

JIM THORPE BOROUGH COUNCIL
REGULAR MEETING
JANUARY 9, 2020
MINUTES

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

President Strubinger said today is National Police day and thanked the Police officers for all they do.

Roll Call of Members & Officials

Gregory Strubinger	Kyle Sheckler	Joanne Klitsch
Thomas Highland	Robert Schaninger	Edith Lukasevich
Michael Yeastedt	Borough Manager Sterner	PSM Yaich
Connor Rodgers, JCP	Police Chief Schatz	Solicitor James Nanovic
Mayor Michael Sofranko	Secy. McClafferty	

Public Hearing

Mayor's Report

Mayor Sofranko said Council received the year-end report.

Police Chief Schatz said the only thing he has is they are looking to replace the meter maid's car. We need to keep transferring the vehicles to keep the mileage. Car 83 is 2017 that has 55,499 miles on it. The officers put 23,000 miles on that vehicles since last year, that shows you how much mileage we put on. This is the mainly used vehicle because it has the camera system on it.

SALDO

MOTION: Gregory Strubinger second Robert Schaninger to grant the subdivision plan waivers for Ogden/Bennick:

- 390-13.B.1 Floodplain
- 390-13.K Sanitary Sewer Connection
- 390-20.B.6 & 7 Topographic Contours
- 390-21.B.1 Plan Scale

With the condition that the plans state for both lots, that are not approved for construction.

YES 7

NO 0

Public Comment

Bill Maehrer, 345 West Broadway introduced himself to the new council people.

James Dougher, 169 West Broadway, Treasurer for JTTA. They are in transition of reorganizing. He apologized for not getting the documentation in advance to Council for the Winter & Irish Fests. He will get this to the borough as soon as possible.

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James Dougher said the JTТА is trying to reorganize event planning. They have reached out to an organization that is called the Mauch Chunk Event, to help coordinate and help put on each of the programs. JTТА is the sponsor of the two events and have provided the insurance to the borough. Mauch Chunk Events has also provided the insurance for the events.

Borough Manager Sterner said the Winter Fest, we have paperwork, we don't have paperwork for the Irish Fest, other than JTТА insurance. He said in regards to the policy for events, we should actually have the information to you three months in advance of an event. He asked what constitutes an event and how big or how small of an event are you looking for information for?

Police Chief Schatz said one of the things he is looking for and will speak to council about this, defining an event, so they know how many officers they will need to have in place.

President Strubinger said it would basically be any type of public gathering. How do we define the size of that, it is not that the event will necessarily is going to require police or public service agreement. The Borough needs to be made aware these events are going on, should there be some type of needs for emergency services.

Police Chief Schatz said he has a few sample models from other areas that he will present, it may be helpful to us in defining exactly what is needed.

Mayor Sofranko said one concern that he would bring up is the two ice bars? What are the locations?

Borough Manager Sterner said one is going to be at Myst and Marion Hose bar.

Mayor Sofranko said last year we received numerous calls from one of the restaurants as to whether this is legal, people walking around with open containers. There is a no open bottle ordinance in the borough. People can walk around drinking alcohol. Council can change this, if it gets out of hand. He does not want to see this changed for the residents in the borough. If that gets out of hand, unfortunately everybody in the borough suffers. It would be nice to know that is being patrolled.

Police Chief Schatz said we have no signed forms for Police services.

James Dougher said JTТА is not running the event he will contact Mauch Chunk Event and have them get in touch with you asap.

MOTION: Kyle Sheckler second Michael Yeastedt to approve the Winter Festival on Feb. 15 & 16, 2020, provided the proper paperwork is submitted to the Borough Manager and Police Chief by January 15, 2020 and if there is a Public Service contract needed that be approved.

YES 7

NO 0

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MOTION: Edith Lukasevich second Joanne Klitsch to approve the Irish Fest on March 14 & 15, 2020, pending the approved paperwork is submitted to the Borough Manager, and Police Chief by January 15, 2020 and if there is a Public Service contract needed, all of the information needs to be sent to Council for the event.

YES 7

NO 0

Michael Eckhart, 1029 Broadview Drive, he wants to know if council has come to any conclusion for the Air B&B for JT.

Borough Manager Sterner said the JT Planning Commission, John McGuire is drawing up for Borough Council what was recommended from the JTPC, what came out of the public meetings and recommendations from Short Term rental owners. He is doing it in a manner that you will have the 3 view points on each specific item so you can see the different viewpoints on each item, so you can see the different viewpoints. Then Council can see the different viewpoints and advise on how we are going to move forward with it.

Tom Loughery, West Broadway, he owns the old school building that is now an apartment building for 16 years. A couple years ago an issue came up about the High Street Steps. Back in the 1800's when the town was laid out, the initial thoughts, they realized the people on High Street needed a way to get down to Broadway, they set apart a little strip of land, it came down across the street from the Opera House and was set apart as a piece of public property that was dedicated to access between High St and Broadway, this was from 1820's to 1885 there was a long set of steps that came down from High St to downtown. In 1885, they bought up property up on West Broadway, they found a better spot for the steps. They replaced the old set of steps with the new set of steps and that is the spot where the High Street Steps are located now. The steps were built for the public, built by the public, with public money, council approved this back then, for the next 130 years there was evidence that council fixed them over time. Up until 2017 there was never an issue, until something that happened, now all of a sudden now the steps are all of a sudden owned by private property owners. This is an issue, public right-of-way can't be on private property, unless there is some kind of easement. If you can't find anything like that, other than these steps took the place of the other steps that were on public property, and therefore they should become public property. The actual steps themselves, the concrete and rock that is under them was built by the borough, with borough money, therefore it is borough property. The flat land under there maybe wasn't initially owned by the borough but the structure is owned by the borough and has been maintained by the borough. The neighborhood really needs these steps reopened. This lack of parking on High St. has exasperated the parking on West Broadway. The High Street Steps is a piece of infrastructure, it's part of the town, it needs to be put back into service. As the property owner, you know he has been forced to initiate a legal case because he has not been able to get anybody to talk to him about working this out. If someone does not talk to him about this, and try to come to some resolution, then unfortunately they are going to file a complaint.

Solicitor Nanovic said this is in litigation, whatever we say can be held against us.

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Mayor Sofranko asked who closed the steps?

Thomas Loughery said the people that own the property under the steps we were advised to talk to our insurance agents. Due to insurance reasons, until this is settled, they have to be kept closed.

Mayor Sofranko said the borough did not close the steps.

Bill Maehrer said the reason the steps were closed was because the guy that owns the Marion Hose Bar, his wife fell on them and he sued the borough. After the borough's insurance looked into it, they found out the borough didn't own the steps. The two property owners, the Bed & Breakfast and the 3 towers owners they own portions of it, they didn't want to do anything so they closed the steps.

Curt Jackson asked what the status is on the trains?

President Strubinger said we will be reaching out to them. The consensus was we wouldn't meet with them until the new year. At this point we are unclear who is to make the first contact with the entities involved, we will be reaching out to the Railroad in the next several days.

Curt Jackson said on events, as they fill out the forms, the borough is going to be more aggressive with events to have police coverage. Some of the events that weren't required or requesting the services, the borough may suggest they have them.

Police Chief Schatz said yes.

Curt Jackson said you have Winter fest, Irish fest, a train that comes in with 800 people on it, will that be classified as an event? Would they be required the same standards as well?

Police Chief Schatz said they will have to classify it as an event.

Mayor Sofranko said we need to define what an event is. The only reason this is being looked at is not to stopping events, or penalize anyone, or to make money on them. The simple fact is Council, Police, Public Services need to know what is happening in the borough, for public safety. The town gets over congested, we need to know what to put in place, in case something would ever happen. We need to know everyone is safe.

Andrew Roberts, he wants to correct the records, he never filed a law suit against the borough for Aillinn's fall. He put a claim in and it was rejected, he never did anything, he did not file a suit.

Jake Arner said his concern is planning for the borough and the future of the borough. The Short-Term Rental (STR) ordinance, this should be borough wide. They need to follow borough codes and procedures; it is a very good thing for the borough to support Short-Term Rentals for the tourist industry, as long as they are controlled.

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Jake Arner said he would appreciate if the borough would extend the sewer line to Highland Beverage on Route 209 for the Flagstaff project. It would be good to work together. You may get grant money for this.

Michael Eckhart said the Air B & B have no business going in the residential areas, because they are businesses, put the businesses in the R-1 district where there are businesses. I bought there because I want peace and quiet.

Action

MOTION: Robert Schaninger second Thomas Highland to approve the Council Workshop Meeting Minutes from December 5, 2019.

YES 7 NO 0

MOTION: Robert Schaninger second Edith Lukasevich to approve the Council Meeting Minutes from December 12, 2019.

YES 7 NO 0

MOTION: Edith Lukasevich second Joanne Klitsch to approve the Council Meeting Minutes December 30, 2019.

YES 7 NO 0

MOTION: Robert Schaninger second Michael Yeastedt to approve the Expenditures from all Funds as presented.

QUESTION

Mr. Sheckler asked what happened with the generator repairs \$2,400.00?

PSM Yaich said the batteries cooked on the generator out at the plant and it was tripping out and shorting everything out. They had new batteries put in and they had to do testing on it.

YES 7 NO 0

MOTION: Edith Lukasevich second Kyle Sheckler to approve the Treasurer Report December, 2019 as presented.

YES 7 NO 0

MOTION: Joanne Klitsch second Edith Lukasevich to approve Councilmen Robert Schaninger and Michael Yeastedt to attend the PSAB Annual Conference.

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COMMENTS:

Borough Manager Sterner said we have a certain amount budgeted and council members had shown interest in it and the fall conference. She will skip this year.

YES 7

NO 0

President Strubinger said we will table the Planning Commission meeting dates advertisement. The JTPC have a meeting on January 21, 2020 and they asked that we wait until the February meeting to advertise and they will have recommendation to council for the 2 vacant seats.

MOTION: Joanne Klitsch second Kyle Sheckler to advertise the Planning Commission meeting for January 21, 2020 at 6:30 in the borough office.

YES 7

NO 0

MOTION: Michael Yeastedt second Robert Schaninger to adopt Resolution 2020-01 Price Adjustment Bituminous Materials.

YES 7

NO 0

MOTION: Kyle Sheckler second Robert Schaninger to adopt Resolution 2020-02 Tax Levy.

YES 7

NO 0

MOTION: Joanne Klitsch second Edith Lukasevich to adopt Resolution 2020-03 – Fee Schedule.

QUESTION:

Mrs. Klitsch asked what the changes are?

Borough Manager Sterner said the only change is on the Water dept, with the 5% increase in the budget.

YES 7

NO 0

MOTION: Michael Yeastedt second Joanne Klitsch to adopt Resolution 2020-04 Francis E. Walter Dam and send the Governor a letter.

YES 7

NO 0

MOTION: Joanne Klitsch second Edith Lukasevich to approve the purchase of a 10 Ton Truck for the Street Dept.

COMMENT:

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President Strubinger said this has been put in the budget.

YES 7 NO 0

Solicitor Nanovic explained the process for repository sale.

MOTION: Michael Yeastedt second Edith Lukasevich to approve the Repository Sale for parcel #82A-15-K5.

YES 7 NO 0

MOTION: Joanne Klitsch second Edith Lukasevich to approve the Repository Sale for parcel #82F-16-A345.

YES 7 NO 0

MOTION: Edith Lukasevich second Joanne Klitsch to approve the Sam Miller Zoning Permit Fee Waiver Request, amount of \$455.00, for the ice-skating rink.

YES 7 NO 0

President Strubinger asked Borough Manager Sterner where do we sit with the paperwork for the Earth day festival?

Borough Manager Sterner said we have the initial request that came in, no insurance information yet. The Chief or I were going to contact Shelli Holland. They normally don't use any police services.

Police Chief Schatz said he wants to talk to the Manager, because there was a crowd down there last year. It is only one day, with the rain date the following day.

MOTION: Michael Yeastedt second Joanne Klitsch to table the Earth Day Festival – 4/18/20 rain date 4/19/20.

YES 7 NO 0

MOTION: Robert Schaninger second Joanne Klitsch to approve the Junior Council Person, Connor Rodgers' Newsletter Proposal.

YES 7 NO 0

MOTION: Gregory Strubinger second Michael Yeastedt to notify the Mauch Chunk Trust Co. that the Borough has no objections to them terminating the Mary Packer Cummings Trust funds and the funds will be turned over to the borough.

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COMMENTS:

Mr. Yeastedt said he thought council had discussed the use of the funds to be used towards the parks.

Borough Manager Sterner said if you want us to, put that money into an account designated for a specific use.

YES 7

NO 0

Flizack Request

Borough Manager Sterner said he built his house on a portion of 4th St., now he is requesting the borough to vacate that.

Solicitor Nanovic asked Council what they would like to do? Would you like to vacate it? He asked if the road was ever opened?

PSM Yaich said it was never opened.

Solicitor Nanovic asked Council if they would like to vacate the street, would you like to talk to him about selling him the street, quit claim deed? He does not know if we own the property. All he knows is, this was a paper street. What a paper street is, it was laid out on borough streets and it was never opened, it doesn't necessarily mean we own it but we may have a claim to it. You don't need to take any action on this. The question is do you wish to take any action on this.

Mr. Sheckler said how can we vacate something if we don't know if we own it?

Solicitor Nanovic said you can vacate a paper road. If it is laid out on plans for the borough, we have done this before, where there are a couple of roads that we vacated. It was laid out, never opened, we get a petition from the joining property owners, they contact us saying we wish you to vacate, we hold a public hearing, adopt an ordinance. Quit Claim deeds usually goes 50% each to joint property owners. You have 3 options: do nothing - there is no cost, vacating the street – there are costs to this because you have a public hearing, advertising the ordinance, etc., and quit claim deed – the preparation of the deed and recording costs. Quit Claim Deed, we aren't saying we own it, we are just conveying any rights we may have to them. When you go through the vacating process there is no benefit to the borough other than you are getting an old street off your map.

MOTION: Gregory Strubinger second Michael Yeastedt to table Flizack request for vacating 4th Street.

YES 7

NO 0

MOTION: Joanne Klitsch second Michael Yeastedt to accept the resignation of James Mason, UCC Joint Appeals Board.

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YES 7

NO 0

MOTION: Edith Lukasevich second Joanne Klitsch to accept the resignation of Terry McElmoyle as the Tax Collector, effective February 1, 2020.

YES 7

NO 0

President Strubinger said we need to advertise the position.

Borough Manager Sterner said you don't need to advertise the position, there are no requirements. Council may do as you choose. You may wish to announce it at the meeting that position is open, post it at the office, post it on the website. If you do not generate enough interest then you may want to go for a paid advertisement.

Solicitor Nanovic said you are doing this on January 9, 2020, you have 30 days to fill the appointment. Your next regular meeting is more than 30 days, but the workshop is within the 30 days.

Borough Manager Sterner said his resignation effective date is February 1, 2020.

MOTION: Kyle Sheckler second Robert Schaninger to advertise the Tax Collector position, post it at the office and on the website that we are accepting letters of interest deadline is January 31, 2020.

YES 7

NO 0

Borough Manager Sterner said this appointment would be to fulfill the term of Mr. McElmoyle, term expires in 2021. If the person appointed to the position, they would have to run in the 2020 election.

Borough Manager Sterner said she did reach out to the JTASD and they are agreeable to the simultaneous audit. The County has a new controller and they will be doing this themselves. However, they need to check with his office and possibly reach out to DCED to ensure that the audit and whoever completes the audit is ok by State regulations. It may need to be a certified Public Accountant; they may need to join us. We are waiting to hear back from them. She would like the Admin committee to review the proposals and approve the lowest responsible proposal to move forward.

MOTION: Gregory Strubinger second Thomas Highland to approve the Administration Committee to review the proposals and accept the lowest responsible proposal for the Tax Collector Audit.

YES 7

NO 0

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Appointments

TABLE the appointment for:

Planning Commission 4-year term, expires 12/31/2023

Planning Commission 4-year term, expires 12/31/2023

MOTION: Gregory Strubinger second Kyle Sheckler to appoint Elijah Skrimcovsky to the Zoning Hearing Board 5-year term, expires 12/31/2024.

YES 7

NO 0

MOTION: Thomas Highland second Edith Lukasevich to appoint Michael Huber to the Zoning Hearing Board Alternate 3-year term, expires 12/31/2022.

YES 7

NO 0

President Strubinger said we are going to investigate the proposals from the interested companies, TABLE the appointments for:

Zoning Official

Property Maintenance Code Official

Nuisance Official

Building Codes Official

Stormwater Management Official

Plumbing Inspector

MOTION: Joanne Klitsch second Michael Yeastedt to accept Elijah Skrimcovsky resignation from the alternate to the UCC Joint Board of Appeals board.

YES 7

NO 0

MOTION: Joanne Klitsch second Michael Yeastedt to appoint James Mason as the alternate for the UCC Joint Board of Appeals.

YES 7

NO 0

Temporary Sewer Employee

Borough Facilities Projects

Spillman Farmer Administration Invoice

Spillman Farmer Garage Invoice

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Park Master Site Plan

a.

WWTP Upgrade Project

- a. Eastern Environmental payment application #32 - None
- b. Howard Company payment application #27 – None

Utility Action

Utility Accounts Lien Reports

Active Utility Accounts Garbage & Others Lien Report (0)

MOTION: Thomas Highland second Kyle Sheckler to approve the Active Utility Account Garbage Only Lien Report (3).

YES 7

NO 0

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)

MOTION: Kyle Sheckler second Robert Schaninger to approve the Utility Accounts Proposed Updates (1).

YES 7

NO 0

MOTION: Joanne Klitsch second Thomas Highland to approve the Account #7090 Payment Plan.

QUESTION

Mrs. Klitsch asked if they are making the payments.

Borough Manager Sterner said yes.

YES 7

NO 0

MOTION: Joanne Klitsch second Thomas Highland to approve Account #6400 Request to credit the sewer only, they had a leak.

YES 7

NO 0

Account #3930 Request (tabled last month)

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Jerry Strubinger said he has 2 apartments that are vacant. He is on the end of the water line there, he allows the water to trickle. He would like to have some kind of relief for letting it drip.

President Strubinger said the request was for a standard base fee and we don't have that.

Borough Manager Sterner said if the water service is on you will get the base fee for the gallons used or you can have the water turned off, then you won't receive a water or sewer service just the garbage bill.

MOTION: Kyle Sheckler second Robert Schaninger to reject account #3930 request.

YES 7 NO 0

Tax Exoneration Action

MOTION: Joanne Klitsch second Thomas Highland to approve the exoneration request for Robin Stermer – retired.

YES 7 NO 0

Committees

Administration

Public Service (Sewer/Sanitation/Water/Streets)

Police

Buildings/Parks

Emergency Services

Old Business

Permit Parking

Readdressing Phase II

Susquehanna Street No Parking Ordinance

Blight Landbank

Zoning Ordinance Group Homes

Executive Session

Litigation

Personnel

MOTION: Robert Schaninger second Thomas Highland to go into executive session for litigation and personnel.

YES 7 NO 0

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Into executive session at 8:08 pm
Back at 9:38 pm

MOTION: Robert Schaninger second Thomas Highland to approve Jay McElmoyle – medical leave to 1/27/2020.

YES 7 NO 0

MOTION: Joanne Klitsch second Robert Schaninger to advertise a special meeting on January 23, 2020 at 6:30 in the Hall for interviewing the BOCA companies.

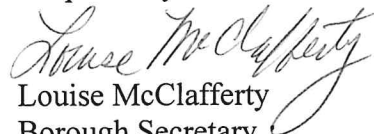
YES 7 NO 0

MOTION: Joanne Klitsch second Kyle Sheckler to adjourn.

YES 7 NO 0

Adjourned at 9:40 pm

Respectfully submitted


Louise McClafferty
Borough Secretary