

MINUTES FOR REGULAR MEETING  
EAST STROUDSBURG BOROUGH COUNCIL  
TUESDAY, AUGUST 21, 2018 – 7:00 p.m.

PRESENT: Roger DeLarco, Ed Flory, Maury Molin, Manager Brian Bond, Bill Reese, Don Cross and Mayor Martinelli

ALSO PRESENT: Solicitor John C. Prevoznik, Borough Engineer Nate Oiler, Codes Officer Marv Walton, Finance Officer Ken Konz and DPW Director Steve DeSalva

ABSENT: Sonia Wolbert, and Junior Council Member Corbin Ensley

The Pledge of Allegiance was led by Michael Ogden.

**July 17, 2018 Minutes**

A motion was made by Mr. Molin and seconded by Mr. Flory, to approve the July 17, 2018, Council Meeting minutes. The motion carried unanimously.

**Public Hearing - Conditional Use Application – Kimco Delaware Inc.**

A motion was made by Mr. Reese and seconded by Mr. Flory to reconvene the conditional use hearing. The motion carried unanimously.

Mr. Prevoznik led the discussion and continued the public hearing; he read aloud the proposed conditions submitted by Kimco Delaware Inc. Mr. Cross asked what effect the construction will have on the existing businesses within the plaza. Mr. Ogden of Kimco stated they perform construction in shopping plazas frequently and keep traffic flow and parking available to the other shops during their projects. Mr. DeLarco stated this is a great project for the borough and he looks forward to working with Kimco. He also thanked Kimco officials for the coordination and efforts put into this project.

A motion was made by Mr. Molin and seconded by Mr. Flory to authorize the Borough Manager and Council President to sign the formal documents and issue them to Kimco Delaware Inc. The motion carried unanimously.

A motion was made by Mr. Flory and seconded by Mr. Molin to close the public hearing. The motion carried unanimously.

**Kimco, Pocono Plaza Revised Preliminary Final Land Development Application**

Mr. Walton reported the Land Development application was submitted by Kimco Delaware, Inc. and the Borough's Planning Commission's recommendation is to approve the application, and has gone through Monroe County Planning Commission. Mr. Ogden advised this plaza is an existing shopping center with a former grocery store on the other side. They are proposing to remove Kmart and build a Giant grocery store. They will rebuild and improve parking, as well as add a gas station near Lincoln Avenue. The alignment of the building will be improved. Home Goods, a national retailer, is planning to occupy the building on the other side of the plaza. The entire center will receive a refreshed façade, new lighting, paving and landscaping. Mr. Cross asked who oversees the building construction. Mr. Ogden responded their architects for the design, and a testing lab firm checks the materials.

Kimco Delaware, Inc. submitted a request to have four waivers granted.

**Chapter 140 7-c – Submission of Plans**

The initial plan filed with the Commission for review shall be considered the official preliminary plan. However, the Commission may proceed to final action at the first consideration of a plan for a minor subdivision containing no new streets, if the plan and supporting data comply with all of the requirements for final plans contained in § **140-9**.

Mr. Oiler recommended we proceed with granting the waiver.

A motion was made by Mr. Cross and seconded by Mr. Molin to have the waiver for Chapter 140.7-c granted. The motion carried unanimously.

**Chapter 140 Attachment 2, Table B-1 – Design Storm Rainfall Amount**

Mr. Oiler recommended we proceed with granting the waiver. Mr. Martinelli asked why this is being waived. Mr. Prevoznik noted the rainfall ordinance is outdated and the client is requesting to use the appropriate updated version.

A motion was made by Mr. Molin and seconded by Mr. Flory to have the waiver for Chapter 140 Table B1 granted. The motion carried unanimously.

**Chapter 140 Appendix C Attachment 10-H – Shade Trees and Landscaping**

Mr. Walton advised the Zoning Hearing Board issued a variance; Mr. Oiler recommended the waiver be granted.

A motion was made by Mr. Molin and seconded by Mr. Reese to have the waiver for Chapter 140 Appendix C Attachment 10-h granted. The motion carried unanimously.

**Chapter 140 Appendix C Attachment 10-H – Shade Trees and Landscaping**

Mr. Walton advised there is an inconsistency between ordinances and Mr. Oiler recommended the waiver be granted.

A motion was made by Mr. Molin and seconded by Mr. Flory to have the waiver for Chapter 140 Appendix C Attachment 10-h granted. The motion carried unanimously.

Mr. Prevoznik read aloud Resolution 16-2018.

A motion was made by Mr. Cross and seconded by Mr. Molin to approve Resolution number 16-2018 approving the Preliminary and Final Land Development. The motion carried unanimously.

Attorney Marles, representing Kimco Delaware Inc., thanked the staff for all their assistance. Mr. Cross asked if council can visit the work site throughout the construction. Mr. Prevoznik advised any visits should be coordinated with Mr. Bond for liability reasons. Mr. Prevoznik made note that the executed documents were handed over to the applicant at the public hearing.

**2017 Audit presented by Carl Hogan of BBD, LLC**

Mr. DeLarco reported the audit committee met with Mr. Hogan prior to this meeting. Mr. Hogan advised the audit was done in May, however, PMRS documents and information was not received until late July. Mr. Hogan stated the numbers provided by management were reported fairly and management did a very good job making available the information requested by the auditors. Mr. Hogan observed the local economy is improving based on positive numbers during the audit. Mr. Flory stated BBD, LLC is doing a great job obtaining more useful information. Mr. DeLarco asked Mr. Hogan to review the highlights from pages 74 and 75 of the audit report. Mr. Hogan reported findings during the 2017 audit. The Borough of East Stroudsburg receives money from the state to fund the MMO’s that need to be submitted to PMRS, the retirement program for employees. The MMO’s were not paid within 30 days, however, PMRS agreed to accept the payment without penalty.

A motion was made by Mr. Flory and seconded by Mr. Reese to accept the 2017 Audit conducted by BBD, LLC. The motion carried unanimously.

Mr. DeLarco stated council approved BBD, LLC to conduct the audit for the Eastburg Community Alliance and inquired about the status of that audit. Mr. Hogan advised he is working with Mr. Bond. He obtained some reports and has emailed the requirements to complete the audit. Sonya Cole stated she had some documents with her but not all. Mr. DeLarco reported that the delay in providing requested documents to the auditor is holding up funding to ECA from the Borough.

**Public Comments – Agenda Items**

None.

**SROSRC**

The July SROSRC report was distributed via email.

**Police Report**

The July SARPD report was distributed. Captain Gasper reported July was a quiet month for East Stroudsburg Borough. SARPD hired two new officers, which makes a total of 46 officers

and two K-9 officers. Captain Gasper also mentioned the SARPD 9<sup>th</sup> Annual Golf Tournament will be held September 19<sup>th</sup>. This tournament helps fund the K-9 program.

### **Public Comments for Police Issues**

Mr. Cross asked if SARPD is ready for the East Stroudsburg University students who will be moving in soon. Captain Gasper advised SARPD has welcoming events scheduled for the students.

### **East Stroudsburg Community Alliance**

Mr. Bond received a request from ECA to close Crystal Street from Federal Street to Analomink Street, and Washington Street from Crystal Street to Courtland Street to vehicular traffic from 8:00 am – 6:00 pm on Saturday, October 6, 2018.

Sonya Cole reported the train from Steamtown brings about 100 people and per an agreement between Steamtown and ECA, food and drinks and a small festival with vendors would be available. Mr. Flory has previously told Ms. Cole and Ms. Laverdure multiple times the fire company would not be coming at all. He advised the fire company will not be offering rides, but possibly a truck if they can get a crew. Ms. Kuchinski of Brodhead Brew stated the merchants on Crystal Street are not happy that streets will be closed, vendors should not be set up at the depot and food should be provided by merchants, not the depot. Mr. Molin reminded everyone that weekend is homecoming for East Stroudsburg University and traffic will be heavier than usual, and not a good idea to have roads closed.

A motion was made by Mr. Flory and seconded by Mr. Cross to table the request until the next meeting when a list of vendors who would set up on the streets, and an idea of merchants who will participate. Ms. Kuchinski will ask the merchants and report to council. The motion carried unanimously.

The Borough Manager received a request from ECA for the Borough of East Stroudsburg to be a sponsor of the Fall Festival.

A motion was made by Mr. Molin and seconded by Mr. Cross to approve the Borough of East Stroudsburg as a sponsor of the Fall Festival. The motion carried 4 – 1 (Yea: Mr. Cross, Mr. Molin, Mr. DeLarco, Mr. Reese; Nay: Mr. Flory)

### **Engineer's Report**

The Engineer's Report was distributed.

### **Middle Dam and New Water Supply Intake**

Mr. Oiler reported that the dam permit has been resubmitted and has not been returned from DEP. The delay is creating a hardship on the borough. Mr. Oiler recommended authorization for the Borough Engineer and Borough Manager to consult with PennVest and the Borough Political Representatives to meet with PADEP regarding the review of the permit application for the Middle Dam Project.

A motion was made by Mr. Cross and seconded by Mr. Flory to authorize the Borough Engineer and Borough Manager to consult with PennVest and the Borough Political Representatives to meet with PADEP regarding the review of the permit application for the Middle Dam Project.

Mr. Oiler also requested the ratification of additional engineering services for the GP-5 Permit application for the waterline bypass and address any comments from Monroe County Conservation District.

A motion was made by Mr. Molin and seconded by Mr. Cross to authorize additional engineering services for the GP-5 Permit application for the waterline bypass and address any additional comments from Monroe County Conservation District. The motion carried unanimously.

### **Public Comments – New Business**

None.

### **Reports**

#### **Steve DeSalva:**

The DPW report, Monthly Man Hour report and Street Opening Reports were distributed.

Mr. DeSalva reported he has completed a street assessment spreadsheet. Mr. Molin stated the assessment was very complete and helps council better understand the status of our roads.

**Marv Walton:**

The Permits report, Violations report and Parking Enforcement reports were distributed.

Mr. Reese asked the status of the Eagle Scout project. Mr. Walton stated no one has reached out to him regarding the project. Mr. Bond stated the project is proceeding, he has been in touch with Dan Strunk for the auger to dig the post holes.

Mr. DeLarco asked Marv if hang tags are issued as a warning of violation. Marv stated there are no warnings or hang tags for most violations, only for snow/ice removal and high grass/weeds and citations are issued for violations. Mr. DeLarco reminded Mr. Walton that new students are moving into town next week as college is starting and we should be up on those issues for enforcement.

**Ken Konz:**

The June 2018 Borough Financial Statements were distributed.

**Mayor Armand Martinelli:**

Mr. Martinelli has a proclamation for East Stroudsburg University's 125<sup>th</sup> Anniversary to present. A motion was made by Mr. Molin and seconded by Mr. Flory to present the proclamation at a later date. The motion carried unanimously.

**Sonia Wolbert:**

Absent.

**Don Cross:**

No Report.

**Maury Molin:**

No Report.

**Bill Reese:**

Mr. Reese asked if a committee could be formed to show improvement in Veteran's Park. Mr. DeLarco appointed Mr. Reese as the chairperson for the Veteran's Park Committee, and Mr. Flory and Mr. Molin agreed to be members. Mr. Cross suggested they get American Legion involved.

**Ed Flory:**

No Report.

**Solicitor John Prevoznik, Esq:**

Mr. Prevoznik has items for executive session.

**Manager's Report:**

Mr. Bond received requests from the following non-profit organizations for a donation of a round of golf for four and two golf carts for Terra Greens Golf Course: Our Lady of Victory Church, East Stroudsburg Elks Lodge and Friends of West End Park & Open Space Commission.

A motion was made by Mr. Molin and seconded by Mr. Reese to approve the requests from Our Lady of Victory Church, East Stroudsburg Elks Lodge and Friends of West End Park & Open Space Commission for a donation of a round of golf for four and two golf carts for Terra Greens Golf Course. Mr. Flory stated he thinks West End is too far out for giving donations. The motion carried 4 – 1. (Yea: Mr. Cross, Mr. Molin, Mr. DeLarco, Mr. Reese; Nay: Mr. Flory)

The Manager requested consideration of a date for the Fall Town and Gown Meeting with East Stroudsburg University for Thursday, September 27 at 5:30 pm at the Dansbury Depot and appointed Ms. Wolbert, Mr. DeLarco and Mr. Molin to attend.

A motion was made by Mr. Molin and seconded by Mr. Flory to set the date for the Fall Town and Gown Meeting with East Stroudsburg University and Ms. Wolbert, Mr. DeLarco and Mr.

Molin on Thursday, September 27 at 5:30 pm at the Dansbury Depot. The motion carried unanimously.

Mr. Bond requested approval to allow one council member and the Borough Manager to attend the PML Annual Summit in Cranberry Township, October 4<sup>th</sup> – 6<sup>th</sup>, 2018.

A motion was made by Mr. Molin and seconded by Mr. Flory to approve one council member and the Borough Manager to attend the PML Annual Summit in Cranberry Township, October 4<sup>th</sup> – 6<sup>th</sup>, 2018. The motion carried unanimously.

A motion was made by Mr. Molin and seconded by Mr. Cross to nominate Mr. DeLarco as a PML delegate and Mr. Bond as an alternate PML delegate. The motion carried unanimously.

Mr. Bond requested approval to advertise the Solid Waste Bid Specs as presented.

A motion was made by Mr. Flory and seconded by Mr. Reese to approve the advertising of the Solid Waste Bid Specs as presented. The motion carried unanimously.

Mr. Bond received a request from East Stroudsburg University to hold a 5K run/walk on Sunday, September 16, 2018 at 8:00 am. All applicable fees and proof of insurance have been provided.

A motion was made by Mr. Cross and seconded by Mr. Molin to approve the request from East Stroudsburg University to hold a 5K run/walk on Sunday, September 16, 2018 at 8:00 am. The motion carried unanimously.

The Manager received a request from Eric E. Fernandez for a handicapped parking zone to be established at 70 Ransberry Avenue. All appropriate information has been provided.

A motion was made by Mr. Cross and seconded by Mr. Flory to approve the request from Eric E. Fernandez for a handicapped parking zone to be established at 70 Ransberry Avenue. The motion carried unanimously. Mr. Bond stated handicapped spaces are to be reviewed annually. Mr. Bond requested authorization for five council members and the Borough Manager to attend the Northeastern Pennsylvania Alliance Annual Dinner on Wednesday, September 26<sup>th</sup> at Kalahari Resort. Mr. Cross, Mr. DeLarco and Mr. Molin advised they are interested in attending.

A motion was made by Mr. Reese and seconded by Mr. Flory to approve the request for five council members and the Borough Manager to attend the Northeastern Pennsylvania Alliance Annual Dinner on Wednesday, September 26<sup>th</sup> at Kalahari Resort. The motion carried unanimously.

The Manager received a request from the Pregnancy Resource Center of the Poconos to hold a Walk for Life on Saturday, October 6<sup>th</sup> from 8:30 am – 10 am. All appropriate forms and fees have been submitted.

A motion was made by Mr. Reese and seconded by Mr. Molin to approve the request from the Pregnancy Resource Center of the Poconos to hold a Walk for Life on Saturday, October 6<sup>th</sup> from 8:30 am – 10 am. for the route as indicated on the map submitted. The motion carried unanimously.

Mr. Bond reported he received a request from ESU Event Management Organization to hold the President of Cpl. Bryon K. Dickson Memorial 5K on Saturday, September 15 from 9:00 am – 11:00 am. All appropriate fees and forms have been submitted.

A motion was made by Mr. Molin and seconded by Mr. Flory to approve a request from ESU Event Management Organization to hold the President of Cpl. Bryon K. Dickson Memorial 5K on Saturday, September 15 from 9:00 am – 11:00 am. The motion carried unanimously.

The Manager received a request from the Comprehensive Task Force to authorize the Borough Manager to execute a notice of intent to one of two low bidders of the Market Analysis RFP contingent upon the recommendation of the Task Force and review of the RFP by the Borough Solicitor.

A motion was made by Mr. Molin and seconded by Mr. Cross to approve the request of the Comprehensive Task Force to authorize the Borough Manager to execute a notice of intent to

one of two low bidders of the Market Analysis RFP contingent upon the recommendation of the Task Force and review of the RFP by the Borough Solicitor. The motion carried unanimously.

**Roger DeLarco:**

Mr. DeLarco is to present a Congratulatory Letter to East Stroudsburg University for Founders Day. A motion was made by Mr. Molin and seconded by Mr. Flory to authorize Mr. DeLarco to present a Congratulatory Letter to East Stroudsburg University for Founders Day. The motion carried unanimously.

**Bills Payable**

A motion was made by Mr. Cross and seconded by Mr. Flory to ratify bills payable through August 21, 2018. The motion carried unanimously.

**Executive Session**

A motion was made by Mr. Flory and seconded by Mr. Molin to go into Executive Session at 8:53 pm. The motion carried unanimously.

A motion was made by Mr. Molin and seconded by Mr. Flory to reconvene the meeting at 9:04 pm. The motion carried unanimously.

Mr. Prevoznik reported that potential real estate matters were discussed and no decisions were made.

Mr. Walton advised the Zoning and Codes, Parking and Public Works Departments are officially doing business out of the Annex Building located at 66 Analomink Street.

**Adjournment**

A motion was made by Mr. Flory and seconded by Mr. Cross to adjourn the meeting at 9:05 pm. The motion was carried unanimously.

NEXT REGULAR MEETING: Tuesday, September 4, 2018; 7:00 p.m.