

East Stroudsburg Borough, January 21, 2014

A regular meeting of the East Stroudsburg Borough Council was held at the Municipal Building on Tuesday, January 21, 2014. The following members were in attendance: Peter Begley, Ed Flory, William Reese, and Sonia Wolbert. Roger DeLarco was absent. 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 Lieutenant Kevin Transue.

Call to Order/Pledge of Allegiance – Mr. Reese

Vice President William Reese called the meeting to order at 7:32 p.m. and led the pledge of allegiance.

Minutes of January 6, 2014 Reorganization and Regular Council Meeting

Mr. Flory made a motion, seconded by Mrs. Wolbert, to approve the minutes of the regular Council meeting held January 6, 2014 as submitted; the motion carried unanimously.

Public Comments - Agenda Items

Gary Kessel of 141 Manor Drive asked if both the landlord and tenant must come to the Borough office to apply for residential parking permits? Mr. Walton said no, the owner may have their signature notarized on an application that a tenant brings to the office. Mr. Kessel said contractors are not required to obtain a Visitors' pass? Mr. Kessel said his own vehicles are marked, but his father-in-law performs maintenance on his rental properties, such as cutting the grass, but his vehicle is not marked. Mr. Prevoznik said he can park in the driveway of the residence or obtain a placard or letter from the Borough; or Mr. Kessel could designate him for one of the parking permits for one of his residences. Mr. Kessel then said he had one of his rental units inspected today – and asked what are the criteria used for the rental inspections? Mr. Walton said the Property Maintenance Code is the criteria used for the inspections, and has been in effect in the Borough since 2008. Mr. Kessel asked if the same criteria apply for owner-occupied residences? Mr. Walton said if he receives a complaint concerning a residence, he would apply the same standards from the Property Maintenance Code.

SARPD Report for December 2013

Lt. Kevin Transue said the month of December was a good month – burglaries were down and traffic contacts were up. Lt. Transue also reported that the Department just hired a new patrol officer, who has previous experience with a regional police department.

Council Vacancy for the 6th Ward

Mr. Reese stated that because of the weather tonight, Council may not take action on filling the Council vacancy as interested persons might not have been able to come out tonight to attend this meeting. Upon question to Mr. Prevoznik, Mr. Reese was advised that Council would be able to take action at the Jan. 30th Committee meeting if that meeting was advertised, since that would still be within the thirty days of the vacancy occurring. Mrs. Wolbert made a motion, seconded by Mr. Begley, to extend the date for interested persons to apply for the Council vacancy. Mr. Begley asked if Richard Smith had known about the meeting tonight? Mr. Phillips said yes. Mr. Flory said then Council can proceed to make the appointment, if it chooses to. Mrs. Wolbert said she thought it best to wait to take action until January 30th, so no one can question Council's intent. The motion carried by a vote of 3-1, with Mr. Flory voting no.

Special Meeting on January 30, 2014

Mrs. Wolbert made a motion, seconded by Mr. Begley, to advertise a special meeting to be held on January 30, 2014 at the beginning of the Committee meeting for the conduct of general business. The motion carried unanimously.

Request by Redevelopment Authority of Monroe County for approval of housing rehabilitation bid that exceeds \$20,000 limit for CDBG program

Mr. Phillips said the Redevelopment Authority took bids recently for a residential home rehabilitation project, and the low bid came in at \$23,900, exceeding the normal \$20,000 limit that the Borough had established per residence. After discussion, Mr. Begley made a motion, seconded by Mr. Flory, to approve the cost for this residence exceeding the normal \$20,000 limit without Council approval; the motion carried unanimously.

Proposal from R.K.R. Hess Associates, Inc. to continue 2014 Monitoring of the East Stroudsburg Dam Wetlands Replacement Site located in Smithfield Township

Mr. Phillips said the Borough had to “construct” a wetlands area to replace wetlands displaced at the base of the East Stroudsburg Dam, and we have to monitor this area to ensure the wetlands area grows in as intended. Mr. Reese asked if these replacement wetlands are usually successful? Mr. D’Alessandro said it all depends; if they do not grow in naturally, the Borough is responsible for replanting the area. Mrs. Wolbert made a motion, seconded by Mr. Flory, to authorize R.K.R. Hess Associates, Inc. to continue the 2014 year monitoring at the wetlands replacement site on the former Charron property, in accordance with the cost estimate furnished by R.K.R. Hess; the motion carried by a vote of 3-1, with Mr. Begley voting no.

Appointment of Alternate Engineer

Mr. Phillips noted the recent passing of William Greiner, who had served as the Alternate Engineer for the Borough for many years, for review of land development plans, etc. on behalf of the Borough when there is a conflict with the appointed Engineer R.K.R. Hess Associates, Inc. Mr. Flory made a motion, seconded by Mrs. Wolbert, to appoint Gilmore & Associates, Inc. as Alternate Engineer, based on their 2014 fee schedule in effect. The motion carried unanimously.

Proposed Ordinance Amending the East Stroudsburg Code, Chapter 124 Thereof, Revising Certain Requirements for Licensing and Inspection of Residential Rental Properties

Mr. Phillips said he has put the proposed changes to the Chapter 124 Rental Housing licensing and inspection requirements recommended by outside counsel and discussed by Council into amending ordinance form, however, Mr. Prevoznik suggests that the Council Committee take one more look at the ordinance changes before authorizing advertising an ordinance. Council took no action on the draft ordinance.

Further Discussion on Residential Permit Parking – Visitor Passes

Mr. Walton noted that the single most-raised issue with the new parking permit requirements is the restriction on Visitor Passes, and specifically, the issue of “drop-in” visitors; and Mr. Prevoznik had suggested the concept of permitting one hour free parking for visitors – but with higher penalties for violations. Mr. Prevoznik said Stroudsburg Borough has had such a one hour “grace period”. Mr. Reese said enforcement then becomes the main issue – and asked whether Stroudsburg has had success enforcing the one hour limit? Mrs. Wolbert said she had received a call from a resident of Braeside Avenue who does not have any off-street parking; and wants to know where they are supposed to park? Mayor Martinelli said perhaps Council should consider giving more parking permits to those property owners without off-street parking. Mr. Begley said he thought a two hour Visitor parking limit would be better. The Mayor

said he thought about permitting two hours free Visitor parking, but is not sure that would not be too much. Mr. Walton said he agrees that a stiffer penalty would be needed to avoid abuse of a one-hour Visitor parking limit.

Public Comments – New Business

None.

Correspondence

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

- i. Monroe County Controller – Audit Report for Justice Muth, District Court #43-2-02 for the 2012 Year.
- ii. Pennoni Associates, Inc. – Request for time extension on behalf of East Stroudsburg University for Action on Conditional Use Application/Land Development Plan for proposed Information Commons Project. Mr. Begley made a motion, seconded by Mr. Flory, to grant the extension until February 19, 2014 as requested; the motion carried unanimously.
- iii. PA Department of Transportation – Traffic Signals modified as part of “Congested Corridor Project SR611-13S have completed 30 day test period.
- iv. Morgan Advanced Materials – Application to PA Department of Environmental Resources for Permit for afterburner at 100 Mill Creek Road Facility.
- v. U.S. Department of Homeland Security – Response to Letter Requesting Extension to Provisionally Accredited Levee (PAL) Agreement for East Stroudsburg Levee.
- vi. Miguel Barbosa – Resignation from Borough Planning Commission.
- vii. MEA, Inc. – Remedial Action Progress Report for former Smith’s Gas Station Site, North Courtland St.
- viii. PA Department of Environmental Protection (DEP) – January 15, 2014 Inspection Report for East Stroudsburg Water Department. Mr. Phillips noted there were no violations reported as a result of this inspection.

Reports

Mr. D’Alessandro reviewed his written Engineer’s Report previously submitted to Council, and reviewed the levee certification issues remaining pertaining to the area impacted by the levee along the Little Sambo Creek near Day Street and Dansbury Park. Mr. D’Alessandro said the analysis done shows that the levee here is high enough and structurally sound, but does not have the required amount of freeboard. The FEMA guidelines specify if that is the case, the area must be treated as if there is no flood protection afforded by the levee. There is another type of engineering analysis that can be done – but there is no guarantee that analysis will indicate any different results. The implication is that, this area would then have to be shown as not having flood protection (or at least having minimal protection), which would then mean that these properties would have to obtain flood insurance. If the analysis shows that the properties could be subject to some flooding (Zone “D”), then owners might only have to obtain flood insurance if their bank requires them to do so for their mortgage. The cost of the additional engineering analysis is \$40,000.

Mayor Martinelli asked how many homes or structures are in this affected area? Mr. D’Alessandro counted 18 structures, including the Regional Police Department Headquarters building, and the Monroe County Housing Authority Avon Court units. Mrs. Wolbert said we should check with those property owners before spending \$40,000 since there is no guarantee the resulting analysis will preclude anyone from being subject to the flood insurance requirements.

Mr. Flory asked about reviving the “Town/Gown meetings held with East Stroudsburg University? Mrs. Wolbert noted that the Chief of Staff for ESU President Welch had invited Council members to a “meet and greet” meeting at her residence on campus. Mr. Prevozik noted that Council has an upcoming conditional use hearing involving the University and also possible litigation.

Mr. Begley said, in regard to the residential permit parking requirements, that governments “discriminate all the time” therefore he feels that the Borough should be able to address the concerns of owner-occupied residences apart from how rental units are handled. Mr. Begley also lamented that today is the 40th anniversary of the “Roe vs. Wade” decision by the United States Supreme Court.

Mrs. Wolbert reported that the Stroud Region Open Space and Recreation Commission is still working on hiring a new Executive Director.

Mr. Walton noted that in addition to the vacancy on the Borough Planning Commission due to Mr. Barbosa’s resignation, there are also vacancies currently on the Zoning Hearing Board and Property Maintenance Board of Appeals.

List of Bills Payable – January 21, 2014

Mr. Flory made a motion, seconded by Mr. Reese, to approve the List of Bills Payable and to ratify payroll and expenditures made through January 21, 2014 as submitted; the motion carried unanimously.

Executive Session for Discussion of Litigation Matters

None.

Adjournment

With no further business, Mr. Begley made a motion, seconded by Mr. Flory, to adjourn the meeting at 9:10 p.m.; the motion carried unanimously.

James S. Phillips, Secretary