

MINUTES FOR REGULAR MEETING
EAST STROUDSBURG BOROUGH COUNCIL
TUESDAY, SEPTEMBER 5, 2017 - 7:00 p.m.

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

ALSO PRESENT: Solicitor John C. Prevoznik, Borough Engineer Nate Oiler, Codes Officer Marv Walton, and DPW Director Steve DeSalva

ABSENT: Financial Officer Ken Konz and Interim Manager Peter Marshall

The Pledge of Allegiance was led by Mike Stettler, Jr.

August 15, 2017 Minutes. A motion was made by Mr. Cross, and seconded by Mr. Molin, to approve the August 15, 2017, Council Meeting minutes as presented. The motion was carried unanimously.

Public Comment. None.

SROSRC Report. Sherry Acevedo provided the August 2017 report. She indicated that summer activities were winding down. SROSRC is within budget. She noted that on September 30th there will be a second annual "Get Outdoor Festival" with Senator Scavello at Dansbury Park. Mr. DeLarco congratulated the SROSRC on how she handled the park. Mr. Molin asked Ms. Acevedo to see if it was possible to continue, several times a year, keeping the pool open late during hot spells. It was noted that that had occurred approximately three times a year. Ms. Acevedo stated the SROSRC would look into that for next year.

Mr. Hinkle, a resident of East Stroudsburg, addressed the Council regarding an altercation which occurred at the Dansbury Park over a picnic bench. He wanted to make sure that Council was aware of the situation. Mr. DeLarco informed him that both Ms. Acevedo and Lt. Gasper were present and that they could address the situation. Mr. Hinkle indicated that he had talked to Lt. Gasper and understood that the matter will still under investigation. He also stated he understood that the SROSRC security patrol only monitored the situation and will call the police in the event of an unruly situation. Lt. Gasper stated that this has been a very good year at the park and disturbances were well below historical rates. The police did respond to Mr. Hinkle's situation and that the matter was still under investigation. Lt. Gasper stated that the police do not want security to become physically involved. The police do monitor all the parks. Lt. Gasper acknowledged Mr. Hinkle's concern and expressed his sympathy for what Mr. Hinkle's family went through. Mr. Hinkle was satisfied that the matter is under investigation and the response of the SROSRC. He thanked Council for allowing him to present his situation.

Police Report. No official report was given as the report will be presented at the September 19, 2017 meeting. Council Person Wolbert told Lt. Gasper about citizens' complaints regarding student conduct on East Brown Street. Lt. Gasper wanted to know the time the issues occurred. Ms. Wolbert indicated mostly at night. Lt. Gasper stated he would inform his officers to be on the lookout. Mr. Flory noted that he has received complaints of parties taking place at 97 East Broad. Lt. Gasper reminded Mr. Flory to tell the complainants to call the police immediately if they want police action.

Eastburg Community Alliance. A request was made by the Eastburg Community Alliance (“ECA”) for disbursement of the remainder of the Borough’s annual contribution. The balance of the annual contribution is Four Thousand (\$4,000.00) Dollars. The annual contribution approved in the 2017 budget was Eight Thousand (\$8,000.00) Dollars. The first disbursement was made in the amount of Four Thousand (\$4,000.00) Dollars on April 27, 2017. Motion made by Flory, seconded by Reese, to approve disbursement of the second installment of the Borough’s annual contribution to the Eastburg Community Alliance in the amount of Four Thousand (\$4,000.00) Dollars. The motion was carried unanimously.

Street Closure for Fall Festival. It was reported that the ECA will hold its Fall Festival on October 7, 2017. ECA requested the following street be closed to vehicle traffic for the event from 8:00 a.m. to 6:00 p.m. on Saturday, October 7, 2017: from Crystal Street to the alley behind Weseloh & Co. and Washington Street from Crystal Street to Courtland Street. Motion made by Molin, seconded by Flory, to authorize the closure of Crystal Street to the alley behind Weseloh & Co. and Washington Street from Crystal Street to Courtland Street for the Fall Festival from 8:00 a.m. to 6:00 p.m. on October 7, 2017, contingent upon proof of insurance naming the Borough of East Stroudsburg as additional insured, and proof of coordination by applicant with police, fire, and emergency services. The motion was carried unanimously.

Borough annual cleanup to be conducted 9/16/17.

Engineer’s Report and Action Items:

- A. Middle Dam Project. Engineer reported that the PaDEP public water supply permit application for the Middle Dam new water intake line was ready for execution. It was noted that Mr. DeLarco would have to sign the document on behalf of the Borough. Motion made by Reese, seconded by Flory, to approve Borough Council President to execute the PaDEP public water supply permit application for the Middle Dam new water supply intake line. The motion was carried unanimously.
- B. Engineer reported that the Borough received comments from the Conservation District via letters received August 23, 2017, on Stockpiles A and B for the Middle Dam construction project. Borough Engineer is responding to comments to finalize permit.
- C. MS4. Engineer reported that the MS4 application and waiver were ready for submission. The application and waiver would require payment of an application fee in the amount of Five Hundred (\$500.00) Dollars to PaDEP. Mr. DeLarco would be required to sign the application and waiver on behalf of the Borough. Motion made by Molin, seconded by Cross, to approve Borough Council President to execute the MS4 application and waiver and authorize payment of the application fee to PaDEP in the amount of Five Hundred (\$500.00) Dollars. Mayor Martinelli asked if there was a cost associated with the waiver. Mr. Oiler indicated that the Borough had already applied for an advanced waiver. He noted that the advanced waiver request was denied. He did not feel there was much of any cost associated with filing the waiver since the work was previously done. The motion was carried unanimously.
- D. PRP Plan. The Engineer reported that two public comments were received on the PRP Plan included in the MS4 application. One set of comments was from the Monroe County Conservation District and those comments were addressed in the application. He also noted that Homer Lee raised concerns about erosion emanating from an emergency

PPL bridge which was left in place so residents on Georgellen Avenue would have access to their homes. Mr. Oiler noted that Georgellen Avenue is a private roadway and the emergency PPL bridge is part of that private roadway.

- E. CDBG Ramps. It was reported that CDBG has sent a letter dated August 24, 2017, noting that substantial completion for the ramps at Broad and Day Streets has been obtained. The project is scheduled for closeout in September.
- F. Met-Ed Easements – Reservoir Property. Engineer recommendation for Council to authorize execution of the easement agreement with Met-Ed and accept two (2) easement releases from Met-Ed for the 200-foot wide easements across the Borough's Reservoir property. Motion made by Cross, seconded by Flory, to authorize execution of the easement agreement with Met-Ed, as approved by Engineer, Solicitor, and Manager. The motion was carried unanimously. Motion made by Reese, seconded by Flory, to accept the two (2) easement releases from Met-Ed for the 200-foot wide easements across the Borough's Reservoir property, and pay for recording of same, as approved by Engineer, Solicitor, and Manager. The motion was carried unanimously.

Deed from Catalano to the East Stroudsburg Borough. Solicitor reported that the Deed from Salvatore J. Catalano and Susan E. Catalano to East Stroudsburg Borough for Parcel No. 05-4/1/7/8 (burned out apartment structure) was received by bankruptcy counsel, Jason Zac Christman, on behalf of the Borough. The Solicitor reported that the County Commissioners have waived prior taxes owed and future taxation on the property contingent upon the Borough receiving the Deed to the property. The Solicitor also noted that the ESASD agreed to waive the taxes but wanted a prorated share of any profits if the property sold. The Solicitor, Ms. Wolbert, and Mr. Bond called Mr. Brown, Solicitor for ESASD, and advised him of both the process and the cost to the Borough for getting this property into Borough ownership so that it could be torn down. Mr. Bond also advised Mr. Brown that the Borough had to reallocate CDBG funds from other projects in order to use the grant money for this project. Mr. Brown had requested a short note from the Solicitor explaining this to ESASD. He would request that the motion be revised so that repayment is either not a condition or expressly allows the Borough to recover the costs expended. The Solicitor recommended that the Borough Council approve accepting the Deed for recording contingent upon ESASD reviving its request for monies without payment in full to the Borough for costs expended. Motion made by Cross, seconded by Molin, to approve the Deed from Salvatore J. Catalano and Susan E. Catalano, as Grantors, to East Stroudsburg Borough, as Grantee, for Parcel No. 05-4/1/7/8, to be recorded in the public records of Monroe County, Pennsylvania contingent upon receipt of clarification from ESASD as to their intent on being paid back a prorated portion of any proceeds upon sale. The motion was carried unanimously.

Slope Mower Bid. Mr. DeSalva reported that he received one bid on the slope mower. He stated that he did his research and that the price and the slope mower met the bid specifications. Motion made by Flory, seconded by Molin, to approve the purchase of the Kut Kwick slope mower SSM38-72D from Kut Kwick in the amount of Sixty-Nine Thousand Nine Hundred One (\$69,901.00) Dollars, as advertised. The motion was carried unanimously.

July 2017 Financial Statements. It was reported that Mr. Konz distributed the July 2017 financial statements prior to the meeting. Council was directed to call Mr. Konz if it had any questions regarding the financial statements

Public Comments for New Business. None.

Reports:

A. Steve DeSalva. Mr. DeSalva reported that Borough paving projects are complete and under budget. Projects included paving work on Braeside Avenue and Orchard Street and that paving restoration started at the recycling plant. Mr. DeSalva stated that he is working with Troy Nauman to make the repairs to the Firehouse ceiling and insulation. Mr. DeSalva noted that there was no access or catwalk to the ceiling which made the repair difficult. Mr. Flory stressed that any bad insulation needs to be removed prior to repairing the ceiling. It is hoped that the ceiling work is done in the next two to three weeks. Mr. DeSalva stated that the sight distances at the intersection of 5th and Oak Streets were compromised due to overgrown vegetation. He has contacted the tenant at the home and informed the tenant of the need to correct. Mr. Walton was also advised that action could be taken under Borough Code. Mr. DeSalva reported that he contacted PennDOT regarding the continued reappearance of pothole at Sunoco, Eagle Valley Corners.

B. Marv Walton. Mr. Walton discussed:

- (i) That the Comprehensive Plan should be delivered to Council and the East Stroudsburg Borough Planning Commission by September 12th. He noted that the Planning Commission is required to hold a hearing. He also noted that after that hearing, Council must also hold a hearing for final adoption. He urged all of Council to read the Comprehensive Plan in advance of the hearing and provide any additional input it may have;
- (ii) A meeting was held on Information Commons with University and their counsel in mid-August. The Borough thought the meeting was good. Mr. Long sent an email on September 5th indicating that the University was working out the logistics with DGS and would get back to the Borough when it needed Borough action. It was also reported that the well head protection easements were still with DGS after Borough had commented;
- (iii) A telephone conference between the Borough and the Cohen Law Firm regarding wireless communications ordinance will occur September 13, 2017. A report will follow regarding deliverable dates. Motion made by Flory, seconded by Cross, to approve the Borough Solicitor to participate in the phone conference and subsequent drafting of the Wireless Communications Ordinance. The motion was carried unanimously.
- (iv) Mr. Walton discussed property maintenance issues regarding three properties on North Courtland Street raised by Mr. Cross. He indicated that 450 North Courtland has already been the subject of Code enforcement. He is working on enforcing the judgment and will inspect the property to determine whether additional enforcement is necessary. He did agree that the vegetation was out of control. He reported that 528 North Courtland had previously been cited for abandoned vehicles but the homeowner won at the Magistrate Court as the vehicles were registered and insured despite their condition. He did say that he would

review the site and if additional Code enforcement was necessary he would implement it.

- C. Ken Konz. Absent.
- D. Mayor Armand Martinelli. No report.
- E. Sonia Wolbert. Ms. Wolbert reported that there will be Pool Committee meeting on September 6, 2017. She also reported that the Transition Committee will meet on September 7, 2017.
- F. Don Cross. Mr. Cross indicated that all his questions were answered by the reports of Mr. DeSalva and Mr. Walton.
- G. Maury Molin. No report.
- H. Bill Reese. Mr. Reese congratulated Steve DeSalva and Dan Strunk on immediate action to replace a stop sign on South Green Street which was knocked down. Mr. Reese asked Mr. Walton for the status on rental permits, inspections, and citations. Mr. Walton requested that he be given a month's time to report as the transition to Permit Manager was just completed and data were still being inputted into the system. Mr. Reese called upon Council to adopt Borough planters and sidewalks to keep them clear of weeds and grass. It was noted that he and Mr. Molin worked together and that the project can be fun. Council all agreed that it was a good idea.
- I. Ed Flory. No report.
- J. Solicitor John Prevoznik, Esquire. Executive session.
- K. Roger DeLarco. Mr. DeLarco asked Mr. Walton about the handheld parking tickets. Mr. Walton stated that handheld parking ticket readers went live on September 5th, that the first payment on the tickets have been received, and it looks like the program will be successful.
- L. Bills Payable. Motion made by Flory, seconded by Wolbert, to ratify bills payable through September 5, 2017.

Executive Session for Discussion of Litigation and/or Personnel Matters. Motion made by Cross, seconded by Molin to go into Executive Session; note time 8:12 p.m. Motion made by Flory, seconded by Reese to reconvene meeting; note time 8:23 p.m.

Solicitor's Report on Executive Session. Solicitor reported that personnel matters were discussed. No actions were taken.

Adjournment. Motion made by Cross, seconded by Molin to adjourn the meeting; note time 8:24 p.m.