

MINUTES FOR REGULAR MEETING
EAST STROUDSBURG BOROUGH COUNCIL
TUESDAY, NOVEMBER 6, 2019 -7:00 p.m.

PRESENT: Manager Brian Bond, Don Cross, Ed Flory, Solicitor John C. Prevoznik, Maury Molin, Roger DeLarco, Bill Reese, Mayor Martinelli, Borough Engineer Russ Scott, Codes Officer Marv Walton

ABSENT: Sonia Wolbert and Finance Officer Ken Konz

The Pledge of Allegiance was recited.

October 15, 2019 Minutes

A motion was made by Mr. Cross and seconded by Mr. Molin, to approve the October 15, 2019 minutes. The motion carried unanimously.

Public Comments – Agenda Items

Bryan Zukawski, superintendent of Terra Greens, read aloud a letter directed to the Mayor and Council Members addressing council’s consideration of closing the golf course. This led to the discussion of the continued operation of the Terra Greens Golf Course. Mr. Bond provided monetary statistics of the golf course performance from prior years, and he advised the projected net loss for 2019 is \$43,404. Many comments were made by users, employees, and supporters of the golf course, and offered some suggestions and ideas to increase revenue in the future. Some ideas included increasing the greens and carts fees, adding an out of state or county rate, add a driving range, serve food and/or beer, provide better advertising, and hosting golf tournaments as fundraisers. The golf course was purchased by the Borough with open space grants, therefore, limitations are set for future operations on the property. One option is turning it into walking, hiking, and biking trails, and fishing, open to the public. Mr. Bond stated it would cost about \$3,000.00 to \$5,000.00 annually to maintain the property for that use. Jim Phillips, resident, questioned the estimated figures to maintain that acreage. Mr. DeLarco stated he would not be interested in closing the golf course, unless it becomes another recreational place, which would open it for many more uses to more people in the community. He reiterated that in 2018 the course lost \$117,000.00, which is equivalent to 2 mils of taxes), and roughly \$745,000.00 since the conception of the course. Council needs to be cognizant of our taxpayers. Mr. Flory added the amount of labor spent is more than their income, and any additional expense is a loss. Mr. DeLarco asked how many members the course has. Mr. Zukawski stated there are 37 members, and admits it has been a couple of years since they last raised rates. He advised his records do not reflect the same amount of losses from 2015, 2016, or 2017, and stated the \$117,000.00 lost in 2018 was due to exceptional weather conditions. Mr. Bond advised as a supervisor, Mr. Zukawski should have been involved during the budgetary process if he thought rates should have been raised. Mr. Reese reminded council that if they close the course, the grounds will go to seed and will not be opened as a golf course again. Mr. DeLarco added this decision is not about Bryan’s job, it is about the burden of the continued expense.

A motion was made by Mr. DeLarco and seconded by Mr. Molin to keep the golf course open, with all employees as seasonal, the supervisor will work eight months of the year, no benefits will be offered to the employees (option #3 on Mr. Bond’s proposal presented). The motion passed 3-2 (Yea: Mr. DeLarco, Mr. Cross, Mr. Molin; Nay: Mr. Reese, Mr. Flory).

SROSRC

The Proposed 2020 SROSRC Budget was distributed; Mr. Bond mentioned the borough's donation decreased this year.

Veterans Park Update

No Update.

Police Report

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

Mr. Bond requested the approval of the 2020 Stroud Area Regional Police Budget.

Mr. Prevoznik mentioned that Stroudsburg Borough approved the SAPRD budget, and was not sure if Stroud Township did yet. Mr. DeLarco stated approximately 50% of our general budget is SARPD costs.

A motion was made by Mr. Molin and seconded by Mr. Flory to approve the 2020 Stroud Area Regional Police budget as presented, and authorize the Borough Manager to send a letter to SAPRD advising them their budget has been approved with the Borough of East Stroudsburg. The motion carried unanimously.

The Manager requested authorization to advertise and set a public hearing for the proposed 2020 East Stroudsburg Borough budget on Tuesday, December 17, 2019 at 7:15 p.m., as presented.

A motion was made by Mr. DeLarco and seconded by Mr. Flory to approve advertising and to set a public hearing for the proposed 2020 East Stroudsburg Borough budget on Tuesday, December 17, 2019 at 7:15 p.m., as presented. The motion carried unanimously.

East Stroudsburg Community Alliance

Mr. Bond advised there will be a release letter for the solicitor to review regarding the Christmas tree being installed on the concrete platform on the end of Crystal Street.

Mr. Bond requested authorization to advertise and set a public hearing for Ordinance 1354 approving the payment agreement with the Brodhead Creek Regional Authority for the 7th Amendment of the Intergovernmental Cooperative agreement, for 7:25 p.m. on Tuesday, November 19, 2019 at the East Stroudsburg Borough Municipal Building, amending the motion from Tuesday, October 15, 2019. Mr. Prevoznik explained this hearing was scheduled for tonight, however, the agreement is not complete and needs to be rescheduled.

A motion was made by Mr. Molin and seconded by Mr. Cross to advertise and set a public hearing for Ordinance 1354 approving the payment agreement with the Brodhead Creek Regional Authority for the 7th Amendment of the Intergovernmental Cooperative agreement, for 7:25 p.m. on Tuesday, November 19, 2019 at the East Stroudsburg Borough Municipal Building. The motion carried unanimously.

Mr. Bond requested authorization to advertise and set a public hearing to amend the Intergovernmental Cooperative Agreement with the Brodhead Creek Regional Authority for 7:15 p.m. on Tuesday, November 19, 2019 at the East Stroudsburg Borough Municipal Building, amending the motion from Tuesday, October 15, 2019.

A motion was made by Mr. Cross and seconded by Mr. Flory to advertise and set a public hearing to amend the Intergovernmental Cooperative Agreement with the Brodhead Creek

Regional Authority for 7:15 p.m. on Tuesday, November 19, 2019 at the East Stroudsburg Borough Municipal Building. The motion carried unanimously.

IBW Property Update

Mr. Bond advised the committee met with the Hennings on October 15, 2019 to discuss selling strategies and the property; it was recommended that selling would be enhanced if property structures are demolished, plus demolishing would remove a large liability.

Mr. Bond requested approval for the IBW Committee recommendation to draft a Request for Proposal for the demolition of all building located on the IBW property.

A motion was made by Mr. DeLarco and seconded by Mr. Cross to direct the Borough Manager to draft a Request for Proposal for demolition of all the buildings on the IBW property. The motion carried unanimously.

Engineers Report

The Engineers Report was distributed.

Willow Street Utility, Drainage and Road Improvements

Mr. Scott requested approval to formalize a change order in the amount of \$14,152.12 associated with storm sewer revisions from off road areas with native soil backfill to roadway areas with stone backfill based on verification of utility locations from test pits. The additional costs were previously estimated to be approximately \$15,000.00, to be finalized after the construction based on actual quantities installed as discussed at the February 5, 2019 council meeting.

A motion was made by Mr. Molin and seconded by Mr. Flory to formalize a change order in the amount of \$14,152.12 associated with storm sewer revisions from off road areas with native soil backfill to roadway areas with stone backfill based on verification of utility locations from test pits. The additional costs were previously estimated to be approximately \$15,000.00, to be finalized after the construction based on actual quantities installed as discussed at the February 5, 2019 council meeting. The motion carried unanimously.

Mr. Scott requested the approval of a change order in the amount of \$3,925.00 associated with the installation of concrete pad, steps, curbing, and handrail at 247 Willow Street due to grading changes as a result of drainage improvements that impacted the property's existing walkway and steps.

A motion was made by Mr. Molin and seconded by Mr. Flory to approve the change order in the amount of \$3,925.00 associated with the installation of concrete pad, steps, curbing, and handrail at 247 Willow Street due to grading changes as a result of drainage improvements that impacted the property's existing walkway and steps. The motion carried unanimously.

Mr. Scott requested the approval of a change order providing a credit/deduct to the contract value in the amount of \$1,634.15 associated with the installation of a 4-inch insertion valve instead of a 6-inch insertion valve that was originally anticipated on Brookside Avenue.

A motion was made by Mr. Cross and seconded by Mr. Flory to approve the change order providing a credit/deduct to the contract value in the amount of \$1,634.15 associated with the installation of a 4-inch insertion valve instead of a 6-inch insertion valve that was originally anticipated on Brookside Avenue. The motion carried unanimously.

Mr. Scott requested approval of Payment Application No. 12 in the amount of \$338,938.73 to Northeast Site Contractors in accordance with the recommendation from RKR Hess.

A motion was made by Mr. Flory and seconded by Mr. Cross to approve Payment Application No. 12 in the amount of \$338,938.73 to Northeast Site Contractors in accordance with the recommendation from RKR Hess. The motion carried unanimously.

Mr. Scott requested approval of a No Cost Change Order for final completion by November 15, 2019. Mr. Flory asked how many extensions have they had. Mr. Scott stated they have had one formal extension.

A motion was made by Mr. Flory and seconded by Mr. Molin to approve a No Cost Change Order for final completion by November 15, 2019. The motion carried unanimously.

CDBG ADA Ramp Project

Mr. Scott requested approval of a change order provided a reduction to the contract value in the amount of \$19,249.66 to adjust contract values to reflect installed quantities based on contract unit costs.

A motion was made by Mr. Cross and seconded by Mr. Molin to approve a change order provided a reduction to the contract value in the amount of \$19,249.66 to adjust contract values to reflect installed quantities based on contract unit costs. The motion carried unanimously.

Mr. Scott requested approval of Payment Application No. 1 in the amount of \$164,284.70 to Heim Construction Company, Inc. in accordance with the recommendation from RKR Hess.

A motion was made by Mr. Flory and seconded by Mr. Cross to approve Payment Application No. 1 in the amount of \$164,284.70 to Heim Construction Company, Inc. in accordance with the recommendation from RKR Hess. The motion carried unanimously.

2019 Street Improvement Project – Elizabeth and Vine Streets

Mr. Scott requested approval of change order providing an increase to the contract value in the amount of \$44,636.32 associated with the installation of additional stone base and geogrid and adjustment for final quantities for payment based on unit contract costs.

A motion was made by Mr. Molin and seconded by Mr. Flory to approve a change order providing an increase to the contract value in the amount of \$44,636.32 associated with the installation of additional stone base and geogrid and adjustment for final quantities for payment based on unit contract costs. The motion carried unanimously.

Mr. Scott requested approval of Payment Application No. 1 in the amount of \$216,702.43 to Gavin Industries Inc., dba Barker and Barker, in accordance with the recommendation from RKR Hess.

A motion was made by Mr. Flory and seconded by Mr. Molin to approve Payment Application No. 1 in the amount of \$216,702.43 to Gavin Industries Inc., dba Barker and Barker, in accordance with the recommendation from RKR Hess. The motion carried unanimously.

Update PennDot Route 80 Right of Way – Lincoln Avenue and Route 80

Mr. Scott advised PennDot is requesting right of way off Lincoln Avenue, south of the I-80 bridge in the proximity of the landfill. The borough will not be responsible for any issues that

happen at the landfill; Mr. Prevoznik will review the contract provisions before we approve any contract.

Mr. Scott also advised the Utility Impacts Justification and Cost Share Request Letters have been submitted to PennDot. The letters are under review by PennDot's legal office in Harrisburg.

Mr. Scott read aloud the Executive Summary of Proposed Revisions to Chapter 126-Sewer. A public hearing request is in the Borough Manager's report of this meeting.

Public Comments – New Business

Mike Ogdon from Kimco announced the contractors are completing the final paving, and planting of Pocono Plaza. Home Goods opened this past weekend, and Giant is slated to open November 15, 2019. Mr. Molin asked if all storefronts are occupied. Mr. Ogdon advised there is currently one vacancy next to Home Goods.

Tracy Granger, resident, attended the "soft" opening of Home Goods on Friday and noticed cars blocking fire lanes because the parking lot was full. She suggested the borough has parking enforcement in the lot when Giant opens. She thanked Mr. Ogdon for bringing these businesses to our borough.

Reports:

Public Works:

None.

Marv Walton:

Update on the C-1B Zoning District

Mr. Walton advised the Zoning Ordinance Review Committee (ZORC) is developing a new commercial district; Mr. Walton has a meeting scheduled for November 6, 2019 to be sure there is no conflict between ZORC's direction and the Comprehensive Task Force's direction.

Ken Konz:

Discussion of EDU Agreements – ESU

Mr. Bond requested authorization for Mr. Konz to send ESU a 10-day notice of water termination.

A motion was made by Mr. Molin and seconded by Mr. Cross to table the approval for Mr. Konz to send ESU a 10-day notice of water termination. The motion carried 4-1 (Yea: Mr. Molin, Mr. Cross, Mr. Reese, Mr. DeLarco; Nay: Mr. Flory).

Approval of EDU Agreement – Quality Inn

Mr. Bond requested authorization for Mr. Konz to approve the EDU agreement with the Quality Inn.

A motion was made by Mr. Molin and seconded by Mr. Flory to approve the EDU agreement with the Quality Inn. The motion carried unanimously.

Mayor Martinelli:

No Report.

Sonia Wolbert:

Absent.

Don Cross:

No Report.

Maury Molin:

The next committee meeting for the 150th Anniversary is November 7th at 1:00 p.m.

Roger DeLarco:

No Report.

Ed Flory:

No Report.

Solicitor John Prevoznik

Items for executive session.

Manager's Report

Mr. Bond requested authorization to execute a Notice of Intent to Award for the 2020-2021 Solid Waste Collection Service to Waste Management upon review by the Borough Solicitor and Borough Manager.

A motion was made by Mr. Molin and seconded by Mr. Flory to authorize the Borough Manager to execute a Notice of Intent to Award for the 2020-2021 Solid Waste Collection Service to Waste Management upon review by the Borough Solicitor and Borough Manager. The motion carried unanimously.

Mr. Bond requested authorization of Resolution 18-2019 establishing the 2020 Annual Solid Waste User Fees.

A motion was made by Mr. Cross and seconded by Mr. Flory to approve Resolution 18-2019, establishing the 2020 Annual Solid Waste User Fees. The motion carried unanimously.

The Manager requested authorization to advertise and set a public hearing for Ordinance 1355 Chapter 126 Sewers for Tuesday, December 3, 2019 at 7:30 p.m.

A motion was made by Mr. Molin and seconded by Mr. Flory to authorize the Borough Manager to advertise and set a public hearing for Ordinance 1355 Chapter 126 Sewers for Tuesday, December 3, 2019 at 7:30 p.m., and to post the proposed ordinance and executive summary on the borough's website. The motion carried unanimously.

Mr. Bond requested authorization to advertise an Request for Proposal for a Third Party Code Inspection Service.

A motion was made by Mr. Molin and seconded by Mr. Cross to approve advertising an RFP for a Third Party Code Inspection Service upon favorable review by the Borough Solicitor. The motion carried unanimously.

Mr. Bond requested authorization to advertise and set a public hearing for Ordinance 1356 authorizing the borough to enter into a Cooperation Agreement between Monroe County and

East Stroudsburg Borough for the Fiscal Year 2019 CDBG Program Administration for Tuesday, December 3, 2019 at 7:35 p.m.

A motion was made by Mr. Cross and seconded by Mr. Flory to advertise and set a public hearing for Ordinance 1356 authorizing the borough to enter into a Cooperation Agreement between Monroe County and East Stroudsburg Borough for the Fiscal Year 2019 CDBG Program Administration for Tuesday, December 3, 2019 at 7:35 p.m. The motion carried unanimously.

The Manager reported the request from the East Stroudsburg United Methodist Church to purchase 12 meter bags for Parking Lot No. 2 (Harlacher) on Friday, November 8 from 3:00 to 5:00 p.m., and Saturday, November 9 from 7:00 a.m. to 5:00 p.m., to accommodate volunteers of the Food Pack for Haiti.

A motion was made by Mr. Molin and seconded by Mr. Cross to approve the request from the East Stroudsburg United Methodist Church to purchase 12 meter bags for Parking Lot No. 2 (Harlacher) on Friday, November 8 from 3:00 to 5:00 p.m., and Saturday, November 9 from 7:00 a.m. to 5:00 p.m., to accommodate volunteers of the Food Pack for Haiti. The motion carried unanimously.

Mr. Bond requested approval to accept a Traffic Signal Easement between Kimco Delaware Inc. and the Borough of East Stroudsburg with Kimco Delaware Inc. being responsible for 50% of the maintenance costs.

A motion was made by Mr. Molin and seconded by Mr. Flory to accept a Traffic Signal Easement between Kimco Delaware Inc. and the Borough of East Stroudsburg with Kimco Delaware Inc. being responsible for 50% of the maintenance costs. The motion carried unanimously.

Mr. Bond reported the recommendation of the Zoning Ordinance Review Committee and the Borough Manager to delay the issuance of the Master Plan RFP until all current proposed Zoning changes have been completed.

A motion was made by Mr. Molin and seconded by Mr. Cross to approve a recommendation of the Zoning Ordinance Review Committee and the Borough Manager to delay the issuance of the Master Plan RFP until all current proposed Zoning changes have been completed. The motion carried unanimously.

Mr. Bond reported the request from the Church of Saint Matthew for the Procession of Our Lady of Guadalupe to be held on Sunday, December 1, 2019 from 5:45 p.m. – 7:00 p.m., with an event route from Rite Aid to St. Matthews Church. All appropriate forms and fees have been provided.

A motion was made by Mr. Flory and seconded by Mr. Molin to approve the request from the Church of Saint Matthew for the Procession of Our Lady of Guadalupe to be held on Sunday, December 1, 2019 with an event route from Rite Aid to St. Matthews Church from 5:45 p.m. to 7:00 p.m., contingent upon SARPD notification and approval. The motion carried unanimously.

Bill Reese:

No report.

Bills Payable

A motion was made by Mr. Molin and seconded by Mr. Reese to ratify bills payable through November 5, 2019. The motion carried unanimously.

Executive Session

A motion was made by Mr. Molin and seconded by Mr. Reese to go into Executive Session at 9:26 p.m. The motion carried unanimously.

A motion was made by Mr. Molin and seconded by Mr. Flory to reconvene the meeting at 9:56 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 Mr. Flory and seconded by Mr. Molin at 9:58 p.m. to adjourn the meeting. The motion carried unanimously.

NEXT REGULAR MEETING: Tuesday, November 19, 2019 @ 7:00 p.m.