

MINUTES FOR REGULAR MEETING  
EAST STROUDSBURG BOROUGH COUNCIL  
THURSDAY, JUNE 29, 2017 - 6:00 p.m.

PRESENT: Roger DeLarco, Don Cross, Ed Flory, Armand Martinelli, Maury Molin, Sonia Wolbert, and Bill Reese

ALSO PRESENT: Interim Manager Peter Marshall, Solicitor John C. Prevoznik, Borough Engineer Russell Scott, and Financial Officer Ken Konz

The Pledge of Allegiance was led by Carl Hogan.

Ms. Wolbert reported that Council convened Executive Session at 4:00 p.m. to conduct the second round interviews for the two Borough Manager candidates. Executive Session was adjourned at 6:05 p.m. No action was taken by Council.

A motion was made by Mr. Flory, and seconded by Ms. Wolbert, to approve the June 20, 2017, Council Meeting minutes as presented. The motion was carried with one abstention, as Mr. Molin abstained from the vote for not being present at June 20, 2017 meeting.

There were no public comments.

Mr. Carl Hogan of BBD, LLP, presented the 2016 audit in draft form. He understood that the draft would be distributed to Council for review and asked that if Council had any questions, that they forward the questions to him so that he would be prepared to answer them at the July 11, 2017 meeting. Mr. Hogan briefly reviewed the draft audit. He noted that in the audit his firm offered an unqualified opinion. He stated that the Borough's financial statements were reconciled and that there was more money at the end of the fiscal year than expected. Council agreed that they would review the draft audit once received electronically.

A motion was made by Mr. Reese, and seconded by Mr. Flory, to table the 2016 audit for action at the July 11, 2017 meeting. The motion was carried unanimously.

Attorney Ralph Matergia updated Council on Sewer Task Force activities. He reported that the BCRA and several other PUC companies had responded to the RFI. The responses to the RFI were being evaluated. He indicated that no party came up with a hard and fast offer. It was felt that the responders to the RFI and other utility providers would respond with financial propositions if a request for proposals went out. It was noted that the responders to the RFI all expressed an interest in both the water and sewer company. The Sewer Task Force and Mr. Matergia recommended that Council hire a valuation expert to develop a valuation for the sewage system, including collection system and the wastewater treatment plant owned by the Borough.

A motion was made by Mr. Molin, and seconded by Mr. Flory, that Mr. Matergia, special counsel to the Sewer Task Force, to accept proposals from valuation expert to provide a valuation of the sewage system. The motion was carried unanimously.

Attorney Matergia then discussed a variety of ways the management of existing facilities could be handled in the future, including sale, lease, and management agreements. Mr. Matergia and

the Sewer Task Force recommended that the Borough retain a financial analyst to review the financial affairs of the Borough in order to develop a long range financial needs assessment.

A motion was made by Mr. Reese, and seconded by Mr. Flory, that the Sewer Task Force accept proposals from a financial analyst in order to undertake a financial needs assessment of the financial affairs of the Borough. The motion was carried unanimously.

Council reviewed engineer items. It was noted that the Middle Dam Rehabilitation project was progressing. Solicitor had emailed Attorney Ronald Karasek regarding Smithfield Township. Manager had a successful discussion with the owner of the Smithfield property regarding the land acquisition.

It was reported that the engineer would be require to work with the water plant operator, the manager and the Department of Works to maintain a clear flow of water from the reservoir during the dam rehabilitation project.

After discussion, a motion was made by Mr. Molin, and seconded by Mr. Cross, to approve Engineer to lead and coordinate the water system activities in connection with the Middle Dam rehabilitation project and to utilize the assistance of the Director of Public Works and plant operators. The motion was carried unanimously.

The Manager discussed the requirement to pay for the review and permit fees connected with the Middle Dam project. The checks were to be made payable to the Monroe County Conservation District for the Erosion and Sediment Pollution Control (ESPC), as follows:

- (i) Check in the amount of \$2,250 for Middle Dam Rehabilitation, Raw Water Intake Replacement Pipeline, Upper and Lower Wetland Mitigation Site;
- (ii) Check in the amount of \$450 for Stockpile A (off Reservoir Road) ESPC review; and
- (iii) Check in the amount of \$450 for Stockpile B (off Barren Road) ESPC review.

After discussion, a motion was made by Mr. Cross, and seconded by Mr. Flory, to approve issuance of three (3) permit fee checks totaling Three Thousand One Hundred Fifty and 00/100 (\$3,150.00) Dollars. The motion was carried unanimously.

It was reported that the Smith Street paving project is underway by ESU/UPI. It was noted that neither ESU nor UPI had gotten back to the Solicitor with regard to formalizing the agreement for reimbursement for the requested upgrades for the Smith Street rehabilitation project. After discussion, it was agreed that if a contract was in order, then the University would supply it as they had suggested.

Manager reported that he had been in contact with Marc Troutman regarding a breakdown of costs incurred by Engineer and Solicitor on behalf of the Borough for the Met-Ed project. Manager stated that he had the costs and he would forward same.

Borough Council discussed a need to set up an MS4 Committee meeting to review findings regarding the Pollution Reduction Plan and details of the MS4 application. Engineer will set meeting.

Mr. Scott asked if there were any other questions with regard to his Engineering Report. No questions were asked.

A hearing was held on Ordinance No. 1323. A motion for hearing was made by Mr. Reese, and seconded by Mr. Molin to open the hearing. The Manager stated the notice and advertising requirements of the ordinance were met and further stated that the purpose of the ordinance was to allow employees to park in the vicinity of the municipal building without taking all of the available parking for customers in the municipal lot. No person spoke at the hearing. Mayor Martinelli indicated that signs with potential fines should be posted. He noted that the fines should be sufficient to keep people from making an economic decision to park there. A motion to close the hearing was made by Mr. Molin, and seconded by Mr. Flory. The motion was carried unanimously.

A motion was made by Mr. Molin, and seconded by Mr. Flory, to pass Ordinance No. 1323, as advertised, which establishes Borough employee parking on North Crystal Street. The motion was carried unanimously.

Solicitor led a discussion with regard to reassessment activities being spearheaded by the East Stroudsburg School District. The Solicitor indicated that two (2) settlement agreements were reached between East Stroudsburg School District and East Brown Associates. The settlement agreements were required to be signed and returned to court. The Solicitor stated that he signed those with approval of the Manager and needed the signature of those settlement agreements to be ratified.

After discussion, a motion was made by Mr. Cross, and seconded by Mr. Flory, to ratify the Settlement Stipulations of counsel to settle the tax appeals docketed at No. 8343 CV 2015 and No. 8366 CV 2015, ESASD v. East Brown Street Associates, et. al. The motion was carried unanimously.

Financial software demonstrations have been completed and final price quotes were submitted. Manager and Mr. Konz reviewed the differences between Muni-Link/Accufund, Caselle and Springbrook financial accounting and billing software. Discussion was based on information previously provided to Council. It was stated by Mr. Konz that the software was capable of being integrated with other software packages used by the Borough. The Manager and Mr. Konz recommend the purchase of Muni-Link/Accufund Financial Accounting Software due to its capabilities and low costs; it provided the most resources for the money spent.

After discussion, a motion was made by Mr. Molin, and seconded by Mr. Flory, to authorize Manager to purchase the Muni-Link/Accufund Financial Accounting Software for a one-time fee for data conversion, licenses, analysis setup, installation and training in an amount not to exceed Nineteen Thousand Eight Hundred Fifty-Two and 00/100 (\$19,852.00) Dollars, and a monthly fee not to exceed One Thousand Six Hundred Ninety-Six and 00/100 (\$1,696.00) Dollars. The motion was carried unanimously.

Manager and Codes Officer recommended the purchase of Permit Manager zoning code and enforcement software. Information was previously submitted to Council for review. Manager noted that personnel can utilize tablets to download data in the field with this software. Mr. Walton stated that no additional hardware would be needed. It was noted that many municipalities in Monroe County use this software, including Paradise Township. Mr. Walton reported that he was unable to find anyone who was not satisfied with the software.

After discussion, a motion was made by Mr. Molin, seconded by Mr. Cross, to authorize Manager to purchase the Permit Manager zoning code software for a one-time fee in an amount not to exceed Sixteen Thousand and 00/100 (\$16,000.00) Dollars, and an annual fee not to exceed One Thousand Eight Hundred Fifty and 00/100 (\$1,850.00) Dollars. The motion was carried unanimously.

Manager presented a request for 2017 Municipal Support of the Pocono Arts Council. After discussion, a motion was made by Mr. Molin, and seconded by Mr. Flory, to approve a donation for 2017 to the Pocono Arts Council in an amount which matched the 2016 donation. The motion was carried unanimously.

Manager reported that he is working Solicitor to respond to PennDOT's request regarding the Rosa Brush estate property. Solicitor will report future updates.

Mr. DeSalva distributed the Department of Public Works report prior to the meeting. He reported that the paving contractor is finalizing paperwork and he is reviewing the submission of bonds and other requirements to allow the bid to proceed. He would update on July 11, 2017. He also updated Council on the progress of the Ridgeway Street Bridge project, pursuant to an email received from Thomas Boccuto, P.E. on June 22, 2017.

Mr. Walton distributed a letter from the Borough Planning Commission regarding Section 157-100.8 of the Borough Zoning Ordinance regarding Wireless Telecommunications. He noted that although the ordinance is not completely obsolete, it needs to be updated to address newer technology and modern systems such as "small cell" facilities, DAS providers and similar systems, specifically with respect to facilities proposed in public rights-of-way.

After discussion, a motion was made by Ms. Wolbert, and seconded by Mr. Molin, to authorize the Planning Commission to work with Mr. Walton in revising the wireless telecommunications ordinance.

Mr. Walton provided an update regarding the hearings to enforce the Borough ordinance with respect to the properties located at 80, 82-84, 88, 89, and 110-112 Analomink Street. Mr. Walton reported that bankruptcy counsel, Zac Christman, Esquire, had contacted Magistrate Muth's office to indicate that the hearings were not precluded by bankruptcy. Shortly after the hearings were reinstated, the owner of the premises complied with the registration requirements and the hearings were withdrawn.

Mr. Molin reported for the second time that individuals have complained to him regarding behaviors in the park including foul language, aggressive actions and general disturbances. He asked the Manager to contact Captain Lyons to notify the SARPD to patrol the area more aggressively. Ms. Wolbert stated that she would report the incidents to the SROSC to bring the behaviors to the attention of the director.

Mr. Reese reported that Commissioner Garris had procured Twenty-Four Thousand Nine Hundred Sixty-Four (\$24,964.00) Dollars to repaint the railroad water tower. He noted that this did not include wrapping the tower, but was for the basic repainting. Mr. Garris was coordinating with ESSA Bank & Trust to finalize receipt of the funds. The Commissioners have donated Nine Thousand Six Hundred Twenty (\$9,620.00) Dollars towards the repainting of the water tower.

A motion was made by Mr. Cross, and seconded by Ms. Wolbert, to adjourn the meeting to Executive Session at 7:56 p.m.

A motion was made by Mr. Reese, and seconded by Mr. Cross, to reconvene the meeting at 9:10 p.m.

Mr. Prevoznik reported that during Executive Session, discussions on litigation, contractual matters, and personnel were held. No decisions were made.

A discussion was held with regard to the condition of the pool and what was required to continue its safe operation until the end of the summer.

A motion was made by Mr. Flory, and seconded by Mr. Cross, to authorize Manager to work with RKR Hess to review and correct the discharge from the pool and ensure that the filters are not backwashed until the discharge issue is resolved. The motion was passed unanimously.

A motion was made by Mr. Molin, and seconded by Ms. Wolbert, to authorize Manager to ensure that no employee goes into the pit until Manager and RKR Hess have put into place a safety protocol to be implemented and overseen by RKR Hess. The motion was carried unanimously.

A discussion was held regarding personnel change recommendations made by the Manager. It was noted that the personnel changes would not come into effect until the Manager had developed new job descriptions.

A motion was made by Mr. Molin, and seconded by Mr. Cross, to approve Manager to advertise the position of a full-time Parking Enforcement Officer at a rate of Thirty-One Thousand Seven Hundred Seventy-Seven and 00/100 (\$31,777.00) Dollars annually. The motion was carried unanimously.

A motion was made by Mr. Molin, and seconded by Mr. Flory, to approve Manager to advertise the position of a part-time Parking Enforcement Officer at a rate of Eighteen Thousand Two Hundred Ninety-Nine and 00/100 (\$18,299.00) Dollars annually. The motion was carried unanimously.

A motion was made by Mr. Cross, and seconded by Mr. Flory, to approve the promotion of Becky Smith to the position of Assistant Borough Secretary, Human Resources Director and Confidential Assistant to the Borough Manager, with an annual increase in salary of Ten Thousand Seven Hundred Five and 00/100 (\$10,705.00) Dollars upon receipt of a new job description approved by the Borough Council. The motion was carried unanimously.

A motion was made by Mr. Flory, and seconded by Mr. Molin, to grant Deborah Zimmer an increase in salary of Two Thousand Five Hundred Seventy-Nine and 00/100 (\$2,579.00) Dollars, effective as of the next pay period. The motion was carried unanimously.

A motion was made by Mr. Flory, and seconded by Mr. Reese, to hire Linda McIntosh for the position of Secretary/Desk Clerk at the annual salary of Thirty-Two Thousand Eighty-Six and 00/100 (\$32,086.00) Dollars, the salary increase from Ms. McIntosh's current salary to be effective as of the next pay period. The motion was carried unanimously.

A motion was made by Mr. Cross, and seconded by Mr. Reese, to reassign William Miller from the Department of Public Works to a full-time position with the Water Department at an annual salary increase of Two Thousand Five Hundred and 00/100 (\$2,500.00) Dollars contingent upon Mr. Miller agreeing to leave his position with the Department of Public Works and Manager providing a new job description for the position. The motion was carried unanimously.

A motion was made by Mr. Flory, seconded by Mr. Reese, to advertise a position in the Department of Public Works to replace William Miller at an annual salary of Forty-Three Thousand and 00/100 (\$43,000.00) Dollars contingent upon William Miller accepting the full-time position with the Water Department. The motion was carried unanimously.

A motion was made by Mr. Cross, and seconded by Mr. Reese, for Manager to create a job description for Assistant Foreman for the Department of Public Works and to promote from within on a salary to be approved by Council. The motion was carried unanimously.

A motion was made by Mr. Molin, and seconded by Mr. Cross, to advertise a new hire in the Department of Public Works contingent upon a promotion from within for Assistant Foreman being made at an annual salary of Forty-Three Thousand and 00/100 (\$43,000.00) Dollars. The motion was carried unanimously.

A motion was made by Mr. Flory, and seconded by Mr. Cross, to adjourn the meeting at 9:44 p.m.

NEXT COMMITTEE/REGULAR MEETING: Tuesday, July 11, 2017; 7:00 p.m.

NEXT REGULAR MEETING: August 1, 2017; 7:00 p.m.