

East Stroudsburg Borough, January 19, 2016

A regular meeting of the East Stroudsburg Borough Council was held at the Municipal Building on Tuesday, January 19, 2016. The following members were in attendance: Donald Cross, Edward Flory, Roger DeLarco, Maury Molin, William Reese, and Sonia Wolbert. Also attending were: Mayor Armand M. Martinelli; Solicitor John C. Prevoznik; Manager James S. Phillips; Public Works Director Steven DeSalva; and Codes Official Marvin Walton.

1.

Call to Order/Pledge of Allegiance – President DeLarco

Mr. DeLarco called the meeting to order at 7:30 p.m. The Pledge of Allegiance was led by Jim Dailey.

Moment of Silence and Reflection

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

Minutes of January 4, 2016 Reorganization and Regular Council Meeting

Mrs. Wolbert made a motion, seconded by Mr. Flory, to approve the minutes of the January 4, 2016 Council meeting as submitted; the motion carried unanimously.

SARPD Report for Month of December 2015

Lieutenant Paul Gasper was present to answer any questions on the Police Report. Lt. Gasper said overtime costs were down for the month, and traffic contacts were up – reflecting that the Department is back closer to full staffing.

Harsco Industrial – Proposed Land Development Plan for industrial building addition off of Burson Street

Jim Dailey was present on behalf of the applicant, Harsco Industrial, concerning plans for a proposed addition to the Patterson-Kelly facility. The building addition will be offset by the demolition of an older part of the building; the net increase is 1,300 sq. ft. of new building. Mr. Dailey reviewed the comments from the Borough Engineer and noted that the applicant is seeking five (5) waivers from requirements of the SALDO (Subdivision and Land development Ordinance):

1. Waiver for applying for preliminary and final land development approval at same time.
2. Waiver from requirement for the number of new tree planted; since all improvements are within existing impervious areas and 37 new trees and shrubs will be planted.
3. Waiver from requirement that one tree be planted for every 3,000 sq. ft. of paved area; since all improvements are within existing impervious areas and 37 new trees and shrubs will be planted.
4. Waiver from requirement that any lot with more than 20,000 sq. ft. of paved area include planting islands; since all improvements are within existing impervious areas.
5. Waiver from requirement that a maximum of 15 continuous parking spaces be separated with a shade tree; since all improvements are within existing impervious areas and 37 new trees and shrubs will be planted.

Mr. Molin asked how many parking spaces are on the property now? Mr. Dailey replied 206 spaces. Mr. Molin asked if any trees are within the parking areas now? Mr. Dailey said no; but they are adding 37 trees and shrubs in the areas buffering Burson Street.

Mr. Flory asked if a list of trees and shrubs to be planted is provided? Mr. Dailey replied on page 6 of the plans. Mr. Flory reviewed the list and recommended that they not use yews and arbor vitae – because deer will devour them.

Mr. Cross asked how high will these trees grow? Mr. Dailey said the crabapple trees 20-30 ft. in height, and the arbor vitae 10-12 ft.

Mr. Prevoznik stated that a rededication of a portion of Burson Street needs to be done by Harsco; that should be a condition of approval. Also, all waivers granted should be shown on the plans.

Mr. D'Alessandro said his list of recommended conditions for approval is included in his review letter dated 1/12/16:

1. Finalize lot consolidation plan.
2. Solicitor to approve note 13 on the plans.
3. Quit claim deed for the outparcel needs to be filed.
4. Truck loading spaces shown on plan.
5. Letter to be provided regarding adequacy of sanitary sewer system on property.
6. Pins to be installed at property corners.
7. Rededication of a portion of Burson Street.
8. List of all nonconforming uses shown on the plans.
9. List SALDO waivers on plans.
10. Changes to the tree/shrub planting as discussed and agreed to by Harsco.

Mr. Prevozik said the waiver requests should be acted upon separately:

1. Mr. Reese made a motion, seconded by Mr. Flory, to grant the first waiver request from Section 140-9 as submitted and recommended; the motion carried unanimously.
2. Mr. Cross made a motion, seconded by Mr. Molin, to grant the second waiver request from Appendix C. Section A.9. as submitted and recommended; the motion carried unanimously.
3. Mr. Reese made a motion, seconded by Mr. Flory, to grant the third waiver request from Appendix C. Section A.10.a. as submitted and recommended; the motion carried unanimously.
4. Mr. Flory made a motion, seconded by Mrs. Wolbert, to grant the fourth waiver request from Appendix C. Section A.10.g. as submitted and recommended; the motion carried unanimously.
5. Mr. Molin made a motion, seconded by Mr. Flory, to grant the fifth waiver request from Appendix C. Section A.10.h. as submitted and recommended; the motion carried unanimously.

After discussion, Mrs. Wolbert made a motion, seconded by Mr. Flory, to grant approval for the proposed land development plans as submitted; subject to the previously listed conditions; the motion carried unanimously.

#### Public Comments – Agenda Items

None.

#### Action on Extension of Service Contracts for new one-year terms based on prior bid awards

Mr. Phillips said the Garbage Collection and Disposal contract with Waste Management of PA, Inc. was awarded based on bids received in October 2014 for a one-year period subject to granting of additional one-year extensions by Council. Waste Management has continued collecting the garbage. Mr. Flory made a motion, seconded by Mr. Molin, to ratify the contract extension with Waste Management for the 2016 year retroactive to 1/1/16; the motion carried unanimously.

Mr. Phillips said the contract for Sewer Plant Sludge Removal and Disposal was similarly awarded to J. P. Mascaro & Sons, Inc. in March 2015 for a one-year period subject to granting of additional one-year extensions by Council. Mr. Prevoznik noted that at the time of award, there was litigation between Mascaro and the Monroe County Municipal Waste Management Authority because Mascaro uses a landfill not designated by the County for all waste from Monroe County, as required. However, pending resolution of that litigation, Mascaro had agreed to pay the County per ton fee anyhow, and Mascaro also agreed to indemnify the Borough on this matter. The litigation still has not been resolved; therefore Mr. Prevoznik said he sees no reason not to extend the contract with Mascaro. Mr. Flory made a motion, seconded by Mrs. Wolbert, to authorize the one-year contract extension with J. P. Mascaro effective 4/1/16 based on the original bid prices; the motion carried unanimously.

Mr. Phillips said likewise the contract for Water Plant Sludge Removal and Disposal had been awarded to Rinehart's Sanitation Services for a one-year period subject to granting of additional one-year extensions by Council. Mr. Molin made a motion, seconded by Mr. Flory, to authorize the one-year contract extension with Rinehart's Sanitation Services effective 3/15/16 based on the original bid prices; the motion carried unanimously.

Action on Extension of Contracts for Purchase of Chemicals for new one-year terms based on prior bid awards

Mr. Phillips said contracts for various chemicals were awarded in February 2015 for a one-year period subject to granting of one-year extensions by Council; and the recommendation is to extend these contracts.

Mr. Reese made a motion, seconded by Mr. Flory, to authorize the one-year contract extension with JCI Jones Chemicals, Inc. effective 3/1/16 based on the original bid prices, for Chlorine for the Water Plant and Sewer Plant; the motion carried unanimously.

Mr. Molin made a motion, seconded by Mr. Cross, to authorize the one-year contract extension with George S. Coyne Chemical Co. Inc. effective 3/1/16 based on the original bid prices, for Sodium Zinc Phosphate for the Water Plant; the motion carried unanimously.

Mr. Cross made a motion, seconded by Mrs. Wolbert, to authorize the one-year contract extension with Univar USA, Inc. effective 3/1/16 based on the original bid prices, for Activated Carbon and Blended Phosphate for Water Plant; the motion carried unanimously.

Mr. Flory made a motion, seconded by Mr. Reese, to authorize the one-year contract extension with Main Pool & Chemical Co., Inc. effective 3/1/16 based on the original bid prices, for Caustic Soda for Water Plant and Sodium Hypochlorite for Water Plant and Swim Pool; the motion carried unanimously.

Resolution No. 7-2016 – Appointments to Zoning Hearing Board (ZHB)

Mr. Phillips noted that there are two vacancies on the Zoning Hearing Board as well as no Alternate members are available. Inquiries of interest have been received from David Rheinheimer of Braeside Avenue and Brad Ace of Fulton Street. Mr. Flory reminded that Ed Freeborn of S. Kistler Street has also expressed interest. Mr. Flory made a motion, seconded by Mr. Molin, to adopt proposed Resolution No. 7-2016 appointing David Rheinheimer to a five-year term on the ZHB expiring 1/1/21; appointing Ed Freeborn to the balance of a term on the ZHB expiring 1/1/18; and appointing Brad Ace as an Alternate Member of the ZHB for a three-year term expiring 1/1/19; the motion carried unanimously.

Request by Pocono Dulcimer Festival to purchase up to 40 parking meter bags - event 1/23/16

Mr. Flory said he has no problem with reserving 20 parking meters for this event, but not 40 – because what are other merchants supposed to do for parking? This is what Council had decided last year. After discussion, Mr. Molin made a motion, seconded by Mr. Flory, to reject the request for 40 parking meters to be reserved for this event – meaning they can purchase up to 20 meter bags. The motion carried unanimously.

Grant Agreement with PA Department of Community & Economic Development (DCED) for Façade Grant Funds for Eastburg Community Alliance (ECA)

Mr. Phillips said DCED has agreed to extend the grant period until June 30, 2016 to allow ECA to utilize façade grant funds remaining under the grant previously received by the Borough for ECA. Mr. Flory made a motion, seconded by Mr. Reese, to authorize execution of the one-year contract extension with DCED until 6/30/16; the motion carried unanimously.

### Appointment of Alternate Engineer for Borough

Mr. Phillips said Council had not appointed an Alternate Engineer at the Reorganization meeting. Gilmore Associates, Inc. had previously served in this capacity. Mr. Walton said he would like to contact several other firms within Monroe County, since Gilmore no longer has an office within the County. Mr. Reese made a motion, seconded by Mr. Cross, to table action on this matter; the motion carried unanimously.

### Authorize preparation and filing with DRBC of Emergency Management Plan for Sewage Treatment Plant

Mr. Phillips said the Delaware River Basin Commission (DRBC) had just last week sent the Borough their draft docket for our Sewage Treatment Plant; the draft docket is “not too bad” but does include a requirement for filing an Emergency Management Plan for the STP with DRBC. Mrs. Wolbert made a motion, seconded by Mr. Flory, to authorize Glace Associates, Engineers for the STP, to prepare the required Emergency management plan for the STP with the DRBC. The motion carried unanimously.

### Change Order to Nauman, Inc. for roof replacement work - removal of unused masonry chimney

Mr. Phillips said the old chimney has been identified as the source of some of the water leakage occurring at the Municipal Building and the recommendation is to remove it. Mr. Reese made a motion, seconded by Mr. Molin, to authorize Nauman, Inc. to remove the chimney prior to the roof replacement work at the quoted cost of \$2,256, as recommended; the motion carried unanimously.

### Proposed Ordinance Prohibiting the Use of Groundwater for Domestic, Potable, or Agricultural Purposes Within the Borough

Mr. Phillips reminded Council that one of the requirements for completion of remediation work at the former IBW property is for the Borough to adopt by Ordinance a Non-Use Aquifer Area designation, for either the area affected by groundwater from the IBW site - or the entire Borough.

### Request by Manager James Phillips to attend PELRAS Training at State College, March 16-18, 2016

Mr. Molin made a motion, seconded by Mr. Flory, to authorize the Manager to attend the PELRAS labor relations training as requested, with reimbursement of expenses in accordance with Borough travel policy. The motion carried unanimously.

### Public Comments – New Business

None.

### Correspondence

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

- i. Monroe County Vector Control Program – Thank you letter for donation.

### Reports

Mr. DeSalva reported that the O&M Manual for the Sewer Plant is almost complete and available for review. The O&M Manual for the Water Plant is probably 75% complete and is being finalized.

Mr. DeSalva said a meeting will be held tomorrow regarding the Security Upgrades at the Municipal Building. Mr. Cross asked how long will that work take? Mr. DeSalva said he thinks that the contractor has 90 days, after notice to proceed from the Borough.

Mr. Flory asked about the installation of signs on Sopher Street for the parking changes. Mr. DeSalva said he is meeting with Foreman Mark Hoke tomorrow and would find out the status.

Mr. Walton said he had solicited proposals from two parking management consulting firms, to conduct a peer review of the Borough's draft ordinance prepared by R.K.R. Hess Associates. He has received a proposal from Walker Associates, quoting a cost of \$8,000; the proposal from Trans Associates is to be received by the end of the week. After discussion, Mr. Flory made a motion, seconded by Mr. Molin, to authorize contracting with one of the firms based on the lowest anticipated cost, for performing the independent review of the Borough ordinance; the motion carried unanimously.

Mr. Reese asked about drafting an ordinance to regular carnivals in residential zones? Mr. Walton said the Planning & Zoning Committee would have to look at that issue. Mr. Reese also asked about the meeting to be held with SROSRC concerning the administration of recreation programming for Dansbury Park this summer.

Mr. D'Alessandro reviewed his written Engineer's Report previously submitted to Council. Mr. D'Alessandro noted that Russell Scott would be meeting with the Borough staff to review three alternatives for replacement of the section of water transmission line from the Water Plant that is exposed within Sambo Creek.

Mr. Prevoznik reported on the following:

- Closing was held 1/15/16 on the capital improvement loan financing with ESSA Bank & Trust.
- He will be conferencing with Atty. Chris Brown on various tax assessment appeals on behalf of the Borough and School District.
- Solicitor Weitzmann of SROSRC has prepared a draft license agreement with PA DEP concerning the use of the flood protection levee for recreation purposes.
- He is awaiting receipt of the signed Contribution Agreement for the "Iron Bridge".
- Regarding the DRBC docket for the Sewer Plant, there is a recommendation that the Borough conduct its own fish and microinvertebrate studies of the Brodhead Creek, through Joseph Gallagher. Mr. Flory made a motion, seconded by Mr. Reese, to authorize such studies by Mr. Gallagher as recommended; the motion carried unanimously.

Mrs. Wolbert said the Borough should pursue electronic filing of citations with the District Justice office; and made a motion, seconded by Mr. Molin, to request the Manager to prepare a report on same. The motion carried unanimously.

Mr. DeLarco asked the Manager to confirm whether the Personnel Committee of Council could meet with the Borough staff on Friday at 8:00 a.m.

Mr. Molin said he was approached concerning the lack of locations for area organizations to display banners over the streets, due to the removal of previous locations used previously. Mr. Phillips said the cable over N. Courtland Street near Cramers had been removed when utility poles were replaced along the High School property; the cable over Washington Street near ESSA Bank had broken recently. Mr. Prevoznik said PennDOT may not allow a new banner cable to be placed over a state highway. Mr. Molin asked that the inquiry be made with PennDOT as needed.

Mr. Phillips reminded Council of the photo opportunity with Pocono Medical Center on 1/25/16 to recognize the PMC contribution to the Fire Truck Replacement Fund. Also, action is needed on the Ordinance to establish a Joint Code Appeals Board with Stroudsburg Borough.

#### List of Bills Payable – January 19, 2016

Mr. DeLarco had several questions on the list of bills, which Mr. Phillips answered. Mrs. Wolbert made a motion, seconded by Mr. Flory, to ratify expenditures and payroll made through January 19, 2016 and approve the List of Bills Payable as submitted; the motion unanimously.

### Executive Session for Discussion of Litigation Matters

Mrs. Wolbert made a motion, seconded by Mr. Flory, to adjourn into executive session at 8:52 p.m.; the motion carried unanimously.

At 9:02 p.m. Council members reassembled in the meeting room, and Mr. Reese made a motion, seconded by Mr. Cross, to reconvene the public meeting; the motion carried unanimously. Mr. Prevoznik said the executive session was held to discuss a litigation matter; and no decisions were made.

### Approval of Repayment Agreements for Delinquent Water/Sewer and Garbage Fees

Mr. Flory made a motion, seconded by Mr. Reese, to ratify approval of the repayment agreement with Patricia Schmidt of 18 Elm Street for delinquent water/sewer and garbage charges. The motion carried unanimously.

### Adjournment

Mr. Flory made a motion, seconded by Mr. Molin, to adjourn the meeting at 9:04 p.m.; the motion carried unanimously.

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James Phillips, Secretary