

MINUTES
Stroudsburg Borough Council Meeting
Tuesday, May 16, 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 21, Streets and Sidewalks; Part 2, Sidewalks; §221, Use of sidewalks for display or advertising. To clarify Mr. Kimes advises if you have 9 seats or more you are required to use barricades with 15% of the fabric area. Siamsa, Renegade Winery and Jock & Jill all have licenses with 9 or more seats. Solicitor McDonald advised we advertised for this ordinance twice in the last 12 days.

Members of the Public Speaking:

Ms. Mary Evanisko/Gamut Art Galleries – I like the look of the barricades. Not understanding the language of the ordinance.

Mr. Barry Lynch – About 1 ½ years ago some issues on Main Street and wanted to barricade the area. Designed signs and spend a lot of money to make them up. Once I put the signs up I was told to take the signs down.

Mr. Britton Detrick – His license allows for 31 seats. The new restrictions will only allow for 8 seats. Put in for 46 seats and the number came down to 31.

Ms. Nicole Dufour – Own a business in town, where do these numbers come from. There are nice businesses in town. Not a lot of marketing money. Council has an opportunity to promote and help businesses.

Ms. Erica McCabe – I do not own a business but travel to surrounding areas, Easton, Scranton, Clark Summit. Monroe County is the least business friendly county in Pennsylvania. If we do not allow business to flourish we will lose the downtown.

Mr. Abell advises there is nothing in the ordinance that states barricades need to circle all the tables. People can enter through separate barricades.

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

- B. Consideration to approve an Ordinance amending Chapter 21, Streets and Sidewalks; Part 2, Sidewalks; §221, Use of sidewalks for display or advertising. Per Mr. Kimes Section 2, letter D, number 4, this portion should be left out. Strike proposed language “Proposed barricades which do not meet the style, design or dimension of this part require a review by the Historic and Architectural Review Board”. Per Solicitor McDonald any substantial change to the proposed ordinance needs to be advertised but removing this we do not have to advertise. Mr. Smith wants Section 1, letter C to remove “required” and change to “optional”. Mr. Abell states to specify signage not to exceed 15% of the fabric area, it doesn’t specify if it is cumulative of the fabric or each panel. The wording is not clear in the ordinance. Mayor Probst states we need to clarify requirement for 9 seats or more and feels it should be optional. We make these decisions without

the business owners. 33% or less is fine if it's the logo and name. Mr. Smith states the goal of the ordinance is to contain seating area. Logos and signs should only be business names or legal business logos. Ms. Kochanski advises we considered this 1 ½ years ago due to infringing on handicapped accessibility. Too many businesses were moving into the sidewalk and blocking sidewalks, it was too hard for some people to walk through on the sidewalk. Other towns all have some kind of barricades. Mr. Connors states people can still try and move tables out faster but it would be harder to move with a barricade. This council is not anti-business. 15% was a negotiated number as a compromise.

Motion to table with a workshop Ms. Kochanski, second by Mr. Abell. All in favor voting (YES – Mr. Abell, Ms. Kochanski), voting (NO-Mr. Maurath, Mr. Connors, Mr. Lang, Mr. Weiss, Mr. Smith). Motion fails.

Motion to not move forward with this ordinance Mr. Smith, second by Mr. Weiss. Mr. Connors feels this would put us back to square one. Mr. Abell advises that one person in the room is non-compliant with our sign ordinance and would be subject to fines. Mr. Smith asks Solicitor McDonald how we can move forward with less restrictions. Should we vote this down then introduce a less restrictive ordinance or move with this ordinance with fewer restrictions as we discussed? Per Solicitor McDonald if the only change suggested was “optional” that would be less restrictive. With each additional change it moves closer to a substantial change and would need to be re-advertised. Before voting on the enactment, the Council within 10 days shall re-advertise and would need to come back and act on it at least 10 days after the advertisement. All in favor voting (YES –Ms. Kochanski, Mr. Smith, Mr. Weiss, Mr. Maurath), voting (NO- Mr. Lang, Mr. Abell, Mr. Connors). Motion Carries.

Motion to change this ordinance as written to Section 1-C to Barricades are “optional” for licensed eating and drinking establishments where the seasonal outdoor café dining area contains nine (9) or more seats. The barricades shall meet the seasonal outdoor café dining area setback distances per section 221.3.A and Section 1, letter D, number 1 to signage is not to exceed 1/3 of the fabric area of the barricade area Mr. Smith, second by Mr. Weiss. Mr. Connors feels ordinances should be well written and crafted and not on the spot. Mr. Abell feels this doesn't accomplish our needs in creating this ordinance. Pedestrians are being accosted by tables and chairs in the sidewalk, if optional why do we need this ordinance. Why would we move to deny and then vote again, confused on the procedure we are taking. Solicitor McDonald states to take action by Mr. Smith's motion, advertise the 2 changes and come back and vote at least 10 days after the next public notice. That would eliminate Mr. Connors and Mr. Abell's concerns. If someone wants to challenge the validity on procedural grounds, that challenge is potentially out there. Although Mr. Smith was well intended, when you stated you wanted to not move forward with the ordinance, you could argue procedurally that terminated the agenda item. Mr. Smith stated, I thought from the earlier discussion the outcome of the changes made would need to go back out to a public hearing. Amend the motion to Section 1-C to Barricades are “optional” for licensed eating and drinking establishments where the seasonal outdoor café dining area contains nine (9) or more seats. The barricades shall meet the seasonal outdoor café dining area setback distances per section 221.3.A and Section 1, letter D, number 1 to signage is not to exceed 1/3 of the fabric area of the barricade area and remove Section 2, letter D, number 4 as recommended by the Zoning Officer second by Mr. Weiss. Per Solicitor McDonald, this can be salvaged by following Borough Code Section 33.01.2 sub-section 3 by publishing the amendments. All in favor voting (YES – Mr. Smith, Mr. Weiss, Mr. Maurath) voting (NO – Ms. Kochanski, Mr. Lang, Mr. Abell, Mr. Connors). Motion fails to not amend this ordinance tonight.

Motion for a 5 minute recess at 8:03pm Mr. Smith, second by Mr. Abell. All in favor except Mr. Connors. Motion Carries.

4. Public Input – Mary Ann Kowalyshyn mentioned the Parking Enforcement Officers collect coin alone. She is concerned with their safety and liability to the Borough. Per Mr. Bond the PEO's do not have access to the coin container and in the past we have never had multiple people collecting together. Mr. Bond will research with the insurance company and advise council.

Mr. Barry Lynch spent this past weekend in Bethlehem. The town was very busy and outdoor dining was thriving. A significant contrast to Stroudsburg's Main Street. Spoke to a friend who recently moved from Stroudsburg to the Bethlehem area, he felt the town was not heading in the right direction to raise his family. Many restrictions placed on businesses in Stroudsburg by the Borough Council known as the "Big No". Mr. Lang objects to Mr. Lynch's comment. For Stroudsburg to survive, we need to work with Borough Council and the Chamber of Commerce. Council is fighting amongst each other and has lost focus.

Mike Seip wants to take 2 engines to Whitehall for training on a Monday night. We will still have enough coverage in town. Motion to approve for 2 engines to go to Whitehall for training Mr. Abell, second by Mr. Maurath. All in favor, Motion Carries.

Motion to close Public Input Mr. Smith, second by Mr. Maurath. All in favor. Motion Carries.

5. Approval of Council Meeting Minutes from May 02, 2017. Motion to approve the amended Council Minutes Mr. Abell, second by Mr. Smith. All in favor, Motion Carries. Update minutes on item 15's motion.

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 Ms. Kochanski. All in favor, Motion Carries.

7. Accept Unaudited April Treasurer's Reports:

- a. Actual to Budget
- b. Cash Balances

Motion to approve Unaudited April Treasurer's Reports Ms. Kochanski, second by Mr. Weiss. All in favor, Motion Carries.

Old Business

8. I-80 Task Force update. Last meeting was May 4, 2017. The next meeting will be May 25, 2017 at 6:00pm as our next work session with the expanded task force. We are looking to divide ourselves up in the different action areas discussed. Research and analyze, articulating our positions, communicate that outreach, lobbying elected officials.
9. Chapter 27 Zoning changes update. Mr. Kimes and Mr. Connors are continuing to work through. We are working with the County Commission but nothing is finalized. Basement, 1st floor and amendments to table of use. Will leave off the agenda going forward and will advise Mr. Bond once completed.
10. Update on BTS Stroudsburg Land Development Plan. Mr. Bond, Mr. Oiler and Solicitor McDonald met last week. We are putting together the development agreement between BTS Stroudsburg and the Borough. We are making sure improvements that are requirement by the ordinance are properly secured with financial security. The Lot consolidation plan, the last time we met was the title closing and the Borough has received its net proceeds. The developer is ready to record. We want to get the lot

consolidation plan recorded first and then the record book can be updated. A mapper at the assessment office will take the 11 parcels and issue 1 parcel number. The lot consolidation plan is ready to be signed and filed. We want to make sure all taxes have been paid up to date on the 11 parcels and then the Lot consolidation plan is ready for Borough signature. It cannot be recorded without signatures from the Borough's Planning Commission and the Borough Council President or Borough Manager. The rest of the development plan is approved and awaiting signature but we should adopt the developer's agreement. It is in draft form and has been reviewed with Mr. Oiler, I am waiting for his final comments. I expect by our next meeting it will be ready to be signed. BTS is posting financial security in the amount of \$489K. That amount was approved by Mr. Oiler and represents 110% of all the improvements required by our ordinances. They are looking to provide a letter of credit through the National Bank of Tennessee, which is a nationally chartered bank and should be able to issue a letter of credit for a Pennsylvania municipality. Per Mr. Kimes BTS is still in the process of choosing an architect/engineer. They have submitted demolition permit application. Motion to authorize the signing of the Lot Consolidation plan after proof of tax certifications have been brought currently Mr. Abell, second by Mr. Smith. All in favor with Mr. Connors abstaining. Motion carries.

New Business

11. 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. Per Mr. Bond we are looking for Samantha Holbert to write both grants. Looking for solar panels at the Borough building and possibly the parking deck. Under \$1,000 for both grants. If something "green" is included in the grant, we have a better chance to receive the grant. Motion for Samantha Holbert to write a grant for the Stroudsburg Mobile App and for solar panel installation for \$1,000 or less Ms. Kochanski, second by Mr. Smith. Mr. Connors would like to see the grants separated. For the downtown app, there are better agencies to apply for grants such as the Pocono Mountain Chamber of Commerce and the Vacation Bureau. Both are business and tourism oriented. The USDA is recommending we submit both grants together as they are both USDA grants. All in favor with Mr. Lang and Mr. Connors voting NO. Motion Carries.
12. Consider the application of Al Bernard, as recommended for approval and issuance by the Historic Architectural Review Board, for the replacement of roofing at 316 North Seventh Street. Motion to approve the application of Al Bernard, as recommended for approval and issuance by the Historic Architectural Review Board, for the replacement of roofing at 316 North Seventh Street Mr. Abell, second by Mr. Smith. All in favor, Motion Carries.
13. Consideration to approve staff researching the National League of Cities Service Line Warranty Program. Per Mr. Bond we were contacted via email by this company, this warranty is for Stroudsburg Borough residents only and exclusive to this area. East Stroudsburg is already enrolled in this program. Other municipalities are happy with their service. I need to speak with them on costs for the residents. This is an optional service. Motion to direct staff to research the National League of Cities Service Line Warranty Program at no cost to the Borough Mr. Abell, second by Mr. Connors. All in favor, Motion Carries.
14. Solicitor's Report – We received a favorable decision from Judge Zulick on the 2015 version of Shanti House variance request. The Borough was correct with prior Solicitor Materga's filing. Judge Zulick agreed with the Borough. Shanti House did not submit enough proof of unique physical circumstances to enable them for variances to height and set back. This is the same as being denied through the Zoning Hearing Board. The decision was dated May 1st; they have 30 days to appeal the decision from May 1, 2017. The Conditional Use Plan was approved earlier this year; it was separate in dimension and design. They satisfied their height and dimensions with fewer units, one less floor and a recess above the 4th floor. That satisfied the framework of the Borough's ordinance for the overlay district in the downtown C-2 zoning district. Those conditions are now fixed and binding for the Conditional Use Plan. By them

accepting the allocation of space condition on the 1st floor rendered the Notice of Determination from Mr. Kimes and the appeal the Borough has respectfully taken on the Notice of Determination; that issue goes away and we have withdrawn our request for a hearing with the Zoning Hearing Board. I have been in discussion with Mr. Bond on some code enforcement issues with absentee property owners or possibly with some property owners being deceased. We are in discussion on how to send out notices. One or more homes may be occupied with squatters.

15. Mayor's Report – Want to thank Captain Lyons for the speed trailers setup in the residential areas. Concerts in the Park will start June 1st, 6:00pm – 8:00pm for 10 weeks. The ESSA RFP was discussed with the Finance Committee today and we will be moving forward with ESSA. We are still waiting for the Penn Dot sign. We paid for the sign back in October. The signs are constructed and we will know in June if it will be installed. We are waiting for the crash analysis for 4th Street, Park and Broad. Thanks to the Street Department for fixing the slate around the tree wells.

16. Council Member Reports

Ms. Kochanski – Nothing to Report

Mr. Smith – Nothing to Report

Mr. Weiss – Lower Main Street is treacherous on the weekends, it's a speed raceway and needs to be stopped. Can we work with SARP to install Robic lines and sit at All Points and Canfield's.

Mr. Lang – HRC Ordinance which Council passed almost a month ago is sitting. The next steps are training dates from the state and Council to appoint a commission. Mr. Bond will firm up training with the state. Each council member should appoint one person for our 7 member committee. Per Mr. Connors at the last Council meeting and per clarification of that motion to appoint a special committee to establish those procedures. It was voted the committee would be appointed by the Borough Council President as per the official minutes. There are people who are looking to file a claim with the commission. I want to appoint a committee tonight and set a 30 day timeline. I want guidance from Council on a 5 person or 7 person Committee. We stated 5 or 7 in the Ordinance. The committee will provide to Council and we will advertise for letters of interest. Mr. Lang will appoint a Committee and will send an email out.

Mr. Abell – The utility patches have started on Wallace and Scott, these are temporary. We are complete on King and Ann. Still have Lower Main, West Main and 6th. 608 Thomas Street will be taken care of this week, it's a bank owned property. We are allowing a dumpster in the street for clean-up.

Mr. Connors – Mr. Lynch mentioned scaffolding and we do not have requirements to install scaffolding. Per Mr. Kimes we have extremely loose wording. We allow scaffolding with no plans. Mr. Kimes will look into and advise Council.

Mr. Maurath – Finance Committee met today, was anything mentioned for next year's budget. I am able to help.

** Mayor Probst left the meeting at 8:55pm, Mr. Maurath left the meeting at 9:00pm.

17. Manager's Report – The Finance Committee met and we are formally recommending our banking services be granted to ESSA Bank & Trust. Motion to move banking services to ESSA Mr. Smith, second by Mr. Abell. Mr. Connors asked if the Finance Committee included the effort to make the change. Solicitor McDonald asks since we are in the 2nd quarter, is there a reason to do this now as opposed to the end of a quarter from an accounting standpoint. Per Mr. Bond it will take 2-3 weeks to

get through the process. All accounts will be set up and will ACH over all in one day. Will have checks in hand prior. Mr. Connors asks if the accountants and auditors are all in agreement. All in favor, Motion Carries. Motion to approve Borough wide Yard Sale over Memorial Day weekend Ms. Kochanski, second by Mr. Abell. All in favor, Motion Carries. Invite Brodhead Water Shed to adopt a stream, cost of \$300. Motion for the same donation Mr. Abell, second by Ms. Kochanski. Mr. Smith wants to move away from giving tax dollars to everyone else. All in favor voting YES (Mr. Abell, Mr. Weiss, Ms. Kochanski), All in favor voting NO (Mr. Connors, Mr. Lang, Mr. Smith). Tie vote, motion fails with the Mayors absence. Bid opening for 2nd Street paving is June 5th. We may be able to secure an equipment trailer from SARP. We will sell our existing trailer at auction and give the proceeds to SARP. Motion to accept the trailer from SARP and sell our existing trailer at auction Mr. Abell, second by Mr. Smith. All in favor, Motion carries. Run 4 the Red is this Sunday. Concerts in the Park begin June 1st. Green Street Challenge is this Saturday, Mary 27th, it has been re-scheduled twice due to the rain.

**Mr. Weiss left the meeting at 9:05pm.

18. Approval of Bills on Warrants 170416. Motion to approve Warrant List Mr. Abell, second by Mr. Smith. All in favor, Motion Carries.

19. Executive Session, No Executive Session

20. Adjournment. Motion to adjourn at 9:10pm Mr. Smith, second by Ms. Kochanski. All in favor, Motion Carries.