

East Stroudsburg Borough, April 19, 2011

A regular meeting of the East Stroudsburg Borough Council was held at the Municipal Building on Tuesday April 19, 2011. The following members were in attendance: Victor Brozusky; Roger DeLarco; William Reese; and Donald Repsher. Ed Henning and Sonia Wolbert 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.; Codes Officer John Blick; ESU Student Ambassador Nick Tetro; 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 7:32 p.m. Chris Bello led the Pledge of Allegiance.

Minutes of April 5, 2011 Regular Council Meeting

Mr. Brozusky made a motion, seconded by Mr. Reese to approve the minutes of the regular Council meeting held April 5, 2011 as submitted. The motion carried unanimously.

Stroud Area Regional Police Department Report

Lieutenant Brian Kimmins noted that the monthly report which Council has received now includes a "quality of life" patrol report. Mr. Brozusky said East Stroudsburg South High School students are again speeding on Elizabeth St; or at least it is more visible now.

Public Comments – Agenda Items

None

Request by East Stroudsburg University to hold Homecoming Parade on Saturday October 22, 2011

Chris Bello and Mike Saraka of ESU were present to discuss a proposal for a planned ESU Homecoming Parade on Saturday October 22, 2011. Mr. Bello said the concept is to stage the parade at Pocono Plaza, then proceed up Washington St. up Analomink St. to Crystal St, to Ridgeway St. to Prospect St., to Centre St. onto the stadium. Lt. Kimmins said this would cause a problem to go against traffic on Washington St. Also this route will require the Regional Police to call out additional police on overtime at the cost of approximately \$45 per hour. Mayor Martinelli said he sees this route to be a problem because it will require closing several major roads on a Saturday, midday. The Mayor suggested they stage the parade starting from Dansbury Park. Mr. DeLarco suggested that the ESU representatives meeting with Lt. Kimmins and Manager Jim Phillips to work out these concerns and any details. Mr. Bello said he agrees that the University does not want to antagonize the local community but wants to get them involved. Mr. DeLarco suggested that they also talk with Cheryl Hayne of the Eastburg Community Alliance and get their organization involved. Mr. Reese noted that there could be costs for cleanup after the parade as well.

Resolution 9-2011 Approving Sewage Planning Module for Smithfield Sewer Authority Sewerline Extension along Route 447

Fred Courtright, P.E., of Gilmore Associates, was present on behalf of the Smithfield Township Sewer Authority. Mr. Courtright said this proposed sewerline extension is the product of the 2006 amendment to the sewer service agreement between East Stroudsburg Borough and Smithfield Township/Sewer Authority. In that agreement the Borough required that the Township and Authority connect into the Borough system

at East Third St. The proposed project involves eliminating the sewer pump station located at the intersection of Franklin Hill Road and Route 447, and constructing a gravity sewer from that point along Route 447 and down through the Borough's Zacharias Pond Park property to connect to the Borough's sewerline. There is also a line extension proposed going up Poole Road to the Terra Greens Golf Course property. Mr. Courtright said he had met with Mr. Phillip to review several questions concerning the planned route for the sewerline. Mr. Courtright said the planned route involves all gravity-sewer and it is located within public right-of-ways except for the portion of the line that will go through the Zacharias park property. The tentative timetable for construction would be the spring of 2012, assuming approval of the sewage planning module by the Pennsylvania Department of Environmental Protection (DEP) later this year.

After further discussion, Mr. Brozusky made a motion, seconded by Mr. Repsher to adopt proposed Resolution No. 9-2011 approving the proposed sewage planning module as a revision to the Borough's existing sewage facilities plan, as submitted. The motion carried unanimously.

Public Hearing on Proposed Zoning Ordinance Amendment Revising the Requirements for Off-Street Parking for a parking Structure

Mr. Brozusky made a motion, seconded by Mr. Repsher to open the public hearing; the motion carried unanimously. John Blick, Borough Codes Official, stated that the proposed zoning ordinance amendment has been reviewed and recommended for approval by the Borough Planning Commission. Also the proposed ordinance was submitted to the Monroe County Planning Commission for review as required, and several minor comments were received back from the MCPC. Mr. Phillips said the history of this proposal was that Pocono Medical Center has presented plans for their proposed employee parking garage to be located on East Brown Street at the site of their existing employee parking lot. The proposed parking space sizes and aisle widths did not comply with the current Borough zoning ordinance requirements, and the hospital had applied for certain variances from the Borough Zoning Hearing Board; some of which were granted and some were denied. The hospital representatives then had approached the Borough about incorporating changes to the parking requirements under the Borough zoning ordinance to reflect national standards for parking structures. Mr. Blick said the draft of the ordinance was prepared by the Borough's parking consultant and we also had received comments back from the parking consultant for the proposed PMC parking garage.

Steve Cunningham of Pocono Medical Center stated that the Hospital is in favor of the adoption of the proposed zoning ordinance amendment provisions. Mr. DeLarco asked for comments from Council members or comments from the audience concerning the proposed provisions; and there were none. Mr. Reese made a motion, seconded by Mr. Repsher to adjourn the public hearing. The motion carried unanimously.

Public Hearing on Conditional Use Application by Pocono Medical Center for Proposed Parking Structure for Employee Parking on East Brown St., I-M District

Mr. Brozusky made a motion, seconded by Mr. Reese to open the public hearing; the motion carried unanimously. Codes Officer John Blick said the proposal is for a land development plan for the proposed employee parking garage which is also a conditional use under the Borough zoning requirements. Mr. Blick introduced into the record proof of publication for the public hearing, a copy of the engineering comments received today from R.K.R. Hess Associates, Inc.; and noted that he had posted the perimeter of the property in accordance with requirements under the Pennsylvania Municipalities Planning Code. The court stenographer then swore in all witnesses who wished to testify.

Steve Cunningham, Vice President for Pocono Medical Center noted that in recent discussions with Borough Officials the Borough had encouraged the hospital to "go vertical" for its required parking. Mr. Cunningham said Pocono Medical Center had discussed the possibility of developing a joint parking facility with East Stroudsburg University, but the time frame for ESU to participate did not coincide with the Hospitals

requirements to develop parking now as part of their new Hughes Cancer Center project. Mr. Cunningham said PMC engaged the Harmon Group and Bohler Engineering to develop plans for a parking structure on the site that will provide the opportunity for multiple expansions of parking on this site in the future.

Mr. Blick asked if PMC needs the parking spaces with this proposed parking garage to comply with its parking requirements for the new cancer center project? Mr. Cunningham said no, the hospital can provide enough parking and Mr. Snidtker will be providing additional information in that regard.

Malcolm Bland, P.E. of The Harmon Group next testified that the proposed parking garage will be a pre-cast structure. Stairs and an elevator will be provided for access to the second level. The total capacity of the parking structure will be 409 spaces on two levels. A second phase could provide an additional 166 spaces by adding a third level to the structure. A possible third phase expansion could add an additional 85 spaces by adding a second level to the existing on-lot spaces on the eastside of the property.

Mr. D'Alessandro noted that it appears some aisle widths on the plan are shown at 17 ½ ft., but he is not clear what the angle of parking provided is? Mr. Bland said they will provide a note on the plans specifying the parking aisle width and space length. Mr. D'Alessandro also questioned the size of the pillars shown which will support the second level and whether they encroach on the parking spaces? Mr. Bland said they will also provide details concerning the pillars and show that an encroachment will meet the requirements under the proposed ordinance. Mr. DeLarco asked if there was a question on the size of handicapped parking spaces provided? Mr. Bland said again they will add a note showing the detail for handicapped spaces which does meet current code requirements.

Mr. Brozusky commended Pocono Medical Center for listening to the Borough and planning to develop a parking structure to handle their parking needs.

Mr. Bland asked that the Borough exhibits be introduced into the record.

Matthew Chartrand of Bohler Engineering next reviewed the plans for the parking structure itself. Mr. Chartrand noted that because this is a pre-cast structure, the dimensions of the aisles and spaces are critical to allow for the planned future expansion. Mr. DeLarco asked if the hospital will still be providing a shuttle bus service for employees to this location? Mr. Cunningham said yes. Mr. Blick asked if there will be an increased stormwater discharge from this site? Mr. Chartrand said the hospital has applied for an NPDES permit for stormwater discharge at the "back" of the property along the Interstate 80 right-of-way. In response to a comment Mr. Chartrand noted that the proposed driveway will be located at the same location as the current driveway entrance to the parking lot.

Mr. D'Alessandro noted that the applicant has requested several waivers from requirements of the Borough subdivision and land development code. Mr. Chartrand reviewed the four (4) waiver requests that PMC has submitted:

1. A waiver from the requirement for providing traffic islands or trees to break-up the number of spaces in a row that could be provided.
2. A waiver from the tree planning requirements. Mr. Chartrand stated that PMC is proposing to provide new street trees along the East Brown St. frontage of the property.
3. A waiver to allow no trees to be provided within the area of the proposed parking structure, since these trees would have to be removed if and when a second and third phase is added to the structure.
4. A waiver from the requirement to provide landscaping aisles within the existing parking areas. Mr. Blick asked that the list of waivers be listed on the title chart for the plans.

Keith Snidtker, Director of Facilities for Pocono Medical Center next provided an exhibit to Council showing the parking counts for the Medical Center now and after the proposed construction projects. Mr. DeLarco asked if the Medical Center anticipates any none hospital uses of this facility? Mr. Snidtker indicated no, it is all for employee parking and it is monitored by hospital security.

Mr. D'Alessandro noted there are several minor outstanding engineering items that need to be addressed on the plans. Mr. Phillips reminded Council that the proposed plans are based on the proposed zoning ordinance amendment for a parking structure, not the existing provisions. Mr. DeLarco asked for any additional comments from the audience and there were none. Mr. Brozusky made a motion, seconded by Mr. Reese to adjourn the public hearing. The motion carried unanimously.

Mr. Williamson arrived at the meeting at this time.

Agreement with Pocono Medical Center for Assumption of Risk Concerning Construction of Central Utility Building over Electric Lines

Mr. Williamson stated that he had preferred to enter into an indemnification agreement with Pocono Medical Center concerning this issue, but PMC has indicated that they are unable to do so because of participating in a self insured risk management arrangement with other hospitals. In this case Pocono Medical Center knows the risks and will be requiring indemnification from their contractors working on the project. Given that, Mr. Williamson said he is willing to accept an acknowledgement of risk agreement that Attorney Mark Wolfe has prepared on behalf of Pocono Medical Center. After further discussion Mr. Brozusky made a motion, seconded by Mr. Reese to authorize execution of the acknowledgement of risk agreement as approved by the solicitor. The motion carried unanimously.

Request by Eastburg Community Alliance (ECA) to hold Annual Books, Brushes & Blooms Event at Miller Park – Saturday May 7, 2011 from Noon to 4 PM

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

Bids Received 4/14/11 for Multi-Year Mowing Contract

Mr. Phillips noted that he had distributed a memo to Council reporting on the four (4) bids that were received and opened on April 14, 2011 for contracted mowing for approximately six (6) Borough owned park properties. The low bid received is from Jeremy Smith Landscaping Inc., and the total amount on a unit price basis is actually slightly lower than the amounts from the previous three (3) year contract. Mr. Phillips said Jeremy Smith has not held a contract with the Borough previously, but has done previous contracts with Monroe County Housing Authority and other agencies. After discussion Mr. Brozusky made a motion, seconded by Mr. Repsher to accept the proposal from and award the three (3) year contract for mowing and lawn care services to Jeremy Smith Landscaping Inc., based on their low bid proposal submitted. The motion carried unanimously.

Resolution No. 10-2011 Proclaiming Arbor Day

Mr. Brozusky made a motion, seconded by Mr. Repsher to adopt proposed Resolution No. 10-2011 proclaiming Arbor Day in the Borough for Friday April 29, 2011. The motion carried unanimously.

Proposed Ordinance Amending the East Stroudsburg Code by Revising Chapter 77 Thereof Entitled Disorderly Gatherings and Houses

Mr. DeLarco said the proposed amendment increases the time period to one (1) year during which a second police call to a premises will result in possible penalties under the ordinance. Mr. Brozusky made a motion, seconded by Mr. Repsher to authorize advertising the proposed ordinance. Mr. Williamson noted that Council may

want to include a provision stating that failure to pay costs will result in an action filed in court. Mr. Brozusky and Mr. Repsher agreed to include those provisions to be drafted by the solicitor in the proposed ordinance to be advertised. The motion carried unanimously.

Request by Manger James Phillips to Attend Annual Association for PA Municipal Management Conference at Bedford, PA – May 18-20, 2011

Mr. Reese made a motion, seconded by Mr. Brozusky to approve the request by Mr. Phillips with reimbursement of expensive in accordance with Borough travel policy. The motion carried unanimously.

Public Comments – New Business

None

Correspondence

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

1. A letter from R.K.R. Hess Associates Inc., on behalf of the Pocono/Hamilton Townships sewer project concerning additional grant funding applied for the project.
2. A letter from the Pocono Arts Council thanking the Borough for its recent \$375 donation.
3. Information from the MRM Property & Liability Trust announcing that the Borough will receive a \$12,179.14 Dividend for its participation in the Self-insured Retention Insurance Program.
4. A letter from the Monroe County Historical Association thanking the Borough for renewing its annual membership.

Reports

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

Mr. Reese stated that he, Mr. Repsher, and Mr. Phillips will get together before the next Committee meeting to review the responses to the request for proposals from energy service companies.

Mayor Martinelli stated he had met recently with the new Parking Director for East Stroudsburg University, Shawn Talerico. Mayor Martinelli also said he had just received a parade request permit from Service Employees International Union (SEIU) representing employees at Pocono Medical Center who want to parade down Prospect and Ridgeway Streets on a Saturday morning. Mayor Martinelli noted that Council has previously discussed charging fees or establishing other requirements for parade permits and he said that we need to strengthen our parade permit requirements.

Mr. DeLarco informed Council members that the Stroud Area Regional Police Commission has developed a transition plan to deal with the anticipated upcoming retirement of Chief Baujan from the Department. The proposal is to create a second Lieutenant Position to assist the Chief and Captain with the management of the Department.

Mr. Phillips said he had met with Mr. Shah from 34 Lions Street concerning the issue of the Borough stormwater detention area located next to his property. Mr. Phillips also asked if Council wanted to send a letter to our area legislators concerning funding under the state budget for the DEP Flood Protection Program and Mr. Brozusky made a motion, seconded by Mr. Reese to authorize sending a letter. The motion carried unanimously.

List of Bills

Mr. Reese made a motion, seconded by Mr. Brozusky to approve the list of bills payable and to ratify expenditures and payroll made through April 19, 2011 as submitted. The motion carried unanimously.

Executive Session

None

Adjournment

With no further business Mr. Brozusky made a motion, seconded by Mr. Reese to adjourn the meeting at 9:10 p.m. The motion carried unanimously.

James S. Phillips, Secretary