

East Stroudsburg Borough, November, 5, 2013

A regular meeting of the East Stroudsburg Borough Council was held at the Municipal Building on Tuesday, November 5, 2013. The following members were in attendance: Peter Begley, Roger DeLarco, Ed Flory, William Reese, Don Repsher, and Sonia Wolbert. Also attending were: Manager James S. Phillips; Solicitor John C. Prevoznik; Engineering Representative Samuel D'Alessandro of R.K.R. Hess Associates, Inc., Codes Official Marvin Walton, and Stroud Area Regional Police Department Chief William Parrish.

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

Minutes of October 15, 2013 Regular Council Meeting

Mr. Flory made a motion, seconded by Mr. Repsher, to approve the minutes of the regular Council meeting held October 15, 2013 as submitted; the motion carried unanimously.

Public Comments - Agenda Items

None.

Proposed 2014 Budget for Monroe County Control Center (MCCC)

Mr. Phillips reviewed the proposed Control Center Budget, which provides for no increase in the municipal contributions for 2014. The Borough's cost for emergency dispatching services will be \$55,696. The Control Center Board also waived the 4th quarter fees again for 2013.

Mr. DeLarco said he does not think that the municipalities have to "approve" the MCCC budget, but Council can certainly indicate if we have no objections to it. Mr. Flory made a motion, seconded by Mr. Begley, to notify the Control Center that Council "approves" the proposed 2014 Budget as submitted and also to express thanks for no increase in municipal costs for 2014; the motion carried unanimously.

Proposed 2014 Budget - Stroud Region Open Space & Recreation Comm. (SROSRC)

Mr. Phillips reviewed the proposed Budget for the Joint Recreation Commission and noted that there is no increase in the per capita costs for each of the three municipalities. East Stroudsburg's total contribution for 2014 will be \$43,878 based on \$5.72 per capita. After brief discussion, Mr. Repsher made a motion, seconded by Mrs. Wolbert, to approve the proposed 2014 SROSRC Budget as submitted; the motion carried unanimously.

Resolution No. 26 - 2013 Authorizing Application to PA DCED for Act 13 Grant funds for Gregory Pond Natural Area Trail Development project

Mr. Phillips said Gary Bloss, Greenways Coordinator for SROSRC, is present to address any questions concerning the project. Mrs. Wolbert asked Mr. D'Alessandro to comment on the proposed trail work. Mr. D'Alessandro said if the proposed trail approaches the state highway (Rte. 447), the Borough should check with PennDOT to see if a HOP (highway occupancy permit) is required. Mr. Bloss said he has discussed the project with the PennDOT Coordinator for these type projects. After discussion, Mr. Flory made a motion, seconded by Mrs. Wolbert, to adopt proposed Resolution No. 26-2013 authorizing application to the Pennsylvania Department of Community and Economic Development (DCED) for Act 13 grant funds for the Gregory Pond Natural Area Trail Development project; the motion carried unanimously.

Resolution No. 27 – 2013 Ratifying and Accepting the Revised Monroe County Municipal Waste Management Plan as adopted by the Monroe County Board of Commissioners

Mr. DeLarco noted that Jim Lambert of the Monroe County Municipal Waste Management Authority (Waste Authority) had attended the recent Council Committee meeting to review the Revised County Municipal Waste Management Plan. Mr. Prevoznik said a majority of municipalities in the County must approve the Plan Revision for it to become effective; but two issues did come to light:

- a lawsuit filed against the Waste Authority because of the plan for contracting for landfill space was found in favor of the Authority but is still on appeal.
- The Borough has a contract for disposal of sewage sludge that extends until March 2015, which may or may not come under terms of the new Plan.

Mr. Phillips said Council can take action to approve the Revised Plan, not approve the Plan, or take no action in which case “deemed approval” will occur after 90 days. Mr. Reese made a motion, seconded by Mr. Flory, to adopt proposed Resolution No. 27-2013 ratifying and accepting the Revised Monroe County Municipal Waste Management Plan. The motion carried unanimously.

Resolution No. 28 – 2013 Accepting Loan Modification Terms from ESSA Bank & Trust for Outstanding Balance on 2009 G.O. Loan Note

Mr. Phillips said Council has received a copy of the loan terms being required by ESSA for modification of the interest rate on the 2009 loan for the new Fire Station. The new rate will be 3.11% for the remaining principal payments on the loan extending through 2028. Mr. Reese noted the figures which show that the savings to the Borough over that time period could be over \$225,000. Mrs. Wolbert made a motion, seconded by Mr. Begley, to adopt proposed Resolution No. 28-2013 accepting the loan modification terms from ESSA Bank & Trust for the existing 2009 General Obligation Loan Note, subject to the contingencies noted in the ESSA letter. The motion carried unanimously.

Proposed Ordinance No. 1278 Amending the East Stroudsburg Borough Code, Chapter 151 Thereof Entitled Vehicles, Parking; Revising Provisions Regarding Residential Parking Permits and Visitor Passes

Mr. Walton reviewed the provisions of the new ordinance to revise requirements, primarily, for Visitor Passes. After discussion, Mr. Repsher made a motion, seconded by Mrs. Wolbert, to authorize advertising a public hearing on November 19, 2013 on proposed Ordinance No. 1278, as submitted. The motion carried unanimously.

Proposed Ordinance No. 1279 Amending the East Stroudsburg Code, Chapter 110 Thereof Entitled Parades and Assemblies, Revising Provisions for the Application, Review, and Issuance or Denial of Permits

Mr. Phillips said the ordinance addresses the issues discussed by the Council Committee, primarily eliminating waiver of fees and providing for a review procedure by the Police Department for traffic control and safety. Mr. Repsher made a motion, seconded by Mrs. Wolbert, to authorize advertising a public hearing on December 3, 2013 on proposed Ordinance No. 1279. The motion carried unanimously.

Proposed Scope of Work for Remaining Site Closure Activities by MEA, Inc. for former IBW property remediation

Mr. Flory made a motion, seconded by Mr. Repsher, to authorize MEA, Inc. to proceed with the Scope of Work for Remaining Site Closure Activities as outlined in the proposal from MEA dated October 23, 2013 for the former IBW property. The motion carried unanimously.

Schedule Public Hearing on Conditional Use Request - Application by East Stroudsburg University for preliminary/final land development plan for new ESU Information Commons Building, off Normal Street, I-U District

Mr. Repsher made a motion, seconded by Mr. Begley, to authorize advertising a public hearing on the Conditional Use Request by ESU for Tuesday, November 19, 2013 at 7:30 p.m. The motion carried by a vote of 5-0, with Mr. DeLarco abstaining. Mr. DeLarco said the reason for his abstention, as he has previously noted, is that he is an officer of the East Stroudsburg University Foundation, which is also involved with the University in this application before the Borough.

Schedule Special Meetings of Council

Mrs. Wolbert made a motion, seconded by Mr. Begley, to authorize advertising to reschedule the November Council Committee Meeting for Tuesday, Nov. 26, 2013 at 7:30 p.m. due to the Thanksgiving Day holiday; and to advertise 2014 Budget Review Work Session Meeting for Monday, November 11th and Tuesday November 12th, 2013 both at 7:00 p.m. The motion carried unanimously.

Request by Pocono Medical Center for Waiver of 2013 year real estate taxes for new Hughes Cancer Center

Mr. Phillips said Pocono Medical Center received an interim tax bill for 2013 because the County Assessment Office had placed the facility in taxable status, in order to require PMC to submit evidence of meeting the requirements for a “charitable institution” under applicable law. PMC has subsequently submitted materials backing up its application for tax exemption. However, PMC is requesting that the three taxing bodies waive the 2013 taxes already levied. Mr. Prevoznik said the School District, apparently, is not agreeing to waive the taxes at this time.

After discussion, Mr. Flory made a motion, seconded by Mr. Reese, to waive 2013 real estate taxes for the Hughes Cancer Center as requested; the motion carried unanimously.

Ratify Contract Extension until November 15, 2013 for Paving Contract with Livengood Excavators, Inc.

Mr. Phillips said the Borough has received approval from PennDOT to extend the date for paving past October 31, 2013, subject to weather conditions. The original contract deadline was October 15, 2013 but paving work on Brodhead Avenue and East Brown Street had to be delayed due to construction work on Ridgeway Street. Mrs. Wolbert made a motion, seconded by Mr. Flory, to ratify extension until November 15, 2013 for the paving contract with Livengood Excavators, Inc. The motion carried unanimously.

Request by Liztech Gallery for abatement of parking enforcement on Crystal Street during Special Sale Event Saturday, November 9, 2013

Mr. Phillips said Council has in previous years approved this request for the early-morning Liztech Sale each November. Mr. Flory wondered whether this could be a bad precedent, if other stores wanted to have special sales requiring parking enforcement abatement? After discussion, Mr. Reese made a motion, seconded by Mr. Begley, to grant the request by Liztech Gallery for abatement of parking enforcement on Crystal Street during their Special Sale Event Saturday, November 9, 2013. The motion carried by a vote of 5-1, with Mr. Flory voting no.

Public Comments – New Business

Ken Long introduced himself as the new Vice President for Finance and Administration at East Stroudsburg University. Mr. DeLarco noted that the Borough has recently built a new Fire Station at a cost of \$3M, and purchased a new aerial truck at a cost of over \$1,000,000; and the Hospital and University are the main reasons our Fire Company needs an aerial truck. Mr. Long said he had just recently approved payment for

fire protection services. Mr. DeLarco welcomed Mr. Long and thanked him for attending the Borough Council meeting.

Correspondence:

Mr. Phillips said he has just one item of correspondence, a letter from AT&T Wireless, regarding transfer of the lease for Cell Tower #10064846 located off Barren Road to Crown Castle International Corp.; a subsidiary of AT&T. Mr. Prevoznik said we should check the lease to see whether it addresses the assignment of lease for the cell tower.

Reports

Mr. Flory noted he will miss several upcoming Council meetings due to knee replacement surgery scheduled for November 13, 2013.

Mayor Martinelli reported that the Police Department issued 88 citations this past (Homecoming at ESU) weekend. The Mayor also noted the Police did respond to a large beer party held at a residence on Van Gordon Street. Mrs. Wolbert said this "Party" occurred just in back of her residence, and played a video on her cell phone taken during the "height" of the party Saturday afternoon. Mayor Martinelli said the Police apparently still don't understand the Borough's requirements regarding "disorderly houses" under the new Rental Housing Licensing Ordinance.

Mrs. Wolbert reported that Tim Herd, Executive Director of the Stroud Region Open Space and Recreation Commission, has submitted his resignation effective 11/15/13; and the Commission will be starting the search immediately to fill the position.

Mr. Repsher asked about repairs by the Army Corps of Engineers to the Brodhead Creek levee near the confluence with Sambo Creek – because the damage is getting worse. Mr. Phillips said the USACE has finally re-awarded the contract for repairs.

Mr. Begley reported that the Borough crew did get the new flagpole installed at the Fire Station. Also, Mr. Begley reported three street lights out on King Street, and complained about a camper parked along Maple Avenue actually being on the road pavement.

Mr. DeLarco said he may have to miss one or more of the upcoming budget work sessions – he needs to visit his father in Florida, who is rehabilitating, at age 88, from a broken hip.

List of Bills Payable – November 5, 2013

Mrs. Wolbert made a motion, seconded by Mr. Begley, to approve the List of Bills Payable and payroll and expenditures made through November 5, 2013 as submitted; the motion carried unanimously.

Adjournment

With no further business, Mr. Flory made a motion, seconded by Mrs. Wolbert, to adjourn the meeting at 9:02 p.m.; the motion carried unanimously.

James S. Phillips, Secretary