

East Stroudsburg Borough, September 24, 2015

A regular meeting of the East Stroudsburg Borough Council was held at the Municipal Building on Thursday, September 24, 2015. The following members were in attendance: Peter Begley (arrived 7:47 p.m.), Edward Flory, Roger DeLarco, William Reese, and Sonia Wolbert. Richard Smith was absent. Also attending were: Mayor Armand M. Martinelli (arrived 8:20 p.m.); Solicitor John C. Prevoznik, Manager James S. Phillips; Director of Public Works Steven DeSalva; and Codes Official Marvin Walton.

#### 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 Melanie Frasenelli.

#### Moment of Silence

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

#### Minutes of September 1, 2015 Regular Council Meeting

Mrs. Wolbert made a motion, seconded by Mr. Reese, to approve the minutes of the September 1, 2015 Council meeting as submitted; the motion unanimously.

#### Mary DeNora – Parking Issue on North Green Street and Sopher Street

Mrs. DeNora said she needs on-street parking for her residence, and can't afford to install a curb cut to construct parking on her property. She noted that permit parking is permitted in other areas; why couldn't it be extended to Sopher Street? Mr. Walton said he had sent Mr. & Mrs. DeNora an enforcement notice for parking in their yard, in violation of the Borough's new zoning code provisions.

Mr. DeLarco noted that permit parking would not help Mrs. DeNora because the issue is overnight parking is prohibited on Sopher Street. Mrs. DeNora said a lot of other streets have overnight parking, so why can't Council change that on Sopher St.? Mr. Phillips said Council typically obtains input from the local residents before adopting an ordinance to change parking provisions.

Frank DeNora said the Ordinance prohibiting parking in the yard is new, and they should be "grandfathered" from those provisions. Mr. DeLarco asked where they park their vehicles now? Mr. DeNora indicated in the yard along the house. Mr. DeLarco said it is also a violation of the Vehicle Code to drive over a sidewalk. Mr. Reese asked what the Ordinance says about installing new parking? Mr. Prevoznik said the Ordinance says if the property owner is able to install a driveway, they must do so.

Mr. Begley said this Ordinance is a hardship for residents; what if a resident only has room for one car in their driveway? Mr. DeSalva said he had reviewed the parking regulations of the Borough, and he feels that they are reasonable. Neither Sopher St. nor North Green Street are very wide. Mrs. DeNora said cars park all day on North Green Street, so why should it be an issue at night?

Mr. Begley made a motion to allow overnight parking on Sopher and North Green Street. The motion failed for lack of a second on the motion. Mr. Reese said the matter should be referred to the Committee of Council to obtain input from the residents; and made a motion, seconded by Mr. Flory, to send the issue to the Planning and Zoning Committee for review and recommendation. The motion carried unanimously.

#### Presentation by Eastburg Community Alliance (ECA)

Susan Randall, Downtown Manager for ECA, said the Farmers Market has been well attended all year. The next Fall Event is the Fall Festival scheduled for Saturday, October 10, 2015, which will be a Block Party in conjunction with the Fire Company, and will celebrate the

125 Anniversary of Acme Hose Company. Hopefully, a train from Steamtown will also be coming that day.

Mrs. Randall said she has a contingent of local Business Owners with her tonight to petition the Council to allow “sandwich-board” or A-frame signs, which are currently prohibited under the Borough zoning. Mrs. Randall said she previously had made a presentation to the Borough Planning Commission, and she also has information from Newark DEL on their experience with such signs. The last time the Planning Commission had reviewed the matter, they again recommended against allowing any A-frame signs at all.

Mr. Walton said a draft ordinance had been submitted to the Planning Commission which would have permitted some A-frame signs, under limited circumstances.

Gary Walck, a member of the Planning Commission, said he had looked at this issue closely when it came before the PC. The Borough has varying conditions throughout the Business District – some narrow sidewalks, some beveled sidewalks, and many obstructions such as street light poles and trash receptacles. He feels our downtown sidewalks are not conducive to A-frame signs. In the C-1 Zoning District, there are, perhaps, 40+ businesses – if each one had one sign, there would be a proliferation of such signs.

Mr. DeLarco said Middle Smithfield Township had recently surveyed all of its businesses before coming up with a zoning recommendation affecting such businesses. Mr. Prevoznik said ordinances may be developed by Council, or alternatively, they may be developed through an application/input to the Planning Commission and then passed on to Council.

Bill Frazetta of Frazetta’s Costumes said Council needs to help local businesses by permitting A-frame signs. Mrs. Wolbert said she agrees that we need to support our local business community. Gary Walck said there may be areas or streets where such signs could work. Mrs. Wolbert suggested that local business owners should work with the ECA and the Planning Commission to come up with a draft proposal.

Dawn Gorman of Gorman Chiropractic said her business had received a notice from Mr. Walton about their sign. She said she took a petition to all local businesses – and all agreed to sign the petition asking to allow A-frame signs. She said she is reluctant to go back to the Planning Commission with her petition. Mr. Walton agreed that he is not sure the PC will be very amenable to consider such signs again. Mr. Prevoznik said Council could direct the Manager to send a letter to the Planning Commission asking that they seriously consider provisions to allow A-frame signs in some form.

After discussion, Mr. Begley made a motion to authorize advertising the draft ordinance previously discussed by the Planning Commission. The motion failed due to the lack of a second for the motion.

After further discussion, Mrs. Wolbert made a motion, seconded by Mr. Reese, to send a letter from Council asking the PC to work with the ECA in developing a zoning ordinance amendment to permit sandwich-board signs in some form. The motion carried unanimously.

#### Proposal for Energy Bank Unit (EBU) at Sewage Treatment Plant

Stephen Washington and Michael Peelish were present on behalf of Basic Power, Inc. Mr. DeSalva said we had run a test demonstration of the EBU at the Sewage Plant earlier this year. Borough staff and the electrician we use at the Plant, Scott Sherwood, were impressed with the electricity saved by the Unit. Mr. DeSalva said the Borough’s consulting engineer for the Sewer Plant, Max Stoner of Glace Associates, and he had also visited the Basic Power facility in Marshalls Creek.

Mr. Washington said the EBU is designed to make your electric power supply more efficient. Mr. Prevoznik asked if the Unit helps alleviate demand spikes? Mr. Washington said it reduces the peak demand, which is what your power usage cost is based on. Also, in addition to reducing the kilowatt hr. usage; it also “cleans up” the electric power, and provides lightning protection and phase balancing. Mr. Prevoznik asked what is the active life of the Unit? Mr. Peelish said ten years; based on current pricing, the payback period is less than two (2) years.

Scott Sherwood said about five years ago, the Borough had an analysis done of our electric power supply at the STP. Some of the findings of that analysis were: low power factor, harmonic distortions, and frequent power interruptions. This EBU addresses all those findings.

Mr. Washington said the company has several patents pending. You can buy products from other companies that “clean” the electric power, provide power factor correction, phase balancing, lightning protection, surge protection, etc. – but not all in one unit.

Mr. Phillips said the quoted price for purchase of the Unit is \$9,900; which is below the bid limit per Code that requires the solicitation of three written quotes. After discussion, Mr. Begley made a motion, seconded by Mr. Flory, to authorize purchase of the Energy Bank Unit to be installed at the Sewage Treatment Plant as recommended; the motion carried unanimously.

#### Public Comments – Agenda Items

None.

#### Request for Time Extension by Harsco Industrial Patterson Kelly for action on proposed Preliminary/Final Land Development Plan for Building Addition at 155 Burson Street

Mr. Reese made a motion, seconded by Mr. Begley, to grant the time extension as requested until December 9, 2015; in accordance with provisions of the Borough Subdivision and Land Development Code and the Municipalities Planning Code. The motion carried unanimously.

#### Proposed Amendment No. 7 to Intergovernmental Cooperation Agreement (with Stroudsburg Borough and Stroud Township ) Establishing Regional Police Department (SARPD)

Mr. Prevoznik said the draft amendment will codify the revised cost formula currently in effect between the three municipalities through the 2017 year. It will also authorize an OPEB Trust, if formed, to invest funds in the same manner as a Pension Fund. This is important for the proposed formation of a Trust that will be setup for future post-retirement health insurance benefits that the Regional Police Department is obligated to pay for existing police officer employees. Without this amendment, the Trust may only be able to invest in PLGIT-type investments which are not paying much interest.

Mr. Begley asked if this method of funding such future benefit costs is becoming more common? Mr. Prevoznik said it may not yet be common; but there are perhaps a dozen municipal entities, statewide, that have formed such Trusts.

After discussion, Mr. Begley made a motion, seconded by Mr. Flory, to send the proposed Draft Amendment on to the other two municipalities – Stroudsburg Borough and Stroud Township – for their review and comment. The motion carried unanimously.

#### Proposed Intergovernmental Cooperation Agreement with Stroudsburg Borough Forming Construction Code Joint Board of Appeals

Mr. Prevoznik said pursuant to Council’s previous discussions, he has drafted an Intergovernmental Agreement and an Ordinance to approve such agreement, for the establishment of a joint Code Board of Appeals between Stroudsburg Borough and East Stroudsburg Borough. After discussion, Mr. Flory made a motion, seconded by Mr. Reese, to send the proposed Draft Agreement and Ordinance on to Stroudsburg Borough for their review and comment. The motion carried unanimously.

#### Ordinance Amending Chapter 78 Entitled Fees, Establishing An Administrative Fee for Repayment Agreements for Collection of Delinquent Water and Sewer Fees

Mr. Phillips said the Collections Committee has discussed the need for establishing an administrative fee to be charged to the property owner entering into a Repayment Agreement for delinquent water and sewer fees, to enable the Borough to recover some of the costs of administering such agreements. It is estimated that the Borough’s direct costs are at least \$200

with the utilization of outside counsel handling the collection efforts at this time. The proposed ordinance would amend Chapter 78 (Fees), and the amount of the administrative fee(s) could be changed by Resolution of Council in the future. After discussion, Mr. Reese made a motion, seconded by Mrs. Wolbert, to authorize advertising the proposed ordinance initially setting the administrative fee at \$200. The motion carried unanimously.

#### Authorize Advertising for Vacant Positions

Mr. Phillips said due to resignations, we have two vacant positions to fill – full-time DPW Maintenance Worker, and part-time Parking Enforcement Officer. Mrs. Wolbert made a motion, seconded by Mr. Flory, to authorize advertising to fill the two positions as recommended; the motion carried unanimously.

#### Report on Bids Opened 9/24/15 for Municipal Building Entry Security Renovations

Mr. Phillips reported that two bids were received and opened today, for the Municipal Building Entry Security Renovations:

Bognet, Inc.	\$72,998 base bid; \$7,000 for 2 <sup>nd</sup> optional window
Nauman Co.	\$96,113 base bid; \$9,075 for 2 <sup>nd</sup> optional window

John Schoonover of Schoonover and Vanderhoof Architects was present, and said that the bulk of labor costs included in each bid are for handling the bullet-proof material specified; each 9 ft. x 4 ft. sheet of material weighs 550 lbs. The plumbing and electrical work included in the bid requirements are fairly minimal. After discussion, Mr. Begley made a motion, seconded by Mr. Reese, to table the bids received for further review; the motion carried unanimously.

#### Public Comments – New Business

Bill Frazetta asked about the new street light poles located “in the middle of the sidewalks”. Mr. DeSalva said the light poles are not in the middle of the sidewalks, but PennDOT does require a minimum distance setback from the street curb so the poles are not a danger to vehicular traffic as a fixed object.

Bill Frazetta said the road in front of his business on Washington Street is falling in along the storm sewer inlet.

#### Correspondence

None.

#### Reports

Mr. Begley said a resident had complained to him about a vacant house on Perry Street, with overgrown weeds in the yard. Robert Miller of King Street, said the owner lives in Tobyhanna and the house is now vacant.

Mr. Phillips reviewed his written report previously submitted to Council.

Mr. Prevoznik recommended that the Borough authorize School District Solicitor Chris Brown to attend upcoming tax assessment appeals and represent the Borough on such appeals also; with costs of appraisals and other direct costs to be shared among the School District and Borough based on relative millage tax rates. Mr. Prevoznik suggested that Mr. Phillips send a letter to the School District to that effect.

Mr. Flory noted that figures from the Report on Swim Pool Receipts for the 2015 Season, compiled by Mr. Phillips, show that over 50% of users of the Pool are from outside the Borough.

Mr. Reese asked about the status of the easements for the Wells on the ESU campus? Mr. Prevoznik said ESU is still working on finalizing the easements; which are to be granted to the Borough via legislation. However, ESU has changed the matrix that RKR Hess had developed for the Borough on the entire conditional use decision, and therefore has changed

some of the responsibilities involved with the well easements. Mr. Phillips will be contacting ESU Vice President Long on this.

Mr. Walton noted the following:

- the Comprehensive Plan Task Force had met to make a recommendation on selection of a planning consultant.
- He and Mr. Phillips had met with the new owner of the former Rosen's Furniture Store concerning parking requirements for possible re-use of the property.

Chief Parrish asked Mr. Walton for contact information for the new owner(s), because there has been an issue with homeless persons using the facility for shelter.

#### List of Bills Payable – September 24, 2015

Mr. Reese made a motion, seconded by Mr. Flory, to ratify expenditures and payroll made through Sept. 24, 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 9:25 p.m.; the motion carried unanimously.

At 10:27 p.m. Council members reassembled in the meeting room, and Mr. Flory made a motion, seconded by Mr. Begley, to reconvene the public meeting; the motion carried unanimously. Mr. Prevoznik said the executive session was held to discuss several litigation matters and a real estate matter; and no decisions were made.

#### Ridgeway Street Bridge Agreement

Mr. Begley made a motion, seconded by Mrs. Wolbert, to approve the latest draft of the Contribution Agreement prepared by PennDOT for the Ridgeway St. Bridge project; subject to the other parties to the agreement – Monroe County and PA Northeast Rail Authority – also approving such draft agreement. The motion carried by a vote of 4-1, with Mr. Flory voting no.

#### Settlement of Code Enforcement Action – properties owned by Patrick Carangelo

Mr. Begley made a motion, seconded by Mrs. Wolbert, to accept the proposed settlement terms regarding the Codes violations for the Carangelo properties (117 Analomink Street, 7 Roller Street, and 338 Race Street) which were put on the record before District Justice Michael Muth on September 24, 2015. Pursuant to the settlement terms, Mr. Carangelo must return the properties to Code compliance by eliminating unauthorized conversions. He must also pay or have paid on his behalf the sum of \$20,000 representing EBU's (Equivalent Billing Units) which were not liened or invoiced as a result of Mr. Carangelo's failure to divulge the conversions over an eight year period. The money does not represent a purchase of water/sewer EDU's (Equivalent Dwelling Units) for the converted units. All properties must be returned to one dwelling and, if additional dwelling units are applied for and approved in accordance with the Borough Code, then separate water meters must be installed. All liened amounts for water, sewer, and garbage shall be paid through the Bankruptcy Court. Mr. Carangelo has thirty days to comply or the Borough may take all legal steps to force compliance. Mr. Carangelo must also acknowledge his acceptance of the payment terms of the \$20,000 and provide verification that the sum of \$10,000 paid on his behalf does not represent his money or monies he has to pay back to anyone. The motion carried unanimously.

#### Lease proposal for portion of 66 Analomink Street building:

Mrs. Wolbert made a motion, seconded by Mr. Flory, to direct the Solicitor to prepare a lease agreement for a proposed lease for 2,337 sq. ft. of the 66 Analomink St. building to Visiting Angels, LLC, based on terms negotiated on behalf of the Borough by Remax Realty. The motion carried unanimously.

Adjournment

With no further business, Mr. Flory made a motion, seconded by Mr. Begley, to adjourn the meeting at 10:34 p.m.; the motion carried unanimously.

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James S. Phillips, Secretary