

**MINUTES FOR THE REGULAR MEETING
EAST STROUDSBURG BOROUGH COUNCIL
TUESDAY, JUNE 20, 2023 – 7:15PM**

Ms. Wolbert read the SPECIAL NOTE: To meet the requirements established by the Office of Open Records for virtual meetings, this meeting shall be audio and video recorded via WebEx and East Stroudsburg Borough Virtual Meeting page on Facebook from the initial announcement of the meeting until its end with the exception of the executive session if any, which shall not be recorded.

PRESENT IN PERSON: Sonia Wolbert; Edmund Freeborn; Erika Huber; William Reese; Maury Molin; Carrie Panepinto; Mayor Victor Brozusky; Solicitor John Prevoznik; Russ Scott, Borough Engineer of RKR Hess, Gregg Schuster, Interim Borough Manager, and Assistant to the Borough Manager, Danielle Decker.

ABSENT: No one

Ms. Wolbert called the meeting to order at 7:16PM and lead in the Pledge of Allegiance.

Report on Executive Session:

The Solicitor reported that an Executive Session was held on June 20, 2023, starting at 6:45PM, prior to the start of the Council Meeting. Ms. Wolbert, Mr. Freeborn, Ms. Huber, Mr. Reese, Mr. Molin, Ms. Panepinto, Mr. Brozusky, Mr. Schuster, and Mr. Prevoznik were present. Personnel Matters were discussed. The Executive Session ended at approximately 7:15PM and no decisions were made during the Executive Session.

June 1, 2023 Council Meeting Minutes, Continuation of the May 17, 2023 Council Meeting:

A motion was made by Mr. Molin and seconded by Ms. Huber to approve the June 1, 2023 Council Meeting Minutes. The motion passed unanimously.

June 6, 2023 Council Meeting Minutes:

A motion was made by Mr. Reese and seconded by Mr. Molin to approve the June 6, 2023 Council Meeting Minutes. The motion passed unanimously.

June 7, 2023 Council Meeting Minutes, Continuation of the June 6, 2023 Council Meeting:

A motion was made by Mr. Freeborn and seconded by Ms. Panepinto to approve the June 7, 2023 Council Meeting Minutes. The motion passed unanimously.

Public Hearing: First Public Hearing for the FFY 2023 Community Development Block Grant (CDBG):

A motion was made by Mr. Reese and seconded by Ms. Panepinto to recess the Regular Council Meeting and convene the Public Hearing at 7:21PM. Motion passed unanimously.

A motion was made by Mr. Freeborn and seconded by MS. Huber to enter exhibits #1 – Sign In Sheet, #2 - Public Advertisement, and #3 – Handout into evidence. Motion passed unanimously.

A motion was made by Ms. Panepinto and seconded by Ms. Huber to close the Public Hearing and reconvene the Regular Council Meeting at 7:27PM. Motion passed unanimously.

Preliminary/Final Land Development Plan, ARG Stroudsburg Developers, LLC Land Development Plan Application and waiver request for concurrent Preliminary/Final Plan Submission:

Jeff Dean, Consultant for ARG Stroudsburg Developers, LLC made a short presentation showing where the old Friendly's Restaurant was being turned into a Starbuck's with a drive-thru and two other retail tenants.

A motion was made by Ms. Huber and seconded by Mr. Molin to approve the waiver request for concurrent Preliminary/Final Plan submission from ARG Stroudsburg Developers, LLC. Motion passed unanimously.

Mr. Scott read Resolution 11-2023 aloud.

A motion was made by Mr. Molin and seconded by Ms. Huber to approve Resolution 11-2023 for Preliminary/Final Land Development Plan for ARG Stroudsburg Developers, LLC. Motion passed unanimously.

Stroud Region Open Space and Recreation Commission (SROSC) Report:

Ms. Wolbert announced the Bill of Sale for the equipment from Terra Greens was being circulated with minor revisions.

SARPD - Police Report:

Captain Raymond reported on SARPD addressing the double parking that is happening on Crystal Street. Captain Raymond spoke about the upcoming Fireworks Display and how there have been brush fires happening over in Stroud Township. Captain Raymond explained that SARPD are going with a zero tolerance policy this year in regard to fireworks.

Fire Chief's Report:

Chief Black spoke about the Rescue Series Training for Monroe County. Chief Black announced that the smoke from the wildfires from Canada will most likely continue to happen all summer long for Canada has a different approach for wildfires than the United States.

East Stroudsburg Community Alliance Informational Item:

Ms. Wolbert announced that the Big Bang Celebration will be held on Saturday, July 1, 2023 beginning at 3PM, with the fireworks display being at dusk on Crystal Street. Ms. Wolbert asked that the announcement be put out on Savvy Citizen and Code Red. Ms. Wolbert explained how there was a walk through with the Fire department, Police Department, DPW Foreman, and Celebration Fireworks on the location of where the Fireworks Display would be taking place.

Engineer's Report:

Motion made by Ms. Panepinto and seconded by Mr. Reese, to approve Payment Request No. 19 in the amount of \$161,694.52 to Pioneer Construction Co., for work completed through March 31, 2023, as recommended by the Engineer. This payment request does not include any contractor request for payment for concrete with failing compressive strength tests. The motion carried 5-0, with one abstention (Yea: Mr. Molin, Ms. Huber, Ms. Panepinto, Mr. Reese, Ms. Wolbert: Abstain: Mr. Freeborn, due to conflict of interest as his son is employed by the structural engineer to which payment is being authorized).

Motion made by Mr. Molin seconded by Ms. Huber, to approve Payment Request No. 20 in the amount of \$392,736.56 to Pioneer Construction Co., for work completed through April 30, 2023, as recommended by the Engineer. Based upon the AECOM Structural Evaluation, the concrete that did not pass compressive strength testing may remain in place with additional remedial measures. This payment request includes payment for concrete that was considered under this structural evaluation. The motion carried 5-0, with one abstention (Yea: Mr. Molin, Ms. Huber, Ms. Panepinto, Mr. Reese, Ms. Wolbert: Abstain: Mr. Freeborn, due to conflict of interest as his son is employed by the structural engineer to which payment is being authorized).

A motion was made by Ms. Panepinto and seconded by Ms. Huber, based upon the Engineer's and Environmental Attorney's recommendation that Eurofins Laboratories Environment Testing, LLC could not meet the conditions of approval and therefore ineligible for the contract. Motion passed unanimously.

Motion made by Ms. Panepinto and seconded by Mr. Freeborn to approve the proposal from ALS Group USA, Corp. in accordance with the unit prices presented, at a total cost not to exceed \$5,300.00, for all testing parameters, except fecal coliform testing, required for the NPDES Discharge Permit Renewal, contingent upon verification of the Quantitation Limits and the concurrence of the Environmental Counsel. Authorization of this testing is specific to the NPDES Permit Renewal application. Motion passed unanimously.

Motion made by Mr. Reese and seconded by Mr. Molin to approve the advertisement of bids for the replacement of two slide gates on the Rapid Mix Chamber at the Water Treatment Plant. Motion passed unanimously.

Motion made by Mr. Freeborn and seconded by Ms. Huber to accept the Engineer's Report as submitted and attached to the minutes. Motion passed unanimously.

Public Comments – Agenda Items:

None.

REPORTS:

Public Works:

A motion was made by Mr. Reese and seconded by Ms. Panepinto to accept the Public Works Report as distributed via email and to be attached to the minutes. Motion carried unanimously.

Zoning Report:

A motion was made by Ms. Panepinto and seconded by Ms. Huber to accept the Zoning Report as distributed via email and to be attached to the minutes. Motion carried unanimously.

Finance Report:

A motion was made by Mr. Freeborn and seconded by Mr. Molin to accept the Finance Report as distributed via email and to be attached to the minutes. Motion carried unanimously.

Operations Committee:

Nothing to report.

Planning Commission:

Motion made by Mr. Freeborn and seconded by Mr. Molin to approve the advertisement for the Public Hearing on Monday, July 24, 2023 at the Borough Council Meeting for the proposed School Ordinance #1396. Motion passed unanimously.

Motion made by Mr. Freeborn and seconded by Ms. Panepinto to approve a Conditional-Use Hearing and advertisement for RTO of America, LLC at the Borough Council Meeting on Tuesday, September 5, 2023. Motion passed unanimously.

Community Relations Committee:

Motion made by Mr. Molin and seconded by Ms. Panepinto to approve a community wide no-fee Yard Sale Event on Saturday, July 29 and Sunday, July 30, 2023 with registration to participate to be completed no later than Friday, July 14, 2023. Notification to obey parking laws during event to be put out on Savvy Citizen and Code Red. Motion passed unanimously.

Recycling Committee:

Mr. Reese and Ms. Panepinto spoke about several items that were discussed at the quarterly joint Recycling Committee with Stroudsburg Borough.

Mayor Victor Brozusky:

Mayor Brozusky announced he presented the Proclamation to Rudy's during their 90th Anniversary Event. Mr. Brozusky inquired about fining people for uncut grass and about East Stroudsburg Community Alliance (ECA) and the Chamber of Commerce scheduling two big events on the same weekend.

Bill Reese:

Nothing to report.

Carrie Panepinto:

Nothing to report.

Maury Molin:

Mr. Molin spoke about potholes.

Ed Freeborn:

Mr. Freeborn spoke about a tree in lower park.

Erika Huber:

Ms. Huber announced that the street lights have started to be changed over to LED lights.

Sonia Wolbert:

Nothing to report.

Solicitor's Report:

Nothing to report.

Manager's Report:

A motion was made by Ms. Huber and seconded by Mr. Molin to approve Resolution 10-2023 amending the 2023 Fee Schedule to include the UCC Joint Board of Appeals Fees. Motion passed unanimously.

A motion was made by Mr. Molin and seconded by Mr. Freeborn to approve DPW hanging the ESU's flags before August 1, 2023 and removal of such flags after November 30, 2023. Once removed DPW will return them back to the ESU's Office of University relations. Motion passed unanimously.

A motion was made by Mr. Freeborn and seconded by Mr. Molin to rescind the June 1, 2023 Borough Council motion to release the sum of \$5,890.00 and reduce the Fire Escrow from \$33,320.00 to \$27,430.00 for 212 Smith Street. Motion passed unanimously.

A motion was made by Mr. Molin and seconded by Ms. Panepinto to approve the release of \$27,461.05 for demolition of the structure and reduce the Fire Escrow from \$33,320.00 to \$5,890.00 for 212 Smith Street. Motion passed unanimously.

A motion was made by Mr. Freeborn and seconded by Mr. Reese to approve the purchase of a heating and cooling Mini Split Ductless System for the DPW Office, not to exceed \$5,000.00, and the installation of the system will be done by DPW. Motion passed unanimously.

A motion was made by Mr. Freeborn and seconded by Mr. Molin to approve purchasing a trailer from NorthPoint Trailers for the roller and all the tools for blacktopping, not to exceed \$7,295.00. Motion passed unanimously.

A motion was made by Ms. Panepinto and seconded by Mr. Molin to approve Sonia Wolbert, President of the East Stroudsburg Council to sign as the Dam Owner for the East

Stroudsburg Dam for the posting of the required checklist of the Emergency Action Plan (EAP) for DEP. Motion passed unanimously.

A motion was made by Mr. Freeborn and seconded by Mr. Reese to approve the advertising for the hiring of up to four positions to support the Water Meter Installation Project with the understanding that no hiring shall be done until the Borough Council approves the formation of the jobs and appropriates the necessary funds. Motion passed unanimously.

A motion was made by Mr. Freeborn and seconded by Ms. Panepinto to approve the job description for the Assistant to the Manager as a confidential exempt employee, subject to final approval of Labor Counsel with an annual salary of \$63,000.00 per year that is effective and retroactive to June 5, 2023. Motion passed unanimously.

A motion was made by Ms. Panepinto and seconded by Ms. Huber to authorize a drawdown of the 2021 G.O. Note in the amount of \$609,577.85. The motion carried 5-0, with one abstention (Yea: Mr. Molin, Ms. Huber, Ms. Panepinto, Mr. Reese, Ms. Wolbert: Abstain: Mr. Freeborn, due to conflict of interest as his son is employed by the structural engineer to which payment is being authorized).

A motion was made by Mr. Molin and seconded by Mr. Reese to approve a purchase of a basic laptop to be used for Webex Meetings and not to exceed \$700.00. Motion passed unanimously.

A motion was made by Mr. Freeborn and seconded by Mr. Molin to appoint Erika Huber as Secretary of East Stroudsburg Council. Motion passed unanimously.

A motion was made by Mr. Freeborn and seconded by Ms. Panepinto to remove Brian Bond as a signatory on the ESSA Borough Bank account and PLGIT account. Motion passed unanimously.

A motion was made by Mr. Freeborn and seconded by Mr. Reese for removing Brian Bond as being bonded under the Borough's account. Motion passed unanimously.

A motion was made by Mr. Freeborn and seconded by Ms. Panepinto to remove Zach Hennes from the ESSA Borough Bank account. Motion carried unanimously.

A motion was made by Ms. Huber and seconded by Ms. Panepinto to remove Zach Hennes from any Borough Bond. Motion passed unanimously.

A motion was made by Mr. Freeborn and seconded by Ms. Panepinto to add Jen Cicalese to the Borough Bank account with debit and credit access and for her to be bonded. Motion passed unanimously.

Public Comments – New Business & Non-Agenda Items:

None

A motion was made by Mr. Freeborn and seconded by Mr. Reese to authorize the Solicitor, Interim Borough Manager, and President of Council to develop a Memorandum of Understanding (MOU) to present and negotiate for a potential permanent Borough Manager candidate. Motion passed unanimously.

Ratification of Bills Payable through June 20, 2023:

A motion was made by Mr. Molin and seconded by Ms. Huber to approve the Warrant list #230606 as presented. Motion passed unanimously.

Adjournment:

A motion was made by Ms. Panepinto and seconded by Ms. Huber to adjourn the meeting at 9:22PM. Motion passed unanimously.

NEXT REGULAR MEETING: Wednesday, July 18, 2023; 7:15PM to be held in person and virtually on the East Stroudsburg Virtual Meeting Facebook Page and via WebEx and/or at the East Stroudsburg Borough Municipal Building.

NEXT WORK SESSION/SPECIAL MEETING: Monday, August 28, 2023; 7PM to be held in person and virtually on the East Stroudsburg Virtual Meeting Facebook Page and via WebEx and/or at the East Stroudsburg Borough Municipal Building.

NEXT ZONING AND PLANNING COMMITTEE MEETING: Tuesday, July 11,, 2023; 5PM to be held in person and virtually on the East Stroudsburg Virtual Meeting Facebook Page and via WebEx and/or at the East Stroudsburg Borough Municipal Building.

NEXT COMMUNITY RELATIONS COMMITTEE MEETING: Monday, July 3, 2023; 4:30PM to be held in person and virtually on the East Stroudsburg Virtual Meeting Facebook Page and via WebEx and/or at the East Stroudsburg Borough Municipal Building.

NEXT OPERATIONS COMMITTEE MEETING: Wednesday, June 21, 2023; 5PM and weekly each Wednesday thereafter to be held in person and virtually on the East Stroudsburg Virtual Meeting Facebook Page and via WebEx and/or at the East Stroudsburg Borough Municipal Building.