

East Stroudsburg Borough, October 6, 2009

A regular meeting of the East Stroudsburg Borough Council was held at the Municipal Building on Tuesday October 6, 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; a press representative from 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. Justin Rothstein led the Pledge of Allegiance.

Minutes of September 15, 2009 Regular Council Meeting

Mr. Reese made a motion, seconded by Mr. Repsher to approve the minutes of the regular Council meeting held September 15, 2009 as submitted. The motion carried unanimously.

Public Comments – Zoning Enforcement Issues

Eugenia Eden of 233 East Broad St., said that she and a lot of her neighboring residents are here tonight to ask Council to take a look at the Borough's Zoning Codes. People are moving into areas in violation of Borough ordinances and parking on lawns and elsewhere where they shouldn't. The residents are facing a loss of property values. Enforcement is just not happening.

Ken Sandri of 239 East Broad St., said that after talking to others, he realizes that these issues are occurring in all neighborhoods of our community and probably in all college towns. He agrees with Mrs. Eden that there is a large potential loss of property values to residents and to the entire community and everyone can agree on that, except for perhaps the few landlords that are renting out properties illegally.

Marie Summa of 249 East Broad St., said that she and her husband Frank are landlords and they lease only in accordance with the Borough's zoning requirements.

Mr. DeLarco commented that he has been in support of new zoning code provisions and had recommended several changes for Council consideration. However, he is only one member of Council and his recommendations have not gained widespread support. He said the type of ordinance that he is talking about was recently adopted by State College Borough and originated in Haverford Township. Mr. DeLarco said that he agrees with the residents that we have to start somewhere because this is a real quality of life issue.

Henry Pyatt of the Eastburg Community Alliance (ECA) noted that he participated this afternoon in a distribution of handouts to college students which was coordinated through the university and a common problem that he heard from residents was the litter issue.

Mr. Williamson noted that the Borough already has more restrictive provisions than most other municipalities in that we permit no more than two unrelated individuals per dwelling.

Mr. Reese said he agrees with most of what has been stated by the residents but he disagrees with the statement that the Borough has ignored these issues. The major problem is that the Borough does not get much cooperation from East Stroudsburg University.

Mr. Brozusky suggested that residents need to contact the university to outline their concerns as well, particular those residents that are involved with the university such as the Alumni Board.

Mayor Martinelli commented that the university does work with the Borough and our Regional Police Department on enforcement matters. However, the problem is that ESU is adding students but is not providing additional housing on campus. Mayor Martinelli stated that he has disagreed with Mr. DeLarco concerning his proposal for new zoning provisions.

Mrs. Eden said a group of residents would like to meet with Codes Officer John Blick and brainstorm how the residents can assist the Borough on these issues. Mr. DeLarco said that he feels Mr. Blick would be glad to meet with the residents and suggested that they look up the Haverford ordinances on the township website. Mr. Henning stated that he is also interested in protecting the R-1 District through zoning provisions that could be enforced.

Beverly Treible of 231 East Broad St., asked why can't a limit be placed on the ESU student population? Mayor Martinelli replied that is probably not something that the Borough would have any control over.

Ashley Puderbach said she would be willing to coordinate setting up a meeting that would include students on the ESU campus.

Marie Summa stated that all housing issues are not necessarily caused by students. She said there is a house near their residence that has three families living in it and this may be more prevalent in other cultures.

Mrs. Wolbert stated that Council has been discussing these housing issues and she agrees it is not just students causing the problems. Mrs. Wolbert suggested that the Borough needs to setup a committee to look at these issues in detail.

Mrs. Treible asked if the residents could get their assessment lowered because of these student housing issues affecting her property value? Mr. Williamson noted that any resident can appeal their assessment to the Monroe County Board of Assessment appeals, but if it is an older property it may have a lower assessment and they could even see their assessment increased through the appeals process.

Mr. DeLarco suggested a possible meeting date for next Tuesday October 13th at 5:30 p.m. with Codes Officer John Blick. Mr. Phillips said he would check with Mr. Blick upon his return from a conference and confirm that date and time.

Henry Lesoine of 503 North Courtland St., suggested that Council not focus entirely on ESU students regarding housing issues.

Public Comments – Agenda Items

None

Designated Date & Time for Halloween Trick or Treating

Mr. Phillips said Pocono Mountains Council of Governments will be doing a newspaper notice to advertise the date and time for Halloween Trick or Treating. Mr. Repsher made a motion, seconded by Mrs. Wolbert to designate Saturday October 31st from 6-8 p.m. for Halloween Trick or Treating within the Borough, as recommended. The motion carried unanimously.

Ordinance No. 1225 Revising Provisions Regarding Booting of Vehicles

Mr. DeLarco said Council has discussed the proposed ordinance amendment which would revise provisions regarding the immobilization (booting) of vehicles as an enforcement measure for outstanding parking violations. Mr. Phillips said the proposed

ordinance would change several definitions in the ordinance pertaining to unsettled parking violations and unpaid parking tickets. The purpose is to shorten the time frame from the first issuance of a parking ticket to the time when the Borough can utilize the “boot” if a person has unpaid parking tickets. Also the ordinance would define that if an individual has entered into a payment plan with the Borough or with the Magistrates office for settling outstanding parking fines, but has not kept up with the payment plan, then the Borough can utilize the “boot” in that instance as well. After discussion, Mrs. Wolbert made a motion, seconded by Mr. Reese to adopt proposed Ordinance No. 1225 as advertised. The motion carried unanimously.

Request to Close Analomink St. for Annual Pink Light Walk

Mr. Phillips said he spoke to Kate Koehler, Coordinator for the Annual Pink Light Walk and stated the Borough’s concerns in closing Analomink St. at that hour of the night. Mr. Phillips said that he suggested that the group utilize the parking lot at the ESU Accelerator Building for their gathering and offered that the Borough could provide the small stage that we have setup before for other events such as the Crime Watch Day at Dansbury Park. Council members agreed with Mayor Martinelli’s statement that we should not close the street, but ask the Police Department to provide police escort for the walkers as they proceed from the ESU campus down to the Loder building.

Resolution No. 42-2009 Revising Personnel Leave Policies

Mr. Phillips said that Council had reviewed the proposed changes to the Borough’s Employee Manual regarding policies for disability leave, military leave, and family medical leave. The proposed changes are proposed so that the Borough policies comply with current state and federal law. Mr. Brozusky made a motion, seconded by Mrs. Wolbert to approve proposed Resolution No. 42-2009 amending the Employee Manual as submitted. The motion carried unanimously.

Resolution No. 43-2009 Approving Job Description for Public Works Director

Mrs. Wolbert made a motion, seconded by Mr. Brozusky to approve proposed Resolution No. 43-2009 approving the revised job description for the Public Works Director position as submitted by Mr. Phillips. The motion carried unanimously.

Authorize Advertising for Applications for Public Works Director Position

Mrs. Wolbert made a motion, seconded by Mr. Brozusky to authorize advertising to fill the position, as recommended. The motion carried unanimously.

Report and Action on Bids Received for Milling and Paving Work on Several Streets

Mr. Phillips said the Borough had received and opened bids on September 30th for milling and paving a portion of Normal St., and all of Taylor and Hills Streets, within the Housing Authority of Monroe County project located on those streets. Mr. Phillips said two bids were received as follows:

Bidder	<u>Hanson Aggregates PA, Inc.</u> Stroudsburg, PA		<u>Locust Ridge Quarry</u> Pocono Lake, PA	
Bid Security	10% Bid Bond		10% Bid Bond	
Item 1 milling 5,500 sq. yds.	\$ 3.50	\$19,250.00	\$ 2.60	\$14,300.00
Item 2 milling 420 sq. yds.	\$ 9.00	\$ 3,780.00	\$ 3.50	\$ 1,470.00
Item 3 paving road 495 ton	\$ 84.00	\$41,580.00	\$78.95	\$39,080.25
Item 4 paving parking 38 ton	\$145.00	\$ 5,510.00	\$89.25	\$ 3,391.50
Item 5 leveling course 45 ton	\$139.00	<u>\$ 6,255.00</u>	\$92.10	<u>\$ 4,144.50</u>
Total Bid		\$76,375.00		\$62,386.25*

*apparent low bidder

After discussion, Mr. Brozusky made a motion, seconded by Mrs. Wolbert to tentatively accept the low bid proposal from Locust Ridge Quarry, subject to final review of the bid proposal pertaining to all necessary requirements of the Community Development Block Grant (CDBG) program. The motion carried unanimously.

Flu Shots for Borough Employees and Council Members

Mr. Henning made a motion, seconded by Mrs. Wolbert to authorize flu shots to be administered to full-time and regular part-time Borough employees and Council members at the Monroe County Public Safety Building on October 8, 2009. The motion carried unanimously.

Designate Dates for Christmas Tree Recycling/2010 Year Yard Waste Pickups

Mr. Phillips said he wants Council to approve the proposed dates for Christmas tree recycling and yard waste pickups so the dates can be included in the Borough newsletter to be coming out soon. Mr. Brozusky made a motion, seconded by Mr. Reese to designate the following dates:

Christmas Tree Recycling

2010 Year Curbside Yard Waste Pickups

Wednesday, December 30, 2009
Wednesday, January 6, 2010
Wednesday, January 13, 2010

Monday-Thursday, March 29-April 1, 2010
Monday-Thursday, June 7-10, 2010
Monday-Thursday, August 2-5, 2010
Monday-Thursday, September 27-30, 2010

The motion carried unanimously.

Temporary Lifting of Parking Restrictions on Lenox Avenue

Mr. Phillips reported that the Housing Authority of Monroe County is reconstructing the sidewalks within the Lenox St. housing project and the residents will not have the use of the parking lot for perhaps a week. The Housing Authority has requested authorization for the residents to be able to park on the street during construction. Mr. Brozusky made a motion, seconded by Mr. Henning to authorize the temporary lifting of parking restrictions on Lenox St. as requested. The motion carried unanimously.

Correspondence

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

1. A letter from the Pennsylvania Auditor General acknowledging that the Borough received its 2009 year General Municipal Pension State Aid by direct deposit in the amount of \$78,200.34.
2. A letter from the Monroe County Commissioners inviting the Borough to send a representative to the Complete Count Committee Meeting to be held Wednesday, October 7, 2009 at 10:15 a.m.
3. A letter from the Eastern Monroe Public Library announcing an upcoming vacancy on the Board of Directors for the Library effective January 1, 2010 for District 1 which includes, East Stroudsburg Borough, Stroudsburg Borough and Hamilton Township.
4. A letter from Marc R. Wolfe, Counsel for University Properties, Inc. agreeing to further postpone the hearing on proposed conditional use application, and action by Council on such application, until at least the December 15, 2009 Council meeting date.
5. A letter from the Monroe County Commissioners office stating that the County will solicit bids for the Tax Collector Bonds for the various elected Tax Collectors in the County as has been past practice.

6. Information from the Pocono Mountains Council of Governments on the dinner meeting to be held at Ye Olde Saylor's Inn on Monday, October 26, 2009 at 6:00 p.m.

Reports

Mr. D'Alessandro reviewed his written engineer's report previously submitted to Council. Mr. D'Alessandro reviewed a summary he prepared on water consumption for the Borough for the 2006, 07, 08 and 2009 years based on the residential, commercial, industrial and public categories which show that the residential customers of the Borough had been paying for slightly more than their share of actual water consumption based on actual water billings. He asked if Council wanted to try to equalize rates, as best possible, with consumption for the major categories of users; and Council indicated that that should be our goal. Mr. Phillips noted that this may require changing the rate structure to formally establish separate rate structures for "public" users, for example, as opposed to residential users.

Mr. Reese asked about the low point or "dip" on North Courtland St. in front of the high school? Mr. Phillips said he had also noted the dips in the road which are a result of work that was done by contractors for the East Stroudsburg South High School renovation work project. Mr. Phillips said he had brought these to the attention of Jim Shearhouse, Facilities Director for the District, who said he would address this matter with the General Contractor.

Mr. Henning asked if the meeting had been held yet with Hayward Labs concerning their sewer discharges and Mr. Phillips replied that the meeting is scheduled for tomorrow at 1:00 p.m. Mr. Henning noted that he had also received a complaint from a resident who suggested that the information on the Borough requirements for obtaining a certificate of occupancy upon sale of a property should be included on the Borough website.

Mayor Martinelli noted that the Borough's "disorderly house" ordinance authorizes the police to notify a property owner and bill them for police cost in the event of a second police call to a residence for a disturbance within a 60 day period. The Mayor suggested that the Borough should send a letter to the property owners after a first occurrence to advise them that they could be subject to a penalty if a second occurrence happens.

Ms. Puderbach said that at least five student groups at the university have expressed interest in participating in the Adopt-A-Street program. Also she reported that "Homecoming" events will be held at the university this weekend; and finally she noted a brochure that the Town of Bloomsburg puts out concerning code requirements that apply within the municipality.

Mrs. Wolbert reported that the Stroud Region Open Space and Recreation Commission (SROSRC) had discussed at the last meeting ways of trying to implement a portion of the Levee Loop Trail; and also ways to attempt to encourage participation of more members for the Friends of the SROSRC Group.

Mr. Repsher asked Mr. Phillips again to contact PennDOT concerning the hole on North Courtland Street in the southbound lane opposite 519 N. Courtland St.

Mr. Brozusky said the Borough should consider starting the leaf pickup next year one week early because he already has leaves piled up on his street which ends up in his yard.

Mr. Phillips noted that he had provided to Council a copy of the 2010 Year Minimum Municipal Obligation (MMO) for the Borough Employee's Pension Plan (\$184,870) by the September 30, 2009 date required. Mr. Phillips noted that Council had reviewed the proposed schedule for preparation and review of the 2010 year budget for the Borough, which must be approved by Council before the year's end. Finally, Mr. Phillips noted that he had been advised by the Executive Director for Suburban EMS

Services that they have entered into an agreement to lease a garage and office space at a location off of First Street in Stroudsburg, and this location is fairly centrally located to serve East Stroudsburg Borough as well as Stroudsburg Borough and Stroud Township as the primary EMS responder for the three communities. Mr. Phillips also noted that he had received a call from a representative for the Smithfield Sewer Authority in response to his letter concerning the Authority's request to amend the sewer service agreement with the Borough. Russ Albert stated to him that the Authority is able and will make all payments required for EDU capacity fees under the agreement and they wish to proceed with connecting to the Borough system.

List of Bills

Mr. Reese made a motion, seconded by Mr. Henning to approve the list of bills payable and to ratify expenditures and payroll made as of October 6, 2009 as submitted. The motion carried unanimously.

Executive Session

None

Adjournment

With no further business Mrs. Wolbert made a motion, seconded by Mr. Repsher to adjourn the meeting at 9:30 p.m. The motion carried unanimously.

James S. Phillips, Secretary