

MINUTES FOR REGULAR MEETING OF NESQUEHONING BOROUGH COUNCIL

Wednesday, September 24, 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 August 27, 2008.
Councilman Hawk moved and Councilman Jacobs seconded to approve the minutes from the regular meeting held on August 27, 2008. All voted yes. Motion passed.

HEARING OF VISITORS

Jim McLaughlin – 90 W. Center Street – stated about needing an approval for a handicap ramp. President DeMarco stated how Gene Kennedy had called him before the meeting in regards to this issue. He stated about submitting a plan to Engineer Ron Tirpak for review. Gene Kennedy stated about the encroachment on the sidewalks and mentioned the discussion they had at their Special Meeting.

Councilman DiMiceli moved and Councilman Sniscak, Jr. seconded to grant conditional approval for the ramp upon meeting the requirements and recommendations from Ron Tirpak, Gene Kennedy, Carl Faust and the Street Committee. All voted yes. Motion passed.

Patsy Black – Mill & Ratcliff Street – stated about the parking on the cemetery side of Ratcliff Street. She stated how there was no reason to put the no parking signs on both sides of that street. Ms Black stated asked what they were going to do when it snows and the people need to park there. She stated how there was not enough parking on Mill Street. Ms. Black stated how they have two churches and Borough Council meetings when people park on that hill. She stated that she wanted to know why names were on a work order sheet but some Council members knew nothing about the ordinance. Ms. Black stated that she wanted her parking space back on the hill by the cemetery. Councilman DiMiceli stated how there should be parking on one side of the street, the cemetery side. He stated that he did not feel the need to make Ratcliff Street a one way but did think that School Street, from Railroad to Catawissa, should be one way traveling north. He stated about allowing parking on the West side of School Street. Councilman Jacobs stated how he agreed but he felt that Ratcliff Street should be a one way going north with parking on the east side. He stated how it was too hard to see when pulling onto Catawissa Street. Councilman DiMiceli stated about taking the no parking signs down and draw up an Ordinance. Councilman Stromelo stated that when they changed some of the no parking areas on the streets in New Columbus, they updated all of the signs in the Borough. He stated how the ordinance prohibiting parking on Ratcliff Street was passed in 1995. Ms. Black stated that instead of buying signs why not fix the streets. Councilman Stromelo stated how they will be addressing the streets. President DeMarco stated how that street should not have been posted and how they do not give work orders. He stated that his signature and the Mayor's signature were on the ordinance but they do not give work orders. Ms. Black stated how she saw a copy of the work order. President DeMarco stated how she saw a copy of the ordinance. He stated that the signs would be coming down

Councilman DiMiceli moved and Councilman Stromelo seconded to have the Solicitor draw up an ordinance for School Street between Railroad Street and Catawissa Street, one way traffic traveling north and no parking on the east side; Ratcliff Street between Catawissa Street and Mill Street, one way traffic traveling north and no parking on the west side. All voted yes. Motion passed.

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Rudy Phillips – 10 W. Catawissa Street – stated about having the same problem and asked if anybody had gone over there to see that they have taken the garbage out. President DeMarco stated about having pictures from Robert Shubeck to show what had been cleaned up. Mr. Phillips stated how the pictures were from down the back. He stated about the steel beam lying next to his entrance way. He stated how the steel beam was laying on the ground with poles, fencing and a pool ladder. He stated how Chief Smith had seen it months ago. Solicitor Yurchak stated how he had met with him that afternoon when he received the pictures. Judy Shubeck stated how the photos were taken at 8:30 a.m. that morning. She stated how she wanted all of Council to walk on that property with her. Ms. Shubeck stated that it was brought to their attention via articles in the Times News that Mr. Phillips had a complaint about them. She stated that they rented the property for the former Shubecks's Auto Repair but the property was owned by Gloria and Bob Shubeck – 14 W. Catawissa Street. Ms. Shubeck stated how she had heard from several people how Mr. Phillips was accusing Mr. Kennedy, Chief Smith and Solicitor Yurchak of not doing their job. She stated how she overheard Mr. Phillips state "I don't know why I bother; they don't do a damn thing about it". Ms. Shubeck stated how Mr. Kennedy, Chief Smith and Solicitor Yurchak addressed it with her husband. Ms. Shubeck stated to Mr. Phillips how he had never once mentioned it to a member of her family. She stated to Mr. Phillips how, 6 weeks ago, he had asked the assistance of her father-in-law but never mentioned anything to him. She stated how they came to the last Council meeting and complained again. She stated how he never came face-to-face with them about it.

Ms. Shubeck stated about the pictures and asked if Solicitor Yurchak had the pictures of Mr. Phillips property. Solicitor Yurchak stated how Mr. Shubeck left them with him also. Ms. Shubeck stated how Mr. Phillips was so concerned with the condition of their property but she wanted Council to look at the pictures of Mr. Phillips property. Ms. Shubeck stated about some of the pictures (truck cap, electrical cord and water hose, and satellite dish). She stated that she was more concerned with safety. Ms. Shubeck stated that the property had been cleared and there was nothing more they could clear. She stated how her husband had been more than compliant. Ms. Shubeck stated how it was time to put it to rest. Mr. Phillips stated about the Solicitor and Council coming to see what he was complaining about. He stated how he never said that it was their property. He said how it was Shubeck property. Councilman Sniscak, Jr. stated about the truck cap and asked about the wires for the satellite dish. Ms. Shubeck also mentioned about a tire sitting in Mr. Phillips' yard. President DeMarco stated about going down to walk it one more time and then they were going to end it. He stated about it going back and forth and how it was not right. President DeMarco stated how the information should have been verified when comments were made, that things were not done. He stated about all of the communications that have gone on between the Chief; between Mr. Kennedy, who should not have been involved because he was not code enforcement. President DeMarco stated again how Gene Kennedy was not code enforcement. He stated how Mr. Kennedy was maxed to the limit and they could not afford to have him resign but he did it as a favor to help out. President DeMarco asked Mayor Walck to go down and walk the property to see what was going on.

Councilman DiMiceli asked about one of the pictures with the outdoor receptacle and if the plug ran to the satellite dish? Mr. Phillips stated how the cord was used to charge up his truck. President DeMarco stated how the Mayor would go down with the Code Enforcement Officer and/or Chief.

Teddy Dacey stated how the equipment should be checked up at the west end park. He stated about the New Columbus Park, how there was profanity scratched into the equipment and how it might be painted.

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Richard Ahner – 134 E. Railroad Street – stated how they had problems with the sewer gas and had to replace the line from their house on Railroad Street to Center Street. He stated about the problem he had with his neighbor concerning the bill. He stated how he was at a meeting several years ago complaining how something was going on at 132 E. Railroad Street. Mr. Ahner stated how his neighbor has a problem but they will not allow them in. He stated how his brother was a plumber and he was there 4-5 times and could not find anything wrong with the plumbing on his side. Mr. Ahner stated that as soon as his neighbor was home, there was a nasty smell coming through the floor. He stated how it was unbearable. Mr. Ahner stated how he had tried to get in there and his brother was willing to repair whatever was wrong. He stated that when his neighbor was not at home, there was no smell but an hour after his neighbor gets home, the smell was there. Mr. Ahner stated how he asked Council a year ago and they promised to have someone check his neighbor's house. He stated how he and his neighbor were not on good terms ever since they installed the new sewer line and he refused to pay his half. Mr. Ahner stated that since fall has come, they have the problem again. He stated how they have come to the conclusion that it was coming from the other side.

Councilman Jacobs stated how they had sent the Code Enforcement Officer up there and he could not smell anything. He stated how they sent the sewer workers up and he had refused to let them in. President DeMarco stated how they will have the Solicitor contact them and let him know the seriousness of the situation. He stated that, if they had to, they could get Carl Faust involved. He stated about Mr. Ahner also receiving a copy of the letter.

POLICE REPORT

Mayor Walck gave the Police Report for the month of August as follows:

\$802.00 fine money received from Magistrate Kosciolk; \$152.68 received in Carbon County Collections; \$419.99 received in DUI reimbursements, \$45.00 received in parking tickets; \$270.00 received in moving permits; \$75.00 received in accident reports; \$ 5.00 received in restitution; 393 total complaints received; 17 citations (6 non-traffic & 11 traffic); 7 criminal arrests and 3 felony arrests; 2 traffic accidents (0 reportable & 2 non-reportable); 14 court appearances and the mileage total was 3,111 (1,128 – 2008 Crown Vic; 945 – 2008 Chevy Impala; 1,017 - 2003 Crown Vic; 21 - 2005 Expedition).

HOUSING & CODE ENFORCEMENT OFFICER'S REPORT

(Copy of Officer Blisard and Chief Smith's reports were placed in the communications folder.)

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

PLANNING COMMISSION REPORT

➤ To accept the Planning Commission report for September

Councilman Jacobs moved and Councilman DiMiceli seconded to accept the minutes (reports) from the Planning Commission. All voted yes. Motion passed.

➤ Subdivision Plans

○ BOCA Holding Subdivision Plans

Attorney Cormier explained the subdivision plans to Council regarding BOCA Holding subdividing the property and selling property back to Kovatch (Bank A).

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Councilman DiMiceli moved and Councilman Hawk seconded to approve the subdivision of Bank A for BOCA Holding Corp. All voted yes. Motion passed.

○ LCCC Foundation Subdivision Plans

Attorney Cormier explained the subdivision plans to Council regarding the LCCC Foundation leased property located on Route 54 at Tonolli Road (west side). Kovatch buying it back from LCCC.

Councilman DiMiceli moved and Councilman Hawk seconded to approve the subdivision of the property located on Route 54 for LCCC Foundation. All voted yes. Motion passed.

○ Michael Greek Subdivision Plans

John McArdle explained the subdivision plans for Michael Greek's property.

Councilman DiMiceli moved and Councilman Sniscak, Jr. seconded to approve the subdivision plans for Michael Greek's property in New Columbus. All voted yes. Motion passed.

CIVIL SERVICE COMMISSION

No Report.

PANTHER CREEK ADVISORY REPORT

No report; however, there was a brief discussion concerning truck hauling and maintaining the bridge.

ENGINEER'S REPORT

- 09.03.08 Carbon Engineering letter to Hazleton Site Contractors – 2008 Street Program
- 09.03.08 Carbon Engineering letter to Barletta Materials – 2008 Street Program

SOLICITOR'S REPORT

➤ 08.28.08 Letter to Bahgat Omer Ahmed Bahgat – Spill Containment
Solicitor Yurchak stated how he had not received an answer from Mr. Bahgat. He stated that he would follow up with him on it.

➤ 09.04.08 Steven M. Cormier letter to Robert Yurchak – Boca Holding Corp. Review Fee
President DeMarco asked Attorney Cormier to explain what he was requesting on the fee for BOCA Holding. Attorney Cormier stated how the fee schedule for the planning calls for a sizeable fee. He stated about what he was trying to point out under the Municipalities Planning Code how there were review fees for subdivision plans and land development plans. He stated how those fees relate to the cost incurred by the Borough. Attorney Cormier stated that he was unaware of any fees incurred for BOCA Holding. He stated how other municipalities have several different fee schedules (simple subdivision and plan development). He stated that other municipalities request a down payment and when they use those funds, request additional funds to replenish. He stated how if there was any money left when the project was finished; they refund the remainder back to the developer. Attorney Cormier stated that he was requesting any unused portion be returned to Kovatch. President DeMarco stated how the Green Energy should have been the one to pay the fee not BOCA Holding. Attorney Cormier stated that Green Energy had nothing to do with BOCA Holding.

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Councilman DiMiceli asked Solicitor Yurchak if the Borough's fee schedule was legal. Solicitor Yurchak stated that he believed that it was legal the way it was set up. He stated that he understands the point how they were not supposed to overcharge for things; but when the Ordinance was written, it was reviewed by the Carbon County Planning Commission, the Engineer and by him.

Solicitor Yurchak stated that if he was asking them to review it to change the fees for the future, he did not have a problem doing that. He stated how the ordinance was what it was. Councilman DiMiceli asked if they had expensed any funds. Solicitor Yurchak stated that they had spent some money for him by answering some letters and meeting with the Secretary-Treasurer on that matter. Attorney Cormier stated how he would argue that whatever legal fees were incurred in his challenge to their fee schedule should not be part of the review fee. He stated that he was asking Council to have the Solicitor review the fee schedule. Councilman DiMiceli asked how they came up with that fee. Solicitor Yurchak stated that he did not remember. Gene Kennedy stated how it was a flat fee and then it was based on acreage. Councilman DiMiceli asked that once they go over their fee, can the Borough go back and bill them. Solicitor Yurchak stated that he did not think so.

Councilman DiMiceli stated how he thought Solicitor Yurchak should review the fees because it may end up that they were spending more than they were taking in. Solicitor Yurchak stated how he felt that they should have the money in hand and consider a refund instead of chasing people for a payment. Gene Kennedy stated how he understood but asked how would they get around it. Attorney Cormier stated that they should have two schedules. He stated that he was requesting a refund of any fees that were not incurred with the BOCA subdivision. Councilman Jacobs stated how they would have to review their expenses after 30 days. President DeMarco stated how that was true; they had to review their expenses first. Gene Kennedy stated that, if he remembered right, when the major piece that was subdivided years ago, the fee was in question then. Attorney Cormier stated how they agreed to pay \$2,000 and any unused portion was to be refunded, which he did not believe it ever was. He stated that the fee at the time would have been \$10,000. Councilman DiMiceli asked if they paid the fee already. Attorney Cormier replied "yes". Councilman DiMiceli stated about getting a list together before next meeting. Councilman Hawk stated about the Solicitor's, Engineer's and Zoning fees, if there were any? President DeMarco stated about all the fees that were incurred and they will look at it from there. He stated that if they were going to do a development, then it would cost money but if it was a simple subdivision, then it would be a smaller fee. He stated that there should be two separate fees.

Attorney Cormier stated how he would suggest that they amend their ordinance to provide a certain fee schedule for subdivision based on the number of lots rather than the number of acres and for land development it might be appropriate to have a fee structure based on acreage.

- 09.07.08 Robert T. Yurchak letter to Joseph J. Matika – Black/Royer
- 09.07.08 Robert T. Yurchak letter to Robert Shubeck – Clean up the yard
- 09.09.08 Panther Creek Partners – Truck Hauling

Solicitor Yurchak stated about the outdoor furnace ordinance that he had given them at the special meeting.

Councilman DiMiceli moved and Councilman Sniscak, Jr. seconded to advertise the outdoor furnace ordinance. All voted yes. Motion passed.

Solicitor Yurchak state about the sample wind farm ordinance he had given to them.

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Councilman DiMiceli moved and Councilman Sniscak, Jr. seconded to have Solicitor Yurchak draft a wind generator ordinance. All voted yes. Motion passed.

Solicitor Yurchak stated about the exceptions that were mentioned at the special meeting concerning the firearms ordinance. Councilman DiMiceli stated about exceptions for the police in the performance of their duties, protecting life or property, and putting an animal down.

Solicitor Yurchak stated about giving the Council Members an update on the Stempa property. He stated how Mr. Stempa had completed the installation of the road; put the vehicles in an orderly fashion; according to Jim Clauser, he was in compliance with the soil erosion; there were no issues with DEP; and that night Mr. Stempa was picking up shrubs for a shrubbery fence. Mr. Marouchoc stated how that did not satisfy him. He stated how he still had to look at the junk on the west side of the property, which was next to the Elementary School Field. Solicitor Yurchak asked just what he was referring to. Mr. Marouchoc stated about the tractor-trailer, the vehicles which were not moved in 4 -5 years, the rusted plows, and the 50-gallon barrels. He stated how he has seen him take refuse and dump it and then cover it with dirt. He stated how he was going to report it to DEP. Mr. Marouchoc stated how it had drug on for 6 months because the chief was told that he could not do anything because it was zoned commercial, which was an outright lie. He stated that then they were told that they could not do anything because there was a County Ordinance, which there was no such County Ordinance.

Mr. Marouchoc asked Solicitor Yurchak if he had written a letter to Mr. Stempa to cease and desist. Solicitor Yurchak stated how he had talked to Mr. Kennedy about doing a letter of cease and desist because he does not do that; it was Mr. Kennedy's job to do that. Mr. Marouchoc asked if he was going to do it. Mr. Kennedy stated that he was not going to do it. Mr. Marouchoc asked why not. Mr. Kennedy stated how he was granted a variance in 2004 to operate an excavation business on that property. Mr. Marouchoc stated that it was not to have a junk yard. Mr. Kennedy stated that it was an excavation business. Mr. Marouchoc stated that an excavation business does not mean that they pile up junk. He stated to Mr. Kennedy that he was not doing his job. Mr. Kennedy stated that junk was not his job. Mr. Marouchoc asked whose job was it. Mr. Kennedy stated how it was code enforcement. Mr. Marouchoc stated how code enforcement came under the police department and the chief said that he could not do anything because he was in compliance with the ordinance. Mr. Kennedy stated how he has commercial use for excavating equipment, storage and repair. Mr. Marouchoc stated how his variance was to store vehicles and build a garage. Mr. Kennedy stated that he was not given any time limit. Mr. Marouchoc stated that it had been 5 years and asked how much time he needed. He stated that he was going to have to get an attorney.

Mr. Marouchoc stated about having health problems, how it was upsetting him and the stress was affecting his health. He stated how none of the Council has to look at it. He stated how it was all because Mr. Stempa would not spend one day to clean up some of the junk on his property. He stated how scrap metal was worth money right now. Mr. Marouchoc stated how Mr. Stempa was doing it to say "the Borough was not going to tell me what to do." Mr. Marouchoc stated that he holds the Zoning Officer responsible. President DeMarco stated that he could not hold the Zoning Officer responsible because he only goes so far and he has nothing to do with junk. He stated that Mr. Stempa had it as an excavation business and that was what it was. President DeMarco stated how they have been down there and have told Mr. Stempa what he had to do. He stated how Mr. Stempa had complied in Council's eyes as to what he had to do. President DeMarco stated that he could not go by hearsay to what he had done and he was not going to disagree with Mr. Marouchoc. He stated that everything they have asked for from Mr. Stempa; he had given to them.

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President DeMarco stated that he did not know where else he wanted them to go because they could not go anywhere else on it. He stated how they have completed their obligation as far as the Borough Council, the Zoning Officer, the Chief and the Solicitor. President DeMarco stated that if he has a dispute, then he must challenge it and he must take it on.

Mr. Marouchoc stated about the pictures he had brought in to show the Council Members. He stated how it was junk not part of excavation. Mr. Marouchoc stated that all the Council had asked initially was to please remove it, clean it up. Mr. Marouchoc stated how the trucks were lined up. He stated that when they look across the railroad tracks at the bottom of the hill, he did not do one thing there. Mr. Marouchoc stated that he apologized to the Zoning Officer if it was not his responsibility, but whose responsibility was it to go down there and say that it was junk. Councilman DiMiceli stated about not being able to put up a fence so that nobody could see because of the slope of the property and asked if that would change the position of what was allowed on that property. Solicitor Yurchak stated how that was Council's determination. President DeMarco stated how they told him what was allowed on the property. He stated how it was their code that Council wrote up and Mr. Stempa was abiding by it. President DeMarco stated that Mr. Stempa was supposed to pull the van out, which was on the Elementary School side. Mr. Marouchoc stated that he did not care if a fence was put up as long as he would clean up the west side. Mr. Kennedy stated how Mr. Stempa had come to him and asked if he could put an excavation business on that property. He stated how his answer was "no" because it was residential and he would have to apply for a variance, which he did. Mr. Kennedy stated how he went to the Planning and the Zoning Board and was granted a variance. He stated that he pleaded his case to the Zoning Board and they granted him the variance. President DeMarco asked who was at that meeting. Mr. Kennedy stated how there was no public attendance at that meeting. Mr. Kennedy stated how they went by what Mr. Stempa had told them was going to happen. He stated that he would talk to Mr. Stempa about getting the west side cleaned up.

Councilman DiMiceli asked about the electrical contract. Solicitor Yurchak stated that he prepared a memo for Council concerning some questions he had; they reviewed some highlights of the memo; and had a brief discussion concerning some of the questions. President DeMarco stated about Solicitor Yurchak and Engineer Ron Tirpak reviewing the information and then getting in touch with Mr. Moran. He stated that Council should let them handle it. Mr. Marouchoc asked some questions about the company and the savings that the Borough would incur. He also voiced his concerns about the program and the company.

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

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NESQUEHONING SAVINGS BANK TREASURER'S REPORT

GENERAL FUND

Balance 07.31.08 424,797.74
Receipts 107,839.96
Expenditures 75,616.99
Balance 08.31.08 457,020.71

GENERAL SEWER CONSTRUCTION FUND

Balance 07.31.08 8,702.15
Receipts 11.73
Expenditures .00
Balance 08.31.08 8,713.88

SPORTS COMPLEX FUND

Balance 07.31.08 81.73
Receipts .11
Expenditures .00
Balance 08.31.08 81.84

SANITATION ESCROW

Balance 03.31.08 27,105.66
Receipts 8,771.86
Expenditures 34,636.89
Balance 06.30.08 1,240.63

DEBT SERVICE

Balance 07.31.08 1,122.18
Receipts 1.51
Expenditures .00
Balance 08.31.08 1,123.69

FIRE TRUCK FUND

Balance 07.31.08 21,019.97
Receipts 23.73
Expenditures 3,407.60
Balance 08.31.08 17,636.10

CAPITAL PROJECT

Balance 07.31.08 50,537.81
Receipts 387.24
Expenditures .00
Balance 08.31.08 50,925.05

SANITATION FUND

Balance 07.31.08 139,123.18
Receipts 74,399.99
Sewer 50,862.31
Expenditures 37,209.25
Balance 08.31.08 125,451.61

HIGHWAY FUND

Balance 07.31.08 82,783.84
Receipts 111.56
Expenditures .00
Balance 08.31.08 82,895.40

PLANNING FUND

Balance 03.31.08 9,688.00
Receipts 24.12
Expenditures .00
Balance 06.30.08 9,712.12

GENERAL SEWER FUND

Balance 07.31.08 93,727.40
Receipts 50,972.62
Expenditures 67,380.81
Balance 08.31.08 77,319.21

SEWER OPERATING & MAINTENANCE

Balance 07.31.08 44,162.94
Receipts 20,004.48
Expenditures 19,205.49
Balance 08.31.08 44,961.93

POLICE PENSION FUND

Balance 07.31.08 436,327.47
Receipts 882.77
Expenditures 8,075.59
Acct Appreciation 7,833.32
Balance 08.31.08 436,967.97

FEMA FUND

Balance 07.31.08 3,016.47
Receipts 4.06
Expenditures .00
Balance 08.31.08 3,020.53

ACQUISITION & RENOVATION

Balance 07.31.08 198,200.50
Receipts 266.57
Expenditures 2,000.00
Balance 08.31.08 196,467.07

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CD REPORT

FUND	CURRENT VALUE 08.29.08	INTEREST 08.29.08	OPENING DATE	CURRENT RATE	RENEWAL DATE	BANK
PLANNING	\$ 14,618.16	\$ 37.84	5-08-05	4.05 %	8-15-09	NSB
GEN. SEWER	\$ 358,948.15	\$ 929.08	5-08-05	4.05 %	8-15-09	NSB
GEN. SEWER	\$ 11,121.19	\$ 33.86	2-28-08	3.60 %	11-29-08	NSB
DEBT SERVICE	\$ 12,929.61	\$ 33.47	5-08-05	4.05 %	8-15-09	NSB
DEBT SERVICE	\$ 98,526.31	\$ 326.57	6-02-05	3.92 %	6-02-10	NSB

Councilman Jacobs moved and President DeMarco seconded to approve the Treasurer’s Report and the CD Report. All voted yes. Motion passed

EMERGENCY MANAGEMENT REPORT

John McArdle stated that they were called out for a power outage last Wednesday. He stated that they were also called out yesterday for Ametek because there was a concern of a hazardous materials. He stated that it was the plastic pellets which spilled.

MAYOR’S REPORT

- **Proclamation – To declare Thursday, September 11, 2008 as Police & Firemen Recognition Day**

Mayor Walck stated that he wanted to thank Councilman Hawk for reading the proclamation at the 9-11 services.

Mayor Walck stated that the next Crime Watch Meeting would be held on September 30, 2008 at 7:00 p.m. He stated that the Summit Hill Mayor was at the last Crime Watch Meeting.

Mayor Walck stated that Trick-or-Treat night would be held on Thursday, October 30, 2008 from 6 – 8 p.m. Mayor Walck stated about the Pumpkin Parade was October 25, 2008 in Lansford. He stated that the start time for the parade was 3:30 p.m. He stated that anyone who wished to be in the parade was invited to do so.

Mayor Walck stated about the memo they received concerning classes at the PSP for Officer Saullo. He stated how the classes were scheduled on his days off but they would still have to pay him for overtime. The Council Members discussed the number of days the classes would be held and what kind of classes they were.

Councilman DiMiceli moved and Councilman Hawk seconded to allow Officer Saullo to attend 4 days of classes. All voted yes. Motion passed

Councilman DiMiceli moved and President DeMarco seconded to accept the Emergency Management Report and the Mayor’s Report. All voted yes. Motion passed.

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TAX COLLECTOR'S REPORT

01 August – 31 August 2008

Real Estate	\$2,462.61
Occupation	181.50
Per Capita	<u>198.00</u>
Total	\$2,842.11

EXONERATION;

Michael A. Bonner – Deceased

Councilman Jacobs moved and Councilman Hawk seconded to accept the Tax Collector's Report and the one exoneration. All voted yes. Motion passed.

COMMUNICATIONS:

1. 08.28.08 PSAB – Update
2. 08.28.08 PSAB – Effective Hiring Practices
3. 08.28.08 PSAB – Establishing a Rental Property Inspection Program
4. 08.28.08 Humat, Inc – 4-way Hydrant Valve
5. 08.28.08 Lower Towamensing Twp. – free electronic recycling
6. 09.02.08 PSATS – Promoting Revitalization in Pennsylvania
7. 09.02.08 CC Conservation District – Kovatch Bridge Abutment Stabilization Project
8. 09.03.08 PPL – Phase-in option for generation of electricity in 2010
9. 09.03.08 Lehighon Ambulance Assoc. – Merger between Jim Thorpe EMS & Lehighon Amb.
10. 09.04.08 George J. Donovan, Architects – Municipal Specialists
11. 09.05.08 Michael S. Greek – Green Energy Capital Partners
12. 09.08.08 Trollinger Consulting Group – Investment management (Municipal Pension Plans)
13. 09.08.08 Biorem – Quote – Odor Control Equipment
14. 09.08.08 PPL – Phase-in payment option for 2010
15. 09.08.08 Philip Valenti – UPDATE: Treasury Bailout Must Be Stopped
16. 09.08.08 Keystate Publishers – Code of Ordinances – Preliminary Report
17. 09.09.08 Mark Nalesnik – Annual Elected Officials Seminar
18. 09.10.08 CMX – Municipal News Alert
19. 09.11.08 Kovatch Enterprises – Zoning Permit Application
20. 09.11.08 Kovatch Enterprises – Boca Holding Corporation
21. 09.11.08 PennDOT – Fall Leadership Forum
22. 09.11.08 PPL – Recycling Compact Fluorescent Light Bulbs
23. 09.12.08 Panther Valley SD – Sixth Crossing Guard
24. 09.15.08 DEP letter to LCN – Revision to update Module 16: Blasting Plan
25. 09.15.08 DEP letter to LCN – Correction to update Module 3: Ownership/Compliance
26. 09.15.08 DEP letter to LCN – Correction to update acreages of mining & operational areas of
27. 09.15.08 DEP letter to LCN – Correction to update Module 9 and Module 10
28. 09.16.08 DCED – Basic Training for Elected Auditors
29. 09.16.08 PSAB – Training Update
30. 09.16.08 PPL – Municipal Leaders Meeting/Dinner
31. 09.17.08 CC Dept. of Veterans Affairs – Veterans Day Parade – 9 Nov 2008 – 2:00 p.m.

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32. 09.17.08 MECAB – Newsletter
33. 09.17.08 Mark Nalesnik – Annual Elected Officials Seminar
34. 09.17.08 CC Dept. of Solid Waste – Press Release – Recycling
35. 09.17.08 PennDOT – Municipal Winter Meeting
36. 09.18.08 PPL – Municipal Leaders Dinner/Meeting
37. 09.22.08 PA One Call – Candidates for the Board of Directors

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

BILLS TO BE RATIFIED, EXPENDITURES AND RECEIPTS

Councilman Jacobs moved and Councilman DiMiceli 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

Councilman Stromelo stated that they were still working on the streets in New Columbus. He stated that they will be doing some hot patching, working with the Water Authority. Councilman Stromelo asked about West Marconi Avenue. President DeMarco stated how David Digilio was up there blending it down but he did have a problem with one person up there. He asked Solicitor Yurchak to get in touch with her for her approval. He stated how they will be ready to get it paved. Councilman Stromelo stated how that was East Marconi Avenue. He stated that he wanted to know where they were at with the sewer and water lines on West Marconi Avenue. President DeMarco stated that he did not know what the status was on that.

Councilman Stromelo stated that to do a lot of the hot patches they will need to rent a roller. He asked if they wanted to rent one from a local contractor. President DeMarco stated about calling Radocha to see if he had one because he had given a price for all of the equipment they could rent off of him.

Councilman Stromelo moved and Councilman Hawk seconded to increase Robert Pilla's pay from \$9.50 to \$11.00 per hour. All voted yes. Motion passed.

Councilman Stromelo stated how at the special meeting they had discussed the street program and asked if they were going to get involved with it. He stated about paying some out of Liquid Fuels. He stated about Budget and Finance looking into the funding in the area of \$1,000,000.00. Councilman Jacobs stated about holding off until they had a chance to go over the budget to see what kind of funds they were going to have available. President DeMarco stated about waiting until after they had a budget meeting.

Councilman Stromelo stated that the small dump truck was starting to cost a lot of money to add it to the proposed budget for the future. He stated about also budgeting in for a riding mower for next season.

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2. SEWER

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

Councilman Hawk stated about the quote for the Bio-filters up at the lake because they have been having some problems. He stated how David Digilio had told him that they had not been serviced in quite a while. Councilman Hawk stated how Mr. Digilio had received a price for them to do the maintenance on them to make sure that they were working properly. He stated that the quote was for \$8,866.00. Councilman Hawk stated how they would be shutting them down soon, once the colder weather was there. He stated that while they were shut down would be a good time for them to come in and service the filters.

Councilman Hawk moved and Councilman Jacobs seconded to allow Mr. Digilio to schedule the maintenance on the bio-filters at the lake. All voted yes. Motion passed.

3. BUILDINGS

**FRANK JACOBS, CHAIRMAN; ROSE WALCK, CO-CHAIRMAN;
DON DeMARCO**

Councilman Jacobs stated that they should have the specifications from the architect by the 10th of October. He stated about getting a meeting to go over everything before it was finalized. He stated that he also has to get in touch with Solicitor Yurchak in regards to the specifications.

➤ Advertise for fuel oil bids

Councilman Jacobs moved and President DeMarco seconded to advertise for fuel oil bids for the buildings. All voted yes. Motion passed.

Councilman Jacobs stated how the furnaces were supposed to be cleaned last week. He stated that he was also looking to get the snow catchers on the Borough Garage.

4. POLICE

**MICHAEL SNISCAK, JR, CHAIRMAN; FRANK DiMICELI, CO-
CHAIRMAN; DAVID HAWK**

Mayor Walck stated that the 30th of September the EMA building was going to be open to the public from 5:30 to 8:30 p.m.

Councilman Hawk moved and Councilman Jacobs seconded to allow the Mayor to call out the Crossing Guards for Trick-or-Treat night, if needed. All voted yes. Motion passed.

5. SANITATION

**MARK STROMELO, CHAIRMAN; DAVID HAWK, CO-CHAIRMAN;
FRANK DiMICELI**

Councilman Stromelo stated how they were having a problem with a resident up at the lake with putting construction materials out. He stated that he just keeps piling the materials up. He stated that he has also heard that there were three apartments at that address and they were only paying for one. Councilman DiMiceli stated that they should start billing them and notify the police if they were putting the debris out. He stated that they should be cited. Councilman Stromelo stated that he recommended that Secretary/Treasurer Ahner let the Chief know about it. Councilman DiMiceli stated that if it was in the lake, then it was their problem if it was laying up there. Secretary/Treasurer Ahner stated that he did not pay club dues. President DeMarco stated that if it piles up then it was the clubs problem not theirs. Mayor Walck stated how Solicitor Yurchak should send a letter to the president of the club stating that the debris was their problem.

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Councilman Stromelo stated how they reviewed the budget for the sanitation. He stated how the committee members determined that they would be raising the sanitation fee \$2.00 and still keep the discount. He stated how it was due to the rising cost of fuel and salaries but they were still way under compared to what they would be paying for an outside hauler. Councilman Stromelo stated how they were going to look into the businesses that were paying residential rates.

Councilman Stromelo moved and Councilman Hawk seconded to raise the sanitation fees \$2.00 per month per account and to address the businesses' rates. All voted yes. Motion passed.

Councilman Stromelo stated how he had talked to the purchasing committee about purchasing some chains for the trucks, raingear for the workers, and some stencils.

Councilman Hawk stated about something that they had received from the Carbon County Department of Solid Waste back in May concerning a Waste Management Ordinance and a Recycling Ordinance. He asked if it pertained to them. Councilman Stromelo stated that it did not pertain to them. He stated that he thought that the state was trying to do away with funding.

Councilman Jacobs stated how they have been doing a great job on recycling. He stated that he had talked to Althea Higgins to see if they might be interested in placing some bins up near the lake.

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

Councilman Hawk stated that they did not have a meeting in September but they will be having a meeting on October 6, 2008 at 6:30 p.m.

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

➤ 2009 PMRS & Police Pension Fund MMO amounts and request for approval

Councilman Hawk moved and Councilman Jacobs seconded to approve the 2009 PMRS MMO in the amount of \$32,053.00 and the 2009 Police Pension Fund MMO in the amount of \$127,931.00. All voted yes. Motion passed.

Councilman Hawk stated that the Secretary/Treasurer had come up with a draft budget for their review. He stated how they were still waiting on what their tax revenue was going to be for 2009. Councilman Jacobs stated how they were \$100,000 less at that point that year than what they were at last year. He stated how they would have to control their spending. He stated how the cost of fuel oil and gas were killing them right now.

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

No report.

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

➤ **Resolution – To amend or change the Borough’s schedule of hazardous response fees**

Councilman DiMiceli moved and Councilman Sniscak, Jr. seconded to adopt the resolution to amend the Borough’s schedule of hazardous response fees. All voted yes. Motion passed.

➤ **Resolution – Recognizing Primary Responder for the Borough**

Councilman DiMiceli moved and Councilman Hawk seconded to adopt the resolution to recognize the three Fire Companies, the Nesquehoning Ambulance and ALS as the primary responders for the Borough of Nesquehoning. All voted yes. Motion passed.

Councilman DiMiceli stated that the Nesquehoning Hose Company #1 was certified by the State Fire Commissioner’s Office for meeting certain training requirements by a 10% certification. He stated that it was not a matter of just taking courses; it was taking the proper courses and the Firemen were certified. Councilman DiMiceli stated thank you and thank everyone down there. He stated that it was not an easy process. Mayor Walck stated about the Borough sending the Fire Company a letter recognizing the certification.

Councilman DiMiceli stated that they would like to have a committee meeting, October 1, 2008 at 6:00 p.m.

➤ 09.05.08 Frank DiMiceli - Volunteer responder retention & recruitment tax credit

Councilman DiMiceli stated how the Fire Chiefs now had an additional task and that was the tax break that the State has given them. He stated how they have to earn so many points through training, fund raisers, and meetings.

JR. RECREATION COMMISSION

Mayor Walck stated how they were going to be working on the fund raisers for the Thanksgiving baskets.

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

NEW BUSINESS

Councilman Jacobs stated about Little Italy and having Solicitor Yurchak send a letter concerning the mining.

Councilman Hawk stated about the PPL proposal for the prepaying on the bills. Councilwoman Walck stated how they were going to wait to see what they were going to do with the other electrical program proposals.

Councilman DiMiceli asked if anybody had a chance to look at the personnel policy that was given out at the last meeting. Councilman Sniscak, Jr. stated how they would get together after he gets back. Councilman Hawk stated that they wanted to do one that would cover all of the departments.

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OLD BUSINESS

No old business.

ADJOURNMENT

Councilman Sniscak, Jr. moved and Councilwoman Walck seconded to adjourn the meeting. All voted yes. Meeting adjourned at 9:20 p.m.

RoniSue Ahner

RoniSue Ahner
Secretary-Treasurer