

East Stroudsburg Borough, June 2, 2015

A public hearing and regular meeting of the East Stroudsburg Borough Council was held at the Municipal Building on Tuesday, June 2, 2015. The following members were in attendance: Peter Begley, Roger DeLarco, Edward Flory, William Reese (arrived 8:30 p.m.), Richard Smith, and Sonia Wolbert. Also attending were: Mayor Armand M. Martinelli; Solicitor John C. Prevoznik, Manager James S. Phillips; Director of Public Works Steven DeSalva; Codes Official Marvin Walton; and Engineering Representative Samuel D'Alessandro of R.K.R Hess, a Division of UTRS.

Call to Order/Pledge of Allegiance – President DeLarco

Council President Roger DeLarco called the regular meeting to order at 7:31 p.m. The Pledge of Allegiance was led by Don Cross. Mr. DeLarco noted for the record, that Council held an executive session during the May 28, 2015 Committee meeting to discuss personnel matters.

Moment of Silence

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

Minutes of May 19, 2015 Council Meeting

Mr. Flory made a motion, seconded by Mr. Begley, to approve the minutes of the May 19, 2015 regular Council meeting as submitted; motion carried unanimously.

Resolution No. 19-2015 Recognizing Monsignor John Bergamo On the Occasion of His Golden Jubilee and Twenty-Nine Years of Service to the East Stroudsburg Community

Mr. DeLarco noted that Monsignor Bergamo will be recognized at an event to be held in his honor June 12, and he would like to present the Resolution of Council at that time on behalf of the Borough. Mr. Begley made a motion, seconded by Mr. Flory, to adopt proposed Resolution No. 19-2015 recognizing Monsignor Bergamo of St. Matthew R.C. Church; the motion carried unanimously.

Public Hearing on Proposed Ordinance No. 1301 Amending the Code of the Borough of East Stroudsburg, Repealing Chapter 94 Entitled Junk Dealers

Mr. Flory made a motion, seconded by Mr. Smith, to open the public hearing on the above matter; motion carried unanimously.

Mr. Phillips was sworn in to give testimony. Mr. Phillips said Council's review of the existing Code of Ordinances had identified this Chapter which is considered to be obsolete or no longer needed, so Council had authorized preparation of this Ordinance to repeal Chapter 94. Mr. Flory noted that this ordinance regulating junkyards dates back to 1955, when there was no zoning in effect; today, these activities would be regulated by the Zoning Ordinance. Mr. Phillips reviewed and introduced the following exhibits into the record upon questioning by Mr. Prevoznik:

- Exhibit B-1, proof of publication of notice of public hearing in the Pocono Record on May 25, 2015.
- Exhibit B-2, letter indicating an attested copy of the proposed ordinance was provided to the *Pocono Record*.
- Exhibit B-3, letter indicating an attested copy of the proposed ordinance was provided to the Monroe County Law Library.
- Exhibit B-4, copy of proposed ordinance.
- Exhibit B-5, sign-in sheet for the public hearing.

Upon question from Mr. Prevoznik, Mr. Phillips said this proposed ordinance is not a zoning ordinance and therefore does not require review and comment from either the Borough or County Planning Commissions.

Mr. DeLarco asked for comments from the audience. Don Cross asked how this section of the Code would be changed; and was advised that the entire Chapter 94 would be repealed/deleted from the East Stroudsburg Code. With no further comments, Mr. Begley made a motion, seconded by Mr. Flory, to close the public hearing; motion carried unanimously.

Public Comments - Agenda Items

Don Cross asked about the proposed Road Paving Program. Mr. Phillips said he would provide him a copy of the proposed program for when it comes up for discussion.

Ordinance No. 1301 Amending the Code of the Borough of East Stroudsburg, Repealing Chapter 94 Entitled Junk Dealers

Mr. Begley made a motion, seconded by Mr. Flory, to adopt proposed Ordinance No. 1301 as advertised; the motion carried unanimously.

Acceptance of Bid Proposal for Polyaluminum Chloride product from Gulbrandsen Tech., Inc. for Water Filtration Plant

Mr. Phillips said when the Borough solicited bids for chemicals, specifically for the coagulant used at the Water Filtration Plant, the low bid proposal received was from Gulbrandsen Technologies, Inc. for their polyaluminum chloride product which we had not used before. Mr. Phillips noted a memo from Russell Scott of RKR Hess where he reports that “based on the results of jar tests performed, and turbidity results from actual filter runs over the past 2 weeks, it appears that this product will perform well at the Plant, and can be considered an “approved equivalent” to the previous coagulant”. Mr. Phillips said action on this bid item had been tabled pending the testing results. Mr. Flory made a motion, seconded by Mrs. Wolbert, to accept the proposal from and award the contract to Gulbrandsen at the bid price of \$1.69 per gallon, as recommended; the motion carried unanimously.

Re-scheduling of June 25, 2015 Committee Meeting

Mr. DeLarco noted that the PA Municipal League conference date conflicts with the June Committee meeting date, and asked if Council wished to reschedule the meeting. After discussion on several possible new dates, Mr. Begley made a motion, seconded by Mrs. Wolbert, to authorize advertising to reschedule the June Committee and 2nd regular meeting date to Tuesday, June 16, 2015 at 7:30 p.m.; the motion carried unanimously.

Dansbury Park Bathhouse Roof Replacement Project – Authorize Change Order for replacement of skylights

Mr. Phillips said Council had reviewed the proposal to add replacement of the skylights to the roof contract at an additional cost of \$525 each, or \$4,200 total. Mr. Phillips said the price quoted by the contractor, Hutchison Construction, Inc., was comparable to the prices in the first bid proposals last Fall that included the skylights replacement. After discussion, Mrs. Wolbert made a motion, seconded by Mr. Begley, to authorize replacement of the skylights as Change Order No. 1 to the contract in the amount of \$4,200. The motion carried by a vote of 3-2, with Mr. Flory and Mr. DeLarco voting no.

Proposal to Audit Committee from Corcoran Hegarty & Associates, LLC for Accountant Services

Mr. DeLarco said Council members had received the proposal to the Audit Committee for Accountant services as discussed with Holly Corcoran. In response to a question concerning the 2015 Budget, Mr. Phillips said there is no line item specifically budgeted for Accountant services but we do have \$5,000 budgeted for consultant services. Mr. DeLarco said Ms. Corcoran had estimated at least 50 hours of services may be required, but the major time involved would be in assessing the specific items of concern discussed with the Audit Committee. After discussion, Mr. Begley made a motion, seconded by Mrs. Wolbert, to retain the Accountant services of Corcoran Hegarty & Associates, LLC on an hourly basis under their proposal dated 6/1/15, up to an amount of \$2,000 initially; and to authorize Mr. DeLarco to execute the agreement for same. The motion carried unanimously.

Authorizing Scheduling of Public Hearing on Rezoning Request by Boney Maloney Holding Co, Inc. for Prospect St./Orchard St. property

Mr. Walton said Attorney Matergia on behalf of the applicant, Dr. Thompson's veterinary practice, has requested the public hearing on the rezoning request be scheduled. Mr. DeLarco asked what other public hearings will be scheduled this summer? Mr. Phillips said hearings will be required on the proposed Sidewalk Code ordinance, and an ordinance to "tweak" the Rental Housing Licensing/Inspection ordinance. After discussion, Mr. Flory made a motion, seconded by Mr. Begley, to authorize advertising a public hearing on the rezoning request for the July 7, 2015 regular meeting night date; the motion carried unanimously.

SOP (Standard Operating Procedure) for Sewage Treatment Plant and Water Filtration Plant

Mr. Phillips reported that meetings are set up with Max Stoner of Glace Associates for next Monday, and with Russ Scott and Sam D'Alessandro of RKR Hess for next Tuesday, to initiate the preparation of SOP manuals for the Sewage Treatment Plant and Water Filtration Plant, respectively.

Bid Proposals for Municipal Building Security Renovations Project

Mr. Phillips said Council had reviewed the plans for the security renovations with architect J. Schoonover at the Committee meeting, which are ready for bidding pending resolution of any warranty issues with the "armortec" materials to be purchased. Mr. Begley made a motion, seconded by Mrs. Wolbert, to authorize advertising for bid proposals for the security renovations project, subject to final determination via the Solicitor and Architect of warranty issues and prevailing wage applicability depending on the scope of the installation contract. The motion carried unanimously.

Public Comments – New Business

Don Cross mentioned seeing on the Discovery Channel on TV information on a truck for sealing roads, and said he would try to obtain more information on it for Borough consideration.

Correspondence

- Mr. Phillips reported receipt of the following items of correspondence:
- i. Commonwealth Financing Authority – Monroe Local Share Account Funding not approved for Middle Dam Rehabilitation Project (2014 application)

Reports

Mr. DeSalva reported he met with Sue Randall and Sonya Cole of Eastburg Community Alliance (ECA) concerning plans for this year's American Freedom Festival at Dansbury Park.

Mr. DeSalva also reported he had spoken with Lisa Diaz of Michael Baxter Associates, property manager for the building on Crystal Street where nineteen (19) tenants' gas meters have to be relocated outside by UGI. She is reviewing this matter with the building owners and is in discussions with UGI.

Mr. Walton reported that the next Planning & Zoning Committee meeting will be Friday morning 6/5/15 at 8:00 a.m. Also, the burned house at 239 Brodhead Avenue is being removed today. Mr. Walton said this afternoon he checked out a report that part of the façade on the former Starr Furniture Building on Milford Road had fallen off; the building is not structurally affected but the debris will need to be cleaned up.

Mr. D'Alessandro reported on the following:

- FEMA has completed their technical review of the flood zone changes resulting from the certification work done by the Borough for the East Stroudsburg Flood Protection Levee.
- RKR Hess will be preparing a report to send to PA DEP on the monitoring and analysis of the seepage at East Stroudsburg Dam.

Work on the Gregory Pond Trail is substantially complete, and RKR Hess has prepared a Change Order to finalize unit price quantities for a total contract value amount of \$30,015.08. Payment Request No. 1 is recommended to be paid in the amount of \$27,013.48; this will still leave a retainage amount of \$3,001.60 pending finalization of all paperwork. Mr. Flory made a motion, seconded by Mrs. Wolbert, to approve Pay Request No. 1 to E.F. Possinger & Sons, Inc., as recommended; motion carried unanimously.

- Work on grinding the surface of the pool floor in the wading area has been completed at the Dansbury Park Swimming Pool, but painting cannot be done until the weather cooperates. Mr. Phillips said it is unlikely that the Pool will be able to open for June 11 because it will take five days to fill the pool after the painting is done and cured. Work on design of the handicap ramps at the Loder Building is almost complete, ready for bidding. Mr. Flory made a motion, seconded by Mr. Begley, to authorize preparation of specifications and advertising for bids for ADA Ramp/Sidewalk work, using CDBG funds; and in conjunction with the Monroe-County funded portion of the proposed work at the Loder Building Senior Citizen Center; motion carried unanimously.

Mr. Flory noted that a resident of Kiwanis Street complained that the contractor building a new home on that road is starting work at 6:00 a.m., waking up the neighborhood. Mr. Walton said there is no time restrictions now for such work, but suggested that perhaps the Council Planning & Zoning Committee might want to review this issue.

Mayor Martinelli asked about the status of the storm culvert under the building at 214 Washington Street that is collapsing. Mr. Prevoznik asked if the property owner has contacted the Borough; Mr. Phillips replied no, not recently. Mr. DeLarco asked Mr. Phillips to contact the owner again.

Mr. Begley said a resident asked him if the Minutes of Borough Council meetings could go up earlier on the Borough website? Mr. Begley then checked the website and noted that the most recently approved minutes, prior to tonight (from the May 5 meeting) were on the site.

Mr. Phillips reported that he had received an inquiry from the Pocono Township Chief of Police concerning update of Police Mutual Aid Agreements.

Mr. Reese arrived at the meeting at this time.

List of Bills Payable – June 2, 2015

Mr. Flory made a motion, seconded by Mr. Begley, to approve the List of Bills Payable and to ratify expenditures and payroll made through 06/02/15 as submitted. Mr. Phillips noted

receipt of several additional invoices for legal services late today from Solicitor Prevoznik and Special Counsel Marc Gold. Mr. Flory and Mr. Begley agreed to include those invoices in the approval motion; which then carried unanimously.

Proposed 2015 Road Paving Program

Mr. Phillips distributed two lists for proposed paving work. The one labeled “Second Draft” is the same as the “First Draft” circulated at the Committee Meeting, except that it includes one additional street – Brodhead Avenue from Ridgeway St. to Elk St. – which was added after field inspections and measurements. However, this List greatly exceeds the amount of funds budgeted for paving and has to be pared way back. The List labeled “Third Draft” is a reduced paving program in an attempt to keep the amount of work required within the budget. Even this List still exceeds the funds budgeted; Mr. Phillips said additional changes/deletions may need to be done after actual bid prices are received. Mr. Begley commented that he is disappointed that no streets from the Fifth Ward are included on the paving list. Mr. Phillips noted that Willow Street definitely needs reconstruction; but the cost would be prohibitive for including in the normal paving budget. After discussion, Mr. Flory made a motion, seconded by Mr. Begley, to authorize preparation of bid specifications and advertising for bids for the proposed 2015 Road Paving Program as revised and submitted; the motion carried unanimously.

Executive Session for Discussion of Litigation Matters

Mrs. Wolbert made a motion, seconded by Mr. Flory, to adjourn into executive session at 8:40 p.m.; the motion carried unanimously.

At 9:10 p.m. Council members reassembled in the meeting room, and Mr. Flory 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 matters involving UGI Gas Company and a personnel matter; and no decisions were made.

July 4th Event planned by Trackside Restaurant

Mr. Walton reported that the owner of Trackside is planning a July 4th event outside adjacent to the restaurant, and he was contacted by an agent of the PA Liquor Control Control Board because there is concern for the proximity to the active rail line. Also, it would appear that the event may use or spillover onto Railroad Authority or Borough property; although Mr. Tepedino says that is not the case. Mr. Walton says he needs to know whether Council feels we should contact Mr. Tepedino or the LCE on this matter.

Mrs. Wolbert asked whether we want to discourage a local business owner from sponsoring such an event. Mr. Flory suggested that we contact him via letter but not the LCE.

Mr. DeLarco said we should, at a minimum, advise him that he cannot use Borough property (Miller Park) for an event with alcoholic beverages. After further discussion, Mr. Flory made a motion, seconded by Mr. Begley, to authorize sending a letter to Mr. Tepedino advising him that he does not have approval to use Borough property for the planned event, with a copy to be sent to the LCE. The motion carried unanimously.

Letter from Counsel for UGI – Repaving Requirements for Road Opening Permit – Crystal St.

Mr. Prevoznik reported receipt of a letter from UGI contesting the Borough’s requirements for repaving the road to the centerline of the two travel lanes. The Gas Co. is asserting that their work on Crystal Street is not within the travel lanes of the road but strictly within the parking areas; so that they should not have to repave one of the travel lanes. Mr. D’Alessandro said the Borough ordinance refers to that requirement. After discussion, Mr. Reese made a motion, seconded by Mr. Flory, to authorize a response to UGI that the Borough is

willing to meet with UGI to discuss and hopefully work out an agreement on repaving requirements; for all areas where UGI is working currently; the motion carried unanimously.

Complaint to Public Utility Commission (PUC) – relocated Gas Meter Along Bank Alley

Mr. Phillips said he was advised by Mr. Boden of UGI that they still do not consider the relocated meter at East Stroudsburg Hardware to be in an unsafe location along Bank Alley. Mrs. Wolbert made a motion, seconded by Mr. Begley, to ratify authorization (from the May 19, 2015 meeting) for the Borough to file a formal complaint with the PUC regarding this gas meter location; the motion carried unanimously.

Adjournment

With no further business, Mr. Flory made a motion, seconded by Mr. Begley, to adjourn the meeting at 9:28 p.m.; the motion carried unanimously.

James S. Phillips, Secretary