

MINUTES FOR REGULAR MEETING  
EAST STROUDSBURG BOROUGH COUNCIL  
TUESDAY JULY 7, 2020 -7:15 p.m.

To meet the requirements established by the Office of Open records for virtual meetings, this meeting was recorded with audio and video via Publicinput.com/Webex from the initial announcement of the meeting till its end with the exception of executive session, if any, which shall not be recorded.

VIRTUALLY PRESENT: Borough Manager Brian Bond, Mayor Martinelli, Carrie Panepinto, Ken Konz, Roger DeLarco, Borough Engineer Nate Oiler  
PRESENT AT MUNICIPAL BUILDING: Don Cross, Sonia Wolbert, Maury Molin, Bill Reese, Solicitor John Prevoznik, Zoning Officer Marv Walton and Public Works Director Brian Ace

The Pledge of Allegiance was led by Mr. Reese.

**Solicitor's Report on Executive Session**

Executive Session was held prior to the start of the regular meeting. Legal strategies regarding solving the PennDot landfill condemnation, the necessity of filing appeals for issuing building permits, property acquisition in connection with the Eagle Valley pump station, and personnel matters were all discussed. No decisions were made.

**June 16, 2020 Minutes**

A motion was made by Mr. Molin and seconded by Ms. Wolbert, to approve the June 16, 2020 minutes. The motion carried unanimously.

**Public Comments – Agenda Items**

None.

**SROSRC**

Ms. Wolbert reported summer camp is open and enrollment is close to full. The pool has been open since July 2 and staff has had to turn away non-residents. The first weekend they were at full capacity, under the limits set by the Governor's orders.

**Veterans Park Update**

Mr. Reese reported the trees have been removed and the grinding of the stumps will be done soon. New trees will be planted, and the walkway will be installed. The dedication of the park will be held on Veterans Day in November 2020, with a time to be determined.

**Police Report**

Captain Gasper was present. The June SARP report will be presented at the July 21<sup>st</sup> council meeting. Ms. Wolbert asked how many fireworks calls SARPD received. Captain Gasper advised the majority of calls regarding fireworks were taken on July 3, 4 and 5 but he is waiting on the stats for the actual number of calls received. Captain Gasper explained now that more fireworks have been legalized by the state, clarification was needed regarding enforcement. He confirmed officers can cite violators with the way the Borough's ordinance stands, however, it is hard to identify the actor, and hard to prove the 150' rule. A resident asked how one should proceed to report violators, and if it is possible to report after the fact. Captain Gasper advised residents should call 9-1-1, or the non-emergency line at 570-992-9911, while the activity is happening. They cannot file citations after the act is over.

### **150 +1 Update**

Mr. Molin announced the next committee meeting will be Thursday, August 6, 2020 at 1:00 p.m.

### **East Stroudsburg Community Alliance**

Ms. Wolbert announced the next ECA Board meeting will be held on Tuesday, July 14, 2020 at 5:15 p.m. ECA prepared a letter supporting the Borough's Business Recovery Plan.

### **Engineer's Report**

The Engineer's Report was distributed.

A motion was made by Mr. Cross and seconded by Ms. Wolbert to approve RKR Hess to submit the PADEP Chapter 105, General Permit-8 (GP-8) application for the Middle Dam Project. The motion carried unanimously.

A motion was made by Mr. Molin and seconded by Ms. Wolbert to approve RKR Hess to submit a subsidiary water allocation permit application for the Middle Dam Project. The motion carried unanimously.

A motion was made by Ms. Wolbert and seconded by Mr. Molin to ratify John McChesney to perform the an appraisal for easements required for the PennDot Exit 308 Utility Relocation Project. The cost is eligible for reimbursement by PennDot. Each appraisal is approximately \$1,500.00 and five easements are needed. The motion carried unanimously.

A motion was made by Mr. Cross and seconded by Ms. Wolbert to approve the RKR Hess change of scope proposal for the Exit 308 Utility Relocation Project at a cost no to exceed \$130,000.00. This cost is eligible for reimbursement by PennDot. The motion carried unanimously.

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

A resident complained about his neighbor's loud music and has contacted the police previously but does not get resolved. Captain Gasper advised the resident to call 9-1-1 and they will respond. The resident also stated there are houses that stack garbage bags on and in their cans, preventing the lids from closing, and Waste Management still collects them. Other residents either pay for extra bags as they are instructed to, or get fined, as the ordinance reads. Mr. Walton asked the resident to provide the particular address so necessary enforcement can occur. Mr. Prevoznik suggested the Borough Manager contact Waste Management to ensure the drivers are collecting only what is allowed per our ordinance and their contract.

Mr. Khadr, owner of the gas station located at 365 North Courtland Street, expressed his concerns about his water and sewer bill. The tenant of the upstairs apartment left last year but the amount of his bill is the same as when the apartment was occupied. He also does not think he should pay for garbage if the apartment is vacant. Mr. Bond advised him of a waiver form for the refuse bill, and must prove the unit has been vacant for at least six months. The water and sewer bill reflects the minimum charges and current EBU calculations. Mr. Khadr left his contact information for Mr. Bond for further discussion.

## **Reports:**

### **Brian Ace:**

Mr. Ace thanked Council, Solicitor, and the Borough Manager for making the necessary changes during the COVID-19 pandemic in order to protect our employees. Mr. Ace commended the maintenance employees who were temporarily assigned to other departments during the pandemic. They all did what they were asked to do, and learned other things while helping the Borough get through the emergency.

**DPW Update:** Since the Borough's new garbage ordinance and during the COVID pandemic, our recycling volume has at least doubled. The Sewer Department purchased a sewer vacuum truck, which will be a benefit to the Borough, especially with the MS4 requirements, and with the preventative maintenance of the sewer lines. The Maintenance Department worked to get the park and pool open, have been mowing the levee, and have been sweeping the streets regularly. The recent spring clean-up went smoothly, especially for the first one the Borough has had. A few changes could be made for the future events, like less staff and only holding it one day instead of two. There was a water leak on East Brown Street during the pandemic which shut down the water at a nursing home in that area, and almost led to an evacuation of the patients. The maintenance department was able to work with the nursing home by turning the water on every so often to allow the staff to perform essential duties so the patients did not have to be transferred elsewhere. The water department flushed the lines throughout the Borough recently. This task was performed during the day, which led to resident complaints of dirty water. Flushing the lines will happen more often to clear the lines, which should result in less dirty water complaints. The sewer department has come up with a maintenance plan to keep sewer lines clean before any blockages occur.

Mr. Reese advised this DPW update is an essential report and asked Mr. Ace to continue providing council with these reports. Ms. Granger noticed the new yellow bins located at the Recycling Center. Mr. Ace said they were purchased with grant monies, and they are working on getting collection buckets for residents. There is currently a waiting list for them. Mr. Cross said the street sweeper generates a lot of dust and asked if it uses any water. Mr. Ace advised he will talk with the driver about putting more water down to prevent so much dust.

### **Marv Walton:**

Mr. Walton requested approval of Resolution 8-2020, approving the Preliminary/Final Land Development Plan – 53/55/61 North Courtland Street (Brewskies Beverage).

A motion was made by Mr. Molin and seconded by Ms. Wolbert to approve the waiver from Sections 140-8 and 140-9 of the Borough Subdivision and Land Development Ordinance regarding the requirement to submit a Preliminary Plan. The motion carried unanimously.

A motion was made by Mr. Molin and seconded by Ms. Wolbert to approve Resolution 8-2020, approving the Preliminary/Final Land Development Plan – 53/55/61 North Courtland Street (Brewskies Beverage). The motion carried 6-0 (roll call vote, Yea: Mr. Cross, Mr. Molin, Ms. Wolbert, Ms. Panepinto, Mr. DeLarco, Mr. Reese).

Mr. Walton requested approval of the Lot Joinder Deed of Brian Ace, Sr. Mr. Ace is joining two lots located on Fulton Street. A satisfactory deed was prepared, and all documentation was submitted in compliance with the Borough's joinder deed resolution.

A motion was made by Mr. Cross and seconded by Mr. Molin to approve the Lot Joinder Deed of Brian Ace, Sr. The motion carried unanimously.

**Ken Konz:**

No Report.

**Mayor Armand Martinelli:**

No Report.

**Sonia Wolbert:**

No Report.

**Don Cross:**

No Report.

**Maury Molin:**

Mr. Molin provided a report of the Eastern Monroe County Transportation Plan. He gave council the draft plan for review, recommendations, and rating of importance. Voting on the plan will be held in September. Some highlights of the proposed plan include pedestrian gateway and bus service in Delaware Water Gap, improved bike lanes in Middle Smithfield Township, bike lanes in East Stroudsburg Borough, and upgrades to the levee loop in Stroudsburg Borough. Ms. Wolbert asked if the municipalities are responsible for implementing the improvements, or is the county. Mr. Molin advised the county is, and asked anyone to reach out to him or Fallon Horan at the Monroe County Planning Commission with any questions or ideas.

**Roger DeLarco:**

No Report.

**Carrie Panepinto:**

Ms. Panepinto discussed short term rentals and “Air B&B’s” within the Borough, and suggested the Borough looks into enforcement/regulations. Mr. Walton added short term rentals are becoming an issue and subject to recent complaints, and agrees the Borough should look into it before we are too far behind. This topic was referred to the Zoning Ordinance Review Committee for their next meeting.

**Manager’s Report**

Mr. Bond requested approval to re-advertise the position of Zoning Secretary, as approved at the January 6, 2020 Borough Council Meeting.

A motion was made by Ms. Wolbert and seconded by Mr. Molin to approve re-advertising the position of Zoning Secretary. The motion carried unanimously.

Mr. Bond requested approval to advertise for the Recycling Worker position with an hourly rate of \$18.00 an hour at 40 hours per week, benefits to be provided as per the employee manual.

A motion was made by Mr. Cross and seconded by Mr. Molin to ratify the advertising for the Recycling Worker position with an hourly rate of \$18.00 an hour at 40 hours per week, benefits to be provided as per the employee manual. The motion carried unanimously.

Mr. Bond requested authorization for TPD to conduct a traffic study on traffic calming on Crystal Street.

A motion was made by Mr. Molin and seconded by Mr. Cross to authorize TPD to conduct a traffic study on traffic calming on Crystal Street. The motion carried unanimously.

Mr. Bond requested authorization to amend the Proclamation of State of Emergency and Declaration of Emergency to sunset at 11:59 p.m. on December 31, 2020, or upon Governor Wolf lifting the state wide Proclamation of State of Emergency.

A motion was made by Mr. Cross and seconded by Ms. Wolbert to amend the Proclamation of State of Emergency and Declaration of Emergency to sunset at 11:59 p.m. on December 31, 2020, or upon Governor Wolf lifting the state wide Proclamation of State of Emergency. The motion carried unanimously.

Mr. Bond reported an ordinance for the Business Recovery Plan was made, and was given to the Zoning Ordinance Review Committee for approval. If in order, Mr. Bond is seeking approval to set and advertise a public hearing for July 21, 2020.

A motion was made by Mr. Molin and seconded by Ms. Wolbert to set and advertise a public hearing for July 21, 2020 for the Business Recovery Plan, if in order after ZORC reviews and approves the ordinance. The motion carried unanimously.

Mr. Bond discussed signage and parking for deliveries within Dansbury Terrace, and requested the ordinance be reviewed by ZORC.

A motion was made by Mr. Molin and seconded by Ms. Wolbert to have ZORC review the ordinance regarding signage and parking for deliveries. The motion carried unanimously.

Mr. Prevoznik reported the Borough has been actively working on the PennDOT condemnation of the former joint municipal landfill and is close to a resolution. Mr. Bond has reached out to the municipalities of Stroudsburg Borough and Stroud Township to determine whether they would agree to both the proposed release and contributing to any overage costs of the Borough in the litigation on a one-third each basis. This is the arrangement which is currently utilized but not formalized in an agreement to pay for monitoring testing at the landfill and the Stroud Township landfill site. No answer was given by the other municipalities at the time of this meeting. However, litigation counsel needs to know if the matter can be settled since a court date is set for August 6<sup>th</sup> at 9:00 a.m. If a resolution is not reached, then additional costs for preparation for the hearing will be incurred. It is the recommendation of the Borough Manager, solicitor, and litigation counsel that the litigation over the condemnation be resolved with a settlement agreement, which would include payment from PennDOT in the amount of \$89,700.00 (keeping the money deposited on account of the original taking of \$49,700.00 and an additional \$40,000.00 for counsel fees). PennDOT would abandon the original condemned easement and utilize the solution that was proposed by RKR Hess and memorialized in PennDOT's last submission to litigation counsel. In return, the Borough would provide a release for damages, which may result from the exercise of eminent domain under the Eminent Domain Code and the State Highway Law.

A motion was made by Ms. Wolbert and seconded by Mr. Molin to approve. The motion carried unanimously.

Mr. Prevoznik reported the Borough has been working with the current owner of the old Rosen's building on Washington Street, specifically regarding the Borough's rights with regard to its sewer easement and the ability of current owner to allow residential units over the 36-inch sewer main. It was recommended by the Borough engineer that this was not a good idea because of potential leakage of sewage and sewer gas, which could be detrimental to any individual living in the building as well as difficulty in getting to the sewer main should there be a leak.

A motion was made by Mr. Cross and seconded by Ms. Wolbert to file appeals to the issuance of the zoning permit and the Uniform Commercial Code building permit. In addition, the solicitor, upon direction of the Borough Manager, would be authorized to file a court proceeding to determine what rights are given under the sewer easement. The motion carried unanimously.

### **Bill Reese**

Mr. Reese reported the receipt of a PennVest funding letter, which he forwarded to the Borough Solicitor and the Borough Engineer for review. Upon favorable review the letter will be signed and submitted.

### **Bills Payable**

A motion was made by Ms. Wolbert and seconded by Mr. Molin to ratify bills payable through July 7, 2020. The motion carried unanimously.

### **Executive Session**

A motion was made by Mr. Molin and seconded by Ms. Wolbert to go into Executive Session at 8:46 p.m. The motion carried unanimously.

A motion was made by Ms. Panepinto and seconded by Ms. Wolbert to reconvene the meeting at 9:32 p.m. The motion carried unanimously.

Mr. Prevoznik reported personnel matters were discussed and no action was taken.

### **Adjournment**

A motion was made by Ms. Panepinto and seconded by Ms. Wolbert at 9:33 p.m. to adjourn the meeting. The motion carried unanimously.

NEXT REGULAR MEETING: Tuesday, July 21, 2020 @ 7:15 p.m. in person at the East Stroudsburg Borough Municipal Building and via virtual/telephonic means.