

East Stroudsburg Borough, January 4, 2010

A reorganization and regular meeting of the East Stroudsburg Borough Council was held at the Municipal Building on Monday, January 4, 2010. The following members were in attendance: Victor Brozusky; Roger DeLarco; Ed Henning; William Reese and Sonia Wolbert. Donald Repsher was absent. 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 one (1) resident in the audience.

#### Call To Order/Pledge of Allegiance

Mayor Martinelli called the Bi-Annual Reorganization meeting of Council to order at 7:30 p.m. and led the Pledge of Allegiance.

#### Swearing in of Newly Elected Council Members

Mayor Martinelli administered the Oath of Office to re-elected Council members Roger DeLarco for the 3<sup>rd</sup> ward and Sonia Wolbert for the 1<sup>st</sup> ward.

#### Nomination and Election of Council President

Mayor Martinelli opened the floor for nominations for Council President. Mr. Henning nominated Roger DeLarco for Council President, seconded by Mr. Reese. Mayor Martinelli closed the nominations for Council President, and Mr. DeLarco was unanimously elected as Council President.

#### Nomination and Election of Council Vice President

President DeLarco now presided at the meeting. Mr. Henning nominated William Reese for Council Vice President, seconded by Mrs. Wolbert. Mr. DeLarco closed the nominations for Council Vice President, and Mr. Reese was unanimously elected as Vice President.

#### Nomination and Election of President Pro Tem

Mr. Phillips said the President Pro Tem would preside at Council meetings in the absence of the Council President or Vice President. Mr. Henning nominated Sonia Wolbert for President Pro Tem, seconded by Mr. Reese. Mr. DeLarco closed the nominations for President Pro Tem, and Mrs. Wolbert was unanimously elected as President Pro Tem.

#### Appointment of Vacancy Board Chairperson

Mr. Phillips said the Vacancy Board Chairperson is typically appointed to head the Vacancy Board which could come into play in the event that Council was unable to agree on appointing a person to fill a vacancy on Borough Council. In previous years Council has chosen not to fill such position. Mrs. Wolbert made a motion, seconded by Mr. Henning to table action on appointment of Vacancy Board Chairperson. The motion carried unanimously.

#### Depositories for Borough Funds

Mr. Phillips said the Borough currently utilizes Citizens Bank, PNC Bank, ESSA Bank & Trust, Pennsylvania Local Government Investment Trust (PLGIT), and the Invest Program of the PA Treasurers Office for Depositories for Borough funds. Mr. Henning made a motion, seconded by Mr. Reese to reauthorize the existing depositories for Borough funds. The motion carried unanimously.

#### Appointment of CPA to Perform 2009 Year Audit

Mr. Reese made a motion, seconded by Mr. Brozusky to appoint Ardito & Co., LP to conduct the Annual Comprehensive Financial Report (Audit) for the Borough for the 2009 Year. The motion carried unanimously.

#### Appointment of Borough Representatives to Municipal Organizations

Mr. DeLarco said former Councilwoman Eileen Featherman had previously served as a Borough Representative to the Council of Governments (COG) and to the Mid-eastern County Association of Boroughs (MECAB). Last year Council had appointed Mr. DeLarco as the Borough Representative to the League of Cities because he had attended the League of Cities conference; however Council could choose to designate a voting delegate to PLCM or to the Pennsylvania State Association of Boroughs (PSAB) when time comes for the annual conference.

Mr. Henning indicated he would be willing to attend COG meetings at least quarterly; and Mr. Reese then made a motion, seconded by Mrs. Wolbert to appoint Mr. Henning as the Borough Representative to Pocono Mountain Council of Governments (PMCOG). The motion carried unanimously

Mr. Reese indicated he would be willing to represent the Borough with MECAB and Mr. Henning made a motion, seconded by Mrs. Wolbert to appoint Mr. Reese as the Borough Representative to MECAB. The motion carried unanimously.

#### Designation of Council Committees

Mr. DeLarco asked Council members in attendance if they wanted to continue with the same committee assignments as in 2009, and Council members agreed to keep the existing committee structure and committee chairpersons.

Mr. DeLarco noted that there was not an item on the agenda for reappointment of the Borough Solicitor and Engineer? Mr. Phillips said those appointments are of an indefinite term and Council can choose to reappoint those positions or not. Mr. DeLarco asked Council members for their preference and the consensus was there was no need to take formal action on the reappointment of Mr. Williamson and R.K.R. Hess Associates, Inc. Mr. DeLarco then moved on to the regular agenda business items.

#### Minutes of December 28, 2009 Special Council Meeting

Mr. Reese made a motion, seconded by Mrs. Wolbert to approve the minutes of the December 28, 2009 Special Council meeting as submitted. The motion carried with Mr. DeLarco abstaining due to his absence from such meeting.

#### Public Comments – Agenda Items

None

#### Resolution No. 1-2010 Proclaiming Martin Luther King, Jr., Equality Week

Mr. DeLarco read excerpts from proposed Resolution No. 1-2010 regarding the observance of Martin Luther King, Jr., week for the Borough, January 17-23, 2010. Mr. Brozusky made a motion, seconded by Mrs. Wolbert to adopt proposed Resolution No. 1-2010 as submitted. The motion carried unanimously.

#### Resolution No. 2-2010 Appointments to Monroe County Control Center Board

Mr. DeLarco noted that he and Mr. Phillips have been representing the Borough on the Board of Directors for the Monroe County Control Center (MCCC) and assumes that Council wants them to continue in that capacity. Mr. Brozusky made a motion, seconded by Mr. Reese to adopt proposed Resolution No. 2-2010 Appointing Mr. DeLarco and Mr. Phillips to the Monroe County Control Center Board of Directors for a

new two (2) year term expiring 12/31/2011, as submitted. The motion carried unanimously.

#### Resolution No. 3-2010 Appointments to Twin Boroughs Recycling Committee

Mr. Phillips said the recycling agreement with Stroudsburg Borough calls for the Borough Manager and two (2) Council members to represent each municipality on the joint Recycling Committee. Council had previously made available one (1) position on the Board to an interested Borough resident. After discussion, Mr. Brozusky made a motion, seconded by Mrs. Wolbert to adopt proposed Resolution No. 3-2010 Appointing Council members William Reese and Ed Henning and Manager James Phillips to the Twin Boroughs Recycling Committee for new two (2) year terms expiring 12/31/2011, as submitted. The motion carried unanimously.

#### Resolution No. 4-2010 Appointment to Zoning Hearing Board

Mr. Phillips said Ed Flory's term on the ZHB has expired and he is willing to continue in that position. Mr. Henning made a motion, seconded by Mrs. Wolbert to adopt proposed Resolution No. 4-2010 appointing Ed Flory to a new five (5) year term on the Borough Zoning Hearing Board expiring 12/31/2014 as submitted. The motion carried unanimously.

#### Agreement with R.K.R. Hess Association, Inc. for Preparation of 2010 Year Monitoring Reports for Joint Municipal Landfill Projects

Mr. Phillips said the three (3) municipalities who previously jointly operated the two landfill sites, East Stroudsburg Borough, Stroudsburg Borough & Stroud Township, have been splitting the cost for the monitoring work done at the two former landfill sites for submittal of reports to the Department of Environmental Protection, (PADEP). Mr. D'Alessandro noted that the Borough has tried in the past to have the required frequency of monitoring reduced because the sample results never have changed, but DEP has not agreed to that request. After discussion, Mr. Brozusky made a motion, seconded by Mrs. Wolbert to authorize R.K.R. Hess Associates, Inc. to continue with the joint municipal landfill sites monitoring work and to also request a reduction in monitoring frequency from PA DEP. The motion carried unanimously.

#### Bids Received 12/15/09 for Sewerline Relocation Project off Braeside Avenue

Mr. Phillips said Council had received a report on bids that were opened on 12/15/09 for the sewerline relocation work located between Braeside Avenue and the railroad. The low bidder is Lombardo Trucking Inc., in the base bid amount of \$214,938.70. Mr. Phillips noted that there was an alternate price received with the bids for open/cut excavation in lieu of boring, but we must review the plans with Empire Development Co., owner of the apartment building complex because the easements the Borough obtained for relocation of the sewerline are based on the proposed boring method. Mr. Brozusky made a motion, seconded by Mr. Henning to tentatively award the contract to Lombardo Trucking Inc., based on their low bid proposal. The motion carried unanimously.

#### Public Comments – Non-Agenda Items

None

#### Correspondence

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

1. A letter from Stroud Township Supervisor Daryl Eppley to the American Red Cross regarding funding for the "Run for the Red" marathon to be held May 2010. Mayor Martinelli noted that the letter refers to Mr. Eppley and Stroud Area Police Department (SARPD) Chief John Baujan requesting a meeting with the Red Cross concerning the cost for providing security for the marathon event, which is

a fundraiser for the Red Cross. Mayor Martinelli said this matter should have been brought before the Police Commission before the letter was sent by Mr. Eppley. Mrs. Wolbert noted that the letter refers to a request for funds from the County from Hotel Tax revenues to help pay for security measures required for the event.

2. A copy of a "league link" from the Pennsylvania League of Cities & Municipalities (PLCM) regarding House Bill 1768 which would reauthorize the \$2 per ton solid waste tipping fee which currently funds recycling programs within the state. Mr. Reese made a motion, seconded by Mr. Brozusky to authorize the Manager to send a letter to the Borough's Legislators recommending support for HB 1768. The motion carried unanimously.
3. A downstream water user notification sent by Sanofi Pasteur as required by Act 32.
4. A letter from PA DEP Bureau of Waterways Engineering concerning review comments for the proposed rehabilitation work for the East Stroudsburg Dam.

### Reports

Mrs. Wolbert reminded Council of the event scheduled for January 12, 2010 at "Liquid" to be held by the friends of the Stroud Region Open Space & Recreation Commission (SROSRC).

Mr. Henning commented that Analomink St. is in very poor condition because of the waterline construction work currently underway by the Boroughs contractor. Mr. Henning also inquired about the status of the construction at the new Fire Station site? Mr. Phillips said work is proceeding in spite of the weather and hopefully the building will be fully enclosed within two (2) weeks upon the delivery and installation of garage doors in front of the building. Mr. Henning also commented that Council needs to decide on what we plan to do with the existing fire station building upon completion of the new fire station facility.

Mr. Reese noted that Waste Management of Pennsylvania is taking over the garbage collection & disposal contract effective January 1, 2010 with the first pickup scheduled for tomorrow, January 5<sup>th</sup>. Mr. Reese asked Mr. Phillips to continue with scheduling the department heads to attend Council Committee meetings on a rotating basis. Mr. Reese also said the Borough needs to distribute information concerning the proposed increase in water rates that are planned to be effective with bills that will be due in April 2010. Finally, Mr. Reese asked if people may be able to utilize the Terra Greens Golf Course property for "snow shoeing" in the winter time? Mr. Phillips said Terra Greens is a Borough park property so Council could choose to open it up for that purpose.

Mayor Martinelli said he discussed with Mr. Phillips and Mr. Williamson the possibility of the Borough authorizing the East Stroudsburg School District Police to enforce handicapped parking & fire lane parking violations at the East Stroudsburg South High School property. He feels the School District Police can be sworn in as parking enforcement officers for the sole purpose of being able to enforce the Borough ordinance requirements regarding those parking violations only. Mr. Phillips commented that Mr. Williamson felt this would not be a problem as long as the School District authorizes their police officers to enforce these violations on District property.

Mr. D'Alessandro reviewed his written engineer's report previously submitted to Council. Mr. D'Alessandro noted that LSR Excavating Co., has submitted the request for final payment for the Elm St. waterline replacement project. After discussion, Mr. Brozusky made a motion, seconded by Mr. Reese to authorize final payment to LSR, subject to submittal of all required close-out documents for the project. The motion carried unanimously. Mr. D'Alessandro said he is working on a draft of new parking requirements as it relates to the university properties and will have a draft for Councils consideration at the next meeting. Mrs. Wolbert commented that we need to get new

parking requirements in place before the university comes in with new plans for expansion of the University Center building.

Mr. DeLarco asked Mr. Phillips the status of applications for the Public Works Director position and suggested that he move quickly with interviews since applications were submitted by November 30, 2009. Mr. DeLarco also requested that Mr. Phillips set up a meeting with Representatives of MEA Inc., and Pocono Mountains Economic Development Corporation (PMEDC) concerning the status of remediation work at the former IBW Property.

Mr. Williamson who just arrived at the meeting at this time, said he had looked into the issue of rental housing licenses and inspections and feels that the Borough can certainly require inspections and charge a fee to cover the cost for such inspections. Mr. Williamson also reported that the Dockery vs. Borough lawsuit regarding backup of stormwater near the Exchange St./Kiwanis St. intersection in 2003 is still ongoing and the plaintiffs have submitted requests for discovery, various interrogatories to be responded to by the Borough regarding this matter.

Mr. Phillips said he would like to change the vendor for the Borough's deferred compensation program for employees to the ICMA Retirement Corporation. The Borough had been with the Copeland Company initially which now is Met-Life. He stated he will have a resolution for Council consideration next meeting.

Mr. Phillips also reported that the used-book buyers at ESU are apparently treating the Borough ordinance penalty (\$250) as an additional cost of doing business. The one company paid the fine for each day's violation

#### Connor vs. East Stroudsburg Borough Matter

Mr. Williamson reported that negotiations have been fruitful regarding settlement of this lawsuit from 2006. Mr. Brozusky made a motion, seconded by Mr. Reese to authorize settlement of this matter upon payment by the Borough of an amount not to exceed \$5,500 with a corresponding amount to be paid by the plaintiff's insurance co. 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 January 4, 2010 as submitted. The motion carried unanimously.

#### Adjournment

With no further business Mr. Brozusky made a motion, seconded by Mrs. Wolbert to adjourn the meeting at 9:00 pm. The motion carried unanimously.

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James S. Phillips, Secretary