

East Stroudsburg Borough, May 5, 2009

A regular meeting of the East Stroudsburg Borough Council was held at the Municipal Building on Tuesday May 5, 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, (arrived at 8:22 p.m.); Engineering Representative Samuel D'Alessandro of R.K.R. Hess Associates Inc.; press representatives from TV 13 and the Pocono Record, and several residents in the audience.

Call To Order/Pledge of Allegiance

Mr. DeLarco called the meeting to order at 7:35 p.m. Henry Pyatt led the Pledge of Allegiance.

Minutes of April 21, 2009 Regular Council Meeting

Mr. Repsher made a motion, seconded by Mr. Brozusky to approve the minutes of the April 21, 2009 regular Council meeting as submitted. The motion carried unanimously

Public Comments – Agenda Items

None

Proposed Resolution No. 24-2009 Recognizing Last Call for Capt. Michael Goucher, ES Neighborhood Crime Watch

Mr. DeLarco read a proclamation of Mayor and Council recognizing the service of Michael Goucher to the East Stroudsburg Neighborhood Crime Watch. Mr. Brozusky made a motion, seconded by Mr. Henning to ratify approval of Resolution No. 24-2009 as submitted. The motion carried unanimously

Bids Received 3/20/09 for New Fire Station Construction/Renovation Project

Mr. Phillips noted that a good number of bids were received for the new Fire Station Project and we're pleased with the results of the bidding. Architect John Schoonover has reviewed the bids and recommends approval of contracts for the low bidders. Mr. Henning made a motion, seconded by Mr. Brozusky to accept the proposal from and award a contract to Coopersmith Brothers, Inc., in the amount of \$1,104,000 for general construction; the motion carried unanimously. Mr. Reese made a motion, seconded by Mr. Henning to accept the proposal from and award a contract to Leon Clapper Plumbing & Heating, in the amount \$253,500 for plumbing construction; the motion carried unanimously. Mr. Brozusky made a motion, seconded by Mr. Reese to accept the proposal from and award a contract to Northeast Energy, Inc. in the amount of \$238,400 for heating construction; the motion carried unanimously. Mr. Repsher made a motion, seconded by Mr. Henning to accept the proposal from and award a contract to G.R. Noto Electrical construction, Inc. in the amount of \$326,000 for electrical construction; the motion carried unanimously.

Bids Received 4/21/09 for 2009 Road Paving Program

Mr. Phillips reviewed the four (4) bids received for the 2009 Road Paving Program and indicated that Hanson Aggregates of PA, Inc. was the low bidder in the total amount of \$176,290.35 on a unit price basis (tabulation follows):

Bidders Name

	Hanson Aggregates	Bracalente Const., Inc.	Locust Ridge Quarry	E.R. Linde Const. Corp.	Manager Cost Est.
ITEM #1					
1 ½" Wearing Course Resurfacing					
2,042 tons	\$135,384.60 at \$66.30	\$160,909.60 at \$78.80	\$154,089.32 at \$75.46	\$160,297.00 at \$78.50	\$132,730 at \$65.00
ITEM #2					
1" Leveling Course As needed					
264 tons	\$ 18,453.60 at \$69.90	\$ 20,803.20 at \$78.80	\$ 21,782.64 at \$82.51	\$ 23,760.00 at \$90.00	\$ 19,800 at \$75.00
ITEM #3					
Full Width Milling					
9,143. sq. yds.	\$ 17,371.70 at \$ 1.90	\$ 36,114.85 at \$3.95	\$ 32,274.79 at \$3.53	\$ 50,286.50 at \$5.50	\$ 36,572 at \$4.00
ITEM #4					
Tapered Milling along curblines					
2,363.sq. yds.	\$ 5,080.45 at \$2.15	\$ 19,612.90 at \$8.30	\$ 19,376.60 at \$8.20	\$ 17,722.50 at \$7.50	\$ 18,904 at \$8.00
TOTAL BID	* \$176,290.35	\$237,440.55	\$227,523.35	\$252,066.00	\$208.00

*apparent low bidder

Mr. Phillips noted that we must still receive approval from PennDOT for use of Liquid Fuels funds for this paving work. Mr. Henning made a motion seconded by Mr. Repsher to accept the proposal and to award a contract to Hanson Aggregates in the amount of \$176,290.35 on a unit price basis; subject to approval by PennDOT for use of Liquid Fuels funds. The motion carried unanimously.

Further Discussion on Proposals to Increase Water Rates

Mr. Phillips noted that he had provided information to Council concerning the possibility of lowering the amount of water that is provided to each residence under the minimum quarterly charge. Also Council has had some discussion concerning attempting to structure the water rates so that the burden of increases to residential users is minimized, if possible. Finally, Council has also discussed the desire to attempt to encourage more water conservation through the rate structure. Mr. DeLarco noted that he had provided a spreadsheet with information concerning this issue the last time that Council had considered increases in the water rates. Mr. Henning commented that the rates charged by the Brodhead Creek Regional Water Authority are significantly higher than what the Borough charges. He inquired and they advised that their "typical" or average residential bill is approximately \$90 per quarter. Mrs. Wolbert commented that Council could attempt to simplify the billing structure by revising the scale of charges for commercial and industrial users based on the size of their meter. Mr. Repsher noted that the Borough has some major funding needs coming up for the water system including replacement of the spillways at the Borough's two dams and we need to increase water rates in order to provide for these funding needs. Mr. DeLarco asked that this matter be discussed further at a subsequent meeting. Mr. Henning and Mr. Repsher volunteered to serve on a committee to come up with specific recommendations for Council's consideration on water rates.

Request for Driveway Opening onto Eli St. (25 N. Courtland St.)

Mr. Phillips said Dr. Donald Biffen has requested a permit for a new driveway opening onto Eli St. for his proposed parking area to be constructed in back of the dentist's office at 25 N. Courtland St. Mr. D'Alessandro noted that approval of the driveway opening is one of the conditions for approval of the Land Development Plan. Mr. Henning

made a motion, seconded by Mrs. Wolbert to approve the request for the driveway opening as submitted. The motion carried unanimously.

Proposed PennVest Loan (\$1,214,000) for Water Distribution System Improvements

Mr. Phillips said PennVest is requiring that municipalities which have been approved for a PennVest Loan must formally accept the loan proposal by June 17, 2009, but we also have to submit to PADCED for the loan approval by May 31, 2009. Mr. D'Alessandro said he had just learned that the Commonwealth Infrastructure Authority will not be acting on all the grant applications submitted under the H2O Program at the May 14, 2009 meeting as originally anticipated. The Borough has applied for grant funding for this same waterline project from the H2O Program; but the Authority has not been able to complete review of all the 900 plus applications submitted so they will only be acting on the applications for funding for dams and flood protection systems at the May 14, 2009 meeting. Mr. Phillips said the Borough is required to send representatives to a meeting at Hazelton, Pa on Thursday May 7, 2009 to go over the settlement details for the PennVest Loan. Mr. D'Alessandro said Council may have to make a decision on whether to accept the loan at the May 21, 2009 meeting.

Public Comments – New Business

Henry Pyatt, Downtown Manager for the Eastburg Community Alliance, said volunteers will be planting flowers on Crystal St. on Thursday May 14, 2009 beginning at 4:00 p.m. and volunteers are needed. The ECA Board is requesting that Council consider reducing or eliminating the hours for parking enforcement on Saturday afternoons. Mr. Pyatt said the Pocono Community Theatre is having financial difficulties and they feel that eliminating the “threat” of parking meter tickets on Saturday afternoon could encourage attendance at Saturday movie matinees. Mr. Henning said meters in parking lots should have a four (4) hour minimum instead of a two (2) hour. Mr. Reese suggested that the Borough stop parking enforcement hours on Saturday at 2:00 p.m. Mr. Brozusky said he would prefer to see an estimate of revenue lost before agreeing to cut the parking enforcement hours on Saturday.

Correspondence

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

1. A letter from Kettle Creek Environmental Fund announcing the Annual Fund Raising Dinner on May 29, 2009 at Camelback Ski Area.
2. Information from the Pennsylvania Department of Environmental Protection (PA DEP) on the State Dam Safety Officials Conference to held at State College, on June 15&16, 2009.
3. A letter from First Baptist Church requesting approval to close Harris St. between East Broad St. and Darr St. for the Church's Annual Vacation Bible School Program to be held July 20-24, 2009. Mr. Reese made a motion, seconded by the Mr. Henning to approve the request to close Harris St., as submitted. The motion carried unanimously.
4. A letter from Attorney Marc R. Wolfe granting an extension of time for Council to initiate the required public hearing on the conditional use request submitted by University Properties, Inc. for proposed new student housing on the ESU campus.
5. A copy of the 2008 Year Comprehensive Annual Financial Report for the Borough submitted by Ardito & Co., LLP. Mr. Reese made a motion, seconded by Mr. Brozusky to accept the 2008 audit report as submitted. The motion carried unanimously.
6. A letter from the Housing Authority of Monroe County requesting discounted swim pool passes for Housing Authority Project Residents for the 2009 season. Mr. Reese made a motion, seconded by Mrs. Wolbert to approve the issuance of up to thirty (30) family season passes to Housing Authority resident families at 50% of the normal rate for season passes; the motion carried unanimously.
7. Information from the Pennsylvania Attorney General's Office concerning the Home Improvement Consumer Protection Act which will be effective July 1, 2009.

8. A letter from the Litter Control and Beautification Program of Monroe County, thanking the Borough for its recent donation to the program.
9. A request from Notre Dame Elementary School to close Brodhead Avenue between Ridgeway St. and Elk St. for the Notre Dame Elementary School Annual Field Day to be held on Thursday May 14, 2009. They are also requesting parking enforcement abatement on Brodhead Avenue for the day of the field day event. Mr. Brozusky made a motion, seconded by Mrs. Wolbert to approve the request to close Brodhead Avenue and to not enforce public parking provisions on Brodhead Avenue for the elementary school field day, as submitted. The motion carried unanimously.
10. A letter and invoice from the Delaware River Basin Commission (DRBC) charging the Borough for “excess” water withdrawals from the Michaels Creek Diversion in the amount of \$784.78. Mr. D'Alessandro said he feels the Borough should contest this charge and he does not believe that DRBC understands that the Michaels Creek withdrawals are not actually being removed from the Brodhead Creek or in this case the Delaware River Basin Watershed. Mr. Brozusky made a motion, seconded by Mr. Henning to authorize the engineer to submit a letter on behalf of the Borough contesting the water withdrawal charges.
11. A letter from Pennsylvania Department of Community and Economic Development (DCED) announcing a \$135,000 grant approved to the Borough for continuation of the Main Street Program.

Schedule Public Hearing on Conditional Use Request – ESU Student Housing

Mrs. Wolbert made a motion, seconded Mr. Brozusky to authorize advertising a public hearing on the conditional use request submitted by University Properties, Inc., to be held on June 2, 2009 unless such application has not been completed for review by the Borough Planning Commission prior to the June 2nd date. The motion carried unanimously.

Reports

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

Mrs. Wolbert announced that the Stroud Region Open Space & Recreation Commission (SROSRC) will be holding a Progressive Park Picnic on June 20, 2009 and invited all to attend.

Mr. Brozusky asked if the Regional Police Department could setup their timing device on Elizabeth St. because there are still cars speeding in the flats area of town. Mr. Brozusky said one afternoon two students cars were drag racing down the street.

Mr. Phillips noted that the Borough has received a \$5,522 dividend refund from the MRM Property & Liability Insurance Trust as a result of the Borough's good loss ratio for the 2005 & 2006 policy years. Mr. Phillips noted that Mr. DeLarco has received on behalf of Council a copy of the Emergency Action Plan for the Middle Dam (the Boroughs intake reservoir) as prepared by R.K.R. Hess Associates, Inc. Mr. Phillips also noted that Marcy Wilder has resigned from the Borough Recreation Board; and he reported on a meeting he held Monday with Alvin and Kristen Jennings, owners of the apartment building complex at the end of East Fifth St. Mr. Phillips said Mr. & Mrs. Jennings claimed that they do not own the portion of East Fifth St. that is below their property but they are interested in cooperating with the Borough and seeing that this portion of road is improved. Mr. Phillips reported that the last two days the Borough has received about 150,000 gallons of stormwater for treatment at the sewage treatment plant from the former Bartonsville truck stop facility. The plant has been able to handle this water for treatment even though we had some operational issues at the sewer plant in the last several days. The second sequencing batch reactor (SBR) unit that has been empty and idle for many years was placed into service with only some fairly minor maintenance issues. Finally, Mr. Phillips noted that a Legislative Alert has been received because the Governor's Proposed 2009 Fiscal Year Budget apparently will eliminate all funding for the Main Street Program from DCED.

Executive Session

Mr. Repsher made a motion, seconded by Mrs. Wolbert to adjourn into executive session at 8:40 p.m. The motion carried unanimously.

At 9:15 p.m. Council members reassembled in the meeting room and Mr. Repsher made a motion, seconded by Mr. Henning to reconvene the public meeting. The motion carried unanimously. Mr. Williamson reported that the executive session had been held to discuss several real estate matters involving easements and the sale of the former IBW property; also a litigation matter.

List of Bills

Mr. Reese made a motion, seconded by Mr. Brozusky to approve the list of bills payable and to ratify expenditures and payroll made through May 5, 2009 as submitted. The motion carried unanimously.

Summa/Irracane Property Stormwater Issue

Mr. D'Alessandro said his firm had prepared several options for addressing the stormwater situation and the concerns of Mr. & Mrs. Frank Summa and Mr. Peter Irracane located on East Broad St. Mr. D'Alessandro said he still is recommending to Council that the original option be implemented, which involves installing a yard drain on the property of Mr. Irracane on the side closest to the Summa property, such drain would connect to the large storm sewer pipe which goes down through the Summa property; and the installation of a slight swale leading from that yard drain alongside of Mr. Irracane's house to the inlet along East Broad St. at the front of the Summa property. Mr. Irracane had requested that the Borough consider other work including extending pipes and additional yard drains to the other side of his property. Mr. D'Alessandro said all the options, including option one (1) requires the granting of an easement from Mr. Irracane and therefore we will be approaching him again concerning that matter.

Proposed Easement with ESSA Bank & Trust Co. for Traffic Signal Controller Cabinet

Mr. Phillips reviewed a schedule showing the existing and proposed location for the traffic signal controller cabinet that currently controls the signals at the Courtland and Washington Streets intersection. The Facility Manager for ESSA indicated that they would be agreeable to permitting the Borough to install the signal controller in a ground mounted cabinet on bank property, if it is set back next to the building and slightly behind the large post for the overhead bank name sign located at the northeast corner of the building. Council agreed to seek approval of a formal easement from ESSA Bank & Trust for this signal controller cabinet.

Request for Proposals for Loan Financing for New Fire Station Project

Mr. Henning made a motion, seconded by Mr. Repsher to authorize and direct the Manager to solicit proposals from several local banks for 20 year loan financing to the Borough to pay for the balance of project costs for the new Borough Fire Station in the estimated amount of \$2,231,000. The motion carried unanimously.

Adjournment

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

James S. Phillips, Manager