

MINUTES
Stroudsburg Borough Council Meeting
Tuesday, October 6, 2015 at 7 p.m.

1. Call Meeting to Order/Roll Call: Council President Kim Diddio called the meeting to order at 7 p.m. Borough Manager Cathryn Thomas called roll. Present were President Diddio, Council Members Eric Scelza (arrived at 7:03 p.m.), Ken Lang, Matt Abell, Boyd Weiss, Mayor Ellen Deihl and Solicitor Ralph Matergia. Absent were Vice President Joanne Kochanski and Council Member Neil Allen.

2. The Pledge of Allegiance was recited.

3. Public Hearing

A. Consideration to amend Chapter 15, Part 3 General Parking Regulations to add one handicapped parking space in front of 111 North 9th Street: The public hearing was open and closed at 7:00 p.m. with no public comment. Motion by Mr. Abell, second by Mr. Lang to close the public hearing. Motion passed unanimously.

B. Consideration to approve an amendment to Chapter 15, Part 3 General Parking Regulations to add one handicapped parking space in front of 111 North 9th Street: Motion by Mr. Lang, second by Mr. Abell, to approve an amendment to Chapter 15, Part 3 General Parking Regulations to add one handicapped parking space in front of 111 North 9th Street. Motion passed unanimously.

4. Public Input: Laura McMann and Julie Smith from NHS Human Services requested permission to hold their annual yard sale on Saturday October 17th at 18 S. Ninth Street from 8:30 a.m. to 2:00 p.m. with the proceeds going to foster care. Motion by Mr. Lang, second by Mr. Abell, to approve the request of NHS Human Services to hold their annual yard sale on Saturday October 17th at 18 S. Ninth Street from 8:30 a.m. to 2:00 p.m. with proceeds going to foster care. Motion passed unanimously.

5. Approval of Council Meeting Minutes from September 16, 2015: Motion by Mr. Weiss, second by Mr. Abell, to approve the Council Meeting Minutes from September 16, 2015. Motion passed unanimously.

Old Business

6. Discussion of a dumpster on Borough property being used by the restaurant tenant of a neighboring property in Borough Parking Lot No. 3 fronting on Main Street: Solicitor Matergia reported that the issue has been resolved by voluntary compliance by the neighboring property owner.

(Mr. Scelza arrived at this time.)

7. Consideration to approve a request from the Fire Department to amend their original request for Fire Prevention Activities to take place in Court House Square on Sunday, October 4th, that the new date is requested for Sunday, October 18th: Motion by Mr. Lang, second by Mr. Weiss, to approve a request from the Fire Department to amend the original request for Fire Prevention Activities to take place in Court House Square on Sunday, October 4th, to Sunday, October 18th. Motion passed unanimously.

8. Consideration of approval of two change orders for the Fire Hall Renovation project for outside work on the sanitary and storm sewer lines (plumbing contractor change order), which includes waterproofing of exterior basement walls (general contractor change order): Mayor Ellen Deihl questioned Engineer Dave McGarry if the payroll tax cost on the estimate from Yannuzzi, Inc. in the amount of \$11,980 is part of what the Borough covers. He could not answer that. Borough Manager Cathryn Thomas will check prior change orders and the contract.

Mr. Lang would like to see a cost summary of what we have spent so far, compared to the anticipated costs so far and future anticipated costs. Ms. Thomas will prepare the summary for Council review.

9. Consideration of approval of a change order for the Fire Hall Renovation project for the electrical contractor to move two junction boxes currently in a concealed space to an accessible space in order to meet current codes: Paperwork not ready.

10. Consideration of approval of a change order for the Fire Hall Renovation project for general contractor work to include installation of a countertop in the Radio Room: Paperwork not ready.

11. Consideration of approval of a change order for the Fire Hall Renovation project for mechanical work: Christopher Strunk, Strunk-Albert Engineering, gave a brief description of the three main issues. The first entails changes to the exhaust fan systems in the basement toilet rooms to allow for the window wells to be completely infilled and water sealed from the exterior of the building for an estimated price of \$6,800. The second entails additional control valves for the basement hot water baseboard heaters and the second floor convectors adding two new control valves and two new thermostats for an estimated cost of \$4,000. The third change entails adding 15 control valves and 10 thermostats to the second floor to enhance controllability. Because the plans for the second floor are unclear, Council was not in favor of the third change. Mr. Strunk will ask for a revised change order removing the third change. Motion by Mr. Scelza, second by Mr. Abell, to approve the change order for the bathroom ventilation. Motion passed; 4 ayes, 1 nay, with Mr. Lang voting no.

12. Discussion of air conditioning units on Borough property being used by the tenant of a neighboring property in the vicinity of 4th and Main Streets, where the Borough is developing a new parking lot: This issue is still under investigation.

New Business

13. Consideration of a request for an alternate amount to be paid by UGI for a meter not in service related to Borough Invoice No. 524: Borough Manager Ms. Thomas explained that the meter was unsecure due to sidewalk work done by UGI therefore the Borough removed the guts of the meter until the sidewalk was repaired properly. Mr. Boden, UGI Operations Supervisor, is contending that he was never notified that the guts had been removed. Public Works Director Brian Bond stated when UGI repaired the sidewalk and put the meter back in, it leaned and therefore could not registered coins deposited. When this was realized by the Borough, which was not right away, UGI was asked to fix it. Motion by Mr. Lang, second by Mr. Abell, to deny the request for an alternate amount to be paid by UGI for a meter not in service related to Borough Invoice No. 524. Motion passed unanimously.

14. Presentation by Zech Strauser on the proposed development of a park on the vacant lot owned by Monroe County on 6th Street: Mr. Strauser stated he didn't have a presentation. Mr. Strauser was looking first for support from the Borough. After some discussion, Council was not in favor of developing the space as a parking lot (as suggested in a letter from County Commissioner and Chairman John Moyer), but was in favor of sending a letter of support to develop the lot into a park. Mr. Scelza and Mr. Abell agreed to sit on a committee to discuss this further.

15. Information on a proposed Halloween Celebration to take place throughout downtown and also consideration of a request for placement of cornstalks affixed with colored ribbons on light poles on Main Street downtown as holiday decorations for Halloween and Thanksgiving: Jody Singer and Ashley Fontones gave a brief explanation of the proposed activities to include a sketch crawl, a find the ghost treasure hunt/trick-or-treating, spooky scary storytelling in Court House Square, a Michael Jackson "Thriller" dance and zombie walk followed by a monster bash at The Living Room Gallery. They would like to attach cornstalks and yellow and orange ribbons to every other light pole on Main Street from Fifth to Ninth Streets and in Court House Square. They will be responsible for putting them up, taking them down the day after Thanksgiving and getting rid of

them. They are also requesting the closing of Court House Square. Council advised them to coordinate with the Public Works Director and the Fire Department. Motion by Mr. Scelza, second by Mr. Lang, to approve a request for placement of cornstalks affixed with colored ribbons on light poles on Main Street downtown as holiday decorations for Halloween and Thanksgiving and to close Court House Square for the event as long as they coordinate with the Public Works Director and the Fire Department. Motion passed unanimously.

16. Consideration of the date and time to celebrate Halloween in the Borough: Motion by Mr. Weiss, second by Mr. Scelza, to set Saturday October 31st from 6 p.m. to 8 p.m. as the date and time to celebrate Halloween in the Borough closing Scott and Thomas Streets from Fifth to Eighth Streets. Motion passed unanimously.

17. Consideration of a request from the First Presbyterian Church for free parking in the lot behind the Church for persons working at an annual benefit luncheon on Saturday, October 17th, from approximately 9 a.m. to 3 p.m.: Motion by Mr. Weiss, second by Mr. Scelza, to approve a request from the First Presbyterian Church for free parking in the lot behind the Church for persons working at an annual benefit luncheon on Saturday, October 17th, from approximately 9 a.m. to 3 p.m. Motion passed unanimously.

18. Discussion of an item submitted by a resident concerning the condition of Greenway Avenue: B.J. Bachman was present to request Greenway Avenue be paved. Public Works Director explained that it is a low volume area. The plans are to tar and chip it next year. Mr. Scelza is concerned with the horrific condition of all our roads and would like the Borough to put together an initiative to have them all done in the next three years bonding the money needed. Mr. Weiss would like to see the cost figures of such a project.

19. Discussion of a proposal from the BCRA to pay-off in a lump sum the principal amount due to the Borough for sale of the water plant: Ms. Thomas explained that the current agreement does not have the option for BCRA to pay off the debt early. The Borough would have to approve that. If approved, the Borough would only receive principal not interest. Council was not in favor of that. Motion by Mr. Lang, second by Mr. Weiss, to deny the proposal from the BCRA to pay-off in a lump sum the principal amount due to the Borough for sale of the water plant. Motion passed unanimously.

20. Consideration to set public hearings for the following matters:

A. a proposed Ordinance to adopt Amendment No. 7 to the Intermunicipal Cooperation Agreement (ICA) for the Stroud Area Regional Police Department (SARPD), related to giving the Commission the ability to establish financial trusts, and specifically allowing that a trust may be created to cover future payments due for Other Post Retirement Benefits (OPEBs) provided to eligible SARPD retirees: Not discussed.

B. a proposed Ordinance to enter into a new Intermunicipal Cooperation Agreement (ICA) with the Borough of East Stroudsburg for creation of a joint Uniform Construction Code (UCC) Appeals Board: Zoning and Codes Officer Jeff Wilkins explained that what we currently do isn't in compliance with the Uniform Construction Code. Qualifications for members of the UCC Appeals Board are different than members of the Zoning Hearing Board. Motion by Mr. Abell, second by Mr. Scelza, to set a public hearing on October 20, 2015 to consider a proposed Ordinance to enter into a new Intermunicipal Cooperation Agreement (ICA) with the Borough of East Stroudsburg for creation of a joint Uniform Construction Code (UCC) Appeals Board. Motion passed; 4 ayes and 1 nay, with Mr. Weiss voting no.

C. a proposed Ordinance to adopt amendments to the Borough Parking Ordinance: Amendments not ready at this time.

21. Consideration to approve budgetary transfers: Motion by Mr. Scelza, second by Mr. Weiss, to approve budgetary transfers. Motion passed unanimously.

22. Consideration to approve an engagement letter for legal counsel for employment and labor matters: Ms. Thomas explained that our current labor attorney charges \$380 an hour opposed to the proposal from Mr. Heimbach of \$235 per hour. Motion by Mr. Lang, second by Mr. Weiss, to approve an engagement letter from Flamm Walton Heimbach & Lamm Attorneys at Law for legal counsel for employment and labor matters. Motion passed unanimously.

23. Consideration to purchase eight replacement signboards for sidewalks downtown to publicize Stroudsburg events and businesses: Motion by Mr. Scelza, second by Mr. Weiss, to purchase eight replacement signboards for sidewalks downtown to publicize Stroudsburg events and businesses. Motion passed unanimously.

24. Consideration to appoint Michael Cook, 522 Thomas Street, to the Shade Tree Commission: Motion by Mr. Abell, second by Mr. Scelza, to appoint Michael Cook, 522 Thomas Street, to the Shade Tree Commission. Motion passed unanimously.

25. Solicitor's Report: There is a litigation issue to be discussed in Executive Session.

26. Mayor's Report: Mayor Deihl asked staff to look into removing the handicapped parking space at the corner of Collins and Lee as the woman it was installed for is deceased. That change is already incorporated in the parking amendments Executive Assistant Bonnie Christman is working on.

27. Council Member Reports:

Mr. Scelza has been working with Ms. Thomas regarding our sewer capacity. There is not as much excess capacity as we thought. The numbers vary month to month and week to week with the reason unknown. He is not sure where all this water is coming from. For the Borough, about double the amount of water is being processed at the wastewater treatment plant (WWTP) compared with what is being purchased as water supply for the residents and businesses in Stroudsburg. This has a significant impact on the Borough's costs for the WWTP. We are probably spending about \$2,000,000 over 10 years in infiltration and inflow (I&I) from roof gutters and sewer drains. This is huge and we need to be proactive about it. We need to develop a plan, do press releases and educate the residents.

Mr. Lang reported that HARB met Monday even though there were no applications on the agenda. They had a very constructive work session.

Mr. Weiss feels there are missing "No Skateboarding and Bicycling" signs on Main Street and would like them replaced.

Ms. Diddio mentioned that the first Council meeting in November falls on Election Day. Consensus of Council was to move the first November meeting to November 11th.

28. Manager's Report: Ms. Thomas reported that a meeting was held regarding the sewer capacity issue and Pocono township's request to purchase capacity from Stroudsburg. Mr. Scelza covered some of this in his report and a second meeting will be set up soon. Stroud Township is not interested in selling any of their capacity.

The Chamber of Commerce is looking for a letter of support from the Borough for an LSA Grant for renovations to their building. Motion by Mr. Scelza, second by Mr. Abell, to approve sending a letter of support for the LSA Grant for the Chamber of Commerce building renovations. Motion passed unanimously.

Ms. Thomas received a call from a resident veteran who suggested placing military flags along the Veterans' Memorial (Inter-Borough) Bridge. She discussed this with East Stroudsburg Borough and Brian Bond. All feel it is a great idea. The cost is under \$350 which will be split with East Stroudsburg. One POW and four

American flags (outdoor-grade) will be placed on light poles along with the flags for the five branches of the armed forces and a ceremony will be held rededicating the bridge in honor of the veterans.

29. Approval of Bills on Warrant 151006: Motion by Mr. Weiss, second by Mr. Abell, to approve the Bills on Warrant 151006. Motion passed unanimously.

30. Executive Session: Solicitor Matergia has a litigation issue for Executive Session. Motion by Mr. Lang, second by Mr. Scelza, to move to executive session at 8:23 p.m. to discuss a litigation matter. Motion passed unanimously.

Motion by Mr. Weiss, second by Mr. Abell, to resume regular session at 8:35 p.m. Motion passed unanimously. A litigation matter was discussed.

Motion by Mr. Abell, second by Mr. Scelza, authorizing the Solicitor to respond to the letter dated October 1, 2015, from Shanti House, LLC, that there is no interest in the concept expressed in the letter relative to the development of a vacant lot at 621-625 Main Street. Motion passed unanimously.

31. Adjournment: Motion by Mr. Weiss, second by Mr. Scelza, to adjourn at 8:36 p.m. Motion passed unanimously.