

WEATHERLY BOROUGH COUNCIL
REGULAR MEETING
June 24, 2024
5:00 P.M.

The Regular Meeting of Weatherly Borough Council was held on June 24, 2024, at 5:00 p.m. in the Municipal Building.

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

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

Also attending: Borough Manager, Harold Pudliner; Borough Solicitor, James Nanovic; Borough Secretary, Lori O’Donnell; Deputy Borough Manager, Tracy Grover; Police Chief Brian Markovchick, Blue Ridge Cable Channel 13 Cameraperson, Emily Dougherty; Times News reporter, Kelly Socha; Carbon County Commissioner, Mike Sofranko; Irvin Richie, Ruth Sabol and Elizabeth Parker.

MINUTES:

The minutes of the Regular Meeting of May 29, 2024, were approved on a motion by Norman Richie, seconded by Theresa D’Andrea, and approved by general acclaim of Council.

TREASURER’S REPORT:

The Treasurer’s Report for May, 2024, was presented and reflected a balance of \$139,511.36.

The Treasurer’s Report for May, 2024, was approved on a motion by Joseph Cyburt, seconded by Jeffery Miller and approved by general acclaim of Council.

BILLS:

The bills for June, 2024, totaling \$243,092.24 were presented to Council. Norman Richie requested that the Card Services (Credit Card Charges) be listed in detail.

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

OTHER ITEMS OF CONCERN:

Joseph Cyburt on behalf of the Weatherly Hillclimb Association thanked Borough Council, Borough Manager, Harold Pudliner; Borough office staff and workers and the County Commissioners along with the residents of Weatherly for all of their work and support for the hillclimb.

Mayor Hadzick introduced Carbon County Commissioner, Mike Sofranko (Chairman of the Commissioners) for attending the Borough Council meeting.

BUSINESS:

1. Public Hearing on Blight Area Designation.

Mr. Nanovic stated that prior to considering the LERTA (Local Economic Revitalization Tax Assistance Act) Ordinance, Borough council must designate the deteriorated areas of the Borough. In order to do so, Council must hold at least one (1) public hearing, The Local Taxing Authorities, Planning Commissions and other public or private agencies knowledgeable and interested in the improvements of the deteriorated areas shall present their recommendations taking into account certain factors as set fourth in Urban Development

Law and other similar laws. Accordingly, if we are going to hold a public hearing, we would need to notify the various taxing authorities and entities and advertise that hearing. At the hearing, Council would listen to whatever input may be presented. At the conclusion of the hearing, Council would then designate the area that they determine to be deteriorated. After that is done, Council would then review the Ordinance and advertise the Ordinance for adoption.

PUBLIC NOTICE

NOTICE IS HEREBY GIVEN that Weatherly Borough Council will hold a public hearing on _____, at 5:00 p.m. prevailing time at the Weatherly Municipal Building located at 61 West Main Street, Weatherly, PA. The purpose of the public hearing will be to take comments to assist Borough Council in determining boundaries for the LERTA (Local Economic Revitalization Tax Assistance Act) Program. At this public hearing, Taxing Authorities, Planning Commissions, individuals, and agencies may present their recommendations concerning the location of the boundaries of a deteriorated area or areas within the Borough of Weatherly.

A motion to approve the Public Hearing on Blight Area Designating the area as the Schwab School (39 Spring Street) to the corner of East Main Street was made by Joseph Cyburt, seconded by Norman Richie and approved by general acclaim of Council.

2. Authorize Solicitor to Publish LERTA Ordinance.

The following LERTA Ordinance was presented to Council:

ORDINANCE NO. 2024 -

AN ORDINANCE OF THE BOROUGH OF WEATHERLY, CARBON COUNTY, PENNSYLVANIA PROVIDING FOR TAX EXEMPTION FOR IMPROVEMENTS TO CERTAIN PROPERTY LOCATED WITHIN THE BOROUGH OF WEATHERLY PURSUANT TO PENNSYLVANIA ACT 76 OF 1977, DEFINING THE LERTA DESIGNATED AREA; PROVIDING FOR AN EXEMPTION PERIOD; PROVIDING A PROCEDURE FOR SECURING AN EXEMPTION.

WHEREAS, on December 1, 1977, the General Assembly of Pennsylvania passed act 76 of 1977, known as the Local Economic Revitalization Tax Assistance Act of 1971 (72 P.S. §§4722, et seq.) (LERTA) authorizing local taxing authorities to provide for exemption from taxes for certain deteriorated commercial, industrial, or other business property; and

WHEREAS there are deteriorated commercial, industrial, or other business buildings located within the Borough of Weatherly; and

WHEREAS the Council of the Borough of Weatherly, in accordance with said Act, held a public hearing on ,2024, to determine the boundaries of the designated area; and

NOW THEREFORE, be it ordained by the Council of the Borough of Weatherly, Pennsylvania, and it is hereby ordained by the authority of the same as follows:

SECTION 1. DEFINITIONS:

As used in this ordinance, the following words and phrases shall have the meaning set forth below:

"LERTA Designated Area" refers to the boundaries of the Borough of Weatherly.

"Non-Residential, means any industrial, commercial, non-residential use building, or other business property located in the LERTA Designated Area.

"Residential" as hereinafter defined, shall mean single family dwellings, duplexes, short-term rentals and Bed and Breakfasts.

"Improvement" means repair, construction, or reconstruction, including alterations and additions, having the effect, or rehabilitating a building with a minimum actual cost of the improvement being \$75,000.00, verified by a PA registered design professional. The purpose of the improvement is for the following: the building becomes habitable or attains higher standards of safety, health, economic use, or amenity; it is adaptively re-used; or is brought into compliance with laws, ordinances, or regulations governing such standards; or is new construction in the LERTA.

SECTION II. LERTA DESIGNATED AREA/ELIGIBLE PROPERTIES:

The entire area within the boundaries of the Borough of Weatherly is hereby designated as the LERTA area subject to exclusions. Properties/uses specifically excluded from the LERTA program are single-family, duplexes, Short-term rental units, Bed and Breakfast establishments, and Residential Properties.

SECTION III. ALLOWABLE EXEMPTION:

The actual costs of the new construction or improvements to a building to qualify for the exemption must be in excess of \$75,000.00 in order for the property to be eligible for the LERTA tax abatement.

Ordinary upkeep and maintenance-painting, roof replacement, landscaping, deteriorated materials replacement-shall not be deemed an improvement. If this work is included in a project, it shall not be counted toward meeting the minimum investment for program eligibility.

In all cases, the exemption from taxes shall be limited to that portion of the additional assessment attributable to the improvement or new construction, as the case may be, and for which a separate assessment has been made by the County Board of Assessment. No tax exemption shall be granted if the property owner does not secure the necessary and proper permits prior to improving the property, including zoning, building codes, and borough council (if Applicable). No tax exemption shall be granted if the property, as completed, does not comply with the minimum standards of all applicable Borough Ordinances, Zoning, and Building Codes.

Should there have been any reduction to the assessed value to the property within the two years prior to the application date for exemption, the application shall be denied. The new assessment value will not be applied to the property until occupancy of the building is granted in accordance with applicable building codes or a fully signed and completed building permit copy is received.

The exemption from taxes hereunder shall be forfeited by the applicant and/or any subsequent owner of the real estate for failure to pay nonexempt real estate taxes by their due date that may be paid without penalty. Upon receipt of notice of nonpayment of nonexempt real estate taxes, the Borough Manager shall direct the County Assessment Office, and the Borough Treasurer to discontinue the exemption.

In any case, after the effective date of this ordinance, where a property in the LERTA program property is damaged or destroyed, and where the assessed valuation of the property affected has been reduced as a result of said damage, the exemption from real property taxation authorized shall be limited to that portion

of new assessment attributable to the actual cost of improvements or construction that is in excess of the original assessment that existed prior to damage.

In any case, after the effective date of this Ordinance, where a building or structure is razed or demolished, and a new building or structure is placed on the property, the exemption from real property taxation authorized shall be limited so that the Tax Assessment on the new structure shall not be less than the structure which had been razed or demolished.

SECTION IV: EXEMPTION SCHEDULE:

For the ten years immediately following the year in which the LERTA application is approved, the following real estate tax exemption schedule shall be in effect:

100 % Exemption for Years 1 through 10

After the tenth year, the exemption shall terminate.

The exemption from taxes granted under this Ordinance shall be upon the property exempted and shall not terminate upon the sale or exchange of the property.

If an eligible property is granted tax exemption pursuant to the ordinance, the exemption shall not, during the exemption period, be considered as a factor in assessing other properties.

If the use of the property at the time the exemption is granted is modified, terminated or changed during the ten year exemption period in any way which would have affected the exemption if the property had been so used when the exemption was granted, then, at the election of the Borough Council, the exemption shall terminate as of the date the use was modified or terminated if the Council determines that continuation of the exemption would be inconsistent with the purposes of the ordinance.

SECTION V: PROCEDURE FOR OBTAINING EXEMPTION:

Any person or entity desiring tax exemption pursuant to the LERTA Program must apply to the Borough of Weatherly prior to or at the time of obtaining a building permit for a new construction or improvement. Applicants shall also provide a copy of the exemption request to the Carbon County Assessment Office on the same day it is submitted to the Borough. Applicants shall also file a copy of the exemption request with the Business District of the Weatherly Area School District and the Carbon County Office of Commissioners.

Appeals from the reassessment and the amount eligible for the exemption may be taken by the taxpayer or the local taxing authority as provided by law.

The application must be in writing utilizing the LERTA Program application form, setting forth the following information:

- The date the building permit was issued for said improvement.
- The location of the property.
- The current use(s) and proposed use(s) of the property.
- The type of improvements or new construction.

- The summary of the plan of the improvements or new construction.
- The actual cost of the improvements or new construction is verified by a Pennsylvania registered design professional. Improvement costs must exceed \$75,000 with ordinary maintenance expenses not being counted in the \$75,000 minimum.
- Whether or not the property has been condemned or cited by any governmental body for noncompliance with laws, regulations, and/or ordinances.
- The property has been inspected and examined by a Pennsylvania registered design professional acting on behalf of the Borough. The cost of such inspection shall be reimbursed to the Borough by the applicant, regardless of whether or not the application is approved.
- Such additional information as the Borough may require.
- Such fees set by Borough Council by resolution for the administration of the application and the LERTA program.
- The cost of improvements or new construction to be exempted.
- Each applicant for and receiving an exemption under the LETRA Program agrees, that upon completion of the ten-year exemption schedule, not to take any appeals for reassessment for a period of an additional five years unless the property is reassessed by the County of Carbon during that five-year period.
- No person or entity, or such person's or entity's subsidiaries, affiliates or other associated holdings, will be eligible for exemption under the LERTA Program unless all property taxes are current, there are no outstanding municipal liens against the property, and all fees for municipal services (including, but not limited to, water, sewer and trash services) are current for all properties such person's or entity's or such person's or entity's subsidiaries, affiliates or other associated holdings owned in the Borough.
- No assessment appeal reducing the property assessment has been granted within two years prior to the filing of a LERTA application.
- A copy of the exemption request will be forwarded to the County Board of Assessment Appeals by the Borough Manager. Within 60 days, the Board will, after completion of construction, assess separately the improvements and calculate the amounts of the assessment eligible for tax exemption in accordance with the limits established by the LETRA Program and notify the taxpayer and the local taxing authorities of the reassessment and amounts of the assessment eligible for exemption. This reassessment is required by the application of the LERTA abatement, and any applicant applying for the abatement explicitly agrees that it does not constitute a spot reassessment. Reassessment will be applied to the improvement that has been made as part of the LERTA application.

SECTION VI. TERMINATION DATE:

An application for exemption from Borough real estate taxes may be made at any time within five years from the effective date of this Ordinance.

SECTION VII. EXTENSION:

The Borough may, by ordinance enacted from time to time, extend the time for filing an application from exemption from Borough real estate taxes. However, in no event shall anyone's extension period exceed five years.

SECTION VIII. REVOCATION OF EXEMPTION:

The Exemption from the Borough real property taxes provided for in this Article shall be forfeited by the application and/or any subsequent owner of the Property and such Exemption shall be revoked by the Borough upon the occurrence of any of the following:

- The failure to pay in full any non-exempt real estate taxes by the last day of the time period to pay such taxes in the penalty period. Upon receipt of this notice of nonpayment of non-exempt real property taxes, the Borough Treasurer shall immediately terminate the Exemption.
- The failure to pay when due any amount due and owing to the Borough. Upon receipt of notice of nonpayment of any such amount, the Borough Treasurer shall immediately terminate the Exemption.
- The failure to obtain and pay in full all fees for all necessary and proper permits, licenses, and certificates prior to commencement of construction of the Improvements to, or occupancy of, the Property.
- The failure to comply with the minimum standards established by all applicable laws, ordinances, codes, rules, and regulations.
- The failure to comply with the provisions of this Article.

SECTION IX. ANNUAL CAP:

Weatherly Borough will accept a maximum of five applications per year for the entire LERTA Designated Area. The date of the application approval will be used to determine when the annual cap has been reached. The Borough may, by Resolution and concurrence with Weatherly Area School District and Carbon County Commissioners, increase the number of LERTA applications accepted on an annual basis.

SECTION X. SEVERABILITY:

If any provision of this Ordinance shall be determined to be unlawful, invalid, void, or unenforceable, then that provision shall be considered severable from the remaining provisions of this Part, which shall be in full force and effect.

SECTION XI. EFFECTIVE DATE:

This ordinance shall become effective five days after enactment. For LERTA program applications, a period of retroactively starting on July 1, 2024, is allowed for a property owner who has obtained a building permit and has not started the improvement. The applicant must otherwise meet all other program eligibility requirements.

SECTION XIII: AMENDMENTS:

No amendment to this ordinance shall be effective unless consented to by resolution or ordinance at each local taxing authority which has consented to bound by the terms of this ordinance.

This item was tabled.

3. Discussion on Copier Replacement.

Mr. Pudliner explained to Council that the main office copier has been deemed obsolete and he was told by the service company that we will have to pay for service now and that the parts are difficult to acquire. This copier gets used very hard as it copies the flyer that goes in the monthly bills and all of our office copying, which is quite a bit, as well as a backup in case the printer for the utility bills goes down. It is also used as a scanner and to print various size paper as needed and still needed it to fax, which is a backup for the Police copier and fax machine.

Mr. Pudliner stated that he was in contact with Topp Copy because he did not know how long Tri-County will be in business and he is apprehensive about purchasing a copier from them. He looked into financing the new copier through both the bank and the copier company and believes he would rather just buy it. The cost of the copier would be \$10,900.00.

Mr. Pudliner also stated that he was also looking at a large format printer/scanner. He has a huge inventory of prints of the Borough's utility systems, buildings and surveys. The prints he has are very important to the operation of the borough and are referred to quite often. The cost for a large format printer/scanner is \$10,142.00 and he would purchase the machine rather than finance it.

A motion to approve the purchase of an office copier was made by Michael Bellizia, seconded by Jeffery Miller and approved by general acclaim of Council.

4. Approval of Items to Sell.

Mr. Pudliner stated that he has versa lok block that makeup the wall at the basketball court. It is pushing out and he would like to replace it with a stronger case cement wall. He would like to sell the versa lok block on Municibid and have who ever buys it take down the wall. He will not be selling the caps as he can use them in the park.

A motion to approve the sale of the versa lok blocks on Municibid was made by Norman Richie, seconded by Joseph Cyburt and approved by general acclaim of Council.

EXECUTIVE SESSION:

A motion to enter executive session at 5:25 pm was made by Joseph Cyburt, and seconded by Michael Bellizia.

A motion to exit the executive session at 5:52 pm was made by Joseph Cyburt and seconded by Michael Bellizia.

ADJOURN:

A motion to adjourn the meeting at 5:53 pm was made by Norman Richie, seconded by Joseph Cyburt.