

MINUTES FOR REGULAR MEETING OF NESQUEHONING BOROUGH COUNCIL

Wednesday, April 23, 2008 at 7:00p.m., Borough Office
114 W. Catawissa Street, Nesquehoning, PA 18240

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

President DeMarco called the meeting to order at 7:00 p.m.

MINUTES: Approve the minutes from the Regular Meeting held on March 26, 2008 and the
Special Meeting held on April 9, 2008.

Councilman Jacobs moved and Councilman DiMiceli seconded to approve the March 26, 2008
Regular Meeting Minutes and the April 9, 2008 Special Meeting Minutes. All voted yes. Motion
passed.

HEARING OF VISITORS

Gregg Pavlick, Hazleton office manager of Barry Isett & Associates, stated that they have 130
employees in 5 different offices. He stated how they were a full service engineering firm. Mr.
Pavlick stated how they were there to request to be added to the approved list for UCC services. He
introduced Elijah Skrimcovsky, who does the UCC services for the area. Elijah Skrimcovsky stated
how they have been involved with the UCC since it was adopted in 2004. He stated how they were
servicing some of the local areas, main BCO in Summit Hill, an option in Lansford and the city of
Hazleton. He stated that they have 10 inspectors and they were still growing. Mr. Skrimcovsky
stated how they were looking to expand their services and give the residents of Nesquehoning an
option. He stated about customer service and quick responses. He stated how they do not like to
leave things sit and they were always available. Mr. Skrimcovsky stated how the office phones were
always answered and they hand out cell phone numbers so they can stay available. Mr. Pavlick stated
how they take it to the next level to make sure everybody understands the code, which can be very
confusing. He stated that their inspectors go above and beyond to make sure the customer was happy
and understands what needs to be done.

President DeMarco stated how he was asking for a motion to put them on as an alternate. He stated
how Carl Faust would remain the main person and they would be an alternate. He stated that he
thought how it was a good idea to have two inspectors.

Mr. Skrimcovsky handed a fee schedule to the Council Members. Mr. Skrimcovsky stated that they
can tailor their fees to meet the Borough's. He stated that if they have a fee schedule in place, they
were more than willing to take a look at it. Mr. Skrimcovsky stated that for Summit Hill and
Lansford, they collect the permit fees and 20% of all permit fees go back to the Borough for
administration fees. President DeMarco stated that they will leave packets, so people who come in
they will have a choice.

Councilman DiMiceli stated how they use Mr. Faust in conjunction with their Fire Companies and
the Code Enforcement Police Officer. He stated how they have had problems with carbon monoxide
alarms and Mr. Faust has gone in and performed inspections on nights and weekends. Councilman
DiMiceli asked if they would be available to do that. Mr. Skrimcovsky stated how they will give a
list of contacts (inspectors) and their cell phone numbers. He stated that they always have their cell
phones on.

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Councilman DiMiceli asked if the person who initially comes out would be the person who would follow it through. Mr. Skrimcovsky stated how if it was necessary for that person to see it through, they would. Councilman DiMiceli stated that if Mr. Faust could not make it in an emergency situation and they get an alternate, he would prefer to have that person follow the complaint all the way through and not transfer it to someone who may not get all of the information. Mr. Pavlick stated how in situations like that, the person handling the complaint would handle it throughout because they get into the "he said, she said."

President DeMarco stated that Secretary/Treasurer Ahner would get them a copy of Mr. Faust's fee schedule. Mr. Skrimcovsky stated how they have their fee schedule in Lansford and Blue Mountain has their own fee schedule. He stated that in Lansford, they collect all the fees and every month they hand in a spreadsheet with the permits that were issued, the cost breakdown and they take 20% of that price and give it back to the Borough.

Secretary/Treasurer Ahner stated that she wanted to make sure that she understood; they would have one main person issuing the permits but two different inspectors. President DeMarco stated how she was correct. Secretary/Treasurer Ahner stated how if the person wanted to use Barry Isett as the inspector, she would have to get the plans back from Mr. Faust so they would know what was approved. Mr. Skrimcovsky stated that in Lansford, when a project comes in from the plan review to the inspection process (start to finish) they will handle the whole thing. He stated how they both follow the UCC but some people interpret the code differently. He stated that to handle the project, they would need it from start to finish. Mr. Pavlick stated that whoever does the plan review would take it through the inspection process because they may see different things in the plan review. Solicitor Yurchak stated that she did not want to have to track people down for permits.

Secretary/Treasurer Ahner stated about the Borough's process. She stated how 90% of the time the applications get dropped off at the office. She stated that she lets Mr. Kennedy know that there was an application in the office so that he can come in to sign off on it so it can go to the inspector. She stated that Mr. Faust will pick it up and bring it back to the office, (application and permit). She stated that the office hands out the permit because they don't get the permit if they don't pay for it. Mr. Skrimcovsky stated how it was the same way in Lansford and in Summit Hill. He stated that it goes to the Zoning Officer first to make sure the application was filled out properly and approved. He stated how it then gets passed over to them to review and approve it. He stated that once it was approved, he will call the applicant to notify them that it was approved, when it would be in the office, and how much it would cost. Secretary/Treasurer Ahner stated how the inspection fees will be handled by the inspectors; the Borough does not collect any of those fees. She stated how the Borough has their own zoning and building permit fees. Mr. Skrimcovsky stated how they could transition into something like that. He stated how they would pay the Borough and the inspectors separately. President DeMarco stated how he thought that the Secretary/Treasurer would prefer it that way. Secretary/Treasurer Ahner stated how they keep a copy of the application and the placard. Mr. Pavlick stated how it was more advantageous to them because in some towns they do it the opposite way; collect all the fees and write a check back to the Borough or Township. He stated how it was not a problem and that Eli would come in and take a look at how the Borough was doing it so there would be a smooth transition.

John McArdle stated how it was good to have two different sets of inspectors but if they would get into a situation where somebody does not like the findings of one inspector, can they go to the other one. He stated how it was the same code but the gentleman did say how it would be interpreted differently. Mr. McArdle stated that he would think how that person would have to stick with the decision and not pick one against the other and create a conflict.

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President DeMarco stated how they were not going to have that. He stated that whoever they pick was who they had to stay with. Mr. Skrimcovsky stated that they would not get involved with Mr. Faust's projects. Councilman Jacobs asked if Mr. Faust would go out to a job and tell them that they had to do something, they would not go in and change his decision. Mr. Skrimcovsky stated "absolutely not". He stated how that was why they would not do the inspections on another persons plan review. Mr. Pavlick stated how that was when the conflicts begin. Councilman Jacobs stated how they had someone a year ago who was told that they had to dig down so far for the foundation and she argued that she was not doing it. He stated how she wanted another outfit to do the inspections. He stated that she never did do the project. He stated that if she would have called them, it would have caused a problem for all of Council. Mr. Pavlick stated how there were people who do not like what they say but they do follow the code. President DeMarco stated how he felt that it would be a better service for the people of Nesquehoning.

Councilman DiMiceli moved and Councilman Sniscak, Jr. seconded to retain Barry Isett & Associates as an alternate for the building and zoning applications and permits. All voted yes. Motion passed.

Ron Reis, Panther Valley Youth Soccer, stated how he was there to answer some questions for the use of the Sports Complex. He stated how there seemed to be some confusion. Mr. Reis stated that at the last meeting he attended there was a statement made that they needed a use of facilities agreement along with placing the shed. He stated how he received a letter stating how PVYS had permission by the Borough to use the facilities and now he was learning how that was not true.

Solicitor Yurchak stated how last month Council indicated how the PVYS has to come back each year to ask permission. He stated that the Agreement he wrote last year caused some confusion because there was no limitation of a time line and the way it was worded. Councilman DiMiceli stated how they should submit their request in January when they make their approvals. Mr. Reis stated how that was what they were doing.

Mr. Reis stated how he wanted to submit the letter for that year. He stated about the breakdown requested. Mr. Reis asked why they wanted that information. Councilman Jacobs stated that one of the things talked about was how it was Nesquehoning taxpayers, Nesquehoning property. He stated how they just wanted some knowledge on how many kids were utilizing the property. He stated how it may also be helpful with grant funding. President DeMarco stated that it was nothing against the PVYS. Mr. Reis asked if they could cut the grass in the off season like any other park in the Borough. He stated how the grass got pretty high between the Spring and Fall last season. President DeMarco stated how it was not a problem because it was Borough property. Mr. Reis asked if there was any future plans for the field. President DeMarco stated "not at that time". Councilwoman Walck stated how they had checked into it before and they were already into the wetlands. Mayor Walck stated how they had checked into it after they had the request for a skateboard park. Mr. Reis asked about them putting a large shed at the field. President DeMarco stated how he did not know and they would have to get in touch with Jim Clauser.

A brief discussion followed concerning the Sport Complex Field and what might be able to be done because of the wetlands.

President DeMarco stated how they should submit a plan (replace, get rid of or expand where the shed was located) and they will get in touch with Ron Tirpak and Jim Clauser, who will tell them exactly what could be done if anything could be done.

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Mr. Reis stated how the insurance runs from August to August and the Borough did have a copy on file. He stated how they were all welcome to come any Saturday to watch the kids to see what it was all about.

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

Timothy Black stated how his parents were having problems with the dumpster located at the Turkey Hill. He stated how the trucks that pick up the garbage have sewage or sludge coming out of them. Mr. Black stated that he has contacted DEP and DEP told him how nothing should come out of the truck. He stated that he has also contacted Turkey Hill to make them aware of the problem and to resolve the problem in a peaceful manner. Mr. Black stated how a police officer had smelled it. He stated how the sludge had stained the street.

Mr. Black stated that he was told how there was a seal on the truck and if that seal was broke, it was a Vehicle Code violation. Councilman DiMiceli stated how there was hydraulic fluid that leaks from the trucks also. Mr. Black stated how it really stinks and that he wanted to make Council aware of the problem. He stated that he did not think anybody should have to smell that. Mayor Walck asked if the smell was coming from the truck or the containers. Mr. Black stated how the truck driver informed him that they could not go anywhere until he compacts the garbage, which was done right next to his parent's yard. He stated how it was all the outdated items that Turkey Hill was throwing away. Councilman Jacobs stated that there should not be anything leaking out of the truck. He stated how they could send them a letter. President DeMarco stated that when it happens, he should get the license plate number and call the Police office. Councilman DiMiceli stated how they pick up every Thursday morning. Councilman Stromelo stated about getting pictures of the stuff leaking out of the truck. President DeMarco stated how it was now up to Council to see what can be done.

Tom Merman stated about the street sweeper. He stated how they were working on Catawissa Street, which was Route 209. He asked if the State or the Borough was responsible to clean that Street or the Borough. Mr. Merman stated how the State was cleaning Route 93 and went through Beaver Meadows. He stated how they do not need to wear their brooms out on Catawissa Street. He stated how the Highway Department put it down, they should pick it up. President DeMarco stated that before they purchased the truck, they had told him how they would not clean the Street. Councilman Stromelo stated how it was like the snowplowing; they were not obligated to plow to the curb. Mr. Merman stated how the snowplowing was different. He stated how that was an Agreement between Council and the State. Mr. Merman stated that if PennDOT could go through Beaver Meadows and the intersection at the end of town, they could do Catawissa Street. Councilman DiMiceli stated that at the Route 93 and 209 intersections, it was PennDOT who maintained it, not the Borough. Mr. Merman asked who puts the cinders down on Catawissa, the Borough or the Highway. Councilman Jacobs replied "the highway". Mr. Merman asked if they put it down, don't they think they should pick it up. He stated that he was looking so it would not be an expense for Nesquehoning to wear their equipment out on somebody else's responsibility. President DeMarco stated that they got a response on a letter three years ago how they were not responsible. Larry Fox asked how they could do it in Beaver Meadows. Councilman Jacobs stated how he raised the same question last year because PennDOT was on the back streets of another town. He stated how the main man at PennDOT denied it and told him how they don't do the main street. Councilman Jacobs stated that he thought how they should send a letter to the State Representative. President DeMarco stated how they would send a letter to PennDOT stating how they can clean other towns, but not Nesquehoning.

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Councilman DiMiceli moved and Councilman Sniscak, Jr. seconded to send a letter to PennDOT voicing their concerns and dissatisfaction with them sweeping the streets in other towns.

Councilman Stromelo asked if they wanted to include the cleaning and maintaining of the storm drains.

Councilman DiMiceli and Councilman Sniscak, Jr. amended their motion for the letter to include storm drains. All voted yes. Motion passed.

POLICE REPORT

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

\$936.10 fine money and \$0.00 fine money for Sewer and Garbage received from Magistrate Kosciolk; \$0.00 received in Carbon County Collections; \$75.00 received in parking tickets; \$120.00 received in moving permits; \$90.00 received in accident reports; 283 total complaints received; 24 citations (2 non-traffic & 22 traffic); 7 criminal arrests; 6 traffic accidents (1 reportable & 5 non-reportable); 12 court appearances and the mileage total was 3,576 (931 – 2000 Crown Vic; 1,311 – 2008 Chevy Impala; 1,217 - 2003 Crown Vic; 117 - 2005 Expedition).

HOUSING & CODE ENFORCEMENT OFFICER'S REPORT

Chief Smith stated how his Code report dealt mainly with Mr. Marouchoc's complaint. He stated how his report also included a list of abandoned vehicles, the responses and how there was one repairable vehicle permit issued. Solicitor Yurchak stated how he met with Gene Kennedy, talked with the Chief and met with Mr. Stempa. He stated that Mr. Stempa was zoned; he had a variance for the property, which included storage and repair of vehicles. He stated that under the Land Development Plans, he was supposed to put in a gate and do the road. Solicitor Yurchak stated that Marty McFadden was doing the gate and Mr. Stempa was working on the road. He stated how he informed Mr. Stempa that it was five years when it all started and he did not want to be having the same discussion in three months. Solicitor Yurchak stated that he suggested to Mr. Stempa about installing a fence or a shrub screen. He stated that Mr. Stempa also informed him how he was using the mulch around the property. Solicitor Yurchak stated about Mr. Stempa needing a little time for the gate and the road.

Chief Smith stated that both he and Officer Saullo were present when Mr. Stempa called about shale. He stated that Mr. Stempa had been made aware of everything and has been in contact with Solicitor Yurchak and Zoning. Chief Smith stated that he had the Zoning decision attached to his Code Report. Solicitor Yurchak stated that he had the Zoning variance also.

Councilman Sniscak, Jr. asked if the Engineer stated about the road being paved because of sewer and water lines running under the road. Solicitor Yurchak stated that he did not know anything about it. He stated how that was part of the Land Development Plans, which were done at that time. Councilman Sniscak, Jr. read from the Engineer's report: "the road should be paved to distribute the weight of the construction vehicles . . .". Chief Smith stated how the transcripts were never ordered from that hearing. Solicitor Yurchak stated that it was because there was no appeal. Councilman Jacobs stated how he remembered something about the road being dust free. President DeMarco asked Solicitor Yurchak how strong it was when the Engineer recommends that it be paved. Solicitor Yurchak stated that unless the Zoning Board made it a condition, he did not think that the Engineer's recommendation would be enforceable.

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Councilman Sniscak, Jr. asked, in regards to the sewer lines, if they break, who was responsible to repair them. Solicitor Yurchak stated how that was the Engineer's review of the Land Development Plan, which was a different issue than zoning. Chief Smith stated that Mr. Stempa told him how others use the road and create the dust. He stated that Gene Kennedy did tell him something about paving the road but did not remember if he said it had to be or not (paved). Solicitor Yurchak stated that he was going to put shale down. He stated that if Council approved the Land Development Plan and it was part of it, they could hold him to it. Solicitor Yurchak stated that he had to look at the Land Development Plan.

Chief Smith stated how they were still working on it. He stated that Mr. Stempa was attempting to clean up. Councilman Jacobs stated how shale was okay when they first put it down, but once it starts breaking up, they will have the same problem with the dust as they have with dirt. Solicitor Yurchak stated that he would look at the Land Development Plan. Councilman Hawk stated that in the findings of the Zoning Board, it states that to store and repair vehicles was supposed to be in a building. Solicitor Yurchak stated that it was a 50' x 51' building . . . Councilman Hawk stated "used to store and repair vehicles". Councilman Hawk stated that it doesn't say anything in there about repairing vehicles on the property outside of a building. Solicitor Yurchak stated that it does not state that he cannot store them on the property either. Chief Smith stated about the zoning for abandoned vehicles superseding the Borough Ordinance. Councilman DiMiceli stated that zoning could not supersede the Ordinance on abandoned vehicles. He stated that unless it was an authorized use, like a junk yard or salvage, they could not keep an abandoned vehicle on that property.

Eugene Hrebik stated how he remembers Ron Tirpak telling them that the road should be paved because of the dust. Solicitor Yurchak stated that it should be in the Land Development Plan. Councilman Jacobs stated how it wasn't addressed in the zoning, so the recommendations mean nothing. He stated that if they pay for the Engineer to do a study, they should make sure that it was brought up to the Zoning Board and enforced by the Board. Councilman Hawk stated how it should be included in the variance.

Bob Marouchoc asked if they were aware of wetlands on that property. Solicitor Yurchak stated how he was not aware. Mr. Marouchoc stated how he checked the deed at the Courthouse. He stated how the property was sold by Kovatch to Mr. Stempa. He stated that there were wetlands on the property and they could not alter it without the approval of DEP or the Army Corp of Engineers. Solicitor Yurchak stated that he does not know if he doesn't have it. He stated that he never had an occasion to look at it before that.

President DeMarco stated about letting Solicitor Yurchak check into it. Mayor Walck asked about letting Mr. Stempa put the shale down. He stated how they had just decided to do additional research and he would hate to see Mr. Stempa incur the cost of shale and then have to pave the road. President DeMarco stated he would have Solicitor Yurchak let him know to hold off on the shale. Gene Rutch asked if Mr. Stempa was covered for unlicensed vehicles. He stated how he was singled out two years ago. Councilman Hawk state how it applied to the variance. Solicitor Yurchak stated how the abandoned vehicle was a separate ordinance. He stated how the zoning variance would not absolve him from the abandoned vehicles. President DeMarco stated how unlicensed vehicles were not allowed on that property.

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

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EXECUTIVE SESSION

Borough Council entered into an Executive Session at 8:00 p.m. The Council Members exited their Executive Session at 8:17 p.m.

PLANNING COMMISSION REPORT

➤ Approval of minutes from the April 10th meeting of the Planning Commission
Councilman Jacobs moved and Councilman Hawk seconded to accept the subdivision plans for Michael and Michelle Greek's property at 300 Messina Avenue, Nesquehoning. All voted yes. Motion passed.

Councilman Jacobs stated how he has attended several Planning meetings and was wondering if Nick Degiglio was still interested in serving on the Planning Commission. He stated about sending him a letter because he has not been attending the meetings. President DeMarco asked Secretary/Treasurer Ahner to write a letter to Mr. Degiglio to see if he was still interested.

CIVIL SERVICE COMMISSION

No report.

PANTHER CREEK ADVISORY REPORT

Meeting was canceled.

ENGINEER'S REPORT

➤ Borough-Wide Street Program
President DeMarco stated how they had asked Ron Tirpak for a detailed report on how much it would cost to do all the streets in the Borough of Nesquehoning. He stated that it included sewer, water, and reconstruction of some streets and paving of other streets. He stated how the total cost came to \$5,481,001.00. President DeMarco stated that it was questioned if they could use Liquid Fuels money if they would float a bond. He stated how he thought they could. President DeMarco stated about calling Bond Council, Jens Damgaard, to see if it was worth it. Councilman DiMiceli asked if the \$500,000.00 for water construction would be from the Water Authority with a reply of "yes". President DeMarco stated how water cost would come from water and sewer fund. He stated how they would float the bond as one amount. Councilman Stromelo stated how the curbing would be reimbursable. President DeMarco stated how Council should take a look at the report and then they would get in touch with Bond Council in a couple months. Solicitor Yurchak stated about sending it to them to get proposals on financing. President DeMarco stated how that was what they would do.

➤ Carbon Engineering – 2007 NBIS Inspections
President DeMarco stated how he was talking to T. J. Rohlifing from Camp Adams and they would have the kids clean out all the brush from under those bridges. (New Columbus and Industrial Road) President DeMarco stated how T. J. supervises the kids. He stated how they might be using some of the Borough equipment. He stated how the only thing that the Borough crew might need to do was to park a truck down there for their kids to fill with the brush. President DeMarco stated how they will have to supply lunch for the kids.

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President DeMarco stated about one of the trees that a power line goes through. He stated how he was not going to have the kids touch that. Councilman Sniscak, Jr. stated how they could probably get PPL if it was a power line. Councilman Hawk stated that they were the ones who cut the V in the tree. Larry Fox asked if it was Borough property. President DeMarco stated that according to Ron Tirpak, he said about cleaning the sides.

Councilman Hawk moved and Councilman Sniscak, Jr. seconded to get T. J. Rohlfing and the kids from Camp Adams to clean away the brush from under the bridge (what they can safely do without entering onto private property).

Councilman DiMiceli asked if they were going to have them cut grass in the parks. Councilman Hawk stated how they were told that they could set up a weekly schedule. Councilman DiMiceli stated how there were enough parks in the town that they could just keep cycling. President DeMarco stated that they could cut the soccer field.

All voted yes. Motion passed.

SOLICITOR'S REPORT

➤ Approve the Burning Ordinance

Councilman DiMiceli moved and Councilman Sniscak, Jr. seconded to approve the Burning Ordinance. All voted yes. Motion passed.

➤ Approve the Street Opening Ordinance

Councilman Jacobs moved and Councilwoman Walck seconded to approve the Street Opening Ordinance. All voted yes. Motion passed.

➤ Borough of Nesquehoning Complaint Form

Councilman DiMiceli moved and Councilman Jacobs seconded to adopt the Nesquehoning Borough Employee Complaint Form. All voted yes. Motion passed.

Solicitor Yurchak handed out a list of ordinances that Council had discussed as a review.

The Council members discussed scheduling a meeting for Zoning and Code with Gene Kennedy. The two dates that were bought up were Wednesday, May 7th at 6:00 p.m. and Tuesday, May 13th at 6:00 p.m.

Councilman Jacobs moved and Councilman Hawk seconded to advertise a Special Meeting to review Code and Zoning Ordinances. All voted yes. Motion passed.

Solicitor Yurchak stated about a draft of a policy for reporting accidents. He stated how Council should look it over.

Councilwoman Walck moved and Councilman DiMiceli seconded to accept the Engineer's and Solicitor's Reports. All voted yes. Motion passed.

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NESQUEHONING SAVINGS BANK TREASURER'S REPORT

GENERAL FUND

Balance 02.29.08	138,953.77
Receipts	40,177.59
Expenditures	78,415.04
Balance 03.31.08	100,716.32

GENERAL SEWER CONSTRUCTION FUND

Balance 02.29.08	8,649.18
Receipts	8.06
Expenditures	.00
Balance 03.31.08	8,657.24

SPORTS COMPLEX FUND

Balance 02.29.08	81.23
Receipts	.08
Expenditures	.00
Balance 03.31.08	81.31

SANITATION ESCROW

Balance 12.30.07	18,351.81
Receipts	8,753.85
Expenditures	.00
Balance 03.31.08	27,105.66

DEBT SERVICE

Balance 02.29.08	1,115.35
Receipts	1.04
Expenditures	.00
Balance 03.31.08	1,116.39

FIRE TRUCK FUND

Balance 02.29.08	20,892.22
Receipts	7,205.82
Expenditures	7,186.56
Balance 03.31.08	20,911.48

CAPITAL PROJECT

Balance 02.29.08	75,559.08
Receipts	441.27
Expenditures	.00
Balance 03.31.08	76,000.35

SANITATION FUND

Balance 02.29.08	141,013.75
Receipts	83,141.00
Sewer	37,823.65
Expenditures	40,459.06
Balance 03.31.08	145,872.04

HIGHWAY FUND

Balance 02.29.08	17,662.69
Receipts	5.53
Expenditures	14,335.94
Balance 03.31.08	3,332.28

PLANNING FUND

Balance 12.30.07	10,945.92
Receipts	24.58
Expenditures	1,282.50
Balance 03.31.08	9,688.00

GENERAL SEWER FUND

Balance 02.29.08	82,559.52
Receipts	37,884.65
Expenditures	33,774.18
Balance 03.31.08	86,669.99

SEWER OPERATING & MAINTENANCE

Balance 02.29.08	55,109.42
Receipts	11,514.49
Expenditures	31,097.45
Balance 03.31.08	35,526.46

POLICE PENSION FUND

Balance 02.29.08	469,414.82
Receipts	1,795.27
Expenditures	8,075.59
Acct depreciation	1,306.26
Balance 03.31.08	461,828.24

FEMA FUND

Balance 02.29.08	2,998.12
Receipts	2.79
Expenditures	.00
Balance 03.31.08	3,000.91

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CD REPORT

FUND	CURRENT VALUE 03.31.08	INTEREST 03.31.08	OPENING DATE	CURRENT RATE	RENEWAL DATE	BANK
PLANNING	\$ 14,416.05	\$ 48.51	5-08-05	4.05 %	5-08-08	NSB
GEN. SEWER	\$ 353,985.39	\$ 1,191.22	5-08-05	4.05 %	5-08-08	NSB
GEN. SEWER	\$ 10,956.16	\$ 34.43	2-28-08	3.60 %	11-29-08	NSB
DEBT SERVICE	\$ 12,750.84	\$ 42.91	5-08-05	4.05 %	5-08-08	NSB
DEBT SERVICE	\$ 96,925.02	\$ 300.57	6-02-05	3.92 %	6-02-10	NSB

Councilman Jacobs asked if that was all that was left in the FEMA/PEMA Fund and if that was what was in the Capital Projects Fund. He stated how they still have to get the culvert finished on Coal Street. Secretary/Treasurer Ahner stated how they will take everything out of the FEMA Fund and pay the rest out of Capital Projects.

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

EMERGENCY MANAGEMENT REPORT

John McArdle stated how he received a call two weeks ago about a foamy substance in the Nesquehoning Creek. He stated how they have been checking periodically and they have not found anything. He stated how they had the same problem last year around the same time. Councilman Jacobs stated how they were told there was sewage going into the creek by the bridge. He stated that they traced it back to Kovatch’s Car Wash (the foamy substance).

Councilman DiMiceli moved and Councilman Sniscak, Jr. seconded to approve to pay the three year membership fee for John McArdle at \$390.00. All voted yes. Motion passed.

MAYOR’S REPORT

- Anthracite Triathlon Race – Anthracite Triathlon, 20 July 2008

Councilman DiMiceli moved and Councilwoman Walck seconded to authorize the Mayor to call out whoever will be needed for the Triathlon, which will be held on July 20, 2008. All voted yes. Motion passed.

- Rev. Clifton Bishop Jr. – Request for Memorial Day Mass

Mayor Walck stated that Rev. Bishop was informing the Council Members that he wanted to have some kind of outdoor service at the St. Patrick’s Cemetery on Catawissa Street on Memorial Day at 9:00 a.m. President DeMarco stated that the parade started at 8:30 a.m. Mayor Walck stated that if there was bad weather he would have it indoors. President DeMarco stated that he should try to have the service around 9:30 a.m. because they should be done by that time.

MINUTES FOR REGULAR MEETING OF NESQUEHONING BOROUGH COUNCIL

Wednesday, April 23, 2008 at 7:00p.m., Borough Office

Mayor Walck stated how he would like Council to make a motion; they were going back to the old way for Housing & Code Enforcement with Ron Blisard and the Housing & Code Officer; for Officer Blisard to receive \$2.00 per hour more when he was doing Code work (just Code).

Councilman DiMiceli moved and Councilwoman Walck seconded to give Officer Blisard \$2.00 per hour more when he is doing Code work starting with the next pay period.

Councilman DiMiceli stated how all officers can take complaints but Officer Blisard will be doing all of the follow-ups.

All voted yes. Motion passed.

Mayor Walck stated how he represented the Borough at the Eagle Scout Awards for Brett Homcha. He stated that Brett was presented with the Borough Resolution. He stated Councilmen Hawk and Jacobs and Councilwoman Walck were all present at the ceremony.

Mayor Walck stated how he had a brief meeting on March 28, 2008 with Ken Marx and Maureen Bartasavage concerning the Crossing Guard issue. He stated how they mainly wanted to know where the Crossing Guards were and at what time. Councilman DiMiceli stated that he and Councilman Hawk met with the same two individuals on April 21, 2008. He stated how they were going to attempt to move the school bus stops in the Estates, which were on Route 54, to Park Avenue. Councilman DiMiceli stated about the bus stop at Ratcliff and Catawissa Street possibly being moved to Railroad and Ratcliff Street because of the traffic at Turkey Hill. He stated that the kids from the South side of Catawissa Street will go to that bus stop and the kids from the North side of Catawissa will go to the Elementary School. Councilman Hawk stated "or the high school". Councilman DiMiceli stated how it would eliminate the Crossing Guard on Catawissa Street but they could utilize her on Locust Street. Mayor Walck stated how it was all subject to the approval of the School Board and it would be for next year.

Mayor Walck stated how he had a request from John McArdle, Nesquehoning Hose Co. #1, for permission to hold a traffic stop (tentatively) for Sunday, May 9, 2008 at 9:00 a.m. to 5:00 p.m. at Catawissa and Mermon Street and Route 93 intersection Island.

Councilman DiMiceli moved and Councilwoman Walck seconded to grant permission to the Nesquehoning Hose Co. #1 to hold their fund drive. All voted yes. Motion passed.

Mayor Walck stated how he had a request from Chief Smith to be excused from next month's Council meeting due to the fact that he was chaperoning the school on a field trip.

Mayor Walck stated that President Clinton was in Jim Thorpe and they received a Thank You letter from the Jim Thorpe Police for helping with the Police coverage while he was at the Jim Thorpe School.

Councilman DiMiceli moved and Councilman Sniscak, Jr. seconded to place the Jim Thorpe Police Thank You letter in Chief Smith's personnel file. All voted yes. Motion passed.

Mayor Walck stated how he had sworn in Councilman Frank DiMiceli as another Fire Police Officer and they would get the list updated for all Council Members.

MINUTES FOR REGULAR MEETING OF NESQUEHONING BOROUGH COUNCIL

Wednesday, April 23, 2008 at 7:00p.m., Borough Office

Mayor Walck stated that the Crime Watch meeting will be on May 6, 2008 at 7:00 p.m.

President DeMarco stated how he would like an escort on May 25th to outline the cemeteries and May 26th for the parade.

Councilman DiMiceli moved and Councilwoman Walck seconded to authorize the Mayor to call out whoever will be needed for the outlining of the cemeteries on May 25, 2008 and for the Memorial Day Parade on May 26, 2008. All voted yes. Motion passed.

Mayor Walck asked what time he wanted them for May 25th. President DeMarco stated that he would let him know and it would be 8:30 a.m. at the Youth Center on May 26th.

TAX COLLECTOR’S REPORT

01 April– 20 April 2008

Real Estate	\$ 63,255.23
Occupation	1,396.50
Per Capita	<u>1,911.00</u>
Total	\$ 66,562.73

Councilman Jacobs moved and Councilwoman Walck seconded to accept all the reports to this point (Emergency Management to Tax Collector’s Report). All voted yes. Motion passed.

APPLICATIONS:

John C. McCole	Department/sewage Department
Anne Paulakovich	Office Work
Matthew F. Miller	Trash Picker
Donald Schlier	Truck Driver, Borough Worker

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

Councilman DiMiceli abstained because one of the applicants was his nephew.

COMMUNICATIONS:

1. 03.26.08 PennDOT (LTAP) – Training workshop
2. 03.26.08 Blue Mt. Inspection – Re 90 E. Catawissa St. – extend time frame
3. 03.26.08 PSAB – Update
4. 03.28.08 Liquid Fence - Removal of waste water
5. 03.28.08 Dale Freudenberger – Workshop – Land Use Management
6. 03.28.08 Mark Nalesnik – Updated training schedule
7. 03.28.08 Carbon Builders Assoc. – General Membership Meeting
8. 03.28.08 PennDOT – Municipal Customer Survey
9. 04.01.08 DCED – Municipalities Planning Code made easy
10. 04.01.08 Geico Commercial Auto – Commercial Auto Insurance
11. 04.03.08 PSAB – Managing Your Municipal Records

MINUTES FOR REGULAR MEETING OF NESQUEHONING BOROUGH COUNCIL

Wednesday, April 23, 2008 at 7:00p.m., Borough Office

12. 04.03.08 PSAB – Establishing a rental property inspection program
13. 04.03.08 Mark Nalesnik – NIMS-700
14. 04.03.08 Philip Valenti – Update – House Committee Passes H.R. 418
15. 04.04.08 PSAB – 2008 Nominations for Outstanding Councilmember's of the Year Award
16. 04.07.08 Municibid – Update
17. 04.07.08 DCNR – Bureau of Forestry workshops
18. 04.08.08 Panther Creek Partners – Clean Air Interstate Rule (CAIR) permit application
19. 04.09.08 PSATS – 2008 Energy Workshops
20. 04.10.08 Department of the Army – PADEP # E13-156 – Reading Blue Mt & Northern RR
21. 04.10.08 Nesquehoning Ambulance Corp – Nesquehoning School Apartments
22. 04.10.08 Barry Isett & Associates – Letter of Transmittal
23. 04.11.08 Judy Borger – Comprehensive Planning Workshop in Lehighton
24. 04.14.08 PEMA – Clear debris to prevent summer flooding
25. 04.14.08 PSATS – The Open Records Act
26. 04.15.08 Ferguson & McCann, Inc – Mechanical & environmental contractor
27. 04.15.08 PSAB – Constitution Amendments
28. 04.15.08 Mark Nalesnik – NIMS-700 Course
29. 04.16.08 S & O Computers – Web Site Designer
30. **04.16.08 AFLAC – Supplemental Insurance Company**

Secretary/Treasurer Ahner stated how there was a gentleman in from Aflac to see if the Borough was interested in letting him come in to talk to the employees about insurances. She stated that it would be employee paid not Borough paid. President DeMarco stated about handing out a copy of the letter and if anybody was interested they would set up a meeting.

31. 04.17.08 MECAB – Meeting
32. 04.17.08 PSAB – Annual Conference
33. 04.17.08 Judy Berger – Reminder – The ABC's of Land Use Management
34. 04.19.08 Siana, Bellwoar & McAndrew – Update
35. 04.19.08 Siana, Bellwoar & McAndrew – Degiglio release

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

BILLS TO BE RATIFIED, EXPENDITURES AND RECEIPTS

Councilman DiMiceli moved and Councilwoman Walck 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

**MARK STROMELO, CHAIRMAN; DON DeMARCO, CO-CHAIRMAN;
MICHAEL SNISCAK, JR**

➤ Summer help

Councilman Stromelo moved and Councilman Sniscak, Jr. seconded to hire E.J. Poeldnurk for Summer help as needed at the same rate as last year. All voted yes. Motion passed.

MINUTES FOR REGULAR MEETING OF NESQUEHONING BOROUGH COUNCIL

Wednesday, April 23, 2008 at 7:00p.m., Borough Office

➤ Stock Street – Addresses

Councilman Stromelo stated that when they numbered Stock Street, they were ensured that there would be no development from Route 209/54 to the Estates. He stated how the Mini-Mart was now leased by Top-Star Management, who needed an address. Councilman Stromelo stated how it does not fit the current measuring system. He stated that 2nd Avenue starts at 20. Councilman DiMiceli stated to let them go with 1A or something. John McArdle stated that they could not do that. Councilman DiMiceli stated about a post office box. Mr. McArdle stated how it was for a location. Councilman Jacobs stated how they would have to change everything from there up. Councilman DiMiceli stated how everything was 1 Industrial Complex. Mr. McArdle stated how that was for mailing purposes. He stated how all of the buildings had numbers. Councilman DiMiceli asked what number did that building have. Mr. McArdle stated how it was just on paper. Councilman DiMiceli stated that if they were numbered, why it had to be numbered. He stated that they were only changing occupants, not the physical property. Mr. McArdle stated that all 1 Industrial Complex's mail goes to Kovatch. Councilman DiMiceli stated about letting them get a post office box. He stated that if it was 9-1-1 service, they should already have a number.

President DeMarco stated that Solicitor Yurchak said how they should just give it 1 Stock Street. Mr. McArdle stated how that does not solve the problem. Councilman Hawk stated how they were just delaying the inevitable. He stated that sooner or later they were going to get something in there requiring an address higher than 20 and they will not be able to do it. Councilman DiMiceli stated that if they were going to do it then they were going to give addresses to all of Kovatch's buildings and disrupt everybody. Councilman Hawk stated that it would not faze Kovatch. Councilman DiMiceli stated that they should do it now and get it over with so they don't have to be dealing with it again a year from then.

Council Members discussed the addresses for Stock Street.

President DeMarco stated that they will make the new address for Top-Star Management Mini-Mart 3 Stock Street, Nesquehoning and Mr. McArdle should come back with a plan for the rest of Stock Street.

➤ Quote – Rutch Garibaldi

President DeMarco stated that the Borough will purchase all of the materials to help save the sales tax. He stated that if the Borough pays for all of the materials, Mr. Rutch's quote (material & labor) will be no higher than \$8,650.38. He stated how the material cost may change but the labor cost will remain the same.

Councilman Sniscak, Jr. moved and President DeMarco seconded to accept the quote from Gene Rutch for the pipe replacement on Garibaldi Avenue.

Councilman Jacobs stated that the Borough was going to purchase the material and they were only paying him the labor cost. Mr. Rutch stated how it was labor and equipment. Councilwoman Walck asked if it was something that the Borough workers were able to do. President DeMarco stated that they could not do it because of pouring that many yards of concrete. Councilman Hawk asked if it included the Borough crew working on it. Mr. Rutch stated that the Borough would not be doing anything. Councilman Jacobs stated about paying for it out of Liquid Fuels. He stated about anything over a certain cost. Solicitor Yurchak stated how they did get bids before. Councilman Jacobs stated about why he did not submit a bid when the bids came in. Solicitor Yurchak stated how that was a quote which was lower than the bids.

MINUTES FOR REGULAR MEETING OF NESQUEHONING BOROUGH COUNCIL

Wednesday, April 23, 2008 at 7:00p.m., Borough Office

Councilman Jacobs stated about renting an excavator for west Marconi Avenue. He stated that the storm drain had to be replaced. Councilman Hawk stated how it was a brick inlet which was deteriorated and there was no point trying to salvage it. He stated that it would be easier to replace it with a pre-cast. Councilman Hawk stated how the French drain in the alley had collapsed by the way the roadway was collapsed. He stated how they looked into doing that from the existing storm drain manhole, to a new inlet box and then running a French drain halfway up the alley with an inlet on the end. Councilman Hawk stated how that was in addition to installing sewer lines from the existing sanitary manhole. Councilman Hawk stated how there was an existing T that was capped on the water line that the Water Authority would continue up the alley. Councilman Hawk stated how the alley was too skinny to use a backhoe and the trucks to get the material out so they have to use a medium size excavator. He stated that they have to be able to swing around to load the trucks. He stated how they looked into renting it for a month. Councilman Jacobs stated that the Water Authority would be putting water lines in also. Councilman Hawk stated about the project of redoing the inlet on the far end of Marconi Avenue by Pastori Avenue. Councilman Hawk stated how initially there will be pretty much going on in the intersection (Marconi and Milan). He stated how there was no point in doing the work and not addressing the storm drain at the same time.

Councilwoman Walck asked if the \$4,950.00 for the labor was a firm price in the event something should happen. Gene Rutch stated how he was not anymore liable then the person who got the bid.

All voted yes with the exception of Councilman Jacobs, who voted no. Motion passed.

Councilman Stromelo asked if he was going to follow the specifications that the Engineer gave them. Mr. Rutch replied "yes". Mr. Rutch asked if they were ever going to continue Garibaldi Avenue and what were they going to do with the 20' x 20' piece they were putting in. Councilman Jacobs stated that he did not know if there was going to be any other development there. Mr. Rutch stated about money being spent on the 20' x 20' pad for just the pipe. Councilman Jacobs stated how it was to protect the pipe and if the Sewer and Water lines were not there, they would have went down a foot or so with the pipe and they would not need the concrete.

2. SEWER

**DAVID HAWK, CHAIRMAN; FRANK JACOBS, CO-CHAIRMAN;
FRANK DiMICELI**

- **Permission to destroy old records: Surcharges for 1996, 97, 98, 99,2000
Water Shutoffs for 1999, 1998
Water Consumption for 1995, 96, 97, 98, 99 and 2000**

Councilman DiMiceli moved and Councilman Jacobs seconded to shred the old records listed above. All voted yes. Motion passed.

- **Monday, April 28th 9:00 a.m. at site of Marconi Project
Meeting with Contractor, Sewer Committee and workers**

Councilman Hawk moved and Councilman DiMiceli seconded to advertise for Sewer Chemical Bids to be opened on May 28, 2008 at the next Regular Meeting. All voted yes. Motion passed.

MINUTES FOR REGULAR MEETING OF NESQUEHONING BOROUGH COUNCIL

Wednesday, April 23, 2008 at 7:00p.m., Borough Office

Councilman Jacobs stated about going up to Marconi to see what size pipe they will need. President DeMarco stated that he talked to David Digilio and asked him to see what kind of pipe they had and what size they need and what culvert boxes they will need.

The Council Members discussed what size pipes they would need for Marconi Avenue and the street committee set up a meeting on Monday, April 28th at 4:30 p.m. up at Marconi Avenue.

Councilman Hawk stated how David Digilio called him to find out about ordering risers for the manholes. He stated that he told him to get whatever he needed.

3. BUILDINGS FRANK JACOBS, CHAIRMAN; ROSE WALCK, CO-CHAIRMAN; DON DeMARCO

Councilman Jacobs stated about getting the committee together because of the high cost of fuel. He stated how the Recreation Center and the Garage was killing them. He stated about getting someone in to see what they could change or how they could supplement the heat.

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

Councilman DiMiceli stated how the committee met with the Mayor and Officer Breiner concerning the Fire-Arms Policy. He stated that they will have to meet and go over it one more time. He stated that before the next Council meeting everybody should have a copy of it.

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

- Robert Pilla – temporary or part-time – Wage rate – effective date

Councilman Stromelo moved and Councilman DiMiceli seconded to hire Robert Pilla as a temporary worker, as needed, at \$9.50 per hour effective April 21, 2008. All voted yes. Councilwoman Walck was not voting. Motion passed.

Councilman Jacobs asked if they were going to use him on the Streets Department also. President DeMarco stated that he did not have a problem with that. Councilman Stromelo stated that was how they hired Andy and they used him on both the garbage and the streets.

Councilman Stromelo stated that they had a committee meeting and they decided that they would give a letter to Michael Kravelk acknowledging him being in the accident.

Councilman Stromelo moved and Councilman DiMiceli seconded to place a letter in Michael Kravelk's personnel file in regards to the accident with the garbage truck. All voted yes. Motion passed.

Councilman Stromelo stated that the damage was reported to the insurance company. He stated that everyone had a copy of the estimate, which was \$3,454.75. He stated that it will be going in for repair tomorrow and will be done by Saturday. Councilman Stromelo stated that he did not like them driving it around the way it was.

MINUTES FOR REGULAR MEETING OF NESQUEHONING BOROUGH COUNCIL

Wednesday, April 23, 2008 at 7:00p.m., Borough Office

Councilman Stromelo stated how he has seen that other Boroughs were making companies fencing in their dumpsters so it does not look as bad within the Borough. He stated about looking at an ordinance concerning that.

6. RECREATION DAVID HAWK, CHAIRMAN; MARK STROMELO, CO-CHAIRMAN; ROSE WALCK

➤ Electrical quote – Little League field

Councilman Stromelo moved and Councilman Sniscak, Jr. seconded to award the quote to hook up the electrical service for the little league field to Pastier's Electrical.

Councilman Jacobs stated that he had heard how there was not going to be little league in Nesquehoning next year. Councilman Stromelo stated how that was not true.

All voted yes. Motion passed.

Councilman Hawk stated about a survey from DCNR Forestry. He stated that both the Borough and the Water Authority received the survey. He stated how he filled them out and sent them in.

7. BUDGET DAVID HAWK, CHAIRMAN; FRANK JACOBS, CO-CHAIRMAN; DON DeMARCO

No report.

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

Councilwoman Walck moved and Councilman Jacobs seconded to purchase 3 convex mirrors at \$49.83 each plus shipping and handling and a typewriter for the sewer plant at \$105.00 from Klingaman's. All voted yes. Motion passed.

Councilman Stromelo asked about culvert boxes, storm drains, and a skid of concrete; if he should go through purchasing. Councilman Jacobs stated about just okaying the project. Councilman DiMiceli stated about purchasing items when replacing other items. President DeMarco stated that he should get what he needed to get. Councilwoman Walck stated that she agreed.

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

Councilman DiMiceli stated how there might be a \$300.00 increase on the cost for the springs for the Aerial Truck.

Councilman DiMiceli moved and Councilwoman Walck seconded to purchase 4 badges for the Fire Police at \$55 - \$60 each. All voted yes. Motion passed.

Councilman DiMiceli stated how there has been an issue at the Old High School with the Ambulance. He stated how Carl Faust was involved and their time was running out. Secretary/Treasurer Ahner stated how she had thought that they requested an extension on the time (June 25th). Councilman DiMiceli stated how they want to put a temporary handrail in so they can move the rail if they have to take someone out. He stated how there was a chance that someone could twist an ankle.

MINUTES FOR REGULAR MEETING OF NESQUEHONING BOROUGH COUNCIL

Wednesday, April 23, 2008 at 7:00p.m., Borough Office

Councilman DiMiceli stated that they should just comply with the Code. Councilman DiMiceli stated how Council should not deviate from what the Ambulance wants.

Councilman Jacobs moved and Councilman Hawk seconded to accept all the committee reports. All voted yes. Motion passed.

JR. RECREATION COMMISSION

No report.

NEW BUSINESS

No new business.

OLD BUSINESS

No old business.

ADJOURNMENT

Councilwoman Walck moved and Councilman DiMiceli seconded to adjourn the meeting. All voted yes. Meeting adjourned at 10:03 p.m.

RoniSue Ahner
Secretary-Treasurer