

MARCH 14, 2024

PENN LAKE PARK BOROUGH COUNCIL MEETING

The Penn Lake Park Borough March Council meeting was held at the Penn Lake Park Community House. Council President Paul Rogan called the meeting to order at approximately 7:05 PM with the Pledge of Allegiance to the Flag followed by a statement that the meeting is streamed through the conferencing app., Gotomeeting, and is being recorded.

ROLL CALL: Mayor Tom Carter, Council President Paul Rogan, Council Members: Susan George, John Burden, Dan Eustice, and Corey Beltz.

PUBLIC COMMENT: None

MINUTES:

Minutes from the February Council Meeting were distributed to council members via email and posted on the Penn Lake Borough website. The copies will be recorded as the official minutes. A **Motion** to accept the February Council Meeting Minutes was made by Eustice, 2nd by Burden. Roll Call: Eustice, Burden, George, Beltz, and Rogan, all in favor, none opposed. Motion Carried.

TREASURERS REPORT:

The Treasurer's Report was presented. A **Motion** was made by Rogan, 2nd by George to accept the Treasurer's Report. Roll Call: Rogan, George, Beltz, Burden, and Eustice, all in favor, none opposed. Motion carried.

RECEIPTS/BILLS:

A **Motion** was made by Eustice, 2nd by Beltz to pay the bills of \$52,335.32 and to accept the receipts of \$79,532.60. Roll Call: Eustice, Beltz, George, Burden, and Rogan, all in favor, none opposed. Motion carried.

PETITIONS OR COMPLAINTS: None

CORRESPONDENCE: None

COMMITTEE REPORTS:

MAYOR – Carter – A beaver extraction specialist recommended by the Game Commission will trap and relocate the beaver soon. There is an initial fee of \$350 plus \$45 per beaver.

SOLICITOR – Kristyn Jeckell – Filed 9 amended liens and will send letters to seven other accounts that are overdue. Jeckell filed a complaint with Magistrate Webby regarding 1175 Lakeview Dr. A hearing has been set for April 24th. The Basler Eminent Domain hearing will be March 20th.

ZONING – 1 permit was issued for a roof and interior alterations at 1480 Lakeview.

RECREATION– George – Will arrange for a porta potty for the beach and ballpark area.

LAKE MANAGEMENT - Eustice – Was contacted by Nature Works offering a preliminary contract with a one-to-three-year option for spraying.

GOOSE ABATEMENT – Eustice – Spoke with Willie Werner from the USDA and signed up for free nest addling offered by the Department. Reported that no permit is required for harassment of waterfowl including pyrotechnics. Waterfowl may be euthanized following 2 years of harassment and the No Feeding Waterfowl Ordinance must be enforced. Jeckell added that a photo of a violation is sufficient evidence to warrant a Magistrate Hearing.

RTK/RECORDS –Burden – Nothing to Report.

ROADS –Eustice – Rogan and Eustice had a zoom meeting with AQUA concerning the watermain replacement projects for Williams Dr. and approximately half of Horseshoe Dr. The project should begin in the next few weeks with a projected completion date in July. Affected homeowners will be notified. Eustice and Rogan marked the potholes and identified other areas in need of repair.

SEWERS – Beltz – One grinder pump was replaced, and three manhole covers were set back in the correct place.

SHORT TERM RENTALS- Burden – Seven Short-Term Rental Properties currently have permits and one is operating without a permit.

DAM – Rogan – 3-14-2024 Meeting-Dam Report

- 2/8/2024 The regular council meeting was attended by Jimmy Sabatino. Mr. Sabatino is a new member of the Luzerne County Council. He works with Senator Argall in allocating LSA (Gaming Grant) money for Luzerne County.
- 2/10/2024 The BRIC Grant agreement was received from PEMA. Rogan signed it and returned it to PEMA. This is a good omen; we may be getting closer to actually getting our hands on the \$307,500.00.
- 2/12/2024 The signed agreement was acknowledged by PEMA.
- 2/14/2024 Streamline provided an historical summary of the use of SAGS (low areas) as part of the identified drainage. This was sent to dam safety and Senator David Argall, mainly to counter DDS director characterization of the use of SAGS as highly unusual.

Background

These sags serve as supplemental/emergency spillway capacity, not as primary spillway. Note there is substantial support for the use and acceptance of these sags as part of spillway design. These include:

- ***Corp of Engineers report, 1979, acknowledging the use of swales as auxiliary spillway***
- ***DEP correspondence, 8/15/1983 supporting the use of swales adjacent to the spillway for repair recommended in the R.K.R.Hess design dated 6/14/1983***
- ***DEP Dam Permit Amendment, 4/24/1984 to modify the spillway as per the R.K.R.Hess design dated 6/14/1983***
- ***DEP Inspection dated 1995 identifying the sags as “Emergency Spillway”.***
- ***Various Borton Lawson Engineering breach analysis and technical reports to DEP that include swales on both side of the spillway as part of spillway capacity.***
- ***DEP letter dated 6/1/2024, stating increase in dam embankment will raise water level in swale areas and require easements.***

- **DEP letter dated 11/5/2007, from your predecessor, Richard Reisinger, giving voice to the notion that passing flow through the low “natural ground” areas adjacent to the spillway would be acceptable with property rights intact.**

I believe your characterization of sags in the design approach as “highly unusual” is not supported by the existing record. Note that the borough has already surveyed the sag areas and filed easements on 4 of the 5 “sags”, with the 5th easement still in progress.

- 2/27/2024-Rogan received a call from DEP dam safety director, Kirk Kreider. He informed us that Penn Lake will be included as a sub-applicant to the HHPD grant submission by PEMA.
- 3/10/2024-The DAG had a meeting at the Penn Lake Community house, Mayor Carter was also in attendance. The topic was their frustration with perceived delays in Penn Lake's permit application. The borough has observed the timelines assigned, addressed funding, and submitted the application as required. Our application was submitted in late November 2023. To date neither the borough nor our dam engineers have received notification of an administrative review by the DEP. Our understanding is the administrative review starts the process of subsequent technical reviews. Our concern is compounded by the weak responses from the DEP countered by our financial commitments and strong community support. At the meeting, it was decided that the DAG will be moving forward to bring this lack of response and review to the DEP and our State government representation, including Governor Shapiro’s office if required. The DAG will start to look for community support, encouraging letter writing by Penn Lake citizens. A public meeting is planned for the future.
- 3/11/2024-Rogan emailed Senator Argall as a courtesy, and to invite him and/or his staff to sit in on meetings arranged to discuss our permit application.

UNFINISHED BUSINESS:

Code Enforcement – Will continue as Unfinished Business. Burden emailed Bear Creek for information and is waiting for a reply.

ARPA Funds – The Stormwater project at 54 Williams Dr. has been completed. The drainage project at Horseshoe and Hollenback Dr. will begin in April.

Speed Bumps/Humps – Will continue as Unfinished Business.

Short-Term Rental-Next Steps – Eustice suggested using local landscapers to clean up the affected area.

AQUA Main Replacement Status – Was addressed under Roads in the Committee Reports.

NEW BUSINESS:

Vote to Advertise for Lawn Care – A **Motion** was made by Rogan, 2nd by Beltz to advertise for lawn care.

Roll Call: Rogan, Beltz, Eustice, George, and Burden, all in favor, none opposed.

Motion Carried.

Obtain Quotes for Spraying – Addressed under Lake Management in Committee Reports.

PUBLIC COMMENT: None

A **Motion** was made by Rogan, 2nd by Burden to adjourn.

Roll Call: Rogan, Burden, Beltz, George, and Eustice, all in favor, none opposed.

Motion Carried.

Meeting adjourned at 7:40 PM.

The April Council Meeting will be held on Thursday, April 11, at 7:00 PM.

Respectfully submitted,

Karen Burden, Secretary