

OCTOBER 8, 2020

PENN LAKE PARK BOROUGH COUNCIL MEETING

The Penn Lake Park Borough October Council meeting was held via the conferencing app, Gotomeeting. Council President Paul Rogan called the meeting to order at 7:05 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 September 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 September Council minutes was made by Kuter, 2nd by Burden.

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, 2nd by Kuter 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 Kuter, 2nd by Burden to pay the bills of \$24,945.88 and to accept the receipts of \$20,446.11.

Roll Call: Rogan (abstain on payment of Ooma and Meeting software otherwise aye), Longmore, Kuter, Rosenstock, and Burden all in favor, none opposed. Motion carried.

PETITIONS OR COMPLAINTS:

- Mike Chase 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 per month can be put out for bulk item pick-up.
- Chris O'Neil complained that the seeding along the swale next to his property is littered with stone and ruts and cannot be properly cut with a lawnmower as it had before the Stormwater project. A **Motion** was made by Rogan, 2nd by Rosenstock to set repairs to the area not to exceed \$500.

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

Motion carried.

CORRESPONDENCE:

- LaBella Associates performed the annual bridge inspection and informed the Borough that the bridge passed inspection but strongly recommends the Borough address the items listed in the report that require attention in the future.

- Barbara Sudimak requested the following questions be read at the Council Meeting:
 1. Who on the Dam Committee contacted Senator Baker regarding possible funding for the Dam Project and what was the outcome?
 2. I would like Penn Lake Borough Council, at this meeting, and before the election to formally COMMIT to the residents of Penn Lake Park Borough that Lakeview Dr. will NOT be dead ended. If council cannot commit to this, I have no recourse but to vote NO to the dam project during the election and I will encourage everyone else to do the same. If council COMMITS to keeping Lakeview open for vehicle traffic, I will gladly vote YES.
- Lisa Stuart, a resident at 1293 Lakeview Dr. has concerns about the increasing light pollution around the lake and would like to elaborate. The issue will be addressed in Public Comment.
- The Borough received the Borton Lawson proposal for Dam Rehabilitation and Spillway Expansion, Design and Permitting.

COMMITTEE REPORTS:

MAYOR – Debra Kryszicki– Received annual membership dues for PA State Mayor’s Association. A **Motion** was made by Rogan, 2nd by Kuter to approve payment of \$60 for the dues.

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

Kryszicki expressed the Borough residents’ concerns over Ambulance service and cited the following incidents: WH Ambulance Service could not get the gurney into a resident’s house and the resident had to walk out of the house, then the responders could not get the gurney into the ambulance, a resident was being treated for a heart issue by Plains Ambulance when the Freeland Ambulance arrived and placed the man on a gurney and transported him to the hospital, another call resulted in a response time of 25 minutes. The Mayor recommends the Borough review the Ambulance service issue because the present response time is too great as we have many senior residents. Council President Rogan asked for suggestions and Longmore responded that George Woods be contacted to address Council.

POLICE – Mayor Kryszicki stated the Borough received 25.28 hours of service for September. Incidents included a motor vehicle accident with a traffic citation, a domestic dispute, and a DUI with criminal arrest.

SOLICITOR – Jack Dean – The November ballot has been updated to include the Borough’s Dam Repair question. Dean commends council for getting the question on the ballot in a timely manner. Residents that requested mail in ballots will receive them shortly.

ZONING – 1 permit for a drive new construction on Terrace Dr.

ENGINEERING – Rogan – Nothing to Report.

DAM- Rogan – Will address in Unfinished Business.

RECREATION– Kuter – Nothing to Report.

LAKE MANAGEMENT - Rosenstock – The Borough passed the annual PA Dept of Health Inspection but stressed that water depths must be marked with buoys and 2 Shepherd crooks are needed for the beaches.

GOOSE ABATEMENT – Kuter – The population is under control.

RTK/RECORDS –Burden – Nothing to Report.

ROADS –Longmore – Line painting for the speed traps will soon be completed. Longmore reported that the White Haven Police cautioned the Borough that a traffic study may have to be completed for a 4 way stop sign unless it is a pedestrian crossing concern. Attorney Dean recommends installation of the stop sign. Longmore requests the matter be put on the November Agenda and suggests more 25mph speed limit signs be installed. The dam guard rail post was straightened by Dolinsky; however, none of the companies contacted were willing to make repairs to the cable. A quote to replace the guard rail came in at \$13,980.00. The quote was submitted to Nationwide Insurance and is under evaluation. The issue will be carried over to the November Meeting.

SEWER –Rogan – The Borough purchased a 6 pack of grinder pumps with COSTARS pricing from Sites Specific that were delivered. The August vote to allow Tom Hughes to connect to the Borough’s sewer system is causing financial and liability issues for the Borough. The Borough is reluctant to add Hughes to the sewer system in view of these issues.

UNFINISHED BUSINESS:

DCNR Grant – There was a problem with paperwork which was resubmitted. Work will be put out to bid in November, and work will be completed in Spring 2021.

ADA Grant – Nothing to Report, waiting on DCNR.

Gaming Grant 2020 – Deadline has passed, and it doesn’t seem money is available. This item will be removed from the agenda.

COVID 19 – The Borough is waiting for reimbursement of COVID related expenses. A **Motion** was made by Kuter, 2nd by Rosenstock to extend the State of Emergency for 30 days.

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

Motion carried.

Dam – The Borough received the annual inspection proposal from Borton Lawson. DEP was contacted and asked whether the inspection was needed due to the current dam situation. DEP’s response was the annual inspection must be completed. A **Motion** was made by Rogan, 2nd by Kuter to accept the annual inspection proposal from Borton Lawson for \$1,400.00.

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

Motion carried.

Rogan reported that meetings were held with the Greens, Jack Glass, and Nick Argot. Rogan outlined the following activities associated with the Dam:

- September 19th the Dam Advisory Group had a meeting
- September 27th Kathy Donaldson was added to the Dam Advisory Group
- September 28th Borton Lawson requested photo images to depict the pool level of the lake prior to 1985 to restore the water level to its former depth
- September 28th Rogan spoke with Tom Hughes at PEMA to apply for FEMA FNA and Brick Grant
- October 1st Rogan was in contact with Senator Lisa Baker

- Website administration was granted to Borough Secretary Burden, and Dam Advisory Member Margaret Bastow, to ensure timely posts on dam activity
- October 8th the Borton Lawson Proposal was received
- October 10th the Dam Advisory Group will hold a Public Meeting to address questions concerning the Dam

Rogan addressed Barbara Sudimak's questions read earlier in the meeting

1. Who on the Dam Committee contacted Senator Baker regarding possible funding for the Dam project and what was the outcome?

I am aware of the following contacts with Senator Bakers office:

- ***Jack Dean reached out to Senator Bakers office sometime in early May. He provided a background executive summary prepared by me.***
- ***I called Senator Bakers office on 10/1 and spoke with Susan to discuss funding.***
- ***Senator Baker left me a voice mail on 10/1. The VM stated that she would get with her grant people to see what funding is available, and she would get back with me.***
- ***Other Dam Advisory Group may have also made contact on their own.***

2. I would like Penn Lake Borough Council, at this meeting, and before the election to formally COMMIT to the residents of Penn Lake Park Borough that Lakeview Dr. will NOT be dead ended. If council cannot commit to this, I have no recourse but to vote NO to the dam project during the election and I will encourage everyone else to do the same. If council COMMITTS to keeping Lakeview open for vehicle traffic, I will gladly vote YES.

As the council person accountable for dam related activities, I can offer a commitment to the goal of producing a design that does not dead- end Lakeview Drive.

It is, however, important to understand that this commitment by necessity cannot be unbounded and unlimited:

- ***We don't have cost estimates for stronger crossing options at the spillway, and we won't for perhaps 6 months or longer as the design process proceeds.***
- ***The options identified by BL in their report in ascending order by cost:***
 - ***Dead End***
 - ***A ford crossing***
 - ***A labyrinth spillway***
 - ***A bridge***
- ***One of the advisory group members conferred with former colleagues with recent design experience of a similar bridge. The SWAG estimate for a bridge of 300' exceeded \$7m***
- ***I believe that the \$3m asked for in the ballot question probably can accommodate a ford crossing, may accommodate a labyrinth spillway with supplemental grant money, and will not be sufficient for a full bridge, even assuming substantial grant money. It's important to understand that taxpayer pockets are not bottomless.***
- ***The Dam advisory group will continue to understand the wants and needs of borough residents and balance them with available funding.***

- ***I believe it's important to understand the real consequence of a no vote as it relates to a Lakeview Drive dead end; A 'no' vote does not preserve the road around the lake. The dam will be removed, and the dead end will be at the dam, and by the way, Penn Lake taxpayers will be handed the bill!***

Council Person Rosenstock asked when the Borton Lawson Proposal had to be signed. Rogan responded that there is no date set, no due date. Rosenstock had concerns that dam committee emails should be shared with council members. Rogan responded that many meetings happen between various members at various times. The main goal is to get information as soon as it becomes available and get it out to the residents. Rosenstock asks for Council to be updated on the important matters so we are all on the same page.

Zoning Setbacks- The current zoning setbacks are at 40-40 front/back, and 15-15 sides. Revisions will be made to the Zoning Ordinance to reduce the front/back setbacks to 30-30 and sides to 10-10. A **Motion** was made by Rogan, 2nd by Longmore to advertise the amendment to the Zoning Ordinance.

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

Short Term Rentals – Council Person Rosenstock will serve as Committee Person.

NEW BUSINESS:

Resolution #20 Hazard Mitigation Plan – A **Motion** was made by Kuter, 2nd by Rosenstock to adopt Resolution # 20, The Luzerne County Hazard Mitigation Plan.

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

Tax Collector – Beverly Yench's term expires at the end of 2021. A new candidate must obtain tax collector education credits.

Advertise 2021 Meetings- A **Motion** was made by Rogan, 2nd by Kuter to advertise the Borough's 2021 meetings to be held the 2nd Thursday of each month except for December's meeting which will be held on the 3rd Thursday.

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

Zoning Hearing Board-Appointments – Appointments will be for a 3-year, 2-year, and 1- year appointment. Attorney Dean recommended that a motion be made to confirm the current zoning board members and alternates through 2020. A **Motion** was made by Rogan, 2nd by Rosenstock to affirm and appoint Karl Heck, Jennifer Case, and Rick Johnson to serve through the year 2020 with Jack Glass and Kat Ladoff as alternates.

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

PUBLIC COMMENT-

Lisa Stuart shared her concerns about Light Pollution occurring in the Borough. Stuart described the three main types of Light Pollution. She stated her concern is that unfiltered light is annoying and affects the quality of life for people and wildlife. She added that several boroughs have an ordinance to address this issue and asks for consideration by the Council. Stuart asks for a study and plan of action and offered her assistance in the matter. Trish Bartlett commented that many residents' lights are on when no one is at

home and it affects others' ability to enjoy the moon and stars. Council person Longmore will review Stuart's suggestions. Sudimak suggested the issue be reviewed by the Planning Commission. Dean stated the Planning Commission can make suggestions but has no authority, and only Council can enact or amend any ordinance.

Pat Flannagan spoke of his concerns in relation to the dam:

- Stressed the importance of maintaining access around Lakeview in view of ambulance and police calls and asked whether options such as a ford or labyrinth will provide Emergency Services with access around the entire lake.
- Inquired whether the 300 ft. proposed dimensions of the spillway are accurate. Rogan responded that final dimensions are not available at this time.
- Suggested a forum for additional public input and asked whether Dam Advisory Meetings could be open to the public and scheduled on a periodic basis. Attorney Dean addressed this concern and affirmed that the Dam Advisory Committee has no power and can only make recommendations. Volunteers were selected because of background and expertise. Inviting the general public can impede meeting progress. Dean suggested that residents make their concerns known to Council.

Rogan added that public input is always welcomed at Public Meetings and that residents have many opportunities to speak with Advisory Committee Members. Rogan recommends we continue as usual.

Bill Green commented that measurement of a 300 ft spillway ends at his mailbox and requests that lines be drawn to accurately reflect where the proposed spillway will end. Green has concerns that his property will be taken over by Eminent Domain regarding the dam project. Rogan commented that 300 ft. is an estimate, and the actual length may be much less and secondly, any property acquisition is not a desirable outcome.

Mary Krautheim Roberts inquired what map was used to determine property lines. She stated the Green's property line is listed as the Borough's. Dean suggested the area in question be brought to the attention of Borton Lawson for review.

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

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

Meeting adjourned at 8:50 pm.

**The next meeting will be held on November 12th, at 7:00 PM
via the Gotomeeting App.**

Respectfully submitted,

Karen Burden, Secretary