

AGENDA FOR REGULAR MEETING OF NESQUEHONING BOROUGH COUNCIL

Thursday, January 10, 2008 at 6:00p.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

President DeMarco called the meeting to order at 6:00 p.m.
Solicitor Yurchak was at a School Board Meeting.

Purpose: Meeting for General Purposes

Hearing of Visitors

Patrick Kissane stated that he owns a trucking company in town. He stated about the signs down at CVS concerning the truck parking. He asked why he has to leave his truck attached to the trailer. Councilman DiMiceli stated that if there was a fire in another truck, they could get him to get his truck out of there before it would spread. Councilman DiMiceli stated that if the truck was parked and was attached to the trailer, in the event of snow and the Borough plows, he would not be able to get his truck back under his trailer. He stated that they did not want trailers sitting down there for two weeks in the event of a heavy snow. Mr. Kissane stated that he has parked down there for eight years and they never had to come and get him. Councilman DiMiceli stated how they passed an ordinance and they tried to cover everything in the ordinance. Mr. Kissane asked if the Borough was going to be responsible for all of his personal belongings that were kept in the truck. Councilman DiMiceli stated "no" that it would be the same as if he parked the truck behind the house. He stated that it was between him and his insurance company. Mr. Kissane asked if he was going to be assigned or guaranteed a spot. Councilman DiMiceli stated how there was no guarantee to anything. Mr. Kissane asked why they were paying for it. Councilman DiMiceli stated that it was an administrative fee so they did not have people coming in from other towns dropping a truck off for a week.

Mr. Kissane stated that he did not have a problem paying for the permit. He stated that his problem was leaving his truck with his trailer. He had a very expensive computer system and he owns two properties in town, which have driveways that he could park his truck and his trailer and he has chosen not to so that he would not aggravate his neighbors. He stated that he could take his truck and park it in front of his house. Councilman DiMiceli stated that not according to this ordinance he could not. Mr. Kissane asked if he could not park a commercial vehicle in front of his house. He stated that he owned two commercial properties. Councilman Jacobs stated that it was for 48 hours.

Councilman DiMiceli stated that they were trying to alleviate parking problems on side streets. Mr. Kissane stated that he was trying to abide by it. Councilman DiMiceli stated about the reasons that he mentioned earlier. Mr. Kissane stated that it was easier to move a trailer by itself than it was to move a truck and trailer if he was out of town. Councilman DiMiceli stated that they do not have anything to hook up to it. Mr. Kissane stated how a fire truck has an air hose. Councilman Jacobs stated how they do not have anything to hook up to it to get the brakes released. He stated about the problem they had down there last year in February when they had the ice storm. He stated how they had trucks sitting down there for 2 – 3 weeks. Mr. Kissane stated how they never had any trouble with his truck down there. Councilman DiMiceli stated that they did not pass the ordinance because of him but because of the others who were abusing the situation.

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Theresa Kissane stated that they could park the tractor and trailer on the main street and take up six parking spots for 48 hours. Councilman Jacobs stated that it was just the tractor. Mrs. Kissane asked what they were supposed to do with the trailer in the meantime. Councilman DiMiceli stated how they were not the only town that was going through that problem. He stated about a lot located on Route 443 where they drop their trucks.

Councilman DiMiceli stated that they did not want this town to be a dumping place for trailers and they were regulating it with permits. Mr. Kissane stated that he did not have a problem with the \$60.00. He stated that he just had a problem with leaving his truck with the trailer. Councilman DiMiceli stated how it was across the board and that the tractors had to stay with the trailer. Mrs. Kissane asked if there was any other spot that was specified for truck parking by permit or was it just Locust Street. President DeMarco stated that it was just Locust Street. He stated how that was where the problem started. He stated how people were just dropping their trailers off and did not care. He stated that it was totally out of control.

Councilman DiMiceli stated how someone parked a truck down there the other day with residual waste. He stated how the fire company was called on Monday night and back down again on Tuesday. Mr. Kissane stated how that truck had been parked down there for months. He stated how there was a truck down there which leaks diesel fuel and oil all over the place. He stated how he was only leaving a brand new \$128,000.00 trailer down there not an oil leaking truck. President DeMarco stated how that will prevent the oil leaking trucks down there. Councilman DiMiceli stated that if they have an oil leak and do not get it fixed, they will revoke their permit. Mr. Kissane stated that if they did not drive a truck, they would not understand. Councilman DiMiceli stated how all of council decided that it would be the right thing to do if they have to get a trailer out of there because of something with another truck, they want the tractor attached to it.

Mr. Kissane stated that if they would leave the trailer without the truck, they could get more down there. Councilman Jacobs stated that he agreed but they were not looking at it for the money and how many permits they could sell. He stated that they were looking at it to try to control what had been happening over the last couple of years.

Mrs. Kissane stated that if their truck was parked in their backyard, they have access to check who was around it if damage might be done. Mr. Kissane stated how fuel was \$4.00 a gallon and cost \$1,200.00 to fuel his truck. He asked what it would take for someone to stick a hose and suck out his fuel. Mrs. Kissane asked about someone scratching or damaging the truck. She stated that they were residents of Nesquehoning trying to make an honest living and keep the money in town. She stated that they do not have a problem paying for the permit but they just want reasonable access to their vehicle and some kind of guarantee. Mrs. Kissane stated about kids climbing on the truck, falling off of the back of their truck, and cracking open their heads. Mr. Kissane asked who would take responsibility for it. President DeMarco stated how it would not be agreeable either way but he would have to check with Solicitor Yurchak on the whole scenario. He stated that it was enacted and how everybody did agree upon the problem down there. President DeMarco stated how they were not singling him out and they were compassionate about all the money he spent on his truck. He stated how they cannot say that they were responsible for it because they were not. President DeMarco stated how they can go to Solicitor Yurchak, tell him how these questions arose and ask him what they can do. Mrs. Kissane stated how their whole life was in that truck. President DeMarco stated that he will talk to Solicitor Yurchak about the questions that were asked. Mrs. Kissane asked about the trailer they now had parked down on Locust Street and it would be there until Monday. Councilman DiMiceli stated that he did not see a problem with letting it sit there until Monday.

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Councilman Jacobs stated how the signs were just put up. He stated that with the weather and the shortage of manpower they did not have a chance to put the sign up sooner. President DeMarco stated that they will get some answers for them.

Mayor Walck stated that as of January 7, 2008 Officer Ann Lutz resigned her position as a full-time officer in Nesquehoning. He stated that she regretfully had to do it because of personal reasons.

Councilman DiMiceli moved and Councilman Stromelo seconded to accept the resignation of Ann Lutz, a full-time police officer of the Borough of Nesquehoning, effective January 7, 2008.

President DeMarco asked about how long Ann Lutz would be covered with the benefits. Mayor Walck stated that it would be until the end of January 2008. Secretary/Treasurer Ahner asked about any time that she would have coming. Mayor Walck stated that they received time as of January 1, 2008. Councilman Hawk stated that she would be pro-rated from her anniversary date until the time of her resignation. He stated that she would get pro-rated personal time, half of her pro-rated sick time and pro-rated vacation time.

Mayor Walck read from the letter that she would like to thank everyone for the seven great years of learning, experience and memories and hope that her professional decision will not affect the friendships created or their acceptance of her desire to continue to participate in the many community activities available in Nesquehoning.

President DeMarco stated that they would send her a letter of commendation and recognition.

All voted yes to accept Ann Lutz's resignation. Motion passed.

President DeMarco stated how he had asked the Civil Service Members to be present at the meeting. He stated to them how they had work ahead of them. President DeMarco stated how he had Solicitor Yurchak write up a draft for an advertisement. Councilman DiMiceli stated how he had talked to Solicitor Yurchak and all the other Municipalities around were charging an administrative fee for applications.

Councilman DiMiceli moved and Councilman Sniscak, Jr. seconded to pass a resolution to collect a \$35.00 non-refundable administrative fee for full-time officer applications. All voted yes. Motion passed.

A short discussion occurred between the Council Members on what should be in the advertisement.

Joe Fauzio asked about the Civil Service Police Officers in regards to the population. Councilman DiMiceli stated how it was only a guide line of 1.2 officers for every so many people. President DeMarco stated how some Boroughs do not even use Civil Service. Councilman DiMiceli stated how they were not limited to anything.

Councilman DiMiceli amended his motion and Councilman Sniscak, Jr. amended his second to state that the \$35.00 fee should be either a bank/postal money order, certified check, or cash. All voted yes. Motion passed.

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Councilman DiMiceli moved and Councilman Sniscak, Jr. seconded to advertise as follows: The Borough of Nesquehoning is accepting applications for one/two full-time police officers. The starting rate of pay will be based on the police contract. The applicant must be Act 120 certified. There is a \$35 non-refundable application fee. Applications may be obtained in the Borough Office, 114 West Catawissa Street, Nesquehoning, Monday - Friday, between the hours of 8:00 a.m. – 4:00 p.m. Applications must be returned to the Borough Secretary by 4:00 p.m. on January 23, 2008.

A short discussion between the Council Members and the Civil Service Members transpired concerning how things have to be handled according to the Rules and Regulations of the Civil Service.

All voted yes to advertise. Motion passed.

President DeMarco stated that they should advertise for 5 days in a classified. Joe Guardiani stated that it should be a legal notice. Councilman DiMiceli stated that they should advertise in the local papers: The Times News, Morning Call and the Standard Speaker.

Councilman DiMiceli stated that he called Central Springs and the Borough received a written quote in the amount of \$2,322.00 with a total of no more than \$2,600.00.

Councilman DiMiceli moved and Councilman Sniscak, Jr. seconded to authorize Central Springs to replace the springs on the Ladder Truck in accordance with the quote. All voted yes. Motion passed.

Councilman DiMiceli moved and Councilwoman Walck seconded to approve the purchase of the replacement batteries for the AED units, 4 adult replacement pads and 2 pediatric pads for the Police Cars for a total price of \$488.00. All voted yes. Motion passed.

Councilman DiMiceli moved and Councilman Hawk seconded to approve the Clergy Parking sign at the Baptist Church on High Street and tentatively approve the Handicap Parking sign for Greg Rehnert on West Railroad provided that his mother comes in to make the change on the application for the parking spot. All voted yes. Motion passed.

Councilman DiMiceli stated how they received a copy of a notice from Solicitor Yurchak to be put on the windshield of trucks while the police were on patrol. Councilman DiMiceli asked Mayor Walck to have the police keep a log of the vehicles that were given notices.

The Council Members entered into an Executive Session at 6:50 p.m. for a personnel matter. The Council Members exited their Executive Session at 7:10 p.m.

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Councilman DiMiceli moved and President DeMarco seconded to terminate the employment of Robert B. Yurchak (Borough employee) effective immediately and the Borough shall square up with Mr. Yurchak for any sick/vacation/personal time that was owed to him. This was for a violation of the drug policy while he was employed and operating a piece of Borough equipment (garbage truck).

President DeMarco called for a roll call vote.

Councilman DiMiceli	- yes
Councilman Hawk	- yes
Councilman Jacobs	- yes
Councilman Sniscak, Jr.	- yes
Councilman Stromelo	- yes
Councilwoman Walck	- yes
President DeMarco	- yes

Motion passed.

President DeMarco stated that Mr. Yurchak would be sent a letter and he would talk to Solicitor Yurchak the next day. President DeMarco stated how the reason for the action on that night was because they could not wait any longer.

The Council Members proceeded to discuss several issues with Robbie Best, representative from Teamsters, pertaining to posting the position; who gives orders to the street crew; Robert B. Yurchak; and George Santore's life insurance benefits.

Councilman DiMiceli stated how he had checked with Frank Shubeck concerning the prisoners shoveling snow. He stated that Mr. Shubeck told him that they do not do that kind of stuff. Councilman DiMiceli stated how Mr. Shubeck sent him the paperwork. He stated how the Street and the Recreation Committees could look at the paperwork. He stated that they could put a request in and they would get them regularly every other week. He stated that it would have to be regular and not spontaneous. Councilman Stromelo stated that he might like to use them to paint the intersections. Councilman DiMiceli stated that they could submit it now. President DeMarco stated how they would get it filled out.

Adjournment

Councilman Sniscak, Jr. moved and Councilman Hawk seconded to adjourn the meeting. All voted yes. Meeting adjourned at 7:30 p.m.

RoniSue Ahner
Secretary-Treasurer