

East Stroudsburg Borough, April 6, 2010

A regular meeting of the East Stroudsburg Borough Council was held at the Municipal Building on Tuesday April 6, 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. and two residents in the audience.

Call To Order/Pledge of Allegiance

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

Minutes of March 16, 2010 Regular Council Meeting

Mr. Reese made a motion, seconded by Mr. Henning to approve the minutes of the regular Council meeting held March 16, 2010 as submitted. The motion carried unanimously.

Grant Application to PA DCNR for Levee Loop Trail

Tim Herd, Executive Director for the Stroud Region Open Space & Recreation Commission (SROSRC) was present and reviewed the concept plan for paving a portion of the levee loop trail from the Veteran's Bridge to Dansbury Park. Mr. Herd said the Pennsylvania Department of Conservation & Natural Resources (PA DCNR) has a grant application open until 4:00 p.m. April 24, 2010. Grants may be submitted on a 50% matching basis. The Recreation Commission and Greenway Advisory Committee has recommended paving the top of the levee from the bridge to Dansbury Park since this is the most heavily used portion of the levee loop trail. There is the possibility of the East Stroudsburg Area School District also participating for paving the portion of the trail that extends from the levee through the District property, and also possibly Stroud Township may be involved by developing a portion of the trail on the west side of Brodhead Creek south of the Moose Lodge property. The estimated cost for paving an 8' wide path with a permeable gravel surface is just in excess of \$100,000. Mr. Herd said he has a commitment of \$3,000 of in-kind services from the Penn State Center for Dirt & Gravel Road Studies, and is planning on a \$10,000 cash contribution from the Friends of SROSRC.

Mayor Martinelli noted for a \$100,000 project that an additional local match of \$30,000 would be required? Mayor Martinelli said he thinks this is a good project and thinks the Borough should support it.

Mr. Herd said the Borough would need to be the applicant for the grant since it owns the property that the flood control levee is constructed on. Mr. DeLarco suggested that Council approve a resolution tonight, which is required for the grant application, because, of the late date of the next Council meeting (April 20th) before the grant applications are due. After further discussion, Mr. Henning made a motion, seconded by Mr. Reese to adopt Resolution No. 12-2010 authorizing the submittal of a grant application by the Borough on behalf of SROSRC for development (paving) of a portion of the Levee Loop Trail, as requested. The motion carried unanimously.

Mr. DeLarco commented to Mr. Herd that he was pleased with the annual report that had recently been distributed for the Regional Recreation Commission for 2009 and he is glad to see the number of people who are participating in the recreational programs offered by the Commission.

Public Comments – Agenda Items

None

Ordinance No. 1232 Amending Chapter 154 (Water Code)

Mr. Phillips said the proposed ordinance amends the water rate ordinance recently adopted by Council (Ord. No. 1231) revising the definition of basic rate to clarify that non-single family residential users which are currently billed for more than one minimum charge will continue to be billed for that number of equivalent billing units (ebu's) for the actual number of units, even if supplied with water through one connection. Mr. Phillips said the other change is to clarify that the minimum use allowance per ebu will decrease from the 30 kiloliters per quarter to 25 kiloliters. Mr. Repsher made a motion, seconded by Mr. Henning to adopt proposed ordinance No. 1232 amending Chapter 154 of the East Stroudsburg Code, as advertized. The motion carried unanimously.

Resolution No. 10-2010 Revising Fees for Furnishing/Installation of Water Meters

Mr. Phillips said the costs in the resolution for furnishing/installing water meters by the Borough are actually not new; the figures in Ordinance No. 1231 were actually the previous old figures and thus this resolution restores the most recent charges in effect. Mr. Brozusky made a motion, seconded by Mr. Reese to adopt proposed Resolution No. 10-2010 revising fees for furnishing/installation of water meters by the Borough as submitted. The motion carried unanimously.

Agreement with Northeast Timber Services for Preparation/Sale of Timber

Mr. Phillips said the Borough's Forester, Rod Jones, has identified the next area of the Borough watershed property for selectively harvesting timber. The agreement with Northeast Timber is that Mr. Jones is paid a commission of 15% of the value of the timber marketed in return for his services in identifying and marking the timber to be harvested and administering the bids and contract with the selected vendor. Mr. Repsher made a motion, seconded by Mr. Brozusky to approve the proposed agreement with Northeast Timber Services as submitted. The motion carried unanimously.

Bid Proposals for Sale of Timber from Portion of Borough Reservoir Property

Mr. Brozusky made a motion, seconded by Mr. Repsher to authorize advertising for bid proposals for sale of timber as recommended. The motion carried unanimously.

Public Comments – New Business

None

Grant Agreement with PA DEP for Additional Funding for Levee Repairs

Mr. Phillips said the Borough has an agreement with the U.S. Army Corps of Engineers for constructing repairs to the Brodhead Creek Flood Control Levee as a result of flood damages that occurred from the 2006 year flood event. Under that agreement the Borough is required to pay for a 20% matching share of the project costs; however the Pennsylvania Department of Environmental Protection (PA DEP) had funded the Borough's local share of the project cost up to \$95,000. After the repair work was completed the actual project cost came in over budget and the Borough owes additional funds to the Corps of Engineers for the local project share. PA DEP has again agreed to reimburse the Borough for those additional costs in the approximate amount of \$8,000. Mr. Brozusky made a motion, seconded by Mr. Repsher to approve the grant agreement with PA DEP for the additional funding as submitted. The motion carried unanimously.

Schedule Public Hearings on Conditional Use Requests

Mr. Phillips noted Council has three (3) conditional use hearings coming up for different applications as follows:

1. Eagle Glen Plaza expansion – 4/20/10 at 7:30 p.m.
2. University Properties Inc., (UPI) – 4/27/10 at 7:00 p.m.
3. Pocono Medical Center Hughes Cancer Center expansion – 5/4/10 at 7:30 p.m.

Mr. Reese made a motion, seconded by Mr. Repsher to authorize advertising the public hearings as recommended. The motion carried unanimously.

Report on Bids Opened by Council of Governments (COG) for Line Painting & Salt

Mr. Phillips said the Pocono Mountains Council of Governments (COG) opened bids on March 29, 2010 for street line painting and road salt. The low bidder for line painting was PSX, Inc. at \$.032 per lineal foot. The next lowest bid was from Interstate Road Management at a price of \$0.033 per lineal foot. The COG Board of Directors rejected the bid from PSX, Inc. and recommended award of contract to Interstate Road Management, due to alleged previous poor performance by PSX, Inc. The low bidder for road salt was Cargill Inc., at a price of \$65.33 per ton.

After discussion, Mr. Reese made a motion, seconded by Mr. Repsher to accept the contracts for line painting and road salt as recommended by the COG Board of Directors. The motion carried unanimously.

Request by Manager James Phillips to Attend APMM Conference at Harrisburg, PA

Mr. Reese made a motion, seconded by Mr. Henning to authorize Manager James Phillips to attend the annual Association of Pennsylvania Municipal Management (APMM) conference at Harrisburg, Pa. on May 19-20, 2010, with reimbursement of expenses in accordance with Borough travel policy. The motion carried unanimously.

Resolution No. 11-2010 Appointment to Board of Health

Mr. Henning made a motion, seconded Mr. Reese to adopt proposed Resolution No. 11-2010 reappointing Harvey Miller to a new five (5) year term on the Borough Board of Health expiring March 31, 2015. The motion carried unanimously.

Correspondence

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

1. A letter from Stroud Area Regional Police Department Solicitor John Prevoznik concerning the proposed amendment required to be adopted by the three (3) municipalities amending provisions of the regional police pension plan in accordance with Act 51 of 2009. Mr. Phillips said Council had already authorized advertising this ordinance. We were waiting for the concurrence of the Police Association in this action before formally amending provisions of the pension plan.
2. A letter from the Pocono Arts Council thanking the Borough for its recent donation of \$375.
3. A remedial action progress report prepared by MEA, Inc. for the Smith Gas Station site located on North Courtland St.
4. A letter from the Monroe County Historical Association concerning renewal of 2010 membership. Mr. Phillips said there is already an item on the list of bills for tonight's meeting for the \$250 annual membership renewal.
5. A letter from Nicholas Engineers regarding the Act 67 notification for the proposed expansion of the parking lot at the Pocono Medical Center Hughes Cancer Center expansion site.
6. A letter from the Dansbury Farmers Market requesting approval from the Borough for the farmers market to return to Miller Park beginning May 19, 2010. Mr. Henning made a motion, seconded by Mr. Brozusky to authorize the Farmers Market to again utilize Miller Park as requested. The motion carried unanimously.
7. A letter from Pennsylvania Department of Environmental Protection (PA DEP) concerning review of the URS consultant response to the previous comments submitted by PA DEP on the East Stroudsburg Dam rehabilitation project.

8. A copy of the Audit Report for the 2009 Year for the Monroe County Control Center (MCCC).
9. A copy of the Audit Report for the 2009 Year for the Stroud Region Open Space and Recreation Commission (SROSRC).
10. A copy of the Strategic Plan for 2010-2015 by and for East Stroudsburg University.
11. A letter from the East Stroudsburg American Legion Baseball Group requesting funding.
12. A letter from Lodge No. 319 BPOE requesting permission for their Drug Awareness Trailer to be located at Dansbury Park for Elks National Youth Week in May.

Reports

Mr. Reese asked about the schedule for the 2009 year road paving? Mr. Phillips said he is meeting with the PennDOT Municipal Services Representative on Monday April 12, 2010 to setup the Liquid Fuels Project, in hopes to be able to open bids the day of the April 29, 2010 Council Committee meeting.

Mr. Henning commented that he had recently spoken with Marie Summa of East Broad St. who inquired about the status of efforts to obtain the easement from her neighbor, Mr. Irracane, to address the stormwater issue on their property. Mr. Henning also inquired about the status of rebuilding the Dansbury Depot? Mr. Phillips said owner Pete Andrews had stopped in over a week ago and indicated that he was close to settling with his insurance company which would enable him to begin reconstruction.

Mayor Martinelli asked when the asphalt plants are reopening and said that Analomink St. needs to be patched and repaved as soon as possible.

Mr. Repsher inquired about a water leak at the curb stop at 510 North Courtland St. that has been leaking water for several weeks? Mr. Repsher also noted that there is a light out at the Borough Harlacher lot located next to the Methodist Church parking lot. Also, Mr. Repsher asked whether the Borough had heard anything else concerning Georgellen Drive? Mr. Phillips said he still had not received any response from the East Stroudsburg Area School District, and he was unable to call Homer Lee because he didn't have his phone number.

Mr. Brozusky stated that Lenox Avenue is in bad need of patching and repair and hopes that will occur soon.

Mr. Phillips reported that the Office on Aging has received a grant commitment to renovate the kitchen and install new air conditioning at the Loder Building Senior Center.

Mr. DeLarco questioned Mr. D'Alessandro concerning recommendations for revising parking requirements under the Borough Zoning Ordinance. Mr. D'Alessandro noted that in addition to the issues which Council has discussed concerning parking requirements for the university, there are several issues that have come up concerning parking requirements applicable to the proposed new cancer center. Mr. DeLarco reported that the Eastburg Community Alliance (ECA) Board of Directors has hired a new Downtown Manager, Cheryl Hayne who will start work April 13, 2010.

Mr. D'Alessandro reviewed his written engineer's report previously submitted to Council. Mr. D'Alessandro discussed the issues with the sewerline reconstruction project below Braeside Avenue, specifically with problems with the boring work underneath the driveway to the Braeside Apartments. They have encountered rocks in the boring and have requested additional compensation from the Borough. Mr. D'Alessandro explained that under the Borough contract no additional compensation is justified. The contract between the boring subcontractor and Lombardo Trucking, Inc., the general contractor, provides that the base price to the general contractor is subject to additional costs if rock is encountered. Mr. D'Alessandro said the contractor made some progress today and is about 2/3 complete with boring work under the driveway.

Mr. D'Alessandro discussed some issues pertaining to the upcoming conditional use requests before Borough Council. Mr. D'Alessandro said that he was somewhat surprised that University Properties Inc. did not submit a new site plan to the Borough for review by the Planning Commission for the entire university property as discussed at a recent meeting. Pertaining to the Pocono Medical Center Cancer Center project, Mr. D'Alessandro noted that the Borough zoning ordinance makes provision for a skyway such as proposed for crossing over East Brown St., but it appears that such structure must still be subject to the normal building setback requirements. Also Mr. D'Alessandro said that the Borough zoning ordinance provisions do not specifically address some of the uses involved with the cancer center project, such as outpatient services and the fact that parking may need to be provided for more than the maximum employees on one shift because some shifts overlap.

List of Bills

Mr. Henning made a motion, seconded by Mr. Repsher to approve the list of bills payable and to ratify expenditure and payroll made through April 6, 2010 as submitted. The motion carried unanimously.

Executive Session

Mr. Repsher made a motion, seconded by Mr. Brozusky to adjourn into executive session at 8:55 p.m. The motion carried unanimously.

Council members reassembled in the meeting room at 9:00 pm and Mr. Reese made a motion, seconded by Mr. Repsher to reconvene the public meeting. The motion carried unanimously. Mr. Williamson said the executive session was held to discuss several personnel matters.

Adjournment

With no further business Mr. Reese made a motion, seconded by Mr. Brozusky to adjourn the meeting at 9:01 pm. The motion carried unanimously.

James S. Phillips, Secretary