

The Tamaqua Borough Council held its first Regular Council Meeting for the month of July on Tuesday, July 17, 2018 at 7:00 p.m. in the Council Chambers at the Tamaqua Municipal Building, 320 East Broad Street, Tamaqua, PA.

Present were Councilmembers Ronald Bowman, Thomas Cara, R. Daniel Evans, Mary Linkevich, Ritchie Linkhorst and David Mace. Absent was Councilmember Brian Connely. Officials present were Mayor Nathan Gerace, Chief of Police Henry Woods, Borough Manager Kevin Steigerwalt, Borough Secretary/Treasurer Georgia Depos DeWire and Director of Community Development Ann Marie Calabrese. Solicitor Michael S. Greek arrived later in the meeting.

The meeting was called to order by President Mace. The invocation was given by Councilman Cara followed by the Pledge of Allegiance led by Councilman Evans. The roll was called with six councilmembers present and one absent.

The reading of the minutes of the Regular Council Meeting held on June 19, 2018 was ordered suspended, and with no additions or corrections, the minutes were approved as written on motion of Cara, seconded by Bowman, and unanimously approved.

Communication was received from Thelma Moyer who stated that she visits her family in Tamaqua throughout the summer and enjoys days at the pool. She noticed a change in this year's Manager's staff. She approved of the changing of a woman from a clerk position to being a part of the manager's staff. Mrs. Moyer commended the woman for her efficiency, her work ethic and friendliness. It was noted that the woman Mrs. Moyer was writing about was Beth Jones.

Communication was received from Robert Stahler stating that he is resigning from his position at the Still Creek Water Treatment Plant and his last day of work will be on July 14, 2018. Mr. Stahler stated that he would be using his accumulated vacation, sick, and compensation time making his last day of employment on or about March 28, 2019. A recommendation was made to accept the resignation of Robert Stahler. 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 unanimously approved.

Communication was received from Pete Bieniek, Esteemed Leading Knight of the Tamaqua Elks Lodge 592, requesting that Nescopec Street, between Rowe and Broad streets, be blocked for their 2<sup>nd</sup> Annual ACS benefit bike run and pig roast event on September 15, 2018 from 7 a.m. to 9:00 p.m., permitting all construction is complete on Broad Street. If the construction is not complete, he is requesting permission to utilize the public parking lot across the street adjacent to the American Legion for the same time period. The communication is also requesting the use of the Fire Police to assist with traffic control. A motion was made by Bowman and seconded by Linkevich to grant the request to block Nescopec Street, between Rowe and Broad streets for the event if the construction is completed on Broad Street, and to authorize the Fire Police to assist with the event. After some discussion, the motion and second were amended as follows: A recommendation was made to grant the request to block Nescopec Street, between Rowe and Broad streets, for the event if the construction is completed on Broad Street, to authorize the Fire Police to assist with the event and to grant permission to use the parking lot adjacent to the American Legion if the construction is not completed on Broad Street. 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 unanimously approved.

Communication was received from Reverend John A. Frink stating that the parish of Saint John XXIII located at 266 West Broad Street is moving to a new location at 307 Pine Street. Reverend Frink stated that after the 10:00 a.m. Mass on Sunday, July 29, 2018, at approximately 11:00 a.m., the parishioners will process through the community from the West Broad Street church to the new church on Pine Street. The communication requested a Police escort and the use of the Fire Police for the procession. He also stated that it would be ideal to process on Broad Street and up Pine Street to the new church, and if that is not possible they would walk on the sidewalks. A recommendation was made to grant the request. Chief Woods recommended that the parishioners use the sidewalk for the procession to the new church and he would have the officers on duty to watch for traffic control. 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.

Solicitor Greek arrived at approximately 7:12 p.m.

Communication was received from Liz Pinkey requesting permission for the Tamaqua Blue Waves to hold a few practices at the Bungalow pool beginning July 18<sup>th</sup>. The season ends on July 28<sup>th</sup>. Ms. Pinkey stated that she spoke with Borough Manager Steigerwalt and Pool Manager Bumbulsky to determine when the pool would be available for use. She would work with Pool Manager Bumbulsky and Jen Paisley, the other Blue Waves Coach, to determine the final dates that the team would like to use the facility, if permission to use the pool is granted. Ms. Pinkey also stated that the Blue Waves are willing to pay any additional fees, including any wages or rental fees for the pool. A recommendation was made to grant the request. President Mace asked Ms. Pinkey if the Blue Waves have any certified lifeguards available. Ms. Pinkey stated that she and Jen Paisley are certified. 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.

Communication was received from Syed, owner of Mountain Tobacco located at 34 Mauch Chunk Street, following up on his previous request to have at least one parking space in front of his business be designated as "For Business Customer's Only". The communication is requesting that two parking spaces be designated as "15 Minute Parking Only". President Mace asked if there was metered parking in that area. Councilman Cara stated that there is metered parking available and that he spoke with the owner. A recommendation was made to refer the matter to the Parking and Traffic Committee. 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 Evans, and unanimously approved.

Communication was received from Matthew N. Goldstein of Goldstein & McHugh, P.C. of 352 Chestnut Street, Philadelphia, PA stating that he represents Para Beer, LLC who has entered into a Liquor License Agreement to purchase Restaurant Liquor License No. R-9598 issued by the Pennsylvania Liquor Control Board. The applicant would like to transfer the liquor license into the Tamaqua Borough at the premises located at 124 East Broad Street. The communication is requesting a hearing before the Borough Council and the applicant would reimburse all advertising

and other costs upon the request of the Borough. A proposed resolution was attached for council's review. Solicitor Greek explained the intermunicipal liquor license transfer process. President Mace stated that it could tentatively be looked at for the August 21<sup>st</sup> council meeting.

Communication was received from Dave Folk, chairman of the Safety and Security Committee, stating that the Trinity United Church of Christ located at 22 Lafayette Street hosted an Active Shooter Seminar. Mr. Folk stated that one of the many recommendations was to make the area outside the main access doors a "No Parking" area. There was much discussion about the matter. A recommendation was made to refer the matter to the Parking and Traffic Committee. 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 Linkevich, and unanimously approved.

Manager Steigerwalt reported that Pastor Steve Gintz of Revive Community Fellowship is canceling tonight's Community Carnival that was to be held at the North Railroad Street Parking Lot and is requesting that the event location be changed to the South Ward Playground and it would be held tomorrow. Manager Steigerwalt stated that Pastor Gintz is also requesting that Oak Street from Penn to Race streets and Race Street from Oak Street to the end of the South Ward Playground be closed to traffic and designated as no parking from 1:00 p.m. to 9:00 p.m. for set up and breakdown. The event would take place from 5:00 p.m. to 9:00 p.m. A recommendation was made to grant the requests. 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 unanimously approved.

Manager Steigerwalt also reported on the following: the West Broad Street Wabash Creek Bridge Project is progressing well and is on schedule with a tentative completion date of August 19<sup>th</sup>; the Street Light Replacement Project is progressing slowly; PennDOT came up with alternatives regarding the format of the bid documents for the Street Light Project, would use COSTARS for the purchases and the project would be funded with Liquid Fuels funds; the street signs were ordered; an updated demolition list; and a request for changes to the Subdivision and Land Development Ordinance (SALDO). There was some discussion about the SALDO process. There was also some discussion about the pending repairs to the Magistrate Building.

Chief Woods reported on the following: a COPS Hiring Grant Program has not opened for 2018; an e-citation reader; camera issues and repair costs estimated around \$3,500.00- \$5,000.00 or replacement costs estimated around \$7,000.00 to \$10,000.00; a Camera Committee meeting is scheduled for tomorrow; and a request to hire a part-time Police Officer.

A recommendation was made to hire Abviud Carvajal as a part-time Police Officer. 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 Evans, and unanimously approved.

Chief Woods also reported that he has three applicants to be considered for a part-time position but the process for background checks is not finished.

President Mace announced that an executive session was held on July 3, 2018 to discuss personnel issues.

Director of Community Development Calabrese reported that she had a resolution implementing and promoting a Fair Housing Program to present for council's consideration:

**RESOLUTION 2018-8**  
**FAIR HOUSING 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 Bowman, seconded by Linkevich, and approved by a unanimous roll call vote.

Director of Community Development Calabrese also reported that she is working on several ideas for the the City Revitalization and Improvement Zone (CRIZ) program and maps. She stated that she would be visiting the cities of Bethlehem and Lancaster to view their CRIZ program.

Councilwoman Linkevich left the meeting at approximately 7:40 p.m.

President Mace stated that representatives of RGC Development, LP and Project Engineer Sue Kandil of Penn Technology Consulting, LLC were in attendance to discuss and to present their requests for waivers of sections of the Subdivision and Land Development Ordinance (SALDO) for Tamarack Square Phase 2 – Lot Subdivision along Owl Creek Road. The meeting was turned over to Sue Kandil who stated that the waivers were discussed at the Tamaqua Borough Planning Commission meeting held on July 9, 2018 and were recommended for approval by the Planning Commission.

Councilwoman Linkevich returned to the meeting at approximately 7:45 p.m.

Ms. Kandil discussed in detail the submitted changes as proposed by the RGC Development, LP to subdivide a 28 acre parcel and the waivers of sections of the SALDO. Attached to the minutes are all letters and maps as presented by Sue Kandil, P.E. of Penn Technology Consulting, LLC. There was much discussion about the Tamarack Square Phase 2 subdivision and waivers of the sections of the Subdivision and Land Development Ordinance (SALDO).

A recommendation was made to approve a waiver to SALDO § 502.A as presented: To allow the record plan to be drawn at a scale of one (1) inch equals eight (80) feet, a minimum allowed scale of one (1) inch equals fifty (50) feet. Due to the site size of approximately 28 acres, the entire site can not fit in one 24"x36" sheet with scale of 1:50. 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 Linkevich, and unanimously approved.

A recommendation was made to approve a waiver to SALDO § 502.H as presented: To approve the plan without new Traffic Impact Study (TIS). The SALDO requires that a TIS be completed for 10 dwelling units or 100 vehicles per day. A Traffic Impact Study was prepared for 27 residential lots, on December 2012 by Lehigh Engineering and submitted to the Borough. The Study had further concluded that the small increase expected in traffic will not impact the level of service in the nearby intersections and will not require any mitigation. The current layout has only 18 residential lots (with expected 180 trips per day) and will not produce a significant increase to the local road traffic and would not warrant any improvements. 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 Linkevich, and unanimously approved.

A recommendation was made to approve a waiver to SALDO § 603.E.5 as presented: To allow 71 feet tangent, measured from edge of cartway, between the first horizontal curve in the proposed street and the intersection with Owl Creek Road, at least 100 feet is required. Tamarack court right-of-way is controlled by the approved/recorded Phase 1 subdivision and would not meet the required 100' tangent. 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 Bowman, and unanimously approved.

A recommendation was made to approve a waiver to SALDO § 603.I.4 as presented: To allow a proposed cul-de-sac street length of 1,068 feet, measured from the edge of the cartway of an intersecting street to the center of the turnaround of the cul-de-sac, the maximum allowed is 800 feet. Due to environmental constraints, the site is limited on the locations of proposed road. RGC Development, LP is proposing an emergency access at the end of the cul-de-sac for all emergency services. The waiver was recommended for approval by Tamaqua Borough Planning Commission Board on December 13, 2010. 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 Bowman, and unanimously approved.

A recommendation was made to approve a waiver to SALDO § 603.I.8 as presented: To allow 18 residential lots on a cul-de-sac, the maximum allowed is 10 lots. Due to environmental constraints, the site is limited on the locations of proposed road. RGC Development, LP is proposing an emergency access at the end of the cul-de-sac for all emergency services. The waiver was recommended for approval by Tamaqua Borough Planning Commission Board on December 13, 2010. 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 Bowman, and approved by a 5-1 vote with Councilwoman Linkevich opposed.

A recommendation was made to approve a waiver to SALDO § 605.A.4 as presented: To allow the depth of a lot to exceed the 2.5 times the width. Due to environmental constraints, Lot 17, residual/undeveloped lot, depth will exceed the 2.5 times the width. The waiver was recommended for approval by Tamaqua Borough Planning Commission Board on December 13, 2010. 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 Linkhorst, and unanimously approved.

A recommendation was made to approve a waiver to SALDO § 607.A.4 as presented: To allow this development to utilize individual wells for water supply. The only waterline in the area is the abandoned 16" existing water line across of the stream and the connection to this system would not be feasible. The waiver was recommended for approval by Tamaqua Borough Planning Commission Board on December 13, 2010. 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 Evans, seconded by Bowman, and unanimously approved.

A recommendation was made to approve a waiver to SALDO § 608.F.1 as presented: To allow the proposed diversion swale 1B to have a capacity of 18.78 cfs, the maximum capacity of any swale is 10 cfs. Due to the off-site drainage area size, approximately 20 acres, the runoff of 10-year storm will be approximately 19 cfs. 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 Bowman, and unanimously approved.

A motion was made by Evans to approve a waiver to SALDO § 703.C.1 as presented: To allow sidewalk to be installed on one side only, required both sides. Per DEP, it is recommended to reduce the impervious area as much as possible. With 18 residential lots, one side sidewalk will be enough for foot traffic. Therefore, the installation of the sidewalk on the other side of the street will

not be beneficial. The motion died for lack of a second. Council recognized Ismail Kashoush, representing the owner of RGC Development, LP, who stated that the owner is willing to build sidewalks on both sides of the road with a parking lane on one side.

Under the Public Safety Committee report, a recommendation was made to approve an annual salary of \$72,000.00 for Police Chief Woods effective June 20, 2018. 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 Evans, and unanimously approved.

Under the Public Safety Committee report, a motion was made by Bowman and seconded by Evans to conduct a Civil Service Commission Patrolman Test and a Corporal Promotion Test. After some discussion, the motion and second were amended as follows: A recommendation was made to conduct a Civil Service Commission Patrolman Test for a minimum of three candidates and a Corporal Promotion Test. 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 Evans, and unanimously approved.

Under the Parking and Traffic Committee report, a recommendation was made to approve a handicapped parking space application for 317 Orwigsburg 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 Cara, and unanimously approved.

Under the Neighborhoods, Downtown and Historic District Committee report, a recommendation was made to approve the Schuylkill County Tax Claim Bureau Repository Sale of 116 Center Street, tax parcel number 65-16-0316.000, to Todd L. Snyder, Trustee of South Center Land Trust, of Tamaqua, PA. 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 the Neighborhoods, Downtown and Historic District Committee report, a recommendation was made to approve a Certificate of Appropriateness to install a sign on an existing pole at 31 Center Street. 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 the Neighborhoods, Downtown and Historic District Committee report, a recommendation was made to approve a Certificate of Appropriateness to install two 2'x2' decals in the windows at 21 Center Street. 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 the Recreation and Youth Committee report, a recommendation was made to hire John Pacey as a part-time lifeguard at a pay rate of \$8.50 per hour. There was no one from the floor wishing to address council about this matter. The recommendation was so ordered on motion of Linkevich, seconded by Linkhorst, and unanimously approved.

Mayor Gerace reported on the following: a Tamaqua Police Department Coffee with a Cop event would be held on August 18<sup>th</sup> beginning at 9:30 a.m. at Zion Evangelical Lutheran Church located at 109 North Greenwood Street; he would be attending the Pennsylvania State Mayors'

Association Conference in Lancaster this weekend; and a Facebook page would be started within the next couple of weeks.

The meeting was opened to the floor.

A resident of Arlington Street expressed his concerns about fireworks. The resident is requesting that council consider drafting an ordinance prohibiting the use of Class C fireworks in Tamaqua and setting off fireworks on July 4<sup>th</sup> only. There was some discussion about this matter. A recommendation was made to refer the matter to the Public Safety Committee. Council recognized the resident who suggested that council check with other municipalities about the ordinances they are passing regarding this matter. There was no one else from the floor wishing to address council about this matter. The recommendation was so ordered by motion of Evans, seconded by Bowman, and unanimously approved.

South Ward Fire Chief Mark Bower expressed his concerns about an access road for the Tamarack Square Project plan in Owl Creek.

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 Cara, seconded by Bowman, and unanimously approved.

Under Unfinished Business, Councilman Evans asked Chief Woods to look into traffic problems in the area of the 100 block of Cottage Avenue especially during the Wabash project. There were some additional concerns that arose during a recent fire.

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 Unfinished Business, Councilman Evans discussed reestablishing the rehabilitation loan program and that he spoke with Citizen's Advisory Committee representative John Handler, Schuylkill County consultant for the Community Development Block Grant program Karen Parish, and members of Schuylkill Community Action. Councilman Evans stated that we should be able to review some of the process and present it at the next council meeting. Councilman Cara requested an update on the status of loans and delinquency.

Under New Business, Councilman Linkhorst discussed purchasing a lot on South Railroad Street.

There being no further business, the meeting was adjourned at approximately 8:55 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