

STROUDSBURG BOROUGH COUNCIL
MEETING MINUTES, JUNE 2, 2020

A regular meeting of the Stroudsburg Borough Council convened at 7:00 P.M. electronically and livestreamed through the Stroudsburg Borough Facebook Page with the following members present: Council President Anthony Lanfrank, Vice-President of Council Matt Abell, Council President Pro-Tem Erica McCabe, Councilman James Smith, Councilwoman Victoria DeVries, and Councilman Boyd Weiss. Also present were: Brian Ace, Jr., Borough Manager; Tarah Probst, Mayor; Joseph McDonald, Jr, Borough Solicitor; Mary Pat Quinn, Executive Assistant; John Schnatter, Superintendent of Streets; and Ron Kimes, Zoning and Code Enforcement Officer. Councilman Jim Evanisko advised of his absence prior to the meeting.

The following people were also present: Donna Kenderdine, Certified Transcriptionist (to record the discussion regarding LERTA); Dr. Cosmas Curry, Superintendent of the Stroudsburg Area School District; Carson Helfrich, P.P., the Borough's Planner; Charles Leonard, Executive Director of the Pocono Mountains Economic Development Corporation; Ted Hoyt, resident and member of the Historical Architectural Review Board; and Ken Sandri, member of the Historical Architectural Review Board.

Public Hearing to determine scope and boundary of Deteriorated Properties for purpose of determining LERTA Ordinance Eligibility and soliciting input from local taxing authorities, planning commission or redevelopment authority and other public and private agencies and individuals, knowledgeable and interested in the improvement of deteriorated areas

Solicitor McDonald began the discussion about the public hearing by advising that the Borough Council began to look at a Local Economic Revitalization Tax Assistance (LERTA) Ordinance in 2019 which would allow property owners to perform improvements to their properties with a deferred assessment on those improvements. The limited authority of the public hearing is to obtain input from taxing authorities, planning commission or redevelopment authority and other public and private agencies and individuals. He advised that Donna Kenderdine will be recording and transcribing the public hearing, and he asked that only one person speak at a time. The following entities were provided with notice via regular mail and email: Stroudsburg Area School District, Monroe County Commissioners, Monroe County Redevelopment Authority, Pocono Mountains Economic Development Corporation, Monroe County Planning Commission, Borough Engineer Nathan Oiler, Stroudsburg Borough Planning Commission, Stroudsburg Borough Historical Architectural Review Board, and Borough Professional Planner Carson Helfrich.

Mr. Lanfrank opened the discussion to the participants. Dr Curry advised that he was attending the meeting on behalf of the LERTA Committee of the School Board of Directors; they are Tameko Patterson, Dr. Judith Magann, Jim Burke, and David Comer, Esq. of Fox Rothschild, LLP. 1) Define what the circumstances would be for a residential property owner to submit an application for LERTA. Solicitor McDonald responded that there is no specific reference in the statute to residences; however, it does state industrial, commercial or other business property. A multi-unit apartment building could be considered a business property, but again, the statute is

not specific. 2) Could present development projects before the Historical Architectural Review Board or the Planning Board be eligible for LERTA retroactively? Mr. Lanfrank responded that the Borough Council would need to discuss that. 3) Did the Borough take advantage of the 10% tax increase this year and what is the Borough's anticipated revenue. Mr. Lanfrank responded that the 10% tax increase was taken. Given the effects of the pandemic the anticipated revenue may change. 4) The district has concerns about properties that are deemed to be located in a deteriorated area. If those property owners file tax assessment appeals rather than improving their properties, that would have an impact on tax revenue. Ms. McCabe, who serves as a member of the Monroe County Tax Reassessment Board, noted that the Board does not give discounts of that nature.

Mayor Probst expressed concern about the loss of taxable property due to the courthouse expansion and I-80 expansion.

Mr. Leonard advised that there are examples in Monroe County of residential areas in LERTA zones. The Borough of East Stroudsburg included a large residential area in their LERTA zone. He also noted that other municipalities throughout the Commonwealth have done the same.

The public hearing was closed on a motion made by Mr. Weiss, seconded by Ms. McCabe. The motion was carried. (6-yes; 0-no; 0-abstain).

A motion was made by Mr. Weiss, seconded by Ms. McCabe to include the entire Borough of Stroudsburg within the scope and boundary of deteriorated properties. The motion was clarified by Solicitor McDonald in that any property that meets the definition of eligibility within the LERTA statute qualifies to make an application. The motion was carried. (6-yes; 0-no; 0-abstain).

Mr. Leonard, Dr. Curry and Ms. Kenderdine left the meeting at this time.

Public Hearing and Consideration to Adopt "An Ordinance Amending the Stroudsburg Borough Zoning Ordinance to Amend the Definitions of Family and Dwelling Unit, Add New Definitions for Short-Term Home Rental, Amending the Zoning District Use Requirements and Table of Non-Residential Zoning District Use Requirements and Off-Street Parking Requirements"

A motion was made by Ms. McCabe, seconded by Mr. Weiss to open the public hearing on the aforementioned Ordinance. The motion was carried. (6-yes; 0-no; 0-abstain).

There were no questions or comments from the public. The public hearing was closed on a motion made by Mr. Weiss, seconded by Ms. McCabe. The motion was carried. (6-yes; 0-no; 0-abstain).

A motion was made by Mr. Weiss, seconded by Ms. McCabe to adopt the aforementioned Ordinance. Mr. Smith asked how the existing short-term rentals in residential zones will be addressed. Solicitor McDonald noted that the adoption of the zoning ordinance is not a corrective measure, rather a regulatory procedure moving forward. The zoning ordinance

authorizes Short-Term Rentals in the commercial zoning districts only. If there are pre-existing, non-conforming short-term rentals in residential districts, a property owner would be required to confirm that the use was lawful prior to the adoption of the Ordinance. The Short-Term Rental Licensing Ordinance that was adopted by Council on May 5, 2020 requires the annual registration of all Short-Term Rental properties. The motion was carried. (6-yes; 0-no; 0-abstain).

Public Hearing and Consideration to Adopt “An Ordinance of the Stroudsburg Borough Council to Amend Chapter 27, Zoning, Part 10, Attachment 1 of the Stroudsburg Borough Code Entitled, Table of Non-Residential Zoning District Use Requirements”

A motion was made by Mr. Weiss, seconded by Ms. McCabe to open the public hearing for the aforementioned Ordinance. The motion was carried. (6-yes; 0-no; 0-abstain).

There were no questions or comments from the public. The public hearing was closed on a motion made by Mr. Weiss, seconded by Mr. Smith. The motion was carried. (6-yes; 0-no; 0-abstain).

The aforementioned Ordinance was adopted on a motion made by Mr. Weiss, seconded by Mr. Smith. The motion was carried. (6-yes; 0-no; 0-abstain).

Approval of Council Meeting Minutes for the Regular Meeting, May 19, 2020

The minutes of the regular meeting on May 19, 2020 were approved as circulated on a motion made by Mr. Weiss, seconded by Ms. McCabe. The motion was carried. (5-yes; 0-no; 1-abstention – Mr. Smith).

OLD BUSINESS

None.

NEW BUSINESS

Consideration to amend A Proclamation by the Stroudsburg Borough Council Declaring A Local Disaster Emergency in Stroudsburg Borough County of Monroe, Commonwealth of Pennsylvania

A motion was made by Mr. Weiss, seconded by Ms. DeVries to extend the Declaration of a Local Disaster Emergency until June 16, 2020. The motion was carried. (6-yes; 0-no; 0-abstain)

Consideration to approve a Notice of Intent to Award the bid for the Oak Street and Scott Street Paving and ADA Ramp Project to Gaver Industries, Inc. DBA Barker and Barker Paving in the amount of \$132,562.50

A motion was made by Mr. Smith, seconded by Mr. Weiss to approve the Notice of Intent to Award the bid for the Oak Street and Scott Street Paving and ADA Ramp Project to

GaverIndustries, Inc. DBA Barker and Barker Paving in the amount of \$132,562.50. The motion was carried. (6-yes; 0-no; 0-abstain)

Consideration to approve the purchase of a Kubota KX057-4 Excavator in the amount of \$77,138.91 per State Contract Number CE# 040319. The purchase will be made from the Capital Improvement Fund

A motion was made by Mr. Smith, seconded by Mr. Abell to approve the purchase of the aforementioned mini-excavator. The motion was carried. (6-yes; 0-no; 0-abstain)

Consideration to approve the purchase of a Kubota BX Series Tractor in the amount of \$21,109.30 per Costars Pricing

A motion was made by Mr. Weiss, seconded by Ms. DeVries to approve the purchase of the aforementioned tractor. The motion was carried. (6-yes; 0-no; 0-abstain)

Consideration to approve the purchase of a 2005 Mack Granite Model CV712 Single Axle Dump Truck in the amount of \$50,000.00 from Stroud Township. The purchase will be made from the Capital Improvement Fund

A motion was made by Mr. Smith, seconded by Ms. DeVries to approve the purchase of the aforementioned truck. The motion was carried. (6-yes; 0-no; 0-abstain)

Consideration to adopt a Budget Transfer Resolution in the Capital Improvement Fund

A motion was made by Mr. Weiss, seconded by Mr. Smith to adopt the following Resolution.

A RESOLUTION OF THE BOROUGH OF STROUDSBURG, MONROE COUNTY, PENNSYLVANIA, AUTHORIZING TRANSFER OF FUNDS FOR BUDGET PURPOSES

WHEREAS, the Borough Council of the Borough of Stroudsburg (the "Municipality"), Monroe County, Pennsylvania, has considered the need to approve the following budgetary transfer for CY 2020:

- From 05-430-108 "Purchase of Hino" in the amount of \$145,000.00 to 05-430-740 "Capital Purchase" for the purchase of a 2015 Mack Dump Truck, Mini-Excavator and a John Deere Tractor.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Stroudsburg in the County of Monroe, and Commonwealth of Pennsylvania that the aforementioned transfers are authorized.

A 2020 Hino truck will not be purchased. The motion was carried. (6-yes; 0-no; 0-abstain)

Consideration to approve the distribution of a Recycling Flyer to the taxpayers of the Borough of Stroudsburg

A motion was made by Mr. Smith, seconded by Ms. DeVries to authorize the preparation of a quarterly newsletter that will be sent to taxpayers along with information about curbside recycling by the Twin Borough Recycling Program. The motion was carried. (6-yes; 0-no; 0-abstain)

Consideration to appoint Alfred H. Spang, Jr. as a Seasonal Employee on the Street Department at the hourly rate of \$17.00 for 38 consecutive weeks pursuant to the 2018-2020 Collective Bargaining Agreement

A motion was made by Mr. Weiss, seconded by Ms. DeVries to authorize the appointment of Alfred H. Spang, Jr. as a Seasonal Employee on the Street Department at the hourly rate of \$17.00. Mr. Spang will start on June 8, 2020 and will work for 38 consecutive weeks pursuant to the 2018-2020 Collective Bargaining Agreement. The motion was carried. (6-yes; 0-no; 0-abstain)

Consideration to approve outdoor dining at Courthouse Square on Saturday, June 13, 2020

Consideration to approve a request from Barry Lynch to close down parking on Main Street, which is done during Stroudfest, to allow restaurants to put tables in the parking spots during the proposed outdoor dining event on Saturday, June 13, 2020

A motion was made by Mr. Smith, seconded by Ms. DeVries to approve outdoor dining at Courthouse Square on Fridays and Saturdays between Saturday, June 13, 2020 until Labor Day from 5:00 P.M. to 11:00 P.M. CDC guidelines are to be employed, and groups must be 6 feet apart (chair to chair). Monroe Street will be closed from 6th Street to Courthouse Square. A discussion ensued about whether this would be convenient for food establishments. The motion as not carried. (0-yes; 6-no; 0-abstain).

A motion was made by Mr. Smith, seconded by Mr. Weiss to withdraw the previous motion and to send the matter to the Streets Committee. The Streets Committee is meeting on Wednesday, June 3, 2020 at 3:30 P.M. The Health Officer, Zoning/Codes Officer and owners of Siamsa and Yard of Ale will participate in that meeting. The motion was carried. (6-yes; 0-no; 0-abstain)

Mayor Probst advised that the Monroe County Commissioners will allow the gravel lot on 6th Street to be used for parking on restaurant nights only providing the Borough signs a Hold Harmless Agreement. Mr. Ace is checking with Penn DOT to see if restaurants would be permitted to put tables and chairs in the parking spaces directly in front of their establishments.

Committee Reports

Mr. Lanfrank advised that the Personnel Committee met and discussed the possibility of making a recommendation to Council about “hazard pay” to essential employees who worked during the pandemic.

Ms. McCabe advised that “Concerts in the Park” are on hold for the time being.

Mr. Abell advised that the Redevelopment Committee is working on the height ordinance and an adaptive reuse ordinance.

Mayor's Report

Mayor Probst reported that there was a peaceful protest on June 1, 2020, and she expressed pride in the community. Mr. Kimes and Mr. Ace are working on a barking dog ordinance.

Council Member Reports

Ms. McCabe advised that she was contacted by a reporter about a personnel matter that was discussed by the Personnel Committee, specifically the discussion about possible "hazard pay". She did not reply to the reporter because the discussion was privileged and confidential. She stated that whoever reached out to the paper should be dealt with. Solicitor McDonald stated that since individual essential employees were the subject of that discussion, the matter should have been kept confidential.

Solicitor's Report

Solicitor McDonald reported that Judge Zulick did not change his local opinion regarding the Borough's appeal of the Adams Outdoor Advertising decision. An order for a briefing schedule was received this week which requires the Borough and the Zoning Hearing Board to file a reproduced record and a brief by the end of June. Adams will have an opportunity to respond to that, and then it will go to a panel of Common Court Judges for a further decision which may not be reached until later this summer at the earliest. Solicitor McDonald will speak with Council in executive session at the June 16, 2020 meeting.

Borough Manager's Report

Mr. Ace had one matter to be discussed in executive session.

Code Enforcement Officer's Report

The Historical Architectural Review Board met on June 1, 2020 and approved by a 5 to 3 vote the demolition of the PNC Bank building at the corner of Sarah Street and 6th Street and the proposed expansion of the Monroe County Courthouse. The Borough Council will receive that recommendation for consideration at the June 16, 2020 meeting. HARB also reviewed an application for the Shanti House project and the expansion of the Jacob Stroud Mansion. Those applications required additional information and will be on the July 6, 2020 HARB Agenda.

Street Superintendent's Report

Mr. Schnatter did not have anything to report.

Approval of Bills on Warrants 200602

A motion was made by Mr. Abell, seconded by Mr. Weiss to approve the Bills on Warrants 200602. The motion was carried. (6-yes; 0-no; 0-abstain)

Public Input for Non-Agenda Items

Solicitor McDonald reported that he received a cost estimate via email from Nate Oiler, P.E., the Borough Engineer, for the AKS Realty (former Hess Gas station) project. The developer's agreement can be prepared and will likely be an agenda item for Council's consideration on June 16, 2020.

Mrs. Cindy Blake, a resident of Stroudsburg Borough, spoke about the construction on West Main Street by Penn DOT. The construction is blocking her driveway, and she asked if she would be permitted to park on the street without getting a ticket. Mr. Ace will reach out to Penn DOT about her blocked driveway.

Ms. Ceil Yost, a resident of Stroudsburg Borough and the Stroudsburg Borough representative on the Stroud Area Region Open Space and Recreation Commission, asked that the maintenance of the Borough pool be performed now so that it can be open next year.

Executive Session, re: Personnel

A motion was made at 8:54 P.M. by Mr. Abell, seconded by Ms. McCabe to go in to an Executive Session for the purpose of discussion personnel. The motion was carried. (6-yes; 0-no; 0-abstain)

The executive session was concluded at 9:15 P.M. on a motion made by Mr. Abell, seconded by Ms. McCabe. The motion was carried. (6-yes; 0-no; 0-abstain)

A motion was made by Ms. McCabe, seconded by Mr. Abell to approve the revised Work Force Policy and to authorize the return of all furloughed employees to work on Monday, June 8, 2020. The motion was carried. (6-yes; 0-no; 0-abstain)

The meeting was adjourned at 9:19 P.M. on a motion made by Ms. McCabe, seconded by Mr. Abell. The motion was carried. (6-yes; 0-no; 0-abstain)