

MINUTES FOR REGULAR MEETING  
EAST STROUDSBURG BOROUGH COUNCIL  
TUESDAY NOVEMBER 3, 2020 -7:15 p.m.

PRESENT: Roger DeLarco, Maury Molin, Bill Reese, Sonia Wolbert, Public Works Director Brian Ace, Solicitor John Prevoznik, Borough Engineer Nate Oiler, Don Cross, Borough Manager Brian Bond, and Zoning Officer Marv Walton

ABSENT: Mayor Martinelli, Carrie Panepinto, and Finance Director Ken Konz

**Solicitor's Report on Executive Session**

The Solicitor reported Executive Session was held on November 3, 2020 at 6:30 p.m., prior to the start of the Council Meeting. A resolution with regards to the 940 Holdings property and issues to a pending appeal were discussed. Property acquisition matters regarding the Eagle Valley Pump Station were discussed. Four personnel issues were discussed. No decisions were made. Executive Session concluded at 7:15 p.m.

**October 20, 2020 Minutes**

A motion was made by Mr. Molin and seconded by Mr. DeLarco to approve the minutes of the October 20, 2020 council meeting. The motion carried unanimously.

**October 27, 2020 Minutes, Continuation of the October 20, 2020 Council Meeting**

A motion was made by Ms. Wolbert and seconded by Mr. Molin to approve the minutes of the October 27, 2020, Continuation of the October 20, 2020 council meeting. The motion carried 4-0, with one abstention. (Yea: Mr. DeLarco, Mr. Reese, Ms. Wolbert, Mr. Molin; Abstain: Mr. Cross, absent from October 27, 2020 meeting)

**Public Comments – Agenda Items**

None.

**SROSRC Report:**

Ms. Wolbert reported the SROSRC Board has waived the Greenway per capita contribution for 2020 and 2021.

A motion was made by Mr. Cross and seconded by Mr. Molin to approve the SROSRC 2021 Budget as presented. The motion carried unanimously.

**Police Report:**

The October SARP report will be presented at the November 17<sup>th</sup> Council meeting.

Mr. Bond requested approval of the Stroud Area Regional Police 2021 Budget as presented.

Mr. DeLarco asked what the proposed financial contribution for this year is as compared to last year. Mr. Bond advised it is an increase of about \$250,000.00, due to contracted services expenses. This amount represents over 50% of the Borough's total budget. Mr. Cross questioned the cost of new police cars. Mr. Prevoznik advised the new, fully equipped cars are approximately \$58,900 and SARPD is no longer entering into leases. Mr. DeLarco emphasized to Council Members the impact this has on the already poor financial situation of the Borough. He stated it is the responsibility of the current Council Members to find a solution to the financial difficulties and help the future of our Borough now.

A motion was made by Mr. Cross and seconded by Mr. Molin to approve the Stroud Area Regional Police 2021 Budget as presented. The motion carried unanimously.

**Veterans Park Update:**

Mr. Reese reported the Re-dedication of Veterans Park is Wednesday, November 11, 2020 at 11:00 a.m. The event program will be printed, and the trees are being planted soon.

Mr. Reese requested approval to utilize the East Stroudsburg Borough's DPW Department's labor and equipment to hang five service flags, one American flag, and one POW flag at Veterans Park prior to the re-dedication ceremony.

A motion was made by Mr. Cross and seconded by Mr. DeLarco to approve the utilization of the East Stroudsburg Borough's DPW Department's labor and equipment to hang five service flags, one American flag, and one POW flag at Veterans Park prior to the re-dedication ceremony. The motion carried unanimously.

**150<sup>th</sup> + 1 Update:**

Mr. Molin reported a committee meeting was held on October 29<sup>th</sup>, with participants joining in person as well as virtually. Discussion at the meeting was creating an event program honoring the sponsors, and schools submitting historical essays to be included in the program. An essay contest will be established. The next committee meeting is February 4, 2021.

**East Stroudsburg Community Alliance:**

The ECA Board meeting is scheduled for Tuesday, November 10, 2020 at 5:15 p.m. at the Depot building.

**Engineer's Report:**

The Engineer's report was distributed.

**LSA Grant**

Mr. Oiler requested approval of Resolution 17-2020 to authorize submitting an application for an LSA Grant for a Water System Meter Replacement and Upgrade project. The amount of the grant is one million dollars.

A motion was made by Mr. Molin and seconded by Mr. Cross to approve Resolution 17-2020 to authorize submitting an application for an LSA Grant for a Water System Meter Replacement and Upgrade project. The motion carried unanimously.

Mr. Oiler requested approval to designate William Reese and Brian Bond as the Borough officials authorized to sign grant application documents on behalf of the Borough and the \$100.00 grant application fee to be paid electronically to the PA Commonwealth Finance Authority.

A motion was made by Mr. Cross and seconded by Mr. Molin to approve designating William Reese and Brian Bond as the Borough officials authorized to sign grant application documents on behalf of the Borough and the \$100.00 grant application fee to be paid electronically to the PA Commonwealth Finance Authority. The motion carried unanimously.

### **Woods Road Tank**

Mr. Oiler requested approval to authorize a tank industry consultant to perform interior and exterior inspection of the Woods Road Tank and provide a report of findings at a fee not to exceed \$5,650.00, and to have the President of Council execute the documents necessary to authorize the work. Mr. Prevoznik advised they will provide a report as to what they find after the inspection. Three companies had been contacted for cost estimates of this inspection; the amounts provided are less than the threshold that requires bids. Mr. Prevoznik advised a report will be provided with their findings.

A motion was made by Ms. Wolbert and seconded by Mr. Molin to authorize a tank industry consultant to perform interior and exterior inspection of the Woods Road Tank and provide a report of findings at a fee not to exceed \$5,650.00, and to have the President of Council execute the documents necessary to authorize the work. The motion carried unanimously.

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

None – no one from the public was in attendance.

### **Reports:**

#### **Brian Ace/Public Works:**

The DPW report will be presented at the November 17<sup>th</sup> Borough Council meeting.

Mr. Ace requested authorization to dispose of scrap metal with the proceeds to be deposited into the Borough's general fund.

A motion was made by Mr. DeLarco and seconded by Ms. Wolbert to approve the disposal of scrap metal with the proceeds to be deposited into the Borough's general fund. The motion carried unanimously.

#### **Fire Chief's Report:**

The Fire Chief's Report will be presented at the November 17<sup>th</sup> Borough Council meeting.

#### **Mary Walton:**

Mr. Walton requested approval to send the amended wireless ordinance to the Monroe County Planning Commission and the East Stroudsburg Borough Planning Commission for review and comment as recommended by ZORC. Mr. Prevoznik advised an email had been distributed to council members. Mr. Prevoznik advised Mr. Walton to ask Monroe County Planning Commission for a recommendation on how to incorporate the fee schedule.

A motion was made by Mr. Cross and seconded by Mr. Molin to approve Mr. Walton to send the amended wireless ordinance to the Monroe County Planning Commission and the East Stroudsburg Borough Planning Commission for review and comment as recommended by ZORC. The motion carried unanimously.

Mr. Walton reported the request from Green Valley Parktowne for approval of a time waiver valid through January 20, 2021 for a preliminary Land Development application. The applicant's time waiver expires on November 7, 2020 and the final plan is not yet ready.

A motion was made by Ms. Wolbert and seconded by Mr. Cross to approve a request from Green Valley Parktowne for approval of a time waiver valid through January 20, 2021 for a preliminary Land Development application. The motion carried unanimously.

**Ken Konz:**

**Funding for ESB Projects**

There has been a series of meetings with Borough representatives, tax attorney Kevin Reid, and debt services representative Chris Gibbons, in regards to refinancing options. Mr. Prevoznik stated the Finance Committee was provided with updated figures. Chris Gibbons reviewed all financing options with committee members via phone. The Finance Committee's recommendation to Council is to proceed with the 24-year bank level term, with three-year interest, and the ability to remove if not needed. Mr. Bond advised the updated figures are included in the council agenda packet for all council members' reference. Mr. Prevoznik advised Council that we have had discussions with, and the Borough has commitments with PennVest. If Council decides to move on with this option as recommended by the Finance Committee, the Borough cannot effectively go back from this motion.

With no further discussion, a motion was made by Mr. DeLarco and seconded by Mr. Molin to proceed with the recommendation of the Finance Committee's recommendation of the 24-year bank level term, with three-year interest, and the ability to remove if not needed. The motion carried unanimously.

**Mayor Armand Martinelli:**

Absent.

**Sonia Wolbert:**

No Report.

**Don Cross:**

No Report.

**Maury Molin:**

No Report.

**Roger DeLarco:**

Mr. DeLarco reminded Council to review the budget information before the upcoming budget work session. Mr. DeLarco stated the Borough's financial situation is in trouble, and asked Council to find a solution to help.

**Carrie Panepinto:**

Absent.

**Bill Reese:**

No Report.

**Solicitor John Prevoznik:**

Mr. Prevoznik provided an update with regards to the 940 Holdings LLC property, located at 268 Washington Street. A land development plan is being filed. Mr. Oiler is working with 940 Holdings LLC's engineer. A letter dated November 3, 2020 from the owner's lawyer, Timothy

Fisher II, was submitted to Mr. Prevoznik, requesting that the Borough's Building Codes Inspector, Kathryn Forry of Barry Isett & Associates, be authorized to perform inspections pursuant to Permit Number 200099 for Parcel No. 05-3/1/8/36, pending resolution of the outstanding zoning permit appeals, building code permit appeals, notices of violations, and subject to the Borough's rights to enforce its sewer easement. The owner understands that all actions it has taken to date and any subsequent actions taken without a complete resolution of all the aforesaid matters are performed at its sole risk, cost, and expense. The owner understands that if inspections are allowed to be performed pending resolution, any adverse ruling could result in the development of the property being halted and all actions it took in furtherance of the development of the property may be required to be removed, abandoned, or unpermitted. The owner agrees that if inspection are allowed to continue pursuant to the aforementioned permit, that neither the inspections nor any approvals may be utilized in any litigation currently pending or which may be instituted by and between 940 Holdings LLC and the Borough of East Stroudsburg.

A motion was made by Ms. Wolbert and seconded by Mr. Molin to authorize the Borough's Building Code Inspector to perform inspections pursuant to the conditions of the November 3, 2020 letter from Timothy Fisher II, Esquire. The motion carried unanimously.

**Manager's Report:**

Mr. Bond requested approval of advertising and setting a special meeting for a Budget Workshop, consideration of a request of the Brodhead Creek Regional Authority to exercise eminent domain powers within the Borough of East Stroudsburg for public water supply utility and access easements , and any other business that may come before Council for Tuesday, November 10, 2020 at 7:00 p.m.

A motion was made by Mr. DeLarco and seconded by Ms. Wolbert to approve advertising and setting a special meeting for a Budget Workshop, consideration of a request of the Brodhead Creek Regional Authority to exercise eminent domain powers within the Borough of East Stroudsburg in connection with the Eagle Valley Pump Station project, and any other business that may come before Council for Tuesday, November 10, 2020 at 7:00 p.m. The motion carried unanimously.

Mr. Walton advised the special meeting will be a conflict with the Planning Commission meeting, both scheduled for Tuesday, November 10, 2020. Mr. Walton suggested the Planning Commission can meet at the ECA building.

A motion was made by Mr. DeLarco and seconded by Mr. Molin to request from ECA to use of their facility for the Planning Commission to meet on Tuesday, November 10, 2020 at 7:00 p.m. The motion carried unanimously.

Mr. Bond requested approval of the COVID-19 Travel Policy as presented.

A motion was made by Mr. Molin and seconded by Mr. Cross to table the approval of the COVID-19 Travel Policy. The motion carried unanimously.

**Approval of Warrant List 201020**

A motion was made by Mr. DeLarco and seconded by Mr. Molin to table the approval of Warrant List 201103, as presented. The motion carried unanimously.

A motion was made by Mr. DeLarco and seconded by Mr. Molin to rescind the motion to table the approval of Warrant List 201103, as presented. The motion carried unanimously.

A motion was made by Mr. Molin and seconded by Mr. DeLarco to approve Warrant List 201103, as presented. The motion carried unanimously.

### **Executive Session**

A motion was made by Ms. Wolbert and seconded by Mr. Molin to go into Executive Session at 8:15 p.m. The motion carried unanimously.

A motion was made by Mr. Cross and seconded by Ms. Wolbert to reconvene the meeting at 8:45 p.m. The motion carried unanimously.

Mr. Prevoznik reported a personnel matter was discussed and no decisions were made.

### **Adjournment**

A motion was made by Mr. Cross and seconded by Mr. Molin to adjourn the meeting at 8:47 p.m. The motion carried unanimously.

**SPECIAL MEETING – BUDGET WORKSHOP:** Tuesday, November 10, 2020, @ 7:00 p.m. in person at the East Stroudsburg Borough Municipal Building.

**NEXT REGULAR MEETING:** Tuesday, November 17, 2020, @ 7:15 p.m. in person at the East Stroudsburg Borough Municipal Building.