

MINUTES
Stroudsburg Borough Council Meeting
Tuesday, June 21, 2016 at 7 p.m.

1. Call Meeting to Order/Roll Call: Council President Ken Lang called the meeting to order at 7:00 p.m. Borough Manager Cathryn Thomas called roll. Present were President Lang, Vice President James Smith, Council Members Joanne Kochanski (via phone), Boyd Weiss, Matt Abell, Mark Connors (arrived at 7:23 p.m.) and Patrick Maurath. Also present were Mayor Tarah Probst and Solicitor Joe McDonald.
2. The Pledge of Allegiance was recited.
3. Public Input on Non-Agenda Items: Hearing no public comment, a motion was made by Mr. Abell, second by Mr. Smith, to close Public Input. Motion passed unanimously.
4. Approval of Council Meeting Minutes from June 7, 2016: Motion by Mr. Abell, second by Mr. Maurath, to approve the Council Meeting Minutes from June 7, 2016. Motion passed unanimously.
5. Monthly Administrative Reports: Motion by Mr. Abell, second by Mr. Smith, to accept the Monthly Administrative Reports. Motion passed unanimously.
6. Accept April Treasurer's Reports: Motion by Mr. Abell, second by Mr. Smith, to accept the April Treasurer's Reports. Motion passed unanimously.

Old Business

None

New Business

7. Consideration to approve a request from the Pocono Area Running Club to hold the StroudFest 5K Race on Saturday, September 3rd: Borough Manager Cathryn Thomas informed Council that this request is just informational and no action is needed. Motion by Mrs. Kochanski, second by Mr. Maurath, to acknowledge the request from the Pocono Area Running Club to hold the StroudFest 5K Race on Saturday, September 3, 2016. Motion passed unanimously.
8. Consideration of issuance of a Certificate of Appropriateness, as recommended for approval by the Historic Architectural Review Board, for Timothy Grenko for the installation of a fence at 600 Thomas 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 Timothy Grenko for the installation of a fence at 600 Thomas Street. Motion passed unanimously.

9. Consideration of issuance of a Certificate of Appropriateness, as recommended for approval by the Historic Architectural Review Board, for Jacqueline Ventiere for the installation of roofing at 600-610 Fulmer Avenue: Motion by Mr. Smith, second by Mr. Maurath, to grant a Certificate of Appropriateness, as recommended for approval by the Historic Architectural Review Board, for Jacqueline Ventiere for the installation of roofing at 600-610 Fulmer Avenue. Motion passed unanimously.

10. Consideration of issuance of a Certificate of Appropriateness, as recommended for approval by the Historic Architectural Review Board, for 712 Associates for the replacement of windows at 712 Monroe 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 712 Associates for the replacement of windows at 712 Monroe Street. Motion passed unanimously.

11. Consideration of issuance of a Certificate of Appropriateness, as recommended for approval by the Historic Architectural Review Board, for Shannon Investments LP for alterations to the building and the installation of signage at 712 Ann 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 Shannon Investments LP for alterations to the building and the installation of signage at 712 Ann Street. Motion passed unanimously.

12. Consideration of a request to amend the Borough Code to add a permitted use to the C-2 Central Business Commercial zoning district to allow for establishment of a commercial enterprise known as an "Escape Room", which Code amendment would require an ordinance, subject to a public hearing: Codes Officer Ron Kimes explained that an application was received for what is called an "Escape Room" in a C2 Zoning District. This use, whether determined to be entertainment or recreation, is not defined or permitted in a C2 Zoning District. The application was denied. The property owner has asked Council to possibly allow this type of use in a C2 Zoning District either by right or by special exception. Staff recommendation is to have that use as a special exception or permitted by right provided that there is an exact definition of what the recreation is.

Mr. Abell suggested this use be reviewed by one of our committees in regards to amending the zoning for this potential use. Motion by Mr. Abell, second by Mr. Smith, to advertise for public hearing to allow the use of Escape Rooms under special exception in the C2 Zoning District. Motion passed unanimously. Council Member Smith asked if this should go before the Planning Commission before the public hearing. Attorney McDonald explained there are two ways the amendment can come about. It can be sponsored by the applicant, property owner, or a business person or it can be sponsored by the governing body itself. Eventually they basically get the same type of review which would require a public hearing first by the Planning Commission then by this governing body.

Mark Edgar, Escape Room business owner gave a brief explanation of where and how Escape Rooms started.

Attorney McDonald clarified that Council’s motion tonight is not an official action on the use itself, it’s just opening the door to consider it in a more formal setting in the form of a potential ordinance.

13. Consideration to set the fee for a Lot Combination Plan, as defined in the SALDO, at \$350: Codes Officer Ron Kimes explained that last December the Borough changed the definition of a lot combination as far as a minor subdivision is concerned for the simple removal of a lot line taking two lots to one. The Borough found that the \$750 fee was significantly higher than what other municipalities charge. Council Member Abell asked the maximum number of lots that qualify at the \$350 rate to which Mr. Kimes answered two. Motion by Mr. Abell, second by Mr. Maurath, to set the fee for a Lot Combination Plan, as defined in the SALDO, at \$350. The vote was 3 ayes and 3 nays with Mr. Smith, Mr. Maurath and Mr. Weiss voting no. Mayor Probst broke the tie with a vote of nay. Motion failed.

14. Consideration to award the bid for Emergency Equipment Rental: Bids were received from E.F. Posinger & Sons and Papillion & Moyer with Mr. Possinger’s bid being the lowest. Public Works Director Brian Bond has reviewed both bids and recommends E. F. Possinger & Sons as the Borough has been satisfied with them in the past. Motion by Mr. Smith, second by Mr. Abell, to award the bid for Emergency Equipment Rental to E. F. Possinger & Sons, Inc. Motion passed unanimously.

15. Consideration to approve financial debits and credits to balance out Due To/Due From items: Motion by Mrs. Kochanski, second by Mr. Abell, to approve financial debits and credits, as detailed in the following chart, to balance out Due To/Due From items. Motion passed unanimously.

ACCOUNT NAME AND NUMBER	DEBIT	CREDIT
AS 01 130-004-0000 DUE TO/DUE FROM NEW FIRE APP.	\$ 0.01	
AS 01 130-005-0000 DUE TO CAPITAL PROJECTS	\$ 72,500.00	
AS 01 130-010-0000 DT/DF RECREATION FUND		\$ 0.01
AS 01 130-012-0000 DUE FROM FUND 12	\$ 7,496.74	
AS 01 130-017-0000 DT/DF PLGIT ARM FUND		\$ 127.09
AS 01 130-035-0000 DUE FROM HIGHWAY AID FUND		\$ 10.98
AS 01 130-050-0000 Created by posting		\$ 0.31
AS 01 230-003-0000 DUE TO STREET		\$ 3,948.35
AS 01 230-004-0000 DUE TO NEW FIRE		\$ 14.84
AS 01 230-007-0000 DUE TO POLICE		\$ 417.78
AS 01 230-010-0000 DUE TO		\$ 1,286.93
AS 01 230-085-0000 DUE TO DEBT		\$ 71,824.15
AS 03 130-001-0000 DUE TO DUE FROM GENERAL FUND	\$ 3,948.35	
AS 03 130-017-0000 DT/DF PARKING FUND	\$ 1,050.00	
AS 04 130-001-0000 DUE FROM GENERAL FUND	\$ 14.83	
AS 04 130-005-0000 DT/DF NEW FIRE APP		\$ 79,118.75
AS 05 130-001-0000 Due to General Fund	\$ 72,500.00	
AS 05 130-004-0000 DT/DF CAP EQ	\$ 79,118.75	
AS 05 130-012-0000 DUE FROM STREET LIGHT FUND	\$ 157,535.00	
AS 05 130-085-0000 DUE FROM DEBT SERV	\$ 210,000.00	
AS 07 130-001-0000 DT/DF GENERAL FUND	\$ 417.78	
AS 10 130-001-0000 DT/DF GENERAL FUND	\$ 1,286.94	
AS 12 130-001-0000 DUE TO GENERAL FUND		\$ 7,496.74
AS 12 130-005-0000 DUE TO CAPITOL FUND		\$ 157,535.00

AS 17 130-001-0000 DT/DF GENERAL FUND	\$ 127.09	
AS 17 130-003-0000 DT/DF STREET FUND		\$ 1,050.00
AS 35 130-001-0000 DUE FROM GENERAL FUND	\$ 10.98	
AS 50 130-001-0000 Created by posting	\$ 0.31	
AS 52 130-000-0000 DUE FROM SEWER FUND	\$ 905,881.49	
LI 52 130-001-0000 Due to/from General Fund		\$ 906,119.78
AS 85 130-005-0000 DUE TO CAP EQUIP		\$ 210,000.00
AS 85 130-001-0000 GENERAL FUND	\$ 71,824.15	
FB 52 279-000-0000 UNRESERVED FUND BALANCE	\$ 238.29	

16. Consideration to retroactively approve a sidewalk sale to be held by the Apple Tree business downtown: Sharon Sinkevich, owner of the Apple Tree, had contacted the Borough on Thursday June 16th regarding purchasing meters bags for a sidewalk sale she planned on having on Friday and Saturday June 17th and 18th. Her plan was to use the entire sidewalk in front of her store with tables and a canopy, using the parking spaces for pedestrian traffic. She was told by Codes Officer Ron Kimes that sidewalk sales are not permitted unless they were in conjunction with a Borough event, and suggested she appear before Council at a special meeting scheduled for that evening for special consideration. Consensus of Council was to allow the sidewalk sale providing six feet of sidewalk remain open. Motion by Mr. Abell, second by Mr. Smith, to retroactively approve a sidewalk sale held by the Apple Tree business downtown. Motion passed unanimously.

Council Member Connors arrived at this time.

17. Solicitor's Report: Earlier today Solicitor McDonald appeared in front of Judge Zulick in a status conference regarding the Shanti House litigation. Attorney Weekes and Wolfe were also present. There is a deemed approval claim filed by the developer in the case following five months of hearings back in 2015. By the end of the week there will most likely be a decision by the judge with some sort of breakdown of the issues presently before him. There is one docket number that hosts three different types of requests for relief, one by each party. First the judge will hear a challenge as to whether the deemed approval is appropriate or not. If it is determined to be an appropriate claim, that a decision was untimely filed, the judge will proceed to the next step which won't take place at least until September. Also if it is determined that the deemed approval was an appropriate filing, the Borough would still be an active intervening party in the case and still have rights.

Solicitor McDonald reminded Council that the written decision from the Zoning Hearing Board was a denial of two separate variances, one for building height and one for a set back above 54 feet. In order for the judge to decide those issues, he will have to make his own findings and conclusions which would replace what was decided by the Zoning Hearing Board.

Attorney Wolfe has asked Solicitor McDonald once again if the Borough Council would like to discuss a potential settlement proposal by his client. If interested, Solicitor McDonald suggests this be discussed in Executive Session.

The second item Solicitor McDonald wanted to discuss was the All Granite Marble development plan which was contingent upon the developer posting a letter of credit. According to Attorney Wolfe his client would rather post an indemnity bond with an insurance company. Our previous

solicitor, Mr. Matergia, was very adamant that an indemnity bond include a Confession of Judgement Clause. The developer's potential surety that would issue the indemnity bond does not want to do that, which leaves us at a stalemate.

As a new proposal, the request from the developer is to ratchet back the final plan approval to a preliminary plan approval which then the developer could build the facilities at their own pace then present an as-built street to Council and come back for the final plan approval with the proposed public improvements already done. Due to the already ten year history of this project, Solicitor McDonald feels there may not be much incentive for the developer to finish the project if Council agrees to set aside the final plan approval and supports Mr. Matergia's position that the best security to have is the letter of credit. Council was in agreement.

The last item Solicitor McDonald wanted to touch base on is the loitering, vagrancy, and nuisance issues expressed at the last meeting. There are a number of statutes already on the books under Title 18 of the Criminal Code. Council should decide if any of these are adequate to address their concerns.

18. Mayor's Report: In general, Mayor Probst feels there are currently many ordinances on the books that need to be updated. She met with the Police Commission who told her to have District Attorney David Christine review the Borough's ordinances regarding loitering and vagrancy to see if they are currently enforceable.

The mayor read aloud our current disorderly conduct and loitering ordinances and feels the police should be issuing citations based on those ordinances. She also feels the penalties for these violations should be increased.

In regards to the old jail, the County Commissioner's requested the Mayor present them with a proposal. If agreed upon, they will begin moving out boxes.

Mayor Probst reported that the concerts in the park have been very successful.

The Mayor is interested in starting a Community Crime Watch and asked that if anyone is interested to email her. She will gather more detailed information on this topic and report back to Council at the next meeting.

19. Council Member Reports:

Council Member Smith has a personnel matter to discuss in executive session.

Council Member Weiss reported that several merchants saw a SARPD police car parked at a fifteen minute meter for a long period of time and asked Captain Lyon to ask the officers not to do that. Captain Lyon stated that if it is an emergency call they park where they can.

Council Member Maurath reported that he attended a Parking Committee meeting on June 17th where they discussed a request from Fulmer Avenue residents to be included in the Residential Parking Hill District. The residents are having problems parking on the street in the evenings.

The Hill District is only enforceable Monday through Saturday 8:00 a.m. to 6:00 p.m. therefore this most likely will not solve their issue. It was the recommendation of the Parking Committee for Council to approve the request. According to Borough ordinance, for an area to be considered part of a residential parking district, two parking studies must be conducted to see if more than 30% of the vehicles are registered to addresses outside the Borough. Motion by Mr. Maurath, second by Mr. Weiss, for the Borough Manager to conduct the two studies to see the feasibility of including Fulmer Avenue in the Hill District. Motion passed 5-2-0 with Mr. Connors and Mrs. Kochanski voting no.

The Parking Committee also discussed that the Mayor received an email from a Mr. Starner who received a parking ticket for not parking head-on in Lot 5. He stated due to the size of his pick-up truck he cannot pull out of a space if he parks head-on. The parking secretary reported that this is the only complaint of this nature that has been received by the Borough and suggested he park in the diagonal spaces in that lot making it easier for him to pull out. The recommendation of the Parking Committee is for the Borough Manager Cathryn Thomas and Parking Committee Member Jack Muehlhan contact Mr. Starner to view how he parks. Council was not in agreement. Council President Lang directed the parking secretary to contact Mr. Starner with any ideas that maybe helpful in resolving his issue.

Mr. Maurath reported that the Parking Committee discussed that there is one meter attendant that is ticketing people as they are walking to their cars. It is office policy that if a meter attendant starts writing a ticket and someone walks up and says that's my car, the ticket must be completed. The person is welcome to complete a ticket review form if they feel the ticket was unjustly issued.

Mr. Maurath reported that the Parking Committee discussed changing the no parking on Main Street from 5th to 9th Street from 2:00 am to 6:00 a.m. to 3:00 a.m. to 6:00 a.m. due to complaints received by bar employees who are afraid to park off Main Street and walk to their cars so late. Borough Manager Cathryn Thomas stated if Council was interested she could prepare a proposed code amendment for Council's review. If acceptable a public hearing will have to be held. Public Works Director Brian Bond stated he had no issues with changing the time but insisted that during snow emergencies the hours remain 2:00 a.m. to 6:00 a.m. Motion by Mr. Maurath, second by Mr. Abell, to advertise for public hearing on July 19, 2016 a proposed ordinance change amending the no parking hours on the 500 to 900 blocks of Main Street to 3:00 a.m. to 6:00 a.m. Motion passed unanimously.

Lastly Mr. Maurath stated the Parking Committee recommends extending the metering hours until 8:00 p.m. or 9:00 p.m. Council President Lang asked Mr. Maurath to write a formal request to be added to the next council meeting agenda.

20. Manager's Report:

Borough Manager Cathryn Thomas reported that Public Works Director Brian Bond received a request for another clean-up day due to persons claiming they were unaware when the one recently took place. Mr. Bond stated there is an additional \$960 to cover the cost of the dumpsters. If approved, the cost would be another \$580 for staffing, the cost of the dumpsters

which was \$840.40 and cost for advertising. This time in addition to the Borough website and the *Pocono Record*, the Mayor will also put the information on Facebook in hopes of reaching more people.

Resident Linda Schwartz suggested a swap meet at the Borough shed just prior to the clean-up. Mr. Bond does not feel there is enough space at the shed to conduct a swap meet. Mayor Probst suggested another Borough wide free yard sale prior to the next spring clean-up. President Lang asked that she contact Mr. Bond to coordinate the free yard sale date and then advise Council.

Mr. Abell asked how many people attended the clean-up on June 4th and what is the cost after offsetting the \$20 per resident. Mr. Bond stated almost 20 people showed up and the cost is approximately \$1,100. Mr. Abell calculated that the Borough is subsidizing about \$55 per person and does not see the cost benefit of another clean-up. Motion by Mr. Smith, second by Mr. Weiss, to approve a second Borough wide clean-up for July 23rd. Motion passed 5-2-0 with Mr. Abell and Mr. Connors voting no.

Ms. Thomas reported that she drafted and had Solicitor McDonald review the advertisement for selling the McConnell Street Property which ran last Friday. Bids are to be delivered no later than 2:00 p.m. June 29th. After that time the bids will be opened, reviewed, and discussed at the July 5th council meeting. Council Member Connors still has a concern that once the property is sold the Borough would not be able to put any conditions on the project. Solicitor McDonald stated that the Borough has the right to reject all bids and can defer delivery of the deed until satisfied with the plan.

21. Approval of Bills on Warrant 160621: Motion by Mrs. Kochanski, second by Mr. Abell, to approve the bills on Warrant 160621. Motion passed unanimously.

22. Executive Session: Motion by Mr. Smith, second by Mr. Connors, to go into executive session at 8:15 p.m. for litigation and personnel matters. Motion passed unanimously.

Motion by Mr. Abell, second by Mr. Smith, to adjourn the executive session at 8:33 p.m. and resume the open session of Council. Motion passed unanimously.

Motion by Mr. Abell, second by Mr. Connors, approving the recommendation of the Borough Manager, setting the annual salary for the Building Code Official position. Motion passed unanimously.

Mr. Barry Lynch addressed Council about his stanchions, an issue he had raised at a previous meeting. It was reported that since Mr. Lynch originally raised the issue with the Council, the Codes Committee had met and agreed that a Code amendment may be in order related to signage on these type of dividers delineating outdoor dining areas. Mr. Lynch, however, noted that the process to change the Code would still take some time and meanwhile his investment in these dividers is being wasted since he cannot place and display these at his restaurants on Main Street.

Motion by Mr. Smith, second by Mr. Weiss, deferring further enforcement of the sign ordinance as it relates to signage on outdoor restaurant barriers, during which deferral period the Borough

shall continue its review of related ordinances, and that such deferral shall not exceed 90 days.
Motion passed 6-1-with Mr. Connors voting no.

23. Adjournment: Motion by Mr. Smith, second by Mr. Abell, to adjourn at 8:44 p.m. Motion passed unanimously.