

MINUTES  
Stroudsburg Borough Council Meeting  
Tuesday, February 2, 2016 at 7 p.m.

1. Call Meeting to Order/Roll Call: Council President Weiss called the meeting to order at 7 p.m. Borough Manager Cathryn Thomas called roll. Present were President Weiss, Vice-President James Smith, Council Members Joanne Kochanski, Patrick Maurath, Matt Abell and Mark Connors. Absent was Council Member Ken Lang. Also present were Mayor Tarah Probst and Solicitor Ralph Matergia.

2. The Pledge of Allegiance was recited.

3. Public Hearing

A. Consideration of an Ordinance to Amend the Borough Parking Code, adding parking restrictions on Sunset Lane and Woodcliff Avenue: The public hearing was opened at 7:01 p.m. Scott Mathiesen, Stroudsburg Fireman and 789 Sunset Lane resident, asked what the proposed changes are. Borough Manager Cathryn Thomas stated both sides of the entire length of Sunset Lane would be added to the "Parking Prohibited at All Times in Certain Areas" section of the current ordinance and the entire length of Woodcliff Avenue would be added to the "Alternate Side Parking" section of the current ordinance.

Motion by Mrs. Kochanski, second by Mr. Abell, to close the public hearing at 7:03 p.m. Motion passed unanimously.

B. Consideration to Approve an Ordinance to Amend the Borough Parking Code, adding parking restrictions on Sunset Lane and Woodcliff Avenue: Council Member Connors recently visited both streets and feels that since Sunset Lane is a reasonably wide street, a dead end and being quite a few homes have off street parking, there is no need to prohibit parking all together. Mr. Mathiesen stated that when Sunset Lane was plowed for last week's snow storm, the 20-foot wide road became an 8-foot wide road which would have prohibited a fire truck, leaf pick-up truck, garbage truck or recycling vehicle to come through if cars were parked on the street. The people that are parking there are parking partially on the front lawn just to get far enough off the street. The problem with that is it isn't their property they are parking on so they are tearing up someone else's lawn.

799 Sunset Lane resident Richard Levdanski stated that there are no curbs or sidewalks up there and he does not think it is legal for cars to be parked 2- to 3-feet onto private property. Also, the residue left from the plow makes it difficult for vehicles to pass through when there are cars parked on the street.

Council Member Kochanski reminded Council that a petition by other residents of Sunset Lane and Woodcliff Avenue was received by the Borough not too long also requesting these parking changes.

Motion by Mrs. Kochanski, second by Mr. Abell, to approve an Ordinance to Amend the Borough Parking Code, adding parking restrictions on Sunset Lane and Woodcliff Avenue. Motion passed 5-1-0 with Mr. Connors voting no.

#### 4. Public Input:

- a. Suzanne McCool, Scott Street resident, congratulated the newly elected Mayor and Council Members. Also back when Dave Deihl was Mayor, he was working on a deal with the County to lease the Borough the empty lot on N. 6<sup>th</sup> Street for additional parking. She asked if the Borough was still interested. Mrs. Kochanski remembers the County deciding to utilize the property as a park. Council President Weiss recalls the County couldn't address their expansion program and that Harrisburg had to approve everything they did which took a very long time. Also it was not worth it to expend the amount of money needed for drainage and landscaping for only a ten year lease. As Chair of the Parking Committee, Mr. Weiss would still be interested in some sort of an agreement. Council Member Abell was not in favor of spending taxpayer money for property the Borough does not own.
- b. At the last Council meeting Mr. Smith had suggested lighting trees in Courthouse Square same as on Main Street. Public Works Director Brian Bond had stated most of the trees there will not support the lighting. Dave Schlorholtz asked Council tonight to consider using the same type of snow flake lights that are on lower Main Street. Mr. Bond stated that can easily be done as they fabricate them in-house.
- c. Mehmet Barzev thanked the Borough for the guardrail he requested but due to the profound amount of foot traffic past his 200 Broad Street property, people now have to walk on the curb facing oncoming traffic which is a safety hazard. He asked if there is a long term plan for curb cuts and crosswalks. Mr. Bond stated PennDOT controls that road.

5. Consideration to approve Council meeting minutes from January 19, 2016: Motion by Mrs. Kochanski, second by Mr. Smith, to approve the Council meeting minutes from January 19, 2016. Motion passed unanimously.

6. Consideration to file the December Treasurer's Reports: Motion by Mrs. Kochanski, second by Mr. Smith, to file the December Treasurer's Reports for audit. Motion passed unanimously.

#### **Old Business**

7. Report on Bryant Street sidewalk inspection by the Codes Enforcement Office: Zoning and Codes Officer Jeff Wilkins evaluated the three sidewalks on Bryant Street and found that they, amongst others on that street, are in a state of disrepair and would like to address this with the Codes Committee to come up with an enforcement plan. Mr. Weiss suggested a Codes Committee meeting be scheduled to come up with a reasonable resolution.

8. Discussion of the strategy to address the problem of Infiltration and Inflow (I&I): Mr. Abell attended a meeting about two weeks ago with former Council Member Eric Scelza, Ms. Thomas and Mr. Wilkins. Their idea was to address the "low hanging fruit" – that is storm roof drains entering the sanitary sewer system. Ms. Thomas suggested a public workshop educating homeowners on the importance of this topic and how easy it is to mitigate the problem. Mr. Abell feels a time table should be set to have the work completed so non-compliant homeowners can be cited after that time.

#### 9. Council President Report on committee assignments:

Codes – Mr. Weiss, Mr. Connors and Mr. Maurath

Finance – Mr. Connors, Mr. Smith, Ms. Thomas, Mr. Lang

Parking – Mr. Weiss, Mr. Maurath, Don Johnson, Kathleen Lockwood, Erica McCabe, Jack Muehlhan and Martha Loomis

Recycling – Mr. Weiss, Mr. Smith and Ms. Thomas

Sewer – Mr. Smith, Ms. Probst and Mr. Abell

Street – Mr. Smith, Ms. Probst and Mrs. Kochanski

Personnel – Mr. Connors, Mr. Smith, Ms. Probst and Mr. Maurath

Capital Expenditure – Mr. Connors, Mr. Smith, Ms. Thomas, Mr. Bond, Ms. Probst and Mrs. Kochanski

Social Media – Ms. Probst, Erica McCabe, Angelica White, Mr. Abell and Debby Weatherford

Mrs. Kochanski reminded Council President Weiss that she had previously spoken to him about staying on the Codes Committee. Mr. Weiss stated that there were already three Council Members on the committee and by adding a fourth it becomes a regular Council Meeting. Mr. Weiss stated maybe someone would be willing to come off. Mr. Maurath offered to switch a Committee appointment with her so she could be on the Codes Committee. Mr. Weiss asked Mrs. Kochanski not to get discouraged as the appointments are a work in progress.

9a. Discussion of email addresses for elected officials: Ms. Thomas researched what other municipalities do and found it's a mixed bag. She did provide late today the policies of retention and disposition which should be followed regardless of using a Borough email or their own email. Mr. Connors and Ms. Probst are in favor of borough emails. Mr. Abell and Mrs. Kochanski do not see the need to spend taxpayer money, which for 2016 was not budgeted, when using their own emails has been sufficient. Ms. Probst stated that at the last meeting Council saved the Borough \$10,000 by not using our consultant and the Borough just had a Right-To-Know request on January 13<sup>th</sup> that we didn't even know about two weeks ago so having a Borough e-mail would keep us in compliance.

Motion by Mr. Connors, second by Mr. Smith, to authorize up to \$1,100 in expense to request Access Office Technologies to provide e-mail addressed to Borough Council Members and Mayors who may request them for Borough business only. Motion passes 5-1-0 with Mrs. Kochanski voting no.

### **New Business**

11. Consideration of a Certificate of Appropriateness, as recommended for ***denial*** by the Historic Architectural Review Board, for Albert and Dinah Trapasso, for the replacement of a fence at 25 North 8<sup>th</sup> Street: Mr. Wilkins informed Council that if a denial is issued by the Borough reasons and remedy suggestions must be stated. Motion by Mrs. Kochanski, second by Mr. Abell, to deny a Certificate of Appropriateness, as recommended by the Historic Architectural Review Board, for Albert and Dinah Trapasso, for the piece of fence parallel to 8<sup>th</sup> Street that has been placed against our better advice with the remedy that a wrought iron fence of more suitable and historic character be substituted for that section and that would make it more likely for approval.

Solicitor Matergia stated that the motion satisfies the recommendation for approval but not the reason for denial. Mrs. Kochanski amended her motion to include replacement of the wrought iron fence with a vinyl solid panel fence is not an appropriate treatment. Mr. Abell amended his second. Motion passed unanimously.

12. Consideration of a Certificate of Appropriateness, as recommended for approval by the Historic Architectural Review Board, for the Borough of Stroudsburg at 700 Sarah Street, amending an original HARB approval relative to the replacement of four garage doors on the front of the Fire Hall equipment bays: Motion by Mrs. Kochanski, second by Mr. Abell, to approve a Certificate of Appropriateness, for the Borough of Stroudsburg at 700 Sarah Street, amending an original HARB approval relative to the replacement of four garage doors on the front of the Fire Hall equipment bays. Motion passed unanimously.

13. Consideration of a request for a curb cut for 510 Wallace Street: Ms. Thomas stated this issue is not ready to discuss. Motion by Mr. Abell, second by Mr. Smith, to table this request. Motion passed unanimously.

14. Discussion of PennDOT plans for Shafers Schoolhouse Road: Ms. Thomas has supplied Council with information regarding this already. There will be a public meeting/joint workshop between Stroudsburg Borough and Stroud Township on February 9<sup>th</sup> at 3:30 p.m. at the Stroud Township Municipal Building with a representative from PennDOT present. Council Member Kochanski is concerned that if people are forced to make the right onto Shafers Schoolhouse Road, that will bring heavy traffic down Dreher Avenue. She and Mr. Maurath also feel the lights do not work properly at the intersection of 209 and Shafers Schoolhouse Road resulting in many accidents. Scott Street resident Suzanne McCool is opposed to the closing of that road and feels distracted driving is a major issue. She feels rumble strips should be added. Audience attendee Dwayne Kerzic had attended a meeting where PennDOT addressed many of these issues and stated it was mentioned that a light may be installed by Route 80 and Business Route 209 and that the Bridge Street closing will further complicate this issue. Mr. Connors suggested people get their voices heard by attending the February 9<sup>th</sup> meeting.

15. Discussion of the request for a tax exemption for property at 701 Main Street: Ms. Thomas reported that a request has been received from the County for tax exemption for the portion of the building they will be using and that Solicitor Matergia has a conflict as his partner John Dunn represents the County. Ms. Thomas contacted Attorney Weitzmann who referred her to Attorney Bill Cramer. Ms. Thomas spoke with Mr. Cramer and sent him information which included asking for an extension of time being the hearing is tomorrow, February 3<sup>rd</sup>. She did not receive an answer or a letter of engagement from Mr. Cramer. Solicitor Matergia stated Ms. Thomas attending the meeting preserves the right to not only participate but appeal any decision on an administrative level. Ms. Thomas intends on asking the County Commissioners for more time before making any decision but unless there has been a gross mismeasurement by the County Assessor, she feels the Borough really has no recourse.

16. Consideration of a proposal from the Mayor to organize musical performances in Court House Square on Thursday nights: Ms. Probst submitted a proposal to the County Commissioners who will entertain the request at their February 20<sup>th</sup> meeting for concerts in Courthouse Square on Thursdays nights from June 2<sup>nd</sup> through August 4<sup>th</sup> from 6:00 p.m. to 8:00 p.m. for families to attend. The Commissioners informed her that the grass in the actual square is not in great shape and suggested the concerts be held in the grass area by N. 6<sup>th</sup> Street. Several Council Members felt additional information regarding insurance, clean-up and street closures are needed before making a decision. Mr. Weiss asked that additional information be gathered and to put this on the next meeting agenda.

17. Consideration to accept the resignation of Joe Shay from the Zoning Hearing Board: Motion by Mrs. Kochanski, second by Mr. Smith, to accept the resignation of Joe Shay from the Zoning Hearing Board. Motion passed unanimously. Mr. Abell suggested a letter of thanks be sent to Mr. Shay.

17a. Discussion of the method and process for filling the vacancy on the Zoning Hearing Board: Motion by Mr. Smith, second by Mr. Abell, to advertise for interested parties and have them submit their qualifications. Motion passed unanimously.

18. Discussion of Right-To-Know notifications: Mayor Probst stated a Right-to-Know request came in on January 13<sup>th</sup> and that Council didn't find out about it until a week later. She asked if Council is supposed to be

informed immediately. Ms. Thomas replied that unless it involves getting information from Council directly, which this one did, no you would not have any need to know about it. Solicitor Matergia suggested instructing the Right-to-Know Officer to send a report to Council when a Right-to-Know request is received.

19. Discussion of grant writing: Mayor Probst stated that based on the PSAB Newsletter there is grant money out there for Historic Preservation. Mr. Wilkins stated Mr. Kimes is in the process of working on this right now. Mr. Smith stated there are LSA grants out there also that we can apply for. Ms. Thomas replied that the Borough has applied for four LSA grants and didn't get any. After much discussion it was suggested the Borough consider hiring a professional grant writer.

20. Discussion of emergency notifications: Mayor Probst stated there is a meeting this Thursday about this so it can come off the agenda. Ms. Thomas stated the elected officials have been added to the email distribution list for when a snow emergency is declared.

21. Solicitor's Report: Solicitor Matergia informed Council that the Fine Arts Discovery Series Tax Assessment appeal has moved into the Court of Common Pleas. He doesn't see the need for the Borough to retain Counsel. The Borough's tax position will be supported accurately by the Assessment Office. If Council is content with Mr. Matergia's recommendation, he will notify the judge and parties involved that the matter was discussed and the Borough chooses not to intervene. Motion by Mrs. Kochanski, second by Mr. Abell, for Solicitor Matergia to instruct the court that the Borough chooses not to intervene. Motion passes unanimously.

Mr. Matergia also has a matter for Executive Session.

22. Mayor's Report:

Mayor Probst requested permission of Council for the Social Media Committee to promote Winterfest on Facebook, Twitter, Periscope and Instagram. Council Members Mrs. Kochanski and Mr. Connors both questioned what they are specifically giving permission for. Ms. Probst stated just what Barry Lynch had described at the last Council meeting. Both Mr. Connors and Mrs. Kochanski would like to see some sort of write up before granting permission which they feel makes the Borough responsible. Solicitor Matergia stated he doesn't know if Council has to approve or deny this, just be aware of it. Rich Berkowitz from the Sherman Theater also stated once you ask their permission you make them responsible and if they want to contact him he would be willing to help them.

Mayor Probst will have information at the next meeting regarding Restaurant Week and an Art Walk in the Borough.

Mayor Probst was asked by Mount Pocono Mayor Courtright if she wants to be on the wedding registry to which she said yes. She would like a budget line item formed as she plans on giving half of what she makes for performing weddings to the Borough.

23. Council Member Reports:

Mrs. Kochanski told Mr. Maurath she will take him up on his offer to switch committees so she can be on the Codes Committee.

Mr. Smith, Mr. Weiss, Mr. Abell and Mr. Connors extended their thanks to Mr. Bond and his Street Department crew for the great job on last week's snow removal.

Mayor Probst thanked the Fire Department for the Fireman's Dinner.

Mr. Abell spoke with County Commissioner John Christie about the fact that County Commissioners' meetings are on Tuesdays at 10 a.m. It is a complete disservice to our community when people can't have a meaningful dialogue with the people they elect. Mr. Christie did not like what Mr. Abell had to say. We have the same issue with the Sewer Board meetings which are held on Wednesdays at noon. There is a representative of this board who can't make the meetings. This board represents the interest of this Borough and we can't attend the meetings. Mr. Abell would like Council to put pressure on the boards that are operating without external stimulus.

Mr. Connors noticed a mattress on the side of the house at 112 Park Avenue and fold up chairs all around the parking lot of the cheerleading school. Mr. Wilkins will look into this.

24. Manager's Report: Ms. Thomas reported that there are low pressure gas lines affecting many properties, including the Municipal Building that UGI is currently fixing by running medium pressure lines. If they run us a new line and pay for it, it would give our building a more consistent feed. UGI is requesting a waiver of the \$1,000 degradation fee. Mr. Connors feels if the gas Company wants to sell gas they should pay for the line. Motion by Mrs. Kochanski, second by Mr. Abell, to approve waiving the degradation fees for UGI to run the medium pressure gas lines for three homes and the Municipal Building as long as there is no cost to the Borough. Motion passed; 4-1-1 with Mr. Connors voting no and Mr. Smith abstaining.

25. Approval of Bills on Warrant 160202: Mr. Smith asked what the \$800 paid to N.J. was for. Ms. Thomas replied for the parking secretary to access N.J. records. Parking Secretary Lynn Heimbach added that N.J. charges \$12 for each license plate search.

Mr. Connors asked what the "90 Fund not in system" is on the last page of the warrant list. Mrs. Heimbach replied that is the payroll fund.

Mr. Smith questioned asked what equipment makes up the \$26,284.79 payment on the warrant list. Mr. Bond replied the F550 and F350.

Motion by Mr. Abell, second by Mr. Smith, to approve the Bills on Warrant 160202. Motion passed unanimously.

26. Executive Session: Motion by Mrs. Kochanski, second by Mr. Smith, to go into Executive Session to discuss a litigation matter at 9:26 p.m. Motion passed unanimously.

Motion by Mrs. Kochanski, seconded by Mr. Smith, to adjourn the executive session at 10:02 p.m. and to resume the regular Council meeting. Motion passed unanimously.

During the executive session, a pending legal matter was discussed and no decisions were made.

Solicitor Ralph Matergia said he had a personnel matter to discuss with the Council, although the nature of it was not a matter for executive session. Mr. Matergia said that after having served as the Borough Solicitor for many, many years, he has decided now would be a good time for him to step down, therefore he is submitting his letter of resignation.

Mr. Matergia said he would continue to serve as Solicitor during a transition period, until a new Solicitor is selected, which he hoped would be no later than April 5th. He also offered that he would be happy to assist in the selection process for his replacement, to whatever degree the Council desired. He said that if Council members wished, he could provide them with a short list of names of local attorneys who would be good candidates, which some Council members expressed they were interested in that idea.

Motion by Mr. Connors, second by Mrs. Kochanski, to table consideration to accept the resignation of Borough Solicitor Ralph Matergia. Motion passed unanimously.

Motion by Mr. Connors, seconded by Mr. Abell, authorizing the Borough Solicitor to enter into settlement negotiations with representatives of Shanti House, LLC, concerning the proposed development of property in the 600 block of Main Street. Motion passed unanimously.

27. Adjournment: Motion by Mr. Connors, second by Mrs. Kochanski, to adjourn at 10:19 p.m. Motion passed unanimously.

Approved:

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Boyd Weiss, President of Council

Attest:

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Cathryn Thomas, Borough Manager/Secretary