

## East Stroudsburg Borough, September 7, 2010

A regular meeting of the East Stroudsburg Borough Council was held at the Municipal Building on Tuesday September 7, 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 Blick; ESU Student Ambassador Ashley Puderbach; a press representative from TV 13, and several residents in the audience.

### Call To Order/Pledge of Allegiance

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

### Public Comments – Agenda Items

None

### Application for Proposed Land Development Plan by East Stroudsburg Area School District for Construction of Additional Parking at J.M. Hill Elementary School, State Street, R-1 District

Codes Officer John Blick said the Borough Planning Commission has reviewed this land development plan and recommended approval subject to resolution of several issues raised by the Borough engineer. Mr. D'Alessandro said these items were fairly minor in nature, including:

1. Clarification of the bond amount for guaranteeing the public improvements to be constructed.
2. The issue of the wording of the drainage easement for the storm culvert that goes through the property.
3. The issue of an accessible route from handicapped parking spaces proposed to be installed in the new parking area.
4. Submittal of a traffic study. Mr. D'Alessandro said the applicant has also requested several waivers from provisions of the Borough Subdivision and Land Development (SALDO) Code.

Mark Buchvald, P.E. of T&M Associates said the school staff has discussed the issue of the storm sewer easement and the District is willing to change the wording of the easement agreement. The existing drainage easement refers to being installed in a grass playing field; with the construction of the new parking area part of the easement will be under pavement in the parking lot. Mr. Buchvald said he has no problem with moving the handicapped parking spaces closer to the school building within the existing parking. Solicitor David Williamson arrived at the meeting at this time.

Mr. Buchvald reviewed the waivers requested by the School District. After discussion, Mr. Brozusky made a motion, seconded by Mr. Repsher to grant the waivers from the SALDO code as requested. The motion carried unanimously. Mr. Phillips suggested that the if the wording of the easement agreement is changed, that the School District should agree to pay for the replacement of the pavement within the parking area in the event that maintenance will be required on the storm sewer culvert. After further discussion Mr. Reese made a motion, seconded Mr. Henning to approve the land development plan application, as submitted, subject to the Borough Solicitor approving the wording of the revised easement agreement, and resolution of all engineering comments. The motion carried unanimously

Application for Proposed Land Development Plan by East Stroudsburg University to Demolish Residences at 152-154 Gwendolyn St. and Construct Additional Off-Street Parking for the Campus, I-U District

Mr. Blick stated that the Borough Planning Commission has reviewed this proposed land development plan and recommended approval. Cary Good of Entech Engineers was present on behalf of the applicant, East Stroudsburg University. Mr. Good stated that currently there is a trailer situated on the property located between Marguerite St. & Gwendolyn St., which is proposed to be removed. The plan calls for construction of a small parking lot to provide approximately 20+ parking spaces for University use. Landscaping has been proposed in conformance with the Borough ordinances.

Mr. D'Alessandro stated that he has several concerns with the design of the plan for the parking lot. There is only one entrance off of Marguerite St. which dead-ends, contrary to recommendations of the University's own parking management plan. Also Mr. D'Alessandro stated that a covenant was added to the plan that indicates the parcels will not be sold without approval by the Borough. Also the applicant has not submitted a traffic impact study as required by the Borough zoning ordinance. Mr. Good stated that the University is trying to maximize the number of spaces in this small parking area without allowing an additional entrance or exit off of Gwendolyn St. Mayor Martinelli asked what is the width of the center aisle proposed? Mr. Good replied 25' wide. Mayor Martinelli commented that this should be wide enough for someone to perform a "K turn". Mr. Good stated that the traffic study submitted by the University for the Monroe Hall renovations project should include traffic from this site. Mr. D'Alessandro asked whether the traffic study submitted for the Monroe Hall project specifically included traffic figures for this parking lot? Mr. Good stated no. William Pierson, Assistant Facilities Director for the University said if the University is required to go to the additional expense of having a traffic study done for this small parking lot construction project, then he will probably have to recommend that the University just tear down the houses and leave the area vacant rather than constructing additional parking. Mr. DeLarco stated he thinks that everyone would agree that the provision of more parking is good. Mr. Brozusky said he feels the main issue is the layout of the proposed parking lot. Mayor Martinelli said he feels the big issue is whether or not the University is required to apply for a conditional use approval for this project? Mayor Martinelli said that is a difficult question and he does not know the answer.

Mr. Williamson stated that he would research the issue of whether the University is required to submit this parking lot project along with two others for conditional use approval or not. Mr. Pierson asked that Council postpone action on this land development plan pending review of that issue. Mr. Pierson said he will provide a letter waiving the time limits for Borough action on this plan tomorrow. Mr. Reese made a motion, seconded by Mr. Brozusky to table action on the land development plan. The motion carried unanimously.

Action on Proposed Application for Conditional Use/Preliminary and Final Land Development by East Stroudsburg University for Monroe Hall Renovations and Construction of new Gwendolyn Street Parking Lot

Mr. Phillips noted that the University had sent a letter today requesting that Council table action on this conditional use request and agreeing to waive the time limits for action by the Borough until the first Council meeting in October. Mr. Reese made a motion, seconded by Mr. Henning to table action on the matter as requested. The motion carried unanimously.

Ordinance No. 1234 Amending Chapters 126 and 154 of East Stroudsburg Code, Setting Forth Notice Requirements for Discontinuing Water Service Pursuant to the Utility Services Tenants Rights Act

Mr. Phillips said the proposed ordinance will incorporate required language from the Utility Services Tenants Rights Act concerning the notice requirements for the Borough to shutoff water service to Borough water customers. Mr. Repsher made a

motion, seconded by Mr. Brozusky to adopt proposed Ordinance No. 1234 as advertised. The motion carried unanimously.

Pocono Medical Center Request for Letter of Support for Application for Local Share Gaming Funds for Linear Accelerator for New Expanded Hughes Cancer Center

Mr. Brozusky noted that under correspondence there is another request for a letter of support for local share account gaming funds and also the fact that the Borough may wish to submit its own application for funds for the old train station building relocation. Mr. DeLarco suggested that if the Borough is being asked by the hospital, for example, to support its request for funds for the cancer center; than the Borough should be requesting a letter of support from the hospital for any applications that the Borough may be submitting in the future. After discussion, Mr. Henning made a motion, seconded by Mr. Brozusky to authorize submittal of a letter of support for the PMC grant application as requested. The motion carried unanimously.

Request for Parade Permit for Pink Light Walk on Thursday, October 7, 2010

Mr. Brozusky made a motion, seconded by Mr. Repsher to approve the request for the parade permit as submitted. The motion carried unanimously.

Proposed Ordinance Amending East Stroudsburg Code, Section 150-26.2; Designation of Long-Term Lease Parking Lots

Mr. Phillips said this section of the code designates the portions of Borough parking lots that are available for long term lease parking. In the S. Kistler Street parking lot, for example, only the northern portion of the parking lot is currently designated for long term parking. After discussion, Mr. Henning made a motion, seconded by Mr. Repsher to authorize preparation and advertising of an ordinance to amend this section of the code to eliminate the designation of long term parking areas within only certain portions of the S. Kistler St. parking lot. The motion carried unanimously.

Proposed Ordinance Amending East Stroudsburg Code, Chapter 157 Entitled Zoning, Extending the C-1A Zoning District by Changing a Section of the Official Zoning Ordinance Map

Mr. Phillips said the public hearing on the proposed zoning map change is scheduled to be held at the September 21, 2010 regular Council meeting. If Council wishes to consider adoption of the formal zoning ordinance amendment that same meeting the proposed ordinance itself must be advertised. Mr. Reese made a motion, seconded by Mrs. Wolbert to advertise the proposed ordinance as described for possible action at the September 21, 2010 meeting. The motion carried unanimously.

Request by Codes Officer John Blick to Attend Annual PENNBOC Training Conference at Seven Springs, PA October 12-15, 2010

Mr. Blick noted that as a Certified Building Official he must obtain in-service credits each year in order maintain his certification, and the annual PENNBOC conference is an inexpensive way of obtaining continuing education credits. After discussion, Mr. Reese made a motion, seconded by Mr. Repsher to approve the request as submitted in accordance with Borough travel policy. The motion carried unanimously.

Public Comment – New Business

Bill Miller of 53 Gold Street stated that he was present because of two concerns to raise with Council: 1. Relocation of the old train station building. 2. A concern with issues going on within his neighborhood. Mr. Miller said he is hoping that Council is not considering ripping up a portion of David Miller Park in order to relocate the old train station building within the Borough park property there. Mr. DeLarco said Council is not seriously considering Miller Park as a possible option for relocation of the old train station at this time.

Cynthia Miller of 53 Gold Street said there are still multiple people living at the residence at 86 Walnut Street and neighbors have seen illegal drug activity going on at this residence. Patrick Carangelo, Property Manager for this residence, said he did have problems with previous tenants at this residence but things have been fairly quiet at this house now for the last several weeks. Mayor Martinelli asked Mr. Carangelo how many people are actually living in the house now? Mr. Carangelo stated three (3) people including two (2) brothers. Mr. Brozusky said that he has been receiving many complaints from his neighbors concerning this residence and he is totally upset with the situation. Mr. Brozusky asked how long have the current tenants been residing there? Mr. Carangelo stated six (6) months. Mr. Brozusky said then he doesn't believe Mr. Carangelo when he says that things have been "quiet" at the house. Mr. Henning asked Mr. Carangelo if he owns the house? Patrick Carangelo stated yes, he does now. Mr. Henning asked who is Mr. Collins whose name is on the tax records for the residence? Mr. Carangelo said James Collins is his business partner.

James Arndts, of Walnut Street said his understanding is that only one residence is permitted on a lot or parcel; and he can't understand how someone has been able to use that property for multiple residences? Mr. Carangelo stated that there is no one living in the garage building now. Mr. DeLarco asked what is in the garage? Mr. Carangelo said there is a small kitchenette but again no one is living in the garage now.

Mr. Blick stated that the property owner was cited for zoning violation because of the previous issue with too many people residing on the premises and an \$8,000 judgment was issued by District Justice Muth. Mr. Carangelo has paid \$2,000 of that fine so far.

Cheryl Hayne, of the Eastburg Community Alliance (ECA) thanked Borough Council for not charging for parking this past Saturday September 4, 2010 for the Steamtown Excursion Trip from East Stroudsburg. Ms. Hayne also questioned the proposed ordinance amending the zoning code already discussed and was advised that Council has authorized advertisement of the proposed ordinance for possible action at the September 21, 2010 meeting.

### Correspondence

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

1. The letter from East Stroudsburg University requesting postponement of action on the Monroe Hall renovations conditional use application.
2. A letter from the Monroe County Conservation District requesting financial support for the Pocono Creek Stream Gauge.
3. A letter from East Stroudsburg University requesting suspension of parking enforcement on the campus during major scheduled campus events such as Homecoming, Parent's Weekend, etc. Mr. Reese made a motion, seconded by Mr. Repsher to approve the request for parking enforcement abatement during major campus events. The motion carried unanimously.
4. A letter from Pocono Community Theatre requesting a letter of support for its application for Local Share Gaming Funds for acquisition of the movie theatre building, currently being rented from its owner. After discussion, Mr. Henning made a motion, seconded by Mr. Repsher to approve the request for a letter of support from the Borough for funding for the Pocono Community Theatre. The motion carried unanimously.

### Reports

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

Mr. DeLarco asked Mr. D'Alessandro about comments received from East Stroudsburg University officials at the recent Town/Gown meeting concerning their concerns with the engineering reviews conducted by R.K.R. Hess Associates, Inc. for the proposed University housing project on campus? Mr. Williamson noted that it is difficult to complete engineering reviews in a timely manner. Mr. DeLarco said Council needs to set direction for the administrative staff and professional consultants in regard to the

engineering reviews that are submitted. Mr. DeLarco suggested, for example, that the engineer could be authorized to submit a copy of the review letters to the applicant without waiting for the Borough to send on those review letters to the applicant. Mr. DeLarco asked that this topic be considered further at the next Committee meeting.

Ashley Puderbach noted the schedule of upcoming campus events at East Stroudsburg University and also noted that she is scheduled to receive her master's degree at the end of this semester, so the University will need to be identifying a new student ambassador for the Borough.

Mr. Reese said that the administrative staff should not have to wait for Council to declare a "Drought Warning"; and then made a motion, seconded by Mr. Henning to authorize revisions to the Borough's drought contingency plan to authorize the Manager to issue a "Drought Warning", or "Drought Emergency Declaration", without having to wait for official Council action at a regular Council meeting. The motion carried unanimously.

Mr. Henning asked what is the status of the new fire station? Mr. Phillips said the construction work is 98% complete but there is an issue with the floor tile installed in several rooms of the building which has not been deemed satisfactory by the project architects.

Mrs. Wolbert reported that the Stroud Region Open Space and Recreation Commission (SROSRC) will be holding a dedication event at Dansbury Park on Saturday September 25, 2010 at 11:30a.m. for the new Dansbury Trailhead construction.

Mr. Repsher reported that Mr. Phillips had advised him that the residence at 497 North Courtland St., although vacant, is up to date on its water/sewer bills and Mr. Repsher asked Mr. Phillips to keep an eye on this residence if it remains vacant into the winter months.

Mr. Brozusky stated that he will be requesting that the Stroud Area Regional Police Department (SARPD) to place its speed monitor again on Elizabeth Street. Also, Mr. Brozusky noted that he has received complaints about two (2) residences that must be housing more than two unrelated individuals: the house at the corner of West Broad & Elizabeth Streets, and the house at the corner of Lenox & Elizabeth Streets.

Mr. DeLarco commented that there was a large "beer keg party" at 48 Hallet St. this past weekend. Mr. Blick asked Mr. Williamson if this type of report was sufficient for the Codes Officer to issue of violation? Mr. Williamson said no but it could be the basis for a letter of inquiry from the Codes Officer.

Mr. DeLarco asked Mr. Phillips to prepare for Council the budget review and adoption schedule for the 2011 budget and commented that Council may need to move up that schedule to allow for yearend action on the Borough budget. Mr. DeLarco also asked Mr. Phillips for an update on the various Borough projects that he had requested previously.

Proposed Lease Agreement with 50 Crystal, LLC for Rental of Public Parking Spaces (for Redevelopment of the Dansbury Depot Site on Crystal Street)

Mr. Phillips reviewed the terms of the proposed parking lease agreement whereby the Borough would lease up to 15 parking spaces to the owner of the Dansbury Depot site for a agreement term of 25 years, with a 10 year renewal option. Mr. Phillips said the agreement calls for the rate to be the current rate for annual lease of a parking space (\$240) and allows for a 1% per year escalator increase in that amount during the initial term of the agreement. After discussion, Mr. Reese made a motion, seconded by Mr. Henning to approve the parking lease agreement prepared by Special Solicitor John Prevoznik, as submitted. The motion carried unanimously.

### List of Bills

Mr. Brozusky made a motion, seconded by Mr. Repsher to approve the list of bills payable and to ratify payroll and expenditures made through September 7, 2010 as submitted. The motion carried unanimously.

### Executive Session

At 9:28 p.m. Mr. Brozusky made a motion, seconded by Mr. Repsher to adjourn into executive session. The motion carried unanimously.

At 10:10 p.m. Council members reassembled in the meeting room and Mr. Henning made a motion, seconded by Mr. Repsher to reconvene the public meeting. The motion carried unanimously. Mr. Williamson reported that the executive session had been held to discuss a real estate matter.

### Relocation of Former Dansbury Depot (Old Train Station) Building

Mr. DeLarco asked Mr. D'Alessandro to review a plan showing possible locations for the relocation of the old train station structure that Council has been discussing. Mr. D'Alessandro reviewed a plan indicating the preferred location for the relocation of the train station building located closest to the railroad switching tower in the northern end of the Borough S. Kistler St. parking lot. However, at this location there is still a conflict with the sanitary sewerline that runs through the parking lot. A second "best" location is at the northern end of the parking lot but setback somewhat from the property line, to avoid the sewerline. A third possible location is located further in the middle of the parking lot. Mr. DeLarco stated that Council has reviewed these alternatives and the consensus pick of Council is the second location as reviewed by Mr. D'Alessandro

Mr. Williamson commented that there are still several things that need to be done before the relocation of the historic train station structure can be finalized. First, the re-zoning proposal must be passed. Second, agreements are necessary between the Borough and ECA for both a long term lease, and for short term storage of the relocated structure within the Borough parking lot. Also, there should be an agreement between ECA and Mr. Nauman for the structure. Mr. Williamson said he will be preparing the lease agreement for the Borough to be entered into with the ECA; however ECA should have its own counsel to prepare and/or review an agreement with Mr. Nauman. Cheryl Hayne, ECA Downtown Manager said that sounds very reasonable and the ECA Board will immediately look to obtaining counsel for such an agreement.

### Adjournment

With no further business Mr. Brozusky made a motion, seconded by Mrs. Wolbert to adjourn the meeting at 10:30 p.m. The motion carried unanimously.

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James S. Phillips, Secretary