

JIM THORPE BOROUGH COUNCIL WORK SESSION
March 2, 2023
MINUTES

Meeting called to order at 6:33 p.m. by Vice President Mike Yeastedt with the pledge of allegiance and a moment of silence for the armed forces, first responders, and their families, as well as the Borough Manager who recently lost a family member.

Roll Call of Members

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| Gregory Strubinger-absent | Joanne Klitsch | Jay Miller |
| Michael Yeastedt | Bob Schaninger | Jessica Crowley |
| Michael Rivkin | Mayor Sofranko-arrived @ 8:04 | Solicitor Nanovic-absent |
| Police Chief Schatz | Streets Supervisor Schoch | Borough Mgr. Sterner |
| Borough Engineer-left @ 8:00 | Secretary Brooke Klotz | |

Announcements

Water Department held Executive Session on February 17, 2023 for personnel

Pick Up the Poconos 2023 will be held April 22nd along with an Earth Day Celebration. There will be another one held in September.

The Borough is looking for someone to fill the Library Board vacancy. If anyone is interested, please submit your letter of interest into the Borough Office.

The Spring 2023 Recycling Event will be taking place on Saturday, May 20th from 7 a.m. until 11 a.m. Collection will be taking place at the Borough Garage on 9th Street. Residents are allowed to drop off two TV's and electronics. No racing tires or rims will be accepted.

The Borough was awarded the 2023 Bare Roots Tree Grant. There will be a total of 15 trees that will be planted at Twining Park. Thank you to the Shade Tree Committee for spearheading this project.

CDBG Funds for the 2022 fiscal year will be reallocated from the Memorial Park Project to a Housing Rehab Project. The total is \$82,137.00.

Public Comment

Linda Christman – She is the President of Save Carbon County and was there to speak against the proposed Zoning Ordinance Amendment in the Special District. She said the County won't buy the land from the Kanick's if the Borough passes the amendment.

Ciro Pinto – He was there on behalf of Save Carbon County. He thinks that the sewer line needs to be extended out to the Kanick's property and not pass the Zoning Ordinance Amendment. He says there are rules and regulations that were put in place in the Special District for a reason. It's the Borough's responsibility to ensure the health, safety, and general welfare of the public.

Linda Beyries – She was there on behalf of Save Carbon County. She stated that if the Borough amends the Ordinance for the Kanick's, then the Borough will have to do that for everyone.

Brandon Fogel – He was there on behalf of Save Carbon County. He is not in favor of development around Mauch Chunk Lake. He said that the Borough should be protecting the area's open space and waterways.

Joan Morykin – She was there on behalf of Save Carbon County. She does not want Council to pass the Zoning Ordinance Amendment. She does not want to see Mauch Chunk Lake turning into another Beltzville Lake.

Beth Hurley – She was there on behalf of Save Carbon County. She said Mauch Chunk Lake is a valuable resource. Allowing the Amendment to pass provides no economic development. She said there was a 2022 report from DEP where on-lot systems have impacted numerous waterways across the state.

Jerry Hoare – He was there to speak out against the proposed zoning Ordinance Amendment in the Special District. He asked why the Borough didn't require the Kanick's to file a curative amendment. Manager Sterner explained that there are different options that a person can take when seeking an ordinance amendment. The basis for a curative amendment challenge is that the existing code is invalid and should be changed because it does not meet the legal standards that all code must meet. One can also apply for a variance of an Ordinance. Or, like the Kanick's did, one could ask Borough Council to look at an Ordinance and make an amendment to it. Jerry Hoare then asked why this didn't go in front of Zoning. It was explained that it was not required.

Sharon Pinto – She was there on behalf of Save Carbon County. She would like to see more protections and regulations put in place for Mauch Chunk Lake.

Carol Ethridge – She was there on behalf of Save Carbon County. She asked about the time extension that the Kanick's were requesting. It was explained that due to SALDO regulations, there is a certain amount of time in which Council can act on a plan. Also in the time frame, plans being submitted must meet those regulations. When an applicant is unable to fulfill the regulations required for their plans in the allotted time frame, they grant an extension of time to the municipality.

Beth Hurley came back and asked if there would be a public hearing to discuss the zoning amendment. It was explained that is what Council would be voting on at the Board meeting next Thursday.

James Whitehead – He was there to speak against the proposed zoning Ordinance Amendment. He asked about the Kanick plans being approved and if the land was surveyed. He also asked what's to stop Air BnB's from going in and how would on-lot septic handle that many people. He explained that he keeps hearing that the Borough is afraid of being sued, which is why the proposed amendment was written. Mike Yeastedt explained that the Borough is not afraid of being sued and that the applicant had different options as a developer and he chose to ask Council if they would consider an amendment to the zoning Ordinance.

Louis Hall – He was there to speak against the proposed zoning Ordinance Amendment. He thinks it's ridiculous to change an Ordinance because someone might sue the Borough. He explained the Planning Commission is against the proposed Zoning Ordinance and is glad that Council will action on this next week.

Public Hearing

On April 13, 2023, there will be a Public Hearing for a Short-Term Rental Permit Application for 1112 Broadview Drive.

SALDO-Subdivision and Land Development Ordinance

Canyon Rim Estates-Residential, Agritourism & Rustic Camping Preliminary Subdivision Plans dated November 18, 2022 (revised February 20, 2023) – Bill Erdman, Engineer, was there to answer questions that Council had with the revised plans that were submitted. Michael Rivkin asked if any of the zoning requirements have not yet been met. Nothing has been applied for yet. In Phase 1 of the plans, the driveways will have access on Flagstaff Road, what are the effects to the Borough? Sightlines will need to be addressed during zoning and building codes. Has the Zoning Officer looked at the plans yet? She has, but doesn't make a determination or approve the plans. Are porta potties a permanent solution for the campsites? They will be for now with the possibility to hook up to the central sewer system. Are short-term rentals allowed? In the Special District with special exception approval, not the lots that would be in the R2 District. Questions about the sewage and hookups were asked. An easement from property owners would be needed or a PennDOT permit for the right away. The EDUs were checked to see if the sewage treatment plant could handle the capacity of all the homes and it can. They are aware that there

is no guarantee to hook up to the Borough sewer, but it is potentially available. Mike Yeastedt asked about the costs of the sewer connection going to the developer and it does. Manager Sterner asked about the lot line adjustment tabulation, the area of 8 lots that are away from the other lots, how are they being joined? It was determined the numbers were from a previous plan and needed to be updated with the current lot numbers. Secretary Klotz and Joanne Klitsch asked questions about the various lots and roads. Kerry Good, Borough Engineer, went over his letter he wrote addressing the plans. Bill Erdman then responded about six possible items that would need to be addressed. The Stipulation and Settlement agreement still applies to this plan. The phasing schedule concerns would be in line what Planning Commission recommended. The sewage issue was discussed previously. The tram landing site is there to reserve a location if and when it is necessary. The agritourism part of the plan were discussed. It was determined that more information would be needed to be listed on the plans for the primary use- farming acreage, you pick berries, etc. Additional questions about stormwater and future short-term rental concerns were asked and addressed. Gary from Berks Homes gave a presentation about the types of homes that would potentially be built on the lots.

Michael F Hyska Minor Subdivision Final Plans dated February 13, 2023 – Mike Kafkagas, surveyor, was there on behalf of Michael Hyska. He submitted a waiver request for SALDO 390-20.B.6: topographical contours are to be shown at 2-foot intervals, SALDO 390-20.B.11: location map should be at scale no larger than 800 feet to the inch, and SALDO 390-21.B.1: final plans should be drawn to a scale no more than 1"=50'. He explained to Council that all Plan concerns have been addressed as per the Borough Engineer's letter and County Planning Commission letter and the buildings that were in question from an aerial view map are actually truck trailers and campers. The Sewage Planning Module was just received this week from the Borough's SEO. It would need to be approved and signed by the Borough's Zoning Officer and Planning Commission before being approved by Council.

Kanick Preliminary Major Subdivision Plans dated November 1, 2019 -- The Kanick's Engineer submitted a letter granting an extension on the Kanick Preliminary Subdivision Plans dated November 19, 2019 until May 31, 2023.

Action

The following items were reviewed:

Council Meeting Minutes from February 2, 2023

Council Meeting Minutes from February 9, 2023

Expenditures from all Funds as presented – Jay Miller said he does not recommend the bill from GVC Industries LLC for 6 pails of Disinfectant Cleaner totaling \$2,211.79 since this was not something the Fire Department ordered and it was sent anyway.

Treasurer's Report

Ordinance 2023-01 Vehicle & Traffic Amendment: Portion of Chestnut Avenue No Parking – If passed next week, this would take effect in the location from Center Avenue 145 feet to the intersection of School Alley.

Ordinance-Zoning Amendment for Special District Sewage-Advertise & Schedule Public Hearing – The draft Ordinance Amendment would change On-Lot sewage requirements from a ½ mile buffer to a 1,000-foot buffer away from any water course. Advertising and scheduling a Public Hearing for this would be the next steps.

DCED-MAP Time Extension – The Borough partnered with Summit Hill Borough for a grant from PA-DCED for both municipalities updating their Zoning Ordinance, MAP, and SALDO Ordinances. Both municipalities have not completed the updates and are asking for an extension until June 30, 2024.

DCED-Blight Time Extension – The Borough partnered with Lehighton and Palmerton Boroughs for a grant from PA-DCED for all three municipalities. This grant is for the remediation of blighted properties. The projects in Lehighton and Palmerton have been completed, but the project in Jim Thorpe has not been due to cost estimates for the property and the other part of the duplex.

Occupation & Per Capita Tax Roll-removal of deceased individuals – There is a list of 15 deceased individuals and the dates range from 2014 through 2021.

Chemical Bids-approve specs for advertising – The bid specs would be for both the Water and Sewer departments.

2023 Road Bids-ratify addition of roads & due March 31, 2023 – The additional roads include a portion of Center Street and Main Street. If approved, bids would need to be into the Borough Office by March 31, 2023.

Barry Isett proposal-Memorial Park Construction Phase II – This would combine the construction work of Phases I and II. This would save the Borough an estimated \$17,700.00. The money that is being saved by combining these projects can be used for new electric and lighting along the paths.

Spillman Farmer Addendums – There was a discrepancy in the fees submitted from Spillman Farmer for Memorial Hall totaling \$4,400.00 and the New Public Works Building totaling \$16,995.00. This is extra expenses for electrical fencing and architectural work.

Entech Engineering EWO-NPDES Permit Renewal-Minor Sewage Facility – The total is \$5,900.00 to renew the permit and for Entech to perform testing.

Purchases

Waste Water Treatment Plant-Submersible Mixer – The total for this is \$8,800.29 and it would replace the spare.

Waste Water Treatment Plant-Sludge Pumps – The total for these is \$20,119.50 and would replace two pumps. \$22,166.00 was originally budgeted for these pumps.

Water Treatment Plant-Pump #2 Rebuild – The total for this is \$28,950.00 and was not budgeted for. This will continue the ongoing maintenance on the pumps.

Public Service Water Division Employment – The open position for the Water Department was posted in-house, which no one applied for. Jay Miller recommended looking at the applications on file.

2023 Appointments

Shade Tree Committee – Bob Schaninger expressed interest in being part of this committee.

Silk Mill Restoration Committee – Mike Schoch, Streets Supervisor, was asked if he would be interested in representing the Borough on this committee. He expressed interest in being part of this committee.

Zoning Hearing Board Resignation – Curtis Jackson submitted a letter of resignation from the Zoning Hearing Board. Bob Schaninger asked if an alternate could be moved into the regular seat. Manager Sterner explained that there are two alternates and if that is the direction Council wants to go in, they would have to choose between the two. She also explained to Council that the two residents who submitted letters of interest for the Zoning Hearing Board alternate seat last month, would still be interested in filling any vacancies that may arise. They are Lorenzo Cinicola and Peter McGuire.

Request For Action-Jim Thorpe Summer League use of Memorial Park -- The Summer league requested to use the basketball courts on Mondays and Thursdays from June 13, 2023 to August 18, 2023 from 5:00 p.m. to 10:00 p.m. Their rain make-up days would be Sundays. They would need to submit proof of insurance before using the courts.

Utility Rate Changes-Account #2100

Account #4540 Payment Plan

Exoneration Request

Report was submitted for review.

Committees

Administration

Permit Parking – Council received all the comments and concerns that were submitted to the Borough Office. They will be reviewed.

Old Cell Phones – Borough employees were issued new cell phones. There was a request to purchase a phone from a Borough employee. Upon further research, it was discovered Verizon doesn't do trade in for the ones that were replaced. On eBay, the phones are going for around \$100 for a refurbished phone and others that are going for around \$25.00.

Short-Term Rental Fees – This was looked into after discovering how other municipalities are handling Short-Term Rentals. It is something that Council would like to continue looking into and any changes wouldn't be implemented right away.

Public Service (Sewer/Sanitation/Water/Streets)

Carbon County Council of Governments-Land Application of Sewage Sludge Sample Resolution – The Sample Resolution was originally given to Lower Towamensing Township from the Save Carbon County Group. It was distributed to Carbon County Council of Governments, which Jay Miller represents the Borough. Jay Miller said he would like to see Solicitor Nanovic review. This Resolution would prohibit farmers from accepting sewer sludge from other municipalities for fertilizer.

Request For Action Nicolette Jones-vacate unopened portion of 4th Street – Nicolette Jones and her husband would like to add a driveway entrance on the unopened portion of 4th Street to their property. There is currently a utility easement through that section for stormwater drainage. Nicolette stated that the neighbors use that for parking along the back of their properties. Mike Yeastedt said if the Borough were to grant this request, then what happens when the drain needs to be dug up, who would be responsible for repairing the resident's driveway or property afterwards. Jay Miller would like to see the Borough maintain what the Borough has.

Police

Police & Public Service Sale Items – There are various items that both departments no longer need and they would like to try and sell. Mike Schoch suggested using a local auctioneer for some of the items. He believes local collectors would be more likely to buy old street signs through a local auctioneer rather than Municibid. Both departments will have a list of items in time for approval at next Thursday's meeting.

Buildings/Parks

None

Emergency Services

NIMS-Michael Rivkin completed courses – Councilmember Rivkin completed the required NIMS courses. Jessica Crowley still has to finish hers.

Jay Miller contacted Mark Nalesnik from Carbon County Emergency Management Agency to see if the County has a plan in place to handle a situation like Ohio is currently handling with the train derailment. There is a plan in place and the County Commissioners have to approve it. There is also special training taking place at the Emergency Center on March 27th.

Old Business

Jay Miller attended a Carbon County Commissioners Blight meeting that Nesquehoning Borough presented. The blight group is asking the County to adopt Act 152 of 2016. This would enact a \$15.00 recorder fee for the sale of each property in the County. At next week's meeting, Jay Miller would like for Council to recognize the new Regional Blight Task Force Committee. This group consists of representatives from Summit Hill, Nesquehoning, Lansford, and Jim Thorpe Boroughs. They are looking to include all municipalities in the County. Along with this, each municipality would like for their code enforcement officials to attend a future meeting for a total of two hours to discuss blight. The Committee is looking to hold a meeting in Memorial Hall on April 3, 2023 at 6 p.m. Jay Miller informed Council that the April Blight meeting to be held by Senator Argall has been postponed until July.

The West Broadway lights will start being replaced next week. This needs to be placed in the Announcement section on next week's agenda.

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 8:59 p.m.

Respectfully submitted,

Brooke Klotz
Borough Secretary