

MINUTES  
Stroudsburg Borough Council Meeting  
Tuesday, April 18, 2017 at 7 p.m.

1. Call Meeting to Order/Roll Call - Present were Council Members Joanne Kochanski, Council Vice President James Smith, Council Member Boyd Weiss, Mayor Tarah Probst, Solicitor Joseph McDonald, Council President Ken Lang, Borough Manager Brian Bond, Council Member Matt Abell, Council Member Mark Connors and Council Member Patrick Maurath. A Quorum was present.
2. Pledge of Allegiance was recited.
3. Public Hearing
  - A. Consideration of a proposed Ordinance amending Chapter 1, Administration and Government; Part 3: Boards and Commissions of the code of Ordinances, to add the Stroudsburg Borough Human Relations Commission. Mr. Abell presented details on why we need this Ordinance. Not everyone is protected under the law. Both the Federal Civil Rights Act of 1964 and the Pennsylvania Human Relations Act offer a lot of protection but not for sexual orientation or sexual identity. You can be fired in Pennsylvania for being Gay. This leaves it up to local municipalities to guarantee everyone is entitled to the same Civil Rights. Currently there are 41 municipalities who have passed local non-discrimination ordinances. These are all modeled after the Pennsylvania Human Relations Commission, meaning at least 41 other attorneys have reviewed this Ordinance. To date only 1 Ordinance has gone to court in Allentown in 2005. The function of the commission is to mediate between parties if no resolution the case is referred to the state. This will prevent frivolous claims. There is no cost to the Borough. Training is free from the state's Human Relations Commission. The Ordinance will prohibit discrimination from lodging, real estate transactions and use of a restaurant. It does not include private memberships or religious organizations.

The following residents/non-residents are for the Ordinance: Storm Heter, Erica McCabe, Adam Courtney, Tanya Carmella, Liz Bradbury, Eric Diemer, Denise Loedel, Enrique Loedel, Regina Sayles, Sandra Wilkinson.

The following residents/non-residents are against the Ordinance: Michael Blake, Betty Cook, Cindy Blake, Janet Truncali, Martin Gonzales, Bill Parkinson, Elaine Williams, Jane Hartin, Bob Corbett, Pat Murray, Maggie Suleman, Barry Lynch, David Baxter, Patrick Burwell, Britton Detrick.

Council Member Comments:

Mr. Lang – Would like to compliment the residents and visitors of Stroudsburg for treating each other with dignity and respect. As a business owner if someone makes a frivolous claim against me this is an additional layer of protection. This will eliminate frivolous claims at this level. If there are not enough findings the case will be dismissed.

Mr. Maurath – Responding to Michael Blake on the question of school bathrooms and YMCA locker rooms. If the schools or YMCA are in the Borough the law will be able to take place. The law will not pertain to schools outside of the Borough.

Ms. Kochanski – Up in the air on the ordinance. My daughter went to school at Yale and all bathrooms were co-ed. I feel we should push to the county or state.

Mr. Smith – Appreciate everyone coming out and voicing their opinions. I have more questions on section B of this ordinance.

Mr. Weiss – no comment

Mr. Connors – We deal with all issues within the Borough. This is an important issue. State laws are similar to this ordinance but this will include sexual orientation, gender identity and expression. The role of this commission is to head off costly litigation. This is not a bathroom bill; you need to accommodate different people. If we want to see at the state level we need to pass at the municipal level.

Mr. Abell – To address Barry Lynch’s comment that people are unqualified to judge me, it is true council will appoint the Commission members but training is provided from the state. Enrique Loedel who has been discriminated against in the past will not do business where he feels discriminated. Sandra Wilkinson mentioned to make Stroudsburg a place that welcomes people, if people feel welcomed, business will increase. Other municipalities such as New Hope are on the forefront for gender and sexual acceptance, their town is always busy. Stroudsburg could be that town if we welcomed everyone and not just a specific segment. Patrick Burwell stated you cannot appeal to a higher court. All decisions can be appealed to a higher court. The Commission act as an intermediary between the parties and the court, to reduce the number of lawsuits. The goal is to get people to communicate. Liz Bradbury stated young people go to forward thinking places.

Mayor Probst – We should be accepting to all people. Pennsylvania is currently working on a house bill, I wanted to have a workshop about this document. People do not show up for Commissions and meetings. If you win, what is the cost and who is responsible to pay for the damages. We should support Maureen Madden who is working on the bill. This is too big and should go to the state.

Motion to close Public Hearing Mr. Smith, second by Mr. Weiss. All in favor, Motion Carries.

- B. Consideration to approve an Ordinance amending Chapter 1, Administration and Government; Part 3: Boards and Commissions of the code of Ordinances, to add the Stroudsburg Borough Human Relations Commission. Motion to approve the Commission Mr. Abell, second by Mr. Connors.

Discussion:

Mr. Smith – Will we adopt expanding procedures or is it up to the Commission. It would be up to Council. Paragraph 5 – option to the Commission, sub section 6-13. Council cannot initiate, it must come from the Commission. Section 3A fact finding conference, per Mr. Abell it would go to the next level (section 3C). Commission shall prepare findings. Have you looked into the Commissioners terms? Human Resource Act last amended June 5, 1997.

Mr. Weiss feels the document still needs a lot of work and cannot be answered tonight. We should not adopt without thorough discussion.

Ms. Kochanski feels strongly that we should consider. We should look at the County and State level. Table for 3 months to see if the state can work on. This is an Arbitration Commission and arbitrators can see both sides.

Mr. Abell – Pennsylvania Fairness Act, introduced June 15, 2015 and has been stuck in legislation for 2 years. Maureen Madden is hoping to pass.

Mr. Connors – If we want to see action at the County and State level we need to pass at the Municipal level. It establishes the need to not discriminate.

Mr. Maurath – How much will this cost and has it been budgeted? Mr. Abell advises the State training is free and they come to us to train. We would need a Solicitor that would incur costs.

Council would determine which type lawyer we would need. This Commission is not going to meet that often.

Solicitor McDonald – This Ordinance was modeled from the Ordinance enacted in Doyletown Borough. It was enacted in 2010. There have been no proceedings at all. This is the 1<sup>st</sup> act since the 1950's for local municipalities to enact their own Commission.

Mayor Probst – We are doing a favor by getting the document right. We want equal rights for everyone. We should support the state bill.

Voting Yes: Ms. Kochanski, Mr. Lang, Mr. Abell, Mr. Connors

Voting No: Mr. Smith, Mr. Weiss, Mr. Maurath

Motion Carries.

Motion for a 5 minute recess at 8:25pm Mr. Abell, second by Mr. Maurath. All in favor, Motion Carries.

4. Approval of Special Council Meeting Minutes from March 21, 2017. Motion to approve Special Council Meeting Minutes Mr. Abell, second by Ms. Kochanski. All in favor except Mr. Maurath and Mr. Smith. Motion Carries.
5. Approval of Council Meeting Minutes from April 04, 2017. Motion to approve Council Meeting Minutes Mr. Abell, second by Mr. Maurath. All in favor except Ms. Kochanski. Motion Carries.
6. Monthly Administrative Reports
  - a. Permits Issued Report
  - b. Public Works Report
  - c. Parking Report
  - d. Fire Department Report
  - e. Right-To-Know Report
  - f. Police Department Report (provided via email)Motion to approve Monthly Administrative Reports Mr. Abell, second by Mr. Connors. All in favor, Motion Carries.
7. Accept January Treasurer's Reports:
  - a. Actual to Budget
  - b. Cash BalancesMotion to approve January Treasurer's Reports Ms. Kochanski, second by Mr. Abell. All in favor, Motion Carries.
8. Public Input – Nice to see SARP presence on Main Street. When crossing Main at 9<sup>th</sup> Street, the pedestrian crossing goes off even if the button is not pushed. New push buttons have been ordered. Motion to close Public Input Mr. Smith, second by Mr. Abell. All in favor, Motion Carries.

### **Old Business**

9. I-80 Task Force update. Penn Dot's pre-meeting was cancelled. Trying to get together prior to the May 2<sup>nd</sup> Council Meeting.
10. Chapter 27 Zoning changes update. Mr. Connors and Mr. Kimes are still working on.
11. Update on BTS Stroudsburg Land Development Plan. Closing on the Borough's parcel next week. Working with the title company.

### **New Business**

12. Consideration of a request from the Poconos Arts Council hold the annual Art on Main celebration on Saturday, May 20, 2017. Lisa and Eric Diemer in attendance. Beginning at 1:00pm. Requesting the street be closed at Dr. Dunlap's home continuing after the Farmers Market until 6:00pm. Bag the meters the night before. Asking for permission for kids to use chalk on the sidewalks on Monroe. The Fire Department will need access to Courthouse Square. Motion to approve Ms. Kochanski, second by Mr. Abell. All in favor, Motion Carries.
13. Consideration of a request from Charles Labar for the installation of Stop signs on Elm Street and Church Alley. Motion to install Stop signs on Elm Street and Church Alley Ms. Kochanski, second by Mr. Abell. All in favor, Motion Carries.
14. Consideration of a request from Monroe County Area Agency on Aging to hold the 21<sup>st</sup> Annual Senior Fitness Walk on Wednesday, May 17, 2017. SARP to provide traffic control for the walk. Motion to approve Mr. Abell, second by Mr. Connors. All in favor, Motion Carries.
15. Consideration to authorize advertisement of a proposed amendment to the Outside Dining Ordinance pertaining to Barricade regulations. Motion to approve Mr. Connors, second by Ms. Kochanski. Date of the public hearing will be May 16. The Mayor will VETO this proposed ordinance which came from the Codes Committee. All in favor voting YES, Ms. Kochanski, Mr. Lang, Mr. Abell, Mr. Connors; voting NO, Mr. Smith, Mr. Weiss, Mr. Maurath. Motion Carries.
16. Consideration of a request from the Public Works Department to participate in the Pennsylvania Career Link 2017 Summer Youth Program. Motion to approve Mr. Smith, second by Ms. Kochanski. All in favor, Motion Carries.
17. Consideration of a request from the YMCA to waive any late fees and interest on all sewer bills incurred during the 2015-2016 fiscal years and to apply any payments made from June 2016 to present be applied towards the principle. Jodi Perry Petrasek and Melissa Mercede were present representing the YMCA. Motion to waive late fees incurred in the timeframe 2015-2016 for \$1,922.64 Ms. Kochanski, second by Mr. Weiss. All in favor voting YES - Ms. Kochanski and Mr. Maurath; voting NO - Mr. Connors, Mr. Abell, Mr. Lang, Mr. Weiss with Mr. Smith Abstaining as he is on the YMCA board. Motion fails. Motion to forgive half the late fees plus interest with the balance not to incur late fees, and payment to be made within a year Mr. Abell, second by Mr. Connors. All in favor, except Mr. Smith who abstained. Motion Carries.  
\*\*Mayor Probst left the meeting at 8:50pm\*\*  
\*\*Mr. Maurath left the meeting at 9:00pm\*\*
18. Consideration of a request from the American Cancer Society to hang purple flags from the decorative street lights Monday, May 29<sup>th</sup> through Sunday, June 18<sup>th</sup>. Motion to approve Mr. Smith, second by Ms. Kochanski. All in favor, Motion Carries.
19. Consideration of a request of Mayor Tarah D. Probst to utilize an outside grant writer for a USDA Rural Business Development Grant for the Stroudsburg Mobile App and for solar panel installation on the Municipal Building. No action as Mayor Probst is not present. Will re-visit next council meeting.
20. Consider the application of Frank Fratarcangeli, as recommended for approval and issuance by the Historic Architectural Review Board, for the replacement of bay window roofs at 720-722 Main Street. Motion to approve Mr. Weiss, second by Mr. Smith. All in favor, Motion Carries.
21. Consider the application of Steve Shannon, as recommended for approval and issuance by the Historic Architectural Review Board, for the installation of a wall sign at 712 Ann Street. Motion to approve Mr. Smith, second by Ms. Kochanski. All in favor, Motion Carries.

22. Consideration of a resolution petitioning the Representatives and Senators duly elected from our district to the Pennsylvania State Congress to support the Coalition to Eliminate the Prohibition against Municipal Police Using Radar. Motion to approve Mr. Smith, second by Ms. Kochanski. All in favor, Motion Carries.
23. Consideration of a resolution petitioning the U.S. Congress and Administration to oppose any reduction or elimination of funding of the Community Development Block Grant Program. Motion to approve Mr. Smith, second by Ms. Kochanski. All in favor, Motion Carries.
24. Consideration of a resolution amending the Permit and License Fee Schedule to include Farmers Market/Farm Stand. Motion to approve with a revision of \$30 per location per year Mr. Abell, second by Ms. Kochanski. All in favor, Motion Carries.
25. Consideration of a Budget Transfer Resolution. Motion to approve Mr. Weiss, second by Ms. Kochanski. All in favor, Motion Carries.
26. Solicitor's Report – Through last week we had resolved the Conditional Use Approval for Shanti House, after 8 days Attorney Wolfe's clients want to change the building from what was presented to Council Match 21, 2017. Attorney Wolfe sent a letter dated April 10, 2017, I have forwarded to Council; it is 3 different plans. Attorney Wolfe is here to discuss. Mr. Kimes is not aware of the different plans although he saw a plan at the HARB meeting different than the plan at the Conditional Use Hearing. Council does not want to consider what has been turned in over the last week and recommends Attorney Wolfe, Mr. Kimes and Solicitor McDonald meet to discuss.
27. Mayor's Report - Mayor not present
28. Council Member Reports
  - Ms. Kochanski – Nothing to report
  
  - Mr. Smith - Nothing to report
  
  - Mr. Weiss - Nothing to report
  
  - Mr. Lang - Nothing to report
  
  - Mr. Abell - Nothing to report
  
  - Mr. Connors – Trying to schedule the standard personnel meeting for the 3<sup>rd</sup> Thursday each month. This month we will cancel in order to have the Rt. 80 committee meeting.
29. Manager's Report – We received our Liquid Fuel Fund from Penn Dot. BCRA's 2<sup>nd</sup> supplement, hoping to have copies for Council by the May 2<sup>nd</sup> meeting in order to advertise for May 16<sup>th</sup> Council Meeting. We need to formally adopt the rules and regulations of the water treatment plant and will need an ordinance. We reviewed and accepted previously but did not adopt an ordinance. The 2<sup>nd</sup> supplement is cleaning up grammatical errors and adding Pocono and Tobyhanna. Amend as we are owners and they are a user. Rules and regulations for an industrial entity is to pre-treat prior to entering the system. John Prevoznik and BCRA will draft the ordinance. Attorney Tim McManus has reviewed. The Green Street Challenge scheduled for Opening Day of the Farmers Market on May 6<sup>th</sup> from 9:00am to 2:00pm. Closing Monroe Street from 6<sup>th</sup> to 7<sup>th</sup> and Courthouse Square from the Dunlap property to Monroe from 5:00am to 3:00pm. We will bag meters Friday night. They are requesting help from the Public Works Department to help with installation and removal of the Sod. That is the only cost for the Borough, approximately \$810 (3 men, 3 hours at time

and half in the morning and evening, 45 man hours.). Kate Daniels from Strasser Helpers is requesting the time change from 5:00am through 4:00pm. Sod will be donated; anyone can come and pick up. Motion to approve Mr. Smith, second by Mr. Abell. All in favor voting YES, Mr. Abell, Mr. Weiss, Mr. Smith, Ms. Kochanski; voting NO, Mr. Lang, Mr. Connors abstained. Motion Carries. The Park at 6<sup>th</sup> and Quaker has been approved by the County Commissioners. The Broadhead Water Shed Association is currently accepting donations toward the cost of the park, total cost \$11,159K. We received a dividend check last week from MRM Liability and Trust for \$17,144 for outstanding Workers Comp. We have engineering fees for the Dien Properties , it's been outstanding since September, need authorization to go into collections. Motion to authorize taking Dein properties to small claims court to collect \$1,900 Mr. Weiss, second by Ms. Kochanski. We have sent 4 letters, 2 were certified letters. All in favor except Mr. Abell and Ms. Kochanski. Motion Carries.

30. Approval of Bills on Warrants 170321. Motion to approve Mr. Abell, second by Mr. Weiss. All in favor, Motion Carries.

31. Executive Session. No Executive Session. To appeal the Zoning Officer's decision for zoning use on the Shanti House Project is scheduled with the Zoning Hearing Board. Attorney Wolfe is not available and is asking for a continuous.

32. Adjournment. Motion to adjourn at 9:30pm Mr. Smith, second by Mr. Weiss. All in favor, Motion Carries.