JIM THORPE BOROUGH COUNCIL MEETING
April 11, 2024
MINUTES

Meeting called to order at 6:30 p.m. by President Strubinger with the pledge of allegiance and a moment of silence for the armed forces, first responders, and their families, as well as the service members who lost their lives while serving our country.

Roll Call of Members

Police Chief Schatz	Mayor Cinicola-absent	Sydney Wernett
Borough Manager Sterner	Mike Yeastedt	Connor Rodgers
Borough Secretary Klotz	Tom Chapman	Ted LaRizzio
Solicitor Nanovic	Joanne Klitsch	Greg Strubinger

Mayor's Report

Mayor Cinicola did not leave anything for Police Chief Schatz to report on his behalf. Police Chief Schatz told Council if they have any questions regarding the Police Report, to please reach out to him or the Mayor.

Announcements

The Borough is accepting letters of interest for two (2) vacancies on the Shade Tree Committee, terms ending December 31, 2028 and December 31, 2025.

The Borough is accepting letters of interest for the Planning Commission, term ending December 31, 2027.

Annual Street Sweeping will be taking place from April 22nd through April 29th.

The Pick Up the Poconos Spring Event is taking place on Saturday, April 20th from 9:00 am to 12:30 p.m.

The Spring Tire and Electronics Recycling Event is being held on Saturday, May 18th from 7:00 a.m. to 11:30 a.m. Residents are asked to arrive prior to 11:30 a.m. as the truck will be leaving promptly at that time.

The Borough was awarded $3,530.26 for the 2022 Performance Recycling Grant.

The Pocono Mountain Visitors Bureau has announced the following Community Grants have been awarded: The Borough of Jim Thorpe $10,000.00 for West Broadway lights, Kemmerer Park $9,285.00 for pavilion and concrete work, and JTTA $10,000.00 for Welcome Sign replacement.

Reminder to residents that pertinent information can be found through the Borough's All Call, Website, and Facebook pages. Residents needing assistance signing up for the All Calls should contact the Borough office.

Public Comment

Bill Malatak – He was there to express concerns over the safety of the sidewalk and crossing by the post office in order to get into and out of Downtown to the East Side. He said the County is taking in more money from the parking lot than the Borough is bringing in from Real Estate Taxes and the Borough should go after some of that money.

Jeff Hermann – He asked Borough Council if they were aware Penn Forest Township is proposing a recreation trail that would come down through the mountain, past the Rod & Gun Club, through Borough property and Germantown, before connecting to the D&L Trail. Greg Strubinger explained this was discussed at last week's work session meeting. John McGuire reported this information to them since it was discussed during the Carbon County Council of Governments meeting. This isn't something the Borough would be in favor of.

Andrew Roberts – He was at the meeting to ask Council if they had any additional questions pertaining to Planning Commission's recommendation to amend the Short-Term Rental Ordinance.

Bob Muscovitch – He was at the meeting to introduce himself as the new race director for the Race Street Run.

Public Hearing
NONE

SALDO (Subdivision and Land Development Ordinance)
NONE

Action
Miller Proclamation – Jay Miller was presented a Proclamation for all his hard work as part of Borough Council and as part of the Fire Department from both Borough Council and the Carbon County Commissioners. Greg Strubinger, Wayne Nothstein, and Mike Sofranko spoke about Jay's accomplishments over the past 50 years. Jay thanked everyone and invited Borough Council to the 150th Birthday Celebration of the Diligent Station on September 14th starting at noon.

MOTION by Mike Yeastedt, second by Connor Rodgers to **approve Council Meeting Minutes from March 7, 2024.** There were no comments. Motion carries 7-0.

MOTION by Mike Yeastedt, second by Connor Rodgers to **approve Council Meeting Minutes from March 14, 2024.** There were no comments. Motion carries 7-0.

MOTION by Mike Yeastedt, second by Connor Rodgers to **approve Council Meeting Minutes from March 21, 2024. There were no comments.** Motion carries 7-0.

MOTION by Mike Yeastedt, second by Connor Rodgers to **approve Expenditures from all Funds as presented.** There were no comments. Motion carries 7-0.

MOTION by Mike Yeastedt, second by Connor Rodgers to **approve the Treasurer's Report.** There were no comments. Motion carries 7-0.

MOTION by Connor Rodgers, second by Joanne Klitsch to **approve Ordinance 2024-02 Vehicle & Parking Amendment – Kiosk Fees and Hours.** This changes the hours the kiosk would be in use from 9:00 a.m. to 6:00 p.m. and to increase the rates to $2.00 cash for weekends (Fridays, Saturdays, and Sundays) and holidays, $1.50 cash for weekdays (Monday through Thursday) and credit charges are $0.50 extra and change the fees by Resolution going forward. Motion carries 6-1, with Mike Yeastedt apposed.

MOTION by Connor Rodgers, second by Joanne Klitsch to **authorize the Solicitor to advertise Ordinance 2024-03 On-Lot Sewage Maintenance Amendment – Pumping Inspection Intervals.** This changes the timeline for required pumping on-lot systems from 3 to 5 years based on the recommendation of the pumper/hauler. Motion carries 6-1, with Mike Yeastedt opposed.

MOTION by Mike Yeastedt, second by Connor Rodgers to **authorize the Solicitor to draft and advertise a Traffic and Vehicle Ordinance Amendment for Local Roadway Designation.** This will designate Packer Hill, Hill Road, and Race Street as local traffic only roads. Motion carries 7-0.

MOTION by Mike Yeastedt, second by Joanne Klitsch to **approve Resolution 2024-12 Supporting the Pennsylvania Commission for the United States Semiquincentennial (America 250).** There were no comments. Motion carries 7-0.

MOTION by Mike Yeastedt, second by Connor Rodgers to **approve the lowest 2024 Chemical Bids as presented for the following items: Sodium Permanganate, Dense Soda Ash, Liquid Chlorine, Ortho/Polyphosphate Blend-Carus 8100, Ortho/Polyphosphate Blend-Carus 8500, Poly Aluminum Chloride, Sodium Hypo-Chlorite 15%, Magnesium Hydroxide Wet 60%, and KC-138 Polyacrylamide Emulsion.** These are chemicals needed for the Water and Sewer Departments. Motion carries 7-0.

MOTION by Mike Yeastedt, second by Joanne Klitsch to **approve the lowest bid to Axis Stabilization in the amount of $496,750.00 for the High Street Wall Project.** There were only 2 bidders, Axis Stabilization and H&K Group. Axis was the company who completed the work for the upper portion of the High Street Wall project in 2017. Motion carries 7-0.

MOTION by Mike Yeastedt, second by Ted LaRizzio to **approve purchasing a 2024 John Deere 344P-Tier Compact Wheel Loader in the amount of $157,823.66.** This total includes trading in the Borough's current 1997 Volvo Loader that has 10,000 hours. This was budgeted for purchase this year. Motion carries 7-0.

MOTION by Mike Yeastedt, second by Connor Rodgers to **authorize utilizing COSTARS for the installation of new EPDM roofing at the Diligent Fire Company.** There were no comments. Motion carries 7-0.

MOTION by Joanne Klitsch, second by Connor Rodgers to **approve selling the Administration and Police Department copy machines on Municibid.** New machines were purchased for both the Administration office and Police Department. The old machines were originally purchased in 2017. Motion carries 7-0.

MOTION by Joanne Klitsch, second by Mike Yeastedt to **authorize submitting the 2024 CDBG Pre-Application.** The Borough will be applying for new equipment needed for the West Water Treatment Plant. Motion carries 7-0.

MOTION by Mike Yeastedt, second by Joanne Klitsch to **authorize the Solicitor to file a complaint to the Court of Common Pleas to demolish 204 Center Avenue.** This house is one of the blighted properties in the Borough. Bill Malatak, who was in the audience, asked about County money for the property. It was explained the Double Homes program is done through the County and that money would help the adjacent property owner in fixing their half of the 1/2 double once the other half is demolished. Steve Ambrose, who was in the audience,

asked how long will this take in the court system. Solicitor Nanovic explained if everything goes through smoothly, 3 months. Motion carries 7-0.

MOTION by Mike Yeastedt, second by Joanne Klitsch to **authorize an Agreement regarding Assignment and Assignment of Right to Purchase 82 East 3rd Street.** This is another Blight property that fell through during sheriff's sale. There is a contractor who would like to purchase it and fix it up to make it livable again. Motion carries 7-0.

MOTION by Mike Yeastedt, second by Connor Rodgers to **approve increasing the Utility Payments ACH Limit.** This would be at JTNB and increase the limit from $60,000.00 to $80,000.00. Motion carries 7-0.

MOTION by Mike Yeastedt, second by Tom Chapman to **approve Bracy Construction Application for Payment #2 totaling $232,425.00, Larry McCullion & Son Electrical Application for Payment #2 totaling $31,500.00, Reading Mechanical Application for Payment #1 totaling $10,260.00, and Spillman Farmer Architects Invoice 8121.22.14 for Professional Services totaling $4,154.00.** These payments are for the Public Works Building Project. Motion carries 7-0.

MOTION by Mike Yeastedt, second by Joanne Klitsch to **approve Bognet, Inc. Application for Payment #2 totaling $24,480.00, JBM Mechanical Application for Payment #1 totaling $182,475.00, Reading Mechanical Application for Payment #1 totaling $19,184.40, GR Noto Application for Payment #2 totaling $4,151.25, Bognet, Inc. Contract Change Order GC-CO-01 crediting by $10,580.00, Bognet, Inc. Contract Change Order GC-CO-02 increasing by $35,430.53, Bognet, Inc. Contract Change Order GC-CO-03 increasing by $48,838.43, and Spillman Farmer Architects Invoice 8121.22.15 for Professional Services totaling $3,986.00.** These are payments and credits to the Memorial Hall Renovation Project. Motion carries 7-0.

MOTION by Mike Yeastedt, second by Joanne Klitsch to **change Employee #427's status from probation to Full-Time Driver/Laborer – Sewer Plant Operator Trainee.** This employee will still be obligated to obtain their CDL within one-year of original hire date and obtain their Wastewater Treatment Plant Operator License within three-years original hire date. Motion carries 7-0.

MOTION by Mike Yeastedt, second by Connor Rodgers to **approve full staff active shooter training.** The date is to be determined. Motion carries 7-0.

MOTION by Mike Yeastedt, second by Joanne Klitsch to **approve the 2024 Summer Recreation Program sponsored by the Jim Thorpe Rotary and $500.00 donation.** Greg Strubinger explained, as discussed during last week's Work Session meeting, this year's program will be held at L.B. Morris School due to construction at Memorial Park. The $500.00 one-time monetary donation is in lieu of use of the park. Summer Camp will be taking place from June 17th to August 8th. Motion carries 7-0.

MOTION by Mike Yeastedt, second by Ted LaRizzio to **approve the Jim Thorpe Summer Basketball League utilization of the basketball courts in Memorial Park.** Use will be on Mondays and Thursdays from June 17th through August 15th from 5:00 p.m. to 10:00 p.m. Some maintenance items will need to be addressed prior to their start date. Joanne Klitsch asked if the courts would be affected by the upcoming construction. The basketball courts are not part of the construction plan. Motion carries 7-0.

MOTION by Mike Yeastedt, second by Joanne Klitsch to **approve JTNB 2024 Hot Dog Day.** This will be taking place on June 7th at their 12 Broadway and 418 Center Street locations from 11:00 am to 5:00 pm. Motion carries 7-0.

MOTION by Mike Yeastedt, second by Connor Rodgers to **approve the 2024 Race Street Run.** The race will be taking place on June 29th and use the same route as last year. A support letter to PennDOT will be needed in order to have the race along Broadway, West Broadway, and Lentz Trail. Race Street will need to be closed from 8:30 am to 12:00 pm and barricades will be needed to do so. Penn Forest Township Fire Police will be utilized for traffic control. Motion carries 7-0.

MOTION by Mike Yeastedt, second by Joanne Klitsch to **approve a waiver of Section 333-6 of the Jim Thorpe Borough Code, Peddling & Soliciting, Prohibited Acts at Hairy Guys Brewing, 204 Center Street, conditioned upon the following items:**

- **Continued commercial operation at the location**
- **The commercial business operates with limited numbers of hours each day**
- **The commercial business does not operate after 8:00 p.m.**
- **The transient retail merchants (vendors) will operate within off-street parking accommodations**
- **The transient retail merchants (vendors) will not utilize any on-street parking spaces**
- **The transient retail merchants (vendors) will operate on Saturdays, between the hours of 1:00 p.m. and 8:00 p.m.**
- **The transient retail merchants (vendors) will not operate days other than Saturdays unless specific permission is requested and granted by the issuing officer and only for special occasions (ex- holidays, business anniversary, etc.)**
- **Only one (1) transient retail merchant (vendor) is allowed on approved day(s)**
- **Written permission provided by both the property owner and the lessee shall be included with all Transient Retail Vendor Permit Applications**
- **Waiver is for the 2024 calendar year only**
- **The Borough reserves the right to revoke this waiver**

Hairy Guys Brewing is located in the R-3 Zoning district which does not allow for vendors to operate in this district. They would like to have food trucks operate at their business. Connor Rodgers asked if allowing this will interfere with the food pantry. It wouldn't, as the hours are different for both the food pantry and Hairy Guys. Mike Yeastedt said he would like to see this applied for annually. Connor Rodgers asked if there could be a limit to the number of vendors allowed. Motion carries 7-0.

MOTION by Mike Yeastedt, second by Connor Rodgers to **approve the Tax Rolls Update – EIT, Delinquent Per Capita and Occupation, and LST.** The individuals on the updated list are deceased. Motion carries 7-0.

MOTION by Mike Yeastedt, second by Connor Rodgers to **approve New Utility Leins to File.** There are six total. Motion carries 7-0.

MOTION by Mike Yeastedt, second by Joanne Klitsch to **approve Utility Rate Changes.** There is one account that would be switched from residential to commercial. Motion carries 7-0.

Exonerations
NONE

Committees
Planning Commission: Short-Term Rental Ordinance Amendment Recommendation – At their March meeting, Planning Commission discussed amending the STR Ordinance to change the total number of permitted people as follows:
Two (2) per bedroom, plus two (2) additional persons conditioned:

1. Must be age 17 or under.
2. Must be per deeded property, not per unit.

The discussion was brought about because of a recent approval for a multi-unit building for short-term rentals. Multi-unit buildings bring the concern for public safety in the event of an emergency. James Dougher, who was in the audience, said there is at least one unit in particular, where there are problems, but the neighbors won't report it. Manager Sterner explained Borough Council needs to consider with the multi-unit building is safety. If you have too many people in a multi-unit structure, that can pose fire safety concerns. James Dougher said there is a big issue because the multi-unit buildings are unattended by a manager at all times. **MOTION** by Joanne Klitsch, second by Tom Chapman to **table this item.** Motion carries 7-0.

Administration

Public Service

Police

Buildings/Parks

Emergency Services
NONE

Old Business
NONE

Executive Session
NONE

Adjourn
MOTION by Mike Yeastedt, second by Joanne Klitsch to **adjourn the meeting.** There were no comments. Motion carries 7-0. The meeting ended at 8:07 p.m.

Respectfully Submitted,

Brooke Klotz
Borough Secretary