

MINUTES  
Stroudsburg Special Borough Council Meeting  
Tuesday, November 01, 2016 at 6:00 p.m.

1. Call Meeting to Order/Roll Call

Present are Council Vice President James Smith, Mayor Probst, Solicitor McDonald, Council President Lang, Borough Manager Bond, Council Member Maurath. Not present are Council Members Joanne Kochanski, Council Member Boyd Weiss, Council Member Matt Abel, Council Member Mark Connors. We have a Quorum.

2. Pledge of Allegiance was recited

3. Presentation by Borough staff on the All Granite and Marble Project

Question at hand is whether or not to accept bonding without the recommended clause “confession of judgement” as directed by former solicitor Materga.

Reviewed Past History Timeline:

- 10/19/05 - Council approached property and tabled at the meeting for opinions from Solicitor Materga
- 11/05/05 – Solicitor Materga suggests ordained street as Cul-de-sac at the end of Storm Street where All Granite ends their property. All Granite would provide to levy/loop, Broad Street, Bridge Glen Park
- 2006 – Engineer tabled
- April 2006 – Worked to move property line. Agreement was signed to move forward
- 2007 – 2012 – Not brought up at any council meetings
- 11/6/13 –Development & Easement agreement, Solicitor Materga tabled
- Thru 2015 – no action
- 4/19/16 – Previous Borough approval, Attorney Mark Wolf and Nate Oiley present for development agreement, bonding was a question. Confession of judgement clause is an issue. Per Mr. Kimes the council did not approve. Solicitor Materga stated needs to be resolved.
- 10/4/06 – Motion by Mr. Selza and 2<sup>nd</sup> by Mrs. Lockwood to approve the minor subdivision passed unanimously. A 2<sup>nd</sup> motion by Mr. Selza and 2<sup>nd</sup> by Mrs. Lockwood to approve the land development plan subject to conditions of letter dated 10/4/06. The letter addressed the development agreement met per Solicitor Materga’s satisfaction.
- 12/6/16 – Bonding issue and letter of judgement clause.
- After tonight we are at a final developer’s agreement. Developer wants bond instead of letter of credit to cover ordinances. Solicitor McDonald states they have satisfied the informational requirements. They want to provide one less piece of security. Text of developers bond is that municipal code is the lowest standard. All Granite is proposing a developers bond instead of a letter of credit. The proposed development agreement was signed and countersigned 5/13/16 but stated was waiting for a letter of credit.

Exh: engineers approval \$728,234.10 Bond (110%), 4 categories – Road, Storm Water, ESPC, Street Signs/Lights.

Draft of the letter of credit was not drawn up. Attorney Wolfe referencing a Lehigh Valley Case in which the courts throughout.

- Final plan should be recorded once signed. Was signed by Boyd Weiss and Cathy Thomas.
- Per Solicitor McDonald, what All Granite has provided meets municipality code in an 18 month period from the date issued. If All Granite defaults, the Borough will claim default and notify Surety the notice was not cured. The Borough claims the value of what is left to install in order to complete. Surety would provide. With a letter of credit the bank would set aside the funds. With a bond that defaults the insurance company would pay.
- Most important is the sanitary sewer line would be re-routed.

Motion by Mr. Connors to second by Ms. Kochanski to table and for Solicitor McDonald to speak to Ralph Materga on how to make the bond work best for the Borough.

Solicitor McDonald to present the Borough with options and to discuss the confession of judgement in the land development agreement and determine why it was included and to do a risk analysis as to what the difference in risks associated with a confession of judgement and the bond that is being requested by All Granite and Marble. All in favor, motion carries.

Motion to adjourn Mr. Smith, second by Mr. Maurath, All in favor. Meeting Adjourned at 6:50pm.