

East Stroudsburg Borough, November 17, 2015

A regular meeting of the East Stroudsburg Borough Council was held at the Municipal Building on Tuesday, November 17, 2015. The following members were in attendance: Peter Begley, Edward Flory, Roger DeLarco, William Reese, Richard Smith, and Sonia Wolbert. Also attending were: Solicitor John C. Prevoznik, Manager James S. Phillips; Director of Public Works Steven DeSalva; Codes Official Marvin Walton; and Samuel D'Alessandro, P.E., Engineering Representative from RKR Hess, a Division of UTRS.

Call to Order/Pledge of Allegiance – President DeLarco

Council President Roger DeLarco called the meeting to order at 7:30 p.m. The Pledge of Allegiance was led by David Horton.

Moment of Silence

A moment of silence and reflection was observed by all in attendance.

SARPD Report for October 2015

SARPD Lieutenant Paul Gasper reported that accidents were down and traffic contacts up for the month. Mr. Phillips asked if all the newly-hired officers have completed field training; Lt. Gasper replied yes. Mr. DeLarco asked if the cameras on Crystal Street are working? Lt. Gasper did not know but indicated he would find out.

Request for approval of Preliminary/Final Land Development Plan by PA Department of General Services/East Stroudsburg University for proposed Information Commons Building Project, Normal Street, I-U District

David Horton of Pennoni Associates, project engineers for the project, was present on behalf DGS/ESU. Mr. Horton said the project was granted conditional use approval on 6/26/15; and the applicant has been working on addressing the conditions under that approval and has been providing status updates periodically. The latest review letter from the Borough Engineer was just received; and only one item has not been addressed – a water quality unit proposed for installation within Normal Street. ESU will install and maintain the unit.

Mr. Horton said the project will be built in two phases:

1. Demolition of the existing Hospitality Management building and construction of the first half of the new Information Commons Building.
2. Demolition of the existing University Center Building and construction of the second half of the Info. Commons Building

Mr. Horton said most of the stormwater will be collected and distributed in the Quad Area.

Mr. Reese asked how or who will inspect the stormwater quality unit? Mr. Horton indicated that ESU would be fully responsible for the unit. Mr. DeLarco asked if there are any other conditions attached to the Land Development Plan? Mr. D'Alessandro said Stormwater Management Ordinance and a Development Agreement Agreement must be executed. Mr. Prevoznik said the Conditional Use Decision had 43 conditions attached to it. A matrix was prepared to list the status of each of the 43 conditions. Mr. Reese asked who is responsible for tracking the completion of conditions in the matrix? Mr. Phillips said the matrix lists who is responsible for each item; and both ESU and the Borough are tracking the matrix items. Mr. Horton displayed the map showing the 18.9 acre parcel created with the joinder deed for the project.

Mr. Prevoznik said the proposed License agreement for the Borough's waterlines and Wells No. 1 and 2 which are located within the University property has also been finalized; and will remain in place until permanent easements can be granted through legislative action.

After discussion, Mrs. Wolbert made a motion, seconded by Mr. Flory, to grant preliminary and final Land Development approval for the project as submitted; subject to completion and execution of a stormwater management agreement and a development agreement. The motion carried unanimously.

Mr. Flory made a motion, seconded by Mrs. Wolbert, to approve the proposed License Agreement between the Borough and East Stroudsburg University for the Borough waterlines and Wells, as submitted. The motion carried unanimously.

Public Comments – Agenda Items

None.

Request by Harsco Industrial/Patterson Kelly for extension of time for action on preliminary/final land development plan for proposed building addition at 155 Burson St.

Mr. Walton said an issue came up regarding a “gore” in the title to the property where Warren St. Extension was laid out, and Harsco is attempting to clean that up. Mrs. Wolbert made a motion, seconded by Mr. Reese, to grant the extension as requested by Harsco in their letter dated 11/03/15 until January 20, 2016; the motion carried unanimously.

Ordinance No. 1304 Amending Vehicle and Traffic Code, Revising Parking Restrictions on Sopher Street

Mr. Flory questioned whether the ordinance as drafted addresses the parking restrictions discussed at the last meeting? Phillips said he would check the language in the ordinance.

Mr. Reese made a motion, seconded by Mr. Begley, to table action on the proposed ordinance; the motion carried unanimously.

Proposed Cooperation Agreement by and between County of Monroe and Borough of East Stroudsburg for the FY 2015 CDBG Program Administration

Mr. Prevoznik said the terms of the agreement are basically dictated by the County; but noted that as an intergovernmental agreement, it should be adopted by Ordinance.

Mr. Begley made a motion, seconded by Mr. Flory, to authorize preparation and advertising of an ordinance to approve the proposed agreement; the motion carried unanimously.

Request to transfer real estate listing for 66 Analomink Street building to REMAX Commercial Partners

Mr. Phillips said Robert Starrret has acquired the REMAX real estate franchise, and has requested that the Borough transfer the listing for the building from his former broker to his new agency. After discussion, Mrs. Wolbert made a motion, seconded by Mr. Begley, to approve transfer of the listing for 66 Analomink to REMAX Commercial Partners as requested; subject to review of the contract with the previous listing agent; the motion carried unanimously.

Appointment of Hearing Officer for Modification of Conditional Use Application by UPI, Inc./East Stroudsburg University for proposed Phase II of Student Housing Project

Mr. Prevoznik reported that Borough representatives met with officials of UPI/ESU earlier this week, and one item discussed was having a hearing officer conduct the conditional use public hearing; as opposed to Borough Council conducting the hearing. Mr. Prevoznik said he spoke with Attorney Joselle Cleary concerning possible dates in late January to hold the hearing. Mr. Flory made a motion, seconded by Mr.

Begley, to retain Joselle Cleary, Esquire, as hearing officer for the UPI/ESU conditional use application; the motion carried unanimously.

Proposed Ordinance Amending Chapter 154 Water Code; Revising Water Rates

Mr. D'Alessandro reported required improvements to the Borough Water System, including the Middle Dam rehabilitation work – are proposed to be funded via a long term bank loan. The debt service costs for the water improvements funded by the loan must be paid for through an increase in water rates. The executive committee is recommending the following changes be implemented to water rates for the 2016 year:

- Increasing the basic rates to a minimum of \$45 per EBU.
- Decreasing the minimum usage allowance to 20 kl of water use.
- Increasing the per kl charge for all water used over the minimum allowance to \$0.88 per kl.

After discussion, Mr. Flory made a motion, seconded by Mr. Begley, to authorize preparation of an ordinance and advertising of a public hearing on the proposed ordinance to revise water rates, as recommended; the motion carried unanimously.

Public Comments – New Business

Maury Moulin of 9 Park Street asked about the leaf collection schedule for his neighborhood. Mr. DeSalva noted that the DPW crew was impacted by not having enough men to devote to leaf collection due to other contract work going on in the Borough. Mr. Begley noted that changes to the leaf collection schedule might be addressed by having a Facebook page for the Borough.

Georgia Strunk of Strunky's Pub asked about the burned out structure on Lackawanna Avenue? Mr. Prevoznik said the owner of the property is in bankruptcy, and the Borough has attempted to get the mortgage company to separate this property from the others that are under a joint mortgage; but so far unsuccessfully.

Correspondence

- Mr. Phillips reported receipt of the following items of correspondence:
- i. National Park Service, Delaware Water Gap Recreation Area – Celebration of 50th Anniversary of Water Gap National Recreation Area.
 - ii. PA DEP – Report on 11/4/15 Inspection for the East Stroudsburg Water System. No violations noted.

Reports

Mr. DeSalva reported he had checked out the complaint about parking of vehicles on Exchange Street. The road pavement is not wide, about 20 feet; he believes the road is not wide enough to permit parking of vehicles on the sides. After discussion, Mr. Flory made a motion, seconded by Mr. Reese, to authorize preparation and advertising of an ordinance to restrict parking on Exchange Street between East Broad St. and Secor Avenue; the motion carried unanimously

- Mr. Walton reported on the following:
- The next Planning & Zoning Committee meeting will be held next Friday, November 20, 2015 at 8:00 a.m.
 - He is continuing to work with the Collections Committee on collection efforts.
 - Newly hired Parking Enforcement Officer David Oney is now working on his own.

- Mr. D'Alessandro reported on his written Engineers Report:
- He hopes to go out for bids for the repair of scour area on the Little Sambo Creek, along Dansbury Park, in January 2016.
 - Disinfection Byproduct monitoring work is continuing; two locations have been identified for possible introduction of aeration into the distribution system; at the finished water tank and at the Woods Road standpipe.

Mr. DeLarco noted that both the Planning & Zoning Committee and the Collections Committee of Council have been meeting almost on a weekly basis and making a lot of progress.

Mr. Phillips reported that he had sent a letter on behalf of Council requesting a meeting on the SARPD 2016 budget, and the date for the joint meeting has been confirmed for Monday November 23, 2015 7:00 p.m. at Stroud Township Municipal Building; Mr. Begley made a motion, seconded by Mr. Reese, to authorize advertising a special meeting of Council for that date/time and location; the motion carried unanimously.

Mr. Phillips noted that RKR Hess had submitted a proposal for the engineering design work for the Middle Dam rehabilitation. After discussion, Mr. Flory made a motion, seconded by Mr. Smith, to accept the proposal from RKR Hess dated 8/17/15 and to authorize RKR Hess to proceed with design work for the dam rehabilitation and to notify PA DEP of a progress report on same; the motion carried unanimously.

List of Bills Payable – November 17, 2015

Mrs. Wolbert made a motion, seconded by Mr. Begley, to ratify expenditures and payroll made through November 17, 2015 and approve the List of Bills Payable as submitted; the motion carried unanimously.

Executive Session

Mr. Begley made a motion, seconded by Mrs. Wolbert, to adjourn into executive session at 8:43 p.m.; the motion carried unanimously.

At 9:10 p.m. Council members reassembled in the meeting room, and Mr. Begley made a motion, seconded by Mr. Smith, to reconvene the public meeting; the motion carried unanimously. Mr. Prevoznik said the executive session was held to discuss several litigation matters including delinquent collections; and no decisions were made.

Authorization for Solicitor to Attend Zoning Hearing Board Meeting on behalf of Council

Mr. Flory made a motion, seconded by Mr. Reese, to authorize and direct Solicitor John Prevoznik to attend the 12/17/15 ZHB meeting regarding the Appeal by Smith & Manor, LLP of the denial of a permit by Codes Official Walton; the motion carried unanimously.

Revised Contribution Agreement for Ridgeway Street Bridge Replacement Project

Mr. Prevoznik said he had received a modification to the agreement terms between the County and Borough concerning the costs for the engineering design, which will now require the Borough to pay for only up to \$146,500 in costs as those costs are invoiced from PennDOT. Mr. Begley made a motion, seconded by Mr. Flory, to approve the modified agreement terms as discussed by the Solicitor; the motion carried unanimously.

Approval of Repayment Agreements for Delinquent Water/Sewer and Garbage Accounts

Mr. Phillips requested ratification of approval of agreements with the following:

- Isabel Cancel – W/S for 204 Lackawanna Avenue
- Tess and Tate Trust – W/S for 111-113 Ridgeway Street.
- Cheryl Wellman – W/S for 416A Willow Street
- Cheryl Wellman - Garbage for 416 A Willow Street

Mr. Flory made a motion, seconded by Mr. Reese, to ratify approval of these agreements as listed; the motion carried unanimously.

Request for 2004 Examination Hearing in the matter of the bankruptcy petition filed by Patrick J. Carangelo

Mr. Flory made a motion, seconded by Mr. Reese, to authorize special counsel Kim Diddio to file a request for a 2004 examination in the bankruptcy matter filed by Patrick J. Carangelo; the motion carried unanimously.

Adjournment

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

James S. Phillips, Secretary