

East Stroudsburg Borough, October 5, 2010

A regular meeting of the East Stroudsburg Borough Council was held at the Municipal Building on Tuesday October 5, 2010. 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.; Codes Officer John E. Blick; and several residents in the audience.

Call To Order/Pledge of Allegiance

Mr. DeLarco called the meeting to at 7:30 p.m. Illeona Braitwaite led the Pledge of Allegiance.

Minutes of September 21, 2010 Council Meeting

Mr. Repsher made a motion, seconded by Mr. Reese to approve the minutes of the regular meeting held September 21, 2010 as submitted. Mr. Phillips noted that he had revised the minutes at the request of Alternate Solicitor John Prevoznik so that the motion on the approval of the land development plan for 50 Crystal, LLC reflected the additional conditions that were discussed namely:

1. that seating at the proposed restaurant shall be limited to the range of 160 seats, plus or minus 10 seats, the same basis as the submitted traffic study,
2. the applicant shall take and submit for review post development traffic count at the Analomink/Crystal Streets intersection, 18 to 24 months after the new facility opens. Mr. Repsher and Mr. Reese agreed to accept the revisions to the motion as discussed and the motion carried unanimously.

Public Hearing on Proposed Conditional Use and Land Development Plan by DEIN Properties, LLC for Construction of Loading Docks at Industrial Building Located on Burson Street in the M-1 District

Mr. Repsher made a motion, seconded by Mr. Brozusky to open the public hearing on the conditional use request; the motion carried unanimously. John Blick, Codes Officer stated that the public hearing had been advertised twice in the newspaper in accordance with Municipalities Planning Code requirements and in addition the property was posted. George Strunk, General Manager for DEIN Properties, LLC stated that the owner wishes to construct new loading docks on the southeast side of the former Cooper Industries building to accommodate new industrial tenants. By constructing these loading docks they hope to make approximately 110,000 sq. ft. of the building more viable for leased industrial space.

Mr. Reese asked if a stream crosses the property? Paul Couvrette, P.E. of French & Parillo Associates, Inc. stated that a stream does run under the building further down. There is a drain line under the portion of the parking area next to the loading docks that they are proposing to replace with reinforced concrete pipe.

Mr. Brozusky asked if these new loading docks will be shared? Mr. Strunk stated yes, depending on the number of tenants. Mr. Couvrette said the loading docks are proposed to be situated so that 53 ft. long trailers can use each loading dock space.

Mr. DeLarco asked if the Borough Planning Commission had reviewed this proposal? Mr. Blick said the Planning Commission has recommended approval, and also the Borough Zoning Hearing Board had granted a variance concerning the proposed driveway width.

Mr. Williamson stated that this is a conditional use application and therefore Council must review the plan to see if it meets the criteria stated under the Borough Zoning Ordinance for a conditional use. Mr. Blick noted that it is in the Borough's interest to see this property redeveloped for industrial use.

Mr. Reese asked if any truck traffic at this facility will conflict with the new Borough Fire Station? Mr. Couvrette stated that the tenants that they hope to get in this building will be similar to Riddell in that he anticipates that they will only have 1 to 2 track trailers per day coming to the facility. The Fire Company accesses off of Chestnut Street and Lackawanna Avenue to the northwest corner of the site. Mr. DeLarco asked if specific tenants have been identified for these new loading docks? Mr. Strunk stated that the market for warehousing/distribution calls for at least one loading dock for every 10,000 sq. ft. of space. Again, they do not know how many tenants will occupy the space as of yet. Mr. Couvrette reviewed his qualifications and experience as a Civil Engineer. Mr. Williamson noted that the Borough would accept Mr. Couvrette's testimony as a "expert" in this field. Mr. Couvrette stated that the existing property is approximately 513,000 sq. ft. The purpose of this project is to make the property more viable for industrial purposes. The driveway which trucks will use to access the loading docks is located approximately 900 ft. east of the intersection of Lackawanna Avenue & Burson St. The amount of new construction proposed involves only 3,600 sq. ft., less than the 5,000 sq. ft. threshold for an NPDES stormwater permit. Mr. Couvrette moved that the following applicant exhibits be introduced into the record:

1. Exhibit A-1, a complete set of building plans.
2. Exhibit A-2, site layout plan.
3. Exhibit A-3, a sheet showing truck turning movements from the set of plans.
4. Exhibit A-4, a traffic impact study.

Mr. Couvrette stated that an old boiler house had been located where the loading docks are proposed to be constructed and that part of the old building had been demolished. The applicant is proposing to repave approximately half of the parking lot, install new curb and landscaped areas and install some sidewalk improvements. Mr. Couvrette reviewed the truck turning movement plan submitted as part of the application. Mr. Couvrette said his office has performed a traffic study whereby they compared the uses proposed for the building to the previous uses of the building by Cooper Industries and based his information on the following intended uses of the building known at this point: 30,000 sq. ft. for existing manufacturing, 18,920 sq. ft. for the new manufacturing operation-Riddell, 10,000 sq. ft. for the new fire station, 10,386 sq. ft. for the PATH (Pocono Area Transitional Housing), Inc. Mr. Couvrette stated that the primary hours of traffic impact will be 8 a.m. to 6 p.m. week days with occasional weekend deliveries. Mr. Couvrette said in preparing the traffic impact study he looked at Burson St. only. There are stop controlled intersections both east and west of the driveway, which is proposed to be widened from 48 ft. to 58 ft. Mr. Couvrette stated that the current and proposed uses of the building are significantly less than when Cooper Industries had previously occupied the entire building.

Mr. DeLarco asked if there were any review comments from the Borough Engineer? Mr. Couvrette stated that he had met with Mr. D'Alessandro of R.K.R. Hess Associates previously. Mr. D'Alessandro stated that there are several engineering items he had noted in the review letter and some of those have been addressed. However, there are several issues which the applicant has not yet addressed or which may require waivers from zoning ordinance requirements. Mr. D'Alessandro questioned whether the applicant has the right to utilize the alley that is shown on the plan coming into the property from Burson St? Also there is an easement shown on the plan and questioned whether the applicant will be able to extinguish that easement? Mr. D'Alessandro said there are several provisions that the applicant are requesting waivers for that are required under the zoning ordinance which Council cannot waive; for example: a request to not provide landscaping details. Also, the zoning ordinance requires that the applicant identify a required number of handicapped parking spaces and show that there is an accessible route for persons to utilize such handicapped parking spaces. Finally, Mr. D'Alessandro questioned whether the applicant should be required to increase the size of the stormwater drainage pipe near the loading dock area to account for the upstream drainage areas? Mr. Reese asked if that storm drain is part of the Borough storm sewer system? Mr. D'Alessandro said it does drain from the Patterson Kelley property and even beyond from Stones Throw, and goes into the underground culvert that comes downstream from Zacharias Pond Park, so he assumes that it must be considered part of the overall Borough stormwater system.

Mr. DeLarco asked Mr. Couvrette if he had any responses to Mr. D'Alessandro's comments? Mr. Couvrette stated that he did submit a survey of the property which had been prepared from a title report. Mr. Strunk pointed out that the applicant is not expanding the size of the building but is actually reducing it. Mr. Reese stated that the Borough has encountered issues with alleys such as this elsewhere in the Borough.

Mr. Brozusky asked for a clarification on the traffic impact study. Mr. Couvrette stated that he had looked at the a.m. peak hour use for the proposed uses compared to the previous Cooper Industries use. Mr. Brozusky said he would be interested in seeing the review by Traffic Planning & Design, Inc. of the applicant's traffic impact study.

Mr. DeLarco asked how the applicant intends to address the issue of the waivers? Mr. D'Alessandro again pointed out that the provisions for handicapped parking spaces are actually a requirement under the zoning ordinance and do not come under the subdivision ordinance provisions which can be waived by Council. Mr. DeLarco asked how the applicant intends to address the accessible route for persons utilizing the handicapped parking spaces? Mr. Strunk stated they will have to review this issue. Mr. Blick suggested that the applicant could utilize an aerial map at a different scale to show needed landscaping details. Mayor Martinelli noted that concerning the issue of truck turning movements onto Burson St., this site is much different from the former Mack Printing site on North Courtland St. where truck turning movements had been an issue previously.

Mr. Williamson suggested that the public hearing be continued until the next meeting so that additional information can be entered into the record, such as the review by TPD, Inc. of the traffic impact study. Mr. Williamson said the applicant may be submitting additional information as well and if the date for continuation needs to be extended, another date could be set for continuation of the hearing as long as it occurs within 120 days of the original hearing date. With no further discussion, Mr. Brozusky made a motion, seconded by Mr. Henning to continue the public hearing until the next meeting; the motion carried unanimously.

Public Comments – Agenda Items

Marty Bartholomew asked if Borough Council had approved the removal of previous deed restrictions in the preparation of the new deed for purchase of the Dansbury Depot property by Mr. Nauman from the former owner, Peter Andrews. Mr. Williamson said the Borough had nothing to do with the closing held on the property, or the preparation of the deeds, so he does not know specifically what Mr. Bartholomew is asking about. However, Mr. Williamson stated that to his recollection the previous deed restrictions pertained to loan agreements that were part of the original redevelopment of the Dansbury Depot facility from the old train station, and these restrictions would not apply now because those loan financing commitments had been paid off.

Anthony Maula of Empire Development stated that he had requested to be on the agenda, concerning the proposed zoning amendment for the Pentz property. Mr. Blick said that Mr. Maula had given him a copy of the rezoning proposal at the last meeting. Mr. Williamson stated that Council needs to have a specific zoning proposal to hold a public hearing on, but it is his recommendation that whatever the previous comments that have been received concerning this proposal that Council should schedule a public hearing as requested by the applicant. After discussion, Mr. Reese made a motion, seconded by Mr. Brozusky to authorize advertising a public hearing on the proposed rezoning request. The motion carried unanimously. Mr. Blick noted that in addition he will post the property as required.

Update Status of Drought Emergency Declaration

Mr. Phillips stated that over 5" of rain were received from the storm this past weekend and as a result the level of the East Stroudsburg Reservoir did come up by 27" from the level of last Monday September 27, 2010. This puts the approximate capacity of the reservoir at 160 million gallons, which is above the level for "Drought Emergency" according to the chart of historical water levels kept for the reservoir. Mr. Reese stated

he feels the Borough should continue the “Drought Emergency” Declaration at this time so as not to put out conflicting information to Borough water customers. Mr. Brozusky noted that the state has not lifted its drought designation for the entire eastern part of the Commonwealth. Mr. Reese made a motion, seconded by Mr. Brozusky to continue the “Drought Emergency” Declaration at this time. The motion carried unanimously.

Designate Date and Time for Halloween Treat or Treating

Mr. Brozusky made a motion, seconded by Mrs. Wolbert to set Halloween Trick or Treating within the Borough for Sunday October 31, 2010 from 6 to 8 p.m. The motion carried unanimously.

Action on Proposed Conditional Use Application by East Stroudsburg University for Preliminary/Final Land Development Plan approval – Monroe Hall Renovations and Gwendolyn St., Parking Lot

Mr. DeLarco said Council had discussed possible conditions for approval at the Committee meeting including discussion of a “fair share contribution” for traffic improvements at the East Brown St./Prospect St. intersection. Mr. D'Alessandro said he had talked with John Wichener of Traffic Planning & Design Inc., concerning the basis for his estimate of a traffic improvement contribution, which was based on the relative share of new traffic utilizing that intersection as a result of this Monroe Hall renovation project for the p.m. peak hours, relative to the new traffic utilizing the intersection generated by the proposed new Cancer Center at Pocono Medical Center. Mr. Williamson stated that Council needs to take action on this conditional use request tonight and suggested that a traffic contribution based on that relative traffic share be included as a condition of approval. Mr. D'Alessandro noted that applicant has not responded yet to the last comments from his review letter dated September 17, 2010. After discussion, Mr. Brozusky made a motion, seconded by Mr. Henning to grant conditional use approval and preliminary/final land development plan approval for the project as submitted, subject to the following conditions:

1. The applicant must address all the engineer’s review comments.
2. The applicant shall make a contribution for traffic improvements at the Prospect/East Brown St. intersection in the amount proportional, based on traffic, to the amount contributed by Pocono Medical Center for that intersection. Mr. Phillips noted that another condition should be the normal requirements that approval is subject to review and approval of development agreement and the stormwater management agreement by the Borough Solicitor. Mr. Brozusky and Mr. Henning approved that condition to their motion, that carried unanimously.

Pocono Cinema Request for Borough to Submit Local Share Account Funding Request for Acquisition of Theatre Building on South Courtland Street

Skip Sheetz and Kim Fisher of Pocono Community Theatre were present and explained that they are hoping to obtain funding from the Local Share Account funds to acquire the theatre building from the current owner. The property has been appraised at \$480,000 but they have a signed sales agreement for \$450,000. The theatre is not eligible to apply for these funds directly but the Borough can apply on their behalf. Mr. Phillips asked what will happen if the full purchase cost (\$450,000) is not approved as a grant? Mr. Sheetz indicated that they were advised that an application would be approved as requested, or not approved at all. Mr. Williamson asked if they have the funds on hand to cover closing costs, and Mr. Sheetz indicated yes. After a brief discussion, Mr. Henning made a motion, seconded by Mr. Brozusky to authorize the Borough to apply for the local share account funds for the Community Theatre acquisition project. The motion carried unanimously.

Lease Agreement with Eastburg Community Alliance for Relocation of Old Train Station Building to Kistler St. Parking Lot

Mr. Williamson said he has worked out all the details in the proposed lease agreement with Attorney Todd Weitzman on behalf of the Eastburg Community Alliance (ECA). The agreement was approved by the ECA Board today. Mr. Williamson said he is satisfied that the agreement addresses all of the concerns that had been expressed by Council and others including: insurance, timing, removal and moving of the building, etc. Mr. Williamson also reviewed the proposed description of work which Troy Nauman has submitted to ECA and the proposed bill of sale. Mr. Brozusky asked if the lease agreement provides any protection to the Borough in the event that the ECA would “fold” as an organization prior to completion of the relocation project? Mr. Williamson said the property would revert to the Borough in that event. Mr. DeLarco noted that the term of the lease is 99 years with a renewal option provided to ECA.

Cheryl Hayne, Downtown Manager for ECA, stated that ESSA Bank & Trust Foundation had granted preliminary approval to the ECA funding request for \$200,000 for the relocation of the train station building last week. However they are having their regular quarterly meeting tomorrow morning and they need a copy of the signed lease agreement before they will commit to the funding.

Curtis Barrett asked what lease restriction are in the new lease agreement? Mr. Williamson said the agreement specifies that ECA will use the building for its own offices and may use up to 400 sq. ft. of the facility for commercial uses.

Sonya Cole commended Council and Cheryl Hayne for their efforts in working out the details to accomplish the relocation of the old train station building.

Mr. Reese made a motion, seconded by Mr. Brozusky to approve the lease agreement with ECA as submitted. Mr. DeLarco stated he will abstain from the vote due to his position on both Borough Council and ECA Board of Directors; the motion carried by a vote of 5-0, with the one abstention.

Development Agreement with 50 Crystal, LLC for New Dansbury Depot Building

Mr. Williamson said he has reviewed the proposed development agreement and Alternate Solicitor John Prevoznik had noted several minor issues which apparently can be addressed. After discussion, Mr. Henning made a motion, seconded by Mr. Repsher to authorize execution of the development agreement as submitted, subject to the final review and approval by the Alternate Solicitor for the Borough. The motion carried unanimously.

Authorize Monroe County Tax Collection Committee (TCC) to Collect Earned Income Taxes (EIT) and Local Services (LST) for Borough in 2011 Year

Mr. Phillips noted that he had reported that the County Tax Collection Committee had chosen Berkheimer Associates to begin collection of earned income taxes and local services taxes for the 2011 Year, which is one year earlier than Act 32 mandates. After discussion, Mr. Brozusky made a motion, seconded by Mrs. Wolbert to authorize and direct the Monroe County Tax Collection Committee to collect EIT and LST taxes for the Borough for the 2011 year. The motion carried unanimously.

Dates for Christmas Trees Recycling and 2011 Yard Waste Collections

Mr. Henning made a motion, seconded by Mrs. Wolbert to approve the proposed dates for the 2010 Christmas season tree recycling, and 2011 year yard waste collection pick-ups as proposed. The motion carried unanimously.

2011 Year MMO for Borough Pension Plan

Mr. Phillips noted that he had provided a copy to Council of the Minimum Municipal Obligation (MMO) for the Borough Employee’s Pension Plan administered by

PMRS. The 2011 year MMO is \$222,488, which is an increase of approx. \$30,000 over the 2010 year MMO.

Sewerline Repairs on Analomink and Centre Streets

Mr. Phillips said we had contracted for televising the sewerlines on the streets planned for repaving to see if any sewerline repairs were need prior to paving. Unfortunately, the video did identify several sections of sewerline which are recommended to be replaced before we pave these streets. Mr. Phillips said we've obtained pricing from Kobalt Construction, Inc. for repairs on Analomink and Centre Street which would be an addition to the contract with Kobalt for sewerline repairs on Prospect St. After discussion, Mr. Reese made a motion, seconded by Mr. Henning to authorize the additional work as recommended under the Kobalt Construction, Inc. proposal and contract. The motion carried unanimously.

Request by Eastburg Community Alliance (ECA) to Close Crystal Street for Oktoberfest 2010

Cheryl Hayne reported that ECA is partnering with Stroud Region Open Space and Recreation Commission (SROSRC) to hold an October Fest Event- Block Party on Saturday October 23, 2010 on Crystal St. and within Miller Park. ECA is requesting approval from the Borough to close Crystal St. from noon until dusk. After discussion, Mr. Henning made a motion, seconded by Mrs. Wolbert to approve the request by ECA to close Crystal St. as submitted. The motion carried unanimously.

Proposed Ordinance Amending Zoning Code, Chapter 157 Entitled Zoning, by Changing the Requirements for off Street Parking in the Institutional Districts (I-U and I-M) , and Establishing Additional Criteria for Off Street Parking in All Districts

Mr. Phillips said the draft ordinance needs some further minor clarifications and changes to be put into final form. Mr. DeLarco noted that Borough staff had met with representatives of Pocono Medical Center and East Stroudsburg University last week to review this proposal. After discussion, Mrs. Wolbert made a motion, seconded by Mr. Repsher to authorize advertising a public hearing on this proposed zoning ordinance amendment. The motion carried unanimously.

Wal*Mart Assessment Appeal Settlement

Mr. Williamson said that Wal*Mart had appealed their assessments for the store located off of Lincoln Avenue and the County and School District have tentatively agreed to a proposed settlement of this issue which the Borough must also approve, unless it wants to continue the appeal on its own. Mr. Repsher made a motion, seconded by Mrs. Wolbert to approve the proposed settlement of this assessment appeal, reluctantly. The motion carried unanimously.

Public Comments – New Business

Scott McClaren invited Council members to attend the Eastburg Community Alliance "brown bag" luncheon tomorrow noon time at Pocono Cinema.

Correspondence

Mr. Phillips noted a letter received today from East Stroudsburg University withdrawing its land development plan application for a new parking lot to be constructed on properties 152-154 Gwendolyn Street. Mr. DeLarco said he had talked with William Pierson, Assistant Facilities Director for the University, who stated that it was going to be too expensive, per parking space for the University to develop this property for additional parking as originally proposed.

Reports

Mr. D'Alessandro reviewed his written engineer's report previously submitted to Council. Mr. D'Alessandro noted that Kobalt Construction had submitted its first request for payment for the handicapped ramp construction project in the amount of \$47,100 and he has reviewed the request and recommended approval. Mr. Brozusky made a motion, seconded by Mr. Repsher to approve the first payment request as recommended. The motion carried unanimously. Mr. D'Alessandro said he has reviewed his calculation on the proposed "fair share contribution" for traffic improvements to be submitted by East Stroudsburg University and the revised amount he has come up with is \$99,230.

Mr. Henning reported that no inquiries had been received concerning the Borough's rental space in the former ESU Accelerator Building and he has updated the ad on Craig's List and lowered the rent somewhat. Mr. Henning inquired about the status of the New Fire Station and Mr. Phillips advised that the Fire Company has made plans to move some furniture and equipment this week and plans to relocate the trucks and fire fighter gear to the new station possibly by next weekend. Mr. Henning also reminded Council that it needs to discuss what to do with the old fire station on South Courtland St.

Mrs. Wolbert reminded Council that Friends of SROSRC are holding a Martini Tasting Event at Liquid Restaurant on Monday October 25, 2010 and she has tickets for sale.

Mr. Repsher asked how efficient are the Borough Wells since it was his understanding that the Borough Wells could replicate the output of the Water Filtration Plant, if necessary? Mr. Phillips replied that while the Wells may be able to put out enough water, at least on a temporary basis, to replace the production from the Water Filtration Plant, we probably would not be able to service the entire Borough water system, especially the higher elevations, without providing additional pumping within the system. Same issue applies to the Borough obtaining water from Brodhead Creek Regional Authority, because the Borough system operates at higher pressures than the Authority system does. The Borough water system pressures and levels are governed by the 1.5 million gallon finished water tank at the filtration plant on Brushy Mountain Road and the 1 million gallon Franklin Hill stand pipe off of Woods Road.

Mr. Brozusky said a local plumber is telling people that people's water heaters are "blowing out" because of the higher pressure in the Borough water system as a result of using the wells more. Mr. Brozusky stated for next year perhaps Council should consider starting its regular Council meetings at 7:00 p.m. instead of 7:30 p.m.

Mr. Phillips reminded Council that the ground breaking ceremony for Pocono Medical Center's new Hughes Cancer Center will be held Tuesday October 19, 2010 at 6:00 p.m. Mr. Phillips reported that sewage flows at the East Stroudsburg Sewage Treatment Plant have been down significantly since repairs were completed to the main sewerline located below Braeside Avenue in the area where storm sewers out flow at the bottom of East Brown Street. During the recent significant rain event this past weekend, sewer flows at the plant only reached 1.3 million gallons, whereby in similar previous storm events flows to the Sewer Plant typically have been well in excess of 2 million gallons. Mr. Phillips also reported that a waterline broke today on Normal St. within the Monroe County Housing project and Borough crews are currently working there to make repairs. Unfortunately this road had just been repaved this summer.

List of Bills

Mr. Repsher made a motion, seconded by Mrs. Wolbert to approve the list of bills payable and to ratify expenditures and payroll made through October 5, 2010 as submitted. The motion carried unanimously.

Executive Session

None

Adjournment

With no further business Mrs. Wolbert made a motion, seconded by Mr. Repsher to adjourn the meeting at 9:50 p.m. The motion carried unanimously.

James S. Phillips, Secretary