

East Stroudsburg Borough, May 26, 2016

A special meeting of the East Stroudsburg Borough Council was held at the Municipal Building on Thursday, May 26, 2016. The following members were in attendance: Donald Cross, Edward Flory, Roger DeLarco, Maury Molin, William Reese, and Sonia Wolbert. Also attending were: Mayor Armand M. Martinelli; Solicitor John C. Prevoznik; Manager James S. Phillips; Codes Official Marvin Walton; DPW Director Steven DeSalva; and Engineering Representative Samuel D'Alessandro of R.K.R. Hess Associates.

Call to Order/Pledge of Allegiance – President DeLarco

Mr. DeLarco called the meeting to order at 7:30 p.m. The Pledge of Allegiance was led by Brian Nagle.

Moment of Silence and Reflection

A moment of silence was observed by all in attendance.

Minutes of May 17, 2016 Regular Council Meeting

Mr. Molin made a motion, seconded by Mr. Reese, to approve the minutes of the May 17, 2016 regular Council meeting as submitted; the motion carried unanimously.

Land Development Plan for Phase 2 of Student Housing Project on East Stroudsburg University Campus by ESU/UPI, Inc. – Request for Preliminary and Final Approval

Brian Nagle, attorney for University Properties, Inc., was present on behalf of the applicants. Mr. Nagle says the new LDP is a revised Phase 2; the original plan had proposed three phases. Mr. Prevoznik noted that the Monroe County Planning Commission comments on the plan, and the response from the applicants' Engineer had been distributed to Council members.

David Horton, P.E., of Pennoni Associates, project Engineers, was introduced. Mr. Horton reviewed the MCPC comments; a third loading space has been added to the plan in the back of the building, in response to one of the MCPC comments. Mr. Flory asked if a fire lane is required around all sides of the building. Mr. D'Alessandro said it is required for a commercial building but is not sure about an institutional building. Mr. Nagle noted that the building will be completely covered by a sprinkling system.

Mr. Nagle said several waivers from Subdivision and Land Development (SALDO) Code provisions had been granted for the original plan approval, and the request is to ratify those waivers for this revised plan. Mr. Horton said the waivers are listed in his response letter dated 5/26/16. Mr. Nagle asked if the waivers are also listed on the Plan? Mr. Horton replied yes. Mr. Horton reviewed the separate waivers from the SALDO provisions, regarding information required for preliminary plans:

- Waiver from stormwater requirements, Section 304.A.2A – minimum depth of 24" between bottom of BMP and limiting zone. Mr. Molin made a motion, seconded by Mr. Reese, to ratify grant of the waiver as requested; the motion carried unanimously.
- Waiver from stormwater requirements, Section 403.B – maps submitted on 24" x 36" size sheets. Mr. Cross made a motion, seconded by Molin, to ratify grant of the waiver as requested; the motion carried unanimously.
- Waiver from Table 3, classification of Normal Street as collector street requires 34 ft. width pavement. Mr. Molin made a motion, seconded by Mr. Cross, to ratify grant of the waiver as requested; the motion carried unanimously.
- Waiver from Section 140-30.A – scale of plans not more than 100 ft./inch. Mr. Cross made a motion, seconded by Molin, to ratify grant of the waiver as requested; the motion carried unanimously.

- Waiver from Section 140-30.B(5) – showing of all tract boundaries with bearing and distances. Mr. Flory made a motion, seconded by Mr. Molin, to ratify grant of the waiver as requested; the motion carried unanimously.
- Waiver from Section 140-30.B(6) – showing contours at 5 ft. intervals. Mr. Flory made a motion, seconded by Mrs. Wolbert, to ratify grant of the waiver as requested; the motion carried unanimously.
- Waiver from Section 140-30.B(9) – showing all significant features on plan. Mrs. Wolbert made a motion, seconded by Mr. Cross, to ratify grant of the waiver as requested; the motion carried unanimously.
- Waiver from Section 140-30.B(10) – showing names, ROW widths, and pavement width of all roads. Mr. Molin made a motion, seconded by Mr. Cross, to ratify grant of the waiver as requested; the motion carried unanimously.
- Waiver from Section 140-30.B(11) – showing all existing easements and rights of ways. Mr. Molin made a motion, seconded by Mr. Flory, to ratify grant of the waiver as requested; the motion carried unanimously.
- Waiver from Section 140-30.B(13) – showing names of owners of all abutting lands. Mr. Flory made a motion, seconded by Mr. Cross, to ratify grant of the waiver as requested; the motion carried unanimously.

Mr. Horton reviewed the separate waivers from the SALDO provisions, regarding information required for final plans:

- Waiver from Section 140-31.B(1) – final plan at scale of not more than 100 ft./inch. Mr. Reese made a motion, seconded by Mr. Flory, to ratify grant of the waiver as requested; the motion carried unanimously.
- Waiver from Section 140-31.B(1)(e) – showing boundaries of tract. Mr. Flory made a motion, seconded by Mr. Molin, to ratify grant of the waiver as requested; the motion carried unanimously.
- Waiver from Section 140-31.B(1)(f) – showing street lines, lot lines, and areas dedicated for public use. Mr. Flory made a motion, seconded by Mr. Cross, to ratify grant of the waiver as requested; the motion carried unanimously.
- Waiver from Section 140-31.B(1)(g) – data sufficient to determine location and bearing of every street, lot and boundary line. Mr. Flory made a motion, seconded by Mr. Molin, to ratify grant of the waiver as requested; the motion carried unanimously.
- Waiver from Section 140-31.B(1)(k) – showing location and width of all private driveways. Mr. Cross made a motion, seconded by Mr. Molin, to ratify grant of the waiver as requested; the motion carried unanimously.

Mr. D’Alessandro noted the prior conditional use had required the installation of monuments along streets. Mr. Nagle read a provision from the Stipulation agreed to by all parties that requires the monuments to be installed when the boundary survey is completed by ESU. Mr. D’Alessandro noted that a small portion of the parcel lies within the R-1 zone, but the applicant has demonstrated compliance with all provisions without including that acreage.

Mr. DeSalva noted that the video survey of road conditions completed by Pennoni was very comprehensive, but said that he did not see a video of the portion of Smith Street. Mr. Horton said if he does not have it or it was not done, they can still do that portion of Smith.

After discussion, Mr. Flory made a motion, seconded by Mr. Molin, to approve the land development plan for the revised Phase 2 as submitted, subject to final review of the plans. The motion carried unanimously.

Public Comments – Agenda Items

None.

Report on Conditional Use Application Decision issued by Joselle Cleary, Hearing Officer, for proposed ESU/UPI, Inc. Phase 2 of Student Housing Project

Mr. Prevoznik said the decision was received this afternoon and he had forwarded it on to Council members. The decision is based on the Stipulations agreed to by all parties, and appears to address the items of concern for the Borough. The decision by the Hearing Officer is final; the only decision of Council would be whether to appeal the decision. The applicant hopes to be able to proceed with financing for their project by June 30, 2016 if the decision is not appealed. After discussion, Mr. Flory made a motion, seconded by Mr. Reese, to not authorize any appeal of the decision as issued; the motion carried unanimously.

Report/Possible Action on Bid Proposals Received 5/25/16 for Levee Scour Repair Project

Mr. Phillips had distributed a copy of the bid tabulation for three bids received for work along Little Sambo Creek at Dansbury Park; the total bids on a unit price basis are as follows:

Jumper Landscaping, LLC	Mountain Top, PA	10% BB	\$ 44,857.00
Ken Rauch Excavating, Inc.	Montrose PA	\$3,480 CC	\$ 34,800.00
Rutledge Excavating, Inc.	Tyler Hill, PA	10% BB	\$ 58,628.55

Mr. Phillips said he checked the bids for addition/multiplication, and all required documents were submitted with the bids. Mr. Prevoznik said he reviewed the submittal of the low bidder, and the bid documents appear to be in order. After discussion, Mr. Flory made a motion, seconded by Mr. Reese, to accept the proposal from and award the contract to the low bidder, Ken Rauch Excavating, Inc. as recommended; the motion carried unanimously.

Proposal for Construction Administration and Inspection Services for Levee Repair Project

Mr. D'Alessandro said his firm will be providing a proposal for inspection services now that bids have been successfully received for the project.

Public Comments – New Business

None.

Correspondence

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

- i. PennDOT – Notice of June payment of State Police Fines & Penalties - \$1,574.96.
- ii. Ardito & Co., LLP – Audit Report for Monroe County Control Center for 2016 Year.
- iii. Replacement of Bridge over Delaware Lackawanna Railroad tracks – Municipal response form. A copy of the draft response form had been sent to Borough Council. Mr. DeLarco said he had noted several considerations that PennDOT should take in account for design of the new bridge. Mr. Molin said St. Matthews Church should be listed because of the many events held there. Mr. DeLarco asked that the response form be referred to the Borough's traffic engineers, TPD, Inc. for their review and input on any other items they might believe are important for the new bridge design.

Reports - Committees

Mrs. Wolbert reviewed the following Public/Intergovernmental topics:

1. Mrs. Wolbert reported that Sherry Acevedo, Exec. Director for SROSRC is still off work due to surgery and Samantha Holbert is filling in on a temporary basis.
2. Mrs. Wolbert also reported that a meeting was held yesterday with the Pool Director and SROSRC park patrol director concerning coordinating efforts at Dansbury Park.
3. Discussion was held on the Brodhead Watershed Association Green Infrastructure Project and the possible use of the property at the end of Lenox Avenue for a rain garden site. After discussion, Mr. Flory made a motion, seconded by Mrs. Wolbert, to request a

proposal from R.K.R. Hess for the cost of a survey to verify Borough ownership of the property; the motion carried unanimously.

Mr. Reese reviewed the following Utilities & Public Services topics:

1. Proposed Ordinance to extend Non-Use Aquifer Zone at former IBW property site. Mr. Phillips reported he has requested possible dates for a meeting with Stroud Township Supervisors. Mr. D'Alessandro asked if he should attend or someone from MEA, Inc.? Mr. Phillips said he would check with Tony Dellaria of MEA.
2. Mr. Reese reported the Sewer System Alternatives Committee will be meeting tomorrow.
3. Consumer Confidence Report (CCR) for Borough Water System – a draft copy of the 2015 year report was distributed.
4. Mayor Martinelli asked about establishing a formal crosswalk on East Broad St. at Warren St. where a crossing guard is stationed for J.M. Hill School. After discussion, Mr. Flory made a motion, seconded by Mr. Molin, to have the DPW Director provide a report on this matter for the next meeting; the motion carried unanimously.

Mr. DeLarco reviewed the following Finance/Administration topics:

1. Mr. DeSalva reported on two proposals received for replacing carpeting in the administration office and in the building lobby. After discussion, Mr. Flory made a motion, seconded by Mr. Cross, to accept the proposal from the Floor Source at a unit cost of \$2.30 per sq. yd.; the motion carried unanimously.
2. Mr. DeLarco noted that the Audit Committee will be meeting tomorrow morning at Mr. Prevoznik's office.

Mr. Molin reviewed the following Transportation/Infrastructure topics;

1. Mr. Phillips reported that the mylar for the revised traffic signal permit for the Prospect St./Normal St. intersection has been received to be submitted to PennDOT.
2. Mr. Phillips also reported that the easements for traffic signal equipment at the East Brown St./Smith St. intersection have been prepared by R.K.R Hess Associates, and sent on to ESU and Pocono Senior Housing, LLC, respectively.
3. Mr. DeSalva reported that the Streetscape contractor will be returning in several weeks to complete the work; however, the budget will be exceeded for inspection services and McTish Kunkel Associates has requested a supplemental amount of \$6,195 to complete the work. Mr. Phillips noted that PennDOT requires the employment of a full-time Inspection/administration person on the job. Mr. Flory made a motion, seconded by Mr. Reese, to approve the Supplemental contract amount for McTish Kunkel as requested; the motion carried unanimously.

Mr. Flory reviewed the following Planning & Zoning Committee topics:

1. Mr. Walton suggested that a proposal be requested from Trans Associates for updating the Parking Management provisions of the Borough Zoning Ordinance. After discussion, Mr. Flory made a motion, seconded by Mr. Cross, to authorize request of the proposal as recommended; the motion carried unanimously.

Mr. Cross reviewed the following Public Safety topics:

1. Mr. Walton reported that the owner of the fire-damaged residence at 238 Braeside Avenue now has decided to salvage and rebuild the structure, instead of demolishing it. Mrs. Wolbert asked if the Borough can enforce a time frame for doing that? Mr. Prevoznik said the Borough could go to court to require action if the structure is left in the existing condition for too long.
2. Mr. Cross reviewed information distributed to Council on a truck-mounted infrared heating unit for road asphalt repairs, and said he thinks the Borough should pursue purchasing it, perhaps in conjunction with Stroudsburg Borough if needed.

Ratification of Repayment Agreement for Delinquent Water/Sewer and Garbage Fees

Mr. Flory made a motion, seconded by Mr. Molin, to ratify approval of the following repayment agreement: El Ink, LLC (former Town Garage), 119 Lenox Avenue – Water/sewer. The motion carried unanimously.

Executive Session

Mr. Molin made a motion, seconded by Mr. Cross, to adjourn into executive session at 8:54 p.m.; the motion carried unanimously.

At 10:30 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 two real estate matters and a personnel matter; and no decisions were made.

Offer of Employment for Financial Officer Position

Mr. Molin made a motion, seconded by Mr. Flory, to follow the recommendation of the Hiring Committee and approve an offer of employment to the No. 1 person on the candidate list, subject to successful completion of a background investigation. The motion carried unanimously.

Opening of Dansbury Park Swimming Pool

Mr. Flory made a motion, seconded by Mr. Reese, to establish the opening date for the Dansbury Park Swimming Pool for the 2016 Season to be Saturday, June 11, 2016. The motion carried unanimously. Mrs. Wolbert reminded that the Pool Operations Committee will be meeting Wednesday morning with the Pool Director.

Adjournment

With no further business, Mr. Molin made a motion, seconded by Mr. Reese, to adjourn the meeting at 10:35 p.m.; the motion carried unanimously.

James S. Phillips, Secretary