

East Stroudsburg Borough, February 16, 2010

A regular meeting of the East Stroudsburg Borough Council was held at the Municipal Building on Tuesday February 16, 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.; ESU Student Ambassador Ashley Puderbach; a press representative from TV 13, and several residents in the audience.

#### Call To Order/Pledge of Allegiance

Mr. DeLarco called the meet to order at 7:35 pm. Sean Haggerty led the Pledge of Alliance.

#### Minutes of February 2, 2010 Regular Council Meeting

Mr. Henning made a motion, seconded by Mr. Reese to approve the minutes of the regular Council meeting held February 2, 2010 as submitted. The motion carried unanimously.

#### Public Comments – Agenda Items

None

#### Peter Vernon – More Than 2 Unrelated Zoning Requirements

Peter Vernon said he owns a home at 49 Borough St. After relocating he wasn't able to sell the house so he rented it to a family. Now that family is moving and he is looking to rent again and his prospective tenants are three ESU college students. Mr. Vernon said he inquired with the Borough and was advised by Codes Officer John Blick that the Borough prohibits more than 2 unrelated individuals from residing in a dwelling as a "family". Mr. Phillips said that is how the definition for family reads under the zoning ordinance and this has been in effect for many years. Mr. Vernon said his property has a driveway which has room for three of more cars for parking off street. He is not attempting to maximize his rent but really wants to recover the cost of his mortgage payments. Mr. Vernon said he wants the opportunity for more people to be heard regarding this issue.

Mr. DeLarco asked Mr. Vernon what stops him from renting to two (2) students? Mr. DeLarco said the requirement is related to the concern that multiple tenants lead to quality of life issues. With rental units more people lead to more cars, more cars to more traffic, more parties and other related issues. Mr. Vernon said his concern is that this Borough rule is preventing him from renting his house at this time. Mr. Vernon said Codes Officer Blick had told him he could apply for a zoning variance from the Zoning Hearing Board. Council members told Mr. Vernon he always has the right to apply for a variance but that is probably not his best option. Mr. DeLarco said this requirement has been in place for some time and basically Mr. Vernon would have to convince four (4) members of Council that they need to change the ordinance.

Alexi Deitzi said she is aware of many other locations where more than two college students live in one residence, and those locations are not a problem.

Damaris Colon of 154 East Broad Street said she had brought a complaint to the Borough about her neighbors, Frank and Marie Summa, accusing her of having unrelated individuals residing in her residence. Mrs. Colon said she has adult sons and daughters living at home, and resents their accusations. Mr. Williamson said any comments made by Mr. & Mrs. Summa do not represent the position of the Borough, and Mr. Summa, while a volunteer member of the Borough Zoning Hearing Board, is not an employee or official of the Borough.

Presentation by Johnson Controls, Inc. on Proposals for Energy Management/Facility Improvement Measures for the Borough

John Bonan, CEM, and Eddie Decker of Johnson Controls were present to present their preliminary information on their review of possible energy conservation measures that the Borough can undertake to save on future energy costs. Mr. Bonan presented a power point presentation to Borough Council and answered questions. Mr. Bonan noted that Johnson Controls, Inc. (JCI) is one of twenty (20) certified energy service companies in the Commonwealth. The company has recently completed several energy saving projects for Monroe County.

Mr. Bonan reviewed the preliminary findings of the report and described the procedure should the Borough wish to proceed obtaining proposals from energy service companies for undertaking the energy conservation measures. Mr. Bonan said the Borough would solicit a request for proposals (RFP) from a limited number of certified energy service companies for a guaranteed performance contract; whereby the company would guarantee the savings to obtain by the energy conservation measures which would more than offset the cost of borrowing monies to complete the improvements.

Mr. DeLarco noted that the anticipated cost of the energy saving measures represent a significant undertaking for the Borough, and suggested that Council discuss the process further at its next Committee meeting.

Proclamation Recognizing Peace Corps Week, March 1-7, 2010

Mr. Henning made a motion, seconded by Mr. Brozusky approving a proposed proclamation by Mayor Martinelli proclaiming the week of March 1-7, 2010 as Peace Corps Week and commemorating the formation of the Peace Corps. The motion carried unanimously.

Bids Received for Purchase of Chemicals for Swimming Pool and Water Plant

Mr. Phillips reviewed his memo on bids received 4:00 pm today for the purchase of sodium hypochlorite for the swimming pool and water plant and caustic soda for the water plant. Four (4) bids were received and the tabulation is as follows:

<u>Bidder</u>	<u>Item 5.</u> <u>Sodium Hypochlorite</u> Bulk Delivery 8,000 gals./yr. Price Per CWT	<u>Item 6.</u> <u>Sodium Hypochlorite</u> (15 gal. cont.) 1,500 gals./yr. Price Per CWT	<u>Item 7.</u> <u>Sodium Hydroxide</u> (Caustic Soda) 3,200 gals./yr. Price Per CWT
Aqua Chemical Supply, Inc.			
Millersburg PA	1 <sup>st</sup> Yr. \$14.90	NO BID	NO BID
Bid Bond 10%	2 <sup>nd</sup> Yr. \$14.90 *	NO BID	NO BID
Main Pool & Chemical Co., Inc.			
Dupont PA	1 <sup>st</sup> Yr. \$12.90	\$24.79	\$17.88
Bid Bond 10%	2 <sup>nd</sup> Yr. \$13.90	\$26.48	\$18.88
Strand Pool Supply, LLP			
Stroudsburg PA	1 <sup>st</sup> Yr. \$13.90	\$25.00	NO BID
Bid check \$2,974	2 <sup>nd</sup> Yr. \$13.90	\$25.00	NO BID
Univar USA, Inc.			
Middletown PA	1 <sup>st</sup> Yr. NO BID	\$33.90	NO BID
Bid Bond 10%	2 <sup>nd</sup> Yr. NO BID	\$34.90	NO BID

\* bid price for second year only upon mutual consent of Bidder and Borough  
*apparent low bidder in italics*

After discussion, Mr. Henning made a motion, seconded by Mrs. Wolbert to accept the bid proposals from and award contracts to the low bidders for each item as submitted. The motion carried unanimously.

#### Resolution No. 8-2010 Restating Fair Housing Policy of the Borough

Mr. Phillips noted that Council annually re-adopts its Fair Housing policy for the Borough, which is a requirement for the Borough administration of the Federal Community Development Block Grant (CDBG) program. The Fair Housing policy outlines discriminatory activities in relation to housing in the Borough and appoints a Fair Housing Officer. Mr. Reese made a motion, seconded by Mrs. Wolbert to adopt proposed Resolution No. 8-2010 restating the Borough Fair Housing policy as submitted. The motion carried unanimously.

#### Bids Received for Rental of Tub Grinder Equipment

Mr. Phillips said only one (1) bid was received from Scotta Equipment & Materials, LLC of Saylorsburg, Pa at the rate of \$3,850 per day for rental of a tub grinder to process mulch at the Twin Boroughs Recycling Center. After discussion, Mr. Brozusky made a motion, seconded by Mrs. Wolbert to table action on the only bid received for further review. The motion carried unanimously.

#### Reschedule Public Hearing on Community Development Needs of the Borough

Mrs. Wolbert made a motion, seconded by Mr. Repsher to reschedule the required public hearing on the community development needs of the Borough and the possible uses of Community Development Block Grant (CDBG) monies to address those needs for the March 2, 2010 Council meeting. The motion carried unanimously.

#### Ordinance No. 1231 Amending the East Stroudsburg Code, Chapter 154 Increasing Basic Rates for Metered Water Service

Mr. DeLarco noted that this proposed ordinance regarding changing the water rate structure and increasing basic rates for metered water service has been discussed by Council for some time now. Mr. Phillips said the ordinance has been advertised for enactment. Mrs. Wolbert made a motion, seconded Mr. Repsher to adopt proposed Ordinance No. 1231 Amending the East Stroudsburg Code, Chapter 154 thereof, entitled Water, rewriting major sections of the chapter, changing the water rate structure, and increasing basic rates for metered water service, as advertised. The motion carried unanimously.

#### Public Comments – New Business

Damaris Colon said she would withhold the letter she intended to submit and revise it based on the information that Mr. Williamson had provided earlier.

#### Correspondence

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

1. A copy of the audit of the East Stroudsburg Volunteer Firemen's Relief Association for the 2007-2008 Years, as prepared by the Pennsylvania Auditor General's Office.
2. A copy of the inspection report for the East Stroudsburg Borough Water Department as prepared by the Pennsylvania Department of Environmental Protection (DEP).
3. A letter from the East Stroudsburg Area School District Superintendent Sharon Lavador granting permission for School District Police to enforce Borough parking violations on District property.
4. A letter from Pennsylvania Treasurer Robert McCord concerning filing requirements for unclaimed property.

5. A letter from the Pocono Arts Council requesting financial support from the Borough, especially in view of cutback in state aid. Mr. Henning asked how much was budgeted as a donation to the Arts Council and was advised by Mr. Phillips \$375. After discussion, Mr. Henning made a motion seconded by Mr. Repsher to authorize a \$375 donation to the Arts Council. The motion carried unanimously.
6. A letter from the Northeast Pennsylvania Alliance (NEPA) concerning 2010 Year membership for the Borough.

### Reports

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

Mr. Brozusky said he had occasion to witness snow removal efforts in Allentown and other Boroughs during the recent major snowstorm, and commended Mark Hoke and the Borough DPW crew for their snow removal efforts during the recent event.

Mr. Phillips reported that Stroudsburg Borough did receive proposals and award a contract for refinancing the Borough's bond issue which included funding for the Regional Police Department Headquarters building. Mr. Phillips also reported that the Borough had received its \$1,000 check from the Borough's workers compensation group, Penn Prime, in recognition of the Borough's Peak Performer Award for the 2009 Year. Mr. Brozusky suggested and made a motion that the Borough again utilizes a portion of the funds for a luncheon for all Borough employees in recognition of the employees' safety efforts. The motion was seconded by Mr. Repsher and approved unanimously.

### Executive Session

At 9:10 pm Mrs. Wolbert made a motion, seconded by Mr. Repsher to adjourn into executive session. The motion carried unanimously.

At 9:30 pm Council members reassembled in the meeting room and Mr. Reese 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 several litigations matter and a real estate matter.

### List of Bills

Mrs. Wolbert made a motion, seconded by Mr. Brozusky to approve the list of bills payable and to ratify expenditures and payroll made through February 16, 2010 as submitted. The motion carried unanimously.

### Adjournment

With no further business Mr. Repsher made a motion seconded by Mr. Brozusky to adjourn the meeting at 9:32 pm. The motion carried unanimously.

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James S. Phillips, Secretary