

MINUTES FOR REGULAR MEETING
EAST STROUDSBURG BOROUGH COUNCIL
TUESDAY, JULY 11, 2017 - 7:00 p.m.

PRESENT: Roger DeLarco, Don Cross, Ed Flory, Maury Molin, and Bill Reese

ALSO PRESENT: Interim Manager Peter Marshall, Solicitor John C. Prevoznik, Borough Engineer Nate Oiler, Zoning & Codes Officer Marv Walton, Financial Officer Ken Konz, and DPW Director Steve DeSalva

ABSENT: Sonia Wolbert

The Pledge of Allegiance was led by Bobby Gordon.

A motion was made by Mr. Molin, and seconded by Mr. Flory, to approve the June 29, 2017, Council Meeting minutes as presented. The motion was carried unanimously.

There were no public comments.

Mr. Walton reported on the St. Matthew's Church Parking Lot Project. He indicated that Hanover Engineering had reviewed the project. There was only one outstanding comment, which was to have a signed stormwater agreement. He also indicated that Monroe County Conservation District reviewed the project and no NPDES permit was required. Mr. Walton was comfortable with the project from a zoning standpoint. Mr. Prevoznik stated that he had reviewed the documents and they were acceptable from a legal point of view.

Mr. Matergia presented the project on behalf of St. Matthew's Church. Mr. Matergia asked whether Council wanted to sign the stormwater agreement first, or have the church officials sign and then submit. Mr. Matergia was told to have the church officials sign and submit the document. He asked Council to pass Resolution No. 30-2017 approving the lot consolidation and to also approve the proposed stormwater facilities and maintenance agreement, which submitted in the form provided by ordinance.

After discussion, a motion was made by Mr. Molin, seconded by Mr. Cross, to approve Resolution No. 30-2017 authorizing the consolidation of two (2) lots of the property owned by St. Matthew's Roman Catholic Church, specifically, contingent that the lots once joined shall not be separated without prior approval of Council. The motion was carried unanimously.

Mr. Matergia was handed a copy of the executed Resolution 30-2017.

Motion made by Mr. Flory, seconded by Mr. Reese, to authorize Manager to execute the Stormwater Facilities and Maintenance Agreement for the St. Matthew's Church parking lot project, contingent upon receiving a fully executed agreement from the Church officials. The motion was carried unanimously.

It was reported that Sherry Acevedo, Director of SROSRC, was still preparing a report on the status of complaints of improper behavior in Dansbury Park. Ms. Acevedo was working with Captain Lyon. After discussion, a motion was made by Mr. Molin, seconded by Mr. Flory, to table the discussion until the July 27, 2017, meeting. The motion was carried unanimously.

Engineer reported on progress being made on the Middle Dam. Mr. Oiler told Council that several applications needed to be prepared to move the permitting process forward with regulatory agencies. After discussion, the following motions were made:

A motion was made by Mr. Flory, seconded by Mr. Molin, to authorize Manager to execute dam safety application in furtherance of Middle Dam rehabilitation project. The motion was carried unanimously.

A motion was made by Mr. Cross, seconded by Mr. Reese, to authorize Manager to execute Monroe County Conservation District Erosion and Sediment Pollution Control (ESPC) plan applications for (i) Dam, wetland mitigation sites, and new waterline site; (ii) offsite Stockpile site A; and (iii) offsite stockpile site Bin. The motion was carried unanimously.

A motion was made by Mr. Flory, seconded by Mr. Reese, to authorize Manager to execute PA DEP Public Water Supply application for new water line. The motion was carried unanimously.

Engineer reported that the timeframe to submit the pollution reduction plan ("PRP") for the MS4 permit was rapidly approaching. There is a forty-five (45) day public notice period and the PRP is due September 16, 2017. Mr. Oiler indicated that he is developing the PRP conceptually and would like to meet with PaDEP. Once there is a conceptual agreement, he will formalize the PRP. The PRP should then be posted on the website for written comment and a time for public comment should be placed on the agenda for the August 1, 2017, meeting so that public comment can be made. After discussion, the following motions were made:

A motion was made by Mr. Flory, seconded by Mr. Molin, to authorize RKR Hess to proceed with PRP and preliminary review with PaDEP based on conceptual plan. The motion was carried unanimously.

A motion was made by Mr. Cross, seconded by Mr. Reese, to authorize Engineer and Solicitor to advertise PRP for public comment to be held at the August 1, 2017, meeting at 7:30 p.m. and to post PRP on the Borough website by July 31, 2017, for written comment. The motion was carried unanimously.

A motion was made by Mr. Molin, seconded by Mr. Flory, to authorize Manager to sign application and issue application fee of Five Hundred and 00/100 (\$500.00) Dollars to PaDEP prior to due date of September 16, 2017. The motion was carried unanimously.

Engineer recommended payment of Payment Request No. 1 made by Gaver Industries, Inc. d/b/a Barker & Barker Paving & Excavating for the CDBG Day and Broad Street ADA Ramp project. Mr. Oiler and Mr. Konz indicated the paperwork was in order and distributed to Council earlier that week. Mr. Cross asked how this was being paid. The Engineer replied that CDBG funds were being used. After discussion and upon recommendation of the Engineer, the following motions were made:

A motion was made by Mr. Flory, seconded by Mr. Cross, to approve Gaver Industries, Inc. d/b/a Barker & Barker Paving & Excavating Payment Request No. 1 in the amount of One Hundred Twenty-Three Thousand Nine Hundred Ninety-One and 91/100 (\$123,991.91) Dollars. The motion was carried unanimously.

A motion was made by Mr. Reese, seconded by Mr. Cross, to approve Change Order No. 1 in the amount of One Thousand Two Hundred and 00/100 (\$1,200.00) Dollars for an electric line relocation required by the project. The motion was carried unanimously.

The Engineer discussed the next steps towards completion of the Willow Street Improvement project. He stated that an application needed to be filed with the Monroe County Conservation District. The application fee is One Thousand Three Hundred Fifty and 00/100 (\$1,350.00) Dollars. Mr. Cross asked whether that was a normal fee and how was the amount determined. Mr. Oiler stated that this is probably the lowest amount you would receive. It is set by a formula for acreage. Mr. Molin asked the timeframe for completion and noted that this project has been ongoing for a number of years. Mr. Oiler indicated that it should be bid by early spring 2018 with a tentative completion of the fall of 2018.

After discussion, a motion was made by Mr. Molin, seconded by Mr. Flory, to authorize Manager to execute Monroe County Conservation District application for erosion control plan review and issue application review fee in the amount of One Thousand Three Hundred Fifty and 00/100 (\$1,350.00) Dollars to Monroe County Conservation District. The motion was carried unanimously.

Engineer reported that the rehabilitation of Smith Street was ongoing, utilizing contractors for UPI/ESU. An area in Smith Street where a waterline had previously leaked was backfilled and ready to be paved when a new sinkhole developed along the side. Mr. Oiler with the Department of Public Works investigated the new sinkhole. The roadway was excavated and new material was put in to support existing utilities and to firm up the ground. Engineer stated that the repair had to be done on an emergency basis to protect the utility lines and not to further delay the road rehabilitation project of Smith Street.

After discussion, a motion was made by Mr. Flory, seconded by Mr. Molin, to ratify RKR Hess and the Manager's emergency repairs of the newly discovered settlement and sinking in Smith Street around the Borough's waterline and to cover costs for same. The motion was carried unanimously.

The Engineer reported that the water treatment plant's NPDES Permit was issued. It was noted that a form DMR in the permit was not correct. RKR Hess contacted PaDEP and the DMR form was subsequently corrected.

Mr. Oiler then discussed the new NPDES permit and indicated there were several conditions, which should be incorporated into existing Borough documents or documents to be created. Mr. Cross asked what the permit was for and why were the new requirements necessary. Mr. Oiler indicated that these are rules and conditions set by the PaDEP for the water treatment plant discharge.

After discussion and upon recommendation of the Engineer, a motion was made by Mr. Flory, seconded by Mr. Reese, to authorize RKR Hess to assist in preparation of conditions required by NPDES permit, specifically, (i) to assist operators with the development and implementation of a sediment tank maintenance log; (ii) to revise public water system standard operating procedures/O&M manual to incorporate into the event log; and (iii) to update public water system compliance schedule to reflect new conditions and future renewal permit dates. The motion was carried unanimously.

Engineer noted his continued discussions with UPI/ESU to finalize the UPI project. He noted that one of the requirements was Council accepting as-built plans for UPI project. He anticipated that the plans would be ready for the July 27, 2017, meeting.

After discussion, a motion was made by Mr. Molin, seconded by Mr. Cross, to table the approval of the as-built plans for the UPI project until July 27, 2017. The motion was carried unanimously.

Engineer provided an update on the activities at the pool. He noted that a PaDEP file review must be accomplished in order to determine ability to discharge. It was noted that the Borough did not have a complete permit in its file. The Manager indicated that Sam D'Alessandro was going to utilize his robotic pool cleaner to determine if it would work. Mr. Flory wanted to know when the robotic pool cleaner would come in if it was ordered now and noted that it may be too late. He then wanted to know what the total costs were to date. He acknowledged that he received a breakdown from the Engineer as to the cost of the back washing, but was concerned that it did not include enough information. The Manager stated that he understood Mr. Flory's position and that he was right, but that they needed to ensure that the pool continued to operate. The Manager reported that he was also working to get the SOP's for the pool with Mr. Wisegarver and Aquatic Facility Design, Inc. After discussion, the following motions were made:

A motion was made by Mr. Reese, seconded by Mr. Flory, to approve RKR Hess to perform file review with PaDEP for the purpose of ascertaining the status of pool permit. The motion was carried unanimously.

A motion made by Mr. Reese, seconded by Mr. Molin, to table the purchase of a robotic vacuum cleaner until the July 27, 2017, meeting when more information will be available. The motion was carried unanimously.

Manager presented the job description for Assistant to the Borough Manager/Secretary Job Description, which was previously distributed. Manager noted that the Borough Code does not require approval by Council of job descriptions, however, he was presenting this job description because it was requested to be reviewed by Council.

After discussion, a motion was made by Mr. Cross, seconded by Mr. Flory, to approve the job description as presented by the Manager for the position of Assistant to the Borough Manager/Secretary. The motion was carried unanimously.

Manager noted that the release of the final 2016 Audit is pending the Solicitor's review letter. The Solicitor has contacted the Borough's insurance companies to determine the status of any pending litigation. The Audit will be released in final form upon receipt of the Solicitor's review letter.

After discussion, a motion made by Mr. Flory, seconded by Mr. Molin, to table the acceptance of the final audit to July 27, 2017. The motion was carried unanimously.

Manager recommended amendment to the registration fee for the rental housing licensing and inspection program. Another copy of Rate Resolution No. 28-2017 setting fees for the rental housing program was distributed at the meeting.

After discussion, a motion made by Mr. Cross, seconded by Mr. Flory, to pass Resolution No. 28-2017 – Rental Permit/Inspection Fees, establishing new rate schedule for the rental housing program. The motion was carried unanimously.

Manager then recommended that the July 27, 2017, Committee meeting be advertised as a Regular Meeting.

After discussion, a motion made by Mr. Molin, seconded by Mr. Flory, to advertise the scheduling of the July 27, 2017, Committee Meeting as a Regular Meeting. The motion was carried unanimously.

Manager noted that Mr. Konz previously distributed the May 2017 financial statements. Mr. Konz again distributed hard copies of the financial statements. He indicated that if there were any questions regarding the financial statements, that they should feel free to contact him.

Mr. Konz indicated that he had developed a new PLGIT card policy, as per Council's request. The PLGIT card policy was distributed to Council prior to the meeting. The Solicitor indicated that the policy looked good but the Personnel Committee should review it so that it may be inserted into the Employee Manual.

After discussion, a motion made by Mr. Molin, seconded by Reese, to table approval of PLGIT card procedures manual and to refer the policy to the Personnel Committee for review and final recommendation to Council for action until the July 27, 2017, meeting. The motion was carried unanimously.

Manager reported that the 2016 Municipal Support of the Pocono Arts Council was in the amount of Four Hundred and 00/100 (\$400.00) Dollars. He noted that he issued a check in the amount of Four Hundred and 00/100 (\$400.00) Dollars based on the action of Council at the June 29, 2017, meeting approving the issuance of financial support in an amount to match that of 2016.

Manager stated that he had been in touch with Marc Troutmann of Met-Ed and provided him the financial costs. He stated that he has now referred Mr. Troutmann to the Solicitor for further action.

Manager noted that he was concerned with the operations of the Recycling Center. He reported that he is going to set up a meeting with the Stroudsburg Borough Manager to discuss options on continuing operations at the Recycling Center.

Mr. DeLarco provided the report of the Transition Committee. He noted that a final decision for the position of Borough Manager will be announced at the July 27, 2017, meeting. The Transition Committee is scheduled to meet on July 17, 2017.

Ms. Marguerite Hope reported her concerns regarding the flashing traffic lights at the intersection of Crystal Street and Analomink Street. Manager agreed to look into the issue and will report at a later date.

Mr. DeSalva distributed the Department of Public Works report prior to the meeting. He reported that the paving project has been approved and will begin in August. With respect to paving Borough streets, he noted that Chestnut Street had not yet been patched, and that the sinkhole on Brown Street had been fixed with hot patch. He further stated that he is continuing to assess all Borough streets to create a priority list.

The Solicitor reported for Mr. Walton that the Monroe County Commissioners approved a waiver of back taxes and a prospective exemption for 42-48 Lackawanna Avenue, contingent upon the Borough receiving the deed.

Mr. Reese asked Mr. Walton about 106 Analomink Street and that it appeared to be inhabited. Mr. Walton reported that he was unaware that anyone had moved into 106 Analomink Street, but he was aware that no permits had been issued for that property. He stated that he would look into it and report back.

Mr. Flory noted that the condition of the pool was deplorable. He believed that before the Council spent any more money on the pool that there be a soup to nuts evaluation on the pool and the estimated costs to repair. He also again stated that the costs for backwashing should include labor and materials and not just the truck and RKR Hess' fees. Mr. Oiler stated that the first step in doing a soup to nuts review is to determine what discharge is authorized for the pool.

Mr. Cross discussed Recycling Center staffing issues. Mr. Gordon, an employee at the Recycling Center, reported that he cannot continue to operate the Recycling Center under the current conditions, as there is a shortage of staffing. He is often operating the center alone. The Manager reported that he would look into it, and that as previously noted he was going to discuss the Recycling Center with the Stroudsburg Borough Manager.

The Solicitor reported he had Executive Session items to discuss.

Mr. DeLarco requested that a committee be formed to meet with ECA to review plans for next year's funding of the Downtown Manager position, the ECA and the Dansbury Depot building. It was noted that funding for the Manager's position was going to lapse at the end of this year. Mr. Molin and Mr. Reese agreed to participate. Mr. DeLarco stated that he would contact the other Council members to request their participation as well.

Mr. DeLarco inquired as to the status of the meeting between Mr. Long and Mr. Konz regarding unpaid professional review fees. Mr. Konz noted that he had a meeting with Mr. Long and that he provided him with the invoices. Mr. Long was going to have the University's professionals review the fees and would get back to him. Mr. Konz noted that it was two weeks since he had sent that information and that he would reach out to Mr. Long. The Committee in charge of overseeing these invoices agreed to allow Mr. Konz to continue in his efforts before taking any additional steps.

A motion was made by Mr. Flory, seconded by Mr. Reese, to ratify bills payable through July 11, 2017. The motion was carried unanimously.

A motion was made by Mr. Molin, seconded by Mr. Flory adjourn the meeting to Executive Session at 7:52 p.m.

A motion was made by Mr. Flory, seconded by Mr. Molin, to reconvene the meeting at 8:25 p.m.

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

Mr. Konz recommended that the firm of Holly Corcoran continue to be used by the Borough only to complete bank reconciliations through the month of July 2017. He recommended that a cap of One Hundred Fifty (150) hours be placed on their services.

After discussion, a motion was made by Mr. Flory, and seconded by Mr. Molin, to continue to use the Holly Corcoran accounting firm for the sole purpose of completing bank reconciliations through the month of July 2017, and that the use of the firm shall be capped at One Hundred Fifty (150) hours. The motion was carried unanimously.

The Manager reported that John Wisegarver is working on SOPs for the pool. The Manager recognized the efforts that Mr. Wisegarver has put into keeping the pool running this year and recommended a One Dollar and 50/100 (\$1.50) per hour pay raise, commencing as of the July 29, 2017, pay period.

After discussion, a motion was made by Mr. Reese, and seconded by Mr. Flory, to give John Wisegarver a One Dollar and 50/100 (\$1.50) per hour pay raise, commencing as of the July 29, 2017, pay period. The motion was carried unanimously.

Motion made by Mr. Cross, seconded by Mr. Flory to adjourn the meeting; note time 8:35 p.m.

NEXT COMMITTEE MEETING: Thursday, July 27, 2017; 7:00 p.m.

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