

JIM THORPE BOROUGH COUNCIL
AUGUST 11, 2022
MEETING MINUTES

The meeting was called to order at 6:36 p.m. by President Gregory Strubinger with the pledge of allegiance and a moment of silence for the armed forces, first responders, and their families and for James Trainer and his family, as well as Nollie Wernett and his family.

Roll Call of Members

Gregory Strubinger	Joanne Klitsch	
Michael Yeastedt	Bob Schaninger	Jessica Crowley
Michael Rivkin	Mayor Sofranko	Solicitor Nanovic
Police Chief Schatz-absent	Sargent Bokeko	Borough Manager Sterner
Borough Engineer-absent	Public Service Manager Yaich-absent	Secretary Brooke Klotz-absent

Appointment

There is currently an open seat. This appointment will replace Kyle Sheckler. Council will follow the same process and procedure as early this year. Jessica Crowley questioned the process and the legality of it. It was explained that a council member must nominate a person and then it is voted on. If that person does not have the majority vote of council, it moves on to the next nomination. Voting continues until there is a majority vote. If there is a tie, then Mayor Sofranko would be the tie breaker. Solicitor Nanovic verified that this is the legal process. Mayor Sofranko received a copy of the oath of office from Manger Sterner. He also needs a sworn affidavit from a notary and proof of residency form. Jessica Crowley questioned if council would be requiring a second motion, as was discussed at the Borough Work Session Meeting. It was decided that a second motion on nominations would not be required. **MOTION** to open nominations by Michael Rivkin, second by Bob Schaninger. There were no questions. Motion carries

6-0. Michael Rivkin nominated Andrew Roberts, President Strubinger nominated Jay Miller, and Jessica Crowley nominated Sydney Wernett. There were no other nominations. **MOTION** to close nominations by Bob Schaninger, second by Michael Rivkin. There were no questions. Motion carries 6-0.

Roll call voting for Andrew Roberts as followed:

Michael Rivkin – yes
Jessica Crowley – yes
Bob Schaninger – no
Joanne Klitsch – no
Michael Yeastedt – yes
President Strubinger – no
There was a tie.

There was a roll call vote for the next nominee, Jay Miller, as followed:

Michael Rivkin – no
Jessica Crowley – no
Bob Schaninger – yes
Joanne Klitsch – yes
Michael Yeastedt – no
President Strubinger – yes
There was a tie.

There was a roll call vote for the next nominee, Sydney Wernett, as followed:

Michael Rivkin – no
Jessica Crowley – yes
Bob Schaninger – no
Joanne Klitsch – no
Michael Yeastedt – no

President Strubinger – no
There was no majority vote.

Roll call vote restarted with first nominee Andrew Roberts, as followed:

Michael Rivkin – yes
Jessica Crowley – yes
Bob Schaninger – no
Joanne Klitsch – no
Michael Yeastedt – yes
President Strubinger – no
There was a tie.

There was a roll call vote for the next nominee, Jay Miller, as followed:

Michael Rivkin – no
Jessica Crowley – no
Bob Schaninger – yes
Joanne Klitsch – yes
Michael Yeastedt – no
President Strubinger – yes
There was a tie.

The tie breaker vote was cast by Mayor Sofranko for Jay Miller. His vote was determined by who he felt was the most qualified for the position. President Strubinger suggested that Jay Miller take over the same Committees as Kyle Sheckler was responsible for. He also thanked all those who applied for the open Council seat.

Mayor's Report

Police Report – no comments

The Police are currently cracking down on speeding throughout the Borough. Mayor Sofranko asked that residents please slow down. School will be starting soon and driver's need to be more aware. Thank you to Community Watch, the Police Department, and all those who helped with and attended National Night Out. It was a very successful event. President Strubinger also thanked all and the mayor as well.

Announcements

The Fall 2022 Tire & Electronics Recycling Event will be taking place on Saturday, October 15th from 7:00 a.m. until 11:00 a.m. It's open to all Borough residents; they must show I.D.

PP&L replaced 4 poles on Broadway. They were a different style than what was there. Residents were told by PP&L that it was the Borough's decision on the style of the poles. This was untrue. The Borough office did inquire if there were other styles and PP&L said there were not. After Borough inquiries and concerns from the residents, PP&L is going to look to see if there are other options available.

Public Comment

Robert Ewashko, 40 W Broadway – He stated that the new poles in place are an abomination. He is also disappointed with Borough Council. The residents vote people out and Borough Council keeps putting them back in office. He would like to see Council take up a collection, start a fundraiser, or apply for grants for new poles. President Strubinger suggested that if he could start a citizens group to apply for grants, that would help with the situation. Mr. Ewashko stated that he thought it was the Borough Manager's job to do that. Manager Sterner stated that this is a PP&L project, not a Borough project.

John Drury, 55 W Broadway – He submitted a Request for Action for two (2) parking spots in front of the Mauch Chunk Museum. For the last 33 years, cars have been parked on the sidewalk area and it was never a problem. He is even willing to take a tree down in order to accommodate the pedestrian foot traffic. There is room to park two (2) cars there and he has pictures to prove it. Also, could the Borough open Parking Spaces on High Street? He said there are often open spaces. Based on last week's

Borough Council Work Session, Chief Schatz stated that if Borough Council gives permission to park there, that it would be breaking state law. President Strubinger suggested that this get tabled for a later meeting. **MOTION** to refer this request to the police committee by Michael Yeastedt, second by Bob Schaninger. Jessica Crowley questioned if Mr. Drury should submit something to the police committee. Manager Sterner said that Mr. Drury would not have to submit anything, that Council would do so, which is what the motion is being voted on. Motion carries 6-0.

Jay Miller was then sworn into Borough Council.

Ed McArdle, 622 Center Street – He expressed his disappointment in Council person Crowley for not standing during the pledge of allegiance. He asked if she was handicapped, and she responded that it was her constitutional right to not have to stand. He also expressed his disappointment with Borough Council placing Jay Miller back into Council after the residents voted him out.

Lou Hall, 1490 Broadview Drive – He is concerned about the Proposed Special District Zoning Ordinance Amendment. He believes that Borough Council should not infringe upon the ½ mile buffer. That would be taking away from the original purpose of the Special Zoning District. If Borough Council were to pass the proposed ordinance, it would be opening the door to multiple problems. Borough Council needs to protect the water systems.

Laura Young, 29 West Broadway – She is concerned about the new light poles on Broadway and the parking.

John McGuire 1325 Center Street – He is concerned about the Proposed Special Zoning District Ordinance Amendment. By changing the current Ordinance, it takes away from what the Special District was intended for and what the definition of it is. He is concerned that if there is a failure with the onlot septic systems, it will pollute the lake. He said the Planning Commission has concerns about this as well.

President Strubinger explained the suggested changes for the Proposed Ordinance Amendment, as per the suggestion of the Planning Commission and the Sewer Enforcement Officer (SEO). The on-lot system tanks would need to be pumped every three years, at the owner's expense. The on-lot system would need to be at least 1,000 feet away from a water source. This is more than the DEP's standard of 50 feet.

Louis Hall claimed that the DEP 50-foot standard was incorrect.

Jessica Crowley is concerned about the Proposed Ordinance Amendment. She believes that the Water and Sewer Committees should get together to discuss the information before making any decisions on it.

Borough Manager Sterner reminded Council that tonight's Action wouldn't be adopting any amendments. Tonight's discussion was on the changes recommended by the Planning Commission and the SEO.

Todd Morris, 102 Center Street – He is concerned with the new poles that were placed on Broadway. He believes that the town should be preserved and these new poles take away from the originality of the town. Michael Yeastedt said as of now, there have been 4 poles replaced, with 18 total needing to be replaced. The old poles were rusting, and these new ones are made of fiberglass, which are standard. Borough Council is working to find out from PP&L if they can be changed.

Stacie Weldon, 30 West Broadway – She is concerned about the new poles placed on Broadway. One of the new replacements is right in front of her house and it's worse than a highway pole. She didn't understand how Borough Council didn't do anything to prevent this. It was explained that Borough Council is looking into all options and that PP&L never gave a choice of the type of poles it was putting up.

Andrew Roberts, 13 West Broadway -- He was concerned about the Borough not sending out an all call for the tree that fell on West Broadway. He also expressed support for the Mauch Chunk Museum to be granted the two parking spots on the sidewalk area.

Kira Maehrer, 355 West Broadway – She was upset about how the situation with the tree that fell onto West Broadway was handled. She was upset that there was no all call from the Borough and how long it sat laying on the road. It was explained that the tree fell on a state road on top of Verizon lines. Non-emergency, PennDOT, and Verizon were all contacted, with no one wanting to accept responsibility for it. She asked if there was a number that residents can call to expedite situations such as this. Michael Yeastedt recommended she contact the PAPUC. Mayor Sofranko explained that when all calls go out like that, people want to go check and see what's going on in the area

Michael Batovsky, 135 West Broadway – He is concerned about speeding on West Broadway. He would like to see more police presence or painted lines to deter speeding. Mayor Sofranko said that it would help with the first few speeders, but then the speed traps would show up on apps such as Waze. Cars would then speed up and slow down before the speed trap. He said that cars also warn each other in passing on the roads by flashing lights at each other.

Jim Gilmore, 50 West Broadway – He agrees that yes, during certain times of the day that High Street, Race Street, and Broadway have parking. There are still 150 more parking permits that have been given out than there are parking spaces. He also stated that the new poles on Broadway are hideous and if there is any way to change them, to do so.

Public Hearing

Ordinance 2022-05 Subdivision and Land Development Ordinance (SALDO) Amendment Lot Consolidations – President Strubinger asked if anyone was there in the audience to comment on it. There was no public comment. The Borough received a letter from the Planning Commission recommending Borough Council approve this Ordinance Amendment.

Action

MOTION by Michael Yeastedt, second by Bob Schaninger to **approve the Council Meeting Minutes from July 7, 2022.** There were no comments. Motion carries 6-0-1. Jay Miller abstained.

MOTION by Michael Yeastedt, second by Bob Schaninger to **approve the Council Meeting Minutes from July 14, 2022.** There were no comments. Motion carries 6-0-1. Jay Miller abstained.

Manager Sterner asked if Jay Miller would be voting during the meeting. He said he didn't feel comfortable voting on anything tonight due to just rejoining the Council. He wished to abstain from voting for the remainder of the night.

MOTION by Michael Yeastedt, second by Joanne Klitsch to **approve Expenditures from all Funds as presented.** Manager Sterner explained that the Borough received a bill from VP Construction for the Mausoleum drive project totaling \$13,597, bringing the total Bill List to \$472,726.46. which changed the totals that were presented to Council. Motion carries 6-0-1. Jay Miller abstained.

MOTION by Michael Yeastedt, second by Bob Schaninger to **approve the Treasurer's Report.** There were no comments. Motion carries 6-0-1. Jay Miller abstained.

MOTION by Michael Yeastedt, second by Joanne Klitsch to **approve Ordinance 2022-05 – SALDO Amendment Lot Consolidations.** There were no comments. Motion carries 6-0-1. Jay Miller abstained.

MOTION by Michael Yeastedt, second by Bob Schaninger to **authorize the Solicitor to advertise the Ordinance to amend the Vehicle and Traffic Ordinance.** There were no comments. Motion carries 6-0-1. Jay Miller abstained.

MOTION by Michael Yeastedt, second by Michael Rivkin to **authorize the Solicitor to complete changes to the proposed Zoning Ordinance Amendment – Special District Sewage and to investigate the York County Ordinance.** In addition to PC and SEO comments, language is to be included in the deeds for all properties. Pumping requirements every 3 years at the owner's expense. Lou Hall said the Planning Commission would like to see a separate penalty and enforcement section for this Ordinance.

Motion does not carry 2 yes, 2 no, 1 abstain, and 1 absent. A re-vote with roll call was carried.

Michael Rivkin – yes

Jessica Crowley – no

Joanne Klitsch – yes

Michael Yeastedt- yes

President Strubinger – yes

Jay Miller – abstain

Bob Schaninger – no

Motion carries 4-2-1. Jay Miller abstained.

MOTION by Michael Yeastedt, second by Michael Rivkin to **approve Resolution 2022-14 – CFA Multimodal Downtown Grant (replaces 2022-11).** The total grant amount is \$975,394.00 There were no comments. Motion carries 6-0-1. Jay Miller abstained.

MOTION by Michael Yeastedt, second by Bob Schaninger to **approve CFA Multimodal Downtown Project Matching Funds Waiver and Pledge.** The total funds pledged are \$134,500.00. There were no comments. Motion carries 6-0-1. Jay Miller abstained.

MOTION by Michael Yeastedt, second by Bob Schaninger to **approve CFA Multimodal Downtown Project Total Grant Amount Request.** The total project amount is \$1,109,894.00. There were no comments. Motion carries 6-0-1. Jay Miller abstained.

MOTION by Michael Yeastedt, second by Bob Schaninger to **approve Resolution 2022-15 – Master Disposition Policy.** There were no comments. Motion carries 6-0-1. Jay Miller abstained.

MOTION by Michael Yeastedt, second by Bob Schaninger to **approve Resolution 2022-16 – Records to Be Disposed.** President Strubinger explained that this would periodically come up as a Resolution as needed for any specific Borough Records needing to be disposed of. Motion carries 6-0-1. Jay Miller abstained.

MOTION by Michael Yeastedt, second by Bob Schaninger to **approve Community Development Block Grant (CDBG) Program General Application Certifications – 2022.** There were no comments. Motion carries 6-0-1. Jay Miller abstained.

MOTION by Michael Yeastedt, second by Bob Schaninger to **approve Third Restated Agreement to Create Special Fire Department Account.** There were no comments. Motion carries 6-0-1. Jay Miller abstained.

MOTION by Joanne Klitsch, second by Michael Yeastedt to **approve Police Department Policy Change – Special Order 1.2.** There were no comments. Motion carries 6-0-1. Jay Miller abstained.

MOTION by Michael Yeastedt, second by Bob Schaninger to **approve Leave Time Payout – James Trainer.** The total payout amount is \$6,986.64. There were no comments. Motion carries 6-0-1. Jay Miller abstained.

MOTION by Michael Yeastedt, second by Bob Schaninger to **approve the Borough Manager to advertise the Public Service Manager Position.** Manger Sterner said it will be advertised in the Times News, Indeed, Chamber of Commerce, Visitor's Bureau, Career Link, and the PA State Association Borough Magazine (this one will be at no cost to the Borough). Motion carries 6-0-1. Jay Miller abstained.

MOTION by Michael Yeastedt, second by Bob Schaninger to **approve the Borough Manager to advertise the Public Services – Streets Division Supervisor.** This would be advertised in the same areas as the Public Service Manager position, except the PA Association Borough Magazine. Motion carries 6-0-1. Jay Miller abstained.

MOTION by Michael Yeastedt, second by Bob Schaninger to **post for the Union the Public Services – Water Division Truck Driver/Laborer – Plant Operator Trainee.** There were no comments. Motion carries 6-0-1. Jay Miller abstained.

MOTION by Michael Yeastedt, second by Bob Schaninger to **approve the 2022 Return to Mauch Chunk Pow Wow on September 9th and 10th, 2022.** There were no comments. Motion carries 6-0-1. Jay Miller abstained.

MOTION by Michael Yeastedt, second by Bob Schaninger to **approve the 2022 Heritage Festival at Mauch Chunk Lake on September 17th, 2022.** There were no comments. Motion carries 6-0-1. Jay Miller abstained.

MOTION by Joanne Klitsch, second by Bob Schaninger to **approve the 2022 Immaculate Conception Halloween Ball on October 16th, 2022 in Memorial Hall.** There were no comments. Motion carries 6-0-1. Jay Miller abstained.

Road Bids – The Borough reached out to Shiffer Bituminous Company for an oil and chip quote. Due to the states timeline for bituminous projects to be completed by September 15, 2022 and a shortage of stone, oil and chip will not be possible. None of the planned paving projects will be completed this year. The money that was originally budgeted for this year can be saved for next year.

MOTION by Michael Yeastedt, second by Bob Schaninger to **approve School Street ADA & Curb Improvements Proposal from Ondeck Concrete.** The cost would be \$11,728.75. Motion carries 6-0-1. Jay Miller abstained.

MOTION by Michael Yeastedt, second by Bob Schaninger to **approve High Street Water Main ARPA Doli Construction Pay Application #3 for the \$4,469.45 retaining fee.** There were no comments. Motion carries 6-0-1. Jay Miller abstained. This closes out the High Street Water Main Project.

Borough Facilities Projects-Updated Cost Estimates – Hoping to get back specs from Spillman Farmer and then turn them in to the USDA and HUD, if necessary.

MOTION by Michael Yeastedt, second by Bob Schaninger to **approve the Borough Facilities Projects – Spillman Farmer Architects Proposal.** The cost for the New Public Works Building is \$80,795.00 and for the renovation of Memorial Hall is \$74,590.00, for a total of \$155,745.00. This will replace the previous bid. Motion carries 6-0-1. Jay Miller abstained.

MOTION by Michael Yeastedt, second by Bob Schaninger to **approve the Borough Facilities Projects – Bond Counsel Agreement-Eckert, Seamans, Cherin & Mellott, LLC.** The total amount is \$84,950.00. There were no comments. Motion carries 6-0-1. Jay Miller abstained.

MOTION by Michael Yeastedt, second by Joanne Klitsch to **approve the Borough Facilities Projects – Solicitor Legal Services Agreement-Nanovic Law Offices.** The total amount is \$41,250.00. There were no comments. Motion carries 6-0-1. Jay Miller abstained.

MOTION by Michael Yeastedt, second by Bob Schaninger to **conduct a title search to find the deed for Kemmerer Park.** The Borough is trying to determine who officially owns the park. The current lease agreement with Kemmerer Park Association expires in 2025. Motion withdrawn by Michael Yeastedt, second withdrawn by Bob Schaninger.

MOTION by Michael Yeastedt, second by Bob Schaninger to **authorize the Solicitor to complete deed ownership verification.** There were no comments. Motion carries 6-0-1. Jay Miller abstained.

MOTION by Michael Yeastedt, second by Bob Schaninger to **authorize the Manager to inquire with the Kemmerer Park Association who all the current members are and who each member is associated with.** After comments, motion carries 5-0-1. Jay Miller abstained and Jessica Crowley was out of the room.

MOTION by Michael Yeastedt, second by Bob Schaninger to **approve the office to begin work for the 2023 LSA Grants – Asa Packer Mansion Repairs, Kemmerer Park Improvements and Police Department ALPR system, DCED Memorial Park Phase II Grant, and PA Small Sewer & Water Grants – 5th Street Sewer Main Project and Front Street Stormwater Project.** There were no comments. Motion carries 5-0-1. Jay Miller abstained and Jessica Crowley was out of the room.

RFA Klitsch-Main Street – Joanne Klitsch is in the process of setting up a meeting with the Leisurelane Road Association to get them to turn over ownership of the roads to the Borough. In the meantime, she requested that the Borough continue maintaining the road leading up to her property. Solicitor Nanovic said that it won't change since the Borough has been maintaining it up until this point. **MOTION** by Michael Yeastedt, second by Bob Schaninger to **table this item.** Motion carries 5-0-1. Jay Miller abstained and Bob Schaninger was out of the room.

RFA Drury-Parking by Mauch Chunk Museum – this has been referred back to the Police Committee for next month's Work Session meeting.

MOTION by Michael Yeastedt, second by Bob Schaninger to **authorize appropriate signage to be put up on the Switchback Trail regarding vehicle traffic.** This was a request for action from Jerry Romanchik. There were no comments. Motion carries 6-0-1. Jay Miller abstained.

MOTION by Michael Yeastedt, second by Bob Schaninger to **deny Maria Loyd's request for a parking permit for her business on Broadway.** After comments, motion carries 6-0-1. Jay Miller abstained.

MOTION by Bob Schaninger, second by Michael Yeastedt to **disband the review group due to no registered residents attending any meetings and to request Mr. Evan's return the copy of the draft ordinance and remove the editable version he has posted on his website.** When the group was first formed, only 3 Borough residents signed up to be a part of the group. No one from the review group has attended any meetings. Out of the 3, only one resident, Brian Evans, picked up a copy of the Zoning Ordinance draft last week. Brian Evans took this document, converted it, and uploaded it onto his personal website. This made the document available for anyone to look at and make changes to. A concern is that this is a draft document and not to be available to the general public. It can change five plus times between now and when it is officially finalized and prepared for public consideration. The Borough does not want to confuse residents who aren't familiar with Zoning. Motion carries 6-0-1. Jay

Miller abstained. The review group is different from the Zoning & Subdivision Ordinance Update Committee, which meets on the fourth Monday of the month.

Utility Action

MOTION by Michael Yeastedt, second by Bob Schaninger to **approve the Active Utility Account Garbage Only Lien Report (3)**. There were no comments. Motion carries 6-0-1. Jay Miller abstained.

MOTION by Michael Yeastedt, second by Bob Schaninger to **approve the Utility Accounts Proposed Updates (2)**. There were no comments. Motion carries 6-0-1. Jay Miller abstained.

MOTION by Michael Yeastedt, second by Bob Schaninger to **approve Account 5050 payment plan**. There were no comments. Motion carries 6-0-1. Jay Miller abstained.

Exoneration Request

MOTION by Michael Yeastedt, second by Bob Schaninger to **approve the monthly report as submitted**. There were no comments. Motion carries 6-0-1. Jay Miller abstained.

Committees

None

Old Business

Movie Hill Parking -- There currently are lights in that area. One light in the lot and three lights scattered throughout downhill. Joanne Klitsch expressed concern that it's dangerous to walk there without a sidewalk. Michael Rivkin asked if the Borough was liable should something happen that an individual would get hurt. Solicitor Nanovic clarified that the Borough would be more likely to have a liability issue with less lighting. It was recommended to request more lighting fixtures. **MOTION** by Michael Yeastedt, second by Bob Schaninger to **request one additional light and that PP&L trim the trees by the lights on Hill Road**. There were no other comments. Motion carries 6-0-1. Jay Miller abstained.

Live Streaming-Facebook – Michael Rivkin asked if there was any additional information on the legalities of Borough meetings being live streamed. Manger Sterner clarified that the office received information from Solicitor Nanovic and the Borough office is still conducting research on their end. The goal is to discuss at next month's Borough Work Session Meeting.

Mayor Sofranko discussed that there would be a meeting with the County in regards to the County parking lot, traffic flow, and crosswalks. There are a large number of issues that need to be discussed with them.

Adjourn

MOTION by Michael Yeastedt, second by Bob Schaninger to **adjourn the meeting**. There were no comments. Motion carries 6-0-1. Jay Miller abstained. The meeting ended at 9:35 p.m.

Respectfully submitted,

Brooke Klotz
Borough Secretary

