

MINUTES FOR REGULAR MEETING
EAST STROUDSBURG BOROUGH COUNCIL
TUESDAY OCTOBER 19, 2021 - 7:15 p.m.

PRESENT IN PERSON: William T. Reese; Carrie Panepinto; Maury Molin; Sonia Wolbert; Don Cross; Roger DeLarco; Borough Manager Brian Bond. Also present were: Solicitor John Prevoznik; Public Works Director Brian Ace; and Borough Engineer Nate Oiler

VIRTUALLY PRESENT: Mayor Armand Martinelli

The Pledge of Allegiance was recited.

Solicitor's Report on Executive Session

No Executive Session held.

October 5, 2021 Council Minutes

A motion was made by Mr. Molin and seconded by Mr. Cross to approve the minutes of the October 5, 2021 Council meeting. The motion carried unanimously.

We See Productions – 150th Anniversary Movie Presentation

We See Productions presented the 150th Anniversary movie trailer. The movie in its entirety will be shown at Pocono Cinema on November 10, 2021.

Public Hearing – Ordinance 1379, Amending Chapter 124, Rental Property, Adding Section III, Short-Term Rentals

A motion was made by Ms. Panepinto and seconded by Mr. Cross to recess the regular meeting and convene the Public Hearing. The motion carried unanimously.

Mr. Bond testified on behalf of the Borough regarding Ordinance 1379. Mr. Bond's testimony included the announcement of a sign-in sheet as Exhibit 1. He also explained that the proposed Ordinance was the subject of a public notice in the *Pocono Record*. The Ordinance was posted at the Borough Building, on the Borough Website, and an attested copy was sent to the *Pocono Record* and to the Monroe County Law Library.

Mr. Bond stated that Ordinance 1379 regulates short-term rentals by license within the Borough of East Stroudsburg. Short-term rentals of dwellings have become a significant segment of the local tourism economy. While many short-term rentals operate without a problem, there have been numerous complaints to the Borough regarding excessive noise, parking, litter, and concerns regarding security, public safety, and trespass. The provisions of this ordinance are necessary to prevent the continued burden on Borough services and to stop detrimental impacts to residential neighborhoods imposed by short-term rentals while providing a uniform inspection requirement to improve the safety of those short-term rentals that are licensed. The provisions of this ordinance are necessary to provide for a system of inspections and for issuance and renewal of licenses and to establish penalties for violations. Mr. Bond testified that the short-term rental license differs from a rental license in that a short-term rental is transient in nature as it is rented for periods of less than thirty days while a regular regulated rental license is for rentals which exceed thirty days. Regulating short-term rentals will ensure that licensed rentals are inspected, up to code, and safe to inhabit.

Both, the Monroe County Planning Commission and the East Stroudsburg Borough Planning Commission reviewed the proposed Ordinance and made a recommendation to approve the

Ordinance. The East Stroudsburg Borough Planning Commission recommended that the Borough takes specific measures to ensure there is adequate staffing in the Codes Office to effectively enforce the Ordinance.

Mr. Bond testified that monthly reports are received which reports identify short-term rentals within the Borough. He further stated that there are currently fourteen confirmed and two possible short-term rental units. Ms. Wolbert asked if additional staff is required for this amount of rentals. Mr. Bond stated the Borough should have sufficient staff once vacant positions are filled, but the Borough may need to hire more staff, depending on how many more short-term rentals are licensed. Since the majority of complaints are received at night or on weekends, Mr. Bond recommends having enforcement available during those hours.

With no further discussion, a motion was made by Mr. Molin and seconded by Mr. Cross to enter exhibits 1 through 6 into evidence (Exhibit 1 – Sign in sheet; Exhibit 2 – Proof of publication; Exhibit 3 – Copy of ordinance; Exhibit 4 – Recommendation letter from Monroe County Planning Commission, dated October 1, 2021; Exhibit 5 – Recommendation letter from East Stroudsburg Borough Planning Commission, dated September 14, 2021; Exhibit 6 – Recommendation letter from former East Stroudsburg Borough Zoning Officer, dated October 1, 2021). The motion carried unanimously.

A motion was made by Ms. Panepinto and seconded by Mr. Molin to close the public hearing and reconvene the regular meeting. The motion carried unanimously.

A motion was made by Ms. Panepinto and seconded by Mr. Cross to approve Ordinance 1379, amending Chapter 124 entitled Rental Property, Adding Section III, Short-Term Rentals, as advertised. The motion carried unanimously. The Ordinance will take effect five days after enactment.

Public Hearing – Ordinance 1380, amending Chapter 157 entitled Zoning, Section 157-30, “Definitions”; Amending §157-39; Attachment 1, “Table of Use Regulations; and adding §157-100.11, Short-Term Rentals

A motion was made by Ms. Panepinto and seconded by Mr. Cross to recess the regular meeting and convene the Public Hearing. The motion carried unanimously.

A motion was made by Mr. Molin and seconded by Ms. Panepinto to recess the regular meeting and convene the Public Hearing. The motion carried unanimously.

Mr. Bond testified on behalf of the Borough regarding Ordinance 1380. Mr. Bond’s testimony included the announcement of a sign-in sheet as Exhibit 1. He also explained that the proposed Ordinance was the subject of a public notice in the *Pocono Record*. Also, the Ordinance was posted at the Borough Building and on the Borough Website. Finally, the Borough also sent a copy of the Ordinance to the Monroe County Law Library.

This ordinance establishes the definitions of a Short-term rental, short-term rental license, and amends §157-39, Attachment 1, Table of Land Uses, which establishes the zones in which short-term rentals are permitted. The permitted zones are listed as C-1, C-1A, C-1B, C-2, OM-1, S-1, and IU. Short-term rentals are prohibited in R-1, R-2, R-3, and IE zones. The ordinance also establishes the requirements of providing off-street parking at a short-term rental.

Mr. Bond reviewed the Monroe County Planning Commission and the East Stroudsburg Borough Planning Commission recommendation to approve the Ordinance with conditions as previously testified.

With no further discussion, a motion was made by Mr. Cross and seconded by Mr. Molin to enter exhibits 1 through 6 into evidence (Exhibit 1 – Sign in sheet; Exhibit 2 – Proof of publication; Exhibit 3 – Recommendation letter from Monroe County Planning Commission, dated October 1, 2021; Exhibit 4 – Recommendation letter from East Stroudsburg Borough Planning Commission, dated September 14, 2021; Exhibit 5 – Recommendation letter from former East Stroudsburg Borough Zoning Officer, dated October 1, 2021; Exhibit 6 – Copy of ordinance. The motion carried unanimously.

A motion was made by Mr. Molin and seconded by Ms. Panepinto to close the public hearing and reconvene the regular meeting. The motion carried unanimously.

A motion was made by Ms. Panepinto and seconded by Mr. Cross to approve Ordinance 1380, amending Chapter 157 entitled Zoning, Section 157-30, “Definitions”; Amending §157-39; Attachment 1, “Table of Use Regulations; and adding §157-100.11, Short-Term Rentals, as advertised. The motion carried unanimously. The Ordinance will take effect five days after enactment.

2020 Audit Report

Carl Hogan, auditor of BBD, LLP., joined the Council meeting virtually to provide an updated 2020 audit report. Mr. Hogan reported he received enough information from PMRS to put the net pension liability and the applicable schedules into the audit report. However, he has not yet received the information related to the fiduciary funds. Mr. Hogan stated that the failure to obtain the information was no fault of the Borough’s. PMRS is behind in processing its reports. Mr. Hogan advised that there is substantial information to finalize the report and submit to banks for their use, since the pertinent information is included in the report. Mr. Hogan noted that both pension funds are fully funded and expects that the annual MMO payment will decrease.

A motion was made by Mr. DeLarco and seconded by Mr. Molin to accept the 2020 Audit with the missing information of fiduciary funds of PMRS. The motion carried unanimously.

Public Comments – Agenda Items

Jane Gagliardo, of West Broad Street, addressed the temporary food license fee. The Borough currently charges \$100.00 for a temporary food license. Ms. Gagliardo reported that Stroudsburg Borough charges \$30.00 for the same license. She requested that our fees be evaluated to become more balanced with other local municipalities.

A motion was made by Mr. DeLarco and seconded by Mr. Molin to defer Ms. Gagliardo’s request to the Finance Committee for their review and recommendations. The motion carried unanimously.

SROSRC Report:

No report.

Veterans Park:

Mr. Reese requested Mr. Bond and Brian Ace to assess the holly bush at Veterans Park. Mr. Bond and Mr. Ace will provide a report next Council meeting with their recommendation of the holly bush.

150th Update:

Mr. Molin reported the 150th movie will be released at the Pocono Cinema on November 10, 2021. The last Committee Meeting will be held on November 15, 2021 at 4:00 p.m. If anyone wishes to add a letter or picture to the new time capsule, please provide them to the Borough Office by noon on November 30, 2021.

IBW Update:

Mr. Oiler reported that a pre-bid meeting was held with potential bidders for the asbestos study at the IBW property. The bid has been let, and are due October 25, 2021.

Police Report:

The SARPD report was distributed via email.

East Stroudsburg Community Alliance (ECA):

Ms. Wolbert requested authorization of an Open Container Special Event Permit for the ECA Holiday Event scheduled for Friday, December 3, 2021, from 6:00 p.m. to 9:00 p.m., contingent upon receipt of all necessary applications, fees, and proof of insurance.

A motion was made by Mr. Molin and seconded by Mr. Cross to authorize an Open Container Special Event Permit for the ECA Holiday Event scheduled for Friday, December 3, 2021, from 6:00 p.m. to 9:00 p.m., contingent upon receipt of all necessary applications, fees, and proof of insurance. The motion carried unanimously.

Engineer's Report:

The Engineer's report was distributed. A copy of the report is attached to the Minutes.

Mr. Oiler requested authorization for RKR Hess to finalize the ESU Information Commons project, working under the current professional services agreement with the University.

A motion was made by Mr. Molin and seconded by Mr. Cross to authorized RKR Hess to finalize the ESU Information Commons project, working under the current professional services agreement with the University. The motion carried unanimously.

Mr. Oiler requested approval of Resolution 26-2021 for the Downtown Balcony Preliminary/Final Land Development located at 43 Washington Street. This is a revised resolution to a previously approved version that extends the time to address comments and address the future sidewalk.

A motion was made by Ms. Wolbert and seconded by Ms. Panepinto to approve Resolution 26-2021 for the Downtown Balcony Preliminary/Final Land Development located at 43 Washington Street, a copy of which shall be attached to these Minutes. The motion carried unanimously.

Mr. Oiler requested authorization for the Borough Engineer to work with the Borough Manager and Don Hannig with regard to the Forge Road property, under the professional services agreement.

A motion was made by Ms. Wolbert and seconded by Mr. Cross to authorize the Borough Engineer to work with the Borough Manager and Don Hannig with regard to the Forge Road property, under the professional services agreement. The motion carried unanimously.

Public Comments – New Business

None.

Reports:

Brian Ace/Public Works:

The DPW report was distributed via email. A motion was made by Ms. Wolbert and seconded by Mr. Molin to accept the DPW reports as presented. The motion carried unanimously. A copy of the report is attached to the Minutes.

Zoning/Codes:

The Zoning/Codes reports were distributed via email. A motion was made by Mr. Cross and seconded by Mr. Molin to accept the Zoning/Codes reports as presented. The motion carried unanimously. Copies of the reports are attached to the Minutes.

Finance:

The financial reports were distributed via email. A motion was made by Mr. Molin and seconded by Mr. Cross to accept the financial reports as presented. The motion carried unanimously. Copies of the reports are attached to the Minutes.

Mayor Armand Martinelli:

No report.

Sonia Wolbert:

No report.

Don Cross:

A motion was made by Mr. Cross and seconded by Mr. DeLarco to direct the Borough Manager to prepare a resolution to be included in the time capsule and a copy of which to be distributed to all members of the 150th Anniversary Committee thanking them and acknowledging the contributions they have made to that event. The motion carried unanimously. Mr. Molin will provide names of committee members to Mr. Bond.

Maury Molin:

Mr. Molin reported that the Naming Committee will meet on November 23, 2021, at 4:00 p.m., in Council Chambers.

Roger DeLarco:

Mr. DeLarco reported that he and Mr. Bond attended the Municipal Leadership Summit in Lancaster. Mr. DeLarco recommended that all members of Council attend these types of conferences, as they are a great way to network and are very educational.

Carrie Panepinto:

No report.

Solicitor John Prevoznik, Esq.:

No report.

Manager's Report:

Solid Waste Discussion

The solid waste bid specs have been distributed to Council for their review. The bids are drafted differently from the previous bid; there is now a request for one bid for the mobile refuse cart collection and transport and another request for a bid on the disposal fee, which is based on the cost per ton of disposal; a third bid is being requested for the collection and transportation of the extra disposable bags; and lastly, a request for a bid on extra bulk items. Mr. DeLarco noted that the extra bulk item is strongly supported by our residents and does not suggest doing away with that option. Mr. Bond advised the proposal is for a limited amount of bulk item tags to be offered to each resident annually. This would prevent the current policy from being abused. Ms. Wolbert stated that based on the tonnage numbers that Mr. Bond provided, she did not think there was a significant decrease and believes the residents should not be limited to three bulk items per year. The tags being issued at the Municipal Building would add another administrative task, and the office hours would have to better accommodate the residents who need the tags. Ms. Wolbert added that most residents do not know ahead of time that they will have a bulk item for collection. Having this restriction might also add to the amount of properties that have household items outside their homes. Ms. Wolbert does not suggest changing our bulk item policy. If anything needs to be cut, do away with the biannual clean up days, or make it only once a year with shorter hours.

Another item for discussion was the size of the extra bags to be provided. Mr. Bond stated we could stay with the 33-gallon bags or switch to larger ones. He added that if a bag out for collection weighs more than fifty pounds, it will not be taken. For that reason, we should request bigger bags.

After discussion, it was agreed that the Borough will continue to offer one bulk item per week per resident and provide the 33-gallon bag at an additional cost to residents.

A motion was made by Mr. Molin and seconded by Ms. Wolbert to authorize the Borough Manager to advertise the Solid Waste bid specs on PennBid. The motion carried unanimously.

Parking Restriction Discussion

Mr. Bond reported that he reviewed the parking restrictions and traffic flow on West Broad Street, Lenox Avenue, and Grove Street. Mr. Bond recommended making Grove Street a one-way street southbound. Parking would normally be permitted on the west side with the alternate parking on the east side from Monday at 6:00 p.m. through Tuesday at 6:00 p.m., and Wednesday at 6:00 p.m. through Thursday at 6:00 p.m. Mr. Bond recommended that Lenox Avenue and West Broad Street remain two-way streets and change the parking restrictions to end at 7:00 a.m. instead of 8:00 a.m. Parking should be restricted at all times on Lenox Avenue from Elizabeth Street in an eastward direction for 85 feet from the intersection due to site restrictions within the site triangle.

A motion was made by Ms. Panepinto and seconded by Ms. Wolbert directing Mr. Bond to send a letter with the proposed ordinance to effected property owners and the East Stroudsburg School District. The motion carried unanimously.

A motion was made by Ms. Wolbert and seconded by Mr. Molin directing Mr. Bond to forward the proposed ordinance to the Monroe County Planning Commission for review and comments. The motion carried unanimously.

Mr. Bond requested authorization to appoint Jane Gagliardo to the East Stroudsburg Borough Planning Commission.

A motion was made by Mr. DeLarco and seconded by Mr. Cross to approve appointing Jane Gagliardo to the East Stroudsburg Borough Planning Commission. The motion carried unanimously.

Mr. Bond requested authorization to appoint Jared Goldner from Barry Isett and Associates as the interim Borough Zoning Official at the rate of \$80.00 per hour on an as needed basis. Mr. Goldner would have meetings available by appointment only with office hours at the Annex Building one day a week.

A motion was made by Mr. Molin and seconded by Mr. Cross to approve appointing Jared Goldner, from Barry Isett and Associates, as the interim Borough Zoning Official at the rate of \$80.00 per hour on an as needed basis. The motion carried unanimously.

Mr. Bond requested approval of Resolution 23-2021, authorizing the Board of Commissioners of Monroe County to submit an application for FY 2021 Community Development Block Grant Program funds in the amount of \$156,522.00 on behalf of the Borough of East Stroudsburg.

A motion was made by Mr. Cross and seconded by Ms. Panepinto to approve Resolution 23-2021, authorizing the Board of Commissioners of Monroe County to submit an application for FY 2021 Community Development Block Grant Program funds in the amount of \$156,522.00 on behalf of the Borough of East Stroudsburg. The motion carried unanimously.

Mr. Bond requested approval of Resolution 24-2021, authorizing the Borough of East Stroudsburg to enter into a cooperative agreement with the County of Monroe for the fiscal year 2021 CDBG program administration.

A motion was made by Mr. Molin and seconded by Ms. Panepinto to approve Resolution 24-2021, authorizing the Borough of East Stroudsburg to enter into a cooperative agreement with the County of Monroe for the fiscal year 2021 CDBG program administration. The motion carried unanimously.

Mr. Bond requested approval of Resolution 25-2021, modifying the FFY 2020 CDBG-CV Program.

A motion was made by Ms. Panepinto and seconded by Mr. Molin to approve Resolution 25-2021, modifying the FFY 2020 CDBG-CV Program. The motion carried unanimously.

Mr. Bond reported the request from the Pocono Irish American Club to hold the 43rd Annual St. Patrick's Day Parade on Sunday, March 20, 2022, contingent upon all forms, permits, and fees being provided. Borough Staff will be utilized for closing the streets.

A motion was made by Mr. Molin and seconded by Ms. Wolbert to approve the request from the Pocono Irish American Club to hold the 43rd Annual St. Patrick's Day Parade on Sunday, March

20, 2022, contingent upon all forms, permits, and fees being provided. Borough Staff will be utilized for closing the streets. The motion carried unanimously.

A request was made to appoint Brian Bond as the Borough's Emergency Management Coordinator.

A motion was made by Ms. Panepinto and seconded by Mr. Molin to appoint Brian Bond as the Borough's Emergency Management Coordinator. The motion carried unanimously.

Bill Reese:

No report.

Approval of Warrant List 211019

A motion was made by Ms. Wolbert and seconded by Ms. Panepinto to approve Warrant List 211019 as presented. The motion carried unanimously.

Adjournment

A motion was made by Ms. Wolbert and seconded by Ms. Panepinto to adjourn the meeting at 9:07 p.m. The motion carried unanimously.

NEXT MEETING:

Budget Work Session Wednesday, October 27, 2021 at 5:15 p.m. at the East Stroudsburg Borough Municipal Building

Regular Council Meeting Tuesday, November 2, 2021, at 7:15 p.m., in person at the East Stroudsburg Borough Municipal Building and virtually on Facebook on the East Stroudsburg Virtual Meeting page.