

MINUTES FOR REGULAR MEETING OF NESQUEHONING BOROUGH COUNCIL
Wednesday, December 20, 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.

MINUTES: Motion to approve minutes from Regular Meeting held on November 15, 2023 and Special Meeting for budget held on December 6, 2023. Councilwoman Fox approved; Councilwomen Kuba seconded. All in favor of motion, motion passed.

EXECUTIVE SESSION: An executive session was held from 5:10 p.m. to 6:00 p.m.

HEARING OF VISITORS: Mike Weaver, I live on Tippetts Road. I called Greg Haas regarding his subdivision. He told him that it is not engineering matter it is more of legal matter and he told him to address Council and request a waiver for requirement subdivision improvements, so I guess that is the route that I may be going, I don't know if that is something that I can do to get this along, I don't have it with me right now. No one was really getting back to us, so that is probably the route we are going to be going with. Councilwomen Fox asked that he explain the situation to Solicitor Yurchak. He stated there are two properties, one is his house and one is his mom's house they sit on one property. We ended up getting subdivided contacting Carbon Engineering. They came to do the subdivision. The plans came thought they were all approved. I guess there was a hiccup with the sewer line, they are both connected, they were not really sure where the sewer line was because there were no plans, from when houses were put in many, many years ago. So, I met with Bob Pilla, he came to my house and did a dye test and found out where it is and actually floods right down the middle of my house, at first it was Kovach property now it is LCCC property. We then contacted Carbon Engineering, the engineers that we are working with who said was reaching out to LCCC to get an easement agreement and no one is getting back to Carbon Engineering, we are kind of at a standstill. We keep getting bills. We are in over \$10,000.00 now and we are still a square one. Solicitor Yurchak asked, bills for what? Weaver said it is for the subdivision that he just received one yesterday for revision of original plans, admin fees, because we keep contacting them to figure out what's going on and we keep getting charged. He said they wanted to come to the meeting tonight and speak and was told no, I do not want to get another bill. We figured we can try to resolve this. Solicitor Yurchak told Michael Weaver to get everything over to him and he will take a look at it. Solicitor Yurchak said he would like to see the plans, he asked if it has been submitted to the county? Weaver said yes and Councilwoman Fox said that it was approved conditionally through the borough except for the sewer line. Councilmen Nalesnik said that it was just the sewer line running through private properties. Our planning commission had approved conditional on the sewer line. President Hawk said the concern was future maintenance if something were to happen, I believe it was the planning commission's position and council agrees with them, that if there is some sort of maintenance agreement in place, which they indicated was added to the plans. Solicitor Yurchak said you could do a conditional approval. Councilmen Nalesnik said if there was an easement. Michael Weaver then said, I asked Greg Haas that concern, he said but let me ask now, what happens now if something goes wrong, it is already there, he could not give me an answer, he did not know. It's already there, we are trying to get it subdivided doing everything we can, and we are just getting anywhere. Solicitor Yurchak asked what Michael Weaver was told by Greg Haas to request from Council. Michael Weaver said, waiver from required subdivision ordinance, it basically states the all sanitary lines would be separated, because his is conjoined. Solicitor Yurchak told council that they can conditional approval or waiver, making it a conditional approval upon easement. There was a motion

made by Councilman Paul and seconded by Councilwomen Kuba for conditional approval to getting an easement with LCCC. All in favor of motion, motion passed.

Chief Weaver said he was here on another matter. He said, while I am here, I would like to thank everyone on council and the ones going off. I know that we made a lot of head way the last two years. I thank you guys and I know we had our hiccups every once in awhile, we are not always going to get along, but, I appreciate it. Thank you all.

PLANNING COMMISSION & ZONING HEARING REPORT: Subdivision was handled in Hearing of Visitors. Zoning report : Gene Kennedy had three contact and collected \$44.00 in permits fees. They were an above ground pool; storage shed and electrical service upgrade.

ENGINEER'S REPORT: No Report

SOLICITOR'S REPORT: Working with Engineers on Lake Hauto generator. He said, he would like to thank the three departing council members. You have all done a fantastic job and it has been pleasure working it all three of you.

Motion was made to accept the Zoning Report and Solicitor's Report. Councilwoman Fox approved; Councilwoman Heaney seconded. All in favor of motion, motion passed.

TREASURER'S REPORT & CD REPORT: Councilwoman Kuba asked if the CD's would all come due in January and response was yes. She asked Deb DeFranco, Secretary/Treasurer to check with Jim Thorpe Bank again to see if they could give us a higher rate. Motion to accept treasurer's report and CD report, Councilwoman Guardiani approved; Councilwoman Fox seconded. All in favor of motion, motion passed.

TAX COLLECTOR'S REPORT: We received \$14,078.33 in Real Estate; \$198.00 in Occupation; \$132.00 in Per Capita making it a total of \$14,408.33.

EXONERATIONS: We have three exonerations, one due to low income, one due to non-resident and one due to SSI.

APPLICATIONS: None

COMMUNICATIONS: We have items of communications received, none of which are requiring any actions tonight. Motion to accept Tax Collector, Exonerations and Filed Communications. Motion was made by Councilwoman Heaney approved; Councilwoman Kuba seconded. All in favor of motion, motion passed.

COMMITTEE REPORTS

POLICE & PUBLIC SAFETY: Councilwoman Kuba asked about the fund for the avoidable alarms has \$4300.00 in it. Deb DeFranco has checked with the auditors and that there is no problem get that fund and liquidate it and give it to the fire companies. Solicitor Yurchak says he no problem with it as long as the auditors do not. She said Deb talked with the auditors and there would be no problem with it. Would like to divide it between the fire companies it is \$4,300.00. Councilmen Nalesnik asked if it would

be at the end of this year. Councilwoman Kuba said that she talked with John McArdle and he stated that there are still some payment out there, so the amount for each maybe a little higher. We tried to think of different ways to divide it equally and this was the easiest way to do so. She stated that this would have nothing to do with the \$2,500.00, this would be additional. Hopefully in the Spring we can put together another boot drive. Motion to approve the disbursement of the avoidable alarms monies to the fire companies. Councilmen Paul approved; Councilwomen Guardiani seconded. All in favor of motion, motion passed.

President Hawk stated that the Police Department is requesting that their unused vacation for this year due to the limited staffing at the beginning of year be rolled over. Everyone was in agreement for them to use time within 6 months. President Hawk stated that the 6 months was a starting point to give them a point where they would have at least 6 months to use what they are going to be allotted next year. They would have at least a half a year to use it and making it shorter, requiring them to take it off in the middle of winter is not something that they should do. This will get them into this Spring and it would be more beneficial for them to take vacation. Councilwomen Guardiani said that we would be looking at a rollover of time to be used within 6 months or negotiate a buy out for some of the time, so it does not snowball. Motion by Councilwomen Guardiani to grant the police request to either carry over to be used within 6 months or negotiate portions of buy back. Councilwomen Heaney seconded. All in favor of motion, motion passed.

MAYOR'S REPORT: Mayor Kattner said that everything is going good on his side, police department going good. He attested that Officer Janner is not leaving Nesquehoning Police Department, she is putting in for West Hazleton part-time possibly. He also stated that she is not leaving Nesquehoning that she out her name out there, just to get extra hours. He said that he has a letter stating that and that if anyone wanted a copy.

POLICE REPORT: Magistrate Kosciolk; vehicle code, crimes code & Misc. \$962.88; Local Ordinance: \$14.82; Title18- Payable to Municipality: \$30.75; Title 75: Motor Vehicle; \$917.31; Individual Restitution: \$20.00; Individual Restitution: \$34.89; Magistrate Kissner, Title 75 Motor Vehicles: \$99.42; Attorney General Reimbursement: \$778.51. Parking Tickets: 10-\$450.00; Moving Permits: 8-\$80.00; Accidents Reports: 3-\$45.00, bringing a total of \$2616.20; Traffic Citations Issued: 33; Code Complaints Resolved: 25, Parking/Abandoned Vehicles: 24; Acculation, Disposal, Scattering Rubbish: 1; Traffic Accidents 9; Total Calls for the Month 175. Fire Department Summary Report: For the month of November there were 16 incidents. 6 automatic fire alarms; 4 mutual aid requests(3 jim Thorpe; 1 lansford) 1 structure fire; 1 vehicle fire; 1 special assignment; 1 wires response; 1 CO2 alarm response and 1 motor vehicle accident. Total Fire Department responses for the up til November 143. As far as the avoidable alarms, Solicitor Yurchak sent a letter to 90 E Catawissa Street and to Ametek. No Civil Service Commission report. No Emergency Management Report. Motion was made to accept, Police and Public Safety, Mayor's Report, Police, Code and EMA Reports. Councilwoman Fox approved motion, Councilwoman Kuba seconded, All in favor of motion, motion passed.

STREETS: Councilmen Nalesnik said he will have a report next meeting with regards to upcoming paving projects for 2024 and that the borough will be receiving approximately \$103,000.00 from liquid fuels, which is now a dedicated line item in the budget, so there is a clear figure on what is there to use. Councilmen Nalesnik said that most of you have seen that the no parking signs during snow have gone up, but there is an item that at an earlier meeting we discussed about changing the no parking on Catawissa Street and Railroad Street on the opposite side because of the way the sun hits the snow and not on the other side, creating blocks of ice, the workers put the signs up, per our direction and I guess

technically that is not what is said in the Ordinance, Snow Emergency, No Parking, contradicts what we did on Catawissa Street and Railroad Street. Asking what Council would like to do, amend the Ordinance or go back to putting signs the way the Ordinance says. If we were to change the Ordinance, big project or what? Solicitor Yurchak said it is not a big project, it would be able to be done next month, but not today. He said we can do it as a temporary police regulation also as an experiment, just add another sign on top of the other. With what you have now just add temporary police regulation, no parking. The problem is according to Councilmen Nalesnik is that without any Ordinance, the police will lose their ability to ticket. Solicitor Yurchak said, if you make it a temporary police, no parking they do not lose their ability. They are still able to ticket, it is an experimental thing to see how it will work. We can do that for now until we get the Ordinance amended. Solicitor asked if he would like Council to amend the current Ordinance and advertise, yes for the next meeting. Councilmen Nalesnik said we could do the temporary police regulation this year and see how that goes. If it goes well, then we could amend the Ordinance next year. Councilmen Nalesnik made a motion for temporary police signage on Catawissa Street and Railroad Street, to allow proper Ordinance enforcement. Motion by Councilmen Nalesnik to authorize the temporary police parking restrictions for snow on Catawissa Street and Railroad Street as a trial this winter. Consisting of posting the shady side of the street. Councilwoman Heaney seconded. All members in favor of motion, motion passed. Councilmen Nalesnik said that Center Street was left the same because of the poles on the one side. Catawissa, Railroad and Center Street temporary signage. Councilmen Nalesnik made a motion to amend the previous motion, adding on Center Street along with Catawissa and Railroad Street. Councilwoman Heaney amended her seconded. All in favor of motion, motion passed.

SEWER: Councilwoman Fox made a motion to accept the November 2023 Sewer/Sanitation Adjustment Report. Councilwoman Guardiani seconded. All in favor of motion, motion passed. Councilwoman Fox said the only other thing for sewer is that Martin's did submit pricing for replacing pipe at the Rhododendrum Pump Station, and there were two trucks for the borough keeping it cleared.

BUILDINGS & GROUNDS: Councilmen Nalesnik said that New Columbus Park power was proceeding. The new pole that PPL wanted to install on 12/19/2023, now that the pole is there PPL can come and install power and hopefully for some power for the Christmas Holidays, but that did not happen, but it is close to completion. Still talking about New Columbus Park, we are waiting for the survey of the park it is the first step for the grant application process, still waiting on the actual paper quote on the survey company. Hope to have for next meeting. Yearly this month some committee members, Recreation committee, the engineer firm that works with ARRO, our engineering firm that does building projects, met with them at the rec center and they are willing to get estimates for renovations and possible additions as well as some drawings as the first step for the grant process, that is where that project is and we are waiting to get the data back from them and their cost, would eventually be rolled into the grant application costs. There will be an upfront cost, but will recoup, if the project is done. In your packet you received a quote to have the HVAC heating coil fixed for the police department. I did authorize for it to be done, considered an emergency repair for the heating. The job was done. Motion was made to ratify the expense for the replacing of the heating coil at the police department, cost at \$704.23. Councilwoman Kuba seconded. All in favor of motion, motion passed.

SANITATION AND QUALITY OF LIFE: Councilwoman Guardiani said that the tonnage from Tamaqua Transfer for the month of November was 140.56 tons. The next this, it was mentioned in workshop session, that the Quality of Life Committee along with myself, Robert Yurchak, Deb DeFranco, Chip Stalega, Susan Smith, Paul Kattner we invited the new council members to sit down and talk about rental properties both long term and short term for this borough. There is a ton of work that needs to

be done in this area. Myself and Solicitor Yurchak came up with a list of to do's that needs to be done, before we can go any further with rental properties. Deb can attest to the fact that it is going to be lots of work to get done, with that in mind, I am going to put forth a motion to extend the moratorium for the short term rental Ordinance til July 1, 2024, to give time to work on all of this, there is a ton of paperwork that needs to be done and put in place before this could happen. There is no sense of having this Ordinance on the books, if it can not be enforced, so I am putting that on the table for the motion. Motion was made by Councilwoman Guardiani to extend the moratorium on the short term rental Ordinance until July 1, 2024 to permit time to enforce it. Councilwomen Kuba seconded. All in favor of motion, motion passed. Councilwomen Guardiani went on to speak about the Ordinance that Solicitor Yurchak recently worked on, that is very encompassing, covering all loopholes also on long term. Trying to get the paperwork all together on the same page. Councilwomen Guardiani said that she has an update of blue print community. We did submit their application by December 1, and notified on December 11 that they were chosen for the community visit on December 13th which took place and that meant that their application scored as one of the top applicants makes it very possible that we may get this designation as a blue print community. The visit went very well. We ended the visit at the Elementary Center where their Christmas food pantry was taking place, she saw the good, the bad, she saw the needy, she saw all of what is in the community, it was very impactful. Hopefully we will know by the first week in February, now we just still and wait. We will find out whether Panther Valley is chosen as a blue print community. **BLIGHT COMMITTEE:** Councilwomen Guardiani, she said that there was a lot of progress made, being very aggressive with blight and hoping that this continues in the future. There is a dedication line item on the Budget for Blight for \$25,000.00, for here on out to remember Act 152, as of January 1st there will be a \$15.00 fee for recording of all deeds in Carbon County, so there is an official Blight Fund for demolition established, the chances of us having to spend what was spent on High Street does not happen again. Councilmen Nalesnik asked if there is an estimate of what is going to the county. Councilwoman Guardiani responded, that is going to depend on the mortgage rates, if houses sell, if they don't sell. The monies are there and that is the good news. Because of the community we have a blight fund, we get top priority. We are at a much better place. She went on the say Thank You to Council for letting her have to honor of serving on the Council. She learned a lot. It has been a pleasure working with all of you. It has been a nice ride. Councilwoman Heaney went on to say that Councilwomen Guardiani worked hard to get this community to where it is at.

RECREATION: Councilwomen Kuba said not much going on with recreations. Holiday went really well. Visit with Santa was good. Presents were handed out to about 80 children. On March 2, 2024, the 2nd annual Gun Bingo, they are selling about 200 tickets. Selling them until sold out. In the Spring (late Winter) putting out benches. There are about 8-10 people requesting benches, we will entertain that again this year. There are 36 benches already in place, Angelo did his for his eagle scout project. New things on the horizon with rec center, bathroom, kitchen, eventually.

BUDGET & FINANCE: Councilwomen Heaney said there was interesting year with the budget. All learned a lot and worked hard on it. Everyone was hands on and what was needed to do and learning all together forward. There was a discussion on December 6th to tentatively adopt the budget that we came up with. I have to make a motion to approve the 2024 budget. Motion seconded by Councilwomen Guardiani seconded. All in favor of motion, motion passed. Also, Councilwomen Heaney said they did not make this an easy decision to raise the mileage for 2024. We have to make a 1.25 mileage increase for 2024. Thank god for a full staffed police department. We apologize, but needed to increase mileage. She made a motion to increase mileage of 1.25 for 2024. Councilwomen Fox asked what a mil was worth and it is down from last year and not getting what was last year. Councilwomen

Heaney stated that a mil is \$62,983.00 for 2024. Councilwoman Fox said that for 2023 it was almost \$64,000.00, we are losing \$2,000.00, we are not getting a lot more money than we did last year. Solicitor Yurchak stated that the county does the mileage based on the assessed value of properties in the taxing district. Councilwomen Heaney said that our garbage contract is up this coming year in 2024 and that is going to be doubling, based on other communities. Do a little bump at a time. Councilwomen Kuba seconded the motion. This would bring the mill rate to 20.8 for 2024, with 17.5 going to general; .35 sports complex; 1.85 fire truck fund; 1.1 street lights. All in favor of motion, motion passed. Motion to ratify the advertisement of the proposed 2024 budget following December 6, 2023 meeting. Councilwomen Fox made motion to ratify advertisement, Councilwomen Kuba seconded. All in favor of motion, motion passed. Motion to have solicitor to prepare and advertise the Tax Ordinance for 2024. Councilwomen Heaney made motion, Councilwomen Guardiani seconded. All in favor of motion, motion passed. Councilwomen Fox asked for a motion to authorize Deb DelFranco, Secretary/Treasurer to pursue applying for credit card at JTNB for Borough Business. Councilwomen Heaney seconded. All in favor of motion, motion passed. Councilwomen Heaney said that she was appreciative to be allowed part of this Council. I know all of you for longer, and appreciate all the hard work that everyone has done. I unfortunately have to say good bye for now, because working full time is little bit of a detrement for me to be involved, and not beng nvoiced the way that I feel I should be. When retirement hits, maybe I will think about coming back. Most of the outside community does not know what the inside of the borough actually does to try and make the community better. Good luck to the next person who is put on budget, between, state monies, county monies and such it is a lot. I have learned so much.

PERSONNEL/SAFETY: Councilwomen Fox did say that there was an office staff member that has two vacation days left and due to the situation could not use. She has two days left that we could either approve to carry over or to pay out. Councilwomen Fox made the motion to either have Susan Bamford carry over the two days or chose to be paid out. Councilwomen Guardiani seconded. All in favor of motion, motion passed. Councilwomen Fox asked that a Thank you go out to RoniSue Ahner for the 17 years she was here and that she carried them through a lot. She said we never had to borrow from our line of credit while she was here. People do not understand that we do not get any tax monies until April of the next year. I would like a Thank you sent to RoniSue for her service at the borough. Motion was made by Councilwomen Fox to send out a Thank you to RoniSue Ahner for her time here at the borough. Councilwomen Kuba seconded. All in favor of motion, motion passed. Councilwomen Fox did say that the council that will still be sitting here, Thank you. She also thanked Abbie and Fran for their service and Louie Paul. She was glad that all were here to keep the borough going along. People don't realize that there is a lot of behind the scences to make the borough work. She thanked the three members of council that are leaving. Councilmen Nalesnik discussed of ADP for possible consideration, our payroll duties. Council has to quotes in front of them. There were two questions that came up previously, term, there is no term requirement, there is no contract or obligations, and the training will be virtual. Training would be virtual so that as we discuss previously. Motion was made by Councilwomen Guardiani and seconded by Councilwomen Heaney to enter into an agreement with ADP to process our payroll. The estimated pricing is approximately \$436.35 per month, yet that would be based on number of employees. We will be doing this as a trial period, if we decide at sometime in the future to give the payroll back to the our office staff, we can proceed then. There were 5 yes and 2 no, motion passed. Motion to accepts all committee reports. Councilwomen Fox made motion, Councilwomen Guardiani seconded, All members in favor of motion, motion passed.

NEW BUSINESS: President Hawk said that Council did receive on December 18, 2023 a letter from Paul Kattner. It stated: I, Paul Kattner was elected this past municipal election to both a two-year term and

four-year term for the Nesquehoning Borough Council. I have decided to decline the two-year term that I was elected to. I am looking forward to serving with and working with my fellow council members during my four year term. Thank you signed Paul Kattner. We will forward this to the election bureau, but for public tonight we will have a vacancy to appoint in 2024. We will have 30 days to fill the seat from the 2nd of January. If we do have letters by reorganization, then we can fill it then. Before moving on to Old Business, President Hawk thanked, Councilwomen Guardiani, Councilwomen Heaney and Councilmen Paul, again for Councilmen Paul for serving his elected term. He was beneficial on our street department over his latest term on council. And mentioning Councilwomen Heaney and Councilwomen Guardiani, they both showed an interest when we needed people, he said that he is grateful that they did it. He also went on to say as far as the budget and the quality of life, that both of their contributions have been immeasurable to this borough. He said Thank you.

OLD BUSINESS: Nothing to Report

President Hawk did say, that we as Borough Council would like to acknowledge our Solicitor Robert Yurchak for thirty years of service and dedication to the Borough of Nesquehoning. Through the thirty years your talents and efforts have contributed significantly, the success efforts of our Borough. Together we take pride in your commitment and we take this moment to Thank You for choosing to remain here and service your community. We wish to recognize your thirty years of service, by having this plaque placed in our Borough office in your honor. You will notice there is no finish date on the plaque, as we hope to have you as our valued Solicitor for many years to come. Councilwomen Kuba, did present Solicitor Yurchak with an engraved gavel.

AJOURNEMENT: Councilwomen Guardiani move, Councilwomen Heaney seconded to adjourn the meeting. All in favor yes. Meeting adjourned at 8:00 P.M.