

East Stroudsburg Borough, July 28, 2016

A regular meeting of the East Stroudsburg Borough Council was held at the Municipal Building on Thursday, July 28, 2016. The following members were in attendance: Donald Cross, Edward Flory, Roger DeLarco, Maury Molin, William Reese, and Sonia Wolbert. Also attending were: Solicitor John C. Prevoznik; Manager James S. Phillips; Codes Official Marvin Walton; DPW Director Steven DeSalva; and Finance Officer Kenneth Konz.

Call to Order/Pledge of Allegiance – President DeLarco

Mr. DeLarco called the meeting to order at 7:33 p.m. The Pledge of Allegiance was led by Rich Kishpaugh.

Moment of Silence and Reflection

A moment of silence was observed by all in attendance.

Minutes of July 5, 2016 Regular Council Meeting and Continued Meeting of July 11, 2016

Mr. Molin made a motion, seconded by Mr. Flory, to approve the minutes of the July 5th and July 11th Council meetings as submitted; the motion carried unanimously.

SARPD Report – June 2016

Lieutenant Paul Gasper commented on two recent shooting incidents indicated in the Report; one at the Burger King at Pocono Plaza which resulted in an arrest for attempted homicide, and one outside the former “Puff and Pass” Hookah Lounge on South Courtland Street which did not result in arrests because of the non-cooperation of persons there. However, the landlord did come down hard on the tenant and the Lounge has now closed.

Mr. Reese noted reports of panhandling at Kmart and other businesses in the Lincoln Ave. area; Lt. Gasper acknowledged the Department has also received those complaints and is following up as possible.

Public Comments – Agenda Items

None.

Proposed Ordinance No. 1314 Amending the Code of the Borough of East Stroudsburg, Chapter 134 Entitled Solid Waste – Authorize Advertising Notice of Public Hearing on Prop. Ordinance

Mr. Walton said the proposed Ordinance has been changed to reflect recent discussions regarding reducing the time period allowed for paying the Garbage invoice and therefore the date when penalty is imposed for non-payment. Mr. Prevoznik suggested that the language be revised further so that the annual solid waste fee could be changed by Resolution or Ordinance of Council without changing the rest of the language. Mr. Molin made a motion, seconded by Mr.

Cross, to authorize advertising notice of a public hearing on the proposed ordinance to be held at the 8/25/16 Council meeting; the motion carried unanimously.

Resolution No. 16-2016 Requesting Flood Mitigation Grant from the Commonwealth Financing Authority

Mr. Reese made a motion, seconded by Mr. Flory, to adopt proposed Resolution No. 16-2016 requesting/authorizing submittal of a flood mitigation grant application to the CFA; the motion carried unanimously.

Authorize obtaining of real estate appraisals for property sale and acquisition

Mr. Prevoznik said appraisals will be required for two possible property transactions on behalf of the Borough; the proposed sale of the 66 Analomink Street Building, and acquisition of property for access at the Middle Dam Rehabilitation Project site. Mr. Molin made a motion, seconded by Mr. Flory, to authorize obtaining of appraisals for these purposes; the motion carried unanimously.

Mr. Flory reported that he had heard from someone who had been interested in leasing a portion of the 66 Analomink St. Building, but had not received much attention from the leasing agent.

East Stroudsburg University/University Properties, Inc. Phase II Student Housing Project

Mr. Prevoznik reported that UPI, Inc. is proceeding with financing for the next phase of the housing project on the ESU campus, and they are requesting several actions by the Borough to assist in that process:

- the Development Agreement and Stormwater Management Agreement were signed earlier this week and submitted to ESU. Mr. Molin made a motion, seconded by Mr. Flory, to ratify execution of plans; the motion carried unanimously.
- Signing of the Land Development Plan for recording. Mr. Flory made a motion, seconded by Mr. Cross, to authorize execution of the plans and to release the plans for recording; the motion carried unanimously.
- Recording of the License Plan for sanitary sewerline easement. Mr. Molin made a motion, seconded by Mr. Cross, to authorize recording of such License Agreement and record of recording to ESU; the motion carried unanimously.

Ratify approval of payment of initial deposit (\$368,377.00) to Pierce Manufacturing, Inc. for purchase of 2016 Pierce Velocity Fire Pumper Truck

Mr. Phillips said the payment to Pierce will be made by wire transfer and is actually on this List of Bills, not the prior one; and asked that Council ratify payment. \$55,200 will come from the ESSA Loan funds with the balance from the Fire Truck Replacement account. Mr. Flory made a motion, seconded by Mr. Reese, to ratify approval of payment to Pierce as recommended; the motion carried unanimously.

Transfer of Labor/Employment files from Ballard Spahr law firm

Mr. Prevoznik reported that labor attorneys John McLaughlin and Patrick Harvey are leaving Ballard Spahr and joining the Campbell, Durrant, Beatty, Palombo & Miller PC firm, and have requested that the Borough authorize transfer of any files they have been working on for the Borough to their new firm; billing rates will be the same. Mr. Flory made a motion, seconded by Mr. Reese, to authorize transfer of these legal files as requested; the motion carried unanimously.

Public Comments – New Business

Rich Kishpaugh of 243 Willow Street said he is concerned for the deterioration of his neighborhood – high grass in yards, sidewalks overgrown, in general the community doesn't look good. Mr. Walton said these type of matters are handled on a complaint basis and the existing codes and parking staff are limited in their ability to respond to these complaints; especially now since parking staff are helping out with the current office staff shortage. Mr. Phillips and Mr. Walton were charged with developing recommendations to address these type matters for discussion at the 8/2/16 meeting.

Correspondence

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

i. PA Department of Environmental Protection – NPDES Permit application for Stormwater Discharges due by September 16, 2017. Mr. Phillips said this is another reminder of the MS4 stormwater regulations that the Borough will be coming under, along with several other municipalities within the Monroe County “urbanized area”, and noted that the executive committee of Council has discussed taking a more proactive role in planning for this, locally. Mr. Flory made a motion, seconded by Mr. Reese, to authorize the Solicitor and Manager to contact the other municipalities involved and set up a planning meeting regarding this issue; the motion carried unanimously.

ii. PA Department of Environmental Protection – Annual Inspection of Flood Protection Projects (Upstream and Downstream) for 2016 Year. Mr. Phillips said the Levee System received a Minimally Acceptable designation; the main items noted requiring action are repairing a path worn into the embankment of the levee at Dansbury Park, and relining is required of the 54” storm culvert pipe through the levee near Walmart.

iii. Gail Weierbach, Manager, Shirley Futch Plaza – Refund of 2013 and 2014 Inspection Fees paid under Ordinance No. 1261 (\$7,070). Mr. Molin made a motion, seconded by Mr. Flory, to authorize refund of those fees upon verification of the amounts; the motion carried unanimously.

iv. PA One Call System, Inc. – 2015 Year Excavator Fees Rebate (\$436.35).

v. PennDOT- Environmental Justice Communities – I80 Exit 308 Project. Mr. Prevoznik noted that the information with the letter indicates that the Borough has significant portions of its population below the poverty level, and suggested that the County Housing Authority be contacted regarding any concerns they may have for this project.

vi. Mr. DeLarco noted a letter received from Debra Rojas requesting a refund from the swim pool season pass fee she paid due to the season being shortened by the late opening

date of the pool. Mr. Flory made a motion, seconded by Mr. Cross, to authorize drafting of a letter to be signed by Mr. DeLarco regarding the Council's position on no refund or discount to be offered on this year's season pass rates; the motion carried unanimously.

List of Bills Payable – July 28, 2016

Mr. Reese made a motion, seconded by Mr. Flory, to withhold approval of the Bills Payable pending receipt of financial reports at the August 2, 2016 meeting; the motion carried unanimously.

Committee Reports

Planning, Zoning, & Codes

Mr. Walton reported on the Comprehensive Plan Task Force Committee meeting held 7/21/16; a very good interactive discussion was held. The next workshop meeting will be held Thursday 8/4/16 on Zoning and Transportation.

Public/Business/Intergovernmental Relations

Mrs. Wolbert, Chair of the Swim Pool Operations Committee reported that pool revenues for the season are over \$28,000 to date, and concessions income over \$9,000.

Mr. DeSalva reported he met today with the Engineer for the Conservation District, reviewing possible sites for rain gardens (Brodhead Watershed Association Green Infrastructure Project); and locations at Miller Park and Zacharias Park have good potential.

Mr. Phillips reported receipt of a request from residents at the Normal/Taylor Street Housing Project for establishing a Permit Parking District at the project. After discussion, Mr. Flory made a motion, seconded by Mrs. Wolbert, to send a letter to the Housing Authority with a copy of the Ordinance requirements for permit parking to obtain input from the Authority; the motion carried unanimously.

Mr. Phillips reported that the next ESU Town-Gown Meeting is August 22, 2016 at Dansbury Depot; 5:00 – 7:00 p.m.

Utilities & Public Services

Mr. Reese noted that RKR Hess has sent out the Request for Proposal (RFP) to pool consultants; responses are due 08/10/16.

Mr. Prevoznik noted that Glace Associates reports they are about 25% complete on the Sewer System Evaluation for the Sewer System Alternatives Committee.

Mr. Phillips reported that RKR Hess has the renewal application ready for NPDES Permit for Water Filtration Plant for submittal to PA DEP; however the \$500 permit fee is included in the List of Bills - which Council did not approve. Mr. Flory made a motion, seconded by Mr. Reese to authorize payment of the \$500 application fee; the motion carried unanimously.

Finance/Administration

Ken Konz reported that the next Collections Committee meeting will not be next Monday, but 08/08/16.

Mr. DeLarco reported that the Audit Committee will meet next Tuesday 08/02/16.

Mrs. Wolbert reported that the Personnel Committee met 07/27/16 and will schedule another meeting.

Mr. Phillips reported that the proposed Ordinance to extend the non-use aquifer zone at the former IBW Property has been reviewed by PA DEP, and now can be advertised with one addition to the Ordinance recommended by Mr. Prevoznik. Mr. Flory made a motion, seconded by Mr. Reese to authorize advertising notice of public hearing on the proposed ordinance for the 08/25/16 Council meeting; the motion carried unanimously.

Mr. Phillips requested ratification of advertising for the vacant DPW Maintenance Worker position. Mr. Reese made a motion, seconded by Mr. Flory to ratify advertising for the vacant Maintenance Worker position; the motion carried unanimously.

Transportation/Infrastructure

Mr. Reese asked about the schedule for repainting crosswalks. Mr. DeSalva reported the Maintenance Foreman is scheduling crosswalk remarking for several Sunday evenings at night.

Mr. Flory noted that the School District still places a crossing guard at the Warren Street Pedestrian Crossing on East Broad Street even though it is not an authorized crosswalk. After discussion, Mr. Flory made a motion, seconded by Mr. Reese to authorize sending a letter to the School District advising that the crossing is not and cannot be an authorized crosswalk due to inadequate site distance; the motion carried unanimously.

Mr. Cross suggested that the Borough install “no thru traffic” or “Right Turn Only” signs on Washington Street at the end of Day Street.

Public Safety

Mr. Phillips reported that the pre-construction meeting was held with the contractor for the Levee Scour Damage Repair Project along Little Sambo Creek at Dansbury Park on 07/27/16, and construction is to begin 8/1/16.

Mr. Cross suggest that Council consider dropping participation in the Twin Boroughs Joint Recycling Program, due to continued problems with the Stroudsburg Borough personnel. Mr. Cross noted that the pavement at the Recycling Yard needs repairs and could be a hazard for employees and residents. Mr. Flory made a motion, seconded by Mr. Molin to direct that pavement repairs be scheduled with and in cooperation with Stroudsburg Borough at the Recycling Yard; the motion carried unanimously.

Mr. DeLarco reported that the SARPD Police Chief Hiring Committees will interview the candidates in a day-long process on Saturday, 08/06/16.

Mr. Flory said he received several complaints that the contractor for UGI does not take down the road closed signs after they work each day on local roads.

Executive Session for Discussion of Real Estate and/or Personnel Matters

Mr. Reese made a motion, seconded by Mr. Flory, to adjourn into executive session at 9:30 p.m.; the motion carried unanimously.

At 9:40 p.m. Council members reassembled in the meeting room, and Mr. Reese made a motion, seconded by Mr. Flory, to reconvene the public meeting; the motion carried unanimously. Mr. Prevoznik said the executive session was held to discuss a personnel matter; and no decisions were made.

Letter Received Regarding Volunteer Fire Department

Mr. Prevoznik reported that an anonymous letter was received alleging that the Fire Department was selling beer, in violation of PA Liquor Control Board regulations. Mr. Reese made a motion, seconded by Mr. Cross, to send a letter to the leadership of Acme Hose Company No. 1 regarding this letter and complaint and requesting they investigate it; the motion carried unanimously

Adjournment

With no further business, Mrs. Wolbert made a motion, seconded by Mr. Flory, to adjourn the meeting at 9:42 p.m.; the motion carried unanimously.

James S. Phillips, Secretary