

East Stroudsburg Borough, February 2, 2010

A regular Council meeting of the East Stroudsburg Borough Council was held at the Municipal Building on Tuesday February 2, 2010. The following members were in attendance: Victor Brozusky; Roger DeLarco; Ed Henning; William Reese; Donald Repsher and Sonia Wolbert. 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 order at 7:35 p.m. Maria Fetterolf led the Pledge of Allegiance.

Minutes of January 19, 2010

Mr. Reese made a motion, seconded by Mr. Brozusky to approve the minutes of the regular Council meeting held January 19, 2010 as submitted. The motion carried unanimously.

Public Comments – Agenda Items

None

Agreement for Administration of Borough Housing Rehabilitation Program for 2010

Mr. Phillips said the Redevelopment Authority of Monroe County has submitted a renewal agreement to administer the Housing Rehabilitation Program for the Borough which is funded by the Borough's Community Development Block Grant (CDBG) allocation. Mr. Phillips said the agreement is similar to previous years, except that some additional language has been added to provide for administration of home rehabilitation projects with HOME funds if the Borough's application for such funding is approved. The Redevelopment Authority will charge \$100 additional per residence, plus the cost of appraisals, for the additional requirements under the HOME program. Mr. Phillips also questioned a new provision whereby the Redevelopment Authority would charge 18% of the amount of CDBG funds returned in the event of a property changing hands, to cover the costs of preparing and processing mortgage satisfaction documents. After discussion, Mr. Brozusky made a motion, seconded by Mr. Repsher to approve the proposed agreement with the Redevelopment Authority for administration of the Housing Rehabilitation Program for 2010, with the exception of Paragraph 1-d regarding the satisfaction fees. The motion carried unanimously.

Proposed Ordinance Amending SARPD Police Pension Plan – Killed-In-Service Benefit

Mr. Phillips said the State Legislature enacted a new law (Act 51-2009) which provides that the Commonwealth will now pay a killed-in-service benefit to the spouse or beneficiaries of any police officer, firefighter or EMS officer who is killed in the line of duty within the Commonwealth. The existing Police Pension Plan document still provides for a killed-in-service benefit provision that was based on the old legislation (Act 30), so the pension plan document needs to be amended which requires enactment of an ordinance by the three member municipalities to the Police Department. Mr. Reese made a motion, seconded by Mr. Repsher to authorize advertising a proposed ordinance to amend the SARPD Police Pension Plan as discussed, as soon as an ordinance form is provided by the SARPD Solicitor. The motion carried unanimously.

Ordinance Authorizing the Incurring of Lease Rental Debt for Refinancing the Existing Debt for the SARPD Headquarters Facility

Mr. Phillips said Stroudsburg Borough is taking proposals tomorrow for the refinancing of the 2005 bond issue which in turn refinanced the original 2001 bond issue

which funded construction of the Regional Police Headquarters building. Mr. Henning asked if the term of the existing bond issue is being extended and was advised “no”. After discussion, Mr. Brozusky made a motion, seconded by Mr. Repsher to adopt proposed Ordinance No. 1230 Authorizing the Incurring of Lease Rental Debt Represented by a Subsidy Agreement with Stroudsburg Borough and Stroud Township, for refinancing the debt on the SARPD headquarters facility. The motion carried unanimously.

#### Bid Proposals for Rental of Tub Grinder Equipment at Twin Boroughs Recycling Center

Mr. Phillips said he has prepared specifications and bidding documents for renting a tub grinder to process yard waste into mulch at the Twin Boroughs Recycling Center. Mr. Brozusky made a motion, seconded by Mr. Repsher to authorize advertising for bid proposals for rental of Tub Grinder equipment as recommended. The motion carried unanimously.

#### Proposed Rules and Regulations for Regional Parks & Facilities

Mr. Phillips said he had emailed to Council a copy of the proposed rules and regulations for regional parks and facilities that has been prepared by the Stroud Region Open Space and Recreation Commission (SROSRC). Mr. Phillips said the proposed rules and regulations are mostly a compilation of the existing rules and regulations of the three municipalities now that the Recreation Commission is handling reservations and permits for park pavilions and facilities for all three municipalities. Mr. Repsher made a motion, seconded by Mr. Reese to approve the proposed SROSRC rules and regulations for park facilities as submitted. The motion carried unanimously.

#### Proposed Ordinance Amending Chapter 154 of the East Stroudsburg Code (Water) Rewriting Major Sections of the Chapter, Changing the Water Rate Structure, and Increasing the Rates for Metered Water Service

Mr. Phillips noted there are two (2) issues he wanted to address with Council concerning the proposed ordinance. First of all Section 154-9 of the Chapter provides for sprinkler connection fees for all sprinkler connections on a 2” size or larger line. Mr. Blick had advised Council at the last Committee meeting that the new building code provisions will require residential sprinkler systems; and Mr. Phillips asked whether Council intends that a sprinkler connection fee would be required for single family residences connected on as small as a ¾” service line. Mr. Henning commented that the new sprinkler requirements for residents could add up to \$5,000 to the cost of a single family residence. After discussion, Council decided to leave the wording in the water code as is as it pertains to sprinkler connection fees, so that they would only be required if there is a separate sprinkler line installed of 2” in size or larger.

Mr. Phillips also noted that if Council approves the ordinance increasing the water rates at the February 16, 2010 meeting, this will still be within the current billing quarter for water usage for water customers. Mr. Phillips said he was not encouraging the delay of the water rate increase implementation but, Council needs to determine when the new rates will be effective. Mr. DeLarco noted that Council has been discussing the water rate increase for some time and needs to buildup water fund reserves to pay for capital improvements that the Borough needs to make in the water system, including the major rehabilitation work at the East Stroudsburg dam and Middle dam, waterline replacements, etc. After discussion, Mr. Henning made a motion, seconded by Mr. Reese to authorize advertising the proposed ordinance amending the water code for enactment at the February 16, 2010 meeting, with an effective date of the new water rates for the usage quarter beginning March 1, 2010. The motion carried unanimously.

#### Request by Manager to Attend Annual PELRAS Training Conference

Mr. Henning made a motion, seconded by Mr. Reese to authorize Manager James Phillip to attend the annual Public Employee Labor Relations Advisory Service (PELRAS) Training Conference at State College, PA March 17-19, 2010, with

reimbursement of expenses in accordance with Borough travel policy. The motion carried unanimously.

#### Public Comments – New Business

Homer Lee, 303 Georgellen Avenue asked that the street name sign for Georgellen Avenue be replaced. Maintenance Foreman Mark Hoke who was present said he had replaced the sign for Buttonwood Court and is waiting for additional materials to be able to make up a new sign to replace the sign for Georgellen Avenue.

Mr. Lee also said Georgellen Ave. from King St. to Buttonwood Ct. was never repaired after it was used for heavy construction activity by PP&L, the School District and the Borough when all three agencies had been undertaking stream bank restoration work after the 2005 and 2006 flood events. Mr. Lee said he hopes that the Borough could get together with PP&L and East Stroudsburg Area School District to make needed repairs to the road. Mr. Hoke agreed that the private road is in rough condition. After discussion, Mr. Reese made a motion, seconded by Mr. Brozusky to direct the Manager to contact PP&L and the School District concerning the issue of maintenance repairs to Georgellen Avenue. The motion carried unanimously.

Henry Pyatt of the Eastburg Community Alliance asked if speed limit signs could be installed on Crystal Street between Analomink and Washington Street now that a speed limit ordinance went into effect?

#### Correspondence

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

1. A letter from the Center for Research and Economic Development of East Stroudsburg University notifying the Borough that CFED is terminating the lease with the Borough for the 66/68 Analomink St. building effective March 31, 2010.
2. A letter from the Pennsylvania State Association of Boroughs (PSAB) encouraging municipalities to return Legislative Contact Sheets to the Association.
3. A copy of a letter from the Pennsylvania Department of Environmental Protection (DEP) to Donald Biffen concerning approval of the site characterization and remedial action plan for cleanup of the Biffen property.

#### Reports

Mr. D'Alessandro reviewed his written engineer's report previously submitted to Council. Mr. D'Alessandro noted an item not on the written report involves a review of plans submitted by East Stroudsburg University (ESU) for reconstruction of the intersection of Centre St. with Prospect St., which is for the purpose of making Centre St. open to two-way traffic. Mr. D'Alessandro said he had identified two main issues; one recommendation is to require an increase in turning radius on the southbound side of Centre St. adjacent to Pocono Medical Center, and second to require replacement of the storm sewer inlet within the intersection that will be within the new wheel path for traffic making the turn from Centre St. to Prospect. St. Mr. Reese said he does not believe that Council should grant a waiver for the turning radius requirements because once the intersection is done then it will be too late to address any liability concerns or maintenance. Council members agreed.

Mr. Reese questioned the requirement that parking fines must be paid within 72 hours or else the fine goes from \$4 to \$30; and asked that this matter be placed on the next Committee meeting agenda for further discussion. Mr. Reese also asked that at the next Committee meeting Council discuss restricting truck traffic on Prospect St. for the portion of road that the Borough recently took back from PennDOT, from Ridgeway St. to Analomink St. Finally, Mr. Reese suggested that the Borough needs to look at repaving Analomink and Lenox Streets where waterline construction has occurred as soon as possible in the spring after the asphalt plants open.

Mr. Williamson noted he has reviewed the Certificate of Title form for the Dansbury Park property which is required for the project being undertaken to renovate the bathhouse at Dansbury Park with funding by a grant through the Regional Recreation Commission. Mr. Williamson also noted that he had received an email from Eugenia Eden of the Adhoc Housing Committee and asked whether Council wanted him to attend the next Committee meeting on Tuesday February 9<sup>th</sup>?

Mrs. Wolbert asked about developing new standards for parking requirements at the university? Mr. D'Alessandro said he has prepared a draft report which he will get to Council tomorrow. Mrs. Wolbert also reported that she had spoken with Bob Hay of the North East Pennsylvania Railroad Authority (NEPARR) concerning possible interest in the former IBW property. Finally, Mrs. Wolbert noted that the Friends of SROSRC Group will be meeting next Tuesday afternoon.

Mr. Repsher said he had talked with Janice Gianolla of North Courtland St. who had again asked about the vehicles that are being stored/covered on her neighbor's property. Mr. Repsher asked that Council look at the existing provisions of the "junk vehicle" ordinance at the next Committee meeting. Mr. Repsher also noted that there appears to be a garbage can in a storm inlet near East First St. and Chestnut St. Mark Hoke said he would check that out.

Mr. DeLarco asked Mr. Phillips if he had checked out the iron bridge carrying Bridge St. over the railroad tracks? Mr. Phillips said he did not but would check it out and contact the PennDOT Bridge Unit, if necessary.

Mr. DeLarco asked Mr. D'Alessandro about comments made by Attorney Mark Wolfe on behalf of University Properties Inc., last week concerning the issue of a review letter requested from the Borough Engineer concerning stormwater. Mr. D'Alessandro said the Municipal Engineer has to submit a letter stating that a proposed stormwater management plan is in conformance with the Municipal Stormwater Management plan and Act 167. This is a requirement for obtaining an NPDES permit for stormwater. Mr. D'Alessandro said there are still several issues regarding the ESU stormwater plan that need to be addressed before he would be able to do the certification letter.

#### List of Bills

Mr. Brozusky made a motion, seconded by Mr. Reese to approve the list of bills payable and to ratify expenditures and payroll made through February 2, 2010 as submitted. The motion carried unanimously.

#### Adjournment

With no further business Mrs. Wolbert made a motion, seconded by a motion seconded by Mr. Henning to adjourn the meeting at 8:45 p.m. The motion carried unanimously.

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James S. Phillips, Secretary