

# JIM THORPE BOROUGH COUNCIL MEETING

JUNE 14, 2018

## MINUTES

Meeting called to order at 6:30 in the Memorial Park Hall, 103 East Tenth Street, Jim Thorpe by President Strubinger with the pledge of allegiance and moment of silence for the men and women serving our country.

### **Roll Call of Members & Officials**

Gregory Strubinger

Thomas Highland

Jay Miller

Police Chief Joe Schatz

Mayor Michael Sofranko

Kyle Sheckler (L)

John McGuire

Manager Maureen Sterner

Solicitor James Nanovic

Secy. Louise McClafferty

Joanne Klitsch

Edith Lukasevich

PSM Vince Yaich

### **Mayor's Report**

Mayor Sofranko informed everyone there was an incident this past week at Tommy's, we had two officers injured. Detective Marzen is off on a Workers Comp claim and Officer Schwarz had injuries also but is still working.

Mayor Sofranko spoke about "Old Home Week" being held from June 30 to July 7, 2018. There will be two "Cruise Clubs" driving around town for about 2 to 3 hours, and they will be meeting at the Memorial Park. He would like to borrow some barricade to block the lower section of the parking lot for the cars.

Mayor Sofranko said the kiosk will be ready to use on June 18, 2018. They will have Ambassadors in to help the people out with using the kiosk. He suggested the Borough sell off the old parking meters. He will have the Police Chief get the inventory together on the old meters.

### **Public Comment**

Jim Thorpe Boy Scout Troop #555.

President Strubinger spoke about Troop #555 stepping up and repairing the signs at the Jim Thorpe monument. He presented the Troop members with certificates and a Norman Rockwell print of a Boy Scout, that was anonymously donated to the Borough. He said the Borough learned that the Troop is looking to purchase some tents for the troop. The Borough gave a donation of \$1,000.00 to go towards the purchase of the tents.

President Strubinger said we have one Police Pension Board Vacancy.

President Strubinger informed everyone that PPL will be sending a contractor to gather information on electric meters.

Borough Manager Sterner said the contractors name is Rigs Disler this will be from May continuing until August 2018.

Borough Manager Sterner said we submitted the application for the 2017 Recycling Grant, the amount we are expecting is \$4,875.70.

President Strubinger said this will be primarily used for purchasing recycling cans or towards the electronic recycling event.

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Borough Manager Sterner said the Shade Tree Commission have been working on the 2018 Tree Vitalize project for \$10,000.00, they have requested funds from the Robert B. Connor Foundation amount of \$2,700.00, a Tree Vitalize grant for \$5,000.00, and utilizing some budgeted tree trimming funds amount of \$2,300.00. They also have a 102 North Street Beautification project for \$4,000.00, they have applied to Lehigh Valley Main Street Beautification grant for \$2,000.00, they have applied for and have the commitment for D&L National Heritage for \$1,000.00 and also \$1,000.00 from the Borough.

Dianne Prokop, 23 Race Street, is the secretary for Old Home Week. She informed everyone that on July 2, 2018 from 5:00 to 7:00 pm the Asa Packer Mansion will be open free of charge to residents, the Can't Go Home Again film will be played, the Times News House will be open, there will be a Marion Hose Company reunion, Pet Parade, old fashioned games, music, ghost tours, extended shopping hours on Thursday night, and a town wide yard sale on July 7 & 8, 2018. The last Old Home Week was in 1947 and it was in an effort to bring people back in to town.

Mayor Sofranko said they are trying to find the oldest resident in Jim Thorpe to present them with a certificate.

Dianne Prokop said they will be doing a founder's weekend in September. They will be doing the cake walk and a community fair. August they will be promoting the textile industry that was in Jim Thorpe such as the purse factory, mining, etc.

Ed McArdle asked for an update on the Burning ordinance.

Mr. McGuire said the Burning ordinance is before the Planning Commission. They have Weatherly's ordinance that needs to be changed to Jim Thorpe. They are looking at the Fresh Air ordinance, he will be sending this to Solicitor Nanovic.

Bill Malatak asked how is 7<sup>th</sup> Street coming along for paving it?

PSM Yaich said they are waiting for the CDBG money.

Borough Manager Sterner said the environmental report has to be done by the County, the engineer is working on bid specs and then the County will put it out for bids and then it will be done.

Bill Malatak said on the agenda, D&L Trail, is it costing this Borough any money?

Borough Manager Sterner said that is all covered with grant funds.

Bill Malatak said looking at the agenda on the back, executive session, over the year there has been a lot of litigation going on but the citizen never finds out what is going on.

President Strubinger said sometimes the case may be where we cannot mention names.

Solicitor Nanovic said we have been in litigation with cleaning up certain properties, Dever, VanDine and Cuoco, these are in Court.

Chris Lukasevich, 1211 Center St, asked Council to consider adopting the proposed Proclamation concerning the placement of wind turbines in Penn Forest Township, he handed this out to Council to review.

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President Strubinger said this could be wise to consider this, it was not on the agenda it will be placed on the agenda for next month to discuss.

**MOTION:** Jay Miller second Edith Lukasevich to have the Proclamation placed on the July agenda and have the Solicitor review this.

YES 6

NO 0

ABSENT 1 Kyle Sheckler

Vince Rodgers stated Boy Scout Troop #555 have done a great job. He talked about the 10<sup>th</sup> Street Stormwater project, it's a big job and they are doing a good job. He asked if there are any meetings for this project that he be invited to attend them.

President Strubinger said the Borough will contact you and thanked him for his cooperation.

Jake Arner said he submitted his sight plans for the Winery buildings, the Planning Commission reviewed and the Planning Commission made recommendations to approve them. This is for the permanent plans for a crawl space. He would like Council to take action on this.

Borough Manager Sterner said Council has not seen this, they can't act on this. This did not go beyond the Planning Commission because we were not told that it was reviewed and approved.

Louis Hall said right after the Planning Commission meeting we can submit this to you before the minutes are approved from that meeting.

Borough Manager Sterner said that is the way it works. If you take a vote and recommend it for approval then you send the Borough something in writing so we know to put it on the agenda for Council.

Louis Hall said we have 30 days to put it on the JT Planning Commission agenda, but we went ahead and acted on it.

Borough Manager Sterner asked if the Engineer reviewed this?

Louis Hall said there were two sets of plans, one with a crawl space and one without.

Jake Arner said he did get approval from the Conservation District, they reviewed the erosion and sedimentation and Stormwater runoff. He spoke about the Agritourism ordinance, section M he believes this would allow him to have a farmer's market. He would be allowed to sell wine. He would like to be allowed to have a small farmer's market on his property.

Solicitor Nanovic said that is not up to Council to do that, that is the use of the property and you go through the Zoning Officer. What you have presented to Council is a Land development plan.

Jake Arner said what he has is a permit to have the tent as a farm stand on his property. The Liquor Control Board has approved a permanent farm stand building. He would like to use his existing permit for a tent and consider it as a farmer's market, this way he could start this year.

Solicitor Nanovic said to give you that authorization, that would be the zoning officer.

Jake Arner said what he is looking for from Council is to approve his permit. And the second part is can he be covered under his permit to have a farmer's market there?

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Mr. McGuire stated it went to Planning and he had zoning approval. It went to have a variance to change that. The JTPC has not gotten it to Council. He has changed it from a building to a tent.

Solicitor Nanovic said for the farmer's market that is for the zoning officer.

Jerry Strubinger said the trees that are lit at night on Broadway, who paid for them?

Mr. Miller said the property owners do.

Jerry Strubinger asked who owns the tanker cars that are parked on the tracks downtown?

Mr. McGuire said he thinks they are government cars and they are just storing them there.

Jerry Strubinger said the Borough should get a dialog going with Andy Mueller.

Mr. Miller said we have a dialog with Andy Mueller and its called paying for a flagger.

Jerry Strubinger said the Borough should fill in the property down on 5<sup>th</sup> & Pine Street and use it as parking for the people that go to McGarvey's baseball field. Use some of the fill from the Mansion House project to fill that in.

Mr. Miller stated we have a stream that is down there that would have to be looked at.

**Action**

**MOTION:** Jay Miller second Thomas Highland to approve the Council Workshop Meeting Minutes from May 3, 2018.

YES 6                      NO 0                      ABSENT 1 Kyle Sheckler

**MOTION:** Jay Miller second Thomas Highland to approve the Council Meeting Minutes from May 10, 2018.

YES 6                      NO 0                      ABSENT 1 Kyle Sheckler

**MOTION:** Jay Miller second Gregory Strubinger to approve the Expenditures from all Funds as presented.

YES 6                      NO 0                      ABSENT 1 Kyle Sheckler

**MOTION:** Jay Miller second John McGuire to adopt Ordinance 2018-2 Nuisance.

YES 6                      NO 0                      ABSENT 1 Kyle Sheckler

**MOTION:** Jay Miller second John McGuire to approve the Treasurer Report May, 2018 as presented

YES 6                      NO 0                      ABSENT 1 Kyle Sheckler

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**MOTION:** Joanne Klitsch second Jay Miller to adopt Resolution 2018-19 CDL D&A Police Update.

YES 6                      NO 0                      ABSENT 1 Kyle Sheckler

**MOTION:** Joanne Klitsch Jay Miller to adopt Resolution 2018-20 Fee Schedule.

YES 6                      NO 0                      ABSENT 1 Kyle Sheckler

**MOTION:** Jay Miller second Thomas Highland to approve the Health Reimbursement Account Plan.

YES 6                      NO 0                      ABSENT 1 Kyle Sheckler

**MOTION:** Joanne Klitsch second Jay Miller to advertise for Part Time Public Works employee.

COMMENTS:

Borough Manager Sterner said this would be a list of Part Time Employees that we could utilize from April 1 to October 1, CDL will be required.

YES 6                      NO 0                      ABSENT 1 Kyle Sheckler

**MOTION:** Jay Miller second Edith Lukasevich to approve the Utility Accounts Collection Agency Procedures.

YES 6                      NO 0                      ABSENT 1 Kyle Sheckler

**MOTION:** Jay Miller second Gregory Strubinger to deny the Turn to Us request.

Comments:

Borough Manager Sterner said the request was to waive the fees for the zoning permit for the temporary fence. They wanted assurance that they would not have to go to the Zoning Hearing Board now or in the future.

Mr. Miller stated he doesn't have a problem with the organization, he has a problem with granting the organization permission on private property.

Borough Manager Sterner said if they want to submit an application and pay the fees it is a permitted use.

Borough Council said yes.

YES 6                      NO 0                      ABSENT 1 Kyle Sheckler

**MOTION:** Joanne Klitsch second Jay Miller to approve the Phoenix Funds Transfer the funds to the Fire Equipment Reserve Account/Special Revenue funds and the funds will be used for repairs to the Diligent and Fairview Fire Houses.

YES 6                      NO 0                      ABSENT 1 Kyle Sheckler

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**MOTION:** Thomas Highland second John McGuire to approve Officer Schwarz 2018 Longevity Pay 7/1/18 amount of \$380.00

YES 6                      NO 0                      ABSENT 1 Kyle Sheckler

**MOTION:** Gregory Strubinger second Thomas Highland to approve Dolon–Jones–Martino Legion Post #0304, 4<sup>th</sup> of July celebration on July 7, 2018 and to waive the fees for Police service \$1,200.00, a donation of \$200.00 to Penn Forest Fire Police and Memorial Park rental fee of \$750.00.

YES 6                      NO 0                      ABSENT 1 Kyle Sheckler

**MOTION:** Joanne Klitsch second Edith Lukasevich to approve the WTP Filter Emergency Repairs amount of \$19,250.00

YES 6                      NO 0                      ABSENT 1 Kyle Sheckler

**MOTION:** Jay Miller second Joanne Klitsch to approve the WTP Actuary & Valve Repairs amount of \$25,000.00 to \$30,000.00.

YES 6                      NO 0                      ABSENT 1 Kyle Sheckler

**MOTION:** Joanne Klitsch second Jay Miller to appoint Alex Walbert to be the Borough's representative for the Lehigh Canal Park Commission.

YES 6                      NO 0                      ABSENT 1 Kyle Sheckler

**MOTION:** Jay Miller second Edith Lukasevich to approve the Tax Claim Bureau Delinquent Real Estate Taxes forgiving of the taxes for 51 West Front St amount of \$427.41, property is now tax exempt because it is owned by the State.

YES 7                      NO 0

**MOTION:** Jay Miller second John McGuire to approve Natural Lands Trust to review the SALDO & Zoning Ordinance to see if we are eligible for grant money, there is no fee for them to do this.

Comments:

Borough Manger Sterner said we would work with Summit Hill on this. This would be up to \$15,000.00 for the two Borough's and they would apply for DCED funds and what is left it would be up to the boroughs to pay. The last one they did was with Lehighton and another municipality and it cost each municipality about \$8,000.00. They will hold this for us so we can put it in next year's budget.

YES 7                      NO 0

**MOTION:** Jay Miller second Gregory Strubinger to table Betty Lou Pickett street light request.

YES 7                      NO 0

**MOTION:** Edith Lukasevich second Jay Miller to approve Detective Marzen's Heart & Lung request.

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Comments:

Borough Manager Sterner said we had two officers injured.

Solicitor Nanovic said the Heart & Lung Act when a Police Officer is injured in the line of duty, and it is a temporary injury he is entitled to this act. What the benefit is 100% of his pay is paid by the Borough. The Workers Compensation fees that he would receive would come back to the Borough. Solicitor Nanovic said this is short term, if he is off for a week it will be completely Heart & Lung, if he is off longer than a week Workers Comp will kick in and the Workers Comp will be turned over to the Borough. Heart & Lung is 100% percent of his pay, this is out of the General Funds, it is a 40-hour week.

Mr. Miller asked if he will be using sick days.

Solicitor Nanovic said he will not be using sick days.

YES 7                      NO 0

**MOTION:** John McGuire second Jay Miller to award the Liquid Sewage Sludge Bid to Biros Septic & Hauling \$.0796 per gallon for 2 years.

YES 7                      NO 0

**MOTION:** Joanne Klitsch second John McGuire to approve the D & L Trail Wilson Consulting Invoice #11 - \$3,712.00.

YES 7                      NO 0

**MOTION:** Joanne Klitsch second John McGuire to approve Entech Engineering Invoice #0059432 - \$145.00.

YES 7                      NO 0

**MOTION:** Joanne Klitsch second Thomas Highland to approve Nanovic Law Office Invoice dated 5/23/18 - \$850.00.

YES 7                      NO 0

**MOTION:** John McGuire second Thomas Highland to table D&L Trail Project bid Specs for the 120-day period in the bid specs until the grant funding is secured.

YES 7                      NO 0

**MOTION:** Gregory Strubinger second John McGuire to send a grant amendment request to DCNR requesting additional funds amount of \$565,286.00 for the D & L Project.

QUESTION

Mr. Miller asked when the pedestrian bridge project is done, who will be the owner of the bridge.

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Borough Manager Sterner said as far as she knows, the County will own it.

YES 7                      NO 0

**MOTION:** Jay Miller second Edith Lukasevich to approve High Street Wall Project Axis Payment Application #4 – \$24,480.75.

YES 7                      NO 0

**MOTION:** Joanne Klitsch second Edith Lukasevich to approve High Street Wall Requisition #5 amount of \$40,069.35.

YES 7                      NO 0

**MOTION:** John McGuire second Thomas Highland to approve 10<sup>th</sup> Street Stormwater Project Kobalt Payment #1 - \$31,950.00.

YES 7                      NO 0

**MOTION:** Joanne Klitsch second John McGuire to approve the WWTP Upgrade Project Eastern Environmental payment application #18 - \$180,711.68.

YES 7                      NO 0

**MOTION:** Joanne Klitsch second Jay Miller to approve Howard Company payment application #15 - \$10,141.25.

YES 7                      NO 0

**MOTION:** Joanne Klitsch second Jay Miller to approve Requisition #21 – \$198,220.30.

YES 7                      NO 0

**MOTION:** Joanne Klitsch second Jay Miller to approve Entech Engineering Change Order #4 - \$134,800.00.

YES 7                      NO 0

**Utility Action**

Utility Accounts Lien Reports

Active Utility Accounts Garbage & Others Lien Report (0)

**MOTION:** Jay Miller second Thomas Highland to approve the Active Utility Account Garbage Only Lien Report (8)

YES 7                      NO 0

Active Utility Accounts Sewer/Garbage Lien Report (0)

Active Utility Accounts Water/Garbage Lien Report (0)



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**MOTION:** Jay Miller second Thomas Highland to approve Active Utility Accounts Water/Sewer/Garbage Lien Report (1)

YES 7                      NO 0

**MOTION:** Joanne Klitsch second Kyle Sheckler to approve the Temporary Off Lien Report (1).

QUESTION

Mr. Miller asked the temporary off?

Borough Manager Sterner said the water is off.

YES 7                      NO 0

Inactive (0)

**MOTION:** John McGuire second Gregory Strubinger to approve the Uncollectible Accounts Report – (15).

YES 7                      NO 0

**MOTION:** John McGuire second Jay Miller to approve the (5) Utility Accounts Proposed Updates.

YES 7                      NO 0

**Tax Exoneration Action**

**MOTION:** Edith Lukasevich second Joanne Klitsch to approve the tax exonérations for: Yvonne Clewell, Susan Bernhard and Patricia Eder.

YES 7                      NO 0

**Committees**

**Administration**

Mr. Sheckler asked if we ever sent a letter to Penn Dot a letter about cutting the trees back on the Liberty's.

Borough Manager Sterner said yes.

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

Mr. Miller thanked the Public Service department for the fine job they did on Flagstaff Road.

Borough Manager Sterner said she was at the State Association of Borough's conference this week.

**Police**

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Mr. McGuire said he would like to comment on the Police Dept. and what they face all of the time, we had two officer's hurt and he wants to commend them on their service and wishes for a speedy recovery for them.

President Strubinger said St. Joseph's will be holding a closing ceremony on June 16, 2018. He wanted to know where the street closing will be.

Mayor Sofranko said on 6<sup>th</sup> Street from School Street to North Street.

Buildings/Parks

Emergency Services

Old Business

A. Permit Parking

Executive Session

A. Litigation

**MOTION:** John McGuire second Kyle Sheckler to adjourn and go into executive session for litigation.

YES 7

NO 0

Adjourned at 8:34 pm

Respectfully submitted

Louise McClafferty  
Borough Secretary