

JIM THORPE BOROUGH COUNCIL  
JULY 11, 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 (l)	Joanne Klitsch
Thomas Highland	John McGuire	Edith Lukasevich
Jay Miller (a)	Manager Maureen Sterner	PSM Vince Yaich
Connor Rodgers, JCP	Police Chief Schatz	Solicitor James Nanovic
Mayor Michael Sofranko	Secy. McClafferty	

**Public Hearing**

**Mayor's Report**

Mayor Sofranko thanked the Police, Fire, JTТА, and Sam Miller Association for a job well done with the fireworks for the 4<sup>th</sup> of July, and the Hometown festival. It was a nice event.

Mayor Sofranko spoke about the house fire on Oak St. He complimented the Fire and Police dept for doing a good job.

Mr. Sheckler just arrived at the meeting.

Mayor Sofranko said he has had complaints about speeders in town. He said we don't have radar in the state of Pennsylvania. He has been on the phone with the State representatives, and State Senators about this

Mayor Sofranko informed everyone that he had a meeting with the Police Chief and Sgt. Bokeko to discuss having a Chaplin for the department. He will be meeting with the solicitor to discuss this. This would be for counseling the officers.

Police Chief Schatz said the hometown festival went smooth, crowds were down, great job with the fireworks!

**SALDO**

Canyon Rim RV, Cabins & Camping Lots Preliminary Plan 3/27/19; rev 5/15/19; rev 6/7/19

President Strubinger said Council received a letter from Planning Commission dated June 27, 2019, stating their reasons for recommending rejection. Since then we received a response from Mr. Arner and his attorney Jamie Kratz. He would like to request from Mr. Arner that he provides the Borough 60-day extension to review the letter and make a decision. Council just received the letter today.

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Attorney Kratz said they are interested in that. He represents Canyon Rims Estate, LLC. was first approved for a settlement agreement with the borough back in 2005, there was an addendum to that settlement agreement in 2009. Part of that settlement agreement requires a financial contribution to the borough. They will continue this with the new plans presented to the borough. The settlement agreement doesn't have an expiration date in it. He spoke to Solicitor Nanovic about this, he pointed out a certain clause in the addendum that references June 30, 2015. There is a certain date and the amount of time left in that approval. The addendum the certain clause, this plan would be protected from changes in ordinances that would affect the plan. He calculated the time that has lapsed, up to June 30, 2015 it was 6 years and 109 days. What you do is tact that on to the end, July 2, 2016, his math took him to October 19, 2022. He gave Solicitor Nanovic a copy of how this was figured for him to review. There is time left on the settlement agreement.

Attorney Kratz said if we agree upon an expiration date for the settlement agreement. The reason for that is to give them direction and certainty is to what they are doing with the plans that are before Council now. They are hopeful that Council will approve the plans that are referenced in the Planning Commission's letter, but that is actually a letter of recommendation for rejections. They request that you approve the plans because they are in compliance with zoning, and saldo. They recognized in the JT Planning Commission minutes, they voted to reject the plans. He said the JT Planning Commission said if they were given more time and more information, they may make a different decision.

Attorney Kratz said they didn't offer the extension at that point in time because they wanted to get before council. Mr. Arner is concerned that maybe he was misreading the agreement and other things. In order to have more time, the 60-days that council wants, and JT Planning Commission wanted more time. They don't have an issue with that, as long as we can agree upon a date certain of an expiration date for the settlement agreement. He suggested to Solicitor Nanovic 2 years.

Attorney Kratz said Mr. Arner pointed out to him, the prior conditionally approved plans, they had to get an NPDES permit for and he obtained that. He is now in the process of renewing that. Those permits have a 5-year window on them, you have to get them renewed every 5 years unless you have constructed and you are able to terminate them, but there are conditions after that. He said Mr. Arner is requesting that we extend the settlement agreement from now 5-years out. He feels this would be more than enough time to get this plan approved. He asked Council to consider this.

Solicitor Nanovic said he understands wanting to have some extension. If you are reading it correct and it goes to 2022, why would you need to be addressed now? He was going to suggest to Council if we agree that if we grant the 60-days, we agree that a minimum the agreement in place for the next 60-days until Council can act on the plans.

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Attorney Kratz said he sees the plans that they are compliant with the current zoning, current saldo, there is only one issue that he sees and that is storm water management, because the Act 167 has changed. Under the settlement agreement the Act 167, the property is not in the water shed that is regulated.

Attorney Kratz said it was addressed in the settlement agreement, we got an NPDES permit. The NPDES permit requirements are so restrictive that you are covered under that.

Attorney Kratz said after the JT Planning Commission meeting, Mr. Arner pointed out to him that he had addressed Council previously about dismissing Mrs. Klitsch, she is married to Mr. Thomas Klitsch. He met Mr. Klitsch during litigation years ago, where he did testify during litigations and he testified. It was a matter where Surreal Properties had sued Mr. Arner and Mr. Klitsch testified to a real estate transaction. He was the seller and Mr. Arner was the buyer. His recollection of his testimony was he was not happy with the results of the transaction.

Jake Arner said Mr. Klitsch came to his property and said "We screwed you around for 10-years, and we are going to screw you around for another 10-years." The only thing he wants is a fair chance like anyone else.

Attorney Kratz said the reason he is bringing this up is during the process he is entitled to an impartial hearing, whether that be Council or Planning Commission. He asked that Mrs. Klitsch recuse herself of voting to anything of this subject matter, as a council person and in the capacity as planning commission person. He needs to make this request and put it on the records. He does not feel it serves his client.

Mrs. Klitsch said first of all she does not know what Jake Arner is talking about. She has never been involved with anything financial, and her name was never on anything. Whatever goes on with you and Mr. Klitsch has nothing to do with her. She does not intend to recuse herself.

Jake Arner said he brought this up to Council, did someone ask you in executive session if you are Tom Klitsch wife? Your husband said we, the only person he could assume we is he and his wife. You are the person that forced the issue at the planning commission and that is not fair. As his solicitor pointed out, the plans comply with the saldo and zoning. All he wants is a fair chance. What they are trying to do is solve a lot of problems for Jim Thorpe, including fixing Flagstaff Road. If his plans don't go through, Flagstaff Road won't get fixed.

President Strubinger said since his time on Council he honestly feels we have been fair here with your projects. He does not feel there has been any undo demise here. He knows Mrs. Klitsch a long time and he does not feel Mrs. Klitsch would make a decision based on what her husband thinks.

Solicitor Nanovic asked Mrs. Klitsch if she thinks she could be fair?

Mrs. Klitsch said yes.

Attorney Kratz asked Mr. Highland if he has a business to the close proximity to this project?

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Mr. Highland said yes.

Attorney Kratz asked Mr. Highland if he was an objector to the NPDES permit application to the Conservation District?

Mr. Highland said he does not remember.

Attorney Kratz asked that he recuse himself from voting because of owning a business in the close proximity to the project, that alone is bias.

Attorney Kratz said they will grant the 90-day extension and they do look forward to working with the borough.

Solicitor Nanovic said he understands the 90-day extension. When does the time line expire now?

Attorney Kratz said he believes this was provided to you in the letter, he believes it to be July 31.

Borough Manager Sterner said she believes it's July 31. The time extension letter they gave before was until July 12, the original time exceeded July 12.

Solicitor Nanovic said his concern is, the reason he looked at 90 days is 90 days is October 9 and the council meeting is October 10.

Attorney Kratz said we can go to October 31, 2019.

Mr. Arner said he confirms that he is willing to give an extension to October 31, 2019.

Solicitor Nanovic said it would be an agreement to extend the deadline to October 31, 2019 and the settlement agreement remain in effect at least until October 31.

**MOTION:** Gregory Strubinger second John McGuire that we accept the extension for Canyon Rims to October 31, 2019.

YES 6

NO 0

ABSENT 1 Jay Miller

**Public Comment**

Bill Malatak, 1342 Germantown Rd, he heard the Mayor talking about the finances for the Police how tight they are. He said the reason for that is you are getting the shaft from the County. You are not getting the money out of the tourists, they have a piggy bank for the parking lot, we are not getting paid for it. The D & L Trail, he thought we were getting rid of that.

Borough Manager Sterner said almost done.

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Bill Malatak said they did a nice job on Germantown Road. He complained about Flagstaff Road on Mahoning side, the potholes, this is the alternative route to get around Jim Thorpe with the mansion House project. Penn Dot should have done something about that to fix the road up. He said the rafting company, where is their home base out of? They cause havoc over town going in to the parking lot, the traffic backs up.

Chris Lukasevich, 1211 Center Street asked if the Borough received formal notice from the County the withdrawal of the permit for 76 Susquehanna Street project.

Borough Manager Sterner said not yet.

Chris Lukasevich asked if the Borough received any informal notification from the County that they intend to withdrawal the building permit for Susquehanna Street?

Borough Manager Sterner said they have informally said that.

Chris Lukasevich asked what are the steps for withdrawal of a permit?

Borough Manager Sterner said there really is no process set in the ordinances. A simple written letter is what we would need.

Chris Lukasevich asked what is the average time for it to be recognized, would it go to Planning Commission or would it be withdrawn upon receipt?

Borough Manager Sterner said it would be immediately withdrawn upon receipt.

Michael Rivkin, 61 W Broadway, he appreciates the thanks, the true thanks go to the folks at Sam Miller field. He appreciates the support from Council, Mayor, Chief and Fire Chief and the community.

President Strubinger thanked Sam Miller field for keeping the fireworks going in the community.

Mayor Sofranko said what Council is looking at, as events are going on in Jim Thorpe, Council is looking at getting stipulations that we start getting all the information 2 months out.

Bill Clewell, 332 W Broadway, asked if there could be no parking by the Bus Road, it is hard pulling out because you can't see down the street because of the trucks that are parked there. He knows they have talked about putting a mirror on the pole.

Police Chief Schatz said a couple years ago we moved the line down the street.

Bill Clewell said he sells fire wood at 318 WB, he sells fire wood there, who is responsible for this obstructing the sidewalks.

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Solicitor Nanovic said that is probably an ordinance. In most boroughs there is an ordinance that prohibits anything from obstructing the sidewalks, without some type of permit being issued.

Police Chief Schatz said when the officer was up there and spoke to Mr. Clewell, he spoke with the other party. His answer was he went through zoning to acquire a business out of there.

Bill Clewell said the other thing is the people are speeding on W Broadway.

Police Chief Schatz asked him to send a letter to State Representative Heffley tell him we are the only state in United States.

Borough Manager Sterner said you can come in the office and fill out a request for action form and we can get them to the appropriate department.

**Action**

**MOTION:** Joanne Klitsch second John McGuire to approve the Council Workshop Meeting Minutes from June 6, 2019.

YES 6                      NO 0                      ABSENT 1 Jay Miller

**MOTION:** Joanne Klitsch second Edith Lukasevich to approve the Council Meeting Minutes from June 13, 2019.

YES 6                      NO 0                      ABSENT 1 Jay Miller

**MOTION:** John McGuire second Kyle Sheckler to approve the Expenditures from all Funds as presented.

YES 6                      NO 0                      ABSENT 1 Jay Miller

**MOTION:** John McGuire second Kyle Sheckler to approve the Treasurer Report June, 2019 as presented.

YES 6                      NO 0                      ABSENT 1 Jay Miller

**MOTION:** Joanne Klitsch second Kyle Sheckler to advertise Ordinance 2019-04 Amendment to 172 Volunteer Service Credit.

YES 6                      NO 0                      ABSENT 1 Jay Miller

**MOTION:** Edith Lukasevich second Joanne Klitsch to Ratify PLGIT Fire Equipment Reserve Term Renewal \$101,100.44 for 180 day term at 2.4%

YES 6                      NO 0                      ABSENT 1 Jay Miller

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**MOTION:** Gregory Strubinger second Joanne Klitsch to continue the term of the jtmemorialhall Domain Name for another year.

YES 6

NO 0

ABSENT 1 Jay Miller

**MOTION:** Gregory Strubinger second John McGuire Shade Tree Notices contact the resident by phone, the next step notification, about the dead tree on their property on Center Street, that the dead tree be removed.

COMMENTS:

President Strubinger said the North Street property, they will be taking care of this. The Center Street owner was sent a notice and we have not heard back from the owner.

Mrs. Klitsch asked are we removing the tree?

President Strubinger said we are requesting the property owner to remove it, per the ordinance the property owner is responsible.

YES 6

NO 0

ABSENT 1 Jay Miller

**MOTION:** Gregory Strubinger second Joanne Klitsch the Shade Tree Commission recommendation is that we notify the property owner on West Broadway to remove the dead tree.

YES 6

NO 0

ABSENT 1 Jay Miller

**MOTION:** John McGuire second Joanne Klitsch to approve the D&L Corridor Grant Support Letter this is a federal grant that Lehigh Valley Planning Commission is trying to obtain.

YES 6

NO 0

ABSENT 1 Jay Miller

President Strubinger said the next item on the agenda, we have had someone else inquire about parking their vehicle here. We currently have 3 tractor trailers that park here now. We are not allowing any new parking here. When the project starts at the hall, we are going to notify those individuals that we are not going to allow vehicles to park there.

**MOTION:** Joanne Klitsch second John McGuire Municipal Complex Parking, when the project starts at the hall, we are going to notify those individuals that we are not going to allow vehicles to park there.

YES 6

NO 0

ABSENT 1 Jay Miller

**MOTION:** Gregory Strubinger second Kyle Sheckler to adopt this policy to in effect immediately, and post the Event Hosting Notice on the website.



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YES 6                      NO 0                      ABSENT 1 Jay Miller

**MOTION:** Joanne Klitsch second Thomas Highland to approve Employee 321 Leave Time Pay.

YES 6                      NO 0                      ABSENT 1 Jay Miller

**MOTION:** Gregory Strubinger second John McGuire to allow the Buildings & Ground Committee to review the Park Master Site Plan Phase II Environmental Study when we receive the proposal and accept it if it is appropriate in price and scope. This will be included as an addendum to the DCNR grant for additional fund.

YES 6                      NO 0                      ABSENT 1 Jay Miller

President Strubinger said the Borough Facilities project, we found out that in our zoning the mention of a municipal building is a special acceptance, therefore we have to apply for a variance.

Borough Manager Sterner said we completed the application and we will be before the JT Zoning Hearing Board on July 25, 2019 at 6:30 pm.

**MOTION:** John McGuire second Kyle Sheckler to approve the Garage Zoning Hearing Board Application Fee Waiver amount of \$600.00

YES 6                      NO 0                      ABSENT 1 Jay Miller

**MOTION:** John McGuire second Thomas Highland to approve Spillman Farmer Administration Invoice \$25,072.50.

YES 6                      NO 0                      ABSENT 1 Jay Miller

**MOTION:** Joanne Klitsch second John McGuire to approve the D & L Trail Wilson Consulting Group invoice \$340.00.

YES 6                      NO 0                      ABSENT 1 Jay Miller

**MOTION:** Joanne Klitsch second Edith Lukasevich to approve the Don Bower, Inc. payment application #2 - \$342,804.36.

COMMENTS:

Mrs. Klitsch asked if this is grant money?

Borough Manager Sterner yes, this would be conditioned upon Wilson Consulting approval of the payment application and any adjustments.



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YES 6

NO 0

ABSENT 1 Jay Miller

Matt Boggs WWTP Upgrade Project, he said they are working on the punch list items. The electric contractor is down to very little left on his list. The General Contractor he is doing the testing of the treatment plant now, this is 30-day test paid for by the contractor. Last month Mr. Rehab and his sub had finished Center Ave & Cedar Ave. sewer repair work.

Matt Boggs said they are holding \$80,000.00 on Eastern Environmental that will give them incentive to finish their punch list items. They want to get this done during the 30-days to wrap things up.

Matt Boggs said after that they will figure out how much we have left, from the contingencies and we can have Mr. Rehab do the other repairs.

**MOTION:** Joanne Klitsch second John McGuire to approve Eastern Environmental payment application #31 - \$4,387.22.

YES 6

NO 0

ABSENT 1 Jay Miller

**MOTION:** Joanne Klitsch second Edith Lukasevich to approve Howard Company payment application #26 - \$1,000.00.

YES 6

NO 0

ABSENT 1 Jay Miller

**MOTION:** Joanne Klitsch second Kyle Sheckler to approve Mr. Rehab payment application #7 - \$26,832.75.

YES 6

NO 0

ABSENT 1 Jay Miller

**MOTION:** Joanne Klitsch second John McGuire to approve Requisition payment application #35 – \$88,025.65.

YES 6

NO 0

ABSENT 1 Jay Miller

**Utility Action**

Utility Accounts Lien Reports

**MOTION:** Thomas Highland second John McGuire to approve Active Utility Accounts Garbage & Others Lien Report (1).

YES 6

NO 0

ABSENT 1 Jay Miller

**MOTION:** Thomas Highland second John McGuire to approve the Active Utility Account Garbage Only Lien Report (4).

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YES 6

NO 0

ABSENT 1 Jay Miller

**MOTION:** Thomas Highland second John McGuire to approve the Active Utility Accounts Sewer/Garbage Lien Report (2).

YES 6

NO 0

ABSENT 1 Jay Miller

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)

**MOTION:** Gregory Strubinger second John McGuire to approve the Utility Accounts Proposed Updates (2).

YES 6

NO 0

ABSENT 1 Jay Miller

**Tax Exoneration Action**

**MOTION:** Edith Lukasevich second Joanne Klitsch to approve Elizabeth Kauffman, Thomas Lager and Diane Lager.

YES 6

NO 0

ABSENT 1 Jay Miller

**Committees**

**Administration**

President Strubinger said we have had some discussion on the Stormwater Management Ordinance.

Borough Manager Sterner said they have reviewed some ordinances from various places. The DEP sample ordinance, is the shortest one that she found. His suggestion would be if you would do one, we try to update our stormwater and make it a little bite more manageable for everyone. The first step is to get a quote, she will see if she can get a quote from Barry Isett to review the DEP ordinance and tailor it for the borough.

**MOTION:** John McGuire second Gregory Strubinger to get a quote from Barry Isett to update the stormwater ordinance.

YES 6

NO 0

ABSENT 1 Jay Miller

**Public Service (Sewer/Sanitation/Water/Streets)**

Leisure Land Dumpster

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Mrs. Klitsch said if anyone has a suggestion for the dumpster issue in Leisure Land give it to us because we have done everything. We paid the Boy Scouts to clean up around that dumpster one year.

President Strubinger said what we have discussed was, one of the solutions was to remove the dumpster because it doesn't seem to resolve anything. People not from the development are dropping stuff off in it. The hauler won't go into that area because of the roads.

Mrs. Klitsch asked if we placed a camera up there?

Borough Manager Sterner said more than once, this does not solve the problem. When the garbage is all over the place the residents in the area are not interested in cleaning up someone else's garbage.

President Strubinger said we have a possible solution. Have the residents bring the can to the gate on garbage night or give them the option to bring it to the borough dumpster. We would have to figure out the day of the week and a certain time, during business hours, on certain days of the week.

Borough Manager Sterner said they would have to come in and get passes from the borough or they could repair and maintain the roads then the trash company would drive there.

Mr. Sheckler said the road is PPL they don't let you do anything to their road. They granted access road to the properties there, they maintain it and put stone and stuff in it all year round.

**MOTION:** Gregory Strubinger second John McGuire that we notify the residents that we are removing the dumpster and they have the option to bring their garbage can out to the gate on garbage night or bring their garbage to the borough on a certain day and have a permit to present to a borough employee on a certain day of the week, certain time frame. Notify the residents 60 days.

YES 6

NO 0

ABSENT 1 Jay Miller

Police

Buildings/Parks

Emergency Services

Mr. Sheckler thanked the Police & the Fire department for fighting the fire on Oak Street.

**Old Business**

Permit Parking

Readdressing Phase II

Susquehanna Street No Parking Ordinance

Blight Landbank

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Zoning Ordinance Group Homes

**Executive Session**

**MOTION:** Gregory Strubinger second John McGuire to go into executive session and adjourn.

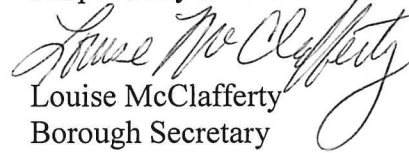
YES 6

NO 0

ABSENT 1 Jay Miller

Adjourned at 7:53

Respectfully submitted

  
Louise McClafferty  
Borough Secretary