

MINUTES FOR REGULAR MEETING OF NESQUEHONING BOROUGH COUNCIL

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

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

President DeMarco called the meeting to order at 7:03 p.m.

Junior Girl Scout Michaela Susko led the pledge of allegiance.

Councilman Stromelo was absent (out of state on family vacation both last month and this month) and Councilman Hawk was absent due to car accident.

MINUTES: Approve the minutes from the Regular Meeting held on June 24, 2009

Councilwoman Walck stated that on #8 purchasing of the June 24th Meeting minutes, she had inadvertently voted on using grant money for the printer. She stated how it was a state grant and that she would like to change her vote to not voting.

Councilman DiMiceli moved and Councilman Sniscak, Jr. seconded to approve the minutes from the regular meeting held on June 24, 2009 with the above mentioned change. All voted yes. Motion passed.

HEARING OF VISITORS

Michaela Susko – 237 W. Marconi Avenue – was present with her mother Jean Susko and stated how she would like to paint over the graffiti on the footbridge and handrail on Willow Lane. She stated how it would be community service to earn her Bronze Award. President DeMarco stated how they would get the Borough crew to get her whatever she needed. He stated to Miss Susko about notifying the Borough as to when she would like to start. Mayor Walck stated about the weeds around the bridge. President DeMarco stated that they would have the Borough crew take care of that also.

Tom Merman – 512 E. Center Street – stated how several months ago he had seen in the agenda that the Borough had given a piece of property to a person for \$1.00. He stated how he had asked two Council persons what it was about and was told to ask the Solicitor. Solicitor Yurchak stated how there was no property given to anybody from the Borough. Mr. Merman asked why it was marked “no trespassing”. Solicitor Yurchak stated how he believed that they made a claim on that property. Mr. Merman asked how they could if it was Borough property. Solicitor Yurchak stated that anybody can try to claim anything but it did not mean it was going to be a valid one against the Borough. Mr. Merman asked if anybody can claim a road that was not repaired or up to standards. Solicitor Yurchak stated how it was a paper street. He stated how it would be maintained as a right-of-way regardless. Solicitor Yurchak stated how they did not own it; they would only have a right-of-way on a paper street.

Mr. Merman stated that somebody had to give somebody else permission. Solicitor Yurchak stated how it was a right-of-way to the public, a paper street. Mr. Merman asked who gives somebody permission to post. Solicitor Yurchak asked who gave what permission. Mr. Merman stated that for somebody to post a paper street or a proposed street. Solicitor Yurchak stated that nobody gives them permission. Mr. Merman asked how they did that. Solicitor Yurchak stated that if a person has been maintaining a piece of property for a period of years, they can claim it. Mr. Merman asked if Solicitor Yurchak would put it in writing. Solicitor Yurchak stated how that was generally the way it was but in order, a paper street still has to be maintained as a paper street.

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Mr. Merman stated how he had cut grass on lots of properties but never looked to claim it. He stated how he had a map from the Carbon County Courthouse which shows that it was a paper street. Solicitor Yurchak stated that a paper street was just that, a paper street. Mr. Merman stated how he would like something in writing because of the trouble they had in New Columbus. Solicitor Yurchak stated how the property Mr. Merman was referring to was not even a dirt road or even passable as a road. Mr. Merman stated how it was not passable as a road. He stated that he wanted a ruling in writing as to how property can be given away. He stated how he had a map to show that when it was brought up that it was the Borough of Nesquehoning's.

Solicitor Yurchak stated that Mr. Merman was misunderstanding what he was saying. He stated how he did not say that the Borough gave anything away. Solicitor Yurchak asked Mr. Merman where he got that impression. Mr. Merman stated how he had seen the no trespassing signs. Solicitor Yurchak asked Mr. Merman where he got the impression that he said the Borough gave anything away. Mr. Merman stated that Solicitor Yurchak did not say it. Solicitor Yurchak stated how that was what he wanted him to write. He stated that he was not writing such a thing. Solicitor Yurchak stated that he never said that the Borough gave anything away.

President DeMarco stated to Mr. Merman that he did not know where he got the idea that the Borough was giving it to the people who were taking care of it. He stated that if the Borough wanted it when the time comes, they will go after it. Mr. Merman asked if they could get it back. Solicitor Yurchak stated "absolutely". Mr. Merman stated that as long as they could get it back, that was all he wanted to hear. President DeMarco and Solicitor Yurchak stated how they never gave anything away.

Councilman DiMiceli stated how they will go on the record correctly that they never gave anything away for them to get back. He stated how it was still Borough property. Solicitor Yurchak stated how it was not Borough property because it was a paper street. He stated how it does not become Borough property until it was designated to the Borough and was accepted by the Borough. Solicitor Yurchak stated how it was a public right-of-way. Councilman DiMiceli stated how they never changed the status of the street.

Mr. Merman asked why the bulletin had that there was a dollar paid for it. Solicitor Yurchak stated that he did not write the bulletin. Mr. Merman stated that he was asking why it was in the bulletin. President DeMarco asked which bulletin he was referring to. Mr. Merman stated "the agenda". Secretary/Treasurer Ahner stated how it was never on the agenda. Solicitor Yurchak and President DeMarco stated "no, it was never on the agenda". Councilwoman Walck stated how it was in the newspaper. She stated that she did remember seeing something in the Times News. Mr. Merman stated that it was in the agenda. Solicitor Yurchak stated how he disagreed with Mr. Merman; it had never been on any of the agendas. President DeMarco stated that he was sure all of them would have known it if it was on. Mr. Merman stated that what he wanted to see was proper procedure on how they handled stuff in the community.

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POLICE REPORT

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

\$988.97 fine money received from Magistrate Kosciolek; \$82.88 fine money received from Magistrate for Sanitation Fines/Bills; \$11.57 received in Carbon County Collections; \$155.73 received in DUI reimbursements; \$642.42 received from Attorney General for overtime reimbursement; \$0.00 received in parking tickets; \$255.00 received in moving permits; \$135.00 received in accident reports; 445 total officer contacts/follow-ups; 62 citations [18 non-traffic (1-public drunkenness, 4-disorderly conduct, 2-harassment, 7-underage drinking, 2-retail theft, 1-code high grass and 1-simple trespass) & 44 traffic]; arrests (Felicia Bower-drug delivery resulting in death, involuntary manslaughter, unlawful delivery of heroin-related to heroin overdose death; 1-theft of registration plate; 1-PFA violation, William Campbell in jail; 1-DUI, 1-simple assault on police officer; 2-stolen motorcycles (value for both \$35,000); van taken at gun point while being repossessed, Nathaniel Rabold arrested for aggravated assault with deadly weapon; Frank Munoz and Jonathon Maury on traffic stop heroin seized charges pending; 1-bad check; 1-endangering the welfare of a child-charges pending; 35 incidents reported for the month; 0 search warrant; 5 traffic accidents (2 reportable - 3 non-reportable); 12 court appearances and the mileage total was 4,261 (743 – 2008 Crown Vic; 1,426 – 2008 Chevy Impala; 2,092 - 2003 Crown Vic; 328 - 2005 Expedition).

HOUSING & CODE ENFORCEMENT OFFICER'S REPORT

Chief Smith's report was placed in the communications folder.

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

EXECUTIVE SESSION (if needed)

Borough Council entered into an Executive session at 7:16 p.m. for personnel matters. The Council members exited their Executive session at 7:43 p.m.

Councilman Sniscak, Jr. moved and Councilman Zabroski seconded not to continue Officer Saullo's employment.

President DeMarco stated, as a note, that he was on probation. He stated that he would not ask for questions because it was personnel.

All voted yes, except Councilwoman Walck who voted no. Motion passed.

Councilman Sniscak, Jr. stated how it was effective July 22, 2009.

PLANNING COMMISSION REPORT

No report.

CIVIL SERVICE COMMISSION

Councilman DiMiceli moved and Councilman Zabroski seconded to advertise for a full-time police officer.

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Carol Zickler asked if it was a full-time in place of a part-time. President DeMarco and Councilman DiMiceli stated "full-time police officer". Solicitor Yurchak stated Officer Saullo was the full-time police officer who was on probation. President DeMarco stated how he was currently on probation and it was the recommendation of the committee that he not be hired full-time. President DeMarco stated how they must now start the Civil Service Commission up again. He stated that even though they have a grant put in for one that had nothing to do with the other one. Councilman DiMiceli stated how they would advertise for one, possibly two, officers. President DeMarco stated how the grant was going to be so they could retain five full-time officers. Ms. Mele asked why he got fired. President DeMarco stated that it was for personnel reasons. Ms. Mele asked if they did not have the right to know. President DeMarco stated "no". Solicitor Yurchak stated how they cannot get into personnel items in public. Ms. Mele stated about the right-to-know law. Solicitor Yurchak stated how that did not supersede the personnel.

Mickey Angst stated how he did not hear who was fired. Ms. Mele stated "Nick Saullo". She stated that it was because a few Council people did not want him. President DeMarco stated that Ms. Mele was out of order. He stated that she did not understand and that she had no idea. He stated how all of her interpretation was misinterpretation. He stated that everything she puts in up to and including the letter to the editor that she writes. He stated that if they were on base, they were somewhere else but not there.

All voted yes to advertise. Motion passed.

President DeMarco stated about getting the Civil Service Members together to reorganize.

PANTHER CREEK ADVISORY REPORT

No report.

ENGINEER'S REPORT

- 06.26.09 Department of Homeland Security – Emergency preparedness & Response

President DeMarco stated how Ron Tirpak was not ready yet with the plans for the Police Department.

SOLICITOR'S REPORT

- Robert T. Yurchak letter to Richard Ahner – Sewer Smell Complaint
- **Six month period for Council member telephone participation in voting meetings**

Councilman DiMiceli moved and Councilman Zabroski seconded to extend the telephone participation for six months because of Councilman Hawk, who will probably not be back until October. All voted yes. Motion passed.

- **Ordinance – Amendment to the Life Safety Code**

Councilman DiMiceli moved and Councilman Zabroski seconded to advertise the amendment to the Life Safety Ordinance. All voted yes. Motion passed.

- **Ordinance – Amendment to the Fireworks Display Permit**

Councilman DiMiceli moved and Councilman Zabroski seconded to advertise the amendment to the Fireworks Ordinance. All voted yes. Motion passed.

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➤ **Police Department Funeral Policy**

Councilman DiMiceli stated how that was one they never had to deal with but they did have a trooper last month get killed in the line of duty. He stated how there was nothing in place. Councilman DiMiceli stated how the policy was drawn up that if any officer in Pennsylvania was killed in the line of duty, the Borough will send two officers to the funeral. He stated that if it was local, within a 50 mile radius, the Borough will send up to eight officers. Councilwoman Walck asked if the Borough was paying for it. Councilman DiMiceli stated "yes". Mayor Walck asked if the Borough was paying the officers to go to the funeral. Councilman DiMiceli stated "yes". He stated that he would give them the reasons why #1 out of courtesy and respect and #2 they will be in uniform and using a Borough vehicle. He stated how they have issues of liability insurance and workmen's compensation, so they should be on the clock for that.

Mayor Walck stated how the state has a national mourning program in effect which observes all the fallen officers. Councilman DiMiceli asked where was there a national mourning program. Mayor Walck stated how the state has one. He stated how he had brought it to Council's attention. Councilman DiMiceli stated how that was an annual memorial day for police officers held on May 15. He stated that it had nothing to do with funerals of officers who get killed in the line of duty. Councilman DiMiceli stated that chances were if the funeral was up in Erie, their officers would choose not to go. He stated that if it was in Harrisburg or Scranton, they may choose to go. He stated that if they go, they were going to be on the clock. Councilwoman Walck stated how they would not need a policy and it could be handled on a case by case basis as to where the area was and, locally, she would agree. Councilman DiMiceli stated "no" and how that was why there was the 50 mile radius.

Councilwoman Walck stated how Councilman DiMiceli said that if they decide not to go to Erie, they would be going against the policy. She stated how it was really not a policy. Councilman DiMiceli stated how they can assign two people to go. Councilwoman Walck asked if the weather was bad and there was an accident, they have a drug policy and they would have to get drug tested out there. Councilwoman Walck asked about them having to stay overnight if the weather was bad and the Borough footing the bill. She stated that she did agree how it was a good idea to honor them but she did not know about the distances. She stated how they were a small area and don't have a budget like some of the other areas. Councilwoman Walck asked if other local towns do this. President DeMarco stated how he would doubt it that they were going to look for somebody that they don't really . . . He stated that he was asked a lot of questions as to why one of the Borough's officers was not at the funeral for the one who was killed in the line of duty. Councilman DiMiceli stated how there were 49 states that sent officers. He stated how New Jersey rented buses and sent 160 officers. Mayor Walck asked if Officer Peck went. Councilman DiMiceli stated yes but it was on his own time. President DeMarco stated how the Chief was not there.

Councilwoman Walck stated how this was the first time this came up. Councilman DiMiceli stated how that was why they wanted the policy so there was no debate later on. He stated that if an officer gets killed in the line of duty and they choose to go, Philadelphia was 90 miles away and in the last 18 months, they lost eight officers.

President DeMarco stated that if they choose, they were not making them. Councilwoman Walck stated if there was something in Philadelphia, they were sending two officers. President DeMarco stated how it was if they choose to go. Councilwoman Walck stated how it was really not a policy, it was their choice. Councilman DiMiceli stated how it was a policy and if they choose to go, they were going to pay them. He stated that they will send two. Councilwoman Walck stated that she did not agree on how it was a policy if they have a choice.

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Solicitor Yurchak stated how the wording should change because it says “shall send”. Councilman DiMiceli stated about changing it to “may”. Councilwoman Walck stated how there were too many unanswered . . . Councilman DiMiceli stated “shall if they choose to go”. Mayor Walck asked who was going to authorize or say if they could go because they have a schedule to adhere to. Mayor Walck asked if two officers choose to go, who was going to cover the town. Councilman DiMiceli stated how that was not addressed in the policy. Councilman DiMiceli stated how the SOP addresses the Chief doing the schedule. He stated that they were not going to address the schedule in the policy. He stated how it was funeral policy not a scheduling issue. Councilman DiMiceli stated how the scheduling was addressed in the SOP and the Chief will determine if the officer could go or not.

Mayor Walck stated that if he understood it correctly, the residents of Nesquehoning should pay time and a half for someone to go to a funeral. Councilman DiMiceli stated “for an officer killed in the line of duty, yes”. Mayor Walck asked in Philadelphia? Councilman DiMiceli stated “yes”. Councilwoman Walck asked in Erie or Pittsburgh? Mayor Walck stated how they have a mutual aid agreement with the surrounding towns and if an officer would fall while on duty in one of the mutual aid towns, he could see it. Mayor Walck stated how he did not understand making the residents pay for someone to go out to Pittsburgh, Philadelphia or Erie. Councilman DiMiceli asked about Scranton, Wilkes-Barre or Hazleton. He stated how they don’t have a mutual aid agreement with Hazleton. He asked if they don’t think that they send two officers to Hazleton if an officer gets killed in the line of duty. Councilwoman Walck stated how she felt that it should be dealt with on a case by case basis.

Councilman DiMiceli moved and Councilman Sniscak, Jr. seconded to adopt the Police Department Funeral Policy with the change of “shall” to “shall and/or may”.

Councilman Sniscak, Jr. stated how the bottom line was that if it was too far away or they did not have the officers to do it, the schedule will come first. Councilman DiMiceli stated how it was addressed under the SOP. Councilman Sniscak, Jr. stated how the safety of the citizens comes first. He stated that if they have an officer who could go, then they will send him. President DeMarco stated how they will not let the town go without coverage. Councilwoman Walck asked if Chief Smith will make the decision. Councilman DiMiceli stated that if the schedule permits. Mr. Angst stated about the funeral policy and how it was just for Police Officers killed in the line of duty.

Roll call vote:

- Councilman DiMiceli – yes
- Councilman Sniscak, Jr. – yes
- Councilman Zabroski – yes
- Councilwoman Walck – no, just local people, that was why she was voting no
- President DeMarco – yes

Motion passed

Solicitor Yurchak stated how it was brought to his attention how they do not have an ordinance authorizing the tax collector to charge a fee for tax certification. He handed them a draft of an ordinance to that effect.

Councilman DiMiceli asked about the Abandoned Vehicle Ordinance with the inspection stickers. Solicitor Yurchak stated how it was already in here and if it wasn’t in the ordinance, it was in the Motor Vehicle Code. Councilman DiMiceli stated how he talked to Officer Blisard concerning a car in the alley behind his house. Solicitor Yurchak stated how it was in the draft from the company who was redoing the Ordinances.

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NESQUEHONING SAVINGS BANK TREASURER'S REPORT

GENERAL FUND

Balance 05.31.09	264,639.70
Receipts	301,357.72
Expenditures	161,510.15
Balance 06.30.09	404,487.27

GENERAL SEWER CONSTRUCTION FUND

Balance 05.31.09	10,164.34
Receipts	6.27
Expenditures	.00
Balance 06.30.09	10,170.61

SPORTS COMPLEX FUND

Balance 05.31.09	6,052.33
Receipts	4,656.63
Expenditures	3,077.60
Balance 06.30.09	7,631.36

SANITATION ESCROW

Balance 03.26.09	24,535.53
Receipts	8,718.82
Expenditures	.00
Balance 06.01.09	33,254.35

DEBT SERVICE

Balance 05.31.09	19,102.79
Receipts	8.45
Expenditures	19,964.00
Balance 06.30.09	1,147.24

FIRE TRUCK FUND

Balance 05.31.09	76,093.32
Receipts	33,115.98
Expenditures	12,080.09
Balance 06.30.09	97,129.21

CAPITAL PROJECT

Balance 05.31.09	79,212.77
Receipts	606.45
Expenditures	9,747.00
Balance 06.30.09	70,072.22

SANITATION FUND

Balance 05.31.09	180,793.51
Receipts	123,452.56
Sewer	41,556.23
Expenditures	96,447.65
Balance 06.30.09	166,242.19

HIGHWAY FUND

Balance 05.31.09	94,383.19
Receipts	58.18
Expenditures	.00
Balance 06.30.09	94,441.37

PLANNING FUND

Balance 03.26.09	8,380.55
Receipts	3,669.07
Expenditures	1,307.77
Balance 06.01.09	10,741.85

GENERAL SEWER FUND

Balance 05.31.09	150,909.53
Receipts	41,720.77
Expenditures	148,708.73
Balance 06.30.09	43,921.57

SEWER OPERATING & MAINTENANCE

Balance 05.31.09	94,100.39
Receipts	13,462.24
Expenditures	58,772.68
Balance 06.30.09	48,789.95

POLICE PENSION FUND

Balance 05.31.09	401,377.77
Receipts	12,054.59
Expenditures	8,075.59
Acct Appreciation	2,974.97
Balance 06.30.09	408,331.74

ACQUISITION & RENOVATION

Balance 05.31.09	226,255.56
Receipts	139.47
Expenditures	.00
Balance 06.30.09	226,395.03

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CD REPORT

FUND	CURRENT VALUE 06.30.09	INTEREST 06.30.09	OPENING DATE	CURRENT RATE	RENEWAL DATE	BANK
PLANNING	\$ 14,993.67	\$ 37.62	05-08-05	4.05 %	08-15-09	JTNB
GEN. SEWER	\$ 368,172.24	\$ 924.78	05-08-05	4.05 %	08-15-09	JTNB
GEN. SEWER	\$ 11,447.67	\$ 33.32	12-03-08	3.44 %	06-03-10	JTNB
DEBT SERVICE	\$ 13,261.75	\$ 33.27	05-08-05	4.05 %	08-15-09	JTNB
DEBT SERVICE	\$ 102,097.97	\$ 339.33	06-02-05	3.92 %	06-02-10	JTNB
DEBT SERVICE	\$ 17,964.00	\$ 0.00	06-22-09	2.14%	06-22-11	JTNB
SANITATION	\$ 19,886.00	\$ 0.00	06-22-09	2.14%	06-22-11	JTNB
CAPITAL PROJ	\$ 9,747.00	\$ 0.00	06-22-09	2.14%	06-22-11	JTNB
GEN. SEWER	\$ 75,923.00	\$ 0.00	06-22-09	2.14%	06-22-11	JTNB
FIRE TRUCK	\$ 9,523.00	\$ 0.00	06-22-09	2.14%	06-22-11	JTNB

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

EMERGENCY MANAGEMENT REPORT

John McArdle stated how there was a CERT class coming up on September 1st, 8th and 15th; October 6th, 13th and 20th; November 2nd, 9th and 16th.

Mr. McArdle stated how last month the Fire Company was requested by Lake Hauto to back flush the dry hydrants. He stated that the dry hydrants have been back flushed. He stated how they were good until the fall.

MAYOR’S REPORT

Mayor Walck stated how they have a new part time officer starting on August 1st. He stated how it was Keith Fredrick.

Mayor Walck stated how he was asked at the Crime Watch meeting about the lights for the New Columbus Park. He stated how there were complaints from the Crime Watch about people being in the park after dark. Mayor Walck stated how he had contacted Officer Breiner, while on duty, to go up and the lights would really help. Councilman DiMiceli stated how they had asked recreation to come back to them with a recommendation on the lights. Councilwoman Walck asked who would be the proper on to check with the Recreation Committee. President DeMarco stated about Councilman Stromelo. Councilman DiMiceli stated how the Crime Watch could have some input to the Recreation as to where the lights should be placed. Mayor Walck stated how he will have input from Crime Watch by the next Council meeting.

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Mayor Walck stated how the next Crime Watch meeting will be held on August 4th at 7:00 p.m.

Mayor Walck stated how the Community Unity Services for the Police, Fire and Ambulance will be held on Sunday, September 13th at the Meed’s Church. He stated about blocking off in the front of the Meed’s Church from noon until 9:00 p.m. to allow for ample parking for the fire trucks.

Mayor Walck stated how the Anthracite Triathlon came through Nesquehoning on July 19th with no incidents. He stated that he would like to thank everybody from the Ambulance Corp and the Fire Police.

Mayor Walck stated about an article that was in the paper regarding Aggressive Driving Enforcement and Education Program. He stated how they could apply to that and the Chief could get the information. Mayor Walck stated how the little bit that he had received was how it was a state run program and the state will pay for the office to run speed in town. Councilman DiMiceli asked if it had to be County because he knew that Schuylkill County did it as a county-wide thing. Mayor Walck stated that he did not know and he would like if the Chief would initiate the process to find out the information about it. He stated how he believed that it would be available to them. President DeMarco stated about seeing if the Chief was interested in it and processing it from there. Councilman Sniscak, Jr. asked if there was a time limit on it. Mayor Walck stated how it was an annual thing from the way he understood it. He stated that they had to fill out forms. He stated that there were certain things that had to be done. Mayor Walck stated that he did not know all of the details but he did know that it was a good program. He stated how it did not cost the Borough anything and any fines come to the Borough. Councilwoman Walck stated how she had heard, but does not know how true it was, that the borough would get additional funds just for participating. Mayor Walck stated how he would like to pursue it.

TAX COLLECTOR’S REPORT

1 June 2009 to 30 June 2009

Real Estate	\$	6,114.02
Occupation		360.00
Per Capita		<u>340.00</u>
TOTAL	\$	6,814.02

Councilman DiMiceli moved and Councilman Sniscak, Jr. seconded to approve all reports (Planning Report to Tax Collector’s Report). All votes yes. Motion passed.

APPLICATIONS: Michael A. Dolena – Driver/operator/laborer/maintenance

COMMUNICATIONS:

1. 06.26.09 PSATS – CDL Drug & Alcohol Testing Supervisory Training
2. 06.26.09 PSATS – CDL Records Management
3. 06.29.09 ATD-American – Furniture at COSTARS prices
4. 06.30.09 Jim Clauser – Landowner’s Letter of Commitment
5. 06.30.09 PSAB – Update
6. 06.30.09 Hazleton Oil – Newsletter
7. 07.02.09 Housing Assistance Council – Building Rural Communities through CHDO

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8. 07.02.09 DEP – Final guidelines for the PA Conservation Works Grant
9. 07.06.09 SJThomas Co – Commercial Contractors
10. 07.06.09 Steve Shannon – Automotive Warehouse
11. 07.09.09 Kirk, Summa & Co – Financial statement for 2008
12. 07.09.00 NEPA – Nominations for Regionalism Award
13. 07.10.09 Green Energy Capital Partners – PA Solar Park, Special Exception
14. 07.13.09 84 Lumber – New department specializing in government contracts
15. 07.13.09 CC Dept of Solid Waste – PWIA Letter dated 16 June 2009
16. 07.16.09 QPR Road Shop – Hot applied crack repair
17. 07.16.09 H.A.DeHart – Transportation equipment distributors
18. 07.16.09 PSAB – Training Update
19. 07.16.09 PSAB – 2009 Municipal Yearbook & Annual Report
20. 07.16.09 Keith R. McCall – Application for energy conservation projects due 08.14.09
21. 07.16.09 Michaela Susko – Project for Girl Scout Bronze Award
22. 07.16.09 Michael S. Greek – Variance, water tank
23. 07.16.09 Michael S. Greek – Variance – Hearing date to clarify Zoning Hearing Board decision
24. 07.17.09 PIRMA – Update
25. 07.17.09 Tom Corbett – Contractor registration for home improvements
- 26. 07.20.09 ReDCo Group – Request for mandated fire inspection**

Councilman DiMiceli stated how that had already been taken care of. He stated that he talked to Mr. McArdle, who has made arrangements to do the inspections.

27. 07.20.09 Hazleton General Hospital – Healthy Horizons – quarterly publication
28. 07.20.09 Delaware & Lehigh Heritage Corridor – Newsletter
29. 07.20.09 Siana, Bellwoar & McAndrew – Municipal Liability Update
30. 07.20.09 Michael S. Greek – Create RC district, solar panels
31. 07.20.09 H1N1 Task Force – International Swine Flue Conference
32. 07.21.09 new PA news – Newsletter
33. 07.21.09 Frank DiMiceli – TuWay Narrowbanding Update
34. 07.21.09 Lehigh Engineering Associates – PA Solar Park, Act 67 & 68 Notification Letter
35. 07.21.09 PSAB – Training Update

36. 07.21.09 PV Youth Soccer Association – Permission for a portable building for storage

President DeMarco stated how it was work in progress. Councilwoman Walck stated how she spoke to Ron Tirpak concerning the request (the size of the building and what they wanted). She stated how he was checking to see if they had a wetlands problem. Councilwoman Walck stated how she also called Jim Clauser from the Soil Conservation and he agreed with what Ron Tirpak had said. She stated about getting diagrams to see where the wetlands were. Councilwoman Walck stated that if they would approve it, they might be able to do some minor relocation of some of the land so it would pass. Councilman DiMiceli stated how he did not want to get fined by DEP.

Councilwoman Walck stated how they would have the Army Corp of Engineers after them. She stated how they should get something from the Army Corp of Engineers. Councilwoman Walck stated how they could do something conditionally that night. She stated how they could probably place it once they say it was okay. President DeMarco stated how he and Councilwoman Walck talked about getting in touch with Jim Clauser regarding where the wetlands were located. He stated how they would like a motion to get the ball rolling under the condition when Ron Tirpak and Jim Clauser get together and give their okay.

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Councilman DiMiceli moved and Councilwoman Walck seconded to approve the request on the condition that the requirements were met and they get the approval of Ron Tirpak and Jim Clauser. All voted yes. Motion passed.

Councilman Sniscak, Jr. moved and Councilman Zabroski seconded to approve all communications and accept the application and place them on file. All voted yes. Motion passed.

BILLS TO BE RATIFIED, EXPENDITURES AND RECEIPTS

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

COMMITTEE REPORTS

1. STREETS

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

➤ 07.07.09 Elena Monaco – Curb Cut

Councilman Sniscak, Jr. moved and Councilman Zabroski seconded to approve the curb cut permit for Elena Monaco at 57 W. Railroad Street. All voted yes. Motion passed.

Councilman Sniscak, Jr. stated how they were in the process of patching all the streets, which were opened due to the water main breaks. He stated how the Borough crew was cutting and patching potholes on other streets including the one on Park Avenue. Councilman Sniscak, Jr. stated that once they were done with the patching, they would be sealing and line painting.

Councilman DiMiceli stated how he noticed the railroad crossing in the Estates. Councilwoman Walck stated that she had noticed it but did not know if that was the Railroad. Councilman Sniscak, Jr. stated how he did look at it and it was railroad property. President DeMarco stated how they have gone to the Commissioners' and it was going back and forth as to who owns it. He stated that he does not care what happens to it because it was not the Borough's responsibility. President DeMarco stated that if a train would derail or if something would happen, they will be closing that road off. He stated how they will not use the through traffic on Park Avenue. Councilman DiMiceli stated that if a car would hit it, there would be an accident because that was how deep it was. President DeMarco stated how they know about it. Councilwoman Walck stated how their hands were tied. Councilman Sniscak, Jr. stated how they were not doing anything with it. President DeMarco stated how there was an agreement that was supposedly signed that they were going to take care of it. He stated how they were too busy and worried about the tourists in Jim Thorpe. President DeMarco stated how they will come last but they will be the first when they have to take care of that problem. He stated how it was bad and that the rails move when a tractor trailer goes over it.

Councilman DiMiceli stated how he was not talking about up there; he was talking about at 5th Avenue where the "Y" was. President DeMarco stated how it was the whole thing. Mayor Walck asked if it was possible to put a weight limitation on Park Avenue. He stated how there were more tractor trailers going through there. He stated how that road was terrible. Mayor Walck stated how there was a time when they were told any deliveries to the Industrial Park was supposed to go in up by the Co-Gen.

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Councilman DiMiceli stated how he did not think that they would impose a weight limit. He stated how they could pass an Ordinance, No Commercial Vehicles. Councilman Sniscak, Jr. stated about local traffic only. Councilman DiMiceli stated how they would not say local traffic only. Mayor Walck stated how it was brought up several years ago and he was told how they could not restrict traffic because of the liquid fuels. He asked if they could possibly put a weight limit on it. Councilman DiMiceli stated about 2nd class vehicles. President DeMarco stated that Solicitor Yurchak would research it to see if they could put a weight limit on it.

Councilman Zabroski stated how he wanted something to go in the paper thanking all those involved on the night of the water main breaks. He stated how they took control of the situation that night, did what needed to be done and got the water back on as fast as possible. He stated how most of them were out all night.

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

Councilman DiMiceli stated how it has been over a year since they had a video taken every year. He stated that the only time it was done was when it was repaired. Councilman DiMiceli stated how they did not have an inspection last year. He stated how they were seven months into that year.

Councilman DiMiceli moved and Councilman Sniscak, Jr. seconded to have the company come in to do another video inspection of the tunnel with the Borough retaining a report and copy of the video. All voted yes. Motion passed.

• 06.29.09 Bruce Nalesnik – Surcharge

Councilman DiMiceli stated about how they tabled the matter of the surcharge last month. Secretary/Treasurer Ahner stated how last month they had voted to make him pay the surcharge. She stated how he responded to her letter about paying the surcharge. She stated that the letter states how he did find a leak and it was outside but did not notify anybody. Councilman DiMiceli asked if he disputed the water bill. Secretary/Treasurer Ahner stated that she did not know if he paid the water bill or not and she did not know if he was disputing it. Councilman DiMiceli stated that when he spoke to Councilman Hawk, he said how Mr. Nalesnik realized that there was a leak and he did use the water but it was not into the sewer. Secretary/Treasurer Ahner stated how he did not notify anybody until she sent him the letter that he had to pay the surcharge. She stated how if it would have been something that he did call and showed the Water Authority workers where it was leaking and then fix it; nothing was even done. Secretary/Treasurer Ahner stated how who was to say that the next time there was a high consumption somewhere, they were going to say that they had an outside leak. President DeMarco stated how they had to watch what they were doing. Councilman DiMiceli stated that to the best of his knowledge, it was not verified to any Borough employee whether it would have been sewer, streets or water. President DeMarco stated how he did not notify anybody, sorry. Councilman DiMiceli stated how either Solicitor Yurchak or Secretary/Treasurer Ahner could draft a letter stating that since there was no Borough employee contacted who could verify the location of the leak, they were not going to grant the exception. He stated how if it was his problem, the first thing he would have done was to call somebody and had them take a look at it. Councilman DiMiceli stated that the letter should state how he did not contact anybody in the Borough to go down and verify the location of those leaks. He stated that the letter should also state how if he should have leaks in the future to make sure the Borough verifies it. President DeMarco stated how they would send him the letter telling him no.

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3. BUILDINGS

**RICHARD ZABROSKI, CHAIRMAN; ROSE WALCK, CO-CHAIRMAN;
DON DeMARCO**

No Report

4. POLICE PUBLIC SAFETY

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

➤ **07.09.09 Chief Smith & Ptlm. Wuttke – Request to attend training**

Councilman DiMiceli moved and Councilman Sniscak, Jr. seconded to grant the request of Chief Smith and Officer Wuttke to attend the training. All voted yes. Motion passed.

President DeMarco read the following letter:

To the Borough Council Members of Nesquehoning:

I would like to inform you of the outstanding action and response from Chief Sean Smith to the recent break-in at the home of Martha & Joe Ciarvella, 59 E. Garibaldi Ave., May 31, 2009 between 7 and 8 a.m. Chief Sean Smith was outstanding in the apprehension of the intruder who was still in my home. His action in the matter was commendable and brave. Chief Smith aided us in overcoming some of our fears. He also informed us of all the necessary procedures and precautions that were to be taken. He was also helpful in giving us information about agencies that would be valuable to us. Chief Smith was knowledgeable in answering all the questions asked of him about the break-in and was very professional in his investigation of the area of our home. I wish to say Thank You from both of us for having such a fine outstanding officer in our Police Department. He certainly is a kind gentleman and is indispensable to the community. The Ciarvella family and all residence of the Borough should feel proud to have a fine outstanding officer serving us. Martha & Joe Ciarvella, 59 E. Garibaldi Avenue, Nesquehoning, PA 18240

Councilman Sniscak, Jr. moved and Councilman Zabroski seconded to place the letter in Chief Smith's personnel file. All voted yes. Motion passed.

Mayor Walck stated how it was brought to his attention that someone paid a parking ticket which they had received and it never got back to the police station. He stated that there was a warrant put out for the guy. Mayor Walck stated that the guy's wife came in and talked to Office Wuttke. He stated that the only way they could rescind the warrant was to pay the \$27.50. He stated that in the investigation they found out how the ticket was paid but it did not get from the front office to the back office. Secretary/Treasurer Ahner stated "yes it did". She stated that as soon as parking tickets or any kind of tickets come in, they go in an envelope up in the police bin. She stated that it does not go anywhere else. Secretary/Treasurer Ahner stated that it must have gotten misplaced in the back. She stated how the woman got a hand written receipt and she brought the receipt in. Mayor Walck stated that the ticket was issued on the 21st and paid on the 23rd. He stated how Officer Peck did not have the ticket as being paid. Councilman DiMiceli stated how the police send a certified letter first. He stated how he thought that the vehicle code requires that a certified letter be sent because of someone else taking a parking ticket off of a vehicle. Councilman DiMiceli stated that the police must send a certified letter to the registered owner of the vehicle before they can file a warrant/citation for the unpaid parking ticket.

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Councilwoman Walck asked if they should reimburse her. Councilman DiMiceli stated "no". He stated that the Mayor should check to see if the police sent a certified letter to the registered owner of the vehicle. He stated that if it was sent, she pays the \$27.50. Councilwoman Walck asked what if the registered letter was not sent. Councilman DiMiceli stated how he could not imagine that happening because the registered letter would get attached to the citation when it gets filed at the magistrate.

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

No report.

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

Councilman Zabroski stated how there were people talking to him over the 4th of July, with the ordinance for the Fire Works, regarding a professional fireworks display. He stated that since the kids were not able to have certain fireworks in town, to celebrate the 4th of July. He stated how they had done it in 1976 at the football field with a professional group. Councilman Zabroski stated how he was thinking that they could put a committee together, add something to the budget for next year or even try to come up with some community funding to have some kind of fireworks display for the 4th of July.

Councilman DiMiceli stated how the 1976 was a bicentennial thing and a lot of money had to be raised for that display. He stated that he thinks there were less displays in towns because of the cost. Councilwoman Walck stated how the budget was very tight. Councilman Zabroski stated how he was not saying about pulling everything out of their budget. He stated about going to the community or business owners to see if people would donate for something like that. He stated how a few people approached him about it and he told them that he would bring it up. President DeMarco stated that if they wanted to get together and form their own committee on it and then come to Council, they will give them their blessing. He stated how there were things they would waive.

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

No report.

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

No report.

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

- Fire Department Summary Report for June
- Nesquehoning Ambulance Summary Report for June

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

- 1 dwelling fire
- 1 motor vehicle accidents
- 1 automatic fire alarms
- 1 landing zone
- 1 mutual aid to Lansford
- 2 CO's
- 2 spill containment
- 1 special call

Councilman DiMiceli stated that the total responses for the automatic fire alarms for High School Apartments were 8.

Councilman DiMiceli stated how the ambulance response for June was 54 and 1,001 miles. He stated that the total to date was 240 calls and 4,663 miles traveled. He stated how there were 22 EMS calls handled by KME employees during work for a total of 81 for the year. He stated how it cost Mr. Kovatch \$53 an hour when he lets them go on a call.

Councilman DiMiceli stated that he would like to thank the Fire Companies for the plan that they implemented during the water main breaks. He stated that they were relying on nothing but tanker shuttles.

Councilman DiMiceli stated about purchasing five batteries for the portable radios – repeater system in the ladder truck, purchasing the chlorine gas cartridges for the meters for testing and purchasing a new power unit for the Hurst tool for New Columbus' jaws, which the old one was over 18 years old. He stated that he spoke to Jim Nardozi, who thought that the price would be on the lower side of \$4,800.00 - \$5,100.00.

Councilman DiMiceli moved and Councilman Sniscak, Jr. seconded to purchase the items mentioned. All voted yes. Motion passed.

Councilman DiMiceli stated about blocking off the street for the parade and the judging for the Fire Companies. President DeMarco stated about the extra police protection for that weekend as well.

Councilman DiMiceli stated that in 2012 there was going to be a major radio change. He stated that it was going to affect the police, fire and ambulance. He stated that they were going to be going to narrowband radios. He stated that when the time comes it was going to cost quite a few dollars.

Councilman DiMiceli stated how there was a dwelling fire at 13 – 17 W. Catawissa Street the other night. He stated how Carl Faust and the Police were now involved to try and get the building up to code or they were going to follow the ordinance.

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10. STREET LIGHT FRANK DiMICELI, CHAIRMAN; RICHARD ZABROSKI, CO-CHAIRMAN; ROSE WALCK

President DeMarco stated how he was creating this new committee because of the purchase of the street lights. Secretary/Treasurer Ahner stated that outages of street lights could be reported directly on the Nesquehoning's Website under the Municipal Energy Managers.

Councilman DiMiceli moved and Councilman Zabroski seconded to accept all committee reports.

Mr. Mermon asked if the \$3,000 given to the Recreation was ever given back. Secretary/Treasurer Ahner stated "yes" and that it was in there for the month.

All voted yes. Motion passed.

JR. RECREATION COMMISSION

Mayor Walck stated that they were working on going to an Iron Pigs Baseball Game and also planning a fund raiser for the stay at home picnic. He stated how they were still in the workings.

NEW BUSINESS

No new business.

OLD BUSINESS

No old business.

ADJOURNMENT

Councilman DiMiceli moved and Councilman Sniscak, Jr. seconded to adjourn the meeting. All voted yes. Meeting adjourned at 8:48 p.m.

RoniSue Ahner

RoniSue Ahner
Secretary-Treasurer