

East Stroudsburg Bo0rough, August 25, 2016

A regular meeting of the East Stroudsburg Borough Council was held at the Municipal Building on Thursday, August 25, 2016. The following members were in attendance: Donald Cross, Edward Flory, Maury Molin, William Reese, and Sonia Wolbert. Roger DeLarco was absent. Also attending were: Manager James S. Phillips; Codes Official Marvin Walton; DPW Director Steven DeSalva; and Finance Officer Kenneth Konz.

Call to Order/Pledge of Allegiance – President Pro Tem Wolbert

Mrs. Wolbert called the meeting to order at 7:31 p.m. and led the Pledge of Allegiance.

Moment of Silence and Reflection

A moment of silence was observed by all in attendance.

Minutes of August 2, 2016 Regular Council Meeting

Mr. Molin made a motion, seconded by Mr. Cross, to approve the minutes of the August 2, 2016 Council meeting as submitted; the motion carried by a vote of 3-1 with Mr. Flory voting no because he had not been able to print out and read the minutes.

SARPD Report – July 2016

Lieutenant Paul Gasper reported that the month of July was “slow” on activity and the July 4th Festival at Dansbury Park was a safe and secure event. Lt. Gasper noted that one of the newly hired patrol officers has resigned due to accepting a position near his home in New Jersey, to avoid relocating.

Mr. Molin noted that cars were double parked at Pocono Plaza last Sunday afternoon, and this is a constant problem. Lt. Gasper said he would check with the afternoon shift on this. Mr. Cross noted an issue with late night activities at Zacharias Pond Park, and Lt. Gasper said he would confer with the evening shift on that issue.

Presentation on 2015 Year Audit Report - Carl Hogan, C.P.A. of BBD, Inc.

Mr. Reese arrived at the meeting at this time and took over presiding the meeting. Carl Hogan was present to review the 2015 Year Financial Statements prepared by his firm. Mr. Hogan said he would go over the “bullet points” which were distributed to Council today to summarize the main points of the Audit. Mr. Hogan noted that the General Fund had revenues exceeding budget by \$460,452, and expenses were below budget by \$371,388, resulting in a net positive variance of \$845,660 compared to budget. Fund balance increased by \$192,600 in relation to prior year; however this was after a \$600,000+ transfer from the Water Fund to subsidize General Fund operations.

Capital Projects Fund balance decreased by \$26,175 in relation to the prior year. Water Fund net assets decreased by \$595,673 for the 2015 year, as a result of the \$600,000 transfer to the General Fund. Mr. Hogan reviewed the Findings regarding the need for the Borough to make all year-ending adjusting entries, undertake a detailed capital asset inventory for governmental activities, and update employee manual policies to avoid any material misstatements for audit purposes. Mr. Hogan also noted the allowance for uncollectible delinquent receivables on the books may need to be reevaluated, and that the Borough has made significant progress in collecting delinquent accounts through the efforts of its Collection Committee. Finally, Mr. Hogan reviewed the new GASB 68 standard to show an actuarially determined Pension Plan liability for the first time.

Timothy Carr, 124 Perry Street, asked if the interest rate assumption for the pension plan can be more conservative to reduce the liability. Mr. Hogan said PMRS set the interest rate assumption, and had recently lowered their interest rate assumption from 6.0% to 5.5%. The amount of liability changes by almost \$100,000 with a 1% change in interest rate assumption.

Mr. Hogan completed his review of the Audit and stated that if Council has any further questions, they can submit them to him through Mr. Phillips at the Borough Office. Mr. Flory thanked Mr. Hogan on behalf of the Audit Committee for his efforts in this first year of transition to a new auditing firm.

Proposed Rain Garden sites on Borough properties

Craig Todd of the Monroe County Conservation District (MCCD) and Edie Stevens on behalf of the Brodhead Watershed Association (BWA) were present regarding the BWA project to develop rain garden sites at various location as part of a demonstration project. Mr. Todd said seven sites were reviewed within the Borough, and ranked. The two that came out with the highest priority are located at the Dansbury Depot, and at the Borough Fire Station. Mr. Todd said the vegetative material to be planted will be provided by BWA; the Borough crew must excavate the areas, down about 16". Mr. Flory questioned whether the proposed site at the Fire Station nearest to the Lackawanna Avenue entrance/exit was on Borough property or part of DEIN Properties. Mr. Flory also questioned whether the ECA Board should approve the proposed site at the Depot as well. After discussion, Mrs. Wolbert made a motion, seconded by Mr. Flory, to approve the proposed rain garden sites as recommended, subject to verification of ownership of the proposed Fire Station locations and a letter of authorization from the ECA Board for the proposed Dansbury Depot sites; the motion carried unanimously.

Tim Carr of 124 Perry Street said runoff from Perry Street flows onto his property because a ditch is not maintained, and noted that the ditch might be a possible site for a future rain garden.

Public Hearing on Proposed Ordinance No. 1313 Amending Article II of Chapter 154 of Code of the Borough of East Stroudsburg, Precluding the Use of Ground Water for Domestic, Potable or Agricultural Purposes From a Certain Revised Area of the Borough Designated as the Aquifer Non-Use Area; Restricting Drilling of Wells and Extraction of Ground Water from Such Area, and Requiring Buildings and Structures from Such Area to be Connected to the Borough Water System, and Providing Penalties for Violations.

Mrs. Wolbert made a motion, seconded by Mr. Flory, to open the public hearing on the proposed ordinance; the motion carried unanimously. Tony Dellaria of MEA, Inc., environmental consultants for the Borough on the remediation of the former IBW site, said testing has shown low levels of TCE-contaminated groundwater under the IBW property. At the request of the PA DEP, the Borough has prepared an ordinance to designate the IBW site and some adjoining properties as a non-use aquifer zone. The area has been identified as within a 1700 ft. radius, downgradient of the IBW property. Within this non-use Aquifer zone, the drilling of wells for domestic, potable, or agricultural use is prohibited. However, this area is already entirely served by the Borough Municipal Water System so wells would not be permitted anyhow. Mr. Phillips noted that the following exhibits need to be introduced into the record for the public hearing:

- Exhibit a, copy of notice of public hearing of the proposed ordinance.
- Exhibit B, copy of proof of publication of the notice in the *Pocono Record* on 8/15/16.
- Exhibit C, copy of the proposed ordinance No. 1313
- Exhibit D, copy of the notice to Monroe County Law Library of the attested ordinance.
- Exhibit E, copy of notice to the *Pocono Record* newspaper of the attested ordinance.
- Exhibit F, copy of sign-in sheet for the public hearing

Tim Carr of 124 Perry Street signed in and said his property is partly within the area identified on the map – would he come under these restrictions? Mr. Phillips said if he received a notice then yes, his property would be subject to the restrictions.

Mr. Flory made a motion, seconded by Mr. Molin, to close the public hearing; the motion carried unanimously

Public Hearing on Proposed Ordinance No. 1314 Amending the Code of the Borough of East Stroudsburg, Chapter 134 Entitled Solid Waste; Revising the Due Date for the Annual Solid Waste User Fee and the Time Period for Imposition of Penalty Charges

Mr. Flory made a motion, seconded by Mr. Molin, to open the public hearing on the proposed ordinance; the motion carried unanimously. Mr. Phillips said the Planning & Zoning Committee of Council has been reviewing the billing procedures for the annual solid waste fee, and had recommended reducing the amount of time that residents have to pay the garbage bill. Mr. Flory said the Committee had discussed still allowing installment payments of the total fee, but requiring full payment within 90 days as opposed to the current 180 days of billing.

Mr. Phillips noted that the following exhibits need to be introduced into the record for the public hearing:

- Exhibit A, copy of notice of public hearing of the proposed ordinance.
- Exhibit B, copy of proof of publication of the notice in the *Pocono Record* on 8/16/16.
- Exhibit C, copy of the proposed ordinance No. 1314
- Exhibit D, copy of the notice to Monroe County Law Library of the attested ordinance.
- Exhibit E, copy of notice to the *Pocono Record* newspaper of the attested ordinance.
- Exhibit F, copy of sign-in sheet for the public hearing

Mr. Cross made a motion, seconded by Mr. Flory, to close the public hearing; the motion carried unanimously

Proposed amendment to Bulk Water Service Agreement with Brodhead Creek Regional Authority (BCRA)

Ken Brown, Authority Manager, was present to review a request for an amendment to the Bulk Water Agreement with the Borough to permit an increase in the maximum daily water allowance that BCRA may purchase from the Borough. Mr. Brown reviewed a map of the service area for the Authority, and said the increase would allow BCRA to plan for how to provide water to the Smithfield Township service with the increasing demand they are seeing to provide water to the western portion of their service area. Mr. Phillips noted that the bulk rate charged to BCRA is \$2.17 per 1000 gals. Of water sold; and this rate has been increased once during the term of the agreement that started in 1999. Mr. Brown noted that the length of the Agreement had been extended by one of the more recent amendments to the original agreement. Mr. Phillips said the issue is really one of “comfort” for Council, regarding how much water to commit to selling to BCRA; and Council will want to consult with the Borough’s Engineer on this issue. Mr. Brown asked that the Borough get back to the Authority within several months, again, so that the Authority can plan for future demands.

Eastburg Community Alliance (ECA) – Request to close Crystal Street and Washington Street for annual Fall Festival, Saturday October 8, 2016

Susan Randall was present to request approval to close down portions of Crystal Street and Washington Street during the annual Fall Festival planned for downtown on October 8, 2016; again in cooperation with Acme Hose Company. Mrs. Randall said the only issue last year was access to the PNC Bank drive-through facility, and SARPD will work with ECA again to permit that. Mr. Reese asked if there will be a rain date for the event? Ms. Randall said that is not possible because ECA has no control over rescheduling the train scheduled to run from Streamtown to East Stroudsburg on that date. Mr. Molin made a motion, seconded by Mr. Cross, to approve the request as submitted; the motion carried unanimously

Mr. Randall also said that ECA is willing to “host” rain gardens at the Danbury Depot facility, although she will not be able to provide a formal letter from the ECA Board until their next meeting in September.

Public Comments – Agenda Items

None.

Ordinance No. 1313 Amending Article II of Chapter 154 of Code of the Borough of East Stroudsburg, Precluding the Use of Ground Water for Domestic, Potable or Agricultural Purposes From a Certain Revised Area of the Borough Designated as the Aquifer Non-Use Area; Restricting Drilling of Wells and Extraction of Ground Water from Such Area, and Requiring Buildings and Structures from Such Area to be Connected to the Borough Water System, and Providing Penalties for Violations.

Mr. Molin made a motion, seconded by Mr. Flory, to adopt proposed Ordinance No. 1313 as advertised; the motion carried unanimously.

Proposed Ordinance No. 1314 Amending the Code of the Borough of East Stroudsburg, Chapter 134 Entitled Solid Waste; Revising the Due Date for the Annual Solid Waste User Fee and the Time Period for Imposition of Penalty Charges

Mr. Cross made a motion, seconded by Mr. Flory, to adopt proposed Ordinance No. 1314 as advertised. Mayor Martinelli said Council will be punishing the majority of people who do pay their garbage bill on time, by reducing the amount of time allowed for payment. Mr. Flory said Council is trying to expedite the collection of garbage bills because of the delinquency issues. Mayor Martinelli said he does not see any reason to change the time allowed for payment of the garbage bills, and indicated he will be taking the maximum time allowed as Mayor to consider whether to approve the ordinance, if adopted by Council. Mr. Reese asked for a vote on the motion, which carried unanimously.

Public Comments – New Business

None.

Correspondence

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

- i. PA Department of Environmental Protection – Notice to Mountain Fuels regarding fuel storage tank release 07/27/16
- ii. Pennsylvania Municipal League (PML) – Registration Information for Annual Summit at Lancaster PA October 4-6, 2016 and Designation of Voting Delegate for Annual Business Meeting. Mr. Reese noted that Mr. DeLarco has indicated he would like to be designated again as the Voting Delegate for the Borough at the PML Business Meeting. Mrs. Wolbert made a motion, seconded by Mr. Flory, to authorize attendance of Borough Officials at the PML Summit with reimbursement of expenses in accordance with borough travel policy, and to designate Roger DeLarco as Voting Delegate and James Phillips as Alternate Delegate; the motion carried unanimously.
- iii. PA Department of Environmental Protection – 08/08/16 Inspection Report for East Stroudsburg Water Department
- iv. Pocono Arts Council – Request for renewal of municipal support - \$400

List of Bills Payable August 25, 2016

Mr. Molin made a motion, seconded by Mr. Flory, to approve the List of Bills Payable and to ratify payroll and expenses through August 25, 2016 as submitted; the motion carried unanimously.

COMMITTEE MEETING – REPORTS

Planning, Zoning, & Codes (E. Flory, Chairman):

- Mr. Walton reported on the most recent workshop held for the Comprehensive Plan Task Force Committee; and indicated a date has not been set for the last workshop on Transportation.
- Mr. Phillips said one of our part-time parking enforcement officers will be leaving for another job and we need to advertise to fill the position. Mr. Flory made a motion, seconded by Mr. Molin, to ratify advertising for a PT Parking Enforcement Officer position; the motion carried unanimously.
- Mr. Phillips reported there is an issue for executive session regarding the East Stroudsburg

University, Information Commons Project, Stormwater Agreement.

Public/Business/Intergovernmental Relations

- Mrs. Wolbert reported the preliminary financial figures for the summer operation of the swimming pools look good.
- Mr. Phillips said nothing has been received in writing from the Housing Authority regarding the resident Request for Permit Parking at Normal/Taylor Street Housing Project.
- Mr. Walton reported on the ESU Town/Gown Meeting held 8/22/16.

Utilities & Public Services

- Mr. Phillips reviewed his memo and proposal received in response to the Borough's RFP for swimming pool consultant for the Dansbury Park Swim Pool. After discussion, Mr. Molin made a motion, seconded by Mr. Flory, to approve the proposal received from Aquatic Facility Design, Inc. to provide testing and evaluation services for the Dansbury Pool in the amount of \$18,900 as submitted; the motion carried unanimously.
- Mr. Phillips briefly reviewed a proposal from ARGS Technology, LLC regarding security camera installations at Dansbury Park.

Finance/Administration

- Mr. Konz reported that total delinquent collections to date are \$377,564 for water/sewer and \$126,879 for garbage for a total of \$504,443 since the Collections Committee began efforts.
- Personnel Committee – Mr. Phillips stated that the new draft Employee Manual was submitted to the Personnel Committee yesterday.
- 66 Analomink St. Building Committee – Mr. Phillips reported he met today with Thomas McKeown of McKeown Realty regarding an appraisal of the property, which is in process.
- Mr. Phillips noted that an update on 2016 Capital Loan Projects was submitted tonight to Council.

Transportation/Infrastructure

- Mr. Phillips noted the memorandum submitted by Traffic Planning & Design Inc. regarding the Ridgeway Street Bridge Project for comments to PennDOT.

Public Safety

- Mr. Phillips stated he has a report on 42-48 Lackawanna Ave. property for executive session.
- Mr. Phillips reported that the SARPD Hiring Committee is working out the final terms of a Memorandum of Understanding with the new prospective Police Chief for SARPD.
- Mr. Phillips noted receipt of a proposed Consulting Services Agreement from RKR Hess for preparation of 2016 Monitoring Reports for two former Municipal Joint Landfill Sites. Mr. Reese asked that this be placed on the next meeting agenda.

Executive Session for Discussion of Personnel Matters

Mr. Flory made a motion, seconded by Mr. Cross, to adjourn into executive session at 9:55 p.m.; the motion carried unanimously.

At 10:17 p.m. Council members reassembled in the meeting room, and Mrs. Wolbert made a motion, seconded by Mr. Flory, to reconvene the public meeting; the motion carried unanimously. Mr. Reese said the executive session was held to discuss litigation and personnel matters; and no decisions were made.

Delinquent Taxes – 42/48 Lackawanna Avenue property

Mr. Flory made a motion, seconded by Mr. Molin, to authorize Mr. Phillips to contact the County and School District to negotiate possible abatement of delinquent taxes on the fire-damaged property at 42/48 Lackawanna Avenue owned by Salvatore Catalano; the motion carried unanimously.

Ratify Execution of Repayment Agreement(s) - Delinquent Water/Sewer & Garbage Fees

Mr. Cross made a motion, seconded by Mr. Flory, to ratify execution of repayment agreement for delinquent Water/Sewer with Ann Whitt, 245 Washington Street; the motion carried unanimously.

Adjournment

With no further business, Mr. Flory made a motion, seconded by Mrs. Wolbert, to adjourn the meeting at 10:20 p.m.; the motion carried unanimously.

James S. Phillips, Secretary