

## **MINUTES FOR SPECIAL MEETING OF NESQUEHONING BOROUGH COUNCIL**

Wednesday, April 9, 2008 at 5:00p.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

President DeMarco called the meeting to order at 5:02 p.m.  
Civil Service Commission members were in attendance.

**PURPOSE:** Meeting for General Purposes

Joe Fauzio stated how they had not finished their testing. He stated how they have not created a certified list yet.

Councilman DiMiceli moved and Councilman Sniscak, Jr. seconded to authorize the Chief of Police to do the background investigation for the list of names, which were submitted for the Civil Service.

Councilwoman Walck asked how many names were on the list with a reply of "two".

President DeMarco asked Mr. Fauzio about the letter he had sent him concerning Section 4.9. Mr. Fauzio stated how he did that letter on his own because since last week, there had been lots of talk on different things. He stated how they were not done yet. Councilman DiMiceli stated that in the letter, they had the option to either hire a private investigator or the Chief of Police. He stated that in order to move on, they have to make a motion for the Chief of Police to do the background investigation for the Civil Service. He stated that was why they called the Special Meeting. Mr. Fauzio stated that he wanted to make it clear on what was needed to keep moving forward. President DeMarco stated how that was why the Civil Service Members were invited to the meeting. He stated how the Civil Service Members would know about the motion for the Chief performing the background investigation. President DeMarco stated how the background check will be signed by the Chief of Police and treated as confidential. Robert Fritzing, Jr. stated how Council should read the Section on what the investigator's authority and responsibilities were so he can get the Civil Service Members the information in a written response. He stated how it was spelled out in there what he could do. President DeMarco asked when did they want the results. Mr. Fritzing, Jr. stated "as soon as he gets done with it". Joe Guardiani stated how the written report was given to the Civil Service Commission. The Civil Service Commission had 30 days from the date they received the report to say if one, both or none of the applicants should be removed from the list.

Mayor Walck stated that if he understood correctly, Chief Smith was going to do the background check but they do not see any of the information. It goes right to Civil Service. Councilman DiMiceli stated that unless the Council authorizes him to do a background investigation for them on the two candidates. Councilwoman Walck stated that she thought that it had to be through Civil Service. President DeMarco stated that he would not go that way. Solicitor Yurchak stated how he thought it would be best to let it go through the Commission. Mr. Fauzio stated how they were just following the law. He stated that the sooner he finishes, gets it back to them, they have 30 days to respond.

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Wednesday, April 9, 2008 at 5:00p.m., Borough Office

Mr. Fritzinger, Jr. stated how Section 4.9 really explains it. Mr. Guardiani stated how they were specific things in that Section of the rule, which he should be investigating. He stated how it was not just a criminal investigation check. President DeMarco stated how there was a multitude of things that the Chief should be looking for in order to do it. Councilman Jacobs asked the Commission Members if they had, prior to the notification of the meeting, contacted anybody about doing background checks, with a reply of "no" from Mr. Fauzio. Mr. Guardiani stated how it was a Borough Council decision as to who would do the background investigation.

Councilwoman Walck asked that when the Chief does the investigation, it was not to be told to anyone but given right to the Civil Service Commission. Mr. Fauzio stated that, if he leaks the information out, they were all liable to be sued. He stated how when they went for the training, it was the biggest thing they were harping on because of handling the personal information, which cannot be passed around. President DeMarco stated how there would be certain members who would try to sway the vote. He stated how they (Council) should not be involved at all. He stated how they (Civil Service Commission) were doing a good job and they should go through the process and keep doing what they were doing. He stated that they should do every step that has to be done.

Mr. Fauzio stated that they have not interfered with anything Bill Gibson did. He stated that they supported whatever came through. He stated how Secretary/Treasurer Ahner wrote out whatever letters had to be done. Councilwoman Walck stated that she was trying to point out how no Council Member has a right to know or ask. Mayor Walck stated that, given the process of what the Civil Service has done, which was a great job, would it not be to the Borough's benefit to use an independent investigator. Councilman DiMiceli stated that he thought how the Chief was capable of doing the background investigation. Mayor Walck stated that he did not say anything about the Chief's capability. He stated that how the procedure went so far. Councilman DiMiceli stated how that would cost money; they have the Chief there and he has done backgrounds before. Mr. Guardiani stated how the Chief can appoint a designee. Mr. Fritzinger stated how it was the Chief, chief designee or an independent. President DeMarco stated about adding in the chief designee in case he would run into a problem. Mr. Fauzio stated how it was either or. Councilman DiMiceli stated that the Chief had time to do it. Councilman Sniscak, Jr. asked the Civil Service Members if they would supply him with the paperwork that he would need. Mr. Guardiani stated how they would supply him with the polygraphs, applications and the test scores. Carol Zickler asked if that was the final step with the reply from Mr. Fauzio of "yes". Mr. Guardiani stated that as the Commission, they have to certify the list.

All voted yes. Motion passed.

Mr. Guardiani asked Solicitor Yurchak if he would be available to meet with the three Commission Members to clarify the language in Section 3.8, specific reasons for rejection of an applicant in the rules and regulations because the language was very vague. Solicitor Yurchak stated that he did not have a problem with that.

President DeMarco stated about a letter received from PPL regarding (compact fluorescent light) CFL bulbs, which cannot be thrown in the garbage, requesting that they should be recycled, to provide the Borough with a free recycling kit. He stated how the CFL contain mercury.

## **MINUTES FOR SPECIAL MEETING OF NESQUEHONING BOROUGH COUNCIL**

Wednesday, April 9, 2008 at 5:00p.m., Borough Office

Councilman DiMiceli moved and Councilman Hawk seconded to approve the request from PPL to provide the Borough with the free recycling kit for the CFL bulbs.

President DeMarco stated about the ordinance for the street opening permits. Secretary/Treasurer Ahner stated about advertising an ordinance to set the street opening permit fees by Resolution. She stated how the fees came from Ron Tirpak and they would be \$400 – up to 20 square feet and \$12.00 per square foot after that, which would be in the Resolution. President DeMarco stated how they were doing that because of the Borough re-doing the Ordinance books.

Solicitor Yurchak stated that they need to change the Ordinance to set the fees by Resolution.

Councilman Sniscak, Jr. moved and Councilman Jacobs seconded to have Solicitor Yurchak prepare and advertise an amendment to the Street Opening Ordinance to set the fees by Resolution.

Solicitor Yurchak stated about the Resolution for the records which states that the Borough will comply with the Records Management Act of PA. He stated how there was certain time limits on how long they have to keep records and what they have to do to destroy them.

Councilman DiMiceli moved and Councilman Sniscak, Jr. seconded to adopt the Resolution for the destruction of records.

President DeMarco asked if that was what Councilman Jacobs had asked about at the last meeting with a reply of “yes”. Solicitor Yurchak stated how it would cover everything and whenever they destroy records, Council will have to approve the list of what they were going to destroy.

All voted yes. Motion passed.

Councilman DiMiceli moved and Councilman Hawk seconded to advertise the Amendment to the Burning Ordinance. All voted yes. Motion passed.

Councilman DiMiceli moved and Councilman Sniscak, Jr. moved to accept the application of Daniel Tristani and place it on file. All voted yes. Motion passed.

Councilman DiMiceli moved and Councilman Sniscak, Jr. seconded that any reprimand and/or commendations cannot be placed into personnel files (Borough, Sewer, Sanitation, Police) until gone through and approved by the Committee and Council. All voted yes. Motion passed.

Councilman Jacobs stated about talking to John McArdle concerning the fire extinguishers. He stated how Cintas was in that day with a quote of \$89.70 for just the Borough building. Councilman Stromelo stated that he talked to the gentleman and he picked up the empty fire extinguisher. He stated that he had informed him to hold off on the others.

Councilman Jacobs stated that when they interviewed the new employee for down at the sewer plant, they had mentioned his benefits would start after 90 days, not 90 working days. He stated how he was being questioned. He stated how he was admitting it was their fault stating about 90 days and not 90 working days. Councilman Hawk stated how they were not specific enough when determining working days. President DeMarco stated how he had called and explained it to him.

## **MINUTES FOR SPECIAL MEETING OF NESQUEHONING BOROUGH COUNCIL**

Wednesday, April 9, 2008 at 5:00p.m., Borough Office

President DeMarco asked if he came to talk to them about it after he told him there was no problem. He stated that he told him how it was 90 working days and he gave him the date. He stated that he told him that he did not know where they got it, but it was 90 working days. Councilman Jacobs stated that when they interviewed him that day, they did not mention the "working" days. He stated that the health coverage was the main problem. He stated how they told him that if he wanted to go in early, he would have to reimburse the Borough for health coverage until his 90 days were up. Councilman DiMiceli stated that he was doing a good job. Councilwoman Walck asked if they could put something in writing to him instead of verbal. President DeMarco stated that it was in the contract and Larry Fox had given him a copy of the contract before he was even a Union member. He stated how he explained it to him, he was happy that he finally received an explanation and he was fine with it. He stated that he told him how there was nothing else they could do about it. Councilwoman Walck asked if he was satisfied with it. President DeMarco stated how it came about before Easter because he thought he was getting paid for the holiday. He stated that he explained to him how he was not getting the holiday because he did not have his 90 working days in. President DeMarco stated that he told him if David Digilio needed something done, he could come in and work that Friday for as many hours as he wanted. Councilwoman Walck asked about the date of his 90 working days. President DeMarco stated how it was around May 14<sup>th</sup> or 15<sup>th</sup>. Councilman DiMiceli stated how he was working out down there and in the past they had done it with other employees. He stated that he does not see a problem giving it to him now. President DeMarco stated that he will not. Councilman Stromelo stated how they just told Andy Staehle that he had 90 working days. President DeMarco stated how they cannot do it. He stated that they read the contract and they understood it. He stated how it was no different then any other contract from any other Union or Non-Union.

Councilman Sniscak, Jr. stated how the Chief was requesting to get Update training for the D.A.R.E program.

Councilman Sniscak, Jr. moved to authorize the training.

Councilwoman asked when they received the request. Councilman Sniscak, Jr. stated that it was dated April 4<sup>th</sup>. Councilwoman Walck stated how she would like everyone to be able to look at the request before they vote on it. Councilman DiMiceli stated how it was a one day training for the D.A.R.E. program to include prescription medication. Councilwoman Walck stated that she did not mind it, she was not saying anything against it. She stated how she felt that they have a right to see it before they vote on it. Councilman DiMiceli stated that it was in the beginning of May. He stated that the dates which were available were Tuesday, Wednesday, Thursday (May 6<sup>th</sup>, 7<sup>th</sup> or 8<sup>th</sup>). Councilwoman Walck asked if he had a written request. Councilman DiMiceli stated how there was an attachment to his written request from the PA Commission on Crime and Delinquency. Councilwoman Walck asked when that letter was dated. Councilman DiMiceli replied "March 31". He stated that was their date, he did not know when he received it. Councilwoman Walck stated that she does not like to vote on anything that she does not have in front of her. She stated that she appreciated his explanation. She stated that she did not feel comfortable voting on something she has not seen and they should get something in advance to look at it before they vote on it. Councilman Jacobs asked where the training was to be held. Councilman DiMiceli stated that it was in Elizabethtown Masonic Center. Councilwoman Walck stated that she was not saying that he should not go.

## **MINUTES FOR SPECIAL MEETING OF NESQUEHONING BOROUGH COUNCIL**

Wednesday, April 9, 2008 at 5:00p.m., Borough Office

Councilwoman Walck asked the Mayor if he received a copy, with a reply of “no” from Mayor Walck. Mayor Walck asked if he understood it, the Chief was just bypassing him and going right to Police & Public Safety. Councilman Sniscak, Jr. stated “no”. Mayor Walck stated that he did not get a copy. Councilman Sniscak, Jr. stated that the Chief asked him, as Chairman, if he could do it and he told him that he would review it. Councilman DiMiceli stated that since there was a short period of time, being in the beginning of May. Councilman DiMiceli stated that he would second the motion to send Chief Smith for the one day of D.A.R.E. training.

Councilman Jacobs asked if he was done with the D.A.R.E. program now, with replies of “no”. Councilman Jacobs asked if these would be for updates for next year. Councilman Sniscak, Jr. stated “yes”. Councilman DiMiceli stated that he did not know if it was for next year or if he would be able to incorporate in this year’s class.

All voted yes. Motion passed.

Councilwoman Walck stated that she was not voting on something she has not seen.

Councilwoman Walck stated how they had a Purchasing meeting and there were several items needed for the office, which one was a vacuum cleaner at a price of \$56.00, with extra bags it came to \$64.00. Councilman DiMiceli stated how Secretary/Treasurer Ahner found it on line for half the price of what it would have cost in Hazleton. Secretary/Treasurer Ahner stated how she was requesting permission to purchase it with the bank debit card. She stated how they cannot do a purchase order through Amazon. It has to be done with a debit or credit card. She stated that she did not want to make a purchase with a debit card without prior approval.

Councilman DiMiceli moved and Councilwoman Walck seconded to approve the purchase of the vacuum cleaner and bags. All voted yes. Motion passed.

Secretary/Treasurer Ahner stated how the other purchase was for the webcam for the Police. She stated how they were paying for it with the funds received from the VFW. She stated how it was through Amazon and she would have to use the debit card.

Councilwoman Walck moved and Councilman DiMiceli seconded to approve the purchase of the webcam for the Police with the funds received from the VFW.

President DeMarco stated how he was voting on it and he did not know about it because it was just brought up. He stated that if the Committee brought it up, he was voting on it. Councilwoman Walck stated that if he wanted to let it go, it was fine. Councilwoman Walck stated how purchasing was different because they were talking about salaries. President DeMarco stated how purchasing was bringing it up and it was the first that he was hearing about it. He stated how purchasing met as a committee and Police & Public Safety met as a committee. He stated that he hears what she was saying but he could not comprehend what she meant.

Councilwoman Walck stated how when it comes to things like going away to school; it was a whole different story. She stated how they were talking coverage and salaries.

## **MINUTES FOR SPECIAL MEETING OF NESQUEHONING BOROUGH COUNCIL**

Wednesday, April 9, 2008 at 5:00p.m., Borough Office

Councilwoman Walck stated that if they were ordering something through purchasing and it was a small amount. She stated how they could rescind everything and wait. President DeMarco stated that he was not saying that. Councilwoman Walck stated that she also does not agree with bypassing the Mayor. She stated how the Mayor was supposed to be in charge and it would be nice if the Police & Public Safety had the courtesy to show the Mayor.

President DeMarco asked if that was kind of like what happened to him when he was on the Street Committee and they advertised for an Equipment Operator and did not inform him.

Councilwoman Walck stated that she did not know what happened there. President DeMarco stated to Councilwoman Walck about how she stated that they bypassed the Mayor and asked if that was like him, how he was on the Street Committee and they bypassed him and posted for an Equipment Operator without him knowing about it. Councilwoman Walck stated that she would not have done that.

All voted yes. Motion passed.

Borough Council entered into an Executive Session at 5:37 p.m. The Council Members exited their Executive Session at 6:20 p.m.

### **ADJOURNMENT**

Councilman Jacobs moved and Councilman DiMiceli seconded to adjourn the meeting. All voted yes. Meeting adjourned at 6:20 p.m.

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RoniSue Ahner  
Secretary/Treasurer