

East Stroudsburg Borough, January 4, 2011

A regular meeting of the East Stroudsburg Borough Council was held at the Municipal Building on Tuesday, January 4, 2011. The following members were in attendance: Victor Brozusky; Roger DeLarco; Ed Henning; William Reese; Donald Repsher and Sonia Wolbert. 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.; and several residents in the audience.

Call To Order/Pledge of Allegiance

Mr. DeLarco called the meeting to order at 7:30 p.m. Celisa Counterman led the Pledge of Allegiance.

Minutes of December 21, 2010 Regular Council Meeting and December 23, 2010 Special Council Meeting

Mr. Henning made a motion, seconded by Mr. Repsher to approve the minutes of the regular Council meeting held December 21, 2010 as submitted. The motion carried unanimously. Mr. Reese made a motion, seconded by Mr. Brozusky to approve the minutes of the special Council meeting held December 23, 2010 as submitted. The motion carried unanimously.

Public Comments – Agenda Items

None

Conditional Use Application by DEIN Properties, LLC for Construction of Loading Docks at Former Cooper Industries Building, I-M District, Burson Street

Mr. Phillips reminded Council that this application is for conditional use and land development plan approval for construction of 10 loading docks on the Burson St. side of the former Cooper Industries facility located at the intersections of Burson St. and Lackawanna Ave. Mr. DeLarco asked if there were any outstanding legal issues concerning this application? Mr. Williamson replied no. Mr. Phillips said the only major issue pertained to the construction of curbs and sidewalks along the Lackawanna Ave. frontage of the property. Mr. Phillips noted that the applicant had requested that the Borough participate in the construction of curbs along this frontage. Mr. DeLarco stated that sidewalks are required under the Borough ordinance because this is a land development plan, so Council would have to waive the requirement if not requiring installation of sidewalks. Mr. Repsher asked if construction of curbs would create any drainage problem along Lackawanna Avenue? Mark Hoke, Maintenance Foreman stated that there is a inlet all the way down at the corner of the property at Burson & Lackawanna streets. Mr. Hoke noted that the entire area between the road and the building is paved with asphalt now. Mr. Phillips said the action before Council is for conditional use approval; plans would need to be submitted for curbs and sidewalk assuming Council does not waive the requirement.

After further discussion, Mr. Henning made a motion, seconded by Mr. Reese to grant conditional use approval and preliminary land development plan approval for the application, subject to the installation of sidewalks and curb along the Lackawanna Avenue frontage of the property, to be completed within 18 months; and based on review and approval by the Borough Engineer of plans for the sidewalk and curbing. The motion carried unanimously.

Land Development Plan Application by East Stroudsburg University for Residential Demolition and Construction of New Parking Lots at 433 Normal St./ 157 Marguerite St.

Kerry Good, P.E. of Entech Engineering and William Pierson, Assistant Facilities Director for East Stroudsburg University, were present on behalf of the

applicant. Mr. Phillips distributed a copy of a letter from Traffic Planning & Design, Inc. concerning review of the information submitted by Entech Engineering regarding a traffic study for the proposed development. Mr. DeLarco read from the letter which states that TPD agrees with the applicant's engineer that "the surrounding roadway network will not be adversely affected by the proposed parking lot additions" ; and that the applicant has satisfied their requirement of a traffic impact study with the submission of the traffic assessment narrative. Mr. D'Alessandro stated that there were only two minor engineering issues and the applicant is awaiting final approval of its E&S plan from the Monroe County Conservation District (MCCD). Mr. Brozusky asked if the University already owns these properties? Mr. Pierson stated yes. Mr. Henning asked if the proposed parking lot off of Marguerite St. will connect to the main library parking lot? Mr. Pierson replied yes.

After further discussion, Mr. Henning made a motion, seconded by Mr. Repsher to approve the preliminary and final land development plan approved as submitted by East Stroudsburg University for the parking lot construction, subject to:

1. Review and approval of a development agreement for the project by the Solicitor.
2. Submission of an approved erosion and sedimentation control plan approved by the Monroe County Conservation District. The motion carried unanimously.

Ordinance No. 1239 Establishing a STOP Intersection on West Vine St. Eastbound at Elizabeth Street

Mrs. Wolbert made a motion, seconded by Mr. Repsher to adopt proposed ordinance No. 1239 amending the Code of the Borough of East Stroudsburg, Chapter 150 thereof entitled Vehicles & Traffic, Establishing a STOP Intersection on W. Vine St. at Elizabeth St., as submitted. The motion carried unanimously.

Bid Proposals for Water Plant Chemicals (Coagulent)

Mr. Phillips said the Borough had taken bids for various chemicals and awarded contracts for chemicals in February 2009 and 2010; subsequently we had received a proposal for coagulant used at the Water Filtration Plant at a lesser cost than the price the Borough is currently paying for a similar material. Mr. Reese made a motion, seconded by Mr. Henning to authorize advertising for bids for chemicals for the Water Filtration Plant, as recommended. The motion carried unanimously.

Application for Real Estate Tax Exemption for Relocated Train Station Building

Mr. Phillips said the Eastburg Community Alliance (ECA) and the Borough will presumably want to apply for exemption for the former train station building that has been relocated to a portion of the Borough's Kistler St. parking lot being leased to ECA. Mr. Henning made a motion, seconded by Mr. Repsher to authorize application for tax exemption for the property. The motion carried unanimously.

Appointment of C.P.A. to Conduct 2010 Year Audit

Mr. Brozusky made a motion, seconded by Mr. Repsher to appoint Ardito & Co., LP to conduct the 2010 year audit and prepare the comprehensive financial report for the Borough. The motion carried unanimously.

Resolution No. 1-2011 Appointment to Zoning Hearing Board

Mr. Henning made a motion, seconded by Mrs. Wolbert to adopt proposed Resolution No. 1-2011 re-appointing Gerald Baxter to a new five (5) year term on the Zoning Hearing Board (ZHB) expiring 12/31/2015, and Craig Todd for the balance of a three (3) year term as an alternate member of ZHB expiring 12/31/2012.

Resolution No. 2-2011 Appointment to SROSRC

Mr. Repsher made a motion, seconded by Mr. Brozusky to adopt proposed Resolution No. 2-2011 reappointing Sonia Wolbert to the Stroud Region Open Space &

Recreation Commission for a new three (3) year term expiring 12/31/2013. The motion carried unanimously.

Resolution No. 3-2011 Appointment to SARPD Commission

Mr. Brozusky made a motion, seconded by Mr. Repsher to adopt proposed Resolution No. 3-2011 reappointing Armand Martinelli to a new three (3) year term on the Stroud Area Regional Police Department Commission expiring 12/31/2013, as submitted. Mr. Brozusky asked if the Mayor is automatically appointed to the Commission; Mr. Phillips said no, the Mayor is not required to be on SARPC. The motion carried unanimously.

Resolution No. 4-2011 Proclaiming Martin Luther King, Jr. Equality Week

Mr. Henning made a motion, seconded by Mr. Brozusky to adopt proposed Resolution No. 4-2011 proclaiming the week of January 16-22, 2011 as Martin Luther King, Jr. Equality Week within the Borough of East Stroudsburg. The motion carried unanimously.

Agreement with RAMC for Administration of Housing Rehabilitation Program

Mr. Phillips said the proposed agreement submitted by the Redevelopment Authority of Monroe County for administration of the Borough's Housing Rehabilitation Program, using Community Development Block Grant (CDBG) funds, does not call for any increase in the cost per dwelling for administering the program over last year. Mrs. Wolbert made a motion, seconded by Mr. Repsher to approve the proposed agreement with RAMC as submitted. The motion carried unanimously.

Pennsylvania Water/Wastewater Agency Response Network Agreement

Mr. Phillips said that Council must approve and enter into the mutual aid agreement under PA WARN to participate in the program with other municipal water/sewer agencies. Mr. Williamson said he had reviewed the agreement and has no issues with it, assuming the Borough has the in place the required insurance amounts. Mrs. Wolbert made a motion, seconded by Mr. Reese to authorize execution of the mutual aid agreement to participate in the PA WARN Program. The motion carried unanimously.

Proposed Ordinance Revising Parking Meter Rates and Parking Fines for On Street Parking Meter Zones within the Institutional District

Mr. Phillips said he had distributed a draft of the proposed ordinance to increase parking meter rates for those streets located near the University, which would be designated as the "Institutional District". Mr. Phillips stated that Council had also discussed increasing violation fines for expired meters within those areas but he had not completed that portion of the ordinance. Mr. DeLarco stated that Council had discussed increasing the fines for meter violations to \$15; so that it would be comparable to the fines that students face for violating parking regulations on campus. After further discussion, Mrs. Wolbert made a motion, seconded by Mr. Reese to authorize preparation and advertising of the proposed ordinance to amend the code of the Borough of East Stroudsburg, Chapter 150 thereof, entitled Vehicles & Traffic, revising parking meter rates and parking fines for institutional district, on street parking meter zone. The motion carried unanimously.

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

Mr. D'Alessandro reviewed his review letter dated December 28, 2010 in response to the letter from East Stroudsburg University Vice President Richard Staneski dated December 14, 2010, suggesting changes to the draft ordinance amendment revising off-street parking requirements. Mr. D'Alessandro noted that ESU has suggested re-writing several provisions of the ordinance which, in some cases, changes the intent of

the ordinance. Mr. D'Alessandro said the issue raised by ESU concerning the posting of a financial guarantee, may have to be addressed in other ways. One option would be to eliminate the option for the University to be able to provide a lesser number of required parking spaces on the basis of a parking management plan. Mr. DeLarco said if the University objects to the parking management plan provisions then why not just delete that option? Mayor Martinelli stated that it may not be in the Borough's best interest to require the University to put in more parking spaces than they actually need. Mayor Martinelli questioned whether, if Council makes changes to the proposed ordinance, will the "pending ordinance doctrine" still apply? Mr. Williamson said if the Borough advertises a new ordinance with revisions, then that ordinance also will be considered to be pending and therefore the University will still be subject to the requirements under that ordinance.

Mr. Williamson suggested that he and the Solicitor review the changes proposed by East Stroudsburg University in conjunction with the draft provisions, and incorporate their language changes where appropriate. However, Council can still decide what revisions to include or not include in the final ordinance provisions. Mrs. Wolbert asked the solicitor and engineer if they would try to get together before the next regular Council meeting.

Public Comments – New Business

None

Correspondence

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

1. A letter from the Eastburg Community Alliance (ECA) expressing thanks for the assistance of the Borough public works crew for preparations for the ECA Unity Tree Lighting Event which took place December 3, 2010.
2. The letter from East Stroudsburg University on the proposed parking ordinance provisions discussed above.
3. Copies of an appraisal report prepared by McKeown Realty on behalf of the Borough for the appeal of the assessment on the property owned by the Borough at 66/68 Analomink Street. Mr. Williamson said the hearing before the Monroe County Board of Assessment Appeals is scheduled for January 18, 2011 at 9:30 a.m.

Reports

Mr. D'Alessandro reviewed his written engineer's report previously submitted to Council. Mr. D'Alessandro said he anticipates that Pennsylvania Department of Environmental Protection (PA DEP) will complete its review of the Borough's plans for the East Stroudsburg dam rehabilitation work this week. Mr. Brozusky asked when do we anticipate breaking ground for this project? Mr. D'Alessandro stated the Borough will go out for bids this spring so that the major construction work can be done in summer months during the lowest water levels. Mr. D'Alessandro also reviewed his letter to Council outlining a new law which is to take effect soon which supposedly requires Municipalities not issue any permits or approvals until all state permits are issued, such as a Conservation District permit. Mr. D'Alessandro said he had asked Solicitor Williamson to review this because he is not sure that a state regulation can contravene other state laws, such as Municipalities Planning Code provisions.

Mr. Henning asked Mr. Phillips to see if he could obtain revenue and expense figures from Stroud Township for Glenn Brook Golf Course for 2010 for comparison purposes.

Mrs. Wolbert asked if there was anything new concerning the Borough's application for permit renewal for the Michael's Creek Diversion to the East Stroudsburg reservoir? Mr. Phillips said the Borough has not received anything new from PA DEP on this matter. Mrs. Wolbert reminded Council that the Friends of Stroud Region Open

Space & Recreation Commission will be holding its second annual Greenway Soiree on January 24, 2011 at Liquid Restaurant.

Mr. Repsher asked if there was anything new concerning complaints about Pocono Cab, Co.; Mr. Phillips replied not to his knowledge.

Mr. Brozusky noted that the Pocono Record had put the wrong information in the newspaper on the amount of the typical tax increase that a Borough resident will face as a result of the 1½ mil tax increase. Mr. Phillips said they did issue a correction the next day – but of course, that article was much smaller than the initial article with the incorrect information.

Mr. DeLarco reported on the progress on relocation of the former East Stroudsburg Railroad Station to its new home within the Kistler St. parking lot. Mr. DeLarco also advised that the Eastburg Community Alliance (ECA) is holding a “brown bag lunch” meeting at Pocono Cinema tomorrow at noon time.

Mr. Phillips reported that he had distributed to Council a list of the Council meeting dates for 2011 with the changes as discussed by Council for the summer meeting months. Mr. Phillips also reported that a meeting will be held with MEA, Inc. this Friday for a update on the remediation work for the former International Boiler Works (IBW) property. Mr. Phillips said the Monroe County Board of Assessment Appeals is scheduled to act on the Borough’s request for exemption for the North Kistler St. parking lot property and the Sewage Treatment Plant/Recycling Center property located off of Forge Road. These properties have been placed by the County in taxable status when they came out of the Keystone Opportunity Expansion Zone (KOEZ) exemption effective January 1, 2011. Finally, Mr. Phillips noted that the Borough needs to issue bills to residents for the annual solid waste fee in January and needed to know if Council intended to make any change to the current fee of \$265 per year. After discussion, Council decided to keep the solid waste fee at the same rate as in effect for 2010.

List of Bills Payable

Mr. Brozusky made a motion, seconded by Mr. Repsher to approve the list of bills payable and to ratify expenditure and payroll made through January 4, 2011 as submitted. The motion carried unanimously.

Executive Session

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

At 9:20 p.m. Council members reassembled in the meeting room, and Mr. Repsher made a motion, seconded by Mrs. Wolbert to reconvene the public meeting. The motion carried unanimously. Mr. Williamson reported that the executive session had been held to discuss two (2) litigation matters and a personnel matter.

Adjournment

With no further business Mrs. Wolbert made a motion, seconded by Mr. Reese to adjourn the meeting at 9:21 p.m. The motion carried unanimously

James S. Phillips, Secretary