

MINUTES FOR REGULAR MEETING
EAST STROUDSBURG BOROUGH COUNCIL
TUESDAY FEBRUARY 16, 2021 - 7:15 p.m.

PRESENT IN PERSON: William T. Reese; Sonia Wolbert; Maury Molin; Don Cross; Roger DeLarco; Carrie Panepinto; Borough Manager Brian Bond. Also present were: Solicitor John Prevoznik; Zoning Officer Marv Walton; Public Works Director Brian Ace; and Borough Engineer Russ Scott

The Pledge of Allegiance was recited.

Solicitor's Report on Executive Session

The Solicitor reported that an Executive Session was held on February 16, 2021 at 6:20 p.m., prior to the start of the Council Meeting. The Solicitor reported that the first part of Executive Session held with just council members, without Brian Bond, to discuss employee evaluations and evaluation forms. Mr. Bond rejoined the group and following topics were discussed and no decisions were made: a potential litigation resulting from a contractual matter; and property acquisition which may result in a condemnation. Executive Session ended at 7:10 p.m.

February 2, 2021 Council Minutes

A motion was made by Mr. Molin and seconded by Mr. Cross to approve the minutes of the February 2, 2021 council meeting. The motion carried unanimously.

Public Hearing – Ordinance 1375, Zoning 157-100.8, Wireless Communications

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

The proposed ordinance sets forth definitions regarding wireless communications and Provides Purposes and Findings of Fact; Provides for General Requirements for All Tower-Based Wireless Communications Facilities; Provides for Regulations for all Non-Tower Wireless Facilities Outside the Rights-of-Way; Provides Regulations Applicable to All Small Wireless Communications Facilities; Provides for Design Standards Applicable to All Small Wireless Communications Facilities; Provides for Violations Applicable to All Wireless Facilities; Provides for Insurance and Indemnification of Wireless Facilities; Provides for the Borough's Police Powers and sets forth a Severability Clause and the Effective Date of the Ordinance. Additionally, the ordinance amends the Table of Use Regulations found in Section 157-35 of the Code to set forth Tower Based WCF's, Non-Tower WCF's, Small WCF's-Collocated and Small WCF's Requiring Installation of New Wireless Support Structure as either Permitted or Special Exception Uses, depending in which zoning district the property is located.

Mr. Walton testified that the existing Borough Ordinance regarding telecommunications equipment is obsolete and unable to effectively regulate the newer technology of DAS and small cell technologies. He noted that existing Section 157-100.8 was approved in 2007. The existing Ordinance regulates tower-based technology. Since then, the telecommunication industry has moved away from large tower-based facilities to small wireless facilities usually located on existing buildings, poles, or new poles. This technology is usually located in the public right-of-way. The Borough's existing Ordinance was not written with this type of technology in mind. The proposed ordinance requires all Small Wireless Communications Facilities (SWCF) be Permitted Uses in all Zoning Districts if an SWCF is a facility on which the antenna structure

will be less than 50' in height, among other technical requirements. Meanwhile, all Tower Based Wireless Communications Facilities (Tower-based WCF) are a Special Exception in the C-1, C-1A, C-2, OM-1, S-1, I-M, and I-E Zoning Districts, and Non-Tower Wireless Communications Facilities (Non-Tower WCF), which are non-tower based facilities that do not meet the definition of a Small Wireless Communications Facility, are a Special Exception in the C-1, C-1A, C-2, OM-1, S-1, I-M, I-U, I-UA, and I-E Zoning Districts.

During the hearing, the following seven exhibits were entered into evidence without objection: Copy of the Ordinance (B1); Public Notice (B2); Proof of Publication (B3); Recommendation letter from East Stroudsburg Borough Planning Commission (B4); Recommendation letter from Monroe County Planning Commission (B5); Sign In Sheet (B6).

Solicitor Prevoznik asked Council if it had any questions of Mr. Walton. It was noted that the Wireless Ordinance took approximately three years to complete and was reviewed multiple times by East Stroudsburg Borough and Monroe County Planning Commissions. Borough Council had no questions. Solicitor Prevoznik asked whether any members of the public had any questions and, if so, to sign in on the public sign-in sheet (Exhibit B7). No member of the public requested to participate in the ordinance hearing. Solicitor Prevoznik asked for a motion to enter Exhibits B1 through B7 into evidence.

A motion was made by Mr. Cross and seconded by Mr. Molin to enter exhibits B1 through B7 into evidence. The motion carried unanimously.

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

A motion was made by Mr. Cross and seconded by Mr. Molin to approve Ordinance No. 1375, amending Chapter 157, Zoning, 157-100.8, Wireless Communications, as advertised. The motion carried unanimously.

Resolution 10-2021, Establishing the East Stroudsburg Borough Wireless Communications Facilities Fee Schedule

The following fees are hereby established, pursuant to Part II, Chapter 157, 157-100.8, East Stroudsburg Wireless Communications Facility Ordinance No. 1375 of 2021: Applications for Tower-Based WCF: \$2,500.00; Applications for Non-Tower WCF: \$1,000.00; Small WCF (collocated): \$500.00 for up to five small WCFs in a single application; \$100 for each small WCF thereafter in same application; and application for small WCF (requiring new wireless support structure): \$1,000.00. Annual Fees: \$270.00 for Small WCF (inside row).

A motion was made by Mr. Molin and seconded by Mr. Cross to approve Resolution 10-2021, Establishing the East Stroudsburg Borough Wireless Communications Facilities Fee Schedule, as presented. The motion carried unanimously.

Public Comments – Agenda Items

None.

SROSRC Report:

No Report.

Veterans Park:

No Report.

150th Update:

The next committee meeting is Thursday, February 18, 2021 at 1:00 p.m. in the Borough Council Chambers, with a link set up to meet virtually.

Police Report:

Captain Gasper reported that most violent crimes are down in our area. Some officers have received their COVID-19 vaccinations and the department has not had any new positive cases recently.

East Stroudsburg Community Alliance:

No Report.

Engineer's Report:

The Engineer's report was distributed.

Interstate 80 Exit 308 Realignment Project

Mr. Scott reported the revised milestone schedule with PennDOT, which requires the cost sharing agreement between the Borough and PennDOT to be finalized and executed by March 7, 2021. Mr. Scott requested approval for the Council President and Secretary to execute the Cost Sharing Agreement, contingent upon approval of the Borough's Solicitor, Engineer, and Manager.

A motion was made by Ms. Panepinto and seconded by Mr. DeLarco to approve the Council President and Secretary to execute the Cost Sharing Agreement, continent upon approval of the Borough's Solicitor, Engineer, and Manager. The motion carried unanimously.

Woods Road Tank Containment Project

Mr. Scott requested approval to issue the Notice of Intent to Award to Dynamic Sandblasting and Painting, LLC, for the Woods Road Tank Containment and Paint Removal Structure, for \$150,000.00, as recommended by RKR Hess.

A motion was made by Mr. Molin and seconded by Mr. Cross to approve issuing the Notice of Intent to Award to Dynamic Sandblasting and Painting, LLC, for the Woods Road Tank Containment and Paint Removal Structure, for \$150,000.00, as recommended by RKR Hess. The motion carried unanimously.

A motion was made by Ms. Panepinto and seconded by Mr. Cross to approve issuing the Final Award Notice and execution of the contract to Dynamic Sandblasting and Painting, LLC, for the Woods Road Tank Containment and Paint Removal Structure, contingent upon the favorable review of the agreements, bonds, and other documents by the Solicitor and Engineer. The motion carried unanimously.

Public Comments – New Business

None.

Reports:

Brian Ace/Public Works:

The DPW report was distributed via email. No questions were asked.

Mary Walton:

Mr. Walton's reports were distributed via email. No questions were asked.

Mr. Walton requested approval to advertise and set a public hearing for Ordinance 1376, amending Chapter 150, Vehicles and Traffic, Article III Parking Regulations, increasing the Fire Lane Parking fine to \$80.00 for 7:20 p.m., Tuesday, March 2, 2021 at the East Stroudsburg Borough Municipal Building.

A motion was made by Mr. DeLarco and seconded by Mr. Molin to approve advertising and setting a public hearing for Ordinance 1376, amending Chapter 150, Vehicles and Traffic, Article III Parking Regulations, increasing the Fire Lane Parking fine to \$80.00 for 7:20 p.m., Tuesday, March 2, 2021 at the East Stroudsburg Borough Municipal Building. The motion carried unanimously.

Finance:

The financial reports were distributed via email.

Mayor Armand Martinelli:

Absent.

Sonia Wolbert:

No Report.

Don Cross:

No Report.

Maury Molin:

No Report.

Roger DeLarco:

No Report.

Carrie Panepinto:

Ms. Panepinto passed on a complaint from a constituent that the hours of the Recycling Center are not conducive to those who work during the week, and the weekend hours should be extended to accommodate more residents.

Ms. Panepinto advised issues with parking in the fire lanes at Kimco Plaza are getting worse. Mr. Prevoznik stated enforcement is the solution.

Solicitor John Prevoznik, Esq.:

A motion was made by Mr. DeLarco and seconded by Mr. Molin to authorize Mr. Prevoznik to work with Mr. Walton to obtain title searches and estate searches for delinquent and derelict properties as necessary.

Manager's Report:

Mr. Bond requested approval to ratify the agreement with Gannett Fleming for Engineering Consultant.

A motion was made by Mr. DeLarco and seconded by Ms. Wolbert to ratify the agreement with Gannett Fleming for Engineering Consultant. The motion carried unanimously.

Mr. Bond requested approval of Resolution 11-2021, authorizing the use of Eminent Domain for a water utility easement for the Interstate 80, Exit 308 Realignment Project.

A motion was made by Mr. DeLarco and seconded by Ms. Wolbert to approve Resolution 11-2021, authorizing the use of Eminent Domain for a water utility easement for the Interstate 80, Exit 308 Realignment Project. The motion carried unanimously.

Mr. Bond reported the requested from the Monroe County Veterans Association to hold the annual Veterans Day Parade on Sunday, November 7, 2021 from 1:00 p.m. to 3:00 p.m. Borough Staff will be utilized for this event. All forms, documents and fees have been provided.

A motion was made by Ms. Wolbert and seconded by Mr. Cross to approve the request from the Monroe County Veterans Association to hold the annual Veterans Day Parade on Sunday, November 7, 2021 from 1:00 p.m. to 3:00 p.m. The motion carried unanimously.

Mr. Bond requested approval of a letter providing for in kind fence replacement of the property abutting the Eagle Valley Water Booster Pump Station.

A motion was made by Ms. Wolbert and seconded by Mr. DeLarco to approve a letter providing for in kind fence replacement of the property abutting the Eagle Valley Water Booster Pump Station. The motion carried unanimously.

Mr. Bond requested approval to ratify the signing of the DCED PA H2O Community Grant, in the amount of \$650,484.00, for the Middle Dam Project, extending the end date to June 30, 2022.

A motion was made by Mr. Cross and seconded by Ms. Wolbert to ratify the signing of the DCED PA H2O Community Grant, in the amount of \$650,484.00, for the Middle Dam Project, extending the end date to June 30, 2022. The motion carried unanimously.

Mr. Bond requested approval to extend the PA DCED Small Water and Sewer Grant, in the amount of \$400,800.00, for the Brown Street waterline replacement project, extending the end date to June 30, 2022.

A motion was made by Ms. Wolbert and seconded by Mr. Molin to approve the extension of the PA DCED Small Water and Sewer Grant, in the amount of \$400,800.00, for the Brown Street waterline replacement project, extending the end date to June 30, 2022. The motion carried unanimously.

Mr. Bond requested approval of a 90-day extension of the closing of the Borough of East Stroudsburg, General Obligation Note, Series of 2021, up to Thursday June 17, 2021.

A motion was made by Ms. Wolbert and seconded by Mr. DeLarco to approve the request of a 90-day extension of the closing of the Borough of East Stroudsburg, General Obligation Note, Series of 2021, up to Thursday June 17, 2021. The motion carried unanimously.

Mr. Bond requested authorization to advertise the following positions: Assistant Borough Manager, Part-time Parking Enforcement Officer, and Water/Sewer Department Laborer as recommended by the Personnel Committee. The Part-time Parking Enforcement Officer will be hired for fire lane enforcement with the hours that are not typically covered.

A motion was made by Mr. Cross and seconded by Ms. Panepinto to authorize advertising the following positions: Assistant Borough Manager with a salary up to \$78,000.00, Part-time Parking Enforcement Officer at \$12.00 to \$15.00 per hour, and Water/Sewer Department Laborer at \$14.00 to \$16.00 per hour, as recommended by the Personnel Committee.

Bill Reese:

No Report.

Approval of Warrant List 210216

A motion was made by Ms. Panepinto and seconded by Ms. Wolbert to approve Warrant List 210216, as presented. The motion carried unanimously.

Adjournment

A motion was made by Mr. Molin and seconded by Mr. DeLarco to adjourn the meeting at 8:15 p.m. The motion carried unanimously.

NEXT REGULAR MEETING: Tuesday, March 2, 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.