

WEATHERLY BOROUGH COUNCIL
REGULAR MEETING
February 26, 2024
5:00 P.M.

The Regular Meeting of Weatherly Borough Council was held on February 26, 2024, at 5:00 p.m. in the Municipal Building.

Mayor Hadzick called the meeting to order, followed by the invocation and pledge of allegiance.

Council Members attending: Michael Bellizia, Vincent Cuddeford II, Joseph Cyburt, Theresa D’Andrea, Jeffery Miller, Norman Richie, and Paul J. Hadzick.

Also attending: Borough Manager, Harold Pudliner; Borough Solicitor, James Nanovic; Borough Secretary, Lori O’Donnell; Deputy Borough Manager, Tracy Grover; Police Chief, Brian Markovchick; Journal Newspapers reporter, Seth Isenberg; Times News Reporter, Kelly Socha; Blue Ridge Cable Channel 13 Cameraperson Chris Stager, and citizens: Irvin Richie, Ruthie Sabol, Melanie Zeigler, Georgia Farrow, Judy Desrosiers and Greg Walters.

MINUTES:

The minutes of the Regular Meeting of December 28, 2023 and the Special Meeting of January 24, 2024, were approved on a motion by Joseph Cyburt, seconded by Jeffery Miller, and approved by general acclaim of Council.

TREASURER’S REPORT:

The Treasurer’s Report for December, 2023, was presented and reflected a balance of \$193,677.75.

The Treasurer’s Report for December, 2023, was approved on a motion by Norman Richie, seconded by Theresa D’Andrea and approved by general acclaim of Council.

BILLS:

The bills for January and February, 2024, totaling \$666,176.08 were presented to Council.

A motion to approve all of the bills was made by Joseph Cyburt, seconded by Jeffery Miller and approved by general acclaim of Council.

BUSINESS:

1. American Legion Auxiliary – “Cards for Soldier”.

Judy Desrosiers explained that the Legion Auxiliary was participating in the “Cards for Soldiers” program. They have already sent 437 cards to soldiers. They are opening the program up to the public to participate in the card making at the Legion on March 26th from 9:00 am to 6:00 pm. Deadline to register to participate is March 6th. The National Chairperson for this Project is Charlie Matthews and she will be coming to the Legion to meet with the ladies.

Georgia Farrow from the Legion Auxiliary added that the men and the auxiliary will be hosting the Memorial Day Parade this year.

2. Discussion on 2024 Road Program.

Mr. Pudliner explained that the streets were reviewed and the three that were chosen: Dunnigan Street, Doney Run and Fern Alley, were naturally due to their condition. There are numbered

streets such as Second Street and First Street that are in need of an overlay also North Street. He said that if we do Second Street it would cost approximately \$88,000 now and First Street would be more. So, North Street from the dead-end on the east end to Allen Avenue would cost approximately \$77,000. He said we would be looking at doing that North Street portion next year and Second Street the following year, but we would have to put funds toward it and have no left-over funds in liquid fuels for salt, which at a minimum cost or 60% of the salt allocation to us \$13,970.00 and \$90,733.00 at the full salt allocation amount.

A motion to authorize the Borough Manager to put the 2024 Road Program out to bid was made by Norman Richie, seconded by Jeffery Miller and approve by general acclaim of Council.

OTHER ITEMS OF CONCERN – AUDIENCE

Patch Work on Rock Street

Greg Walters asked about doing patch work on Rock Street. The road is deteriorating. Mr. Pudliner stated that we are waiting for hot mix to do the patch work that is needed.

Request to Change Form of Government

Melanie Ziegler requested that a change be made to Chapter 29, Section B, to change the form of government for Weatherly Borough. She would like it submitted to the Carbon County Board of Elections to have it put on the ballot for “change of government” to allow a new form of government to be voted on by the residents because the current one is antiquated and it is time for a change. She stated that there is frustration in the Borough and with elected officials and she thinks it is time for a change in the form of government. Mr. Nanovic asked her what form of government she wanted. Mrs. Ziegler stated that there are three forms of government that can go on the ballot. James Nanovic stated the form of government was made about 60 years ago to have an optional form of government to have a “Manager Form of Government”. Mr. Nanovic stated that Council can be petitioned to see if they wish to have it put on the ballot. Melanie Ziegler said that it can be done by Council making an ordinance or someone starting a petition, they only need 37 signatures on the petition to get it submitted. Mr. Nanovic stated that the form of government can be changed to another optional form of government or a standard form of government (Mayor, Borough Council). It can be put on the ballot as either/or or each one singly to choose what they want. It should be considered she said because it is time for a change.

3. Approve List of Equipment to be Sold.

Mr. Pudliner provided Council with the list of the following items to sold on Municibid:

1. 2016 Ford Interceptor (Police Car)
2. 2016 Ford Interceptor (Police Car)
3. 1998 Acura (Impound Vehicle)
4. Quad – 2006 Polaris Sportsman 700
5. Quad – 2012 CF Moto 500
6. Harley Davidson Motorcycle (Impound)
7. Single Electrical Disconnects
8. Miscellaneous Street Signs
9. Some Old Christmas Decorations

A motion to authorize the sale of the list of items provided to be sold on Municibid was made by Michael Bellizia, seconded by Joseph Cyburt and approved by general acclaim of Council.

4. Resolution for Pool Agreement with AMP.

Mr. Pudliner informed Council that American Municipal Power (AMP) has requested that all PA members sign a new updated pool agreement. This agreement does not have any monetary increase associated with it and it is primarily to cover upgrading the criteria of the work that AMP does for the Municipalities. The Pool Agreement has not been up-dated since 2011. In speaking with our engineer, it is just an up-date as a matter of form.

**RESOLUTION AUTHORIZING THE EXECUTION
OF THE 2023 EPPG POWER POOL PARTICIPANT SCHEDULE WITH
AMERICAN MUNICIPAL POWER, INC. (“AMP”)**

WHEREAS, the Borough of Weatherly, Pennsylvania (the "Municipality"), is a political subdivision organized and existing pursuant to the laws of the Commonwealth of Pennsylvania that owns and operates an electric utility system for the sale of electric capacity and associated energy for the benefit of its citizens and customers; and

WHEREAS, Municipality is located in the PJM Interconnection, LLC (“PJM”) transmission system territory and is subject to the PJM transmission system regulations and costs as set forth in the PJM Governing Documents; and

WHEREAS, in order to satisfy the electric capacity, energy and other requirements of its electric utility system, the Municipality has heretofore purchased economical and reliable capacity, energy and related services from American Municipal Power, Inc. (“AMP”), an Ohio non-profit corporation, of which the Municipality is a member, or has heretofore purchased capacity and energy arranged by AMP; and

WHEREAS, in order to take advantage of economies of scale and to recognize the joint scheduling, interconnection and operation, and transmission arrangements that AMP Members located in the PPL transmission zone coordinate and share through AMP, those Members desire to form a combined pool EPPG to jointly purchase, manage and coordinate power supplies and related services for Members executing this Schedule; and

WHEREAS, Municipality and AMP desire to enter into a Power Pool Schedule (“Schedule”) for the purpose of: (i) energy, capacity and related product scheduling and operations under the PJM Governing Documents and (ii) economic purchases of capacity, energy and related products for the beneficial use of Pool Participants.

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE BOROUGH OF WEATHERLY, PENNSYLVANIA:

SECTION 1. That the form of 2023 EPPG Power Pool Participant Schedule attached hereto as “Exhibit 1” including Appendices thereto between this Municipality and AMP, be, and the same hereby is approved substantially in the form attached hereto, subject to and with any and all changes provided herein and therein.

SECTION 2. That the Mayor is hereby authorized and directed to execute and deliver on behalf of this Municipality the 2023 EPPG Power Pool Participant Schedule, substantially in the form attached hereto as “Exhibit 1.”

SECTION 3. That the Municipality authorizes AMP to purchase on the Municipality's behalf, in accordance with the procedures set forth in the 2023 EPPG Power Pool Participant Schedule, and Municipality agrees to reimburse AMP for all costs incurred by AMP for Pool Resources and services plus any service fees associated with the purchase of Pool Resources and services set forth therein.

SECTION 4. That the Borough Manager or their designee is hereby designated as Municipality's authorized personnel to approve and authorize AMP's acquisition of Pool Resources and to vote on Pool activities in accordance with the terms and conditions in the 2023 EPPG Power Pool Participant Schedule on behalf of Municipality.

SECTION 5. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of the Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public and in compliance with all legal requirements.

SECTION 6. If any section, subsection, paragraph, clause or provision of any part thereof of this Resolution shall be finally adjudicated by a court of competent jurisdiction to be invalid, the remainder of this Resolution shall be unaffected by such adjudication and all the remaining provisions of the Resolution shall remain in full force and effect as though such section, subsection, paragraph, clause or provision or any part thereof so adjudicated to be invalid had not, to the extent of such invalidity, been included herein.

IN WITNESS WHEREOF, the undersigned has here unto set his hand and affixed the seal of the Local Government unit this 26th day of February, 2024

A motion to approve the Resolution for the Pool Agreement with AMP was made by Joseph Cyburt, seconded by Jeffery Miller and approved by general acclaim of Council.

5. Chapter 33 Fire Department Ordinance - Revision.

Chapter 33 of the Borough Ordinance Book is an antiquated ordinance and, in most cases, does not apply to the needs and situation of present day. It is the recommendation that the entire ordinance be removed and a new single paragraph (33-1) is left in its place:

**ARTICLE I
Powers and Duties of Citizens Fire Company No.1**

§ 33-1. Response to borough fires.

The Citizens Fire Company No. 1, organized and existing in the Borough of Weatherly, is hereby designated as the officially recognized fire company for the borough. Citizens Fire Company No. 1 and its members are hereby authorized to provide such services to the borough as may be necessary for the protection of property and persons situate therein, which include, by way

of example and not of limitation, the extinguishment and prevention of loss of life and property from fire, automobile accidents, medical emergencies, hazardous materials incidents and other dangerous situations.

(Ord. 1-88, 1/11/1988; as amended by Ord. 93-6, 7/12/1993)

§ 33-2. Authorized activities outside borough.

The Fire Department is hereby specifically authorized to respond to any and all requests for and from other neighboring organized fire-fighting or ambulance associations outside the Borough of Weatherly, and the members be and are hereby specifically authorized to engage in the following activities, when specifically directed by either the Fire Chief and Assistant Fire Chief or other designated person in charge, from time to time, of the Fire Department: training, maintenance, fundraising activities and other activities aimed at securing memberships and procuring equipment; attendance at official conventions; attendance at regular and special meetings of the Fire Department; attendance at funerals of fellow fire fighters, when done as a group representing the Fire Department; attendance at civic functions and/or parades; fire prevention inspection and preplanning activities; fire hydrant inspection, maintenance and placement planning activities; and any and all other activities and/or functions which are of a type normally engaged in by volunteer fire departments and their members.

Norman Richie felt that paragraph 33-2 should be left in the ordinance as is covers firefighters outside of the Borough.

A motion to approve the Chapter 33 Fire Department Ordinance - Revision was made by Joseph Cyburt, seconded by Michael Bellizia and approve on a roll call vote:

Vincent Cuddeford II	No	Michael Bellizia	Yes
Theresa D’Andrea	Yes	Norman Richie	Yes
Joseph Cyburt	Yes	Jeffery Miller	Yes
	Paul Hadzick	Yes	

6. Fishing Ordinance, Rules and Fees.

Mr. Pudliner explained that based on the new activity at the park “Paid Fishing” we need a set of rules and regulation in our ordinances for the activity.

§ 30-10. Fishing

1. “Pay Fishing at Eurana Park Lake will start on the first day of fishing in the state by the PA Fish Commission or at the discretion of the Borough Manager and end on September 30th of each year. Fishing will be allowed Monday through Sunday from the hours of 8:00 A.M. until 4:00 P.M.
2. Fishing rates will be determined by Council. Rates may be changed by resolution.
3. Fishing will only be allowed on the designated days and hours which may vary due to weather conditions, holidays and any other situations as determined by the Borough Manager. The hours will be posted at the park and on the Borough Web site.
4. Fish will not be thrown back into the lake or cast away once they have been caught. All fish caught must be paid for by participant.
5. Children under the age of 12 must be accompanied by an adult.

6. Catch limit will be set by the Borough Manager predicated on availability of fish stock
7. Identification vest must be worn by all individuals once they have registered and paid the fee for fishing.
8. No pets are allowed to accompany a fisherman or their guest.
9. Participants and guests must wear shoes at all times.
10. No minnows shall be used as bait and stringers will not be used.
11. No entering the water. Water edge can be slippery
12. Persons wishing to fish must check in at the fishing booth and pay a deposit and sign the release

§ 30-11. Enforcement Authority

1. The Park Manager shall have the authority to enforce all rules and regulations of this Ordinance and all rules and regulations posted at the park by means of a warning.
2. Any on-duty lifeguard, as well as the Park Manager, shall have authority to enforce pool Regulations set forth in 30-11 and any other regulations posted within the pool area.
3. In all other respects, the Borough Manager, Borough Council and the Borough Police Department shall have the authority to enforce all rule and regulations of the Ordinance and all rules and regulations posted within the park.

The aforesaid ordinance in all aspects remains the same.

Ord. 98-4, 5/11/98

§ 30-11 Violations and penalties.

Any person who shall violate any of the rules and regulations contained in this ordinance, upon conviction thereof, shall be sentenced to pay a fine of not more than six hundred dollars (\$600.) and costs of prosecution for each and every offense, provided that each day's violation of any provision of this ordinance shall constitute a separate offense.

Fishing outside the authorized days and hours for permitted fishing or throwing fish back into the lake will result in penalties as follows; Violators of this section will be subject to a \$100.00 fine and

\$50.00 per each fish caught illegally. Costs of prosecution for each and every offense, provided that each day's violation of any provision of this ordinance shall constitute a separate offense.

(Ord. 6-1974, 2/11/1974; as amended by Ord. 9/14/92

FISHING RULES AND REGULATIONS

1. All participants must check in at the Fishing Booth on arrival and on departure
2. Fish cannot be thrown back into the water or cast on shore. All fish caught must be paid for by participant
3. Children under the age of 12 must be accompanied by an adult
4. No minnows may be used as bait and stringers cannot be used
5. No pets are allowed to accompany the participant or their guest
6. Identification vests must be worn at all time when fishing
7. No Participant or Guest may enter the water.
8. Participants and guest must keep their shoes on at all times
9. Fishing is only allowed on designated days with are posted at the Fishing Stand, Concession Stand and on the Borough Web Site
10. Violation of these rules may result in asking you to leave.

FISHING FEES

FISHING FEE IS ONLY GOOD FOR ONE DAY FROM 8 a.m. TO 4 p.m. THE FEE IS THE SAME NO MATTER WHAT TIME OF DAY YOU COME TO FISH.

THE FEE IS FOR ALL AGE PARTICIPANTS, IF AN ADULT IS BRINGING A CHILD TO FISH AND ONE PERSON SIGNS TO FISH THE OTHER CANNOT HAVE A POLE IN THE WATER.

FISHING FEE: \$25.00 ALLOWS THE PARTICIPANT TO CATCH TWO (2) FISH AND ANY ADDITIONAL FISH WILL BE CHARGED AT \$7.00 PER FISH WITH A LIMIT OF SIX (6) FISH IN TOTAL FOR THE DAY. PARTICIPANT MUST CHECK OUT AND PAY FOR ADDITIONAL FISH CAUGHT

ALL RENTAL EQUIPMENT MUST BE PAID AT TIME OF REGISTERING TO FISH AND RETURNED WHEN DONE FISHING. SHOULD ALL RIGGING BE LOST (sinkers, bobber, and hook) A FEE OF \$7.00 WILL BE CHARGED.

PARTICIPANTS MUST CHECK IN AND SIGN THE REQUIRED PAPERWORK AND THEY MUST CHECK OUT WHEN DONE FISHING. FAILURE TO DO EITHER WILL RESULT IN A VIOLATION OF THE FISHING ORDINANCE AND WILL RESULT IN A CITATIONS BEING ISSUED.

Norman Richie asked who would be tending the stand for the hours of 8 am – 4 pm to accept the fees? Mr. Pudliner stated we would have to hire people to do that task. The hours can be changed, but it will be difficult to find workers. He does not want the fishing going through the Park Stand because they are way too busy. Mr. Richie asked if we needed to have lifeguards for the fishing hours and Mr. Pudliner replied, no. Joseph Cyburt asked how many people will need to be on duty for fishing and Mr. Pudliner said two.

Jeffery Miller stated that he disagreed with the fishing fees. \$25 a day is expensive for senior citizens. He checked prices other places and the fees were less and senior citizens get a discount. Mr. Pudliner said that he took into account the cost of having someone there and the cost of the fish. The cost needs to cover the expenses. What is the age limit for a child to have

to pay to fish and what ages do they have to be accompanied by an adult. No fishing license is required to fish because it is a private facility.

A motion to table the Fishing Ordinance, Rules and Fees was made by Theresa D’Andrea, seconded by Joseph Thomas and approved by general acclaim of Council.

7. Appointment to Commissions.

The following list of Commission were presented to Council for approval:

Planning Commission we need to:

Re-Appoint Tim Williams

Re-Appoint Michael Bellizia

Appoint Dawn Bellizia

Appoint Desi Furmanchin

The Mayor will be a member of this Commission

Civil Service Commission we need to:

Re-Appoint all Members

Jerome Grega

Michael Bellizia

Lori Ursta

Zoning Hearing Board we need to:

Re Appoint:

Robert Sturtevant

Kenneth Minnick

Dawn Bellizia (Alternate)

Appoint Susan Sernak as Zoning Attorney

A motion to reappoint and appoint all Commissions listed was made by Jeffery Miller, seconded by Joseph Cyburt and approved on a roll call vote:

Jeffery Miller	Yes	Norman Richie	Yes
Michael Bellizia	Yes	Theresa D’Andrea	Yes
Vincent Cuddeford II	Yes	Joseph Cyburt	Yes
	Paul Hadzick	Yes	

8. Approval of Norfolk Southern Sub-Division.

The manager explained that the mayor had negotiated with Norfolk Southern for the parcel of land we needed to continue the trail from the trailhead to the bridge crossing at the end of Yeakle Street. The sub-division has passed the Carbon County Planning Commission and the Weatherly Planning Commission so all that is needed is for Borough Council to pass the sub-division.

A motion to approve the Norfolk Southern Sub-Division was made by Joseph Cyburt, seconded by Norman Richie and approved by general acclaim of Council.

9. Amendment to the Agenda.

A motion to amend the agenda to add a Resolution for a Keystone Communities Program Funding Grant for \$250,000.00 was made by Michael Bellizia, seconded by Joseph Cyburt and approved by general acclaim of Council.

10. Resolution for a Keystone Communities Program Funding Grant.

Mr. Pudliner presented the following resolution to Council for approval for a Keystone Communities Program Funding Grant in the amount of \$250,000.00. This money would be used to cover the costs of the demolition of the Schwab School annex building which has severely deteriorated.

**A RESOLUTION OF THE BOROUGH COUNCIL OF WEATHERLY BOROUGH FOR
A KEYSTONE COMMUNITIES PROGRAM FUNDING GRANT IN THE AMOUNT OF
\$250,000**

WHEREAS, the **Borough Council of Weatherly** desires to undertake the project, "**Demolition of the Schwab School Annex Building**"; and

WHEREAS, the applicant desires to receive from the **Pennsylvania Department of Community & Economic Development** a **Keystone Communities Grant** in the amount of **\$250,000** for the purpose of carrying out this project; and

WHEREAS, the Borough Council authorizes "**Harold John Pudliner Jr.**" who, at the time of signing, has a **TITLE of "Borough Manager/CEO"** and the email address of **weatherlyboro@gmail.com** to file for an application for the grant.

NOW, THEREFORE BE IT RESOLVED that The Borough Council authorizes the Borough Manager to execute *all* documents pertaining to this grant for the project **Demolition of the Schwab School Annex Building.**

This Resolution was adopted by the Borough Council of Weatherly Borough on the 26th day of February 2024.

A motion to approve the Resolution for a Keystone Communities Program Funding Grant in the amount of \$250,000.00 was made by Norman Richie, seconded by Vincent Cuddeford and approved by general acclaim of Council.

11. (Executive Session) Contractual Matters.

A motion to enter into Executive Session at 5:55 pm was made by Joseph Cyburt, seconded by Jeffery Miller and approved by general acclaim of Council.

A motion to exit the Executive Session at 6:23 pm was made by Joseph Cyburt, seconded by Norman Richie and approved by general acclaim of Council.

Weatherly Hillclimb Dates

Joseph Cyburt asked Council to hold the hillclimb on June 8th & 9th and September 14th & 15th and there were no objections.

ADJOURN:

A motion to adjourn the meeting at 6:23 pm was made by Norman Richie, seconded by Vincent Cuddeford II.