

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

Wednesday, August 25, 2010 at 7:00p.m., Borough Office  
114 W. Catawissa Street, Nesquehoning, PA 18240

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

President Stromelo called the meeting to order at 7:01 p.m.

Councilman Zabroski arrived at 7:12 p.m.

**MINUTES:** Approve the minutes from the Special Meeting held on August 18, 2010  
Councilman DiMiceli moved and Councilman Sniscak, Jr. seconded to approve the minutes from the  
Special Meeting held on August 18, 2010. All voted yes. Motion passed.

### **HEARING OF VISITORS**

Tom Merman – 512 E. Center Street – stated to Councilman Hawk, since he was on the Water Authority Board also, about where they were in regards to placing meters on all the wells. Councilman Hawk stated how it was going to be up to Council to decide if they want to enforce the ordinance or not.

### **POLICE REPORT**

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

\$1,071.11 fine money received from Magistrate Kosciolk; \$79.69 fine money received from Magistrate for Sanitation Fines/Bills; \$0.00 received in Carbon County Collections; \$0.00 received in DUI reimbursements; \$0.00 received in Motor Vehicle reimbursements; \$0.00 received from Carbon County Restitution; \$0.00 received from Attorney General for overtime reimbursement; \$0.00 received in State Fines; \$0.00 received in parking tickets; \$195.00 received in moving permits; \$165.00 received in accident reports; 548 total officer contacts/follow-ups; 58 citations [16 non-traffic & 42 traffic]; 54 incidents reported for the month; arrests were attached to the second sheet; 0 search warrant; 3 consent searches; 8 traffic accidents (4 reportable – 4 non-reportable); 13 court appearances and the mileage total was 3,904 (856 – 2008 Crown Vic; 1,401 – 2008 Chevy Impala; 22 - 2003 Crown Vic; 289 - 2005 Expedition; 1,336 – 2009 Ford Crown Vic).

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

Councilman DiMiceli moved and Councilman Sniscak, Jr. seconded to accept the Police Report and the Chief's Code Report. All voted yes. Motion passed.

08.25.10 Code Enforcement Officer's – July and August

Councilman DiMiceli moved and Councilwoman Fox seconded to accept the Housing and Code Enforcement Report from Linda Narciso.

Councilwoman Fox asked about the double house on E. Garibaldi Avenue. She stated how she had received a complaint because one-half was keeping a dog in the basement and the smell and the fleas were coming over to the other side. Councilman DiMiceli stated how it was on the report pending discussion with the Solicitor. President Stromelo stated how he thought Ms. Narciso was in contact with Carl Faust on the property as well.

All voted yes. Motion passed.

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## **EXECUTIVE SESSION**

Borough Council entered into an Executive Session at 7:13 p.m. for personnel matters. The Council members exited their Executive Session at 7:55 p.m.

## **PLANNING COMMISSION REPORT**

No report.

## **CIVIL SERVICE COMMISSION**

No report.

## **PANTHER CREEK ADVISORY REPORT**

- 08.17.10 Minutes from August meeting of the Advisory Committee

## **ENGINEER'S REPORT**

No report.

## **SOLICITOR'S REPORT**

- 07.30.10 Robert T. Yurchak letter to Kim R. Roberti –151 E. Railroad Street
- 07.30.10 Robert T. Yurchak letter to Maria Capello – Skateboard Ramp

Solicitor Yurchak handed out a draft of a Skateboard Ordinance for Council to review. He also handed out the ordinance from Walnutport pertaining to trees. Solicitor Yurchak stated about the communications policy and handed a draft for Council's review.

Solicitor Yurchak stated how he had talked to Attorney Matika and Attorney Matika asked about a meeting in two weeks. He stated how he did not see why they could not schedule something with Mr. Ball whenever he was available. President Stromelo stated about getting dates from Carl Faust.

Solicitor Yurchak stated how he went over the taser policy that Chief Smith provided and he had some questions.

Councilman DiMiceli asked Solicitor Yurchak if he had gotten the camera policy done. Solicitor Yurchak stated how he had it half done.

Councilman Sniscak, Jr. moved and Councilman DiMiceli seconded to accept the reports to that point (Planning through Solicitor). All voted yes. Motion passed.

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Wednesday, August 25, 2010 at 7:00p.m., Borough Office  
**JIM THORPE NATIONAL BANK TREASURER'S REPORT**

**GENERAL FUND**

Balance 06.30.10 303,453.50  
Receipts 53,982.45  
Expenditures 90,967.13  
Balance 07.31.10 266,468.82

**GENERAL SEWER CONSTRUCTION FUND**

Balance 06.30.10 10,294.70  
Receipts 4.37  
Expenditures .00  
Balance 07.31.10 10,299.07

**SPORTS COMPLEX FUND**

Balance 06.30.10 5,863.72  
Receipts 123.30  
Expenditures 664.47  
Balance 07.31.10 5,322.55

**SANITATION ESCROW**

Balance 06.30.10 124,378.95  
Receipts 36.97  
Expenditures .00  
Balance 07.31.10 124,415.92

**DEBT SERVICE**

Balance 06.30.10 1,929.97  
Receipts .82  
Expenditures .00  
Balance 07.31.10 1,930.79

**FIRE TRUCK FUND**

Balance 06.30.10 118,283.28  
Receipts 909.21  
Expenditures 322.95  
Balance 07.31.10 118,869.54

**CAPITAL PROJECT**

Balance 06.30.10 79,727.06  
Receipts 272.58  
Expenditures 27,510.00  
Balance 07.31.10 52,489.64

**SANITATION FUND**

Balance 06.30.10 73,732.96  
Receipts 91,007.16  
Sewer 22,330.77  
Expenditures 57,599.54  
Balance 07.31.10 84,809.81

**HIGHWAY FUND**

Balance 06.30.10 135,412.08  
Receipts 57.50  
Expenditures .00  
Balance 07.31.10 135,469.58

**PLANNING FUND**

Balance 06.30.10 10,940.47  
Receipts 3.23  
Expenditures 1,395.39  
Balance 07.31.10 9,548.31

**GENERAL SEWER FUND**

Balance 06.30.10 52,835.06  
Receipts 23,041.91  
Expenditures 28,407.18  
Balance 07.31.10 47,469.79

**SEWER OPERATING & MAINTENANCE**

Balance 06.30.10 8,644.53  
Receipts 45,214.71  
Expenditures 22,733.86  
Balance 07.31.10 31,125.38

**POLICE PENSION FUND**

Balance 06.30.10 467,065.33  
Receipts 2,742.00  
Expenditures 9,243.25  
Acct Depreciation 19,409.87  
Balance 07.31.10 479,973.95

**ACQUISITION & RENOVATION**

Balance 06.30.10 12,976.47  
Receipts .89  
Expenditure 10,882.25  
Balance 07.31.10 2,095.11

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**CD REPORT**

<b>FUND</b>	<b>CURRENT VALUE 07.31.10</b>	<b>INTEREST 07.31.10</b>	<b>OPENING DATE</b>	<b>CURRENT RATE</b>	<b>RENEWAL DATE</b>	<b>BANK</b>
PLANNING	\$ 15,415.81	\$ 32.66	08-17-09	2.50 %	08-17-12	JTNB
GEN. SEWER	\$ 363,137.73	\$ 769.41	08-20-09	2.50 %	08-20-12	JTNB
DEBT SERVICE	\$ 13,635.14	\$ 28.89	08-17-09	2.50 %	08-20-12	JTNB
DEBT SERVICE	\$ 106,100.36	\$ 121.95	06-04-10	1.40%	06-04-13	JTNB
DEBT SERVICE	\$ 18,394.18	\$ 33.37	06-22-09	2.14%	06-22-11	JTNB
SANITATION	\$ 20,362.22	\$ 36.94	06-22-09	2.14%	06-22-11	JTNB
CAPITAL PROJ	\$ 9,980.42	\$ 18.11	06-22-09	2.14%	06-22-11	JTNB
GEN. SEWER	\$ 77,741.15	\$ 141.04	06-22-09	2.14%	06-22-11	JTNB
FIRE TRUCK	\$ 9,751.04	\$ 17.69	06-22-09	2.14%	06-22-11	JTNB

Councilman Sniscak, Jr. moved and Councilwoman Fox seconded to accept the Treasurer’s Report and the CD Report. All voted yes. Motion passed.

**EMERGENCY MANAGEMENT REPORT**

John McArdle stated how he had brought up, about two months ago, about the weed block the railroad had been putting down. He stated how the answer he received was that the chemical was similar to Round Up. He stated how he had checked on it further and depending on the application rate when the vehicle was moving will determine how much more or how much less was being put on the ground. Mr. McArdle stated how the best way to get a reading was to get a soil sample soon after the weed killer was put down. He stated how it would be harmful, if there was an over-abundance, to the water system and also to the creek. Mr. McArdle stated that his recommendation was to notify the railroad and asked for a schedule of when the material was going to be put down. He stated that he would suggest how they collect 2-3 samples to see if the quantity was being put down in accordance with the specification they listed. Councilman DiMiceli asked who would test the soil sample. Mr. McArdle stated how it should be the Water Authority because of the well. Councilman Hawk stated how they could collect the sample and send it to the laboratory.

Councilman Sniscak, Jr. moved and Councilwoman Fox seconded to approve sending a letter to the railroad and copy the Commissioners requesting information/schedule (date & time) of when they will be applying the weed killer.

Councilwoman Walck asked if they could get in writing what they were putting down. Mr. McArdle stated how they did get something back in writing and they also got the MSDS. He stated how they were doing everything correctly but he was concerned with the amount of material being put down in accordance with the speed of the truck.

All voted yes. Motion passed.

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Mr. McArdle stated how he was requested to ask if the CERT members from Nesquehoning will be available for a drive-through flu clinic. He stated how there was going to be two sponsored, October 30th at the Lehigh High School from 9:00 a.m. to 2:00 p.m. and November 4<sup>th</sup> at the Palmerton Fire Company from 2:00 p.m. to 5:00 p.m.

Mr. McArdle stated how the Unity Service Program was going to be sponsored by the First Baptist Church and it was going to be held at the Meed's Church because of the size of the church. He stated how they would like to know if they could have the block blocked off for parking and also utilize the parking lot. Councilman DiMiceli stated how it was at 7:00 p.m. on September 11, 2010.

Mr. McArdle stated how he had placed in his budget some radio equipment. He stated how he would like approval to purchase two mobile radios; one for him and one for his deputy chief. He stated how it was a state contract price of \$2,440 each, with a \$300 rebate towards the installation if ordered before September 29, 2010.

Councilman DiMiceli moved and Councilwoman Walck seconded to approve the purchase of the two new radios.

Councilman Zabroski asked Mr. McArdle if they were compliant with the new narrow banding. Mr. McArdle stated how they were compliant.

All voted yes. Motion passed.

### **MAYOR'S REPORT**

Mayor Walck stated how he had a request from Officer Wuttke to attend the Basic Latent Print Class hosted by the Fountain Hill Police Department on September 30, 2010 from 8:00 a.m. to 5:00 p.m. He stated how the cost of the class was \$50.00

Councilman DiMiceli moved and Councilwoman Walck seconded to approve the request of Officer Wuttke to attend the Basic Latent Print Processing for patrol class on September 30, 2010 at a cost of \$50.00. All voted yes. Motion passed.

Mayor Walck stated how he had a request from Officer White to attend the Criminal Drug Interdiction for Street and Road Patrol Officers class in Lebanon, PA on September 20, 21 and 22, 2010. He stated that the cost of the class was \$295.

Councilman DiMiceli moved and Councilwoman Walck seconded to approve the request of Officer White to attend the Criminal Drug Interdiction for Street and Road Patrol Officers class on September 20, 21 and 22, 2010 at a cost of \$295. All voted yes. Motion passed.

Mayor Walck stated how he received e-mail from Dave Everly in regards to a checkpoint class which was scheduled for September 23, 2010 from 8:00 a.m. to 4:00 p.m. at the KME training center. He stated how it was for any and all officers who might participate in the DUI checkpoints to become certified. He stated how part-timers were also acceptable.

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Councilman DiMiceli moved and Councilwoman Walck seconded to allow any officers to attend the certification checkpoint class at KME training center held on September 23, 2010.

Roll call vote -            Councilman DiMiceli – yes            Councilwoman Walck – yes  
                                 Councilman Hawk – yes            President Stromelo – yes  
                                 Councilman Sniscak, Jr. – no  
                                 (because he believes that it was a violation of peoples civil rights to be  
                                 stopped on the street randomly)  
                                 Councilman Zabroski – yes  
                                 Councilwoman Fox – yes

All voted yes except Councilman Sniscak, Jr. who voted no. Motion passed.

Mayor Walck stated how he had talked to Mr. Everly and he will have the funding for two officers for each day of the Stay-at-Home Festival on Friday, Saturday and Sunday.

Mayor Walck stated how the next Crime Watch meeting would be held on Wednesday, September 15, 2010 at 7:00 p.m.

### **TAX COLLECTOR'S REPORT**

01 July 2010 – 31 July 2010

Real Estate	\$78,064.29
Occupation	2,115.00
Per Capita	<u>1,810.00</u>
TOTAL	\$81,989.29

Councilman DiMiceli moved and Councilman Hawk seconded to accept the Emergency Management, Mayor's and Tax Collector's Reports. All voted yes. Motion passed.

### **COMMUNICATIONS:**

1. 07.29.10 PSAB – Update
2. 07.30.10 DCED – Roadside Tree Care
3. 07.30.10 PSAB – Fall Leadership Conference
4. 08.02.10 DCED – Developing & Managing Your Municipal Budget
5. 08.02.10 DCED – Basic Training for Elected Auditors
6. 08.02.10 United Concordia – Renewal Rates for Dental
7. 08.02.10 Keystate Publishers – Code of Ordinances
8. 08.04.10 Keith R. McCall – Re-opened Alternative Fuels Incentive Grant Program
9. 08.05.10 Keith R. McCall – PA Community Transportation Initiative (PCTI) Program
10. 08.05.10 Keith R. McCall – 2010 Growing Greener Plus Program
11. 08.06.10 PA One Call – Newsletter
12. 08.06.10 PSAB – Newsletter
13. 08.06.10 Keith R. McCall – Directory of local governments & services in Carbon County
14. 08.09.10 Diversified Technology – Online Credit & Debit Card Payments

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15. 08.12.10 Tara Takerer - Sample Resolution
16. 08.16.10 PSAB – Training Update
17. 08.16.10 DCED – Transforming our Communities, Strengthening our Economy
18. 08.17.10 PIRMA – Annual Membership Report
19. 08.18.10 The Seltzer Group – Workers’ Compensation Specialists
20. 08.19.10 DCED – Fleet Management
21. 08.19.10 DCED – Municipal Bidding: Public Works Equipment & Services
22. 08.19.10 Commonwealth of PA – Hearing continued – Cleary Josem
23. 08.20.10 PSAB – Webinars
24. 08.20.10 Nesq. Police Dept – Taser information

### **25. 08.20.10 St. John Baptist A.R. Orthodox Church – Closing one block – Anniversary**

Councilman Zabroski moved and Councilwoman Walck seconded to grant the request of St. John Baptist A.R. Orthodox Church to close the first block of W. Railroad Street on September 19, 2010. All voted yes. Motion passed.

Mayor Walck stated that he would like to ask Council to have Solicitor Yurchak to prepare a resolution and a proclamation in honor of St. John the Baptist Church’s 75<sup>th</sup> Anniversary.

Councilman Zabroski moved and Councilwoman Walck seconded to allow Solicitor Yurchak to draw up a resolution and a proclamation for St. John the Baptist A.R. Orthodox Church. All voted yes. Motion passed.

26. 08.21.10 Bruce Conrad, Weatherly – Use of speed timing devices legally
27. 08.23.10 Borough of Nesq letter to Nesquehoning Borough Authority – Grant Support

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

## **BILLS TO BE RATIFIED, EXPENDITURES AND RECEIPTS**

Councilman DiMiceli moved and Councilman Zabroski seconded to deposit all receipts, approve all bills to be ratified and pay all other bills. All voted yes, except Councilwoman Walck, who was not voting on the PennVest payment. Motion passed.

## **COMMITTEE REPORTS**

### **1. STREETS**

**MARK STROMELO CHAIRMAN; MICHAEL SNISCAK, JR. CO-CHAIRMAN; DAVID HAWK**

President Stromelo stated how they had met with the Engineer last week to discuss the street renovation project. He stated how the Engineer was currently reviewing the information and will come back with his recommendations. He stated how they will not see any major repairs until next year due to curbing issues and bid specifications getting drawn up. He stated how there will probably not be any repairs until the early part of 2011. President Stromelo stated how they will be working on storm drains and piping as needed.

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President Stromelo stated how he would like to introduce the new Borough Supervisor, Louis Paul. He stated how Mr. Paul would be the one to hand out the duties and handle complaints.

Councilman Sniscak, Jr. stated how they received a letter in regards to a grant that was coming up for flood control. He stated how they had done the first grant and that they had received \$162,000. He stated how one of the conditions to get an additional \$300,000 and the original estimate was three million. Councilman Sniscak, Jr. stated how he went through the grant and unlike the other one he wrote, it was going to be more complicated. He stated that he would suggest getting a company because they were eligible for the money. Councilman Sniscak, Jr. stated how they have to have something in progress, which they already have. He stated how they already got the \$162,000 and they could add that towards the flood control. He stated how they have a 5% administration deal. Councilman Sniscak, Jr. stated that if they would have a company to write the grant, it would be taken out of the administrative fee. He stated how it comes out of the grant to do all the legwork and fill all the paperwork out. Councilman DiMiceli asked what if they were not successful. Councilman Sniscak, Jr. stated how they would not get any money. He stated how the fee was contingent on if the grant would go through. President Stromelo stated to Councilman Sniscak, Jr. about researching some companies to see what he could find.

Councilman DiMiceli moved and Councilman Sniscak, Jr. seconded to allow a company to fill out the grant application providing it was on a contingent basis with no cost to the Borough.

Councilwoman Fox asked what the money could be used for. Councilman Sniscak, Jr. stated how it would strictly be for flood control of the Nesquehoning Creek. He stated how the original grant that he wrote was for three million. He stated how they received \$162,000 and how that was to start the upper end but that they still had the whole length of the Creek.

All voted yes. Motion passed.

### **2. SEWER**

**MICHAEL SNISCAK JR CHAIRMAN; FRANK DIMICELI CO-CHAIRMAN; CHAIRMAN; MARY FOX**

- **Advertise Sewer Sludge Removal**

Councilman DiMiceli moved and Councilman Sniscak, Jr. seconded to advertise for bids for the sewer sludge removal. All voted yes. Motion passed.

Councilman Sniscak, Jr. stated how they will also have to contact the Engineer regarding the tank that was shut down at the sewer plant. He stated how they will see what could be done by the Borough and what would have to be contracted out.

### **3. BUILDINGS**

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

Councilwoman Walck stated how there was some furniture in the police department. Secretary/Treasurer Ahner stated that Jeff Leslie was going to be getting someone in to finish hooking up the phone lines and then they would be waiting for PenTeleData to hook up the internet.

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Councilwoman Walck stated how there was work done on the Recreation Center also. She stated how it was power washed and painted. She stated how they had also replaced the door on the east side of the building.

President Stromelo asked if they had gotten any other quotes for painting the Borough Building. Councilwoman Walck stated “no”.

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

Councilman Hawk stated how they were continuing the contract negotiations with the police. He stated how they will be scheduling another meeting.

President Stromelo asked about the cameras for the cars. Secretary/Treasurer Ahner stated how they were going to be installed on the 14<sup>th</sup> of September.

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

President Stromelo stated how Channel 13 had some footage on about the Commissioners and how they had some concerns about the recycling program. He stated that if it would go under, it may affect them in a big way. President Stromelo stated how he would like to contact the Commissioners to see if it would go down; to see if they could keep the blue bins for the Borough to do it themselves. He stated how there was a lot of tonnage that goes out through the recycling program. Councilman DiMiceli stated that the letter should first urge the Commissioners to continue; but if not, then ask to keep the containers.

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

- **08.03.10 John Cooper – Remain on recreation Committee**
- **08.03.10 Ginny Tatusko – Remain on Recreation Committee**

Councilman Hawk moved and Councilwoman Walck seconded to re-appoint John Cooper and Ginny Tatusko to the Recreation Commission. All voted yes. Motion passed.

Councilwoman Fox asked if there was still openings and if they advertise the position. President Stromelo stated about Carol Zickler putting something in the paper because they had two openings.

President Stromelo stated how they had some general discussion at the meeting in August. Councilwoman Fox stated how they were getting rid of all the old chairs. She stated how they were going to take them down to Zaprazny. President Stromelo stated how they were going to do that instead of selling them and someone getting hurt. He stated how they did purchase new chairs and tables.

Councilwoman Walck stated about how there was supposed to be something posted in the Borough office recognizing the individuals who donated money for the Banners. She asked if someone could check to see what was happening with that.

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**7. BUDGET**

**DAVID HAWK CHAIRMAN; ROSE WALCK CO-CHAIRMAN;  
MARK STROMELO**

Councilman Hawk moved and Councilwoman Walck seconded to increase the wages for the Crossing Guards to \$8.25 an hour effective with the 2010-2011 school year. All voted yes. Motion passed.

Councilman Hawk stated how they will be asking the janitor to service the new police station as well as that building.

Councilman Hawk moved and Councilwoman Walck seconded to increase the janitor's wages to \$500 per month for servicing both buildings effective when the Police Station was ready. All voted yes, except President Stromelo who was not voting due to relation. Motion passed.

Councilman Hawk moved and Councilwoman Walck seconded to increase the Emergency Management Coordinator's wage to \$75 per month effective September 2010. All voted yes. Motion passed.

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

Councilwoman Fox asked if the purchase orders were working out okay. Secretary/Treasurer Ahner stated how it was going slow but they were getting there.

President Stromelo stated about them looking into the information for the camera systems for the sewer plant.

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

- 07.29.10 John P. McArdle letter to Melissa Arieta – Facility Fire Inspection
- 08.17.10 Fire Department Summary Report – July
- 08.17.10 Nesquehoning Ambulance Corp Summary Report - July

Councilman Zabroski read the Report for July as follows:

- 7 responses for the month;
  - 4 automatic fire alarms
  - 2 motor vehicle accidents
  - 1 landing zone

He stated how there were a total of 61 Fire department responses for the year.

Councilman Zabroski stated how there were 53 ambulance response for July and 829 miles for a total of 281 EMS calls and 5,068 miles traveled for the year. He stated how there were 7 EMS calls handled by KME employees during work for a total of 60 for the year.

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### **10. LIGHTING/ELECTRICAL FRANK DIMICELI CHAIRMAN; MARY FOX, CO-CHAIRMAN; ROSE WALCK**

- 08.18.10 MEM – Confirmation Requested Other Meeting Dates

Councilman DiMiceli stated how he would like to request a Special Meeting for Council and MEM next week around 5:00 p.m.

Councilwoman Fox stated how she had talked to Tamaqua and Lansford and they were in the same boat.

### **JR. RECREATION COMMISSION**

No report.

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

### **NEW BUSINESS**

Councilman Hawk stated how he wanted to bring something up that was a result of the Water Authority meeting. He stated how there was a water service line break a few weeks ago down on Rhume Street. He stated that at the time the line was dug up, it was found to be a broken service line going into a half of a double. He stated how the other half of the double had a galvanized line as well. Councilman Hawk stated how the policy of the Water Authority was that service lines were supposed to be copper. He stated how once it was dug up, exposed and found, it was the responsibility of the homeowner to have the line replaced with copper, which they did. Councilman Hawk stated that the Authority billed the individual homeowners for their respective materials but the labor and modified were split equally between the two homeowners. He stated how the one homeowner came in, did pay the bill; but she voiced an opinion on how she did not think it was fair that her line was replaced at that time because of the fault of the neighbor, she felt that she should not be assessed half of the excavation. Councilman Hawk stated how she did not have a problem with her line being done. He stated how she did not believe that the Authority should have billed it that way.

Councilman Hawk stated how she had also said that when the sewer was put in, which was quite a few years ago, her line was damaged. He stated how they had patched it because it was late in the day and told her that they would come back and replace it. He stated how they never did. He stated how she had asked once or twice about getting it done but they never went back at that time. He stated that if it had been replaced back then, it would not have had to be replaced now and that would have been at the expense of the contractors doing the work back then. Councilman Hawk stated how the Authority had discussed it and agreed, going forward, in a situation like that where the leak was one party's responsibility even if the second party gets involved with a line replacement because the line not being copper that the charges for the excavation fall on the party who had the leak to begin with. He stated how the Authority took action at their last meeting to refund the money to the party who did not have the leak, the amount she had paid towards the excavation as a goodwill thing. Councilman Hawk stated that the reason he brought it up was because the Borough gets involved with the street opening permits. He stated how the same thing was done; the street opening permit was split between the two parties. Councilman Hawk stated how he was asking Council to follow the same principles as the Water Authority to bill the responsible party.

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

Wednesday, August 25, 2010 at 7:00p.m., Borough Office

Councilman Hawk moved and Councilman Sniscak, Jr. seconded to refund the money Mrs. Rendish paid towards the street opening permit. All voted yes. Motion passed.

Councilman Hawk stated how they have been having discussions at the Water Authority meetings with the metering of private wells in Nesquehoning not for sewer purposes specifically but for general water use and everything as well. He stated how there was an ordinance on the books requiring wells to be metered within the Borough. Councilman Hawk stated how it was the Council's responsibility to enforce the ordinances not the Authority's. He stated how the Authority had no enforcement power. Councilman Hawk stated how he was going to ask Council to look into their stance on enforcement of the ordinances and come up with an action on how they were going to handle it.

Councilman Sniscak, Jr. stated that if they have an ordinance set up to meter them, then they meter them. Councilwoman Fox asked if they had an ordinance, do they not have to enforce it. Councilman DiMiceli asked if there was a list that could be supplied to the Borough. Councilman Hawk stated how they had a list. Councilman DiMiceli stated how they should send them a letter first. Councilman Sniscak, Jr. stated about sending them letters to get the meters and to get them installed. President Stromelo asked about a timeframe. Councilman Sniscak, Jr. stated "two weeks". Councilman Hawk stated how the Authority will provide the meters but it would be up to the owner to get them installed. Councilwoman Fox asked if the Water Authority would install them. Councilman Hawk stated "no". Councilman Sniscak, Jr. stated about giving them 30 days. Councilwoman Fox asked if they had the meters. Councilman Hawk stated how they have some but not a full compliment if everyone would come in at one time. He stated about giving them 30 days to get it installed after picking up the meter from the Authority. Councilman DiMiceli stated about a timeframe to get the meter. Councilman Sniscak, Jr. stated that they should have 15 days to get the meter and 30 days to get it installed. Councilman Hawk stated about 15 days to make arrangements to get the meter and once it was received, 30 days to have it installed.

### **OLD BUSINESS**

Mayor Walck stated how he would like to extend the application period for new crossing guards until September 10<sup>th</sup>.

Councilman DiMiceli moved and Councilman Sniscak, Jr. seconded to extend the application period for the crossing guards until September 10<sup>th</sup>. All voted yes. Motion passed.

### **ADJOURNMENT**

Councilman DiMiceli moved and Councilman Sniscak, Jr. seconded to adjourn the meeting. All voted yes. Meeting adjourned at 8:54 p.m.

RoniSue Ahner

RoniSue Ahner  
Secretary-Treasurer