

East Stroudsburg Borough, February 18, 2014

A regular meeting of the East Stroudsburg Borough Council was held at the Municipal Building on Tuesday, February 18, 2014. The following members were in attendance: Peter Begley, Roger DeLarco, Ed Flory, William Reese, Sonia Wolbert, and newly-appointed Councilman for the Sixth Ward, Richard Smith. Also attending were: Manager James S. Phillips; Solicitor John C. Prevoznik; Engineering Representative Samuel D'Alessandro of R.K.R. Hess Associates, Inc.; Codes Official Marvin Walton, and Stroud Area Regional Police Department Captain Brian Kimmins.

Call to Order/Pledge of Allegiance – DeLarco

President Roger DeLarco called the meeting to order at 7:31 p.m. Brian Kimmins led the pledge of allegiance.

Minutes of Jan. 30, 2014 Special Council Meeting and February 4, 2014 Regular Meeting

Mr. Reese made a motion, seconded by Mr. Flory, to approve the minutes of the special Council meeting held January 30, 2014 as submitted; the motion carried unanimously.

Mr. Flory made a motion, seconded by Mr. Begley, to approve the minutes of the regular Council meeting held February 4, 2014 as submitted; the motion carried unanimously.

Stroud Area Regional Police Department Report

Captain Brian Kimmins reported that the last month was relatively quiet; overtime hours were higher due to the Department's manpower limits. Mr. Flory asked if there were any "issues" downtown? Capt. Kimmins said, not recently. Mr. Begley asked if SARPD is preparing for the next "Barstool Blackout" event at the Sherman Theater? Capt. Kimmins said, as much as they can. Mr. Phillips said he was glad to see that the camper truck parked along the road on Maple Avenue had finally been moved into the driveway. Capt. Kimmins said he was not aware who had prompted that move.

Public Comments - Agenda Items

Angelo DeLeon of 237 East Broad Street said Gay Street is in need of repair, and the pavement is broken up in places. Mr. Phillips said staff will have to take a look at the road when better weather permits.

Krystal Vega said she continues to have a problem with parking on Fairview Street. She lives at 66 Prospect Street which has no off-street parking. Her roommate has parking tickets, so she has been unable to obtain her Residential Parking Permit. She feels that is unfair, because she has not had ticket up until now. Mr. Prevoznik said that is how the ordinance is written; the landlord is responsible for seeing which tenant(s) gets the parking permits and the Borough doesn't want to issue permits to tenants who are not obeying the parking regulations. Mr. Begley said he agrees with Crystal that it is unfair to her.

Sonya Cole said she is a landlord, and does not know if her tenants have parking tickets.

Mr. Reese asked if the ordinance permits people with parking tickets to enter into a payment plan? Mr. Walton said yes.

Ridgeway Street Bridge Weight Limit – Rep. Mario Scavello

Rep. Scavello said the same situation existed in Mt. Pocono with the Fairview Ave. bridge that had been closed for many years. With this bridge, the goal should be to obtain the funding to replace the bridge. The Ridgeway St. bridge is very similar in length to the Fairview Ave. bridge. Rep. Scavello said his office would coordinate a meeting with PennDOT, the Railroad Authority, and the Borough. Mr. DeLarco noted that we should try to expedite this work, since it will be problem if the widening work on I 80 occurs at the same time when this bridge needs replaced.

Further Discussion on Permit Parking Regulations

Mr. Phillips reviewed the recent history of the Ordinance amending the Permit Parking regulations. Mr. Walton reviewed the proposed changes to the Ordinance as discussed by the Committee of Council that met last week:

- two parking permits per residence will be issued.

- One Visitor pass will be issued per residence.
- There will be one hour “free” or unrestricted parking within the Permit Parking District.
- The penalty for parking in the District without a permit, or abusing use of a Visitor Pass; will be an \$80 fine – up from \$30.
- A procedure will be in place for a property owner to request a third Permit, if they can show they are unable to construct parking on their property.

Mr. DeLarco asked how will a violation of use of Visitor Pass be enforced? Mr. Walton said the same was as now; the PEO will have to monitor if the same vehicle is using a Visitor Pass over more than a few days. Mr. Reese said this will require increasing the Parking Enforcement staff.

Mr. Begley asked for the definition of “unable to construct parking on property? Mr. Walton said he had incorporated language from the Zoning Code for zoning variances; the applicant must show due to the physical limits of the property that there is no ability to construct off-street parking.

Mr. Begley also questioned increasing the fine to \$80? Mr. Walton said this should serve as a deterrence to someone parking without a permit in these areas.

Mr. Prevoznik noted that the Committee had also discussed limiting the Visitor Pass to the street of residence.

Mr. DeLarco said he does not think that Council should decide whether to grant an additional permit. Mr. Prevoznik said Council has to trust the staff to administer this properly; or staff could make the determination and any appeals could go to Council.

Mayor Martinelli said he still believes that two permits per residence are not enough, and he would be in favor of issuing three.

Sonya Cole said three is a “nice compromise”, and will show residents of the Borough that Council is trying to address this issue on their behalf.

Mr. Martinelli asked about the situation with a person denied a permit because of another tenant having outstanding parking tickets? He said that situation should be addressed, too.

Mrs. Wolbert said if a payment plan for tickets is available, that should address that situation. Mr. Prevoznik reminded all that the concept is based on permits being tied to the dwelling unit.

After further discussion, Mr. Reese made a motion, seconded by Mr. Flory, to authorize advertising a proposed ordinance to further amend the Permit Parking regulations as discussed and previously recommended by the Council Committee; with the following changes:

- three (3) permits shall be issued per residence.
- the Visitor pass issued to a residence shall be limited to that street of residence.

Mr. Flory made a motion, seconded by Mr. Begley, to authorize advertising a public hearing on the proposed ordinance at the March 4, 2014 Council meeting, if possible. The motion carried unanimously.

Proposed Parking Plan for Extended American Freedom Festival at Dansbury Park over the Independence Day Weekend – July 5-7, 2014 – Eastburg Community Alliance (ECA)

Sonya Cole said she had met with Mr. Reese concerning plans for the July 4th Weekend, concerning handling parking at Dansbury Park. The plan is to restrict parking only in the portion of the parking lot closest to the pavilion. Mrs. Cole said the rides vendor will split the cost of providing security at the Park with ECA. After discussion,

Mr. Begley made a motion, seconded by Mr. Flory, to approve the request by ECA to extend the Freedom Festival at Dansbury Park through the July 5-7 weekend; the motion carried unanimously.

Public Comments – New Business

None.

Correspondence

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

- i. A request to hold the Farmers Market again on Wednesday mornings at Miller Park, mid-May through October. Mr. Reese made a motion, seconded by Mr. Begley, to grant the request as submitted; the motion carried unanimously.

- ii. A letter from PennDOT announcing a Public Officials Meeting and Open House Plans Display for the proposed Interstate 80 Reconstruction Project – February 20, 2014 at Stroudsburg High School.
- iii. A letter from the Public Utility Commission concerning the weight limit posting for the “Iron Bridge” on SR 2014 (Ridgeway Street) over the railroad.

Reports

Mr. Reese wondered why cars were parked on Ransberry Avenue last weekend in violation of the snow emergency declaration regulations? Mr. Phillips mentioned that no penalty is listed in Chapter 150 of the East Stroudsburg Code for violation of the snow emergency parking restrictions, and there is no authorization for towing of vehicles for violations. Mr. Prevoznik said this can be remedied fairly quickly via an ordinance amendment.

Mayor Martinelli noted that is probably one reason we have purposely tried to avoid the snow emergency declarations – but asked about towing of vehicles for violations of “normal” parking violations? Mr. Prevoznik said the Code does allow for towing of vehicles for violations of Articles I and III of Chapter 150, Vehicles and Traffic.

Mr. Flory noted that volunteer firemen are now exempt from the requirements of the Affordable Care Act – “Obamacare”.

Mr. Martinelli noted that it would be helpful for the Borough to have a twitter account/be on Facebook – to help get out information like the snow emergency regulations to college students.

Mr. Martinelli also noted two large potholes on N. Crystal Street; and said he received a complaint from a resident who received a parking ticket, unjustly; and asked if there was still a procedure for someone to administratively “appeal” a parking ticket? Mr. Prevoznik said he would not recommend the Borough use an appeal process – a resident can always dispute the issuance of a parking ticket with the District Justice Office.

Mr. Martinelli said the owner/manager of the Pizza Hut across from East Stroudsburg South High School does not clear their sidewalks, and questioned whether the fine provided for in the ordinance provides enough of a disincentive for not complying? Mr. Walton said the Ordinance specifies a fine up to \$600; but it is up to the District Justice what fine he will impose for a violation. Mr. Smith said property owners have a responsibility to clear their sidewalks.

Mrs. Wolbert requested that Council support the Stroud Region Open Space and Recreation Commission in their efforts to encourage PennDOT to incorporate provision for greenways crossings in any plans for the widening/reconstruction of Interstate 80 through the Stroudsburg’s. After discussion, Mr. Begley made a motion, seconded by Mr. Reese, to endorse the plan by SROSRC for Greenways connections. The motion carried unanimously.

Mrs. Wolbert said she was contacted by Taylor Munoz of the Realtor’s Association about a new program for “Transforming Public Spaces into Community Places” and they want the Borough’s support. Mr. Begley made a motion, seconded by Mrs. Wolbert, to endorse the concept as requested; the motion carried unanimously.

Mr. Begley reported he had attended the Firemen’s meeting, and there are still issues with the new Fire Station Building. Rich Nadeau asked again about obtaining the 45’ ladder from the old Fire co. aerial truck, for use at the County Fire Training Academy. Mr. Flory made a motion, seconded by Mr. Begley, to donate a ladder from the old aerial truck for use at the Fire Training Academy as requested; the motion carried unanimously.

Mr. Phillips reported an issue with parking on Lenox Avenue between Elizabeth St. and Day St., which has been exasperated by the snow conditions; and recommends that parking be prohibited in this area. Mr. DeLarco suggested that an ordinance be prepared to address this situation. Mr. Reese said the residents in that area should be notified prior to Council taking any action on it.

Mr. DeLarco expressed appreciation for the flowers that were sent by the Borough to the funeral services for his father, who recently passed away in Florida.

Mr. DeLarco noted that the Committee of Council and Mayor will meet with Mr. Phillips to continue his Managerial Review; and he will appoint a “Bridge Committee” consisting of himself, Mr. Reese, and Mrs. Wolbert to handle discussions concerning the Ridgeway St. bridge over the railroad.

Mr. Walton reported that the East Stroudsburg Post Office Building was closed today, because of safety concerns due to the snow amounts on the roof. A structural engineer has been consulted on the matter.

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

List of Bills Payable – February 18, 2014

Mr. Reese made a motion, seconded by Mr. Flory, to approve the List of Bills Payable and to ratify payroll and expenditures made through February 18, 2014 as submitted; the motion carried unanimously.

Executive Session for Discussion of Litigation Matters

Mrs. Wolbert made a motion, seconded by Mr. Begley, to adjourn into executive session at 9:42 p.m.; the motion carried unanimously. At 9:46 p.m. Council members reassembled in the meeting room, and Mrs. Wolbert made a motion, seconded by Mr. Begley, to reconvene the public meeting; the motion carried unanimously. Mr. Prevoznik reported the executive session was held to discuss several litigation matters, and no decisions were made.

Adjournment

With no further business, Mr. Reese made a motion, seconded by Mrs. Wolbert, to adjourn the meeting at 9:50 p.m.; the motion carried unanimously.

James S. Phillips, Secretary