

MINUTES FOR REGULAR MEETING
EAST STROUDSBURG BOROUGH COUNCIL
TUESDAY, AUGUST 16, 2022 – 7:15 p.m.

PRESENT IN PERSON: Sonia Wolbert; William Reese; Edmund Freeborn; Maury Molin; Carrie Panepinto; Erika Huber; Mayor Victor Brozusky. Also present were: Borough Manager Brian Bond; Borough Engineer Russ Scott; and Solicitor John Prevotnik.

The Pledge of Allegiance was recited.

Report on Executive Session:

The Solicitor reported that an Executive Session was held on August 16, 2022, starting at 6:48 p.m., prior to the start of the Council meeting. All members of Council were present; Mr. Freeborn joined the meeting at 6:50 p.m. Mayor Brozusky, Mr. Prevotnik, and Brian Bond were also in attendance. The manager search was discussed. Executive Session ended at 7:10 p.m. No decisions were made.

August 2, 2022 Council Minutes:

A motion was made by Mr. Molin and seconded by Ms. Huber to approve the Minutes of the August 2, 2022 Council meeting. The motion carried unanimously.

Resolution 14-2022:

Resolution 14-2022, Deed of Parking Easement, and the termination of Deed of Parking Easement, was read aloud. James Ferraro, owner of 93-95 Crystal Street, desires to grant a Deed of Parking Easement for three parking spaces for 93-95 Crystal Street to be located at 96 South Courtland Street. Mr. Ferraro desires to terminate a Deed of Parking Easement for three parking spaces for 93-95 Crystal Street currently located at 75 Crystal Street.

A motion was made by Mr. Freeborn and seconded by Mr. Molin to approve Resolution 14-2022, authorizing a Deed of Parking Easement for 93-95 Crystal Street for three spaces at 96 South Courtland Street, and terminating a Deed of Parking Easement at 75 Crystal Street, contingent upon the new easement being recorded prior to termination of the old easement. The motion carried unanimously.

Public Hearing, Ordinance 1391, Amending Chapter 150, Vehicles and Traffic, Article III, Parking Regulations, Section 26, Parking Prohibited in Certain Areas Except for Special Purposes:

A motion was made by Mr. Freeborn and seconded by Mr. Molin to recess the regular meeting and convene a public hearing on Ordinance 1391. The motion carried unanimously.

Mr. Bond read the proposed ordinance aloud and explained the purpose of this amendment to the ordinance is to clarify the section prohibiting parking on lawns. The Borough was placed into Municipal Separate Storm Sewer System (MS-4) by the federal government and the State of Pennsylvania. The sedimentation in the streams to which the Borough storm water is discharged is monitored. The Borough has updated its storm water basins and installed grass swales in order to comply with the mandates. When vehicles park in grass or in a yard, the mud and dirt is tracked out into the street, which ends up in the storm sewer system and increases the sedimentation.

There were no questions from Borough Council. Ms. Wolbert opened the discussion to members of the public. Members of the public who spoke signed the sign-in sheet. Laura Kessler, of 126

Analomink Street, pointed out other materials that are in the streets, such as road salt and fireworks debris, that enter our storm sewer system and cannot understand why this ordinance focuses only on mud and sedimentation. David and Janice Meinst, of 136 Day Street, expressed their concerns about the new parking regulations on Borough Street, making it difficult for the occupants of their residence, visitors, and clients of Mrs. Meinst's home business to find parking. Mrs. Wolbert advised the Meinsts that the Borough Manager is reviewing the current parking restrictions on all streets and recommendations for any revisions will be proposed to Council in the near future. Marie Lohman, of 28 Lions Street, requested clarification to the "special purposes in certain areas" as cited in the ordinance. Mr. Bond advised that special purpose locations outlined in Chapter 150 include fire lanes, unloading zones, and parking zones designated by Borough Council to permit parking on certain streets or parts of streets or in designated areas of parking lots for certain specified purposes only. Laura Mason Caiazzo, of 200 Analomink Street, questioned where her guests would park if she had an event at her house if there is no on-street parking and they are not allowed to park on her lawn. Ms. Wolbert advised that the Borough Manager is reviewing the on-street parking restrictions, but depending on the street, guests might have to park further away and walk to the house where the event is taking place. Also discussed was the possibility of implementing parking permits for residents who may have, from time to time, special events. John Michelin spoke regarding the necessity under a health, welfare provision of implementing this ordinance. John Michelin, of 166 East Broad Street, asked if the Borough has proof that the type of sediment being controlled by this ordinance is contributing to the sedimentation entering the storm sewer system. Mr. Prevoznik stated there was evidence and MS-4 was discussed and how the collective effect of allowing this type of parking throughout the Borough would be a contributor to MS-4. It was further explained to the public the costs being incurred by the Borough to reduce MS-4, including the installation of a riprap wall. Mr. Michelin also stated that the tickets that are being issued for parking on the lawn refer to the parking ordinance, not the zoning ordinance, which is the section that prohibits parking on lawns. Philip Laskowski, of 127 Maple Avenue, expressed his concerns with the amount of runoff the East Stroudsburg High School South football field creates. Mr. Prevoznik advised it would cost the Borough taxpayers approximately \$200,000.00 to \$300,000.00 to install riprap along Reservoir Run to stop the sedimentation runoff. Barbara Giffels, of 30 Lions Street, stated that runoff from Spring Lake in Smithfield Township occurs after heavy storms, causing flooding in basements along Lions Street and inquired about the Borough's involvement with this situation. Mr. Bond said this is the first he has heard of this issue. Linda Miller, of 472 Oak Street, reported a landscaping business neighboring her property with approximately 25 vehicles on their lot, and piles of rock and mulch. Mr. Bond stated the Borough is investigating this property. John Kuroski, of 512 Oak Street, stated that the runoff from the aforementioned landscaping business goes into a storm drain on his property. Also, Mr. Kuroski stated the sump pump at the manufacturing plant on Oak Street does not run as often as it should. Mr. Bond noted that under zoning, there is already a prohibition for parking on lawns. It was discussed that the current procedure authorizes a \$15.00 ticket and if enforcement was done through zoning, the citation amount is \$300.00 plus court costs for filing at the magistrate's office. Enforcement of this violation through the parking ordinance is a \$15.00 ticket, payable at the Borough office.

A motion was made by Ms. Huber and seconded by Mr. Freeborn to enter exhibits 1 through 3 into evidence (Ex. 1 – Proof of Publication; Ex. 2 – Sign In Sheet; Ex. 3 – Copy of Ordinance). The motion carried unanimously.

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

A motion was made by Mr. Freeborn and seconded by Mr. Reese to approve Ordinance 1391, amending Chapter 150, Vehicles and Traffic, Article III, Parking Regulations, Section 26, Parking Prohibited in Certain Areas Except for Special Purposes, of the East Stroudsburg Borough Code of Ordinances, as advertised. The motion carried unanimously.

Mayor Brozusky announced his intention to veto Ordinance 1391, stating it is too open-ended and requires further review. Mr. Prevoznik was asked, what happens if the ordinance is vetoed. He stated that Council could override the veto with a two-thirds majority.

A motion was made by Ms. Panepinto and seconded by Mr. Molin to refer Ordinance 1391 to the Zoning and Planning Committee to discuss a potential permitting process for special event parking for residents. The motion carried unanimously.

Public Comments – Agenda Items:

None.

SROSRC Report:

No report.

Police Report:

The SARPD reports were distributed via email. A meeting with Chief Lyon and representatives from the three municipalities will be held Wednesday, August 17, 2022, at 4:00 p.m., to discuss any issues within the region. Jane Gagliardo thanked Chief Lyon for the training that has been provided to Women's Resources' by the police department, making their program successful.

A motion was made by Mr. Molin and seconded by Mr. Freeborn to accept the June SARPD report as distributed and attached to the Minutes. The motion carried unanimously.

A motion was made by Mr. Reese and seconded by Ms. Panepinto to accept the July SARPD report as distributed and attach to the Minutes. The motion carried unanimously.

East Stroudsburg Community Alliance (ECA):

ECA is seeking volunteers for the Pickle Me Poconos, scheduled for Saturday, October 1, 2022. Ms. Wolbert reported the Holiday Tree Lighting event will take place on Friday, December 2, 2022.

Engineer's Report:

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

Middle Dam Project:

Mr. Scott provided an update on the Middle Dam project. There has been significant progress with the concrete work within the primary spillway. The substantial completion date of November 16, 2022 is anticipated to be met by the contractors, with a final completion date in December of 2022.

A motion was made by Mr. Freeborn and seconded by Mr. Molin to approve a payment request from RKR Hess for Invoice #109409 in the amount of \$32,762.06. The motion carried unanimously.

A motion was made by Mr. Reese and seconded by Mr. Freeborn to approve Payment Request No. 12 in the amount of \$304,090.40 to Pioneer Construction, Co., Inc. for work completed through June 30, 2022, as recommended by the Engineer. The motion carried unanimously.

A motion was made by Mr. Molin and seconded by Mr. Freeborn to approve the RKR Hess Change of Scope No. 1 in an amount not to exceed \$33,000.00 for redesign, permitting, and construction phase engineering services to address the unanticipated core wall conditions encountered at Middle Dam. This Change of Scope has been reviewed with the Manager and supplemental information provided, as requested. The motion carried unanimously.

WWTP TRE Study/Copper Limits:

Mr. Scott stated that as of March 2022, the 2020 NPDES Permit for the wastewater treatment plant (WWTP) imposed discharge limits for eight metals, copper being the metal of concern. Recently, the WWTP's discharge has barely met the copper limit. There is concern that in the following months, the limit could be exceeded. The Engineer is proposing a four-pronged approach to investigate the copper issue: additional sampling of the influent waste streams contributing to the WWTP, including those from outside the Borough; additional sampling of process flows within the WWTP to determine which processes are effective or detrimental to the reduction of copper concentrations; coordinate updates and enforcement of the Industrial Pretreatment Program (IPP); and develop a pilot study to be submitted to PaDEP for pH adjustment at the WWTP via chemical addition and monitoring.

A motion was made by Ms. Panepinto and seconded by Mr. Freeborn to adopt Mr. Scott's report outlining the four prongs to be implemented to reduce copper including a pilot study for a pH adjustment system at the WWTP discharge. The motion carried unanimously.

A motion was made by Mr. Molin and seconded by Mr. Reese to authorize the Borough Engineer to design and install a pilot pH adjustment system at a cost not to exceed \$35,000.00. The motion carried unanimously.

Brown Street Water Main Project:

A motion was made by Mr. Freeborn and seconded by Ms. Panepinto to approve Payment Request No. 1 in the amount of \$89,910.00 to Ankiewicz Enterprises, Inc. for work completed through July 26, 2022, as recommended by the Borough Engineer. The motion carried unanimously.

A motion was made by Mr. Molin and seconded by Mr. Freeborn to authorize the Borough to submit an application for payment to the Commonwealth Financing Authority for partial reimbursement under the PA Small Water and Sewer Grant in the amount of \$89,910.00. The motion carried unanimously.

A motion was made by Mr. Reese and seconded by Ms. Panepinto to authorize the Borough Manager to contact the Public Utility Commission (PUC) regarding Verizon and UGI installing lines directly over top of the Borough's water main on Brown Street and South Courtland Street. The motion carried unanimously.

A motion was made by Mr. Reese and seconded by Mr. Molin to direct the Borough Engineer to quantify the additional costs incurred by the Borough as a result of improperly marked utility locations by Verizon and UGI. The motion carried unanimously.

Forge Road Project Update:

A proposal to develop a property on Forge Road has been received by the Borough. The site has an 18-inch diameter Borough-owned sewer trunk main, which would be substantially and negatively impacted by the proposed development. A memo from the Borough Engineer with recommendations for the sewer main was distributed to Council members for their review.

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

Public Comments – New Business:

Marie Summa, owner of 67 Crystal Street, reported delivery trucks on Dansbury Terrace block her tenants' parking spaces and there is no enforcement. Ms. Summa also stated that a Borough parking sign has been moved and is now impeding cars from backing out of the carport behind 67 Crystal Street. Lastly, Ms. Summa mentioned there are dumpsters blocking Dansbury Terrace.

After discussion, a motion was made by Mr. Freeborn and seconded by Ms. Panepinto to refer delivery truck options to the Planning and Zoning Committee for review. The motion carried unanimously.

Ms. Kessler, of 126 Analomink Street, requested better clarification and review of the current verbiage included in Chapter 122, Article VI, Grass and Weeds. Ms. Kessler suggested the Borough encourage pollinators, plants, and perennials. Mr. Bond read the definition of "vegetation" from Chapter 122, Article VI, Grass and Weeds, which cites, "All grasses, annual and perennial plants, other than trees, shrubs or bushes provided; however, this term shall not include grasses and annual and perennial plants in prepared and maintained gardens".

Ms. Kessler expressed her concerns with fireworks set off within the Borough. Ms. Wolbert advised this topic is on the list to discuss at the aforementioned meeting with Chief Lyon scheduled for Wednesday, August 17, 2022, at 4:00 p.m.

Jane Gagliardo announced the Unity in the Community event scheduled for Saturday, August 27, 2022, from 11:00 a.m. until 7:00 p.m., at Dansbury Park.

Reports:**Public Works:**

The Public Works Report was distributed via email. A motion was made by Mr. Freeborn and seconded by Mr. Reese to accept the Public Works Report as distributed and attach to the Minutes. The motion carried unanimously.

Zoning:

Mr. Bond reported that the gas monitoring report for 268 Washington Street was received by the Borough and is in compliance.

The Zoning Report was distributed via email. A motion was made by Ms. Panepinto and seconded by Mr. Molin to accept the Zoning Report as distributed and attach to the Minutes. The motion carried unanimously.

Finance:

The Finance Report was distributed via email. A motion was made by Mr. Freeborn and

seconded by Mr. Molin to accept the Finance Report as distributed and attach to the Minutes. The motion carried unanimously.

Committee Reports:

All committee reports have been deferred until the September 6, 2022 Council meeting.

Mayor Victor Brozuskys:

No report.

Bill Reese:

Absent.

Ed Freeborn:

No report.

Maury Molin:

No report.

Erika Huber:

No report.

Carrie Panepinto:

Ms. Panepinto reported the next Twin Boro Recycling meeting is scheduled for Wednesday, September 14, 2022, at 5:30 p.m.

Solicitor John Prevoznik:

No report.

Manager's Report:

A motion was made by Mr. Reese and seconded by Mr. Molin to approve hiring Robert Singer as a part-time, seasonal Pro-Shop Attendant at an hourly rate of \$11.00 and as a part-time, seasonal Golf Course Maintenance Worker at an hourly rate of \$14.00. The motion carried unanimously.

A motion was made by Mr. Molin and seconded by Ms. Panepinto to approve a request from the East Stroudsburg Youth Association for a parade permit for the Football and Cheer Season Parade scheduled for Sunday, September 4, 2022, from 9:00 a.m. to 9:30 a.m. The parade route will be from Dansbury Park to Day Street to Lenox Avenue to Elizabeth Street, ending at the East Stroudsburg South Football Stadium, contingent upon all forms, fees, proof of insurance, and notification to the Borough from SARPD and the Fire Department that they have been notified and will be providing traffic control. No Borough personnel are requested. The motion carried unanimously.

Mr. Bond reported receipt of a request from the Pocono Chamber of Commerce to waive the health license fee of \$250.00 for the Pickle Me Poconos festival. No motion was made.

A motion was made by Mr. Freeborn and seconded by Mr. Reese to approve a drawdown in the amount of \$336,852.46 for the Middle Dam project. The motion carried unanimously.

Sonia Wolbert:

Ms. Wolbert reported receipt of a letter from Pocono Pony, offering on-demand rides for \$2.00. More details are available at gomcta.com.

Ms. Wolbert reported receipt of an advertisement from the Rotary of the Smithfields, who are hosting their annual paper shredding and electronics recycling event on Saturday, September 17, 2022 at East Stroudsburg High School South from 9:00 a.m. to 2:00 p.m.

Approval of Warrant List 220816:

A motion was made by Mr. Freeborn and seconded by Ms. Panepinto to approve Warrant List 220816, as presented. The motion carried unanimously.

Approval of interim Check List 220810:

A motion was made by Mr. Freeborn and seconded by Ms. Panepinto to ratify Interim Check List 220810, as presented. The motion carried unanimously.

Adjournment:

A motion was made by Ms. Panepinto and seconded by Mr. Freeborn to adjourn the meeting at 10:04 p.m. The motion carried unanimously.

NEXT WORK SESSION:

Monday, August 22, 2022, at 7:00 p.m.

NEXT BUDGET WORK SESSION:

Thursday, August 25, 2022 at 6:00 p.m.

CRYSTAL STREET PUBLIC INPUT MEETING:

Tuesday, September 6, 2022 at 6:00 p.m.

NEXT REGULAR MEETING:

Tuesday, September 6, 2022, at 7:15 p.m.