

East Stroudsburg Borough, March 30, 2017

A special meeting of the East Stroudsburg Borough Council was held at the Municipal Building on Thursday, March 30, 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; Finance Officer Kenneth Konz; and Engineering Representative Russell Scott IV, 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 David Parker.

#### Minutes of March 21, 2017 Regular Council Meeting

Mr. Flory made a motion, seconded by Mr. Molin, to approve the minutes of the March 21, 2017 regular meeting as submitted; the motion carried unanimously.

#### Public hearing on Proposed Ordinance No. 1321 Amending and Restating Article I of Chapter 154 (Water) of the East Stroudsburg Code and Adding Two New Schedules as Attachments to Chapter 154; Attachment A. Rate Schedule, and Attachment B. Backflow Prevention Schedule.

Mr. Flory made a motion, seconded by Mr. Molin, to open a public hearing on the proposed ordinance; the motion carried unanimously. 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 on the proposed ordinance was advertised in the *Pocono Record* on 3/23/17; and a copy of the ordinance was also provided to the newspaper and the County Law Library.

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*.
- Exhibit C – copy of the proposed Ordinance No. 1321.
- 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.

Next Russell Scott IV, of RKR Hess, a Division of UTRS, testified. Mr. Prevoznik asked Mr. Scott what is his position? Mr. Scott said he is an Engineer and has worked on the proposed Ordinance No. 1321, which is a re-write of Chapter 154, the Water Code. Mr. Scott said the Borough has identified the need for restructuring water rates and to raise water revenues, and has the following goals:

- Address funding needs for capital improvements planned to be implemented over the next two years; such as the Middle Dam rehabilitation project, and the Finished Water 2
- Prepare for several long-term capital improvements; including replacement of the transmission lines from the Water Plant into town.
- Encourage water conservation.
- Simplify and streamline the billing process.

Mr. Scott next reviewed the proposed changes to the Water Rate Structure:

- Elimination of the minimum usage allowance (currently, 20 kl per quarter).
- Reduce the basic water rate, from the current \$45 per quarter to \$42.
- Reduce the usage allowance from \$0.88 to \$0.85 per kl.
- Standardize billing procedures for all non-residential bills.

Mr. Prevoznik asked if there are other changes in the Ordinance? Mr. Scott says there are a lot of definition changes, to clarify terms; also improvements to the Application Section. Also, all water rates and fees have been consolidated in a new Schedule A, as an Attachment to Chapter 154. Finally, Mr. Scott said a new Schedule B, Backflow Prevention Schedule, has been added as Attachment B to Chapter 154 – as required by PA DEP. Upon question from Mr. Prevoznik, Mr. Scott said the purpose of the backflow prevention requirements is to prevent intended or unintended contamination of the Borough water system. Mr. Prevoznik asked if the Ordinance provides for appeals from the backflow prevention requirements? Mr. Scott replied yes; the goal of the Borough is to obtain compliance and implementation will have to take place over a period of time.

Mr. Prevoznik asked how the Committee of Council came up with the rate options that Mr. Scott mentioned? Mr. Scott said the committee reviewed various alternatives, but has unanimously recommended the proposed changes. Mr. Prevoznik asked how will the new rates compare with other water systems? Mr. Scott said the Borough water rates are among the lowest, now. The proposed rates will make the Borough rates slightly higher than rates for BCRA (Brodhead Creek Regional Authority) and Bethlehem City; but will still be significantly lower than rates for PA American Water Co. and Blue Mountain Lake Water Utility. Mr. Scott noted that the Borough water system is constrained by the physical limits of the Borough. Mr. Scott noted that a powerpoint presentation on the Water Rate Ordinance has been available on the Borough website. Mr. Scott introduced a paper copy of the Powerpoint as Exhibit G.

Mr. DeLarco asked for questions from Council. Mr. Reese asked how will phase-in of the backflow prevention requirements occur? Mr. Scott said implementation will be phased in for all customers, residential and non-residential. Mr. Cross asked if a backflow check valve will be required for each customer connection? Mr. Scott replied yes, and each will need to be inspected.

Mr. DeLarco asked for questions from the audience, and there were none. Mr. Prevoznik asked that the Exhibits be moved into the record. Mr. Reese made a motion, seconded by Mr. Flory, to close the public hearing and to reconvene the special meeting; the motion carried unanimously.

#### Public Comments – Agenda Items

None.

#### Proposed Ordinance No. 1321 Amending and Restating Article I of Chapter 154 (Water) of the East Stroudsburg Code and Adding Two New Schedules as Attachments to Chapter 154; Attachment A. Rate Schedule, and Attachment B. Backflow Prevention Schedule

Motion by Maury Molin and then seconded by Edward Flory to adopt proposed Ordinance No. 1321 as advertised. All in favor of the motion, carried unanimously.

#### Report and Possible Action on bids Received for Sale of a 1991 GMC Dump Truck via Municibid.

Mr. Phillips reported that a total of 38 bids were submitted via Municibid, and the high bid submitted was from a John Michaels of Saylorsburg for \$4,703.00. Motion was given by Donald Cross and seconded by Edward Flory to accept the bid; the motion was approved unanimously.

Proposed Resolution No. 21-2017 Reallocating FY 2013 and FY 2014 Community Development Block Grant (CDBG) Program Budgets.

Mr. Phillips said the purpose of the proposed Budget Revision for the FY 2013 and FY 2014 CDBG funds is to reallocate additional funds to the ADA Ramp project activity, from the housing rehabilitation activity. Motion given by Edward Flory and seconded by Maury Molin to adopt proposed Resolution No. 21-2017, CDBG budget reallocation, as submitted. The motion carried unanimously.

Proposed Addendum A to Contract for Professional Services with Mullin & Lonergan Associates, Inc. for provision of community Development consulting services - CDBG program.

Motion was given to approve Addendum to the Mullin and Lonergan contract to extend it thru 2018 by Donald Cross and the second by William Reese. All approved the motion.

Possible Action on Bid Proposals Received 3/6/17 for ADA Ramp Construction on Day and E. Broad Streets using CDBG Funds

Mr. Phillips said the low bid, on a unit price basis, was \$144,115 from Barker and Barker Paving and Excavation. Upon question from Mr. Cross, Mr. Phillips said the bid specifications do provide for a maximum length of contract, but construction should take around six weeks. Motion to accept the low bid and approve the award by William Reese and seconded by Maury Molin; subject to review of the bid documents by the Solicitor. All approved the motion.

Proposed Resolution No. 24-2017 Appointing Peter Marshall as Interim Manager/Secretary and Treasurer for the Borough of East Stroudsburg

Motion by Edward Flory and second by Sonia Wolbert to adopt proposed Resolution No. 24-2017 appointing Peter Marshall effective 4/1/17. Mrs. Wolbert noted that the Agreement with Mr. Marshall was reviewed by Labor Counsel for the Borough. The motion carried unanimously.

Designation of new signatory for Borough checking accounts (ESSA Bank & Trust).

Motion given by Mrs. Wolbert, seconded by Mr. Flory to authorize the addition of Mr. Marshall as signatory on Borough accounts, in replacement of Mr. Phillips. All Board members approved.

Proposed Resolution No. 22-2017 Amending and Restating Section 125 Premium Only Plan ("Cafeteria Plan" for Borough Employees

Motion to adopt proposed Resolution No. 22-2017 approving the Amended Section 125 Plan document given by Edward Flory and seconded by Maury Molin, effective retroactive to 01/01/2017. All Board members approved.

Proposed Resolution No. 23-2017 Amending and Restating Health Reimbursement Plan (HRA) document

Mr. Phillips said the purpose of this and the prior Resolution is to provide for an employee that opts out of health insurance coverage to receive their opt-out pay as a contribution to their HRA account, instead of paid through payroll. Motion given by William Reese and seconded by Edward Flory to adopt proposed Resolution No. 23-2017 approving the Amended HRA Plan document, effective retroactive to 01/01/2017. All Board members approved.

Recommendation by Twin Boroughs Recycling Committee to Prohibit Contractors from Disposing of Tree Trimmings at Recycling Center –

Mr. Prevoznik stated if the Recycling Committee wants to prohibit contractors, both Boroughs should agree to adopt the prohibition by Ordinance. After discussion, Council decided to refer this matter to Stroudsburg Borough for Ordinance action by both Boroughs. Motion to approve that action was given by William Reese and seconded by Edward Flory; the motion carried unanimously.

Proposed 2017 Road paving Program

Since Council only received the proposed list of streets for 2017 paving today, the matter was deferred to the April 4, 2017 Council meeting.

Authorization for Ken Konz, Finance Officer, to sign verifications for delinquent water/sewer and garbage account notices

Motion given by Maury Molin and seconded by Edward Flory to authorize Mr. Konz to sign such verifications and represent the Borough in any court action concerning delinquencies; the motion carried unanimously

Public Comments -- New Business

None.

Correspondence

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

- i. Kettle Creek Environmental Fund-- Request for Sponsorship of 26th Annual Dinner/Auction. Motion given by Maury Molin seconded by Donald Cross to authorize a \$300 donation as budgeted. All Board members approved.
- ii. PennDOT - Section 106 Consulting Party Application Form for SR2024 Ridgeway Street Bridge Replacement Project. Motion given by Maury Molin and seconded by William Reese to designate Mayor Martinelli as contact person for the Borough. The motion carried unanimously.
- iii. Monroe County Controller --Audit of East Stroudsburg Borough Tax Collector Alberta Tallada for period of Jan. 1, 2014 to Jan 19, 2016.
- iv. Dansbury Farmers Market --Request to hold Farm Market at Miller Park again for 2017 Season starting May 17, 2017. Motion given by Donald Cross seconded by Edward Flory to grant the request; subject to submittal of the required Certificate of Insurance. The motion carried unanimously.
- v. PA DCED – Letter granting eighteen month extension on the Local Share Account grant agreement for the Middle Dam Rehabilitation project. Mrs. Wolbert made a motion, seconded by Mr. Molin, to authorize execution of the Amendment No. 2 to the Grant Agreement to extend the grant agreement until Dec. 31, 2018; the motion carried unanimously.

Reports

Kenneth Konz reported that the semi-annual payment for the ESSA Bank loan is due April 1; the fixed asset inventory work will be completed April 12<sup>th</sup>. Also, the Collections Committee staff met today, the next Committee Meeting will be April.10<sup>th</sup>.

Steven DeSalva reported that the swimming pool repair work began today.

Marvin Walton said the parking meters in the South Courtland Street parking lot have been converted to 3 hr. time limits. Mr. Walton also said the burned-down CLU Club building demolition has been delayed until at least Monday 4/3/17 due to some asbestos material that has to be removed. Mr. Walton will be meeting with a structural engineer, who will determine if the brick portion of the structure can be saved.

Sonia Wolbert made a motion, seconded by Mr. Cross, to authorize Ken Konz to be the contact person for the Borough on CDBG matters; the motion carried unanimously.

Mr. Phillips said Sen. Mario Scavello had reported that the Borough has been awarded a grant under the Small Water Facilities Program for the Elizabeth Street waterline replacement project. The award information is now available on the CFA website.

Mr. Phillips also reported that the draft CCR (Consumer Confidence Report) for the Borough Water System has been completed; copies will be provided to the Brodhead Creek Regional Water Authority for distribution to their customers who utilize Borough water.

#### Executive Session for Discussion of Litigation and Personnel Matters

Mr. Molin made a motion, seconded by Mr. Flory, to adjourn into executive session at 8:28 p.m.; the motion carried unanimously.

At 9:25 p.m. Council members reassembled in the meeting room, and Mr. Molin 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.

#### ID Cards for Borough Employees

Mr. Cross made a motion, seconded by Mr. Flory, to authorize all Borough employees to be provided with permanent identification cards as provided through the Monroe County Office of Emergency Services; the motion carried unanimously. Mrs. Wolbert made a motion, seconded by Mr. Molin, to authorize an update to the Employee Manual to reflect that policy; the motion carried unanimously.

#### Vacation Leave Payment for James Phillips

Mr. Flory made a motion, seconded by Mrs. Wolbert, to authorize execution of the transition employment agreement with retiring Manager James Phillips; the motion carried unanimously. Mr. Molin made a motion, seconded by Mr. Flory, to authorize payment to Mr. Phillips for accrued unused vacation leave up to the 23 days maximum provided in the transition employment agreement; the motion carried unanimously.

#### Sanitary Sewer License Agreement with PA Northeast Railroad Authority

Mr. Reese made a motion, seconded by Mrs. Wolbert, to appoint Mr. DeLarco as the Borough "point person" for discussions with the Railroad Authority regarding conversion of the sanitary sewerline license into a permanent easement; the motion carried unanimously.

#### Negotiations to obtain Parcel for access to Middle Dam construction site

Mr. Cross made a motion, seconded by Mrs. Wolbert, to designate Mr. Prevoznik as the Borough "point person" for negotiations for acquisition of a portion of the Schwartz property adjacent to the Middle Dam construction site; the motion carried unanimously.

### Pay Increase for Sewer Plant Operator Trainee - Attainment of Operator License

Mr. Reese made a motion, seconded by Mr. Molin, to authorize a \$2.00 per hour increase in pay, retroactive to 01/01/17, for Sewer Plant employee Guy Brink in recognition of his attainment of his Operators' License; the motion carried unanimously.

### Proposed Resolution No.25-2017 Recognizing James Phillips for Service as Manager for East Stroudsburg Borough

Mr. DeLarco read the Resolution recognizing James Phillips upon his retirement, after almost 22 years service, as Manager of East Stroudsburg Borough. Mayor Martinelli offered gracious comments concerning Mr. Phillips' tireless efforts and devotion to the Borough of East Stroudsburg and its residents. Mrs. Wolbert made a motion, seconded by Mr. Molin, to adopt proposed Resolution No. 25-2017 recognizing James Phillips upon his retirement as Manager for East Stroudsburg Borough. Mr. DeLarco noted that this Resolution has been signed by all Council members and Mayor and attested by Solicitor Prevoznik. The motion carried unanimously. Mr. Phillips thanked all for their kind words.

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

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

- Gregory Katz, Water/Sewer for 135 Ridgeway Street property.
- Shawn Rascona and Pamela Hooey, Water/Sewer for 520 Oak Street property.

The motion carried unanimously.

### Adjournment

With no further business, Mr. Cross made a motion, seconded by Mr. Reese, to adjourn the meeting at 9:39 p.m.; the motion carried unanimously.

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James S. Phillips, Secretary