanent easements which the University had agreed to provide to the Borough for the wells as part of ESU/UPI housing plan approval in 2010. Mr. D’Alessandro reviewed plans for the easements, including:

- Easements to be granted for Wells No. 1 and No. 2 and the waterlines leading to them.
- A 200 ft. radius well protection zone established around each well.
- An easement also provided for the electric lines serving Well No. 2 near the ESU stadium.
- The well casings being extended above ground as per current requirements.
- Both wells to be enclosed with fencing.
- The parking area around Well No. 2 to be converted into a grass area.

Mr. Prevoznik said the Borough had committed to paying for the proposed improvements to the well sites.

#### Resolution No. 14-2015 Approving Joinder Deed for two parcels owned by Robert Holmes located on Lenox Avenue

Mr. Phillips said the two parcels to be joined are a 0.12 acre vacant parcel, and a 0.28 acre lot with a residence, located just past Elizabeth Street on the north side of Lenox Ave. The Solicitor has reviewed and approved the proposed joinder deed language. Mr. Flory made a motion, seconded by Mr. Begley, to approve the proposed joinder deed request as submitted; motion carried unanimously.

#### Request for Approval of CDBG Housing Rehabilitation application that exceeds \$20,000 limit

Mr. Phillips said the Redevelopment Authority recently opened bids for a proposed home rehabilitation project at 60 Lackawanna Avenue using CDBG funds, and the low bid price (\$21,995) already exceeds the normal permitted limit of \$20,000 per dwelling unit. Council has to approve any amounts over \$20,000. Mr. Reese made a motion, seconded by Mr. Flory, to approve the acceptance of the low bid for the rehabilitation work exceeding the \$20,000 limit; motion carried unanimously.

#### SARPD Report for March 2015

Chief William Parrish noted the monthly report is fairly “un-notable” – which is good. The Department’s current staffing level is 46 officers; and the approved number is 49. Officer Paul Gasper was recently promoted to Lieutenant. Chief Parris reported he met recently with the District Attorney concerning a proposed agreement with East Stroudsburg University Police for mutual aid police services near the ESU campus. Mr. Begley said he hoped the Department will be able to restore bicycle patrols again soon.

#### Resolution No. 15-2015 Proclaiming Arbor Day in Borough April 24, 2015

Mr. Phillips said the Shade Tree Commission is having an Arbor Day observance at Dansbury Depot on Friday, April 24, 2015. The Borough normally approves a Resolution or Proclamation for Arbor Day. Mr. Flory made a motion, seconded by Mrs. Wolbert, to adopt proposed Resolution No. 15-2015 Proclaiming Arbor Day in the Borough, April 24, 2015.

Consulting Services Agreement to Prepare and Submit 2015 Monitoring Reports to PA DEP for two former Municipal Joint Landfill Sites – RKR Hess, Division of UTRS

Mr. Phillips said R.K.R. Hess has submitted a proposal to again conduct the required environmental monitoring of the two former joint municipal landfill sites, in East Stroudsburg and Stroud Township. East Stroudsburg and Stroudsburg Boroughs and Stroud Township share in the monitoring costs. Mr. Reese made a motion, seconded by Mr. Flory, to approve the proposal as submitted; subject to the two other municipal boards also approving the proposal. The motion carried unanimously.

Report on Bids Received 4/9/15 by PennDOT for Phase II of Downtown Streetscape Project

Mr. Phillips reported that PennDOT had opened bids for the project for the second time on April 9, 2015; and only one bid was received – and it exceeds the funds available by approximately \$90,000. However, PennDOT is attempting to secure additional funds in order to award the project. After discussion, Mr. Begley made a motion, seconded by Mr. Flory, to table action on the bids pending PennDOT action on additional funding. The motion carried unanimously.

Public Comments – New Business

Walter Potvin of 25 Spangenburg Avenue said he has a problem with houses in his neighborhood – an R-1 zone - being converted into boarding homes. He said the house at 99 Spangenburg is being rented out to college students, and he is concerned for when he may want to sell his home that he won't get the value for it. Mr. Walton said he had spoken to Mr. Potvin and advised him that due to the zoning change in definition of "family" that it was not illegal for the home to be rented out to up to four unrelated persons. Mr. Reese encouraged Mr. Potvin to contact the Police Department if there are any activities at the house that are disruptive to the neighborhood.

Marie Summa of 249 East Broad Street said she acknowledges that the rental housing licensing was a good idea, but she still is against the increase in density allowed of up to 4 per unit. Mr. Prevoznik said the 4 person per dwelling definition of "family" has been upheld consistently by the Courts. Mr. DeLarco said Council decided on four after much deliberation and consideration.

Darla Stern she inherited a home on Sopher Street and has several questions concerning zoning requirements. Mr. Walton encouraged to make an appointment to discuss the issues at his office.

Ken Long of East Stroudsburg University provided copies of a report that shows the economic impact of the State System Schools of Higher Education on their host communities.

Correspondence

Mr. Phillips reported receipt of the following items of correspondence:

i. Dansbury Farmers Market – Request to again hold Farmers Market at Miller Park on Wednesdays from 8:30 a.m. to 12:30 p.m. Mr. Begley made a motion, seconded by Mrs. Wolbert, to approve the request as submitted; motion carried unanimously.

ii. MRM Property & Liability Insurance Trust – Dividend received for 2009-2013 policy years \$16,772.92.

iii. Housing Authority of Monroe County – Request to again purchase up to 30 Season Passes for Dansbury Park Swim Pool at 50% of the regular rate for HAMC residents. Mr. Reese made a motion, seconded by Mr. Flory, to approve the request as submitted; motion carried unanimously.

iv. A Notice of Violation from PA Department of Environmental Protection for failure to submit the renewal application for the NPDES permit for the Borough's Sewage Treatment Plant within the required time period of six months prior to the expiration of the permit. Mr. Phillips said there were issues with the handling of samples for analysis needed for the permit application because of changes with the laboratory firm; the consulting engineer for the Borough (Glace Associates is still working on the application to be submitted.

## Reports

Mr. DeSalva reported on recent water leak repairs, and upon question from Mr. DeLarco said he would provide information on the Street Sweeper purchasing financing options at the Committee meeting.

Mr. Walton reported on recent prosecutions for violations of the Rental Licensing requirements, and upon question from Mr. DeLarco said he would provide a report on licensing at the Committee meeting. Mr. DeLarco also asked about the sidewalk closure at the burned out structure on Lackawanna Avenue. Mr. DeSalva said a better means of closing off the sidewalk will be implemented.

Mr. D'Alessandro reviewed his written Engineers' Report previously submitted. Mr. D'Alessandro noted that a GP-3 permit must be applied for to repair the stream scour area on Little Sambo Creek just outside of Dansbury Park; also the Borough's Wellhead Protection Ordinance needs updated and should be reviewed.

Mr. Reese asked about shade tree trimming; Mr. DeSalva said a list is being compiled for the Borough's contractor, Singer Tree Service.

Mr. Flory said the Fire Company is planning a fundraiser for one of the volunteer firemen who has been diagnosed with cancer. Mr. Flory also noted the large accumulation of TV's at the Recycling Center that has grown over the winter months. Mr. Flory also asked about the floor tile issue at the Fire Station; Mr. DeSalva said he will have a report at the Committee Meeting.

Mr. Prevoznik said the indemnification language has been accepted, with minor changes, for the sewage sludge contract with J. P. Mascaro & Sons.

Mr. DeLarco said he is working on a proposed Resolution for consideration at the Northeast District meeting of the PA Municipal League – amending the municipal codes to allow for a separate real estate tax millage for police services – because police services are the single largest operating cost for almost all municipalities.

Mr. DeLarco also noted a recent monitoring response submitted to PA DCED on use of CDBG funds.

Mr. Begley asked about possible repairs to Willow Street. Mr. Phillips said reconstruction of the road is needed, also stormwater must be addressed.

Mrs. Wolbert asked about a field trip to review the Foot Golf at the Stone Meadows Course on Route 115. Mr. Reese said he, Mr. Phillips, and Mr. Zukawski are planning a trip to that course tomorrow morning.

Mayor Martinelli asked about the parking issue on North Green Street? Mr. DeSalva said he intends to report on that at the Committee meeting. Mr. Martinelli said Council members should support the fundraiser proposed for volunteer firefighter Steve Adams.

Mr. Phillips asked if Council had any issue with supporting a request to allow purple bows to be installed downtown for the Relay for Life event in June; there were no objections.

Mr. Phillips reported he had ordered two new AED units, for Borough Hall and the Swimming Pool, from Rachel Moyer. Also, Council received a copy of the 2/28/15 Financial Reports. Finally, Mr. Phillips noted recent communication from the PA Municipal League regarding pension "reform" legislation; Mr. Begley made a motion, seconded by Mr. Flory, to authorize sending a letter to Rep. Parker and Sen. Scavello asking them to oppose the proposed legislation supported by the Fraternal Order of Police – which will actually increase long-term pension costs. The motion carried unanimously.

List of Bills Payable – April 21, 2015

Mr. Flory made a motion, seconded by Mrs. Wolbert, to approve the List of Bills Payable and to ratify expenditures and payroll made through 04/21/15 as submitted; the motion carried unanimously.

Executive Session for Discussion of a Litigation Matter

Mr. Begley made a motion, seconded by Mr. Flory, to adjourn into executive session at 9:32 p.m.; the motion carried unanimously.

At 9:49 p.m. Council members reassembled in the meeting room, and Mr. Begley made a motion, seconded by Mrs. Wolbert, to reconvene the public meeting; the motion carried unanimously. Mr. Prevoznik said the executive session was held to discuss a potential litigation matter; and no decisions were made.

Adjournment

With no further business, Mrs. Wolbert made a motion, seconded by Mr. Flory, to adjourn the meeting at 9:40 p.m.; the motion carried unanimously.

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James S. Phillips, Secretary