

# Eagles Mere Borough Minutes

## Draft

August 1, 2022  
Regular Monthly Meeting

The Eagles Mere Borough Council meeting was called to order at 7 PM on the above date by Council President Bill Feese with the following Council members in attendance in the room: Lee Middleton, Tom Graff, Dennis Craig, Rick Liebert, and Jim Way. Also present were Mayor John Brownback, Street Superintendent Jeremy Moore and Secretary/Treasurer Dave Carson.

**In the Gallery:** Eric Casanave (Stiffler McGraw), and residents Edwina Vauclain, BA Moyer, Jackie Mosemann, George Watson, Brian Smith, Andrea Scarry, Mike Scarry, Mark Johnson, Beth Blair, Bruce Powers, Sara Pendleton, Kate Albertini, Bill Albertini, Tara Grunde-McLaughlin, Linda Eastman, Kent Blair, Betsy Lingenheld, Cathy Lynch

**On the Conference Phone:** none

**Pledge of Allegiance** was recited by all in attendance.

**Quorum Present:** Council President Feese declared that a Quorum was present based on Council Members in the room. Therefore, votes from Members on the phone, if any, would count as if present.

**Motion to Revise the Published Agenda-** No revisions needed

**Public Issues and Comments** – Bill Feese noted that on July 5 and July 19 emailed questions had been received from George Watson. These messages and a response are attached to the minutes.

Beth Blair requested information on the DEP testing of water sources and the results of the tests. Bill Feese responded that in the process of investigating a possible fuel leak from an underground tank, DEP took water samples from Borough Hall which is near the possible spill site. The tests came back negative for bacteria and VOC/petroleum-based chemicals. They did, however show high levels of lead, zinc, and nickel. The tests were repeated with a similar result. DEP then tested other locations. They will not reveal the locations those tests or the results. After multiple requests they finally revealed that tests were done at 13 locations and 10 had concerning results. Jim Way noted that the Eagles Mere Inn has results from their own tests that show no VOCs and no metals. Bill Feese noted that since DEP will not release results, residents may wish to have their own water tested and asked that the results be shared with the Borough so that patterns can be seen. The Borough will have information on appropriate testing labs.

There was also discussion of bears in town and the attractive garbage that may be available. Trash put out the evening before collection, or even early the morning of collection, is a problem. Jackie Mosemann, a neighbor of the Sweet Shop, noted that the dumpster there has attracted multiple bears, that the smell and noise are disturbing to her, and that the dumpster is an ongoing concern. It was announced that the EMHVI is working on potential solutions involving a concrete pad with a garage or shed enclosure that will isolate the dumpster but still allow for weekly pick up.

**Minutes-** A motion to approve the minutes of the July 5, 2022 regular meeting was made by Lee Middleton and seconded by Rick Liebert. The motion was approved.

**Treasurer's Report** – Interim financial reports through July 28, 2022 were distributed with the Agenda. It was moved by Dennis Craig and seconded by Tom Graff to defer approval of the monthly financial report until the Auditor completes the audit. The motion passed.

**Open Records Officer:**

- The routine request for real estate tax collection data was received and response made.

**Zoning & Ordinance Officer report:**

- An application for zoning approval was received from David Hewitt (Ataraxia Construction) on behalf of Mary Eldridge, 825 Allegheny Ave. The request was to build a 16-foot square addition on the side of the existing home. This plan would have intruded into the side yard setback and the application was returned as denied. The application was amended to add a 13' by 16' addition which is just clear of the setback requirement. The amended application was approved. A sewer connection already exists.
- An application for zoning approval was received from Marc Weinhardt on behalf of Marion Olson. The request was to build a 3000 square foot home on Happy Hill Lane at the location of the road switchback. The proposed siting was reviewed. The application was approved subject to final review of the location when construction begins. The Authority will review and approve the proposed sewer tap-in connection.
- The Zoning Hearing Board has received a Request for a Zoning Variance for 101 Lakewood Avenue owned by Ed and Tara Grunde-McLaughlin. They want to renovate the home and add an additional bedroom. This bedroom will extend into the side yard setback. Arrangements are being made for a hearing to be on August 18, 2022.

**Street Superintendent Report:**

- The drainage pipe installation/repair and the resurfacing and base repair on Morgan/Dunham Aves is complete. A "fog-seal" application has been applied by the contractor. This is Eagles Mere's first use of this product which seals the tar and chip application.
- The previously approved surface repair on Sullivan Ave has also been completed within the amount approved by Council.
- The Superintendent will install "One Way" signs on Lake Ave. on Wednesday before the Water Carnival scheduled for Saturday evening.

**Mayor's Report:** None

**Emergency Management Coordinator's report:** No Report

**Points of Interest and Information from the Secretary:**

- There were no Real Estate transfer taxes received for June. This is the first time in many months there was no transaction in Eagles Mere.
- American Rescue Plan Act (ARPA) recovery funds in the amount of \$18.70 have been received. This is Eagles Mere's pro rata share of the re-distribution of unclaimed or refused ARPA money.
- The second-year payment of ARPA funds for Eagles Mere, in the amount of \$5,913.81, is scheduled for distribution in the near future.
- The Secretary attends Sullivan County Council of Governments meetings for the Borough. COG is exploring opportunities for shared and co-op agreements to purchase goods and services used by all municipalities and Fire Departments. The Borough has received \$463.41 as its distribution of a portion of Building Permit fees for the first quarter of 2022.
- The PA Auditor General's office has conducted their on-site audit of the handling of Liquid Fuels funds for 2021. The findings and report are that all funds and contracts were properly maintained and processed. There are no issues to report.

## **Committees:**

### **Finance:**

- Interim financial reports through June 28, 2022 are attached to this Agenda.
- The Finance Committee is working toward the implementation of a plan to have the input of all financial data, exclusive of payroll, become the responsibility of Kase Moore. Specific hardware and software needs are being identified. Hardware is expected to be installed in the first or second week of August.

### **Museum:**

- The Museum seeks the distribution of its funds from the Eagles Mere Foundation which is made based on the requests of Borough Council. A motion that Council request a distribution was made by Lee Middleton and seconded by Dennis Craig. The motion passed.

### **Infrastructure:**

- The committee has been asked to review the issue of fog lines on Mt. View Lane.

### **Ordinance:**

- There needs to be discussion of golf carts, neighborhood electric vehicles, and electric bicycles with a eye toward both control and enforcement of regulations.

### **Personnel:** No Activity

### **Website:** Updates continue to be made as needed.

## **Continuing Business-**

- The Borough, on behalf of three organizations (the Borough, the EMA, and the Conservancy) applied for and received a Low Volume Road grant in 2021 in the amount of \$42,498.50 to address Phase 1 of the needed drainage repairs and improvements on Clay Ave. This amount is less than half of the estimated cost for the full project. No construction has been performed to date and no costs incurred beyond engineering and permit application expenses. The application for an Outfall of surface water into the lake has been approved and a permit issued. The construction anticipated in this grant must be completed by December, 2022. To that end, bid documents need to be approved, advertised, and distributed for contractor submittal followed by a bid opening, with contract approval anticipated at the September 6 Council meeting. Eric Casanave of our engineering firm, Stiffler McGraw, reviewed the plans and what needs to be done to proceed with Phase 1 construction to be completed in the Fall of 2022. A draft of the proposed advertisement, meeting all of the various requirements for this grant funded project, is in this packet. It was moved by Rick Liebert and seconded by Tom Graff to advertise as outlined. The motion carried.
- The subdivision of EEP, LLC lands behind the Athletic Field was approved several months ago. Access to these properties needs to be arranged with Wingert Lane as the best method. The owners of the properties (EM Land Company, EEP, LLC, and Dilks Lake Holdings, LLC) have reached an agreement on the use and maintenance of Wingert Lane. This agreement will run with the land and will apply to future owners and to subdivided owners. The Borough has been asked to affirm that right-of-way will be private, will not be maintained by the Borough, that the Borough will not assert an easement or claim that it is a public roadway, and that the Borough will have access to the private road for necessary municipal functions. A motion authorizing Council President to sign the agreement on behalf of the Borough was made by Tom Graff and seconded by Rick Liebert. The motion passed.

**New Business:**

- Andrea Scarry requested support from the Borough for Holiday decoration projects at Christmas time. It was suggested that the Home for the Holidays programs may be able to offer the support and funds she requested.

**Workshops/Conferences-**

- The Secretary will attend the PA Association of Municipal Administrators Conference in Erie on August 7-9, 2022. He attended this meeting last year and it was very helpful. Approval for his attendance and reimbursement was moved by Rick Liebert and seconded by Tom Graff. The motion passed.

**Payment of Bills-** Approval to pay the bills for the Borough and Museum was moved by Lee Middleton and seconded by Rick Liebert. The motion passed.

**Adjournment-** The meeting was adjourned by the President at 8:35 pm.

Respectfully Submitted,

David R. Carson  
Secretary/Treasurer

*Email #1*

>> On Jul 5, 2022, at 5:32 PM, George Watson <gwatson22@frontier.com> wrote:

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>> Bill,

>> Below is the pa code explaining the job responsibility.

>> As a tax paying citizen can you please explain the following?

>> 1. Why we are hiring a independent contractor to perform the duties listed below?

>> 2. Why wasn't the independent contractor hired when interviewed for the borough secretary position.

>> 3. Why does it take thirty days for personal checks to be deposited, accounts payable.

>> Examples sewer bills and trash payments?

>> 4. I expect transparency and my question asked at borough council.

>> 5. I also ask the procedures for job evaluation and who determines hiring.

>> 6. What is the responsibility of the borough council President and Personnel Chair?

>> Please make the monthly meeting minutes accurate accordingly to reflect my question and your response.

>> I expect a timely response.

>> Regards,

>>

>> G Watson

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>> Title 8 of the PA Code:

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>> (1) Receive all money due the borough and deposit the money promptly in a designated depository in the name of the borough. (2) Keep distinct and accurate accounts of all sums received from taxes and other sources, which accounts shall be open to the inspection of council and any citizen of this Commonwealth.

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>> Sent from my iPad

*Email #2 - July 19*

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Very unprofessional and weak at best.

Your leadership capacity, capabilities are lacking.

I have been more than cordial and understanding.

Now you have cc'd Dave Carson an employee on the email.

I asked specifically about employee job description. Allocating tax dollars, borough council job descriptions.

According to my comprehension, making borough employees privy to my questions, concerns is a breach in confidence. My email concerns were addressed to the borough president, and the chair of the personnel committee.

As supervisor you have a duty and responsibility.

Why are the Financial Interest Forms of the Council members not on file with the state ethics commission as required by law, I think taxpayer funds are being misallocated, mispent, and not accounted for properly ?

Who do I file a complaint with is it the State ethics commission?

Again for the third time, please respond timely to all my questions and concerns.

In ending you as the borough president and the chair / member of personal committee have a responsibility.

Please do your job.

G Watson

Sent from my iPad

*Response*

> On Jul 19, 2022, at 10:04 AM, Bill Feese <befeese@epix.net> wrote:

> George, Sorry about the timing but we are working on a response.

>

> -----Original Message-----

## Answers to George Watson Questions:

1. Council recognizes that the workload of the Borough's only administrative employee, who performs multiple duties as the Borough's Secretary Treasurer and as the Borough's effective chief clerk, is more than can be accomplished in the available average of 15 hours per week. Similar duties for the Authority consume the remaining available average of 15 hours per week.
2. Hiring decisions are based on recommendations by the Personnel Committee to Council which makes all hiring decisions. The basis for hiring recommendations is treated as confidential by the Personnel Committee.
3. Receivables checks are handled in the course of business consistent with the overall work flow of the office, including the need to address issues of a time sensitive nature.
4. Your email and the response to your inquiry will be made available at the August Council meeting and will be placed in the minutes.
5. Recommendations for hiring are made by the Personnel Committee based on a search and confidential interview process conducted by the Committee. Periodic confidential job evaluations are done by the Personnel Committee.
6. Responsibilities of Council and Officers are as outlined in PA Consolidated Statutes Title 8, Chapter 10. The President conducts Council meetings and coordinates the work of Council committees and Borough Employees. The President and the Personnel Committee work together to review personnel status and issues and make recommendations as needed to Council.
7. Financial Interest Forms are not filed with the state but are maintained in confidential files in the Borough Office, as specified by the State Ethics Commission.