

MINUTES FOR REGULAR MEETING OF NESQUEHONING BOROUGH COUNCIL

Wednesday, April 22, 2009 at 7:00p.m., Borough Office
114 W. Catawissa Street, Nesquehoning, PA 18240

ROLL CALL: COUNCILMEN DiMICELI, HAWK, SNISCAK JR., STROMELO, ZABROSKI;
COUNCILWOMAN WALCK; PRESIDENT DeMARCO; MAYOR WALCK;
SOLICITOR YURCHAK; & CHIEF SMITH

President DeMarco called the meeting to order at 7:00 p.m.

MINUTES: Approve the minutes from the Regular Meeting held on March 25, 2009
Councilman DiMiceli moved and Councilman Zabroski seconded to approve the minutes from the regular meeting held on March 25, 2009. All voted yes. Motion passed.

HEARING OF VISITORS

Michael Matalone – 129 E. Columbus Avenue – asked what progress was made regarding the two properties next to his. Solicitor Yurchak stated how Sparich filed bankruptcy so they could not proceed against him at that point in time. He stated how it was his understanding that the property was supposed to go back to the bank.

POLICE REPORT

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

\$905.85 fine money received from Magistrate Kosciolk; \$318.96 received in Carbon County Collections; \$209.33 received in DUI reimbursements, \$80.00 received in parking tickets; \$75.00 received in moving permits; \$30.00 received in accident reports; 363 total officer contacts/follow-ups; 47 citations [6 non-traffic (1-harassment, 4-code/garbage and 1-required dog license) & 41 traffic]; criminal arrests (1-altered forged documents (misdemeanor); 1-felony juvenile arrest aggravated assault on teacher and terrorist threats, 1-possession of narcotics and damage to Borough Building window, 1-domestic-simple assault, 1-hit and run, 1-DUI, 1-death investigation, 1-felony drug arrest and two counts unlawful delivery of controlled substance & 84 oxycontin in school zone.) 26 incidents reported for the month; 1 search warrant; 4 traffic accidents (3 reportable - 1 non-reportable); 6 court appearances and the mileage total was 5,947 (662 – 2008 Crown Vic; 1,734 – 2008 Chevy Impala; 3,011 - 2003 Crown Vic; 540 - 2005 Expedition).

HOUSING & CODE ENFORCEMENT OFFICER'S REPORT

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

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

EXECUTIVE SESSION

Borough Council entered into an Executive session at 7:07 p.m. for contractual issues. The Council members exited their Executive session at 7:50 p.m.

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PLANNING COMMISSION REPORT

- Joe Lawrence – Storage Unit Plans

Councilman DiMiceli moved and Councilman Sniscak, Jr. seconded to approve the Joe Lawrence storage unit plans conditionally upon approval of the Planning Commission. All voted yes. Motion passed.

CIVIL SERVICE COMMISSION

No report.

PANTHER CREEK ADVISORY REPORT

Councilman Sniscak, Jr. stated how there was no meeting in March and the meeting in April had nothing to do with the Borough.

ENGINEER'S REPORT

- 04.21.09 Carbon Engineering – Sewer Odor – W. Catawissa Street

Councilman Hawk stated how the smoke test revealed that there were leaks in the pipe which runs through the basement of the three homes before it goes into the main sewer line. He stated that Ron Tirpak's letter recommends that the property owners get together to make the repairs and to consider putting a trap in it. President DeMarco stated about the property owners getting a copy of the letter. Councilman Hawk stated that he had already asked for it to be forwarded to them.

SOLICITOR'S REPORT

- 03.26.09 Robert T. Yurchak letter to PA Dept. of Transportation
- 03.27.09 PennDOT – Speed limit study

Solicitor Yurchak stated how the new speed limit signs had been installed down by the Lantern.

- 03.26.09 Robert T. Yurchak letter to Ernest Sparich

Solicitor Yurchak stated that Mr. Sparich filed for bankruptcy on April 15th.

- 03.26.09 Robert T. Yurchak letter to Robert Stempa

Solicitor Yurchak stated that Mr. Stempa was there if anyone wanted to talk to him about his property.

- 04.17.09 Ordinance – Uncertified Buildings

Solicitor Yurchak stated how the uncertified buildings were a topic that was raised by Carl Faust. Councilman DiMiceli stated how they met with Fire & Ambulance and the three Fire Chiefs. Councilman Hawk stated that it was for older buildings that never had an occupancy permit. He stated how it would allow Mr. Faust some standards to enforce. Solicitor Yurchak stated that it was a section of the UCC which allows them to adopt the standards that were created by the state, if they adopt an ordinance for it. He stated how nobody around the area had done that yet; they were treading on new ground. Councilman DiMiceli stated about getting them a draft ordinance. Councilman Hawk stated that the examples Mr. Faust gave them at the meeting sounded like it would be a good thing to do.

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Solicitor Yurchak stated about the request that was made to update the fire alarm ordinance. He stated that he did some work on it and that it was just a draft. He stated that there was a discussion of imposing a cost of the responding units; but he did not put that in there just yet. Councilman DiMiceli stated how he wanted a section in there for nuisance alarms.

Solicitor Yurchak stated that the other request made was in regards to a property maintenance board. He stated that they will have to do a maintenance appeals board. He stated that if they could not get one in town that they could use one from another area/town.

Councilman DiMiceli moved and Councilman Hawk seconded to advertise for members for a Property Maintenance Building Appeals Board.

Councilman Hawk and Solicitor Yurchak stated that the qualified applicants should have building/construction knowledge/experience. Councilman DiMiceli stated how if they could not get anybody that they would be allowed to participate in the other group. President DeMarco stated how they have to be qualified in the craft or trade.

All voted yes. Motion passed.

Solicitor Yurchak stated how St. Francis of Assisi did file their appeal last week. He stated that he did not know if Council wanted him to intervene on behalf of Borough Council or stay out and let the Zoning Board handle it. Councilman Sniscak, Jr. stated how the Zoning Board started it that; they should let them handle it.

Councilman DiMiceli stated how they had an assistant fire chief who will be moving. He stated that they will be having a little thing for him in May.

Councilman DeMarco moved and Councilman Zabroski seconded to adopt a Resolution for William Fauzio, Jr. All voted yes. Motion passed.

President DeMarco stated about the Loss-Control Safety Policy. He stated that everybody should look at it and they would vote on it at the next meeting. Councilman DiMiceli stated how they should add a line on how it also applies to the Police Department. Solicitor Yurchak stated that he should write on it and that they could make changes. President DeMarco stated that they should write on it, give it to Solicitor Yurchak and they would vote on it next week.

Councilman Sniscak, Jr. moved and Councilman Zabroski seconded to accept all reports up to Solicitor's Report. All voted yes. Motion passed.

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NESQUEHONING SAVINGS BANK TREASURER'S REPORT

GENERAL FUND

Balance 02.28.09	73,814.41
Receipts	59,250.21
Expenditures	78,876.14
Balance 03.26.09	54,188.47

SANITATION FUND

Balance 02.28.09	164,197.14
Receipts	73,594.97
Sewer	.00
Expenditures	25,888.21
Balance 03.26.09	211,903.90

GENERAL SEWER CONSTRUCTION FUND

Balance 02.28.09	8,763.30
Receipts	4.68
Expenditures	.00
Balance 03.26.09	8,767.98

HIGHWAY FUND

Balance 02.28.09	27,960.41
Receipts	9.30
Expenditures	11,310.60
Balance 03.26.09	16,659.11

SPORTS COMPLEX FUND

Balance 02.28.09	1,347.79
Receipts	3,065.76
Expenditures	1,255.67
Balance 03.26.09	3,157.88

PLANNING FUND

Balance 12.31.08	8,460.90
Receipts	19.64
Expenditures	99.99
Balance 03.26.09	8,380.55

SANITATION ESCROW

Balance 12.31.08	18,685.53
Receipts	5,850.00
Expenditures	.00
Balance 03.26.09	24,535.53

GENERAL SEWER FUND

Balance 02.28.09	73,954.91
Receipts	124.30
Expenditures	31,660.23
Balance 03.26.09	42,418.98

DEBT SERVICE

Balance 02.28.09	1,130.06
Receipts	.60
Expenditures	.00
Balance 03.26.09	1,130.66

SEWER OPERATING & MAINTENANCE

Balance 02.28.09	82,486.67
Receipts	108.47
Expenditures	32,776.26
Balance 03.26.09	49,818.88

FIRE TRUCK FUND

Balance 02.28.09	48,672.27
Receipts	490.00
Expenditures	4,399.24
Balance 03.26.09	44,763.03

POLICE PENSION FUND

Balance 02.28.09	387,850.88
Receipts	2,252.89
Expenditures	8,075.59
Acct Appreciation	12,405.13
Balance 03.31.09	394,433.31

CAPITAL PROJECT

Balance 02.28.09	68,809.97
Receipts	137.08
Expenditures	.00
Balance 03.26.09	68,947.05

ACQUISITION & RENOVATION

Balance 02.28.09	194,831.14
Receipts	104.11
Expenditures	.00
Balance 03.26.09	194,935.25

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CD REPORT

FUND	CURRENT VALUE 03.31.09	INTEREST 03.31.09	OPENING DATE	CURRENT RATE	RENEWAL DATE	BANK
PLANNING	\$ 14,879.86	\$ 38.61	05-08-05	4.05 %	08-15-09	NSB
GEN. SEWER	\$ 365,374.24	\$ 948.30	05-08-05	4.05 %	08-15-09	NSB
GEN. SEWER	\$ 11,349.92	\$ 33.11	12-03-08	3.44 %	06-03-10	NSB
DEBT SERVICE	\$ 13,161.09	\$ 34.15	05-08-05	4.05 %	08-15-09	NSB
DEBT SERVICE	\$ 101,126.79	\$ 638.93	06-02-05	3.92 %	06-02-10	NSB

Councilman DiMiceli moved and Councilman Zabroski seconded to approve the Treasurer’s Report and CD Report. All voted yes. Motion passed.

EMERGENCY MANAGEMENT REPORT

John McArdle stated that he was bringing to Council’s attention; NIMS 700 & 100 compliance needed to be done by all Borough officials and employees (secretaries, water authority, sewer workers). He stated that they could take the 700 course online but the 100 course had expanded and was an eight hour session. Mr. McArdle stated how Mark Nalesnik had offered to do that class at the Communication’s Center. He stated how any of the supervisory personnel (police, sewer, and water) should be up to the 300 level. He stated how the Borough had signed up to be NIMS compliant two years ago. He stated that they will have to make sure that they continue. President DeMarco stated that they will have to send a letter to all the Borough workers who will have to attend the classes. He stated that they will have to post a notice at the Borough garage and at the Sewer plant on how they will have to comply with it. Councilman Hawk stated how it will have to be a mandatory training. Mayor Walck stated that there was a stipulation from Governor Rendell concerning grants also. Mr. McArdle stated that it should be the Solicitor also.

Councilman Hawk asked Mr. McArdle if the 700 & 100 applied to the Water Authority workers also. Mr. McArdle stated “everybody”. He stated that the 700 was just an overview of the entire thing and the 100 was the nuts and bolts of it. Mr. McArdle stated how Mark and Joe should almost go up to the 300 level because of having to deal with the water in an emergency situation. Councilman Hawk stated that for the number of people who would have to get done, it might be better if they could do an in-service. Mr. McArdle stated that it was not something that they could just pass by because of showing NIMS training for the grants. He stated that the Police will also have to get the training because it was no longer in the MPOETC.

MAYOR’S REPORT

Mayor Walck stated how he had presented a proclamation for Chief John Turcmanovich for 36 years of service. He stated how they had a testimonial dinner for the Chief last Saturday night.

Mayor Walck stated about a request that he received from Chief Smith to place a letter from the Jim Thorpe Police Department which commended the Chief on his assistance on the incident that occurred in Jim Thorpe on March 25, 2009, to be placed in Chief Smith’s personnel file.

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Mayor Walck stated that the next Crime Watch meeting would be held on Tuesday, May 5, 2009 at 7:00 p.m. at the Borough building.

TAX COLLECTOR'S REPORT

No Report.

APPLICATION:

Miller, Matthew F. – Laborer, summer employment
Loverso, Lawrence A. – Police Officer
Leslie, Todd M. – Police Officer
Frederick, Keith R. – Part-time Police Officer
Carter, Joshua M. – Police Officer
Hascher, Allan L. – Any Position

COMMUNICATIONS:

1. 03.25.09 Blue Mt. Inspection Service – 124 W. Columbus Avenue
2. 03.30.09 Blue Mt. Inspection Service – 226 E. Center Street
3. 03.30.09 Christian Container Service – Demolition Services
4. 03.30.09 Sand Associates – Grants Assistance Program, COPS Hiring Recovery Program
5. 03.31.09 Frank DiMiceli letter to Nesquehoning Borough Authority – Installation of fire hydrant
6. 03.31.09 PIRMA – Pool and Spa Safety Act
7. 03.31.09 PSATS – Spring Leadership Program
8. 03.31.09 Unique Building Systems – Pre-engineered steel or fabric buildings
9. 04.01.09 PSAB – Update
10. 04.06.09 DCED – American Recovery & Reinvestment Act
11. 04.06.09 Eastern Industries – Hot Mix Asphalt Customers & Truckers
12. 04.07.09 PSATS – Marcellus Shale & Local Governments
13. 04.07.09 Dept. of Labor & Industry – UCC certification required
14. 04.08.09 DCED – Form-Based Codes
15. 04.08.09 Warner's Central Garage – Short Term Rental Agreements
16. 04.08.09 PennDOT – National Bridge Inspection Standards – Notification
17. **04.09.09 Barbara Rutch – "Community Yard Sale"**

Secretary/Treasurer Ahner stated how Barbara Rutch had sent her an e-mail requesting to see if there was any way the Borough could have some kind of Community Yard Sale. She stated that she was not sure how much control they would have over it because she thought that it would be more in the line of one person taking control to see if the residents in their neighborhood would want to hold a yard sale on the same day. Secretary/Treasurer Ahner stated how the community of Nesquehoning would be a wide spread area unless it would be held somewhere in town (Park, Recreation Center, Sport Complex Field) where the residents would have to haul their stuff to one area. Ted Dacey asked if they would be leaving themselves open for a liability if they would hold something on Borough property. President DeMarco stated that Solicitor Yurchak had informed him that Lansford does have a community yard sale but they do it at their own homes. He stated that if they were holding it at their own homes, it was fine but to hold it on Borough property, it would be a different question of order. President DeMarco stated how Lansford had approved it for once a year, in the spring. He stated how if that was all they were looking for, it was fine; they would grant it.

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President DeMarco stated how the people will put it in the paper and the Borough would not have any financial responsibility. He stated that it would be for the whole town "Community Yard Sale" and the residents would take care of everything. President DeMarco stated how they would find out what day they were looking for and they would vote on it next month.

18. 04.14.09 CC Dept. of Solid Waste – Regular Meeting
19. 04.14.09 CC Workforce Training – Summer Youth Employment Program
20. 04.16.09 PSAB – Stimulus Web Session
21. 04.16.09 Philip Valenti – "New Pecora Hearings" to investigate Wall St.
22. 04.17.09 CMX – The Pennsylvania Municipal News
23. 04.17.09 PA One Call – Presentation
24. 04.17.09 MECAB – Meeting
25. 04.17.09 Keith R. McCall – Street and sewer infrastructure project
26. 04.20.09 Nanovic Law Offices – Appeal of St. Francis of Assisi Church

Councilman Sniscak, Jr. moved and Councilman Hawk seconded to accept all reports, to accept all applications and place them on file and to approve all communications and place them on file.

Councilman DiMiceli abstained from the application vote because there was a conflict of interest with a family member applying for employment.

All voted yes. Motion passed.

BILLS TO BE RATIFIED, EXPENDITURES AND RECEIPTS

Councilman DiMiceli moved and Councilman Sniscak, Jr. 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 MICHAEL SNISCAK, JR. CHAIRMAN; DON DeMARCO, CO-CHAIRMAN; RICHARD ZABROSKI

Councilman Sniscak, Jr. stated that as soon as the weather improves and it gets warmer, they will start fixing potholes and repairing the worst streets in town as money allows them.

Councilman Sniscak, Jr. stated how he had received several letters from Senator Musto, Representative McCall and Congressman Kanjorski in regards to other avenues to acquire funds because the grants were not what they thought.

President DeMarco stated how he had the same but that they would get together to discuss the repairs and what equipment they will need or rent from the local contractors.

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Councilman Hawk stated about the e-mail they received concerning the streets and environmental projects. He stated that he had suggested that they might look into doing things adjacent to the creek. He stated that he did not know the terms and if the interest rates were the same as what they were the night at the Communications Center. Councilman Sniscak, Jr. stated how it was the same deal.

Councilman Sniscak, Jr. stated how he had talked to the three gentlemen when they had the meeting at KME concerning the two mile stretch of the Nesquehoning Creek, which needed to be addressed. He stated that they were supposed to get back to him if there was something they could do as far as the Borough property.

Councilman Zabroski stated how it was brought to his attention that between 318 and 326 W. Catawissa Street, there was a storm drain cover (the kind that was even with the curb) which had a metal plate and was cracked. He stated that he was down to look at it and it was split and cracked; very dangerous. He asked if there was some way that it could be patched. President DeMarco stated how they would have the Borough crew check it out to see what could be done.

2. SEWER DAVID HAWK, CHAIRMAN; RICHARD ZABROSKI, CO-CHAIRMAN; FRANK DiMICELI

➤ Advertisement for Sewer/Chemical bids

Councilman Hawk moved and Councilman DiMiceli seconded to advertise for sewer chemical bids. All voted yes. Motion passed,

Councilman Hawk stated how they did a line replacement on E. Catawissa Street. He stated that the old line was cracked and they had Radocha come in to assist them.

3. BUILDINGS RICHARD ZABROSKI, CHAIRMAN; ROSE WALCK, CO-CHAIRMAN; DON DeMARCO

Councilman Zabroski stated that there was a section of floor at the Recreation Center in need of repair. He asked if they could have someone look at it. President DeMarco stated that they will have the Borough crew look at it.

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

Councilman Sniscak, Jr. moved and Councilman DiMiceli seconded to place the police annual evaluations into their personnel files. All voted yes. Motion passed.

Councilman Sniscak, Jr. moved and Councilman DiMiceli seconded to adopt the Nesquehoning Borough Police Department review by Pennsylvania Governors Center for Local Government (Blue Book Study), which was a review done in 2007 on the procedures for the Nesquehoning Police Department. All voted yes. Motion passed.

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

No report.

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

Councilman DiMiceli stated that the Conservation Club asked, because they were going to have some prisoners clean the brush in the area of the creek within the next month, if the Borough would get rid of the brush that was cut. President DeMarco stated that they should find out when it was going to happen and the Borough crew would just park one of the trucks down there. He stated that they might be able to dump it down by the sewer plant.

7. BUDGET DAVID HAWK, CHAIRMAN; RICHARD ZABROSKI, CO-CHAIRMAN; DON DeMARCO

President DeMarco stated that he hopes the tax dollars come in because they had to hit the line of credit again.

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

No report.

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

- **04.13.09 Fire Department Summary Report**
- **04.13.09 Nesquehoning Ambulance Corp. Summary Report**

Councilman DiMiceli stated that he would like to read the report for March:

- 1 dwelling fire
- 1 brush fire
- 2 automatic fire alarms
- 1 CO detection
- 1 EMS assist

Councilman DiMiceli stated how the ambulance response for March was 35 and 745 miles. He stated how there were 44 EMS calls handled by KME employees during work and 67 calls handled by Nesquehoning Ambulance Corp. Volunteers for a total of 111 calls and 2,168 total miles traveled for 2009.

Councilman DiMiceli stated how Hauto Fire Company had gotten the paint because when they met, Hauto had agreed to color code the hydrants in the village of Hauto, which belonged to the Lansford/Coaldale Joint Water Authority.

Councilman DiMiceli moved and Councilman Sniscak, Jr. seconded to approve a burning ban effective April 23, 2009 until further notice. All voted yes. Motion passed.

Councilman DiMiceli stated how there was a 95% grant but it would have to go through one of the fire companies. He stated how there was a strong possibility that they may be able to apply and purchase a new aerial. He stated how the Borough would only have to put out 5%. Councilman DiMiceli stated that with the Truck Fund, they would be able to handle it. He stated that they were not talking about anything in the near future. He stated how the applications would have to be in by the 14th but would not get any notification until December. He stated that if they were successful, they would be looking at a year from then that the truck would be built.

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Councilman DiMiceli moved and Councilman Sniscak, Jr. seconded to allow the fire company to pursue the 95% funding grant. All voted yes. Motion passed.

Councilman Hawk moved and Councilman Sniscak, Jr. seconded to accept all committee reports. All voted yes. Motion passed.

JR. RECREATION COMMISSION

Mayor Walck stated how the Jr. Recreation Commission was at the cancer telethon and donated \$100.00

NEW BUSINESS

No new business.

OLD BUSINESS

Councilman Hawk stated that the Nesquehoning Borough Authority did agree to go half on the hydrant at Allen & Mill Street during the water line project. He stated that they did express their gratitude to the Borough for assuming the other half.

President DeMarco stated about when the flood came in, the Borough crew did a good job in digging the ditch at the end of Coal Street. He stated that the people were ecstatic but the only problem they have were that the dirt bikers were having a great time. President DeMarco stated that they would have to get the police to patrol down there.

ADJOURNMENT

Councilman DiMiceli moved and Councilman Sniscak, Jr. seconded to adjourn the meeting. All voted yes. Meeting adjourned at 8:35 p.m.

RoniSue Ahner

RoniSue Ahner
Secretary-Treasurer