

MINUTES FOR SPECIAL MEETING OF NESQUEHONING BOROUGH COUNCIL

Wednesday, August 18, 2010 at 5:00p.m., Borough Office
114 W. Catawissa Street, Nesquehoning, PA 18240

ROLL CALL: COUNCILMEN DiMICELI, HAWK, SNISCAK JR., ZABROSKI
COUNCILWOMEN WALCK & FOX; PRESIDENT STROMELO; MAYOR
WALCK; & SOLICITOR YURCHAK

President Stromelo called the meeting to order at 5:06 p.m.

PURPOSE: General purposes

HEARING OF VISITORS:

Donna Trimmel – 144 W. Columbus Avenue – stated how she was not there as a school board member. She asked if they were going to put an officer at the intersection of Catawissa Street and Mermon Avenue when school starts and when the kids get out. Mayor Walck stated how he had talked to John from Telco that day and according to him, the brackets they have been waiting for will be overnight expressed Monday. He sated how Telco would have them Tuesday and how they want to hang the light on Wednesday, the first day of school. He stated that he told him not before 9:00 a.m. Mayor Walck stated that they were going to remove the four stop signs and they would have two officers there. He stated how John assured him that they could be done within 2-3 hours. Mayor Walck stated how the only traffic they would have to worry about was the afternoon traffic with the kindergarten kids. He stated how John apologized for the delay and told him how it was because they did not have standard size poles and needed special order brackets. Mayor Walck stated how they will have officers down there to control the traffic.

• **Hire Supervisor**

Councilman DiMiceli moved and Councilwoman Walck seconded to hire Louis Paul as a working supervisor in a non-union position, approve the agreement (contract), effective as soon as possible.

Secretary/Treasurer Ahner stated how a lot of the wording in the Agreement was similar to that in the Teamsters contract (uniform, pension, vacation, personal, sick, etc). Councilwoman Fox asked Louis Paul when he was looking to start. Louis Paul stated that with everything he was looking at August 30, 2010. Councilman DiMiceli asked for a roll call vote.

Councilman DiMiceli	- yes	Councilwoman Walck	- yes
Councilman Hawk	- yes	Councilwoman Fox	- yes
Councilman Sniscak, Jr.	- yes	President Stromelo	- yes
Councilman Zabroski	- yes		

All voted yes. Motion passed.

Councilman Zabroski asked about the half pike skateboard ramp. Solicitor Yurchak stated how he had sent them a letter. Councilman Zabroski stated how it had not been moved.

Borough Council entered into an Executive Session at 5:19 p.m. for personnel matters. The Council exited their Executive Session at 5:49 p.m.

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- **Dave Everly**

Dave Everly – North Central Regional DUI Enforcement Program. They get their funding through the Federal Government, through PennDOT. They administer the municipal sobriety checkpoint program throughout ten counties (Berks, Schuylkill, Snyder, Union, Northumberland, Columbia, Montour, Carbon, Monroe and Pike), which was over 200 Police Departments. His office also handles buckle-up Pennsylvania, which was a statewide seatbelt enforcement program. They also have an aggressive driving enforcement program which was formerly known as smooth operator but was now under the logo Drive Safe Pa. The way the DUI checkpoints work, was that each County have two police supervisors. Each year he gives the County Coordinator a budget as to how much they have to spend in each category. The operations were: 1) Sobriety checkpoints which nobody was large enough to conduct their own checkpoint. So they will bring officers in from other departments within the County to supply enough manpower. 2) Reduced equipment/manpower checkpoints which utilizes approximately eight officers and was held on a low traffic roadway. 3) Roaming patrols, which if the coordinator decides to hold a roaming patrol, he will call, fax or e-mail the Chiefs stating when the patrol would be held, asking if the department would participate and informing them on the briefing time and place. The Police officer would only roam within their municipality. If Nesquehoning would be involved in the roaming patrol, that would be an extra car out. Reimbursements were all done electronically. After the operation, the supervisor would do the report. They would electronically sign it and send an e-mail to the Chief of the municipality. The Chief will log in, check the information and clicks to electronically approve it. It then goes to the municipality fiscal officer, who logs in, checks the information and sends it to him (Dave Everly). He will check it and approve it. Then the check gets sent to the municipality.

Dave Everly - They also do Cops-N-Shops, which for example, if the Fire Convention would be hosted there, they would send officers from other municipalities to help supply more coverage for the event. They would not direct traffic that was for the fire police. They would be there to do law enforcement, stop underage drinking, public drunkenness, etc. As far as the sobriety checkpoints, if nobody was available to work one, it was fine. If they were available to work it, it was good. They do not have to host a checkpoint; but they do like to see the help in other municipalities. It was not necessary that they have to. If they do not participate in at least the roaming patrols, they will not help when they have an event. They do understand how there were manpower issues.

Councilman DiMiceli asked if they ever run in conjunction with the State Police. Mr. Everly stated “yes”. He stated how the checkpoints they will do because of manpower. He stated how, when the rotation comes around and the barracks in the area has to do one, they will contact them and give them a schedule. Mr. Everly stated how they will send officers to help and if they were holding a checkpoint and need help, the State Police will send some troopers. Mr. Everly stated how they will do checkpoints after a NASCAR race. He stated how the State Police will assist by doing roaming patrols and State Police were usually the chase cars. Councilwoman Walck asked if they stop somebody and the person was wanted in another state, who was responsible for the arrest. Mr. Everly stated how it would be the host department.

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Mr. Everly stated that with the roaming, they want aggressive officers who were going to stop people for equipment violations, moving violations. He stated how they do not have to cite them. He stated how that was the law of numbers, the more people they stop, the more people they were going to encounter. Mr. Everly stated how they pay the overtime for the operation. He stated how if the officer arrests someone, they will pay until they were done processing the person. Mr. Everly stated that if there was someone out and there was a domestic, they do not have a problem with the officer backing up for 20 minutes to a half hour. If it takes longer than that, they should go back on the Borough's clock. Councilman DiMiceli asked if there was equipment available through the program such as ENRAD. Mr. Everly stated how he did not think there was any in Carbon County. Mr. Everly talked about aggressive driving and the crash data which was indicated on the citations.

Councilwoman Fox asked about the pay. Mr. Everly stated how it only covers his overtime rate. Councilman DiMiceli asked about wages and benefits. Mr. Everly stated how it was just wages. Councilman DiMiceli asked about liability and workers compensation. Mr. Everly stated how it would be a question under the Municipal Police Jurisdiction Act. Solicitor Yurchak stated how it would probably fall under the Borough's. Mr. Everly stated how either he or one of the two supervisors will be at the checkpoint and control the operations. He stated how the hosting company takes care of the arrests. Councilman DiMiceli stated about the secondary arrests that were made during a DUI checkpoint. Mayor Walck stated how there were other programs; but that was just the basic program. Mr. Everly stated how, in order to work a checkpoint or do a roaming patrol, the officers have to have the eight-hour PennDOT Sobriety Checkpoint Class. He stated how they held it at Kovatch the last time. He stated that they do not have to pay for the training but they do not pay the hours for the officers. Councilwoman Fox asked Mayor Walck if he had talked to the officers and if they wanted to be involved. Mayor Walck stated how it was a good thing. Councilwoman Fox stated about them getting involved but none of the officers want to participate. Chief Smith stated how it was on their time off. Mayor Walck stated about help for the Stay-at-Home Festival. Mayor Walck asked if it had to be the Chief or could it be a designee to access the computer. Mr. Everly stated how it was usually one person. He stated how things do not need to get done right away. He stated how the program was only set up for one user. Secretary/Treasurer Ahner stated how they were only talking about accessing the computer for pay, so it could wait a day or two. Councilman DiMiceli asked about holidays. Mr. Everly stated how they will only get paid time and a half for working a holiday. Councilman DiMiceli asked if it would cause a problem if the officer still receives the holiday pay from the Borough. Mr. Everly stated how there was no problem with them. He stated how there time was voluntary.

Chief Smith asked if they were planning on hosting a checkpoint over Labor Day. Mayor Walck stated how it was not a checkpoint for the Labor Day Stay-at-Home Festival. He stated how it was for the Cops-N-Shops for an additional officer to walk the midway. Councilman Zabroski asked if they do not have the ability to host a DUI checkpoint, would they still hold one in the area with officers from other towns. Mr. Everly stated that the hosting department has to have officers there. He stated how the hosting department will write the citations. Mayor Walck asked if they were compelled to host one. Mr. Everly stated "no". Councilwoman Fox stated how they do not only get people from the area who was hosting the checkpoint. Mr. Everly stated how they will get people from the other towns and most of the people from the hosting town will know about it and avoid it.

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Mayor Walck stated about doing a motion. Councilman Zabroski stated how they could table it and have the Committee go over it with Chief Smith. He sated how it sounded like a great program but they should think about it because they might have some questions. Councilman DiMiceli asked Chief Smith if he had any questions. Chief Smith stated that he did not have any questions and that he knew all about the program. Councilwoman Fox asked Chief Smith if he was in favor of it. Chief Smith stated how he liked the enforcement aspect of it. He stated how overall it was a good program. Councilman Hawk stated how they had met with Mr. Everly last year about it. He stated how it was voluntary. Mayor Walck stated how they never followed up on it. He stated how they were missing out on grants and other programs. President Stromelo stated how he wanted Mr. Everly to present the information to all of Council instead of not all of them getting the information. Councilman Zabroski asked about the grants. Councilwoman Fox asked about other programs. Mr. Everly stated about the aggressive driving program if the area meets the criteria. He stated how it was the same with checkpoints. He stated how they do not just set one up, they have to also look at site distance, area to detain vehicles and field test area. Councilman DiMiceli stated how the roaming patrols could run speed also. He stated how it was the Borough’s officer in the town or someone else’s nickel. Councilman Hawk stated how it was volunteer. He stated that if the officers’ participate in a couple checkpoints and do not like it, they can just stop participating. Councilwoman Walck stated how they were not signing a contract. Mr. Everly stated how their funding period was October 1st to September 30th.

Councilman DiMiceli moved and Councilwoman Walck seconded to get involved with the North Central Regional DUI Enforcement Program.

Councilman DiMiceli asked for a roll call vote:

Councilman DiMiceli	- yes	Councilwoman Walck	- yes
Councilman Hawk	- yes	Councilwoman Fox	- yes
Councilman Sniscak –left meeting		President Stromelo	- yes
Councilman Zabroski	- yes		

All voted yes. Motion passed

President Stromelo stated how Chief Smith had given him a quote for two tasers. He stated how Panther Creek donated 99% of the money (\$1,600.00) to purchase the tasers. He stated how the Borough will need to expend \$25.00. Chief Smith stated how he had the training in place with a certified instructor and he also had a two-page policy for Council’s review.

Councilman Hawk moved and Councilman Zabroski seconded to purchase the two tasers with the donation from Panther Creek and the Borough making up the difference and approve training for the tasers.

Councilwoman Fox asked if they needed special insurance. Chief Smith stated how it would all fall under the insurance they have. Councilwoman Fox stated about them being certified. Chief Smith stated that as long as they were trained, certified and have a policy. He stated how all the officers will have to sign the policy. He stated how nobody was allowed to carry until they were certified. Chief Smith stated he would eventually like to attend an instructor class to keep everything in house. He stated how they would not have to pay anybody. He stated how the only thing the Borough would be responsible for was if they would shoot somebody to buy the replacement cartridges, which run approximately \$33.00.

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Councilwoman Walck stated how it would not be used daily, only when necessary. Chief Smith stated that it would absolutely be only when necessary. Councilman Zabroski asked if they have to be stunned. Chief Smith stated how they do get shot.

All voted yes to purchase the tasers. Motion passed.

Councilman DiMiceli stated how he would donate the additional \$25.00. President Stromelo and Councilwoman Walck thanked Councilman DiMiceli for the donation. President Stromelo stated to Chief Smith about getting a dozen replacements because of using them for training.

Chief Smith stated how Linda Narciso, Code Enforcement, had asked him about a phone. President Stromelo stated about getting a Nextel phone for her because of getting in touch with the police when going to properties. He stated how she should also have an identification card. Mayor Walck stated how he was taking care of the ID with Mark Nalesnik but the machine was broke. President Stromelo stated how he would pass his phone on to Louis Paul. Secretary/Treasurer Ahner stated how she could check on getting other phones.

Mayor Walck stated how Officer White had asked about being taken off of probation and Council had tabled the request pending an evaluation from the Chief. He stated how he had the evaluation from the Chief and the Chief was requesting Officer White be removed from probation.

Borough Council entered into an Executive Session at 6:58 p.m. for personnel matters. The Council exited their Executive Session at 7:31 p.m.

Mayor Walck stated about the sign for the new police station and was submitting the bill for payment from Doug Rontz Signs for \$736.60.

Councilman DiMiceli moved and Councilwoman Walck seconded to approve and pay Doug Rontz Signs for the police station sign. All voted yes. Motion passed.

President Stromelo stated how Walnutport had something in the paper regarding trees. He asked Solicitor Yurchak to look into the ordinance. Councilman Fox stated how she had complaints about dogs going in the New Columbus Park. Councilman DiMiceli stated how they have an ordinance for that. Councilwoman Walck stated how they have to catch them. Councilman Hawk stated how he had wanted to put something in about carrying something to clean up but it did not pass.

ADJOURNMENT

Councilwoman Fox moved and Councilman DiMiceli seconded to adjourn the meeting. All voted yes. Meeting adjourned at 7:36 p.m.

RoniSue Ahner
Secretary/Treasurer