

MINUTES
Stroudsburg Borough Council Meeting
Tuesday, August 2, 2016 at 7 p.m.

Note that the minutes are presented in the order in which items were discussed at the meeting. Each agenda item, however, has retained the original number it was assigned on the original agenda.

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, Solicitor Joe McDonald, Council Members Joanne Kochanski, Boyd Weiss, Matt Abell, Mark Connors and Patrick Maurath (via phone). Absent was Mayor Tarah Probst.

2. The Pledge of Allegiance was recited.

3. Public Input: Tracy Tomlinson, 708 Scott Street, was present seeking approval for the 5th annual Neighborhood Block Party to be held on Saturday August 27th from Noon to 10 p.m. on the 700 block of Scott Street. As in the past, she is requesting four barricades to be dropped off by the Street Department that the residents will place and remove. Motion by Mrs. Kochanski, second by Mr. Smith, to approve the request of Tracy Tomlinson for the 5th annual Neighborhood Block Party to be held on Saturday August 27th from Noon to 10 p.m. on the 700 block of Scott Street. Motion passed unanimously. President Lang asked that Ms. Tomlinson coordinate with Public Works Director Brian Bond for the barricades.

Second Street resident Lance Posten first commented that he is extremely happy that the plaque commemorating Native and Colored Americans who fought in the Civil War was put up on Third Street as some of those men who served were his ancestors.

Mr. Posten also asked for an update on the speed bumps he previously requested for Second Street. Speeding is continuing to be an issue and he is concerned with the safety of the neighborhood children being school is starting up again soon. Public Works Director Brian Bond explained that the engineering is almost complete and that the entire project, which consists of new curbing, paving and speed humps, should start this fall.

Rich Berkowitz, Sherman Theater, was present to follow up with the Borough's position on property owners downtown who could put their gas meters in the back but choose to put them in the front of their buildings on Main Street. Codes Enforcement Officer Ron Kimes stated there is no regulation prohibiting the location of gas meters. As Mr. Berkowitz understands it, in one specific case, the gas company has a way of placing the meter in the back but it's the property owner who just doesn't care that there is going to be a large unsightly gas meter on Main Street in the Historic District. Borough Manager Cathryn Thomas asked Mr. Berkowitz to contact her with the address of the property owner he is referring to.

Motion by Mr. Smith, second by Mr. Weiss, to close public input. Motion passed unanimously.

4. Approval of Council Meeting Minutes: July 19, 2016 meeting at 4 p.m. and July 19, 2016 meeting at 7 p.m.: Motion by Mr. Weiss, second by Mr. Smith, to approve the 4 p.m. and 7 p.m. July 19, 2016 Council Meetings Minutes. Motion passed unanimously.

New Business

11. Consideration to approve a request from DEIN Properties, LP for a subdivision and land development plan for properties located at 8th and Main Streets: Codes Officer Ron Kimes explained that the applicant has submitted a subdivision plan to combine three lots that they own into one. It has been reviewed by the Monroe County Planning Board, the Borough Planning Commission, Engineer Nate Oiler and Borough Staff who are all recommending approval subject to Mr. Oiler's comments. Motion by Mr. Abell, second by Mrs. Kochanski, to approve the request from DEIN Properties, LP for a subdivision and land development plan for properties located at 8th and Main Streets subject to the remaining comments of Nate Oiler's review letter of July 6, 2016. Motion passed unanimously.

Mr. Weiss reported there is still a problem on Sundays with cars parking in the empty lots and asked George Strunk from Dein Properties if they would put up a no parking sign to which he replied yes.

Old Business

5. Consideration to approve the terms of a Sale Agreement between the Borough and BTS Stroudsburg, LLC for the sale of a piece of Borough-owned property which fronts on McConnell Street where a Rite Aid store is proposed to be developed encompassing several existing properties in the vicinity, including a property owned by the Borough and which agreement shall be proposed by the Borough and subsequently presented to the development company for consideration: Solicitor McDonald and Attorney Durso have been in contact regarding the specific conditions Council discussed a few weeks ago that they determined should be added to the Agreement of Sale. Attorney McDonald has copies of a proposed addendum for Council addressing the issues.

President Lang asked Solicitor McDonald to discuss the request for screening the loading dock. Solicitor McDonald stated that the developer came back with a substitute Exhibit B which Borough Manager Cathryn Thomas emailed to Council Friday. Attorney Durso explained that what they are proposing is to make the loading dock area blend in with the rest of the building so it isn't so obvious from the street. Mrs. Kochanski stated that the reason Council gave for the screening was to screen the actual loading dock so whatever is on it is not visible to the public. The majority of Council agreed. Attorney Durso stated they misunderstood the request. Attorney McDonald stated that upon further review he learned that in Section 613.A.12 of the SALDO Ordinance there is a specific landscaping requirement that pertains to parking and off-street loading that calls for eight foot wide buffer strips to screen truck parking and loading areas from view of any abutting street which gives the Borough the right to request more than what has already been requested. President Lang told Attorney Durso that adequate screening of the loading dock needs to be presented to Council.

The next item Solicitor McDonald stated was the abandonment issue which is paragraph 1 of the addendum amending paragraph 3 which addresses the timing of submitting the Land Development Plan, obtaining permits to start construction and finishing the project. Solicitor McDonald did add a clause that these conditions shall survive title closing which is a legal expression to state that it's intended that those abandonment clauses would be held against the buyer even after they acquire the deed.

The next item which is paragraph 2 of the addendum refers to the purchase obligations basically stating that the decision to sell the property is neutral as to the developer's obligations.

Paragraph 3 of the addendum, Title to Real Property, basically states that if the property is not pursued, despite those abandonment protections, the property would revert back to the Borough.

Paragraph 4 of the addendum, No Recording, is an administrative clause stating that the Agreement of Sale is not intended for recording.

Motion by Mr. Weiss, second by Mr. Smith, to approve the terms of the Agreement of Sale including the addendum between the Borough and BTS Stroudsburg, LLC. Motion passed 4-3 with Mr. Lang, Mr. Abell and Mr. Connors voting no.

6. Update and reports on a recommendation from the Parking Committee to extend the hours when motorists are required to pay for parking in metered spaces, from the current 9 a.m. to 6 p.m. to 9 a.m. to 9 p.m., in a limited area downtown: President Lang recommended this be tabled until Mr. Maurath is present. Motion by Mr. Weiss, second by Mrs. Kochanski, to table this agenda item. Motion passed unanimously. Hill District resident Joseph Tanczyn had comments he wished to express at this time. He felt night enforcement would have a negative impact on younger, low income people of color and that many business owners he has spoken to are not in favor of it. He went on to say that there is no logical or evidence-based rationale to support Council's reasoning to cause turnover as there is an abundance of open spaces and that this measure has the plain appearance of an attempt to raise revenue.

7. Report on Borough and County Planning Commission reviews concerning a recommendation to amend the Zoning Code whereby establishment of an "Escape Room" could occur within the C2 commercial zoning district: Codes Officer Ron Kimes reported that he did receive a review letter from the Monroe County Planning Commission that recommended advertising for this zoning change and that the Borough review some of our old definitions that may cause conflict. Mr. Kimes suggests advertising for the change and at the same time have the Codes Committee work on the old language. Motion by Mr. Abell, second by Mrs. Kochanski, to advertise the amendment to the Zoning Code whereby establishment of an "Escape Room" could occur within the C2 commercial zoning district for the September 6th meeting. Motion passed unanimously.

Mr. Abell stated now that medical marijuana dispensaries are legal, that usage should be added to our zoning code. President Lang suggested the Codes Committee work on that also.

8. Report from the Codes Committee on a proposed amendment to the Borough Code to allow signage on outdoor dining area barriers/delineators: Codes Officer Ron Kimes stated that the Codes Committee has not completed their review and asked that Council table the issue. Motion by Mr. Smith, second by Mrs. Kochanski, to table this issue for now. Motion passed unanimously.

New Business

9. Consideration of a request from the Monroe County Veterans Association, Inc. to hold the Annual Veterans Day Parade on Sunday, November 6, 2016, from 1 to 3 p.m.: Motion by Mr. Abell, second by Mr. Weiss, to approve the request from the Monroe County Veterans Association, Inc. to hold the

Annual Veterans Day Parade on Sunday, November 6, 2016, from 1 to 3 p.m. Motion passed unanimously.

10. Consideration of issuance of a Certificate of Appropriateness, as recommended for approval by the Historic Architectural Review Board, for Jose Robles for the following proposed work at 21-23 South Eighth Street: replacement of windows, doors and trim; replacement of items on the front porch: roof, railings, posts, balustrades, guards and lattice; replacement of items on the rear porch: railings, posts, balustrades, guards and lattice; and installation of a side porch with railings, posts, balustrades, guards and lattice. Motion by Ms. Kochanski, second by Mr. Smith, to grant a Certificate of Appropriateness, as recommended for approval by the Historic Architectural Review Board, for Jose Robles for the following proposed work at 21-23 South Eighth Street: replacement of windows, doors and trim; replacement of items on the front porch: roof, railings, posts, balustrades, guards and lattice; replacement of items on the rear porch: railings, posts, balustrades, guards and lattice; and installation of a side porch with railings, posts, balustrades, guards and lattice. Motion passed unanimously.

12. Establishment of a date for a Public Hearing on an application seeking Conditional Use Approval requested by Shanti House, LLC proposing to develop the property at 621-625 Main Street, with such hearing taking place no later than September 8th: Solicitor McDonald had indicated last month that Attorney Wolfe filed a new Conditional Use Plan which he submitted without prejudice to his clients rights to continue their appeal of the plan that was filed last year for which they claimed a deemed approval. The Borough and the Zoning Board have challenged that deemed approval process which is tied up in the Court of Common Pleas, most likely until mid-fall. Notwithstanding that and without prejudice to his clients right to continue that appeal for the six story building, they submitted a separate plan for a five-story 65-foot building. Apparently it otherwise meets the dimensional requirements but still requires a Conditional Use Approval which means it comes to Council for a public hearing that needs to be scheduled within 60 days from the day it was submitted which is by September 9th. Last week Solicitor McDonald received a call from Attorney Wolfe's secretary requesting the Borough defer scheduling a Conditional Use Hearing. Instead, they want to see the outcome of their court appeal. Solicitor McDonald asked for the request in writing. Attorney Wolfe is away and is supposed to send the written request when he returns. Solicitor McDonald suggests setting the hearing, which doesn't have to be conducted if the letter is received. Motion by Mrs. Kochanski, second by Mr. Smith, to set a public hearing on September 6th for an application seeking Conditional Use Approval requested by Shanti House, LLC proposing to develop the property at 621-625 Main Street. Motion passed unanimously.

13. Consideration to approve employees Brian Bond and Mary Pat Quinn to attend QuickBooks software training: Borough Manager Cathryn Thomas reported the cost is \$549 for the first person and \$499 for the second. Motion by Mr. Abell, second by Mr. Connors, to approve employees Brian Bond and Mary Pat Quinn to attend QuickBooks software training. Motion passed unanimously.

14. Consideration to purchase two Luke II multi-space parking meters: one for the Borough Parking Deck Lot 2 and one for Borough Lot 3, which items are included in the 2016 Borough Budget: Public Works Director/Interim Borough Manager Brian Bond reported that there is money budgeted for both machines and that the machine can be set up to charge two different rates, one for coin and one for credit/debit cards. Council had a few questions regarding the legality of charging two rates and the life expectancy of the machines. Staff will research and report back to Council. Motion by Mr. Connors,

second by Mrs. Kochanski, to approve the purchase of two Luke II multi-space parking meters for Municipal Lot #2 and #3. Motion passed unanimously.

15. Solicitor's Report: Solicitor McDonald and Borough Manager Cathryn Thomas drafted an agreement for the municipal building/shared driveway project with an indemnity and release hold harmless clause in favor of the borough. Solicitor McDonald explained that in exchange for the owner of the home next door allowing the Borough to put contractor materials and equipment in his parking area while the fire department renovation was going on, the Borough is going to pave his parking area along with ours at no cost to him.

Solicitor McDonald will be filing a brief on behalf of the borough by August 28th in response to our Zoning Board brief in support of an objection to the claim of deemed approval that was filed earlier this year by Shanti House on its original application. Solicitor McDonald doesn't expect any meaningful decision for at least the next 60 to 90 days.

Attorney Todd Weitzmann has been selected by the Zoning Heard Board to serve as their new Solicitor and he has accepted that position. Mr. Weitzmann had been serving the Borough as the Planning Commission Solicitor, therefore that position is now vacant. The Planning Commission is meeting Monday to review the Rite Aid Project. Council asked Solicitor McDonald if he would temporarily agree to fill in as the Planning Commission Solicitor, to which he agreed. Motion by Mrs. Kochanski, second by Mr. Smith, to appoint Joe McDonald as the interim Planning Commission Solicitor. Motion passed unanimously.

16. Mayor's Report: None.

17. Council Member Reports: Mrs. Kochanski reported that she hopes to go out and look at the lights before the next meeting and feels the Borough must be diligent when dealing with the restaurants on Main that don't have any separation between the eating area and the kitchen that are leaving their doors open resulting in flies in the kitchen. Codes Officer Ron Kimes stated our Health Code Officer has been directed to review portions of PA Act 46 relating to this issue and that she has been giving verbal warnings. The next step would be to issue citations.

Mr. Smith reported he is trying to get in contact with Ralph Matergia regarding bike racks and those being funded through the Mattioli Fund.

At the last Council Meeting Mr. Smith suggested we look into partnering with Stroud Township for yard waste. He has since spoken to Stroud Township Supervisor Ed Cramer who will speak to the other township supervisors and with the yard waste facility manager. Mr. Cramer asked if East Stroudsburg was also interested in this. Mr. Smith suggested the Borough look at the current agreement with East Stroudsburg and that he will continue to update Council.

Mr. Weiss reported that the street light in front of his building has been out for three months.

Mr. Weiss feels the police should be doing more to enforce speeding and loud cars on Main Street.

Mr. Weiss reiterated Mrs. Kochanski's point about flies in the restaurants kitchens and that food deliveries are being stacked in pans on top of dry goods that have no lids which he feels is a health issue. Codes Officer Ron Kimes suggested that anytime anyone feels there is a health code violation, they can report it to the Borough Health Officer. Her contact information is on the Borough website.

President Lang reported that the Budget Committee met and is working diligently.

Mr. Abell reported that the Sewer Committee met and that five flow valves have been ordered which should help identify the biggest Inflow and Infiltration (I&I) issues. He suggested we budget in 2017 for a robotic camera system which we do already have the money for in the Capital Reserve Fund.

Mr. Maurath received a complaint from the owner of Andre's Art Gallery that his sandwich board sign which he placed at the corner of 6th and Main was taken away. Codes Officer Ron Kimes explained that our ordinance does not permit the sign to go anywhere except in front of his business.

Mr. Maurath stated this same art gallery owner is requesting a place in town for artists to display their art. President Lang suggested he contact the Mayor for the request to be discussed by the Social Media Committee.

Mr. Connors reported that 25 applications have been received for the open Borough Manager position and that the Personnel Committee is suggesting conducting interviews for six of them. Consensus of Council was for the Personnel Committee to interview the six and recommend three to four for Council to interview. Mr. Connors stated there is a drop-box link for Council to access all the applications if they are interested. Mr. Connors questioned whether Council would approve paying for out of state applicants to travel here for an interview to which Council responded no. Mr. Connors reported the Personnel Committee continues to work with PSAB and that the money budgeted for the search is just about spent. He asked if Council wants to allocate more funds and continue to advertise the position. Consensus of Council was not to re-advertise. Mr. Connors requested Council submit any relevant questions for the interview process to the Personnel Committee.

18. Manager's Report: Ms. Thomas officially welcomed Mary Pat Quinn as our new Executive Assistant.

Ms. Thomas stated she had a couple of items for Executive Session.

19. Approval of Bills on Warrant 160802: Motion by Mr. Abell, second by Mr. Connors, to approve the bills on Warrant 160802. Motion passed unanimously. Mr. Connors questioned an \$800 payment to Elizabeth Bensinger Weekes being she is no longer the Zoning Hearing Board Solicitor. Ms. Thomas explained that Solicitor McDonald did review this and it is reasonable for the work she did perform regarding the Shanti House. Mr. McDonald added that a significant portion of that bill was a reimbursement for transcripts related to the Shanti House matter.

20. Executive Session: Motion by Mrs. Kochanski, second by Mr. Smith, to go into Executive Session to discuss personnel matters at 8:40 p.m. Motion passed unanimously.

Motion by Councilperson Kochanski, seconded by Councilperson Abell, to adjourn the Executive Session at 9:06 p.m. Motion passed unanimously.

Motion by Councilperson Kochanski, seconded by Councilperson Abell, to resume the regular session of the Council meeting at 9:06 p.m. Motion passed unanimously.

Motion by Councilperson Kochanski, seconded by Councilperson Abell, to hire Debra Muccione as a full-time employee to fill the Payroll Clerk position soon to be vacant due to the retirement of Mary Cramer, at a starting rate of \$15 per hour, effective September 1, 2016. Motion passed unanimously.

Motion by Councilperson Connors, seconded by Councilperson Abell, to extend by one month the time Mary Cramer shall be eligible to receive a \$240 per week bonus for performing all responsibilities for her regular position and additionally performing responsibilities of the Executive Assistant position, resulting in her receiving the bonus for a total period of three months. Motion passed unanimously.

Motion by Councilperson Abell, seconded by Councilperson Kochanski, acknowledging the last day of employment for Borough Manager Cathryn Thomas to be Friday, September 2, 2016 and specifying agreement that the terms of her employment contract, including Section XI. Termination or Resignation and Severance, have been satisfied. Motion passed unanimously.

23. Adjournment: Motion by Mrs. Kochanski, second by Mr. Abell, to adjourn at 9:12 p.m. Motion passed unanimously.

Approved:

Ken Lang, President of Council

Attest:

Cathryn Thomas, Borough Manager/Secretary