

East Stroudsburg Borough, February 7, 2017

A regular meeting of the East Stroudsburg Borough Council was held at the Municipal Building on Tuesday, February 7, 2017. The following members were in attendance: Donald Cross, Ed Flory, Maury Molin, William Reese, and Sonia Wolbert. Roger DeLarco was absent. Also attending were: Mayor Armand M. Martinelli; Solicitor John C. Prevoznik; Manager James S. Phillips; Codes Official Marvin Walton; DPW Director Steven DeSalva; and Finance Officer Kenneth Konz.

Call to Order/Pledge of Allegiance – President Pro Tem Wolbert

Mrs. Wolbert called the meeting to order at 6:53 p.m. and led the Pledge of Allegiance.

Public Hearing on Proposed Modification to the State Community Development Block GM

Mr. Molin made a motion, seconded by Mr. Flory, to open a public hearing; the motion carried unanimously. Mr. Phillips said the Borough proposes to reallocate Community Development Block Grant (CDBG) monies, from the FY 2013 and FY 2014 program budgets, from a waterline activity to construct curb ramps. Mr. Phillips said a project was proposed to replace the waterline on Elizabeth Street. However, the project area is not eligible based on census data, and the Borough attempted to qualify the project based on income surveys. Survey results were not successful in obtaining 51% low/moderate persons in the project area. Construction of ADA curb ramps is an eligible activity for use of CDBG funds.

In addition, Council is interested in using CDBG funds for demolition of the burned out structure at 42 Lackawanna Avenue. This former apartment building burned in August 2014, and the remains of the structure constitutes a hazard. The owner is in bankruptcy and the likelihood minimal that this structure will be removed anytime soon. The Borough proposes to utilize CDBG funds from the FY 2013, FY 2014, and FY 2015 allocations for the demolition activity; only 30% of any years CDBG allocation may be used for demolition. The proposed Resolution to modify the CDBG Program Budgets will reallocate funds as follows:

FY 2013	\$36,070 from Waterline Activity to ADA Curb Ramps
	\$15,903 from Waterline Activity to new Demolition Activity
FY 2014	\$79,800 from Waterline Activity to ADA Curb Ramps
	\$34,200 from Waterline Activity to new Demolition Activity
FY 2015	\$31,460 from Housing Rehabilitation Activity to new Demolition Activity

Mrs. Wolbert asked for comments. Martha Robbins, Executive Director of the Redevelopment Authority, noted that the FY 2015 funds are administered by the County through her agency and there are several additional steps that have to be undertaken for use of CDBG funds for demolition. Mr. Cross asked about new state legislation that provides additional tools for municipalities to deal with blight? Mrs. Robbins said that would be a different program separate from the CDBG monies.

With no further comments, Mr. Flory made a motion, seconded by Mr. Molin, to move the exhibits into the record; the motion carried unanimously. Mr. Molin made a motion, seconded by Mr. Flory, to close the hearing and reconvene the regular meeting; the motion carried unanimously.

Minutes of January 26, Special Council Meeting

Mr. Cross made a motion, seconded by Mr. Molin, to approve the minutes of the January 26, 2017 special meeting as submitted; the motion carried unanimously.

Public Hearing on Proposed Ordinance No. 1317 Amending the Code of the Borough of East Stroudsburg, Chapter 150 Entitled Vehicles and Traffic, Revising Provisions Related to Traffic Control (Prohibition of Left-Turns from Eli Street onto S. Courtland Street)

Mr. Molin made a motion, seconded by Mr. Cross, to open a public hearing; the motion carried unanimously. Mr. Phillips said the following Exhibits have been prepared for the public hearing:

- Exhibit A - notice of the public hearing on the proposed ordinance advertised in the *Pocono Record*.
- Exhibit B - proof of publication of the notice from the January 30, 2017 *Pocono Record*.
- Exhibit C - copy of proposed Ordinance 1317.
- Exhibit D – copy of notice to the Monroe County Law Library of an attested copy of the proposed ordinance.
- Exhibit E – copy of notice to the *Pocono Record* of an attested copy of the proposed ordinance.
- Exhibit F – sign in sheet for the public hearing.

Mr. Walton said the issue of prohibiting left turns from Eli Street came up during consideration of the land development plan submitted for the Brewskies property. The existing sign on Eli St. prohibits left turns onto S. Courtland St., but the sign was never authorized by Ordinance. Mr. Prevoznik asked whether a traffic study had been performed? Mr. Walton said yes, by Traffic Planning & Design, Inc., and introduced Ben Guthrie of TPD.

Mr. Guthrie said he is a registered Traffic Engineer and has done more than 100 traffic studies over nine years. Mr. Guthrie said he evaluated the sight distance and accident history at the intersection of Eli St. with S. Courtland St. He finds that there is very limited sight distance of only 60 ft. for vehicles making a left turn movement from Eli St.; and the recommended distance would be 275 ft. There is very limited accident data. The recommendation is to prohibit left turns from Eli St. based on the limited sight distance. Mrs. Wolbert asked for comments.

Mr. Molin asked if the lack of accidents is because of the sign prohibiting left turns? Mr. Guthrie said the sign is probably a contributing factor, but that would be hard to determine. Mr. Flory asked if there is a sight distance standard for right turns? Mr. Guthrie said there is a standard but he was not specifically asked to look at that issue.

Justin Grabe of 84 Spangenburg Ave. asked if there are other intersections within the Borough that do not meet the recommended sight distance criteria? Mr. Guthrie said there are probably many intersections that have limited sight distance, but again, he was only asked to look at this intersection. Mr. Prevoznik asked that the traffic study report be introduced into the record for the public hearing as Exhibit F. Mr. Molin made a motion, seconded by Mr. Cross, to move Exhibit F and all the Exhibits into the record; the motion carried unanimously. Mr. Molin made a motion, seconded by Mr. Cross, to close the hearing and to reconvene the regular meeting; the motion carried unanimously.

Public Hearing on Proposed Ordinance No. 1318 Amending the Code of the Borough of East Stroudsburg, Chapter 29 Officers and Employees, Revising the Residency Requirement for the Borough Manager Position

Mr. Molin made a motion, seconded by Mr. Flory, to open a public hearing; the motion carried unanimously. Mr. Phillips said the following Exhibits have been prepared for the public hearing:

- Exhibit A - notice of the public hearing on the proposed ordinance advertised in the *Pocono Record*.
- Exhibit B - proof of publication of the notice from the January 30, 2017 *Pocono Record*.
- Exhibit C - copy of proposed Ordinance 1318.
- Exhibit D – copy of notice to the Monroe County Law Library of an attested copy of the proposed ordinance.
- Exhibit E – copy of notice to the *Pocono Record* of an attested copy of the proposed ordinance.
- Exhibit F – sign in sheet for the public hearing.

Mr. Walton said the proposed ordinance amends Chapter 29-3 of the East Stroudsburg Code to revise the residency requirement for the Borough Manager position. Mrs. Wolbert asked for comments.

Mr. Molin said the purpose of the change in the residency requirement is to broaden the applicant pool in the search for a new Borough Manager. Mr. Cross asked if the change will require the Manager to live within 15 miles of the Borough, and was advised yes, but within the Commonwealth of Pennsylvania.

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

Public Comments – Agenda Items

None.

Action on Proposed Ordinance No. 1317 Amending the Code of the Borough of East Stroudsburg, Chapter 150 Entitled Vehicles and Traffic, Revising Provisions Related to Traffic Control (Prohibition of Left-Turns from Eli Street onto S. Courtland Street)

Mr. Flory made a motion, seconded by Mr. Molin, to adopt proposed Ordinance No. 1317 as advertised; the motion carried unanimously.

Action on Proposed Ordinance No. 1318 Amending the Code of the Borough of East Stroudsburg, Chapter 29 Entitled Officers and Employees, Revising the Residency Requirement for the Borough Manager Position

Mr. Molin made a motion, seconded by Mr. Flory, to adopt proposed Ordinance No. 1318 as advertised; the motion carried unanimously.

Proposed Ordinance 1319 Amending the East Stroudsburg Code, Chapter 49 Salaries and Compensation, Revising Section 49-3 (Salary of Tax Collector) and Further Establishing a List of Responsibilities for the Borough Real Estate Tax Collector for the 2018-2021 Term of Office

Mr. Phillips said the proposed ordinance will establish the compensation and responsibilities of the elected Tax Collector position for the new term of office, 2018-2021. Mr. Prevoznik said the ordinance needs to be approved by February 15 because of that being the first date for filing petitions for elected positions in the Spring primary election; thus the need for the special meeting on February 14.

After discussion, Mr. Cross made a motion, seconded by Mr. Molin, to authorize advertising of a special meeting and a public hearing on the proposed ordinance for 02/14/17 at 8:30 a.m.; the motion carried unanimously.

Proposed Ordinance 1320 of the Council of the Borough of East Stroudsburg on Behalf of East Stroudsburg Borough Authorizing a Sixth Amendment To An Intermunicipal Water Service Agreement and Facilities Transfer Agreement, dated May 6, 1999, and Five (5) Subsequent Amendments Thereto, Between the Borough of East Stroudsburg and the Brodhead Creek Regional Authority Which Amends Section 3.01 To Extend the Term Twenty-Five (25) Years or Until December 31, 2042; Section 4.01 To Increase the Reserved Capacity Allotted to the Authority From Two Hundred Fifty Thousand (250,000) Gallons Per Day (GPD) To Four Hundred Thousand (400,000) GPD; To Establish a One Time Capital Reserve Fee of Fifty Thousand Twenty-Five (\$50,025.00) Dollars Based on the Authority's Request for One Hundred Fifty Thousand (150,000) GDP of Additional Water Usage to be Paid in Two (2) Equal Installments of Twenty-Five Thousand Twelve Dollars and Fifty Cents (\$25,012.50), the First of Which Is Due Upon Signing This Sixth Amendment and the Second of Which Shall Be Due Within Thirty (3) Days After Notification To the Authority By the Borough In Writing of the Award of the Bid for the Transmission Line Project; To Amend Exhibit "C", Bulk Rate Schedule, Pursuant to Section 4.05, Measurement of Flow, of Article IV, Services Availability and Conditions, and Section 6.02(A)(B), Usage Charges, of Article VI, Charges, of the IWA as Amended by East Stroudsburg Borough Resolution No. 9-2010, Thereby Establishing a New Bulk User Rate of Two Dollars and Forty Cents (\$2.40) Per One Thousand (1,000) Gallons and a Fire Hydrant Rental, If Any, of One Hundred Fifty (\$150.00) Dollars Per Hydrant Per Year; Incorporating the Whereas Provisions; Allowing for Severability of Provisions; Incorporating

Prior Provisions of the IWA To the Extent the Sixth Amendment Does Not Conflict; and Authorizing Counterpart Signatures

Mr. Phillips said the Borough entered into an Intergovernmental Water Service Agreement and Facilities Transfer Agreement with the Brodhead Creek Regional Authority (BCRA) in 1999, and has since been selling bulk water to BCRA for service to their customers in portions of Smithfield and Stroud Township. The proposed ordinance will approve the sixth amendment to the existing Agreement, which will increase the term of the Agreement between the Borough and BCRA until Dec. 31, 2042; increase the reserve capacity of the Borough Water System allocated to the Authority from 250,000 to 400,000 gpd; establish a one-time Capital Reserve fee to be paid by BCRA to the Borough of \$50,025 to be paid in two installments; and revise the bulk rate for water charged to BCRA from \$2.17 to \$2.40 per 1,000 gals. The proposed ordinance also authorizes execution of the Sixth Amendment.

Mr. Reese arrived at the meeting at this time and presided. After discussion, Mr. Flory made a motion, seconded by Mr. Molin to authorize advertising a public hearing on the proposed ordinance for the 02/21/17 meeting of Council; the motion carried unanimously.

Assessment Appeal by ESASD v. SCP2002E-52, LLC (CVS Pharmacy, N. Courtland Street) – Ratify proposed Settlement Stipulation execution

Mr. Phillips said this is a proposed settlement of an assessment appeal by the School District for a commercial property, the CVS Pharmacy on S. Courtland St. The current assessed value for the property is \$283,980; the proposed settlement will increase the assessment to \$448,430 for the 2017 year. Mrs. Wolbert made a motion, seconded by Mr. Molin to authorize execution of the proposed settlement stipulation for the appeal; the motion carried unanimously.

Resolution No. 7 – 2017 Appointment to Zoning Hearing Board

Mr. Phillips said the term of Harvey Miller on the Zoning Hearing Board (ZHB) has expired as of 01/01/17. Mr. Phillips said there are also two vacancies for Alternate Member positions on the ZHB. Mr. Flory said Mr. Miller is willing to remain on the Board, and made a motion, seconded by Mrs. Wolbert, to adopt proposed Resolution No. 7-2017 appointing Mr. Miller to a new five year term on the ZHB.

Mr. Molin said Mr. Miller is an excellent person, but the Borough needs to get a more diverse group of people to serve on its various Boards and Commissions for the Borough. Mr. Molin said he has several names of persons who have expressed interest in serving in volunteer positions for the Borough. Mr. Walton noted that a ZHB member must be a resident of the Borough, not just a property owner. After discussion, the motion carried by a vote of 3-2, with Mr. Molin and Mr. Cross voting no.

Mr. Flory made a motion, seconded by Mr. Molin to compile a list of names for consideration for various volunteer positions with the Borough at the next meeting. Mrs. Wolbert said there should be a process for persons submitting their name for consideration. After discussion, the motion carried unanimously.

Ratify approval of revised Job Descriptions

Mr. Cross made a motion, seconded by Mr. Molin to ratify approval of the revised job description for the DPW Maintenance Foreman position as submitted; the motion carried unanimously.

Mr. Molin made a motion, seconded by Mr. Flory to ratify approval of the revised job description for the Recycling Yard Worker position as submitted; the motion carried unanimously.

Ratify advertising for Part-time Recycling Yard Worker Position

Mrs. Wolbert made a motion, seconded by Mr. Molin to ratify advertising for the part-time Recycling Yard Worker position at the Twin Boroughs Recycling Center; the motion carried unanimously.

Public Comments – New Business

Jane Gagliardo of 113 West Broad Street expressed concern as a landlord for the rental licensing fee requirements, as she owed for her Harris St. property but was told twice by the Borough that she didn't owe anything. Mr. Konz said he would check on that issue.

Justin Grabe said the new Borough website looks good – he had asked for more information and there definitely is more available now.

Jane Gagliardo asked about the status of the Dansbury Park Swimming Pool; and was advised that Council would be discussing the pool later on the agenda.

Correspondence

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

- i. East Stroudsburg University – Request to waive parking enforcement on campus Saturday, May 6, 2017 for ESU Graduation. Mr. Molin made a motion, seconded by Mr. Flory to approve the request as submitted; the motion carried unanimously.
- ii. Verizon Wireless – request for continuance for conditional use application for installation of wireless antenna on CLU Club building at 265 S. Courtland Street, C-1A Zoning District. Mr. Flory made a motion, seconded by Mrs. Wolbert to grant the continuance as requested and to reschedule the conditional use hearing for March 30, 2017; the motion carried unanimously.
- iii. A report from Monroe County Control Center (MCCC) on calls received by MCCD for the 2016 year for Police, Fire, and EMS services, by municipality. Mr. Phillips noted that the Borough was third –highest in total no. of calls.

Reports

Mr. Konz reported that the auditors, BBD, LLC, will commence work on the 2016 year Audit on March 6th and plan to complete work by May 31, 2017. Mr. Konz encouraged everyone to take a look at the new website.

Mr. DeSalva reported that the Conservation District has now become involved with the removal of the beaver dam on Sambo Creek. Mr. DeSalva also said the contractor who replaced floor tile at the Fire Station wanted to come meet with Council tonight to explain the issues involved, but he rescheduled it due to the length of the agenda. Mr. Flory said the floor tile still is an issue in the hallway, and election day will be coming up again in May.

Mr. Walton reminded Council of the meeting next week on 2/16/16 with the Comprehensive Plan Task Force at 5:30 p.m.

Mr. D'Alessandro reviewed his written Engineer Report previously submitted to Council; he noted a pre-application meeting with PA DEP will be held 2/15/17 at the DEP Wilkes-Barre office for the Middle Dam project.

Mr. Flory reported that the grease traps are full at the Fire Station kitchen and need cleaned out – who is responsible for that? Mr. DeSalva said he would check on that as soon as possible. Mr. Flory said the Stroud Region Open Space and Recreation Commission (SROSRC) uses the swim pool at Dansbury Park for their Day Camp and does not pay anything for the pool usage. Mrs. Wolbert said the SROSRC Solicitor is working on a memorandum of understanding with the Borough that will include this issue.

Mr. Cross noted that pavement repairs are still needed at the Recycling Center as it is becoming more difficult in certain areas for the forklifts.

Mr. Molin said the handicap parking space in the Borough Hall parking lot needs marked properly; right now the sign is partially covered in the hedge. Mr. Molin inquired about the possible use of the Bustin property for medical marijuana; Mr. Walton said he has discussed this issue with the owner, Mr. Lichty, and the use is a permitted use in that zoning district that includes the Bustin property.

Mr. Molin noted that funding for the East Stroudsburg University Information Commons Building project appears to be “hung up” in Harrisburg. Mr. Molin made a motion, seconded by Mr. Flory, to send a letter of support for the project to the State System of Higher Education (SSHE).

List of Bills Payable – February 7, 2017

Mr. Cross made a motion, seconded by Mr. Molin, 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. Cross made a motion, seconded by Mr. Molin, to adjourn into executive session at 8:35 p.m.; the motion carried unanimously.

At 8:53 p.m. Council members reassembled in the meeting room, and Mr. Flory made a motion, seconded by Mr. Molin, to reconvene the public meeting; the motion carried unanimously. Mr. Prevoznik said the executive session was held to discuss a personnel matter; and no decisions were made.

Recommendations from Capital Projects Committee for Action Items

Application to PennVEST for low-interest Loan financing for Replacement of Raw waterline from Middle Dam to Water Filtration Plant

Mr. D’Alessandro briefly reviewed the options and costs for replacing the raw waterline from the Middle Dam as part of the Middle Dam project or as a separate project. At a preliminary meeting with the PA DEP, they indicated that the waterline work would be eligible as a separate project for low-interest PennVEST loan financing. After discussion, Mr. Molin made a motion, seconded by Mr. Flory, to authorize application to PennVEST but also for Mr. D’Alessandro to bring more detailed figures for discussion on the options for replacing all of the raw waterline and options for replacing a portion of the transmission lines that was identified previously. The motion carried unanimously.

Design of replacement of sanitary sewerline on Willow Street as part of proposed road reconstruction work

Mr. D’Alessandro noted that replacing the sewerline on Willow Street will involve excavating a major portion of the roadway, and a decision needs to be made on it since the location/depth of the sewerline will have a bearing on the installation of storm sewers as proposed. After discussion, Mr. Molin made a motion, seconded by Mr. Flory, to authorize proceeding with design for replacement of the sanitary sewerline on Willow St., utilizing Sewer Fund monies as needed and applicable; the motion carried unanimously.

Preparation of specifications for bidding crack and joint repairs at Dansbury Park Swim Pool

Mr. D’Alessandro briefly reviewed the issues with the pool involving repairs needed to counter water loss, and noted that the pool consultant will need to come back in March to test the the main drains for leaks. Also, he had estimated the joint and crack repairs to be in the \$60,000 cost range. Mr. Phillips noted that we will not know the actual cost unless bids are sought. After discussion, Mr. Cross made a motion, seconded by Mr. Flory, to authorize the Engineer to proceed with preparation of specifications and bidding of crack and joint repairs at Dansbury Park Swim Pool; the motion carried unanimously.

Permit revision applications for Well No. 1 and No. 2 Security Improvements

Mr. D’Alessandro said the existing water supply permits for Well No. 1 and No. 2 will need to be revised for the proposed work to raise the well casings. After discussion, Mr. Cross made a motion, seconded by Mr. Flory, to authorize the Engineer to proceed with preparation of permit revision applications for Well No. 1 and No. 2 Security Improvements to PA DEP as the first step in undertaking the security improvements proposed for these Well sites; the motion carried unanimously.

Adjournment

With no further business, Mr. Molin made a motion, seconded by Mr. Flory, to adjourn the meeting at 9:15 p.m.; the motion carried unanimously.

James S. Phillips, Secretary