

Minutes for Regular Meeting of Nesquehoning Borough Council
Wednesday, July 26, 2023 at 6:00 P.M. Borough Office
114 West Catawissa Street, Nesquehoning, PA 18240

President Hawk called meeting to Order 6:00 P.m.

PLEDGE OF ALLEGIANCE

ROLL CALL: COUNCILMEN/COUNCILWOMEN FOX, GUARDIANI, HEANY, KUBA, NALESNIK, PRESIDENT HAWK , SOLICITOR YURCHAK, MAYOR KATTNER

MINUTES:

No minutes this month.

We will be having an executive session after the Hearing of Visitors

HEARING OF VISITORS:

Eric Baba, 5 seventh avenue. I have a letter for a petition to request action to rectify environmental issues. All petitions are asking that all governmental agencies to address and rectify environmental issues created by the individuals residing at 1 seventh avenue, Nesquehoning. In early June 2023, the aforementioned residents undertook a massive excavation project , the initial question is what government entities approved the project and did the property evaluation impact, as a result, of excavation project the residents in the proximity are experiencing extreme muddy water runoff to the point of spending countless hours cleaning. Of the condition concern is the effect of the run off that will have on the wetlands between 6th and 7th avenue, we are asking for a solution to the problem before it becomes a major issue. This been signed by all of 7th avenue, 6th avenue who are being affected by it. I live next door down and tell you from experience, I moved here with my wife in 2017 and never had any problem with flooding, yes, we know that it is wetlands, and we do get a little moist at times. Ever since this has been done, and it rains, my backyard turn into a mud swamp, my pool has been filled with mud, I have spent the last two weeks having to clean and chemicals and everything else and nothing is being done about this. Environmental did come out, had to put a silt fence up, they took the one silt fence down, the other one is being supported by my chain link fence which is 100% down and my fence is all bent at this point. Mrs. Baba then stepped in and said that their pool has been compromised especially in the summer, to enjoy your backyard, we can't enjoy out backyard. The foul order that is coming from the runoff water, and I understand that the individuals that are living in 1 7th avenue have tried to listen to what the environmental agency has asked them to do. But they did it improperly. She said, I know when we were to roll down the hay, it was penned in to the ground, it is not penned into the ground. The silt screen has been not installed properly, again we had been there for a lot years and we had no problem, had a little trickle, but not to the point that our yard is deemed environmentally contaminated. She said that she feels that it has been a month of dirty water, it pushed back almost a foot and a half and we need a new fence now. We are here today to ask you, what are the steps to rectify this, so we can live in our backyard and not have the water, stench, we are working people, and then when it rains, I am wondering about my property. She said that nobody else is paying for this but, herself and husband. She said that she is nervous about talking out loud because she never fully says what is important. She was told she does not need to be nervous in front of council. Councilwomen Kuba then

said that she is going to piggyback what Mrs. Baba has said, she said that she signed that petition. That several residents has signed the petition. And every time it has rained the mud pours into her driveway. President Hawk said that the borough has had Chip up there and the conservation district has been there. Councilwomen Guardiani mentioned that she has been Baba property and it is beautiful and well kept and that they should not have to go through this, however, they are and the trees that were cut at the top of the property, up by the highway, were gigantic. She went on to say, who gave them permission and she stated that this borough did not. Councilwomen Kuba stated that they said PennDot gave permission and PennDot has no record of that. Councilwomen Guardiani said that Gene Kennedy and Chip Stalega. Gene has been up there since the beginning and said that he would like to help, but it is not a zoning issue for the town. It has nothing to do with zoning. Chip takes a look at this and he states that it is not a violation of any of our Ordinances, so Gene suggested that we go to The Conservation District, because they deal with runoff. The Conservation District did get involved and did set some perimeters. Mrs. Baba did say that they did come back and that Chris is on medical leave, so he had his two girls come out and one is just learning and the other one, she is very intelligence, they did come back and they said everything was okay and we just looking at it, we knew it was not okay. All in all, the Conservation District has been out and they did say that they complied. Mr. and Mrs. Baba have consulted a lawyer as well. They are banging their head against the wall. Councilwomen Guardiani did say that she is not sure what Council could do. Councilwomen Kuba said that the attorney they consulted with told them to come back to Council. Councilmen Paul said that anytime they had anything to do with sewer removal, we had to put silt fence up, go the Conservation to apply for a permit. That is what needs to be done to protect the main highways, but the people around. With no permits or anything in place Conservation should have come down hard on the resident. Councilwomen Guardiani said that she would like to see council write a letter to Soil Conservation in support of the Baba's, asking them to review this case again. Councilmen Paul says that council should write a letter on their behalf to help them out and that the resident is in violation of the soil conservation and the experience that he has. There should have been some kind of plan or permitting. He said this resident did everything on his own. When Chris from Environmental first came out, the man said that he would like to see the land restored. He would like to see the dirt removed, to work with an engineer and do this in steps and make sure that there are no problems. When he wrote the report he did not put any of that in there because he said that he did not think council would go by recommendations. Mrs. Baba said that she has gone to Gene and all others to maintain her yard. She said that she followed the Ordinances. Solicitor Yurchak said that the borough does not really have much they can do about this. He said that Soil Conservation has the hammer and they should have done something about this situation. He recommends to council, that if they are going to write a letter then make sure you cc the commissioner. President Hawk recommended that council let Solicitor Yurchak send a letter to the conservation district as he is suggesting. He said that council should cc DEP on letter also. Let them know that we are getting complaints from the whole street and that nothing is being done, and the restoration does not meet the standards and we are requesting that it investigated more intensely than it has been in the past. President Hawk added to include pictures, the petition and other documentation in the letter. President Hawk made a motion to authorize Solicitor Yurchak to write a letter with regards to the water runoff associated with 7th avenue. Councilwomen Kuba seconded, all in favor of motion, motion passed.

Council went into Executive Session at 6:33 p.m. Council returned to public session at 7:26 p.m.

Mayor Kattner introduced Samantha Janner and Bradley Hess as new officer for Nesquehoning Borough. He said that they know exactly what the Borough is looking for in a police officer.

PLANNING & ZONING REPORT: President Hawk asked for a motion to approve the Planning Commission approval of phase 1 of the Narrow Valley Sports Complex. Councilwomen made the motion, Councilmen Paul seconded. All in favor of motion, motion passed. Planning commission also received a letter from Westchester Plastics that they are applying for a State Air Permit Renewal. No action required. The state is having a 30 day open period for public comment. No changes.

ENGINEER REPORT: NONE

SOLICITOR'S REPORT: Fee Resolution. Councilwomen Guardiani made a motion to approve Fee Resolution. Councilmen Paul seconded. All in favor of motion, motion passed. It covers all fees for the Borough. Solicitor Yurchak said that there was a hearing in front of a judge on August 14th at 1:15 that is to address the penalties. Councilwomen Guardiani, Chip Stalega are attending. Solicitor Yurchak said that the Borough has been requested by the Engineer of the Solar Park Phase 2 to receive the bond that they put up for the land development and Greg Haas has reviewed it and they did everything they were suppose to do. So he would recommend the release of the bond for Phase 2 only. Councilmen Paul made a motion to release the bond. Councilwomen Fox seconded. All in favor of motion, motion passed. Solicitor Yurchak said that Councilwomen Guardiani will be handling the fireworks and High Street.

Motion to accept the Planning Commission Report and the Solicitor's Report. Councilwomen Kuba approved; Councilwomen Heany seconded. All in favor of motion, motion passed.

TREASURER'S REPORT & CD REPORT: Motion to accept the Treasurer's Report and CD Report. Councilwomen Fox approved; Councilmen Paul seconded. All in favor of motion, motion passed.

TAX COLLECTOR'S REPORT: We received \$30,383.01; Occupation \$675.00; Per Capita \$450.00, making the total \$30,508.01.

COMMUNICATION: There are two items of communications. First, is an informational flyer on a seminar and the second one. Thank you letter from Kovatch for the sewer surcharge fee waived that was approved last month, for the leak that did not enter the sewer system. No action needed on communications. Councilwomen Guardiani asked if she could add a communications that was just given to her. She said that Brad Hurley contacted her and it is not open to the public, it is only open to council members. It is State Senator Dave Argall and Respresentative Heckley, the Carbon County and Regional Tours from Summitt and she just said, quickly about the summit, it is to build stronger partnerships with state holders, so that more local companies can grow with an increase in visitors to our area. Jim Thorpe is a model, bringing in a lot of tourism. The meeting is on Monday, July 31, 2023, from 6-8 at the Mauch Chunk Opera House. If anyone would like to attend they could. Motion to accept Tax Collector's Report, and place Communications on file. Councilwomen Heany made the motion, Councilwomen Fox seconded. All in favor of motion, motion passed.

COMMITTEE REPORT

POLICE & PULBIC SAFETY: Councilmen Paul said that the first order of business was the car purchase in executive session for the \$12,500.00 spent for the police car and we have to look into our accounts to see if the funds available to purchase car. Motion was made by Councilmen Paul to purchase the car if the funds are available, to state that it is a purchase of a used police car through Rotett Motors , they are a Costars dealer, again they have given a price and a trade in on one of the borough cars that is not

currently operable. The final price would be \$8,500.00, including that trade in. Councilwomen Kuba seconded. All in favor of motion, motion passed. Motion by Councilwomen Fox to authorize John McArdle to perform the requested inspection at the Red Co Group facility. Councilwomen Guardiani seconded. All in favor of motion, motion passed. Councilwomen Kuba made a motion regarding the Stempa fireworks permit, Councilwomen Heany seconded. All in favor of motion, motion passed. Motion was made by Councilwomen Kuba to approve the fire company participation in the events go Joe on July 26th and National Night Out on August 1st. and also New Columbus is looking for permission to hold First Annual Dart Tournament Fundraiser on September 9th. Councilwomen Heany seconded. All in favor of motion, motion passed.

Fire Company summary report for June: 13 events. 1-motor vehicle accident; 3- automatic fire alarms; 1- vehicle fire; 1 –unknown type fire; 4-mutual aid requests; 1 for Weatherly; 1 for Jim Thorpe; 1 for West Penn. 1- Co investigation; 2-structure fires, bring the total responses to 79 for the year.

MAYOR REPORT: NONE

POLICE REPORT: Magistrate, vehicle code, crime code: \$1672.12; Local Ordinance- \$62.49; T-19 payable to municipality- \$168.19; Title 75 motor vehicle- \$1,447.44. Magistrate Kisner: Motor vehicle- \$187.66; Magistrate Restitution- \$352.90; Courts--\$317.06; Parking Tickets- \$175.00; Code- \$50.00; Moving Permits- \$130.00; Accidents Reports-\$45.00 for a Total of \$2,935.74. Traffic Citations-50; Code Complaints-15; Traffic Accidents-4, total call for the month 184. Mayor Kattner went on to say, that he thinks the police are doing a beautiful job. He said that August 20th there will be a cornhole tournament held at the VFW. Conner Snyder. Councilmen Paul made motion to approve the police department to block off the road for the cornhole tournament for Conner Snyder. Councilwomen Kuba seconded. All in favor of motion, motion passed.

CIVIL SERVICE COMMISSION: NONE

HOUSING & CODE ENFORCEMENT OFFICER'S REPORT: Zoning had 5 inquires for the month of June. Total of 112 for permits. 7 page report from Barry Isett for code activity totaling 70 items.

EMERGENCY MANAGEMENT REPORT: NONE. John McArdle need to leave meeting.

Councilmen Paul made motion to accept Mayor's Report, Police Report, Code Reports, Police and Public Safety Reports. Councilwomen Fox seconded. All in favor of motion, motion passed.

STREETS: Councilmen Nalesnik said that the road department is doing their best in responding to complaints about clogged drains from the heavy thunder storms. I did call them out last Saturday night for a really bad storm. They were out til about midnight, cleaning drains, they came out to do that. He said that road is doing street painting now on the side streets. They are on Center Street today, they are going to try, some main street tomorrow with the help of the police department. Try some heavy striping on the main streets. We are going to try and make the street, crosswalks and down the school, maybe wider lines. Councilmen Nalesnik is asking for a motion about the grant project on Industrial Road, possibly, we paved the entire Industrial Road that there are some grants available for that, but the first step is to do the footwork and speaking with the businesses up there contact them for input. So their estimate cost to comply this grant which is called the ARC Grant would be 5-8K. Once the grant is done, if we are not approved the first go around, then we will still have the application and resubmitting it. They are having some Industrial Road awards done. ARRO Engineering group was

involved in the recent approval. I am seeing if council is interested in approving that motion to let ARRO move forward. Motion was made by Councilmen Nalesnik to allow ARRO to move forward. Councilwomen Fox seconded. President Hawk did say that a lot of work needs to be done on Industrial Road. He said that the road does need to be rehabilitated. All in favor of motion, motion passed. Councilmen Nalesnik said that since they are painting everything, the Crossing Signs are hard to identify, because they are old. We are checking and I found that they are half the price if we buy them from a local supplier. I found that they are about \$225.00 each, they are the heavy kind. He said he would like to go ahead and purchase the signs and put them on Catawissa Street and down at the school, at least two down at the school and keeping one on reserve. I asked the local assistant supervisor at Penn Dot and he said that they do not give them out. The last time they were bought was 2010. Motion was made by Councilwomen Guardiani to purchase the signs if we have exhausted inquires to get them free of charge. Councilwomen Kuba seconded. All in favor of motion, motion passed.

SEWER: Councilwomen Fox made a motion to accept the June 2023 Sewer/Sanitation Report. Councilwomen Heany seconded. All in favor of motion, motion passed. Councilwomen Fox said that there is the estimate for the HVAC system at the sewer plant in the amount of \$13,217.75 that was approved at last month meeting. That has been completed, the only other thing to report is that Bruce, myself and Bill met with Matt Johnson from the railroad above the ditch going through the access road to the sewer plant. He is going to check with real estate, our suggestion was to put what Bill from ARRO suggested was to put pipe just through the tunnel, so that sludge trucks can fit down. So we are waiting for Matt to get back to us on that issue.

BUILDINGS & GROUNDS: Councilmen Nalesnik said that the Recreation Center updated council of the possibility of filling of an engineering report and drawings for pursuing a grant for renovating the Recreation Center, possibly adding onto the building. The first step was to check the floor and to make sure stable, we did obtain a camera and we need to look under the floor first because if there is a problem. Councilwomen Fox said she is assuming that it is bought through the sewer budget? He responded yes. The inspection cameras are being bought through sewer so that sewer can also use it for sewer and use for borough business. Councilmen Nalesnik said that be contacting ARRO to find the proper location and that point need to do some asbestos testing and then things will proceed with drawing up plans from that. After the meeting with the railroad, we did go up to with ARRO onto Mew Columbus Park, because there are grant monies available right now for recreation, so we made want to consider striking while iron is hot there to look at New Columbus Park which is really not being used to its capabilities. It is being used at maybe 20% of its capabilities. There is a lot that can be done at the park, improve the park, renovate it bring it up to code. There is a lot potential for the park. We met with ARRO to find out what the first step would be, they said it would be a survey. Bill McMullen is checking into survey prices, I will keep council updated on that.

SDANITATION & QUALITY OF LIFE: Councilwomen Guardiani said that the tonnage for June 2023 is 167.75 for the month. She went on the say that 1, 3 & 5 High Street, gave a copy of the emergency demolition order which was posted on 1,3 5 High Street on June 27th according to law we have 60 days to take that building down from the time that it is posted, which takes us to August 27th. It must come down by them. Chip wrote up the emergency demolition order. Chip and I met with Mr. Marconi, who is the neighbor that will give us access to the property. We had Solicitor Yurchak draw up an agreement, Mr. Marconi's only concern was for his own property that we do not do any damage to his property to get the other building down. He is grateful that the building will be coming down. She said that President Hawk already signed the agreement, with Mr. Marconi and a copy will go up to him. She said that she has Mike Radocha on hand for demolition. It does not go out on bid, and because it is an

emergency demo and when she spoke with Bill McMullen about the price with Radocha, Bill said take it and run. He says that Radocha was fair in price. The price of the demo was \$42,250.00 to bring it down and haul away and stone to fill in the hole. Even though 1 High Street is owned by one person and 3 and 5 High Street are owned by the same person. Divided by 3, each property should be leined for \$14,083.00 each. The demo day is rain or shine, August 16th it is coming down. Solicitor Yurchak did mentioned that there is a hearing scheduled with Judge Sherpas that is because the fines that Mr. Emmer was to pay was incorrectly entered and because it was put in as 200.00 should have been \$12,000.00 and she put it in wrong. We are going back to court to fight this and to have the proper amount reinstated and hopefully increased. Councilwomen Guardiani made a motion to emergency demo the property at 1, 3 & 5 High Street. Councilwomen Heany seconded. Councilmen Nalesnik did ask if there are monies allocated for this demo and Councilwomen Guardiani did say that there are monies in the Blight account and that she is hopeful to recoup more funds from the hearing at court. All in favor of the motion, motion passed. Act 152 was enacted by the commissioners the administrator of the funds is going to be the planning and development office. The money will begin to be collected in January. It is the \$15.00 fee on the recorder of deed placed in a demo fund. Councilmen Nalesnik asked if there is an estimate of what would come in for the year. Councilwomen Guardiani said no, they did not. She said that there was a lot of deeds recorded in 2020, 2021. Blight Committee is good for all of Carbon County. They just started a double home rehabilitation program. We did tell them that we have a lot of double homes and that when one starts to go it tends to start on the second half of the home. There is a piloted program for blight related issues for double homes. The county has already received over 1 million dollars in covid relief fund. It could provide up to \$50,000.00 per home, to rehab that property. There is a 10% match required and any bills greater than the \$50,000.00 is the responsibility of the municipality to provide, but you could get that money from the other half of the home, so that person would kick in. They are finally addressing the issue of halves of doubles. Electronic Recycling dated is September 6th from 2-5 or until truck is full. The electronic costs for a borough, it is flat 800.00 for the truck, the truck holds 8,000 pounds, it's 59 cents per pound. So for a borough to do a no charge event you are looking at \$5,000.00 at a no charge event. An alternative would be to allow one tv per household to be recycled for free. The cost would that would be about 3,000.00 or the other option is to recycle one tv for half price. Councilwomen Guardiani said that she asked Solicitor Yurchak to look into consumer fireworks ordinance. Motion was made by Councilwomen Guardiani to advertise the consumer fireworks ordinance. Councilmen Nalesnik seconded. All in favor of motion, motion passed. Councilwomen Guardiani spoke about 90 E Catawissa Street, the school the apartment building. The apartment is terrible. This is what has happened in the month, Chip did NOV the owner, Deana Hoffman, she has been NOV, it is repeat offenses. The NOV was sent certified mail on June 29th no one has signed for them. We have had agency on aging at the apartment. Ms. Dehaven did visit with the resident who admits that the apartment is a mess but would not allow her inside. The gentleman states that he is on oxygen and smokes and insists that he does not smoke in his apartment, even though his apartment has been on fire three times for smoking. At this point, the person from area agency on aging did state to Chip that the entire building smelled like marijuana when she went in. The area agency on aging is willing help him clean his apartment out, get him home health care and get someone to maintain the apartment, to keep it clean. No one is making it look like homeless. We need to also look out for the other residents in the building. At this point, because they won't even sign for the certified letters, we are looking at an administrative search warrant. Chip is going to have to get an administrative search warrant to enter the building and hopefully take area agency on aging with us and whoever else that needs to go into the apartment. The apartment is not fit for human care. Next is Mr. Park. Solicitor Yurchak said that Mr. Park went to Chip today and he believes that he addressed the NOV. He suggested holding off on the request until Chip verify if in fact he did addressed the NOV charges. Around town there, is colored postings from the sheriff for the upset tax sale. This is

for people have no paid their taxes. Councilwomen Guardiani made a motion to advertise the revised ATV Ordinance. Councilmen Nalesnik seconded. All in favor of motion, motion passed. Tom Reigel is requesting to no pay for sewer or garbage at this time because of construction at 145 West Catawissa Street. He had the water turned on only for construction purposes. He said in his letter that construction would probably last for about 5 months. Councilwomen Guardiani to waiver sewer and garbage fees for Mr. Reigel until construction is complete. Councilwomen Fox seconded. All in favor of motion, motion passed.

RECREATION: Councilwomen Kuba said that Go Joe was today and that Joe came to town about 3:30 pm. We had police escorts, a large turnout, doctor's offices even closed to come over. Town support 100%. We were able to give a check to Joe for \$4,250.00, the town raised. That was fundraiser and such. Traffic was smooth. Councilwomen Kuba asked Solicitor Yurchak about the land. He said no information. She asked that it be revisited down the line. Benches, Angelo completed his first six benches at the end of June. Louis was very instrumental in putting them together. Those six benches went up into the park. That is all he needed to complete his Eagle Scout Badge. She said they have 32 more benches. Everyone has been painting and putting together. Had some trouble with people not responding to the calls about putting a bench in front of their property. Contracted the post office about putting a bench, but they denied. She said that it is up to the postmaster. Louie has been working with road crew and they have been doing a great job. National Night Out will be Tuesday. It is from 6-8:30p.m. There are various organizations and groups are involved as churches, VFW. The children will get 8 tickets. They can go from tent to tent to get different things. It is all free for them. They will be selling food, the recreation committee, churches and that will be for the adults. There are multiple stands from various organizations that will be handing out materials and things. All proceeds from National Night Out will go the Police Department. What the recreation department is looking for is that the police department to use it for something that is needed. Mayor Kattner will ask the police that are not scheduled if they could possible come out to help. Councilwomen Kuba made a motion to authorize the Mayor to bring out extra police and crossing guards if required. He could ask them to volunteer also. Councilwomen Heany seconded. All in favor of motion, motion passed. She also said that they are waiting on information on Johnson Park still have not heard anything. They are going to look in more playground mulch for the New Columbus Park to see if the recreation commission can fund that. The mulch would be about \$350.00 per ton. There are two quotes for putting power into the park, one is putting a 200 amp service similar to an RV park, the borough workers digging the trench including a four receptacle for power. The cost would be \$3,198.00. The other cost would be for a full panel, they make it out of wood and mounting the new panel, that quote came in at \$7,500.00. The other attempts for quotes were unsuccessful. Councilmen mentioned that he had already received two quotes and that if anyone wants to try and get another quote, he is fine with that. Councilmen Nalesnik made a motion to add electrical service for the New Columbus Park to the agenda. Councilwomen Kuba seconded. All in favor of motion, motion passed. Councilmen Nalesnik made a motion to award the job to Kresge's Services for \$3,198.00. Councilwomen Kuba seconded. All in favor of motion, motion passed.

BUDGET & FINANCE: Councilwomen Heaney said that the borough has Lacey Gonzalez and she had gotten everything on tract since there has been no Secretary/Treasurer. She said that she is going to contact Lacey to set up a meeting, help me go line by line, and what each means. She said there was a police vehicle about getting, demolition. Want to make sure that things are in the general budget and put things were they belong.

PERSONNEL & SAFETY: Councilwomen Fox said that they are still working on the Teamsters Contract and will soon be working on police contract.

Motion was made to accept all committee reports. Councilwomen Fox made motion, Councilwomen Heaney seconded. All in favor of motion, motion passed.

NEW BUSINESS: NONE

OLD BUSINESS: NONE

ADJOURNMENT: Motion made by Councilwomen Fox to adjourn. Councilmen Paul seconded. All in favor of motion, motion passed.

Meeting adjourned at 8:15 p.m.

Deborah DelFranco
Secretary Treasurer