

East Stroudsburg Borough, June 16, 2009

A special meeting of the East Stroudsburg Borough Council was held at the Municipal Building on Tuesday June 16, 2009. 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; Captain William Parrish of the Stroud Area Regional Police Department; and several residents in the audience.

Call To Order/Pledge of Allegiance

Mr. DeLarco called the meeting to order at 5:30 p.m. Emily Houloose led the Pledge of Allegiance.

Minutes of June 2, 2009 Regular Council Meeting

Mr. Henning made a motion, seconded by Mr. Reese to approve the minutes of the regular Council meeting held on June 2, 2009, as submitted. The motion carried unanimously.

Presentation of Perfect Attendance Award to Emily Houloose

Mr. Phillips noted that East Stroudsburg High School South inadvertently missed Emily Houloose when they had notified the Borough of students who had perfect attendance for their four (4) year high school career at ESHS south. Mr. Phillips said Mayor Martinelli had badgered the high school administration into recognizing Ms. Houloose for the perfect attendance award. Her name was added to the Council Resolution. Ms. Houloose was present along with her parents. Mr. DeLarco proceeded to present a \$100 stipend on behalf of Borough Council to Emily Houloose in recognition of her perfect attendance record.

Public Comments – Agenda Items

None

Ordinance No. 1221 Authorizing Incurring of Debt - \$1,214,000 Penn Vest Loan for Waterline Improvements

Mr. Phillips said PennVest continues to monitor the Borough's progress in taking steps to implement the low interest loan approved for waterline improvements within the Borough. One of the next steps is to apply for approval to incur debt from PA DCED. The notice of the proposed ordinance to incur debt has been advertised as required. After discussion, Mr. Repsher made a motion, seconded by Mr. Brozusky to adopt proposed Ordinance No. 1221 authorizing incurring debt in form of a PennVest loan, advertised. The motion carried unanimously.

Report and Possible Action on Loan Proposals Received for New Fire Station Project

Mr. Phillips said loan proposals were received from five (5) local banks contacted by the Borough concerning financing for the fire station project. Only one bank had responded to the request for loan proposal for a twenty (20) year bank loan at a fixed rate of interest – ESSA Bank & Trust. Five banks have responded to the request for a twenty year loan with a fixed rate for ten (10) years and variable interest rate for ten (10) years. However, several of the banks had specified different options and different conditions for their loan proposal. However, the overall loan proposal most advantageous to the Borough is the proposal from ESSA Bank & Trust.

Mr. Henning asked Mr. Phillips if he had prepared debt schedules for the ESSA Bank loan proposals? Mr. Phillips distributed copies of estimated principal and interest payments based on the ESSA Bank quoted rates, and noted that the annual debt service requirement is equal to approximately 2.65 mills of real estate taxes annually. Mr. Williamson noted that the ESSA Bank proposal also specified a condition whereby the bank was looking for a co-equal position concerning collateral of Borough revenues with other Borough creditors. After further discussion, Mr. Henning made a motion, seconded

by Mr. Reese to conditionally accept the loan proposal from ESSA Bank & Trust for a twenty (20) year term with a fixed rate of 3.60% for ten (10) years and the variable interest rate equal to 1.75% plus the LIBOR rate, and subject to other conditions as specified in the loan proposal. The motion carried unanimously.

#### Proposed Ordinance Authorizing Incurring of Debt - \$2,230,000 Loan for New Fire Station Project

Mr. Henning made a motion, seconded by Mr. Repsher to authorize preparation and advertising of a proposed ordinance authorizing incurring of debt for the new fire station project in the amount of \$2,230,000 based on the ESSA Bank & Trust loan proposal. The motion carried unanimously.

#### Proposed Amendment No. 5 to Intergovernmental Cooperation Agreement Establishing Stroud Area Regional Police Department

Mr. DeLarco said a committee consisting of representatives of East Stroudsburg Borough, Stroudsburg Borough, and Stroud Township have met and agreed in principal to freeze the funding formula under the intergovernmental agreement for an additional two (2) year period, or until new 2010 year census figures are available from the federal government. East Stroudsburg Borough's share of Police Department operating costs with the annual budget would stay at the current 33.1% figure. After discussion, Mr. Henning made a motion, seconded by Mr. Repsher to authorize advertising an ordinance to approve the proposed amendment No. 5 as submitted. The motion carried unanimously.

#### Proposed Resolution No. 31-2009 Amendment No. 4 to the Intermunicipal Water Service Agreement with Brodhead Creek Regional Authority – Extend Service to Region Phase 2A in Smithfield

Mr. Phillips said approximately 1½ years ago the Borough had discussed a proposed amendment to the intermunicipal water service agreement with Brodhead Creek Regional Authority which would permit the authority to extend its service area into an additional portion of Smithfield Township. The 250,000 gal per day limit for water sold by the Borough to the Authority will not be changed. At that time the Authority Board had decided not to proceed with the amendment due to issues concerning its water allocation permits with the Pennsylvania Department of Environmental Protection (DEP). Now the Authority has received its permits from DEP and has signed the proposed amendment to the water service agreement. After further discussion, Mr. Reese made a motion, seconded by Mrs. Wolbert to adopt the proposed Resolution No. 31-2009 approving amendment No. 4 to the intermunicipal water service agreement with the Brodhead Creek Regional Authority as discussed. The motion carried unanimously.

#### Public Comments – New Business

Dane Eppley of 107/109 Day Street asked Council to address the issue of loud boom boxes being used at the Dansbury Park basketball courts. Mr. Eppley said the groups setup their sound system at bleachers facing the basketball court and the noise is directed towards his residence and even across the street towards Avon Court. Mr. Eppley asked that the group be required to blast their music into the park and not towards the adjacent homes.

Mr. Phillips said he thinks that this issue is mostly with the basketball groups who have their summer program at Dansbury Park in the evening. He said he will talk to pool Manager Mark Brown and the Pool Security personnel concerning this issue.

#### SARPD Report

Captain William Parrish of the SARPD was present and commented on the Departmental Police report for May 2009. Mr. DeLarco asked about DUI check points and enforcement? Captain Parris said the Department has recently setup “aggressive driving” checkpoints on West Main St. in Stroudsburg and on South Courtland St. in East Stroudsburg. Mr. Henning asked Captain Parrish about the Middle Smithfield Township Supervisors not wanting to proceed with a possible merger with SARPD? Captain Parrish said the Committee of representative from the three (3) municipalities had

received a letter last Wednesday afternoon from the Middle Smithfield Township Supervisors stating that they had decided not to proceed with merger negotiations. Captain Parrish said that it appears that the Supervisors are considering starting their own municipal police department.

### Correspondence

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

1. A letter from Donna Leitner concerning maintenance issues pertaining to the Dansbury Park swimming pool.
2. A letter from PennDOT stating that the Borough's application for funding for sidewalk improvements near J.M. Hill Elementary School was not selected for funding under the program.
3. A letter from PA DEP concerning fuel leak at 23 North Courtland St., Biffen Dentist office property.
4. A letter from the NJ Transit stating that the Supplemental Environmental Assessment has been issued for the Pennsylvania/Lackawanna cutoff passenger rail restoration project.

### Reports

In follow up to Mrs. Leitner's letter, Mrs. Wolbert asked who does the chemical analysis for the swim pool? Mrs. Wolbert said Strand Pools does the checking of the water for the Stroudsburg Borough pool and although their water is different they have not had the same kind of issues our pool has had. Mr. Phillips said the swimming pool water is influenced by the well water from Wells 3 & 4 which is high in calcium iron and manganese. The heat exchanger on the pool heater has to be replaced again due to calcium buildup and we are checking into pricing for installing a water softener to avoid the calcium buildup.

Mr. Henning noted that the water and sewer bills are ready to be mailed and these bills will not be able to incorporate the rate increase that Council has discussed recently. Mr. Henning noted Council's recent discussions concerning parking requirements for the university under the current Borough's zoning ordinance and said that he thinks engineering Sam D'Alessandro's ideas concerning parking requirements for the university are good. Mrs. Wolbert noted that perhaps Traffic Planning & Design Consultants could review the Borough parking requirements. Mr. Phillips stated that while they do traffic engineering work, and review traffic studies for the Borough, he is not positive that they would prepare zoning ordinance provisions concerning parking. Mr. Phillips said perhaps the Borough would need to consult with a planning consultant such as Urban Design Associates of Bethlehem. After further discussion, Mr. Henning made a motion, seconded by Mrs. Wolbert to direct Borough staff to contract with a planning consultant to look at parking requirements for the university under the Borough's zoning ordinance. The motion carried unanimously.

Mr. Henning noted that construction is occurring on the former Albert property on Route 447 in Smithfield Township. Mr. Henning asked Mr. Phillips to find out if they plan on piping stormwater away from the site down Route 447, because otherwise the storm drainage will flow into the Flory Pond water shed.

Mr. Williamson reported that he has prepared easements for the Summa and Irracane properties to be provided to the property owners for addressing the stormwater issue affecting the Summa property.

Mr. Brozusky asked about vacant properties with high grass and weeds and whether the Borough will be contracting to have grass cut at these sites? Mr. Phillips said Codes Officer Mr. Blick has to send notices to the property owners first.

Mr. DeLarco noted he has received a complaint about car parts and "junk" being stored outside the garage at the corner of Washington and Courtland Streets. Mr. DeLarco said this is in the center of the Borough's downtown area and we need to direct the owner to clean up the property.

Mr. Reese noted that weeds need to be cut along the walkway from Crystal St. across Dansbury Terrace to Courtland St.

Mr. Phillips reported that the Consumer Confidence Report (CCR) for the Borough water system for the 2008 year has been prepared and will be distributed before the end of this month. Mr. Phillips also noted that milling work on Crystal and Washington Streets has been going on for several days and paving is scheduled to occur tomorrow, weather permitting.

#### List of Bills Payable

Mr. Henning made a motion, seconded by Mr. Repsher to approve the list of bills payable and to ratify expenditures and payroll made through June 16, 2009, as submitted. The motion carried unanimously.

#### Executive Session

Mrs. Wolbert made a motion, seconded by Mr. Repsher to adjourn into executive session at 6:07 p.m. The motion carried unanimously.

At 6:14 p.m. Mrs. Wolbert made a motion, seconded by Mr. Repsher to reconvene the public meeting. The motion carried unanimously. Mr. Williamson reported that the executive session had been held to discuss two (2) real estate matters.

#### Agreement with PMEC for Sale of Former IBW Property

Mr. Henning made a motion, seconded by Mr. Reese to approve and enter into an agreement with Pocono Mountains Economic Development Corporation, or more specifically with one of its sister entities that is a municipal authority, for the purpose of conveying the IBW property from the Borough for resale to a buyer to be approved by the Borough. The motion carried unanimously.

#### Lease for the East Stroudsburg University Business Accelerator Building

Mr. Brozusky made a motion, seconded by Mr. Repsher to direct the Solicitor to send a letter to the East Stroudsburg University Center for Research & Economic Development advising that a lease agreement must be signed for the 2009 year as discussed, or otherwise use of the building by CFRED must cease. Motion carried unanimously.

#### Adjournment

With no further business Mr. Reese made a motion, seconded by Mrs. Wolbert to adjourn the meeting at 6:25 p.m. The motion carried unanimously.

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James S. Phillips, Secretary