

East Stroudsburg Borough, December 1, 2009

A regular meeting of the East Stroudsburg Borough Council was held at the Municipal Building on Tuesday December 1, 2009. 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.; ESU Student Ambassador Ashley Puderbach; 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. Tom Tippet led the Pledge of Allegiance.

Minutes of November 17, 2009 Regular Council Meeting

Mr. Reese made a motion, seconded by Mr. Brozusky to approve the minutes of the regular Council meeting held November 17, 2009 as submitted. The motion carried unanimously.

Public Hearing on Proposed Five Year Capital Improvement Program for 2010-2014

Mr. Reese made a motion, seconded by Mr. Repsher to open the public hearing; the motion carried unanimously. Mr. Phillips reviewed the proposed Five Year Capital Improvement Program for the Borough which outlines major projects and capital equipment needs for the Borough over the period 2010-2014. Mr. Phillips said that the first year of the Capital Improvement Plan, when approved by Council, becomes the capital budget for the current fiscal year. Mr. Phillips said the total capital items proposed for the 2010 year is \$7,350,000. However, this includes several major projects including: \$4.7 million for the East Stroudsburg Dam rehabilitation, over \$1 million for completion of the new Fire Station project, \$150,000 for completion of the PennVest funded Waterline Replacement project, and \$120,000 for completion of the Levee Loop Trail "bump out" at Dansbury Park. The total outlined expenditures for the Five Year Capital Improvement Program is \$17,534,000.

Mr. DeLarco asked for comments from Council members. Mr. Henning asked if there was any further resolution of the issue of the \$100,000 estimated cost for build-out of the kitchen area at the new fire hall? Mr. Phillips said we still need to meet with the Committee from the Fire Company to resolve this issue. Mr. Henning suggested that the \$45,000 planned for paving the new access road to Terra Greens Golf Course and paving of additional cart paths at the Golf Course be deferred. Mr. Henning asked if the road base was installed and would there be problems with erosion if the road paving was postponed? Brian Zukawski, Golf Course Superintendent at Terra Greens who was present, said the road grading has a good stone base so the paving can probably be deferred if necessary. Mr. DeLarco asked for additional Council comments or comments from residents in the audience, and there were none. Mr. Repsher made a motion, seconded by Mr. Brozusky to close the hearing. The motion carried unanimously.

Public Comments – Agenda Items

None

Resolution No. 50-2009 Approving Five Year Capital Improvement Program

After discussion, Mr. Reese made a motion, seconded by Mr. Henning to approve the proposed Five Year Capital Improvement Program for the Years 2010-2014, with the changes suggested by Mr. Henning. The motion carried unanimously.

Proposed Land Development Plan – Duplex at 276/278 Van Gordon Street

Mr. Phillips said the applicant for the proposed duplex had appeared before Council at the August meeting at which time Council had granted several waivers from requirements of the Subdivision and Land Development Code. At the September 15, 2009 meeting Council had approved a motion to approve the plan, subject to the Borough Engineer's review comments being satisfactorily addressed. Mr. Deshler had called inquiring of the status of the plan so Mr. Phillips had placed the matter on the agenda. Mrs. Wolbert commented that with this proposed duplex and two other residences on the road there will be significantly more traffic than in the past, and perhaps the road should be improved. Mr. Phillips noted that Council had approved a waiver from the Land Development Code requirements concerning improvements for a public roadway. Mr. D'Alessandro noted that the road has been improved by placing gravel but perhaps a note should be placed on the plan requiring that snow plowing not be done towards E. Brown St., so that gravel is not pushed out onto the Borough street. Mayor Martinelli wondered whether Council had the same type of discussions regarding East Fifth St. when the apartment complex was proposed to be built off of that street in the 1970's.

Mr. Phillips said one of the waiver requests that was not granted concerned the traffic impact study that was submitted by the applicant which does not meet the normal ordinance requirements. Mr. Henning said the ordinance requiring a traffic impact study for a land development plan of 1,000 sq. ft. is a very low threshold for requiring a traffic study. Mr. D'Alessandro said there was one other outstanding issue concerning the stormwater system design. Mr. Williamson said the requirement for a traffic impact study is in the zoning ordinance and therefore the applicant would have to request a variance from the Zoning Hearing Board from requirements of the zoning ordinance.

After further discussion, Mr. Henning made a motion, seconded by Mr. Repsher to direct the Manager to advise the applicant to pursue an appeal or variance request through the Zoning Hearing Board regarding the traffic impact study issue. The motion carried unanimously.

Proposed 2010 Year Budget for Stroud Region Open Space & Recreation Commission

Mr. DeLarco said Council had discussed the proposed 2010 Year SROSRC Budget during the budget work session meetings. Mr. Phillips said the Borough's portion of the Regional Recreation Commission Budget will increase from approximately \$30,000 to \$35,000. After discussion, Mr. Repsher made a motion, seconded by Mrs. Wolbert to approve the proposed 2010 Year SROSRC Budget as submitted. The motion carried unanimously.

Proposed 2010 Year Budget for Stroud Area Regional Police Department (SARPD)

Mr. Phillips said the Borough's share of the proposed 2010 Year Regional Police Budget will increase from approximately \$1,832,000 to over \$1,906,000 in 2010. Mr. DeLarco commented that Chief Baujan had reviewed the proposed budget with Council and the budget was developed from the Budget Committee that consisted of members from the three (3) municipalities. The proposed budget only provides funding for 54 police officer positions, thus requiring the possible layoff of two (2) police officers and one (1) clerical position. The proposed budget has been approved by Stroud Township Supervisors and Stroudsburg Borough Council already. Mr. DeLarco said Council needs to take action on the proposed budget so the Police Department and Municipalities can finalize their own budgets.

After discussion, Mr. Reese made a motion, seconded by Mr. Brozusky to not approve the proposed budget as submitted. The motion failed, with Mr. Reese and Mr. Brozusky voting in the affirmative. Mr. Phillips said, as a representative on the Police Commission, that he does not like the proposed budget either; but he would prefer to see the budget approved and efforts to continue to try to forgo the need for the anticipated police officer layoffs. Mr. Phillips said the Police Commission would still have to take formal action regarding the layoffs and a meeting has been held with Representative of the

Police Association in an attempt to come up with cost savings or concessions that might eliminate or delay the proposed layoffs.

After further discussion, Mr. Henning made a motion, seconded by Mr. Repsher to approve the proposed budget as submitted. The motion carried by a vote of 4-2 with Mr. Reese and Mr. Brozusky voting no.

Proposed Easement Agreement with UGI Gas Utilities

Mr. Phillips said UGI Gas still wants to install a gas line across the Terra Greens Golf Course property from the J.T. Lambert School to the new Terra Greens Elementary School. The agreement provides for the gas company to post a \$12,000 cash bond as collateral with the Borough, and to pay a penalty of \$1,200 per day if work is not completed by March 31, 2010. Mrs. Wolbert asked if \$1,200 a day is enough incentive to encourage the gas company, to get the work done on time? Bryan Zukawski said the gas company has discussed bring in a new piece of equipment to excavate through the rock, in which case they would not want to follow the existing sewerline right-of-way but utilize a new easement. Mr. Williamson noted that if a new easement is required it would have to be surveyed and it is unlikely that they would be able to get the work done by March 31, 2010. Mr. Henning suggested increasing the penalty to \$2,400 per day if the gas company does not get the work done on time. After further discussion, Mrs. Wolbert made a motion, seconded by Mr. Repsher to authorize the Solicitor to contact UGI Gas with the terms of the easement agreement being posting of a \$24,000 cash collateral with a \$2,400 per day penalty if work is not completed by March 31, 2010 as discussed. The motion carried unanimously.

Proposals for Water Rate Increase

Mr. Phillips reviewed the figures prepared by R.K.R. Hess Associates concerning a new basis for the water system rates. His analysis showed that commercial, public and industrial users are not paying the same proportion of water system revenues as their proportion of water usage represents. Mr. D'Alessandro had also showed that the majority of the Borough's cost for operating the water system are basically fixed costs, and a lesser portion are variable costs that change with usage; therefore Council had agreed to consider a rate structure that would be based approximately 70% on fixed cost and 30% on variable cost. His figures also included an allowance of 22.2 kiloliters per quarter which would be a decrease from the 30 kiloliters of water usage currently included in the minimum billing.

Mr. Phillips said the Borough has provided a printout of the commercial, public and industrial users for Council review as requested. The commercial accounts are based on a fixed rate of \$41 per quarter and a variable rate of \$0.80 per kiloliter for all usage over a 25 kiloliter minimum per quarter. Also the average equivalent billing unit (EBU) has been rounded up to a figure of 45 kiloliters per quarter or 180 kiloliters per year. The result of these changes is a slight reduction in the amount of water revenues generated from the figures estimated by Mr. D'Alessandro. Mr. Henning commented that the figures are not as high as he had anticipated they might be. After further discussion, Mr. Repsher made a motion, seconded by Mr. Henning to authorize preparation of an ordinance to adopt the proposed new rate structure based on a flat fee of \$41 per quarter, a variable rate of \$0.80 per kiloliter and a minimum usage allowance per quarter of 25 kiloliters. Mr. Reese asked when the new rates could be implemented? Mrs. Wolbert noted that the new rates need to be adopted as soon as possible in order to generate the amount of funds that are anticipated to be needed. The motion passed by a vote of 4-2 with Mr. Brozusky and Mr. Reese voting no. Mr. Phillips said he would work with Mr. Williamson and Mr. D'Alessandro to prepare the verbage necessary for an ordinance to officially adopt the new rate structure.

Proposed Sidewalk Improvement Program

Mr. Phillips said he had revised the draft program guidelines based on Councils discussions at the work session meeting. Mr. Phillips said the proposed program

provides for grants for eligible residents to improve their sidewalks. The eligibility criteria includes:

-Residents must improve their entire sidewalk frontage to be eligible for grant or loan assistance.

-If income eligible, they may obtain a grant for up to 25% of the cost of sidewalk repairs or replacements up to a maximum of \$1,000.

-Otherwise residents can obtain an interest free loan up to the maximum amount of \$5,000 to be repaid over two (2) years.

-All construction must be in accordance with Borough construction specifications and guidelines.

Mr. Phillips said the proposed program would be on a one (1) year trial basis and Council would have to decide subsequently whether to continue the program. After discussion, Mrs. Wolbert made a motion, seconded by Mr. Repsher to approve the proposed Sidewalk Improvement Program guidelines as submitted. The motion carried unanimously.

Replacement of Concrete Walls of SBR Units at Sewage Treatment Plant

Mr. Phillips said the concrete block walls which makeup the chlorine contact area at the discharge end of the SBR Units at the Sewage Treatment Plant are deteriorating and need to be replaced. Mr. Henning made a motion, seconded by Mr. Reese to authorize advertising for bid proposals for replacement of the concrete walls as requested. The motion carried unanimously.

Public Comments – New Items

None

Correspondence

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

1. A thank you letter from the Monroe County Vector Control Program for the \$1,400 donation received from the Borough.
2. A communication from the Eastern Monroe Public Library concerning an upcoming vacancy on the Board of Directors for the library and the nomination of Bernadette Ewen to the Library Board of Directors, representing the region including East Stroudsburg Borough, Stroudsburg Borough, and Hamilton Township. Mr. Repsher made a motion, seconded by Mr. Reese to approve the appointment of Ms. Ewen to the Library Board of Directors as recommended. The motion carried unanimously.
3. A letter from Pennsylvania Department of Environmental Protection (DEP) stating that an air quality permit has been issued to the Royal Chemical Facility (formerly Diversey Lever) located on Crowe Road in Stroud Township.

Reports

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

Mr. Repsher asked Mr. Phillips to again check with Mr. Blick concerning the complaint about the overgrown shrubbery in the yard at 578 North Courtland Street. Mr. Repsher also noted that the hole in the pavement of North Courtland St. in front of 519 is still there and trucks are still hitting it every night.

Mr. Brozusky questioned the schedule for action on the proposed Borough Budget for 2010? Mr. DeLarco suggested holding a meeting next Tuesday December 8th at 7:00 p.m. to continue the budget review. Mr. Phillips said the Planning Commission meets that night but Council could meet in the Manager's office. After discussion, Mrs.

Wolbert made a motion, seconded by Mr. Repsher to schedule a special meeting for Tuesday December 8, 2009 at 7:00 p.m. The motion carried unanimously.

Mark Hoke, Department of Public Works Maintenance Supervisor noted that he has received several favorable comments from residents about the Borough newsletter recently issued.

Mr. Henning asked for a report on the new fire station. Mr. Phillips said construction and build out of the walls inside is now proceeding more quickly.

Mr. Phillips reported that the Borough has been notified that we are late in submitting the required audit for the Main Street Funding received by the Borough over the last several years. Mr. Phillips said he has again contacted Auditor Anthony Ardito concerning having the necessary audit report prepared and submitted to DCED. Mr. Phillips said he had contacted Maryann Freebie of the Oaks Property Owners Association concerning her letter concerning the problem with feral cats in their neighborhood and copied Council on that email. Mr. Phillips noted that Council in previous years has always approved "free parking" in the downtown area in the week before Christmas and asked whether Council wanted to again do so? Mayor Martinelli commented that Council had discussed last year not doing the "free parking" because of the concern that employees on Crystal St. were parking all day at the meters instead of leaving them open for customers. Mr. DeLarco suggested that Council obtain input from ECA and consider this matter at the December 15, 2009 meeting.

Mr. Phillips again then noted that the contractor for last year's Prospect St. water line project, Doli Construction Inc., has requested consideration for compensation because of the increase in pipe materials that went into effect between the time of bidding for the project and when the contract was actually awarded by the Borough. After discussion, Mr. Henning made a motion, seconded by Mr. Reese to decline to make any additional payment to the contractor as the Borough is not obligated to do so under the contract in effect. The motion carried unanimously.

List of Bills Payable

Mr. Reese made a motion, seconded by Mr. Repsher to approve the list of bills payable and to ratify expenditures and payroll made through December 1, 2009 as submitted. The motion carried unanimously.

Adjournment

With no further business Mr. Reese made a motion, seconded by Mrs. Wolbert to adjourn the meeting at 9:40 p.m. The motion carried unanimously.

James S. Phillips, Secretary