

East Stroudsburg Borough, August 3, 2010

A regular meeting of the East Stroudsburg Borough Council was held at the Municipal Building on Tuesday August 3, 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 Office John E. Blick; a press representative from the Pocono Record, and a room full of people in the audience.

#### Call To Order/Pledge of Allegiance

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

#### Minutes of July 6, 2010 Regular Council Meeting

Mr. Brozusky made a motion, seconded by Mr. Repsher to approve the minutes of the July 6, 2010 regular Council meeting as submitted. The motion carried unanimously.

#### Kathryn Kancel – Stormwater Problem, Swale between Elizabeth & West Broad Streets

Kathryn Kancel of 172 Elizabeth St. was present regarding a stormwater issue that has affected her residence. Mrs. Kancel said she has been living at her home with this problem for 32 years. More recently the Borough put in a storm drain from Elizabeth St. which opens into a swale that leads to West Broad St. Now, water from the expanded East Stroudsburg South High School also enters this swale just above the culvert pipe under West Broad St. The swale backs up and causes water to fill up her yard and garage when there is a heavy rain. The Borough has tried to address this problem over the years but to no avail. Mrs. Kancel said in 2003 her garage was flooded and two cars were destroyed. Before, the yard would flood if we'd receive a major rain (5 to 6 inches); now the yard floods if we only receive 2 1/2" or more of rain. Mrs. Kancel mentioned several possible solutions to address this problem:

1. Bring in the US Army Corp of Engineers to make recommendations.
2. Perform regular maintenance on the swale.
3. Install a new pipe on West Broad St. to accommodate major storm events.

Mr. DeLarco asked Mr. D'Alessandro for his comments. Mr. D'Alessandro said R.K.R. Hess Associates had identified several projects for Borough Council to address stormwater issues in the "flats" area of the Borough. One project is to replace the culvert pipe under West Broad St.; the second is to replace the culvert pipes under Lenox Ave.; and the third issue involves a private bridge downstream from Lenox Ave. which also restricts flow in the stream. Mr. D'Alessandro noted that the estimated cost to replace the culvert system on Lenox Avenue alone is in excess of \$800,000.

Mr. Phillips noted that the Borough DPW crew does check the opening to the culvert under West Broad St., as part of every storm event. The crew always has to remove leaves and other debris which build up at the grate that covers the end of the pipe, or otherwise water will backup into the swale. Mr. D'Alessandro said his firm is going to design plans for a revised storm grate which will permit water to go around the sides to reach the pipe in the event of debris buildup on the front of the grate.

Mr. DeLarco asked Mr. Phillips to contact the Army Corp of Engineers as to whether they will be able to come out to take a look at this portion of Little Sambo Creek.

#### Possible Action on Request by Eastburg Community Alliance to Lease Property from the Borough at Miller Park for the Proposed Relocation of the Old Train Station

Cheryl Hayne, Downtown Manager for the Eastburg Community Alliance (ECA) was present on behalf of the ECA Board to request approval from Borough Council to

lease property from the Borough at Miller Park to enable relocation of the historic Train Station structure from its current site on Crystal St., across the railroad tracks to the Miller Park Property. Ms. Hayne said this proposal has come about with the cooperation of the equitable owner of the Dansbury Depot property, Mr. Troy Nauman. ECA has several tentative funding commitments to pay for the cost of relocating the structure across the railroad tracks, placing it on a foundation, replacing the roof and rebuilding the portion of the building that was mostly destroyed by the fire and then securing the building on the new site.

Troy Nauman, owner of the Depot property stated the estimated cost is \$250,000 to \$300,000 and he has proposed to donate the structure to ECA. Ms. Hayne said ECA would be the lead organization, and is the logical group to take on this project since as the main street designated organization for the Borough it would be likely to obtain grant funding and other contributions to pay for the complete restoration of the train station including fire damaged interior. Mr. Nauman estimated that the complete restoration cost including the interior could cost \$850,000 to \$1 million. He agrees that it is a “doable” project if the community comes behind it.

Mary Ellen Higgins said the Borough should have held a public hearing on the proposed plans to demolish the Dansbury Depot building. Mr. DeLarco stated that Borough Council’s main concern all along has been for the business community of downtown East Stroudsburg. Council wants to see the Dansbury Depot site redeveloped for the benefit of the entire downtown. Cheryl Hayne said ECA sees this alternative, to move and restore the train station, as a “win/win” solution. Mr. DeLarco said ECA and the Borough need help from many interested people in order to accomplish this goal.

Mary Ann Kolicyn of Stroudsburg asked if ECA, as a Main Street Program participant, receives funding from the Borough and from the state? Mr. Phillips said the Borough is currently receiving Main Street Program funds from the Pennsylvania Department of Community & Economic Development (DCED) which it passes onto the ECA. Ms. Hayne said ECA currently receives \$30,000 ECA annually for operating expenses and \$30,000 for façade improvement grants. ECA also received \$10,000 in hotel tax revenues from Monroe County this year.

Glenn Reish noted that the Dansbury Depot building was on the National Register of historic places and is there any restriction therefore on demolishing the structure? Mr. Williamson explained the history of the Dansbury Depot restaurant, which was converted from the old train station in 1982 when the property was sold to the developer Frank Buck. At that time the Borough provided some financing along with a state low interest loan; the agreements for that financing specified that the structure had to be operated as a restaurant facility for as long as those loan commitments were outstanding. Those loans were completely paid off when Frank Buck sold the property to Doug Glazer and Pat Mullaley in the early 1990’s.

Vicky Bader stated that the goal of the “Save the Depot Group” was to see that the former train station building was not destroyed. Ms. Bader stated that we all need to pull together now to make this proposed project to relocate the structure a reality.

Mark Griffin asked what does the Borough need to do to accomplish the relocation? Mr. DeLarco stated that Borough Council would need to approve a motion to agree to lease property to the ECA for relocation of the structure.

Troy Nauman stated that the rear canopy of the structure can’t be saved. This was not part of the original structure and was added as part of the conversion of the building to a restaurant. Mr. Nauman said the front canopy is planned to be moved to the new site along with the original two (2) story portion of the building. Mr. Nauman said he had received a favorable response from the Railroad authority regarding moving the building over the railroad tracks. We will have to pay a certified railroad contractor to place material over the tracks to permit the move, but the cost is not unreasonable.

Mr. DeLarco commented that in order to have a functional building at the new site, the Eastburg Community Alliance will need to obtain funds to complete the

restoration work inside within a responsible time period. Mr. Nauman noted that some of the restoration work inside could be provided by volunteer labor.

Henry Lesoine asked how long will the lease agreement be with ECA? Mr. Lesoine stated that he doesn't want Borough taxpayers to have to "foot the bill" for this building later. Mr. Brozusky said he would like to see a covenant in the lease agreement that if ECA is not able to complete restoration of the building that it will pay for demolishing or removing the structure at that time.

Curtis Behr asked if Mr. Nauman is going to be part of the effort to relocate the building? Mr. Nauman said he is involved because he is donating the building to ECA, and the cost estimates he's using do not include any profit for his contracting firm in assisting with the move.

Linda Lieberman asked what is the actual size of the Depot building? Mr. Nauman said the complete building is approximately 102' x 22' wide; however approximately 32' of the building at the southern end is fire-damaged to the point that it cannot be salvaged and will not be moved, which leaves a structure of approximately 70' x 22'.

Joanne Way said she still wants some issues clarified. Will Mr. Nauman be in charge of moving the building? Mr. DeLarco said Mr. Nauman will be involved although he will be under the direction of the Eastburg Community Alliance. Mrs. Way said she feels that the "Save the Depot" group deserves recognition for coming together on this issue, there are a lot of good ideas out there but our group needs to be involved. Mrs. Way thanked Council for listening to the concerns of the interested residents. Cheryl Hayne stated that we all need to work together towards the same goal and noted that the ECA will need plenty of volunteers to assist committees working on this project.

Troy Nauman said he agrees that it will be foolish to exclude anyone from participating in this process. Also he stated that he does not want to be "in control of the project" but he wants to see that the building gets from its current location across the railroad tracks to its new location.

Mary Ann Kolicyn asked if ECA will be subject to the same bidding requirements as the Borough? Mr. Williamson said that will depend on the source of funds it will be using for the relocation effort. If public funds are received then requirements such as bidding and prevailing wages may apply. Mr. DeLarco agreed there are many questions and legitimate concerns concerning this project, but again everyone needs to work together to make this come to reality.

Richard Way asked if Mr. Nauman is donating the building to ECA? Mr. Nauman stated yes.

Mary DellaSalla asked is a re-zoning required to permit this relocation? Mr. Phillips said the proposal is to extend the C-1A zoning district across the railroad tracks to incorporate the Miller Park property where the structure will be relocated.

Robert Townsend asked if the inside of the building will be gutted as part of the initial move? Mr. Nauman said no, the initial cost estimate is for relocating the structure and securing the outside of the building. Restoration work on the inside will require additional fund raising by ECA.

Doug Searles asked if Council would be willing to lease enough property to ECA to permit complete restoration of the building in the future? Mr. DeLarco indicated that he presumed that Council is willing to lease the property if there is enough room at Miller Park.

Dale Welsch asked if the existing shops on Crystal St. will be incorporated into the new building proposed by Mr. Nauman? Mr. Nauman said the existing shops on the north side of the main building will remain where they are and the new building will incorporate design features to coordinate with the existing shops.

Ann Robertson asked whether the building could be moved closer to the railroad switching tower? Mr. DeLarco replied no, that the strip of property owned by the Borough between the railroad and parking lot is not wide enough to permit relocation of the building directly across the tracks to that location.

Steve Kulick asked if any lessons were learned from this entire process? Mr. Williamson noted that Borough Council was not in position to stop the redevelopment of this property since it was and is privately owned. Mr. DeLarco said the citizens group should be commended for their efforts. Also Council should be commended for moving quickly on this new proposal.

Mr. Brozusky stated that he really appreciates the tenacity of members of the group who wish to save the Depot. However he also said that he did not appreciate some of the comments that had been made and some of the characterizations that were placed on the internet regarding Borough Councils intent and actions taken on this matter.

Mary Ellen Higgins stated that this whole matter could have been prevented if the Borough didn't authorize demolition of the building in the first place. Mr. Williamson again stated that this is private property, and there was no requirement for the Borough to hold a public hearing on the proposed demolition; nor was there any reason to withhold issuance of the demolition permit from the applicant.

Susan Bonser suggested that perhaps a committee should be formed to review other historical structures in the Borough and whether they should be preserved.

Mayor Martinelli stated he wished to publicly thank State Representative Mario Scavello for his efforts in securing and retaining the commitments for funding for the relocation project.

Troy Nauman noted that perhaps Council should include in its motion approval to situate the building temporarily on the Borough property if the structure is not able to be placed immediately upon the new foundation. After further discussion, Mr. Brozusky made a motion, seconded by Mr. Henning to lease a parcel of land to the Eastburg Community Alliance from the Borough Miller Park property for the purpose of relocating the former train station building; and to allow temporary storage of the structure on the Borough property as needed, subject to the Eastburg Community Alliance receiving the adequate funding in order to undertake the proposed relocation project. The motion carried unanimously.

Proposed Ordinance Amending Zoning Ordinance and Map Extending C-1A Commercial District to Include Portion of Miller Park Property – To Permit the Proposed Relocation of the Former Train Station Building

Mr. Henning made a motion, seconded by Mr. Reese to prepare and advertise a proposed ordinance to amend the zoning ordinance and zoning ordinance map to extend the C-1A Commercial Zoning District east across the railroad tracks to include the Borough owned Miller Park property. The motion carried unanimously. A short recess in the meeting was held at this time.

Proposed Development Agreement with East Stroudsburg University and University Properties, Inc. for On-Campus Student Housing Project

Mr. D'Alessandro noted that the draft development agreement prepared by the applicant refers to the previous cost estimates dated June 23, 2010 and also needs to reference the latest dates of plan revisions as submitted. Also, Mr. D'Alessandro noted that the plans prepared for recording with Monroe County are not in the proper size that the County requires for recording. Mr. Phillips said approval of the development agreement and execution of the related stormwater facilities maintenance and monitoring agreement, are basically administrative actions and Council could approve the motion authorizing execution of the agreements subject to the engineer's recommendations being satisfied prior to releasing the signed documents. Mr. D'Alessandro noted that these plans also show the proposed construction of a geothermal well system located in the

courtyard area between the two proposed housing facilities which were not on the previous plan submitted for review. Some of the geothermal wells are indicated to be located within sidewalk and other areas laid out on the site plan. After discussion, Mrs. Wolbert made a motion, seconded by Mr. Brozusky to table action on the proposed development agreement. The motion carried unanimously.

Proposed Development Agreement with Pocono Medical Center for Proposed Construction of New Hughes Cancer Center Expansion

Mr. D'Alessandro stated that the draft agreement prepared for the hospital also has the same issues regarding cost estimate and references to the latest plan revisions. Mr. D'Alessandro said the plans also do not include the waivers requested by the hospital and the final exhibits do not include some of the language that was specifically recommended to be placed by the most recent review letter. After discussion, Mr. Reese made a motion seconded by Mr. Brozusky to table action on the proposed agreement. The motion carried unanimously.

Possible Action on Conditional Use Request by East Stroudsburg University for Land Development Plans for Renovations to Monroe Hall and Construction of a New Gwendolyn St. Parking Lot

Mr. Phillips said Council has received a letter today's date from East Stroudsburg University requesting that action on this conditional use request be postponed, and waiving the time period for action by the Borough until Sept. 7, 2010. Mrs. Wolbert made a motion, seconded by Mr. Brozusky to table action on the conditional use application as requested. The motion carried unanimously.

Report and Action on Bids Received - Construction/Replacement of ADA Access Ramps

Mr. Phillips reviewed a tabulation of bids received and opened today for reconstruction of handicapped ramps as follows:

Kobalt Construction, Inc.	\$118,400.00
A.J. Trunzo, Inc.	\$165,000.00
Pioneer Construction, Inc.	\$175,680.00

Mr. Phillips said Kobalt Construction has bid on previous Borough projects before but has not done work for the Borough. We have not had the chance to review whether the contractor has submitted all required paperwork for the minority business enterprise solicitation; therefore, he recommends that Council award the contract to the lowest responsible bidder meeting all bid requirements, as determined by staff. Mr. DeLarco said usually Council awards a contract to a specific low bidder. After discussion, Mr. Henning made a motion, seconded by Mr. Repsher, to accept the bid from and award the contract to the low bidder meeting all requirements, as recommended. The motion carried by a vote of 5-1, with Mr. DeLarco voting no.

Report and Action on Bids Received – Sanitary Sewerline Maintenance/Repair Work

Mr. Phillips reviewed a tabulation of bids received and opened today for two (2) sewerline maintenance projects as follows:

<u>Ridgeway Street Sewerline Replacement across Prospect Street</u>	
Kobalt Construction, Inc.	\$35,950.00
Grand Prix Excavating, Inc.	\$44,900.00
C.E. Ankiewicz Construction & Excavation, Inc.	\$64,151.00
Linde Corporation	\$65,000.00
Pioneer Construction, Inc.	\$67,440.00

Mr. Phillips noted this work needs to be done before Prospect St. can be repaved. After discussion, Mr. Brozusky made a motion, seconded by Mr. Repsher, to accept the bid from and award the contract to Kobalt Construction based on their low bid proposal. The motion carried unanimously.

<u>Point Repairs (Installation of Inserts) for East Brown Street Sewerline</u>	
C.E. Ankiewicz Construction & Excavation, Inc.	\$150,982.30
Pioneer Construction, Inc.	\$195,303.00

Mr. Phillips said these bids came in significantly higher than anticipated, and he is not prepared to recommend action on these bids at this time. After discussion, Mr. Brozusky made a motion, seconded by Mrs. Wolbert, to table action on the bids received pending further review. The motion carried unanimously.

Discussion on East Stroudsburg University Request for Reduced Parking Stall Size

Mr. Brozusky noted that he recently parked his family van in a narrower than normal parking space, and it was quite tight. Mr. Blick suggested that if Council considers reducing the required size, that it only be for faculty and staff or long-term student parking on the university campus. Mr. Phillips noted that reducing the parking space size also reduces the amount of pavement and therefore reduces the stormwater runoff from the campus.

Mr. DeLarco asked whether the Borough should be increasing parking rates now, before the University implements new paid parking on campus?

Discussion on Revisions to Parking Requirements for I-U Zoning District

Mr. D'Alessandro reviewed the proposed draft of revised parking requirements for the I-U Institutional University zoning district and noted that he has incorporated a "penalty" provision, if the University does not provide data on number of students, faculty and staff to input into the formula; then the required number of parking spaces for the campus will be higher. Mr. D'Alessandro noted he included language to require that there be adequate access (sidewalks) from any proposed parking lot or area to the main portion of campus.

Mr. Henning repeated his opposition to greatly increasing the required number of parking spaces campus-wide. After discussion, Mr. DeLarco asked Mr. Blick to put the draft provisions into ordinance form. Mr. Blick said he will have a draft ordinance to Council for the August Committee meeting.

Ordinance Amending East Stroudsburg Code, Setting Forth Notice Requirements for Discontinuance of Water Service Pursuant to Utility Services Tenants Rights Act

Mr. Phillips said the proposed ordinance will amend Chapter 126 (Sewers) and Chapter 154 (Water) to revise sections entitled "Turning Off Water" to incorporate language on notice requirements from the Utility Services Tenants Rights Act (state law). After discussion, Mr. Brozusky made a motion, seconded by Mrs. Wolbert, to authorize advertising a proposed ordinance setting forth notice requirements for Discontinuance of Water Service, as submitted. The motion carried unanimously.

Ordinance Regarding Tobacco-Free Parks and Playgrounds

Mr. Phillips said Council had discussed the "Young Lungs at Play" program which encourages tobacco-free parks and playgrounds. After discussion, Mrs. Wolbert made a motion, seconded by Mr. Reese, to authorize preparation and advertising of a proposed ordinance prohibiting tobacco use at Borough parks and playground properties. Mr. Phillips questioned how the ordinance would be enforced. Mayor Martinelli agreed that it would be another ordinance on the books that cannot and will not be enforced. After discussion, the motion carried unanimously.

Resolution No. 24-2010 – Appointments to Zoning Hearing Board

Mr. Henning made a motion, seconded by Mrs. Wolbert, to adopt proposed Resolution No. 24-2010, appointing Tim Walsh to fill a vacancy on the Zoning Hearing Board for the balance of a five-year term ending Dec. 31, 2012; and Sonya Cole as an

Alternate Member of the Zoning Hearing Board for the balance of a three-year term ending Dec. 31, 2011. The motion carried unanimously.

#### Award of Contracts for Pool Bathhouse Renovations – Alternate Bid for Epoxy Floor

Mr. Phillips said Council had already approved accepting the alternate bid to have the epoxy floor finish done at the East Stroudsburg Swim Pool Bathhouse; however an alternate bid for plumbing must also be awarded at an additional cost of \$923. Mr. Brozusky made a motion, seconded by Mr. Repsher, to authorize acceptance of the additional alternate bid by the Stroud Region Open Space and Recreation Commission (SROSRC) in order to complete the floor finish as need. The motion carried unanimously

#### Public Comments – New Business

None

#### Correspondence

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

1. A letter from the Monroe County Historical Association which is conducting its 2010 Annual Appeal for donations.
2. A letter from the Pennsylvania Employee Retirement Commission (PERC) stating that the Borough Non-Uniform Employee Pension Plan has been rated a Level 1 “Distress Score” pursuant to the new Act 205 guidelines.
3. A copy of the most recent inspection report for the East Stroudsburg Water Department conducted by the Pennsylvania Department of Environmental Protection (PA DEP).
4. A copy of the remedial action progress report for the Smith’s Gas State site at 135 North Courtland St. as submitted by MEA, Inc.
5. A letter from PennDOT concerning renewal of the winter services agreement for the years 2010-2015. Mr. Phillips noted that with the Borough acceptance of turn back of Prospect St. (from Analomink St. to Ridgeway St.) the only PennDOT road previously serviced under the winter agreement is the maintenance of the one side of the sidewalk on the Veterans Bridge. Mr. Phillips said he will discuss this with DPW Forman Mark Hoke and make a recommendation to Council.
6. A letter from East Stroudsburg University requesting postponement of action on the Monroe Hall conditional use request (as previously discussed).

#### Reports

Mr. D'Alessandro reviewed his written engineer’s report previously submitted to Council. Mr. D'Alessandro noted that his firm has recommended approval of payment request No. 4 to Lombardo Trucking, Inc. for the Braeside Sewer project, subject to submittal of all required closeout documents including post construction videos. Mrs. Wolbert made a motion, seconded by Mr. Brozusky to approve payment as recommended. The motion carried unanimously.

Mr. Repsher asked if any response was received yet from PennDOT concerning the “depression” on North Courtland St. near his residence? Mr. Phillips stated no.

Mr. Brozusky asked Mr. Phillips to contact the East Stroudsburg Area School District concerning the issue of trucks making deliveries to the high school not obeying the speed limit on Borough streets near the high school stadium. Mr. Brozusky also noted that he had recently seen someone fishing illegally off of the dam at the main East Stroudsburg reservoir.

Mr. Reese asked when applicants are going to be interviewed for the part-time Parking Enforcement positions? Mr. Phillips replied that he has been unable to get to that task due to the recent spate of activity regarding the Dansbury Depot.

Mr. DeLarco reported that the streetlight on Bridge St. at the South Crystal St. intersection is still out. Also he noted that a meeting will be held next Monday August 9, 2010 with Pocono Mountain Economic Development Corporation Executive Chuck Leonard concerning the former International Boiler Works (IBW) property.

Mr. Phillips reported that he has again received a complaint concerning the gazebo now located at Gregory's Pond people are still "hanging out" at the gazebo for the wrong reasons and the owner of Johnny O's restaurant nearby would like it moved.

#### List of Bills

Mrs. Wolbert made a motion, seconded by Mr. Reese to approve the list of bills payable and to ratify expenditures and payroll made through August 3, 2010 as submitted. The motion carried unanimously.

#### Executive Session

At 10:25 p.m. Mr. Brozusky made a motion, seconded by Mr. Repsher to adjourn into executive session. The motion carried unanimously.

At 10:40 p.m. Council members reassembled in the meeting room and Mr. Repsher made a motion, seconded by Mr. Brozusky to reconvene the public meeting. The motion carried unanimously.

Mr. Williamson reported that the executive session had been held to discuss several personnel matters.

#### Adjournment

With no further business Mrs. Wolbert made a motion, seconded by Mr. Repsher to adjourn the meeting at 10:41 p.m. The motion carried unanimously.

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James S. Phillips, Secretary