

East Stroudsburg Borough, September 16, 2014

A regular meeting of the East Stroudsburg Borough Council was held at the Municipal Building on Tuesday, September 16, 2014. The following members were in attendance: Peter Begley, Roger DeLarco, Edward Flory, William Reese, Richard Smith, and Sonia Wolbert. Also attending were: Mayor Armand Martinelli; Manager James S. Phillips; Solicitor John C. Prevoznik; DPW Director Steven DeSalva; Codes Official Marvin Walton; Engineering Representative Samuel D'Alessandro of R.K.R. Hess Associates, Inc.; and Stroud Area Regional Police Department Lieutenant Kevin Transue.

Call to Order/Pledge of Allegiance – President DeLarco

President Roger DeLarco called the meeting to order at 7:32 p.m. The pledge of Allegiance was led by Gene Halterman.

Minutes of September 2, 2014 Regular Council Meeting

Mr. Begley made a motion, seconded by Mrs. Wolbert, to approve the minutes of the September 2, 2014 Regular Meeting as submitted; motion carried unanimously.

SARPD Report

Lt. Kevin Transue reported that the Department has been quite busy on the Quality of Life patrols, and are completing Disruptive House reports. He said the officers are keeping an eye on 43 East Broad Street, where there have been several incidents. Lt. Transue said the Department has received some complaints concerning panhandling; the Vehicle Code does prohibit such activity on the streets.

Mr. Smith asked about any complaints about Chestnut Street. There are no speed limit signs and vehicles are parking up to the intersection of E. Third Street in violation of the Vehicle Code. Mr. DeLarco noted that speeding can only be enforced by use of Vascar. Mr. Reese said Council can adopt weight limits. Mr. Prevoznik said an engineering study is required to adopt a weight limit ordinance. Mr. Smith said it may be helpful to install a no parking sign at the intersection to limit the parking.

Presentation of U.S. Flags to Borough by Woodmen of the World

Gene Halterman said his group presents U.S. Flags for public display and recently furnished the new flag for the East Stroudsburg Fire Station. He presented Mr. DeLarco with three new flags for the Borough. Mr. DeLarco accepted the flags and thanked Mr. Halterman on behalf of the Borough.

Public Comments - Agenda Items

None.

Report and Possible Action on Bid Proposals Received 9/16/14 for Bathhouse Roof Replacement at Dansbury Park

Mr. Phillips said two bids for the roof project were received and opened this afternoon:

	<u>Security</u>	<u>Base Bid</u>	<u>Alt. #1</u>	<u>Alt. #2</u>
Whelan Roofing Services	Bid Bond	\$48,500.00	\$ 3,800.00	\$ 8,998.00
Nauman Contracting	Cash. Ck.	\$54,297.00	\$11,154.00	\$11,534.00

Mr. Phillips said both proposals, just for the base bids, came in much higher than the amount budgeted for the project, not including alternates. Mr. Phillips referred to a letter from Schoonover & Vanderhoof, Architects, which recommends rejecting all bids and re-advertising for bids after changing the specifications to, hopefully, reduce the costs. Mr. Flory made a motion, seconded by Mr. Begley, to reject all bids as recommended; the motion carried unanimously. Mr. Flory made a motion, seconded by

Mr. Begley, to authorize re-advertising for bid proposals for the project after changes to the specifications as recommended; the motion carried unanimously.

Authorize Submittal to PennDOT of TE-160 Application for Signal Permit for East Brown Street/Smith Street Intersection

Mr. Phillips said Council had previously adopted a Resolution authorizing application for the traffic signal permit; but Council wanted to hold on submitting the application pending a response from PennDOT on the issue of whether turning lanes would be required on East Brown Street. Mr. Phillips said PennDOT has now responded that they agree that the Signal Warrant Analysis does not justify the need for turn lanes, which the Borough does not want to undertake because of the cost. Mrs. Wolbert made a motion, seconded by Mr. Flory, to authorize submittal of the Application to PennDOT for the East Brown St./Smith St. intersection; the motion carried unanimously.

Resolution No. 26-2014 – Authorizing Submittal of Local Share Account Grant Application for Ridgeway Street Bridge Replacement Project

Mr. Phillips said PennDOT has estimated that the cost to replace the Ridgeway St. bridge may cost \$2.4 Million. Unless the Borough attempts to get this bridge placed on the PennDOT 12 Year Plan for funding, the only other readily available source for funding is the Local Share Account (Gaming) Funds for Monroe County. Mr. Prevoznik suggested that Borough Council may want to take the lead on applying for the Local Share Account funds, without taking responsibility solely for replacement of the bridge. Mr. Prevoznik said he would talk to County Commissioner Garris on this issue. Mr. Phillips said he would contact State Rep. Mario Scavello about setting up the next meeting on the project. Mrs. Wolbert made a motion, seconded by Mr. Begley, to adopt proposed Resolution No. 26-2014 authorizing submittal of a Local Share Account grant application for the Ridgeway St. Bridge project; the motion carried unanimously.

Submittal of Local Share Account Grant Application for Middle Dam Rehab. Project

Mr. Phillips said our Local Share grant application last year was approved in the amount of \$822,000 for this project, and we have applied for long-term loan financing for the project from the U.S. Department of Agriculture, Rural Development Program. Council may want to submit another application for Local Share funding, but it is not likely that we would have two large projects funded in one year. Mrs. Wolbert asked if there is any idea how they prioritize funding requests; Mr. DeLarco said there is probably no stated priority listing. Mr. Flory made a motion to not apply for Local Share Funds for this project; the motion did not get a second. Mr. DeLarco asked if anyone else wished to make a motion on this issue; there was no response.

Submittal of Local Share Account Grant Joint Application with Stroudsburg Borough for Levee Maintenance Equipment

Mr. Phillips said we had submitted a joint application previously with Stroudsburg for replacement of the mowing equipment used by both municipalities on the flood protection levee, but the application was not funded. The cost of replacing our boom mower and Stroudsburg's slope mower could exceed \$225,000. Mrs. Wolbert said we could be competing against ourselves by submitting another application. Mr. DeLarco asked for a motion on this matter; and there was none.

Public Comments – New Business:

Ken Long, Vice President of Finance and Administration at East Stroudsburg University introduced Joe Akob, who briefly described plans for Homecoming this year at ESU, October 24-26.

Ken Long said ESU is looking into trying to meet the parking requirements of the Borough for the proposed new Information Commons Building project without use of a Parking Management Plan. Mr. Prevoznik noted that there are still several outstanding issues from the Development Agreement for the first phase of the ESU/UPI, Inc. housing

project. Mr. Long said Attorney Morrow for the State System of Higher Education (SSHE) will be in touch with the Borough through Solicitor Prevoznik to address these issues. Mr. DeLarco noted that the conditional use hearing for the Information Commons Project has been delayed indefinitely at the University's request. Mr. Long agreed that any delays in the project at this point are at the request of ESU, not due to Borough action.

#### Correspondence:

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

- i. Monroe County Conservation District – Request for Pocono Creek Stream Gauge Support.
- ii. PA Auditor General – Compliance Audit for East Stroudsburg Volunteer Firemen's Relief Association for 2011-2013 years. Mr. Phillips said the Audit Report is available for public inspection.
- iii. Monroe County Control Center – Proposed 2015 Year Operating Budget. Mr. Phillips said the good news is that the proposed budget does not increase rates for the municipalities; the bad news is that MCCC has advised that 4<sup>th</sup> quarter fees will not be able to be eliminated either this year or next year.
- iv. USDA Rural Development – Notice of Finding of No Significant (Environmental) Impact – Application from UPI, Inc. for construction of new residence hall on ESU Campus.
- v. Cohen Law Group - Proposed Cable TV Franchise Renewal Agreement with Blue Ridge Communications. Mr. Phillips said he has not yet reviewed the proposed new agreement but will prepare a report on it for Council.

#### Reports

Mayor Martinelli asked if the pothole on Courtland St. at West Broad had been reported to PennDOT? Mr. Phillips said he did call PennDOT about it; Mr. DeSalva said he would contact PennDOT again.

Mrs. Wolbert asked Council members to try to attend the October 15<sup>th</sup> lunch meeting for the Revitalization project at Dansbury Depot.

Mr. Begley said he was pleased to see the road patching on Willow Street. He also noted that tomorrow is the 227<sup>th</sup> anniversary of the U.S. Constitution. Mr. Begley said the Supreme Court has ruled that public meetings may begin with a prayer, and he would like to develop an ordinance to open our Council meetings with a prayer. Mayor Martinelli asked what form of prayer – Christian? Muslim? Mr. DeLarco said the issue that first must be decided is whether Council wants to open its meetings with prayer. After further discussion, Mr. Begley made a motion, seconded by Mr. Flory, to authorize Council to work with the Solicitor to develop an ordinance policy governing opening Council meetings with prayer; the motion carried unanimously.

Mr. Phillips noted that we have received notice of the first of probably many assessment appeals – does Council wish staff or Solicitor to attend these hearings on behalf of the Borough? Mr. Prevoznik suggested that we may want to contact Chris Brown, Solicitor for the School District, to represent the Borough also on these appeals if we agree to pay or proportionate share of costs based on the relative millage rates.

Mr. DeLarco reported that the “Utilities Delinquency Committee” met tonight, and also the SARPC Task Force has met and developed recommendations to the member municipalities of the Regional Police Department.

Mr. Flory asked again about a report on pool usage by residents and non-residents.

Mr. Reese noted recent road patching on South Green Street, but said Drake Street needs work, too.

Mr. DAlessandro said we are waiting on submittal of closeout documents on the Ridgeway Street water/sewer project; and soil samples were taken from borings at the Middle Dam site, which will be used to plan the improvements needed at the dam.

Mr. DeLarco asked Mr. D'Alessandro about the UGI repair work on Lackawanna Avenue, which had just been repaved. Mr. D'Alessandro said in case of multiple openings the permittee may be required to mill and pave a half-width of road. Mr. Phillips said the Borough already benefited from having UGI undertake significant paving work on Lackawanna Avenue, that the Borough did not have to pay for.

#### List of Bills Payable – September 16, 2014

Mrs. Wolbert 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.

#### Executive Session

Mrs. Wolbert made a motion, seconded by Mr. Begley, to adjourn into executive session at 8:52 p.m.; the motion carried unanimously.

At 9:23 p.m. Council members reassembled in the meeting room, and Mr. Begley 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 litigation matters; and no decisions were made.

#### Appeal of RJS Pacific Assoc. of Conditional Use Approval for Eagle Valley Realty, L.P.

Mr. Prevoznik said RJS Pacific Associates plans to withdraw its appeal to Commonwealth Court of the denial of the appeal by Commons Pleas Court of the conditional use decision, and they hope that the Borough will not pursue reimbursement of legal costs – and have proposed a Release and Settlement Agreement. Mr. Prevoznik said he has no problem recommending that the Borough not pursue legal costs, but the Borough cannot fully release Eagle Valley Realty because of terms of the conditional use decision. After discussion, Mr. Flory made a motion, seconded by Mr. Reese, to authorize signing of a limited release by the Borough for termination of this matter, subject to review and approval of the Release document by the Solicitor. The motion carried unanimously.

#### Adjournment

With no further business, Mr. Flory made a motion, seconded by Mr. Begley, to adjourn the meeting at 9:30 p.m.; the motion carried unanimously.

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James S. Phillips, Secretary