

East Stroudsburg Borough, April 20, 2010

A regular meeting of the East Stroudsburg Borough Council was held at the Municipal Building on Tuesday April 20, 2010. The following members were in attendance: Victor Brozusky; Roger DeLarco; Ed Henning; William Reese; Donald Repsher. Sonia Wolbert was 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.; ESU Student Ambassador Ashley Puderbach; Lieutenant Brian Kimmins of the Stroud Area Regional Police Department; a press representative from the Pocono Record, and several residents in the audience.

Call To Order/Pledge of Allegiance

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

Minutes of April 6, 2010 Council Meeting

Mr. Brozusky made a motion, seconded by Mr. Repsher to approve the minutes of the April 6, 2010 Council meeting as submitted. The motion carried unanimously.

Representative of AWSOM – Request for Funding for County Animal Shelter

Jeannie Lee of the Animal Welfare Society of Monroe County (AWSOM) reported to Council that the group's animal shelter has been open since November 15, 2009. They are leasing the building for \$1 a year from the SPCA and hope to acquire the property. AWSOM has adopted over 400 animals since November and has since started a feral cat program for spaying and neutering, and also initiated a food bank for persons who can't afford to feed their pets. AWSOM's budget is over \$300,000 per year including six full-time employees, but they are depend on over 100 volunteers. The center is opened 7 days a week, 5 days till 5:00 p.m. and 1 evening a week. AWSOM has also sponsored low cost rabies clinics. Ms. Lee said she is here tonight to request funding from the Borough because they are depending on support from the municipalities to operate – there is no state funding available. Right now AWSOM has an additional problem in that, they are currently unable to adopt out any dogs because of a parvel virus that has caused the quarantine of animals. Veterinary fees have been running \$5,000 - \$6,000 a month because of this problem.

Mr. DeLarco said the Borough has budgeted \$1,000 this year (2010) as a donation to AWSOM for the animal shelter. Ms. Lee said that AWSOM will gratefully accept any donation that the Borough could provide and hopes that the Borough will be able to increase its funding in the future. Mr. DeLarco said it would be helpful in the future if AWSOM could provide additional figures, perhaps in a form of a handout, outlining the number of animals picked up from the municipalities, adopted, etc.

Stroud Area Regional Police Department (SARPD) Report for March

Lieutenant Brian Kimmins of SARPD was present to answer any questions concerning the Department monthly report which had previously been submitted to Council. Mr. Henning asked how many officers the Department currently has? Lt. Kimmins replied 54 uniformed officers, which is down (2) positions from the 2009 year.

Public Hearing on Conditional Use Application by Eagle Valley Glen – Proposed 12,000 sq. ft Expansion of Eagle Glen Plaza, off Sterling Land & Milford Road, C-2 District

Mr. Henning made a motion, seconded by Mr. Repsher to open the public hearing; the motion carried unanimously. Marc Wolfe, Esq. was present on behalf of the applicant. Mr. Phillips noted that the advertisement for the public hearing was published in the Pocono Record on April 6 & 12, 2010. Codes Officer John Blick noted that the

property was also posted regarding the hearing. Mr. Wolfe introduced David Weaver, P.E., of Borton Lawson Engineers and provided Exhibit #1, Mr. Weaver's resume, and asked that he be considered an "expert" to offer testimony on this matter. Mr. Wolfe provided Exhibit A-1, the conditional use and land development plan for proposed expansion of Eagle Glen Plaza. At Mr. Wolfe's request Mr. Weaver explained that the existing shopping plaza has 80,830 sq. ft. of space, the separate Blockbuster Building 5,545 sq. ft., and the proposed addition at the northeast end of the plaza is approximately 12,000 sq. ft. Mr. Wolfe introduced Exhibit A-4, the stormwater management plan for the project and Mr. Weaver stated that the plan conforms to requirements of the Brodhead Creek Stormwater Management Plan. Mr. Wolfe introduced Exhibit A-5, the deed for the property and Mr. Weaver noted that a portion of the property in the rear of the building is located in Smithfield Township. Mr. Wolfe introduced Exhibit A-14, a letter from Smithfield Township Secretary, Jacqueline Ocker stating that the Township will not require review of a land development plan for the portion of property located within the Township. Mr. Wolfe introduced Exhibit A-7, the erosion and sedimentation control plan submitted to the Monroe County Conservation District, Exhibit A-8 a letter from Met Ed Electric concerning availability of electrical service to the site, Exhibit A-9 a letter from UGI Central Penn Gas Company concerning the availability of natural gas service to this site, and Exhibit A-10 a letter from East Stroudsburg Borough concerning the availability of water/sewer service for the project. Mr. Wolfe asked Mr. Weaver if the proposed project complies with the bulk regulation provisions of the Borough zoning ordinance and Mr. Weaver replied that it does. Mr. Weaver also stated that there is no change in the ingress and egress routes to the shopping center with this proposal.

Mr. Wolfe asked Mr. Weaver about landscaping plans for the proposal? Mr. Weaver went over the landscaping plans which show the addition of landscaping in the new parking areas provided for the proposed expansion; also additional landscaping is being added at the eastern border of the existing parking lot to provide some additional screening. Mr. Wolfe asked about lighting for the site and Mr. Weaver indicated that two new yard light fixtures are being provided plus additional building mounted lighting; and the lighting plan complies with the Borough Zoning Code Section 57-88 regarding site lighting. Mr. Weaver stated that in his professional opinion the plans submitted conform to the existing regulations and requirements of the Borough for this proposed use.

Mr. Wolfe introduced Exhibit A-15 showing a plan for proposed sidewalks along Milford Road for the portion of the property fronting on Route 209. Mr. Wolfe indicated that the developer is willing to post a financial guarantee with the Borough to cover the estimated cost of completing these portions of sidewalk at a later date. Mr. Weaver noted that the applicant is requesting a minor modification from the stormwater management requirements because of the relatively high ground water table in this area. The proposed infiltration areas do not drain quickly and do not meet the technical requirements for stormwater infiltration areas. Mr. Wolfe asked if there were any additional review comments to be addressed? Mr. Weaver stated that the land development plan for the project is required to have 395 parking spaces and there are actually 424 spaces provided including 24 ADA accessible spaces. In response to a question from Mr. Wolfe regarding emergency vehicle access, Mr. Weaver noted that the applicant has provided on the plans charts showing the turning radius for emergency vehicles to show that access for such vehicles is more than satisfactory.

John Blick, Codes Officer of the Borough introduced Borough Exhibit #1 a review letter prepared by R.K.R. Hess Associates Inc., Borough engineers. Mr. Williamson noted that there was a letter from the applicant requesting several waivers from provisions of the Borough subdivision code. Mr. Weaver stated that there are actually six (6) waivers. Mr. DeLarco asked about the status of the access road northwest of the project site? Mr. Blick noted that road is actually located out of the Borough in Stroud Township. Mr. Brozusky commented that the existing parking lot at Eagles Glen Plaza is in poor condition and needs some maintenance. Mr. Henning asked about the uses for the proposed addition to the plaza? Mr. Wolfe indicated that Bayada nurses currently located in the plaza wants to expand into approximately 8500 sq. ft. of the addition.

Mr. Wolfe introduced Jeffrey Gribble, P.E. to address the traffic study for the plan. Mr. Wolfe introduced Exhibit A-13 the traffic impact study prepared for the applicant. Mr. Gribble said he had spoken to the Borough's traffic engineering consultant, Tim Cramer of Traffic Planning and Design, and stated that the traffic study indicates that the level of service at the Sterling Lane/Milford Road intersection will decline slightly, particularly for the left turn movement into the plaza from Milford Road going east bound. PennDOT allows a ten (10) second "tolerance" for delayed times at signalized intersections. The Borough criteria providing for no reduction in the level of service is actually more stringent. The applicant proposes to mitigate the slight reduction in level of service at the intersection by providing funds, \$16,100 as a contribution to the Borough for the estimated cost of analyzing and retiming the traffic signal at Sterling Lane in conjunction with the other nearby traffic signals which it is coordinated with. Mr. D'Alessandro asked Mr. Gribble if the shopping center were built today would Sterling Lane be adequate and meet PennDOT requirements? Mr. Gribble said the roadway as currently exist would probably not meet the criteria for the high volume driveway under PennDOT requirements. Mr. Repsher asked if traffic counts were taken at different times of the day? Mr. Gribble stated that they were done at different times. Mark Hoke, Borough Maintenance Foreman, suggested that the Borough should require the applicant to install battery backup for the traffic signal on Sterling Lane at Milford Road because it does not have that backup capability now. Mayor Martinelli asked if the actual cost of retiming of the signals is more than the estimated \$16,000, would the applicant be willing to pay any additional costs? Mr. Wolfe said the Municipalities Planning Code typically allows for a 10% addition in cost allowed under the approved cost estimate in the total amount to be guaranteed by the applicant for completion of site improvements. Mr. Wolfe asked that the latest exhibits introduced be admitted into the record and Mr. DeLarco stated the Borough has no objections to that.

Mr. Phillips asked about a stormwater issue that is not directly involved with this conditional use request. Mr. Phillips said the owner of the Beck & Call property located across Milford Road has approached the owner of Eagles Glen Plaza concerning permission to add stormwater into the stormwater system that goes through the plaza property before discharge to Sambo Creek. Ed Niewinski of Eagles Glen Plaza said the owner has looked at this issue and they believe they can grant permission to the property owner to connect their stormwater to the storm drains at the Sterling Drive/Milford Road intersection which then drains through the property onto Sambo Creek. Mr. Wolfe asked Council to act as expeditiously as possible on this conditional use request since the applicant is facing a time frame for making new space available for its intended tenants. Mr. Brozusky made a motion, seconded by Mr. Reese to adjourn the public hearing; the motion carried unanimously.

Proposed Land Development Plan by Sawmill Highlands, LLC – Request for Waiver from Stormwater Management Provision

Mr. Henning recused himself from Council for consideration of this matter due to his involvement with this project. Dan Henning was present representing the applicant concerning the proposed medical office building proposed to be built at 400 Normal St. Mr. Henning said the building will house the practice of doctors Moyer and Eufemio and up to four (4) doctors. Mr. Henning introduced Nate Oiler, P.E. of R.K.R. Hess Associates who has prepared the plans for the site.

Mr. Oiler stated that the plans for the building and site improvements have been submitted to the Monroe County Conservation District for erosion and sedimentation control plan approval and have been approved. Mr. Oiler said the stormwater plan will utilize underground basin in the parking area and a small yard area in front of the building for recharging. Mr. Oiler said the applicant is proposing one modification which has been agreed to by the Borough's engineer, Achterman Associates. The stormwater requirements require 1 ft. freeboard and the application proposes to furnish a 6 inch freeboard instead. Also, in response to a comment from the Borough traffic engineer they have agreed to reline parking spaces in the parking lot to move the front most spaces back somewhat to allow for at least a 25 ft. queue area for vehicles entering the parking area off of Normal St. Mr. Oiler noted the traffic study does indicate that the intersection of East Brown and Smith St. will experience some minor level of degradation of service

as result of additional traffic from this development. Mr. Henning stated that he understands this issue but hasn't seen any calculation regarding the possible cost of improvements to mitigate this level of service. Mr. Reese asked about the level of service at the Normal/Smith St. intersection. John Wichner of Traffic Planning & Design Inc. said, that it is unlikely that traffic volumes would meet PennDOT warrants for signalization at the Normal/Smith St. intersection and the main issue appears to be the East Brown St./ Smith St. intersection.

Mr. DeLarco noted that Council will be holding a special meeting next week and a regular meeting on May 4th and perhaps the details concerning a possible contribution toward offsite improvements to mitigate the level of service issue and finalization of the development agreement can be put together and acted upon at one of those meetings. Mr. Brozusky made a motion, seconded by Mr. Repsher to grant the waiver in regards to the stormwater management requirements as requested. The motion carried unanimously.

Proposed Sketch Plan for Residential Subdivision – Request for Waivers from Lot Frontage Requirements

Troy Nauman was present regarding his request for a waiver from the subdivision ordinance requirements regarding lot frontage for a proposed subdivision of property located off of Franklin Hill Road in R-1 District. Mr. Nauman said the sketch plan as indicated only has seven (7) additional driveways compared to the two (2) existing now. John Blick said the Planning Commission had recommended denial of the waivers for this subdivision plan. Mr. Phillips asked Mr. Nauman how he plans to address stormwater management, since most of the property is located within the drainage area for Flory Pond? Mr. Nauman said he believes that they will be able to address stormwater if he doesn't add additional roadways to the plan. Mr. DeLarco said Borough Council was not keen about the proposed number of "flag lots" when we had reviewed this plan at the previous Committee meeting. Mr. Nauman noted that the proposed lots are much bigger in this plan than they are, for example, at the College Hills Estates subdivision off of Spangenburg Ave. that has quite a number of flag lots. Mr. Phillips said that if Council is not satisfied with this sketch plan that he would recommend that Council deny the plan. Mr. Blick said Mr. Nauman could choose to withdraw the plan. After further discussion, Mr. Nauman said that he would withdraw the plan and confirm that in writing to Mr. Blick.

Development Agreement with IXE Corporation for Proposed Office Building on Grandview St. at N. Courtland St., R-2 District

Jeff Snyder was present on behalf of the applicant. Mr. Blick noted that the applicant had been granted the variance requested by the Zoning Hearing Board for a slight change on the width of buffer area in front of the property. John Wichener of Traffic Planning & Design stated that his firm had reviewed the plan and had no comments. Mr. D'Alessandro reviewed the minor issue concerning the number and design of ADA accessible ramps for the parking area on the property. Mr. Williamson said he did not receive a copy of the draft development agreement, but would review it and Council should be able to take action at its next meeting.

Resolution No. 13-2010 Providing for Price Adjustment of Bituminous Materials in Bid Proposals for 2010 Paving Program

Mr. Phillips said the quantity of asphalt material required to be utilized based on the quantity of our paving work is on the borderline for whether the PennDOT escalator clause for asphalt cost automatically applies. Mr. Henning made a motion, seconded by Mr. Repsher to approve proposed Resolution No. 13-2010 providing for inclusion of the escalator clause in the bid documents for the Borough road paving program. The motion carried unanimously.

Resolution No. 14-2010 Proclaiming Arbor Day – April 30, 2010

Mr. Reese made a motion, seconded by Mr. Henning to adopt proposed Resolution No. 14-2010 proclaiming April 30, 2010 as Arbor Day in East Stroudsburg Borough. The motion carried unanimously.

Schedule Public Hearing on Proposed 2010 CDBG Program

Mr. Phillips said he was recommending that Council hold a public hearing on the proposed 2010 Community Development Block Grant (CDBG) program at the second meeting in May, May 18, 2010. However, Mr. Phillips noted that Mr. Reese had inquired about the possibility of rescheduling the second May meeting to Monday May 17, 2010. Most Council members indicated that they would not have a problem with rescheduling the meeting if needed. Mr. DeLarco asked Mr. Phillips to send a message to everyone to confirm before actually sending the required notice. Mr. Repsher made a motion, seconded by Mr. Brozusky to authorize scheduling the public hearing for the second meeting in May as rescheduled, if there is enough time to advertise the proposed plan. The motion carried unanimously.

Ordinance No. 1233 Amending SARPD Pension Plan

Mr. Phillips said the proposed ordinance would amend the Regional Police Pension Plan to delete the Killed in Service Benefit as required by Act 51 of 2009. The Commonwealth of Pennsylvania now provides a death benefit to any police or firefighter killed in the line of duty within the Commonwealth. Mr. Repsher made a motion, seconded by Mr. Reese to adopt proposed Ordinance No. 1233 Amending SARPD Police Pension Plan as advertised. The motion carried unanimously.

Authorize Request for Proposals for Energy Management Contract

Mr. Reese made a motion, seconded by Mr. Brozusky to authorize advertising for a request for proposals for a Guaranteed Energy Management Savings Contract, in follow-up to the initial study prepared by Johnson Controls Inc. The motion carried unanimously.

Bid Proposals for Sanitary Sewerline Replacement

Mr. Phillips said televising of the sewerline on Ridgeway St. had shown that old sanitary sewerline is in very poor condition and he is recommending that the Borough look at replacing at least the section of sewerline on Prospect St before the Borough has re-surface/re-pave that road for the recent waterline construction work. Also we want to obtain prices for installation of sleeves in portions of the sewerline on East Brown St. Mr. Reese made a motion, seconded by Mr. Repsher to authorize advertising for bid proposals for sanitary sewer collection work as recommended. The motion carried unanimously.

Agreement with Smithfield Township for Dansbury Park Swimming Pool Use

Mr. Reese made a motion, seconded by Mr. Brozusky to authorize renewal of the agreement with Smithfield Township Supervisors for 2010 season whereby Township residents may utilize Dansbury swim pool at Borough rates, with the Township making up the cost differential between the Borough resident and non resident rates. The motion carried unanimously.

Public Comments – Agenda Items

None

Correspondence

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

1. Registration materials for 111th Annual Convention of the Pennsylvania League of Cities (PLCM) to be held at Bethlehem Pa June 23-23, 2010. Mr. Henning made a motion, seconded Mr. Brozusky to authorize Borough officials to attend the convention with reimbursement of expenses in accordance with Borough travel policy.
2. A letter from the Pennsylvania Department of Environmental Protection (PA DEP) in response to the action plan submitted by MEA Inc. for the Smith Gas Station remediation site on North Courtland St.
3. A inspection report from PA DEP from their most recent visit to East Stroudsburg Water Filtration Plant on April 8, 2010.
4. A letter from East Stroudsburg University Center for Research and Economic Development requesting an extension on the lease agreement with the Borough for the Business Accelerator Building at 66/68 Analomink St. Mr. Henning made a motion, seconded by Mr. Brozusky to authorize a month to month extension of the lease between the Borough and CFRED. The motion carried unanimously.
5. A letter from Pennsylvania Department of Community & Economic Development (PA DCED) stating that the audit recently submitted by the Borough for the Main Street Program Grant for the 2004-2009 contract period has now been accepted.
6. A letter from the Stones Throw Property Owners Association (STPOA) stating a concern for potential fire hazard for the Borough's Zacharias Pond Park property located adjacent to the Stones Throw Development.
7. A letter from Kathy Kuck, CEO, of Pocono Health System, thanking the Borough for support of funding for the Pocono Medical Center Cancer Center project from local Gaming Share Account monies for Monroe County.

Reports

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

Mr. DeLarco asked about the status of hiring a DPW Director for the Borough? Mr. Phillips said that he has been unable to proceed any further with that process due to many ongoing projects currently underway for the Borough, and he also has concerns for the relative small number of applications received for the position and also the advisability of hiring someone additional for the Borough payroll at this point in time, giving the uncertain budget situation that the Borough is facing along with all other municipalities. Mr. DeLarco said he is only bringing this up so as to know whether the Borough was going to proceed with trying to fill this position at this time or not.

Mr. Phillips reported:

1. Consumer Confidence Report (CCR) for the Borough water system for 2009 was issued last month to all Borough water customers.
2. Ardito & Company LP has furnished a copy of the 2009 Year Comprehensive Financial Report for the Borough to Council members, and Anthony Ardito will attend the April 29th Council Committee meeting to review the audit with Council.
3. Council has received a copy of the March 31, 2010 Financial Reports.
4. Flushing of hydrants on the Borough water system is scheduled for Wednesday and Thursday May 5th & 6th, 2010.
5. Mr. Phillips said he has been invited to attend a meeting at Stroudsburg Borough with representatives of all appropriate parties concerning coal tar site located near or under the Brodhead Creek Levee on the Stroudsburg Borough side of the creek.
6. Mr. Phillips said Tim Herd of Stroud Region Open Space & Recreation Commission (SROSRC) has completed the application to be submitted for possible funding to Pennsylvania Department of Conservation and Natural Resources (PA DCNR) for surfacing the top of the levee as the first stage in development of the Levee Loop Trail. Mr. Phillips said based on the cost estimate of approximately \$75,000, the local share of project costs are proposed to be \$7,970 from SROSRC, \$10,000 from the Friends Group of SROSRC, and \$17,000 from East Stroudsburg Borough. Mr. Reese made a motion, seconded by Mr. Repsher to ratify Resolution No. 12-2010 authorizing submittal of the application for funding to PA DCNR. The motion carried unanimously.

List of Bills

Mr. Reese made a motion, seconded by Mr. Henning to approve the list of bills payable and to ratify expenditures and payroll made through April 20, 2010 as submitted. The motion carried unanimously.

Executive Session

Mr. Phillips said he has several real estate and litigation type issues to mention that do not require an actual executive session. Mr. Phillips said that he had contacted Peter Irracane of East Broad St. concerning the proposed easement for stormwater work and Mr. Irracane indicated that he and his wife would sign the easement agreement previously furnished from the Borough. Mr. Phillips said Bob Starrett of Michael Baxter Associates had contacted him and will be bringing a potential client to discuss interest in the Borough's former IBW property. Mr. Phillips noted that Council had discussed last year the possibility of limiting the total amount of stipend paid by the Borough for students at East Stroudsburg South High School who are being recognized for perfect attendance during their four (4) year high school career. Last year the Borough had budgeted \$400 but seven (7) students were eligible for the perfect attendance award. After discussion, Mr. Brozusky made a motion, seconded by Mr. Repsher to designate that the Borough would provide the \$100 stipend to ESHS South students who receive the perfect attendance award and are residents of the Borough. The motion carried unanimously.

Adjournment

With no further business Mr. Reese made a motion, seconded by Mr. Repsher to adjourn the meeting at 10:25 p.m. The motion carried unanimously.

James S. Phillips, Secretary