

East Stroudsburg Borough, April 5, 2011

A regular meeting of the East Stroudsburg Borough Council was held at the Municipal Building on Tuesday April 5, 2011. The following members were in attendance: Victor Brozusky; Roger DeLarco; Ed Henning; William Reese; Donald Repsher. Sonia Wolbert was absent. Also attending were: Manager James S. Phillips; Solicitor David J. Williamson of Scanlon Lewis & Williamson; Engineering Representative Samuel D'Alessandro of R.K.R. Hess Associates, Inc.; and several residents in the audience.

#### Call To Order/Pledge of Allegiance

Mr. DeLarco called the meeting to order at 7:31 Bob Hedden led the Pledge of Allegiance.

#### Minutes of March 15m, 2011 Council Meeting

Mr. Reese made a motion, second by Mr. Brozusky to approve the minutes of the regular Council meeting held March 15, 2011 as submitted. The motion carried unanimously.

#### Eastburg Community Alliance (ECA) Report

Mr. DeLarco noticed the attendance of Cheryl Hayne, the Downtown Manager for the Eastburg Community Alliance. Dr. Hayne reported on the status of the old train station restoration project and said that the work to date is under budget due to some good prices obtained from local contractors on the rehabilitation work.

#### Public Comments – Agenda Items

None

#### Application for Land Development Plan Approval – Pocono Medical Center for Proposed 3,305 sq. ft. Utility Building Located at Rear of Hospital Adjacent to Centre Street

Steve Cunningham, Vice President of Pocono Medical Center was present along with Keith Snidtker, Rafael Lucci and Rock Stahovic of Burkavage Designs Associates. Mr. Cunningham stated the proposed central utility building is to provide heating and cooling for the new Hughes Cancer Center under construction, and also will provide redundancy in cooling capacity for the main hospital facility. Mr. DeLarco asked if the building is subject to setback requirements? Keith Snidtker, Facilities Director, stated that there is a 10 ft. setback required which the building complies with. Mr. Snidtker noted that the proposed building will be built over electrical lines which currently serve the hospital facility. Mr. Phillips asked if a variance was granted regarding this building? Mr. Snidtker replied yes, a variance was applied for and granted by the Zoning Hearing Board because of the two story height of the structure facing Centre Street.

Mr. Stahovic stated that the Borough Planning Commission had approved the land development plan with two (2) conditions: submittal of a waiver of liability by the Hospital regarding electric lines, and a letter from ESU concerning the location of the structure adjacent to the University property (Centre St.).

Mr. D'Alessandro noted that the applicant has requested several waivers from the Borough subdivision and land development code requirements, twelve (12) in total, including:

- a waiver from the requirement for separate preliminary and final plan approvals
- provision of all tract boundaries on the plan
- provision of details for adjacent street improvements
- showing all existing easements and property lines for the entire hospital property
- showing all driveway locations and width of all private driveways
- showing locations of all storm and sanitary sewers including the size of lines

- showing the names of all the subdivisions of adjacent properties
- showing on the plan the existing tree sizes on the property
- provision of landscaping details for the entire property site

Mr. D'Alessandro said he does not have a problem granting these waivers because all this information has been provided by the Hospital on the previous land development plan for the Hospital expansion project that was approved fairly recently.

Mr. D'Alessandro stated that the only other condition might be the provision of a development agreement? Mr. Williamson said a development agreement should not be required in this case because no public improvements are being proposed. Mr. Williamson asked what does the letter of credit proposed to be furnished by the hospital cover? Mr. Snidtker replied that it is to guarantee the completion of the proposed stormwater improvements.

Mr. Stahovic noted he did receive a call from Mr. Phillips today with a message concerning the indemnification letter which the hospital planned to submit. Mr. Williamson said he preferred that the hospital would provide a formal letter of indemnification or even an indemnification agreement.

After further discussion, Mr. Henning made a motion, seconded by Mr. Reese to grant the waivers requested as noted on the submitted plans. The motion carried unanimously. Mr. Henning made a motion, seconded by Mr. Repsher to grant preliminary and final land development plan approval for the central utility building plan as submitted; subject to the indemnification issue being resolved to the satisfaction of the Borough Solicitor. The motion carried unanimously.

#### Resolution No. 7-2011- Joinder Deed for Merging Two Parcels off of Franklin Hill Road

Mr. Henning made a motion, seconded by Mr. Repsher to adopt proposed Resolution No. 7-2011 approving the application submitted by Sherwood & Carolyn Lohman for a joinder deed for merging two parcels totalling 6.861 acres located off of Franklyn Hill Road in R-1 District, as submitted. The motion carried unanimously. Mr. Henning said we should remind the applicant of the stormwater requirements because the property is located within the Flory Pond drainage district.

#### East Stroudsburg University Proposal for New Street Sign Posts on Normal Street

Mr. Brozusky made a motion, seconded by Mr. Reese to approve the request by East Stroudsburg University (ESU) to install new sign posts for existing street signage along Normal Street on the ESU campus, as presented by ESU Chief of Police Robin Olson at the recent Committee meeting. The motion carried unanimously.

#### Resolution No. 8-2011 – Appointment to the Board of Health

Mr. Reese made a motion, seconded by Mr. Henning to adopt proposed Resolution No. 8-2011 reappointing Tracy Granger to the Board of Health for a new five year term expiring 03/31/16. The motion carried unanimously.

#### Bid Proposals for Mowing & Lawn Care Services

Mr. Repsher made a motion, seconded by Mr. Brozusky to ratify the advertising for bid proposals for mowing and lawn care services for a new multi- year contract period, as requested by the Manager. The motion carried unanimously. Mr. Henning asked who had the mowing contract last year? Mr. Phillips said John Schnatter had the mowing contract for the 2008-2010 contract period.

#### Proposed Ordinance Amending Chapter 77 of the East Stroudsburg Code Regarding Disorderly Gatherings and Houses

Mr. Phillips said Council has discussed revising the time period during which an incident requiring a second police response constitutes a violation under the “disorderly

house” ordinance provisions. Mr. DeLarco said the ordinance currently provides that a second police response within a 90 day period will result in notification to the property owner for additional police services. Mr. DeLarco said Council has discussed extending the time period to one (1) year. After further discussion, Mr. Reese made a motion, seconded by Mr. Brozusky to authorize preparation and advertising of a proposed ordinance amending Chapter 77 of the East Stroudsburg Code to revise the time period as discussed. The motion carried unanimously.

#### Proposed Ordinance Amending Chapter 126 of the East Stroudsburg Code, Requiring Mandatory Connection to Sanitary Sewer System

Mr. Phillips said Council has discussed amending the sewer code to require mandatory connection to the sanitary sewer system. Mr. Phillips said most municipal ordinances require connection if the structure is located within 150 ft. of the sewerline. Mr. D'Alessandro said some ordinances require connection if located with 250 ft. After further discussion, Mr. Henning made a motion, seconded by Mr. Repsher to authorize preparation and advertising of a proposed ordinance amending Chapter 126 regarding mandatory connections as discussed. The motion carried unanimously.

#### Public Comments – New Business

Paul Shemansky of 113 Marguerite Street inquired of Council about the stormwater condition on Marguerite St. affecting his property. Mr. Shemansky said that he has spoken to Mr. Phillips but wanted a response from Borough Council. Mr. DeLarco said Council has legal concerns for directing stormwater onto other properties if the Borough were to pipe stormwater through Mr. Shemansky’s lot. Mr. Shemansky asked Council to look at this issue again. Mr. D'Alessandro stated that he would write a letter outlining the Borough concerns.

Mr. Shemansky also suggested to Council that the Borough consider adopting a ban on a sale of bath salts within the Borough. There is one and possibly two stores that are selling bath salts within the Borough now. Mr. DeLarco said a bill has been introduced before the State Legislature that would ban these substances statewide.

Mr. Shemansky also asked whether the Borough has a business plan for operating the Terra Greens Golf Course? Mr. Phillips stated that the Borough does not have a formal business plan, but we will have a golf pro on staff this summer along with new staff working in the golf shop.

Cindy Ruschman of Spangenburg Avenue asked about the damage to the East Stroudsburg flood protection levee that occurred during the rainfall event in early March? Mr. Phillips said the Borough has noted damage that occurred to the levee just south of where the Sambo Creek enters the Brodhead, and the Borough will be submitting a request for repair assistance to the Army Corps of Engineers, as listed in one of the items of correspondence.

#### Correspondence

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

1. A copy of the 2010 Annual Report from the Monroe County Planning Commission.
2. A letter from the Pennsylvania Department of Environmental Protection (PA DEP) concerning closure approval issued for the remediation work at 145 Ridgeway Street.
3. A letter from the Dansbury Farmers Market requesting approval to hold the farmers market again on Wednesdays at Miller Park, May 18<sup>th</sup> – the end of October 2011. Mr. Brozusky made a motion, seconded Mr. Henning to approve the request to hold the farmers market again at Miller Park for the 2011 year. The motion carried unanimously.
4. A letter from the Northeast Pennsylvania Alliance (NEPA) announcing that funding has been recommended for the Downtown East Stroudsburg Streetscape

Project (Phase II) under the PennDOT Transportation Enhancement Program. Mr. DeLarco congratulated Mr. Phillips for the successful efforts in applying for funds for the streetscape project.

5. Registration information from the Pennsylvania League of Cities & Municipalities (PLCM) for the League's Annual Convention to be held at Erie, PA June 21-24, 2011.
6. A letter from the US Army Corps of Engineers announcing that the application period for public sponsors of flood control projects to apply for Rehabilitation Assistance for damage repairs to flood protection systems will be open until April 22, 2011. Mr. Brozusky made a motion, seconded by Mr. Reese to authorize submittal of an application for rehabilitation assistance for repairs to the East Stroudsburg Borough flood control levee. The motion carried unanimously.
7. A Third Technical review letter from the PA DEP Bureau of Waterways Engineering upon review of plans for the East Stroudsburg Dam Rehabilitation Project.
8. A letter from the Monroe County Historical Association requesting renewal of municipal membership by the Borough for 2011 year. Mr. Brozusky made a motion, seconded by Mr. Reese to authorize renewal of Borough membership for 2011 at the stated \$250.00 cost. The motion carried unanimously.
9. A letter from Shailesh Shah of 34 Lions Street concerning the stormwater retention area adjacent to his property above Lions St. Mr. Phillips said during the March 9-11 storm event water from the "sinkhole" area adjacent to Mr. Shah's house did overflow and wash out a portion of his yard which had been seeded late last fall. Mr. Phillips said the storm sewerline that runs from this point down to Kiwanis St. is 18" in size, and increases to a 60" culvert from Kiwanis St. down to Flory Pond. Mr. Williamson stated that the previous Borough Solicitor (his father) had always reminded Council that drainage in this area is a natural stream and has always flowed and will continue to flow down through these properties.

## Reports

Mr. D'Alessandro reviewed his written engineer's report previously submitted to Council. Mr. D'Alessandro noted in regard to the proposed parking provisions for East Stroudsburg University he has tried to come up with a way of requiring more parking in the "core campus" area. The Borough could give parking "credits", but then not enough parking may be provided for proposed developments. Mr. Henning said he is still not in favor of this ordinance, but suggested that Council pass it in its current form.

Mr. Henning stated that Council should consider selling the old fire hall building via auction, and said Council should obtain quotations from several auctioneers for their services. Mr. Henning said he has reviewed the financial reports provided by Mr. Phillips for the 2010 year and noted that we ended up with a balance in almost all the funds greater than what was anticipated at the time of budget option.

Mr. Repsher stated that he wished to give Codes Officer John Blick an "attaboy" for keeping after the owner of the junk vehicles located off of 4<sup>th</sup> Street.

Mr. Brozusky noted that he has had to place calls to Mr. Blick several times in recent weeks for people who have placed trash out early on a Sunday. Mr. Brozusky said maybe the Borough should send a reminder notice to residents concerning the prohibition of placing trash out early. Mr. Brozusky noted that it seems like there has been more accident along Route 80 recently, and suggested that the Borough involve State Representatives Mario Scavello and Rosemary Brown concerning this issue.

Mr. DeLarco reported that he, Mr. Brozusky and Mr. Phillips had attended the PLCM District meeting at Nanticoke last night and also stated that East Stroudsburg will be hosting the District meeting next year (2012).

Mr. Phillips reported that he had submitted a resolution request at the PLCM District meeting concerning the fact that the Governors proposed new state budget will eliminate all funding for flood protection program administered by PA DEP. Mr. Phillips asked whether Council wanted to try to schedule a Town Gown meeting with East

Stroudsburg University in April, since that is normally when a spring Town Gown meeting has been held in the past. Council discussed but took no action on scheduling a meeting.

#### List of Bills

Mr. Brozusky made a motion, seconded by Mr. Repsher to approve the list of bills payable and to ratify expenditures and payroll made through April 5, 2011 as submitted. The motion carried unanimously.

#### Executive Session

Mr. Henning made a motion, seconded by Mr. Brozusky to adjourn into executive session at 8:45 p.m. The motion carried unanimously.

At 8:53 p.m. Council members reassembled in the meeting room and Mr. Repsher made a motion, seconded by Mr. Reese to reconvene the public meeting. The motion carried unanimously. Mr. Williamson reported that the executive session had been held to discuss two real estate matters.

#### Obtaining Title to Veterans Memorial Property Located at the Triangle between Washington and Brown Streets

Mr. Brozusky made a motion seconded by Mr. Repsher to authorize the Solicitor to file to obtain title to the Veterans Memorial property, which the Borough has maintained for years, via condemnation. The motion carried unanimously. Mr. Williamson said the owners of record of this property are long dead and the procedure should involve doing the necessary advertisements.

#### Adjournment

With no further business, Mr. Repsher made a motion, seconded by Mr. Brozusky to adjourn the meeting at 8:55 p.m. The motion carried unanimously.

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James S. Phillips, Secretary