

East Stroudsburg Borough, September 1, 2009

A regular meeting of the East Stroudsburg Borough Council was held at the Municipal Building on Tuesday September 1, 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.; East Stroudsburg University Student Ambassador Ashley Puderbach; a press representative from TV 13, and several residents in the audience.

Call To Order/Pledge of Allegiance

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

Minutes of August 4, 2009 Regular Council Meeting

Mr. Brozusky made a motion, seconded by Mr. Repsher to approve the minutes of the August 4, 2009 regular Council meeting as submitted. The motion carried unanimously.

Public Hearing on Proposed Ordinance Amending Intergovernmental Cooperation Agreement Establishing Regional Police Department (SARPD)

Mr. Henning made a motion, seconded by Mr. Brozusky, to open the public hearing. The motion carried unanimously. Mr. Phillips explained that the proposed ordinance would authorize amendment No. 5 to the original agreement, to extend "freezing" of the formula determining the cost percentages that each of the three municipalities pay towards the police budget at their current levels, at least until the new 2010 census figures are available. Those percentages are: Stroud Township – 45.00%, Stroudsburg Borough - 24.15%, and East Stroudsburg Borough - 30.85%. Mr. DeLarco said this concept was discussed and approved by a committee of elected officials from the three communities. Mr. DeLarco asked for any comments, and there was none. Mr. Henning made a motion, seconded by Mr. Brozusky, to close the public hearing; the motion carried unanimously.

Public Comments

Henry Pyatt, Downtown Manager for the Eastburg Community Alliance, said a committee of ECA is planning a Block Party for Crystal Street, and requests approval to close the street for that event on Sunday, October 11, 2009. Mr. Pyatt said ECA is planning another event, a Scarecrow Festival in Miller Park and magic show at Pocono Community Theater, to be held on Saturday October 17 when the Steamtown Excursion Train is scheduled to come to East Stroudsburg. Henry said he is also working with a committee at East Stroudsburg University to look at ways to encourage bicycle usage within the Borough and area.

Proposed Ordinance No. 1224 Amending Intergovernmental Cooperation Agreement Establishing Regional Police Department (SARPD)

Mr. Henning made a motion, seconded by Mr. Brozusky, to adopt proposed Ordinance No. 1224 Amending the Intergovernmental Cooperation Agreement Establishing Regional Police Department (SARPD), as advertised and discussed. The motion carried unanimously.

Application for HOMES grant funds for Housing Rehabilitation Program

Mr. Phillips said the Borough has a waiting list of homeowners who have submitted applications to the Redevelopment Authority for financial assistance to bring their residences into code compliance under the Community Development Block Grant (CDBG) funded home rehabilitation program. With approximately \$50,000 being allocated each year in CDBG funds, and an average cost of almost \$20,000 per home, the CDBG funds do not go far enough to address the needs. The Borough can apply for HOME grant funds from the Pennsylvania Department of Community and Economic Development (DCED) to expand the program for targeted areas of the Borough. The Borough's consultant, Mullen & Lonergan Associates, Inc. can prepare the necessary application for the Borough for a cost of \$5,000, to be paid for from CDBG funds. They recommend applying for at least \$400,000 in HOME funds.

After discussion, Mr. Repsher made a motion, seconded by Mrs. Wolbert to authorize Mullen & Lonergan to prepare a HOME grant application for the Borough as recommended and discussed; the motion carried unanimously.

Request by Codes Officer John Blick to Attend PennBOC Conference

Mr. Henning made a motion, seconded by Mr. Brozusky to authorize Code Officer John Blick to attend the Pennsylvania Building Officials (PennBOC) Conference at Harrisburg, PA October 6-9, 2009 as requested, with reimbursement of travel expenses in accordance with Borough policy. The motion carried unanimously.

Proposed Water Rate Increase

Mr. D'Alessandro reviewed some basic rate structure options and considerations for Council to keep in mind regarding coming up with a water rate increase. Mr. Phillips noted that the Borough has a "blended" rate now, with part of the bill being a fixed rate and part variable based on consumption, but there are different option and variations within a blended rate. Mr. D'Alessandro said he can assist the Borough in analyzing and coming up with a rate proposal, but he will need more information to be provided by the Borough. Mrs. Wolbert asked if the analysis will include maintaining the same level of transfers/subsidies from the Water Fund to General Fund, as now? Mr. D'Alessandro said that is obviously a policy decision that Council must make, but that he can help show the options.

Mr. Henning said his committee will not meet this Thursday pending receipt of information from Mr. D'Alessandro.

Request for Handicapped Parking Space at 494 Chestnut Street

Mr. Repsher made a motion, seconded by Mr. Brozusky to approve the request for installation of a handicapped parking sign/space at 494 Chestnut St. as recommended; the motion carried unanimously.

Update Borough Zoning Ordinance regarding Parking Requirements for University Uses

Mr. D'Alessandro reviewed an outline/overview of parking issues he had prepared and an example calculation of parking requirements at East Stroudsburg University based on known university uses and different assumptions/standards. All figures appear to indicate that ESU is low on the number of parking spaces provided.

Ashley Puderbach related her problems in finding a parking space yesterday as a new commuting student, and reported that ESU has 176 "temporary" triple rooms in campus dorms this first semester.

Mrs. Wolbert noted that ESU says they will be tearing down several homes on campus to create new parking. Mr. Henning noted more accurate information is needed from ESU in order to perform a more accurate analysis of parking needs.

Mayor Martinelli asked about Normal Street – whether it is considered a “collector street”? Mr. D’Alessandro it is considered a collector street under current criteria; in order for it not to be, the Borough would have to change its ordinance – or grant the University a variance in relation to its new student housing plan.

Mr. D’Alessandro said he feels the University needs to invest in a Parking Management Plan, to address their current and future parking needs.

Request by Smithfield Township Sewer Authority for Amendment to Sewer Agreement

Mr. DeLarco noted the letter dated July 24, 2009 whereby the Sewer Authority has requested that payment of required EDU payments to the Borough for sewage flow from Smithfield Township be extended to over the remaining years of the Agreement. Mr. Williamson said he had reviewed the Agreement, and clearly the Township and Authority were aware of, or should have been aware, of the financial requirements for payment of EDU fees under the Agreement. Mr. Henning reviewed the payments needed as calculated by the Authority, and asked Mr. Phillips if the Borough had a planned use for the funds to be received? Mr. Phillips said the Borough had budgeted for relocation of the interceptor sewer off Braeside Avenue, based on the anticipated revenues to be received under the Agreement with Smithfield. Without those revenues, the Borough might have to borrow funds to complete the project.

After discussion, Mr. Brozusky made a motion, seconded by Mr. Repsher, to deny the request as submitted; the motion carried unanimously. Mr. DeLarco asked Mr. Phillips to send a letter to the Sewer Authority advising them of Council’s decision and the reasons therefore.

Public Comments

None

Correspondence

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

1. A letter from East Stroudsburg University requesting suspension of parking enforcement by the Borough on the dates of major events on campus; as the Borough has done in previous years. After discussion, Mr. Henning made a motion, seconded by Mr. Repsher to authorize suspension of parking enforcement on the specific dates as requested. Mr. Repsher noted that the list of dates the University is requesting seems to be expanding. The motion carried unanimously.
2. letter from Pocono Arts Council thanking Council for the donation by the Borough of \$350.
3. A letter from the East Stroudsburg Area School District requesting that each municipality within the District send a representative to attend a meeting for discussion concerning the new Countywide Commission for collection of earned income taxes pursuant to Act 32. Mr. Phillips said he understands a webinar will be shown from DCED concerning the new Act requirements.
4. A copy of the Audit of H.A. Berkheimer earned income tax collections for the 2008 year performed by Michael Nardone, C.P.A.
5. A letter from the Monroe County Control Center (MCCC) announcing that fourth quarter 2009 dispatching fees to municipalities will be waived, as reported previously by Mr. DeLarco.
6. A letter from the Monroe County Federation of Sportsmen’s Clubs requesting donations for the Youth Field Day to be held Saturday Sept. 12, 2009 at Camp Trexler.
7. A letter from Doris Hineline, a resident of Birch Street, requesting that a yellow middle line be painted on Birch Street, for safety reasons.
8. A letter from the Monroe County Vector Control Program advising that the State will no longer be funding the West Nile Virus Control Program, due to the state budget not being adopted yet.

9. A letter from the Pennsylvania State Association of Boroughs (PSAB) advising that the rate that member municipalities will pay for 2010 for participation in the unemployment compensation program, will increase, from a minimum of 1.50% in our case, to 1.75% of payroll.
10. A letter from Gary Hoffman of the Monroe County Control Center (MCCC) recommending that municipalities establish guidelines or standards for address markers, since residents will be receiving letters soon regarding revised addresses in the County.
11. A letter from the Monroe County Municipal Waste Management Authority (MCMWMA) requesting comments on a proposed non-substantial revision to the County Municipal Waste Management Plan, for extending the agreements with area landfills for disposal capacity.
12. A copy of the Remedial Action Plan for the Smith Gas Station site at 135 N. Courtland Street, prepared by MEA, Inc., environmental consultants.
13. A letter from Ray Scheetz, President of the Board of Directors of Pocono Community Theater, requesting that Council waive permit fees for electrical and other work being done at the Theater, for new portable staging and lighting purchased by the Theater with grant funding from ESSA Bank & Trust Co. Mrs. Wolbert noted that Council does not usually waive permit fees because many non-profit groups are present in the community; however, perhaps Council could consider making a donation to offset the permit costs? Mr. Brozusky asked what is the amount of permit costs? Mr. Phillips said he did not know and would have to check with Mr. Blick. After discussion, Mrs. Wolbert made a motion to not waive the applicable permit fees as requested, and to grant a donation to Pocono Community Theater in an amount not to exceed \$200 to offset the permit fees costs to the Theater; the motion carried unanimously.

Reports

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

Ms. Puderbach asked if there were any additional Borough streets that volunteers from the University could cleanup under the Adopt a Street Program? Mr. Phillips suggested Normal, Smith, or Mary Streets which are all Borough, not state, roads.

Mr. Henning asked about the status of the environmental remediation report being prepared by MEA, Inc. on the former International Boiler Works (IBW) property for the Borough. Mr. Henning also noted that it appears several trees on Crystal Street are dead or dying.

Mayor Martinelli said Sonny's Auto (Garage) has cars parked out to the curb along Day St. and Courtland St. Also he appears to be selling cars out of this property. The Mayor said we should require that no cars are parked in the right-of-way.

Mrs. Wolbert asked if the Borough can post properties where citations are issued, because many people don't think that the Borough Codes Officer responds to complaints when in fact maybe citations have been issued.

Mr. Repsher said a large tree is down over the trail at Zacharias Pond Park and needs removed.

Mr. Brozusky said the storm inlet on North Courtland Street in front of the high school is low and is very noticeable when cars go over it. Mr. Phillips said he has notified Facilities Director Jim Shearhouse at the School District concerning this matter.

Mr. DeLarco asked why MEA, Inc. is taking so long to complete the IBW property report? Mr. DeLarco also asked Mr. Phillips about the job description for the position to be filled upon retirement of Don Ransom, Assistant to the Manager for Public Works. Mr. Phillips said he has the job description prepared for Council review.

Finally, Mr. DeLarco asked which Department Head person would be attending the next committee meeting with Council? Mr. Phillips suggested Head Water Plant Operator Cal Miller.

Mr. Phillips reported that the “closing” on the ESSA Bank loan occurred August 14, 2009 although all paperwork and actions were completed prior to that date. Concerning the Penn Regional Business Center project on Route 447 in Smithfield Township on the former Albert property, he was advised by Brian Barrett of the Township that the initial construction work there was only to satisfy requirements for retaining the grant funding for the project. Supervisor Barrett invited him to attend a work session meeting next week with LTS Development concerning that project. Mr. Phillips said he received a request from Pocono Medical Center for a letter of support for the proposed expansion of the Hughes Cancer Center, as they are seeking funding from the Gaming Funds available to Monroe County for regional projects. After discussion, Mr. Henning made a motion, seconded by Mrs. Wolbert to authorize sending a letter of support for the project to Pocono Medical Center, as requested; the motion carried unanimously.

Finally, Mr. Phillips reminded Council that the Twin Boroughs Recycling Program is not eligible for additional state recycling grants until and unless Stroudsburg Borough Council adopts an ordinance mandating solid waste collection within their Borough. Mr. Henning made a motion, seconded by Mr. Repsher, to authorize sending a letter to Stroudsburg Borough requesting that Council adopt a solid waste ordinance satisfying Pennsylvania Department of Environmental Protection (DEP) requirements for eligibility for recycling grants; the motion carried unanimously.

Public Comments – Non Agenda Items

None

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 September 1, 2009 as submitted; the motion carried unanimously.

Executive Session

At 9:25 pm Mr. Repsher made a motion, seconded by Mrs. Wolbert to adjourn into executive session. The motion carried unanimously.

At 9:35 pm Council members reassembled in the meeting room and Mr. Henning made a motion, seconded by Mrs. Wolbert to reconvene the public meeting; the motion carried unanimously. Mr. Williamson reported that the executive session had been held to discuss a personnel matter and a potential litigation matter.

Hiring of Environmental Attorney regarding matters related to Renewal of Water Allocation Permits for the Borough.

Mr. Brozusky made a motion, seconded by Mr. Repsher to authorize the Solicitor and Manager to seek proposals for environmental counsel regarding matters related to renewal of water allocation permits for the Borough through PA DEP and Delaware River Basin Commission (DRBC); the motion carried unanimously.

Request by East Stroudsburg Methodist Church for suspension of Parking Enforcement for event Saturday September 12, 2009

Mr. Phillips said the UMC has requested suspension of parking enforcement for the “Tragedy, Depression and Recovery” seminar to be held Sept. 12th at the church from 8:30 a.m. to 4:00 p.m. Mrs. Wolbert made a motion, seconded by Mr. Repsher, to authorize suspension of parking enforcement at the borough parking lots and meters near

the Methodist Church on the Saturday of the seminar, as requested; the motion carried unanimously.

Adjournment

With no further business, Mrs. Wolbert made a motion, seconded by Mr. Repsher to adjourn the meeting at 9:40 pm.; the motion carried unanimously.

James S. Phillips, Secretary