

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

Wednesday, March 26, 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 7:02 p.m.

**MINUTES:** Approve the minutes from the Regular Meeting held on February 27, 2008.  
Councilman Jacobs moved and Councilwoman Walck seconded to approve the February 27, 2008  
Regular Meeting Minutes. All voted yes. Motion passed.

### **HEARING OF VISITORS**

Bob Marouchoc (27 N. Almond Street) stated how he would like to address a situation regarding the property across the railroad tracks at the base of Almond Street. He stated how several years ago he came to a meeting to listen to the owner of that property explain why he should be granted the authority to move his equipment from W. Mill Street down to that piece of property. Mr. Marouchoc stated how the property owner said how he would put a road in next to the railroad tracks and it would be paved or there would be a dust control. He stated that there would be a gate, locked, on Mermon Street next to the railroad to prevent unauthorized vehicles. Mr. Marouchoc handed Council pictures of the property.

Mr. Marouchoc stated how Council questioned the property owner if it would become an eyesore and his answer was that it would not because there would be a road going in with a gate and they would not see anything else because of the trees and the vegetation. Mr. Marouchoc stated that he was there because that person lied to the people there, the people who were there and he lied to him. He stated how none of it was done. He stated that with the 20 mph breezes, it was kicking up the dust. Mr. Marouchoc stated that it was important because the road and the dust was less than 30 feet from the modular classrooms at the Elementary School and less than 100 yards from the school itself. He stated that to see the property, there were vehicles, trucks, which were not licensed or inspected on the property. He stated how many of them have not been moved in a year or two. Mr. Marouchoc stated that to him, if they have not already leaked fluid, they will in the future. He asked where it was going to go. He stated that it would go 100 yards away into the Nesquehoning Creek. He stated how to him that would be an environmental issue.

Mr. Marouchoc stated that several years ago he supported the property owner to move his equipment down there because of what was said.

Mr. Marouchoc stated about the pictures and how there was a large mound. He stated that he thought it was back in the fall when a company, which cut down trees and ran them through a mulch machine, dumped the mulch on that property. He stated how he was told that the large black ants love mulch. He stated that he did know how mulch holds and retains moisture because if it rains at night and if the temperature and the humidity were right, the next morning they could see the steam coming up off of the mulch. He stated how in his opinion that would attract insects and rodents. Mr. Marouchoc stated how that was 30 yards away from the Elementary Field where the kids play at recess or have after school sporting events. He stated how that could become a health hazard or a potential environmental hazard.

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Mr. Marouchoc stated how he did not think that there was anyone in the room who has to sit on their front porch, sun porch or in the yard and look at that dump. He stated how nothing had been done. He stated that he did not think that he had to be there that night. He stated how the Board or the Mayor should go around the town once in a while. He stated that if they were aware of it, why wasn't something don and f they were not aware, he would ask them to take a ride down Almond Street and look at it.

Mr. Marouchoc stated how hundreds of tourists come up on the weekends in the trains and that was the first thing they see coming into Nesquehoning. Mr. Marouchoc asked where their pride was. He stated how it was a junkyard down there.

Mr. Marouchoc stated that he did not expect them to take immediate action that Sumer or in the Fall or Winter. He stated that he expected them to take immediate action tomorrow. He stated how it was a disgrace. Mr. Marouchoc stated how there was a property similar to it on the East end of New Columbus, which was cleaned up and a new fence installed. Mr. Marouchoc stated that all the trees and roughage had been cleared out. He stated how it was wide open. Mr. Marouchoc asked them not to mess around because of having problems later. He stated that if the property owner goes bankrupt, the taxpayers will be stuck with the bill to move the equipment, the junk and the trash.

President DeMarco stated that the Council had given him permission. He stated how they have the ordinances which cover it. Solicitor Yurchak stated that they could have Gene Kennedy, Rob Blisard and Chief Smith look into it. President DeMarco stated that if they were going to do it right, they have to do it in steps; through the chain of command. He stated that they would have Gene Kennedy write up the infractions for the property and Rob Blisard would go through the books to see what could be written up. He stated how it does not have to come back to Council. He stated that letters will be sent. President DeMarco stated that they will keep in touch with the Solicitor and the process will go from there. President DeMarco stated that the action Mr. Marouchoc wanted immediately will start that night but he did not know how long it would take. He stated how the contractor from New Columbus had to do it and there would be no exception to the rule.

Councilman DiMiceli stated how there should be two actions taken; one by Mr. Kennedy for the Code and the Police for the abandoned vehicles. Solicitor Yurchak stated that Mr. Kennedy was zoning and does not handle Code Enforcement. Councilman DiMiceli stated that the Chief should start on it. Solicitor Yurchak stated that he would meet with the Chief and Mr. Kennedy to decide which way to go. (The pictures were handed to Chief Smith)

Mr. Tout stated how the Tippetts bridge was migrating North because of the train traffic. The trains were longer, traveled faster and the vibration was moving the bridge away from the railroad.

Mr. Tout stated that since the new Route 54 bypass was certain, the Borough should think before taking over ownership of old Route 54. He stated how the shoulders were collapsing and it would be very expensive to repair.

Mr. Tout asked about the address change for Tippetts Road. He wanted to know if it was going to be a number or a name change. President DeMarco stated that it would be both, number and name. He stated about what Mr. Tout's address would change to. Mr. Tout stated that he was changing from 8 Tippetts to 1608 Lake Drive. He stated now with that address, it would look as if he were a part of Lake Hauto and he wanted nothing to do with Lake Hauto.

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Mr. Tout stated that everybody in the Valley knows where Tippetts Road was. He stated that if they gave the Emergency an address for a Joe Tout at Lake Hauto, where they would go. John McArdle stated that they would have to say which Joe Tout. Mr. Tout stated that he was not sure if Council could name a road on private property, especially if they were going to give it a name of a road located in a closed community. Mr. Tout stated how Tippetts Road, as it was known now, was connected to a Borough Street called Tippetts Road. He stated how they were going to sever that and make it part of something 3 miles long, 1 mile away. President DeMarco stated how it was because of crossing the bridge.

Mr. Tout stated that it would not simplify things for the 9-1-1 service. President DeMarco stated that he understood and they would talk to Mr. McArdle. Mr. McArdle stated that the problem they would run into once the proposed Route 54 goes through; Tippetts Road will come down off of Route 54 and intersect with the new bypass and it will create another intersection where Lake Drive comes out. He stated about renaming the road coming off of Route 54 because it will not fit with the uniformity of what they have in the Borough since 1994. Councilman Hawk stated how the two sections of road will no longer be continuous. He stated now Tippetts Road will come down and "T" into the Route 54 bypass and then further down the bypass, it will "T" again into Tippetts Road. Councilman DiMiceli stated about making them South Tippetts Road and North Tippetts Road (Mr. Tout's side).

There was a discussion held between Council, John McArdle and visitors concerning addresses up on Tippetts Road/Lake Drive and what changes could be made.

Council decided to leave Tippetts Road and only change from Route 54 to the railroad tracks to South Tippetts Road and from the railroad tracks to Lake Hauto to North Tippetts Road. The only change for the residents on the North side of the tracks was to add "North" to their addresses, house numbers remain the same. The change for residents on the South side of the tracks was to add "South" to their addresses, house numbers will change.

Mickey Angst – 243 W. High Street – stated about the property owner that Mr. Marouchoc was referring to, who owns trucks. He stated how he was a member of the Crime Watch and drove the Mayor nuts for over a year because of constantly reporting an illegally parked truck without a license plate or an inspection sticker on Mill Street. Mr. Angst stated that he was told how that was not the type of crime they were hoping to get into but he was trying to get something done. Mr. Angst stated that a property owner in the area asked him what he was going to do about the blue truck sitting on Mill Street, since he was on the crime watch. He stated that he was going to bring it to the Crime Watch but he was going right then to check the color, license plate and inspection to turn the information over to the Police Chief to see if he could get any action.

Samuel Kitchko – 111 Park Avenue – representing the Nesquehoning Conservation Club – stated that during their February Meeting it was mentioned about the kids running back and forth across the bridge going to New Columbus while they were fishing. He stated how that was a safety hazard. Mr. Kitchko stated how he had spoken to Chief Smith and Councilman DiMiceli, who both agreed that the kids should not be running back and forth across the bridge. Mr. Kitchko stated that the Club would like to put up "No Fishing From Bridge" signs, which Councilman DiMiceli offered to pay for. He stated that the Conservation Club would post the signs and all he was asking for from Council was the have the officers enforce the signs to keep the kids off the bridge. Councilman Jacobs asked if that was the only bridge they were concerned about with a reply of "yes" from Mr. Kitchko.

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President DeMarco asked if the Club was going to put the signs up. Mr. Kitchko stated that they would put them up. President DeMarco stated how they would have the Borough Crew put them up. He stated that they should just tell them where they want them. Councilman DiMiceli stated about placing them on the corners of each side of the bridge.

Councilman DiMiceli moved and Councilman Hawk seconded to place the “No Fishing From Bridge” signs on the bridge by CVS. All voted yes. Motion passed.

Councilman Hawk asked if they wanted to consider posting them on the bridge on Industrial Road. He stated how there was less traffic on Industrial Road but it was faster moving traffic. He stated how it was something to think about.

### **POLICE REPORT**

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

\$991.09 fine money and \$8.09 fine money for Sewer and Garbage received from Magistrate Kosciolk; \$292.08 received in Carbon County Collections; \$45.00 received in parking tickets; \$180.00 received in moving permits; \$210.00 received in accident reports; 361 total complaints received; 22 citations (0 non-traffic & 22 traffic); 6 criminal arrests; 9 traffic accidents (5 reportable & 4 non-reportable); 15 court appearances and the mileage total was 3,291 (1,016 – 2000 Crown Vic; 776 – 2008 Chevy Impala; 1,342 - 2003 Crown Vic; 157 - 2005 Expedition).

### **HOUSING & CODE ENFORCEMENT OFFICER’S REPORT**

Chief Smith stated that the Council members received his Code report, which included tagging 17 abandoned vehicles and other code violations. Councilman Jacobs stated that while driving around town, he had noticed how Fred Cross’s property was a disgrace. Chief Smith stated how it was addressed in his Code Report.

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

### **PLANNING COMMISSION REPORT**

Secretary/Treasurer Ahner stated that they had received plans from the Carbon County Planning Commission and that the Nesquehoning Planning Commission will have to meet to approve the plans and also to re-organize.

Mr. Angst came back and announced the information of the vehicle located on Mill Street.

### **CIVIL SERVICE COMMISSION**

No report.

### **PANTHER CREEK ADVISORY REPORT**

March Meeting was canceled.

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## ENGINEER'S REPORT

Bids that were opened on Tuesday, March 25, 2008 at 2:00 p.m.

Councilmen Jacobs and Stromelo, Engineer Tirpak and Secretary/Treasurer Ahner were present for the opening of the bids.

- Project No. 1 – Sanitary Sewer Project No. 10 (Marconi Avenue)
  - \$34,754.00 – Peter Radocha
  - \$15,975.00 – J. M. Brennan & Sons
  - \$26,398.00 – Linde Corporation
  - \$28,989.00 – Pennsy Supply - DBA - Slusser Brothers
  -

Councilman Jacobs stated how the low bid was from J. M. Brennan & Sons in the amount of \$15,975.00 and it included a manhole at the extreme eastern end and all existing lines hooked up. Councilman DiMiceli asked why there was such a price difference. Councilman Jacobs stated how Mr. Tirpak was surprised and thought that it was because some of the contractors were short on work. He stated about Pennsy Supply (Slusser Brothers) coming in low at \$11,808.00 for the cement pad going out to the cemetery. Councilman Sniscak, Jr. stated how that was a little high. Councilman Jacobs stated about the prior bids for that project which were higher than that. Councilman Stromelo stated that he thought it was around \$45,000. Councilman Sniscak, Jr. stated that he did not care what came in last year. He stated that it was 30' of highway (15' on both sides). Councilman Jacobs stated that he did not see the specs on the project. Councilman Sniscak, Jr. stated how it could not be more than 10 yards or more than 5 yards. President DeMarco stated that they would have to take a look at the specs for that project.

Councilman DiMiceli stated that the Engineer reviewed Project No. 1 and he was okay with it.

Councilman DiMiceli moved and Councilman Jacobs seconded to award the bid for the Sanitary Sewer Project No. 10 to J.M. Brennan & Sons for the amount of \$15,975.00.

Councilman Jacobs stated how it would be backfilled with modified.

All voted yes. Motion passed.

- Project No. 2 – Concrete Roadway Slab on Garibaldi Avenue
  - \$19,475.00 – Hazleton Site Contractors
  - \$16,642.00 – Bi-State Construction
  - \$29,354.00 – Barletta Materials
  - \$22,780.00 – Asphalt Paving
  - \$25,131.20 – Bill Anskis Company
  - \$24,859.60 - Linde Corporation
  - \$11,808.00 – Pennsy Supply – DBA - Slusser Brothers

Councilman Stromelo stated that it was 20' x 20' - 9" thick with reinforced rebar. President DeMarco stated how it was for \$11,000.00. Councilman Sniscak, Jr. stated that he did not think so. Councilman Jacobs stated about the 36" corrugated pipe. President DeMarco asked Larry Fox how deep they were going. Mr. Fox stated how there were sewer and water lines up there. President DeMarco stated how they will have to keep it up a little bit. Councilman Jacobs stated that they were not going to dig down.

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President DeMarco stated that they would have to dig down to remove the existing pipe. Councilman Jacobs stated that they were going to the existing grade level because of the sewer and water lines. President DeMarco asked if they were going o grade it after they pour the cement. Councilman Jacobs stated about what was on the specs. President DeMarco read from the specs using the existing grade 15' back from the 20' of poured cement; 15' on each side. President DeMarco stated that to him it was a lot of money. Gene Rutch stated that it was \$1,000 per yard to install. Councilman Jacobs stated how he questioned the size of pipe, which was 36" pipe. Councilman DiMiceli asked what the pipe would cost. Councilman Jacobs stated that he did not know the cost or what kind of pipe it was. President DeMarco stated that it was a 36" corrugated PE culvert pipe type S (30 linear feet). Councilman Jacobs stated that he thought it was over \$100 per foot. Councilman DiMiceli stated how he thought it was something the Borough crew could do even if they would hire somebody to help. He stated how \$11,000 was a lot more than he would spend. Councilman Sniscak, Jr. stated how \$5,000 would be reasonable and \$6,000 would be pushing it. Councilman Stromelo stated about re-bidding it. Councilman DiMiceli stated that they don't have to re-bid it if their guys were going to do it. He stated how they have done other projects, like the sewer project on Willow Lane, where their guys did it along with Radocha.

President DeMarco stated that they did not know how far they were going down because of the soil or how deep the rocks were, in the event they would have to get an excavator. He stated how before Mr. Tirpak wanted with culverts on both ends. Councilman DiMiceli stated that they could not dig down because of the pipes. President DeMarco stated how they were only going to take out the existing pipe and grade.

Councilman DiMiceli moved to reject the bids and have Ron Tirpak get with the Borough crew and if they have to hire somebody to help them, then it was their decision because \$11,808.00 was way too much for the little bit of work that had to be done. President DeMarco asked Solicitor Yurchak what the best way was. Solicitor Yurchak stated that they can hold them for 60 days. Councilman DiMiceli stated that before they take any action, they have to come back to a meeting.

Councilman DiMiceli amended his motion to table the bids for the concrete slab on Garibaldi Avenue. Councilman Sniscak, Jr. seconded the motion. All voted yes. Motion passed.

President DeMarco asked if Mr. Tirpak got back to them yet on any dates for the streets. Councilman Stromelo stated that he was still working on it. Councilman Jacobs stated how Mr. Tirpak told him that he was not finished with the review of the streets. He stated that to do all the streets in the Borough, they were probably looking at 4-5 million dollars. He stated how it would be a 20-30 year project.

### **SOLICITOR'S REPORT**

Solicitor Yurchak stated that he had worked on the Emergency Management Action Plan. He stated that he has turned it over to John McArdle to check and update the names.

Solicitor Yurchak stated that last month Mr. Fauzio questioned the Pecha property by the cemetery. He stated that it was previously owned by Hauto Valley Estates. Councilman Hawk stated how he thought that was only part of Mr. Fauzio's question, but was it Hauto Valley Estates to deed away. Solicitor Yurchak stated that he did not go back past Hauto Valley Estates. Councilman DiMiceli stated how they were under the impression that the church owned up to the cemetery on the East end. Solicitor Yurchak stated how that was the way it was listed at the Assessment Office. He stated that he would go back and check the deed for the Church.

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**NESQUEHONING SAVINGS BANK TREASURER'S REPORT**

**GENERAL FUND**

Balance 01.31.08 157,051.24  
Receipts 25,290.75  
Expenditures 43,388.22  
Balance 02.29.08 138,953.77

**GENERAL SEWER CONSTRUCTION FUND**

Balance 01.31.08 8,639.59  
Receipts 9.59  
Expenditures .00  
Balance 02.29.08 8,649.18

**SPORTS COMPLEX FUND**

Balance 01.31.08 81.14  
Receipts .09  
Expenditures .00  
Balance 02.29.08 81.23

**SANITATION ESCROW**

Balance 09.30.07 6,718.47  
Receipts 11,633.34  
Expenditures .00  
Balance 12.30.07 18,351.81

**DEBT SERVICE**

Balance 01.31.08 1,114.11  
Receipts 1.24  
Expenditures .00  
Balance 02.29.08 1,115.35

**FIRE TRUCK FUND**

Balance 01.31.08 31,767.71  
Receipts 23.16  
Expenditures 10,898.65  
Balance 02.29.08 20,892.22

**CAPITAL PROJECT**

Balance 01.31.08 74,929.94  
Receipts 629.14  
Expenditures .00  
Balance 02.29.08 75,559.08

**SANITATION FUND**

Balance 01.31.08 139,482.67  
Receipts 95,762.45  
Sewer 54,665.14  
Expenditures 39,566.23  
Balance 02.29.08 141,013.75

**HIGHWAY FUND**

Balance 01.31.08 17,643.11  
Receipts 19.58  
Expenditures .00  
Balance 02.29.08 17,662.69

**PLANNING FUND**

Balance 09.30.07 10,918.37  
Receipts 27.55  
Expenditures .00  
Balance 12.30.07 10,945.92

**GENERAL SEWER FUND**

Balance 01.31.08 93,299.72  
Receipts 56,917.17  
Expenditures 67,757.37  
Balance 02.29.08 82,559.52

**SEWER OPERATING & MAINTENANCE**

Balance 01.31.08 44,053.50  
Receipts 25,799.61  
Expenditures 14,743.69  
Balance 02.29.08 55,109.42

**POLICE PENSION FUND**

Balance 01.31.08 484,672.61  
Receipts 819.00  
Expenditures 8,075.59  
Acct depreciation 8,001.20  
Balance 02.29.08 469,414.82

**FEMA FUND**

Balance 01.31.08 2,994.80  
Receipts 3.32  
Expenditures .00  
Balance 02.29.08 2,998.12

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**CD REPORT**

<b>FUND</b>	<b>CURRENT VALUE 02.29.08</b>	<b>INTEREST 02.29.08</b>	<b>OPENING DATE</b>	<b>CURRENT RATE</b>	<b>RENEWAL DATE</b>	<b>BANK</b>
PLANNING	\$ 14,367.54	\$ 45.23	5-08-05	4.05 %	5-08-08	NSB
GEN. SEWER	\$ 352,794.17	\$ 1,110.74	5-08-05	4.05 %	5-08-08	NSB
GEN. SEWER	\$ 10,921.73	\$ 27.85	2-28-08	3.60 %	11-29-08	NSB
DEBT SERVICE	\$ 12,707.93	\$ 40.01	5-08-05	4.05 %	5-08-08	NSB
DEBT SERVICE	\$ 96,624.45	\$ 320.27	6-02-05	3.92 %	6-02-10	NSB

Secretary/Treasurer Ahner stated that the one General Sewer CD had to be renewed. She stated that she renewed it on February 28, 2008 with a 9 month CD with an interest rate of 3.60%.

Councilman DiMiceli moved and Councilman Jacobs seconded to approve the Treasurer's report and the CD Report. All voted yes. Motion passed.

**EMERGENCY MANAGEMENT REPORT**

John McArdle stated how that past weekend they had an outage in town. He stated how they had a switch at the Verizon Center go down causing an interruption in the 9-1-1 service. Mr. McArdle stated that it only affected the residents with phone numbers of 669-. He stated how it was out for about 6 hours. Mr. McArdle stated that they had two medical emergencies that happened, which drew their attention to it.

Mr. McArdle stated that he would recommend placing a burn ban on for Nesquehoning. He stated how they have had several brush fires. He stated that it remain on until April/May when things green up.

Councilman DiMiceli moved and Councilman Sniscak, Jr. seconded to impose a burning ban for Nesquehoning effective immediately until Council determines otherwise. All voted yes. Motion passed.

Mr. McArdle stated how he just wanted to confirm that from the pillars at Lake Drive to the Railroad tracks will be addressed as North Tippetts Road and the other side of the tracks up to Route 54 will be addressed as South Tippetts Road.

Councilman Jacobs stated that he should have brought it up under the Solicitor's report. He stated that he would like something in writing on what and how they can get rid of old records stored in the basement. President DeMarco asked how far they could go back. Solicitor Yurchak stated how things vary. He stated that whatever they want to destroy, Council has to approve it. Solicitor Yurchak stated how it was a matter of adopting a Resolution to comply with the Records Act.

**MAYOR'S REPORT**

Mayor Walck stated how everyone should have a copy of the Fire Police, who were sworn in. Councilman DiMiceli stated how each Fire Chief was notified to submit their list of Fire Police to be sworn in.

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Councilman DiMiceli moved and Councilman Sniscak, Jr. seconded to approve the list of the authorized Fire Police for the Borough, which was supplied by the Mayor.

Carol Zickler asked if she could now take a picture of all the Fire Police. Mayor Walck stated that he will see when he can get them all together.

All voted yes. Motion passed.

Mayor Walck stated that he had a letter praising Officer Carl Breiner. He stated that he would like the letter to be placed in Officer Breiner's personnel file. Mayor Walck read from the letter: Officer Breiner went beyond his call of duty. He was empathetic to our situation and showed that he truly cares for the community he serves. I want to show my appreciation for his job well done. His example helps ensure me that there are people who really do care. My wife and I are grateful for Officer Breiner's action. He is a model example of a Police Officer. We are proud to have him serve our neighborhood.

Mayor Walck stated that he would like to thank Officer Breiner right there in person.

Mayor Walck stated about the request for Officer Breiner to go to Armorer School, which will be held in Danville, Pa., as the firearms officer for the glock pistols.

Councilman DiMiceli moved and Councilwoman seconded to approve the training for Officer Breiner. All voted yes. Motion passed.

Mayor Walck stated that he had informed all the Council members regarding the Cancer Society collecting on March 15, 2008. He stated that they would also like to collect on March 29<sup>th</sup>.

Councilman Jacobs moved and Councilman DiMiceli seconded to allow the Cancer Society to collect funds for the telethon. All voted yes. Motion passed.

Mayor Walck stated that to clarify what Mr. Angst had said, the Crime Watch was not for abandoned vehicles. He stated how they were watching for crimes, which can be reported to the Police at any time. Mayor Walck stated that the next Crime Watch meeting will be held on May 6<sup>th</sup> at 7:00 p.m.

Mayor Walck stated how on the 13<sup>th</sup> of March, they were all invited to the neuter and spay clinic. He stated how he and Councilwoman Walck were in attendance with about 100 people. Mayor Walck stated that they were kicking off the neuter and spay program, which can be very vital for the Community. He stated how the Commissioners were looking into getting a program for cats similar to the K-9. Mayor Walck stated how this was a low cost neuter and spay program offered by the Veterinarians of Carbon County.

Councilman Hawk moved and Councilwoman Walck seconded to accept all reports (Solicitor to Mayor). All voted yes. Motion passed.

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## TAX COLLECTOR'S REPORT

01 February– 29 February 2008

Real Estate	\$ .00
Occupation	.00
Per Capita	<u>.00</u>
Total	.00

## APPLICATIONS:

Lower, Christopher M. Sanitation/Picker  
David, Glenn J. Labor/truck driver/equip. operator

Councilman DiMiceli moved and Councilman Hawk seconded to accept the two applications and place them on file. All voted yes. Motion passed.

## COMMUNICATIONS:

1. 02.26.08 Phillip Valenti – Recent developments in municipal bond and credit markets
2. 02.27.08 Mark S. Nalesnik – CERT training
3. 02.28.08 PLGIT – Earn more interest on the Liquid Fuels Account
4. 02.28.08 Mark S. Nalesnik – Salt Supplies Assessment
5. 02.29.08 S & G Asphalt Service – Looking to bid on paving projects
6. 03.03.08 DEP – Surface mining permit
7. 03.03.08 DEP – Annual Bond Review for 2007
8. 03.04.08 Medico Industries – New territory manager
9. **03.05.08 CC Dept. of Solid Waste – Computer Recycling**

Secretary/Treasurer Ahner stated that CC Department of Solid waste was having an electronic recycling event held on May 2 & 3, 2008. She stated that it will be held at the Lehigh Township Municipal Building at 1741 South Lehigh Gorge Drive, Weatherly. She stated that they do not take TV's or appliances.

10. 03.05.08 Keith McCall – 2008 federal economic stimulus rebates
11. 03.10.08 PSAB – Class for Grant Preparation
12. 03.11.08 newPA news – Newsletter
13. 03.12.08 PSATS – Open Records Act
14. 03.12.08 Robert T. Yurchak – Re: Fire Police, Buccilli
15. 03.12.08 Frank DiMiceli – Police Fatal Shooting Lawsuit
16. 03.14.08 M&S True Value – 2<sup>nd</sup> annual equipment POWERAMA
17. 03.14.08 Greg Berry – Items for Auction
18. 03.14.08 Frank DiMiceli – Patrol Issues
19. 03.14.08 NEPA – Action Symposium
20. 03.17.08 DCED – Finding Hidden Opportunities – Redevelopment & Replacement
21. 03.17.08 PSATS – 2008 Parks & Recreation Academy
22. 03.17.08 Cleary & Josem Esq. – Grievance – Yurchak
23. 03.18.08 Blue Mt. Inspection Svcs – Nesquehoning School Apartments
24. 03.18.08 NEPA – ARC & EDA Project Ending
25. 03.18.08 CC Conservation District – Center St. Property – Jake Arner

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

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### **26. 03.19.08 Dept. of Labor & Industry – Notice of hearing – Yurchak**

Solicitor Yurchak stated that he would request Secretary/Treasurer Ahner, Councilman Jacobs and Mayor Walck to attend the hearing.

Councilman Sniscak, Jr. moved and Councilman DiMiceli seconded to send Secretary/Treasurer Ahner and Solicitor Yurchak to the hearing on April 1, 2008 at 9:30 a.m. All voted yes. Motion passed.

27. 03.19.08 Frank DiMiceli – Run Cards

28. 03.20.08 House Bill No. 1133 – Powers related to emergency services

29. 03.20.08 Medico Industries – Government Day 2008

### **30. 03.20.08 Ann Lutz – Pension Reimbursement**

Secretary/Treasurer Ahner stated that Ann Lutz was requesting that the Borough contact the actuaries regarding a Police Pension reimbursement.

Councilwoman Walck moved and Councilman Hawk moved to proceed with the request of Ann Lutz from what was deducted from her check. All voted yes. Motion passed.

31. 03.20.08 Ohl Fuel Oil – Home Protection Plan – propane system

32. 03.21.08 Philip Valenti – Bear Stearns bankruptcy

33. 03.25.08 US Bankruptcy Court – Chapter 11, New Century TRS Holdings, Inc.

34. 03.25.08 MECAB – Newsletter

35. 03.25.08 Pavement Maintenance Contractors – Recreational Court Services

36. 03.25.08 PSAB – Establishing a Rental Property Inspection Program

37. 03.25.08 Raphael J. Musto – Legislative Review

### **38. 03.26.08 Zack Lebo – Fight the Fire 5k I walk/run**

Secretary/Treasurer Ahner stated about the fight-the-fire 5K walk/run plans (route) from Zack Lebo for July 12<sup>th</sup> from 9:30-noon.

Councilman DiMiceli moved and Councilman Sniscak, Jr. seconded to authorize the Mayor to call out the necessary people to help with traffic control. All voted yes. Motion passed.

### **39. 03.26.08 R. F. Coniglio/W.G. Sotak – Request for curb line**

Councilman Hawk moved and Councilwoman Walck seconded to authorize the Engineer to get an approved curb line on E. Mill Street from Almond Street to Hazard Street. All voted yes. Motion passed.

Councilman Jacobs moved and Councilwoman Walck 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.

# MINUTES FOR REGULAR MEETING OF NESQUEHONING BOROUGH COUNCIL

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## COMMITTEE REPORTS

### 1. STREETS

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

Councilman Stromelo stated that they were out patching holes and picking up dirt piles. He stated that they will start sweeping streets in April. Councilman Stromelo stated how Engineer Tirpak was reviewing the complete street package and they will have a Special Meeting when it was finished. Councilwoman Walck stated that there was a big hole on Willow Land and asked what their plans were for it. Councilman Stromelo stated that it was a previous repair, which has deteriorated due to poor preparation. He stated that they will be addressing it along with Cedar Street. Councilman Stromelo stated that he had spoken to the Engineer concerning the storm drain on Marconi Avenue behind the Cusanelli property. He stated that he will review it with Mr. Clauser. President DeMarco stated how that was already taken care of and he did not need to get the Engineer involved. He stated how he had talked to Mr. Clauser. He stated that Councilman Sniscak, Jr. was with him and it was not that much of a problem to do. President DeMarco stated how Mr. Digilio told him that they have a box and a pipe to put in. He stated that Mr. Clauser said they could run it right to the stream. He stated that they did not need the Engineer at that time. Councilman Stromelo stated how there was an issue with the tunnel on W. Railroad Street in front of the Kattner residence, which was caving in. President DeMarco stated that he did take a look at that and it was in bad shape. He stated how he had seen the storm drain the Borough crew fixed down by the school. He asked if it was just a temporary fix. Larry Fox stated that it should last. Councilman Stromelo stated how there were a lot of storm drains falling in all over town. President DeMarco stated that they have to be taken care of. Mayor Walck stated about the problems with the drainage on Park Avenue.

#### ➤ **Bids for truck driver**

Councilman Stromelo moved and Councilman Sniscak, Jr. seconded to award Daniel Staehle the position of truck driver effective March 31, 2008. All voted yes. Motion passed.

#### ➤ **Reimbursement Agreement/Resolution – Department of Transportation**

Councilman Hawk moved and Councilman Jacobs seconded to accept the Agreement and adopt the Resolution for bridge inspection reimbursements from PennDOT. All voted yes. Motion passed.

Councilman Jacobs stated about the crossing at the Railroad. He stated how the trucks were driving to the left side of the road and now their roadway was breaking up. He stated how the sewer line was on the west side of Industrial Road, which the trucks were getting close to and it was not protected by blacktop. Councilman Jacobs stated how it should be reviewed with the County Commissioners and the Street Committee. Councilman DiMiceli asked if there was any way they could put barriers up there before they have anymore damage. President DeMarco stated that they should have some jersey barriers. He stated about calling to find out how much they cost.

President DeMarco stated how Dolores Yacapsin from Center Street called him regarding Arner's property. He stated that Jim Clauser looked at Arner's property with him and there was a lot that could be done. He stated how Mr. Clauser went over the whole thing in detail and explained it to him and Councilman Sniscak, Jr. President DeMarco stated that he had told her that she had to get the rain spouting off of his property. He stated that the sediment basket was already removed.

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President DeMarco stated that he told Mr. Arner how they had no other recourse. He stated that he had told him how it was going out on the Borough street and into the storm sewer. He stated how there was nothing but mud for the neighbors on both sides. Councilwoman Walck stated that it was bad. President DeMarco stated how Mr. Clauser took pictures.

### **2. SEWER                      DAVID HAWK, CHAIRMAN; FRANK JACOBS, CO-CHAIRMAN; FRANK DiMICELI**

Councilman Hawk stated that David Digilio called him at the beginning of the week concerning his weed-wacker. He stated that Mr. Digilio told him that it died and he would need one to start cleaning around the manholes, which were located off the streets. Councilman Hawk stated that he had given him permission to replace it.

Councilman Jacobs stated about Mr. Digilio renting a dozer and getting some shale to refurbish the road for the sewer line from Tippetts Road into Lake Hauto.

Councilman Jacobs stated that the mini-lift station up in Lake Hauto was starting to have problems. He stated how it was an old fiberglass tank and if they look to replace it, they would put a cement tank in. He stated how it was something to look at between then and the fall.

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

Councilman Jacobs stated that he called the gentleman from Leighton about getting the fire extinguishers updated at the Recreation Center. He stated how there was an empty one in the office, which the police had used. He stated how he never received a call back and Mr. McArdle was going to call him.

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

#### **➤ Employment Agreement – Chief of Police**

Councilman Sniscak, Jr. moved and Councilman DiMiceli seconded to accept the Chief's contract contingent on approval from the FOP.

Councilwoman Walck asked Solicitor Yurchak if it was a proper handling that the FOP was not present during negotiations. Solicitor Yurchak stated how it was the Chief's decision and he can choose to have or not to have one present. Councilman Jacobs stated how the contract stated January 2008. Councilman DiMiceli stated that it would be effective when the FOP approves it. He stated that it would not be retroactive back to January. Councilman DiMiceli stated that there was no retroactive date and that the date should be changed before they get a copy of it. Secretary/Treasurer Ahner stated how he had already received his raise and did not know what else would be retroactive. Mayor Walck asked why.

Secretary/Treasurer Ahner stated that he was entitled to the same amount as the other . . . Councilman DiMiceli stated "no". Councilman DiMiceli stated how they gave him a raise in October. He stated how that was why they were negotiating his contract. He stated that he should not have been given a raise in January. Councilman DiMiceli stated that if he was given a raise then an adjustment will have to be made. Secretary/Treasurer Ahner stated how she had checked with Councilman Hawk before she had . . . Councilman DiMiceli stated that he should not have been given the raise. Councilman Hawk stated how his old contract was still in effect at the time. Councilman DiMiceli stated that it was not. He stated that his contract had expired and he did not have a contract for a year and a half.

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Councilman DiMiceli stated that they had given him two raises in that time period. Mayor Walck stated how that was when they re-evaluated him. Councilman Jacobs stated that the raise in October was retroactive back to September. Councilman DiMiceli stated to Secretary/Treasurer Ahner that if he was given something from January 1, 2008 to whenever the contract goes into effect, just figure out what the difference was going to be and make the adjustment with the new raise because that should not have occurred. President DeMarco stated how it was an oversight and it could be adjusted.

All voted yes. Motion passed.

Councilman Sniscak, Jr. stated that he would like to make a proposal since it was a new Council and a new direction for the Police force. He stated how he knew that the Police were working under a lot of stress being undermanned but they were doing a great job.

Councilman Sniscak, Jr. moved and President DeMarco seconded to remove all reprimands on the Chief's file and on all officers.

Councilman Jacobs asked why and stated if it was a new Council, they don't know what happened so why did they want to remove any reprimands out of their files. Councilman Sniscak, Jr. asked why a reprimand should remain in an officer's file if the problem had been corrected. Councilman Jacobs stated that a reprimand remains there for a certain amount of time. Councilman Sniscak, Jr. stated how the Borough Code never set a time limit on how long the reprimands should stay in place. Solicitor Yurchak stated that they should not get into specifics because then they were getting into personnel. Councilman DiMiceli stated how it was not addressed in the contract. He stated how it would have to be something that they would sit down with the bargaining unit and come to an agreement on how they were going to review the personnel files to make any changes. He stated how there should be a mutual agreement. Councilman DiMiceli stated how they should sit down as Council first and then sit down with the bargaining unit after they get their direction on which way they were going to go and see if they agree to it. He stated how, at that time, a policy could be drawn up as an addendum to the contract as far as reprimands and a policy because they don't have one.

Mayor Walck asked Solicitor Yurchak if they had the right to go back instead of going forward. Councilman DiMiceli stated that they could. Solicitor Yurchak stated that they could. President DeMarco stated that if Councilman Sniscak, Jr. wants to take them out, it has to be taken out. Solicitor Yurchak stated that it was if Council wants it to be taken out. He stated how there was a procedure to do it. Councilman DiMiceli stated how he thought that one of the reasons Council should do it was because they were going to be implementing an evaluation system. He stated how it will go into the personnel file as a performance evaluation. He stated how they will have to sit down with the bargaining unit on it. Councilman Sniscak, Jr. stated how all of it has been in the past and there was no reason for it to stay in the file. Councilman Jacobs stated how, if it was serious enough, it should stay in the file. He stated about the Mayor getting approval from the Solicitor to place reprimands in the personnel file. President DeMarco stated how it was in the past. He stated how he agreed with Councilman DiMiceli to put a policy in effect of how they were going to do it. He stated that they had to start somewhere. Solicitor Yurchak stated how they should work on the policy before making the action of taking it out of the file. Councilman Sniscak, Jr. asked what the difference was because they would be taking them out anyway. Solicitor Yurchak stated how it was just a suggestion.

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

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Councilwoman Walck stated how there was a pattern being set on how they were being asked to vote on things the day of the meeting, which they know nothing about. She stated that to properly run the Borough and the departments, each and every Council member should be able to review it several days in advance. Councilwoman Walck stated how she does not agree with bringing things up to vote on just like that without having time to think about them. Councilwoman Walck stated that she had no chance to look at it to know what was going on. Councilman Sniscak, Jr. stated that it was a simple request. Councilman Jacobs stated how it should have been discussed in Executive session. Councilman Sniscak, Jr. asked why they did not want to do it. Councilwoman Walck stated that she did not think it was a proper way to handle the Borough. She stated how there were residents to think about and they should think of what was best for everybody. Councilwoman Walck stated how things were coming to them at the meetings. . . . Councilman Sniscak, Jr. stated how that was what he was thinking of, the best for the Police Department and the best for them. He stated how the Police were doing an excellent job. Mayor Walck stated that no one was disputing that they were not doing an excellent job. Mayor Walck stated to Councilman Sniscak, Jr. that he was not there, like he said, so he did not know what was in their files or what pertains to what went on a year ago. He stated that for Councilman Sniscak, Jr. to make a blank statement about abolishing everything was not in the best interest because he was not there and he did not know what went on.

Councilman DiMiceli stated that it should not only pertain the Police but to all Borough employees (written reprimands, verbal warnings, suspensions). He stated that when they do the policy, they were not only doing it for the police, it would be for everybody. Solicitor Yurchak stated how it should be across the board. President DeMarco asked Councilman Sniscak, Jr. to withdraw his motion and make it again after the policy was in effect. Councilman DiMiceli stated how the Police would be separate from the Borough employees because they have civilian complaints coming in. Solicitor Yurchak stated that if they were going to adopt a policy to remove reprimands from the files, it has to be across the board for all employees and not just one sector of employees. Solicitor Yurchak stated that he did agree to do the policy. Councilman DiMiceli stated that there should also be a clock on things and it had to be agreed with the bargaining unit. He stated that they have to sit down with the Teamsters when it comes to the Borough workers and the FOP when it comes to the Police.

President DeMarco stated that the thought was there of what Councilman Sniscak, Jr. wants to do and then go and do it. Mayor Walck stated how it was not just Councilman Sniscak, Jr. doing it. He stated how all of Council should sit in an Executive session. President DeMarco stated that he said the thought of him pulling the reprimands was a good idea. Mayor Walck stated how he thought President DeMarco said Councilman Sniscak, Jr. should get something together. President DeMarco stated that he did not say that; he said that the thought Councilman Sniscak, Jr. had, of pulling the reprimands, was a good idea; he did not say anything about just him doing it. President DeMarco stated that the policy was brought up by Councilman DiMiceli but it will be made up by all of Council. He stated that it will take care of all of the employees of the Nesquehoning Borough.

Councilman Sniscak, Jr. stated to Solicitor Yurchak that he was basing it on the Borough Code. He stated how the Borough Code clearly states that there was to be a timeline on officers when they get a reprimand. He stated how he saw nothing in the Borough minutes that there was a timeline put on it. Solicitor Yurchak stated how that was part of adopting the policy to establish the timeline. Councilman Sniscak, Jr. stated how the Borough Code of Pennsylvania already states that there must be a timeline. Solicitor Yurchak stated that he understood what he was saying but the policy will establish that timeline. Councilman DiMiceli stated that they cannot arbitrarily determine a timeline.

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Councilman Sniscak, Jr. withdrew his motion and President DeMarco with his second.

President DeMarco stated about setting up a time for everybody. Councilman DiMiceli stated how the Street Committee should meet for the Borough workers and the Police & Public Safety Committee should meet for the Police and then have everybody meet together. Councilman Jacobs stated how they don't want the policies to be far apart.

Councilman DiMiceli moved and Councilman Sniscak, Jr. seconded to adopt the Police Department / Police Officer complaint form.

Councilman DiMiceli stated how it had to be notarized and the person would be subject to penalty under law if they were making any false statements. He stated how they would not accept letters or phone calls. Councilman Jacobs asked if it was limited to the Police. Councilman Hawk stated how it would be Borough wide. Councilman DiMiceli stated how he had only brought it up for the Police. Solicitor Yurchak stated how the form would have to be changed for Borough workers. He stated that they could do the Police then and get a different form for everybody else. Councilman Hawk stated that in the instructions it did not say about it being notarized. Solicitor Yurchak stated that he did not put in about the Notary but he did put in about the un-sworn falsification and he cited the Section of the Crimes Code.

All voted yes. Motion passed.

Councilman DiMiceli stated that they will be reviewing the Firearms Policy with the instructor and coming back with recommendations.

Councilman DiMiceli stated about the K-9. He stated how they have a better chance of hitting the lottery then they have getting them to come out. Councilman DiMiceli stated how the Chief got bit by a dog. Councilman DiMiceli stated how they should write a letter to the County asking if they were going to change or provide any type of service for non-hours. Councilman DiMiceli stated that he would like a letter sent to the County about the problem with K-9, limited hours and getting them to come out. Mayor Walck asked if they could seek restitution from the dog owner for the incident with the Chief. Solicitor stated "yes".

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

#### **➤ Bids for Truck Driver**

Councilman Stromelo moved and Councilman DiMiceli seconded to award the sanitation Truck Driver position to Michael Kravelk effective March 31, 2008. All voted yes. Motion passed.

#### **➤ Bids for Picker**

Councilman DiMiceli moved and Councilman Stromelo seconded to hire Andy Staehle as a full time picker effective March 31, 2008 and falling under the requirement (90 working days) for benefits as a new hire. All voted yes. Motion passed.

Councilman Stromelo stated that both positions were posted at the Borough garage for the Teamsters members to bid on.



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

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Councilman DiMiceli stated how they want to meet with somebody from the School Board. Bill Hunsicker stated how they did talk about it at their meeting that night. He stated that the bus stop schedule was going to be modified. Councilman DiMiceli stated about the bus stops on Route 54. Mr. Hunsicker stated about getting in touch with Rose Poremba. Councilman DiMiceli stated that she should get in touch with them. He stated how they could meet as a committee. Anthony DeMarco stated that he would e-mail Ken Marx because he oversees the buses. Mr. Hunsicker stated that if they move the bus stops, they might have to eliminate some crossing guards. He stated that it would save the school and the Borough money. Councilman DiMiceli stated that it was not just about saving money, it was about making the bus stops safer for the children. Mr. Angst stated that the Borough can have all the guards it wants but the School District only has to pay half of the ones they ask for.

Councilman DiMiceli stated that he wanted to bring it up under public safety, that before they even receive the list of candidates from the Civil Service, which was good for two years, he would like Council to consider and possibly even adopting a requirement, if they do not use a name on the list an updated polygraph be given.

Councilman DiMiceli moved and Councilman Hawk seconded to require an updated polygraph to be given to the candidate from the list submitted by the Civil Service after a six month period had passed before he/she will be hired. All voted yes. Motion passed.

Councilman Stromelo asked who was going to be the contact person when the Burning Ban was lifted. Councilman DiMiceli stated that the Committee might be able to get together and come up with an idea. Councilman DiMiceli asked if the Council would give them the discretion to pick a person to be the contact. Mayor Walck stated about getting the three chiefs together to pick somebody. Councilman Jacobs stated about letting them come up with somebody.

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

### **JR. RECREATION COMMISSION**

Mayor Walck stated that the Jr. Recreation Commission made a \$250.00 profit on the sale of the tickets for the Easter Basket. He stated that they will be presenting the check to the Cancer Society at the Cancer telethon on Sunday April 6, 2008 around 1:30 p.m. Mayor Walck stated that he would like to thank Councilman Hawk for donating the tickets for the drawing. Mayor Walck stated that they were going to have a reorganizational meeting in the near future. He stated that all the kids were doing a great job.

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Councilman DiMiceli stated that they had a request from Liquid Fence asking for an adjustment on the surcharge. He stated that they should not approve it. Councilman Hawk stated that they were saying how the water was being used for process so it was not going into the sewer but they told them that they were not going to be processing any material during those months. He stated how if that was the case, then his recommendation to them would be to get separate meters. Councilman Jacobs stated that Ron Tirpak's recommendation was to tell them to buy another EDU.

Councilman DiMiceli moved and Councilman Jacobs seconded to deny the request from Liquid Fence to waive the Sewer Surcharge. All voted yes. Motion passed.

**NEW BUSINESS**

No new business.

**OLD BUSINESS**

No old business.

**ADJOURNMENT**

Councilman DiMiceli moved and Councilman Sniscak, Jr. seconded to adjourn the meeting. All voted yes. Meeting adjourned at 9:28 p.m.

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RoniSue Ahner  
Secretary-Treasurer