

MINUTES
Stroudsburg Borough Council Meeting
Tuesday, December 20, 2016 at 7 p.m.

1. Calls Meeting to Order/Roll Call - Present were Council Members Joanne Kochanski, Council Vice President James Smith, Council Member Boyd Weiss, Mayor Tarah Probst, Solicitor Joseph McDonald, Interim Borough Manager Brian Bond, Council Member Matt Abel, Council Member Mark Connors, and Council Member Patrick Maurath. Absent - Council President Ken Lang. A Quorum was present.
2. Pledge of Allegiance was recited
3. Public Hearings:
 - a. Consider an Intermunicipal Liquor License Transfer, requested by Rockn Willy's Hookah Garden LLC, 578 Main Street, Stroudsburg. Mr. David Horvath is representing the principals Bill & Jane Parkinson from Rockn Willy's Hookah Garden. Mr. Horvath and Solicitor McDonald looked over the statute and determined this is a non-appealable decision by the Borough council and that a court stenographer is not needed. Bill Parkinson was sworn in.
 - State Name – Bill Parkinson
 - Are you a principle of Rockn Willy's Hookah Garden LLC - yes
 - Describe the business operated under the LLC – Hookah Lounge, limited food, BYOB, in business for 5 years, relaxed atmosphere, nice following
 - Describe the location – 578 Main Street across from Dunkelberger's, 1st floor
 - How many people fit inside - Holds 50 people, have 35 seats
 - Hours of operation – Weekdays from 11:00am until 10:00/11:00pm, Weekends from 11:00am until 12:00 midnight/2:00am
 - What food is served – low gluten pizza, hot pockets, deep fried pickles, mostly finger food. Want to expand once the beer license is approved. Keep vegetarian fare.
 - Clientele – mostly tourists, sometimes business people
 - Age restrictions – 18 and over
 - LLC currently under contract to purchase a liquor license from a Pizza shop in Middle Smithfield Twp. An "E" license is beer and malt liquor only.
 - Intensions -packaged beer and a keg system. Look to serve regular beer and a tea infused beer. Infused with a system called "Randall". Different flavors will be available.
 - Gross Sales – Beer and other Beverages 30%, Hookah 40%, Tea 10% and Food 20%. Beer is less than 50%.
 - What steps for patrons under 21 are not served alcohol – will use wristbands, smaller setting and a mild crowd.
 - LCD's Ramp Requirements – Some current employees are Ramp Certified
 - Q & A

Mayor Probst – with the new liquor laws, beer only license and no alcohol. We can serve beer and malt beverages. This license similar to a pizza shop for takeout, 6 pack or less.

For so many people you can have a license – do we have that in Stroudsburg Borough – nothing existing for Stroudsburg currently. Can still have BYOB with this type of license.

PM – Would this be considered a bar – we consider more a lounge. Looking to enhance Stroudsburg and give people more options.

JS – Are there any other Hookah Lounges who offer Beer in other states – offered in most states.

How many beers on tap – 3 double taps (6 flavors of beer).

MC limitations of hours to serve beer – we close at 2:00am and everyone needs to be out by 2:30am. If you have a Sunday sales permit you can open on Sunday. There is an extended hour's license, Kays has one, 7:00 am is the earliest.

Mayor Probst – What happens to the license – owed by the entity

JK – must sell food to have an “E” license, can have people under the age of 21 in premise. Food and non-alcoholic sales needs to be over 50% to qualify.

What stops the license from being sold to anyone else if you decide not to pursue the license since the license is in Stroudsburg. Nothing happens, needs to operate a minimum of 5 years.

JS – who monitor the sales – the applicants must turn records over yearly to LCD Department, also part of their sales tax. What happens to the license if the requirement is not met - LCD can impose penalties. Currently all records are recorded and sent in monthly.

Solicitor McDonald – Do we need a resolution or ordinance to send to LCB – this would be the starting point, we haven't spoken to the LCD yet.

Barry Karasiewicz I live on Bryant Street. All in favor of beer being approved.

Move to close the public hearing MA second by JK. All in favor. Motion Carries.

- b. Consider Adoption of a Resolution, approving an Intermunicipal Liquor License Transfer, requested by Rockn Willy's Hookah Garden LLC, 578 Main Street, Stroudsburg.

Move to adopt the resolution approving an Intermunicipal Liquor License Transfer MA second by MC. All in favor, Motion Carries.

4. Public Input on Non-Agenda Items

Barry Karasiewicz lives in the Borough and was elected a State Constable, certified by PA State Commission. On November 22, 2016 I met with Borough Manager BB. I sent an email confirming our conversation asking for a confirmation or confirmation of what we discussed. I hand delivered a letter to BB on December 5, 2016 with no reply. I sent a certified letter which was received December 7, 2016 with no response back from BB. Does the Borough have a policy to ignore multiple written requests from public officials? Per BB the email was forwarded to KL and Solicitor McDonald to review. KL advised the generic letter on why he was not hired was sufficient. BB will send a confirmation letter out tomorrow to Barry Karasiewicz.

5. Approval of Council Meeting Minutes:

a. December 06, 2016 Regular Meeting

Motion to approve JK, second by BW. Discussion: JK on page 7 under clarification by Ron Kimes, the current ordinance is 1 space for 100 square feet to change to 1 space for 300 feet, not worded correctly. MC would like it to be more explicit on from 1 to 300 space, from 1 space per 100 square feet to change to 1 space per 300 square feet. All in favor, Motion Carries.

6. Monthly Administrative Reports

a. Permits Issued Report

b. Street Department Report

c. Parking Report

d. Right-To-Know Report

e. Police Department Report (provided via email)

f. Fire Department Reports (Nov.)

Motion to accept BW, second by JK. All in favor, Motion Carries.

Old Business

7. Consideration of a request from the Monroe County Conservation District for financial contribution to support the Pocono Creek Stream Gauge, presentation by MCCD Watershed Specialist Annie Mikol and MCCD District Manager Adam Schellhammer of the MCCD.

Annie Mikol/Watershed Specialist with MCCD. We are requesting support to fund Pocono Creek Stream Gauge. Stream Gauge is an important tool to measure collective data about stream gauge levels, provides long term records. Stream Gauge records used daily by Engineers and Planners. According to Delaware River Basin Commission one billion dollars yearly on property damage from flooding. Lack of funding nationally. MCCD lost large contributor from Monroe County (Sanofi stopped funding government agencies). This Stream Gauge is in Stroud Township but feeds the Pocono Creek and Broadhead Creek. Per BB we have given \$200-\$500 in the past.

Move to donate \$500 to support the Stream Gauge JK, second by MA. All in favor, Motion Carries.

8. Review of the proposed MU-A/MU-B Parking changes. In the council packet is a memo prepared by the zoning office with findings. Drafted language for MUA & MUB along with the parking generation study. Discussion – walk us through peak demand, what does 13.5% represent – during peak periods the study was performed to take the average of that specific use. Ron is interpreting that each use would have its own formula. Data in the study helps to make the formula. A better approach would be the formulas should be tied to the uses as we are now. Parking is different than retail. Retail is 1 parking space for every 100 square feet with varying customers. Restaurant is 1 off street parking space required for every 3 seats for customers. Do we have a proposed ordinance wording for this revision? We took our uses compared to ITE uses (we marked in red ink on handout uses we do not have). We are showing the ITE standard by category and use. ITE is 1 space per 1,000 square feet compared to our 1 space per 300 square feet. This is a comprehensive listing. Retail should be more restrictive than our neighbors. We want growth in MUA/MUB. In reading the ITE presentation throughout they refer to the data presented. We need to look at the uses. Need to seek the planning commission for direction even though they are volunteers. We should not be using neighboring municipality's formulas. We need to look at usage categories. Since updating the MUA/MUB ordinance, developers are going elsewhere due to the amount of parking spaces currently in the ordinance. We need to try and update as quickly as possible. Should we consider a variation for retail. We need a general parking number with a minimum/maximum, if more is needed come to council for a variance. Same as conditional use. If listed in sub/land development, the developer would go to an engineer. Then a minimum/maximum can be set. This is only with zoning or conditional use. Why won't council agree to hire someone to analyze for us. This will go to the Planning Commission for the County and the Borough's Planning Commission. Ultimately it's the council's decision regardless of what the Planning Commissions advise. Motion to have the Planning Commission look over and review 1 space for every 300 square feet for retail in MUA/MUB (\$4 retail business) PM second by BW. Discussion: Solicitor McDonald confirming that means we need to direct staff to propose an ordinance amendment based on the motion and submit to the Planning Commissions for review. Per Ron, 27,701 part D4 (retail stores and businesses) 1 off street parking space required for every 100 square feet use for serving customers. I want to confirm you are amending that to 1 off street parking space required for every 300 square feet use for serving customers. That is correct. JS would propose a maximum of 50% above the minimum. JK and MA 50% too high, 40%.

Amended motion for 1 off street parking space required for every 300 square feet plus a 40% maximum PM, second by BW. All in favor (JK, BW, JS, PM), All opposed (MA, MC). Motion Carries.

Per Solicitor McDonald, we will need to draft and send to the Planning Commission and County. They will need a 30 day notice. We will need a public hearing. Can schedule February 7, 2017 for a public hearing.

Motion to advertise a public hearing BW, second by PM. All in favor (JK, BW, JS, PM), All opposed (MA, MC). Motion Carries.

New Business

9. Consideration of a C.O.L.A. for the retirees of the Borough Non-Uniformed Pension Plan. Per BB this is for a cost of living adjustment increase. The pension board met December 14, 2016 and voted against the C.O.L.A. increase. Move to deny C.O.L.A. for retirees of Borough Non-Uniformed Pension Plan JK, second by BW. Discussion: BB the average increase is 3.5%. There is a minimum municipal obligation that the Borough has to put into the fund to support the fund. By increasing the C.O.L.A. we increase minimum municipal obligation which would increase the money the Borough needs to contribute to the plan. The last C.O.L.A. increase was about 4-5 years ago when the pension fund was more funded. All in favor, Motion Carries.
10. Consideration to enter into an agreement with Kirk, Summa & Co., LLP to perform the year 2016 audit of the Borough of Stroudsburg. Motion to approve BW, second by JK. Discussion: MC has the cost changed from last year, are we happy, and is there anyone else who can do it better and cheaper? The cost has increased. East Stroudsburg and SARP have completed recent RFP's that we can use next year. East Stroudsburg moved away from Kirk, Summa & Co and saved \$6K. All in favor, Motion Carries.
11. Consideration to enter into an agreement with Kirk, Summa & Co., LLP to perform the year 2016 audit of the Twin Borough Recycling. Motion to approve BW, second by JK. Discussion: MC do we get to decide and has Kirk Summa been doing this in the past. Per BB we run and manage the Twin Borough account. Audit is paid through the recycling account and 50% of the cost is returned to us from East Stroudsburg. All in favor, Motion Carries.
12. Consideration of a request for a proclamation recognizing January 22 – 28 as School Choice Week in Stroudsburg. Motion to approve JK, second by BW. Discussion: MC we are a public municipality serving the public with public funds. This shouldn't be a proclamation. Want to see a counter proposal. I am opposed as this is as this is a special interest. Mayor read the proclamation. JS/MA agrees with MC. JK can't is be included under National Education Week (November 14th – 18, 2016). Per Mayor we will hold out until next year. All in favor, Motion fails.
13. Consideration of a Resolution Authorizing the Transfer of the Wastewater Treatment Plant Sinking Fund #1 to the Sewer Fund. Motion to consider MA, second by JK. Discussion: In Fun Ware we couldn't co-mingle 2 accounts. Quick Books we can combine the accounts for tracking. All in favor, Motion Carries.
14. Approval of a Resolution Authorizing the Transfer of the Wastewater Treatment Plant Sinking Fund #1 to the Sewer Fund. Motion to approve MA, second by JK. All in favor, Motion Carries.

15. Consider the application of the Vietnam Veterans Post 678, as recommended for approval and issuance by the Historic Architectural Review Board, for the installation of a monument at Courthouse Square. Motion to approve for the installation of the Vietnam Veterans Post 678 monument at Courthouse Square JK, second by MA. Discussion: MC would like to see pictures. Per Ron pictures are in the drop box account. All in favor, Motion Carries.
16. Consider the application of Angeline Gilroy, as recommended for approval and issuance by the Historic Architectural Review Board, for the replacement of stairs at 903 Main Street. Motion to approve the replacement of stairs at 903 Main Street MA, second by JK. All in favor, Motion carries.
17. Consider the application of Sedar Cagatay, as recommended for approval by the Zoning Officer, for a Curb Cut at 1187 West Main Street. Motion to approve the Curb Cut at 1187 West Main Street MA, second by JK. Discussion: MC is curb cuts Borough Council responsibility? Contact the Director of Public Works, Zoning Officer and Nate Oiler is involved for review. All in favor, Motion Carries.
18. Consideration of a Resolution Authorizing Budget Transfers. Motion to approve Authorizing Budget Transfers BW, second by JK. All in favor, Motion Carries.
19. Approval of a Resolution Authorizing Budget Transfers. Motion to approve Authorizing Budget Transfers BW, second by MA. All in favor, Motion Carries.
20. Solicitor's Report. Scheduling with BCRA to discuss amendment to the Intergovernmental Cooperation Agreement. Spoke to Attorney McManus who spoke to Ken Brown. Looking to schedule for January 17, 2017, will confirm tomorrow. Spoke about an alternate presentation. We can include in the 7:00pm meeting or schedule earlier. Was explained to BCRA in about 10-12 minutes. Should begin 6:30pm as the agenda is full. We will need to advertise a 6:30pm start time. Motion to advertise for a 6:30pm start time for the January 17, 2017 meeting JK, second by BW. All in favor, Motion Carries.

Last time we established a February 28, 2017 date for the conditional use hearing for Shanty House Project, will advertise next month.

21. Mayor's Report. BB has been a big help. Met with the commissioners on Quaker Alley/6th. They will provide us a 35X35 square foot section only for green space, possible a toddler area. 8 year term with the hopes to grow. Would like parking eventually. Will need to write up a contract. They are working to acquire the tunnel and the building to take down. Once the courthouse renovations are complete they can look at what to do with the lot and to match the Borough's zoning and ordinances. Funding all through donations. How is insurance handled? Borough's Watershed will be donating the pavers. The Borough is supplying the soil. Strausser will install the pavers. The county will provide the space and the Borough is responsible for maintenance. Will be a small

green area with a bench. Broadhead watershed wants to use the green area for green infrastructure. Need to check with insurance company. Will check with the county as an additional insurer as it's county space. Temporary use of space, doesn't have to be a formal lease but an agreement. Future goal is to beautify the space. Must follow sign ordinance.

Met with USDA/grant writer Jason. Writing a solar grant app similar to what Easton has. Previously spoke about grant writers being in the budget. Need to put out an RFP. Part of hiring the Borough Manager was to be able to write goals. BB has written some grants in the past. Most grants can be written without a grant writer, depends on the requirements. Write the grants to benefit the Borough. We need a plan of who can write the grant and what would need to be outsourced. After the 1st of the year will begin for the apps grant.

Sent an email to Penn Dot for an update on signage.

22. Council Member Reports:

JK: Thanks to the fire department for the Christmas display and the quick response to the fire on Thomas Street. Any update on bike racks. Per JS waiting for Ralph on funding, maybe a new design. Easton had a contest for bike racks, we should go to town artists. We will contact the Arts Council and Votech School.

BW: Want to extend an invite for South 4th Street. Lake at the entrance, several pot holes over 5 inches deep. Some mornings it's frozen solid, in desperate need for repair. Told cannot lay asphalt after November however the gas company is digging holes and laying asphalt. Every house going toward the bridge in East Stroudsburg, the parking is in the rear, they all have 3 or 4 apartments in the house. It's the same from the Woolen Mill to 4th Street. Everyone parks in the back of the building.

PM: Planning for parking committee meeting next month to go over issues.

MA: nothing to report

MC: nothing to report.

JS: BB received new plans for the Route 80 expansion. Plans show the proposed areas of disturbance. Plans are from the engineering firm. Testing is until 2018. They want us to mark utilities on the plan (sewer lines, storm sewer lines and electric). Should we ask staff to identify the properties on the tax maps. They are not identifying any properties yet. There is a website showing properties involved. Phase 1 identify the properties involved for council to review. Phase 2 would look at loss in tax payer dollars. Would like to thank the fire department, possibly at the banquet for recognition.

23. Manager's Report: Plans/Map available for anyone to see showing the proposed areas of disturbance. We are working with the Department of Public Works to make the utilities. Multi modal grant has been submitted and accepted. Projecting in the spring. Usually not until June or July.

24. Approval of Bills on Warrant 161220. Motion to approve JK, second by MA. Discussion: Cargo Ink is for Rock Salt. All in favor, Motion Carries.
25. Executive Session: No executive session
26. Adjournment. Move to adjourn JK, second by MA at 9:10pm.