

East Stroudsburg Borough, December 6, 2011

A regular meeting of the East Stroudsburg Borough Council was held at the Municipal Building on Tuesday December 6, 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.; and several residents in the audience.

Call To Order/Pledge of Allegiance

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

Minutes of November 15, 2011 Council Meeting

Mr. Brozusky made a motion, seconded by Mr. Repsher to approve the minutes of the Council meeting held November 15, 2011 as submitted. The motion carried unanimously.

Public Comments – Agenda Items

None

Public Hearing on Proposed Zoning Ordinance Amendments

Mr. Phillips said Council had held public hearings on two proposed zoning ordinance amendments at the September 6, 2011 meeting. The proposed ordinances would revise the requirements for off-street parking in the I-U and the I-M Zoning Districts, and revise requirements for adult uses. However the Municipalities Planning Code requires Council to act on the proposed ordinances within 90 days of holding the public hearing. Today's date is 91 days since the public hearings so Council will need to advertise the ordinances and schedule new public hearing dates. After discussion, Mr. Brozusky made a motion, seconded by Mr. Repsher to schedule a public hearing on the zoning ordinance amendment changing the requirements for off-street parking for January 2012. The motion carried by a vote of 5 to 1 with Mr. Henning abstaining. Mr. Henning made a motion, seconded by Mr. Reese to authorize advertising the proposed ordinance and schedule a public hearing on the proposed zoning ordinance amendment revising requirements for adult uses for January 2012. The motion carried unanimously.

Resolution No. 30-2011 Adopting Monroe County Hazard Mitigation Plan

Mr. Phillips said the Monroe County Office of Emergency Management has been coordinating the adoption of a new County Hazard Mitigation Plan as required by the Federal Emergency Management Agency (FEMA). Each municipality within the County must approve the County Hazard Mitigation Plan. Mr. Brozusky made a motion, seconded by Mrs. Wolbert to adopt proposed Resolution No. 30-2011 adopting the Monroe County Hazard Mitigation Plan as submitted. The motion carried unanimously.

Sale of Old Fire Station Property 56 South Courtland Street

Mr. Phillips reported that the successful bidder at the November 19, 2011 auction sale of the old fire station property and adjoining parking lot was Daniel Setar at the purchase price of \$325,000. Mr. Henning made a motion, seconded by Mrs. Wolbert to ratify sale of the property to Mr. Setar based on his high bid via auction. The motion carried unanimously. Mr. Williamson noted that under the terms of the auction sale Mr. Setar has sixty (60) days to close on purchase of property; and he has not advised yet as to the actual date for the closing.

Preliminary Adoption of Proposed 2012 Year Borough Budget

Mr. Phillips said the proposed 2012 Year Borough Budget for all funds has been reviewed by Borough Council and the total proposed appropriations are \$13,093,940. The proposed General Fund Real Estate Tax millage rate is 17.9 mills, which represents a 1.7 mill increase over the current year's figure; and a 0.3 mill increase for the Debt Service Fund required for payment for principal and interest on the new fire station project loan. Mr. Repsher made a motion, seconded by Mr. Reese to authorize advertising the proposed ordinance fixing the real estate tax rate for the 2012 year, and making available the proposed 2012 year budget for public inspection. The motion carried by a vote of 5-1 with Mr. Henning voting no.

Resolution No. 31-2011 Adopting Five Year Capital Improvement Plan

Mr. Phillips said Council has reviewed the proposed Capital Improvement Plan for the years 2012-2016 which totals \$13,471,500. Mr. Reese made a motion, seconded by Mrs. Wolbert to adopt proposed Resolution No. 31-2011 Adopting the proposed 2012-2016 Capital Improvement Plan as submitted. The motion carried unanimously.

Resolution No. 32-2011 Establishing Employee Contribution Rate to Pension Plan

Mr. Phillips said the proposed resolution sets the employee contribution rate to the pension plan administered by the Pennsylvania Municipal Retirement System (PMRS) at 3.5%, the maximum amount allowed under the plan. Mr. Repsher made a motion, seconded by Mrs. Wolbert to adopt proposed Resolution No. 32-2011 Establishing Employee Contribution Rate to the PMRS Pension Plan for the 2012 Year, as submitted. The motion carried unanimously.

Schedules for Christmas Tree Recycling and 2012 Yard Waste Pick-ups

Mr. Brozusky made a motion, seconded by Mrs. Wolbert to ratify the schedules previously discussed for Christmas tree pick-ups and the 2012 year yard waste collection schedule, as submitted. The motion carried unanimously.

Public Comments – New Business

Pat Jeanschild of 126 East Brown Street said there has been a significant increase in vandalism and bad behavior in her neighborhood, especially since last year. Three houses across the street from her have college students and three more are located down the street. Mrs. Jeanschild said her neighborhood is constantly being disturbed, especially on the weekend nights from 10pm to 4am.

Mayor Martinelli said he has spoken with Mrs. Jeanschild concerning the response from the Stroud Area Regional Police Department (SARPD) on these matters and she understands that police can only respond when they see actual violations occurring.

Mrs. Jeanschild said someone recently took several greyhound symbols off of her car and several of her guests. She thinks the Borough should reevaluate its zoning requirements in this neighborhood.

Mr. DeLarco said he has endorsed a rental housing inspection program and had submitted an ordinance sample to the rest of Council for this purpose. Mr. DeLarco also said the Borough can also adopt restrictions on conversion of single family residences into apartments. Mrs. Wolbert asked that this item – conversion of single family homes – be placed on the agenda for discussion on the next Council Committee meeting.

Mayor Martinelli suggested that Mrs. Jeanschild keep a record of when she makes calls to the Police Department; because it will help him to follow-up on the police responses, or lack of thereof, to her calls.

Kimberly Raub, Coordinator for Community Students at ESU, noted that while college students may be involved in causing these neighborhood issues, they are Borough issues not ones that the University can take action on. The University cannot legally or practically control behavior of off campus students.

Henry Lesoine of 504 N. Courtland Street showed pictures of water ponding in his yard during the recent rain, due to the pump not being operated at Bustin Industries.

Mr. Williamson explained that Leo Bustin originally built the building which was then acquired by Mark Lichty. Mr. Lichty had sold the business several years ago but retained ownership of the property. The business has been sold again recently.

Mr. DeLarco suggested that the Borough's alternate solicitor engage in discussions with Mr. Lichty to try to reach an amicable resolution on this matter. Mr. Lesoine said he has spent considerable funds to improve his property and he doesn't feel he should have to ask someone to turn on the pump every time it rains.

Mr. Henning questioned whether it might be easier and less expensive to get someone to prime the pump and get it operating.

Mayor Martinelli noted that the pump is located on private property and the owner of the property should be responsible for maintaining it; just like the Borough has taken responsibility for pumping water from Flory Pond.

Mr. Phillips said he had reviewed old Council meeting minutes when the Bustin building was built and found references to the construction but hadn't found any development agreement in the files which outlines the responsibility of the property owner to operate and maintain the pump. After further discussion, Mr. Reese made a motion, seconded by Mr. Henning to request the Borough Solicitor to contact Mark Lichty concerning the matter of the Bustin stormwater pump. The motion carried unanimously.

Correspondence

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

1. A letter from the Monroe County Conservation District concerning requirements for update of the Borough's Floodplain Management Ordinance. Mr. Henning noted that the letter references the Borough intent to adopt floodplain management provisions more restrictive than the state model ordinance, and questioned why the Borough would want to do that?
2. A letter from the Monroe County Control Center to Municipalities advising against the multiple changing of road names as part of the countywide readdressing project.
3. A copy of a letter from Edward Flory submitting his resignation from the Zoning Hearing Board effective December 4, 2011; due to his recent election as Council member for the 4th Ward.
4. A copy of the inspection report for the December 1, 2011 inspection held by the Pennsylvania Department of Environmental Protection (DEP) for the Borough Water Department. No violations were noted at this inspection.

Reports

Mr. D'Alessandro reviewed his written engineer's report previously submitted to Council. Mr. D'Alessandro noted that K C Construction Company has submitted an application for payment No. 3 for the East Stroudsburg Dam Rehabilitation work which has been reviewed and recommended for approval. Mr. Brozusky made a motion, seconded by Mr. Repsher to approve payment request No. 3 as recommended. The motion carried unanimously. Mr. D'Alessandro reviewed correspondence received from FEMA regarding the certification process for the East Stroudsburg flood protection project. Mr. D'Alessandro noted that if the Borough doesn't agree to proceed with certification of the levee and apply for provisional certification effective January 2012;

then FEMA will consider that the East Stroudsburg flood protection levee does not supply flood protection to the “flats” area of the Borough and property owners in these areas would be required to obtain federal flood protection insurance.

Mr. D'Alessandro reviewed the status of the collapsing storm sewer culvert under the building of 214 Washington Street. Mr. Williamson said that the Borough has not heard from either the engineer or the attorney from the bank concerning this matter. Mr. Williamson said the bank's initial position is that they are not responsible for the storm culvert.

Mr. Reese questioned the status of the selection of an energy management consultant for the Borough; either Johnson Controls Co., or Honeywell Corp. After discussion, Mr. Reese made a motion, seconded by Mr. Repsher to enter into discussions with Johnson Controls Co. for a energy management performance contract, in response to the proposal received from JCI to the Borough dated February 28, 2011 the motion carried with Mr. Henning abstaining from the vote.

Mrs. Wolbert questioned the meeting times for the Zoning Ordinance Review Committee (ZORC). Mrs. Wolbert she had asked the Committee to consider meeting on either a Tuesday or Thursday evening prior to a regularly scheduled Council meeting.

Mr. Repsher noted that the pavement needs repair around a sewer manhole located in the middle of the Harlacher St. parking lot. Mr. Repsher also asked whether the fire hydrant located at the intersection of Lackawanna Avenue & East Broad Street is functional? Mr. Phillips said the hydrant has been hit by vehicles several times but is operating as far as he knows.

Mr. Brozusky noted that the two traffic signals on Prospect St., at Normal St. and Ridgeway St. are not coordinated and contribute to the backup of traffic in this area. Mr. Phillips PennDOT is actually planning on going out for bids soon for the so called congested corridor project and they are proposing to connect the three traffic signals on Prospect St. – at Normal St., Ridgeway St., & E. Brown St.- via a closed loop control system to better coordinate traffic on this corridor. Mr. Henning suggested that perhaps a “Do Not Block Intersection” sign needs to be installed at the Normal St./Prospect St. intersection.

Executive Session

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

At 9:50 p.m. Council members reassembled in the meeting room and Mr. Reese made a motion, seconded by Mr. Henning to reconvene the public meeting. The motion carried unanimously. Mr. Williamson reported that the executive session was held to discuss a potential litigation matter and several personnel matters.

Changes to Employees Health Insurance Program for 2012 Year

Mr. Phillips noted that the Borough's health insurance premiums for fulltime employees are set to go up 15% for the 2012 Year. Mr. Phillips said he has looked at possible changes to the group plans to help moderate that cost increase. For example a \$30 per month employee contribution would result in a \$7,500 savings to the Borough if all employees were required to contribute. Mr. Phillips said in addition, increasing the deductible for the PPO Health plan and increasing office co-pays for both plans could result in an approximate 3.0 % savings off the additional premiums. After discussion, Mr. Brozusky made a motion, seconded by Mr. Henning to require employees with health insurance to contribute 3.0% of the monthly premium cost for their particular coverage, effective January 1, 2012. The motion carried unanimously.

List of Bills

Mr. Reese made a motion, seconded by Mr. Repsher to approve the list of bills payable and to ratify payroll and expenditures made through December 6, 2011 as submitted. The motion carried unanimously.

Adjournment

With no further business Mr. Repsher made a motion, seconded by Mrs. Wolbert to adjourn the meeting at 10:05 p.m. The motion carried unanimously.

James S. Phillips, Secretary