

East Stroudsburg Borough, February 17, 2015

A regular meeting of the East Stroudsburg Borough Council was held at the Municipal Building on Tuesday, February 17, 2015. The following members were in attendance: Peter Begley, Edward Flory, William Reese, Richard Smith, and Sonia Wolbert. Roger DeLarco was absent. Also attending were: Mayor Armand Martinelli; Solicitor John C. Prevoznik; Manager James S. Phillips; DPW Director Steven DeSalva; Codes Official Marvin Walton; and Engineering Representative Samuel D'Alessandro of R.K.R. Hess Associates, Inc.

Call to Order/Pledge of Allegiance – Vice President Reese

Vice President William Reese called the meeting to order at 7:30 p.m. The pledge of Allegiance was led by Michael Stettler.

Moment of Silence

A moment of silence and reflection was observed by all in attendance.

Minutes of February 3, 2015 Regular Council Meeting

Mr. Flory made a motion, seconded by Mr. Begley, to approve the minutes of the February 3, 2015 regular meeting as submitted; motion carried unanimously.

Public Hearing on Request for Inter-Municipal Transfer of Liquor License #R-1607 for Khan's Mongolian Grill, LLC located in Eagle's Glen Plaza

Mr. Flory made a motion, seconded by Mr. Begley, to open the public hearing; motion carried unanimously. Mr. Phillips said the applicant, Khan's Mongolian Grill, LLC, has applied to transfer an existing liquor license from Stroudsburg Borough into East Stroudsburg Borough, for use at the current China Buffet restaurant location in Eagles Glen Plaza. A public hearing is required to be held on such transfer request, and notice of this hearing was advertised in the *Pocono Record* on January 30th and February 6th. A copy of the public notice was also sent by Codes Officer Marvin Walton to properties located within 500 ft. of the restaurant location, and Mr. Walton posted a copy at the site.

Mark Primrose, Esquire, was present on behalf of the applicant. Mr. Primrose submitted a copy of information on the existing liquor license, under the name of East Café, Inc. located in Stroudsburg Borough; and a copy of the Agreement of Sale for the liquor license. Mr. Primrose introduced Joe Wong, owner of the restaurant. Mr. Wong said he is planning the change to a Mongolian Grill because of the competition from other Chinese buffet-style restaurants now located in the area. Mr. Wong said the Mongolian Grill buffet will be fresh uncooked food, which will then be cooked to order. The liquor license will be needed to attract patrons for this type service. Upon question from Mr. Primrose, Mr. Wong stated that the transfer of liquor license to the restaurant will not adversely affect the health and welfare of the community – and should help him stay in business.

Mr. Begley asked if the restaurant will remain BYOB, too. Mr. Wong, said no, that is not permitted by the LCB for a licensed establishment. Mr. Walton asked if the license allows for take-out food? Mr. Primrose said the restaurant can do takeouts, but it will not be a major part of their business.

Mr. Reese asked for additional comments from the audience or Council, and there was none. Mr. Flory made a motion, seconded by Mrs. Wolbert to close the public hearing; motion carried unanimously.

Public Hearing on Proposed Ordinance Authorizing the Incurrence of Lease Rental Debt in the Maximum Amount of \$609,620 Represented by a Subsidy Agreement of the Borough With the Borough of Stroudsburg and Stroud Township to Subsidize Equal Shares of a Separate Part of the General Obligation Note, Series of 2015 of the Borough of Stroudsburg; Covenanting to Budget, Appropriate and Pay Amounts Due under Said Subsidy Agreement; Authorizing the Preparation and Filing of A Debt Statement and Transcript of Proceedings with the Department

of Community and Economic Development; and Authorizing Related Action - Refinancing of Outstanding Debt by Stroudsburg Borough for the construction of SARPD Headquarters Building

Mr. Flory made a motion, seconded by Mr. Begley, to open the public hearing; Motion carried unanimously. Mr. Phillips said the hearing is on a proposed ordinance to authorize the incurrence of lease rental debt by the Borough, due to the proposed refinancing of the Stroudsburg Borough bond issue that funded construction of the SARPD headquarters building, and is guaranteed 1/3 each by Stroud Township and East Stroudsburg Borough. Chris Gibbons of Concord Financial was present along with loan counsels Bernadette Barattini and Tom Smida of Mette Evans and Woodside firm, Harrisburg.

Mr. Gibbons said the refinancing proposal is from Wayne Bank and is a very competitive proposal which will result in \$34,560 saving each to the three municipalities. This is actually the 3rd time the original bond will have been refinanced, this time converted into a bank loan for the remaining term of the loan. The interest rates are 1.55% fixed for five years; the rate for the 6th and final year is capped at 3.0%. Mr. Gibbons said the existing bonds are first callable in June 2015, thus the timing of this proposal.

Mrs. Wolbert asked how much funds the Borough has in its Water Fund? Mr. Phillips said currently about \$1.4 million. Mr. Phillips reviewed the current figure for Borough funds of about \$4.5 million in total, but noted that the majority of funds are restricted in some manner and unrestricted assets may total only \$1.2 million. Mr. Phillips said with General Fund expenses exceeding revenues by over \$900,000 in the current budget, he does not believe the Borough is in any position to pay off its share of the existing debt – about \$609,000 – at this time. Mayor Martinelli said that option would hurt the Borough at budget time, and the refinanced rates for this refinancing are very low.

Mr. Smida said the proposed Ordinance authorizes the Borough to enter into a revised subsidy agreement with Stroudsburg Borough (and Stroud Township), which is a form of incurring debt. Mr. Smida said the loan has been structured that the savings would all be recognized this fiscal year. Mr. Flory asked if the Borough is only obligated for a 1/3 share of the total debt? Mr. Smida replied yes. With no further discussion, Mr. Begley made a motion, seconded by Mr. Flory, to close the public hearing; motion carried unanimously

SARPD Report

Captain Brian Kimmins was present to review the Police Report for January 2015; and noted this would be his last meeting attended due to his impending retirement effective March 1, 2015. Council members individually thanked Capt. Kimmins and wished him well in his retirement.

Public Comments - Agenda Items

None.

Resolution No. 12-2015 on Request for Inter-Municipal Transfer of Liquor License #R-1607 for Khan's Mongolian Grill, LLC located in Eagle's Glen Plaza

Mr. Flory made a motion, seconded by Mr. Begley, to adopt proposed Resolution No. 12-2015 granting approval for the Inter-Municipal Transfer of Liquor License #R-1607 for Khan's Mongolian Grill, LLC located in Eagle's Glen Plaza, from Stroudsburg Borough. The motion carried unanimously.

Ordinance No. 1297 Authorizing the Incurrence of Lease Rental Debt in the Maximum Amount of \$609,620 Represented by a Subsidy Agreement of the Borough With the Borough of Stroudsburg and Stroud Township to Subsidize Equal Shares of a Separate Part of the General Obligation Note, Series of 2015 of the Borough of Stroudsburg; Covenantee to Budget , Appropriate and Pay Amounts Due under Said Subsidy Agreement; Authorizing the Preparation and Filing of A Debt Statement and Transcript of Proceedings with the Department of Community and Economic Development; and Authorizing Related Action - Refinancing of

Outstanding Debt by Stroudsburg Borough for the construction of SARPD Headquarters Building

Mr. Flory made a motion, seconded by Mr. Begley, to adopt proposed Ordinance No. 1297 authorizing the incurring of lease rental debt represented by a Subsidy Agreement with Stroudsburg Borough for the refinancing of the SARPD HQ building project, as advertised and discussed. The motion carried unanimously.

Report and possible action on Bids Received 2/17/15 for Replacement of Roof on Dansbury Park Swim Pool Bathhouse Building

Mr. Prevoznik arrived at the meeting at this time. Mr. Phillips reviewed the tabulation of bids received today for the roof replacement project at Dansbury Park Pool Bathhouse. A total of eight (8) bids were received:

<u>Bidder</u>	<u>Bid Security</u>	<u>Base Bid</u>
Nauman, Inc	10% Bid Bond	\$41,100.00
Budget Renovations & Roofing	\$4,926.30 Ck.	\$49,263.00
Richard Pierce Builder	10% Bid Bond	\$39,952.45
Spotts Brothers	10% Bid Bond	\$46,700.00
TRS Roofing	10% Bid Bond	\$39,600.00
Alan Kunsman Roofing	10% Bid Bond	\$40,900.00
TGW Corp	10% Bid Bond	\$36,000.00
Hutchison Roofing	10% Bid Bond	\$35,390.00

Mr. Phillips said Schoonover and Vanderhoof, LLC, project architects, have reviewed the bids and have recommended acceptance of the low bid proposal. Mr. Begley noted the low bidder is from outside the area, and asked if Council must award the contract to the lowest bidder? Mr. Prevoznik said one of the purposes of the public procurement statutes is to “level the playing field”, and Council would need to have a good objective reason to not accept the lowest bid. Mrs. Wolbert made a motion, seconded by Mr. Smith, to accept the bid from and tentatively award the contract to Hutchison Roofing, Inc. based on their low bid proposal and the recommendation from the project architects; subject to final review of the bid by the Solicitor and verification of bonds submitted. The motion carried with Mr. Flory voting no.

Report and Possible Action on Bids Received for Purchase of various Chemicals for Water Plant and Wells, Sewer Plant, and Swimming Pool – for new contract year beginning March 1, 2015

Mr. Phillips reviewed the tabulation of bids received and opened today for various chemicals; bids were received for 8 of 9 items requested from a total of six firms:

	1	2	3	4	5	6	7	8	9
BIDDER	LIQUID CHLORINE 150 LB. CYLINDERS	CHLORINE GAS 1 TON CYLINDERS	ZINC PHOSPHATE 50 LB BAGS	ACTIVATED CARBON 40 LB BAGS	SODIUM HYPOHLORITE BULK DEL.	SODIUM HYPOHLORITE 15 GAL.	CAUSTIC SODA BULK	BLENDED PHOSPHATE	TOTAL BID
Coyne Chemical			\$113.02* \$115.10 \$137.37 A	\$114.95 \$120.45 \$130.05 B		\$3.28 \$3.384 \$3.763/gal.		\$4,362.44 \$4,547.07 \$5,154.44 C	\$80,357.79

Jones Chemicals	\$52.66 * \$52.66 \$52.66	\$30.00 * \$30.00 \$30.00							\$10,182.50
Kuehne Chemical		\$150.00 \$150.00 \$150.00		\$9.00 \$9.00 \$9.00/gal.		\$4.7923 \$4.7923 \$4.7923/gal.			\$93,565.35
Main Pool	\$63.30 \$64.80 \$66.30			\$1.24 * \$1.29 \$1.34/gal.	\$1.85 * \$1.90 \$1.95/gal.	\$2.43 * \$2.55 \$2.67/gal.			\$27,675.00
Shannon Chemical		\$149.00 \$149.00 \$149.00					\$244.00 \$264.00 \$284.00 F		\$10,793.00
Univar	\$64.50 \$64.50 \$66.30	\$42.50 \$42.50 \$42.50	\$170.00 \$170.00 \$170.00	\$102.00 * \$108.00 \$114.00 B	\$3.60 \$3.60 \$3.60/gal.		\$175.43 * \$175.43 \$175.43 F		\$136,567.50

Mr. Begley made a motion, seconded by Mr. Flory, to table action on the bids for further review until the March 3, 2015 meeting; the motion carried unanimously. Mr. Begley made a motion, seconded by Mr. Flory, to authorize re-advertising for the chemical item not received; the motion carried unanimously.

Request for Handicap Parking Sign – 80 East Brown Street (for use on Brodhead Avenue)

Mr. DeSalva said he reviewed the request, and while the property does have a driveway, it is located downhill from the house and is located much further away from the house than the requested location on Brodhead Avenue. The handicap parking is for the mother who lost her home in a fire, and is now residing with the daughter at the 80 East Brown St. residence. After discussion, Mr. Begley made a motion, seconded by Mr. Smith, to approve the handicap parking sign designation as requested; the motion carried unanimously.

Discussion on the Zoning Variance Requests submitted to the Zoning Hearing Board by East Stroudsburg University for the proposed Information Commons Building Project

Mr. Walton reviewed for Council the various zoning variance requests that East Stroudsburg University (ESU) has submitted to the Borough Zoning Hearing Board (ZHB) in regards to the Information Commons Building Project. Mr. Prevoznik said Council may, but does not have to, take a position before the ZHB on whether they feel any such variances are appropriate.

- Regarding a variance request for timing of/expiration of a zoning permit for the project, there was general agreement that a variance would be in order.
- Regarding a variance request for the number of ADA parking spaces required to be provided, ESU is basing their request on meeting the federal ADA standards, while the Borough ordinance requires a slightly higher number. The Board felt that as long as they are meeting the federal standards there would be no objection to this variance request. Mrs. Wolbert suggested the Borough should revise its ordinance to make our ADA standards the same as the federal.
- Regarding landscaping requirements for existing parking areas, ESU is requesting a variance since they are not adding parking spaces or areas as part of this project (Information Commons Building), while the Borough interpretation would require upgrades regardless. Discussion ensued regarding whether the Borough should care if the parking is within the University property or bordering neighboring properties. The consensus was that the Board would not oppose this variance.
- A variance request to allow exclusion of on-line students from the calculation of required parking based on student enrollment. Again, the consensus was to not oppose this variance.
- A variance regarding the requirement that updates be provided by the University for the Parking Management Plan for the campus every six months. ESU has proposed to provide such updates annually, but continuously, hereafter. There was general agreement that producing such updates every six months might not be productive, and the Borough would be better off with the commitment to do same every year, for the future.

- Variances regarding traffic impacts at three intersections identified in the applicant's traffic study: Analomink St./Prospect St., Smith St./Normal St., Smith St./Center St. In each case the Borough's traffic consultant has agreed with the ESU consultant's assessment that possible improvements to address the reductions in level of service at these intersections would not be feasible and may actually make traffic worse at these intersections. Therefore, the Board felt this was a good argument for a variance in each case and the Board would not oppose a variance for each of these three intersections.
- Variance regarding having an "accessible route" for all ADA parking spaces utilized on campus. The Board agreed that the Borough cannot grant a waiver from ADA requirements, but is open to the concept by ESU of having a shuttle bus on-call system to serve handicap students/visitors to campus. Therefore, Council would not oppose such variance.

Public Comments – New Business

None.

Correspondence:

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

- i. PA DEP – Notice of Violation of NPDES permit for Sewage Treatment Plant – late submittal of DMR Reports. Mr. Prevoznik noted that the Borough needs to request a meeting with PA DEP on this issue because he is concerned they are trying to set up the Borough for serial violations.
- ii. Utility Service Partners, Inc. – NLC Service Line Warranty Program – Royalty payment received for 2014 year.

Reports

Mr. D'Alessandro reviewed his written Engineer's Report submitted to Council and highlighted:

- Ridgeway St. sewer/water project still has several remaining issues for closeout.
- The USDA Rural Development office has tentatively given the Borough commitment for financing the Middle Dam rehabilitation project costs.
- Monitoring of the seep at the East Stroudsburg Dam continues.

Mayor Martinelli reported a complaint he received from a staff Doctor at the Dialysis Center on S. Courtland St., concerning parking tickets issued in the Day St. parking lot. The Dialysis Center leases four parking spaces for use by their staff – and some dialysis patients. After discussion, Mr. Walton was charged with meeting with the PEO staff to come up with a way of minimizing dialysis patients from getting tickets, while they are in the process of getting the placard to place in their vehicle for the reserved parking space from the front of the building.

The Mayor also mentioned the problem this past storm with snow plowing on Brodhead Avenue by St. Matthew's Church. Mr. DeSalva said he and Foreman Mark Hoke had a meeting last week with St. Matthews staff, and they have reached an understanding with them on how to handle plowing of the wide street with parking on both sides

Mrs. Wolbert reported on the following:

- The followup meeting on the consultant's Assessment Report for Eastburg Community Alliance (ECA) will be held tomorrow, Wed. Feb. 18 at the Dansbury Depot at 5:00 p.m.
- Waste Management is still picking up garbage at 15 Day Street even though SROSRC now has a new contract for garbage disposal. Mr. Phillips said he again notified WM today that they should not be servicing this building under the residential contract.
- The owner of Stone Meadows Golf Course, which has Foot Golf, is able to attend the next Council Committee meeting – if it can start earlier. After discussion, Mrs. Wolbert made a motion, seconded by Mr. Begley, to advertise the start of the meeting for 7:00 p.m. on February 26, 2015; the motion carried unanimously.
- ECA is planning a "Paint the Town" event for this Spring.
- She is still concerned for possible mold issues at the 66 Analomink St. building. After discussion, Mrs. Wolbert made a motion, seconded by Mr. Begley, to

contract for air quality testing at the building, by a firm that does mold remediation work; the motion carried unanimously.

- She participated in the recent evaluation process for ESU President Marcia Welsh;
- Also talked with Sen. Mario Scavello about the legislation proposing to change the rules for taxing of “public charities”.

Mr. Phillips reported that Met-Ed and the Public Utility Commission (PUC) have supposedly settled on a 10.9% increase in basic Met-Ed electric rates for area customers. Also, the Brodhead Watershed Association (BWA) will be holding a meeting for municipal officials on March 31st at Stroud Township for an update on their “Green Infrastructure” Plan.

Mr. Walton said Health Officer Anita Einolf has received preliminary information from the State Health Department that only two students at ESU have tested positive for food-borne bacterial, as a result of the investigation of ill students at the college recently.

List of Bills Payable – February 17, 2015

Mr. Flory made a motion, seconded by Mrs. Wolbert, to approve the List of Bills Payable and to ratify expenditures and payroll made through 02/17/15 as submitted; the motion carried unanimously.

Executive Session

None.

Adjournment

With no further business, Mrs. Wolbert made a motion, seconded by Mr. Begley, to adjourn the meeting at 9:50 p.m.; the motion carried unanimously.

James S. Phillips, Secretary