

WEATHERLY BOROUGH COUNCIL
REGULAR MEETING
May 29, 2024
5:00 P.M.

The Regular Meeting of Weatherly Borough Council was held on May 29, 2024, at 5:00 p.m. in the Municipal Building.

Norman Richie called the meeting to order, followed by the pledge of allegiance and a moment of silence in memory of former Councilman, Raymond P. Desrosiers.

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

Also attending: Borough Manager, Harold Pudliner; Borough Solicitor, James Nanovic; Borough Secretary, Lori O'Donnell; Deputy Borough Manager, Tracy Grover; and Blue Ridge Cable Channel 13 Cameraperson Kyle Elliott.

MINUTES:

The minutes of the Regular Meeting of March 25, 2024, were approved on a motion by Vincent Cuddeford II, seconded by Joseph Cyburt, and approved by general acclaim of Council.

TREASURER'S REPORT:

The Treasurer's Report for March and April, 2024, was presented and reflected a balance of \$114,605.83.

The Treasurer's Report for March and April, 2024, was approved on a motion by Joseph Cyburt, seconded by Vincent Cuddeford II and approved by general acclaim of Council.

BILLS:

The bills for March, April and May, 2024, totaling \$1,079,210.81 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. Approve Ordinance Changes to Eurana Park Ordinance (Fishing).

Mr. Pudliner explained that the ordinance was published and is ready for Council to vote on it. He added that it would take time for him to get the equipment and cash operation set up, but he estimated that he may be ready to open in early June depending on getting the power to the new area.

CHAPTER30
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".

(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.
15. (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.

§ 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.
8. Participants and guests must wear shoes at all times.
9. No minnows shall be used as bait and stringers will not be used.
10. No entering the water. Water edge can be slippery.
11. 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.
4. 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 approve the Eurana Park Ordinance (Fishing) was made by Michael Bellizia, seconded by Joseph Cyburt and approved by roll call vote:

Jeffery Miller	Yes	Norman Richie	Yes
Joseph Cyburt	Yes	Vincent Cuddeford II	Yes
Michel Bellizia	Yes		

2. Approve Resolution for Fishing Fees.

RESOLUTION NO. 2024-_____

A RESOLUTION OF THE BOROUGH COUNCIL OF WEATHERLY BOROUGH TO SET RATES FOR “PAY TO FISH” AT EURANA PARK

WHEREAS, the Borough Council of Weatherly wishes to introduce “Pay to Fish” at Eurana Park, and WHEREAS, Rates must be established for the “Pay to Fish”, and NOW, THEREFORE, BE IT RESOLVED, Weatherly Borough sets the Rates to “Pay to Fish” at Eurana Park as follows:

1. A fee of five dollars (\$5.00) will be charged at time of registration. Senior Citizens (65+) will be charged four dollars (\$4.00) Children under the age of 12 fish for free. Fee entitles fishing for one day at hours posted and fee remains the same no matter what time the participant registers. Participant will at that time receive a bucket and vest.
2. All fish caught will be charged at \$8.00 per lb.
3. Participant must pay for fish caught when participant returns the vest and bucket.
4. Rental of a fishing rod and reel with a bobber, hook split-shots will be rented at a rate of twenty dollars \$20.00 per day. Loss of the bobber, split shots and hook will require a fee of eight dollars (\$8.00) to replace.
5. The sale of Power Bait will have a 25% mark-up.
6. Non-Return of fishing vest will result in a cost of \$5.00 and bucket \$10.00.

This resolution was adopted by the Borough Council of Weatherly Borough on the 29th day of May 2024.

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

3. Discussion on Tax Abatement for Schwab School Project.

Mr. Pudliner explained to Council that the Alliance for Better Communities has submitted an application to the PA Housing Finance Authority for the approval for funding to rehab the Schwab School. Part of the processes for approval is that all the taxing authorities approve a tax abatement for the project. They are asking for a 10-year full abatement for this project from the Borough, School District and County Taxes.

Attorney Nanovic explained tax abatement to Council. He said if someone wants to make money in improvements, they can request tax abatement for 10 years. A public hearing must be held for input from the public and then it must be declared what portion will be affected. He added that the school district and the county must agree on the tax abatement for it to go through. Mr. Pudliner will be attending the school board meeting next week and hopes to meet with the County Commissioners next week also.

Part of the process is that Council must declare a blighted area. Mr. Nanovic has put the paperwork together and through my conversations with him we are declaring the entire borough as

a blight designated area. Then either an ordinance has to be made or a resolution which Mr. Nanovic will determine which is necessary. It is important this is given top priority as the applications are being reviewed at this time and if there is any chance of seeing any funding, this needs to be done and submitted the PHFA.

A motion to advertise to hold a public hearing on June 24, 2024, at 5 pm was made by Joseph Cyburt, seconded by Michael Bellizia and approved by roll call vote:

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

4. Resolution for DCED Trail Feasibility Study for Connection to Hazleton Trail.

Mr. Pudliner stated that he was approached by the Hazleton Rails to Trails to join with our trail. He had a meeting with our DCNR representative as well as a representative from Senator Argall’s office and the representative from the Hazleton Rails to Trail. There are some possible routes for Hazleton to take to connect to our trail but in order to investigate these possibilities a feasibility study has to be conducted. The funding for this would come from a grant from DCED a “Greenway Grant” which would be due at the end of this month. Since the Hazleton group does not have the staff to do this, it was suggested by DCNR and the Senator’s office that we write the grant for them under our name. There is also a match required which he had told Hazleton that they have to come up with that money as we will not.

The following resolution is required for the grant which Council will have to approve at this meeting so that the application can be submitted.

WEATHERLY BOROUGH, CARBON COUNTY
RESOLUTION 2024-

Be it RESOLVED, that the Weatherly Borough of Carbon County hereby request a Greenways, Trails and Recreation Program (GTRP) grant of \$ \$50,000.00 from the Commonwealth Financing Authority to be used for a Trail Feasibility Study to connect the Hazleton Rails-To-Trails with the Weatherly Borough.

Be it FURTHER RESOLVED, that the Applicant does hereby designate Harold J. Pudliner, Borough Manager as the official(s) to execute all documents and agreements between the Weatherly Borough and the Commonwealth Financing Authority to facilitate and assist in obtaining the requested grant.

I, Lori O’Donnell, duly qualified Secretary of the Weatherly Borough, Carbon County, PA, hereby certify that the forgoing is a true and correct copy of a Resolution duly adopted by a majority vote of the Weatherly Borough Council at a regular meeting held May 29, 2024 and said Resolution has been recorded in the Minutes of the Weatherly Borough and remains in effect as of this date.

IN WITNESS THEREOF, I affix my hand and attach the seal of the Weatherly Borough, this 29th day of May, 2024.

A motion to approve the Resolution for DCED for Trail Feasibility Study for Connection to Hazleton Trail was made by Michael Bellizia, seconded by Jeffery Miller and approved on a roll call vote:

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

5. Discussion on Authorizing Manager to Bid DCNR Project and Open Bids and Award with a Special Council Meeting.

Mr. Pudliner stated that Federal funding steps are being followed and he wants to have a special meeting instead of waiting for the next meeting, so the project is not delayed/prolonged to approve a low bid.

A motion to approve a Special Council Meeting for the opening of bids and award of low bid was made by Vincent Cuddeford, seconded by Michael Bellizia and approved by general acclaim of Council.

EXECUTIVE SESSION: Personnel

A motion to enter executive session at 5:33 pm was made by Joseph Cyburt, and seconded by Vincent Cuddeford II.

A motion to exit the executive session at 6:14 pm was made by Vincent Cuddeford and seconded by Joseph Cyburt.

ADJOURN:

A motion to adjourn the meeting at 6:14 pm was made by Vincent Cuddeford II, seconded by Michael Bellizia.