

MINUTES FOR REGULAR MEETING
EAST STROUDSBURG BOROUGH COUNCIL
TUESDAY DECEMBER 15, 2020 -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, JOINED VIRTUALLY: Roger DeLarco, Mayor Martinelli, Finance Director Ken Konz, Public Works Director Brian Ace, and Sonia Wolbert

The Pledge of Allegiance was recited.

Solicitor's Report on Executive Session

The Solicitor reported Executive Session was held on December 15, 2020 at 6:30 p.m., prior to the start of the Council Meeting which ended at 7:12 p.m. Outstanding contract negotiations, the settlement of a litigation matter, and one personnel matter were discussed. No decisions were made.

December 1, 2020 Minutes

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

Public Hearing – Ordinance 1372, Fixing the Real Estate Tax Rate for the Year 2021

A motion was made by Ms. Panepinto and seconded by Mr. Molin to recess the regular meeting and convene the public hearing on Ordinance 1372. The motion carried unanimously.

Mr. Bond reviewed the Ordinance 1372. The tax rate on all real property within the Borough of East Stroudsburg subject to taxation for the fiscal year 2021, a sum of 3.7826 mills, which reflects no increase from 2020. The following are the tax rates for each fund: General Fund 1.8716 Mills, Fire Apparatus Fund 0.1107 Mills, Street Fund 0.1474 Mills, Debt Services Fund 0.9503 Mills, Parks/Recreation Fund 0.4445 Mills, Street Lighting Fund 0.1843 Mills, Pension Fund 0.0738 Mills.

A motion was made by Mr. Molin and seconded by Mr. Cross to enter exhibits 1 through 3 into evidence. The motion carried unanimously.

A motion was made by Mr. Cross and seconded by Mr. Molin to close the public hearing and reconvene the regular meeting. The motion carried unanimously.

A motion was made by Mr. DeLarco and seconded by Mr. Cross to approve Ordinance No. 1372, establishing the Real Estate Tax Rate for the Year 2021. The motion carried unanimously.

Public Hearing – East Stroudsburg Borough 2021 Budget

A motion was made by Ms. Panepinto and seconded by Mr. Cross to recess the regular meeting and convene the public hearing on the East Stroudsburg Borough 2021 Budget. The motion carried unanimously.

Mr. Bond reviewed the East Stroudsburg Borough 2021 Budget which had only a few changes as compared to the 2020 Budget. Revenues are expected to be down again due to COVID-19;

expenses are also expected to be down. The total amount of the budgeted revenue is \$22,678,905.00. The total amount of the budgeted expenses is \$22,113,121.00.

A motion was made by Ms. Panepinto and seconded by Mr. Cross to enter exhibits 1 through 3 into evidence. The motion carried unanimously.

A motion was made by Mr. Cross and seconded by Mr. DeLarco to close the public hearing and reconvene the regular meeting. The motion carried unanimously.

A motion was made by Mr. Cross and seconded by Ms. Panepinto to approve the East Stroudsburg Borough Budget for the Year 2021, as presented. The motion carried unanimously.

Resolution 20-2020, Approval of Preliminary/Final Land Development Plan for the Eagle Valley Water Booster Pump Station

Mr. Walton reported the water booster pump station is a collaborative project between the Borough of East Stroudsburg and Brodhead Creek Regional Authority (BCRA). Mr. Walton is in receipt of the Preliminary/Final Land Development Plan for the Eagle Valley Water Booster Pump Station, submitted by BCRA on November 23, 2020. BCRA owns the property located at 743 Milford Road, East Stroudsburg, on which there are two existing residential dwellings. BCRA proposes to demolish the dwellings and construct a new water booster pump station, and reconfigure the parking, landscaping, construct a sidewalk, and update the site lighting. This project is necessary to provide water to the Borough during the Middle Dam rehabilitation project and will allow the BCRA to provide fire protection to the Borough in the event of future emergencies or repairs to the water system.

This plan includes several waivers and modifications from the subdivision land development ordinance that the plan does not need to meet. The plan was submitted and reviewed by the East Stroudsburg Borough and the Monroe County Planning Commissions. The East Stroudsburg Borough Planning Commission recommended approval of such modifications. Mr. Scott presented the prints of the proposed plan to council. The bids requests for this project have been advertised and bids are expected to be opened on January 26, 2021 by the BCRA, and work will begin in the spring of 2021, barring any issues. The bids will be approved at the BCRA's board meeting on February 3, 2021. The Borough will be notified of the bid results prior to that meeting. BCRA is holding \$1.6 million dollars from the Borough for its estimate portion of the construction costs in a dedicated construction fund, per the Repayment Agreement between the parties. It was noted that if the bids come in lower than the \$1.6 million dollars, the remaining monies, less the 10% contingency, will be returned to the Borough. However, if the bids are higher than the \$1.6 million dollars, the Borough would have to put the balance of the additional funds plus 10% into the dedicated construction fund.

The first waiver request was to waive the requirement of a preliminary plan per Section 140-7C of the ordinance. Mr. Walton advised with plans such as this, it is typical to submit the preliminary and final plan as one, instead of separately. A motion was made by Mr. Molin and seconded by Ms. Panepinto to approve waiver #1, waiving the requirement of a preliminary plan. The motion carried unanimously.

The second waiver, Section 140-8C of the ordinance, is concerning requirements of application and review fees. Mr. Walton advised the application is jointly made by the Borough and BCRA, in which case the fees would not be necessary. A motion was made by Mr. Cross and seconded by Mr. Molin to approve waiver #2, waiving the application and review fees. The motion carried unanimously.

The third waiver is concerning entering into a Developers Agreement, Section 140-6, 7, 8, 9, 21, 28, and 29 of the ordinance. Council agreed that the Repayment Agreement between the Borough and the BCRA was the equivalent of a development agreement but did not meet all the standards set forth in the ordinance. A motion was made by Ms. Panepinto and seconded by Mr. Cross to approve waiver #3. The motion carried unanimously.

The fourth waiver is related to the requirements for BCRA to post Performance and Maintenance Bonds pursuant to Section 140-29 of the ordinance. It was noted that the payment of the performance and maintenance bonds would be the responsibility of the Borough under the Repayment Agreement. A motion was made by Mr. Molin and seconded by Ms. Panepinto to approve waiver #4. The motion carried unanimously.

Mr. Walton requests council approve Resolution 20-2020. A motion was made by Mr. Cross and seconded by Mr. Molin to approve Resolution 20-2020, approving the Preliminary/Final Land Development Plan for the Eagle Valley Water Booster Pump Station, as recommended by both the Borough Planning Commission and the Monroe County Planning Commission. The motion carried 5-0 (Yea: Ms. Panepinto, Mr. DeLarco, Mr. Cross, Mr. Reese, Mr. Molin; Absent: Ms. Wolbert).

Public Comments – Agenda Items

None.

SROSRC Report:

No Report.

Police Report:

The November SARP report was presented by Captain Paul Gasper. Captain Gasper reported that six officers within the department had moderate cases of COVID-19 and are all recovering well. A question about a panhandler in the Borough was discussed. Also, parking within the fire lane in the Giant Plaza was discussed. Parking spaces are being installed within the parking lot, designated for pick up orders for specific restaurants in the plaza. Mr. Bond advised our parking staff frequents this location on Friday and Saturday nights, and the plaza has their own security and seems that with these efforts, the illegal parking is decreasing. Mr. DeLarco expressed his concerns with cars bypassing the traffic light at the Brown Street extension location. It has become a habit during the construction of the Ridgeway Street bridge, and Mr. DeLarco expects the cars to continue even after the bridge is open. Mayor Martinelli suggest we run the divider further to help remedy the problem. Mr. DeLarco asked who is responsible for winter maintenance of the new bridge on Ridgeway Street, since it has been elevated during construction. Mr. Bond advised it is a PennDOT road, but the Borough is responsible for winter maintenance, as per our agreement with PennDOT.

Veterans Park Update

Mr. Reese reported the next meeting will be held Monday, January 4, 2021 at 10:00 a.m. The committee will be discussing the Hometown Hero Banners.

150th +1 Update

The next committee meeting is February 4, 2021.

Mr. Molin reported that Senator Mario Scavello presented a citation to the Borough of East Stroudsburg acknowledging its 150th anniversary. Mr. Molin requested approval to direct the Borough Manager to send a thank you letter to Senator Mario Scavello, thanking him for presenting the Borough of East Stroudsburg honoring the 150th Anniversary of the Borough of East Stroudsburg.

A motion was made by Mr. Cross and seconded by Mr. Molin to direct the Borough Manager to send a thank you letter to Senator Mario Scavello, thanking him for presenting the Borough of East Stroudsburg honoring the 150th Anniversary of the Borough of East Stroudsburg. The motion carried unanimously.

East Stroudsburg Community Alliance:

The ECA meetings will be held on the second Monday of each month at 5:15 p.m. The board will be focusing on future events in 2021.

Engineer's Report:

The Engineer's report was distributed.

Middle Dam

Mr. Scott reported the bids for the Middle Dam project have been advertised and are set to be open on January 15th.

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

Ms. Scott reported on Resolution 19-2020, regarding Borough reimbursement and relocation of water and sewer lines related to the project. In summary, the resolution states the Borough authorizes the submission request and execution of the agreement with PennDOT providing 95.60% reimbursement to the Borough of all costs less than any betterments incurred by the Borough. The Borough has authorized PennDOT to include in their bids a 24-month maintenance bond in the amount of 10% of the final Borough utility relocation costs, which is considered a betterment, with an estimated cost of approximately \$15,000.00 to the Borough. This must be paid separately from the agreement by the Borough. The maintenance bond is to cover the guarantee for a 24-month period for any required and necessary maintenance or repairs for the completed water and sewer utility installations, starting from a date of completion of acceptance of the highway improvement project by PennDOT.

A motion was made by Mr. Cross and seconded by Mr. Molin to approve Resolution 19-2020 authorizing Execution of the PennDOT utility Relocation Reimbursement Agreement, contingent upon favorable review of the Solicitor. The motion carried 6-0 (Roll Call, Yea: Mr. Cross, Mr. DeLarco, Mr. Molin, Mr. Reese, Ms. Panepinto, Ms. Wolbert).

Brown Street Waterline Replacement Project

Mr. Scott requested authorization to advertise for construction bids upon issuance of the PennDOT Highway Occupancy Permit (HOP) and securing of the temporary construction easement. Construction is scheduled to commence in the Spring of 2021.

A motion was made by Mr. Cross and seconded by Ms. Panepinto to approve advertising the construction bids upon issuance of the PennDOT Highway Occupancy Permit (HOP) and securing of the temporary construction easement. Construction is scheduled to commence in the Spring of 2021.

South Green Street Paving and ADA Ramp Project

Mr. Scott requested approval of Change Order No. 1 – Final, representing a contract price adjustment for reconciliation of actual quantities installed vs. quantities bid, is in order for approval by the Borough. The net adjustment is a decrease to the contract in the amount of \$4,517.54. There is no adjustment of contract time as a result of this change order.

A motion was made by Mr. Molin and seconded by Ms. Panepinto to approve Change Order No. 1 – Final, representing a contract price adjustment for reconciliation of actual quantities installed vs. quantities bid, is in order for approval by the Borough. The net adjustment is a decrease to the contract in the amount of \$4,517.54. The motion carried unanimously.

Mr. Scott requested to table the consideration of Payment Application No. 3 in the amount of \$6,872.44.

A motion was made by Ms. Panepinto and seconded by Mr. Molin to table the consideration of Payment Application No. 3. The motion carried unanimously.

DEP Consent Order, re: Replacement of Effluent Control Valves at the Water Treatment Plant

Mr. Scott requested approval of Resolution 16-2020, authorizing the Borough Manager to sign the PA DEP Consent Order, as presented. The consent order has been reviewed by the Solicitor, the Borough Engineer, and the Borough Manager. Mr. Prevoznik added that PA DEP initially issued a consent order wanting the Borough to agree that we violated the law, and safe drinking standards. After contacting PA DEP and advising the Borough followed exactly the PA DEP's rules and regulations, those violations were removed from the consent order. The consent order now states the improvements should have been done by a certain time, however, the Borough disagrees. This project was supposed to have been done by August of 2020, but due to the COVID-19 pandemic the Borough was not able to get to the project. The consent order allows the Borough 120 days from December 15, 2020 to complete the project. The project is underway and almost done.

A motion was made by Mr. Cross and seconded by Mr. Molin to approve Resolution 16-2020, authorizing the Borough Manager to sign the PA DEP Consent Order, as presented. The motion carried unanimously.

Joint Municipal Landfills Monitoring

Mr. Scott requested approval of the proposal from RKR Hess for the 2021 Joint Landfills Monitoring contingent upon the concurrence of Stroud Township and Stroudsburg Borough.

The proposed RKR Hess cost ranges from \$16,500.00 to \$18,500.00. The cost of the geological services ranges from \$1,050.00 to \$1,450.00. These costs are split between the three municipalities.

A motion was made by Mr. Molin and seconded by Mr. Cross to approve the proposal from RKR Hess for the 2021 Joint Landfills Monitoring contingent upon the concurrence of Stroud Township and Stroudsburg Borough. The motion carried unanimously.

PennDOT Condemnation Relocation Plan - Landfill

Mr. Scott is in receipt of the condemnation relocation plan, which is the final aspect of the landfill condemnation case. Mr. Scott is reviewing the proposed plan and it appeared that PennDOT had moved the construction project away from the landfill as was agreed upon.

Public Comments – New Business

None.

Reports:

Brian Ace/Public Works:

The Public Works report was distributed.

Fire Chief's Report:

The Fire Chief's report was distributed.

Marv Walton:

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

Mr. Walton requested authorization to advertise and set a Public Hearing for Ordinance 1369, Chapter 157, Zoning Wireless Communications for Tuesday, February 16, 2021 at 7:25 p.m. at the East Stroudsburg Borough Municipal Building.

A motion was made by Mr. Cross and seconded by Ms. Panepinto to advertise and set a Public Hearing for Ordinance 1369, Chapter 157, Zoning Wireless Communications for Tuesday, February 16, 2021 at 7:25 p.m. at the East Stroudsburg Borough Municipal Building. The motion carried unanimously.

Ken Konz:

The November 2020 Borough Financial Statements were distributed via email.

Mr. Konz requested authorization to continue utilizing Tom Josiah, CPA for audit preparation work, as recommended by the East Stroudsburg Borough Staff. The Borough retained Mr. Josiah during the course of the past three year's audits with very favorable results. Mr. Josiah has over 20 years' experience in audit preparation and consulting work for municipalities and school districts. Administrative staff is seeking approval to retain Mr. Josiah for year-end preparation at a rate of \$110.00 per hour, not to exceed 100 hours.

A motion was made by Mr. Molin and seconded by Mr. Cross to approve utilizing Mr. Josiah for the 2020 audit preparation at a cost not to exceed \$11,000.00. The motion carried unanimously.

Mr. Konz requested approval of Resolution 22-2020 authorizing the Borough Manager to execute the Sub-Recipient Agreement between the Redevelopment Authority of Monroe County and the Borough of East Stroudsburg to provide the public service of the East Stroudsburg Emergency Mortgage Assistance Grant Program.

A motion was made by Ms. Panepinto and seconded by Mr. Molin to approve Resolution 22-2020 authorizing the Borough Manager to execute the Sub-Recipient Agreement between the Redevelopment Authority of Monroe County and the Borough of East Stroudsburg to provide the public service of the East Stroudsburg Emergency Mortgage Assistance Grant Program. The motion carried 6-0 (Roll Call, Yea: Mr. Cross, Mr. DeLarco, Mr. Molin, Mr. Reese, Ms. Panepinto, Ms. Wolbert).

Mr. Konz provided a CDBG-CV update. The County Commissioners have executed the CDBG-CV Contract along with PA DCED. The Environmental Review Record has been completed by the RDA and is waiting for the Commissioners to approve and sign off, so that the Borough can start expending funds. The Borough has received word from PA DCED that the funds are available to draw down from HUD.

Mayor Armand Martinelli:

No Report.

Sonia Wolbert:

No Report.

Don Cross:

Mr. Cross addressed with Mr. Walton his concern about abandoned vehicles on Chestnut Street. Mr. Walton advised there are no restrictions if the cars are licensed and registered to vehicles being parked on the street. Mr. Cross asked if a mirror can be installed to assist with sight distance at the East Broad and Lackawanna Avenue intersection. Mr. Reese advised PennDOT does not allow mirrors for this purpose due to a liability issue.

Maury Molin:

Mr. Molin reported that the Borough of East Stroudsburg needs to appoint a representative to the Eastern Monroe Library Board of Directors contingent upon the other two municipalities approval.

A motion was made by Mr. Molin and seconded by Ms. Panepinto to appoint Debbie Kuchinski as the Borough of East Stroudsburg's representative to the Eastern Monroe Library Board of Directors contingent upon approval of the other two municipalities. The motion carried unanimously.

The Monroe County Control Center meeting adopted a flow chart with regards to COVID-19 procedures. It is recommended for the Borough to utilize the flow chart.

Marissa from the Monroe County Waste Authority has provided a resolution for review with regard to cigarette butt containers that the Borough can obtain free of charge. Mr. Molin requests the information be reviewed and discussed at a future council meeting.

Roger DeLarco:

Mr. DeLarco expressed his delight with the holiday décor that was put up throughout the Borough. He gave kudos to Mr. Bond and his staff for their work. He acknowledged that the décor and the Christmas Tree look very festive and hoped that the Borough could purchase more decorations for use throughout the community.

Carrie Panepinto:

Ms. Panepinto asked the status of the short-term rental ordinance. Mr. Bond stated ZORC is in the process of getting information from the company and will move forward.

Bill Reese:

No Report.

Manager's Report:

Mr. Bond requested approval to ratify adding coverage for PA Act 62 Autism Services without dollar maximums including coverage for ABA Therapy. Adding the coverage is in keeping with Highmark's recommendation through PIMIC. The additional coverage is currently at no additional cost to existing medical coverage.

A motion was made by Mr. Cross and seconded by Mr. Molin to ratify adding coverage for PA Act 62 Autism Services without dollar maximums including coverage for ABA Therapy. The motion carried unanimously.

Mr. Bond requested authorization to draft a letter thanking The Tree Farm for the donation of the Borough Christmas Tree.

A motion was made by Mr. Molin and seconded by Ms. Panepinto authorizing Mr. Bond to draft a letter thanking The Tree Farm for the donation of the Borough Christmas Tree. The motion carried unanimously.

Mr. Bond requested approval of a budget line-item transfer from 430.373 Building Maintenance to 430.250 Vehicle Maintenance and Repair in the amount of \$5,000.00 for maintenance and repair of vehicles.

A motion was made by Mr. Cross and seconded by Mr. Molin to approve the budget line-item transfer from 430.373 Building Maintenance to 430.250 Vehicle Maintenance and Repair in the amount of \$5,000.00 for maintenance and repair of vehicles. The motion carried unanimously.

Mr. Bond requested authorization to set and advertise the 2021 Borough Council meeting schedule as the first and third Tuesday of each month at 7:15 p.m. with the first meeting being Tuesday, January 5, 2021. The meeting dates will not be impacted by holidays.

A motion was made by Mr. Cross and seconded by Ms. Panepinto to set and advertise the 2021 Borough Council meeting schedule as the first and third Tuesday of each month at 7:15 p.m. with the first meeting being Tuesday, January 5, 2021. The motion carried unanimously.

Mr. Bond requested authorization to extend the East Stroudsburg Borough Declaration of Disaster Emergency effective March 17, 2020 to the shorter of June 9, 2021, or until the Commonwealth of Pennsylvania lifts all emergency orders pertaining to the COVID-19

pandemic; nothing herein shall preclude the Council from extending, modifying, or terminating the order by further action at an open meeting if necessary, and authorizing the President and Secretary to execute said amendment.

A motion was made by Mr. Molin and seconded by Mr. Cross to extend the East Stroudsburg Borough Declaration of Disaster Emergency effective March 17, 2020 to the shorter of June 9, 2021, or until the Commonwealth of Pennsylvania lifts all emergency orders pertaining to the COVID-19 pandemic; nothing herein shall preclude the Council from extending, modifying, or terminating the order by further action at an open meeting if necessary, and authorizing the President and Secretary to execute said amendment. The motion carried unanimously.

Mr. Bond requested authorization to extend the East Stroudsburg Borough Teleworking Policy effective March 17, 2020 to the shorter of June 9, 2021, or until the Commonwealth of Pennsylvania lifts all emergency orders pertaining to the COVID-19 pandemic; nothing herein shall preclude the Council from extending, modifying, or terminating the order by further action at an open meeting if necessary, and authorizing the President and Secretary to execute said amendment.

A motion was made by Mr. Cross and seconded by Ms. Panepinto to extend the East Stroudsburg Borough Teleworking Policy effective March 17, 2020 to the shorter of June 9, 2021, or until the Commonwealth of Pennsylvania lifts all emergency orders pertaining to the COVID-19 pandemic; nothing herein shall preclude the Council from extending, modifying, or terminating the order by further action at an open meeting if necessary, and authorizing the President and Secretary to execute said amendment. The motion carried unanimously.

Mr. Bond requested authorization to extend the East Stroudsburg Borough COVID-19 Personnel Use Policy effective March 17, 2020 to the shorter of June 9, 2021, or until the Commonwealth of Pennsylvania lifts all emergency orders pertaining to the COVID-19 pandemic; nothing herein shall preclude the Council from extending, modifying, or terminating the order by further action at an open meeting if necessary, and authorizing the President and Secretary to execute said amendment.

A motion was made by Mr. Cross and seconded by Ms. Panepinto to extend the East Stroudsburg Borough COVID-19 Personnel Use Policy effective March 17, 2020 to the shorter of June 9, 2021, or until the Commonwealth of Pennsylvania lifts all emergency orders pertaining to the COVID-19 pandemic; nothing herein shall preclude the Council from extending, modifying, or terminating the order by further action at an open meeting if necessary, and authorizing the President and Secretary to execute said amendment. The motion carried unanimously.

Mr. Bond requested approval of the East Stroudsburg Borough COVID-19 Health and Safety Plan effective December 15, 2020 to the shorter of June 9, 2021, or until the Commonwealth of Pennsylvania lifts all emergency orders pertaining to the COVID-19 pandemic; nothing herein shall preclude the Council from extending, modifying, or terminating the order by further action at an open meeting if necessary, and authorizing the President and Secretary to execute said amendment.

A motion was made by Mr. Cross and seconded by Mr. Molin to approve the East Stroudsburg Borough COVID-19 Health and Safety Plan effective December 15, 2020 to the shorter of June 9, 2021, or until the Commonwealth of Pennsylvania lifts all emergency orders pertaining to the

COVID-19 pandemic; nothing herein shall preclude the Council from extending, modifying, or terminating the order by further action at an open meeting if necessary, and authorizing the President and Secretary to execute said amendment. The motion carried unanimously.

Solicitor John Prevoznik

Mr. Prevoznik reported receipt of a letter from Harsco advising the appeal of its tax assessment.

A motion was made by Mr. Molin and seconded by Mr. Cross authorizing Mr. Prevoznik's appearance for the tax assessment appeal for Harsco. The motion carried unanimously.

Approval of Warrant List 201215

A motion was made by Ms. Panepinto and seconded by Mr. Cross to approve Warrant List 201215, as presented. The motion carried unanimously.

Adjournment

A motion was made by Mr. Molin and seconded by Mr. DeLarco to adjourn the meeting at 8:55 p.m. The motion carried unanimously.

NEXT REGULAR MEETING: Tuesday, January 5, 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.