

East Stroudsburg Borough, January 6, 2014

A reorganization and regular meeting of the East Stroudsburg Borough Council was held at the Municipal Building on Monday, January 6, 2014. The following members were in attendance: Peter Begley, Ed Flory, and William Reese; also Council-elect members Roger DeLarco, 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.; and Codes Official Marvin Walton.

Call to Order/Pledge of Allegiance – Mayor Martinelli

Mayor Martinelli called the meeting to order at 7:35 p.m. and led the pledge of Allegiance.

Oath of Office administered by Mayor to Sonia Wolbert, re-elected to Council 1st Ward.

Mayor Martinelli administered the Oath of Office to Sonia Wolbert, recently re-elected to the 1st Ward Council seat.

Announcement that Vacancy Exists for the Office of Councilperson for the 6th Ward

Mr. Phillips noted that the Monroe County Elections Office has not certified any candidate for the 6th Ward Council position from the November municipal elections.

Nomination and Election of Council President – Mayor Presiding

Mr. Martinelli asked for nominations for Council President. Mrs. Wolbert nominated Mr. DeLarco for Council President, seconded by Mr. Begley. Mr. Flory made a motion, seconded by Mrs. Wolbert, to close nominations for Council President; the motion carried unanimously. Mr. Flory made a motion, seconded by Mrs. Wolbert, to elect Roger DeLarco as Council President; the motion carried unanimously. Mr. DeLarco then accepted the gavel from the Mayor and presided over the rest of the meeting.

Nomination and Election of Council Vice President – President Presiding

Mr. DeLarco asked for nominations for Council Vice President. Mr. Flory nominated Mr. Reese for Council Vice President, seconded by Mr. Begley. Mrs. Wolbert made a motion, seconded by Mr. Begley, to close nominations for Council Vice President; the motion carried unanimously. Mrs. Wolbert made a motion, seconded by Mr. Begley, to elect William Reese as Council Vice President; the motion carried unanimously.

Nomination and Election of President Pro Tem

Mr. DeLarco noted that the President Pro Tem presides over a meeting if the President and Vice President are not available; Mrs. Wolbert has served in this position most recently. Mr. Reese nominated Mrs. Wolbert for Council President Pro Tem, seconded by Mr. Flory. Mr. Flory made a motion, seconded by Mr. Begley, to close nominations for President Pro Tem; the motion carried unanimously. Mr. Flory made a motion, seconded by Mr. Begley, to elect Sonia Wolbert as Council President Pro Tem; the motion carried unanimously.

Appointment of Vacancy Board Chairperson

Mr. Phillips said the Vacancy Board Chairperson appointment is usually only needed if Council has a vacancy and is unable to reach a decision on filling the vacancy. Council has not filled this position in recent years. Council took no action on appointing a Vacancy Board Chairperson at this time.

Authorize Depositories for Borough Funds

Mr. DeLarco noted that the Mr. Phillips has recommended the redesignation of PNC Bank, Citizens Bank, ESSA Bank & Trust, PA Local Government Investment Trust (PLGIT), and the PA Treasurer's Office INVEST Program as depositories for Borough Funds; also the addition of Franklin Security Bank. Mr. Reese made a motion, seconded by Mr. Flory, to authorize the above-named as depositories as recommended; the motion carried unanimously.

Appointment of CPA to perform 2013 Year Audit

Mr. Flory made a motion, seconded by Mr. Reese, to re-appoint Ardito & Co., LP to prepare the 2013 Comprehensive Financial Report for the Borough, as recommended; the motion carried unanimously.

Appointment of Solicitor

Mrs. Wolbert made a motion, seconded by Mr. Flory, to re-appoint John Prevoznik as Solicitor, based on the same terms as in effect for 2013. Mr. Phillips said his hourly rage charge to the Borough is \$150 per hour. The motion carried unanimously.

Appointment of Engineer

Mr. Flory made a motion, seconded by Mr. Begley, to re-appoint R.K.R. Hess Associates, Inc., a division of UTRS, Inc. as Borough Engineer. The motion carried unanimously.

Appointment of Borough Representatives to Municipal Associations

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

Mr. Flory made a motion, seconded by Mr. Reese, to re-appoint Pete Begley as Representative to the Pocono Mountains Council of Governments (COG); the motion carried unanimously.

Mrs. Wolbert made a motion, seconded by Mr. Flory, to re-appoint William Reese as Representative to the Pennsylvania State Association of Boroughs (PSAB) and the Mideastern Counties Association of Boroughs (MECAB); the motion carried unanimously.

Designation of Council Committee Assignments

Mr. DeLarco asked Council members to let him know if they wished to change Committee responsibilities, and said he would wait for the 6th Ward vacancy to be filled to complete committee designations.

REGULAR MEETING BUSINESS

Minutes of December 17, 2013 Regular Council Meeting

Mr. Phillips noted a correction to the minutes that were distributed that Mr. Begley had caught, regarding the adoption of ORD. No. 1278 on page 2 – Mr. Begley had voted no. Mrs. Wolbert made a motion, seconded by Mr. Begley, to approve the minutes of the regular Council meeting held December 17, 2013 as corrected; the motion carried unanimously.

Public Comments - Agenda Items

Pat Murray said noted the agenda item on Parades and she wants vendors for parades to be limited to a stationary location, and not permitted to wander along the parade route. She said this has been a problem with the St. Patrick's Day Parade. Also, Stroudsburg Borough charges vendors a \$250 fee per location. Mrs. Murray also said the Borough should prohibit parking on Crystal Street at Washington Street, because the fire trucks have difficulty making the turn with the RV's that have been parking there. Mr. DeLarco said Council will be discussing changes to the vendor requirements before the next Parade in March.

Jim Dellaria of Brodhead Avenue asked if there will be discussion about the new permit parking requirements? Mr. DeLarco said it is not on the agenda, but may be discussed later in the agenda.

Public Hearing on Proposed Ordinance No. 1279 Amending the East Stroudsburg Code, Chapter 110 Thereof Entitled Parades and Assemblies, Revising Provisions for the Application, Review, and Issuance or Denial of Permits

Mr. Begley made a motion, seconded by Mrs. Wolbert, to open the public hearing; the motion carried unanimously. Mr. Phillips explained the provisions of the proposed Ordinance, which will amend the Chapter 110 requirements for Parades and assemblies by eliminating the provision that application fees for such events may be waived by Council. Also, a provision has been added which requires review and "sign-off by the Police Department (either the Regional Police, or the ESU Police, or both) on plans for the parade or assembly by the applicant. Mr. DeLarco asked for comments from the audience, and there was none. Mrs. Wolbert made a motion, seconded by Mr. Flory, to close the public hearing; the motion carried unanimously.

Action on Proposed Ordinance No. 1279 Amending the East Stroudsburg Code, Chapter 110 Thereof Entitled Parades and Assemblies, Revising Provisions for the Application, Review, and Issuance or Denial of Permits

Mr. Flory made a motion, seconded by Mr. Begley, adopt proposed Ordinance No. 1279 as advertised; the motion carried unanimously.

Resolution No. 1-2014 Proclaiming Martin Luther King Jr. Equality Week

Mr. Phillips read portions of the annual Resolution of Council proclaiming Martin Luther King Jr. Equality Week in the Borough. Mrs. Wolbert made a motion, seconded by Mr. Begley, to adopt proposed Resolution No. 1-2014 as submitted; the motion carried unanimously.

Resolution No. 2-2014 Appointments to Monroe County Control Center Board of Directors (MCCC)

Mrs. Wolbert made a motion, seconded by Mr. Begley, to adopt proposed Resolution No. 2-2014 re-appointing Roger DeLarco and James Phillips to new two-year terms on the Board of Directors of the Monroe County Control Center as submitted; the motion carried unanimously.

Resolution No. 3-2014 Appointments to Twin Boroughs Recycling Committee

Mrs. Wolbert made a motion, seconded by Mr. Begley, to adopt proposed Resolution No. 3-2014 re-appointing William Reese and James Phillips to new two-year terms on the Twin Boroughs Recycling Committee as submitted; the motion carried unanimously.

Resolution No. 4-2014 Appointment to Zoning Hearing Board (ZHB)

Ms. Reese made a motion, seconded by Mr. Begley, to adopt proposed Resolution No. 4-2014 re-appointing Frank Summa to a new five-year terms on the Zoning Hearing Board as submitted; the motion carried unanimously.

Resolution No. 5-2014 Appointments to Stroud Region Open Space and Recreation Commission (SROSRC)

Mr. Begley made a motion, seconded by Mr. Reese, to adopt proposed Resolution No. 5-2014 re-appointing Sonia Wolbert to a new three-year term on the Stroud Region Open Space and Recreation Commission; the motion carried unanimously.

Mrs. Wolbert noted there is still a vacancy for an Alternate Member on the SRORSC. Mr. Begley volunteered to serve as Alternate. Mr. Flory made a motion, seconded by Mr. Reese, to amend Resolution No. 5-2014 to also appoint Mr. Begley to the balance of a three-year term expiring on 1/1/16 as an Alternate Member of SROSRC; the motion carried unanimously.

Resolution No. 6-2014 Appointment to Stroud Area Regional Police Commission (SARPD)

Mr. Begley made a motion, seconded by Mrs. Wolbert to adopt proposed Resolution No. 6-2014 re-appointing James Phillips to a new three-year term on the Stroud Area Regional Police Commission as submitted; the motion carried unanimously.

Resolution No. 7-2014 Appointment to Monroe County Tax Collection Committee (MCTCC)

Mrs. Wolbert made a motion, seconded by Mr. Reese, to adopt proposed Resolution No. 7-2014 re-appointing James Phillips as Primary Delegate to the Monroe County Tax Collection Committee as submitted; the motion carried unanimously.

Resolution No. 8-2014 Revising the Application Fee for a Parade or Assembly Pursuant to Chapter 110 of the East Stroudsburg Code

Mr. Reese made a motion, seconded by Mrs. Wolbert, to adopt proposed Resolution No. 8-2014 revising the application fee for a parade/assembly to \$25 per year, in accordance with Ordinance No. 1279 just adopted, as submitted; the motion carried unanimously.

Revised Job Description for DPW Director Position

Mr. DeLarco said Mr. Phillips had distributed a copy of the revised job description and asked for any comments? There were none. Mrs. Wolbert made a motion, seconded by Mr. Flory, to approve the revised job description as submitted; the motion carried unanimously.

Rental Housing Licensing and Inspection Program – Recommendation to Lift Suspension of Imposition of Late Fees pursuant to Ordinance No. 1261

Mr. Walton said he intends to send another letter out to landlords of rental properties who have not responded to the new licensing requirements, and recommends that the late fees which were suspended by Council in September be imposed – now. Mr. Walton said we have 1,087 units registered from a total of 1,848 units, that we know of, currently. After discussion, Mr. Flory made a motion, seconded by Mrs. Wolbert, to reinstate the imposition of late fees pursuant to Ordinance No. 1261, effective immediately, the motion carried by a vote of 4 -1, with Mr. Begley voting no.

Health Officer Position (Part-time) – Approve Hourly Rate for Position

Mr. Flory made a motion, seconded by Mr. Reese, to ratify the hourly rate of pay for the Health Officer (Part-time) Probationary position at \$24.00; the motion carried unanimously.

Public Comments – New Business

Jim Dellaria asked how the permit parking provisions have been changed? Mr. Walton reviewed the changes in Ordinance No. 1278 adopted in December:

- parking passes are limited to two (2) per dwelling. This is due to the fact that there is not enough street parking in some areas, with up to four unrelated persons per dwelling permitted now.
- Visitor passes require issuance at the Borough Office, limited to three (3) times per year for no more than one week.

Duane Rickards of 384 Brodhead Avenue said he has four drivers in his family, with four cars – he had four permits previously. Mr. Rickards said how can he know when he may have friends visiting? He said he knows the Borough is trying to address the college student problem, but this new system will adversely affect him as a home owner.

Mr. Begley asked why can't the Borough differentiate between rental units and owner-occupied units – in issuing permits or visitor passes? Mr. Flory said he does not believe the Borough can do that.

Mayor Martinelli said he has the same situation with his family as Mr. Rickards.- four adults with vehicles. He said Council needs to address the Visitor Passes – perhaps by putting the address on the visitor pass and using the hang tag as previously.

Mr. DeLarco said Council is trying to protect the ability of owner-occupied homes to be able to park on the street at their own residences.

David Czahor asked if an exception could be granted, that would permit a family with four vehicles to each receive a permit? Mr. Prevoznik said Council will have to look into it further.

Correspondence:

- Mr. Phillips reported receipt of the following items of correspondence:
- i. PA Municipal Health Insurance Cooperative (PHMIC) – Final Surplus Distribution to Borough for Calendar Year 2012 - \$5,000 (total for 2012 year \$59,552)
 - ii. PA Department of Community and Economic Development – Commitment letter for Greenways, Trails, and Recreation Grant Awarded for Gregory's Pond Natural Area Trails Development Project
 - iii. PA Department of Environmental Protection (DEP) – Review of Annual Progress Report on Continuing Monitoring of Two (former) Joint Municipal Landfill Sites

Reports

Mr. D'Alessandro reviewed his written Engineer's Report previously submitted to Council. Mr. D'Alessandro reviewed the levee certification issues remaining pertaining to drainage areas outside the levee in the Walmart area, and along the Little Sambo Creek near Dansbury Park.

Mrs. Wolbert reported that SROSRC has received 50 applicants for the Executive Director position, and the Committee has narrowed down the list to eleven.

Mr. Begley said the owners of Mamasita's Restaurant have asked about having Gay Street repaved. Mr. Begley said he would like to see that road re-named. Mr. Begley also asked about the beaver dam on the Sambo Creek just east of the culvert under the railroad? Mr. Phillips said the Rail Authority has responded to Stroud Township that the beaver dam is not within the rail right-of-way. Finally, Mr. Begley noted that the National Guard Unit on Washington St. has maneuvers scheduled for this weekend, and the soldiers have inquired how they can not receive parking tickets for parking on Washington Street? After discussion, Mr. Begley made a motion, seconded by Mr. Reese, to suspend parking enforcement in the area near the Armory this Saturday. Mr. Reese withdrew his motion when it was discussed that the reservists may be parking

there all weekend, not just during the day. Mr. Reese suggested that maybe the soldiers could park in the vacant Rosen's furniture lot? Mr. Phillips wondered why they couldn't park in the Walmart lot?

Mr. Reese reported getting correspondence in the mail from a solar power contractor.

Mayor Martinelli said Council needs to "tweak" the Parking Permit Visitor Passes; perhaps by adding the residence address to the former Visitor's hang tag used.

Mr. Prevoznik noted that most people don't get visitors during the day, and there is no parking enforcement after 5:00 p.m.; and also noted that one of the goals of the new requirements is to try to discourage conversion of homes into rental properties.

Mr. DeLarco said Council needs time to review the permit parking situation, as more people apply for the permits with the University going back to classes January 21st. Mr. DeLarco said he plans to give the annual "State of the Borough" address at the January 21, 2014 Council meeting and asked Council members for comments to include in the Report. Finally, Mr. DeLarco noted that Mr. Phillips had submitted information pertaining to his Goals from Council, and suggested that Council meet with the Manager at 6:30 p.m. prior to the next Council meeting on 1/21/14.

Mr. Phillips reported that PennDOT has posted the Iron Bridge over the railroad on Ridgeway Street with a 13 ton weight limit; this means transit authority buses, and even the Borough's dump truck fully loaded cannot now travel across the bridge. Mr. DeLarco said trucks and busses come down Ridgeway Street from Prospect St. and will be unable to turn around at Braeside Avenue.

Mr. Phillips also reported that the State Agriculture Department is no longer certifying parking meters – the Borough will have to test and certify their own meters. There will be a training session for that purpose on January 13, 2014 at Stroudsburg Borough.

Mr. Phillips also reported that the Redevelopment Authority has exhausted their waiting list of residents who had inquired about the home rehabilitation program grant assistance; we will need to do new advertisements to encourage application by eligible residents.

Finally, Mr. Phillips reported that the Borough's insurance has been renewed January 1st, with excess insurance coverage in the amount of \$1,000,000 in addition to the package policy limit of \$1M per occurrence and \$2M in the aggregate. Additional excess limits are available for additional premium. After discussion, Mr. Reese made a motion, seconded by Mr. Begley, to increase the Borough's excess insurance coverage to the \$3M level at a total additional premium expense of \$3,914; the motion carried unanimously.

Mr. Walton noted that Tim Walsh had resigned from the Property Maintenance Board of Appeals (PMBA) due to his impending relocation. Mr. Begley made a motion, seconded by Mr. Flory, to accept the resignation of Mr. Walsh as an Alternate on the PMBA with regret; the motion carried unanimously.

List of Bills Payable – January 6, 2013

Mr. Flory made a motion, seconded by Mr. Reese, to approve the List of Bills Payable and to ratify payroll and expenditures made through January 6, 2014 as submitted; the motion carried unanimously.

Executive Session for Discussion of Litigation Matters

None.

Adjournment

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

James S. Phillips, Secretary