

East Stroudsburg Borough, December 2, 2014

A regular meeting of the East Stroudsburg Borough Council was held at the Municipal Building on Tuesday, December 2, 2014. The following members were in attendance: Peter Begley, Edward Flory, Roger DeLarco, William Reese, Richard Smith, and Sonia Wolbert. Also attending were: Mayor Armand Martinelli; Manager James S. Phillips; Solicitor John C. Prevoznik; Codes Official Marvin Walton; DPW Director Steven DeSalva; and Engineering Representative Samuel D'Alessandro of R.K.R. Hess Associates, Inc.

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 Brian Snapp.

Moment of Silence

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

Minutes of November 18, 2014 Regular Council Meeting

Mr. Reese made a motion, seconded by Mr. Flory, to approve the minutes of the November 18, 2014 Regular Meeting as submitted; motion carried unanimously.

Public Hearing on Proposed FY 2014 Community Development Block Grant Program

Mrs. Wolbert made a motion, seconded by Mr. Flory, to open a public hearing on the proposed 2014 CDBG Program as advertised; motion carried unanimously. Karen Parish of Mullin & Lonergan Associates, Inc., community development consultants for the Borough, was present and addressed Council. Ms. Parish said this hearing on the 2014 CDBG program is late because PA DCED was late in determining the allocations to municipalities this year. The amount the Borough is to receive is up slightly, to \$128,256. With this year's funding, the Borough is trying to replace an aging, under-sized waterline on Elizabeth Street. However, we are waiting on DCED to approve the survey methodology for conducting income surveys to determine if the street is eligible for the planned work. If the surveys demonstrate that the area served is income-eligible, then the Borough will also have to use FY 2015 funds because of the cost of the project.

DCED is still requiring counties to administer the CDBG monies for municipalities under 10,000 population, starting with the FY 2015 allocations. The Redevelopment Authority of Monroe County (RAMC) administers the Monroe County funds. Mr. DeLarco asked if RAMC will charge for their services? Mrs. Parish said yes, from CDBG funds allocated for administration. Mr. DeLarco asked if the Borough will have the option to become a direct entitlement community? Mrs. Parish indicated yes; but then the Borough would be responsible for major additional requirements/costs to administer the program. Mr. DeLarco asked if CDBG funds could be used for updating the municipal Comprehensive Plan? Mrs. Parish said yes; again, from administration funds which are limited to 18% of the annual allocation. Mr. DeLarco asked for questions from the audience.

Gary Walck asked if grant funds typically require a local match? Mrs. Parish said CDBG funds do not require a local match; although other program may require a match.

Maury Molin asked about the process for doing a comprehensive plan? Mrs. Parish said the process can vary among municipalities, but is usually assisted by a consultant.

With no further questions, Mr. Reese made a motion, seconded by Mr. Flory, to adjourn the public hearing; motion carried unanimously.

Public Hearing on Proposed Ordinance No. 1292 Amending the Code of the Borough of East Stroudsburg, By Repealing Various Obsolete or Unused Chapters Including Chapter 9 Entitled Educational Service Agency; Chapter 43 Entitled Recreation Board; Chapter 106 Entitled Moving Permits; and Chapter 109 Entitled Noise

Mrs. Wolbert made a motion, seconded by Mr. Begley, to open a public hearing on the proposed Ordinance No. 1292 as advertised; motion carried unanimously. Mr. Phillips said notice of the hearing on the proposed ordinance was advertised in the *Pocono Record* on November 24, 2014, and an attested copy was also sent to the *Record* and the County Law Library. Mr. Phillips explained that this proposed ordinance will repeal several old, out of date, or unused Code Chapters, as previously discussed.

Mr. DeLarco asked for comments from Council, or the audience; there was none. Mr. Flory then made a motion, seconded by Mr. Begley, to close the public hearing on proposed Ordinance No. 1292; motion carried unanimously.

Public Hearing on Proposed Ordinance No. 1293 Amending the Code of the Borough of East Stroudsburg, Chapter 150 Thereof Entitled Vehicles And Traffic; Adding Additional Prohibitions to No Parking at Any Time For Section 150-68, and Revising Parking Restrictions on Chestnut Street

Mr. Flory made a motion, seconded by Mr. Reese, to open a public hearing on the proposed Ordinance No. 1293 as advertised; motion carried unanimously. Mr. Phillips said notice of the hearing on the proposed ordinance was advertised in the *Pocono Record* on November 24, 2014, and an attested copy was also sent to the *Record* and the County Law Library. Mr. Phillips explained that this proposed ordinance will add no standing, waiting, or stopping to the prohibited no parking areas outlined in Chapter 150-68 of the East Stroudsburg Code. The particular area of concern is in front of J.M. Hill School. The ordinance will also add a parking prohibition on Chestnut St. at its intersection with E. 3<sup>rd</sup> Street. Mr. DeLarco asked for comments from Council, or the audience.

Troy Nauman said he has noticed that parking is an issue at this intersection.

Maury Molin said postal trucks and delivery trucks are the worst violators of the parking prohibitions at J.M. Hill School.

With no further comments, Mrs. Wolbert made a motion, seconded by Mr. Flory, to close the public hearing on proposed Ordinance No. 1293; motion carried unanimously.

Brian Snapp – short presentation on drone video of Terra Greens Golf Course property

Brian Snapp presented a 6 minute video presentation, taken by drone, of the Terra Greens Golf Course layout. Bryan Zukowski said the video can be placed on the golf course (and Borough) website for prospective customers. Mr. Snapp is not charging the Borough, but they hope to use the video to sell their services to other golf courses and businesses.

Public Comments - Agenda Items

None.

Resolution No. 34-2014 – Approval of Proposed 2014 Community Development Block Grant (CDBG) Program

Mr. Flory made a motion, seconded by Mr. Reese, to adopt proposed Resolution No. 34-2014 approving the proposed FY 2014 CDBG Program and authorizing its submittal to PA DCED, as advertised. The motion carried unanimously.

Proposed Ordinance No. 1292 Amending the Code of the Borough of East Stroudsburg, By Repealing Various Obsolete or Unused Chapters Including Chapter 9 Entitled Educational Service Agency; Chapter 43 Entitled Recreation Board; Chapter 106 Entitled Moving Permits; and Chapter 109 Entitled Noise

Mr. Flory made a motion, seconded by Mr. Begley, to adopt proposed Ordinance No. 1292 as advertised. The motion carried unanimously.

Proposed Ordinance No. 1293 Amending the Code of the Borough of East Stroudsburg, Chapter 150 Thereof Entitled Vehicles And Traffic; Adding Additional Prohibitions to No Parking at Any Time For Section 150-68, and Revising Parking Restrictions on Chestnut Street

Mr. Reese made a motion, seconded by Mr. Flory, to adopt proposed Ordinance No. 1293 as advertised. The motion carried unanimously.

Authorize Rescheduling of 2<sup>nd</sup> regular Council Meeting for December

Council members discussed rescheduling the meeting from December 16<sup>th</sup> to Thursday, December 18<sup>th</sup>, as 9:00 a.m. Mr. Begley made a motion, seconded by Mr. Reese, to authorize rescheduling the 2<sup>nd</sup> regular December meeting to 12/18/14 at 9:00 a.m. The motion carried unanimously.

Proposed 2015 Year Budget for Monroe County Control Center (MCCC)

Mrs. Wolbert made a motion, seconded by Mr. Begley, to approve the proposed 2015 Budget for MCCC as submitted to the municipalities. The motion carried unanimously.

Proposed 2015 Year Budget for Stroud Area Region Open Space and Recreation Commission (SROSRC)

Mrs. Wolbert made a motion, seconded by Mr. Begley, to approve the proposed 2015 Budget for SROSRC as submitted to the municipalities. The motion carried unanimously.

Proposed 2015 Year Budget for Stroud Area Regional Police Department (SARPD)

Mr. Begley made a motion, seconded by Mrs. Wolbert, to approve the proposed 2015 Budget for SARPD as submitted to the municipalities. The motion carried unanimously.

Proposed Ordinance No. 1294 Amending the Code of the Borough of East Stroudsburg, Chapter 134 Entitled Solid Waste, Article III, Solid Waste User Fees; Decreasing the Annual Solid Waste Fee Charged to Residences

Mr. Phillips reviewed the calculation of the annual solid waste fee, charged to residences required to participate in the Borough solid waste collection programs, to recover the costs of garbage collection and disposal and recycling collection and processing. The estimated cost for the 2015 year comes out to just under, and rounded up to, \$265. The amount would be payable at discount for \$250.00. This is a reduction from the 2014 year charge of \$285.00. After discussion, Mr. Begley made a motion, seconded by Mrs. Wolbert, to authorize advertising a public hearing on the proposed ordinance as submitted. The motion carried unanimously.

Proposed 2015 Year Borough Budget for All Funds

Mr. Phillips reviewed revisions to the proposed Budget he had submitted to Council, based on Council discussions at the budget work session meetings. The Water Fund now shows an additional \$200,000 in water rents income based on Council's intent to increase water rates. Also, the amount of transfer from Water Fund to the General

Fund has been increased by \$100,000 to \$622,000. Mr. Phillips warned that this transfer amount represents almost 39% of Water Fund revenues, and is not sustainable.

Mr. Phillips said the Water and Sewer Fund Budgets have been revised to show allocation of the costs for the required Pension Fund contribution, to come partially from these Funds instead of all from the General Fund. Also, the Sewer Fund shows transfers to the Capital Improvement Fund to pay for several DPW equipment items that otherwise would be paid for from the General Fund. The net result is to increase the projected fund balances in the Water Fund and Sewer Fund.

Mr. Phillips said he revised the General Fund Budget to reflect additional revenues to be recognized from setting the annual solid waste fee at \$265 per year, which still represents a reduction from the rate this year at \$285. Also, the millage rate for general purposes in the General Fund has been revised to maintain the current rate at 19.2 mills, as Council directed. Along with the other changes, the net result is basically no change in the projected year-ending fund balance in the General Fund, compared to the initial proposed Budget. However, Mr. Phillips stated that it is his belief that Council is making a mistake by not increasing the General Fund millage rate moderately, because of the fundamental imbalance between revenues and expenses in the General Fund that Council has not addressed. Mr. Phillips said with this Budget he believes that the Borough will have difficulty funding the Regional Police Budget for 2016, because we know from the recent presentation by the SARPD Task Force that those costs will continue to increase.

Mr. Phillips said Council must publish a notice of availability of the proposed budget for public inspection, and must allow for ten (business) days for such review. After brief further discussion, Mr. Begley made a motion, seconded by Mrs. Wolbert, to authorize advertising the availability of the proposed budget, as revised; with final action on the budget on December 18, 2014. The motion carried unanimously.

#### Proposed Ordinance No. 1295 Fixing the Real Estate Tax Millage Rate for 2015 Year

Mr. Begley made a motion, seconded by Mrs. Wolbert, to authorize advertising a public hearing on the proposed real estate tax ordinance, based on maintaining the current millage rates of 19.2 mills for general purposes and 2.3 mills for debt service; for a total millage rate of 21.5 mills. The motion carried by a vote of 5-1, with Mr. Flory voting no.

#### Resolution No. 35-2014 Adopting Proposed Five Year Capital Improvement Program for 2015-2019 Years

Mr. Flory made a motion, seconded by Mrs. Wolbert, to adopt proposed Resolution No. 35-2014 as submitted; the motion carried unanimously.

#### Resolution No. 36-2014 Establishing Employee Contribution Rate to PMRS Pension Plan for 2015 Year

Mr. Phillips said the Resolution will fix the employee contribution rate to the Pension Plan for the 2015 Year at the maximum rate allowed under the Plan, at 3.5%. Mrs. Wolbert made a motion, seconded by Mr. Begley, to adopt proposed Resolution No. 36-2014 as submitted; the motion carried unanimously.

#### Proposed Schedules for Recycling – 2014 Christmas Tree Pickups and 2015 Year Yard Waste Collection Program

Mr. Phillips said the first yard waste pickup dates for 2015 are two weeks later than the schedule from this year. Mr. Flory made a motion, seconded by Mrs. Wolbert, to approve the proposed schedules as submitted; the motion carried unanimously.

#### Establish Regular Meeting Schedule for 2015 Year

After discussion, Mr. Reese made a motion, seconded by Mr. Begley, to maintain

the same meeting schedule for the 2015 year: Regular meetings on the 1<sup>st</sup> and 3<sup>rd</sup> Tuesdays at 7:30 p.m. (except for June, July, and August when on the 1<sup>st</sup> Tuesday will be held); and Committee Meetings on the last Thursday of each month at 7:30 p.m. The motion carried unanimously.

#### Public Comments – New Business

Troy Nauman asked about procedures for shutting off water for delinquency. Mr. Prevoznik said there is a specific procedure that must be followed, particularly if tenants are involved; because the Tenant's Rights Utility Act must be complied with.

#### Correspondence:

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

- i. Monroe County – Request for Municipal Donation to Support Vector Control Program
- ii. Donald Cross – Letter of Intent to fill Vacancy as Alternate on Zoning Hearing Board. Mr. Walton said Mr. Cross had attended the last Zoning Hearing Board Meeting and expressed interest in serving.
- iii. RKR Hess, Division of UTRS – Investigation of reported “boil” at East Stroudsburg Dam. Mr. DeLarco asked if there are concerns with the alleged boil? Mr. D'Alessandro said his concern is that there is a lot of water, considering how dry it has been everywhere this Fall; further investigation is warranted.
- iv. Schoonover & Vanderhoof, LLC – Review of Bid from Nauman, Inc. for Roof Replacement at Dansbury Park Pool Bathhouse. Mr. Phillips said this item should be discussed in executive session.
- v. Bricktown, LLC – Rezoning Request for property along N. Courtland St. and Chestnut Street. Mr. Nauman who was present, briefly explained his rationale for requesting the rezoning, having recently acquired the former Zacharias properties including the business. Mr. Walton said we would normally refer this request to the Borough Planning Commission for review and comment. Mr. Flory made a motion, seconded by Mr. Reese, to refer the rezoning request to the Planning Commission as recommended; the motion carried unanimously.
- vi. RKR Hess, Division of UTRS – Consulting Services Agreement for Design, Permitting, and Bidding – for the Elizabeth St. waterline project. Mr. Phillips said this work will still come under the RFP for engineering services that was approved for RKR Hess, because we will be using 2014 CDBG funds.
- vii. Madeline Ricketts, 20 Oak Leaf Lane – Invoice for delinquent Solid Waste Fees. Mr. Flory noted this letter should be included in correspondence, and made a motion, seconded by Mr. Begley, to authorize sending a letter in response to Ms. Ricketts again explaining that the solid waste bill is due and payable for this property. The motion carried unanimously.

#### Reports

Mr. DeSalva reported on ongoing efforts by the Brodhead Creek Regional Authority (BCRA) personnel to plan repairs to the emergency interconnection waterline over the Veterans Bridge, that was damaged recently.

Mr. Walton reported on citations filed against violators who did not clear snow and ice from sidewalks from the Thanksgiving Eve snow event. Mr. Walton also said he had filed against the property owner bringing in refuse to the vacant residence on Lackawanna Avenue. Discussion was held concerning using the part-time parking enforcement personnel to help enforce these type matters. Mr. DeLarco questioned whether the owner renovating the old Flory residence on North Courtland St. had obtained permits? Mr. Walton said they are currently only doing demolition, but have been in to discuss obtaining the necessary building permits for the actual renovations.

Mr. D'Alessandro reviewed his written Engineer's Report previously submitted to Council.

Mr. Reese reported on the building security committee, which will be meeting tomorrow at noon.

Mayor Martinelli asked if the Recycling Center is still accepting electronics items? Mr. Phillips said yes, they have received quite a number. Mr. Martinelli said many people are still putting TV's out for the garbage.

Mrs. Wolbert reported that the Revitalization Committee has received the draft report from the consultant who was here in October.

Mr. DeLarco reported on the following:

- The ECA tree lighting will be held on Saturday December 13, 2014.
- An ECA fundraising event will be held Wednesday, December 17, 2014 at the Depot with display of previously non-shown art from private collections.
- He received a notification from the Police Department concerning a meeting of the Committee to address the panhandling issue.
- The Lien Committee met on 11/24/14 with a representative from the software vendor, and will be proceeding to plan for automating collection efforts.
- Council met again and is working on the Manager's evaluation.

Mr. Prevoznik reported on the easement requested by Met-Ed in order to provide 3 phase electric service to the renovated Pub 199 on Route 447. He passed out copies of the short form easement agreement provided by Met-Ed, and the longer form agreement he had prepared to define the easement to be granted by the Borough. Mr. Prevoznik said Council can choose to sign the Met-Ed form if they like – to allow Pub 199 to get their power – but he recommends the form he has prepared for the Borough. After discussion, Mr. Flory made a motion, seconded by Mr. Reese, to approve the proposed easement form prepared by Mr. Prevoznik, and to so notify Met-Ed. The motion carried unanimously.

#### List of Bills Payable – December 2, 2014

Mrs. Wolbert made a motion, seconded by Mr. Reese, to approve the List of Bills Payable and to ratify expenditures and payroll made through 12/02/14 as submitted; the motion carried unanimously.

#### Executive Session

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

At 10:29 p.m. Council members reassembled in the meeting room, and Mr. Flory made a motion, seconded by Mrs. Wolbert, reconvene the public meeting; the motion carried unanimously. Mr. Prevoznik said the executive session was held to discuss a potential litigation matter - no decisions were made.

#### Bid from Nauman, Inc. for Roof Replacement at Dansbury Park Pool Bathhouse

Mr. Reese made a motion, seconded by Mr. Flory, to reject all bids received for the roof replacement project; the motion carried unanimously.

#### Adjournment

With no further business, Mr. Flory made a motion, seconded by Mr. Begley, to adjourn the meeting at 10:30 p.m.; the motion carried unanimously.

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James S. Phillips, Secretary