

MINUTES FOR REGULAR MEETING OF NESQUEHONING BOROUGH COUNCIL

Wednesday, August 26, 2009 at 7:00p.m., Borough Office
114 W. Catawissa Street, Nesquehoning, PA 18240

ROLL CALL: COUNCILMEN DiMICELI, HAWK, SNISCAK JR., STROMELO, ZABROSKI
COUNCILWOMAN WALCK; PRESIDENT DeMARCO; MAYOR WALCK;
SOLICITOR YURCHAK; & CHIEF SMITH

President DeMarco called the meeting to order at 7:01 p.m.
Councilman Hawk was present via telephone.

MINUTES: Approve the minutes from the Regular Meeting held on July 22, 2009
Councilman DiMiceli moved and Councilman Sniscak, Jr. seconded to approve the minutes from the
regular meeting held on July 22, 2009. All voted yes. Motion passed.

HEARING OF VISITORS

Donna and Ray Marusak – 49 E. Garibaldi Avenue – stated how they were there to complain about the property next to their property. President DeMarco stated how he could not think of the owner's name. Secretary/Treasurer Ahner stated that the owner was Dennis Ball and they had left him a voice mail that day. Ms. Marusak stated how there has been nobody at the house since before the fourth of July. She stated how the weeds on their side of the house were up to their knees. She stated that the backyard was the same. Ms. Marusak stated about the pool and how the fence and the garage were falling down. She stated how it was a total mess. President DeMarco stated that they should not take it as an excuse, but from what he had heard, the gentleman ran out of money. He stated how that was not the Borough's problem. Ms. Marusak stated how there was someone from Summit Hill there fixing it and he had told them that he would be there as long as the man had money. She stated how that did not mean he could not come and cut the grass. Ms. Marusak stated how no one would ever want that next to them. Councilman DiMiceli stated how he thought that the Police should be citing them right now for the weed ordinance and anything else that they can cite them for. He stated about having Officer Blisard go and do an inspection. He stated about getting Carl Faust involved if need be. Councilman DiMiceli stated that if the property has to be condemned again then it will be condemned again.

President DeMarco asked Mayor Walck to have Officer Blisard to go up and cite Mr. Ball immediately. Mayor Walck asked what the address was with replies of "55 E. Garibaldi Avenue". Ms. Marusak stated about the standing water in the pool. President DeMarco stated how the standing water could not be tolerated. Ms. Marusak stated how the fence was going to fall into the alley/street. Mr. Marusak stated how the whole place was a mess. He stated about having to live next door to that mess. Ms. Marusak stated how they were maintaining the grass on the side of the house towards their property when the bank had owned it. She stated that once someone purchased the property, she did not feel like it was their responsibility to keep cutting the grass. President DeMarco stated about the snow on the sidewalks as well. Ms. Marusak stated how they were taking care of that when the bank had it. Mr. Marusak stated how there has not been any sign of anybody there. President DeMarco stated how they have to go with the action that the ordinance calls for. He stated how Mayor Walck will get in touch with Officer Blisard and cite them. He stated that he does not expect it to be cut tomorrow, or by Friday. Councilman DiMiceli stated that under the circumstances, there was such a health hazard, why can't they send the borough crew out and bill them. He stated about getting the water out of the pool. President DeMarco stated how that was the next thing that they would send the borough crew to check the pool and see what they can do to get rid of that water.

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Councilman DiMiceli stated how he was talking about the weeds. He stated about the borough crew to cut the weeds and bill them. Mayor Walck stated that he heard what he was saying but they have to give the owner a chance to respond. President DeMarco stated about five days. Solicitor Yurchak stated how that was for citing them under the ordinance. He stated that if it was a danger or a hazard, they could just go up and cut it. Councilman DiMiceli stated how they could put him on notice, with a certified letter, that if it occurs again, he was going to be cited. He stated how the grass should be cut every other week. Councilman Zabroski stated about the borough crew looking into the fence also. He asked Solicitor Yurchak how long they would have to wait to tear something down. Councilman DiMiceli stated how it was a safety hazard. Councilman Zabroski stated that if the fence was ready to fall into the alley, couldn't they take care of that also. He stated how it could cause injury to pedestrians or drivers. Solicitor Yurchak stated about not cleaning up the whole property. Councilman DiMiceli stated that if the fence would fall into the alley they would end up dealing with it anyway. President DeMarco stated to Councilman Sniscak, Jr. to get the borough crew there by Friday. He stated that it will depend on how the fence was. He stated that if it was dangerous they would knock it down. He stated that they were not going to haul it away; they would just throw it in the yard. Mayor Walck stated that he would get the chief to take pictures first thing in the morning before the borough crew would get there.

Linda Narciso – 120 E. Catawissa Street – stated how the property next to her was owned by Dennis Ball also. She stated how he had not been there either. She stated how he had ripped out all the rotting wood on the steps and ripped out the deck. Ms Narciso stated how all the wood was piled in the yard. She stated how there was garbage underneath the deck. She stated how the weeds had grown out and the grass was high. Ms. Narciso stated about the hedges in the yard as well. She stated that he cut one hedge down and cut the grass but has not seen him since. Ms Narciso stated about critters going into the wood and into the basement of the house with the weather getting cooler. Councilman DiMiceli stated about doing the same thing with that property as they were going to do with the other property. Ms. Narciso stated how it was the same person. She stated that she had filled out a code complaint.

Ms. Narciso stated about 129 E. Mill Street, which was the property behind the other property. She stated how there was a trailer on the property. She stated how she had heard that the owners had built a new home in Jim Thorpe and just left it. Ms. Narciso stated how it was a mess. She stated that the weeds were high and they have rat poison lying around. Councilman DiMiceli asked if they could do the same thing there and have the borough cut the grass. President DeMarco stated that it would be the same thing. Councilman DiMiceli stated how it sounded like a Carl Faust issue. Ms. Narciso stated how there has not been anyone living in it for a while. President DeMarco stated how they were charging way too little to have the borough cut the grass. He stated that they would do the same thing that they were going to do up on Garibaldi Avenue.

Frank Jacobs – 244 W. Railroad Street – stated about the condition of the 300 block of West Railroad Street. He stated about getting the contractor to clean up the mess. Mr. Jacobs stated that it was ridiculous how there were residents who were 75 – 80 years old out on the street sweeping the stones. He stated that he did understand how it has to settle, but there was no reason that the residents had to put up with that. President DeMarco asked if that was the line the water authority put in. Mr. Jacobs stated that it was not the borough's but it was a good thing that Councilman Hawk was on the phone. He stated how the contractor had a backhoe with a broom on it that he could go up and clean up the street. President DeMarco asked Councilman Hawk if he had heard and would get in touch with someone in regards to that. Councilman Hawk replied that he did hear and he would get ahold of someone the next day to correct the problem.

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Bertha Shreffler – 47 W. Railroad Street – stated how they had just bought the house on July 1st and that last week her car was stolen. She stated that thanks to Officer Wuttke, they did get it back. She stated that they did not find the person who stole it. Ms. Shreffler stated how two days later gas was siphoned out of her car and some of her neighbors' cars. She stated how she heard that the other morning she heard someone's car window was broke. Ms Shreffler stated that she does not know what was happening in the town, but it was getting worse and she would like to feel safe. She stated that she would like to know why they do not have two police officers on duty. She stated that if they were going to raise taxes for that go right ahead. Ms. Shreffler stated that she would rather pay more taxes and be safe than to have one police officer on duty. She stated that she had brought it up a couple years ago and nothing was done. Councilman Sniscak, Jr. stated that as it stands right now, they were trying to hire police officers. He stated that they will be hiring two for full-time and they have two part-time. He stated that they were going through Civil Service and all the exams that were required. Councilman Sniscak, Jr. stated that they have been advertising and they cannot put them on if they were not there. Councilman DiMiceli stated that there was a process with the part-timers which involves a polygraph. He stated that after the interview, the first thing was the polygraph. He stated that if they pass the polygraph, they proceed to the physical and then it was council's decision on hiring them. Councilman DiMiceli stated that if they do not pass the polygraph, they were not going to get hired.

Ms. Shreffler asked that once they hire, there will be two cops on duty. Councilman Sniscak, Jr. stated that if they would get the full complement they were supposed to have. Councilman DiMiceli stated how the Civil Service process was something different for full-time and that it would take longer than what they do for the part-timers. Ms. Shreffler stated that they might have two officers on in a couple of months. President DeMarco stated "more or less". Councilman Sniscak, Jr. stated "we're hoping". Ms. Shreffler stated that she would like to feel safe again.

Mayor Walck stated that while they were on that subject, the new part-time officer they just hired, Keith Frederick, resigned. He stated that Chief Smith was still waiting for something in writing. Mayor Walck stated that he told the Chief verbally that for personal reasons, nothing to do with the borough, he had to resign. Ms. Shreffler stated that they just have to try harder to hire more officers. She stated that she was grateful for Officer Wuttke for doing his job. Ms Shreffler stated that her car could have been long gone but he drove up there and knew there was a break in because he saw her car and knew how she would not be out at two in the morning. She stated how he got it back for her. Ms. Shreffler stated how Chief Smith got the car to the garage for fingerprints, even though they did not get any. She stated how she appreciated all the hard work they did to try and catch the guy. Councilman DiMiceli stated how he thought that Chief Smith and Officer Wuttke should be commended for the amount of crimes they have cleared even though they have not had the time to file the paperwork yet. He stated that someone from New Columbus had told him that Friday night into Saturday morning; Officer Wuttke actually woke them up and asked if they left their car door open. He stated how someone was rifling through the cars in New Columbus over the weekend. Councilwoman Walck stated that it was starting to escalate all of a sudden.

Tom Merman – 512 E. Center Street – stated again about the piece of ground that he had seen on the agenda several months ago. He stated how he had mentioned before about the property being sold and if it was not sold; there was a no trespassing sign there. Mr. Merman stated how he was not the person who thought that they should get rid of any paper streets because he knows the trouble they had in the past where there were homes built on them but they were classified corner lots.

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Mr. Merman stated that he wanted to know if there was ever any meeting held, was that piece of ground sold. Solicitor Yurchak stated "no". President DeMarco stated how Solicitor Yurchak checked and it was not sold. Councilwoman Walck stated how she was one of the council members that Mr. Merman had approached. She stated that she did do some checking at the courthouse. Mr. Merman stated that he had gone to the courthouse and he read the three pieces of paper there. He stated that he had the different names. Mr. Merman stated that he wanted to know if the Council Members ever had a meeting about releasing that property to sell it. President DeMarco stated how they did not, not that he could remember. Mr. Merman stated how he was looking into it and he would be back with other questions when he gets more information.

Mr. Merman stated how they have another solicitor other than the Borough's with a petition to intervene. He stated that he does not know what it was about but last month they had a bill submitted to them by another attorney for \$678.00. Mr. Merman stated that he would like to know, being that they have a Solicitor, what it was that their Solicitor could not handle that they had to pay an outside Solicitor that kind of money. Secretary/Treasurer Ahner stated how that was for the Zoning Hearing Board. President DeMarco stated that it was the Zoning Hearing Board. Solicitor Yurchak stated how it was for the Zoning Hearing Board and had nothing to do with the Council.

Mr. Merman stated that he was hearing how Ms. Shreffler wanted more police protection. He stated how that would make the taxes go up. Mr. Merman stated how he had brought up years ago how there were people in the town who do not pay taxes anywhere. He asked if they could not have an ordinance that says when someone comes into the town they must register if they were planning on staying for a period of time. He stated how he wants to see them pay taxes the way he has to pay taxes. Mr. Merman stated how Solicitor Yurchak had told him that they cannot do that. He stated how it was the same as the amusement tax.

President DeMarco stated that he could tell him right now, under the communications, it has nothing to do with the Borough Council; it has to do only with the zoning.

POLICE REPORT

Chief Smith gave the Police Report for the month of July as follows:

\$1,123.28 fine money received from Magistrate Kosciolk; \$0.00 fine money received from Magistrate for Sanitation Fines/Bills; \$147.08 received in Carbon County Collections; \$63.25 received in DUI reimbursements; \$606.763 received from Attorney General for overtime reimbursement; \$90.00 received in parking tickets; \$225.00 received in moving permits; \$90.00 received in accident reports; 415 total officer contacts/follow-ups; 44 citations [1 non-traffic (1-harrasment) & 43 traffic]; arrests (Jonathon Maury-criminal conspiracy to deliver heroin [felony], Frank Munoz-unlawful delivery of heroin [felony], Kim Schnell-DUI, 1-consent search-Munoz's truck *Recovered – 11 pieces stolen property, search of Munoz's residence – over hundred pieces of stolen property, arrested Jonathan Craigie assisting Jim Thorpe P.D. [they were on arraignment], 1-retail theft, Tracy Marzianni-endangering welfare of a child, male on male rape at prison, fight at Dog House Pub, arrested Nicole Bollinger at CVS parking lot after road rage incident involving heroin-arrested for 3 felonies, bench warrants issued – Ronald Kemfort-persistent disorderly conduct, ethnic intimidation for yelling racial slurs and was intoxicated in public, 3 reported burglaries; 21 incidents reported for the month with multiple arrests; 0 search warrant; 3 consent searches; 5 traffic accidents (3 reportable{1-DUI related} - 2 non-reportable); 15 court appearances and the mileage total was 4,261 (1,475 – 2008 Crown Vic; 1,624 – 2008 Chevy Impala; 131 - 2003 Crown Vic; 0 - 2005 Expedition; 1,421 – 2009 Ford Crown Vic).

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HOUSING & CODE ENFORCEMENT OFFICER'S REPORT

Chief Smith's and Officer Blisard's reports were placed in the communications folder.

Mayor Walck stated about first thing in the morning to go take pictures at 55 E. Garibaldi Avenue before the Borough crew would get up there. Chief Smith stated how he did condemn that property last year and someone took the sign down. He stated that he would take care of it though. Mayor Walck stated that Linda Narciso had a property next to her. He stated how it was Craig Kennedy's house. Chief Smith stated how that was forwarded to Officer Blisard. Chief Smith stated how they were doing inspections of properties in New Columbus.

Mayor Walck asked where they were at with 124 E. Columbus Avenue. Chief Smith stated that he had just forwarded information to them from the Department of Environmental Protection (DEP). He stated that they have requested an immediate cleanup. Chief Smith stated how they have 180 days to clean up. He stated that if there was any trace that it was in the creek, it would be a phone call to Mark Nalesnik, PA Fish Commission, and Environmental Protection Agency. He stated how he cited them. Chief Smith stated how he was asked why he was not cited for something criminal. He stated how he cannot prove that he was the one who dumped the oil. Chief Smith stated that they had illegal aliens working up there but he could not prove without a doubt that he was the one who dumped the oil. He stated how he was cited under the Housing Ordinance. Chief Smith stated how he was still getting complaints on the smell. He stated that he cannot expedite the state. Chief Smith stated how he was asked if there was something that the Borough could do. He stated that the Borough was not going to get involved because it was a contaminated site. Councilman DiMiceli stated that even though DEP was involved, was there any way Carl Faust could come in and do something under the Building Code. Chief Smith stated how Carl Faust was called and he was aware. Chief Smith stated how it is not nice to say, but the best thing that could happen was that a spot would appear in the creek. He stated that way EPA would be in. Chief Smith stated how they had the Sewer Authority to check all the manholes in the area. He stated how there was not trace. Chief Smith stated how Scott Christman from the Game Commission will be spot checking as well. He stated how they also contacted the Nesquehoning Conservation Club.

Councilman DiMiceli stated how there have been incidents where Mr. Faust had used the Building Code and cited people because of dog dirt in an adjoining house. He asked if Mr. Faust could not look at that and maybe start citing him under the Building Code because of an odor. President DeMarco stated how it was not going to make it go any faster. Councilwoman Walck stated about having Solicitor Yurchak write a letter telling them how someone was having health problems and could not handle the odor. Councilman DiMiceli stated about writing letters to the State Representatives. President DeMarco stated about sending letters to State Representatives.

President DeMarco stated about the other address that needed attention. Chief Smith stated how he would get in touch with Secretary/Treasurer Ahner in the morning regarding the addresses. Mayor Walck asked Chief Smith if Keith Fredrick had submitted anything in writing. Chief Smith stated how they had not, but they were going to set up a date so he could bring everything back.

Councilman Sniscak, Jr. moved and Councilman DiMiceli seconded to accept the Police and Housing & Code Enforcement Reports. All voted yes. Motion passed.

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Councilman Sniscak, Jr. stated that he would like to put a motion on the floor to accept Chief Smith into the bargaining unit. He stated how Chief Smith had requested to go into it. Councilman Sniscak, Jr. stated how he had already contacted the FOP and they did not have any problem with it. He stated how they have to vote on it. Solicitor Yurchak stated that he would like something in writing from the FOP that they can accept him. Councilman Sniscak, Jr. stated how he had talked to them and they said how they did not have to give them anything. Solicitor Yurchak stated that he was not challenging what he was saying, but he would feel more comfortable if it was in writing. Councilman DiMiceli stated how the request should come from the FOP asking that the Chief be placed in the bargaining unit. Councilman Sniscak, Jr. stated that when he asked them that, they had told him there was no need for it. Solicitor Yurchak stated that there might not be a need for it except for that he was asking for it. Councilman Sniscak, Jr. stated to Chief Smith to contact the FOP asking for a letter. Councilman DiMiceli stated how it had to come from the FOP, technically the bargaining unit itself, three full-time officers, have to approve it. Mayor Walck stated how it was a separate contract. Councilman Sniscak, Jr. stated how they already did. Councilman DiMiceli stated how it had to be in writing from the FOP to the Borough Council. Chief Smith stated how he had talked to the three trustees, Chief John Turcmanovich, Chief Joseph Fittos, and Officer Tim Wuttke. He stated how Officer Breiner was in the back office if they wanted to ask him. He stated how it was discussed multiple times. Councilman DiMiceli stated how they did not have a problem with doing it, but they needed a letter in writing. Councilwoman Walck stated how it would simplify things when it comes to the contract negotiations.

Councilman DiMiceli moved and Councilman Sniscak, Jr. seconded that upon receipt of a letter from the FOP requesting the Chief be placed in the bargaining unit that the Chief be placed in the bargaining unit with the other officers. All voted yes. Motion passed.

Councilman Sniscak, Jr. stated that he would like to make a motion to accept the changes to the SOP. He stated that he had already talked to the FOP in regards to it and they told him that it was up to Council if they wanted to change it. He asked if they needed a letter from them. Councilman DiMiceli stated that there has to be a letter. Solicitor Yurchak stated how there had to be a letter because it would be a change to the contract. He stated how it was incorporated into the contract so now they were amending the contract. He stated that they could not do it orally. Councilman Sniscak, Jr. stated that he would get a letter from them. Solicitor Yurchak stated about getting a signed agreement with them. Councilman DiMiceli asked Councilman Hawk what his thoughts were on it. Councilman Hawk stated that without anything in writing he did not think that they could act on it. Councilman Sniscak, Jr. stated about just doing it as part of the contract negotiations. Mayor Walck stated that they should wait until they do the contract negotiations. He stated how it was called bargaining in good faith. Councilman DiMiceli stated how they would be opening themselves up for an unfair labor practice. Councilman Hawk stated that if they wanted to wait and do it as part of the contract it was fine. He stated how they were not talking about benefits or anything like that. He stated how it was strictly a change in the SOP. Councilman DiMiceli stated how it was so there was consistency between the blue book and their SOP. He stated how they were adhering to the Borough Code where it comes to the scheduling and things like that. Mayor Walck stated as per the Borough Code, the next time they have a meeting he would like to be invited to the meeting. He stated how he did not know anything about the changes until he was presented with them. Mayor Walck stated that from now on he would be part of the meetings as per the Borough Code. He stated that when they have a meeting he will be there and he will be informed ahead of time. Solicitor Yurchak stated how he was in charge of the police department as per the Borough Code. Councilman DiMiceli stated that he was aware of that. Councilman Sniscak, Jr. stated that he was also. Councilman Hawk stated that he was in favor of that.

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PLANNING COMMISSION REPORT

No report.

CIVIL SERVICE COMMISSION

- 08.06.09 Minutes from Organizational Meeting
- 08.24.09 Minutes from Meeting held on 08.21.09

Councilman DiMiceli moved Councilwoman Walck seconded to accept the minutes from the Organizational Meeting of the Civil Service Commission and the minutes of the meeting held on August 21, 2009 of the Civil Service Commission. All voted yes. Motion passed.

PANTHER CREEK ADVISORY REPORT

No report.

ENGINEER'S REPORT

No report.

SOLICITOR'S REPORT

- 08.04.09 Robert T. Yurchak – Restrictions on the use of Park Avenue

Solicitor Yurchak stated how he had sent a letter to Ron Tirpak in regards to the restrictions for Park Avenue.

- 08.06.09 Nanovic Law Offices – Joint Appeals Board
- 08.18.09 Township of Mahoning – Inter-municipal Joint Board of Appeals
- **Ordinance – Amendment to the Life Safety Code**

Councilman DiMiceli moved and Councilman Zabroski seconded to adopt the amendment to the Life Safety Code Ordinance. All voted yes. Motion passed.

- **Ordinance – Amendment to the Fireworks Display Permit**

Councilman DiMiceli moved and Councilman Sniscak, Jr. seconded to adopt the amendment to the Fireworks Display Permit Ordinance. All voted yes. Motion passed.

Councilman DiMiceli moved and Councilman Stromelo seconded to advertise the Tax Collector Certificate Ordinance. All voted yes. Motion passed.

Solicitor Yurchak stated about answering some of Mr. Merman's questions. He stated that as for the amusement tax, it was researched years ago and the activity has to originate and occur within the Borough limits. He stated that it cannot be passing through, like the trains. Solicitor Yurchak stated about someone having to register beyond moving permit that they already have. He stated that they cannot do anything additional. He stated that they cannot restrict someone's right to move around the country. He stated that it was unconstitutional. Solicitor Yurchak stated about the interventions. He stated that they were primarily related to the actions that were occurring with the Zoning Hearing Board. He stated how Attorney Greek stepped out because of a conflict in regards to the whole matter. He stated how Attorney Greek asked another attorney to step in and take his place to conduct the hearings. He stated that she has been conducting those hearings and bills that council was getting on that were in regards to that proceeding. He stated how it had nothing to do with any action of council.

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Solicitor Yurchak stated how it was not stepping in for him in any way, shape or form. He stated that he was not participating in the Zoning Hearing Board discussion at all. Solicitor Yurchak stated about the property. He stated that the information that Councilwoman Walck just handed him stated that it was a claim of adverse possession. He stated that a claim of adverse possession can be done by anybody. Solicitor Yurchak stated how if they can say that they have been taking care of a property for 21 years, they can make a claim against anybody. He stated that it does not require an action by council to deed anything or agree to convey anything. Solicitor Yurchak stated that Council did not do anything to convey any interest in that property.

Mayor Walck stated how he would like Solicitor Yurchak to look into Lansford's Tenant/Landlord Ordinance. Solicitor Yurchak stated how it was an actual Rental License ordinance. Mayor Walck stated that the section he liked was where it states "the tenant recognizes that three or more disruptive conduct reports in any three year period will result in eviction from the property under the Borough of Lansford's Residential Rental Licensing and Inspection Ordinance". Secretary/Treasurer Ahner asked if they do not already have that. President DeMarco stated that they have that. He stated how they were the first one to put it in and Lansford mirrored off of them. Councilman DiMiceli asked if they did not have it listed for three in one year. Solicitor Yurchak stated how he did not remember. Mayor Walck stated how they were getting a lot of repeat calls. Councilman DiMiceli stated how they have it in place where it was three in a year. President DeMarco stated how they would check on it because there was a discussion. He stated how he thought Solicitor Yurchak told them that they could not do something because it was illegal. He stated how that was when they did three in a year because they wanted to do something else. President DeMarco stated how when they first talked about it, it was based on that one down by Stroudsburg. He stated how they were having problems down at the college. He stated how he wanted the same thing that they had. He stated how Solicitor Yurchak called the Solicitor from down there and that was how they got the information.

Mayor Walck stated how he did not remember the addendum agreement. Councilman DiMiceli stated how they were the first ones who did it. Mayor Walck stated how it was signed by the landlord. Solicitor Yurchak stated how they have an additional form which they require the landlords to and the tenants to execute an agreement. Mayor Walck stated how they actually issue a license to the landlords. He stated how he did not think that they did that. Secretary/Treasurer Ahner stated how she thought it was all in there. She stated how she had not gotten around to it. Solicitor Yurchak stated how Lansford has a group of people who deal with that ordinance. Mayor Walck stated how they have a specific office who handles all of the calls but it would give their code enforcement officer and their police officers more teeth if they had that incorporated with their ordinance. Solicitor Yurchak stated how they have to have the base first and RoniSue has to have the time to put the base in place. Councilman Stromelo stated that he had talked to RoniSue months ago and it should be sent to each landlord. He stated how there was not any time for any one person to do that right now. Solicitor Yurchak stated how they had to get the base in place. Secretary/Treasurer Ahner stated how Lansford hired three people to handle just that ordinance.

Councilman DiMiceli moved and Councilman Sniscak, Jr. seconded to accept all the reports to this point. All voted yes. Motion passed.

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JIM THORPE NATIONAL BANK TREASURER'S REPORT

GENERAL FUND

Balance 06.30.09 404,487.27
Receipts 118,663.66
Expenditures 166,764.53
Balance 07.31.09 356,386.40

GENERAL SEWER CONSTRUCTION FUND

Balance 06.30.09 10,170.61
Receipts 6.48
Expenditures .00
Balance 07.31.09 10,177.09

SPORTS COMPLEX FUND

Balance 06.30.09 7,631.36
Receipts 1,484.78
Expenditures 3,273.33
Balance 07.31.09 5,842.81

SANITATION ESCROW

Balance 03.26.09 24,535.53
Receipts 8,718.82
Expenditures .00
Balance 06.01.09 33,254.35

DEBT SERVICE

Balance 06.30.09 1,147.24
Receipts .73
Expenditures .00
Balance 07.31.09 1,147.97

FIRE TRUCK FUND

Balance 06.30.09 97,129.21
Receipts 10,579.32
Expenditures 13,069.94
Balance 07.31.09 94,638.59

CAPITAL PROJECT

Balance 06.30.09 70,072.22
Receipts 425.58
Expenditures .00
Balance 07.31.09 70,497.80

SANITATION FUND

Balance 06.30.09 166,242.19
Receipts 106,781.15
Sewer 37,769.07
Expenditures 60,967.76
Balance 07.31.09 174,286.51

HIGHWAY FUND

Balance 06.30.09 94,441.37
Receipts 60.16
Expenditures .00
Balance 07.31.09 94,501.53

PLANNING FUND

Balance 03.26.09 8,380.55
Receipts 3,669.07
Expenditures 1,307.77
Balance 06.01.09 10,741.85

GENERAL SEWER FUND

Balance 06.30.09 43,921.57
Receipts 53,537.42
Expenditures 28,559.15
Balance 07.31.09 68,899.84

SEWER OPERATING & MAINTENANCE

Balance 06.30.09 48,789.95
Receipts 22,537.55
Expenditures 41,641.70
Balance 07.31.09 29,685.80

POLICE PENSION FUND

Balance 06.30.09 408,331.74
Receipts 12,056.78
Expenditures 9,096.42
Acct Appreciation 18,333.63
Balance 07.31.09 429,625.73

ACQUISITION & RENOVATION

Balance 06.30.09 226,395.03
Receipts 144.21
Expenditures .00
Balance 07.31.09 226,539.24

MINUTES FOR REGULAR MEETING OF NESQUEHONING BOROUGH COUNCIL

Wednesday, August 26, 2009 at 7:00p.m., Borough Office

CD REPORT

FUND	CURRENT VALUE 07.30.09	INTEREST 07.30.09	OPENING DATE	CURRENT RATE	RENEWAL DATE	BANK
PLANNING	\$ 15,032.64	\$ 38.97	05-08-05	4.05 %	08-15-09	JTNB
GEN. SEWER	\$ 369,130.29	\$ 958.05	05-08-05	4.05 %	08-15-09	JTNB
GEN. SEWER	\$ 11,481.16	\$ 33.49	12-03-08	3.44 %	06-03-10	JTNB
DEBT SERVICE	\$ 13,296.22	\$ 34.47	05-08-05	4.05 %	08-15-09	JTNB
DEBT SERVICE	\$ 102,427.43	\$ 329.46	06-02-05	3.92 %	06-02-10	JTNB
DEBT SERVICE	\$ 17,995.60	\$ 31.60	06-22-09	2.14%	06-22-11	JTNB
SANITATION	\$ 19,920.98	\$ 34.98	06-22-09	2.14%	06-22-11	JTNB
CAPITAL PROJ	\$ 9,764.14	\$ 17.14	06-22-09	2.14%	06-22-11	JTNB
GEN. SEWER	\$ 76,056.54	\$ 133.54	06-22-09	2.14%	06-22-11	JTNB
FIRE TRUCK	\$ 9,539.75	\$ 16.75	06-22-09	2.14%	06-22-11	JTNB

Councilman DiMiceli moved and Councilman Zabroski seconded to approve the Treasurer’s Report and the CD Report. All voted yes. Motion passed.

EMERGENCY MANAGEMENT REPORT

No report.

MAYOR’S REPORT

Mayor Walck stated how the Community Unity Service was on September 13th and they had requested to block off the parking. He stated how everyone was invited to attend. Mayor Walck stated how it was a service to honor their home town heroes. Councilman DiMiceli asked if it was the 9 – 11 services. Mayor Walck stated “yes” but that it was going to be held on the 13th.

Mayor Walck stated that he talked with Dave Everly and there was a possible opening to get in the program with the state with DUI checkpoints and roving patrols. He stated how he could get them in right now if council approves. Mayor Walck stated how they would have to go on a waiting list for the six other programs. He stated how Mr. Everly told him that if they accept to go into the program, Mr. Everly would pay for the officer, if there was money, to be at the festival. He stated how that was what the roving patrol was all about. Mayor Walck stated how there was money but they had to have an opening. He stated that in the DUI checkpoint, and he did not mean that they have to have a DUI checkpoint in Nesquehoning, it meant that if there was one in Lansford and if Nesquehoning had an officer available, they will be paid to be there by the program. He stated that they do not pay a penny. Mayor Walck stated how they have to participate in the DUI and the roving patrols. He stated how the roving patrols would help because they could put an officer on that was off duty and the program would pay him time and a half to patrol.

MINUTES FOR REGULAR MEETING OF NESQUEHONING BOROUGH COUNCIL

Wednesday, August 26, 2009 at 7:00p.m., Borough Office

Councilman DiMiceli stated that it would not cost them anything. He stated how the thing he would look at was about having their own problems in town. He stated how the crime rate has risen. Councilman DiMiceli stated that they could take an officer if they have the money and have someone work 4 hours overtime. He stated that even though it was costing the Borough money, he would rather have an officer to be in town rather than having him on a roving patrol in the County. Councilman DiMiceli stated how they were limited with the number of police officers they had. He stated that if they would have the man power he would rather give them overtime to patrol in town. Councilwoman Walck stated how they do not have to go if they do not have an officer available. Mayor Walck stated how they do not hold it against them if the Borough would not have an officer available. He stated that they will get a call concerning a checkpoint and they will ask if the Borough has an officer available. He stated that they could say no. He stated that if they would have one available, the program would pay for it. Councilman DiMiceli stated that if they would have an officer available for a four to six hour checkpoint, he would rather have him in Nesquehoning to patrol and pay the overtime. He stated how everybody only has so many hours in a week between work and family. Councilman DiMiceli stated how he did not feel that it was the right time to go with it. Councilwoman Walck stated that if they do not sign up for it will they be eligible for any of the other programs. She stated how they were going to be paying for all the extra officers; they should have extra money coming in. Mayor Walck stated that they could get their foot in the door with those two programs and if someone would drop out they could get into the other programs. President DeMarco stated that he was totally against it. Councilman Sniscak, Jr. stated that he was totally against it also. Councilwoman Walck stated how she would like some clarification. She stated how they were saying that they do not have to send someone if they did not have the manpower available.

President DeMarco stated how he just did not trust the part of roving. He stated that once they come in, they have no control. Councilwoman Walck asked if they could check on it or at the least get the information on it. Councilman DiMiceli stated how his look on it was if they have an officer who would be available to work, whether roving patrol or DUI checkpoint for 6 hours Friday or Saturday night, he would have that officer work in the Borough for those 6 hours and have the Borough pay for him. Councilwoman Walck asked what the frequency of them was. Councilman DiMiceli stated that there was one once a week. He stated about getting the information from Mr. Everly. Mayor Walck stated how Mr. Everly did say that if Nesquehoning did need an officer for an example on the roving patrol and they would bring an officer in from Lansford, the program would pay for it. He stated how it would not be any liability to the Borough. President DeMarco stated how he agreed with Councilman DiMiceli that if they had the extra officers they would work in town. Councilwoman Walck asked if they did not want the information. Councilman DiMiceli stated how he was only one Council Member but he would prefer to concentrate any extra money or hours with their people. Councilwoman Walck stated how she understood what he was saying, but if they got their foot in the door for one thing was that going to help them get it something else. She stated how she would like to see the information in writing. Mayor Walck stated how he would get more information on it.

Councilwoman Walck stated how it would help with some extra money coming in. She stated that if they were doing safety patrols it was for the safety of their people also. Councilwoman Walck stated how they have speeders and it was fine to have the other officers do something else but they have that problem too. She stated how it was just not the one problem. Councilwoman Walck stated that safety should be one of their first priorities even with the speeders or the people driving drunk. She stated how she understood what they were saying but safety should be one of their concerns.

MINUTES FOR REGULAR MEETING OF NESQUEHONING BOROUGH COUNCIL

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Councilman DiMiceli stated about getting more information. He stated how he was not talking about the daytime. He stated that they could stand and watch them drive 40-45 mph on Catawissa Street.

Councilman DiMiceli stated that the crime he was talking about was occurring at night. Councilwoman Walck stated that she thought how they had to expand on all types of crime and all types of violations not just one. Councilman DiMiceli stated how he did agree. He stated that they should work on getting the department up to manpower standards. Councilwoman Walck stated how it would not be right that minute and how they knew that they needed police officers. She stated how it was something to check on and to think about. Councilman DiMiceli asked Councilman Hawk what his thoughts were. Councilman Hawk stated how with them being shorthanded, he would agree that they need their officers in town right now but they were looking at hiring part-time and full-time officers. He stated how if it was a rare opportunity to get involved in the program and participation was voluntary based on availability, it may be an opportunity to get into the program and then when they do have their department up to full staff to begin participating. Councilman DiMiceli stated about Mayor Walck getting in touch with Mr. Everly to attend a meeting with the Public Safety Committee and the mayor at MapleShade. He stated that they will be able to ask the questions and come back to council with a recommendation. He stated that they will first have to concentrate on bringing the department up to standards as far as the number of officers. Councilman Hawk stated that a meeting to get information would be a very good idea.

Mayor Walck stated that the Crime Watch meeting was scheduled for Monday, August 31, 2009 at 7:00 p.m. at the Borough office.

TAX COLLECTOR’S REPORT

1 July 2009 to 31 July 2009

Real Estate	\$	83,468.05
Occupation		2,040.00
Per Capita		<u>1,920.00</u>
TOTAL	\$	87,428.05

EXEMPTION: Joseph J. Gogal – Deceased

Councilman DiMiceli moved and Councilwoman Walck seconded to accept the Mayor’s Report and the Tax Collector’s Report including the exemption. All voted yes. Motion passed.

APPLICATIONS: Tara Cusanelli – Crossing Guard
Donna Anne Napoli – Crossing Guard

COMMUNICATIONS:

1. 07.21.09 Liquid Fence – Removal of waste water
2. 07.23.09 Michael S. Greek – Zoning Hearing Board – Demyanovich
3. 07.23.09 PSATS – Workshop – Beginning QuickBooks, etc.
4. 07.24.09 PSAB – The Employment Alliance of Municipalities (TEAM)
5. 07.24.09 PSAB – 2009 Labor & Employment Law Seminar
6. 07.24.09 Keith R. McCall – Conservation Works! Program
7. 07.24.09 PSAB – Fall Leadership Conference

MINUTES FOR REGULAR MEETING OF NESQUEHONING BOROUGH COUNCIL

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8. 07.24.09 Spotts, Stevens, McCoy – Community Wellness Checkup
9. 07.27.09 Aqua PA – Evaluating water systems
10. 07.27.09 Apex - America's Favorite Factor (advancing money on freight bills)
11. 07.27.09 Michael S. Greek – Solar Panels – Creating an RC district

12. 07.28.09 Rick Morgans – Request for stop sign

Secretary/Treasurer Ahner stated about the letter requesting a stop sign at the bottom of Little Flower Avenue, across from the Morgans' and the DeMichael's residences and on the corner of the Dacey's residence. Councilman Sniscak, Jr. stated how he had looked at it and he thought it would be a good idea to slow them down.

Councilman Sniscak, Jr. moved and Councilwoman Walck seconded to prepare an ordinance to install a stop sign on the corner of Little Flower Avenue at Diaz Avenue. All voted yes. Motion passed.

13. 07.28.09 U.S. Department of Justice – COPS Grant Application
14. 07.29.09 NEPA – John J. Luciani Regionalism Award
15. 07.30.09 Nesq Boro Authority – Failure of the water supply system
16. 07.30.09 Steve Shannon – Price list of supplies
17. 07.30.09 Blue Mt. Inspection – 127 W. Catawissa Street
18. 07.30.09 Blue Mt. Inspection – McCune building & certification
19. 07.31.09 PA Leadership Institute – Fall Leadership Program
20. 08.03.09 Blue Mt. Inspection – Bruce Thear deck
21. 08.03.09 PSAB – Update
22. 08.04.09 Cynthia S. Ray – Petition to Intervene
23. 08.04.09 Velitsky & Matika – Petition to Intervene
24. 08.05.09 Cynthia S. Ray – New Court Order for Petition to Intervene
25. 08.04.09 Residential Rentals – 127 W. Catawissa Street
26. 08.05.09 Blue Mt. Inspection – 124 E. Columbus Avenue
27. 08.06.09 PSAB – Training Update
28. 08.07.09 PA Brownfields Conference – Promoting Revitalization in Pennsylvania
29. 08.11.09 NEPA – Local Technical Assistance Program – Road Maintenance and Safety
30. 08.12.09 Teamster Local #773 – Start negotiations
31. 08.12.09 Michael S. Greek – Zoning Hearing Board – Stempa
32. 08.13.09 Pay Time Payroll Solutions – Proposal
33. 08.13.09 CC Office of Planning & Development – Notice to Proceed
34. 08.13.09 Ohl Fuel Oil – Heater Cleaning
35. 08.14.09 SWAC Meeting Reminder – 19 Aug 2009

36. 08.14.09 Rosemary E. Lower – Bill to be paid

Secretary/Treasurer Ahner stated about the letter received from Rosemary Lower concerning bills to be paid because she twisted her ankle on a pothole by the Turkey Hill. President DeMarco stated about giving the information to Solicitor Yurchak and he would take care of that problem.

37. 08.15.09 Frank DiMiceli – Guidelines for Marked Police Vehicles

38. 08.17.09 Sprint – Usage

Secretary/Treasurer Ahner stated about a price quote she received regarding their Sprint/Nextel phones. She stated how they were getting hit with overages. She stated that they had overages of \$53 one month, \$206 the next month, and \$179 another month.

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Secretary/Treasurer Ahner stated how she had a meeting with a gentleman from Sprint/Nextel and he was proposing to change their contract. She stated how they had one National Team Share and 10 add on. She stated how there were 11 phones sharing 600 minutes. Secretary/Treasurer Ahner stated how they had 2 express talk promos which only cover themselves. She stated how they have 1 sprint essentials and an add on to the essentials. Secretary/Treasurer Ahner stated how they should be paying \$279.28 per month but they were averaging \$428 a month. She stated that he suggested 6 plans for Business essentials 400 and 9 plans of add on. She stated how it would give them a pool of 2400 minutes between all 15 phones. She stated how the plan would include unlimited nights and weekends starting at 7:00 p.m., voice mail and caller ID on all the phones, unlimited direct connect and unlimited mobile to mobile. Secretary/Treasurer Ahner stated how it would come to a total of \$348.69 a month. She stated how it was more than what their normal charges were but less than what they have been paying. She stated that they would be saving almost \$1,000 at the end of the year from what was estimated as to what they were paying.

Councilman DiMiceli moved and Councilman Sniscak, Jr. seconded to change to the recommended plan with Sprint/Nextel. All voted yes. Motion passed.

39. 08.19.09 Medico Industries – Construction Equipment – West End Fair
40. 08.19.09 Keith R. McCall – CR Grant & bank deposit
41. 08.20.09 PA Dept. of Labor & Industry – Mediator
42. 08.21.09 NEPA – State Transportation Commission Public Hearing
43. 08.24.09 DCED – Developing & Managing Your Municipal Budget
44. 08.25.09 Cynthia S. Ray – St. Francis of Assisi Church
45. 08.25.09 NEPA – Green Buildings 101 Seminar

Councilwoman Walck moved and Councilman Zabroski seconded to approve all communications and accept the applications and place them on file. All voted yes. Motion passed.

BILLS TO BE RATIFIED, EXPENDITURES AND RECEIPTS

Councilman DiMiceli moved and Councilman Zabroski seconded to deposit all receipts, approve all bills to be ratified and pay all other bills including the Home Program. All voted yes. Motion passed.

COMMITTEE REPORTS

1. STREETS

MICHAEL SNISCAK, JR. CHAIRMAN; DON DeMARCO, CO-CHAIRMAN; RICHARD ZABROSKI

Councilman Sniscak, Jr. stated how they finally got to do the painting. He stated how they still had that section going into the estates to get fixed. He stated how they have several small ones to fix up in Hauto also. Councilman Sniscak, Jr. stated how when that was done they were going to start tarring the cracks. He stated how New Columbus hill was going to be the first. Councilman Sniscak, Jr. stated how there were three streets going to be paved on September 2nd, 3rd, and 4th.

MINUTES FOR REGULAR MEETING OF NESQUEHONING BOROUGH COUNCIL

Wednesday, August 26, 2009 at 7:00p.m., Borough Office

Mayor Walck asked if they painted the cross walks by the Lucky Break. Councilman Sniscak, Jr. stated "yes". Mayor Walck stated how that was a high pedestrian crossing and asked if they would be able to make lines with a bigger pattern. President DeMarco stated how they would make the crossing a little wider. Mayor Walck stated how there was a sign there regarding pedestrian crossing. President DeMarco stated how that did not matter. Councilman Stromelo asked if it was only there or did they want them any where else in town. Mayor Walck stated that if they would, they could put them in up at the post office as well. President DeMarco stated how those two places were fine.

Councilman Sniscak, Jr. stated how they will be starting contract negotiations on September 15, 2009. He stated how they have a meeting with the Teamsters and the streets at 6:00 p.m. at the Borough Building.

2. SEWER

**DAVID HAWK, CHAIRMAN; RICHARD ZABROSKI, CO-CHAIRMAN;
FRANK DiMICELI**

➤ 08.05.09 Bruce A. Nalesnik – Sewage Surcharge

Councilman Hawk stated about another letter from Mr. Nalesnik. He asked if he was correct that Council made a decision last month with replies of "yes". Secretary/Treasurer Ahner stated how he was still disputing it. President DeMarco stated how they were sticking with it that he had to pay the surcharge. Councilman Hawk asked if any new information was furnished since then. Secretary/Treasurer Ahner stated how he should have gotten a copy of a letter from Mr. Nalesnik and J & B Home Maintenance was on the other side.

Councilman Hawk stated that he understood from the minutes how there was concern about him not contacting the Borough or the Water Authority at the time the leaks were found. He stated how according to the letter, he knew that they did do the two walk throughs of the property and did not find anything at the time the water was going through the meter. He stated how they did not find where it was entering the sewer system. Councilman Hawk stated that the explanation from the contractor of what they found in the home.

Councilman Hawk moved and Councilman Zabroski seconded to waive the surcharge fee for Mr. Nalesnik.

Councilman Zabroski asked how much the bill was. Councilman DiMiceli stated that it was around \$800.00. Councilman Zabroski asked that once the corrections were made, did the bill come down. Secretary/Treasurer Ahner stated "it was down". Councilman Zabroski stated that once the corrections were made by the contractor, the water usage went back down. Councilman Hawk stated that the water usage did drop after the repairs . . . Councilman Zabroski stated about the repairs made outside of the home or outside of any drain going into the sewer.

All voted yes. Motion passed.

➤ 08.26.09 Sludge Removal - Advertise

Councilman Hawk moved and Councilwoman Walck seconded to advertise for bids for sludge removal at the sewer plant. All voted yes. Motion passed.

Councilman Hawk stated how he was told that the comminutor was installed but still needed to be wired. He stated that they were supposed to get back in sometime that week to get it done. Councilman Hawk stated how they had a pretty good job cleaning up at the sewer plant because of the rain.

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Wednesday, August 26, 2009 at 7:00p.m., Borough Office

- 08.25.09 Greater Hazleton Joint Sewer Authority – Energy pool
- 08.26.09 ARC Electric – W. Hazleton street light service repair or replacement

Councilman DiMiceli stated that he was going to bring it up under sewer but he was going to ask that the Street Light be reclassified to include electric also. Councilman DiMiceli stated how he had done some research and talked to a member of the West Hazleton Sewer Authority. He stated how they had gotten into a program with a company to purchase blocks of power at a reduced rate. Councilman DiMiceli stated how he would like permission to sit down with this company. He stated how they spent \$6,871 in electricity at the sewer plant last month. Councilman DiMiceli stated that the way it was explained to him by the gentleman at the Sewer Authority, the company's fiscal year runs from January 1st to December 31st and West Hazleton's fiscal year starts with July 1st or August 1st, but they were going to go month by month until the end of the year. He stated that was when they would purchase blocks of electricity, pre-purchased at a reduced price. Councilman DiMiceli stated how he would like permission to sit down with this company and see what type of a rate they could get from them to purchase electricity for the sewer plant and possibly any other electricity they use. Secretary/Treasurer Ahner stated how it was over \$6,000 a month just for the sewer plant. Councilman DiMiceli stated that if they could save 10%, 15% or 20%, it would add up to quite a bit of money in a year's time. President DeMarco stated about meeting with them if they could. Councilman DiMiceli stated about setting a meeting up with Councilman Hawk at MapleShade. Councilman Hawk stated that they could meet down there if it was before he was home.

3. BUILDINGS RICHARD ZABROSKI, CHAIRMAN; ROSE WALCK, CO-CHAIRMAN; DON DeMARCO

Councilman Zabroski asked if they had heard anything more about the police station from the engineer. President DeMarco stated how they did not but he was going to call him the next day.

4. POLICE MICHAEL SNISCAK, JR, CHAIRMAN; FRANK DiMICELI, CO- PUBLIC SAFETY CHAIRMAN; DAVID HAWK

- **Part-time Police – Advertise**

Councilman Sniscak, Jr. moved and Councilman Zabroski seconded to advertise for part-time police officers. All voted yes. Motion passed.

- 08.21.09 SOP Addendum – July 2009

Councilman Sniscak, Jr. stated how several months ago when they passed the new borough personnel policy, they went over the officers records. He stated that at the time it had come apparent that there was something amiss. He stated how there was virtually nothing in the officers' records. Councilman Sniscak, Jr. stated how he had gone back on Council Meetings and he did not see anything where council voted to remove anything from the officers' files. He stated that since the SOP was not enforced at that time, it would require a vote by council. He stated how there were four people who had control one was Secretary/Treasurer and she did not count because she puts records in and takes them out. He stated to Mayor Walck that he was the boss of the police department. He stated to Frank Jacobs that he was the Chairman of Public Safety at the time; no he meant President of Council. He stated about Sal Digiglio. Councilman Sniscak, Jr. stated how it was a federal offense under the Labor Relations Law and the State of Pennsylvania to remove records from files without authorization.

MINUTES FOR REGULAR MEETING OF NESQUEHONING BOROUGH COUNCIL

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Councilman Sniscak, Jr. asked Mayor Walck if he knew anything about it or if he had copies of these files. Mayor Walck stated that he did not remove any records out of any files. Councilman Sniscak, Jr. stated that he was not accusing him of that. He asked Mayor Walck if he had copies of these files. Mayor Walck stated that he did not know what files he was talking about. Councilman Sniscak, Jr. stated that what should be in there was when Mayor Walck tried to dismiss the Chief of Police. He stated that they were all personnel records and they should be in the personnel record files. He stated how there was nothing in there. Solicitor Yurchak stated that it would not be in there because when he was reinstated all of it was removed. Councilman DiMiceli stated how he was sitting on the other side of the table and that was one of the demands from the FOP that the file be purged of that information. Councilman Sniscak, Jr. stated about reprimands that were put in the officers' files. He stated how there were none in there. Mayor Walck asked which officer. Councilman Sniscak, Jr. stated that he could not mention names. Mayor Walck stated that if he would tell him what he was talking about . . . Councilman Sniscak, Jr. stated that there were no reprimands in any of the officers' files but he had copies of some. Mayor Walck stated that it was probably because he did not give them to them. Councilman Sniscak, Jr. stated how his signature was on them and it states clearly that it was going into the officers' files. He stated that they were not there. He stated to Mr. Jacobs how they were signed by him as well. Mr. Jacobs stated that he did not know what he was talking about. President DeMarco stated how they had to go into an executive session if he wanted to get specifics.

Borough Council entered into an Executive session at 8:39 p.m. for personnel matters. The Council members exited their Executive session at 9:03 p.m.

➤ 08.19.09 Frank DiMiceli – Two police cameras

Councilman DiMiceli stated how he had gotten a memo to everybody on the cameras for the police cars. He stated how there were packets sent out that day from a camera company who had a contract with the state. He stated how they sent it overnight, FedEx. Councilman DiMiceli stated how they were the same cameras that they looked at before and there was a state contract for them. He stated that the purchase price was \$5,000 per unit and it would have a forward and rear facing camera. He stated that if at all possible that year, but if not, definitely include it in next year's budget and have them installed in at least two cars. Councilman DiMiceli stated that the email he sent to everyone on Council explained why they were needed and he thought that it was something they put off. He stated how they wanted to do it over the last couple of years and never got around to it but it was something that he was really going to hold his position on. He stated how he did check with two businesses in town and they had told him to get some information to them and they would see if they would be able to make a donation towards them. President DeMarco stated that when the budget committee meets which will be for the new budget, they will certainly put it on and work from there.

5. SANITATION MARK STROMELO, CHAIRMAN; DAVID HAWK, CO-CHAIRMAN; FRANK DiMICELI

Councilman Stromelo stated how he had to get the truck in for an inspection. He stated that he had to get four tires on the back end, four recaps which were put on about two weeks ago. Councilman Stromelo stated how they had an incident coming home on Monday and one of the recaps blew off. He stated how it was warranted through Snyder's and they will be getting it changed over.

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President DeMarco stated to Councilman Stromelo how he was going to be involved in the negotiations for the teamster's contract.

6. RECREATION DAVID HAWK, CHAIRMAN; MARK STROMELO, CO-CHAIRMAN; DON DeMARCO

Councilman Stromelo stated how they had a meeting but there was really nothing going on. Councilman Stromelo asked Councilman Hawk about calling Belleview Pump to no park their machines in front of the Recreation Center. He stated that they had multiple events and there was no parking. Councilman Hawk stated that he would have them find somewhere else to park their equipment.

7. BUDGET DAVID HAWK, CHAIRMAN; RICHARD ZABROSKI, CO-CHAIRMAN; DON DeMARCO

➤ 07.27.09 2010 Budget for Emergency Management

Councilman Hawk stated how they had received a copy of the Emergency Management Budget. He stated how it included the ladder truck budget and insurance for Nesquehoning Hose Company and Ambulance Association.

Councilman Hawk stated how they discussed their health insurance with the representative from Blue Cross/Blue Shield. He stated how they inquired about the possibility of changing the deductible on the policy for reduced premiums. He stated that what the Borough would do would be to reimburse the participants for any change in the deductible. Councilman Hawk stated that specifically anything from \$250 to \$500. He stated how the Borough would reimburse the participants any deductible expense between the \$250 and \$500 on in network cost. Councilman Hawk stated how there was a savings to the premium in doing it. He stated that running through the numbers, the numbers of employees they have and the possible number off or amount of reimbursement they would have to pay if they paid the full reimbursement. Councilman Hawk stated that if they paid the full reimbursement to every member for every plan they had, the potential was still there that the Borough would save approximately \$9,500 per year because of the reduced premiums. Councilman Hawk stated how, the result being that the participant with the reimbursement, there would be no additional out of pocket expense. He stated that there was no change to any other part of the plan. He stated that once the new premium would be reflected on their co-pay, there would be a reduction on their co-pay because of the reduced premium. He stated how they would save money as well as the Borough would. Councilman Hawk stated how the representative from Blue Cross told him how that was something several Boroughs had done in an effort to reduce their premiums. Councilman Hawk stated how he had talked to the budget committee members about it but asked if anyone had any questions. Councilman DiMiceli stated how he knew it worked well in Summit Hill and that was how it came to be. He stated how that was what they did to reduce their premiums. President DeMarco stated how it will save them \$9,500 a year.

Councilman Hawk moved and Councilman DiMiceli seconded, beginning with the new season, to go with the plan with the increased deductible and the Borough will agree to reimburse the participants for their in-network expense, anything over \$250, which was the value of the current plan up to \$500, which will be the new plan. In addition to the motion, they will need Solicitor Yurchak to draw up a waiver for the participants to sign acknowledging that they will share the deductible information from their explanation of benefits forms for the Borough to verify and administer the reimbursement program.

President DeMarco stated how they do not need to know the medical reason or anything else like that. He stated that it was only the confirmation of the deductible.

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All voted yes. Motion passed.

Councilman Hawk stated how they were going to have to meet to begin the budget works. He stated that they will have to decide if it can wait until he was out and about or they will have to make other plans to meet.

8. PURCHASING ROSE WALCK, CHAIRWOMAN; RICHARD ZABROSKI, CO-CHAIRMAN; FRANK Di MICELI

No report.

9. FIRE/AMBULANCE FRANK DiMICELI, CHAIRMAN; DAVID HAWK, CO CHAIRMAN; PUBLIC SAFETY RICHARD ZABROSKI

- 08.05.09 Leighton Ambulance Assoc. – Emergency services

Councilman DiMiceli stated how the Leighton Ambulance Association sent them a letter stating how they were the primary ALS unit for their response area.

- 08.06.09 John P. McArdle – Fire Inspection

Councilman DiMiceli stated how Mr. McArdle did a fire frill at the Lighthouse. He stated that they did extremely well and passed. He stated how the Borough had a copy of that. He stated how they asked for it to be done. Councilman DiMiceli stated how Mr. McArdle was going to be doing MapleShade again sometime in the future. He stated that Mr. McArdle was not at the meeting because of the passing of his mother-in-law.

- Fire Department Summary Report for July
- Ambulance Corp Summary Report for July

Councilman DiMiceli stated that he would like to read the reports for July:

- 1 dwelling fire
- 4 motor vehicle accidents
- 2 landing zone
- 1 mutual aid to Rush Township
- 1 wires down
- 1 pole fire
- 1 call for fire police

Councilman DiMiceli stated how there were 129 total calls that year. He stated how there were no automatic fire alarms.

Councilman DiMiceli stated how the ambulance response for July was 34 calls and 811 miles. He stated that the total to date was 274 calls and 5,474 miles traveled. He stated how there were 10 EMS calls handled by KME employees during work for a total of 91 for the year. He stated how it cost Mr. Kovatch \$53 an hour when he lets them go on a call.

- Schuylkill Historical Fire Society – Agreement for Seagrave Aerial Fire Truck

Councilman DiMiceli stated how they were asked by the Schuylkill County Historical Fire Society to donate their ladder truck. He stated how they would restore it, as they receive money, to its original condition. He stated how they will keep the name, Nesquehoning, on it. Councilman DiMiceli stated how they will come, pick it up at no cost to the Borough.

MINUTES FOR REGULAR MEETING OF NESQUEHONING BOROUGH COUNCIL

Wednesday, August 26, 2009 at 7:00p.m., Borough Office

Councilman DiMiceli stated how they received a letter of agreement where it states how they will maintain the insurance on it and the Borough would be allowed to use it for a block party or parades. Councilman DiMiceli stated how they have two museums, one in Shenandoah and another one in Frackville. He stated how he checked with the three fire chiefs and they thought it was a great idea.

Councilman DiMiceli moved and Councilman Sniscak, Jr. seconded to donate the ladder truck to the Schuylkill Historical Fire Society and to rescind the motion to remove the motor.

Councilman DiMiceli stated how Secretary/Treasurer Ahner could take care of any paperwork that has to be done. Solicitor Yurchak stated how they have tried numerous times to sell it so really it did not have a lot of value. Councilman Stromelo stated how there was a motion on the floor about a year ago to take the engine out of it. Councilman DiMiceli stated that he would rescind the motion about taking the motor out. Councilman Stromelo stated how it said that it would be able to move and asked if they were going to fix the axles. Councilman DiMiceli stated “yes they were”. He stated that he had talked to Blackie and they have a group of guys who were good with sheet metal and mechanically. He stated that as they would get money, grants and stuff, they will put it into the vehicles they have. Councilman DiMiceli stated how Tamaqua had already donated two of them.

All voted yes. Motion passed.

Councilman DiMiceli stated how he would like to send Lansford Fire Department a letter of thank you. He stated how they came down that night with three pieces of apparatus that were manned so the members of the Nesquehoning Fire Company could attend Chief McArdle’s mother-in-law’s viewing. He stated how he thought it was a nice gesture on their part.

Councilman DiMiceli stated how they were out on a pump detail to Lansford/Coaldale Water Authority twice last week. He stated how they were going to work something out with the Fire Companies to take care of them for their time. He stated that he will not bill them under the Extraordinary Expense Ordinance because it would be a bill running up to \$2,000. Councilman DiMiceli stated how they had two engines up there pumping for four hours.

Councilman Hawk stated how he wanted to extend a public thank you to their Fire and Ambulance personnel for the professional job they performed on the day of his accident. He stated how he appreciated everything they did for him and he believed that the Borough could be very proud of what they did that day.

10. STREET LIGHT

FRANK DiMICELI CHAIRMAN; RICHARD ZABROSKI, CO-CHAIRMAN; ROSE WALCK

- 08.07.09 PPL – Concerns regarding unauthorized work on PPL-owned streetlights
- 08.10.09 Thomas, Long, Niesen & Kennard – Legal counsel for MEM
- 08.10.09 Municipal Energy Managers – PA Conservation Works Grant Program
- 08.17.09 Municipal Energy Managers – Grant
- 08.21.09 MEM – Official agent in matters related to streetlights

Mayor Walck stated how the Crime Watch Committee came up with pictures, where they feel there should be five new lights placed in the New Columbus Park and one light placed in the Earl Johnson Park. He stated how the yellow tape was for where they thought the lights should be positioned.

MINUTES FOR REGULAR MEETING OF NESQUEHONING BOROUGH COUNCIL

Wednesday, August 26, 2009 at 7:00p.m., Borough Office

Councilman DiMiceli asked if they were going to leave the existing light in. Mayor Walck stated that they were hoping to use the pole that was there. He stated that if the pole was shot then they would have to get a new pole. Mayor Walck stated how he was told that a lot of the trees at the park could be trimmed. President DeMarco stated about getting someone to cut around the wires.

Councilman DiMiceli moved and Councilwoman Walck seconded to install the recommended street lights in both the New Columbus Park and the Earl Johnson Park based on the recommendation of the Recreation Committee. All voted yes. Motion passed.

Councilman Zabroski asked if they had inquired about the little league field being lit up because of the vandalism that was happening there. President DeMarco stated about putting one by the stand. Councilwoman Walck stated how it was very dark up there. Secretary/Treasurer Ahner asked if they did not put the capability in when they installed the new service. Councilman DiMiceli stated "yes". Councilman Stromelo stated how that would be up to the little league to put their own lights up. Secretary/Treasurer Ahner stated how that would not go under street lights because they had put a big enough service in to handle the installation of lights. President DeMarco stated how it would be up to the little league because the capability was there to run the lights. Councilman Zabroski stated how the power was there. Councilman Stromelo stated how it was going out to the scoreboard. Councilman Zabroski stated how there was a pretty good wire going out to the scoreboard and up to the press box.

Councilman Stromelo moved and Councilwoman Walck seconded to accept all the committee reports. All voted yes. Motion passed.

JR. RECREATION COMMISSION

No report.

NEW BUSINESS

- **Destroy utility records- 1/2002 to 6/2002**

Councilman DiMiceli moved and Councilman Zabroski seconded to destroy the utility records from January 1, 2002 to June 30, 2002. All voted yes. Motion passed.

OLD BUSINESS

No old business.

ADJOURNMENT

Councilman DiMiceli moved and Councilwoman Walck seconded to adjourn the meeting. All voted yes. Meeting adjourned at 9:30 p.m.

RoniSue Ahner

RoniSue Ahner
Secretary-Treasurer