

MINUTES
Stroudsburg Borough Council Meeting
Tuesday, September 6, 2016 at 7 p.m.

1. Call Meeting to Order/Roll Call: Council President Ken Lang called the meeting to order at 7:00 p.m. Interim Borough Manager Brian Bond called roll. Present were President Lang, Vice President James Smith, Mayor Tarah Probst, Solicitor Joe McDonald, Council Members Joanne Kochanski, Boyd Weiss, Mark Connors, and Patrick Maurath. Absent was Council Member Matt Abell.

2. The Pledge of Allegiance was recited.

4. Public Input On Non-Agenda Items: The Schatzman family from Stroud Township was present to request a small free book library in town. They feel Courthouse Square would be a good location because of the high visibility. Mr. Schatzman suggested something on three posts holding up a book case with a door that opens where people can bring and take books. Two of the Schatzman children, Kai age 9 and Gray age 6, stood and stated they love to read. Council would like to see a sketch of the book case before it is placed and thanked the family for their interest in the community. Motion by Mrs. Kochanski, second by Mr. Weiss, to allow a small book library per instructions from Interim Borough Manager Brian Bond. Motion passed unanimously.

Jim Hutchins was present to request a ceremony on October 1st along Main Street for the 113 year old tree that was recently taken down from in front of St. Luke's Church which would involve the honor guard, bag pipers, steppers, leprechauns, and a horse drawn hearse carrying pieces of the tree. President Lang asked Mr. Hutchins to contact Mayor Probst and Interim Borough Manager Brian Bond to work out the details and report back to Council.

Middle Smithfield resident Jacob Morris had two issues for Council. First he explained he is a Vietnam Veteran who just recently received his Monroe County Veterans ID card which he came to find out Home Depot and Lowes do not recognize. He asked Council to write a letter of support to the County Commissioners requesting they contact both store's corporate headquarters asking them to recognize and respect Monroe County Veteran ID cards. Motion by Mrs. Kochanski, second by Mr. Smith, to write a letter of support. Motion passed unanimously.

Secondly, Mr. Morris stated he sent an email to Council regarding borough employment applications. He feels the box to check for have you ever been convicted of a crime is unfair to our youth. He requests Council consider removing the question or changing it to have you ever been convicted of a felony. President Lang will get in contact with Mr. Morris to discuss the issue further.

3. Public Hearing

- A. Consideration of a proposed ordinance amending Chapter 27, Zoning, Part 2, Definitions and Part 4, Table of Non-Residential Zoning District Use Requirements, pertaining to "Indoor Recreation" and adding the term "Escape Room": The public

hearing was opened at 7:16 p.m. Solicitor McDonald stated the amendment was publically advertised and the purpose is to broaden the definition of indoor recreation. Council Member Connors asked for the definition of an “Escape Room”. Applicant Mark Edgar explained that it is an indoor activity for families or groups to solve problems, puzzles, riddles, or tasks and that every room has a theme.

Rich Berkowitz from the Sherman Theater asked why the applicant has to go through a change to define what essentially is a retail business in the downtown R2 district. Codes Officer Ron Kimes explained that there wasn’t any definition of an “Escape Room” therefore it was not a permitted use and the applicant would have had to seek a variance. Mr. Edgar used the option of drafting a letter to Council to formally ask they consider the use and allow it in a R2 Zoning District.

Hearing no further public comment a motion was made by Mrs. Kochanski, second by Mr. Smith, to close the public hearing at 7:23 p.m. Motion passed unanimously.

- B. Consideration to approve a proposed ordinance amending Chapter 27, Zoning, Part 2, Definitions and Part 4, Table of Non-Residential Zoning District Use Requirements, pertaining to “Indoor Recreation” and adding the term “Escape Room”: Motion by Mr. Smith, second by Mrs. Kochanski, to approve a proposed ordinance amending Chapter 27, Zoning, Part 2, Definitions and Part 4, Table of Non-Residential Zoning District Use Requirements, pertaining to “Indoor Recreation” and adding the term “Escape Room”. Motion passed unanimously.
- C. Consideration of a request for Conditional Use Approval from Shanti House, LLC proposing to develop the property at 621-625 Main Street: The public hearing was opened at 7:25 p.m. Solicitor McDonald stated Shanti House LLC submitted a Conditional Use Application to construct a multi-story building at 621/625 Main Street which is a separate request from the one presented to the Zoning Hearing Board in 2015. The purpose of the public hearing is to consider this matter as a conditional use, which under the borough planning code and zoning ordinance, requires the borough at least commence a public hearing within sixty days of the July 14th submission date. At the last meeting Council denied Attorney Wolfe’s request to grant an indefinite continuance. Since then Attorney Wolfe submitted two letters offering to continue but under different terms. Solicitor McDonald stated that being the borough was committed to at least beginning the public hearing, we have to go ahead with it and depending on any questions of Attorney Wolfe, Council can choose to hear some of the testimony tonight or defer it to a later time.

Attorney Wolfe explained that there are two reasons for the continuance request. First, while he was away traveling on the west coast, Zoning Officer Ron Kimes sent him an email on August 8th stating the matter was on the Planning Commission agenda for that night. Attorney Wolfe did respond but due to the time zone difference, he doubts the response was received before the hearing began that evening. Attorney Wolfe stated he was advised that the Planning Commission was aware that he was going to be away and that he was requesting the matter be tabled but recommended a

denial to Council without hearing from him. So in all fairness to the applicant he feels the matter should be returned to the Planning Commission.

Secondly, Mr. Louzon, who is the main contact for Shanti House LLC is out of the country. Attorney Wolfe feels Mr. Louzon should be present for the Planning Commission meeting.

Attorney Wolfe went on to explain that another reason for continuance is that the application for the six story building is still going through the courts and he does not know how long that will take or what the outcome will be. Perhaps waiting would be better than wasting time and money on the second application.

For those reasons Attorney Wolfe submitted a second letter on August 18th recommending the matter be continued for a sixty day or quarterly review. Motion by Mrs. Kochanski to grant a ninety day continuance of the application with referral to the Planning Commission for review. Hearing no second, President Lang passed the gavel to Vice President Smith and seconded the motion. Motion passed 4-2-0 with Mr. Weiss and Mr. Maurath voting no. Vice President Smith passed the gavel back to President Lang who recommended Attorney Wolfe work with the borough manager for a new hearing date.

Motion by Mr. Smith, second by Mr. Weiss, to close the public hearing for tonight at 7:45 p.m. Motion passed unanimously.

- D. Consideration to approve the request for Conditional Use Approval from Shanti House, LLC proposing to develop the property at 621-625 Main Street: No action taken.

Transcriptions of the above two hearings are on file at Panko Reporting. At this time court stenographer Donna Kenderdine left the meeting.

- E. Consideration of a proposed ordinance amending Chapter 21, Streets and Sidewalks, Part 2, Sub Part B. Use of Sidewalks for Display or Advertising; Obstructions, Section 221, Use of Sidewalks for Display or Advertising. Pertaining to Regulation for Outdoor Dining Barricades within Licensed Outdoor Dining Areas: The public hearing was opened at 7:46 P.M. p.m. Codes Officer Ron Kimes explained that the borough has an ordinance that pertains to outdoor dining where restaurants are permitted outdoor seating on the sidewalks through a licensed process. The Codes Committee met and developed language to make changes to the ordinance that was forwarded to Council who then made one minor change. Currently we permit barricades but don't have a clear definition of them by design or style. The proposed language change will give a more specific definition.

Mr. Kimes went on to say that per the Codes Committee recommendation, barricades will be optional for those establishments with less than eight outdoor dining seats and mandatory for those with nine or more; established that for every thirty linear feet

businesses would be allowed one sign which cannot exceed 33% of the fabric area of that particular barricade; and is proposing that the fee for fifteen seats or less remain \$75 adding \$5 per each additional seat.

Mayor Probst feels these recommendations only hurt Mr. Lynch and Siamsa and wanted it on record that if given the opportunity she will veto this.

After more discussion a motion was made by Mr. Connors, second by Mr. Smith, to close the public hearing at 7:57 p.m. Motion passed unanimously.

- F. Consideration to approve a proposed ordinance amending Chapter 21, Streets and Sidewalks, Part 2, Sub Part B. Use of Sidewalks for Display or Advertising; Obstructions, Section 221, Use of Sidewalks for Display or Advertising. Pertaining to Regulation for Outdoor Dining Barricades within Licensed Outdoor Dining Areas: Motion by Mr. Connors, second by Mrs. Kochanski, to approve a proposed ordinance amending Chapter 21, Streets and Sidewalks, Part 2, Sub Part B. Use of Sidewalks for Display or Advertising; Obstructions, Section 221, Use of Sidewalks for Display or Advertising. Pertaining to Regulation for Outdoor Dining Barricades within Licensed Outdoor Dining Areas. Motion was tied 3-3-0 with Mr. Smith, Mr. Weiss, and Mr. Maurath voting no. Mayor Probst broke the tie with a no vote. Motion fails.

Mayor Probst stated Council agreed to allow Mr. Lynch's barricades for ninety days. Mr. Kimes stated the ninety days ends September 19th. However in the opinion of the Zoning Office, there is still the outstanding issue of illegal signage. Mayor Probst questioned what was illegal about the Mr. Lynch's signage. Per Mr. Kimes, within our zoning ordinance off-premise signs are not permitted so if the signage is placed in a public right-of-way like a sidewalk, it's a zoning violation. President Lang stated that is an administrative item between Mr. Kimes and Mr. Lynch.

5. Approval of Council Meeting Minutes: August 16, 2016: Motion by Mr. Weiss, second by Mr. Smith, to approve the August 16, 2016 Council Meeting Minutes. Motion passed 5-0-1 with Mr. Connors abstaining.

Old Business

6. Confirm by Motion approval of the St'ART Stroudsburg Halloween festivities (no motion was taken at 8/16 meeting): Interim Borough Manager Mr. Bond stated there is still an issue with hanging the plastic eyeballs in the trees that needs to be discussed with the Shade Tree Committee on Thursday. Motion by Mr. Weiss, second by Mrs. Kochanski, to table this until reviewed by the Shade Tree Committee. Motion passed unanimously.

New Business

7. Consideration of a Resolution to approve a budgetary transfer: Motion by Mrs. Kochanski, second by Mr. Smith, to resolve the budgetary transfer. Motion passed unanimously.

8. Consideration to set a public hearing to amend Chapter 15, Part 3, Section 308 of the Borough Code, Parking Time Limited in Certain Locations: Motion by Mrs. Kochanski, second by Mr. Smith, to set a public hearing to amend Chapter 15, Part 3, Section 308 of the Borough Code, Parking Time Limited in Certain Locations. Motion passed unanimously.

9. Consideration to set a public hearing to consider amendment of Chapter 15, Section 316 of the Borough Code, establishing a Handicap Parking Zone at 107 N. 1st Street: Motion by Mr. Smith, second by Mrs. Kochanski, to set a public hearing to consider amendment of Chapter 15, Section 316 of the Borough Code, establishing a Handicap Parking Zone at 107 N. 1st Street. Motion passed unanimously.

10. Solicitor's Report: Solicitor McDonald reported that he is working on drafting a contract between the borough and Barry Issett and Associates, who were retained by the borough as a building code inspection service, addressing such things as liability issues.

Solicitor McDonald met with Borough Engineer Nate Oiler and Interim Borough Manager Brian Bond to discuss what is believed to be an encroachment by Ray Price on lower Main Street. He was led to believe there may be evidence of prior prescriptive rights to the encroachment on the borough's property. Council is concerned with the amount of resources being spent on this and would like to see a quick resolution. Motion by Mr. Smith, second by Mr. Weiss, for Solicitor McDonald to send a letter to Ray Price giving him thirty days from the date of the letter to remove the air conditioning units. Mr. Connors asked the solicitor his opinion of the motion. Solicitor McDonald stated there is information regarding this issue that he would rather not disclose in public that could be litigious. Council agreed to discuss the issue in Executive Session therefore Mr. Smith withdrew his motion.

11. Mayor's Report: Mayor Probst thanked the fire department for handling all the fires recently especially the one at Council Member Weiss's residence.

Mayor Probst also thanked Rich Berkowitz, the Sherman Theater, and all those who donated time and money to Stroud Fest. It was awesome.

A copy of the SARPD budget will be in Council's boxes tomorrow.

Mayor Probst asked that whatever the Codes Committee decides to do with the issue of signage on barricades, Mr. Lynch be grandfathered.

12. Council Member Reports: Mr. Maurath stated the Parking Committee is recommending ticketing for all violations except expired meter every twelve hours instead of twenty four hours. Motion by Mr. Maurath, second by Mr. Weiss, to set a public hearing on September 20th to amend Chapter 15 allowing for ticketing every twelve hours for all violations except expired meter. Motion passed unanimously.

Mr. Connors stated the Personnel Committee met & discussed the borough manager candidates and would like to have a brief personnel discussion tonight in Executive Session.

He asked Council to pick a date when they can conduct skype interviews for five of the candidates. Consensus of Council was to hold the interviews on September 26th beginning at 4:00 p.m.

President Lang attended a Finance Committee meeting and should have a budget before Council by the first council meeting in October.

Mr. Weiss thanked the volunteer fire company for the professional manner in which they handled the fire at his residence. Their expertise saved the building.

Mr. Weiss received numerous positive comments regarding Stroud Fest from the downtown business owners.

Mr. Weiss commented on the speeding problem on Main Street.

Mr. Weiss thanked Mrs. Kochanski for finding him a temporary home.

Mr. Connors reported that there have been emails between the Personnel Committee, Solicitor McDonald, and our labor attorney regarding an authorization form that would authorize the borough to ask questions, run background checks, and call references. Council asked Solicitor McDonald to recommend a form.

Once the Personnel Committee has narrowed down the borough manager search to two candidates, Mr. Connors asked Council to think about paying a portion of the candidates travel cost to come here for a second interview.

Mr. Connors asked if a Route 80 Task Force has been established. President Lang responded yes and that Mrs. Kochanski, Mayor Probst, and Mr. Connors are on it. Mayor Probst reported that she is meeting with Penn DOT on September 27th.

Mr. Smith asked if Council was interested in the Street Department working with the high school students on possible painting a Mountie and possibly an "S" on the pool house building with the borough supplying the paint. Council would be interested in seeing the design first. Mr. Smith will follow up with Council when more details are available.

Mr. Smith followed up with Mr. Matergia regarding bike racks for downtown. Some businesses are willing to sponsor and pay for them if their name is on it. He questioned if that is signage. President Lang suggested he get together with Codes Officer Ron Kimes to discuss that.

Mr. Smith thanked the codes office for taking action on properties in the borough with overgrown weeds.

Mr. Smith suggested amending our current ordinance regarding no parking in unapproved areas to exclude active construction sites. President Lang asked this be referred to the Parking Committee.

Mr. Smith reported he is waiting for a response from Stroud Township regarding partnering with them for yard debris.

A motion was made by Mr. Smith, second by Mr. Weiss, to extend the 90 waiver that was enacted earlier on the barricades until November 1, 2016. Motion passed 4-2-0 with Mr. Connors and Mr. Lang voting no.

Mr. Smith congratulated and thanked Mr. Bond for stepping up and filling in as Interim Borough Manager.

Mrs. Kochanski reported that she and Assistant Street Superintendent Brian Ace did a two hour tour of the borough identifying approximately twenty seven areas that have lights out and other areas that require additional or LED lighting. She added that the lights that are out need to be fixed because we have to pay for them whether they work or not.

Mrs. Kochanski asked Council to review a list of topics before the Codes Committee and let her know which ones they would like to see addressed.

A motion was made by Mrs. Kochanski, second by Mr. Smith, to set a public hearing for October 4th amending our snow removal ordinance. Motion passed unanimously.

Mr. Smith asked that the Codes Committee address trees blocking intersections. There is one currently by the Budget Hotel.

13. Manager's Report: Mr. Bond was informed by the Stroudsburg High School that they are postponing their bonfire due to the extreme dry weather conditions and that they will formally reapply when they have a new date. Also homecoming this year is on October 7th at 5:00 p.m.

Mr. Bond reported that the fire department renovation project should be complete by September 14th or 15th.

Mr. Bond reported that the borough projected sewage flows for 2017 are 11% lower than in 2016 which means our O & M costs will go down. The decrease is largely due to modifications done on the storm water lines.

14. Approval of Bills on Warrant 160906: Motion by Mrs. Kochanski, second by Mr. Smith, to approve the bills on Warrant 160906. Motion passed unanimously. Mr. Connors questioned two \$3,000 invoices. Mr. Bond explained that they were for components to rebuild the pump on the sewer truck which is a 50/50 split between two funds.

Mayor Probst asked when the next Codes Committee meeting will be. Mr. Kimes will schedule it.

15. Executive Session: Motion by Mr. Smith, second by Mr. Weiss, to go into Executive Session at 8:50 p.m. to discuss personnel and litigation matters. Motion passed unanimously.

Motion by Mrs. Kochanski, second by Mr. Smith, to reconvene to Regular Session at 9:03 p.m.
Motion passed unanimously.

Motion by Mr. Smith, second by Mr. Weiss, to direct Solicitor McDonald to draft a letter to Ray Price advising him to remove the air conditioning units on borough property within thirty days or sign the agreement. Motion passed unanimously.

16. Adjournment: Motion by Mrs. Kochanski, second by Mr. Smith, to adjourn at 9:07 p.m.
Motion passed unanimously.

Approved:

Ken Lang, President of Council

Attest:

Brian Bond, Interim Borough Manager/Secretary