

East Stroudsburg Borough, October 20, 2009

A regular meeting of the East Stroudsburg Borough Council was held at the Municipal Building on Tuesday October 20, 2009. The following members were in attendance: Victor Brozusky; Roger DeLarco; Ed Henning; Donald Repsher and Sonia Wolbert. William Reese was absent. 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; 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 7:35 p.m. Janice Giannolla led the Pledge of Allegiance.

#### Minutes of October 6, 2009 Regular Council Meeting

Mr. Brozusky made a motion, seconded by Mr. Repsher to approve the minutes of the regular Council meeting held October 6, 2009 as submitted. The motion carried unanimously.

#### Stroud Area Regional Police Department Report

Lieutenant Brian Kimmins was present to answer any questions concerning the department's monthly report. Lt. Kimmins said the Department had started up its "quality of life" patrols again in September and a total of sixty three (63) citations were issued during the ESU Homecoming weekend. Mr. Henning said the residents on Spangenburg Avenue are appreciative of efforts by the Department to monitor speeding and stop sign violations on their road.

Janice Giannolla, 576 N. Courtland St., said the property behind her looks like a "small Sibum junkyard". Also the grass is high and the property owner has vehicles parked which are neither inspected nor enclosed in a building as required by Borough ordinance. Mayor Martinelli said he has been to the property and agrees with her description of the high weeds. Concerning the vehicles, the Mayor said we may need to change the ordinance definitions to tighten-up the requirement regarding vehicles. Ms. Giannolla said there were sixteen (16) cars there at one time, now there are two (2). Mr. DeLarco asked Mr. Phillips to provide Council with a copy of the "junk vehicle" ordinance for the next Council Committee meeting.

Ms. Giannolla said she was challenged by Mr. Blick to appeal his determination that the vehicles were not in violation and she paid the \$200 appeal fee to the Zoning Hearing Board, but the Board did not find in her favor. Mr. Henning made a motion, seconded by Mr. Repsher to refund to Ms. Giannolla her \$200 appeal fee. The motion carried by a vote of 3 to 2 with Mr. DeLarco and Ms. Wolbert voting "no".

#### Residential Permit Parking Fees for New Two Year Permit

Mr. Phillips said the Borough is set to mail out renewal applications to residents for the permit parking and needs to know whether Council wants to change the \$10 fee for the permit which is good for two (2) years. After discussion, Mr. Brozusky made a motion, seconded by Ms. Wolbert to set the cost of the permit again at \$10 for a two year period. The motion carried unanimously.

#### Resolution No. 44-2009 Approving a Joinder Deed for Joel Smith Property

Mr. Phillips said Attorney Brett Riegel on behalf of Joel Smith has submitted a proposed joinder deed for the jointure of two (2) parcels owned by Mr. Smith on North Courtland St. The proposed deed includes the necessary language, however Mr. Blick had raised the question of whether the new joined lot might be able to be subdivided

further under the current C-1 zoning. After discussion, Mr. Henning made a motion, seconded by Mr. Brozusky to approve proposed Resolution No. 44-2009 approving a joinder deed for the two parcels, subject to submittal of the required tax certificates for the two existing parcels to be obtained from the Monroe County Tax Claim Bureau. The motion carried unanimously.

Proposed Agreement with Brodhead Creek Regional Authority (BCRA) – for Emergency Interconnections at the Veteran’s Bridge and Stokes Avenue

Mr. Phillips suggested that Council pass on this issue for now since Mr. Williamson had not had a chance to review the draft agreement.

Temporary Parking Restrictions on Lenox Street during Waterline Construction

Mr. Phillips said the waterline contractor has started work on the Lenox St. waterline replacement at the lower end of the road starting at Day St. Parking is currently permitted on the north side of the street but this will need to be temporarily eliminated during construction. Mr. Brozusky made a motion, seconded by Mr. Henning to authorize a temporary prohibition of parking on Lenox St. during the waterline constructions as recommended. The motion carried unanimously.

Proposed Ordinance Amending Solid Waste Code – Definition of Bulky Waste

Mr. Phillips said several of the contractors that will be bidding on the Borough’s new garbage contract had noted that they do not normally pick up auto parts as part of municipal waste because such parts can damage the truck compaction equipment. The definition of bulky waste in the Borough ordinance currently includes auto parts. After discussion, Mr. Henning made a motion, seconded by Mrs. Wolbert to authorize advertising a proposed ordinance to amend the Solid Waste code to revise the definition of bulky waste as to not include auto parts. The motion carried unanimously.

Proposed Stormwater Plan for Route 447 in Smithfield Township

Mr. Phillips said Smithfield Township is requesting a letter of support from the Borough regarding the proposed plan to pipe stormwater from the new “wall street west” project proposed for Route 447 on the former Albert property, so that stormwater from this development will not drain into the Flory Pond watershed. After discussion, Mr. Henning made a motion, seconded by Mrs. Wolbert to authorize submittal of a letter of support for the stormwater plan by the Borough to PennDOT. The motion carried unanimously.

Public Comments – New Business

Henry Pyatt of the Eastburg Community Alliance (ECA) commented that the Block Party on October 11, 2009 went well despite fairly low attendance and the Scarecrow Event on Saturday October 17, 2009 was also successful despite the weather which did not cooperate. Mr. DeLarco suggested to Mr. Pyatt that they discuss the community gardens concept this winter so that we can come up with a location for next spring. Mr. Pyatt said all that we need is volunteers to undertake this program.

Correspondence

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

1. A letter from Russell Scott III, Chairman of the Smithfield Sewer Authority stating that the Authority is able and will make the required payments for EDU capacity fees for sewage to be conveyed to the Borough from the Township Sewer Authority.
2. A letter from the Pennsylvania Department of Community & Economic Development (DCED) approving a \$33,470 grant to the Borough under the Community Development Block Grant (CDBG) Recovery Program.

3. A letter from PA DCED approving the 2009 Year CDBG Grant to the Borough in the amount of \$165,165.
4. A letter from New Jersey Transit stating that the revised FONSI (Finding of No Significant Impact) for the New Jersey/Pennsylvania Lackawanna Cutoff Passenger Rail Restoration Project is now available for public inspection.
5. A copy of the 2009 Year Annual Report from the Northeast Pennsylvania Alliance (NEPA).
6. A letter from R.K.R. Hess Associates, Inc. along with an Exhibit to the Memorandum of Understanding (MOU) which shows revised routes for the proposed sewer force main for the Pocono Township Sewer Project.

### Reports

Mr. DeLarco noted that a meeting was held October 13, 2009 with various residents from the East Broad St. area concerning zoning issues and he wants to formalize the structure for the Ad Hoc Committee to meet on a regular basis.

Mrs. Wolbert said Council needs to try to arrive at those things that we can agree on regarding new zoning code enforcement initiatives so that Council can provide direction to the Committee. Mr. DeLarco said that as he has already stated he is in favor of an inspection program for rental housing. Mr. Henning said that he is not in favor of charging a fee for rental inspections for large residential housing complexes like the Green Valley & Parktown apartments. He feels the most issues regarding rental housing are with individual units.

Mr. Repsher noted again the hole in the pavement on North Courtland St. at 519. After discussion, Mr. Repsher made a motion, seconded by Mr. Brozusky to direct the Manager to send a letter to PennDOT concerning this issue with copies to Rep. Mario Scavello and Sen. Lisa Boscola. The motion carried unanimously.

Mr. Brozusky asked about the former Smith gas station property on North Courtland St. where the canopy over the old gas tanks is now being torn down. Mr. Williamson said the new owner is tearing down the canopy prior to closing on the property and the property will not be used for a gas station again.

Mr. D'Alessandro reviewed his written engineer's report previously submitted to Council. In that report Mr. D'Alessandro noted that the as-built plans for the Prospect St. waterline replacement work completed in 2008 have been received and reviewed, so final payment can be made to Doli Construction. Mr. D'Alessandro reviewed information on the water rates study for the Borough which he has been working on with Mr. Phillips regarding increasing water rates for the Borough. Mr. D'Alessandro said the basic assumptions are that the Borough needs to generate enough revenue to pay for operations and maintenance and new debt service for the PennVest loan for waterline improvements and a new PennVest loan for the dam rehabilitation work. Also, Council has indicated its intent to equalize billings relative to the percent of water usage for each major billing group, and wants to use a blended rate which will include a fixed portion to cover fixed costs and variable portion to cover costs based on usage. Council discussed the information in the study at some length.

Mr. Phillips reported that the Borough has received the Penn Prime "Peak Performer" Award for 2009 for the fourth consecutive year. Pocono Medical Center is submitting a traffic study to PennDOT for the proposed expansion of the PMC Cancer Center on East Brown St. The Pennsylvania Department of Environmental Protection (DEP) will be holding a public hearing on November 9, 2009 in Allentown concerning a proposal to designate the Brodhead Creek as a critical water area. Russ Scott of R.K.R. Hess Associates, Inc. is planning on attending the hearing to present testimony on behalf of the both the Borough and the Brodhead Creek Regional Authority. Mr. Phillips noted that the meeting with the Representatives of East Stroudsburg University (ESU) concerning their new housing proposal is set for Thursday afternoon at 3:30 p.m. Finally, Mr. Phillips noted that he has been asked to attend a public hearing on October 29, 2009 at Hazelton City Hall, concerning the use of stimulus funds by municipalities.

### List of Bills

Mr. Brozusky made a motion, seconded by Mr. Repsher to approve the list of bills payable and to ratify expenditures and payroll made through October 20, 2009 as submitted. The motion carried unanimously.

### Executive Session

At 8:46 p.m. Mr. Repsher made a motion, seconded by Mrs. Wolbert to adjourn into executive session. The motion carried unanimously

At 9:12 p.m. Council members reassembled in the meeting room and Mr. Brozusky made a motion, seconded by Mr. Repsher to reconvene the public meeting. The motion carried unanimously. Mr. Williamson said the executive session was held to discuss two (2) litigation matters and one (1) personnel matter.

### Adjournment

With no further business Mr. Brozusky made a motion, seconded by Mrs. Wolbert to adjourn the meeting at 9:13 p.m. The motion carried unanimously.

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James S. Phillips, Secretary