

MINUTES FOR REGULAR MEETING
EAST STROUDSBURG BOROUGH COUNCIL
TUESDAY, FEBRUARY 5, 2019 – 7:00 p.m.

PRESENT: Bill Reese, Sonia Wolbert, Manager Brian Bond, Don Cross, Roger DeLarco, Solicitor John C. Prevoznik, Ed Flory, Borough Engineer Nate Oiler, Finance Officer Ken Konz, Codes Officer Marv Walton and Mayor Martinelli

ABSENT: Maury Molin

The Pledge of Allegiance was led by Deb Kuchinski.

January 15, 2019 Minutes

A motion was made by Mr. Cross and seconded by Mr. Flory, to approve the January 15, 2019 Council Meeting minutes. The motion carried unanimously.

Public Hearing – Ordinance No. 1335

A motion was made by Ms. Wolbert and seconded by Mr. Flory to recess the regular meeting and convene a public hearing on Ordinance No. 1335. The motion carried unanimously.

A public hearing for Ordinance No. 1335, Amending Chapter 134 – Solid Waste Articles I, II, IV and V, was led by Mr. Prevoznik. Mr. Walton reported the Zoning Ordinance Review Committee recommended the change. The ordinance revises the enforcement procedures with the exception of billing. It allows ticket-based enforcement rather than a citation being filed immediately at the magistrate's office. The fines are progressive, depending on the violation. Examples of violations are trash cans put out too early, trash cans not brought in from curbside, any violations of the recycling, dumpsters, or borough owned trash receptacles.

Mr. Cross asked if there was any public notification. Mr. Walton advised the ordinance was advertised in the newspaper as required, and this is not a new violation, it is a change on how we enforce the current ordinance.

A motion was made by Mr. Flory and seconded by Ms. Wolbert to enter exhibits 1 – 5 into evidence. Ex. 1 – Copy of Ordinance, Ex. 2 – Public Notice of Hearing, Ex. 3 – Proof of Publication, Ex. 4 – Transmittal of ordinance to Law Library and Pocono Record, Ex. 5 – Sign In Sheet. The motion was carried unanimously.

A motion was made by Mr. Cross and seconded by Mr. Flory to close the public hearing and reconvene the regular meeting. The motion carried unanimously.

A motion was made by Mr. Cross and seconded by Mr. Flory to approve Ordinance No. 1335 amending Chapter 134, Solid Waste, Articles I, II, IV and V, of the East Stroudsburg code of Ordinances, as advertised. The motion carried unanimously.

Public Hearing – Ordinance No. 1336

A motion was made by Ms. Wolbert and seconded by Mr. Flory to recess the regular meeting and convene a public hearing on Ordinance No. 1336. The motion carried unanimously.

A public hearing for Ordinance No. 1336, Amending Chapter 153 – Visual Obstructions, was led by Mr. Prevoznik. Mr. Walton reported the Zoning Ordinance Review Committee recommended the change. The ordinance allows enforcement of visual obstructions that would obstruct the required intersection sight distance. Additionally, this ordinance allows enforcement of sidewalk obstructions. It is a violation for an owner to permit any object which overhangs any sidewalk, street, or other public place in such a way as to impede or interfere with vehicular traffic or pedestrian travel.

Mr. Cross asked how far back is from the intersection does the clear sight triangle start. Mr. Bond responded it is supposed to be where the stop bar is.

A motion was made by Mr. Flory and seconded by Mr. Cross to enter exhibits 1 – 5 into evidence. Ex. 1 – Copy of Ordinance, Ex. 2 – Public Notice of Hearing, Ex. 3 – Proof of Publication, Ex. 4 – Transmittal of ordinance to Law Library and Pocono Record, Ex. 5 – Sign In Sheet. The motion was carried unanimously.

A motion was made by Mr. Flory and seconded by Ms. Wolbert to close the public hearing and reconvene the regular meeting. The motion carried unanimously.

A motion was made by Mr. Cross and seconded by Mr. Flory to approve Ordinance No. 1336, Amending Chapter 153 – Visual Obstructions, of the East Stroudsburg code of Ordinances, as advertised. The motion carried unanimously.

Public Hearing – Ordinance No. 1337

A motion was made by Ms. Wolbert and seconded by Mr. Cross to recess the regular meeting and convene a public hearing on Ordinance No. 1337. The motion carried unanimously.

A public hearing for Ordinance No. 1337, Amending Chapter 124 – Rental Housing, Article I, was led by Mr. Prevoznik. Mr. Walton reported the Zoning Ordinance Review Committee recommended the change. The ordinance clarifies the responsible parties of maintaining the premises in a neat and sanitary condition so as to not adversely affect the health, safety, and welfare of borough residents.

A motion was made by Mr. Cross and seconded by Mr. Flory to enter exhibits 1 – 5 into evidence. Ex. 1 – Copy of Ordinance, Ex. 2 – Public Notice of Hearing, Ex. 3 – Proof of Publication, Ex. 4 – Transmittal of ordinance to Law Library and Pocono Record, Ex. 5 – Sign In Sheet. The motion was carried unanimously.

A motion was made by Mr. Flory and seconded by Mr. Cross to close the public hearing and reconvene the regular meeting. The motion carried unanimously.

A motion was made by Mr. Flory and seconded by Ms. Wolbert to approve Ordinance No. 1337, Amending Chapter 124 – Rental Housing, Article I, of the East Stroudsburg code of Ordinances, as advertised. The motion carried unanimously.

Public Comments – Agenda Items

None.

SROSRC

No Report.

Police Report

The SARPD report will be given at the February 19, 2019, meeting.

East Stroudsburg Community Alliance

Ms. Wolbert reported the ECA will suspend all events as they re-evaluate and determine which activities are worth the organizations' time and money. These suspended activities include, but are not limited to, Music on Monday, Freedom Festival, and the Fall Festival.

Engineer's Report

The Engineer's Report was distributed.

Middle Dam and New water Supply Intake Line

Mr. Oiler requested authorization to complete the bid packet for the Middle Dam Rehabilitation project and to complete all Penn Vest documents as needed.

A motion was made by Mr. Cross and seconded by Mr. Flory to authorize RKR Hess to complete the bid packet for the Middle Dam Rehabilitation Project and to complete all Penn Vest documents as needed. The motion carried unanimously.

MS4 Stormwater Requirements

A request was made to authorize the Engineer and Solicitor to draft a request to DEP for information relating to the legal requirement for determining the area of the Borough subject to the PRP plan requirement for sediment reduction in the Sambo Creek, and to authorize the Engineer and Solicitor to work with Normandeau Associates to outline a proposal for the evaluation of the Sambo Creek sediment impairment.

Mayor Martinelli asked if we are using the Conservation District to its fullest purpose in regards to the MS4 issues to save the Borough money. Mr. Prevoznik advised the MS4 issues are with the DEP and we need to follow their requirements.

A motion was made by Ms. Wolbert and seconded by Mr. Cross to authorize the Engineer and Solicitor to draft a request to DEP for information relating to the legal requirement for determining the area of the Borough subject to the PRP plan requirement for sediment reduction in the Sambo Creek, and to authorize the Engineer and Solicitor to work with Normandeau Associates to outline a proposal for the evaluation of the Sambo Creek sediment impairment. The motion carried unanimously.

1.5 Million Gallon Finish Water Reservoir Roof Replacement and Joint Sealing

Mr. Oiler recommended the approval of Change Order No. 2 in the amount of \$22,782.00 to reflect actual quantities of cracks and joints sealed, largely on the roof. RKR also recommended a 30-day time extension to the Substantial Completion Date and a 60-day time extension to Final Completion of Site Work and Closeout Document dates, due to unfavorable weather conditions. The contractor cannot perform seeding of grass areas until the spring.

A motion was made by Mr. Cross and seconded by Ms. Wolbert to approve Change Order No. 2 in the amount of \$22,782.00 to reflect actual quantities of cracks and joints sealed, largely on the roof. RKR also recommended a 30-day time extension to the Substantial Completion Date and a 60-day time extension to Final Completion of Site Work and Closeout Document dates, due to unfavorable weather conditions. The motion carried unanimously.

Lastly, Mr. Oiler recommended the approval of Contractor Payment Request No. 2 in the amount of \$84,556.13 for work completed through January 10, 2019.

Mr. Cross requested to review an itemized cost list to verify both, the Change Order No. 2 in the amount of \$22,782.00, and the Contractor Payment Request No. 2 in the amount of \$84,556.13. Mr. Oiler provided Mr. Cross with the documents showing the itemized cost list.

A motion was made by Mr. Flory and seconded by Ms. Wolbert to approve Contractor Payment Request No. 2 in the amount of \$84,556.13 for work completed through January 10, 2019. The motion carried unanimously.

Public Comments – New Business

None.

Veteran's Park Update

Mr. Reese reported they have continued to discuss the plants for Veteran's Park. Mr. Flory recommended that the bids for plants should include ball and burlap plants. The plants along the fence should be ball and burlap to achieve the height we desire instead of container plants. The ball and burlap plants may be a little more expensive, but are still within the budget. Mr. DeLarco stated he has noticed the amount of debris and garbage stacked along the fence has increased and has become an eyesore. Mr. Flory advised they are addressing that by adding strips within the fence to block the view. Additionally, the University veterans will be assisting with setting the monuments, and vo-tech students will be performing the planting. Mr. Flory added they will be talking to Home Depot for donations. Mr. Prevoznik stated he noticed low spots within the park and ponding water. Mr. Bond advised the street crew will be looking into it.

Reports

The DPW Reports were distributed via email.

Marv Walton:

Mr. Walton reported the recommendation of the ZORC to amend the Borough code, Chapter 150, Vehicles and Traffic, Article III, Parking Regulations, Section 26.3, Borough Parking Lots. Currently the lots prohibit parking from 2:00 am through 7:00 am. The revised ordinance would change the enforceable times to 2:00 am through 6:30 am.

A motion was made by Ms. Wolbert and seconded by Mr. Flory to authorize Mr. Walton to advertise and schedule a public hearing on Tuesday, February 19, 2019 at 7:00 pm. The motion carried unanimously.

Ken Konz:

The December 2018 Borough Financial Statements were distributed.

Mr. Konz reported the appeals board will hold its inaugural meeting on February 6, 2019 between the hours of 9:00 am and 12:00 pm at Borough Hall to listen to the appellant's grievances pertaining to the EDU billings received.

Mayor Armand Martinelli:

No Report.

Roger DeLarco:

Mr. DeLarco advised he will not be present at the February 19, 2019 Council meeting.

Sonia Wolbert:

No Report.

Don Cross:

No Report.

Maury Molin:

Absent.

Bill Reese:

No Report.

Ed Flory:

Absent.

Solicitor John Prevoznik, Esq:

Mr. Prevoznik has items for executive session.

Manager's Report:

Mr. Bond reported the request from JTL HSS PTO and Stroudsburg Middle School PTA for a donation of a round of golf for two with a golf cart at Terra Greens Golf Course for a fundraiser.

A motion was made by Ms. Wolbert and seconded by Mr. Cross to approve a donation of a round of golf for two with a golf cart at Terra Greens Golf Course for the JTL HSS PTO and Stroudsburg Middle School PTA for a fundraiser. The motion carried 4 -1 (Yea: Ms. Wolbert, Mr. Reese, Mr. Cross, Mr. DeLarco; Nay: Mr. Flory).

Mr. Bond reported the request from Carbon-Monroe-Pike Mental Health and Development Services to hold their 19th Annual Mental Health Awareness Walk on May 17, 2019 from 11:00 am – 12:00 pm contingent upon providing the deposit, application fee and certificate of insurance, securing proper authorization from SROSRC for the use of Dansbury Park and contacting SARPD.

A motion was made by Ms. Wolbert and seconded by Mr. Flory to approve the Carbon-Monroe-Pike Mental Health and Development Services to hold their 19th Annual Mental Health Awareness Walk on May 17, 2019 from 11:00 am – 12:00 pm contingent upon providing the deposit, application fee and certificate of insurance, securing proper authorization from SROSRC for the use of Dansbury Park and contacting SARPD. The motion carried unanimously.

The Borough Manager requested authorization to advertise for all open positions of employment at the Borough of East Stroudsburg. Ms. Wolbert asked how many positions are to be advertised. Mr. Bond advised the positions to be advertised are the Parks Director, two temporary park worker, a Parking Secretary, and a Public Works Director. Mr. DeLarco asked if the job descriptions were being evaluated and updated as needed, and if there has been an analysis of needing to fill these open positions. The Personnel Committee advised yes. Mr. DeLarco asked if we can validate the purpose of the Director of Public Works' position. He requested a report be given to council from the Personnel Committee so a vote can be made during the hiring process for the Director of Public Works' position. Mr. Bond advised the job description has already been revised. Mr. DeLarco asked the anticipated cost of the position, to which Mr. Bond said it would be the same ballpark as the previous employee. Mr. Reese asked what the timeline is for hiring this position. Mr. Bond responded he would like to get the position advertised so the successful candidate could be on staff by April or May. Mr. Prevoznik added all new job descriptions should be approved by council. Mr. Bond advised he will send all new job descriptions to council for their review.

A motion was made by Ms. Wolbert and seconded by Mr. Flory to approve advertising for all option positions of employment at the Borough of East Stroudsburg, with exception of the Director of Public Works. The motion carried unanimously.

Mr. Bond requested the approval of the hiring process for the Economic Development Director.

A motion was made by Mr. Flory and seconded by Mr. DeLarco to approve the hiring process as follows: Personnel Committee in Round One of interviews, Comp Plan Task Force committee in Round Two of interviews, and all of Council in Round Three of interviews. The motion carried unanimously.

Mr. Bond requested the approval of Resolution 1-2019, Authorizing the entry into an agreement of sale in lieu of condemnation between Robert and Dorothy Lewis for the purchase of 55.02 acres for the purpose of water shed protection, in the amount of \$430,000.

A motion was made by Mr. Cross and seconded by Ms. Wolbert to approve Resolution 1-2019, Authorizing the entry into an agreement of sale in lieu of condemnation between Robert and Dorothy Lewis for the purchase of 55.02 acres for the purpose of water shed protection, in the amount of \$430,000. The motion carried unanimously.

Bills Payable

A motion was made by Ms. Wolbert and seconded by Mr. Flory to ratify bills payable through February 5, 2019. The motion carried unanimously.

Executive Session

A motion was made by Ms. Wolbert and seconded by Mr. Cross to go into Executive Session at 8:03 p.m. The motion carried unanimously.

A motion was made by Mr. DeLarco and seconded by Ms. Wolbert to reconvene the meeting at 8:35 p.m. The motion carried unanimously.

Mr. Prevoznik reported that litigation, personnel, and contractual matters were discussed and no decisions were made.

Mr. Bond reported the recommendation of the Borough Engineer, Borough Manager and Finance Officer that the previous invoice to East Stroudsburg University for EBU/EDU be waived as a result of credits for EDU/EBU's turned off that affect the property and submit an adjusted invoice for the amount of \$562,766.90.

A motion was made by Ms. Wolbert and seconded by Mr. DeLarco to approve a recommendation of the Borough Engineer, Borough Manager and Finance Officer that the previous invoice to East Stroudsburg University for EBU/EDU be waived as a result of credits for EDU/EBU's turned off that affect the property and submit an adjusted invoice for the amount of \$562,766.90. The motion carried unanimously.

Adjournment

A motion was made by Mr. Cross and seconded by Mr. Flory to adjourn the meeting at 8:36 p.m. The motion carried unanimously.

NEXT REGULAR MEETING: Tuesday, February 19, 2019; 7:00 p.m.