

STROUDSBURG BOROUGH COUNCIL
Meeting Minutes, August 17, 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 member Victoria DeVries, Council member Joanne Kochanski, Council member Boyd Weiss, Council member James Smith, and Council member Jim Evanisko. Council President Pro-Tem Erica McCabe advised of her absence prior to the meeting.

Also present at the meeting were: Mayor Tarah Probst, Borough Manager Larry Kopp, Street Superintendent Brian Ace, Assistant Zoning/Codes Officer Jennifer Walker, Executive Assistant Mary Pat Quinn, and Borough Solicitor Joseph McDonald, Jr., Esq.

The meeting was also livestreamed on Zoom.us. The Pledge of Allegiance was recited.

Proclamation-Recognition of the Retirement of Andriane “Kay” Sambates (Kay’s Tavern)

Ms. Sambates and several of her employees were present at the meeting. Mayor Probst read the following Proclamation to her and congratulated her on her retirement.

A PROCLAMATION OF STROUDSBURG BOROUGH, COUNTY OF MONROE,
COMMONWEALTH OF PENNSYLVANIA, RECOGNIZING THE RETIREMENT OF
ANDRIANE “KAY” SAMBATES, OWNER OF KAY’S TAVERN

WHEREAS, every town needs a tavern that in the best traditions of hospitality becomes a community meeting place where all are welcome; and

WHEREAS, Kay’s Tavern, has for decades, been a Stroudsburg establishment where generations of area residents of all imaginable backgrounds could come to meet friends old and new and enjoy a convivial atmosphere; and

WHEREAS, Kay’s Tavern is not only a meeting place for residents; its online reputation has transformed it into a means for drawing diverse visitors to our community; and

WHEREAS, Andriane “Kay” Sambates has been the owner of Kay’s for 52 years and presided over a Tavern that has grown to be much more than a neighborhood “watering hole,” truly becoming a Stroudsburg institution; and

NOW, THEREFORE, be it resolved that Mayor Tarah Probst hereby recognizes and expresses thanks and gratitude on behalf of the entire Stroudsburg community to Andriane “Kay” Sambates for her hard work and efforts over the past 52 years.

Approval of Council Meeting Minutes for the Regular Meeting, August 3, 2021

The minutes of the August 3, 2021 meeting were approved as circulated on a motion made by Mrs. Kochanski, seconded by Ms. DeVries. The motion was carried. (5-yes; 0-no; 1-abstain – Mr. Smith)

Monthly Administrative Reports

The following monthly reports were approved on a motion made by Mrs. Kochanski, seconded by Ms. DeVries: Permits Issued Report, Parking Report, and Right-To-Know Report. There was no report from Public Works, the Stroud Area Regional Police, or the Fire Department. Ms. Quinn advised that the monthly SARP meeting was postponed from August 11, 2021 to August 18, 2021 due to a lack of quorum. The motion was carried. (6-yes; 0-no; 0-abstain)

Accept the Unaudited July, 2021 Treasurer's Report

A motion was made by Ms. Kochanski, seconded by Mr. Weiss to accept the unaudited July, 2021 Treasurer's Report to include the bank account balances and the budget to actual report. The motion was carried. (6-yes; 0-no; 0-abstain)

OLD BUSINESS

Consider the Subdivision Plan of Rx Holdings, L.P. for the properties located at 51-55 North Third Street (near McConnell and North Third Street)

Solicitor McDonald introduced Terence Faul, Esq. of King, Spry, Herman, Freund and Faul, LLC., who was present to represent the applicant, Rx Holdings, L.P. Alan Chyko, P.E. from Barry Isset and Associates was also present. The August 9, 2021 letter from Nathan S. Oiler, P.E., the Borough Engineer, to Ron Kimes, Zoning and Codes Officer, was reviewed. The following three (3) waivers were granted on a motion made by Mr. Weiss, seconded by Mrs. Kochanski. The motion was carried. (6-yes; 0-no; 0-abstain)

Section 403.1 – The plans shall be drawn at 1" = 50 or 100 feet. The plans are drawn at 1" = 30' and it appears that all bearings, distances, and other information are legibly and accurately presented at this scale. A written request for all waivers has been provided. We recommend the waiver from this section be approved as the larger plan scale improves the appearance of the plan. The plans shall be identified as Final Plan; comment addressed.

Section 403.2.D – All of the proposed and existing streets, existing and proposed buildings and lot layout on immediately adjoining tracts, including name and right-of-way width that fall within 300 feet distance from the project boundary lines shall be provided on the plan. A written request for all waivers has been provided. We recommend that the waiver from this section be approved due to the scope of the Lot Consolidation and that no development is planned as part of the submission.

Section 403.2.DD – Floor plans and elevations of all existing structures along with floor areas and proposed uses have not been provided. A written request for all waivers has been provided. We recommend the waiver from this section be approved due to the scope of the Lot Consolidation and that no development is planned as part of the submission.

Mr. Chyko stated that the following waiver request was withdrawn, and the required information was added to the revised plan (revision date July 21, 2021).

Section 403.2.E.(1) – Wetland area locations as delineated by a trained and competent professional or certified by the appropriate state and federal agencies or a statement that none exist. A written request for all waivers has been provided. We recommend the waiver from this section not be approved. We recommend that the consultant provide a statement that wetlands do not exist on the site based on field verification.

A motion was made by Mrs. Kochanski, seconded by Mr. Weiss to approve the Monroe Plaza Lot Consolidation Plan with the follow open items delineated in the August 9, 2021 letter from Mr. Oiler:

Section 403.2.A. – It appears that the property is owned by three separate entities. All of the landowner's names and addresses shall be provided on the plan. The names and addresses of corporation officers and major shareholders or partners shall be provided on the plans. The property has been conveyed to a new owner, RX Holdings, L.P. The owner's name and deed reference must be revised on the plan.

Section 403.2.K. – there is an existing Sewer Easement across the property that must be shown. It should confirm that no other easements, or right of ways exist across the property. The existing sewer easement has been added to the plan. We recommend that the applicant provide a current title report on the property confirming that all other easements, or right of ways exist across the property have been listed and/or shown on the plan. The status and/or ownership of Commonwealth of Pennsylvania Department of Transportation Condemnation at the intersection of McConnell Street and North Third Street should be clarified.

Section 403.2.X. – Based on a review of the Monroe county GIS tax parcel data, it does not appear that all the deed book volume and page number, as entered by the County Recorder, reference to the latest source of title to the land being subdivided have been provided on the plan. See comment under Section 403.2.A.

Section 403.4.J. – The Owner's Certification does not appear to be in the required form and must be signed and notarized. The owner's certification has been revised to the required form but must be revised for the new owner and signed and notarized prior to final approval.

Section 502.8.D.(3) – Clear sight triangles shall be provided at all street intersections within which no obstruction to vision shall be permitted between a height of two to 10 feet above the center line grade of each street. Such clear sight triangles shall be established from the point of intersection of the center lines of the intersecting streets for a distance of 75 feet where both

streets are local streets, 100 feet where one or both streets are collector and 150 feet where one or both streets are major streets. See comment under Section 403.3.B.

The current Monroe County GIS shows the property made up of 7 separate tax parcels. Four (4) of those parcels are shown being under the ownership of Light Acadia 11 89, LLC.; two (2) are shown being under the ownership of Acadia Realty, L.P., and one (1) is shown under the ownership of Marks Center Limited Partnership. All properties should be listed under the same ownership prior to consolidation. See comment under Section 403.2.A.

The Brodhead Creek Regional Authority (BCRA) should be contacted to coordinate the impact of this lot combination on the water EDU allocation for the parcel. We recommend the Owner coordinate with the BCRA.

A letter dated August 17, 2021 from Terence L. Faul, Esq. to Ronald Kimes, Zoning Codes Enforcement Officer, confirmed that 82.1 EDU's are allocated to the site (57.8 for Fresenius, 21.3 for Palumbo Pizza, 1 for Smokin' Joes, and 2 for Rx Holdings) which were computed at \$71,820.00. A check payable to the Borough of Stroudsburg in the amount of \$71,820.00 from Mr. Faul's firm was submitted on behalf of the applicant to the Borough Manager at the meeting.

Consideration to Approve an Application for Event/Assembly Permit from the Pregnancy Resource Center of the Poconos to Conduct the 2021 Walk for Life on October 2, 2021 at 8:30 AM

A motion was made by Mrs. Kochanski, seconded by Mr. Smith to approve the aforementioned request. The motion was carried. (6-yes; 0-no; 0-abstain)

Discussion regarding the alley which parallels Main Street between North 6th and 7th Streets

Solicitor McDonald advised that the alley, known as Keller Alley, was ordained on August 16, 1916 as a Borough alley. His predecessor, Ralph Matergia, Esq., did extensive research on this matter to confirm that the ordinance was adopted after a petition to the Borough Council on the same date as the adoption of the ordinance. There is no record of the Borough maintaining the alley.

There was a discussion about the pothole, the railroad tie, ice coming off of the buildings, and the wires that are hanging over the alley from the back of various buildings. Mr. Ace expressed concern about the wires, which are at eye level, and getting machinery back there to plow snow and perform other maintenance. He also advised that there is a trench running along the alley; however, the purpose of it is unknown.

The Borough will fill in the pothole. The railroad tie will not be removed by the Borough. The wires behind the buildings must be secured above the current level to allow for machinery to allow for the safe access to the alley by Borough personnel.

Consider the application of Clinton Meissner, as recommended for approval by the Historic and Architectural Review Board, for the replacement of roofing at 724-726 Monroe Street.

A motion was made by Mrs. Kochanski, seconded by Mr. Weiss to authorize the issuance of a Certificate of Appropriateness for the aforementioned project. The motion was carried. (6-yes; 0-no; 0-abstain)

Consideration to approve a proposal for the redesign of the Borough Logo and the development of an accompanying style guide.

Mr. Kopp reported that he obtained three quotes for the redesign of the Stroudsburg Borough logo: Trump Media \$1,150.00; CreativeWorks Systems, Inc. \$1,500.00; and Elevation Studio \$5,000.00. The quotation from Trump Media did not provide a detailed description of the services that would be provided.

A motion was made by Ms. DeVries, seconded by Mr. Weiss to approve the quotation from CreativeWorks Systems, Inc. in the amount of \$1,500.00. The motion was carried. (6-yes; 0-no; 0-abstain)

Consideration to approve a request by FLECHA (Federation of Latinos for Education About Cultures of Hispanic America) to display flags on Main Street for Hispanic Heritage Month, September 15th to October 15th.

A motion was made by Mrs. Kochanski, seconded by Mr. Smith to approve the request from FLECHA to display flags on Main Street for Hispanic Heritage Month from September 15, 2021 to October 15, 2021. A letter dated August 11, 2021 from Selena Hines, Administrative Assistant of University Relations, was acknowledged. The University agreed to share their flag-hanging space with FLECHA. The motion was carried. (6-yes; 0-no; 0-abstain)

Consideration to approve the sale of Twin Boroughs Recycling's 1996 GMC 3500 4X4 Truck and snowplow; 1999 C.S. Bell Electric Conveyor, Serial Number WEC 016; Prodeva Electric Conveyor; and 1988 REM Electric Conveyor on MunicBid.

A motion was made by Mrs. Kochanski, seconded by Mr. Evanisko to approve the sale of the aforementioned Twin Boroughs Recycling equipment on MunicBid. The motion was carried. (6-yes; 0-no; 0-abstain)

Consideration to approve the purchase for Twin Boroughs Recycling of a 2022 Autocar ACMD42 Truck with body by Kann Manufacturing for \$187,304. Borough portion of purchase is \$9,365.40.

The purchase of the aforementioned equipment was tabled on a motion made by Mr. Smith, seconded by Mr. Weiss. The Borough Council was not previously consulted about the purchase, which was made by Brian Bond, the East Stroudsburg Borough Manager, on behalf of Twin Boroughs Recycling. The Council asked the Sewer Committee and Mr. Kopp to arrange a meeting with East Stroudsburg to discuss this matter and to also discuss future options for recycling in Stroudsburg Borough. The motion was carried. (6-yes; 0-no; 0-abstain)

East Stroudsburg Borough, on behalf of Twin Boroughs Recycling, applied for a 902 Municipal Recycling Program Grant in 2019 for the purchase of the truck. Due to the Covid-19 pandemic, the PA DEP did not get the award paperwork back to East Stroudsburg until September 2020. Mr. Bond ordered the truck when he received the paperwork. The two member municipalities of Twin Borough Recycling are each responsible for \$9,365.40, which represents a 10% local match.

Mr. Kopp discussed his review of the Twin Boroughs Recycling finances for the past several years.

Consideration to approve the purchase of no more than \$1,500 in supplies (\$3,000 Total Cost; \$2,700 asphalt, \$700 inlet) from the Twin Borough's Recycling Fund to alter the warehouse loading dock to allow it's use for the loading of recyclables.

A motion was made by Mrs. Kochanski, seconded by Mr. Smith to approve the purchase of up to \$1,500.00 from the Twin Borough's Recycling Fund to alter the warehouse loading dock at the recycling yard to allow its use for the loading of recyclables. The motion was carried. (6-yes; 0-no; 0-abstain)

Consideration to approve the Notice of Award to Northeast Site Contractors for the paving of North 8th Street for a cost to the Borough of \$173,962 with the options to pave Somers Lane for \$17,250 and Grove Street for \$21,820.

A motion was made by Mrs. Kochanski, seconded by Mr. Smith to authorize sending a Notice to Award to Northeast Site Contractors for the paving of North 8th Street in the amount of \$173,962.00 together with paving Somers Lane in the amount of \$17,250.00 and Grove Street in the amount of \$21,820.00 Mr. Kopp noted that the Brodhead Creek Regional Authority will be contributing \$28,059.00 toward the paving of 8th Street due to the street opening that was done to improve their water line. The motion was carried. (6-yes; 0-no; 0-abstain)

Mr. Kopp noted that the 2021 Budget provided funding to pave Ann Street, but that was contingent upon the receipt of an LSA grant, which the Borough did not get. That funding is available to complete the 8th Street Paving Project.

Discuss past due accounts in the Sewer Fund

Mr. Kopp advised Council that there are \$310,693.97 in sewer liens, many of which are old liens. The liens should be satisfied when the properties are sold. He would like to get more aggressive with the collection of past due sewer funds. A meeting will be set up with BCRA to discuss what can be done according to the Sewer Ordinance.

A motion to approve a spending limit of \$2,000 for the Borough Manager to approve expenditures without prior Council approval.

A motion was made by Mr. Weiss, seconded by Mr. Evanisko to authorize the Borough Manager to approve expenditures up to \$2,000.00 without prior approval from Council. The motion was carried. (6-yes; 0-no; 0-abstain)

A motion to approve authorizing a debit card linked to the Borough's General Fund Account to be used for routine purchases.

A motion was made by Mrs. Kochanski, seconded by Mr. Evanisko to authorize a debit card with a limit of \$2,000.00 to be linked to the Borough's General Fund Account to be used for routine purchases. Mr. Kopp will be the responsible staff member on the card. The motion was carried. (6-yes; 0-no; 0-abstain)

Committee Reports

Codes Committee - Mr. Abell reported that the Codes Committee will not meet in August. The hearing for the town-wide garbage collection ordinance and the revision to the sign ordinance will be at the September 7 meeting. The Knox Box Ordinance is being reviewed by the Fire Department. The Codes Committee will be discussing a Fire Services Billing Ordinance, a fee schedule for Professional Services Escrow Agreements, and a marijuana decriminalization Ordinance at the September meeting. Mr. Kimes and Ms. Walker are looking in to a split dwelling ordinance. Solicitor McDonald is looking at an amendment to the existing sidewalk ordinance. The Committee and Mr. Kopp will be looking in to a third party to conduct property maintenance for problem locations and formation of a Code Appeals Board pursuant to the Borough Code.

Budget Committee – Mr. Kopp reported that he met with the Finance Committee to go over his financial analysis with them. The analysis will be presented to the full Council in the next month.

Parking Committee – No meeting.

Recycling Committee –A meeting is being scheduled with the Sewer Committee and East Stroudsburg Borough staff.

Sewer Committee – Mr. Kopp and Mr. Ace met with RKR Hess about the proposed Ann Street Sewer Project. RKR Hess is working on sewer flow projections. Mr. Kopp will meet with Stroud Township to discuss Stroud's contribution toward the Ann Street Sewer Project.

Street Committee – Mayor Probst advised that the Street Committee will meet again on September 1. The 5 points intersection, Main Street turnback, and Keller Alley will be discussed. Mr. Evanisko is working on a proposed lighting project for the waterfall on Ann Street.

Personnel Committee – No meeting.

Public Relations/Media Committee –Mayor Probst reported that the Committee is working on the Underground Railroad Sign, which the Pocono Mountain Visitors’ Bureau will provide some financial assistance. There will be a newsletter in September.

RedevelopmentCommittee – Mr. Abell reported that the Stroudsburg Planning Commission started to review the Open Space Ordinance, but they tabled it to allow them more time for review. There has not been any feedback from the Monroe County Planning Commission yet.

I-80 Expansion Task Force – No change in status.

Stroud Region Open Space and Recreation Commission – Mr. Abell suggested working with SROSRC on a trail planning grant for the proposed Creek Walk.

Mayor’s Report

Mayor Probst advised that the Redevelopment Committee is going to look at possible uses for the old jail in Courthouse Square.

Mr. Abell and Mayor Probst got accepted to attend the Smart Growth Institute through T-Mobile.

Council Member Reports

Mrs. Kochanski suggested that the Borough reinstitute the mask policy again to protect the staff. The matter is under advisement.

Mr. Smith stated that he spoke with a State Police sergeant about possible funds that are available for traffic control, and he asked that the Borough’s SARP Commission members explore this with the Commission.

Mr. Abell expressed concern about the backpack pick up that the United Way conducted. Mr. Kopp spoke with their office and advised them to pick a different location next year because of the affect that it had on traffic on McConnell, Lower Main and the side streets.

As a follow up to the discussion about ambulance coverage, Mr. Kopp has a meeting scheduled with the Executive Director of Suburban EMS on Thursday, August 19.

Mr. Smith expressed concern about the traffic congestion on McConnell and 4th Street caused by the Wells Fargo Bank.

Solicitor McDonald

Solicitor McDonald noted that his office advertised for the public hearings for the Solid Waste Ordinance and the Sign Ordinance Amendment for the September 7 Council meeting.

He filed a new equity complain for the sales office at LaBar Village. The Borough is seeking a court order to demolish the building.

LZ Holdings is appealing the Monroe County Assessment Board's ruling on their appeals and will be pursuing relief with the Monroe County Court of Common Pleas.

Solicitor McDonald submitted a filing to the Supreme Court per Council's request to ask the Court to look at the validity of the Borough's prohibition of digital signage. The Supreme Court may or may not take review the case as they take a small minority of cases. The Adams Outdoor attorney may or may not provide an answer to the filing.

With regard to 124 Rear Lee Avenue, Solicitor McDonald became aware that the owner of the property, the Lazaks, attempted to sell the property for a very low price which was contrary to Judge Zulick's order. He spoke with the Lazak's attorney, who had not received a copy of the conservator's report. As of the date of this Council meeting, there was no change in ownership. The Judge has not acted on the conservator's report. Solicitor McDonald suggested to Council that he could file a motion to sell the property according to the conservator's report. Council agreed with him.

The Wallace house on Scott Street is still under contract with the Monroe County Land Bank.

Code Enforcement Officer's Report

Ms. Walker had nothing new to report.

Street Superintendent's Report

Mr. Ace reported that the levy inspection was postponed to Wednesday, August 18 due to the weather.

Approval of Bills on Warrants 210817

A motion was made by Mrs. Kochanski, seconded by Mr. Weiss to approve the payment of the bills on warrants 210817. The motion was carried. (6-yes; 0-no; 0-abstain)

Public Input for Non-Agenda Items

David and Lauren Schappert expressed concern about turning from Kitson Alley on to Lower Main and the lack of site distance caused by cars and trucks that are illegally parked at that corner. Mr. Ace will put a No Parking Anytime sign there in place of the No Stopping or Standing sign. A yellow cross-hatch will be painted on the street in the next week or so. SARP will be advised of the issue as well.

There was no need for an executive session. The meeting was adjourned at 8:34 P.M. on a motion made by Mr. Smith, seconded by Mrs. Kochanski. The motion was carried. (6-yes; 0-no; 0-abstain)

