

East Stroudsburg Borough, August 4, 2015

A regular meeting of the East Stroudsburg Borough Council was held at the Municipal Building on Tuesday, August 4, 2015. The following members were in attendance: Peter Begley, Roger DeLarco, Edward Flory, and Richard Smith. William Reese and Sonia Wolbert were absent. Also attending were: Mayor Armand M. Martinelli; Solicitor John C. Prevoznik, Manager James S. Phillips; Director of Public Works Steven DeSalva; Engineering Representative Russell Scott IV 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 Maury Moulin.

Moment of Silence

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

SARPD Report for June 2015

Chief William Parrish reviewed the SARPD Police Department Report for June 2015.

Minutes of July 7, 2015 Council Meeting

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

Proposed Land Development Plan for Pocono Medical Center Emergency Department Renovations

Nate Oiler, P.E. of R.K.R. Hess Associates presented the site plan for proposed renovations to the Pocono Medical Center Emergency Department at the hospital on East Brown Street. Mr. Oiler said PMC is requesting a waiver from the requirement for separate preliminary and final land development approval because of the relatively small increase in new construction. There is a small new addition to be added to the front entrance, but most of the construction involves reconfiguring the inside of the ER.

Mr. Flory asked if PMC is doing anything to discourage people from parking vehicles in the ER lot who are not attending the ER? Steve Cunningham of PMC said the administrative offices are being removed from the ER and relocated to the Abeloff Building so that should help the parking situation. Mr. Begley asked why are these renovations being done now? Mr. Cunningham said additional treatment areas are needed in the ER, and will be created by this renovation work. The ambulance entrance will remain where it is now, on the Prospect St. side of the building. Also, the valet parking is being moved across the street to the Cancer Center. Mr. Cunningham noted that the Pocono ER is still one of the busiest in the state; it has over 75,000 visits per year which ranks it 3rd in Pennsylvania.

After further discussion, Mr. Flory made a motion, seconded by Mr. Begley, to grant the waiver requested; the motion carried unanimously.

Mr. Begley made a motion, seconded by Mr. Flory, to approve the preliminary/final land development plan as submitted; subject to posting of the financial security for public improvements, in the amount as approved by the Borough Engineer. The motion carried unanimously.

Marc Wolfe, Esquire, on behalf of PMC asked about the required Development Agreement? Mr. Prevoznik said he sees no need to hold up the development agreement for this minor expansion. Mr. Begley made a motion, seconded by Mr. Flory, to amend the motion to include the approval being subject to review and approval by the Solicitor of the Development Agreement; the motion carried unanimously.

Public Hearing on Proposed Ordinance No. 1300 amending the Code of the Borough of East Stroudsburg Code, Chapter 136 Streets and Sidewalks, Adding and Amending Additional Requirements for the Maintenance and Construction of Curb and Sidewalk

Mr. Begley made a motion, seconded by Mr. Flory, to open the public hearing on the proposed ordinance at 7:55 p.m.; the motion carried unanimously.

Mr. Smith commented on the need to improve sidewalks along N. Courtland Street, which were constructed in the 1950's and now are in poor condition in places.

Mr. Phillips was sworn in to provide testimony on the proposed ordinance. Mr. Phillips reviewed the individual sections of the proposed ordinance; which was introduced as Exhibit B-1. Mr. Phillips said notice of the public hearing on the proposed ordinance was advertised in the *Pocono Record* on July 28, 2015 (Exhibit B-2 not yet received); and attested copies of the ordinance were also provided to the *Record* and the Monroe County Law Library (copies of those notifications were introduced as Exhibits B-3 and B-4). A sign-in sheet was placed out for anyone wishing to testify at the hearing – Exhibit B-5.

Mr. Prevoznik noted that the DPW Director and Borough Engineer had spent significant time preparing this ordinance draft.

Mr. Begley noted that portions of the Borough do not have sidewalks now, so this ordinance would not come into play there.

Gary Walck of 33 Fulton Street asked if repair of an existing driveway would require a permit under this Ordinance? Mr. Phillips said not unless the driveway was part of a new driveway opening. Mr. Flory noted that the work at his old residence on N. Courtland St. would require a permit under this Ordinance because they are adding new parking and a new driveway entrance onto Courtland St.

Mr. DeLarco asked for additional comments, and there were none. Mr. Begley made a motion, seconded by Mr. Flory, to move the exhibits into the record and to close the public hearing at 8:10 p.m.; the motion carried unanimously.

Public Comments – Agenda Items

Maury Moulin of 9 Park Street asked about the proposed easement to be granted by East Stroudsburg University for the Prospect St. road widening? Mr. Moulin commented that he feels there has been too much miscommunication on these issues involved with the proposed Information Commons Building project between the Borough and ESU. Mr. Prevoznik said there has been no miscommunication - ESU had approved the Stipulation that was submitted to the hearing officer for the conditional use application that was included in the final order, and ESU had not appealed any of the terms of the conditional use decision, so the decision is now final and ESU must comply with its terms.

Proposed Ordinance No. 1300 amending the Code of the Borough of East Stroudsburg Code, Chapter 136 Streets and Sidewalks, Adding and Amending Additional Requirements for the Maintenance and Construction of Curb and Sidewalk

Mr. Flory made a motion, seconded by Mr. Smith, to adopt proposed Ordinance No. 1300 as advertised. The motion carried by a vote of 3-1, with Mr. Begley voting no.

Ratification of approval of lease financing agreement for purchase of new Street Sweeper – TCF Equipment Finance, 60 month lease

Mr. Phillips said he had provided to Council the information on the three written quotations received for financing the purchase of the new street sweeper, and he is recommending acceptance of the proposal from TCF Equipment Finance for a 60 month lease agreement at 2.89%. Mr. Flory made a motion, seconded by Mr. Smith, to ratify approval of the lease agreement with TCF Equipment Finance as recommended; subject to review and approval of the final lease documents by the Solicitor and Loan Counsel. The motion carried unanimously.

Bids Received 7/30/15 for Tub Grinder Rental Services at Twin Boroughs Recycling Center

Mr. Phillips reported that three (3) bids were received and opened on July 30, 2015 for tub grinder rental services as follows:

Scotta Equipment & Materials, LLC Saylorsburg, PA	Tub grinder \$3,500 / day Loader 1,000 / day Mobilization 600	Bid Cost \$9,200 per grinding
Jersey Mulch Products, LLC Towaco, NJ	Tub Grinder \$3,500 / day Loader 700 / day Mobilization 600	Bid Cost \$9,000 per grinding
W. D. Zwicky & Son, Inc. Fleetwood, PA	Tub Grinder \$3,900 / day Loader 1,000 / day Mobilization 1,300	Bid Cost \$11,100 per initial grinding; plus 4% increases

Mr. Flory made a motion, seconded by Mr. Begley, to accept the proposal from and award the contract to Jersey Mulch Products, LLC as recommended; the motion carried unanimously.

Bids Received 7/30/15 for proposed 2015 Road Paving Program

Mr. Phillips reported that one bid was received for the proposed paving work, from Livengood Excavators, Inc. in the amount of \$99,734.31 on a unit price basis. Mr. Phillips said Livengood has done paving work for the Borough two of the last four years and does good work. Mr. Flory made a motion, seconded by Mr. Begley, to accept the proposal from and award the contract to Livengood Excavators, Inc. as recommended and subject to approval of PennDOT for use of liquid fuels monies; the motion carried unanimously.

Request for Handicap Parking Space Designation at 255 Brodhead Avenue

Mr. Begley made a motion, seconded by Mr. Flory, to approve the request for handicap parking sign as recommended; the motion carried unanimously.

Travel Authorization Request for two members of Safety Committee to Attend PennPRIME Safety Training at State College PA September 17-18, 2015

Mr. Begley made a motion, seconded by Mr. Flory, to approve the travel authorization request (J. Phillips, R. Dailey) with reimbursement of expenses in accordance with Borough travel policy; the motion carried unanimously.

Reschedule August Committee Meeting Date and 2nd regular meeting date for September

Mr. Phillips noted that there are conflicts with the scheduled August 20th and September 15th meeting dates, and Council members have proposed rescheduling those meeting dates. After discussion, Mr. Flory made a motion, seconded by Mr. Begley, to reschedule the August Committee meeting/regular meeting to Thursday August 27, 2015 at 7:30 p.m.; and to cancel the Sept. 15, 2015 regular meeting and reschedule that meeting to be held in conjunction with the September 24, 2015 meeting date at 7:30 p.m. The motion carried unanimously.

Public Comments – New Business

None.

Correspondence

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

- i. Monroe County Board of Assessment Revision – Exemption Appeal by Pocono Medical Center for former Seese residence acquired by PMC on East Brown Street. Mr. Flory made a motion, seconded by Mr. Smith, to authorize the Solicitor to confer with the School District Solicitor on a possible challenge to the exemption appeal; the motion carried unanimously.

- ii. PA DEP – Copy of Department’s groundwater monitoring results from sampling at the former joint municipal landfill sites in East Stroudsburg, Stroud Twp.
- iii. Steve Cheriff – request for removal of (2) parking meters in front of 265 Prospect St. Mr. Flory made a motion, seconded by Mr. Begley, to deny the request for removal of the parking meters; the motion carried unanimously.

Reports

Mr. Scott reviewed the written Engineer’s Report previously submitted to Council. Mr. Scott said letters to property owners affected by the changes in flood insurance zones as a result of the levee certification work were mailed out June 8, 2015.

Mr. Scott reported on a recent meeting with representatives of PennVEST and PA DEP on the Middle Dam Rehabilitation project:

- RFP requirements for engineering services must be reviewed.
- All permits must be obtained prior to application to PennVEST.
- This drinking water project should receive a fairly high rating and good consideration from PennVEST.

Mr. Scott also reported on the following:

- Payment application No. 2 for the Gregory Pond Trail project has been reviewed and recommended for approval. Mr. Flory made a motion, seconded by Mr. Begley, to approve payment no. 2 (final) to E.F. Possinger & Sons, Inc., as recommended. The motion carried unanimously.
- The water transmission lines from the Water Filtration Plant were walked on July 16 and 29; an area was noted where the 12” line is exposed as it crosses the Sambo Creek. Mr. Flory made a motion, seconded by Mr. Smith, to authorize design for replacement (lowering) of this section of the transmission line; the motion carried unanimously.

Mr. DeSalva reported on the following:

- the GPS equipment borrowed from Monroe County was used to locate most of the fire hydrants on the Borough water distribution system; in addition to the water transmission lines.
- Youth volunteers have been doing weekly beautification work downtown, pulling weeds and mulching planters on Crystal St.
- Work is continuing on the Operation and Maintenance Manual for the Borough Water Filtration Plant.

Mr. Flory reported that parts have been ordered for repair of the fire hydrants on King St.; and he thanked Mr. DeSalva for the road patching work done on Lackawanna Ave. by the DPW crew.

Mr. Prevoznik reported on the following:

- Negotiations between the local parties for the Ridgeway St. Bridge Replacement project.
- Regarding the ESU conditional use approval, DGS now says it cannot provide one of the well easements required due to a 40 ft. unopened road within the wellhead protection zone (even though they had agreed to this). Mr. Prevoznik suggested that a Committee of Council be appointed to review this matter with ESU. Mr. Flory made a motion, seconded by Mr. Begley, to designate Mr. Reese and Mrs. Wolbert for this Committee with one other person to be appointed; the motion carried unanimously.

Mayor Martinelli noted that a picnic table is collapsed and needs replaced at Zacharias Pond Park.

Mr. Smith said Zacharias Pond Park is becoming more of a problem as he has witnessed the Police being called there several of the last recent evenings.

Mr. Begley thanked Mr. DeSalva for checking out the problem with the private driveway off of Willow Street, and reported a storm drainage problem on King Street at Willow Street; Mr. Begley had pictures of stormwater ponding at this location.

Mr. Phillips reported that the Comprehensive Plan Committee met July 29 to discuss the proposals received from consulting companies in response to the RFP for updating the Comprehensive Plan for the Borough; and has set possible dates for interviews. Mr. Phillips also reported that MEA, Inc. has completed the last quarter of required groundwater monitoring at the former IBW site; and they will be working on the final report for the site to be submitted to PA DEP. Mr. DeLarco asked Mr. Phillips to ask Mr. Dellaria to attend the Sept. 24th Committee meeting of Council to provide an update.

Mr. Scott reviewed the issue of complaints concerning water taste and odor which have been received recently, but more particularly within the last week. It is believed that the issue is related to the high water temperatures in the reservoir and the changeover to a new coagulant product this Spring. This morning the Water Plant changed back to the previously-used coagulant, and test results should be received soon on water samples taken at the Plant and at several residences where complaints were received from. Mr. Begley made a motion, seconded by Mr. Smith, to ratify authorization for procurement of a supply of the previous coagulant for use at the Water Plant; the motion carried unanimously. Mr. DeLarco suggested that a message be placed on the Borough website concerning this issue; that the water is tested and is potable, the problem is being investigated, and the Borough is in close contact with the PA DEP on this matter.

Executive Session for Discussion of a Litigation Matter

Mr. Flory made a motion, seconded by Mr. Smith, to adjourn into executive session at 10:12 p.m.; the motion carried unanimously.

At 10:52 p.m. Council members reassembled in the meeting room, and Mr. Begley made a motion, seconded by Mr. Smith, to reconvene the public meeting; the motion carried unanimously. Mr. Prevoznik said the executive session was held to discuss potential litigation; and no decisions were made.

Repayment Agreements for Delinquent Water/Sewer and Garbage Accounts

Mr. Flory made a motion, seconded by Mr. Smith, to establish for formal repayment agreements that a minimum upfront payment of 50% shall be requested subject to a minimum payment of 20% required; monthly payments shall be required and all amounts owed including interest and charges shall be paid within one year of entering into the repayment agreement. The motion carried unanimously.

Authorize Filing in Court to Require Providing of Tenant Names/Information

Mr. Prevoznik noted that Attorney Greg Malaska has requested, in writing, tenant information from several landlords who have not filed same in accordance with Borough requirements for rental housing licensing and inspections. Mr. Flory made a motion, seconded by Mr. Smith, to authorize Atty. Malaska to file in Court for the information required by law; the motion carried unanimously.

Tess and Tate Trust, Ridgeway Street Residence

Mr. Prevoznik said Attorney Malaska had notified Brian Stone, occupant of the Ridgeway St. residence, to provide tenant information for the Trust which owns the residence. Attorney Robert Nothstein, on behalf of Mr. Stone, has advised that the residence is not a rental unit; however, the Borough Ordinance establishes that a residence must be considered a rental unit if not owner-occupied. Mr. Nothstein has requested that this issue be submitted directly to Common Pleas Court for a determination without having to go to the Borough Property Maintenance Board of Appeals, first. Mr. Smith made a motion, seconded by Mr. Flory, to authorize the Solicitor to negotiate this matter with Atty. Nothstein including going to Common Pleas Court directly for a determination. The motion carried unanimously.

Engagement Letter with Ballard Spahr Law Firm

Mr. Begley made a motion, seconded by Mr. Flory, to ratify approval of the engagement letter with Ballard Spahr for checking into procurement issues on the Downtown Streetscape Project being funded by PennDOT. The motion carried unanimously.

List of Bills Payable – July 30, 2015 and August 4, 2015

Mr. Flory made a motion, seconded by Mr. Smith, to approve the List of Bills Payable and to ratify expenditures and payroll made through 08/04/15 as submitted; the motion carried unanimously.

Adjournment

With no further business, Mr. Begley made a motion, seconded by Mr. Flory, to adjourn the meeting at 10:59 p.m.; the motion carried unanimously.

James S. Phillips, Secretary