

MINUTES FOR REGULAR MEETING
EAST STROUDSBURG BOROUGH COUNCIL
TUESDAY, JANUARY 3, 2023 – 6:30 p.m.

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

JOINED VIRTUALLY: Mayor Victor Brozusky.

ABSENT: Maury Molin.

The Pledge of Allegiance was recited.

December 20, 2022 Council Minutes:

A motion was made by Mr. Freeborn and seconded by Ms. Huber to table approving the Minutes of the December 20, 2022 Council meeting. The motion carried unanimously.

Position Appointments (Employees):

A motion was made by Mr. Freeborn and seconded by Mr. Reese to appoint Brian Bond as Acting Borough Manager. The motion carried unanimously.

A motion was made by Mr. Freeborn and seconded by Ms. Huber to appoint Rebecca Smith as Right-to-Know Officer. The motion carried unanimously.

A motion was made by Mr. Reese and seconded by Ms. Huber to list the Finance Officer position as “vacant”. The motion carried unanimously.

A motion was made by Mr. Reese and seconded by Mr. Freeborn to appoint Brian Bond as the Emergency Management Coordinator. The motion carried unanimously.

A motion was made by Ms. Huber and seconded by Ms. Panepinto to appoint Sam D’Alessandro as the Fair Housing Officer. The motion carried unanimously.

A motion was made by Ms. Panepinto and seconded by Ms. Huber to list the Director of Public Works as “vacant”. The motion carried unanimously.

Position Appointments (Non-Employees):

A motion was made by Mr. Freeborn and seconded by Mr. Reese to appoint John Prevoznik, Esquire, as the Borough Solicitor, with an hourly rate of \$195.00. The motion carried unanimously.

A motion was made by Ms. Panepinto and seconded by Ms. Huber to appoint RKR Hess, a division of UTRS, as the Borough Engineer, with a Director hourly rate of \$135.00. The motion carried unanimously.

A motion was made by Mr. Freeborn and seconded by Ms. Huber to appoint Hillary Madden, Esquire, of Durney, Worthington, and Madden, LLC., as the Zoning Hearing Board Solicitor, with an hourly rate of \$135.00. The motion carried unanimously.

A motion was made by Mr. Reese and seconded by Ms. Panepinto to appoint Todd Weitzman, Esquire, as the Planning Commission Solicitor, with an hourly rate of \$150.00. The motion carried unanimously.

A motion was made by Mr. Freeborn and seconded by Ms. Huber to appoint RKR Hess, a division of UTRS, as the Sewer Engineer, with rates per the attached rate schedule. The motion carried unanimously.

A motion was made by Mr. Freeborn and seconded by Mr. Reese to appoint Manko, Gold, Katcher, and Fox, LLC., as Environmental counsel, with an hourly rate of \$595.00. The motion carried unanimously.

A motion was made by Mr. Reese and seconded by Mr. Freeborn to appoint Ralph Matergia, Esquire, as the Sewer Task Force Advisor, with an hourly rate of \$300.00. The motion carried unanimously.

A motion was made by Ms. Huber and seconded by Ms. Panepinto to appoint Craig Doll, Esquire, as the Public Utility Commission (PUC) Advisor, with an hourly rate of \$175.00. The motion carried unanimously.

A motion was made by Mr. Freeborn and seconded by Mr. Reese to appoint John McLaughlin, Esquire, as the Labor Solicitor, with an hourly rate of \$325.00. The motion carried unanimously.

A motion was made by Mr. Freeborn and seconded by Ms. Panepinto to appoint Hanover Engineering as the Alternate Engineer and the Alternate Sewer Engineer, with rates per the attached rate schedule. The motion carried unanimously.

A motion was made by Mr. Freeborn and seconded by Ms. Huber to appoint Vincent Rubino, Esquire, of Newman Williams, P.C., as the Bankruptcy Solicitor, with an hourly rate of \$165.00. The motion carried unanimously.

Resolution 2-2023, 2023 Fee Schedule:

A motion was made by Ms. Huber and seconded by Mr. Reese to approve Resolution 2-2023, setting the 2023 Fee Schedule, as presented. The motion carried unanimously.

Resolution 3-2023, setting the 2023 Solid Waste User Fee Schedule:

Mr. Bond reported the 2023 Mobile Refuse Cart rate will remain the same as 2022. The proposed changes for 2023 are: mobile refuse cart exchange fee will increase from \$25.00 to \$30.00; extra bag fee will increase from \$3.85 to \$4.85 per bag; and the extra bulk item tag will increase from \$34.05 to \$35.05.

A motion was made by Mr. Freeborn and seconded by Mr. Reese to approve Resolution 3-2023, setting the 2023 Solid Waste User Fee Schedule, as presented. The motion carried unanimously.

Annual Board Appointments:

The following representatives were appointed to commissions and boards by Ms. Wolbert:

Council of Governments: Maury Molin; Brian Bond as alternate

MECAB: Bill Reese; Sonia Wolbert as alternate

Tax Collection Committee: Maury Molin; Brian Bond as alternate

Monroe County Control Center: Maury Molin and Brian Bond

Pennsylvania Municipal League: Ed Freeborn; Brian Bond as alternate

Board and Commission Appointments:

A motion was made by Mr. Freeborn and seconded by Ms. Panepinto to appoint Jane Gagliardo (term ending December 31, 2026), and Gerald Ludwig (term ending December 31, 2023) to the Planning Commission. The motion carried unanimously.

A motion was made by Mr. Freeborn and seconded by Ms. Huber to appoint Brad Ace (term ending December 31, 2027) to the Zoning Hearing Board. The motion carried unanimously.

A motion was made by Mr. Freeborn and seconded by Mr. Reese to appoint Sonia Wolbert (term ending December 31, 2025) to the Stroud Region Open Space and Recreation Commission. The motion carried unanimously.

A motion was made by Mr. Freeborn and seconded by Ms. Huber to appoint Don Ludwig (term ending December 31, 2025) to the Property Maintenance Board of Appeals. The motion carried unanimously.

A motion was made by Ms. Panepinto and seconded by Ms. Huber to appoint Ed Freeborn to the Utility Dispute Board. The motion carried unanimously.

A motion was made by Mr. Freeborn and seconded by Ms. Huber to appoint Dan Henning and Troy Nauman (both terms ending December 31, 2027) to the UCC Board of Appeals. The motion carried unanimously.

2023 Borough Meeting Schedule:

A motion was made by Ms. Huber and seconded by Mr. Freeborn to table the 2023 Borough Boards and Committees Meeting Schedule until later in the meeting. The motion carried unanimously.

Preliminary/Final Land Development Plan, Amerco Real Estate Company, U-Haul, U-Box Storage Facility:

The applicant requested five waivers to the Final Land Development Plan:

- 1.) Section 140-7, C, Combine Preliminary and Final Land Development Plan as one application;
- 2.) Section 140, Appendix C(10)g, Relief from providing shade trees in parking area, “Any lot with more than 20,000 square feet of paved area shall include shade trees within islands within the paved area; these islands shall include an area equal to at least 5% of the paved area. Such islands and curbing shall be used to carefully channel vehicular traffic through the paved areas”;3.)
- Section 140, Appendix C(10)h, Relief from providing a landscape island and shade tree for every fifteen parking spaces, “A maximum of 15 consecutive and continuous parking spaces in a row shall be permitted without being separated by a shade tree”;
- 4.) Section 140, Attachment 12, Table 2, provide an eight-inch curb reveal throughout the whole site, in place of a six-inch curb reveal; and
- 5.) Section 140, Appendix A, Section 303 A-B, and Section 304 A-B, to allow DEP accepted stormwater best management practices for the management of stormwater volumes on sites with limited infiltration options.

A motion was made by Mr. Freeborn and seconded by Ms. Huber to table the approval of the Final Land Development Plan for Amerco Real Estate Company, U-Haul, U-Box Storage Facility until later in the meeting. The motion carried unanimously.

Conditional Use Hearing, Amerco Real Estate Company, U-Haul, U-Box Storage Facility:

A motion was made by Mr. Freeborn and seconded by Mr. Reese to reopen the Conditional Use Hearing. The motion carried unanimously. Todd Holmes, PE testified on behalf of U-Haul. He clarified that U-Haul would be providing lighting in accordance with the Borough Code of Ordinances and would provide outside lighting with shielded downward facing lights for the facility and on the Property. He acknowledged that U-Haul would not be providing lighting in accordance with the standards established by the International Dark Sky Association for Outside Lighting.

A motion was made by Mr. Freeborn and seconded by Ms. Huber to enter Borough Exhibits 1 through 44 into evidence. The motion carried unanimously. Amerco was asked if it agreed with the conditions set forth in Exhibit 44 as read by Mr. Oiler. Mr. D. Wynne testified that he could speak and bind U-Haul with regard to the conditional use application and the land development plan. He further stated on behalf of U-Haul that he agreed with Exhibit 44.

A motion was made by Mr. Freeborn and seconded by Ms. Huber to enter and Amerco's Exhibits 1 through 11 into evidence. The motion carried unanimously.

A motion was made by Mr. Freeborn and seconded by Ms. Huber 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 the Conditional Use with conditions set forth in Borough Exhibit 44, and the decision will follow within the time frames of the MPC and the Borough Code of Ordinances. The motion carried unanimously.

Waivers pursuant to the U-Haul, U-Box Storage Facility Land Development Plan:

The following waivers pursuant to the U-Haul, U-Box Storage Facility Land Development plan were approved as stated below:

A motion was made by Mr. Freeborn and seconded by Ms. Panepinto to waive Section 140-7, C, Combine Preliminary and Final Land Development Plan as one application. The motion carried unanimously.

A motion was made by Mr. Reese and seconded by Mr. Freeborn to waive Section 140, Appendix C(10)g, Relief from providing shade trees in parking area. The motion carried unanimously.

A motion was made by Mr. Freeborn and seconded by Ms. Panepinto to waive Section 140, Appendix C(10)h, Relief from providing a landscape island and shade tree for every fifteen parking spaces. The motion carried unanimously.

A motion was made by Mr. Reese and seconded by Ms. Huber to approve an eight-inch curb reveal in place of a six-inch curb reveal (Section 140, Attachment 12, Table 2). The motion carried unanimously.

A motion was made by Mr. Freeborn and seconded by Ms. Huber to waive Section 140, Appendix A, Section 303 A-B, and Section 304 A-B, to allow DEP accepted stormwater best management practices for the management of stormwater volumes on sites with limited infiltration options. The motion carried unanimously.

Resolution 1-2023, Approving the Preliminary/Final Land Development Plan for Amerco Real Estate Company, U-Haul, U-Box Storage Facility:

A motion was made by Mr. Freeborn and seconded by Ms. Panepinto to approve Resolution 1-2023, Approving the Preliminary/Final Land Development Plan for Amerco Real Estate Company, U-Haul, U-Box Storage Facility, with conditions. The motion carried unanimously. A copy of Resolution 1-2023 is attached to the Minutes.

Resolution 1-2023 was accepted and executed by U-Haul and counsel for U-Haul at the meeting.

Public Comments – Agenda Items:

Laura Kessler, of 124 Analomink Street, had questions about employee salaries and human resources. No action was taken. Ms. Kessler reported a bulk item had not been picked up from her residence this week. Mr. Bond will send an email to Waste Management informing them to pick up Styrofoam as it is not recycled in the Borough.

Justin Grabe, of 84 Spangenburg Avenue, expressed his concern about light pollution from the medical offices on Route 447. Mr. Bond explained the medical offices are located in Smithfield Township. Mr. Bond will provide Smithfield Township's contact information to Mr. Grabe.

SROSRC Report:

Autumn Hawthorne provided a pickleball update. There are currently no free pickleball courts in Monroe County open to the public. Since the tennis courts at Dansbury Park are in need of repair, it has been proposed to redevelop the courts, eliminating the tennis courts, and adding six pickleball courts. A non-competitive cost estimate of \$140,000.00 has been provided to SROSRC. In order to apply for a DCNR grant for this project, prior engineer work is required. The Monroe County Commissioners are willing to provide the engineering work. Since the Borough of East Stroudsburg is the property owner of Dansbury Park, the Commissioners are requesting a letter of intent from the Borough, indicating that it is okay to proceed with the pickleball court project.

A motion was made by Mr. Freeborn and seconded by Ms. Panepinto to execute a letter of intent to rehabilitate courts at Dansbury Park, provided by Autumn Hawthorne, upon favorable review by the Solicitor and Manager, contingent upon the Borough not being required to provide any funding for the project, as requested by Monroe County, in exchange for in-kind engineering work for grant purposes. The motion carried unanimously.

Police Report:

The SARPD Report will be given at the January 17, 2023 meeting.

East Stroudsburg Community Alliance (ECA):

No report.

Engineer's Report:

The Engineer's report was distributed.

Water Plant Repairs:

A motion was made by Mr. Reese and seconded by Mr. Freeborn to authorize RKR Hess to prepare bid specs for the purchase and replacement of two slide gates for the rapid mix chamber, at a cost not to exceed \$5,000.00. The motion carried unanimously.

WTP NPDES Permit Renewal:

A motion was made by Mr. Freeborn and seconded by Ms. Huber to authorize the Engineer, Solicitor, and Manager to finalize and submit comments on the draft WTP NPDES Permit to PA DEP within the 30-day public comment period. The motion carried unanimously.

A motion was made by Mr. Freeborn and seconded by Mr. Reese to accept the Engineer's Report, as submitted, and attach to the Minutes. The motion carried unanimously.

Public Comments – New Business:

Laura Kessler, of 124 Analomink Street, requested that Borough Council adopt the outside lighting standards of the Dark Sky Association for Outside Lighting by ordinance. Mr. Bond will request the LED street light specifications from PPL and provide them to Ms. Kessler.

A motion was made by Mr. Freeborn and seconded by Ms. Panepinto to send Laura Kessler's request to the Planning and Zoning Committee for review. Mr. Bond will advise Ms. Kessler when this item is on the Committee's agenda. The motion carried unanimously.

Laura Caiazzo, of 200 Analomink Street, asked if residents will be charged for the water meter replacements. Mr. Bond advised there is no charge to residents for the new water meters, however, the homeowner will be responsible for new meter horns if it is necessary to be replaced.

Ms. Caiazzo advised there are parts of Stemple Street without sidewalks. Mr. Bond will look into this issue.

Reports:

Public Works:

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

Zoning:

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

Operations Committee:

No report.

Community Relations Committee:

No report.

Zoning and Planning Committee:

No report.

Mayor Victor Brozusky:

No report.

Bill Reese:

No report.

Ed Freeborn:

No report.

Maury Molin:

Absent.

Erika Huber:

Ms. Huber reported malfunctioning parking meters along Courtland Street. Mr. Bond will look into the meter issues, and will provide a report at the January 17, 2023 Council meeting.

Carrie Panepinto:

No report.

Solicitor John Prevoznik:

No report.

Manager's Report:

A motion was made by Ms. Huber and seconded by Mr. Reese to approve the proposal from RKR Hess to assist in the preparation of the 2022 Public Water System Consumer Confidence Report, at a cost not to exceed \$5,000.00. The motion carried unanimously.

A motion was made by Ms. Panepinto and seconded by Ms. Huber to authorize a draw down in the amount of \$69,909.62, for RKR Hess Invoice Nos. 117134, 115121, 116478, and 117430. The motion carried 4-0 with one abstention (Yea: Ms. Wolbert, Ms. Panepinto, Ms. Huber, Mr. Reese; Abstained: Mr. Freeborn).

A motion was made by Mr. Freeborn and seconded by Ms. Huber to approve the Parking Enforcement Job Description, as presented. The motion carried unanimously.

A motion was made by Mr. Freeborn and seconded by Ms. Huber to provide a letter of commitment for the Crystal Street project in the amount of \$469,314.00 in local funds to cover construction costs. The motion carried unanimously.

A motion was made by Ms. Panepinto and seconded by Mr. Reese to authorize the Borough Manager to work with the Borough Auditor on the liquid fuels audit. The motion carried unanimously.

Sonia Wolbert:

Ms. Wolbert received a donation request from Pocono Wildlife Rehabilitation Center. Mr. Bond advised there is no money in the budget for such donation.

2023 Borough Meeting Schedule:

A motion was made by Ms. Panepinto and seconded by Mr. Freeborn to set and advertise the 2023 Borough Boards and Committees Meeting Schedule as discussed (see below).

Council will meet the first and third Tuesday of each month, beginning at 7:15 p.m., with the exception of Tuesday, January 17, and Monday, January 23, which will begin at 6:00 p.m., and Monday, July 24, which will begin at 7:00 p.m. There will be no Council meeting on July 4, 2023. Work Sessions will be held on the fourth Monday of each month, beginning at 7:00 p.m., with the addition of Monday, January 10.

The Comprehensive Plan Task Force will meet at 5:00 p.m. on Wednesday, January 11; Wednesday, April 12; Wednesday, July 12; and Wednesday, November 8.

The Operations Committee will meet at 5:00 p.m. on the second Tuesday and fourth Wednesday of each month.

The Community Relations Committee will meet at 4:30 p.m. on the first and third Monday of each month.

The Zoning and Planning Committee will meet at 5:00 p.m. on the second Wednesday of each month.

The Shade Tree Commission will meet at 11:00 a.m. on the second Monday of each month.

The Planning Commission will meet at 7:00 p.m. on the second Tuesday of each month.

The Zoning Hearing Board will meet at 7:00 p.m. on the third Thursday of each month.

The Property Maintenance Appeals Board will meet at 7:00 p.m. on the fourth Tuesday of each month.

The Utility Dispute Resolution Committee will meet at 9:00 a.m. on Wednesday, February 1; Wednesday, May 3; Wednesday, August 2; and Wednesday, November 1.

The Recycling Committee will meet quarterly as scheduled and advertised.

A motion was made by Ms. Panepinto and seconded by Mr. Freeborn to direct the Borough Manager to reach out to Stroudsburg Borough to set and advertise the dates for the Recycling Committee for the year, on weekdays at 4:00 p.m. The motion carried unanimously.

Approval of Warrant List 230103:

A motion was made by Ms. Panepinto and seconded by Mr. Freeborn to approve Warrant List 230103, as presented. The motion carried unanimously.

Executive Session:

A motion was made by Ms. Panepinto and seconded by Mr. Reese to go into Executive Session at 9:01 p.m. The motion carried unanimously.

A motion was made by Ms. Panepinto and seconded by Ms. Huber to reconvene the meeting at 9:34 p.m. The motion carried unanimously.

Solicitor's Report on Executive Session:

The Solicitor reported that a contractual dispute was discussed as well as a personnel matter. No decisions were made.

Adjournment:

A motion was made by Ms. Panepinto and seconded by Ms. Huber to adjourn the meeting at 9:41 p.m. The motion carried unanimously.

NEXT REGULAR MEETINGS:

Tuesday, January 17, 2023, at 6:00 p.m.

NEXT WORK SESSION:

Tuesday, January 10, 2023, at 7:00 p.m.

NEXT WORK SESSION/SPECIAL MEETING:

Monday, January 23, 2023, at 6:00 p.m.