

**Penn Lake Park Borough
Agenda-September 8th 2022 7pm Meeting**

<https://global.gotomeeting.com/join/384401149> Ph.(312) 757-3117 Access Code: 384-401-149

Work Session-7pm

- STR
- Sewer fund

Call to Order

Pledge of Allegiance

Roll Call

Meeting Minutes Approval

Treasurers Report

Receipts and Bills

Petitions and Complaints

Correspondence

Committee Reports:

- Mayor
- Police
- Attorney
- Zoning
- Recreation
- Lake Management
- Goose Abatement
- Records
- Roads
- Sewer (\$388,740 balance, Sewer Fund \$187,204)
- Short Term Rental

Unfinished Business

- Motion to approve additional payment for extra work done by Kislán, \$2190
- Speed Bumps
 - Liquid Fuels Eligibility
 - PLA Storage
- Pickle Ball / Tennis Courts
- STR Changes to the ordinance-Any legal comments, motion to advertise changes, etc.
- Discuss reconsideration of our current contract with the White Haven Police
- Snow Plowing – Changes for the upcoming season, anti-skid / salt contract. Need to cast a wider net. Salt and anti-skid-Complexity for plowers. Evaluate and vote on any bids received.
- Dam
 - Activity since the last council meeting

New Business

- Resolution to open new bank account with Luzerne Bank for FEMA \$301k grant
- Elliot Greenleaf-Motion to engage to advise on ARPA funds

Final Public Comment

Adjourn

AUGUST 11, 2022

PENN LAKE PARK BOROUGH COUNCIL MEETING

The Penn Lake Park Borough August Council meeting was held at the Penn Lake Park Community House. Council President Paul Rogan called the meeting to order at approximately 7:19 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 Shaun Kuter, David Longmore, Dan Eustice, and John Burden were present.

MINUTES:

Minutes from the July Council Meeting were distributed to council via email and posted on the Penn Lake Borough website. The copies will be recorded as the official minutes and will be posted on the Borough's website. A **Motion** to accept the July Council Meeting Minutes pending a clarification in the minutes that a change in the July agenda was due to a circumstance that occurred in the last 24 hours to purchase tools and supplies required for the tennis court modification was made by Rogan, 2nd by Burden.

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

Motion carried.

TREASURERS REPORT:

The Treasurer's Report was presented. A **Motion** was made by Kuter, 2nd by Eustice to accept the Treasurer's Report.

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

Motion carried.

RECEIPTS/BILLS:

A **Motion** was made by Longmore, 2nd by Kuter to pay the bills of \$30,126.40 and to accept the receipts of \$18,070.43.

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

Motion carried.

PETITIONS OR COMPLAINTS: None

CORRESPONDENCE:

Former Mayor Krysicki wrote in support of the White Haven Police. She stated that during her 6 years serving as Mayor, the White Haven Police had always exceeded the 4 hour per week patrol hours in the amended agreement of January 1, 2015, at no additional cost which can be checked in the monthly minutes and Police reports. The police responded to welfare checks on residents in distress at no additional charge. She states that although the amended agreement was never renegotiated prior to December 31, 2015 by either party, it was automatically renewed with only one 3% increase in January 2018. Krysicki stated that when issues with suspicious groups arose during July and August of 2021, she contacted Chief Szoke to have current patrol hours varied with some occurring after 11 PM and the Chief readily accommodated her request to ensure the safety of the Borough's residents with no additional

cost to Penn Lake. Former Mayor Krynicki feels the renegotiating of this contract has left Penn Lake residents vulnerable with the possibility of elimination of a local police force presence impacting our safety and well-being. Finally, because Council has opened the current contract, the residents of Penn Lake are vulnerable to a substantial increase for police protection.

Cindy Sipple is concerned about terminating the contract with the White Haven Police Department. She cited the proximity of the White Haven Police (5 minutes), compared to the State Police (30 minutes), the fact that the community is evolving, and the fact that police provide a sense of security which attracts law abiding citizens as reasons for retaining for the White Haven Police. Sipple feels the Borough needs the White Haven Police to help control speeding to keep people walking and biking safe, and suggests sharing ticket funds collected by the Police with the Borough to defray the cost of the contract. Mrs. Sipple points out that some people will only obey laws and regulations if they believe they are being watched. She asks if the State Police will commit to regular patrols, enforcing the speed limit, and also what will the response time be if there is an issue.

Kathy Donaldson has concerns over work being done on Borough property by private citizens who do not possess liability insurance which protects the Borough from risk of libel and lawsuits due to accident, personal injury, or Borough property damage. She believes there should be an itemized list of all aspects of the project including a detailed description of the work being done, a breakdown of the work specifications and a defined schedule for the start and end of the project. Donaldson strongly opposes using the basketball court for an additional pickle ball court. She asks what the outcome would be if youths come to play basketball and the court is in use by people playing pickle ball. Donaldson feels youths wanting to play basketball should not have to wait for a pickle ball game to end. Mrs. Donaldson states that there is an overwhelming consensus of Penn Lake residents in favor of retaining the White Haven Police. She feels that speed bumps will not replace the value of police protection and adds that speed bumps are not a one-time expense as they have to be installed, taken down and stored for the winter and then reinstalled for the next year. Finally, Mrs. Donaldson hopes the Borough will renegotiate the police contract and points out that there had not been a monetary increase with the White Haven Police contract for years and it is part of Council's responsibility to protect our community from ne'er-do-wells who roam through our community and make residents feel unsafe.

Harry Bruely related an incident when his family could not get in touch with him or his wife and a call was made to the White Haven Police who did a check to make sure he and his wife were safe and secure. Bruely points out that the Borough is overlooking important aspects of police coverage which are services such as delivering babies, performing CPR, saving drug overdose victims, and aiding burned and bleeding people when EMS services are tied up or responding to another call.

Martyn Harding has questions about police coverage such as the cost, whether the Borough receives a portion of fees tacked on to citations, and what does the 4 hours of coverage a week cover? For example, when the 4 hours of Police coverage commences: leaving the station or arriving at Penn Lake. Harding asks whether office work or court appearances count toward the 4 hours of weekly coverage, and also does responding to a call reduce the number of patrol

minutes, whether speed traps and stop signs traps offset patrol time. He also asks whether State Police charge for police coverage, will the State Police patrol Penn Lake, and will only the State Police respond to a 911 call or will the White Haven Police respond if there is no contract. Harding asks if the Short-Term Rental Ordinance addresses noise, parking, and trash and are the White Haven Police able to issue citations for these issues.

Paula Graves states she stands up to support the White Haven Police. She feels removing the police department is done out of spitefulness and personal issues between Council and certain residents. Graves cites the necessity of retaining police coverage by White Haven because society has changed since the Borough relied solely on the State Police and the safety of our community, families, and most importantly the safety of our children requires a quick response by police. Mrs. Graves lists speeding vehicles, suspicious people coming into the Borough through the bridge on Hollenback Rd. wrapped only in a blanket, and people from nearby communities being arrested because of drugs and child pornography as examples of why the White Haven Police presence is needed. She feels Council Members took an oath to protect Borough residents and discontinuing police protection is not acting in the community's best interest. Graves adds that the incident that occurred during the 80th celebration is not of her concern and feels the sole reason the issue is pursued is because it involves a Council Member's family member.

Correspondence was received by the following residents: Patricia and Kaye Lakhia, Elaine and Lee Tanavage, Mary Grace Fino, Linda Kiddish, Barbara Sudimak, Dave Conly, Joseph Mikula, Felix Kwiatek, John and Jen Wychock, Josey Soriano, Bill Rosenstock, Ruth Hughes, Phil and Betty McGarrigan all who support retaining police coverage from the White Haven Police for reasons cited in the lengthier correspondence of Sipple, Donaldson, Bruely, and Graves.

COMMITTEE REPORTS:

MAYOR – CARTER -Nothing to Report.

POLICE – The Borough received 18.87 hours of service for July. Incidents were: 1 stolen firearm, and an erratic driver.

SOLICITOR – Krystin Giarrantano– Nothing to Report

ZONING – No Permits were issued.

RECREATION– Kuter – Nothing to Report.

LAKE MANAGEMENT - Eustice – Nothing to Report.

GOOSE ABATEMENT – Kuter – Nothing to Report.

RTK/RECORDS –Burden – Nothing to Report.

ROADS –Longmore – Kislak's Trucking is waiting on a call from PA 1 to ensure nothing vital will be disturbed during the paving and pothole patching work. Longmore pointed out that speed lines were painted in White Haven but not in Penn Lake Park Borough.

SEWERS – Rogan – An updated "Do Not Replace List" was generated giving Aqua the names of properties with delinquent accounts whose pumps cannot be repaired until payment arrangements have been made and also giving AQUA permission to pull the grinder pumps if a payment agreement cannot be made.

SHORT TERM RENTALS- Burden – Attorney Giarrantano will resend a letter to a Short-Term Rental owner who is operating without a permit.

UNFINISHED BUSINESS:

Speed Bumps – The issue of speed bumps and speed humps has become complex involving rules about installation, whether Liquid Fuels Money can be used on roads with speed bumps or humps, and storage.

Backer across from Matt Seitchek – Gravel was delivered and Mayor Carter along with Council Members Rogan, Longmore, and Eustice volunteered their time to spread the gravel.

Pickle Ball / Tennis Court – Longmore continues to wait for money collected from a “Go Fund Me” account initiated by Kevin Cronauer to partially fund the Pickle Ball court project.

Erosion at Inlet – Was addressed by Mayor Carter and some Council Members.

Short-Term Rental Ordinance Changes – Changes to the current Short-term Rental Ordinance must follow a timeline to be enforced for 2023. Proposed changes include limiting the number of rentals, eligibility requirements, conditions for renewal, and residential requirements.

Reconsideration of the White Haven Police Contract – Mayor Carter asked Council to delay action until a meeting can be held between the Borough and the White Haven Police Department during the July Council meeting. Longmore stated efforts were made to initiate a meeting between the White Haven Police and the Borough, however; the only response the Borough received in the matter was an invitation to attend the White Haven Council Meeting. Penn Lake later received a new contract from the White Haven Police. White Haven Council stated that they were waiting for the Penn Lake Borough Meeting to occur before meeting with Penn Lake Council and then offered the Borough a meeting one hour before the regular White Haven Council Meeting. Issues identified by the Penn Lake Borough Council that need to be addressed are: reliability and authenticity of police reports, responding and limiting direct calls to the White Haven Police Department by Mayor Carter only, rectifying a report from September 2021, and a more detailed report on incidents occurring in the Borough. Penn Lake Council Members will meet with White Haven Council and the White Haven Police Department one hour before the White Haven Council Meeting. The entire matter was tabled until the next Penn Lake Borough Council Meeting.

Snow Plowing – No bids were received to date. A suggestion was made to run ads for services in the Standard Speaker and the Citizens’ Voice newspapers.

Dam –

A **Motion** was made by Rogan, 2nd by Kuter to allow Borton Lawson to perform the annual dam inspection at a cost of \$1500.00.

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

Motion carried.

- 7/22/22 Penn Lake received communication from the PA DEP that sub-applicants such as Penn Lake may only submit grant applications for either planning and design or construction-ready activity types, but not both. The dam’s grant application was modified to apply for planning and design only. This was the best option as the “period of Performance” window is quite narrow.
- 8/3/2022 Jim Brozena continues to respond to information requests from FEMA regarding our FEMA BRIC grant application.
- 8/8/2022 The Dam Advisory Group met remotely to discuss how best to communicate the pause in progress of dam repairs. A public meeting to update residents on status is planned for early October. Prospective dates are October 1, 2, 8, and 9. The meeting will take place at the Penn Lake Community House or the Murphy room of the White Haven Library.

- 8/9/2022 Two proposals were received for the 2022 dam inspection: Borton Lawson for \$1500.00 and Streamline Engineering for \$3500.00
- 8/11/2022 Continuation of the dam project is awaiting a verbal go-ahead from DEP related to the Streamline Hydrologic and Hydraulic analyses. The DEP delay is jeopardizing the projected construction start date of post Labor Day 2023.

NEW BUSINESS:

Snow Plowing – Was covered under Unfinished Business.

Lakefront Walls – Rogan responded to a question of responsibility concerning repairs on Lakefront walls by citing Article 13 in Penn Lake's restrictive Covenant stating that residents cannot enlarge or change lakefront areas and it is the responsibility of the grantee to maintain the area in good order.

Submersed Weeds- The cost of spraying is \$560 per acre. Past yearly expense totaled \$5,000.00. Spraying impacts submersed weeds for the next as well as the current season.

A **Motion** was made by Eustice, 2nd by Kuter to spend up to \$6,000.00 for the spraying of submersed weeds.

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

Motion carried.

PUBLIC COMMENT:

Former Mayor Krynicki stated last year Council approved \$4,000.00 for 21 signs and installation.

Krynicki questioned whether an ordinance was passed to enable police to enforce stop signs. She added that 7 drivers were cited and none were charged because there was no ordinance.

William Costello questioned who was responsible for the placement of a speed bump on Hollenback Rd where the dirt portion begins.

Corey Veltz reported that he knows of 2 firms interested in snow plowing for the Borough. Veltz feels that in view of the many young families and recent number of renters, Council should consider putting the issue of police protection before the community before voting on the matter.

Melissa Seitchek considers removing police protection as a threat to the community and has questions on whether there is a way for residents to vote on the matter.

Phyllis Mozitis stated that most people reside in the Borough because of the safe environment for residents and especially children and there are more pros than cons relating to retaining police protection.

Seth Isenberg pointed out that the nearest State Police Barracks covering Penn Lake Borough is not located at the Turnpike entrance as suggested. Attorney Giarrantano stated the nearest State Police Barracks that would respond to Penn Lake is located in Hanover, PA.

Lynn McGlynn asked if Council would consider the purchase of a microphone for future Council meetings as it was difficult to hear the Council members speak.

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

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

Motion carried.

Meeting adjourned at 8:29 PM.

The next Council Meeting will be held on September 8, 2022 at 7:00 PM.

Respectfully submitted,

Karen Burden, Secretary

TREASURERS REPORT September 8th , 2022

PNC GENERAL FUND

Balance as of 8/11/22	\$48195.34	
Revenue Deposits 9/8/22 mtg	<u>+ 786.06</u>	
	\$48981.40	
Transfer to Dam Acct	- 717.02	
Bills to be Paid 9/8/22	<u>- 21172.79</u>	
Balance as of 9/08/22	\$27091.59	(\$16119.06 –DCED)

PLGIT GENERAL FUND

Balance as of 08/11/22	\$122429.61
Deposits	+ 9418.30
Interest earned 08/30/22	<u>+ 206.96</u>
	132054.87
Bills to be Paid 9/08/22	<u>- .00</u>
Balance as of 9/8/22	\$132054.87

DAM ALLOCATION FUND

\$196100.38
+ 717.02
<u>+ 322.05</u>
\$197139.45
<u>- 4653.84</u>
\$192485.61

PLGIT GARBAGE

Balance 8/11/22	\$40007.26
Deposits from 9/8/22 mtg	\$ 320.00
Interest earned 8/30/22	<u>\$ 72.36</u>
	\$40399.62
Bills to be Pd 9/08/22	<u>- 6539.40</u>
Balance as of 09/08/22	\$33860.22

LIQUID FUELS

\$26939.03
.00
<u>\$ 43.94</u>
\$26982.97
<u>- .00</u>
\$26982.97

FNCB SEWER FUND

Balance 8/11/22	\$187203.70
Interest Earned	+ 31.70
Revenue Dep 9/08/22	<u>+ 25743.57</u>
	\$212978.97
Bills approved 9/08/22	- 337.50
Penn Vest Loan 9/1/22	<u>- 10317.06</u>
Balance as of 9/08/22	\$202324.41

LUZERNE BANK

\$10500.00
.00
<u>+ .00</u>
\$10500.00
<u>- .00</u>
\$10500.00

RECEIPTS: September 8th, 2022 MEETING

\$ 9418.30	Berkheimer, EIT
\$ 785.31	Real Estate Taxes collected
\$ 320.00	Garbage fees collected
\$ 11300.00	Sewer Connection Fee (Pavlico & Maslar)
\$.75	Elite Revenue, Delinquent Taxes Collected
\$ 14443.57	Sewer Fees Collected, April

\$ 36267.93	TOTAL RECEIPTS
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BILLS:

\$ 10317.06	Penn Vest Loan Monthly Payment – September
\$ 555.00	McNealis Law Offices, (Variance Hearing- Carter)
\$ 350.00	Atty. John Dean, August Retainer
\$ 612.50	Elliott Greenleaf & Dean, Boro Matters-July
\$ 464.80	Barry Jacob, ZO Salary –Aug , mileage, Postage, hearing fee
\$ 142.09	Luzerne Bank, Interest on Loan
\$ 174.00	Reeves Rent-A-John, Portable Potty, August
\$ 858.33	White Haven Borough, Police Protection, September
\$ 6539.40	GFL Environmental, Garbage collection August
\$ 43.34	Karen Burden, Printer Ink
\$ 155.54	Weaver excavating, stone delivery
\$ 337.50	Aqua PA, Invoice #7-2022 Repairs
\$ 420.00	Four Diamond Lawn Care, Inc. – July Lawn Care
\$ 30.15	PPL Electric Utilities, August Streetlights
\$ 208.00	Kirby Health Center, 8 water tests
\$ 4511.75	Streamline Engineering Inc, (Dam) Inv #844 & #845
\$ 30.03	H. A. Berkheimer, Admin & Coll – July
\$ 281.10	PNC Bank CC- OOMA, Go to Mtg, & Central Clay Products
\$ 3000.00	Kislan's Trucking – Pothole patching -20% at start of project
\$ 11800.00	Kislan's Trucking – Balance of Approved Proposal
\$ 2190.00	Kislan's Trucking – Additional patching

\$ 43020.59	TOTAL BILLS
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**RESOLUTION #3, 2022
PENN LAKE PARK BOROUGH
LUZERNE COUNTY, PENNSYLVANIA**

WHEREAS, **Penn Lake Park Borough** ("The Borough") desires to acquire funds for the 2020 FEMA FMA grant awarded in July 2021 in the amount of \$301,000; and

WHEREAS, the Borough Council has determined it to be in the best interest of the Borough to establish a banking account with LUZERNE BANK, and

WHEREAS, the Borough Council has determined it to be in the best interest of the Borough to establish a banking account the sole purpose of which is to receive the grant money from FEMA; and

WHEREAS, the Borough Council affirms resolution #4 2021 committing the borough to a 25% match, be it:

RESOLVED, that the Borough will open an interest bearing account with Luzerne Banks, titled "BOROUGH OF PENN LAKE PARK, FEMA FMA Grant", requiring 2 signatures for disbursements, authorized signers to be Treasurer Teresa Wojciechowski, Counsel Vice-President Shaun Kuter, Council President Paul Rogan.

ADOPTED this 8thth day of September, 2022.

PENN LAKE PARK BOROUGH COUNCIL:

PRESIDENT

VICE PRESIDENT

COUNCIL MEMBER

COUNCIL MEMBER

COUNCIL MEMBER

APPROVED BY:

MAYOR

ATTEST:

SECRETARY

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August 10, 2022

Paul Rogan
Penn Lake Borough
PO Box 14
White Haven, PA 18661

RE: ARPA FUNDS

Dear Mr. Rogan:

On March 11, 2021, President Joseph Biden signed into law the \$1.9 trillion relief bill commonly referred to as The American Rescue Plan Act (ARPA). As you may be aware, ARPA funds must be obligated for expenditure by December 31, 2024, and spent by December 31, 2025. Any funds not so spent must be returned to the United States Government.

ARPA funds are broadly designed to support communities across the country, and municipalities are encouraged to plan how each item fits within an eligible use category. In making such a plan, it is important to note that an intended use may fall into multiple categories. The municipality should be clear which eligible use category is intended for reporting and compliance purposes. Critically, ARPA, for local governments, does not lend itself to generalization but rather presents an intricate maze of federal requirements.

Because of the complicated nature of the act's guidance, many municipal law departments are not equipped with the technical and legal expertise necessary to procure and properly allocate ARPA money. Elliott Greenleaf & Dean's attorneys, including the former Luzerne County Acting Manager, Romilda P. Crocamo, have "hands-on" experience in administering ARPA funds in accordance with applicable laws and regulations. Our attorneys have the legal expertise and experience to help local governments navigate ARPA allocations and its strict reporting requirements.

Elliott Greenleaf & Dean is ready to advise local governments on the viability, eligibility, and legality of projects as well as compliance and reporting requirements issued by the United States Department of the Treasury. Our seasoned Government/Regulatory legal team consists of former senior federal and local government officials. We can efficiently advise you about, *inter alia*: administrative requirements, financial reporting, guidance on potential ARPA sub-recipient contracts, and communications and submissions to the United States Treasury Department. If your municipality or local government entity is interested in pursuing and utilizing ARPA funds, we are available to assist and advise you to help you navigate the complexities relating to your application and reporting and compliance obligations for ARPA funds. For more information, please call or email Romilda P. Crocamo at (570) 371-5290 or rpc@elliottgreenleaf.com.

Very truly yours,



John G. Dean

JGD/mgk