

# MINUTES FOR SPECIAL MEETING OF NESQUEHONING BOROUGH COUNCIL

Wednesday, May 7, 2008 at 6:00p.m., Borough Office  
114 W. Catawissa Street, Nesquehoning, PA 18240

**ROLL CALL:** COUNCILMEN HAWK, JACOBS, SNISCAK JR., STROMELO;  
COUNCILWOMAN WALCK; MAYOR WALCK; SOLICITOR YURCHAK;  
CHIEF SMITH; ZONING OFFICER GENE KENNEDY; & BUILDING  
INSPECTOR CARL FAUST

Councilman DiMiceli and President DeMarco were absent.  
Vice President Hawk called the meeting to order at 6:05 p.m.

**PURPOSE:** Meeting for Zoning and Code Ordinances

- Gene Kennedy's request for changes
- Odor Control

Gene Kennedy stated how he had emailed a list of changes to Secretary/Treasurer Ahner. He stated that since the ordinances started in June of 1991, the town had grown. He stated how there were things in the Zoning Ordinances which contradict themselves.

Councilman Jacobs asked about the odor control. Mr. Kennedy stated that he does not have the tools to deal with the odors. He stated that what he was asking for was the tools to deal with things like that, which would not get them into trouble. Councilman Jacobs stated that he had spoken to Ron Tirpak about the odors leaving the property. Mr. Kennedy stated that they do not have the measurement tools to do these things. He stated about the odors being either hazardous or a nuisance. Councilman Sniscak, Jr. stated about getting an independent firm to do air quality testing throughout the town.

The Council Members, Zoning Officer and Building Inspector discussed a business that was causing the odor problem and what they needed to do to change (amend) the zoning ordinance to correct the problem. It was also mentioned about what kind of Air Filtration System the company had installed and if it was an adequate size.

Mr. Kennedy stated about other changes that Attorney Greek had requested. He stated that he had several other things that he has written down. He stated that the Council could look them over and maybe change some things before the final draft of the new zoning books.

- 1 West Garibaldi Avenue

Chief Smith passed around pictures of the property. He described what the property looked like when he arrived. Chief Smith stated how he contacted Solicitor Yurchak, who gave him the approval to condemn the property. Chief Smith mentioned about researching an occupancy permit. Carl Faust stated how there was no occupancy permit for that house. He stated how the owner of the house should have a copy of it. Mr. Faust stated about several different items that should have been installed in the building. Chief Smith stated how apartment 3 was going to remain condemned until they met with the property owner, who could not make Thursday's meeting (May 8<sup>th</sup>).

Chief Smith stated about adopting the property maintenance code. Solicitor Yurchak stated that he would rather adopt that then playing around with the housing standards. He stated how the latest addition was 2006, which had a lot of teeth.

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Mr. Faust stated how they should sit down and go through it before adopting it because it could hurt as much as it could help the Borough. He stated how there was a lot of teeth in the UCC laws also. Mr. Faust stated that if he would go into the building, as the building code official, he could deem it unsafe and order the whole building vacated. He stated that they would then send a letter to the owner and tell him why it was deemed unsafe. Mr. Faust stated that by law, he could not allow anybody to go back into that house until it was brought up to code. Chief Smith stated about the common hallway because he was dispatched there he did not just go on the private property. Solicitor Yurchak stated how he thought that they should give the owner of the property one more shot. Chief Smith stated how it should be done right.

Councilman Jacobs asked what kind of liability falls back on the Borough if they close them down. Mr. Faust stated that under the UCC if they determine that it was in an unsafe condition for the public welfare, there should not be anything coming back to the Municipality or his company. Mr. Kennedy stated that it should not matter that the UCC was adopted in 2004 and the house was built in 1904, just that it was existing today. Mr. Faust stated that there was a section in the UCC Law for uncertified buildings, which were buildings with no occupancy permits.

The Council Members, Chief Smith, Mr. Kennedy, and Mr. Faust discussed what could be done under the UCC Laws with different properties within the Borough of Nesquehoning to get them up to code. They also discussed what the Borough could be liable for if something or nothing was done with the properties. It was brought up how some of these properties in Nesquehoning were HUD approved and they should be made aware of what they were paying for.

Secretary/Treasurer Ahner was going to get in contact with the property owner to set up a meeting with Chief Smith, Mr. Kennedy, Mr. Faust, any Council Members and possibly a representative from HUD and an inspection of the property.

### ➤ Parking Ordinances

Secretary/Treasurer Ahner stated how Councilman DiMiceli asked her to list the parking ordinance on the agenda. She stated about the no parking on DiVinci Alley and how it should be the entire alley. Councilman Hawk stated how it should be from Milan Avenue to Padua Avenue now. Councilman Stromelo stated how it should be the whole alley. He also asked about Marconi Avenue. He stated how it should extend to Pastori Avenue.

### ➤ Contractor Ordinances

Solicitor Yurchak stated about how a general licensed requirement for any contractor working within the Borough would have to provide proof of insurance in order to get a license from the Borough to do contracting work within the Borough. Certificates of Workers Compensation, number of employees, proof of insurance and the federal and state identification numbers would also be required. Councilman Stromelo asked about a fee of around \$100.00. Secretary/Treasurer Ahner stated that they were usually around \$100.00 a year or \$10.00 a month.

### ➤ Open Containers

Chief Smith stated how this would be for public places and not private property.

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### ➤ Prohibiting discharge of firearms in Borough

Chief Smith asked under Section 1 – Discharge of Firearms Prohibited, could he make an exception for the rifle range. Chief Smith also asked under Section 2 – Use of Air Rifles, Bows and Arrows or Similar Devices (Exceptions) what about private property owners who have deer targets up. Solicitor Yurchak asked if he wanted to take the Bow and Arrow out or restrict it to just keeping the discharge to the confines of the property. Councilman Sniscak, Jr. stated “the confines of the property”. Chief Smith stated that it was for the Bow and Arrow and if he could add Crossbows.

### ➤ Loitering

Chief Smith asked if loitering was unconstitutional. Solicitor Yurchak stated that he would check it and they would put it on hold for now.

### ➤ Residential Rental Properties

Solicitor Yurchak stated how they had reviewed it before and it basically would put more requirements on the landlords to report their tenets and they would get a residential rental license from the Borough to allow them to rent to tenants. Councilman Jacobs asked who would enforce it. Solicitor Yurchak stated that he had listed the Chief of Police, Any Police Officer, Code Enforcement Officer, the Fire Chiefs, or a Health Officer. Councilman Hawk stated how they could look it over until the next meeting.

### ➤ The Pet Ordinance

Secretary/Treasurer Ahner stated how they have been getting several complaints about cats running wild. She stated how there was a lady in the office whose neighbor’s cats were urinating on her rose bushes and it was killing her bushes. She stated how the lady wanted to know what she could do to keep the cats off of her property. Councilman Sniscak, Jr. stated how the cats should not be roaming around. Secretary/Treasurer Ahner stated that in the ordinance book, cats do have to be contained. She stated about what they can do because until they call somebody and they get up there to even catch them, how can you tell who the owner was. Councilman Hawk stated that he knew who the owner was of the cats that were in his yard.

The Council Members discussed what could be done about the cats and if they wanted to look into getting a license for cats, donating some of the proceeds to the Carbon County Friends of Felines and then being able to make the people pay a fine. They also discussed what could be done about people who walk their dogs and do not clean up after them. Councilman Hawk brought up about citing someone who was walking their dog and did not have any means of cleaning up.

Secretary/Treasurer Ahner stated that the only one that was not listed on the agenda was the exotic pet ordinance. She stated how there was something on the list that was submitted by Mr. Kennedy. She stated that they had received a copy of the ordinance that Lehighton had adopted. The Council Members discussed the exotic pet ordinance and what animals would be included in the ordinance. Councilman Hawk asked Solicitor Yurchak to draft up an Exotic Pet Ordinance for them to review for the next meeting.

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**ADJOURNMENT**

Councilman Jacobs moved and Councilwoman Walck seconded to adjourn the meeting. All voted yes. Meeting adjourned at 7:35 p.m.

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RoniSue Ahner  
Secretary/Treasurer