

MINUTES FOR REGULAR MEETING
EAST STROUDSBURG BOROUGH COUNCIL
TUESDAY JANUARY 5, 2021 -7:15 p.m.

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

ABSENT: Mayor Martinelli

The Pledge of Allegiance was recited.

Solicitor's Report on Executive Session

The Solicitor reported Executive Session was held on January 5, 2021 at 6:30 p.m., prior to the start of the Council Meeting, and ended at 7:13 p.m. Discussed were employee evaluations, transition plans with regard to employee positions, the resolution of two pending appeals with 940 Holdings and contract negotiations, a possible property acquisition which may have to become a condemnation with regard to the I-80 project, and the reporting of various easements. No decisions were made.

December 15, 2020 Minutes

A motion was made by Mr. Molin and seconded by Mr. Cross to approve the minutes of the December 15, 2020 council meeting. The motion carried unanimously.

December 21, 2020 Minutes

A motion was made by Mr. Cross and seconded by Ms. Panepinto to approve the minutes of the December 21, 2020 council meeting. The motion carried unanimously.

December 28, 2020 Minutes

A motion was made by Ms. Panepinto and seconded by Mr. Molin to approve the minutes of the December 28, 2020 council meeting. The motion carried unanimously.

Mr. Reese reviewed the highlights of 2020 and read his State of the Borough aloud. (attached)

Position Appointments (Employees)

A motion was made by Mr. Cross and seconded by Mr. Molin to approve the employee position appointments as stated below:

Brian S. Bond as Borough Manager/Secretary/Treasurer

Rebecca Smith as Alternate Borough Secretary and Right to Know Officer

Brian S. Bond as Finance Officer

Marv Walton as Emergency Management Coordinator

Marv Walton as Fair Housing Officer

Brian Ace as Director of Public Works (acting)

The motion carried unanimously.

Position Appointments (Non-employees)

A motion was made by Ms. Wolbert and seconded by Mr. Molin to approve the non-employee position appointments as stated below:

Borough Solicitor: John Prevoznik, Esquire, \$175.00 hourly

Borough Engineer: RKR Hess, a division of UTRS, Director Rate, \$114.00 hourly
Zoning Hearing Board Solicitor: Durney, Worthington, and Madden, LLC, Hillary Madden, Esq., \$135.00 hourly
Planning Commission Solicitor: Todd Weitzman, Esq., \$150.00 hourly
Borough Sewer Engineer: Glace Associates, Principal Rate, \$135.00 hourly
Borough Environmental Solicitor: Manko, Gold, Katcher, Fox, Marc E. Gold, Esquire, \$595.00 hourly
Borough Sewer Task Force Advisor: Ralph Matergia, Esquire, \$300.00 hourly
Borough PUC Advisor: Craig Doll, Esquire, \$175.00 hourly
Borough Labor Solicitor: John McLaughlin, Esquire, \$325.00 hourly
Borough Alternate Engineer and Borough Alternate Sewer Engineer: Hanover Engineering, Principal Rate, \$165.00 hourly
Borough Bankruptcy Solicitor: Newman Williams, Vincent Rubino, Esquire, \$165.00 hourly
Borough Health Officer: Thomas Detweiler, \$26.00 per hour
The motion carried unanimously.

Resolution 1-2021, Signatories for Bank Accounts

A motion was made by Mr. Molin and seconded by Mr. Cross to approve Resolution 1-2021, naming four signatories for bank accounts. The resolution confirms that William Reese, Sonia Wolbert, Maury Molin, and Roger DeLarco, all members of the East Stroudsburg Borough Council, shall be authorized signatories of all East Stroudsburg Borough checks. Additionally, the resolution allows online banking access to the Borough Manager, Finance Officer, Payroll Clerk, and Utility Billing Secretary. The motion carried unanimously.

Resolution 2-2021, 2021 Fee Schedule

A motion was made by Ms. Wolbert and seconded by Ms. Panepinto, approving Resolution 2-2021, setting the 2021 Permit and License Fee Schedule as presented. The motion carried unanimously.

Resolution 3-2021, 2021 Solid Waste User Fee Schedule

A motion was made by Mr. Cross and seconded by Mr. Molin, approving Resolution 3-2021, setting the 2021 Solid Waste User Fee schedule as presented. This resolution sets the fee schedule for 2021 Solid Waste. The annual fee shall remain the same as 2020 for solid waste pickup, as follows: 32-gallon can \$222.00; 64-gallon can \$322.00; 96-gallon can \$422.00; bulk item tags \$27.50/tag; additional garbage bags \$3.30/bag; and a mobile refuse cart exchange fee of \$25.00. The motion carried unanimously.

2021 Rate Schedule, RKR Hess, a division of UTRS

A motion was made by Mr. Cross and seconded by Ms. Panepinto to approve the 2021 rate schedule for the Borough Engineer, RKR Hess, a division of UTRS, as presented. The motion carried unanimously.

Annual Board Appointments

A motion was made by Ms. Panepinto and seconded by Ms. Wolbert to approve the annual board appointments as stated below:

Council of Governments representative and alternate (Brian Ace, Sr.; Maury Molin as alternate)
MECAB representative and alternate (Bill Reese; Sonia Wolbert as alternate)
Tax Collection Committee (Brian Bond; Roger DeLarco as alternate)
Monroe County Control Center (Maury Molin and Brian Bond)

Pennsylvania Municipal League (Roger DeLarco; Brian Bond as alternate)

The motion carried unanimously.

Board and Commission Appointments

A motion was made by Ms. Wolbert and seconded by Mr. DeLarco approving the annual board and commission appointments as stated below:

Zoning Hearing Board (David Rheinheimer, Term ending 12/31/2025)

Stroud Region Open Space and Recreation Committee (Kelly McKenzie, term ending 12/31/2023)

Stroud Area Regional Police Commission (Brian S. Bond, term ending 12/31/2023)

Property Maintenance Board of Appeals (Lisa VanWhy, term ending 12/31/2023)

The motion carried unanimously.

The Planning Commission has a vacancy, and no appointment was approved.

Borough Meeting Schedule for 2021

A motion was made by Mr. Cross and seconded by Mr. Panepinto to approve setting and advertising the Borough Meeting Schedule for 2021, all to be held at the Municipal Building, as stated below:

Comprehensive Plan Task Force: 2nd and 4th Wednesday of each month at 5:00 p.m.;

Shade Tree Commission: 2nd Monday of each month at 11:00 a.m.;

Planning Commission: 2nd Tuesday of each month at 7:00 p.m.;

Zoning Hearing Board: 3rd Thursday of each month at 7:00 p.m.;

Property Maintenance Appeals Board: 4th Tuesday of each month at 7:00 p.m.;

Utility Dispute Resolution Committee: February 3, May 5, August 4, November 3 at 9:00 a.m.;

Executive Committee: January 15, 29, February 12, 26, March 12, April 2, 16, 30, May 14, 28, June 11, July 2, 16, 30, August 13, September 3, 17, October 1, 15, 29, November 12, December 3, 17, 30 at 8:00 a.m.

The motion carried unanimously.

Committee Assignments as designated by the Council President

A motion was made by Ms. Wolbert and seconded by Mr. Panepinto to approve the committee assignments as designated by the Council President, as listed below:

Audit Committee (Roger DeLarco, Sonia Wolbert, Maury Molin)

Finance Collection Committee (Roger DeLarco, Sonia Wolbert, Carrie Panepinto, Brian Bond)

Sewer Task Force Committee (Bill Reese, Ed Flory, Maury Molin, Brian Bond)

Zoning Ordinance and Review Committee (Sonia Wolbert, Maury Molin, Roger DeLarco, Marv Walton, Brian Bond)

Recycling Committee (Bill Reese, Brian Bond, Don Cross)

Personnel Committee (Sonia Wolbert, Bill Reese, Maury Molin, Brian Bond)

Comprehensive Plan Committee (Roger DeLarco, Sonia Wolbert, Armand Martinelli, Marv Walton, Brian Bond) (appointed Borough Council members)

Executive Committee (Maury Molin, Sonia Wolbert, Bill Reese, Brian Bond)

MS4 Committee (Sonia Wolbert, Carrie Panepinto, Maury Molin)

Utility Dispute Committee (3-year term); (Roger DeLarco)

The motion carried unanimously.

Public Comments – Agenda Items

None.

Resolution 4-2021, approving the Preliminary/Final Land Development Plan for the Green Valley Apartments and Parktowne Townhomes Expansion Project

Mr. Walton reported on the preliminary/final development plan for the Green Valley Apartments and Parktowne Townhomes expansion project. Mr. Walton explained this is a plan for an expansion at the Green Valley Apartments. He also noted that this project was previously in front of Council in 2019 for conditional use approval. Mr. Walton stated that what is before the Council today is the land development plan. The land development plan was submitted to the Borough in February of 2020. Due to the COVID-19 pandemic, the project was put on hold until recently. The plan was reviewed by the Monroe County and the Borough of East Stroudsburg Planning Commissions. The stormwater and earth disturbance created by the project has also been reviewed by the Monroe County Conservation District. Both Planning Commissions recommended approval of the land development plan. RKR Hess has issued five review letters in regard to this project. Developer's presentation at this meeting and, if in order, the approval of Resolution 4-2021 are considered the last steps in the approval process. Mr. Adam Brower from Edward Walsh Associates, the consulting engineer for the applicant, was present. Mr. Brower advised that the developer is proposing to add six new buildings to the existing complex. This addition would add a total of 84 new units. The existing parking will continue to be used, and new parking is to be added. The land development plan allows for the new parking areas and driveway access to create a better flow of traffic for residents and emergency vehicles. The East Stroudsburg Fire Department has reviewed the land development plan and agrees that the proposed traffic and parking design will allow for the fire trucks to maneuver properly through the apartment complex. Mr. Chad Mateyka, the developer's representative, agreed with the conditions of Resolution 4-2021 after they were read aloud by Mr. Walton and acknowledged that developer's counsel had the opportunity to review the Resolution, the Development Agreement, and the Stormwater Agreement prior to the meeting. Mr. Mateyka agreed when asked that the developer would be bound by the conditions of the Resolution. The Development Agreement and Stormwater Agreement attached to the Resolution as Exhibits was also approved by developer's counsel and that developer will execute the documents.

The developer has requested two waivers from the Borough's Subdivision and Land Development Ordinance (SALDO) in connection with the approval of its proposed Preliminary/Final Land Development Plan. The East Stroudsburg Borough Planning Commission has made a recommendation to approve both waivers.

A motion was made by Mr. Molin and seconded by Mr. Cross approving Waiver Number 1, Section 140-8, concerning the requirement for a preliminary plan. The ordinance requires a preliminary plan and a final plan; however, it is common for the developer to combine them into one plan. The motion included adding the waiver to the notes on the plan with the date of approval of the waiver. The motion carried unanimously.

A motion was made by Ms. Panepinto and seconded by Ms. Wolbert approving Waiver Number 2, Section 140, Appendix A, in order to allow the use of NOAA rainfall data instead of the PennDOT rainfall data that is specified in the ordinance. The motion including the waiver to the notes of the plan with the date of approval of the waiver. The motion carried unanimously.

A motion was made by Mr. Molin and seconded by Ms. Wolbert to approve Resolution 4-2021, approving the Preliminary/Final Plan Development Plan for the Green Valley Apartments and Parktowne Townhomes Expansion Project. The motion carried 6-0 (Yea: Ms. Wolbert, Ms. Panepinto, Mr. Cross, Mr. DeLarco, Mr. Reese, Mr. Molin).

Veterans Park Update

Mr. Reese announced the next Veterans Park Committee Meeting will be held Monday, February 1, 2021, at 9:00 a.m.

SROSRC Report:

No Report.

Police Report:

The SARDP report will be given at the January 19, 2021 council meeting.

East Stroudsburg Community Alliance:

Ms. Wolbert announced the next ECA Board meeting will be held Monday, January 11, 2021 at 5:00 p.m.

Engineer's Report:

The Engineer's report was distributed.

Middle Dam and New Water Supply Intake Line Project – Update

The bidding on the project started on November 25, 2020 on PennBid. A virtual pre-bid conference occurred on December 18, 2020. Bids are due January 15, 2021. The bid summary will be presented to Council on January 19, 2021.

South Green Street Paving and ADA Ramp Project

Mr. Scott recommended the Payment Application No. 3 in the amount of \$6,872.44 is tabled.

A motion was made by Ms. Wolbert and seconded by Mr. Cross to table the Payment Application No. 3 in the amount of \$6,872.44. The motion carried unanimously.

Recondition of Wells Nos. 3 and 4

Mr. Scott requested authorization of Change Order No. 2, representing a contract increase in the amount of \$2,124.00 for the contractor to furnish and install a new submersible pump cable and connection for Well No. 4, as recommended for approval by RKR Hess.

A motion was made by Ms. Wolbert and seconded by Mr. Cross to approve Change Order No. 2, representing a contract increase in the amount of \$2,124.00 for the contractor to furnish and install a new submersible pump cable and connections for Well No. 4. The motion carried unanimously.

Mr. Scott requested approval of Final Change Order No. 3, representing a contract decrease in the amount of \$2,000.00 for deletion of contract line item #29, which was an alternative for the Borough to provide the new pump for Well No. 4. The contractor was directed to furnish and install this well pump under contract line item #28. There is no increase in contract time as a result of this change order.

A motion was made by Mr. Molin and seconded by Mr. Cross to approve Change Order No. 3, Final, representing a contract decrease in the amount of \$2,000.00 for deletion of contract line item #29, which was an alternative for the Borough to provide the new pump for Well No. 4.

The contractor was directed to furnish and install this well pump under contract line item #28. The motion carried unanimously.

Mr. Scott requested approval of Payment Application No. 2 in the amount of \$48,762.00 to A.C. Schultes, Inc., as recommended for approval by RKR Hess.

A motion was made by Mr. Cross and seconded by Ms. Panepinto to approve Payment Application No. 2 in the amount of \$48,762.00 A.C. Schultes, Inc. The motion carried unanimously.

2021 Joint Municipal Landfills Monitoring

RKR Hess recommends that the Borough accepts the proposal from Analytical Laboratory Services (ALS), Inc. in the amount of \$8,429.00, contingent upon the concurrence of the other two municipalities. This proposal falls below the estimated range and is well below the public bidding threshold. This is a shared cost between East Stroudsburg Borough, Stroudsburg Borough, and Stroud Township for sampling and lab testing at both sites (East Stroudsburg Borough and Stroud Township).

A motion was made by Mr. Molin and seconded by Mr. Cross to accept the proposal from Analytical Laboratory Services (ALS) in the amount of \$8,429.00, contingent upon the concurrence of the other two municipalities. The motion carried unanimously.

Mr. Prevoznik stated a meeting was held between East Stroudsburg Borough, Stroud Township, and Stroudsburg Borough to formalize an arrangement of shared costs.

A motion was made by Mr. Cross and seconded by Mr. Molin to authorize the Borough Manager to reach out to Stroud Township and Stroudsburg Borough for the purpose of memorializing the shared costs agreement of the two Joint Municipal Landfills. The motion carried unanimously.

Woods Road Tank Containment and Paint Removal

Mr. Scott requested authorization to advertise for bids for the Woods Road tank containment and paint removal project.

A motion was made by Ms. Wolbert and seconded by Ms. Panepinto to authorize advertising for the Woods Road tank containment and paint removal project. The motion carried unanimously.

Public Comments – New Business

None.

Reports:

Brian Ace/Public Works:

The DPW report was distributed via email.

Marv Walton:

Mr. Walton's reports were distributed via email.

Ken Konz:

The November 2020 Borough Financial Statements were distributed via email.

Fire Chief's Report:

The Fire Chief's report was distributed via email.

Mayor Armand Martinelli:

Absent.

Sonia Wolbert:

No Report.

Don Cross:

No Report.

Maury Molin:

Mr. Molin asked if the wards within the Borough could be realigned. Mr. Prevoznik advised we have to wait for the census to be in order.

Roger DeLarco:

No Report.

Carrie Panepinto:

No Report.

Solicitor John Prevoznik, Esq.:

Mr. Prevoznik requested approval for the Borough Manager to send Resolution 4-2021 to the East Stroudsburg School District, upon execution, pursuant to Section 508.1 of the MPC. This section requires that land development approval for residential units be forwarded to the school districts for planning purposes and to allow the district to evaluate the impact.

A motion was made by Mr. Cross and seconded by Mr. Molin to authorize the Borough Manager to send Resolution 4-2021 to the East Stroudsburg School District, upon execution, pursuant to Section 508.1 of the MPC. The motion carried unanimously.

Manager's Report:

Mr. Bond requested approval of a proposal from RKR Hess to assist in the preparation of the 2020 Public Water System Consumer Confidence Reports at a cost not to exceed \$5,000.00.

A motion was made by Ms. Wolbert and seconded by Ms. Panepinto to approve the proposal from RKR Hess to assist in the preparation of the 2020 Public Water System Consumer Confidence Reports at a cost not to exceed \$5,000.00. The motion carried unanimously.

Mr. Bond requested approval of Resolution 5-2021, setting the Water Rates, Chapter 154, Appendix "A", as presented. The following rate schedule shall apply to Section 154-8 "Charges for Water Service", B. of Chapter 154 of the Borough Codes:

1. EBU Fee: 1 EBU = \$47.00 per quarter for the period of 12/1/2020 through 11/30/2021; 1 EBU = \$52.00 per quarter for the period of 12/1/2021 through 11/30/2022; and 1 EBU = \$57.00 per quarter for the period of 12/1/2022 through 11/30/2023.
2. Consumption or Usage Fee: \$0.3333 per 100 gallons (\$0.88 per kiloliter) for all usage.

All the other charges remain the same from 2020. The reason for the water rate increases is so the Borough can continue to pay for the debt services. The increase is necessary in order to allow the engineer to certify that the Borough can repay the borrowing of approximately \$10 million for the dam rehabilitation and the Eagle Valley Pump Station. The Borough will also have to raise the dedicated debt service tax by one mil in order to sustain the increase in payments over time as the payments increase.

A motion was made by Mr. Cross and seconded by Ms. Panepinto to approve 5-2021, setting the Water Rates, Chapter 154, Appendix "A", as presented. The motion carried unanimously.

Mr. Bond requested authorization to budget a one-mil tax increase in the Debt Service Tax in the 2022 Budget for review.

A motion was made by Mr. Molin and seconded by Ms. Panepinto to direct the Borough Manager to budget a one-mil tax increase in the Debt Service Tax in the 2022 Budget for review. The motion carried unanimously.

Mr. Bond requested authorization to accept the letter of resignation from Ken Konz.

A motion was made by Mr. Cross and seconded by Ms. Wolbert to accept the letter of resignation from Ken Konz. The motion carried unanimously.

Mr. Bond requested authorization to advertise the Finance Officer position.

A motion was made by Mr. DeLarco and seconded by Ms. Wolbert to table the approval to advertise the Finance Officer position. The motion carried unanimously.

Mr. Bond requested approval of the 2021 Salary and Wage Schedule with the one change brought to Mr. Bond's attention, changing the councilperson's name from Mr. Ed Flory to Ms. Carrie Panepinto.

A motion was made by Mr. Cross and seconded by Mr. Molin to approve the 2021 Salary and Wage Schedule with the one change brought to Mr. Bond's attention, changing the councilperson's name from Mr. Ed Flory to Ms. Carrie Panepinto. The motion carried unanimously.

Mr. Bond requested approval of Resolution 6-2021, authorizing the Borough Manager to execute PennDOT form M-950AA, authorizing RKR Hess to apply for the Highway Occupancy Permit for the Brown Street Waterline project, S.R. 2012 and ratifying any actions previously taken by the Borough Manager and RKR Hess and furtherance of applying for and obtaining Highway Occupancy Permits for the Brown Street Waterline project, S.R. 2012.

A motion was made by Mr. Molin and seconded by Mr. Cross to approve Resolution 6-2021, authorizing the Borough Manager to execute PennDOT form M-950AA, authorizing RKR Hess to apply for the Highway Occupancy Permit for the Brown Street Waterline project, S.R. 2012 and ratifying any actions previously taken by the Borough Manager and RKR Hess and furtherance of applying for and obtaining Highway Occupancy Permits for the Brown Street Waterline project, S.R. 2012. The motion carried unanimously.

Bill Reese:

No Report.

Mr. Prevoznik requested approval to record with in conjunction with the I-80 project utility easements from Wolff and Sagan and Mr. Hannig, and to request the Borough Manager to obtain a release of liens of same.

A motion was made by Mr. DeLarco and seconded by Mr. Molin to authorize Mr. Prevoznik to record with in conjunction with the I-80 project utility easements from Wolff and Sagan and Mr. Hannig, and to request the Borough Manager to obtain a release of liens of same. The motion carried unanimously.

Mr. Prevoznik requested approval of the two easements from New GVPT, LLC to the Borough of East Stroudsburg for the water and sewer easements and to authorize the President of Council and Secretary to execute the agreement.

A motion was made by Mr. Cross and seconded by Ms. Panepinto to approve the two easements from New GVPT, LLC to the Borough of East Stroudsburg for the water and sewer easements and to authorize the President of Council and Secretary to execute the agreement. The motion carried unanimously.

Approval of Warrant List 210105

A motion was made by Mr. Molin and seconded by Mr. DeLarco to approve Warrant List 210105, as presented. The motion carried unanimously.

Adjournment

A motion was made by Ms. Wolbert and seconded by Mr. DeLarco to adjourn the meeting at 8:53 p.m. The motion carried unanimously.

NEXT REGULAR MEETING: Tuesday, January 19, 2021, @ 7:15 p.m. in person at the East Stroudsburg Borough Municipal Building and virtually on Facebook on the East Stroudsburg Virtual Meeting page.