

MINUTES
Stroudsburg Borough Council Meeting
Tuesday, January 19, 2016 at 7 p.m.

Note that the minutes are presented in the order in which items were discussed at the meeting. Each agenda item, however, has retained the original number it was assigned on the original agenda.

1. Call Meeting to Order/Roll Call: Council President Weiss called the meeting to order at 7:00 p.m. Borough Manager Cathryn Thomas called roll. Present were President Weiss, Vice-President James Smith, Council Members Joanne Kochanski, Ken Lang, Patrick Maurath, Matt Abell and Mark Connors. Also present were Mayor Tarah Probst and Solicitor Ralph Matergia.
2. The Pledge of Allegiance was recited.
4. Approval of Council Meeting Minutes from January 4, 2016: There were three corrections noted. Mr. Abell voted no on the second motion for Agenda Item No. 22, Mr. Maurath was not listed as being present for the meeting under Agenda Item No. 2, and Item No. 26B was listed as not discussed when in actuality Mr. Smith withdrew his request. Motion by Mr. Smith, second by Mrs. Kochanski, to approve the Council Meeting Minutes from January 4, 2016 with the corrections listed. Motion passed unanimously.
3. Public Input: Dave McGarry, of Schoonover and Vanderhoof architects working for the Borough on the Fire Hall renovations, reported that last week one of the four garage doors was installed to the front of the Municipal Building. Friday, Zoning and Codes Officer Ron Kimes gave the Borough a stop work order on the construction of the remaining three doors as the appearance of the new doors was not close enough to what was being replaced, and also to what was submitted to, and approved by, the HARB. Mr. McGarry stated they will do their due diligence going back through the process and meet with the HARB and Council to determine how to rectify the issue.
5. Monthly Administrative Reports: Motion by Mrs. Kochanski, second by Mr. Connors, to accept the Monthly Administrative Reports. Motion passed unanimously.
6. Accept December Treasurer's Reports: Due to an equipment malfunction the Treasurer's Reports will not be available until the next Council Meeting.
7. Presentation by Sonia Wolbert and Sherry Acevedo – an overview of the Stroud Region Open Space and Recreation Commission (SROSRC): Both SROSRC Chairperson Ms. Wolbert and Executive Director Ms. Acevedo were present. Ms. Acevedo explained that the Borough is one of three municipalities, the others being East Stroudsburg and Stroud Township, that formulate the commission per an intergovernmental agreement which also includes both Stroudsburg and East Stroudsburg School Districts. Some of what they do for Stroudsburg Borough is run the park facilities including the hiring, training and supervising of the summer pool staff, coordinate park patrol at the pool and Glen Park on weekends, and help with the coordination of park rentals, basketball courts and events. Other programs offered are yoga, after school programs, karate, bus trips, and monthly park walks. The SROSRC web site has more detailed information of all the programs offered. A new publication of *Connections* (a parks and recreation newsletter) is coming out soon which will be mailed to all the residents and they will continue to do direct marketing through the schools, Facebook, Twitter and flyers specific to program offerings. It was briefly reported that now is the time that the SROSRC gears up for the spring and summer, including advertising and hiring all positions related to the pool such as the manager, assistant manager, life guards and concession workers.

Old Business

8. Further discussion of the Winterfest event to take place downtown on Presidents' weekend: Business owners Barry Lynch and Martha Loomis were present to address Council's questions regarding the event scheduled for Presidents' Holiday weekend. Mr. Lynch stated that as of now there are more than 44 sculptures that will be placed on Main Street and in Court House Square. They have secured the WSBG radio station, the *Pocono Record* newspaper and *Local Flair* magazine as media sponsors for advertising. The plan is to have music or art along with wine tasting on Friday night, and they are working with the YMCA to do an Olaf sculpture from the movie *Frozen* along with interactive activities for children. A raffle and a cookie walk is also planned. Mr. Lynch asked how to go about getting additional police protection to avoid vandalism of the sculptures and requested barricades on N. 7th Street and Monroe Street, the same as what is done for the Farmers Market, to ensure pedestrian safety. SARPD Captain Jen Lyon was present and handed Mr. Lynch her business card. She asked that he call her to coordinate the details. Public Works Director Brian Bond will supply the barricades for the event coordinators to place and remove. Motion by Mrs. Kochanski, second by Mr. Smith, to provide barricades to block off the 7th Street circle area for February 13th from 9 a.m. to 5 p.m. Motion passed unanimously.

9. Report from the Borough Solicitor concerning the appointment of the attorney to the Zoning Hearing Board: At the January 4th Council Meeting there was an item inappropriately on the agenda for Council to appoint a Zoning Hearing Board attorney. That appointment is the function of the Zoning Hearing Board not Council. Mr. Matergia advised that the appointment should be made at the next Zoning Hearing Board meeting.

10. Consideration to finalize the method by which to finance the purchase of the fire truck, i.e., a proposal received from ESSA, etc.: Borough Manager Cathryn Thomas commented that even though the fire truck purchase was approved at the last meeting, Councilperson Smith asked if other financing options could be researched and he subsequently received a quote with a better interest rate from the local ESSA bank.

Ms. Thomas stated there are two distinctive methods of financing. The Borough can go with a finance company or a local bank under the arrangement that it would be a lease purchase which is a less rigorous process from a legal perspective, versus a term loan which is a more involved process. The quote obtained from ESSA is for a term loan. There are additional costs with each option depending on the terms.

Mr. Chris Gibbons, Concord Financial, who the Borough has used many times in the past for a variety of finance projects, is here to explain the difference in loan options. He stated his company has been doing business with the Borough since before 9-11 (September 11, 2001) and during that time have financed and refinanced capital projects with bank loans and bond issues, depending on what is more cost effective.

As Mr. Gibbons understands it, the 3.14% rate was the one proposed in the package which is a lease purchase financing option. The ESSA proposal is a general obligation pledge financing option which provides unlimited taxing power to the repayment of the debt. There are three conditions under which lease purchase financing is allowed. First, it is subject to annual appropriations, so if the Borough fails to make a payment, the lender can repossess the fire truck. Second, the borrowing fee has to be shorter than the useful life of the facility. Pursuant to that, the third condition is you can't provide full faith and credit taxing power of the Borough to that borrowing.

That is the difference between the two types of financing. The cost of using Concord Financial for the financing would be \$10,200 which includes the costs for RFP's (\$5,000 paid to Concord), Bond Council (ext. \$4,200) and Solicitor fees (est. \$1,000).

Councilperson Smith stated the ESSA proposal of 2.6% saves the borough approximately \$17,000.

Solicitor Matergia stated Mr. Gibbons has worked with the Borough for at least 25 years. The services that a financial consultant such as Mr. Gibbons performs is they try to bid out and get the best rate and terms and analyze various proposals for financing. The best terms don't always mean the best interest rate. Either financing option will have additional costs. Usually the costs are slightly higher with a general obligation pledge.

After much discussion regarding soliciting RFP's and approaching local banks for rates on both financing options, a motion was made by Mr. Connors that the Borough pursue negotiations of a general obligation term loan with either ESSA Bank or First Keystone Community Bank at an annual interest rate not to exceed 2.6% for a fixed term of 10 years, without pre-payment penalty, without utilizing the services of our qualified financial consultant, while minimizing loan origination costs, and doing it the right way per our Counsel. For the sake of discussion the motion was seconded by Mr. Smith. After discussion of which, and how many other local banks should be contacted for a rate quote, Mr. Connors amended his motion to include other banks short of a paid RFP process to the extent that we can do it in-house. Mr. Smith feels that since we already have the 2.6% rate from ESSA, there is no need to look any further therefore he withdrew his second to the motion.

Mr. Connors then made a motion that the Borough pursue negotiations of a general obligation term loan with local banks at an annual interest rate not to exceed 2.6% for the purpose of purchasing the fire truck in question, without pre-payment penalty, and without utilizing the service of our financial consultant, while attempting to minimize loan origination costs, and done in the appropriate fashion per our Counsel.

Council Member Abell suggested Mr. Connors amend his motion because technically the loan is not for the purchase of a fire truck, it is to reimburse the Borough for the purchase of the truck. Mr. Connors then amended his motion to say the Borough pursue negotiations of a general obligation term loan with local banks at an annual interest rate not to exceed 2.6% for the purpose of reimbursing the Borough's General Fund having been utilized for the purchase the fire truck, without pre-payment penalty and without utilizing the service of our financial consultant, while attempting to minimize loan origination costs and done in the appropriate fashion per our Counsel. Motion fails 2-5-0 with Mr. Smith, Mr. Abell, Mr. Weiss, Mr. Lang, and Mrs. Kochanski voting no.

Motion by Mr. Smith, second by Mrs. Kochanski, to use ESSA Bank to refund the General Fund loan for the purchase of our fire truck at the interest rate of 2.6% as proposed, which was received on January 8, 2016. Mr. Smith was asked to amend the motion to include "with a 15% down payment of the total cost". Mr. Smith and Mrs. Kochanski agreed to amend the motion. Motion passes 6-1-0 with Mr. Lang voting no.

11. Discussion of the disposition of the current street sweeper once the Borough has a new street sweeper in operation: Motion by Mr. Lang, second by Mrs. Kochanski, to accept the Street Department Manager's proposal under recommendation No. 4 as outlined in a written communication. Motion passed unanimously. Ms. Thomas read aloud the details of recommendation No. 4 which states using the old street sweeper as a backup/spare until it needs any repairs that would cost more than \$2,500. Also, removing the sweeping unit from the chassis and replacing it with a landscape dump body which would enable the Borough to have a newer small dump truck, which would replace the 2001 Ford F550. The money received at auction for the sale of the 2001 Ford F550, which should be between \$8,000 and \$10,000, would pay for the landscape dump and lift which is estimated at a maximum cost of \$10,000.

12. Committee Assignments as designated by the Council President

- a. Finance Committee: Council President designated to the Finance Committee.
- b. Street Committee: Council President designated to the Street Committee.
- c. Sewer Committee: Council President designated to the Sewer Committee.
- d. Codes Committee: Council President designated to the Codes Committee.
- e. Recycling Committee: Council President designated to the Recycling Committee.

f. Parking Committee: Council President designated to the Parking Committee.

g. Public Relations/Social Media: Council President designated Mayor Probst, Erica McCabe, and Nagelica Badillo to the Public Relations/Social Media Committee.

Council President Weiss was only prepared to assign members to the newly formed Public Relations/Social Media Committee. He is still waiting for responses for the other committees.

Mayor Probst stated the Borough is missing out on a great number of tourists who visit the Pocono area and feels that we owe it to the business owners to promote our town better. All three committee members were present and eager to get started.

New Business

13. Consideration of a request from the American Red Cross for the Run for the Red Marathon on Sunday, May 15th, for it to take place on Borough streets and that they would also receive assistance from Borough personnel related to the race: Red Cross Representatives Bob Werts and Rose Walsh were present and gave a brief explanation of the event. Council Member Smith thanked them for their continual effort and services to the Borough and Red Cross. Motion by Mrs. Kochanski, second by Mr. Smith, to allow the American Red Cross Run for the Red Marathon on Sunday, May 15, to take place on Borough streets, with Borough assistance, approving the banner and waiving the banner fees. Motion passed unanimously.

14. Consideration of two Certificates of Appropriateness, with both recommended for approval and issuance by the Historic Architectural Review Board, for the following:

a. for Dein Properties, LP for the demolition of a building at 759 Main Street:

b. for Dein Properties, LP for the demolition of a building at 761 Main Street:

Motion by Mr. Abell, second by Mr. Maurath, to grant two Certificates of Appropriateness for Dein Properties, LP for the demolition of the buildings at 759 and 761 Main Street. Motion passed unanimously.

15. Consideration of a proposal to provide Borough email addresses to the Mayor and Council members with an explanation of the proposed costs from Borough technical advisor Jim Becker: Mr. Becker was present and gave a brief breakdown, which is also in the Council packet, of the costs which include approximately \$1,000 for licensing, \$1,000 for separate storage appliance, \$700 for tech support and installation, and \$1,000 for annual maintenance. Mr. Abell questioned how long emails are to be retained. Ms. Thomas stated it depends on the subject. She also emailed Council the regulations for retention and disposition of these records. Council Members Kochanski, Lang, and Abell expressed that they are not interested in having a Borough email address. They are satisfied with using their personal email. Per Solicitor Matergia, it doesn't matter if these emails are on Borough domain or on your own personal account, if the subject matter involves the Borough, they are subject to Right-To-Know requests. He stated how you choose to comply is up to Council. Mr. Lang suggested Mr. Becker come back with a proposal based on our current archival program. Mrs. Kochanski asked if the Council President can direct staff to check with other municipalities. Mr. Connors is concerned that he is in legal compliance to which Mr. Abell suggested he just keep all emails involving the Borough. Mr. Becker will wait to get clear direction from the Borough.

16. Consideration to enter into an agreement with Monroe County for administration of the Community Development Block Grant (CDBG) program for fiscal year 2015: Redevelopment Authority Representative Martha Robbins gave a brief description of the program. Motion by Mrs. Kochanski, second by Mr. Abell, to enter into an agreement with Monroe County for administration of the Community Development Block Grant (CDBG) program for fiscal year 2015. Motion passed unanimously.

17. Presentation by Ken Brown – an overview of the Brodhead Creek Regional Authority (BCRA): Mr. Brown handed out an outline that he spoke from which covered the history and formation of the BCRA, basic facts and benefits to the municipalities, formation of the regional wastewater treatment plant (WWTP), and operation and

maintenance (O&M) charges. Council Member Lang expressed his concern that the cost to residents increased 103% from the end of 2014 to the beginning of 2016 and asked how we know we are not being “screwed”. Mr. Brown explained that there are basically three factors that have made up the increase in cost. First, Pocono Township has not been brought online as fast as expected, second, the existing I & I (inflow and infiltration) problems such as leaks and rainwater coming in from the ground, and third, faulty meters which have since been replaced.

18. Consideration to approve destruction of Borough records, in accordance with the State retention and disposition schedule: Motion by Mrs. Kochanski, second by Mr. Abell, to approve destruction of Borough records, in accordance with the State retention and disposition schedule. Motion passed unanimously.

19. Consideration of a proposal to extend the twinkle lights down 7th Street from Main Street to Court House Square, with a request to the Mattioli fund to cover the \$1,626 cost for the additional lights: Mr. Smith commented that additional lighting to Court House Square would add to the Tree Lighting Ceremony and asked Solicitor Matergia if the Mattioli Fund would cover the costs. Mr. Matergia stated that it can be considered, however those fund cannot be provided to the Borough, but would have to be given to an established non-profit entity. He cannot make the decision but can give input.

20. Consideration to provide parking passes for the Mayor and Council members: Mr. Abell, Mrs. Kochanski, and Mr. Connors all voiced opinions against this. Motion by Mr. Lang, second by Mr. Abell, not to provide parking passes for the Mayor and Council members. Motion passed unanimously.

21. Solicitor’s Report: Mr. Matergia has a litigation matter to be discussed in Executive Session.

At this time Ken Brown, BCRA, stated it is Council’s responsibility to appoint board members to the Authority. Mr. Joe Shay has been the Stroudsburg representative on the BCRA Board, however his term expired at the end of 2015, but he will continue to serve until such time that he is either reappointed or replaced. Mr. Shay was present and stated he would like to be reappointed as he feels it is in the best interest of the Borough to do so. He stated they have made significant progress which is evident by the decrease in water rates.

22. Mayor’s Report: Mayor Probst attended the Boot Camp and learned that there are numerous grants available that the Borough should take advantage of. She also requested business cards which Ms. Thomas stated she can generate for her from the computer and can also have them professionally printed.

Mayor Probst also suggested Thursday night concerts in Court House Square in nice weather.

23. Council Member Reports:

Mrs. Kochanski feels there are dark areas throughout town that need additional lighting. Mr. Abell suggested contacting former Council Member Eric Scelza as he had started a list of dark areas. Ms. Thomas directed Public Works Director Brian Bond to determine what is dark now compared to in the spring, and get a cost estimate for the lights and poles.

Mr. Maurath attended the Boot Camp and inquired about the required NIMS classes. Ms. Thomas will get the information to the Mayor and Council members regarding the classes which can be taken online.

Mr. Maurath asked if we have a Winter Maintenance Plan to which Mr. Bond replied yes. Mr. Maurath asked it be placed on the Borough web site.

Mr. Maurath asked if we have a Resident Complaint form to which Mrs. Christman replied yes.

Mr. Maurath asked if we have an Emergency Operations Manager and an Emergency Operations Plan. Ms. Thomas stated she is the Emergency Operations Manager and there is an Emergency Operations Plan which is probably in need of updating.

Mr. Maurath remitted pictures of bad sidewalks on Bryant Street. Ms. Thomas stated sidewalks are the responsibility of the property owner and that either Mr. Wilkins or Mr. Kimes have the ability to send them a letter. If the letter is ignored the property owner can be cited. She suggested he get together with Mr. Wilkins.

Mr. Lang stated a letter of interest in serving on the HARB was received from Karen Maurath. Motion by Mr. Lang, second by Mr. Abell, to appoint Karen Maurath to the Historic Architectural Review Board. Motion passed unanimously.

Mr. Lang asked if there was any update on the Recycling review. Ms. Thomas forwarded to Mr. Matergia the most recent agreement she could find from 2004 which is still being reviewed.

Mr. Lang made a motion to appoint Eric Scelza to the Brodhead Creek Regional Authority (BCRA) Board. The motion was seconded by Mr. Abell. Councilperson Smith would like the position to be advertised. Mr. Maurath and Mr. Connors questioned Mr. Scelza's qualifications. Mr. Lang stated that as a former Council Member, Mr. Scelza worked closely with Brian Bond on sewer issues and has a very good understanding of I & I. Mayor Probst suggested Mr. Scelza come in and discuss his qualifications. Motion passed 3-2-2 with Mr. Smith and Mr. Weiss voting no, and Mr. Connors and Mr. Maurath abstaining.

Mr. Connors made a motion that the Mayor be invited to all Executive Sessions unless we vote otherwise at the time. The Motion was seconded by Mr. Abell. Motion passed unanimously.

Mr. Connors asked what his obligations are in the open records law in regards to email so that he can comply. Ms. Thomas asked that he review the email she sent regarding retention and disposition of records and contact her if he still has any questions.

Mr. Smith stated he spoke to Codes Officer Ron Kimes and would like the Codes Committee to review Stroudsburg Borough Code Chapter 27, §610 regarding trees on private property which obstruct site distance at intersections. He reported that at least one instance is currently an issue, that a pine tree is obstructing site distance at the corner of Collins and Broad. Several residents have expressed safety concerns.

Mr. Smith has also received a complaint regarding the tree on N. Second Street at the Stop Sign. The limbs are falling into the resident's yard. Mr. Bond stated it is the Borough's tree and is trimmed to standards and the ordinance every other year. Ms. Thomas stated this should really go to the Shade Tree Commission.

Mr. Smith stated an email letter of interest to serve on the Planning Commission was received today from Anthony Lanfrank. Motion by Mr. Smith, second by Mr. Connors, to appoint Mr. Lanfrank to the Planning Commission. Motion passed 4-3-0 with Mr. Abell, Mr. Lang and Mrs. Kochanski voting no.

24. Manager's Report: Ms. Thomas informed Council of a Hazardous Mitigation Meeting at 12 noon on January 27th. Mr. Abell, Mr. Connors, Mr. Lang and Mr. Smith are unable to attend.

25. Approval of Bills on Warrant 151231, 160119: Motion by Mr. Abell, second by Mr. Connors, to approve Bills on Warrants 151231 and 160119. Motion passed unanimously.

26. Executive Session: Motion by Mrs. Kochanski, second by Mr. Abell, to move to Executive Session at 9:52 p.m. to discuss litigation and personnel matters. Motion passed unanimously.

Motion by Councilperson Connors, seconded by Councilperson Abell, to adjourn the Executive Session and resume the normal session of the Borough Council at 10:53 p.m. Motion passed unanimously.

During the executive session a legal matter and personnel matters were discussed and no decisions were made.

Motion by Councilperson Connors, seconded by Councilperson Abell, to adjust the annual wages for the position of Deputy Director of Public Works, as recommended by the Borough Manager, retroactive to January 1, 2016. Motion passed unanimously.

Motion by Councilperson Abell, seconded by Councilperson Connors, to adjust the annual wages for the position of Assistant Codes Officer, selecting Option B, as recommended by the Borough Manager, retroactive to January 1, 2016. Motion passed unanimously.

Motion by Councilperson Abell, seconded by Councilperson Connors, to adjust the annual wages for the position of Executive Assistant, selecting Option B, as recommended by the Borough Manager, retroactive to January 1, 2016. Motion passed 6-1-0 with Councilperson Smith voting no.

27. Adjournment: Motion by Lang, second by Councilperson Smith, to adjourn at 10:58 p.m. Motion passed unanimously.

Approved:

Boyd Weiss, President of Council

Attest:

Cathryn Thomas, Borough Manager/Secretary