

East Stroudsburg Borough, January 20, 2015

A regular meeting of the East Stroudsburg Borough Council was held at the Municipal Building on Tuesday, January 20, 2015. The following members were in attendance: Peter Begley, Roger DeLarco, William Reese, Richard Smith, and Sonia Wolbert. Ed Flory was absent. Also attending were: 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 7:35 p.m. The pledge of Allegiance was led by Brian Kimmins.

Moment of Silence

In accordance with the recent Resolution adopted by Council, a moment of silence and reflection was held.

Minutes of January 6, 2015 Regular Council Meeting

Mrs. Wolbert made a motion, seconded by Mr. Begley, to approve the minutes of the January 6, 2015 Regular Meeting as submitted; motion carried unanimously.

SARPD Report

SARPD Captain Brian Kimmins reviewed the Police Report for December 2014, and noted that several of the recent patrol officer hires are now more “on their own”, reflecting the increase in the number of contacts for the month.

Mr. DeLarco noted the signatures from residents, listed under correspondence, concerning the stray and feral cats issue and asked Capt. Kimmins to respond. Capt. Kimmins said the issue with feral cats is complex. Most animal shelters will not accept feral cats, and animal rights groups now are promoting the trap, neuter and return program for these animals.

Gary Walck of Fulton Street said there are more cats in the “flats” neighborhood than taxpayers. The main problem is fecal matter – something needs to be done. Perhaps we should start with the people who feed these animals – make them responsible. Also, the cats are getting into residents’ garbage cans and bags.

After further discussion, Capt. Kimmins volunteered to meet with Mr. Walck to discuss the issue further.

Public meeting for public input on two Proposed Ordinances

Mr. DeLarco noted that the Planning & Zoning Committee has been working on these two ordinances for many months now; but the issue goes back several years when Council had first received petitions from residents concerning the issue of tenants parking vehicles in the front yards of residences.

Mr. D'Alessandro reviewed the draft Ordinance amending the Zoning Chapter of the East Stroudsburg Code by adding new parking and driveway regulation requirements for existing residential uses. Mr. D'Alessandro's commented that:

- the ordinance really focuses on new requirements for *changes* in residential uses, such as increases in impervious area, increase in parking area, or major grading or construction work.
- the proposed ordinance provides reduced requirements for minor alteration work; such as repaving a driveway.
- more information is required for construction; plans must be prepared by a licensed Engineer.

Mr. D'Alessandro said specific requirements under the Ordinance include:

- limits on parking of vehicles in front yards.
- screening/buffer provisions to protect adjoining properties.
- minimum number of parking spaces per dwelling unit – (5).
- lighting, if installed, must comply with Zoning Code standards.

Mr. Begley questioned a provision limiting driveways on corner lots. Mr. D'Alessandro said driveways are normally limited close to intersections for safety reasons. Mr. DeLarco asked if Council members, or anyone had additional question? There were none. Mr. Reese made a motion, seconded by Mrs. Wolbert, to authorize advertising of a public hearing on the proposed ordinance to be held at the March 17, 2015 regular meeting at 7:30 p.m.; motion carried unanimously.

Mr. D'Alessandro reviewed the draft Ordinance amending the Streets and Sidewalks Chapter of the East Stroudsburg Code by adding additional/amending existing requirements for the repair, maintenance, and construction of curb and sidewalks. Mr. D'Alessandro commented that:

- the purpose of the ordinance is to set forth requirements for repair/replacement of sidewalks.
- specific requirements are stated for thickness, strength of concrete, standards for driveway crossings, etc.
- this ordinance also provides for reduced requirements for minor repairs, but more extensive requirements for new sidewalks – which are often proposed as part of a land development plan.

Mr. Reese asked what materials are required? Mr. D'Alessandro said asphalt can be used for temporary repairs to sidewalks only; permanent repairs must be concrete. Mr. Walton noted that this ordinance, because it is a stand-alone ordinance and does not amend the Zoning Code, does not require review and comment from the Planning Commission prior to adoption. Mr. Reese made a motion, seconded by Mr. Smith, to authorize advertising of a public hearing on the proposed ordinance to be held at the March 17, 2015 regular meeting at 8:00 p.m.; motion carried unanimously.

Public Comments - Agenda Items

None.

Discussion on forming an Audit Committee of Council

Mr. DeLarco said he had previously suggested formation of an Audit Committee of Council. Mr. Prevoznik said the Brodhead Creek Regional Authority (BCRA) recently set up one, and he has served on such a committee for the Delaware River Joint Toll Bridge Commission. Mr. Prevoznik distributed a draft “charter” for an Audit Committee, and noted that the primary role is financial oversight. It is a “good governance” issue. Mr. DeLarco asked Council members to review for discussion at the Committee meeting and possible action at the next regular meeting.

Construction of Walking Trail, Gregory's Pond Natural Area

Mr. Phillips said this project is being funded via two grants from Act 13 funds, one through Monroe County and one through PA Department of Conservation and Natural Resources. Mr. Begley made a motion, seconded by Mrs. Wolbert, to ratify advertising for bid proposals for construction of the new trail; subject to review by the Engineer of ADA requirements for such trails. The motion carried unanimously.

Request by Manager James Phillips to attend PELRAS Training at State College, March 18-20th

Mr. Reese made a motion, seconded by Mr. Begley, to authorize Mr. Phillips to attend the training conference as requested with reimbursement of travel expenses in accordance with Borough policy; motion carried unanimously.

Public Comments – New Business

None.

Correspondence

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

- i. Petition/Request from residents of 5th Ward concerning stray and feral cats
- ii. PA DCED – Response to Borough’s 2013 Year Survey of Financial Condition
- iii. SROSRC – Special Event Request Form/Procedure
- iv. PA DCED – Decision to require County Governments to administer CDBG funds for entitlement municipalities under 10,000 population effective for FY 2015.
- v. PA Municipal League (PML) – 32nd annual High School Senior Essay Scholarship Contest – “Civics and You”.
- vi. Mark A. Primrose, Esquire – Request for Inter-Municipal Transfer of Liquor License #R-1607 for Khan’s Mongolian Grill, LLC located in Eagle’s Glen Plaza.

After discussion, Mr. Reese made a motion, seconded by Mrs. Wolbert, to authorize advertising a public hearing on the liquor license transfer request to be held on February 17, 2015. The motion carried unanimously.

Reports

Mr. DeSalva reported on the following:

- Blue Ridge Communications installed cable internet service to the municipal building today; this will enable our existing DSL line to be used for wi-fi for the building..
- He submitted and received approval from PA DEP for a one-time grant to pay for the cost of televising the condition of storm sewer culverts through the flood protection levee.
- He made several contacts with flooring contractors concerning the tile floor problem at the Fire Station.
- Architect Mark Connors has withdrawn his proposal for providing design services for the municipal building security project; but he has now contacted Schoonover & Vanderhoof firm and will be meeting with them.
- He is meeting with PA DEP and Water Plant staff on Thursday to discuss operational issues regarding TTHM’s.

Mr. D’Alessandro reviewed his written Engineer’s Report previously submitted to Council. Also, Mr. D’Alessandro reported:

- A meeting was held this morning with representatives of ESU concerning the delayed Information Commons Building Project; progress was made on a new timetable..
- Russ Scott of his office submitted the response to PA DEP concerning the violation notice for discharges of manganese from reservoir water at the Filtration Plant.
- Additional discussions have taken place and will continue on alternatives to raising water revenues through a general water rate increase. An amendment is needed to the Water Code to clarify language for billing on the basis of EBU’s (equivalent billing units) for other than single-family residences. Mr. Begley made a motion, seconded by Mr. Smith, to authorize preparation and advertising of an ordinance to amend the Water Code; motion carried unanimously.
- The Commonwealth Financing Authority did not take action on LSA (Local Share Account) grant applications, including the Borough’s request for additional funding for the Middle Dam Rehab. Project, at their January meeting; action is now postponed until the March meeting.
- He has prepared a cost estimate for additional work at the East Stroudsburg Dam to follow-up on the “boil” at the base of the dam; in response to PA DEP recommendations. Mr. Begley made a motion, seconded by Mr. Smith, to authorize RKR Hess to proceed with the work as proposed; motion carried unanimously.

Mr. Reese reported that the Golf Committee met tonight before the Council meeting and discussed, among other things, that repairs are needed to the golf cart storage building roof.

Mrs. Wolbert noted that several emails had been sent last week concerning the possibility of offering “Foot Golf” at Terra Greens course. Mrs. Wolbert said she had done some research on the issue and distributed information available from the PGA. She said her interest is in increasing revenues at the golf course. Mr. Reese commented that other locations where foot golf is used are Par 3 – type, shorter courses. Mr. Reese said he feels that foot golf would not be compatible with regular golf at Terra Greens; although there is an area on the property where it could possibly be developed..

Mr. Prevoznik asked if Council was ready to act on the amendments to Ordinance No. 1261 – the Rental Housing Licensing & Inspection ordinance. The provisions were reviewed by Atty. Joselle Cleary, and now the language has been clarified concerning the Housing Authority exemption. Mrs. Wolbert made a motion, seconded by Mr. Reese, to authorize preparation and advertising of the proposed amending ordinance, for a public hearing at the March 17, 2015 meeting; motion carried unanimously.

Mr. Smith asked if anyone cuts the grass and weeds along the walking trail that follows Route 447 across from Terra Greens? Someone responded that the trail is on private property, the site of the proposed Westfield Hospital off Route 447.

Mr. DeLarco reported that the Council Committee met with Manager Phillips concerning his performance evaluation and will be meeting with him again. Mr. DeLarco asked about changes to the vendor requirements proposed by the St. Patrick’s Day Parade Committee; and asked that be discussed at the next Committee meeting. Mr. DeLarco also asked about the status of a proposed joint UCC (Uniform Construction Code) Board of Appeals? Mr. Phillips said Stroud Township is not interested in forming such a joint Board of Appeals; but Stroudsburg Borough is.

Mr. Phillips reported:

- He received unofficial communication that our Twin Boroughs Recycling Program grant application to PA DEP has been approved.
- PennDOT has selected an engineering design firm for the Ridgeway St. Bridge project; but the preliminary design costs may be in the \$400,000 range as opposed to the \$200,000 cost that the Borough and County have committed to.
- Traffic Planning & Design, Inc. have submitted preliminary design plans for the widening of Prospect St. for a right-turn lane at Normal Street.
- Recent state legislation has specifically restricted the right of municipalities to regulate firearms. Our park rules currently restrict the possession of firearms in any park. Mr. Prevoznik said the problem is that the legislation permits claimants to seek legal fees for challenges to such municipal ordinances; he therefore recommends the provisions be amended.

Ordinance Amending Park Rules

Mrs. Wolbert made a motion, seconded by Mr. Reese, to authorize preparation and advertising of an ordinance amending the park rules regarding firearms to comply with state law, for a public hearing to be held at the February 3, 2015 meeting; motion carried unanimously.

List of Bills Payable – January 20, 2015

Mr. Begley made a motion, seconded by Mr. Smith, to approve the List of Bills Payable and to ratify expenditures and payroll made through 01/20/15 as submitted; the motion carried unanimously.

Executive Session

Mr. Reese made a motion, seconded by Mrs. Wolbert, to adjourn into executive session at 9:40 p.m.; the motion carried unanimously.

At 9:55 p.m. Council members reassembled in the meeting room, and Mr. Smith made a motion, seconded by Mr. Reese, to reconvene the public meeting; the motion carried unanimously. Mr. Prevoznik said the executive session was held to discuss potential litigation, a personnel matter, and a real estate matter - no decisions were made.

Lease of 66 Analomink Street Building

Mr. Phillips reported he had reviewed with Council several proposals from realtors for handling the rental of the Borough-owned 66 Analomink St. Building, currently vacant. Mrs. Wolbert made a motion, seconded by Mr. Reese, to authorize Mr. Phillips to obtain a listing agreement from Robert Starrett, CRB, of Remax Commercial Realty for handling the lease rental of the building for the Borough. The motion carried unanimously.

Adjournment

With no further business, Mr. Reese made a motion, seconded by Mr. Begley, to adjourn the meeting at 9:59 p.m.; the motion carried unanimously.

z

James S. Phillips, Secretary