

East Stroudsburg Borough, May 19, 2009

A regular meeting of the East Stroudsburg Borough Council was held at the Municipal Building on Tuesday May 19, 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 8:05 p.m.); Engineering Representative Samuel D'Alessandro of R.K.R. Hess Associates Inc.; DPW Maintenance Foreman Mark Hoke; Lieutenant Brian Kimmins 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 7:30 p.m. Lt. Brian Kimmins led the Pledge of Allegiance.

Minutes of May 5, 2009 Regular Council Meeting

Mr. Brozusky made a motion, seconded by Mr. Repsher to approve the minutes of the regular Council meeting held Tuesday May 5, 2009 as submitted. The motion carried unanimously.

SARPD Report for April 2009

Lt. Kimmins noted that spring weekend at East Stroudsburg University went off without any major incidents. The Department is pursuing an inter-municipal agreement to enable research into acquiring property for a police shooting range/training facility for police forces within Monroe County. Mr. Repsher said speeding on local streets is again a problem everywhere – Chestnut St., Elizabeth St., East Broad St., Fawn Road., etc. Mr. DeLarco said speeding is also a problem on Washington and Brown Streets. Lt. Kimmins said the Department hopes to place an officer designated for the traffic unit to handle this type of speeding issue complaint.

Public Comments – Agenda Items

Mr. Phillips introduced Tom O'Brien a recent graduation of Bloomsburg University who has requested permission to serve an unpaid internship with the Borough this summer since he is interested in pursuing a master's degree program in Public Administration.

Report and Possible Action on Bids Received 4/27/09 by Pocono Mountains COG – Joint Purchasing

Mr. Phillips said the Council of Governments (COG) opened bids for joint purchase of road salt and anti-skid, vehicle fuel and propane, line painting for roads, and purchase of pipe and inlets, etc. The COG Board of Directors accepted the low bidder for each item at the COG meeting held on Monday April 27, 2009. After discussion, Mr. Reese made a motion, seconded by Mr. Henning to authorize entering into contracts with the low bidder for the items that the Borough had participated in through COG joint purchasing. The motion carried unanimously.

Resolution No. 25-2009 Increasing Fee for Returned/"Insufficient Funds" Check

Mr. Henning made a motion, seconded by Mrs. Wolbert to adopt proposed Resolution No. 25-2009 Increasing the fee that the Borough charges for returned/insufficient funds check to \$25.00 (from the current \$8.00) fee. The motion carried unanimously.

Request for New Driveway Opening at 72 N. Green Street (onto Sopher Street)

Mr. Henning asked if this driveway request is from the owner of the property at the corner of North Green and Sopher Streets who had approached Council about changing the parking requirements on Sopher St.? Mr. Phillips said “yes”, this is the same location. After discussion, Mr. Henning made a motion, seconded by Mr. Repsher to approve the request for a new driveway opening onto Sopher St. as requested. The motion carried unanimously.

Execution Session for Discussion of Real Estate and Litigation Matters

Mrs. Wolbert made a motion, seconded by Mr. Henning to adjourn into executive session at 7:47 p.m. The motion carried unanimously.

At 8:17 p.m. Council reassembled in the meeting room and Mrs. Wolbert made a motion, seconded by Mr. Repsher to reconvene the public meeting. The motion carried unanimously. Mr. Williamson (who had arrived during the executive session) stated that the executive session had been held to discuss two (2) real estate matters and one (1) litigation matter.

Application for Certificate of Non-Conforming Use - for Continued Storage of Vehicle Fuel Products within the Aquifer Protection Zone at 135 N. Courtland St.

Mr. Phillips said the owner of the 135 N. Courtland St. property has submitted an application to the Borough Zoning Hearing Board for a certificate of non-conforming use for fuel storage tanks at this location, which is within the Aquifer Protection Zone established by the Borough for Wells #3 & #4 at Dansbury Park. The fuel tanks were recently removed due to a leak. The site is now under remediation according to the requirements of the Pennsylvania Department of Environmental Protection (PA DEP). The owner wants to sell the property to a new party who may continue use of the facility for a gasoline service station and mini-mart facility. The Borough has consulted with the alternate Solicitor, John Prevoznik concerning possibly opposing this application before the Zoning Hearing Board.

Mr. Prevoznik noted that it may be difficult to prohibit issuance of a certificate of non-conforming use since the owner has not abandoned the property or the intent to retain the use of the fuel storage tanks. Mr. Prevoznik said that he has drafted, with the advice of Mr. D'Alessandro, certain conditions that the Borough would like to see be required on the issuance of a certificate of non-conforming use. If we can reach an agreement with the property owner on these conditions then the Borough could present the conditions to the Zoning Hearing Board for inclusion with issuance of any requested certificate.

After further discussion, Mr. Henning made a motion, seconded by Mr. Repsher to authorize Mr. Prevoznik to attempt to negotiate an agreement for conditions regarding the replacement of fuel storage tanks at the site with the property owner; and to authorize the engineer to present testimony to the Zoning Hearing Board at the May 21, 2009 hearing to oppose the issuance of the certificate of non-conforming use, if necessary. The motion carried unanimously.

Action on Proposed \$1,214,000 PennVest Loan for Waterline Improvements

Mr. Phillips said the Borough's application to PennVest for a loan includes the construction of waterline improvements between Elm St. and Grandview St. to loop two dead end lines, construction of a new line on a section of Analomink St. between Kistler St. and Lackawanna Ave., replacement of the line on Prospect St. between Ridgeway St. and East Brown St., and replacement of the line on Lenox Avenue between Day St. and North Courtland St. Mr. D'Alessandro said because of the number of applications received for the H2O Grant Program, the State Board may not be determining grant awards for waterline projects until July at the earliest, therefore the Borough will not know whether its grant applicant for the same waterline projects will be approved until at

least July. Mr. Williamson said because PennVest is utilizing federal economic stimulus funds, they will require that the Borough set a date for closing on the loan before July. In fact they're looking for a commitment from the Borough, concerning the loan at this meeting.

Mr. Henning asked what the interest rate on the loan would be and Mr. Phillips said the rates would range from approximately 1.4% to 2.6% over the twenty (20) year life of the loan. Mr. Brozusky commented that if these lines need to be replaced at sometime then the Borough should take advantage of the low interest rate. Mr. D'Alessandro noted that design work still needs to be done for the Prospect St. and Lenox Avenue portions of the waterline replacements and this would take some time to prepare.

After further discussion, Mr. Brozusky made a motion, seconded by Mr. Repsher to accept the loan commitment from PennVest for the proposed waterline improvements. The motion carried unanimously. Mr. Henning made a motion, seconded by Mr. Repsher to authorize the immediate start of design work for the waterline work as necessary. The motion carried unanimously.

Proposed Ordinance Increasing Water Rates

Mr. Phillips said the Committee of Mr. Henning, Mr. Repsher, Berrill Dennis and himself had gotten together to review the proposals for increasing water rates to generate additional funds for the water system. Mr. Henning said the consensus of the group was to increase the quarterly minimum charge for water service from \$33 to \$40 per quarter for the typical residential user. This represents approximately a 21% increase. Plus the Committee also discussed reducing the minimum usage allowance from 30kl to 20kl per quarter; as a form of encouraging water conservation. Mr. Henning said approximately 40% of all residential users currently pay the minimum quarterly charge. Mrs. Wolbert said this could provide some benefit to senior citizens if they use less than 20kl per quarter and would still be charged only the minimum quarterly fee. Mr. Repsher said this rate increase would be a starting point since the Borough will have to raise additional revenues in the future because of various improvements that will be needed by the water system, including the replacement of spillways at the two (2) water supply dams. Mr. DeLarco inquired whether the Borough might want to considering basing its rates in the same way as the Brodhead Creek Regional Authority does basing the charges on the numbers of EDU's. Mr. Henning said that would require too great a change in the current billing system; and in a manner the Borough already does charge based on the number of units by requiring payment for the number of residential minimums included within a dwelling structure.

After further discussion, Mr. Henning made a motion, seconded by Mr. Repsher to authorize preparation of a proposed new rate schedule incorporating the change in rates noted above and changing the rates for users with meter sizes larger than the 5/8's residential meters by the same percentage; and authorize advertising of the new rate schedule in ordinance form. The motion carried unanimously.

Mr. Henning noted that this could be a project for intern Tom O'Brian to conduct an analysis of the Borough water rate schedule. Mrs. Wolbert made a motion, seconded by Mr. Repsher to authorize Mr. O'Brien to conduct such a study as an internship project. The motion carried unanimously.

East Fifth Street Ownership/Dedication/Improvements

Mr. Williamson reported that his research indicates that in addition to a portion of the East Fifth Street right-of-way being owned by the American Legion and Alvin Jennings, it appears that ownership for a portion of the right-of-way will still lie with the Norman Gregory estate. The heirs of Mr. Gregory would have to be contacted concerning possible dedication of the right-of-way to become an ordained street. Mr. Henning questioned whether it would be easier for the Borough to file for condemnation of that portion of the roadway instead of having to contact heirs of the Norman Gregory estate. Mr. Williamson said he would recommend trying to contact the heirs of the Gregory estate first. After discussion, Mrs. Wolbert made a motion, seconded by Mr.

Repsher authorizing the solicitor and engineer to continue work concerning the proposed dedication of the East Fifth Street right-of-way. The motion carried unanimously.

Public Comments – New Business

None

Correspondence

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

1. Information from the Pennsylvania League of Cities and Municipalities (PLCM) concerning designation of a voting delegate for the annual convention to be held at Lancaster, PA June 24-26, 2009. Mr. DeLarco stated he does plan to attend since he had won a certificate for free registration for the convention at the recent PLCM District meeting. Mr. Henning made a motion, seconded by Mr. Repsher to authorize designation of Mr. DeLarco as the voting delegate for the Borough. The motion carried unanimously.
2. A letter from Lois Palio, Principal at East Stroudsburg High School South announcing that six (6) senior students have achieved a perfect attendance record for their four (4) years in high school and they will be recognized at the senior awards ceremony on May 27, 2009. Mr. DeLarco indicated he would try to attend the awards ceremony unless someone else was available to do so. Mrs. Wolbert made a motion, seconded by Mr. Brozusky to adopt Resolution No. 26-2009 recognizing the six ESHS students for their perfect attendance and authorizing a \$100 stipend to be presented to each student, as has been the Borough practice in recent years. The motion carried unanimously.
3. A letter from the Pennsylvania Department of Environmental Protection (PA DEP) concerning issuance of an Air Quality Permit to Pocono Medical Center.
4. Information from the Mideast Counties Association of Boroughs (MECAB) concerning the annual banquet and tour of Carbon County to be held Wednesday May 27, 2009.
5. A letter from Delaware Water Gap National Recreation Area (DWGNRA) concerning the closing of the bridge on Route 209 over Bushkill Creek beginning July 9, 2009.
6. A letter from the Brodhead Watershed Association (BWA) thanking the Borough for becoming an Adopt-A-Stream sponsor.
7. A letter from Marc R. Wolfe, on behalf of the University Properties, Inc. extending the period of time for Borough Council to hold the conditional use hearing on the application for a new housing on the East Stroudsburg University campus, until the July 7, 2009 Borough Council meeting date.
8. A letter from Barrett Township Historical Association (BTHA) concerning Barrett Township's Sesquicentennial celebration to occur this summer. Mr. Brozusky made a motion, seconded by Mrs. Wolbert to adopt Resolution No. 27-2009 a proclamation recognizing Barrett Township's Sesquicentennial Celebration. The motion carried unanimously.

Reports

Mr. D'Alessandro reviewed his written engineer's report previously submitted to Council. Mr. D'Alessandro noted that with the approval of an H2O grant to the Borough for construction of a new spillway and rehabilitation of the East Stroudsburg Dam, the Borough will still need to fund the local share of project cost estimated at \$1.1 million and may want to consider applying for a PennVest loan for those costs. Mrs. Wolbert made a motion, seconded by Mr. Henning to authorize submittal of an application to PennVest for low interest loan for the balance of cost for the East Stroudsburg Dam project. The motion carried unanimously. Mr. D'Alessandro reported that he met with Peter Irracane this past Saturday who is willing to authorize the Borough to proceed with the proposed storm sewer improvements, option 1, to address the stormwater issues on the Summa and Irracane properties.

Mayor Martinelli asked about the ordinance to increase fines for fire lane violations and was advised by Mr. Phillips that the ordinance still needs to be advertised. Mr. Martinelli also noted that Council has been discussing review of parking requirements under the Borough ordinance as it pertains to East Stroudsburg University. Mr. DeLarco stated that perhaps the Borough needs to hire a planning consultant in order to make a thorough review of the parking needs under the ordinance.

Mr. Repsher reported that he will be out-of-town on the day of the next regular Council meeting on June 2nd. Mr. Repsher also reported that there is a large pothole in front of the residence at 521 North Courtland St. in the south bound lane. Mr. Repsher also asked that the water department look at use of the Borough's well supply's early on in the summer to avoid any possible problems with drought conditions with the reservoir that may arise in the fall.

Mr. Henning inquired about the status of the handicapped ramps being reconstructed in the downtown, and Mr. Phillips advised that we are now waiting for PennDOT to review and approve the plans for the several handicapped ramps at the intersections that still need to be completed.

Mr. Williamson asked Mr. Phillips if he has heard anything back from Robert Rehm concerning the sewerline easement needed by the Borough and was advised by Mr. Phillips that he has not obtained anything from Mr. Rehm. Mr. Williamson also reported that he has been in touch with attorney Bernie Billick and they are still waiting on information for the waterline easement across the Sunshine property at the corner of East Broad St. and Route 447.

Mr. DeLarco reported that the required Minimum Municipal Contribution (MMO) for the Stroud Area Regional Police Department Police Pension Plan will increase greatly for 2010 because of the investment losses that have been incurred by the SARPD Police Pension Plan. The increased MMO will result in an increase in the SARPD budget and an increase in the Borough's contribution to such budget by approximately \$100,000 for next year.

Mr. Phillips noted that the Borough has been announced as a grant recipient for \$3.7 million in funds for rehabilitation of the East Stroudsburg Dam from the H2O program. Mr. Phillips said spraying for gypsy moths by the state contractor on a portion of the Borough reservoir property was supposed to begin last Thursday May 14, 2009. Mr. Phillips noted that he had sent a letter on behalf of the Borough concerning the efforts of the new animal shelter group (AWSOM) in their efforts to lease the facility formerly operated by the Society for the Prevention of Cruelty to Animals (SPCA) located on Godfrey Ridge Road. The AWSOM group will be contacting municipalities and the public to raise funds for operation of the facility. Mr. Phillips said the Exchange Club of the Pocono Mountains has scheduled their annual Phys Nauman Fishing contest at Zacharias Pond Park for June 27, 2009 and a donation from the Borough in the amount of \$250 is included on the list of bills tonight. Mr. Phillips noted a handout in Council's information packet taken from the recent Borough news magazine which outlines the timetable for implementation of Act 32, which changes the collection of earned income taxes to a county wide basis effective with the 2012 tax year. Mr. Phillips reported that the video security camera has been installed at Dansbury Park; and the CGI Communications Community Video shoot is scheduled for June 9 & 10, 2009. Finally, Mr. Phillips noted that Council has received a copy of the single audit addendum to the Borough's Comprehensive Financial Report prepared by Ardito & Co., LLP.

List of Bills

Mr. Henning made a motion, seconded by Mr. Repsher to approve the list of bills payable and to ratify expenditures and payroll made through May 19, 2009 as submitted; with the exception of one correction needed on the list, a \$70,000 payment amount listed to PPL Electric. The motion carried unanimously.

PLCM Annual Convention at Lancaster, PA June 24-26, 2009

Mr. Henning made a motion, seconded by Mr. Repsher to authorize Borough Officials to attend the PA League of Cities and Municipalities annual convention at Lancaster, with reimbursement of expensive in accordance with Borough travel policy. The motion carried unanimously.

Adjournment

With no further business Mr. Brozusky made a motion, seconded by Mrs. Wolbert to adjourn the meeting at 9:55 p.m. The motion carried unanimously.

James S. Phillips, Secretary