

MINUTES FOR REGULAR MEETING
EAST STROUDSBURG BOROUGH COUNCIL
TUESDAY, SEPTEMBER 20, 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 Prevoznik.

The Pledge of Allegiance was recited.

Report on Executive Session:

The Solicitor reported that an Executive Session was held on September 20, 2022, starting at 6:45 p.m., prior to the start of the Council meeting. All members of Council were present; Mr. Freeborn arrived at 6:52 p.m. Russ Scott was present until 6:58 p.m. Mayor Brozusky, Brian Bond, and Mr. Prevoznik were also in attendance. Potential litigation and contract negotiations regarding an East Stroudsburg Borough construction project as well as personnel matters were discussed. Executive Session ended at 7:18 p.m. No decisions were made.

September 6, 2022 Council Minutes:

A motion was made by Mr. Molin and seconded by Ms. Huber to approve the Minutes of the September 6, 2022 Council meeting. The motion carried unanimously.

Public Hearing, Ordinance 1388, amending the East Stroudsburg Code of Ordinances, Zoning, Section 157-17, Zoning Permit Expiration:

A motion was made by Mr. Reese and seconded by Mr. Freeborn to recess the regular meeting and convene a public hearing on Ordinance 1388. The motion carried unanimously.

The purpose of this ordinance is to amend Chapter 157, Zoning by adding the following: 157-17.1 Permitted Uses – Zoning Permits; 157-17.2 Conditional Use – Zoning Permits; 157-17.3 Special Exception – Zoning Permits; Authorizing Provisions for Severability, Repealer; and Establishing an Effective Date.

Mr. Bond discussed Exhibits 1-5 (Ex. 1 – Sign in Sheet; Ex. 2 – Proof of Publication; Ex. 3 – Copy of Ordinance; Ex. 4 – Letter from Monroe County Planning Commission; Ex. 5 – Letter from East Stroudsburg Borough Planning Commission). He then read aloud the contents of the ordinance and explained why the changes were made. Council had no questions. There were two questions from the public. After questions were answered, the hearing was closed.

A motion was made by Mr. Freeborn and seconded by Mr. Molin to enter exhibits 1 through 5 into evidence. The motion carried unanimously.

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

A motion was made by Mr. Freeborn and seconded by Ms. Huber to approve Ordinance 1388, amending the East Stroudsburg Code of Ordinances, Zoning, Section 157-17, Zoning Permit Expiration, of the East Stroudsburg Borough Code of Ordinances, as presented and advertised. The motion carried unanimously.

Veto of Ordinance 1391, Chapter 150 – Vehicles and Traffic, Article III, Parking Regulations, Section 26, Parking Prohibited in Certain Areas Except for Special Purposes:

At the public hearing held on August 16, 2022 for proposed Ordinance 1391, the ordinance was approved unanimously. After the vote, Mayor Brozusky indicated he would veto the ordinance. Ordinance 1391 would make parking in prohibited areas an infraction of the Borough Code with the violation being a traffic citation with a \$15.00 fine. An ordinance exists in zoning where it already penalizes parking in prohibited areas by making it a zoning violation and a \$300.00 fine.;

Council brought the matter up for vote to override the Mayor's veto of August 17, 2022. Prior to taking the vote, Mr. Brozusky read his August 17, 2022 letter aloud, a copy of which is appended to the minutes. Mr. Molin asked if the ordinance was reviewed since the Mayor vetoed it, and if a permit would be available for residents to obtain for special event parking. Mr. Freeborn requested communication be sent to the residents once the ordinance is vetoed. Ms. Huber stated that the proposed ordinance does not define what a special purpose is, and requested it be clarified within the text of the ordinance. Mr. Bond stated he is evaluating all streets within the Borough that have parking restrictions to possibly add more on-street parking.

A motion was made by Mr. Reese and seconded by Mr. Freeborn to overturn the veto of Ordinance 1391, Chapter 150 – Vehicles and Traffic, Article III, Parking Regulations, Section 26, Parking Prohibited in Certain Areas Except for Special Purposes as advertised and as passed by Council on August 16, 2022. The motion carried 5-1 equating to a 2/3 + 1 majority (Yea: Mr. Reese, Ms. Panepinto, Ms. Wolbert, Mr. Freeborn, Ms. Huber; Nay: Mr. Molin).

A motion was made by Mr. Freeborn and seconded by Mr. Molin to send the ordinance that addresses approved parking spaces to the Zoning and Planning Committee for review. The Zoning and Planning Committee meeting is scheduled for Wednesday, October 12, 2022, at 5:00 p.m., in Council Chambers, and is open to the public. The motion carried unanimously.

Public Comments – Agenda Items:

Ms. Kessler asked if Recycling Committee meetings are scheduled in advance. She also expressed her concerns that only two East Stroudsburg Borough representatives attended the last committee meeting. Mr. Bond was asked by Ms. Wolbert to contact Stroudsburg Borough to request scheduling regular quarterly Recycling Committee meetings and provide an update at the October 4, 2022 Council meeting.

2021 Audit Report:

Carl Hogan, auditor of BBD, LLP., provided an overview of the 2021 audit report. A thorough report was previously reviewed with the Operations Committee. Mr. Hogan reported this was a clean audit, with no findings. Mr. Hogan has not yet received the information related to the 2021 Pennsylvania Municipal Retirement System (PMRS) fiduciary funds. Mr. Hogan stated that the failure to obtain the information was no fault of the Borough's. PMRS is behind in processing its reports. Once PMRS reports are received, the information will be added, and final reports

will be distributed to Council. Mr. Freeborn stated the public should be aware that the Borough is cash-limited and running extremely tightly.

Mr. Hogan advised the 2020 audit report was finalized after just recently receiving the 2020 PMRS fiduciary fund information. The 2020 audit is now completed.

A motion was made by Mr. Molin and seconded by Mr. Freeborn to accept and post the final 2020 audit report on the Borough's website, and forward to any required financial institutions. The motion carried unanimously.

A motion was made by Mr. Freeborn and seconded by Ms. Panepinto to accept the incomplete 2021 audit report, post the report on the Borough's website with a note explaining what is missing, and forward the report to any required financial institutions and lenders with a note explaining what is missing. The motion carried unanimously.

Terra Greens Report:

Frank Heery, consultant for the Terra Greens Golf Course, provided an update on the golf course. Mr. Heery reported that the greens and fairways are not at their finest because of the dry summer, the old equipment and irrigation system, and other factors. Recommendations made by Mr. Heery for the course include battery operated golf carts, a better irrigation system, and newer maintenance equipment. Ms. Wolbert referred the golf course topic to the Community Relations Committee for further discussion. The committee meeting is scheduled for Monday, October 3, 2022, at 4:30 p.m. in Council Chambers, and is open to the public.

SROSRC Report:

A planning meeting for 2023 will be scheduled with SROSRC and the Borough Manager. Any Council member who wishes to be a representative of the Borough at that meeting should contact Brian Bond.

Police Report:

The SARPD report was previously distributed. There were no questions from Council or the public.

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

East Stroudsburg Community Alliance (ECA):

Pickle Me Poconos will be held on Saturday, October 1, 2022 from noon until 5:00 p.m. Anyone interested in volunteering should contact Ms. Wolbert.

Engineer's Report:

The Engineer's report was distributed.

Middle Dam Project Update:

A motion was made by Mr. Freeborn and seconded by Mr. Molin to approve Change Order No. 003 for an increase to the contract in the amount of \$12,476.06 for tower wall core drilling and setting of the water supply line through the outlet structure at the elevation depicted upon the approved plans, as recommended by the Borough Engineer. The motion carried unanimously.

MS4:

A motion was made by Mr. Freeborn and seconded by Ms. Panepinto to authorize submittal of the annual MS4 report prior to the submission deadline of September 30, 2022. The motion carried unanimously.

Brown Street Water Main Project:

A motion was made by Ms. Huber and seconded by Ms. Panepinto to approve Change Order No. 001, representing a “No Cost” time extension to the contract to extend the substantial completion date from June 15, 2022 to September 30, 2022, and to extend the final completion date from September 30, 2022 to October 15, 2022, as recommended by the Borough Engineer. The motion carried unanimously.

A motion was made by Mr. Freeborn and seconded by Ms. Huber to authorize the Borough Manager to submit Change Order No. 001, representing a “No Cost” time extension to the Commonwealth Finance Authority relative to the PA Small Water and Sewer Grant. The motion carried unanimously.

Crystal Street Streetscape Project:

A motion was made by Mr. Molin and seconded by Ms. Panepinto to table authorizing Borough staff to contact the Rail Authority to discuss the proposed parking project which is located on the Rail Authority property. The motion carried unanimously.

Sanitary Sewer Main Maintenance Discussion:

A motion was made by Mr. Freeborn and seconded by Ms. Panepinto to approve the proposal for the two-month sewer flow monitoring study for three discrete locations of the collection system from W.G. Malden in the amount of \$10,500.00, as recommended by the Utility Committee and the Borough Engineer. The motion carried unanimously.

A motion was made by Mr. Freeborn and seconded by Ms. Huber to accept the Engineer’s Report as submitted and attach to the Minutes. The motion carried unanimously.

Public Comments – New Business:

Bob Gress, of 36 Lions Street, expressed his concerns about the overgrown trees and shrubs in the Borough right-of-way. He opined that as a result of the overgrown trees, East Broad Street and other Borough streets could be safety hazards for pedestrians. Mr. Gress also stated the pipes in the retention pond behind his house are clogged and will cause flooding if they are not cleaned soon. Lastly, Mr. Gress stated the streets around his house, and throughout the Borough, are deteriorating and need to be paved.

Reports:**Public Works:**

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

Zoning:

A motion was made by Mr. Molin and seconded by Ms. Panepinto to approve Resolution 19-2022, approving the consolidation of lots for NP Lenox, LLC. The motion carried unanimously. A copy of the Resolution is attached to the Minutes.

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

Operations Committee:

A motion was made by Mr. Molin and seconded by Mr. Freeborn to approve advertising an RFP/RFQ for third party UCC inspections, contingent upon review and approval of the Solicitor. The motion carried unanimously.

Utility Committee:

A motion was made by Mr. Freeborn and seconded by Ms. Panepinto to authorize the purchase of two AS950 Standard Sampler Bundles for the Waste Water Treatment Plant at a cost not to exceed \$16,500.00. The motion carried unanimously.

A motion was made by Mr. Freeborn and seconded by Ms. Huber to direct the Borough Manager to compose a letter to the Smithfield Township Sewer Authority for costs related to the Authority's request for adding capacity to the Sixth Street sanitary sewer line. The motion carried unanimously.

Community Relations Committee:

No report.

Zoning and Planning Committee:

No report.

Mayor Victor Brozusky:

No report.

Ed Freeborn:

Mr. Freeborn mentioned some areas in the Borough had low water pressure Sunday. Mr. Bond stated there were no issues found. Mr. Freeborn asked the status of ticketing at Pocono Plaza. Mr. Bond reported that the Parking Enforcement Officers continue to ticket that area, and 17 tickets were issued there the past Saturday. Mr. Freeborn reported signs from protesters at the East Stroudsburg Post Office, blocking the view of vehicles. Lastly, Mr. Freeborn asked when Mr. Bond will have all the information to complete the proposed 2023 budget. Mr. Bond stated that the last pieces of information should come in October.

Bill Reese:

No report.

Maury Molin:

No report.

Erika Huber:

No report.

Carrie Panepinto:

No report.

Solicitor John Prevoznik:

No report.

Manager's Report:

A motion was made by Ms. Panepinto and seconded by Ms. Huber to table the motion approving the request from Dunkin to amend the approved Land Development Plan. No representative from Dunkin was present. The motion carried unanimously.

A motion was made by Ms. Huber and seconded by Ms. Panepinto to authorize the advertising and to set a Public Hearing for Ordinance 1392, amending Chapter 150, Vehicle and Traffic, Article VIII, Schedules, Section 68, Schedule XVI, Parking Prohibited at All Times; Section 69, Schedule XVII, Parking Prohibited Certain Hours, of the East Stroudsburg Borough Code of Ordinances for Tuesday, October 4, 2022, at 7:30 p.m. The motion carried unanimously.

A motion was made by Mr. Reese and seconded by Mr. Molin to approve the hiring of John Clare as a part-time seasonal Golf Mechanic at the rate of \$30.00 an hour, up to 12 hours per week. The motion carried unanimously.

A motion was made by Mr. Reese and seconded by Ms. Panepinto to approve the hiring of Noella Lahaie as a part-time seasonal Pro Shop Worker at the rate of \$11.00 an hour. The motion carried unanimously.

A motion was made by Ms. Panepinto and seconded by Mr. Molin to approve a request from Lehigh Valley Health Network – Pocono and East Stroudsburg University to have the 22nd Annual Pink Light Walk on Thursday, October 6, 2022 from 5:00 p.m. to 7:30 p.m., contingent upon all forms and traffic control confirmation being provided by SARPD and the ESU Police Department. No Borough personnel are requested. The motion carried unanimously.

A motion was made by Mr. Reese and seconded by Ms. Panepinto to approve a request from Monroe County Habitat for Humanity and Monroe County Cruisers Car Club for a donation of a round of golf for two with a cart at Terra Greens Municipal Golf Course. The motion carried unanimously.

A motion was made by Mr. Freeborn and seconded by Mr. Molin to approve a request from the Pocono Irish American Club to hold the 44th Annual St. Patrick's Day Parade on Sunday, March 19, 2023 from 1:00 p.m. to 5:00 p.m., and to limit parking on Crystal Street from 6:00 a.m. to only passenger vehicles and no campers, buses, or large trucks. Borough personnel will be utilized for closing the streets along the parade route. The motion carried unanimously.

A motion was made by Mr. Freeborn and seconded by Ms. Huber to set the 2022 Trick or Treat times as 6:00 p.m. to 8:00 p.m. on Monday, October 31, 2022. The motion carried unanimously.

A motion was made by Ms. Panepinto and seconded by Ms. Huber to approve the 2022 Non-Uniform Defined Contribution MMO in the amount of \$59,688.00. The motion carried unanimously.

A motion was made by Mr. Molin and seconded by Mr. Reese to approve the 2022 Non-Uniform Defined Benefit MMO in the amount of \$193,934.00. The motion carried unanimously.

A motion was made by Mr. Freeborn and seconded by Ms. Huber to approve Resolution 17-2022, authorizing the Board of Commissioners of Monroe to submit an application for RRY 2022 Community Development Block Grant Program funds in the amount of \$157,621.00, on behalf of the East Stroudsburg Borough. The motion carried unanimously.

Sonia Wolbert:

Ms. Wolbert advised Council members were invited to participate in the interviews being conducted on September 21, 22, and 23, 2022 for the East Stroudsburg University President. Ms. Wolbert will be scheduling a Town and Gown with East Stroudsburg University and requested members of Council to provide her with any scheduling conflicts they may have. The Town and Gown will be prior to a Council meeting within the next two months. Ms. Wolbert reported there is a meeting with the Rail Authority scheduled for Thursday, September 29, 2022 at 4:30 p.m. The members of the Operations Committee will attend the meeting.

Approval of Warrant List 220920:

A motion was made by Ms. Panepinto and seconded by Mr. Freeborn to approve Warrant List 220920, as presented. The motion carried unanimously.

Adjournment:

A motion was made by Ms. Panepinto and seconded by Ms. Huber to adjourn the meeting at 9:45 p.m. The motion carried unanimously.

NEXT REGULAR MEETING:

Tuesday, October 4, 2022 at 7:15 p.m.

NEXT BUDGET WORK SESSION:

Thursday, September 22, 2022 at 6:00 p.m.

NEXT WORK SESSION:

Monday, September 26, 2022 at 7:00 p.m.