

SEPTEMBER 10, 2020  
PENN LAKE PARK BOROUGH COUNCIL MEETING

The Penn Lake Park Borough September Council meeting was held via the conferencing app, Gotomeeting. Council President Paul Rogan called the meeting to order at 7:02 and stated that the meeting is being recorded.

**ROLL CALL:** Mayor Debra Krysicki, Council President Paul Rogan, Council members Shaun Kuter, David Longmore, Jill Rosenstock, and John Burden responded.

**MINUTES:**

Minutes from the August Monthly Council Meeting were distributed to council via email. The copies will be recorded as the official minutes and will be posted on the borough's website. A **Motion** to accept the August Council minutes was made by Rosenstock, 2<sup>nd</sup> by Kuter.

Roll Call: Rogan, Longmore, Kuter, Rosenstock, and Burden all in favor, none opposed. Motion carried.

**TREASURERS REPORT:**

The Treasurer's Report was presented. A **Motion** was made by Rogan, 2<sup>nd</sup> by Rosenstock to accept the Treasurer's Report.

Roll Call: Rogan, Longmore, Kuter, Rosenstock, and Burden all in favor, none opposed. Motion carried.

**RECEIPTS/BILLS:**

A **Motion** was made by Rosenstock, 2<sup>nd</sup> by Longmore to pay the bills of \$20,427.47 and to accept the receipts of \$31,220.97.

Roll Call: Rogan, Longmore, Kuter, Rosenstock, and Burden all in favor, none opposed. Motion carried.

**PETITIONS OR COMPLAINTS:**

- Residents complained the bulk item pick-up did not occur on the scheduled day. County Waste was called and pick-up occurred on the following day. Residents are reminded that only one item can be put out for bulk item pick-up.
- Chris O'Neil complained that the seeding along the swale next to his property cannot be properly cut due to stone remnants. M & J Construction was contacted but had not responded as yet.
- Residents that have zoning questions or complaints should contact Zoning Officer, Barry Jacob, directly and not rely on a third party to obtain information.

**CORRESPONDENCE:**

- Penn Lake Citizen Action Committee sent an open letter to Borough Council and requested it be read during the Council Meeting:  
In an effort to speak with one voice, a number of Penn Lake residents have formed the Penn Lake Citizens Action Committee to compel Borough Council and the appointed Dam Advisory Committee to be open and inclusive with resident

participation throughout the research and planning process underway relating to the community's dam repair and flood control design mandate by DEP.

Borough Council informed residents that DEP has now classified the Penn Lake dam as 'dangerous' and in need of mandated repairs. DEP is also requiring the Borough to submit a design to build an expanded flood control spillway. Without implementing this work in the required timeframe, our community risks DEP permanently draining Penn Lake. Most residents realize this would be devastating to our community, as the lake is our most valuable resource.

Residents have been informed that to complete this work, the Borough needs to borrow up to \$3 million, which will necessitate a sizeable tax increase of 4mil. Public approval is needed for the Borough to borrow this amount of money and to increase taxes. As such, a referendum will be on November's ballot, and a majority YES or NO vote will impact how the Borough is able to move forward.

**The problem is with the lack of resident participation as an informed group to be involved and comment on the research and planning processes underway.** There is rising frustration among residents in the way meetings, discussions and decisions are being handled – with a lack of transparency and only one-way dissemination of information. Worse, erroneous information is posted on the Borough website! Discussions and decisions on this situation impact the entire community in multiple ways, so any resident who wants to, should be allowed to be actively involved in the process.

Conducting meetings and having discussions in private with a small group of people meeting and making decisions which do not allow public observation and comment is fueling cynicism. Accurate and timely information, as well as active participation in this entire process is critical for residents to make an informed voting decision in November.

The purpose of this letter to advise Borough Council of many residents' concerns and formally request that they are addressed as soon as possible:

1. **Why are the Dam Advisory Committee meetings private?** If COVID obligates small groups meet in person, please publish these meeting dates/times in advance and open the meetings to public viewing via Zoom. Also, post the Dam Advisory Committee meeting minutes on the borough website.  
Access to listen to live meetings and review minutes will help to keep the public informed and up-to-date with how the Dam Advisory Committee is conducting business and working through this process with engineers, etc. *ALL residents have a stake in what final decisions are made, as our increased tax dollars are going to fund this work.* Without public observation and opportunity to comment/question what is being discussed and decided, skepticism will continue to increase.
2. **Why is there only one engineering firm being consulted to propose repair and design options?** Although Borton-Lawson has been the Borough's preferred engineer for

dam inspection over the years, it should not default that they are the only firm we consult with for a such a large project. The only way to ensure integrity in this process is to have a minimum of **two** reputable engineering firms submit proposals for dam repairs and design/cost options for flood spillway expansion. This would safeguard integrity of the vendor proposal process and reassure the community that Borough Council is acting in good faith.

3. **Why does the one 'least expensive' option (\$1.9 million) proposed for an expanded spillway design require Lakeview Drive to be turned into a dead end at the single lane bridge?** This design is permanently disruptive to the community all year long. At the very least, it will negatively impact the school bus route, garbage pick-up and snow plowing. Residents would like Borough Council to solicit other spillway expansion design options that would not significantly increase cost, but would keep Lakeview Drive open. *It is difficult to imagine there is only one cost-effective way to design this.* Yet another reason for a competitive engineering firm proposal.

In summary, the Citizens Action Committee respectfully requests the following action from our elected Borough Council:

- A. Post the dates/times of all future Dam Advisory Committee meetings in advance on the borough website and include a posted Zoom meeting link for residents to attend virtually. If public comment is not allowed at some of the live meetings, then at least residents will have opportunity to attend, listen and learn.
- B. Post all Dam Advisory Committee meeting minutes on the borough website.
- C. Appropriate funds to solicit a second design proposal from another reputable, qualified engineering firm to compare with Borton-Lawson's. For such a large project and tax increase, it is money well spent.
- D. Organize a second outdoor public meeting in mid-October to give residents another opportunity to be updated and ask questions. Consider allowing residents to submit questions to BC ahead of time.

If anything included in this letter is not accurate information when you receive it, all the more reason for Council to acknowledge residents' questions and concerns and take them seriously.

**Residents should be closely involved and constructively participate with the Dam Advisory Committee and Borough Council throughout this entire process.** It's the only way they can make an informed voting decision, support the final dam repair and spillway expansion decisions, and confidently know that our tax dollars are being spent wisely in the best interest of the entire community.

Regards,

Penn Lake Citizens Action Committee

Attorney Dean responded to the letter pointing out that the Penn Lake Dam Advisory Committee is simply a committee and cannot solely make decisions concerning the dam. The Penn Lake Dam Advisory Committee meetings are not public meetings per se and any decisions regarding the dam are made by Council.

While it is important to allow advice and great to have public input, correspondence should be sent three days prior to the meeting. Engineering is a professional service and does not have to be put out for bid. Requesting bids from other sources does not guarantee better service.

It was also stated the Penn Lake Dam Advisory Committee goes above and beyond in dealing with all facets of the Dam project. Another public meeting is a good idea. DEP put out a stringent timeline and all construction work will go out for bid. The Advisory Group is comprised of talented people who are well experienced with financial management, engineering, and other aspects involved in the dam project.

Council President, Paul Rogan, asked for the signatures on the Citizen's Action Committee's letter; however, the letter was without personal identities, the signature was simply the Penn Lake Citizen's Action Committee.

Penn Lake Dam Advisory Committee member, Dave DiPipi, also responded to the letter sent by the Citizen's Action Committee as follows:

Ms. Donaldson does bring up valid points. I believe we do have to remind ourselves that although we're up-to-date with the most current information, not everyone is. And although we tried to communicate as much information as is currently available at last week's tent meeting; the amount of "unknowns" at this time coupled with the fact that this whole project carries with it very high stakes, it should be expected that people's emotions will be running high.

The advisory group is just that – a group of citizens to assist PLP borough council navigate through the dam project. I would personally welcome additional/public input, but would be concerned that the efficiency of those meetings would decrease and the process would be further lengthened. I certainly don't want to jeopardize DEP deadlines because not ALL PLP citizens can agree on a single solution that fits ALL.

Citizens do however need to be reminded that PLP borough council meetings are indeed public (although virtual for the moment), and their voices can be heard.

I also believe that with Gannet Flemming on board, we already have the best of the best dam engineering firm engaged. I doubt another engineering firm would deliver anything different than what Borton Lawson and Gannet Flemming have already proposed. But if it's that big of a concern to the residents of PLP, perhaps the borough may wish to consider an additional proposal just to put this concern to bed (albeit at the cost of paying for that additional proposal).

## **COMMITTEE REPORTS:**

**MAYOR – Debra Krynicki**– Reported another renter from a Short-Term Rental property used a boat with a trolling motor. On August 22 witnesses reported that renters launched boats from the public dock and were using foul language. Trash from STR properties remains on the Borough's roads and adjacent properties sometimes for 3 days to 2 weeks. Residents hesitate to clean up the trash because of the COVID risk. Krynicki thanked all who participated in the Street Sign project and named Karen Burden as first

place and also a special thanks to Rita Johnson for her work in the beach area planters. The Mayor announced there will be a Halloween decorating contest. Details will be posted on the bulletin boards the first day of Autumn.

**POLICE** – Mayor Krysicki stated the Borough received 24.18 hours of service for August. Incidents included a motor vehicle accident and an ATV complaint.

**SOLICITOR – Jack Dean** – Senator Lisa Baker inquired concerning dam status and reminded all concerned that she and her staff are available for assistance. Dean also reported that Gaming Grants for the current year may not come out due to internal matters.

**ZONING** – 2 new construction permits are under review.

**ENGINEERING – Rogan** – Nothing to Report.

**DAM- Rogan** – Will address in Unfinished Business.

**RECREATION– Kuter** – Nothing to Report.

**LAKE MANAGEMENT - Rosenstock** – Water testing is concluded. Results are being removed from the bulletin board unofficially. Rosenstock thanked Erv Carter for his work in regard to lake issues. Bladder wort treatment was for the most part successful with the exception of the shallow end of the lake which will be addressed next year.

**GOOSE ABATEMENT – Kuter** – The population is under control.

**RTK/RECORDS –Burden** – Nothing to Report.

**ROADS –Longmore** –Working on contact with White Haven Police regarding 4 way stop sign at intersection of Lakeview, Hollenback, and Horseshoe. Longmore has not received word from the White Haven Police concerning line painting for speed traps. Kuter commented that records show the Borough is able to place a 4 way stop sign at the intersection of Lakeview, Hollenback, and Horseshoe. Longmore requested the 4 way stop sign issue be put on next month's agenda.

**SEWER –Rogan** – The Borough purchased a 6 pack of grinder pumps with COSTARS pricing from Sites Specific last month; however, more are needed due to numerous replacements. A **Motion** was made by Rogan, 2<sup>nd</sup> by Rosenstock to purchase six additional pumps from Sites Specific at the same pricing.

Roll Call: Rogan, Longmore, Kuter, Rosenstock, and Burden all in favor, none opposed. Motion carried.

Rogan will work with Pasonick Engineering in regard to the Hughes hook-up.

#### **UNFINISHED BUSINESS:**

*Short-Term Rental Ordinance-* Was advertised and made available to the public. A **Motion** was made by Kuter, 2<sup>nd</sup> by Rosenstock to adopt the Ordinance.

Roll Call: Rogan (with reservation citing the ordinance may be difficult to enforce), Longmore, Kuter, Rosenstock, and Burden all in favor, none opposed.

Motion carried.

Burden commented that after STR fees are collected the Borough should consider engaging Host Compliance to manage STR.

*DCNR Grant* – Progress delayed due to COVID epidemic and Issac's compromised server.

*ADA Grant* – Will allow ADA access to the Gazebo, Beach, and Playground areas. The project involves stripping topsoil, installing concrete sidewalks, detectable warning surfaces, asphalt parking areas, ADA striping and symbols, parking signs, grass

restoration where applicable, benches, a wood ramp to the gazebo, and an ADA picnic bench at the playground area.

*Gaming Grant 2020* – Was applied for in 2020, another due by the end of September but status on both grants are up in the air.

*COVID 19* – A **Motion** was made by Rogan, 2<sup>nd</sup> by Longmore to extend the State of Emergency for 30 days.

Roll Call: Rogan, Longmore, Kuter, Rosenstock, and Burden all in favor, none opposed. Motion carried.

The Borough filed for approximately \$419 in COVID Grant Expenses. Certification from Attorney Dean is required. A **Motion** was made by Rogan, 2<sup>nd</sup> by Kuter to have Attorney Dean sign the certification form for reimbursement of expenses.

Roll Call: Rogan, Longmore, Kuter, Rosenstock, and Burden all in favor, none opposed. Motion carried.

*Dam* – A **Motion** was made by Rogan, 2<sup>nd</sup> by Longmore to conditionally engage Borton Lawson to perform the dam inspection.

Roll Call: Rogan, Longmore, Kuter, Rosenstock, and Burden all in favor, none opposed. Motion carried.

- Advisory Group Activities- The group was engaged in a meeting with DEP. The group is involved in public out-reach and will inform the community about current status as best as possible.
- DEP Meeting – The green light was given to proposed 1.9-million-dollar solution; however, this solution may or may not be adopted by the Borough. The design has not been done with any details. There is no need for an immediate drawdown of the lake. DEP's response to a possible coffer dam was not encouraging. Efforts are being made to research possibilities to preserve fish and plant life
- Public meeting went well but public communication needs improvement.
- The Borough will consider employing a professional grant writer for the FEMA Grants.
- Lake access will improve for non-lakefront residents.
- Clay Kimsel is applying for a grant on behalf of the Borough to pay for expenses such as mailings and signage incurred by the Dam Advisory Group.

#### **NEW BUSINESS:**

*Zoning Setbacks*- The Borough is considering revising the zoning setbacks currently at 40-40 front/back, and 15-15 sides, to 30-30 front/back and 10-10 sides. Attorney Dean stated that an amendment to the zoning ordinance is necessary. The issue will be carried over to Unfinished Business for the October Council Meeting. Longmore will assist with the process.

**PUBLIC COMMENT-** Pat Flanagan thanked the Dam Advisory Committee for their efforts and raised the following concerns echoed by the Citizen's Action Committee:

- The Solution proposed as cheapest doesn't solve seepage issue.
- Emergency response issues in regard to dead-ending the lake.
- The current Solution does not guarantee that future issues may evolve.
- Forcible acquisition of residents' properties may be a result of the current proposal.

- Questioned the need for a 300' spillway.

Dam Advisory Committee member, Daniel George responded that the proposed solution is in the preliminary stage, design has not been done. Rogan stated that the proposed solution does address the seepage issue. Karen Green voiced concerns about signing a consent order before we have a design, and the possible acquisition of her property. Dean added that a Consent Order simply sets milestones and design is not part of the order. Green was concerned that dead-ending the road around the lake will increase ambulance and emergency response times. Green mentioned a labyrinth design suggested by an engineer which is more costly but provides access around the entire lake. She also thanked Lisa Stuart for speaking with her regarding her concerns. It was suggested that another public meeting should be held in October. Rosenstock stressed the need for another study by a different engineering group and an alternate solution other than dead-ending the lake. Longmore will look into the cost of another study. Lenahan pointed out that the Dam fund was depleted and the Borough would have to finance another study. Jude Cooney thanked the Dam Advisory Committee for their efforts, but agreed with some concerns of the Citizens' Action Committee and felt more public meetings are necessary.

A **Motion** to adjourn was made by Rogan, 2<sup>nd</sup> by Kuter.

Roll Call: Rogan, Longmore, Kuter, Rosenstock, and Burden all in favor, none opposed.

Motion carried.

Meeting adjourned at 8:25 pm.

**The next meeting will be held on October 8th, at 7:00 PM via the Gotomeeting App.**

Respectfully submitted,

Karen Burden, Secretary