

East Stroudsburg Borough, July 7, 2015

A regular meeting of the East Stroudsburg Borough Council was held at the Municipal Building on Tuesday, July 7, 2015, following the Committee Meeting discussion. The following members were in attendance: Peter Begley, Roger DeLarco, Edward Flory, William Reese, and Sonia Wolbert. Richard Smith was absent. Also attending were: Mayor Armand M. Martinelli; Solicitor John C. Prevoznik, Manager James S. Phillips; Director of Public Works Steven DeSalva; Codes Official Marvin Walton; and Engineering Representative Samuel D'Alessandro of R.K.R Hess, a Division of UTRS.

Call to Order/Pledge of Allegiance – President DeLarco

Council President Roger DeLarco called the regular meeting to order at 7:30 p.m. The Pledge of Allegiance was led by Moury Moulin.

Moment of Silence

A moment of silence and reflection was observed by all in attendance.

Minutes of June 16, 2015 Council Meeting

Mr. Begley made a motion, seconded by Mr. Flory, to approve the minutes of the June 16, 2015 regular Council meeting as submitted; motion carried unanimously.

Public Hearing on Proposed Ordinance No. 1302 - Rezoning Request by Boney Maloney Holding Co., Inc. To Rezone two parcels located off of Orchard Street, from R-2 to I-M District

Mr. Begley made a motion, seconded by Mr. Flory, to open the public hearing; The motion carried unanimously. Due to Attorney Matergia not being present yet on behalf of the applicant, Mr. Flory made a motion, seconded by Mr. Reese, to continue the hearing until 8:00 p.m.; the motion carried unanimously.

Public Comments – Agenda Items

None.

Report and Possible Action on Bid Proposals Received 7/7/15 for 2015 Road Paving Program

Mr. Phillips said only one bid was received, from Hanson Aggregates of PA, Inc., and it was well in excess of the \$100,000 threshold for work without prevailing wages, so a contract cannot be awarded unless significant reductions are made in the scope of the proposed paving. Mr. Flory made a motion, seconded by Mr. Begley to reject the single bid received for paving; and to authorize re-advertising for bids with changes to the scope of work as needed to keep under the limit for prevailing wages. The motion carried unanimously.

Report and Possible Action on Bid Proposals Received 7/7/15 for Tub Grinder Rental Services for Twin Boroughs Recycling Program

Mr. Phillips reported that no bids were received for tub grinder rental services. Mr. Flory made a motion, seconded by Mr. Reese to authorize re-advertising for bids; and to also inquire of Stroud Township whether they may be willing to provide tub grinder services for Twin Boroughs Recycling Program. The motion carried unanimously.

Resolution No. 23-2015 Revising the FY 2012 Community Development Block Grant Program Budget

Mr. Phillips said we need to reallocate FY 2012 CDBG funds from the waterline activity to street curb ramps in order to free up funds to reconstruct ADA handicap access ramps at various locations including near the Loder Building. Council had authorized bids for ADA ramp construction previously. Mrs. Wolbert made a motion, seconded by Mr. Begley to adopt proposed Resolution No. 23-2015 revising the 2012 CDBG program budget as recommended; the motion carried unanimously.

Resolution No. 24-2015 – Reappointments to Planning Commission

Mr. Flory made a motion, seconded by Mr. Begley, to adopt proposed Resolution No. 24-2015 re-appointing Karen Barwick and Andi McClanahan to new four-year terms on the Planning Commission; the motion carried unanimously.

Resolution No. 25-2015 – Reappointments to Property Maintenance Board of Appeals

Mr. Begley made a motion, seconded by Mr. Flory, to adopt proposed Resolution No. 25-2015 re-appointing Steve Miller and Stephanie Kaye to new three-year terms on the Property Maintenance Board of Appeals, and Robin Paul to a new three-year term as an Alternate member of the PMBA; the motion carried unanimously.

Public Comments – New Business

None.

Correspondence

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

- i. First Annual Monroe County Pocono Community Imaging Awards
- ii. PA DEP – Water Treatment Plant awarded Area Wide Optimization Program (AWOP) Award for 3rd consecutive year (Filter plant turbidity performance). Mr. Flory made a motion, seconded by Mr. Begley, to authorize one of the Water Plant Operators to attend the Water Operators conference at State College and accept the AWOP award; with reimbursement of expenses in accordance with Borough travel policy. The motion carried unanimously.
- iii. Steve Cherif (Steve’s Pizza and Burgers, Prospect Street) – Request for change to parking meters in front of his store. Mr. Flory noted that this restaurant does not have its own off-street parking. Mr. DeLarco asked Mr. Phillips to contact Mr. Cherif about what he is looking for, and have a report for the next meeting.

Reports

Mr. Walton reported that four (4) proposals were received in response to the Borough’s RFP for consulting services to update the Comprehensive Plan:

- URDC	\$ 38,000
- Mullin & Lonergan Associates	\$ 69,160
- Gannet Fleming	\$ 95,839
- RKR Hess Associates/Carson Helfrich	\$101,448

Mr. Walton said we are still looking for people to serve on the steering committee for the comprehensive plan; he recommends that the Committee review the proposals and make a recommendation to Council. Mr. Walton reviewed the names of interested persons at this time. Mr. Reese made a motion, seconded by Mr. Flory, to appoint the following persons as initial members of the Committee: A. McClanahan, T. Nauman, J. McCarter, S. Cunningham, M. Jackett, S. Wolbert, R. DeLarco, A. Martinelli. The motion carried unanimously. Mrs. Wolbert made a motion, seconded by Mr. Begley, to refer the comp. plan proposals to the Committee for review and recommendation; the motion carried unanimously.

Mr. Walton said he followed up on possible matching grant funding to update the Comp. Plan through PA DCED; funding is not guaranteed but he will work on applying for the matching grant through DCED’s single application process.

Mr. Walton also noted that he has received two land development proposals recently, one from Patterson Kelly Co. for a building addition; and one from Pocono Medical Center for a small addition and renovations to the Emergency Room.

Continuation of Public Hearing on Proposed Ordinance No. 1302 - Rezoning Request by Boney Maloney Holding Co., Inc. To Rezone two parcels located off of Orchard Street, from R-2 to I-M District

Mr. Begley made a motion, seconded by Mrs. Wolbert, to reconvene the public hearing; the motion carried unanimously.

Codes Official Marvin Walton reviewed the rezoning application submitted on behalf of the owner of the Veterinary Clinic on Prospect Street, Dr. Samantha Thompson, by Attorney Ralph Matergia. Mr. Walton referred to the following items which were designated as exhibits:

- Letter of application submitted 4/27/15. Exhibit B-1
- Application was referred to Borough Planning Commission, which voted to recommend approval at their 5/12/15 meeting. Letter dated 7/7/15. Exhibit B-7
- Application was referred to County Planning Commission, which produced comments on the application dated 5/28/15. Exhibit B-8
- Public notice of the public hearing on the proposed ordinance was advertised in the Pocono Record on 6/16 and 6/23, 2015. Exhibit B-3
- Proof of publication in the Record Exhibit B-4
- Notice of a copy of the ordinance to the Law Library and Record Exhibit B-6
- Copy of Mr. Walton's record of posting adjacent properties Exhibit B-5
- Borough Engineer's review comments Exhibit B-9
- Copy of proposed Ordinance No. 1302 Exhibit B-2
- Letter received from resident Mark Idhe Exhibit B-10
- Sign-in sheet for public hearing Exhibit B-11

Ralph Matergia, Esquire, was present on behalf of the applicant, and noted the following:

- Dr. Thompson's property, or a portion thereof, will be taken by PennDOT for the proposed Exit 308 reconstruction project. A copy of a sketch plan for the Exit work showing Dr. Thompson's property was introduced as Exhibit A-1.
- The proposed rezoning will permit use of the Luchetti property for the veterinarian office; Dr. Thompson has a conditional offer to purchase the property.
- The proposed use of the Luchetti property for the vet's office offers the highest and best use of the property possible.
- Expansion of the Vet's office will permit the office to grow from the current 18 employees to possibly 25 employees.

Mr. Flory questioned the status of the alleys along the property. Mr. Matergia said the alley parallel to Prospect St. is not open and is not used for traffic. Mr. Reese said the alley running parallel with East Brown St. is open to public traffic. Mr. Matergia said the proposed rezoning will not change any private rights for use of the alleys from what they are now; Mr. Prevoznik agreed.

Mr. DeLarco asked if Dr. Thompson has received any formal notification from PennDOT on the proposed highway work? Dr. Thompson said, not yet.

Mrs. Wolbert noted that the proposed I-M zoning permits structures up to 100 ft. in height. Mr. DeLarco noted that the Borough is looking at updating its Comprehensive Plan, and has received proposals from consultants for that purpose. Mrs. Wolbert said Council had asked another applicant requesting a rezoning to defer submittal of the application depending action on the Comprehensive Plan. Mr. Matergia said the Luchetti property will still not be available to Dr. Thompson if she has to wait for redoing of the Comprehensive Plan, and she hopes that Council will recognize the immediacy of her need to expand. Mr. Reese said this rezoning application is much different from the other one Mrs. Wolbert has referred to. Mr. DeLarco said Council should still be consistent in handling such rezoning requests. Mr. Begley said he feels this application should receive consideration now.

Mr. Walton reviewed the differences in permitted uses between those allowed under the R-2 zoning and those allowed under the I-M zoning. Mr. DeLarco asked whether the applicant could request a special exception under the current R-2 zoning? Mr. Walton indicated no.

David Rheinheimer of 266 Braeside Avenue said he has no objection to the Vet's office use of the Luchetti property, but he does not want to see any larger expansion of the I-M district into the R-2 zone.

Dr. Samantha Thompson said her veterinary office has been on Prospect St. for many years – and is “bursting at the seams”. She would like to stay in the Borough and not have to relocate elsewhere.

Michael Luchetti said he has lived at the Merten St. house for 28 years, and Dr. Thompson's office has been a good neighbor.

Mayor Martinelli said he knows Council will be working on updating the Comprehensive Plan, but hopes in this case that Council would grant this request. Mr. Begley made a motion, seconded by Mr. Flory, to close the public hearing at 8:55 p.m. The motion carried unanimously.

Possible Action on Proposed Ordinance No. 1302 – An Ordinance Amending the Code of the Borough of East Stroudsburg, Chapter 157 Entitled Zoning, To Revise the Zoning Map To Change Two Parcels North of Orchard Street and East of Merten Street From Their Current R-2 Classification to An I-m Classification

Mr. Begley made a motion, seconded by Mr. Flory, to adopt proposed Ordinance No. 1302 as advertised, to rezone the two parcels from R-2 to I-M as requested. The motion carried by a vote of 4-1, with Mrs. Wolbert voting no.

Reports, continued

Mr. D'Alessandro reported that the Borough must now notify property owners whose flood zone designation will be changed as a result of the levee certification work recently completed. Mrs. Wolbert made a motion, seconded by Mr. Begley, to authorize RKR Hess Associates to prepare and send the required letter to approximately 20 property owners; the motion carried unanimously.

Mr. D'Alessandro said the USDA has sent a proposed Engineer's Agreement to the Borough, for the Middle Dam Rehabilitation Project. Mr. Prevoznik said the agreement is quite lengthy and he is not sure that the Borough can comply with all the requirements of the agreement – or whether we should. Council must decide whether to proceed with USDA or not. Mr. D'Alessandro said the Rural Development Loan from USDA was pursued because it has up to a 40 year payback period. Also, PennVEST loan financing requires all permits to be in place prior being able to apply for PennVEST funding. In addition, PennVEST loans for dam rehabilitation work are more competitive because they cannot use federal funds for such projects. The approximate difference in financing costs between a PennVEST loan for 20 years, and a USDA loan for 40 years, is about \$4,000 additional per month, based on current estimated interest rates. After further discussion, Mrs. Wolbert made a motion, seconded by Mr. Flory, not to pursue the USDA loan; and to instead look into PennVEST financing and possible commercial financing through Concord Financial Advisors. The motion carried unanimously.

Mr. D'Alessandro reported on the meeting held with UGI Gas co. concerning various issues:

- Borough concerns for repair of sidewalks
- UGI concern for release of bond/deposits for old road opening permits that have not been closed out by the Borough
- Dispute over repaving requirements for Crystal Street
- Borough concern for meter installed along Bank Alley at East Stroudsburg Hardware
- Need for better Ordinance language regarding repairs to privately owned sidewalks.

Finally, Mr. D'Alessandro noted that a concept design has been completed for repairing the scour area along the Little Sambo Creek at Dansbury Park, and a field meeting will be held with a local contractor to review the plans.

Mr. DeLarco questioned UGI bagging of meters where they were working on Courtland Street. Mr. DeSalva said he had requested UGI to obtain bags first but he will see that they get

bags for the meters daily. Mrs. Wolbert asked how much in deposits is the Borough holding on UGI? Mr. DeSalva said over \$80,000 in total. Mrs. Wolbert asked how much will it cost to correct any deficiencies? Mr. DeSalva estimated \$5-10,000.

Mr. DeSalva reported that he will be meeting with Glace Associates next week on the SOP for the Sewer Plant, and scheduling inspections for the industrial pretreatment permittees. Also, he is looking into motorcycle parking on Crystal Street.

Mr. Flory said road patching is needed on Lackawanna Aveune at the stop sign at Burson Street.

Mr. Reese said patching is also needed on Drake St., Stemple St., and S. Green St. Mr. Reese asked about an ordinance regulating special events as discussed in regards to the ESU carnival. Mr. Reese also asked about collection efforts on the delinquent water/sewer accounts. Mr. Phillips said water shut-off letters have been prepared and will go out tomorrow for the first five owner occupied residents on the list, and action will continue using the list. Finally, Mr. Reese noted that cleanup is needed downtown by the Borough – shrubbery needs trimmed and weeds pulled at the Municipal Building, there are several dead trees on Crystal St. south of Trackside Restaurant, and the planters need addressed along Dansbury Terrace.

Mrs. Wolbert said the YMCA Teen Camp has volunteered to pickup litter downtown. Also, a complaint was received at the recent ECA meeting concerning the poor first impression that the appearance of the Exit 308 gives as people enter East Stroudsburg.

Mr. Flory asked about the new Street Sweeper? Mr. Phillips said it apparently is ready for delivery pending completion of lease financing arrangements. Mr. Flory also noted that two fire hydrants are still awaiting repairs on King Street.

Mr. Begley noted the poor condition of Madison Street, which is not a Borough road. Mr. Begley also asked about the stray/feral cats issue. Mr. Walton said he had contacted local veterinary offices concerning their participation in handling the problem but had received no responses. Mr. Walton said he has cited the owner of the vacant house where cats are harboring.

Mr. Phillips reported that the final change order request has been submitted for the Dansbury Park Bathhouse Roof project. The additional cost for replacing portions of the damaged roof decking, in lieu of replacing the skylights, is \$9,450. Mr. Flory made a motion, seconded by Mrs. Wolbert, to approve the change order as submitted; the motion carried unanimously.

Mr. Walton reported he had cited the owner of 576 N. Courtland St. for having unregistered vehicles on the property.

List of Bills Payable – July 7, 2015

Mr. Flory made a motion, seconded by Mr. Begley, to approve the List of Bills Payable and to ratify expenditures and payroll made through 07/07/15 as submitted. The motion carried by a vote of 4 – 0, with one abstention. Mrs. Wolbert said she abstained from voting since there is an item on the Bills List payable to a company she has family connections to.

Executive Session for Discussion of Litigation Matters

Mr. Begley made a motion, seconded by Mrs. Wolbert, to adjourn into executive session at 10:00 p.m.; the motion carried unanimously.

At 10:12 p.m. Council members reassembled in the meeting room, and Mr. Flory made a motion, seconded by Mr. Begley, to reconvene the public meeting; the motion carried unanimously. Mr. Prevoznik said the executive session was held to discuss potential litigation, negotiations on the Ridgeway Street bridge project. No decisions were made.

Adjournment

With no further business, Mrs. Wolbert made a motion, seconded by Mr. Begley, to adjourn the meeting at 10:14 p.m.; the motion carried unanimously.

James S. Phillips, Secretary