

East Stroudsburg Borough, March 21, 2017

A regular meeting of the East Stroudsburg Borough Council was held at the Municipal Building on Tuesday, March 21, 2017. The following members were in attendance: Don Cross, Roger DeLarco, Edward Flory, Maury Molin, William Reese, and Sonia Wolbert. Also attending were: Mayor Armand Martinelli; Solicitor John C. Prevoznik; Manager James S. Phillips; Codes Officer Marvin Walton; Public Works Director Steven DeSalva; and Engineering Representative Nate Oiler, P.E., of RKR Hess Associates, 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 Tracy Granger.

Minutes of March 7, 2017 Regular Council Meeting

Mr. Cross made a motion, seconded by Mr. Molin, to approve the minutes of the March 7, 2017 regular meeting as submitted; the motion carried unanimously.

Public Hearing on Proposed Ordinance No. 1322 Authorizing Execution of Proposed Cable TV Franchise Renewal Agreement with Blue Ridge Technologies, Inc. D/B/A Blue Ridge Communications

Mr. Reese made a motion, seconded by Mr. Flory, to open a public hearing on the proposed ordinance; the motion carried unanimously.

Mr. Phillips stated that the previous franchise agreement with Blue Ridge was coming up for renewal in 2014 and the Borough had retained the Cohen Law Group to negotiate the successor agreement on behalf of the Borough, as well as for four (4) other municipalities whose franchise agreements were coming up for renewal. The proposed ordinance will authorize approval of the proposed agreement, which is a re-write of the previous agreement and includes several improvements as noted by the Cohen attorneys:

- Broader definition of gross revenues.
- Protections against reduction of gross revenues by pre-emptive language dealing with bundled services, both from a pricing standpoint and from a service allocation standpoint.
- Improved testing and technical compliance language.
- Rate discrimination language
- Clarifying language for the parameters for multiple dwelling unit subscribers.
- Reduction of the term of the agreement to 7 years, the lowest Blue Ridge has entered into.

Mr. Prevoznik asked how and when was the ordinance that is the subject of this hearing advertised? Mr. Phillips stated the notice of public hearing was advertised in the *Pocono Record* on 3/14/17; and a copy of the ordinance was also provided to the newspaper and the County Law Library. Mr. Prevoznik asked if this is an exclusive franchise to Blue Ridge for cable TV services. Mr. Phillips said, no, it is not an exclusive franchise. Mr. Prevoznik asked what is the franchise fee, and what is the justification for the fee. Mr. Phillips said the agreement specifies that the Borough receive franchise fees equal to 5.0% of the gross revenues of Blue Ridge, which is the maximum permitted by federal law, and is in exchange for Blue Ridge's ability to use the public street right-of-ways for running their lines for cable TV service. Mr. Prevoznik asked if the franchise fee is specified on each customer's bill. Mr. Phillips said, yes, each bill indicates the amount of franchise fee that goes to the Borough.

Mr. Phillips introduced the following exhibits for the public hearing:

- Exhibit A – copy of notice of the public hearing on the proposed ordinance.
- Exhibit B – proof of publication of the notice of public hearing in the *Pocono Record* on 03/14/17.
- Exhibit C – copy of the proposed Ordinance No. 1322.
- Exhibit D – copy of notice of an attested copy of the proposed ordinance provided to the Monroe County Law Library.
- Exhibit E – copy of notice of an attested copy of the proposed ordinance provided to the *Pocono Record*.

- Exhibit F – sign-in sheet for the public hearing.

Mr. DeLarco asked that anyone in the audience wishing to speak on the proposed ordinance sign in on the sheet for that purpose.

Mr. DeLarco asked for comments from Council. Mr. Cross asked if the Borough can request an audit of Blue Ridge? Mr. Phillips said under the agreement, the Borough can have an audit performed at the Borough’s expense. Mr. Cross asked if the agreement can be terminated? Mr. Phillips said the agreement does provide for termination of the agreement by the Borough for cause.

Mr. DeLarco asked for comments from the audience, and there were none. Mrs. Wolbert made a motion, seconded by Mr. Molin, to enter the exhibits into the record for the public hearing on the proposed ordinance; the motion carried unanimously. Mr. Reese made a motion, seconded by Mr. Flory, to close the public hearing and reconvene the regular meeting; the motion carried unanimously.

Public Comments

None.

Proposed Ordinance No. 1322 Authorizing Execution of Proposed Cable TV Franchise Renewal Agreement with Blue Ridge Technologies, Inc. D/B/A Blue Ridge Communications

Mr. Molin made a motion, seconded by Mr. Flory, to adopt proposed Ordinance No. 1322 as advertised; the motion carried unanimously

Report and Possible Action on Bid Proposals Received 03/21/17 for Mowing/Lawn Care Services for Borough Properties for 2017 Season (with Options for 2018 and 2019 Seasons)

Mr. Phillips said three (3) bids were received and opened this afternoon; the bids for the 2017 Season for the total of nine locations on a unit price basis are as follows:

Four Season’s Lawn Care & Land Design	Canadensis	\$500 BD	\$ 7,080
Jeremy Smith Landscaping, Inc.	Stroudsburg	\$500 BD	\$ 7,192
TM Property Services LLC	East Stroudsburg	\$500 BD	\$13,865

Mr. Flory made a motion, seconded by Mr. Reese, to accept the proposal from and to award the contract to Four Season’s Lawn Care based on their low bid proposal; the motion carried unanimously.

Resolution No. 18-2017 Appointing Chief Administrative Officer for PMRS Pension Plan

Mr. Reese made a motion, seconded by Mr. Flory, to adopt proposed Resolution No. 18 -2017 appointing Kenneth Konz as Chief Administrative Officer for the Non-Uniform Employees Pension Plan as submitted; the motion carried unanimously.

Authorizing Advertising for Bid Proposals for Construction of Turning Lane on Prospect Street Approaching Normal Street – TPD, Inc.

Mr. Cross made a motion, seconded by Mr. Molin, to authorize advertising for bids for the Prospect Street turning lane project as recommended; the motion carried unanimously.

Resolution No. 19-2017 Appointing Equal Employment Opportunity Officer for the Borough

Mr. Flory made a motion, seconded by Mr. Molin, to adopt proposed Resolution No. 19 -2017 appointing Rebecca Smith as Equal Employment Opportunity Officer for the Borough as recommended; the motion carried unanimously.

Resolution No. 20-2017 Requesting Appointment of Emergency Management Coordinator (EMC) for Borough

Mr. Flory made a motion, seconded by Mrs. Wolbert, to adopt proposed Resolution No. 20-2017 appointing Marvin Walton as Emergency Management Coordinator for the Borough; the motion carried unanimously.

Authorize Advertising March 30, 2017 Committee Meeting Special Meeting

Mrs. Wolbert made a motion, seconded by Mr. Flory, to authorize advertising the March 30th meeting as a Special Meeting of Council for the conduct of general business; the motion carried unanimously.

Proposed Easements Requested by Met-Ed for electric lines upgrade on Borough property along Barren Road in Middle Smithfield Township

Mr. Flory made a motion, seconded by Mr. Cross, to authorize a records search, including a corporation search and a review of minutes, regarding the property parcels on which Met-Ed is requesting the easement; the motion carried unanimously.

Public Comments – New Business

Cooper Nordquist introduced himself as Chief of Staff for Rep. Maureen Madden and stated that her local office at 18 S. 9th Street in Stroudsburg is open to serve the needs of local residents.

Correspondence

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

- i. Housing Authority of Monroe County – Request for half-price Season passes at Dansbury Park Swimming Pool for 2017 year. Mr. Flory made a motion, seconded by Mr. Molin, to table action on this letter request; the motion carried unanimously.
- ii. Monroe County Open Space Advisory Board – Grant approved for SROSRC application of Zacharias Pond Athletic Field Improvements.
- iii. PA State Association of Boroughs (PSAB) – 2016-2017 Annual Report.

Reports

Mr. DeSalva reported on the snow removal efforts by the Borough DPW workers and contractors hired by the Borough during the blizzard last week; and also reported on his efforts to talk to several flooring contractors concerning the problem with the raised floor tile at the Fire Station.

Mr. Walton reported on his figures put together showing the revenues and expenses for the Rental Housing Licensing & Inspection Program; his revised figures indicate the program is “breaking even” as required – the report will be submitted to the Council Committee for further review. Mr. Walton commented that the Program is working well, citing the example of a Center Street property where the landlord has initiated eviction procedures based on two “disruptive house reports” that were received by the Borough regarding the tenants. Mr. Walton stated he has issued a demolition order for the CLU Club building which was severely damaged by the recent fire.

Nate Oiler commented on several of the items listed on the Engineer’s Report:

- Testing of the main drain line at the swimming pool has been delayed due to the weather.
- A general permit may be required for lining of the levee storm culverts; although we are looking into a maintenance permit that may cover work on any of the storm culverts through the levee.

Mr. Reese noted that the lights at the tennis courts at Dansbury Park were on – and apparently need to have the timer adjusted because of Daylight Savings Time. Mr. Reese asked if the Blizzard had “broken the budget” for snow removal? Mr. Phillips said no, this payroll and

Bills were heavy on overtime and contracted services; but the Borough was well under Budget prior to this snow event.

Mrs. Wolbert reported that she and Mayor Martinelli had met with the Acting President of Lehigh Valley Health System – Pocono Hospital to discuss their plans for the hospital.

Mr. Cross reported that the Fire Services Committee met recently and the Brush Pile at the Twin Boroughs Recycling Center has been ground into mulch – there is plenty of mulch for residents of the two Boroughs.

Mr. Molin reported that April 4th will be the Day of Service at East Stroudsburg University; information is available on the Borough website and pre-registration is required.

Mr. Phillips said there was some anticipation that a federal emergency declaration for the recent Blizzard might result in federal funding becoming available to municipalities for reimbursement of snow removal costs; however the latest information is that the main criteria may not be met for Monroe County – record snowfall.

Mr. Phillips said the Volunteer Fire Company wishes to take the 1983 Ford Pumper Truck out of service and store it outside the Fire Station. Mr. Flory suggested that the Borough may be able to sell the truck as it is still in operating condition. After discussion, Mr. Reese made a motion, seconded by Mr. Molin, to authorize advertising the 1983 Pumper Truck for sale on Municibid; the motion carried unanimously.

Finally, Mr. Phillips reported that a meeting will be held March 28th on the need for shelter for the homeless in our area and asked if any Council members could attend. Mrs. Wolbert said she would try to attend.

Mr. DeLarco reported the Audit Committee will meet next week with Mr. Hogan from BBD, Inc.

List of Bills Payable – March 21, 2017

Mr. Cross made a motion, seconded by Mrs. Wolbert, 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/Personnel Matters

Mr. Flory made a motion, seconded by Mr. Molin, to adjourn into executive session at 7:50 p.m.; the motion carried unanimously.

At 8:51 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 Personnel and Litigation matters, and no decisions were made.

Authorize advertising public hearing on Proposed Ordinance No. 1322 Approving Cable TV Franchise Agreement with Blue Ridge Technologies, Inc.

Mr. Cross made a motion, seconded by Mr. Flory, to authorize advertising a public hearing for March 21, 2017 on a proposed ordinance to approve the proposed Cable TV Franchise Agreement with Blue Ridge; the motion carried unanimously.

Approval of Repayment Agreements for Delinquent Water/Sewer and Garbage Fees

Mr. Flory made a motion, seconded by Mr. Reese, to approve proposed repayment agreements for collection of delinquent water/sewer and garbage fees for the following individuals:

- Aziza Moustafa and Douaa Moustafa, 50 Brown Street – Water/Sewer and Garbage Agreements.

The motion carried unanimously.

Agreement with Peter Marshall Associates for Interim Management Services

Mr. Cross made a motion, seconded by Mrs. Wolbert, to retain Peter Marshall for Interim Management services at the rate of \$90 per hour plus reimbursement of mileage expenses, subject to review and approval of the proposed agreement by labor counsel for the Borough; the motion carried unanimously.

Acting Foreman Position

Mr. Flory made a motion, seconded by Mr. Reese, to authorize an increase in pay to \$26.90 per hour for Acting Foreman Daniel Strunk, retroactive to January 4, 2017. The motion carried unanimously.

Readvertising for Borough Manager Position

Mrs. Wolbert made a motion, seconded by Mr. Cross, to authorize re-advertising for applicants for the Borough Manager position in the three newspapers utilized previously; the motion carried unanimously.

Advertising for Park Caretaker/Maintenance Worker Positions

Mrs. Wolbert made a motion, seconded by Mr. Molin, to authorize advertising for applicants for Caretaker/Maintenance positions at Dasnbury Park for the 2017 Season; the motion carried unanimously.

Readvertising for Maintenance Foreman Position

Mrs. Wolbert made a motion, seconded by Mr. Molin, to authorize re-advertising for applicants for the Maintenance Foreman position in the *Pocono Record* and *Easton Express* for the next two Sundays; the motion carried unanimously.

Adjournment

With no further business, Mr. Cross made a motion, seconded by Mr. Flory, to adjourn the meeting at 8:54 p.m.; the motion carried unanimously.

James S. Phillips, Secretary