

MINUTES FOR REGULAR MEETING
EAST STROUDSBURG BOROUGH COUNCIL
TUESDAY, JANUARY 18, 2022 – 5:00 p.m.

PRESENT IN PERSON: Sonia Wolbert; Edmund Freeborn; Maury Molin; Carrie Panepinto; Mayor Victor Brozusky; Borough Manager Brian Bond. Also present were: Solicitor John Prevoznik; Public Works Director Brian Ace; and Borough Engineer Russ Scott

JOINED VIRTUALLY: Erika Huber

ABSENT: William T. Reese

The Pledge of Allegiance was recited.

2022 Budget Discussion:

A discussion of the 2022 budget was had by Council. Mr. Bond presented an amended budget to Council. After discussion, a motion was made by Mr. Freeborn and seconded by Mr. Molin to advertise the amended 2022 budget for a minimum of ten days. The motion carried unanimously.

A motion was made by Mr. Freeborn and seconded by Ms. Panepinto to amend Ordinance 1384, Fixing the Tax Rate for 2022, from 4.6507 to 4.4717. The motion carried unanimously.

January 3, 2022 Council Minutes:

A motion was made by Mr. Freeborn and seconded by Ms. Panepinto to approve the minutes of the January 3, 2022 Council meeting. The motion carried 4-0 with one abstention (Yea: Ms. Wolbert, Ms. Panepinto, Mr. Freeborn; Ms. Huber; Abstain: Mr. Molin).

January 11, 2022 Special Council Minutes:

A motion was made by Ms. Panepinto and seconded by Mr. Freeborn to approve the minutes of the January 11, 2022 Council meeting. The motion carried 4-0 with one abstention (Yea: Ms. Wolbert, Ms. Panepinto, Mr. Freeborn; Ms. Huber; Abstain: Mr. Molin).

Annual Board and Commission Appointments:

Ms. Wolbert appointed Mr. Freeborn as the representative to the Monroe County Tax Collection Committee and Debra Anders as the alternate representative.

Ms. Wolbert appointed Mr. Reese, Mr. Brozusky, Mr. Freeborn, and Mr. Bond to the Golf Committee.

Ms. Wolbert appointed Mr. Freeborn, Mr. Molin, and Mr. Bond to the Utility Dispute Committee.

Public Comments – Agenda Items:

None.

Veterans Park Update:

No report.

SROSRC Report:

The SROSRC Report was distributed via email.

A motion was made by Mr. Molin and seconded by Mr. Freeborn to accept the SROSRC Report as submitted and attach to the Minutes. The motion carried unanimously.

Police Report:

The SARPD Report was distributed via email.

East Stroudsburg Community Alliance (ECA):

Ms. Wolbert reported that ECA will determine their schedule of events for 2022 and submit it to the Borough. Ms. Wolbert also announced the slate of ECA officers for 2022. Troy Nauman is President; Nicole Melvin is Vice-President; Roger DeLarco is Treasurer; and Sonia Wolbert is Secretary.

Engineer's Report:

The Engineer's report was distributed. A copy of the report is attached to the Minutes.

Green Valley Apartments:

A motion was made by Mr. Molin and seconded by Mr. Freeborn to approve the Release Request No. 3 from the Developer, New GVPT, LLC, to reduce the Letter of Credit security on the project by the amount of \$251,527.00, based upon construction completed through December 17, 2021, as verified by the Borough Public Works Department and the Borough Engineer. The balance of financial security remaining after this release is \$2,280,455.30. The Borough Engineer reported that the remaining balance was sufficient. The motion carried unanimously.

North Green Street Paving and ADA Ramps:

A motion was made by Ms. Panepinto and seconded by Mr. Molin to approve Payment Application No. 2 – Final, in the amount of \$7,000.40 to Kobalt Construction, Inc., contingent upon favorable review of the Contract Closeout Documents by the Borough Solicitor. The motion carried unanimously.

2022 Joint Municipal Landfills Monitoring:

A motion was made by Mr. Freeborn and seconded by Mr. Molin to award and execute the Contract for 2022 laboratory testing services for the Joint Municipal Landfills to Analytical Laboratory Services, Inc., in an amount not to exceed \$10,282.00, contingent upon concurrent of Stroudsburg Borough and Stroud Township to share the expense with East Stroudsburg Borough. The motion carried unanimously.

Brown Street Watermain Replacement Project:

Mr. Scott was to report on the status of the Brown Street watermain replacement project bids on January 11, 2022. Mr. Prevoznik requested that this matter be moved to the end of the Agenda as there was Executive discussion to be held.

Emergency Action Plans for East Stroudsburg Dams:

A motion was made by Mr. Molin and seconded by Ms. Panepinto to authorize RKR Hess to update the Emergency Action Plans for the East Stroudsburg Dam and the Middle Dam at a cost not to exceed a total of \$3,500.00.

Annual Dam Inspection:

A motion was made by Mr. Freeborn and seconded by Ms. Panepinto to approve RKR Hess performing the annual dam inspection for 2022 for the East Stroudsburg Dam, at a cost not to exceed a total of \$1,500.00. The motion carried unanimously.

A motion was made by Ms. Panepinto and seconded by Mr. Molin to accept the Engineer's Report as submitted and attach to the minutes. The motion carried unanimously.

Public Comments – New Business:

None.

Reports:

Public Works:

A motion was made by Mr. Molin and seconded by Mr. Freeborn to approve the Public Works Report as distributed and attach to the Minutes. The motion carried unanimously.

Zoning:

A motion was made by Ms. Panepinto and seconded by Mr. Freeborn to approve the Zoning Report as distributed and attach to the Minutes. The motion carried unanimously.

Finance:

A motion was made by Mr. Freeborn and seconded by Mr. Molin to approve the Finance Report as distributed and attach to the Minutes. The motion carried unanimously.

Mayor Victor Brozusky:

Mr. Brozusky suggested that we review the current ordinance and allow an extra bag of garbage for collection when garbage collection is delayed due to a holiday or weather event.

Mr. Brozusky asked if the contractors, who are working at the new Dunkin Donuts on North Courtland Street, could move their fence in order to provide more walking space for pedestrians.

Mr. Brozusky reported to Council that he met with Chief Lyon last week to discuss various topics concerning the Stroud Area Regional Police Department.

Bill Reese:

Absent.

Ed Freeborn:

Mr. Freeborn asked the process of creating a municipal authority to oversee one of the Borough's departments. Mr. Prevoznik explained the process under the Municipality Authorities Act. He further noted that the Borough had a municipal authority which lapsed in the 1980's at which point all the facilities and liabilities were assumed by the Borough. Ms. Wolbert suggested the topic be discussed in a Finance Committee meeting prior to discussing with Council.

Maury Molin:

Mr. Molin asked the status of the parking study and the alternate side of street ordinance.

Mr. Bond advised he does not have an exact delivery date on the parking study. Mr. Bond also stated that he is not yet complete with the alternate side of street changes. Mr. Molin asked if reminder letters can be sent to the people who have adopted planters. It was determined that letters will go out in March to those who have adopted planters and a target date for sprucing up the planters will be listed in the letter.

Erika Huber:

No report.

Carrie Panepinto:

Ms. Panepinto mentioned that there were many sidewalks which were not cleared after the last snow and ice storms. Mr. Bond advised that the Borough's enforcement officers were out and issued violations to property owners.

Solicitor John Prevoznik, Esq.:

Mr. Prevoznik noted he has items to discuss in executive session.

Manager's Report:

A motion was made by Ms. Panepinto and seconded by Mr. Freeborn to approve the part-time Zoning Officer job description. The motion carried unanimously.

A motion was made by Mr. Freeborn and seconded by Mr. Molin to approve the Code Enforcement Officer job description. The motion carried unanimously.

A motion was made by Mr. Freeborn and seconded by Mr. Molin to approve the Secretary/Receptionist job description. The motion carried unanimously.

A motion was made by Mr. Molin and seconded by Mr. Freeborn approving the hiring of Sam D'Alessandro as the part-time Zoning Officer at an hourly rate of \$22.50 and a maximum of twenty hours per week, as recommended by the Personnel Committee. Mr. D'Alessandro's office hours will be Tuesday and Friday from 9:00 a.m. to 5:00 p.m. The motion carried unanimously.

A motion was made by Mr. Molin and seconded by Ms. Panepinto to authorize the Manager to work with the Engineer to update the Water Meter Replacement bid specs to prepare for solicitation. The motion carried unanimously.

A motion was made by Mr. Molin and seconded by Mr. Freeborn to approve promoting Zach Hennet to full-time Secretary/Receptionist at an hourly rate of \$18.00, as recommended by the Personnel Committee. The motion carried unanimously.

A motion was made by Mr. Freeborn and seconded by Mr. Molin to approve promoting Rick Widdoss to full-time Parking Enforcement/Assistant Codes Officer at an hourly rate of \$16.50, as recommended by the Personnel Committee. The motion carried unanimously.

A motion was made by Mr. Molin and seconded by Ms. Panepinto to approve utilizing Zelenkofski Axelrod LLC to administer the American Recovery Act Funds and the payment for such services to be paid out of the American Recovery Act Funds at an amount not to exceed \$11,000.00 without further action of Council. The motion carried unanimously.

Sonia Wolbert:

Ms. Wolbert requested to schedule a Work Session to discuss Borough goals for 2022, with a date to be determined. Ms. Wolbert requested Mr. Bond to schedule a Comprehensive Task Force meeting for February 2022.

Approval of Warrant List 220118

A motion was made by Ms. Panepinto and seconded by Mr. Molin to approve Warrant List 220118 as presented, with the exception of check #67734 made out to the Borough of Stroudsburg as a distribution to the Recycling Fund. This check shall be voided and reissued

with clear notation that it is to be deposited into the Recycling account. The motion carried unanimously.

Executive Session:

A motion was made by Mr. Molin and seconded by Mr. Panepinto to go into Executive Session at 6:31 p.m. The motion carried unanimously.

A motion was made by Mr. Molin and seconded by Mr. Freeborn to reconvene the regular meeting at 7:46 p.m.

The Solicitor reported that all members of Council were present with the exception of Mr. Reese. Mayor Brozusky was also present. The Borough Manager and Borough Engineer were present during the discussion of the contract negotiations and potential litigation matters. The Borough Manager or the Borough Engineer were not in attendance during the discussion of personnel matters. No decisions were made.

Brown Street Watermain Replacement Project:

Mr. Scott reported that the bids for the Brown Street water main project were opened publically. The bids have been reviewed and the apparent low bidder is Ankiewicz Enterprises, Inc. at \$474,830.00. Subsequent to the bids being opened, Ankiewicz Enterprises, Inc. sent a letter to the Borough requesting to withdraw its bid as a result of a clerical/arithmetical error. Ankiewicz provided no supporting evidence of a clerical/arithmetical error in the bid. RKR Hess performed an investigation based on the information available, including reviewing the bids and consulting with PennBID as to the bid process and the timing of bid submissions. After investigating, RKR Hess issued a report indicating that it found no evidence of a clerical/arithmetical error and recommended denying the request to withdraw the bid and directing that the bid documents, including bid bonds, be submitted in accordance with the contract for the purpose of awarding the contract.

A motion was made by Mr. Freeborn and seconded by Mr. Molin in accordance with the Electronic Bidding by Local Government Units Act found at 62 Pa. C.S.A. Chapter 46, Section 4601, *et seq.*, generally, and Section 4604(e), as well as Section 114 of the Instructions to Bidders to deny Ankiewicz Enterprises, Inc.'s request to withdraw its bid in the amount of \$474,830.00 for the Brown Street Watermain Replacement Project based on the Borough Engineer's investigation and the lack of supporting evidence submitted by Ankiewicz. The motion carried unanimously.

A motion was made by Mr. Molin and seconded by Mr. Freeborn authorizing the Borough Manager to provide a written determination denying Ankiewicz Enterprises, Inc.'s request to withdraw its bid in the amount of \$474,830.00 for the Brown Street Watermain Replacement Project based on the Borough Engineer's investigation and the lack of supporting evidence submitted by Ankiewicz, in accordance with the Electronic Bidding by Local Government Units Act found at 62 Pa. C.S.A. Chapter 46, Section 4601, *et seq.*, generally, and Section 4604(e), as well as Section 114 of the Instructions to Bidders and forwarding to the Borough within three business days the bid documents required under Section 104 (Instructions to Bidders) as required by the contract in order to award the contract. The Manager was also directed to inform the contractor that the contract would be given an additional three day period to submit credible evidence supporting its request for consideration by the Borough contingent upon receiving the Section 104 documents simultaneously.

IBW Update:

Ms. Wolbert reported there was an IBW meeting. The Borough's net investment into the property is \$856,695.11. It is recommended that the IBW topic be discussed in the scheduled Work Session.

Adjournment:

A motion was made by Mr. Freeborn and seconded by Mr. Molin to adjourn the meeting at 8:06 p.m. The motion carried unanimously.

NEXT REGULAR MEETING:

Tuesday, February 1, 2022, at 7:15 p.m., with an Executive Session, at 6:30 p.m.