

MINUTES FOR REGULAR MEETING
EAST STROUDSBURG BOROUGH COUNCIL
TUESDAY JULY 20, 2021 - 7:15 p.m.

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

VIRTUALLY PRESENT: Mayor Armand Martinelli

The Pledge of Allegiance was recited.

Solicitor's Report on Executive Session

The Solicitor reported that an Executive Session was held on July 20, 2021 starting at 6:18 p.m., prior to the start of the council meeting; all members of Council were present; Mayor Martinelli was not present; also present were Mr. Bond and Mr. Prevoznik. The following matters were discussed: Personnel matters pertaining to job descriptions; a litigation filed in the Court of Common Pleas of Monroe County and a possible resolution thereof; and legal issues to be raised in an appeal to a litigation matter. Executive Session ended at 7:13 p.m. No decisions were made.

July 6, 2021 Council Minutes

A motion was made by Mr. Cross and seconded by Mr. Molin to approve the minutes of the July 6, 2021 council meeting. The motion carried unanimously.

Public Comments – Agenda Items

None.

SROSRC Report:

No Report.

Veterans Park:

Mr. Reese reported that the corrected plaque has been installed on the bench that was donated by Mr. Lanterman.

150th Update:

The next Committee Meeting is scheduled for August 2, 2021 at 4:00 p.m. in Council Chambers and via Webex. The winners of the Patriotic Decorating Contest were announced at the July 19, 2021 Music On Mondays concert. The winners were Daniel Tumminia of the residential contest, and Legacy Barber Shop of the business contest. Augustfest by the Tracks will be held August 28, 2021 from 9:00 a.m. – 3:00 p.m. in Miller Park.

IBW Update:

Mr. Bond reported that he is still waiting to hear back from Chuck Leonard regarding the status of grant funding for the demolition project.

Police Report:

The SARPD report was distributed via email. Captain Gasper reported that he recently attended a meeting with a noise expert. At the meeting, the State law pertaining to fireworks within municipalities was a topic of discussion. Captain Gasper stated that the SARPD receives many

fireworks calls throughout the year. He further said that it is very difficult for the officers to enforce the fireworks law as written. He suggested that the municipalities write a letter to the State representatives requesting the fireworks law be revised to either remove the lawful use of fireworks or to change the law to allow property owners on which fireworks are illegally discharged be held responsible.

A motion was made by Mr. DeLarco and seconded by Mr. Molin to authorize the Borough Manager to write letters to the East Stroudsburg legislative representatives requesting they review the current fireworks State law and amend it to allow for better enforcement. The motion carried unanimously.

East Stroudsburg Community Alliance:

Ms. Wolbert reported that The Big Bang event has been postponed to Friday, September 3, 2021.

Ms. Wolbert requested authorization to allow porta-potties to be placed in Miller Park for the 150th +1 Fireworks Event on September 3, 2021. The porta-potties will be in the park from Thursday, September 2, 2021, through Monday, September 6, 2021.

A motion was made by Mr. Molin and seconded by Ms. Panepinto to allow porta-potties to be placed in Miller Park for the 150th +1 Fireworks Event on September 3, 2021. The porta-potties will be in the park from Thursday, September 2, 2021, through Monday, September 6, 2021. The motion carried unanimously.

Ms. Wolbert requested authorization to close Crystal Street from Ridgeway Street to Analomink Street and Washington Street from Crystal Street to South Courtland Street on Friday, September 3, 2021, from 1:00 p.m. to 10:00 p.m., for the Eastburg's Big Bang 2021 Fireworks Event.

A motion was made by Mr. Molin and seconded by Mr. Cross to approve the request to close Crystal Street from Ridgeway Street to Analomink Street and Washington Street from Crystal Street to South Courtland Street on Friday, September 3, 2021, from 1:00 p.m. to 10:00 p.m., for the Eastburg's Big Bang 2021 Fireworks Event.

Engineer's Report:

The Engineer's report was distributed.

Brown Street Water Main Project

Mr. Scott requested authorization to reject all bids for the Brown Street water main project. Mr. Scott indicated that the project may be rebid in the fall of 2021.

A motion was made by Mr. Cross and seconded by Mr. DeLarco to authorize rejecting all bids for the Brown Street water main project. The motion carried unanimously.

A motion was made by Mr. Cross and seconded by Mr. DeLarco to authorize the rebidding of the Brown Street water main project in the fall of 2021. The motion carried unanimously.

Public Comments – New Business

Jonathan Park, of West Broad Street, reported an issue with a parking ticket he received. The plate number was not correct on the parking ticket; but thereafter, he received a late notice for the ticket from the Borough with a corrected plate number in the letter. Mr. Park was advised

that he must appeal the parking ticket to the magistrate as there is no other venue to appeal such a ticket.

Reports:

Brian Ace/Public Works:

The DPW report was distributed via email.

Marv Walton:

Mr. Walton's reports were distributed via email.

Mr. Walton requested authorization to advertise and set a public hearing for Ordinance 1381, amending Chapter 150, Vehicles and Traffic, Article VI, Snow and Ice Emergencies for Tuesday, August 3, 2021, at 7:25 p.m.

A motion was made by Ms. Wolbert and seconded by Mr. Molin to approve advertising and setting a public hearing for Ordinance 1381, amending Chapter 150, Vehicles and Traffic, Article VI, Snow and Ice Emergencies for Tuesday, August 3, 2021, at 7:25 p.m. The motion carried unanimously.

Mr. Walton requested approval to ratify Cohen Law Group to review Ordinance 1375, Zoning, Wireless Telecommunications, due to changes in the law.

A motion was made by Ms. Panepinto and seconded by Mr. Cross to ratify Cohen Law Group to review Ordinance 1375, Zoning, Wireless Telecommunications, due to changes in the law. The motion carried unanimously.

Mr. Walton requested authorization to approve Traffic Planning and Design (TPD), the Borough's Traffic Engineer, to conduct a review of the current Zoning Parking Code standards as well as the availability of both existing private and public parking in the Borough as part of the previously approved traffic/parking study.

A motion was made by Mr. Molin and seconded by Mr. DeLarco to approve Traffic Planning and Design (TPD) to include in the previously approved Borough traffic/parking study a review of the current Zoning Parking Code standards as well as the availability of both existing private and public parking in the Borough. The motion carried unanimously.

Mr. Walton requested approval to hire a Professional Planner to prepare a Zoning Ordinance for Lighting and Noise performance standards.

A motion was made by Ms. Wolbert and seconded by Mr. DeLarco to approve the hiring of a Professional Planner to prepare a Zoning Ordinance for Lighting and Noise performance standards. The motion carried unanimously.

Mr. Walton provided an update on a few properties within the Borough.

The codes officers have issued 13 violation notices to 7 Roller Street in the past two years. Eight of the violations resulted in citations due to non-payment of the original violation. All of those citations have resulted in a guilty verdict or a guilty plea by the property owner.

The codes officers have issued six property violations to 338 Race Street over the past few years. To date, five violations have been paid. The outstanding ticket will be cited for non-payment. Mr. Walton also issued a Notice of Violation to this property on May 11, 2021 for operating a commercial business in a residential zone. A citation was issued on July 1, 2021 for failure to obtain a residential rental license.

Finance:

The financial reports were distributed via email.

Mayor Armand Martinelli:

No report.

Sonia Wolbert:

No report.

Don Cross:

No report.

Maury Molin:

Mr. Molin stated he would like the Zoning Ordinance Review Committee (ZORC) to review the enforcement procedure of blighted, owner-occupied properties. These particular properties are not covered under the rental inspections. Mr. Molin stated that he would like to see the enforcement of applicable Borough ordinances for these blighted properties. Mr. Walton advised he will add this topic to the ZORC agenda.

Roger DeLarco:

No report.

Carrie Panepinto:

Ms. Panepinto plans to reach out to the local school district to recruit a junior council member. Mr. DeLarco offered to speak to students with Ms. Panepinto.

Solicitor John Prevoznik, Esq.:

Mr. Prevoznik requested approval to enter into a settlement stipulation in the case of East Stroudsburg School District vs. M&M Ventures, Monroe County Board of Assessment Revision, Monroe County, and East Stroudsburg Borough, docketed to No. 008357-CV-2015. This settlement was presented to Mr. Prevoznik by Mr. Brown, who represents the East Stroudsburg School District, on July 19, 2021. Mr. Prevoznik stated that the execution of the Settlement Stipulation is time-sensitive. The settlement states that M&M Ventures agrees to the assessed millage rate for the years 2016 through 2020. For that same time period, M&M Ventures will owe the Borough of East Stroudsburg an additional sum of \$11,010.23 in taxes. Payment of the additional taxes will be one-half of the money owed to be paid within 60 days of the execution of the Settlement Stipulation, and the other one-half of the taxes to be paid by August 1, 2022. In addition, the Settlement Stipulation sets the assessed value for the M&M Ventures property for tax year 2020 and beyond at \$1,465,250.00 compared to the 2019 assessed value of \$280,176.00.

A motion was made by Mr. DeLarco and seconded by Mr. Molin to authorize Mr. Prevoznik to sign the necessary documents and enter into a settlement stipulation in the case of East Stroudsburg School District vs. M&M Ventures, Monroe County Board of Assessment Revision, Monroe County, and East Stroudsburg Borough, docketed to No. 008357-CV-2015. The motion carried unanimously.

Manager's Report:

Mr. Bond requested that Resolution 18-2021 be adopted which Resolution authorizes the unused 2018 CDBG funds be appropriated for use on the 2019 CDBG line item, North Green Street project.

A motion was made by Mr. Cross and seconded by Mr. Molin to adopt Resolution 18-2021 authorizing the unused 2018 CDBG funds be appropriated for use on the 2019 CDBG line item, North Green Street project. The motion carried unanimously.

Mr. Bond reported the request from The Sunshine Foundation for a round of golf for two with a cart for the 40th Anniversary Sunshine Foundation Tricky Tray to be held on Sunday, August 29, 2021, at the East Stroudsburg VFW.

A motion was made by Mr. DeLarco and seconded by Mr. Cross to approve the request from The Sunshine Foundation for a round of golf for two with a cart for the 40th Anniversary Sunshine Foundation Tricky Tray to be held on Sunday, August 29, 2021, at the East Stroudsburg VFW. The motion carried unanimously.

Mr. Bond requested that Resolution 19-2021 be adopted which Resolution authorizes the filing of an application with the Monroe County Demolition Fund for funds to assist in the demolition of the former IBW property buildings.

A motion was made by Ms. Wolbert and seconded by Ms. Panepinto to adopt Resolution 19-2021, authorizing the filing of an application with the Monroe County Demolition Fund for funds to assist in the demolition of the former IBW property buildings. The motion carried unanimously.

Mr. Bond requested authorization to ratify the hiring of Rick Widdos as a part-time Parking Enforcement Officer with the hourly rate of \$15.00.

A motion was made by Mr. Cross and seconded by Mr. Molin to ratify the hiring of Rick Widdos as a part-time Parking Enforcement Officer with the hourly rate of \$15.00. The motion carried unanimously.

Mr. Bond requested authorization to ratify the hiring of Christopher Hartman as a part-time Seasonal Golf Course Maintenance Worker at an hourly rate of \$12.50.

A motion was made by Mr. Molin and seconded by Mr. DeLarco to ratify the hiring of Christopher Hartman as a part-time Seasonal Golf Course Maintenance Worker at an hourly rate of \$12.50. The motion carried unanimously.

Mr. Bond requested approval to hire Josh Matlock as a full-time Seasonal Golf Course Maintenance Worker at an hourly rate of \$12.50.

A motion was made by Mr. Cross and seconded by Ms. Panepinto to approve the hiring of Josh Matlock as a full-time Seasonal Golf Course Maintenance Worker at an hourly rate of \$12.50. The motion carried unanimously.

Mr. Bond requested that Resolution 20-2021 be adopted which Resolution authorizes the use of three parking spaces in Municipal Parking Lot Number 5, North Kistler Street Lot as long-term lease spaces.

A motion was made by Mr. Molin and seconded by Ms. Panepinto to adopt Resolution 20-2021 authorizing the use of three parking spaces in Municipal Parking Lot Number 5, North Kistler Street Lot as long-term lease spaces. The motion carried unanimously.

Mr. Bond requested ratification of an hourly increase of \$1.00 an hour to Lee Philips for being interim Maintenance Director, retroactive to July 2, 2021, for the duration of his acting Maintenance Director role.

A motion was made by Mr. Molin and seconded by Mr. Cross to ratify an hourly increase of \$1.00 an hour to Lee Philips for being interim Maintenance Director, retroactive to July 2, 2021, for the duration of his acting Maintenance Director role. The motion carried unanimously.

Mr. Bond requested authorization to set and advertise a Public Hearing on Ordinance 1392, authorizing the condemnation of an easement for the I-80, Exit 308 Project, as recommended by the Borough Manager and Borough Engineer for Tuesday, August 3, 2021, at 7:35 p.m.

A motion was made by Mr. Cross and seconded by Mr. Molin to approve setting and advertising a Public Hearing on Ordinance 1392, authorizing the condemnation of an easement for the I-80, Exit 308 Project, as recommended by the Borough Manager and Borough Engineer for Tuesday, August 3, 2021, at 7:35 p.m. The motion carried unanimously.

Mr. Bond requested authorization to file an appeal for the Zoning Hearing Board decision to grant a variance request for Mr. Guasco for the construction of a single-family dwelling on an existing non-conforming lot where an adjoining lot is also owned.

A motion was made by Ms. Wolbert and seconded by Mr. Molin to authorize filing an appeal for the Zoning Hearing Board decision to grant a variance request for Mr. Guasco for the construction of a single-family dwelling on an existing non-conforming lot where an adjoining lot is also owned.

Mr. Bond reported a request from University Properties, Inc. to be refunded the Student Housing escrow fund balance of \$17,592.01. Mr. Bond stated there has not been any activity from this escrow fund since 2017.

A motion was made by Mr. Molin and seconded by Ms. Wolbert to approve the request from University Properties, Inc. to be refunded the Student Housing escrow fund balance of \$17,592.01, contingent upon the review and approval by the Borough Manager and the Codes Officer. The motion carried unanimously.

Mr. Bond reported that to date, a painting plan has not been submitted for 67 Crystal Street.

Bill Reese:

No report.

Approval of Warrant List 210720

A motion was made by Ms. Wolbert and seconded by Ms. Panepinto to approve Warrant List 210720 as presented. The motion carried unanimously.

Adjournment

A motion was made by Ms. Wolbert and seconded by Mr. DeLarco to adjourn the meeting at 8:19 p.m. The motion carried unanimously.

NEXT REGULAR MEETING: Tuesday, August 3, 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.