

STROUDSBURG BOROUGH COUNCIL
MEETING MINUTES, JANUARY 18, 2022

A regular meeting of the Stroudsburg Borough Council convened at 7:12 P.M. on Tuesday, January 18, 2022 in the Council Chambers of the Stroudsburg Borough Municipal Building with the following members present: Vice-President of Council Erica McCabe, Council President Pro-Tem Jim Evanisko, Council member Victoria DeVries, and Council member Tobias Sabatine. Council President Matt Abell advised of his absence prior to the meeting. Council member James Smith was absent.

Also present were: Mayor Tarah Probst, Borough Manager Larry Kopp, Borough Solicitor Joseph McDonald Jr., SARP Chief Jennifer Lyon, Superintendent of Streets Brian Ace Jr., Zoning/Codes Officer and Land Development Administrator Jennifer Walker and Executive Assistant Mary Pat Quinn.

The Pledge of Allegiance was recited.

Public Hearing and Consideration to Adopt An Ordinance to Amend An Ordinance of the Borough of Stroudsburg Chapter 18, Part 2, §18-202 entitled, “Sewer Rental Rate Schedule and Service Charge”.

There were no questions or comments from the public. The public hearing was closed on a motion made by Mr. Sabatine, seconded by Ms. DeVries. The motion was carried. (4-yes; 0-no; 0-abstain)

The aforementioned Ordinance was adopted on a motion made by Mr. Sabatine, seconded by Mr. Evanisko. The motion was carried. (4-yes; 0-no; 0-abstain)

Public Hearing and Consideration to Adopt An Ordinance of the Stroudsburg Borough Council to Revise Chapter 15 Motor Vehicles and Traffic, Part 3 General Parking Regulations, Section §15-316 entitled, “Handicapped Parking Zones Established”.

There were no questions or comments from the public. The public hearing was closed on a motion made by Mr. Sabatine, seconded by Mr. Evanisko. The motion was carried. (4-yes; 0-no; 0-abstain)

The aforementioned Ordinance was adopted on a motion made by Mr. Sabatine, seconded by Mr. Evanisko. The motion was carried. (4-yes; 0-no; 0-abstain)

Approval of Council Meeting Minutes for the Reorganization/ Regular Meeting, on January 3, 2022.

A motion was made by Mr. Sabatine, seconded by Mr. Evanisko to approve the minutes of the reorganization/ regular meeting on January 3, 2022. The motion was carried. (3-yes; 0-no; 1-abstain- Ms. DeVries)

Monthly Administrative Reports

A motion was made by Mr. Sabatine, seconded by Mr. Evanisko to approve the following reports: Permits Issued Report, Parking Report, Fire Department Report, Right-to-Know Report, and Police Department (SARP) Report. The motion was carried. (4-yes; 0-no; 0-abstain)

Accept the Unaudited December, 2021 Treasurer's Report

A motion was made by Mr. Sabatine, seconded by Mr. Evanisko to approve the December 2021 Bank Account Balance Report and the December 2021 Budget to Actual Report. The motion was carried. (4-yes; 0-no; 0-abstain)

OLD BUSINESS

None.

NEW BUSINESS

Consideration to address the absence of an Affidavit of Residency for Boyd Weiss.

Solicitor McDonald advised that Mr. Weiss lives outside of the Borough of Stroudsburg which makes him ineligible to serve on the Borough Council. He read § 903 "Right of Council to declare seat of member vacant for failure to qualify" of Chapter 9 "Vacancies in Office" of the PA Borough Code, which states, "If an individual, elected or appointed as a member of council and notified of election or appointment refuses or neglects to qualify as a member of council within ten days following the beginning of the individual's term of office, unless prevented by sickness or necessary absence from the borough, the council, acting without the individual, may declare the individual's office as member of council vacant and may fill the vacancy as provided in section 901. For these actions, a majority of the remaining members of the council shall constitute a quorum."

§901 sets forth the situations that would justify a resolution by council to declare a vacancy: 1) termination of residency from the borough, 2) failure to take the required oath, 3) failure to provide an affidavit of residency. It was confirmed that Mr. Weiss did not take his oath of office, nor did he provide an affidavit of residency.

A motion was made by Mr. Sabatine, seconded by Mr. Evanisko to declare the seat of Mr. Weiss vacant pursuant to the provisions set forth in the PA Borough Code. The motion was carried. (4-yes; 0-no; 0-abstain)

A discussion ensued about how the vacancy would be filled. The matter will be placed on the agenda for the February 1, 2022 Council meeting.

Robert Smith asked that Joanne Kochanski's information be removed from the Borough Council page of the Borough website.

Consideration to approve a Subdivision and Land Development Extension requested by 1009 Realty, LLC. (Dunkin' Donuts) to March 30, 2022.

A motion was made by Mr. Sabatine, seconded by Ms. DeVries to approve the extension request of 1009 Realty, LLC. to March 30, 2022. The motion was carried. (4-yes; 0-no; 0-abstain)

Consideration to approve Payment Request #2 (Final) in the amount of \$10,541.85 from Northeast Site Contractors for the Fetherman Street Paving and ADA Ramp Project.

A motion was made by Mr. Sabatine, seconded Ms. DeVries to approve the aforementioned payment request. The motion was carried. (4-yes; 0-no; 0-abstain)

Consideration to approve Change Order #1 (Final) in the amount of -\$927.53 for the 8th Street Paving and ADA Ramps Project to allow for the price adjustment for reconciliation of actual quantities installed versus quantities as bid based on the unit bid quantities.

A motion was made by Mr. Sabatine, seconded by Ms. DeVries to approve the aforementioned change order. The motion was carried. (4-yes; 0-no; 0-abstain)

Consideration to approve Payment Request #2 (Final) in the amount of \$25,670.67 from Northeast Site Contractors for the 8th Street Paving and ADA Ramps Project.

A motion was made by Mr. Sabatine, seconded by Ms. DeVries to approve the aforementioned payment. The motion was carried. (4-yes; 0-no; 0-abstain)

Consideration to discuss Stroudsburg Borough Code Chapter 21-221 and Section 493(34) of the PA Liquor Code regarding outdoor music.

Taylor Anderson from The Warrior Bar and Grill was present to ask the Borough Council to consider amending the noise ordinance to allow outdoor music for outdoor dining downtown and to petition the PA Liquor Control Board to approve same. A motion was made by Mr. Sabatine, seconded by Ms. DeVries to authorize Solicitor McDonald, Mr. Kopp, and Ms. Walker to review the ordinances pertaining to outdoor music. The matter will be discussed at the February 1 Council meeting. The motion was carried. (4-yes; 0-no; 0-abstain)

Consideration to approve Analytical Laboratory Services, Inc. (ALS) bid to provide 2022 Joint Municipal Landfill Laboratory Testing Services for \$10,282.

A motion was made by Mr. Sabatine, seconded by Ms. DeVries to approve the aforementioned expense that will be shared by East Stroudsburg Borough, Stroud Township, and Stroudsburg Borough. The motion was carried. (4-yes; 0-no; 0-abstain)

Consideration to approve a cost-of-living increase for retirees

A motion was made by Mr. Sabatine, seconded by Ms. DeVries to approve a cost-of living increase for retirees. During public comments, Joanne Kochanski asked if the Pension Board also approved the increases. Mr. Kopp answered that Girard Pension Services recommended the increases based on the health of the plan. The motion was carried. (4-yes; 0-no; 0-abstain)

Consideration to approve advertising for an Assistant Public Works Director

A motion was made by Ms. DeVries, seconded by Mr. Sabatine to advertise for an Assistant Public Works Director at a salary of \$60,000.00. The motion was carried. (4-yes; 0-no; 0-abstain)

Consideration to approve a request from The Sherman Theater to hold the Annual Stroudfest Community Festival on Saturday, September 3, 2022 from 11:00 A.M. to 7:00 P.M.

Rich Berkowitz and Sarah Collier were present. A motion was made by Mr. Sabatine, seconded by Ms. DeVries to approve the request from The Sherman Theater to hold Stroudfest on September 3, 2022. The motion was carried. (4-yes; 0-no; 0-abstain)

Consider the application of Lawrence Savercool, as recommended for the issuance of a Certificate of Appropriateness by the HARB, for the replacement of the front porch roofing, decking and steps at 22-24 N 10th Street.

A motion was made by Mr. Sabatine, seconded by Ms. DeVries to approve the issuance of a Certificate of Appropriateness to Lawrence Savercool, 22-24 North 10th Street as recommended by the Historical Architectural Review Board. The motion was carried. (4-yes; 0-no; 0-abstain)

Committee Reports

Codes Committee – The next meeting is at 3:30 P.M. on Wednesday, January 26.

Budget Committee – No meeting.

Parking Committee – The next meeting is at 4:00 P.M. on Tuesday, January 25.

Recycling Committee – Mr. Kopp advised that there will be a recycling meeting later this month. He sent letters out to all of the trash haulers in December about their illegal collection of recyclables. The Borough will begin enforcement in February. The next newsletter, which was just mailed, has information about Twin Boroughs Recycling and the schedule for curbside recycling pick up.

Sewer Committee – Mr. Kopp reported that the Sewer Tapping Fee Study is complete; the draft will be provided to Council for discussion at the February 1 meeting. An EDU study will be the next project. He is also getting information about collection agencies that will work on the delinquent sewer accounts.

Street Committee – Mayor Probst advised that the next meeting will be Wednesday, February 2.

Personnel Committee – Mr. Kopp reported that an employee who has been out on medical leave will be returning to work next week.

Public Relations/Media Committee – Mayor Probst reported that the Underground Railroad plaque will be installed between Kitchen Chemistry and Panda Kitchen during warmer

weather. She and Ms. McCabe will start to plan Concerts in the Park. They will be scheduling concerts for 12 weeks this year.

Redevelopment Committee – No report.

I-80 Expansion Task Force Committee – No change.

Stroud Regional Open Space and Recreation Commission – Ms. McCabe advised that the next meeting is Thursday, January 20 at 5:30 P.M.

Mayor's Report

Mayor Probst submitted a project involving the old county jail for consideration by Smart Growth America.

Council Member Reports

No reports.

Solicitor's Report

Solicitor McDonald advised that the equitable owner of 124 Rear Lee Avenue has received a permit to demolish the existing home on the property. There have not been any plans for a replacement dwelling or a survey submitted to the Borough yet.

There has been no judgement yet regarding the Borough's request for an order to remand the VFG LaBar matter from the Federal court to the Monroe County Court of Common Pleas.

Mr. Abell asked Solicitor McDonald to look in to an access easement from the property owner of the UGI office building on Lower Main Street behind the Interboro Bridge. A grant application is being prepared by SROSRC to create an extension to the Levee Loop Trail.

The new owners of the Pocono Plaza Inn on West Main Street are pursuing an assessment appeal that was originated by the former owners, LZ Holdings.

Borough Manager's Report

Mr. Kopp will meet with Christopher Gibbons of Concord Financial Advisors to discuss rescheduling the Wastewater Treatment Plant debt service.

An extension will be requested of the DCED for the Multimodal Grant.

Meetings

Kathryn/Barry Isett	January 5 th
BCRA/I&I Meeting Update	January 6 th
Mike/Recycling	January 10 th
Downtown Business Association	January 11 th
Liz/Coalition Against Bigger Trucks	January 11 th
Nate Oiler/2022 Projects	January 12 th
Engineer Meeting/BCRA	January 13 th
MS4 Roundtable	January 19 th
Girard Investment Currents	January 19 th
BCRA/I&I	January 20 th
Rick Bachman/Teamsters	January 24 th
Jason Fitzgerald/2022 Grants	January 25 th

Infrastructure/Streets/Capital Projects

Met with Nate Oiler on January 12th to finalize infrastructure projects and prepare them to go out to bid.

Sidewalk Replacement Project/Multimodal Grant. DCED/CFA will grant an extension after January 1, 2022 if needed. Out to bid in February, project completed next spring into summer. Will add ramp(s) at corner at 6th and Monroe (SW Corner) as part of the project.

Ann Street Sewer Replacement & Paving. Will use ARPA funding. This is an approved use of funds (I&I mitigation of sanitary sewer system). Have to submit to DEP plan of temporary sewer and water service. Will go out to bid by the end of February pending approval of plan by DEP.

Thomas Street Paving Project. Finalizing bid process to go out by the end of February.

New Borough Logo

Website updated. New letterhead in use. Used new logo and branding on upcoming Newsletter (and for all newsletters from now on). I would like to order some shirts with logo for use at conferences and meetings.

Capital Improvements Plan

Working during winter 2022 to put together a 10-year Capital Improvements Plan for the Borough listing all major capital projects and purchases through 2031.

Software for Codes/Zoning and Parking

Working on inputting work flow and data to use in new system. Hope to have everything updated by first quarter 2022, with training to follow.

Sewer Collection System/I&I Initiative

Met with BCRA (along with Stroud & Pocono Townships) on January 6th in regard to ongoing I&I issues. Comprehensive identification/mitigation plan is underway. Began smoke testing on January 5th on the 700 Block of Ann Street. Followed with the 800 & 900 Blocks of Scott Street on January 13th. Monroe Street scheduled for the week of January 17th. Camera work on potential lines with I&I ongoing when conditions are favorable.

Recycling Center

Sent out letters to haulers in regard to picking up recycling in violation of Borough Code. Will begin enforcement in February 2022; want to give haulers time to respond to notification of residential hauling standards.

Winter 2022 Newsletter

Complete and sent to printer. Should be delivered in January 2022.

Code Enforcement

I have taken over supervision of the Zoning/Code Enforcement Office and am working on several large-scale projects necessitated by Ordinances that have been passed by Council. *Dumpster*: Identifying dumpsters and owners for notification and implementation of Ordinance requiring dumpsters to be screened from the right-of-way. Codes Committee needs to consider giving additional time for compliance. *Rental Properties*: Looking at ways to make sure all rental properties are registered with the Borough. Need to identify properties that are rental properties to update EDU/EBUs and to ensure compliance with the IPMC. *Short-Term Rentals*: Compiling list of properties for notification.

Sewer Rates/EDU Assessment/Billing

First steps in implementing an EDU Assessment for the Borough is to look at list of the Borough's current EDUs vs known/registered apartments in the Borough, using that information to determine any anomalies. Next step would be to look at BCRA's list of property EDUs and then again, see where there are differences. According to our Code, every separate living unit/apartment is supposed to be charged one EDU.

Beginning issuing separate bills for sewer customers in 2022 and will change the information that is included on bills later in the FY.

Garbage Concerns on Main Street

Letter went put to all property owners on the North side of the 500 & 600 Blocks of Main Street requiring them to provide the Borough evidence of a trash hauler for their property. There is provision in our Code that allows the Borough to require property owners to supply the Borough information within 72 hours on their trash haulers. Follow-up this week to property owners who have not yet responded.

Five Points Intersection North 5th Street

Survey work underway. Once survey is complete Ben can go forward with other elements of the study.

McMichael Creek Flood Protection Project/Levee Repair/DEP Grant

Project is being managed by the Army Corps of Engineers. Award date for the contract has been pushed back, and we are now looking at Spring 2022 for the project to begin. Will keep Council updated. Grant Agreement is complete for DEP to provide 100% of the share of the Borough's cost of the project. We will be responsible for the upfront match costs and then will be reimbursed, up to \$80,000, by DEP, and is included in the 2022 Budget.

Sewer Fund Delinquent Accounts/Liens

BCRA wants to meet in regard to delinquent accounts; this has been put onto the back burner until plans to address I&I are underway. I have talked to three different collection agencies and given the experiences so far with the shutoff notices, there may be a place for collection agencies when a rental property has water due to be shut off because of nonpayment by the property owner/landlord. BCRA found a 20-year-old agreement on how billing was to be done for sewer accounts.

Levee Conduit Inspection

In 2021, all conduits on our Levees must be inspected by camera. Since we have our own camera truck, we are able to do this work "in house" and save costs. Working on getting more guidance from the Corps of Engineers/DEP.

Borough Pool

Water level settled at normal level from in past years. Looking to work at discovering leak location in spring 2022 when filling for the new season.

Parking Garage

Working on getting bids from contractors to do work to repair our parking garage. Will be used for a potential grant request for repairs. Also, contacting concrete contractors to determine costs for a new garage.

Bicycle Racks

Three racks remain to be installed: 745 Main, 401 Main & 33 North 7th Streets. North 7th Street was approved with a slightly changed location. Waiting to hear back from the remaining two property owners. One property owner (1172 Main Street) declined to have the rack on their property. Installation in Spring 2022.

Safety Committee

Last time the Safety Committee met was in August 2019. We will set-up a meeting soon. It is important for insurance purposes to have an active Safety Committee.

Upcoming Focus

Smoke Testing/I&I Mitigation
Sewer EDU Assessment
Code Enforcement (Dumpster/Recycling/Rental Prop)

MyGov Implementation
Capital Improvement Plan
Day to Day Activities

Code Enforcement Officer's Report

Ms. Walker has a contact for a company that is managing 610 Thomas Street. There was some confusion on their part about the occupancy of the home. There has been no water usage since 2019.

A water break on the third floor of the LaBar Village apartment building created significant damage to four apartments. The residents have been displaced. The property owner has 72 hours from the event to submit permits to the Borough for the repairs.

Tom Detweiler and Tracy Hatton have processed 75% of the Health Licenses.

Street Superintendent's Report

Mr. Ace reported that his department is working on the I & I problem. Smoke testing has been done on Scott Street between 8th and 9th Street and also Monroe Street between 6th and 9th Street. A few violations were found. The Street Department has also been installing stainless steel insert pans into the manholes located in the flood prone areas of the Borough. There will be a total of 14 pans installed.

The bucket on the bucket truck cracked; the vehicle is being serviced.

The ice rink was used over the past weekend.

Approval of Bills on Warrants 220118

A motion was made by Mr. Sabatine, seconded by Ms. DeVries to approve the payment of bills on Warrants 220118. The motion was carried. (4-yes; 0-no; 0-abstain)

Public Input for Non-Agenda Items

There were no questions or comments from the public.

Executive Session, re: potential litigation

A motion was made by Mr. Sabatine, seconded by Mr. Evanisko at 8:28 P.M. to adjourn to Executive Session for the purpose of discussing potential litigation. The motion was carried. (4-yes; 0-no; 0-abstain)

The meeting concluded at 9:05 P.M.