

The Tamaqua Borough Council held its first Regular Council Meeting for the month of August on Tuesday, August 17, 2021 at 7:00 p.m. in the Council Chambers at the Tamaqua Municipal Building, 320 East Broad Street, Tamaqua, PA.

Present were Councilmembers Robert Amentler, Ronald Bowman, Brian Connely, Jay Hollenbach Jr., Mary Linkevich, Ritchie Linkhorst and David Mace. Officials present were Mayor Nathan Gerace, Chief of Police Michael Hobbs, Borough Manager Kevin Steigerwalt, Solicitor Anthony Odorizzi, Borough Secretary/Treasurer Georgia Depos DeWire and Zoning/Code Enforcement Officer Gregory Kurtz Jr.

The meeting was called to order by President Mace. The invocation was given by Councilman Connely followed by the Pledge of Allegiance led by Mason Derr of Boy Scout Troop 777. The roll was called with all councilmembers present.

President Mace announced that an executive session was held on August 9, 2021 to discuss personnel and real estate matters.

The reading of the minutes of the Regular Council Meeting held on July 20, 2021 was ordered suspended, and with no additions or corrections, the minutes were approved as written on motion of Bowman, seconded by Linkevich, and unanimously approved.

Communication was received from Secretary/Treasurer Georgia Depos DeWire asking council to consider a motion to open an escrow account for fire loss insurance proceeds received from the Donegal Insurance Group for the property at 645 East Broad Street. A recommendation was made to open a new account for the fire insurance proceeds for the property at 645 East Broad Street. There was no one from the floor wishing to address council about this matter. The recommendation was so ordered on motion of Connely, seconded by Bowman, and unanimously approved.

Communication was received from Brian Keich, president of the Tamaqua Lions Club, stating that the Annual Tamaqua Halloween Parade is scheduled for October 26, 2021 at 7:00 p.m., with a rain date of October 27, 2021. The parade will assemble on East Broad Street, in the vicinity of Kistler Transportation, and proceed west on Broad Street and continue to the former St. Jerome's Church. The communication requested permission to prohibit parking along the parade route and assistance from the Tamaqua Police Department and the Fire Police. The communication also requested that East End Avenue be made one-way going west from Laurel to Columbia streets so that traffic is going in one direction for drop off of the Tamaqua Band and Soccer teams at the M&M Storage Lot. A recommendation was made to grant the requests, and to authorize the use of the Tamaqua Fire Police. There was no one from the floor wishing to address council about this matter. The recommendation was so ordered on motion of Bowman, seconded by Linkhorst, and unanimously approved.

Communication was received from Gregory Kurtz Jr. stating that he is resigning from his position as Zoning/Code Enforcement Officer and his last day will be September 8, 2021. A recommendation was made to accept the resignation of Gregory Kurtz Jr. There was no one from the floor wishing to address council about this matter. The recommendation was so ordered on motion of Bowman, seconded by Linkhorst, and unanimously approved.

Under Special Business, Zoning/Code Enforcement Officer Kurtz discussed a revised Borough Fee Schedule as follows: gave an overview of items for recommended changes; noted the

deletions and changes; and a Pennsylvania Uniform Construction Code (PAUCC) fee schedule was added. Councilman Connely discussed residential rental property inspections and rewarding those who are doing it right by possibly refunding a portion of the fee. Zoning/Code Enforcement Officer Kurtz recommended not doing it. There was some discussion about this matter.

Under Special Business, Zoning/Code Enforcement Officer Kurtz discussed code enforcement software proposals, and the implementation and benefits to the department. Mr. Kurtz is recommending that the borough purchase a twelve month subscription and enter into a service agreement with iWorQ at a cost of \$9,000.00 for year one and the annual subscription fee would be locked in at \$6,000.00. A motion was made by Linkevich and seconded by Hollenbach to purchase a code enforcement software program package and enter into a service agreement with iWorQ Systems Inc. After some discussion about the County's GIS (Geographic Information System) data and providing councilmembers with a demonstration of the software, the motion and second were amended as follows: a recommendation was made to purchase a code enforcement software program package and enter into a service agreement with iWorQ Systems Inc. pending a demonstration of the software package to councilmembers who would be willing to review it. There was no one from the floor wishing to address council about this matter. The recommendation was so ordered on motion of Linkevich, seconded by Hollenbach, and unanimously approved.

Under Special Business, Councilman Connely had a Fee Schedule Resolution revising the borough fee schedules which also included a \$50.00 refund reduction with zero violations on Rental Property Inspections to present for council's consideration:

**RESOLUTION NO. 2021-11  
BOROUGH OF TAMAQUA  
FEE SCHEDULE RESOLUTION**

A recommendation was made to adopt the foregoing resolution. There was no one from the floor wishing to address council about this matter. The recommendation was so ordered on motion of Connely, seconded by Bowman, and approved by a unanimous roll call vote.

Zoning/Code Enforcement Officer Kurtz left the meeting after his presentation.

Under Special Business, President Mace turned the meeting over to Tamaqua Area Water Authority (TAWA) bond counsel Brian Koscelansky of Stevens and Lee, and Michael Vind of FSL Public Finance who discussed a Tamaqua Area Water Authority (TAWA) refunding opportunity for the Guaranteed Water Revenue Bond, Series of 2014. The TAWA plans to refinance its 2014 Guaranteed Water Revenue Bonds which paid for \$9.5 million in improvements to the water plant and distribution system. The TAWA has the opportunity to realize a savings of approximately \$500,000.00 by taking advantage of the current low interest rates and reducing the borough's potential guaranty obligations on the TAWA current bond. There would be no extension of the term. The ordinance was advertised and is ready to be adopted. Councilman Connely, who is also the Chairman of the TAWA, stated that the authority reviewed it at their meeting last night.

Under Special Business, Councilman Connely reported that he had an ordinance authorizing and approving Guaranteed Water Revenue Bonds to be issued by the Tamaqua Area Water Authority in an amount not to exceed \$9.5 million to present for council's consideration:

## ORDINANCE NO. 725

## AN ORDINANCE

OF THE COUNCIL OF THE BOROUGH OF TAMAQUA, SCHUYLKILL COUNTY, PENNSYLVANIA, AUTHORIZING AND APPROVING A PROJECT OF THE AUTHORITY (HEREINAFTER DEFINED); AUTHORIZING AND DIRECTING THE INCURRENCE OF LEASE RENTAL DEBT IN THE AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED NINE MILLION FIVE HUNDRED THOUSAND DOLLARS (\$9,500,000) PURSUANT TO THE ACT OF THE GENERAL ASSEMBLY OF THE COMMONWEALTH OF PENNSYLVANIA, KNOWN AS THE LOCAL GOVERNMENT UNIT DEBT ACT, AS REENACTED, AMENDED AND SUPPLEMENTED (THE "DEBT ACT"); DETERMINING THAT SUCH DEBT SHALL BE INCURRED UNDER THE DEBT ACT AS LEASE RENTAL DEBT TO BE EVIDENCED BY A GUARANTY AGREEMENT OF THE BOROUGH SECURING GUARANTEED WATER REVENUE BONDS (THE "BONDS"), TO BE ISSUED BY THE TAMAQUA AREA WATER AUTHORITY (THE "AUTHORITY") TO FINANCE A PROJECT (THE "PROJECT") OF THE AUTHORITY CONSISTING OF (1) CURRENTLY REFUNDING THE AUTHORITY'S OUTSTANDING GUARANTEED WATER REVENUE BOND - SERIES OF 2014; AND (2) PAYING THE COSTS ASSOCIATED WITH THE ISSUANCE OF THE BONDS; AUTHORIZING AND DIRECTING THE PROPER OFFICERS OF THE BOROUGH: (A) TO PREPARE, TO CERTIFY AND TO FILE THE DEBT STATEMENT AND BORROWING BASE CERTIFICATE REQUIRED BY SECTION 8110 OF THE DEBT ACT; (B) TO CAUSE TO BE PREPARED AND FILED, ANY STATEMENTS OR REPORTS REQUIRED BY SECTION 8026 OF THE DEBT ACT WHICH ARE NECESSARY TO QUALIFY ALL OF SUCH LEASE RENTAL DEBT FOR EXCLUSION FROM THE APPROPRIATE DEBT LIMITS OF THE BOROUGH AS SELF-LIQUIDATING DEBT; (C) TO EXECUTE, TO ATTEST, TO SEAL AND TO DELIVER, AS APPROPRIATE, A REIMBURSEMENT AGREEMENT BETWEEN THE BOROUGH AND THE AUTHORITY AND A GUARANTY AGREEMENT AMONG THE BOROUGH, THE AUTHORITY AND THE TRUSTEE NAMED THEREIN; APPROVING THE FORMS OF THE REIMBURSEMENT AGREEMENT AND THE GUARANTY AGREEMENT; SPECIFYING THE AMOUNT OF THE GUARANTY OBLIGATION OF THE BOROUGH PURSUANT TO SUCH GUARANTY AGREEMENT AND THE SOURCES OF PAYMENT OF SUCH GUARANTY OBLIGATION; APPROVING A REPORT OF THE AUTHORITY'S CONSULTING ENGINEER; AUTHORIZING THE PROPER OFFICERS OF THE BOROUGH TO TAKE ALL OTHER REQUIRED, NECESSARY OR DESIRABLE RELATED ACTION IN CONNECTION WITH SUCH PROJECT AND THE EXECUTION AND DELIVERY OF THE REIMBURSEMENT AGREEMENT AND THE GUARANTY AGREEMENT; PROVIDING FOR THE EFFECTIVENESS OF THIS ORDINANCE; PROVIDING FOR THE SEVERABILITY OF PROVISIONS OF THIS ORDINANCE; AND PROVIDING FOR THE REPEAL OF ALL INCONSISTENT ORDINANCES OR RESOLUTIONS OR PARTS OF ORDINANCES OR RESOLUTIONS.

A recommendation was made to adopt the foregoing ordinance. There was no one from the floor wishing to address council about this matter. The recommendation was so ordered on motion of Connely, seconded by Bowman, and approved by a unanimous roll call vote.

Brian Koscelansky of Stevens and Lee, and Michael Vind of FSL Public Finance left the meeting.

Manager Steigerwalt reported that he had a proposal from Alfred Benesch and Company in the amount of \$4,600.00 for Professional Engineering Services for the annual inspection of the Upper Owl Creek and Lower Owl Creek Dams. A recommendation was made to approve a proposal from Alfred Benesch and Company of Pottsville, PA in the amount of \$4,600.00 for Professional Engineering Services for the annual inspection of the Upper Owl Creek and Lower Owl Creek Dams. There was no one from the floor wishing to address council about this matter.

The recommendation was so ordered on motion of Bowman, seconded by Linkhorst, and unanimously approved.

Manager Steigerwalt also reported on a Schuylkill County Tax Claim Bureau Private Sale Notice. Solicitor Odorizzi requested an executive session prior to adjournment to discuss real estate matters.

Manager Steigerwalt also reported on the following: the PennDOT Center Street Project has been postponed this week due to the weather; repairs to Owl Creek Road were also postponed; the Lincoln Street Retaining Wall Project is scheduled to begin August 23<sup>rd</sup>; the Schuylkill County Demolition Program projects at 252 West Cottage Avenue and 307 East Broad Street would begin around October 4<sup>th</sup>; the positions for Borough Secretary/Treasurer and the Zoning/Code Enforcement Officer have been advertised; the pool closes this Sunday; the 2021-2022 insurance policy renewal with The Seltzer Group; and a Schuylkill County Small Business Community Development Block Grant (CDBG) Assistance Program to help small businesses recover from COVID-19.

Manager Steigerwalt discussed the Community Development Block Grant Program Project List and Application for 2021. The 2021 CDBG allocation is \$126,937.00. There was some discussion about the material costs for some of the proposed projects. A proposed detailed budget is as follows: administration \$22,848.00; clearance/demolition (one property to be determined) \$31,226.00; recreation (South Ward Playground fencing and gates) \$26,200.00; recreation (North/Middle Ward Playground fencing and gates) \$39,700.00; street reconstruction and accessibility (Clay Street from Nescopec to Pitt streets) \$32,348.00; and street reconstruction and accessibility (Cedar Street from Center to Greenwood streets) \$43,192.00. The total proposed detailed budget is \$195,514.00. A recommendation was made to prepare a CDBG resolution for fiscal year 2021 based on the project list as presented. There was some discussion about the following: two playground projects, costs and safety items; and the playground organizations and legal matters. Council recognized Kathy Kunkel of 420 West Spruce Street who stated that the legal option is that the borough owns the playground property and leases it to the playground association which must be a non-profit organization with officers and must hold meetings. There was no one else from the floor wishing to address council about this matter. The recommendation was so ordered on motion of Bowman, seconded by Linkevich, and unanimously approved.

Manager Steigerwalt also reported that Director of Community Development Ann Marie Calabrese recruited volunteers to paint the Christmas decorations that are placed along North Railroad Street every year and she is looking for more volunteers to help.

Under the Borough Manager's report, Councilman Bowman discussed the Owl Creek Road job and its contractor. Councilman Bowman stated that additional repairs to the paving work that was done last spring will be taken care of in the very near future.

Chairman Linkhorst of the Parking and Traffic Committee reported that he had an ordinance prohibiting vehicles 70,000 pounds or more on Pitt Street between Lafayette Street and West Elm Street to present for council's consideration:

ORDINANCE NO. 726

AN ORDINANCE OF THE BOROUGH OF TAMAQUA, SCHUYLKILL COUNTY, PENNSYLVANIA, REVISING AND AMENDING SECTION 326-18 OF THE BOROUGH OF TAMAQUA CODE OF ORDINANCES ESTABLISHING REGULATIONS FOR VEHICLES

AND TRAFFIC, ARTICLE II TRAFFIC REGULATIONS, SECTION 326-18 TRUCK TRAFFIC RESTRICTED TO CERTAIN STREETS.

A recommendation was made to adopt the foregoing ordinance. There was no one from the floor wishing to address council about this matter. The recommendation was so ordered on motion of Linkhorst, seconded by Amentler, and approved by a unanimous roll call vote.

Under the Parking and Traffic Committee report, a recommendation was made to approve a handicapped parking space for 34 Hunter Street, Apartment 3. There was no one from the floor wishing to address council about this matter. The recommendation was so ordered on motion of Linkhorst, seconded by Amentler, and unanimously approved.

Under the Parking and Traffic Committee report, a recommendation was made to approve a handicapped parking space for 327 North Columbia Street. There was no one from the floor wishing to address council about this matter. The recommendation was so ordered on motion of Linkhorst, seconded by Amentler, and unanimously approved.

Under the Parking and Traffic Committee report, a recommendation was made to approve a handicapped parking space for 208 Biddle Street. There was no one from the floor wishing to address council about this matter. The recommendation was so ordered on motion of Linkhorst, seconded by Hollenbach, and unanimously approved.

Under the Finance, Wage and Salary Committee report, a recommendation was made to hire Tyler Sherman as a part-time maintenance worker at a pay rate of \$12.50 per hour. There was no one from the floor wishing to address council about this matter. The recommendation was so ordered on motion of Bowman, seconded by Hollenbach, and unanimously approved.

Under the Finance, Wage and Salary Committee report, a recommendation was made to hire Shawn M. Hutta as an Assistant Mechanic/Street Maintenance Worker in accordance with the United Auto Workers Collective Bargaining Agreement wage, effective immediately or when he is available. There was no one from the floor wishing to address council about this matter. The recommendation was so ordered on motion of Bowman, seconded by Linkhorst, and unanimously approved.

Under the Neighborhoods, Downtown and Historic District Committee report, a recommendation was made to issue a Certificate of Appropriateness to demolish a house that was damaged by fire at 266 West Cottage Avenue. There was no one from the floor wishing to address council about this matter. The recommendation was so ordered on motion of Hollenbach, seconded by Amentler, and unanimously approved.

Under the Neighborhoods, Downtown and Historic District Committee report, a recommendation was made to issue a Certificate of Appropriateness to demolish the house, garage and pool due to a fire at 645 East Broad Street. There was no one from the floor wishing to address council about this matter. The recommendation was so ordered on motion of Hollenbach, seconded by Amentler, and unanimously approved.

Under the Public Safety Committee report, a recommendation was made to advertise for part-time police officers. There was no one from the floor wishing to address council about this matter. The recommendation was so ordered on motion of Connely, seconded by Bowman, and unanimously approved.

Under the Public Safety Committee report, a recommendation was made to accept the resignation of part-time Police Officer Melissa Shaffer. There was no one from the floor wishing to address council about this matter. The recommendation was so ordered on motion of Connely, seconded by Bowman, and unanimously approved.

Under the Public Safety Committee report, a recommendation was made to approve Corporal Thomas Rodgers to attend a Pistol Optics Instructor Course in Hershey, PA on October 4<sup>th</sup> and October 5<sup>th</sup> at a cost of \$395.00. There was no one from the floor wishing to address council about this matter. The recommendation was so ordered on motion of Connely, seconded by Bowman, and unanimously approved.

Under the Public Safety Committee report, a recommendation was made to approve Chief of Police Michael Hobbs to attend the Executive Leadership Institute (ELI) program through FBI-LEEDA in Danielsville, PA from October 25<sup>th</sup> to October 29<sup>th</sup> at a cost of \$695.00. There was no one from the floor wishing to address council about this matter. The recommendation was so ordered on motion of Connely, seconded by Bowman, and unanimously approved.

Chairperson Linkevich of the Recreation and Youth Committee reported that she met via the Zoom platform with Cathy Miorelli, Austin Miorelli, Miranda Hess and Rachel Brimmer of the group Tamaqua “Y” NOT who wished to discuss the creation of a recreation facility in Tamaqua through funding through the American Recovery Act. There was some discussion about this matter and her concerns about the need for such a facility and also the lack of a sustainability plan. Chairperson Linkevich reported that no action was taken.

The meeting was opened to the floor.

Robert Derr of 233 Clay Street expressed his concerns about ATV activity around his area at all times. Mr. Derr asked for more police presence to help deter some of this activity. President Mace stated that Chief Hobbs is aware of this situation.

Cathy Miorelli, Austin Miorelli, Rachel Brimmer and John Ritzko, represented the Tamaqua “Y” NOT group. The discussion included, but was not limited to, the following: the organization was formed after the Tamaqua YMCA closed its doors last year; the timeline for the American Rescue Plan Act (ARPA); ARPA funds and permitted uses; it is a small but mighty group; the community would be better served by having a community center with family oriented programs and programs for all ages in the Borough of Tamaqua; currently in talks with C.A.R.E.S. (Community and Residential Empowerment Services) in order to use the gym in their facility, which is located in the former Tamaqua Salvation Army building; the group is looking for a commitment/moral support, to join their forces; the group is under the umbrella of the Eastern Schuylkill Recreation Commission (ESRC); ESRC project rotations, project grant applications, funding and matching funding; to have another meeting with the Recreation and Youth Committee; the group has a Facebook page; and the group is looking for members. There was some discussion about these matters.

With no one else wishing to address council, the meeting was closed to the floor.

Solicitor Odorizzi requested an executive session prior to adjournment to discuss real estate and legal matters.

A recommendation was made to accept and file the various reports of borough officials. There was no one from the floor wishing to address council about this matter. The

recommendation was so ordered on motion of Bowman, seconded by Linkhorst, and unanimously approved.

A recommendation was made to pay all properly approved bills and claims against the borough with the exception of voucher number 44239 withholding payment to Waste Management. There was no one from the floor wishing to address council about this matter. The recommendation was so ordered on motion of Bowman, seconded by Linkhorst, and unanimously approved.

A recommendation was made to hold an executive session to discuss real estate and legal matters. There was no one from the floor wishing to address council about this matter. The recommendation was so ordered on motion of Bowman, seconded by Linkhorst, and unanimously approved.

The council meeting was recessed at approximately 8:26 p.m. while council met in executive session.

The council meeting was reconvened at approximately 9:33 p.m.

President Mace announced that an executive session was held to discuss real estate and legal matters.

A recommendation was made to accept a deed in exchange of \$5,500.00 in consideration for the acquisition of the property at 35 North Railroad Street, tax parcel number 65-12-0127.000, from Stuart and Mary Lou Muffley. There was no one from the floor wishing to address council about this matter. The recommendation was so ordered on motion of Connely, seconded by Bowman, and unanimously approved.

There being no further business, the meeting was adjourned at approximately 9:34 p.m. on motion of Bowman, seconded by Linkevich, to meet again at the call of the President.

ATTEST:

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Georgia Depos DeWire, Borough Secretary/Treasurer