

PENN FOREST TOWNSHIP
BOARD OF SUPERVISORS
2010 STATE ROUTE 903
JIM THORPE, PA 18229

MEETING MINUTES

September 7, 2021

The Regular Monthly Meeting of the Penn Forest Township Board of Supervisors is being held at Penn Forest Township Municipal Building, 2010 State Route 903, Jim Thorpe, PA.

PLEDGE OF ALLEGIANCE:

Chairman Meckes asked that all in attendance stand and recite the "Pledge of Allegiance".

CALL TO ORDER:

Supervisor Meckes called the meeting to order at 7:00 p.m; Roll Call by Township Secretary.

Members: Roger Meckes, Chairman
Christian Bartulovich, Vice Chairman
Judith Knappenberger, Supervisor (by phone)
Scott Lignore, Supervisor
Thomas Cross, Supervisor

Office Staff: Dana Vitale, Secretary
Solicitor: Thomas S. Nanovic

A. EXECUTIVE SESSION: Was held from 6:00-7:00 p.m. prior to meeting to discuss pending litigation.

B. PUBLIC COMMENTS: (3 Minute Limit)

Peggy Dusablon- STR- there was a deck collapse in TT at a rental over the weekend. I don't know if they have registered. How are houses going to be inspected? Supervisor Bartulovich stated No it comes down to what criteria they would have to meet. There are a baggilion things that you could inspect on an average home inspection and at what point is that enough. Peggy Dusablon, if a house is rented and they don't have a registration yet and complaints are submitted is there going to be any recourse? Supervisor Bartulovich stated they get logged and we can see a complaint against that address but until that house is registered and approved or the deadline passes there isn't much we can do. I would keep submitting the complaints.

Larry Dusablon- We had an incident at a rental across the street from us. My wife tried to record the incident and the renters saw her and started harassing her and that was because she was following the directions she was give here to record the bad behavior. Because of that I called a security company to have cameras installed pointed at the rentals house for recording. The security company said that is illegal in PA because 1960 something wiretap rules. You cannot audio record any conversation without the consent from both parties. Attorney Nanovic stated yes, that is true, I don't think we are advising anyone to wiretap and there are a lot of exceptions and one is a reasonable expectation of privacy. Most of the complaints are noise so taking a picture is not really go prove anything that really takes away from our ability to provide Granicus with a noise problem. Attorney Nanovic stated why does Granicus need audio or video? Supervisor Bartulovich stated it is not a requirement. Attorney Nanovic stated you have your sworn testimony and statements. Larry Dusablon, asked about limiting the number of rentals somehow within certain proximately. Are you going to allow these residential neighborhoods that have businesses to be overrun with Short Term Rentals? I am asking to please have a discussion about how you could keep residential neighborhoods to still stay residential so that everything that is sold and built is not a Short Term Rental. Has anyone tried to call Granicus so when we called it goes through prompts before you even get to talk to someone it's a 15 minute procedure. Supervisor Lignore asked don't you guys have security in TT. So they do come if you call with a problem.

Kathleen Clark- I am here to complain about my neighbor's noise. He plays loud music, spring, summer & fall. I bought a decimeter and it was in the 55s. We can here it on all 3 acres and we can hear it in the house with the windows open. Couple of weeks of ago he bought an amplifier and now it sounds like a concert from 9am -10 pm so I don't get to enjoy my property. I can hear the bass in the shower. He also goes in the house and does what he has to and he leaves the radio on. My lawyer sent him a letter and he quieted down for a half a down. The Police have been there at least 4 times and they said they can't do anything except to turn it down. I know we don't have a noise Ordinance but I did some research that covers this whole country 55 decibels is allowed and now I'm at a 70. I have asked him to turn it down and it gradually got worse. Supervisor Lignore stated we have a 3 minute time limit. What are you asking from us? If the police can't do anything. Supervisor Bartulovich stated even if we had a Noise Ordinance the State Police won't enforce it. The State Police doesn't enforce local Ordinances. Attorney Nanovic asked why your lawyer isn't bringing a nuisance action to take care of it. Kathleen Clark stated he is trying to keep me out of court. Attorney Nanovic stated you would have to go court if the township adopted an Ordinance we have to go to court with witnesses and you would have to come to testify. We know from the wind turbines sound is a tricky thing we had how many experts from Harvard and all around the country and they all disagree on what that even means. Sounds to me you want to talk to your lawyer and file a nuisance lawsuit. We don't have an Ordinance so can't enforce it now. Might the Supervisors decide to adopt an Ordinance, we could have that discussion. Supervisor Lignore stated my son didn't like it either. Attorney Nanovic stated I think you need to sit down with your lawyer and ask what I need to do. Supervisor Bartulovich stated you can file the complaint yourself; the problem is he knows exactly what to do.

Dennis Habig- plant a seed- We are seeing a lot of solicitors coming through. In the township where I resided previously there's an Ordinance in place that required them to register to do that, it's not to limit commerce, but to protect the citizens. I would just like to plant the seed that at some point this could be a consideration. You don't have a local police department but at least it would be out there and give citizens a chance to say can I see your registration within the Township.

C. MEETING MINUTES:

1) REGULAR BOS MEETING ON AUGUST 2, 2021

MOTION made by Supervisor Meckes, Second by Supervisor Lignore to approve the BOS Meeting Minutes from AUGUST 2, 2021.

ROLL CALL: JK-Abstain; SL-Yes; CB-Yes; TC-Yes; RM-Yes **MOTION PASSED**

D. SECRETARY: ACKNOWLEDGE CORRESPONDENCE RECEIVED

None

E. TREASURER'S REPORT:

(a) MAUCH CHUNK TRUST COMPANY (Statement balance as of 8/31/2021)

Township General Fund:	\$ 2,357,178.44	State Liquid Fuels Fund:	\$ 319,746.43
Sanitation Fund:	\$ 417,044.37	Payroll:	\$ 16,772.24
Septic Fund:	\$ 309,223.57	Debit Card	\$ 4,389.84
SALDO:	\$ 60,119.43	Fire Escrow:	\$ 23,349.00
Rent :	\$ 51.13	American Rescue	\$ 508,727.91
TOTAL:			\$4,016,602.36

(b) MAUCH CHUNK TRUST COMPANY – Certificates of Deposit (as of 8/31/2021)

Account Ending: #1841 -	\$ 3,606,892.39	(3 month CD)
#5851 -	\$ 259,079.61	(6 month CD)
#1301 -	\$ 2,048,719.58	(13 month CD)
TOTAL:	\$ 5,914,691.58	

(c) JIM THORPE NEIGHBORHOOD BANK – Certificates of Deposit (as of 8/31/2021)

Account Ending:
#1710 CLOSED

TOTAL:

TOTAL FUNDS ON DEPOSIT: \$ 9,931,293.94

1) MOTION made by Supervisor Meckes, Second by Supervisor Bartulovich to accept Treasurer's Report for AUGUST 2021 (Subject to Audit).

ROLL CALL: JK-Yes; SL-Yes; CB-Yes; TC-Yes; RM-Yes **MOTION PASSED**

2) PAYMENT OF THE BILLS FOR AUGUST 2021

MOTION made by Supervisor Meckes, Second by Supervisor Bartulovich to pay the bills for AUGUST 2021.

ROLL CALL: JK-Yes; SL-Yes; CB-Yes; TC-Yes; RM-Yes **MOTION PASSED**

F. OLD BUSINESS:

ROGER MECKES, CHAIRMAN

1) SOCIAL MEDIA POLICY

Attorney Nanovic submitted a sample social media policy drafted for another Township. (Tabled from 8/2/21 BOS Mtg.)

MOTION made by Supervisor Meckes, Second by Supervisor Lignore to ACCEPT.

ROLL CALL: JK-No; SL-No; CB-No; TC-No; RM-No **MOTION FAIL**

MOTION made by Supervisor Meckes, Second by Supervisor Bartulovich to table until next month to review and make changes.

ROLL CALL: JK-Yes; SL-Yes; CB-Yes; TC-Yes; RM-Yes **MOTION PASSED**

G. NEW BUSINESS:

ROGER MECKES, CHAIRMAN

1) DISCUSSION: AMEND SHORT TERM RENTAL FEE - RESOLUTION #17 OF 2021

MOTION made by Supervisor Bartulovich, Second by Supervisor Lignore to ACCEPT.

ROLL CALL: JK-No; SL-No; CB-No; TC-No; RM-No **MOTION FAIL**

Supervisor Bartulovich discussed his concern regarding denying an application for something as a receipt that is not legible. Should we have the ability to refund the application fee? They have to resubmit the application with the fee. If the application is denied for just case then it is different situation. When you resubmit an application you have to resubmit payment.

2) DISCUSSION: WELL ISOLATION DISTANCE EXEMPTION

Well Isolation Distance Evaluation for lot at "Fern Lane – Parcel # 21A—51- A16, 17, Albrightsville, PA 18210 in the subdivision known as Penn Forest Acres. Requesting a waiver of the 100 feet minimum isolation distance for a residential well.

Brian K. Carickhoff, discussed that in May 2020, we had a septic system and well installed for a new home. Upon final inspection in June 2021, it was determined by the township's Sewage Enforcement Officer that the well was installed 97.5 feet from the septic system, less than the 100 feet minimum distance. Duane Moyer, the company who installed the well, took responsibility for the mistake. A ground water study was completed by B.F. Environmental as required by Title 25 PA Code section 72.33(c)(1). We are prepared to sign a Hold Harmless Agreement to address section 72.33 (e).

MOTION made by Supervisor Bartulovich, Second by Supervisor Lignore to GRANT the exemption contingent upon notification on the deed and indemnification agreement.

ROLL CALL: JK-Yes; SL-Yes; CB-Yes; TC-Yes; RM-Yes **MOTION PASSED**

3) **ADVERTISE FOR WINTER SNOW REMOVAL BIDS**

MOTION made by Supervisor Bartulovich, Second by Supervisor Lignore to advertise for winter snow removal bids.

ROLL CALL: JK-Yes; SL-Yes; CB-Yes; TC-Yes; RM-Yes **MOTION PASSED**

CHRISTIAN BARTULOVICH, VICE CHAIRMAN

1) **UNDERDOG PROPOSAL- WIRELESS ACCESS POINT**

(2) Wireless Access Points \$305.15 each. Total \$610.30

(2) Cable runs for Access Points, includes labor, cable testing, 1 cable run for upstairs & 1 for downstairs. \$150.00 each, total \$300.00. Total quote \$910.30.

MOTION made by Supervisor Bartulovich, Second by Supervisor Meckes to ACCEPT the quote from Underdog for the Wireless Access Point.

ROLL CALL: JK-Yes; SL-Yes; CB-Yes; TC-Yes; RM-Yes **MOTION PASSED**

2) **SET UP 2022 BUDGET MEETING DATES FOR OCTOBER**

September & October: 9/29; 10/6; 10/13; 10/20

MOTION made by Supervisor Bartulovich, Second by Supervisor Lignore to ADVERTISE for the 2022 Budget Meeting Dates.

ROLL CALL: JK-Yes; SL-Yes; CB-Yes; TC-Yes; RM-Yes **MOTION PASSED**

H. PFT PARK AND RECREATION

1) **WB ELECTRIC FLOOD LIGHT QUOTE**

Furnish & install (2) LED Flood lights on back stop of baseball field, total \$3,011.58.

MOTION made by Supervisor Meckes, Second by Supervisor Bartulovich to discuss.

ROLL CALL: JK-No; SL-No; CB-No; TC-No; RM-No **MOTION FAIL**

I. REPORTS:

ROGER MECKES, ROADMASTER

ROADMASTER REPORT FOR AUGUST 2021

Tremendous amount of rain last few weeks, roads washed out.

Patching should be taken care of this week. Keep up with everything mowing grass.

TRANSFER STATION

1) BULK AMOUNT for AUGUST 2021---\$354 .00 Year to Date Total: \$6,200.00

2020-2021 Residential Permits	(1)	50.00
2020-2021 Pro-Rated Permits	(0)	0.00
2021-2022 Commercial Permits	(0)	0.00
2021-2022 Residential Permit	(59)	<u>8,185.71</u>
TOTAL DEPOSITS		<u>\$8,589.71</u>

2) ADMINISTRATIVE REPORTS –

A) RIGHT-TO-KNOW REQUESTS FOR AUGUST 2021-

Administrative & Financial Requests: (See Attached Lists)

Submitted: 21 / Responded: 21/ Total Hours: 18.25 hrs.

Zoning & Septic Requests: Submitted: 21 / Responded: 21

- J. **ZONING DEPARTMENT** - Kathryn Forry submitted Zoning Report for AUGUST 2021. A lot going on, slowing down a bit. Zoning Applications will be coming in shortly for Short Term Rentals.

DOLLAR GENERAL- PRELIMINARY/FINAL LAND DEVELOPMENT APPROVAL- (12A-51-A2.02)

Approval of the Development Agreement and Maintenance and Operating Agreement for Stormwater Facilities, and approval of the Preliminary/Final Land Development Plan. All conditions have been met and comments addressed from the Township Engineer's letter of July 26, 2021.

MOTION made by Supervisor Bartulovich, Second by Supervisor Lignore to approve and accept the Development Agreement and Maintenance and Operating Agreement for Stormwater Facilities as presented in Solicitor Nanovic's letter dated September 1, 2021 and authorizing Supervisor Meckes to sign.

ROLL CALL: JK-No; SL-Yes; CB- Yes; TC-No; RM-Yes **MOTION PASS**

MOTION made by Supervisor Meckes, Second by Supervisor Bartulovich to approve and accept the plan as recommended by the Planning Commission, contingent upon the final payment of any outstanding fees.

ROLL CALL: JK-No; SL-Yes; CB- Yes; TC-No; RM-Yes **MOTION PASS**

DOLLAR GENERAL (12A-51-A2.02 - SITE IMPROVEMENT BOND)

MOTION made by Supervisor Meckes, Second by Supervisor Lignore to approve and accept the SITE IMPROVEMENT BOND.

ROLL CALL: JK-No; SL-Yes; CB- Yes; TC-No; RM-Yes **MOTION PASS**

MOTION'S TO AMEND THE AGENDA

ADD QUOTE FROM UNDERDOG, 3 CABLE RUNS FOR ZOOM EQUIPMENT

Total cost \$450.00

MOTION made by Supervisor Bartulovich, Second by Supervisor Meckes to add quote from Underdog, 3 cable runs for Zoom Equipment. Received quote too late to add to the agenda. Total cost \$450.00.

ROLL CALL: JK-Yes; SL-Yes; CB-Yes; TC-Yes; RM-Yes **MOTION PASSED**

SCOTT A. DIETRICH: POSSIBLE ZONING PERMIT VIOLATION

MOTION made by Supervisor Meckes, Second by Supervisor Bartulovich to authorize Attorney Nanovic to send a letter to Scott A.Dietrich, possible Zoning Permit Violation. This was decided in Executive Session prior to tonight's meeting to take action.

ROLL CALL: JK-Yes; SL-Yes; CB-Yes; TC-Yes; RM-Yes **MOTION PASSED**

APPOINT (2) ALTERNATE SEWAGE ENFORCEMENT OFFICERS

Township SEO requesting to appoint alternates Luke Edgart & Justin Robbins.

MOTION made by Supervisor Meckes, Second by Supervisor Lignore to APPOINT (2) alternate Sewage Enforcement Officers, Luke Edgart & Justin Robbins, at the request of Scott Brown, Township SEO, to assist.

ROLL CALL: JK-Yes; SL-Yes; CB-Yes; TC-Yes; RM-Yes **MOTION PASSED**

Supervisor Meckes stated that a gentleman came to the P&R Meeting and he would like to set up a permanent food truck Monday-Friday. The Park Board is in favor of it and we need to establish a fee. Supervisor Bartulovich state we couldn't charge a \$30.00 a day because he would be a semi-permanent rather than transient so we would want to add a semi-permanent classification to the food truck Ordinance to allow that and then have a separate fee structure for them. We haven't decided what that would be like a portion/percentage of the sales or something like that. Kathryn Forry stated they would need to apply for a Zoning Permit. Kathryn Forry stated we have to look at the last inquiry. Supervisor Bartulovich stated would we need a Zoning Permit if they are parking on Township property? They will be leaving the truck there for the season he stated. Attorney Nanovic stated we need to think this through that is a lucrative contract. Supervisor Bartulovich stated would it make a difference is we opened two spots. Nanovic stated the County bids the concession at the park. Attorney Nanovic will look into it.

BEING NO FURTHER BUSINESS, MEETING WAS ADJOURNED AT 8:43 P.M.

MOTION to adjourn meeting by Supervisor Meckes, Second by Supervisor Lignore

ROLL CALL: JK-Yes; SL-Yes; CB-Yes; TC-Yes; RM-Yes **MOTION PASSED**

REMINDERS:

- 1) *The Next Regular Board of Supervisors Meeting will be held Monday, October 4th, at 7:00 p.m.*
- 2) *The Park and Recreation will hold their monthly meeting on Thursday, September 16th, at 6:00 p.m.*
- 3) *The Planning Commission will hold their monthly meeting on Monday, September 27th, at 6:00 p.m. (If needed)*

DANA VITALE
TOWNSHIP SECRETARY

ROGER MECKES
CHAIRMAN, BOARD OF SUPERVISORS