

East Stroudsburg Borough, June 30, 2011

A regular meeting of the East Stroudsburg Borough Council was held at the Municipal Building on Thursday June 30, 2011. The following members were in attendance: Victor Brozusky; Roger DeLarco; Donald Repsher and Sonia Wolbert. Ed Henning & William Reese were 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.; Lieutenant Brian Kimmins 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 7:37 p.m. John Walters led the Pledge of Allegiance.

Minutes of June 7, 2011 Regular Council Meeting

Mr. Repsher made a motion, seconded by Mrs. Wolbert to approve the minutes of the regular Council meeting held June 7, 2011 as submitted. The motion carried unanimously.

Stroud Area Police Department Report

Mr. DeLarco asked Lieutenant Kimmins whether the speed timing device, which has been on Washington Street, could be placed on Brown Street near his front yard for checking on traffic going up the hill towards Ridgeway Street? Lt. Kimmins stated that he would check out the location to see if it was feasible. Discussion ensued between Mr. DeLarco, Mayor Martinelli and Lt. Kimmins concerning the recent rash of thefts from unlocked parked vehicles in the area. Mr. Brozusky noted that almost all of these incidents could have been avoided if people would lock their cars. Mr. Phillips asked Lt. Kimmins if there have been any additional incidents with the people who had obtained a permit for door to door soliciting and the Police Department had received complaints about intimidating sales tactics? Lt. Kimmins said the same group of people did show up in Stroudsburg Borough and Stroud Township although he does not think they were issued a permit in those municipalities. Mr. DeLarco noted that this is an example where the municipalities served by the Regional Police Department should have similar ordinance requirements, and Lt. Kimmins said he would try to obtain copies of the various municipal ordinances for comparison. Finally, Lt. Kimmins reported that the Department will be gearing up for the extra staffing for the July 4th American Freedom Festival at Dansbury Park on Monday.

Public Comments – Agenda Items

John Walters of 125 Analomink Street was present and reported that he had flooding occur in his yard and garage again last week when the two storms hit the area on Wednesday and Friday. Mr. Walters said the stormwater run-off was as bad as ever, even though the Borough had installed a slotted lid in the storm sewer manhole in the alley in back of his garage. Water came through his property coming off of both South Green Street and Analomink Street. Even the neighbor's backyard was flooded which had not occurred before.

Mr. Brozusky noted that the storms last week were severe in that we received over 2" of rain in 20 minutes. Mayor Martinelli asked Mr. D'Alessandro if any storm sewer systems are designed to handle that kind of storm event? Mr. D'Alessandro stated that the 2 inches of rain in a 20 minute period might be equivalent to a 500 year storm event on a short time duration, and no storm sewer systems are designed to handle that kind of rainfall.

Mr. Phillips said the Borough can look at his situation again along with the engineer. Mr. DeLarco asked Mr. Walters to monitor the situation and advise the Borough if he incurs any runoff through his property during not so severe storm events.

Ordinance No. 1244 Amending East Stroudsburg Code, By Adding New Chapter 110 – Parades and Assemblies

Mr. Brozusky made a motion, seconded by Mr. Repsher to adopt proposed Ordinance No. 1244 adding new permit requirements for parades and assemblies held within the Borough. Mr. Phillips said the proposed ordinance has been advertised and proof of publication is available for inspection. The motion carried unanimously.

East Stroudsburg Dam Rehabilitation Project – Engineering Services

Mr. Phillips stated that now that the Borough has opened bids for the dam rehabilitation project, Council also needs to approve proposals for engineering services for construction inspection and contract administration during the construction phase of the project. URS Consultants has submitted a proposal to provide construction inspection services for the construction of the earthen berm and drain system at the base of the dam related to the dam stability portion of the project, at an estimated dollar amount of \$98,100. After discussion, Mr. Brozusky made a motion, seconded by Mr. Repsher to authorize execution of a contract with URS Consultants for construction and inspection services as recommended. The motion carried unanimously.

Mr. Phillips said R.K.R. Hess Associates, Inc. has submitted a proposal for providing contract administration services during the duration of the construction of the dam rehabilitation work and the estimated amount of fees under this agreement ranges from \$324,000 to \$360,000. After discussion, Mr. Brozusky made a motion, seconded by Mr. Repsher to authorize execution of the contract proposal with R.K.R. Hess Associates, Inc. for contract administration, as recommended. The motion carried unanimously.

Report and Action on Bids Received 6/27/11 for East Stroudsburg Dam Rehabilitation Project

Mr. Phillips said the Borough was finally able to accept and open bids for the Dam Rehabilitation Project on June 27, 2011. A total of six (6) bids were received for the Contract No.1 which is the major construction work for the Embankment Stabilization and Spillway & Outlet Works Rehabilitation on the dam. A total of nine (9) proposals were received for Contract No. 2, the smaller Wetlands Replacement Construction portion of the project, which was separated out from the other contract work.

Mr. Phillips noted that we requested alternate bid prices for both contracts depending on whether state or federal prevailing wages would be required. If the Borough's PennVest loan application is approved and if PennVest chooses to use federal Funds for our loan, the contractor would have to pay federal Davis-Bacon wages instead of Pennsylvania prevailing wages.

Mr. D'Alessandro reviewed the tabulation of bids received, which had been distributed to Council members earlier. Mr. D'Alessandro noted that the apparent low bidder on both contracts, Dobrinski Brothers Inc, did not submit the required reference for three previous dam construction projects as specified in the contract documents. Mr. D'Alessandro went on to discuss the information submitted by the contractor regarding their previous dam project experience. Mr. D'Alessandro stated that the next low bidder for Contract No.1, KC Construction, Inc., did submit evidence of almost ten (10) previous dam projects that they have under contract or that they had completed, including the Lake Stillwater Dam here in Monroe County and a dam in Wayne County. After discussion, Mr. Repsher made a motion, seconded by Mr. Brozusky to accept the proposal from and authorize issuance of a notice of intent to award contract to KC Construction, Inc. for the Contract No.1, Embankment Stabilization and Spillway & Outlet Works Rehabilitation work, as recommended by the engineer. The motion carried unanimously.

Mr. D'Alessandro reported that the low bidder for Contract No. 2 Wetlands Replacement Construction is Rutledge Excavating Inc., if Dobrinski Brothers Inc., is not considered the low responsible bidder meeting all specifications for Contract No. 1. Rutledge has submitted extensive evidence of previous wetland replacement work that they have done. After discussion, Mrs. Wolbert made a motion, seconded by Mr. Brozusky to accept the proposal from and authorize issuance of notice of intent to award the contract for the wetlands replacement work to Rutledge Excavating in the estimated amount of \$83,000 based on their low bid total. The motion carried unanimously.

CONTRACT #1

BIDDER	PREVAILING WAGE (PA)	ALTERNATE PREVAILING WAGE (PA)	DAVIS BACON WAGE	ALTERNATE DAVIS BACON WAGE
Dobrinski Brothers	\$2,252,178.00	\$2,301,618.35	\$2,252,178.00	\$2,301,618.35
K C Construction	\$2,670,645.82	\$2,636,987.82	\$2,684,089.18	\$2,650,431.18
Pioneer Construction	\$3,060,126.50	\$107,227.00	\$3,001,001.60	\$107,227.00
Locust Ridge	\$3,775,000.00	\$3,775,000.00	\$3,775,000.00	\$3,775,000.00
James T. O'Hara, Inc.	\$3,848,046.00	\$3,848,046.00	\$3,848,046.00	\$3,848,046.00
A. Scott Enterprises	\$3,994,849.00	\$3,814,849.00	\$3,981,849.00	\$3,801,849.00

CONTRACT #2

	Prevailing Wage Rate (PA)	Davis Bacon Wage Rate	Prevailing Wage (PA) if Awarded Contract #1	Davis Bacon Wage if Awarded Contract #1
Dobrinski Brothers*	\$83,974.00	\$83,974.00	\$26,774.00	\$26,774.00
Rutledge Excavating	\$66,082.25	\$67,082.25		
Flyway Excavating	\$85,660.00	\$85,660.00		
Land-Tech Enterprises Inc.	\$93,990.00	\$93,990.00		
RGC Development	\$108,210.00	\$108,210.00		
Kobalt Construction	\$113,339.00	\$118,339.00		
Pioneer Construction	\$173,398.50	\$169,998.50	\$3,225,525.00	\$3,166,000.10
Locust Ridge	\$202,000.00	\$202,000.00	\$202,000.00	\$202,000.00

Downtown Streetscape Project Phase II

Mr. Phillips said Stantec Associates, which was the design engineer for the first phase of the Downtown Streetscape Project and prepared the overall plans, has submitted a proposal to provide engineering services for the second phase of the streetscape project which has now been funded by a new Transportation Enhancement Grant from PennDOT. Mr. Phillips said the estimated amount of engineering fees under the proposal ranges from \$49,400 to \$57,500. Mr. Williamson asked if there had been any problems with the billing from the engineering firm from the first phase of the project? Mr. Phillips said there had been an issue concerning a disputed billing that had been settled during the course of the project. After discussion, Mr. Brozusky made a motion, seconded by Mr. Repsher to approve the contract proposal for engineering services for the downtown streetscape project submitted by Stantec Associates, as recommended. The motion carried unanimously.

State Street Curbs/Sidewalk Reconstruction Project

Mr. Phillips said Pinto Concrete Construction has already completed replacement of the curbs and portion of the sidewalks on State Street between East Broad Street and Grand Street. Mr. Phillips said we still need to replace the handicapped ramps on either end of State Street to meet the current PennDOT guidelines because we do anticipate using liquid fuels funds for repaving of the street. Originally he contemplated using Community Development Block Grant (CDBG) funds for the ramps; but with only three (3) ramps to do on State Street, it doesn't make sense to try and do a separate contract for the ramp work. Mr. Phillips said he has obtained a price from Pinto Concrete Construction of \$4,500 per ramp to replace the three ramps needed on State Street. After discussion, Mr. Brozusky made a motion, seconded by Mr. Repsher to authorize a change order in the amount of \$13,500 for the Pinto Concrete Construction contract in order to add the ADA ramps. The motion carried unanimously.

Mr. Phillips said Robert Barth, the owner of 59 State Street had requested that a curb cut be installed on a portion of his driveway to accommodate a future driveway opening and asked that Council ratify the new driveway opening which was installed as part of the curb work. Mr. Brozusky made a motion, seconded by Mr. Repsher to approve the driveway opening at 59 State Street as recommended. The motion carried unanimously.

Mr. Phillips said he was contacted by Kevin Sincavage, owner of the property at the corner of State Street and East Broad Street, who is interested in participating in the sidewalk improvement program to utilize the Borough contractor to replace his sidewalks at the unit prices in the Borough contract for curb and sidewalk work. Mr. Phillips said the sidewalk improvement program had been set up on a trial basis for 2010 and Council should extend the program if we want to continue it. Mrs. Wolbert made a motion, seconded by Mr. Repsher to approve the sidewalk improvement program as an ongoing program subject to future review by Council. The motion carried unanimously.

Grant Application for Traffic Signal Upgrades at South Courtland/Washington Street Intersection

Mr. Phillips said PennDOT had announced a new application period for Transportation Enhancement Grants under the Red Light Enforcement Program for eligible road improvements, and recommends that the Borough apply for such grant for traffic signal upgrades at the South Courtland Street/Washington Street intersection. After discussion Mr. Brozusky made a motion, seconded by Mr. Repsher to authorize preparation and submittal of an application for such traffic signal upgrades under the Red Light Enforcement TE Grant Program as recommended. The motion carried unanimously.

Proposed 2011 CDBG Program

Mr. Phillips said the Pennsylvania Department of Community and Economic Development (DCED) still has not come out with the allocation figures for the 2011

CDBG program. Mr. Brozusky made a motion, seconded by Mrs. Wolbert to reschedule the public hearing on the proposed CDBG Program until the August 2, 2011 regular Council 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 Pennsylvania Department of Environmental Protection (DEP) concerning review of the 2010 year Inspection Reports submitted by R.K.R. Hess Associates, Inc., for the East Stroudsburg and Middle Dams owned and operated by the Borough.
2. A letter and plans from Gilmore Associates, Inc. for the Smithfield Sewer Authority planned Route 447/Franklin Hills sanitary sewerline extension.
3. A letter from the Monroe County Control Center concerning the transition of the local radio networks to narrowband.
4. A letter from East Stroudsburg University requesting that the Borough suspend parking enforcement during major campus events as listed for the 2011-2012 school year; including homecoming, graduation dates, visitation dates etc. Mr. Brozusky made a motion, seconded by Mr. Repsher to approve parking enforcement suspension at Borough meters near the ESU campus on the requested dates. The motion carried unanimously.
5. A letter from PA DEP concerning 2011 year groundwater monitoring results for the former joint municipal landfill sites in Stroud Township and East Stroudsburg Borough. Mr. D'Alessandro noted that DEP has reduced the amount of monitoring that the three municipalities are required to do at the two former land fill sites but not to the extent that the municipalities had requested.
6. A letter from Monroe County concerning the new address for Terra Greens Golf Course in Smithfield Township which will now be 105 Terra Greens Drive.
7. A letter from Marie Tresko of 117 Pearl Street concerning a drainage issue affecting her property from an abutting alley.

Reports

Mr. DeLarco noted that he had attended the Pennsylvania League of Cities and Municipalities (PLCM) annual conference at Erie, PA. Mr. DeLarco said he spoke with a representative of General Code Company and they will submit a quote for us for analyzing out codes for legal compliance, and also for doing a complete recodification of our codes. Mr. DeLarco said he had also spoken with a representative from a firm that offers utility service line maintenance contracts for individual water/sewer line customers. Finally, Mr. DeLarco noted that Council needs to decide between the two proposals from Johnson Control Company and Honeywell Corporation concerning who we want to utilize for energy management projects.

List of Bills

Mrs. Wolbert made a motion, seconded by Mr. Brozusky to approve the list of bills payable and to ratify expenditures and payroll made through June 30, 2011 as submitted. The motion carried unanimously.

Executive Session

Mr. Brozusky made a motion, seconded by Mrs. Wolbert to adjourn into executive session at 9:16 p.m. The motion carried unanimously.

At 9:26 p.m. Council members reassembled in the meeting room and Mr. Brozusky made a motion, seconded by Mr. Repsher to reconvene the public meeting. The motion carried unanimously. Mr. Williamson said the executive session had been held to discuss two real estate matters including the possible sale by auction of the old

municipal building, and a new inquiry concerning the former International Boiler Works (IBW) property that is for sale by the Borough.

Adjournment

With no business Mr. Wolbert made a motion, second by Mr. Brozusky to adjourn the meeting at 9:28 p.m. The motion carried unanimously.

James S. Phillips, Secretary