

**MINUTES FOR REGULAR MEETING OF NESQUEHONING BOROUGH COUNCIL**  
**Wednesday, February 28, 2024 at 6:00 pm, Borough Office**  
**114 W. Catawissa Street, Nesquehoning, PA 18240**

President Hawk call meeting to order at 6:00 pm.

**PLEDGE OF ALLEGIANCE**

**ROLLCALL:** COUNCILWOMEN/COUNCILMEN FOX, SMITH, KUBA, SHUBECK, NALESNIK, KATTNER, PRESIDENT HAWK, MAYOR KATTNER & SOLICITOR YURCHAK

**MINUTES:** Motion to approve minutes from Regular Meeting held on January 24, 2024, Workshop Meeting held on February 14, 2024 made by Councilwomen Kuba; seconded by Councilwomen Fox. All in favor of motion, motion passed. Motion to approve previous minutes from June, July, August, September & October 2023 Regular and Workshop Meeting's made by Councilwomen Kuba, seconded by Councilwomen Fox. All in favor of motion, motion passed.

President Hawk reported that he did, since we appointed Councilwomen Shubeck at our January meeting, I have realigned the committees, that were handed to council tonight. There may be some differences from the committees moving forward versus what is on the agenda, which still has the vacancies listed on it. We are moving on to the Hearing and Visitors, as many of you are aware, I am an employee at Panther Creek and I am sure there will be some comment here tonight, so I am going to recuse myself from this portion of the meeting tonight and hand the gavel over to our Vice-President, Councilwomen Fox, so that there can't be any conflict of interest and I will be silent for the Hearing of Visitors.

Councilwomen Fox said before we start with the Hearing of Visitors, the majority of you are here tonight because of the Panther Creek Co-Gen plant. I am a lifelong resident of Hauto. I have had dealings with DEP over the many past years since 1993 with the co-gen plant, with the dirt on the roads, the trucks coming through past your house, the tarps, I feel your pain. What I would like for all of us here tonight is if you have groups here that you have one spokes person and that we limit the time line with the discussion.

**HEARING OF VISITORS:** My name is Brandon Fogel and I am here tonight representing Save Carbon County. As you know, we are opposed to a permit that will allow the burning of tires, and also there has been some information published recently that we disagree with and wanted to address. Panther Creek Power continuously monitors emissions, this is sort of true, they do monitor some emissions, the ones that are for burning coal. They do not monitor particulates, especially the smallest particulates, which are the most damaging, because they can easily become imbedded in lung tissue, they do not monitor the pollutants typically admitted to burning tires. They do not monitor for benzene, which is known to be embedded in tires, they do not monitor for aromatic hydrocarbons, which are admitted by burning tires and the most dangerous to human health. There are several known carcinogens in these emissions. In 2022, the EPA records showed that the plant admitted the highest amount of arsenic, lead, and mercury they have had in several years and that increased, and that increase coincides directly with the onset of the test tiring burning at the plant. They said that burning waste coal removes piles of waste anthracite, which is good for the environment, we agree that , the coal banks are a source of water pollution and a possible fire hazard and they should be removed, however the flash is produced by burning the coal bank is an equally damaging pollutant, that is placed in abandoned coal mines which introduces the toxins to the aquafir poisoning streams and water supply, so basically we could have coal banks poisoning the streams or we could burn them and wind up with flatash poisoning the streams.

Furthermore, they do not burn coal bank in Carbon County, even though we have many, for some reason they import the coals from elsewhere in Pennsylvania which causes another problem. Panther Creek says that they act as a backup to the electrical grid, but they do not say how much power they actual put into the grid, we as a group would like to know the annual amount of power they contribute to the grid by claiming to be a contributor their operations are subject to more lenient standards than what is required. Again, Carbon County is the recipient of pollutants outside of our county. The waste coal is not ours which means we do not benefit and the tires are imported from other counties and even other states. Thank you for letting us talk and nice to see you, and also we have 379 signatures on petitions against the burning of coal, we will get you copies of these. Hello, my name is Helene Katz and I am from Penn Forest. She said that it is her understanding that Panther Creek Power Company has approached the DEP to allow the burning of tires on site. We are concerned that Carbon County will become pollutant with toxic chemicals that cause cancer, lymphoma and this is published by Mayo clinic. PA Executive Order 2021-07 is the following statement, regarding Environmental Justice. Environmental Justice embodies the communities and populations should not be exposed to the adverse environmental impacts. It is our duty to ensure that all Pennsylvanians , especially those who have been typically are involved in the decision that effect all communities are not unjustly. Simple put environmental justice usually lets all people treated equal at the table. We also feel the Nesquehoning should be obligated to protect the underage children from the plant. It is our contention that the impact of clean air encompasses the entire area of Carbon County and parts of Schuylkill County and portion of Hazleton County, and we contend that we have received insufficient information on the emissions and plans to conceal the emissions, potential for environmental disasters. We ask the Council to urge DEP to stay their decision until the burden of information requested has been resolved.

My name is Joseph Kennedy, a financial institution that competes on the world with, euro's and francs and the American dollar has trouble burning waste coal, they can not afford to do it. I don't understand, that a financial company is hurting for that, and also they say that the banks create all the pollution into the streams, actually it is the thousands of opening that were drainage tunnels, tunnels that were used to mine coal. They are all leaching and that is where the large amount of pollution is coming from. This is iron oxide and acid. The coal banks probably create probably about 4 percent of the pollution. Also, I do not understand that the device that they say to keep the pollution going is a hydro device, which I picture as something horizontal and smoke goes vertical and not sure how that device would work. I feel they would need to explain that to us for that device works. My name is William Longacre and I understand that your Ordinance in Nesquehoning Borough states there is to be no rubbish, or tire burning, specifically in the Ordinance, but they can burn rubber tires. This is our Borough, we pay the taxes, not them, so I do not see how that sneaks through there. I know that the DEP is involved and I have also contacted the Game Commission and Fish Commission, that is part of the Borough and because DEP says so, it is okay. Councilwomen Fox did say that it does not make it right, we are at the bottom of the totem pole unfortunately. I feel the borough has dealt with DEP, you need people that are at the top, state affiliated, they are in charge of DEP. They can have more say than a borough. We are not getting compensated at all, I have breathing problems, my wife has breathing problems. Our houses are all covered. I spoke with the State Senator, he was helpful, but point is that he lives in Palmerton. They had the big zinc disaster years ago. A lot of people that died from cancer. The plant is still there. Joseph Kennedy said that they need a better fuel to burn, that the coal, right up above three miles from here is a brand new coal mine that produces anthracite, the best in the world, and it actually 1 ton of anthracite produces 24 to 25 million BTU's, that's one ton and they have compared it to other coal and they have said that tires burn 25%. Hello, my name is Joanne and I just recently moved up here 8 months ago and since I have moved up here, I am completely harassed by my neighbor about where I park. The guy has come unglued on me, unfortunately, I am not able to get a copy of the report, because I can't get someone to call me back in order to get the report, and the excuse that I got was maybe he was having a bad day. That does not fly with me. I was told by the police department, they know my car, they know where I park, and it is fine where I park. This guy has threatened me and he has come unglued and I'm

not getting anywhere, I can't even go near him, there is no talking to him, he has threatened to come to the borough to make sure that I can't park on the street that I live on. This guy is a nightmare. I did not move up to move next to that. I only want to know what to do. Chief Weaver, said he was at her house and he know they person she is talking about. I am not sure why nobody called you back, he said. He asked if she called the station and she replied by saying yes and I was told the neighbor was probably having a bad day. Chief Weaver said we had the discussion and she is allowed to park there, she is aware that she is allowed. Weaver said that he knows the officer. Joanne said that her neighbor has harassed her, had come unglued with her and he is knocking on her door. She said that could not even find out if the police has spoken to him and she was told it was none of her business. Chief Weaver asks if she knew what officer she spoke with and she replied and said she did not know who she spoke with. Chief Weaver are you trying to get a copy of the police report? Joanne said yes, I was told I could only get it from the Chief of Police. Weaver said after the meeting I will get your information. Jim Whitehead from Mahoning Township, just some clarification with regards to the power generation plant, within the week maybe here has gotten a phone call, it had to do with Senator Argall and a meeting and I was able to ask a question, in the response Dave Argall said, he frequently rides on the trails near the co-gen plant and they have been burning tires for years, and that is news to me. Councilwomen Fox said that yes, they have had a temporary permit and have been burning tires for years. Mr. Whitehead said that in the Times News article editor this past week they had a rebut against people are here and said that they haven't burned tires since a day in 2023. Councilwomen Fox said that they have not been burning. Mr. Whitehead said the bottom line here, voting wise, are very supported of the generate power plants or burning tires, because it give people in Carbon County jobs. The belief that the coal vents that we have here have been planted or seeded by the birch trees and the solidify and stop the erosion as I heard earlier the drainage tunnels that were here are the ones that leach into the streams and rivers, but bottom line is that Dave Argall are definitely for the tire burning. I do not necessarily agree, but the state subsidizing them I believe and I wish the other business were subsidized also. Councilwomen Fox said that the co-gen plant has had a temporary permit to burn tires and have been burning tires up until a point of last year. I know that my neighbors have said to me that they must be burning tires, because I have all of this soot on my car, they are not burning tires right now and have not since last year, so anything that people are saying they are smelling tires burning, it is not the co-gen plant because they do not have a permit as of now. Their temporary permit ran out and they are reapplying for a new permit. Maria Turusso said the previous meetings that there were fines issued to the plant, if they have not been burning tires, then what are the fines for, she asked. Councilwomen Fox said that she could not answer that, no sure what fines are for. Maria Turusso said she would like to know what the fines were for. Councilwomen Fox then handed the gavel back to President Hawk.

**EXECUTIVE SESSION:** No Executive Session wanted or needed.

**PLANNING COMMISSION & ZONING HEARING REPORT:** Councilwomen Fox reported for planning and said just to inform everyone, that I did speak with Ivan Mitzal from the Carbon Planning Commission for the spur going into the plants up there and they are exempt from doing anything with planning or zoning, but they do have to something for if they plan of putting a station in there and using it for parking, and shuttle station. They do have to come in front of the planning commission, so he said, they would have to start with Gene Kennedy first. He said that is not exempt and that they would have to go through planning and zoning. Councilmen Nalesnik asked if we needed to send some kind of letter to them. Solicitor Yurchak said that they have not responded to the first two letters that he has sent. Councilwomen Fox said that maybe Gene Kennedy can look into it. Councilmen Nalesnik said that he thinks council should pass and have Solicitor Yurchak initiate and have the letters on file. President Hawk said that in the letter it should state what the process would be for them to start. Solicitor Yurchak said that he would do the letter. Solicitor Yurchak said that he would state that they have so many days to respond.

**ENGINEER'S REPORT:** None

**SOLICITOR'S REPORT:** Solicitor Yurchak reported he has not gotten any responses from the letters he sent to the railroad either on easement or the sewer line. I did email yesterday the firearms Ordinance, it is primarily review at this point, if we want to move on it, we can next month. Councilmen Nalesnik, asked if we needed to advertise that again and Solicitor Yurchak said it is an amendment to the Ordinance, so it would have to be advertised. Since Abie was involved, I did send it to her to look at.

Motion was made by Councilwomen Kuba to accept the Solicitor's Report, seconded by Councilmen Kattner. All in favor of motion, motion passed.

**TREASURER'S REPORT & CD REPORT:** President Hawk said that the CD's are at 4.50% until November of 2024. Councilwomen Fox made motion to accept the Treasurer's Report and CD Report. Councilwomen Kuba seconded. All in favor of motion, motion passed.

**COMMUNICATIONS:** President Hawk reported that there are nine (9) pieces of communication. We did discuss at our workshop meeting that we did receive notice that the Reading Blue Mountain and Northern Railroad has petition the PA PUC regarding the status of the crossing up at Tippetts Road to convert from a private to a public crossing, again this is in their best interest as well as our best interest to get signaling up there. Motion to approve the Easter Egg Hunt given by Mike and Alice Nahaj at New Columbus Park and that the parents sign a waiver was made by Councilwomen Smith and seconded by Councilwomen Fox. All in favor of motion, motion passed.

**COMMITTEE REPORTS:**

**POLICE & PUBLIC SAFETY:** Councilwomen Kuba made a motion to reappoint Joseph Guardiani as Civil Service Secretary for 6 year term of 1/1/2024 to 12/31/2029. Councilwomen Smith seconded. All in favor of motion, motion passed.

Motion was made by Councilwomen Kuba to ratify the approval from purchase of 3 Body Cam Licenses from Axon in the amount of \$2,198.00. Councilwomen Fox seconded. All in favor of motion, motion passed.

Motion was made by Councilwomen Kuba to approve the Firearm Instructor classes for Officer Herring on June 12<sup>th</sup> at the cost of \$500.00, also Officer Lahovski on April 22<sup>nd</sup> at the of cost of \$400.00.

Councilwomen Smith seconded. All in favor of motion, motion passed.

Motion was made by Councilwomen Kuba to distribute the Social Media Policy to each active members of the three Fire Companies and to send back acknowledgement to the Borough Office. Councilwomen Smith seconded. All in favor of motion, motion passed.

Motion was made by Councilwomen Kuba to donate one police radio to the Panther Valley School Police. Councilmen Kattner seconded. All in favor of motion, motion passed.

Motion was made by Councilwomen Kuba to approve the purchase of ten new firearms in the amount of \$10,655.00 from Jim Thorpe Guns & Ammo. Councilwomen Smith seconded. All in favor of motion, motion passed. Chief Weaver did say that they received a donation to upgrade the firearms. We are looking at completing this within the next couple of weeks. Councilwomen Kuba would like a letter of Thanks to be sent out for supporting the Borough.

Motion was made by Councilwomen Kuba to approve the arming of Nesquehoning Police Department at no cost to the Borough. Councilwomen Smith seconded. All in favor of motion, motion passed.

Chief Weaver reported that there is an update on the body cameras, the information was sent to Axon for the three licenses and received a call from our Axon rep, and inquiring what the status was and I had remind him that I sent the request a few days ago, he is processing the request. Not sure how long it will

talk, but as soon as we have the licenses, we could start using the body cams. I am hoping by end of March. He said that he has a power point for training and that most of his staff has used body cams before.

**MAYOR'S REPORT:** Mayor Kattner reported that all is well. Basically, we definitely need the body cams. If you have it on tape it will cover you in a court of law. Chief has the car out running. Good to go. Chief Weaver said that there is no problem with the car.

Councilwomen Kuba reported that she spoke with John McArdle and they came up with April 7<sup>th</sup>, with a raindate of April 14<sup>th</sup> for the Boot Drive. They are getting a schedule together and would need some help and asked if anyone could possibly do an hour. She mentioned that some of the old council is coming to do the boot drive. She added that the last one they did was very successful and she hopes that this one will go well also.

**POLICE REPORT:** Magistrate Dobson: vehicle code, crimes codes & misc: \$766.55; dog: 38.62; local ordinance: 315.92; title-18; 152.98; title 75: 259.03; individual restitution: 52.50. Attorney General: \$441.36. Parking Tickets: 8/\$75.00; Moving Permits 19/\$190.00; Accident Reports 3/\$45.00. Total of \$1870.41; Traffic Citations Issued: 35; Code Complaints Resolve: 55; parking/abandoned vehicles-51; accumulation, disposal, scattering rubbish-1; condemned properties-3; Traffic Accidents: 8; Total Calls for the month is 169. FIRE DEPARTMENT SUMMARY: President Hawk reported 7 responses. 1 automatic fire alarm; 2 mutual aid (1) Weatherly, (1) Mahanoy City; 2 dwelling fires; 1 rescue; 1 carbon monoxide; 1 vehicle fire. Total for the year is 8.

**EMERGENCY MANAGEMENT REPORT:** John McArdle reported that the EOP plan has been updated, it is good for another two years. I have sent a letter out in response from the Fire Department on the tracker trailer fire that occurred this month down on 93 and 209. I received the certified card back and I request council's permission that before the next council meeting, if we do not have a response from the vehicle owner that the solicitor could pursue the collection of the cost that incurred. Solicitor Yurchak said the email him the information.

Motion was made for the EMA and Solicitor to pursue restitution for the vehicle fire by Councilmen Kattner and seconded by Councilwomen Smith. All in favor of motion, motion passed.

Councilmen Nalesnik asked if last incidents were whole and John McArdle responded and said not yet. John McArdle reported that the last one they had, we tried to pursue that, it was the tractor trailer that came down, the problem that we had there trying to go after the owner/operator, they are out of state. If they are independent contractors, we are not going after Amazon, that once they leave Amazon parking lot, the Chief can tell you that it took us about an hour and a half to try to come up with what was inside one of the trailers. Solicitor Yurchak said that it gets very tricky when they are out of state, you generally get judgements, collecting them are another story because of being out of state. Their insurance carriers don't even reply. John McArdle then said, we chase people and it is all finger pointing, it's going to this one to that one an a lot of the times people don't speak English. We are wasting good money after bad money. This last one was a local person and hopefully it is successful.

**HOUSING & CODE ENFORCEMENT OFFICER'S REPORT:** President Hawk reported the code report from Chip Stalega (Barry Isett) for January. He had 51 contacts and zoning officer Gene Kennedy had 3 contacts for permits. Total received from zoning permits was \$456.00. Councilmen Nalesnik reported that Chief Weaver has the handi cap application and will review.

Motion to accept Police & Public Safety, EMA, Zoning, Code, Mayor's Report, Police Report made by Councilwomen Fox, seconded by Councilwomen Kuba. All in favor of motion, motion passed.

**STREETS:** Councilmen Nalesnik reported that the Street Sweeping is set up for May 6<sup>th</sup> thru the 10<sup>th</sup>, we have the same size machine as last year reserved, No PO needed. I will talk with the crew to make sure everyone is available and they will start posting signs like last year. Today, Paul and I met with ARRO to do some possible street projects, and hoping to have some estimates for the workshop, what we focused on right around the amount of what we are to receive from our Liquid Fuels. Hope to have report for Council at workshop.

**SEWER:** Councilwomen Fox made a motion to accept the Sewer/Sanitation Adjustment Reports. Councilwomen Kuba seconded. All in favor of motion, motion passed. Councilwomen Fox reported that I did call Mr. Brown and left a message for him to call back, I did state to him that his check valve needed to be cleaned out. He has not called the office. As far as the prison well, when they build the prison, they put drilled two wells, but because of the contaminants in the second well, they weren't using it, now they are going to be using it so that was whole thing with the septic well. Bob Pilla said that Bill McMullen is having his sewer staff look at the situation. They are going to look at the contaminants and get us report. Councilwomen Fox said, they will have to put a meter on the well before start using.

**BUILDINGS & GROUNDS:** Councilmen Nalesnik reported that hoping by workshop will have some kind of estimate for the Recreation Center Renovations, and Industrial Road grant is still in the works. New Columbus Park same. There are a lot of things going on right now and hopefully will have some news soon. Councilmen Kattner reported that there was a large tree down at New Columbus Park, road crew took care. The electrical is complete, there is a meter, so anyone who wants to do activities, there is electricity. Mayor Kattner mentioned about putting some more dirt down at the park.

**SANITATION & QUALITY OF LIFE:** Councilwomen Smith made a motion to accept the January 2024 Tonnage report from Tamaqua Transfer in the amount of 165.81 tons. Councilwomen Fox seconded. All in favor of motion, motion passed. Motion was made by Councilwomen Smith to accept the 2023 year tonnage from Tamaqua Transfer in the amount of 1815.26. Councilwomen Fox seconded. All in favor of motion, motion passed. Councilwomen Smith made a motion to accept the Recycling Report from Waste Management of 23.3 tons. Councilwomen Fox seconded. All in favor of motion, motion passed. Councilwomen Fox asked if there is a report that needs to go to the State. Solicitor Yurchak said that it is just for our records and when the contract comes up, we might be able to use the tonnage amounts. Councilwomen Smith reported that under the Quality of Life, she spoke with Chief Weaver, as we all know, the weather is getting warmer, our code complaints are going to get larger and we are going to sit down with the Chief of Police and Chip Stalega from zoning and fine tune with the office staff as to how the code complaints are going to be handled as they come in. Which ones go to the Police Department versus what needs to go to Chip Stalega, also we are going to utilize the ticketing from Quality of Life that Abbie had worked on last year, up and running this year, which will be important and just try to get ahead of it before we start to get complaints out of control, and possibly cut down Chip Stalega and utilize our police department with what they could help us with and now that we have a full committee, we can sit down with everyone and go over it. We also had been given copies of long term and short term polices, so we are going to review them and bring them to the next workshop and hopefully by next month have them approved and up and running, so we can start distributing to our rentals. Councilwomen Kuba asked about the Spring Recycling truck. Secretary/Treasurer DelFranco responded and said she will look into it. Councilwomen Fox asked Secretary/Treasurer DelFranco what recycling she used to deal with and cost for the Borough to do the recycling instead of having the truck.

**RECREATION:** Councilwomen Smith reported that they met with the Recreation Committee and spoke about a couple of things and they gave us a list of their volunteers of who would be working the different events. Also, the Nesquehoning Community Events Committee meet and we decided to donate \$250.00

to the Mike Nahaj Egg Hunt, so he could either submit a receipt to us for \$250.00 or he could let us know if he would like for us to order on his behalf. I also talked with him and if anyone in the public would like to make a donation they could drop either to the borough office or his home personally. We appreciate any donations that anyone would like to give, every little bit helps and I think that anytime that a member of the community would take on a project like this, themselves just to give the kids something to do, is a great idea. We should support wholeheartedly. Why go out of town, when we could do an event in our own borough. Councilwomen Smith made a motion to advertise for 3 new additional members for the Recreation Commission. Councilwomen Shubeck seconded. All in favor of motion, motion passed. Councilwomen Smith made a motion to approve the list of volunteers for the Recreation. Councilwomen Kuba seconded. All in favor of motion, motion passed. Councilwomen Kuba reported that the benches will be coming out soon. She has gotten a lot of responses. In near future, she would like to see a dog park. Councilwomen Fox said that she would like to elaborate more at the March workshop on the dog park. Councilwomen Kuba said that she hopes to keep the cost of the benches at \$225.00. All volunteers will be doing to work. The road department help by putting the benches together. She said that they are going to check the benches to make sure all is good with the ones that are out and about. She said that so far nothing has been destroyed. Councilwomen Fox asked if anyone has toured the Narrow Valley Sports Complex. She mentioned that she did a tour before coming to the meeting. They are expecting to have the volley ball courts and basketball courts. Jim Thorpe School was there practicing soccer. They are going to be doing the courts next, she said that Bulldog is expanding. Chief Weave mentioned that he was over there yesterday and that they were explaining to him that do to Bulldog's expanding their walking track from four lane to two lane, but it still is really cool.

**BUDGET & FINANCE:** Councilwomen Kuba made a motion to approve Resolution 2024-03 authorizing Deborah DelFranco, Secretary/Treasurer as a signer for the Borough of Nesquehoning Police Pension Plan. Councilwomen Smith seconded. All in favor of motion, motion passed. Councilwomen Kuba reported that all the CD's re renewed and will looking at over the summer, different avenues before they come due in November. We will be meeting sometime in March to go over the Budget, watch the spending in your departments.

**PERSONNEL & SAFETY:** Councilwomen Fox reported about getting started on the Teamsters contract. We have to wait until they present to us. Solicitor Yurchak said that the borough can ask for a proposal at this point. Councilmen Nalesnik said that he would not mind serving on the committee for the Teamsters Contract, he already works the road department. He said he since this contract is established and it is not the first one, it would go a little smoother and won't be crazy.

Motion was made by Councilwomen Fox to accept all Committee Reports. Councilwomen Kuba seconded. All in favor of motion, motion passed.

**NEW BUSINESS:** Councilmen Kattner mentioned that since he is no longer on Quality of Life Committee, I was appointed to be the council member on the Blight. I would like to stay on the Blight committee as the council member.

**OLD BUSINESS:** None

**ADJOURNMENT:** Councilwomen Fox made a motion to adjourn meeting. Councilwomen Smith seconded.

DEBORAH DELFRANCO

SECRETARY/TREASURER  
7:25 P.M.