

East Stroudsburg Borough, June 7, 2011

A regular meeting of the East Stroudsburg Borough Council was held at the Municipal Building on Tuesday June 7, 2011. The following members were in attendance: Victor Brozusky; Roger DeLarco; Ed Henning; Donald Repsher and Sonia Wolbert. William Reese 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.; Captain William Parrish of the Stroud Area Regional Police Department; and several residents in the audience.

Call To Order/Pledge of Allegiance

Mr. DeLarco called the meeting to order at 7:39 p.m. Mike Bayesa led the Pledge of Allegiance.

Minutes of May 17, 2011 Regular Council Meeting

Mr. Repsher made a motion, seconded by Mr. Brozusky to approve the minutes of the regular Council meeting held Tuesday May 17, 2011 as submitted. The motion carried unanimously.

Public Comments – Agenda Items

Captain William Parrish of the Stroud Area Regional Police Department (SARPD) commented that he was present in anticipation of discussion concerning the issue of people “hanging out” on Crystal Street causing problems for local stores on the street. Mr. DeLarco said that matter was discussed today at the Eastburg Community Alliance (ECA) meeting, and a meeting is to be arranged between the Police Department and property owners on Crystal Street.

Mr. Brozusky asked that Council discuss an item listed further down on the agenda with the Captain at this time. Mr. Brozusky said there is an ongoing problem with speeding traffic on the neighborhood streets near East Stroudsburg High School South; this often occurs after sports practices in the afternoon. Captain Parrish said the Department has placed the stealth stat equipment on Elizabeth Street. Mr. Brozusky said he hopes we can get the cooperation of the School District to revoke parking/driving privileges for students who are cited for moving violations going or coming from the high school. Mrs. Wolbert asked if a person must be timed speeding in excess of 10 mph over the speed limit in order to be cited? Captain Parrish said the School District can administratively take whatever actions it feels necessary.

Mr. DeLarco mentioned that it was also discussed at the ECA meeting today that cars are being broken into all around the Borough. Captain Parrish said this is a widespread problem, usually they are not actually breaking and entering into vehicles but taking cash, etc. from unlocked cars.

Bids Received for Replacement/Construction of Curbs on State Street

<u>Bidder</u>	<u>Total Bid</u>
ARK Builders	\$52,850.00
Kobalt Construction, Inc.	\$49,350.00
Pinto Concrete Construction	\$28,770.00
E.F. Possinger & Sons, Inc.	\$44,444.13
A.J. Trunzo, Inc.	\$58,950.00

Mr. Phillips reviewed the tabulation of bids received and opened today at 4:00 pm.; Mr. Henning noted that the low bidder’s price is at least \$15,000 less than the next highest bid and wondered how that was possible? Mr. Phillips said Pinto Concrete Construction has done extensive sidewalk and curb work for the Borough in the past.

They have three men who are cousins and are all partners/owners of the business, therefore they have not been subject to paying prevailing wages for employees in the past. Mr. D'Alessandro said Pinto does very good work and they have constructed many of the sidewalks within the Borough although not in the last several years. He does not feel the Borough would have any reason not to award the work to Pinto.

After discussion, Mr. Henning made a motion, seconded by Mrs. Wolbert to accept the proposal from and award the contract to Pinto Concrete Construction for construction/replacement of street curbs and portion of sidewalk on State Street, based on their low bid proposal on a unit price basis in the amount of \$28,770. The motion carried unanimously.

Request for Driveway Opening at 78 West Broad Street

Mr. Phillips said he had spoken with the property owner and placing parking in the front of their residence appears to be the only option. Mr. Phillips said the only recommendation would be to limit the width of the driveway opening to say 15 ft. After discussion, Mr. Brozusky made a motion, seconded by Mr. Repsher to approve the request for a new curb cut/driveway opening at 78 West Broad Street, subject to the Manager's recommendation. The motion carried unanimously.

Request for Driveway Opening at 125 E. Brown Street onto Merten Street

Mr. Phillips said he had reviewed this matter with Mr. D'Alessandro, and the property owner is proposing to install three (3) additional parking spaces for his tenants, and there is no curbing along Merten Street currently. Mr. Phillips said the owner Gary Kessel, has suggested that the Borough enact "No Parking" restrictions on this side of Merten Street because students from ESU have been parking here. After discussion, Mr. Henning made a motion, seconded by Mr. Repsher to approve the request for the driveway opening as submitted. The motion ended in a 2-2 vote with Mr. DeLarco abstaining due to a lack of enough information on this matter. Mayor Martinelli commented that Mr. Kessel was permitted to convert the single family residence into a duplex and so he should be permitted to provide additional parking also; approving the "driveway opening" is better than cars parking in the yard anyhow and tracking mud onto the road. Mayor Martinelli then casted the deciding vote and the motion carried by a vote of 3-2.

Ordinance Amending East Stroudsburg Code Adding New Chapter 110, Parades & Assembles

Mr. Henning questioned if this new draft of the ordinance eliminates the section providing for fees to be charged by the Borough. Mr. Phillips said the section on fees has been changed to being reserved for future use, and the section now includes provisions for the Borough to charge a refundable deposit. After discussion, Mr. Brozusky made a motion, seconded Mr. Repsher to authorize advertising the proposed ordinance as submitted. The motion carried unanimously.

Proposed Ordinance Precluding the Use of Ground Water from the Area Designated as Aquifer Non-Use Zone

Mr. DeLarco noted that this ordinance prohibits the drilling of wells or use of groundwater for domestic, potable or agricultural purposes from the former International Boiler Works (IBW) property owned by the Borough. These ordinance provisions are being required by Pennsylvania Department of Environmental Protection (DEP) in order for the Borough to obtain Act 2 clearance for this property. Mr. Phillips said this proposed ordinance has been advertised and proof of publication was available for inspection. After discussion, Mrs. Wolbert made a motion, seconded by Mr. Henning to adopt proposed Ordinance No. 1245 Amending the Code of the Borough of East Stroudsburg, Precluding the Use of Groundwater for Domestic, Potable or Agricultural Purposes from a Certain Area of the Borough Designated as the Aquifer Non-Use Area; Restricting Drilling of Wells and Extraction of Groundwater from such Area, and

Requiring Buildings and Structures from such Area to be Connected to the Borough Water System, and providing Penalties for Violations. The motion carried unanimously.

Proposed Zoning Ordinance Amendment Changing Requirements for Off-Street Parking in the I-U and I-M Districts.

Mr. Phillips said the draft of the ordinance that Council has in front of them is basically the same version that Council had looked at back in March or April before the more recent discussions on possible additional language to be inserted in the amendment. Mr. Phillips said he had met last week with ESU Vice President for Administration and Finance Richard Staneski on other matters and this proposed parking ordinance also came up for discussion. Mr. Phillips said East Stroudsburg University is apparently still concerned that they are not permitted to post a bond for improvements under the ordinance and therefore would not be able to take advantage of the parking management plan option under the ordinance.

After discussion, Mr. Repsher made a motion, seconded by Mr. Brozusky to send the proposed ordinance to the Borough Planning Commission and the Monroe County Planning Commission for review and comment as required under the Municipalities Planning Code. The motion carried by a vote 4-1 with Mr. Henning voting no.

Proposed Zoning Ordinance Amendment Revising Requirements for Adult Uses

Mrs. Wolbert made a motion, seconded by Mr. Repsher to submit a copy of the proposed ordinance provisions, as drafted by the Borough's planning consultant, to the Borough Planning Commission and the Monroe County Planning Commission for review and comment. The motion carried unanimously.

Resolution No. 14-2011 Establishing License Fees for Retail Food Establishments

Mr. Brozusky asked if these proposed fees are the same as the fees that have been charged by the Pennsylvania Agriculture Department for handling inspections at these facilities? Mr. Phillips said the new fee category for retail food establishments as specified in the resolution is the same amount (\$82.00) as what the state charged. The other fees have already been in effect for restaurant license fees, etc. Mr. Repsher made a motion, seconded by Mrs. Wolbert to adopt proposed Resolution No. 14-2011 as submitted. The motion carried unanimously.

Resolution No. 15-2011 Reimbursement of Costs for East Stroudsburg Dam Rehabilitation Project – PennVest Loan

Mrs. Wolbert made a motion, seconded by Mr. Repsher to adopt proposed Resolution No. 15-2011 as submitted. The motion carried unanimously.

Resolution No. 16-2011 Providing for Price Adjustment of Bituminous Materials in Bid Proposals for 2011 Year Paving Program

Mr. Phillips said the Borough is required to adopt by resolution provisions for allowing a price escalator clause for asphalt if we wish to include same in the bidding documents for the 2011 Year Road Paving Program. Mr. Phillips said it had been our experience that it is better to provide the escalator clause to allow for fluctuations in asphalt prices, both from the bidders and Borough's standpoints. Mrs. Wolbert made a motion, seconded by Mr. Repsher to adopt proposed Resolution No. 16-2011 as submitted. The motion carried unanimously.

Schedule Public Hearing on Proposed CDBG Program for 2011 Year

Mrs. Wolbert made a motion, seconded by Mr. Repsher to authorize advertising of a public hearing on the proposed 2011 Year Community Development Block Grant (CDBG) program for the July 5, 2011 regular Council meeting. Mr. Phillips said Pennsylvania Department of Community & Economic Development (DCED) has not yet

come out with the actual amounts or timetable for adopting the 2011 year applications yet, but July 5th would be the next regular meeting. 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 Housing Authority of Monroe County requesting the Borough issue discounted pool passes for up to (30) HAMC Tenants for use at the Dansbury Park Swim Pool for the 2011 season. Mr. Henning made a motion, seconded by Mr. Repsher to approve the annual request from the Housing Authority; the motion carried unanimously.
2. A letter from the Brodhead Watershed Association thanking the Borough for being a stream sponsor again in 2011.
3. A letter from the Commonwealth Financing Authority of Pennsylvania stating that the application for Local Share Account funds submitted by Pocono Community Theater was not approved for funding.
4. A letter from First Baptist Church, requesting approval to close Harris St. during Vacation Bible School Program at the Church during the week of July 25-29, 2011. Mr. Brozusky made a motion, seconded by Mrs. Wolbert to approve the request as submitted. The motion carried unanimously.
5. A letter from PennPRIME, the administrator for the Borough's Workers Compensation Group Program stating that the Borough's application for a safety grant in the amount of \$1,094 has been approved for flaggers/work zone safety training for Borough DPW employees.
6. A letter from AT&T concerning proposed fiber optic upgrades for the Pocono Heights Cell tower located on property leased from the Borough off of Barren Road. Mr. Williamson said the lease agreement for the cell tower apparently permits AT&T (the successor to Cingular Wireless) to make upgrades to its facilities with Borough approval, such approval to not be unreasonably withheld. Mr. Brozusky made a motion, seconded by Mr. Repsher to authority the upgrades planned by AT&T as submitted. The motion carried unanimously.

Reports

Mr. D'Alessandro reviewed his written engineer's report previously submitted to Council. Mr. D'Alessandro said Kobalt Construction Inc. has regraded a portion of the Peter Iracane property off of East Broad Street and hopefully this will address the concerns at this time. Mr. D'Alessandro said his office has received the final request from LSR Excavating Company Inc. for work on the PennVest funded waterline replacement project and recommends that Council authorize payment of an amount not to exceed \$40,000 for such work, pending final review and approval by his office. Mr. Henning made a motion, seconded by Mr. Repsher to authorize final payment to LSR as recommended. The motion carried unanimously.

Mayor Martinelli stated he is sending a letter to our State Senators opposing proposed legislation which would permit the raising of weight limits for tractor trailers on the roads with in the Commonwealth from 80,000-97,000 lbs. After discussion, Mr. Henning made a motion, seconded by Mrs. Wolbert to authorize a letter be sent on behalf of Borough Council also opposing such weight limit increases for trucks. The motion carried unanimously.

Mrs. Wolbert inquired about the drainage problem on East Brown Street that occurs during heavy rains, between Smith St. and Marguerite St.? Mr. Phillips said there is a pair inlets on either side of East Brown Street (state road) but there is no storm sewer outlet for such inlets. When heavy rains occur this area "ponds up" and flows through yards on its way to over the embankment towards Interstate 80. Mr. Phillips said he and Maintenance Foremen Mark Hoke had met with representatives of PennDOT

maintenance perhaps two (2) years ago on this matter, and the only viable solution appeared to be digging a large “sump” in order to drain water into. However the question remains as to whether Council wants to get involved in that activity. Mrs. Wolbert said she is looking for volunteers to help staff a table for the Friends of Stroud Region Open Space and Recreation Commission (SROSRC) at the American Freedom Festival at Dansbury Park on July 4th.

Mr. Repsher stated that the walking trail at Zacharias Pond Park needs more stone placed where the existing stone has been washed away over the years. Mr. Repsher also asked if Mr. Phillips had heard anything additional from the resident on Lenox Avenue complaining about the property at the corner of Lenox and Henry Street?

Mr. DeLarco stated that Rich Hennessey, President of the East Stroudsburg University Student Senate had contacted him concerning setting up a meeting with Borough Council to increase communication and dialogue between students and the Borough. Mr. DeLarco also noted that the ECA Board had its first meeting at the new office space in the 66/68 Analomink Street building recently rented to ECA by the Borough. Mr. DeLarco said he was recently contacted by a resident on East Brown Street expressing concerns for a rental property across the street affecting the re-sale value of his property. Mr. DeLarco said he received another call from a resident concerned with overgrown shrubbery at the intersection of Smith Street and East Brown Street which restricts sight distance for traffic attempting to pull out from Smith Street onto East Brown Street.

List of Bills

Mr. Brozusky made a motion, seconded by Mrs. Wolbert to approve the list of bills payable and to ratify expenditure and payroll made through June 7, 2011 as submitted. The motion carried unanimously.

Executive Session

Mr. Henning made a motion seconded by Mrs. Wolbert to adjourn into executive at 8:49 p.m. The motion carried unanimously.

At 9:12 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 stated the executive session had been held to discuss a personnel matter and a real estate matter.

Review of Request for Qualifications (RFQ) from Energy Management Firms

Mr. Brozusky said he was more impressed with the meeting with representatives of Honeywell Corporation concerning their experience in handling automated water meter reading projects. Mr. DeLarco commented that he was more impressed with the scope and detail of the proposal submitted from Johnson Controls Company. Mr. DeLarco suggested that the Borough needs to contact several of the municipal references provided from each of the firms before making a final decision on which firm to work with.

Adjournment

With no further business Mrs. Wolbert made a motion, seconded by Mr. Repsher to adjourn the meeting at 9:16 p.m. The motion carried unanimously.

James S. Phillips, Secretary