

MINUTES
Stroudsburg Borough Council Meeting
Tuesday, May 3, 2016 at 7 p.m.

1. Call Meeting to Order/Roll Call: Council President Weiss called the meeting to order at 7 p.m. Present were President Weiss, Vice-President James Smith, Council members Joanne Kochanski, Ken Lang, Patrick Maurath and Matt Abell. Council member Mark Connors was absent. Also present were Mayor Tarah Probst, new Solicitor Joseph McDonald, retiring Solicitor Ralph Matergia and Borough Manager Cathryn Thomas.

2. The Pledge of Allegiance was recited.

3. Public Input: Lisa Diemer is this year's organizer of the Art on Main event, which was approved by the Council on March 15th. Ms. Diemer had a further request to have No Parking indicated by meter bags for 14 spaces on North 7th Street from Main Street to Courthouse Square and requested that the fee for those bags be waived. Motion by Councilperson Lang, seconded by Councilperson Abell, to supply 14 meter bags, free of charge, to the Art on Main event on Saturday, May 14th, to be placed on North 7th Street from Main Street to the Courthouse Square. Motion passed unanimously.

4. Approval of Council Meeting Minutes from April 19, 2016: Motion by Councilperson Lang, second by Councilperson Kochanski, to approve the Council Meeting minutes from April 19, 2016. Motion passed unanimously.

Old Business

5. Consideration to approve an Ordinance amending portions of Chapter 15 – Motor Vehicles and Traffic of the Stroudsburg Borough Code, mainly in the section pertaining to Parking: Motion by Councilperson Lang, second by Councilperson Smith, to table consideration of this matter until Councilperson Connors may arrive at the meeting. Motion passed unanimously.

6. Consideration of approval of Change Order No. 7 with mechanical contractor Leibold, Inc., an increase of \$2,491, for louver modifications (\$500) and added work to address gas pressure issues (\$1,991), for the Fire Hall Renovation Project: Motion by Councilperson Lang, second by Councilperson Abell, to table consideration of this matter until a person representing either the architect and/or the engineer working for the Borough on the project could be present to answer questions. Motion passed unanimously.

7. Consideration of a Resolution to limit hours that basketball can be played in the Helen Amhurst Third Street Park. The Council discussed a variety of options as far as time limits to set. Also, it was noted that this activity is a constructive one for persons to be engaged in, compared to other activities which would not be as desirable.

Ms. Maryanne Kowalyshyn of Sarah Street said that living in close proximity to a basketball court can impact neighbors with the noise created by this activity and she wondered if any of the Council members had had this experience first-hand.

Motion by Councilperson Lang, second by Councilperson Abell, not to place time limits for playing basketball in the Helen Amhurst Third Street Park. Motion passed 4-3, with Mayor Probst and Councilpersons Lang, Abell and Kochanski voting aye and Councilpersons Maurath, Smith and Weiss voting nay.

New Business

8. Informal discussion with representatives from the Rite Aid Corp. concerning their development of a new store proposed to be located on Lower Main Street.

There was discussion about the process for Rite Aid seeking approval for their proposed project and that an informal review before the Council is not normally done. Rather, the Borough Planning Commission is to conduct their review and make a recommendation to the Council for their action. Representatives from Rite Aid said they very interested in receiving informal feedback from the Council to see if they were on the right track as far as what they are presenting and proposing.

It was reported that this application had been previously presented to the Borough Planning Commission, however the matter was tabled. It is scheduled to go back to the Planning Commission on May 9th and also several variances are being requested and therefore an appearance before the Zoning Hearing Board is necessary, which is scheduled for May 18th.

Councilperson Smith asked if there are any “green elements” incorporated in the plan. The response was that there are some, such as LED lights and utilization of some green construction materials.

Councilperson Abell asked if they had considered in the design what is known as “traditional neighborhood development” – that is, something that is walkable versus being geared towards all customers accessing the store via vehicles. It was reported that the front of the building faces McConnell Street (instead of Main Street) because the concentration of commercial activity is in the area of McConnell and Third Streets.

Mr. Matergia gave a rundown of this process so far, noting that this development proposes to purchase several properties (mostly existing homes) which will be demolished to make one large lot available for the Rite Aid commercial development. There is one small parcel of land incorporated in the development fronting on McConnell Street which is currently owned by the Borough.

Rite Aid has asked about the sale of this property to them and the Council will soon consider whether or not they want to sell the property. The Borough cannot, however, exclusively offer this property for sale to Rite Aid, as requested. Rather, an appraisal has been completed on the parcel and that value came out at \$15,000. If the Council approves moving forward with a sale, it must be done by sealed bid or public auction, competitive and open to anyone.

The project has been presented to the Borough Planning Commission and is going back to that body on May 9th. The Planning Commission members will have to decide when the time is right to consider a recommendation to forward to the Council, also taking into account that the applicant is seeking several variances before the Zoning Hearing Board on May 18th.

There is a question of standing related to these applications relative to the property ownership, including the Borough-owned property. The Council should also decide if they want to participate in the Zoning Hearing Board process and have an official representative attend and put in an appearance on behalf of the Council. That duty could be assigned to the Borough Solicitor or Borough Manager.

Motion by Councilperson Lang, second by Councilperson Abell, to have the Borough Manager put in an appearance on behalf of the Council when the Rite Aid application goes before the Zoning Hearing Board. Motion passed unanimously.

9. Consideration of a request and petition from residents of Fulmer Avenue to be included in the “Hill District” Residential Parking District: Motion by Councilperson Lang, seconded by Councilperson Maurath, to refer this matter to the Parking Committee.

10. Consideration of various requests from the BCRA related to the Sarah Street water main line replacement project.

Ms. Kowalyshyn wondered what Sarah Street residents would do when they could not access their driveways and/or park on the street near their properties when construction was going on. It was suggested that residents could be provided passes from the Borough to park in Borough Lot 4 at the end of Sarah Street.

Motion by Councilperson Lang, second by Councilperson Smith, to deny the request for the Borough to waive fees for meter bags for the BCRA Sarah Street water main replacement project. Motion passed 6-1, with Councilperson Abell voting nay.

Motion by Councilperson Lang, second by Councilperson Abell, granting the request to have one block at a time closed off on Sarah Street while the BCRA water main line replacement project is occurring at various locations, providing that proper notifications to affected parties are provided and including that the Borough shall issue free passes for area residents to park in Borough Lot 4 at times when their normal parking is unavailable due to the construction. Motion passed unanimously.

Motion by Councilperson Smith, second by Councilperson Lang, granting the request for the contractor to park equipment and stage materials in parking spaces on Sarah Street for the BCRA Sarah Street water main replacement project. Motion passed unanimously.

11. Consideration to schedule a public hearing for a proposed ordinance change to allow Borough Parking Enforcement Officers to ticket vehicles parked on unapproved areas on private property: Motion by Councilperson Smith, second by Councilperson Kochanski, to set a public hearing at 7 p.m. on Tuesday, June 7, 2016, for a proposed ordinance change to allow Borough Parking Enforcement Officers to ticket vehicles parked on unapproved areas on private property. Motion passed unanimously.

12. Consideration to approve Brian Bond and Brian Ace attending MS4 workshops (Municipal Separate Storm Sewer System) conducted by the PA DEP, and also requesting at least one Council Member to attend: Motion by Councilperson Smith, second by Councilperson Kochanski, to approve Brian Bond, Brian Ace and at least one Council Member to attend MS4 workshops (Municipal Separate Storm Sewer System) conducted by the PA DEP. Motion passed unanimously.

It was discussed that the Council would like to see a proposal which would allow the Borough Manager some discretion in approving staff training, including reimbursement of reasonable expenses, throughout the year, in lieu of each individual request being approved by the Council.

13. Solicitor's Report: Mr. McDonald thanked the Council for selecting him as their new Solicitor and said he looked forward to serving the Borough.

Mr. Matergia reported that the Development Agreement for the All Granite company was in its final form and should be ready soon for signatures.

Mr. Matergia reported that the new parking lot for 4th Street has been designed by Borough Engineer Nate Oiler which helps resolve the issue with neighboring property owner Ray Price with air conditioning units encroaching on Borough-owned property. Mr. Matergia said that a license agreement will need to be drafted allowing for the encroachment, which would need Council approval.

Mr. Matergia said there is a matter concerning the Development Agreement with the School District expansion of the High School, including that the School District must provide as-built drawings to the Borough.

Mr. Matergia said that after a long negotiation, the ESSA Bank Greenway Easement is nearing completion, which is required as part of the development agreement for the bank's headquarters.

Mr. Matergia noted that the Council had selected attorney Tim McManus to represent the Borough in matters related to the BCRA. Mr. McManus, however, recently informed the Borough that he could not start this assignment right away due to a conflict with another matter he is working on for the BCRA. Mr. Matergia offered that until Mr. McManus had concluded that work and was able to take on this assignment for the Borough, he would serve in this capacity if the Council so desired. Motion by Councilperson Lang, second by Councilperson Kochanski, engaging attorney Ralph Matergia as special counsel representing the Borough on matters related to the BCRA, until such time as attorney Tim McManus is able to take on these duties. Motion passed unanimously.

14. Mayor's Report: The Mayor reported that the Borough may be able to get electric car charging stations from the Tesla car manufacturing company, which could be placed in a few strategic locations around the Borough, which the Council concurred would be a good item to explore.

Mayor Probst reported that the Farmers' Market premiers this weekend and each week the Borough will have a table at the market. For many weeks, that table may be staffed by various area non-profit organizations, however for a few weeks the Borough could staff the table themselves.

15. Council Member Reports: Councilperson Smith asked if the sidewalk on 8th Street adjacent to where the Carlton House had been demolished was going to be repaired by that property owner. Building Official Jeff Wilkins responded that the sidewalk repair is part of the redevelopment plan.

Mr. Smith said that he wants the Council to continue to seek to appoint an alternate Solicitor, since attorney Jeff Durney had been offered the position, however respectfully declined.

Mr. Smith reported that he has been working with SROSRC, the Friends of SROSRC and Brian Bond on getting the pool house painted and they are making good progress on planning out that process.

Mr. Smith expressed concerns about Council members interrupting when others are speaking, including "calling for the question" when a motion is being debated. The Council discussed the matter and all agreed that common courtesy should guide their conduct during their meetings, in lieu of formally adopting specific rules of conduct.

Mr. Smith said that in looking at places downtown where bike racks could be installed, the conclusion is that they should be installed in the "bump-outs" on Main Street. Mr. Bond said he will have to see about the feasibility of this with many factors in those locations, the chief one being to ensure that ADA requirements are met.

Mr. Lang reported that he and HARB member Ted Hoyt had attended training for Historic District officials and that compared to some other communities, Stroudsburg Borough appears to be managing these processes well, with good results.

Mr. Abell reported that he and other Borough officials and employees attended training on how to address the issue of stormwater infiltration and inflow (I&I). He suggested the Sewer Committee meet to begin devising a plan to address this issue.

Mr. Weiss said that many trash cans purchased years ago once had lids and plastic liners which are now missing or damaged and in need of replacement. He asked Mr. Bond to look into this matter.

16. Manager's Report: No report, however an executive session is needed to discuss a personnel matter.

17. Approval of Bills on Warrant 160503: Motion by Councilperson Abell, second by Councilperson Smith, to approve the bills on Warrant 160503. Motion passed unanimously.

18. Executive Session: Motion by Councilperson Lang, second by Councilperson Smith, to enter into Executive Session at 8:45 p.m. Motion passed unanimously.

Motion by Councilperson Smith, second by Councilperson Abell, to adjourn the Executive Session and resume the open segment of the meeting at 9:07 p.m. Motion passed unanimously.

During the Executive Session a personnel matter was discussed and no decisions were made.

19. Adjournment: Motion by Councilperson Abell, second by Councilperson Smith, to adjourn at 9:08 p.m. Motion passed unanimously.

Approved:

Boyd Weiss, President of Council

Attest:

Cathryn Thomas, Borough Manager/Secretary