

East Stroudsburg Borough, November 18, 2014

A regular meeting of the East Stroudsburg Borough Council was held at the Municipal Building on Tuesday, November 4, 2014. The following members were in attendance: Peter Begley, Roger DeLarco, William Reese, Richard Smith, and Sonia Wolbert. Edward Flory was absent. Also attending were: Mayor Armand Martinelli; Manager James S. Phillips; Solicitor John C. Prevoznik; Codes Official Marvin Walton; DPW Director Steven DeSalva; Engineering Representative Samuel D'Alessandro of R.K.R. Hess Associates, Inc.; and Stroud Area Regional Police Department Captain Brian Kimmins.

Call to Order/Pledge of Allegiance – President DeLarco

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

Moment of Silence

In accordance with the recent Resolution adopted by Council, a moment of silence and reflection was held.

Minutes of November 4, 2014 Regular Council Meeting

Mrs. Wolbert made a motion, seconded by Mr. Begley, to approve the minutes of the November 4, 2014 Regular Meeting as submitted; motion carried unanimously.

SARPD Report

Captain Brian Kimmins was present to review the monthly Police Report. Capt. Kimmins reported that 21 arrests for panhandling have been made, 18 of those in East Stroudsburg. Mr. Reese asked what is the procedure for citizens to lodge complaints? Capt. Kimmins said anyone should report an instance to the Police Dept. for followup. Mr. DeLarco asked about the syringes being found all over? Capt. Kimmins said the issue is a societal problem - drug addiction, especially heroin; but the Police are making arrests. Mr. Begley noted that persons recently arrested for drug violations on Crystal Street were, apparently, “back out on the streets” within days.

Rich Banks, President of Acme Hose Co. No. 1 – Floor tile issue at ES Fire Station

Rich Banks said the problem with the floor tile coming up, is getting worse, and he doesn't want the Borough or Fire Company to be responsible for any falls caused by the loose tile. Mr. Banks said a woman did trip on an upraised tile in the hallway when there for voting on Election Day. Mrs. Wolbert asked if there is any warranty by the contractor? Mr. Prevoznik said he would have to check the provisions of the agreement with the General Contractor. Mr. Phillips said the problem started in the hallway near the kitchen, and there was concern about the moisture level in the concrete perhaps causing the problem. Mr. Phillips said the architect's office (Schoonover & Vanderhoof) had written to the General Contractor – Coopersmith Brothers, Inc. – previously, but obviously there was no resolution. Mr. Phillips said Schoonover will be contacting the contractor again and will meet tomorrow concerning this issue. Mr. Banks thanked Council for listening, and hopefully addressing the situation.

Public Comments - Agenda Items

None.

Action on Bids Received for Roof Replacement at Dansbury Park Pool Bathhouse

Mr. Phillips read a letter from the project consultant, Schoonover & Vanderhoof,

LLC, concerning review of the bids and states in part “It is the opinion of the Project Manager that the lowest bid submitted by bidder Penn Morris Corp., be rejected for failure to properly and accurately complete the project documents.” The letter goes on to cite that the “submitted bid documents are both noncompliant and incomplete, as follows:

1. Failure to provide required appropriate subcontractor information, including tabulations as mandated by Bid Specification Section 26.2.
2. Failure to accurately complete required bid documents as required by Bid Specification Sections 7.1 and 14.1.”

Mrs. Wolbert made a motion, seconded by Mr. Begley, to reject the low bid received from Penn Morris Corp., as recommended; motion carried unanimously.

Mr. Phillips said his recommendation would be to accept the proposal from the next lowest responsible bidder. Mr. Begley made a motion, seconded by Mrs. Wolbert, to accept the bid received from and to award the contract to Nauman, Inc. in the amount of \$39,850; as recommended and subject to review and approval by the Project Manager and Solicitor. The motion carried unanimously.

#### Award of Contract for Garbage Collection/Disposal to Waste Management of PA, Inc. for new multi-year Contract beginning January 1, 2015 – length of contract award

Mr. Phillips said Waste Management clearly is the lowest bidder and the Solicitor has reviewed their bid proposal; however Council did not discuss the length of contract. Mr. Phillips said absent any intent by Council to make any major changes in the solid waste collection system – garbage collection and recycling processing – he would suggest going with the four year proposal. After discussion, Mr. Begley made a motion, seconded by Mr. Reese, to award the garbage collection and disposal contract to Waste Management of PA, Inc. for the four-year period of 2015-2018 based on their low bid proposal. The motion carried unanimously.

#### Proposed Zoning Ordinance Amendment Adding Parking and Driveway Regulations for existing residential Uses

Mr. Phillips said the Zoning Committee had suggested that Council hold a public meeting on this proposal, prior to advertising the actual ordinance, similar to the procedure used with the proposed rental housing licensing ordinance. Mrs. Wolbert made a motion, seconded by Mr. Begley, to authorize advertising a public meeting on the proposed zoning amendment for the first meeting in January 2015; the motion carried unanimously.

#### Discussion on Amending the Code of the Borough of East Stroudsburg, Chapter 134 Entitled Solid Waste, Article III, Solid Waste User Fees; Decreasing the Annual Solid Waste Fee Charged to Residences

Mr. Phillips said the new bids for garbage collection and disposal, based on actual quantities of solid waste to be disposed of, will represent a significant cost decrease – enabling reduction in the annual solid waste fee charged to residences. The Borough’s Solid Waste Code establishes that the annual fee shall be based on the costs of garbage collection and disposal, and recycling collection and processing. The Borough does incur a net cost for recycling as the return of proceeds from sale of materials from Twin Boroughs Recycling has only amounted to maybe \$25,000 for the last several years. Mr. Prevoznik said the solid waste fee must be changed by Ordinance adopted by Borough Council. Mr. Phillips said he will have calculations for the proposed solid waste fee of 2015 for review at the Budget Work Session meeting next week.

#### Proposed 2015 Year Borough Budget for All Funds

Mr. DeLarco noted that Council had one work session already to review the Manager’s Proposed 2015 Budget, and will be meeting again next Monday November 24, 2014 for further review.

Proposed Ordinance No. 1292 Amending the Code of the Borough of East Stroudsburg by Repealing Various Obsolete or Unused Chapters including Chapter 9 Entitled Educational Service Agency; Chapter 43 Entitled Recreation Board; Chapter 106 Entitled Moving Permits; and Chapter 109 Entitled Noise

Mr. Phillips said the proposed ordinance will repeal the listed chapters of the Code which are no longer in use. Mr. DeLarco said he had suggested these provisions be eliminated at the Zoning Committee meeting. Mr. Begley made a motion, seconded by Mrs. Wolbert, to authorize advertising a public hearing on the proposed Ordinance, for the Dec. 2, 2014 meeting. The motion carried unanimously.

Proposed Ordinance No. 1293 Amending the Code of the Borough of East Stroudsburg, Chapter 150 Thereof Entitled Vehicles and Traffic; Adding Additional Prohibitions to No Parking At Any Time for Section 150-68, and Revising Parking Restrictions on Chestnut Street

Mr. Phillips said this Proposed Ordinance adds the language “ no standing, stopping, or waiting” to the parking prohibitions in Chapter 150-68, as well as including the additional parking restriction on Chestnut St. at East 3<sup>rd</sup> Street. Mrs. Wolbert made a motion, seconded by Mr. Reese, to authorize advertising a public hearing on the proposed Ordinance, for the Dec. 2, 2014 meeting. The motion carried unanimously.

Public Comments – New Business

None.

Correspondence:

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

- i. Proposed 2015 Year Budget for Stroud Area Regional Police Department. Mrs. Wolbert and Mr. Begley asked for a copy to be forwarded to them.
- ii. J. Hakim – Letter request for 4H Medallion to be displayed on Municipal Welcome Sign. Mr. DeLarco said he was not sure there was room on our Sign for displaying service group emblems, like the one for Hamilton Township on Route 33. After discussion, Mr. Begley made a motion, seconded by Mrs. Wolbert, to reluctantly decline the request; the motion carried unanimously. Brian Zukawski suggested that the Borough could offer the 4H group to have a link on the Borough website to their site.
- iii. PA DEP – Review of annual Progress Report, former Joint Municipal Landfill Sites. Mrs. Wolbert asked if there was any indication of reduced monitoring? Mr. D’Alessandro said the letter outlines the additional steps the municipalities would have to take in order to attain reduced monitoring, like obtaining a covenant from impacted contiguous property owners to prohibit groundwater usage.

Reports

Mr. D’Alessandro reviewed his written Engineer’s Report previously submitted to Council. Mr. D’Alessandro reported that the USDA Rural Development has tentatively approved the Borough’s loan application for the Middle Dam project, but the Borough must advertise a notice concerning the Environmental Assessment and allow for a 30 day comment period before they will issue final approval.

Mayor Martinelli asked about the recent gas company dig-up on Analomink Street, at the end of the new paving? Mr. Phillips said they dug up a water service line while responding to a gas leak; and they will be responsible for all repairs due to this emergency excavation.

Mrs. Wolbert reported that the National Realtors Association awarded the Eastburg Community Alliance a second grant that will pay for the costs of the consultant

who will be meeting with the Revitalization group tomorrow, Wed. Nov. 19<sup>th</sup> from 5:00 to 7:00 p.m. at the Dansbury Depot.

Mr. DeLarco reported that the Zoning Committee is meeting weekly; also that he would like to explore getting local high school students to participate in the Student Ambassador Program.

Mr. Phillips reported that PennDOT has received proposals for engineering design from firms for replacement of the Ridgeway St. Bridge. Also, the water level at the East Stroudsburg Reservoir is down 74" as of 11/17/14. This represents a remaining capacity of 202 million gallons (MG). Mr. Phillips referred to the chart posted on the bulletin board, indicating that the "normal" pool level for the reservoir is at 210 MG by October 31<sup>st</sup>; so while still a concern, the water level is not abnormal for this time of year.

#### List of Bills Payable – November 18, 2014

Mr. Reese made a motion, seconded by Mr. Begley, to approve the List of Bills Payable and to ratify expenditures and payroll made through 11/18/14 as submitted; the motion carried unanimously.

#### Executive Session

Mr. Begley made a motion, seconded by Mrs. Wolbert, to adjourn into executive session at 8:37 p.m.; the motion carried unanimously.

At 9:00 p.m. Council members reassembled in the meeting room, and Mrs. Wolbert made a motion, seconded by Mr. Begley, reconvene the public meeting; the motion carried unanimously. Mr. Prevoznik said the executive session was held to discuss a personnel matter and potential litigation - no decisions were made.

#### Adjournment

With no further business, Mrs. Wolbert made a motion, seconded by Mr. Begley, to adjourn the meeting at 9:01 p.m.; the motion carried unanimously.

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James S. Phillips, Secretary