

MINUTES FOR REGULAR MEETING
EAST STROUDSBURG BOROUGH COUNCIL
TUESDAY, JUNE 6, 2017 - 7:00 p.m.

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

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

The Pledge of Allegiance was led by Marguerite Hope.

A motion was made by Mr. Flory, and seconded by Ms. Wolbert, to approve the May 16, 2017, Council Meeting minutes as presented. The motion was carried unanimously.

A motion was made by Mr. Molin, and seconded by Mr. Reese, to approve the May 20, 2017, Borough Manager Interview Session minutes as presented. The motion was carried unanimously.

There were no public comments on agenda items.

S.A.R.P.D. did not report. The next report will be made at the June 20, 2017 meeting.

Martha Robbins, the Executive Director of the Redevelopment Authority of the County of Monroe, discussed the 2016 Monroe County Community Development Block Grant (CDBG) Cooperation Agreement between East Stroudsburg Borough and Monroe County. The County administers CDBG funds on behalf of the Borough. She indicated there were only minor changes from the 2015 Agreement. Those changes were the year, dollar amounts in each fund reflecting prior year activity, and the signature pages. After discussion, a motion was made by Mr. Molin, and seconded by Mr. Flory to approve the Manager's execution of the Cooperation Agreement with Monroe County for the administration of the Borough's CDBG funds. The motion was carried unanimously.

Ms. Robbins also discussed the use of CDBG funds for properties which carry reverse mortgages based on the County Housing Rehabilitation Program. Ms. Robbins indicated that the County did not allow grant funds to be used for properties that had reverse mortgages, since the reverse mortgage eats the equity and guarantee of repayment cannot be made. After discussion, a motion was made by Mr. Flory, seconded by Mr. Cross, to deny the eligibility of CDBG funds for properties with reverse mortgages. The motion was carried unanimously.

Mr. Oiler reviewed with Council proposed action items. The first item he covered was the necessity of filing the General Permit 5 (GP-5) application to further the permitting process for the Middle Dam Rehabilitation project. After discussion, a motion was made by Mr. Cross, and seconded by Mr. Flory to ratify the Manager's execution and submittal of the GP-5 application. The motion was carried unanimously.

Mr. Oiler then discussed his meetings and conversations with representatives of the University and University Properties, Inc. regarding a rehabilitation of Smith Street. Mr. Oiler reported that the University agreed to perform all rehabilitation work for Smith Street between Normal and Spangenberg, and not just a mill and overlay, as was originally proposed. The University agreed

that they would use their contractor pursuant to change order to do the project, if the Borough would return funds paid by the University dedicated to the rehabilitation of Smith Street in the amount of Thirty-One Thousand Six Hundred Seventeen and 00/100 (\$31,617.00) Dollars. Mr. Oiler indicated that an agreement would need to be drafted and sought permission by Council to work with the Manager and the Solicitor to finalize the agreement. After discussion, a motion was made by Mr. Molin, and seconded by Mr. Flory, to approve Solicitor and Engineer to work with Manager to draft an agreement authorizing East Stroudsburg University/University Properties, Inc. to rehabilitate Smith Street from Normal Street to Spangenburg Avenue and to utilize, by returning to East Stroudsburg University/University Properties, Inc., earmarked funds for the Smith Street rehabilitation in the amount of Thirty-One Thousand Six Hundred Seventeen and 00/100 (\$31,617.00) Dollars toward renovation. The motion was carried unanimously.

Mr. Oiler also indicated that in order assist in the quick completion of the Smith Street rehabilitation project, parts or all of Smith Street between Normal and Spangenburg will have to be closed to accommodate construction. It was anticipated it would take three weeks to do the rehabilitation project. Mayor Martinelli noted that accommodations for Mrs. Butz should be made as she has difficulty getting in and out of her house and cannot park in lots far from her house. The Council then discussed that the Manager should notify all affected residents of the closings and require the contractor to do the same when all or a portion of Smith Street will be closed. Thereafter, a motion was made by Mr. Molin, and seconded by Ms. Wolbert, to approve shutting down all or a portion of Smith Street, as required by construction, from Normal Street to Spangenburg Avenue during the Smith Street rehabilitation project; contractor is to use best efforts to keep the road open for local traffic and a closing schedule to be inserted into the final agreement. The motion was carried unanimously.

Mr. Oiler informed Council that the Solicitor and Manager met on the Met-Ed project. The Manager was concerned that the Solicitor and Engineer were incurring fees that were not being reimbursed by Met-Ed. Council discussed that while there is mutual benefit to the Met-Ed easement, the Manager should contact Met-Ed and request that Engineer's and Solicitor's costs from May 1, 2017 and thereafter and that all costs incurred for title searches be reimbursed. After discussion, a motion was made by Mr. Reese, and seconded by Mr. Flory, to approve Engineer and Manager recommendation that: (i) all Engineer and Solicitor fees and costs, retroactive to May 1, 2017, and prospectively, will be paid by Met-Ed, and (ii) all fees and costs for services provided by Pocono Property Abstract, Inc., retroactive to inception and prospectively, will be paid by Met-Ed. The motion was carried unanimously.

Mr. Oiler and the Solicitor indicated that they have had discussions with representatives of the University with regard to Information Commons. The Solicitor indicated that he was contacted by a lawyer from Montgomery County who said that he would be representing UPI. He related to the Solicitor that the easement issues for the well and well head protection still need to be finalized or no permits will be issued, and that these easements are over a year and a half past due. There is concern whether the sewer easement will be passed by legislation, since the University has not taken the position legislation was not required. It was also expressed that the Borough would be willing to listen to how they wish to revise the conditional use in order to streamline the procedure. After discussion, a motion was made by Mr. Molin, and seconded by Ms. Wolbert, to authorize Engineer, Solicitor and the Zoning & Codes Officer to meet with Information Commons representative(s) to discuss the revision of the Conditional Use. The motion was carried unanimously.

Mr. Oiler reported that the Notice to Proceed was issued for the CDBG Day and Broad Street Ramps by the Borough on May 31, 2017.

Mr. Oiler provided an update on the Middle Dam financing with PennVEST. Letters to the Department of Agriculture have been sent requesting their support. Mr. Konz also reported that the funds to be borrowed through PennVEST total between Two Million and 00/100 (\$2,000,000.00) to Three Million and 00/100 (\$3,000,000.00) Dollars.

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

Manager indicated that he received an engagement letter from Ralph A. Matergia, Esq. for legal services related to the Sewer Service Task Force for a fee of Three Hundred and 00/100 (\$300.00) Dollars per hour. After discussion, a motion was made by Mr. Flory, and seconded by Mr. Cross, to approve the ratification of the retainer letter dated May 22, 2017, to engage Ralph A. Matergia, Esq., for legal services at the rate of \$300.00/hour related to the Sewer Service Task Force. The motion was carried unanimously.

The Manager reported that because of the volume of activity in the Borough, he recommended that a June 20, 2017 meeting and the June 29, 2017 committee meeting be scheduled as Regular Meetings. After discussion, a motion was made by Ms. Wolbert, and seconded by Mr. Flory, to advertise the scheduling of a June 20, 2017, and the June 29, 2017 Committee Meeting as Regular Meetings. The motion was carried unanimously.

Manager indicated that the July meeting was advertised to occur on July 5, 2017. After discussion, Council indicated that it preferred to have the first July Council meeting to be held on July 11, 2017. After discussion, a motion was made by Mr. Molin, and seconded by Mr. Cross, to advertise that the July Regular Meeting will be rescheduled to July 11, 2017. The motion was carried unanimously.

The Manager reported that the audit process was ready for completion. He noted that the Audit Committee is scheduled to meet on June 23, 2017. After that meeting, a draft audit will be distributed to Council for review. A full presentation of the audit will be made at the June 29, 2017, Council meeting.

Manager reported that he continues to reach out to the Borough's insurance carrier and PennDOT regarding locations for banners within the Borough. Mr. Molin noted that there was an ECA meeting held on June 7, 2017 and that the Manager may be receiving more information from the ECA.

Manager discussed changing the rental housing license ordinance to allow for revisions of the fees to be charged to be made by resolution as opposed to by ordinance. Manager presented draft Ordinance No. 1268, which will allow rental housing licensing and inspection fees to be set by resolution and thereafter listed in the Borough fee schedule. After discussion, a motion was made by Mr. Flory, and seconded by Mr. Reese, to advertise for July 11, 2017, at 7:30 p.m. the amendment to Ordinance No. 1268 – Rental Permit/Inspection Fees, to establish a rate resolution schedule. The motion was carried unanimously.

Manager indicated that he will discuss the new rental housing licensing and inspection rates at the June 20, 2017 meeting.

The Manager discussed the possible procurement of financial and zoning codes software. Mr. Konz reported that the financial software demonstrations have been completed. The Borough was satisfied with one of the software packages and had obtained final price quotes. Mr. Walton also indicated that he had found a zoning codes software (Permit Manager), which he thought was effective. Mr. DeLarco wanted to know if the two software packages could be integrated. It was explained that they could not be as procured, but possibly for a price something could be done in the future. This led to a discussion by Council as to the two packages. It was agreed to table the procurement of the software packages so that information packets could be distributed to Council. Council was to review the information packages and get back to the Manager or Mr. Konz with any questions by June 17, so that the questions could be addressed at the June 20 meeting.

Manager provided an update on the costs of repairs to the pool. He noted that the pool repairs were complete and the final cost was Twenty-Two Thousand Eleven and 00/100 (\$22,011.00) Dollars. He reported that the pool is scheduled to open on June 17, 2017.

Manager reported that the IBW Committee was scheduled to meet with Solicitor and representatives of MEA on June 7, 2017. A report would follow.

Manager announced that Ms. Deb Anders accepted the Assistant Accountant position with the Borough and started work on May 22, 2017.

Manager reported that the Borough was in possession of the Sharp MX-M365N copier/scanner, which was delivered and installed on May 22, 2017. Manager further stated he had executed and returned the lease agreement.

Manager recommended the purchase of a COSTAR eligible 1T Ford 350 dump truck. He affirmed that the purchase of the truck was budgeted. After discussion, a motion was made by Mr. Cross, and seconded by Mr. Flory, to authorize the purchase of a 1T Ford 350 truck with aluminum dump body and 4-wheel drive from Ray Price Ford, pursuant to the COSTAR program, in an amount not to exceed Fifty-One Thousand and 00/100 (\$51,000.00) Dollars. The motion was carried unanimously.

Manager and Mr. Cross provided an update of the Recycling Center Committee meeting held on May 30, 2017. It was reported that Stroudsburg was going to hire another part-time individual to help with staffing issues. The Committee was looking at personnel changes to assist in more regularly scheduled pick-ups. The Recycling Committee was looking into grant funds to purchase a chassis for one of its trucks as well as a compactor belt. Finally, the Recycling Committee recommended that dumping be limited to residents and would no longer be open to commercial contractors.

Manager reviewed with Council the results of the 2017 paving project bids. A copy of the tabulation of the three bidders was handed out at Council and is attached to these minutes. He indicated that Northeast Site Contractors was the lowest bidder in the amount of Ninety Thousand Seven Hundred Twenty-Two and 50/00 (\$90,722.50) Dollars and recommended that they be awarded the 2017 paving contract, contingent upon Solicitor's review and approval of the bid documentation. After discussion, a motion was made by Mr. Cross, and seconded by Ms. Wolbert, to award the contract for the East Stroudsburg Borough 2017 paving project to Northeast Site Contractors as the lowest bidder for the project in the amount of Ninety Thousand Seven Hundred Twenty-Two and 50/00 (\$90,722.50) Dollars, contingent upon Solicitor's review and approval of bid documentation. The motion was carried unanimously.

Ms. Wolbert reported regarding the Transition Committee's efforts. After discussion, it was determined that the second round of interviews for the Borough Manager position would be conducted prior to the June 29, 2017 meeting to start at 4 p.m. in Executive Session.

There were no public comments on new business.

Mr. DaSalva distributed the Department of Public Works report prior to the meeting. Mr. DeSalva had no further report.

Mr. Walton provided an update on Comprehensive Plan meeting held on June 5, 2017. He reported that there was good community involvement and everyone was happy. Mr. DeLarco and Mayor Martinelli congratulated Marv on a good job and agreed that it was a very well attended and useful meeting.

Mr. Konz reported that he would receive questions on the financial statements that were distributed. He requested that the questions be given to him by June 17 so that he could have time to answer them for the June 20, 2017 meeting.

Mayor Martinelli reported that the Iron Bridge construction would occur prior to Route I-80 construction.

Mr. Cross reported that a Fire Committee meeting was held today at 3:30 p.m. Work will begin on the fire house floors on Thursday, June 8, 2017. He also indicated that the fire hydrant cap replacement program was still being reviewed.

Mr. Molin asked about the status of Borough road assessment. Mr. DaSalva reported that no previous assessment had been undertaken. He thought that it was a good idea. He indicated that he would provide more information on a Borough-wide road assessment. The Council agreed that further assessment and inventory of Borough roads is necessary. Mr. Molin also requested that Manager contact Stroud Area Regional Police to provide additional patrols at Dansbury Park.

Mr. Reese provided the Sewer Task Force report. He noted that RFIs had been received and assessment is underway. The Committee met with Ralph Matergia, Esq., on May 31, 2017, and a second meeting will be scheduled. Mr. Reese reported that the Committee recommendation is to have Attorney Matergia meet with Council at the June 29, 2017, regular meeting. After discussion, a motion was made by Mr. Cross, and seconded by Mr. Molin, to approve the appearance of Ralph Matergia, Esq. at the June 29, 2017, regular meeting. The motion was carried unanimously.

Mr. Flory reported that the new fire truck was delivered to the fire company on June 6, 2017.

Solicitor Prevoznik reported on mail that he had received. First, he noted that the Borough received a fully executed PA Small Water and Sewer Program Grant award contract. The contract was forwarded to Mr. Marshall. Mr. Oiler was informed that financing was in place. Mr. Prevoznik also noted that he received a notice from the Bankruptcy Court on Radio Shack regarding time limits on filing claims. That was forwarded to Mr. Konz. Mr. Prevoznik noted that he had several personnel and contractual matters to discuss in Executive Session.

Mr. DeLarco reported that the Lehigh Valley Health Network will make a contribution in the amount of Fifteen Thousand and 00/100 (\$15,000.00) Dollars for the fire truck fund at a ceremony on June 13, 2017.

A motion was made by Mr. Flory, and seconded by Mr. Cross, to ratify bills payable through June 6, 2017. The motion was carried unanimously.

A motion was made by Mr. Molin, and seconded by Ms. Wolbert, to adjourn the meeting to Executive Session at 7:57 p.m.

A motion was made by Mr. Flory, and seconded by Mr. Reese, to reconvene the meeting at 8:52 p.m.

Mr. Prevoznik reported that during Executive Session, discussions on litigation, contractual matters, and personnel were held and no decisions were made. Mr. Prevoznik indicated that he left the Executive Session so that Council could discuss the Borough Manager hiring. Ms. Wolbert reported that Council discussed the candidates for the Borough Manager position and that no decisions were made.

A motion was made by Mr. Cross, and seconded by Mr. Reese, to approve the ratification of the Settlement Agreement and General Release dated as of May 22, 2017, between Cynthia Ramos-Laureano and the Borough of East Stroudsburg. The motion was carried unanimously.

A motion was made by Mr. Molin, and seconded by Ms. Wolbert, to authorize Solicitor to work with Zoning Officer and attend the Planning Commission meeting on June 13, 2017, and the Zoning Board Hearing on June 15, 2017 in regard to the Mobilitie, LLC applications for construction of towers in the road right-of-way. Mr. Prevoznik noted that he may not be able to make the June 13, 2017 Planning Commission meeting due to other commitments. The motion was carried unanimously.

A motion was made by Ms. Wolbert, and seconded by Mr. Cross, to retain Craig Doll, Esq., with respect to PUC matters in the application of Mobilitie, LLC. The motion was carried unanimously.

A motion was made by Mr. Flory, and seconded by Ms. Wolbert to adjourn the meeting at 9:20 p.m.

NEXT COMMITTEE/REGULAR MEETING: Thursday, June 29, 2017; 7:00 p.m.

NEXT REGULAR MEETING: Tuesday, June 20, 2017; 7:00 p.m.