

East Stroudsburg Borough, February 19, 2013

A regular meeting of the East Stroudsburg Borough Council was held at the Municipal Building on Tuesday, February 19, 2013. The following members were in attendance: Peter Begley, Roger DeLarco; Ed Flory, William Reese, Donald Repsher, and Sonia Wolbert. Also attending were: Mayor Armand Martinelli; Manager James S. Phillips, Solicitor John C. Prevoznik, Engineering Representative Samuel D'Alessandro of R.K.R. Hess Associates, Inc., Codes Official Marvin Walton; and several residents in the audience.

Call to Order/Pledge of Allegiance – President DeLarco

President DeLarco called the meeting to order at 7:30 p.m. The pledge of allegiance was led by

Minutes of February 5, 2013 Regular Council Meeting

Mrs. Wolbert made a motion, seconded by Mr. Flory, to approve the minutes of the regular council meeting held Tuesday, February 5, 2013 as submitted; the motion carried unanimously.

SARPD Report

Capt. Brian Kimmins reviewed the monthly Police Report furnished to Council and noted that overtime costs, the no. of accidents, and the no. of burglaries reported for the month were all down compared to normal figures. Kim Raub of East Stroudsburg University asked about the recent “foam parties” held at the Sherman Theatre? Capt. Kimmins said there had been several incidents that the police had to respond to this past Friday evening, but he promised to review the police reports to be better able to report on the situation there.

Public Comments – Agenda Items

None.

Public Hearing on Proposed Ordinance No. 1271 Amending the East Stroudsburg Code, Chapter 150 Entitled Vehicles and Traffic, to Revise Section 150-68, Schedule XVI to prohibit on-street parking on Hannah Ct., Thomas Pt., Blair Ct., and Grandview St. Ext.

Mrs. Wolbert made a motion, seconded by Mr. Repsher, to open a public hearing on the proposed ordinance; the motion carried unanimously. Mr. Prevoznik asked that all persons wishing to speak concerning the proposed ordinance sign in.

Marvin Walton, Codes Official for the Borough, answered questions concerning notices concerning the proposed ordinance asked by Mr. Prevoznik. Mr. Walton stated that notice of the proposed ordinance (Exhibit 2) was advertised in the Pocono Record on Feb. 12, 2013 (the proof of publication was introduced as Exhibit 1), and a copy was also transmitted to the Monroe County Law Library on Feb. 7, 2013 (Exhibit 3). Mr. Walton said he sent notices to residents living on the abutting streets (copy of letter, Exhibit 4). The proposed ordinance was introduced as Exhibit 5. Mr. Walton said he received an email response from Rosalie Williams of 6 Blair Court, introduced as Exhibit 6. Finally, the sign-in sheet for this hearing was introduced as Exhibit 7. Mr. DeLarco asked for comments from the audience.

Jerome Palazzo of 4 Thomas Point asked what is the need for restricting parking on these cul-de-sac streets? Mayor Martinelli stated that the Public Works Department had expressed concerns with the ability to plow snow on these streets because vehicles are being parked on the roadway in the cul-de-sacs. Mr. Walton noted that all the homes on these streets have driveways capable of parking 5-6 cars each. Mr. Palazzo asked why can't parking only be restricted during snow emergencies? Mayor Martinelli said the Borough rarely declares a snow emergency, and there are also issues with garbage and recycling pickups, street sweeping, and leaf collection when cars park on the streets. Mr. Reese noted that the Borough has typically enacted parking restrictions on all other cul-de-sac streets and only proposes to follow through in the same manner with these newer streets all located off of Grandview Street.

With no further comments, Mr. Prevoznik asked that the exhibits be moved into

the record for the hearing; and Mr. Reese made a motion, seconded by Mr. Flory, to close the public hearing. The motion carried unanimously.

Proposed Ordinance No. 1269 Amending The East Stroudsburg Code, Regulating Specific Kinds of Development in Flood-Prone Areas, Requiring Special Permits for Certain Uses and Development Within Areas of the Borough Subject to Flooding; Requiring Specific Information From Applicants for Special Permits, Establishing Review Procedures and Establishing Penalties For Any Persons Who Fail, or Refuse To Comply With, the Requirements or Provisions of This Ordinance

Mr. Walton said Council must decide which “model ordinance” form to utilize – the state model or the more-restrictive form recommended by the Monroe County Conservation District (MCCD). Mr. D’Alessandro noted that the MCCD ordinance goes above and beyond what the state ordinance requires as a minimum. For example, in the Buttonwood Court area, the MCCD ordinance will not allow the replacement of a mobile home if once removed. Mr. Reese asked if that provision would be enacted, might the Borough be challenged? Mr. Prevoznik said that always is a possibility. Mr. Begley said he would prefer that the Borough utilize the state model ordinance provisions. Mr. Prevoznik advised that whichever form Council adopts, we must do so by May 2, 2013 to satisfy FEMA requirements.

After further discussion, Mr. Reese made a motion, seconded by Mr. Repsher, to authorize advertising the proposed floodplain management ordinance, using the MCCD provisions already incorporated in the draft. The motion carried by a vote of 4-2, with Mrs. Wolbert and Mr. Begley voting no.

Consulting Services Agreement to Prepare and Submit 2013 Monitoring Reports for the former Joint Municipal Landfill Sites – R.K. R. Hess Associates, Inc.

Mr. Phillips said R.K.R. Hess Associates, Inc. has submitted a proposal to continue the monitoring work at the two former municipal joint landfill sites. Mr. Flory made a motion, seconded by Mr. Begley, to authorize execution of the proposed agreement with RKR Hess for preparation and submittal of the 2013 monitoring reports for the joint municipal landfill sites; the motion carried unanimously.

Ordinance No. 2171 Amending the East Stroudsburg Code, Chapter 150 Entitled Vehicles and Traffic, to Revise Section 150-68, Schedule XVI to prohibit on-street parking on Hannah Ct., Thomas Pt., Blair Ct., and Grandview St. Ext.

Mr. Reese made a motion, seconded by Mr. Flory, to adopt proposed ordinance No. 1271 as advertised. The motion carried by a vote of 5-1, with Mr. Begley voting no.

Public Comments – New Business

Spiro Darcinos said he owns three rental housing properties in the Borough, and has trouble understanding the need for the proposed Rental Housing Licensing and Inspection Program? Mr. Darcinos said he pays his taxes, provides the required services to his tenants, complies with all Borough requirements, and now will be required to pay \$4-5,000 per year to continue to rent his units? Mr. Darcinos said he competes with the Housing Authority which operates rental units right next to his – yet they pay no taxes and will not be covered by this program. Mr. Darcinos said he tried to purchase another property for sale recently, but was outbid by another buyer – who proceeded to bring in multiple college students. Mr. Darcinos said he inspects his own properties and keeps them in good condition – why does he have to be punished for the other landlords who do not take care of their properties and cause the violations?

Mayor Martinelli said the Borough has looked at other municipalities that have this program in place. Landlords will have to bear the brunt of the cost of the program – which more than likely will be passed on to the tenants.

Mr. Darcinos expressed the view that the costs of hiring more Borough inspectors, etc., should be borne by all taxpayers in the Borough, not just the landlords.

Mr. DeLarco said Council is still reviewing the proposed ordinance to establish the program, but is not prepared to act on the Ordinance tonight; the date and time for a public hearing on that ordinance will be announced by the Borough.

Correspondence

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

- i. PA Municipal League – information on the 30th Annual High School Senior Essay Scholarship Contest.
- ii. Kettle Creek Environmental Fund - Sponsorship information for the 2013 Dinner/Auction to be held on May 17, 2013.
- iii. Commonwealth Financing Authority – Application for Local Share Account Funds for Maintenance Equipment for Flood Protection Levee – Not Funded
- iv. Commonwealth Financing Authority – Application for Local Share Account Funds for Middle Dam Renovations – Not Funded

Reports

Mr. D’Alessandro reviewed his written Engineer’s Report previously submitted to Council. Mr. D’Alessandro reviewed a preliminary plan received from PennDOT for reconstruction of the Interstate 80 Exit 308 Interchange, showing two new “Roundabouts” to be constructed on either side of I 80.

Mr. Flory noted that Council will need to decide how to dispose of the old aerial truck now that the new Tower Truck is ready to be placed in service.

Mr. Begley said the Fire Co. has ordered a new flag pole to be installed at the new Fire Station and would like the Borough to handle the installation. Mr. Begley said the firemen have reported a new leak in the roof at the Fire Station.

Mr. Phillips said the Borough has a supply of old mechanical parking meters and parts that it no longer uses; the Bloomsburg Police Chief is interested in acquiring the meters and parts because they still utilize the old mechanical Duncan meters. Mr. Phillips noted that Council had previously adopted a Resolution governing disposal of “surplus” property and referred the matter to Mr. Prevoznik. After review, Mr. Prevoznik noted that if valued under \$500, the property still must be sold by sealed bid after posting of a notice at the Borough Hall.

Mr. DeLarco again asked Mr. Phillips for a list of items/services that the Borough can request prices for in lieu of formal bid requirements. Mr. DeLarco also asked Mr. Phillips to check on the downturn in parking revenue receipts late in 2012 that was noted at budget time. Mr. Phillips said he has been unable to get to these matters since being off work due to knee surgery.

Mr. DeLarco also noted that with remediation work nearing completion at the former IBW property, perhaps the Borough should look at the possibility of demolishing the buildings in return for the scrap metal value; since scrap prices are up now. Mr. Phillips said the Borough had looked at that option before; the main problem is that the demolition work would have to be done with prevailing wages paid if the Borough undertakes the job. Mrs. Wolbert said she recalled that the type of steel that would make up most of the scrap value is not the highest grade. Mr. DeLarco asked Mr. D’Alessandro to assist in revisiting this issue.

Sewer Rate Increase

Mr. DeLarco surveyed Council members if they wished to proceed with the proposed sewer rate increase based on the figures prepared by R.K.R. Hess Associates? Council members responded in the affirmative.

List of Bills Payable – February 19, 2013

Mr. Flory made a motion, seconded by Mrs. Wolbert, to approve the List of Bills Payable including the additional bills noted, and to ratify expenditures and payroll made through February 19, 2013 as submitted. The motion carried unanimously.

Executive Session for Discussion of Litigation Matters

None

Adjournment

With no further business, Mr. Flory made a motion, seconded by Mr. Begley, to adjourn the regular meeting at 9:20 p.m. The motion carried unanimously.

James S. Phillips, Secretary