

The Tamaqua Borough Council held its second Regular Council Meeting for the month of June on Tuesday, June 16, 2020 at 7:00 p.m. through the Zoom video conference system. The public was able to participate in the council meeting using a computer, tablet or smart phone with an internet connection using the link <https://us02web.zoom.us/j/87420903205> and by entering Meeting ID 874 2090 3205. Individuals who did not have internet access were able to participate by telephone by dialing 1-929-436-2866 and entering Meeting ID 874 2090 3205 #.

Present were Councilmembers Robert Amentler, Ronald Bowman, Thomas Cara, Brian Connely, Mary Linkevich, Ritchie Linkhorst and David Mace. Officials present were Mayor Nathan Gerace, Chief of Police Henry Woods, Borough Manager Kevin Steigerwalt, Public Works Director Robert Jones, Solicitor Anthony Odorizzi, Borough Secretary/Treasurer Georgia Depos DeWire, Director of Community Development Ann Marie Calabrese and Zoning/Code Enforcement Officer Gregory Kurtz Jr.

The meeting was called to order by President Mace. A moment of silence was held for Pauline Boettger, who had worked for the Borough of Tamaqua for 32 years, retiring as the office manager. The invocation was given by Councilman Cara. President Mace stated that since the borough is using a video conferencing platform, the Pledge of Allegiance was waived. Councilman Cara lost his connection to the Zoom meeting. The roll was called with six councilmembers present and one absent.

The reading of the minutes of the Regular Council Meeting held on June 3, 2020 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 Raymond J. Kinder, Superintendent of the Tamaqua Area School District, requesting that South Lehigh Street from Spruce Street to its intersection at Coal Street and Race Street from South Lehigh Street to Coal Street be closed in conjunction with the Class of 2020 Graduation Ceremony which would be held on June 26<sup>th</sup>. Councilman Cara's connection to the Zoom meeting was restored. A motion was made by Bowman and seconded by Cara to grant the requests. After some discussion, the motion and second were amended as follows: a recommendation was made to grant the requests and to include a rain date, if needed. 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 Cara, and unanimously approved.

Communication was received from Francis Betz, secretary of the Citizens Fire Company #1, requesting permission to close Hegarty Avenue on October 3, 2020 for their Annual Pig Roast and Cornhole Tournament from 7:00 a.m. to 11:00 p.m. A recommendation was made to grant the request. 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 Cara, and unanimously approved.

Communication was received from Francis Betz, secretary of the Citizens Fire Company #1, requesting permission to limit parking on Hegarty Avenue and Berwick Street on July 11<sup>th</sup> starting at 11:00 a.m. to approximately 7:00 p.m. for a drive-through Food Sale. A recommendation was made to grant the request. 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 Cara, and unanimously approved.

Communication was received from Francine Garenty-Kluck of 407 North Lehigh Street, Mr. and Mrs. J. Wesley Kehlor of 405 North Lehigh Street and Mr. and Mrs. John Hotsko of 401 North Lehigh Street expressing their concerns about an undeveloped “paper” road/lot located east of the 400 block of North Lehigh Street, beginning at a point north of Hamilton Street and continuing north, parallel to North Lehigh Street as follows: this lot does not appear on the Tamaqua Borough Street Map and has not been issued a county tax parcel number; this section is not paved or maintained in over 55 years; access and development of this lot; on June 8, 2020, the owner of 411 North Lehigh Street began opening/clearing the northern section of this plot with a purpose of providing access for construction and earth moving equipment for swimming pool installation at their property; they believe proper due diligence has not been completed on this plot; it is their understanding that permits have not been issued by Tamaqua Borough nor through Schuylkill County Planning/Zoning, the Pennsylvania Department of Transportation or Schuylkill County and others, concerning the feasibility of this section of ground to support such development or motorized usage of any kind; such development and use would create undue hardship and subject them along with the Borough to unnecessary risk; development and usage would create numerous safety concerns, encroach upon our properties, diminish their quality of life and create negative environmental impact; and future ongoing maintenance costs would also be incurred by the Borough once this section is open. The communication also stated the following: they are combined 126-year residents and property owners of North Lehigh Street and adjoin this section of land; and they adamantly and unanimously oppose the opening/clearing, development or usage of this section of land including, but not limited to, any type of motorized traffic, registered and unregistered vehicles, motorcycles or ATVs as this section of land is not designed nor developed to support such use. The communication is requesting that any and all work opening/clearing this lot immediately ceases and desists and that any future permitting allowing such development or usage be denied until proper due diligence and feasibility has been determined. The communication also stated that the property located at 411 North Lehigh Street has adequate street access where such equipment could arrive in a much easier and convenient manner, without imperiling the entire block, as well as, the Borough.

Communication was received from Lee W. Calkins of 411 North Lehigh Street stating that he would like to gain access to his downstairs garage via Hamilton Street. Mr. Calkins stated in the communication that he was told by Rose Whitley, that her father-in-law, Donald Whitley who was the previous owner, used this road to transport cabinets that he made in what is the downstairs garage, to his showroom Whitley Custom Kitchens near the Jamesway Plaza. Mr. Whitley drove his truck back and forth for many years on the 400 Block of Hamilton Street. Hamilton Street has since overgrown in the last four and one-half years since he bought this property. Mr. Calkins stated that he would like to be able to access this road to bring an excavator on his property to dig for a pool. Mr. Calkins stated that he started to clear this road last week and asked his neighbor at 407 North Lehigh Street if she had a problem with him clearing that road for access; she had no problem with that and explained to him that she used to use it as well as others to walk back and forth to Kellner’s Dam. Mr. Calkins stated that after he finished clearing behind her property she approached him and seemed to have a problem with him accessing this street, stating that she did not want any cars parked back there or ATVs or motorcycles. Mr. Calkins stated that he does own three ATVs that he takes out of his yard on the north side of his home which is West Elm Street.

Mr. Calkins stated that his only intention is to be able to access his downstairs garage and bring in a piece of equipment to be able to excavate. Mr. Calkins stated that he was under the impression that this road was used by the previous owner for many years and he would like to be able to do the same. He has spoken with the neighbors that live right at the end of the road where it meets Jerome Street and they have no problem as long as their kids can use his property to access Kellner's Dam which they have been using anyway.

President Mace stated that we have in these communications opposing viewpoints regarding access to the rear of 411 North Lehigh Street and other councilmembers have approached him about this subject. President Mace asked if the office staff has had any communication about this particular area. Manager Steigerwalt stated that he spoke with both property owners and they communicated to him what is in their individual letters. Solicitor Odorizzi stated that it is a question of whether or not it is still borough property. He stated that Manager Steigerwalt was not certain if this was still on the list of borough streets and thought it was taken off perhaps as recently as last year when the new code was written up. Solicitor Odorizzi stated that there are a lot of factual issues here that cannot be answered tonight. He stated that he does not know when this road was put into use or not been put into use. If the road was never put into use, there is a provision in the borough code that if the road is not put into use, the right to use the property reverts back to the adjoining property owners. And even if that is the case, the right to use the road would never fall back exclusively to one of the adjoining property owners. If he understands the situation here, you would have to reach the top of the existing Hamilton Street and continue along this paper street across property adjoining several other properties before you would get to the property owned by Mr. Calkins. He is not sure there is any legal mechanism that could provide that. If the road was open and used for public use, all those neighboring property owners along with the rest of the public would be able to use the road and none would own it and would have to adhere to permitting and zoning restrictions. In this case, without knowing factually and we could confirm whether this street is still part of borough roads, if it is not, it seems like it is more of an issue between the property owners as to who has what rights along there. Solicitor Odorizzi is not sure Borough Council is the entity to resolve this dispute. President Mace said that it has never been an improved street and does not recall an action where the borough abandoned the paper street but does remember one process during his tenure on council where the borough did abandon a portion of a street in the North Ward a few years ago. President Mace still feels it is a paper street and the parcel locator shows it as a paper street. The two properties owned by Mr. Calkins are bounded by paper streets to the north and to the east and the rest is bounded by Kellner's Dam, which is also owned by the Borough of Tamaqua. It does appear that the back of Mr. Calkins property is landlocked by property that appears to be owned by the borough. Solicitor Odorizzi said to clarify, there are some issues that the borough needs to look at coming out of tonight's meeting, but the distinction between the borough having to vacate the property it has openly used versus not ever making use or opening a paper street. If a paper street has never been used or opened, and not knowing the statute, there is a provision in the code that the borough reverts the property back to the adjoining properties, if it was never used. Solicitor Odorizzi stated that there are a lot of questions beyond the scope of what the borough has received in the two letters and beyond the amount of time that was given to review it. There was much discussion about this matter. A recommendation was made to have Solicitor Odorizzi investigate the legal status of the paper street known as Hamilton

Street regarding access on it and to it by adjoining property owners for the next council meeting. There was much discussion about this matter. 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 had a resolution extending the Mayor's Declaration of Disaster Emergency of March 20, 2020 for a third thirty (30) day additional period to terminate on July 26, 2020 to present for council's consideration:

**RESOLUTION NO. 2020-6**  
**A RESOLUTION OF THE BOROUGH OF TAMAQUA, SCHUYLKILL COUNTY, PENNSYLVANIA, PURSUANT TO SECTIONS 10A06 OF THE PENNSYLVANIA BOROUGH CODE, AND SECTION 7501 OF THE PENNSYLVANIA EMERGENCY MANAGEMENT SERVICES CODE, EXTENDING THE MAYOR OF TAMAQUA'S DECLARATION OF DISASTER EMERGENCY OF MARCH 20, 2020 FOR AN ADDITIONAL PERIOD OF THIRTY (30) DAYS.**

A recommendation was made to adopt the foregoing resolution. There was some discussion regarding the termination date of the resolution. 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 Linkevich, and approved by a unanimous roll call vote.

Manager Steigerwalt reported that the pool has been up and running for a few days and things are going well. There have been no major problems. There were 1,102 season passes sold to Tamaqua Area School District residents and 25 season passes sold to Panther Valley School District residents. The season passes sold are approximately half of what the borough usually sells in a given season.

Manager Steigerwalt also reported that the decontamination equipment is ordered and is expected to arrive any day.

President Mace stated that Liz Pinkey of The Times News newspaper submitted a written question asking how many people are attending the pool daily. Manager Steigerwalt stated that he would need to speak Pool Manager Beth Jones to obtain that information. The pool capacity was set at 250 this year and probably there are around 100-125 attending. Public Works Director Jones stated that about 150-160 has been the high today and maybe one other day.

Manager Steigerwalt also reported that the Street Department has been busy getting ready for the Owl Creek Road Oil and Chip Project. Public Works Director Jones stated that the best case scenario is that the road will be ready for seal coating beginning on June 29<sup>th</sup> but it would depend on the weather. Councilman Bowman stated that if the contractor would begin working the week of June 29<sup>th</sup> there are concerns about the July 4<sup>th</sup> holiday traffic that would be using the road. The contractor has been in contact with Lehigh Asphalt in getting stone for the project and there is a timeframe involved there because the contractor would need to obtain the stone for this project before PennDOT starts taking the stone for their projects. There was some discussion about this matter.

Manager Steigerwalt also reported on the refinancing of three existing loans. The Street Light loan that was financed through Mauch Chunk Trust Company (MCT) was resolved rather quickly with MCT agreeing to lower the interest rate. Manager Steigerwalt is still waiting for a response regarding the 2014 Water Revenue Bond that was financed through MCT and Quakertown National Bank. Manager Steigerwalt stated that he has the results of the Request For Proposals for the refinancing of the 2012 General Obligation Bond as follows: the Jim Thorpe Neighborhood

Bank proposal was a fixed rate of interest of 1.98 and after fees and costs there would be \$55,636 savings over the term of the loan; and the Mauch Chunk Trust proposal was a fixed rate of interest of 1.96 and after fees and costs there would be \$57,330 savings over the term of the loan. The recommendation is to proceed with the refinancing through Mauch Chunk Trust. A motion was made by Bowman and seconded by Cara to proceed with the refinancing of the 2012 General Obligation Bond through Mauch Chunk Trust. After some discussion, the motion and second were amended as follows: a recommendation was made to proceed with the refinancing of the 2012 General Obligation Bond through Mauch Chunk Trust and to have the bond council prepare and advertise the ordinance. 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 Cara, and unanimously approved.

Manager Steigerwalt also reported that Schuylkill County is moving into the Green phase on Friday and he and Public Works Director Jones had a discussion about reopening the office on Monday; having everyone who comes into the building check in at the Utility Billing Department front window and have Mr. Ziegler or Ms. Tonkin direct them to the appropriate place, if necessary. President Mace stated that other work places have a contact person with a non-contact infrared type thermometer and asked if the borough has tried to acquire something like that and if not, can we. Manager Steigerwalt stated that he did not acquire anything but he could look into it. Director of Community Development Calabrese stated that she purchased one online so she has one. Public Works Director Jones stated that the borough does have one as it was used to take the blacktop temperature when paving. Manager Steigerwalt stated that when people come into the main inner office area, tables could be put up against the railing in front of the area where Ms. Zamudio, secretary to the Borough Manager, and Director of Community Development Calabrese's desks are located to have people keep their distance. President Mace stated that the implementation of the Centers for Disease Control and Prevention (CDC) guidelines is under Manager Steigerwalt's purview and he is to implement them as he sees fit. Councilman Linkhorst stated that Councilwoman Linkevich posed a question about a mask requirement. Manager Steigerwalt stated that signs would need to be posted for people entering the building to wear masks. Councilman Linkhorst expressed his concerns about making people wear a mask. There was much discussion about people wearing a mask, mask protection for employees, and a barrier protection for Ms. Zamudio and Ms. Calabrese. Ms. Calabrese expressed her concerns that she and Ms. Zamudio are not protected at all from people coming into the inner office area and something needs to be done for their protection in order to stop people from coming in to just visit or to socialize. There was much discussion about stopping or limiting access to people from coming into the inner office area, having handicapped access to the police department and placing appropriate signage in the building. President Mace stated that Manager Steigerwalt should have something in place before the building is opened to the public. Councilman Bowman discussed having a Plexiglas barrier installed in the future for the protection of Ms. Zamudio and Ms. Calabrese. There was some discussion about future permanent upgrades and a long term solution for the office area. Manager Steigerwalt could look into pricing. Councilman Linkhorst expressed his concerns about limiting access to the inner office area to people. Manager Steigerwalt stated that it has come up in discussions with the borough's risk management consultant and insurance company about the building's accessibility.

Director of Community Development Calabrese reported on the following: she did some research and she will be working with Councilwoman Linkevich on a WalkWorks Grant through the Pennsylvania Department of Health for the development of plans and policies to establish activity-friendly routes that connect to everyday destinations; Councilwoman Linkevich also discussed with her the sale of old street signs, however she did not know that she was to develop a program for their sale since she did not attend the last meeting; and a Tamaqua Dines Out program overview.

Chief Woods reported that a Black Lives Matter demonstration/protest was held at Depot Square Park on Sunday. Chief Woods spoke at the event, along with Penny Gursky, and he was very pleased that it was peaceful. He stated that all the people that approached him, and that he spoke with, were super nice and there were no problems.

President Mace asked Manager Steigerwalt if there has been any correspondence with the railroad as to when they plan to start construction. Manager Steigerwalt has been in touch with the railroad and right now everyone is waiting for PPL to provide them with the electric service that is needed there. There was some discussion about this matter.

Under the Recreation and Youth Committee report, a recommendation was made to reopen all the borough playgrounds and follow state guidelines when Schuylkill County enters the green phase of Pennsylvania's reopening plan, which is on Friday, and she took the liberty of writing down the CDC guidelines for opening playgrounds to send out to the different playground associations. 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 Linkhorst, and unanimously approved.

Chairwoman Linkevich of the Recreation and Youth Committee asked that the borough reinstall the basketball hoops.

Under the Recreation and Youth Committee report, a recommendation was made to purchase a new BKP manual vacuum for the pool at a cost of approximately \$3,900.00 from If It's Water with funds designated from the H.D. Buehler Memorial Park Fund. 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 Linkhorst, and unanimously approved.

Under the Recreation and Youth Committee report, a recommendation was made to hire Amy Heisler, Madison Wickersham and Florence Rios as part-time pool clerks at a pay rate of \$9.00 per hour. 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 Linkhorst, and unanimously approved.

Under the Parking and Traffic Committee report, a recommendation was made to approve a handicapped parking space application for 435 Glenwood Avenue. 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 Cara, and unanimously approved.

The meeting was opened to the floor.

George Boyle asked when council would be going back to a regular meeting format. There was some discussion about this matter.

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

Solicitor Odorizzi gave an update on the Tamarack Square Subdivision project. The borough is still waiting for the developer to come through with the bonding.

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 Cara, seconded by Bowman, and unanimously approved.

A recommendation was made to pay all properly approved bills and claims against the borough. There was no one from the floor wishing to address council about this matter. The recommendation was so ordered on motion of Cara, seconded by Bowman, and unanimously approved.

Under New Business, Councilman Connely stated that there has been discussion about a pool study and what needs to be done for the pool, and committing those types of funds. Councilman Connely asked what does the borough need to do to get a referendum on the ballot and what is the timeline for a referendum question. President Mace referred the matter to the Recreation and Youth Committee to contact someone at Senator Argall or Representative Knowles offices to obtain guidance and information from them on this matter. There was some discussion about this matter.

Under New Business, Councilwoman Linkevich stated that she has a draft of Pottsville's Dines Out plan, specifically The Wheel, that if restaurants are to be open at half capacity, it is very important to have a very simple easy process available if they have a creative idea for using outdoor space for seating. A recommendation was made to adopt a Tamaqua Dines Out Program. There was some discussion about this matter. 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 Bowman, and unanimously approved.

There being no further business, the meeting was adjourned at approximately 8:11 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