

The White Haven Borough Council meeting was called to order at 7:00 pm by President John Klem. A roll call was taken, and the following members were present: Charlie Best, Julie Fallon, John Klem, Bob Lamson, and John Zugarek. Absent: Harvey Morrison and Zane Writer. Also present: Attorney Sean Logsdon, Borough Manager Linda Szoke, Street Commissioner Sean Reynolds, Police Chief Rich Mocofan, and Mayor Tim Janosco.

Public Hearing –

- President Klem opened a public hearing that was advertised to the public at 7:03 pm and turned the meeting over to Attorney Logsdon. Attorney Logsdon stated the public hearing was for Ordinance 1 of 2025 to amend the zoning ordinance. This includes expanding areas in the borough where vacation home rentals are permitted, addressing public incubator use, commercial villages, small wireless facilities, and cargo containers. The definition section, section 202 of the ordinance, has been amended to provide definitions of accessory structures, cargo containers, cargo container storage yards, portable storage containers, public incubators, small-scale village commercial cluster developments, small wireless facilities, and tiny houses. In the basic district regulations, it will show each use that will be permitted and how it will be permitted. Attorney Logsdon reviewed an outline of the changes and examples. Logsdon stated that we have created definitions for the new uses that are out there that have not been addressed in the zoning ordinance, we have created the areas that they will be permitted and how they will be permitted, and we have added supplemental regulations. Attorney Logsdon opened the floor to questions. Kerry Ernst, owner of Valley Gorge Mobile Home Park, asked if there was an area specifically targeted to set up tiny homes or storage containers. Mr. Ernst was also concerned with container yards and that they would take away from the small-town charm of the area. Attorney Logsdon said this is all addressed, and we do not have a specific developer saying they want to start a tiny house development or a container yard. Logsdon stated that this lays out where and how these uses can be permitted. Logsdon gave an example that cargo containers would be permitted in light and heavy industrial districts but not in residential districts. Mr. Ernst also asked about the strain a tiny house development would put on Aqua. Attorney Logsdon said that would not be known until a developer came in with a plan, and the planning commission would review. Logsdon also stated tiny homes would only be allowed in the open space district, and for someone to come in and put a tiny home development in the open space area, they would need a letter from the sewer authority as part of the land development application that would indicate to the planning commission they have the capacity and ability to service the development. If they do not have that letter, the planning commission

could not approve the development to borough council. President Klem asked if there were any other concerns from the citizens of White Haven on this topic. Councilman Lamson asked if the definition of vacation home rentals included bed and breakfast. Attorney Logsdon stated no, it would be different than bed and breakfast and they require the owner to live on site. Bed and breakfast are listed as a special exception use in R1, R2, and R3 districts and not permitted in C2 downtown commercial district. President Klem closed the hearing at 7:19pm.

Minutes – The minutes from the June 23rd meeting were presented. A motion was made by Best and seconded by Zugarek to approve the minutes. All in favor, the motion carried.

Public comment on agenda items –

- Kerry Ernst, owner of Valley Gorge Mobile Home Park, stated that they have been going back and forth for several months with Foster Township in reference to O&D Trucking Company. Mr. Ernst said O&D seem to be encroaching on the mobile home park and their property is an eye sore. Mr. Ernst also said he has residents that want to leave the mobile home park because of these issues and the noise, fumes, and runoff from the property. Ernst stated the residents of the trailer park keep getting the run around from Foster Township and were told in the last Foster Township meeting they had no right to be there, but this issue lies in Foster Township because that is where O&D Trucking is located. Ernst says it has turned into a junk yard, a storage yard for tractor trailers, and keeps getting worse. He also has photos of what looks like a lot of oil on the property from runoff which is an environmental problem. President Klem informed Mr. Ernst that his three minute time to speak was up. Attorney Logsdon stated he will review this issue with Attorney Karpowich and White Haven Borough council. Ernst said Foster Township just keeps saying they are addressing the issue but they are not and are letting O&D Trucking do what they want. Ernst said Foster Township has ordinances they should be, need to be abiding by and that he will challenge the validity of the zoning ordinances if he has to. Borough Manager Szoke said that when some of the Valley Gorge residents had talked to her, she had reached out to Attorney Karpowich and to Brittany at Foster Township. Szoke stated they have shared documents with her and that there was a notice of violation filed. O&D was given a time frame to make corrections and that time had not expired yet when Szoke had spoken to Brittany from Foster Township. At that time, they still had thirty or forty five days to make those corrections. Szoke stated she had also gotten a report from Heather at Luzerne County Conservation District with some things that had to be complied to. Heather then followed that with a letter to Foster Township not long after stating those things had been complied to and she was satisfied with the changes that were made. Szoke stated it looks like Foster Township and O&D are doing what they need to do but not as fast as the residents would like to see as they do need to follow the law. Szoke stated she does not

know Foster Township's setbacks as to how close construction can come to Valley Gorge. Also, there is nothing to stop a property owner from cutting their trees down just as it would be for Valley Gorge if they would want to cut down trees to put in more mobile homes. Szoke also said she does not know what they have or have not followed but she is just reminding them this is in Foster Township and we do not have a lot of regulation. Szoke said Valley Gorge may want to seek their own attorney to discuss this further as she does not know what more the borough can do at this point other than stay informed of what is happening. Mr. Ernst brought up the definition of a buffered area and what that states as far as trees, tree height, and fencing. Mr. Ernst stated the old O&D property should have had a fence and read off rules of fencing. Ernst stated that the O&D property is 2 different parcels, the old property is zoned industrial and the new property is zoned agricultural. Ernst said that he has been doing research over the last five or six months and everything he has found said you should never permit an industrial zoning, especially a trucking company, next to a residential zoning. President Klem reminded Mr. Ernst that his three minutes to speak was up. Ernst stated that zoning was established in our country during the second industrial revolution in the early 1900's and created specifically so industrial businesses were not set up near residential properties. Councilman Lamson stated he knows in the borough zoning ordinances we have specific regulations for noise, space, planting, when industrial property is adjacent to residential property as we went through this with Standard Farms and asked if those regulations apply when Foster Township has an industrial property next to a residential property do those rules apply. Attorney Logsdon said they do not, we have no jurisdiction over land and uses outside of the boundaries of White Haven Borough. Councilman Lamson asked if Foster Township would have to apply those types of regulations even if the residential district was across the borough lines, not the borough enforcing these regulations. Attorney Logsdon said yes, if there is something in Foster Township's zoning ordinance that states there must be a buffer or some regulation between an industrial and residential zoning. Attorney Logsdon went on to say that if the township is not enforcing their zoning ordinance to what you believe they should be, there is a private cause of action for enforcement of the zoning ordinance. This would not involve the municipalities, this would be a resident or property owner of the adjoining property versus the property owner in Foster Township. Councilman Lamson also suggested filing a formal complaint in writing with DEP and the Luzerne County Conservation District. Attorney Logsdon said you have to read those regulations carefully and see how things are being violated then bring to the township's attention either through a letter or a lawsuit.

- Barbara Lutz, resident of Valley Gorge Mobile Home Park, said that she wants to invite everyone here to take a ride through there and see what is happening. Lutz said that it looks terrible with all the trees cut down and that she can see through to all the crud. She said it is not just a business, it is a junkyard. She stated there are trucks all over rusted out,

hoods up, cars with busted windshields, tires piled everywhere, and she is surprised there are not rodents back there. Lutz also stated the odor from the diesel is causing issues for her sister with COPD who lives in the back of the park. She said she knows there is not a lot the borough can do but she wanted to give the viewpoint of the people that live in Valley Gorge Mobile Home Park. Attorney Logsdon suggested also writing a letter of concerns to the owner or general manager of the trucking company as they may not know what is going on.

- Mary Mgant, resident of Valley Gorge Mobile Home Park, said that at six / seven o'clock in the morning the trucks wake you up. Mgant said she is right on the line and it is terrible with the noise and the diesel smell. Attorney Logsdon told her to maybe write a letter to the company, make sure the property owner understands the concerns and their affects.
- Fred Meier, resident of East Woodhaven Drive, said that he had previously asked the borough engineer about the storm drains in Wood Haven and had been told there was grant money available that we would apply for. Meier asked if that had been done. Borough Manager Szoke said that we did apply for a storm water grant that was based on the engineer's recommendations and the most emergent area right now is on Church Street and 940 so that is what the application is for. Meier said that is not the only place and that since Standard Farms was built behind his house and they put up a wall of dirt and trees, the water comes down through his yard and the neighbor's yard. He is asking for a storm drain to run the water in to. Szoke stated this is a SALDO issue due to the water running onto private property from Standard Farms and that is not allowed. Councilman Lamson clarified with Meier that this is not water coming off of Standard Farms but more due to the development of Standard Farms causing run off to be directed away from Standard Farms and onto the adjoining property. Szoke asked Street Commissioner Sean Reynolds to go out and take a look, meet with Meier, and get some pictures.

Engineer Report – on file

Attorney's Report -

- Attorney Logsdon presented Ordinance 1 of 2025, zoning changes.

A motion to adopt resolution 1 was made by Zugarek and seconded by Fallon. Roll call vote: Best-yes, Fallon-yes, Kelm-yes, Lamson-yes, Zugarek-yes. All in favor, the motion carried.

Manager's Report –

- Borough Manager Szoke provided an income report for the cell tower lease. Tower #1 gives us \$2,584.20 a month and has 14 tenants. Tower #2 gives us \$3,238.16 a month and has 2 tenants. We only did the first tower lease renewal last month. The second tower has now asked to negotiate their lease with similar offers. Szoke stated she has turned that over to the attorneys to start working on.

- Szoke spoke about the Jam Below the Dam over the past weekend. Szoke wanted to say a special thank you to Street Commissioner Sean Reynolds. She said if we had an employee of the month program it would be Reynolds. Szoke said the business owners and herself appreciated everything Reynolds did to make the borough shine this weekend.
- Szoke also wanted to give a shout out to Officer Matt Ercolino. Szoke had received feedback from the children at the library summer camp. Officer Ercolino had stopped at the camp today on his own and had been talking with the kids. They have challenged him to come back and play kickball. Councilman Lamson stated that Officer Sitaula has also stopped by and he likes that this represents to the children that police are fun people and seeing an officer is not always about danger or to arrest people.

Tax Collector –

Property taxes collected for June - \$26,857.67

Local Realty Transfer Tax for June - \$3,542.70

Delinquent taxes for June - \$962.59

Building, zoning, Code enforcement – Report on file

Mayor / Police Chief / Police Committee Report – report on file

- Police Chief Mocofan said July was a busy month. We had a successful DUI roving patrol through the National Highway Traffic Safety Association and they granted us an additional \$1,500 for occupancy protection enforcement. There will be some extra officers on duty for that.
- Mayor Janosco stated they are in the process of trying to schedule a police committee meeting to look at some of the issues with scheduling.

Fire Department – report on file

Ambulance – report on file

Public Works / Public Works Committee –

Committee Reports –

Building and Grounds – fountain has been returned to Linesville Park

Blueprint planning group –

Finance –

Planning –

Water – report on file

Consent Agenda - a motion was made by Lamson and seconded by Fallon to adopt the following items through the consent agenda. Roll call vote: Best-yes, Fallon-yes, Kelm-yes, Lamson-yes, Zugarek-yes. All in favor, the motion carried.

- a. Adoption of Resolution 7 of 2025 for the Penn Dot snow plowing agreement for 25-26 winter season at the rate of \$19,136.11
- b. Adoption of Resolution 8 of 2025 for the Multi-model application grant for Main Street
- c. Adoption of Resolution 9 of 2025 for the amendment to the non-uniform employee handbook to clarify the bereavement policy and to which family it applies
- d. Approval of the Walk Works Capacity Building agreement, pending attorney review

Payment of bills –

A motion was made by Best and seconded by Lamson to pay the bills. All in favor, the motion carried.

Adjournment - A motion was made to adjourn at 7:58 pm by Lamson and seconded by Zugarek. All in favor, the motion carried.

Respectfully submitted,

Holly Potance

Holly Potance

Assistant Borough Secretary