

MINUTES FOR REGULAR MEETING OF NESQUEHONING BOROUGH COUNCIL

Wednesday, December 17, 2008 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

President DeMarco called the meeting to order at 7:01 p.m.
Chief Smith was absent.

MINUTES: Approve the minutes from the Regular Meeting held on November 19, 2008.
Councilman DiMiceli moved and Councilman Sniscak, Jr. seconded to approve the minutes from the
Regular Meeting held on November 19, 2008. All voted yes. Motion passed.

HEARING OF VISITORS

President DeMarco stated that they would not discuss the budget until they come to the budget
section of the meeting.

Harry Miller – 265 Stock Street – stated how the coal dirt on Route 54 was really bad, especially after
a rain. He stated how it was that thick, they could see tire tracks. He stated how the plow trucks
plowed mud off the road not anti-skid.

Bob Marouchoc stated that the matter was brought up at the last meeting. He stated how it did not
have to do with the mud but when the truck came down from Little Italy, they were uncovered and
the residue blows off the trucks. Mr. Marouchoc stated how the residue could be worse to the human
body because of it being inhaled. He stated that the CoGen had no control over it. He stated that
they have talked to the owner of the trucking firm. He stated how Solicitor Yurchak had sent them a
letter. Mr. Marouchoc stated how he thought that the Borough needed to address it with DEP. Mr.
Marouchoc stated how the CoGen was saying that if they were not driving as fast, it would not create
a vacuum effect. He stated that he was not getting any satisfaction from the CoGen. He stated that
they would have to go after the people who run the trucking outfit. Mr. Marouchoc stated that in the
past, they did wash them down. Solicitor Yurchak stated that he had addressed it with DEP, DEP had
sent him to Bureau of Mines, Bureau of Mines went out and looked at it and said that 50% of the mud
came from around the Railroad Tracks.

Councilman DiMiceli asked Solicitor Yurchak where Clauser came into all of it. Solicitor Yurchak
stated how that was where he had started. Councilman DiMiceli asked why Clauser shut other sites
down that were carrying dirt onto the roadway. He stated that they should send another letter to
Clauser and they could have the Police enforce the vehicle code about carrying debris onto the
roadway. He stated that if the drivers would start to get cited and it would cost them money out of
their pockets, things would change. Councilman DiMiceli asked Mayor Walck to have the police to
aggressively start enforcing the vehicle code in that area. Mayor Walck stated that it would not be a
problem. Councilman DiMiceli stated that it was definitely a violation under the vehicle code. He
stated to Solicitor Yurchak to reach out to Clauser again to let him know what they were going to do.

Irene Genther – Oak Court - stated that she serves on the CoGen Committee with Mr. Marouchoc and
there were several problems because there were multiple trucking companies they deal with. She
stated how it was not just one trucking company. Ms. Genther stated how with the railroad tracks,
they claim the tracks need fixing so the trucks go around the tracks and usually get into the mud. She
stated that the mud coats all of the trucks so that they cannot see the license plates.

MINUTES FOR REGULAR MEETING OF NESQUEHONING BOROUGH COUNCIL

Wednesday, December 17, 2008 at 7:00p.m., Borough Office

Councilman DiMiceli stated how that was a vehicle code violation. He stated that it did not matter how many trucking companies there were, there were vehicle code violations that could be enforced. Ms. Genther stated how the general manager from the CoGen was very concerned with the dumping in Nesquehoning. She stated how they were suspecting the Cobalt to be very serious. She stated how they have an unlined pit up in Little Italy and it could eventually contaminate the wells of Nesquehoning.

President DeMarco stated that they would get together with the trucking companies and also the Mayor will have the Police enforce the vehicle code. He stated that they were going to be cited up to and including being shut down.

Frank Jacobs stated that if they would look at the original agreement, it states that they would maintain and keep the road clean. President DeMarco stated that they would have the police enforce the vehicle code and they would also have Solicitor Yurchak look at the agreement. Mayor Walck stated how they have gone up there before and they had said that their sweeper was busted.

Mickey Angst – High Street - stated how the manager's attitude must have changed since he had served on the committee. He stated how there had been action taken, truck drivers fired, got rid of companies who were not cooperating with the mud, and they took a real hard attitude because they wanted the goodwill.

Ron Reis – 100 W. Railroad Street – stated that he was there concerning the changes made to School Street. He stated how it was very difficult for the people who have off-street parking, garages, to access their garages with the way the parking was now. He stated that if the ambulance garage was there now, there would be no way that they would be able to get an ambulance into those garages. Mr. Reis stated how the parking was a hindrance and when they have a big snow fall, he did not know how they were going to get the plows down the street. He asked if they could take a look at it again. Councilman DiMiceli stated how they had looked at that in the past and the only reason it was ever a two-way street was because of the Ambulance garage. He stated how they can now grab some parking spots. He stated that it was no different plowing snow on that street than it was on the street above it. He stated that they were trying to keep things consistent. Mr. Reis asked how was it fair to the people who have off street parking, who cannot access their driveways or their garages. Councilman DiMiceli stated that maybe they will have to paint some lines on that street. Mr. Reis stated that he did not think that painting some lines would help.

Councilman DiMiceli stated that they were not going to change the ordinance. He stated that the ordinance was put there to gain some parking spaces and so they could have some consistency with plowing snow. Mr. Reis stated that he did not think that it was fair to the people who had off-street parking. He asked what the point was of him having a garage if he could not use it. Mr. Reis stated that the commercial trucks were also not able to get into the parking lot because of the parking. Councilman DiMiceli stated that if he would need a couple of feet of a setback around his garage, it would be fine. He stated that they were not going to change the ordinance. He stated how Council was in agreement with that. Mr. Reis asked if they could just look into it again. Councilman DiMiceli stated that they would look into it but the only thing he would suggest was to paint his parking line at the garage a few feet back.

Jamie Slushinger, Concord Public Finance, stated how he had handed them all a copy of the bank proposals they received for the acquisition of municipal streetlight system. He stated how they had sent out a financing package to several banks in the area. He stated that based on the terms sheets that were submitted, the results were listed on page one.

MINUTES FOR REGULAR MEETING OF NESQUEHONING BOROUGH COUNCIL

Wednesday, December 17, 2008 at 7:00p.m., Borough Office

Mr. Slushinger stated that the box on the top were fixed rate options, fixed rate for the 20 year period, which was First National Community Bank at a fixed rate of 4.99%. He stated how the second box contained fixed and variable rates. He stated that the fix rate was either for a 5 or 10 year period and the variable was for the remainder of the 20 years, with a cap from what each bank proposed.

Mr. Slushinger stated that the best proposal they had received on the second option was from Jim Thorpe National Bank, which was a fixed rate of 4.45% for 10 years. He stated that they were looking at a variable rate for the second 10 years with a cap of 9.45%. Mr. Slushinger stated how they could not give them a better number of estimate of savings should the Borough decide o move forward with the acquisition based on the 4.99%. Mr. Slushinger went on with page two and explained the savings analysis based on certain assumption going forward.

President DeMarco stated that the Budget Committee will have to look at it before they make a final decision. He stated that the next step would be to advertise. Mr. Slushinger stated that should they accept the proposal, they would have to advertise an ordinance. Solicitor Yurchak stated that they should have the Committee meeting first. Councilman DiMiceli asked Solicitor Yurchak if he received everything that he had requested. Solicitor Yurchak stated that he had not heard anything from them since the last meeting.

Ted Dacey asked if the rates might go down from the way the prices in the economy have been going down. Mr. Slushinger stated that they will not really see a drop in the rates from the banks.

Justine Kopunek – 10th Avenue - asked about the solar panels going in up at Kovatch and who the electricity was going to be sold to. Councilman Sniscak, Jr. stated that he was not building it. He stated that there was a company doing it and the electricity was not coming to Nesquehoning. He stated that Kovatch was only leasing the land. Ms. Genter asked how they were going to run the lines. President DeMarco stated that they were only in the talking stages and there have been no plans submitted yet.

POLICE REPORT

Mayor Walck gave the Police Report for the month of November as follows:

\$929.57 fine money received from Magistrate Kosciolk; \$69.16 received in Carbon County Collections; \$130.84 received in DUI reimbursements, \$0.00 received in parking tickets; \$195.00 received in moving permits; \$60.00 received in accident reports; 337 total complaints received; 22 citations (3 non-traffic & 19 traffic); 11 criminal arrests; 11 traffic accidents (8 reportable & 3 non-reportable); 19 court appearances and the mileage total was 4,374 (530 – 2008 Crown Vic; 1,665 – 2008 Chevy Impala; 1,857 - 2003 Crown Vic; 322 - 2005 Expedition).

HOUSING & CODE ENFORCEMENT OFFICER'S REPORT

- 12.04.08 Carl Faust - Borys Zacharzuk, change of occupancy
- 12.04.08 Carl Faust – Orville Breiner, hazardous electrical condition
- 12.04.08 Isabelle Zickler – Uncertified building

(Copy of Officer Blisard's report was placed in the communications folder.)

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

MINUTES FOR REGULAR MEETING OF NESQUEHONING BOROUGH COUNCIL

Wednesday, December 17, 2008 at 7:00p.m., Borough Office

EXECUTIVE SESSION (if needed)

Borough Council entered into an Executive Session at 7:29 p.m. for personnel reasons. The Council Members exited their Executive Session at 7:37 p.m.

PLANNING COMMISSION REPORT

No report.

CIVIL SERVICE COMMISSION

No report.

PANTHER CREEK ADVISORY REPORT

No report.

ENGINEER'S REPORT

- 11.21.08 Carbon Engineering – Sewage Comminutor

SOLICITOR'S REPORT

- 11.19.08 Robert Yurchak letter regarding property at 224 W. Catawissa
- 11.19.08 Robert Yurchak letter regarding property at 151 W. Catawissa
- 12.09.08 Robert Yurchak letter regarding garbage removal credit
- 12.10.08 Robert Yurchak letter regarding curbing
- 12.10.08 Robert Yurchak letter regarding curbing
- 12.10.08 Robert Yurchak letter regarding absorbent reimbursement

Solicitor Yurchak stated how they recently received a motion filed down at the court house regarding a judicial sale. He stated that he believes the proposed distribution violates the order of precedence for the law to govern the municipal liens being left out. He stated how the Borough's lien should come second after the payment of taxes. He stated that he would like the authority to object to the distributions.

Councilman DiMiceli moved and President DeMarco seconded to give Solicitor Yurchak the authority to object to the distributions. All vote yes. Motion passed.

Solicitor Yurchak stated how they have to pass the resolution pertaining to the Open Records Act designating the Borough's Secretary/Treasurer as the Open Record's Officer.

Councilman DiMiceli moved and Councilman Hawk seconded to pass the resolution designating the Borough's Secretary/Treasurer as the Open Record's Officer. All voted yes. Motion passed.

Councilman DiMiceli stated that they had received payment in full for the truck accident at the bottom of Route 93, \$3,729.85. He stated that he was going to have the Secretary/Treasurer deposit and distribute to the Fire Companies as per the bills, which were submitted. Councilman DiMiceli thanked Solicitor Yurchak for taking care of it.

MINUTES FOR REGULAR MEETING OF NESQUEHONING BOROUGH COUNCIL

Wednesday, December 17, 2008 at 7:00p.m., Borough Office

NESQUEHONING SAVINGS BANK TREASURER'S REPORT

GENERAL FUND

Balance 10.31.08	211,199.77
Receipts	43,772.45
Expenditures	110,394.74
Balance 11.30.08	144,577.48

GENERAL SEWER CONSTRUCTION FUND

Balance 10.31.08	8,736.25
Receipts	7.16
Expenditures	.00
Balance 11.30.08	8,743.41

SPORTS COMPLEX FUND

Balance 10.31.08	82.05
Receipts	.07
Expenditures	.00
Balance 11.30.08	82.12

SANITATION ESCROW

Balance 06.30.08	1,240.63
Receipts	8,711.37
Expenditures	.00
Balance 09.30.08	9,952.00

DEBT SERVICE

Balance 10.31.08	1,126.57
Receipts	.92
Expenditures	.00
Balance 11.30.08	1,127.49

FIRE TRUCK FUND

Balance 10.31.08	60,070.07
Receipts	49.26
Expenditures	.00
Balance 11.30.08	60,119.31

CAPITAL PROJECT

Balance 10.31.08	61,520.41
Receipts	361.23
Expenditures	.00
Balance 11.30.08	61,881.64

SANITATION FUND

Balance 10.31.08	121,582.75
Receipts	62,289.57
Sewer	39,915.35
Expenditures	46,688.51
Balance 11.30.08	97,268.46

HIGHWAY FUND

Balance 10.31.08	83,108.23
Receipts	64.18
Expenditures	44,284.38
Balance 11.30.08	38,888.03

PLANNING FUND

Balance 06.30.08	9,712.12
Receipts	22.28
Expenditures	1,294.74
Balance 09.30.08	8,439.66

GENERAL SEWER FUND

Balance 10.31.08	107,770.58
Receipts	42,403.70
Expenditures	72,911.16
Balance 11.30.08	77,263.12

SEWER OPERATING & MAINTENANCE

Balance 10.31.08	5,362.70
Receipts	24,136.50
Expenditures	23,500.12
Balance 11.30.08	5,999.08

POLICE PENSION FUND

Balance 10.31.08	400,476.80
Receipts	29,670.90
Expenditures	8,503.37
Acct Depreciation	7,298.57
Balance 11.30.08	414,345.76

FEMA FUND

Balance 10.31.08	3,028.29
Receipts	2.48
Expenditures	.00
Balance 11.30.08	3,030.77

ACQUISITION & RENOVATION

Balance 10.31.08	195,969.55
Receipts	160.69
Expenditures	.00
Balance 11.30.08	196,130.24

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Wednesday, December 17, 2008 at 7:00p.m., Borough Office

CD REPORT

FUND	CURRENT VALUE 11.28.08	INTEREST 11.28.08	OPENING DATE	CURRENT RATE	RENEWAL DATE	BANK
PLANNING	\$ 14,729.80	\$ 36.90	5-08-05	4.05 %	8-15-09	NSB
GEN. SEWER	\$ 361,689.39	\$ 906.01	5-08-05	4.05 %	8-15-09	NSB
GEN. SEWER	\$ 11,220.07	\$ 31.96	2-28-08	3.60 %	11-29-08	NSB
DEBT SERVICE	\$ 13,028.36	\$ 32.64	5-08-05	4.05 %	8-15-09	NSB
DEBT SERVICE	\$ 99,501.88	\$ 329.80	6-02-05	3.92 %	6-02-10	NSB

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

EMERGENCY MANAGEMENT REPORT

➤ **Adopt Emergency Operation Plan**

Councilman DiMiceli moved and Councilman Sniscak, Jr. seconded to adopt the Emergency Operation Plan. All voted yes. Motion passed.

MAYOR’S REPORT

Mayor Walck stated how they had received a thank you letter from Mary Ann Rebar for the cooperation of the police and for the police department taking care of the neighbor dispute.

Mayor Walck stated that the PA State Police were asking that the residents include a blue light in their Holiday Decorations or tie a blue ribbon on their car antenna in honor of the fallen active police officers. He stated about putting one in the front window of the Borough Building.

President DeMarco stated that on behalf of the American Legion and the VFW, he would like to thank the Mayor for having the extra police and the fire police out for the rally that was held on Sunday. He stated that it was a success.

TAX COLLECTOR’S REPORT

01 November – 30 November 2008

Occupation	\$ 178.50
Real Estate	5,109.70
Per Capita	<u>230.00</u>
Total	\$5,518.20

Councilman DiMiceli moved and Councilman Zabroski seconded to accept the Tax Collector’s Report. All voted yes. Motion passed.

MINUTES FOR REGULAR MEETING OF NESQUEHONING BOROUGH COUNCIL

Wednesday, December 17, 2008 at 7:00p.m., Borough Office

Councilman DiMiceli moved and President DeMarco seconded to accept all reports that have yet to be approved. All voted yes. Motion passed.

COMMUNICATIONS:

1. 11.19.08 Gene A. Rutch – Letter of interest for appointment to Nesquehoning Water Authority
2. 11.20.08 US Dept. of Agriculture – Two financing programs
3. 11.21.08 PSATS – Volunteer Fire, Emergency Services & Local Government
4. 11.21.08 PIRMA – Update Risk Management Association
5. 11.21.08 Powell, Rogers & Speaks – Delinquent Per Capita & Occupation
6. 11.21.08 NSC Corporation – CC Board of Assessment Appeals
7. 11.21.08 Kovatch Corporation – CC Board of Assessment Appeals
8. 11.21.08 Kovatch Enterprises – CC Board of Assessment Appeals
9. 11.21.08 Kovatch Partners – CC Board of Assessment Appeals
10. 11.21.08 Hauto Valley Estates – CC Board of Assessment Appeals
11. 11.24.08 DEP – Mining permit corrected (KMAC mine operation)
12. 11.24.08 PSAB – Annual Conference
13. 11.24.08 Brior Environmental – Re-appointment as Primary Sewage Enforcement Officer

14. 11.24.08 Seitz Brothers – Pest control service for 2009

Councilman DiMiceli moved and Councilwoman Walck seconded to pay Seitz Brothers for the year with a 5% discount for the pest control for the Borough Building and the Recreation Center. All voted yes. Motion passed.

15. 11.25.08 Michael Greek – Zoning Hearing Board – North of Route 54
16. 11.25.08 Michael Greek – Zoning Hearing Board – E. Mussmano Avenue
17. 11.25.08 Michael Greek – Zoning Hearing Board – 203 W. High Street
18. 11.25.08 William Moyer – copy of letter concerning Drug-Free School Zone Signing

19. 11.26.08 Council meetings for 2009

Councilman Sniscak, Jr. moved and Councilman Hawk seconded to advertise a legal notice for the 2009 Borough Council Meetings in the Times News. All voted yes. Motion passed.

20. 12.01.08 PA One Call – Election of Directors
21. 12.02.08 CC Conservation District – Nesquehoning Self-Storage
22. 12.02.08 NEPA – Municipal Technology Assistance Program (MTAP)
23. 12.02.08 Keystone Publishers – Preliminary Draft Code of Ordinances
24. 12.03.08 PSAB – Update
25. 12.03.08 PA One Call – Board Meeting Notice
26. 12.04.08 McMahon Engineers – Transportation Engineers
27. 12.05.08 Robert J. Marouchoc – Property adjacent to Panther Valley field

28. 12.05.08 Higgins Insurance – Insurance proposal, Workers' Compensation

Councilman DiMiceli moved and Councilman Hawk seconded to accept the Higgins proposal for the Workers Compensation Policy. All voted yes. Motion passed.

Councilman DiMiceli asked what it did with any pending litigation they now had with State Workers. Secretary/Treasurer Ahner stated “nothing”. Councilman Hawk stated that it was underwritten by Employers Mutual Casualty Insurance.

MINUTES FOR REGULAR MEETING OF NESQUEHONING BOROUGH COUNCIL

Wednesday, December 17, 2008 at 7:00p.m., Borough Office

- 29. 12.05.08 PSAB – Training Opportunity – “Marketing Your Municipality”
- 30. 12.05.08 Kovatch Enterprises – Boca Holding – Planning Fees
- 31. 12.07.08 Liquid Fence – Removal of waste water

32. 12.08.08 PV Youth Soccer – Use of sports complex for 2009

Councilman Hawk moved and Councilman Zabroski seconded to approve the Panther Valley Youth Soccer Association use of the Sport Complex Field. All voted yes. Motion passed.

- 33. 12.09.08 COSTARS – Police vehicles
- 34. 12.09.08 Micah J. Gursky – 1-year anniversary of the Nesquehoning Rural Health Center
- 35. 12.10.08 newPAnews – Newsletter
- 36. 12.10.08 Frank J. Parano – Reappointment to Water Authority
- 37. 12.10.08 Cynthia S. Ray – Zoning Hearing Board – St. Francis of Assisi Church
- 38. 12.10.08 PA DEP – Ordinances regulating solid waste, recyclables, open burning, etc.
- 39. 12.12.08 Concord Public Finance – Our role in the Streetlight Agreement
- 40. 12.12.08 NEPA – Annual Report 2008
- 41. 12.15.08 Robert J. Marouchoc – Letter of Interest, Borough Water Authority
- 42. 12.15.08 Nicholas Degiglio – Letter of Interest, Borough Water Authority
- 43. 12.15.08 DCED – Accounting for Municipal Tax Collectors
- 44. 12.16.08 KOZ – Request for extension

Councilman DiMiceli moved and Councilman Sniscak, Jr. seconded to approve all communications and place them on file. All voted yes. Motion passed.

Councilman DiMiceli stated about #44. President DeMarco stated that he was going to bring that up under the budget committee report.

BILLS TO BE RATIFIED, EXPENDITURES AND RECEIPTS

Councilman Sniscak, Jr. moved and Councilman Hawk seconded to deposit all receipts, approve all bills to be ratified and pay all other bills including the expenditures of the Home Program. All voted yes. Motion passed.

COMMITTEE REPORTS

1. STREETS

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

➤ 12.05.08 Brian Day – Curb Cut

Councilman Sniscak, Jr. moved and Councilman Zabroski seconded to approve the curb cut permit for Brian Day at 15 W. Garibaldi Avenue. All voted yes. Motion passed.

Councilman DiMiceli moved and Councilman Sniscak, Jr. seconded to adopt the Nesquehoning Borough Personnel Policy for all Borough Employees.

Mayor Walck stated that he had not had time to look at it. Councilman DiMiceli stated that there were only small changes made from the last draft. He stated that it was mostly adding of the Americans with Disability Acts and HIP laws. Secretary/Treasurer Ahner stated that the “shall” changed to “may”; section d’s were added under part 3 and part 4; and the authorization for deduction for withholding pay was moved from the “may be seen” to “may not be seen”.

MINUTES FOR REGULAR MEETING OF NESQUEHONING BOROUGH COUNCIL

Wednesday, December 17, 2008 at 7:00p.m., Borough Office

Councilman Sniscak, Jr. asked Solicitor Yurchak if he reviewed the policy. Solicitor Yurchak stated how he had originally drafted it. Mayor Walck stated that in the annual review, they were able to take out the verbal or written warnings. Councilman Sniscak, Jr. stated “yes”. Mayor Walck asked why they would want to do that. Councilman Sniscak, Jr. stated that he had spent close to 11 hours on the computer, every department in the federal government has a policy on reviewing reprimands; they go anywhere from one to two years. He stated that in the federal government they were automatically removed without any reviews at all. Councilman Sniscak, Jr. stated that he had been employed by the Commonwealth of PA for 35 years; they all have a personnel policy where reprimands were removed if not repeated within one to two years. He stated that the state of New York, Connecticut, Maryland, Delaware, New Jersey and all the states on the east coast have that type of policy. Councilman Sniscak, Jr. stated that a reprimand was to correct a problem, once the problem was corrected; the reprimand was no longer needed. He stated how it was removed and does not stay with the employee until the day he dies. He stated how that was 11 states that had it and the federal government has it in all of its bureaus. Mayor Walck stated that they were not the federal government or any of those states. He stated how it was coincidental that all of a sudden after all these years they never had a problem. Councilman Sniscak, Jr. stated that they never had a personnel policy. Mayor Walck asked why they need one. Councilman Sniscak, Jr. stated that every government agency in the United States has a personnel policy.

Councilman DiMiceli stated that they need one because they have different departments that were working under different rules. He stated that it would be consistency. Councilman DiMiceli stated about removing the verbal warnings or the written warnings and if the course of conduct would continue in that two year period, they would be at step C. Mayor Walck stated that they could do something every two years and it would disappear and it would never get to a progressive state. Councilman Sniscak, Jr. stated that it would be removed if it was not repeated. Councilman DiMiceli stated that it states in there if there has been no reoccurrences. Mayor Walck stated that if they do something in 2 years and one day it would not carry any weight. Councilman Sniscak, Jr. stated that it would. Councilwoman Walck stated that if it was removed that they would not have any proof. She stated that personnel files should be complete work history of that individual and should not be touched. Mayor Walck stated that he started at Air Products in 1978 and everything was still in his file. Councilman Sniscak, Jr. stated how Microsoft has the same policy. He stated that there were other big corporations . . . it depends on what they do with their contract. Councilman Sniscak, Jr. stated that they should not mix apples with oranges.

Mayor Walck stated that he was expressing his opinion. He stated that he was saying that he did not think that the Borough needs it. He stated that they did not have it all these years, there were no complaints, no problems and they want to create something that could create a problem. Mayor Walck stated that if something did not happen for two years and then all of a sudden it would come back to reoccur; they would have no paperwork. Councilman Sniscak, Jr. stated that if it never happened before, then it never happened before then.

President DeMarco called for a roll call vote.

- Councilman DiMiceli - yes
- Councilman Hawk - yes
- Councilman Sniscak, Jr. - yes
- Councilman Stromelo - no
- Councilman Zabroski - not voting
- Councilwoman Walck - no
- President DeMarco - yes

Motion Passed.

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Wednesday, December 17, 2008 at 7:00p.m., Borough Office

Councilwoman Walck stated that they were elected by the people in the Borough to benefit the people and she did not see how that was going to benefit them or the Borough. Councilman Sniscak, Jr. asked how it was not going to benefit the Borough. Councilwoman Walck asked how it was going to benefit the Borough and the residents. Councilman Sniscak, Jr. stated that it had nothing to do with the residents; it had to do with the employees. Councilwoman Walck stated that she just did not see how it was going to benefit the Borough and she was just explaining her reason.

President DeMarco stated to Larry Fox that with the weekend coming, he wanted to be able to get a hold of the Borough employees. He stated that last Saturday he had a problem getting a hold of someone to come out. He stated that if they know that the snow was coming and that was part of their job.

2. SEWER DAVID HAWK, CHAIRMAN; RICHARD ZABROSKI, CO-CHAIRMAN; FRANK DiMICELI

Councilman Hawk stated that the Borough Engineer had responded to Eastern Environmental on the comminutor award indicating his concurrence with the bid that they had accepted at last months meeting. Councilman Hawk stated about last Saturday when Davey Digilio tried to get a hold of him regarding a manhole cover.

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

President DeMarco stated that Frank Jacobs had told him that the architect . . . Frank Jacobs stated that he had spoken to the architect that day regarding the garage. He stated that sometime between Christmas and New Years they would have the final plans.

Councilman DiMiceli moved and Councilman Sniscak, Jr. seconded to advertise for bids for the renovations of the police station after the committee meets with the architect. All voted yes. Motion passed.

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

Councilman Sniscak, Jr. stated how the chief had called him on the incident with the manhole cover being damaged.

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

Councilman Stromelo stated that with the upcoming holidays, the landfill will be closing on Christmas Eve at 12 noon so the Sanitation Workers would be starting a little earlier. He stated that they have been advised to be as quiet as possible. He stated that it would be the same type of deal with New Years Eve also.

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

- 12.05.08 Nesquehoning Recreation Commission – Meeting minutes
- 12.15.08 Tracey E. Evans – Letter asking for re-appointment to Recreation Commission
- 12.15.08 Cindy Stromelo – Letter asking for re-appointment to Recreation Commission

MINUTES FOR REGULAR MEETING OF NESQUEHONING BOROUGH COUNCIL

Wednesday, December 17, 2008 at 7:00p.m., Borough Office

Councilman DiMiceli moved and Councilman Hawk seconded to re-appoint Tracey Evans and Cindy Stromelo to the Recreation Commission. All voted yes. Motion passed.

Councilman Hawk stated that they had the Christmas Party, Monday evening, and it was well attended.

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

➤ Adopt 2009 Budget

Councilman Hawk stated how all the Council Members received a copy of the latest proposed budget. He stated that the Budget Committee met after they had their preliminary approval of the budget in November. He stated that they removed an additional \$36,000 from the expenses of the preliminary budget. Councilman Hawk stated how it was removed from two places, police vehicle purchase and highway salaries. He stated how they were hoping they would not have to replace a police vehicle in 2009 unless they were fortunate enough to get a grant. He stated that they had set money aside for possibly hiring a Borough Superintendent in 2009.

Councilman Hawk stated that they were able to reduce some of the property tax rate figure. He stated that the result was what had been proposed as a 1.5 mill increase was now down to a 0.9 mill increase. He stated that the budget as a whole was down about \$72,000 from 2008. Councilman Hawk stated how that added 0.9 mill would increase the total millage to 11.5 mills. He stated that if a home was valued at \$50,000 a .0.9 mil increase would mean an increase of \$45.00 on the taxes, which was less than \$4.00 a month. Councilman Hawk stated that they had looked at increasing some of their revenue expectations but the way things had been going, it would have been unrealistic to try to project anything beyond what the current trends were. He stated that they did not want to get into the position of having elevated revenue projections that they knew that they were not going to realize. Councilman Hawk stated how the police/public safety and the fire companies had wish lists, which all have been deleted from it. He stated that the budget represents basic operating costs for the Borough. Councilman Hawk stated that they did not have to pull money from the line of credit and if they did not have to do it in December; they would certainly be pulling from it in January. He stated how that was a substitute for a tax anticipation loan. He stated that for the last two years, they have been able to squeeze a surplus out of their finances. He stated that because of fuel costs, it was eaten up.

Councilman Hawk moved and Councilman Sniscak, Jr. seconded to accept the \$1,205,842.92, which was a balanced budget (revenue and expenditures), budget with the 0.9 mill increase, which 0.8 goes to general and 0.1 goes to fire.

Tom Mermon asked if it was going to be a roll call vote. He stated that he would like to hear a roll call vote. President DeMarco stated how that would not be a problem. Mickey Angst stated that he wanted to thank Councilman Hawk for the work that he had put into lowering the budget from last month. Ms. Genther asked what the 0.9 mil goes for. Councilman Hawk stated that the total going to the fire companies in 2009 would be 1.35 mills, which was up from 1.25 mills. Ms. Genther asked that the total increase was 0.9 mills. Councilman Hawk stated that the total mil increase was 0.9 but 0.1 was going into fire and the other 0.8 was general.

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Ms. Genther asked what the Council does with their taxes that benefit the residents of Lake Hauto. Councilman Sniscak, Jr. stated about the Ambulance and the Fire Trucks. Councilman Hawk stated that they do get the emergency services. Ms. Genther stated that they do not see the police patrols as much as they used to. Councilman Sniscak, Jr. stated that it was a private community and the police were not allowed to . . . Ms. Genther stated that they did. Councilman Sniscak, Jr. stated that they were supposed to have their own police force up there. Ms. Genther stated that they have security but it was only for a certain period. Councilman DiMiceli stated that there were other things going on in town that prevents them from getting up there as often. Councilman Hawk stated that there were other things that go on in Nesquehoning which benefit the lake, such as zoning and planning. He stated about the operation of the Borough and how there was Recreation available in the Borough, which was open to the residents of the lake. He stated that there were things being done with the money that were benefiting them if they take advantage of them.

President DeMarco called for a roll call vote.	Councilman DiMiceli	- yes
	Councilman Hawk	- yes
	Councilman Sniscak, Jr.	- yes
	Councilman Stromelo	- yes
	Councilman Zabroski	- yes
	Councilwoman Walck	- yes
	President DeMarco	- yes

Motion passed.

Councilman Hawk stated that it was brought to his attention that Nesquehoning has in the past made an annual donation to the Dimmick Memorial Library in Jim Thorpe. He stated that in the state library system, Nesquehoning was part of the coverage area for the Dimmick Library. Councilman Hawk stated that Denny Creitz, who sits on the board for the library, told him that the same benefits apply to the Nesquehoning residents that apply to the residents of Jim Thorpe. He stated that for a couple of years they had not made their annual donation. He stated that it had slipped through the cracks because he did not ever remember the Council making any action to terminate making that donation.

Councilman Hawk moved and Councilman Sniscak, Jr. seconded to begin making their annual donation to the Dimmick Memorial Library in the amount of \$500.00 beginning with 2008. All voted yes. Motion passed.

Councilman Sniscak, Jr. moved and Councilman Hawk seconded to approve the grievance for settlement filed by Larry Fox and not to set precedent for the future. All voted yes. Motion passed.

Councilman DiMiceli stated about the KOZ. He stated how the School District received a request for an extension on the KOZ zone. Councilman DiMiceli asked Solicitor Yurchak what his thoughts were. Solicitor Yurchak stated that it was set to expire on 2010. He stated that over the course of time, he has not seen a lot of activity in the KOZ zone anywhere in the Panther Valley. He stated that he would question how many jobs it has actually created. Councilman DiMiceli stated that they were losing tax money. He stated that as far as he was concerned, he would take the position that they not extend the KOZ zone past the expiration date at the end of 2010. Solicitor Yurchak stated that it would require the approval of the School, County and the Borough.

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Councilman DiMiceli moved and Councilman Sniscak, Jr. seconded to not approve the extension of the KOZ zone when it expires in 2010. All voted yes. Motion passed.

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

Councilman Hawk moved and Councilman Sniscak, Jr. seconded to approve the sale of the two old computers to the interested parties for \$50 each. All voted yes. Motion passed.

9. FIRE/AMBULANCE FRANK DiMICELI, CHAIRMAN; DAVID HAWK, CO CHAIRMAN; PUBLIC SAFETY MICHAEL SNISCAK, JR

- 11.25.08 John P. McArdle – letter to Carl Faust concerning 10 E. Catawissa St.
- 12.01.08 Councilman DiMiceli letter to Isabel Zickler – Automatic alarm

Councilman DiMiceli stated that their Fire Department was down at 10 E. Catawissa Street one night for about an hour and a half. He stated that there was no key holder and they were there for an automatic fire alarm. He stated that the person holding the key was in New Jersey. Councilman DiMiceli stated that they had sent out a letter and a copy of the ordinance. He stated that they were going to comply with it. Councilman DiMiceli stated how they had a report that there might be some unsafe conditions in the building. He stated that Carl Faust and John McArdle were going to do an inspection in that building.

Councilman DiMiceli stated that they also have a situation at 90 E. Catawissa Street where it had been coming up for months and months where a safety inspection will have to be done there also.

Councilman DiMiceli read the Fire Report from January to November 2008: 9 dwelling fires; 4 structure fires; 4 vehicle fires; 3 brush fires; 23 vehicle accidents; 66 automatic fire alarms, which were mostly coming from 90 E. Catawissa Street and 121 W. High Street. He stated that the Fire Department has responded to 179 calls and the Ambulance Corp answered 401 calls, which 139 of those calls were able to be manned because Kovatch lets his workers leave work to take the calls during the day.

JR. RECREATION COMMISSION

Mayor Walck stated that the kids got together and did something for the homebound senior citizens that could not make it at Thanksgiving. He stated that on Saturday at 10:00 a.m., they were invited to Maple Shade because Santa Claus was going to be there with the Jr. Recreation.

NEW BUSINESS

No new business.

OLD BUSINESS

Councilman DiMiceli stated about Ratcliff Street and posting signs at the entrance/exit from Turkey Hill. He stated how the people were not used to it being a one-way street.

President DeMarco stated that from all of them to everybody there; Have a Safe and Happy Holiday Season, Merry Christmas and Happy New Year.

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ADJOURNMENT

Councilman DiMiceli moved and Councilman Zabroski seconded to adjourn the meeting. All voted yes.
Meeting adjourned at 8:35 p.m.

RoniSue Ahner

RoniSue Ahner
Secretary-Treasurer