

MINUTES FOR REGULAR MEETING
EAST STROUDSBURG BOROUGH COUNCIL
TUESDAY, MAY 3, 2022 – 7:15 p.m.

PRESENT IN PERSON: Sonia Wolbert; William Reese; Maury Molin; Carrie Panepinto; Erika Huber; Mayor Victor Brozusky. Also present were: Borough Manager Brian Bond; Borough Engineer Nate Oiler; and Solicitor John Prevoznik

ABSENT: Edmund Freeborn

The Pledge of Allegiance was recited.

Solicitor's Report on Executive Session:

The Solicitor reported that an Executive Session was held on May 3, 2022, starting at 6:22 p.m., prior to the start of the Council meeting. All members of Council were present, with the exception of Mr. Freeborn. Mayor Brozusky, Mr. Prevoznik, and Brian Bond were also in attendance. Executive Session ended at 7:11 p.m. The following matters were discussed: Union negotiations; salary and job descriptions for specific employees; and a potential disciplinary matter. No decisions were made.

April 19, 2022 Council Minutes:

A motion was made by Mr. Molin and seconded by Ms. Panepinto to approve the Minutes of the April 19, 2022 Council meeting. The motion carried unanimously.

Public Comments – Agenda Items:

None.

SROSRC Report:

Ms. Wolbert reported the SROSRC State of the Commission is scheduled for May 24, 2022 at 5:00 p.m.

Veterans Park:

Mr. Reese reported the Veterans Park Committee will meet on Wednesday, May 25, 2022, at 4:30 p.m. to continue discussing the Hometown Heroes Banner program.

Police Report:

The SARPD Report will be presented at the May 17, 2022 Council meeting.

East Stroudsburg Community Alliance (ECA):

The next ECA meeting is scheduled for Monday, May 9, 2022, at 5:15 p.m.

Engineer's Report:

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

Middle Dam Rehabilitation:

A motion was made by Ms. Huber and seconded by Mr. Reese to approve Payment Request No. 9 to Pioneer Construction Co., Inc. in the amount of \$305,013.80 for work completed through March 27, 2022, as recommended by the Borough Engineer. The motion carried unanimously.

Discussion of Night Work – Brown Street Waterline Replacement Project:

Mr. Oiler reported a request from the contractor to perform night work on the Brown Street waterline replacement project between the hours of 7:00 p.m. and 6:00 a.m. Sunday through Thursday. The Borough indicated that it may move favorably on the request contingent upon the contractor proving that it is taking the following actions: 1) notification by the contractor to all property owners within the Brown Street waterline project area be contacted a minimum of 48 hours prior to commencement of work; 2) access to all driveways affected by the waterline replacement project must remain open and accessible by the property owners unless working directly in front of that driveway; 3) the request shall be a no-cost change order which, if granted, will not affect the project timeline; and 4) contractor must use its best efforts to obtain a sign-off from the affected residents regarding the night work. Mr. Oiler indicated that he would relay the information to the contractor. There were no comments from the public. This was the second meeting in which comment was proposed to be taken by property owners affected by the Brown Street waterline replacement project.

Stemple Street CDBG Project:

A motion was made by Mr. Reese and seconded by Mr. Molin to authorize issuing the Final Award Notice and execute the contract for the Stemple Street Paving and ADA Ramp project to M&J Excavation, Inc. in the amount of \$237,685.00, contingent upon favorable review of the required documents by the Borough Solicitor and Engineer. The motion carried unanimously.

Ridgeway/Prospect Overlay District:

A motion was made by Ms. Huber and seconded by Ms. Panepinto to authorize RKR Hess to prepare the draft Ridgeway/Prospect Ordinance Revision in the amount not to exceed \$5,000.00 without additional authorization. The motion carried unanimously.

Landfill:

A motion was made by Ms. Huber and seconded by Mr. Reese to authorize RKR Hess and the Borough Manager to speak with PA DEP regarding improvements to the landfill. The motion carried unanimously.

Mr. Oiler requested that the Borough provide authorization to the solicitor to obtain an appraisal of the defined area of the landfill for the contractor's staging area during the Exit 308/I-80 project. Craig Todd, retired District Manager of the Monroe County Conservation District and resident of the Borough, advised he has recently received a complaint about the area behind the Twin Borough's Recycling Center, which is the area of the landfill. Mr. Todd reached out to the Borough Manager to discuss the complaint; however, after not hearing back from Mr. Bond, Mr. Todd felt it was his obligation to refer the complaint to the Conservation District. PaDEP Chapter 105 regulates activities within floodplains and floodways, and Chapter 106 requires municipalities to obtain PaDEP permitting to perform activities in floodplains. Mr. Todd suggested the Borough remove any stockpiles from the floodplain and floodway or obtain the necessary permits to continue using the area. Additionally, Mr. Todd noted that it was not appropriate for the Borough to dump and store street sweeping materials in this area for the same reasons. Mr. Todd thinks capping the landfill is a good idea, but urges Council to get the proper specs for capping and obtain the required permits from PaDEP. As an MS4 community, it would be prudent of the Borough to protect the floodplains and floodways.

A motion was made by Mr. Reese and seconded by Mr. Molin to authorize the solicitor to obtain an appraisal of the defined area of the landfill for the staging area. The motion carried unanimously.

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

Public Comments – New Business:

Attorney Matergia, representing Nick Nicholas, discussed a potential grocery store and its parking issues at 125 South Courtland Street. Mr. Nicholas is interested in buying the building to use as a grocery store and is requesting the Borough to lease his business eight parking spaces in the Day Street parking lot to accommodate his customers. The Borough's current long term lease parking ordinance allows leasing spaces to individuals, not businesses. Mr. Matergia drafted an amendment to the current ordinance to allow leased spaces to individuals and businesses, and the businesses would regulate and control their spaces, not the Borough. Additionally, Mr. Matergia is requesting the four handicapped spaces located in the Day Street parking lot be converted to leased spaces. Mr. Nicholas stated, when asked, that he will probably not buy the building if he cannot lease the parking spaces. Mr. Bond stated that eight spaces is thirty percent of the Day Street parking lot and he is not in favor of leasing spaces to businesses. All leased spaces in the Borough's parking lots are taken and there are waiting lists. Ms. Wolbert added that without the completed parking study, and since Council has not had an opportunity to discuss this request, the Borough is not ready to make a decision at this point. Mr. Prevoznik reminded Council that many businesses do not have private parking and asked how would the Borough fairly divvy up spaces. Mr. Matergia requested that the draft ordinance be distributed for review by Council. Ms. Wolbert advised this parking request will be discussed at the work session scheduled for May 23, 2022.

Margaret Muth, of 271 Prospect Street, asked about the status of the fire-damaged home at 240 Secor Avenue. She advised the black garbage bags are still in front of the property. Mr. Bond stated the owners are in litigation with the original builder.

Ms. Muth asked if a business within the I-M Zoning District can rent out its private parking lot. Mr. Prevoznik stated that is a zoning issue and should be addressed with the Zoning Officer.

Bruce Smith, of North Green Street, stated that he had previously been told by Council to call 9-1-1 when he has noise complaints, but he stated he is afraid to call. Ms. Wolbert advised Mr. Smith's concerns can be brought up at the next Stroud Area Regional Police Department's Commission meeting, scheduled for Wednesday, May 11, 2022, at 7:00 p.m. Mr. Smith was invited to attend the meeting.

Reports:

Public Works:

The Public Works Report was distributed via email. A motion was made by Ms. Huber and seconded by Mr. Molin to approve the Public Works Report as distributed and attached to the Minutes. The motion carried unanimously.

Zoning:

A motion was made by Mr. Molin and seconded by Ms. Panepinto to approve Joinder Deed - JDS Enterprise, LLC., contingent upon the submittal of tax certificates and the lot joinder plan be recorded with the deed. The joinder request, if granted, would combine two parcels into one single parcel, joining Lot 65 and Lot 64 to form a new lot labeled Lot 64A located on Walnut Street. The motion carried unanimously.

The Zoning Report was distributed via email. A motion was made by Mr. Molin and seconded by Mr. Reese to approve the Zoning Report as distributed and attached to the Minutes. The motion carried unanimously.

Finance:

The Finance Report was distributed via email. A motion was made by Ms. Panepinto and seconded by Ms. Huber to approve the Finance Report as distributed and attached to the Minutes. The motion carried unanimously.

Mayor Victor Brozusky:

Mr. Brozusky requested use of the vacant office that had been the Finance Director's to perform Borough business until the office is needed for an employee. A motion was made by Mr. Molin and seconded by Mr. Reese to allow the Mayor to use the vacant office in the Municipal Building to perform Borough business until the office is needed for an employee. The motion carried unanimously.

Bill Reese:

No report.

Ed Freeborn:

Absent.

Maury Molin:

Mr. Molin reported there are a few planters on Crystal Street that are still available for adoption.

Erika Huber

Ms. Huber advised there are cars being parked on lawns on North Courtland Street.

Carrie Panepinto:

Ms. Panepinto asked the status of paving in the Kiwanis Street area. Mr. Bond advised before any paving can be performed, base repairs to the street as well as storm water facility updates need to be completed. Mr. Bond is hoping that the required preparatory work can be accomplished over the next year. Ms. Panepinto asked the status of 313 East Broad Street. Mr. Bond advised the Zoning Officer sent a Notice of Violation; the owners have thirty days to respond before a citation is filed with the Magistrate. Ms. Panepinto reported a water issue at the intersection of East Broad Street and Independence Road, and advised Smithfield Township was going to reach out to the Borough to discuss correcting the issue. Mr. Bond stated he is aware of the situation.

Solicitor John Prevoznik:

No report.

Manager's Report:

A motion was made by Mr. Molin and seconded by Ms. Panepinto to authorize a drawdown on the 2016 General Obligation for payment request No. 9 to Pioneer Construction Co., Inc. and for RKR Hess invoices #107258 and #107413 in the total amount of \$352,574.19. The motion carried unanimously.

A motion was made by Mr. Reese and seconded by Ms. Huber to table authorization of a refund for the old recycling truck sold on Municibid as requested by Stroudsburg Borough. The motion carried unanimously.

IBW Fence Update:

Mr. Bond reported that installing a fence around the IBW buildings is necessary for liability reasons. The 2,600 feet of fencing to secure the IBW site is scheduled to be installed by Borough staff. Mr. Bond estimates that once started, installation of the fence will take at least three weeks to complete. The materials will take about six weeks to arrive once they are ordered. Concerns about this expense and the future of the property were discussed. Craig Todd suggested the fence be installed in a way that would allow demolition of the buildings in the future. Ms. Gagliardo reminded Council that it will cost the Borough more than the expense of the fence if someone gets hurt on the property. With no further discussion, a motion was made by Ms. Huber and seconded by Ms. Panepinto to authorize installing a fence around the IBW buildings at an expense not to exceed \$50,000.00. The motion carried 4-1 (Yea: Mr. Reese, Ms. Panepinto, Ms. Huber, Ms. Wolbert; Nay: Mr. Molin).

A motion was made by Ms. Huber and seconded by Mr. Reese to authorize the Manager, Lead Water Operator, and the Borough Water Engineer to update the water meter replacement and AMI requirements to solicit PA COSTARs bids, contingent upon receiving a letter from the American Recovery Act Funds administrator, Zelenkofski Axelrod, LLC, confirming this is an authorized use of the funds. The motion carried unanimously.

A motion was made by Ms. Panepinto and seconded by Mr. Reese to approve the request from East Stroudsburg University to allow free parking for graduation on Saturday, May 7, 2022, in the Institutional District. The motion carried unanimously.

A motion was made by Mr. Molin and seconded by Ms. Panepinto to authorize Shirley Futch Plaza residents to park on a portion of South Kistler Street from Analomink Street to Penn Street, Parking Lot No. 5, and the Borough Annex parking lot from 7:00 a.m. to 5:00 p.m. on Thursday, May 26, 2022. The motion carried unanimously.

A motion was made by Ms. Huber and seconded by Ms. Panepinto to set and advertise the Spring Cleanup date and time for Saturday, June 11, 2022 from 8:00 a.m. to 12:00 p.m. The motion carried unanimously.

A motion was made by Mr. Molin and seconded by Mr. Reese to approve Resolution 12-2022 setting the Spring and Fall Cleanup Fee Schedule, as presented. The motion carried unanimously.

A motion was made by Mr. Molin and seconded by Ms. Huber to approve Anthony Heyne moving from a probationary Municipal Worker "C" to Municipal Worker "C" and the Municipal Worker "C" non-probationary pay rate of \$18.95 an hour, as per the Collective Bargaining Agreement, effective April 27, 2022. The motion carried unanimously.

A motion was made by Mr. Reese and seconded by Ms. Panepinto to table the approval of moving Sandy Messerle to full-time Zoning/Codes Secretary with the hourly rate of \$15.45. The motion carried unanimously.

Mr. Bond reported that the American Rescue Plan (ARP) Annual Report has been submitted and accepted.

Mr. Bond discussed the status of vehicles in various Borough departments. Several vehicles will not pass state inspection, including two cars from the Parking Department, one pickup truck in the Sewer Department, one dump truck in the Recycling Department, one dump truck, one pickup truck, and one bucket truck in the Maintenance Department. Mr. Bond will report back to Council with recommendations on purchasing replacement vehicles.

Mr. Bond advised Council that the East Stroudsburg University 2022 Economic Outlook Summit is scheduled for Friday, May 13, 2022, from 8:30 a.m. to 12:30 p.m., at Kalahari Resort. Any Council member interested in attending should contact Mr. Bond.

Sonia Wolbert:

Ms. Wolbert presented the following Committee Meeting Schedule:

The Operations Committee will meet on the second Tuesday and the fourth Wednesday at 5:00 p.m.; the Utilities and Capital Improvement Committee will meet on the third Tuesday at 4:30 p.m.; the Public Relations Committee will meet on the fourth Wednesday at 4:30 p.m.; and the Planning and Zoning Committee will meet on the third Tuesday at 7:30 a.m. All committee meetings will take place at the Municipal Building.

If any Borough resident is interested in serving on any of the committees, they should contact Ms. Wolbert.

A motion was made by Ms. Huber and seconded by Mr. Molin to advertise the Committee Meeting Schedule as presented. The motion carried unanimously.

A motion was made by Ms. Panepinto and seconded by Ms. Huber to instruct the Borough Manager to report and provide information from the Monroe County Conservation District at the May 17, 2022 Council meeting on the issues identified by Craig Todd with regard to the storage of materials including the street sweeping piles within the floodway and floodplain areas around the Recycling Center. The motion carried unanimously.

A motion was made by Ms. Panepinto and seconded by Mr. Molin to instruct the Borough Manager and the Borough Engineer to consider the recommendations made by Craig Todd for the capping of the landfill at the Recycling Center. The motion carried unanimously.

Approval of Warrant List 220503:

A motion was made by Ms. Panepinto and seconded by Ms. Huber to approve Warrant List 220503, as presented. The motion carried unanimously.

A motion was made by Mr. Molin and seconded by Ms. Huber to approve Midterm Warrant List #220427, as presented. The motion carried unanimously.

Adjournment:

A motion was made by Ms. Panepinto and seconded by Ms. Huber to adjourn the meeting at 8:31 p.m. The motion carried unanimously.

NEXT REGULAR MEETING:

Tuesday, May 17, 2022, at 7:15 p.m.