

East Stroudsburg Borough, September 2, 2014

A regular meeting of the East Stroudsburg Borough Council was held at the Municipal Building on Tuesday, September 2, 2014. The following members were in attendance: Peter Begley, Roger DeLarco, Edward Flory, William Reese, and Sonia Wolbert. Richard Smith was absent. Also attending were: Mayor Armand M. Martinelli; Manager James S. Phillips; Solicitor John C. Prevoznik; and Codes Official Marvin Walton.

Call to Order/Pledge of Allegiance – President DeLarco

President Roger DeLarco called the meeting to order at 7:31 p.m. The pledge of Allegiance was led by Brad Piper.

Minutes of August 28, 2014 and June 3, 2014 Regular Council Meetings

Mr. Flory made a motion, seconded by Mrs. Wolbert, to approve the minutes of the August 28, 2014 regular meeting as submitted; motion carried unanimously. Mrs. Wolbert made a motion, seconded by Mr. Begley, to approve the minutes of the June 3, 2014 regular meeting as submitted; motion carried unanimously.

Susan Randall – Schedule for ECA (Eastburg Community Alliance) Events for Fall

Susan Randall gave an update on Summer and Fall events sponsored by ECA. Ms. Randall said the American Freedom Festival was a three day event for the first time; however attendance slacked off after July 4th so the recommendation will be to stay with the one-day festival next year again. Sundays at the Depot were also not well attended this summer. ECA did have its first rental of the Depot occur, and several more are planned. September 27 is the public art project day. October 3 will have a Civil War Reenactment and the Dining Car trip from Steamtown. October 11 is the Oktoberfest Event with a train coming from Steamtown. October 18 is a Jewelry and Art Show, with a rain date for the following weekend. A Show and Sale of Strauser paintings will occur in November; and December 13 is the Christmas Tree Lighting event.

Mr. DeLarco asked Ms. Randall to email Council members with information on these upcoming events and also distribute to East Stroudsburg University. Mr. Begley asked if this info. Is on facebook? Ms. Randall said it is on Constant Comment and the Community Calendar.

Public Comments - Agenda Items

None.

Public Comments – New Business

Doreen Tobin, Vice President for Student Affairs at East Stroudsburg University, said she wanted to update Council members on several ESU programs and initiatives. Ms. Tobin said teams of students and staff have been stopping at homes in the neighborhoods, visiting over 200 households so far. The University is changing the focus of Town/gown meetings by initiating a new group to be more inclusive of the East Stroudsburg/Stroudsburg community; the first meeting will be September 8, 2014. ESU sports teams will be starting their Fall schedules this week; the first home football game is September 13, Family Weekend September 26-28, and annual Open Houses for prospective students will be held on October 4 and 8 and November 8.

Mrs. Wolbert asked about the Student Ambassador Program, and said she thought it was a worthwhile program for past students in the position. Dr. Tobin said she thought the program could be restructured. Dr. Tobin reported that this year's freshman class is the second largest in the last five years – 1,309 students.

Correspondence:

Mr. Phillips reported receipt of the following items of correspondence:

- i. Rep. Rosemary Brown – Public Discussion with PA Department of Environmental Protection (DEP) on Dam Issues; to be held at Shawnee Inn on October 2, 2014 from 10:00 am to 12:00 noon.
- ii. Monroe County Assessment Office – Assessment Appeals scheduled for September 24, 2014.
- iii. PA Department of Environmental Protection (DEP) – Recycling Program Performance Grant awarded for 2012 Year for Twin Boroughs Program - \$28,285.00.
- iv. MEA, Inc. – Remedial Action Completion Report for former Smith's Gas Station Site, 135 N. Courtland St.

Reports

Mr. D'Alessandro reviewed his written Engineer's Report previously submitted to Council.

Mr. Begley noted that the local volunteer fire companies have been very busy recently.

Mr. Phillips reported on the complaint he had received from a resident of Sopher Street concerning noise at night from the HVAC equipment at J.M. Hill School. The School District did have their consultant check the decibel level of noise from the HVAC equipment; and the report indicates that noise levels are well within acceptable ranges. Mr. Phillips also reported that the level of the East Stroudsburg Reservoir is down 24", which is still higher than normal for this time of year. East Stroudsburg University Homecoming will be October 24-25, 2014, with no Parade this year or Fireworks; but a Bonfire is planned for Friday night. Finally, Mr. Phillips noted that paving work was completed on Friday August 29 on all the streets planned, with the exception of Lackawanna Avenue, which is still undergoing gas line replacement work by UGI as indicated at the August 28 meeting.

List of Bills Payable – September 2, 2014

Mr. Reese made a motion, seconded by Mr. Flory, to approve the List of Bills payable dated 9/2/14 and to ratify payroll and expenditures made to date; the motion carried unanimously.

Public Hearing on Request by Weis Markets, Inc. for Inter-municipal Transfer of Restaurant Liquor License #R-20053 from Smithfield Township into the Borough for use at 695 N. Courtland Street

Mr. Begley made a motion, seconded by Mr. Reese, to open a public hearing on the Inter-municipal liquor license transfer request by Weis Markets, Inc.; the motion carried unanimously. Mr. Prevoznik announced the purpose of the hearing was to receive public comment on the proposed license transfer, and Marvin Walton was sworn in to provide testimony. Mr. Walton said notice of the hearing was advertised in the Pocono Record on August 15 and 22, 2014; notice was also posted at the property site and mailed to residents located within 500 ft. of the proposed location. The following exhibits were introduced into the record:

- Exhibit 1 – letter of application from Flaherty & O'Hara for the applicant.
- Exhibit 2 – Notice of hearing
- Exhibit 3 – Proof of publication of notice.
- Exhibit 4 – Letter mailed to residents with notice.
- Exhibit 5 – Sign in sheet for public hearing.

Attorney Mark Kozar was present on behalf of the applicant, Weis Markets, Inc. Mr. Kozar noted this is somewhat of an unusual situation in that the grocery store facility is located within both East Stroudsburg Borough and Stroud Township. Weis Markets

operates 165 stores in 5 states. The proposal is to remodel the store at 695 N. Courtland Street to provide for a new restaurant/café seating 30 people. Exhibits 6 and 7, a floor plan and site plan for the store, were introduced into the record. Mr. Kozar said the PA LCB has approved 210 grocery stores authorized to sell beer and wine so far; Weis already operates such a café at its Tannersville store now. Weis will employ a dedicated Restaurant Manager, beer may only be purchased at the Café.

Mr. Phillips asked if the Café will be located where the ESSA Bank office is located now? Mr. Kozar replied yes. Mr. Prevoznik asked if any churches or charitable institutions are located within 300 ft. of the proposed liquor license location, or any licensed establishments within 200 ft? Mr. Kozar said he was not certain; Mr. Walton said his review of the location indicates none. Upon question from Mr. Prevoznik, Mr. Walton said a restaurant/café is a permitted use in the zoning district at this location.

Mr. Flory asked how people will exit from the Café? Mr. Kozar said a separate door to the Café will be built. Mr. Flory asked how with this license impact the Beer Distributor located nearby on Milford Road? Mr. Kozar said “anecdotal evidence” indicates that this café may actually increase sales of craft and imported beers at the Distributor. Mayor Martinelli asked if Weis would purchase beer from the local distributor? Mr. Kozar said Weis buys beer from Resort Beverages, a wholesaler which serves this area. Mr. Prevoznik asked for comments from the audience.

Brad Peiffer stated he owns Eagle Valley Distributor of 706 Milford Road, a family-owned business. Mr. Pfeiffer said he feels transfer of the liquor license to this proposed location at Weis Market will adversely impact sales at his facility.

Richard Barbo said he is an employee of Eagle Valley Distributor, and he is concerned for the future of his job if this liquor license is transferred to the Weis Market site.

Mr. Kozar said the Liquor Code basically provides that a municipality should approve a proposed inter-municipal transfer unless it finds that such transfer will affect the “welfare, health, peace and morals of the Borough or its residents”. With no further comments, Mr. Begley made a motion, seconded by Mr. Flory, to close the public hearing; the motion carried unanimously.

Action on Request by Weis Markets, Inc. for Intermunicipal Transfer of Restaurant Liquor License #R-20053 from Smithfield Township into the Borough for use at 695 N. Courtland Street – Proposed Resolution No. 25-2014

Mayor Martinelli asked Mr. Peiffer if Weis would more than likely be charging more for beer at their location? Mr. Peiffer said not necessarily, some groceries which sell beer use it as a loss leader. After further discussion, Mr. Reese made a motion, seconded by Mrs. Wolbert, to adopt proposed Resolution No. 25-2014 to approve the proposed inter-municipal transfer of Liquor License #R-20053 into the Borough for use at the Weis Markets, Inc. facility at 695 N. Courtland St. as requested. The motion carried by a vote of 4-1 with Mr. Begley voting no.

Executive Session

Mr. Reese made a motion, seconded by Mrs. Wolbert, to adjourn into executive session at 8:39 p.m.; the motion carried unanimously.

Mr. Reese made a motion, seconded by Mr. Flory, to reconvene into regular session at 8:56 p.m.; the motion carried unanimously. Mr. Prevoznik said the executive session was held to discuss a real estate matter, with no action taken.

Ratify change in PA DCNR Grant from construction to planning for Levee Trail Project

Mr. Phillips said due to issues with title certification that cannot be easily addressed, and the June 30, 2015 expiration of the grant contract period, the Stroud Region Open Space and Recreation Commission (SROSRC) has recommended that the

existing grant from PA DCNR to the Borough be changed from construction to a planning grant. After discussion, Mrs. Wolbert made a motion, seconded by Mr. Reese, to ratify change of the DCNR grant to a planning grant to focus on identifying missing links in the proposed Levee Loop Trail project. The motion carried unanimously

Adjournment

With no further business, Mr. Flory made a motion, seconded by Mr. Reese, to adjourn the meeting at 9:00 p.m.; the motion carried unanimously.

James S. Phillips, Secretary