

East Stroudsburg Borough, March 19, 2013

A regular meeting of the East Stroudsburg Borough Council was held at the Municipal Building on Tuesday, March 19, 2013. The following members were in attendance: Peter Begley, Roger DeLarco; Ed Flory, Don Repsher, and Sonia Wolbert. William Reese was absent. Also attending were: Manager James S. Phillips; Solicitor John C. Prevoznik; Codes Official Marvin Walton; Engineering Representative Samuel D'Alessandro of R.K.R. Hess Associates, Inc.; and Captain Brian Kimmins and Cpl. Kevin Transue of the Stroud Area Regional Police Department

Call to Order/Pledge of Allegiance – President DeLarco

President DeLarco called the meeting to order at 7:31 p.m. The pledge of allegiance was led by Kevin Transue.

Minutes of March 5, 2013 Regular Council Meeting

Mr. Repsher made a motion, seconded by Mr. Begley, to approve the minutes of the regular council meeting held Tuesday, March 5, 2013 as submitted; the motion carried unanimously.

SARPD Report for February 2013

Capt. Kimmins said the figures in the Police Report for February show a similar positive trend as in January; there were only six burglaries for the month, and Overtime was down also.

Public Comments - Agenda Items

None.

Proposed 5K Road Race to be held by ESU Kappa Delta Rho Fraternity

Josh Gabriel of Kappa Delta Rho fraternity said the funds raised from the Race will go to the B Positive Foundation. This is one of many races being held at colleges to raise funds for this purpose. Forty-four fraternity members will be helping to run the event, to occur from 8 am to 1 pm. Mr. Gabriel said he is going to get together with Corporal Strunk of SARPD to work out the details for police assistance. Mr. Phillips noted that Smith St. cannot be closed down for the entire duration of the race, which is why they need the police or volunteers to man those intersections. Mr. DeLarco said there is another Council meeting prior to the race for the fraternity to be able to show that they have satisfactory arrangements in place for the event.

Public Hearing on Proposed Ordinance No. 1269 Amending The East Stroudsburg Code, Regulating Specific Kinds of Development in Flood-Prone Areas, Requiring Special Permits for Certain Uses and Development Within Areas of the Borough Subject to Flooding; Requiring Specific Information From Applicants for Special Permits, Establishing Review Procedures and Establishing Penalties For Any Persons Who Fail, or Refuse To Comply With, the Requirements or Provisions of This Ordinance

Mr. Flory made a motion, seconded by Mr. Repsher, to open a public hearing on the proposed Ordinance revising Floodplain Management regulations for the Borough; the motion carried unanimously. Marvin Walton was sworn in to give testimony on proposed Ord. 1269 on behalf of the Borough. Mr. Walton stated a summary notice of the hearing on the proposed ordinance was advertised in the Pocono Record on March 11, 2013, and a copy of the notice and ordinance was provided to the Monroe County Law Library on March 14, 2013. Mr. Walton said the proposed Ordinance had been submitted to the Monroe County Conservation District (MCC) for review. Upon question from Mr. Prevoznik, Mr. Walton said in 2011 the Borough was notified by the Federal Emergency Management Agency (FEMA) that new flood zone maps were being prepared for Monroe County, and in November 2011 FEMA notified the Borough that new floodplain

management regulations needed to be adopted by the Borough to comply with FEMA requirements. The Borough submitted a draft ordinance to MCCD in November 2012, that was based on the model ordinance made available from MCCD. Mr. Walton said the Borough was notified that the ordinance was approved by MCCD and DCED (PA Department of Community and Economic Development).

Mrs. Wolbert asked what adoption of this Ordinance will mean? Mr. Walton said this ordinance version is more strict than the existing Borough ordinance, because it restricts further development in floodplain areas without a variance.

Mr. D'Alessandro said buildings located in floodplain areas can be expanded vertically, but not horizontally. Also, mobile homes located in floodplains (like at Buttonwood Court) if removed, cannot be replaced.

Mrs. Wolbert asked if the Borough could be challenged by a property owner? Mr. Prevoznik said that always could happen; but pointed out that the Borough is restricting its own property at the former landfill site in back of the Recycling Center probably more than anyone else's property.

Mr. DeLarco asked for comments or questions from the audience, and there was none. Mr. Flory then made a motion, seconded by Mr. Repsher, to close the hearing; the motion carried unanimously.

Proposed Amendment to Agreement between PA Department of Environmental Protection and Borough – To Increase Funding for PL 84-99 Repairs to East Stroudsburg Flood Protection Project

Mr. Phillips said he is pleased to report that the Borough has received a Supplemental Grant Agreement from the PA Department of Environmental Protection (DEP), Bureau of Waterways Engineering, to increase the funding DEP will provide to reimburse the Borough for the local share of project costs for repairs to the Brodhead Creek Levee, to be undertaken by the Army Corps of Engineers. This will increase the DEP funding to \$171,190. Mr. Repsher made a motion, seconded by Mr. Flory, approve the Supplemental Grant Agreement with PA DEP as submitted; the motion carried unanimously.

Proposed Ordinance Amending the Code of the Borough of East Stroudsburg, Chapter 157 Entitled Zoning, To Permit By Right Places of Worship In the C-1,C-2, S-1, I-M, I-U, I-UA, and C-1A Zoning Districts

Mr. Phillips said this proposed Zoning Ordinance Amendment was prepared after a previous proposed ZO Amendment that included rezoning property along Franklin Hill Road was not adopted. The purpose is to permit Places of Worship in additional zoning districts; because due to case law the Borough ordinance might be considered exclusionary.

After discussion, Mr. Begley made a motion, seconded by Mr. Repsher, to authorize advertising the proposed ordinance; the motion carried unanimously.

Proposed Ordinance No. 1269 Amending The East Stroudsburg Code, Regulating Specific Kinds of Development in Flood-Prone Areas, Requiring Special Permits for Certain Uses and Development Within Areas of the Borough Subject to Flooding; Requiring Specific Information From Applicants for Special Permits, Establishing Review Procedures and Establishing Penalties For Any Persons Who Fail, or Refuse To Comply With, the Requirements or Provisions of This Ordinance

Mr. Flory made a motion, seconded by Mr. Repsher, to adopt proposed Ordinance 1269 as advertised. The motion carried by a vote of 3-2; with Mrs. Wolbert and Mr. Begley voting no.

Schedule Public Meeting on Proposed Rental Housing Licensing and Inspection Program

Mr. DeLarco asked Council how they wanted to proceed concerning this proposed

Ordinance to establish a Rental Housing Licensing and Inspection Program. After discussion, Mr. Repsher made a motion, seconded by Mr. Begley, to hold a public meeting to receive public comments on the proposed ordinance on April 16, 2013, from 6:30 to 7:30 p.m. The motion carried by a vote of 4-1; with Mr. Begley voting no.

Proposed Ordinance Amending Chapter 126 To Revise Sewer Rates

Mr. DeLarco asked if Council wished to proceed with a proposed ordinance to revise Sewer Rates? Mr. Phillips said Council had approved the concept already. Mr. Prevoznik said the draft ordinance amending Chapter 126 has been reviewed and can be put into final form. After discussion, Mr. Flory made a motion, seconded by Mr. Repsher, to authorize advertising the proposed Ordinance to amend Chapter 126 revising Sewer Rates. The motion carried unanimously.

Public Comments – New Business

Gary Sommers of Middle Smithfield Township introduced himself as a candidate for the East Stroudsburg Area School District Board of School Directors, and said he was just wanting to learn what was going on in the communities.

Joyce Billick also introduced herself as a candidate for the School Board.

Correspondence:

- Mr. Phillips reported receipt of the following items of correspondence:
- i. Monroe County Planning Commission (MCPC) - 2012 Year Annual Report
 - ii. Stroud Region Open Space and Recreation Commission (SROSRC) – 2012 Year Annual Report
 - iii. Federal Emergency Management Agency (FEMA) – East Stroudsburg Levee System provisionally accredited on Flood Insurance Rate Map (FIRM)
 - iv. Monroe County Planning Commission – Review Comments on proposed Zoning Ordinance Amendment (Places of Worship)
 - v. United States Department of Environmental Protection (EPA) – former Chaperone Technologies lab space in former Accelerator Building
 - vi. Stroud Region Open Space & Recreation Commission (SROSRC) – Audit Report for the 2012 Year; also for the Friends of Stroud Region
 - vii. PA Department of Environmental Protection (DEP), Bureau of Waterways Engineering – Review of 2012 Year Inspection Report for Middle Dam
 - viii. Monroe County Municipal Waste Management Authority – Update on Monroe County Municipal Waste Management Plan Revision
 - ix. Richard Nadeau – request for donation of ladders and tools from old aerial truck for use at the County Fire Training School. Mr. Flory suggested that the Borough seek bids for sale of the old aerial truck, and everything on it, before we consider donating equipment from it to anyone.

Reports

Mr. D'Alessandro reviewed his written Engineers Report previously submitted to Council. Mr. D'Alessandro said his staff was reviewing the model sidewalk ordinance, comparing it to existing sidewalk provisions in the SALDO Code.

Mr. Flory suggested that Council still needs to review the proposed fees for inclusion in the proposed Rental Housing Licensing Program ordinance.

Mayor Martinelli questioned why the DPW crew did not come out during the snowstorm early this morning? Mr. Phillips said, apparently, the DPW crew did not come out since the Police Dept. did not call that they were needed. Mr. DeLarco asked what the policy was; Mr. Phillips said we had always in the past relied upon the Police to notify the DPW through the Control Center, since the Police are out at all hours and can see what the weather conditions are.

Mrs. Wolbert said she had read an article recently on the role of an Audit Committee, and wondered whether that is something the Borough should consider. Mr.

Prevoznik said an Audit Committee, where used, is typically not involved with finance or budgeting but might have very specific responsibilities regarding the audit process. Mr. DeLarco noted that Stroudsburg Borough has had a Finance Committee. Mrs. Wolbert reported on a meeting she had with Brian Crawford and Susan Randle of the Eastburg Community Alliance (ECA); also on another meeting she had with Taylor Munoz of the Realtors Association. Mrs. Wolbert also questioned the status of an ordinance restricting parking in front yards? Mr. Phillips said he would place that item on the list for next week's Committee meeting.

Mr. DeLarco asked Mr. Phillips about the parking receipts downturn late last year, also the list of items (Borough contracted services) for possible quotations? Mr. Phillips said he had not had the chance to research these yet after his return to work after knee surgery. Mr. DeLarco noted that representatives of DCED would be in East Stroudsburg Monday March 25 to meet with ECA at the old Train Station. Mr. DeLarco said he wants Council to work on homeowner incentives for the Borough. Mrs. Wolbert said she has some information on an organization doing that called "Neighborhood Works". Mr. DeLarco also asked if planner Charlie Schmehl would be available to attend a ZORC meeting next Thursday before the regular Committee meeting? Mr. Walton said he would check tomorrow.

Mr. Phillips said the Chamber of Commerce has requested that the Borough not enforce parking meters near the ESU Field House during their EXPO this weekend? Mr. DeLarco said the Borough has done this in the past. Mr. Phillips reported that the Pocono Mountain Council of Governments will hold a dinner meeting next Monday March 25 at Studebakers Restaurant. Mr. Phillips reported on a meeting held with Bob Cooke of the Oaks townhome development concerning the feral cats problem in the neighborhood. The group will meet again after obtaining more information.

List of Bills Payable – March 19, 2013

Mr. Repsher made a motion, seconded by Mr. Flory, to approve the List of Bills Payable as submitted; the motion carried unanimously.

Executive Session for Discussion of Litigation and Real Estate Matters

Mrs. Wolbert made a motion, seconded by Mr. Begley, to adjourn into executive session at 9:05 p.m.; the motion carried unanimously.

At 9:15 p.m., Council members reassembled in the meeting room, and Mr. Flory made a motion, seconded by Mr. Repsher, to reconvene the public meeting; the motion carried unanimously. Mr. Prevoznik said the executive session was held to discuss a possible Litigation matter.

Decorum at Council Meetings

Mrs. Wolbert noted that recent discussions among Council members have been contentious at times, and she was upset by how she had been treated personally. Mr. Flory stated that he was concerned that Council has discussed certain matters at length and expended monies for advertising in some cases, only for Council members subsequently to vote not to proceed. Mr. DeLarco said individual Council members do not have to agree with everyone all the time, but asked everyone to still be respectful of other's opinions.

Adjournment

With no further business, Mrs. Wolbert made a motion, seconded by Mr. Begley, to adjourn the meeting at 9:20 p.m.; the motion carried unanimously.

James S. Phillips, Secretary