

East Stroudsburg Borough, May 17, 2011

A regular meeting of the East Stroudsburg Borough Council was held at the Municipal Building on Tuesday May 17, 2011. The following members were in attendance: Victor Brozusky; Roger DeLarco; William Reese; Donald Repsher and Sonia Wolbert. Ed Henning was absent. Also attending were: Mayor Armand M. Martinelli; Manager James S. Phillips; Engineering Representative Samuel D'Alessandro of R.K.R. Hess Associates, Inc.; Lieutenant Brian Kimmins of the Stroud Area Regional Police Department; 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 7:36 p.m. Ashley Drieisbach led the Pledge of Allegiance.

Minutes of May 3, 2011 Regular Council Meeting

Mr. Brozusky made a motion, seconded by Mrs. Wolbert to approve the minutes of the May 3, 2011 regular Council meeting as submitted. The motion carried unanimously.

Stroud Area Regional Police Department Report

Lt. Brian Kimmins reported that the Service Employees International Union (SEIU) parade on Saturday occurred without major incidents. More people did attend than anticipated, however, and there were some issues in controlling the crowd, particularly during the parade. Mr. DeLarco asked if there were any questions concerning the monthly report, and there were none.

Public Comments – Agenda Items

None

Ordinance No. 1243 Amending The Code of The Borough of East Stroudsburg by Revising Chapter 77 Thereof Entitled Disorderly Gatherings and Houses

Mr. Phillips noted that the proposed ordinance changes several sections of the existing Chapter 77, to increase the time period to one (1) year during which a second response required by the Police Department to a “disorderly house” results in a violation of the ordinance. After discussion, Mr. Brozusky made a motion, seconded by Mr. Repsher to adopt proposed Ordinance No. 1243 as advertised. The motion carried unanimously.

Bids for Construction/Replacement of Curbs/Sidewalk on State Street

Mr. Brozusky made a motion, seconded by Mr. Repsher to ratify advertising for bid proposals for construction/replacement of curbs and a portion of sidewalk on State Street between East Broad Street and Grand Street. The motion carried unanimously.

Resolution No. 12-2011 – Policy on Insurance Certificate

Mr. Repsher made a motion, seconded by Mrs. Wolbert to adopt proposed Resolution No. 12-2011 Establishing a Policy concerning submittal of Certificate of Insurance by all contractors/vendors to the Borough. Mr. Phillips clarified, after a question from Mr. Brozusky, that this applies only to contractors working directly for the Borough. The motion carried unanimously.

Acquisition of Easements for Traffic Signal at Prospect and Ridgeway Streets

Mr. Phillips said PennDOT is planning on letting bids in the fall of this year for upgrading traffic signals on the so called Route 611 “congested corridor”. This corridor

includes signalized intersections along Route 611 in Stroud Township, continuing into Stroudsburg Borough and on into East Stroudsburg Borough for Brown Street, Ridgeway Street and Prospect Street. Mr. Phillips said PennDOT is actually proposing to replace the traffic signal equipment at the Prospect/Ridgeway Streets intersection, and wants the Borough to obtain easements for setting traffic signal poles in back of the sidewalk areas. Mr. Phillips said three of the four corners of this intersection are owned or controlled by East Stroudsburg University, and one is privately owned. After discussion, Mr. Brozusky made a motion, seconded by Mr. Reese to authorize acquisition by the Borough of easements for the traffic signal equipment as recommended. The motion carried unanimously.

Cooperation Agreement with U.S. Army Corps of Engineers for Rehabilitation/Repair Work on East Stroudsburg Flood Protection Levee

Mr. Phillips said the Army Corps of Engineers requires the municipality operating the flood control project to enter into a cooperation agreement in order to obtain the 80% funding for repairs to the flood protection project necessitated by flood damages. However, the difference this time is that the State of Pennsylvania will no longer be providing the 20% local share of project costs. Mayor Martinelli asked if the Corps of Engineers has agreed to the Borough's request to increase the size of the stone rip rap provided for the repair area so it won't get washed away again? Mr. Repsher suggested that perhaps the Borough could withhold its share of the project cost to make sure our concerns are addressed. Mr. Phillips said the problem is that the Corps of Engineers requires the Borough to upfront the local share of the project cost before they enter into contract for repairs. After discussion, Mr. Brozusky made a motion, seconded by Mr. Repsher to authorize execution of the cooperation agreement with US ACE as submitted. The motion carried unanimously.

Application for Driveway Permit for 78 West Broad Street

Mr. Phillips said the property owner has applied for a new driveway opening in order to pave the front portion of their 40 ft. wide lot in order to provide parking, because all night parking is not permitted on this section of West Broad Street. Mr. Phillips said one problem he sees is that the width of the driveway opening as proposed is 25 ft. which is in excess of the normal 15 ft. maximum for a driveway opening. Mr. Brozusky suggested that the applicant property owner be contacted to come in and discuss this matter further with Council. Mr. Reese made a motion, seconded by Mr. Brozusky to table action on the driveway permit application. The motion carried unanimously.

PLCM Annual Conference at Erie, Pennsylvania, June 22-24, 2011

Mr. Repsher made a motion, seconded by Mr. Brozusky to authorize Borough officials to attend the Pennsylvania League of Cities & Municipalities (PLCM) Conference June 22-24, 2011 at Erie, PA, with reimbursement of expenses in accordance with Borough travel policy. The motion carried unanimously.

Resolution No. 13-2011 Approving Pay Rates for Seasonal Recreation Employees

Mr. Phillips said the proposed rates of pay represent approximately a 1 ½% increase over the 2010 year rates. Mrs. Wolbert made a motion, seconded by Mr. Repsher to adopted proposed Resolution No. 13-2011 establishing pay rates for seasonal part-time employees at Dansbury Park swimming pool and Terra Greens Golf course as submitted. The motion carried by a vote of 4-0 with Mr. Brozusky abstaining from the vote.

Proposed Ordinance Amending the East Stroudsburg Code by Adding New Chapter 110 Entitled Parades and Assemblies

Mr. Phillips said he feels the Borough needs to have an Ordinance in place regulating parades and assemblies so the Borough can require submittal of insurance information by the applicant and also have some say over the route designated for the parade or walk. Mayor Martinelli said the Borough needs to have some way to fine or

penalize the parade or walk organizer for non-compliance with Borough requirements. The Mayor noted that each year one organization which holds an annual fundraising walk always said they would remove their signs after the event but never does. Mr. DeLarco noted that this matter was discussed at the recent Stroud Area Regional Police Commission meeting but Council needs to find out what, if anything, Stroudsburg Borough intends to do concerning this matter. Mrs. Wolbert made a motion, seconded by Mr. Brozusky to table action on this matter. The motion carried unanimously

Public Comments – New Business

Ashley Dreisbach of 71 Lenox Avenue said she has contacted Codes Officer John Blick on many occasions concerning her neighbors property which she feels is an eyesore to the local neighborhood. This property owner, who also operates a commercial garage on Courtland Street, has wooden pallets stored in the yard, five or six vehicles parked in the yard or on the street, and in general the property is not kept up properly. Mr. Brozusky also noted that this person has been pumping water from the creek along his property, for what purpose he is not sure. Mrs. Dreisbach said the owner has currently three cars parked on the street. She feels that his property is devaluing her property and others in the neighborhood. Mr. Phillips said the issue remains, what is this property owner in violation of?

Mrs. Wolbert noted that the owner of the property on West Fourth Street has recently cleaned up his property, due to apparently the urgings of Mr. Blick. Mr. Brozusky said even if the owner of this property is not in violation of any Borough ordinances, Codes Officer Blick needs to be up front with Mrs. Dreisbach and returning her calls. Mrs. Dreisbach noted that she has another concern for the property across the street where a tree in back of the sidewalk is “infested” and hanging over the street. She feels it could be a danger to adjoining properties. Mr. DeLarco noted that if the tree is on private property she or other neighbors affected by the tree would probably have to obtain their own legal counsel for a private action against this property owner.

Correspondence

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

1. A letter from the Pennsylvania Department of Environmental Protection (DEP), Bureau of Waterways Management, concerning the “acceptable” rating that the Borough was issued based on the most recent inspection of the East Stroudsburg Flood Protection Project in the summer of 2010.
2. A letter from PA DEP stating that an Air Quality Program Permit has been issued to Harsco Corp., for their Burson Street facility.
3. A letter from the Brodhead Watershed Association requesting that the Borough renew membership as an Adopt-A-Stream sponsor for 2011. Mr. Brozusky made a motion, seconded by Mr. Repsher to authorize the Borough to again participate as an Adopt-A-Stream sponsor for the required contribution of \$250. The motion carried unanimously.
4. Mr. Phillips said he had also received today information from the US Postal Service concerning new requirements for bulk mailing. The Borough uses its bulk mailing permit to mail certain things such as its newsletter and annual water quality report; however apparently the post office will no longer be accepting bulk mailings at the East Stroudsburg Post Office facility. The closest office that will be handling bulk mailings is the Stroudsburg Post Office.

Reports

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

Mr. Reese questioned if the timing of the lights at Dansbury Park need to be checked because they are on longer than the park hours of operation.

Mayor Martinelli questioned why Troy Nauman hasn't finished the outside of the building on Crystal Street? Mrs. Wolbert asked how can he be issued a Certificate of Occupancy if the outside is not finished?

Mrs. Wolbert reported on the Zoning Ordinance Review Committee meeting that was held this evening at 6:00 p.m. and noted that the Borough's planning consultant has recommended that Council adopt an ordinance that he has proposed concerning "adult uses" under the zoning ordinance. Mr. DeLarco said he also attended this meeting and feels that Council should proceed with a stand-alone ordinance, if necessary, to address this issue and not wait until the end of the summer when ZORC meetings resume to consider this issue.

Mr. Repsher stated that neighboring property owners from the Pocono Cab Company on North Courtland Street are still complaining about cabs congregating in front of the building on North Courtland Street during early morning hours.

Mr. Phillips reported that the environmental remediation equipment at the former IBW property was placed back into operation on May 5, 2011. The system has been down since the winter months when the equipment had been vandalized. The Borough has installed an alarm system and camera equipment and the system is now again functioning. Mr. Phillips reported that a meeting has been called by the Monroe County Office of Emergency Management for May 25, 2011 with emergency responders from Stroudsburg and East Stroudsburg to discuss concerns for a possible traffic problems in the Boroughs with the impending closure of the Seventh Street Bridge in Stroudsburg due to occur next week. Mr. Phillips also reported that a meeting is being held June 2nd at the County Public Safety building concerning the readdressing project for Monroe County. The purpose of the meeting is to share information among municipalities by those communities which have received their new addresses through the US Postal Service. Mr. Phillips noted that Council has received a copy of the financial report as of April 30, 2011. Mr. DeLarco asked if the financial reports could be emailed to Council since they are quite lengthy.

Finally, Mr. Phillips noted that he had a discussion with the general contractor for the Stroudsburg Sewage Treatment Plant renovation expansion project, who is looking for a place to temporarily store fill from the construction site. Mr. Phillips said there may be an opportunity for the Borough to enter into an agreement with the contractor for temporary storage of fill on the Boroughs former landfill site in back of the recycling center; in exchange for use of leftover fill and perhaps grading work that could be done by the contractor to benefit the Borough for the proposed layout of a playfield on this property.

List of Bills

Mr. Reese made a motion, seconded by Mr. Repsher to approve the list of bills payable and to ratify expenditures and payroll made through May 17, 2011 as submitted. The motion carried unanimously.

Executive Session

Mrs. Wolbert made a motion, seconded by Mr. Reese to adjourn into executive session at 8:50 p.m. The motion carried unanimously.

Council members reassembled in the meeting room at 9:10 p.m. and Mr. Reese made a motion, seconded by Mr. Repsher to reconvene the public meeting. The motion carried unanimously. Mr. Phillips said the executive session had been held to discuss one real estate/litigation matter, and another matter regarding possible lease of space to Eastburg Community Alliance in the Borough owned building at 66/68 Analomink Street

Proposed Lease of Office Space to Eastburg Community Alliance

Mr. Phillips said the Eastburg Community Alliance has had an office in the basement of the One Washington Street building since the hiring of a Downtown

Manager for ECA. However, there are some drainage problems with this basement office location and the ECA needs to find better space to house its Downtown Manager. Mr. Phillips said he has talked to the ECA concerning available space that the Borough has in the former ESU Business Accelerator building at 66/68 Analomink Street. Mr. Phillips said there is vacant office space in the middle suite of this building and he proposes that the Borough lease approximately 296 sq. ft. to ECA for a figure of \$295 per month plus \$50 per month for utilities. After discussion, Mr. Reese made a motion, seconded by Mr. Repsher to authorize lease of space to the Eastburg Community Alliance on the terms suggested by Mr. Phillips. The motion carried unanimously.

Water Allocation Permit from PA DEP

Mr. Phillips said the Borough has still not received a response to its renewal applications for its water allocation permit for Sambo Creek withdrawal at the Water Filtration Plant or for the Michael's Creek diversion which permit had also expired. Mr. Phillips noted that the Brodhead Creek Regional Authority has also not received their subsidiary permit from DEP for purchase of water from the Borough water system. After discussion, Mr. D'Alessandro stated that his office would informally make an overture to PA DEP concerning the status of the allocation permit.

Adjournment

With no further business Mr. Reese made a motion, seconded by Mrs. Wolbert to adjourn the meeting at 9:15 p.m. The motion carried unanimously.

James S. Phillips, Secretary