

The Tamaqua Borough Council held its first Regular Council Meeting for the month of August on Tuesday, August 18, 2015 at 7:00 p.m. at the Lower Owl Creek Dam Pavilion located at 272 Owl Creek Road, Tamaqua, PA.

Present were Councilmembers Thomas Cara, R. Daniel Evans, Kerry Lasky, Micah Gursky and David Mace. Absent were Councilmembers Brian Connely and Justin Startzel. Officials present were Mayor Christian Morrison, Borough Manager Kevin Steigerwalt, Solicitor Michael S. Greek, Borough Secretary/Treasurer Georgia Depos DeWire and Fire Chief Thomas Hartz.

The meeting was called to order by President Gursky. The invocation was given by Councilman Cara followed by the Pledge of Allegiance led by Mayor Morrison. The roll was called with five councilmembers present and two absent.

The reading of the minutes of the last Regular Council Meeting held on July 21, 2015 was ordered suspended, and with no additions or corrections, the minutes were approved as written on motion of Mace, seconded by Cara, and unanimously approved.

President Gursky discussed the change in the meeting location from the Council Chambers at the Tamaqua Municipal Building to the pavilion at the Owl Creek Dam Pavilion to bring attention to one of the attractions of the Tamaqua Area.

Manager Steigerwalt highlighted some of the resources that the Owl Creek Dams offer as follows: he spent the entire weekend camping at the reservoir with his Scout Troop; fishing; a boat launch; canoeing; trails; a pavilion and other buildings. Manager Steigerwalt stated that the Weiser Forest Fire Wardens Association would be hosting a 100<sup>th</sup> Anniversary of Pennsylvania Forest Fire Wardens at the Owl Creek Reservoir Lower Dam this weekend.

Council recognized Liz Pinkey of 237 West Broad Street who stated that the reservoir is her son's favorite place to fish and canoe.

Council recognized Tom Ragen of the Pottsville Republican newspaper who asked if there are any catfish in the reservoir. Manager Steigerwalt stated that reservoirs are stocked with bass and bait fish.

Council recognized Andy Leibenguth of 429 Rear Mauch Chunk Street who stated that Dn'A Bikes would be making a bike path.

Communication was received from Steve Daynorowicz, camporee chairman, stating that the Black Rock District Boy Scouts would like to hold a camporee (camp out) at the Owl Creek Reservoir on September 25, 26 and 27, 2015. 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 Mace, seconded by Cara, and unanimously approved.

Communication was received from Land of the Running Water Chair Lisa Mace, Tamaqua Band Director Mark Beltz and Tamaqua Area Band Booster President Dave Hadesty requesting permission to prohibit parking on both sides of Coal Street from Orwigsburg to Spruce streets on October 3, 2015 for a fall Marching Band Adjudication Festival to be held at the Tamaqua Area Sports Stadium. 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 Mace, seconded by Lasky, and unanimously approved.

Communication was received from Herbert Curvey of 118 Clay Street stating that he is resigning from the Civil Service Commission effective immediately. A recommendation was made to accept his letter of resignation and to send him a thank you letter for his years of service. There

was no one from the floor wishing to address council about this matter. The recommendation was so ordered on motion of Mace, seconded by Evans, and unanimously approved.

Communication was received from the Citizens Fire Co. #1 Fundraising Committee requesting permission to close Hegarty Avenue on September 19, 2015 for their 2<sup>nd</sup> Annual Pig Roast and Cornhole Tournament. 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 Cara, seconded by Mace, and unanimously approved.

Communication was received from Daniel Poncavage, Registered Architect, of 235 High Street stating that he would like to be included in the public comment section of the council meeting to relay some information relative to the Americans with Disabilities Act (ADA) and the Family Dollar store installation.

Manager Steigerwalt reported that two proposals were received for the 2015 Annual Inspection of the Upper and Lower Owl Creek Dams as follows: a proposal from Alfred Benesch and Company of Pottsville, PA for a lump-sum fee of \$3,950.00; and a proposal from Gannet Fleming of Camp Hill, PA for a lump-sum fee of \$4,700.00. A recommendation was made to approve a proposal from Alfred Benesch and Company of Pottsville, PA to inspect the Upper and Lower Owl Creek Dams at a cost of \$3,950.00. Manager Steigerwalt stated that inspection fee costs would be paid from the General Fund. 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 Mace, and unanimously approved.

Manager Steigerwalt also reported on the following: the demolition projects are close to completion; and a closing for the sale of a property at 319 Washington Street with Linda L. Hosler of 319 Washington Street would be held on August 24, 2015;

Manager Steigerwalt also reported that the Commonwealth of Pennsylvania is preparing a deed to send to the borough for the purchase of a property at 240 Center Street. Manager Steigerwalt stated that he and Secretary/Treasurer DeWire had a discussion regarding which account should be used to purchase the property and the recommendation is to designate the funds from Building and Equipment. There was some discussion about the following: carpeting quotes for the replacement of the carpeting in the Municipal Building; compiling a list of projected obligations that would be funded from Building and Equipment in order to get a better understanding of what the borough has actually spent from Building and Equipment; what monies do we have available; and the Capital Reserve account would be an alternative funding source. A recommendation was made to purchase a property at 240 Center Street with funds designated from the Building and Equipment Fund. There was some discussion about this matter. Council recognized Andy Leibenguth of 429 Rear Mauch Chunk Street who asked what the total cost to purchase the property is. Manager Steigerwalt stated that PennDOT has offered the property to the borough at the fair market value of \$22,400.00 plus the closing costs which are not yet known. Council recognized Daniel Poncavage of 235 High Street who had a question about the motion. President Gursky explained the motion. There was no one else from the floor wishing to address council about this matter. The recommendation was so ordered on motion of Cara, seconded by Mace, and unanimously approved.

Manager Steigerwalt also reported that the railroad crossing located on Spruce Street between Center and South Railroad streets would be milled and paved tomorrow, weather

permitting. Councilman Mace asked if the Reading, Blue Mountain and Northern Railroad could fix a loose rail on West Broad Street. Manager Steigerwalt stated that he already discussed this matter with railroad personnel.

Manager Steigerwalt also reported that the Schuylkill County Tax Claim Bureau has notified the borough that bids were received from Matthew Arik Stahler of 129 Ben Titus Road, Tamaqua for the Repository sale of properties at 132 Orwigsburg Street and 134 Orwigsburg Street. Manager Steigerwalt reported that Mr. Stahler is self-employed, has a handyman business and has no outstanding code enforcement issues. A recommendation was made to approve the Schuylkill County Tax Claim Bureau Repository Sale of 132 Orwigsburg Street for tax parcel #65-20-0028.000 and 134 Orwigsburg Street for tax parcel #65-20-0029.000 to Matthew Arik Stahler of 129 Ben Titus Road, Tamaqua. There was no one from the floor wishing to address council about this matter. The recommendation was so ordered on motion of Mace, seconded by Cara, and unanimously approved.

Manager Steigerwalt advised residents of a Judicial Sale to be held by the Schuylkill County Tax Claim Bureau that includes twelve properties in Tamaqua. The properties listed on the judicial sale are as follows: 4 West Rose Street; 33 East Elm Street; 205 Market Street; 241 Lafayette Street; 305 East Broad Street; 216 Penn Street; 153 ½ Penn Street; 220 Hunter Street; 64 Mahanoy Street; 20 East Spruce Street; 317 ½ Arlington Street; and 316 Arlington Street. After some discussion about the borough purchasing properties, a motion was made by Cara to purchase and demolish a property at 20 East Spruce Street. The motion died for lack of a second. President Gursky suggested that neighbors should know about the list of properties up for judicial sale and also asked council to review these properties. A motion was made by Mace and seconded by Cara to authorize the Borough Manager to investigate the costs to purchase and demolish a property at 20 East Spruce Street and to have a discussion with the adjoining property owner in order for council to discuss this matter at the next meeting. There was some discussion about the following: a judicial sale is to be held in October with a date/time to be determined by the Courts; demolition costs; demolition properties; the properties of 216 Penn Street and 317 ½ Arlington Street are already listed on the demolition list; and to consider amending the motion to include the properties of 216 Penn Street and 317 ½ Arlington Street. After the discussion, the motion and second were amended as follows: A recommendation was made to authorize the Borough Manager to investigate the costs to purchase and demolish properties at 20 East Spruce Street, 216 Penn Street and 317 ½ Arlington Street and to have a discussion with the adjoining property owner of 20 East Spruce Street in order for council to discuss this matter at the next meeting. There was no one from the floor wishing to address council about this matter. The recommendation was so ordered on motion of Mace, seconded by Cara, and unanimously approved.

Manager Steigerwalt discussed proposals for professional engineering services from Alfred Benesch and Company of Pottsville, PA for the Wabash Culvert Upper and Lower Inspections and Reports. There was some discussion about the following: PennDOT's Wabash bridge project; postponing the borough's inspection by Alfred Benesch and Company; the Wabash Fund account balance is approximately \$281,428; there is no reason for not going ahead with the inspections by Alfred Benesch and Company; the proposal from Alfred Benesch and Company for the Wabash Culvert Lower Inspection & Report includes the lower section from the culvert entrance just north of the Tamaqua Public Library on South Railroad Street to the exit east of South Railroad Street at a

cost of approximately \$10,875.00; the proposal from Alfred Benesch and Company for the Wabash Culvert Upper Inspection & Report includes the upper section from the culvert entrance at Cottage and Lehigh streets where the trash rack is located, to the exit north of the Tamaqua Public Library on South Railroad Street at a cost of approximately \$16,350.00; if the findings from the inspections show deficiencies, is there a timeline to fix the issues; and how soon could Alfred Benesch and Company perform the inspections. A recommendation was made to approve an agreement and authorization to proceed with the scope-of-work for the Wabash Culvert Lower Inspection and Report at a cost of \$10,875.00 and to approve an agreement and authorization to proceed with the scope-of-work for the Wabash Culvert Upper Inspection and Report at a cost of \$16,350.00.

Councilman Cara stated that he is the borough's representative to the Tamaqua Public Library, and the Library Board has concerns regarding the Wabash Culvert and the possibility of creating a daylight area. Manager Steigerwalt stated that creating a daylight area would be costly and the cost would exceed the funds in the Wabash Fund account. Councilman Cara stated that the Library Board is very interested in the findings of the inspections. Manager Steigerwalt stated that this area is an issue. Council recognized Andy Leibenguth who asked if a daylight area is opening up that area to daylight. Council recognized Dan Poncavage who asked if the cost includes mapping and illegal sewage discharges. Manager Steigerwalt stated that it does not but the borough could ask for this from Alfred Benesch and Company. There was some discussion about the following: illegal sewer discharges into the Wabash Creek; identifying residents that are not connected to the municipal sewer system; mapping was done by the United States Army Corp of Engineers many years ago before geographic information system (GIS); and failure to connect to the sewer system. Council recognized Andy Leibenguth who asked when the inspections would start. Manager Steigerwalt stated that he does not know yet. There was no one else from the floor wishing to address council about this matter. The recommendation was so ordered on motion of Mace, seconded by Lasky, and unanimously approved.

Manager Steigerwalt also reported on the 2015-2016 insurance policy renewal and an invitation for bids for the 2015-2016 Heating Oil Contract.

Under the Borough Manager report, a recommendation was made to accept a bid in the amount of \$465.00 from Joseph Cromyak of Jett Contracting, 231 Winfield Drive, Brockton, PA for the purchase of the CAT 3208 engine and transmission and the proceeds of the sale to be deposited into the Building and Equipment Fund. There was no one from the floor wishing to address council about this matter. The recommendation was so ordered on motion of Mace, seconded by Evans, and unanimously approved.

Under the Public Safety Committee report, a recommendation was made to appoint Janene M. Holter to the Civil Service Commission to fill the unexpired term of Raymond Bonetsky. There was no one from the floor wishing to address council about this matter. The recommendation was so ordered on motion of Evans, seconded by Lasky, and unanimously approved.

Under the Public Safety Committee report, a recommendation was made to appoint Howard Miller to the Civil Service Commission to fill the unexpired term of Herbert Curvey. There was no one from the floor wishing to address council about this matter. The recommendation was so ordered on motion of Mace, seconded by Evans, and unanimously approved.

Under the Parking and Traffic Committee report, a motion was made by Lasky and seconded by Cara to approve a handicapped parking space application for Sylvanus Schmick of 31

Hunter Street. There was much discussion about the following: reiterating to Mr. Schmick that he does not own the handicapped parking space; parking spaces on public streets cannot be reserved for a specific person; complaints were received about the appearance of the sidewalk in front of his home; requesting the removal of the blue paint from his sidewalk; these items were already discussed with Mr. Schmick; and to consider amending the motion to include a request to remove the blue paint from his sidewalk and to restore it to its previous condition. After the discussion, the motion and second were amended as follows: A recommendation was made to approve a handicapped parking space application for Sylvanus Schmick of 31 Hunter Street and to request that Mr. Schmick remove the blue paint on the sidewalk in front of his home and to restore the sidewalk to its previous condition. Council recognized Dan Poncavage who asked about the removal of the blue paint on the sidewalk. President Gursky stated that the area was included in the Streetscape Improvement Project and the purpose of the project was to improve the appearance and accessibility of the area so removing the blue paint would keep it uniform with the Streetscape project. Council recognized Andy Leibenguth who discussed the fact that the handicapped space is not solely designated for the applicant and could be used by any vehicle that has a handicapped license plate or placard. There was some discussion that a painted sidewalk can be slippery in wet and snowy weather and may become a liability issue. There was no one else from the floor wishing to address council about this matter. The recommendation was so ordered on motion of Lasky, seconded by Cara, and unanimously approved.

Chairman Mace of the Recreation and Youth Committee announced that the pool would be closing on August 23, 2015.

Under the Recreation and Youth Committee report, Councilman Cara stated that John Mirarchi, executive director of the Eastern Schuylkill Recreation Commission, is preparing a brochure highlighting the Owl Creek Reservoir area. Council recognized John Mirarchi who explained that the contents of the brochure would contain photos, a history of the Owl Creek Dams and information showcasing the Owl Creek Reservoir area. Mr. Mirarchi stated that the brochure should tentatively be completed within the next few weeks. There was some discussion about also sharing the brochure with the Schuylkill County Visitors Bureau and the Pennsylvania Department of Conservation and Natural Resources. President Gursky thanked Mr. Mirarchi for attending the meeting.

The meeting was opened to the floor.

Debra Althouse of 406 Pitt Street expressed her concerns about dirt runoff from heavy rains at the dirt road coming out of the Kellner Dam area. Manager Steigerwalt stated that he would look into the matter.

Daniel Poncavage of 235 High Street expressed his concerns through observation and investigation that the Family Dollar store installation would not be handicapped accessible relative to the Americans with Disabilities Act (ADA). Mr. Poncavage expressed his concerns regarding handicap accessibility from the sidewalks outside the building, but also has concerns regarding inside accessibility as well. President Gursky stated that Mr. Poncavage raises a good point and would refer the matter to Code Enforcement.

Ms. Althouse agreed with the concerns of Mr. Poncavage adding that she experiences problems with handicapped accessibilities in getting around in that area.

Andy Leibenguth of 429 Rear Mauch Chunk Street asked when the railroad crossing project on Spruce Street would be finished. President Gursky stated that it would be completed before school starts.

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

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 Mace, seconded by Lasky, and unanimously approved.

Under Unfinished Business, Councilman Cara discussed Manager Steigerwalt's request for everyone to provide input by answering questions about the ordinances in the Editorial and Legal Analysis for the Ordinance Codification Project. Councilman Cara recommended holding a workshop to address these questions. There was some discussion about this matter. President Gursky recommended that each councilmember review and answer the questions in the Editorial and Legal Analysis and be prepared for discussion at the council meeting of September 1, 2015. Councilman Cara stated that representatives from Barry Isset and Company, the Fire Chief, the Chief of Police and Solicitor Greek should be invited to attend this meeting.

Under Unfinished Business, Councilman Mace stated that the real estate issues regarding the three properties discussed earlier in the meeting could be discussed at the September 15, 2015 council meeting instead of the September 1, 2015 council meeting.

Under Unfinished Business, Manager Steigerwalt stated that an earlier request to install a Peace Pole might finally happen on Saturday, weather permitting. Boy Scout Bradley McAloose of Tamaqua Troop 777 requested permission to install a Peace Pole near the bell or fountain at the Five Points intersection in October of 2012. The Peace Pole is an internationally recognized symbol of the hopes and dreams of the entire human family, standing vigil in silent prayer for peace on earth.

Under Unfinished Business, Fire Chief Tom Hartz asked about the status of his request to purchase a new mobile radio for the Fire Chief's vehicle from Green's Communication at a cost of approximately \$5,000. Councilman Mace stated that it is under review by the Building and Equipment Committee. There was some discussion about this matter. Chairman Evans of the Building and Equipment Committee stated that his committee would review his request and have an answer for him at the September 1, 2015 council meeting. Chairman Evans apologized to the Fire Chief for the delay.

Under Unfinished Business, President Gursky discussed the condition of a property located at 13 South Lehigh Street. There was some discussion about this matter.

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 Lasky, seconded by Cara, and unanimously approved.

There being no further business, the meeting was adjourned at approximately 8:48 p.m. on motion of Mace, seconded by Evans, to meet again at the call of the President.

ATTEST:

---

Georgia Depos DeWire, Borough Secretary/Treasurer