

East Stroudsburg Borough, November 3, 2009

A regular meeting of the East Stroudsburg Borough Council was held at the Municipal Building on Tuesday November 3, 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; Engineering Representative Samuel D'Alessandro of R.K.R. Hess Associates, Inc.; ESU Student Ambassador Ashley Puderbach; and several residents in the audience.

Call To Order/Pledge of Allegiance

Mr. DeLarco called the meeting to order at 7:30 pm. Marina Bronstein led the Pledge of Allegiance.

Minutes of October 20, 2009 Regular Council Meeting

Mr. Henning made a motion, seconded by Mr. Brozusky to approve the minutes of the regular Council meeting held October 20, 2009 as submitted. The motion carried unanimously.

Public Comments – Agenda Items

None

Ordinance No. 1226 Amending the Definition of Bulky Waste in Chapter 134 of the East Stroudsburg Code (Solid Waste)

Mr. Phillips explained that the proposed ordinance would revise the definition of bulky waste to exclude auto parts as being eligible for pickup as bulky waste, due to the fact that auto parts can damage the refuse compaction equipment. After brief discussion, Mr. Reese made a motion, seconded by Mr. Henning to adopt proposed Ordinance No. 1226 as advertised. The motion carried unanimously.

Resolution No. 45-2009 Establishing Fee for Residential Parking Permits

Mr. Brozusky made a motion, seconded by Mr. Repsher to approve proposed Resolution No. 45-2009 establishing the Bi-Annual Fee for Residential Parking Permits at \$10. The motion carried unanimously.

Proposed Ordinance Establishing Speed Limit for Crystal Street

Mr. Phillips said the Borough has received many complaints concerning vehicles speeding on Crystal St. and in the process of looking at additional signage to be installed on Crystal St. we noticed that the code book does not provide for a listed speed limit for Crystal St. Mr. Phillips said he has prepared a ordinance to amend the Vehicle and Traffic Code to establish a 15 mph speed limit for the portion of Crystal St. between Analomink and Washington Streets. Maintenance Foreman Mark Hoke, who was present suggested that the 15 mph speed limit apply for the entire length of Crystal St. on out to the intersection with Bridge St. After discussion, Mr. Brozusky made a motion, seconded by Mr. Repsher to authorize advertising a proposed ordinance to establish a 15 mph speed limit for the entire length of Crystal St. The motion carried unanimously.

Bid Proposals for Relocation of Sanitary Sewerline Below Braeside Avenue

Mr. Phillips noted that we now have obtained signed easements from the property owners required for the proposed relocation of a portion of the 15" sanitary sewerline that runs along the creek below Braeside Avenue. The Borough has planned on replacing this section of line prior to taking in additional sewage flow from Smithfield Township via the East Brown St. sewerline. Mr. Brozusky made a motion, seconded by Mr. Repsher to

authorize advertising for bid proposals for the relocation of a portion of the sanitary sewerline as recommended. The motion carried unanimously.

Bids Proposals Received for New Garbage Collection & Disposal Effective 1/1/10

Mr. Phillips reported that bids were opened on October 29<sup>th</sup> for the new refuse collection & disposal contract for the Borough effective January 1, 2010. Two (2) bids were received; one from the current contractor J. P. Mascaro & Sons, and the other from Waste Management of Pennsylvania, which has also held the contract previously. Tabulation of bids as follow:

	<u>Waste Management</u>	<u>J.P. Mascaro &amp; Sons</u>
Bid Price 2010 Year	\$611,124.00	\$627,738.00
Bid Price 2011 Year	\$611,124.00	\$627,738.00
Bid Price 2012 Year	\$ 611,124.00	\$627,738.00
<b>Total for 2010-2012 Years</b>	<b>\$1,833,372.00</b>	<b>\$1,883,214.00</b>
Bid Price 2013 Year	\$629,458.00	\$687,906.00
<b>Total for 2010-2013 Years</b>	<b>\$2,462,830.00</b>	<b>\$2,571,120.00</b>
Bid Price for 2014 year	\$648,341.00	\$708,780.00
<b>Total for 2010-2014 Years</b>	<b>\$3,111,171.00</b>	<b>\$3,279,900.00</b>

Mr. Reese asked Rich Wilburn of Water Management, who was present in the audience which holidays would be observed by the contractor which might result in a one day delay of garbage pickup? Mr. Wilburn said with a Tuesday pickup he thought that the only major holidays that might come into play at some point would be Christmas and New Years. After further discussion, Mrs. Wolbert made a motion, seconded by Mr. Repsher to accept the proposal from and award a five (5) year contract to Waste Management of Pennsylvania, Inc., for the 2010 -2014 years based on their low bid proposal, subject to final review by the Solicitor. The motion carried unanimously.

Exemption Application for Former Charron Property

Mr. DeLarco said the Borough had acquired the former Charron farm property north of the East Stroudsburg Reservoir about fifteen (15) years ago for the purposes of protecting the headwaters of the Sambo Creek which supplies the water for the East Stroudsburg Reservoir. Mr. Phillips had pointed out that the Borough had never applied for real estate tax exemption for the property. Mr. Henning made a motion, seconded by Mr. Repsher to authorize application to the County Board of Assessment for exemption status for this property as municipal watershed property. The motion carried unanimously.

Proposed Bus Route Change by Monroe County Transit Authority (MCTA)

Mr. Phillips said the Borough was approached by MCTA about the possibility of re-routing its buses via S. Green St. in order to better serve the East Stroudsburg University Campus. Mr. Reese said he does not want MCTA buses using our local residential streets. After discussion, Mr. Reese made a motion, seconded by Mr. Henning to deny the request by the Transit Authority to re-route its buses using S. Green St. The motion carried by a vote of 5 to 0 with Mr. Brozusky abstaining.

Proposed Intergovernmental Cooperation Agreement with Brodhead Creek Regional Authority Establishing Ownership Rights and Obligations for Water Interconnections between the Borough and Authority Water Systems

Mr. Phillips said the proposed agreement would establish present and future maintenance duties and responsibilities for three interconnections between the two Municipal Systems. Under the agreement the Authority will pay for improvements

needed to upgrade the Veterans Bridge interconnection line and then the two (2) entities will share in future maintenance costs after that. For the Stokes Avenue interconnection the Borough and Authority will share existing and future maintenance costs. The Eagle Valley interconnection is currently being used by the Authority to obtain water in bulk from the Borough system and the Authority currently maintains that interconnection. After discussion, Mr. Henning made a motion, seconded by Mr. Reese to authorize advertising a proposed ordinance to approve the proposed agreement. The motion carried unanimously.

#### Bids for Construction of Curbs along Burson St. & Lackawanna Avenue

Mr. Phillips requested authorization to advertise for bids for replacement of curbs along a portion of the property owned by DEIN properties where the property owner had removed the existing sidewalks which were in poor condition. Mr. Repsher said that high school students are walking in the road now since the sidewalks are removed and the sidewalks and curb need to be replaced to eliminate that situation. Mr. Reese asked why this is taking so long to replace the curb and sidewalks there? Mr. Phillips said earlier in the summer the property owner had requested a delay in action on replacing the curb and sidewalks due to liability concerns. Now we are ready to undertake the work and hopefully the curbs and sidewalks can be replaced before the winter season. Mr. Brozusky made a motion, seconded by Mr. Repsher to authorize advertising for bids for construction (replacement of curbs) along a portion of Burson St. & Lackawanna Ave. The motion carried unanimously.

#### Public Comments – New Business

None

#### Correspondence

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

1. A notice from the Brodhead Creek Regional Authority (BCRA) providing updated information on the status of the Joint Municipal Wastewater Treatment Project currently under design for the existing Stroudsburg Borough Waste Water Treatment Plant.
2. A letter from PennDOT announcing that a contractor for the state will be conducting traffic counts on municipally owned roads during 2010.
3. A letter from the Oaks Property Owners Association (POA) requesting possible Borough assistance with a problem with feral cats in their neighborhood. Mrs. Wolbert asked on whose property was the litter of cats found? Mr. Phillips said he assumes by the information in the letter that it must be on the back portion of the Weis Markets property. Mr. DeLarco said that the Borough had adopted a Feral Cat ordinance. Mr. Phillips said the ordinance requires licensing of cats. Mayor Martinelli noted that since the closing of the SCPA Animal Shelter there is no group that is accepting stray animals. Mr. Williamson said the former SCPA or the new Animal Welfare Society of Monroe County (AWSOM) did not or would not accept feral cats. Mr. DeLarco said Council should probably discuss this further at a Committee meeting in order to be able to respond to the Oaks POA.
4. A letter from Monroe County Commissioner Suzanne McCool requesting that municipalities consider making financial contributions to the new AWSOM Group.

#### Reports

Mrs. Wolbert expressed thanks to Ashley Puderbach for encouraging student groups from East Stroudsburg University (ESU) to participate in the Adopt-A-Street Program. Five (5) groups including Ashley's sorority have now signed up to participate in the program.

Mr. Repsher said a resident of Grandview St. had talked to him about a waterline leak in front of his residence which is now starting to wash out his backyard. Mr. Phillips said the Borough has known about a leak on Grandview St. and now we are very close to having the new line completed connecting Grandview St. with the end of Elm St., which will enable repairs to be made to the line on Grandview St. without having to shut down water service to most residences on the street.

Mr. Brozusky said a resident had complained to him recently about the Pocono Record advertisements which are constantly being left deposited in people's yards and driveways.

Mr. DeLarco asked for Council comments on having the Borough's Code book be put online because this could save on the cost of producing the code books. Mr. Williamson said the Borough would still need to have ("hard") copies of the code book but other Council members agreed it would be good to have the Borough codes available online. Mr. DeLarco reminded Mr. Phillips to check with Codes Officer John Blick about refining the way that "as is" sales are handled regarding the requirement for an inspection to obtain a certificate of occupancy. Mr. DeLarco also suggested that Mr. Phillips contact the Pennsylvania State Association of Boroughs (PSAB) concerning copies of ordinances regarding student housing issues.

Mr. Henning said he had discussed with Ralph Matergia of the Jacob Stroud Corporation the possibility of acquiring their old Christmas lights that they had used last year but are no longer using because they have obtained new holiday lighting.

Mr. D'Alessandro reviewed his written engineer's report previously submitted to Council. Mr. D'Alessandro reviewed some new figures for the study of Borough water rates which indicates three possible options for the new rate structure. The first proposal bases the rates 80% on fixed cost and 20% on variable cost or usage; a second proposal bases the rates 75% on fixed cost; and the third proposal bases the rates 70% on fixed cost. After extensive discussion, Mrs. Wolbert made a motion, seconded by Mr. Brozusky that Council members need to spend time dedicated to this issue only and made a motion that Council meet at 6:30 p.m. on November 17<sup>th</sup> before the regular Council meeting to discuss only the proposed new water rates structure. The motion carried unanimously.

Mr. Phillips noted that he had provided Council with copies of the September 30, 2009 financial reports. He also distributed to Council a copy of our current list of designated medical providers for worker compensation purposes. Mr. Phillips said the list of designated providers has to be updated because it has not been reviewed for some time and one of the providers listed (Chiropractor William O'Brien); is no longer in active practice. Mr. Phillips also noted that concerning the proposed Pocono Medical Center Cancer Center expansion the hospital is planning on obtaining property on Burson St. for a offsite parking lot for employees who will be shuttled to the hospital by bus. The hospital traffic study was apparently planning on utilizing Lackawanna Avenue for the shuttle route and this could be an issue for Council consideration. Finally, Mr. Phillips reported on the status of the new fire station construction project. Mr. Phillips reported that the general contractor, Coopersmith Brothers, Inc. has requested a ten (10) week extension for completion of their construction work. Mr. Phillips said the main reason cited for delay has been a delay in receiving the roof panels from the manufacturer. After discussion, Mr. Henning made a motion, seconded by Mr. Brozusky to authorize the contract extension as requested. The motion carried unanimously.

#### List of Bills Payable as of November 3, 2009

Mr. Reese made a motion, seconded by Mr. Brozusky to approve the list of bills payable and to ratify expenditures and payroll made through November 3, 2009 as submitted. The motion carried unanimously.

### Executive Session

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

At 9:00 p.m. Council members reassembled in the meeting room and Mr. Reese 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 and a personnel matter.

### Adjournment

With no further business Mr. Brozusky made a motion, seconded by Mr. Reese to adjourn the meeting at 9:01 p.m. The motion carried unanimously

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James S. Phillips, Secretary