

MINUTES FOR SPECIAL MEETING OF NESQUEHONING BOROUGH COUNCIL

Wednesday, October 13, 2021 at 6:00 p.m., Borough Office
114 W. Catawissa Street, Nesquehoning, PA 18240

ROLL CALL: COUNCILMEN JACOBS, NALESNIK, PAUL, RADOCHA;
COUNCILWOMEN FOX, POREMBO; PRESIDENT HAWK; & MAYOR
KITCHKO

President Hawk called the meeting to order at 6:00 p.m.

PURPOSE: Workshop/Committee – General Purposes

- **Carbon Engineering – Panther Creek Data Mining SALDO Applicability Review**

President Hawk stated that on September 28th the Nesquehoning Planning Commission met and granted conditional approval to the Panther Creek data mining SALDO application subject to review by Carbon Engineering and approval of the building permit application. He stated how Carbon Engineering completed their review and they concur with the Nesquehoning Planning Commission's recommendations. President Hawk stated that the only points that the Engineer made were: 1) a study should be done on wind loading on the containers because they were not permanent structures and if anchorage was required that it be addressed; 2) any recommendations of the building permit would be followed. President Hawk stated how the building permit application was being reviewed by Barry Isett and Associates and was expecting final approval within a few days. He stated how he was looking for Council's approval for the Nesquehoning Planning Commission's recommendations subject to the same terms and conditions.

Councilman Jacobs moved and Councilman Radocha seconded to accept the recommendation of the Nesquehoning Planning Commission subject to the same terms and conditions. All voted yes. Motion passed.

1. STREETS

MICHAEL RADOCHA, CHAIRMAN; LOUIS PAUL, CO-CHAIRMAN; FRANK JACOBS

Councilman Radocha stated how there was a sink hole on Angelini Avenue. He stated how he had Mr. Pilla check on it, because he thought that it was a sewer issue. Councilman Radocha stated how Mr. Staehle had done a nice job cutting the trees back on Loggie Road. He stated how they would be cold patching pot holes and that they were waiting for the snow ordinance parking signs.

Councilman Jacobs stated about the large spot of oil on Willow Lane, which he believes came from the gentleman that goes around collecting scrap. Councilman Radocha stated how he had received a complaint about the railroad crossing on Tippetts Road. Councilwoman Fox stated how she was told that it would be done by the end of the year. Councilman Paul stated how the steam generator was not working and they had to wash the trucks with cold water. Councilman Radocha stated how he had told Mr. Staehle to get it over to M & S Hardware to get it serviced.

Councilman Paul stated how he has also got compliments on the job that Mr. Staehle did in the New Columbus Park.

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2. SEWER

**MARY FOX, CHAIRWOMAN; FRANK JACOBS, CO- CHAIRMAN;
MICHAEL RADOCHA**

Councilwoman Fox stated how they were waiting on answers from Solicitor Yurchak about the bonding company. Councilman Jacobs stated how they just got done sandblasting the tank. Councilwoman Fox stated how it was supposed to get colder next week, so they would not be able to paint.

Councilwoman Fox stated how they will not get to the sewer line replacement on W. Columbus Avenue or the storm drain line in the Estates until Spring, because they were not able to get the pipe. Councilman Jacobs stated how they had two sections of pipe for 11th Avenue, but they needed one more section. Councilwoman Fox stated about meeting to discuss the Smith's sewer line project.

3. BUILDINGS

**BRUCE NALESNIK, CHAIRMAN; MICHAEL RADOCHA, CO-
CHAIRMAN; FRANK JACOBS**

Councilman Nalesnik asked Susan Bamford if the furnaces were cleaned yet. Ms. Bamford stated how she had called Radocha's twice and that they were put on a waiting list. Councilman Nalesnik stated how they were starting to work on the Nesquehoning Hose Company and asked if that was something that he would report on under buildings. President Hawk state dhow he could report on anything that Mr. McArdle did not cover under his report. Councilman Nalesnik asked Councilman Paul about the things that were mentioned at the Recreation Commission meeting concerning the Recreation Center. Councilman Paul stated about the sink, but he checked it and it was okay. He stated how he left a message at the Borough garage for them to fix the light, but did not know if it was done.

President Hawk stated how they had discussed a cleaning person at the Water Authority meeting the previous night. He stated that the Water Authority, as the renter, felt that the building should be cleaned by the Borough and they were asking if anything was going to be done with cleaning on a regular basis. President Hawk stated that if not, the Authority was going to hire someone to clean the Authority office and their position was to deduct the cost off of their rent payment. Councilwoman Fox stated that people who rent a house did not expect their landlord to clean for them. Councilman Jacobs stated how the Authority pays approximately \$450.00 per month, which was pretty cheap from the office, use of the meeting room and storage space in the basement. He stated how Summit Hill Water Authority was paying the Summit Hill Borough around \$800.00 per month. Councilwoman Fox stated that when it was discussed previously, the office staff was fine with cleaning the offices themselves.

Ms. Bamford stated how Secretary/Treasurer Ahner was checking into someone to clean the offices. She stated how they have been doing it since they fired Ms. Whildin, because she was not doing her job. Ms. Bamford stated how they do not prefer to clean; clean the bathrooms, because it was not part of their job, but it needed to be done. Councilwoman Porembo stated how she thought that it was ridiculous to ask the office staff to clean and if they did not have someone who was cleaning properly, they should have hired someone else to do it.

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President Hawk stated how Denny Creitz said at their meeting how Ms. Whildin would clean the office for \$15.00 an hour, but she would not clean the bathrooms. He stated how there was really no point in having her come in to clean. Councilman Nalesnik asked if they were specific in their complaint. He asked with their expectation was, bathrooms, etc. President Hawk stated how he thought that the biggest concern was the bathrooms.

Councilman Nalesnik stated how the general entranceway was not very presentable. He stated how people were coming through, walking past the recycling container and garbage. Ms. Bamford stated that when Ms. Whildin was there cleaning lady, she did not take out the recycling, because she said how it was not part of her job. She stated how she would tell the Water Authority to put their garbage outside their door in the hallway. Councilman Jacobs stated that when they had discussed it before, he thought that it was only going to be for a period of time. Councilwoman Fox asked if Ms. Whildin was being paid before by the Borough and the Water Authority. Councilman Jacobs stated "no". Councilwoman Fox stated that since they were renting the space, the landlord should not have to pay for the cleaning. Ms. Bamford stated how MCT rents from Redner's Market and they have their own cleaning company.

Councilman Paul stated that when he worked for the Borough, they cleaned everything themselves at the Borough garage. He stated that every outfit he had ever worked for, they were in charge of cleaning their own area. Councilman Paul stated how the office staff should be able to clean their own area, but he did not want them cleaning the public toilets. He asked why they should be paying \$500.00 - \$700.00 a month for a cleaning service, when they have their own employees who will do it as part of their job. Ms. Bamford stated about being compensated for the cleaning. Councilman Nalesnik stated how it might have to be added to the job description for new hires. Councilwoman Fox stated that if they were going to look into hiring a cleaning person, the Water Authority should pay them also. She asked if it was in the rental agreement. Councilman Jacobs stated how they did not have one.

Councilman Nalesnik stated how the office was different then living space of a tenant. He stated that a lot of times, when someone would rent office space, it was not unusual that the cleaning was done; the expectation was there. Councilman Nalesnik stated how the workers keep their desk area clean, but everything was done (cleaned) for them. He stated that the Water Authority was expressing that expectation, but if they reciprocate and address it with a cleaning person who does a nice job than the rent . . . Councilman Radocha stated that the issue was how they did not get satisfaction with Ms. Whildin. He stated how they should have looked for somebody else and they did not do that.

Councilwoman Poremba stated that when the complaint was received, the first thing that they should have done was to verify the complaint to be true, no matter who filed the complaint. She stated how they need to develop a job description and figure out how much time was spent in each office (water, sewer, sanitation, borough, etc.). Councilwoman Poremba stated how then they have to make sure that the job was being done correctly. Councilman Paul stated about advertising for a cleaning service. Councilwoman Fox asked how much Ms. Whildin was getting paid before. Ms. Bamford stated how she was getting \$500.00 per month. She stated how she was now getting \$10.00 per hour. Councilman Paul stated about advertising for cleaning service for the Borough office, Police Department, Borough garage, etc. instead of getting someone off the street just to see what happens.

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President Hawk stated about the Building Committee looking into a cleaning service and coming back to Council with a recommendation, along with a recommendation of splitting the cost between the Water Authority and the Borough as well.

Councilwoman Fox stated about changing out the board for a handrail on the back of the Borough office. Councilman Jacobs stated how they talked about it before. Councilman Radocha stated about the door at the Borough garage and the siding on the front of the Police station. Councilman Paul stated how he did not understand why they were getting contractors to do work for them when the Borough crew was capable of doing the work themselves. Councilman Nalesnik stated about cleaning out the front hallway. Councilman Paul stated about calling the Borough crew to get the stuff out of the front area.

4. PUBLIC SAFETY

**ROSEMARY POREMBO, CHAIRWOMAN; LOUIS PAUL
CO-CHAIRMAN; DAVID HAWK**

Councilwoman Porembo stated how the Public Safety Committee along with Gene Kennedy and Solicitor Yurchak met with the property owners from Seventh Avenue in regards to the Halloween decorations. She stated how they had explained to them that the Council members were taking complaints and that it hit the newspaper, because it was discussed at the last Council meeting. Councilwoman Porembo stated how they had gone through everything that they did with cutting the trees, upgrading their electric, etc. She stated how Solicitor Yurchak had questioned him about running a business and they were not running a business, but the display was on YouTube. Councilwoman Porembo stated how there was an area under Zoning that Mr. Kennedy noted in regards to the height. She stated how they have five inflatables that were 20' and Zoning allows 15'. Councilwoman Porembo stated how they have to fill out a \$30.00 Zoning permit application for a seasonal display for 60 days for Halloween and 60 days for Christmas. She stated how Mr. Kennedy and the Committee felt that it was a good thing, because they were able to work everything out. Councilwoman Porembo stated how they had discussed the traffic along with security, which they have several cameras. President Hawk stated that filling out the Zoning permit for the height placed them in compliance with the Zoning.

Councilman Jacobs asked if they would be satisfied if something like that would be on the property next to them. Councilman Nalesnik and Councilman Paul stated "no". Councilwoman Porembo stated "yes". Councilman Jacobs asked if they were satisfied with it and if they should do something to prevent it in the residential areas. Councilwoman Porembo asked how far he wanted to go. Councilman Jacobs stated how he would go as far enough to make it hurt. Councilwoman Porembo asked that when they get specific, they would be talking about Christmas decorations also. Councilman Paul stated how they were comparing apples to oranges. Councilwoman Fox stated how she was glad to that there was a time line placed on it. Councilman Jacobs stated how there should be some restrictions. President Hawk stated that if they were going to enforce restrictions, they were going to have to define what those restrictions were. Councilman Nalesnik stated about the timeline, but what seem to bother most people were the huge inflatables. He stated how nothing had really changed.

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Councilman Nalesnik stated how they have a height limit, but they were telling them that it was okay. President Hawk stated how the Zoning allows them to obtain a permit when something was in excess. Councilman Nalesnik asked who that was. President Hawk stated how it was the Zoning officer. Councilman Nalesnik asked if the Zoning officer had to check with the Council Members. President Hawk stated how it was in the Zoning Ordinance that they could apply for a special exemption. Councilman Nalesnik asked who it had to be approved by. President Hawk stated "the Zoning officer". Councilman Nalesnik asked if it came before Council. President Hawk and Councilman Jacobs stated "no". President Hawk stated that if they wanted to change that they would have to change the Zoning Ordinance. Councilwoman Fox stated that if they would change the Zoning Ordinance it would be for the entire town.

Councilman Jacobs stated how it looked ridiculous to him and they have to look into changing the Zoning to be able to control it. Councilwoman Poremba stated how they were going to have to come up with the specifications; how many, how wide, how high, etc. Councilman Nalesnik stated how it was just the height of the inflatables. Councilwoman Poremba stated how they were only five over the height limit and asked if they would be okay with everything else or even if he would add more. Councilman Jacobs stated "no". He stated about talking to the Zoning Solicitor who was used to dealing with it to see how they could control it. Councilman Nalesnik stated that all Mr. Kennedy had to do was to say no; that they were too high, and it was encumbrance on everybody around them. He stated how 15' was there for a reason.

Councilman Radocha asked if they received a lot of complaints. Councilman Jacobs stated how he received about five phone calls. Councilman Radocha asked if he received any written complaints. Councilwoman Poremba stated "no". President Hawk stated that they did what they needed to do to be in compliance with the Zoning Ordinance. Councilwoman Fox stated how it should not be up to the Zoning officer to approve the waiver. Councilwoman Poremba asked if they should ask the Zoning Solicitor to look into decorations. Councilman Jacobs asked how they were going to control it, because it was more than decorations. Councilwoman Fox stated that she did not understand how Mr. Kennedy was able to grant a waiver for anything in the Zoning Ordinance without it coming to Council. Councilman Jacobs stated about opening a can of worms where he would have to come before Council for everything.

Councilman Jacobs moved and Councilman Nalesnik seconded to have Solicitor Yurchak look into options over controlling large inflatable/large displays.

Councilman Paul moved and Councilwoman Poremba seconded to table the matter of large decorations until they were able to discuss it further with Solicitor Yurchak. All voted yes. Motion passed.

Councilwoman Poremba stated how they had talked about that Rental Property Ordinance and how things were discussed with Tim Dow from Barry Isett & Associates. She stated how he had sent a copy of Pen Argyl's Rental Ordinance, which he felt was one of the best ones that he has dealt with

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Councilwoman Poremba moved and Councilwoman Fox seconded to authorize Solicitor Yurchak to review the Borough's current Rental Ordinance and draft a amended Rental Ordinance, which would include inspections to determine conditions of structure and premises under the provisions of the code along with the inspections on the change of rental property ownership and tenants. All voted yes. Motion passed.

Councilwoman Poremba moved and Councilwoman Fox seconded to authorize Solicitor Yurchak to review the Borough handbook and revise or create a Social Media Policy for employees and volunteer firemen or any other Borough employees. All voted yes. Motion passed.

Councilwoman Poremba stated how they had received a correspondence from Lansford about the shared services. She stated about having a meeting with them, but they were waiting for Summit Hill. Councilwoman Poremba stated how they were going to set up a meeting with DCED. Councilman Paul stated about checking into shared services for the streets.

Councilwoman Poremba stated about the purchase order request from John McArdle for the gas meter calibration from Susquehanna Fire Equipment.

Councilman Nalesnik asked what the status was on the burned-out buildings on E. High Street. Councilwoman Fox stated how they had discussed Nesquehoning, Lansford, and Summit Hill going together to apply for a blighted property grant at the COG meeting. Councilman Paul stated about building up a fund in order to take care of blighted properties, like the properties on E. High Street. He stated that when people come to the meetings, they can tell them how they were raising the funds to get the properties torn down. Councilwoman Poremba stated how they could look at it under Budget and Finance. Councilwoman Fox asked if anybody would be interested in being on a committee for blight to apply for that grant. President Hawk stated how they could create a committee to look into it. Councilwoman Poremba stated how she would help. Councilman Paul stated that if they, as Council, would do their job, they would not need a committee. Councilwoman Fox stated how they would need a committee to bring the information back to Council to discuss. Councilman Paul stated how they could bring it up at any time. He stated how anyone of them could contact the code enforcement officer at any time. Councilwoman Fox stated about a committee to meet with other towns to try to apply for the blight grant.

Councilman Nalesnik stated about the properties on E. High Street. Ms. Bamford stated how the letters were sent out. Councilman Nalesnik stated how they have to find out the truth and to go down the path of condemnation and possession. He stated about getting out in front of that particular situation. Councilman Nalesnik stated how creating a committee and working with other towns was a good idea, but that could take 12 to 18 months. He stated about showing the people that they do care by tearing down the building to make the town better. Councilwoman Fox asked what the process was for condemnation and who starts it. Councilman Jacobs and Councilman Nalesnik stated "Solicitor Yurchak". Councilwoman Fox stated about getting Solicitor Yurchak started on the condemnation and possession. Councilwoman Poremba stated how they would need to check to see if the properties were up for tax sale or judicial sale.

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5. SANITATION LOUIS PAUL, CHAIRMAN; ROSEMARY POREMBO, CO-CHAIRWOMAN, BRUCE NALESNIK

Councilman Paul stated about calling Larry Wittig concerning mattresses that were not taking on the large item pickup day. Councilman Jacobs stated that some places were now requiring mattresses to be wrapped in plastic. Councilwoman Fox stated to Councilman Paul that when he talked to him find out when he was available to meet with them.

6. RECREATION MARY FOX, CHAIRWOMAN; LOUIS PAUL, CO-CHAIRMAN; DAVID HAWK

Councilman Jacobs asked why they were allowing someone to keep doing work at the property on E. Mill Street when they were still the middle of a lawsuit over the property. Councilman Paul stated how he agreed. Councilwoman Poremba stated how she was not aware that work was still being done on the property. President Hawk stated how he wanted to volunteer to work at that property. He stated that if someone was willing to volunteer their time to do work for Recreation, he was in favor of it. Councilman Paul stated how that was a man who terrorize the Borough workers for months. He stated how he was no longer on Council, he should not be allowed up at the garage; he should not be allowed to tell the Borough workers what to do; and he should not be on Borough property. Councilman Paul stated how there was going to be a volcanic eruption with one of the Borough workers and he did not want to see the Borough Council trying to fire anyone, because he was telling them that it was going to happen. He stated how it was Borough property and if he would get hurt, the Borough would be liable.

Councilman Paul stated how there were in litigation over the property. He stated how he agreed that if you wanted to beautify the town, but they needed to do it in the right way. Councilman Paul stated how it should have been brought before Council, instead of just telling him to go ahead. Councilman Jacobs stated how there should not be anyone on or anything done to that property until they were done with the lawsuit concerning the property. Councilman Paul stated about getting the recommendations from the attorney. Councilwoman Poremba stated how they were meeting with the attorney on October 28th at 5:00 p.m. Councilman Jacob stated how he did not know they had a meeting scheduled. Councilman Paul stated how the Borough workers did not want to be anywhere around the previous Council member. Councilman Jacobs stated how he had heard that he was chasing him all over town. Councilman Paul stated how he was pleading with Council to keep him away from him. Councilwoman Fox stated how the police should be called, and the individual should be arrested for harassment.

Councilman Paul stated how he was riding around the property at the Borough garage and he should not even be up there. He stated how he was asking the Borough workers what they were doing. President Hawk stated how he did not give permission to be at the Borough garage and told him that he should not be at the Borough garage. Councilman Jacobs stated how he has seen his car up there two weeks ago. Councilman Paul stated how he should be told that they did not want him doing anything else at the property until the litigation was finalized. He stated that they could give him their blessing once everything was over with. Councilman Paul stated how he was also over stepping his bounds with the Borough workers. He stated that if they get into it, someone was going to lose their job. Councilwoman Poremba stated how the Borough was going to get sued if something happened.

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Councilman Jacobs and Councilwoman Fox stated how he does really nice work. Councilman Paul stated how they needed to wait until everything was done with the litigation with Council. He stated that they would make a presentation to Council on what they were recommending to do.

Councilwoman Fox stated how the Recreation Commission was holding a brief making fundraiser on December 7th at 6:30 p.m. at a cost of \$25.00 per person, which needed to be paid by November 30th. Mayor Kitchko stated about the dumpster in the handicap parking spots at the Recreation Center. He stated how he has moved it three times, but it rolls back into the parking spots after they empty it.

7. BUDGET/ FINANCE

ROSEMARY POREMBO, CHAIRWOMAN; FRANK JACOBS, CO-CHAIRMAN; DAVID HAWK

Councilwoman Porembo stated about the purchase orders: police station - bi-fold paper towels, bleach and Pine-Sol, JC Small Engine - lawnmower blades; borough office - envelope moisteners.

Councilwoman Porembo moved and Councilwoman Fox seconded to approve the purchase orders. All voted yes. Motion passed.

Councilwoman Porembo stated how Secretary/Treasurer Ahner has to submit the first report for the American Rescue funds by October 31st.

Councilwoman Porembo stated how they have to schedule a meeting to prepare the 2022 budget. She stated how they also have to set up a meeting with S & O Computers to review the contract. Councilwoman Porembo stated how she had asked Mayor Kitchko to get a list of issues that the police were having at the station with the computers. She stated how they will also have to take a look at the sanitation budget for 2022 to see where they will be at the shortfall. Councilwoman Porembo stated about looking at the tonnage for both the garbage and the recycling. She stated about tracking the complaints to see if they were in violation of the contract.

President Hawk stated about the health insurance rebate that the Borough was supposed to be getting. He stated that the Water Authority would like to know how the Borough was going to disburse the funds, so they could basically do the same thing. Ms. Bamford stated how they did receive a check from High marks for reimbursement of the health insurance, which was supposed to go back to the employees. She stated that Secretary/Treasurer Ahner told them that by the time she would break it down, they would not be worth it and was putting it back into the General fund and the SOM fund. Councilwoman Fox stated that if they would break it down, it would have to go by the percentage each person put in it along with what the Borough paid.

Councilwoman Porembo stated how they needed to meet with ETA Benefits to go over the figures for the health insurance. She stated how they will need those figures for the budget and the police negotiations. President Hawk stated to Ms. Bamford about having Secretary/Treasurer Ahner tell Sue Smith what she was doing with the funds. Ms. Bamford stated how Highmark sent out letters, making it seemed that they were getting back so much money.

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Mayor Kitchko asked approximately how much the check was for. Ms. Bamford stated how it was around \$10,000.00. Mayor Kitchko stated how that was a nice amount of money. Councilwoman Fox stated that if an employee contributed 2% it would have to be divided down to what the Borough paid and what the employee paid.

Councilman Radocha asked if they did anything with the vehicles. Councilman Jacobs stated "no". Councilman Radocha asked if they did anything with the guns. Councilman Jacobs stated "no". Mayor Kitchko stated how the list was in Secretary/Treasurer Ahner hands. Councilman Jacobs stated how he wanted to put the trucks on Municibid, but they were still here and it was the time to sell them, because used vehicles were bringing top dollar.

8. PERSONNEL/ SAFETY MARY FOX, CHAIRWOMAN; ROSEMARY POREMBO, CO-CHAIRWOMAN; BRUCE NALESNIK

Councilwoman Fox stated how they were going to meet over the contract negotiations. She stated about the shared services for the Police Department.

EXECUTIVE SESSION

The Borough Council Members entered into an Executive Session at 7:36 p.m. for personnel. The Council Members exited their Executive Session at 7:52 p.m.

Councilman Paul moved and Councilwoman Porembo seconded to move the two part-time officers up to stand alone pay, effective immediately, October 13, 2021. All voted yes. Motion passed.

ADJOURNMENT

Councilman Jacobs moved and Councilman Paul seconded to adjourn the meeting. All voted yes. Meeting adjourned at 7:55 p.m.

RoniSue Ahner
Secretary/Treasurer