

MINUTES
Stroudsburg Borough Council Meeting
Tuesday, April 19, 2016 at 6:30 p.m.

1. Discussion with persons interested in filling the vacancy on the Zoning Hearing Board: Interviews were conducted with Mr. Larry Ospa and Mr. Richard Staneski.

MINUTES
Stroudsburg Borough Council Meeting
Tuesday, April 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 p.m. Borough Manager Cathryn Thomas called roll. Present were President Weiss, Vice-President James Smith, Council Members Joanne Kochanski, Ken Lang, Matt Abell and Mark Connors. Absent was Council Member Patrick Maurath. Also present were Mayor Tarah Probst and Solicitor Ralph Matergia.

Notre Dame High School students Grace Ramirez, Adrian Lozada and Chanasorn Iemsakul were in attendance as part of their American Government class.

2. The Pledge of Allegiance was recited.

3. Swearing-In Ceremony for the Stroudsburg Fire Department Command Personnel: Mayor Tarah Probst individually swore in Mike Seip as Fire Chief and Charles Frantz and John Stevens as Assistant Fire Chiefs.

4. Public Hearing

- A. Consideration of an Ordinance amending portions of Chapter 15 – Motor Vehicles and Traffic of the Stroudsburg Borough Code, mainly in the section pertaining to Parking: The public hearing was opened at 7:03 p.m. Mr. Eugene Haggerty reported parking concerns for his commercial and residential tenants at property he owns at the corner of 9th and 10th Streets. His commercial tenant has customers that require longer than one hour parking and asked if the parking time allowed can be extended. The proposed change tonight is to add parking meters to this block and extend the parking time allowed to three hours. Council felt, however, that the expense to purchase the meters outweighs the estimated revenue increase and therefore it was decided not to put meters on the block, but rather extend the parking time allowed to three hours from Monday through Friday during the hours of 9 a.m. to 6 p.m. It was also suggested to conduct a study to see if meters are feasible.

Mr. Haggerty also asked if his residential tenants qualify for residential parking permits. Zoning and Codes Officer Jeff Wilkins reviewed the ordinance and stated they do not qualify as the address is zoned commercial not residential.

Motion by Mrs. Kochanski, second by Mr. Lang, to close the public hearing at 7:13 p.m.

- B. Consideration to approve an Ordinance amending portions of Chapter 15 – Motor Vehicles and Traffic of the Stroudsburg Borough Code, mainly in the section pertaining to Parking: Council member Mark Connors handed out copies of revisions to the proposed changes that he would like Council to review. Motion by Mrs. Kochanski, second by Mr. Smith, to table this for further staff review. Motion passed unanimously.

5. Public Input: Joe Kringer, Co-Founder of Keystone Compassionate Care, left Council with a sample ordinance to review and possibly adopt regarding the regulation of individual conduct and activity as it relates to marijuana possession.

6. Approval of Council Meeting Minutes from April 5 and 12, 2016: Motion by Mrs. Kochanski, second by Mr. Abell, to approve the Council Meeting Minutes from April 5 and 12, 2016. Motion passed unanimously.

7. Monthly Administrative Reports: Motion by Mrs. Kochanski, second by Mr. Smith, to accept the Monthly Administrative Reports. Motion passed unanimously.

8. Accept February and March Treasurer's Reports: Motion by Mrs. Kochanski, second by Mr. Connors, to file the February and March Treasurer's Reports for audit. Motion passed unanimously.

New Business

21. Discussion of previous Borough approval granted to the All Granite and Marble Corp. for their development plan and agreement: Attorney Marc Wolfe, representing the developer and Nate Oiler, engineer for the developer, were present and gave a brief summary of the project which was originally presented in 2005 and approved in 2006 conditioned upon the execution of a development agreement. Per Solicitor Matergia, they were unable to get to an agreeable development agreement at the time but since have resolved all the issues. After tonight this will move to a final agreement.

Attorney Wolfe stated that in association with both the surgery center and this project, a petition was presented to the Borough to ordain Storm Street. Council will need to address this once there is a signed development agreement.

22. Consideration to approve the final payment request from Northeast Site Contractors for the reconstruction of Clermont Street: Solicitor Matergia reviewed this and finds it satisfactory. Motion by Mrs. Kochanski, second by Mr. Smith, to approve the final payment request in the amount of \$18,043.92 from Northeast Site Contractors for the reconstruction of Clermont Street. Motion passed unanimously.

23. Consideration to advertise for bids for the reconstruction of 2nd Street: Engineer Nate Oiler stated he believes the funding for the Second Street area paving and curbing improvements will come from CDBG money, liquid fuels money and the street fund and pointed out on a map the entire area included in the project. Motion by Mrs. Kochanski, second by Mr. Lang, to advertise for bids for the reconstruction of 2nd Street using CDBG money. Motion passed unanimously.

Council Member Mark Connors asked Mr. Oiler if there is any way to "calm" the traffic at the busy intersection of Second and Garfield once the paving is done, such as a crosswalk designation and/or a "Children At Play" sign. Mr. Oiler said he can look into that.

Mr. Lang asked that the road base be checked so we don't run into the same issue we did with Clermont Avenue. Mr. Oiler stated that he and Public Works Director Brian Bond have ensured that this specific issue has been addressed.

24. Motion to schedule a public hearing on May 17th to consider amending expenditure of the remaining 2013 CDBG funds, originally to be expended for improvements to Garden Street and instead to have those funds redirected for improvements to Second Street: Motion by Mrs. Kochanski, second by Mr. Lang, to set a public hearing on May 17th to consider amending expenditure of the remaining 2013 CDBG funds, originally to be expended for improvements to Garden Street and instead to have those funds redirected for improvements to Second Street. Motion passed unanimously.

Old Business

9. Consideration to make an appointment to the Zoning Hearing Board, to fulfill the unexpired term of Joseph Shay, term ending December 31, 2019: Motion by Mr. Lang, second by Mr. Smith, to appoint Richard Staneski to the Zoning Hearing Board, to fulfill the unexpired term of Joseph Shay, term ending December 31, 2019. Motion passed unanimously.

10. Discussion of a suitable vehicle for Code/Parking Enforcement personnel: A meeting took place with Ms. Thomas, Councilperson Smith, Meter Attendant Nancy Gordon, Codes Officer Ron Kimes and Public Works Director and Assistant Director Brian Bond and Brian Ace where purchasing and leasing new and used vehicles was discussed. Since a light bar needs to be installed on the vehicle, leasing is not an option. The Borough obtained a fleet price quotation of \$11,990 for a brand new Nissan Versa through the local Abeloff dealer, so it was decided that didn't make sense to investigate used vehicles which might only be slightly less than the quoted price for the new vehicle. Mr. Kimes and Meter Attendants Mrs. Gordon and Mr. Phillips checked out the car at the local dealership and they concur it is a good fit for the Borough and the intended uses. Motion by Mrs. Kochanski, second by Mr. Abell, to purchase the Nissan Versa for \$11,990 through Abeloff's fleet pricing. Motion passed; 5-1-0 with Mr. Connors voting no.

11. Consideration to appoint a new Borough Solicitor: Council Member Connors made a motion approving the hiring of Attorneys Joe McDonald, Jeff Durney and Tim McManus instructing our Borough Manager and current Solicitor to negotiate a compensations package that includes a fixed monthly fee for participation at monthly meetings, phone calls from designated Borough representatives and legal opinions not requiring extensive research with separate hourly fees for litigation and contract negotiations. Solicitor Matergia stated that it is improper to have a combined motion.

Motion by Mr. Connors, second by Mrs. Kochanski, to designate Attorney Joe McDonald as our preferred candidate. Motion passed unanimously.

Motion by Mr. Connors, second by Mr. Lang, to designate Attorney Jeff Durney as our alternate solicitor. Motion passed unanimously.

Motion by Mr. Connors, second by Mr. Abell, to designate Attorney Tim McManus as special counsel relating to the BCRA Inter-Agency Agreement modification issues that are underway. Motion passed unanimously.

12. Consideration to select a new codification company: Motion by Mr. Lang, second by Mrs. Kochanski, to select General Code as the new borough codification company. Motion passed unanimously.

13. Consideration to approve the job advertisement for the Executive Assistant position: Motion by Mr. Connors, second by Mr. Smith, to advertise for the Executive Assistant position based on the edited version. Motion passed unanimously.

New Business

14. Consideration to approve request from Joan Centrella for a curb cut at 510 Wallace Street: Mr. Kimes and Mr. Bond both agree that the property now meets all curb cut requirements for off street parking. Motion by Mr. Abell, second by Mrs. Kochanski, to approve the request from Joan Centrella for a curb cut at 510 Wallace Street. Motion passed unanimously.

15. Consideration of issuance of a Certificate of Appropriateness, as recommended for approval by the Historic Architectural Review Board, for Angeline Gilroy for the installation of fencing at 903 Main Street: Motion by Mrs. Kochanski, second by Mr. Abell, to grant a Certificate of Appropriateness, as recommended for approval by

the Historic Architectural Review Board, for Angeline Gilroy for the installation of fencing at 903 Main Street. Motion passed unanimously.

16. Consideration of issuance of a Certificate of Appropriateness, as recommended for approval by the Historic Architectural Review Board, for Joseph Johnson for the installation of fencing at 512 Thomas Street: Motion by Mr. Abell, second by Mrs. Kochanski, to grant a Certificate of Appropriateness, as recommended for approval by the Historic Architectural Review Board, for Joseph Johnson for the installation of fencing at 512 Thomas Street. Motion passed unanimously.

17. Consideration of issuance of a Certificate of Appropriateness, as recommended for approval by the Historic Architectural Review Board, for the Pocono Mountain Vacations Bureau Inc. for replacement of rear porches and alterations at 1004 Main Street: Motion by Mr. Abell, second by Mrs. Kochanski, to grant a Certificate of Appropriateness, as recommended for approval by the Historic Architectural Review Board, for the Pocono Mountain Vacations Bureau Inc. for replacement of rear porches and alterations at 1004 Main Street. Motion passed unanimously.

18. Consideration of issuance of a Certificate of Appropriateness, as recommended for approval by the Historic Architectural Review Board, for Northeastern Natl Bank of PA for the alteration to a ramp and railings at 43 North Sixth Street: Motion by Mr. Abell, second by Mr. Smith, to grant a Certificate of Appropriateness, as recommended for approval by the Historic Architectural Review Board, for Northeastern Natl Bank of PA for the alteration to a ramp and railings at 43 North Sixth Street. Motion passed unanimously.

19. Consideration of issuance of a Certificate of Appropriateness, as recommended for approval by the Historic Architectural Review Board, for TSS Holdings LLC John Iacono for the installation of exhaust ductwork at 564 Main Street: Motion by Mr. Abell, second by Mrs. Kochanski, to grant a Certificate of Appropriateness, as recommended for approval by the Historic Architectural Review Board, for TSS Holdings LLC John Iacono for the installation of exhaust ductwork at 564 Main Street. Motion passed unanimously.

20. Consideration to approve a minor subdivision for 800 Monroe Street, as requested by property owner Philip Stock: Motion by Mr. Abell, second by Mrs. Kochanski, to approve a minor subdivision for 800 Monroe Street, as requested by property owner Philip Stock conditioned upon waiver requests and comment conditions submitted by Engineer Nate Oiler referenced in his letter dated March 31, 2016. Motion passed unanimously.

25. Consideration to appoint Borough Manager Cathryn Thomas as the Right To Know Officer: Motion by Mr. Abell, second by Mrs. Kochanski, to appoint Borough Manager Cathryn Thomas as the Right To Know Officer. Motion passed unanimously.

26. Consideration to approve related expenses for Brian Bond and Brian Ace to attend the Management and Supervisory Leadership Training Program hosted by the North Penn Water Authority: Mr. Connors stated this seems like a pricey seminar for a non-specific payoff therefore he is not in favor. Motion by Mrs. Kochanski, second by Mr. Abell, to approve related expenses for Brian Bond and Brian Ace to attend the Management and Supervisory Leadership Training Program hosted by the North Penn Water Authority: Motion passed; 4-2-0 with Mr. Smith and Mr. Connors voting no.

27. Consideration to approve the request from the Sherman Theater for the Annual StroudFest event to take place on Saturday, September 3rd: Mr. Berkowitz was not present. He had requested this be later on the agenda as he had another commitment tonight and knew he would be late. Motion by Mr. Lang, second by Mr. Abell, to table this request. Motion passed; 5-1-0 with Mr. Connors voting no.

28. Solicitor's Report: Mr. Matergia stated he will work on the transition with the new solicitor. Motion by Mr. Connors, second by Mrs. Kochanski, to have the newly selected primary solicitor start on May 1, 2016 with our existing solicitor staying on until June 1, 2016 to ensure a smooth transition. Motion passed unanimously.

29. Mayor's Report: Mayor Probst inquired if there has been any date selected yet for any type of ceremony for the fire truck and fire house. Ms. Thomas responded that no date has been set and that the Fire Department will let her know when any decisions are made.

Mayor Probst has received a few complains that the area by Ramsey School on Thomas Street is not well lit at night. Ms. Thomas reminder her that if she or any Council members know of any dark areas they should email her so a list can be created that Mr. Bond can address. Mr. Bond also stated that the area out by the high school that Mayor Probst reported to be checked out has five poles all with lights.

Mayor Probst thanked the Police Department as she has been getting comments from downtown businesses that they are noticing more police presence and less panhandling.

The Mayor commented that Saturday night was very busy in town and cars were flying down Main Street which she feels is a dangerous situation. Mr. Schnaitman had suggested to her that one way to stop the speeding traffic on Main would be to make Ann Street one way in the other direction from 7th to 9th and have it two ways from 5th to 7th. This way people coming down 9th Street could take a left directly on Ann avoiding Main Street. Mr. Bond stated Ann Street is not wide enough to do that. Mayor Probst suggested the police use radar or timing strips on Main Street to catch speeders. Mrs. Kochanski told her the police are not allowed to use radar in PA Boroughs. Captain Lyon stated the Robic Lines are not an option because the officers would have to be positioned directly across from them which can't be done on Main Street. The Mayor would like to start a task force to deal with this issue.

PennDOT is going to do a site location visit for the billboard signs the Borough applied for through the TODS Program on Route 80, which should take between five to six weeks to complete and will then notify the Borough of their decision.

The Mayor received an email from Lockwood Properties regarding bike racks on Main Street. Solicitor Matergia told her to call him once she identifies locations for the racks with agreement from the business owners and obtaining costs. The Mattioli Find will consider funding the racks.

The Mayor asked Codes Officer Jeff Wilkins if permits are needed for informational tables and food trucks for the Thursday night concerts in courthouse square. Mr. Wilkins stated that no permit is needed for the informational tables but food trucks are not permitted.

The Mayor toured the old jail with Commissioner Christie who is looking into getting the files moved.

27. Consideration to approve the request from the Sherman Theater for the Annual StroudFest event to take place on Saturday, September 3rd: Motion by Mr. Lang, second by Mrs. Kochanski, to reopen Agenda Item #27. Motion passed unanimously.

Mr. Berkowitz apologized for being late. He was attending a National Honor Society Ceremony for his daughter. He explained that the request is the same as it has been for the last 10 years. Motion by Mrs. Kochanski, second by Mr. Abell, to approve the request from the Sherman Theater for the Annual StroudFest event to take place on Saturday, September 3rd. Motion passed unanimously.

30. Council Member Reports:

Mrs. Kochanski noticed more garbage around town now that the college students are getting ready to leave.

Mr. Smith thanked Mr. Bond for the speedy response to the storm water basin issue.

Mr. Smith volunteered to work on the bike rack issue.

Mr. Smith would like Council to support the high school Best Buddies Program which supports children with disabilities by taking a picture and hold up a sign at the next Council meeting.

Mr. Smith is interested in following up with Code issues, specifically those numbered 1, 2, 5 and 6 that were outlined in the last council packet. Ms. Thomas once again asked that everyone email her a list of the prioritized items they are interested in.

Mr. Lang wanted clarification from Captain Lyon that if he had a prescription for some medically prescribed treatment and the police roll up on him, that he can possess what he has been prescribed to which she replied yes.

Mr. Lang informed Council that he and Mr. Hoyt will be attending HARB training in Belfont.

Mr. Abell thanked Solicitor Matergia for his many years of service to the Borough.

Mr. Abell would like to establish an ad hoc committee to address some of the requirements in the Mixed Use District. Mr. Connors and Mrs. Kochanski are also interested in participating.

31. Manager's Report: Ms. Thomas sent Council a note concerning the early morning and late night hours the basketball courts are being utilized in the 3rd Street Park. Mr. Matergia responded by saying Council can regulate the hours of usage as they see fit. President Weiss asked who would enforce the hours. Captain Jen Lyon stated the police would be happy to help but didn't know how much time they would have to dedicate to the issue. She stated if the residents call, the police will respond.

Ms. Thomas has a personnel issue for Executive Session.

32. Approval of Bills on Warrant 160419: Motion by Mrs. Kochanski, second by Mr. Connors, to approve the Bills on Warrant 160419. Motion passed unanimously.

33. Executive Session: Motion by Mrs. Kochanski, second by Mr. Smith, to go to Executive Session at 8:40 p.m. to discuss a personnel matter. Motion passed unanimously.

Motion by Councilperson Kochanski, seconded by Councilperson Lang, to adjourn the executive session and resume the open segment of the meeting at 9:25 p.m. Motion passed unanimously.

Personnel matters were discussed in executive session and no action was taken.

Motion by Councilperson Kochanski, seconded by Councilperson Abell, authorizing the Borough Manager to pay a bonus to Mary Cramer, up to a maximum of \$240 per week, for a maximum two month period, for performing added responsibilities and duties in the absence of the Borough having a person serving in the Executive Assistant position and subject to a performance evaluation. Motion passed unanimously.

Motion by Councilperson Kochanski, seconded by Councilperson Abell, to employ Option B presented to the Council to cover various duties currently performed by Building Official Jeff Wilkins, for a period of six months, specifically as related to the performance of residential and commercial building inspections, as follows:

<u>Position</u>	<u>Employee</u>	<u>Rate</u>	<u>Est. Hours Per Week</u>
Construction Official	Jeff Wilkins	\$40/hr.	8

Vote on Motion: Councilpersons Kochanski, Abell and Lang voted aye and Councilpersons Smith, Connors and Weiss voted no. The motion failed, 3-3.

Motion by Councilperson Connors, seconded by Councilperson Abell, to employ Option B presented to the Council to cover various duties currently performed by Building Official Jeff Wilkins, for a period of three months, specifically as related to the performance of residential and commercial building inspections, as specified above and subject to confirmation of proper certifications. Motion passed unanimously.

Motion by Councilperson Connors, seconded by Councilperson Kochanski, to employ Option B presented to the Council to cover various duties currently performed by Building Official Jeff Wilkins, specifically as related to the performance of health inspections, as follows:

<u>Position</u>	<u>Employee</u>	<u>Rate</u>	<u>Est. Hours Per Week</u>
Health Officer	Anita Einolf	\$25/hour	6

It was also discussed to advertise for the position of a part-time Codes Enforcement Official for a rate of \$15 per hour with a work schedule estimated to be 20 hours per week, coordinating this work with Assistant Building Official Ron Kimes.

Motion by Councilperson Lang, seconded by Councilperson Connors, for the Borough Manager to hire a temporary employee to train and ultimately serve as the main back-up for Parking Secretary Lynn Heimbach, in lieu of having that position covered, when needed, by Parking Code Enforcement Officer Nancy Gordon. Motion passed unanimously.

Motion by Councilperson Kochanski, seconded by Councilperson Lang, to adjourn the meeting at 9:35 p.m. Motion passed unanimously.

Approved:

Boyd Weiss, President of Council

Attest:

Cathryn Thomas, Borough Manager/Secretary