

East Stroudsburg Borough, January 3, 2017

A regular meeting of the East Stroudsburg Borough Council was held at the Municipal Building on Tuesday, January 3, 2017. The following members were in attendance: Donald Cross, Roger DeLarco, Edward Flory, Maury Molin, William Reese, and Sonia Wolbert. Also attending were: Mayor Armand M. Martinelli; Solicitor John C. Prevoznik; Manager James S. Phillips; Codes Official Marvin Walton; DPW Director Steven DeSalva; Finance Officer Kenneth Konz; and Engineering Representative Nate Oiler, P.E., of RKR Hess, a Division of UTRS.

Call to Order/Pledge of Allegiance – President DeLarco

Mr. DeLarco called the meeting to order at 7:00 p.m. The Pledge of Allegiance was led by Jane Gagliardo.

Moment of Silence and Reflection

A moment of silence was observed by all in attendance.

Public Comments – Proposed re-allocation of FY 2013 and FY 2014 CDBG Funds for ADA curb ramps

Mr. Phillips said Community Development Block Grant (CDBG) Funds have been programmed for replacing the municipal waterline on Elizabeth Street. However, the service area – Elizabeth Street, Walnut Street and side streets – does not qualify for use of CDBG funds income-wise based on census data. The Borough has attempted to qualify the areas based on income surveys. At least 51% of the benefitting residents must qualify as low/moderate income under federal guidelines. However, survey results received to date – responses from approximately half of the 70 households – indicate only 29% of the responding residents qualify. Based on these partial returns, it is unlikely that the service area can be qualified to use the CDBG funds for the waterline work.

Mr. Phillips stated the recommendation is to reallocate the CDBG funds for ADA curb ramp projects. The Borough is required to reconstruct curb ramps whenever repaving work is done if the curb ramps are not constructed to current ADA requirements. Comments are being solicited on the proposed reallocation of \$12,000 in FY 2013 and \$114,000 in FY 2014 funds from the waterline activity to curb ramps.

Mr. Phillips also noted that the Borough may want to utilize CDBG funds for demolition of the fire-blighted structure on Lackawanna Avenue; but CDBG consultant Karen Parish has advised that an additional modification will need to be made for CDBG funds to undertake that activity. Plus, no more than 30% of any year's allocation may be utilized for demolition/clearance work. Mr. DeLarco asked for comments on the proposed modification, and there were none. After discussion, Mr. Molin made a motion, seconded by Mr. Flory, to request that consultant Karen Parish of Mullin & Lonergan Associates be requested to attend the next Council meeting to discuss the requirements for use of CDBG monies for the demolition work; the motion carried unanimously.

Public Comments – Other Agenda Items

None.

Resolution No. 1 – 2017 Proclaiming the Week of January 15 – 21, 2017 as Martin Luther King Jr., Equality Week

Mr. Molin made a motion, seconded by Mr. Flory, to adopt proposed Resolution No. 1-2017 proclaiming the week of Jan. 15-21 as Martin Luther King Jr. Equality Week in the Borough of East Stroudsburg; the motion carried unanimously.

Resolution No. 2 - 2017 Making an Appointment to the Stroud Region Open Space and Recreation Commission (SROSRC)

Mr. Flory made a motion, seconded by Mr. Cross, to adopt proposed Resolution No. 2-2017 re-appointing Sonia Wolbert to a new three-year term on the SROSRC expiring 01/01/2020; the motion carried unanimously.

Resolution No. 3 – 2017 Making an Appointment to the Stroud Area Regional Police Commission (SARPC)

Mr. Flory made a motion, seconded by Mrs. Wolbert, to adopt proposed Resolution No. 3-2017 re-appointing Armand Martinelli to a new three-year term on the SARPC expiring 01/01/2020; the motion carried unanimously.

Resolution No. 4 – 2017 Appointing a Voting Delegate and Alternate Delegate to the Monroe County Tax Collection Committee for the 2017 Year

Mr. Molin made a motion, seconded by Mr. Flory, to adopt proposed Resolution No. 4-2017 appointing Kenneth Konz as Delegate and Don Cross as Alternate Delegate to the Monroe County Tax Collection Committee (MCTCC) for the 2017 year; the motion carried unanimously.

Authorize Extension of Sludge Disposal contract for Sewage Treatment Plant with J. P. Mascaro & Sons, Inc. based on original bid proposals

Mr. Phillips said the contract for sludge disposal was awarded to the low bidder – J. P. Mascaro & Sons – in 2015 although Mascaro is not taking the sludge for disposal to the County-designated landfill, because they have a pre-existing landfill agreement. The matter is being litigated in Lackawanna County; but both sides had agreed to a Stipulation whereby Mascaro is paying the County the per-ton disposal fee despite not using the County-designated landfill, pending resolution of the litigation. Council had extended the contract for another year last February, and the proposal is to continue the contract for another year – again pending resolution of the litigation. Solicitor Prevoznik has checked with counsel for the County Waste Management Authority who confirmed that the Stipulation is still in effect.

After discussion, Mr. Flory made a motion, seconded by Mr. Cross, to authorize extension of the sludge disposal contract with J. P. Mascaro & Sons, Inc., based on the original March 2015 bids, for the 4/1/17 to 3/31/18 period and subject to posting of a revised performance bond; the motion carried unanimously.

Authorize Advertising Public Hearing on Conditional Use Application by CLU Social Club for installation of wireless antenna by Verizon Wireless on existing building at 265 S. Courtland Street, C-1A Zoning District

Mr. Walton advised he had received an application for conditional use by Verizon Wireless for installing a wireless antenna(s) on the CLU Club building on South Courtland Street. The application will be referred to the Borough Planning Commission for review and recommendation; Council must schedule a public hearing on the request within 60 days of application. After discussion, Mr. Flory made a

motion, seconded by Mr. Cross, to refer the conditional use application to the Planning Commission and to authorize advertising of a public hearing on the application for the February 7, 2016 meeting; the motion carried unanimously.

Authorize Advertising 2017 Year Council Meeting Schedule

Mr. Molin made a motion, seconded by Mrs. Wolbert, to authorize advertising the 2017 meeting schedule as follows: regular meetings on the 1st and 3rd Tuesday of each month (except for the months of June-July-August); and Committee meetings on the last Thursday of each month (except for the months of November and December, due to the Thanksgiving and Christmas holidays.) The Committee meetings for the summer months will also be held as the 2nd regular meeting of the month; and the 1st July regular meeting will be held on Wednesday July 5, 2017 due to the July 4th holiday. The motion carried unanimously.

Authorize Traffic Planning & Design, Inc. (TPD) to perform engineering study to determine whether eastbound traffic from Eli Street should be restricted by Ordinance at the intersection with S. Courtland Street

Mr. Walton said he has obtained a fixed cost proposal from TPD (\$690) to perform the required engineering study at this intersection. This will be a limited study, based on PennDOT criteria, although it does not have to be submitted to PennDOT. The time frame is two weeks to complete the analysis. Mr. Molin made a motion, seconded by Mr. Cross, to authorize TPD to perform the engineering study, and based on the anticipated results of that study to schedule a public hearing on the proposed Ordinance to establish a prohibition on left turn movements from Eli Street to South Courtland Street. The motion carried unanimously.

William Reese arrived at the meeting at approximately 7:45 p.m.

Public Comments – New Business

Justin Grabe of 84 Spangenburg Avenue said he is a new resident of the Borough, and suggested that Council provide additional information on the meeting agenda on the budget impact of each listed agenda item. Council members thanked Mr. Grabe for his suggestion and welcomed him to the Borough.

Correspondence

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

- i. PA Department of Environmental Protection (DEP) – Approval of Non-Use Aquifer Request for former IBW Site, 460 Birch Street
- ii. PA Department of Environmental Protection (DEP) – Analytical results from 11/22/16 sampling of Lower Pocono Creek downgradient of former Stroud Township joint landfill site
- ii. PA Department of the Auditor General – Limited Procedures Engagement Reports for the East Stroudsburg Non-Uniformed Employees and Non-Uniform Cash Balance Pension Plans for the 1/1/2012 to 12/31/2015 period.

Mr. Phillips reported an additional item was received today, a notice from RESCOM Environmental on the proposed placement of additional antennas and RRU's on an existing 100 ft. telecommunications tower at 420 Mosiers Knob Road located in Smithfield Township.

Mr. Prevoznik arrived at the meeting at approximately 8:00 p.m.

Reports

Mr. Konz reported on the following:

- Staff is finalizing a Collections Policy with Solicitor and Special Counsel.
- An Audit Committee meeting is being scheduled for February 2, 2017.
- The new website arrangements are underway with the PSAB program.
- The issue with the accounting of Rental License fees is due to the Rental License module only updating annually; that is being changed by AMS to be updated monthly.
- A Capital Projects Committee meeting is scheduled for January 13, 2017.

Mr. DeSalva reported on the following:

- The Streetscape contractor still has issues with completing the PennDOT requirements for finalizing the contract.
- The O&M Manual for the Water Plant is now completed.
- Floor tile repair work has been completed in one area of the Fire Station.

Mr. Walton added that the Rental License module is being changed by AMS so that reports are generated based on licenses issued instead of when fees are paid. Mr. DeLarco asked that a determination be made on whether the annual fee is covering our costs of inspection and enforcement. Mr. Walton indicated we should be able to produce those figures by the 1st Council meeting in March.

Nate Oiler of RKR Hess reviewed the written Engineer's Report previously submitted to Council.

Mr. Flory questioned plans for replacement of the transmission line from the Water Plant and suggested that the Committee looking at plans for the Middle Dam rehabilitation work also review options for the eventual replacement of the transmission line.

Mr. Flory reported the new Fire Pumper truck is being outfitted by the Fire Relief Association, and training will be provided by the dealer, Glick Fire Equipment, next Tuesday.

Mr. DeLarco asked for information on the Cable TV Franchise agreement which still needs to be revised based on the Cohen Law negotiations from 2015. Mr. DeLarco also asked Mr. Phillips to contact Commissioner Garris regarding his efforts in soliciting funding to repaint the old railroad water tower in Miller Park; and to provide the TPD, Inc. letter to PennDOT regarding the Ridgeway Street bridge.

Mr. DeLarco suggested that Council start the Committee meeting at 6:00 p.m. in order to spend some time discussing the Capital Projects list. Mr. Molin made a motion, seconded by Mr. Flory, to authorize advertising the January 26, 2016 Committee meeting to begin at 6:00 p.m. (instead of 7:00 p.m.); the motion carried unanimously.

Mr. Phillips noted an email request from Mark Lichty, owner of the former Bustin Industrial Products site, for a "waiver" from the Non-Use Aquifer designation affecting the former IBW site and adjoining properties. Mrs. Wolbert made a motion, seconded by Mr. Reese, to notify Mr. Lichty the Borough declines to authorize a waiver from the Non-Use designation; the motion carried unanimously.

Mr. Phillips noted that the Borough does not have a representative appointed to the Pocono Mountains Council of Governments (COG). Mr. Flory made a motion, seconded by Mr. Cross, to appoint Mr. Molin as Borough representative to COG for the 2017 year; the motion carried unanimously.

Mr. Phillips noted he has received a complaint regarding the pedestrian walkway across the RR tracks near Trackside Restaurant. The issue apparently is the timbers have deteriorated leaving a gap between the timbers and rail. Mr. Flory made a motion, seconded by Mr. Molin, to notify the railroad concerning the problem; the motion carried unanimously.

Mr. Cross reported the Recycling Committee is meeting January 11, 2017 and will be discussing licensing of contractors to control the amount of brush disposed of at the Recycling Center.

Mrs. Wolbert said the “Moment of Silence and Reflection” at the beginning of each meeting does not have real meaning, and made a motion to adopt a Resolution rescinding the existing policy establishing the Moment of Silence as an agenda item. Mr. Molin seconded the motion, and Resolution No. 5-2017 rescinding Resolution No. 33-2014 was approved unanimously.

Mrs. Wolbert asked for an update on advertising for the DPW Maintenance Foreman position.

Executive Session for Discussion of Litigation and/or Personnel Matters

Mr. Flory made a motion, seconded by Mrs. Wolbert, to adjourn into executive session at 8:29 p.m.; the motion carried unanimously.

At 9:15 p.m. Council members reassembled in the meeting room, and Mr. Flory made a motion, seconded by Mr. Cross, to reconvene the public meeting; the motion carried unanimously. Mr. Prevoznik said the executive session was held to discuss a personnel matter and a litigation matter; and no decisions were made.

Ratification of Agreements for Delinquent Water/Sewer and Garbage

Mr. Molin made a motion, seconded by Mr. Flory, to ratify approval of agreements with Patricia Schmidt for 18 Elm Street Rear – W/S and Garbage; the motion carried unanimously.

Mr. Flory made a motion, seconded by Mr. Reese, to ratify approval of Supplemental agreements with Norman Hanna & Courtnie Russo for 336 East Brown Street – W/S and Garbage; the motion carried unanimously.

Cost of Living Pay Adjustment for Borough Employees

Mrs. Wolbert made a motion, seconded by Mr. Molin, to authorize a 2.0% cost of living pay adjustment for Borough employees in the same manner as last year, effective January 1, 2017; the motion carried unanimously.

Merit Pay Adjustment for Borough Employees

Mr. Molin made a motion, seconded by Mr. Cross, to authorize up to an additional 1.0% increase in pay for Borough employees upon completion of a successful performance evaluation, with the evaluations and pay adjustment structure to be reviewed and approved by the Personnel Committee; the motion carried unanimously.

Request for Additional Vacation Leave – DPW Maintenance Foreman Mark Hoke

Mr. Flory made a motion, seconded by Mrs. Wolbert, to deny the request by Mark Hoke for 2017 year vacation leave as it is not provided for in the new Employee Manual based on his retirement date. The motion carried unanimously.

List of Bills Payable – January 3, 2017

Mrs. Wolbert made a motion, seconded by Mr. Molin, to approve the List of Bills Payable as submitted and to ratify payroll and expenditures to date; with the exception of Invoice #10131 on the Bill List from Aquatic Facility Design, Inc. in the amount of \$4,000.00. The motion carried unanimously.

Shade Tree Commission Policy – Memorial Trees

Mr. Molin made a motion, seconded by Mr. Cross, to review the policy of the Shade Tree Commission for memorial tree donations with the aim of establishing a written policy adopted by Council setting fees, planting criteria, etc. The motion carried unanimously.

Adjournment

With no further business, Mr. Flory made a motion, seconded by Mr. Molin, to adjourn the meeting at 9:2 p.m.; the motion carried unanimously.

James S. Phillips, Secretary