

SEPTEMBER 14, 2023

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 7:08 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, Council Members: Shaun Kuter, John Burden, David Longmore, and Dan Eustice were present. Mayor Tom Carter was absent.

PUBLIC COMMENT: Nancie Rogan commented on Air B&Bs operating in the Borough without a permit, and added that she and her husband are constantly cleaning up trash that is dragged onto her property by bears from one Air B&B adjacent to her home that is operating without a permit. The Green family spoke on the appraisal offered by the Borough for an easement that is far below the value that was determined by their appraiser. Trish Breuer spoke of information gained through the Department of Agriculture on geese management. The Flannagan family had concerns that their properties may be affected by the spillway project.

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 Kuter, 2nd by Burden.

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

Motion Carried.

TREASURERS REPORT:

The Treasurer's Report was presented. A **Motion** was made by Longmore, 2nd 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 Kuter, 2nd by Longmore to pay the bills of \$68,570.47 and to accept the receipts of \$29,948.25.

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

Motion carried.

PETITIONS OR COMPLAINTS: None

CORRESPONDENCE:

Breezeline asks the Borough to commence informal renewal proceedings. The current franchise expires in June 2026.

Luzerne County forwarded paperwork for a municipal disaster declaration including guides to complete damage assessment.

Luzerne County Conservation District is hosting a free educational workshop on the Spotted Lantern Fly at Wilkes University on Tuesday, September 26 from 6:30-8:00 at the Henry Student Center.

Trish Breuer shared an email from Willy Werner of the Department of Agriculture concerning goose management which will be addressed under the Committee Reports.

COMMITTEE REPORTS:

MAYOR – Carter – No Report

SOLICITOR – Kristyn Giarrantano Jeckell – Completed flow easement and eminent domain paperwork. Jeckell also withdrew the civil action against John Tyson and is continuing correspondence and legal proceedings on Short-Term Rentals operating without a permit.

ZONING – 4 applications were received; none met zoning permit requirements and were denied.

RECREATION– Kuter – Nothing to Report.

LAKE MANAGEMENT - Eustice – Water testing at both beaches is done for the season. Neither beach could be opened because the average E. Coli count was not within an acceptable range. All water testing results will be posted on the Borough's website.

GOOSE ABATEMENT – Kuter – Responded to the email sent to Trish Breuer from Willy Werner from the Department of Agriculture regarding goose management. The email outlined steps to be taken before the geese can be euthanized by the Department of Agriculture. The correspondence is posted on the Borough's website.

RTK/RECORDS –Burden – Nothing to Report.

ROADS –Longmore – Pothole patching has begun, but the stormwater project on Williams Dr. has not started.

SEWERS – Rogan –The balance on the Penn Vest loan for the sewers is currently at \$272,000.00 and will be paid off in December 2025.

SHORT TERM RENTALS- Burden – A Short Term Rental application was received and a permit was issued. The current Short-Term Rentals operating with a permit are: Hong, Fisher, Medico, Perrone, and Rinker. Two Short-Term Rentals are operating without a permit. A complaint concerning one of the Short-Term rental operating without a permit was filed August 10, 2023. The Magistrate will send a constable to serve the civil action and after unsuccessful attempts, a notice can be advertised and posted on the door to the property. After that action, fees for operating without a permit, attorney fees, and filing fees will begin to accrue on the property.

UNFINISHED BUSINESS:

Abandoned Boats on Dam – Notices are posted on both Borough bulletin boards informing owners that all water craft must be removed from the dam area.

Code Enforcement – Will continue as Unfinished Business.

ARPA Funds – The proposed Stormwater project at 54 Williams Dr. will begin in the next few days.

Speed Bumps/Humps – Will continue as Unfinished Business.

Dam – July/August 2023

- 8/10/2023 Council voted 'aye' on the \$1000 2-year option agreement for the Phillips property easement.

- 8/17 and 8/18- Rogan had numerous face-to-face meetings with Rob Raymond, who is representing Carolyn Basler.
- 8/25/2023 Dan George and Rogan met with our borough solicitor to discuss the prospective easements, and to understand the steps needed for eminent domain.
- 8/25/2023 Dan George and Rogan met with prospective easement people.
- 8/28/2023 Streamline provided Revision 1 of the ARM Geotech report.
- 8/29/2023 There was a virtual meeting among Streamline, ARM (the GEOTech subcontractor), Dan George, Jude Cooney, and Rogan. The proposed solution was extremely expensive, and addressed problems that, in the view of the DAG members in attendance, were not really needed. Specifically, the engineers designed a solution that repaired fractured bedrock that is below the level of the lake. Streamline/ARM will go back to the drawing board to examine solutions that are more aligned with the boroughs ability to pay.
- 9/8/2023 Email and discussion between Dan George and Streamline indicating that the points made at our 8/29 Zoom meeting were well understood, and that the engineers are working on some more affordable alternatives.
- 9/10/2023 The dam advisory group met at the White Haven Public Library to discuss the current status of the design for spillway improvements and repairs at the dam to address the deficiencies identified by the DEP, and the current funding picture.

To Date:

Total spent on dam related since March, 2023	\$374,000
Balance in the dam fund (Treasurers Report)	\$3,215,320
Monthly/Annual Debt Service - Luzerne Bank	\$16,237/\$194,844
Estimated Monthly/Annual Interest received on Dam Money (Based on August- \$464/day)	\$13,913/\$166,966
Estimated Tax receipts Avg Month/Year dam fund	\$17,250/\$207,000
Estimated Monthly/Annual Revenue	\$31,163/\$373,966
Estimated Revenue in excess of debt service	\$14,926/\$179,112

Monthly/Annual

- 9/11/2023 Rogan attended a “meet and greet” meeting at the White Haven Public Library with state Senator David Argall and state Representative Michael Cabell. Rogan provided his contact information, and requested a face-to-face meeting to discuss the dam project and potential additional funding sources.
- 9/14/2023 Easement discussions continued throughout the past month. A vote is scheduled at tonight’s meeting to authorize the borough solicitor to initiate eminent domain proceedings for any easements that have not yet been dispositioned.
- 9/14/2023 A meeting is scheduled with our grant writer Jim Brozena and DAG members tomorrow at 9AM to discuss grant applications that can help address potential budget shortfalls.
- 9/14/2023 Discussions between borough solicitor and the Phillips relation to the option agreement presented last month continue.

A **Motion** was made by Rogan, 2nd by Kuter to authorize the Borough Solicitor to initiate Eminent Domain proceedings at the direction of the Dam Advisory Group.

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

Motion Carried.

NEW BUSINESS:

Discuss and Award Plowing Contract – Continued until the October Council Meeting.

PUBLIC COMMENT: The Green Family disputed the timetable the Borough reported for the easement issue. Dan George commented that easement language can be edited to be more specific for each affected property. Melissa Seitchek reported that currently there are 32 ducks residing at the lake and abatement language should be changed to include all water fowl. Kathy Astrelle asked if property easements would be rescinded if DEP does not approve the plans for the dam and spillway project. Trish Breuer commented that she and Kat Ladoff volunteered to be code enforcement officers in regard to the water fowl ordinance, however, their offer was declined because code enforcement was needed for all codes, not only water fowl.

The September Council Meeting will be continued on Monday, September 18, 2023, at 9:30 AM at the Community House grounds to vote on resolutions to initiate Eminent Domain.

September 18, 2023 9:30 AM, Continuation of the September 14, 2023 Council Meeting.

A **Motion** was made by Rogan 2nd by Longmore to amend the agenda to add a motion to adopt Resolution 3 and 4 to pursue a County and Statewide Local Share Assessment grant in the amount of \$1,000,000.00 to be used for DEP mandated dam repair.

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

Motion Carried.

A **Motion** was made by Rogan, 2nd by Eustice to adopt Resolution 3 of 2023 to request a Luzerne County Local Share Assessment Grant of \$1,000,000.00 to be used for DEP mandated dam repair.

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

Motion Carried.

A **Motion** was made by Longmore, 2nd by Kuter to adopt Resolution 4 of 2023 to request a Statewide Local Share Assessment Grant of \$1,000,000.00 to be used for DEP mandated dam repair.

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

Motion Carried.

A **Motion** was made by Rogan, 2nd by Burden to adopt Resolution 5 of 2023 to exercise Eminent Domain in order to acquire a flowage easement upon the Basler property for the erection and extension of water systems and the changing of watercourses.

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

Motion Carried.

A **Motion** was made by Rogan, 2nd by Burden to adopt Resolution 6 of 2023 to exercise Eminent Domain in order to acquire a flowage easement upon the Phillips property for the erection and extension of water systems and the changing of watercourses.

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

Motion Carried.

A **Motion** was made by Rogan, 2nd by Burden to adopt Resolution 7 of 2023 to exercise Eminent Domain in order to acquire a flowage easement upon the Cronauer property for the erection and extension of water systems and the changing of water courses.

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

Motion Carried.

A **Motion** was made by Rogan, 2nd by Burden to adopt Resolution 8 of 2023 to exercise Eminent Domain in order to acquire a flowage easement upon the Green property for the erection and extension of water systems and the changing of water courses.

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

Motion Carried.

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

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

Motion Carried.

Meeting adjourned at 9:35 AM.

The next Council Meeting will be held on October 12, at 7:00 PM.

Respectfully submitted,

Karen Burden, Secretary