

MINUTES FOR REGULAR MEETING
EAST STROUDSBURG BOROUGH COUNCIL
TUESDAY SEPTEMBER 1, 2020 -7:15 p.m.

PRESENT: Borough Manager Brian Bond, Don Cross, Roger DeLarco, Maury Molin, Carrie Panepinto, Bill Reese, Solicitor John Prevoznik, Borough Engineer Russ Scott, Zoning Officer Marv Walton, and Public Works Director Brian Ace

ABSENT: Sonia Wolbert, Mayor Martinelli, and Finance Director Ken Konz

The Pledge of Allegiance was led by Carl Hogan.

Executive Session

The Solicitor reported Executive Session was held on September 1, 2020 at 6:15 p.m., prior to the start of the Council Meeting. One litigation matter regarding property rights and three personnel matters were discussed. No decisions were made.

August 18, 2020 Minutes

A motion was made by Mr. Molin and seconded by Mr. Cross to approve the minutes of the August 18, 2020 Council meeting. The motion carried unanimously.

Public Comments – Agenda Items

Bryan Zukawski, the Director of Terra Greens Golf Course, had a question about agenda item number 15.(i): Approval of the tow payables (a reimbursement in regards to the golf course, and an invoice with April's date for road salt) that were excluded from the August 18, 2020 Council Meeting. Mr. Zukawski stated the reimbursement in regards to the golf course was for him. He asked why the reimbursement check was not approved last meeting and why he was not notified with the status. Mr. Prevoznik advised Council wanted to investigate the dates of the submitted receipts. Mr. Prevoznik also explained that as an employee of the Borough of East Stroudsburg, Mr. Zukawski needs to follow the proper chain of command when he has questions such as this.

2019 Audit

Carl Hogan of BBD, LLP. presented the results of the Borough audit for calendar year 2019. The final report will be presented and issued once PMRS provides the 2019 pension information. Mr. Hogan pointed out a few highlights of the budget to Council, and recommended that all Council members read the entire document for a full understanding. Mr. Hogan added the Borough did a great job preparing this budget and pointed out that the revenue and expenses were within 2% of budget, and the audit process gets smoother each year. Mr. Molin asked for clarification of selling the IBW property. Mr. DeLarco advised there will be a meeting in the near future to review that. Mr. DeLarco commended Mr. Hogan and BBD, LLP. for a job well done and advised the Audit Committee recommends the approval of the 2019 Audit as presented.

A motion was made by Mr. Molin and seconded by Mr. Cross to approve the 2019 Audit as presented with a qualification regarding the missing PMRS non-uniform retirement plan. The motion carried unanimously.

SROSRC Report:

Mr. Bond reported that SROSRC has started the 2021 budget process.

Veterans Park Update:

Mr. Reese reported a Veterans Park Committee Meeting will be held on Thursday, September 3, 2020 at 10:00 a.m. Mr. Cross asked if we can post a picture of what the park looks like after the most recent improvements. Mr. Reese stated the Committee plans to do so.

150th + 1 Update:

Mr. Molin reported the next committee meeting will be held on October 22, 2020 at 5:00 p.m. at the Borough Municipal Building. He plans to set up a virtual way to access the meeting as another option.

Police Report:

Mr. Bond reported that SARPD has started the 2021 budget process. The August SARP report will be presented at the September 15, 2020 Council Meeting.

East Stroudsburg Community Alliance:

Mr. Bond reported there is a ECA Board meeting scheduled for Tuesday, September 8, 2020 at 5:15 p.m. at the Depot.

Engineer's Report:

The Engineer's report was distributed.

Middle Dam and New Water Supply Intake Line

Mr. Scott reported the Water Management Plan must be updated to include the BCRA emergency water source and the drawdown of the water level in the Middle Dam Reservoir. RKR Hess will provide a scope of services to the Borough Manager for review.

Brown Street Waterline Replacement

Mr. Scott reported the Commonwealth Financing Authority requires a Letter of Understanding approving RKR Hess' assistance in regards to the Brown Street Waterline Replacement Project. The construction of the waterline along Brown Street will be funded in part with a \$400,800.00 PA Small Water and Sewer Grant from the Commonwealth Financing Authority. Mr. Scott advised he was unable to distribute the Letter of Understanding for Borough review, therefore, requested to table the motion to approve the letter.

A motion was made by Ms. Panepinto and seconded by Mr. Molin to table the approval of a Letter of Understanding with RKR Hess to provide design, permitting and bidding assistance services required for the Brown Street Waterline Replacement Project. The motion carried unanimously.

South Green Street Paving and ADA Ramps

Mr. Scott requested authorization to issue the Notice to Proceed to Hendricks and Winot Group, Inc. dba Northeast Site Contractors to start the South Green Street Paving and ADA Ramps construction. The construction contract has been executed for this project.

A motion was made by Mr. Cross and seconded by Mr. Molin to authorize the issuance of the Notice to Proceed to Hendricks and Winot Group, Inc. dba Northeast Site Contractors to start the South Green Street Paving and ADA Ramps construction. The construction contract has been executed for this project. The motion carried unanimously.

Mr. Reese asked if the residents can use the South Green Street while the contractors are paving. Mr. Scott advised he is not sure of the contractor's staging and suggested Mr. Oiler would be able to answer better. Mr. Bond added the contractors must provide 48-hour notice to residents prior to curb and ADA Ramp work.

Reconditioning of Well Nos. 3 and 4

Mr. Scott requested authorization of a Waiver of the maximum deductible limit of \$5,000.00. The Contractor's Pollution Liability policy has a deductible of \$25,000.00. The Contractor has confirmed that there are no deductibles on the other policies.

A motion was made by Mr. Molin and seconded by Ms. Panepinto to authorize the Waiver of the maximum deductible limit of \$5,000.00. The motion carried unanimously.

Mr. Scott requested authorization to accept the Blanket Notification to Other of Cancellation or Non-Renewal Endorsement Paragraph c. of the endorsement documents, contains wording that would appear to make 30 day notice more of a "courtesy" of the insurance company, rather than a strict requirement. The Contractor is obligated to provide 30 day notice to the Borough. Given the relatively short timeframe of the project, consideration should be given allowing this paragraph to remain, on the condition that the Contractor be required to provide an updated ACORD Insurance Certificate and Endorsements with each Payment Request, so that the Borough can verify the Insurance is still in force.

A motion was made by Mr. Cross and seconded by Mr. Molin to accept the endorsement as provided by the Contractor, on the condition that the Contractor be required to provide an updated ACORD Insurance Certificate and Endorsements with each Payment Request, so that the Borough can verify the Insurance is still in force. The motion carried unanimously.

Mr. Scott reported the insurance company is unwilling to provide notification of Material Changes in the policy. The Contractor is obligated to provide 30 day notice of Material Change in coverage to the Borough. Mr. Scott requested authorization to waive this as a provision of the insurance documents, on the condition that the Contractor be required to provide an updated ACORD Insurance Certificate and Endorsements with each Payment Request, so that the Borough can verify there has been no Material Change.

A motion was made by Mr. Cross and seconded by Ms. Panepinto to authorize the waiver of the Material Changes, on the condition that the Contractor be required to provide an updated ACORD Insurance Certificate and Endorsements with each Payment Request, so that the Borough can verify there has been no Material Change. The motion carried unanimously.

Mr. Scott requested authorization to issue the Notice to Proceed to A.C. Schultes, Inc. to start construction upon execution of the Agreement, contingent upon final submission of approved contract documents and acknowledgement of signed waivers and contingencies regarding insurance by the Contractor.

A motion was made by Mr. Molin and seconded by Mr. Cross to authorize the issuance of the Notice to Proceed to A.C. Schultes, Inc. to start construction upon execution of the Agreement, contingent upon final submission of approved contract documents and acknowledgement of signed waivers and contingencies regarding insurance by the Contractor. The motion carried unanimously.

Replacement of Effluent Flow Control Valves at the Water Treatment Plant

Mr. Scott requested authorization to issue the Notice to Proceed to A One Service, Inc. to start construction upon execution of the Agreement, contingent upon final submission of approved contract documents.

A motion was made by Ms. Panepinto and seconded by Mr. Molin to authorize the issuance of the Notice to Proceed to A One Service, Inc. to start construction upon execution of the Agreement, contingent upon final submission of approved contract documents. The motion carried unanimously.

Land Development Received

Mr. Scott advised he has received a Land Development application for the conversion of the previous Pizza Hut on North Courtland Street into a Drive Thru Dunkin Donuts.

Public Comments – New Business

None.

Reports:

Public Works:

Mr. Prevoznik reported Phase I of the TRE Plan in accordance to the NPDES permit requires the sewer plant to test for various metals. The results of these tests in 2015 did not test to low enough standards. The Borough has since taken an abundance of samples to test for eight different metals, and changed labs to accommodate the requirements. Seven of the eight tested metals are not present, or not detected. Copper is the issue and remains to be tested. This has been reported in the TRE Plan as being an issue. The Waste Water Treatment Plant (WWTP) has begun to trace the potential source of the copper, indicating it could be the old pipes of the system. The WWTP Operator will continue to work with the operators of the Borough's Water Treatment Plant. Manko, Gold, Katcher, Fox, LLP. has filed this TRE report on behalf of the Borough of East Stroudsburg. Mr. Prevoznik added the goal is to reduce TRE so we are not required to continue to test and pay for all other testing except for copper.

A motion was made by Mr. Cross and seconded by Mr. Molin to approve the TRE Plan and to authorize Manko, Gold, Katcher, Fox, LLP. to take the necessary steps to file the amended NPDES application for the reduction of testing requirements. The motion carried unanimously.

Marv Walton:

Mr. Walton requested the approval of the Lot Joinder Deed for Parcels Nos. 05-3/1/3/23-1 and 05-3/1/3/15, joining two parcels located between Henry and Eli Streets, owned by Dansbury Properties, LLC., contingent upon adding the joinder plan to the joinder deed at the time of recording. The Zoning Officer will send a letter of approval to the Monroe County Tax Assessment Office. A satisfactory deed was prepared, and all documentation has been submitted in compliance with the Borough's joinder deed resolution.

A motion was made by Mr. Molin and seconded by Mr. Cross to approve the Lot Joinder Deed for Parcels Nos. 05-3/1/3/23-1 and 05-3/1/3/15, joining two parcels located between Henry and Eli Streets, owned by Dansbury Properties, LLC., contingent upon adding the joinder plan to the joinder deed at the time of recording. The Zoning Officer will send a letter of approval to the Monroe County Tax Assessment Office. The motion carried unanimously.

Mr. Walton requested the approval of Resolution 12-2020, Establishment of a Uniform Construction Code Board of Appeals.

A motion was made by Ms. Panepinto and seconded by Mr. Cross to approve Resolution 12-2020, Establishment of a Uniform Construction Code Board of Appeals. The motion carried unanimously.

Mr. Walton requested authorization to appoint Weitzmann, Weitzmann & Huffman, LLC., at a rate of \$195.00 per hour as the Solicitor for the Uniform Construction Code (UCC) Board of Appeals.

A motion was made by Ms. Panepinto and seconded by Mr. Molin to appoint Weitzmann, Weitzmann & Huffman, LLC., at a rate of \$195.00 per hour as the Solicitor for the Uniform Construction Code (UCC) Board of Appeals. The motion carried unanimously.

Mr. Walton requested authorization to appoint the following three members to the Uniform Construction Code (UCC) Board of Appeals: Raffael Lucci (2-year term), Bob Early (3-year term), and Ron Kimes (4-year term).

A motion was made by Mr. Molin and seconded by Mr. Cross to appoint the following three members to the Uniform Construction Code (UCC) Board of Appeals: Raffael Lucci (2-year term), Bob Early (3-year term), and Ron Kimes (4-year term). The motion carried unanimously.

Ken Konz:

Absent.

Mayor Armand Martinelli:

Absent.

Sonia Wolbert:

Absent.

Don Cross:

No Report.

Maury Molin:

Mr. Molin requested a letter be sent to Adopt a Planter sponsors asking them to spruce up planters for the fall season.

Roger DeLarco:

Mr. DeLarco reported the red bridge on Ridgeway Street is closed for the replacement project. Mr. DeLarco has sent pictures of the signage to the Borough Manager, stating the signs are blocking each other, creating a huge problem and by the time the cars reach the "road closed" signs, it is too late, forcing drivers to make unsafe U-turns in the middle of the road. Mr. DeLarco asked the Borough Manager if this can be reviewed and have the contractors relocate the signage. Mr. Bond stated he will reach out to PennDOT for this issue. Mr. Bond added he will also contact PennDOT about the timing of the new traffic lights along Prospect Street.

Mr. DeLarco remarked how nice the East Stroudsburg Borough sign located within Veterans Park looks after it had been cleaned, and the posts were painted. Brian Ace advised the light shining on the sign has been fixed, and a new light was ordered for the illumination of the flags in Veterans Park.

Carrie Panepinto:

Ms. Panepinto reported a constituent is interested in starting a community garden. Mr. DeLarco advised he has researched community gardens in the past and know they take a lot of time and energy and can pass on the information he has.

Ms. Panepinto suggested the annual recycling brochure be updated with a new format and a new look so residents are more inclined to open and read the information. Mr. Reese added recycling education should get into our schools for the kids to take home to parents.

Bill Reese

Mr. Reese requested authorization to approve Resolution 13-2020, Honoring retired ESU President Marcia Welsh.

A motion was made by Mr. Molin and seconded by Mr. Panepinto to approve Resolution 13-2020, Honoring retired ESU President Marcia Welsh. The motion carried unanimously.

Manager's Report

Mr. Bond provided an update on the 2018 PADEP 902 Recycling Grant. The PADEP building was quarantined and if the grant paperwork was mailed from the Borough, it may still be pending at their office building. Mr. Bond sent an electronic copy of the grant paperwork to PADEP for processing. The grant is for \$208,145.00. We have already purchased collection bins for the yard and in the process of obtaining the truck and body through KAAN.

Mr. Bond requested approval to move Allen Kropp from a temporary employee to a full-time Recycling employee at the rate of \$15.40 per hour, with benefits as per the employee manual, as recommended by the Personnel Committee.

A motion was made by Mr. Cross and seconded by Mr. Molin to move Allen Kropp from a temporary employee to a full-time Recycling employee at the rate of \$15.40 per hour, with benefits as per the employee manual, as recommended by the Personnel Committee. The motion carried unanimously.

Mr. Bond requested authorization to cancel the Borough's subscription with PublicInput.com, as we have found a more cost effective way to proceed that will still allow public participation.

A motion was made by Mr. Cross and seconded by Ms. Panepinto to authorize cancelling the Borough's subscription with PublicInput.com, as we have found a more cost effective way to proceed that will still allow public participation. The motion carried unanimously.

Mr. Bond requested authorization to approve and distribute the Pick Up The Poconos flyer designed by ESU Relations department, as presented. The flyer will be placed on the Borough's website as well as posted in our lobby. Pick Up the Poconos is scheduled for Saturday, September 26, 2020 from 9:30 a.m. – 11:30 a.m. There is a link on our website to register online.

A motion was made by Mr. Molin and seconded by Ms. Panepinto to approve and distribute the Pick Up The Poconos flyer designed by ESU Relations department, as presented. The motion carried unanimously.

Bills Payable

A motion was made by Mr. Cross and seconded by Ms. Panepinto to approve the two payables (a reimbursement in regards to the golf course, and an invoice with April's date for road salt) that were excluded from the August 18, 2020 Council Meeting. The motion carried unanimously.

A motion was made by Mr. Cross and seconded by Ms. Panepinto to ratify bills payable through September 1, 2020. The motion carried unanimously.

Adjournment

A motion was made by Ms. Panepinto and seconded by Mr. DeLarco to adjourn the meeting at 8:19 p.m. The motion carried unanimously.

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