

East Stroudsburg Borough, September 17, 2013

A regular meeting of the East Stroudsburg Borough Council was held at the Municipal Building on Tuesday, September 17, 2013. The following members were in attendance: Peter Begley, Roger DeLarco, Ed Flory, Don Repsher, and William Reese. Sonia Wolbert was absent. Also attending: Manager James S. Phillips; Solicitor John C. Prevoznik; Engineering Representative Samuel D'Alessandro of R.K.R. Hess Associates, Inc.; and Codes Official Marvin Walton.

Call to Order/Pledge of Allegiance – President DeLarco

President DeLarco called the meeting to order at 7:30 p.m. Brian Crawford led the pledge of Allegiance.

Minutes of Minutes of August 29, 2013 Regular Council/Committee Meeting and September 3, 2013 Regular Council Meeting

Mr. Flory made a motion, seconded by Mr. Reese, to approve the Minutes of the August 29, 2013 meeting as submitted; the motion carried unanimously.

Mr. Repsher made a motion, seconded by Mr. Begley, to approve the Minutes of the September 3, 2013 meeting as submitted; the motion carried unanimously.

Stroud Area Regional Police Department (SARPD) Report

Lt. Kevin Transue reported that traffic contacts were up during the recent month of August, and the "Quality of Life" patrols have started up again. The LCE has again approved a grant to the Department to fund these extra patrols, although the agreement has not been received yet.

Public Comments - Agenda Items

Mr. DeLarco recognized Deanna Jones of Wooddale, regarding concerns about the homeless persons frequenting Crystal Street and other issues. Ms. Jones said she works at Liztech Jewelry, and last Friday night called 911 about a disturbance on Crystal St.; and was advised by the dispatcher that the Police "were too busy" to respond; she doesn't know if they did ever come by. Then again on Saturday morning at 9:30 a.m., she called the police because two people were fighting on Crystal St.; again she is not sure if the Police ever responded. Everyone is told to call 911 when there is a problem on Crystal St., but what is being done?

Chief of Police William Parrish of SARPD said Friday evening the Department was busy with the multiple overdoses experienced by young people attending the event at the Sherman Theatre in Stroudsburg. He said a patrol officer did respond to the Saturday morning call, but did not see anything of concern when they did respond. Chief Parrish said he spoke this morning with Scott McClaren of Liztech for about 45 minutes, and there is going to be an effort to have a meeting with interested business owners on Crystal St. to discuss these issues. Ms. Jones asked about loitering ordinances? Chief Parrish said loitering is not a criminal violation in itself, but often there are other "activities" going on that may be a violation – disorderly conduct, open alcohol containers, etc.

Mr. Begley asked if anyone looked at video from the Saturday morning incident? Chief Parrish said the cameras as currently positioned are not able to pickup enough detail to be able to make out the individuals. Brian Crawford that maybe the cameras should be relocated?

Ms. Jones asked if the plan is to have a meeting with the business owners? Chief Parrish replied yes.

## Public Hearing on Proposed 2013 Community Development Block Grant Program

Mr. Flory made a motion, seconded by Mr. Repsher, to open a public hearing on the Proposed 2013 Community Development Block Grant (CDBG) Program; the motion carried unanimously. Karen Parish of Mullin & Lonergan Associates, Inc., community development consultants for the Borough, gave an opening statement and commented that the schedule for this year's CDBG Program was delayed due to uncertainty about funding at both the federal and state levels. The good news is that CDBG funding was not cut again this year – the Borough will receive \$125,161 for FY 2013; about the same as last year. The Borough has proposed to utilize its CDBG allocation as follows:

- \$60,000 for housing rehabilitation; to again be administered by the Redevelopment Authority of Monroe County.
- \$12,000 for engineering for waterline improvements on Elizabeth Street.
- \$40,000 for reconstruction (including engineering) of curb ramps on sidewalks, to meet current ADA standards for handicap accessibility.
- \$13,161 for administration of the program

Mr. DeLarco asked about direct entitlement status for the Borough? Ms. Parish said there is a new census designation of the "East Stroudsburg metropolitan area", with the Borough as the "center city" of that area; making the Borough eligible to become a direct entitlement community from HUD. However, HUD indicated that the Borough would only be eligible to receive about \$55,000 directly – less than under the state program – and definitely not worth the additional "strings" that would be attached to being a direct entitlement. Ms. Parish said she agreed with the Borough's decision to defer entitlement status.

Mr. DeLarco asked for comments from the audience on the proposed 2013 CDBG Program, and there were none. Mr. Repsher made a motion, seconded by Mr. Flory, to close the public hearing on the Proposed 2013 Community Development Block Grant (CDBG) Program; the motion carried unanimously.

## Resolution No. 19 – 2013 Approving Proposed 2013 Community Development Block Grant Program and Authorizing Submittal to PA DCED

Mr. Flory made a motion, seconded by Mr. Reese, to approve the proposed 2013 CDBG Program as advertised and to authorize submittal to DCED, as required. The motion carried unanimously.

## Presentation by Susan Randle of Eastburg Community Alliance (ECA) – and Request for Resolution Authorizing Filing of application for designation of Keystone Community with PA DCED

Susan Randall, Downtown Manager for ECA, said they are seeking exit funding from DCED, and are asking support from the Borough and a commitment to continue providing \$10,000 per year to ECA for the next five-year period. ECA has had to develop a 5 year strategy/plan that has been submitted to DCED. Ms. Randall said three grants have been provided this past year to local businesses for façade improvements, and the renovated former Train Station will open this Fall after completion of the interior renovations. ECA has also had to develop a Sustainability Plan for submittal to DCED as part of the request for Keystone Community Designation.

Mr. Flory asked if ECA will serve businesses not located within the "downtown" area? Brian Crawford, Chairman of the ECA Board of Directors, said one of the reasons for the Keystone Community designation is so ECA can serve local businesses, Borough-wide.

Henry Lesoine of N. Courtland Street, said he is not against ECA, or the restored train station; but is concerned where the operating funding will come from for ECA.

Request by Trackside Restaurant and Habitat for Humanity for Fundraiser Event on Crystal Street – Sunday, October 13, 2013

Michael Tepedino, owner of Trackside Restaurant, said he wants to do a fundraiser on Crystal Street on Sunday October 13, 2013 from 2 – 10 p.m., to raise monies for Habitat for Humanity. Plans are to close Crystal Street for a pig roast, with live music from 4-10 p.m. Beer would be served, and he would provide his own security people, using the same security forces that work the events at the Sherman Theatre.

Mr. DeLarco said the PA LCE has special requirements for serving alcohol outside? Mr. Tepedino said his LCE permit already allows him to do outside events. Mr. DeLarco asked if he has contacted the Regional Police? Mr. Tepedino said not yet. Mr. DeLarco suggested that he come back to Council after contacting the Police Department, and local businesses on Crystal Street, and Council could schedule action on the request at the Committee meeting next week, if the meeting is advertised.

Continuation of Public Hearing on Conditional Use Request - Application by Eagle Valley Realty, L.P. for 980 sq. ft. Addition to former Blockbuster Building for use as a Dialysis Center, C-2 District

The public hearing was reconvened from the September 3, 2013 meeting date. Mr. Prevoznik asked Marvin Walton, Codes Official for the Borough, if he has reviewed the application, and if the proposed building expansion that is the subject of the conditional use would be considered “deminimus”? Mr. Walton indicated yes. Mr. Prevoznik asked if he has reviewed the proposed conditions of approval? Mr. Walton stated yes. Mr. DeLarco asked if the proposed conditions of approval address all the concerns discussed in the previous hearing dates? Mr. Phillips stated, yes. Mr. DeLarco asked if Council members had any comments? Mr. Begley said he is not in favor of closing off the private “connecting” road between the two plazas with a gate. With no further comments, Mr. Flory made a motion, seconded by Mr. Begley, to close the public hearing on the conditional use application; the motion carried unanimously.

Executive Session

At the recommendation of Mr. Prevoznik, Mr. Begley made a motion, seconded by Mr. Flory, to adjourn into executive session at 8:45 p.m.; the motion carried unanimously.

At 8:53 p.m. Council members reassembled in the meeting room, and Mr. Reese made a motion, seconded by Mr. Repsher, to reconvene the public meeting; the motion carried unanimously. Mr. Prevoznik said the executive session was held to brief Council members on the legal requirements for consideration of conditional use decisions..

Consideration of Conditional Use Request - Application by Eagle Valley Realty, L.P. for 980 sq. ft. Addition to former Blockbuster Building for use as a Dialysis Center, C-2 District

Mr. Prevoznik read the proposed decision on the conditional use request as drafted, including the proposed conditions of approval. Mr. DeLarco asked for comments from Council, and there was none. Mr. Flory then made a motion, seconded by Mr. Begley, to grant approval for the proposed conditional use application, as written in the draft decision as prepared by Mr. Prevoznik. The motion carried unanimously

Application by Eagle Valley Realty, L.P. for Preliminary and Final Land Development Plan Approval for 980 sq. ft. Addition to former Blockbuster Building for use as a Dialysis Center, C-2 District

Kevin McAliney on behalf of the applicant, Eagle Valley Realty, LP, asked that Council approve the four waiver requests as previously discussed and included on the plans:

1. Waiver from Subdivision and Land Development Code (SALDO) requirements to permit grant of approval for preliminary and final plans, together. Mr. Prevoznik asked Mr. D'Alessandro if he was in agreement with this waiver request? Mr. DAlessandro stated yes. Mr. Reese then made a motion, seconded by Mr. Begley, to grant this waiver as submitted; the motion carried unanimously.
2. Waiver from SALDO provisions requiring submittal of a new property boundary survey. Mr. Prevoznik asked Mr. D'Alessandro if he was in agreement with this waiver request? Mr. DAlessandro stated yes. Mr. Begley then made a motion, seconded by Mr. Flory, to grant this waiver as submitted; the motion carried unanimously.
3. Waiver from SALDO provisions requiring submittal of modification or waiver requests ten days prior to preliminary plan submission. Mr. Prevoznik asked Mr. D'Alessandro if he was in agreement with this waiver request? Mr. DAlessandro stated yes. Mr. Repsher then made a motion, seconded by Mr. Begley, to grant this waiver as submitted; the motion carried unanimously.
4. Waiver from SALDO requirements for provision of landscape islands within interior paved areas. Mr. Prevoznik asked Mr. D'Alessandro if he was in agreement with this waiver request? Mr. DAlessandro stated yes, and the issue is also addressed in one of the proposed conditions of approval. Mr. Reese then made a motion, seconded by Mr. Flory, to grant this waiver as submitted; the motion carried unanimously.

Mr. McAliney then asked for approval of the land development plan? Mr. Walton asked if there were any remaining comments from the Engineer's review letter that still had to be addressed? Mr. D'Alessandro stated everything has been addressed on those comments. Mr. Begley made a motion, seconded by Mr. Flory, to grant preliminary and final land development plan approval for the proposed building addition to the former Blockbuster building at Eagle Glen Plaza, based on the plans as submitted and subject to all terms of the conditional use approval already granted. The motion carried unanimously.

#### Proposed Resolution No. 20-2013 Approving Application for Local Share Account Grant Funds for Middle Dam Rehabilitation Project

Mr. Reese made a motion, seconded by Mr. Flory, to adopt proposed Resolution No. 20-2013 approving submittal of an application for \$1,500,000 in Local Share Account Grant Funds for the Middle Dam Rehabilitation Project, to the Commonwealth Financing Authority. The motion carried unanimously.

#### Award of Contract for Tub Grinder Rental Services -Twin Boroughs Recycling Program

Mr. Reese said the Twin Boroughs Recycling Committee has reviewed the bids received at the last meeting, and recommends accepting the proposal from Victory Gardens, Inc. from Malvern PA. Mr. Reese made a motion, seconded by Mr. Repsher, to award a two year contract to Victory Gardens, Inc. at the bid rate of \$3,400 per day for tub grinder rental services, as recommended; the motion carried unanimously.

#### Resolution No. 21-2013 – Appointment to Borough Shade Tree Commission

Mr. Reese made a motion, seconded by Mr. Flory, to adopt proposed Resolution No. 21-2013 reappointing Rob McKenzie to the balance of a new five-year term on the Borough Shade Tree Commission expiring April 30, 2017; the motion carried unanimously.

#### Resolution No. 22-2013 – Appointment to Borough Planning Commission

Mr. Flory made a motion, seconded by Mr. Repsher, to adopt proposed Resolution No. 22-2013 reappointing Margaret Muth to the balance of a new four-year

term on the Borough Planning Commission expiring June 30, 2017; the motion carried unanimously.

Resolution No. 23-3013 – Appointment to Borough Zoning Hearing Board

Mr. Phillips said Tim Walsh is resigning from the Zoning Hearing Board due to his appointment to the new Property Maintenance Board of Appeals. Craig Todd has been serving as an Alternate Member of the ZHB, and is willing to serve as a regular member. Mr. Flory made a motion, seconded by Mr. Reese, to adopt proposed Resolution No. 23-2013 appointing Craig Todd to the balance of a five-year term on the Borough Zoning Hearing Board expiring December 31, 2017; the motion carried unanimously.

Resolution No. 24-2013 – Approving Revision to FY 2010 Community Development Block Grant (CDBG) Program Budget

Mr. Phillips said we need to expend the remaining \$40,000 in funds from the FY 2010 CDBG allocation, and recommends a Budget Revision to switch funds from the Housing Rehabilitation activity, to the Waterline activity. Mr. Begley made a motion, seconded by Mr. Flory, to adopt proposed Resolution No. 24-2013 approving a Revision to the FY 2010 CDBG Program as recommended; the motion carried unanimously.

Resolution No.25-2013 – Approving Renewal of Winter Traffic Services Supplemental Agreement with PennDOT – for North Side Sidewalk of Veterans Bridge

Mr. Phillips said the only state road/facility that the Borough now maintains during the Winter is the sidewalk on the north side of the Veterans Bridge (Stroudsburg Borough maintains the south side). Mr. Reese made a motion, seconded by Mr. Flory, to adopt proposed Resolution No. 25-2013 approving Renewal of the Winter Services Agreement with PennDOT, as recommended. The motion carried unanimously.

Approval of Supplemental Federal-Aid Reimbursement Agreement with PennDOT for Downtown Streetscape Project Phase II

Mr. Phillips said PennDOT has agreed to increase the amount of federal reimbursement for the next Phase of the Streetscape Project to \$581,000; from the \$506,000 allocated previously, due to the anticipated costs. PennDOT is requiring execution of a new Reimbursement Agreement. Mr. Flory made a motion, seconded by Mr. Repsher, to approve execution of the Supplemental Federal-Aid Agreement with PennDOT; the motion carried unanimously.

Appointment of Solicitor for Property Maintenance Board of Appeals

Mr. DeLarco noted receipt of a proposal from Attorney Todd Weitzmann expressing interest in serving as counsel for the new Property Maintenance Board of Appeals (PMBA). Mr. DeLarco said it should be beneficial to have Mr. Weitzmann serve in this capacity since he is also the Solicitor for the Borough Planning Commission. Mr. Repsher made a motion, seconded by Mr. Begley, to appoint Weitzmann and Weitzmann, LLC, Todd W. Weitzmann, Esquire, as Solicitor for the Borough Property Maintenance Board of Appeals, based on this proposal dated September 16, 2013. The motion carried unanimously.

Stroud Region Open Space and Recreation Commission (SROSRC) – Request for approval of (and waiver of parade Permit Fee) for annual Levee Loop Trail Run, starting and ending at Dansbury Park

Mr. Phillips said SROSRC requests a formal approval from the Borough, since they also have to notify PennDOT because one lane of the Veterans Bridge is temporarily closed when the runners traverse the bridge going from one side of the levee to the other. Mr. Flory made a motion, seconded by Mr. Begley, to approve the SROSRC request and to waive all parade permit fees; although he also suggested that Council needs to discuss criteria for waiving parade permit fees. The motion carried unanimously.

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

Mr. Prevoznik said he had several questions concerning the total costs for the remaining remediation work, and suggested that Council defer action until we get answers to those questions from Mr. Dellaria at MEA, Inc. Mr. Flory made a motion, seconded by Mr. Reese, to table action on the request; the motion carried unanimously.

Public Comments – New Business

Rich Dimino of Longfellow Lane, said he and his neighbors are concerned about single family homes being converted into boarding homes for college students in their neighborhood. He said the problems include:

- Profane language of the students.
- Front yards are being eliminated to provide additional parking.
- Beer bottles broken on the street.
- Decline in property values.

Mr. DeLarco asked Mr. Walton to review the current requirements for occupancy. Mr. Walton said the recently adopted Rental Housing Licensing & Inspection requirements permit up to four (4) unrelated persons per dwelling unit, in any zoning district. Mr. Dimino said he has seen eight cars parked at the residence on Emerson Road. Mr. Walton said it is difficult to prove that many people actually live in the residence based only on the number of cars.

Correspondence:

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

- i. Monroe County Control Center – Letter report on the 2014 Minimum Municipal Obligation for the MCCC Pension Plan.
- ii. PA Department of Transportation (PennDOT) – Revised Posting Policy for Bridges with Weight Restrictions
- iii. Pennoni Associates, Inc. – Act 67, 68 and 127 Notification of Application by East Stroudsburg University for University Information Commons Project
- iv. PA Department of Environmental Protection (DEP) – Plans documenting Completion of Rehabilitation of East Stroudsburg Dam have been accepted; Dam no longer considered “Unsafe” structure

Reports

Mr. DeLarco reported that the Monroe County Control Center Board of Directors has voted to waive the 4<sup>th</sup> Quarter dispatching fees for municipalities, as part of the preliminary review of the proposed 2014 MCCC Budget.

Mr. D’Alessandro reviewed his written Engineer’s Report previously submitted to Council.

Mr. Reese said he has preliminarily reviewed the pool revenue and expenses for the last week of August through Labor Day; and as suspected the expenses far exceeded the revenues. Mr. Reese also asked about repairs to road openings on North Green St. and South Green St.

Mr. Flory asked about installation of the flagpole at the new Fire Station, and said the Firemen are hoping to have it in place for Fire Prevention Week Open House in October.

Mr. Prevoznik reported that special counsel has made some progress with EPA concerning terms of the consent order for cleanup of the former Chaperone Technologies lab space at 66 Analomink Street, and likewise we hope to have final terms of an agreement soon with Heritage Environmental, Inc. to do the actual cleanup.

Mr. Repsher said we should be looking at the possibility of offering service to septic haulers for disposal at our Sewage Treatment Plant. Mr. Prevoznik agreed that could be done, but only if not restricted to certain haulers.

Mr. Begley noted that today is Constitution Day – anniversary of the date of approval of the U.S. Constitution.

Mr. Walton reported that the burned down house at 102 Analomink Street was torn down yesterday.

Mr. Phillips reported on initial responses he has received from 1<sup>st</sup> Nazareth Bank and ESSA Bank & Trust concerning refunding or refinancing of the remaining balance on each outstanding loan of the Borough held by each bank.

#### List of Bills Payable – September 17, 2013

Mr. Flory made a motion, seconded by Mr. Reese, approve the List of Bills Payable and payroll and expenditures made through September 17, 2013 as submitted; the motion carried unanimously.

#### Adjournment

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

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James S. Phillips, Secretary