

STROUDSBURG BOROUGH COUNCIL  
May 18, 2022 Meeting Minutes

A meeting of the Stroudsburg Borough Council convened at 7:00 P.M. on Wednesday, May 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 Joanne Kochanski. Council member Tobias Sabatine was present via Zoom.us. 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, Executive Assistant Mary Pat Quinn, Borough Solicitor Christopher Brown, Street Superintendent Brian Ace Jr., SARPD Police Chief Jennifer Lyons, Borough Engineer Nate Oiler P.E., and Zoning/Codes Officer and Land Use Administrator Jennifer Walker. Solicitor Joseph McDonald, Jr. was present via Zoom.us.

The Pledge of Allegiance was recited.

Public Hearing and Consideration to Adopt An Ordinance of the Borough Council of the Borough of Stroudsburg in the County of Monroe, Commonwealth of Pennsylvania, to Amend Chapter 15 “Motor Vehicles and Traffic”, Part 3, Section §15-306 1. “Parking Prohibited at all times in Certain Locations”.

There were no questions or comments from the public. The public hearing was closed on a motion was made by Mrs. Kochanski, seconded by Ms. DeVries. The motion was carried. (5-yes; 0-no; 0-abstain)

A motion was made by Mrs. Kochanski, seconded by Ms. DeVries to adopt the aforementioned Ordinance. The motion was carried. (5-yes; 0-no; 0-abstain)

Approval of Council Meeting Minutes for the regular meeting on May 3, 2022

The minutes of the regular meeting on May 3, 2022 were approved as circulated on a motion made by Mrs. Kochanski, seconded by Ms. DeVries. The motion was carried. (5-yes; 0-no; 0-abstain)

Monthly Administrative Reports

The following reports were approved on a motion made by Mrs. Kochanski, seconded by Ms. DeVries: Permits Issued Report, Parking Report, Fire Department Report, Right-to-Know Report, and SARPD Report -provided via email. The motion was carried. (5-yes; 0-no; 0-abstain)

### Accept unaudited April, 2022 Treasurer's Report

A motion was made by Ms. DeVries, seconded by Mrs. Kochanski to approve the Bank Account Balance Report as of April 30, 2022 and the Budget-to-Actual Report as of April 30, 2022. The motion was carried. (5-yes; 0-no; 0-abstain)

### OLD BUSINESS

#### Status of Subdivision/Land Development Waivers of Borough Decision Deadlines/Extensions

- Extension for Alpha Recycling Hwy 80, LLC. will expire May 29, 2022.
- Extension for Shanti House will expire May 31, 2022.
- Extension for 1009 Realty, LLC. (Dunkin Donuts) will expire June 30, 2022.
- Extension for Monroe County Historical Society (Jacob Stroud Museum Expansion) will expire September 30, 2022.

#### Discussion with Catherine Durso, Esq. re: Status of Alpha Recycling Hwy. 80, LLC. conditions of approval and request for an additional extension

Steven Boell, Esq. was present from Fitzpatrick, Lentz and Bubba instead of Attorney Durso. Sean Policelli, P.E. of Gilmore and Associates was also present. Mr. Policelli noted that there was a site meeting with Borough officials a couple of months ago. The updated cost estimate has been forwarded to Mr. Oiler's office. The PA DEP has not approved the Sewer Planning Module yet due to staff shortages there. Mr. Oiler recommended that the applicant be given an extension to allow the outside agencies, PA DEP and PA DOT, time to process the applications.

A motion was made by Mrs. Kochanski, seconded by Ms. DeVries to grant an extension to Alpha Recycling Hwy. 80, LLC. until December 31, 2022. The motion was carried. (5-yes; 0-no; 0-abstain)

Mr. Oiler noted that a Sewer Service Agreement can be prepared at this time. The applicant will prepare a Sewer Extension Permit Application. The proposed sewer line in Katz Road will be shown in detail in the agreement. Mr. Policelli will outline the process and forward it to Mr. Oiler. Solicitor Brown will prepare the agreement.

The applicant will provide a plan for the environmental cleanup on the property. There is a commercial building on the site that does not have sewer service. A discussion ensued regarding fencing, vegetative buffering, drainage and the clean-up of trash along the roadside. Mr. Policelli pointed out the trash is not being generated by his client but rather littering by others. They will monitor that situation.

Consideration to approve a Subdivision and Land Development Waiver of Borough Decision Deadline from Shanti House (625, 629 and 633 Main Street) until May 1, 2023.

Mr. Oiler and Solicitor Brown have not heard anything from Shanti House. Mr. Oiler did not recommend that Council approve an extension to May 1, 2023. He suggested that Council request Shanti House to provide an update on the status of the conditions of approval.

A motion was made by Mrs. Kochanski, seconded by Ms. DeVries to grant an extension to Shanti House through June 30, 2022. The motion was carried. (5-yes; 0-no; 0-abstain)

1009 Realty, LLC. (Dunkin Donuts) extension will expire June 30, 2022

Mr. Oiler reported that the applicant submitted an application to the Planning Commission, which his office will review. He advised that it would be unlikely that the Planning Commission review and Borough Council consideration would take place prior to June 30. He will reach out to the applicant's engineer to recommend that he submit another extension.

A motion was made by Mrs. Kochanski, seconded by Ms. DeVries to table this matter until a new extension is submitted by the applicant. The motion was carried. (5-yes; 0-no; 0-abstain)

Monroe County Historical Society (Jacob Stroud Museum Expansion)

Mr. Oiler did not have anything new to report about this project. Their extension will expire on September 30, 2022.

NEW BUSINESS

Acknowledge receipt of a letter dated May 5, 2022 from John C. Prevoznik, Esq., 710 Sarah Street regarding the May 2, 2022 HARB meeting.

John and Michelle Prevoznik were present with their attorney, Jim Fareri, Esq. of Newman Williams P.C. Attorney Fareri summarized the events following Mr. and Mrs. Prevoznik's submission of a HARB application to place vinyl siding on their home at 710 Sarah Street. The proposed vinyl siding would be used in the place of the wood siding, which deteriorated. Mrs. Prevoznik appeared before the HARB on May 2, 2022 for its consideration of her application. The meeting was recorded; however, Mrs. Prevoznik was not advised that the meeting was being recorded. She obtained a copy of the audio recording of the meeting through the Right to Know Request process. Mr. Prevoznik's letter was forwarded to the Mayor, members of the Borough Council, and the Borough Solicitor(s).

The HARB voted unanimously to deny the application of Mr. and Mrs. Prevoznik. Attorney Fareri and Mr. and Mrs. Prevoznik appeared at the Borough Council meeting. Attorney Fareri read from a prepared statement but did not provide a copy to Council. Attorney Fareri described to Council the "shockingly discourteous, outrageously rude, and totally unprofessional manner in which the HARB meeting was conducted including the ill-treatment of Mrs. Prevoznik because

she wished to replace the siding on her home. HARB demonstrated contempt for the applicant as well as the Borough Council and other members of the community.”

Attorney Fareri went on to summarize statements from both HARB Chairman Ken Lang and HARB member Ken Sandri as follows: Mrs. Prevoznik introduced her contractor at the HARB meeting at which point the Chairman announced that, “We will pretend that we don’t see you.” The contractor was told to give a “fast” narrative of what the homeowner would like to do; the contractor asked if that meant an overview of what he was told to do. The chairman responded to him, “Yeah, but not too much.”

“The presentation was unduly limited in the presentation of the application, and it appeared that the HARB had no interest in hearing about the application.” The contractor explained that the vinyl siding was needed because the wood siding had deteriorated to a point of no return. The proposed siding is the same as the siding that exists on the home of David and Megan Williamson, 624 Scott Street. “HARB member Ken Sandri responded that the wood siding on the Prevoznik’s home would just need to be scraped and repainted. He stated that he looked at the home from the road and also entered the property without the knowledge or permission of Mr. or Mrs. Prevoznik.”

Mrs. Prevoznik advised the HARB that seventy-five percent of the buildings on Sarah Street have vinyl siding, at which time the HARB stated that the siding on those buildings pre-dated the existence of the HARB ordinance. She referred to the siding on 624 Scott Street, and the Chairman responded that, “Judge Williamson did a good job when HARB said no one-hundred times, and the lawyers had gun fights. Council crumbled so you should talk to him about his strategy.” He cut off Mrs. Prevoznik when she advised that her husband represented Mr. and Mrs. Williamson and said, “Your husband knows the Williamsons well.” He instructed her to go to Council and that it would happen quickly, “and you know the argument and you’re practiced in it and you know the Judge.” The application was voted upon, and the project was denied.

After Mrs. Prevoznik and her contractor left the meeting, her application continued to be discussed. HARB member Ted Hoyt stated that the application was a repeat situation. The chairman stated, “That is Jon Mark’s friend. He came in here with his authority of the Court and threatened us with hiring lawyers.” The chairman also spoke in a disparaging way about the former Borough Solicitor, Ralph Matergia, Esq., and the present Borough Solicitor, Joe McDonald. He, the chairman, continued with vulgar language. He stated that Mrs. Prevoznik was smiling. Mr. Sandri, who knocked on the wood siding, stated that the wood siding was not prepared correctly. The chairman responded to him and stated, “We know exactly how it’s going to end, and she knew it the minute we said no. She is going to pull the Jon Mark strategy.” He further stated that they (Mr. and Mrs. Prevoznik) “will go to Council and they (Council) will crumble” because it’s her. As far as the Borough Council, they believe that compliance with the HARB ordinance is voluntary.”

Attorney Fareri further advised Council that the chairman, referring to another applicant, Ian Schreier, stated “Can you imagine arguing with a freaking applicant in a public meeting? I could (expletive) kill him.” Attorney Fareri continued, “The use of the worst profanity that could be used in a public meeting continued to be used by the chairman.”

The discussion by the HARB members about the Prevoznik's application went on during the May 2, 2022 meeting. The chairman stated that "Joe McDonald will roll over, and the applicant would not even have to show up. All it takes is four votes of Council to approve the application." A discussion by the HARB members indicated that they would speak with Council members before the Council had an opportunity to hear the application at the next Council meeting.

Attorney Fareri advised that all of this can be heard on the audio recording of the May 2, 2022 HARB meeting and then stated: "The HARB is out of control and is without any sense of decorum. The treatment of Mrs. Prevoznik was disgraceful and an embarrassment to the Borough of Stroudsburg, and the derogatory references by HARB of the prior applications of Mr. and Mrs. Mark and Mr. and Mrs. Williamson were out of order, uncalled for, and irrelevant to the application of Mr. and Mrs. Prevoznik. The Prevozniks were treated in an aggressive, hostile and sarcastic fashion."

"The proceedings lack fairness and due process and needs to be fixed by the Borough Council." He referred to Section 4-211.3. "Removal of Members. A HARB member may be removed for malfeasance, misfeasance, or nonfeasance in office or for any other just cause by a majority vote of the Borough Council. The Borough Council shall notify the Board member of the charges 15 days before the vote. A hearing on the vote shall be held if the member requests it in writing." He suggested that this provision of the Ordinance is applicable to some, if not all of the HARB members and that "the chairman should immediately resign or be removed from HARB for his inappropriate conduct including his use of profanity and his contemptuous attitude and demeanor toward the applicants and disparaging comments about the applicants and members of the community, including the Borough Council."

He asked that Council review the HARB ordinance in its entirety and consider adding provisions for due process, rules and procedures that govern the conduct of the Board members and applicants. The HARB meetings should be attended by a solicitor, recordings of the meetings divulged to everyone attending HARB meetings, strict rules in connection with HARB recommendations to the Borough Council, complete rules and regulations available to applicants prior to the presentation of their applications to HARB, clear appeals rights that are available to applicants including the option to present their applications to the Borough Council.

"The situation is very serious", and Attorney Fareri asked that the Borough Council take immediate action to fix these problems.

**Note: The letter dated May 5, 2022 from John C. Prevoznik to Mayor Tarah D. Probst and Council President Matt Abell is annexed to these minutes and marked "Attachment #1".**

Ms. McCabe thanked him for bringing this the Council's attention.

Acknowledge receipt of a letter dated May 11, 2022 from Jonathan Mark, Esq., 702 Thomas Street regarding the May 2, 2022 HARB meeting.

Jonathan Mark clarified that he was present as a private citizen, a long-time resident of the Borough of Stroudsburg, and a past Mayor. He emphasized that his letter and his attendance at the meeting were not related whatsoever to the court or his profession as a judge.

He asked Council if they had anything for, he and his wife. Ms. McCabe responded that Council was not ready to answer any questions at this time. Mr. Mark stated that he and his wife, Mr. and Mrs. Prevoznik, Mr. and Mrs. Williamson, Mr. Matergia, and Mr. McDonald, are owed an apology, which would not prejudice any positions of the Council.

The situation with the HARB has gone on too long, through past Councils and Mayors, and it has become a culture. Everyone has known about this and how people feel after they have been before the HARB. He expressed his surprise that there were no agenda items/ action items about this. He paused and asked if any Council members wanted to make an apology. Solicitor Brown stated that Council is prepared to apologize to him, to the Prevozniks, and the Williamsons.

He suggested that Council perform a full investigation of the HARB by contacting past applicants, do a survey. If Council decides to revise the Ordinance, a provision should be added to eliminate HARB review when something is specifically not permitted. That could be determined administratively and forwarded directly to Council.

The intent of the Ordinance was to help the Borough and not for HARB or the Borough Council to design applicants' properties. He does hope that this Council makes changes that will help applicants moving forward.

**Note: Pursuant to his request, the letter dated May 11, 2022 from Jonathan Mark, 702 Thomas Street regarding the May 2, 2022 HARB meeting is annexed to these minutes and marked "Attachment #2".**

John Prevoznik spoke and was shocked and dismayed that the Borough Council members did not come to him to apologize for what happened at HARB, except Joanne Kochanski. Mrs. Kochanski went directly to Mrs. Prevoznik to apologize. His wife attended the HARB meeting; he purposely did not attend so that his profession would not be an issue. She was scared. Their contractor was there, but they didn't get a hearing. He urged Council to listen to the audio recording to see how HARB members humiliated/ yelled at many of the applicants. One applicant, who told the Board that she could not afford to replace her roof was seeking approval for a roof repair, and HARB concentrated on the color of eight (8) shingles. The applicant was the subject of humiliation by the Board.

Mr. and Mrs. Prevoznik were not given an opportunity to thoroughly present their application because they were cut off by HARB. He asked Council how the process would be made fair for his pending application. The recommendation to deny his application listed things that HARB said they did, and they did not. Solicitor Brown responded that their application will be reviewed by the Borough Council on July 19, 2022. Mr. Prevoznik will be present for any

discussions about HARB and asked to be informed when those discussions will take place. Solicitor Brown assured him that he would be advised.

The Borough Council previously asked Mrs. Prevoznik to consider being a member of the Zoning Hearing Board, and Mr. Prevoznik urged her over the last year to get involved with the Borough so that she would not be afraid of standing up in public. She was humiliated by HARB; the other applicant was condescended to. This is what HARB does.

He listened to the audio recording, and the meeting was a disaster and a disgrace. A member mentioned three times, that they, the HARB, was there to serve the public. They are not. The Board has put them and other applicants in a position that they will not be treated fairly. The Board is set in its ways; there is no one to monitor them, no solicitor. He asked the Council members to consider how they would want to be treated. They would not want their spouses to be humiliated; they would not want people with limited means to be condescended to; and that they would not accept a board member yelling at an applicant while the chairperson leaves the room in a huff.

Megan Williamson, 66 Scott Street, stated that she hoped that the Council members have listened to the audio recording. She asked what Council will do to make her feel that there is any reason for her to ever apply for any consideration whether it is zoning, HARB review, or a yard sale permit; she doesn't even know if she is allowed to have a parking pass with the prejudicial treatment that is on record and the disdain that HARB has for her and for her husband for merely being citizens of the community who are doing the best that they can for their property. She and her husband follow the law. She also expressed concern about the validity of the HARB Ordinance. She suggested that HARB should be disbanded.

Ms. McCabe stated that she has had issues with HARB and as a past applicant, she understands the treatment, the feeling and the disappointment. She apologized to those present and other constituents for the ill-treatment they received from HARB. The Borough Council will review the Ordinance and look at the members of the Board and deal with them accordingly. Mayor Probst emphasized that no one should be treated in the manner that they were treated by HARB.

Mrs. Kochanski stated after reading the letters from Mr. Prevoznik and Mr. Mark, the courteous thing to have done was to pick up the phone and make an apology for what happened. She has not listened to the audio recordings yet, but the contents of the two letters was enough for her to realize that the conduct of the HARB members was atrocious.

Solicitor Brown will reach out to Attorney Fareri to advise him when this matter and HARB, in general, will be discussed.

A motion was made by Mrs. Kochanski, seconded by Ms. DeVries to table consideration of the HARB recommendation for the application of Michelle Prevoznik for the replacement of siding at 710 Sarah Street to the July 19, 2022 as requested by the applicant. The public was asked for comments. Jack Muehlhan stated that he was one of the original members of HARB for seven years and chose to resign from the Board because of the way people were treated. The motion was carried. (5-yes; 0-no; 0-abstain)

A student from the Monroe County Vocational Technical School was present with his parents as an assignment from his teacher.

Consideration to discuss the closure of North 6<sup>th</sup> Street from Main Street to Quaker Alley to allow outdoor seating for local restaurants.

Brit Detrick, the owner of Renegade Winery, was present to ask for permission to close North 6<sup>th</sup> Street from Main Street to Quaker Alley on the weekends to allow for outdoor seating. Downtown restaurants would be invited to offer their food to patrons who would be seated in that area.

Stroudsburg Borough Fire Chief Charles Frantz was present and expressed concern about shutting down the road. The firefighters residing on the south side of town use the street to get to the fire house. The road closure would also impede fire department access to the buildings along the closed area should there be a fire. A discussion ensued with various people contributing to the conversation.

Mr. Detrick was instructed to submit an event permit together with the details of what he is proposing.

Consideration to approve the Preliminary/Final Land Development Plan for the Monroe County Courthouse Expansion, 610 Monroe Street, Stroudsburg, PA 18360 issued April 30, 2021 and revised June 2, 2021, July 9, 2021, July 30, 2021 and March 31, 2022 (5 copies) and to authorize the Council President, Matt Abell, and the Borough Manager, Lawrence Kopp to execute same.

A motion was made by Mrs. Kochanski, seconded by Ms. DeVries to approve the Preliminary/Final Land Development Plan for the Monroe County Courthouse Expansion, 610 Monroe Street, final revision date March 31, 2022, and to authorize Mr. Abell and Mr. Kopp to execute the drawing (5 copies) on behalf of the Borough. The motion was carried. (5-yes; 0-no; 0-abstain)

Consideration to approve the Standard Stormwater Facilities Maintenance and Monitoring Agreement between AKS Realty, LLC. and the Borough of Stroudsburg and to authorize the Council President, Matt Abell, and the Borough Manager, Lawrence Kopp to execute the agreement on behalf of Stroudsburg Borough.

A motion was made by Mrs. Kochanski, seconded by Ms. DeVries to approve the Standard Stormwater Facilities Maintenance and Monitoring Agreement between AKS Realty, LLC. and the Borough of Stroudsburg and to authorize Mr. Abell and Mr. Kopp to execute the agreement on behalf of the Borough. The motion was carried. (5-yes; 0-no; 0-abstain)



Accept the resignation of Eron Rouse as a member of the Historical Architectural Review Board effective immediately.

A motion was made by Ms. DeVries, seconded by Mrs. Kochanski to accept the resignation of Eron Rouse as a member of the HARB effective immediately. The motion was carried. (5-yes; 0-no; 0-abstain)

Consider the application of Finola Conboy, as recommended for the issuance of a Certificate of Appropriateness by the HARB, for the replacement of the front façade at 615 Main Street.

A motion was made by Mrs. Kochanski, seconded by Ms. DeVries to approve the issuance of a Certificate of Appropriateness for the aforementioned application as recommended by HARB. The motion was carried. (5-yes; 0-no; 0-abstain)

Consider the application of Sarah Maras, as NOT recommended for the issuance of a Certificate of Appropriateness by the HARB, for the replacement of a porch roof and fencing at 809 Monroe Street.

A motion was made by Ms. DeVries, seconded by Mr. Sabatine to approve the recommendation of the HARB to not issue a Certificate of Appropriateness for the aforementioned application. The motion was carried. (4-yes; 1-no Mrs. Kochanski; 0-abstain).

Consider the application of Judith Nielsen, as recommended for the issuance of a Certificate of Appropriateness by the HARB, for the replacement of fence at 800 Sarah Street.

A motion was made by Ms. DeVries, seconded by Mrs. Kochanski to approve the issuance of a Certificate of Appropriateness for the aforementioned application as recommended by the HARB. The motion was carried. (5-yes; 0-no; 0-abstain)

Consider the application of Verbateen Wilson, as recommended for the issuance of a Certificate of Appropriateness by the HARB, for the replacement of roofing on the right side of the roof at 522 Thomas Street.

A motion was made by Ms. DeVries, seconded by Mrs. Kochanski to approve the issuance of a Certificate of Appropriateness for the aforementioned application as recommended by the HARB. The motion was carried. (5-yes; 0-no; 0-abstain)

Consider the application of Lukasz Kot, as NOT recommended for the issuance of a Certificate of Appropriateness by the HARB, for the replacement of 8 windows in the garage at 610 Thomas Street.

A motion was made by Ms. DeVries to approve the recommendation of HARB to not issue a Certificate of Appropriateness for the aforementioned application. There was no second.

Ms. Walker advised Council that there are different windows in the garage, and HARB asked the applicant to return to the Board when he decides which window he will use. The applicant may also be able to fix a couple of the windows.

A motion was made by Mrs. Kochanski, seconded by Ms. DeVries to table consideration of the application in order to allow the applicant additional time to select the window that he proposes to use in his garage. The motion was carried. (5-yes; 0-no; 0-abstain)

Consider the application of Michael Baxtor, as NOT recommended for the issuance of a Certificate of Appropriateness by the HARB, for a sign at 800 Main Street.

A motion was made by Mrs. Kochanski, seconded by Ms. DeVries to approve the recommendation of the HARB to not issue a Certificate of Appropriateness for the aforementioned application. The motion was carried. (5-yes; 0-no; 0-abstain) Ms. Walker advised Council that the existing sign, because of its size, requires the applicant to provide a wood-looking sign per the HARB Ordinance.

Consider the application of Ian Schreier, as recommended for the issuance of a Certificate of Appropriateness by the HARB, for two new signs at 735 Main Street.

A motion was made by Mrs. Kochanski, seconded by Ms. DeVries to approve the issuance of a Certificate of Appropriateness for the aforementioned application as recommended by HARB. The motion was carried. (5-yes; 0-no; 0-abstain)

Consider the application of Wemara Lichty, as recommended for the issuance of a Certificate of Appropriateness by the HARB, for the replacement of fence at 309 N 7<sup>th</sup> Street.

A motion was made by Mrs. Kochanski, seconded by Ms. DeVries to approve the issuance of a Certificate of Appropriateness for the aforementioned application as recommended by HARB. The motion was carried. (5-yes; 0-no; 0-abstain)

### Committee Reports

Codes Committee – There is a Codes Committee next week.

Budget Committee – No meeting.

Parking Committee – There is a Committee meeting next week.

Recycling Committee – Mr. Kopp is trying to organize a Twin Boroughs Recycling meeting, but East Stroudsburg has not been responsive.

Sewer Committee – Mr. Kopp reported that the PA DEP is behind in their review of applications. He and Mike Chang from RKR Hess will be meeting with the PA DEP in Wilkes-Barre on June 6 to discuss the Ann Street Sewer Replacement Project and the extent of a Sewer Planning Review. He does not expect the project to be completed this year.

The EDU assessment is going very well; an employee has been going out once a week to do the field work.

Street Committee – Mayor Probst reported that the Committee meets on the first Wednesday of each month. They are working on Ann Street Park.

Personnel Committee – No meeting.

Public Relations/Media Committee – Adam Courtney is preparing the application for the Welcome to Stroudsburg banners. The Underground Railroad sign will be put up in the next few weeks.

Concerts in the Square will start on May 26 from 6:00 to 8:00 P.M. with a drum circle. The concerts will start on Thursday, June 2 for twelve weeks (on Thursdays) from 6:00 to 8:00 P.M. Ms. McCabe is working on a welcome packet for new residents.

Redevelopment Committee – No meeting. The Committee is continuing to work with Alta Planning.

I-80 Expansion Task Force Committee – No change in status.

Stroud Region Open Space and Recreation Commission – Ms. McCabe advised that there is a meeting at the end of the month. Mr. Ace asked if SROSRC is making progress with hiring lifeguards. Ms. McCabe reported that 11 lifeguards are still needed.

### Mayor's Report

Mayor Probst noted that some people are not keeping their grass mowed. There is a house on Scott Street that has an abundance of garbage that has been moved behind the house, and it is covered with a tarp. She expressed concern about public health and safety. Ms. Walker reported that Mr. Steven's is working on that.

### Council Member Reports

Mrs. Kochanski asked for a letter to be sent to the Stroudsburg Borough Fire Department and the Stroud Area Regional Police Department for their extra efforts in assisting with the overturned tractor trailer and the containment of a chemical spill on Bangor Mountain Road on May 16, 2022. Six different fire companies responded to the call.

### Solicitor's Report

Solicitor Brown reported that the hearing that was scheduled for May 19 before the Magisterial District Judge regarding the VFG LaBar vacant and abandoned citations has been postponed. Solicitor McDonald added that he spoke with the MDJ about the possibility of his virtual attendance for the hearing; however, that could not be accommodated, so the hearing will likely be in the next couple of weeks. He expressed his appreciation to Council for appointing Solicitor Brown to assist with the Borough's legal matters. They are working very well together.

## Manager's Report

### Meetings

Mobility Study Kick-Off	May 3 <sup>rd</sup>
MyGov Implementation Training	May 4 <sup>th</sup> to 6 <sup>th</sup>
Atty Nalaschi/Trip & Fall	May 5 <sup>th</sup>
Austin-Healey Car Club	May 6 <sup>th</sup>
COG Meeting	May 9 <sup>th</sup>
Penn Strategies/GTRP Grant	May 9 <sup>th</sup>
Downtown Business Association	May 10 <sup>th</sup>
Alta Planning Update Meeting	May 11 <sup>th</sup>
One Source/Dave Kellar	May 13 <sup>th</sup>
My Gov Go Live	May 17 <sup>th</sup> - 19 <sup>th</sup>
PSAB Conference (Hershey)	May 23 <sup>rd</sup> - 25 <sup>th</sup>

### Infrastructure/Streets/Capital Projects

*Sidewalk Replacement Project/Multimodal Grant.* Out to bid; bid opening May 18<sup>th</sup>. Extension approved from DCED/CFA. Project completion in summer 2022.

*Ann Street Sewer Replacement & Paving.* Sewer Facilities Planning Module sent 3/9/22. Water Quality Management Plan sent to DEP on 3/18/22. Still hope to go to bid this spring.

*Thomas Street Paving Project.* Pre-Construction Meeting on 4/28/22.

### Grants Strategy 2022

*Parking Garage.* LSA Grant submitted on March 15<sup>th</sup>. 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 6<sup>th</sup> for the Creek Walk Trail. DCNR changed grant from a planning grant to an actual construction grant.

*DCED Greenway, Trails and Recreation Program Grant.* Matching Funds (\$250,000) for the DCNR Grant for the Creek Walk Trail. Due on May 31<sup>st</sup>, working with Penn Strategies.

### Mobility Study/Alta Planning

Kickoff meeting on May 3<sup>rd</sup> with stakeholder committee. Design Charette tentatively set for June 27<sup>th</sup> to 29<sup>th</sup> (Monday to Wednesday). Alta is working on mapping, preliminary studies/work on infrastructure.

## MyGov Software for Codes/Zoning

Training complete. Verified site set-up the week of May 9-13. Going live the week of week of May 16<sup>th</sup>. Site is incredible, customizable and very intuitive to work with.

## Request for Proposal (RFP), Solid Waste Service

Working on the RFP for Trash Haulers to provide service to the Borough starting in 2023. Met with Mascaro & Sons on March 17<sup>th</sup> to discuss; they provided some excellent examples of RFP from other PA municipalities.

## Five Points Intersection North 5<sup>th</sup> Street

Cost estimate for project around \$1.2 Million. Ben is going forward to PennDOT to begin the approval process. Penn Strategies and I will begin looking at grants to potentially fund the work in 2023.

## Sewer Collection System/I&I Initiative

BCRA has updated I&I Plan and is scheduling a meeting soon with municipalities to review. Acquired GIS capabilities to accurately, and quickly, map sewer collection system. Acquired laptop (budgeted) for the GIS Mapping program. We are conducting smoke testing weekly; weather dependent. Camera work on potential lines with I&I ongoing when conditions are favorable.

## Sewer Rates/EDU Assessment/Billing

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.

Beginning issuing separate bills for sewer customers in 2022 and will change the information that is included on bills later in the FY. BCRA is having issues with their billing system and may be changing vendors.

## 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.

## Garbage Concerns on Main Street

As of 5/13, I have proof of 19 of the 30 properties having garbage service. Received tips about potential overcrowding in these properties. Going forward with citations on the properties that have not responded.

## Capital Improvements Plan

Working during spring/summer 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. RFP going through quality control process. Once complete will begin negotiations with contractor. Project Manager is working on the Local Cooperation Agreement (LCA) that will need to be executed by the Borough. 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.

## 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 granted 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 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

I am getting quotes from several vendors for an install of a pool liner in fall 2022, after the outdoor pool season is complete. There are basically two types of lines, trying to determine which is the most durable and cost effective for the Borough.

## Bicycle Racks

Three racks remain to be installed: 745 Main, 401 Main & 33 North 7<sup>th</sup> Streets. North 7<sup>th</sup> 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 spring/summer 2022. It is important for insurance purposes to have an active Safety Committee.

## Upcoming Focus

MyGov Implementation

Smoke Testing/I&I Mitigation

Code Enforcement (Dumpster/Recycling/Rental Prop)

Sewer EDU Assessment Plan

Solid Waste Request for Proposals

Day to Day Activities

Mr. Kopp will attend the PSAB Conference in Hershey May 23 to May 25.

Three bids were received for the Multimodal Sidewalk Replacement Project. The lowest bid was \$290,000.00 from The Vanic Company, Inc. The Borough Engineer is reviewing the bid documents.

## Code Enforcement Officer's Report

Ms. Walker reported that her department has been familiarizing themselves with the new MyGov software.

## Street Superintendent's Report

Mr. Ace reported that his department is working on the pool, preparation for the Thomas Street Paving and ADA Ramps Project and hanging the flower baskets on Main Street.

Approval of Bills on Warrants 220518

A motion was made by Mrs. Kochanski, seconded by Ms. DeVries to approve the payment of bills on Warrants 220518. The motion was carried. (5-yes; 0-no; 0-abstain)

Public Input for Non-Agenda Items

There were no questions or comments from the public.

The meeting was adjourned at 8:50 P.M. on a motion made by Mrs. Kochanski, seconded by Ms. DeVries. The motion was carried. (5-yes; 0-no; 0-abstain)



JOHN C. PREVOZNIK  
ATTORNEY AT LAW

**\*Attachment #1 of the Official  
Minutes of the Stroudsburg  
Borough Council, May 18, 2022**

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EAST STROUDSBURG, PA 18301

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May 5, 2022

Mayor Tarah D. Probst  
Borough of Stroudsburg  
Municipal Building  
700 Sarah Street  
Stroudsburg, PA 18360  
(Via Email: [tarah33@aol.com](mailto:tarah33@aol.com) & U.S. First Class Mail)

Matt Abell, Council President  
Borough of Stroudsburg  
Municipal Building  
700 Sarah Street  
Stroudsburg, PA 18360  
(Via Email: [mattabellmattabell@gmail.com](mailto:mattabellmattabell@gmail.com) & U. S. First Class Mail)

**Re: 710 Sarah Street, Stroudsburg, PA  
Request to be Placed on May 18, 2022 and July 19, 2022  
Borough Council Agendas**

Dear Mayor Probst and Mr. Abell:

My wife, Michelle, and I are requesting that we be placed on the Borough Council's Agenda at its July 19, 2022 meeting at 7:00 p.m. for consideration of our application for a certificate of appropriateness. As you may be aware, the HARB did not recommend that a certificate of appropriateness be issued at its May 2, 2022 meeting. The purpose of our request to be heard at the July 19, 2022 meeting is to discuss our options with regard to repairing our home. At that time, we will provide additional evidence and testimony to support the request made in our HARB application. We intend to have a court reporter present. I will certainly exchange documents with your Solicitor.

Please waive any applicable time frames in which a decision needs to be made under the Pennsylvania Municipalities Planning Code and/or the Borough Code up to and through the July 19, 2022 Borough Council meeting.

I am also asking to be placed on the May 18, 2022 Council Agenda to discuss my concerns regarding HARB and its conduct. Be advised that my wife received, through the Right-to-Know Law process, a copy of that HARB meeting's audio recording.

I have had the opportunity to listen to the entire audio recording of the May 2, 2022 HARB meeting. The discussion about myself, Judge Williamson, Judge Mark, Attorney Matergia, and even Attorney McDonald was wholly inappropriate and demeaning. I am appalled at how the HARB Members portrayed my wife at a public meeting. The use of profanity by at least one Board Member in connection with my wife's presentation goes beyond the pale and requires immediate attention. The actions of these individuals were truly insulting to my wife and the other individuals herein named.

I would also point out that the Board also ridiculed at least one of the applicants who appeared before them. Again, such behavior constitutes complete inappropriate conduct by appointed officials.

I have sent a copy of this letter to the Borough's Solicitor, the Mayor, and all members of Council. The recording revealed direct evidence that the members of the HARB plan to reach out to members of Borough Council individually in order to sway their opinion prior to my being able to present evidence. As the deliberation by Council over our request is appealable, the matter should be treated under the Local Agency Rules. It is wholly inappropriate for Borough Council to take information outside of the public meeting which cannot be examined by the applicant at the meeting and which is not available to the applicant. At this time, I would request that any member of Borough Council who engages in any *ex parte* conversation (be it oral or in writing) with any member of HARB over my application recuse themselves from deliberation in this matter. I would refer you to *Katz v. Township of Westfall*, 710 A.2d 609, 551 Pa. 315 (1998), to demonstrate what can occur to a municipality if it practices treatment of its citizens in this manner and to deprive citizens of their due process rights. In addition, Council members who engage in such conduct should seek advice as to the consequences of violating the *Pennsylvania Sunshine Act*, 65 Pa.C.S. §§701-716.

Further, Mr. Sandri initially indicated in the recording that he reviewed my house from public view. He then repeatedly stated that he went onto my property and was banging on the clapboard. Mr. Sandri had no authority from myself or my wife to walk onto my property. I was never notified – I would not have allowed it. In fact, on the recording, Mr. Sandri stated he was going back onto my property to look at the left side – again without our permission.

At this time, I am considering Mr. Sandri as a trespasser. The Borough should not sanction or otherwise allow the members of its HARB or any other committee to trespass onto private property. I am at this time contemplating my options with regard to Mr. Sandri's trespass.

Very truly yours,



JOHN C. PREVOZNIK

JCP/mfp

cc: Mr. and Mrs. David J. Williamson  
Mr. and Mrs. Jonathan Mark  
Ralph A. Matergia, Esquire (via email: [ralph@matergiadunn.com](mailto:ralph@matergiadunn.com))  
Joseph P. McDonald, Jr., Esquire (via email: [jmcdonald@josephmcdonaldlaw.com](mailto:jmcdonald@josephmcdonaldlaw.com))  
Erica Bradley-McCabe, Vice President of Council  
(via email: [emccabe@StroudsburgBoro.com](mailto:emccabe@StroudsburgBoro.com))  
Jim Evanisko, Council President Pro-Tem (via email: [jimevanisko@gmail.com](mailto:jimevanisko@gmail.com))  
Victoria DeVries (via email: [torid102@hotmail.com](mailto:torid102@hotmail.com))  
Tobias Sabatine (via email: [tsabatine@stroudsburgboro.com](mailto:tsabatine@stroudsburgboro.com))  
Joanne Kochanski (via email: [poconoprop@gmail.com](mailto:poconoprop@gmail.com))  
James B. Smith (via email: [Jsmith@stroudsburgboro.com](mailto:Jsmith@stroudsburgboro.com))  
Lawrence E. Kopp, Manager (via email: [lkopp@stroudsburgboro.com](mailto:lkopp@stroudsburgboro.com))  
Mary Pat Quinn, Executive Assistant (via email: [mquinn@stroudsburgboro.com](mailto:mquinn@stroudsburgboro.com))

**\*Attachment #2 of the Official  
Minutes of the Stroudsburg  
Borough Council, May 18, 2022**

Jonathan Mark  
702 Thomas Street  
Stroudsburg, PA 18360  
(e) kelly7@ptd.net

May 11, 2022

Mayor Tarah D. Probst  
Council President Matt Abell  
Borough of Stroudsburg  
Municipal Building  
700 Sarah Street  
Stroudsburg, PA 18360  
(VIA e-mail (tarah33@aol.com) & regular mail)  
(VIA e-mail (mattabellmattabell@gmail.com) & regular mail)

Re: May 2, 2022 HARB Meeting

Dear Mayor Probst and Council President Abell:

I am in receipt of Mr. Prevoznik's letter dated May 5, 2022 and have had the opportunity to listen to selected portions of the audio recording of the May 2, 2022 HARB meeting. While my intentions were to listen to the whole recording, frankly I stopped in disgust. Mr. Prevoznik described the conduct and statements of the HARB members as "inappropriate," "insulting," "demeaning," and "appalling," and the gratuitous use of hard-core profanity in a public meeting in the Council Chambers of Borough Hall as being "beyond the pale." I agree with his description. If anything, it is understated. I also agree that immediate action by the Borough is necessary.

While the inexcusable actions and utterances of HARB members merit prompt action by the Borough, municipal officials also need to look within. The HARB process is widely viewed as frustrating, at times demeaning, and the HARB members have a reputation of being condescending and rude to persons who appear before them. Borough officials, past and present, have long been aware of the Board's reputation and how applicants are treated. It is time to do something about it.

Any doubt? Listen to the recording. In more than 35 years of public and community service, until I listened to the recording, I had never heard municipal board members be as openly vulgar at a public meeting or as brazenly contemptuous of the applicants appearing before them, the municipal officials who appointed them, the professionals who represent one side or the other, and the public. What made the May 2<sup>nd</sup> meeting especially egregious is that, beyond commenting under their breath about and ridiculing persons who were present, the members inexplicably and out of the blue maligned and uttered vitriolic comments about persons, including David Williamson, Ralph Matergia, and myself, who were *not* present, who did not have items on the agenda, and, to my knowledge, had not appeared before the HARB for an extended period of time. The actions of the HARB members reflected badly on themselves, the Borough, and

Borough officials. Worse, the members' inappropriate comments were an insult to the persons at whom they were aimed as well as the residents and business and real estate owners of the Borough.

The HARB members' statements also call into question how the HARB process is carried out. Among other things, as Mr. Prevoznik indicated, the Sunshine Act is not something to be taken lightly. While the term "transparency" is in our twenty-four-hour news cycle, sound bite world now overused, open meetings, the public's right-to-know, and free and open debate at public proceedings are foundational principles of our democratic society. Even the appearance that any of these principles are not being followed is problematic.

When inappropriate conduct such as this comes to light, local governments tend to respond in one of two ways: by either circling the wagons, digging in their heels, and deflecting and defending the indefensible; or, by acknowledging the problem, atoning for the behavior, and turning the situation into an opportunity for meaningful review and change. I trust and hope that the Borough will choose the latter. It is the right thing to do.

Please add this correspondence to Borough Council's May 18, 2022 meeting agenda and include the letter in the minutes as correspondence to the Borough. Also, as I do not have their contact information, kindly forward the letter to all HARB members.

Very truly yours,



Jonathan Mark

cc: Mr. and Mrs. David J. Williamson  
Mr. and Mrs. John C. Prevoznik  
Ralph A. Matergia, Esq. (ralph@matergiadunn.com)  
Joseph P. McDonald, Jr., Esq. (jmcDonald@josephmcdonaldlaw.com)  
Christopher S. Brown (chris@csbrownlawoffices.com)  
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Mary Pat Quinn, Executive Assistant (mquinn@stroudsburgboro.com)