

STROUDSBURG BOROUGH COUNCIL
MEETING MINUTES, DECEMBER 7, 2021

A meeting of the Stroudsburg Borough Council convened at 7:00 P.M. in the Council Chambers of the Stroudsburg Borough Municipal Building with the following members present: Council President Matt Abell, Council President-Pro Tem Erica McCabe (arrived at 7:07 P.M.), Council member Joanne Kochanski, Council member Victoria DeVries (arrived at 7:05 P.M.), and Council member Jim Evanisko. Council members James Smith and Boyd Weiss were absent.

Also present were: Mayor Tarah Probst, Borough Manager Larry Kopp, Executive Assistant Mary Pat Quinn, Street Superintendent Brian Ace, Jr., Assistant Codes Officer Jennifer Walker and Borough Solicitor Joseph McDonald. Donna Kenderdine was present to provide stenographic services.

The Pledge of Allegiance was recited.

Public Hearing and Consideration to approve an Inter-Municipal Liquor License Transfer from Shuk, Inc. of 934 Memorial Blvd., Tobyhanna, PA (License #R-21299, LID 69457) to 1650 West Main Eatery, LLC.

Adequate notice of the public hearing was provided by publishing a legal ad notice in the Pocono Record in the issues of November 19, 2021 and November 26, 2021.

Mark Primrose, Esq. was present with his client Hua Zheng, the owner of 1540 West Main Eatery, LLC. Attorney Primrose advised that his client did not purchase the liquor license from Wildwood 115, Inc. because the seller was unable to convey the license at this time.

A motion was made by Mrs. Kochanski, seconded by Ms. DeVries to accept the following exhibits: 1) Agreement of Sale for Liquor License dated November 11, 2021 between Wildwood 115, Inc. and 1650 West Main Eatery, LLC. 2) 12 exterior and interior photographs of the proposed licensed premise. 3) Interior sketch of the proposed licensed premise. The motion was carried. (5-yes; 0-no; 0-abstain)

Mr. Abell asked about the illegal gambling at the location as reported by the Pocono Record. Attorney Primrose advised that the equipment that was removed from the property is owned by L & M Music Company, not his client. The machines were for games of skill and were at the premise for the last four years. The status of the matter is not known at this time.

There were no questions or comments from the public.

A motion was made by Mrs. Kochanski, seconded by Ms. DeVries to close the public hearing. The motion was carried. (5-yes; 0-no; 0-abstain)

The Inter-Municipal Liquor License Transfer from Shuk, Inc. to 1650 West Main Eatery, LLC. was approved on a motion made by Mr. Abell, seconded by Mrs. Kochanski. The motion was carried. (5-yes; 0-no; 0-abstain)

Approval of Council Meeting Minutes for the Regular Meeting, November 16, 2021

The minutes of the regular meeting on November 16, 2021 were approved as circulated on a motion made by Mrs. Kochanski, seconded by Ms. McCabe. The motion was carried. (5-yes; 0-no; 0-abstain)

Continuation of the Public Hearing (from October 5, 2021) and Consideration to Adopt “AN ORDINANCE AMENDING ORDINANCE NO. 1048-2018, PRESENTLY CODIFIED IN THE STROUDSBURG BOROUGH CODE AS CHAPTER 27, ZONING, PART 8, SIGN REQUIREMENTS BY AMENDING CERTAIN SPECIFICATIONS FOR PERMITTED SIGNS, ADDING ADDITIONAL CATEGORIES OF CONSTRUCTION TYPES, PROHIBITED SIGNS, ADDING ADDITIONAL CRITERIA FOR PERMITS REQUIRED, REVISING TABLE I RESTRICTING THE LOCATION OF PERMITTED SIGNS, AMENDING TABLE II, ADDING ADDITIONAL NOTES AND CRITERIA FOR SIGNS REGULATED BY CONSTRUCTION TYPES, TABLE III AMENDING THE CRITERIA FOR MAXIMUM HEIGHT OF INDIVIDUAL SIGNS AND ALL ZONING DISTRICTS; TABLE IV, AMENDING THE MAXIMUM PERMITTED SQUARE FOOTAGE FOR INDIVIDUAL SIGNS IN ALL ZONING DISTRICTS; AMENDING THE CRITERIA FOR AREA COMPUTATION OF SIGNS, AMENDING ILLUMINATION RESTRICTIONS FOR ALL SIGNS INCLUDING ELECTRONIC MESSAGE BOARD SIGNS AND OTHER TEXTUAL CHANGES”

Solicitor McDonald noted that the proofs of publication, confirmation of receipt from the Monroe County Law Library, recommendation from the Monroe County Planning Commission and the Stroudsburg Borough Planning Commission were included in the packet. There has been no change in the Common Pleas Court in connection with the Adams Outdoor Advertising case. He recommended that Council may consider adopting the proposed Ordinance.

There were no questions or comments from the public.

The Ordinance was adopted on a motion made by Mrs. Kochanski, seconded by Ms. McCabe. The motion was carried. (5-yes; 0-no; 0-abstain)

Continue the Public Hearing (from November 16, 2021) and Consideration to Adopt An Ordinance of the Stroudsburg Borough Council to Revise Chapter 15 Entitled, “Motor Vehicles and Traffic”.

The proposed Ordinance was carried from the November 16, 2021 Council meeting to clarify the existing speed limit on Scott Street. Ms. Quinn advised that the current ordinance has the speed limit on Scott Street as follows:

<i>Scott Street</i>	<i>between North 5th Street and North 8th Street</i>	<i>25 mph</i>
<i>Scott Street</i>	<i>between North 5th Street and North 9th Street</i>	<i>15 mph</i>
<i>Scott Street</i>	<i>between North 8th Street and North 9th Street</i>	<i>15 mph</i>

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DUPLICATION AND WILL BE REMOVED.

There were no questions or comments from the public.

A motion was made by Mrs. Kochanski, seconded by Ms. McCabe to adopt the aforementioned Ordinance. The motion was carried. (5-yes; 0-no; 0-abstain)

Consideration to approve signing the Conveyance System portion of the Sewage Collection and Treatment Facilities Planning Module, Form 3800-FM-BPNPSM0353, in regard to a proposed connection at the Stroudsmoor Development in Stroud Township.

Russ Scott, P.E. of RKR Hess was present to discuss his letter dated November 22, 2021 to the Borough of Stroudsburg in reference to the Ann Street Sewer Cost Sharing Formula with the Stroud Township Sewer Authority Update and the Stroudsmoor Sewer Connection Update. Ralph Matergia, Esq. was also present with his client, Andrew Forte, the owner of Stroudsmoor Resort.

Mr. Scott advised that a cost sharing formula for the fair share participation in the maintenance, repair, and/or replacement of sewer lines along Ann Street that assume flows from Stroudsburg Borough and Stroud Township. A formal agreement will be prepared by the solicitors of the two municipalities. The Stroud Township Sewer Authority reimbursed the Borough \$45,489.55 of the cost of the June 2018 emergency repairs of the Ann Street Sewer Interceptor between manhole 14 and manhole 13. The agreement will also include the available sewage capacity for each municipality.

Updated Sewage Planning Modules for the potential upgrade of pumps and generator at Norton Farms Pump Station to accommodate additional flows from the proposed Stroudsmoor connection were reviewed by Mr. Scott. He noted that the projected flows and available sewage capacity do include this project. He recommended that the Borough approve and authorize the Sewage Planning Modules for the conveyance of the Stroudsmoor sewage flow.

Mayor Probst expressed concern about the addition of Stroudsmoor and the impact the project and future development will have on the Borough's lines and water quality. Mr. Abell asked about the I & I issue. Mr. Scott stated that infiltration has been incorporated in to future capacity. Both municipalities are addressing their respective I & I issues. He stated that central sewer preserves water quality, is good for economic development, and good for the Borough of Stroudsburg.

Mrs. Kochanski asked what portion of the Stroudsmoor Resort will be included in the sewer system. Attorney Matergia answered that it will be the main component of the resort as well as future development. He also noted that it will promote regional economics.

Mr. Evanisko asked if the pending development projects in the Borough have been considered. Attorney McDonald confirmed that the calculations do include those proposed projects. He also noted that the I&I problems have been the direct result of weather events and not capacity issues.

A motion was made by Ms. McCabe, seconded by Mrs. Kochanski to authorize the Borough Manager to sign the Conveyance System portion of the Sewage Collection and Treatment Facilities Planning Module in connection with the proposed connection of the Stroudsmoor Development in Stroud Township. The motion was carried. (5-yes; 0-no; 0-abstain)

Consideration to Approve advertising the proposed 2022 Stroudsburg Borough Budget for inspection during the period December 11 through December 21, 2021.

A motion was made by Ms. DeVries, seconded by Ms. McCabe to direct the Borough Manager to advertise the proposed 2022 Budget for inspection between December 11 and December 21, 2021. The motion was carried. (5-yes; 0-no; 0-abstain)

Consideration to schedule a Public Hearing for the 2022 Tax Ordinance for the Borough of Stroudsburg.

A motion was made by Ms. McCabe, seconded by Ms. DeVries to schedule a public hearing for consideration of the 2022 Tax Ordinance. The public hearing will be at 7:00 P.M. on Tuesday, December 21, 2021. The motion was carried. (5-yes; 0-no; 0-abstain)

Mr. Kopp advised that there will be a \$65.00 increase per \$100,000.00 of assessed valuation.

Consideration to approve a proposal from Super Heat, Inc. in the amount of \$3,756.00 for the cost of materials and labor to perform the annual maintenance for the Municipal Building HVAC system.

A motion was made by Mrs. Kochanski, seconded by Ms. McCabe to approve the aforementioned proposal. The motion was carried. (5-yes; 0-no; 0-abstain)

Consideration to approve a proposal from Cintas in the amount of \$4,817.18 to replace a corroded, leaking pipe in the sprinkler system of the Ann Street parking garage.

A motion was made by Mrs. Kochanski, seconded by Ms. McCabe to approve the aforementioned proposal. The motion was carried. (5-yes; 0-no; 0-abstain)

Consideration to authorize the Borough Solicitor to negotiate an easement agreement with UGI for access to the proposed South Levee Loop Trail.

A motion was made by Ms. McCabe, seconded by Ms. DeVries to authorize the Borough Solicitor to contact UGI to discuss an easement agreement for access to Phase I of the proposed South Levee Loop Trail. The motion was carried. (5-yes; 0-no; 0-abstain)

Consideration to request a proposal from RKR Hess, a Division of UTRS, to prepare a scaled field drawing for the South Levee Loop Trail-UGI easement area.

A motion was made by Ms. McCabe, seconded by Ms. DeVries to request a proposal from RKR Hess to prepare a scaled field drawing for the South Levee Loop Trail-UGI easement area. The Borough will be applying for a grant mid-February 2022. The motion was carried. (5-yes; 0-no; 0-abstain)

Consideration to approve the “Consent to Sublease” between the Borough of Stroudsburg, the Stroudsburg Area School District and the Stroudsburg Little League, Inc.

A motion was made by Mrs. Kochanski, seconded by Ms. McCabe to authorize the Council President and the Borough Manager to execute the Consent to Sublease between the Borough of Stroudsburg, the Stroudsburg Area School District and the Stroudsburg Little League, Inc. The motion was carried. (5-yes; 0-no; 0-abstain)

Consideration to Appoint a third-party agency as the Stroudsburg Borough Building Code Officer.

Mr. Kopp obtained three proposals from third-party agencies for building code services: Building Inspection Underwriters – 70% of the Borough’s fee schedule; Barry Isett and Associates – 75% of the Borough’s fee schedule; Criterium/Peters Engineers – 75% of the Borough’s fee schedule. John DeCustatis and Kathryn Fory from Barry Isett and Associates were present. Mr. DeCustatis and Ms. Fory offered to reduce their proposal to 70% in order to keep the Borough’s account.

A motion was made by Mrs. Kochanski, seconded by Ms. McCabe to accept the revised proposal from Barry Isett and Associates in the amount of 70% of the Borough’s fee schedule. The motion was carried. (5-yes; 0-no; 0-abstain)

Consideration to Appoint Jennifer Walker as the Zoning Officer and Subdivision and Land Development Administrator for the Borough of Stroudsburg for an annual salary of \$55,000.00

A motion was made by Ms. McCabe, seconded by Mrs. Kochanski to appoint Jennifer Walker as the Zoning Officer and Subdivision and Land Development Administrator at the annual salary of \$55,000.00. The motion was carried. (5-yes; 0-no; 0-abstain)

Consideration to Appoint Lawrence Kopp as the Floodplain Administrator for the Borough of Stroudsburg.

A motion was made by Mrs. Kochanski, seconded by Ms. McCabe to appoint Lawrence Kopp as the Floodplain Administrator. The motion was carried. (5-yes; 0-no; 0-abstain)

Consideration to approve a request from the Federation of Latinos for Education about Cultures of Hispanic America (FLECHA) to display the flags (21) of Spain and Latin America on the streetlights of Main Street from September 15 to October 15, 2022.

A motion was made by Ms. McCabe, seconded by Mrs. Kochanski to approve the placement of 21 flags of Spain and Latin America on the Main Street streetlights from September 15 to October 15, 2022. The motion was carried. (5-yes; 0-no; 0-abstain)

Committee Reports

Codes Committee – Mr. Abell advised that the Committee will meet on December 22, 2021 at 3:30 P.M. The Committee will be working on an ordinance to regulate storage/moving pods.

Budget Committee – The proposed 2022 Budget is complete.

Parking Committee – Ms. McCabe advised that the Committee will meet on December 28 at 4:00 P.M.

Recycling Committee – Mr. Kopp advised that the Committee will meet on December 15 at 11:00 A.M. with representatives of East Stroudsburg Borough to approve the 2022 Budget for Twin Boroughs Recycling.

Sewer Committee – Mr. Kopp advised Council that the smoke testing equipment has been ordered. Sewer mains will continue to be monitored with the camera truck when manpower is back to normal.

Mr. Ace advised that he ordered stainless steel rain stoppers, which will be placed under 20-25 manhole covers. This should limit the amount of stormwater that can get in to the system as the stoppers only permit 5 gallons of water to get in to each mainhole.

Mr. Kopp will put a feature article in the next newsletter about the Borough's I&I problem; the information will also be provided in the quarterly sewer bills after the first of the year.

A meeting was held with Russ Scott, P.E. of RKR Hess who assisted him with determining an appropriate increase of the sewer bills. Mr. Kopp and Mr. Scott will meet with BCRA on December 9 to discuss EDU distribution.

Street Committee – Mayor Probst reported that the Street Committee met on December 1 and discussed the need for a sidewalk ordinance. Mr. Abell suggested that that task could be given to the professional planner, Carson Helfrich. The Committee will meet again on January 5, 2022.

Personnel Committee – Mr. Kopp advised that the Committee recommended hiring a full-time street department worker, and that expense was considered in the proposed 2022 Budget.

Public Relations/ Media Committee – Mayor Probst advised that the Committee will meet on December 21 at 5:30 P.M.

I-80 Expansion Task Force – Mayor Probst advised that she, Kris Battle, and Mr. Kopp will meet on December 9 at 1:00 P.M. via Zoom.us with Congresswoman Susan Wild and Senator Robert Casey to discuss the status of the proposed project.

Stroud Region Open Space and Recreation Commission – Ms. McCabe advised that the next meeting is December 28 at 5:30 P.M.

Mayor’s Report

Mayor Probst thanked Go Collaborative for the Snowmen of Stroudsburg; the Street Department for putting the lights on the trees downtown; the Mattioli Foundation for providing the funding for the new lights; Erik Diemer for organizing and running the annual Christmas Tree lighting.

Council Member Reports

No reports.

Solicitor’s Report

Solicitor McDonald introduced Mark Primrose, Esq. as the potential buyer of 124 Rear Lee Avenue. Mr. Primrose advised that he submitted a Demolition Permit for the removal of the building that currently exists on the property and also a Building Permit as he will be building a house for himself. The plot plan is being clarified. Solicitor McDonald will follow up with him about the Borough’s costs of litigation which have been submitted to the Court. These costs will be borne by the current owner and deducted from the proceeds of the sale.

Attorney Geiger and Solicitor McDonald researched the ownership of VFG LaBar and Simpson Glenn, who are co-owners of the LaBar Village development.; Simpson Glen is a Pennsylvania entity. It appears that the Superior Court filing by LaBar Village may be void as a result.

Solicitor McDonald is still looking in to the authority of Stroudsburg Borough to vacate the unimproved alleys off Huston Avenue.

Manager’s Report

Meetings

RKR Hess – 2022 Projects	November 18 th
American Rescue Plan Funding	November 18 th
I-80 Project	November 19 th
Mike Gensemer BIU of PA	November 19 th
Ann Street Sewer/Water Improvements	November 24 th
COG Meeting	November 29 th
Brookdale Tour	November 29 th
MyGov Implementation Meeting	November 30 th

I&I Notice of Violation | Follow-Up Meeting
Sean | Turrell Arts Studios
Sewer Billing Rates | BCRA, RKR Hess
Mike Gensemer | BIU of PA

December 1st
December 2nd
December 3rd
December 7th

Financial/2022 Budget

Draft Proposed Budget Complete. Next step is to put together a 10-year Capital Improvements Plan for the Borough listing all major capital projects and purchases through 2031.

Software for Codes/Zoning and Parking

Initial Implementation Meeting on Tuesday, November 30th at 11:00 am. Plan is to be up and live with the new system the week of 1/17/22. Billing will not occur until the new FY (after 1/1/22) (See attached Implementation Plan/Timeline).

Sewer Collection System/Notice of Violation

Met with BCRA (along with Stroud & Pocono Townships) on December 1st in regard to I&I issues after the two hurricanes in August/ September. Comprehensive identification/mitigation plan is underway.

Infrastructure/Streets/Capital Projects

Sidewalk Replacement Project/Multimodal Grant. DCED/CFA will grant an extension after January 1, 2022 if needed. Out to bid this fall, project completed next spring into summer. Will add ramp at corner at 6th and Monroe (SW Corner) as part of the project that Monroe County requested the Borough improve.

Ann Street Sewer Replacement. Will use ARPA funding. This is an approved use of funds (I&I mitigation of sanitary sewer system) and requires no approval from the state or federal governments. Met with BCRA & RKR Hess on November 24th to coordinate water main replacement as part of the project. BCRA will reimburse us for the costs.

Thomas Street Paving Project. Environmental review complete and was approved for use of CDBG Funds. Will begin bid process this fall/winter.

Recycling Center

Committee Meeting was held on November 10th at 11:00 am. Working on finalizing budget; need several costs from East Stroudsburg to finalize.

Five Points Intersection North 5th Street

Survey work underway. Once survey is complete Ben can go forward with other elements of the study.

McMichael Creek Flood Protection Project/Levee Repair/DEP Grant

Project is being managed by the Army Corps of Engineers. Award date for the contract has been pushed back, and we are now looking at Spring 2022 for the project to begin. Will keep Council updated. Grant Agreement is complete for DEP to provide 100% of the share of the Borough's cost of the project. We will be responsible for the upfront match costs and then will be reimbursed, up to \$80,000, by DEP, and is included in the 2022 Budget.

Sewer Fund Delinquent Accounts/Liens

BCRA wants to meet in regard to delinquent accounts; this has been put onto the back burner until plans to address I&I are underway. I have talked to three different collection agencies and given the experiences so far with the shutoff notices, there may be a place for collection agencies when a rental property has water due to be shut off because of nonpayment by the property owner/landlord. BCRA found a 20-year-old agreement on how billing was to be done for sewer accounts.

Pocono Plaza Inn is being sold, and attorney contacted us about fulfilling the liens as part of the sale. Past due sewer balance is \$56,471.40.

Levee Conduit Inspection

In 2021, all conduits on our Levees must be inspected by camera. Since we have our own camera truck, we are able to do this work "in house" and save costs. Working on getting more guidance from the Corps of Engineers/DEP.

Borough Pool

Water level settled at normal level from in past years. That means that any leaks are probably not from the discharge pipes buried underground, which is a good thing. The bad news is that it leaves us back at square one again.

Garbage Concerns on Main Street

We have had an ongoing problem with tenants with apartments on Main Street depositing their household trash curbside. We have been closely monitoring and checking trash for any possible evidence of the location of the offenders. There is provision in our Code that allows the Borough to require property owners to supply the Borough information within 72 hours on their trash haulers. Instead of going after tenants who may not even realize what they are doing is wrong, this way we can force some of the property owners, who do not have trash haulers, to comply with our Ordinances. Letter going out next week (October 25th – 29th).

Parking Garage

Working on getting bids from contractors to do work to repair our parking garage. Will be used for a potential grant request for repairs. Also, contacting concrete contractors to determine costs for a new garage.

2023 CDBG Funding

Provided to the County Redevelopment Authority about what project we will be undertaking with those funds. North 7th/Courthouse Square will be the project for 2022.

Bicycle Racks

Three racks remain to be installed: 745 Main, 401 Main & 33 North 7th Streets. North 7th Street was approved with a slightly changed location. Waiting to hear back from the remaining two property owners. One property owner (1172 Main Street) declined to have the rack on their property.

Upcoming Focus

2022 Budget/Capital Improvement Plan
Testing
Sewer Liens and A/R
Day to Day Activities

I&I Mitigation & Smoke

MyGov Implementation

Mr. Kopp also reported that he is still working on the details of the proposed Auston-Healy Car Show which will take place in 2022.

Code Enforcement Officer's Report

Ms. Walker did not have anything new to report.

Street Superintendent

Mr. Ace reported that his department will put up the portable ice rink and fencing in the next week. He asked about the operating hours. A motion was made by Mrs. Kochanski, seconded by Ms. McCabe to set the hours from 7:00 A.M. to 9:00 P.M. daily; the lights will be put on at 3:00 P.M. The motion was carried. (5-yes; 0-no; 0-abstain)

Approval of Bills on Warrants 211207

A motion was made by Mrs. Kochanski, seconded by Ms. McCabe to authorize the payment of Bills on Warrants 211207. The motion was carried. (5-yes; 0-no; 0-abstain)

Public Input for Non-Agenda Items

There were no questions or comments from the public.

Executive Session

There was no need for an executive session.

The meeting was adjourned at 8:43 P.M. on a motion made by Mrs. Kochanski, seconded by Ms. DeVries. The motion was carried. (5-yes; 0-no; 0-abstain)