

Eagles Mere Borough Minutes

**December 6, 2021
Regular Meeting**

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

In the Gallery: Residents George Watson, Peter Glaubitz, Jay Wilkinson, Liz Johnson.

Pledge of Allegiance was recited by all in attendance.

Motion to Revise the Published Agenda- None needed.

Public Issues and Comments – Jay Wilkinson submitted items for discussion about 1) the 2022 budget preparation, 2) about Wingert Lane status, and 3) about Clay Ave. drainage mitigation project. The document has been attached to and made part of the December minutes.

Minutes- A motion to approve the minutes of the previous Regular Meeting of November 8, 2021 and the Special Meeting of November 8, 2021 was made by Jim Way and seconded by Lee Middleton. The motion was approved.

Treasurer's Report – A motion to approve the interim financial report through November 30, 2021, as distributed with the minutes, was made by Jim Way and seconded by Lee Middleton. The motion was approved.

Open Records Officer:

- Right-To-Know requests for information have been received for routine real estate tax collector information and for Borough employee statistics. Responses were provided on a timely basis.
- A request was received from a property owner abutting Hayes Ave. The request was dated October 19, 2021, and a response, in letter form, was returned on October 21, 2021. In a second letter, as a result of other correspondence, a written response was provided by the Secretary in text format, dated November 24, 2021. The Secretary overlooked in his response that the requested documents do not exist or are not in the control of the Borough. Subsequently, a notice from the Office of Open Records, dated November 23, 2021, was received appealing the non-response to the original document. The Solicitor has been asked to assist with resolving this issue.

Zoning & Ordinance Officer report:

- Two Zoning applications have been received, both for approval and placement location for pre-built storage buildings. One is for the Tippe property on Fern Lane and the other for the Walkup property on Allegheny Ave. Both are within Zoning regulations and have been approved.
- As a matter of information, there have been 22 Zoning applications submitted to date in 2021. There were 20 in calendar year 2020 and 13 in 2019.

Street Superintendent Report:

- Northern Tier Solid Waste Authority will pick up curbside recycling on December 7 to finish the year. They will not provide curbside pickup again until May 3, 2022 when they will begin twice per month pick-up through the season ending in September, 2022. Recycling sorting bins will continue to be available at the Borough Garage.
- With the end of leaf clean-up season, the Streets Helper assignment has ended until May, 2022, unless he is called in to assist with snow plowing on an as needed basis.

Mayor's Report: John Brownback was welcomed in his new role. He had nothing to report.

Emergency Management Coordinator's report: No Report

Points of Interest and Information from the Secretary:

- The Borough has received Realty Transfer taxes for October in the amount of \$11,390.05 (Zelton>Cooney, Mulford>Wing Way, LLC., Hoopes >Laudeman, Mooney>Snyder, Holmes>EM Black Diamond, LLC, Miller>EM Borough Authority).
- The Borough Solicitor has responded to a letter from the attorney for Dereck Dilks relative to the status of Wingert Lane. It was noted that the Borough has considered this an open Borough street for decades and knows of no legal action that would convert this status to the private ownership of Mr. Dilks. Per previous Council decisions, Wingert Lane will receive maintenance as needed, in the sole judgement of the Street Superintendent.
- The northeasterly extension of Hayes Ave has been cleared and graded by action of Eagles Edge Preserve, LLC(EEP). EEP contends that the "Borough street" status of this road expired 21 years after it was established in the early 1900's after no action to use or open the street occurred. The property is considered to be owned by the Borough, in trust for the abutting landowners who now control its use. As an abutting landowner, EEP initiated the clearing in order to gain access to its property at Hayes Ave. for logging operations. The Borough stopped the activity briefly until our Solicitor confirmed the Pennsylvania laws relative to paper streets. The Borough has no absolute control over this or other unopened "Borough Streets" because much more than 21 years have passed since they were laid out. One abutting property owner has asked that the work be stopped and has indicated an intent to pursue this issue.
- Pennsylvania State Police have notified us that fines and penalties in the amount of \$138.48 have been deposited in the Borough's account

Committees:

- **Finance:** Preparation of the Budget for 2022 is underway. It will require tentative approval of Council and then be available for public inspection before final adoption. Council will need at least one Special Meeting in December to accomplish this process which will include an Ordinance or Resolution specifying the real estate tax rate for 2022. It was moved by Dennis Craig that Council accept the Proposed Budget which will include an increase in the millage rate from .00171 to .00197 (15.2%) and to use \$20,000 in reserves to balance the budget. The motion was seconded by Doug Smith and was passed by Council.
- There was discussion about the \$400,000 "Disaster" saving account which is currently invested in a PLGIT saving account. On Motion from Lee Middleton and seconded by Doug Smith, Council requested that this fund be placed in a higher earning account with characteristics that still meet municipal criteria. The motion passed.

Museum: The Museum is now operating on weekends only.

- As authorized in November, the Museum has revised their bylaws in accordance with guidance from Council. An initial partial term in office no longer counts as a term for officer eligibility.

Infrastructure: No Activity

Ordinance:

Personnel:

Website: Updates continue to be made as needed.

Continuing Business-

- The application to the Department of Environmental Protection (DEP) for the outfall for storm water runoff into the lake from Clay Ave. is now complete and will be submitted when approved by Council. The Application has been prepared by our Engineer and includes confirmation that no endangered flora or fauna are involved, that Community concerns, if any, have been addressed, that no coal, industrial, or hazardous wastes are involved, that wetland and flood plain lands are not involved, that the Pennsylvania Natural Diversity Inventory and the Aquatic Resources Impact Table have been completed, and that the required documents for PA DEP and the Army Corps of Engineers-Susquehanna River Basin District are provided. Approval of this outfall permit application is necessary before the project can be bid and such approval may take six months. The Sullivan County Conservation District has authorized an extension of the estimated completion date for the work approved under the 2021 low volume road grant award until December, 2022. We have also been asked to apply for a 2022 low volume road grant which, if awarded, can be done simultaneously with the 2021 award so the work can be bid and undertaken as one project with separate accounting. It was moved by Rick Liebert and seconded by Lee Middleton to authorize the signing and submission of this application to DEP. Doug Smith moved and Rick Liebert seconded authorization for the Borough to prepare, in conjunction with the other involved parties, the 2022 low volume road grant application for the Clay Avenue project.

New Business:

- The Borough has an annual contract with the Bradford County Humane Society to provide animal sheltering and related services, as needed, for the annual fee of \$.25 per capita based on 2020 census population of 148 or \$37.00. This is a renewal of an ongoing contractual agreement. It was moved by Doug Smith and seconded by Rick Liebert to approve this contract with the calculated payment of \$37.00 plus a contribution of \$63 for a total payment of \$100.00. The motion passed.
- In March, 2021, Council agreed to accept placement of an informative sign to be provided by the Endless Mountains Heritage Region. This sign is now available. However, the final product can be placed as a one-sided sign or as a two-sided sign with the second side developed and paid for by the Borough. Estimated costs to develop a second face is less than \$2500.00. Control of the content on the second side is totally up to the Borough. Mayor Lobach was on the committee that developed the sign content for the four signs placed in the County. The content of the Borough oriented sign can also be used to develop a brochure and other resources for the Borough. Rather than approve this expense, Council suggested that the Eagles Mere Foundation be approached for support of this community wide effort.

Workshops/Conferences-

- None Scheduled. Attendance at the New Council Member Boot Camp is suggested for new Members Smith, Way, and Graff. The Secretary Treasurer has provided each with information.

Payment of Bills- Approval to pay the bills for the Borough and Museum was moved by Rick Liebert and seconded by Jim Way. The motion passed with an abstention by Dennis Craig.

Adjournment- The meeting was adjourned by the Vice President at 8:55 pm.

Respectfully Submitted,

David R. Carson

Secretary/Treasurer

Wilkinson Questions to EM Borough Council
December 6, 2021 Meeting

1. Budget:

Why is the budget approval process late this year?

When can taxpayers expect to be able to review and comment on the proposed budget?

2. Wingert Lane:

Why is Wingert treated differently than other roadways?

How are emergency services such as fire and ambulance going to access Wingert if no winter services are provided?

3. Clay Ave:

What is the total dollar amount of engineering fees that the Borough has committed taxpayers to pay for on the Clay Project?

How much has been spent to date on engineering?

Are all the project engineering fees covered by the gravel road grant?