

MINUTES
Stroudsburg Borough Council Meeting
Tuesday, December 15, 2015 at 7 p.m.

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 (via phone), Council Members Ken Lang, Matt Abell, Neil Allen and Boyd Weiss. Absent were Mayor Ellen Deihl and Council Member Eric Scelza. Also present was Solicitor Ralph Matergia.

2. The Pledge of Allegiance was recited.

State Senator David Parker read aloud a resolution passed by the House of Representatives commemorating the 200th Anniversary of Stroudsburg Borough.

3. Public Hearings

a. Consideration of an ordinance to amend Chapter 22 (Subdivision and Land Development) of the Borough Code, adding definitions for “Lot Combination” and “Lot Improvement”: The public hearing was opened and closed at 7:03 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 ordinance to amend Chapter 22 (Subdivision and Land Development) of the Borough Code, adding definitions for “Lot Combination” and “Lot Improvement”: Motion by Mr. Weiss, second by Mr. Abell, to approve an ordinance to amend Chapter 22 (Subdivision and Land Development) of the Borough Code, adding definitions for “Lot Combination” and “Lot Improvement”. Motion passed unanimously.

c. Consideration of an ordinance to amend Chapter 27 (Zoning) of the Borough Code, revising the language pertaining to the Commercial Overlay District: The public hearing was opened and closed at 7:04 p.m. with no public comment. Motion by Mr. Abell, second by Mr. Weiss, to close the public hearing. Motion passed unanimously.

d. Consideration to approve an ordinance to amend Chapter 27 (Zoning) of the Borough Code, revising the language pertaining to the Commercial Overlay District: Motion by Mr. Abell, second by Mr. Lang, to approve an ordinance to amend Chapter 27 (Zoning) of the Borough Code, revising the language pertaining to the Commercial Overlay District. Motion passed unanimously.

4. Public Input: None.

5. Approval of Council Meeting Minutes from December 1, 2015: Motion by Mr. Weiss, second by Mr. Abell, to approve the Council Meeting Minutes from December 1, 2015. Motion passed; 4 ayes, 0 nays, 2 abstentions with Mrs. Kochanski and Mr. Allen abstaining.

6. Monthly Administrative Reports: Motion by Mr. Weiss, second by Mr. Abell, to accept the Monthly Administrative Reports. Motion passed unanimously.

7. Accept October and November Treasurer’s Reports: Motion by Mr. Abell, second by Mr. Weiss, to accept the October and November Treasurer’s Reports. Motion passed unanimously.

Old Business

8. Consideration of approval of the following change orders for the Fire Hall renovation project:

- a. Change Order No. 4 with Plumbing Contractor Yannuzzi, an increase of \$1,784.50 for exterior work to tie-in rain pipe in the rear and side of the building to the 6-inch rain pipe from the roof drain: Motion by Mr. Weiss, second by Mr. Abell, to approve Change Order No. 4 with Plumbing Contractor Yannuzzi, an increase of \$1,784.50 for exterior work to tie-in rain pipe in the rear and side of the building to the 6-inch rain pipe from the roof drain. Motion passed unanimously.
- b. Change Order No. 5 with Plumbing Contractor Yannuzzi, an increase of \$5,444.68 for installation of footing drain along entire left side of the building to mitigate a water table issue: Motion by Mr. Weiss, second by Mr. Abell, to approve Change Order No. 5 with Plumbing Contractor Yannuzzi, an increase of \$5,444.68 for installation of footing drain along entire left side of the building to mitigate a water table issue. Motion passed unanimously.
- c. Change Order No. 4 for Leibold Incorporated, an increase of \$3,480.00 for the installation of longer line sets for three (3) ductless split systems: Motion by Mr. Weiss, second by Mr. Allen, to approve Change Order No. 4 for Leibold Incorporated, an increase of \$3,480.00 for the installation of longer line sets for three (3) ductless split systems. Motion passed unanimously.
- d. Change Order No. 9 for NuCor Management, an increase, for interior window well reinforcement in the amount of \$ 2,475, remove and replace additional concrete at front door landing in the amount of \$1,925, replacement of wood studs with metal due to mold in the amount of \$1,900 and bond cost in the amount of \$189. Change Order No. 9 is for a total of \$ 6,489: Motion by Mr. Weiss, second by Mr. Abell, to approve Change Order No. 9 for NuCor Management, an increase, for interior window well reinforcement in the amount of \$ 2,475, remove and replace additional concrete at front door landing in the amount of \$ 1,925, replacement of wood studs with metal due to mold in the amount of \$1,900 and bond cost in the amount of \$189. Change Order No. 9 is for a total of \$ 6,489. Motion passed unanimously.
- e. Change Order No. 10 with General Contractor NuCor, an increase of \$1,500 for frame interior side of 12 openings with 18 gauge metal studs: Motion by Mr. Lang, second by Mr. Abell, to approve Change Order No. 10 with General Contractor NuCor, an increase of \$1,500 for frame interior side of 12 openings with 18 gauge metal studs. Motion passed unanimously.
- f. Change Order No. 11 with General Contractor NuCor, an increase, for existing steel beams in concrete slab to be modified below overhead garage doors in the amount of \$500 and additional concrete slab for washer and dryer in the amount of \$200. Change Order No. 11 is for a total of \$700: Motion by Mr. Weiss, second by Mr. Abell, to approve Change Order No. 11 with General Contractor NuCor, an increase, for existing steel beams in concrete slab to be modified below overhead garage doors in the amount of \$500 and additional concrete slab for washer and dryer in the amount of \$200. Change Order No. 11 is for a total of \$700. Motion passed unanimously.
- g. Change Order No. 12 with General Contractor NuCor, a decrease of \$850 for basement bulkhead: Motion by Mr. Lang, second by Mr. Abell, to approve Change Order No. 12 with General Contractor NuCor, a decrease of \$850 for basement bulkhead. Motion passed unanimously.

h. Change Order No. 13 with General Contractor NuCor, an increase of \$2,400 for new bulkhead above future folding partition: Motion by Mr. Weiss, second by Mr. Abell, to approve Change Order No. 13 with General Contractor NuCor, an increase of \$2,400 for new bulkhead above future folding partition. Motion passed unanimously.

i. Change Order No. 6 with Plumbing Contractor Yannuzzi, an increase of \$11,240.15 for removal of old concrete foundation wall and additional stone: Motion by Mr. Abell, second by Mr. Weiss, to approve Change Order No. 6 with Plumbing Contractor Yannuzzi, an increase of \$11,240.15 for removal of old concrete foundation wall and additional stone. Motion passed unanimously.

j. Change Order No. 7 with Plumbing Contractor Yannuzzi, an increase of \$2,858.42 for approximately 30 linear feet of over excavation due to unsuitable soil at new sanitary line: Motion by Mr. Abell, second by Mr. Weiss, to approve Change Order No. 7 with Plumbing Contractor Yannuzzi, an increase of \$2,858.42 for approximately 30 linear feet of over excavation due to unsuitable soil at new sanitary line. Motion passed unanimously.

k. Change Order No. 5 with Mechanical Contractor Leibold, an increase of \$2,000 for two new 2.5-inch sweat ball valves for the hot water switch over valves and two new 1-inch sweat ball valves for future chemical feed system: Motion by Mr. Weiss, second by Mr. Abell, to approve Change Order No. 5 with Mechanical Contractor Leibold, an increase of \$2,000 for two new 2.5-inch sweat ball valves for the hot water switch over valves and two new 1-inch sweat ball valves for future chemical feed system. Motion passed unanimously.

l. Change Order No. 6 with Mechanical Contractor Leibold, an increase of \$4,880 for extending the supply air ductwork and registers out of the soffit area and distribute the air within the basement ceiling: Motion by Mr. Weiss, second by Mr. Allen, to approve Change Order No. 6 with Mechanical Contractor Leibold, an increase of \$4,880 for extending the supply air ductwork and registers out of the soffit area and distribute the air within the basement ceiling. Motion passed unanimously.

m. Change Order No. 7 with Mechanical Contractor Leibold, an increase of \$2,700 for temporary heat at \$225 per week for 6 weeks for 2 heaters for a total of \$2,700: Mr. Abell felt the borough could purchase heaters for much less. Motion by Mr. Allen, second by Mr. Abell, to approve Change Order No. 7 with Mechanical Contractor Leibold, an increase of \$2,700 for temporary heat at \$225 per week for 6 weeks for 2 heaters for a total of \$2,700. Motion fails; 1 aye and 5 nays with Mr. Allen, Mr. Abell, Ms. Diddio, Mr. Lang, and Mrs. Kochanski voting no. Borough Manager Cathryn Thomas suggested Engineer Dave McGarry coordinate with Public Works Director Brian Bond for the purchase of the heaters.

9. Consideration to approve a revised version of the 2016 Proposed Budget as the 2016 Final Adopted Budget: Councilperson Abell feels we are starving our Street Budget. Borough Manager Cathryn Thomas reported that the purchase of a new fire truck remains in the budget, however the \$150,000 bond for the roads project was taken out of the budget. She did add \$50,000 back in for some road work. The revised budget includes a one-half millage rate tax increase which amounts to an additional \$10.50 per year for the average home owner. Motion by Mr. Lang, second by Mr. Abell, to approve the revised version of the 2016 Budget as the 2016 Final Adopted Budget. Motion passed; 5 ayes and 1 nay with Mr. Weiss voting no.

10. Consideration to approve a revised version of the Tax Ordinance setting the millage rates for 2016 relative to what is contained in the 2016 Final Adopted Budget: Motion by Mr. Lang, second by Mr. Abell, to approve the revised version of the Tax Ordinance setting the millage rates for 2016 relative to what is contained in the 2016 Final Adopted Budget, with a final total millage tax rate of 40.5, a one-half millage rate increase. Motion passed: 5 ayes and 1 nay with Mr. Weiss voting no.

New Business

11. Consideration of a Certificate of Appropriateness, as recommended for approval and issuance by the Historic Architectural Review Board, for Lori Cerato for the replacement of windows at 612 Sarah Street: Councilperson Abell feels the motion is not clear. After reading it aloud Mr. Lang feels the sentence in question should read “The application to be amended to specify windows to be 6 over 6 style muntin configuration with an exterior permanent grill”. Mr. Lang asked the applicant if this was correct to which Ms. Cerato answered yes. Motion by Mr. Allen, second by Mr. Lang, grant a Certificate of Appropriateness, as recommended for approval and issuance by the Historic Architectural Review Board, for Lori Cerato for the replacement of windows at 612 Sarah Street with the corrected wording. Motion passed unanimously.

12. Approval of the public notice for the Borough Organizational Meeting to be held on Monday, January 4, 2016 at 7 p.m.: Motion by Mr. Abell, second by Mr. Lang, to approve the public notice for the Borough Organizational Meeting to be held on Monday, January 4, 2016 at 7 p.m. Motion passed unanimously.

13. Solicitor’s Report: Mr. Matergia reported that he filed a notice of appeal on December 14th in the Shanti House matter.

Mr. Matergia also reported that the Borough was served a court order where Sheresse L. Spand filed a petition for appointment of Constable in the Borough of Stroudsburg. The Court set up a hearing for January 4th and ordered the Monroe County District Attorney’s Office to perform a background check of the applicant. The Borough is not required to attend or participate. If Council or anyone has reason to believe the applicant is not qualified to serve they should make that known.

14. Mayor’s Report: N/A

15. Council Member Reports:

Mr. Lang asked Solicitor Matergia if the Borough provided a timely notice to the Shanti House applicant after the fact finding from the Zoning Hearing Board. Mr. Matergia stated that is hard to say. There is nothing on the stenographic record for there was a consent made for the extension of time to issue a decision. There were certainly adequate extensions of time of the 100-day requirement to conclude the hearings. Reportedly there were some off-the-record discussions of extensions and consents. As Mr. Matergia is told, the Zoning Hearing Board intends to petition to strike the deemed appeal. Mr. Matergia raised that issue in a Notice of Appeal which he imagines should be the subject of a factual inquiry. That will result in a proceeding de novo which means we start from scratch in the Court of Common Pleas.

Mr. Allen stated it has been an honor working with Council. He complimented both President Diddio and Solicitor Matergia.

16. Manager’s Report: Ms. Thomas received a request from Barry Albertson of Suburban EMS for a letter of support. Council was in favor of sending a letter.

17. Approval of Bills on Warrant 151215: Motion by Mr. Abell, second by Mr. Lang, to approve the Bills on Warrant 151215. Motion passed unanimously.

18. Executive Session: None.

19. Adjournment: Motion by Mr. Allen, second by Mr. Abell, to adjourn at 7:40 p.m. Motion passed unanimously.

Ms. Thomas presented Council President Diddio with a plaque mounted on a brick from the current Municipal Building renovations honoring her service and dedication. Ms. Diddio stated that it has been her honor to serve.

Approved:

Kim M. Diddio, President of Council

Attest:

Cathryn Thomas, Borough Manager/Secretary