

MINUTES FOR REGULAR MEETING OF NESQUEHONING BOROUGH COUNCIL

Wednesday, November 18, 2009 at 7:00p.m., Borough Office
114 W. Catawissa Street, Nesquehoning, PA 18240

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

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

President DeMarco was absent.

HEARING OF VISITORS

David Lear – Lehigh Engineering – stated that he was there with the site development/land development plans. He stated that John Curtis and Michael Tomarelli (Green Energy Capital Partners) and Attorney Steve Cormier were also there. Mr. Lear stated that they were there to give the Council a brief overview of the Land Development Plan, which they had submitted.

Mr. Lear – the Land Development was at the Northeast corner of Industrial Drive and 4th Hollow Road. The proposal was for a Solar Park facility. They will have Solar Panels that cover 80 acres out of the 133 acres. The Solar Panels were a little different than what was shown originally. They were panels that were single-access tracking system. They had dual-access tracking. Single-access tracking will just pivot from North to South, a straight line, and pivot East and West, to follow the sun. The Solar Panels will be just four feet off the ground. They were small four inch diameter poles that will be driven into the ground, sort of a guide rail type of a system. There will be a shaft that will connect on top of all the post and the panels will just tip East and West to follow the sun. Grass will be planted underneath it in a row so the impervious coverage, even though it looked like there was a lot of acreage and some storm water infiltration, was being proposed. Basically it was all grass underneath that the rain water will get infiltrated back into the ground. There were some spaces in between the panels so it was not just one big sheet full of water. The panels do set back to back but they were roughly a half inch to an inch apart. So the water will not just go from one end and go down 160 feet and scour out at the bottom. They have been through DEP and have had a DEP hearing at the Borough a couple of weeks ago. They have been through the conservation district. Again, they had submitted a plan. Ron Tirpak had reviewed the plan already for Carbon Engineering. They had a few comments on the letter. They will have them addressed for when they come in next month when they were officially on the agenda.

Mr. Lear – They had just received a letter that evening regarding the planning commission meeting. Tuesday they will be meeting with the Planning Commission and discussing the plan with them. In Ron Tirpak's letter, there were only just a few items they might want to address. If they have the time that night, there were some waivers they would like to request and an understanding that it was only an informal type of review that night. They were not expecting a definite answer but they did not want to throw everything on the Council next month. Since they have a short time frame to get certain things done, they would like to request submitting the plan as a preliminary/final plan. Ron Tirpak reviewed it as a preliminary/final plan. They were asking whatever recommendations the planning commission and the council would make would just be referenced to a final plan, instead of coming back and forth a number of times.

Councilman DiMiceli asked if they were asking for permission contingent on the planning commission and Ron Tirpak. Mr. Lear stated how that was correct. He stated how they were not asking to not put anything on the plan that was not required on a preliminary plan, they just have everything in one lump sum for a preliminary/final plan requirement.

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Mr. Lear – How the only things they do not have on, were things that they were going to request a waiver for. One of them was curbing of the roadway. With working with DEP and the new storm water infiltration requirements, it was better to get the water into swales; infiltrate it right away, clean it through the lines swales before it would get into any watershed, creeks or any other environmentally sensitive areas. In regards to being appeased a little bit different of what the ordinance had it in the Borough, in the Industrial Park, there was no curbing out there right now but the typical street ordinance says about a curb. Just looking to put swales in instead of putting in the curb. One of the other one was sidewalks. There were no sidewalks throughout the whole Industrial Park. They were looking to request a waiver from that. One of the requirements was a scale size of the project and again it was 133 acres on a 200 scale. The minimum requirement was 100. They would like to get a waiver of just the plan size of the 133 acres. They show more detailed information of the area that has a change in grade or there is a lot of development happening. Basically, the only changes in grade were the improvements on the 133 acres for the control visitor center and the sub station. The rest of the property there will be basically no grade change. They were going to clear and scrub the property. If there was a little pothole in the natural terrain, it will be filled in or a little hump will be knocked off. But any grading in that area was going to stay the way it was, they were not changing any drainage pattern, they were not changing any grades. Basically, they all have a natural slope to it. It works well with the panels they were proposing. The only thing that was going to happen on that side was clear and grub it, plant wild flower seeds underneath the panels and vibrate the poles in and that is about the only grading that was going to be happening there. On the 133 acres they were going to, not going to say that there will not be disturbance there, strip the land, reseed it and build some sediment ponds. But from where the property stands now up to when it was finished, the only thing that they were going to see was trees cleared and the panels on it, they will see a small parking area and a visitor's control center. There was really not a whole lot of permanent disturbance. It was going to be vegetated but there was not going to be a whole lot with the drainage patterns.

Mr. Lear – The only other one that would be different than in a normal plan, currently down along industrial drive where the crossing of Nesquehoning Creek was there was a section of guiderail and it wraps around just inside the corner to the 4th Hollow Road. They were going to extend that on the east side of 4th Hollow just to the North side of there was a 60" culvert. They were going to just tie it back down because the land was a little flatter there. On the west side they were also going to put a section of guiderail to protect from the 60" culvert. There was a suggestion in Mr. Tirpak's letter regarding the storm water maintenance. They have two bio retention basins. Those basins were just to filter the storm water from the roadway getting into there. The water ponds, at the most designed spillway, were one foot deep. The water was designed and had to be designed to be de-watering in less than 24 hours. That water, since it was only one foot deep and the slopes around that were three to one; a guide rail was not really a requirement in the PennDOT design manual. Although Ron had suggested that they put it there, they were not really affecting the health, safety and welfare of the township or the citizens who were going to come visit it, because if they look at the design manual the guide rail PennDOT guidelines do not require it. So they would just ask for a waiver for that.

Councilman DiMiceli asked if the borough engineer was asking them to put it there. Mr. Lear stated how he looked at it but he did not get a chance to talk to him about it yet. He stated how he did have to talk to him about it. He stated that if he was adamant of putting it there, they will try to accommodate but he does not think that he totally understood the requirements for the guiderail. Mr. Lear stated that he would try to get a recommendation from the Engineer whether or not, if it was still viable.

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Councilman DiMiceli stated how his opinion was if Ron Tirpak was recommending it and if he would continue to recommend it, it would be required. Mr. Lear stated how they were there to get the Borough's input and thanked him. Councilman DiMiceli stated how there were two fire chiefs there that night and asked them if they had any concerns. John McArdle stated that on the planning side, there was a request for a fire hydrant. He stated how it was in Ron Tirpak's plan. He stated how it was within 400 feet. Mr. McArdle stated how they could request it through the Planning Commission on how they should have a fire hydrant located up near the visitor center. Mr. McArdle stated how there was also a request for a pavement. He stated how it was going to follow curbing and pavement to it. Mr. McArdle stated how there was also a right-of-way for the water lines. He stated how the Water Authority needed to have access to the water line if there was need for a repair. Councilman DiMiceli asked Mr. Lear if they had a problem with the hydrant. Mr. Lear stated that he did not have a problem. He stated how he had also met with Mark Lopata from the Water Authority that morning to discuss it. Mr. Lear stated that their plan will have a six inch wet tap coming off for a fire hydrant. He stated how off of that six inch line will be a service line to the visitor center.

Councilman DiMiceli asked as far as the roadway going in, if it was going to be adequate to get fire apparatus in there which will be laying five inch hose. Mr. Lear stated "sure". Mr. Lear stated that there was an east and west corridor which there was a twelve inch main. He stated that there was another main that was not active which ran to the reservoir at the top. Councilman DiMiceli asked what the road width was. Mr. Lear stated how it was a 24' stone roadway on top of the existing water lines going east to west. He stated how there would be an additional access going to the Hollow Road. Councilman DiMiceli stated about the visitor center. Mr. Lear stated that for the visitor center, from Industrial Road, they would be paving the roadway up to the property line. Councilman DiMiceli asked what the width was. Mr. Lear stated that it was the standard width for the local roads as what was agreed upon at the Zoning Hearing. He stated that he thought it was 28' but it might be a little wider.

Mr. Lear stated that they did not intend to curb it. He stated how they were asking for a waiver of the curbing because of DEP requirements to filter the water off of the pavement into swales. Mr. Lear stated how it would be a standard roadway, pavement thickness and everything else, except for the curbing. He stated how there was nothing in the Industrial Park or on Industrial Road that has curbing. Councilman DiMiceli asked if he was talking about not putting curbing in at the visitor center. Mr. Lear stated how the visitor center will actually support the regular H2O loading, for a standard roadway, except it will be impervious pavement. He stated that they will be either brick pavers or a coarse concrete. He stated that they prefer the brick pavers. Mr. Lear stated how that will allow them; again part of the requirement was to infiltrate the storm water off the macadam; instead of the macadam, it will go through the bricks into a stone area and infiltrate down into the ground. He stated that DEP and Act 167 requirements were to take whatever storm water comes down and get it into the ground as close as possible as to where it hits. Councilman DiMiceli asked if that would be difficult to deal with in the winter time with the snow. Mr. Lear stated "no". He stated how there was no difference, they could still use the metal blade; it was a private driveway; and there was no difference in maintenance of it except that they have to be swept 2 – 3 times a year to clean out the grout to make sure it was still impervious, to still let the water go in, and then re-sand and re-shift the dirt and sand material back into the pavers.

Councilman DiMiceli stated that he personally thought that the visitor's area should be curbed. He stated that he could understand waiving the curbing around the rest of the property. He stated that if there was a need for emergency equipment and whether it would be easier for the Borough to plow or for them to plow and better access to the hydrants.

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Mr. Lear stated that as far as the parking area, the brick pavers allow the water to go through. He stated how curbing was usually to allow a water channel to get down a road. He stated how water would not be hitting the curb. Councilman DiMiceli stated about the emergency personnel having a hard time and actually walking on it safely. He stated how that was why he felt that they should be in compliance with the curbing.

Mr. Lear – They show some large areas around the property. The requirement was to show 500' beyond the property line everywhere to see if there were any conflicts with the development. In some instances they show a lot more and in others they do not show as much. The reason for it was the limit of their aerial photography and the property above the Hollow Road belonged to the Water Authority. It was a large berm, the Hall road access. The only water that gets from this property filters through the Third Hollow. There were really no features that would affect the development. That was a reason why they did not extend it up. They need a lot of room for their record notes and to add more data in there, it would not affect their design or impact anything because it was the Water Authority's property. They would like to request a waiver of it. In Ron Tirpak's letter, he did not outline anything that said how there was something up there they had to worry about and incorporate into their design. If there was something up there, they would add it. He did not want to go through a whole lot that night and he thanked them for asking questions.

Mr. Lear – He will know a little more about the site and some of the other permits. They have gone through DEP for the NEPS permit; they were getting crossing permits; they have plans at the conservation district. They have plans on the site which were unique in nature, with the solar panel and the collection system. They were trying to keep the project as green as possible. The reason that they were asking for some of the waivers was in order to do swales and the impervious pavements. They were going to try and make it a model type of facility for the Borough and for people to come and educate them. Their anticipation, obviously besides the initial impact of curiosity of the residents from the Borough, for the most part, the visitor center was to accommodate classrooms of grade school, middle school, high school, colleges, and other government bodies who would like to come and see how the facility operates. It was basically going to employ two or three full-time employees to maintain it. There was not a whole lot that goes on, it was computerized and centralized in the control center. They will know if there was any panel that was not working. They will be able to go out and replace the panel. They would probably go out on a four-wheeler or something because the panels were only 3 feet by 5 feet. Change it, send it out to get repaired. If it was just an electrical connection, they might just work on it there. For the most part, it was a control center and a visitor center for classrooms to come for a field trip on a half of day field trip. There was no kitchen there; they were not going to be serving anything. It was just a field trip or an educational trip. That was why they only had a parking area of 18 spaces. It was not going to take care of the initial curiosity of everyone, but to build a K-mart parking lot for the initial curiosity was not feasible.

Councilman DiMiceli asked if they could extend the courtesy to the three fire chiefs and the EMA Coordinator during different stages of the project when certain things were being done that they should be made aware of. He stated so that they were brought up to speed as to what should happen on their end should there be a problem up there. Mr. Lear stated that he was more than willing to set up a pre-meeting.

Councilman Sniscak, Jr. asked how the taxpayers of Nesquehoning were going to benefit from it. He stated how they were using up over 700 acres. Mr. Lear stated how it was only 133 acres. Councilman DiMiceli asked if any of it was in a KOZ Zone. Attorney Cormier stated that he thought some or all of it was. Mr. McArdele stated that some of it was. Solicitor Yurchak stated how that did not matter because it would expire soon.

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Councilman Stromelo asked if there was going to be street lighting going to that property. Mr. Lear stated that he did not think street lighting was required but there would be parking lighting in the development. Councilman Stromelo stated how nobody would be going in up there during the night. He stated that it was really dark up there in the evening. Mr. Lear stated how if that was something that was recommended, there was really not a problem with it. He stated how half of the roadway would probably be lit because of the lighting in the parking area.

Councilman DiMiceli stated how he would make a suggestion because they have areas of town that were gated. He stated how they were a double lock system. He stated how they would like it to be controlled by gates and the fire departments would have the appropriate keys. Councilman DiMiceli stated how it would keep people from going back onto the property but it will still allow access to the fire departments. Mr. Lear stated how it was not a problem. He stated how they were planning on placing gates and the panels will be fenced in. He stated how there will be four gates. Mr. Lear stated how they will all be coordinated with the fire companies, the police and the water authority.

Councilman Hawk stated how they had mentioned about discussions with Mark Lopata from the water authority, but wanted to know if he had a discussion about the sewage connection with anyone. Mr. Lear stated how they have submitted a module. He stated that they were planning a septic system. He stated that the DEP requirements and the needs for there were basically just rest rooms. Mr. Lear stated how it would be lower than a single family home requirement. He stated that even though there was a gravity sewer line on the other side of Industrial Road. He stated how they were 500-600 feet away from that and for such a small flow to go underneath the steam and to go underneath the roadway did not seem feasible. Mr. Lear stated how they had submitted a plan to the SEO. He stated that they had looked at it and so did DEP. He stated that he was told that if the Borough was fine with it they were fine with it and it did not need to be connected because the flow was so small. Mr. Lear stated that if there was an expansion anticipated or if some of the properties above it, which was the Water Authority, they would be required to expand it.

Attorney Cormier stated that Ron Tirpak also mentioned how a development agreement was needed because of the road improvements. He stated about council authorizing Solicitor Yurchak to work on that with the developer. Mr. Lear stated how it would actually be a public improvement to the Fourth Hollow Road. He stated how they would like to get the typical agreement started between both the Borough Solicitor and their legal counsel. He stated that when they get to that point it will be easier to process.

Councilman DiMiceli moved and Councilman Stromelo seconded to authorize the Borough Solicitor to work on the development agreement. All voted yes. Motion passed.

Mr. Lear stated how they were looking for a waiver for the Borough to consider it as a final plan when they come back the following month. Attorney Cormier stated how the ordinance calls for a preliminary plan to be submitted, reviewed and approved; and then a final plan be submitted, reviewed and approved. He stated how they were asking to do it in one step and Carbon Engineering viewed them as a final plan by covering both steps. Attorney Cormier stated how they were looking for a waiver of the process so that they did not have to come in twice with the same plans.

Mr. Lear stated that there were no chemicals or batteries that were going to be stored out there. He stated that there was nothing generated of machines to get the electricity on the panels into the grids. He stated that it was a simple conveyance from panel right to the grid system.

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Mr. Lear stated how it will basically sound like an air conditioner. He stated that they will not be able to hear them at the ball field or anything like that. He stated that when you were up to them it would probably sound like one of the meeting room lights humming. Mr. Lear stated how there was not going to be a loud noise being generated by the facility. He stated how it would not be like the CoGen Plant where they set off carbons in order to produce anything. Councilman Hawk asked if the intent was to still tie into PPL over behind the pump place. John Curtis stated how they were looking to tie in on the two transmission lines on the South side of Route 54. Attorney Cormier stated how it was near where they were building the storage unit. Mr. Curtis stated how they were currently in the facility study stage, which was the third stage of the interconnection with the Regional Transmission Organization. He stated how they have already done a feasibility study, if it could be done, what was the impact on the system, which has been a nine month process. Mr. Curtis stated how the tap point had been clearly defined that it was the 69KB line. He stated how the beauty of that was they were going to have the whole tap on both of the lines so the facility will be operating and if there was maintenance on one line, the facility would not be down. He stated how it was a beautiful location and a beautiful project.

Mr. Curtis stated how they were looking to do it as green as possible down to the peat moss in the septic system, which was as green as they could get. He stated that everything they have done has been environmentally friendly and clean as possible. He stated that they will be bringing a show piece that will be recognized across the Country. Mr. Curtis stated how people will look at Nesquehoning and say how there was a Solar Park in Nesquehoning. He stated that it will be the largest Solar Park on the East coast with the exception of the one in Florida, which was twice the size of that facility. He stated how it would be a showpiece, a crown jewel of Solar Developments. He stated how it was the first one to incorporate a visitor center. He stated how it was going to be carried nationally.

Councilman Hawk asked what the capacity was the way it was currently configured. Mr. Curtis stated that there were 11.5 megawatts, which was 10 megawatts AC. He stated how it was the maximum allowed under the PJM/RTO. He stated about it being 14,700,000 kilowatt hours annually which would power 1400 – 1500 homes. He stated how it would be all the electricity that Nesquehoning would use.

Councilman Zabroski asked if the panels would reflect any light. Attorney Cormier stated that they were designed to absorb as much light as they possibly can. Mr. Curtis stated how that type of single access panel was extremely friendly, makes for a good neighbor. Councilman DiMiceli stated how they have an ongoing Borough project and that they would be sending them a letter to possibly participate in the project. He stated how it was aside from it. He stated how they were looking for mutual cooperation.

Mr. Curtis stated how they started the project because they thought that it was a great project and they knew it would be a great project for Nesquehoning and for Carbon County. He stated how that was where the industrial revolution started and they were bringing it 180 degrees. Mr. Lear thanked the Borough Council for their time.

Michael Matalone – 129 E. Columbus Avenue – asked where they were at with the progress with the Sparich property. Solicitor Yurchak stated how M&T Bank had pulled out of their foreclosure. He stated how that was only the last couple of weeks. Solicitor Yurchak stated how they were in the process of contacting Bank of America. He stated how they were holding the second mortgage. He stated how they came back and told him that they could not find the mortgage and asked the Borough for more information, which was just supplied to them.

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Mr. Matalone asked how long did he think that it would take. He stated how he read in the paper on how the place was broken into. He stated how the place could be broken into and a match dropped. Mr. Matalone stated how his house was right next door. He asked if anyone of them would like to have that situation beside them. He stated how he was getting a little disgusted. Mr. Matalone stated how it was the same thing with the house across the street. He stated that when it rains they get fumes from that fuel oil that was dumped. He stated how nobody has been around. Councilman DiMiceli asked if they could get some prices as to what it would cost to get them demolished. Solicitor Yurchak stated that Carl Faust told them how he could not give the order to tear it down. He stated that if they want to proceed to tear it down, the Council had to authorize him to go with the nuisance action to get it torn down. Councilman Zabroski asked what that would entail. Solicitor Yurchak stated how it would take a couple of months before he would get an order. Councilman DiMiceli asked if they could before . . . Solicitor Yurchak stated how they could get the prices in the meantime. Councilman DiMiceli stated about getting some prices. Solicitor Yurchak stated that it might be a good time now to get the prices because of working on the budget.

Councilman DiMiceli stated how the house across the street they were tied up with DEP and they have to go by their timetable. He stated how there was nothing they could do about it. Mr. Matalone asked if there was anybody he could get in touch with. Councilman DiMiceli stated about getting in touch with Representative McCall's office, maybe he could put some pressure on DEP. Councilman DiMiceli stated about Solicitor Yurchak writing letters to them as well. Solicitor Yurchak stated how he had written letters to them all already. He stated how all of them were telling him that it was tied up with DEP. Mr. Matalone asked if there was a letter sent by Mr. Faust about fining them \$1,000 a day. Councilman DiMiceli stated how they could start citing them but they know how they were not going to get any money. Solicitor Yurchak stated how they were still in bankruptcy so he did not know how far it would go. Councilman DiMiceli asked if they would get the property torn down, could they get a court order to have the property turned over to the Borough. Solicitor Yurchak stated "probably not". He stated that all they could do was to put a lien against it.

Secretary/Treasurer Ahner stated how the letter from Carl Faust was sent to M&T Bank. Mr. Matalone asked who owns the property now. Solicitor Yurchak stated "Sparich". Mr. Matalone asked about putting a lien against them. Solicitor Yurchak stated how they were in bankruptcy so what good would it do. He stated that the only thing they could do was to proceed with a nuisance action to get the property torn down. Councilman DiMiceli stated that they would pay a contractor to get it torn down and the Borough will have to wait for their money. He stated that they have to satisfy the banks first and the Borough would be at the bottom of the list. He stated that if they would start doing that with a house or two on that street, a house that was condemned behind his house, and there were two more across the street. Mr. Matalone stated how they keep condemning the houses but nothing was being done about them. Solicitor Yurchak stated how they can go to the bankruptcy court and ask for a relief of estate too.

Councilman DiMiceli stated how he wants the problem taken care of but he did not want the Borough sitting on \$20,000 for one house and \$20,000 for another house. He stated that it might take them years to get their money back or they might never get it back. Solicitor Yurchak stated how he could ask the bank to turn the property over to the Borough. Councilman DiMiceli stated about trying it. Solicitor Yurchak stated that the two banks, Sparich and the bankruptcy court all have to agree to it. Councilman DiMiceli stated about trying it. He stated about if they would get it they could tear it down and then sell the property as a vacant lot.

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Councilman DiMiceli moved and Councilman Sniscak, Jr. seconded to authorize Solicitor Yurchak to look into getting the banks, Sparich and the bankruptcy court agreeing to turn the property over to the Borough.

Chief Smith asked if the \$1,000 was by Solicitor Yurchak. Solicitor Yurchak stated how that would be handled by Carl Faust. Chief Smith asked if it would be filed in the form of a citation or would it be handled by the building inspector taking it to court. Solicitor Yurchak stated how it would be up to the building inspector to do it. Chief Smith stated how that was why they had the property re-inspected last month, to declare it a nuisance and they could get the ball to Solicitor Yurchak. Chief Smith asked if that was the only other thing they could do. Solicitor Yurchak stated how he could file in court to have it declared a nuisance also, to get it torn down. Chief Smith stated about the \$1,000 a day fine with Carl Faust. He stated how he was going to give Mr. Faust a call. Solicitor Yurchak stated that he does not know if the court will fine them on it. He stated that they might just give an order stating either fix it up or the Borough could tear it down. Councilman DiMiceli stated about taking Chief Smith's idea about the \$1,000 a day fine by Mr. Faust and include it in the letter to the bankruptcy court, Sparich, and the two banks. He stated that they will waive the \$1,000 a day fine if they were willing to turn the property over. Councilman DiMiceli stated how it would be a little more leverage on the Borough's part. He stated how they would get the property, tear down the houses and sell it. Chief Smith stated how he has countless hours and paperwork tied up in that property.

All voted yes. Motion passed.

Tom Merman – 512 E. Center Street – stated about the paper street (Oak Street) between Railroad and High Streets. He stated that he wanted to know where they were at with the issue. Councilman Hawk stated to Mr. Merman that they had a memo for him. Mr. Merman asked if it was signed by someone. Councilman Hawk stated that it was a memo from their Solicitor.

POLICE REPORT

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

\$892.44 fine money received from Magistrate Kosciolek; \$99.98 fine money received from Magistrate for Sanitation Fines/Bills; \$8.33 received in Carbon County Collections; \$0.00 received in DUI reimbursements; \$0.00 received from Attorney General for overtime reimbursement; \$40.00 received in parking tickets; \$240.00 received in moving permits; \$30.00 received in accident reports; 406 total officer contacts/follow-ups; 34 citations [7 non-traffic & 27 traffic]; 35 incidents reported for the month; arrests were attached to the seconded sheet; 0 search warrant; 0 consent searches; 6 traffic accidents (4 reportable - 2 non-reportable); 9 court appearances and the mileage total was 2,765 (1,309 – 2008 Crown Vic; 352 – 2008 Chevy Impala; 31 - 2003 Crown Vic; 62 - 2005 Expedition; 1,011– 2009 Ford Crown Vic).

HOUSING & CODE ENFORCEMENT OFFICER'S REPORT

Chief Smith stated that they had his code report and attached to his report was all Carl Faust & DEP correspondence.

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

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Councilman DiMiceli asked Chief Smith where they were at with the background checks on the part-time applications. Chief Smith stated that there was one automatically rejected because of a criminal history. He stated that they were waiting on return phone calls from two employers and three references. He stated how he was not proceeding with the actual brief order until they received the call backs.

EXECUTIVE SESSION

Borough Council entered into an Executive session at 7:55 p.m. for personnel matters. The Council members exited their Executive session at 8:30 p.m.

PLANNING COMMISSION REPORT

Secretary/Treasurer Ahner stated how there was no report except that there will be a meeting held on Tuesday, November 24th at 7:00p.m. John McArdle stated how he believed that there will be a position opening up at the end of the year. Secretary/Treasurer Ahner stated how Nick Digilio's term expires at the end of the year but it was also her understanding that he was not showing up for any of the meetings. Councilman Hawk asked if they wanted to just post a notice in the Borough Office or did they want to advertise. Mr. McArdle stated how they have had a quorum the way they had been going but they will have to decide on Mary Fox. Secretary/Treasurer Ahner asked Solicitor Yurchak if Mary Fox was allowed to stay on the Planning Commission. Solicitor Yurchak stated that she had asked him and he was checking on it. Mr. McArdle stated that the group they had was really good. Councilman Hawk stated about putting a notice out in the office to see if they get any responses.

Secretary/Treasurer Ahner stated about the codification of the Ordinances. She stated that they might want to have another meeting with Kenneth Rotz. Councilman DiMiceli asked Solicitor Yurchak if he had been in contact with him on the changes. Solicitor Yurchak stated that he had not heard from them since the last time he wrote them a letter. Secretary/Treasurer Ahner stated how that was the last communication they had with him. Solicitor Yurchak stated how he had sent them a bunch of changes and have not heard from them since, which was months ago. Councilman Stromelo stated about Solicitor Yurchak getting in touch with them and getting it finalized. He stated how it was going on two years. Councilman Hawk stated about Solicitor Yurchak checking to see if they want to meet with Council or what kind of response they had to the recommendations he had.

CIVIL SERVICE COMMISSION

No report.

PANTHER CREEK ADVISORY REPORT

- 11.02.09 Panther Creek Partners – Advisory meeting minutes

Councilman DiMiceli moved and Councilman Zabroski seconded to accept all reports up to and including the Panther Creek Advisory Report. All voted yes. Motion passed.

MINUTES FOR REGULAR MEETING OF NESQUEHONING BOROUGH COUNCIL

Wednesday, November 18, 2009 at 7:00p.m., Borough Office

ENGINEER'S REPORT

- 10.30.09 Carbon Engineering – Police Office Renovation
- 11.12.09 Blue Mt. Inspection – Police office renovations

SOLICITOR'S REPORT

- 11.04.09 Robert T. Yurchak letter to PennDOT – Traffic study, Route 54
- 11.06.09 Robert T. Yurchak letter to John Schaeffer concerning 1 W. Garibaldi Avenue
- 11.09.09 Robert T. Yurchak letter to PennDOT – Traffic study, Route 209 & Route 54

Solicitor Yurchak stated that he had not heard back from PennDOT yet but that was not unusual.

- **Advertise the Landlord/Tenant Ordinance**

Councilman DiMiceli moved and Councilman Stromelo seconded to advertise the Landlord/Tenant Ordinance. All voted yes. Motion passed.

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

MINUTES FOR REGULAR MEETING OF NESQUEHONING BOROUGH COUNCIL

Wednesday, November 18, 2009 at 7:00p.m., Borough Office

JIM THORPE NATIONAL BANK TREASURER'S REPORT

GENERAL FUND

Balance 09.30.09	352,361.09
Receipts	19,245.53
Expenditures	64,979.71
Balance 10.31.09	306,626.91

GENERAL SEWER CONSTRUCTION FUND

Balance 09.30.09	10,189.85
Receipts	6.49
Expenditures	.00
Balance 10.31.09	10,196.34

SPORTS COMPLEX FUND

Balance 09.30.09	6,530.79
Receipts	112.96
Expenditures	.00
Balance 10.31.09	6,643.75

SANITATION ESCROW

Balance 06.01.09	33,254.35
Receipts	8,709.01
Expenditures	34,636.89
Balance 09.01.09	7,326.47

DEBT SERVICE

Balance 09.30.09	1,149.41
Receipts	.73
Expenditures	.00
Balance 10.31.09	1,150.14

FIRE TRUCK FUND

Balance 09.30.09	101,327.61
Receipts	1,285.01
Expenditures	4,637.00
Balance 10.31.09	97,975.62

CAPITAL PROJECT

Balance 09.30.09	79,068.96
Receipts	120.74
Expenditures	.00
Balance 10.31.09	79,189.70

SANITATION FUND

Balance 09.30.09	160,745.94
Receipts	88,821.67
Sewer	32,161.35
Expenditures	47,436.32
Balance 10.31.09	169,969.94

HIGHWAY FUND

Balance 09.30.09	94,253.27
Receipts	60.04
Expenditures	.00
Balance 10.31.09	94,313.31

PLANNING FUND

Balance 06.01.09	10,741.85
Receipts	9.48
Expenditures	.00
Balance 09.01.09	10,751.33

GENERAL SEWER FUND

Balance 09.30.09	28,253.46
Receipts	47,923.73
Expenditures	28,367.18
Balance 10.31.09	47,810.01

SEWER OPERATING & MAINTENANCE

Balance 09.30.09	46,555.59
Receipts	54,615.29
Expenditures	56,444.26
Balance 10.31.09	44,726.26

POLICE PENSION FUND

Balance 09.30.09	448,342.24
Receipts	1,032.40
Expenditures	13,096.45
Acct Depreciation	2,641.44
Balance 10.31.09	433,636.75

ACQUISITION & RENOVATION

Balance 09.30.09	226,521.57
Receipts	144.28
Expenditures	355.40
Balance 10.31.09	226,310.45

MINUTES FOR REGULAR MEETING OF NESQUEHONING BOROUGH COUNCIL

Wednesday, November 18, 2009 at 7:00p.m., Borough Office

CD REPORT

FUND	CURRENT VALUE 10.30.09	INTEREST 10.30.09	OPENING DATE	CURRENT RATE	RENEWAL DATE	BANK
PLANNING	\$ 15,130.54	\$ 32.06	08-17-09	2.50 %	08-17-12	JTNB
GEN. SEWER	\$ 356,417.56	\$ 784.90	08-20-09	2.50 %	08-20-12	JTNB
GEN. SEWER	\$ 11,581.13	\$ 33.78	12-03-08	3.44 %	06-03-10	JTNB
DEBT SERVICE	\$ 13,382.82	\$ 28.36	08-17-09	2.50 %	08-20-12	JTNB
DEBT SERVICE	\$ 103,455.53	\$ 343.84	06-02-05	3.92 %	06-02-10	JTNB
DEBT SERVICE	\$ 18,102.37	\$ 32.84	06-22-09	2.14%	06-22-11	JTNB
SANITATION	\$ 20,039.18	\$ 36.36	06-22-09	2.14%	06-22-11	JTNB
CAPITAL PROJ	\$ 9,822.08	\$ 17.82	06-22-09	2.14%	06-22-11	JTNB
GEN. SEWER	\$ 76,507.81	\$ 138.80	06-22-09	2.14%	06-22-11	JTNB
FIRE TRUCK	\$ 9,596.35	\$ 17.41	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

No report.

Councilman DiMiceli asked John McArdle and Solicitor Yurchak to get together to get citations filed on 90 E. Catawissa Street.

Secretary/Treasurer Ahner stated about getting the fire extinguishers serviced. John McArdle stated about calling Larry Diehl.

MAYOR’S REPORT

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

Councilman Hawk stated how it was \$100.00 membership for the Chief. Councilman Zabroski asked if there was any benefit in joining. Councilman DiMiceli stated how they run certain programs and seminars. Councilman Hawk stated that they offer training and education, magazine full of articles, membership directory, networking, news alerts, updates and announcements.

Councilwoman Walck stated about tabling the request until next month so they would all have a copy.

MINUTES FOR REGULAR MEETING OF NESQUEHONING BOROUGH COUNCIL

Wednesday, November 18, 2009 at 7:00p.m., Borough Office

• **Bertha Shreffler – Resignation**

Mayor Walck read Bertha Shreffler’s resignation. He stated how he had also received a phone call from Jennifer Burns that she was also resigning because she had gotten a full time job at Turkey Hill. Mayor Walck asked that they advertise for part-time crossing guards. He stated that they were both done as of Thanksgiving.

Councilman DiMiceli moved and Councilwoman Walck seconded to advertise for part-time, as-needed, crossing guards. All voted yes. Motion passed.

Councilman Zabroski moved and Councilwoman Walck seconded to accept Bertha Shreffler’s resignation and send her a letter. All voted yes. Motion passed.

Councilman Hawk stated they would hold off on Jennifer Burns’ resignation until she submits something in writing.

• **Resolution - Thomas Elliot Kuba – Eagle Scout Rank**

Councilman DiMiceli moved and Councilwoman Walck seconded to ratify the Resolution that was presented to Thomas Kuba for his rank of Eagle Scout. All voted yes. Motion passed.

Mayor Walck stated that he had received a request from Chief Smith to purchase six handbooks at \$22.50 each for the officers. He stated how it contains the current case law.

Councilman DiMiceli moved and Councilwoman Walck seconded to purchase six handbooks for the police at \$22.50 each. All voted yes. Motion passed.

Councilman Sniscak, Jr. moved and Councilman Zabroski seconded to accept the Emergency Management and the Mayor’s Report. All voted yes. Motion passed.

TAX COLLECTOR’S REPORT

1 October 2009 to 31 October 2009

Real Estate	\$	4,154.48
Occupation		247.80
Per Capita		<u>143.20</u>
TOTAL	\$	4,545.48

EXEMPTION: Donald Silliman Deceased

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

APPLICATIONS: Anthony Schiano Street Crew

COMMUNICATIONS:

1. 10.26.09 PSAB – Update

MINUTES FOR REGULAR MEETING OF NESQUEHONING BOROUGH COUNCIL

Wednesday, November 18, 2009 at 7:00p.m., Borough Office

2. 10.29.09 Tri-County Petroleum – State of PA Lube Contract for virgin oils
3. 10.29.09 PSAB – Training for new Borough Council persons
4. 10.30.09 DEP – Emergency preparedness relating to the Pandemic Flu
5. 10.30.09 CC Emergency Services – Snow Removal Call-out
6. 10.31.09 Blue Mt. Inspection – Robert Sparich Property
7. 10.31.09 Blue Mt. Inspection – Heichel boiler inspection
8. 11.02.09 DCED – Fleet Management
9. 11.02.09 Keith McCall – Home heating assistance program starts today (Nov 2)
10. 11.03.09 Commonwealth Environmental Systems – Increase in waste disposal fee
11. 11.03.09 Enviro-News Bulletin – Report
12. 11.03.09 CMX – Professional services
13. 11.03.09 Reading & Northern Railroad – Reminder to maintenance crews & rail customers
14. 11.03.09 MP Minuteman Press – Printing, Copying, Digital Services
15. 11.03.09 Frank DiMiceli – Thank you letter
16. 11.03.09 CC Office of Planning & Development – Year 2010 Community Block Grant App.
17. 11.03.09 Municipal Retirement Trust – Pension Program
18. 11.03.09 Nanovic Law Offices – Lans-Cdle Joint Water Authority – Refund
19. 11.06.09 Benchmark – Municipal Services
20. 11.06.09 John R. Bodine – ChamberChoice Energy Pool 2 Contract
21. 11.09.09 DEP – Oil release – 124 E. Columbus Avenue
22. 11.09.09 Paul E. Kanjorski – Oil Spill
23. 11.12.09 CC Chamber of Commerce – Energy service provider
24. 11.13.09 PennDOT – Time extension for paving
25. 11.13.09 Barry Isett & Associates – Grantsmanship for Municipal Clients
26. 11.16.09 PMRS – Newsletter
27. 11.16.09 Wallieo Enterprises – Employee Leasing Services

28. 11.16.09 Sal & Frances Abitanta – Parking at the Elementary School

Carol Zickler questioned the letter from Sal & Frances Abitanta.

Councilman Hawk stated how the letter had requested that two additional “no parking” spaces be placed on the South side of Coal Street at Mermon Avenue and two additional “no parking” spaces be placed on the South side of Rhume Street at Mermon Avenue. He stated how they feel it would curtail traffic jams and promote a smoother flow of traffic at the intersections. He stated how they were also suggesting that a police officer be available to assure enforcement of the “no parking”. Mayor Walck stated how people were double parking at the curb and it was hard to see with the pine trees. Councilman Stromelo stated that there really was no parking on the South side of Coal Street. He stated about the Ordinance. Councilman DiMiceli stated about the safety of the kids walking down the street. Councilman Sniscak, Jr. stated that he would take a look at it in the morning. Councilman Hawk stated about coming back with a recommendation.

29. 11.16.09 PSAB – Requirements for reorganization of Borough Councils
30. 11.17.09 CMX – Municipal News Alert
31. 11.18.09 Robert J. Marouchoc – To continue on Civil Service Commission

Councilman DiMiceli moved and Councilwoman Walck seconded to accept the application and to approve all communications and place them on file. All voted yes. Motion passed.

MINUTES FOR REGULAR MEETING OF NESQUEHONING BOROUGH COUNCIL

Wednesday, November 18, 2009 at 7:00p.m., Borough Office

BILLS TO BE RATIFIED, EXPENDITURES AND RECEIPTS

Councilman DiMiceli moved and Councilman Sniscak, Jr. seconded to deposit all receipts, approve all bills to be ratified and pay all other bills including the expenditures of the Home Program. All voted yes. Motion passed.

COMMITTEE REPORTS

1. STREETS

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

Councilman Sniscak, Jr. stated that he had contacted Tim Moran in regards to the photo electric lights for Christmas decorations. He stated that under the revamp project of replacing the street lights, he thought it would be part of it also. Councilman Sniscak, Jr. stated how the stuff they have up was 20 years old. He stated that they do not make the parts for them anymore and when they break down, they were stealing from another one. Councilman Sniscak, Jr. stated that through e-mails he had asked him to contact the project engineer and have them meet with him to replace them all before the project was done.

• Road material bids

Road Material Bids

Lehigh Asphalt,

#57 (2B Stone)	FOB Plant \$10.00 per ton	Delivered – \$17.50
2A (Modified)	FOB Plant \$9.00 per ton	Delivered – \$16.50
Base Course	FOB Plant \$59.67 per ton	Delivered – \$73.17
Wearing Course	FOB Plant \$72.39 per ton	Delivered – \$85.89
Type A Sand	FOB Plant \$15.00 per ton	Delivered – \$22.50
Wait time	\$75/Hour	

- *Minimum Delivery - 20 tons
- *FOB - Andreas
- *Mileage from Andreas - 15.6

Eckley Asphalt

#57 (2B Stone)	No Bid	
2A (Modified)	No Bid	
Base Course	FOB Plant \$51.99 per ton	Delivered \$59.64
Wearing Course	FOB Plant \$62.97 per ton	Delivered \$70.62
Type A Sand	No Bid	
Wait time	\$90/Hour	

*Eckley Asphalt, Division of Reading Materials, Inc.

Hazleton Material

#57 (2B Stone)	FOB Plant \$7.45 per ton	Delivered \$12.69
2A (Modified)	FOB Plant \$6.00 per ton	Delivered \$11.20
Base Course	No Bid	
Wearing Course	No Bid	
Type A Sand	No Bid	
Wait time	No Bid	

MINUTES FOR REGULAR MEETING OF NESQUEHONING BOROUGH COUNCIL

Wednesday, November 18, 2009 at 7:00p.m., Borough Office

Eastern Industries, Inc.

#57 (2B Stone)	Ormrod quarry	FOB Plant \$8.35 per ton	Delivered – \$14.95
2A (Modified)	Whitehall quarry	FOB Plant \$6.60 per ton	Delivered – \$13.20
Base Course		No Bid	
Wearing Course		No Bid	
Type A Sand		No Bid	
Wait time			

*Mileage from quarry to garage from Ormrod is 28.12 miles

*Mileage from quarry to garage from Whitehall is 28.20

*There is a 22-ton minimum delivery charge

Hason Aggregates

#57 (2B Stone)		FOB Plant \$8.75 per ton	Delivered – \$17.25
2A (Modified)		FOB Plant \$6.75 per ton	Delivered – \$15.25
Base Course		No Bid	
Wearing Course		No Bid	
Type A Sand		No Bid	
Wait time			

*PennDOT Specifications Pub. 408

*Materials to be delivered in 18 - 24 ton loads

*This price will remain firm providing there are no unforeseen detours or posted roads or bridges

*Material to come from our quarry at: Stroudsburg, Cherry Valley, Bossardville, Stroudsburg, PA

Mileage one way from quarry to Nesquehoning garage is 38 miles

Secretary/Treasurer Ahner stated that she had talked to Solicitor Yurchak about how part of the bid specs state how bidders were to provide source and mileage one way from source to the Nesquehoning Borough garage. She stated how it was on the bidding instruction sheet. She stated how two of the bidders did not provide that information. Councilman Sniscak, Jr. asked why they need the mileage. Secretary/Treasurer Ahner stated how John Davis will look at the distance if the Borough awards someone who was lower. She stated how they will take into account how much it will cost as per the distance. Councilman DiMiceli stated how they should not be considered if they did not follow the bid specs.

Councilman DiMiceli moved and Councilman Sniscak, Jr. seconded to award the wearing course, the base course and the sand to Lehigh Asphalt and the 2B stone and 2A modified to Eastern Industries. All voted yes. Motion passed.

Councilman Sniscak, Jr. asked Solicitor Yurchak if the posting of the sewer notices was required by law. Solicitor Yurchak then stated how it was in the statute that it must be done.

Councilman Sniscak, Jr. stated about flagpoles and fasteners. Councilman Stromelo stated that he had an internet site to give him to see about pricing.

Councilman Sniscak, Jr. stated how they were going to have to replace the two entry doors at the Borough garage.

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Councilman Zabroski moved and Councilwoman Walck seconded to allow Councilman Sniscak, Jr. to check prices, purchase and install the two entry doors for the Borough garage. All voted yes. Motion passed.

2. SEWER

**DAVID HAWK, CHAIRMAN; RICHARD ZABROSKI, CO-CHAIRMAN;
FRANK DiMICELI**

- **10.27.09 Steber-Brown – Vacant homes, not to pay sewer, water, garbage**

Councilman Hawk stated that they did receive a letter regarding the Borough policy of continuing to charge sewer and garbage for vacant homes when the water supply was not shut off. Councilman DiMiceli stated that he felt they were setting a bad precedent if they would allow it. He stated how it has always been the property owner's discretion to shut the furnace down, drain the system and then have the water shut off at the curb stop. He stated that he did not feel they should make any exceptions.

- **11.12.09 Carbon Engineering – 2010 Sewer Budget**

Councilman DiMiceli moved and Councilman Sniscak, Jr. seconded to adopt the 2010 Sewer budget as presented with no increases in fees for 2010. All voted yes. Motion passed.

Councilman Hawk stated about the Sewer workers using the tar buggy to seal some of the manholes. Councilman Sniscak, Jr. stated how it was okay but they were out of tar. Councilman Hawk stated how they knew they were going to have to buy a couple of blocks.

Councilman Zabroski asked if there was a minimum people could pay if there home was vacant. Councilman Hawk stated how the sewer and garbage were flat rates. Councilman Zabroski stated how they took care of the garbage. He stated how they wrote a letter to the Borough stating how there was going to be no one at the home. Secretary/Treasurer Ahner stated how that was what that letter said how they did not want to pay sewer or garbage. Councilman Zabroski stated how the garbage they could handle just because there would not be anyone there. Secretary/Treasurer Ahner stated that usually if the water was on, they have to pay sewer and garbage. She stated that if the water was on, who was to say that they would not come up for a weekend. Councilman Zabroski stated how they took care of the garbage. Secretary/Treasurer Ahner stated how it was billed just the same. She stated that unless they shut the water off, they will still pay for the sewer and the garbage. Councilman Hawk stated how it was unfortunate but there were people who would take advantage of claiming a residence was empty and then using it occasionally. He stated how it would also be a bookkeeping nightmare in the office. Councilman Hawk stated how it has always been the policy if the water was on, the house was considered livable and the services were available. He stated that they cannot call PPL and say how they were not living in the home and to stop sending the bill. He stated that the service was provided, if they used it or not. Councilman Hawk stated how he was not in his house for three months but he still had to pay his cable bill.

3. BUILDINGS

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

Councilman Zabroski stated about writing a letter to the Recreation Commission for any inconvenience with the start of the construction at the Recreation Center. He stated how it was an oversight on the Borough that they did not look into if it was being rented or used for the weekend. Councilman Zabroski stated how they did a great job of cleaning it up and having it ready by Friday and it did not interfere with anything. Councilman Zabroski stated about a letter of apology. Councilwoman Walck stated how it was an oversight.

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Councilman Hawk stated how they could send a letter to the Commission in general about how the things got started quickly. He stated how they were not sure what was going to be done first or how the heating would have to be shut down to do some of the work. Councilman Hawk stated about telling them that they apologize for the abruptness with the project and the lack of forewarning.

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

Councilman DiMiceli stated how they were fortunate to receive \$1,000 donation from JTNB towards the purchase of the cameras for the police cars. He stated how he signed a bunch of additional letters requesting donations. Councilman DiMiceli stated how they were going to get thank you letters out. He stated how on Wednesday, November 25, at 1:00 p.m. they were going to have an official presentation of the check from Craig Zurn, President of JTNB.

Mayor Walck stated how the new part-time officer was doing very well. He stated how he has qualified and the paperwork went out for his MOPEC number.

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

- 11.04.09 Bob Lebo – Quote - Original halogen light for truck - \$650.00 Purchased LED light stick, includes control box. Purchase price \$608.00

Councilman Stromelo stated how there was no increase for the New Year and they were going to keep the discount. He stated how the tipping fees were going to increase as of January 1st. Councilman Stromelo stated how they were still waiting on the results of their employee who was still off pending the results.

Councilman DiMiceli stated how they had received some complaints with the time change, about people getting blinded by the garbage truck because of being in the oncoming lane. He stated how they instructed them to follow the flow of traffic. Councilman DiMiceli stated how they felt that for the safety of the workers, there should be some additional lighting put on the back of the truck. He stated how they purchased a light stick which was installed at Kovatch. Councilman DiMiceli stated how it was his understanding that it greatly helped.

Councilman DiMiceli stated how they had put a memo out from the committee that they wear their florescent/reflective gear weather they were on the highway or a side street. He stated how they also authorized the purchase of four sets of the gators, which were worn over their boots.

Councilman DiMiceli moved and Councilman Stromelo seconded to ratify the purchase of the light stick for the rear of the garbage truck for safety. All voted yes. Motion passed.

Councilman Stromelo stated how all the council members received a letter of complaint. He stated how they would pass the letter on to Solicitor Yurchak and he would handle it. He stated how it was in regards to landlords and billing issues. Councilman Stromelo stated how he would have to tell her that it was what it was and they could not control if she had tenants or not. He stated that if she could not afford it then she should sell the building.

MINUTES FOR REGULAR MEETING OF NESQUEHONING BOROUGH COUNCIL

Wednesday, November 18, 2009 at 7:00p.m., Borough Office

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

- **11.12.09 Dawn M. Jacobs – Interested in applying to be a Recreation Commission member**
Councilman Stromelo moved and Councilwoman Walck seconded to appoint Dawn M. Jacobs to the Recreation Commission subject to their approval. All voted yes. Motion passed.

Councilman Stromelo stated how they were looking at the Christmas party coming up. He stated that it was listed in the paper the night before. Councilman Hawk stated how it was the second Monday in December, which was the 14th.

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

- **Preliminary adoption of the budgets**
Councilman Hawk stated how they had a tentative budget for the General Fund, Fire Truck Fund and the Sport Complex Fund. He stated how the General Fund budget shows a 0.50 mill increase from 2009 bringing the total millage up to 12.0. He stated how 10.46 was for General Fund, 1.35 was for Fire and 0.19 was for Recreation. He stated how the only change was to the General Fund. Councilman Hawk stated how the reason for that was because they had realized around a \$37,000 loss due to property tax re-assessments. He stated that the half mill increase brings in approximately \$31,000 to offset it. He stated that it does not completely offset it but they were able to make it up elsewhere in the budget.

Councilman Sniscak, Jr. moved and Councilman Hawk seconded to tentatively adopt the 2010 budget with a 0.5 mill increase. All voted yes. Motion passed.

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

No report.

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

- **11.03.09 Frank DiMiceli – Letter to Keith McCall requesting a meeting–Fireman’s Relief Assoc.**
Councilman DiMiceli stated how the committee had met with the fire chiefs since the last Borough Meeting. He stated that everything went well. Councilman DiMiceli stated how one of the concerns of the fire chiefs was the dwindling money that was coming into the Fireman’s Relief Association from the state. He stated how it was based on a formula with the property taxes, population and foreign fire insurance. He stated how he had requested a meeting with Representative Keith McCall. He stated how he was contacted that day and they would be meeting on December 10, 2009 at 6:00 p.m., the committee and the officers from Fireman’s Relief with Representative McCall.

- **11.10.09 Fire Department Summary Report for October**
- **11.10.09 Ambulance Corp Summary Report for October**

Councilman DiMiceli read the reports for October:

- 2 odor investigations
- 2 motor vehicle accidents
- 11 automatic fire alarms
- 1 search

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2 mutual aid Rush Township/Lansford

1 spill

Councilman DiMiceli stated how the ambulance response for October was 44 calls and 893 miles. He stated that the total to date was 397 calls and 8,083 miles traveled. He stated how there were 17 EMS calls handled by KME employees during work for a total of 132 for the year.

- **11.18.09 Lake Hauto Club – Flushing out a pipe on Great Oaks Drive, back flush dry hydrants**

Councilman DiMiceli asked Mr. McArdle if he would take care of the request from the Lake Hauto Club, back flushing the dry hydrants. He stated that he did not know if they wanted to get involved with flushing out a pipe on Great Oaks Drive. Councilman Hawk stated how he was contacted by them about them requesting the vac truck to assist them in cleaning out the storm/sewer line. He stated how that would have prevented them from having to dig it up. He stated how he had discussed it with the Sewer Workers and with David Digilio still being off, they had decided that they did not want to get involved with a storm line in the lake. Councilman Hawk stated that if it had been a sanitary sewer line, they could have helped them out. He stated how they just did not have the manpower. Councilman DiMiceli stated how he had received a phone call the next day asking the same thing but they did not tell him that they had talked to anyone else. He stated how he had given them the same answer. Councilman DiMiceli stated how they would go up and back flush the dry hydrants but they would not flush out the pipe on Great Oaks Drive, which was Rush Township.

Councilman DiMiceli moved and Councilman Sniscak, Jr. seconded to allow the Nesquehoning Hose Company to back flush the dry hydrants in Lake Hauto but not get involved with flushing out the pipe. All voted yes. Motion passed.

Councilman DiMiceli stated how they were still waiting on the aerial truck to be serviced and tested.

10. LIGHTING/ELECTRICAL FRANK DiMICELI CHAIRMAN; RICHARD ZABROSKI, CO-CHAIRMAN; ROSE WALCK

Secretary/Treasurer Ahner stated how she had sent the contract in and that she had received an email confirmation how they had received it. Councilman DiMiceli stated how they should be realizing a 30% reduction in their electric cost with the purchasing the blocks of energy.

Councilman DiMiceli asked if they had heard anything back about the park. Secretary/Treasurer Ahner stated that they had not heard anything yet. Councilman DiMiceli asked Secretary/Treasurer Ahner to get in touch with them to see where they were at. Councilwoman Walck asked if they had done anything with the athletic field. Secretary/Treasurer Ahner stated how it was just the two parks. Councilman DiMiceli stated how they asked for recommendations for the athletic field. Councilman Stromelo stated about the little league field. Secretary/Treasurer Ahner stated that the little league field already had the service; they just had to get some quotes to have the lights installed. Councilman DiMiceli stated that as far as the soccer field they were waiting for someone to come to back to the Borough Council with recommendations.

Councilman DiMiceli stated how they were using the soccer field as a landing zone for Medivac.

MINUTES FOR REGULAR MEETING OF NESQUEHONING BOROUGH COUNCIL

Wednesday, November 18, 2009 at 7:00p.m., Borough Office

JR. RECREATION COMMISSION

Mayor Walck stated how the drawing will be held on November 22, 2009 at 5:00 p.m. at the Recreation Center for the football, tailgate party basket. He stated how the proceeds will help get some things for Thanksgiving for 40 shut-in Nesquehoning residents.

Mayor Walck stated that on December 19, 2009 at 10:30 a.m., Santa was going to visit the residents at MapleShade to hand out gifts.

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

NEW BUSINESS

Mayor Walck stated about the old white police car. He stated how it was just sitting in the Borough Garage. He stated how the Borough crew was going to use it to run for parts but the transmission was bad.

Councilman Sniscak, Jr. moved and Councilwoman Walck seconded to scrap the old white police car. All voted yes. Motion passed.

OLD BUSINESS

No old business.

ADJOURNMENT

Councilman DiMiceli moved and Councilwoman Walck seconded to adjourn the meeting. All voted yes. Meeting adjourned at 9:35 p.m.

RoniSue Ahner

RoniSue Ahner
Secretary-Treasurer