

**MINUTES FOR SPECIAL MEETING OF NESQUEHONING BOROUGH COUNCIL
Wednesday, October 9, 2024 at 6:00PM, at Borough Office
114 W. Catawissa Street, Nesquehoning, PA 18240**

President Hawk called meeting to order at 6:00 PM

PLEDGE OF ALLEGIANCE

**ROLL CALL: COUNCILWOMEN/COUNCILMEN FOX, SMITH, SHUBECK, KUBA,
NALESNIK, KATTNER, PRESIDENT HAWK & MAYOR KATTNER**

PURPOSE: Committee/Workshop Meeting

President stated that there will be an executive session after meeting. He also stated that we do not have a scheduled Hearing of Visitors since there is nothing that we will be taking official action on tonight, again if something comes up for discussion we may allow comment from the visitors. Before we get to the Committee Report, we did invite our engineer tonight to give us an update on some of the questions that we had and some of the questions that came up at the last meeting.

Bill McMullen, Arro Consulting stated that I did visit the site a number of times, Park Avenue. We are aware of the constraints that the property owners do have. There are some areas of concern with the alignment of the curb. When, I stand on the radius of the existing curb, it appears that the curb that would be put in will not be encroaching any area that are being called wetlands. Once again, I don't believe there is an obstruction, there will be no encroachments, does there need to be provisions made by property owners for water flow through the grass areas, probably so. I did authorize the survey of the area of Park Avenue, so we can lay out the perimeters, at this point it is premature for me to say, exactly where it is going to be in relationship to anything, until we get a survey, and until the survey of the existing facility. I have been in contact with DEP, they believe that some of the comments at the last meeting were taken out of context as to what was said. Yes, there is a lot of water, water runs down. There are inlets on north, south streets, there are inlets on Park Avenue, the only addition that we were discussing, and I spoke with Borough Council, we would not be adding pipes into Nesquehoning Creek. There is potential to add an inlet with cross pipe to get more of the water, a proposal to add some under drain to take care of some of the springs that are along the roadway. Also, to replace one of the pipes that we feel, is rotted out, so at this time, I will say that being out at the site, I do not see anything stopping the installation of the curbs, by the property owners. We will follow up, now that it is brought to everyone attention, I feel compelled, I will have a wetlands person come up and look at the areas that are in question, that won't be until we get our survey done. If there is anything that appears to be wetlands outside of our improvement, we will not do that, however based on the questions that are being brought forth I think that it is something we need to do. If there are any questions, I will be glad to answer.

Councilmen Kattner said, so the next step is to have just the survey done, were the curb line is, and after where you would see the curb line, they you would have the wetlands

specialist look at. Bill McMullen, said that if there anything in that curb line that is outside that is suspected to be wetlands, we would not do that, but in this case, I think it necessary, because I want to answer the public concerns. If you look at the radius from one end of the street to the other end of the street, if there is any encroachment, it maybe possible to just realign those radius a little to keep it away and just realign them. Those radius were established to set that curbing. If you look at the inlet boxes on Park Avenue, the inlet boxes are set with that curb line in mind. There are some inlets that are obstructed, there are trees in the way, there are shrubs in the way, but somewhere along the way someone, laid out for curbing. It would require, no the area along the existing roadways curb to be improved, taking that out, putting stone down, putting a base paving down. I don't want to speculate, we are in preliminary stages and you stand at one curb line, particularly between 61/65 Park Avenue, between sixth and seventh, so when you stand one curb line radius and look at the other one, they indicated that there is flow coming down, there was an undrain put in, and requires that they put in a curb cut to let that flow out from the curb, that is something will have to be addressed. Councilwomen Smith said, you do not see nothing at this point of your visits that will stop us, to be double sure, we are going to call someone in just the verify. Councilwomen Kuba asked Bill McMullen if DEP would give him a report. Bill McMullen said that it is not a report, we were just in contact with DEP. You would probably have to get a general permit from DEP, G-14 or GP-11, there is a little bit of paperwork, that is if council decides to replace the pipe. What I would purpose for the pipe replacement, new inlets and underdrains, because there is area of springs that come up occasionally. Councilwomen Kuba said DEP does not feel a reason a come out and. Bill McMullen stated that DEP will not come out, they said they won't come out. The survey is probably not going to be for another month.

Tom Hunadyi, 65 Park Avenue a homeowner. After this expense that we put out for this curbing, what is the benefit for us? Is our property value going to go up? What is the benefit of this curbing to us? Bill McMullen said I am not a realtor, that is something that you would need to ask a realtor. Tom said the benefits to the borough, is that they do not have to pay for it, we have to pay for it, so what are we paying for, what is the plus side for us. I know that we do not have sidewalks, so that curbing is not going to increase my value at all. What happens in five years, if I need a roof or my furnace goes bad, I have a curb to sit on, to try and figure out where I am going to get the money. What is the benefits to us homeowners there, I have it a little easier, I don't have any trees, but there are some people along there that are going to have to have major excavating there. I might get away with \$10 or \$12 thousand, some of they are going to be double that. I still don't understand what the benefit to us homeowners. I have been there for 19 years now and I have not had a problem. I have worked around that lot, I come here to council back then in 2005 to get a variance, the lot was unbuildable, we worked it all out and I have there and happy. I have done French drains, perimeter drains, I 've been lucky, so this here is going to change this. Bill McMullen said I think previously it was looked at for aesthetics, I can't answer for Council. Aesthetically it is more appealing. It is a personal choice. The radius was already done for curbing to be put in at some point and time.

Dave Aungst 51 Park Avenue , that is great and I get up you are saying curbing could be put in, but again what is the purpose, when our yards are flush with the road. I could understand if you were in town and helping the water flow along the river, but just sticking a curb in the middle of our yard for what, all it is doing is holding the water in our yard, sure it is going to let it flow down the road, sure one has to put drainage in or do more work to make that possible and for what? We have talked and asked about doing a macadam burem, as you did on Tippetts road. Again, we are saying, the road is getting repaved, you have to put curbing, and you did new paving up at New Columbus last year. Councilwomen Smith said, I went up to New Columbus, and there is a most definite curb line up there,

are deteriorating curb lines that people did not fix their curbs, you are right there is about three properties that have either minimal or next to nothing, but there is most definitely an established curb line for New Columbus. I can not speak as to what happened last year, but could we start going to every property owner in town, enforcing that they had to fix their curbs, sure. Dave Aungst said, why not do for one and not the other. Councilwomen Smith said, okay so what you just said, what's good for one is good for the other. Diaz is putting in curbing, there is no sidewalks on Diaz and you are still curbing. Dave Aungst said, are their yards level with the road, that is going to hold everything back? Councilwomen Smith said, there are driveways, that are level with the road, and we can do this and we have done this for months. President Hawk said, that the property on Diaz, is elevated, so if anything, if you are thinking of curbing as an impediment to flow it is going to be more drastic up there than it is at the yard level.

Jessican Aungst stated, we have talked to people who on streets one through four on Park Avenue, who have said that since they put curbing in, they have had rotting water in there, the properties and there were people who were for it until they realized that they had to dig their curb out twice, the new road got dug up twice. Bill McMullen said, I believe there are instances where the existing curbing is that on Park Avenue, the curbing that was already installed previously, there are instances where the yards are lower than the curb. I am not saying that, you are saying that you have been there 19 years and it works, yes it works, but it is the Council's choice to require curbing. Dave Aungst stated, I talked with someone, a family member that works for PennDot, and they ended up doing curbing, it would be like our yard, there would be curbing on other sides and the tripping hazard. What ended up happening, was there was a kid that tripped over the curb and went into on coming traffic and got killed. Jessica Aungst said to Councilwomen Smith, Sue don't make that face, it could happen. There are people coming all through our properties, from our houses, where the curb is higher than our property level and there are people that could trip over that. Councilwomen Smith said, I can take two steps coming to work and trip and fall into traffic. I don't want to argue this point, we having been doing this for nine months, you asked for the engineer to come, we got the engineer to come, you wanted him to talk to DEP, he talked to DEP. I don't know what else to say, other than, there was a vote taken four to two, even if we had the whole council, it would have been a four to three vote. Jessican Aungst stated that council did not do a survey of the property. Bill McMullen stated, that we are doing a survey. Jessica Aungst state that you sent out a letter that was premature.

Councilwomen Smith said that we were rectifying that and voted on that to extend the completion time. Jessica Aungst said that for you to come onto our property and state

that you are not changing your mind, regardless of what happens. That is not fair to your people. You said last month that you want to be for your people and you said that. Councilwomen Smith said, it is a borough road, not a private road, it is a borough road. We made a decision to implement curbing, it's not just on this road, it is on numerous roads, there are numerous streets that don't have sidewalks. Jessica Aungst said what is going to happen when my house is flooded. Councilwomen Smith said, I suggest that you do drainage. Councilwomen Smith said, I am not disputing you. Jessica Aungst said that we have a five foot stream on the side of our property. Councilwomen Smith said, we could do this from now until forever. Jessica Aungst said, and we will continue to attend every meeting and if you decide to do this. Councilwomen Smith said, the engineer sees no reason as to why curbing can not go in. Jessica Aungst said, what do we do with our property levels that are already level. How does that work? Bill McMullen stated, that I made a determination that curbing can be done. I did not make the recommendation. Jessica Aungst said, to the engineer, what do we do with the property levels that are level with the road, and preventing the water flow. Bill McMullen stated that if there is a path of water in your placement at your curbing, put in a curb cut. It is entirely up to you as to where you put that curb cut. I went out there when we had four days of rain and there were no streams of water. Jessica Aungst stated that since we had no rain all of summer and it soaked into the ground, be there when it rains for a week at a time, or like when the ice melts and it goes into our basement, we are sweeping water out of our basement all of the time. Bill McMullen said, the August rain that we had, you can not plan for those, storm water systems, gutter flows it is very difficult to plan for those. When we have continuous rain, I think that if you want to plan for those, water is going to run everywhere. Jessica Aungst said, we have a 5 foot stream that comes through our property that was overflowing into our house. Bill McMullen said, no I didn't, I have a 40 foot stream at my house. I don't know what else to say, other than if you want to make provisions for it, as far as the tripping hazard, fill in behind the curb. You could put a drop down, to provide for the flow behind the curb, that would be fine. Jessica Aungst said, who is getting all of those tri-axle loads of dirt that we have to fill our entire 170 foot property line of dirt, who's doing that? That is what we are going to have to do, to match the curbing. Councilwomen Smith said that there are alternatives which is what has been discussed. The surveying will take at least a month. Bonnie Hunyadi said that there is a seeping system, that's at the end of our wetlands. The way the road is going to end, it is covering that up. That seeping system is for the overflow, so the curb is going on this side and black topped over, so where is the water going to go but sideways. We were told when we purchased the property, it was all like that, we could not even touch that end of the property, we had to have extra stuff, so gravel could not even get into it, but now you expect us to hire someone to come in and dig, I am not doing that, I am telling you that right now, I will have a DEP guy somewhere stand there. If we could not do it, I am not going to hire some guy and tell him you dig this and then get a kick back from me for doing it. I am not doing that. Dave Aungst said, I don't see why things can't change and why we can not do a macadem burem. Why are you fighting us to put curbing in, when the yards are level with the road, why can't you do that macadem burem to help with the water. I will gladly pay for the couple tons of macadem, that will take extra to do that little burem, but to install 170 feet of unnecessary curbing it makes no sense and

it makes no sense to anyone else either. Dave Aungst said I have had four contractors come to my house for estimates, one of them I only look at google, so I did not meet with him, the other three were at my house and all three said, they can not believe that you are making us put curbing in. How ridiculous and unnecessary. It is great that the engineer is here and he could say yes you could put curbing in, but how necessary is it and what is it helping us with. The water is fine where it is going now, curbing will be more trouble for us. Look at the neighbors at the beginning of Park Avenue, how many times have they had their yards dug, up and there is curbing there and every now and then they have water coming out of their yards. Why can't we get macadem burems instead of curbing. We do not have any water issues or flow issues. You put curbing up it is going to cause issues. The water finds its way right now. President Hawk said, we will continue to consider this and once the survey is done, we will have even more information. Councilwomen Fox ask Bill McMullen with regards to an email that the survey for Park Avenue would be about \$3500.00, Bill said yes that is about right. Bill McMullen said that the survey is going to give us a precise location. Councilwomen Kuba said, I want to say something to Mr. and Mrs. Hunadyi. I do sympathize with you, I passed on that property 30 years ago. Sonny Kovatch got us to pass on it because he knew all of the work that needed to be done on that property, so I do know all the work that you had to do. I honestly have to say that, that we had to pass on it, because of the work that needed to be done. Dave Aungst had one more comment, he said, yes we both said, what is good for one is good for another, so it's good for Tippetts to have macadem but not good for Park Avenue. Councilwomen Smith stated it is a personal issue, I am not going to argue with you. Jessican Aungst stated, I just wish that you would hear us a little more and not keep saying that you are not going to change your vote at all. I don't expect you to change your vote, but just listen to us. Councilwomen Smith said, I hear every word that comes out. The reality is, is that President Hawk was kind of enough to let everyone speak in a meeting that we technically do not have to, because we are trying to. Jessica Aungst, said so how does th sunshine law work. Councilwomen Smith stated, it is very clear that unless I say I am willing to change my mind, you are not going to be happy. I hear everything you say. I even emailed you to let you know about the engineer coming. Jessica Aungst said at the last minute. Councilwomen Smith asked Bill McMullen when he told us he was coming to the meeting. Bill McMullen responded and said he told Deb in the early afternoon. Councilwomen Smith said, that the minute she was told that Bill would be attending, I immediately contacted David and he told me to email you and make you aware, and yes it was the day of. I am trying to help you, the second I know something, I will contact David and ask him if it is alright for me to inform you all. I am not working against you and there is no attitude, I a upset because no matter what comes out of my mouth, unless I say no curbing, you are not going to be happy.

STREETS: Councilmen Nalesnik stated, that we are just catching up, it was awarded at the September meeting on Bill's recommendation for Pine Street and 1st East Center Street paving. Bill McMullen said that he was still waiting on some paperwork from the contractor and that once that was received, and the contract was good until next year because of the curbs and the timing. Councilmen Nalesnik asked Bill McMullen if the concrete work was going to get done this year. Bill McMullen said, he has talked to them

and that it was his impression that they would get the concrete done this year. It is all weather pending. Councilmen Nalesnik said, the CAT loader service called today. All their work is done, it starts up nice, running, there is a little bit of a mishap. They traced it to one pump not getting enough fuel, so they are going to send that pump out to get re-worked. Try fixing the pump that is there. That is getting close, we should have the loader back soon just in time for the winter weather. I would like Council to consider maybe for the October meeting, a consideration for a new one ton dump truck, which would be a Ford F-600. We have the specs from Miracle Ford in Tamaqua and the steel body from Tamaqua Truck and Trailer. For the complete package and there are finance options. I know that the Streets Committee has the specs but could you give additional copies to Council for their consideration. It is probably the most useful truck in a typical small town fleet. We did have one years ago, the engine went on it and we decided to auction it off. It is a great piece of equipment for general throughout the year. We are not over working our pickup truck, it is that in between truck. We kept the plow and spreader from the prior one ton, so we have it, so that will be reinstalled onto the new truck and pricing is included in the general price. They are costars, so it would be a non-required bid item, we could make the purchase and in my experience with trucks and bodies, the pricing seems there. I did check around another two other sources and they were actually are not doing the trucks. Councilwomen Smith said, the electrical up at New Columbus you said was completed correct? Councilman Nalesnik said, yes. Councilwomen Smith stated that there seems to be some confusion with that at the rec center as to whether or not it was completed. Councilmen Nalesnik said, that there by the meter there is a base there and there should be a receptacle box. Councilwomen Smith asked, could we start getting the borough crew and you as to how we are going to run these lines that we are going to need for the Christmas trees to go up. Councilmen Nalesnik said that you want to buy the right outside cords and you want to buy durable ones. Councilwomen Smith said we are almost at the end of October and this is coming soon and we need to figure it out. Councilwomen Fox asked about the quote from EM Kutz. Councilmen Nalesnik said that I was looking at that quote, on the Ford the bigger dump truck, the spinner on the back that releases the salt and cinders, they are saying that it is stuck on high speed and there was some concern about damaging cars and such and that the spinner was going to fast. The quote is to replace this. I want to look more into this, I am surprise with the price. They are to look into SMF. The spinner works, but I am going to look into this further. Councilwomen Fox asked if this is something that can be fixed, that if you go slower it would work better. Councilmen Nalesnik said that he would like to investigate more on the pricing of the spinner repair.

SEWER: Councilwomen Fox said, Bob got an excellent report from DEP on all that we need. Scott's inspection said everything is good except we need a thermometer. We need a thermometer to keep the samples cool. Bob Pilla said, it is a thermometer that needs to be calibrated every year. Councilwomen Fox said, the piping on unit1, we wanted to change it over to stainless steel and we did receive Bill's email and we thought it would run us about 40-50 thousand, but it is going to run us around 88-90 thousand. Bill McMullen said that we have requested two more prices. It was last changed in 2014. I can not guarantee that it will be done this year. Councilmen Kattner

asked what the lifetime warranty would be. Bill McMullen said it would last quite a long time. Bob Pilla said that Unit 2 has stainless steel only. Councilwomen Fox asked Bill McMullen if there was any news on the generator deal with Lake Hauto. Bill McMullen stated, the agreements were signed by Lake Hauto, Bob was going to record them and I believe I sent a tentative bid opening for November 18th on PennBid and then brought to Council on November 20th. The minimum lead time is about six months on those generators. Councilwoman Fox added, Bill McMullen has gotten a proposal for Rush Township to make changes to our agreement, so that was discussed at our Sewer meeting. We are waiting for an answer from them. It basically to bring up residential rate to what the people in town are paying for sewer.

BUILDINGS & GROUNDS: Councilmen Kattner said, that the last meeting we did award the bid to Dunn's Tree Service to cut down the dead trees at New Columbus Park. In the meantime, we had another tree fall down, so that happened on a Saturday and we had to have Andy come out, pull the limbs down for a safety sake. Dunn's came out and cut down the trees and cleaned up the mess from the tree that we did not want to fall. They are going to give me a quote as to what it would cost to thin out some of the other stuff. Did the Wire guys ever give an estimate on the rec center generator. Deb said, no one has called as of yet and that I will check on that.

POLICE & PUBLIC SAFETY: Councilwomen Kuba said, as of October 1st we starting to advertise for, to start building up our list for policemen and policewomen. We are trying to compile a list with Civil Service that we have on hand and sharing with Jim Thorpe. We could have a list county wise. Officer Raymond Tonkinson started. Everything going well. Halloween is scheduled for October 31, 2024, crossing guards and police will be in place to make sure there is safety in the town. We have a boot drive on Sunday, weather permitting. We are going to have to see if maybe we could switch to Saturday. The railroad, we are still trying to work on something for the sign on Mill Street. Mr. Mueller has been away. Crossing guards, we are still in the process of hiring. Has anyone applied. Deb DelFranco said no one has applied for the position as of yet. That will be turned over to Personnel. What is going on with the Police vehicle that came back from Renchler's? Mayor Kattner said that they are taking the car out and that it is not working again. Mayor Kattner said that when I spoke with the guy, he said I am telling you right now it is going to keep on dying. Michael told me that when it rains and the car is wet it stops working. Councilwomen Kuba said that I am at a lose as to what to do with the car. It is sitting up there and it is not working. They ran the vehicle and it was great and then all of a sudden it stopped working and they do not know what is wrong with it. Mayor Kattner stated, that the guy at Rentchlers said that the whole dashboard would need to be taken apart and all modules would need to be replaced and you are talking 3-5 thousand to fix. Fred is the only one that uses the car. Councilmen Nalesnik said, if hadn't put out \$11,000.00 into it, and that was insurance money, but we used that to repair that. President Hawk suggested we put it on Municibid and state that it has an electrical problem and see what we get. Let's throw it on Municibid and see what comes back. Councilmen Nalesnik said we need to set a reserve at least 3-4 thousand, \$7,500.00, someone might buy.

SANITATION & QUALITY OF LIFE: Councilwomen Smith said, we had our first pickup for the garbage under the new contract. I was out at 1:30, 3:30 and 5:00am driving all streets of Nesquehoning. While I was out driving around, someone had issues, they put their garbage up on High Street, but for the most part, they started picking up around 2:00 am and they were completely done. This week no so successful, I got phone calls that they were running late. I contacted Angie and she said they had a 2:00 start, they had a different crew, but I stressed to her that we set a standard that you promised us, to get the garbage in and out. Week 2, garbage was not being picked up until 10:00 am and that it was not acceptable. She assures us that it was just a few glitches and it will work out.

Blight: Councilwomen Smith said, we did meet with John McArdle, Paulie, Lois and Chip about things that we have discussed before with fires and what happens for emergency tear downs. At this moment, top priority, their suggestion is contacting Robert about some sort of procedure, that in the event something needs to be done immediately, as the fire is going, that Chip and John would make their recommendation upon Council's approval. The second thing they are looking at hoping to establish is an emergency tear down structure for like the day after. A procedure time line as to what we need to do, as far as the time frame for the residents, so we discussed this in the past, we had two major fires already. Clearly, the first step is to speak with Robert, our solicitor, as to what he would recommend or suggest. On a side note, Jessica Aungst emailed me a flyer that Rentchlers is doing a collection for Hurricane victims. I would like to ask Council if we could make the Borough Office open to accept donations and the call Amy Miller about asking our residents to donation. We have a bake sale coming up and the Truck or Treat is coming up. Jessica Aungst stated that they are looking for supplies like; cleaning, hygiene. No clothes or furniture, except coats. Councilwomen Fox asked about the Act 152 for Blight. How are they doing it with the county. Councilwomen Kuba said, we just talked about that at our blight meeting with Blue Print, it has opened up. It is a 50/50 grant. You need to apply for it. Councilwomen Smith said, there are a few properties that they have narrowed down between Chip and John McArdle, there are three properties that they thought were the worst and also, the ones that have the most paperwork behind it like citations, so we can show that we have actively tried to remedy this problem and what we feel would serve the community to get these properties down. There are twelve properties total and they have chosen the worst three. The properties are the Roxy Theater, next to the post office and across the street from the borough. Chip stated that the Roxy has violations and notices from even last month and it is an up to date progression of us try to take action against this property.

President Hawk asked if everyone saw the letter from Senator Argall about the meeting at the Hometown Fire Company on October 30, 2024 at 6:00pm with regards to Blight. Deb DeFranco let everyone know that Lois, herself and Sue Smith are already signed up.

RECREATION: Councilwomen Smith said, she did attend the Recreation Meeting the other night, we should if schedules permit come to the next meeting to give the check for National Night Out to the Police Department. There are a few concerns that I would

like to discuss at the executive session. She said the Rec Center will be there on Halloween night, McDonald's signed up and the police department. They did ask if we were coming over, I told them that the water authority and the police department were doing Halloween in front of the building. We did get a donation from Herr's and they told us .20 per bag, we submitted the order and they got back to us and they donated ten cases to the borough.

BUDGET & FINANCE: Councilwomen Kuba stated, that Deb and I meet last week and went line by line and setting up another meeting. Deb DelFranco said just briefly, she handed out one account just to show council what it would look like and that it is a preliminary and that numbers will change.

PERSONNEL & SAFETY: Councilwomen Fox stated, that there are applications for the cleaning position. Hopefully by next week would like to do some interviews. I have trying to get ahold of some references and it is not always easy.

President Hawk said that there was paperwork with regards to the insurance that needed to signed off by Friday at 12:00. President Hawk did state that council was in favor of this last year and it was derailed. Councilmen Nalesnik said that it is projected savings. The savings is about 50 thousand. Councilmen Nalesnik stated about doing a siderail tonight and that was fine. Councilwomen Smith said that the water authority is on board.

Going into Executive Session 7:15pm

ADJOURNMENT OF MEETING: 8:45 pm

DEBORAH DELFRANCO
SECRETARY/TREASURER