

East Stroudsburg Borough, August 2, 2016

A regular meeting of the East Stroudsburg Borough Council was held at the Municipal Building on Tuesday, August 2, 2016. The following members were in attendance: Donald Cross, Edward Flory, Roger DeLarco, Maury Molin, William Reese, and Sonia Wolbert. Also attending were: Solicitor John C. Prevoznik; Manager James S. Phillips; Codes Official Marvin Walton; DPW Director Steven DeSalva; Finance Officer Kenneth Konz; and Engineering Representative Samuel, D'Alessandro, P.E., of RKR Hess, a Division of UTRS.

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

Mr. DeLarco called the meeting to order at 7:33 p.m. The Pledge of Allegiance was led by Martha Robinson.

#### Moment of Silence and Reflection

A moment of silence was observed by all in attendance.

#### Minutes of July 28, 2016 Regular/Committee Council Meeting

Mr. Flory made a motion, seconded by Mr. Molin, to approve the minutes of the July 28<sup>th</sup> Council meeting as submitted; the motion carried unanimously.

#### Public Hearing on Community Development Needs of the Borough that may be addressed through use of federal Community Development Block Grant (CDBG) Funds

Mr. Flory made a motion, seconded by Mr. Cross, to open the public hearing on community development needs; the motion carried unanimously. Mr. Phillips said this is the first of two required public hearings for the FY 2016 Community Development Block Grant (CDBG) Program. Starting with the FY 2015 allocation, these federal CDBG funds allocated through the Commonwealth to the Borough are being administered by Monroe County through the County Redevelopment Authority (RAMC). Mr. Phillips introduced RAMC Executive Director Martha Robbins, who was present to review the program and eligible uses of CDBG funds.

Mrs. Robbins said the Borough is eligible to receive a FY 2016 allocation in the amount of \$130,952; final application is due to PA DCED by 11/18/16. Her office will be administering the Monroe County funds as well as the funds for East Stroudsburg Borough and Stroudsburg Borough. Notice of this hearing was advertised in the *Pocono Record* on July 13, 2016 and proof of publication will be available for inspection.

Mrs. Robbins distributed information and gave a general overview of the core goals of the CDBG Program and reviewed eligible activities and ineligible activities. Each activity funded must address one of the national objectives including providing benefit to low & moderate income persons, aiding in prevention of slums and blight, or addressing an urgent need. Mrs. Robbins reviewed the types of low/moderate income benefit and noted that the most common CDBG-funded housing activity is housing rehabilitation, which her agency has been administering for the Borough and the County for many years. Low & moderate income benefit is based on household income per federal standards; for example a family household with 4 persons in Monroe County is considered low-mod income with a household income of \$51,200 for 2016. Other federal requirements for the CDBG Program include:

- 70% of funds utilized must benefit low-to-moderate income persons.
- Up to 18% of funds can be used for administrative purposes, maximum.
- Low/moderate income eligibility must be based on either census data or income surveys.

Mr. DeLarco asked for comments from the audience and asked those who wished to speak to sign in. Richard Kishpaugh of 243 Willow Street said it was stated that CDBG funds could be used for codes enforcement activities. Mr. Prevoznik followed up on that question, and Mrs. Robbins she would have to check the regulations to see what would be possible.

Mrs. Robbins said her office is currently completing the Environmental Review Record (ERR) for the FY 2015 allocation, which must be done before funds can be utilized. Mr. DeLarco asked what is involved with the ERR and Mrs. Robbins explained, briefly.

Mr. Phillips said DCED is requiring municipalities to limit the number of activities for ease of administration; after the County utilizes up to the maximum 18% of the allocation for administration, the Borough will have approx. \$107,000 left for projects.

Mr. DeLarco asked for further comments and there were none. Mr. Flory made a motion, seconded by Mr. Molin, to close the public hearing and reconvene the regular meeting; the motion carried unanimously.

#### Public Comments – Agenda Items

None

#### Interstate 80 Exit 308 Reconstruction Project – Maintenance Bond for any Borough Utility Relocation Construction Costs

Mr. D'Alessandro said the Borough has various utilities that may have to be relocated due to the PennDOT reconstruction of the Exit 308 Interchange. The Borough may authorize PennDOT to include the utility relocation work in PennDOT's construction contracts, and PennDOT will reimburse the Borough for 90% of that utility work. The Borough would have to decide whether to require the contractor to post a maintenance bond to cover the relocated utilities, and in what amount. The cost of such bonds is normally included in the work and is passed on to the owner. However, PennDOT considers a maintenance bond to be a "betterment" and will not reimburse the municipality for the cost of a bond.

Mr. Prevoznik said a maintenance bond would be required by the Borough if the Borough were bidding a construction project directly. Mr. Phillips noted that if a maintenance bond was required for 15% of the utility relocation construction cost, and the total utility relocation cost was \$500,000, for example; the Borough would be paying the cost for a bond of \$75,000. After discussion, Mr. Reese made a motion, seconded by Mr. Flory, to require a 12-month maintenance bond for the 15% of the Borough utility construction cost; the motion carried unanimously.

#### Establishment of MS4 Stormwater Committee

Mr. DeLarco said the executive committee of Council had discussed forming a MS4 (Municipal Separate Storm Sewer System) Committee to take a more proactive role in preparing for the possible required implementation of an NPDES stormwater permit for the Borough. Mr. DeLarco asked Council members to consider whether they want to serve on this Committee. Mr. Prevoznik said an initial meeting has been tentatively set for this Friday since special counsel Marc Gold is available for such meeting. Mr. Cross indicated he would be available for day meetings, but not until after this month. Mr. DeLarco said Mr. Flory and Mrs. Wolbert had indicated interest in serving on this Committee, but also noted that members of the Sewer System Alternatives Committee might be logical candidates for this Committee as well. Mr. Molin stated he was not available this Friday. Mr. Prevoznik suggested that for this initial meeting we go with whomever is available.

#### Public Comments – New Business

Rich Kishpaugh of 243 Willow Street said he was here the previous meeting regarding concerns for outstanding code enforcement issues in his neighborhood and throughout the Borough. Mr. Walton noted that Codes Staffing is listed later on the agenda and he has discussed some possibilities with Mr. Phillips for addressing these issues.

Homer Lee of 303 Gerogellen Drive said he has "a lot" of cats coming onto his property, and he has had to clean up cat feces numerous times. His wife and dog have both had digestive issues which he thinks could be related to the cats, and he attributes the problem to "2 or 3 residents" in his area which feed or harbor the cats.

Gary Walck of Fulton Street said his neighborhood in the Flats has the same problems, with lots of stray cats and people feeding them. The local animal shelter, AWSOM, will not take cats as they have too many already. Mr. Walck acknowledged that the Borough has looked into the issue, and tried to come up with ways to address the problem. For example, some agencies favor a trap-neuter-release program. However, other agencies such as PIDA are not in favor of such programs. Mr. Walton said he had contacted veterinary offices throughout the area, and was not able to find any that would be willing to serve in the role of taking cats for checkup, and euthanizing ones that were sick, etc.

Mr. DeLarco suggested that the matter be referred to the Planning & Zoning Committee of Council.

### Correspondence

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

- i. Delaware River Joint Toll Bridge Commission – Public Hearings on proposed Toll Schedule Adjustments for existing DRJTB Toll Bridges. Mr. Phillips said the closest hearing will be held at the East Stroudsburg University Innovation Center on August 11, 2016.
- ii. Public Employee Retirement Commission – Notice of 2016 Year Distress Determination for Borough Pension Plan (PMRS) per Act 205 of 1984 – Distress Score 0

### Reports

Mr. D'Alessandro reviewed his written Engineer's Report previously submitted to Council. Mr. D'Alessandro noted a report prepared with recommendations for improvements to the Well No. 1 and No. 2 sites on the East Stroudsburg University campus, including use of well covers perhaps instead of fencing. Mr. Prevoznik noted that ESU is drafting legislation so that the Commonwealth will be able to grant the Borough easements for the wells and waterlines on the ESU campus, which may already include reference to the fencing.

Mr. D'Alessandro reported that the Aging Office has taken over planning for replacing a portion of the sidewalk at the Loder Building Senior Citizen Center instead of using CDBG funds; however the Borough portion of the work can proceed as soon as minority bidder solicitation is performed for the proposed sidewalk and ramp work using CDBG funds. Mr. Molin made a motion, seconded by Mr. Flory, to authorize bidding for the ADA ramp project using CDBG funds for construction this season; the motion carried unanimously.

Mr. D'Alessandro reported that his office had issued a Request for Proposal (RFP) to six firms to provide recommendations for repairs to the Dansbury Park Pool; proposals are due 8/10/16 and a pre-bid meeting is set for Friday 8/5/16 at 11 a.m. Mrs. Wolbert made a motion, seconded by Mr. Flory, to authorize Mr. D'Alessandro to attend the pre-bid meeting; the motion carried unanimously.

Mr. D'Alessandro noted he had discussed with the executive committee of Council this morning the proposed work for relining several storm culverts through the flood protection levee. Mr. Phillips said Mr. DeSalva is to provide the video inspection of the culverts done last Spring to RKR Hess for review; also Hess will review the sluice gates and protocol for checking operation of same. Mr. DeSalva will start on the GS-11 permitting process; RKR Hess has the hydraulic calculations to assist with that as necessary.

Mr. Flory noted that there are two fire hydrants on Willow Street at Race Street, one is an old one that should be removed on the 4" waterline that has since been supplanted by the newer 8" waterline installed more recently.

Mr. Walton reported on the following:

- the next Comp. Plan workshop meeting is this Thursday 8/4/16 from 6-8 p.m.; the one after that will be on Tuesday 8/16/16 on Parks and Recreation.
- another single family home is being constructed in the Borough, this one at the top of Crestmont Road, to be served by well and on-lot septic system.
- He has set up joint action with the Monroe County Waste Management Authority on the vacant "eyesore" dwelling a 450 N. Courtland Street.

Mr. DeSalva reported on the following:

- He has reviewed several additional possible rain garden sites with the Engineer for the Conservation District; the sites recommended for implementation are at the Dansbury Depot, at the Fire Station property on Chestnut Street, and possibly at Miller Park and Zacharias Park.
- The contractor for the Streetscape project is scheduled to be back this week to finish all work.
- The contractor for the 2016 road paving program will be in this week to mill the streets planned for repaving; due to the gas company still working on the portion of Burson Street from Courland St. to the railroad, a one-lane portion of Lackawanna Ave. will be milled and paved instead, for the same relative quantities.
- He is looking into contract quotes for the asphalt repair work at the Twin Boroughs Recycling Center.

Mr. Konz distributed and reviewed financial reports as of 06/30/16 that have been generated with the AMS accounting software. Mr. DeLarco stated that he likes the format presented.

Mr. Prevoznik distributed the draft 2016 Audit Report from BBD, Inc. for review, which was reviewed with the Audit Committee today; Carl Hogan of BBD will attend the 08/25/16 Committee meeting to review with Council.

#### List of Bills Payable – July 28, 2016 and August 2, 2016

Mr. Flory made a motion, seconded by Mr. Reese, to approve the List of Bills Payable for both the 07/28/16 List and the 08/02/16 List and to ratify payroll and expenses through August 2, 2016 as submitted; the motion carried unanimously.

#### Executive Session for Discussion of Personnel Matters

Mr. Reese made a motion, seconded by Mr. Flory, to adjourn into executive session at 9:35 p.m.; the motion carried unanimously.

At 10:20 p.m. Council members reassembled in the meeting room, and Mr. Flory made a motion, seconded by Mr. Cross, to reconvene the public meeting; the motion carried unanimously. Mr. Prevoznik said the executive session was held to discuss personnel matters; and no decisions were made.

#### Codes Enforcement - staffing

Mr. Phillips reported that Anita Einolf, who serves as Health Officer, will also be utilized as a part-time Codes Officer for an estimated 10-15 hrs. per week to assist Mr. Walton with codes enforcement matters.

#### Ratify Execution of Repayment Agreement(s) - Delinquent Water/Sewer & Garbage Fees

Mr. Cross made a motion, seconded by Mr. Flory, to ratify execution of repayment agreements with Manuel J. Llapa for 129 Ridgeway Street residence; the motion carried unanimously.

#### Personnel Committee

Mrs. Wolbert said the Personnel Committee met on 07/30/16, and has developed several items for implementation by the Manager:

Mr. Cross made a motion, seconded by Mrs. Wolbert, to direct that the draft Employee Manual be reviewed and put in form for submittal to Council by the 08/25/16 Council Committee meeting; the motion carried unanimously.

Mr. Molin made a motion, seconded by Mrs. Wolbert, to direct that an initial draft 2017 Borough Budget be submitted to Council by 09/20/16; the motion carried unanimously.

Mr. Reese made a motion, seconded by Mr. Molin, to direct that Paychex electronic time clock be implemented by 09/01/16; the motion carried unanimously.

Mr. Reese made a motion, seconded by Mr. Molin, to direct that a report on the 2016 Loan Fund Capital Projects be submitted by the 08/25/16 Committee meeting; the motion carried unanimously.

Mr. Molin made a motion, seconded by Mrs. Wolbert, to direct that the Manager submit a 12 month calendar report on outside activities by 08/25/16; the motion carried unanimously.

#### Adjournment

With no further business, Mr. Cross made a motion, seconded by Mr. Flory, to adjourn the meeting at 10:25 p.m.; the motion carried unanimously.

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James S. Phillips, Secretary