

East Stroudsburg Borough, December 20, 2016

A regular meeting of the East Stroudsburg Borough Council was held at the Municipal Building on Tuesday, December 20, 2016. The following members were in attendance: Donald Cross, Roger DeLarco, Edward Flory, Maury Molin, William Reese, and Sonia Wolbert. Also attending were: Solicitor John C. Prevoznik; Manager James S. Phillips; Codes Official Marvin Walton; DPW Director Steven DeSalva; 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 7:30 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.

Minutes of December 6, 2016 Meeting

Mr. Molin made a motion, seconded by Mr. Cross, to approve the minutes of the December 6, 2016 Council meeting as submitted; the motion carried unanimously.

SARPD Report – November 2016

Sergeant Charles Schmidt of SARPD was present to review the Police Report. Sgt. Schmidt said the process for hiring new patrol officers is continuing, through the Hiring Board.

Mr. Flory noted on the news tonight a story on several recent thefts from local “tip jars”. Det. Sgt. Schmidt said the Department is following up and expects to make an arrest(s) soon.

Public Comments – Agenda Items

None.

Brewskies Land Development Plan – construction of new 3 story, 10,735 sq. ft. building for commercial and residential use at 55/61 N. Courtland Street, C-1 Zoning District

Mr. Walton this proposal is for preliminary/final land development approval for a proposed mixed-use development at the site of the existing Brewskies beverages and the former Pocono HVAC. The owner proposes to demolish both existing buildings, combine both parcels, and rebuild a larger new building on the site. The uses are permitted in the C-1 Zone.

The plan submitted in August has been reviewed by both the Borough and County Planning Commissions. The Borough PC recommended approval, subject to approval of the Traffic Impact Study (TIS). The TIS was reviewed by the Borough Traffic Engineers (TPD, Inc.); all their comments regarding the TIS have now been addressed. PennDOT approval is required for the proposed new driveway entrance, which will be a limited access compared to the current “open” frontage along N. Courtland Street.

Troy Nauman, developer for the project, said the first floor of the building at Courtland St. will be for the beverage distributorship – 10,900 sq. ft. with parking out front. The basement level will be warehousing, with parking accessed from Eli Street for employees and for the apartments. The second floor will be occupied by six (6) apartments. Mr. Flory noted a driveway on the plan from the front to rear of the building along the north side. Mr. Nauman said that will be solely for pedestrian use.

Nate Oiler of RKR Hess reviewed the recommended conditions of approval for the proposed LDP:

- Approval by outside agencies (PennDOT for driveway HOP, MCCD for stormwater.
- Submittal and approval of the Joinder Deed.
- Submittal and approval of a Stormwater Management Agreement.
- Approval of a Development Agreement; posting of financial security.

Mr. Walton noted the existing sign restricting left turns from Eli Street onto Courtland St. is not authorized by an Ordinance. TPD agrees left turn movements should be restricted based on the limited sight distance.

Mr. Molin asked the timeline for construction. Mr. Nauman said construction should take 9-12 months. Mr. Reese asked about the existing sign in front of Brewskies. Mr. Nauman said the sign will be moved back about 4 feet. In response to another question from Mr. Molin, Mr. Walton the north driveway opening will be one-way in, and the south driveway opening one-way out, only.

Mr. Walton reviewed the waivers requested by the applicant under the SALDO Code, which are all indicated on the Plan:

1. Mr. Molin made a motion, seconded by Mr. Flory, to grant preliminary and final LDP together, as requested. The motion carried unanimously.
2. Mr. Flory made a motion, seconded by Mr. Molin, to grant a waiver from showing all trees 6” or larger on the plan, as requested. The motion carried unanimously.
3. Mr. Flory made a motion, seconded by Mr. Reese, to grant a waiver from requiring shade trees to separate parking spaces in front of the building, as requested. The motion carried unanimously. Mr. Nauman noted that additional landscaping has been added to the site.

After further discussion, Mr. Flory made a motion, seconded by Mr. Molin, to

Grant preliminary/final land development approval subject to the conditions noted by Mr. Oiler; the motion carried unanimously. Mr. Nauman asked if financial security will be required for the demolition cost? Mr. Walton stated no.

Mr. Walton said in regards to the Eli Street left turn restrictions, he has prepared a draft ordinance to amend Section 150-68 of the Borough Code. Mr. Flory made a motion, seconded by Mr. Reese, to authorize advertising the proposed ordinance; the motion carried unanimously.

Public Hearing on Proposed 2017 Year Budget for All Funds

Mr. Cross made a motion, seconded by Mr. Molin, to open a public hearing on the proposed 2017 Borough Budget; the motion carried unanimously.

Mr. Phillips said notice of availability of the Proposed Budget for public inspection had been advertised in the Pocono Record ten days prior to this meeting as required. Mr. Phillips reviewed the proposed 2017 Budget for all Funds, which had been worked on by Council at three budget meetings. The total budgeted revenues are approximately \$9.480 million and total appropriations \$11.295 million. The General Fund appropriations are \$5,470,180, a reduction from the 2016 Budget figure of \$5,580,000; and is supported by a total real estate tax millage of 17.70 mills for general purposes. The Debt Service Fund is supported by a real estate tax millage of 6.30 mills for debt service; so the total millage rate is 24.0 mills, which is a 1.0 mill increase from 2016. The Highway Aid Fund, Sewer Fund, Water Fund, and Golf Fund appropriations total \$265,000, \$1,894,930, \$1,418,720, and \$250,150, respectively. The total Capital Improvement Fund Budget totals \$1,944,600 for capital projects/items. The Water Fund requires an increase in water rates due to major capital needs budgeted, such as the Middle Dam rehabilitation project and a 25% rate increase is budgeted. However, the transfer of funds from the Water Fund to General Fund has been reduced from \$620,000 to \$420,000 in the 2017 Budget.

Mr. DeLarco stated it is important to reduce the amount of transfer from the Water Fund to General Fund because of the capital needs for the water system. Mr. DeLarco asked for comments from the audience and there were none.

Mr. Molin made a motion, seconded by Mr. Flory, to close the hearing and reconvene the regular meeting; the motion carried unanimously.

Public Hearing on Proposed Ordinance No. 1316 Fixing the Real Estate Tax Millage Rate for 2017 Year

Mr. Flory made a motion, seconded by Mr. Reese, to open a public hearing on proposed

Ordinance No. 1316; the motion carried unanimously. Mr. Phillips said notice of the proposed ordinance had been advertised in the Pocono Record as required, proof of publication was available for inspection. Mr. Phillips said the proposed Ordinance sets the 2017 Year real estate tax millage rate at 17.7 mills for general purposes and 6.3 mills for debt service; for a total millage rate of 24.0 mills. Mrs. Wolbert noted she is not in favor of the proposed Budget and Tax Ordinance because of the one mill tax increase, which she feels is not necessary. Mr. DeLarco noted his prior comments, that he can support the proposed one mill increase because the Budget provides for a reduced transfer from the Water Fund to the General Fund which will reduce the need for future water rate increases. After further discussion, Mr. Molin made a motion, seconded by Mr. Flory, to close the hearing and reconvene the regular meeting; the motion carried unanimously.

Ordinance No. 1316 Fixing the Real Estate Tax Millage Rate for 2017 Year

Mr. Flory made a motion, seconded by Mr. Reese, to adopt proposed Ordinance No. 1316 fixing the Real Estate Tax Millage Rate for 2017 year at 17.7 mills for general purposes and 6.3 mills for debt service for a total of 24.0 mills; as advertised. The motion carried by a vote of 5-1, with Mrs. Wolbert voting no.

Resolution No. 28-2016 Adopting Budget Appropriations for 2017 Year

Mr. Molin made a motion, seconded by Mr. Cross, to adopt proposed Resolution No. 28-2016 approving the Budget appropriations as proposed; the motion carried by a vote of 5-1, with Mrs. Wolbert voting no.

Resolution No. 29-2016 Amending Employee Manual Revising Provisions Regarding Vacation Leave

Mr. Phillips said a proposed Amendment has been prepared for the new Employee Manual, to revise a provision that was unintentionally removed from the new Manual at adoption that allows employees to carryover up to 15 days of unused vacation from one year to the next. Mr. Molin said the Personnel Committee had extensively discussed this amendment and recommends approval. Mr. Cross made a motion, seconded by Mr. Molin, to adopt proposed Resolution No. 29-2016 approving the Amendment to the Employee Manual regarding Vacation Leave as submitted; the motion carried unanimously.

Establish Council Meeting Schedule for 2017 Year

Council members indicated their desire to keep the same meeting schedule for 2017 except for starting meetings at 7:00 p.m. Mr. DeLarco asked Mr. Phillips to provide the proposed dates for 2017 meetings based on that schedule and to note any conflicts. Mr. Reese made a motion, seconded by Mr. Molin, to authorize advertising the first regular meeting for 2017 on Tuesday, January 3, 2017 at 7:00 p.m.; the motion carried unanimously.

Public Comments – New Business

None.

Correspondence

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

1. Monroe County Vector Control – Report on Vector Control Efforts in the Borough
2. Suburban EMS – appointment of Jeffrey Young as Executive Director
3. PA Department of Environmental Protection (DEP) – Receipt of Notice of Intent to Remediate former IBW site
4. Solicitor for Monroe County Controller Office – Request for Records from Real Estate Tax Collector Alberta Tallada
5. Monroe County Board of Assessment Revision – Hearing 1/4/17 on Tax Abatement Request for parcel #05-4/1/7/8

Mr. Phillips noted that notice of hearing on this parcel is in regards to the Fire damaged property at 42 Lackawanna Avenue, but the Borough does not yet have title to the property which is tied up in the bankruptcy proceedings for the owner, Mr. and Mrs. Catalano. Mr. Reese made a motion, seconded by Mr. Flory, to request a continuation of the hearing with the Board of Assessment Revision; the motion carried unanimously.

Reports

Mrs. Wolbert noted that the recent Financial Report indicates only about \$5,000 in Rental License fees for the 2016 year. Mr. DeLarco said that would only represent less than 100 licenses issued for the year. Mr. Walton stated there must be an issue with the AMS software, because he has personally issued over 200 licenses just recently. Mrs. Wolbert requested a report on this issue by the January 3, 2017 meeting.

Mr. Cross reported on the recent Twin Boroughs Recycling Meeting and said the Committee is discussing having the Ok Grove Recycling crew grind up our brush pile at a lesser cost than the previous contracted cost. Mr. Cross asked about the status of the former IBW Site remediation work? Mr. Phillips said the DEP is going to require one more round of groundwater testing to ensure contamination is not migrating off-site.

Mr. Molin said the Technology Committee has recommended switching over administration of the Borough website to the PA State Association of Boroughs (PSAB) at an annual cost of \$389. This cost includes a domain name, individual email addresses for Council members, and includes 7 hours of staff time per year at \$30 per hour. Updated graphics costs \$150. After discussion regarding initial startup expenses that may exceed those limits, Mr. Molin made a motion, seconded by Mr. Flory, to authorize

contracting with PSAB at an initial cost not to exceed \$1,000 for website maintenance; the motion carried unanimously.

Mr. Molin made a motion, seconded by Mr. Cross, to contact Commissioner Garris concerning the status of efforts to obtain private funding for the restoration/painting of the old railroad water tower in Miller Park; the motion carried unanimously. Mr. Molin inquired about the status of the replacement of the “Iron Bridge” on Ridgeway Street. Mrs. Wolbert made a motion, seconded by Mr. DeLarco, for Mr. Phillips to provide Council with a copy of the letter by TPD, Inc. written to PennDOT regarding Borough concerns for the Ridgeway Street bridge design.; the motion carried unanimously.

Mr. Phillips said although water levels in the East Stroudsburg Reservoir have risen somewhat, the chart indicates that the reservoir level is still below normal for this time of year so the Drought Warning Designation should remain in effect. Mr. Reese made a motion, seconded by Mr. Flory, to continue the Drought Warning Designation and re-advertise notice of same to encourage water customers to continue to voluntarily reduce water usage where possible.

Mr. Phillips said the Inspection Report for the East Stroudsburg Dam has been received from RKR Hess.

Mr. DeLarco said the Transition Committee will be advertising for the Manager position, with assistance provided by Mr. Knittel of PSAB.

Mr. Flory reported that the new Fire Pumper Truck was delivered Friday 12/16/16. The Firemen will be training with the new truck over the next month.

Mr. Reese said he hopes Council will consider project #13 on the Capital Projects List – an irrigation system for the Baseball Field at Dansbury Park. Mr. DeLarco said timeline and costs need to be identified for all proposed projects on the List.

Mr. DeSalva reported that the last section of the Operations and Maintenance Manual for the Water System has been received and is being reviewed. Applications have been submitted for electronic filing of DMR reports to DEP for the Water Plant and Sewer Plant.

Mr. Konz distributed copies of consolidated Revenue and Expense Reports as of 10/31/16. A meeting will be held next week regarding an updated Collections Policy.

List of Bills Payable – December 20, 2016

Mr. DeLarco questioned a donation to AWSOM on the Bill List for \$1,600. Mr. Phillips said this is the amount of Borough contribution made in 2015 and 2014. Mr. Reese made a motion, seconded by Mr. Cross, to approve the List of Bills Payable as submitted and to ratify payroll and expenditures to date; the motion carried unanimously.

Executive Session for Discussion of Litigation and/or Personnel Matters

Mr. Molin made a motion, seconded by Mrs. Wolbert, to adjourn into executive session at 9:20 p.m.; the motion carried unanimously.

At 9:52 p.m. Council members reassembled in the meeting room, and Mr. Molin made a motion, seconded by Mr. Flory, 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.

Retirement Notice from DPW Maintenance Foreman Mark Hoke

Mr. Molin made a motion, seconded by Mr. Flory, to accept the retirement notification from Mr. Hoke effective at the end of the 01/05/17 workday as recommended by the Personnel Committee; the motion carried unanimously.

Authorize Advertising/Posting for DPW Maintenance Position

Mr. Cross made a motion, seconded by Mr. Flory, to authorize advertising/posting to fill the DPW Maintenance Foreman position; the motion carried unanimously

Ratification of Agreements for Delinquent Water/Sewer and Garbage

Mr. Reese made a motion, seconded by Mr. Flory, to ratify approval of agreements with Jose Robles for 174 Lenox Street – W/S and Garbage; thee motion carried unanimously.

ECA Fundraiser at Depot

Mr. DeLarco requested authorization to “borrow” one of the old pictures of East Stroudsburg from the Council meeting room for use at the ECA fundraiser tomorrow night. Mr. Molin made a motion, seconded by Mr. Flory, to authorize temporary loan of the picture as requested; the motion carried unanimously.

Adjournment

With no further business, Mr. Flory made a motion, seconded by Mrs. Wolbert, to adjourn the meeting at 9:56 p.m.; the motion carried unanimously.

James S. Phillips, Secretary