

MINUTES FOR REGULAR MEETING
EAST STROUDSBURG BOROUGH COUNCIL
TUESDAY AUGUST 18, 2020 -7:15 p.m.

PRESENT: Don Cross, Roger DeLarco, Maury Molin, Carrie Panepinto, Sonia Wolbert, Bill Reese, Solicitor John Prevoznik, Borough Engineer Russ Scott, and Public Works Director Brian Ace

ABSENT: Borough Manager Brian Bond, Mayor Martinelli, Zoning Officer Marv Walton, Finance Director Ken Konz

The Pledge of Allegiance was led by Buddy Spang.

Executive Session

The Solicitor reported Executive Session was held on August 17, 2020 beginning at 5:15 p.m. and ending at 7:15 p.m. All members of Council were present with the Borough's Labor Attorney, John McLaughlin. Attorney McLaughlin reported to Mr. Prevoznik that personnel matters were discussed. No decisions were made.

There was a second Executive Session held on August 18, 2020 prior to this Council meeting beginning at 6:15 p.m. and ending at 7:14 p.m. All members of Council were present with the Borough's Labor Attorney, John McLaughlin via telephone, and Borough Solicitor, John Prevoznik. Two personnel matters were discussed. No decisions were made.

July 21, 2020 Minutes

A motion was made by Mr. Cross and seconded by Mr. Molin to approve the minutes of the July 21, 2020 Council meeting. The motion carried unanimously.

July 28, 2020 Minutes, continuation of the July 21, 2020 Council Meeting

A motion was made by Ms. Panepinto and seconded by Ms. Wolbert to approve the minutes of the July 28, 2020 minutes, the continuation of the July 21, 2020 Council meeting. The motion carried unanimously.

August 4, 2020 Minutes

A motion was made by Mr. Cross and seconded by Ms. Panepinto to approve the minutes of the August 4, 2020 Council meeting. The motion carried unanimously.

Public Hearing – Ordinance 1370, Chapter 154, Water

A motion was made by Ms. Panepinto and seconded by Mr. Molin to recess the regular meeting and convene a public hearing on Ordinance 1370. The motion carried unanimously.

Mr. Prevoznik led the discussion regarding the proposed ordinance. Ms. Smith attested that the ordinance had been advertised in accordance with the Borough Code and was made available for public review. Mr. Prevoznik stated Ordinance 1370 is amending Chapter 154, Water, of the Codified Ordinances of the Borough of East Stroudsburg and amending its schedule of rates, by: 1) Amending Section 154-3 (Word Usage: Definitions) for the following definitions: A) "EDU" (Equivalent Dwelling Unit) by adding a new subsection E; B) "Standby Fee" to include that no premises with an unmetered fire protection service line shall have a standby fee waived and pausing the recalculation of standby fees to those EBUs assessed from September 1, 2020 to February 28, 2023; 2) Amending Section 154-5 (Application of Service, Part D, Subsection 1) to

incorporate the definition “Material Change Increase in Flow” and by adding a new Subsection 2 to Section 154 which explains the process for reduction in EDUs based upon a material change decrease in flow and thereafter renumbering existing sections; 3) Amending Section 154-8 (Charges for Water Services), Subsection C (3), (4), (5), and (6) pertaining to the process of annual and semiannual calculations of EBUs and pausing the recalculations of EBUs for the period between September 1, 2020 and February 28, 2023 by setting the water usage data to be applied as the average of four (4) quarters water meter readings ending on or about August 31, 2020; 4) Amending Chapter 154 Rate Schedule “A” 5) Authorizing provisions for severability, repealer; and 6) Establishing an effective date.

Mr. Scott reviewed the Ordinance in its entirety and explained that there would be a 30-month freeze on the recalculation of EBU’s after the August 31, 2020 annual recalculation. Commercial users would have the right to a one-time appeal based on six months of data in order to reduce the EBU calculation. The Ordinance amendment carries over the requirement that if the EBU reduction is granted, there would be a commensurate forfeit of EDU’s as well. The forfeited EDU’s would have to be repurchased if flows subsequently increased. Mr. Scott also explained that the rate increase of three cents per kiloliter constitutes the first phase of what was and is contemplated to be a series of rate increases to assist in offsetting the substantial cost of infrastructure improvements. This ordinance has been reviewed with the Finance Committee and presented to Council on July 28, 2020. A new Water Rate Schedule “A” is included with this ordinance, and in addition to other changes, there is an increase to both, the water shut off fee, and the water restoration fee from \$25.00 per event to \$50.00 per event. In reference to the recalculation of EBU’s to assess non-residential or mixed-use customers, Mr. Cross asked if a customer’s rate decreases in usage but the customer does not request a recalculation, will the customer’s rate remain unchanged. Mr. Scott advised that is correct, if they do not request a recalculation, their rate will not change.

With no further questions or comments from Council, and no questions or comments from the public, a motion was made by Ms. Wolbert and seconded by Mr. Molin to enter exhibits 1 through 5 into evidence. The motion carried unanimously.

A motion was made by Ms. Cross 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. Molin and seconded by Ms. Wolbert to approve Ordinance No. 1370, amending Chapter 154, Water, of the Borough of East Stroudsburg Code of Ordinances as presented and advertised. The motion carried unanimously.

Public Hearing – Ordinance 1371, Chapter 126, Sewer

A motion was made by Mr. Cross and seconded by Ms. Panepinto to recess the regular meeting and convene a public hearing on Ordinance 1371. The motion carried unanimously.

Mr. Prevoznik led the discussion regarding the proposed ordinance. Ms. Smith attested that the ordinance had been advertised in accordance with the Borough Code and was made available for public review. Mr. Prevoznik stated Ordinance 1371 is amending Chapter 126, Sewers, of the Codified Ordinances of the Borough of East Stroudsburg by: 1) Amending Section 126-3 (Word Usage: Definitions) for the following definitions: A) “EDU” (Equivalent Dwelling Unit) by adding a new Subsection E which authorizes reduction in EDU’s for decreases in sewer usage by more than ten (10%) percent over a twelve (12) consecutive month period; B) “Standby Fee” to

include pausing the recalculation of standby fees to those EBU's assessed on or about September 1, 2020 through the period ending February 28, 2023; 2) Amending Section 126-5 C (1) (Application for sewer service) to incorporate the definition "Material Change increase in flow" and by adding a new Subsection (2) to Section 126-5 C which explains the process for reduction in EDU's based upon a material change decrease in flow and thereafter renumbering existing sections; 3) Amending Section 126-8 (Charges for sewer service), Subsection D (3), (4), (5), (6), and (7) pertaining to the process of annual and semi-annual calculations of EBU's and pausing the recalculations of EBU's for the period between September 1, 2020 and February 28, 2023 by setting the sewer usage data to be applied as the average of four (4) quarters water meter readings ending on or about August 31, 2020; 4) Authorizing provisions for severability, repealer, and 5) establishing an effective date.

Mr. Scott advised this ordinance is similar to the water ordinance. Mr. Scott noted that any customer claiming a change in operation which results in a material change decrease in flow, may file a new or amended application with the Borough pursuant to Section 165-5C., to reassess the EUDs assigned to the premises. If at some point in the future, the premises requires additional sewer capacity allocated to the property, the owner of the premises shall be subject to making a request for the additional capacity required and, if that capacity is available, paying whatever tapping fees are in force at the time. Mr. Scott testified that there is no sewage rate increase contemplated with this ordinance.

With no questions or comments from or the public, a motion was made by Mr. Molin and seconded by Ms. Wolbert to enter exhibits 1 through 5 into evidence. The motion carried unanimously.

A motion was made by Ms. Cross 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. Molin to approve Ordinance No. 1371, amending Chapter 126, Sewer, of the Borough of East Stroudsburg Code of Ordinances as presented and advertised. The motion carried unanimously.

Public Comments – Agenda Items

None.

SROSRC Report:

No Report.

Veterans Park Update:

Mr. Reese reported the work at Veterans Park is progressing. Tree stumps have been grinded. New trees have been ordered and will be planted in the early fall.

150th + 1 Update:

Mr. Molin reported there was a committee meeting held August 6, 2020. The Monroe County Historical Society has a small display case this year and hopefully a big display next year. The next committee meeting will be held on October 22, 2020 for which Mr. Molin is requesting assistance with a Zoom meeting. Mr. Molin is reaching out to Council for assistance as this project progresses.

Police Report:

Captain Gasper of the SARPD was present and the June and July SARP reports were previously distributed. There were no questions or comments with regard to the monthly reports. Captain Gasper reported the recent shooting on East Broad Street is still under investigation, was an isolated incident, and there was/is no danger to the public. Captain Gasper announced the Department is hiring and details are on their website and Facebook page.

East Stroudsburg Community Alliance:

No Report.

Engineer's Report:

The Engineer's report was distributed.

Middle Dam and New Water Supply Intake Line

The PA DEP Chapter 105 General Permit-8 (GP-8) for temporary stream crossing expires on August 27, 2020. A new permit application was submitted and is favorable for renewal.

Mr. Scott requested authorization for Ms. Smith, the Assistant to the Borough Manager, to register on-line with the Greenport System for digital submittal of the General Permit application. The motion carried unanimously.

Middle Dam Funding – Informational Item

Mr. Scott reported that PENNVEST has extended the Middle Dam funding through January 31, 2020. Be further advised that the Borough should be reviewing the status of the loan in late October, early November 2020.

Proposed Eagle Valley Pump Station Interconnection with Brodhead Creek Regional Authority

Mr. Scott reported that while the Middle Dam in being reconstructed, there will be a period of about three to six months that the reservoir will be lowered for improvements and brings concerns regarding the quality and quantity of water available. During this time, we will be relying on the wells and pump station. Mr. Cross asked when this project will begin. Mr. Scott advised the goal is to have the pump station online by August 2021; however, the dam project can begin prior to the pump station being online.

Mr. Scott requested authorization for RKR Hess to submit a Subsidiary Water Allocation Application to PADEP, to be signed and sent by the President of Borough Council, to acquire bulk water from Brodhead Creek Regional Authority during the period that the Middle Dam and surface water intake will be undergoing rehabilitation. This permit will be valid for three years from issuance, or throughout the construction period, whichever comes first.

A motion was made by Mr. DeLarco and seconded by Mr. Molin to authorize RKR Hess to submit a Subsidiary Water Allocation Application to PADEP, to be signed and sent by the President of Borough Council, to acquire bulk water from Brodhead Creek Regional Authority during the period that the Middle Dam and surface water intake will be undergoing rehabilitation. The motion carried unanimously.

East Stroudsburg Dam – Informational Item

Mr. Scott reported that PADEP Dam Safety had previously requested the Borough to continue to monitor on a monthly basis. RKR Hess has requested several times to allow the Borough to reduce the frequency of sampling to quarterly since the results each month have been fairly consistent over the last several years. On July 31, 2020, PADEP Dam Safety advised the Borough can reduce frequency of the monitoring to a quarterly basis.

Interstate 80 Exit 51 (308) Realignment Project – Informational Item

Mr. Scott reported a formal request was submitted to UGI to investigate and resolve the gas leak along the Prospect Street bridge. Mr. Scott received confirmation from UGI that the damaged gas line has been cut off, the line has been removed from service and abandoned in place. The line will be physically removed during the construction project.

Mr. Cross asked the status of the Greentree apartment project and is concerned it will interfere with the Interstate 80 Exit 51 (308) project. Mr. Scott advised a Land Development application was submitted to the Borough in relation to the Greentree project about a month ago. It has been recommended that the applicants reach out and coordinate with PennDOT.

2020 Joint Municipal Landfill Monitoring – Informational Item

Mr. Scott reported the 2020 Landfill Monitoring Report was submitted to PADEP on August 7, 2020.

Replacement of Effluent Flow Control Valves at the Water Treatment Plant

Mr. Scott requested authorization for RKR Hess to execute the Contract and issuance of Final Award Notice to A One Service, Inc. in the amount of \$70,158.00, contingent upon the Borough's Engineer's and Solicitor's favorable review.

A motion was made by Mr. DeLarco and seconded by Ms. Panepinto to authorize RKR Hess to execute the Contract and issuance of Final Award Notice to A One Service, Inc. in the amount of \$70,158.00, contingent upon the Borough's Engineer's and Solicitor's favorable review. The motion carried unanimously.

Public Comments – New Business

None.

Reports:

Brian Ace: The DPW Report was distributed.

Marv Walton:

Absent.

Ken Konz: The July 2020 Borough Financial Statements were distributed.

Mayor Armand Martinelli:

Absent.

Sonia Wolbert:

No Report.

Don Cross:

No Report.

Maury Molin:

Mr. Molin reported the Eastern Monroe Active Transportation Plan meeting was held on August 10, 2020. The priority of the trail from Brodhead Avenue to Miller Park was moved up on behalf of the Borough of East Stroudsburg. The draft plan will be out in September.

Roger DeLarco:

No Report.

Carrie Panepinto:

Ms. Panepinto expressed her concerns within the parking lot at the Kimco Plaza, where Giant and Home Goods are located. Vehicles continue to park illegally in the fire lane and near the stop signs within the plaza while they enter the stores between Giant and Home Goods, typically on Friday, Saturday, and Sunday evenings. Captain Gasper advised SARP is aware of the problem. Ms. Wolbert stated the Borough's Parking Enforcement should be working during the time in which parking in the fire lanes is an issue. Mr. Prevoznik suggested that the Personnel Committee draft a letter to Kimco, the owners of that plaza, to advise them of this particular problem and that it is causing a hazard within their lot and recommend they hire a mobile security company and mention the Walmart parking lot has been handled well using a security company. It was also suggested to check with the Zoning Ordinance Review Committee to confirm the fine for parking within a fire lane.

A motion was made by Ms. Wolbert and seconded by Ms. Panepinto to request the Administrative Staff of the Borough to create a plan that would schedule Parking Enforcement staff to work on a time schedule when said parking is an issue. The motion carried unanimously.

Bill Reese

Mr. Reese relayed concerns of his constituents to Captain Gasper regarding fireworks. Captain Gasper advised the residents not to hesitate to call 9-1-1 as the fireworks are occurring.

Solicitor John Prevoznik

Mr. Prevoznik provided an update with regards to the condemnation of the Joint Municipal Landfill. Mr. Prevoznik advised the total cost of the PennDOT condemnation is approximately \$110,000, with an agreed settlement amount of \$89,700.00. All expenses are covered with exception to about \$19,500.00, and the Borough is seeking an approximate one-third reimbursement from Stroudsburg Borough and Stroud Township, which has not yet been agreed upon.

Mr. Prevoznik announced he has three items for Executive Session.

Manager's Report

A request was received from Our Lady Victory Church for a donation of a round of golf for two with a cart at Terra Greens Golf Course for a fundraising event on September 9, 2020.

A motion was made by Mr. Cross and seconded by Ms. Panepinto to approve the request from Our Lady Victory Church for a donation of a round of golf for two with a cart at Terra Greens Golf Course for a fundraising event on September 9, 2020. The motion carried unanimously.

A request was received from the Pregnancy Resource Center of the Poconos to hold their annual Walk of Life event on Saturday, October 3, 2020, contingent upon receipt of proper paperwork, certificate of insurance, fees, and coordination with SARPD.

A motion was made by Mr. Cross and seconded by Ms. Panepinto to approve the request from the Pregnancy Resource Center of the Poconos to hold their annual Walk of Life event on Saturday, October 3, 2020, contingent upon receipt of proper paperwork, certificate of insurance, fees, and coordination with SARPD. The motion carried unanimously.

A request was received from Jared Acosta to hold a March Against Child Trafficking and Abuse on Saturday, August 29, 2020, contingent upon receipt of proper paperwork, certificate of insurance, fees, and coordination with SARPD.

A motion was made by Ms. Wolbert and seconded by Mr. Cross to approve the request from Jared Acosta to hold a March Against Child Trafficking and Abuse on Saturday, August 29, 2020, contingent upon receipt of proper paperwork, certificate of insurance, fees, and coordination with SARPD. The motion carried unanimously.

Bills Payable

A motion was made by Mr. Cross and seconded by Ms. Wolbert to ratify bills payable through August 18, 2020, with the exception of the two bills brought to Ms. Smith's attention (a reimbursement in regards to the golf course, and an invoice with April's date for road salt). Ms. Smith and Mr. Konz will research these two invoices and report to the Finance Committee. The motion carried unanimously.

Executive Session

A motion was made by Ms. Wolbert and seconded by Mr. Cross to go into Executive Session at 8:29 p.m. The motion carried unanimously.

A motion was made by Ms. Wolbert and seconded by Ms. Panepinto to reconvene the meeting at 8:51 p.m. The motion carried unanimously.

Mr. Prevoznik reported that two litigation matters and one personnel matter were discussed. No decisions were made.

If in order, a motion was made by Ms. Wolbert and seconded by Mr. Cross to authorize the Borough Solicitor to assist with the Borough and Mr. Scott of RKR Hess to review and draft the conditions to be used with regard to the former Rosen's building. The motion carried unanimously.

A motion was made by Ms. Wolbert and seconded by Mr. Cross to authorize Mr. Scott to work with Brian Ace and Cal Miller regarding the Woods Road water tank reassessment. The motion carried unanimously.

A motion was made by Ms. Wolbert and seconded by Mr. Cross to accept the resignation of the part-time Parking Enforcement Officer, Zach Hennes, effective Friday, August 28, 2020. The motion carried unanimously.

Adjournment

A motion was made by Ms. Wolbert and seconded by Ms. Panepinto to adjourn the meeting at 8:51 p.m. The motion carried unanimously.

NEXT REGULAR MEETING: Tuesday, September 1, 2020 @ 7:15 p.m. in person at the East Stroudsburg Borough Municipal Building.