

STROUDSBURG BOROUGH COUNCIL
MEETING MINUTES – JULY 5, 2022

A meeting of the Stroudsburg Borough Council convened at 7:00 P.M. on Tuesday, July 5, 2022 in the Council Chambers of the Stroudsburg Borough Municipal Building with the following members present: Council President Matt Abell, Vice-President of Council Erica McCabe (via Zoom.us), Council President Pro-Tem Jim Evanisko, Council member Victoria DeVries, Council member Tobias Sabatine, and Council member Joanne Kochanski (via Zoom.us). Council member James Smith was absent.

Also present were: Borough Manager Larry Kopp, Executive Assistant Mary Pat Quinn, Borough Solicitor Joseph McDonald, Esq., Borough Solicitor Christopher Brown, Esq., Street Superintendent Brian Ace, Jr., and Zoning/Codes Officer and Land Development Administrator Jennifer Walker. Mayor Tarah Probst advised of her absence prior to the meeting.

Approval of Council meeting minutes for the regular meeting on June 21, 2022

The minutes of the regular meeting on June 21, 2022 were approved as circulated on a motion made by Mr. Sabatine, seconded by Ms. DeVries. The motion was carried. (6-yes; 0-no; 0-abstain)

OLD BUSINESS

John and Michelle Prevoznik, re: The progress of Council's investigation into the HARB Board members and their behavior at the May 2, 2022 meeting; status of the scheduling of a public Personnel Committee meeting to discuss the consequences of the HARB members' behavior at the May 2, 2022 HARB meeting; status of the proposed survey regarding HARB; the progress on revising the HARB ordinance; and status of list of approved products from HARB.

Michelle Prevoznik was present and asked if the Borough Council received the request via email from her husband, John Prevoznik, requesting a continuance of their Certificate of Appropriateness "COA" hearing which is scheduled for July 19, 2022. Mr. Prevoznik was not present. Mr. Abell confirmed that the request was received.

Mrs. Prevoznik continued with questions for the Borough Council. She stated that Ken Sandri and Ted Hoyt attended the Borough Council meeting on May 18 and did not apologize for the actions that took place at the HARB meeting on May 2. She asked if the Borough Council has done an investigation into the HARB members and their behavior at that meeting including a potential violation of the Sunshine Law. Mr. Abell responded that he reviewed the written transcript of the May 2 HARB meeting again and also the Sunshine Law issues that could be potentially brought up. There were multiple personal comments which were primarily made by Ken Lang and Yarrow Heil, who have since resigned from the Board. He added that he felt that there was no clear violation of the Sunshine Law. There was talk at the May 2 meeting about polling Council members; however, no one on Council was contacted by any HARB member.

Mrs. Prevoznik and Jonathan Mark expressed their displeasure with Council's inaction regarding the conduct of the remaining HARB members and asked when there would be another public

Personnel Committee meeting. Mrs. Prevoznik asked that the Committee address the misconduct of the HARB members at that meeting and determine what the consequences will be.

Ken Sandri stated that he was not given the opportunity to listen to the May 2 audio recording. He also stated that he did not malign Mrs. Prevoznik at that meeting. He continued to say that he did take issue with the proposed project which is his prerogative if it is in keeping with the ordinance. He advised that he has met with people to go over their projects and that he understood that HARB members were allowed to enter a property to look at proposed projects. Solicitor McDonald confirmed that Council determined that no board or commission member may enter a property without the consent of the property owner from now on. Mr. Sandri acknowledged that directive. He further offered that the historic preservation designation could potentially be removed by the State if the requirements/standards in the HARB ordinance are not consistently followed.

Mrs. Prevoznik expressed concern that the list of acceptable materials has not been put on the Borough website yet. Mr. Abell responded that Council stated that a list would be developed for the website. She asked if anyone is working on the HARB ordinance. Mr. Abell answered that the Redevelopment Committee has been given the assignment to review the ordinance and make recommendations to the Borough Council. This will be done in consultation with an experienced historic preservation individual. There has been no discussion by the Committee about who would be asked to provide that assistance.

Mr. Sandri agreed that a code of conduct should be developed and that it should apply to everyone, including applicants. He advised that HARB was the recipient of an inappropriate comment during the online review of the Courthouse Expansion Project.

A motion was made by Mr. Sabatine, seconded by Ms. DeVries to approve the request of John and Michelle Prevoznik for a continuance of their July 19, 2022 COA hearing to October 18, 2022. Solicitor Brown noted that Mr. and Mrs. Prevoznik waived the timeframes in the Municipal Planning Code and the Stroudsburg Borough Code of Ordinances regarding the hearing requirements. The motion was carried. (6-yes; 0-no; 0-abstain)

NEW BUSINESS

Consideration to hire Osa C Hearthstone as Assistant Public Works Director at a salary of \$60,000/year.

A motion was made by Ms. DeVries, seconded by Mr. Sabatine to hire Osa C. Hearthstone as the Assistant Public Works Director at the annual salary of \$60,000.00. Mr. Ace was asked for his input about Ms. Hearthstone. He felt that she will be a good fit as she has a background in the new technology that the Borough is starting to use, i.e.: GIS and sewer monitoring. Mr. Kopp provided Council members with a copy of her resume and noted that she worked for the City of Portland, Oregon. The motion was carried. (6-yes; 0-no; 0-abstain)

Consideration to authorize the Borough Manager to execute the Sewer Planning Module for 1009 Realty, LLC. (Dunkin Donuts).

A motion was made by Mr. Sabatine, seconded by Ms. DeVries to authorize the Borough Manager to execute the Sewer Planning Module for 1009 Realty, LLC. contingent upon the finalization of the Developer's Agreement between the Borough and the applicant. The motion was carried. (6-yes; 0-no; 0-abstain)

Committee Reports

Codes Committee – Mr. Abell reported that the Committee is making progress on some of the problem properties. He asked Ms. Walker to provide an update about 712-714 Scott Street. Ms. Walker advised that there is a potential buyer for the property. She met with the individual twice, and he described in detail his plans for the property. She explained the HARB process to him. When she met with him last Friday, he was scheduled to meet with a contractor to see if the roof could be saved. She provided the buyer with a copy of what the home looked like in 1979.

Mr. Abell stated that the Codes Committee meets at 3:30 P.M. on the 4th Wednesday of each month via Zoom.us.

Budget Committee – Mr. Kopp reported that the Borough's Non-Uniformed Pension Plan has decreased in value this past quarter by 17% due to market fluctuations. It was at 4.8 million in the beginning of the second quarter; it is 4.0 million as of June 30, 2022.

He noted that the Borough is halfway through the year, and the Borough has \$800,000.00 more in the General Fund than this time last year. The Earned Income Tax revenue is up 11%, and the Local Services Tax revenue is up 31% over last year at this time.

The 2021 Audit will start on July 6.

Parking Committee – Ms. McCabe reported that the Parking Committee met last week with Alta Planning, the company that is developing a mobility study for the Borough. They discussed the available parking downtown. The Committee also considered making a recommendation to raise parking fees due to the turnover.

Recycling Committee – Mr. Kopp advised that Twin Boroughs Recycling received \$20,339.00 for its Act 101 Performance Grant. The Recycling Fund is also doing very well this year. There is 60% more in the bank account than this time last year. The sale of recyclables is up 70% this year; the total sales from recyclables for CY 2021 was \$38,000.00. Sales as of June 30, 2022 were \$22,000.00. Mr. Kopp praised the Recycling Supervisor, Mike Stettler, for a job well done.

Sewer Committee – Mr. Kopp reported that revenues in the Sewer Fund are at 1.0 million; 2.0 million was anticipated revenue, so the Borough is right where it should be. I&I: the GIS is up and running thanks to Steve Rinker from the Monroe County Planning Department. Mr. Kopp will be sending him a letter of thanks. The EDU assessment is about 50% complete. Ms. Quinn is looking in to the sewer liens.

Street Committee – Mr. Abell noted that the Committee meets tomorrow, July 6, at 3:30 P.M. via Zoom.us.

Personnel Committee – Mr. Abell advised that a committee meeting will be scheduled in the next couple of weeks. Mr. Mark stated that he will email some suggested questions for the HARB survey.

Public Relations/Media Committee – Mr. Sabatine noted that the Committee will meet at 5:30 P.M. on the third Tuesday of this month (July 19) via Zoom.us.

Redevelopment Committee – Mr. Abell noted that the Committee will meet at 3:30 P.M. on July 20 via Zoom.us.

I-80 Expansion Task Force – There was nothing new to report.

Stroud Region Open Space and Recreation Commission – Ms. McCabe reported that the Borough Pool is open, and she thanked Mr. Ace and the Street Department for their efforts to get the pump fixed. SROSRC has sufficient staff for the operation of both the Dansbury Pool and the Borough Pool. A new director of swimming has been hired.

Mayor's Report

There was no report from Mayor Probst.

Council Member Reports

Mr. Sabatine asked for Council's permission to ask SROSRC to look at the feasibility of making a dog park at Glen Park. A motion was made by Mr. Sabatine, seconded by Ms. DeVries to authorize Ms. McCabe, a Borough member of SROSRC, to bring the topic to the Commission for consideration. The motion was carried. (6-yes; 0-no; 0-abstain)

He also asked if Council would consider an ordinance to prohibit the use of plastic shopping bags in the Borough. A motion was made by Mr. Sabatine, seconded by Ms. DeVries to authorize the Borough Solicitor(s) to look at an ordinance to prohibit the use of plastic shopping bags. The motion was carried. (6-yes; 0-no; 0-abstain)

Solicitor's Report

Solicitor McDonald reported that there are two pending hearings that will be before the Zoning Hearing Board. Ms. Walker noted that an application for a variance was submitted by Robert B. Miller (Stiff Oil), which will be heard at a special meeting on Thursday, July 7. It involves side yard setbacks on his properties located on 2nd Street and Brandt Place. There is a regularly scheduled meeting of the Zoning Hearing Board on July 20 involving an application of the Pocono Family YMCA for variances related to parking and traffic flow.

He continued to inform Council that VFG LaBar filed a civil suit on June 22 against Simpson House, Inc. d/b/a Simpson Glen, Inc. Service of the suit was attempted by Delaware County; however, it came back as undeliverable/no such address. There is an indication that Simpson House, Inc. signed over property rights to Simpson Glen, Inc. Although this suit does not involve the Borough, it would help identify VFG LaBar and Simpson Glen Inc. as the responsible entities for the zoning violations and the abandoned sales office.

The building that was formerly located on the property known as 124R Lee Avenue has been demolished; however, there is construction rubble on the property. Attorney Primrose, who owns the property, has asked if he could have a release of his cash escrow. This would be a Council action. Solicitor McDonald and Ms. Walker will meet to discuss the request.

Solicitor Brown, who has been reviewing the 712-714 Scott Street matter suggested that Council wait to see if the property is sold before further enforcement action is initiated. The matter will be revisited at the July 19 Council meeting.

Manager's Report

Mr. Kopp has a meeting scheduled next week with the Stroudsburg Area School District to discuss LERTA.

The traffic control during the Austin Healy Car Show will be handled by Flagger Force at a cost of \$1,400.00. The Pocono Mountains Visitors Bureau will pay for that expense.

The Multimodal Sidewalk Replacement Project was discussed. A preconstruction meeting will be scheduled in the next couple of weeks. Mr. Ace noted that the Borough received a grant in the amount of \$500,000.00 of which \$50,000.00 is budgeted for professional engineering services. The lowest responsible bid was \$280,000.00. The scope of work will be amended to include additional sidewalk replacement including the sidewalks and stairs at the Ann Street Park.

A new DCED Multimodal Grant Application will be prepared by Penn Strategies with the data collected by Alta Planning. The scope of work will be all of the things that were proposed in the mobility study that do not require PennDOT approval. The applications are due at the end of the month.

Mr. Kopp should have the data compiled for the bid specifications for the town-wide solid waste collection. The billing through tax bills is not feasible.

Mr. Abell asked that consideration of an increase in salary for the Borough Manager be placed on the July 19 agenda.

He also asked that the board/commission vacancies be placed on the Borough's website and the Borough Facebook page.

Meetings

Alta Planning + Design/Lydia	June 22 nd
Waste Management/Ron	June 22 nd
Online Class – Establishing a Rental Program	June 24 th
Design Charrette	June 27 th
Design Charrette	June 28 th
Design Charrette	June 29 th
Verkada Site Visit/Security Cameras	July 7 th
LERTA Meeting w/School District	July 12 th

Infrastructure/Streets/Capital Projects

Sidewalk Replacement Project/Multimodal Grant. Working to set-up a pre-construction meeting. Need to send out letter to property owners of additional sidewalks that are to be replaced.

Ann Street Sewer Replacement & Paving. Sewer Facilities Planning Module sent 3/9/22. Water Quality Management Plan sent to DEP on 3/18/22. Met with DEP on June 6th in Wilkes-Barre in regard to Planning Module.

Thomas Street Paving Project. Complete!

Grants Strategy 2022

Parking Garage. LSA Grant submitted on March 15th. Discussed with Chuck Leonard, Pocono Mountains Economic Development Corporation. They will be able to fund with grant funds on hand if DCED doesn't fund.

Trails. Submitted a DCNR Grant April 6th for the Creek Walk Trail.

DCED Greenway, Trails and Recreation Program Grant. Submitted May 31st.

Mobility Study/Alta Planning

Design Charette June 27th to 29th (Monday to Wednesday). Working with Alta and Penn Strategies to submit DCED (Due July 31st) and PennDOT (Dues September) Multimodal Grants for elements of plan that can be executed immediately without PennDOT approval.

Solid Waste Ordinance

RFP complete. Working on list of all properties affected and number of containers required. Approximately 1/3 complete. Has been my primary focus the last two weeks. After discussions with four potential haulers, am doing an addendum to be published when I complete lists and

bumping due date to give more time to complete RFPs. Planning on doing an addendum to RFP for updates. Plan and Timeline for implementation is complete, beginning implementation. Unfortunately, I talked to the County Assessor and it doesn't look like billing through tax bills is going to work.

Dumpster Ordinance Implementation

Letter sent to the owners of all properties in the Borough identified to have dumpsters on their property. Property owners have the opportunity to respond if they feel that they cannot meet the requirements of the Ordinance on their property. Total number of dumpsters in the Borough is 180 on 136 properties. Beginning to receive questions from property owners.

MyGov Software for Codes/Zoning

“Soft” implementation is in progress, allowing residents to submit requests with hard copies as well. We are refining steps/procedures; later this summer, we will begin requiring all licenses/applications be submitted through MyGov.

Garbage Concerns on Main Street

Only have three properties that have not responded to letter in regard to dumpsters, two from out of state property owners. Will begin citing this week.

Sewer Collection System/I&I Initiative

BCRA has updated I&I Plan and we are waiting for a meeting with other member municipalities to review. Acquired GIS capabilities to accurately, and quickly, map sewer collection system. We are conducting smoke testing weekly; weather dependent.

Sewer Rates/EDU Reassessment

Completed scrub of rental unit data from the Borough against billed EDUs from BCRA as well as a scrub of BCRA Water EDUs. Finished scrub of 911 Address List for the Borough identifying properties with multiple units; comparing against Borough and BCRA lists of properties to further refine prioritized list of properties for inspections. Beginning inspections of properties to determine accurate count of units per property; allocating one employee/one day week until complete. Done with approximately 50% of the Borough.

Personnel

All staff are doing Self-Evaluations, Goals & Evaluations and Job Description Review (non-union only) in preparation of Annual Performance Reviews. Will be complete by mid-July.

Five Points Intersection North 5th Street

Cost estimate for project around \$1.2 Million. Ben is going forward to PennDOT to begin the approval process. Looking at PennDOT Multimodal Grant to potentially fund the work in 2023 or 2024.

Emergency Operations Plan

I'm working with Mehmet to update our contacts and to look specifically at EMP and Cyber Attacks. Current world situation has me concerned and I want us to be ready. Plan was due to be updated in 2021.

Capital Improvements Plan

Working during summer/fall 2022 to put together a 10-year Capital Improvements Plan for the Borough listing all major capital projects and purchases through 2031. Looking to finish priority projects before beginning later in March or April 2022.

McMichael Creek Flood Protection Project/Levee Repair/DEP Grant

Project is being managed by the Army Corps of Engineers. Contract is projected to be awarded Mid-September, which means work probably won't be done until 2023. 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.

Code Enforcement

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 Fund Delinquent Accounts/Liens

Mary Pat is looking at our list of liens and see what liens need to be renewed and if any need to be taken of the list. BCRA wants to review billing procedures, as do I. I have talked to three collection agencies with the idea of letting them go after delinquent accounts, which is allowed in our Sewer Ordinance.

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

Waiting for electrical parts to open pool. Had to order them and with supply chain issues, not sure of arrival date.

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 summer 2022. It is important for insurance purposes to have an active Safety Committee.

Upcoming Focus

Sewer EDU Assessment	Plan	Solid Waste Ordinance
Implementation		
Code Enforcement (Dumpster/Recycling/Rental Prop)		Smoke Testing/I&I Mitigation

Personnel Evaluations	Main Street Grants
Day to Day Activities	

Approval of Bills on Warrants 220705

A motion was made by Mr. Sabatine, seconded by Ms. DeVries to approve the payment of the bills on Warrants 220705. The motion was carried. (6-yes; 0-no; 0-abstain)

Public Input for Non-Agenda Items

Deb Davis who resides at 220 North 8th Street (located at the corner of North 8th Street and Thomas Street) expressed concern about the new rain gutters that were installed on the home located at 713 Thomas Street in March. The water is running on to the sidewalk in front of that home and down the sidewalk in front of Ms. Davis's home. The situation has caused erosion along her sidewalk and also ice build-up on the sidewalk during the winter months. She has spoken with the property owner, but there has been no action by the owner to correct the problem. Mr. Ace will meet with Ms. Davis to look at the situation.

Mr. Mark suggested that the Borough Council direct the Committees to explore specific subjects including the goal of Council instead of the current process. He suggested that Council schedule

a public forum to discuss HARB. He continued with expressing concern about the gaveling by Mr. Abell at the June 7 meeting and also the language he used earlier at this meeting; the patronizing comments made by Mr. Sandri earlier in the meeting; and Mr. Kopp's statement about a business owner not liking the Borough.

Heather Kowalishen (via Zoom) asked for clarification of the direction that Council will be going. Mr. Abell responded that the Personnel Committee has been assigned the task of preparing a survey about the HARB process and to develop a code of conduct which would then be recommended to the Borough Council for consideration.

Mrs. Prevoznik stated that she has been told that the comments that Zoom participants are making in the chat are not being read at meetings. A discussion ensued about the need to explain to the public the procedure for participating via Zoom. A motion was made by Ms. McCabe, seconded by Mr. Sabatine to include directions in future agendas. David Williamson asked if Council will continue the format of in person Council meetings together with Zoom. Mr. Abell answered that yes, that will continue.

Megan Williamson (via Zoom) stated that she was clicking the reaction button for five minutes, and she was not called on. She suggested that the Personnel Committee discuss term limits for board and commission members. That topic will be added to the agenda for the next Personnel Committee meeting.

A discussion ensued about posting the Committee meeting agendas on the website.

A motion was made by Ms. McCabe, seconded by Mr. Sabatine to provide instructions at the beginning of future meetings about the procedure for public participation via Zoom. The motion was carried. (6-yes; 0-no; 0-abstain)

The meeting was adjourned at 8:25 P.M. on a motion made by Mr. Sabatine, seconded by Ms. DeVries. The motion was carried. (6-yes; 0-no; 0-abstain)