

East Stroudsburg Borough, January 2, 2013

A regular meeting of the East Stroudsburg Borough Council was held at the Municipal Building on Wednesday, January 2, 2013. The following members were in attendance: Peter Begley, Roger DeLarco; Ed Flory, William Reese, Donald Repsher, and Sonia Wolbert. Also attending were: 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 called the meeting to order at 7:32 p.m. The pledge of allegiance was led by Cassandra Farda.

Minutes of December 18, 2012 Regular Council Meeting and December 19, 2012 Special Council Meeting

Mr. Repsher made a motion, seconded by Mr. Reese, to approve the minutes of the regular council meeting held Tuesday, December 18, 2012 as submitted; the motion carried unanimously. Mr. Flory made a motion, seconded by Mr. Repsher, to approve the minutes of the special council meeting held Wednesday, December 19, 2013 as submitted; the motion carried unanimously

Public Comments - Agenda Items

Mark Idhe of 337 Merten Street noted in regard to the proposed permit parking restriction for Merten St. that three houses on his side of the road have off-street parking, also two houses on the other side have off-street parking, but he doesn't see the need for permit parking.

Donna Gable of 341 Merten Street said every spot on Merten St. is taken up by employees of the hospital parking on their street, right up to the intersection, so residents of the street cannot park on the street even if they want to.

Proposed Purchase of new Fire Pumper Truck – Acme Hose Company

Fire Chief Larry Bunting said the demonstrator model truck that is available from Pierce is in Buffalo, it sells for \$344,354. A new pumper truck costs typically over \$500,000 now and may cost \$700,000 within three years. Mr. Phillips asked whether it makes sense to "park" the 1999 Lafrance Pumper since a new pumper would presumably become the first-out vehicle. The 1983 Ford, the second pumper, does not get used much now, and that would be the case with the LaFrance? Dan Strunk said the second pumper becomes the lead vehicle if the first one is down for maintenance, etc. Mr. Bunting said the NFPA recommends replacement of a Fire Pumper every 20 years, and the Ford is already 30 years old.

Mayor Martinelli asked, if a new pumper is purchased now along with the new aerial truck, would the Fire Company "be good" now for at least 10 years? Mr. Bunting said yes, and pointed out that the Vol. Fire Relief Association is willing to pay for a significant portion of the cost of a new pumper now – but they may not be able to later.

Mr. Reese asked, wouldn't it be better to "space out" buying the trucks? Mr. Bunting said the new aerial truck should last 30 years, and a new pumper truck 20 years.

Mr. Phillips asked if the Fire Company is in support of purchasing this pumper? Mr. Strunk said the 13 members of the Relief Association are willing to contribute to make the purchase.

Mr. DeLarco asked if the demonstrator model truck is available via COSTARS pricing; because if not specifications would have to be prepared for bidding? Mr. Bunting said the Fire Co. will find out from the Pierce salesman. Mr. DeLarco also asked if this vehicle has the new emissions controls? Chief Bunting said yes. Mr. DeLarco

asked if Council members were agreeable to considering this purchase further, and no one indicated opposition.

Proposed Ordinance No. 1259 – Amending the Code of the Borough of East Stroudsburg, Chapter 150 Entitled Vehicles and Traffic, and Chapter 151 Entitled Vehicles, Parking; Revising Parking Restrictions on Hill Street and Orchard Street and Designating Merten Street as a Residential Permit Parking District – Continuation of Public Hearing

Mr. Prevoznik said this hearing is being continued from the December 18, 2012 meeting. Mr. DeLarco asked for public comments on the proposed ordinance.

Mark Idhe said Merten St. is already restricted for no parking, midnight to 8 a.m. The road provides parking for employees of the hospital, and patrons of the veterinary office. Mayor Martinelli said people who live on the street do not have parking available for their families or guests because of the “outside” parking. The Borough thought this situation might change when the hospital opened up its Cancer Center, but employees are still parking on Merten because it is close and convenient.

Donna Gable said all the spots are typically taken on Merten St. during the day, so she would be in favor of permit parking.

With no further comments, Mr. Flory made a motion, seconded by Mr. Reese, to close the public hearing; the motion carried unanimously

Mr. Flory then made a motion, seconded by Mr. Repsher, to adopt proposed Ordinance No. 1259 as advertised. The motion carried unanimously

Appointment of C.P.A. to conduct 2012 Year Audit

Mr. DeLarco asked if Ardito & Co. has submitted a quotation for their hourly rate to perform the 2012 audit? Mr. Phillips replied no. Mr. Begley made a motion, seconded by Mr. Repsher, to appoint Ardito & Co., LLP to conduct the 2012 Audit and prepare the Comprehensive Financial Report, at an hourly rate not to exceed last year’s rate. The motion carried unanimously

Resolution No. 1-2013 Appointment to Zoning Hearing Board

Mr. Phillips asked Mr. Walton if he had talked to Mr. Walsh concerning reappointment? Mr. Walton said yes, he is willing to continue. Mr. Reese then made a motion, seconded by Mr. Flory, to adopt proposed Resolution No. 1-2013 reappointing Tim Walsh to the Zoning Hearing Board for a new five year term expiring Dec. 31, 2017. The motion carried unanimously.

Resolution No. 2-2013 Appointment to Stroud Area Regional Police Commission

Mr. Reese made a motion, seconded by Mr. Flory, to adopt proposed Resolution No. 2-2013 reappointing Roger DeLarco to another three year term on the Stroud Area Regional Police Commission expiring Dec. 31, 2015. The motion carried unanimously.

Proposed Ordinance No. 1266 – Amending the East Stroudsburg Code, Chapter 134 Entitled Solid Waste, Prohibiting the Disposal of Electronics with Municipal Solid Waste Pursuant to the Covered Device Recycling Act 108 of 2010

Mr. Prevoznik indicated the draft ordinance needs further review prior to advertising.

Public Comments – New Business

None.

Correspondence

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

- i. PA Department of Community & Economic Development (DCED) – CDBG Grant contract received for FY 2012 Allocation \$123,662.
- ii. R.K.R. Hess Associates, Inc. – Draft Pocono and Hamilton Township Regional Act 537 Special Study Plan Revision. Mr. Phillips asked Mr. D’Alessandro if there was anything in the draft revision that impacts the Borough, and after a brief explanation was advised, no.
- iii. Mark Lichty – Stormwater Issue at Bustin property off Oak Street.
- iv. Monroe County Controller - Audit of District Court #43-2-02 for year ended December 31, 2011.

Reports

Mr. D’Alessandro reviewed his written Engineer’s Report previously submitted to Council. Mr. D’Alessandro noted that Leeward Construction has submitted Payment Request No. 2 for the Handicapped Ramp construction work on Ridgeway Street and East Brown Street; and he recommends payment subject to submittal of several items by the contractor. Mr. Begley made a motion, seconded by Mr. Flory, to approve the payment request as recommended, subject to the conditions noted by the Engineer. The motion carried unanimously.

Mr. Flory noted a volunteer fireman living on Teak Lane had complained that Gap View Road was not plowed very early this last storm. Mr. Phillips said the DPW crew was not called out by the Police Dept. until 3:30 p.m. this Saturday, resulting in the late plowing of the road.

Mr. Repsher said many people still have not cleared their sidewalks after the recent snow events. Mr. Walton said he has filed at least 20 citations – so far. Mayor Martinelli said the Pizza Hut property owner only clears a narrow width of the sidewalk in front of the store across from the high school, not the entire width of the sidewalk.

Mr. DeLarco asked about holding a Zoning Ordinance Review Committee meeting the night of the work session meeting? Mr. Phillips said he did check with planner Charlie Schmehl, who is available for January 31, 2013 at 5:00 p.m. Mr. DeLarco asked for comments or suggestions for his “State of the Borough” address for the next Council meeting.

Mr. Walton reported he has a list of 15 East Stroudsburg South High School students who are willing to help senior citizens and others unable to clear their own sidewalks of snow and ice.

List of Bills Payable – January 2, 2013

Mr. Phillips said there is one additional invoice not on the list, the annual premium for the Borough’s package insurance policy. Mr. Begley made a motion, seconded by Mrs. Wolbert, to approve the List of Bills Payable and to ratify expenditures and payroll made through December 18, 2012 submitted, with the addition indicated. The motion carried unanimously.

Executive Session for Discussion of Litigation Matters

Mrs. Wolbert made a motion, seconded by Mr. Begley, to adjourn into executive session at 8:42 p.m.; the motion carried unanimously.

Council members reassembled in the meeting room at 9:17 p.m., and Mr. Repsher made a motion, seconded by Mr. Flory, to reconvene the regular meeting; the motion carried unanimously. Mr. Prevoznik reported the executive session was held to discuss several litigation or potential litigation matters, including the storm culvert at 214 Washington Street.

Further Discussion on Proposed Rental Housing Licensing/Inspection Program

Mr. Prevoznik reviewed several matters concerning the proposed ordinance that require further consideration by Council; including:

- Whether to require landlords to submit a copy of all leases with tenants; or to require signing of an addendum to the lease outlining responsibilities of tenants and landlords.
- The amount of the penalties indicated in the ordinance. Mr. Prevoznik indicated that criminal violations under the Borough Code may be assessed penalties up to \$1,000.
- Whether to attempt to accelerate the required inspections to say, every 2nd or 3rd year instead of a minimum of every 4 years.
- Definitions of “disruptive conduct” in the ordinance.
- The time period for notification to the Borough by landlords of new tenants; 10 or 20 days.
- The concept of issuing “provisional” license until a unit is actually inspected.
- Delaying the start-up of the program to the July 1, 2013 – June 30, 2014 year, to allow more time for adoption and notification to property owners.

Council members agreed to postpone holding a public hearing on the proposed ordinance on January 15, 2013 as originally planned; and to place notice of same on the Borough website.

Adjournment

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

James S. Phillips, Secretary