

MINUTES FOR REGULAR MEETING  
EAST STROUDSBURG BOROUGH COUNCIL  
TUESDAY, JANUARY 17, 2023 – 6:00 p.m.

PRESENT IN PERSON: Sonia Wolbert; William Reese; Carrie Panepinto; Edmund Freeborn; Maury Molin; and Mayor Victor Brozusky. Also present were: Solicitor John Prevoznik; and Borough Engineer Nate Oiler.

JOINED VIRTUALLY: Borough Manager Brian Bond

ABSENT: Erika Huber.

The Pledge of Allegiance was recited.

**Report on Executive Session:**

The Solicitor reported that an Executive Session was held on January 17, 2023, starting at 5:00 p.m., prior to the start of the Council meeting. All members of Council were present, with the exception of Ms. Huber. Mayor Brozusky was also in attendance. The annual review of the Acting Borough Manager was discussed. At 5:30 p.m., the Solicitor joined, and the Borough Manager joined at 5:33 p.m., at which time three personnel matters, the Collection Bargaining Agreement, and legal strategy regarding the Middle Dam were discussed. Executive Session ended at 5:52 p.m. No decisions were made.

**Conditional Use Hearing, NP Lenox, LLC:**

A motion was made by Mr. Freeborn and seconded by Mr. Reese to open the Conditional Use Hearing. The motion carried unanimously.

Mr. D'Alessandro reported that a Conditional Use application was submitted by NP Lenox, LLC, to develop a wholesale showroom/garage at 20 Lenox Avenue, East Stroudsburg. The 1.99-acre property is located within the C-1B zoning district, and is currently owned by NP Lenox, LLC. The proposed development is the construction of a 6,860 square feet addition to the existing principal building. Ten additional parking spaces, an internal driveway, and utilities are proposed. This is a permitted use within the C-1B zoning district, however, due to the property being over one acre, a conditional use is required. Troy Nauman was present to discuss and provide testimony regarding his project. Mr. Nauman was asked whether he agreed with the Proposed Conditions presented by Mr. Oiler. Mr. Nauman acknowledged his agreement on the record.

A motion was made by Mr. Molin and seconded by Mr. Reese to enter Borough Exhibits 1 through 15 into evidence. 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 at 6:38. The motion carried unanimously.

A motion was made by Mr. Freeborn and seconded by Mr. Molin to approve the Conditional Use with the conditions set forth in exhibit 15. A written Conditional Use Decision and Order will follow within the time frames established in the MPC and the East Stroudsburg Borough Code of Ordinances. The motion carried unanimously.

**Inter-municipal Liquor License Transfer Public Hearing, Taste 154 Café:**

A motion was made by Mr. Reese and seconded by Ms. Panepinto to table the public hearing until later in the Council meeting; the public hearing was advertised to begin at 7:35 p.m. The motion carried unanimously.

**Waivers and Resolution 5-2023, Land Development NP Lenox, LLC:**

NP Lenox, LLC requested two waivers in connection with the approval of its proposed Preliminary/Final Land Development Plan. Mr. Nauman was present to discuss the waivers.

A motion was made by Ms. Panepinto and seconded by Mr. Reese to approve Waiver #1, Section 140-7.C, Combined Preliminary and Final Land Development Plan as one application, as recommended by the Borough Engineer. The grant of waiver must appear on the Land Development Plan including the date and section of the Code of Ordinances from which a waiver was granted. The motion carried unanimously.

A motion was made by Mr. Molin and seconded by Ms. Panepinto to approve Waiver #2, Section 303.I.(7), Relief for impacts to stream buffers, to authorize a 21.3% impact of the stream buffer, as stated on the Land Development Plan, as recommended by the Borough Engineer. The grant of waiver must appear on the Land Development Plan including the date and section of the Code of Ordinances from which a waiver was granted. The motion carried unanimously.

A motion was made by Ms. Panepinto and seconded by Mr. Reese to approve Resolution 5-2023, approving the Preliminary/Final Land Development Plan for NP Lenox, LLC. The motion carried unanimously. A copy of Resolution 5-2023 is attached to the Minutes. Mr. Nauman executed the acceptance of the Resolution on behalf of NP Lenox, LLC at the meeting.

**December 20, 2022 Council Minutes:**

A motion was made by Mr. Freeborn and seconded by Ms. Panepinto to approve the Minutes of the December 20, 2022 Council meeting. The motion carried 4-0, with one abstention (Yea: Mr. Freeborn; Mr. Reese; Ms. Panepinto; Ms. Wolbert; Abstain: Mr. Molin, not present for December 20, 2022 Council meeting).

**January 3, 2023 Council Minutes:**

A motion was made by Ms. Panepinto and seconded by Mr. Freeborn to approve the Minutes of the January 3, 2023 Council meeting. The motion carried 4-0, with one abstention (Yea: Mr. Freeborn; Mr. Reese; Ms. Panepinto; Ms. Wolbert; Abstain: Mr. Molin, not present for January 3, 2023 Council meeting).

**January 10, 2023 Work Session Minutes:**

A motion was made by Mr. Molin and seconded by Ms. Panepinto to approve the Minutes of the January 10, 2023 Council Work Session. The motion carried unanimously.

**Public Comments – Agenda Items:**

None.

**SROSRC Report:**

No report.

**Police Report:**

Anthony Lorie, of 118 South Kistler Street, expressed his concerns about the double parking, and illegal parking in handicapped spaces along Crystal Street. Captain Raymond advised that he will reach out to the Borough's parking enforcement to discuss ways to handle these violations.

A motion was made by Mr. Reese and seconded by Mr. Molin to accept the December 2022 SARPD report, as distributed, and attached to the Minutes. The motion carried unanimously.

**East Stroudsburg Community Alliance (ECA):**

No report.

**Engineer's Report:**

The Engineer's report was distributed.

**Middle Dam Update:**

Core samples at the Middle Dam will be taken the week of January 23, 2023.

**Meter Replacement Project Update:**

A motion was made by Mr. Freeborn and seconded by Mr. Molin to refer the cost associated with Core and Main installing the water meters to the Operations Committee for review. The motion carried unanimously.

A motion was made by Mr. Freeborn and seconded by Ms. Panepinto to authorize the Borough Engineer to work with the Borough Manager pertaining to billing errors. The motion carried unanimously.

**Waste Water Treatment Plant Update:**

Mr. Scott reported that the efforts to reduce copper amounts have been successful, and regular updates are being provided to PA DEP.

An annual compliance meeting with the operators is scheduled for Wednesday, January 18, 2023.

**Water Treatment Plant Repairs Update:**

Mr. Scott reported RKR Hess is working on specifications for slide gate bids.

The operators are scheduled to lower the wash water tank on Wednesday, January 18, 2023, in order to inspect and evaluate the tank.

A motion was made by Mr. Freeborn and seconded by Mr. Molin to authorize the Borough Engineer to work with the Borough Manager and the Lead Operator to draft a Preventative Maintenance Schedule for the Water Treatment Plant. The motion carried unanimously.

**Levee Culvert Rehabilitation:**

A motion was made by Mr. Freeborn and seconded by Mr. Molin to authorize RKR Hess to update the bid package for the levee culvert rehabilitation project, and for the project to be bid for construction in 2023. The motion carried unanimously.

**2023 Joint Municipal Landfill Monitoring:**

A motion was made by Mr. Molin and seconded by Mr. Freeborn to accept and authorize the quote from Analytical Laboratory Services, Inc. (ALS) for laboratory sampling and testing services, required for the two Joint Municipal Landfill sites for 2023, at a cost of \$12,189.00, contingent upon the concurrence of Stroudsburg Borough and Stroud Township to each share in one-third of these expenses. These three quotes were all well below the public bidding threshold. The motion carried unanimously.

**Forge Road Land Development Project:**

A motion was made by Mr. Freeborn and seconded by Ms. Panepinto to authorize the Borough Solicitor and Borough Engineer to work with the Developer's consultants to prepare a Memorandum of Understanding for Alternative A, based on the Borough Engineer's memo to Borough Council, dated December 13, 2022. The motion carried unanimously.

A motion was made by Mr. Freeborn and seconded by Mr. Molin to accept the Engineer's Report, as submitted, and attach to the Minutes. The motion carried unanimously.

**Public Comments – New Business:**

Bruce Smith, of 87 North Green Street, expressed his concerns with the Waste Management employees not following the Borough ordinance, pertaining to overflowing garbage cans. A motion was made by Mr. Freeborn and seconded by Ms. Panepinto to refer this issue to the Operations Committee, and directed Mr. Bond to request appropriate members of Waste Management staff to attend an Operations Committee meeting to discuss further.

Laura Caiazzo, of 200 Analomink Street, discussed the amount of litter throughout the Borough, and encourages business owners to clean up around their properties. It was suggested for the Borough to send a letter to the railroad, since there is an abundance of litter on railroad property. It was also suggested to reach out to East Stroudsburg University, and East Stroudsburg School District, requesting groups of volunteers to pick litter in our area more often.

**Note:**

Ms. Wolbert left the meeting at this time, and Mr. Reese conducted the rest of the Council meeting. Ms. Wolbert joined virtually after leaving the in-person meeting.

**Inter-municipal Liquor License Transfer Public Hearing, Taste 154 Café:**

A motion was made by Ms. Panepinto and seconded by Mr. Molin to recess the regular meeting and convene a public hearing on inter-municipal liquor license transfer for Taste 154 Café. The motion carried unanimously.

Mr. Bond testified, virtually, as to the notice requirements for the hearing and presented exhibits in support thereof. Mr. Bond also testified that the current proposed site of 154 Washington Street met the isolation distance required under the law. Michael Tepedino, owner of 154 Washington Street, filed an application to transfer a liquor license that is currently registered in Pocono Township to East Stroudsburg Borough. Mr. Tepedino stated that Taste 154 Café is anticipated to open in March or April of 2023, and will offer a breakfast and lunch menu, and plan to serve alcoholic beverages. Mr. Bond added that once a liquor license is transferred, there is a 5-year moratorium before it can be transferred again. There were no questions or comments from Council or the public.

A motion was made by Mr. Freeborn and seconded by Mr. Molin to enter exhibits 1 through 6 into evidence. The motion carried unanimously.

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

**Resolution 4-2023, Authorizing the Inter-municipal Liquor License Transfer for Taste 154 Café:**

Mr. Prevoznik read aloud Resolution 4-2023, authorizing the inter-municipal liquor license transfer for Taste 154 Café. There were no questions or comments from Council or the public.

A motion was made by Mr. Molin and seconded by Ms. Panepinto to approve Resolution 4-2023, authorizing the inter-municipal liquor license transfer for Taste 154 Café. The Resolution is attached to the Minutes. The motion carried unanimously.

**Reports:**

**Public Works:**

The Public Works Report was distributed via email. A motion was made by Mr. Molin and seconded by Ms. Panepinto to accept the Public Works Report, as distributed, and attached to the Minutes. The motion carried unanimously.

**Zoning:**

The Zoning Report was distributed via email. A motion was made by Mr. Molin and seconded by Ms. Panepinto to accept the Zoning Report, as distributed, and attached to the Minutes. The motion carried unanimously.

**Finance:**

The Finance Report was distributed via email. A motion was made by Mr. Freeborn and seconded by Mr. Molin to accept the Finance Report, as distributed, and attached to the Minutes. The motion carried unanimously.

**Operations Committee:**

No report.

**Community Relations Committee:**

The Hometown Heroes Banners project is underway and accepting applications for banners. Banners are anticipated to be hung by Memorial Day 2023.

**Zoning and Planning Committee:**

No report.

**Mayor Victor Brozusky:**

No report.

**Bill Reese:**

A motion was made by Ms. Panepinto and seconded by Mr. Freeborn directing the Borough Manager to send a letter of thanks to the Elks BPOE 319 for taking over the Hometown Heroes Banners Project. The motion carried unanimously.

**Ed Freeborn:**

No report.

**Maury Molin:**

No report.

**Erika Huber:**

Absent.

**Carrie Panepinto:**

Ms. Panepinto requested an update regarding the home located at 313 East Broad Street. Mr. Bond advised that he has not received any recent complaints, and the property seems to be under control. The only way to ensure there is not a business being run out of the home is to execute an administrative search warrant. Mr. Reese asked Mr. Bond to revisit this issue, as he has seen activity at this house that would suggest a business is still being run from this property.

Ms. Panepinto asked the status of the plaque for the 150<sup>th</sup> Anniversary time capsule. Mr. Bond will order the plaque.

**Solicitor John Prevoznik:**

No report.

**Manager's Report:**

A motion was made by Mr. Freeborn and seconded by Mr. Molin to table the purchase of two service trucks for the water meter replacement project. The motion carried unanimously.

A motion was made by Mr. Molin and seconded by Ms. Panepinto to approve hiring Pedro Gonzalez as a probationary Municipal Worker "C", at the probationary rate of \$18.45 per hour. The motion carried unanimously.

A motion was made by Mr. Molin and seconded by Ms. Panepinto to ratify the drawdown for the 2016 General Obligation note, in the amount of \$4,590.31 for Middle Dam expenses. The motion carried 3-0, with one abstention (Yea: Ms. Panepinto; Mr. Molin; Mr. Reese; Abstain: Mr. Freeborn, who recused himself from all matters regarding the Middle Dam, as his son is employed by a company involved with the project).

A motion was made by Mr. Molin and seconded by Ms. Panepinto to authorize Christopher Owens retro pay for advancement to Municipal Worker "B", back to November 7, 2022, as per the date of the completion of his required courses for advancement. The retro pay will be the outstanding Collective Bargaining Agreement 2021 rate, and if there is an increase for 2022 and 2023, Mr. Owens will be paid a commensurate increase at that time. The motion carried unanimously.

**Parking Meter Update:**

Mr. Bond reported that an individual was caught jamming the meters and stealing loose coins. Mr. Freeborn asked if the meters are secure now and if the individual has been charged. Mr. Bond stated that he is unsure how the Borough could prevent this from happening again, without changing to coinless parking meters. Mr. Freeborn suggested the Borough Manager speak with the police chief about increased surveillance.

**214 Washington Street:**

A motion was made by Mr. Molin and seconded by Ms. Panepinto to refer the matter of 214 Washington Street to the Operations Committee, including the Borough Solicitor, and the Borough Engineer. The motion carried unanimously.

**Sonia Wolbert:**

No report.

**Approval of Warrant List 230117:**

A motion was made by Mr. Freeborn and seconded by Mr. Molin to approve Warrant List 230117, as presented. The motion carried unanimously.

**Approval of Midterm Warrant List 230110:**

A motion was made by Ms. Panepinto and seconded by Mr. Freeborn to ratify Warrant List 230110, as presented. The motion carried unanimously.

**Adjournment:**

A motion was made by Ms. Panepinto and seconded by Mr. Freeborn to adjourn the meeting at 8:06 p.m. The motion carried unanimously.

**NEXT REGULAR MEETINGS:**

Tuesday, February 7, 2023, at 7:15 p.m.

**NEXT WORK SESSION/SPECIAL MEETING:**

Monday, January 23, 2023, at 6:00 p.m.