

**WEATHERLY BOROUGH COUNCIL
REGULAR MEETING
March 25, 2024
5:00 P.M.**

The Regular Meeting of Weatherly Borough Council was held on March 25, 2024, at 5:00 p.m. in the Municipal Building.

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

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

Also attending: Borough Manager, Harold Pudliner; Borough Solicitor, James Nanovic; Borough Secretary, Lori O’Donnell; Deputy Borough Manager, Tracy Grover; Journal Newspapers reporter, Seth Isenberg; Times News Reporter, Kelly Socha; Blue Ridge Cable Channel 13 Cameraperson Chris Stager, and citizens: Irvin Richie, Ruthie Sabol, Bill Beattie, Girl Scout Troop 34320 and leaders: Heather Graham and Michelle Antolick.

MINUTES:

The minutes of the Regular Meeting of February 26,2024, and the Special Meeting of March 4, 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 February, 2024, was presented and reflected a balance of \$105,657.60.

The Treasurer’s Report for February, 2024, was approved on a motion by Norman Richie, seconded by Joseph Cyburt and approved by general acclaim of Council.

BILLS:

The bills for March, 2024, totaling \$507,452.22 were presented to Council.

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

OTHER ITEMS OF CONCERN:

Girl Scout Troop 34320

Mayor Paul Hadzick welcomed the members and leaders of Girl Scout Troop 34320. He introduced all of the Borough Official at the meeting. They were in attendance as a requirement for a badge they were currently working on to complete.

BUSINESS:

1. Review Bids for 2024 Road Paving.

The bids received for the 2024 Road Paving Project to pave Dunnigan Street, Doney Run and Fern Alley were opened and reflected the following:

Hazleton Site Contractors (H & K Group)	\$57,880.60
Lehigh Asphalt	\$70,540.74
Pennsy Supply	\$75,209.99

A motion to approve the bid from Hazleton Site Contractors (H & K Group) with a bid price of \$57,880.60 was made by Joseph Cyburt, seconded by Norman Richie and approved by roll call vote:

Jeffery Miller	Yes	Norman Richie	Yes
Joseph Cyburt	Yes	Vincent Cuddeford	Yes
Michel Bellizia	Yes	Paul Hadzick	Yes

2. Approve Resolution for Tax Collector to Dispose of Requested Records.

Mr. Pudliner explained that Tax Collector, Deborah Kohler, had requested Council to approve a resolution to allow her to dispose of old tax records.

RESOLVED BY THE BOROUGH COUNCIL OF WEATHERLY BOROUGH, CARBON COUNTY PENNSYLVANIA, THAT

WHEREAS, by virtue of Resolution No. 2020-3 adopted February 19, 2020, the Borough of Weatherly declared its intent to follow the schedules for the disposition of records as set forth in the Municipal Records Manual approved December 16, 2008, and

WHEREAS, in accordance with Act 428 of 1968, each individual act of disposition shall be approved by resolution of the governing body of the municipality;

NOW, THEREFORE, BE IT RESOLVED BY Borough Council of the Borough of Weatherly, Carbon County, Pennsylvania in accordance with the above cited Municipal Records Manual, hereby authorizes the disposition of the following public records:

Office of the Tax Collector: See attached list from Deborah A. Kohler, Dated March 19, 2024

A motion to approve the resolution for the disposal of old tax records was made by Vincent Cuddeford II, seconded by Joseph Cyburt and approved by general acclaim of Council.

3. Fire Department Ordinance has been Published – Acceptance Vote Required.

The Fire Department Ordinance had been published and was now ready for a vote to accept the ordinance.

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that the following Ordinance will be enacted at a meeting of the Borough Council of Weatherly Borough, Carbon County, Pennsylvania to be held on March 25, at 5:00 P.M., prevailing time, at the Weatherly Municipal Building located at 61 West Main Street, Weatherly, PA. The Ordinance is entitled: "AN ORDINANCE OF THE BOROUGH OF WEATHERLY, CARBON COUNTY, PENNSYLVANIA AMENDING CHAPTER 33 OF THE WEATHERLY BOROUGH CODE REGARDING THE FIRE DEPARTMENT." A summary of the contents of the Ordinance is as follows:

1. Article 1 of Chapter 33 shall be deleted in its entirety.
2. Sections 33-11 through 33-13 shall be deleted in their entirety.
3. Sections 33-9 and 3310 shall be restated in their entirety as follows:

Powers and Duties of Citizens Fire Company No. 1 33-1 Response to

Borough Fires:

The Citizens Fire 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.

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 a type normally engaged in by volunteer fire departments and their members.

The full text of the Ordinance in its entirety may be examined at the Weatherly Borough Municipal Building located at 61 West Main Street, Weatherly, Pennsylvania, Monday through Friday during regular business hours. A copy of the full text of the proposed Ordinance has also been provided to The Journal Herald at 211 Main Street, White Haven, PA 18661, Pennsylvania, and the Carbon County Law Library located at the Carbon County Courthouse, Jim Thorpe, Pennsylvania and may be examined there.

A motion to approve the Fire Department Ordinance which has been updated was made by Joseph Cyburt, seconded by Michael Bellizia and approved by roll call vote:

Joseph Cyburt	Yes	Vincent Cuddeford II	No
Michael Bellizia	Yes	Norman Richie	Yes
Jeffery Miller	Yes	Paul Hadzick	Yes

4. Review Fishing Program.

Mr. Pudliner informed Council that he reworked the program based on the input from Council at the last meeting and provided them with the ordinance, rules and a resolution on the fees. He needed an approval to publish the ordinance and an approval of the resolution.

CHAPTER 30 EURANA PARK REGULATIONS

§ 30-1. Area designated as Eurana Park.

§ 30-2. Authority for management of park.

- § 30-3. Rules and regulations for north and south sections.
- § 30-4. Rules and regulations for parking.
- § 30-5. Use prohibited when park is closed.
- § 30-6. Permit to use closed park.
- § 30-7. Prohibited Conduct
- § 30-8. Rental Area Regulations
- § 30-9. Pool Regulations
- § 30-10. Enforcement Authority
- § 30-11. Violations and Penalties.

GENERAL REFERENCES

Bicycles - See Ch. 4. Littering -
 See Ch. 44. Nuisances - See Ch. 48
 Recreation places - See Ch. 62. Shade trees - See Ch. 69.

§ 30-1. Area Designated as Eurana Park.

The tract of land located on the south side of Third Street, bounded on the west by Fell Street, on the south by an extension of Edgewood Lane and on the east by Button Street (this area called the "south section"), together with the baseball park and basketball court with adjacent areas, bounded on the south by Third Street, on the west by Fell Street, on the north by Second Street Alley and East Second Street, and on the east by Button Street (hereinafter called the "north section"), and owned by the Borough of Weatherly, is recognized as a public park in the Borough of Weatherly and is designated as "Eurana Park."¹¹

(Ord. 6-1974!, 2/11/1974}

§ 30-2. Authority for Management of Park.

Pursuant to the Borough Code, the Weatherly Council possesses all of the authority for the management of said borough park.

(Ord.6-1974,2/11/1974)

§ 30-3. Rules and Regulations for North and South Sections.

The following rules and regulations are hereby established for the management and protection of Eurana Park (both north and south sections), hereinafter designated "the park."

- A. During the period of time beginning with Labor Day and continuing through May 30 of the succeeding year, the park shall be opened to the public beginning at 8:00 a.m. and shall remain open until 10:00 p.m. that same day. Accordingly, the park shall be closed from 10:00 p.m. until 8:00 a.m. the following day.
- B. During the period of time beginning with May 30 and ending with Labor Day, the park shall be open daily to the public between the hours of 7:00 a.m. and 11:00 p.m. At 11:00 p.m., all activities in the park shall cease and all persons in the park shall leave at that time.

(Ord. 6-1974, 2/11/1974; as amended by Ord. 96-712/9/1996)

§ 30-4. Rules and Regulations for Parking.

The following rules and regulations are hereby established for the management and protection of Eurana Park:

¹ Editor's Note: This ordinance supersedes Ord. No.11-1973, adopted 12-10-73, which also set regulations for the use of Eurana Park.

Eurana Park Regulations

- A. The parking area in the south section shall be closed to any vehicles, and driving or parking on said parking lot shall be prohibited, when the park is closed, unless a special permit is issued by the Borough Secretary pursuant to § 30-6, below.
- B. The parking lot (grassy unpaved area) in the north section of the park shall be closed to all vehicles at all times, unless a special permit is issued by the Borough Secretary pursuant to § 30-6, below.
- C. The parking of vehicles near or adjacent to the public roadways which are adjacent to the baseball park and basketball court shall be prohibited unless a special permit is issued by the Borough Secretary pursuant to § 30-6, below.

(Ord. 6-1974, 2/11/1974; as amended by Ord. 96-7.12/9/1996)

§ 30-5. Use Prohibited When Park is Closed.

No person or persons, other than the authorized employees of the borough, shall be in the park at any time during the hours which the park is closed by these rules and regulations.

(Ord. 6-1974.2/11/1974)

§ 30-6. Permit to Use Closed Park.

Special permits may be issued to groups to use the park or any of the park facilities during the closed hours, by application to the Borough Secretary.

(Ord. 6-1974 2/11/1974)

§ 30-7. Prohibited Conduct

1. No person shall bring into the park, possess, or consume any alcoholic beverage unless authorization has been issued by Borough Council and a permit issued by the Borough Manager allowing alcoholic beverages.
2. No person shall enter the park in an intoxicated state or otherwise be under the influence of alcohol or illegal drugs.
3. No person shall carry or discharge any firearms, slingshots, firecrackers, fireworks, or other missile propelling instruments or explosives or arrows, or other dangerous weapons which have such properties as to cause injury or annoyance to any person or properties, unless permission has been granted by Borough Council in designated areas; police officers in the performance of their duty will be exempt from these provisions.
4. No person shall bring in or allowed to be brought in, dogs, cats, or other pets into the park; except that, dogs will be allowed in the designated dog park area, which is on the east side of the pavilion at the rear of the building at an area that is posted. Specified areas designated for no dogs shall be: concession stand, playground, band shell, beach, and rope, swim areas and the front area of the pavilion.
5. No person shall injure, deface, remove, cut, or damage any of the trees, plants, shrubs, turf, buildings, structures, signs, fixtures or any other property of the Borough located in the park.

6. No person shall dispose of any waste or garbage, paper, bottles, or cans in the park, except in receptacles designated for the respective purposes. All persons using the park shall dispose of all waste and garbage left by them in such proper receptacles.
7. No person shall remove or displace any bench seat table or other municipal property without permission of the Borough.
8. No person shall operate, stop or park any motorized vehicle in the park except in designated parking areas within the part as set forth above.
9. No person shall operate, stop or park any non-motorized vehicle including, but not limited, to bicycles.
10. No person shall use threatening, abusive, insulting, profane or obscene language or words or gestures.
11. No person shall engage in hunting or trapping of animals.
12. No person shall bring into the park or possess any glass containers within the park.
13. No person shall set or maintain any fire in the park except in stoves or fireplaces maintained for that purpose and located by the authority of the Borough Manager.
14. Picnic in the park shall only be allowed in the designated picnic area which is the area in the south section by the pavilions.

(Ord. 6-1974 2/11/1974, as amended by {Ord. 2-2013. 8/19/2013), (Ord. 2-2018, 8/20/18)

§ 30-8. Rental Area Regulations

Certain areas within the park including the shelter and pavilion may be rented by Borough residents. Any persons renting the use of any property within the park shall be required to read and sign a lease/paper prior to use of the rented area. Further, all persons renting the use of the property within the park shall be responsible for any and all damages resulting from their use, cleanup of the rented area after usage and must agree that an adult will be present at all times during the usage of the rented property.

Eurana Park Regulations

§ 30-9. Pool Regulations

All persons using the Borough swimming pool/lake within the park shall comply with all posted rules and regulations established by Borough Council for the use of the swimming pool and facilities. Failure to comply with such rules and regulations, in addition to the penalties hereinafter provided, may subject the person violating them to loss of privileges to use the pool and no refund of any admission paid will be made. Further, all persons using the swimming pool shall comply with the following rules and regulations:

1. All persons above the age of five (5) years must display a valid swim tag.
2. All persons must wear proper swimming attire. (No long pants)
3. All children under the age of eight (8) years must be accompanied by an adult when swimming.
4. Swimming shall be permitted only when lifeguards are on duty.

5. Throwing of any object (such as sticks, stones or other objects) into the pool is prohibited.
6. Children under the twelve (12) years must be accompanied by an adult while walking or playing in the vicinity of the pool (vicinity is defined as within twenty (20) feet of the pool when there is no life guard on duty, and during non-swimming hours.
7. Ice skating on the pool shall be prohibited at all times unless the pool is posted that skating is permitted.

§ 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

A motion to advertise the fishing ordinance was made by Joseph Cyburt, seconded by Michael Bellizia and approved on a roll call vote:

Vincent Cuddeford II	Yes	Michael Bellizia	Yes
Norman Richie	Yes	Jeffery Miller	Yes
Joseph Cyburt	Yes	Paul Hadzick	Yes

5. Approve Police Contract.

Mr. Pudliner stated that the Police Contract was ready for Council approval.

A motion to approve the Police Contract was made by Joseph Cyburt, seconded by Norman Richie and approved by general acclaim of Council.

6. Name for DeFrancisco Driveway.

Mr. Pudliner explained to Council that an address must be assigned to Mr. DeFrancisco's house and it is not on a street. His driveway runs from Seventh Street to his property. After numerous conversations with 911 Addressing the County Mapping Office the only solution is to name the driveway. So, in keeping with the names of non-street but alleys, the name will be "Willow Lane" it will not be the Borough's, so the Borough does not have to repair or plow the lane as it will be a private lane, but for 911 purposes the Borough needs to give it an address. Council just needs to name it and the Post Master will assign it an address number.

A motion to name Mr. DeFrancisco's driveway "Willow Lane" was made by Joseph Cyburt, seconded by Norman Richie and approved by general acclaim of Council.

ADJOURN:

A motion to adjourn the meeting at 5:20 pm was made by Norman Richie, seconded by Joseph Cyburt.