

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

Wednesday, May 28, 2008 at 7:00p.m., Borough Office  
114 W. Catawissa Street, Nesquehoning, PA 18240

**ROLL CALL:** COUNCILMEN DiMICELI, HAWK, JACOBS, STROMELO; COUNCILWOMAN WALCK; PRESIDENT DeMARCO; MAYOR WALCK; & SOLICITOR YURCHAK

President DeMarco called the meeting to order at 7:00 p.m.  
Councilman Sniscak, Jr. and Chief Smith were absent.

**MINUTES:** Approve the minutes from the Regular Meeting held on April 23, 2008 and the Special Meeting held on May 7, 2008.

Councilman DiMiceli moved and Councilman Stromelo seconded to approve the April 23, 2008 Regular Meeting Minutes and the May 7, 2008 Special Meeting Minutes.

Councilman Jacobs stated how there was a discussion at the last Regular Meeting regarding the UCC inspectors. In paragraph two, it was stated about having two inspectors and in paragraph three, it stated about having a choice. Councilman Jacobs repeated the motion "Councilman DiMiceli moved and Councilman Sniscak, Jr. seconded to retain Barry Isett & Associates as an alternate for the building and zoning applications and permits" and questioned if he was correct that they were hired as an alternate. Councilwoman Walck stated "right, as an alternate". Councilman DiMiceli stated "yes". President DeMarco stated "an alternate". Councilman Jacobs stated how the people do not have a choice. He stated that if Carl Faust cannot handle it . . . Solicitor Yurchak stated "an alternate". Councilman DiMiceli and President DeMarco stated "yes". President DeMarco stated that an alternate was when they get in touch with Carl Faust and he cannot fill the bill, then they have a choice and that was to pick the alternate. He stated that they don't have to worry about time consuming or holding up the contractor. Councilman Jacobs stated that he just wanted it clarified that Carl Faust was primary. President DeMarco stated how there was no way that they would take him out as the primary.

All voted yes. Motion passed.

### **HEARING OF VISITORS**

Tony Mele – E. Columbus Avenue – asked about the construction going on at E. Marconi Avenue. He stated that the sewer line was in and asked if there were any plans on the curbing. President DeMarco stated that when the Borough was ready to pave it, the property owners could get a contractor by themselves or they can go together to get a paving contractor to do them all at the same time and maybe get a better rate. President DeMarco stated how there were letters sent out to the homeowners that day. Mr. Mele asked if it wouldn't be easier to get a contractor to do it all at the same time. Councilman Hawk stated that it was the property owner's responsibility. Councilman DiMiceli stated that if a contractor comes in, he will usually give a better price if a couple of property owners go together. He stated how Engineer Ron Tirpak could give the property owners some names of paving contractors. Councilman Jacobs stated that what they had done in the past was that they would schedule a meeting with the property owners and a contractor, in the early evening, and the contractor came up with a price per foot. Mr. Mele stated that he was not aware that letters were being sent out. President DeMarco stated that the letters were sent out. He stated how the contractors will have information from the Borough Engineer regarding the grades. Councilman Jacobs stated how there were three poles in the alley that had to be moved back. President DeMarco stated that everyone will have enough time to do what has to be done.

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Mike Digilio – 154 E. Diaz Avenue – stated that when DiVinci Avenue and Mill Street were done, the Borough dug for the curbing. He stated that what they do for one taxpayer, they should do for all taxpayers. President DeMarco stated that they have done it in the past and they were not going to hide that fact.

Tim Black – 201 W. Mill Street – stated how he was at the last meeting regarding the dumpsters at Turkey Hill. He stated how the same situation had happened again. Mr. Black stated that there was also a high tension wire directly above the dumpsters and if the driver was not paying attention, he could catch that wire with the dumpster. He stated how that would be a major accident. President DeMarco stated how there were representatives present from Turkey Hill.

Mike Cukauskas stated that they had met with the Blacks prior to the meeting to discuss their concerns. He stated that they do recognize how there was a problem and they want to get it resolved. He stated about working with the Blacks to come up with an amicable solution. Mr. Cukauskas stated that they recognize a problem working with a small property. He stated how the dumpsters were placed on a sloping side of the property. He stated that the trucks have to access the dumpsters at an angle and it was noted about the high tension wire. Mr. Cukauskas stated how the biggest issue was the odor from the leaking, which was originally thought to be coming from the dumpsters. He stated how it was actually from the truck. Mr. Cukauskas stated that he manages the refuse account and works with a hauler. He stated that the truck leaking was a concern for them. He stated how they thought they were compacting on the property but it was not the case. Mr. Cukauskas stated how that was the immediate thing they wanted to address. He stated that if they could not resolve it with the existing hauler, they would explore another hauler. Mr. Cukauskas stated that he thought they would be able to resolve it in a short period of time and that they were good neighbors.

Councilman DiMiceli stated that it was not coming from the dumpsters; that it was coming from the truck. He stated how there was nothing on the road until he compacts the load. Mr. Cukauskas stated how he had checked the dumpsters and the cardboard was dry and there was a sealed drain plug. He stated that they would work with the Blacks to get the problem resolved. He stated that he would not be able to get anything done the following day; but they would like to have it resolved by the next pick up. President DeMarco stated how they appreciated them coming and also for meeting with the Blacks.

### **POLICE REPORT**

A copy was placed in the communications folder.

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

Chief Smith's and Officer Blisard's reports were placed in the communications folder.

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

### **EXECUTIVE SESSION**

Borough Council entered into an Executive Session at 7:21 p.m. The Council Members exited their Executive Session at 7:43 p.m.

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### **PLANNING COMMISSION REPORT**

No report.

### **CIVIL SERVICE COMMISSION**

President DeMarco stated that they received a letter that afternoon from Robert R. Fritzinger, Jr. resigning his position from the Civil Service Commission effective June 30, 2008.

Councilman DiMiceli moved and Councilwoman Walck seconded to accept the letter of resignation from Robert R. Fritzinger, Jr. and to send him a letter of thank you. All voted yes. Motion passed.

Councilman DiMiceli stated how they have three people on Civil Service; and asked if they could expand to a five man board. Solicitor Yurchak stated how they might have to do that by Ordinance.

Councilman DiMiceli moved and Councilwoman Walck seconded to advertise for letters of interest for the Civil Service Commission. All voted yes. Motion passed.

### **PANTHER CREEK ADVISORY REPORT**

Bob Marouchoc stated that when the trucks leave the Co-Gen with the fly ash, they were covered but when they leave Little Italy to go back to the Co-Gen, after they dump & the trucks were empty, they were not covered or washed out. He stated that anyone traveling on Route 54 could see it blowing off. Mr. Marouchoc stated about the airborne contaminates in fly ash were as bad, if not worse, than what goes into the water. Mr. Marouchoc stated how he asked if the Co-Gen would contact the owners of the various trucking companies to try to put pressure on them to hose down the trucks, which they did in the past. President DeMarco stated how he had noticed the trucks returning uncovered. He stated about Solicitor Yurchak sending a letter to the Co-Gen expressing their concerns over the issue and how they would like it resolved as quickly as possible.

### **ENGINEER'S REPORT**

- 04.24.08 Carbon Engineering – Nesquehoning Self-Storage Land Development
- 05.23.08 Carbon Engineering – Messina Street Reconstruction

### **SOLICITOR'S REPORT**

- **Motion to advertise for Discharge of Firearms Ordinance**

Councilman DiMiceli moved and Councilman Jacobs seconded to advertise the Discharge of Firearms Ordinance. All voted yes. Motion passed.

- **Motion to advertise for Vehicles Parking Ordinance**

Councilman DiMiceli moved and Councilman Stromelo seconded to advertise the Parking Ordinance. All voted yes. Motion passed.

- Review of Weatherly Borough Animal Ordinance
- Review of Summit Hill Animal Humane Law

Solicitor Yurchak stated that these were Cat Ordinances from the Weatherly and Summit Hill Boroughs for the Council to review.

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- Review of PA Borough Solicitors Association Dog Waste Disposal

Solicitor Yurchak stated about the response he received from the PA Borough Solicitors Association. He stated that if they wanted him to look into it some more he would. Councilman DiMiceli stated about looking into it further.

- **Review of Nesquehoning Borough Wild or Exotic Animal Ordinance**

Councilman DiMiceli moved and President DeMarco seconded to advertise the Wild or Exotic Animal Ordinance. All voted yes. Motion passed.

- 04.23.08 PA Human Relations Commission – Spectrum Community Services Complaint

➤ 05.06.08 Robert T. Yurchak – Spectrum Community Services vs. Nesquehoning Borough  
Solicitor Yurchak stated that after 6 years, Spectrum Services had decided to amend their complaint to the Human Relations Commission where they initially filed in 2002 over a Zoning Board decision saying that the Board discriminated against them with their group home. Solicitor Yurchak stated that they were through Court and Appeals and were denied on every level. He stated how they have now amended their complaint to include the Borough. Solicitor Yurchak stated how they were told that the Zoning Board was not going to be subject to their complaint because they rendered their decision based on the law. He stated that they were now trying to include the Borough because they wrote the ordinance for the Zoning. He stated that the problem with that was; they did not make the decision the Zoning Board did.

- 05.02.08 Robert T. Yurchak – 2 W. Columbus Avenue (1 W. Garibaldi Avenue)

Solicitor Yurchak stated how there was an inspection on that property. He stated that there was a letter from Carl Faust sent to the property owner requesting a name of an architect by May 20, 2008, to review the building. Secretary/Treasurer Ahner stated that she had talked to Mr. Faust and he had met with the architect. President DeMarco stated about a timeline. Councilman DiMiceli stated that according to the ordinance that it was up to Council to give them a timeline. Councilman Jacobs stated that he had talked to Mr. Faust and he stated that everything was running according to schedule. President DeMarco stated that everything might be running on schedule with the architect but the landlord was going to follow their rules. Councilman DiMiceli stated about sprinklers for the building. He asked Solicitor Yurchak what they could do now as for a timeline. Solicitor Yurchak stated that he thought that they had to get back in touch with Mr. Faust. President DeMarco stated that they got this far and they would give until next meeting.

Councilman DiMiceli moved and Councilman Stromelo seconded to give the property owner of 1 W. Garibaldi Avenue 30 days from Mr. Faust's approval of the plans submitted by the architect. All voted yes. Motion passed.

- 05.06.08 Robert T. Yurchak – Borough street sweeping

Solicitor Yurchak stated that he has not heard back from PennDOT on how they determine how they sweep their streets.

- 05.02.08 Robert T. Yurchak – Borough Street Project

Solicitor Yurchak stated that he did talk to Jens Damgaard and had sent him the specifications from Ron Tirpak regarding the Borough Streets. He stated how Mr. Damgaard asked him to talk to Mr. Tirpak about a draw schedule. Solicitor Yurchak stated how Ron Tirpak did not want to do a draw schedule until Council decided which streets they would want to do first. He stated that they have to decide which streets they want to do and when so that Mr. Tirpak can determine a draw schedule for the financing. He stated that Mr. Damgaard would get the financing according to that.

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President DeMarco stated that before they go there, they have to get a commitment from Council that they want to do it. Solicitor Yurchak stated how that was what both of them suggested because if not, then they were going to spend money and just be spinning their wheels. Councilman DiMiceli stated that with the condition of the streets, they have to go that route. He stated that he did not see how they could piecemeal, because they would never come around to those other streets. Councilman Hawk stated how they have to come up with a 4-5 year plan. Councilman DiMiceli stated how they should go on the recommendations of the engineer as to which streets need to be done first and what timeline they need to be done so they don't lose them. Councilman Hawk stated how he did not think that Mr. Tirpak prioritized them. Councilman DiMiceli stated how that was what he was asking them to do with the draw schedule. He stated how he felt that Mr. Tirpak was in a better position to figure it out. Councilman Jacobs stated how it was in conjunction with the Water Authority and the Sewer. President DeMarco stated that they had to get a commitment from the Water Authority. He stated how they should commit to it first, then go to the Water Authority to tell them how they committed to it and ask them to commit to it also. He stated that without them, it would not do them any good. President DeMarco asked if they wanted the Street Committee to go ahead with it. Councilman DiMiceli stated "yes". Councilman Hawk stated that they would start losing streets if they didn't. Councilman Stromelo stated that they could do some reconstruction and some overlays. President DeMarco stated how they would look at the proposal and go from there.

Solicitor Yurchak stated that he had done a draft of the loss-control policy, which basically talks about if they have an accident. He noted that the Public Safety Committee could review it for the next meeting.

### ➤ 05.07.08 CC Dept. of Solid Waste – Recycling Grants, Guideline Changes

Solicitor Yurchak stated how they had received a letter from Duane Dellecker regarding recycling. He stated how it talked about an anti-littering program and a recycling Ordinance. He stated that he did not know what Council's pleasure was on that. Councilman DiMiceli stated how they have a lot of volunteering compliance with recycling and he did not think that they should pass an Ordinance for it. He stated that once they do it, they will have to have the means and the mechanism to pick up the items to be recycled and they cannot afford it.

Solicitor Yurchak stated how they had a draft of the Contractors Ordinance, which he discussed at the Special Meeting. He stated how it was for them to get permits to operate as a contractor within the Borough.

Councilman Stromelo moved and Councilman Hawk seconded to advertise the Contractor's Ordinance. All voted yes. Motion passed.

Solicitor Yurchak stated how they also had the draft of the Open Container Ordinance. He stated how the Chief asked for a draft of the Ordinance. Councilman DiMiceli stated that they should table it for a month.

Solicitor Yurchak stated about the Residential Rental License Ordinance which was designating a local person for landlords and have them pay a fee regarding being a rental.

Councilman DiMiceli moved and Councilman Hawk seconded to advertise the Residential Rental License Ordinance. All voted yes. Motion passed.

Solicitor Yurchak stated about the Resolution for setting the Street Opening Permit fees, which was \$400.00 up to 20 sq. ft. and an additional \$12.00 per sq. ft. over that.

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Councilman Stromelo moved and Councilman Jacobs seconded to adopt the Street Opening Permit Fee Resolution. All voted yes. Motion passed.

Solicitor Yurchak stated how they asked him to research loitering and there was a 2002 Superior Court decision throwing out a loitering ordinance regarding the definitions.

Solicitor Yurchak stated how Councilman Stromelo mentioned about the Fire Commissioner being listed in the Housing Standard Ordinance. He stated how he had changed it. He stated that they could review it for another month. Councilman DiMiceli stated about Public Safety looking at it and discussing it with the Fire Chiefs.

Solicitor Yurchak stated about a letter dated January 8, 1993 from Panther Creek to Earl Johnson indicating that they would maintain the railroad crossing. President DeMarco asked who would maintain the crossing. Solicitor Yurchak replies "Panther Creek". President DeMarco stated that it was getting to be a nightmare there.

Solicitor Yurchak stated how they asked him to get some kind of a copy of an Ordinance for enclosing dumpsters or screening dumpsters. He stated how he received a copy from PSAB for Council to review. Councilman DiMiceli asked about existing places, will they have to comply. Solicitor Yurchak stated how that was just a draft for them to look at.

Solicitor Yurchak stated about Councilman DiMiceli asking him to look at the Gas Detection Ordinance, when people do not follow the instructions. Councilman DiMiceli stated how they had a situation with a landlord where he was given instructions by the Chief of Police. He stated how he was there along with a building inspector. Councilman DiMiceli stated that the Fire Chief went after work on a Friday evening to take a reading for methane gas. He stated that they asked that the building be closed up and they had every window and door open in the place, which made it useless to take the reading. Councilman DiMiceli stated how there has to be a penalty clause for not complying with the instructions. Councilman DiMiceli stated that they also have to adopt an ordinance for other gases because the only one they have was for the carbon monoxide. He stated that they should have one to go with what the detectors were certified for.

Solicitor Yurchak stated about the fire hydrant testing in Hauto. John McArdle stated that it was scheduled for June 2. He stated that the Lansford/Coaldale Water Authority was going to have a representative accompany them. He stated that the Water Authority was going to distribute letters when they read the meters. Mr. McArdle stated that once the Fire Companies get the reading, they will be color-coding the hydrants for the NFPA standards. Councilman DiMiceli stated about holding the fire hydrant fees until they get the hydrants tested and coded. He stated that they pay for nine (9) hydrants.

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**NESQUEHONING SAVINGS BANK TREASURER'S REPORT**

**GENERAL FUND**

Balance 03.31.08	100,716.32
Receipts	115,972.17
Expenditures	115,187.87
Balance 04.30.08	101,500.62

**GENERAL SEWER CONSTRUCTION FUND**

Balance 03.31.08	8,657.24
Receipts	9.44
Expenditures	.00
Balance 04.30.08	8,666.68

**SPORTS COMPLEX FUND**

Balance 03.31.08	81.31
Receipts	.09
Expenditures	.00
Balance 04.30.08	81.40

**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 03.31.08	1,116.39
Receipts	1.22
Expenditures	.00
Balance 04.30.08	1,117.61

**FIRE TRUCK FUND**

Balance 03.31.08	20,911.48
Receipts	22.81
Expenditures	.00
Balance 04.30.08	20,934.29

**CAPITAL PROJECT**

Balance 03.31.08	76,000.35
Receipts	325.92
Expenditures	.00
Balance 04.30.08	76,326.27

**SANITATION FUND**

Balance 03.31.08	145,872.04
Receipts	89,114.35
Sewer	57,661.18
Expenditures	33,318.38
Balance 04.30.08	144,006.83

**HIGHWAY FUND**

Balance 03.31.08	3,332.28
Receipts	76,428.91
Expenditures	1,251.17
Balance 04.30.08	78,510.02

**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 03.30.08	86,669.99
Receipts	74,774.02
Expenditures	28,407.18
Balance 04.30.08	133,036.83

**SEWER OPERATING & MAINTENANCE**

Balance 03.31.08	35,526.46
Receipts	100.92
Expenditures	30,216.01
Balance 04.30.08	5,411.37

**POLICE PENSION FUND**

Balance 03.31.08	461,828.24
Receipts	950.26
Expenditures	9,230.16
Acct Appreciation	14,291.47
Balance 04.30.08	467,839.81

**FEMA FUND**

Balance 03.31.08	3,000.91
Receipts	3.27
Expenditures	.00
Balance 04.30.08	3,004.18

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**CD REPORT**

<b>FUND</b>	<b>CURRENT VALUE 04.30.08</b>	<b>INTEREST 04.30.08</b>	<b>OPENING DATE</b>	<b>CURRENT RATE</b>	<b>RENEWAL DATE</b>	<b>BANK</b>
PLANNING	\$ 14,464.73	\$ 48.68	5-08-05	4.05 %	5-08-08	NSB
GEN. SEWER	\$ 355,180.64	\$ 1,195.25	5-08-05	4.05 %	5-08-08	NSB
GEN. SEWER	\$ 10,988.53	\$ 32.37	2-28-08	3.60 %	11-29-08	NSB
DEBT SERVICE	\$ 12,793.89	\$ 43.05	5-08-05	4.05 %	5-08-08	NSB
DEBT SERVICE	\$ 97,247.35	\$ 322.33	6-02-05	3.92 %	6-02-10	NSB

Councilman Jacobs stated that they had rolled over the CD's. President DeMarco stated that Secretary/Treasurer Ahner had contacted him about rolling over the CD's.

**EMERGENCY MANAGEMENT REPORT**

John McArdle stated that the elected officials program for the County for Emergency Management was scheduled for June 14, 2008 at 9:00 a.m. at the Carbon County E.O.C. He stated how it would be very welcomed if someone from Nesquehoning would attend.

Mr. McArdle stated that he was still working on the emergency operation plan. Solicitor Yurchak was still working on the agreements. He stated that they should have it completed in a month or so.

**MAYOR'S REPORT**

- Put your car keys beside your bed at night

Mayor Walck stated about the e-mail he received from another crime watch. He stated about the alarm that people have on their vehicles and how it could be used for more than just the vehicle. Mayor Walck read the e-mail. He stated how he handed copies out at the crime watch meeting.

- Resolution – Father Clifton Bishop

Councilman Jacobs moved and Councilwoman Walck seconded to adopt the Resolution for Father Clifton Bishop for his ten years in the priesthood. All voted yes. Motion passed.

- Fairview Hose Co. #2 – Need Fire Police for Four County Fireman's Parade

Councilman Jacobs moved and Councilman Hawk seconded to approve the Mayor to call out the Fire Police for the Four County Fireman's Parade held in Jim Thorpe. All voted yes. Motion passed.

Mayor Walck stated how they had the DARE graduation program on May 22, 2008 and all went well. He stated that the DARE program was a success.

Mayor Walck stated that the next Crime Watch Meeting will be on June 3, 2008 at 7:00 p.m. at the Borough Building.

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## TAX COLLECTOR'S REPORT

01 May – 17 May 2008

Real Estate	\$162,580.51
Occupation	1,528.80
Per Capita	<u>1,852.20</u>
Total	\$165,961.51

Councilman Hawk moved and Councilman DiMiceli seconded to accept all the reports to that point (Planning through Tax Collector's Reports). All voted yes. Motion passed.

## COMMUNICATIONS:

1. 04.17.08 Ohl Fuel Oil – Newsletter
2. 04.24.08 Mark Nalesnik – Updated training schedule
3. 04.24.08 PennDOT – highway enhancement projects
4. 04.24.08 Guardian Inspection Services – Code compliance services
5. 04.24.08 CC Economic Development – News Update
6. 04.24.08 PSAB – Update
7. 04.25.08 Jim Thorpe Police Department – Thanks for helping with former President Clinton's visit
8. 04.25.08 Broad Mt. Chapter ABATE of PA – Group motorcycle ride
9. 04.28.08 Borough of New Hope – Waste & Recycling Information
- 10. 04.28.08 Frank DiMiceli – PV Elementary School Landing Zone**
- 11. 04.28.08 Panther Valley SD – Not a landing site for Medivac helicopter**

Secretary/Treasurer Ahner stated how Councilman DiMiceli received an e-mail concerning the landing zone down at the Elementary School. She stated that they had sent a letter out to the School, the Fire Companies, the Police and the Communication Center that they were not to use the Elementary School as a landing zone during the months when school was in session. Councilman DiMiceli stated that the alternate sites were the Soccer Field and the Little League Field.

12. 04.29.08 Keystone Consulting Engineering – Nesquehoning Self-Storage
13. 04.29.08 Panther Valley School District – Final bus stop schedule for 2008-09
14. 04.30.08 Philip Valenti – Update on HR 418 On House Calendar for May 5, 2008
15. 04.30.08 George J. Donovan AIA – Municipal Specialists
16. 05.01.08 Panther Valley SD – Year-end Early Release Dates/Times
17. 05.01.08 Greg Berry – Muncibid.com in the News
18. 05.02.08 CC Conservation District – Hauto Valley Meadows Lot Clearing Project
19. 05.02.08 CC Conservation District – NSC Road Base Project
20. 05.05.08 NEPA – Energy Deregulation
21. 05.05.08 Tri-Star Ford – COSTARS Contract
22. 05.06.08 State Chemical Solutions – Merger Announcement
23. 05.07.08 Mark Nalesnik – Training Announcement
24. 05.07.08 Frank DiMiceli – Hydrant Flow Testing
25. 05.07.08 East Brunswick Twp – Sewage Sludge Ordinance
26. 05.09.08 Megan Fredericks – Annual Hazmat/DOT Training
27. 05.09.08 Liquid Fence – Septic Service

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28. 05.11.08 Phil Valenti – Statement of Helga Zepp-LaRouche on the Food Crisis
29. 05.12.08 Labor & Industry – Audit Report #130483-2 – Accessibility Audit Program
30. 05.12.08 Mark Nalesnik – News Release
31. 05.14.08 DCED – newPA news
32. 05.15.08 Panther Creek Partners – Notice to submit application for Title V Permit
33. 05.15.08 DEP – Annual Bond Review for 2007
34. 05.15.08 MECAB – Annual Banquet and Tour
35. 05.16.08 Blue Mt. Inspection Service – 1 West Garibaldi Street
36. 05.18.08 Carl Faust letter to George Krajnak – re: alarm systems in modular classrooms
37. 05.20.08 Better Business Bureau – Updating basic company info
38. 05.27.08 PSMA – Mayor of the Year for 2008
39. 05.27.08 HUD - \$1 Home Sales to Local Government Program (Annual Report)
- 40. 05.28.08 NEPA – Land Use, Transportation & Economic Development Regional (LUTED) Action Plan Meeting.**

Secretary/Treasurer Ahner stated how there was a LUTED Action Plan Outreach Forum on Tuesday, June 4, 2008 at 5:30 p.m. at the Carbon County Courthouse in Jim Thorpe.

Councilwoman Walck 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**

It was noted that the grant money has now been deposited into the account for the Police Department.

Councilman DiMiceli moved and Councilman Jacobs 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**

##### **➤ PennDOT – Traffic signal – detection loops – signature needed**

Councilman Stromelo stated how they have completed the stoplight update and there were new loops in the street. He stated how they have a drawing of what should be painted; no parking, white stop markers and yellow lines. Councilman Stromelo stated how they have some trucks coming up, making wide turns and missing the loop. He stated how the signal will not change and it was causing backups. Councilman DiMiceli stated how he had talked to Mr. Tirpak to see if there was a window . . . Secretary/Treasurer Ahner stated that they need to get everything painted before they will do anything else. She stated how they also have to get the sensors off the poles because people still think that they work.

Councilman Stromelo moved and Councilman Hawk seconded to proceed with the line painting and the recommendations from PennDOT (to do as they are told). All voted yes. Motion passed.

##### **➤ 05.05.08 Charles J. Lopresto – Curb Cut**

Councilman DiMiceli moved and Councilman Jacobs seconded to approve the curb cut permit for Charles J. Lopresto at 113 E. Garibaldi Avenue. All voted yes. Motion passed.

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Councilman Stromelo stated how they had a quote to repair the street sweeper and how it should be done next week.

Councilman Stromelo moved and Councilman Jacobs seconded to approve the quote of \$2,835.00 to have the sweeper repaired. All voted yes. Motion passed.

Councilman Stromelo stated about the two projects – Cemetery Road and W. Marconi Avenue

### ➤ **05.28.08 Gene Rutch – Cemetery Road Project**

President DeMarco stated how Gene Rutch submitted a letter that he was not interested in doing the Cemetery Road Project. He stated that Mr. Rutch feels that the Borough crew can do it and he will be around to help or watch over. He stated that if they want him to do the concrete work, it would be \$1,000 each side. President DeMarco read some of Mr. Rutch's letter. Councilman DiMiceli stated how he thought that the Borough crew should do the entire job. Councilman Hawk stated how he had reservations about them doing it because it intertwines with the other projects. He stated that they cannot have him there giving the Borough crew directions. He stated that they would not have to listen to them. President DeMarco stated "no, because they did not hire him". Councilman Hawk stated how that would just turn into a bigger mess. He stated that the reason it went out for bid in the first place was because they did not think that they could get it done themselves. Councilman DiMiceli stated that he felt the bids were too high to begin with. He stated that something has to be done and if their guys cannot do it, then they should re-bid it. President DeMarco stated how they were just going to get quotes as long as it does not exceed \$10,000. Councilman DiMiceli stated how they had talked about the contractors giving the Borough a copy of their insurance (liability and workman's compensation). He stated how the contractors who had given their information had expired. He stated that they needed new copies of the insurances, which has to be liability and workman's compensation. Councilman DiMiceli stated that if they do not have both, according to the Borough Code, they cannot do anything for them. President DeMarco stated how that was not a problem. He stated that they would buy the materials for all projects including the concrete. He stated that the quotes would include equipment and labor cost.

Councilman Stromelo stated that he would get a quote from Michael Radocha. President DeMarco stated that he should let him know because they could not wait on it. He stated how they have the specifications. Councilman Hawk asked what it would be for. Councilman Stromelo stated that it would be Cemetery Road and W. Marconi Avenue (sewer, water line) and replace the line behind Cusanelli's house to the stream. Councilman Stromelo stated that he would like a written letter from Mr. Clauser that it was okay. President DeMarco stated that he would call and ask for a letter.

Councilman Jacobs asked what they were going to have the Borough crew doing if they contract it all out. He asked about just getting quotes for an excavator and a man to run it and have their guys do the rest of the work. Councilman Stromelo stated how that was what he was figuring on. He stated that they would hire someone to dig the trenches and shoot the grade and the Borough crews would lay the pipe. Councilman Jacobs stated that they have a transit to shoot the grade. Councilman Stromelo stated that he would get quotes both ways.

Councilman Hawk stated how, for Marconi Avenue, they were going to have sewer and storm water. He stated how they would have the Sewer, Highway and Water Authority there when they dig up the intersection.

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

Wednesday, May 28, 2008 at 7:00p.m., Borough Office

Councilman Stromelo stated that the Coal Street culvert project was complete. Councilman Jacobs stated about sending a letter to the Railroad Commission because they promised to put a swale on the North side of the Railroad once the box was in. President DeMarco stated that they would have Solicitor Yurchak send the letter.

Councilman Stromelo stated about the small lawnmower and the push mower. He stated how they were old and that they kept taking them to be repaired. He stated about purchasing a new one. Councilman DiMiceli stated how they have to come up with a policy when they need to replace a piece of equipment. President DeMarco stated about a zero turn mower. Councilman Stromelo stated how they were cutting grass on properties where it was high and the owners could not be contacted. He stated how they will be billed for it.

Councilman Stromelo stated how they will be doing line painting as soon as the weather warms up.

### **2. SEWER**

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

#### **➤ Open Sewer Chemical Bids**

Secretary/Treasurer Ahner opened the five sealed chemical bids that were received and read them out loud (results attached).

Councilman Jacobs moved and Councilman Hawk seconded to table the bids for further review. All voted yes. Motion passed.

Councilman Hawk stated how they were having problems on W. Mill Street down by the parking lot. He stated how a couple of years ago, they had a sinkhole. Councilman Hawk stated that there was an inlet storm drain in the same area, which was falling apart. Councilman Hawk stated that they will have to replace the terracotta pipe with plastic. He stated how there will only be one lateral to replace. He stated that in order to dig up the line, they were going to have to dig up the inlet. He stated that they should get a pre-cast to put in. Councilman Stromelo mentioned about the small sewage at the apartment building on Mill Street. Councilman Hawk stated how they had problems in the apartment building also. He stated how from what he has heard, it was not the main. Councilman Stromelo stated how the owner had a contractor in there but they still had no real answer. Councilman Hawk stated how he was going to tell David Digilio to make plans to repair it.

Councilman Hawk stated how he spoke to a gentleman from Liquid Fence concerning their surcharge. He stated that the gentleman wanted to know if the Borough would be interested in speaking to him to make some kind of arrangement when it comes to water for the manufacturing of their product. Councilman Hawk stated that he told him about purchasing additional EDU's to cover it or to segregate their plumbing and install a separate meter. He stated how the gentleman thought that both of those would cost him more money. He stated that the gentleman's position was that they were putting the water into bottles and selling a product and the water was not going into the sewer. Councilman Hawk stated how he wanted to sit down to discuss another resolution. President DeMarco stated about them buying a sewer meter.

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

Wednesday, May 28, 2008 at 7:00p.m., Borough Office

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

Councilman Jacobs stated how Mr. Fox fixed the toilets at the Recreation Center. He stated how they cleaned up the basement in the Borough building and built some shelves for records to be stored. He stated how they also completed the heat loop in the basement.

Councilman Jacobs stated how they have to get the vents cleaned in the offices. He stated about getting a plumber in to replace some of the valves because very few hold. Councilman Jacobs stated how Red Cross was coming to inspect the Recreation Center on June 18<sup>th</sup>. He stated how they had to get the generator hooked up to the furnace and a light shining on the flag. Councilman Jacobs stated how that was to certify it in the event of an emergency.

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

#### **➤ Adopt the Nesquehoning Police Firearms Policy**

Councilman DiMiceli stated how Solicitor Yurchak gave all of Council a memo concerning two minor changes to be made to the policy. Solicitor Yurchak stated that where it says "personal handgun" it should say "primary duty pistol".

Councilman DiMiceli moved and Councilwoman Walck seconded to adopt the Firearms Policy with the changes from Solicitor Yurchak. All voted yes. Motion passed.

Councilman DiMiceli stated that he would like to thank Officer Breiner, who did a good job on the policy.

Councilman DiMiceli stated about dealing with the Stoffa property. He stated how the C.C.F.A. put friendly traps out to catch the cats. He stated how the County took possession of the property.

Councilman DiMiceli stated about the additional weapon for the department. Mayor Walck stated that Officer Breiner only got a ballpark figure of \$500.00. Councilman DiMiceli stated how Officer Breiner requested an additional hand gun for the department. He stated how they had told him that when they sold the other weapons, they would apply that money towards it.

Councilman DiMiceli moved and Councilwoman Walck seconded to purchase the additional weapon (pistol) for the department. All voted yes. Motion passed.

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

Councilman Stromelo moved and Councilman Hawk seconded to purchase 8 tires plus 2 left axel tires (retreads) for the garbage truck from Snyder Tires. All voted yes. Motion passed.

Councilman Stromelo stated how he wanted to get a meeting with the committee because some of the residents were abusing the system.

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

Wednesday, May 28, 2008 at 7:00p.m., Borough Office

Secretary/Treasurer Ahner stated how she had received a phone call because the garbage men missed her garbage. She stated how she radioed them about the missed garbage and they had told her that it was not out. Secretary/Treasurer Ahner stated how she was informed about the language that was used while they were picking up the garbage. President DeMarco stated that they would check on it. Councilman DiMiceli stated that they should not address it because they have a policy and a complaint form. Secretary/Treasurer Ahner stated that she did not feel that she was complaining as much as informing. Councilman DiMiceli stated how they were not calling or talking to anyone about it and if they had a complaint, they should come in to fill out a form.

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

Councilman Stromelo stated how the last meeting was canceled and the next meeting would not be until September.

Councilman Stromelo stated that they had the electrical service installed at the Little League Field. He stated that they were waiting for PPL.

### **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**

No report.

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

#### **➤ Remove Burning Ban**

Councilman DiMiceli moved and Councilman Hawk seconded to remove the burning ban. All voted yes. Motion passed.

Councilman DiMiceli stated that the ladder truck was going in on June 2, 2008 to have the springs done.

### **JR. RECREATION COMMISSION**

No report.

### **NEW BUSINESS**

No new business.

### **OLD BUSINESS**

No old business.

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

Wednesday, May 28, 2008 at 7:00p.m., Borough Office

**ADJOURNMENT**

Councilman Jacobs moved and Councilman DiMiceli seconded to adjourn the meeting. All voted yes.  
Meeting adjourned at 9:17 p.m.

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RoniSue Ahner  
Secretary-Treasurer