

MINUTES  
Stroudsburg Borough Council Meeting  
Tuesday, May 17, 2016 at 7 p.m.

1. Call Meeting to Order/Roll Call: Council President Weiss called the meeting to order at 7:00 p.m. Borough Manager Cathryn Thomas called roll. Present were President Weiss, Vice-President James Smith, Council Members Joanne Kochanski, Ken Lang, Matt Abell, Mark Connors and Patrick Maurath. Also present were Mayor Tarah Probst and Solicitors Ralph Matergia and Joe McDonald.

At this time President Weiss acknowledged that tonight is a very sad night as it ends the Borough's formal relationship with Solicitor Ralph Matergia who has served as the Borough solicitor for 35-plus years keeping the Borough from making many mistakes and saving a lot of money. The Borough is grateful for his years of outstanding guidance and service. Mr. Matergia received a standing ovation from Council and all in attendance of tonight's meeting. He thanked Mr. Weiss for the kind words.

2. The Pledge of Allegiance was recited.

3. Public Hearing

- A. Consideration of a request from the Borough to the PA DCED to modify the expenditure of a portion of CDBG Funds from 2013, originally approved to be expended on improvements to Garden Street and now requested to be expended on improvements to 2<sup>nd</sup> Street: The public hearing was opened at 7:03 p.m. Martha Robbins, Monroe County Redevelopment Authority, explained that there is a balance of \$24,920.24 of 2013 unexpended funds from the Garden Street Project to be reallocated to the Second Street Project. Hearing no public comment, a motion was made by Mr. Lang, second by Mr. Connors, to close the public hearing at 7:06 p.m. Motion passed unanimously.
- B. Consideration to approve a request from the Borough to the PA DCED to modify the expenditure of a portion of CDBG Funds from 2013, originally approved to be expended on improvements to Garden Street and now requested to be expended on improvements to 2<sup>nd</sup> Street: Motion by Mr. Maurath, second by Mr. Smith, to approve a request from the Borough to the PA DCED to modify the expenditure of a portion of CDBG Funds from 2013, originally approved to be expended on improvements to Garden Street and now requested to be expended on improvements to 2<sup>nd</sup> Street. Motion passed unanimously.

4. Public Input:

507 Fulmer Avenue resident Mr. Akhatib presented Council with a request for a handicapped parking space in front of his home. Borough Manager Cathryn Thomas explained the process which could possibly take one to two months and told him the Borough will contact him when a decision is reached.

578 Main Street business owner Bill Parkinson made a formal request on behalf of himself and the Game Stopper business owner to move the bench from outside their businesses. The people utilizing the bench sit there all day begging customers for money and cigarettes. The tables outside Mr. Parkinson's business frequently sit empty due to the constant harassment. The request is to move the bench to the bump-out and have it face the street. Mr. Lang was in favor of moving the bench. Ms. Thomas stated it cannot be placed on the bump-out because they are designed for pedestrian navigation and due to ADA regulation. She will have Public Works Director Brian Bond look into it. Mr. Parkinson mentioned that the Main Street Juke Box owner is having the same issue with the bench in front of his business.

94 Second Street resident Diane Silver reported that the contractor who recently purchased numerous properties on Second Street is doing work without permits. According to Ms. Silver he is putting bedrooms in attics with

no fire escapes and taking away backyards by dumping gravel. Codes Officer Jeff Wilkins asked Ms. Silver to forward him the addresses of these properties.

Ms. Silver stated there is also a problem with people double parking in the street when picking their children up from the day care operating on Second Street and questioned how the street is zoned.

Ms. Silver stated there is an ongoing problem with college students throwing loud parties until the early hours of the morning.

Second Street residents Lance Posten and Patsy Reinheimer were also present in support of Ms. Silver's comments. Mr. Posten also mentioned a serious issue with people not stopping at the stop signs on Second Street.

President Weiss stated the Borough will follow up with these issues.

Dan Whitehead, 762 Main Street business owner, stated he has lived here for over 20 years and opened his business, Vertical Earth, five years ago which was very exciting to him. He loves Stroudsburg and had planned to raise his family here but in recent years has seen a decline in businesses downtown which he feels is mainly due to serious peddling and homeless issues. He feels more and more businesses will not be able to survive on Main Street if immediate action is not taken and would like to see more police presence whether it be on foot or bicycle. Mayor Probst agrees that more police presence is needed and said in January she proposed police on horseback. Captain Jennifer Lyon stated the peddling and homeless issues are complex problems and not easy to enforce. It is not illegal to ask people for money and as long as people are giving them money the problem will continue. Ms. Thomas added that panhandling is a protected activity under the first amendment. Mr. Whitehead ended his conversation by saying he is tired of hearing "we hear you" and wants answers on how the Borough will combat the problem or he will be forced to move his business out of town.

Jane Parkinson commented that the Borough is continually losing properties off our tax base and would like Borough representation at the next school board meeting to see what can be done about it.

Council Member Maurath suggested a committee to combat the panhandling issue. President Weiss stated he will fill him in on that subject. Mr. Weiss offered to meet with the business owners to discuss these issues.

Motion by Mrs. Kochanski, second by Mr. Smith, to close public input at 7:52 p.m. Motion passed unanimously.

5. Approval of Council Meeting Minutes from May 3, 2016: Mr. Abell stated that under agenda item #10 he did not vote in favor of the denial to waive the meter bag fees for BCRA. Motion by Mr. Lang, second by Mr. Abell, to approve the Council Meeting Minutes from May 3, 2016 with the correction to the vote on agenda item #10. Motion passed unanimously.

6. Monthly Administrative Reports: Motion by Mrs. Kochanski, second by Mr. Smith, to accept the Monthly Administrative Reports. Motion passed unanimously.

7. Accept April Treasurer's Reports: Motion by Mrs. Kochanski, second by Mr. Smith, to file the April Treasurer's Reports for audit. Motion passed unanimously.

### **Old Business**

8. Consideration of approval of Change Order No. 7 with mechanical contractor Leibold, Inc., an increase of \$2,491, for louver modifications (\$500) and added work to address gas pressure issues (\$1,991), for the Fire Hall Renovation Project: Motion by Mr. Abell, second by Mrs. Kochanski, to approve Change Order No. 7 with

mechanical contractor Leibold, Inc., an increase of \$2,491, for louver modifications (\$500) and added work to address gas pressure issues (\$1,991), for the Fire Hall Renovation Project. Motion passed; 5-2-0 with Mr. Smith and Mr. Lang voting no.

12. An informal presentation of a proposal from persons representing the Rite Aid Corp., including a revised building design: At a previous meeting Council requested a more detailed design of the building and that it also face Main Street not McConnell Street as proposed. Kate Durso, representing Rite Aid, presented Council with the new design which Council felt was satisfactory. She added that Rite Aid will not consent to the building facing Main Street because their customers are familiar with seeing the front of the building on the McConnell Street side and they don't want the front of the building facing a cemetery. She stated the project will not move forward if the building has to face Main Street.

Mr. Smith felt the back of the building was too plain and suggested windows. Ms. Durso did not feel that would be an issue but stated they would have to be fake windows.

Attorney Bill Cramer stated that besides the facing of the building, the other issue of concern is the Borough selling Rite Aid the piece of property they need to develop the project.

After much discussion Solicitor McDonald stated this dialogue tonight is just informational and advised the Rite Aid representatives that Council is not in the position to bless the plan at this time.

13. Consideration to approve the sale of a piece of Borough-owned property which fronts on McConnell Street: Motion by Mr. Connors, second by Mr. Lang, to not offer for sale the Borough property facing on McConnell Street at this time. Motion fails; 1-6-0 with Mr. Connors voting yes. Mr. Connors stated as he understands it, if the applicant meets all the requirements of the ZHB and SALDO ordinances and the ZHB and Planning Commission review, there really isn't anything Borough Council is permitted to require so that gets us to the situation of negotiating design changes or preferences in exchange for offering the property for sale. Additionally, Mr. Connors feels the property appraisal is too low and the proposed location is not well suited for a Rite Aid.

Solicitor McDonald explained that if Council wants to sell the property through the bid process but are still not sure about all the plan details, Council can do so with the condition that the Borough reserves the right to reject all bids. Solicitor Matergia added that the Borough has within its planning tools the opportunity to have total control over the project by virtue of the fact that the plan requires the sale of Borough property and that perhaps a motion to table not deny would be better. Motion by Mr. Abell, second by Mr. Smith, to table the sale of the property. Motion passed unanimously. Mr. Lang suggested a work session within the next two weeks to further discuss this issue. Ms. Thomas will make the arrangements.

9. Consideration of a request from the Monroe Farmers' Market for free parking for vendors in the vicinity of the Market set up in Court House Square: Monroe Farmer's Market President Virginia Romagno explained that there are six vendors that they cannot fit into the old jail parking lot that they are requesting free parking on the 600 block of Monroe Street. She will provide the parking passes needed to identify the vendors. Motion by Mr. Smith, second by Mr. Lang, to allow for the six free vendor parking permits on the 600 block of Monroe Street leaving a lane open for emergency vehicles. Motion passed; 6-1-0 with Mr. Connors voting no.

Ms. Romagno requested additional barricades for vehicle and pedestrian safety as people were seen moving cones and parking within the restricted area. Mr. Lang suggested she contact Public Works Director Brian Bond to discuss the request.

Assistant Fire Chief John Stevens reported a problem with last Saturday's Arts Council Event. Vehicles were double parked on N. 7<sup>th</sup> Street around the square preventing access for emergency vehicles. Ms. Thomas will follow up with the Arts Council.

10. Consideration to void parking tickets issued to vendors at the Monroe Farmer's Market on Saturday, May 7, 2016: Motion by Mr. Lang, second by Mr. Abell, to deny with regrets voiding parking tickets issued to vendors at the Monroe Farmer's Market.

Mr. Smith feels there was just a miscommunication between the Borough and the farmer's market. Mr. Connors disagrees. He reread the minutes and it feels it was perfectly clear that no free parking was requested.

Motion passed; 5-1-1 with Mr. Smith voting no and Mr. Weiss abstaining. Mr. Lang offered to pay the seven tickets issued which total \$35.

11. Presentation from Shawn McGlynn of SFM Consulting for third party plan review and inspection services which may be provided to the Borough: Mr. Lang stated he thought Council had already voted to keep Mr. Wilkins on part time to which Ms. Thomas replied that it had not been resolved.

Mr. McGlynn explained that his company would function as the Borough's in house building inspector working out of the Borough office with all outgoing correspondence on Borough letterhead. He went on to explain that between himself and his associate, they have all the certifications needed and he covers the general liability insurance required. As far as fee disbursement is concerned, on the building permit end his company would retain 70% and the Borough 30%. For work outside the permitting process the Borough would be billed \$65 an hour. Mr. McGlynn suggested Council go on his website to get a better detailed overview of what his company offers.

14. Consideration to approve an Ordinance amending portions of Chapter 15 – Motor Vehicles and Traffic of the Stroudsburg Borough Code, mainly in the section pertaining to Parking: Motion by Mr. Connors, second by Mr. Lang, to adopt what has been referred to as Option B which the significant aspect of it is 2 out of 3 of the conditions to determine abandonment of the vehicle in 14 days instead of 7. Motion failed; 3-4-0 with Mrs. Kochanski, Mr. Abell, Mr. Smith and Mr. Weiss voting no.

Mr. Abell is not in support of the 14 days and under §317.4 Mr. Smith would like the word "may" changed to "will".

Ms. Thomas added that under §101, A2 the word certificate should be changed to valid and asked Mr. Connors to amend his motion in regards to N. 9<sup>th</sup> Street to not add meters but change the 1 hour limit to a 3 hour limit by changing the signs. Mr. Connors agreed.

To be clear, Mrs. Kochanski restated the changes that were voted on which include; the 14 days, no meters on N. 9<sup>th</sup> Street but change the 1 hour limit to 3 hours by signage and 2 out of the 3 conditions for abandonment.

Motion by Mr. Abell, second by Mr. Lang, to accept Mr. Connor's motion with the exception that 14 days be reduced to 7 days. Motion passed; 6-1-0 with Mr. Smith voting no. Mr. Smith stated he still feels that under §317.4 the word "may" should be "will".

15. Consideration of a Resolution giving discretion to the Borough Manager to approve Borough staff members to attend training and also to be reimbursed for reasonable expenses: Mr. Connors passed out revision suggestions. Motion by Mr. Smith, second by Mrs. Kochanski, to table this agenda item. Motion passed unanimously. Mr. Lang suggested Council review Mr. Connor's revisions and discuss them at the next meeting.

16. Consideration to approve a First Amendment to the Development Agreement between the Borough and the Stroudsburg Area School District, to memorialize what happened as a matter of title as a result of the PennDOT abandonment of right-of-way which occurred with the relocation of Dreher Avenue, which approval is contingent on Borough Engineer Nate Oiler verifying conditions of the as-built plans: Motion by Mr. Abell,

second by Mr. Connors, to approve a First Amendment to the Development Agreement between the Borough and the Stroudsburg Area School District, to memorialize what happened as a matter of title as a result of the PennDOT abandonment of right-of-way which occurred with the relocation of Dreher Avenue. Motion passed unanimously.

### **New Business**

17. Consideration to approve a request from the YMCA to hold a Yard Sale on June 30 and July 1 from 9 a.m. to 3 p.m.: Motion by Mr. Kochanski, second by Mr. Maurath, to approve a request from the YMCA to hold a Yard Sale on June 30 and July 1 from 9 a.m. to 3 p.m. Motion passed unanimously.

18. Consideration to approve a request from the Housing Authority to hold a Yard Sale from June 25 to 26 and July 23 to 24 from 9 a.m. to 5 p.m., with sales held in the parking lot: Housing Authority representative Deidre Myers was present and requested a third sale for the dates of September 10<sup>th</sup> & 11<sup>th</sup> and stated that food items may be sold. Ms. Thomas advised her to contact the Borough Health Officer prior to the sale if there will be food. Motion by Mr. Lang, second by Mr. Smith, to approve a request from the Housing Authority to hold a Yard Sale in their parking lot from June 25 to 26, July 23 to 24 and September 10 to 11 from 9 a.m. to 5 p.m. not including food without contacting the Borough Health Officer for proper permits. Motion passed unanimously.

19. Consideration of issuance of a Certificate of Appropriateness, as recommended for approval by the Historic Architectural Review Board, for Steve Shannon Enterprises for the installation of a free standing sign at 712 Ann Street: Motion by Mr. Abell, second by Mr. Connors, to grant a Certificate of Appropriateness, as recommended for approval by the Historic Architectural Review Board, for Steve Shannon Enterprises for the installation of a free standing sign at 712 Ann Street. Motion passed unanimously.

20. Consideration of issuance of a Certificate of Appropriateness, as recommended for approval by the Historic Architectural Review Board, for TSS Holdings LLC John Iacono for the replacement of a window with a door at 564 Main Street: Motion by Mr. Abell, second by Mr. Connors, to grant a Certificate of Appropriateness, as recommended for approval by the Historic Architectural Review Board, for TSS Holdings LLC John Iacono for the replacement of a window with a door at 564 Main Street. Motion passed unanimously.

21. Consideration of issuance of a Certificate of Appropriateness, as recommended for approval by the Historic Architectural Review Board, for Sharon Bonawits Sinkevich for the replacement of windows at 726 Main Street: Motion by Mr. Abell, second by Mr. Connors, to grant a Certificate of Appropriateness, as recommended for approval by the Historic Architectural Review Board, for Sharon Bonawits Sinkevich for the replacement of windows at 726 Main Street. Motion passed unanimously.

22. Consideration to Re-Bid the Borough's request for contract pricing for rental of equipment in emergency situations: Ms. Thomas explained that the need to re-bid is because there were no bids received the first time. Motion by Mr. Smith, second by Mrs. Kochanski, to re-bid the Borough's request for contract pricing for rental of equipment in emergency situations. Motion passed unanimously.

23. Consideration to approve the following appointments, effective June 4, 2016: Motion by Mr. Abell, second by Mrs. Kochanski, to appoint Anita Einolf as the Stroudsburg Borough Health Officer and Ronald Kimes as the Stroudsburg Borough Zoning and Codes Enforcement Officer. Motion passed unanimously. Mr. Kimes thanked Council for the appointment.

24. Discussion of the need to replace the diving boards at the pool: Public Works Director Brian Bond reported both diving boards are cracked and the cost to replace them is \$4,272 each. Motion by Mrs. Kochanski, second by Mr. Abell, to purchase 1 diving board this year. Motion passed; 5-2-0 with Mr. Smith and Mr. Connors voting no.

25. Solicitor's Report: Solicitor McDonald is still working on wrapping up a few items with Solicitor Matergia. One item unresolved being the Shanti House Litigation which tomorrow Mr. McDonald will be entering his appearance on and removing Mr. Matergia's name.

Solicitor McDonald reported that the ESSA Greenway Easement is completed. Motion by Mr. Lang, second by Mrs. Kochanski, to authorize execution of the ESSA Greenway Easement. Motion passed unanimously.

Solicitor McDonald has a personnel matter for Executive Session.

Solicitor Matergia drafted a license agreement in regards to the air conditioner encroachment issue onto Borough property by the Aarons company that Ms. Thomas passed on to Council for review. Motion by Mr. Lang, second by Mrs. Kochanski, to enter into the license agreement drafted by Mr. Matergia with Ray Price for the placement of the air conditioner unit and charge a quarterly fee of \$60. Motion passed unanimously. Mr. Matergia reminded Council that Mr. Price has not agreed to the drafted agreement.

President Weiss stated that it was reported to him that the cost of installing meters in the lot by Aaron's, as previously approved by Council, may not be worth it because the meters on lower Main Street are rarely utilized during the day.

Solicitor Matergia requested a motion authorizing the execution of the All Granite Agreement. Motion by Mrs. Kochanski, second by Mr. Abell, to authorize the execution of the All Granite Agreement. Motion passed unanimously.

26. Mayor's Report:

Mayor Probst stated Erica McCabe is here tonight to give a brief update on the Community Garden. Ms. McCabe requested a formal commitment from the County Commissioners and Borough Council approving use of the County property on N. 6<sup>th</sup> Street for a significant amount of time. She is meeting with John Christie this week. Council cannot give a formal commitment as the County owns the property. Motion by Mr. Abell, second by Mr. Connors, to write a letter from Borough Council to the County Commissioners in support of the community garden. Motion passed unanimously. Mr. Kimes stated more information is needed to see if a community garden is a permitted use. Mr. Matergia stated there is no zoning or land use issue but there may be a storm water issue.

Mayor Probst reminded Council that the concerts in the park are scheduled for June 2<sup>nd</sup> through August 4<sup>th</sup>, but will be cancelled if it rains.

Ms. Probst is still working with Mr. Christie on turning the old jail issue into a tourist attraction.

The Mayor has been contacted by several college students interested in unpaid internships at the Borough and asked if that is something we have done before. Ms. Thomas was not aware of anything since she has been here. Mr. Kimes stated he has used students that the Magistrate has sent over who have gotten themselves into trouble. He has had them taking inventory or photographs for code related issues. Ms. Thomas asked that the Mayor forward her the resumes she has received from the students.

27. Council Member Reports:

Mr. Lang asked the Mayor more about the old jail project. She reported that the jail does have lead paint which, if it is used as a tourist attraction, does not have to be removed. Mr. Lang asked if the Mayor's Office was going to coordinate the project and who was going to run it. The Mayor stated she did not say her office would

coordinate the project and she feels we can get volunteers to work it. She feels this project will bring much needed money to the Borough.

Mr. Smith asked if the residents need to fill out permits for the free yard sale weekend and was told no.

Mr. Smith has received comments from residents who are concerned about the homeless walking through their neighborhoods and living in Glen Park.

Mr. Smith stated the Street Department does not have the manpower to keep the downtown area clean and asked if Council would consider hiring temporary summer help at minimum wage to do things like line painting, weed whacking, power washing sidewalks, etc. He feels the Borough should reach out to our residents to participate. Council Member Maurath suggested contacting Monroe County Career Link.

On a related topic, Mr. Bond got a price of \$5,000 for 75 trash can liners, 25 lids and the cables to secure the lids for Main Street. Council felt that was a lot to spend all and once and asked the price for just the lids at this time. Mr. Bond stated the lids and cables would be \$2,690. Motion by Mr. Lang, second by Mr. Smith, to appropriate \$2,690 to purchase 25 trash can lids and cables. Motion passed unanimously. Solicitor Matergia mentioned that the Mattioli Fund can look into paying for the liners needed on Main Street between 5<sup>th</sup> and 9<sup>th</sup>. Council expressed their gratification.

Mr. Abell asked if the gas company was done working on our roads to which Mr. Bond replied no, not yet.

Mr. Abell notices on a regular basis people blowing through stops signs and asked Mr. Bond his opinion of removable speed bumps. Mr. Bond stated they do work but they also allow for the intrusion of water causing potholes. He prefers a type of speed hump that is in the Old Mill Run Development which can be plowed over. Mr. Abell would like Mr. Bond to look into the cost of having a speed hump put on Second Street. Ms. Thomas will have our Nate Oiler look into this for 2<sup>nd</sup> Street as part of the design for the project to reconstruct that road.

Mr. Connors reported that the Personnel Committee met and discussed options to fill Jeff Wilkin's responsibilities. He passed out notes on their discussion to those Council Members who were interested in reviewing them. He asked if Council would prefer the Personnel Committee interview and evaluate other third party code enforcement agencies and bring a recommendation to Council or have the third party code enforcement agencies come before Council to interview and evaluate. Consensus of Council was to have the Personnel Committee handle the interviews.

Mr. Connors reported the Personnel Committee also discussed the hiring of an alternate solicitor and feel Mr. Michael Gaul is a reasonable candidate. The Personnel Committee will contact Mr. Gaul to see if he is interested in the position. Mr. Connors also asked Solicitor McDonald to think about people he feels would also be a good fit. Mr. McDonald had no objection to making a decision tonight. Mr. Connors stated the Personnel Committee would like to offer the position to Mr. Gaul first.

Mr. Connors drafted two letters this afternoon that he emailed to Council, one to the Zoning Hearing Board reminding them of the necessity to follow procedure and the other to the Planning Commission giving them guidance on meeting regularly and to consider improvements to our zoning ordinances on a regular basis. Mr. Connors asked Council to review the letters and discuss them at the next meeting.

Mr. Weiss feels our code needs to be amended to include some sort of solution/enforcement for vomit on sidewalks.

28. Manager's Report: Ms. Thomas asked Council to consider approving a bill for payment to Nu Cor that is not on the warrant list in the amount of \$59,342.93. Mr. Lang asked if Ms. Thomas had reviewed this to which she responded yes and that our architect recommends payment. Motion by Mr. Lang, second by Mr. Maurath, to

approve the payment to NuCor in the amount of \$59,342.93. Motion passed; 5-2-0 with Mr. Smith and Mr. Connors voting no.

29. Approval of Bills on Warrant 160517: Motion by Mrs. Kochanski, second by Mr. Lang, to approve the bills on Warrant 160517. Motion passed unanimously.

30. Executive Session: Motion by Mr. Lang, second by Mr. Abell, to go into executive session at 10:06 p.m. to discuss a personnel matter. Motion passed unanimously.

Motion by Mrs. Kochanski, second by Mr. Lang, to adjourn the executive session and resume the regular meeting of the Borough Council. Motion passed unanimously.

31. Temporary Adjournment: Motion by Mrs. Kochanski, second by Mr. Abell, to temporarily adjourn this meeting, to be continued on Friday, May 20<sup>th</sup> at 3:30 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