

East Stroudsburg Borough, July 25, 2013

A regular meeting of the East Stroudsburg Borough Council was held at the Municipal Building on Thursday, July 25, 2013. The following members were in attendance: Peter Begley (arrived late in meeting), Roger DeLarco, Ed Flory, Don Repsher, William Reese, and Sonia Wolbert. Also attending were: Manager James S. Phillips; Solicitor John C. Prevoznik; and Codes Official Marvin Walton.

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 Joe Akob.

Minutes of July 2, 2013 Regular Council Meeting

Mr. Repsher made a motion, seconded by Mr. Reese, to approve the minutes of the regular Council meeting held July 2, 2013 as submitted; the motion carried unanimously.

Public Comments - Agenda Items

None.

Requests by East Stroudsburg University for 2013 ESU Homecoming Activities:

Joe Akob and Brooke Donovan, Co-chairs for the 2013 Homecoming, presented plans for three community events for Homecoming that they are requesting approval for:

- a Thriller Dance on Crystal Street on Thursday, October 31, 2013; 7:30-9:30 p.m.
- Fireworks Display at the ESU Stadium on Friday, November 1, 2013 at 9:30 p.m.
- Homecoming Parade on Saturday, November 2, 2013; at noon.

Mayor Martinelli questioned the need to change the parade route. Mr. Akob said they are trying to get more exposure, where people can line the parade route. The Mayor said he has a problem blocking off busy streets on a Saturday, mid-day. Mr. Flory said the Fire Department and Ambulance Co. will need to know the details of the proposed route.

Mayor Martinelli asked about the proposed “flash mob dance” on Halloween night – and said he is particularly concerned for the safety of female students returning to campus. Mr. Akob said ESU is looking at providing shuttle buses from downtown to campus. Mr. Reese asked the Solicitor about liability concerns? Mr. Akob said ESU will provide a Certificate of Insurance for all events. Mr. Martinelli suggested that they also coordinate the Halloween night events with the Neighborhood Crime Watch.

After discussion, Mr. Repsher made a motion, seconded by Mr. Flory, to approve the request to close Crystal St. on October 31, 2013 for the Thriller Dance, subject to the following conditions:

- ESU to provide a Certificate of Insurance meeting Borough requirements.
- The Committee shall contact the local businesses on Crystal St. that would normally be open to advise them of the plans and obtain their input.

The motion carried by a vote of 3-1 with Mr. Reese voting no; and Mr. DeLarco abstained, due to the event being co-sponsored by the ESU Foundation since Mr. DeLarco stated he is also an officer of the Foundation.

Mr. Flory made a motion, seconded by Mr. Repsher, to approve the request for the Fireworks Display on November 1, 2013, subject to the following conditions:

- ESU to provide a Certificate of Insurance meeting Borough requirements.
- The Committee shall contact the Fire Department of plans for the fireworks and request their participation.
- The Committee shall notify Pocono Medical Center to advise them of the plans and obtain their consent.

The motion carried by a vote of 4-0; Mr. DeLarco abstained, due to the event being co-sponsored by the ESU Foundation since Mr. DeLarco stated he is also an officer of the Foundation.

Mr. Repsher made a motion, seconded by Mr. Flory, to approve the request for the Homecoming Parade on November 2, 2013, subject to the following conditions:

- ESU to provide a Certificate of Insurance meeting Borough requirements.
- The Committee shall coordinate arrangements for traffic control for the Parade route with the Stroud Area Regional Police Department.

The motion carried by a vote of 4-0; Mr. DeLarco abstained, due to the event being co-sponsored by the ESU Foundation since Mr. DeLarco stated he is also an officer of the Foundation.

Public Hearing on Conditional Use Request on Application by Eagle Valley Realty, L.P. for 985 sq. ft. Addition to former Blockbuster Building for use as a Dialysis Center, C-2 District

Mr. Repsher made a motion, seconded by Mr. Reese, to open the public hearing on this matter; the motion carried unanimously. Bill Letwinsky of Site Services Group, Kevin Mack, Esquire, and Sandy Insalaco Jr., were present on behalf of the applicant, Eagle Valley Realty. Mr. Phillips said this hearing had been scheduled at the last Council meeting. However, no plan revisions had been received by the Borough until yesterday, and the Borough's engineers had not had time to review these plan revisions. Also, Mr. D'Alessandro was not able to attend the meeting tonight due to a previously scheduled conflict. Mr. Prevoznik stated Council could continue the hearing until the next regular Council meeting. Mr. Letwinsky asked that Council let the applicant proceed with the conditional use hearing tonight as they realize they still have to obtain land development plan approval as well. Mr. Prevoznik suggested that the conditional use hearing, if started tonight, should not be concluded until the Borough Engineer has had opportunity to comment on the plans and should be continued to August 6<sup>th</sup> in any event.

Council then proceeded with the hearing, and Mr. Letwinsky said the proposed addition to the former Blockbuster building is to house a dialysis center. Mr. Letwinsky said Eagle Valley Realty (EVR) re-presented the Plan to the Borough Planning Commission at their last meeting. At that time, the PC had raised the issue of a gate to block the connecting road between Eagle Glen Plaza and Eagle Valley Plaza, which is maintained by no one. EVR has now revised the Plan to include a gate on EVR property. Mr. Prevoznik noted this is an amendment to the conditional use approved for the previous expansion of the shopping plaza.

Mr. Letwinsky testified as to the criteria for a conditional use from Section 157-97 of the Borough Zoning Ordinance and how this plan meets those criteria:

A. Mr. Letwinsky stated the proposed use is consistent with other uses in the plaza, and will not cause any pollution of air, land, or water; will not result in any hazards or congestion; cause any glare; nor restrict natural light or circulation of air.

B. Mr. Letwinsky said he was not able to review the Borough Comprehensive Plan, but believes that this Plan is consistent with the purposes of the Comp. Plan for this zoning district.

C. Mr. Letwinsky said the proposed use is very suitable for this location, and the traffic generated will be less than the previous use (video rental store). The average "stay" at the dialysis center will be significantly longer than for the previous video store.

D. Mr. Letwinsky said accessibility will not be changed with the new use. The applicant anticipates a reduction in traffic, and access for fire apparatus will not be reduced. Upon question from Mr. Prevoznik, Mr. Letwinsky said the proposed gate will not restrict accessibility as the Fire Co. will be provided a key for emergency use.

E. Mr. Letwinsky said serviceability of this use nor the entire plaza will not be affected by this new use, and the Borough has indicated that it can provide water and sewer service for the anticipated additional 4,300 gpd of water usage.

F. Mr. Letwinsky said the proposed use is not a significant change from current uses so is not inconsistent with the Borough's planning policies.

G. Mr. Letwinsky said the applicant intends to proceed with building permit submittal and approval immediately following conditional use and land development approval, so there is no timing issues requiring Borough approval.

Mr. Prevoznik questioned the applicant concerning conditional use criteria for shopping centers as stated in Section 157.100.2. Mr. Letwinsky said the project site will not be significantly changed from the previous approval as to any criteria regarding bulk regulations; minimum lot area, minimum lot frontage and setbacks, maximum building coverage and building height, impervious surfaces, and open space. There is a total of nine (9) parking spaces that will be eliminated by the building addition, but the total number of parking spaces still exceeds the total number required for the plaza as indicated on the plans.

Regarding design requirements, Mr. Letwinsky said no loading area is required for the dialysis center use, and fire safety lanes will still be maintained along the main building in the plaza. A traffic study was not performed since the total building addition area is less than 1,000 sq. ft.; but again, the applicant anticipates an actual reduction in traffic compared to the previous video rental store use.

Mr. Letwinsky said no additional landscaping is planned; but additional landscaping was added on the north and east sides when the last expansion of the plaza was completed in 2011.

Mr. Prevoznik asked how many employees will the dialysis center have? Mr. Insalaco indicated there may be up to 18 employees, working one shift.

Mr. Letwinsky asked that the applicant exhibits be introduced into the record; Exhibit 1 – Daily Water Usage for the proposed Dialysis Center (for determining EDU's owed), Exhibit 2 – overall site map for the plaza site.

Sandy Insalaco Jr. stated he is one of the partner owners of the plaza. Upon question from Mr. Phillips, Mr. Insalaco stated that the connecting road was never an official access for Eagle Glen Plaza, and therefore traffic access will not be affected by the installation of a gate there. Mr. Insalaco said the purpose of adding onto the building is to provide a conference room for use by dialysis center staff and clients; he also reviewed the landscaping installed as part of the previous plaza expansion.

Mr. Prevoznik asked if any stormwater improvements are proposed with this development? Mr. Insalaco replied none, since the amount of impervious surface will not change. Mr. Prevoznik noted from the previous conditional use decision, that a slight reduction in service level was anticipated from the previous expansion – are any traffic improvements proposed for this small expansion? Mr. Insalaco said EVR had paid for traffic signal timing changes and for installation of battery backup equipment at the Sterling Lane/Milford Rd. traffic signal, to mitigate the previously identified reduction in service levels. Mr. Prevoznik asked that the Development Agreement for the previous plaza expansion be entered into the record as Applicant Exhibit 3.

Marvin Walton, Codes Official for the Borough, testified that he placed an advertisement for this public hearing in the Pocono Record; proof of publication on July 10<sup>th</sup> and 17<sup>th</sup> was available for inspection (Borough Exhibit 1). He also posted the property as required (copy of notice, Exhibit 2). Mr. Walton said the application was referred to the Borough Planning Commission, and the PC on July 9<sup>th</sup> recommended the plan for approval; letter dated July 25<sup>th</sup> (Exhibit 3). The plan was also sent to the Monroe County Planning Commission for review and comment. A letter was received from MCPC dated July 19<sup>th</sup> stating that resubmittal of the plan was not necessary because of the conditional use determination; and the previous comments dated July 1<sup>st</sup> shall serve as the official County review (Exhibit 4). Mr. Walton noted that the minutes from the previous conditional use hearing on May 4, 2010 also refer to the signal work paid for by the applicant to mitigate the drop in service level; and asked that those minutes be introduced into the record as Exhibit 5, along with the other Exhibits. Mr. Walton asked that a complete copy of the land development application plans be submitted into the record as applicant Exhibit 4.

With no further testimony, Mr. Flory made a motion, seconded by Mr. Repsher, to continue the conditional use hearing until Tuesday, August 6, 2013 at 7:45 p.m.; the motion carried unanimously.

Request by East Stroudsburg University for waiver of time limits for action on Conditional Use/Land Development Plan for proposed ESU Information Commons Project off of Normal St., I-U District

Mr. Walton said the request is to extend the deadline for Borough action on the plans until October 16, 2013; and ESU plans to return to the Borough Planning Commission next month with revised plans. Mr. Flory made a motion, seconded by Mr. Repsher, to grant the waiver of time limits as requested in writing; the motion carried unanimously.

Resolution No. 15-2013 Approving Highway Restoration Bond for Ridgeway Street

Mr. Phillips said the Borough has to post a Surety Bond with PennDOT to guarantee pavement restoration after our water and sewerline replacement work is completed. Mr. Repsher made a motion, seconded by Mr. Flory, to adopt proposed Resolution No. 15-2013 approving the Surety Bond as submitted. Mr. Prevoznik noted that the amount of Surety Bond (\$87,153) actually counts against the Borough's borrowing limits. The motion carried unanimously.

Public Comments – New Business

Courtney Tolino, General Manager for the Pocono Community Theatre, said she was present to request that the Borough support an application for Local Share Account Grant funds to enable the Theater to purchase a third digital projector. Ms. Tolino said the additional projector will enable the Theatre to make better use of its facilities and provide more opportunities for community groups to use the Theatre. They need \$85,000 to purchase the digital projector.

Mrs. Wolbert asked if the Theatre is able to apply directly on its own? Mr. Phillips said he does not believe so. Mr. DeLarco noted that the Borough is considering applying for Local Share grant funds for several important projects of the Borough, and will have to decide which applications it chooses to submit and/or endorse.

Correspondence:

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

- i. PA Department of Environmental Protection (DEP) – The Borough Water Filtration Plant is being awarded the Area Wide Optimization Program Award, to be presented during the Water Works Operators' Association annual conference at State College on August 5, 2013. The AWOP Award recognizes outstanding efforts towards optimizing filter plant turbidity performance.
- ii. East Stroudsburg United Methodist Church – Letter requesting waiver of parking enforcement during Vacation Bible School at the church August 5-9, 2013. Mr. Flory made a motion, seconded by Mr. Reese, to grant the waiver of parking enforcement in the Harlacher lot during the church VBS; the motion carried unanimously.
- iii. Stroud Region Open Space and Recreation Commission (SROSRC) – Request for holding Levee Loop Walk and Trail Run on September 28, 2013.
- iv. Monroe County Municipal Waste Management Authority – announcing new program for disposal of tires.

Committee Meeting Items – At this point Council discussed, and acted on certain items from the Committee meeting agenda.

MEA, Inc. Proposal for sampling from new monitoring well at former IBW property

Mr. Flory made a motion, seconded by Mr. Reese, to approve the proposal from MEA, Inc. in the amount of \$2,357.50 to conduct the new monitoring as submitted; the motion carried unanimously.

### Bid Proposals/Quotes for Tub Grinder Rental Service – Twin Boroughs Recycling

Mr. Reese made a motion, seconded by Mr. Flory, to authorize advertising for bid proposals and/or quotes for Tub Grinder Rental, in order to be able to grind up the brush pile at the Twin Boroughs Recycling Center as recommended; the motion carried unanimously.

### Hiring of Housing Inspectors for Rental Housing Licensing/Inspection Program

Mr. Phillips said he and Mr. Walton had interviewed applicants for the Housing Inspector positions, and have three persons identified – Frank Cherichella, John Sigafuss, and Michael Stettler. Mr. Flory made a motion, seconded by Mr. Reese, to ratify hiring of the three individuals chosen at a rate of pay not to exceed \$15.00 per hour and subject to the standard six month probation period. The motion carried unanimously.

### Extend Date for Submittal of Rental Housing Registrations without Penalty

Mr. Phillips asked if Council intends to delay the due date for registrations since the notices that were mailed out to Borough property owners were not delivered until July 11, 2013? After discussion, Mr. Flory made a motion, seconded by Mr. Reese, to authorize the Borough to not impose the late fee penalty for rental housing registrations until October 1, 2013. The motion carried unanimously.

### Purchase of Used Sedan for Codes Department

Mr. Reese made a motion, seconded by Mr. Flory, to authorize purchase of a used sedan for use by the Housing Inspectors as recommended and subject to purchasing requirements under the Borough Code; the motion carried unanimously.

### Changes to Residential Parking Permits based on new Residential Housing Density Limit

Mr. Phillips noted that landlords have raised the question whether the Borough will be issuing up to four parking permits per dwelling, since up to four unrelated individuals will now be permitted per dwelling? Mayor Martinelli noted that the existing permits are good until the end of this year and new permits will have to be issued for 2014. Mr. Prevoznik suggested that Council by motion indicate their intent to make changes to the Ordinance provisions for the Residential Parking Permits; pending review and development of proposed amendments to Chapter 151. After discussion, Mr. Repsher made a motion, seconded by Mrs. Wolbert, to authorize preparation and advertising of an ordinance amending Chapter 151; to limit the number of passes per dwelling to two (2), and to eliminate the current guest pass provisions replacing it with limited guest passes with a specified expiration date. The motion carried unanimously.

### Permit for 5K Walk to be held September 7, 2013 – Resica School PTO

Mr. Flory made a motion, seconded by Mr. Reese, to waive the permit fee for the 5K Race/Walk to benefit the Resica School Playground; the motion carried unanimously.

### Sale of used mechanical Parking Meters and Parts

Mr. Phillips said the Town of Bloomsburg Police Department has again looked at the supply of old parking meters and parts that we have and are no longer using. Mr. Flory made a motion, seconded by Mr. Reese, to authorize advertising for sale of the used equipment in accordance with Borough policy for disposal of same; the motion carried unanimously.

### Request for Installation of Signs on Mary Street – Complaint about speeding vehicles

Mr. Phillips said a resident on Mary St. has requested that the Borough install signage to discourage speeding on Mary St. Council suggested that the Police Department be requested to place the speed monitoring machine on Mary St. to monitor actual speeds.

Manager Request to attend ICMA Conference at Boston MA September 22-25, 2013

Mr. Reese made a motion, seconded by Mr. Flory, to authorize Manager James Phillips to attend the annual International City Management Association (ICMA) conference, with reimbursement of expenses in accordance with Borough travel policy; the motion carried unanimously.

Mr. Begley arrived at the meeting at this time.

Reports

Mr. Reese noted it was reported in the newspaper that seven students lived in the residence at 102 Analomink St. where the serious fire occurred recently, and feels that the owner should be cited for violating Borough ordinances. Mr. Reese also said the Downtown area needs cleaned up; there are weeds everywhere – the Borough as well as property owners need to take more pride in their properties.

Mr. Prevoznik reported that the Commonwealth Court has affirmed the Monroe County Court decision in the Champinay appeal, in favor of the Borough.

List of Bills Payable – July 2, 2013

Mr. Flory made a motion, seconded by Mr. Reese, to approve the List of Bills Payable and payroll and expenditures made through July 25, 2013 as submitted; the motion carried unanimously.

Adjournment

With no further business, Mr. Begley made a motion, seconded by Mr. Reese, to adjourn the meeting at 10:36 p.m.; the motion carried unanimously.

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James S. Phillips, Secretary