

Eagles Mere Borough

Minutes

September 6, 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 and with Doug Smith by conference phone. Also present were Mayor John Brownback, Street Superintendent Jeremy Moore and Secretary/Treasurer Dave Carson.

In the Gallery: BA Moyer, Jackie Mosemann, Kathy Martin, Brian Smith, Bob Grabarek, Mark Johnson, Bruce Powers, Don Besecker, Kate Albertini, Linda Eastman, Barb Swinick, Ruth Hild, Kase Moore
On the Conference Phone: Doug Smith

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, will count as if present.

Motion to Revise the Published Agenda- Moved to add, under Continuing Business, the letter from Jay Wilkinson re: his position of Deemed Approval of the requested variance for 422 Pennsylvania Ave.

Public Issues and Comments - None

Ratification- It was moved by Lee Middleton and seconded by Dennis Craig to ratify the business conducted at the Special Emergency Meeting held on August 22, 2022. This meeting was necessary in order to respond to a Court Order to appear In Re: Petition of the Citizens of Eagles Mere. The need to hold this meeting on an unadvertised and emergency basis was appropriate and is confirmed and the actions taken, as documented in the minutes, are ratified. The motion passed.

Minutes- A motion to approve the minutes of the August 1, 2022 regular meeting was made by Dennis Craig and seconded by Rick Liebert. The motion was approved.

Treasurer's Report – Interim financial reports through August 31, 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/Right to Know Officer: No requests received.

Zoning & Ordinance Officer report:

- The Zoning Hearing Board met on August 18, 2022 to act on a submitted request for a Zoning Variance for 101 Lakewood Avenue owned by Ed and Tara Grunde-McLaughlin. The owners want to renovate the home and add an additional bedroom. The proposed bedroom will extend into the side yard setback. The Hearing was attended by the Board, the ZHB Solicitor, the architect representing the owners, and two gallery observers. After reviewing the issues, learning of the options and hardships, and receiving the support and approval of the impacted neighbor, the ZHB approved the variance by a vote of 3-0.

Street Superintendent Report: None

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 July.
- The Borough has received a distribution of fines in the amount of \$150 from the District Court.
- The Borough's Sewage Enforcement Officer, Paul Baran, has approved an Application to repair and replace an on-lot sewage disposal system for a property beyond the Authority's system. The existing system no longer performs adequately.
- The annual meeting of the *Masonite In Lieu of Taxes Trust Fund* was held at the Courthouse in August. The Borough has received \$.03 as its share of funds from the trust established to distribute payments from the Masonite Trust created when timber lands were sold to the PA Game commission.
- The Secretary Treasurer attended the recent Annual Conference of the Pennsylvania Association of Municipal Administrators. This group includes people in similar positions in Pennsylvania in Cities, Townships and Boroughs. The meeting was educational and worthwhile. Dave Carson was elected to the 12-person Board of Directors of the Association for a two-year term.
- The Zoning Hearing Board voted in a public meeting in June to deny a variance to allow an undersized lot, adjoining 422 Pennsylvania Ave to be used for building a residence. The ZHB Solicitor did not provide the requestor or his counsel with written notice of this action and that counsel has now declared that the request was therefore deemed to be approved. This status is being reviewed by the Borough Solicitor and the ZHB Solicitor and an appeal is likely.

Committees:

Finance:

- Interim financial reports through August 31, 2022 are attached to this Agenda.
- The Committee continues to work toward completing a audit of 2021.
- The Committee is also working to install revision to the Borough's computer system that will allow for multiple users at the same time in the office and to allow for remote access from outside the office.

Museum:

- The Museum is now open each Saturday and Sunday, 11:00 am to 4:00 pm.
- The Museum has received notice of a bequest of \$10,000 from the estate of Joanne Wise.
- The job description of the position of Business Manager has been submitted. Lee Middleton moved for approval of the revised job description. There was a second by Tom Graff. The motion passed.

Infrastructure:

- The committee has been asked to review the issue of fog lines on Mt. View Lane and the installation of signs warning of pedestrian traffic on lower Laporte Ave. The Committee also discussed the bid results for Phase 1 of the Clay Ave project and of seeking grants for Phase 2 of this project. Potential budget requests of 2023 have also been reviewed.

Ordinance: No activity

Personnel: No Activity

Website: Updates continue to be made as needed.

Continuing Business-

- The bid opening for Phase 1 of the Clay Ave took place on August 30, 2022 as advertised in the bid documents. There were two responding contractors. A representative from one was present at the opening in addition to Eric Casanave of Stiffler McGraw, Mark Waltz representing the EMA, and Dave Carson of Eagles Mere Borough. Glenn O. Hawbaker, Inc. bid \$75,173.00 and MR Dirt, Inc bid \$59,750.00. The bids are being analyzed by Stiffler McGraw and their recommendation of the lowest responsive bid will be available for the Council meeting on September 6, 2022. It was moved by Dennis Craig to accept the Engineer's recommendation and to go forward with this phase of the project. The motion was seconded by Jim Way and was passed by Council

New Business:

- The Eagles Mere Country Club and the Eagles Mere Conservancy have reached an agreement to sell portions of the EMCC lands to the Conservancy. The land is for non-building, conservancy use and the Borough is asked to execute a DEP form "Request for Planning Waiver and Non-Building Declaration" concurring with this waiver and declaration as to the future use of the land. It was moved by Dennis Craig, with second by Lee Middleton to concur with the agreement and to authorize Secretary Treasurer David Carson to sign on behalf of the Borough. The motion was approved.
- A citizen of the Borough has filed a petition with the Court of Common Pleas asking that a Referendum be placed on the November ballot to say "*Should the total number of members of council for the borough of Eagles Mere be reduced from seven (7) to three (3)?*". The current Council needs to declare its position on this issue. President Feese said that he has started to draft a letter to distribute to electors and he will review the draft with other Members. Council also needs to authorize use of Borough resources to communicate with residents (in the form of verbal, written, and electronic, and possible advertising methods), postage expenses, and other steps appropriate to support its position and to explain the wisdom or lack thereof of the issue, and the potential consequences of approving this referendum. It was moved by Rick Liebert and seconded by Lee Middleton to organize opposition to the Referendum and to approve use of Borough resources in doing so. The motion passed with six votes in favor and with a no vote by Dennis Craig. Mr. Craig concurs to the opposition of the referendum but to not to use Borough funds to do so.
- Berkheimer, LLC, the collector of earned income taxes for Sullivan County, has asked that the Borough execute a document changing the authorized representative from an individual name to a position title. The use of a title rather than a name is requested by Berkheimer to avoid problems with future turnover. Motion to approve this change was made by Dennis Craig and seconded by Jim Way. The motion passed.

Workshops/Conferences-

- None scheduled

Payment of Bills- Approval to pay the bills for the Borough and Museum was moved by Dennis Craig and seconded by Tom Graff. The motion passed.

Adjournment- The meeting was adjourned by the President at 8:50 pm.

Respectfully Submitted,

David R. Carson
Secretary/Treasurer