

JIM THORPE BOROUGH COUNCIL MEETING
November 10, 2022
MINUTES

Meeting called to order at 6:30 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 @ 8:12
Michael Rivkin	Solicitor Nanovic	Mayor Sofranko
Police Chief Schatz	Borough Manager Sterner	Secretary Brooke Klotz
Public Service Mgr-absent	Borough Engineer-absent	

Mayor's Report

Mayor Sofranko said Trick or Treat, Trunk or Treat, and the Halloween parade went well. Thank you to the police department and fire police for their help with the parade.

Thank you to the residents for their understanding during Fall Foliage weekends; currently trying to get the different traffic patterns flowing as best as they can. Thank you to all involved during fall foliage to help with planning and keeping things running as smoothly as possible.

The Mayor asked that residents please watch their speeding along North Street now that its been repaved.

Chief Schatz reiterated his thanks to everyone involved in the events planning- JTTA, PMVB, and councilmember Rivkin for helping to direct traffic when it was needed.

Announcements

The Fall 2022 Tire and Electronics Recycling Event was successful. Thank you, Connor Rodgers and Borough staff, for their help and thank you to the residents who participated. There were 104 T.V.'s, 410 tires, and 83 miscellaneous computer electronics collected.

Leaf pickup is October 31 through November 15, weather permitting. Please place all leaves to the curb, no branches or other debris. Manager Sterner asked the residents on North Street to wait to place their leaves out until Friday, November 11th at 5 p.m. Even though the major paving has been completed, PennDOT still has minor work to finish. Leaves on North Street will be picked up early Monday morning before PennDOT resumes their work.

The third annual Operation Give A Gobbler, a non-perishable food donation event, is taking place through November 15th. The Jim Thorpe Police Department was challenged by the Lehighton Police Department to see which department collects the most non-perishable items. Residents can drop off their non-perishable items in the foyer of the Jim Thorpe Office Building.

The first annual Festival of Trees will be taking place on December 1st at 6:00 p.m. Betty Lou McBride, who is one of the committee members, said that there are 25 out of 40 trees still available. Anyone can participate; you do not have to be a Borough resident. All forms are due next week. This year with it being the first year, it was decided to start small and grow bigger over the years.

The Borough's Facebook page is currently up and running. Tonight's meeting is a trial run for live streaming.

Public Comment

Patrick Gremling – He is concerned with the no parking restriction on Race Street, particularly by his residence. That area is difficult to park to begin with and adding the restriction makes it worse. He asked why the letters were painted as large as they were, when normal signage is half the size. Mike Yeastedt said the no parking restriction was put into place so EMS can get through. Mr. Gremling asked why is the snow not thoroughly plowed on Race Street? When it snows, it's only a single lane of traffic. He would like to be able to park by his residence. He cannot park in his garage and would like to park in front of it. Mike Yeastedt said garages cannot be blocked on a public street.

Public Hearing

1112 Broadview Drive hearings will be continued at the request of the applicants. The following hearings will take place on December 22, 2022 for a Variance to Operate a Short-Term Rental and for an Appeal of the Zoning Officer's denial of a Zoning Change of Use Application to operate a Short-Term Rental and on January 12, 2023 in front of Borough Council for the Appeal of the Code Official's denial of a Short-Term Rental Permit.

165-167 West Broadway Conditional Use Application -- Alexis from Bureau Veritas, who is the Borough's Zoning Officer, is in attendance to answer any questions. Solicitor Nanovic asked Alexis for the record if and when the advertisement was made for the Public Hearing. Alexis stated the advertisements were done on October 27th and November 1st. Solicitor Nanovic explained how the public hearing process works-the applicant will present for the record and then the public can comment. A background was given on the conditional use application. The property is in the R4 district, subject to zoning ordinance 500-17 D(1)- Low-rise apartments, subject to standards set forth in 500-35. 500-35 states apartment houses of one to three stories in height other than garden apartments may be built in districts where provided, subject to the following regulations:

- A. The maximum permitted density shall be 20 dwelling units per acre.
- B. At least 1 1/2 off-street parking spaces shall be provided per dwelling unit.
- C. The apartment houses shall be served by off-site water and sewerage facilities.
- D. Each dwelling unit shall have adequate light, air and heating, as well as complete bathroom and kitchen or kitchenette facilities.
- E. The maximum height of low-rise apartment houses shall be 35 feet

According to the ordinance, a maximum of three (3) units were allowed for a low-rise apartment building. The applicant applied for a variance in front of the Zoning Hearing Board for five (5) units, which they approved.

Brian Seitz was sworn in and presented his case. He currently does not own the building, but would like to purchase it. The building would be made into five (5) high end apartments on the second floor, parking would be on the first floor and ten (10) spots would be available. He touched on the four (4) recommendations by the Planning Commission: all parking guidelines would be followed, the rear door would be restricted to an emergency exit only, no DEP permits are required. He would like to make all the units into short term rentals in the future, which would be more than the recommended two (2) from the Planning Commission. Jessica Crowley asked if the sale of the property is contingent on approvals. Mr. Seitz explained that it is. Mike Yeastedt brought up Ordinance 500-31 where it states parking spaces shall have a net area of 180 square feet (nine feet by 20 feet) per individual parking stall; however, the total parking area provided shall include a gross floor area of 270 square feet per parking stall, in order to allow

room for aisles and interior driveways. Could Mr. Seitz verify that the first floor would comply with this? He stated he believes that it would. Jessica Crowley asked since Mr. Seitz does not live in the Borough, who would run the building, should he be approved, when he is not around. Mr. Seitz stated he has a staff of four (4) people who would handle the building. Greg Strubinger asked if Mr. Seitz has any other short-term rentals. Mr. Seitz stated he does not. Solicitor Nanovic asked Mr. Seitz if the building and plans follow the regulations in Ordinance 500-35. Mr. Seitz said it meets the criteria for the five (5) regulations. Jay Miller asked if Mr. Seitz was aware of the Planning Commission's recommendation of only two (2) short-term rentals, which is not part of the Zoning Hearing Board's original decision? Mr. Seitz is aware and plans to apply for short term rentals pending the outcome of this hearing. Bob Schaninger said if the building is approved for five apartments, why wouldn't it be approved for five short-term rentals? Manager Sterner explained that it's Zoning Hearing Board that makes the decision, Planning Commission just makes recommendations. Solicitor Nanovic explained that Mr. Seitz would have to go back to the Zoning Hearing Board to apply for a special exception for short-term rentals. The hearing was then opened up to public comment. James Dougher stated he was happy to hear that most of the Planning Commission conditions are able to be met. He is concerned about the number of units for the possible short-term rentals there. There is a potential for forty people to be in that building at one time, which basically makes it a hotel without the staff. He is ok with three long-term rentals and two short-term rentals. Cheryl Heydt stated that as a former short-term rental owner, one can restrict the amount of people allowed in a unit. Mike Yeastedt asked if that could be a condition placed. Solicitor Nanovic said no. **MOTION** by Joanne Klitsch, second by Jessica Crowley to **adjourn for executive session**. There were no comments. Motion carries 7-0. The meeting adjourned at 7:30 p.m.

MOTION by Mike Yeastedt, second by Joanne Klitsch to **resume the meeting**. There were no comments. Motion carries 7-0.

MOTION by Jessica Crowley, second by Joanne Klitsch to **grant the application for conditional use with one condition: the rear door is restricted to being an emergency exit only. It is to be closed as a general entrance/exit area and to be alarmed**. A roll call vote was taken.

Joanne Klitsch-yes
Jay Miller-yes
Mike Yeastedt-yes
Bob Schaninger-yes
Jessica Crowley-yes
Michael Rivkin-yes
Greg Strubinger-yes

Motion carries 7-0.

A written decision will be issued and the time frame to appeal it is thirty days.

MOTION by Mike Yeastedt, second by Michael Rivkin to **close the public hearing**. There were no comments. Motion carries 7-0.

SALDO-Subdivision and Land Development Ordinance

Canyon Rim Estates (CRE)- Jake Arner's lawyer submitted a request to start subdivision construction. He would like to take the dirt from the stormwater ponds he will be digging to Flagstaff for their parking lot. DEP has to be notified prior to start of construction of the stormwater ponds. According to Jake Arner, the response back from Solicitor Nanovic to his lawyer would prevent him from completing work on his farm road on Lot 1. The original agreement between the Borough and Jake Arner requires him to submit a bond for roads prior to any construction. A motion was made by Greg Strubinger to allow Jake Arner to construct

stormwater pond without submitting a bond for the roads. After further discussion, Greg Strubinger rescinded his motion. Council asked Jake Arner to have his lawyer submit paperwork to Solicitor Nanovic explaining exactly what he wants to start doing on his property without the submission of a bond for the roads.

Action

MOTION by Mike Yeastedt, second by Bob Schaninger to **approve Council Meeting Minutes from October 6, 2022**. There were no comments. Motion carries 6-0.

MOTION by Mike Yeastedt, second by Bob Schaninger to **approve Council Meeting Minutes from October 13, 2022**. There were no comments. Motion carries 6-0.

MOTION by Mike Yeastedt, second by Bob Schaninger to **approve Expenditures from all Funds as presented**. There were no comments. Motion carries 6-0.

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

MOTION by Mike Yeastedt, second by Joanne Klitsch to **schedule and advertise consideration of the 2023 Budget at the December 8, 2022 Council Meeting**. There were no comments. Motion carries 6-0.

MOTION by Mike Yeastedt, second by Bob Schaninger to **request Sewer Enforcement Officer and Planning Commission review the draft On-Lot Sewage Maintenance Management Program Ordinance**. There were no comments. Motion carries 6-0.

MOTION by Mike Yeastedt, second by Bob Schaninger to **authorize the Solicitor to draft an Ordinance amendment for a No Parking Zone on Chestnut Avenue**. There were no comments. Motion carries 6-0.

MOTION by Mike Yeastedt, second by Bob Schaninger to **approve Resolution 2022-22 – Eliminating Police Officer's Contributions to the Police Pension Plan for 2023**. There were no comments. Motion carries 6-0.

MOTION by Mike Yeastedt, second by Bob Schaninger to **approve Resolution 2022-23 – Act 57 of 2022-Amending the Local Tax Collection Law**. This Act was signed by Governor Wolfe on July 11, 2022 and it requires taxing districts that impose taxes on assessed value of real property to adopt a resolution or ordinance within 90 days of the effective date of the act, or not later than January 9, 2023. This directs the Tax Collector to waive additional charges for real estate taxes in certain situations, therefore helping tax payers potentially avoid penalties. Motion carries 6-0.

MOTION by Mike Yeastedt, second by Bob Schaninger to **approve Resolution 2022-24 – Housing Re-Numbering 217 School Alley**. This changes the current address of 216 ½ Center Avenue Rear to 217 School Alley. The current property owner is aware of the change. Motion carries 6-0.

MOTION by Mike Yeastedt, second by Bob Schaninger to **approve Jim Thorpe Borough Emergency Operations Plan-Promulgation**. This is updated every two years. Motion carries 6-0.

MOTION by Mike Yeastedt, second by Bob Schaninger to **approve the Carbon Chamber & Economic Development Annual Awards Banquet Jim Thorpe Trolley Proclamation and Carbon County Commissioner Wayne Nothstein Proclamation.** There were no comments. Motion carries 6-0.

MOTION by Mike Yeastedt, second by Bob Schaninger to **purchase and install Zoned Community-Permits Required signage.** There were no comments. Motion carries 6-0.

MOTION by Mike Yeastedt, second by Bob Schaninger to **approve the lowest bid for the removal of trees at the Mausoleum.** Both tree removal companies recommended full removal of the trees as they are not fully matured and will continue to grow, blocking the flag poles. It was requested to have the Shade Tree Committee look into different options for smaller growing trees for that area. Motion carries 6-0.

MOTION by Jay Miller, second by Mike Yeastedt to **approve moving forward with the Water Treatment Plant automated control system design and build.** There were no comments. Motion carries 6-0.

MOTION by Mike Yeastedt, second by Bob Schaninger to **accept the highest bid for Police and Sewer items placed on Municibid.** Bob Schaninger mentioned he saw a street sweeper on Municibid for \$7,500.00 and asked Council their thoughts on purchasing one, rather than rent one every year. Jay Miller said it would be a maintenance nightmare. Motion carries 6-0.

MOTION by Mike Yeastedt, second by Bob Schaninger to **approve Dimmick Memorial Library's request to use Memorial Hall for their monthly meetings.** The library group has outgrown the space they utilized at the library. Motion carries 6-0.

MOTION by Mike Yeastedt, second by Joanne Klitsch to **approve the Carbon-Monroe-Pike Mental Health and Development Services request of placing Mental Health yard signs along the main roads of the Borough in May 2023.** They must get property owner approval before placing signs out. The signs are not large. Motion carries 6-0.

MOTION by Mike Yeastedt, second by Joanne Klitsch to **approve the Pietkiel request for removal of a sycamore tree at 138 Center Avenue.** Shade Tree Committee is in favor of the tree removal. The removal would be at the expense of the property owner. Jay Miller asked if any barricades would be needed to block off the area. The property owner would need to fill out a request for action form for that. Motion carries 6-0.

MOTION by Jay Miller, second by Joanne Klitsch to **approve Spillman Farmer Facilities Project invoices in the amount of \$21,107.20 for Memorial Hall and \$25,692.09 for the Public Service Building.** There were no comments. Motion carries 6-0.

Utility Action

MOTION by Mike Yeastedt, second by Bob Schaninger to **approve three Garbage Only Lien Reports.** There were no comments. Motion carries 6-0.

MOTION by Mike Yeastedt, second by Bob Schaninger to **approve two Water and Garbage Lien Reports.** There were no comments. Motion carries 6-0.

MOTION by Mike Yeastedt, second by Jay Miller to **approve one Utility Accounts Proposed Updates.** There were no comments. Motion carries 6-0.

Exoneration Request

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

Committees

Emergency Services- Jay Miller and the Emergency Services Committee met with a representative from KME to discuss the delivery date of the new fire trucks that were ordered. The Borough was told they will be completed by May 2023, but there has been no written confirmation. KME claims labor is a continuing issue for them to complete vehicles.

Administration- Nothing new to report on Contractor Licenses. Move this item to Old Business.

Adjourn

MOTION by Mike Yeastedt, second by Bob Schaninger to **adjourn the meeting.** There were no comments. The meeting ended at 8:50 p.m.

Respectfully submitted,

Brooke Klotz
Borough Secretary