

East Stroudsburg Borough, June 4, 2013

A regular meeting of the East Stroudsburg Borough Council was held at the Municipal Building on Tuesday, June 4, 2013. The following members were in attendance: Peter Begley, Roger DeLarco; Ed Flory, Don Repsher, William Reese, and Sonia Wolbert. Also attending were: Manager James S. Phillips; Solicitor John C. Prevoznik; Codes Officer Marvin Walton, and Engineering Representative Samuel D'Alessandro of R.K.R. Hess Associates, Inc.

Call to Order/Pledge of Allegiance – President DeLarco

President DeLarco called the meeting to order at 7:30 p.m. Pat Jeanschild led the pledge of allegiance.

Public Comments - Agenda Items

None.

Action on Proposed Ordinance No. 1261 Amending the Codified Ordinances of East Stroudsburg Borough to Establish Requirements for Licensing and Inspection of Residential Rental Properties

Mr. Phillips stated that Council held a public hearing on this ordinance on May 21, 2013; and at that meeting authorized advertising of intent to enact the Ordinance at this June 4, 2013 meeting. Proof of publication of the Notice of Intent to Enact the proposed ordinance in the Pocono Record on May 27, 2013 was available for inspection. Mr. Reese then made a motion, seconded by Mr. Repsher, to adopt proposed Ordinance No. 1261 as advertised; the motion carried by a vote of 5-1, with Mr. Begley voting “no”.

Action on Proposed Ordinance No. 1268 – An Ordinance of East Stroudsburg Borough Council Establishing Fees for Inspections, Appeals, and Other Actions Required Under Chapter 124, Licensing and Inspection of Residential Rental Properties

Mr. Phillips stated that Council also held a public hearing on this ordinance on May 21, 2013; and at that meeting authorized advertising of intent to enact the Ordinance at this June 4, 2013 meeting. Proof of publication of the Notice of Intent to Enact the proposed ordinance in the Pocono Record on May 27, 2013 was available for inspection. Mrs. Wolbert noted comments that had been received at the last meeting about reducing the annual license fee but increasing inspection fees, and said that Council should consider those type of changes in the future. Mr. Flory then made a motion, seconded by Mr. Reese, to adopt proposed Ordinance No. 1268 as advertised; the motion carried by a vote of 5-1, with Mr. Begley voting “no”.

Schedule Public Hearing on Proposed Ordinance No. 1260 - Amending the East Stroudsburg Code, Chapter 157 Zoning, to Create a New GR Gateway Redevelopment Overlay District, Revise Sign Regulations, Revise Provisions for Unrelated Persons Allowed per Dwelling Unit, To Add and Revise Definitions, To Prohibit Conversions in the R-2 Zoning District, and to Revise Uses Allowed in the OM-1 Zoning District

Mr. Phillips said the change in number of unrelated persons allowed per dwelling unit, which Council has discussed doing as part of the Rental Housing Licensing Program, is part of this zoning ordinance amendment. After discussion, Mr. Repsher made a motion, seconded by Mrs. Wolbert, to authorize scheduling a public hearing on this proposed Ordinance No. 1260; the motion carried unanimously.

Action on Award of Contracts for Ridgeway Street Waterline and Sewerline Replacement Projects – Locust Ridge Contractors

Mr. Phillips said the contractor has returned the contract and insurance documents which have been reviewed by the Engineer staff. Mr. Prevoznik said the forms appear in order but he wants to review the insurance certificates. Mr. Begley made a motion, seconded

by Mr. Reese, to authorize award of the two contracts to Locust Ridge Contractors pending favorable review of the insurance and CDBG requirements by the Solicitor. The motion carried unanimously.

Request by Eastburg Community Alliance (ECA) for Rides Contractor to remain in operation at Dansbury Park after July 4<sup>th</sup> Freedom Festival – Friday/Saturday July 5-6, 2013

ECA President Brian Crawford and Downtown Manager Susan Randle spoke about the efforts of ECA to revitalize East Stroudsburg, and plans for the July 4<sup>th</sup> Freedom Festival at Dansbury Park. Mrs. Randle said the rides contractor for July 4<sup>th</sup> has inquired about leaving the rides in operation at the Park for Friday July 5<sup>th</sup> and Saturday, July 6<sup>th</sup>. He will also have a food vendor in the rides area. Mr. Flory asked about security? Mrs. Randle said the contractor has offered to provide additional security. After discussion, Mr. Begley made a motion, seconded by Mr. Repsher, to authorize ECA to arrange for the rides contractor to remain for July 5-6; on condition that the contractor provide additional security for the extra time there. The motion carried unanimously.

Proposed Ordinance Approving an Amended Plan Document for the Stroud Area Regional Police Department Non-Uniformed Employees Money Purchase Pension Plan

Mr. Phillips said the Non-Uniform Employees Pension Board had solicited a RFP (Request for Proposals) for a new investment manager for the Pension Plan in January, but no responses were received. In April a new RFP was put out, and one proposal was received from the PA State Association of Boroughs Municipal Retirement Trust (PSAB-MRT). The RFP was required due to the fact that the current investment manager, Merrill Lynch, had given notice that it will no longer be servicing municipal pension accounts.

The Pension Plan document provides for an employee self-directed investment option. However, that option has never been offered nor utilized, and PSAB-MRT does not offer a self-directed option. The Pension Board wants to amend the Plan Document to eliminate the self-direct option; which must be done by ordinance adopted by the three municipalities. Mr. Phillips said there is some urgency so that the Pension Plan funds can be transferred over to the new investment manager.

Mr. Flory made a motion, seconded by Mrs. Wolbert, to authorize advertising a proposed ordinance to amend the SARPD Non-Uniformed Pension Plan Document, as recommended. The motion carried unanimously.

Public Comments – New Business

Mark Idhe of 337 Merten Street, again spoke about his complaints concerning alleged mistreatment by SARPD police officers and asked the Mayor, as head of the Police Department, to investigate these matters. Mr. Martinelli again advised Mr. Idhe that he is one person on the nine-member Police Commission, and has not been “in charge” of the Regional Police Department since 2000; and that Officer Nevil did speak to Mr. Idhe concerning his complaints. Mr. Prevoznik again advised Mr. Idhe that if he has a complaint against a regional police officer, he must file a formal complaint with SARPD – and it will be investigated. Mr. Prevoznik said his other options are to take his complaints to the District Attorney, or to the State Attorney General.

Correspondence:

- Mr. Phillips reported receipt of the following items of correspondence:
- i. Monroe Animal League – Request for Funding. Pat Jeanschild noted that the Animal League operates a spay/neuter program for dogs and cats, countywide.
  - ii. Monroe County Transit Authority – Request for waiver of permit fees for three new public bus shelters in Borough. Mrs. Wolbert said Council has tried to avoid waiving permit fees, even if the Borough has had to donate funds to offset costs. Mr. Flory made a motion, seconded by Mr. Repsher, to not waive the permit fees for the proposed bus shelters; the motion carried unanimously.
  - iii. PA Department of Environmental Protection – Acceptance of Remedial Action Completion Report for Mountain Fuels facility, 190 King Street.

## Reports

Mr. D'Alessandro reviewed his written Engineers Report previously submitted to Council. Mr. D'Alessandro said Application #14 by KC Construction for the East Stroudsburg Dam Rehabilitation Contract has been reviewed and recommended for approval. Mr. Reese made a motion, seconded by Mr. Flory, to approve Payment #14 as recommended; the motion carried unanimously.

Mr. Reese asked if a laptop computer will be required to download video from the new security cameras installed at the dam site? Mr. Phillips said, yes, and the Borough will be working with R.K.R. Hess to work out the best method for doing so. Mr. Reese asked about the Old Fire Hall and was advised that the new owners are still working with their architect; one large issue may be the need for an elevator to utilize the second floor. Mr. Reese asked about the security camera on Crystal St.; and was advised by Mayor Martinelli that it is working and is utilized by the Police Department when needed.

Mayor Martinelli commended Mr. Walton for his work on assisting Council with the development – and explanations of the new Rental Housing Licensing & Inspection Program just adopted by Council.

Mrs. Wolbert commented that the level of interest in the Revitalization Committee has been very positive.

Mr. Begley asked about “filling in the gaps” at the pedestrian crossing over the railroad tracks near Trackside Restaurant; Mr. Phillips said he would check on that.

Mr. DeLarco asked Mr. Walton about his use of the new software program for permits, etc. Mr. DeLarco asked about the Sidewalk Code draft prepared by the Engineer? Mr. Prevoznik said he, Mr. Phillips, and Mr. Walton would get together to review. Mr. DeLarco noted the Water Department Report and asked that Head Operator Cal Miller attend a future Council meeting to review a monthly report with Council. Mr. DeLarco asked Mr. Phillips for a report on parking ticket appeals, the number and disposition. Mr. DeLarco said the Borough should look into having wi-fi available in the Borough Building. Finally, Mr. DeLarco asked about the Sewer Rate Ordinance, and was advised by Mr. Prevoznik that that “ball was in his court” but he would have a draft for next meeting.

Mr. Phillips reported that East Stroudsburg University is planning on again sponsoring fireworks for ESU Homecoming on November 1, 2013. Mr. Phillips also reported on preliminary information that the Borough may be eligible to apply for CDBG entitlement funds directly from HUD, instead of participating in the State Small Cities Program under Act 179, because of the recent designation of the East Stroudsburg “Urban Area”. Mr. Phillips said we are trying to obtain more information on this matter with the assistance of consultant Mullin & Lonergan Associates.

## Presentation of Comprehensive Annual Financial Report for Year Ended December 31, 2012 by Anthony Ardito, C.P.A. of Ardito & Co., LLP

Mr. Ardito gave a presentation on the 2012 Audit, which had been provided to Council electronically and in a hard copy. A copy of the required notice of the Audit report will be published in the *Pocono Record*. Discussion on the Financial Report then ensued. Mr. DeLarco thanked Mr. Ardito for his presentation.

## List of Bills Payable – June 4, 2013

Mr. Flory made a motion, seconded by Mr. Begley, to approve the list of bills payable as with the additions noted and to ratify payroll and expenditures made to date; the motion carried unanimously.

### Executive Session

Mrs. Wolbert made a motion, seconded by Mr. Repsher, to adjourn into executive session at 8:56 p.m.; the motion carried unanimously.

At 9:07 p.m., Council members reassembled in the meeting room, and Mr. Begley 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 a Litigation matter and a Real Estate matter.

### Reconstruction of Storm Culvert at 214 Washington Street

Mr. Flory made a motion, seconded by Mr. Reese, to authorize the Solicitor to notify the property owner of 214 Washington Street of the Borough's intent to utilize the easement, acquired by the Borough from the former owner, for the relocation of the storm sewer culvert that is collapsing under the building, that goes around the existing building. The motion carried unanimously.

### Retainer for Special Counsel

Mr. Flory made a motion, seconded by Mr. Repsher, to authorize payment of a retainer fee in the amount of \$5,000 to the firm of Manko, Gold, Katcher & Fox, LLP as special counsel in regards to the U.S. Environmental Protection Agency order for the 66/68 Analomink St. Building owned by the Borough. The motion carried unanimously.

### Mark Idhe

Mr. Idhe complained that his neighbor had installed a fence with a gate along his property line, in violation of "fence law", and asked Mr. Walton to check on that.

### Adjournment

Mr. Flory made a motion, seconded by Mrs. Wolbert, to adjourn the regular meeting at 9:15 p.m.; the motion carried unanimously.

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James S. Phillips, Secretary