

White Haven Borough Council
Meeting Minutes
July 22, 2019

Council meeting called to order by Council President John Klem at 7:00pm with the following council members present: John Klem, Charlie Best, Rose Diel, Bob Lamson, Zane Writer, John Zurgarek and Mayor Fred Meier. Also, in attendance were Thomas Szoke Police Chief, Chris Zweibel EMA Coordinator, Lind Szoke Borough Manager, Sean Lodgson Attorney, and Don Totino Engineer. Councilman Janosco was absent.

First Advertised public hearing for amendments to the zoning map. At 7:05pm. Attorney Logson explained the changes and reviewed the ordinance and then asked council if they had any questions. This will be ordinance 2 of 2019 should council approve tonight. President Klem asked if there were any written questions? Linda Stated there were no comments from Luzerne County Planning or White Haven Planning and no other comments came in written. President Klem asked if there were any questions from the audience. Patty Horn asked if the change would allow for single family residential and the response was yes. With no other questions the hearing was closed at 7:10pm

Second Advertised public hearing for Nuisance ordinance opened at 7:10pm This would be ordinance 3 of 2019. Attorney Logson explained the changes and reviewed the ordinance. He then asked Council if they had any questions. With no questions from council, President John Klem asked if there were any written comments, Linda stated no. He then opened comments up from the audience. First Comment from Patty Horn asked how this will affect the current problems with odor in Wood Haven today? Horn stated so you put in this ordinance and we feel its continuing odor so is this going to address that? Logson yes it could be used to correct that. The ordinance was not put into place to target any one issue. Horn than asked assuming that this ordinance is passed tonight than how strict will this enforcement be or will this just be lip service, or do enough people have to complain? Having ordinance in place and its not enforced what's the sense of having it. Will there be steps taken to enforce it? Logson said yes it would be an enforceable ordinance. Second comment from Joe Kernan, Joe stated fines of \$10,000.00 isn't enough that someone could just pay it and continue to do the activity. Gordon Ackers asked how do you do issue a stop work order? Attorney Logson said we could not stop operations but if it became a situation that someone would pay the fine on a regular basis as part of cost of doing business, the property would not be able to do this. Also, Logson said the borough also has the option to fix the issue and be reimburse for the cost. Councilman Zurgarek asked if we are limited to what we can fine them by law. Attorney Logson stated yes, we do have to work fines with in the court charges are filed. Third comment from Mrs. Ohearn, she asked what policy is for a complaint can borough work independently or does a resident have to file a complaint. Attorney Logson said it can be either noticed by Borough or complaint by resident. Joe Kernan asked if there will be a paper trail on complaints. Logson stated yes. Chief Szoke said for the police to take complaint, they would need several complaints, if they go before the district judge with one person. The judge will look at one person complaining vs. 1200 residents and not take it a seriously as if all of those affected come to court. Chief further stated this is to help for the future its not going to be able to go back for past offenses. President Klem asked if there any other comments. Patty Horn said she wanted to add one more item. She had her home appraised and she stated that the appraisers report stated that the

value of her home will have an adverse effect with Standard Farms in the rear of her home. With nothing further to add to the hearing, President Klem closed the hearing at 7:30

Minutes from the June meeting were presented for approval, motion by Best and seconded by Lamson to approve minutes, all in favor, motion carried.

Petitions and Complaints

- President Klem made mention of Boy Scouts in the audience did they need to speak with Council. The boys were here to observe for a badge they are working on for scouts. Klem said well we are glad to have you hear.
- Gordon Ackers asked about 4th of July with the odor with Standard Farms. The last three days you don't smell anything but fabreeze. I'm assuming its because of the humidity being so bad right now. Smells awful. The pot smell is gone but the fabreeze smell is over powering. Took our dog for a walk and its weird I could smell it in one spot and walk by the next house and smell it.
- Joe Kernan and George Duffy for law enforcement. We are still seeing kids coming down that same exact hill where a boy lost his life. It makes your heart stop when you see them coming at your car. Chief said he would have more on this topic under his report. I have reached out to the parents to try and speak with them the concerns. Also, they are over 12 and the helmet law would not apply to them.

Engineers Report – report on file, reviewed the report with council

Attorney's Report

- Presented Ordinance 2 of 2019 zoning map change. Motion made by Lamson and seconded by Best to adopt the zoning map change, roll call vote: Best-yes, Diel – yes, Klem-yes, Lamson-yes, Writer-yes, Zurgarek-yes. Motion carried.
- Presented Ordinance 3 of 2019 Nuisance ordinance. Motion made by Zurgarek and seconded by Diel to adopt ordinance 3 of 2019, roll call vote: Best-yes, Diel-yes, Klem-yes, Lamson-yes, Writer-yes, Zurgarek-yes, Motion carried.
- Hunting club lease is being reviewed by the club and it is pending their board meeting.
- County Waste is set for next five years just need bond sent and counter signature
- Easements on Main street are still in the works, looks like Aqua would like a drawing or more information on what the borough has in mind in that area. Lamson suggested doing a letter for permission for surveying the property to investigate this before spending money. Lamson could provide letter to attorney.
- Mary Kiel, Lamson said let's get this done to refile, the property is getting worse before we have to go in and rescue someone.

Managers' Report

- Request to update salaries now that officers' contract is done. Salary resolution will be 8 of 2019. Motion made by Lamson and seconded by Best, roll call, Best-yes, Diel-yes, Klem -yes, Lamson-yes, Writer-yes, Zurgarek-yes, all in favor.
- Up date on Delaware River Basin, the docket will be available for public comment in September

- Request approval for the winter agreement with Penn Dot for winter 2019-2020, motion by Best and seconded by Writer to accept agreement as presented, all in favor, motion carried.
- PMRS – borough to look at additional options for full time employees

Tax Collector – report on file

Zoning/building/code- report on file

EMA coordinator – report on file working on agreement with church for mobile home park residents

Ambulance – report on file

Mayor/Fire Chief Report – Chief is working on ordering truck from the LSA grant borough received. Officer Ross arranged rafting trip there is a nice group of teens going with them. Regarding complaints from the audience earlier. If anyone has an issue with a bicycle rider and you can identify these children let us know and we will cite them. Officers will also be instructed them to cite them when they see them riding their bikes in a dangerous manner. Also, the memorial on the corner, it will be removed again. Penn Dot standard is to leave it up for a period of time and then remove it. Chief further stated that the victim in the accident has to drive past this every day. The one woman who lives on the corner has her daughter seeing a therapist because she watched it happen. The chief said I will be the bad guy and remove but I want council to understand why we are doing it. There are other victims of this tragedy that live there and have to look at it every day. Lamson said I agree with you. Linda also stated she met with both parents and gave them other alternate ideas and instead it was met with argument. Both parents don't live in the borough, their grandparents do but we have to do the best for all the residents not just one. Plus, besides what the Chief has stated we do have a stormwater pipe to fix there. Resident Doreen Ackers asked if something can be done with parking. Unfortunately, we can't because some of those homes only have parking in front of their house.

Mayor asked if there was anything in place regarding storm water with the gentleman that wants to continue the townhouse project? Engineer Don Totino stated yes, the new owner will have to go back thru all the land development and DEP none of the old approvals are still valid. Mayor said Woodhaven has been a mess with storm water we don't want to add to it. Don stated the owner will have to do a lot not only with the borough but DEP and the conservation district for these reviews. It could be a six to nine months process for the new owners. Mayor said he is getting water in his home and he is not sure where its coming from he used to run three sump pumps and he got it down to one. Linda mentioned don't forget that we are having record breaking rain this year.

Public Works – Joe provide report on road work. Clearing some swales and replacing some pipes.

Committee reports

Police Fire- good

Building and Grounds – the hole at the park was not a gopher hole and has been corrected.

Planning – no meetings.

Finance – property taxes are mostly in at this point.

Water – they are taking more water

Recreation – nothing to report

Parade – nothing to report

Unfinished Business – just a remind next months meeting has been moved a week earlier August 19th

Payment of Bills – bills are high but the \$25,000 library grant is in the expenses and then the borough gets reimbursed from the state and the grant is now closed out. Best made a motion to pay the bills and seconded by Lamson, all in favor, motion carried.

A motion was made by Writer to adjourn meeting at 8:23, seconded by Lamson, all in favor, motion carried.

Sincerely,

Linda Szoke
Borough Secretary