

JIM THORPE BOROUGH COUNCIL MEETING
JANUARY 10, 2019
MINUTES

Meeting called to order at 6:30 pm in the Memorial Park Hall, 115 East Tenth Street, Jim Thorpe by President Strubinger with the pledge of allegiance and moment of silence for the men and women serving our country.

Roll Call of Members & Officials

Gregory Strubinger	Kyle Sheckler	Joanne Klitsch
Thomas Highland	John McGuire (a)	Edith Lukasevich
Jay Miller	Manager Maureen Sterner	PSM Vince Yaich
Police Chief Schatz	Matt Boggs, Entech	Solicitor James Nanovic
Mayor Michael Sofranko	Secy. McClafferty	

Mayor's Report

Mayor Sofranko informed everyone that officer John Pruitte is present tonight, he will be sworn in as a full-time police officer for the borough. The residents need to be thankful for that, because this brings the full-time police officers which will enable us to have two officers on every shift for 20 hours a day. This is a huge investment that this Council has taken.

Mayor Sofranko said the other item tonight, we have Connor Rodgers who will be appointed as a Junior Council member.

Mayor Sofranko said the other item he has to thank Councilman Highland, Council and the Borough Manager for working with him for getting them the money for a new vehicle this year.

Police Chief Schatz said January 1, 2019 all the officers were recertified with MOPAC. He thanked Council for putting the interest in the Police Dept. Residents in the community are very happy they will have double coverage for 20 hours of 24 hours. We maintain a very steady flow of crimes in the borough. He thanked the officers for their work.

MOTION: Jay Miller second Kyle Sheckler to appoint Connor Rodgers as a junior council member.

YES 6

NO 0

ABSENT 1 John McGuire

MOTION: Jay Miller second Thomas Highland to approve hiring John Pruitte as a full-time officer for the borough effective 1/20/2019.

YES 6

NO 0

ABSENT 1 John McGuire

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Public Comment

Ed Hughes said he is here regarding the County Susquehanna Street project. They are seeking conditional/final approval from council. They have an agreement for conditional plan approval prepared by the Planning Commission. One issue they have is the plans can't be recorded until all conditions are satisfied. One of the conditions is the Penn Dot permit, which a lengthy process. The other issue is Penn Dot is looking for the Borough to enact an ordinance about the elimination of parking spaces along Susquehanna Street that is required because of the sight distance required by Penn Dot coming out of a parking garage and a letter from the borough agreeing to restrict parking for the required spaces, adopt an ordinance, erect and maintain no parking signs. Once the ordinance is adopted it should be forwarded to Department of Transportation. The HOP cannot be issued until the ordinance is received. That is another issue that would be conditional approval getting an ordinance from the borough.

President Strubinger asked Borough Manager Sterner if the Borough's Planning Commission is recommending approval.

Borough Manager Sterner said the Planning Commission did recommend conditional plan approval. One of the conditions were obtaining the Highway Occupancy Permit, the ordinance, this is the first time we are hearing this.

County Commissioner Nothstein said this is 8 spots now, originally it was 9 parking spots. They just found out about the ordinance, they have been back and forth with Penn Dot.

Borough Manager Sterner said since the Planning Commission meeting, we have received a copy of the draft communication, draft stormwater easement, draft agreement with adjoining property owners.

Solicitor Nanovic said back on Nov. 30, 2018 we received the deed of consolidation, the easement with the Borough, his question is whether or not that that should be Penn Dot or the Borough because of that being state highway and the draft agreement with the adjoining easements, he is not sure which properties need to sign the easement. We are asking for an easement for where you are going to tie into the rocks with the adjoining property owners.

Ed Hughes said they have not determined this yet.

Mayor Sofranko said he said one of the terms has to do with parking spots, there are some ongoing negotiations.

County Commissioner Nothstein said he received an email from Ms. Sterner and the Police Chief. He wants to go over this with the Police Chief.

Solicitor Nanovic said you are looking for conditional approval. You have the County Planning, Borough Planning and Engineer review letters and conditions, are you including all of those or what conditions are you asking Council to approve.

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Borough Manager Sterner said the Planning Commission one, the one for the Borough is pretty much identical. We did get some of the draft agreements in. We also did hear from the Shade Tree Commission on the request to them, they are waiting to hear back from Penn State on those types of trees for planting.

Ed Hughes said their conditions would be in compliant with the Jim Thorpe Planning Commission review letter which references the loss of parking spaces, they are working on this.

Solicitor Nanovic asked if that is the review letter of December 4, 2018?

Ed Hughes said yes. The County review letter is dated November 20, 2018 and Entech review letter of December 16, 2018. He said many of those comments have been addressed.

Solicitor Nanovic said you are asking for conditions on those three things, and he thinks this included entering into an improvement and maintenance agreement. Also, now a condition is Highway Occupancy Permit, you want that altered, elimination of the parking spaces, would be another one because we would have to adopt an ordinance to eliminate those 8 spaces, and he knows part of this is the easement agreements with the Church and the Bike Shop and whoever else is required for construction. Those are all of the conditions. The issue of taking parking spaces, there are on-going communications regarding how this is going to be resolved. How would you suggest we address that in the conditional approval? If this is not resolved, we are counting on coming to some agreement, but what if we don't?

Mr. Miller stated the County offered the Borough \$100,000.00, we said we would like to swop out meters. He heard this is not obtainable, he does not know what we can work out.

County Commissioner Nothstein said they looked at the number of parking meters.

Mr. Miller stated it should be an equal swop, we talked about the corral. We are making sure that income stream is still there.

County Commissioner Nothstein said we may be able to work something out there with the County property along the railroad across from Subway, that would be an issue between the meters and the kiosk.

Mr. Miller said the question he has is the permit to Penn Dot, who is responsible for the opening and closing of Penn Dot road? We don't want that permit in our name, if we have to go back to restore a trench or anything on Penn Dot property.

County Commissioner Nothstein said if it's on the County property it is theirs, in the street there seems to be a disagreement. From what he understands the Borough has to be the applicant.

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Tony Ganguzza, Boyle Construction said for the driveway application the County is the applicant. The utility application it would be whoever owns that utility, if its water it's the Water Authority, if it's Sewer it would be the Borough, if it's stormwater that is where the question mark has become, whether it is the Borough's or Penn Dot's.

County Commissioner Nothstein said one of the things they have agreed to do is when we had the cameras put in the storm drain there was some debris and we have consented to have that cleaned out.

Borough Manager Sterner said the highway occupancy permit, you need a driveway highway occupancy permit for Penn Dot that the County will be the applicant. You also need the utility highway occupancy permit from Penn Dot. Can you tell us if you are going to need one from the Borough to be the applicant for any of those?

Tony Ganguzza, Boyle Construction said he believes the storm sewer connects on Rt 209, he believes that Penn Dot is going to make the Borough be the applicant for the permit, they do this on every Penn Dot road. It can't be the County because the County doesn't own the system, so its going to have to be the owner of the system. Penn Dot claims this is the Borough's system, if it's the Borough's system that will be tying into the State highway, then the Borough is going to have to be the applicant. We have to work this through.

Borough Manager Sterner said one of the conditions on this is the Highway Occupancy permit, which you are now saying there are going to be multiple highway occupancy permits. Do you want all of them to be for Council to allow you to record the plans and get them after the fact?

Tony Ganguzza, Boyle Construction said correct. The driveway application has been submitted and this is the review they received from Penn Dot on the driveway. There is a storm drainage tie in, Penn Dot is going to force the Borough to be the applicant.

Ed Hughes said one of the agreements is that we would be responsible for storm piping that we are installing to the connection.

Solicitor Nanovic said we don't own the street.

Tony Ganguzza, Boyle Construction, said their plans show there is a Penn Dot right-of-way, and storm Borough right-of-way.

Matt Boggs said that is one of the items they talked about at the Planning Commission meeting, who owns this road. There was a comment made we don't have any documentation that proves one way or the other, all Penn Dot or if there is a section of the Borough's.

Ed Hughes said the one crucial issue is will the Borough let them process their building permit, with the plans before you? There are some changes that are required.

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Borough Manager Sterner asked that they forward to us the agreement that the County would take care of the storm sewer. She asked if any of the other conditions have been met yet or are they all outstanding?

Ed Hughes said they are pretty much in compliant with the review letters except for the Highway Occupancy Permit.

Matt Boggs said one of the issues is the report from Ingram. The comment is this will be taken care of in the field where the contractor would have that design. The rock engineer/rock excavator would work that out, dealing with the church and the vibration, putting a fence on top of the rock wall to catch the stone, that is still floating out there.

Jeff Gross said the rock excavator will review everything before anything is cut out of the hill, they can work it out, that the Borough gets that information to review.

Borough Manager Sterner said if you made revisions to the plans, can you give the Borough a copy of it.

County Commissioner Nothstein said they will get us the updated plans.

Borough Manager Sterner said another issue that the Planning Commission was concerned with is the plan for foot traffic during construction and post construction, we don't have any documentation for what type of plan is going to be in place for that.

County Commissioner Nothstein said we are waiting for that from Penn Dot.

Mr. Miller said if we don't know if we own it how can we give you an easement? There are a few things that need to be straightened out.

Solicitor Nanovic said on the plans it will show Penn Dot owns this by virtue of whatever, however they acquired it, if the neighboring property should have a deed book and page reference. If it says the Borough owns part of it, he is sure it would say how we own it, he is not sure how we own it and that is what he would be looking at on the plans, how do we own it?

Jeff Gross said there nothing on the plans that says how that conclusion was made.

County Commissioner Nothstein said how do we get this issue straightened out with the ownership.

Solicitor Nanovic said they should be going back to their engineer and say how did you determine Borough ownership. We need to know how they made that determination.

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MOTION: Jay Miller second Thomas Highland to table the Carbon County Susquehanna Street project final land development plans.

YES 6

NO 0

ABSENT 1 John McGuire

Bill Malatak said it was on the news there are residents questioning the County raising the parking lot fees. Commissioner O’Gurek said they took \$65,000.00 from the parking lot fees and gave it to the Borough.

Borough Manager Sterner said that was given to the Borough but it was Hotel tax.

Bill Malatak said he was on the internet, and in the 2019 budget it has \$98,000.00

Borough Manager Sterner said that is the 2019 budget, that is an estimated budget figure for this years income for kiosks.

Mayor Sofranko said the way the budget is broken out has changed, before it was all put together, meters and lot rent, that has been broken out more evenly. This year the kiosk meter revenue went up \$8,000.00 or \$9,000.00 but the number of fines went down.

Bill Malatak asked how do you know you are going to receive \$98,000.00 this year?

Borough Manager Sterner said this is based on what we received in 2018.

Bill Malatak said the MEM in 2016 the principle was \$10,000.00. In 2017 the principle was \$13,000.00, in 2018 the principle is \$17,000.00 and in 2019 it’s going to be \$14,586.00. Those four years it is \$56,000.00 we paid in principle. The interest column in 2016 we paid \$11,000.00, 2017 we paid \$8,000.00, in 2018 we paid \$4,500.00 and in 2019 the interest went up to \$7,694.00. How come we have such a division on this?

Borough Manager Sterner said those numbers come directly from the arbitration schedule from the bank, from the loan document.

Bill Malatak said the Sewer has \$800,000.00 or \$900,000.00, is there any way that you can take some of that money out of that account and pay this loan off?

Borough Manager Sterner said we can’t use Sewer money for that, that is a designated fund, we are not legally allowed to use that for other purposes.

Jerry Strubinger, 555 West 10th St, said back in 2006 Germantown Creek jumped out and washed the railroad tracks out, Norfolk Southern saved the day and brought rock and dumped it and put the creek back in. He had it out with DEP in regards to the stream that comes through his property.

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Jerry Strubinger said they have all the garbage coming from South Street down through the property and blocks the drain up, this needs to be addressed. Another issue on East 3rd St the flat area they put a pipe there. All the development on Pleasant Hill comes down through this pipe and is washing the road away, this needs to be fixed because it dumps on his property. He thinks the fire hydrant needs to be put back in.

PSM Yaich said we ran into solid rock and we don't have the equipment, we would have to rent equipment to finish that main.

Lisa Klotz, 243 North 2nd Street, Lehighton. She is getting married June 1, 2019. They would like permission to hold their ceremony where the fishing contest is held by the JT Sportsman's club.

General consent of Council is there are no objections to her conducting her wedding on that property.

Action

MOTION: Jay Miller second Joanne Klitsch to approve the Council Workshop Meeting Minutes from December 6, 2018.

YES 6 NO 0 ABSENT 1 John McGuire

MOTION: Jay Miller second Joanne Klitsch to approve the Council Meeting Minutes from December 13, 2018.

YES 6 NO 0 ABSENT 1 John McGuire

MOTION: Jay Miller second Thomas Highland to approve the Council Meeting Minutes from End of Year December 27, 2018.

YES 6 NO 0 ABSENT 1 John McGuire

MOTION: Jay Miller second Edith Lukasevich to approve the Expenditures from all Funds as presented.

YES 6 NO 0 ABSENT 1 John McGuire

MOTION: Jay Miller second Joanne Klitsch Treasurer Report December, 2018 as presented.

YES 6 NO 0 ABSENT 1 John McGuire

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MOTION: Jay Miller second Joanne Klitsch to Re-Appoint:

- Brior Environmental Services, Inc. as the Sewage Enforcement Officer
- Samantha Brior as the alternate Sewage Enforcement officer
- John McGuire as the Planning Commission Member– 4 yr. term
- William Solomon as the Vacancy Board Member – annual
- Andrew Roberts as the Alternate Zoning Hearing Board Member – 3 yr. term
- Delores Reitz as the Shade Tree Commission Member – 5 yr. term
- Gregory Strubinger as the Civil Service Commission Member – 6 yr. term
- James Dougher as the International Property Maintenance Board Member – 5 yr. term
- Maria Sebelin as the CCTCC delegate
- Louise McClafferty as the CCTCC alternate delegate
- Alex Walbert as the Lehigh Canal Commission Representative
- Vince Yaich as the Fire Chief
- William Diehm as the Fire Chief Assistance

YES 6

NO 0

ABSENT 1 John McGuire

MOTION: Joanne Klitsch second Thomas Highland to approve the advertisement of all Committee monthly meetings for 2019.

- Council workshop first Thursday of the month at 6:30 at the Memorial Hall
- Regular Council meeting second Thursday at 6:30 in the Memorial Hall
- JT Planning Commission third Tuesday at 6:30 in the Borough Office Conference Room
- Library second Tuesday at 5:30 in the Borough Office Conference room
- JT Zoning Hearing Board fourth Thursday at 6:30 in the Borough office Conference room as needed only
- Shade Tree Commission at 7:00 at the Glen Onoko Guest House

YES 6

NO 0

ABSENT 1 John McGuire

MOTION: Joanne Klitsch second Jay Miller to authorize the Borough Manager to attend the annual PSAB Conference in June 2019.

YES 6

NO 0

ABSENT 1 John McGuire

MOTION: Jay Miller second Joanne Klitsch to invest the Fire Equipment Reserve amount of \$100,000.00 with PLGIT, 150 days at 2.75%.

YES 6

NO 0

ABSENT 1 John McGuire

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MOTION: Jay Miller second Joanne Klitsch to set 2019 Non-Contract Wages

Borough Secretary \$20.14
Buildings/Groundskeeper \$15.45
Health Inspector \$17.00
Police Secretary/Meter Person \$13.79
Public Service Sewer Supervisor \$27.91
Public Service Street Supervisor \$27.40
Treasurer \$18.25
Utility Secretary/Billing \$13.79

YES 6 NO 0 ABSENT 1 John McGuire

MOTION: Jay Miller second Joanne Klitsch to approve hiring applicant #2, Full Time Public Service Employee, estimated start date is January 28, 2019.

YES 6 NO 0 ABSENT 1 John McGuire

MOTION: Joanne Klitsch second Kyle Sheckler to advertise Ordinance 2019-01 No Parking Section of School Street.

YES 6 NO 0 ABSENT 1 John McGuire

MOTION: Jay Miller second Kyle Sheckler to approve advertisement of Ordinance 2019-02 Nuisance Amendment.

COMMENTS:

President Strubinger said this is addressing burning.

YES 6 NO 0 ABSENT 1 John McGuire

MOTION: Edith Lukasevich second Jay Miller to approve the Petition LCB - Enforce Noise Complaints.

YES 6 NO 0 ABSENT 1 John McGuire

MOTION: Jay Miller second Thomas Highland to adopt Resolution 2019-01 Enforce Noise Complaints.

QUESTION:

Mr. Miller asked how do we enforce this?

Police Chief Schatz said the Police officer goes over when he get the complaint, they give a warning, they record it, second time they go over the warning turns into a citation.

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YES 6

NO 0

ABSENT 1 John McGuire

MOTION: Jay Miller second Edith Lukasevich to approve the Repository Sale 83A-18-E28 – 204 Center Ave.

COMMENTS:

Borough Manager Sterner said she reached out to them, they did call her back, they did leave an address and phone number. She did email a picture to Council today, the complaint from another neighbor.

Mr. Miller asked if we would be in a better position, we don't know. What do we have to lose?

Mr. Sheckler said we have a letter telling us what they are going to improve.

President Strubinger said this is a double home.

Solicitor Nanovic said we can go after the last record owner, we are not sure if they have anything, or any assets.

YES 6

NO 0

ABSENT 1 John McGuire

MOTION: Kyle Sheckler to send a letter to Huber informing her the options to getting a dumpster, opposed to collection from the borough.

President Strubinger said this is a multi-unit we found that one of the units is not being charged. The property owner is requesting that this continue, one less garbage bill. This was discussed at the workshop. We had discussed leaving it as it is, we are making sure everybody is paying what they should be paying.

Mrs. Klitsch said she would get a letter informing her she can get a dumpster because she is a commercial property.

Mr. Sheckler said if she doesn't get the dumpster, she will be paying the additional fees?

Borough Manager Sterner said correct.

MOTION DIES LACK OF A SECOND

MOTION: Joanne Klitsch second Kyle Sheckler to authorize the Borough Manager to contact the resident informing her it will stay as our ordinance states or she has the option to get a dumpster.

YES 6

NO 0

ABSENT 1 John McGuire

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MOTION: Thomas Highland second Edith Lukasevich to authorize the Borough Manager to send a letter to Tom McBride in regards to 8th Street letting him know Council does not have any plans at this time to vacate the property.

YES 6 NO 0 ABSENT 1 John McGuire

D & L Trail - Wilson Consulting Invoice - None

MOTION: Joanne Klitsch second Jay Miller to approve the WWTP Upgrade Project Eastern Environmental payment application #25 - \$235,920.55

YES 6 NO 0 ABSENT 1 John McGuire

MOTION: Joanne Klitsch second Jay Miller to approve Howard Company payment application #20 - \$50,243.39.

YES 6 NO 0 ABSENT 1 John McGuire

MOTION: Joanne Klitsch second Jay Miller to approve Requisition #29 – \$287,738.94.

YES 6 NO 0 ABSENT 1 John McGuire

Matt Boggs gave a 15-minute presentation on the Waste Water Treatment Plant Progress Update

Utility Action

Utility Accounts Lien Reports

Active Utility Accounts Garbage & Others Lien Report (0)

MOTION: Thomas Highland second Joanne Klitsch to approve the active Utility Account Garbage Only Lien Report (3)

YES 6 NO 0 ABSENT 1 John McGuire

Active Utility Accounts Sewer/Garbage Lien Report (0)

Active Utility Accounts Water/Garbage Lien Report (0)

Active Utility Accounts Water/Sewer/Garbage Lien Report (0)

Temporary Off Lien Report (0)

Inactive (0)

Uncollectible Accounts Report – (0)

Utility Accounts Proposed Updates (0)

Tax Exoneration Action

MOTION: Joanne Klitsch second Jay Miller to approve Delores Ramsay exoneration request.

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YES 6

NO 0

ABSENT 1 John McGuire

Committees

Administration

Public Service (Sewer/Sanitation/Water/Streets)

Police

Mr. Highland welcomed Officer Pruitte to the Police Department.

Buildings/Parks

President Strubinger said there will be a Building committee meeting on January 23, 2019 at 5:30 to discuss the building project.

Emergency Services

Old Business

Permit Parking

Readdressing Phase II

JT Market Expansion Maintenance Security

JT Market Expansion Construction Security

MOTION: Joanne Klitsch second Edith Lukasevich to adjourn.

YES 6

NO 0

ABSENT 1 John McGuire

Adjourned at 8:32

Respectfully submitted

Louise McClafferty
Borough Secretary