

MINUTES
Stroudsburg Borough Council Meeting
Tuesday, March 3, 2020 at 7:00 P.M.

1. Call to Order/Roll Call - Present were: Council Member Jim Evanisko, Council Member James Smith, Council Member Boyd Weiss, Mayor Tarah Probst, Solicitor Joseph McDonald, Council President Anthony Lanfrank, Interim Borough Manager Quinn, Council Vice President Matt Abell, Council Member Victoria DeVries and Council Member Erica McCabe. A Quorum was present.
2. Pledge of Allegiance was recited.
3. Approval of Council Meeting Minutes for the Regular Meeting, February 18, 2020.
Motion by Mr. Weiss to Approve Council Meeting Minutes for the Regular Meeting, February 18, 2020, second by Ms. McCabe. All in favor Voting Yes with Mr. Smith Abstaining, Motion Carries.

Old Business

4. Status of Bike Rack Project. Ms. Quinn advises MCTA is still awaiting quotes.

New Business

5. Schedule a Public Hearing to determine scope and boundary of Deteriorated Properties for purpose of determining LERTA Ordinance Eligibility and soliciting input from local taxing authorities, planning commission or redevelopment authority and other public and private agencies and individuals, knowledgeable and interested in the improvement of deteriorated areas.
Motion by Mr. Abell to Schedule a Public Hearing April 7, 2020 to determine scope and boundary of Deteriorated Properties for purpose of determining LERTA Ordinance Eligibility and soliciting input from local taxing authorities, planning commission or redevelopment authority and other public and private agencies and individuals, knowledgeable and interested in the improvement of deteriorated areas, second by Ms. McCabe. All in favor, Motion Carries.
6. Consideration to Authorize the Oak Street Paving and ADA Ramps Project and the Scott Street Paving Project and to Advertise a Notice to Bidders.
Motion by Mr. Smith to Authorize the Oak Street Paving and ADA Ramps Project and the Scott Street Paving Project and to Advertise a Notice to Bidders second by Mr. Abell. All in favor, Motion Carries.
7. Consideration of the Subdivision and Land Development Plan of AKS Realty, LLC. for 100 North Ninth Street. Mr. Nate Oiler, Mr. Michael Gable & AKS Realty were in attendance and reviewed the plans and documents for the Land Development Plan along with Q & A from Council.
 1. Section 305-A Development Agreement and financial security for the required improvements will be required. A cost estimate for the construction cost must be submitted for review. It should determine if the stormwater agreement will be incorporated in the Development Agreement or if a separate stormwater agreement will be provided. Council must approve the Development Agreement and Stormwater Management Agreement prior to execution of the Agreements and the Land Development Plan. Michael E. Gable, P.E., Project Manager for AKS Realty, LLC. will prepare the cost estimate. Joseph P. McDonald, Jr., Esq., Borough Solicitor, will prepare the framework for the Developer's Agreement.

2. Section 402.2B & 403.2.B & 403.1 – The plan is required to be drawn at a scale of 1"=50' or 1"=100'. The submission was made with a scale of 1"=20' and is preferred to show the required plan details. The waiver request was recommended by the Stroudsburg Borough Planning Commission.
Motion by Ms. McCabe to approve the waiver with a scale of 1"=20' and is preferred to show the required plan details, second by Mr. Abell. All in favor, Motion Carries.
3. Section 402.3.D & 403.3.D – A letter must be provided from the Brodhead Creek Regional Authority indicating that they can serve the proposed project. The water authority must approve the plans for the proposed connection to the water systems.
4. Section 402.3.E & 403.2.N – A letter is required from the Borough indicating that they can serve the proposed project for sewage disposal. A sewage planning module mailer and indicating request for sewage exemption to DEP must be completed by the applicant, executed by the Borough and forwarded to DEP for approval. A review of the applicant's request for sewage service was reviewed by RKR Hess in a review dated February 25, 2020. The sewage planning mailer and planning exemption must be revised, and the comments of the review letter addressed. Michael E. Gable, P.E., Project Manager for AKS Realty, LLC. will prepare the revision to the sewage planning mailer and planning exemption.
5. Section 403.2.Y – The plans must be signed and sealed by the Engineer and Surveyor prior to recording.
6. Section 403.3 B & 403.3 C & 22-502 8. D. (3) – Corner lot sight easements are required. A waiver of Section 22-502.8.d(3) was recommended by the Stroudsburg Borough Planning Commission with the condition that no obstruction on the site will impact the PennDOT sight distance required per the PennDOT standards for the exiting Sarah Street onto Ninth Street, This sight distance was verified by the applicant as indicated on the revised plan sheet 2 of 10. Oncoming lane of traffic.
Motion by Mr. Abell to approve the waiver that no obstruction on the site will impact the PennDOT sight distance required per the PennDOT standards for the exiting Sarah Street onto Ninth Street, second by Ms. McCabe. All in favor, Motion Carries.
7. Section 403.4.D – The Monroe County Conservation District must approve the Erosion and Sedimentation Control Plans. It should be confirmed the revised grading plan has been incorporated into the approved ESC Plan. A copy of approval letter must be forwarded to the Borough Engineer.
8. Section 403.4.I – A copy of the PennDOT Highway Occupancy Permit Application should be provided. Approval of the PennDOT HOW will be required. A copy of the PennDOT driveway permit approval must be forwarded to the Borough upon issuance.
9. Section 403.4J – The Owner's Certification must be signed and notarized.
10. Section 404 – The plan has been submitted as a Final Land Development. A waiver from providing a separate Preliminary Land Development Plan has been submitted. The Stroudsburg Borough Planning Commission has recommended approval of this waiver. The applicant shall meet the requirements of both the Preliminary and Final Land Development Plan.
Motion by Mr. Abell for the applicant to meet the requirements of both the Preliminary and Final Land Development Plan, second by Ms. McCabe. All in favor, Motion Carries.

11. Section 502.9.B – The location of fire hydrants must be approved by the Fire Chief. The access to the site should be reviewed by the Fire Chief. Mr. Ronald Kimes, Stroudsburg Borough Zoning and Code Enforcement Officer, confirmed that he received approval from Charles Frantz, Stroudsburg Borough Fire Chief on March 2, 2020.
12. Section 605 I – The existing road right of way is not wide enough to provide the 1-foot separation from the Right of Way and 3-foot separation from the curb required in this section. The Ordinance requires a 42” minimum width sidewalk. The proposed sidewalk is 5 feet. A waiver of this requirement has been recommended by the Stroudsburg Borough Planning Commission.
Motion by Mr. Abell to approve the waiver for the proposed sidewalk of 5 feet, second by Ms. McCabe. All in favor, Motion Carries.
13. Chapter 21 Section 253. A driveway permit will be required for access from Sarah Street. Note 12 on the Cover Sheet indicates the permit will be obtained.

Stormwater Management Ordinance – The project is in a no detention required subarea of the Brodhead-McMichael’s Creek Act 167 Study. Stormwater detention is not required if stormwater runoff can be safely conveyed to the stream. The ESC report states and Zoning chart on sheet 2 of 100 state that the area of impervious cover is proposed to decrease by the development.

The project is exempt from the Drainage Plan Submittal Requirements per 26-132D as the amount of impervious area on site is decreasing. The applicant is still required to meet the provisions of 26-132 2. Rain gardens have been proposed in the landscape island between the site and the Sarah Street and Ninth Street intersection and at the rear of the property to manage stormwater from the site.

Motion by Mr. Abell to granted conditional approval based on the recommendations in the plan review letter dated March 3, 2020 from the Borough Engineer, Nathan S. Oiler, P.E., second by Ms. McCabe. All in favor, Motion Carries.

8. Consideration to Approve a Request from Richard Berkowitz, President/CEO of Sherman Theater to hold the Annual Stroudfest Community Festival on September 5, 2020 from 11:00 A.M. to 6:00 P.M. Motion by Ms. McCabe to Approve a Request from Richard Berkowitz, President/CEO of Sherman Theater to hold the Annual Stroudfest Community Festival on September 5, 2020 from 11:00 A.M. to 6:00 P.M, second by Mr. Abell. Mr. Tim Gasiewski was in attendance. All in favor, Motion Carries.
9. Consideration to Approve a Request from Devante Robinson to conduct a block party on April 25, 2020 from 9 A.M. to 5:00 P.M. on Garfield Street for ESU students. Mr. Devante Robinson was advised by Council there will be no alcohol on the Borough Street and advises to come back with a certificate of insurance.
Motion by Mr. Smith to Table the Request from Devante Robinson until the March 17th Council Meeting to conduct a block party on April 25, 2020 from 9 A.M. to 5:00 P.M. on Garfield Street for ESU students, second by Mr. Abell. All in favor, Motion Carries.

10. Council President Appointments – Joanne Kochanski to the Codes Committee and Nathan Staruch to the Redevelopment Committee. Mr. Lanfrank advises Council to the recent appointments.
11. Consideration to Schedule a work session to discuss the scope work for the Multimodal Grant Award to include the Borough Solicitor, Borough Engineer, Professional Planner and Chuck Leonard, Executive Director of the Pocono Mountain Economic Development Corporation. Mr. Nate Oiler advises he has spoken to Monroe County’s Planning Commission and they are doing an East Stroudsburg Urbanized Area Activity Transportation Plan which is an opportunity to look at pedestrian walkways in both East Stroudsburg and Stroudsburg; it can tie into the Multimodal Grant Meeting for the appropriate scope. Motion by Mr. Abell to Schedule a work session to discuss the scope work for the Multimodal Grant Award to include the Borough Solicitor, Borough Engineer, Professional Planner and Chuck Leonard, Executive Director of the Pocono Mountain Economic Development Corporation, second by Ms. McCabe. Discussion about having the meeting during a Council Meeting or a separate work session. Motion Withdrawn.

Motion by Ms. McCabe to have the Chairperson from the Redevelopment, Streets and Parking Committees Attend the Work Session with the Borough Solicitor, Borough Engineer, Professional Planner and Chuck Leonard, Executive Director of the Pocono Mountain Economic Development Corporation which is duly advertised and report back to Council, second by Mr. Abell. Mr. Kimes is requesting the meeting happen sooner than later as there are some projects on hold. All in favor, Motion Carries.

12. Committee Reports.

- A. Codes Committee –Mr. Abell advises the Committee met last Wednesday and spoke about the Short-Term Rental Ordinance; Solicitor McDonald will forward changes to Mr. Abell and then to the rest of the Committee and then to Council. The Committee discussed the Fire Department Electronic Ticketing and the Fire Chief is fine with issuing paper tickets only when the Parking Enforcement Officers are not available. Mr. Kimes updated the Committee about properties including 124 Lee Avenue Rear and Scott Street. Solicitor McDonald will be looking into Civil issues. Mr. Kimes advises the Scott Street house was delayed until April and the chimney is in disrepair; it needs to be removed at our expense with placing a lien against the property.
- B. Budget Committee– No Report
- C. Parking Committee– Ms. McCabe advises the Committee met and discussed reaching out to anyone with handicapped spaces to see if the spaces are still needed, we are aware of spaces on Thomas, Garden and Fulmer which need to be removed. The Committee spoke about increasing Zoning ticket fines from \$15 to \$20; We would like to add a new violation for blocking driveways instead of using No Parking Zone. In front of Dempsey’s Barber shop he previously hand painted a yellow curb. The Committee is looking at purchasing a Barnacle in place of an immobilization boot but are researching further. Panda Kitchen is requesting a dumpster; we would need to charge for 2 spaces based on the current angle parking, the best space would be closer to Main Street; the Dumpster Ordinance needs to be finalized first then we can add back on the agenda as Old Business.
- D. Recycling Committee - No Report. Brian Bond and Bobby Gordon will be contacted to setup a meeting to discuss a possible cigarette butt recycling program.
- E. Sewer Committee - No Report

- F. Street Committee– Mr. Abell advises the Committee met and Ben Guthrie was contacted to find out how much land KFC needs for the Right of Way in addition to contacting Penn Dot. We looked into Radar Speed signs, there are 2 different models, one is battery operated and the cost is \$3,265 each, the other is solar powered. We will be Revising Street Openings Fees and looking at the 2020 Paving List.
- G. Personnel Committee– There is one item for Executive Session.
- H. Public Relations/Media Committee– Mayor Probst advises the next meeting is March 17th. The County has approved Concerts in the Park beginning June 11th through August 13th; we received the grant to pay for the artists.
- I. Redevelopment Committee–Mr. Abell advises Consultant Carson Helfrick is starting to look at the Commercial Overlay Ordinance and will look into “payment in lieu of for parking”. He will be looking at an Adaptive Re-Use Overlay in Residential Districts for structures with Non-Conforming Uses. Mr. Abell advises he and Mayor Probst met with the County Commissioners about the expansion plans, they will be only going up 3 stories; they will be taking PNC Bank and the grassy area; the gravel lot will be used for staging until 2025, then possibly they will be open to a lease for parking. Currently files being housed at the old jail are being digitized along with court house records, that project will end about 2024, after that they would be interested in a long-term lease to the Borough. We spoke about the Multi modal Grant. Nathan Staruch with the County’s Planning Commission is now a member of the Redevelopment Committee and he spoke about an available County Planning Grant and what it can be used for.
- J. I-80 Expansion Task Force Committee -Mayor Probst advises at the last meeting phone numbers and contact information was provided for State Representatives. The Committee will be getting signs using community funding, we are working on the hash tag; Scott Blake will be donating the t-shirts and Mayor Probst will purchase house signs for display. The residents are asking the Borough to look into an injunction.
- K. Stroud Region Open Space and Recreation Commission - No Report
- 13. Mayor’s Report- Mayor Probst advises the County uses a company, CGI for their website; they would like us to sign up with no cost to the Borough. Mayor Probst would like to thank all the Committees for their follow-ups, the Street Department for the lights. Mayor Probst advises Mr. Kimes needs help.
- 14. Council Member Reports - No Report
- 15. Solicitor’s Report– Solicitor McDonald advises he is following up on the February 12th appeal for Adams Outdoor; all items but one went in the favor of the Borough; Solicitor McDonald will know by the next Council meeting if Adams Outdoor will file a counter appeal. Solicitor McDonald met with the Codes Committee and discussed enforcement remedies beyond Chapter 5 of the Borough Code; there is a reference in Chapter 5 for the adoption of the International Property Maintenance Code from 2009 which has civil remedies; including the right to seek injunction relief or prohibition of certain property conditions. It would involve a Common Pleas Judge. Solicitor McDonald advises for the property at 124 Lee Ave Rear there are 3 unanswered citations. Motion by Ms. McCabe to direct Solicitor McDonald to start a Civil case for the property at 124 Lee Ave Rear under the International Property Code, second by Mr. Abell. All in favor, Motion Carries.

Solicitor McDonald advises in reference to I-80 is keeping up to date with Monroe County's Conservation District and Clean Water Act and any NPEDS permits which may or may not have been applied for.

Motion by Ms. McCabe to authorize Solicitor McDonald to contact the head of the Monroe County Conservation District and determine what is the timing or extent of any interaction in respect to Clean Water Act or NPEDS mandatory permits in order for the project to move forward, second by Mr. Abell. All in favor, Motion Carries.

Solicitor McDonald has paper copies of the Short-term Ordinances, one for Licensing and the other is a Zoning Amendment, an email was sent out too.

16. Manager's Report– Ms. Quinn advises the HVAC system is completely installed; the Fire Alarm system will complete this Friday; we have taken delivery of the additional dual EV charging station which will install in the next few weeks; we also received \$10k this week from the last EV charging station.

17. Code Enforcement Officer's Report– No Report

18. Street Superintendent's Report– No Report

19. Approval of Bills on Warrants 200303.

Motion by Mr. Abell to Approve Bills on Warrants 200303, second by Ms. McCabe. All in favor, Motion Carries.

20. Public Input for Non-Agenda Items. No Public Input

21. Executive Session.

Motion by Mr. Abell to Adjourn to Executive Session at 8:23pm, second by Ms. McCabe. All in favor, Motion Carries.

Motion by Ms. McCabe to Re-Convene the Regular Session at 8:52pm, second by Mr. Smith. All in favor, Motion Carries.

Motion by Ms. McCabe to present Mr. Brian Ace with a contract for his review, second by Mr. Abell. All in favor, Motion Carries.

22. Adjournment

Motion by Ms. McCabe to Adjourn at 8:53pm, second by Mr. Smith. All in favor, Motion Carries.