

East Stroudsburg Borough, May 19, 2015

A public hearing and regular meeting of the East Stroudsburg Borough Council was held at the Municipal Building on Tuesday, May 19, 2015. The following members were in attendance: Peter Begley, Roger DeLarco, Edward Flory, William Reese (arrived 8:25 p.m.) and Sonia Wolbert. Richard Smith was absent. 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.

Public Hearing on Community Development Needs of the Borough that may be addressed through use of federal Community Development Block Grant (CDBG) funds.

Mr. Flory made a motion, seconded by Mr. Begley, to open the public hearing at 7:18 p.m.; motion carried unanimously. Mr. DeLarco recognized Karen Parish of Mullin & Lonergan Associates, community development consultants for the Borough.

Mrs. Parish said Monroe County will be handling the 2015 CDBG application to be submitted to PA DCED as a result of new requirements by DCED, but M & L is still under contract to the Borough for assisting on FY 2014 and older allocations.

Martha Robbins, Director of the Monroe County Redevelopment Authority which administers the County CDBG Program, was present to assist with the public hearing. Ms. Robbins provided information on the CDBG program and noted that Monroe County will hold the second, required public hearing on the 2015 application later this year after DCED sets the application schedule. Mr. Robbins stated that the mission of the CDBG program is to assist municipalities in meeting the needs of its low to moderate income persons. CDBG funds must be utilized to meet one or more of three national objectives:

- Benefitting low/moderate income persons.
- Eliminating slums and blight.
- Meeting emergency needs.

Eligible activities for use of CDBG funds include: provision of public services, economic development, and provision of public facilities. Income thresholds for eligibility are determined by the U.S. Department of Housing & Urban Development (HUD), and are set yearly.

Mrs. Parish noted that the map of eligible low/moderate income areas of the Borough has changed significantly from the last census data. This limits the Borough's ability to use CDBG funds in many cases without qualifying a service area via income surveys. For demolition activities, Mrs. Parish said the Borough will be required to demonstrate that the structure proposed for demolition cannot be rehabilitated.

Mrs. Parish also noted that the Borough must update its Section 504 Plan for handicap access. The Borough can work with the County on a Section 504 Plan, and will need a committee to participate; hopefully to include representatives of the disabled community. PA DCED is also requiring municipalities to take a proactive role in fostering Fair Housing. The County will be redoing its Fair Housing Plan, and she, Mr. Phillips, and Ms. Robbins have discussed holding an open house for housing rehabilitation contractors and interested residents on July 13, 2015. The open house will be publicized via a mailing to residents and information distributed to contractors. Mrs. Parish noted that other "Plans" are required, such as a plan for addressing residents with limited English language proficiency.

Mr. DeLarco questioned "blighted" properties. Mrs. Parish said municipalities can use up to 30% of any year's CD allocation for demolition. Mrs. Wolbert noted that one of the challenges for our Borough is the increasing number of rental properties; and asked whether CDBG funds can be used to provide incentives for home ownership. Mrs. Parish said yes, with certain limitations. For example, an owner receiving assistance would have to agree to maintain the house as their primary residence for a specific number of years. Mrs. Parish said Monroe County operates a Trust Fund with Act 137 funds to provide first-time homebuyer assistance; and asked Ms. Robbins if there is much demand for those funds? Ms. Robbins said there is not a lot of demand, currently.

Mr. DeLarco asked for comments or questions from members of the audience, and there were none. Mrs. Wolbert then made motion, seconded by Mr. Flory, to close the public hearing and convene the regular meeting; the motion carried unanimously.

#### Call to Order/Pledge of Allegiance – President DeLarco

Council President Roger DeLarco called the regular meeting to order at 7:35 p.m. The Pledge of Allegiance was led by Martha Robbins.

#### Moment of Silence

Mr. DeLarco noted the recent passing of long-time resident Paul “Candy” Miller. A moment of silence and reflection was observed by all in attendance.

#### Minutes of May 5, 2015 Council Meeting

Mr. Flory made a motion, seconded by Mr. Begley, to approve the minutes of the May 5, 2015 regular Council meeting as submitted; motion carried unanimously.

#### SARPD Report

Lt. Paul Gasper reported that the Department has been increasing daytime activities for the Quality of Life patrols, to address panhandling issues, etc. They are gearing up for speed enforcement activities, and said Washington and Courtland Streets are candidates for speed enforcement if the lines can be painted by the Borough DPW. Mrs. Wolbert said speeding on Prospect Street in the evening is often a problem, too.

Mr. Begley noted that overtime hours are up, according to the Report. Lt. Gasper said that is largely related to staffing shortages, but the Department has recently hired three officers who will be completing field training soon, and three more patrol officers are budgeted to be hired in June.

#### Public Comments - Agenda Items

None

#### Public Hearing on Proposed Ordinance No. 1281 – Amending the Code of the Borough of East Stroudsburg, Chapter 157 Entitled Zoning, Adding Parking and Driveway Regulation Requirements for Existing Residential Uses

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

Mr. Walton and Mr. Phillips were sworn in to give testimony. Mr. Walton introduced the following exhibits into the record and reviewed them upon questioning by Mr. Prevoznik:

- Exhibit B-1, proof of publication of notice of public hearing in the Pocono Record on May 5<sup>th</sup> and May 12<sup>th</sup>, 2015.
- Exhibit B-2, letter from Borough Planning Commission indicating the PC and reviewed the proposed ordinance and recommended approval at their meeting of February 10, 2015.
- Exhibit B-3, letter from Monroe County Planning Commission dated April 17, 2015 indicating the MCPC has reviewed the proposed ordinance and would recommend approval at their meeting of May 12, 2015, subject to four (4) comments – which Mr. Walton then reviewed.
- - Exhibit B-4, copy of proposed ordinance.

Mr. Walton said this ordinance was developed from staff drafts and then reviewed and revised by the Council Planning & Zoning Committee. The ordinance amends the Zoning Ordinance to:

- Provide requirements for off-street parking.
- Require sidewalks to be installed if new off-street parking is provided.
- Revise standards for setbacks, buffers.
- Prohibit parking in front yard areas.

- Set minimal size for parking spaces.
- Require durable surface for proposed parking areas.
- Provide stormwater management requirements.
- Provide screening requirements.
- Provides for appeals of Zoning Officer decisions to the Zoning Hearing Board.

Mr. DeLarco noted a petition, previously submitted by residents, which requested Council action because of conversion of existing residences into rental units where vehicles were being parked in the front yard of such residences. Petition introduced as Exhibit B-5. The sign-in sheet for the public hearing was introduced as Exhibit B-6. Mr. Phillips noted that letters and attested copies of the proposed ordinance were also sent to the *Pocono Record* and Monroe County Law Library; the letters were introduced into the record as Exhibits B-7 and B-8.

Mayor Martinelli noted that under this ordinance with a 40 ft. wide lot with an existing home, a property owner would not be able to create additional parking on the side of the residence, if there was none now. The Mayor also questioned how will these provisions be enforced, and would a permit be required for paving an existing driveway? Mr. Walton said these provisions will be enforced as any zoning provision would.

Mr. Begley asked what the typical cost would be for an engineering study under this ordinance? Mr. D'Alessandro said that is hard to estimate. For paving of an existing driveway, no study would be required unless the applicant is changing the flow of stormwater from the driveway.

Mr. Begley commented that he is not against government regulations that are needed for public safety but he is in favor of personal freedoms.

Mr. DeLarco asked for comments from the audience and there were none. Mr. Flory made a motion, seconded by Mrs. Wolbert, to close the public hearing; motion carried unanimously.

Public Hearing on Proposed Ordinance No. 1299 – Amending the Code of the Borough of East Stroudsburg, Chapter 157 Entitled Zoning, Amending the Procedures for the Review and Approval of Applications for Certificates of Non-Conformance

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

Mr. Walton and Mr. Phillips were again sworn in to give testimony. Mr. Walton said this proposed ordinance was also developed through review of the Council Planning & Zoning Committee; and introduced the following exhibits into the record and reviewed them upon questioning by Mr. Prevoznik:

- Exhibit B-1, letter from Borough Planning Commission dated May 19, 2015 indicating the PC and reviewed the proposed ordinance and recommended approval at their meeting of February 10, 2015.
- Exhibit B-2, letter from Monroe County Planning Commission dated March 10, 2015 indicating the MCPC has reviewed the proposed ordinance and would recommend approval at their meeting of April 14, 2015, subject to four (4) comments – which Mr. Walton then reviewed.
- Exhibit B-3, proof of publication of notice of public hearing in the *Pocono Record* on May 4<sup>th</sup> and May 11<sup>th</sup>, 2015.
- Exhibit B-4, copy of proposed ordinance.
- Exhibits B-5 and B-6, letters indicating that attested copies of the proposed ordinance were also sent to the Monroe County Law Library and the *Pocono Record*.
- The sign-in sheet for the public hearing was introduced as Exhibit B-7.

Mr. Walton said the zoning ordinance currently requires an applicant for a Certificate of Non-conforming Use to apply through the Zoning Hearing Board (ZHB). The proposed ordinance will simplify the process, makes the procedure an administrative one via the Zoning Officer.

Mayor Martinelli asked if he would be required to apply for a certificate of non-conforming use for his existing driveway on the side of his house? Mr. Prevoznik said yes, he may want to do so if he is going to sell his property so that the non-conforming

use would be of record. Mr. Begley asked if Council sets the fee for applying to the ZHB; and was advised, that yes – Council sets the fees by Resolution.

Mr. DeLarco asked for comments from the audience, and there were none. Mr. Flory made a motion, seconded by Mrs. Wolbert, to close the public hearing; motion carried unanimously.

#### Public Comments – Agenda Items

None.

#### Ordinance No. 1281 – Amending the Code of the Borough of East Stroudsburg, Chapter 157 Entitled Zoning, Adding Parking and Driveway Regulation Requirements for Existing Residential Uses

Mr. Flory made a motion, seconded by Mrs. Wolbert, to adopt proposed Ordinance No. 1281 as advertised. The motion carried by a vote of 3-1, with Mr. Begley voting no.

#### Ordinance No. 1299 – Amending the Code of the Borough of East Stroudsburg, Chapter 157 Entitled Zoning, Amending the Procedures for the Review and Approval of Applications for Certificates of Non-Conformance

Mrs. Wolbert made a motion, seconded by Mr. Flory, to adopt proposed Ordinance No. 1299 as advertised. The motion carried by a vote of 3-1, with Mr. Begley voting no.

#### Gregory Pond Natural Area Trail Project

Mr. Flory made a motion, seconded by Mrs. Wolbert, to ratify the request for Contract Amendment No. 1 submitted to the Community Financing Authority (CFA) for an extension of the grant period until June 30, 2016. The motion carried unanimously. Mr. Phillips said the extension was requested in case the project time ran over but it is not anticipated to be needed.

Mr. Begley made a motion, seconded by Mr. Flory, to ratify the Construction Contract Change Order request No. 1 by E.F. Possinger & Sons, for rock removal on a portion of the trail, as recommended by the Engineer, R.K.R. Hess Associates. The motion carried unanimously.

#### Comprehensive Plan Update

Mrs. Wolbert made a motion, seconded by Mr. Begley, to authorize solicitation of the Request for Proposals (RFP) for Planning Consultant as prepared by Mr. Walton and reviewed by the Solicitor. Mr. DeLarco suggested that 45 days be allowed for consultants to respond to the RFP as opposed to the 30 days listed. Mrs. Wolbert and Mr. Begley agreed to the revised terms in their motion, which then carried unanimously.

#### Flood Protection Levee, Repairs to Scour Area along Little Sambo Creek

Mr. Begley made a motion, seconded by Mr. Flory, to ratify authorization for RKR Hess to proceed with permitting for repairs to the scour area along the levee; the motion carried unanimously.

#### Resolution No. 18-2015 Establishing Rates of Pay for Summer 2015 Recreation Positions

Mr. Phillips said the proposed rates of pay represent a 2.0% increase over the 2014 year rates. After discussion, Mr. Begley made a motion, seconded by Mr. Flory, to adopt proposed Resolution No. 18-2015 approving the rates of pay for Summer 2015 Recreation positions as submitted; the motion carried unanimously.

#### Proposal for ECA for lettering on Water Tank at Miller Park

Susan Randle, Downtown Manager for Eastburg Community Alliance (ECA), said she is looking into grant funding to pay for placing the Borough logo and letters on the old water tank located within Miller Park. Mr. DeLarco noted that the tank was last painted in the late 1980's at a cost, then, of over \$30,000. Mr. Phillips said he would estimate that the cost now would be over \$50,000. Mrs. Randle asked if it would be worth it for the Borough to only have a portion

of the tank painted? Mr. DeLarco encouraged Mrs. Randle to continue looking into the grant possibilities.

Mr. Reese arrived at the meeting at this time.

Mr. DeLarco asked Mrs. Randle about litter pickups and community beautification efforts? Mrs. Randle said she did have a meeting with interested parties for the adopt-a-street program. Mrs. Wolbert said the YMCA summer camps have made a commitment to participate. Mrs. Randle distributed a folder of community events sponsored by ECA for the Summer.

#### Tub Grinder Rental Services for Brush Pile at Twin Boroughs Recycling Center

Mr. Begley made a motion, seconded by Mr. Flory, to authorize advertising for bid proposals for tub grinder rental services at the Recycling Center; the motion carried unanimously.

#### Public Comments – New Business

None.

#### Correspondence

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

- i. First Baptist Church – Request to Close Harris Street from E. Broad St. to Dearr St.:
  - On Sunday June 7, 2015 from noon to 6:00 p.m. for Spanish ministry program.
  - During the week of July 20-24, 2015 for annual Vacation Bible School program, from 8:30 a.m. to 12:30 p.m., and Friday evening from 4:00 - 9:00 p.m.

Mr. Begley made a motion, seconded by Mr. Flory, to approve the requests as submitted; the motion carried unanimously.

- ii. PA DEP – Report from May 6, 2015 Inspection of the Water Filtration Plant – no violations.
- iii. East Stroudsburg University/PA Department of General Services – Authorization granted for hearing officer Joselle Cleary to issue final decision on Conditional Use Application for proposed ESU Information Commons Building Project.

#### Reports

Mr. D'Alessandro reviewed his written Engineers Report submitted to Council.

Mr. Reese noted that he had referred some information on stray/feral cat issues to Gary Walck who has been looking into the issue.

Mr. Flory said the Fire Company is still asking about repairs to the floor tile problem at the Fire Station. Also, the Department has formed a new Truck Committee to look into specifying the needs for a new Pumper Truck.

Mr. DeLarco reported that he had visited the Golf Course with Supt. Bryan Zukowski and reviewed the plans for developing Foot Golf at Terra Greens. Mr. Begley noted that Mr. Zukowski had indicated in his memo the additional costs anticipated to develop Foot Golf at the Golf Course, and made a motion, seconded by Mr. Flory, to approve \$3,000 additional in funds for that purpose; the motion carried unanimously. Mr. Begley suggested that a flyer could be prepared and sent home with children through the schools announcing start-up of the Foot Golf Program.

Mr. DeSalva reported on the following:

- Plans for security renovations at the Municipal Building have been prepared by Schoonover & Vanderhoof Architects ready for bidding; and Mr. Schoonover will attend the next Council Committee meeting.
- He is assessing road patching and paving needs with Foreman Mark Hoke.
- He attended a meeting at the Depot with ECA and groups interested in participating in the Litter Pickup and Adopt-A-street program.
- An issue with the panic alarms at the Municipal Office has been corrected and addressed.

Mr. Phillips reported on the following:

- Water System Flushing is scheduled for Wednesday/Thursday evenings this week, May 20-21, 2015.
- The Consumer Confidence Report (CCR, or Water Quality Report) for the 2014 Year is in final form and ready for printing/distribution.
- Fresenius Dialysis Center has inquired about leasing additional parking spaces at the Day Street Parking Lot; this will be on the agenda for the Committee Meeting.
- The results of air quality testing at the 66 Analomink St. Building were received from Seitz Brothers, Inc. – all results OK.

Mr. Prevoznik said he is reviewing the draft agreement provided by realtor Robert Starrett for handling lease of the 66 Analomink St. building.

#### List of Bills Payable – May 19, 2015

Mrs. Wolbert made a motion, seconded by Mr. Flory, to approve the List of Bills Payable and to ratify expenditures and payroll made through 05/19/15 as submitted; the motion carried unanimously.

#### Action on Maintenance at Dansbury Park Swimming Pool for the 2015 Season

Mr. D'Alessandro reviewed his two memos dated May 19, 2015 concerning options and recommendations for work on the Dansbury Park Swim Pool. Work is needed to grind the rough surface in the wading end of the Pool. After grinding, repainting of that shallow area would be required, at a minimum. It is recommended that two coats of paint be applied. This option should have a three year useful life. The option to recoat or replaster the entire pool would be much more costlier, but have a longer useful life. However, that work could probably not be done this year if the Pool is to open this year. Mr. D'Alessandro said the staining issue is due to the high levels of iron and manganese in the water.

Mr. Flory again questioned why we do not have available figures on the breakdown of resident/non-resident usage/attendance at the Pool; and noted that more water parks are opening in the area which could affect future attendance at the Pool.

Mr. DeLarco noted he had attended the meeting with the Engineer at the Pool, and suggested that we implement the first option mentioned by Mr. D'Alessandro, re-painting of the shallow area. Mr. DeLarco asked if sand would need to be added to the paint? Mr. D'Alessandro said, yes; otherwise the surface may be too slippery. Mr. DeLarco also suggested that the longer-term fix option should be referred to the Audit Committee for further review.

After further discussion, Mr. Begley made a motion, seconded by Mr. Reese, to authorize the painting of the wading area of the Pool as recommended by the Engineer at an estimated cost of approximately \$5,700; the motion carried unanimously. Mr. Reese made a motion, seconded by Mr. Flory, to refer the strategy for long-term options for the Pool to the Audit Committee; the motion carried unanimously. Mrs. Wolbert said that SROSRC has a new software program available to be used with a cash register at the Pool; and made a motion, seconded by Mr. Flory, to track resident/non-resident attendance at the Pool using the SROSRC software; the motion carried unanimously.

#### Executive Session for Discussion of Litigation Matters

Mr. Begley made a motion, seconded by Mrs. Wolbert, to adjourn into executive session at 9:37 p.m.; the motion carried unanimously.

At 10:09 p.m. Council members reassembled in the meeting room, and Mr. Begley made a motion, seconded by Mrs. Wolbert, to reconvene the public meeting; the motion carried unanimously. Mr. Prevoznik said the executive session was held to discuss potential litigation matters involving the PUC, and UGI Gas Company; and no decisions were made.

### Ridgeway Street Bridge Replacement Project

Mr. Prevoznik said the Monroe County Commissioners have agreed to advance the \$440,000 in funds required for preliminary engineering costs for the bridge project, with the Borough agreeing to repay the County \$200,000 as the Borough share of costs, within four and one-half years. The Agreement between the parties will be submitted as a Stipulation to the Public Utility Commission (PUC) for their review and approval. Mr. Begley made a motion, seconded by Mrs. Wolbert, to approve the terms of agreement between the County, Borough, PennDOT, and Rail Authority as reviewed by the Solicitor. The motion carried unanimously.

### UGI – Issues related to relocation of Gas Meters to outside locations at all buildings

Mr. Prevoznik noted that Council had discussed two issues pertaining to the required relocation of gas meters by UGI from inside locations to outside locations, many on the sidewalks. Mrs. Wolbert made a motion, seconded by Mr. Flory, to authorize special counsel Craig Doll to file an official Complaint with the PA Public Utility Commission concerning the issue of the gas meter at East Stroudsburg Hardware being relocated to an exposed location within Bank Alley; unless the Manager is able to reach a satisfactory resolution with UGI on this issue at a meeting to be held with UGI. The motion carried unanimously.

On other issues related to UGI, Mr. DeSalva reported that he has received payment for required fees for all permits issued to UGI to date. Mr. DeLarco asked Mr. DeSalva to prepare a written report on all UGI for Council review at the 5/28/15 Council Committee meeting. Mrs. Wolbert asked if the Codes software could be utilized for issuing Road Opening permits for the ones required for UGI.

### Collection Litigation

Mr. Reese made a motion, seconded by Mrs. Wolbert, to retain the law firm of Young and Haros as special counsel for collection litigation at an hourly rate of \$165 per hour; the motion carried unanimously.

### SOP for Water Filtration Plant

Mr. Begley made a motion, seconded by Mrs. Wolbert, to authorize R.K.R. Hess Associates to work on the Standard Operating Procedure (SOP) and maintenance plan for the Water Filtration Plant on an hourly basis as needed. The motion carried unanimously.

### Adjournment

With no further business, Mrs. Wolbert made a motion, seconded by Mr. Flory, to adjourn the meeting at 10:20 p.m.; the motion carried unanimously.

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James S. Phillips, Secretary