

East Stroudsburg Borough, July 2, 2013

A regular meeting of the East Stroudsburg Borough Council was held at the Municipal Building on Tuesday, July 2, 2013. The following members were in attendance: Peter Begley, Roger DeLarco; Don Repsher, William Reese, and Sonia Wolbert. Ed Flory was absent. Also attending were: Manager James S. Phillips; Solicitor John C. Prevoznik; and Engineering Representative Samuel D'Alessandro of R.K.R. Hess Associates, Inc.

Call to Order/Pledge of Allegiance – President DeLarco

President DeLarco called the meeting to order at 7:30 p.m. Bill Letwinsky led the pledge of allegiance.

Minutes of June 18, 2013 Regular Council Meeting

Mr. Reese made a motion, seconded by Mr. Begley, to approve the minutes of the regular Council meeting held June 18, 2013 as submitted; the motion carried unanimously.

Public Comments - Agenda Items

None.

Preliminary/Final Land Development Application by Eagle Valley Realty, L.P. for 980 sq. ft. Addition to former Blockbuster Building for use as a Dialysis Center, C-2 District

Bill Letwinsky of Site Services Group was present on behalf of the applicant. Mr. Phillips said Eagle Valley Realty has requested waivers from (SALDO) Subdivision and Land Development Ordinance requirements, including:

- foregoing separate preliminary and final land development approval.
- performing a new complete boundary survey.
- foregoing posting of financial security.

Mr. Letwinsky said the plan was reviewed favorably by the Borough Planning Commission last month, and was submitted for review by the Monroe County Planning Commission (MCPC).

Mr. Prevoznik said even though the new construction is minimal, because the previous expansion of the Eagle Glen Plaza was approved as a conditional use, this application must be considered a conditional use as well. Mr. Phillips said Council has a meeting later this month and could hold the required conditional use hearing then. Mr. Prevoznik said MCPC has 40 days to act on an application. Mr. Phillips said the MCPC already has this plan on their agenda for the July 9, 2013 meeting. Mr. Prevoznik said the applicant needs to notify them that it needs to be reviewed as a conditional use.

Mark Hoke asked if the plan indicates the location of waterline or sewerline laterals? Mr. D'Alessandro said the plan shows the sewer lateral coming out the back of the building where the addition is proposed. Mr. Letwinsky said the waterline lateral comes out the front of the building to Sterling Lane.

Mrs. Wolbert made a motion, seconded by Mr. Repsher, to schedule a public hearing on the conditional use for July 25, 2013 assuming the advertising can be accomplished in time; the motion carried unanimously. Mr. Begley made a motion, seconded by Mr. Repsher, to grant a waiver as requested by the applicant of the time limit for acting on the proposed land development plan for 60 days, or until September 1, 2013. The motion carried unanimously.

Sketch Plan Review for proposed 8 lot subdivision of Buff-Nauman, LLC property, approx. 12 acres off Franklin Hill Road, R-1 District

Troy Nauman was present on behalf of the landowner, Buff-Nauman, Inc. to

present a sketch plan for subdivision of the former Dixon property into 8 lots. Mr. Nauman said the Borough Planning Commission was generally in favor of the layout, which includes several large “flag lots”, except for the issue of sidewalks along Franklin Hill Road and several variances required because of the lot dimensions. Mr. Nauman also presented a new, revised subdivision plan showing only 7 lots – and not requiring any variances. Mr. Nauman said with this plan, only lot #'s 1, 2, and 5 would require stormwater design – as they are the only new lots that drain toward Flory Pond in the special Drainage District. Mr. Prevoznik said a note would have to be placed on the recorded plan indicating that Stormwater design would have to be approved individually for those lots.

Mr. Reese asked if connection to the Smithfield Township sewerline is planned? Mr. Nauman indicated yes. Mr. Prevoznik said that may require an amended service area for Smithfield Township sewage, to be approved by both the Pennsylvania Department of Environmental Protection (DEP) and the Delaware River Basin Commission (DRBC).

Mr. DeLarco asked Mr. Nauman if he would still be interested in considering a rezoning request for this property, even though the previous application for rezoning had been turned down? Mr. Nauman indicated he is interested in looking at all viable options.

Requests by East Stroudsburg University for 2013 ESU Homecoming Activities:

Mr. Phillips said he understands that in addition to a fireworks display Friday evening and the Homecoming Parade on Saturday, East Stroudsburg University wants to have a “Thriller Dance” on Crystal Street on Thursday October 31, 2013, as part of this years’ Homecoming activities. Mr. DeLarco noted that they also want to change the route for the Parade. Since no one was present from ESU, the Board took no action.

Report and Possible Action on Bids Received 7/2/13 for 2013 Road Paving Program

Mr. Phillips reviewed the tabulation of bids opened this afternoon for the 2013 Road Paving Program, for milling and repaving of East Brown St. and Brodhead Ave.:

BIDDERS	ITEM #1	ITEM #2	ITEM #3	ITEM #4	TOTAL BIDS
Hanson Aggregates	\$55,610.00	\$5,984.00	\$19,349.20	\$8,845.00	\$ 89,788.20
Locust Ridge	\$57,955.00	\$4,290.00	\$26,047.00	\$11,224.00	\$ 99,516.00
Livengood Excavators	\$55,656.90	\$3,820.08	\$18,232.90	\$6,541.64	\$ 84,251.52
Leeward Contruction	\$53,935.00	\$3,542.00	\$44,652.00	\$7,625.00	\$109,754.00
Bracalente Construction	\$65,660.00	\$4,312.00	\$21,953.90	\$7,320.00	\$ 99,245.90

Mr. Phillips said the low bidder, Livengood Excavators, Inc., has performed the paving work for the Borough two out of the last three years and has done a good job. The Board took no action while Mr. Prevoznik reviewed the bid forms.

Subsequently, Mr. Prevoznik completed review of the bid proposal and Mr. Reese made a motion, seconded by Mr. Begley, to accept the proposal from and award the contract to Livengood Excavators, Inc., based on their low bid proposal; subject to verification of the bond posted by the contractor. Mr. Phillips said he would contact the insurance company before notifying the contractor. The motion carried unanimously.

Report on Bids Received for Sale of 1987 Grumman Aerialcat Truck

Mr. Phillips reported that no bids were received for sale of the old Fire Co. Aerial Truck; although two inquiries were received.

Discussion/Action on proposed “Gateway” Zoning Ordinance Amendment

Mr. Phillips said Council needs to decide whether or how to proceed with the proposed “Gateway” zoning ordinance amendment, proposed to address the Starbird/Hallet area. This ordinance included the zoning density provision change increasing the permitted number of persons per “family”. However, a higher density had been contemplated for this zoning overlay district.

Mrs. Wolbert said she had met with several local developers to obtain their input on this issue. The opinions expressed were that a density of 4 per dwelling is OK, a reduction in on-site parking requirements and an increase in the permitted height were more important considerations for redeveloping the property, along with incremental tax increases.

After further discussion, Mr. Begley made a motion, seconded by Mrs. Wolbert, to advertise a public hearing on the proposed zoning amendment and to submit same to the Borough PC and MCPC for review and comment. The motion carried unanimously.

Report and Acceptance of Pocono Mountain COG Bid for Highway Traffic Line Painting, awarded June 24, 2013

Mr. Phillips said the Pocono Mountain Council of Governments opened bids for several commodities, and recommends the Borough approve the contract for road line painting. Mr. Reese made a motion, seconded by Mr. Begley, to accept the contract awarded by the COG for line painting to the low bidder, Midlantic Marking, Inc.; the motion carried unanimously.

Public Comments – New Business

None.

Correspondence:

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

- i. Monroe County Assessment Office – List of Assessment Appeals scheduled for July 30, 2013.
- ii. Pocono Arts Council – Request for Financial Support for 2013 Year. Mr. Phillips said the Borough Budget includes funding for the Arts Council at \$375. Mr. Repsher made a motion, seconded by Mr. Reese, to approve a donation of \$375.00 to the Arts Council. The motion carried by a vote of 4-1, with Mr. Begley voting no.
- iii. MCCC – 10 digit dialing goes into effect September 2013 in Monroe County.

Reports

Mr. D’Alessandro reviewed his written Engineer’s Report previously submitted to Council. Mr. D’Alessandro said his office has reviewed and recommended for approval the final payment to Leeward Construction for the ADA ramp project in the amount of \$4,951.30. Mr. Repsher made a motion, seconded by Mr. Begley, to approve the payment as recommended; the motion carried unanimously. Mr. D’Alessandro said Locust Ridge Contractors plan to start work on the Ridgeway Street water/sewer project the week of July 15, and have received approval from PennDOT for the detour plan.

Mr. Begley asked about installing “strips” to beautify the fence separating the veterans memorial from the adjoining property.

Mr. DeLarco noted that he and Mr. Phillips had attended the Pennsylvania Municipal League conference last week at State College.

Mr. Phillips noted that he had run an ad for the Housing Inspector positions, and will be conducting interviews. Mr. Phillips said we still need persons to serve on the Property Maintenance Board of Appeals (PMBA). Mr. DeLarco said one person has volunteered; and made a motion, seconded by Mr. Begley, to appoint Don Ludwig to a three year position on the PMBA. The motion carried unanimously.

Mr. Phillips reported that the Water Quality or Consumer Confidence Report (CCR) has been issued for the Borough Water System for the 2012 year. Mr. Phillips also reported that a contract has been issued for painting of the municipal building wood trim. Also, he has received inquiries from Pocono Community Theater and Stroud Area Regional Police Department about supporting applications for Local Share (Gaming) funds for those two organizations.

Mr. Phillips said PennDOT Traffic Unit has reviewed the Streetscape Project plans and has objected to the proposed mid-block bump-out on Washington Street since it may not meet warrants for the number of pedestrians. Mr. Phillips said the options appear to be:

- eliminate the bump-out and pedestrian crossing; or
- move the bump-out and crossing down to the intersection with Starbird Street.

However, there is a utility pole, fire hydrant, and driveway at that location which will require additional engineering design to address.

Mr. DeLarco said he was in favor of retaining the bump-out because of the traffic calming effects; other Council members were not in favor, but the majority appeared to be in favor of redesigning the location to retain the pedestrian crossing.

Finally, Mr. Phillips said he received an inquiry from the Crystal Park Property Owners Association to share in the maintenance expense for re-staining the fence separating Crystal Park from the Borough-owned Miller Park. Council was not in favor of sharing that cost since the fence is on private property.

List of Bills Payable – July 2, 2013

Mr. Reese made a motion, seconded by Mrs. Wolbert, to approve the List of Bills Payable and payroll and expenditures made through July 2, 2013 as revised; the motion carried unanimously.

Executive Session for Discussion of Litigation and Real Estate Matters

Mrs. Wolbert made a motion, seconded by Mr. Repsher, to adjourn into executive session at 9:35 p.m.; the motion carried unanimously.

Council members reassembled in the meeting room at 9:48 p.m., and Mrs. Wolbert made a motion, seconded by Mr. Reese, to reconvene the public meeting; the motion carried unanimously. Mr. Prevoznik said the executive session was held to discuss potential litigation matters.

Special Counsel

Mrs. Wolbert made a motion, seconded by Mr. Repsher, to retain new special counsel, with experience before the Delaware River Basin Commission (DRBC), for handling the Borough's water allocation permit applications before the DRBC and state DEP. The motion carried unanimously.

Adjournment

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

James S. Phillips, Secretary