

East Stroudsburg Borough, May 29, 2014

A special meeting of the East Stroudsburg Borough Council was held at the Municipal Building on Thursday, May 29, 2014. The following members were in attendance: Peter Begley, Roger DeLarco, William Reese, and Sonia Wolbert. Edward Flory and Richard Smith were absent. Also attending were: Mayor Armand M. Martinelli; Manager James S. Phillips; Solicitor John C. Prevoznik; and Codes Official Marvin Walton.

Call to Order/Pledge of Allegiance – Mr. DeLarco

President Roger DeLarco called the meeting to order at approximately 9:00 p.m., after the Committee Meeting, and led the Pledge of Allegiance.

Minutes of May 6, 2014 Regular Meeting and May 20, 2014 Regular Meeting

Mr. Begley made a motion, seconded by Mrs. Wolbert, to approve the minutes of the regular Council meeting held May 6, 2014 as submitted; the motion carried unanimously. Mayor Martinelli noted a correction needed for the draft May 20 meeting minutes – he was in attendance. Mr. Reese made a motion, seconded by Mrs. Wolbert, to approve the minutes of the regular Council meeting held May 20, 2014 with the aforementioned correction; the motion carried unanimously

Public Hearing on Proposed Ordinance No. 1291, An Ordinance of the Council of the Borough of East Stroudsburg on Behalf of the Borough of East Stroudsburg Authorizing a 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)

Mrs. Wolbert made a motion, seconded by Mr. Begley, to open a public hearing on the proposed ordinance; the motion carried unanimously. Mr. Phillips said the proposed ordinance would approve a fifth amendment to the existing Intermunicipal Water Service Agreement and Facilities Transfer Agreement, between the Borough and BCRA. Notice of the public hearing on the proposed ordinance was advertised in the *Pocono Record* on May 22, 2014 (proof of publication was available for inspection). An attested copy of the full ordinance with exhibits was furnished to the newspaper, and to the County Law Library.

Mr. Phillips said the amendment would reference an additional connection point where the Borough will furnish water in bulk to BCRA, for BCRA to distribute to its customers within Smithfield Township within the Milford Road service area. The J. T. Lambert Intermediate High School, which currently receives water directly from the Borough pursuant to a Public Utility Commission order from 1990, will be the only customer of BCRA served through this new connection point at this time. Mr. Prevoznik said the agreement between the Borough and East Stroudsburg Area School District from 1990 permits the Borough to assign its rights under the agreement to another entity, such as the Brodhead Creek Regional (Water) Authority.

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

Action on Proposed Ordinance No. 1291, An Ordinance of the Council of the Borough of East Stroudsburg on Behalf of the Borough of East Stroudsburg Authorizing a 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)

Mrs. Wolbert made a motion, seconded by Mr. Begley, to enact proposed Ordinance No. 1291 as advertised, and to authorize execution of the Fifth Amendment to the Agreement with Brodhead Creek Water Authority, as submitted. The motion carried unanimously.

Public Comments – New Business

None.

## Reports

Mr. Walton reported that the two new parking enforcement officer hires, Sandy Adamson and Rebecca Smith, are working on their own this week after working for two weeks under supervision. Mr. Walton said Ms. Smith has inquired about carrying pepper spray while working at parking enforcement. Mayor Martinelli said it would be a good idea for the PEO's to receive training on use of pepper spray from the Regional Police Department before carrying it on duty.

Mr. Walton also noted that the Salvation Army has inquired about possible acquisition of the adjoining property at 214 Washington Street for parking. Mr. Prevoznik said Mr. Phillips can advise them concerning the storm culvert issue on that property, but they may not be interested once they learn the details.

## Executive Session

None.

## J S Restoration Claim

Mr. Prevoznik reported that the claim of J S Restoration (Servpro of Monroe County, Inc.) against the Borough for a sewage backup incident on Grandview Street, has been settled. Mr. Begley made a motion, seconded by Mr. Reese, to ratify approval of the settlement payment of \$5,000 as negotiated; the motion carried unanimously.

## Resolution No. 15-2014 – Appointment of Hearing Officer for Conditional Use Hearing on proposed ESU Information Commons Building Project

Mr. Prevoznik said Council has the option, under the Municipalities Planning Code, to appoint an attorney as hearing officer for the conditional use hearing. The hearing officer would conduct the hearing, make findings and render a decision on the matter. The advantage of this approach would be that the hearing officer is independent of the Borough.

Also, Council may want to appoint Special Counsel to present the conditional use hearing on behalf of the Borough, so that he (Mr. Prevoznik) can advise Council as Solicitor. Alternatively, Mr. Prevoznik could present the Borough's case and special counsel could advise Council. After discussion, Mrs. Wolbert made a motion, seconded by Mr. Begley, to adopt proposed Resolution No. 15-2014 authorizing the retaining of Attorney Joselle Cleary to act as Hearing Officer pursuant to Section 913.2.a. of the Municipalities Planning Code, to conduct the conditional use hearing to be held on the ESU Information Commons Building project. The motion carried unanimously.

## 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.

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James S. Phillips, Secretary