

MINUTES FOR REGULAR MEETING OF NESQUEHONING BOROUGH COUNCIL

Wednesday, October 12, 2022 at 6:30 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

President Hawk called the meeting to order at 6:30 p.m.

Councilman Paul was absent.

PURPOSE: Committee/Workshop Meeting

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

Councilman Nalesnik stated how they were trying to get the line painting completed. He stated about discussing the no parking/winter parking; posting the signs; just maintaining the streets. Councilwoman Fox stated about the snow and ice that would remain in the parking area if nobody would shovel the parking area. Mayor Kattner stated how he was concerned about the calls the police officers would get if someone did not shovel out their parking area. Councilwoman Guardiani stated how Councilman Paul had some good points: damage, snow on sidewalks, people not moving vehicles, cut down on overtime and they could leave it open for the plow driver. She stated how she could see it both ways. Councilwoman Guardiani stated that the most important thing was keeping the streets open for emergency personnel and keeping the fire hydrants clear. Mr. McArdle stated how they needed to remember that the fire trucks were wider than the police vehicles. President Hawk stated how the drivers could use their own discretion if there were not any cars parked on the street, they could plow back to the curb. Councilwoman Guardiani stated how it only takes that one person to screw it all up.

Councilman Nalesnik stated how they wanted to see how it was going to work that year without posting the winter parking signs. President Hawk stated that when they do plow curb to curb, they have people calling and complaining that the Borough workers plowed their driveway shut after they cleared it or that the Borough workers plowed snow back onto their sidewalks. Councilwoman Kuba asked about the parking fines. Chief Weaver stated how the parking tickets were \$50.00. Secretary/Treasurer Ahner stated how she did not know how many parking tickets were issued last year for snow. She stated that over the past several winters, the Borough did not enforce the ordinance, so people were not moving their vehicles. Councilman Nalesnik stated how they did not have to decide that night, but if they were going to post the signs, they would need to know by the end of the month.

Councilman Nalesnik stated about the silver 2011 F550 dump truck. He stated that he felt like the Borough got jerked around. Secretary/Treasurer Ahner stated how she was looking for approval to have them relist the truck. Councilman Nalesnik stated how they needed to get it relisted.

Councilman Nalesnik stated how they were working on the bucket for the loader. Mayor Kattner stated how they had taken the loader to Cleveland Brothers (Caterpillar). Secretary/Treasurer Ahner stated how Michael Radocha had already hauled it out. President Hawk stated how they did not know that it was going to run into that kind of expense. He stated they were not able to get the pins out.

Councilwoman Kuba stated how the Nesquehoning Historical Society would like to fill out an application for a handicap parking spot. Secretary/Treasurer Ahner stated how they might be more interested in having a "Nesquehoning Historical Society parking only" parking sign. She stated that with just the handicap parking sign, anyone with a handicap placard would be able to park there. Councilman Nalesnik stated about them having a combination Nesquehoning Historical Society parking sign and a handicap

MINUTES FOR REGULAR MEETING OF NESQUEHONING BOROUGH COUNCIL

Wednesday, October 12, 2022 at 6:30 p.m., Borough Office

parking sign. President Hawk stated that he would not see why they could not have the dual signs. Councilwoman Kuba asked what the charge would be for those signs. Secretary/Treasurer Ahner stated that the Historical Society could just pay for the purchase of the signs. Councilman Nalesnik stated that they should do their normal police department investigation for the handicap application. President Hawk stated how they should submit the request.

2. SEWER

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

Councilwoman Fox stated that 711 E. Center Street was hooked up to the main sewer line and the issue they were having on Ridge Street has been corrected.

Councilwoman Fox stated about an air compressor that Mr. Sabol had asked Mr. Pilla to fix the tanks several years ago. She stated that Mr. Pilla was not able to get anyone to weld the tanks and he was not going to attempt to do it. Councilwoman Fox stated how there was some miss communication and Mr. Pilla purchased new tanks for the air compressor because he thought that Mr. Sabol was giving the air compressor to the Borough. She stated how Mr. Sabol wanted the air compressor back or he wanted \$200.00 for it. Councilman Nalesnik stated how they should pay him for the air compressor. Councilwoman Guardiani stated how they should find out if Mr. Pilla has been using it. Secretary/Treasurer Ahner stated how she could look back in the records to see what Mr. Pilla had paid for the tanks.

Councilwoman Fox stated how Macaluso's was under new ownership, but they were not hooked up to the water system; they were on a well. She stated about getting a water meter installed to monitor the flows for the sewer system. Councilman Nalesnik asked about an ordinance. President Hawk stated how they had amended their ordinance that if there was water available, they had to hook into Borough water. Councilman Nalesnik stated how they would have to calculate the sewer based on the water used according to the EDUs. Secretary/Treasurer Ahner stated how Shawn Coniglio does that calculation based on the 8 EDUs. She stated how the well should be metered to determine if they should be receiving a surcharge for the sewer. Councilwoman Fox stated how the water authority would have to read the meter.

Councilwoman Fox stated how she was going to contact PPL to see if there were any grants available for installing an electric heat pump. Councilman Nalesnik stated how they were looking to remove the oil burner at the Sewer plant and they were going to check into rebates or grants for the heat pump.

Councilwoman Fox stated about the warranty for the well tanks from RJ Walkers. Secretary/Treasurer Ahner stated how she did not get any information on that yet.

Councilwoman Fox stated that the last time the committee met, Mr. Pilla had asked about the Sewer department buying the F750 from this Street department. She stated how it would be stored at the Sewer plant and it could still be used for snow removal. Councilwoman Fox stated how Mr. Pilla has a trailer that could be used with the F750 to haul the loader, backhoe or if ever purchased an excavator. Councilman Nalesnik stated how Mr. Pilla had come to them when it was mentioned about selling the F750, which was only a 4 x 2. He stated how Mr. Pilla had given them some reasons why he thought the Sewer department could use/keep the truck. Councilwoman Fox stated how there was only 40,000 miles on the truck. Councilman Nalesnik stated how there was a value in the truck and if they were to sell it privately, they could get \$35,000.00-\$40,000.00, which was fair market value.

MINUTES FOR REGULAR MEETING OF NESQUEHONING BOROUGH COUNCIL

Wednesday, October 12, 2022 at 6:30 p.m., Borough Office

Councilwoman Fox stated how they all received the email concerning the purchase of an excavator. She stated how Mr. Pilla had sent her a message that the bucket would be included with the 2022 used excavator for a purchase price of \$78,000.00. Councilwoman Guardiani asked who would be the operator for the excavator. Councilman Nalesnik stated how the excavator would belong to the Sewer department and Mr. Pilla would be the only one who would operate it.

Councilwoman Fox asked about the Sewer budget and when it had to be submitted to Rush Township. Secretary/Treasurer Ahner stated how they usually like to get it to them by November. Councilwoman Fox stated how they used to have Carbon Engineering draft up the Sewer budget, but last year Carbon Engineering had the number screwed up and Secretary/Treasurer Ahner had drafted up the Sewer budget. She stated that she did not realize that they were able to do it themselves, so Secretary/Treasurer Ahner would be drafting the budget again for 2023. Councilwoman Fox stated how she did not feel that they had to get Arro Engineering involved with the budget. She stated how they had to schedule a meeting for Sewer to review the budget. Councilman Nalesnik stated how he might be leaning on Arro Engineering of bits in regards to the rate that Rush Township pays to the Borough. Councilwoman Fox stated how Arro Engineering has a copy of the agreements, because they were going to review it.

Councilman Nalesnik stated how they were looking to purchase/install generators for the pumping stations in Lake Hauto. Councilwoman Fox stated how Arro Engineering was looking into the cost of the generators. Councilman Nalesnik stated how they were looking in approximately \$30,000.00 each. Councilwoman Fox stated how Mr. Pilla has to haul the generator up to the lake when they have a power outage. She stated how the generators would help to avoid any sewage getting onto the beach, if there was a power malfunction.

Councilwoman Fox stated how they also want to get started with the smoke testing, which would help with any water infiltration. She stated how they had talked about it the last few years. Councilman Nalesnik stated about Lake Hauto doing their own smoke testing. President Hawk stated how Arro Engineering should be able to give them some kind of estimate on the flows that the Borough should be getting from Rush Township, based on the number of houses. He stated that they were getting more than that; the Borough should be sending Rush Township a surcharge bill. Councilwoman Fox stated how Rush Township was going to get a weather station, so they could monitor their flows.

President Hawk stated how the Nesquehoning Water Authority was going to be raising their water rates to \$85.00 per quarter.

3. BUILDINGS & GROUNDS

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

Councilman Nalesnik stated how they were still waiting for the painting to be completed on the front of the Police station. He stated how they had received the new sign, but they were not putting it up until the painting was completed.

Mayor Kattner stated how the Recreation Center needed a new American flag. Councilwoman Kuba stated about getting a new flag from Senator Yudichak's office.

4. POLICE & PUBLIC SAFETY:

**LOUIE PAUL, CHAIRMAN; LOIS KUBA, CO-CHAIRWOMAN;
DAVID HAWK**

Chief Weaver stated how the police officers will be at the Recreation Center on October 31st for trick-or-treating. He stated how he, Officer Breiner and Officer Lahovski would be staying at the station and the

MINUTES FOR REGULAR MEETING OF NESQUEHONING BOROUGH COUNCIL

Wednesday, October 12, 2022 at 6:30 p.m., Borough Office

other officers will be patrolling the town. Chief Weaver asked about using the crossing guards. Secretary/Treasurer Ahner stated how that was already approved.

5. SANITATION & QUALITY OF LIFE ABBIE GUARDIANI, CHAIRWOMAN; LOIS KUBA, CO-CHAIRWOMAN; MARY FOX

Councilwoman Guardiani asked Secretary/Treasurer Ahner if she had heard anything from Solicitor Yurchak about the new fee structure or if it had to be adopted by an ordinance. Secretary/Treasurer Ahner stated how she did not hear anything from Solicitor Yurchak, but she did send him the copy of their Borough's fee schedule Resolution, which was adopted in 2013. She stated how there were several fees on that Resolution that needed to be updated. Secretary/Treasurer Ahner stated how the Borough also passed a Resolution in 2019 for the property maintenance (NOV fees/letters). Councilwoman Guardiani asked who would be drafting the new letter with the increased fees. Secretary/Treasurer Ahner stated how they could keep the same letter with the addition of a sentence pertaining to the new fee structure for multiple incidents. She stated how they could also send a copy of the fee schedule with the letters.

Councilwoman Guardiani stated how she had talked to Solicitor Yurchak about Act 152 of 2016; "DCED County Demolition Fund Reporting Act 152-2016 amends Act 87-1982, the Recorder of Deeds Fee Law, and allows the governing body of any county to adopt a resolution or an ordinance that authorizes the recorder of deeds to charge and collect an additional fee not to exceed \$15 for each deed and mortgage recorded. The fee must be deposited in a county demolition fund and used exclusively for the demolition of blighted property in the county." She stated how Solicitor Yurchak sent a letter on June 12, 2020 to the Carbon County Commissioners asking them to Adopt Act 152, which they refused to do. Councilwoman Guardiani stated that Solicitor Yurchak had suggested that they attend a meeting of the Carbon County Commissioners. She stated about sending a letter to the surrounding Borough's to see if they were interested in attending the Commissioners' meeting with them.

Councilwoman Guardiani asked who was authorized to post condemned signs on properties. Secretary/Treasurer Ahner stated about the police and the code enforcement (Chip Stalega-Barry Isett & Associates). She stated that she did not think that Ms. Arieta had the authority to condemn a property. Councilwoman Guardiani asked who follows up on the properties once they were posted condemned. Councilwoman Fox stated how it should be the person who originally posted the property. Councilwoman Guardiani stated how individuals were removing the condemned signs. She asked what kinds of penalties were being assessed for the removals of the signs. Chief Weaver stated how it was listed in the Crimes Code. He stated how other towns have the violation/penalties on the condemned signs.

Councilwoman Guardiani stated that in their Housing Ordinance it states for penalties: "Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not less than \$100 nor more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days." Councilwoman Guardiani stated how she agreed that the violation should be listed on the condemned sign. Mr. McArdle stated that when the fire department receives a CO call, the police come out to condemn the property and they make the people leave. He stated that the property owners have to get a certified plumber to do repairs, and then it needs to be inspected before they would remove the combination sign.

MINUTES FOR REGULAR MEETING OF NESQUEHONING BOROUGH COUNCIL

Wednesday, October 12, 2022 at 6:30 p.m., Borough Office

Councilwoman Guardiani stated that what she was finding was that the Borough did not have a lack of ordinances; they were lacking in enforcing them. She stated how under the ordinary it says that if someone was tearing the condemned sign off their property, they were to be cited and taken before the magistrate. Councilwoman Guardiani asked who was going to be responsible for doing that. Councilwoman Fox asked who was maintaining the list of properties that were posted condemned. Secretary/Treasurer Ahner stated how Ms. Arieta should have that list. Councilwoman Fox stated how Ms. Arieta should notify the police that the condemn signs were removed for them to issue the citation. Councilman Nalesnik stated how they should get the violation noted on the sign. Secretary/Treasurer Ahner stated how they might be able to get stickers made with the violation and attach them to the current signs. He stated to Chief Weaver about getting her the wording that would be required. Chief Weaver stated that even with the violation posted on the sign, how were they supposed to know who removed the sign. He stated how they were not able to prove who removed it in court. President Hawk stated about getting something in the ordinance that the responsibility falls on the property owner. Chief Weaver stated how the property owner would have to be notified.

Councilwoman Guardiani stated that they just found out through the play webinar, that any time a property was condemned; the Borough can notify the recorder of deeds office. She stated how that lien would remain on the property, even if the property was sold, until the borough would remove it. Mr. McArdle stated how that should be taking case-by-case, because if it was condemned for a furnace issue, it could be rectified before the paperwork was even filed.

Councilwoman Guardiani asked who does property inspections; pre-move-in/post move-in on homes and rentals. Secretary/Treasurer Ahner stated "nobody". Councilwoman Guardiani stated how Officer Lahovski was taking a course to be a certified/licensed inspector, which should be completed sometime in November. She stated how he was very knowledgeable with the blight. Councilwoman Guardiani asked who has to chase the people who do not pay the fines. She stated that if someone was making progress, Mr. Stalega was working with them. Secretary/Treasurer Ahner stated that if they ended up getting cited, it was the magistrate's office.

Councilwoman Guardiani asked if anyone could take a structure in Nesquehoning and turn it into a storage facility. Secretary/Treasurer Ahner stated how that might be a question for the zoning, Gene Kennedy. Councilman Nalesnik stated how it was actually how they were maintaining the property. President Hawk stated that in the Residential Zoning District it would have to get some kind of approval. Secretary/Treasurer Ahner stated how they would have to apply for a special use under Zoning. She stated that commercial use buildings, such as KME – One Industrial Complex Building, would have to go through change of use and follow the UCC guidelines for any changes on the interior/exterior of the building. Councilwoman Guardiani stated how most of that would be taking care of when they get an inspector. She asked if they were able to do anything with such a fire hazard. Councilwoman Heaney stated how that might be a question for Solicitor Yurchak. Mr. McArdle stated how the buildings have existed prior to the zoning ordinances in Nesquehoning.

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

Councilwoman Kuba stated how the Recreation Commission met with the chief on October 3rd. She stated how they discussed trick-or-treat night, which they were going to decorate and take pictures at the Recreation Center/Police Station. Councilwoman Kuba stated how they had also discussed National Night Out, August 2023. Councilwoman Heaney stated how she had talked to Michael Greek. Chief Weaver stated about talking to the probation office, Sheriff's office and St. Luke's. Councilwoman Kuba

MINUTES FOR REGULAR MEETING OF NESQUEHONING BOROUGH COUNCIL

Wednesday, October 12, 2022 at 6:30 p.m., Borough Office

stated about different organizations, churches, etc. She stated how they did not want to make it into a carnival, but they would be keeping it informational. Councilwoman Kuba stated three fire companies would also be included. She stated how they did not know where they were going to hold it yet, if it would be St. Luke's parking lot or over at the Corporation building. Councilwoman Fox stated about using the Little League Field. Councilwoman Heaney stated how they would have the Recreation Center to utilize the inside as well as outside.

Councilman Kuba stated how the Christmas party was scheduled for December 11th, which was posted on FaceBook. She stated how they already had 55 children registered. For Councilwoman Fox asked when/how they could register. Councilwoman Kuba stated how about only registering online. She stated how it was for Nesquehoning residents only. Councilwoman Kuba stated how they have been running into grandparents registering their grandchildren, who live out of town. She stated that they will allow it as long as it does not get too out of hand.

Councilwoman Kuba stated how they were discussing holding a gun bingo in March 2023. Chief Weaver stated how it would be a BYOB. Councilwoman Kuba stated how they were also looking into crafting events, paint-n-sip, vendor fair, etc. Councilwoman Fox stated how they were still holding bingo two Wednesdays a month and yoga every Monday. Councilman Kuba stated how the next meeting would be held on the first Monday in December.

7. BUDGET/FINANCE FRAN HEANEY, CHAIRWOMAN; ABBIE GUARDIANI, CO-CHAIRWOMAN; DAVID HAWK

Councilwoman Guardiani stated about the meeting with Tom Tobin regards to updating their billing system for sewer and sanitation from the VUB to DBS at a cost of \$5,500.00 with a yearly maintenance fee of \$850.00. She stated how they had purchased the current (VUB) billing system in 2006 for \$9,600.00. Councilwoman Guardiani stated that the upgrade will be a great benefit to the Borough.

Councilwoman Heaney stated how they will be looking at transferring the truck to the sewer department, and at the cost of purchasing generators for the pumping stations in Lake Hauto.

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

Councilwoman Fox stated about creating a checklist with everything that was required for new hiring of employees. Secretary/Treasurer Ahner asked about the insurance quotes. Councilwoman Fox stated how she had talked to Mr. Pilla, ETA Benefits, and he would be getting in touch with Secretary/Treasurer Ahner to set up a meeting date. Secretary/Treasurer Ahner stated how they will need the numbers for the budget. She stated how they should also get the unions (Teamsters & FOP) involved in the discussion of the insurance, so they were not filing grievances. Councilman Nalesnik stated how they would be filing grievances. Regardless, because they were staying with what they picked and the Borough would have to make up the differences.

McArdle stated about the email he had sent to all of the Council members in regards to the addresses for the buildings on Iron Horse Way. He stated how it was his recommendation to Council that they do business as usual and follow their normal addressing. Mr. McArdle stated that the process was measuring from the starting point each building and taking that number that comes up and dividing the number by 5.28. He stated how the number was odd or even depending on the side of the street. Mr. McArdle stated

MINUTES FOR REGULAR MEETING OF NESQUEHONING BOROUGH COUNCIL

Wednesday, October 12, 2022 at 6:30 p.m., Borough Office

that in the case of the KME/Railroad Buildings, they would be even number. He stated how he measured the property and according to his calculations the addresses should be as follows:

Inspection Building, 20 Iron Horse Way
Kovatch Service, 50 Iron Horse Way
Sales, 66 Iron Horse Way
Conference, 70 Iron Horse Way
Store, 74 Iron Horse Way
Paint Shop, 76 Iron Horse Way
Garage, 88 Iron Horse Way
Customer Service, 118 Iron Horse Way
Plant 7, 182 Iron Horse Way
Plant 7, 230 Iron Horse Way
Plant 6, 258 Iron Horse Way
Plant 6, 286 Iron Horse Way
Pump Test, 302 Iron Horse Way

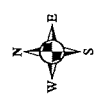
Mr. McArdle stated that the only issue would be with Kovatch service, which he did not have a problem with letting them at their current address of 2 Stock Street. He stated that if they were to ever sell the building, they would have an address in place for that building. Mr. McArdle stated how he had a request for a N. Tippetts Road address; 12 N. Tippetts Road, which was for a new home construction.

Councilman Nalesnik stated that he felt like they had overcomplicated it, because they were never going to build anything up there. He would ask that they properly labeled the building, so it was visible from the road, because the emergency personnel was used to going to those buildings. Councilman Nalesnik stated how they were using a residential formula and that was not a residential area. Mr. McArdle stated how all of the buildings at one time had a Stock Street address and Sonny Kovatch came to a Borough meeting wanting One Industrial Complex as their mailing address. He stated how the Railroad could have One Iron Horse Way, but still have the buildings addressed correctly.

Mr. McArdle stated about the Lehigh Valley Children's Center's emergency plan for the elementary school special needs children in the event, if there was an evacuation from the Elementary school. He stated how they wanted to be able to use the Recreations Center, which was in their plan. Mr. McArdle stated how he did not recall them coming to the Borough and asking for permission to use the Recreation Center. He stated how they have the Recreation Center earmarked for the prison as temporary housing in the event the prison would be evacuated. Mr. McArdle stated how they have it noted in their plan that their transportation would be coming from Allentown. He stated that if there was a flood, they were not going to wait for a bus from Allentown to pick them up. Secretary/Treasurer Ahner asked if they were also using the Recreation center for Maple Shade. Mr. McArdle stated "yes". Councilwoman Fox asked who came up with the plan. Secretary/Treasurer Ahner stated how it was emailed to her and she forwarded to Mr. McArdle. She stated how Mr. McArdle replied that Council had to approve the plan, but that he also had some questions. Mr. McArdle stated how he did not want the borough to fall short. President Hawk stated that depending on what the disaster was, they were not able to have 3 - 4 different entities occupying the Recreation Center. Councilwoman Fox stated how somebody needed to talk to them and asked them where they came up with their plan. As to McArdle stated how he did not understand why they would not go to high school. Councilwoman Fox asked Mr. McArdle if he would get in touch with them in regards to their emergency plan. Mr. McArdle stated "yes".



THIS MAP WAS PREPARED FOR THE ASSESSMENT OF REAL PROPERTY FOUND WITHIN THIS JURISDICTION. USERS OF THIS MAP ARE HEREBY NOTIFIED THAT THE AFOREMENTIONED PUBLIC PRIMARY INFORMATION SOURCES SHOULD BE CONSULTED FOR VERIFICATION OF THE INFORMATION CONTAINED ON THIS MAP. THE COUNTY AND THE MAPPING COMPANIES ASSUME NO LEGAL RESPONSIBILITY FOR THE INFORMATION CONTAINED ON THIS MAP.



MINUTES FOR REGULAR MEETING OF NESQUEHONING BOROUGH COUNCIL

Wednesday, October 12, 2022 at 6:30 p.m., Borough Office

Mr. McArdle stated about the last payment for the aerial truck. He stated how he was suggesting that the money be kept in a contingency fund so that they would have money in the fund within the next 10 years to replace the aerial truck. Secretary/Treasurer Ahner stated about moving it to a reserve fund. President Hawk stated how that would be a good idea.

Councilwoman Fox stated about the Railroad crossing grant and how Matt Johnson had said that it was not worth the effort, because it would all fall on the Borough. She stated how it was for up to 80% of the cost plus all the reports that were required for the next 5+ years would be the Borough's responsibility.

EXECUTIVE SESSION

The Borough Council Members entered into an Executive Session at 8:23 p.m. for personnel. The Council Members exited their Executive Session at 8:35 p.m.

ADJOURNMENT

Councilwoman Fox moved and Councilwoman Heaney seconded to adjourn the meeting. All voted yes. Meeting adjourned at 8:35 p.m.

RoniSue Ahner
Secretary/Treasurer