

East Stroudsburg Borough, May 20, 2014

A regular meeting of the East Stroudsburg Borough Council was held at the Municipal Building on Tuesday, May 20, 2014. The following members were in attendance: Peter Begley, Roger DeLarco, Edward Flory, William Reese, Richard Smith, and Sonia Wolbert (arrived late). Also attending were: Manager James S. Phillips; Mayor Armand Martinelli; Solicitor John C. Prevoznik; Engineering Representative Samuel D'Alessandro of R.K.R. Hess Associates, Inc.; Codes Official Marvin Walton; and Chief William Parrish of the Stroud Area Regional Police Department.

Call to Order/Pledge of Allegiance – President DeLarco

President Roger DeLarco called the meeting to order at 7:30 p.m. The pledge of Allegiance was led by Maury Molin.

SARPD Report for Month of April 2014

Chief Parrish reviewed the highlights of the monthly report, and noted that the Department needs the Borough to paint lines on roads to be able to use the Robic Speed timing device for traffic enforcement on roads such as King St., and Washington St. The Chief also noted that a public meeting will be held Thursday on the proposed Bills to allow local police use of radar. Mr. Reese asked about “year end activities” around the University? Chief Parrish said the Department wrote 89 citations over the last month. Mr. DeLarco asked about Crystal Street merchants’ concerns? Chief Parrish said he met today again with Deanna Jones from Liztech, and a group of people are planning on attending the upcoming Council meeting June 3rd.

Public Comments

Michael Fagan of 562 North Courtland St. said the property owner at 568 N. Courtland now has opened another business at the residence. Mr. Walton said he has issued an enforcement notice to the property owner; the next step if they do not respond is to file a citation.

Ralph Roth of 578 North Courtland St. stated the same concerns about the property.

Maury Molin of 9 Park St. read a statement, appealing to Council to work with East Stroudsburg University officials on their request for approval of the proposed Information Commons Building project on campus.

Public Hearing on Community Development Needs of the Borough that may be addressed by Use of Community Development Block Grant (CDBG) funds

Mr. Flory made a motion, seconded by Mr. Smith, to open the public hearing; the motion carried unanimously. Mr. Phillips read an opening statement explaining the purpose of the public hearing, and introduced Karen Parish of Mullin & Lonergan Associates, Inc., community development consultants for the Borough.

Mrs. Parish noted that 70% of federal Community Development Block Grant (CDBG) monies must be utilized to benefit low – moderate income persons. CDBG funds used for the Housing Rehabilitation Program can be used Borough-wide, but again must benefit low-moderate income households. The Borough only has certain census tracts that are income-eligible based on previous census information. Income surveys are necessary to qualify projects for use of CDGG monies in all other areas. However, the U.S. HUD is putting out new income survey guidelines in July.

Mrs. Parish said this year’s funding cycle has again been delayed by the PA Department of Community and Economic Development (DCED); the 2013 year contract was only received recently, so the 2014 program may follow the same schedule.

Mrs. Parish noted that a waterline project has been designated in the 2013 program, for design only of a replacement line on Elizabeth Street; and the Borough recently published several ads to encourage residents to submit applications to the Redevelopment Authority of

Monroe County which administers the program for the Borough. However, they have gone through all names on their waiting list.

Mayor Martinelli noted that Mrs. Wolbert had inquired about using CDBG funds as incentives for first-time home buyers? Mrs. Parish said the limiting factor is again the requirement that the beneficiaries must meet the income limitations.

Mr. DeLarco said Council has agreed to work with the local Realtors Association on an effort to obtain a grant to undertake a visioning process for the Borough, and is also discussing community gardens – Mr. DeLarco said a location on Kistler St. near Monroe County Housing Authority units might be a good location for that.

Mrs. Wolbert arrived at this time.

Mr. DeLarco also asked about the recent designation of East Stroudsburg as an “urban area” which could make the Borough eligible to become a direct entitlement community for CDBG funds? Mrs. Parrish said HUD has determined that East Stroudsburg Borough is eligible to be an entitlement; but the funding level would be about the same as the amount the Borough currently receives through the Act 179 program administered by PA DCED – but there would be more and costly requirements that the Borough would have to administer, which DCED now does for the municipalities under the State program.

Mrs. Wolbert said the Borough needs to work on making the town more attractive as a place to live, and noted that the County does administer a program for first-time home buyers – but only one new mortgage has been approved this year under that program. Mrs. Wolbert asked about using CDBG funds for economic development? Mrs. Parish said CDBG monies can be used for that purpose, but extensive documentation of low-moderate income jobs created is required and can be difficult to demonstrate.

Mr. DeLarco asked if CDBG funds can be used to develop a new comprehensive plan for the Borough? Mrs. Parish said the Borough can use up to 18% of its annual allocation for administration, which could include consultant services for working on the Comp. Plan. The State has been pushing need-based Comprehensive Plans that are implementable.

Mr. Walton asked whether home rehabilitation funds can be used where the homeowner owes taxes? Mrs. Parish said that is a local policy decision, but it does not make practical sense to invest monies in a home that may be going up for tax sale, for example.

The handout provided by Mrs. Parish outlining the range of eligible activities for CDBG funds was introduced into the record as an Exhibit. Mr. Flory made a motion, seconded by Mr. Begley, to adjourn the public hearing; the motion carried unanimously.

Presentation by Anthony Ardito, C.P.A. of Ardito & Co., LP – Comprehensive Financial Report (Audit) for the Borough for the 2013 Year

Anthony Ardito reviewed the highlights of the Audit Report. On pages 43-44, the “profit/loss” statement for the Borough’s main funds, Mr. Ardito noted that the Borough again supplemented the General Fund with transfers from the Water and Sewer Fund totaling \$1,000,000. On pages 23-24, the balance sheet for the Borough’s Enterprise Funds, Mr. Ardito noted that surpluses in the Water and Sewer Funds continue to drop. Mr. Ardito noted that the Borough’s receivable continue to grow in the Water and Sewer Funds, particularly.

After brief discussion, Mr. Ardito asked Council to note any questions after review of the document. Mr. DeLarco asked Mr. Ardito to consider coming back to address any questions after Council has had a chance to review the Report.

Proposed Ordinance No. 1291 Authorizing Fifth Amendment to an Intermunicipal Water Service Agreement and Facilities Transfer Agreement dated May 6, 1999, and Four Subsequent Amendments Thereto, Between the Borough of East Stroudsburg and the Brodhead Creek Regional Authority (BCRA)

Mr. Prevoznik noted that notice of the proposed Ordinance was not able to be

advertised in time for action on the Ordinance tonight, and suggested that Council hold the public hearing on the night of the Council Committee meeting next Thursday. Mrs. Wolbert made a motion, seconded by Mr. Flory, to authorize advertising a special meeting of Council to be held on the Committee meeting date of May 29, 2014. The motion carried unanimously.

Proposed Ordinance Amending Chapter 150 of the East Stroudsburg Code, Vehicles and Traffic, Revising Parking Restrictions on State Street

Mr. Phillips said the proposed Ordinance is to address the clarifications needed for parking provisions on State Street as discussed previously. Mr. Flory made a motion, seconded by Mr. Reese, to authorize advertising the proposed ordinance as drafted; the motion carried unanimously.

Proposed Resolution No. 13 - 2014 Recognizing Frank and Marie Summa for their Lifetime Achievement Award from Monroe County Historical Association

Mr. Reese said he had asked that Council recognize Mr. and Mrs. Summa with a Resolution; Mr. Prevoznik suggested that Council may want to invite the Summa's to be present for adoption of the Resolution. Mr. Reese made a motion, seconded by Mrs. Wolbert, to invite Frank and Marie Summa to the meeting on June 3rd for action on proposed Resolution No. 13-2014; the motion carried unanimously.

Public Comments – New Business

None.

Correspondence:

Mr. Phillips noted the following items of correspondence received:

i. Locust Ridge Contractors – Request for Time Extension for Ridgeway Street Contract #1 (Water) and Contract #2 (Sewer). Mr. D'Alessandro said the contractor is back working on Ridgeway St. after a delay in trying to get a subcontractor to do the concrete work. After discussion, Mr. Reese made a motion, seconded by Mr. Flory, to grant the time extension until June 15, 2014 for completion of all work as requested; the motion carried unanimously.

ii. R. Troy Nauman – Request for Time Extension for Proposed Buff-Nauman Subdivision Plan of approx. 11 acres off of Franklin Hill Road, R-1 District. Mr. Phillips said the applicant does expect to submit new plans next week but the most current time extension approved will have expired. After discussion, Mr. Begley made a motion, seconded by Mr. Smith, to grant the time extension until June 20, 2014 as requested; the motion carried unanimously.

iii. Pennoni Associates, Inc. – Request for Time Extension on behalf of East Stroudsburg University of PA for Preliminary/Final Land Development, Subdivision, and Conditional Use Approvals for proposed Information Commons Building Project. After discussion, Mr. Flory made a motion, seconded by Mr. Reese, to grant the time extension until July 1, 2014 as requested; the motion carried unanimously.

Reports

Mr. D'Alessandro reviewed the written Engineer's Report previously submitted to Council.

Mr. Begley thanked everyone for support of his candidacy for State Legislature.

Mr. Reese noted that litter is a problem along roads near the Water Plant and Reservoir, also the Downtown needs cleaned up. Mr. Reese said he had previously sponsored a motion to have the Borough DPW crew help spruce up the Downtown.

Mr. Flory said the Pocono Record "free" papers distributed around town add to the litter and debris.

Mr. DeLarco said he had spoken with the Planning Commission about the Commission being more proactive in ordinance development/administration, and received a positive reaction.

Mr. DeLarco also said he had attended a meeting held at the Commissioner's Office on the proposed I-80 Reconstruction Project. Finally, Mr. DeLarco reported that Councilman Reese has agreed to serve on the SARPD Task Force on behalf of the Borough.

Mr. Walton said he wants to schedule a meeting Thursday morning with those members of Council not part of the Zoning Committee which has been working on revisions to the Permit Parking Ordinance; to be held at 8:30 a.m. Mr. Walton said the next Zoning Committee meeting is scheduled for Friday morning; at 7:30 a.m.

Mr. Phillips asked if Council wants to adopt a Resolution in support of proposed legislation to permit local police departments to utilize radar for speed limit enforcement? Mr. DeLarco said he is attending the meeting Thursday at Shawnee Resort concerning this legislation. Mr. Flory made a motion, seconded by Mr. Reese, to adopt Resolution No. 14-2014 Supporting enactment of Senate Bill 1340 and House Bill 1272. The motion carried unanimously.

Mr. Begley left the meeting at this time.

List of Bills Payable – May 20, 2014

Mrs. Wolbert made a motion, seconded by Mr. Flory to approve the List of Bills Payable and to ratify payroll and bills paid to date; the motion carried unanimously.

Executive Session for Discussion of Litigation Matters

Mr. Flory made a motion, seconded by Mrs. Wolbert, to adjourn into executive session at 9:21 p.m.; the motion carried unanimously.

At 9:30 p.m. Council members reassembled in the meeting room, and Mrs. Wolbert 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 litigation matter and a personnel matter.

DPW Director Position

Mr. DeLarco reported that the Committee consisting of Mr. Phillips, Mr. D'Alessandro, Mr. Flory and himself had reviewed the applicants for this position and interviewed the four top-ranked candidates. The Committee has identified a top candidate and will be checking on references for that individual, with the intention of having a final recommendation by the June 3rd meeting.

Conditional Use Hearing on proposed ESU Information Commons Building Project

Mr. Prevoznik suggested that Council may want to appoint Special Counsel to prosecute the conditional use hearing on behalf of the Borough, so that he (Mr. Prevoznik) can advise Counsel as Solicitor. Mr. Prevoznik noted that pursuant to the Municipalities Planning Code, Council also has the option of appointing a Hearing Officer to conduct the conditional use hearing and to actually render the decision on the matter. The applicant does not have the option of approving the use of a hearing officer, but can agree or not agree as to whether the decision of the hearing officer is final, or must be approved by Council. Council discussed the pros and cons of both actions; Mr. Phillips said he would talk with Mr. Begley to advise him of these options before Council makes a decision on this matter.

Adjournment

With no further business, Mr. Flory made a motion, seconded by Mr. Smith, to adjourn the meeting at 10:05 p.m.; the motion carried unanimously.

James S. Phillips, Secretary