

AGENDA FOR REGULAR MEETING OF NESQUEHONING BOROUGH COUNCIL
Wednesday, February 22, 2023 at 6:00 p.m., Borough Office
114 W. Catawissa Street, Nesquehoning, PA 18240

ROLL CALL: COUNCILMEN/COUNCILWOMEN FOX, GUARDIANI, HEANEY, KUBA, NALESNIK, PAUL, PRESIDENT HAWK; MAYOR KATTNER & SOLICITOR YURCHAK

President Hawk called the meeting to order at 6:01 p.m.

EXECUTIVE SESSION

The Council Members entered into an Executive Session at 6:03 p.m. for personnel matters. Council exited their Executive session at 6:32 p.m.

MINUTES: Approve the minutes from the Workshop/Committee Meeting held on January 11, 2023 and the minutes from the Regular Meetings held on January 25, 2023.

Councilwoman Fox moved and Councilwoman Kuba seconded to approve the minutes from the Workshop/Committee Meeting held on January 11, 2023 and the minutes from the Regular Meetings held on January 25, 2023. All voted yes. Motion passed.

HEARING OF VISITORS

June Lawton – 108 E. Garibaldi Avenue – read a letter that was given to the Borough regarding Broadband Funding. (attached) President Hawk stated how they would look into to see what was available.

PLANNING COMMISSION REPORT

- Request a parking variance for 66 W. Ridge Street – Ihab Salet
- Planning Commission Minutes – February 7, 2023

Secretary/Treasurer Ahner stated how the Zoning Hearing was held the night before for the parking variance for 66 W. Ridge Street and the variance for the number of units at 227/229 E. Catawissa Street. Susan Kondrcek stated how they had granted the parking variance for 66 W. Ridge Street and that they also granted the variance to revert the property at 227/229 E. Catawissa Street back to a 4-unit property. Councilwoman Fox asked how many openings that they had on the Zoning Hearing Board. Secretary/Treasurer Ahner stated that there were two openings. Ms. Kondrcek stated how they needed an alternate member as well. Secretary/Treasurer Ahner stated how they still needed one member for the Planning Commission as well.

ENGINEER'S REPORT

No report.

SOLICITOR'S REPORT

- Adopt – Short Term Rentals Ordinance

Councilwoman Fox moved and Councilwoman Guardiani seconded to adopt the Short Term Rental Ordinance. All voted yes. Motion passed.

Broadband Funding

In 2021 the current administration reached a *bi-partisan* commitment, allocating 65 billion dollars for a broadband deployment plan, to ensure every American, *specifically* in rural areas, has access to reliable and affordable high speed internet.

Each state was to be awarded 1 million dollars with another 2.75 billion dollars for Digital Equity grant funding and another 1 billion to Middle Mile Deployment broadband funding for rural communities in rural locations.

In addition, the USDA has announced their Rural Broadband Loans, Loan/Grant Combinations and Loan Guarantees from their Farm Bill Broadband Program.

I am bringing this up because within a one hour period, I can lose my internet session up to 3 times. And, although I am paying for high-speed internet, response times are slow.

With speaking to other constituents of Nesquehoning, I have learned this is a common issue. This is especially concerning with the advent of online teaching, that became more of a norm during the pandemic and helps students not miss school with snow days.

In addition, many people are looking to move to this beautiful area, to work remotely, but cannot do so with an unreliable network. Not to mention online business from our local stores. Lost opportunities. The internet is critical for business and schools.

Therefore, I am respectfully requesting that Borough Council consider looking into possible funding to improve our internet access.

Regards,

June Lawton

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Councilman Nalesnik asked about the requirement for off street parking. Solicitor Yurchak stated how it was still in the ordinance but they could ask for a waiver from Council. Councilwoman Guardiani stated how she thought that it would have to go in front of a Housing Board for the waiver.

- **Adopt – Quality Of Life and Ticket Ordinance**

Councilwoman Guardiani moved and Councilman Paul seconded to adopt the Quality of Life & Ticketing Ordinance. All voted yes. Motion passed.

- **Adopt – Implementation Of County Demolition Resolution**

Councilwoman Guardiani moved and Councilwoman Fox seconded to adopt the Implementation of the County Demolition (Act 152 of 2016) Resolution. All voted yes. Motion passed.

- **Adopt – Sewage Sludge Dumping Resolution**

Councilwoman Guardiani moved and Councilman Paul seconded to adopt the Sewage Sludge Dumping Resolution. All voted yes. Motion passed.

- **Letter sent to Pristine Cargo Transportation, LLC**

Solicitor Yurchak stated about the letter that was sent to Pristine Cargo in regards to the truck accident on Route 93, which they have not responded to yet.

Councilman Paul moved and Councilwoman Fox seconded to accept Planning Commission Report, Engineer's Report and Solicitor's Report. All voted yes. Motion passed.

ORDINANCE NO. 2023-2

AN ORDINANCE OF THE COUNCIL OF THE BOROUGH OF NESQUEHONING, CARBON COUNTY, PENNSYLVANIA, AMENDING THE CODE OF ORDINANCES OF THE BOROUGH OF NESQUEHONING, CHAPTER 11 AND ADDING A NEW PART 4 ENTITLED ‘SHORT TERM RENTALS’ TO PROVIDE FOR THE LICENSING AND REGULATION OF SHORT-TERM RENTALS WITHIN THE BOROUGH OF NESQUEHONING, CARBON COUNTY, PENNSYLVANIA, DEFINING CERTAIN TERMS USED HEREIN, ESTABLISHING APPLICATION AND LICENSE PROCEDURES; ESTABLISHING STANDARDS FOR SHORT-TERM RENTALS; PROVIDING FOR INSPECTIONS’ PROVIDING FOR ENFORCEMENT RESPONSIBILITY; ESTABLISHING AND PROVIDING FOR VIOLATIONS AND PENALTIES; DECLARING VIOLATIONS TO BE A PUBLIC NUISANCE; AND, PROVIDING APPEAL PROCEDURES.

WHEREAS, Section 1202 of the Borough Code, Act of April 18, 2014, P.L. 432, No. 37, as amended and found at 8 Pa.C.S.A. Section 1202, entitled “Specific Powers”, authorizes the Borough Council to make and adopt ordinances necessary for the proper management, care and control of the Borough, and the maintenance of the health and welfare of the Borough and its citizens; and

NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE Borough Council of Nesquehoning Borough, Carbon County, Pennsylvania, as follows:

Article 1. Short Term Rentals.

A new part 4 entitled “Short Term Rentals” is hereby added to Chapter 11 of the Code of Ordinances of Nesquehoning Borough and shall read as follows:

**PART 4
SHORT TERM RENTALS**

Section 11-401 Title

This Part shall be known as and may be cited as “Short Term Rentals”.

Section 11-402. Findings and Purpose

The Borough Council of Nesquehoning Borough, Carbon County, Pennsylvania, is charged with the duty to protect and provide for the health, safety and general welfare of the citizens of the Borough. The Borough Council specifically finds and declares as follows:

- A. Short-term rentals of dwellings have become a significant segment of the local economy.
- B. Short-term rentals provide a community benefit by expanding the number and type of lodging facilities available and assist owners of short-term rentals by providing revenue which may be used for maintenance, upgrades and deferred costs.
- C. While most of these units operate without a problem, there have been numerous complaints to the Borough regarding excessive noise, parking litter and concerns regarding sewer capabilities, security, public safety and trespass.
- D. The transitory nature of occupants of a short-term rental makes enforcement against the occupants difficult and therefore the unit owner must be the responsible party.
- E. The provision of this Part are necessary to prevent a burden on Borough and community services and negative impacts on residential neighborhoods posed by short-term rentals.
- F. Compliance with the provisions of this Part will maintain the character of the Borough that attracts residents, homeowners and visitors.

Section 11-403. Scope; Interpretation; Responsibility

A. Scope. This Part shall apply to all short-term rentals as defined in Section 11-405 and all provisions of this Part shall apply in addition to all other applicable requirements of Borough Ordinances, including but not limited to Nesquehoning Borough's Zoning Ordinance. This Part does not apply to a hotel, motel, bed-and-breakfast, boarding or lodging house or group home as defined in the Zoning Ordinance, when the property owner or representative is present at the property on a twenty-four-hour-day basis. BE IT ORDAINED and Enacted by the Council of the Borough of Nesquehoning as follows:

B. Interpretation. This Part is not intended to, and does not, excuse any landowner from compliance with the Nesquehoning Borough Zoning Ordinance. Whenever possible, this Part shall be construed and interpreted as being consistent with the Borough Zoning Ordinance and not in conflict. In the event of a conflict between this Part and the Borough Zoning Ordinance, the more restrictive provisions shall control.

C. Responsibility. The owner of the property wherein a short-term rental is located shall be responsible for compliance with the provisions of this Part and the failure of an owner, agent, managing agency, contact person, or renting occupants to comply to comply with this Part, including the monitoring and control of the number of occupants and visitors, shall be deemed non-compliance by the owner and subject the owner to enforcement

proceedings and the penalties contained herein.

Section 11-404. Nuisance Declared.

In the interest of protecting and promoting the public health, safety and welfare, and minimizing the burden on Borough and community services and the negative impacts on residential neighborhoods posed by Short-term rentals, a violation of any of the provision of this Part is declared to be a public nuisance.

Section 11-405. Definitions.

The words and phrases used in this Part shall have the following meanings:

Bedroom: a room intended for, or capable of, being used for sleeping and that is at least 70 square feet in area.

Contact Person. The owner or local property manager or agent of the owner, who is available to respond to a tenant and neighborhood questions, complaints or concerns, or any agent of the owner authorized by owner to take remedial action and respond to any violation of this Part. The Contact Person shall have actual authority to represent the owner for purposes of emergency and non-emergency contact and communication regarding the owner's Short-Term Rental. A Contact Person must provide a 24-hour emergency contact number, be able and willing to come to and be present at the Short-Term Rental within two (2) hours following notification to address any issue that is not capable of being addressed by telephone, and be able to act as legal agent for the owner. The Contact Person may be the owner of the Short-Term Rental. The Borough must be notified, in writing, within fourteen (14) days if there is a change in the identity of the Contact Person.

Dwelling: (see Zoning Ordinance definition)

Dwelling Unit: (See Zoning Ordinance definition)

Multi-Family Dwelling: (See Zoning Ordinance definition)

Owner: The person or entity that holds legal or equitable title to the private property.

Rent: The consideration received by an owner and/or renter in money, credits, property, or other consideration valued in money for lodging.

Single-Family Dwelling: (See Zoning Ordinance definition)

Two-Family Dwelling: (See Zoning Ordinance definition)

Short-Term Rental: A dwelling that is rented and/or leased, in whole or in part, for a transient use in exchange for rent, compensation or remuneration of any kind. This definition applies to all types of dwelling units rented and/or leased for a transient use under this Part, unless excluded herein, including (but not limited to) single family, two family and multi-family dwelling units, whether or not primarily used as permanent residences or seasonal or vacation homes.

Transient Use: Occupancy, use or possession of a dwelling unit by a person or persons for a period of less than 30 consecutive days, other than the owner(s) of the dwelling unit or tenant(s) of the dwelling unit with a lease for 30 consecutive days or more, and or the family of such owner(s) or tenant(s); and further excluding temporary stays by unrelated individuals that are guests of the owner of tenant of the dwelling unit without the payment of any type of rent, compensation or other remuneration.

Section 11-406– Short-Term Rental License Requirements

The owner of a short-term rental shall be responsible for obtaining the license and license renewals. _____

A. License Required. A short-term license shall be required prior to renting out a dwelling unit as a short-term rental. Operating a short-term rental without a short-term rental license is a violation of this Section and shall be subject to the enforcement proceedings and penalties set forth herein.

B. Outstanding Violations. A dwelling unit located on any premises that violates any Borough code or ordinance shall not be eligible for a short-term rental license until such violation is corrected in a manner acceptable to the Borough.

C. License Renewal. A short-term rental license shall need annually and at any time when any of the conditions of the rental which are governed by this Section are changed.

D. Separate Licenses. A separate license is required for each short-term rental; for a two-family or multi-family dwellings, a separate license shall be required for each dwelling unit being rented pursuant to the definition of “short-term rental”.

E. Issuance to Owner: The license shall be issued only to the owner of the short-term rental.

F. Forms and Procedures. The enforcement officer is authorized to prescribe forms and procedures for the processing of licenses under this section.

G. Two-Family/Multi Family Short-Term Rentals. No building shall be used as a short-term rental that as two or more dwelling units unless said building has been approved by

the Borough as a two-family or multi-family dwelling as defined in the Zoning Ordinance. If such approval has been granted by the Borough and one or more of the dwelling units, but not necessarily all, are being rented as set forth in the definition of "Short-term rental", then the requirements of this Section shall apply to such dwelling unit or units being rented.

H. Inspection Authorization. The owner, by making application for a sort-term rental license and/or accepting issuance of such a license grants permission for all inspection authorized hereunder.

I. License Not Transferable.

(1) The license issued to an owner pursuant to this Section is personal to the owner identified in the application and does not run with the property. If the ownership of the property changes, either directly by sale or deed transfer, or indirectly by death, change in ownership of the entity owning the property, sheriff sale or court order, the new owner must apply for a license under the provision of this Section prior to renting the property as a short-term rental, but shall be entitled to get a license provided such new owner complies with the terms of this section.

(2) If an owner has been convicted of a violation of this Section (hereinafter the "violating owner") of it a violating owner's license has been revoked by the Borough, then a transfer of the property by the violating owner to one or more family members, or to an entity owned by the violating owner, or such violating owner's family members, then that new owner shall be subject to the violations and penalties imposed upon the violating owner.

Section 11-407. Contact Person.

Each owner of a short-term rental shall designate a person, property manager or agent as a contact person who has access and authority to assume management of the short-term rental and take remedial measures. The contact person must be accessible by telephone 24 hours a day and must be able and willing to come to and be present at the Short-Term Rental within two (2) hours following notification to address any issue that is not capable of being addressed by telephone, and be able to act as legal agent for the owner. An owner of a short-term rental may designate himself/herself as the contact person. The contact person shall respond to the enforcement officer within one (1) hour after being notified by the enforcement officer or other Borough official of the existence of a violation of this Section or any disturbance requiring immediate remedy or abatement. If the contact person is not the owner, the contact person shall immediately advise the owner of any notification of a violation.

Section 11-408. Application for Short-Term Rental License.

A. Application Required: Information. An application for a short-term rental license shall be filed with the designated Borough official and a license issued prior to the use of the property as a short-term rental, except for an existing short-term rental use which shall apply for a license within ninety (90) days of the effective date of this Ordinance. License applications for properties presently used as short-term rentals shall be filed within 90 days of the effective date of this Section. In the event an existing short-term rental has been booked in advance of the enactment of this ordinance, the owner/applicant may request an extended grace period for compliance with this section, subject to providing the Borough with acceptable proof of the advanced bookings at the time of the application. All applications shall contain the following information:

- (1) The name, address, telephone number and email address of the owner of the short-term rental for which the license is being applied for. If the owner does not have a managing agency, agent or contact person, then the owner shall provide a 24-hour telephone number.
- (2) The name, address, and 24-hour telephone number of the managing agency, agent and/or contact person for the owner of the short-term rental.
- (3) A photograph of the short-term rental taken from the access road side.
- (4) The marketing entity identification number for the short-term rental.
- (5) A floor plan of the short-term rental drawn to scale.
- (6) Acknowledgment that all designated bedrooms contain a minimum of 70 square feet.
- (7) The number of bedrooms (each containing the required minimum of 70 square feet) and the maximum number of overnight occupants.
- (8) If the building is a Two-Family or Multi-Family Dwelling structure, the number of dwelling units and the number of dwelling units being used as a short-term rental.
- (9) A diagram or photograph of the premises showing and indicating the number and location of designated on-site parking spaces and the maximum number of vehicles allowed for overnight occupants.
- (10) The location, type, approximate age and capacity of the sewage disposal system. The owner of the property shall supply the Borough with an evaluation

form from a Pumper/Hauler certifying the sewage disposal system is properly functioning as intended, and proof that the tank, if applicable, was pumped by a pumper/hauler within at least three years prior to the date of the application for a short-term rental license, or a renewal thereof.

(11) Acknowledgment that the owner, agent, and/or contact person have read all regulations pertaining to the operation of the short-term rental.

(12) Acknowledgment that the owner, agent, or contact person will post and maintain the short-term rental with the notice required in Section 11-410 hereunder.

(13) Acknowledgment that the owner, agent, or contact person will post and maintain at the short-term rental:

(a) The 911 emergency address sign in accordance with applicable requirements.

(14) A copy of the current Pennsylvania Sales Tax License.

(15) Declaration page of a paid up, current insurance policy in effect with respect to the short-term rental property evidencing at least \$500,000 in liability insurance covering short-term rentals for the full duration of the license term.

(16) Other information the Borough and/or enforcement officers deems reasonably necessary to administer this section.

B. Inspection: Fee If the information supplied by the property owner on the application for a short-term rental license is not consistent with the Borough records, an inspection shall be required prior to the issuance of the short-term rental license. An inspection fee established by Resolution of the Borough Council shall be charged for any inspection deemed necessary by the Borough.

Section 11-409. APPLICATION AND RENEWAL FEES

A. Application Fee. An application for a short-term rental license shall be accompanied by an initial fee established by Resolution of the Borough Council.

B. Renewal Fee An annual renewal fee shall be established by Resolution of the Borough Council that license holders shall pay when renewing their license issued pursuant to this section. Failure to pay the renewal fee by February 15th of each calendar year will result in the assessment of fee twice the amount of the normal renewal fee. If the fee is not paid by May 1st, the license shall be null and void and application for a new license, not a

renewal, shall be required thereafter prior to renting the short-term rental.

C. Non-refundable. Application fees and renewal fees are non-refundable.

Section 11-410 OPERATIONAL STANDARDS AND CONDITIONS

A. Standards. All short-term rental licenses issued pursuant to this Section are subject to the following standards:

(1) The owner shall, by written agreement, limit overnight occupancy of the short-term rental to the specific number of occupants designated in the license, with the number of overnight occupants not to exceed two person per bedroom plus four additional persons per residence for daytime visitation purposes. Infants (under two years of age) shall not count towards the limit of overnight occupants.

(2) The number of bedrooms permitted for a short-term rental shall not exceed the number of bedrooms approved for the dwelling unit on the sewage permit issued for such property. Where there is no sewage permit on record, the short-term rental shall be limited to three bedrooms unless proof is provided to the Borough and/or the Borough Sewer Department that the sewage disposal system is adequate o handle additional flows. Any short-term rental advertising more than five bedrooms shall provide proof that the sewage disposal system is adequate to handle such flows by having the system approved by the appropriate Borough official, or by providing a sewage disposal system permit previously issued by an appropriate Borough official. If a sewage disposal system malfunction occurs, the use of the dwelling unit as a short-term rental shall be discontinued until the malfunction is corrected in accordance with Borough and Pennsylvania Department of Environmental Protection requirements.

(3) In no instance shall the existing number of bedrooms be increased without proper Borough (and DEP, if required) approval being obtained.

(4) A short-term rental shall also have at least one other habitable room containing a minimum of 120 square feet.

(5) The owner shall, by written agreement, limit the number of all vehicles of overnight occupants and day guests to the number designated in the short-term rental license, with the number of all vehicles not to exceed the number of designated on-site parking spaces.

(a) All parking for overnight guests and day guests shall be designated in the license and shall be located on the owner's property and not in any private, community or public right-of-way.

(b) A minimum of one parking space per bedroom shall be provided. The required number of parking spaces may include spaces in a garage which can accommodate vehicles.

(c) All parking spaces shall be improved to a mud-free condition with paving, stone or similar material approved by the Borough and shall count as part of the maximum lot coverage established by the Borough Zoning Ordinance.

(d) Each vehicle parking space shall be a rectangle with a minimum width of nine feet and a minimum length of 18 feet and adequate aisle width shall be provided to facilitate access and use of the spaces.

(e) If the short-term rental is accessed directly by a Borough or State road, all parking spaces shall be accessed from the driveway serving the short-term rental and not directly from the Borough or State road.

(f) Any property owner who believes he/she is aggrieved by the above requirements may appeal to the Borough Council for consideration of modifying the above standards. Any such appeal must be in writing and be submitted to the Borough Secretary concurrent with the application for a license for short term rentals. The appeal shall state the basis for the appeal giving reasons why the above standards should be modified by council.

(7) The owner shall use best efforts to ensure that the occupants or guests of the short-term rental do not create unreasonable noise or disturbance, engage in disorderly conduct, or violate provisions of this Section or any Borough ordinance or state law pertaining to noise or disorderly conduct by notifying the occupants of the rules regarding short-term rentals and responding when notified that occupants are violating laws regarding their occupancy. It is not intended that the owner, local agent or contact person act as an enforcement officer or place himself or herself in harm's way.

(8) The owner shall, upon notification that occupants or guests of the short-term rental have created unreasonable noise or disturbances, engaged in disorderly conduct or violated provisions of this Section or Borough ordinance or state law pertaining to noise or disorderly conduct, promptly use any and all efforts to prevent a recurrence of such conduct by these occupants or guests and/or future occupants or guests. In the event that the unreasonable noise or conduct should reoccur or continue then the short term rental license shall be subject to being revoked by the Code Enforcement officer, Borough Zoning Officer, or other authorized Borough representative

(9) Any lights used for exterior illumination shall direct light away from adjoining properties. Lighting shall be pointed/shielded downward to minimize upward glare.

(10) Occupancy of recreational vehicles, camper trailers and tents shall not be allowed. Children under the age of 13 are permitted to "camp-out" in a tent on the premises.

(11) The use of open fires, fire pits, charcoal-burning grills or other devices(as applicable) shall be the responsibility of the owner or contact person and shall comply with other Borough ordinances regarding open burning in the Nesquehoning Borough Code of Ordinances. All open fires shall be extinguished by midnight.

(12) The owner of the short-term rental shall post a copy of the license and copy of the conditions set forth in section 11-410 in a conspicuous place within the short-term rental.

(13) Each short-term rental shall have a clearly visible and legible notice posted within the unit on or adjacent to the front door, containing the following information: The occupants of a short-term rental shall make the notice, required by this paragraph, available for inspection by the enforcement officer upon request.

(a) The name of the managing agency, agent, property manager, contact person, or owner of the unit, and a telephone number at which that party may be reached on a 24 hour basis.

(b) The maximum number of occupants permitted to stay in the short-term rental dwelling unit and the maximum number of day guests permitted at any one time.

(c) The maximum number of all vehicles allowed to be parked on the property and the requirement that all renter/guest parking must be on the property and not in any private, community or public right-of-way.

(d) The number and location of on-site parking spaces and the parking rules for seasonal snow removal and emergency vehicle access(if any).

(e) The trash pick-up day and notification that trash and refuse shall not be left or stored on the exterior of the property except from 6:00p.m. of the day prior to trash pick-up to 6:00 p.m. on the day designated for trash pick-up unless a bear proof container exists for use by the occupants.

(f) Notification that an occupant may be cited and fined for creating a disturbance or for violating other provisions of this Section; and

(g) Notification that failure to conform to the parking and occupancy requirements of the structure is a violation of this Section subject to a citation and fines along with guests being made to vacate the rented premises.

(14) All short-term rentals shall comply with the following standard: It is unlawful for any person to maliciously and willfully disturb the peace of any neighborhood, person, or family by loud or unusual noises or by tumultuous and offensive conduct, public indecency, threatening, traducing, quarreling, challenging to fight or fighting.

(15) A short-term rental shall comply with all applicable building codes and shall have the requisite number of functioning smoke and/or fire detectors, fire extinguishers, carbon monoxide monitors and other safety devices required under the applicable codes.

B. Additional Standards. The Borough Council, at a duly convened public meeting, shall have the authority to impose additional standards applicable to short-term rentals as necessary to achieve the objectives of this Section.

C. License Conditions. The enforcement officer shall have the authority to impose additional conditions on any license or renewal in the event of any prior violation of the conditions of the license or the provisions of this section.

Section 11-411. Enforcement Officer(s).

A. Appointment. The Borough Council shall appoint one or more enforcement officers, who may be the Borough Zoning Officer, Code Enforcement Officer, or other authorized Borough representative, or an individual, firm, or agency contracted to conduct inspections, make reports and administer and enforce other parts of this Section as determined by the Borough Council.

B. Duties. The administrative, inspection and enforcement responsibilities established by this Section may be delegated to different enforcement officer appointed in accordance with Section 11-411A.

C. Consultation. The enforcement officer, with the authorization of the Borough Council, may engage the services of competent engineers or other Borough consultants to determine the nature and extent of any violation.

Section 11-412. Inspections and Access.

A. Inspection. All places and premises in Nesquehoning Borough used as a short-term rental shall be subject to inspection by the enforcement officer or other authorized Borough representative to verify application, licensing or operating requirements or if there is reason to believe that any provision of this Section is being violated.

B. Interference. Provided that short-term rental dwelling unit is accessed in accordance with this section, it shall be unlawful for any person to hinder, delay, resist or prevent the enforcement officer from having full access to any place or premises upon which a violation of his Section is believed to exist.

Section 11-413. Marketing.

The marketing of a short-term rental which exceeds the maximum occupancy requirements permitted by this section or which promotes any other activity that is prohibited by this section shall be used as evidence of a violation of this Section during enforcement proceedings. The owner or contact person shall provide to the enforcement officer a copy of all advertisements relating to the short-term rental at the time of license application and/or renewal.

Section 11-414. Action on Complaints.

A. Violation in Progress. Upon receipt of a verbal complaint of a violation in progress and if the complainant's name and address is provided, the enforcement officer shall immediately notify the owner and/or the contact person of the complaint and may thereafter investigate the matter. If the enforcement officer believes a crime to be in progress, he/she shall notify the appropriate police department. The Borough may proceed with a notice of violation if the Borough enforcement officer, police officer and/or other authorized Borough representative determines a violation of this Section has occurred.

B. Violation Preceding Complaint. Upon receipt of a complaint of a violation which occurred prior to the date of the complaint, the enforcement officer shall not be obligated to proceed with any action to determine if a violation of this Section exists. However, the enforcement officer may, at his/her sole discretion, proceed with an investigation into the complaint to determine if there is an existing violation of this Section.

C. Confidentiality. The enforcement officer shall make a reasonable effort to maintain the confidentiality of the name and address of the person registering the complaint unless otherwise required by law to release such information.

Section 11-415. Notice to Violators.

A. Service of Notice. Whenever the enforcement official determines that a violation of this Section exists, the enforcement official shall prepare a written Notice of Violation, or Ticket, if warranted by the circumstances in the opinion of Borough Zoning Officer, Code Enforcement Officer, or other authorized Borough representative and to be served on the owner and contact person (if applicable) of the premises on which the violation exists or originates. The written Notice of Violation shall be served on the owner and contact person by one or more of the following methods:

- _____ (1) Personal delivery; or,
- (2) Fixing a copy to the door of the building on the premises of the violation; or,
- (3) Certified mail to the owner and contact person to the addresses on the license; or,
- (4) Other means of legal service deemed appropriate by the Borough and recognized by law. _____

B. Content of Notice.

- (1) The notice shall enumerate the conditions which constitute the violation and what action is required to abate and/or otherwise correct the violation.
- (2) The Notice shall include a time frame for the abatement and/or correction of the violation, with such time frame established by the enforcement officer based upon the nature of the violation and providing a reasonable period for the violator to take the required action. In certain cases, immediate correction may be required.

C. Repeat Violators. If an owner commits the same or a similar violation within six months of receiving a Notice of Violation as set forth in this section, no additional notice shall be required to be served on that owner prior to initiating an enforcement action in accordance with this section.

Section 11-416. Violations, Penalties and Costs.

A. Compliance. Failure to comply with any provision of this Ordinance and/or failure to comply with an order to abate and/or correct a violation of this Ordinance, shall be a violation of this ordinance and subject the owner to criminal prosecution and the revocation of any short-term rental license previously issued.

B. Fine. Any person who has violated or permitted the violation of any provision of this

ordinance shall, upon judgment thereof by a Magisterial District Judge, be sentenced to pay a fine of not more than \$1,000.00 per day of violation, together with the costs of suit, including reasonable attorney fees. Each day of a violation shall constitute a separate offense for which a summary conviction may be sought. All judgments, administrative, enforcement, security firm or police response, and other costs, interest and reasonable attorney fees collected for the violation of this ordinance, shall be paid over to the Borough.

C. Other remedies. The Borough shall also have the right to Injunctive Relief for violations of this ordinance.

D. License Revocation. If an owner is convicted of three (3) violations in any rolling twelve (12) calendar month period, then the license shall be revoked by the Borough for one (1) year and the short-term rental must be discontinued while the license is revoked. The conviction of a fourth or more violations in any rolling twelve (12) calendar month period shall be cause for permanent revocation of the license. Any violation of the PA Sewage Facilities Act and applicable regulations may result in immediate license revocation until the violation is corrected.

E. Reinstatement. The Borough Council may, in its sole discretion, approve the reinstatement of a license, if satisfied that there has been an appropriate change of ownership and/or that the cause of the violations has been corrected and that all other requirements of hi Ordinance have been met.

Section 11-417. Appeals

A. Filing of Appeal. Appeals of an action under this ordinance to deny any application for, or to renew, a Short Term Rental License, or to revoke a Short Term Rental License, shall be filed with the Board of Supervisors within 30 days of the date of the denial of application or revocation of license. Appeal shall be processed as follows:

(1) All appeals shall be in writing and signed by the Appellant on forms prescribed by the Borough, and shall be accompanied by a fee, the amount of which shall be established by the Borough Council, which may include notice and advertising costs, and necessary administrative overhead in relation to the hearing.

(2) Each appeal shall fully set forth the determination appealed from, a detailed reason or basis for the appeal, and the relief sought. Every appeal shall refer to the specific provision of circumstances of the case.

B. Hearings. The Borough Council shall conduct hearings and make decisions pursuant to the Act of December 2, 1968 (P.L. 1133, No. 353), known as the "Local Agency Law", and in accordance with the following requirements:

(1) Written notice shall be given to the Appellant and to any person who has made timely request for same. Written notices shall be given at such time and in such manner as shall be prescribed by rules of the Borough Council, but not less than 15 days prior to the hearing.

(2) The hearing shall be held within 60 days from the date the appeal is filed, unless the Appellant has agreed in writing to an extension of time.

(3) The hearing shall be conducted by the Borough Council. The decision or , where no decision is called for, the findings, shall be in writing by the Borough Council within 45 days after the conclusion of the hearing, unless the Appellant has agreed in writing to a extension of time, and shall be communicated to the Appellant and any other parties who have entered their written appearance and requested a copy of the decisions, at the addresses provided by them either by personal delivery or by United State First Class mail postage prepaid.

(4) The President or Vice-President of Borough Council presiding shall have the power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by parties.

(5) The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues.

(6) Formal rules of evidence shall not apply, but irrelevant, immaterial or unduly repetitious evidence may be excluded.

(7) The Borough Council may, but is not required to, make a stenographic record of the proceedings. In the event a stenographic record of the proceedings is not provided by the Borough Council, a stenographic record shall be made and kept at the request of any party agreeing to pay the costs thereof. Any party or other person desiring a copy of the stenographic record shall order the copy directly from the stenographer who prepared the same and shall pay the cost imposed by the stenographer for the copy directly to the stenographer.

(8) The Borough Council shall not communicate, directly or indirectly, with any party or any party's representatives in connection with any issue involved except upon notice and opportunity for all parties to participate; shall not take notice of any communication, reports, staff memoranda, or other materials, except advice from their solicitor, unless the parties are afforded an opportunity to contest the material so noticed; and shall not inspect the site or its surroundings after the commencement of hearings with any party or any party's representative unless all

parties are given opportunity to be present.

Article II. Severability

It is hereby declared to be the legislative intent that if a court of competent jurisdiction declares any provision of this Ordinance to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to those provisions which are expressly stated in the decision to be invalid or ineffective, and all other provisions of this Ordinance shall continue to be separately and fully effective. The Borough Council hereby declares that it would have passed this Ordinance and each section or part thereof, other than any part declared invalid, if it has advance knowledge that any part would be declared invalid.

Article III. Repealer

All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

Article IV. Effective Date.

This ordinance shall become effective five (5) days after enactment.

ORDERED AND ENACTED this 22nd day of February, 2023.

BOROUGH OF NESQUEHONING

BY: 

ATTEST: 

Secretary

Examined and Approved this 22nd day of February, 2023.


Mayor

ORDINANCE NO. 2023-3

AN ORDINANCE AMENDING THE CODE OF ORDINANCES AND ADOPTING THE QUALITY OF LIFE AND VIOLATIONS TICKET PROCESS IN THE BOROUGH OF NESQUEHONING.

PROPERTY MAINTENANCE RULES AND REGULATIONS

SECTION 1. PURPOSE

Lack of maintenance of properties, improper storage of trash and rubbish, storage of inoperable/non-registered vehicles, and accumulation of snow and ice are costly problems that contribute to the deterioration of property values and general disorder in a community. These problems degrade the physical appearance of the Borough, which reduces business and tax revenue inhibiting economic development. The Quality of Life and Community Pride of the citizens of Nesquehoning are negatively impacted by the occurrences and existence of these activities. Recognizing these are community problems, the purpose of this Ordinance is to promote the health, safety and general welfare of the Borough by helping to create a clean environment for the citizens of Nesquehoning.

SECTION 2. DEFINITIONS

DEBRIS – Any material upon the premises that is a residue of structural demolition, or any other material that is not neatly stored, stacked or piled in such a manner so as not to create a nuisance or become a harboring place for food supply for insects and rodents.

DUMPING – includes, but is not limited to, depositing of litter, depositing durable goods (refrigerators, washers, dryers, etc.) small appliances, furniture, carpets, tires, vehicles, vehicle parts and automotive products and such other municipal waste, hazardous waste, residual waste and construction demolition debris on public or private property, except as authorized by law.

GARBAGE – the animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.

HAZARDOUS WASTE – any waste material or a combination of solid, liquid, semisolid, or contained gaseous material that because of its quantity, concentration, physical, chemical, or infectious characteristics may:

- 1) Cause, or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating illness;
- 2) Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of or otherwise managed.

HEDGES – a barrier of natural plantings such as shrubs, trees (not including shade trees) and other natural plantings, generally consisting of few openings, providing minimum visibility through the plane of natural plantings that is a minimum of seventy-five (75%) percent opaque. No thorn-bearing planting material shall be incorporated into a hedge.

HOUSEHOLD HAZARDOUS WASTE (HHW) – waste which would be chemically or physically classified as a hazardous waste, but is excluded from regulations as a hazardous waste because it is produced in quantities smaller than those regulated by the Pennsylvania Department of Environmental Protection, and because it is generated by persons not otherwise covered as hazardous waste generators by those regulations. Such HHW materials meet one of the following four classifications: toxic, flammable, reactive or corrosive. HHW consists of numerous products that are common to the average household such as: pesticides and herbicides, cleaners, automotive products, paints and acids.

INDOOR FURNITURE – any and all pieces of furniture, which are made only for inside use, including, but not limited to, upholstered chairs and sofas, etc.

JUNKED VEHICLES – any vehicle, which presents a hazard or danger to the public or is a public nuisance by virtue of its state or condition of disrepair.

The following conditions, if present, are examples of a state or condition of disrepair:

- 1) Rusted and/or jagged metal on or protruding from the body of the vehicle,
- 2) Broken glass or windows on or in the vehicle,
- 3) Leaking of any fluids from the vehicle or deflated or flat tire(s),
- 4) Unsecured and/or unlocked doors, hood or trunk,
- 5) Storage or placement of the vehicle in an unbalanced condition, on concrete blocks, or other similar apparatus,
- 6) Harboring of rodents, insects, or other pests.

The foregoing examples are not inclusive of all conditions, which may constitute a state or condition of disrepair. See also the definition of “motor vehicle nuisance”.

LITTER – includes, but is not limited to, all waste material, garbage, trash, i.e., waste paper, tobacco products, wrappers, food or beverage container, newspapers, etc., municipal waste, human waste, domestic animal waste, furniture or motor vehicle seats, vehicle parts, automotive products, shopping carts, construction or demolition material, recyclable material, and dirt, mud and yard waste that has been abandoned or improperly discarded, deposited, or disposed.

LOCAL RESPONSIBLE AGENT – any person residing or working within the Borough of Nesquehoning designated to accept service on behalf of a legal owner or operator of a rental dwelling unit.

MOBILE VENDOR – a vendor or seller of food and/or goods from a vehicle or other conveyance upon the public streets or alleys of the Borough that does not typically remain stationary for more than 10 minutes each hour.

MOTOR VEHICLE – any type of mechanical device, capable or at one time capable of being propelled by a motor, in which persons or property may be transported upon public streets or highways, and including trailers or semitrailers pulled thereby.

MOTOR VEHICLE NUISANCE – a motor vehicle with one or more of the following defects:

- 1) Broken windshields, mirrors, or other glass with sharp edges,
- 2) Broken headlamps, tail lamps, bumpers or grills with sharp edges,
- 3) Any body parts, truck, firewall or floorboards with sharp edges or large holes resulting from rust,
- 4) Protruding sharp objects from chassis,
- 5) Missing doors, windows, hood, truck or other body parts that could permit animal harborage,
- 6) One or more open tires or tubes, which could permit animal harborage,
- 7) Any vehicle suspended by blocks, jacks or other such materials in a location, which may pose a danger to the public, property owners, visitors or residents of the property on which said vehicle is found,
- 8) Any excessive fluids leaking from vehicle, which may be harmful to the public or the environment,
- 9) Disassembled body or chassis parts stored in, on or about the vehicle,
- 10) Vehicles that do not display a current valid license and registration,
- 11) Such other defects, which the Fire Department determines to be a danger to the general public or property,
- 12) Motor vehicle parked, drifted or otherwise located, which may interfere with flow of pedestrian or automobile traffic or impede emergency efforts.

MUNICIPAL WASTE – any garbage, refuse, industrial, lunchroom or office waste and other material including solid, liquid, semisolid or contained gaseous material resulting from operation of residential, municipal, commercial or institutional establishments or from community activities and which is not classified as a residual waste or hazardous waste as defined herein. The term does not include source separated recyclable materials or organic waste.

NOTICE OF VIOLATION - a written document issued to a person in violation of a Borough ordinance, which specifies the violation and contains a directive to take corrective action within a specified time frame or face further legal action.

NUISANCE - any condition, structure, or improvement which constitutes a danger or potential danger to the health, safety, or welfare of citizens of the Borough, or causes a blighting effect in Borough neighborhoods. See also the definition of “public nuisance”.

OWNER - a person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the principles of a limited liability company or officer, director or shareholder of a corporation if that individual is responsible for the management and control of the property; including the Guardian of the estate of any such person, and the executor or administrator of the estate of such person, if order to take possession of real property by a court.

PERSON - every natural person, firm, corporation, partnership, association, or institution.

PLANTER STRIP - the non-concrete space in the sidewalk area filled with dirt and/or grass.

PRIVATE PROPERTY - any land and the improvements thereon owned by any person and includes front, side, and rear yards; vacant lots, buildings, and other structural improvements; walkways and alleyways; and parking areas, designed or used either wholly or in part for private residential, industrial or commercial purposes, whether inhabited temporary, continuously; uninhabited or vacant, including any yard, grounds, walk, driveway, ports, steps, vestibule, or mailbox belonging to or appurtenant to such dwelling, house, building or other structure.

PUBLIC OFFICER - any police officer, authorized inspector, or public official designated by the Borough to enforce Borough ordinances.

PUBLIC NUISANCE - any conditions or premises which are unsafe or unsanitary.

PUBLIC RIGHT-A-WAY - total width of any land used, reserved, or dedicated at a street, alley, driveway, sidewalk or utility easement, including curb and gutter areas.

RECYCLABLE MATERIAL - material which would otherwise become municipal waste, which can be collected, separated or processed, and returned to the economic mainstream in the form of raw materials or products. These materials may include, but not limited to, aluminum cans, ferrous cans, ferrous and bi-metal cans, glass containers, plastic bottles and containers, mixed paper, white goods, major appliances, televisions, tires and large auto-parts.

RESIDUAL WASTE - any discarded material or other waste, including solid, semisolid, contain gaseous materials resulting from construction, industrial, mining, and agricultural operations, excluding municipal water and sewer operations.

RUBBISH - combustible and noncombustible waste materials, except garbage; the term shall include the residue from the burning of wood, coal, Coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, your trimmings, tin cans, metals, general matter, glass, crockery, and dust and other similar materials

SHADE TREE - unless otherwise specified, including all trees, shrubs and woody vegetation in the public right-of-way

SIDEWALK AREA - the public right-of-way between the property line and curb line or established edge of the roadway.

SOLID WASTE - any waste, including, but not limited to, municipal, residual, or hazardous waste, including solid, liquid, semisolid or contained gaseous materials.

STORAGE - the containment of any municipal waste on a temporary basis in such a manner as to not constitute disposal as such waste, and it shall be presumed that the containment of any municipal waste in excess of 3 months constitutes disposal.

TREE WELL - the non-concrete area surrounding a shade tree planted in a sidewalk area.

VEGETATION - any planting that is cultivated and manage for edible or ornamental purposes such as vegetable gardens, trees, shrubs, hedges, flowers, etc.

VIOLATION TICKET - a form issued by a police officer or public officer to a person who violates a provision of this part. The violation ticket is an offer by the Borough of Nesquehoning extended to a person to settle a violation by paying the fine in lieu of a citation being issued against the violator.

WEEDS - shall be defined as all grasses, annual plants, and vegetation, which meet any of the following criteria:

- 1) exceeds six (6) inches in height
- 2) Excel unpleasant noxious odors or pollen, such as ragweed, dandelion, and miscellaneous other vegetation, commonly referred to as weeds or brush
- 3) they conceal filthy deposits or serve as breeding places for mosquitoes, other insects, or vermin
- 4) may cause a public nuisance

Weeds shall not include cultivated and managed vegetation planted for edible or ornamental purposes such as vegetable gardens, trees, shrubs, flowers, except.

YARD - an open space on the same lot with a structure.

SECTION 3. QUALITY OF LIFE VIOLATIONS

- 1. Accumulation of Rubbish or Garbage.** All exterior property and premises and the interior of every structure shall be free from any accumulation of waste, trash, rubbish or garbage.
- 2. Animal Maintenance and Waste/Feces Clean-Up.** People owning, harboring or keeping an animal within the Borough of Nesquehoning shall not permit any waste matter/feces from the animal to collect and remain on the property so as to cause or create an unhealthy, unsanitary, dangerous or offensive living condition. All waste from animals must be cleaned up on a daily basis.

3. **Disposal of Rubbish or Garbage Dumping.** Improper disposal of rubbish or garbage or dumping or disposing of rubbish or garbage on vacant, unoccupied or other property.
4. **High Weeds, Grass or Plant Growth.** All premises and exterior property shall be maintained free from weeds or plant growth in excess of 6 inches. All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation. Cultivated flowers, gardens, trees and shrubs shall not be included as a violation of this part.
5. **Littering or Scattering Rubbish.** No person shall throw, dump, place, sweep or dispose of any waste, trash, garbage or rubbish upon any public sidewalk, alley, street, bridge, public passageway, public parking area or on any public property.
6. **Motor Vehicles.** It shall be unlawful to store, park, or place any unregistered, uninspected, inoperative, unlicensed or nuisance motor vehicle on any premises. No vehicle shall, at any time, be in a state of major disassembly, disrepair, or the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth.
7. **Outside Placement of Indoor Appliances/Furniture.** It is prohibited to store or place any/all appliances or furniture, including but not limited to, ranges, refrigerators, air conditioners, ovens, washers, dryers, microwaves, dishwashers, mattresses, recliners, sofas, interior chairs, or interior tables on the exterior of any property for the purpose of sale or any other reason, except for the temporary purpose to perform maintenance on said property.
8. **Ownership Presumption of Waste, Trash and/or Recyclables for Illegal Dumping and Illegal Hauling.** It shall be the responsibility of every owner and/or occupant to dispose of their waste, trash or recyclables in a proper manner. Any business or person who is unable to show proof that they have legally disposed of any waste, trash or recyclables will be in violation of this part. Should any person or business use and unlicensed hauler to dispose of their waste, trash or recyclables, said person or business shall be in violation of this part. Upon request of the Public Officer any owner or occupant must show proof of their appropriate trash and/or recyclable hauler. Any parts found within a municipal waste container, recycling container, garbage bag or loose trash/waste displaying the name and/or address of a person and/or persons, that trash or waste shall be presumed to be the property of such person and/or persons. It shall be unlawful for any person, business, partnership or entity to remove off all waste, trash, or recyclables without the proper approval or license. Any waste, trash or recyclables found not to be disposed of in accordance with this part, will be in violation of this part.
9. **Snow and Ice Removal from Sidewalks.** Every owner, tenant, occupant, lessee, property agent or any other person who is responsible for any property within the Borough of Nesquehoning, is required to remove any snow or ice from their sidewalk within twenty-four (24) hours of the cessation of said snow or ice of three (3) feet on said sidewalk. Should any property be a place of business within the Borough of Nesquehoning, all snow and ice must be removed within four (4) hours of the cessation of said snow and ice falling. Any property deemed a business; the entire sidewalk must be free from any snow or ice. If/when snow

and/or ice cessation happens during the hours of darkness, the time limit for removal of all snow and ice begins at daybreak.

- 10. Storage Containers for Waste and Trash.** The owner of every premise shall supply approved containers for waste/trash as well as be responsible for the removal of rubbish. All containers that store waste or trash shall be durable, watertight and made of metal or plastic. Containers must have tight fitting covers and must be kept clean and odor free at all times. All containers must be placed upon the property so said containers are not visible from the public right-of-way. Waste/trash containers may only be placed in front of any property within twenty-four (24) hours in advance of the day of the scheduled pickup. Once the licensed hauler removes the waste/trash from any property, all containers must be returned to the rear of the property before daybreak on the day following the pickup. (Example: Jim Smith's trash collection day is a Wednesday. Jim Smith may place his trash containers out in front of his property on Tuesday night, once night falls. Jim Smith must place trash containers in the rear of his yard before daybreak on Thursday morning.)
- 11. Storing or Discarding of Appliances.** Refrigerators and similar equipment including but not limited to, washers, dryers, dishwashers and ranges not in operation shall not be discarded, stored or abandoned on any premises without first removing the doors.
- 12. Storing of Hazardous Material.** It shall be unlawful for any person, business or entity to store combustible, flammable, explosive, or other hazardous materials, including, but not limited to, paints, volatile oils and cleaning fluids or combustible rubbish, including but not limited to, waste paper, boxes or rags, unless the storage of said material is stored in compliance with the applicable building codes.
- 13. Storing of Recyclables.** It shall be the responsibility of the owner of all residential, commercial, and industrial property to ensure storage, collection and disposal of all recyclables from their property in such a manner not to create a public nuisance. Storage of recyclables is only allowed in approved containers, which must be kept clean and sanitary at all times.
- 14. Storing or Serving of Potentially Hazardous Food.** No person, business, partnership or entity shall store or serve potentially hazardous food. Including but not limited to, out of date food, food being stored above or below the appropriate temperature, food being stored directly on a flooring surface, infestation problems at the location or serving food that has previously been open are considered a violation of this part.
- 15. Swimming Pools.** Swimming pool shall be maintained in good repair at all times. They should also be kept clean, safe, covered and sanitary as well.
- 16. Restrictions on Hedges.** Hedges may not exceed 48 inches within the confines of the front yard or 72 inches within the confines of the side yard, except as permitted herein. All such hedges shall be located in such a manner so as not to be a safety hazard due to view obstruction. The land owner of the hedge is responsible for the routine maintenance of the hedge and all areas surrounding same including weeding and grass cutting and trimming.

- a. **Waiver or request for exemption:** recognizing that there may be situations in which the height and location of hedges are well-maintained and do not affect the safety of the public welfare, it is provided that notwithstanding any provision in this ordinance to the contrary, the owner of the real property may request that the Borough Council waive or reduce the requirements of this ordinance only with regard to the height of the hedges. In considering such a request, the Borough Council may impose such restrictions as it deems necessary to safeguard the public health and safety, and shall take into consideration the character of the surrounding neighborhood.

SECTION 4. AUTHORITY FOR ISSUANCE OF VIOLATION TICKET

Upon finding a quality of life violation, the Code Enforcement Officer, Building Code Officer, Police Officer or any Public Officer of the Borough of Nesquehoning may issue a quality of life violation notice to the owner and/or occupant of the property at issue, or to the individual known to have violated this part. Should the violation not be addressed within the timeframe stated in the violation notice, the Code Enforcement Officer, Building Code Officer, Police Officer or the Public Officer of the Borough shall then proceed to issue a Violation Ticket for the violation. Violation notices shall not be required for any second or subsequent violation for the same issue within a twelve (12) month calendar year or whenever the Code Enforcement Officer, Building Code Officer, Police Officer or Public Officer shall determine the violation to be so egregious that immediate issuance of the Violation Ticket is warranted.

SECTION 5. ENFORCEMENT

1. The provisions of this part shall be enforced by any the Code Enforcement Officer, Building Code Officer, Police Officer or Public Officer authorized to enforce ordinances.
2. Any violation of the provisions of this part may be cause for a citation, a violation tickets and/or notice of violation to be issued to the violator.

SECTION 6. SERVICE

A violation ticket shall be served upon a violator handing it to the violator, by handing it at the residence of the person to be served to an adult member of the household or other person in charge of the residence, by leaving or affixing the notice of violation ticket to the property where the violation exists, by handing it at any office or usual place of business of the violator, to his/her agent, or the person for the time being in charge thereof, or by mailing the notice to the violator's address of record.

SECTION 7. SEPARATE OFFENSE

Each day of violation continues or is permitted to continue may constitute a separate offense for which a separate fine may be imposed.

SECTION 8. ABATEMENT OF VIOLATION

1. Any person or business violating this part is hereby directed to satisfy the Borough of Nesquehoning and its citizens, upon issuance of a quality-of-life ticket, by correcting the violation in question. A Public Officer is authorized and empowered to cause a violation to be corrected. The cost shall be determined by the Borough Code Enforcement Officer in order that the Borough shall be compensated for both direct and indirect costs and expenses incurred.
2. The Borough of Nesquehoning and/or its contractor, per the direction of the Borough, reserves the right to abate the violation in question at the expense of the owner. If the Borough has affected the abatement of the violation, the cost thereof may be charged to the owner of the property, tenant, or offending party. A bill/invoice will be generated to the violator for payment separate from the quality-of-life ticket, which will also be paid separately.
3. In all instances where the Borough abates the violation, in addition to the fine set forth in the quality-of-life ticket, the Borough is authorized to recover from the offending party, the owner of the property, or tenant of the abatement charges and such other charges established by the Code Enforcement Officer in the rules and regulations.
4. Borough of Nesquehoning cleanup. The Borough reserves the right to perform any necessary work to abate any violation once seventy-two (72) hours passes from the date of issuance of the quality-of-life ticket. Should the violation at the discretion of the Code Enforcement Officer present imminent danger and/or pose a health hazard and/or risk, the Borough reserves the right to perform the abatement immediately. The Borough will perform this work at a rate of sixty (\$60.00) dollars per hour, per man and forward the cost of any material necessary for the abatement. The Borough reserves the right to charge an additional twenty (20%) percent on all materials purchased to cover miscellaneous expenses, such as wear and tear on equipment.
5. Contractor cleanup. The Borough reserves the right to direct a contractor to perform the abatement of the violation in question once seventy-two (72) hours passes from the date of issuance of the quality-of-life ticket. Should the violation present imminent danger and/or pose a health hazard and/or risk, the Borough reserves the right to direct the contractor to perform the abatement immediately. The contractor will submit a bill for their work to the Borough of Nesquehoning at the Borough will forward these cost to the violator. The Borough reserves the right to add a thirty (30%) percent processing fee in addition to the costs of the contractor.

SECTION 9. FINES AND PENALTIES

- A. For the first offense of a violation of this part within a 12 month calendar year period, violation ticket shall be issued in the amount of \$50.00 as set forth on the chart below.
- B. For the second offense of a violation of this part within a 12 month calendar year period, violation ticket shall be issued in the amount of \$100.00 as set forth on the chart below.
- C. For the third offense of a violation of this part within a 12 month calendar year period, violation ticket shall be issued in the amount of \$200.00 as set forth on the chart below.
- D. For each subsequent offense to three offenses in this part within a 12 month calendar year period, amounts of violation tickets shall increase by doubling the amount for each subsequent offense.
- E. Any persons who receive a violation ticket for any violation of this part may, within fifteen (15) days of the date of the ticket, admit the violation, waive a hearing and pay the fine in full satisfaction.
- F. Any person who violates this part shall pay a fine, as set forth herein for each offense, plus all direct and indirect costs incurred by the Borough for the cleanup and abatement of the violation.

<u>Violation</u>	<u>Description</u>	<u>Fine 1</u>	<u>Fine 2</u>	<u>Fine 3</u>
QOL 001	Accumulation of rubbish	\$50.00	\$100.00	\$200.00
QOL 002	Animal maintenance and wasteful/feces	\$50.00	\$100.00	\$200.00
QOL 003	Disposal of rubbish	\$50.00	\$100.00	\$200.00
QOL 004	High weeds, grass or plant growth	\$50.00	\$100.00	\$200.00
QOL 005	Littering or scattering rubbish	\$50.00	\$100.00	\$200.00
QOL 006	Motor vehicles	\$50.00	\$100.00	\$200.00
QOL 007	Outside placement of indoor appliances/furniture	\$50.00	\$100.00	\$200.00
QOL 008	Ownership presumption of waste, etc.	\$50.00	\$100.00	\$200.00
QOL 009	Snow and ice removal from sidewalks	\$50.00	\$100.00	\$200.00
QOL 010	Storage container for waste, etc.	\$50.00	\$100.00	\$200.00
QOL 011	Storing or discarding of appliances	\$50.00	\$100.00	\$200.00
QOL 012	Storing of hazardous material	\$50.00	\$100.00	\$200.00
QOL 013	Storing of recyclables	\$50.00	\$100.00	\$200.00
QOL 014	Storing or serving potentially hazardous foods	\$50.00	\$100.00	\$200.00
QOL 015	Swimming pools	\$50.00	\$100.00	\$200.00
QOL 016	Restriction on hedges	\$50.00	\$100.00	\$200.00

SECTION 10. VIOLATION TICKET PENALTIES

- A. If a person in receipt of a \$50.00 violation ticket does not pay the fine request a hearing within fifteen (15) days, the person will be subject to a \$25.00 penalty for days 16 through 30.
- B. If a person in receipt of a \$100.00 violation ticket does not pay the fine or request a hearing within fifteen (15) days, the person will be subject to a \$50.00 penalty for days 16 through 30.
- C. If the person in receipt of a \$200.00 or higher violation ticket does not pay a fine or request a hearing within fifteen (15) days, the person will be subject to a \$100.00 penalty for days 16 through 30.
- D. If violations are continuous or egregious, Code Officials have the right to issue citations without first issuing tickets, provided notice has been given. Upon issuance of four (4) tickets for the same violation, right is reserved for the Code Officials to issue citations for the fifth and subsequent offenses.

SECTION 11. CITATION FINES

Any person, firm, or corporation who shall fail, neglect or refuse to comply with any of the terms of provisions of this part, or any regulation or requirement pursuant hereto and authorized hereby, shall, upon conviction, be ordered to pay a fine of not less than one hundred (\$100.00) dollars and not more than one thousand (\$1,000.00) dollars on each offense, the costs of prosecution including restitution of the fees of the Code Official, or imprisoned no more than ninety (90) days, or both.

SECTION 12. RESTITUTION

The Magisterial District Judge may order the violator to make restitution to said real or personal property owner to the Borough of Nesquehoning for the costs of prosecution, including the fees of the Code Official.

SECTION 13. APPEAL

- 1. A person in receipt of a violation notice may appeal to Borough Council by filing a request in writing within fifteen (15) days of the date of the violation notice.
- 2. In order for an appeal to be deemed valid and a hearing date/time to be set, the following must be performed by the alleged violator requesting the appeal within fifteen (15) days:

- a. All paperwork, including the appropriate appeal form for the appeal, must be submitted and complete within fifteen (15) calendar days from the date of the quality of life ticket was issued.
 - b. Payment of the fine must be in full, which will be refunded within thirty (30) calendar days should the violator win his/her appeal. The appeal hearing will be held before the Borough Council, Borough Code Enforcement Officer or the Borough Council designee. The Borough Council, Borough Code Enforcement Officer were the Borough Council Designee may uphold the appeal, deny the appeal or may modify the violation notice and/or associated costs, fines or penalty amounts as he/she/they deem appropriate.
3. Any subsequent appeal shall be filed to the Carbon County Court of Common Pleas.

SECTION 14. COLLECTIONS

At the discretion of the Borough of Nesquehoning, all tickets, for which payment is not received within forty-five (45) days of issuance of a ticket and for which an appeal is not taken, or where forty-five (45) days have elapsed from the denial of appeal, or there have been monies paid by the Borough of Nesquehoning for abatement of the violation, but have not been paid by the violator within the forty-five (45) days of billing, may be turned over by the Borough to a collection agency for receipt.

SECTION 15. LIENS

At the discretion of the Borough of Nesquehoning, liens may be placed upon a property owned by the violator and not only against the property in which tickets were issued, and for which payment has not been received within forty-five (45) days of issuance of a ticket for which an appeal has not been taken, or forty-five (45) days from a denial of an appeal, or for monies paid by the Borough of Nesquehoning for abatement of a violation and not paid within forty-five (45) days of billing.

SECTION 16. NONEXCLUSIVE REMEDIES

The penalty lien and collection provisions of this section shall be independent, non-mutually exclusive separate remedies, all of which shall be available to the Borough of Nesquehoning as may be deemed appropriate for carrying out the purpose of this part. Remedies and procedures provided in this part from violation hereof are not intended to supplant or replace to any degree the remedies and procedures available to the Borough in the case of a violation of any other Borough of Nesquehoning ordinance, whether or not such other ordinance is referenced in as part, and whether or not an ongoing violation of such other ordinance is cited as the underlying ground for finding a violation of this part.

SECTION 17. SEVERABILITY

If any provision, paragraph, word, section or subsection of this part is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, sections or subsection shall not be affected and shall remain in full force and effect.

SECTION 18. All relevant ordinances, regulations, and policies of the Borough of Nesquehoning, Pennsylvania, not amended herein or hereby, shall remain in full force and effect

SECTION 19. If any section, subsection, sentence, or clause of this ordinance is held for any reason, to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance.

SECTION 20. Any ordinance or part of any ordinance conflicting with the provisions of this ordinance shall be in the same is hereby repealed to the extent to such conflict.

SECTION 21. This ordinance shall become effective immediately upon pathogen approved in the manner prescribed by law.

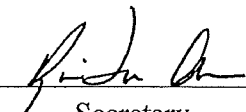
ORDAINED AND ENACTED by Borough Council this 22nd day of February, 2023

The Borough of Nesquehoning



Council President

Attest:


Secretary

Approved this 22nd day of February, 2023



Mayor

RESOLUTION 2023-2

A RESOLUTION IN SUPPORT OF IMPLEMENTATION OF COUNTY DEMOLITION FUND AND TO IMPOSE FEES UPON RECORDINGS IN THE COUNTY RECORDER OF DEEDS OFFICE TO ADDRESS BLIGHT WITHIN CARBON COUNTY

WHEREAS, Blight has become an issue of increasing concern for the citizens of Carbon County ; and,

WHEREAS, municipalities, in addressing blight, are often unable to demolish properties that have fallen into an unsafe and deteriorated state due to financial restrictions; and,

WHEREAS, The Legislature, in an effort to help counties address blight within each county enacted Act 152 of 2016 which permits individual counties to establish a county demolition fund to address blight within municipalities in the county; and,

WHEREAS, Act 152 establishes a county demolition fund within each county and authorizes each county to impose a fee to be upon the recording of each deed and mortgage in the county Recorder of Deeds office not to exceed fifteen (\$15.00) dollars per document; and,

WHEREAS, the County Commissioners have recently acted to apply for funds from the federal government designed to address blight thereby taking the first step toward a countywide program to eradicate blight.

NOW, THEREFORE, BE IT RESOLVED, that the Council members of the Borough of Nesquehoning hereby support the efforts already made by the County Commissioners to apply for monies to address blight and call upon the county commissioners to proceed further and implement the provisions of Act 152 of 2016 by taking any and all necessary steps to charge and collect a fee of up to \$15 upon the filing of deeds and mortgages in the County Recorder of Deeds office so that a county wide program may be established and funded to eradicate blight within Carbon County.

DULY ORDAINED this 22nd day of February, 2023.

NESQUEHONING BOROUGH COUNCIL

BY: 

David Hawk, President

ATTEST: 

Secretary

BOROUGH OF NESQUEHONING

114 WEST CATAWISSA STREET
NESQUEHONING PA 18240

www.nesquehoning.org
nesqboro@ptd.net

Phone: 570-669-9588
Fax: 570-669-9306

RESOLUTION *2023-3*

A RESOLUTION OF THE BOROUGH OF NESQUEHONING, CARBON COUNTY, PENNSYLVANIA, REGARDING THE LAND APPLICATION OF SEWAGE SLUDGE WITHIN THE BOROUGH OF NESQUEHONING

WHEREAS, sewage sludge, which is human excrement, is currently being marketed as fertilizer for landscaping and for agriculture and the sludge is produced at the Bethlehem Wastewater Treatment Plant and at the Kline's Island Treatment Plant and distributed in Carbon County.

AND WHEREAS, locations within Carbon County are being used as a means to handle a waste problem created outside our borders and does not benefit the citizens of this County.

AND WHEREAS, sewage sludge is malodorous attracting flies, rodents and other vectors.

AND WHEREAS, this sewage sludge has been shown to contain bacteria such as Salmonella and EColi and enteric worms and viruses such as Covid and Monkey pox, heavy metals, pharmaceuticals and cancer-causing forever chemicals called PFAs as well as other contaminants, which are not eliminated by the treatment applied to the Class B sewage sludge, which is be distributed in Carbon County.

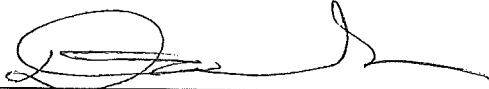
AND WHEREAS, the use of sewage sludge as fertilizer has been banned in the State of Maine where deer meat was contaminated resulting in "do not eat" zones for hunters and studies have shown that the use of the sludge can result in water well contamination rendering the wells unusable and can result in the infection of farmers using the sludge and residents who are exposed to the sludge.

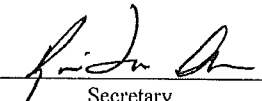
AND WHEREAS, even though the Boroughs/Townships are aware of the needs of residents and is the government closest to the citizens, State Law prevents the Boroughs/Townships from meaningful regulation or prohibition of sewage sludge within its borders.

NOW, THEREFORE, be it resolved that the Borough calls upon our State Representatives to revise the laws concerning land application of sewage sludge to impose stronger regulations upon its manufacture and use and provide the means for local governments to strictly control, including prohibiting, the use of this pollutant within our jurisdictions.

RESOLVED AND ADOPTED, this 22nd day of February, 2023 by a vote of the Borough Council at their regular monthly meeting held on this date.

BOROUGH COUNCIL OF NESQUEHONING

By: 
Council President

Attest: 
Secretary

AGENDA FOR REGULAR MEETING OF NESQUEHONING BOROUGH COUNCIL
 Wednesday, February 22, 2023 at 6:00 p.m., Borough Office
JIM THORPE NEIGHBORHOOD BANK TREASURER'S REPORT

GENERAL FUND

Balance 12.30.22	538,882.60
Receipts	41,216.00
Expenditures	200,201.43
Balance 01.31.23	379,897.17

SANITATION FUND

Balance 12.30.22	89,204.99
Receipts	214,414.91
Sewer	10,417.18
Expenditures	36,290.12
Balance 01.31.23	256,912.60

SPORTS COMPLEX FUND

Balance 12.30.22	85,265.88
Receipts	22.71
Expenditures	855.96
Balance 01.31.23	84,432.63

COMMUNITY PROJECTS

Balance 12.30.22	8,642.98
Receipts	0.76
Expenditure	0.00
Balance 01.31.23	8,643.74

***ROAD CONSTRUCTION**

Balance 12.30.22	219,031.21
Receipts	0.00
Expenditures	0.00
Balance 01.31.23	219,031.21

FIRE TRUCK FUND

Balance 12.30.22	202,333.99
Receipts	698.87
Expenditures	2,574.19
Balance 01.31.23	200,458.36

SEWER OPERATING & MAINTENANCE

Balance 12.30.22	726,505.71
Receipts	12,772.88
Expenditures	556,952.55
Balance 01.31.23	227,639.22

HIGHWAY FUND

Balance 12.30.22	232,220.77
Receipt	19.98
Expenditures	4,778.06
Balance 01.31.23	227,462.69

POLICE PENSION FUND

Balance 12.30.22	2,339,076.22
Receipt	3,918.32
Expenditures	-20,816.73
Appreciation/Depreciation	117,094.21
Balance 01.31.23	2,439,272.01

NESQUEHONING LION CLUB

Balance 12.30.22	9,732.11
Receipts	0.85
Expenditures	0.00
Balance 01.31.23	9,732.96

HOME FUND

Balance 12.30.22	38,062.17
Receipts	3.34
Expenditures	0.00
Balance 01.31.23	38,065.51

GENERAL SEWER CONT FUND

Balance 12.30.22	392,036.87
Receipts	34.32
Expenditures	623.50
Balance 01.31.23	391,447.69

***SOLAR PARK ESCROW ACCOUNT**

Balance 08.31.22	10,065.39
Receipts	2.51
Expenditures	0.00
Balance 11.30.22	10,067.90

***SANITATION ESCROW ACCOUNT**

Balance 08.31.22	100,065.64
Receipts	24.95
Expenditures	0.00
Balance 11.30.22	100,090.59

***Savings Accounts Statements are on a Quarterly basis**

AGENDA FOR REGULAR MEETING OF NESQUEHONING BOROUGH COUNCIL
 Wednesday, February 22, 2023 at 6:00 p.m., Borough Office

CD REPORT

FUND	CURRENT VALUE 01.26.2023	INTEREST 01.27.2023	CLOSED DATE	PENALTY	CLOSE OUT WITHDRAWL	BANK
GEN. SEWER	\$420,738.61	\$214.40	01.27.23	\$1,241.25	\$419,711.76	JTNB
SANITATION	\$ 22,953.61	\$ 8.99	01.27.23	\$ 62.09	\$ 22,900.47	JTNB
CAP. PROJ.	\$ 11,250.56	\$ 4.41	01.27.23	\$ 30.43	\$ 11,224.54	JTNB
FIRE TRUCK	\$ 10,991.93	\$ 4.31	01.27.23	\$ 27.73	\$ 10,966.51	JTNB
SEWER	\$ 362,864.50	\$ 194.36	01.27.23	\$1,527.00	\$ 361,531.86	JTNB
SEWER	\$ 518,377.84	\$ 277.65	01.27.23	\$2,181.42	\$ 516,474.07	JTNB

Councilwoman Fox moved and Councilwoman Heaney seconded to approve the Treasurer's Report and the CD Report. All voted yes. Motion passed.

TAX COLLECTOR'S REPORT:

No report.

EXEMPTIONS: Deborah Camenzind - non-resident - \$27.50

APPLICATIONS:

- David Chapman - Borough worker
- Lee Thear - Borough worker
- John Arner - Borough worker
- Mike Gruber - Borough worker
- John Pitera - Borough worker
- James Damian - Borough worker
- Michael Davis - Code Enforcement Officer
- Robert Kresge - Borough worker
- Peter Bochicchio - Borough worker
- Mark Tout - Borough worker

COMMUNICATIONS:

1. 01.31.23 PA Rural Water – ASSE Cross-Connection control and Backflow Prevention
2. 01.31.23 PA Rural Water – ABC's of Distribution System Maintenance
3. 01.31.23 The Chamber – Invitation to Annual Mayor and Municipal Officials Reception.
4. 01.31.23 DEP – Permit Correction for Panther Creek Permitting, LLC.
5. 01.31.23 Carbon County EMA – Annual Elected Officials Seminar
6. 01.31.23 DEP – Notice of Release Recovered & Contained Letter.
7. 01.31.23 COG – Minuets of its January 24, 2023
8. 01.31.23 Borough Of Lansford – Bid on Asphalt Zipper.
9. 01.31.23 JTNB – Thank You for the Opportunity to be of Service to You.
10. 02.07.23 Carbon County Treasurer – Thank You – 2023 Dog license applications.

AGENDA FOR REGULAR MEETING OF NESQUEHONING BOROUGH COUNCIL

Wednesday, February 22, 2023 at 6:00 p.m., Borough Office

Councilwoman Heaney moved and Councilwoman Kuba seconded to accept the Tax Collector’s Report with the exemption and to approve all of the communications/applications and place them on file. All voted yes. Motion passed.

BILLS TO BE RATIFIED, EXPENDITURES AND RECEIPTS

Councilwoman Fox moved and Councilwoman Kuba seconded to deposit all receipts, approve all bills to be ratified and pay all other bills. All voted yes. Motion passed.

<u>PURCHASE ORDERS:</u>					
1/26/2023	11145	Ribbon, paper, paper clips, envelopes, (office supplies)	Office Depot	Shawn/RSA	SOM/GF
1/27/2023	11146	Nozzle for hose	True Value	Andy	Highway
2/1/2023	11147	Keys for Bough Building	True Value	RSA	GF
	11148	Bucket truck	Bulldog	Bruce	Highway
2/10/2023	11149	uniform pants for Correy Herring	ziktos	Chief	Police
2/13/2023	11150	Battery	Quality	Bob	SOM
2/13/2023	11151	Snowblower	JC Smalls	Council	GF
2/13/2023	11152	Third Avenue - Street sign	Bradco	Andy	Highway
12/23/2022	11153	flasher-H/D international dump	Quality	Nick	Highway
2/13/2023	11154	sledge hammer approved by Louie		Andy	Highway
2/15/2023	11155	urinal valve bad - approval by Mary	RJ Walker	Bob	SOM

Councilwoman Kuba moved and Councilwoman Fox seconded to approve all of the purchase orders. All voted yes. Motion passed.

MINUTES FOR REGULAR MEETING OF NESQUEHONING BOROUGH COUNCIL

Wednesday, February 22, 2023 at 6:00 p.m., Borough Office

BILLS TO BE RATIFIED, EXPENDITURES AND RECEIPTS

Borough of Nesquehoning - General Fund

Bills to be Ratified

As of February 21, 2023

Type	Date	Num	Name	Memo	Split	Amount
Jan 26 - Feb 21, '23						
Bill Pmt	01/27/2023	15037	Gall's	Police Uniforms	200.00 · Accounts Payable	\$ (182.11)
Bill Pmt	01/27/2023	15038	Highmark Blue Shield	Vision Insurance	200.00 · Accounts Payable	\$ (70.03)
Bill Pmt	01/27/2023	15039	Highmark Group Medical	Health Insurance	200.00 · Accounts Payable	\$ (14,613.17)
Bill Pmt	01/30/2023	EFT	Fleet Services	Acct. 0496-00-343234-1 - J	200.00 · Accounts Payable	\$ (627.50)
Bill Pmt	01/30/2023	EFT	Sunoco Wex Bank	Account# 0496-00-653100-(200.00 · Accounts Payable	\$ (807.96)
Bill Pmt	02/01/2023	15040	U.S. Postal Service	Stamps-Certifieds	200.00 · Accounts Payable	\$ (126.00)
Bill Pmt	02/08/2023	15041	American United Life Insu	Life - STD/LTD Insurance	200.00 · Accounts Payable	\$ (362.08)
Bill Pmt	02/08/2023	15042	Blue Ridge Communicatio	Phone/Internet	200.00 · Accounts Payable	\$ (178.12)
Bill Pmt	02/08/2023	15043	Nesquehoning True Valu	Supplies	200.00 · Accounts Payable	\$ (63.46)
Bill Pmt	02/08/2023	15044	Windstream	Garage - 021866821 Janua	200.00 · Accounts Payable	\$ (39.00)
Check	02/10/2023	EFT	Payroll Fund	02.10.2023 payroll	-SPLIT-	\$ (25,949.95)
Jan 26 - Feb 21, '23						\$ (43,019.38)

Borough of Nesquehoning - Fire Truck Fund

Bills to be Ratified

As of February 21, 2023

Type	Date	Num	Name	Memo	Split	Amount
Jan 26 - Feb 21, '23						
Bill Pmt	01/27/2023	1775	Nesquehoning Hose Co.	2023 Vehicle Ins.	20000 · Accounts Payable	\$ (8,552.00)
Jan 26 - Feb 21, '23						\$ (8,552.00)

Borough of Nesquehoning - Sports Complex Fund

Bills to be Ratified

As of February 21, 2023

Type	Date	Num	Name	Memo	Split	Amount
Jan 26 - Feb 21, '23						
Bill Pmt	01/27/2023	1625	PPL	Ballfield Lights	20000 · Accounts Payable	\$ (40.81)
Jan 26 - Feb 21, '23						\$ (40.81)

Borough of Nesquehoning - Sanitation Fund

Bills to be Ratified

As of February 21, 2023

Type	Date	Num	Name	Memo	Split	Amount
Jan 26 - Feb 21, '23						
Bill Pmt	01/27/2023	6245	Highmark Blue Cross	Group # 10214665 Februa	2000 · Accounts Payable	\$ (2,613.23)
Bill Pmt	01/27/2023	6246	Highmark Blue Shield	Acct. # 2206010001 - Grou	2000 · Accounts Payable	\$ (12.31)
Bill Pmt	02/02/2023	EFT	SOM	January 2023 Sewer Payme	2000 · Accounts Payable	\$ (125,068.79)
Jan 26 - Feb 21, '23						\$ (127,694.33)

Borough of Nesquehoning - SOM Fund

Bills to be Ratified

As of February 21, 2023

Type	Date	Num	Name	Memo	Split	Amount
Jan 26 - Feb 21, '23						
Bill Pmt	01/27/2023	12221	Highmark Blue Shield	Vision Insurance	2000 · Accounts Payable	\$ (24.62)
Bill Pmt	01/27/2023	12222	Highmark Group Medical	Health Insurance	2000 · Accounts Payable	\$ (4,449.58)
Bill Pmt	01/27/2023	12223	Water-Mechanics	Contract consultation Janua	2000 · Accounts Payable	\$ (650.00)
Bill Pmt	01/27/2023	12224	Martins Electrical Service	Diffuser Plate / Bearings	2000 · Accounts Payable	\$ (784.31)
Bill Pmt	01/30/2023	EFT	Sunoco Wex Bank	Closing Date January 2023	2000 · Accounts Payable	\$ (160.64)
Bill Pmt	02/01/2023	12225	United States Postal Serv	Stamps - Certifieds	2000 · Accounts Payable	\$ (256.08)
Bill Pmt	02/08/2023	12226	American United Life Insu	Life - STD/LTD Insurance	2000 · Accounts Payable	\$ (72.68)
Bill Pmt	02/08/2023	12227	Blue Ridge Communicatio	Phone - Internet	2000 · Accounts Payable	\$ (226.89)
Bill Pmt	02/08/2023	12228	Windstream	Acct. #021866821 - pumpin	2000 · Accounts Payable	\$ (39.00)
Check	02/10/2023	EFT	Payroll Fund	02.10.2023 payroll	-SPLIT-	\$ (4,913.72)
Jan 26 - Feb 21, '23						\$ (11,577.52)

MINUTES FOR REGULAR MEETING OF NESQUEHONING BOROUGH COUNCIL

Wednesday, February 22, 2023 at 6:00 p.m., Borough Office

BILLS TO BE RATIFIED, EXPENDITURES AND RECEIPTS

Borough of Nesquehoning - General Fund

Monthly Expenditures

February 22, 2023

Type	Date	Num	Name	Memo	Amount
February 22, 2023					
Bill Pmt -Check	02/22/2023	15045	Arro Consulting, Inc.	2023 Road Project	\$ (1,002.40)
Bill Pmt -Check	02/22/2023	15046	Atlantic Tactical	Police Vest	\$ (5,559.64)
Bill Pmt -Check	02/22/2023	15047	Axon Enterprise, Inc.	Body Cameras	\$ (7,131.63)
Bill Pmt -Check	02/22/2023	15048	Barry Isett & Associates, Inc.	Professional Services - January	\$ (2,048.75)
Bill Pmt -Check	02/22/2023	15049	Bradco Supply Company	Street signs	\$ (307.76)
Bill Pmt -Check	02/22/2023	15050	Bulldog OEM Services, Inc.	Door Latch repairs - bucket truc	\$ (653.05)
Bill Pmt -Check	02/22/2023	15051	Central Square Technologies	Metro alert - police	\$ (3,613.55)
Bill Pmt -Check	02/22/2023	15052	Cleveland Brothers Equipment Co., Inc.	Vehicle Repairs	\$ (770.72)
Bill Pmt -Check	02/22/2023	15053	County of Carbon	Telecommunications/February	\$ (627.94)
Bill Pmt -Check	02/22/2023	15054	H. A. Berkkheimer, Inc.	EIT/LST January 2023	\$ (406.42)
Bill Pmt -Check	02/22/2023	15055	Heller's Gas	Borough garage Propane	\$ (623.73)
Bill Pmt -Check	02/22/2023	15056	J C Small Engine Repair	Snow Blower	\$ (850.00)
Bill Pmt -Check	02/22/2023	15057	Johnson Controls Security Solutions	01300114708853	\$ (189.42)
Bill Pmt -Check	02/22/2023	15058	Keystone Consulting Engineers	Engineering	\$ (2,593.13)
Bill Pmt -Check	02/22/2023	15059	Nesquehoning Borough	February 2023 Sewer and Sanit	\$ (60.00)
Bill Pmt -Check	02/22/2023	15060	New Enterprise Stone & Lime	Cold Patch	\$ (1,875.64)
Bill Pmt -Check	02/22/2023	15061	Northeastern Pennsylvania Alliance	2023 Membership	\$ (295.00)
Bill Pmt -Check	02/22/2023	15062	Office Depot	Paper:Paper	\$ (314.30)
Bill Pmt -Check	02/22/2023	15063	PA State Association of Boroughs	Random Test	\$ (51.63)
Bill Pmt -Check	02/22/2023	15064	PPL	Electric - Garage - February 20:	\$ (161.78)
Bill Pmt -Check	02/22/2023	15065	Quality Parts Co., Inc.	Supplies	\$ (210.99)
Bill Pmt -Check	02/22/2023	15066	RARICK'S	Oil	\$ (1,612.94)
Bill Pmt -Check	02/22/2023	15067	RoniSue Ahner	Gas payment for use of Persor	\$ (25.00)
Bill Pmt -Check	02/22/2023	15068	S & O Computers, LLC	Computer Services	\$ (1,025.25)
Bill Pmt -Check	02/22/2023	15069	Secure Watch 24, LLC	LPR Hosting - Mission Critical	\$ (600.00)
Bill Pmt -Check	02/22/2023	15070	Strubinger Law P.C.	Zoning Hearing	\$ (541.10)
Bill Pmt -Check	02/22/2023	15071	SWIF	Workers Comp 2022/2023 Polic	\$ (4,593.00)
Bill Pmt -Check	02/22/2023	15072	The Times News	Advertisements	\$ (524.50)
Bill Pmt -Check	02/22/2023	15073	United Concordia	Acct. # 536 400 0940 D000 Mai	\$ (543.69)
Bill Pmt -Check	02/22/2023	15074	Verizon Wireless	Acct. # 842021582-00001 - Feb	\$ (80.02)
Bill Pmt -Check	02/22/2023	15075	Robert T. Yurchak	Legal Services 01/18/23 - 02:	\$ (1,023.00)
February 22, 2023					\$ (39,915.98)

Borough of Nesquehoning - Sports Complex Fund

Monthly Expenditures

February 22, 2023

Type	Date	Num	Name	Memo	Amount
February 22, 2023					
Bill Pmt -Check	02/22/2023	1626	Barry Isett & Associates	Engineering - Johnson & Jacob	\$ (285.00)
Bill Pmt -Check	02/22/2023	1627	RARICK'S	Oil Fill / Sale #14124	\$ (827.09)
February 22, 2023					\$ (1,112.09)

Borough of Nesquehoning - Sanitation Fund

Monthly Expenditures

February 22, 2023

Type	Date	Num	Name	Memo	Amount
February 22, 2023					
Bill Pmt -Check	02/22/2023	6247	Tamaqua Transfer & Recycling, Inc.	Feb 2023 - Acct# 531	\$ (35,870.12)
Bill Pmt -Check	02/22/2023	6248	United Concordia	Dental - #536 400 0940 D000 -	\$ (95.55)
February 22, 2023					\$ (35,965.67)

Borough of Nesquehoning - Sewer Construction Fund

Monthly Expenditures

February 22, 2023

Type	Date	Num	Name	Memo	Amount
February 22, 2023					
Bill Pmt -Check	02/22/2023	1307	Arro Consulting, Inc.	Proj. #11233.11 Pump Station C	\$ (729.50)
Bill Pmt -Check	02/22/2023	1308	Martins Electrical Service LLC	Cutler Hammer Motor Starter, F	\$ (2,345.97)
February 22, 2023					\$ (2,345.97)

MINUTES FOR REGULAR MEETING OF NESQUEHONING BOROUGH COUNCIL

Wednesday, February 22, 2023 at 6:00 p.m., Borough Office

BILLS TO BE RATIFIED, EXPENDITURES AND RECEIPTS

Borough of Nesquehoning - Fire Truck Fund

Monthly Expenditures

February 22, 2023

Type	Date	Num	Name	Memo	Amount
February 22, 2023					
Bill Pmt -Check	02/22/2023	1776	Department of Labor & Industry	Policy # 5998250 State workers	\$ (798.00)
Bill Pmt -Check	02/22/2023	1777	Hauto Volunteer Fire Company	Policy # VFNU -TR-0005265 - C	\$ (3,313.00)
Bill Pmt -Check	02/22/2023	1778	John P. McArdle	Reimbursement on postage for c	\$ (9.00)
Bill Pmt -Check	02/22/2023	1779	Robert T. Yurchak	Legal Services 01/18/23 - 02,	\$ (407.00)
February 22, 2023					<u>\$ (4,527.00)</u>

Borough of Nesquehoning - Highway Fund

Monthly Expenditures

February 22, 2023

Type	Date	Num	Name	Memo	Amount
February 22, 2023					
Bill Pmt -Check	02/22/2023	1549	PPL	LED Street. Lights	\$ (4,927.96)
February 22, 2023					<u>\$ (4,927.96)</u>

Borough of Nesquehoning - SOM Fund

Monthly Expenditures

February 22, 2023

Type	Date	Num	Name	Memo	Amount
February 22, 2023					
Bill Pmt -Check	02/22/2023	12229	ARRO Consulting, Inc.	Engineer - Chapter 94	\$ (883.00)
Bill Pmt -Check	02/22/2023	12230	Borough of Nesquehoning	Building Rent - February 2023	\$ (250.00)
Bill Pmt -Check	02/22/2023	12231	CWM Laboratories	Testing	\$ (785.40)
Bill Pmt -Check	02/22/2023	12232	Environmental Service Corp.	Sludge Removal	\$ (5,538.69)
Bill Pmt -Check	02/22/2023	12233	Highmark Group Medical Insurance	Health Insurance	\$ (100.00)
Bill Pmt -Check	02/22/2023	12234	LRM, Inc.	Plant Maintenance-Routine mai	\$ (979.00)
Bill Pmt -Check	02/22/2023	12235	Martins Electrical Service	Dialer at Pumpstation - Jan 202	\$ (90.00)
Bill Pmt -Check	02/22/2023	12236	Office Depot	Supplies	\$ (134.30)
Bill Pmt -Check	02/22/2023	12237	PA One Call	Monthly Activity Fee	\$ (8.64)
Bill Pmt -Check	02/22/2023	12238	PPL	Electric	\$ (373.36)
Bill Pmt -Check	02/22/2023	12239	Rarick's Coal, Fuel Oil, and Propane Inc.	Oil	\$ (882.21)
Bill Pmt -Check	02/22/2023	12240	Robert Pilla	Clothing Allowance 2023	\$ (449.94)
Bill Pmt -Check	02/22/2023	12241	S & O Computers, LLC	Govt Gold Service	\$ (322.50)
Bill Pmt -Check	02/22/2023	12242	SNG Service Center	Ford 16 F550 Plate# MG-7100I	\$ (51.94)
Bill Pmt -Check	02/22/2023	12243	United Concordia	Acct # 5364000940 -February	\$ (191.10)
Bill Pmt -Check	02/22/2023	12244	Verizon	Feb 23 - 570-669-6630 751 76	\$ (52.35)
February 22, 2023					<u>\$ (11,092.43)</u>

MINUTES FOR REGULAR MEETING OF NESQUEHONING BOROUGH COUNCIL

Wednesday, February 22, 2023 at 6:00 p.m., Borough Office

BILLS TO BE RATIFIED, EXPENDITURES AND RECEIPTS

Borough of Nesquehoning - General Fund

Deposit Detail

As of February 16, 2023

<u>Type</u>	<u>Date</u>	<u>Memo</u>	<u>Split</u>	<u>Amount</u>
Jan 22 - Feb 16 '23				
Deposit	01/23/2023	Deposit	310.210 · Earned Income Tax	\$ 3,279.50
Deposit	01/23/2023	Deposit	310.512 · Local Service Tax	\$ 266.55
Deposit	01/25/2023	Deposit	310.210 · Earned Income Tax	\$ 6,009.09
Deposit	01/25/2023	Deposit	310.512 · Local Service Tax	\$ 1,978.62
Deposit	01/25/2023	Deposit	-SPLIT-	\$ 662.25
Deposit	01/25/2023	Deposit	-SPLIT-	\$ 1,443.70
Deposit	01/27/2023	Deposit	-SPLIT-	\$ 4,903.25
Deposit	01/27/2023	Deposit	-SPLIT-	\$ 12,115.88
Deposit	01/27/2023	Deposit	-SPLIT-	\$ 2,965.57
Deposit	01/27/2023	Deposit	360.000 · Charges for Services	\$ 25.00
Deposit	01/30/2023	Deposit	-SPLIT-	\$ 2,267.87
Deposit	01/30/2023	Deposit	310.512 · Local Service Tax	\$ 1,542.83
Deposit	01/31/2023	Deposit	310.512 · Local Service Tax	\$ 990.57
Deposit	01/31/2023	Deposit	310.210 · Earned Income Tax	\$ 355.34
Deposit	01/31/2023	Interest	340.100 · Interest Earnings	\$ 37.41
Deposit	02/06/2023	Deposit	310.210 · Earned Income Tax	\$ 1,472.69
Deposit	02/08/2023	Deposit	310.512 · Local Service Tax	\$ 676.98
Deposit	02/08/2023	Deposit	310.210 · Earned Income Tax	\$ 1,191.13
Deposit	02/08/2023	Deposit	-SPLIT-	\$ 134.74
Deposit	02/08/2023	Deposit	-SPLIT-	\$ 1,255.00
Deposit	02/10/2023	Deposit	-SPLIT-	\$ 1,378.93
Jan 22 - Feb 16 '23				\$ 44,952.90

Borough of Nesquehoning - Fire Truck Fund

Deposit Detail

As of February 16, 2023

<u>Type</u>	<u>Date</u>	<u>Memo</u>	<u>Split</u>	<u>Amount</u>
Jan 22 - Feb 16 '23				
Deposit	01/27/2023	Deposit	-SPLIT-	\$ 630.87
Deposit	01/31/2023	Interest	340.100 · Interest Earnings	\$ 17.69
Deposit	02/03/2023	Deposit	301.400 · Delinquent Property - Fire	\$ 17.93
Jan 22 - Feb 16 '23				\$ 666.49

Borough of Nesquehoning - SOM Fund

Deposit Detail

As of February 16, 2023

<u>Type</u>	<u>Date</u>	<u>Memo</u>	<u>Split</u>	<u>Amount</u>
Jan 22 - Feb 16 '23				
Deposit	01/27/2023	Deposit	401.156 · Health Insurance	\$ 84.16
Deposit	01/31/2023	Deposit	-SPLIT-	\$ 2,213.65
Deposit	01/31/2023	Deposit	364.121 · Sewer User Charge	\$ 125,068.79
Deposit	01/31/2023	Interest	340.100 · Interest Earnings	\$ 56.99
Deposit	02/10/2023	Deposit	401.156 · Health Insurance	\$ 84.61
Jan 22 - Feb 16 '23				\$ 127,508.20

Borough of Nesquehoning - Sports Complex Fund

Deposit Detail

As of February 16, 2023

<u>Type</u>	<u>Date</u>	<u>Memo</u>	<u>Split</u>	<u>Amount</u>
Jan 22 - Feb 16 '23				
Deposit	01/31/2023	Interest	340.100 · Interest Income	\$ 7.41
Deposit	02/03/2023	Deposit	301.400 · Delinquent Property - Recreatio	\$ 3.39
Jan 22 - Feb 16 '23				\$ 10.80

MINUTES FOR REGULAR MEETING OF NESQUEHONING BOROUGH COUNCIL

Wednesday, February 22, 2023 at 6:00 p.m., Borough Office

BILLS TO BE RATIFIED, EXPENDITURES AND RECEIPTS

Borough of Nesquehoning - Sanitation Fund

Deposit Detail

As of February 16, 2023

Type	Date	Memo	Split	Amount
Jan 22 - Feb 16 '23				
General Journal	01/22/2023	16844	-SPLIT-	\$ 60.00
General Journal	01/23/2023	16848	-SPLIT-	\$ 12,050.00
General Journal	01/24/2023	16846	-SPLIT-	\$ 312.00
General Journal	01/24/2023	16849	-SPLIT-	\$ 6,276.00
General Journal	01/25/2023	16847	-SPLIT-	\$ 312.00
General Journal	01/25/2023	16853	-SPLIT-	\$ (60.00)
General Journal	01/25/2023	16855	-SPLIT-	\$ (60.00)
General Journal	01/25/2023	16858	-SPLIT-	\$ (60.00)
General Journal	01/25/2023	16861	-SPLIT-	\$ (60.00)
General Journal	01/25/2023	16863	-SPLIT-	\$ (60.00)
General Journal	01/25/2023	16865	-SPLIT-	\$ (60.00)
General Journal	01/25/2023	16867	-SPLIT-	\$ (60.00)
General Journal	01/25/2023	16870	-SPLIT-	\$ 360.00
General Journal	01/25/2023	16871	-SPLIT-	\$ 3,212.00
General Journal	01/26/2023	16874	-SPLIT-	\$ 8,018.30
General Journal	01/27/2023	16872	-SPLIT-	\$ 300.00
General Journal	01/27/2023	16875	-SPLIT-	\$ 6,397.00
General Journal	01/29/2023	16873	-SPLIT-	\$ 1,263.00
General Journal	01/30/2023	16876	-SPLIT-	\$ 612.00
General Journal	01/30/2023	16877	-SPLIT-	\$ 16,358.00
General Journal	01/31/2023	16878	-SPLIT-	\$ 366.00
General Journal	01/31/2023	16879	-SPLIT-	\$ 60.00
General Journal	01/31/2023	16880	-SPLIT-	\$ 924.00
General Journal	01/31/2023	16881	-SPLIT-	\$ 16,893.00
Deposit	01/31/2023	Interest	340.100 Interest Earnings	\$ 16.44
General Journal	02/01/2023	16884	-SPLIT-	\$ 126.00
General Journal	02/01/2023	16886	-SPLIT-	\$ 486.00
General Journal	02/01/2023	16887	-SPLIT-	\$ 6,639.50
General Journal	02/02/2023	16888	-SPLIT-	\$ 312.00
General Journal	02/02/2023	16889	-SPLIT-	\$ 2,101.90
Deposit	02/03/2023	Deposit	487.156 Health Insurance	\$ 50.24
General Journal	02/03/2023	16891	-SPLIT-	\$ 2,193.50
General Journal	02/06/2023	16890	-SPLIT-	\$ 846.00
General Journal	02/06/2023	16892	-SPLIT-	\$ 570.00
General Journal	02/06/2023	16893	-SPLIT-	\$ 4,725.00
General Journal	02/07/2023	16896	-SPLIT-	\$ 126.00
General Journal	02/07/2023	16897	-SPLIT-	\$ 726.00
General Journal	02/08/2023	16898	-SPLIT-	\$ 2,849.00
General Journal	02/09/2023	16900	-SPLIT-	\$ 120.00
General Journal	02/09/2023	16901	-SPLIT-	\$ 2,047.00
General Journal	02/10/2023	16903	120.001 Accounts Receivable-Sewer	\$ 135.00
General Journal	02/10/2023	16906	-SPLIT-	\$ 2,741.50
Deposit	02/11/2023	Deposit	487.156 Health Insurance	\$ 50.24
General Journal	02/11/2023	16904	-SPLIT-	\$ 968.00
General Journal	02/12/2023	16905	-SPLIT-	\$ 60.00
General Journal	02/13/2023	16908	-SPLIT-	\$ 180.00
General Journal	02/13/2023	16909	-SPLIT-	\$ 10,546.68
General Journal	02/14/2023	16910	-SPLIT-	\$ 60.00
General Journal	02/14/2023	16911	-SPLIT-	\$ 1,326.00
				\$ 113,355.30
Jan 22 - Feb 16 '23				

AGENDA FOR REGULAR MEETING OF NESQUEHONING BOROUGH COUNCIL
Wednesday, February 22, 2023 at 6:00 p.m., Borough Office

COMMITTEE REPORTS

1.POLICE & PUBLIC SAFETY: **LOUIE PAUL, CHAIRMAN; LOIS KUBA, CO-CHAIRWOMAN;
DAVID HAWK**

- Fire Department Summary Report January 2023

President Hawk stated that there were 13 calls for the month of January 2023, which included 2 Motor vehicle accidents, 9 Automatic fire alarms, 1 Mutual Aids (West Penn), and 1 Fire Police. He stated that there were a total of 13 calls for 2023.

- Public Safety Concern (PPL Pole)

Councilman Paul stated how PPL had finally replaced the pole in New Columbus.

- Keith Heckman – Attending Workshop meeting – March 8th at 5:30 p.m.
- **Officer Fred Lahovski – 6 Months probation**

Councilman Paul moved and Councilwoman Kuba seconded to acknowledge that Officer Lahovski has completed his 6 month probationary period, effective February 28, 2023. All voted yes. Motion passed.

Councilwoman Fox moved and Councilman Paul seconded to add Chief Michael Weaver’s probation to the agenda. All voted yes. Motion passed.

- **Chief Michael Weaver – 6 Months probation**

Councilman Paul moved and Councilwoman Kuba seconded to acknowledge that Chief Weaver had completed his 6 months probationary period. All voted yes. Motion passed.

Councilman Paul stated how Chief Weaver has brought together a people friendly police department. He stated that they were very stern, they were doing their job and they work with all of the people in town. Councilman Paul stated how Chief Weaver was doing a great job.

❖ **MAYOR’S REPORT**

Mayor Kattner stated how they have a great police department because of Chief Weaver. He stated how he was a great person, a great chief and a great friend. Mayor Kattner stated how they were getting bigger and better. He stated how Chief Weaver had gotten them stuff that they needed. Mayor Kattner stated how they have one of the best police departments in the County if not in multiple Counties. He stated how he wanted to thank the Council members, especially Councilman Paul. Mayor Kattner stated how he also wanted to thank Chief Weaver for coming to Nesquehoning.

❖ **POLICE REPORT**

- February 2023 Police Report

Mayor Kattner read the breakdown of the police report which totaled \$1,245.33 of fine money that was received for January/February 2023. He stated how there were 63 traffic citations issued, 6 traffic accidents and 239 total incidents reported.

AGENDA FOR REGULAR MEETING OF NESQUEHONING BOROUGH COUNCIL

Wednesday, February 22, 2023 at 6:00 p.m., Borough Office

Chief Weaver stated how they received the three laptops, which needed to be installed into the vehicles. He stated how they have also received the two cell phones. Chief Weaver stated how they were going to start carrying Narcan, because they have had an increase in overdoses in town. He stated that they have been working with the Leighton Ambulance to get certified. Chief Weaver stated how the rifles have been ordered. He stated how the Body cameras arrived, but it was a process with getting the policies in order and Axon would be coming at the end of April to get them started.

Chief Weaver stated that they have a unique opportunity with the Carbon County Training Facility. He stated that he has been working hard with the other County chiefs and sheriff that in April, they were going to be hosting a trainers training class through the FBI. Chief Weaver stated how there were 12 officers, which included himself and Officer Herring, who were going to be trained to be active shooter instructors for active shooter responses. He stated how they were hoping to schedule a training session to train the rest of the officers in the County on responding to an active shooter. Chief Weaver stated how there was a great group of chiefs in the County and they were all working together. He stated how they were looking to hold a joint operations training session with the fire departments, EMS, the Communications Center, Sheriff's department and probation sometime in the Summer.

Councilman Paul stated how they will probably only hold Police & Public Safety meeting on a quarterly basis, because of how busy the chief was going to be.

- **Letter from Jim Thorpe Police Dept. Commending Chief Weaver & Officer Breiner.** Councilwoman Fox moved and Councilman Paul seconded to place the commendation letter in Chief Weaver's and Officer Breiner's personnel files. All voted yes. Motion passed.

❖ CIVIL SERVICE COMMISSION

- **Civil Service Commission Meeting Minutes - 01/31/2023**
- **PSAB Classroom Training – 2023 Police Civil Service Procedures Training**

Councilwoman Guardiani moved and Councilwoman Fox seconded to send the Civil Service Members to training on May 16th at a cost of \$150.00 per person. All voted yes. Motion passed.

- **Advertise – Civil Service Meeting – March 7, 2023 @ 5:30 p.m.**

Councilwoman Kuba moved and Councilwoman Fox seconded to advertise for the Civil Service Meeting. All voted yes. Motion passed.

- **Advertise for full-time police officer**

Councilwoman Kuba moved and Councilman Paul seconded to advertise for a full-time police officer. All voted yes. Motion passed.

❖ HOUSING & CODE ENFORCEMENT OFFICER'S REPORT

- Gene Kennedy – Zoning Report – January 2023
- Chip Stalega BIA – January Code Report 2023

AGENDA FOR REGULAR MEETING OF NESQUEHONING BOROUGH COUNCIL

Wednesday, February 22, 2023 at 6:00 p.m., Borough Office

❖ **EMERGENCY MANAGEMENT REPORT**

- Avoidable Alarm – West Chester Plastics
- Avoidable Alarm – One Industrial Holding, LLC

John McArdle stated that he was requesting permission to turn an outstanding avoidable alarm violation over to Solicitor Yurchak.

Councilwoman Guardiani stated that with talking to the Fire chiefs, she had a lot of issues with the property at 90 E. Catawissa Street. She asked Mr. McArdle if the residents were allowed to smoke in the building. Mr. McArdle stated how they try to convince people not to smoke, but they do not enforce it. Councilwoman Guardiani asked if there was any kind of law prohibiting smoking in the building. Solicitor Yurchak stated how they would have to adopt a policy. Mr. McArdle stated how they have several smoking incidents there. Councilwoman Guardiani stated that the smoke detectors were beeping. Mr. McArdle stated how that was the CO detectors, which were in need of batteries.

Mr. McArdle stated that after the last major fire that they had at 90 E Catawissa Street, he had given Council a list of recommendations, which needed to be addressed. Councilwoman Guardiani stated how she wondered if there were any inspections taking place in the building. Councilwoman Kuba asked if they held any fire drills. Mr. McArdle stated how they did not hold fire drills and most of the time, when they get a call for an automatic fire alarm; nobody comes out of their apartments. He stated how they have residents with mobility issues on the third floor. Councilwoman Guardiani stated how she could not believe that they were not required to have an evacu-trac installed in the stairwells. Mr. McArdle stated how they had Tim Dow do an inspection a while ago, because of the furniture/personal items that people were placing in the hallways. Councilwoman Guardiani asked that the fire chiefs send her their concerns with that building.

Councilwoman Fox moved and Councilwoman Heaney seconded to accept the Public Safety Committee Report, which includes the Mayor Report, Police Report, Civil Service Report, Housing & Code Report and Emergency Management Report. All voted yes. Motion passed.

**2. STREETS BRUCE NALESNIK, CHAIRMAN; CO-CHAIRMAN, LOUIE PAUL;
FRAN HEANEY**

- **Hiring of a CDL/Driver – Borough worker**

Councilman Nalesnik moved and Councilwoman Guardiani seconded to hire Michael Gruber as a full-time Borough worker. All voted yes. Motion passed.

Councilman Nalesnik stated how Mr. Gruber did have his CDL and would be starting on Monday, February 27, 2023. President Hawk stated how his wages would be based on the teamster's contract. Councilman Nalesnik stated that based on the contract, Mr. Gruber would be on probation for 90 working days.

- **Employee Warning Letter**

Councilman Nalesnik moved and Councilman Paul seconded to table the employee warning letter. All voted yes. Motion passed.

AGENDA FOR REGULAR MEETING OF NESQUEHONING BOROUGH COUNCIL

Wednesday, February 22, 2023 at 6:00 p.m., Borough Office

Councilman Nalesnik stated how they were going to install a stop sign on Allen Street at the intersection of Rhume Street, heading north. Solicitor Yurchak stated how they had to enact an ordinance to be able to enforce the stop sign.

Councilman Nalesnik moved and Councilwoman Kuba seconded to add the amendment to the ordinance to the agenda. All voted yes. Motion passed.

- **Amendment to the Vehicles and Traffic Ordinance**

Councilman Nalesnik moved and Councilwoman Kuba seconded to authorize the amendment to the ordinance to install a stop sign at the corner of Allen Street and Rhume Street for northbound traffic. All voted yes. Motion passed.

Councilman Nalesnik stated how he was checking into prices for the 2019 Red Ford Pickup truck, because it was in need of four new tires. Councilman Paul stated about getting three quotes.

Councilman Nalesnik stated about the 2023 Road Project and how the engineer was advertising for the bids to be in the office by March 20th at noon.

Councilman Nalesnik moved and Councilwoman Kuba seconded to add the purchase of truck tires on the agenda. All voted yes. Motion passed.

- **Purchase 4 truck tires for the 2019 Ford Pickup Truck**

Councilman Paul moved and Councilwoman Kuba seconded to authorize the Street Committee Chairman to purchase the tires after getting three quotes, but not to exceed \$1,250.00. All voted yes. Motion passed.

Councilwoman Fox stated about the lack of “no parking” signs on Industrial Road. Councilman Paul stated how Council had passed an ordinance for the no parking two years ago. Councilwoman Fox stated how they were talking about eliminating the ATV issue and the illegal dumping. Councilman Nalesnik stated how the ATVs would just park in a different area. Councilwoman Fox stated how they might be able to get the no parking signs posted.

3. SEWER

**MARY FOX, CHAIRWOMAN; BRUCE NALESNICK, CO-CHAIRMAN;
FRAN HEANEY**

- **January 2023 Sewer/Sanitation Adjustment Report**

Councilwoman Fox moved and Councilwoman Heaney seconded to approve the January 2023 Sewer/ Sanitation Adjustments. All voted yes. Motion passed.

Councilwoman Fox asked Secretary/Treasurer Ahner if the water had been turned off at the two properties. Secretary/Treasurer Ahner stated how 1100 E. Catawissa Street was on a well and they were going to get in touch with the Water Authority about installing a meter for sewage billing. She stated that she did not think that they were able to turn the water off at 600 E. Catawissa Street (Advantage Realty), because of the multiple units in that building. Councilwoman Fox stated that once they get the meter installed at 1100 E. Catawissa Street, she did not see a problem with stopping the billing. Solicitor Yurchak stated how they might be able to lock off the water to the business. President Hawk stated how they could individually lock off any devices in that unit.

AGENDA FOR REGULAR MEETING OF NESQUEHONING BOROUGH COUNCIL

Wednesday, February 22, 2023 at 6:00 p.m., Borough Office

- **Request to Stop Billing at 600 E. Catawissa (Business Closed)**

Councilwoman Fox moved and Councilwoman Kuba seconded to table the request from 600 E. Catawissa Street until such time as they had time to evaluate the unit with the possibility of locking off any water facilities. All voted yes. Motion passed.

- **Request to Continue to Stop Billing at 1100 E. Catawissa Street.**

Councilwoman Fox moved and Councilwoman Heaney seconded to stop billing at 1100 E. Catawissa Street once the water meter was installed. All voted yes. Motion passed.

Councilwoman Fox stated to Solicitor Yurchak that the Railroad had deepened the ditch along the tracks going to the Sewer plant. She stated how it was only 12' wide in the tunnel and Mr. Pilla was worried about the sludge hauling trucks/large trucks getting to the plant because of the road being so narrow. Solicitor Yurchak stated how the Borough has a written right-a-way easement and the Borough could send them a letter informing them that they were interfering with that.

Councilwoman Fox stated about the sewer line at Creitz Garage on E. Catawissa Street that they had discussed at a previous meeting. She stated how they will need to get easements from the property owners.

Councilwoman Fox moved and Councilwoman Kuba seconded to add the Sewer line extension to the agenda. All voted yes. Motion passed.

- **Sewer Line Extension**

Councilwoman Fox moved and Councilman Paul seconded to approve the Sewer line extension to the Tristani and Pilla properties on E. Catawissa Street. All voted yes. Motion passed.

**4. BUILDINGS
& GROUNDS**

**BRUCE NALESNIK, CHAIRMAN; LOUIE PAUL, CO- CHAIRMAN;
ABBIE GUARDIANI**

- **Approve estimates to fix Borough garage door**

Councilman Nalesnik stated how he had received a quote of \$1,082.00 from Precision Door Systems to replace a damaged panel on one of the Borough garage doors.

Councilman Nalesnik moved and Councilman Paul seconded to approve the quote from Precision Door Systems to replace the panel on the garage door at a cost of \$1,082.00. All voted yes. Motion passed.

**5. SANITATION &
QUALITY OF LIFE**

**ABBIE GUARDIANI, CHAIRWOMAN; LOIS KUBA CO- CHAIR-
WOMAN; MARY FOX**

- **January 2023 Tamaqua Transfer Tonnage Report**

Councilwoman Guardiani stated that there was 145.05 tons of garbage for January 2023.

- **Approve – purchase of QOL Tickets**

Councilwoman Guardiani moved and Councilwoman Kuba seconded to purchase 1,000 QOL tickets for a cost of \$366.00 plus shipping cost. All voted yes. Motion passed.

AGENDA FOR REGULAR MEETING OF NESQUEHONING BOROUGH COUNCIL

Wednesday, February 22, 2023 at 6:00 p.m., Borough Office

❖ BLIGHT COMMITTEE

- Property Blight in Carbon County and Act 152 of 2016.

Councilwoman Guardiani stated that they had met with the property owner regarding the illegal dumping on Industrial Road. She stated how they have planned on getting it cleaned up as quickly as possible and were very cooperative. Councilwoman Guardiani stated how they have already looked into hiring a company to get it cleaned up. She stated that besides the clean up, they were going to post surveillance cameras. Councilwoman Guardiani asked Chief Weaver if the property owners were able to properly identify the violators, would the police help to prosecute them. Chief Weaver stated “yes”. He stated that they should let him know if there were any garbage bags in the area, because people will throw garbage bags out with mail in it. Councilwoman Guardiani stated how they wanted to block off the pull off area, because they did not want people parking there. She stated how they might be able to dump the stone from the wall (Johnson & Jacobs Park), but they would have to send them a letter asking permission first.

Councilwoman Guardiani stated how the meeting with the County Commissioners was the next day. She stated how the Quality of Life/Blight Committee along with the surrounding communities were going to be attending that meeting, which was scheduled for 10:30 a.m. and was open to the public to discuss Act 152 of 2016. Councilwoman Guardiani stated how the surrounding Boroughs were going to continue to meet once a month and their next meeting was scheduled for March 1st at 6:00 p.m. in Summit Hill.

• **Update on Blighted Properties**

- 129 E. Center Street – Lionel Josaphat, Jr.

Councilwoman Guardiani stated how the property owner was living in New York and the Mr. Stalega was continuing to NOV him. Secretary/Treasurer Ahner stated how Mr. Stalega had talked to Mr. Johaphat and also got an email address for him.

- 571 E. Center Street

Councilwoman Guardiani stated how the property had been cleaned out and was now listed for sale. She stated how it was still a condemned property and Tim Dow/Chip Stalega has made it known that any buyer has to take the house down to the studs, because of the water damage, before being able to occupy it.

- 306 W. Catawissa Street – old factory – Glenn Claypoole

Councilwoman Guardiani stated how he claimed that he had fixed the roof, but all they did was put a blue tarp on the roof. She stated how there were still smashed windows. Councilwoman Guardiani stated how they need to get an administrative search warrant for that building.

- 111 W. Catawissa Street – Glenn Claypoole

Councilwoman Guardiani stated how Solicitor Yurchak was going to be filing a nuisance action against that property. She stated how the nuisance action states that he has to tear it down or fix it up.

Councilwoman Guardiani stated that because of them meeting with the other towns, they found out how it was the same perpetrators (property owners) who owned the blighted properties. She stated how all of the towns were going to start sending NOVs and citing those individuals.

AGENDA FOR REGULAR MEETING OF NESQUEHONING BOROUGH COUNCIL

Wednesday, February 22, 2023 at 6:00 p.m., Borough Office

➤ 227 / 229 E. Catawissa Street – Joseph Baker

Councilwoman Guardiani stated how the foundation had been repaired and they had installed new windows. She stated how it went through the Zoning Hearing, but her only concern was the parking. Ms. Kondrcek stated how the neighbors attended the meeting and they worked on a solution. She stated how most of their concerns were with people blocking their driveways more so than the parking.

➤ 58 E. Mill Street – Ed Pienkosz

Councilwoman Guardiani stated how Mr. Stalega had met with the property owner at the property, but he still has not done anything so he has been cited again.

➤ 217 W. Catawissa Street – Kathryn Susko

Councilwoman Guardiani stated how the power was still on to the property, which was now scheduled for a disconnect of service. She stated how Mr. Stalega has convinced Ms. Susko to agree to sign a hold harmless agreement to allow the neighbor to enter the property with a contractor to determine if it was repairable, which she signed a piece of scrap paper and sent it back to Mr. Stalega. Councilwoman Guardiani stated how Mr. Stalega was sending her the letter again, with a self address stamped envelope and Xs marking where she was to sign.

➤ 252 Stock Street – Property had sold

Councilwoman Guardiani stated how the property was being cleaned out. Secretary/Treasurer Ahner stated how they also submitted paperwork for an electrical permit.

➤ 137 E. Catawissa Street – Eric & Amanda Everett

Councilwoman Guardiani stated how Mr. Stalega had sent a NOV to the property owner and has also posted the house condemned. She stated how the exterior of the property was rotting and the front steps were crumbling.

➤ 200 Yard Street – Shane Dreher

Councilwoman Guardiani stated how they have power and water, but he continues to run an electrical cord down the yard and through the storm drain.

➤ 194 / 196 Stock Street – Orville & Penni Breiner

Councilwoman Guardiani stated how they now have plywood on the roof and Mr. Stalega was going to be inspecting it.

6. RECREATION LOIS KUBA, CHAIRWOMAN; MARY FOX, CO-CHAIRWOMAN; DAVID HAWK

- **Letter of Resignation from Recreation Committee from John and Kim Cooper.**

Councilwoman Kuba moved and Councilwoman Guardiani seconded to regrettfully accept the letter of resignation from John & Kim Cooper from the Recreation Commission and to send them a letter of appreciation. All voted yes. Motion passed.

- **Reappointment to Recreation Commission – Dawn Jacobs**

Councilwoman Kuba moved and Councilwoman Fox seconded to reappoint Dawn Jacobs to another 5-year term on the Recreation Commission. All voted yes. Motion passed.

- Nesquehoning Recreation Commission – October – November 2022 Treasurer's Report
- Nesquehoning Recreation Commission – December 2022 – January 2023 Treasurer's Report
- Dimmick Memorial Digest
- March 4, 2023 – Gun Bingo
- August 1, 2023 – National Night Out

AGENDA FOR REGULAR MEETING OF NESQUEHONING BOROUGH COUNCIL
Wednesday, February 22, 2023 at 6:00 p.m., Borough Office

- Bench donations

Councilwoman Kuba stated how they were going to build benches with the concrete sides, pressure treated wood and a donation plaque. She stated how they will be asking for donations of \$225.00 for each bench. Councilwoman Kuba stated how they would order 20 benches at a time. She stated how they would be getting the “in memory” or “business” plaques from Delrose Awards, the stain and the bolts from Nesquehoning True Value and the lumber from Lowes.

Councilwoman Kuba stated how the benches would be placed in the New Columbus Park, Johnson & Jacobs Park or in front of Nesquehoning businesses. She stated how they were going to start taking applications on March 13th until April 30th with the hopes to have them placed by Memorial Day.

Councilwoman Kuba stated how Angelo Greek was going to work with them on the project as his Eagle Scout Project. She stated how he was going to do all of the running around and putting the benches together on site with the help of the Boy Scouts and local contractors. Councilwoman Kuba stated how all of the donation money will be coming to the Borough office.

Councilwoman Kuba stated how they were holding a pre-bid meeting on Friday at 10:00 a.m. at the Johnson & Jacobs Park. She stated how they were still giving them a close out date of August 23, 2023. Councilwoman Kuba stated how the Recreation Commission did offer to purchase bike racks and benches for the Johnson & Jacobs Park once it was completed. She stated how they were also going to purchase the picnic table for the New Columbus Park in the Spring.

Councilwoman Kuba stated about the Kiddie Bingo and how they had a very good turnout. She stated how they did not have to expense much for the prizes, because of all the gifts they had left over from Christmas.

Councilwoman Kuba stated how she and Councilwoman Guardiani had talked to somebody who had raised a concern of the noise from Pickle Ball. Councilman Nalesnik stated how it could not be any more noise that people playing Basketball and they were not going to be playing at night. Councilwoman Fox stated how they play Pickle Ball by her house all of the time and she never hears them. Councilwoman Heaney stated how Jim Thorpe had it outside in the Summer and inside during the Winter and they do not get any complaints of noise. Councilwoman Guardiani stated how there were communities that were complaining of the noise, because it was a hard paddle with a ball. She stated how she thought that the complaints were mainly from a community with several courts and multiple people playing at the same time.

7. BUDGET/FINANCE **FRAN HEANEY, CHAIRWOMAN; BRUCE NALESNIK, CO-CHAIRMAN; DAVID HAWK**

- **Approve Cell Phones – Wifi cards for Police**

Councilwoman Heaney moved and Councilwoman Fox seconded to approve the purchase of two cell phones and get 3 wifi cards for the police department. All voted yes. Motion passed.

- **Approve Stipend for approved Borough workers**

Councilwoman Heaney moved and Councilwoman Fox seconded to approve a \$20.00 per month stipend for the Borough workers (Mr. Pilla, Mr. Staehle, Mr. Gruber, Mr. Degiglio and Secretary/Treasurer Ahner) in lieu of using their personal cell phones for Borough business. All voted yes. Motion passed.

AGENDA FOR REGULAR MEETING OF NESQUEHONING BOROUGH COUNCIL

Wednesday, February 22, 2023 at 6:00 p.m., Borough Office

8. PERSONNEL/ MARY FOX, CHAIRWOMAN; BRUCE NALESNIK, CO-CHAIRMAN;
SAFETY FRAN HEANEY

- Approve – Borough Handbook

Councilwoman Fox moved and Councilwoman Kuba seconded to adopt the Nesquehoning Borough Handbook. All voted yes. Motion passed.

- Approve – Borough Of Nesquehoning Code Enforcement Assistant – Job description

Councilwoman Fox moved and Councilwoman Guardiani seconded to approve the Job description for the Assistant Code Enforcement Officer. All voted yes. Motion passed.

Councilwoman Fox stated how they had to update the job description for a cleaning person. She stated how they have to look for a cleaning person for the Borough office, even if it was only once or twice a week.

Councilwoman Fox moved and Councilwoman Heaney seconded to accept all of the Committee Reports. All voted yes. Motion passed.

NEW BUSINESS

No new business.

OLD BUSINESS

No old business.

ADJOURNMENT

Councilman Paul moved and Councilwoman Kuba seconded to adjourn the meeting. All voted yes. Meeting adjourned at 8:26 p.m.

RoniSue Ahner
Secretary/Treasurer