

East Stroudsburg Borough, December 20, 2011

A regular meeting of the East Stroudsburg Borough Council was held at the Municipal Building on Tuesday December 20, 2011. The following members were in attendance: Victor Brozusky; Roger DeLarco; Ed Henning; William Reese; Donald Repsher and Sonia Wolbert. Also attending were: Mayor Armand M. Martinelli; Manager James S. Phillips; Solicitor David J. Williamson of Scanlon Lewis & Williamson; Engineering Representative Samuel D'Alessandro of R.K.R. Hess Associates, Inc.; Lieutenant Brian Kimmins of the Stroud Area Regional Police Department; and several residents in the audience.

Call To Order/Pledge of Allegiance

Mr. DeLarco called the meeting to order at 7:30 p.m. David Williamson led the Pledge of Allegiance.

Minutes of December 6, 2011

Mr. Brozusky made a motion, seconded by Mr. Repsher to approve the minutes of the regular Council meeting held December 6, 2011 as submitted. The motion carried unanimously.

Last Meeting for Solicitor David J, Williamson

Mr. DeLarco thanked Mr. Williamson for his many years service to the Borough and stated that he had always enjoyed working with him. Mr. Reese echoed Mr. DeLarcos comments and wished Mr. Williamson well in his new position as Common Pleas Court Judge for Monroe County.

SARPD Report

Lieutenant Brian Kimmins said last month was a "bad month" for crime in East Stroudsburg. The Police Department is developing information however, which hopefully will lead to arrests in several of the recent incidents. Mr. Reese asked if the Department still takes pictures of graffiti vandalism? Mr. Reese said there is graffiti on several benches on Crystal Street which could be gang related. Lt. Kimmins said he will have someone check this out.

Public Comments – Agenda Items

Mark Ihde of 337 Merten Street complained about too many students living at 125 East Brown Street, and also about the residents at 339 Merten Street. Someone from that home placed a bag of garbage on his property, and the police have failed to prosecute them. Mr. Phillips said Codes Officer John Blick has cited the property owner at 125 East Brown Street for failure to bring their garbage cans in front the street; but when Mr. Blick checked the property last week the cans had been brought back from the street to the house and there was no violation. Mr. Ihde said there are eight (8) people living in the house and he has written down the license plate numbers. Mr. Brozusky asked Mr. Ihde if he has called the Police Department to report loud parties, noise, etc. that could lead to a "disruptive house" report. Mr. Ihde indicated that he has not done so. Mr. Williamson said he has discussed this matter with Mr. Blick. The owner of the property Gary Kessel, has submitted in writing that he has only two (2) tenants on his lease. Mr. Ihde also complained about the fact that Mr. Kessel had removed part of the yard to put in additional parking on his property, even though he has two driveways already. Mr. Phillips said that Council had approved a driveway opening application for this property and the property owner was therefore permitted to install the parking area.

Finally, Mr. Ihde complained that the tenants at this residence do not recycle and put their recyclables out for the garbage. Mr. Phillips said he did send a letter to the owner and tenants of 125 East Brown Street advising them of the recycling requirements of the Borough, and included a copy of the recycling brochure.

Adoption of Proposed 2012 Year Borough Budget for all Funds

Mr. Phillips said the proposed budget has been available for public inspection at the Borough office and the proposed ordinance fixing the Real Estate Tax Levy for the 2012 Year at a total of 20.5 mils has been advertised. Mr. Brozusky made a motion, seconded by Mrs. Wolbert to adopt proposed Ordinance No. 1249 Fixing the Real Estate Tax Levy for the 2012 Year at 20.5 mils, as advertised. The motion carried by a vote of 5 to 1 with Mr. Henning voting no.

Mr. Brozusky made a motion, seconded by Mr. Reese to adopt proposed Resolution No. 33-2011 Approving 2012 Year Budget Appropriations for All Funds. The motion carried by a vote of 5 to 1 with Mr. Henning voting no.

Appointment of Solicitor for 2012 Year

Mr. Brozusky made a motion, seconded by Mr. Repsher to appoint John Prevoznik, Esquire as Solicitor due to the impending resignation of David Williamson, because of his election to the Monroe County Court of Common Pleas. The motion carried unanimously.

Mr. Henning made a motion, seconded by Mr. Repsher to appoint Todd Weitzman, Esq. as Solicitor for the Planning Commission effective for the 2012 Year. The motion carried unanimously.

Establish Council Meeting Dates for the 2012 Year

Mr. Reese made a motion, seconded by Mrs. Wolbert to establish the Council meeting schedule for the 2012 Year as follows: regular meetings to be held on the first and third Tuesday of each month at 7:30 p.m. (with the exception of June, July and August when a meeting will be held only on the first Tuesday of the month; but the Committee meeting will also be for the conduct of regular business during those months). Committee meetings to be held on the last Thursday of each month at 7:30 p.m. The motion carried unanimously.

Request for Provisionally Accredited Levee (PAL) Designation for the East Stroudsburg Flood Protection Project

Mr. Phillips said the Federal Emergency Management Agency (FEMA) is requiring that the Borough agree to provide documentation that the Flood Protection Levee meets the federal requirements for providing flood protection for the 100 year flood event; in order for the official FEMA flood zone maps to continue to show that the flood protection levee provides protection from such flood event. The Borough is required to submit the documentation to have the levee certified within two (2) years by January 3, 2014. After discussion, Mr. Henning made a motion, seconded by Mr. Brozusky to authorize submittal of a letter of agreement and request for provisionally accredited levee designation for the East Stroudsburg flood protection project. The motion carried unanimously.

Request for Letter of Support for Application for Local Share Account Grant Funds Submitted by Diakthon Lutheran Services for Proposed Renovation Project at Pocono Lutheran Village

Mr. Phillips said Diakthon Lutheran Services had again requested that the Borough submit a letter of support for their project. After discussion, Mr. Brozusky made a motion, seconded by Mr. Repsher to authorize preparation and submittal of a letter of support. The motion ended in a tie 3-3 with Mrs. Wolbert, Mr. Reese and Mr. DeLarco voting no.

Public Comments – New Business

Mark Idhe of Merten Street said Wal*mart should be asked to dim their lights in the parking lot at night in order to avoid excess light being carried over to adjoining properties at night.

Correspondence

Mr. Phillips reported receipt of the following items of correspondence:

1. A letter from the Director of the Eastern Monroe Public Library reporting that a vacancy on the Library Board of Trustee will exist from Region #2 which includes East Stroudsburg Borough and Price Township. Mr. Phillips said he had called John Pooley of Franklin Hill Road since he knew that both John & Carol Pooley have been involved with the Friends Group of the Eastern Monroe Public Library. Carol Pooley has volunteered to serve on the Library Board to fill the vacancy. Mr. Henning made a motion, seconded by Mr. Reese to nominate Carol Pooley of 21 Franklin Hill Road to fill the vacancy on the Library Board of Trustees. The motion carried unanimously.
2. A letter from Jay Armitage reporting that Mary DellaSalla has resigned from the Borough Planning Commission, effective immediately. After discussion, Mr. Reese made a motion, seconded by Mr. Henning to appoint Victor Brozusky to fill the vacancy on the Planning Commission for the balance of the term of Mary DellaSalla. The motion carried by a vote of 5-1 with Mr. Brozusky abstaining.
3. A letter from Acme Hose Company #1, Keith Flory President stating that the Fire Company has agreed to waive the clause in the deed restriction for the old fire station property which requires that \$7,500 from the sale of the old fire hall property must revert to the Fire Department. The Fire Company requested that that amount of money from the proceeds of sale of property go into the fire truck replacement account. After discussion, Mr. Repsher made a motion, second by Mr. Brozusky to designate \$7,500 from sale of the old fire station property to the Fire Truck Replacement account, as requested by Acme Hose Company No. 1. The motion carried unanimously.
4. A letter from the Pennsylvania Department of Environmental Protection (PA DEP) stating DEP has agreed to somewhat reduce water monitoring at the former joint municipal landfill site located in Stroud Township.
5. A letter from Sanofi Pasteur Corporation concerning annual notification requirements of downstream municipalities and water suppliers for its facility located off of Route 611 in Pocono Township.
6. A letter from Schoonover & Vanderhoof Architects concerning the status of roof leaks at the new East Stroudsburg Fire Station. Mrs. Wolbert stated she is concerned for the long term maintenance of this facility due to the roof leaks that have been identified and hopefully had been corrected. Mr. D'Alessandro stated that he will contact several roofing contractors and try to get an independent contractor to attempt to identify and address these roof leaks for the Borough.
7. A copy of the annual inspection reports for the East Stroudsburg and Middle Dams prepared by R.K.R. Hess Associates Inc.

Reports

Mrs. Wolbert noted information that each Council member had received concerning Marcellus Shale Gas drilling in Pennsylvania and recent legislation which has been proposed to address the impacts of this gas drilling. Mr. Phillips said he understands that the current legislation would eliminate municipal regulation of gas drilling activities, entirely. Mrs. Wolbert also noted that the Stroud Region Open Space & Recreation Commission (SROSRC) will be holding a leadership luncheon on January 12, 2012 at noon time at the Day St. Community Center and all Council members are invited. Finally, Mrs. Wolbert stated that Council needs to discuss at the next Committee meeting the issue of a rental housing inspection program.

Mayor Martinelli noted that it has been a pleasure to serve with Victor Brozusky and Ed Henning on Borough Council and thanked them for their efforts.

Mr. D'Alessandro reviewed his written engineer's report previously submitted to Council.

Mr. Reese said he was curious if the Borough gets any earned income tax revenues from contractors working on the ESU Housing Project and the Pocono Medical Center Cancer Center Project?

Mr. Henning thanked everyone for making him feel welcome during his service on Borough Council and for Council "putting up with me".

Mr. Williamson thanked Council for the confidence shown to him over the last five years while serving as Solicitor for the Borough and also for the many years that his father Robert G. Williamson served as Solicitor for the Borough,

Mr. DeLarco reported that a Committee of the Board of Directors for the Eastburg Community Alliance (ECA) will be meeting to establish procedures for the hiring of a new downtown manager for the ECA. Mr. DeLarco also noted that previously Codes Officer John Blick had submitted an annual report to Council which he found useful and asked Mr. Phillips to see that such a report be submitted again for the 2011 year. Finally, Mr. DeLarco thanked Mr. Brozusky and Mr. Henning for their service to Council and stated that he has "found the opportunity to work with them to be enriching".

Mr. Phillips reported that the contractor for the East Stroudsburg Area School District has constructed the expanded parking lot at JM Hill Elementary School but the final paving work has been postponed until the spring of 2012. Mr. Phillips also reported that another of the participants has raised objections to participating in the maintenance of the private road that goes through Eagle Valley Mall to the rear of the Eagle Glen Plaza property; and the negotiated settlement of this issue appears to be falling apart. Mr. Phillips also reported that despite the work on the rehabilitation of the East Stroudsburg Dam, the Pennsylvania DEP has not forgotten the needed work on the Middle Dam and a "pre-design" meeting will be held with DEP on January 25, 2012. Finally, Mr. Phillips asked Council if they wish to contribute anything additional to the AWSOM Animal Shelter for 2012? Mr. Brozusky made a motion, seconded by Mr. Reese to send an additional \$250 donation to AWSOM from the Borough. The motion carried unanimously.

List of Bills

Mr. Brozusky made a motion, seconded by Mrs. Wolbert to approve the list of bills payable and to ratify expenditures and payroll made through December 20, 2011 as submitted. The motion carried unanimously.

Executive Session

Mr. Henning made a motion, seconded by Mr. Reese to adjourn into executive session at 9:10 p.m. The motion carried unanimously.

At 9:38 p.m. Council members reassembled in the meeting room and Mr. Reese made a motion, seconded by Mrs. Wolbert to reconvene the public meeting. The motion carried unanimously. Mr. Williamson stated that the executive session had been held to discuss a real estate matter and a personnel matter.

Adjournment

With no further business Mr. Brozusky made a motion, seconded by Mr. Repsher to adjourn the meeting at 9:40 p.m. The motion carried unanimously.

James S. Phillips, Secretary