

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

Wednesday, December 16, 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; MAYOR WALCK; SOLICITOR YURCHAK; &  
CHIEF SMITH

Vice-President Hawk called the meeting to order at 7:00 p.m.

President DeMarco was absent.

**MINUTES:** Approve the minutes from the meeting held on October 28, 2009.

Councilman DiMiceli moved and Councilman Sniscak, Jr. seconded to approve the minutes from the regular meeting held on October 28, 2009. All voted yes. Motion passed.

### **POLICE REPORT**

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

\$463.38 fine money received from Magistrate Kosciolk; \$136.81 fine money received from Magistrate for Sanitation Fines/Bills; \$8.33 received in Carbon County Collections; \$145.97 received in DUI reimbursements; \$100.98 received in Motor Vehicle reimbursements \$0.00 received from Attorney General for overtime reimbursement; \$1,384.26 received in State Fines; \$25.00 received in parking tickets; \$225.00 received in moving permits; \$105.00 received in accident reports; 444 total officer contacts/follow-ups; 32 citations [5 non-traffic & 27 traffic]; 41 incidents reported for the month; arrests were attached to the second sheet; 0 search warrant; 0 consent searches; 6 traffic accidents (1 reportable – 5 non-reportable); 9 court appearances and the mileage total was 3,885 (763 – 2008 Crown Vic; 1,707 – 2008 Chevy Impala; 23 - 2003 Crown Vic; 302 - 2005 Expedition; 1,090– 2009 Ford Crown Vic).

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

Chief Smith stated that they had his code report for their review.

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

### **HEARING OF VISITORS**

Tony Mele – 158 E. Columbus Avenue – stated that he would like to bring up the subject of the Sparich house. He stated how he had brought the conditions of that house to Council's attention two years ago. He stated about the tarp on the roof because the roof was leaking. Mr. Mele stated how nothing has been done to correct the problem in the two years. He stated how the tarp was blowing all over E. Columbus Avenue. He stated how they have been picking up pieces of the tarp with nails in it. Mr. Mele asked if anybody goes to check on it. He stated how he understood that the bank who owns the building will be fined \$1,000 a day if nothing was done. He stated that from what he can figure out, the Borough should have \$30,000 to take the building down. Mr. Mele asked if the Borough received \$30,000 from the bank. Councilman Hawk stated "no". Mr. Mele asked "why". Solicitor Yurchak stated how the bank does not own the property. He stated how the bank has a mortgage on the property. He stated how one bank started foreclosure proceedings and they had abandoned the foreclosure proceeding, withdrew it, which means Sparich still owns the property.

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Solicitor Yurchak stated how at the meeting last month he was asked to write to Sparich and the two banks to see if they would turn it over to the Borough. He stated how the letters were sent and he had only received a reply from Sparich's Attorney on how they were willing to turn it over to the Borough. He stated that he had not received a reply from the banks. Solicitor Yurchak stated that if they did not receive a reply from the banks then the only other option would be to go to the bankruptcy court to see what they could do for the Borough. Mr. Mele stated how the letter he had seen was addressed to the bank. He stated about the bank owning the building. Solicitor Yurchak stated how the bank did not own the building. He stated how the bank has a lien on the building. Mr. Mele asked who was being fined \$1,000 a day. Councilman DiMiceli stated how it would be Sparich. Councilman Hawk stated how nobody was being fined. Mr. Mele asked who was being threatened to be fined. Councilman DiMiceli stated that in lieu of \$1,000 a day fine the property should be turned over to the Borough. He stated that if they could get the banks to agree to forgo their liens on the property. Councilman Sniscak, Jr. stated how they were telling them that the Borough will not fine them \$1,000 a day if . . . Mr. Mele stated how that was not the way he had read the article. Councilman DiMiceli stated how that was what took place. He stated how they want the banks to sign off on their liens against the property so the Borough can take ownership of the property, tear it down and then sell it. Councilman DiMiceli stated how Sparich had agreed to sign off on their end of it. He stated how they were waiting on an answer from the banks to see if they will forgo their liens on the property so they could take the property, tear down the house, and advertise to sell it for the highest bid. Councilman Hawk stated how they used the possibility of the fines as leverage. He stated how it was an option they had to enforce those fines but with the owner in bankruptcy court, he did not even think they would collect them. Councilman Hawk stated how they were still in the process of trying to get ownership of the building to tear it down.

Tom Merman – 512 E. Center Street – stated again about the proposed/paper street. He stated about the maps and info he had given to Council. He stated that the paper he was given did not answer his question. Councilman Hawk stated how beyond the paper from Solicitor Yurchak, there were no new developments on it. Councilman DiMiceli stated to Solicitor Yurchak to correct him if he was wrong, but before anyone can transfer a proposed street . . . Councilman Sniscak, Jr. stated how it was a paper street and a paper street was not a proposed street. Councilman DiMiceli stated that there had to be a public hearing at the County level. He stated that they should have been notified and had a right to object. Solicitor Yurchak stated “no”. Mr. Merman stated how it was given to Mr. Devin in November of 2008. He asked Secretary/Treasurer Ahner if she had the agendas for all of last year. Secretary/Treasurer Ahner stated “yes”. Mr. Merman stated that he would be in to see the one agenda he was looking for.

### **EXECUTIVE SESSION** (if needed)

Borough Council entered into an Executive session at 7:17 p.m. for personnel matters. The Council members exited their Executive session at 7:55 p.m.

Councilman DiMiceli moved and Councilman Sniscak, Jr. seconded to ratify the actions of Council President DeMarco of placing the employees Daniel Staehle, Jr. and David Harrison on leave without pay for 30 days effective December 15, 2009. All voted yes. Motion passed.

Councilman DiMiceli moved and Councilman Sniscak, Jr. seconded to have Solicitor Yurchak send a letter to the FOP regarding settlement of a police grievance, with Council honoring the health insurance deductible amount specified in their contract for the year 2009. All voted yes. Motion passed.

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### **PLANNING COMMISSION REPORT**

- 11.22.09 Lehigh Engineering Associates – Land Development Plan Waiver Request
- 11.24.09 Planning Commission Minutes
- 12.14.09 CC Conservation District – PA Solar Park Project

David Lear, Lehigh Engineering, John Curtis, Green Energy. Mr. Lear – They were proposing the development of the PA Solar Park, which was a 133 acre track of land in the Industrial area of the Borough, Industrial Road and Fourth Hollow Road. The plans did not change too much from last month. Last month was just a discussion period with questions and answers. The property would be roughly 80 – 85 acres of Solar panels. Each panel was roughly three feet by five feet which was on a shaft. The shaft would rotate in an east and westerly direction. The panels were roughly four feet off the ground, would tip and follow the sun east to west. The panels would get no closer than eighteen inches off the ground. The Solar Power will generate electricity during daylight hours. They have proposed a visitor center and a control center with a small parking facility. The plans that he was presenting did not show it, but there was a bus parking area, which was recommended by the Planning Commission. They were going to be including Fourth Hollow Road to the extent of the property frontage as was agreed upon during the Zoning Hearing. They have been through DEP, Conservation District, and the Borough's Engineer's Office. He wanted to thank Ron Tirpak for getting the review out and also with working back and forth with them. He really did appreciate him working with them on it. Ron Tirpak went out of his way in order to be prepared for that night. Ron Tirpak had a few comments on his last letter dated December 15, 2009. They did not have any issues with the letter but there were a few things they wanted to talk about. He would go through each one and make it brief.

Mr. Lear - Waivers Requested along with Ron Tirpak's letter:

#1. Lehigh Engineering requested a waiver: – Mr. Tirpak's remark – The initial plan filed with the Borough shall be considered a "Preliminary Plan". The Plan has been submitted as a 'Preliminary/Final Plan'. The Applicant's Engineer has requested a waiver to allow the plan to be submitted as such. The request was recommended for approval by the Planning Commission at their meeting on November 24, 2009. I have no engineering issues with the request; therefore, I have reviewed the plan for all Preliminary and Final Plan Requirements of the SALDO.

Mr. Lear asked that the waiver also be granted by the Borough Council. He stated that he did not know if they wanted to go through the waivers individually or do them all at the end. Councilman Hawk stated how they would do them all at the end.

#2. Mr. Tirpak's comment – The Carbon County Conservation District (CCCD), Pennsylvania Department of Environmental Protection (PA DEP), and all other applicable agencies/companies shall review the plan and provide their comments to the Borough.

Mr. Lear – They had submitted the Plan to CCCD and in return CCCD had forwarded their Plan to DEP for their approval. CCCD had approved the Plan. Mr. Lear stated that they did not receive a letter because CCCD was waiting on the conditional approval for the Borough's requirements to make sure that everybody meets . . . that everybody's plans were connected. He stated that the District has reviewed it and they were just waiting for a compliance letter from the Borough to make sure everyone was okay with it then they will be issuing the letter.

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#3. Mr. Tirpak's comment – Financial security for all proposed improvements shall be provided. A construction cost estimate shall be provided. A 'Development Agreement' between the Applicant and the Borough shall be prepared and executed.

Mr. Lear – They had requested at the meeting last month to get some dialog back and forth between the Borough Solicitor and the Attorney for the developer. They still did not initiate contact because they were trying to work out the numbers in the construction agreement and the construction cost improvements agreement. They have their contractors getting prices because it was not a normal price per item type of project. They have some different/unique things in there so they were trying to get the contractors' prices in there so they would have an accurate count. That way the Council Members were aware of what was really happening out there. That was why they did not have those numbers yet. They should have them within the next week.

#4. Mr. Tirpak's comment – The Erosion & Sediment Pollution Control (E&SPC) Plan shall be deemed adequate by the CCCD.

Mr. Lear – This was a combination of the Sediment Erosion Plan, which was similar to #2.

#5. Mr. Tirpak's comments – A National Pollutant Discharge Elimination System (NPDES) Permit for Stormwater Discharges Associated with Construction Activities must be obtained and a copy provided.

Mr. Lear – They had a hearing there at the Borough last month with DEP. DEP was pretty much on Board with it. The Plan again, they were waiting before issuing a permit to make sure the Local Stormwater Management Act 167 that the Borough had reviewed it and approved it. If they would notice in the letter, they had addressed all the drainage.

#6. Mr. Tirpak's comments – A temporary General Permit (GP-4) is required from the PA DEP for the proposed outfall to the Nesquehoning Creek from Sediment Basin #1. Permanent General Permits are also required for the proposed channel outlets to the Nesquehoning Creek along Fourth Hollow Road. A General Permit (GP-5) is also required for the proposed utility line crossing of Third Hollow.

Mr. Lear – This was a small permit just for crossing from the one section of panels on the east side of Third Hollow Run to the west side. They need to connect an electrical line. DEP will not issue a permit until all items were addressed.

#7. Mr. Tirpak's comments – All Zoning Ordinance comments contained herein must be addressed.

Mr. Lear – They have met all the Zoning Ordinance requirements, the only reason it was on was because of a following comment with the parking requirements. They had discussed it at the Planning Commission Meeting, the Zoning Officer who was at the meeting, although he did not get anything from him in writing, but it seemed like they were okay with the parking as far as the Planning Commission was concerned with the exception of the bus parking area because it was not in there at that time. The bus parking area will keep the buses away from the travel lane in case there was an emergency. They would have a free path to go continuously around.

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#8. Lehigh Engineering requested a waiver: - Mr. Tirpak's comments – Curbing shall be provided along both sides of the reconstructed portion of Fourth Hollow Road. The applicant's Engineer has requested a waiver from this requirement. The request was recommended for approval by the Planning Commission at their meeting on November 24, 2009.

Mr. Lear – They were requesting a waiver for the curbing on both sides of Fourth Hollow Road improvements. They have been meeting with DEP for sometime to work out the Stormwater management requirements. The reasons they were asking for the waiver for the curbing was because of the Stormwater requirements. DEP's rule of thumb, the less pipe the better the project. They now want to collect Stormwater into culvert systems and funnel large areas of water and out-letting into a small area, even if it was a stream. It does not get filtered. They want infiltration and vegetation. They have tried to accommodate that with 700 feet of frontage along the property with roadway swales for the area (vegetated roadway swales). They have very minor Stormwater on the Forth Hollow especially on the west side. The east side they have it coming in on their erosion control and infiltration (NPDES) plans. They filter the Stormwater into two small bio-retention areas and then it goes to a culvert which then goes into the Nesquehoning Creek. The only pipe in the system was under a driveway and one to access the substation. The less piping the better, but they had to get across the driveway. They have as much vegetation which was shown on the landscape plan. They have a lot of landscaping around the area and around the substation, but in each bio-retention area there will be hundreds of plants, maybe a dozen trees with other various plants to filter out the pollutants that come in with the Stormwater from roadway run-offs, parking run-offs and from cars. Just to make sure that it was as clean as possible; it was being filtered through vegetation before it would go into the Nesquehoning Creek. Instead of going into concrete or steel pipes that do not filter anything and running right into the creek. That was discussed at the Planning Commission Meeting and they did recommend the waiver.

#9. Mr. Tirpak's comments – A table shall be provided on the Post Construction Stormwater Management Plan indicating the required length of each infiltration berm.

Mr. Lear – There was a chart that he would like to see that was in their narrative book which they had infiltration berms in their main Stormwater run off management in the panel area. There were no pipe systems, no big ponds, and no major structures that take the water. They were putting small earth berms underneath the rows of the panels, somewhere in the area of 60 – 63 berms, with different lengths and a foot high. All they wanted to do was to packet water in certain spots so it can infiltrate. So there will roughly be 6 - 8 inches of water which might spread out about 6 – 8 feet. They did infiltration testing and the Stormwater will get caught right where it was. The reason they will have 63 berms was so the Stormwater will infiltrate where it hits the ground. If there was nothing there, the water would go into the ground right where it hits. There was going to be grass growing underneath the panels. DEP and Carbon Engineering were not even looking at it. The panels will be like a canopy on top of grass. The water will still get through each panel. It will not be 100 feet of a sheet flow down the hill ending at one spot. They were going to be hit in the ground in between the panels. The berms will catch the water and distribute the water into the ground. It will be keeping the water table as it was before the panels were in. The table was already added to the Stormwater management plan. It was just copying it off the report and adding it to the plan.

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#10. Lehigh Engineering requested a waiver: - Mr. Tirpak's comments – All proposed infiltration berms shall have embankments having a minimum top width of five (5) feet. The Applicant's Engineer has requested a waiver from this requirement. The request was recommended for approval by the Planning Commission at their meeting on November 24, 2009.

Mr. Lear – It was the berms that he was just describing. They were trying to keep the berms to blend in with the natural terrain. It was not a pond that was going to hold an acre of water, five feet deep. They were looking at small volumes of water. Just a little roll-to-earth berms, standard B & P designs with DEP requirements. They were requesting the five feet down to two feet.

#11. Mr. Tirpak's comments – The proposed grading for the western channel along the reconstructed Fourth Hollow Road extends beyond the right-of-way. A temporary grading easement and permanent drainage easement shall be provided.

Mr. Lear – Right now they were tying into the existing terrain as it was. There were trying not to make anything different than what was there, except it was a gravel roadway and they will be resurfacing it with macadam. They need to force a one foot deep swale along both sides of the roadway. The one side of the roadway was owned by BOCA Holdings in conjunction with the Fourth Hollow Road access property. They have a draft agreement with them. They just have to go back and forth with some language on it. But in that agreement, it will allow them to put the swale on the side of the road plus put the pavement in. The agreement had the standard language for maintenance and responsibilities will all be part of the PA Solar Park Project. However, it will be on BOCA Holdings property. PA Solar Park will be maintaining the snow plowing and all of that will be worked out in the agreement.

#12. Mr. Tirpak's comments – The Sewage Facilities Planning Module must be approved by the PA DEP.

Mr. Lear – They had submitted it two months ago. He believed that the SEO had forwarded over to the Borough. It was a waiver request. It did not need a motion just a signature and then sending it to DEP. He was not sure if Council or the Borough had done that yet. Basically the office facility plus the visitor center would generate less than one single family residence. They were less than 400 gallons. DEP says it was approximately 290 gallons for a single family. They were within the range so he would say how their water usage would be the same as a single family residence because of the water usage. There was not going to be a cafeteria. There was only going to be a luncheonette, kitchen type of thing. They will serve some food or have some catering facility there when they have some representative in. If they have a school class there during the day, they will not be serving lunch. They will only be half day trips. It will either be catered with sandwiches or they will bring a bagged lunch. It will not be a kitchen and a cafeteria type of facility. It was just there for a day trip to see the facility and how it works. Their flows for it would be very low. With that in mind, knowing there was a gravity line for central sewer in the Industrial Park. There was an impact of piping the dwelling unit underneath all the streams or roadways and ripping up facilities without any foreseen major uses there because it was Industrial. If it was residential . . . With the Water Authority being on the northern side, there was really not a clear foreseen use for them to extend the line just to get it over to the other side for just one family type system. They could always extend the line up on the other side a little farther west to accommodate if a development was going in, instead of going through the Fourth Hollow Run and the Nesquehoning Creek. They will be putting in a standard sand mound system. They will have a back up system. The SEO had looked at the plans and did the perk test. They were okay with it, they will need the Borough to sign it and send it in.

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#13. Lehigh Engineering requested a waiver: - Mr. Tirpak's comments – Sidewalks shall be provided along both sides of the reconstructed portion of Fourth Hollow Road. The Applicant's Engineer has requested a waiver from this requirement. The request was recommended for approval by the Planning Commission at their meeting on November 24, 2009.

Mr. Lear – This was along with another waiver request for sidewalks. They were in an Industrial Area of the Borough. There were no sidewalks in the Industrial Area. It was not a foot pedestrian type of a use that was going to draw people to walk there. He was not saying that they would not walk there. They were encouraging residents at certain times to come and see the facilities because he hopes that it was something that everyone was going to be proud of. It was not an everyday use of a walking area. If they did have walkers, they would just be going up and down Industrial Road because it was a very light traffic roadway. There were no sidewalks at all on Industrial Road and to any of the facilities of the west of it. They were asking for a waiver of having to put sidewalks in.

#14. Mr. Tirpak's comments – Street lighting shall be provided along the reconstructed portion of Fourth Hollow Road.

Mr. Lear – What they had proposed was that their parking facility will be lit with dusk to dawn lighting. They will be solar paneled units, keeping with the green. The ordinance stated how it was up to Council on whether or not street lighting was required for any roadways. It was discussed at the Planning Commission and they confirmed, it was the parking facility they wanted to make sure was lit and the Fourth Hollow Road was left as it was with the lighting. Their parking facility lighting was about 500 feet from the intersection. There was nothing in the ordinance about spacing the street lighting.

Councilman Sniscak, Jr. stated how he did not think street lighting was necessary.

#15. Mr. Tirpak's comments – All plans must be signed and sealed by the Plan Preparer.

Mr. Lear – These were just some signatures on the Final Plans.

#16. Lehigh Engineering requested a waiver: - Mr. Tirpak's comments – Existing features shall be depicted on the plan five-hundred (500) feet beyond the property limits. The Applicant's Engineer has requested a waiver from this requirement. The request was recommended for approval by the Planning Commission at their meeting on November 24, 2009.

Mr. Lear – The size of the property and the existing features within that area were 500 feet. Some of the areas were a little less than 500 feet. They did not exclude any area that would impact to what the development was. The north side was all woodlands and Water Authority property. The Engineer did not see a need for anything beyond what they had on their plans now.

#17. Lehigh Engineering requested a waiver: - Mr. Tirpak's comments – The overall existing and proposed site plans are provided at a scale of 1" = 200'. The smallest allowable plan scale is 1" = 100'. The Applicant's Engineer has requested a waiver from this requirement. The request was recommended for approval by the Planning Commission at their meeting on November 24, 2009.

Mr. Lear – They were requesting another waiver, which had to do with the scale size. The minimum scale size was 1" = 100'. They were showing the overall property as 1" = 200', so it would fit on one page. They were adding a lot of detail sheets, 11 sheets total in the planning package.

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Mr. Lear – They have 1” = 30’ in the area where they were doing the major alterations of the property. There was plenty of detail in that area. All the grades and elevations could be checked in detail. There was less than 133 acres with the panels and it was a typical type of thing. They worked out the details and put it on the plan. The engineer was happy with that because it showed information on the panels. They were not proposing any site grading or changing any of the water paths on the property. They were going to do some clearing and grubbing. If they find some rocks, they will dig a hole and bury the rocks by putting the soil over it from another spot. For the final outcome, they will be keeping the same terrain as it was. There panels will work very well with it.

#18. Mr. Tirpak’s comments – A letter shall be provided that states an adequate supply of water can be provided to the proposed Control & Visitor’s Center.

Mr. Lear – This was a request for a letter for water. He had just received the letter that night. They had proposed a . . . there was an existing main and an existing well with a 16” line. They will be tapping off of the 16” line for their domestic water for the building and they will also be tapping off of it for the hydrant. They did receive a letter stating that there was enough water to supply and keep the fire hydrant at the right pressure. It was for fire prevention and domestic service.

Councilman DiMiceli asked if there was only going to be one fire hydrant there. Mr. Lear stated “yes”. He stated that they could put more in if they had the need, but they did not really have a lot of use for them. Councilman DiMiceli asked where they were going to have the hydrant and what the size of the roadway was. Mr. Lear stated that it was 20’ gravel all the way through. He stated that Haul road was 30’ wide. Councilman DiMiceli stated about the hydrant being located near the visitor center. He asked what the distance was from the hydrant to the building. Mr. Lear stated how the distance from the hydrant to the building would be less than 50’. Councilman DiMiceli stated how they will have to have an access road for the apparatus to get into the hydrant. Mr. Lear stated “yes”.

#19. Mr. Tirpak’s comments – The ‘Affidavit of Ownership/Acknowledgement of Plan’ provided on all plans shall be signed and notarized.

Mr. Lear – Once again it was for signatures on the plans for recording purposes.

#20. Mr. Tirpak’s comments – The ‘Waivers Granted’ note provided on plan sheet 3 of 11 shall be revised accordingly based upon action of the Council, if necessary.

Mr. Lear – They had listed the waivers they requested in their letter on the plan. Plus the same items recommended by the Planning Commission.

#21. Mr. Tirpak’s comments – If trees are required by the Council to be proposed within the shade tree easement along the right-of-way lines of Industrial Road and Fourth Hollow Road, then the Applicant shall provide the required fee for each tree to the Borough.

Mr. Lear – If street trees were required by Council, they looked at the sight and the right side of the Fourth Hollow Road was a wooded area. They also have a large water transmission that runs parallel with it. The need for any additional trees on the right side would seem pretty much redundant. It will also be a little difficult with the water lines being there. They did not want any issues with tree roots in the water lines. The east side of the Fourth Hollow Road, they have plantings in their landscape plans, which were provided within the parking facility for shade for the pavers. All the DEP requirements were to keep the area not as hot so they were not forcing hotter water in the channels.

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Mr. Lear – They have quite a few shade trees in the area. They have a lot of landscaping plants. They have plantings around the bio-retention basins, the substations and several other areas. There were some poles near the substation and they were not able to put trees near or around those poles. They were also not able to put any trees a certain distance from the utility lines. They were requesting a 50' spacing of the trees, which was recommended by the engineer. It would require 12 trees along Fourth Hollow Road for the length of the roadway. In lieu of placing those 12 trees, they were asking for those trees to be placed within the parking facility and distributed around everything else. He probably had closer to 100 trees typical to the street trees. He also has a lot of low lying brush and other filtering plants. Even if the Council was not requiring street trees, they have more than adequate on the side that they will be putting in but they will just not be right along the roadside because of the transmission lines.

Mr. Lear – There was no real parking requirement for that type of facility. He did not think many Boroughs or Townships would have it in their Ordinances. They did what the Ordinance required and used the next best thing. There was not too much except a learning center. Basically their primary use was being a learning center besides having 3 office employees. They had 3 parking spaces for employees calculated in. For a learning center, it was 1 space for every 10 seats, which required another 4 spaces (total of 7 parking spaces). They have 16 parking spaces. They were above what was the next best thing according to the Ordinance. They understand how there were 40 seats. It was a classroom facility but 90% or more of those people will be bused there for school trips (colleges, high school, middle school, elementary school) or government bodies who would want to see the project. They were going to have more than just solar panels. They would also have bio-retention and everything that they can do to make a site green. There will be different things to see. They can learn more about keeping the environment green.

Mr. Lear – It was recommended by the Planning Commission to make sure there was some sort of a way or language on the plan that says if the panel system becomes obsolete that it would need to be removed. They really do not foresee it ever happening but obviously they want to protect the Borough from an eyesore up there later on. What they recommended at the Planning Commission Meeting was there was a two year period. If at sometime, the facility was not in operation for a period of two years; the Borough would have the legal right to notify the owner/developer to remove the panels and the removal time would also be for two years. The six months recommended by the Engineer was too short. There were certain things that could happen to the facility which could cause it to be down for a while, which were out of their control. PPL may need it down because they were working on a line somewhere. They want to produce the power but PPL was not letting them. They do not want to have to take them down right away. If there was something that happened that was out of their control or just taking them down, it would take them a long time to take them out. There were 56,000 panels, although they will go up pretty quickly, it will still take them longer to take them down than what it would to put them in. They will have to take care of all the poles, the equipment and the panels. They will also have to get it vegetated back to the way it was.

Councilman DiMiceli asked if they would be happy with one year. Mr. Lear stated how it was discussed at the planning commission and they were okay with the two years. He stated how they would like to do the two years. He stated that he did not know what some of the things were that would be out of their control. Mr. Lear stated how that was a model and they did not want it to never be there. He stated that he could not say how that would never happen. Mr. Curtis stated that if they would remove 100 panels a day; they would go for recycling; it would take them almost two years. He stated that they were anticipating, because the facility has a performance guarantee, that it will operate over 98%. He stated how they expect that the only reason for the facility to be down was an unfortunate event. He stated how six months was an unreasonable time to assume.

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Councilman DiMiceli asked about a one year time period and the ability of Council to extend it for an additional year if just cause was shown. Attorney Cormier asked what Council's concern was for the time period involved. Councilman DiMiceli stated "abandonment". He stated that he understood their intentions but like Mr. Lear stated "things change". Councilman DiMiceli stated how it was just mentioned on how they were dealing with an abandoned property for two years. He stated how they do not want to be stuck in the same situation. Attorney Cormier stated how they were talking about Solar Panels, not a house. Solicitor Yurchak stated that if they were to pick up and leave, the Borough would still have to deal with it. He asked if they left what the Borough had. Attorney Cormier asked if they were saying that they were going to abandon the property. Solicitor Yurchak stated how that was what Council was looking out for. Councilman Sniscak, Jr. stated how they had a plant come in that employed 150 people; one day they closed the doors, left and left the plant there. Councilman DiMiceli stated how it became a superfund site. Attorney Cormier stated how they have a solar farm not a . . . Councilman DiMiceli stated how they did not want to be in a situation where the company goes out of business or get bought out and a decision was made on how they were going to abandon it. He stated how they would be stuck two years before they could do anything.

Attorney Cormier stated about looking at it from the developer side even with the one year. He stated how it was conceivable but not anticipated, 10 years into the project, PJM group, who controls the grid in the Mid-Atlantic Region, tells them they have to shut down and go offline because they were going to revamp the whole grid. He stated how they might be down a year. Councilman DiMiceli stated how that was why they would put in the provision about the coming to Council; provide documentation as to why they were offline and the expected date to be back online. He stated how Council could grant the extension for another year. Solicitor Yurchak stated to Attorney Cormier that the way he was reading it, was if they were down for two years then Council shall notify that it be removed in two additional years. He stated how they were talking about it being down for four years. Solicitor Yurchak asked why they needed four years to be down. Attorney Cormier stated that it would not be down for four years. He stated that after two years it would trigger the Borough to say dismantle it. Solicitor Yurchak stated how it was two years down and two years to dismantle it.

Attorney Cormier stated that if they would take out 100 panels a day, working eight hours a day, which was a panel every five minutes. He stated that to take out 100 panels a day would take 550 days, which was over a year and a half. Councilman DiMiceli stated to Attorney Cormier that if it was legitimate, changing panels, updating because of the technology advances, they would come to Council and tell them what they were doing. He stated about them asking Council to grant them an extension until they complete the project. Mr. Curtis stated that if they would say it was down for a year and they place a force clause in there that states if it was beyond their control . . . Councilman DiMiceli stated that if they would come before Council with documentation as to why they were down and ask for an extension, he did not think that Council would be unreasonable with it.

Councilman DiMiceli stated how they were talking about two different situations. He stated how he was willing to work with them on six months to a year with an extension granted by Council as opposed to the two years down and another two years to get out of there. He stated that he did not want the Borough to be stuck with it. Solicitor Yurchak stated about one year down that Council give notice that it could be down and removal within one year except upon good cause shown where Council could extend for an additional year. Councilman Zabroski asked what would cause the system to be down. He stated how revamping was not down; they were working and progress was being made. He asked what would cause the facility to be abandoned for a year. Mr. Curtis stated how it was PPL's grid. Councilman DiMiceli stated how they were talking about documentation that they would get from the PUC saying how PPL had shut them down. He stated that he did not want them to pick up and leave and then the Borough has to deal with it.

## MINUTES FOR REGULAR MEETING OF NESQUEHONING BOROUGH COUNCIL

Wednesday, December 16, 2009 at 7:00p.m., Borough Office

Councilman DiMiceli stated about the updating and the revamping not being considered down time. Attorney Cormier stated how it would not have been shut down. He stated how they were taking shut down as if the grid would make them go offline. Councilman DiMiceli stated how they would have documentation. Attorney Cormier stated how Council was asking that the Borough Council have the total discretion (say) whether they would grant an extension or not. He stated how they have to trust that whoever was on Council 20 years from now. Councilman DiMiceli stated how Solicitor Yurchak had added the phrase in there about showing good cause. Attorney Cormier stated how they would ask that the default time remain two years, maybe eighteen months, and if the Council had some indication or evidence that it had been abandoned then a shorter time would be appropriate. He stated that if it would look like they had just up and abandoned the site, then a shorter time would be reasonable. Councilman DiMiceli stated how when they were down for repairs or updates, they were not down. Attorney Cormier stated how they were talking offline. Solicitor Yurchak stated that if they had people manning the facility how could they say that they were not in operation. Mr. Curtis stated how there may be a point where they come to them and tell them that the two 69KB lines must go down for upgrading for one year. He stated how they have business insurance to cover it. Mr. Curtis stated how he was concerned for the fact that they were down and by the regulation the Council could make them . . . Councilman DiMiceli stated how they could word it that when they provide evidence as to why they were down and that they did not abandoned it.

Councilman Hawk stated how he was just asking the Solicitor about the language “not in operation” and changing it to say if the facility had been abandoned for a period of time the Borough could request that it be removed. He stated that as long as they were maintaining the facility, whether it was in operation or not. Councilman Hawk stated how their concern was if they would up and leave the facility to Mother Nature. Mr. Lear stated that he wanted to let the Council know that even if they were not there it was a green project and there would not be any contamination or superfund material. He stated how they would want to take the panels because of the value of the silicone in the panels. He stated how other than that it was basically steel. Mr. Lear stated how they will not be storing power or batteries there. He stated how they only generate while the sun was out and the switch was on. Councilman Hawk stated that they could use a shorter period if they used the abandoned language. Mr. Lear stated how that was correct. Councilman Hawk stated how it would be one year with the abandonment, which means they have walked away from the property. Mr. Lear stated about the removal. Councilman Hawk stated how they would let the two years for the removal.

Councilman DiMiceli moved and Councilman Zabroski seconded to grant the request for the waivers on #1, #8, #10, #13, #16, and #17 (as per Carbon Engineer’s letter dated December 16, 2009) as recommended by the Planning Commission. All voted yes. Motion passed.

Councilman DiMiceli moved and Councilman Sniscak, Jr. seconded to grant a conditional and final approval with the abandoned language change with one years notice, completion of the development agreement, all paperwork being received, all permits being obtained, all necessary documents being signed, not requiring additional street lighting on Fourth Hollow Road beyond the parking lighting and not requiring street trees, access road to the hydrant and the property be properly gated with a double lock system.

Mr. Lear stated that they would move the hydrant to where it was accessible or they would put in a gravel access road.

All voted yes. Motion passed.

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

Wednesday, December 16, 2009 at 7:00p.m., Borough Office

Mayor Walck stated about not allowing the Equipment to travel on Park Avenue. He stated about them going in at the Industrial Park by the CoGen. Mr. Lear stated that they will put a notification to each contractor to use that access. Mr. Curtis stated how it would take approximately six months from start to finish.

### **CIVIL SERVICE COMMISSION**

No report.

### **PANTHER CREEK ADVISORY REPORT**

No report.

### **ENGINEER'S REPORT**

- **11.19.09 Carbon Engineering – Police Offices Renovation**

Councilman Hawk asked if they had an update on the police renovations. Mayor Walck stated how they were moving right along. He stated how the concrete was poured, steel studs were up and there was insulation in the walls.

- 11.20.09 Carbon Engineering – Resurfacing two streets
- 12.09.09 Carbon Engineering – Subdivision/Land Development Review Comments
- **12.15.09 Carbon Engineering – Easement – Hauto Fire Company**

Secretary/Treasurer Ahner stated how it was in regards to getting the main sewer line to the property on Yard Street. Councilman DiMiceli asked Councilman Hawk if they had talked to them one night and thought that it was not coming down through their property. Councilman Hawk stated how in Ron Tirpak's letter it states that the Hauto Fire Company was not in a position to grant an easement. Councilman DiMiceli stated how he had thought they had a discussion with them about the easement because during the discussion it was mentioned about annual payments from the Borough paying for the engine they had bought. Councilman Hawk stated that if they were willing to grant the easement but not in the position to grant it, what difference would it make. He stated that it sounds like it was not their property. Councilman Hawk asked that council would take action to follow Ron Tirpak's recommendation that Solicitor Yurchak proceed with the necessary condemnation to get the easement.

Councilman Zabroski moved and Councilman Sniscak, Jr. seconded to have Solicitor Yurchak proceed with the necessary condemnation to get the sewer easement. All voted yes. Motion passed.

Frank Jacobs stated how he had thought that they had gotten an easement several years ago when they were up and looked at it. Councilman DiMiceli stated how he thought that they had talked about keeping the sewer line away from the storm drain line.

### **SOLICITOR'S REPORT**

- 11.17.09 PennDOT – Reducing speed limit Route 54

Solicitor Yurchak stated that PennDOT will not lower the speed limit on Route 54.

## MINUTES FOR REGULAR MEETING OF NESQUEHONING BOROUGH COUNCIL

Wednesday, December 16, 2009 at 7:00p.m., Borough Office

- 11.17.09 PennDOT – Reducing speed limit Route 209

Solicitor Yurchak stated that PennDOT said that if the Borough would pay for the signs on Route 209 they would install them.

- Robert T. Yurchak letter to Kenneth Lee Rotz –codification of ordinances
- 12.02.09 Keystate Publishers – Code of Ordinances

Solicitor Yurchak stated that he was working on a reply to Keystate on the codification.

- Robert T. Yurchak letter to Bank of America – Ernest J. Sparich
- Robert T. Yurchak letter to Lynn E. Feldman – Ernest J. Sparich
- Robert T. Yurchak letter to M & T Bank – Ernest J. Sparich
- Robert T. Yurchak letter to Lienhard – Billing
- Robert T. Yurchak letter to David K. Brown – Handicapped parking spot

Solicitor Yurchak stated that he had sent the letter to Mr. Brown and spoke to him on the phone. He stated that Mr. Brown was agreeable to the conditions that were placed on the handicap sign.

- Robert T. Yurchak letter to John Belusko – Dye Test, sewer connection

Solicitor Yurchak stated that he had talked to Mr. Belusko and still had to talk to David on that.

- Robert T. Yurchak letter to Joseph Snisky – Dye Test

Solicitor Yurchak stated that he received no reply from Mr. Snisky regarding the dye test.

- Robert T. Yurchak letter to Scranton UC Service Center – A. Staehle
- **Adopt Landlord/Tenant Ordinance**

Councilman DiMiceli moved and Councilman Sniscak, Jr. seconded to adopt the Landlord/Tenant Ordinance. All voted yes. Motion passed.

Solicitor Yurchak asked about the telephone policy. Councilman DiMiceli stated that he would like to make it permanent. Solicitor Yurchak stated that he would prepare a resolution.

Solicitor Yurchak stated that Mary Fox could remain on the Planning Commission once she takes her seat on Council if she so chooses.

Councilman DiMiceli moved and Councilman Hawk seconded to advertise the 2006 Uniform Fire Protection Code Ordinance and the amendment to the 2008 NFPA Life Safety Code Ordinance upon receipt of the proper revisions and section numbers. All voted yes. Motion passed.

Councilman Sniscak, Jr. moved and Councilman Zabroski seconded to accept all reports to this point. All voted yes. Motion passed.

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

Wednesday, December 16, 2009 at 7:00p.m., Borough Office

**JIM THORPE NATIONAL BANK TREASURER'S REPORT**

**GENERAL FUND**

Balance 10.31.09 306,626.91  
Receipts 61,245.08  
Expenditures 193,901.56  
Balance 11.30.09 173,970.43

**GENERAL SEWER CONSTRUCTION FUND**

Balance 10.31.09 10,196.34  
Receipts 6.29  
Expenditures .00  
Balance 11.30.09 10,202.63

**SPORTS COMPLEX FUND**

Balance 10.31.09 6,643.75  
Receipts 140.49  
Expenditures 4,145.69  
Balance 11.30.09 2,638.55

**SANITATION ESCROW**

Balance 09.01.09 7,326.47  
Receipts 8,709.56  
Expenditures .00  
Balance 12.01.09 16,036.03

**DEBT SERVICE**

Balance 10.31.09 1,150.14  
Receipts .71  
Expenditures .00  
Balance 11.30.09 1,150.85

**FIRE TRUCK FUND**

Balance 10.31.09 97,975.62  
Receipts 1,044.32  
Expenditures 1,750.19  
Balance 11.30.09 97,269.75

**CAPITAL PROJECT**

Balance 10.31.09 79,189.70  
Receipts 299.30  
Expenditures .00  
Balance 11.30.09 79,489.00

**SANITATION FUND**

Balance 10.31.09 169,969.94  
Receipts 73,563.95  
Sewer 23,106.42  
Expenditures 71,735.98  
Balance 11.30.09 148,691.49

**HIGHWAY FUND**

Balance 10.31.09 94,313.31  
Receipts 57.96  
Expenditures 1,627.09  
Balance 11.30.09 92,744.18

**PLANNING FUND**

Balance 09.01.09 10,751.33  
Receipts 9.38  
Expenditures .00  
Balance 12.01.09 10,760.71

**GENERAL SEWER FUND**

Balance 10.31.09 47,810.01  
Receipts 23,123.88  
Expenditures 67,445.81  
Balance 11.30.09 3,488.08

**SEWER OPERATING & MAINTENANCE**

Balance 10.31.09 44,726.62  
Receipts 30,012.83  
Expenditures 69,831.88  
Balance 11.30.09 4,907.57

**POLICE PENSION FUND**

Balance 10.31.09 433,636.75  
Receipts 81,647.73  
Expenditures 8,075.59  
Acct Appreciation 15,774.42  
Balance 11.30.09 522,983.31

**ACQUISITION & RENOVATION**

Balance 10.31.09 226,310.45  
Receipts 139.51  
Expenditures .00  
Balance 11.30.09 226,449.96

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

Wednesday, December 16, 2009 at 7:00p.m., Borough Office

**CD REPORT**

<b>FUND</b>	<b>CURRENT VALUE 11.30.09</b>	<b>INTEREST 11.30.09</b>	<b>OPENING DATE</b>	<b>CURRENT RATE</b>	<b>RENEWAL DATE</b>	<b>BANK</b>
PLANNING	\$ 15,161.63	\$ 31.09	08-17-09	2.50 %	08-17-12	JTNB
GEN. SEWER	\$ 357,149.92	\$ 732.36	08-20-09	2.50 %	08-20-12	JTNB
GEN. SEWER	\$ 11,613.92	\$ 32.79	12-03-08	3.44 %	06-03-10	JTNB
DEBT SERVICE	\$ 14,410.32	\$ 27.50	08-17-09	2.50 %	08-20-12	JTNB
DEBT SERVICE	\$ 103,789.37	\$ 333.84	06-02-05	3.92 %	06-02-10	JTNB
DEBT SERVICE	\$ 18,134.21	\$ 31.84	06-22-09	2.14%	06-22-11	JTNB
SANITATION	\$ 20,074.43	\$ 35.25	06-22-09	2.14%	06-22-11	JTNB
CAPITAL PROJ	\$ 9,839.36	\$ 17.28	06-22-09	2.14%	06-22-11	JTNB
GEN. SEWER	\$ 76,642.38	\$ 134.57	06-22-09	2.14%	06-22-11	JTNB
FIRE TRUCK	\$ 9,613.23	\$ 16.88	06-22-09	2.14%	06-22-11	JTNB

Councilman Stromelo asked about the Acquisition & Renovation account. Secretary/Treasurer Ahner stated how it was a key stroke error and the balance should be \$226,449.96.

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

**EMERGENCY MANAGEMENT REPORT**

No report.

**MAYOR’S REPORT**

• **11.17.09 Jennifer Burns – Resignation**

Councilman DiMiceli moved and Councilwoman Walck seconded to accept the resignation from the part-time crossing guard, Jennifer Burns, and to send her a letter. All voted yes. Motion passed.

• **11.10.09 PA Chiefs of Police Association – Membership**

Councilman Sniscak, Jr. moved and Councilman Zabroski seconded to allow Chief Smith to join the PA Chiefs of Police Association at a cost of \$100.00 per year. All voted yes. Motion passed.

Mayor Walck stated how he had a request from the three full-time officers, due to the lack of coverage they had not been able to take their complement of vacation, to roll over their unused vacation time.

Councilman DiMiceli moved and Councilwoman Walck seconded to allow the full-time officers to roll over their unused vacation time into 2010.

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

Wednesday, December 16, 2009 at 7:00p.m., Borough Office

Secretary/Treasurer Ahner asked if it was vacation and personal or just vacation time. Mayor Walck stated that it was just vacation time.

All voted yes. Motion passed.

Mayor Walck stated how the new part-time employee had received his MOPEC number. He stated how he was riding by himself with a full-time officer backing him up. Mayor Walck stated that he was doing very well as per the three full-time officers.

Mayor Walck stated that the next crime watch meeting would be held on January 12, 2010 at 7:00 p.m.

Mayor Walck wished everyone a Merry Christmas and a Safe Holiday Season.

**TAX COLLECTOR’S REPORT**

1 November 2009 to 30 November 2009

Real Estate	\$	2,394.84
Occupation		115.50
Per Capita		<u>110.00</u>
TOTAL	\$	2,620.34

**EXEMPTION:** Mallory Kruslicky – Duplicate listing

Councilman DiMiceli moved and Councilman Zabroski seconded to accept the EM Report, Mayor’s Report and the Tax Collector’s Report including the exemption. All voted yes. Motion passed.

**COMMUNICATIONS:**

1. 11.02.09 PA Chiefs of Police Association – Oral board examinations
2. 11.16.09 Sal and Frances Abitanta – Parking on Coal and Rhume Streets
3. 11.18.09 PSATS – Learning Over Lunch
4. **11.18.09 PennDOT- Borough roadway inventory**

Secretary/Treasurer Ahner stated how there were several Borough streets that may qualify for Liquid Fuels, which were not on the Borough’s inventory qualifying for the funding. She stated how PennDOT had certain documentary requirements. Secretary/Treasurer Ahner stated that she had talked to Ron Tirpak and John Davis. Solicitor Yurchak stated that he would get together to see what they would need.

**5. 11.19.09 Conrad Siegel – Police Pension Plan**

Secretary/Treasurer Ahner stated how they had a meeting with John Vargo from Conrad Siegel Actuaries. She stated how they discussed Act 51, which was signed into law on October 9, 2009. Secretary/Treasurer Ahner stated that Act 51 expands the death benefits to be paid by the Commonwealth to the police officers who die in the line of duty.

6. 11.20.09 PSAB – Newly elected Municipal Officials Training

## MINUTES FOR REGULAR MEETING OF NESQUEHONING BOROUGH COUNCIL

Wednesday, December 16, 2009 at 7:00p.m., Borough Office

### 7. 11.23.09 Kleen Air Systems – Quote to clean Air Handlers

Councilwoman Walck moved and Councilman DiMiceli seconded to approve Kleen Air Systems, Inc. to clean the Air Handlers and the Ductwork at a cost of \$1,800.00. All voted yes. Motion passed.

### 8. 11.23.09 Richard T. Evanko – Reimbursement for sidewalk

Secretary/Treasurer Ahner stated how Mr. Evanko had installed sidewalks and curbing on Borough property and now wanted to be reimbursed. She stated that she was not sure where it was or why it was done. Solicitor Yurchak stated that he would check into it.

9. 11.23.09 U.S. Census Bureau – 2010 Boundary and Annexation Survey Workshop

10. 11.25.09 Ohl Fuel Oil – Newsletter

11. 11.25.09 PSAB – Update

12. 11.30.09 PA One Call – Board Meeting Notice

13. 12.02.09 Barry Isett & Associates – 700 E. Catawissa Street

14. 12.02.09 Benesch Engineers – Professional Services for 2010

15. 12.02.09 PenTeleData – Diagnostic Repair & Prevention Services

### 16. 12.02.09 PennDOT – Liquid fuels & turnback street inventory

Secretary/Treasurer Ahner stated how this went along with the inventory of the roads and the Liquid Fuel funding.

### 17. 12.03.09 Lansford Historical Society – Victorian Christmas Service – 12.20.09

Secretary/Treasurer Ahner stated how the Borough Council was invited to the Victorian Christmas Service of the Lansford Historical Society on Sunday, December 20, 2009 at 6:00p.m. at 117-119 E. Bertsch Street, Lansford.

18. 12.03.09 Vanguard Cleaning Systems – Commercial Cleaning

19. 12.03.09 PSAB – 2010 PSAB Awards & Resolutions

20. 12.07.09 CC Chamber of Commerce – Annual Christmas Party

21. 12.08.09 Keith R. McCall – Grant opportunity – Crime & Delinquency

Councilman DiMiceli moved and Councilman Sniscak, Jr. seconded to approve and file whatever paperwork was necessary to apply for the grant. All voted yes except Councilwoman Walck, who was not voting. Motion passed.

22. 12.09.09 PIRMA – Update

23. 12.10.09 PA Dept of Agriculture – Annual Farm Show

24. 12.14.09 Steber-Brown – Few concerns

25. 12.14.09 Liquid Fence – Removal of waste water

26. 12.14.09 EMC Insurance – Loss Control Insights

27. 12.15.09 Gary Williams – Road Crew Notification

### 28. 12.16.09 Boy Scout Troop 744 of Nesquehoning – Invitation – McArdle

Secretary/Treasurer Ahner stated how they were all invited to the ceremony for Shawn McArdle for obtaining the rank of Eagle Scout.

Councilwoman Walck moved and Councilman Sniscak, Jr. seconded to have Solicitor Yurchak draft up a Resolution for Shawn McArdle for obtaining the rank of Eagle Scout.

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

Wednesday, December 16, 2009 at 7:00p.m., Borough Office

### **29. 12.16.09 PV Youth Soccer Request the use of Sports Complex Field**

Councilman Zabroski moved and Councilman Sniscak, Jr. seconded to approve the Panther Valley Youth Soccer Association use of the Sport Complex Field. All voted yes. Motion passed.

Councilman DiMiceli 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 DiMiceli moved and Councilman Hawk seconded to deposit all receipts, approve all bills to be ratified and pay all other bills. All voted yes. Motion passed.

### **COMMITTEE REPORTS**

#### **1. STREETS**

**MICHAEL SNISCAK, JR. CHAIRMAN; DON DeMARCO, CO-CHAIRMAN; RICHARD ZABROSKI**

Councilman Sniscak, Jr. stated how they have started contract negotiations.

Councilman Sniscak, Jr. stated about advertising for snow plowing or general maintenance. Secretary/Treasurer Ahner asked if they were going to advertise or just get quotes. Councilman Sniscak, Jr. stated "just quotes". Solicitor Yurchak stated about contacting contractors to see if they were interested. Councilman DiMiceli stated how the contractors would need to submit copies of their liability and worker's comp insurance.

Councilman Sniscak, Jr. moved to purchase a new tar machine from the Liquid Fuels Fund, COSTAR piggy back program, at a cost of \$45,000.00.

Councilman Sniscak, Jr. stated how it was the same machine PennDOT used. He stated how it would do the work in half the time. He stated that the Borough streets were falling apart and they did not have the equipment to seal them. Councilman Sniscak, Jr. stated how the streets keep deteriorating and it was going to cost a lot more to repair them than it would to buy that piece of equipment. Councilman Sniscak, Jr. stated how they have to blow the cracks out and then put the tar in with pressure. He stated how they were putting tar down and within one year it was gone.

Councilman Stromelo seconded the motion.

Councilman DiMiceli moved and Councilman Hawk seconded to table the purchase of the tar machine.

Councilman DiMiceli stated that he did not think it was a good time of the year to go out and purchase a tar machine because they cannot go out and use it. He stated that before he would invest \$45,000.00 plus the cost of accessories, he would ask that the committee check into renting the same machine for a week or two. He stated how they could save a lot of money by not spending \$45,000.00+ out of Liquid Fuels and use that money somewhere else on streets. Councilman Sniscak, Jr. stated how it would not take two weeks to do the town because they have over forty miles of highway. He stated how it would not be a one time and done job. He stated that they would go through the town and in two years they were finished doing it. He stated how it was a machine that they would use every year for the next twenty years.

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

Wednesday, December 16, 2009 at 7:00p.m., Borough Office

Councilman Sniscak, Jr. stated how it was expensive to rent. Councilman DiMiceli asked how much it cost to rent. Councilman Sniscak, Jr. stated that he did have quotes on rentals. He stated how it would cost \$100 - \$200 a day depending on what type of machine they use. Councilman Sniscak, Jr. stated how renting was not the answer. He stated how that was why the roads were falling apart because they have not been taking care of them. Councilman Sniscak, Jr. asked where the \$45,000.00 was going to go. He asked if they were going to do a road with it. He stated that they could not get half a block out of \$45,000.00. Councilman DiMiceli stated how he did not think that it was the right time of the year to buy a machine. Councilman Sniscak, Jr. stated that the gentleman told him that the price would be going up and that they only had one machine left. Councilman Hawk stated how he would like to see a quote outlining the price and the accessories. He stated that even when they purchase a police car under the State Contract, they still get a normal quote.

All voted yes to table the purchase until they see additional paperwork. Motion passed.

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

- 11.30.09 Brior Environmental – Primary Sewage Enforcement Officer – Reappointment

Councilman Hawk stated that he had talked to someone from Railroad Street about being reimbursed because of not being connected to the sewer. He stated how he explained to them how it was the home-owners responsibility.

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

No report.

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

No report.

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

Councilman Stromelo stated how everything was working okay.

Councilman Stromelo moved and Councilman Zabroski seconded to advertise for bids for 1 – 3 – 5 year contract for sanitation collection for comparison to be opened January 26, 2010.

Councilman DiMiceli asked if they would include the same services that they currently provide (bulk pick-up and same number of bags). Councilman Stromelo stated how it would be the same as what they do now.

All voted yes. Motion passed.

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

Wednesday, December 16, 2009 at 7:00p.m., Borough Office

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

Councilman Hawk stated how they had the Christmas party Monday the 14<sup>th</sup> and from his perspective it went well.

Secretary/Treasurer Ahner asked if they had a meeting and accepted Dawn Jacobs. Councilman Stromelo stated that she was accepted at the Recreation Meeting.

Councilman Stromelo stated how a local organization was going to be donating a flat screen TV to the Recreation Center. He stated that there was cable service there at one time but it had been dropped.

Councilman Stromelo moved and Councilwoman Walck seconded to have basic cable installed for whoever uses the facility or in case of an emergency to monitor local news stations at a cost of approximately \$22.00 to install and a monthly charge of \$15.00. All voted yes. Motion passed.

Councilman Stromelo stated how they did have some problems in the past with the construction going on with them not having water but everything was okay now.

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

- **Final adoption of Budget for 2010 and Tax Levy Ordinance**

Councilman Sniscak, Jr. moved and Councilman DiMiceli seconded to adopt the 2010 Budget as presented and adopt the Tax Levy Ordinance.

Tom Merman asked what the millage was. Councilman Hawk stated that it was 12 mills. Mr. Merman asked what the increase was. Councilman Hawk stated that it was a half of a mill increase. Mr. Merman asked what the reason was for them to raise it a half a mill. Councilman Hawk stated how they lost approximately \$37,000.00 in real estate taxes due to reassessments. He stated that the half a mill will restore about \$31,000.00. Mr. Merman asked what a mill was worth. Councilman Hawk stated "\$61,000.00". Mr. Merman asked, whenever the banks took over the Nesquehoning Savings Bank, if the Borough received any money from them. Councilman Hawk stated "yes". Mr. Merman stated that he wanted to know how many thousands. Secretary/Treasurer Ahner stated that she could give some numbers. She stated that the Fire Truck Fund received \$9,000; the General Sewer Fund received \$76,000; the Capital Projects Fund received \$9,000; the Sanitation Fund received \$20,000; and the Debt Service Fund received \$18,000. She stated that the General Fund only received about \$30,000. Mr. Merman stated how that was from the bank. Secretary/Treasurer Ahner stated that it was from the bank. Mr. Merman stated how the Borough received over \$200,000. Secretary/Treasurer Ahner stated "yes". Mr. Merman asked how come they had to raise a half a mill of taxes, was it the way they were managing. Secretary/Treasurer Ahner stated how they only got approximately \$30,000.00 for the General Fund and that was where the taxes dollars go was into the General Fund. Councilman Hawk stated how the funds that were dedicated; Fire Truck Fund, Sewer Fund, Sanitation Fund; and that money had to remain in that fund. He stated that it could not be rolled into the General Fund. Mr. Merman stated how the public never knew that. Councilman Hawk stated how it was brought up at a public meeting. Mr. Merman asked if they said that they received it from the bank. Councilman Hawk and Councilman Sniscak, Jr. stated "yes". Mr. Merman stated how he has been at every meeting and did not remember hearing that. Councilman Hawk stated how he does remember that it was brought up at a meeting.



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

Wednesday, December 16, 2009 at 7:00p.m., Borough Office

Councilman DiMiceli stated that he did not know what Council wanted to do. Councilman Hawk stated that they would be able to go ahead with the light in the Earl Johnson Park but table doing anything in the New Columbus Park. Secretary/Treasurer Ahner stated how she thought that it was all included in the Street Lighting Program. Councilman DiMiceli stated how it would draw down on their profit in the beginning. He stated that they would not see a profit or any kind of cost savings on that type of project. Councilman Hawk stated how they were not going to pay the \$2,000 but they would see \$2,000 less in savings the first year.

Councilman DiMiceli moved and Councilman Sniscak, Jr. seconded to install the light up at the Earl Johnson Park. All voted yes. Motion passed.

Councilman Sniscak, Jr. asked if they had received anything back to replace the electric eyes. Secretary/Treasurer Ahner stated that he had called her one day telling her that they were going to drive through town and look at them. Councilman Sniscak, Jr. stated about sending them another email to get in touch with him before they do any work. Councilman DiMiceli stated how he thought all that was supposed to be done before they had taken over the lights. Councilman Zabroski asked if they wanted to look at it because he thought that there were a lot of things that they talked about before taking on the project. Councilman Hawk stated that they had offered to help with the parks but it was not included. Secretary/Treasurer Ahner stated about the Christmas Lights. Councilman Zabroski stated how he thought that the Christmas Lighting was included. Councilman Hawk stated that he thought that the Christmas Lights were covered. Councilman DiMiceli stated how that was supposed to have been done before they took them over. He stated how they were under the assumption that they did it.

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

### **JR. RECREATION COMMISSION**

Mayor Walck stated how the Jr. Recreation was successful with their fund raiser. He stated how they had to get 40 extra packages to the homebound residents.

Mayor Walck stated that on Saturday, December 19, 2009 at 10:30 a.m. the Jr. Recreation along with Santa Claus and Danny Farole will be visiting the residents of MapleShade. He stated that gifts will be given to the residents of MapleShade. He stated that any Council person was welcome to join them.

Councilman Sniscak, Jr. moved and Councilwoman Walck seconded to accept the Jr. Recreation Report. All voted yes. Motion passed.

### **NEW BUSINESS**

- **Advertise meeting dates for 2010**

Councilman Zabroski moved and Councilman Sniscak, Jr. seconded to advertise the meeting dates for 2010. All voted yes. Motion passed.

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

Wednesday, December 16, 2009 at 7:00p.m., Borough Office

**OLD BUSINESS**

No old business.

**ADJOURNMENT**

Councilman Sniscak, Jr. moved and Councilwoman Walck seconded to adjourn the meeting. All voted yes. Meeting adjourned at 10:10 p.m.

*RoniSue Ahner*

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RoniSue Ahner  
Secretary-Treasurer