

East Stroudsburg Borough, January 4, 2016

A reorganization and regular meeting of the East Stroudsburg Borough Council was held at the Municipal Building on Monday, January 4, 2016. The following members were in attendance: Donald Cross, Edward Flory, Roger DeLarco, Maury Molin, William Reese, and Sonia Wolbert. Also attending were: Mayor Armand M. Martinelli; Solicitor John C. Prevoznik (arrived 7:55 p.m.); Manager James S. Phillips; Public Works Director Steven DeSalva; and Codes Official Marvin Walton.

Call to Order/Pledge of Allegiance – Mayor Martinelli

Mayor Armand Martinelli called the meeting to order at 17:30 p.m. and led the Pledge of Allegiance.

New Council Members

Mayor Martinelli said he administered the oath of office to re-elected Council Member Edward Flory (4th Ward) prior to the meeting. Newly-elected Council Members Donald Cross (6th Ward) and Maury Molin (5th Ward) took their oath of office this morning at the County Courthouse.

Election of Council President

Mayor Martinelli opened the floor for nominations for Council President. Mr. Cross nominated Roger DeLarco for Council President, seconded by Mrs. Wolbert. Mrs. Wolbert made a motion, seconded by Mr. DeLarco to close the nominations and elect Mr. DeLarco as Council President. The motion carried unanimously. Mr. DeLarco took over presiding of the meeting.

Election of Council Vice President

Mr. DeLarco opened the floor for nominations for Council Vice President. Mr. Flory nominated William Reese for Council Vice President, seconded by Mr. Molin. Mr. Flory made a motion, seconded by Mr. Molin to close the nominations and elect Mr. Reese as Council Vice President. The motion carried unanimously.

Election of President Pro Tem

Mr. Flory nominated Sonia Wolbert for Council President Pro Tem, seconded by Mr. Reese. Mr. Molin made a motion, seconded by Mr. Flory to close the nominations and elect Mrs. Wolbert as President Pro Tem. The motion carried unanimously.

Appointment of Vacancy Board Chairperson

Mr. DeLarco said Council has previously not appointed a Vacancy Board Chairperson. Mr. Phillips said the position only comes into play if a vacancy occurs on Council, and Council

cannot make a decision on filling the vacancy. That situation is less likely to occur when there is an odd number of Council members remaining, as would be the case here with six Council members, normally. Mr. Flory made a motion, seconded by Mr. Reese, to table action on appointment for this position; the motion carried unanimously.

Authorize Depositories for Borough Funds

Mrs. Wolbert made a motion, seconded by Mr. Reese, to authorize the following depositories for Borough funds:

- ESSA Bank & Trust
- PNC Bank
- Citizens Bank
- PA Local Government Investment Trust (PLGIT)
- PA Treasury INVEST Program.

The motion carried unanimously.

Appointment of Solicitor

Mr. Flory made a motion, seconded by Mr. Reese to re-appoint John C. Prevoznik, Esquire as Solicitor, based on his representation letter for the 2016 year dated 12/24/15. The motion carried unanimously.

Appointment of Consulting Engineers

Mr. Reese made a motion, seconded by Mr. Flory to re-appoint RKR Hess, a Division of UTRS as Borough Engineer for Water System, Roads, and miscellaneous matters; the motion carried unanimously.

Mr. Flory made a motion, seconded by Mr. Molin, to re-appoint Glace Associates, Inc. as Sanitary Sewer System Engineer; the motion carried unanimously.

Appointment of Borough Representatives to Municipal Associations

Mr. Flory made a motion, seconded by Mr. Molin to re-appoint Roger DeLarco as Voting Delegate and James Phillips as Alternate Delegate, to the Pennsylvania Municipal League (PML). The motion carried unanimously.

Mr. Flory made a motion, seconded by Mr. Molin to re-appoint William Reese as Voting Delegate, to the Pennsylvania State Association of Boroughs (PSAB) and Mid-Eastern Counties Association of Boroughs (MECAB). The motion carried unanimously

Council took no action on appointing a representative to the Pocono Mountains Council of Governments (COG).

Designation of Council Committee Assignments

Mr. DeLarco said he would talk to all Council members regarding their preferences before making designations for the various Committees of Council.

REGULAR MEETING

Minutes of December 29, 2015 Special Council Meeting

Mr. Reese made a motion, seconded by Mr. Flory, to approve the minutes of the December 29, 2015 Council special meeting as submitted; the motion carried unanimously.

Resolution No. 1-2016 Authorizing eDeposit/Cash Management Services Agreement with ESSA Bank & Trust

Mr. Flory made a motion, seconded by Mrs. Wolbert, to adopt proposed Resolution No. 1-2016 as submitted; the motion carried unanimously.

Resolution No. 2-2016 – Martin Luther King Jr. Equality Week

Mr. Phillips read the Resolution for the observation of Martin Luther King, Jr. Equality Week. Mr. Molin made a motion, seconded by Mrs. Wolbert, to adopt proposed Resolution No. 2-2016 as submitted; the motion carried unanimously.

Resolution No. 3-2016 – Appointments to Monroe County Control Center Board of Directors

Mrs. Wolbert made a motion, seconded by Mr. Flory, to adopt proposed Resolution No. 3-2016 as submitted; re-appointing Roger DeLarco and James Phillips to the MCCC Board of Directors for new two year terms expiring 1/1/18. The motion carried unanimously.

Resolution No. 4-2016 – Appointments to Twin Boroughs Recycling Committee

Mr. Flory made a motion, seconded by Mrs. Wolbert, to adopt proposed Resolution No. 4-2016 as submitted; re-appointing William Reese and Manager and James Phillips to the joint Recycling Committee with Stroudsburg Borough. The motion carried unanimously. Mr. DeLarco noted that Council can appoint someone else to the Committee, should one of the new Council members wish to serve on that Committee.

Resolution No. 5-2016 – Appointments to Stroud Area Regional Police Commission (SARPC)

Mrs. Wolbert made a motion, seconded by Mr. Cross, to adopt proposed Resolution No. 5-2016 as submitted; re-appointing Roger DeLarco to the SARPC. The motion carried by a vote of 4-1, with Mr. Reese voting no and Mr. Molin abstained. Mr. DeLarco said he believes that a Council member must indicate their reason for abstaining from a vote; but Mr. Prevoznik will have to rule on that issue.

Resolution No. 6-2016 – Appointments to Monroe County Tax Collection Committee (MCTCC)

Mr. Reese made a motion, seconded by Mr. Flory, to adopt proposed Resolution No. 6 -2016 as submitted; re-appointing James Phillips as the Primary Delegate and Donald Cross as the Alternate Delegate to the MCTCC for new one year terms expiring 1/1/17. The motion carried unanimously.

Public Comments – New Business

None.

Correspondence

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

- i. RKR Hess – Status Report on Disinfection Byproduct Treatment Alternatives Review.
- ii. PA DEP – analytical results of 11/30/15 leachate sampling at former East Stroudsburg Landfill site.

Mr. Prevoznik arrived at the meeting at this time.

Reports

Mr. D’Alessandro reviewed his written Engineer’s Report previously submitted to Council. Regarding the disinfection byproducts monitoring, Mr. D’Alessandro said the Borough has tried additional flushing without major effect; we may have to look at installing aeration within the storage tanks in order to reduce the Tthm levels. However, we may also have to consider injecting chlorine at different points within the distribution system to maintain a sufficient chlorine residual.

Mr. Walton reported the Planning & Zoning Committee of Council will be meeting this Friday 1/8/16 at 8:00 a.m., to review the proposed ordinance amending the requirements for a parking management plan for the University. Dr. Marcia Welch of East Stroudsburg University commented that the proposed ordinance amendment has been reviewed by the parking consultant for ESU. Dr. Welch said the proposed ordinance is arbitrary, too restrictive, and does not address concerns raised by ESU. Mr. Prevoznik said the proposed ordinance would remove the bonding requirement for parking spaces, required to be guaranteed if the applicant uses a parking management plan in lieu of meeting the parking standards under the Zoning Ordinance. However, if the University doesn’t want to use the provisions of the proposed ordinance, it doesn’t have to – their proposed Housing Plan 2nd phase will be considered under the existing ordinance provisions.

Mr. Walton noted that there are still two vacancies on the Zoning Hearing Board; he did talk with Mr. Reinheimer, who is currently on the Shade Tree Commission, about the openings on the ZHB.

Mr. Flory noted that the reason it is cool in the meeting room is that the storm window directly in back of his seat is partly raised, letting in cold air. Mr. Flory asked that the storm window be lowered before the next meeting.

Mr. Phillips reported that a package of documents for the new loan financing through ESSA Bank & Trust has been received from loan counsel Bernadette Barattini that require signatures. Mr. Prevoznik said he has received a copy as well. Mr. Molin made a motion, seconded by Mr. Flory, to authorize execution of the documents by the appropriate Borough officials; the motion carried unanimously.

Mr. Phillips noted that the 2016 Year Budget approved by Council provides for up to 2% increases in salaries/wages for Borough employees. Mr. DeLarco asked Mr. Phillips if the increases would be on a straight percentage basis or on an hourly basis? Mr. Phillips said he proposes to establish bands of increases, for supervisory and non-supervisory employees, based on an hourly rate increase, up to the 2.0% overall increase, as has been done in previous years. Mrs. Wolbert if performance evaluation reviews were completed for all employees in 2015; Mr. Phillips replied yes. Mr. Flory made a motion, seconded by Mr. Molin, to authorize the increase in base wages for Borough employees as described by the Manager up to the 2.0% overall increase, retroactive to Jan. 1, 2016, as budgeted. The motion carried unanimously.

Appointment to Stroud Area Regional Police Commission

Mr. DeLarco asked Mr. Prevoznik about the abstention on the vote on Resolution No. 6-2016. Mr. Prevoznik said a Council Member must state the reason for abstaining and should submit a written explanation. Mr. Molin said the reason he abstained from the vote was because he was not clear at the time concerning the length of the appointment to SARPC, now he understands it is for a three-year term. Mr. Molin then made a motion, seconded by Mr. Flory, to reopen the vote on Resolution No. 6-2016; the vote on the appointment of Mr. DeLarco to the SARPC carried by a vote of 5-1, with Mr. Reese voting no.

Streetscape Project

Mr. DeSalva reported that a conflict exists with the last two proposed street lights poles to be installed along N. Courtland St. and the Advanced Door Technologies building, because Verizon has a telephone duct bank under the sidewalk area – that was not identified by Verizon when PA One Calls were made for design of the project. Mr. DeSalva explained that the estimated additional cost to design and build a spread footer to “bridge” the duct bank for installing the two poles could exceed \$10,000; his recommendation is to eliminate the last two poles on the east side of N. Courtland St. and relocate the double light fixture from the last pole on the west side to opposite the “new” last pole on the east side. The project is otherwise proceeding on budget, but there will be additional costs that PennDOT will be billing for their design review expenses. After discussion, Mr. Flory made a motion, seconded by Mr. Reese, to eliminate the last two poles affected by the Verizon conflict, as recommended. The motion carried unanimously.

Engineer Review Letters – UPI, Inc. Phase 2 Application

Mr. Prevoznik noted that Mr. D'Alessandro had completed his review of the UPI, Inc./ESU plans for the 2nd Phase Housing project; but he has not released the review because the applicant's fees have not been received by the Borough. Mr. Flory made a motion, seconded by Mr. Reese, to authorize the Engineer to release the review letter prior to receipt of the actual application and fees; subject to counsel for the applicant acknowledging that the time frame for consideration of the application by the Borough will not start until actual receipt of the application and fees. The motion carried unanimously.

List of Bills Payable – January 4, 2016

Mr. Molin made a motion, seconded by Mr. Flory, to ratify expenditures and payroll made through January 4, 2016 and approve the List of Bills Payable as submitted; the motion carried by a vote of 5-0; Mrs. Wolbert abstained on one invoice payable to Constable Michael Wolbert due to a personal (family) conflict.

Executive Session for Discussion of Real Estate and/or Litigation Matters

Mr. Flory made a motion, seconded by Mr. Molin, to adjourn into executive session at 8:56 p.m.; the motion carried unanimously.

At 9:23 p.m. Council members reassembled in the meeting room, and Mr. Molin made a motion, seconded by Mr. Cross, to reconvene the public meeting; the motion carried unanimously. Mr. Prevoznik said the executive session was held to discuss a litigation matter; and no decisions were made.

Municipal Building Roof Repairs

Mr. Prevoznik said the existing roof has had several repairs made previously under warranty, but the original Stevens product warranty has been taken over by Dow Roofing Systems LLC - and the warranty runs out in March. If repairs are made under warranty, they must be done by a firm authorized by Dow to perform warranty work. However, if spot repairs are made, there is no guarantee that any costs for repairs will be covered by the warranty.

Mr. Phillips said the leaks are increasing in number and severity; there was one area leaking in the northwest corner of the building near the chimney, previously – now there is a leak on the east side of the building, and more recently there was a more extensive leak in the roof over the meeting room. An independent roofing contractor (Frank Pellegrino, a Carlisle manufacturer's representative) was contacted to survey the condition of the roof, and his opinion is that the roof membrane is "splitting", i.e. failing everywhere, due to UV aging. Mr. Pelligrino indicates that spot repairs would be cost prohibitive.

Mr. Phillips said the roof will be unable to last the winter without major water damage to the Municipal Building; last week when slushy snow fell was when the major leak started over the meeting room. Mr. Prevoznik advised that Council would have to declare an emergency

situation to take action immediately to replace the entire roof, without going through the normal bidding process, which could take at least a month. Mr. Prevoznik noted that an estimate for replacing the entire roof had been received from Nauman Contracting in the amount of \$19,274. After discussion, Mr. Flory made a motion, seconded by Mr. Cross, to authorize replacement of the building roof on an emergency basis because of the water damages that will occur due to the impending winter weather, using the Nauman Contracting proposal; the motion carried unanimously.

Parking Ticket Citations

Mr. Flory made a motion, seconded by Mr. Molin, to authorize withdrawal of parking citations issued to five ESU sports students, where the tickets had been paid but not within the 72 hour period after issuance; the motion carried 5-1 with Mr. Reese voting no.

Adjournment

With no further business, Mr. Molin made a motion, seconded by Mr. Cross, to adjourn the meeting at 9:35 p.m.; the motion carried unanimously.

James S. Phillips, Secretary