

East Stroudsburg Borough, September 3, 2013

A regular meeting of the East Stroudsburg Borough Council was held at the Municipal Building on Tuesday, September 3, 2013. The following members were in attendance: Peter Begley, Roger DeLarco, Ed Flory, Don Repsher, William Reese, 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 – President DeLarco

President DeLarco called the meeting to order at 7:32 p.m. Brook Donovan led the pledge of Allegiance.

Report on ESU Homecoming Activities

Joe Akob and Brook Donovan, ESU Homecoming Co-Chairpersons, were present to update Council on plans for Homecoming events. Mr. Akob said they have the Certificate of Insurance from the University and the Student Activities Association which the Borough requires. They have talked with local businesses – Trackside Restaurant and others on Crystal Street concerning the flash mob dance, and have contacted the East Stroudsburg Crime Watch group. Mr. Akob said the Certificate of Insurance from the fireworks contractor will be submitted as soon as they have a contract with Zambelli.

Jim Flannery of the ESU Police Department said he is coordinating the fireworks display with the Fire Department; they will have two trucks from the Fire Co. and fourteen volunteers to establish the Safety Zone.

After discussion, Mr. Repsher made a motion, seconded by Mr. Begley, to approve the proposed Homecoming events off campus subject to submittal and approval of the required COI from the fireworks contractor; the motion carried unanimously.

Public Hearing on proposed intermunicipal transfer of Eating Place Retail Dispenser Liquor License No. E-5096 by Cluck U Stroudsburg LLC – for use at Cluck U Chicken, 107 Brown Street

Mr. Prevoznik stated this hearing is at the request of the applicant, Cluck U Chicken, for transfer of a retail liquor license from Chestnuthill Township into the Borough. Mr. Walton said he sent letters about the hearing to various neighboring property owners located within the general vicinity of Cluck U. Ralph Matergia, Esquire, on behalf of the applicant, submitted proof of publication of notice of the hearing in the *Pocono Record* from 8/14/13, also a copy of the Agreement of Transfer. These were introduced into the record as Exhibits A-2 and A-3.

Robert O'Hara, Managing Partner for Cluck U, stated that the location of the restaurant is 107 Brown Street, Suite 200. The hours of operation are Sunday-Thursday 11 a.m. to midnight, and Friday-Saturday from 11 a.m. to 3 a.m. The closest other liquor licensee is Ichiban Restaurant in Pocono Plaza, about 750 ft. away. Upon question from Mr. Matergia, Mr. O'Hara said there are no schools, playgrounds, or medical facilities within close proximity to this store.

Mayor Martinelli asked if there are any restrictions on transfer of the license? Mr. Matergia said other than approval of the intermunicipal transfer by the LCE, the only restriction is that a license cannot be sold again for another two years. Mrs. Wolbert asked if beer will be sold for “takeout” and Mr. O'Hara replied no.

Mr. Matergia presented a proposed Resolution for Council consideration to approve the transfer. Mr. Prevoznik said the form has been approved. Mr. Flory made a motion, seconded by Mr. Reese, to close the public hearing; the motion carried unanimously.

Resolution No. 18 – 2013: Action on proposed intermunicipal transfer of Eating Place Retail Dispenser Liquor License No. E-5096 by Cluck U Stroudsburg LLC – for use at Cluck U Chicken, 107 Brown Street

Mr. Flory made a motion, seconded by Mr. Reese, to adopt proposed Resolution No. 18-2013 approving the intermunicipal transfer of the license for Cluck U Chicken, as submitted. The motion carried unanimously.

Report and possible action on Bids Received 9/3/13 for Rental of Tub Grinder for Twin Boroughs Recycling Center

Mr. Phillips reported that three bids were received and opened today for Tub Grinder Rental services:

Victory Gardens, Inc.	Mobark 1300 XL w. grapple	\$3,400 per day
Scotta Equipment, LLC	Diamond Z 1460 B w. grapple	\$4,040 per day
Woodbed Corp.	Peterson 4710B horizontal grinder	\$4,700 per day

Mr. Phillips suggested that the bids be referred to the Twin Boroughs Recycling Committee prior to action; Mr. Flory then made a motion, seconded by Mr. Reese, to table action on the bids as recommended. The motion carried unanimously.

Proposed Ordinance No. 1277 Approving an Amended Plan Document for the Stroud Area Regional Police Department Non-Uniformed Employees Money Purchase Pension Plan

Mr. Phillips said we have finally received the draft revised plan document for the SARPD Non-Uniform Employees Pension Plan, and asked that Council authorize advertising a proposed ordinance to approve the new plan document, after review and approval by the Solicitor and Chief Admin. Officer for the Pension Plan. Mr. Flory made a motion, seconded by Mr. Repsher, to authorize advertising an ordinance to approve as recommended. The motion carried unanimously.

Public Comments – New Business

Pat Murray asked if street vendors are required to keep moving and not stand in one place? Stroudsburg Borough has in their ordinance designated specific locations for vendors, for Parades such as the St. Patrick's Day Parade. Pat also asked that the Borough restrict parking on Crystal Street near the intersection with Washington Street for the St. Patrick's Parade, as the larger parade units have difficulty making the turn there.

Mr. DeLarco said Council will be reviewing our Parade regulations prior to next year's St. Patrick's Day Parade.

Mrs. Murray also asked about road patching on South Courtland St., and was advised that is done by PennDOT; and about re-paving of Ridgeway Street after completion of the utility line work? Mr. Phillips said PennDOT will be milling and repaving Ridgeway St. after the Borough completes its project.

Continuation of Public Hearing on Conditional Use Request - 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

Mr. Repsher made a motion, seconded by Mrs. Wolbert, to reopen the conditional use hearing continued from the August 29, 2013 meeting; the motion carried unanimously. Mr. Prevoznik recapped the history of the hearing to date.

Kevin McAliney, Esquire and Bill Letwinsky of Site Services Group, along with Sandy Insalaco, Jr., owner, were present on behalf of the applicant, Eagle Valley Realty, LLP. Mr. Letwinsky reviewed the meetings held with the Borough Engineer and the correspondence submitted to address the Engineer reviews. Mr. Letwinsky said the

owners have agreed to install a gate on the private road connecting Eagle Glen Plaza with adjoining Eagle Valley Plaza, at the request of the Borough Planning Commission. Mr. Letwinsky said the applicant is submitting four (4) waiver requests:

- Permit submittal of preliminary and final land development plans together.
- Waive requirements for a full boundary survey.
- Waive several provisions from the Subdivision and Land Development Code (SALDO) requirements.
- Waive requirement for provision of landscape islands within interior paved areas.

Mr. Letwinsky said the owner will provide a key for the gate to the Borough and to the Fire Department for emergency access. A letter from the Fire Company was submitted as Exhibit A-6. Mr. Letwinsky stated: one (1) handicapped parking space will be relocated from the rear of the building to the front, the total ADA spaces will remain the same; the sewage pump station has been analyzed and will be able to handle any additional water flows from the proposed dialysis center; there are no changes proposed to lighting, and the plan meets existing requirements; the flood elevation has been determined to be 451, which is approx.. 3.5 ft. below the floor elevation of 454.5 for the building, therefore the construction is not in the Special Flood Hazard area – letter submitted as Exhibit A-7.

Mr. Prevoznik asked the applicant to discuss the proposed gate. Mr. McAliney said no other property owner has access rights to use the EVR property, and the gate will be located on EVR property, so no private rights are impacted. Mr. McAliney introduced a full set of the project plans into the record as Exhibit A-8.

Mr. Letwinsky stated he had reviewed the requirements for landscaping in the SALDO and Zoning Ordinance pertaining to shopping centers, and the applicant believes they have addressed these requirements by extending the 10 ft. landscaping setback along the perimeter of the property with planting of additional evergreen trees. Mr. Prevoznik noted a reference in the May 4, 2010 Council meeting minutes during the approval for the previous conditional use application, whereby it was indicated that Eagle Valley Realty would install interior landscaping islands required by section 157-66 as part of the next phase of construction at the plaza. These minutes were introduced into the record as Exhibit B-5.

Mr. Prevoznik reviewed draft conditions of approval for the conditional use that he had drafted, for discussion purposes. There is a provision regarding marking of fire lanes around the buildings in the plaza, which actually was a condition from the previous plaza expansion approval. Also, the original Traffic Signal Maintenance Agreement from 1994 (introduced as Exhibit B-6) provides that the applicant is to submit an annual maintenance agreement to the Borough for approval. This apparently has not been done since 1997. Mr. Insalaco stated the applicant will submit such maintenance agreements as required.

Mr. McAliney indicated that he has reviewed the proposed conditions, and the applicant is OK with them as drafted.

After further discussion, Mr. Flory made a motion, seconded by Mr. Begley, to continue the public hearing until 7:45 p.m. September 17, 2013, at which time Council intends to take action on the proposed conditional use application, the motion carried unanimously.

Correspondence:

- Mr. Phillips reported receipt of the following items of correspondence:
- i. Monroe County Control Center – Termination of Alarm Monitoring Services by MCCC after December 31, 2014
 - ii. Commonwealth of PA, Bureau of Audits (Office of the Budget) – Single Audit Report submitted by Borough for year 2012 has been received/accepted.
 - iii. Commonwealth of PA, Department of General Services (DGS) - Single Audit Report submitted by Borough for year 2012 has been received/accepted.
 - iv. Monroe County Control Center (MCCC) – 2014 Minimum Municipal Obligation (MMO) for MCCC Employees Pension Plan

- v. Pocono Mountains Council of Governments (COG) – Bids Opened and Awarded for Furnishing/Installation of 2B Guiderail – Chemung Supply Corp. - @12.94/ft.
Mr. Phillips said this is an item that the Borough participates in on the COG contract. Mr. Repsher made a motion, seconded by Mr. Flory, to accept the COG contract for guiderail as awarded by COG; the motion carried unanimously.
- vi. Monroe County Conservation District (MCCD) – Request for financial support for Pocono Creek Stream Gauge

Reports

Mr. Reese said the Borough needs to be proactive in addressing security concerns for the Borough Building.

Mayor Martinelli asked Mr. Walton when the burned-out house at 102 Analomink Street was to be torn down?

Mrs. Wolbert said she had spoken to a contractor about Council going “paperless” for meetings.

Mr. Begley noted that legislation has been introduced to replace property taxes with increased sales and income taxes.

Mr. DeLarco said he would like a new Committee to review proposed zoning ordinance changes that Council has discussed – Mr. Flory and Mr. Begley volunteered. Mr. DeLarco also said he would like to change the Council Committee structure, but it will require Council Committees to meet outside of the regular Council committee meeting. Mr. Phillips suggested that Council may want to keep the same basic committee structure, but appoint additional members to each so they can function as separate committees.

List of Bills Payable – September 3, 2013

Mr. Flory made a motion, seconded by Mr. Reese, to approve the List of Bills Payable and payroll and expenditures made through September 3, 2013 as submitted; the motion carried unanimously.

Adjournment

With no further business, Mr. Flory made a motion, seconded by Mr. Reese, to adjourn the meeting at 10:15 p.m.; the motion carried unanimously.

James S. Phillips, Secretary