

MINUTES FOR REGULAR MEETING
EAST STROUDSBURG BOROUGH COUNCIL
TUESDAY, FEBRUARY 7, 2023 – 7:15 p.m.

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

The Pledge of Allegiance was recited.

Report on Executive Session:

The Solicitor reported that an Executive Session was held on February 7, 2023, starting at 6:36 p.m., prior to the start of the Council meeting. All members of Council were present, with the exception of Mr. Reese. Brian Bond and Mayor Brozusky were also in attendance. The following matters were discussed: a personnel matter, a collections matter, potential theft of service violation regarding a garbage can, an investigation of a potential septic violation. Mr. Freeborn left at 6:52 p.m., at which time legal strategies regarding the Middle Dam were discussed. Mr. Freeborn returned, and Executive Session ended at 7:02 p.m. No decisions were made.

Proclamation to the ESU Women's Field Hockey Team:

Mayor Brozusky presented the East Stroudsburg University Women's Field Hockey team with a proclamation, recognizing the team as the 2022 Field Hockey National Champions.

January 17, 2023 Council Minutes:

A motion was made by Mr. Molin and seconded by Mr. Freeborn to approve the Minutes of the January 17, 2023 Council meeting. The motion unanimously.

January 23, 2023 Special Council Minutes:

A motion was made by Ms. Panepinto and seconded by Mr. Reese to approve the Minutes of the January 23, 2023 Special Council meeting. The motion carried unanimously.

Act 167 Storm Water Management Act:

Monroe County Conservation District Manager, Kristina Heaney, joined virtually to present an update on Act 167, Storm Water Management.

A motion was made by Mr. Freeborn and seconded by Ms. Panepinto to send the Act 167 update to the Professionals Committee, then to the Zoning and Planning Committee. The motion carried unanimously.

Public Comments – Agenda Items:

None.

SROSRC Report:

No report.

Police Report:

The SARPD report will be given at the February 21, 2023 Council meeting.

East Stroudsburg Community Alliance (ECA):

No report.

Engineer's Report:

The Engineer's report was distributed.

Middle Dam Update:

A motion was made by Mr. Molin and seconded by Ms. Panepinto to authorize an engineering change of scope for a structural analysis of the Middle Dam, based on the coring results, to develop options for a fix, at a cost not to exceed \$50,000.00. The motion carried 5-0, with one abstention (Yea: Ms. Huber, Mr. Molin, Ms. Wolbert, Ms. Panepinto, Mr. Reese; Abstain: Mr. Freeborn, due to conflict of interest as his son is employed by the structural engineer to which the payment is being authorized).

A motion was made by Mr. Reese and seconded by Ms. Huber to approve Payment Request No. 15, to Pioneer Construction Co. Inc., in the amount of \$773,034.43, for work completed September through November 30, 2022, as recommended by the Borough Engineer. This does not include payment for any primary spillway concrete installed since July 21, 2022. The motion carried 5-0, with one abstention (Yea: Ms. Huber, Mr. Molin, Ms. Wolbert, Ms. Panepinto, Mr. Reese; Abstain: Mr. Freeborn, due to conflict of interest as his son is employed by the structural engineer involved in the Middle Dam project).

East Stroudsburg Dam:

A motion was made by Mr. Molin and seconded by Ms. Huber to authorize RKR Hess to perform the 2023 annual dam inspection, at a cost not to exceed \$1,500.00. The motion carried unanimously.

Lower Dam:

A motion was made by Ms. Panepinto and seconded by Mr. Freeborn to authorize RKR Hess to investigate grant funding sources to breach and remove the Lower Dam and sedimentation, at a cost not to exceed \$2,000.00. The motion carried unanimously.

Brown Street Waterline Replacement Project:

A motion was made by Mr. Reese and seconded by Mr. Freeborn to authorize RKR Hess to submit extension applications for PennDOT highway occupancy permits (HOP) that expire March 17, 2023, at a cost not to exceed \$250.00, plus the PennDOT application fee, and to seek reimbursement from the contractor. The motion carried unanimously.

43 Washington Street Escrow Release:

A motion was made by Mr. Freeborn and seconded by Mr. Molin to approve the reduction of financial security for 43 Washington Street to \$750.00, as recommended by the Borough Engineer. The motion carried unanimously.

Green Valley Parktown Escrow Reduction:

A motion was made by Mr. Freeborn and seconded by Ms. Huber to approve the reduction of the Financial Security posted by New GVPT, LLC for required site improvements, in the amount of \$462,992.32, leaving the remaining amount of \$873,202.32, based on the recommendation of the Borough Engineer. The motion carried unanimously.

Water Plant Update:

Mr. Scott reported that RKR Hess is preparing specifications for bidding the replacement of two slide gates on the rapid mix chamber; the lime scale was removed and no major issues were observed; the wash water tank was inspected and a report and recommendations are forthcoming.

NPDES Permit Status Update:

Mr. Scott reported that RKR Hess is preparing the renewal NPDES permits for the WTP and the WWTP.

Water Meter Replacement Project:

The water meters have been ordered, and Mr. Scott requested the supplier to provide verification that they have availability to install the meters under COSTARS. Mr. Scott will provide Council with a recommendation when he receives that information.

Mr. Scott provided an update on the customers' accounts affected by meter replacements over the past few years. A motion was made by Mr. Freeborn and seconded by Ms. Panepinto to refer the billing errors to the February 27, 2023 Council Work Session to determine a resolution to the lost revenue. The motion carried unanimously.

Mr. Scott also recommended the following steps be taken by Borough staff for the remaining customers on the list: verify the current readings of each meter; verify the meters are working properly; and verify the meters are reading in gallons. A motion was made by Mr. Freeborn and seconded by Ms. Panepinto instructing the Borough Manager to ensure that the appropriate report is completed and delivered to Council no later than Friday, February 24, 2023. The motion carried unanimously.

It was discussed and determined by Council that going forward with metering processes, the following procedures should be followed: 1) all meters that the Borough orders should be set to read in gallons; 2) when meters are replaced for a customer by Borough personnel, a report which verifies the registration, initial readings, units, and other details should be provided to the billing department; and 3) one month after the meter is installed, an updated reading should be taken, verifying it is reporting properly, and that the usage is reading within the expected range.

DRBC Docket Renewal for Groundwater Withdrawals for the Public Water Supply Wells:

A motion was made by Mr. Reese and seconded by Mr. Molin to authorize RKR Hess to prepare and submit the DRBC Docket Renewal Application for Groundwater Withdrawals, at a cost not to exceed \$18,000.00. The motion carried unanimously.

Crystal Street Improvement Project:

Mr. Scott reported that a proposal has been received from Traffic Planning and Design (TPD), the Borough Traffic Engineer, to evaluate the proposed traffic pattern changes, and confirm the involvement with PennDOT, if any, in the project. The proposal is being reviewed by the Professionals Committee to make a recommendation to Council. The impact of the proposed train station and ADA access to buildings on Crystal Street must be considered in the determination of the scope of these projects.

Mr. Scott had a conference call with Brian Franey, of Manko, Gold, Katcher, and Fox, LLP., to discuss the impact on existing permits and procedure for transfer if the Borough formed an authority for water and sewer. A report and the engineers' recommendations to Council are forthcoming.

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

Public Comments – New Business:

Matt Brisco, of 242 Secor Avenue, expressed his concerns with the garbage violations that are being enforced, specifically that the can lids have to be completely closed and sealed. No action taken.

Mr. Sanders, of 163 Grand Street, had a question about single-stream recycling. No action taken.
Mr. Lorie, of 118 Kistler Street, had a question about resale inspections. No action taken.

Ms. Kessler, of 124 Analomink Street, asked when the street lights will begin to be replaced by PPL. Mr. Bond stated they are scheduled to being at the end of March. Ms. Kessler also inquired about the traffic study on Analomink Street that has been discussed at prior Council meetings. Mr. Bond advised the police equipment has been broken and the traffic study has not been completed yet.

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 attached 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 Mr. Molin to accept 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 Mr. Freeborn and seconded by Ms. Huber to accept the Finance Report, as distributed, and attached to the Minutes. The motion carried unanimously.

Operations Committee:

No report.

Community Relations Committee:

Pick Up the Poconos is Saturday, April 22, 2023. The deadline for Hometown Heroes Banners is February 15, 2023.

Zoning and Planning Committee:

No report.

Mayor Victor Brozusky:

Mayor Brozusky requested that a list of items included in a housing inspection performed by the Borough be available for residents when they apply for such inspection. Mr. Bond stated that a list of required items will be attached to the inspection applications at the front desk.

Bill Reese:

No report.

Ed Freeborn:

No report.

Maury Molin:

No report.

Erika Huber:

No report.

Carrie Panepinto:

No report.

Solicitor John Prevoznik:

A motion was made by Mr. Freeborn and seconded by Mr. Molin to approve the Beta Pentation Corporation of Phi Sigma Kappa deed, as presented. The motion carried unanimously.

A motion was made by Mr. Molin and seconded by Mr. Freeborn to authorize the Council President, Borough Manager, and Mayor to sign the U-Haul Conditional Use Decision and Order. The motion carried unanimously.

Manager's Report:

A motion was made by Mr. Freeborn and seconded by Mr. Reese to authorize advertising for a Borough Manager, at a cost not to exceed \$5,000.00. The motion carried unanimously.

IBW Demotion Letter:

Ms. Wolbert reported receipt of a letter from the Monroe County Redevelopment Authority regarding the funds of \$100,000.00 that they have provided to the Borough in grant funding for the demolition of the IBW property. They recently increased the available amount to \$200,000.00. Asbestos has been discovered at the property, and demolition is estimated to cost \$600,000.00. The Redevelopment Authority is requesting a response from the Borough regarding the status of the grant.

A motion was made by Mr. Freeborn and seconded by Mr. Molin to refer this matter to the February 27, 2023 Council Work Session, and to instruct the Borough Manager to invite the appropriate representatives from the Redevelopment Authority to attend the Work Session, and to advise the Redevelopment Authority that a response is forthcoming. The motion carried unanimously.

Auditor General Letter Update:

BBD, LLC. will present a report at the February 21, 2023 Council meeting.

A motion was made by Mr. Molin and seconded by Mr. Reese to authorize submitting Payment Request No. 3 for the Brown Street water main project to the Commonwealth Finance Authority, in the amount of \$81,603.52. The motion carried unanimously.

Mr. Bond reported a request from The Greater Pocono Section, National Council of Negro Women for permission to utilize the Borough Annex parking lot during their monthly meetings on the second Saturday of each month, from 11:30 a.m. to 2:30 p.m. The meetings are held in

the Loder Building, which is owned by the Borough, and being rented by Monroe County. A motion was made by Mr. Freeborn and seconded by Mr. Molin to allow The Greater Pocono Section, National Council of Negro Women to utilize 16 spaces within the Borough Annex parking lot during their monthly meetings on the second Saturday of each month, from 11:30 a.m. to 2:30 p.m., in association with use of the Loder Building, for a period of four months, at which time this matter will be re-evaluated. Signs indicating “Borough business only” will be installed in front of six spaces. The motion carried unanimously. It was recommended to the Manager that the organization would have placards distributed to members who were parking in the lot for identification purposes.

A motion was made by Mr. Freeborn and seconded by Ms. Panepinto to authorize the advertising of the 2023 Vehicle Request for Proposal, as presented. The motion carried unanimously.

A motion was made by Mr. Molin and seconded by Ms. Huber to approve payment of RKR Hess Invoice No. 117913 for Middle Dam expenses in the amount of \$9,011.91. The motion carried 5-0, with one abstention (Yea: Ms. Huber, Mr. Molin, Ms. Wolbert, Ms. Panepinto, Mr. Reese; Abstain: Mr. Freeborn, due to conflict of interest as his son is employed by the structural engineer involved in the Middle Dam project).

A motion was made by Ms. Panepinto and seconded by Mr. Reese to authorize a drawdown of the 2021 General Obligation Note in the amount of \$782,046.34, for RKR Hess Invoice No. 117913 and Pioneer Payment Request No. 15. The motion carried 5-0, with one abstention (Yea: Ms. Huber, Mr. Molin, Ms. Wolbert, Ms. Panepinto, Mr. Reese; Abstain: Mr. Freeborn, due to conflict of interest as his son is employed by the structural engineer involved in the Middle Dam project).

A motion was made by Mr. Molin and seconded by Ms. Huber to authorize Bill Rhodes to review the implications of extending the drawdown period of the 2021 General Obligation Note, at a cost not to exceed \$2,000.00. The motion carried unanimously.

A motion was made by Mr. Freeborn and seconded by Mr. Reese to authorize RKR Hess to work with the Northeast Regional Railroad Authority (NRRRA) engineers for a crossing license for the sanitary sewer. The motion carried unanimously.

A motion was made by Mr. Freeborn and seconded by Mr. Reese to authorize RKR Hess to develop the meets and bounds for the licensing area for the sanitary sewer crossing at Forge Road. The motion carried unanimously.

Congressman Matt Cartwright Municipal Leaders Conference will be held at the Northampton Community College Monroe Campus on February 22, 2023, from 6:00 p.m. to 8:00 p.m. RSVP to Brian Bond by Monday, February 13, 2023.

A motion was made by Mr. Freeborn and seconded by Mr. Molin to table submitting a grant application for the Pocono Mountain Visitors Bureau Beautification Grant until the February 21, 2023 Council meeting, at which time the Operations Committee will provide their recommendations to Council. The motion carried unanimously.

A motion was made by Ms. Huber and seconded by Mr. Molin to approve advertising the February 21, 2023 Council meeting to begin at 6:00 p.m. The motion carried unanimously.

A motion was made by Ms. Huber and seconded by Mr. Molin to table setting a Public Hearing for Ordinance 1400, amending Chapter 134 Solid Waste, Article I, Section 134-3, Prohibited Activities, and add the discussion to the February 27, 2023 Council Work Session.

A motion was made by Ms. Huber and seconded by Mr. Molin to table approving Core and Main to install the water meters until the February 21, 2023 Council meeting. The motion carried unanimously.

A motion was made by Ms. Panepinto and seconded by Mr. Reese to ratify the hiring of Dave Oney as a part-time Parking Enforcement Officer, at an hourly rate of \$15.00, per the 2022 Wage and Salary schedule, currently in effect. The motion carried unanimously.

A motion was made by Mr. Freeborn and seconded by Mr. Reese to authorize the Borough Manager to purchase one service truck and one F550 dump truck for the Maintenance Department, and two Ford Rangers, one for the Sewer Department, and one for the Water Department, from Fred Beans Ford, under COSTAR's contract 025-E22-413, at a cost not to exceed \$205,000.00. The old trucks are being advertised on Municibid. The motion carried unanimously.

A motion was made by Ms. Panepinto and seconded by Ms. Huber to hire Lawrence Meng as a part-time Recycling Worker, at the hourly rate of \$16.00. The motion carried unanimously.

A motion was made by Mr. Molin and seconded by Ms. Huber to ratify the hiring of James Doyle as a full-time Parking Enforcement Officer, at an hourly rate of \$16.00, per the 2022 Wage and Salary schedule, currently in effect. The motion carried unanimously.

Sonia Wolbert:

Borough resident, Tim Sanders, provided information to Council regarding funds available through the Monroe County Commissioners. No action taken.

Ms. Wolbert reported the Northeast Regional Railroad Authority is finalizing their application for the train line from Scranton to New York, with a stop in East Stroudsburg. A motion was made by Ms. Panepinto and seconded by Ms. Huber to authorize the Borough Manager to send a letter of support to the Northeast Regional Railroad Authority. The motion carried unanimously.

A motion was made by Ms. Huber and seconded by Mr. Molin to authorize Ms. Wolbert to schedule a meeting with the IBW Committee, Borough Manager, Borough Solicitor, Chuck Leonard's office, and the Rail Authority for potential use of the IBW property. The motion carried unanimously.

Approval of Warrant List 230207:

A motion was made by Mr. Freeborn and seconded by Ms. Huber to approve Warrant List 230207, as presented. The motion carried unanimously.

Adjournment:

A motion was made by Ms. Huber and seconded by Ms. Panepinto to adjourn the meeting at 9:46 p.m. The motion carried unanimously.

NEXT REGULAR MEETINGS:

Tuesday, February 21, 2023, at 6:00 p.m.

NEXT WORK SESSION:

Monday, February 27, 2023, at 7:00 p.m.