

East Stroudsburg Borough, May 6, 2014

A regular meeting of the East Stroudsburg Borough Council was held at the Municipal Building on Tuesday, May 20, 2014. The following members were in attendance: Peter Begley, Roger DeLarco, Edward Flory, William Reese, Richard Smith, and Sonia Wolbert (arrived late). Also attending were: Manager James S. Phillips; Solicitor John C. Prevoznik; Engineering Representative Samuel D'Alessandro of R.K.R. Hess Associates, Inc.; Codes Official Marvin Walton; and Chief William Parrish of the Stroud Area Regional Police Department.

Call to Order/Pledge of Allegiance – President DeLarco

President Roger DeLarco called the meeting to order at 7:30 p.m. The pledge of Allegiance was led by Ray Molina.

Minutes of April 15, 2014 Council Meeting

Mr. Flory made a motion, seconded by Mr. Begley, to approve the minutes of the regular Council meeting held April 15, 2014 as submitted; the motion carried unanimously.

Public Comments

None.

Bids Received 5/6/14 for Sale of Timber from Borough Reservoir Properties

Mr. Phillips reviewed the tabulation of bids received for sale of a select cutting of timber marked by the Borough's Forester, Rod Jones of Northeast Timber Services:

<u>Bidder/Contractor</u>	<u>Amount</u>
J & J Log & Lumber Corp., Dover Plains NY	\$62,000.00
Ordie Price's Sawmill, Inc., South Gibson PA	\$40,136.00
RGM Hardwoods, Inc., Moscow PA	\$92,280.00
Wagner Lumber Co., Owego NY	\$84,210.00

Mr. Phillips said all bidders had submitted a bid deposit or had a deposit on file with the Forester as required. After discussion, Mr. Reese made a motion, seconded by Mr. Begley, to accept the proposal from and award a contract to RGM Hardwoods, Inc., based on their high bid proposal as submitted; the motion carried unanimously.

Authorize Bids for Sale of Used Municipal Vehicles via Municibid website

Mr. Flory made a motion, seconded by Mr. Reese, to authorize advertising for sale of the following used municipal vehicles, as recommended:

- 2000 Ford Expedition (former Fire Co. Command vehicle)
- 1990 Chevrolet Dump Truck, 10,000 gvw (former Recycling truck)

The motion carried unanimously.

Authorize Advertising for Bid Proposals for ADA Ramp Reconstruction

Mr. Phillips said R.K.R. Hess Associates, Inc. has been working on design of ADA ramps to be reconstructed using federal Community Development Block Grant (CDBG) funds. Mr. Begley made a motion, seconded by Mr. Flory, to authorize advertising for bid proposals as recommended; the motion carried unanimously.

Authorize Amendment to Water Service Agreement with Brodhead Creek Regional Authority

Mr. Prevoznik said the proposed Amendment would be the Fifth Amendment to the Intermunicipal Water Service Agreement and Facilities Transfer Agreement between the Borough and Brodhead Creek Regional Authority (BCRA); and would enable the transfer of the J. T. Lambert School water account located in Smithfield Township from the Borough to BCRA. This portion of Smithfield Township is already an authorized service area for BCRA. After brief discussion, Mr. Reese made a motion, seconded by Mr. Flory, to authorize preparation and

advertising of an ordinance to approve the proposed amendment; the motion carried unanimously.

#### Special Counsel to Represent Borough on the Ridgeway Street Bridge Replacement Project

Mr. Prevoznik reviewed the recent meetings held between representatives of the Borough, County, PennDOT and Railroad Authority concerning maintenance responsibility for the bridge. Although there is general agreement that the existing bridge needs repaired or preferably replaced, no one party seems willing to assume that responsibility and the State Public Utility Commission (PUC) will have to make that determination. Mr. Prevoznik said he and Mr. Phillips have spoken with Attorney Craig Doll of Hummelstown, who does practice before the PUC, concerning this matter; and the recommendation is to have Mr. Doll represent the Borough before the PUC. After discussion, Mr. Flory made a motion, seconded by Mrs. Wolbert, to appoint Craig Doll, Esquire as Special Counsel for the Ridgeway St. Bridge Matter as recommended, based on his hourly rate of \$150 per hour for services. The motion carried unanimously.

#### Proposed Ordinance No. 1290 Amending the East Stroudsburg Zoning Code, Revising Definitions and Provisions for Unrelated Persons Allowed Per Dwelling Unit.

Mr. Walton noted that the Borough had received comments from the Monroe County Planning Commission on the proposed ordinance, and reviewed those comments with Council. Mr. Walton said their comment regarding dormitories is not applicable, since our definition clearly excludes that term. Mr. Prevoznik said we may want to review the definitions in the ordinance for group homes. After discussion, Mrs. Wolbert made a motion, seconded by Mr. Reese, to authorize advertising a public hearing on the proposed ordinance in accordance with Municipalities Planning Code requirements; the motion carried unanimously.

#### Request for Handicapped Parking Sign, 186 State Street

Mr. Phillips said this is a clarification of a previous request already approved. Upon review of this matter, there is a discrepancy in the listed parking restrictions in the Borough Code book. Parking is permitted on the east side of State Street where the resident lives, on Monday-Wednesday-Friday; so they would prefer the designation of handicapped space on that side of the road. Mr. Flory made a motion, seconded by Mr. Reese, to approve a handicapped parking sign for 186 State St. on the east side as recommended; the motion carried unanimously.

#### Consulting Services Proposals from R.K.R. Hess Associates, Inc.

Mr. Phillips said RKR Hess has submitted proposals for the following projects and recommends approval of the consulting services proposals:

- Wetlands and surveying services for the Middle Dam Rehabilitation project. Mr. Reese made a motion, seconded by Mrs. Wolbert, to approve the proposal in the estimated amount of \$14-16,000 as submitted; the motion carried unanimously.

- Preparation and submittal of 2014 Monitoring Reports for the two former Joint Municipal Landfill Sites (in conjunction with Stroudsburg Borough and Stroud Township). Mrs. Wolbert made a motion, seconded by Mr. Flory, to approve the proposal for consulting services as submitted; subject to approval of same by the other two municipal governing bodies. The motion carried unanimously. Mr. D'Alessandro noted that PA DEP may require monitoring of an additional well located off but nearby the former landfill site in Stroud Township.

#### Public Comments – New Business

Jerry Griffen of 711 Hallet Road said the depression in one of the tennis courts at Dansbury Park is so deep that over 25 gals. of water has to be removed each time now when it rains in order to play tennis there. Mr. Griffen said someone could fall on the court because of the depression and it should be a liability concern for the Borough. Also, the lights needs adjusted at the tennis courts.

Mr. Phillips said he has discussed the tennis courts with Mr. Griffen on several occasions, and Council had discussed the issue as well and had already agreed to obtain quotes for doing repairs to the tennis courts. Mr. Phillips said he is obtaining prices from the contractor we have utilized in the past, Gary Black of Pavement Maintenance Contractors.

Mary Doherty of 46 South Green Street said she is a regular tennis player at Dansbury as well, and did not come to criticize but just wants to see the courts repaired and/or replaced.

After discussion, Mr. Reese made a motion, seconded by Mr. Flory, to direct the closing of the one tennis court by removal of the net, until either: a) repairs can be made, or b) we obtain a determination from our insurance company that the one court can remain open for use with posting of appropriate signage for safety purposes. The motion carried by a vote of 4-2, with Mrs. Wolbert and Mr. Begley voting no.

Maury Molin of 9 Park Street, stated he wanted to make everyone aware of the services available through the Adult Learning Center at East Stroudsburg University, and also said he hopes to assist with fostering a better relationship between ESU and the Borough.

Michael Fagan of 562 North Courtland St. said the house next to him at 568 N. Courtland was sold at auction. Now, the new owner has partitioned off rooms in the residence without permits, there is a structure at the back of the lot which is collapsing, and there is an old oil tank lying in the yard. Mr. Walton he did check with PA DEP concerning the oil tank, and he will checkout the property further and issue a compliance notice as needed.

#### Correspondence:

Mr. Phillips noted the following items of correspondence received:

i. Smithfield Township – Request to continue agreement for Smithfield Township residents to pay resident rates for use of Dansbury Park Swim Pool for 2014 Season. Mr. Begley made a motion, seconded by Mrs. Wolbert, to approve renewal of the agreement with Smithfield Township as requested; the motion carried unanimously.

ii. MEA, Inc. – Remedial Action Progress Report and Plan Addendum for former Smith's gas station site on N. Courtland St.

iii. PA Department of Environmental Protection, Bureau of Waterways Engineering and Wetland – Acknowledgement of receipt of 2013 Inspection Report for East Stroudsburg and Middle Dams.

iv. Monroe County Planning Commission – Copy of County Comprehensive Plan Update.

v. Pennoni Associates, Inc. – Request for Time Extension on behalf of East Stroudsburg University of PA for Preliminary/Final Land Development, Subdivision, and Conditional Use Approvals for proposed Information Commons Building Project. Mr. Reese made a motion, seconded by Mrs. Wolbert, to grant the time extension until June 13, 2014 as requested; the motion carried unanimously.

vi. Information on meeting to be held at County Commissioners Office with PennDOT concerning the I-80 Reconstruction Project, Exits 302 – 307. Mr. Prevoznik said he would coordinate attendance of Borough representatives at the meeting due to Mr. Phillips being away on vacation.

#### Update of Emergency Action Plans for East Stroudsburg and Middle Dams

Mr. Phillips noted that PA DEP had advised in their response to the Dam Inspection Reports that the Emergency Action Plan (EAP) needs to be updated for each of the Dams. R.K.R. Hess Associates, Inc. has submitted a proposal for updating the EAP for each dam as required. Mr. Flory made a motion, seconded by Mr. Begley, to approve the proposal for consulting services in the estimated amount of \$3,000 - 3,700 for each dam as submitted; the motion carried unanimously.

#### Reports

Mr. D'Alessandro reviewed the written Engineer's Report previously submitted to Council. Mr. D'Alessandro said FEMA has advised that they want a "team" of people from the Borough to review any issues pertaining to the request for Letter of Map Revision and/or re-designation of flood zones for the flood protection certification project. Mr. DeLarco and Mr. Begley volunteered to serve in that capacity as needed for the Borough.

Mr. Reese questioned the number of rental licenses issued and also outstanding? Mr. Walton said he estimates that 450 units have not been registered and thus are not in compliance at this point. Mr. Reese also asked Mr. Phillips for an update on plans for “cleaning up” the downtown area.

Mr. Flory noted that at one driveway on Sopher Street cars are always parked “sticking out” of the driveway onto the street.

Mr. Begley asked about the possible paving of Gay Street? Mr. Phillips said he was still looking at roads to be included in the proposed 2014 paving work.

Mr. Begley thanked Mr. Walton for addressing the situation with the “dock” built out illegally into the Little Sambo Creek – it has now been removed.

Mr. DeLarco said about the status of the former Chaperone Lab space cleanup? Mr. Phillips said Heritage Environmental has submitted the draft final report to PA DEP – but no response yet from EPA. Mr. DeLarco asked about the status of zoning provisions regarding “sandwich board” signs? Mr. Walton said he is bringing up that matter with the Borough Planning Commission again. Mr. DeLarco also noted that in regards to the Evaluation process for Mr. Phillips, that there should be goals written into it and approved by Council.

Mr. Phillips said in regards to the Roof Replacement project at the Dansbury Swim Pool Bathhouse, after further reflection he would recommend that Council not proceed to have an alternative design done for bidding a possible raised roof, due to the anticipated cost of such option. Mr. Reese made a motion, seconded by Mr. Flory, to rescind Council’s previous motion authorizing an alternate design; so that bids will only be solicited for replacing the existing flat roof. The motion carried unanimously.

Mrs. Wolbert made a motion, seconded by Mr. Begley, to authorize obtaining quotes for repairs to the tennis courts as discussed; the motion carried unanimously.

#### List of Bills Payable – May 6, 2014

Mr. Reese made a motion, seconded by Mr. Begley, to approve the List of Bills Payable as submitted and to ratify payroll and bills paid to date; the motion carried unanimously.

#### Proposed Zoning Ordinance Amendment Restricting Parking in Front Yards, etc.

Mr. Flory noted that the Zoning Committee of Council has been working on these provisions, but the other members of Council need to be brought up to speed on the issues that the Committee is looking to address in the ordinance. Mr. Walton said he would schedule a meeting with the other members of Council not on the Zoning Committee.

#### Executive Session for Discussion of Litigation Matters

Mrs. Wolbert made a motion, seconded by Mr. Begley, to adjourn into executive session at 9:38 p.m.; the motion carried unanimously.

At 9: 43 p.m. Council members reassembled in the meeting room, and Mrs. Wolbert made a motion, seconded by Mr. Flory, to reconvene the public meeting; the motion carried unanimously. Mr. Prevoznik said the executive session was held to discuss a litigation matter.

#### Conditional Use Hearing for Application by East Stroudsburg University for Proposed Information Commons Building Project

Mr. Phillips noted that ESU has requested to hold the public hearing for this project as soon as possible after the Borough Planning Commission meeting scheduled for the second Tuesday of June. Mr. DeLarco said he and Mr. Phillips would not be available on the date discussed for a hearing; Tuesday June 17, 2014. After discussion, Mr. Begley made a motion, seconded by Mrs. Wolbert, to authorize advertising of a public hearing on the conditional use request to be held June 24, 2014; subject to receipt of confirmation that ESU will agree to submit another time extension request for at least beyond that date. The motion carried unanimously.

Adjournment

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

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James S. Phillips, Secretary