

East Stroudsburg Borough, November 19, 2013

A regular meeting of the East Stroudsburg Borough Council was held at the Municipal Building on Tuesday, November 19, 2013. The following members were in attendance: Peter Begley, Roger DeLarco, William Reese, Don Repsher, and Sonia Wolbert. Ed Flory was absent. Also attending were: Manager James S. Phillips; Engineering Representative Samuel D'Alessandro of R.K.R. Hess Associates, Inc., Codes Official Marvin Walton, and Stroud Area Regional Police Department Lieutenant Kevin Transue.

Call to Order/Pledge of Allegiance – President DeLarco

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

Minutes of November 5, 2013 Regular Council Meeting

Mr. Reese made a motion, seconded by Mr. Begley, to approve the minutes of the regular Council meeting held November 5, 2013 as submitted; the motion carried unanimously.

SARPD Report

Lt. Kevin Transue reviewed the monthly Regional Police Department Report for October 2013. Lt. Transue reported that traffic contacts are up significantly, and the Department's officers wrote 80 citations over the East Stroudsburg University Homecoming weekend. Mr. Reese asked if there were any issues with the "new" ESU events? Lt. Transue said generally no; the ESU Police took the lead in handling the Homecoming Parade route, and the parade did not end up being what the organizers had hoped for.

Mr. Reese said Council members are fed up with disruptive students causing problems in Borough neighborhoods. Mr. DeLarco noted that Council is considering changes to the definition of "disruptive houses" under the Rental Housing Licensing Ordinance; and the police officers need to be aware of those changes. Mr. Walton said the current definition in the ordinance is based on the Crimes Code definition of disorderly conduct. The proposed change will base the definition on language from the Berwick Ordinance which has already been litigated and upheld. Mr. Begley asked what are most of the citations issued for? Lt. Transue said open alcohol containers, disorderly conduct, etc.

Mrs. Wolbert said the size of the gathering in back of her residence on the Saturday of Homecoming disrupted the whole neighborhood. Mr. Repsher asked if the officers check for underage drinking? Lt. Transue said if an officer sees someone with an open container they can check their age; but if the drinking is occurring inside a residence the Police must follow legal requirements and obtain a search warrant to go inside.

Mr. Begley asked if there was anything new concerning the vagrant situation on Crystal Street? Lt. Transue said Corporal Lemond is working with local business owners and increasing the police presence on Crystal St.

Public Comments - Agenda Items

None.

Proposed Minor Subdivision – Buff-Nauman, LLC Tract – 10.5 acres off of Franklin Hill Road, R-1 District

Troy Nauman was present on behalf of the applicant, Buff-Nauman, LLC. Mr. Nauman said the only construction proposed for this subdivision is drilling of a new well for one of the dwellings; the two houses share a well, now. Mr. Nauman said he has sent a request to PA DEP requesting a waiver from the sewage Planning Module requirements; and contacted Smithfield Township whether Township review of the subdivision will be required.

Mr. Walton said the applicant is requesting various waivers from the Subdivision and Land Development (SALDO) Code; all of which have been recommended by the Borough Planning Commission:

1. Section 140-12.m. – installation of sidewalks
2. Section 140-15.b. – minimum width of driveways
3. Section 140-15.c. – minimum setback for driveways from property line
4. Section 140-24. – required connection to public water system
5. Section 140-24 - required connection to public sewer system
6. Appendix C – additional landscaping requirements
7. Section 140-7 – requirement for separate preliminary and final approval submittals.

Mr. Begley said sidewalks would be out of place on Franklin Hill Road where there is none now. Mr. Nauman said he is not against sidewalks; but he does not want to have to dig up 1100 feet of road frontage to construct sidewalks – where stormwater runoff to Flory Pond is already an issue.

Mr. Begley also said he would like to reconsider the rezoning proposal to permit office/medical uses on this property.

Mr. DeLarco said Council may want to hold off on acting on this subdivision until we can confer with the Solicitor. Mr. D’Alessandro said Council would have to act on the waiver requests tonight, before the subdivision can be considered. Mr. Reese said perhaps Council could approve the plan, but make it subject to Solicitor review? Mr. Walton said Council has 90 days to act on the Plan; it does not have to be acted upon tonight.

After discussion, Mrs. Wolbert made a motion, seconded by Mr. Reese, to table action on the proposed subdivision pending further review at a special meeting to be held Tuesday, November 26, 2013 at 7:30 p.m.; the motion carried unanimously.

Public Hearing on Proposed Ordinance No. 1280 Authorizing and Directing the Acceptance of a Proposal from ESSA Bank & Trust to Reduce the Interest Rate Payable on the General Obligation Note, Series of 2009 of this Borough; Authorizing and Directing the Issuance of a First Supplemental Note of this Borough to Effect the Reduction in Interest Rate; Repealing All Ordinances or Parts of Ordinances Insofar as Same shall be Inconsistent Herewith; and Providing When this Ordinance Shall become Effective.

Mr. Repsher made a motion, seconded by Mr. Begley, to open the public hearing; the motion carried unanimously. Mr. Phillips said ESSA Bank has agreed to lower the interest rate to 3.11% for the remaining term of the original twenty-year loan, which was taken out by the Borough in 2009 at 3.60% for the first ten years and a variable rate based on the LIBOR index for the second ten years. Mr. Phillips said since the original loan was approved by Ordinance, Loan Counsel has prepared an ordinance for revising the interest rate on the outstanding balance of the loan. The Ordinance notice was advertised in accordance with the Local Government Unit Debt Act requirements, and proof of publication was available for inspection.

Mr. DeLarco asked for questions or comments on the proposed ordinance; and there were none. Mr. Reese made a motion, seconded by Mr. Repsher, to close the public hearing; the motion carried unanimously.

Ordinance No. 1280 Authorizing and Directing the Acceptance of a Proposal from ESSA Bank & Trust to Reduce the Interest Rate Payable on the General Obligation Note, Series of 2009 of this Borough; Authorizing and Directing the Issuance of a First Supplemental Note of this Borough to Effect the Reduction in Interest Rate; Repealing All Ordinances or Parts of Ordinances Insofar as Same shall be Inconsistent Herewith; and Providing When this Ordinance Shall become Effective.

Mr. Reese made a motion, seconded by Mr. Repsher, to adopt proposed Ordinance No. 1280 as advertised; the motion carried unanimously.

Proposed Ordinance No. 1281 Amending the East Stroudsburg Code, Chapter 136 Thereof Entitled Streets and Sidewalks, Establishing Regulations and Permit Procedures for New Driveways and Street Access

Mr. Phillips said Solicitor and staff are still working on the draft of this ordinance and it can be discussed at the next Committee meeting. Mr. Begley made a motion, seconded by Mr. Repsher, to table action on this proposed Ordinance; the motion carried unanimously.

Preliminary Adoption of Proposed 2014 Borough Budget for all Funds

Mr. Reese said he is in favor of going with a 1 mill tax increase this year, so that Council will not be in a position of having to raise taxes by a large amount next year. Mr. Begley said perhaps Council could increase the solid waste fee by an additional \$25

per year to raise revenues? Mr. DeLarco noted that even despite some one-time revenues being received this year, fund balances at the end of this year are still projected to be relatively high. Mr. Reese said a 1 mill increase is not unreasonable, and would cost himself, for example, \$32.50 per year additional based on his property assessment. After further discussion, Mr. Begley made a motion, seconded by Mrs. Wolbert, to accept the proposed budget with no tax increase as presented, and to authorize advertising of the availability of the proposed budget for public inspection, with action on the Budget at the December 3, 2013 meeting. The motion carried by a vote of 3-2, with Mr. Reese and Mr. Repsher voting no.

Proposed Ordinance No. 1283 Fixing the Real Estate Tax Millage Rate for 2014 Year

Mr. Begley made a motion, seconded by Mrs. Wolbert, to authorize advertising Proposed Ordinance No. 1283 Fixing the Real Estate Tax Millage Rate for 2014 Year at 19.2 mills for general purposes, and 2.3 mills for Debt Service. The motion carried by a vote of 3-2, with Mr. Reese and Mr. Repsher voting no.

Proposed Ordinance No. 1282 Amending the East Stroudsburg Code, Chapter 132 Thereof Entitled Solid Waste, Revising the annual Solid Waste Fee

Mr. Phillips reviewed the cost increase in the garbage contract for next year, the fifth and final year of the contract with Waste Management of PA, and the amount of increase in the solid waste user fee necessary to recover the cost increase. Mr. Phillips estimated that amount to be a \$10 increase in the solid waste fee, to \$285 per year per residence. After discussion, Mrs. Wolbert made a motion, seconded by Mr. Begley, to authorize preparation of a proposed Ordinance, Amending the East Stroudsburg Code, Chapter 134 Thereof Entitled Solid Waste, Revising the annual Solid Waste Fee; as discussed. The motion carried unanimously.

Resolution No. 29-2013 Adopting Proposed Five Year Capital Improvement Program

Mrs. Wolbert made a motion, seconded by Mr. Repsher, to adopt proposed Resolution No. 29-2013 Adopting the Proposed Five Year Capital Improvement Program for the Years 2014-2018, as prepared by the Manager and reviewed by Council. The motion carried unanimously.

Resolution No. 30-2013 Establishing 2014 Year Employee Contribution Rate for PMRS Pension Plan

Mrs. Wolbert made a motion, seconded by Mr. Begley, to adopt proposed Resolution No. 30-2013 Establishing the 2014 Year Employee Contribution Rate for employee participants in the PMRS defined benefit Pension Plan at the maximum 3.5% rate. The motion carried unanimously.

Resolution No. 31-2013 Re-adopting Minority Business and Women's Enterprise Plan

Mr. Phillips said PA Department of Community & Economic Development (DCED) is requiring that municipalities participating in the state Community Development Block Grant (CDBG) Program show they have the required Minority and Women's Business Enterprise Plan "on the books" for the CDBG program. The Borough adopted such Plan in the early 1990's; but cannot locate the document – so Council needs to re-adopt the Plan. Mr. Repsher made a motion, seconded by Mrs. Wolbert, to adopt proposed Resolution No. 31-2013 as submitted; the motion carried unanimously.

Resolution No. 32-2013 Re-adopting Residential Anti-Displacement and Relocation Assistance Plan for CDBG Program

Mr. Phillips said DCED likewise wants a copy of the Anti-Displacement plan which would be used if the Borough had to acquire properties and relocate individuals using CDBG funds. Mrs. Wolbert made a motion, seconded by Mr. Repsher, to adopt proposed Resolution No. 32-2013 as submitted; the motion carried unanimously.

Proposed Ordinance Amendments to Chapter 124, Licensing and Inspection of Residential Rental Properties

Mr. Walton reviewed proposed changes to Chapter 124 which were gone over with the Committee of Council, Manager, Solicitor and himself. The first change would make the Addendum to Lease requirement not effective until 2014; or after current lease agreements expire. A second change will provide that notices be given to owner(s) of the property and a manager, if applicable. On page 10 of the Ordinance, the grounds for issuance of a "disruptive conduct" notice will not include code violations. On page 11, the wording will be changed regarding failure of an owner to permit inspections. On page 19, the language will be clarified that an owner will not be charged an additional inspection fee for an inspection requested by a tenant – unless a violation(s) is found. Also on page 10, language will be amended to indicate that a License may be revoked, for failure to evict tenants after notice to do so. On page 23, violations will not come into play unless all administrative remedies have been exhausted.

After discussion, Mr. Reese made a motion, seconded by Mr. Repsher, to authorize preparation and advertising of a the proposed ordinance to incorporate these changes with a public hearing to be held on December 3, 2013 if possible. Mr. Walton said he did not know if he would be able to put the ordinance into final form for advertising for that meeting; but we will try. The motion carried unanimously.

Public Comments – New Business

None.

Correspondence:

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

1. A letter from Pennoni Associates, Inc., on behalf of East Stroudsburg University, Requesting a Time Extension for the Conditional Use Application submitted for the proposed Information Commons Building Project. Mr. D'Alessandro said there are two main issues to be addressed with the ESU Plan – parking, and traffic impacts. After further discussion Mr. Begley made a motion, seconded by Mr. Repsher, to grant the time extension until December 20, 2013 as requested; the motion carried unanimously.
2. Annual Report of Parking Statistics, Fall 2013 – submitted by East Stroudsburg University. Mayor Martinelli asked if this report was late? Mr. D'Alessandro said the report is a little late.

Reports

Mr. D'Alessandro reviewed his written Engineer's Report previously submitted to Council. Mr. D'Alessandro said the Ridgeway Street Waterline project is complete except for the tie-in at Brodhead Avenue. His office recommends approval of the time extension Request #2 for Contract No. 1 with Locust Ridge Contractors, extending the substantial completion date to December 4, 2013, the final completion date to May 15, 2014, and submission of all contract closeout documents by May 30, 2014. Mr. Reese made a motion, seconded by Mr. Repsher, to approve the time extension request as recommended; the motion carried unanimously.

Mr. D'Alessandro said work is progressing on the Ridgeway Street Sewerline project as well. His office recommends approval of the time extension Request #2 for Contract No. 2 with Locust Ridge Contractors, extending the substantial completion date to December 20, 2013, the final completion date to May 13, 2014, and submission of all contract closeout documents by May 28, 2014. Mr. Repsher made a motion, seconded by Mr. Begley, to approve the time extension request as recommended; the motion carried unanimously.

Mr. D'Alessandro also reported that the Borough needs to adopt a Operation and Maintenance (O&M) Plan for the flood protection levee as part of the Certification process being undertaken. Mr. Phillips said we have the O & M Plan draft prepared by the U.S. Army Corps of Engineers.

Mr. Reese reported that Ed Flory hopes to come home soon, while recovering from his double knee joint replacement surgery. Mr. Reese also asked about the "yield to peds" signs for Crystal Street? Mr. Phillips said we will have to order more.

Mr. Begley noted that today is the 150th anniversary of President Lincoln's famous Gettysburg Address.

Mr. Phillips reported that he received an email today from the Dulcimer Club requesting parking enforcement abatement for an event they will be holding at East Stroudsburg United Methodist Church January 17-18, 2014. After discussion, Mr. Reese made a motion, seconded by Mr. Begley, to provide free parking passes to event

attendees as requested. The motion failed by a vote of 2-3, with only Mr. Reese and Mr. Begley voting for the motion. Mr. Walton noted that the Borough's Ordinance provides for an organization to obtain meter bags from the Borough for special event parking privileges, and it also says the cost may be waived for non-profit groups. Council decided to let Staff handle this matter administratively per the Ordinance.

List of Bills Payable – November 19, 2013

Mr. Repsher made a motion, seconded by Mrs. Wolbert, to approve the List of Bills Payable and payroll and expenditures made through November 19, 2013 as submitted; the motion carried unanimously.

Executive Session

None.

Adjournment

With no further business, Mrs. Wolbert made a motion, seconded by Mr. Reese to adjourn the meeting at 9:20 p.m.; the motion carried unanimously.

James S. Phillips, Secretary