

East Stroudsburg Borough, August 28, 2014

A regular meeting of the East Stroudsburg Borough Council was held at the Municipal Building on Thursday, August 28, 2014. The following members were in attendance: Peter Begley (arrived 8:15 p.m.), Roger DeLarco, Edward Flory, Richard Smith, William Reese, and Sonia Wolbert. Also attending were: Mayor Armand M. Martinelli; Manager James S. Phillips; Solicitor John C. Prevoznik; DPW Director Steven DeSalva; Codes Official Marviin Walton; and Stroud Area Regional Police Lieutenant Kevin Transue.

Call to Order/Pledge of Allegiance – President DeLarco

President Roger DeLarco called the meeting to order at 7:30 p.m. The pledge of Allegiance was led by Michael Stettler.

Minutes of August 5, 2014 Regular Council Meeting

Mr. Flory made a motion, seconded by Mr. Smith, to approve the minutes of the August 5, 2014 regular meeting as submitted; motion carried unanimously.

SARPD Report

Lieutenant Kevin Transue of the Stroud Area Regional Police Department was present to answer any questions on the monthly Police Report for July 2014. Lt. Transue said two disruptive conduct reports were filed since the University students came back, for 219 Washington St. and 303 S. Courtland St. Lt. Transue reported that the Department has four new patrol officer hires; three full-time and one part-time. With the start-up of schools, the Department will have officers stationed at bus stops checking for violations on illegal passing of school buses.

Public Comments - Agenda Item

Maury Molin of 9 Pearl Street said he has a concern for bicyclists as there is a lot of people out there on bikes with the return of school and a lot of traffic.

Public Hearing on Proposed Ordinance No. 1289 Amending the Code of the Borough of East Stroudsburg, Chapter 150 Thereof Entitled Vehicles and Traffic, Revising Provisions Regarding Use of Parking Meter Bags for Contractor/Utility Work and Special Events

Mr. Reese made a motion, seconded by Mrs. Wolbert, to open a public hearing on the proposed Ordinance; motion carried unanimously. Mr. Prevoznik swore in James Phillips, Manager for the Borough, to provide testimony on behalf of the Borough.

Mr. Phillips stated notice of the public hearing on the proposed ordinance was published in the Pocono Record on August 12, 2014; the proof of publication was introduced as exhibit 1. The sign-in sheet for the public hearing was designated as Exhibit 2. Mr. Phillips said a copy of his letters transmitting an attested copy of the proposed ordinance to the Monroe County Law Library and to the Pocono Record, would be Exhibits 3 and 4. A complete copy of the Ordinance was introduced as exhibit 5.

Mr. Phillips said the proposed Ordinance amends Chapter 150 of the East Sgtroudsburg Code regarding Vehicles and traffic, revising provisions for use of parking meter bags for contractor or utility work, special promotions, special events, or for church services or funerals. The ordinance limits the number of bags that can be utilized to twenty at one time; and the per diem cost of meter bags is \$5.00 per meter per day. Upon question from Mr. Prevoznik, Mr. Phillips said these are changes from the existing ordinance provisions which limit the bags used to three-five per day, the current charge is \$3 per meter per day, and non-profit organizations are currently exempt entirely from the fee.

Mr. Prevoznik asked for questions or comments from Council? Mr. DeLarco said these new requirements do not specifically require, the University for example, to obtain meter bags for events on campus. Mr. Prevoznik asked for comments from the audience; no one signed the sheet to comment on the proposed ordinance. Mr. Prevoznik then asked that the exhibits be entered into the record for the hearing. Mr. Flory made a motion, seconded by Mr. Reese, to close the public hearing and reconvene the regular meeting; motion carried unanimously.

Proposed Ordinance No. 1289 Amending the Code of the Borough of East Stroudsburg, Chapter 150 Thereof Entitled Vehicles and Traffic, Revising Provisions Regarding Use of Parking Meter Bags for Contractor/Utility Work and Special Events

Mr. Flory made a motion, seconded by Mrs. Wolbert, to adopt proposed Ordinance No. 1289 as advertised; the motion carried unanimously.

Public Comments – New Business

Dr. Marcia Welsh, President of East Stroudsburg University, said that the University has a preliminary enrollment this Fall of approximately 6,800 students, which represents a stabilization in enrollment. The University has full occupancy of its residence halls, and recently requested that UPI, Inc. investigate long-term financing for possible construction of the next phase of the campus Housing Project initiated in 2010. Dr. Welsh said teams of University staff and students have been visiting homes adjoining the campus, 205 homes so far, distributing information and asking questions – and the feedback has been positive. Next week, ESU will be hosting the second annual Economic Development Conference with several top-notch speakers planned.

Mrs. Wolbert asked about student groups adopting streets in the Borough for litter cleanups. Mr. Phillips said at one point maybe ten University organizations were participating in the Adopt-A-Street Program; but he does not know how many of those groups are still continuing. Mr. Reese said the Student Ambassador Program was successful in the past; although there has not been a representative student from the University in the last several years. Dr. Welsh said the feedback from previous participants was not positive; the “Student Ambassadors” indicated they were often asked questions at Council meetings regarding campus finances and construction projects, etc., that they were not really in a position to answer. Dr. Welsh said the University will not be continuing that program.

Correspondence:

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

i. Church of St. Matthews – Letter request from Msgr. on behalf of the Church for four (4) additional handicapped parking spaces on Brodhead Avenue. Mr. Walton said the Vehicle and Traffic Code provisions allow for up to four handicapped parking spaces per block, on any street. Mayor Martinelli noted that there are no residences on this block of street – except for the Church rectory. After discussion, Mr. Reese made a motion, seconded by Mr. Flory, to approve the request by St. Matthews Church for additional handicapped parking spaces on Brodhead Avenue up to the four number limit; the motion carried unanimously.

ii. Public Employee Retirement Commission – 2014 Distress Level Determination for East Stroudsburg Pension Plan (administered by PMRS). Mr. Phillips said, upon question by Mr. DeLarco, that this “distress level” designation is no change from the previous in effect.

iii. R.K.R. Hess (UTRS) – 2014 Year Inspection Reports for East Stroudsburg Dam and Middle Dam. Mr. Phillips said these reports are available for public inspection.

iv. PA DCED – Application Schedule for 2014 CDBG Allocations. Mr. Phillips said 2014 applications must be submitted to PA DCED by January 3, 2015; and the anticipated amount that the Borough will receive is \$128,256, a slight increase over the 2013 year allocation.

## Reports

Mr. Reese asked about the status of paving contract. Mr. Phillips said the contractor, Hanson Aggregates, is supposed to come in tomorrow to do the paving. However, we will not be able to pave a portion of Lackawanna Avenue because UGI Gas Co. is replacing a section of old cast iron gasmain, and unfortunately, there will be a few excavations required in the new pavement too.

Mrs. Wolbert said the Revitalization meeting with the consultant is set for October 15, 2014; she is pleased with the positive response so far from people interested in participating.

Mr. Smith said something has to be done with the people operating a business out of a residence on N. Courtland St. Mr. Walton said he has issued an enforcement notice and will followup on this.

Mr. Phillips reported on the public meeting held by PennDOT on plans for the Exit 308 of Interstate 80 reconstruction project.

Mr. DeLarco commented that it is good that the DPW crew installed new crosswalk markings at various intersections; the new markings are much more visible and there is heavy pedestrian traffic along Brown Street.

Mr. Flory noted that the School District has a crossing guard stopping traffic on East Broad St. at Warren St. at the J.M. Hill School; however, there is no crosswalk designated at this intersection.

## List of Bills Payable – August 28, 2014

Mr. Reese made a motion, seconded by Mr. Flory, to approve the List of Bills payable and to ratify payroll and expenditures made to date; the motion carried unanimously.

## ADA Accessibility Improvements Needed - Loder Building/N. Kistler St. Parking Lot

Mr. Phillips said he had R.K.R. Hess look at the sidewalk access to the rear of the Loder Building. Many senior citizens attending the County Senior Center are delivered by shared ride bus, or park in the Kistler St. lot, and use the rear entrance. The sidewalk has several slabs that need replaced and ADA ramps are needed at Yetter St. Mr. Prevoznik suggested that since the Building is leased to the County for \$1/year, and they typically have paid for any improvements to the building, they should also be responsible for any sidewalk replacements necessary.

## Bids for Solid Waste Collection and Disposal for 2015 Year

Mr. Phillips suggested that Council may want to hold a public meeting on proposed changes to the garbage collection contract specifications – specifically, a change from the current unlimited service to a limited-type service. Mr. Flory made a motion, seconded by Mr. Reese, to authorize advertising a public hearing on the garbage collection requirements as suggested for September 16, 2014; the motion carried unanimously.

## Sewage Plant Permits

Mr. Prevoznik said the Borough is filing an application with the Delaware River Basin Commission (DRBC) to update their docket for our Sewer Plant. We have received proposals from Smithfield Township and Stroud Township to consider adding additional future service areas within the Townships, that may be included in the application to the DRBC. Also, we are looking at the possibility of handling septage at the STP; but again a service area has to be identified for the DRBC application. We are not committed on either issue at this point. The issue will be, what requirements may the DRBC impose on the Borough in the new Sewer Docket?

After discussion, Mr. Reese made a motion, seconded by Mr. Flory, to enter into negotiations with Smithfield Township for defining an additional future sewer service area in the Township that the Borough may provide treatment services for; the motion carried unanimously. Mr. Flory made a motion, seconded by Mr. Smith, to enter into negotiations with Stroud Township for defining an additional future sewer service area in the Township that the Borough may provide treatment services for; the motion carried unanimously.

#### Employee Certifications/Retirement

Mr. Phillips reported that Guy Brink, Sewer Plant Maintenance employee, has passed the exam for Wastewater Operator for the STP. Also, William Miller, Maintenance and Utility Worker, has passed the exam for Water Distribution System certification. John Wisegarver, Asst. to the Manager for Public Works, will be retiring after the swim pool closes for the summer.

#### Alarm System Monitoring Costs

Mr. DeSalva reported that the Borough will be incurring additional costs to have our various facilities monitored since the Monroe County Control Center (MCCC) will not be handling alarms after Dec. 31<sup>st</sup> of this year. He and Mr. Phillips have been meeting with Royal Security to obtain proposals for monitoring Borough facilities, including several which are not monitored now. Mr. DeLarco suggested that we also may want to include installation of video cameras at certain locations.

#### Repairs to East Stroudsburg Flood Protection Project

Mr. Phillips reported that the contractor for the U.S. Army Corps of Engineers has substantially completed the repair work on the levee at two locations; the Borough is paying for 20% of the cost.

#### Notice from MCCC – Disposal of Surplus Radio Console Equipment

Mr. DeLarco said he had suggested that the MCCC offer any equipment it no longer needs to the owner municipalities. We have received notice on the radio console equipment. Mr. Begley made a motion, seconded by Mr. Flory, to respond to the MCCC that the Borough is not interested in this particular equipment being disposed of; the motion carried unanimously.

#### University Properties, Inc./East Stroudsburg University – Phase II Housing Project

Mr. Phillips said he attended a public hearing this afternoon at the University where the UPI/ESU application for financing through the U.S. Department of Agriculture was discussed. Mr. Phillips said he did comment, that UPI/ESU has several items from the original Development Agreement for the first phase of the project that have not been completed and/or are not in compliance. Mr. Walton said he is drafting a letter to ESU that addresses those points.

#### Street Art Project – September 27, 2014

Mrs. Wolbert reported that the kickoff for the next phase of the street art project, in Stroudsburg and East Stroudsburg, will occur on Saturday Sept. 27, 2014. SROSRC is also holding a chili cook-off that afternoon from 3-6 p.m.

#### Report by DPW Director Steven DeSalva

Mr. DeLarco noted the detailed report submitted by Mr. DeSalva on his activities, and asked Council to review and if they have any questions, to mention them Tuesday.

### Committee for Review of Delinquent Claims

Mr. DeLarco said he, Mr. Phillips, and Mr. Prevoznik had met concerning the amount of delinquent water, sewer, and garbage charges that are outstanding; and the recommendation is that a Committee of Council be set up to establish guidelines for collection efforts on behalf of the Borough. Mr. DeLarco asked Mrs. Wolbert to serve on that Committee because of her experience in the real estate industry. Mr. Prevoznik said there are different collection options for the Borough to pursue, and each case may need to be considered individually depending on the circumstances; but the bottom line is that the Borough can not provide services for free – all customers must pay.

### Cable TV Franchise Agreement Renewal

Mr. Phillips said the Cohen Law Group has been negotiating with Blue Ridge Communications on renewal of the existing franchise agreement for the Borough, along with three other municipalities. Mr. Phillips said he has just received a draft of the new proposed agreement but has not reviewed it yet.

### Organization Chart for the Borough

Mr. DeLarco noted the re-draft of the Borough Organization Chart that he had asked Mr. Phillips to update, and asked Council members to review and bring any comments on it to the next meeting.

### Executive Session

Mr. Flory made a motion, seconded by Mrs. Wolbert, to adjourn into executive session at 9:10 p.m.; the motion carried unanimously.

Mr. Reese made a motion, seconded by Mr. Begley, to reconvene into regular session at 9:52 p.m.; the motion carried unanimously. Mr. Prevoznik said the executive session was held to discuss several litigation matters, with no action taken.

### Adjournment

With no further business, Mr. Flory made a motion, seconded by Mr. Begley, to adjourn the meeting at 9:54 p.m.; the motion carried unanimously.

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James S. Phillips, Secretary