

MINUTES FOR REGULAR MEETING OF NESQUEHONING BOROUGH COUNCIL

Wednesday, January 27, 2010 at 7:00p.m., Borough Office
114 W. Catawissa Street, Nesquehoning, PA 18240

ROLL CALL: COUNCILMEN DiMICELI, HAWK, ZABROSKI; COUNCILWOMEN FOX, WALCK; PRESIDENT STROMELO; MAYOR WALCK; SOLICITOR YURCHAK; & CHIEF SMITH

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

Councilman Sniscak, Jr. was absent.

MINUTES: Approve the minutes from the Regular Meeting held on November 18, 2009, the Re-organizational Meeting held on January 4, 2010 and the Special Meeting held on January 12, 2010.

Councilman DiMiceli moved and Councilman Zabroski seconded to approve the minutes from the Regular Meeting held on November 18, 2009, the Re-organizational Meeting held on January 4, 2010 and the Special Meeting held on January 12, 2010. All voted yes. Motion passed.

POLICE REPORT

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

\$727.54 fine money received from Magistrate Kosciolk; \$48.80 fine money received from Magistrate for Sanitation Fines/Bills; \$8.33 received in Carbon County Collections; \$413.97 received in DUI reimbursements; \$0.00 received in Motor Vehicle reimbursements; \$40.00 received from Carbon County Restitution; \$142.76 received from Attorney General for overtime reimbursement; \$0.00 received in State Fines; \$665.00 received in parking tickets; \$195.00 received in moving permits; \$90.00 received in accident reports; 446 total officer contacts/follow-ups; 18 citations [4 non-traffic & 14 traffic]; 32 incidents reported for the month; arrests were attached to the second sheet; 1 search warrant; 0 consent searches; 10 traffic accidents (6 reportable – 4 non-reportable); 3 court appearances and the mileage total was 6,180 (551 – 2008 Crown Vic; 2,597 – 2008 Chevy Impala; 0 - 2003 Crown Vic; 681 - 2005 Expedition; 2,351– 2009 Ford Crown Vic).

HOUSING & CODE ENFORCEMENT OFFICER'S REPORT

Chief Smith stated that all the Council Members had received a copy of his December Code Report and they also received an officer activity report for the year 2009.

Councilwoman Walck moved and Councilman Zabroski seconded to accept the Police and Housing & Code Enforcement Reports. All voted yes. Motion passed

HEARING OF VISITORS

Mike Matalone – 129 E. Columbus Avenue – asked what the status was and how far were they on 127 E. Columbus Avenue. Solicitor Yurchak stated how neither he nor Carl Faust had received any response from the banks. He stated that he has researched it and was going to recommend to Council that the Borough exercise the power of eminent domain and take the property. He stated how the Borough would then be in a position to tear it down and sell it.

John Barna – 32 E. Columbus Avenue – stated that on the weekend of December 19th and 20th or the night of the 20th, eight cars were tagged for illegal parking. He stated that they were on the South side and they were supposed to be on the North side. Mr. Barna stated how all the cars were on the South side. He asked why the Borough did not plow the North side. President Stromelo stated how he could not speak for Councilman Sniscak, Jr., who was not there.

MINUTES FOR REGULAR MEETING OF NESQUEHONING BOROUGH COUNCIL

Wednesday, January 27, 2010 at 7:00p.m., Borough Office

Mr. Barna stated that he could understand if the cars were staggered but he wanted to know why they did not plow the North side of the road when all the cars were parked on the South side. Mayor Walck stated how the only answer he could give was that the signs were posted. Mr. Barna stated that he was not talking about that. He asked why they did not plow the other side. He asked if they plowed the night of the 20th or the morning of the 20th. Councilman DiMiceli stated how they did plow the center lane but the sides where there were no cars did not get plowed to the curb. President Stromelo stated how it might have been due to staffing. Mr. Barna asked that they look into it and get back to him.

Tom Merman – 512 E. Center Street – asked about the piece of road from Railroad Street to High Street on Oak Street that was given to Sammy Devin. He stated how the street belonged to everybody in the town not just Mr. Devin. President Stromelo stated how everyone has given him their opinion. He stated how he had told him that the Borough never sold or given away any property. President Stromelo stated how he made claim to it by his own taking. Mr. Merman stated how it was a paper street and asked who was in charge of the roads in town. Councilman Zabroski stated to Mr. Merman that they have been going over it for how many months. He stated that he had called down to the recorder of deeds and 1) the road was never a road, it did not exist as a road; it was not a road; 2) the person he was referring to laid claim because he maintained the property for more than 21 years; laid a claim to the property, submitted it with whatever the claim cost was, and assumed the responsibility and ownership to that property. Councilman Zabroski stated how that piece of land was not a road, was never a road and was no longer owned by Nesquehoning. Mr. Merman stated he did not call the Recorder of Deeds office, he went down. He stated how they got the maps out and how it was marked on there as a street.

Teddy Dacey – 239 W. Columbus Avenue – asked how the progress was going with the new police station. President Stromelo stated how it was going according to schedule. He stated how Ron Tirpak stops every other day to check on them. He stated that he has also stopped almost every morning. President Stromelo stated how Carl Faust has been there as well. Mayor Walck stated how it looked good and that they were on schedule. He stated how it was going to be very nice.

John McArdle – Nesquehoning Hose Company – stated how he was requesting the release of their annual payment for their engine, \$10,898.65.

EXECUTIVE SESSION (if needed)

Borough Council entered into an Executive session at 7:18 p.m. for personnel matters. The Council members exited their Executive session at 7:52 p.m.

PLANNING COMMISSION REPORT

- **01.20.10 – Frank Jacobs – Applicant for Borough Planning Commission**
- **01.20.10 – David C. Rohlfig – Applicant for Zoning Hearing Board**

Councilman DiMiceli moved and Councilwoman Walck seconded to appoint Frank Jacobs to the Planning Commission and to re-appoint David Rohlfig to the Zoning Hearing Board. All voted yes. Motion passed.

MINUTES FOR REGULAR MEETING OF NESQUEHONING BOROUGH COUNCIL

Wednesday, January 27, 2010 at 7:00p.m., Borough Office

CIVIL SERVICE COMMISSION

- **01.26.10 Certified list of applicants for Civil Service**

Councilman DiMiceli moved and Councilman Hawk seconded to certify the list of candidates; Justin M. Sannie and Brian D. White; as presented by the Civil Service Commission. All voted yes. Motion passed.

PANTHER CREEK ADVISORY REPORT

No report.

ENGINEER'S REPORT

- 12.21.09 Gregory S. Haas letter to PA Solar Park c/o Green Energy Capital Partners
- 01.15.10 Carbon Engineering letter to Rush Twp Supervisors – Report for 2009
- 01.20.10 Carbon Engineering – PA Solar Park Land Development
- **01.26.10 Carbon Engineering – 2009 Sewer Charges/Rush Township**

Secretary/Treasurer Ahner stated about having to bill Rush Township \$794.76 for 2009 Sewer Charges. She stated that she did not know if they needed a motion for it. President Stromelo stated that they would do it on the Engineer's recommendation. Councilman Hawk stated that she should just send them a bill.

SOLICITOR'S REPORT

- 12.17.09 Robert T. Yurchak letter to Andy Staehle – Current status
- 12.23.09 Robert T. Yurchak letter to M&T Bank – Ernest Sparich
- 12.23.09 Robert T. Yurchak letter to Bank of America – Ernest Sparich

Solicitor Yurchak stated how he would like to ask Council for the authority to proceed with a commendation against the Sparich property in New Columbus. He stated about condemning the property and taking both of the houses with the intent to tear them both down. Solicitor Yurchak stated how it was on the basis of months of complaints on the dilapidated, deteriorating conditions of the property. Councilman DiMiceli stated how it was to include tearing down any outbuildings too.

Councilman DiMiceli moved and Councilwoman Walck seconded to give permission to Solicitor Yurchak to proceed with a commendation on the Sparich property. All voted yes. Motion passed.

- 12.28.09 Robert T. Yurchak – Codification of Ordinances

Solicitor Yurchak stated how he had a question for Council concerning the Codification of Ordinances. He stated how the company wanted to know if the Borough wanted to proceed with a survey of traffic control devices. He stated that Council had to answer that question. Mayor Walck asked what the purpose was of the survey. Solicitor Yurchak stated that it had something to do with the enforcement of the traffic in the town. Councilman DiMiceli stated that he thought it was unnecessary. He stated that if they would ever need a traffic survey done, they could bring in an outside company. Solicitor Yurchak stated that he would tell them that it was not necessary.

- 01.11.10 Velitsky & Matika – John Belusko
- 01.13.10 Robert T. Yurchak letter to Carbon Engineering –Sewer easement - Hauto
- 01.15.10 Robert T. Yurchak letter to Kirk, Summa & Co – pending litigations

MINUTES FOR REGULAR MEETING OF NESQUEHONING BOROUGH COUNCIL

Wednesday, January 27, 2010 at 7:00p.m., Borough Office

Councilman DiMiceli moved and Councilman Hawk seconded to adopt the 2006 Uniform Fire Protection Code Ordinance. All voted yes. Motion passed.

Councilman DiMiceli moved and Councilwoman Walck seconded to adopt the amendment to the 2008 NFPA Life Safety Code Ordinance. All voted yes. Motion passed.

Solicitor Yurchak stated that he had prepared a draft Telephone Participation Resolution for the Council to review before the next meeting.

Solicitor Yurchak stated how he was also handing out a copy of an ordinance that he prepared regarding Act 52 of 2009. He stated that Conrad Siegel had brought it to the Borough's attention and it will affect the officers' killed in service benefits. Solicitor Yurchak stated how it was a draft of the Ordinance pursuant to a sample provided by Conrad Siegel. He stated how it was to drop the killed in service benefits from the Borough's Ordinance and the Borough's Pension Plan because the State would be picking it up.

Councilman DiMiceli stated how he would like Council to consider going back to the old Ordinance (Snow Ordinance) that they used to have years ago. He stated how it was one side parking and it was only enforced when they were calling for bad weather. Councilman DiMiceli stated how parking was prohibited on the South side of Columbus Avenue from November 1 through March 31. He stated how it was very simple with the times and there were no alternating dates. Councilman DiMiceli stated about Solicitor Yurchak drawing something up and it going into effect in May 2010. He stated how they would get through the winter with the existing ordinance and the new one would be in effect next year. Councilwoman Fox asked if there were times on there. Councilman DiMiceli stated "yes". He stated how the street committee should look at the old ordinance because there were other changes that should be made.

Councilman DiMiceli moved and Councilwoman Walck seconded to have Solicitor Yurchak change the Snow Parking Ordinance back to the previous ordinance with the appropriate changes. All voted yes. Motion passed.

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

MINUTES FOR REGULAR MEETING OF NESQUEHONING BOROUGH COUNCIL

Wednesday, January 27, 2010 at 7:00p.m., Borough Office
JIM THORPE NATIONAL BANK TREASURER'S REPORT

GENERAL FUND

Balance 11.30.09 173,970.43
Receipts 57,608.83
Expenditures 113,597.31
Balance 12.31.09 117,981.95

GENERAL SEWER CONSTRUCTION FUND

Balance 11.30.09 10,202.63
Receipts 66.09
Expenditures .00
Balance 12.31.09 10,268.72

SPORTS COMPLEX FUND

Balance 11.30.09 2,638.55
Receipts 67.04
Expenditures 2,100.21
Balance 12.31.09 605.38

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 11.30.09 1,150.85
Receipts 774.25
Expenditures .00
Balance 12.31.09 1,925.10

FIRE TRUCK FUND

Balance 11.30.09 97,269.75
Receipts 1,886.78
Expenditures 5,466.19
Balance 12.31.09 93,690.34

CAPITAL PROJECT

Balance 11.30.09 79,489.00
Receipts 10,636.00
Expenditures .00
Balance 12.31.09 90,125.00

SANITATION FUND

Balance 11.30.09 148,691.49
Receipts 92,717.67
Sewer 55,377.45
Expenditures 54,658.23
Balance 12.31.09 131,373.48

HIGHWAY FUND

Balance 11.30.09 92,744.18
Receipts 625.89
Expenditures 120.89
Balance 12.31.09 93,249.18

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 11.30.09 3,488.08
Receipts 58,763.26
Expenditures 28,367.18
Balance 12.31.09 33,884.16

SEWER OPERATING & MAINTENANCE

Balance 11.30.09 4,907.57
Receipts 25,432.86
Expenditures 24,049.66
Balance 12.31.09 6,290.77

POLICE PENSION FUND

Balance 11.30.09 522,983.31
Receipts 11,173.23
Expenditures 8,451.58
Acct Appreciation 5,394.38
Balance 12.31.09 531,099.34

ACQUISITION & RENOVATION

Balance 11.30.09 226,449.96
Receipts 1,462.96
Expenditures 64,697.00
Balance 12.31.09 163,215.92

AGENDA FOR REGULAR MEETING OF NESQUEHONING BOROUGH COUNCIL

Wednesday, January 27, 2010 at 7:00p.m., Borough Office

CD REPORT

<u>FUND</u>	<u>CURRENT VALUE 12.31.09</u>	<u>INTEREST 12.31.09</u>	<u>OPENING DATE</u>	<u>CURRENT RATE</u>	<u>RENEWAL DATE</u>	<u>BANK</u>
PLANNING	\$ 15,193.82	\$ 32.19	08-17-09	2.50 %	08-17-12	JTNB
GEN. SEWER	\$ 357,908.25	\$ 758.33	08-20-09	2.50 %	08-20-12	JTNB
GEN. SEWER	\$ 11,647.90	\$ 33.98	12-03-08	3.44 %	06-03-10	JTNB
DEBT SERVICE	\$ 13,438.79	\$ 28.47	08-17-09	2.50 %	08-20-12	JTNB
DEBT SERVICE	\$ 104,135.47	\$ 346.10	06-02-05	3.92 %	06-02-10	JTNB
DEBT SERVICE	\$ 18,167.17	\$ 32.96	06-22-09	2.14%	06-22-11	JTNB
SANITATION	\$ 20,110.92	\$ 36.49	06-22-09	2.14%	06-22-11	JTNB
CAPITAL PROJ	\$ 9,857.24	\$ 17.88	06-22-09	2.14%	06-22-11	JTNB
GEN. SEWER	\$ 76,781.68	\$ 139.30	06-22-09	2.14%	06-22-11	JTNB
FIRE TRUCK	\$ 9,630.70	\$ 17.47	06-22-09	2.14%	06-22-11	JTNB

Councilman Hawk moved and Councilwoman Fox seconded to approve the Treasurer's Report and the CD Report. All voted yes. Motion passed.

EMERGENCY MANAGEMENT REPORT

No report.

MAYOR'S REPORT

- **12.29.09 Chief Sean Smith – Rollover of personal time to 2010**

Councilman Zabroski moved and Councilman Hawk seconded to allow the full-time police officers to rollover their 2009 personal time to 2010. All voted yes. Motion passed.

- **01.09.10 Resolution – Shawn McArdle**

Mayor Walck stated how he had presented Shawn McArdle with his Eagle Scout Resolution. He stated how it was a very nice ceremony.

Mayor Walck stated how he had received a request from Officer Breiner to attend the NRA Firearms Instructor Class. He stated that if he did not go that year he would lose his certification. He stated how it would be from April 19th through April 23rd in Bethlehem at a cost of \$525.00 for tuition and \$50.00 for range fee.

Councilman DiMiceli moved and Councilman Zabroski seconded to allow Officer Breiner to attend the NRA Firearms Instructor's Class in April 2010, which would be paid along with the use of a vehicle. All voted yes. Motion passed.

AGENDA FOR REGULAR MEETING OF NESQUEHONING BOROUGH COUNCIL

Wednesday, January 27, 2010 at 7:00p.m., Borough Office

Mayor Walck stated how at that time, given the Civil Service List, he would ask Council to hire Brian D. White as a full-time police officer.

Councilman DiMiceli moved and Councilwoman Fox seconded to hire Brian D. White as a full-time police officer upon successful completion of the psychological and physical testing. All voted yes. Motion passed.

Mayor Walck stated about offering the other applicant, Justin Sannie, to be a part-time police officer because they do need some part-timers.

Councilman DiMiceli moved and Councilman Zabroski seconded to offer Justin Sannie a job as a part-time police officer upon successful completion of the psychological and physical testing, if he accepts. All voted yes. Motion passed.

Mayor Walck stated that they have to get the Fire Police sworn in for the 2010 season.

Mayor Walck stated that the next Crime Watch Meeting was Tuesday, March 23, 2010 at 7:00 p.m.

Mayor Walck stated about the yearly report from Chief Smith. He stated how the police had handled 4900 complaints in 2009.

TAX COLLECTOR’S REPORT

1 December 2009 to 31 December 2009

Real Estate	\$	7,138.55
Occupation		763.50
Per Capita		<u>501.00</u>
TOTAL	\$	8,403.05

<u>EXEMPTION:</u>	<u>APPROVE:</u>	James Hydro, Jr.	Exempt due to bankruptcy
		Elizabeth Heatter	2006 - Low Income
	<u>DISAPPROVE:</u>	Elizabeth Heatter	2005 – Over the exonerated amount
		Elizabeth Heatter	2004 – Over the exonerated amount
		Elizabeth Heatter	2003 – Over the exonerated amount

Councilman Hawk moved and Councilman DiMiceli seconded to accept the EM Report, Mayor’s Report and the Tax Collector’s Report to include the approval of the exemptions and the disapproval of the exemptions.

Councilwoman Fox asked what the exonerated amounts were. Secretary/Treasurer Ahner stated that it was \$5,000 for individual and \$10,000 for household.

All voted yes. Motion passed.

AGENDA FOR REGULAR MEETING OF NESQUEHONING BOROUGH COUNCIL

Wednesday, January 27, 2010 at 7:00p.m., Borough Office

APPLICATIONS:

Joseph D. Planutis	Picker
Brian L. Gombert	Picker/Laborer
John P. Arner	Truck Driver/CDL/Laborer
Eric W. Hollenbach	P.T. Highway Laborer
Samuel J. Chodur, Jr.	Substitute Picker
Michael A. Dolena	P.T. Drive/CDL/Highway
Bradley B. Belford	Picker/Laborer
Garry A. Dobson	Highway Laborer
Dale O. Coombe	Driver, Laborer, Equipment Operator
Paul M. Bougie	Sanitation Picker
Norman C. Mertz	Highway Laborer/CDL/Picker
Paul M. Hydro	Picker
Kerry L. Klotz	P.T. Picker
Glenn J. David	Highway Laborer
Gene A. Rutch	Supervisor, Roads, Truck Driver, Equipment Operator
Daniel G. Greek	Operator
Justin P. Malaska	Borough Worker
Christopher M. D'Alessandro	P.T. Police Officer
Kevin Mickle	P.T. Police Officer

COMMUNICATIONS:

1. 12.17.09 Cintas – Facility Services
2. 12.17.09 H.A.Thomson – Risk Management Services
3. 12.17.09 CRAFCO – Quote Sheet
4. 12.18.09 PSAB – Update
5. 12.21.09 Lightman Welby Stoltenberg & Caputo – Impartial Arbitrator
6. 12.31.09 PHIA – Road & Bridge Safety Improvement Award Program
7. 12.31.09 DCED – Managing Floodplain Development
8. 12.31.09 PSAB – 2010 PA Municipal Yearbook & Annual Report
9. 01.04.10 newPA news – Newsletter
10. 01.04.10 DCED – Zoning Decisions
11. 01.04.10 DCED – Basic Training for Municipal Secretaries & Administrators
12. 01.05.10 Lightman Welby Stoltenberg & Caputo – List of impartial arbitrators
13. 01.05.10 UniFirst – Uniform Service
14. 01.06.10 PSAB – Training Update
15. 01.11.10 Department of Solid Waste – Important meeting
16. 01.12.10 DCNR – 2010 Grant Workshop
17. 01.12.10 Carl Faust letter to Fred Cross – Basement apartment
18. 01.13.10 UC Board of Review – Referee's Decision
19. 01.14.10 PenTeleData – 50% off – Web Hosting Package for 2010
20. 01.15.10 PSAB – Police Civil Service Training
21. 01.19.10 Brior Environmental Services – Sewage Malfunction – WLSH
22. 01.19.10 DCED - Spring Road Maintenance Workshop
23. 01.22.10 Carl Faust letter to Harry Zervos – 1 W. Garibaldi Avenue
24. 01.22.10 CC Dept of Solid Waste – 2010 Solid Waste Hauler License

AGENDA FOR REGULAR MEETING OF NESQUEHONING BOROUGH COUNCIL

Wednesday, January 27, 2010 at 7:00p.m., Borough Office

25. 01.22.10 Keith McCall – Federal stimulus grant funds for the Police Department
26. 01.25.10 Brior Environmental – Year end reimbursement paperwork
27. 01.25.10 Liquid Fence – Removal of waste water
28. 01.25.10 DCNR – 2010 Grant Workshop
29. 01.25.10 R.E.Pierson Construction – Purchase of the Middleport Quarry
30. 01.26.10 Roberti & Roberti – 350 W. Coal Street – Fred Cross
31. 01.26.10 Michael S. Greek – Scheduling a hearing – Tom Ring

Councilman DiMiceli moved and Councilman Zabroski seconded to accept all applications and approve all communications and place them on file. All voted yes. Motion passed.

BILLS TO BE RATIFIED, EXPENDITURES AND RECEIPTS

Councilman Hawk moved and Councilman DiMiceli 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 MARK STROMELO CHAIRMAN; MICHAEL SNISCAK, JR. CO-CHAIRMAN; DAVID HAWK

President Stromelo stated how they were getting more involved and with the cold weather and the abnormal rain fall, the streets were popping up. He stated how they will be addressing them and the storm drains. He stated how they will make sure the storm drains were clean for the water run-off.

2. SEWER MICHAEL SNISCAK JR CHAIRMAN; FRANK DIMICELI CO-CHAIRMAN; CHAIRMAN; MARY FOX

Councilman DiMiceli stated that with the heavy rain they had high flows at the sewer plant.

Councilwoman Fox stated how she was down for a tour of the Sewer Plant. She stated how she has to get over to see the pumping stations also.

Councilman Hawk moved and Councilman Zabroski seconded to post for bids for the position of Sewer Operator Trainee.

Mr. Merman asked if they were training him for a permanent position at the Sewer Plant. Councilman Hawk stated how he would be permanent down there to train and he would have between 2 and 3 years or as per DEP regulations to become licensed. Councilwoman Fox asked if there was any stipulation that if they would get their license with the Borough they would have to stay for so many years. She stated how the Borough would train them and goes through the licensing process and then they say how they do not want to work here because they can make more money in Allentown after the Borough paid for all of the training. Councilman Zabroski stated how if they were opening a new position they should put some stipulation in there that they would have to stay for a certain period of time or reimburse the Borough based on a scale. President Stromelo stated how that could be added in on the contract negotiations.

All voted yes. Motion passed.

AGENDA FOR REGULAR MEETING OF NESQUEHONING BOROUGH COUNCIL

Wednesday, January 27, 2010 at 7:00p.m., Borough Office

**3. BUILDINGS MICHAEL SNISCAK, JR. CHAIRMAN; ROSE WALCK, CO-CHAIRMAN;
FRANK DIMICELI**

Councilman DiMiceli moved and Councilwoman Walck seconded to post signs at all the Borough Buildings "Employees & Authorized Personal Only", which would be the elected officials.

Councilwoman Fox asked what the reason was for it. President Stromelo and Councilman DiMiceli stated how it was for liability or insurance reasons. Councilman Hawk stated that if people were in areas that were not usually accessible to the public, they can be subject to liability issues. Councilman DiMiceli stated how a memo should go out to all Borough employees.

All voted yes. Motion passed.

**4. POLICE DAVID HAWK CHAIRMAN; MARK STROMELO CO-
PUBLIC SAFETY CHAIRMAN; RICHARD ZABROSKI**

Councilman Hawk stated how they were trying to get dates to meet on the contract. He stated that they made a request but did not get a response and Officer Wuttke was now out sick. President Stromelo stated how they will contact Officer Breiner if Officer Wuttke was not available.

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

President Stromelo stated how they had some mechanical problems with the garbage truck. He stated how it was back up and running and they were out collecting the garbage.

President Stromelo stated how they had received bids for garbage collection for 1 – 3 – 5 year contracts.

Secretary/Treasurer Ahner read the bids.

Waste Management	331,128.00	1,023,480.00	1,768,800.00
Got Trash Inc.	359,672.00	1,111,711.00	1,901,872.00
Tamaqua	295,480.00	886,440.00	1,504,258.00
Mascaro	308,400.00	934,848.00	1,613,640.00

Councilman DiMiceli moved and Councilwoman Walck seconded to table the bids.

The question was asked about the cost to the Borough now to collect the trash. Secretary/Treasurer Ahner stated that it was around \$400,000.00 but that also included the office staff and office supplies. President Stromelo stated how that was the worse case scenario with the truck payment. Mr. McArdle asked if Council, for the benefit of the public, could do a comparison of the bids. He stated about the one year contract with minusing out the office staff. Councilman Hawk and Councilman DiMiceli stated how that was why they were tabling the bids. Mr. McArdle stated how they would like to see if they were saving any money by collecting it themselves. Councilwoman Walck stated how that was why they were tabling it to get those figures. Mr. Merman stated about raising taxes a half of a mill. Councilman Hawk stated how the millage did not go to sanitation. President Stromelo stated that it was all paid by the households. He stated how the garbage fees have been stable for the last couple of years. Councilman DiMiceli stated how they were the cheapest town around.

AGENDA FOR REGULAR MEETING OF NESQUEHONING BOROUGH COUNCIL

Wednesday, January 27, 2010 at 7:00p.m., Borough Office

Councilman Zabroski stated that they should compare tonnage as well so that if a contractor would come in they would hold people accountable for what was going out. He stated that they should compare what the tonnage was now to what it would be with a contractor. Secretary/Treasurer Ahner stated how all of that was included in the specifications, the 6 bag limit, no construction material and tires the Borough would still deal with. Councilman DiMiceli stated that he was not making any accusations, but they know their truck was empty when they start picking. He stated how they know how many tons were going to the landfill. He stated how the garbage contractor could come in to start picking and the truck could be half full. President Stromelo stated how they had run into that issue with Keystone when they were coming in with the truck half loaded.

Mr. Merman asked if they ever considered going to dump at Tamaqua Transfer instead of running to Hegins. President Stromelo stated that the difference in tonnage cost was substantial between the two places. He stated how he was in contact with Tamaqua Transfer and they were reluctant to go away from the figure that they had given him. He stated that it was not affecting the driver's rate or a factor and it was a very substantial amount on 10 ton to drive 2 hours. Mr. Merman stated about the tires and the wear and tear on the truck. President Stromelo stated how that was the evil of the truck because of the weight of the truck they would not get away from tires. Councilman Hawk stated that to answer Mr. Merman's question; they do take all that into consideration and look at that. President Stromelo stated how they had opened the door with Tamaqua Transfer. He stated how they were dumping there that week.

Frank Jacobs stated how when they were there for the opening, the contractor were saying how the Borough has the lowest weight per household. Councilman DiMiceli stated how they have a lot of residents who recycle. President Stromelo stated how they have slipped back to 4th place with recycling in Carbon County. He stated that they were still working on the solid waste plan. He stated that he did not know what may be cut short on the funding they receive. President Stromelo stated that they do not know how the recycling program was going to go in the upcoming year.

All voted yes. Motion passed to table the bids.

President Stromelo stated that when the sanitation workers were out on their run, they observed a gentleman in New Columbus, falling. He stated that they got off the truck to help him up and wanted to get him an ambulance. President Stromelo stated that the gentleman was grateful and thought it was nice on how they had come to his aid. He stated that he wanted to thank them for assisting him. (Bob Pilla, Andy Staehle, Matt Miller)

Councilman Hawk moved and Councilman Zabroski seconded to post for the Sanitation picker position. All voted yes. Motion passed.

6. RECREATION DAVID HAWK, CHAIRMAN; MARY FOX CO-CHAIRMAN; MARK STROMELO

Councilman Hawk stated how he was informed that Columbus Cleaners were going to be donating a flag for the New Columbus Park. President Stromelo stated that it was in the office. Councilman Hawk stated about either getting the Borough crew or the Fire Company to put it up. President Stromelo stated how the flag pole in the Park was not in the best shape. He stated that they should look at getting a new pole installed. He stated how purchasing could get a price on a flagpole.

AGENDA FOR REGULAR MEETING OF NESQUEHONING BOROUGH COUNCIL

Wednesday, January 27, 2010 at 7:00p.m., Borough Office

Councilwoman Fox stated about the Solar Panel Company having the solar street lighting in the parking lot. She stated how they could talk to them to see what it would entail and check into prices to install solar lights in the Park. Councilwoman Fox stated how the street lighting deal that they were supposed to put lights in the park but not at a cost of \$20,000.00. Councilwoman Walck stated that they were under the impression on how that was included when they were signing them on. President Stromelo stated how there were some issues that had to be addressed through the Street Lighting. Secretary/Treasurer Ahner stated about the Council going back and reading through the minutes from when they were at the meetings. She stated that she could make copies. Councilman DiMiceli asked if she would make copies for everyone.

Secretary/Treasurer Ahner stated that she thought it included the installation of streetlights but did not know if it included the installation of park lights. President Stromelo stated that he did not remember anything about the park lights. Mayor Walck stated how he thought that there was something in there on how if they had any additional lights. He stated that it did not specify park lights. Councilman DiMiceli stated how he thought that they went up to 50 additional lights but the formula that they used was how the Borough would be drawing down on their profit. Councilwoman Fox asked if there was a contract with replies of yes. Secretary/Treasurer Ahner stated how there was a difference in putting streetlights compared to putting up lights in the park. She stated how the park would be underground wiring. She stated that it was not just a matter of running a line from one pole to another. She stated how they would have to dig a trench. Secretary/Treasurer Ahner stated how that was why she felt it was a higher cost to get the lights in the Park compared to a streetlight. Councilman DiMiceli asked what side of the street the lights were on, on that street. President Stromelo stated that they were on the south side.

Mayor Walck asked why they had to have the wiring underground. Secretary/Treasurer Ahner stated that it was because of the trees. Mayor Walck stated about placing them on the side. Secretary/Treasurer Ahner stated how that was where they had wanted the lights located. Mayor Walck stated how they could revise it and put them on the perimeter and tap off of the street light already there. Councilman Hawk stated how that would work if it would be effective with the trees. Mayor Walck stated how they might have to prune some trees. Councilwoman Walck stated how they need to prune some trees anyway because they were overgrown. Mayor Walck stated that he did not understand why they had to go underground when there was lighting on both sides of the park. He stated how they could tap off and go overhead. Secretary/Treasurer Ahner stated how it was not a matter of coming off of one street light; it was a matter of coming off of a transformer at a street light. President Stromelo stated how he went through it with the recycling area and met with the PPL engineer. He stated how there was only a certain area where they could tap off of for additional street lighting. Mayor Walck asked if they looked at that with the park or if they only looked at the underground. President Stromelo stated how they only went with what they specified. Secretary/Treasurer Ahner stated how when they went to the park with the drawing, they showed them where they wanted the lights and their best suggestion was to put the lights underground. She stated how they do not want electrical lines going over the play area either. Mayor Walck stated how he did understand that. He stated that he was not talking about taking overhead lines over the playground itself but to put lights around the perimeter. He stated that they would have to go underground to get to the flag pole. President Stromelo stated about placing an electrical box up top. He stated how Garibaldi Avenue was a dark street to start with. Councilwoman Walck stated that they should prune some trees to get the visual effect after the trees were pruned. She stated that they might not need as many lights. Councilman Hawk stated about asking them to come back then and asking for another proposal.

AGENDA FOR REGULAR MEETING OF NESQUEHONING BOROUGH COUNCIL

Wednesday, January 27, 2010 at 7:00p.m., Borough Office

President Stromelo stated about putting the pruning of the trees out for bid. Councilman DiMiceli stated about the Recreation Committee going up there with some contractors and coming back to Council with some recommendations.

President Stromelo stated that they should have a meeting coming up in the next month. He stated how they were still waiting on the letters from John Cooper and Virginia Tatusko for reappointments.

7. BUDGET DAVID HAWK CHAIRMAN; ROSE WALCK CO-CHAIRMAN; MARK STROMELO

Councilman Hawk moved and Councilwoman Walck seconded to donate \$500.00 to Carbon County Friend of Animals because of the work they do in town and also begin to include it in a line item in the budget.

Councilman Hawk stated that they pay money to the K-9 and they receive just as good of a service from them. He stated how it was brought up in the past and they have proven themselves to the Borough.

All voted yes. Motion passed.

8. PURCHASING ROSE WALCK CHAIRWOMAN; MARY FOX CO-CHAIRMAN; RICHARD ZABROSKI

No report.

9. FIRE/AMBULANCE RICHARD ZABROSKI CHAIRMAN; DAVID HAWK, CO- PUBLIC SAFETY CHAIRMAN; ROSE WALCK

- Fire Department Summary Report for December
- Nesquehoning Ambulance Corp Summary Report for December

Councilman Zabroski read the reports for December:

- 3 motor vehicle accidents
- 3 automatic fire alarms
- 3 mutual aid (2 Jim Thorpe, 1 Lansford)
- 3 landing zone
- 2 spill containment

He stated that there were a total of 192 Fire Department responses for the year.

Councilman Zabroski stated how the ambulance response for December was 48 calls and 9155 miles. He stated that there were a total of 476 calls and 9,755 miles traveled for the year. He stated how there were 18 EMS calls handled by KME employees during work for a total of 158 for the year.

Councilman Zabroski stated how Councilman DiMiceli had started a good thing and they were going to continue with the meetings with the Fire Chiefs. He stated how they would be setting something up for February.

AGENDA FOR REGULAR MEETING OF NESQUEHONING BOROUGH COUNCIL

Wednesday, January 27, 2010 at 7:00p.m., Borough Office

10. LIGHTING/ELECTRICAL FRANK DiMICELI CHAIRMAN; MARY FOX, CO-CHAIRMAN; ROSE WALCK

Councilman DiMiceli stated that he wanted Secretary/Treasurer Ahner to check when the energy block will start to take effect. He stated how the contract was for a 2 years. President Stromelo stated how he and Secretary/Treasurer Ahner had talked to the auditor that day. He stated that he had some questions on MEM and why they were still getting billed the higher cost from PPL when theirs was supposed to kick in. He stated about the funding that had been incurred. He stated about checking into that as well.

JR. RECREATION COMMISSION

Mayor Walck stated how the Jr. Recreation along with Danny Farole were at MapleShade in December to spread some Christmas joy. He stated that they were in the process of having chances made up for hams for Easter. He stated that the proceeds will go to the Cancer Telethon.

Councilman DiMiceli moved and Councilwoman Walck seconded to accept all Committee Reports. All voted yes. Motion passed.

NEW BUSINESS

No new business.

OLD BUSINESS

Councilman DiMiceli stated that he wanted Council to know how effective that day at 5:00 p.m., one of the problems the committee had dealt with at 1 W. Garibaldi Avenue, was officially condemned. He stated that the occupants were supposed to be out by 5:00 p.m. Councilman DiMiceli stated that the police were there and there was a page for personnel for Station #1 and #2 to go to assist the police. He stated that he did not know what the problem was but the place was condemned. He stated how it was now going to go to the Solicitor. Mayor Walck stated that there was an elderly woman who had moved all of her things out onto the sidewalks and she was planning to sleep on the sidewalks. He stated that the Chief had paged the volunteers to help move her things back into her apartment.

Mayor Walck stated about 127 W. Catawissa Street. He stated how Carl Faust had called while he and the Chief were there for an inspection on Friday. He stated how the building was not up to standards as to what Mr. Faust had told him to do with the building. Mayor Walck stated that in the meantime the owner went to Barry Isett, Inc. to inspect it and they had given him the approval to move in. He stated that once Mr. Faust takes control of a building, he did not think that anyone should be able to go over Mr. Faust's head. Councilman DiMiceli and Councilman Hawk stated "no". Councilwoman Walck stated that she thought how that had come up before. Councilman Hawk stated that they had said . . . Mayor Walck stated how they had done that before with the house in the back. He stated that Mr. Faust went in there and then they had gotten Barry Isett, Inc. and Barry Isett, Inc. said that there was nothing wrong.

AGENDA FOR REGULAR MEETING OF NESQUEHONING BOROUGH COUNCIL

Wednesday, January 27, 2010 at 7:00p.m., Borough Office

Mayor Walck stated that they had gone through the place and Mr. Faust had seen that there were hazards there (no emergency lighting, no exit lighting, no fire alarms, the roof leaks and there was mold). He stated that Mr. Faust had talked to the owner last week on the phone and told the owner that he wanted to meet him at the building. He stated that in the meantime, he sidestepped Mr. Faust, went to Barry Isett and Barry Isett gave them an occupancy permit. Councilman Hawk stated that when they had talked about Barry Isett, they had talked about him being somebody, only if Mr. Faust was not available or if there was some other kind of conflict and then they would have to come before Council to basically use the alternate. Mayor Walck stated how Solicitor Yurchak had to write a strong letter to Barry Isett that once Mr. Faust takes initiative on a building that they cannot come in.

Mayor Walck stated how that was what happened at the gas station at the end of town. He stated how Mr. Faust wanted to inspect, was stopping periodically, and they kept stalling him with the Labor and Industry Occupancy Permit. He stated how all of a sudden they got Barry Isett and Barry Isett gave them the okay to start the gas station. Councilman Hawk stated that once Mr. Faust was involved he has to see it through. Mayor Walck stated about sending a letter. Councilman Hawk stated how it has to be cleared up with Barry Isett. Mayor Walck stated how the owner was supposed to meet with the Chief and with Mr. Faust to go over the building. He stated how he was going to tell him, because the guy lied about how things were done when they were not done, and in the meantime he calls Barry Isett and Barry Isett . . . Councilman DiMiceli stated how legally when Mr. Faust would go in and do an inspection, like he did at 1 W. Garibaldi Avenue . . . Mayor Walck stated how that was his. Councilman DiMiceli stated "right, period, end of story". He stated that he cannot go to another building inspector and get it backdoored. Mayor Walck stated how that was what was happening. Secretary/Treasurer Ahner stated that if the owner of the property was not telling Barry Isett prior to . . . Councilwoman Walck stated they were not aware of it. Secretary/Treasurer Ahner stated that the inspectors who come to Council were not the same as who were doing the inspections now. She stated that they need to talk to the new inspectors because Elijah Skrimcovsky was no longer with the company and Matthew Walter was not in the area. She stated how they were the ones that Council had talked to and who Council told how they did not want the inspectors stepping on each others toes. Mayor Walck stated that before Barry Isett would get involved he should call Mr. Faust to see if there was an initial contact with the building.

Councilman DiMiceli stated that if they were to open a business, like at the end of town, and Mr. Faust was stopping down there, the property owner can choose either Barry Isett or Mr. Faust. He stated that when Mr. Faust goes in and does an inspection, a health and safety inspection. Councilwoman Fox asked if they actually called Mr. Faust to come in. Secretary/Treasurer Ahner stated that Mr. Faust just stopped. Mayor Walck stated how Mr. Faust was the initial UCC Official. Councilman DiMiceli stated that when the ambulance personnel or if the Fire Company was there and they see something out of line, that was with Mr. Faust. He stated that Mr. Faust will come in and do an inspection. He stated how that building was then under Mr. Faust's control. He stated how Mr. Faust was the one who will give the okay to either continue to occupy it or tell them that things had to be done. Councilman DiMiceli stated that what those people did was backdoored Mr. Faust by going to the other company and saying that they took care of everything and asked for a permit. Secretary/Treasurer Ahner stated that he might not have said that they took care of everything how maybe they just said that they needed an inspection. Mayor Walck stated that was why he wanted Solicitor Yurchak to send a letter. Solicitor Yurchak stated that he thought Council should call them both in and talk to them. Mayor Walck stated that they had to derail the occupancy permit from 127 W. Catawissa Street because there were things that were not safe in there. He stated that he could not see how it was approved.

AGENDA FOR REGULAR MEETING OF NESQUEHONING BOROUGH COUNCIL

Wednesday, January 27, 2010 at 7:00p.m., Borough Office

Mayor Walck stated that when they went in the one apartment there were mold problems. He stated that he only painted the apartment white and they could see where the mold was coming through the paint. Solicitor Yurchak asked Mayor Walck if he saw the permit. Mayor Walck stated that there was none; Mr. Faust would not issue it. Solicitor Yurchak asked if he saw the one from Barry Isett. Mayor Walck stated that he did not see the permit. Solicitor Yurchak stated that he was relying on that guy's word. Mayor Walck stated that he was relying on the Chief.

Secretary/Treasurer Ahner stated that Hugh Lawrence was in the office that day because there was a mix up with the boiler inspections. She stated how she had received a call from Mr. Lawrence asking her if the Borough had a copy of his Boiler inspection. She stated how she told him that the Borough would not receive a copy of his Boiler inspection and asked him why he thought that they would.

Secretary/Treasurer Ahner stated how he told her that when he called PA Department of Labor & Industry, they had told him to contact the Borough Secretary because she received a copy of the inspection. She stated how she had called the PA Department of Labor & Industry and when they had come to do the inspection of the Boiler at the Borough Office, they still had the address of the Borough office listed as 127 W. Catawissa Street. Secretary/Treasurer Ahner stated how there was an inspector from PA Department of Labor & Industry in the office that day and did another inspection of the Boiler. She stated that they had gotten all the information straightened out. She stated how Mr. Lawrence was waiting for him when they had come up from the basement. Secretary/Treasurer Ahner stated how the inspector told her in the basement that the boiler at 127 W. Catawissa Street was from 1944 and was not going to pass inspection that day. She stated how there was no way that he got an occupancy permit that day. Secretary/Treasurer Ahner stated how Mr. Lawrence could have called up and said that he had got a permit, but unless they had actually seen the permit. She stated that he did not give her a copy when he was in the office. Solicitor Yurchak stated that was why he asked if they had seen it. Secretary/Treasurer Ahner stated how he could be blowing smoke. President Stromelo stated how they usually mail them.

Mayor Walck stated that the only thing he was going on was how Mr. Lawrence talked to the Chief; the Chief said that Mr. Lawrence told him that he had another inspection and he was okay. Solicitor Yurchak stated that if it was not in writing, it did not happen. Mayor Walck stated how that was what they had to check on. He stated how Mr. Lawrence was trying to sidestep Mr. Faust. Councilman DiMiceli stated to Mayor Walck that whether it was Mr. Faust or Barry Isett or some other company, PA Department of Labor & Industry had to do the Boiler Inspection. Secretary/Treasurer Ahner stated that PA Department of Labor & Industry did not pass his Boiler Inspection so he did not get an Occupancy Permit. She stated how they were the ones who issue them. Councilman DiMiceli stated to have them continue with the inspection on Friday. Secretary/Treasurer Ahner asked which inspector from Barry Isett they had talked to. She stated that she was now usually dealing with a gentleman named Rick. She stated that she will talk to him to see if he was aware of what was going on but they should not condemn someone if they were not given the facts. Mayor Walck stated that he understood. Secretary/Treasurer Ahner stated that to write a letter of reprimand to them for . . . Mayor Walck stated that it was not a letter of reprimand but clarification on how once Mr. Faust would start an inspection on a building that it would not get transferred over to Barry Isett. Secretary/Treasurer Ahner stated how they hired two BCO's. Councilman DiMiceli stated that Barry Isett should not be issuing a permit unless they see the occupancy permit from PA Department of Labor & Industry. President Stromelo stated how they could lose their license. Solicitor Yurchak stated how they were talking about people sidestepping Mr. Faust and using Barry Isett. He stated that they should have the committee sit down and get everything resolved. He stated how that was why he asked if he saw the permit.

AGENDA FOR REGULAR MEETING OF NESQUEHONING BOROUGH COUNCIL

Wednesday, January 27, 2010 at 7:00p.m., Borough Office

Mayor Walck stated how the problem was that Mr. Lawrence did not like what Mr. Faust was telling him. Councilman DiMiceli stated that even if he did get a permit from Barry Isett, they should not be issuing it because PA Department of Labor & Industry did not pass the Boiler Inspection. President Stromelo stated that they would have Public Safety schedule a meeting with them.

ADJOURNMENT

Councilman DiMiceli moved and Councilwoman Walck seconded to adjourn the meeting. All voted yes. Meeting adjourned at 9:21 p.m.

RoniSue Ahner

RoniSue Ahner
Secretary-Treasurer