

OCTOBER 12, 2023

PENN LAKE PARK BOROUGH COUNCIL MEETING

The Penn Lake Park Borough October Council meeting was held at the Penn Lake Park Community House. Council President Paul Rogan called the meeting to order at approximately 7:13 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: John Burden, David Longmore, and Dan Eustice were present. Council Vice President Shaun Kuter was remote.

PUBLIC COMMENT: None

MINUTES:

Minutes from the September 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 September Council Meeting Minutes was made by Longmore, 2nd by Burden.

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

Motion carried.

RECEIPTS/BILLS:

A **Motion** was made by Kuter, 2nd by Longmore to pay the bills of \$92,712.10 and to accept the receipts of \$4,895.49.

Roll Call: Kuter, Longmore, Burden, Eustice, and Rogan (who abstained on line 8), otherwise aye, all in favor, none opposed.

Motion carried.

PETITIONS OR COMPLAINTS: None

CORRESPONDENCE:

The Borough received a notice from the Honorable Ferris Webby that Penn Lake Homes LLC/Patrick Kinsky intends to present a defense at the hearing scheduled concerning Short-Term Rentals on November 2, 2023.

COMMITTEE REPORTS:

MAYOR – Carter – Nothing to Report but noted that a complaint was received on the growing number of feral cats.

SOLICITOR – Kristyn Jeckell – Reported that the Borough has 2 Civil Action Hearings on November 2nd at 10:30 with Magistrate Webby concerning Short-Term Rentals operating without a permit.

ZONING – A request for a Zoning Appeal hearing was received but the date and time has not been determined.

RECREATION– Kuter – Nothing to Report.

LAKE MANAGEMENT - Eustice – Nothing to Report

GOOSE ABATEMENT – Kuter – Commented that the Borough has a large duck population.

RTK/RECORDS –Burden – Nothing to Report.

ROADS –Longmore – Pothole patching, the Stormwater project on Williams Dr., and stormwater drain cleaning have all been completed.

SEWERS – Rogan –Rogan asked Attorney Jeckell a question concerning the procedure for addressing delinquent accounts. Rogan will submit a list of delinquent accounts and Jeckell will mail letters.

SHORT TERM RENTALS- Burden – The Hearings for the Borough and Penn Lake Homes LLC/Patrick Kinsky, and Sharon Stoner will be held November 2 at Magistrate Webby’s office. Burden cited a passage in the nuisance ordinance where the Borough can charge owners whose garbage is littered on other residents’ properties, the cost of the clean-up fee plus a ten percent penalty.

UNFINISHED BUSINESS:

Abandoned Boats on Dam – Council Members Rogan and Longmore removed the abandoned boats from the dam to the lower parking area. Rogan commented the boats were in disrepair.

Code Enforcement – Will continue as Unfinished Business.

ARPA Funds – The Stormwater project at 54 Williams Dr. has been completed. It was noted that there is an additional \$13,000.00 from ARPA funds available for Borough use.

Speed Bumps/Humps – Will continue as Unfinished Business.

Discuss and Award Plowing Contract – A **Motion** was made by Rogan, 2nd by Kuter to award the Plowing Contract to Kislun for a three-year period and a one-time payment of \$2500.00 in year one of the contract.

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

Motion Carried.

Dam – September/October

- 9/15/2023 Grant writer Jim Brozena met with DAG members Carter, George, and Rogan to discuss further grants to help fund dam repairs. Brozena recommends pursuing both a county and statewide gaming/LSA grant. He is starting on the preparation of those grants. The overhead associated with an LSA grant is less than with the FEMA BRIC and FMA grants.
- 9/18/2023 Engineers estimate received for total dam costs of \$3.4m. Given the current financial picture, we are probably in an ok position.
- 9/19/2023 Rogan began soliciting letters of support for LSA grants from State Representatives, fire companies, and others.
- 9/20/2023 Dan George and Paul Rogan met at Attorney Jeckell’s office to discuss easement status with the Green Family.
- 9/25/2023 Attorney Jeckell advised the owners of properties needing easements that if signed agreements were not received by 10/16/23, her firm is authorized to file condemnation procedures for the easements.

- 9/26/2023 A virtual meeting was held to review the current status of the dam and spillway design. The meeting was arranged by the ARM group, attended by several ARM personnel, Streamline Engineering, and DAG members: Dan George, Jude Cooney, and Councilman Rogan. At present, the GeoTechnical design includes a sand filter blanket, a new toe drain, and a slip lined draw down pipe. The DAG members in attendance questioned the need for a sizable, extensive, and expensive coffer dam that is part of the design. It seems like it's to protect the draw down pipe work area, and the people downstream in the event of a failure. It was pointed out that 20 years ago when the valve was replaced, no coffer dam was utilized. Significant pushback from the DAG. Cooney and George offered that if the work was staged correctly, the work at the outlet pipe could be done before work on the downstream face of the dam, thereby protecting people downstream with the existing dam. Subsequent discussion between DEP and Streamline indicates that the cofferdam was probably not needed, and if true, represents a significant savings. There was some discussion around the use of a cutoff wall to minimize seepage. If money is available, though not part of design, it may be added after permitting. Discussion around a "borrow site" for material. The borough does not own very much land: beach, ballpark, and behind the tennis courts.
- 9/29/2023 A Luzerne County LSA grant in the amount of \$2,628,326.00 was submitted. We plan to submit an additional grant request of \$1 million for the statewide LSA grant.
- September – Numerous Emails with prospective easement holders were exchanged.
- 10/3/2023 - An email received from the Phillips confirmed that they will sign a 1-year option for their vacant property needed for spillway improvements.
- 10/2/2023 - An Email was received from Carolyn Basler's son indicating he has hired a local eminent domain attorney and as soon as the attorney reviews the agreement favorably, Basler will sign and send it back.
- 10/10/2023-The Greens and Cronauers have agreed (by text) to the easements.

Resolution 9 of 2023 – A **Motion** was made by Rogan, 2nd by Longmore to adopt Resolution 9 of 2023 to apply for an LSA Grant in the amount of \$2,628,326.00.

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

Motion Carried.

Green Reimbursement – A **Motion** was made by Rogan, 2nd by Burden to reimburse the Green Family in the amount of \$450.00 for expenses incurred in understanding the terms of the easement that was offered.

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

Motion Carried.

Phillips Real Estate Option – A **Motion** was made by Rogan, 2nd by Eustice to authorize a payment in the amount of \$500 to the Phillips Family for a Dam-related real estate option for one year.

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

Motion Carried.

NEW BUSINESS:

Motion to Advertise 2024 Council Meetings – A **Motion** was made by Rogan, 2nd by Longmore to advertise the 2024 Council Meetings set for the 2nd Thursday of each month with the exception of December which will be held on the 3rd Thursday of the month.

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

Motion Carried.

Drain Trenching – A **Motion** was made by Rogan, 2nd by Longmore to advertise for trenching out the drains after the drain cleaning performed last week.

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

Motion Carried.

PUBLIC COMMENT:

Pat Flannagan questioned whether one of his lots were on the easement schedule. Rogan confirmed that none of the Flannagan properties will be affected by easements.

Josey Soriano stated that pictures of damage caused by Pipe Services who performed drain cleaning were forwarded to the Borough. Council President Rogan said the damage will be repaired.

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

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

Motion Carried.

Meeting adjourned at 7:58 PM.

The next Council Meeting will be held on November 9, at 7:00 PM.

Respectfully submitted,

Karen Burden, Secretary

OCTOBER 20, 2023

PENN LAKE PARK BOROUGH COUNCIL MEETING

The Penn Lake Park Borough Special October Council meeting was held outside the Penn Lake Park Community House. Council President Paul Rogan called the meeting to order at approximately 5:01 PM with the Pledge of Allegiance to the Flag followed by a statement that the meeting is to be recorded.

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

PUBLIC COMMENT: None

NEW BUSINESS:

Discussion and Vote on Payment for the Penn Lake Park Borough dam repair permit application fee – A **Motion** was made by Rogan, 2nd by Burden to issue a check to Luzerne County Conservation District in the amount of \$2,100.00 for review of the erosion and sediment control plan.

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

Motion carried.

Final Public Comment- None

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

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

Motion carried.

Meeting adjourned at 5:04 PM.

Respectfully submitted,

Karen Burden, Secretary