

East Stroudsburg Borough, August 29, 2013

A regular meeting and Committee meeting of the East Stroudsburg Borough Council was held at the Municipal Building on Thursday, August 29, 2013. The following members were in attendance: Peter Begley, Roger DeLarco, Ed Flory, Don Repsher, William Reese (arrive late), and Sonia Wolbert. Also attending were: Manager James S. Phillips; Solicitor John C. Prevoznik; Engineering Representative Samuel D'Alessandro of R.K.R. Hess Associates, Inc., and Codes Official Marvin Walton.

Call to Order/Pledge of Allegiance – President DeLarco

President DeLarco called the meeting to order at 7:30 p.m. and led the pledge of Allegiance.

Minutes of August 6, 2013 Regular Council Meeting

Mr. Flory made a motion, seconded by Mr. Repsher, to approve the minutes of the regular Council meeting held August 6, 2013 as submitted; the motion carried unanimously.

Public Comments - Agenda Items

None.

Continuation of Public Hearing on Conditional Use Requests - Application by Eagle Valley Realty, L.P. for 980 sq. ft. Addition to former Blockbuster Building for use as a Dialysis Center, C-2 District

Mr. Prevoznik stated this is a continuation of the conditional use hearing from August 6, 2013. Mr. Walton read a letter from the applicant requesting continuation of the hearing until September 3, 2013, also a letter from the applicant waiving the time limits for acting on the application. Mr. Prevoznik asked to have those letters introduced into the record for the hearing as Exhibits A-4 and A-5. Mr. Flory made a motion, seconded by Mr. Resher, to grant the request for continuation and to grant the waiver of time limits, as requested; the motion carried unanimously.

Public Comments – New Business

Lisa Van Why introduced herself as a resident of Race Street, and indicated she is interested in serving on the Property Maintenance Board of Appeals.

Correspondence

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

1. PA Public Utility Commission (PUC) – installation completed of new aerial line by Sunesys, LLC at N. Courtland St. grade crossing of Norfolk Southern Railroad, and at Analomink Street grade crossing.
2. PA Department of Environmental Protection (DEP) – August 5, 2013 Inspection Report for East Stroudsburg Borough Water System – no violations.
3. Pocono Arts Council – Thank you letter for \$375 donation for 2013.
4. Monroe County Area Agency on Aging Office – Request for waiver of parade permit fees – annual Pink Light Walk on Thursday, October 3, 2013.
5. Heather Royce, Race Chair – Request for waiver of parade permit fees for 11<sup>th</sup> annual Kelly Golat Memorial 5K Run on October 5, 2013.
6. East Stroudsburg Youth Association (ESYA) - Request for Waiver of fees for Walk from Dansbury Park to ESHS South Stadium on Sept. 15, 2013 for Opening Day of Youth Football.
6. PA Department of Environmental Protection (DEP) –Brownfield Grant Completion Date extension approved until Dec. 31, 2013.

After discussion, Mr. DeLarco said Council should consider the Parade Permit waivers separately.

Mr. Begley made a motion, seconded by Mr. Resher, to waive the parade permit fee for the Veterans Day Parade, but not the deposit requirement. The motion carried unanimously.

Mr. Begley made a motion, seconded by Mr. Reese, to waive the parade permit fee for the Kelly Golat Run/Walk, but not the deposit requirement. The motion carried unanimously.

Mr. Flory made a motion, seconded by Mr. Begley, to waive the parade permit fee for the ESYA Walk to the stadium, but not the deposit requirement. The motion carried unanimously.

Mr. Begley made a motion, seconded by Mr. Begley, to waive the parade permit fee for the Pink Light Walk, but not the deposit requirement. The motion carried unanimously.

At this point Council discussed, and acted on certain items from the Committee meeting agenda.

#### Remediation Work at Former IBW Property

Mr. Phillips reviewed an email from MEA, Inc. regarding the next steps involved with the remediation work at the former IBW property. Mr. Begley made a motion, seconded by Mrs. Wolbert, to authorize surveying work by R.K.R. Hess Associates, Inc. at the former IBW property for location of the new monitoring well, re-installation of stream gauges in the Sambo Creek nearby, and confirming groundwater and stream elevations; the motion carried unanimously.

#### Local Share Account Grant Applications

Mr. Phillips reviewed several possible grant applications for Local Share Account funds that Council has discussed.

Mr. Flory made a motion, seconded by Mr. Resher, to authorize preparation and filing of a grant application for the Middle Dam Rehabilitation project, an application submitted last year. The motion carried unanimously.

Mr. Begley made a motion, seconded by Mr. Flory, to approve the filing of a joint application in conjunction with Stroudsburg Borough and Stroud Township, for purchase of three patrol vehicles by the Stroud Area Regional Police Department, as previously authorized by Resolution of Council. The motion carried unanimously.

Mr. Phillips noted that he had a brief message from, but was not able to talk with Chuck Leonard of Pocono Mountains Economic Development Corporation, concerning a possible application for Local Share funds for demolition of the vacant buildings at the former IBW property. Mr. Flory suggested that Council needs more information before deciding whether to pursue Local Share funding for the demolition work.

Mr. DeLarco noted that Courtney Toleno, Manager of Pocono Community Theatre, has also requested that the Borough submit an application for Local Share funds on behalf of the Theater. Mr. Flory asked how much and what would they use the funds for? Mr. DeLarco said they hope to purchase a digital projector, which costs about \$80,000; and want the Borough to apply on their behalf. Mr. DeLarco asked if any Council wanted to make a motion on this matter – no motion was made.

#### Proposal to Monroe County for Funding for Regional Recreation Commissions

After discussion, Mr. Begley made a motion, seconded by Mr. Repsher, to approve the proposal prepared by Tim Herd of Stroud Region Open Space and

Recreation Commission (SROSRC), to the County Commissioners for Monroe County to provide funding for the six Regional Recreation Commissions established throughout the County. The motion carried by a vote of 4-1, with Mr. Flory voting no; because he stated the current Commissioners will never approve such funding.

#### Roof Replacement at the Dansbury Park Swimming Pool Bathhouse

Mr. Phillips said this year's budget contemplated replacing the roof on the bathhouse, which is leaking badly. Mr. Flory made a motion, seconded by Mr. Resher, to authorize preparation of plans and specifications and advertising for bid proposals for the Bathhouse roof replacement as recommended; the motion carried unanimously.

#### Proposed Ordinance Amending Chapter 151, Residential Parking Permits/Visitor Passes

Mr. Walton reviewed draft provisions amending the requirements for residential parking permits and visitor passes. No action was taken as the draft provisions need additional work.

Mr. Prevoznik noted that with the changes contemplated with the residential parking permits, that it is even more important to finalize the proposed ordinance provisions regarding Parking in Front Yards.

#### Sidewalk and Curb Replacement Work

Mr. Phillips said he has obtained a quote from C & D Contractors, Inc., regarding replacing some curb and sidewalk at several locations; total cost less than \$10,000:

- sidewalk at 200 Analomink Street, to be paid for by the resident, under the Borough's Sidewalk Improvement Program.
- Curb at 200 Analomink Street, to be paid for by the Borough, to correct a drainage problem there.
- Sidewalk at 20 N. Green Street, to be paid for by the resident, under the Borough's Sidewalk Improvement Program.
- Curb on Brodhead Avenue, to be done by the Borough prior to paving of this street.

Mr. Flory made a motion, seconded by Mr. Reese, to authorize acceptance of the proposal for curb and sidewalk work as recommended, subject to entering into a written agreement with the private property owners for the sidewalk work. The motion carried unanimously.

#### Resolution No. 17-2013 Appointments to Property Maintenance Board of Appeals

Council discussed the need to fill positions on the new Property Maintenance Board of Appeals (PMBA) as required by the Ordinance establishing the Rental Housing Licensing and Inspection Program, but also expressed the desire to have persons on the Board from the different wards of the Borough.

After discussion, Mr. DeLarco made a motion, seconded by Mrs. Wolbert, to appoint Stephanie Kaye of Braeside Avenue to a two-year term on the PMBA; motion carried unanimously.

Mr. Flory made a motion, seconded by Mrs. Wolbert, to appoint John Toleno of Emerson Road to a three-year term on the PMBA; motion carried unanimously.

Mr. Begley made a motion, seconded by Mr. Repsher, to appoint Lisa VanWhy of Race Street to a one-year term on the PMBA; motion carried unanimously.

Mr. Flory made a motion, seconded by Mr. Begley, to appoint Steve Miller of Ransberry Avenue to a two-year term on the PMBA; motion carried unanimously.

Mr. Flory made a motion, seconded by Mr. Begley, to adopt proposed Resolution No. 17-2013 appointing Tim Walsh of Ransberry Avenue to a two-year term as an Alternate Member of the PMBA, and David Czahor of Analomink Street to a one-year

term as an Alternate Member of the PMBA, and confirming the regular appointments already made. The motion carried unanimously.

Mr. DeLarco said the PMBA will need its own legal counsel, and asked Mr. Walton to contact attorney Todd Weitzmann, who also represents the Borough Planning Commission, to see if he would be interested in representing the PMBA.

#### Adoption of Policy on Use of Excessive Force – CDBG Regulations

Mr. Phillips said PA Department of Community and Economic Development (DCED) is requiring that all Community Development Block Grant (CDBG) entitlement communities have in place a policy against use of excessive force. Mr. Prevoznik noted that this really applies to the Regional Police Department, and an excessive force policy is one that must be reviewed and approved by the Police Liability Insurance Carrier for SARPD.

#### Possible Sale of Old Fire Department Aerial Truck

Mr. Phillips said he did contact two local scrap dealers concerning the scrap value of the old aerial truck; and the quoted price is only in the range of 8-9 cents per pound. Mr. Phillips said he intends to place the unit for sale on the Municibid website.

#### Purchase of New Command Vehicle by Volunteer Fire Relief Association

Mr. Phillips reported that the Relief Association for Acme Hose Co. intends to purchase a command vehicle to replace the 2000 model Ford Expedition which is owned by the Borough. Mr. Prevoznik suggested that someone make sure that the Relief Association is authorized to own title to a vehicle such as this.

#### Proposed Amendments to Handicapped Parking Regulations

Mr. Walton gave Council members a copy of the existing handicap parking regulations from Chapter 150 and asked Council to review for possible amendments to the provisions regulating handicap parking spaces.

#### Crabapple Trees along Washington Street

Mr. Repsher noted that the crabapple trees along Washington Street make a mess this time of year, with the dropped apples getting smashed and covering the sidewalks; and maybe the Shade Tree Commission should consider replacing them.

#### Refinancing or Re-negotiation of Existing Bank Loans

Mr. Phillips said we hoped to include refinancing of the 2006 and 2009 bank loans in new financing to be undertaken for the Energy Management Project, but since the Borough has not been able to obtain an acceptable contract with Johnson Controls, Inc., for that project, he recommends that we try to refinance the two existing loans – before interest rates go up. After discussion, Mr. Flory made a motion, seconded by Mr. Begley, to authorize the Manager to investigate alternatives for either refinancing, or re-negotiating terms for the existing loans with First Niagara Bank and ESSA Bank & Trust; motion carried unanimously.

#### Schedule Public Hearing - 2013 Community Development Block Grant (CDBG) Program

Mr. Phillips said he had distributed to Council a copy of the proposed use of CDBG funds for the Borough's 2013 allocation. After discussion, Mrs. Wolbert made a motion, seconded by Mr. Reese, to approve the proposed use of funds and to authorize advertising the public hearing on the Proposed 2013 CDBG Program to be held at the September 17, 2013 Council meeting; the motion carried unanimously.

## East Stroudsburg Becoming Eligible as a Direct Entitlement Community for CDBG

Mr. Phillips said he had received an email from the United States Department of Housing & Urban Development (HUD), Philadelphia Office, on 8/21/13 stating that the Borough was now eligible to receive a direct CDBG entitlement allocation from HUD. We must notify HUD by August 30 if we wish to accept or defer direct entitlement status. However, according to HUD, East Stroudsburg would be eligible by formula to receive only approximately \$55,000 directly from HUD. The Borough currently receives about \$125,000 in CDBG funds through the state-administered program under Act 179.

Mr. Flory made a motion, seconded by Mr. Reese, to notify HUD that the Borough will defer action on direct CDBG entitlement status for the 2014 year. The motion carried unanimously.

## Reports

Mr. Prevoznik said the latest draft agreement received from Johnson Controls, Inc. for the proposed Energy Management contract is completely not acceptable. Mr. Prevoznik suggested that a Committee of Council may want to review this matter to see if further negotiations with JCI are warranted. Mr. DeLarco asked for volunteers, and Mr. Reese, Mr. Repsher, and Mrs. Wolbert were volunteered for the Committee.

Mr. DeLarco noted the Training Manual he received at the recent PA Municipal League annual conference at State College is available for any Council member.

## List of Bills Payable – August 29, 2013

Mr. Repsher made a motion, seconded by Mr. Begley, to approve the List of Bills Payable and payroll and expenditures made through August 29, 2013 as submitted; the motion carried unanimously.

## Executive Session

Mr. Flory made a motion, seconded by Mr. Begley, to adjourn into executive session at 10:20 p.m.; the motion carried unanimously.

Council members reassembled in the meeting room at 10:50 p.m., and Mrs. Wolbert made a motion, seconded by Mr. Reese, to reconvene the public meeting; the motion carried unanimously. Mr. Prevoznik said the executive session was held to discuss several litigation matters.

## Consent Order/Agreement with U.S. Environmental Protection Agency – former Chaperone Technologies lab site.

Mr. Flory made a motion, seconded by Mr. Repsher, to enter into the Consent Order with the EPA, for the cleanup of the former Chaperone lab site at the 66 Analomink Street building, contingent upon:

- a Remedial Action Plan (RAP) to be prepared by the Borough's consultant, to be approved by EPA as part of the Consent Order; and
- the Borough reserving its rights to pursue legal action against the federal government, as a result of the Chaperone contract with the U. S. Army.

The motion carried unanimously.

Mr. Flory made a motion, seconded by Mr. Reese, to approve hiring Heritage Environmental, Inc. as the Borough contractor/consultant for handling the cleanup of the former Chaperone lab space; subject to negotiation of an acceptable agreement. The motion carried unanimously.

## Engineer Report on Bustin Stormwater

Mr. Flory made a motion, seconded by Mr. Repsher, to accept the report from

R.K.R. Hess Associates, Inc. on the Bustin stormwater matter, and authorize its release;  
the motion carried unanimously

Adjournment

With no further business, Mr. Flory made a motion, seconded by Mrs. Wolbert, to adjourn the meeting at 10:55 p.m.; the motion carried unanimously.

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James S. Phillips, Secretary