

STROUDSBURG BOROUGH COUNCIL  
MEETING MINUTES – SEPTEMBER 1, 2020

A regular meeting of the Stroudsburg Borough Council convened via Zoom and was livestreamed through the Stroudsburg Borough Facebook page at 7:13 P.M. on September 1, 2020 with the following members present: Anthony Lanfrank, Council President; Matt Abell, Vice-President of Council; Erica McCabe, Council President Pro-Tem; James Smith, Council Member; Jim Evanisko, Council Member; Victoria DeVries, Council Member; and Boyd Weiss, Council Member. Also present were: Brian Ace, Jr., Borough Manager; Tarah Probst, Mayor; Joseph McDonald, Jr., Borough Solicitor; Mary Pat Quinn, Executive Assistant; and Ron Kimes, Code Enforcement/Zoning Officer.

The Zoom link was provided to the public as an alternative as there was a connection problem with Facebook livestream.

**Approval of Council Meeting Minutes for the Regular Meeting, August 18, 2020**

The minutes of the regular meeting on August 18, 2020 were approved as circulated on a motion made by Mr. Weiss, seconded by Mr. Abell. The motion was carried. (6-yes; 0-no; 1-abstention Mr. Smith)

**Approval of Council Meeting Minutes for the Special Meeting, August 25, 2020**

The minutes of the special meeting on August 25, 2020 were approved as circulated on a motion made by Ms. McCabe, seconded by Mr. Weiss. The motion was carried. (4-yes; 0-no; 3-abstentions Mr. Smith, Ms. DeVries, Mr. Evanisko)

**OLD BUSINESS**

**Status of Bike Rack Project**

Mr. Ace reported that the bike racks are not complete yet.

**Status of LERTA Ordinance**

Mr. Lanfrank will contact Dr. Cosmas Curry now that school has started in order to schedule a meeting to discuss LERTA.

**NEW BUSINESS**

**Consideration of a Request to hold “Spooky Stroudsburg” for the month of October, 2020**

Jody Singer was present to discuss this event. Due to the COVID-19 pandemic, the downtown merchants will not be giving out candy for Halloween. The businesses will “ultra” decorate their storefronts which will include large pictures of scary faces that are being painted by East Stroudsburg University students. The businesses will be encouraged to continue practicing safe

practices and may possibly offer “monstrous” discounts or “spooky” specials during the month to promote downtown shopping and dining. The downtown will be decorated with the usual cornstalks and ribbons from September 27 to November 25. The organizers are working on a plan to host a live musical performance, spooky storytelling and a magic show on Facebook on Halloween from 5:00-6:00 P.M. The Borough of Stroudsburg, the Pocono Mountains Visitors Bureau, the Pocono Mountains Chamber of Commerce, and GO Collaborate will advertise the event on their websites.

The Borough Council thanked Mr. Singer and the other organizers for this new idea and for all of the other events that they hold in town.

A motion was made by Mr. Weiss, seconded by Ms. McCabe to authorize “Spooky Stroudsburg” during October, 2020. The motion was carried. (7-yes; 0-no; 0-abstain)

**Consideration to adopt a Resolution of the Stroudsburg Borough Council to Authorize the Borough Manager to Prepare an Application for a 2020 Hotel Tax Grant to Fund Winterfest, Stroudsburg Arts Festival, Halloween on Main, Snowmen of Stroudsburg, Annual Christmas Tree Lighting, and First Saturday Art Walks**

A motion was made by Mr. Weiss, seconded by Ms. McCabe to adopt the aforementioned Resolution. The motion was carried. (7-yes; 0-no; 0-abstain)

**Consideration to approve the 2019 Audited Financial Statements of Twin Boroughs Recycling**

A motion was made by Mr. Weiss, seconded by Mr. Abell to approve the 2019 Audited Financial Statements of Twin Boroughs Recycling. The motion was carried. (7-yes; 0-no; 0-abstain)

**Consideration to approve the 2019 Audited Financial Statements of the Borough of Stroudsburg**

A motion was made by Mr. Weiss, seconded by Ms. McCabe to approve the 2019 Audited Financial Statements of the Borough of Stroudsburg. The motion was carried. (7-yes; 0-no; 0-abstain)

**Consideration to reimburse the Borough of East Stroudsburg for one-third of the unreimbursed professional service expenses in connection with a Settlement Agreement for the Penn DOT condemnation of a portion of the joint landfill. Stroudsburg Borough, East Stroudsburg Borough and Stroud Township are each responsible for \$6,492.26. The Borough’s share can be paid out of the Engineering Budget (55% General Fund, 45% Sewer Fund)**

A motion was made by Ms. McCabe, seconded by Mr. Weiss to approve the aforementioned payment of \$6,492.26 to the Borough of East Stroudsburg, 55% of which will be paid from the

General Fund-Engineering Services and 45% will be paid from the Sewer Fund-Engineering Services.

Mr. Abell expressed concern that only East Stroudsburg authorized the costs for the professional services. Mayor Probst and Mr. Lanfrank also expressed concern.

Solicitor McDonald advised that he and Mr. Ace met last week with the solicitors and managers of the Borough of East Stroudsburg and Stroud Township to discuss the settlement agreement and the associated expenses. The three municipalities have annual monitoring responsibilities for the landfill in East Stroudsburg that is located at the northern part of the Twin Boroughs Recycling Yard along the banks of the Brodhead Creek near Lincoln Avenue. The East Stroudsburg side of the Brodhead is undergoing condemnation proceedings right now along the I-80 corridor starting this winter. A portion of the Twin Borough Recycling Yard is under condemnation primarily for drainage. The Borough of East Stroudsburg is the title owner of the property. The other landfill is on Military Road located in Stroud Township which the three municipalities also share annual monitoring responsibilities; this landfill is unrelated to the I-80 matter. Solicitor McDonald advised Council that there is no administrative order to cap either of the landfills, which would have been exceedingly costly. The cost of the annual monitoring is more manageable economically.

The Penn DOT engineers, without any knowledge of the history of the site, designed a drainage pattern that would have disturbed the northern end of the East Stroudsburg landfill site. The proposed drainage could have undone the monitoring that has occurred for a number of years. East Stroudsburg began to work on this issue and contacted Stroudsburg Borough and Stroud Township back in January to see if the municipalities wanted to join in as interested parties in the condemnation proceedings. Solicitor McDonald and the solicitor for Stroud Township spoke about it and determined that Stroudsburg and Stroud should sit back. He stated that is was the right decision. East Stroudsburg raised preliminary objections to Penn DOT's taking and obtained environmental and engineering expertise to force Penn DOT's contractors to redesign the drainage area on the South side of the Route 80 corridor near Lincoln Avenue resulting in a greatly reduced risk of breaching site. The three municipalities can preserve the "status quo" for the annual monitoring expenses.

East Stroudsburg hired Manko, Gold, Katcher and Fox, who specialize in environmental law, and RKR Hess. They were able to force a settlement that covered most of the upfront legal and engineering costs, which were \$108,000.00. The uncovered portion is \$19,476.78. Although there is no contractual obligation to pay East Stroudsburg one-third of that uncovered cost, the three municipalities do share an ongoing responsibility for monitoring the landfill.

The motion was carried. (6-yes; 1-no Mr. Abell; 0-abstain)

**Consideration to hire Bonnie Christman as a part-time, Temporary Parking Enforcement Officer at the Minimum Probationary Rate of \$15.80 per hour pursuant to the 2018-2020 Collective Bargaining Agreement between the Teamsters Local #773 and the Borough of Stroudsburg**

A motion was made by Mr. Abell to hire Bonnie Christman. Ms. McCabe abstained. There was no second to the motion.

**Consideration to extend Outdoor Dining to December 1, 2020**

A motion was made by Mr. Abell, seconded by Mr. Weiss to extend outdoor dining for appropriately licensed restaurants and sidewalk sales through December, 2020. The motion was carried. (7-yes; 0-no; 0-abstain)

Ms. McCabe asked about the status of the Special Event Permit that the Borough sent to Penn DOT. Mr. Ace reported that a response was received from Penn DOT, and the program is only authorized until September 25, 2020. There is some other information that Penn DOT is asking for. Once that is resubmitted, Penn DOT is required to send it to the Federal Highway Administration for approval.

**Consideration to approve a “Resolution of Involvement” for the placement of five (5) to ten (10) cigarette butt collection receptacles on Main Street. The Street Department will empty the units as needed and bag the filters and forward same to Terracycle, a recycling facility. The units are being provided by the Monroe County Waste Authority, Cigarette Litter Prevention Program**

A motion was made by Mr. Abell, seconded by Mr. Smith to adopt the Resolution of Involvement. The motion was carried. (7-yes; 0-no; 0-abstain)

**Consideration to approve an extension requested by the Monroe County Commissioners for action by the Borough Council on the issuance of a Certificate of Appropriateness for the proposed Monroe County Courthouse Addition until October 6, 2020**

A letter dated August 27, 2020 from Timothy J. McManus, Esq. for the Monroe County Commissioners was acknowledged. Monroe County requested that Council postpone its decision on the HARB application for a Certificate of Appropriateness for the proposed Monroe County Courthouse expansion to the October 6, 2020 Borough Council meeting. The request was approved on a motion made by Ms. McCabe, seconded by Mr. Smith. The motion was carried. (7-yes; 0-no; 0-abstain)

**Committee Reports**

Codes Committee – Mr. Abell reported that the Codes Committee met last Wednesday. The Committee will have a proposal for Borough-wide garbage collection for Council’s consideration at the next meeting. Hopefully the program can be launched in January of 2021; the Committee feels that it will net a significant savings to residents. The cost is estimated at

\$23.50 per month plus administrative fees for a 96-gallon container and one bulk item. Mr. Ace is getting additional information about the administrative costs from East Stroudsburg Borough. The dumpster screening ordinance for commercial uses is being considered. The Committee asked that Solicitor McDonald provide clarification regarding condemnation procedures for problem properties that present health and safety hazards. A sidewalk maintenance ordinance will be discussed at the next Codes Committee meeting on September 3. Mr. Ace was asked to consider a tree root maintenance program to be done by the Street Department.

There was no report from the Budget Committee, the Parking Committee, the Recycling Committee, the Sewer Committee, the Personnel Committee or Stroud Region Open Space and Recreation Commission.

Street Committee – Mr. Smith reported that the Streets Committee is working on a cost estimate to pave the rest of the Borough-owned streets. Since interest rates are so low, Council may wish to consider a loan to complete that work. He noted that the Borough has spent approximately \$25,000.00 for a traffic study of the Broad Street, Lower Main, Main Street intersection. He asked if Council is still interested in pursuing that. The Committee is also considering crosswalk designs and may suggest funding for that in the 2021 budget. The stop bars are being done on all of the roads by the Street Department. Mr. Smith asked Council members to think about proposed projects for 2021 and to provide budget requests to the Budget Committee.

Public Relations/Media Committee – Mayor Probst reported that she is on the September 5 agenda for the NWACP meeting. She will get as much information as she can about Black History Month. Virtual concerts are being considered which will be paid with the grant funding from the Monroe County Arts Council.

Redevelopment Committee – Mr. Abell reported that the Redevelopment Committee met two weeks ago. He supports the paving the roads and the continuation of the traffic study at the five points intersection. The Committee is considering the implementation of the Eastern Monroe County Transportation Plan. There is a locked chain link fence at the Broad Street bridge which is the gateway to the levee trail. It was suggested that the Borough memorialize that location so that Penn DOT will allow for that when the bridge is reconstructed. The Committee also wants to demarcate the proposed bike lane from downtown to Glen Park; this is an “advisory” bike lane that would be shared with motorists. Cost estimates for both are being developed. The Monroe County Planning Commission provided recommendations about the proposed Overlay Ordinance which the Committee will take in to consideration. Mr. Abell asked that the Budget Committee consider funding in the 2021 for an updated parking study. The next meeting of the Redevelopment Committee is September 16 at 3:30 P.M.

I-80 Expansion Task Force Committee –Kris Battle was present and provided the following report. I-80 Project Impact AAA Task Force Committee Report 9-1-2020 RE: Pocono Record article dated 8-19-2020 referencing the “chaos of the borough” and “lack of communication” in regards to the I-80 Project Impact AAA Task Force To all who live and work in and near the Borough of Stroudsburg, The article published in the Pocono Record was the furthest thing from the truth. There is no chaos in the Borough or with the Task Force. As with any organization change is inevitable. Due to staff change at the Borough, and Borough Council and based on a

conversation with Joe McDonald and Kris Battle, it was very important and ever more immediate that the Borough and task force needed to change the way communications worked so as to not miss any notices from PennDOT. These lines of communication have been established and are working well. Though not responsible for the article, we, the task force, are deeply sorry for the unwarranted image this article placed on Joe, the task force and the Borough. Our relationship has been and continues to be strong. We will continue to work together to do what's best for the community as a whole. And work with PennDOT, as we can, to make the best highway system in PA. Thank You! Actions this past week. Website renewed Meetings with Committee - twice via zoom Calls to - Emergency management - fire using local roads and won't see as much interference as Ambulance who use highways. - Control Board for traffic stats (Joanne) - St. Luke's University Health Network - no response yet - Lehigh Valley Health Network - Pocono - no response yet PR - investigation ways to alert people - Yard signs & postcards being developed - Walking around First Friday Art Walks, Setting up at Farmers Markets - Targeting neighborhoods for distribution of materials again Contact list - Want to have list ready for action when needed for petitions as call for public notices - Looking into use of a reminder app, Facebook ads, and twitter Traffic stats - Working on putting together traffic stats from 2005-2012 and 2013-2020. Will present to Borough Council at the next meeting. Questions for Borough Council Budget? - items possibly need to be funded and purchased. How do we and what is the budget this year? Continued action Meet with representatives.

### **Mayor's Report**

Mayor Probst advised that the Stroud Area Regional Police Department is working on the problems that are being created by the car club on Sunday mornings. The Mayor and Council members received a letter from Suzanne McCool about a problem that she is experiencing from smoke coming from a neighbor's chiminea. Mr. Ace is aware of the letter and sent it to Mr. Kimes so that the Code Committee could discuss the ordinance. Ellen Freiner and the other master gardeners were praised for their hard work at Bryant Park. The Mayor wants the Borough to take back all of the Penn DOT owned roads.

### **Council Members Reports**

Mr. Smith was contacted by the owner of Kut Shop who asked that a Big Belly trash can be placed in front of his store to prevent littering in the tree wells.

### **Solicitor's Report**

Solicitor McDonald has two items to discuss with Council in executive session that pertain to litigation and potential settlement.

He will arrange for a legal ad notice in the Pocono Record for a public hearing at the September 15 meeting in connection with the Fireworks Ordinance.

The Dog Barking/ Curbing Dog Ordinance needs to go back to the Codes Committee for clarification on the disposal of dog excrement.

Mr. Kimes and Solicitor McDonald have discussed the status of two nuisance properties at length; they are 714 Scott Street (a double unit) and 124 Lee Avenue-Rear. He learned that the owner of 714 Scott Street is under the protection of the automatic stay rule of the Federal Bankruptcy Code. The Borough would need to get permission from the bankruptcy court for relief from the automatic stay for the specific purpose of bringing an action in State court to seek equitable relief for code compliance. The Borough can also request permission for an internal inspection. The owner of 124 Lee Avenue-Rear is an out of state resident who has been avoiding service.

A motion was made by Mr. Abell, seconded by Mr. Weiss to authorize the Borough Solicitor to work with the staff to seek relief from the automatic stay to seek equitable relief in the Monroe County Court of Common Pleas for code compliance and to enter the property in order to do an inspection of the Wallace property at 714 Scott Street. The motion was carried. (7-yes; 0-no; 0-abstain)

A motion was made by Mr. Weiss, seconded by Mr. Abell to authorize the Borough Solicitor to work with the staff to commence legal proceedings in the Monroe County Court of Common Pleas which may include obtaining a search warrant or other appropriate court order authorizing the Borough Codes Officer and the Borough Engineer, if necessary, to conduct an on-site investigation and to take action against the owner for all building, property maintenance, use and occupancy code violations together with claims for civil fines or penalties including reasonable attorney fees and court costs. The motion was carried. (7-yes; 0-no; 0-abstain)

Solicitor McDonald reminded Council that there will be a public hearing in connection with a liquor license transfer at the next meeting on September 15. He will ask the alternate solicitor, Christopher Brown, to cover that portion of the meeting; Solicitor McDonald advised that he has a conflict of interest.

### **Borough Manager's Report**

Mr. Ace reported that he will be working with RKR Hess on a new LSA Grant Application for Ann Street. He will discuss the scope of the project with the Sewer Committee at 3:30 P.M. on September 9.

### **Code Enforcement Officer's Report**

Mr. Kimes asked if Solicitor Christopher Brown would confirm the use of the property that is the subject of the liquor license transfer.

### **Street Superintendent's Report**

Mr. Ace thanked Wayne LaBar, who has been a big help coordinating the workload of the Street Department.

### **Approval of Bills on Warrants 200901**

A motion was made by Mr. Weiss, seconded by Mr. Smith to approve the payment of the bills on Warrants 200901. The motion was carried. (7-yes; 0-no; 0-abstain)

### **Public Input for Non-Agenda Items**

There were no questions or comments from the public.

### **Executive Session**

A motion was made by Mr. Smith, seconded by Mr. Weiss to go in to executive session at 8:41 P.M. for the purpose of discussing litigation and potential settlement. The motion was carried. (7-yes; 0-no; 0-abstain)

The executive session was concluded at 9:14 P.M. on a motion made by Mr. Smith, seconded by Mr. Abell. The motion was carried. (7-yes; 0-no; 0-abstain)

The meeting was adjourned at 9:15 P.M. on a motion made by Mr. Smith, seconded by Mr. Evanisko.