

JIM THORPE BOROUGH COUNCIL MEETING
February 9, 2023
MINUTES

Meeting called to order at 6:32 p.m. by President Strubinger with the pledge of allegiance and a moment of silence for the armed forces, first responders, and their families.

Roll Call of Members

Gregory Strubinger	Joanne Klitsch	Jay Miller
Michael Yeastedt	Bob Schaninger	Jessica Crowley-left 9:21
Michael Rivkin	Solicitor Nanovic-arrived 7:07	Mayor Sofranko
Police Chief Schatz	Borough Manager Sterner	Secretary Brooke Klotz
Public Service Mgr Bolesky-absent	Borough Engineer Good	

Mayor's Report

Mayor Sofranko asked if anyone had any questions about the Police Report. He spoke about Officer Poeldnork's resignation and the hiring of two new Officer's, which will all be voted upon later in the meeting. He asked that formal letters be given to all three Officers regarding their employment.

Announcements

DCNR Fall ARPA Grant-Not Awarded – This was a special round grant through DCNR. The Borough applied to use these funds for Memorial Park Phase III, which would have provided new ADA basketball courts, lighting, and sidewalks. This topic is on the action agenda for further discussion.

Mountain View Restoration – Thank you for your donation in securing the first floor of a recently destroyed home from a fire. There were complaints about the structure and the unsafe conditions there. The Borough is currently looking for quotes to secure the second floor of the structure.

DEP-Drought Watch Lifted

Silk Mill Restoration Steering Committee Update – Greg Strubinger announced that there were five meetings held so far and not three, which is what Jessica Crowley said that there were at last week's work session meeting.

Public Comment

Before Public Comment started, Greg Strubinger announced there were emails received in reference to number 21 on the Action Agenda. Some were in favor and some were again the censure of Council Person Crowley.

Carol Ethridge – She attended the meeting as part of the group Save Carbon County. She spoke about the need to save Mauch Chunk Lake and Creek. She is concerned about the proposed zoning ordinance amendment in the Special District.

Midge Heiser – She spoke out against the proposed zoning ordinance amendment in the Special District. She said she has a petition with hundreds of signatures opposing the amendment.

Jim Whitehead – He said that back in 1967, his family gave over 500 acres for the Mauch Chunk Lake. Because of this, he does not want the proposed amendment to pass.

Gerry Hoare – He asked why the Borough didn't charge the Kanick's the curative amendment fee for the proposed zoning ordinance amendment in the Special District.

Roy Christman – He spoke out against the proposed zoning ordinance amendment in the Special Zoning District and the need to protect Mauch Chunk Lake.

Ciro Pinto – He spoke out against the proposed zoning ordinance amendment in the Special Zoning District and the need to protect Mauch Chunk Lake. He spoke about point source and non-point source pollution from septic systems.

Linda Christman – She spoke out against the proposed zoning ordinance amendment in the Special Zoning District and the need to protect Mauch Chunk Lake. She demanded Council make a decision before the meeting ending explaining their stance on this topic. She said the people have a right to know because it will determine if a resident who is against the proposed zoning ordinance amendment wanted to run for Borough Council will feel the need to based on Council's decision about this topic.

Greg Strubinger explained that land owners have the right to develop their properties. He asked the Save Carbon County group how they felt about the recreational activities that take place at the lake. The group stated they were in favor of the recreational activities.

Ben Price -- He spoke out against the proposed zoning ordinance amendment and the need to protect Mauch Chunk Lake. He stated the PA Constitution Article 1, section 27 states people have the right to clean water, air, and soil. Council has the constitutional right to protect its citizens.

Steve Chukra – He spoke out against the proposed zoning ordinance amendment and the need to protect Mauch Chunk Lake. He brought with him a large photo of the County GIS map of the area to explain the importance of protecting the integrity of the water shed.

Louis Hall – He spoke out against the proposed zoning ordinance amendment and the need to protect Mauch Chunk Lake. He discussed Act 537 plans, flood management regulations, and the need to follow FEMA regulations. He stated that regulations only allow for a 10% slope for a driveway and the property currently has a 25% slope. He asked that the Borough Engineer do a study on the property and would like to know how much the Borough has already spent on everything with the lake.

Jim Roat – He spoke out against the proposed zoning ordinance amendment and the need to protect Mauch Chunk Lake. He urged Council to make a decision right away.

Amy Kubishin – She expressed her concerns about the decisions that Council are making. She asked for all meetings to be live streamed. She opposes the censuring of Jessica Crowley.

Jessica Crowley then spoke out against her censuring.

Linda Beyries – She spoke out against the proposed zoning ordinance amendment and the need to protect Mauch Chunk Lake. She said she bought her house because of the lake. She

spoke about septic systems failing. She also supports Jessica Crowley and does not agree with the censure.

Dee Reitz – She informed Council that the Borough was approved for the 2023 Bare Roots Grant. An order for 15 trees was placed. She also supports Jessica Crowley and does not agree with the censure. She said it's taking away her first amendment rights.

Mark Reitz -- He spoke about the upcoming Public Hearing for 1112 Broadview. He stated he is not opposed to short term rentals, but is against the noise issues that come from having a short term rental. He spoke about a prior issue from years ago where gun fire noise was involved.

Sharon Pinto – She spoke out against the proposed zoning ordinance amendment and the need to protect Mauch Chunk Lake. She explained that the lake is a gift for future generations. It also provides drinking water, so why put it at risk.

Kenneth Hoffman – He introduced himself to Council because he submitted a letter to Borough Council for the Zoning Hearing Board Alternate seat that is open.

Margaret White -- She is a restaurant owner downtown. She has been wanting to get more involved in local politics and now because of the censure, she plans to.

Joan Morykin – She discussed permit parking and requested that it open up to businesses. She said daily there are open spots from approximately 250 West Broadway on up. She also spoke out against the censuring of Jessica Crowley.

John McGuire – He spoke out against the proposed zoning ordinance amendment and the need to protect Mauch Chunk Lake. He stated Planning Commission and Borough Council need to work together to come up with a plan to think about the future.

Bobby Shalliet – He spoke out against the proposed zoning ordinance amendment and the need to protect Mauch Chunk Lake. He said water is our life line and we need to protect our natural resources.

Dorinda Getz – She spoke about the Kresge Services electrical sign on North Street. She showed Council a video of how bright the light is and how often its flashing. She would like to see the sign be a static sign and to be turned off overnight.

Laura Messenger – She spoke about the Kresge Services electrical sign on North Street. She explained that through the various Right to Know requests that were submitted that were discrepancies on the application.

Curtis Jackson -- He spoke about his support for Kenneth Hoffman who submitted a letter of interest for the Zoning Hearing Board Alternate position. He also asked why the Kanick's did not come to the Zoning Hearing Board to ask for a variance for the potential amendment to the Zoning Ordinance for the Special District Sewage. He also spoke about his support for Jessica Crowley and doesn't agree with the censure.

Cory Whitehead -- He spoke out against the proposed zoning ordinance amendment and the need to protect Mauch Chunk Lake. He asked why change the laws that protect us.

Mayor Sofranko explained that he as the mayor does not vote unless there is a tie. Since he's been mayor, he has only had to break 11 ties. He explained Mauch Chunk Lake was created to help prevent flooding in the downtown area. He expressed his thoughts and concerns about the proposed zoning ordinance amendment and protecting the lake.

Laura Young – She appreciates all the things Council has done and well as making meetings available through live streaming. She doesn't appreciate the name calling that she has been hearing. She questioned the status of the West Broadway lights. She also doesn't like the Kresge Services electrical sign on North Street and asked why support the him as a contractor when the community disagrees with the sign.

Public Hearing

1112 Broadview Drive – Short Term Rental Permit Application Hearing has been rescheduled from March 9, 2023 to April 13, 2023.

SALDO-Subdivision and Land Development Ordinance

Banning Minor Subdivision dated August 25, 2022 -- Part of the property is in Mahoning Township, which is part of the property owner's subdivision plans. It was discussed at the Borough Council Work Session that waivers and a time extension would be needed, which were requested by the property owner's engineer. The Borough's Engineer did recommend them. **MOTION** by Mike Yeastedt, second by Jay Miller to **approve SALDO Waiver 390-21.B1-Plan Scale**. This would allow a plan scale of 1"=100' rather than 1"=50'. This is due to the large tract size and it will show better clarity. Motion carries 6-0, with Jessica Crowley being out of the room at the time. **MOTION** by Mike Yeastedt, second by Jay Miller to **approve SALDO Waiver 390-13.F.8-Lot Lines follow municipal boundaries**. There were no comments. Motion carries 6-0, with Jessica Crowley being out of the room. **MOTION** by Mike Yeastedt, second by Jay Miller to **accept the Banning Minor Subdivision time extension until May 23, 2023**. There were no questions. Motion carries 6-0, with Jessica Crowley being out of the room.

Canyon Rim Estates-Residential, Agrotourism & Rustic Camping Preliminary Subdivision Plans dated November 18, 2022 – Jake Arner, Bill Erdman (his Engineer), Jim Kratz (his lawyer), and Gary McCowen (a representative from Berks Homes working with Jake Arner) were in attendance to speak about the preliminary subdivision plans. At the work session meeting, Council asked for a response letter addressing the concerns that were noted from review letters from the Borough's Engineer and Carbon County Planning Commission. Bill Erdman submitted the letter to Council and verbally addressed some of the concerns they had: The water system would be a private on-site system to be owned and operated by the HOA. The proposed campsites will be served by porta-lets and possibly a private, central on-lot sewage disposal system. The residential lots are proposed to be served by a Low-Pressure Sanitary Sewer (LPSS) collection system. The LPSS will be connected into the Borough sanitary system at Susquehanna Street. Water would be on site and would be from numerous wells and be stored in a water storage tank for use. The proposed roads in the development will be private. The additional right-of-way along the frontage of Flagstaff Road will be offered for dedication to the Borough. The campsites that were in violation of setbacks from property lines will be moved to comply with the setbacks. After additional discussion, it was made clear that any Preliminary Plan Approval does not guarantee the connection into the Borough's sanitary sewer system. There was also additional concern about camping and how it fits into Agrotourism. Jay Miller requested a letter from the Borough Engineer explaining the sewer capacity available at the plant and the number of EDUs being requested by Jake Arner. There were also concerns about the phases of the

plans being too long. According to the plans, the phasing schedule goes until 2049. Attorney Nanovic determined that the Stipulation and Settlement Agreement would still apply to the revised Subdivision Plans. Council requested that Jake Arner provide updated Preliminary Plans to address the applicable comments from the County Planning Commission and Entech review letters prior to Council granting a conditional approval because there are too many items that don't need to be addressed until the final plan that are confusing to them. They want to see the changes that are required in order to approve the preliminary plans. Jake Arner and Bill Erdman agreed to submit the revised plans to Borough Council for the March meetings. They will not need to go back through the Planning Commission. Jake Arner submitted an extension waiver letter for his plans to March 10, 2023. **MOTION** by Mike Yeastedt, second by Jay Miller to **accept the Canyon Rim Estates-Residential, Agrotourism & Rustic Camping Preliminary Subdivision time extension until March 10, 2023.** There were no additional comments. Motion carries 7-0.

Action

MOTION by Mike Yeastedt, second by Mike Rivkin to **approve the End of the Year Meeting Minutes from December 29, 2023.** There were no comments. Motion carries 6-0.

MOTION by Mike Yeastedt, second by Jay Miller to **approve Council Meeting Minutes from January 5, 2023.** There were no comments. Motion carries 6-0.

MOTION by Mike Yeastedt, second by Jay Miller to **approve Council Meeting Minutes from January 12, 2023.** There were no comments. Motion carries 6-0.

MOTION by Mike Yeastedt, second by Joanne Klitsch to **approve Expenditures from all Funds as presented.** Jay Miller asked if the money was available to do so; it is. Motion carries 6-0.

MOTION by Mike Yeastedt, second by Joanne Klitsch to **approve the Treasurer's Report.** There were no comments. Motion carries 6-0.

MOTION by Mike Yeastedt, second by Joanne Klitsch to **authorize advertising for the Vehicle Traffic Ordinance Amendment-Chestnut Avenue no parking.** There were no comments. Motion carries 6-0.

MOTION by Mike Yeastedt, second by Jay Miller to **authorize Planning Commission to review the Final Draft On-Lot Sewage Management Program Ordinance.** Jay Miller asked if it was normal to have Planning Commission. Motion carries 5-1, with Bob Schaninger voting no.

MOTION by Michael Rivkin, second by Mike Yeastedt to **approve Police General Order 4.18 Cell Phone Use Policy.** There were no comments. Motion carries 6-0.

Borough Employment

Police – There are two candidates that passed their background check and civil service test. One of these candidates would replace Officer Poeldnork and the other would be the additional officer that was approved for in the 2023 Budget. **MOTION** by Joanne Klitsch, second by Bob Schaninger to **offer employment to Applicant #1 for the Police Officer position.** There were no comments. Motion carries 6-0. **MOTION** by Mike Yeastedt, second by Joanne Klitsch to **offer employment to Applicant #2 for the Police Officer position.**

There were no comments. Motion carries 6-0. Both new Officers will be sworn in at the next Borough Council meeting. **MOTION** by Mike Yeastedt, second by Joanne Klitsch to **accept Officer Poeldnurf's resignation**. He accepted a position with the Pennsylvania State Police. Motion carries 6-0.

Administration – There is a full-time Administrative Assistant position opening that was approved in the 2023 Budget. Applications will be accepted until March 3, 2023. **MOTION** by Bob Schaninger, second by Mike Yeastedt to **authorize advertising for the full-time Administrative Assistant position**. There were no comments. Motion carries 6-0.

Public Service Manager Bolesky submitted a letter of resignation that would be effective February 17, 2023. **MOTION** by Mike Yeastedt, second by Bob Schaninger to **accept, with regret, Public Service Manager Bolesky's resignation**. There were no comments. Motion carries 6-0.

Water Division – There is a full-time Truck Driver/Laborer-Licensed Water Plant Operator Trainee opening that was approved in the 2023 Budget. **MOTION** by Jay Miller, second by Mike Yeastedt to **authorize posting in house the full-time Water Division Truck Driver/Laborer-Licensed Water Plant Operator Trainee**. There were no comments. Motion carries 6-0.

2023 Appointments

Zoning Hearing Board Alternate – The Borough received four letters of interest. **MOTION** by Jay Miller, second by Joanne Klitsch to **appoint August Long to the Zoning Hearing Board Alternate for a 3-year term expiring on December 31, 2025**. There was a roll call vote:

Michael Rivkin – no
Bob Schaninger – no
Mike Yeastedt – no
Jay Miller – yes
Joanne Klitsch – yes
Greg Strubinger – yes

There was a tie 3-3.

MOTION by Michael Rivkin, second by Mike Yeastedt to **appoint Kenneth Hoffman to the Zoning Hearing Board Alternate for a 3-year term expiring on December 31, 2025**. There was a roll call vote:

Michael Rivkin – yes
Bob Schaninger – no
Mike Yeastedt – yes
Jay Miller – no
Joanne Klitsch – no
Greg Strubinger – no

Motion fails 2-4.

MOTION by Bob Schaninger, second by Mike Yeastedt to **appoint Peter McGuire to the Zoning Hearing Board Alternate for a 3-year term expiring on December 31, 2025**. There was a roll call vote:

Michael Rivkin – yes
Bob Schaninger – yes
Mike Yeastedt – yes
Jay Miller – no
Joanne Klitsch – no
Greg Strubinger – no

There was a tie 3-3.

MOTION by Greg Strubinger, second by Mike Yeastedt to **appoint Larry Cinicola to the Zoning Hearing Board Alternate for a 3-year term expiring on December 31, 2025.** There was a roll call vote:

Michael Rivkin – no
Bob Schaninger – no
Mike Yeastedt – yes
Jay Miller – no
Joanne Klitsch – no
Greg Strubinger – yes

Motion fails 2-4.

MOTION by Joanne Klitsch, second by Jay Miller to **appoint August Long to the Zoning Hearing Board Alternate for a 3-year term expiring on December 31, 2025.** There was a roll call vote:

Michael Rivkin – yes
Bob Schaninger – yes
Mike Yeastedt – no
Jay Miller – yes
Joanne Klitsch – yes
Greg Strubinger – yes

Motion carries 5-1.

International Property Maintenance Board – One of the residents who also submitted a letter of interest for the Zoning Hearing Board Alternate position stated he would be interested in this position if not appointed to Zoning Hearing Board. **MOTION** by Greg Strubinger, second by Mike Yeastedt to **appoint Larry Cinicola to the International Property Maintenance Board for a 5-year term expiring on January 3, 2028.** There was a roll call vote:

Michael Rivkin – yes
Bob Schaninger – yes
Mike Yeastedt – yes
Jay Miller – yes
Joanne Klitsch – yes
Greg Strubinger – yes

Motion carries 6-0.

Fire Officer Resignation – The Borough received a letter from Thomas Polischak resigning from his position as First Lieutenant, Treasurer, and Mauch Chunk Fireman's Relief and Special Advisory Board due to no longer living in the Borough. He intends to continue as a volunteer firefighter for the Borough. **MOTION** by Jay Miller, second by Mike Yeastedt to **accept Thomas Polischak's resignation from the following positions with the Fire Department: First Lieutenant, Treasurer, and Mauch Chunk Fireman's Relief and Special Advisory Board.** Jason Novak would move into the First Lieutenant position. Motion carries 6-0.

MOTION by Mike Yeastedt, second by Joanne Klitsch to **allow Manager Sterner to attend the Pennsylvania State Association of Boroughs Annual Conference.** There were no comments. Motion carries 6-0.

MOTION by Mike Yeastedt, second by Jay Miller to **appoint Manager Sterner as the voting delegate at the Pennsylvania State Association of Boroughs Annual Conference.** There were no comments. Motion carries 6-0.

MOTION by Jay Miller, second by Mike Yeastedt to **approve a Blight and Land Bank Work Shop Event hosted by Senator Argall.** It would be held in Memorial Hall on April 12, 2023. There would be approximately 100 people in attendance from across the state. Motion carries 6-0.

MOTION by Mike Yeastedt, second by Michael Rivkin to **authorize Jay Miller as a Borough Representative to attend a meeting with Carbon County Commissioners and other County Municipalities about a Municipal Blight Group and to try to enact Act 152.** There were no comments. Motion carries 5-0-1, with Jay Miller abstaining.

MOTION by Mike Yeastedt, second by Jay Miller to **send a Borough Representative to attend a "State of Municipality" meeting held by the Carbon County Commissioners.** The purpose of this representative is so the County can hear about priorities, accomplishments, and issues of the various municipalities within the County. There is no set date for this meeting, just when it convenient for the Municipality to attend one of the Commissioners meetings during the year. It was recommended that Greg Strubinger represent the Borough because he is Council President. If he would be unable to attend, Manager Sterner would take his place as Borough Representative. Motion carries 6-0.

Grants

Pocono Mountain Visitor's Bureau-Community Impact Grant -- This grant is a 50/50 match. The Borough would like to go for a historic theme for this grant. Some ideas for this grant are drainage work and carpeting at Asa Packer Mansion, Victorian-style lamps for Broadway, and/or upgrades to the pedestrian buttons at the intersection of Susquehanna and Broadway. There is \$10,794.00 budgeted for this. **MOTION** by Mike Yeastedt, second by Michael Rivkin to **approve applying for the Pocono Mountains Visitor's Bureau Community Impact Grant.** There were no additional comments. Motion carries 6-0.

Memorial Park Phase III Grants Plan -- The Borough wasn't awarded the DCNR Fall ARPA Grant. Council needs to formulate a plan moving forward as to whether they want to reduce the scope of the project or keep the scope as is and apply for additional grants to put towards the minimum requirement amount for next year's DNCR grant application process. Phase I and II are still continuing. Phase I addresses ages 2-5 playground area. Phase II addresses ages 5-12 playground area. **MOTION** by Joanne Klitsch, second by Bob Schaninger to **approve the**

application process for the Greenways Trails, Recreation, & Parks grant, LSA grant, and the 2024 DCNR grant (if needed). There were no additional comments. Motion carries 6-0.

MOTION by Mike Yeastedt, second by Jay Miller to **table the Movie Hill Parking Lot.** Michael Rivkin recommended tabling this due to the lighting issues still up there. Bob Schaninger recommended for liability purposes, have the residents who would park there sign a release waiver. Motion carries 6-0.

Purchases

MOTION by Mike Yeastedt, second by Joanne Klitsch to **approve the 2023 Road Paving Projects.** There were no comments. Motion carries 6-0.

MOTION by Jay Miller, second by Mike Yeastedt to **approve the 2023 Street Sweeping from Affordable Sweeping LLC pending no additional charges.** The cost is \$12,500.00. Motion carries 6-0.

MOTION by Bob Schaninger, second by Jay Miller to **approve purchasing a Juniper Archer Handheld Meter Reading Device for the Water Treatment Plant, conditioned that it is the COSTARS price.** The cost is \$7,002.69. Motion carries 6-0.

MOTION by Jay Miller, second by Mike Yeastedt to **approve purchasing the Roberts Filter & Remote System Design for the Water Treatment Plant.** The cost is \$134,860.00. Motion carries 6-0.

MOTION by Mike Yeastedt, second by Bob Schaninger to **approve purchasing windows for the Memorial Hall Offices through Northeast Window.** The cost is \$4,630.00. Motion carries 6-0.

MOTION by Bob Schaninger, second by Mike Yeastedt to **approve the use of Memorial Hall by Cub Scout Troop 138 for their Blue & Gold Banquet on February 19, 2023 and their Annual Pinewood Derby on March 5, 2023.** Joanne Klitsch asked if the food pantry would have to move their stuff. Motion carries 6-0.

MOTION by Jay Miller, second by Mike Yeastedt to **approve the Utility Accounts Lien Reports.** There were no comments. Motion carries 6-0.

MOTION by Mike Yeastedt, second by Bob Schaninger to **approve Account # 8695 Payment Plan.** There were no comments. Motion carries 6-0.

Resolution 2023-02 – Censure of Councilperson Crowley

Greg Strubinger read the entire Resolution aloud to inform the public as to why the censuring was happening. The Resolution will be distributed to the local media, elected officials of the State of Pennsylvania and Carbon County, and will be posted on the Borough's website.

MOTION by Michael Rivkin, second by Bob Schaninger to **approve Resolution 2023-02 – Censure of Councilperson Crowley.** There was a roll call vote:

Michael Rivkin – yes
Bob Schaninger – yes
Mike Yeastedt – yes
Jay Miller – yes

Joanne Klitsch – yes
Greg Strubinger -- yes

Motion carries 6-0.

Exoneration Request

None

Committees

Emergency Services – Jay Miller would like to stop purchases for now, unless it deals with the safety of a vehicle. He would like to find out where we currently stand with the budget.

Old Business

None

Adjourn

MOTION by Michael Rivkin, second by Bob Schaninger to **adjourn the meeting**. There were no comments. Motion carries 6-0. The meeting ended at 10:26 p.m.

Respectfully submitted,

Brooke Klotz
Borough Secretary