

East Stroudsburg Borough, March 7, 2017

A regular meeting of the East Stroudsburg Borough Council was held at the Municipal Building on Tuesday, March 7, 2017. The following members were in attendance: Don Cross, Roger DeLarco, Edward Flory, Maury Molin, William Reese, and Sonia Wolbert. Also attending were: Mayor Armand Martinelli; Solicitor John C. Prevoznik; Manager James S. Phillips; Codes Officer Marvin Walton; Public Works Director Steven DeSalva; Finance Officer Kenneth Konz; and Engineering Representative Russell Scott, P.E., of RKR Hess Associates, a Division of UTRS.

Call to Order/Pledge of Allegiance – President DeLarco

Mr. DeLarco called the meeting to order at 7:00 p.m. The Pledge of Allegiance was led by Claudia O'Donnell.

Minutes of February 21, 2017 Regular Council Meeting and February 28, 2017 Special Meeting

Mr. Molin made a motion, seconded by Mr. Flory, to approve the minutes of the February 21, 2017 regular meeting as submitted; the motion carried unanimously. Mr. Cross made a motion, seconded by Mr. Flory, to approve the minutes of the February 28, 2017 special meeting as submitted; the motion carried unanimously.

Authorize Engineer to proceed with public water supply permitting for procurement and installation of a Mixer at the Woods Road Standpipe.

Mr. Molin made a motion, seconded by Mr. Flory, to authorize RKR Hess Associates to proceed with public water supply permitting with PA DEP for installation of a mixer at the Wood Road Standpipe, to help address the potential problem with trihalomethanes that may develop within the tank. The motion carried unanimously.

Public Meeting on Proposed Water Rate Structure Revisions including review of Water System Capital Needs and proposed Ordinance No. 1321 Amending the Code of the Borough of East Stroudsburg, Chapter 154 Entitled Water, Revising Water Rates

Mr. Phillips said this public meeting was scheduled to make a presentation and hold discussion on proposed revisions to the water rate structure including a revision to water rates. A Committee of Council has been reviewing for several months the water rates structure along with our municipal consulting engineers from RKR Hess Associates, in response to a review of capital improvements for the Water System that are either in process or planned for the next several years. The Borough Water Rates have traditionally been low, but the water system infrastructure is old and needs updated in many cases. Also, the Borough is under a directive from the PA Department of Environmental Protection (DEP) to undertake major rehabilitation of the Middle Dam, the 100 year old impoundment for the Intake Reservoir of the Borough Water System. Plans are being designed for a \$5 million+ rehabilitation project at the dam. The dam is considered a “high-hazard” dam because of its location and the fact that the spillway of the dam is not sized to be able to pass the “probable maximum flood event”. This necessitates major work to install a stabilizing berm at the base of the dam and overtopping protection in the form of articulated concrete block tied together by cables on the downstream face of the dam.

Mr. Phillips said the operating costs of the Water System have been going up. Also, regulatory changes have impacted the costs of operation. For example, the Borough has been researching methods for reducing the formation of disinfection-byproducts in the water distribution system, due to relatively new standards for the levels of trihalomethanes that appear in the Water. Mr. Phillips introduced Russell Scott of RKR Hess, who gave a powerpoint presentation to those in attendance.

Mr. Scott reviewed the goals of the water rate structure revisions as envisioned by the Council Committee. Goals include:

- Encouraging water conservation in keeping with PA DEP and Delaware River Basin Commission (DRBC) initiatives.
- Simplifying the calculation of water rates and administration of water billing, by the elimination of the minimum usage allowance.

- Addressing situations where multiple commercial businesses may be supplied with water through one meter.
- Paying for a number of water system operational and maintenance expenses to be completed over the next few years; such as
 - Wells #1 and #2 Security Improvements (est. cost \$37,000)
 - Installation of a tank mixer at the Woods Road Standpipe (est. cost \$23,000)
 - Purchasing a radio read Water Meter reading System (est. costs \$500,000)
 - Paying for the local share of utility relocation costs necessitated by the PennDOT Exit 308 Reconstruction project on I80.

Mr. Scott also stated that the Borough anticipates several major capital improvement projects to be completed over the next two years, including:

- Middle Dam Rehabilitation, \$3.4 million (after grants)
- Replacement of the Raw Waterline at the Middle Dam, \$2 Million
- Replacement of the Roof on the Finished Water Tank, \$275,000
- Replacement of a portion of the Transmission line between the Water Plant and town, \$670,000.
- Transferring water laterals on Willow St. from old line to new line.

Mr. Scott says the Borough has also identified another list of water system capital improvements that will need to be addressed over the next 20 year period, including:

- Replacing the rest of the main transmission lines from Plant to town, \$6.5 Million.
- Replacing undersized water distribution mains in town, to improve fire protection.
- Replacing aging water distribution lines, where needed.

Mr. Scott summarized the proposed revisions to the Water Billing Structure for 2017:

- Elimination of the current 20 kl per EBU/Qtr. Minimum usage allowance. All customers will pay for each kl of water used.
- Reduction of the basic water rate fee from \$45.00 per EBU per quarter; to \$42.00.
- Reduction of the usage rate fee from \$0.88 per kl of water used per quarter; to \$0.85.
- All non-residential customer accounts will be billed for the number of EBU's calculated by the last four quarterly meter readings, done every year at the same time.
- Standardizing the procedure for billing of mixed use (commercial/residential) customers.
- The combination of eliminating the minimum usage allowance and decreasing the base rate will enhance the customer's ability to reduce water bills by voluntarily instituting water conservation measures; thereby allowing the Borough to comply with conservation mandates imposed by PA DEP and DRBC.

Mr. DeLarco asked about the Woods Road tank mixer. Mr. Scott said DEP had issued a report on 2/23/17 on the issue of disinfection byproducts that may form in the tank. Their recommendation is to provide more turnover in the tank, since there is only one waterline in and out of the tank based on this older tank design. The mixer will enable cooler water entering the tank to be circulated, avoiding water stagnating and overheating at the top of the tank. Mr. DeLarco noted that the Council Committee has recommended that this work be paid for from the Water Fund, as opposed to capital loan funds.

Mr. DeLarco opened the discussion to comments from the audience on the proposed water rate structure and water rate revisions, and there were none.

Public Comments – Agenda Items

Sable Machado of 238 Braeside Avenue said she had applied for a demolition permit to demolish the residence after the serious fire that occurred 08/14/15; however, she subsequently decided to rebuild the house instead – so she is requesting refund of the demolition permit fee.

Mr. Walton said it was determined that the structure was repairable, and permits were applied for and paid for on the rebuilding. After discussion, Mr. Molin made a motion, seconded by Mr. Flory, to authorize refund of the demolition permit application fee of \$4,809 as requested; the motion carried unanimously.

Proposed Ordinance No. 1321 Amending the Code of the Borough of East Stroudsburg, Chapter 154 Entitled Water, Revising Water Rates -- Authorize Advertising Public Hearing on Proposed Ordinance

Mr. Cross made a motion, seconded by Mr. Flory, to authorize advertising a public hearing on the proposed ordinance to revise Chapter 154, the Water Code, and to revise Water Rates, to be held on March 21, 2017. The motion carried unanimously.

Authorize Request for Extension of Local Share Account Grant Agreement for Middle Dam Rehabilitation Project by Commonwealth Financing Authority (CFA)

Mr. Flory made a motion, seconded by Mrs. Wolbert, to authorize submittal of a written request to CFA for an extension on the Middle Dam Project LSA grant agreement, as recommended; the motion carried unanimously.

Resolution No. 16-2017 Approving Emergency Action Plan(s) for East Stroudsburg Dam and r.

Mr. Phillips said RKR Hess had completed updates to the Emergency Action Plans (EAP) for both dams and had submitted them for approval to PA DEP. DEP has approved the Plans without new comments, so they are ready for adoption. Mr. Molin made a motion, seconded by Mr. Reese, to adopt proposed Resolution No. 16-2017 approving the EAP's for the East Stroudsburg Dam and the Middle Dam as submitted; the motion carried unanimously

Report on Bid Proposals Received 3/6/17 for ADA Ramp Construction on Day and E. Broad Streets using CDBG Funds

Mr. Phillips referred to the tabulation of bids for the proposals opened this afternoon for the ADA ramp project. Bids were received on a unit price basis from:

Barker and Barker Paving Co., Inc.	Bethlehem	10% BB	\$144,115.00
Heim Construction, Inc.	Orwigsburg	10% BB	\$201,729.00
Kobalt Construction Co., Inc.	Swiftwater	10% BB	\$144,400.00
E.F. Possinger & Sons, Inc.	Bartonsville	10% BB	\$168,857.00

Mr. Phillips said all the bids exceed the amount of Community Development Block Grant (CDBG) funds that the Borough has available to allocate to this project. Individual ramps can be eliminated from the work, but an analysis has to be done on how this affects the low bid. After discussion, Mr. Reese made a motion, seconded by Mr. Flory, to table the bids received for further review; the motion carried unanimously.

Request for Acting Maintenance Foreman to attend PA DEP Flood Protection Workshop at State College April 11-12, 2017

Mr. Phillips said PA DEP pays for all direct expenses for personnel to attend this Workshop, which is for municipalities that operate a flood protection system. Mr. Flory made a motion, seconded by Mr. Reese, to authorize Acting Foreman Dan Strunk to attend the DEP Flood Protection Workshop as recommended; the motion carried unanimously.

Resolution No. 17-2017 Appointing Right To Know Officer for Borough

Mr. Flory made a motion, seconded by Mr. Reese, to adopt proposed Resolution No. 17-2017 appointing Rebecca Smith as Right To Know Officer for the Borough, replacing Mr. Phillips who will be retiring. The motion carried unanimously.

Public Comments -- New Business

Pete Begley of Monroe Street congratulated Mr. Phillips on his upcoming retirement; and also inquired about the status of the former IBW property remediation work. Mr. Phillips said the PA DEP is requiring that the Borough undertake one final round of groundwater sampling and testing; however, the levels of groundwater have been too low in the monitoring wells to get a good sample. Mr. Begley also asked about the planned reconstruction of Willow Street and was advised that that work is still under design for construction to occur this summer and next.

Correspondence

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

- i. PennDOT – Application to Public Utility Commission (PUC) to replace the existing dual bridges that carry Interstate 80 over Delaware & Lackawanna RR tracks.
- ii. Request by owner of 238 Braeside Avenue residence for refund of demolition permit fee (residence not demolished, but rebuilt)

Reports

Mr. Konz reported that the 2016 Audit work is proceeding by the BBD, Inc. staff; also the fixed asset inventory work by RCI is supposed to start next week.

Mr. DeSalva reported on the following:

- the new Fire Services Committee will be meeting tomorrow afternoon at 3:30 p.m. and will discuss the fire station flooring issue with a representative from the Floor Source.
- The Flood Levee Operation and Maintenance Manual requires an inundation map and a traffic control plan, and he will be working with RKR Hess on those matters.
- Testing of the main drains at the swimming pool will be scheduled for the week of March 20th; weather permitting.

Mr. Walton reported that the Comp. Plan Task Force met last night with the consultant to review the proposed map of future land use within the Borough. Mrs. Wolbert reminded Mr. Walton to provide a report on an analysis of the Rental Licensing Fee revenues and expenses.

Mr. Cross reported that the next Recycling Committee meeting will be held Wed. March 15, 2017.

Mr. Molin noted a report he received that the traffic signals at N. Courtland St. and Route 447 were not functioning properly. Mr. DeSalva said the signal was checked out by both the Borough and our signal contractor, Signal Service Co., and it is operating as timed and permitted.

List of Bills Payable – March 7, 2017

Mr. Flory made a motion, seconded by Mr. Molin, to approve the list of bills payable as submitted and to ratify payroll and expenditures to date; the motion carried unanimously.

Discussion on Proposed Cable TV Franchise Renewal Agreement – Conference Call with Mike Roberts of Cohen Law Group

Mr. Phillips said the Borough had contracted with the Cohen Law Group to negotiate the cable TV franchise renewal agreement with Blue Ridge Communications in 2014 in conjunction with four other municipalities whose agreements with Blue Ridge also came up for renewal around the same time. The Cohen firm had negotiated the previous agreement in 1996. A proposed agreement with Blue Ridge was provided for adoption but the Borough had not acted on it, and now the Borough needs to. Mr. Phillips said Attorney Phil Fraga had been the principal person involved for Cohen and at Council's request had agreed to be available by phone to answer any questions from Council on the proposed agreement. Mr. Fraga had a funeral viewing to attend tonight so Attorney Mike Roberts will participate via a telephone conference call.

Mr. Roberts explained that the proposed agreement is different in format from the previous agreement; his firm had proposed the new format as being most beneficial to the Borough and the other municipalities involved. Mr. DeLarco asked if the agreement provides for a public access channel? Mr. Roberts said Section 7.2 does provide for an "EG" channel under certain other restrictions.

Mr. Flory asked if the Borough can expect any increase in franchise fees? Mr. Roberts stated that the Borough is entitled to 5.0% of the total maximum revenues of the cable system, which depends on the definition of gross revenue; but 5% is the maximum percentage.

Mr. Cross asked if the Borough can regulate rates; and was advised not now. Mr. Roberts said the Cohen Law Group does these type of audits. Mr. DeLarco asked for questions from the audience.

Bill Cameron, reporter for the Pocono Record asked what is the term of the proposed franchise? Mr. Roberts said seven (7) years.

Mr. DeLarco asked Mr. Roberts if he could prepare some "bullet points" for the public hearing, to accompany the executive summary and the notice of hearing provided.

Executive Session for Discussion of Litigation/Personnel Matters

Mr. Molin made a motion, seconded by Mr. Flory, to adjourn into executive session at 8:26 p.m.; the motion carried unanimously.

At 8:52 p.m. Council members reassembled in the meeting room, and Mr. Molin made a motion, seconded by Mrs. Wolbert to reconvene the public meeting; the motion carried unanimously. Mr. Prevoznik said the executive session was held to discuss several litigation matters, and no decisions were made.

Authorize advertising public hearing on Proposed Ordinance No. 1322 Approving Cable TV Franchise Agreement with Blue Ridge Technologies, Inc.

Mr. Cross made a motion, seconded by Mr. Flory, to authorize advertising a public hearing for March 21, 2017 on a proposed ordinance to approve the proposed Cable TV Franchise Agreement with Blue Ridge; the motion carried unanimously.

Approval of Repayment Agreements for Delinquent Water/Sewer and Garbage Fees

Mr. Flory made a motion, seconded by Mr. Reese, to approve proposed repayment agreements for collection of delinquent water/sewer and garbage fees for the following individuals:

- Susan Cortes, 112 Maple Avenue – Water/Sewer Agreement
- Diane Strouse, 560 N. Courtland Street – Water/Sewer and Garbage Agreements

The motion carried unanimously.

Adjournment

With no further business, Mr. Cross made a motion, seconded by Mr. Flory, to adjourn the meeting at 8:54 p.m.; the motion carried unanimously.

James S. Phillips, Secretary