

MINUTES FOR REGULAR MEETING
EAST STROUDSBURG BOROUGH COUNCIL
TUESDAY, APRIL 16, 2019 – 7:00 p.m.

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

The Pledge of Allegiance was recited.

April 2, 2019 Minutes

A motion was made by Mr. Molin and seconded by Mr. Cross, to approve the April 2, 2019 Council Meeting minutes. The motion carried unanimously.

Mayor Martinelli presented a Proclamation congratulating the 2019 District XI Champion East Stroudsburg South Rifle Team. Head Coach, Jay Armitage accepted the proclamation and the team members were present as well.

Mr. Reese and Mr. Bond addressed the audience to advise the public hearing regarding the parking changes is May 7, 2019 at 7:00 p.m., but would hear any comments from the audience tonight. There were no comments from the audience regarding parking.

Public Hearing – Ordinance 1340

A motion was made by Ms. Wolbert and seconded by Mr. Flory to recess the regular meeting and convene a public hearing on Ordinance 1340. The motion carried unanimously.

A public hearing for Ordinance 1340, Amending Chapter 67 – Animals; Article II – Cats, of the East Stroudsburg Borough Code of Ordinances, was led by Mr. Prevoznik. Mr. Walton reported that currently the Borough requires a license for cats. The Zoning Ordinance Review Committee recommended the Borough to strike the cat license requirement, and 67-10 will be reserved for future use.

A motion was made by Mr. Flory and seconded by Mr. Molin to enter exhibits 1 through 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 carried unanimously.

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

A motion was made by Ms. Wolbert and seconded by Mr. Flory to approve Ordinance 1340 amending Chapter 67 - Animals; Article II – Cats; of the East Stroudsburg Borough Code of Ordinances as advertised. The motion carried unanimously.

Public Hearing – Ordinance 1341

A motion was made by Ms. Wolbert and seconded by Mr. Molin to recess the regular meeting and convene a public hearing on Ordinance 1341. The motion carried unanimously.

A public hearing for Ordinance 1341, Amending Chapter 69 – Banners, of the East Stroudsburg Borough Code of Ordinances, was led by Mr. Prevoznik. Mr. Walton reported there used to be locations within the Borough that would be used to hang banners across a street. Those locations are defunct and the Borough is unable to meet PennDot's requirements for any new banner locations. The Zoning Ordinance Review Committee recommended the Borough to strike Chapter 69 – Banners, and 69-1 will be reserved for future use. Mr. Cross asked if these were the flags and banners that are hung on individual poles throughout the Borough. Mr. Walton clarified this only pertains to the large banners that advertised community events that went from one side of the street to the other, hanging above traffic.

A motion was made by Mr. Flory and seconded by Mr. Cross to enter exhibits 1 through 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 carried unanimously.

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

A motion was made by Ms. Wolbert and seconded by Mr. Flory to approve Ordinance 1341 amending Chapter 69 - Banners, of the East Stroudsburg Borough Code of Ordinances as advertised. The motion carried unanimously.

Public Hearing – Ordinance 1342

A motion was made by Ms. Wolbert and seconded by Mr. Flory to recess the regular meeting and convene a public hearing on Ordinance 1342. The motion carried unanimously.

A public hearing for Ordinance 1342, Amending Chapter 124 – Rental Property; Article II – Fees, of the East Stroudsburg Borough Code of Ordinances, was led by Mr. Prevoznik. Mr. Walton reported that with this change, it will remove the dollar amounts for the fees for rental inspections from the ordinance, and will allow resolutions to set and change fees from time to time. Mr. Cross asked if there is a difference in fee depending on the size of the rental property. Mr. Walton stated there is a \$62 annual fee per regulated rental unit, and a \$40 per unit annual fee for residential complexes with 30 or more units. Mr. Prevoznik noted the fees have nothing to do with this ordinance, this is just setting it up so fees can be set by resolution in the future. Mr. Reese asked what the fees are used for. Mr. Walton advised the fees are used to operate the rental program, administrative costs, and for the rental inspector salary. The Borough is not permitted to make a profit on this program.

A motion was made by Mr. Cross and seconded by Mr. Molin to enter exhibits 1 through 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 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. DeLarco and seconded by Mr. Molin to approve Ordinance 1342, Amending Chapter 124 – Rental Property; Article II – Fees, of the East Stroudsburg Borough Code of Ordinances, as advertised. The motion carried unanimously.

Public Hearing – Ordinance 1343

A motion was made by Mr. Molin and seconded by Ms. Wolbert to recess the regular meeting and convene a public hearing on Ordinance 1343. The motion carried unanimously.

A public hearing for Ordinance 1343, Amending Chapter 64 – Alarms, of the East Stroudsburg Borough Code of Ordinances, was led by Mr. Prevoznik. Mr. Walton reported in 2006 the Borough struck and reserved several sections regarding alarm permits and permit fees. This ordinance reenacts the fee and permit regulations. Mr. Bond stated the ordinance requires the property owner, residential or commercial, to register their alarms. False alarm calls cost money and this will offset those costs. Any monies brought in will be distributed to the police and fire departments. The permits are non-transferrable, and the fee schedule can be changed with resolution. Mr. Molin asked what the consequence would be if a false alarm occurs at a location with a non-registered alarm. Mr. Bond stated it would result in a citation with the district magistrate's office. Mr. Flory stated this only pertains to alarms that are hooked up to an alarm center. He asked what if there is an alarm that is not connected with an alarm monitoring company, but a neighbor calls 911 when they hear the alarm sounding. Mr. Walton responded, yes, these would be alarms that need to be registered with the Borough.

A motion was made by Mr. Cross and seconded by Mr. Molin to enter exhibits 1 through 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 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 Ms. Wolbert and seconded by Mr. Molin to approve Ordinance 1343, Amending Chapter 64 – Alarms, of the East Stroudsburg Borough Code of Ordinances, as advertised. The motion carried unanimously.

Public Comments – Agenda Items

None.

Police Report

The March SARP report was distributed. Chief Lyon advised SARPD is accepting applications for a full-time police officer through April 22. Mr. Molin commended Officer Fetterly for responding professionally to calls complaining of barking dogs. Mr. Reese confirmed the department is gearing up for the upcoming graduation at ESU. Mr. Bond will resend the SARP report per requests from council members who did not receive it.

East Stroudsburg Community Alliance

ECA voted to send a letter to support Pick Up the Poconos on September 28, 2019.

Pick up Pennsylvania is scheduled for Saturday, April 20th from 8:00 am – 12:00 pm., with sign-up and supplies at the Depot Building. All participants will be offered a free night of camping at the Cranberry Run Campground on Saturday, April 27, 2019.

Veteran's Park

Mr. Reese reported he, Mr. Flory and Mr. Molin went to Lowes and Home Depot to request donations, and the Borough Manager sent formal request letters to those establishments. Mr. Flory suggested a committee meeting be scheduled to review estimates and the order of flowers and shrubs. The meeting was set for Friday, April 19 at 9:00 am at the Municipal Building. Mr. Cross asked who is maintaining Veteran's Park now. Mr. Bond stated the borough currently does.

Engineer's Report

The Engineer's Report was distributed.

Willow Street Utility, Drainage and Road Improvements

Mr. Oiler recommended the approval of a change order in the amount of \$3,806.52 associated with the emergency repair of an existing leaking 4-inch valve on King Street. This change order cost was reduced from the previously proposed \$8,895.00 for the emergency replacement of the existing 4-inch valve that was verbally approved by the Borough to be performed as part of a controlled water service shutdown. The contractor was able to perform repair on the existing valve to stop a leak instead of replacing the valve, thereby reducing labor and material costs.

A motion was made by Mr. Flory and seconded by Ms. Wolbert to approve a change order in the amount of \$3,806.52 associated with the emergency repair of an existing leaking 4-inch valve on King Street. This change order cost was reduced from the previously proposed \$8,895.00 for the emergency replacement of the existing 4-inch valve that was verbally approved by the Borough to be performed as part of a controlled water service shutdown. The contractor was able to perform repair on the existing valve to stop a leak instead of replacing the valve, thereby reducing labor and material costs. The motion carried unanimously.

Mr. Oiler recommended the approval of payment request number 6 in the amount of \$114,230.15 to Northeast Site Contractors. Mr. Oiler noted the project is roughly 21% complete; Mr. Cross asked when they will be done. Mr. Oiler they are working rapidly and paving is scheduled for this season, by fall.

A motion was made by Mr. Molin and seconded by Ms. Wolbert to approve the payment request number 6 in the amount of \$114,230.15 to Northeast Site Contractors in accordance with the recommendations from RKR Hess.

Public Comments – New Business

Marie Summa owns the business at 67 Crystal Street with tenants above. One of the tenants recently moved out because of fear of impending noise from the building next door. This is the location of the Derailed restaurant that has not opened for business yet. Ms. Summa suggests the Borough enacts a noise ordinance, since we do not currently have one. Mr. Prevoznik recommended Ms. Summa to contact the LCB for any music and noise issues from the business

of which she is concerned. She also mentioned the contractors have been working on the building all hours of the day and night. Mr. Prevoznik confirmed with Mr. Walton that the contractors met our ordinance; Mr. Walton reported they contractors and owners met the Zoning and UCC requirements, and permits were issued accordingly. The issues and complaints that Ms. Summa has are not under our regulations. Mr. Prevoznik stated we cannot restrict use of the property when all permits are in line and suggested Ms. Summa hires a lawyer for property issues, call police when there are loud noises and voices, and call the LCB when there is music and bar noise to report.

Reports

Fire Chief's Report:

The Fire Chief's report was distributed.

Public Works:

Mr. Dan Strunk presented the Levee Award received from PADEP Department of Waterways, for the operation of levee maintenance during the 2017-18 period.

Marv Walton:

The Permits, Violations, Inspections and Parking Enforcement Reports were distributed.

Mr. Walton requested to set a public hearing for May 21, 2019 for an ordinance amending the code of the Borough of East Stroudsburg, Chapter 73, entitled Codes and Code Enforcement; adopting the current Uniform Construction Code as the building codes enforced by the Borough of East Stroudsburg.

A motion was made by Ms. Wolbert and seconded by Mr. Flory to set a public hearing for May 21, 2019 for an ordinance amending the code of the Borough of East Stroudsburg, Chapter 73, entitled Codes and Code Enforcement; adopting the current Uniform Construction Code as the building codes enforced by the Borough of East Stroudsburg. The motion carried unanimously.

Ken Konz:

Mr. Konz provided an updated of the 2019 Financial review by DCED of our CDBG expenditures. He advised DCED performed the audit of grant monies in the 2017-18 period, and there were no findings in their reviews.

Mr. Konz also provided an update of the Borough's 2018 audit. He advised the audit began in April of 2019 for the 2018 period, and so far everything looks good. The auditors should be done in a week or two.

Mayor Armand Martinelli:

No Report.

Sonia Wolbert:

Absent.

Don Cross:

No Report.

Maury Molin:

No Report.

Roger DeLarco:

Mr. DeLarco reported that he spoke with the supervisor at the recycling center, who told him since they have started to check identifications at the gate, it takes less time to process the recycling and the recycling is cleaner. There have been positive results from this enforcement and he thanked council for the enforcement changes. He also noted since there are no commercial outfits dumping, the chipping pile is also much less.

Ed Flory:

Absent.

Solicitor John Prevoznik, Esq:

Mr. Prevoznik has items for executive session.

Manager's Report:

Mr. Bond requested ratification of the hiring of Soren Elias as the Lead Greens Keeper of Terra Greens Golf Course at the rate of \$16.00 per hour as a seasonal employee.

A motion was made by Ms. Wolbert and seconded by Mr. Molin to ratify the hiring of Soren Elias as the Lead Greens Keeper of Terra Greens Golf Course at the rate of \$16.00 per hour as a seasonal employee. The motion carried unanimously.

Mr. Bond requested approval of Resolution 3-2019, authorizing the Council President to execute the Roundabout Maintenance Agreement for the Exit 308 project.

A motion was made by Mr. Molin and seconded by Ms. Wolbert to approve Resolution 3-2019 authorizing Council President to execute the Roundabout Maintenance Agreement for the Exit 308 project, which includes paving, maintenance of weeds and trash. The motion carried unanimously.

Mr. Bond also requested approval of Resolution 4-2019, authorizing the Council President to execute the Sidewalk Maintenance Agreement for the Exit 308 project.

A motion was made by Mr. Flory and seconded by Mr. Molin to approve Resolution 4-2019 authorizing the Council President to execute the Sidewalk Maintenance Agreement for the Exit 308 project. The motion carried unanimously.

Mr. Bond requested approval of Resolution 5-2019 authorizing the Council President to execute the Roadway Lighting Agreement for the Exit 308 project.

A motion was made by Mr. Cross and seconded by Ms. Wolbert to approve Resolution 5-2019, authorizing the Council President to execute the Roadway Lighting Agreement for the Exit 308 project. The motion carried 5-1 (Yea: Mr. DeLarco, Mr. Cross, Mr. Reese, Mr. Molin, Ms. Wolbert; Nay: Mr. Flory – expenditure too much).

Mr. Bond requested authorization of Resolution 6-2019, authorizing the Council President to execute the Contribution Agreement for the Exit 308 Project.

A motion was made by Ms. Wolbert and seconded by Mr. Molin to approve Resolution 6-2019, authorizing the Council President to execute the Contribution Agreement for the Exit 308 Project. The motion carried 5-1 (Yea: Mr. DeLarco, Mr. Cross, Mr. Reese, Mr. Molin, Ms. Wolbert; Nay: Mr. Flory).

The Borough Manager requested to set a public hearing for May 7, 2019 for an ordinance authorizing the amendment and execution of amendment No. 7 to the Intergovernmental Agreement, establishing the Stroud Area Regional Police Department.

A motion was made by Ms. Wolbert and seconded by Mr. Molin to set a public hearing for May 7, 2019 for an ordinance authorizing the amendment and execution of amendment No. 7 to the Intergovernmental Agreement, establishing the Stroud Area Regional Police Department. The motion carried unanimously.

Mr. Bond read aloud a letter addressed to the Borough of East Stroudsburg, from a resident, Jane Gagliardo, regarding enforcement issues.

A motion was made by Mr. Molin and seconded by Mr. Cross to accept the letter submitted by Ms. Gagliardo and to attach the correspondence to the meeting minutes. The motion carried unanimously.

Mr. Bond received a request for a donation for golf for four with cart from ESYA.

A motion was made by Ms. Wolbert and seconded by Mr. Molin. The motion carried 5-1 (Yea: Mr. DeLarco, Mr. Cross, Mr. Reese, Mr. Molin, Ms. Wolbert; Nay: Mr. Flory).

Bill Reese:
No Report.

Bills Payable

A motion was made by Mr. Flory and seconded by Mr. Cross to ratify bills payable through April 2, 2019. The motion carried unanimously.

Mr. DeLarco asked why we are still paying AMS. Mr. Konz advised we needed to keep AMS active so we could use the housed information when we perform water and sewer usage history and usage fees. The current vendor only provides ten years of records, however, the EDU analysis requires fifteen years of history. Mr. Konz has a call scheduled with AMS to speak about reduction of fees and options going forward. Mr. DeLarco asked if we have a contract with AMS. Mr. Konz reported we do not have a contract and will get a clarification on the way AMS submits their bills to the Borough so it does not appear that we are under a contract.

A motion was made by Mr. DeLarco and seconded by Mr. Flory as a friendly amendment to the original motion to hold AMS invoice until these questions are clarified. Mr. Konz will report back at the May 7 meeting. The motion carried unanimously.

Executive Session

A motion was made by Mr. Flory and seconded by Mr. Cross to go into Executive Session at 8:34 p.m. The motion carried unanimously.

A motion was made by Mr. Cross and seconded by Mr. Flory to reconvene the meeting at 8:56 p.m. The motion carried unanimously.

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

Adjournment

A motion was made by Ms. Wolbert and seconded by Mr. Molin to adjourn the meeting at 8:56 p.m. The motion carried unanimously.

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