

MINUTES FOR REGULAR MEETING  
EAST STROUDSBURG BOROUGH COUNCIL  
TUESDAY SEPTEMBER 15, 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, Sonia Wolbert, and Mayor Martinelli  
ABSENT: Finance Director Ken Konz

The Pledge of Allegiance was recited.

**Executive Session**

The Solicitor reported Executive Session was held on September 15, 2020 at 6:15 p.m., prior to the start of the Council Meeting. Personnel and litigation matters were discussed. No decisions were made.

**September 1, 2020 Minutes**

A motion was made by Mr. Cross and seconded by Mr. Molin to approve the minutes of the September 1, 2020 Council meeting. The motion carried unanimously.

**Public Comments – Agenda Items**

None.

**SROSRC Report:**

Ms. Wolbert reported the SROSRC is preparing their 2021 budget and will deliver to Council at the November meeting for approval. Two versions of the budget are being prepared, one with COVID-19 numbers and another without COVID-19 numbers.

**Veterans Park Update:**

Mr. Reese reported a rededication of Veterans Park is scheduled for November 11, 2020. The new trees will be planted prior to this date.

**150<sup>th</sup> + 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.

**Police Report:**

Captain Gasper was in attendance to present the August SARP report. Captain Gasper announced employment applications are still being accepted and the written test is scheduled for September 30, 2020.

**East Stroudsburg Community Alliance:**

Ms. Wolbert reported the ECA committee meeting is scheduled for October 13, 2020 at 5:15 in the Depot building.

**Engineer's Report:**

The Engineer's report was distributed.

**Interstate 80 Exit 51 (308) Realignment Project – Utility Impacts**

Mr. Scott requested approval of the Change of Scope #3, authorizing RKR Hess to proceed with the design of additional water and sanitary sewer line relocations along Greentree Drive in response to PennDOT Storm Sewer revisions. It is anticipated that the work under this Change Order will be reimbursed by PennDOT in a 100% share.

A motion was made by Ms. Wolbert and seconded by Mr. Molin to approve the Change of Scope #3, authorizing RKR Hess to proceed with the design of additional water and sanitary sewer line relocations along Greentree Drive in response to PennDOT Storm Sewer revisions. Reimbursement of these design costs will be requested from PennDOT pending the execution of a written agreement. The motion carried unanimously.

**Brown Street Waterline Replacement**

Mr. Scott requested approval to ratify a Letter of Understanding with RKR Hess to provide design, permitting and bidding assistance services required for the Brown Street Waterline Replacement Project. The Commonwealth Financing Authority requires this in order to reimburse the Borough for the engineering costs of the project.

A motion was made by Ms. Wolbert and seconded by Ms. Panepinto to approve the ratification of the 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.

### **Emergency Generator for Well #3**

Mr. Scott requested approval to advertise for construction bids to furnish and install the diesel emergency generator, automatic transfer switch and other electrical improvements. This is a partially grant-funded project. The amount of the grant is \$198,375.00.

A motion was made by Mr. Molin and seconded by Mr. Cross to approve the advertising for construction bids to furnish and install the diesel emergency generator, automatic transfer switch and other electrical improvements. The motion carried unanimously.

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

Gary Kessel, a property owner in the Borough, expressed his concerns about the garbage collection and violations. His tenants were issued tickets on Tuesday, September 8, 2020 for placing their trash out too early. Tuesday is the normal collection day in the Borough but due to the Labor Day holiday, collection was delayed until Wednesday. Mr. Bond advised the enforcement officers are following the ordinance and issued the tickets properly. Mr. Kessel stated this violation was never enforced before and is not a new provision of the ordinance. Mr. Walton stated the information about the delayed collection was passed on to residents via Code Red, Savvy Citizen, and the Borough's website. Mr. Bond noticed a mistake on the Borough's website, which provided the incorrect date of collection.

Therefore, it was Mr. Bond's recommendation to waive the tickets that were issued on September 8, 2020 for the violation of placing trash out too early due to the Labor Day holiday and reimburse any payments that have already been made.

A motion was made by Ms. Wolbert and seconded by Mr. Molin to waive the tickets that were issued on September 8, 2020 for the violation of placing trash out too early due to the Labor Day holiday and reimburse any payments that have already been made. The motion carried unanimously.

Mr. Bond added that a list of holidays honored by Waste Management will be included in the upcoming water and sewer billing and the 2021 refuse bill to inform residents of delays and remind them of the ordinance. After December 31, 2020, a \$25.00 fee will be charged to customers who request exchanges to their garbage totes.

Mr. Kessel also said he tried to purchase additional garbage totes but was told by the Borough the annual fee is not prorated. Mr. Bond agreed the cost should be prorated and will have the issue corrected. Another concern of Mr. Kessel's is that landlords do not receive notification of any violations issued to their tenants at the rental properties. Mr. Walton clarified the ordinance only states the violations are required to be posted at the physical property and any notices sent to the owners are a courtesy. Additionally, Mr. Kessel said the language on the ticket is incorrect. The ticket stated to pay within seven days or call the Borough Office to dispute. When he contacted the office, he was told there is no dispute process. Mr. DeLarco stated that the ticket language meant that you could pay the ticket within seven days or do not pay the ticket and have a court hearing scheduled to dispute. Mr. Walton stated the language on the tickets will be reviewed and corrected if necessary.

Mayor Martinelli asked if there is a way to issue warnings for first time offenders. Ms. Wolbert asked if the process of notifying landlords can be reviewed.

A motion was made by Mr. DeLarco and seconded by Ms. Wolbert to refer these issues to the Zoning Hearing Review Committee since Council cannot make any changes to ordinances without ZORC review. The motion carried unanimously.

Mr. Reese reminded Mr. Kessel that extra garbage bags are available for purchase at the Borough Office. Tenants can utilize extra bags to avoid fines for garbage can lids not closing completely. Mr. Kessel stated consideration should be made on weeks that include a holiday because there will be more than seven days' worth of garbage to be out for collection, at no fault of the resident. Council thanked Mr. Kessel for his input and advised they will review his concerns.

Jackie and Robert Smith of 330 Monroe Street were present to express their concerns about the fire escrow money the Borough is holding that should be returned. Their house was destroyed by fire last August and they have since had the house torn down, the property cleaned up and inspected and now request the fire escrow be returned. Mr. Walton confirmed the home at 330 Monroe Street was damaged by fire in August 2019 and he issued a demolition order based on the severity of the damages. It took a full year for the Smith's to demolish the house. Part of our ordinance states the fire insurance company set aside a certain percentage of the insurance money and send to the Borough to hold in escrow until the required repairs and/or demolition are complete. After the demolition of the dwelling in August of 2020, the interim Zoning Officer issued a Notice of Violation for two offenses; An RV parked on the property used for living quarters, and the sheds/accessory structures that remain on the property. Mr. Walton explained that since there is no longer a dwelling on this property, accessory structures and sheds cannot exist. The Smith's can appeal this Notice of Violation to the Zoning Hearing Board within 30 days of receipt of the notice. Mr. Prevoznik confirmed that Council cannot mediate or remedy this situation, it is a Zoning Hearing Board issue. The fire escrow money will be held by the Borough until the zoning violations are resolved. Ms. Smith added the notice refers to a \$500.00 per day fine if the violation is not cleared up. Mr. Walton clarified the fines will not be imposed if the Smith's file an appeal.

**Reports:**

**Public Works:**

The DPW Report was distributed. Mr. Ace reported the pump station at the sewer plant has two pumps. One pump is currently out of service and a portable pump had to be rented as a backup. The DEP inspection occurred last week, and the inspector was happy to see the standby pump on location. Mr. Ace also reported that in the past two weeks, there have been 650 visitors at the Recycling Center and 40 of them were non-residents and turned away.

**Marv Walton:**

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

**Ken Konz:**

The August 2020 Borough Financial Statements were distributed.

**Mayor Armand Martinelli:**

No Report.

**Sonia Wolbert:**

Ms. Wolbert reported Pick Up The Poconos is scheduled for Saturday, September 26, 2020 from 8 am – 12 pm, and meeting at ESU to being.

**Don Cross:**

No Report.

**Maury Molin:**

Mr. Molin reported the final draft of the Eastern Monroe Active Transportation plan will be available for public review for 30 days, beginning September 30, 2020. Mr. Molin expressed his concerns about the one-way section of Brodhead Avenue and stated it is being used as a short cut by drivers going the wrong way. Mayor Martinelli asked if the road is signed properly, to which Mr. Bond confirmed it is. Mr. Molin suggested mums be planted in the adopted planters along Crystal Street and create a mum theme for the fall.

**Roger DeLarco:**

Mr. DeLarco asked Mr. Bond how the Borough will be affected by the census population with ESU not in session. Mr. DeLarco stated that he believed there will be a drastic effect on Borough funding through the census figures. The population is taken in May, and no one was on campus in May, which would reduce our population by 2,000 people. Mr. Bond advised he has not talked to ESU about this matter yet. Mr. DeLarco told Mr. Bond he should start questioning the ESU census figures right now as a drop in those figures will have a drastic effect on the Borough's future revenues. Mr. DeLarco requested a follow-up on this matter.

**Carrie Panepinto:**

No Report.

**Bill Reese:**

No Report.

**Solicitor John Prevoznik:**

Mr. Prevoznik asked the status of the easements from ESU. Mr. Bond advised they were delivered today and will get Mr. Prevoznik the originals for recording.

Mr. Prevoznik reported there is a Zoning Appeal on Thursday in regard to the property at 268 Washington Street. He also stated that he was sending out a Notice of Violation on this matter.

**Manager's Report:**

Mr. Bond requested approval to enter into a five-year winter services agreement with PennDOT for a five-year total payout to the Borough of \$108,051.10.

A motion was made by Mr. Molin and seconded by Mr. Cross to approve entering into a five-year winter services agreement with PennDOT for a five-year total payout to the Borough of \$108,051.10. The motion carried unanimously.

Mr. Bond requested approval to schedule Fall Cleanup for Saturday, October 3, 2020 from 8:00 am to 3:00 pm at the Recycling Center.

A motion was made by Mr. DeLarco and seconded by Ms. Panepinto to approve scheduling Fall Cleanup for Saturday, October 3, 2020 from 8:00 am to 3:00 pm at the Recycling Center. The motion carried unanimously.

Mr. Bond requested approval to advertise for a part-time Parking Enforcement Officer at a salary of \$15.00 per hour, as recommended by the Personnel Committee.

A motion was made by Mr. Molin and seconded by Mr. Cross to approve the advertising for a part-time Parking Enforcement Officer at a salary of \$15.00 per hour, as recommended by the Personnel Committee. The motion carried unanimously.

Mr. Bond requested approval to authorize Kann Manufacturing to proceed with the SK-3578 body for the recycling truck under the PADEP 902 grant.

A motion was made by Mr. DeLarco and seconded by Mr. Molin to authorize Kann Manufacturing to proceed with the SK-3578 body for the recycling truck under the PADEP 902 grant. The motion carried unanimously.

Mr. Bond requested authorization to continue the use of Hanover Engineering for enforcement work under the Manager's approval.

A motion was made by Mr. DeLarco and seconded by Mr. Cross to authorize the continued use of Hanover Engineering for enforcement work under the Manager's approval. The motion carried unanimously.

Mr. Bond requested authorization to set the 2020 Trick or Treat date and hours for Saturday, October 31<sup>st</sup> from 6:00 p.m. to 8:00 p.m. Mr. DeLarco asked if there will be any restrictions and if other municipalities are holding Trick or Treat the same time, as we usually coordinate with Council of Government (COG). Mr. Bond advised everyone we already spoke with has scheduled Trick or Treat for the same date and time.

A motion was made by Ms. Wolbert and seconded by Ms. Panepinto to set the 2020 Trick or Treat date and hours to Saturday, October 31<sup>st</sup> from 6:00 p.m. to 8:00 p.m. The motion carried unanimously.

**Approval of Warrant List 200915**

Ms. Wolbert and Ms. Panepinto brought multiple checks to the Manager's attention that required prior authorization based on the amounts. After this was corrected by the Manager, a motion was made by Mr. Molin and seconded by Mr. DeLarco to approve Warrant List 200915, as presented. The motion carried unanimously.

**Adjournment**

A motion was made by Mr. Molin and seconded by Mr. Cross to adjourn the meeting at 8:37 p.m. The motion carried unanimously.

NEXT REGULAR MEETING: Tuesday, October 6, 2020 @ 7:15 p.m. in person at the East Stroudsburg Borough Municipal Building.