

MINUTES FOR REGULAR MEETING  
EAST STROUDSBURG BOROUGH COUNCIL  
TUESDAY, MAY 21, 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 Russ Scott, Finance Officer Ken Konz, Codes Officer Marv Walton and Mayor Martinelli

The Pledge of Allegiance was led by Tracy Granger.

**May 7, 2019 Minutes**

A motion was made by Mr. Molin and seconded by Mr. Cross, to approve the May 7, 2019 Council Meeting minutes. The motion carried unanimously.

**Public Hearing – Ordinance 1345** – amending Chapter 73 – Codes and Codes Enforcement; Article X – Administration and Enforcement; Adoption and Incorporation of Standards, of the East Stroudsburg Code of Ordinances.

A motion was made by Ms. Wolbert and seconded by Mr. Molin to recess the regular meeting and convene a public hearing on Ordinance 1345. The motion carried unanimously.

Mr. Walton advised The Uniform Construction Code, contained in 34 Pa. Code, Chapters 401 through 405, as amended from time to time, is hereby adopted and incorporated herein by reference as the municipal building code of this municipality. The UCC Administration and Enforcement regulation has adopted the following codes for use throughout the Commonwealth of Pennsylvania, effective October 1, 2018, and as a result, those codes are adopted by the Borough of East Stroudsburg.

A motion was made by Mr. Molin and seconded by Mr. Flory to enter exhibit 1 through 5 into evidence. The motion carried unanimously.

A motion was made by Mr. Molin 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. Flory and seconded by Mr. Cross to approve Ordinance 1345, amending Chapter 73 – Codes and Enforcement; Article X – Administration and Enforcement; Adoption and Incorporation of Standards, of the East Stroudsburg Code of Ordinances, as advertised. The motion carried unanimously.

**Public Hearing – Ordinance 1347** – amending Chapter 150 – Vehicles and Traffic; Article III – Parking Regulations, of the East Stroudsburg Code of Ordinances.

A motion was made by Mr. Flory and seconded by Ms. Wolbert to withdraw Ordinance 1347 - amending Chapter 150 – Vehicles and Traffic; Article III – Parking Regulations, of the East Stroudsburg Code of Ordinances. The motion carried unanimously.

Valerie Case, Vice President of Operations at The Pocono Chamber of Commerce requested permission to hold a “Pickle Me Poconos” Pickle Festival on October 5, 2019 from 12:00 p.m.

through 5:00 p.m., along Crystal Street from Analomink Street to Washington Street. Ms. Case also requested for Crystal Street to be closed to vehicles during this time.

A motion was made by Mr. Flory and seconded by Ms. Wolbert to approve the request from The Pocono Chamber of Commerce to hold a "Pickle Me Poconos" Pickle Festival on October 5, 2019 from 12:00 p.m. through 5:00 p.m., along Crystal Street from Analomink Street to Washington Street, with Crystal Street to be closed to vehicles during this time, contingent upon all fees, applications, and appropriate insurance certificates are received by the Borough of East Stroudsburg, and the organization contacts SARPD to coordinate during the street closure. The motion carried unanimously.

Mr. Bond requested authorization to advertise and set the June, July, and August Borough Council Meetings for June 18, July 16, and August 20, 2019 at 7:00 p.m.

A motion was made by Mr. Cross and seconded by Ms. Wolbert to set the Borough Council Meetings for the months of June, July and August for June 18, July 16, and August 20, 2019 at 7:00 p.m. The motion carried unanimously.

Mr. Bond requested authorization to set a public hearing for June 18, 2019 for an ordinance amending the code of the Borough of East Stroudsburg, Chapter 150 entitled Vehicles and Traffic of the Borough of East Stroudsburg Code of Ordinances. Mr. Molin asked how many total parking spaces does the borough have, metered and in municipal lots. Mr. Bond stated we have 355 metered spaces on the streets, and he did not have the number of spaces in the municipal lots available.

A motion was made by Ms. Wolbert and seconded by Mr. Flory to set a public hearing for June 18, 2019 for an ordinance amending the code of the Borough of East Stroudsburg, Chapter 150 entitled Vehicles and Traffic of the Borough of East Stroudsburg Code of Ordinances. The motion carried unanimously.

Ms. Godnig of Maximum Solutions asked why there are cars parked within the South Courtland Street parking lot with permits on their windows indicating lot #3, if the proposed changes were never approved. Mr. Bond responded that this must have been a miscommunication and these cars should have been assigned to the Harlacher parking lot. Mr. Reese asked if this will be corrected, and Mr. Bond confirmed it will be.

Lisa Flory from Shirley Futch Plaza asked if the long term leased parking is available for anyone or residents only. Mr. Bond stated as of now, anyone can purchase a long term leased parking space as they are available. Ms. Flory asked if the policy of one dollar a night visitor parking would still be honored when the meters are installed within the South Kistler parking lot. Mr. Bond stated we would still charge the one dollar for overnight parking, and the vehicle would have to park in the back row of the lot where the metered spaces are going to be. They can park there with that special overnight permit from 5:00 p.m. through 9:00 a.m., but must feed the meter when enforcement begins, at 9:00 a.m. Ms. Flory asked why no meters are going in the Borough's Annex building parking lot. She believes that borough employees should also have to pay for parking. Troy Nauman suggested permits should be issued for any spots within any parking lot. Mr. Bond responded if there

## **Public Comments – Agenda Items**

None.

## **Police Report**

The April SARPD report was distributed via email.

## **Public Comment for Police Issues:**

Mr. DeLarco stated that in Media, PA there are digital speed signs attached to crosswalks to alert drivers of their speed. Mr. DeLarco suggests we look at this option during budget season for our borough. Mr. Molin expressed his concern with speeding along Crystal Street and suggested we install speed bumps. Ms. Kuchinski suggested portable speed bumps so they can be removed for plowing purposes. Mr. Cross said permanent ones would be beneficial. Ms. Kessler noted the speeding issues along Analomink Street as well as North Green Street, where there was recently an accident involving a flipped vehicle. Mayor Martinelli advised speeding is an issue everywhere, but is illegal to install stop signs to control speed. He is in support of installing a speed bump about midway down Crystal Street. Mr. DeLarco recommended we invest in a speed checker sign that can be moved. Mr. Flory advised council and borough employees to visit the area along Old Mill Run in Stroudsburg to view the issues with their speed bumps before we consider installing any within the borough. Mr. Bond stated there was at least one speed bump removed from that area because it was too dangerous in the winter. Patrice Summa asked if “No U Turn” and “No Double Parking” signs could be installed on Crystal Street, since the delivery trucks abuse this. Mayor Martinelli advised we have to allow businesses to receive their deliveries. Mr. Bond stated we could add “Loading and Unloading” areas, however, it would mean eliminating other parking spaces.

## **East Stroudsburg Community Alliance**

No Report.

## **Veterans Park Update**

Mr. Reese reported the weather has not cooperated much for planting, however, the plants have been delivered and will be planting them soon. The Pocono Arts Council agreed to paint a patriotic mural on the wooden fence that is going to be installed. Mr. Cross advised the poles need to be straightened, the stones need to be power washed and the flags need attention. Mr. Reese stated the committee is already aware of these issues and are addressing them.

## **Engineer’s Report**

The Engineer’s Report was distributed.

## **2019 Joint Municipal Landfill Monitoring**

Mr. Scott requested authorization for RKR Hess to proceed with the survey and minor subdivision plan/lot line adjustment for the Sewage Treatment Plant and Landfill property, in accordance with the proposal date of May 16, 2019, at a time and materials cost of \$11,000 - \$12,000 (plus reimbursables). Mr. Cross asked what the reimbursable items consist of. Mr. Scott advised they include mileage, documents, and non-time related costs.

A motion was made by Ms. Wolbert and seconded by Mr. Flory to approve RKR Hess to proceed with the survey and minor subdivision plan/lot line adjustment for the Sewage Treatment Plant and Landfill property, in accordance with the proposal date of May 16, 2019, at a time and materials cost of \$11,000 - \$12,000 (plus reimbursables). The motion carried unanimously.

### **2019 RKR Hess Rate Schedule**

The current 2019 rate schedule does not include a rate classification for Construction Observer services. RKR Hess proposes the addition of the Construction Observer classification at a rate of \$95.00 to \$105.00 per hour for these services provided to the Borough in 2019. RKR requests the Borough to authorize to amend the rate schedule. Mr. Cross asked why there is a range in the hourly fee. Mr. Scott advised the range accounts for any adjustments throughout the year, but has no problem setting it at one fee without any range.

A motion was made by Ms. Wolbert and seconded by Mr. Flory to approve amending the 2019 RKR Hess Rate Schedule to include the addition of the Construction Observer classification at a rate of \$95.00 per hour for these services provided to the Borough in 2019. The motion carried unanimously.

### **Willow Street Update**

Mr. Scott reported that the contractor is currently working on sanitary sewer and storm sewer improvements along Willow Street. Everything needs to settle before they can pave, however, they anticipate to start paving mid-June. Mr. Cross asked if this project will be finished before the fall. Mr. Scott stated they should be substantially done by then.

### **Sewage Treatment Plant NPDES Update**

Mr. Prevoznik advised he is working with Mr. Bond regarding the NPDES permit, due to unexpected monitoring and testing requirements that could be expensive. The borough can either fulfill the requirements, or come up with a plan. They are working with the engineer to develop a strategy to test and determine if the numbers are real and come up with a plan, which should be more cost efficient than the tests.

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

Bryan Zukawski asked the status of his proposal to council regarding Soren Elias. Mr. Bond advised that matter will be discussed in executive session.

Laura Kessler provided pamphlets from AWSOM and suggested the borough donate to the organization. Mr. Bond stated the borough donates \$250.00 per year. Ms. Kessler advised she has an email stating the borough has not donated since 2016. Mr. Bond also advised Ms. Einolf is obtaining the contact information for the individual who provides spaying services at no charge.

Ms. Kessler asked the status of the plastic straw and bag ordinance. Mr. Prevoznik stated he reached out to Senator Scavello twice but has not received feedback.

Ms. Kessler asked the contractor's name who is performing the excavating for the Giant supermarket on Lincoln Avenue. Mr. Prevoznik stated it is Ames Construction. Ms. Kessler advised she has had problems before with that contractor, specifically with trees, and to please be aware of their lack of quality.

Ms. Kessler provided copies of winning essays from the Rotary Club essay contest for council to read, as there are great solutions provided by students. She suggested the borough adds the essays to our website or on the newsletter. Mr. Prevoznik and Mr. Bond confirmed we obtained releases to be published from the first and second place winners, and will get the other releases the next day.

Mr. Hartshorn of Smith Street stated he requested months ago for a four-way stop sign to be installed in the Smith Street and Highland Road intersection. Mr. Bond advised Traffic Plan & Design (TPD) completed a study of this intersection. They recommend the shrubs to be cleared away from the line of sight, and a stop sign is not warranted. Mr. Hartshorn asked why there is a stop sign and speed bumps on Normal Street. Also, he asked what time the study was done; the traffic is worse at 2:00 pm at the Smith and Highland intersection when school is being dismissed. Mr. Bond stated he will look at the study to find out what time it was done. He also reminded Mr. Hartshorn that Highland Road is a private driveway. Mr. Hartshorn stated the school busses use that road and maintenance should be the expense of the school district. Ms. Goding suggested traffic guards be present at that intersection during school dismissal hours. Mr. DeLarco recommends using the electronic speed signs to accomplish the speed issue.

A motion was made by Mr. Molin and seconded by Mr. Cross to request SARPD patrol that area. The motion carried unanimously.

A motion was made by Mr. Cross and seconded by Mr. DeLarco to send a letter to the East Stroudsburg Area School District expressing the residents' concerns regarding safety issues at the intersection of Smith Street and Highland Road, and suggest a traffic guard be on duty during busy hours of the school. The motion carried unanimously.

Mr. Hartshorn expressed his frustration with the ordinance for alarm permits. He said he pays the alarm company monthly to protect his family, and now he has to pay the borough as well. He was disappointed when he learned the borough no longer accepts meter readings before and after a swimming pool fill-up. He noted we live in the highest taxing district, our trash fees have increased, the borough does not accept pool filling meter readings, and now we have to pay for alarm permits, and asked where does this end. Mr. Bond advised the Zoning Ordinance Review Committee recommended the alarm permit ordinance to be effective after an influx of false alarms had been reported. The \$5.00 fee includes the first two false alarms and the permit information provides the borough with a contact name and number for shutting off alarms. Also, the trash fees have not increased in the past two years, and our taxes are high because of the school district. Additionally, the borough's garbage ordinance will be changing in 2020, and the residents will have the option of the size of container, which could decrease the user fees. Mr. DeLarco added the control center is fee based revenue, not tax based. Ms. Kessler asked if the new garbage ordinance will change the way bulk items are handled. Mr. Bond advised bulk items will be limited to one item per week, and the resident will have the option to purchase specially marked bags available at the municipal building. Mr. Molin stated he has noticed a lot of electronics along curbside. Mr. Bond stated Waste Management will not take electronics but the residents can take them to the recycling center with no charge. If the electronics are left at curbside, the homeowner is subject to a fine and/or citation.

## **Reports**

### **Marv Walton:**

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

Mr. Walton requested authorization to set a public hearing for June 18, 2019 for an ordinance amending the code of the Borough of East Stroudsburg, Chapter 134 entitled Solid Waste; amending the Notice of Ordinance Violation; Payment of the Borough of East Stroudsburg Code of Ordinance.

A motion was made by Ms. Wolbert and seconded by Mr. Cross to authorize the Zoning Officer to set a public hearing for June 18, 2019 for an ordinance amending the code of the Borough of East Stroudsburg, Chapter 134 entitled Solid Waste; amending the Notice of Ordinance Violation; Payment of the Borough of East Stroudsburg Code of Ordinance. The motion carried unanimously.

Mr. Walton requested authorization to set a public hearing for June 18, 2019 for an ordinance amending the code of the Borough of East Stroudsburg, Chapter 98 entitled Lawn and Yard Sales of the Borough of East Stroudsburg Code of Ordinances.

A motion was made by Ms. Wolbert and seconded by Mr. Molin to authorize the Zoning Officer to set a public hearing for June 18, 2019 for an ordinance amending the code of the Borough of East Stroudsburg, Chapter 98 entitled Lawn and Yard Sales of the Borough of East Stroudsburg Code of Ordinances. The motion carried unanimously.

Mr. Walton requested authorization to set a public hearing for June 18, 2019 for an ordinance amending the code of the Borough of East Stroudsburg, Chapter 79 entitled Fireworks of the Borough of East Stroudsburg Code of Ordinances.

A motion was made by Ms. Wolbert and seconded by Mr. Cross to authorize the Zoning Officer to set a public hearing for June 18, 2019 for an ordinance amending the code of the Borough of East Stroudsburg, Chapter 79 entitled Fireworks of the Borough of East Stroudsburg Code of Ordinances. The motion carried unanimously.

Mr. Walton requested authorization to set a public hearing for June 18, 2019 for an ordinance amending the code of the Borough of East Stroudsburg, Chapter 65 entitled Alcoholic Beverages of the Borough of East Stroudsburg Code of Ordinances.

A motion was made by Ms. Wolbert and seconded by Mr. DeLarco to authorize the Zoning Officer to set a public hearing for June 18, 2019 for an ordinance amending the code of the Borough of East Stroudsburg, Chapter 65 entitled Alcoholic Beverages of the Borough of East Stroudsburg Code of Ordinances. The motion carried unanimously.

Mr. Walton requested approval to accept a proposal for the Uptown Zoning District overlay. The Comp Plan Task Force recommends Council accept the proposal from URDC at a cost not to exceed \$27,000.00. Mr. Cross asked what the cost entails. Mr. Walton advised the cost covers the development of the overlay, map changes, preparation of the ordinance, performance standards, setbacks and uses. Mr. Cross asked the square miles this covers. Mr. Walton did not have the information available.

**Ken Konz:**

Mr. Konz reported the Liquid Fuels Audit will be conducted by a representative of the PA Auditor General on May 29 and May 30, 2019; this is the examination of Liquid Fuels Tax Fund for the period of January 1, 2017 to December 31, 2017, and includes expenses from the highway fund, including street paving, lighting, and snow removal. Mr. Cross asked when council would receive a report. Mr. Konz stated he anticipates the report to be ready within two to three weeks after the audit is completed.

Mr. Konz provided an update on the 2018 Audit. He stated the field work is done, and an Audit Committee Meeting is scheduled for Wednesday June 12.

**Mayor Martinelli:**

Mr. Martinelli reported receive of the 2020 Census New Construction program, which requests street addresses to be provided to the Census Bureau. Mr. Prevoznik suggested the borough contacts the readdressing department of the Control Center to fulfill that request. Mr. Martinelli stated the deadline is June 14, 2019. A motion was made by Mr. DeLarco and seconded by Mr. Molin to authorize the borough to participate in the 2020 Census New Construction program if the Control Center cannot. The motion carried unanimously.

**Sonia Wolbert:**

No Report.

**Mr. Cross:**

No Report.

**Mr. Molin:**

Items brought up in comments for police matters.

**Roger DeLarco:**

No Report.

**Ed Flory:**

The Fire Department will be getting their new Pumper Rescue truck in late May; the final inspection was scheduled for this week. The old rescue truck is owned by the Relief Association, not the Borough of East Stroudsburg.

**Solicitor John Prevoznik, Esq.:**

Mr. Prevoznik requested authorization to execute the Stormwater Easement Agreement with Kimco Land Development, which records their obligation to maintain and the Borough to investigate.

A motion was made by Ms. Wolbert and seconded by Mr. Flory to give Mr. Prevoznik authorization to execute the Stormwater Easement Agreement with Kimco Land Development. The motion carried unanimously.

**Manager's Report:**

Mr. Bond received a request from East Stroudsburg University Warriors Soccer and the Church of Saint Matthews for a donation of a round of golf for two with a cart at Terra Greens Golf Course for a fundraising prize. Mr. Cross asked if the borough could impose a minor usage fee for the donated gift certificates to defray costs of the golf course. Mr. Reese noted the donated gift certificates brings more people to the course. Mr. Flory added that nobody uses the gift certificates. Ms. Wolbert reminded council that donating a gift certificate does not cost anything and is free advertising. Mr. Zukawski confirmed that very few certificates get used, it costs very little to donate them, and it is free advertising for the course. They do expire at the end of each season, and from the approximate thirty-five certificates that have been donated, six have been used, but that is thirty-five times the golf course was mentioned.

A motion was made by Mr. Molin and seconded by Mr. Cross to approve a request from East Stroudsburg University Warriors Soccer and the Church of Saint Matthews for a donation of a round of golf for two with a cart at Terra Greens Golf Course for a fundraising prize. The motion carried 4-2 (Roll Call: Nay – Mr. Flory, Mr. Cross; Yae – Ms. Wolbert, Mr. DeLarco, Mr. Reese, Mr. Molin).

Mr. Bond received a request from Pocono Irish American Club to benefit the Monroe County Special Olympics and The Pocono Mountains Chapter of Penn State Alumni Association for a fundraising event for a donation for a round of golf for four with carts at Terra Greens Golf Course.

A motion was made by Ms. Wolbert and seconded by Mr. Molin to approve the request from Pocono Irish American Club to benefit the Monroe County Special Olympics and The Pocono Mountains Chapter of Penn State Alumni Association for a fundraising event for a donation for a round of golf for four with carts at Terra Greens Golf Course. The motion carried 4-3 (Roll Call: Nay – Mr. Flory, Mr. Cross, Mr. DeLarco; Yae – Ms. Wolbert, Mr. Reese, Mr. Molin, Mayor Martinelli).

Mr. Bond reported the receipt of a request from the Housing Authority of Monroe County to receive 30 Family Passes for Dansbury Pool at half price, \$62.50 each.

A motion was made by Mr. Molin and seconded by Mr. Cross to approve the request from the Housing Authority of Monroe County to receive 30 Family Passes for Dansbury Pool at half price, \$62.50 each. The motion carried unanimously.

Mr. Bond received a request from Acme Hose Co. No 1 – East Stroudsburg Fire Department to hold a “Wag and Walk” 5K on August 3, 2019 from 11:00 am – 5:00 pm contingent upon providing the deposit, application fee, certificate of insurance, and contacting SARPD. Mr. Molin asked where the event is to be held. Mr. Flory stated in the Fire House parking lot.

A motion was made by Mr. Molin and seconded by Mr. Flory to approve the request from Acme Hose Co. No 1 – East Stroudsburg Fire Department to hold a “Wag and Walk” 5K on August 3, 2019 from 11:00 am – 5:00 pm contingent upon providing the deposit, application fee, certificate of insurance, and contacting SARPD. The motion carried unanimously.

Mr. Bond received a request from the Housing Authority of Monroe County to establish a Residential Parking District on Normal Street, Hill Street and Taylor Street in the vicinity of the Housing Authority housing units.

A motion was made by Ms. Wolbert and seconded by Mr. Flory to direct the Zoning Ordinance Review Committee to review the request from the Housing Authority of Monroe County to establish a Residential Parking District. The motion carried unanimously.

Mr. Bond requested authorization to set a public hearing for the vacation of Brown Street, Brown Street Extension and Old Bridge Street for 7:00 pm, Tuesday, July 16, 2019, and authorize the Engineer, Solicitor and Zoning Officer to work together to get paperwork in order.

A motion was made by Ms. Wolbert and seconded by Mr. Molin to authorize the Borough Manager to set a public hearing for the vacation of Brown Street, Brown Street Extension and Old Bridge Street for 7:00 pm, Tuesday, July 16, 2019., and authorize the Engineer, Solicitor and Zoning Officer to work together to get paperwork in order. The motion carried unanimously.

**Bill Reese:**  
No Report.



**Bills Payable**

A motion was made by Mr. Flory and seconded by Mr. Cross to ratify bills payable through May 21, 2019. The motion carried unanimously.

**Executive Session**

A motion was made by Mr. Flory and seconded by Mr. Cross to go into Executive Session at 8:42 p.m. The motion carried unanimously.

A motion was made by Mr. DeLarco and seconded by Mr. Molin to reconvene the meeting at 9:37 p.m. The motion carried unanimously.

Mr. Prevoznik reported that personnel, and contractual matters were discussed.

A motion was made by Mr. Cross and seconded by Mr. Flory to authorize the purchase of a Ford F550 truck for the maintenance department from Powell's Sales and Services. The motion carried unanimously.

**Adjournment**

A motion was made by Ms. Wolbert and seconded by Mr. DeLarco to adjourn the meeting at 9:38 p.m. The motion carried unanimously.

NEXT REGULAR MEETING: Tuesday, June 18, 2019; 7:00 p.m.