

**Penn Lake Park Borough**  
**Agenda-October 13<sup>th</sup> 2022 7pm Meeting**  
**<https://global.gotomeeting.com/join/384401149> Ph.(312) 757-3117 Access Code: 384-401-149**

Work Session-7pm

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Call to Order

Pledge of Allegiance

Special meeting was advertised and held 9/19/22

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
- Short Term Rental

Unfinished Business

- Speed Bumps
- Pickle Ball / Tennis Courts
- Vote on STR Changes to the ordinance and STR permit application
- Discuss reconsideration of our current contract with the White Haven Police-New contract
- Dam
  - Activity since the last council meeting
  - Vote on Change Order #4 in the amount of \$4700 for "Coordination with Regulatory/Approval Entities" be increased by the Lump Sum of \$4,700 to cover the costs incurred by the preparation of the individual property easement drawings and related coordination. "

New Business

- WHPL and YMCA Camp-Funding request, vote to provide funding
- Drain repair-Kislan proposal replace/repair the catch basin drain on Lakeview Drive in front of Augie and Flo's house amount of \$7575.00
- Motion to advertise dates for 2023 meetings

Final Public Comment

Adjourn

SEPTEMBER 19, 2022

PENN LAKE PARK BOROUGH SPECIAL SEPTEMBER COUNCIL  
MEETING

The Penn Lake Park Borough Special September Council meeting was held outside the Penn Lake Park Community House. Council President Paul Rogan called the meeting to order at approximately 7:04 PM with the Pledge of Allegiance to the Flag.

**ROLL CALL:** Council President Paul Rogan, Council members Shaun Kuter, David Longmore, Dan Eustice, and John Burden were present. Mayor Tom Carter was absent.

**NEW BUSINESS:**

**WINTER PLOWING CONTRACT-** A **Motion** was made by Longmore, 2<sup>nd</sup> by Kuter to award the snow plowing contract to Petras Landscaping at a rate of \$110.00 per hour for plowing, \$130.00 per hour for Spreader/Plow Truck, with an anti-skid price of \$50 per yard, and road salt price of \$250 per yard.

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

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

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

Meeting adjourned at 7:06 PM.

**The next Council Meeting will be held on October 13, 2022 at 7:00 PM.**

Respectfully submitted,

Karen Burden, Secretary

SEPTEMBER 8, 2022

## PENN LAKE PARK BOROUGH COUNCIL MEETING

The Penn Lake Park Borough September Council meeting was held at the Penn Lake Park Community House. Council President Paul Rogan called the meeting to order at approximately 7:23 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:** Council President Paul Rogan and Council member Shaun Kuter were remote, David Longmore, Dan Eustice, and John Burden were present. Mayor Tom Carter was absent.

### **MINUTES:**

Minutes from the August 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 August Council Meeting Minutes was made by Rogan, 2<sup>nd</sup> 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 Longmore, 2<sup>nd</sup> by Eustice to accept the Treasurer's Report.

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

Motion carried.

### **RECEIPTS/BILLS:**

A **Motion** was made by Rogan, 2<sup>nd</sup> by Eustice to pay the bills of \$43,020.59 with an additional payment to Nature Works for \$5,768.00 for a total of \$48,788.59 and to accept the receipts of \$36,267.93.

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

Motion carried.

### **PETITIONS OR COMPLAINTS:** None

### **CORRESPONDENCE:**

Luzerne County will conduct two separate tire recycling collections at the following locations: Drums Elementary School on October 1, and Hanover Area Jr/Sr High School on October 8. Both collections will be held from 7 AM to 1 PM. Any resident wishing to participate must call 1-800-821-7654 to register.

### **COMMITTEE REPORTS:**

**MAYOR – CARTER** -No Report.

**POLICE** – The Borough received 22.5 hours of service for August. Incidents were: 1 Mental Health and 2 Assist Other PD.

**SOLICITOR – Kristyn Giarrantano Jeckell** – The proposed changes to the White Haven Police contract were sent to the Police Department but the Borough has not had an opportunity to review the response.

**ZONING** – 10 permits were issued: 1 shed, 2 add to structure, 1 Demo, 1 A/C unit, 1 Driveway, 1 Demo Zoning, 2 Zoning permits, and 1 new structure. Grant Carter variance was approved at a Zoning Board Hearing.

**RECREATION– Kuter** – The pickle ball court has been a popular addition to the Borough and Kuter suggests keeping the porta potty in place while the court is in use.

**LAKE MANAGEMENT - Eustice** – Water testing is over for the remainder of the year.

**GOOSE ABATEMENT – Kuter** – The geese are moving now.

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

**ROADS –Longmore** – Was pleased with the quality of Kislán's paving and pot hole patching. Longmore added that some other work was completed without charge. Longmore had Kislán complete some additional work and sealing will be completed shortly. Longmore mentioned a stormwater drain by the bridge needs repair and is seeking a proposal to repair the drain.

A **Motion** was made by Longmore, 2<sup>nd</sup> by Eustice to pay \$2,190.00 for additional work completed by Kislán.

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

Motion carried.

**SEWERS – Rogan** – The Borough has a balance of \$388,740.00 on the Penn Vest loan.

Currently there is \$187,204.00 in the Sewer Fund and the Borough may consider paying off the loan earlier than the December 2025 expected date.

**SHORT TERM RENTALS- Burden** – Attorney Giarrantano Jeckell will make suggested changes to the Short-Term Rental Ordinance and Permit.

A **Motion** was made by Rogan, 2<sup>nd</sup> by Longmore to make suggested changes to the Ordinance and Permit and advertise the changes to the Ordinance in the White Haven Journal.

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

Motion carried.

## **UNFINISHED BUSINESS:**

***Motion to Approve Payment for Additional Work-*** Was covered under Roads.

***Speed Bumps*** – The issue of speed bumps, speed humps, Liquid Fuels eligibility, and Storage will continue to be considered

***Pickle Ball / Tennis Court*** –Work was done at the tennis court involving cleaning, painting lines, and adding an additional net. The Borough has not received money from the Go Fund Me account. The item will be continued on October's agenda.

***Short-Term Rental Ordinance Changes*** – Was covered in the Committee Report.

***Reconsideration of the White Haven Police Contract*** – Council has not reviewed the proposed changes resulting from the Executive session attended by Rogan, Eustice and Carter. The issue will be continued until the October Council Meeting when the Borough Council can review the changes. Attorney Jeckell will pass the changes to Council.

***Snow Plowing*** – Rogan suggested narrowing consideration to three bids and seeking clarification on equipment and staff capability for the bidders. Longmore suggested a Special Council meeting to evaluate the bids and reward the contract.

***Dam –***

- August 18 - The Dam Advisory Group has scheduled a public meeting for October 1, 2022 at the Community House to review progress and possible outcomes.
- August 19 - The Borough received the report on the supplemental analysis requested by DEP concerning the coefficients used in the H & H analyses and also the H & H analyses letter report.
- August 19 – Rogan and Brozena attended the ARPA grant webinar.
- August 29 – A meeting was held with attorneys, Brozena, and Dan George to discuss legal steps involved with easements.
- August 31- Rogan spoke with Brian Burd from the Luzerne Bank regarding a new account to receive 2020 grant money in the amount of \$301,000.00.
- September 5 thru 8 – The Dam Advisory Group met face to face with property owners that may be impacted by easements if the concept/solution submitted to DEP is adopted.

**NEW BUSINESS:**

**RESOLUTION 3 OF 2022** – A **Motion** was made by Rogan, 2<sup>nd</sup> by Longmore to accept Resolution 3 of 2022 to open a new bank account with Luzerne Bank for the deposit of the \$301,000.00 FEMA grant money.

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

Motion carried.

**ARPA FUNDS-** Elliot Greenleaf will advise.

**PUBLIC COMMENT:**

Trish Breuer had concerns and comments regarding the lake covenant, the Penn Lake Community Facebook page, and wildlife issues. Bill Green had concerns about speeding and erratic driving by a delivery person. Angela Simko stressed the importance and necessity of a quick response by snow plowing contractors in regard to working people and school buses. Kislun reported paving, pot hole patching, and sealing are completed. A resident is eager to have police issues resolved and questions when a new contract will begin. Rosenstock stated she had produced phone records proving she did not initiate the 80<sup>th</sup> Celebration incident.

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

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

Motion carried.

Meeting adjourned at 8:17 PM.

**The next Council Meeting will be held on October 13, 2022 at 7:00 PM.**

Respectfully submitted,

Karen Burden, Secretary

# TREASURERS REPORT October 13<sup>th</sup>, 2022

## PNC GENERAL FUND

Balance as of 9/08/22	\$27091.59
Revenue Deposits 10/13/22 mtg	<u>+24617.60</u>
	\$51709.19
Transfer to Dam Acct	- 1584.16
Bills to be Paid 10/13/22	<u>- 15164.58</u>
<b>Balance as of 10/13/22</b>	<b>\$34960.45</b>
	<u><b>-( \$32289.08 –Arpa Funds)</b></u>
	\$ 2671.37

## PLGIT GENERAL FUND

Balance as of 09/08/22	\$132054.87
Deposits	+ 943.29
Interest earned 09/30/22	<u>+ 245.22</u>
	133243.28
Add'l Bill approved 9/8/22	- 5768.00
Bills to be Paid 10/13/22	<u>- .00</u>
<b>Balance as of 10/13/22</b>	<b>\$127475.38</b>

## DAM ALLOCATION FUND

\$192485.61
+ 1584.16
<u>+ 361.87</u>
\$194431.64
- 13680.68
<b>\$180750.96</b>

## PLGIT GARBAGE

Balance 9/08/22	\$33860.22
Deposits from 10/13/22 mtg	\$ 320.00
Interest earned 9/30/22	<u>\$ 67.41</u>
	\$34247.63
Bills to be Pd 10/13/22	<u>- 6539.40</u>
<b>Balance as of 10/13/22</b>	<b>\$27708.23</b>

## LIQUID FUELS

\$26982.97
.00
<u>\$ 50.35</u>
\$27033.32
<u>- .00</u>
<b>\$27033.32</b>

## FNCB SEWER FUND

Balance 9/08/22	\$202324.41
Interest Earned	+ 32.61
Revenue Dep 10/13/22	<u>+ 13949.26</u>
	\$216306.28
Bills approved 10/13/22	- 10605.87
Penn Vest Loan 10/1/22	<u>- 10317.06</u>
<b>Balance as of 10/13/22</b>	<b>\$195383.35</b>

## LUZERNE BANK

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

# RECEIPTS: October 13<sup>th</sup>, 2022 MEETING

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\$ 943.29	Berkheimer, EIT
\$ 1735.03	Real Estate Taxes collected
\$ 320.00	Garbage fees collected
\$ 89.39	Magisterial District Court, fines collected
\$ 453.29	Elite Revenue, Delinquent Taxes Collected
\$ 600.00	Zoning Fees Collected
\$ 500.00	Variance Hearing Fees (Carter)
\$ 285.46	Public Utility Tax (PURTA)
\$ 2934.41	Commonwealth of PA, Volunteer Fire Co Allocation
\$ 16170.02	Commonwealth of PA, RE: ARPA
\$ 1850.00	Short Term Rental Fee - Nunez
\$ 13949.26	Sewer Fees Collected, July
<b>\$ 39830.15</b>	<b>TOTAL RECEIPTS</b>
BILLS:	
\$ 10317.06	Penn Vest Loan Monthly Payment – October
\$ 60.00	Postmaster, Roll of Stamps
\$ 350.00	Atty. John Dean, September Retainer
\$ 962.50	Elliott Greenleaf & Dean, Boro Matters-August
\$ 385.20	Barry Jacob, ZO Salary –Sept , mileage,
\$ 137.50	Luzerne Bank, Interest on Loan
\$ 174.00	Reeves Rent-A-John, Portable Potty, September
\$ 858.33	White Haven Borough, Police Protection, October
\$ 6539.40	GFL Environmental, Garbage collection September
\$ 74.00	White Haven Postmaster, PO Box rental 12 Mo
\$ 150.00	Sargent's Court Reporting, Carter Hearing
\$ 10605.87	Aqua PA, Invoice #8-2022 New Service – 1644 Lakeview Dr
\$ 840.00	Four Diamond Lawn Care, Inc. – Aug & Sept Lawn Care
\$ 30.15	PPL Electric Utilities, September Streetlights
\$ 300.00	Kirby Health Center, 10 water tests Aug & Sept
\$ 6382.50	Streamline Engineering Inc, ( Dam) Inv #849
\$ 6884.69	Streamline Engineering Inc, (Dam) Inv #853- Change Order #4
\$ 150.15	H. A. Berkheimer, Admin & Coll – August
\$ 25.84	PNC Bank CC- OOMA, Go to Mtg,
\$ 7575.00	Kislan's Trucking – Lakeview Dr Catch Basin work
\$ 275.99	Margaret Bastow, Postcards & Yard Signs (Dam Project)
\$ 2934.41	White Haven Volunteer Fire Co #1
\$ 295.00	CANWIN/Journal Herald-June to Sept Ads
<b>\$ 56307.59</b>	<b>TOTAL BILLS</b>

**Penn Lake Park Borough- SHORT-TERM RENTAL ORDINANCE**

**ORDINANCE NO. 2020 - # 1**

**AN ORDINANCE RELATING TO THE USE AND REGULATION OF SHORT-TERM RENTAL UNITS WITHIN THE BOROUGH AND ESTABLISHING APPLICATION AND PERMIT STANDARDS AND PROCEDURES, PROVIDING FOR ADMINISTRATION AND ENFORCEMENT INCLUDING PENALTIES.**

**AS AMENDED OCTOBER 13<sup>th</sup> 2022**

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## **Section 1 – Title**

This ordinance shall be known as and may be cited as the "Penn Lake Park Borough Short-Term Rental Ordinance".

## **Section 2 - Scope and Legal Authority**

The provisions of this Ordinance shall apply to all residential dwelling units and all existing premises within the Borough of Penn Lake Park. The owner of the subject property shall be responsible for compliance with the provisions of this Ordinance and the failure of an owner, agency, managing agency, local contact person, or renting occupants to comply with the provisions of this Ordinance shall be deemed noncompliance by the owner.

## **Section 3 – Interpretation**

This Ordinance is not intended to, and does not, excuse any landowner from compliance with the Penn Lake Park Borough Zoning Ordinance, as amended from time to time. Whenever possible, this Ordinance and the Zoning Ordinance should be construed and interpreted as being consistent, and not in conflict. In the event of conflict, the regulations of this ordinance shall apply.

## **Section 4 – Definitions**

For the purposes of this Ordinance, words and terms used shall have the following definitions:  
DWELLING UNIT - One or more rooms designed, occupied or intended for occupancy as separate living quarters for one or more persons, with cooking, sleeping, and sanitary facilities provided.

GOOD STANDING – Not found to be in violation of any of the conditions governing Short Term Rental Permits found in the Short Term Residential Rental Registration Affidavit.

SHORT-TERM RENTAL - Any Dwelling Unit owned or managed by a person, firm or corporation which is rented or leased for a period of less than thirty (30) consecutive days.

SHORT-TERM RENTAL PERMIT - Permission granted by the borough to utilize a Dwelling Unit for Short-Term Rental Use.

## **Section 5 - Permit Required**

No owner of any property in Penn Lake Park Borough shall operate or allow the operation of a Short-Term Rental in Penn Lake Park Borough without first obtaining a Short-Term Rental Permit from the Borough Secretary. Operation of a Short-Term Rental without such Short-Term Rental Permit is a violation of this Ordinance.

### **Section 5.1 – Number of Permits**

The number of permits available shall be equal to 5% of the Land Use 101 properties in the borough and may be adjusted annually.

## **Section 5.2 – Permit Eligibility**

Borough residents are eligible for STR permits. For purpose of this section, a resident shall be defined as a person who provides copies of 2 of the following 3 records to establish residence within the borough:

- A driver's license with an address in the borough
- A voter registration card with an address in the borough
- A tax bill with the owner's name and mailing address in the borough

## **Section 6 - Permit Procedure**

A Short-Term Rental Permit shall be issued only to the owner of the Short-Term Rental property. A separate Short-Term Rental Permit is required for each Dwelling Unit; A Short-Term Rental Permit is effective for a period of one (1) calendar year. In the first year of the adoption of this ordinance, the permit and applicable fee will be prorated. A Short-Term Rental Permit must be renewed annually. The borough will prescribe forms and procedures for the processing of Permit Applications under this Ordinance.

Short-Term Rental Permit applications shall be submitted to the Penn Lake Park Borough Secretary and shall contain the following information:

1. Contact Information- Name, address, phone number and email address of the owner.
2. Signature of the owner.
3. Copy of the current recorded deed for the property establishing ownership.

## **Section 7 - Fees, Term and Renewal**

1. Short-Term Rental fees, payable to Penn Lake Park Borough upon the filing of a Short-Term Rental Permit application, shall be set each year by vote by Council at the November meeting of the prior year and listed in the permit application.
2. A Short-Term Rental Permit must be renewed annually. Short-Term Rental Permit renewal applications shall contain information regarding any changes from the immediately preceding application with respect to matters governed by this Ordinance.
3. A current year permit holder in good standing who submits a renewal application for the following year by the 15<sup>th</sup> of December will be renewed ahead of any new applications received.

## **Section 8 - Nuisance**

A violation of any of the provisions of this Ordinance is declared to be a public nuisance.

## **Section 9 - Occupancy**

Maximum occupancy during the rental of a short term rental property shall be calculated as follows:

- (Number of bedrooms x 2) plus 2

Bedrooms	Occupancy
1	4
2	6
3	8
4	10
5	12

#### **Section 10 – Severability**

If any portion of this ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect any other portion of this ordinance so long as it remains legally enforceable minus the invalid portion.

#### **Section 11 – Repealer**

All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

#### **Section 12 – Enforcement**

This ordinance shall be enforced by the zoning officer and/or the President of the borough council or his or her designee. Any person who violates this ordinance shall be subject to a fine of \$250 and upon summary conviction of any subsequent offense, to a fine of \$1000, plus the costs of prosecution in each case.

#### **Section 13 – Effective Date**

This ordinance will be effective 9/10/2020.

**Section 14 – Amendments**

October 13 2022

- Section 4 modified
- Section 5.1 and 5.2 added
- Section 7 modified
- Section 12 modified

**PENN LAKE PARK BOROUGH COUNCIL:**

_____	_____
<b>PRESIDENT</b>	
_____	_____
<b>VICE PRESIDENT</b>	
_____	_____
<b>COUNCIL MEMBER</b>	
_____	_____
<b>COUNCIL MEMBER</b>	
_____	_____
<b>COUNCIL MEMBER</b>	

**APPROVED BY:**

\_\_\_\_\_  
**MAYOR**

**ATTEST:**

\_\_\_\_\_  
**Secretary**

## Penn Lake Park Borough

### SHORT TERM RENTAL REGISTRATION 2023

Please note that Short Term Rental Permits are valid from January 1<sup>st</sup> through December 31<sup>st</sup> of each year.

#### APPLICANT INFORMATION:

Name: \_\_\_\_\_ (Primary Contact for guests)

Mailing Address: \_\_\_\_\_ Phone: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Email Address: \_\_\_\_\_

Attached 2 of 3 Required:

- Driver's License Photo Copy
- Tax Bill Photo Copy
- Voter Registration Photo Copy

#### MANAGING AGENT INFORMATION (If Different From Applicant):

Name: \_\_\_\_\_ (Primary Contact for Guests)

Mailing Address: \_\_\_\_\_ Phone: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Email Address: \_\_\_\_\_

#### RENTAL UNIT INFORMATION:

Address of Property: \_\_\_\_\_

Number of Bedrooms: \_\_\_\_\_

Type of Rental Unit:

“Owner-Occupied” – Having guests stay in rooms while I am also residing at my unit during their stay.

“Non-Owner Occupied” – Having guests stay in a unit I own but do not reside in.

Please list any and all hosting platforms on which you plan to list your unit, including personal webpages:

\_\_\_\_\_

#### SHORT TERM RESIDENTIAL RENTAL REGISTRATION AFFIDAVIT:

I affirm, under penalty of perjury, that the information contained in this application and all documents tenured in connection with this application are accurate and complete.

- A. The maximum stay for short term rentals shall be 29 consecutive days for the same occupant.
- B. The dwelling unit shall be limited to one single short term rental contract at a time.

- C. The maximum number of persons residing in the short term rental shall not exceed the number of bedrooms times 2 plus two.

Bedrooms	Occupancy
1	4
2	6
3	8
4	10
5	12

- D. No food or alcoholic beverages shall be prepared for or served to the guest by the host.
- E. Outdoor signage in conjunction with the short term rental is prohibited. Also, each short term rental shall provide an evacuation plan and provide smoke detectors.
- F. If the short term rental is not the primary residence of the host, the host shall provide information to the occupants on how to be contacted by phone, email, and address. This information shall be provided in a conspicuous location within the short term rental.
- G. Parking for short term rentals shall be limited to the rental property, i.e. driveway or grassy area, NOT alongside the road or on any neighboring property.
- H. The short-term rental shall comply with all Borough ordinances. If the property is subject to two (2) or more substantiated civil and/or criminal complaints, the Zoning Officer may revoke the approval of the short term rental.
- I. All short term rental hosts must submit an annual registration form to the Penn Lake Park Borough Secretary:
- a. By Email at [plpborosecretary@yahoo.com](mailto:plpborosecretary@yahoo.com); or
  - b. By US mail to Penn Lake Park Borough, P.O. Box 14, White Haven, PA 18661
- J. The registration fee is set at \$1250. The registration fee must be submitted with the application, due by March 31<sup>st</sup>. A late fee of \$100 will be charged on the 1<sup>st</sup> day of April and the 1<sup>st</sup> day of each succeeding month if not paid in full with all accrued late fees. If a short term rental ceases operations, the owner shall notify Penn Lake Park Borough through email or mail. If the short term rental ceases operations, the owner shall not be entitled to reimbursement of any registration fees incurred and paid for the year.

## SIGNATURE

I understand that failure to comply with any of the above-listed conditions, in addition to those set forth in the Short-Term Rental Regulations, will be cause for enforcement action by the Zoning Officer which may result in the accrual of fines and penalties and/or prohibition from operation of future short-term rentals.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

## FOR OFFICIAL USE ONLY

Permit #: \_\_\_\_\_

Zoning of Property: \_\_\_\_\_

Conditional Use Required: Yes \_\_\_\_\_ No \_\_\_\_\_

Date Conditional Use Granted: \_\_\_\_\_

Date of Occupancy Inspection: \_\_\_\_\_ Fee: \$1,250.00

## **AGREEMENT TO PROVIDE POLICE PROTECTION**

**THIS AGREEMENT**, made as of the 1<sup>st</sup> day of January 2023, by and between **PENN LAKE PARK BOROUGH**, a political subdivision within Luzerne County and organized and existing under the laws of the Commonwealth of Pennsylvania with a municipal address of P.O. Box 14, White Haven, PA 18661 (“Penn Lake”) and **WHITE HAVEN BOROUGH**, a political subdivision within Luzerne County and organized and existing under the laws of the Commonwealth of Pennsylvania with a municipal office located at 312 Main Street, White Haven, PA 18661 (“White Haven”) (collectively, “Parties” or individually, “Party”);

### **Witnesseth**

Penn Lake and White Haven, intending to be legally bound, agree that White Haven shall provide police protection to Penn Lake under the following terms and conditions:

1. **Statutory Authority.** This Agreement is entered into between Penn Lake and White Haven under the authority of the Intergovernmental Cooperation Act of July 12, 1972, NO. 180 (53 P.C., 481 et. Seq.); 53 P.S. 45202(35) of the Pennsylvania Borough Code.
2. **Term.** This agreement shall begin on January 1, 2023, and end on December 31, 2023. At the end of the term, this Agreement shall automatically renew on a yearly basis, provided, however, that either party may provide 30 days of advance written notice of termination of the Agreement to the other party, which may take place in the middle of a term. . The Parties agree that, should either party wish to renegotiate the terms of this Agreement, the Parties must agree on such renegotiated terms by August 31 of each term to take effect on the first day of the subsequent year.
3. **Consideration.** Penn Lake shall pay White Haven \$14,894.88 per year for the period commencing on January 1, 2023 and ending on December 31, 2023. Payments shall be made in the amount of \$1,241.24 per month on the last day of each month beginning on January 31, 2023. If the agreement is renewed, the contract price shall increase in the amount of 3% for each renewal year.
4. **Services.** White Haven agrees, through the White Haven Borough Police Department (“Police”), to provide police protection within the corporate limits of Penn Lake consisting of responding appropriately to calls for police assistance through 911 emergency calls<sup>1</sup>; setting up and running traffic stops and conducting vehicle patrols; enforcing the provisions of the Pennsylvania Crimes Code, the Pennsylvania Motor Vehicle Code and the Penn Lake Code of Ordinances of a criminal nature; responding to an ongoing issue reported by the Penn Lake Mayor; and performing other services of a type and coming within the jurisdiction of and customarily rendered by the Police. The Police shall be responsible for log reports on its activities in Penn Lake, including the reason for which the Police engaged in such activity, i.e., routine patrol, response to 911

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<sup>1</sup> White Haven agrees that, in the event that the Police receives a direct call, i.e., to a police officer’s cell phone, which requires or requests an emergent response to Penn Lake, the Police will direct the caller to call 911 before the Police respond.

call, etc. Penn Lake shall be entitled to review such log reports upon request. Furthermore, Penn Lake shall be permitted to request a police officer be present at its monthly meetings and give reports at those meetings on police activities within Penn Lake for the prior month.

5. **Minimum Hours of Service.** White Haven shall provide Penn Lake with police service ~~protection~~ a minimum of 7 hours per week for all weeks beginning May 1 and ending October 31 and a minimum of 4 hours per week for all weeks beginning January 1 and ending April 30 and all weeks beginning November 1 and ending December 31 . The weekly hours may be carried over from week to week depending on the needs of Penn Lake and the agreement of the parties. The weekly hours may also increase with proper notification from the Penn Lake Mayor for scheduling purposes at the cost of \$52.08 per hour for each additional hour scheduled.
6. **Court Time.** If a police officer is required to attend court proceedings in the prosecution of crimes, then there will be additional charges of \$52.08 per hour to Penn Lake for hours spent by officers in court. However, court time may be deducted from the minimum hours of service and hours carried over from the week to week at the discretion of Penn Lake.
7. **Fines and Penalties.** Penn Lake shall be entitled to all fines and penalties or portions thereof, as provided by law, for all convictions based on crimes, summary offenses, ordinance violations, and traffic offenses committed within Penn Lake. However, Penn Lake agrees to escrow one-half of the nontraffic fines collected for police equipment to be paid upon request and for reimbursement of police equipment purchased by White Haven provided the equipment is used for police protection services within Penn Lake.
8. **Insurance.** White Haven shall, at all times during this agreement and while providing police protection services, maintain Law Enforcement Officer's Liability Insurance in a minimum aggregate amount of \$1,000,000.00 which policy shall cover the police activities and name Penn Lake as additional insurance. The policy may not be canceled without 30 days prior notice to Penn Lake by the carrier. White Haven shall provide Penn Lake with a Certificate of Insurance.
9. **Indemnification.** White Haven does hereby indemnify and save harmless Penn Lake from all costs, judgments, expenses, payments, claims, and causes of action (including court costs and reasonable attorney fees) arising from the police protection services of the Police. The Police shall be treated as an independent contractor of Penn Lake, and Penn Lake shall not be held liable financially (for payroll, payroll taxes, worker's compensation or other benefits) or otherwise for causes of action incurred by White Haven, except for unemployment compensation rate increases, if any, incurred by White Haven as a result of the termination or nonrenewal of this Agreement by Penn Lake.
10. **Grants.** Penn Lake agrees to reasonably cooperate with White Haven in applying for grants for police equipment provided that police equipment is used in the performance of police protection services within Penn Lake.
11. **Ordinances.** This agreement is contingent upon Penn Lake and White Haven each adopting an ordinance under the Municipal Police Jurisdiction Law, 42 Pa C.S.A. 8951, et seq. and the Intergovernmental Cooperation Law, 53 Pa. C.S.A. 2301, et seq. and 42



Pa. C.S. 8953, which adopts the terms and conditions of this Agreement. As such, this agreement shall become effective after the passage of both ordinances.

**IN WITNESS WHEREOF**, the Parties, intending to be legally bound hereby, have signed this Agreement on the date indicated below:

**ATTEST:**

**PENN LAKE PARK BOROUGH**

\_\_\_\_\_  
Secretary

\_\_\_\_\_  
President

\_\_\_\_\_  
Vice President

\_\_\_\_\_  
Council Member

\_\_\_\_\_  
Council Member

Date:\_\_\_\_\_

\_\_\_\_\_  
Council Member

**ATTEST:**

**WHITE HAVEN BOROUGH**

\_\_\_\_\_  
Manager

\_\_\_\_\_  
President

\_\_\_\_\_  
Vice President

\_\_\_\_\_  
Council Member

\_\_\_\_\_  
Council Member

\_\_\_\_\_  
Council Member

\_\_\_\_\_  
Council Member

Date:\_\_\_\_\_

\_\_\_\_\_  
Council Member



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110 ALLAN STREET  
LOWER BURRELL  
PENNSYLVANIA 15068

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TELE: 724-594-0326  
CELL: 724-991-4541  
WWW.STREAMLINEENGINEERING.NET

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October 10, 2022

Project 21-107

Mr. Paul Rogan  
President, Penn Lake Park Borough Council  
P. O. Box 14  
White Haven, Pennsylvania 18661

RE: Change Order No. 4 – Easement Drawings  
Penn Lake Dam and Spillway Improvements Project  
Penn Lake Park Borough, Luzerne County, Pennsylvania

Dear Mr. Rogan:

As part of the original contract with Penn Lake Park Borough to conduct analyses and prepare design alternatives for Penn Lake Dam, Streamline Engineering, Inc. (Streamline) continued to have discussions with Penn Lake Park Borough (Borough) and Pennsylvania Department of Environmental Protection (PADEP). These discussions have centered on the hydrologic and hydraulic analyses and on the predicted incremental flooding to properties along the lakeshore and the spillway channel. In a telephone discussion on September 22<sup>nd</sup>, 2022, Mr. Kirk Kreider of PADEP indicated that they concur with the hydrologic and hydraulic analyses.

Streamline has identified properties for which easements will be necessary for the establishment, operation and maintenance of a dedicated spillway system, in addition to the properties within the Borough predicted to experience an incremental increase in the Probable Maximum Flood (PMF) elevations for the proposed dam improvement project. Individual easement drawings have been prepared for these properties showing the areas required for the dedicated spillway system and the areas of incremental PMF flooding.

This change order is for the preparation of the individual property easement drawings for review and concurrence by the PADEP and for use by the Borough in their discussions with the affected property owners. The drawings will be prepared based on Luzerne County GIS tax maps, and is referenced to the Pennsylvania State Plane Coordinate System. The drawing information will therefore be ready-to-use by a Pennsylvania Professional Surveyor to formally establish the easement boundaries required by PADEP.

### **COSTS**

Streamline is requesting that the fee for Task 5 – “Coordination with Regulatory/Approval Entities” be increased by the Lump Sum of \$4,700 to cover the costs incurred by the preparation of the individual property easement drawings and related coordination.

Penn Lake Park Borough  
Change Order No. 4  
Project No. 21-107

October 10, 2022  
Page 2 of 3

If this proposal is acceptable, please sign and return the enclosed Project Authorization. If you have any questions, please do not hesitate to contact me.

Respectfully yours,

STREAMLINE ENGINEERING, INC.



Martha L. Frech, P.E. Principal

PROJECT AUTHORIZATION

RE: Change Order No. 4 – Easement Drawings  
Penn Lake Dam and Spillway Improvements Project  
Penn Lake Park Borough, Luzerne County, Pennsylvania

I \_\_\_\_\_, agree to the above scope of services and estimated cost and authorize Streamline Engineering, Inc. to perform the described services.

Signature \_\_\_\_\_ Date \_\_\_\_\_

Payment of Invoices is required within 45 calendar days of receipt of invoice. A late charge of 1% per month will be added to the invoice.

# KISLAN'S TRUCKING

354 S. Stagecoach Rd  
Weatherly, PA 18255

Phone # (570) 427-0167  
Fax # (570) 427-0168

9/8/2022

Penn Lake Park Borough Lakeview Drive work

Dig out and install new 2x2x2 (smallest available) catch basin and 70ft of 6"  
Schedule 40 PVC pipe on Lakeview Drive. Mill out and pave 16 X45 foot area  
Modified stone will be hauled in to put around pipe and compacted  
to bring to grade.

Repair and replace any damage done to homeowners property

Total bid \$7575.00

\*If excessive rock is hit during digging for catch basin, additional charges may apply  
if a hammer is needed to get through rock\*

