

East Stroudsburg Borough, October 20, 2015

A regular meeting of the East Stroudsburg Borough Council was held at the Municipal Building on Tuesday, October 20, 2015. The following members were in attendance: Peter Begley (arrived 7:35 p.m.), Edward Flory, Roger DeLarco, William Reese, Richard Smith, and Sonia Wolbert. Also attending were: Mayor Armand M. Martinelli; Solicitor John C. Prevoznik, Manager James S. Phillips; Director of Public Works Steven DeSalva; Codes Official Marvin Walton; and Engineering Representative Samuel D'Alessandro of RKR Hess, a Division of UTRS (arrived 7:55 p.m.).

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 Christopher Gibbons.

Moment of Silence

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

Minutes of September 24, 2015 Regular Council Meeting

Mr. Flory made a motion, seconded by Mr. Reese, to approve the minutes of the September 24, 2015 Council meeting as submitted; the motion unanimously.

SARPD Report for September 2015 – Lt. Paul Gasper

Lt. Gasper reported that the Department only had one major incident, involving an off-campus party complete with a beer truck, last weekend during Homecoming at East Stroudsburg University – less than in previous years. Twenty four (24) citations were issued.

Marie Summa of 249 East Broad Street said Crystal Street business owners would like to see more police presence there – more patrols downtown. Mayor Martinelli asked foot patrols are still being done? Lt. Gasper said yes, but on a limited basis.

Mr. Reese noted that the Police Department had previously used grants to purchase security cameras – is there any funding for cameras now? Lt. Gasper replied not specifically to his knowledge.

Wanda Lasher of the East Stroudsburg Crime Watch said senior citizens from the Shirley Futch Plaza are reluctant to cross Analomink Street at the Loder Building Senior Citizen Center, because of the speed of traffic coming over the railroad tracks. Lt. Gasper said the Department has been reviewing PennDOT requirements for crosswalks in order to come up with a recommendation for this location.

Presentation by Concord Public Finance on possible Loan Financing Options

Christopher Gibbons of Concord Public Finance was present to review several financing options for the Borough to be able to undertake various capital improvements. Mr. Phillips said he and Mr. Prevoznik had already discussed with Mr. Gibbons various financing options based on the term of the loan and the tentative list of capital improvements provided to Council; and the information to be presented tonight is a reduced list of options for ease of discussion.

Mr. Gibbons said we would probably be looking at loan financing as opposed to a bond issue, which has more issuance costs. Whatever the term of loan chosen, his firm would contact various banks for formal proposals and this RFP process would take about 3-4 weeks. Mr. DeLarco asked if the Borough can change the amount of financing, once the RFP is issued? Mr. Gibbons said the loan proposal provisions typically provide that the amounts can be changed, within a certain dollar limit.

Mrs. Wolbert asked when proposed interest rates can be locked in? Mr. Gibbons replied when the loan proposals are accepted.

Mr. Gibbons reviewed figures for anticipated borrowing for both water system improvements, and for other General Fund capital improvements; with either a 20 -year level debt service schedule projected, or a 20-year debt schedule with the new debt service “wrapped around” the Borough’s existing debt service for each. In addition, the Borough has an outstanding loan from 2006 with First Niagara Bank that may be able to be re-financed at a lower interest rate. Mr. Phillips noted that any borrowing that is to be paid back from Water Fund receipts is considered to be “self-liquidating” and does not count towards the Borough’s aggregate limit for debt service.

Mr. Flory asked how much of a millage increase will be needed to fund this new debt service cost? Mr. Phillips said for the General Fund debt, the new annual total debt service based on the anticipated \$1.8 million borrowing would be approximately \$309,000 per year, or about 4.6 mills of real estate taxes based on \$67,000 collected per mill of taxes. Mr. Gibbons noted, however, that the increase in debt service to be paid from the General Fund was only about \$46,000 per year, initially – but with the “wrapping of new debt around the existing schedule of debt, the level of debt service would extend for 20 years even as the existing loans would be paid off during that time period. Mr. Flory asked what is the Borough’s debt limit? Mr. Phillips said the limit is 250% of the Borough’s “Borrowing Base”, or its average revenues for the last three fiscal years. Mr. Gibbons said that would be around \$11 million.

Mrs. Wolbert asked if the loans would be pre-payable? Mr. Gibbons said typically there is no pre-payment penalty.

Mr. DeLarco asked what is happening with interest rates? Mr. Gibbons said everyone expects rates to rise from their current record lows; and the rate projections for the last ten years of the twenty-year loans are a “worst case” scenario. Mr. DeLarco asked if the Borough would be able to start a project before the loan financing is in place? Mr. Gibbons said yes; Council can pass a Resolution of intent to reimburse itself for costs incurred prior to loan closing.

Mrs. Wolbert asked what are the costs for this proposed borrowing? Mr. Gibbons said the issuance costs are estimated at \$59,000. Mr. Phillips noted that we can provide figures on the other loan term options – fifteen or twenty-five years – if Council wants to see those.

Mr. DeLarco thanked Mr. Gibbons for attending and noted that Council will get back to him after discussing the tentative list of capital improvements next week at the Committee meeting.

#### Public Comments – Agenda Items

None.

#### Designation Date for Halloween Trick or Treating – Saturday, October 31, 2015 6-8 p.m.

Mrs. Wolbert made a motion, seconded by Mr. Flory, to designate Halloween Trick or Treating within the Borough for Saturday, October 31, 2015 from 6:00 – 8:00 p.m.; the motion carried unanimously.

#### Ordinance No. 1303 Amending Chapter 78 Entitled Fees, Establishing An Administrative Fee for Repayment Agreements for Collection of Delinquent Water/Sewer and Solid Waste Fees

Mr. Phillips said Chapter 78 of the East Stroudsburg Code establishes various fees and charges for services that the Borough is authorized to impose. This proposed Ordinance will amend Chapter 78 to provide for charging of an administrative fee for repayment agreements for collection of delinquent water, sewer, and garbage fees levied by the Borough; and set the initial fee at \$200 – which can be changed by Council in the future by Resolution.

Mr. Phillips had the following items to be designated as exhibits:

- Public notice of the public hearing on the proposed ordinance advertised in the Pocono Record on 10/13/15. Exhibit B-1
- Proof of publication in the Pocono Record Exhibit B-2
- Notice of a copy of the ordinance provided to to the County Law Library and Pocono Record. Exhibit B-3.4

- Copy of proposed Ordinance No. 1303
- Sign-in sheet for public hearing

Exhibit B-5  
Exhibit B-6

Mrs. Wolbert made a motion, seconded by Mr. Reese, to adopt proposed Ordinance No. 1303 as advertised; the motion carried unanimously.

#### Ratify Award of COG Contracts for Road Line Painting, Gasoline and Diesel Fuel

Mrs. Wolbert made a motion, seconded by Mr. Reese, to ratify award of contracts to the low bidders as accepted by the Pocono Mountains Council of Governments as follows:

- Line Striping (Midatlantic Markings, Inc.)
- Unleaded Gasoline (PAPCO, Inc.)
- Diesel Fuel (Stiff Oil, Inc.)
- Highway Diesel Fuel, low sulfur (Stiff Oil, Inc.)

The motion carried unanimously.

#### Proposed Ordinance No. 1305 Prohibiting the Installation and Use of Water Supply Wells for Potable and Agricultural Use Within the Borough Limits

Mr. Phillips said the Borough is being required by PADEP to prohibit use of wells for potable water or agricultural use downgrade from the former IBW site because of the groundwater contamination present at this former "Brownfields" site. The sample ordinances provided for the Borough prohibit all such uses, and since the Borough operates its own municipal water system Council may want to formally prohibit the installation and use of private water supply wells anywhere within the Borough. After discussion, Mrs. Wolbert made a motion, seconded by Mr. Flory, to authorize preparation and advertising of an Ordinance to prohibit installation and use of wells within the Borough as recommended; the motion carried unanimously.

#### Ratify Extension of Contract Time Period for Inspection Services with McTish Kunkel Associates thru 2016 for Downtown Streetscape Project Phase II

Mr. Phillips said the existing contract with McTish Kunkel expires soon, and PennDOT recommends that the time period for the contract be extended until the end of 2016 as needed; no increase in contract amount is included. Mr. Reese made a motion, seconded by Mr. Flory, to approve the time period contract extension for Inspection Services as recommended; the motion carried unanimously.

#### Review of Job Description for Finance Officer Position

Mr. Phillips reported he is working on revisions to the job description for this position, due to the impending retirement of the current person in the position, Berrill Dennis.

#### Request for Proposals for Auditing Services

Mr. Flory made a motion, seconded by Mrs. Wolbert, to authorize soliciting a request for proposal (RFP) for auditing services for the Borough, for the 2015 year audit as recommended by the Audit Committee; the motion carried unanimously.

#### Authorize soliciting quotations for removal of equipment, furniture, and supplies from and cleanout of former laboratory space at 66 Analomink Street Building

Mr. Phillips said representatives of East Stroudsburg University came to the former abandoned lab space at the 66 Analomink St. building and identified some equipment and supplies that they are taking for their use. Everything that is left can be disposed of. Mr. Begley made a motion, seconded by Mr. Flory, to authorize solicitation of quotations for removal of remaining equipment, furniture and supplies from and cleanout of the former lab space as recommended; the motion carried unanimously.

Mrs. Wolbert noted that Council still needs to finalize the information we want the realtor to obtain from prospective tenants for the space.

## Public Comments – New Business

Wanda Lasher said she wanted to make Council aware of the graffiti vandalism that occurred downtown, recently. Also, she noted that Chief of Police William Parrish had commented that most of the information received by the Police Department from Crime Watch is very useful.

## Correspondence

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

- i. SROSRC – Audit Report for 2014 Year prepared by Wesoloh Carney & Co., LLC
- ii. Monroe County Vector Control Program – Donation Request from municipalities.
- iii. Reading & Northern Railroad – the PA Northeast Rail Authority monopoly
- iv. SARPD – Proposed 2016 Year Budget. Mr. DeLarco commented that he recommends that SARPC allow for additional carryover funds be used to balance the 2016 Police Budget so that municipal contributions do not have to be raised significantly by the member municipalities.

## Reports

Mr. DeSalva reported that one of the two fire hydrants on King Street has been repaired. Mr. Phillips noted that these two hydrants are and have been functional; however, they do not shut off entirely when opened, thus the need for repairs. Mr. DeSalva distributed sketches and reported on the resolution of the UGI road repair dispute regarding work on East Broad Street and Lackawanna Avenue. Mr. Reese made a motion, seconded by Mr. Flory, to ratify the resolution of the issue as recommended; the motion carried unanimously.

Mr. Walton reported that the new Cooper Tire business has opened in the former Fire Station building on Courtland Street. Mr. Walton also reported that a residence on South Green Street was recently issued its third disruptive conduct report; under provisions of the Borough's Rental Housing Licensing Ordinance the owner will be required to evict the tenants – this is the first time this situation has arose. Finally, Mr. Walton noted that the next Planning & Zoning Committee meeting will be held October 30 at 8:00 a.m.

Mr. D'Alessandro reviewed his written Engineer's Report previously submitted to Council. Mr. D'Alessandro reported on another matter regarding possible development of a leaf composting area on Borough property in back of the Recycling Center. The proposed area is located in the floodplain and therefore could not be used for leaf composting unless the area would be raised fairly significantly with fill.

Mr. Reese commented that he likes the flags installed on Crystal Street, and he would like to see more in the downtown area.

Mr. Flory reported on the recent Planning & Zoning Committee meeting where the issue of allowing some overnight parking on Sopher Street was discussed; and the recommendation following past practice is to survey the residents for their input concerning either: permitting overnight parking on the entire street, or permitting overnight parking on a limited basis at the end of the street nearest N. Green Street. Mrs. Wolbert made a motion, seconded by Mr. Begley, to authorize sending a letter to the residents as recommended; the motion carried unanimously. Mr. Flory also noted that the Committee is preliminarily reviewing possible changes to zoning provisions regarding parking management plans for schools and universities.

Mrs. Wolbert asked about the status of possibly using Municipay for accepting credit cards? Mr. Phillips said the office staff has an on-line demonstration of the system set up for tomorrow afternoon. Mrs. Wolbert made a motion, seconded by Mr. Flory, to authorize signing up for the Municipay program, assuming that staff is satisfied with it. The motion carried unanimously.

Mrs. Wolbert noted that there is a large pothole on Prospect Street across from Wawa that needs to be reported to PennDOT. Mr. DeSalva said he would call it in.

Mr. Begley asked about the residence on Park Street with a trailer parked in back of the home; also said there appears to be someone living in a motor home parked in the driveway of the residence at 247 Willow Street. Mr. Begley said he had a resident ask him about obtaining permission for “seasonal” parking at her residence that she operates a business from? Mr. Walton said he would first need to know if the resident has obtained approval for a valid home occupation.

Mr. Phillips reported there is an opening on the Borough Shade Tree Commission due to the recent resignation of Patricia Cameron; and the Borough did receive a letter of interest from Dr. David Rheinheimer of Brodhead Avenue. Mr. Reese made a motion, seconded by Mrs. Wolbert, to appoint Dr. Rheinheimer to the vacancy on the Shade Tree Commission for the balance of a five-year term ending April 30, 2016; the motion carried unanimously.

Mr. Phillips also reported that he has written a letter to be sent to the Planning Commission Chairman requesting that the PC work with Council and interested participants of the downtown business community to come up with a zoning ordinance amendment that would permit A-frame signs in some form.

#### List of Bills Payable – October 20, 2015

Mr. Reese made a motion, seconded by Mr. Begley, to ratify expenditures and payroll made through October 20, 2015 and approve the List of Bills Payable as submitted; the motion carried unanimously.

#### Executive Session for Discussion of Real Estate and/or Litigation Matters

Mr. Begley made a motion, seconded by Mrs. Wolbert, to adjourn into executive session at 9:22 p.m.; the motion carried unanimously.

At 9:53 p.m. Council members reassembled in the meeting room, and Mr. Begley made a motion, seconded by Mr. Wolbert, to reconvene the public meeting; the motion carried unanimously. Mr. Prevoznik said the executive session was held to discuss several litigation matters; and no decisions were made.

#### Ridgeway Street Bridge Agreement

Mr. Begley made a motion, seconded by Mr. Reese, to reject the request from the County Commissioners to approve an agreement to not litigate any matter involving this Bridge project between the County and Borough; as a condition for approval of the Contribution Agreement with PennDOT. The motion carried unanimously.

#### Godnig v. Stroud Area Regional Police Department and Borough of East Stroudsburg, et. al.

Mr. Flory made a motion, seconded by Mrs. Wolbert, to authorize the Solicitor to enter his appearance on behalf of the Borough on this matter in the event that the insurance company for SARPD does not provide representation of the Borough as an additional insured under the Police Department policy. The motion carried unanimously.

#### Council Committee Meeting October 29, 2015

Mr. Begley made a motion, seconded by Mr. Flory, to authorize scheduling the October 29, 2015 Committee to begin at 6:30 p.m.; instead of the regular 7:30 p.m. time. The motion carried unanimously.

#### Adjournment

With no further business, Mr. Flory made a motion, seconded by Mr. Begley, to adjourn the meeting at 9:50 p.m.; the motion carried unanimously.

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James S. Phillips, Secretary