

MINUTES  
Stroudsburg Borough Council Meeting  
Tuesday, October 20, 2015 at 7 p.m.

*Note that the minutes are presented in the order in which items were discussed at the meeting. Each agenda item, however, has retained the original number it was assigned on the original agenda.*

1. Call Meeting to Order/Roll Call: Council President Kim Diddio called the meeting to order at 7:00 p.m. Borough Manager Cathryn Thomas called roll. Present were President Diddio, Vice President Joanne Kochanski, Council Members Eric Scelza, Matt Abell, and Boyd Weiss. Also present were Mayor Ellen Deihl and Solicitor Ralph Matergia. Absent were Council Members Ken Lang and Neil Allen.

2. The Pledge of Allegiance was recited.

**New Business**

10. Consideration to approve a change order for the Clermont Street reconstruction project, in an amount not to exceed \$93,040.50, to construct a proper base for the roadway prior to the new asphalt surface being laid: Engineer Nate Oiler explained that upon milling, it was discovered that water had gotten into the pavement base making it spongy in areas. Motion by Mr. Scelza, second by Mr. Abell, to approve a change order for the Clermont Street reconstruction project, in an amount not to exceed \$93,040.50, to construct a proper base for the roadway prior to the new asphalt surface being laid. Motion passed unanimously.

18. Review data and the recommendation from the engineer and attorney concerning the request from Pocono Township for Stroudsburg to shift allocated sewer capacity from the Borough to the Township: Engineer Nate Oiler stated Stroud Township has already denied the request of Pocono Township for any of their additional capacity. It was first estimated that our usage was approximately 630,000 per day which we now know is not correct.

In the agreement, allocation is based on the peak maximum flow over 30 days but we only have data back to the beginning of 2015. At that time there were issues going on at BCRA in the metering process resulting in inaccurate numbers based on how flows were calculated. The average reading during our peak month of July was 857,000 gallons a day. This figure was influenced by inflow and infiltration and the fact that July was a wet month. Nate's recommendations are not to give up capacity, review how flows are calculated by monitoring meters, and conduct an I & I (inflow and infiltration) study to see if the numbers can be reduced. Doug Olmstead, representing Spa Castle Resorts, asked that Council still consider the request as the capacity charge in Pocono Township is \$10 per gallon. Using that same equation, that could get the Borough \$1,000,000 to put towards I & I issues. Council felt that until accurate readings are obtained no action should be taken. Motion by Mr. Scelza, second by Mrs. Kochanski, to advise Pocono Township of our findings and that at this time there is no capacity to give. Motion passed unanimously.

19. Consideration to approve a change order for the Garden Street reconstruction project, as a deduction of \$16,529.22 and to authorize payment request No. 1 for this project: Motion by Mrs.

Kochanski, second by Mr. Scelza, to approve a change order for the Garden Street reconstruction project, as a deduction of \$16,529.22 and to authorize payment request No. 1 for this project. Motion passed unanimously.

13. Consideration of a request to pay a reduced amount for the filing fee on a proposed subdivision: 800 Monroe Street Property Owner, Attorney Phillip Stock, explained that he only wants to convey a 13 ½' by 20' piece of his property that sits behind his neighbor's property at 802 Monroe Street to him. It is currently being used for parking. Attorney Stock feels the \$750 subdivision plan fee and the \$450 variance fee is extreme for such a small project. Solicitor Matergia suggested to Attorney Stock circumventing subdivision by granting an easement. He also stated Council can change the current ordinance to base the fees on the magnitude of the subdivision. Mrs. Kochanski and Mr. Abell would rather change the ordinance than grant the fee reduction. Council President Diddio directed staff to draft a stepped fee schedule for the next Council meeting.

### 3. Public Hearing

A. Consideration to amend Chapter 5, Part 5 of the Stroudsburg Borough Code concerning the Uniform Construction Code (UCC) and authorizing formation of a joint UCC Appeals Board, shared with the Borough of East Stroudsburg: The public hearing was opened and closed at 7:23 p.m. with no public comment. Motion by Mr. Abell, second by Mr. Scelza, to close the public hearing. Motion passed unanimously.

B. Consideration to approve amendments to Chapter 5, Part 5 of the Stroudsburg Borough Code concerning the Uniform Construction Code (UCC) and authorizing formation of a joint UCC Appeals Board, shared with the Borough of East Stroudsburg: Motion by Mr. Abell, second by Mr. Scelza, to approve amendments to Chapter 5, Part 5 of the Stroudsburg Borough Code concerning the Uniform Construction Code (UCC) and authorizing formation of a joint UCC Appeals Board, shared with the Borough of East Stroudsburg. Motion passed unanimously.

C. Consideration to enter into an Intergovernmental Cooperation Agreement (ICA) with the Borough of East Stroudsburg for the purpose of creating and sharing a joint Uniform Construction Code (UCC) Appeals Board: Motion by Mrs. Kochanski, second by Mr. Abell, to enter into an Intergovernmental Cooperation Agreement (ICA) with the Borough of East Stroudsburg for the purpose of creating and sharing a joint Uniform Construction Code (UCC) Appeals Board. Motion passed unanimously.

### 4. Public Input:

Mehmet Barzev thanked Borough Manager Cathryn Thomas and the Borough for contacting PennDOT which resulted in guard rails installed preventing vehicles from driving onto his 200 Broad Street property.

Mr. Barzev also commented that he was not notified of the Clermont paving project which directly affected him accessing his property. Also, there is a piece of the alley from the sidewalk to the street that he has been dumping stone in for years. He wanted to know who is responsible for that. Solicitor Matergia stated it is the shared responsibility of all the property owners abutting the alley to maintain it.

5. Approval of Council Meeting Minutes from October 6, 2015: Motion by Mr. Abell, second by Mr. Scelza, to approve the Council Meeting Minutes from October 6, 2015. Motion passed; 4 ayes, 0 nays, and 1 abstention with Mrs. Kochanski abstaining.

6. Monthly Administrative Reports: Motion by Mr. Scelza, second by Mr. Abell, to accept the Monthly Administrative Reports minus the Fire Department Report which was not available at this time. Motion passed unanimously.

7. Accept August and September Treasurer's Reports: N/A

### **Old Business**

8. Review and discussion of change orders – past, current and anticipated – for the Fire Hall Renovation Project: Engineer Dave McGarry handed out paperwork detailing a breakdown of all past, present, and anticipated change orders.

9. Consideration of approval of the following change orders: Engineers Dave McGarry and Dave Strunk gave a detailed explanation of the change orders they would like Council to consider tonight.

The change orders for General Contractor Nu Cor Management are as follows: Change Order #6 in the amount of \$39,300 for exterior foundation waterproofing, and anticipated change orders in the amount of \$1,300 for cabinetry in the radio room as requested by the Fire Department, \$300 to secure the existing roof at the rear exit door, \$500 to provide a dehumidifier in the basement for two weeks, \$750 to install a new hard ceiling in the elevator mechanical room, \$1,150 to enlarge a concrete pad for the Fire Department washer/dryer, \$1,500 for a 5' x 15' concrete pad for mechanical units at the rear of the building, and \$300 for 2 additional bollards to protect the gas meter.

The anticipated change order for Yannuzzi, Inc. is in the amount of \$1,400 to relocate existing elevator sump pump piping.

The anticipated change orders for Liebold, Inc. are as follows; \$415 to provide new wall sleeves to accommodate existing wall piping in the existing walls, \$3,488 to isolate existing second floor heating units with ball valves to fix leaks, and \$3,480 for additional lengths of line sets for 3 mechanical units which Dave Strunk commented is high. He will talk to the contractor to see if that number can be reduced.

The anticipated change orders for Mark Whitehead Electric Cont., Inc. are as follows; \$1,500 to relocate 2 existing junction boxes, and \$1,000 to rewire an existing exterior light post.

Motion by Mr. Scelza, second by Mr. Abell, to approve all change orders as described above. Motion passed unanimously.

At the last Council meeting Mayor Deihl questioned a charge for payroll taxes. Dave Strunk stated that it should not have been broken down that way. The cost is to cover workman's compensation and liability insurances. It is the contractor's expense on top of prevailing wage.

### **New Business**

11. Consideration of a request from Connoisseur Media to close Court House Square from 4:30 to 8 p.m. on Friday, November 27th for the Annual Tree Lighting Ceremony: Pat Lincoln, Connoisseur Media, explained the event will include music, horse carriage rides, a brief speech from the Mayor, a visit from Santa, and the tree lighting. They also hope to include carolers and participation from Crayola. Council thanked Mr. Lincoln for taking control of the event since Jacob Stroud Corporation is no longer operational. Motion by Mr. Scelza, second by Mr. Abell, to approve a request from Connoisseur Media to close Court House Square from 4:30 to 8 p.m. on Friday, November 27th for the Annual Tree Lighting Ceremony. Motion passed unanimously.

12. Discussion of a request from Rite Aid to purchase a small piece of property the Borough owns adjacent to land they propose to develop and build a new store: Rite Aid was supposed to send a letter of intent which has not been received. Solicitor Matergia stated the Borough cannot just take offers to sell property, there is a process to follow. Mr. Scelza asked Council to keep in mind that this may be a 75 space black top parking lot with a building in the middle. It may not be an aesthetically pleasing view as you come over the Veteran's Memorial Bridge. Mr. Scelza and Mr. Abell will meet with staff to discuss the parking issue.

14. Consideration to appoint David Parfitt as a member of the Planning Commission to fulfill the unexpired term of Ron Bouchard, term ending December 31, 2018: Motion by Mr. Scelza, second by Mrs. Kochanski, to appoint David Parfitt as a member of the Planning Commission to fulfill the unexpired term of Ron Bouchard, term ending December 31, 2018. Motion passed unanimously.

15. Consideration to enter into an agreement for the provision of payroll services: Executive Assistant Bonnie Christman explained that our current software, Fundware, does not work for us. The yearly support cost is \$14,000 and we constantly have numerous issues every time payroll is processed. In retaining Julian Kirk to clean up some financial issues, he suggested migrating to a payroll service. Ms. Diddio directed staff to bring back proposals.

16. Distribution of the 2016 Preliminary Budget and discussion of the schedule for budget adoption: Ms. Thomas stated Mrs. Christman has put in a lot of work on this budget.

Council Member Scelza asked Council to keep a few things in mind while reviewing the budget; a \$.25 sewer rate increase will not cover our expenses, the Fire Department and Street Department will each need 2 new trucks in the next few years, and we should plan a large streets

program with possibly bonding some of the funds needed. Ms. Diddio asked Council to review the budget.

At this time Attorney Krawitz stated he has on many occasions noticed cars idling for 20 to 30 minutes especially in front of the Court House and asked Council to consider putting up signage around town asking people to turn off their engines. Council Member Weiss stated this is also a problem in our municipal lots. It was the consensus of Council to have the Street Department make and install the signs where necessary.

17. Consideration to set a public hearing for a proposed Ordinance to adopt amendments to the Borough Parking Ordinance: Motion by Mr. Abell, second by Mr. Scelza, to set a public hearing on November 10, 2015 for a proposed Ordinance to adopt amendments to the Borough Parking Ordinance. Motion passed unanimously.

20. Solicitor's Report: None.

21. Mayor's Report: None.

22. Council Member Reports:

Ms. Diddio reported to Public Works Director Brian Bond that the barricades on N. 6<sup>th</sup> Street were moved and are laying in pieces on the sidewalk preventing pedestrian traffic.

Mrs. Kochanski reminded Council of the Fire Department Annual Spaghetti Dinner on November 2<sup>nd</sup> in the high school cafeteria.

Mrs. Kochanski also commented that she would like to ride along with Mr. Bond when he does his survey on where additional street lights are needed.

Mr. Scelza commented that PennDOT is not replacing all of corners as they pave Phillips Street. He feels if they make us replace all the corners, they should have to also.

Mrs. Kochanski reported corners on Scott Street that are already crumbling. Brian Bond stated that damage is from school buses.

Mr. Abell had a discussion with Mr. Lang regarding the overlay fifth story setback. He suggested the following language change; "The fifth story setback shall not be visible from a height of six feet measured along the curb line (or edge of pave in the absence of curb) of the opposite street side at all points perpendicular to the applicant's property line abutting a public right-of-way." Motion by Mr. Scelza, second by Mrs. Kochanski, to send the proposed language change to the Planning Commission. Motion passed unanimously.

Mr. Weiss handed out pictures of various issues to include random garbage dumping, vomit on sidewalks, a burned up cigarette box outside the Shearson Building, and a loose flag. He also congratulated Solicitor Matergia on his work regarding garbage dumpsters.

Mrs. Kochanski reported a shopping cart chained to a pipe where the dumpster used to be in Lot 3.

23. Manager's Report:

Ms. Thomas informed Council of a USA Cycling event managed by SROSRC in Glen Park on November 14<sup>th</sup>.

Ms. Thomas also informed Council that the Borough is required to have a GASB 45 actuarial study for post-employment benefits. The cost of the study is \$3,500.

24. Approval of Bills on Warrant 151020: Motion by Mrs. Kochanski, second by Mr. Scelza, to approve the Bills on Warrant 151020. Motion passed unanimously.

25. Executive Session: None.

26. Adjournment: Motion by Mr. Abell, second by Mr. Scelza, to adjourn at 8:17 p.m. Motion passed unanimously.

Approved:

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Kim M. Diddio, President of Council

Attest:

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Cathryn Thomas, Borough Manager/Secretary