

MINUTES FOR REGULAR MEETING OF NESQUEHONING BOROUGH COUNCIL

Wednesday, February 24, 2010 at 7:00p.m., Borough Office
114 W. Catawissa Street, Nesquehoning, PA 18240

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

President Stromelo called the meeting to order at 7:00 p.m.
Councilmen DiMiceli and Sniscak, Jr. were absent.

MINUTES: Approve the minutes from the Regular Meeting held on December 16, 2009.
Councilman Zabroski moved and Councilwoman Walck seconded to approve the minutes from the
Regular Meeting held on December 16, 2009. All voted yes. Motion passed.

POLICE REPORT

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

\$499.20 fine money received from Magistrate Kosciolk; \$78.57 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; \$30.00 received from
Carbon County Restitution; \$0.00 received from Attorney General for overtime reimbursement;
\$0.00 received in State Fines; \$780.00 received in parking tickets; \$240.00 received in moving
permits; \$45.00 received in accident reports; 393 total officer contacts/follow-ups; 28 citations [2
non-traffic & 26 traffic]; 32 incidents reported for the month; arrests were attached to the second
sheet; 0 search warrant; 0 consent searches; 4 traffic accidents (2 reportable – 2 non-reportable); 10
court appearances and the mileage total was 3,943 (719 – 2008 Crown Vic; 1,838 – 2008 Chevy
Impala; 3 - 2003 Crown Vic; 610 - 2005 Expedition; 773– 2009 Ford Crown Vic).

HOUSING & CODE ENFORCEMENT OFFICER'S REPORT

Chief Smith stated that all the Council Members had received a copy of his January Code Report.

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

HEARING OF VISITORS

John Barna – 32 E. Columbus Avenue – stated how he was there a month ago asking about the
problem he had on E. Columbus Avenue. He stated how they were parked on the wrong side and
they all received parking tickets. He stated that his question was why they had plowed just one line
and not both sides of the street. Mr. Barna stated that since then, something very bad had happened
to the people on E. Columbus Avenue and he would elaborate. He stated that he was in no way
criticizing or condemning the police department because he was once a chief of police so he went
through all of that. He stated how that went for the plow people also because he went through that
also when he was the chief of police. Mr. Barna stated to Carol Zickler about her article last month.
He stated that she had put in her article how they plowed the middle. He stated that they did not plow
the middle; they only plowed one line and then gave tickets.

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Mr. Barna stated that on Sunday or Monday before the big snowstorm at night, 4 people on E. Columbus Avenue got tickets for what reason he did not know. He stated that they said, but nobody heard it, how somebody went up the street with a bullhorn telling people to park something. He stated how that was all he knew and they all got tickets. Mr. Barna asked if anybody knew anything about that. President Stromelo stated "no". He stated how the last major snowstorm, which was almost two feet, nobody got tickets. Mr. Barna stated how he was told that 4 people got tickets. President Stromelo stated how they may have received tickets during the previous storm when they were able to move. Mr. Barna stated how those people got tickets during the storm he was questioning and during the big snowstorm two weeks ago. President Stromelo stated how nobody got tickets. Mr. Barna stated about the big snow storm. He stated how they all parked against the North side, which was proper. He stated how they did not plow the South side at all. He stated how they plowed up and down that street at the least 7 times. Mr. Barna stated how not one time did they plow the South side of E. Columbus Avenue while they were parked on the other side.

Mr. Barna stated how they had to shovel through the snow to get to their cars to clean them off to move them over, which he thought was the proper thing to do. He stated how he thought that they parked on one side and they plowed the other side so they could move their cars over. He stated how they did not do that. Mr. Barna stated that he and two other people had their cars completely out so all they had to do was wait for the people to plow the other side. He stated that nothing was done. Mr. Barna stated how a plow came up onto the North side and plowed two of the cars back and again the snow was 2 – 3 feet high about 2 feet. He stated how they had to shovel out again. He stated how they did not do his because he was there shoveling. Mr. Barna stated how they never came back so he did not know what happened. He stated that he did not want an explanation because there was no reason that they could not have plowed the one side so they could move over. President Stromelo stated how they did do it. He stated that he had instructed them to do it. President Stromelo stated how his side was plowed back except for two feet. He stated that he told them to do it because they were always calling that it did not get touched. He stated that he was up and had seen it.

Mr. Barna stated that while he was at his car, the plow came and he was going east. He stated how he stopped and asked him if he wanted help to get out. He stated that he had told him that he was okay. Mr. Barna stated that he had asked him when they were going to get the other side. He stated that he was told how he had to make one more pass. Mr. Barna stated that he had made one pass but when he was coming up the road he saw him and cut over. He stated that he did not plow up to the curb. Mr. Barna stated how he had shoveled about eight feet of snow from almost the middle of the road so they could park their cars and not be blocked. President Stromelo stated how two drivers were there that night. He asked them if the South side was plowed back almost to the curb. Robert Pilla stated that he did. President Stromelo asked if the other side was pushed back that night. Mr. Pilla stated "yes". President Stromelo stated how the roads were passable. Mr. Pilla stated that yes they were passable.

Mr. Barna stated how he wanted to go back to the 19th and 20th of December. President Stromelo stated that he did not know anything about that and Councilman Sniscak, Jr. was not back yet. Mr. Barna stated how he received a ticket and he had not paid that ticket yet. He stated that it had been over two months and if he did not have to pay the ticket; nobody should have to pay. He stated that if he was going to be arrested then they better have a good lawyer.

John Sluck – 33 W. Rhume Street – stated that he would like to find out why he and others received parking tickets. He stated that he had received 4 tickets. Mr. Sluck stated how some of the residents were concerned and confused because they did not know where to park.

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Mr. Sluck stated how some officials or people with authority told him different things. He stated that he had talked to different Councilmen and different police officers. Mr. Sluck stated that he was specifically talking the snow they got on Super bowl weekend. He stated how the snow had started on Friday night, February 5th and ended mid-morning on the 6th of February. Mr. Sluck stated that he had left his house at 9:30, because he had to go somewhere. He stated how the snow was plowed to the curb on the side of the street that was posted. He stated how his vehicles were parked on the other side. Mr. Sluck stated that he had come back after noon. He stated that he had shoveled his sidewalks and cleaned off his vehicles. He stated that his neighbor came over and said about moving his car so they could get it all cleaned up, both sides. Mr. Sluck stated that he had moved them over Saturday afternoon. He stated how the snowplows did not come around from 1:00 a.m. Sunday until 10:00 a.m. Sunday nor did they come around 1:00 a.m. until 6:30 a.m. Monday. Mr. Sluck stated that he did not go out of the house because he was not feeling well and he was also sore from shoveling on Sunday. He stated that he went out at 6:30 on Monday morning the 8th and there were 2 tickets on each vehicle. He stated how there was something wrong with that. Mr. Sluck asked if that was double jeopardy. He stated how 3 of the tickets he was issued were signed by one cop and the other ticket was signed by another cop; 2 tickets came from one pad and 2 tickets came from another pad. He stated that he did not understand the reason for that.

Mr. Sluck stated that he had talked to the Chief about it and he was off. He stated that he did not know what was going on. He stated that he called Council President on Monday evening. He stated that he asked him with the pending snowstorm, where they should park. He stated how President Stromelo said that he should park where it was posted and do not move the vehicle until after the storm passes. President Stromelo stated that he had told him that if it started snowing before midnight, go by what the signs say. Mr. Sluck stated that President Stromelo never gave him any times. He stated that he had asked him more than once. President Stromelo stated that his sign says that there was no parking on the South side of Rhume Street and asked if that was correct. Mr. Sluck stated "yes". President Stromelo stated how that was what it was. He stated that for a snowstorm there was no parking. Mr. Sluck stated how he specifically asked him more than once. He stated how he had talked to the chief and told him what President Stromelo had told him. He stated that the chief just shook his head and did not remember what he had said. Mr. Sluck stated that he had asked him more than once. President Stromelo stated that he told him to go by whatever it said. He stated that if it said do not park there for that . . . Mr. Sluck stated that President Stromelo specifically told him not to move until after the storm. President Stromelo stated that if it would snow before midnight two inches, which was what the rules were.

Mr. Sluck stated about the big snowstorm. He stated how the people do not even know where to park and asked if they were allowed to park there if it was snowing or not. President Stromelo stated how technically no if it was posted. Mr. Sluck asked about the people on Catawissa Street where it was posted. He asked if it was discrimination to them. President Stromelo stated how it only applies to when it was snowing. Mr. Sluck stated that he just asked him that and he said no. He asked if they could park overnight when it was not snowing. President Stromelo stated that yes they could but technically they were not supposed to be. Mr. Sluck asked what he meant by technically. President Stromelo stated that it was only when it snows. He stated that otherwise they could have that every day during the year, no parking on that side. Mr. Sluck stated that it seemed everything has changed. He stated how that was his sixth winter on Rhume Street and that was the first time he got tickets. President Stromelo stated how they went by the ordinance and that side was posted.

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Mr. Sluck stated how he had a conversation with Mayor Walck. He stated how the mayor insisted that no one got tickets during a snow emergency. Mr. Sluck asked that during the snow removal emergency, how many cars got tickets for parking. President Stromelo stated how it should have been none. Mayor Walck stated how he did not think that there were any. Mr. Sluck stated how they had called the Communications Center and got names and addresses to notify them to move their cars so they did not get tickets. Mayor Walck stated how he was wrong. Mr. Sluck stated how he was not wrong. Councilwoman Walck asked if he knew who called the Communications Center. Mr. Sluck stated that the police called. Mayor Walck stated how President Stromelo, Chief Smith and he had a discussion as to the reason. He stated how it was when PennDOT came through with their plows and blocked everybody. He stated how they did not feel it was fair for them to have to dig their cars out and give them tickets because they did not move. Mr. Sluck stated that PennDOT did not plow the back or side streets. He stated how there was a car parked on his street for almost two weeks that had not moved nor been given a ticket. President Stromelo stated how it was supposed to be. He stated how he had told them that if anybody had snow on their cars left over from the last storm, they should get a ticket. He stated that there was no reason that they should still have snow on their cars.

Mr. Sluck stated how there was no reason to ticket someone when there was no snow against the curb. President Stromelo stated how they went through with the plow. Mr. Sluck stated that he knew and he agreed with him. President Stromelo stated to Mr. Sluck how he was telling him that he did not see them plow there at all. Mr. Sluck stated how he said between 1:00a.m. Sunday until 10:00 a.m. Sunday and 1:00 a.m. Monday until 6:30 a.m. Monday. President Stromelo stated how they were out continuously around the clock. Mr. Sluck stated how they were not, not during that snow storm. President Stromelo stated how they were not for the first storm but they were for the second storm. Mr. Sluck stated how he was talking about the storm that started on the 5th and ended on the 6th. He stated how there was no snow there, not a flake on the cars, but they all got tickets. Mr. Sluck stated how Molly had asked him where she could park and he told her that he did not know. He stated how she was worried about getting a ticket. President Stromelo stated that they should go by what was posted. He stated that if it was snowing, they should not park on that side of the street. Mr. Sluck stated that it was not snowing. He stated that it had finished snowing and the plows were done for the day. President Stromelo stated how then he could park there. Mr. Sluck asked why then did he get tickets. President Stromelo stated how they were coming through.

Mr. Sluck stated that when they wanted to remove the snow, they came through with bullhorns. He stated that he did not hear anything because he was in the house sleeping and it was his neighbor who called him. He stated that he was now talking about the big snow storm. President Stromelo stated how it was on WLSH and on the Television. He stated how it was also in the paper. Mr. Sluck stated how it was not for the other snowstorm. President Stromelo stated how it was not in for the little one. Mr. Sluck stated how he was talking about the 7th and 8th. President Stromelo stated how it was the one he called him about. Mr. Sluck stated 'yes'. He stated that he had told him to park there the next day. President Stromelo stated that if he got a ticket, he must have been in the wrong when they gave it to him.

Tom Merman – 512 E. Center Street – stated how several months ago he had seen on the agenda that the Borough had given Oak Street, between Railroad and High Street . . . President Stromelo stated that if there was nothing new and he had nothing to prove that they did it . . . Mr. Merman stated that he wanted to know what he did about it and he wanted to know from the Secretary. He stated that he was in and got copies of the agenda to show that it was on the agenda and when he got his copies, the name was not on. He stated that he asked her if she could delete that from her computer. He stated that she said how she could but she did not delete that name.

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Mr. Merman asked Secretary/Treasurer Ahner if she was saying that she never deleted that name off that agenda. Secretary/Treasurer Ahner stated "that name was never on an agenda". Mr. Merman stated that if it was never on how could he read it and bring it up with Council and ask them what it was about with Sam Devin for \$1.00. Secretary/Treasurer Ahner stated how it was in the newspaper prior to one of the Borough's Meetings. Mr. Merman asked Secretary/Treasurer Ahner who gave the news to the papers, her. Secretary/Treasurer Ahner stated "no". Mr. Merman asked "who did". Secretary/Treasurer Ahner stated that it was not her. Councilman Zabroski stated how the court house does.

Mr. Merman asked Secretary/Treasurer Ahner if there was anyone else besides her that sits at that computer. Secretary/Treasurer Ahner stated "no". Mr. Merman stated how the investigation was going to continue. President Stromelo stated that he should continue it . . . Mr. Merman stated to President Stromelo that he should let him speak. He stated that he would come back and he would have the news media in there. He stated that he would show him that he would let him speak. President Stromelo stated to Mr. Merman that when he has something new . . . Mr. Merman stated to President Stromelo that he was not born when he was coming to the meetings. President Stromelo stated for Mr. Merman to please sit down because he was done. Mr. Merman stated how they do not know anything and they could not answer him. He stated how not one of them could answer him. Mr. Merman asked if they were ashamed to face the people and tell him the truth. President Stromelo stated how he was told the truth. Mr. Merman stated that he was not because he never got an answer until that day. He stated that they should tell him what answer he got. President Stromelo stated how that proposed street was not given to Sam Devin by the Borough or was it ever sold and that was the end of it. Mr. Merman asked why they gave it away when it was a public road. President Stromelo stated that they did not give it away and they had nothing to do with it. Mr. Merman stated that they were now saying how it was given to him but the borough had nothing to do with it. He stated that he would check that out too. President Stromelo stated to Mr. Merman how he was the one who was saying that the Borough gave it to him. He stated to Mr. Merman that he needed to sit down. Mr. Merman stated how he had brought Council a copy of the maps from the Carbon County Courthouse, Recorder of Deeds office. President Stromelo stated to Mr. Merman to sit down.

Hugh Lawrence – owns 127 W. Catawissa Street – stated how he had been cited to bring the building up to code. He stated about neutralizing a lot of the rumors and things people might say when they did not know the facts. Mr. Lawrence stated that he wanted to bring Council up-to-date and make sure they were all going in the same direction. He stated that he had hired an architect to look at the building and to give him some professional advice. Mr. Lawrence stated how it was going to take some time to do the job. He stated how they were going to be as efficient as they possibly could and they were going to do it as quickly as they could. Mr. Lawrence stated how it had been his experience in other communities on how people start rumors about things but were not necessarily fact. He stated how he was there to tell them how they do intend to do everything that was required. He stated how at that moment he did not know what it was because the architect was still working on it. Mr. Lawrence stated that he did not want to take up too much of Council's time but he would try to answer any questions they had. Councilwoman Walck stated about the architect and asked if he had some idea of when the architect would have a report on a time element and what had to be done. Mr. Lawrence stated that the architect told him how it would take 30 days to draw up a plan. He stated that once he would see what had to be done, he could get a better idea than he could now. He stated that he could not tell how long it was going to take to do something when he did not know what he was doing.

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Mr. Lawrence stated how there were going to be some complications. He stated that for example: he was working with Labor and Industry on the heating unit. He stated that they could do as much as possible as far as inspections and replying to their request but there was some back and forth going on there. Mr. Lawrence stated how there was probably going to be some fire work, which would require installing additional drywall in the apartments, so there was a longer duration if there was a fire in Unit A to Unit B, but he did not know that yet. Mr. Lawrence stated how another issue would be that there were 10 apartments and if they were going to have to put drywall up, they were going to have to move people around and that would take some time. Mr. Lawrence stated that to try and answer her questions until he would get more information from the architect it would be difficult to answer her question. Councilwoman Walck asked if the architect was working with the code enforcement officer. Mr. Lawrence stated that he was. He stated that he was not trying to avoid her question. Mr. Lawrence stated that he wanted to come to the meeting to let them know how he was working on it. Councilwoman Walck stated that in 30 days the architect should have some idea and asked if he will be meeting with the code enforcement officer again. Mr. Lawrence stated how he had already met with the code enforcement officer. He stated how the architect had to develop some plans and they will meet again with the plans. Mayor Walck stated that he wanted to check with the chief and he would be right back.

Harry Miller – 265 Stock Street – asked about the speed limit by the Estates. He stated how Council had brought it up once before with trying to drop it down to 45 mph. President Stromelo stated how PennDOT replied and they will not change it. Councilwoman Walck stated how it was the second refusal they had given them.

Mr. Miller asked about a retard system in the Village of Hauto, like for the Jake Brake. He stated how it was not just the trucks during the day but the trucks run all night. He stated how it sounded like a machine gun when they go through there. He stated how all the towns have them. He stated how it was only supposed to be used for when they go up hill not when it was flat. President Stromelo and Councilwoman Walck stated how they would look into it.

Mr. Miller asked Councilman Hawk when the 20 year period was up at the Cogeneration Plant. Councilman Hawk stated how the initial 20 year power purchase agreement was up late in 2012.

Mayor Walck stated how he wanted to check with the chief because the UCC inspector and the Chief were at the building a few times. He stated how there were a few things that were supposed to be done and they were not done. Mr. Lawrence stated how the facts of the matter were and he was not there to point fingers; his intent was to make sure they knew he was going to do the best he could. Mr. Lawrence stated how there was a visit made to the building. He stated that he had made two phone calls to Mr. Faust and hand sent him a registered letter, which Mr. Faust's wife signed for and did not hear back from him for six months. Mr. Lawrence stated how he had given him a letter of some things to do, which they did. He stated that he does intend to do the right thing but they were not going to go as fast as Council wanted them to go. Mr. Lawrence stated how it was six months and basically he never did reply and the next thing they show up at the apartments. Mr. Lawrence stated how it was probably legal but it was unfortunate. He stated how he was not going to turn down someone who was at the apartment door with the Chief of Police; he would not tell them to go away. Mr. Lawrence stated how the Borough's code suggests that they contact the owner. He stated that they try to treat their people with respect; they do not always get the same in return. He stated how he thought that the right thing to do would have been to call them and say how they want to go through. He stated how they would have been happy to accommodate them. He stated that to show up at the door unannounced was unfortunate.

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Mr. Lawrence stated how the comment was made whether they were going to let them in, well he would guess so if he had the Chief of Police at his front door. Mayor Walck stated how Mr. Lawrence was saying something out of context because he was with them and his person was working there. He stated how they asked the worker if they could go and check to see what was done in the apartment. He stated how the worker had said that there was no problem, then he got on the phone to call the contractor and he believed that he had called Mr. Lawrence also. He stated how Mr. Lawrence called back to talk to Mr. Faust. Mr. Lawrence stated that he did and Mayor Walck was right. Mayor Walck stated how Mr. Faust also wanted Mr. Lawrence to be there on Friday with a ladder to inspect the roof. Mr. Lawrence stated that they did. Mayor Walck stated how he thought it was a couple of weeks later.

Mayor Walck stated that he did not want Council to get the perception how that was something new. He stated how it was an ongoing thing with 127 W. Catawissa Street that he knows of through the reports he had received from Mr. Faust and the Chief. He stated how he wanted them all on the same page. Mayor Walck stated how he was there when one of Mr. Lawrence's workers or one of Mr. Lawrence's contractor's workers gave permission to go through the apartment. He stated how there was nobody forcing him. Mr. Lawrence stated that he did not say force. Mayor Walck stated how Mr. Lawrence said that if the Chief of Police comes he would have to let him in. Mr. Lawrence stated that he was suggesting to them . . . Mayor Walck stated that he knew what he was suggesting. Mr. Lawrence stated that the reasonable thing to do was to give him a call. Mayor Walck stated how he believed that the contractor had called him and he did call back. Mr. Lawrence stated how they were in the building prior to calling and he felt how that was unreasonable. He stated how he would think that they would have to agree that the folks who were in the building . . . He stated that he did not know they were coming. He stated how nobody knew they were coming. Mr. Lawrence stated how it was unfortunate. He stated that they want to do the right thing and they want to be treated fairly. He stated that they were not there to win any arguments with anybody. Mr. Lawrence stated they were there to do the right thing.

Mr. Lawrence stated how they did not have a response from Mr. Faust for six months and he could document it. He stated how they were getting a black eye for not doing anything for six months when in fact they had done everything that was in Mr. Faust's letter. He stated how they were six months behind the eight ball because no one returned a phone call or no one returned a letter from his registered letter, which he had a signature for. Councilwoman Walck asked Mr. Lawrence if he could get a copy of the letter that Mr. Faust never answered. Mr. Lawrence stated "sure". He stated that he was not there to pick on Mr. Faust. He stated that he wanted to move forward and get it done. Mr. Lawrence stated that he was not there to pick or misunderstand anybody. Mr. Lawrence asked who he would address it to. Councilwoman Walck stated about either the President of Council or the Secretary/Treasurer and she would make sure they got copies.

EXECUTIVE SESSION

Borough Council entered into an Executive session at 7:40 p.m. for personnel matters. The Council members exited their Executive session at 8:26 p.m.

PLANNING COMMISSION REPORT

No report.

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CIVIL SERVICE COMMISSION

- Minutes from meeting held on 1 February 2010

PANTHER CREEK ADVISORY REPORT

- Minutes from the meeting held on 1 February 2010

ENGINEER'S REPORT

No report.

SOLICITOR'S REPORT

- Velitsky & Matika – John Belusko/Borough Sewage
- Keystate Publishers – Nesquehoning Borough Codification

Solicitor Yurchak stated that he had answered Keystate Publishers.

- Telephone Policy

Councilman Zabroski moved and Councilwoman Fox seconded to adopt the Telephone Participation Resolution. All voted yes. Motion passed.

Solicitor Yurchak stated how Council had asked him last month to write up the Ordinance to return to the former Snow Removal Ordinance. He stated that he was handing out a draft for review until next month.

Solicitor Yurchak stated how he had handed out the Police Pension Ordinance for Act 51 to repeal the killed-in-service benefits. He stated how he will need permission to advertise in order to adopt it next month.

Councilwoman Fox moved and Councilman Zabroski seconded to advertise the Act 51 Police Pension Ordinance. All voted yes. Motion passed.

Solicitor Yurchak stated that he had filed the declaration for taking ownership of the Sparich property. He stated that they will have to get the specifications together to get the bids to tear it down.

Councilman Hawk moved and Councilwoman Walck seconded to advertise for demolition bids for anything on the lot of 121 – 127 W. Columbus Avenue, the Sparich property, once the specifications were prepared.

Frank Jacobs asked if the Borough had a lien on the property for curbing. Secretary/Treasurer Ahner stated that they did and it was for the curbing that was put in the alley.

All voted yes. Motion passed.

Councilman Zabroski moved and Councilwoman Walck seconded to accept all reports to that point (Planning through Solicitor). All voted yes. Motion passed.

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JIM THORPE NATIONAL BANK TREASURER'S REPORT

GENERAL FUND

Balance 12.31.09 117,981.95
Receipts 94,353.40
Expenditures 111,321.38
Balance 01.31.10 101,013.97

GENERAL SEWER CONSTRUCTION FUND

Balance 12.31.09 10,268.72
Receipts 4.85
Expenditures .00
Balance 01.31.10 10,273.57

SPORTS COMPLEX FUND

Balance 12.31.09 605.38
Receipts 3,118.15
Expenditures 972.81
Balance 01.31.10 1,750.72

SANITATION ESCROW

Balance 12.31.09 16,036.03
Receipts 55,812.66
Expenditures .00
Balance 01.31.10 71,848.69

DEBT SERVICE

Balance 12.31.09 1,925.10
Receipts .91
Expenditures .00
Balance 01.31.10 1,926.01

FIRE TRUCK FUND

Balance 12.31.09 93,690.34
Receipts 881.60
Expenditures 3,836.75
Balance 01.31.10 90,735.19

CAPITAL PROJECT

Balance 12.31.09 90,125.00
Receipts 112.96
Expenditures .00
Balance 01.31.10 90,237.96

SANITATION FUND

Balance 12.31.09 131,373.48
Receipts 198,073.09
Sewer 82,250.13
Expenditures 118,205.75
Balance 01.31.10 128,990.69

HIGHWAY FUND

Balance 12.31.09 93,249.18
Receipts 43.25
Expenditures 2,034.27
Balance 01.31.10 91,258.16

PLANNING FUND

Balance 12.31.09 10,760.71
Receipts 164.04
Expenditures .00
Balance 01.31.10 10,924.75

GENERAL SEWER FUND

Balance 12.31.09 33,884.16
Receipts 82,361.69
Expenditures 28,367.18
Balance 01.31.10 87,878.67

SEWER OPERATING & MAINTENANCE

Balance 12.31.09 6,290.77
Receipts 45,172.42
Expenditures 21,264.63
Balance 01.31.10 30,198.56

POLICE PENSION FUND

Balance 12.31.09 531,099.34
Receipts 1,379.19
Expenditures 9,027.35
Acct Depreciation 13,041.80
Balance 01.31.10 510,409.38

ACQUISITION & RENOVATION

Balance 12.31.09 163,215.92
Receipts 75.24
Expenditure 46,035.07
Balance 01.31.10 117,256.09

AGENDA FOR REGULAR MEETING OF NESQUEHONING BOROUGH COUNCIL

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CD REPORT

<u>FUND</u>	<u>CURRENT VALUE 01.30.10</u>	<u>INTEREST 01.30.10</u>	<u>OPENING DATE</u>	<u>CURRENT RATE</u>	<u>RENEWAL DATE</u>	<u>BANK</u>
PLANNING	\$ 15,226.08	\$ 32.26	08-17-09	2.50 %	08-17-12	JTNB
GEN. SEWER	\$ 358,668.19	\$ 759.94	08-20-09	2.50 %	08-20-12	JTNB
GEN. SEWER	\$ 11,681.98	\$ 34.08	12-03-08	3.44 %	06-03-10	JTNB
DEBT SERVICE	\$ 13,467.32	\$ 28.53	08-17-09	2.50 %	08-20-12	JTNB
DEBT SERVICE	\$ 104,482.73	\$ 347.26	06-02-05	3.92 %	06-02-10	JTNB
DEBT SERVICE	\$ 18,200.19	\$ 33.02	06-22-09	2.14%	06-22-11	JTNB
SANITATION	\$ 20,147.47	\$ 36.55	06-22-09	2.14%	06-22-11	JTNB
CAPITAL PROJ	\$ 9,876.16	\$ 17.92	06-22-09	2.14%	06-22-11	JTNB
GEN. SEWER	\$ 76,921.23	\$ 139.55	06-22-09	2.14%	06-22-11	JTNB
FIRE TRUCK	\$ 9,648.20	\$ 17.50	06-22-09	2.14%	06-22-11	JTNB

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

EMERGENCY MANAGEMENT REPORT

John McArdle stated that in anticipation of a significant snowstorm within the next 24 hours, he would like if Carol Zickler could put it in the paper to the residents that if there was a fire hydrant close to their property, if they could shovel it out. He stated how it would benefit the fire companies. Mr. McArdle stated that they had five EMS calls during the last snowstorm. He stated how two of them were snow related.

MAYOR'S REPORT

- **02.01.10 American Red Cross – Flying the Red Cross flag throughout March**

Mayor Walck stated how he had received a letter from the Red Cross in regards to flying the Red Cross flag because March was Red Cross month. He stated how he had asked Secretary/Treasurer Ahner to get in touch with them to get a new flag, which she did. He stated that he would like the Borough crew to hang the new flag to comply with their request.

- **02.11.10 Patrolman Wuttke – Request for replacement battery for portable radio**

Mayor Walck stated about Officer Wuttke's request for a replacement battery for his portable radio plus he needs service on his radio.

Councilwoman Walck moved and Councilman Zabroski seconded to allow Officer Wuttke to purchase replacement battery for his radio and get his radio serviced. All voted yes. Motion passed.

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Mayor Walck stated how he was contacted by the Cancer Society again about holding a collection at the stop light and at the bottom of Rt. 93. He stated how it would be one Saturday in March and one Saturday in April. He stated that it was for the Cancer Telethon.

Councilman Hawk moved and Councilwoman Walck seconded to allow the Cancer Society to hold a collection in town (Route 93 & corner of Mermon and Catawissa Streets). All voted yes. Motion passed.

Mayor Walck stated that he had received several complaints about dogs doing their business on the sidewalks and it not being cleaned up. Mayor Walck stated that as a friendly reminder to all the residents who walk their dogs in town, if they do decide to leave a present on a sidewalk to please clean it up because if they find out who it was; they will be cited. President Stromelo stated how he has been getting the same complaint about the New Columbus Park. He stated that it was posted.

Councilwoman Fox moved and Councilwoman Walck seconded to accept the Emergency Management Report and the Mayor's Report. All voted yes. Motion passed.

TAX COLLECTOR'S REPORT

No Report

EXEMPTIONS:

Ladislav J. Sabol	Deceased
Elizabeth Williams	Deceased

Councilwoman Walck moved and Councilman Zabroski seconded to accept the Tax Collector's Report including the approval of the two exemptions. All voted yes. Motion passed.

APPLICATIONS:

Jeffrey P. Wertman	Any Position Available
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COMMUNICATION:

1. 01.28.10 PA DEP – Expiration of NPDES Permit
2. **01.28.10 Cynthia S. Ray – Re-hearing for OLMC**
3. 01.28.10 PA Borough Councils Assoc – Opening for Second Vice-President
4. 01.28.10 William J. O'Gurek – Use of CDBG Funds for 2010
5. 01.28.10 PSAB – Update
6. 01.28.10 Municibid – Membership?
7. 01.28.10 Robert C. Edwards Foundation – Scholarships
8. 01.30.10 Carl E. Faust – Occupancy permit – WLSH Radio Station
9. 02.01.10 PSAB – PSAB Legislative Contact Sheet
10. 02.01.10 Keystone Collections Group – Qualified tax collection agency
11. **02.03.10 Ken Marx – Railroad Crossing Study**

Secretary/Treasurer Ahner stated how she had received an email from Ken Marx, Panther Valley School District, on how the School Board would like to discuss with the Borough whether they would like to join the School District on a study to add a crossing arm at the railroad crossing. She stated how the approximate cost would be \$6,500.00. She stated how the Board was requesting to share the cost.

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Secretary/Treasurer Ahner stated how the cost of the arm might be paid through grants and they were looking to do it in 2011. Secretary/Treasurer Ahner asked Mickey Angst if they were looking to do the study in 2011 or have the arm installed in 2011. Solicitor Yurchak stated how they had to do the study first for the safety of the children. Secretary/Treasurer Ahner stated how they would have to budget it for next year. President Stromelo stated how that was because of the railroad turning down Solicitor Yurchak's letters from the Borough and the School District about changing the schedule of the trains from the time when school lets out. He stated how the School District went that way to get an arm there so the children were protected if the train would come through. Councilwoman Fox asked if they could table it until they can talk to Ken Marx. President Stromelo stated how they could table it until next month. He asked if they wanted to handle it under Fire/Ambulance Public Safety. He stated how they would table it until they could get some information for next meeting.

12. 02.03.10 NEPA – Training series – Municipal Road Maintenance & Safety Training
13. 02.04.10 Geoff Penske – COSTARS
14. 02.04.10 Higgins Insurance – Auto ID Cards Renewal
15. 02.04.10 Keystone Publishers – Code of Ordinance
16. 02.05.10 Michael S. Greek – 155 E. Mill St. & 154, 158 Catawissa St.
17. 02.05.10 CC Department of Solid Waste – Minutes from Regular Meeting in January
18. 02.12.10 Housing Assistance Council – Survey
19. 02.12.10 Dept of the Army – Extension of permit
20. 02.12.10 NEPA – Assistance programs offered
21. 02.12.10 BioSafe Systems – Water & Wastewater treatments
22. 02.15.10 Tallman Hudders & Sorrentino – Harry Zervos
23. 02.16.10 Benesch – Lake Hauto Sanitary Sewer System Report
24. 02.16.10 Blue Mt. Inspection – Hugh Lawrence – 127 W. Catawissa St.
25. 02.17.10 Benchmark – Civil Engineering Services
26. 02.17.10 PSAB – Annual Conference and Exhibition
27. 02.18.10 PA DEP – Erosion & Sediment Plan – Solar Park
28. 02.19.10 PEMA – Clear Storm Drains, Prepare for Flooding
29. 02.19.10 PLRB – Acknowledgement and Notice of Filing

#2 Carol Zickler asked if it was going to be something that was coming up soon. President Stromelo stated how it was going to be a while. Solicitor Yurchak stated that because it was heard in front of Judge Addy and Judge Addy died, they were requesting to have a new hearing. Secretary/Treasurer Ahner stated how he had died before he gave his opinion.

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

BILLS TO BE RATIFIED, EXPENDITURES AND RECEIPTS

Councilman Zabroski moved and Councilwoman Fox seconded to deposit all receipts, approve all bills to be ratified and pass all other bills. All voted yes. Motion passed.

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COMMITTEE REPORTS

1. STREETS

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

- Estimate for the 2001 Ford Truck F 450

President Stromelo stated how there was an estimate submitted for the repair of the small dump truck. He stated that during the last snowstorm, it took a toll on a lot of their equipment. President Stromelo stated how they had a transmission go on the truck. He stated how it had since been repaired due to the upcoming storm. President Stromelo stated how the other large truck had a spring replaced. He stated how the third truck had some snowplow issues, a cylinder. President Stromelo stated how they had a few issues with the vehicles and how their age was starting to take a toll on them. President Stromelo stated that by the next meeting, they will have some kind of idea or game plan on what they want to do to proceed forward in care of emergencies.

President Stromelo stated how he had received a complaint about Industrial Road and Route 54 with all the dirt and debris from Panther Creek. He stated how it was getting pretty thick. He stated about calling up there to see if they would sweep it.

President Stromelo stated about the Park Avenue restriction. Solicitor Yurchak stated how Ron Tirpak was working on it. President Stromelo stated how that road was falling apart. He stated how he tried to call Mr. Tirpak that day but they ended up playing phone tag. Mayor Walck stated how something had to be done because the truck traffic was increasing.

President Stromelo stated how there was going to have to be a lot of road repairs in the Spring. He stated that between the water and the ice/snow that winter, it had taken a bad toll on the roads. He stated how the Street Committee was going to get together to review and see what they could do.

Councilwoman Fox stated how Councilman Sniscak, Jr. had brought up at a previous meeting about the electric eyes for the Christmas lights. She asked if there was anything done about it. Secretary/Treasurer Ahner stated that there was nothing done that she knows of. President Stromelo stated how they had contacted the company but they still did not hear anything.

President Stromelo stated how Secretary/Treasurer Ahner had received a complaint about the intersection of Route 209 and 54. He stated how with the snow being piled there, it was really hard to see. He stated how it was probably due to PennDOT. He stated how they would address it and see if they could get it out of there.

2. SEWER

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

Councilwoman Fox stated how when she had looked back in the minutes, last year, Councilman DiMiceli was going to talk to someone about a block of electricity. She asked if anything ever came of it. Secretary/Treasurer Ahner stated how she thought that they were now hitting it. President Stromelo stated how they had seen the rates go down.

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Councilwoman Fox asked how long unit #3 had been out of service. Councilman Hawk stated how it had been a couple of years. Secretary/Treasurer Ahner asked if it had ever been in service. Councilwoman Fox stated how in last year's minutes there was something about getting it up and running. Councilman Hawk stated how he knew they were doing some work on it but it was not done yet. Mr. Jacobs stated how they used parts from Unit #3 to fix Unit #2 but he did not think they ever got the parts to put back in Unit #3. Councilwoman Fox stated about one of the other units going down and they would have to use that one. President Stromelo stated about her looking into it.

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

Councilwoman Walck stated about President Stromelo talking to Ron Tirpak about the new police station. President Stromelo stated how he did touch base with him that day. He stated how it was due to the special order sink, toilet, and shower. President Stromelo stated how they were going to be beyond the expected date to finish it. He stated how Mr. Tirpak said that they were not going to be able to re-coop anything from them but Mr. Tirpak would stop in and check with them. President Stromelo stated how they wanted to make sure that it would keep progressing forward not backwards. He stated how they had to run into some code deficiencies with Carl Faust and how it was a commercial building. Mayor Walck asked what kind of time frame Mr. Tirpak gave. President Stromelo stated how he did not give him a time frame. Mayor Walck stated how he did not understand that they could not re-coop lost time. He stated how he feels that they should not give them a grace without penalty because there were several things they could have been working on. President Stromelo stated how there was no penalty clause. Councilman Zabroski stated how there had to be something they could do. Councilwoman Walck stated how the grant money had to be used by June. President Stromelo stated how they will be in there by June. Secretary/Treasurer Ahner stated about withholding payments. President Stromelo stated how he had brought up several issues with Mr. Tirpak, which he was not aware of.

Mr. Jacobs stated about Park Avenue and how they did bid it back in the early 90's. He stated how they had bid it but they never overlaid it because they felt it needed more drainage. President Stromelo stated how it has gotten worse and the water was not even running off.

President Stromelo stated how he had talked to him again about Coal Street. He stated how they put some steel over it for a temporary repair. President Stromelo stated how there was a lot of work to be done to the whole town. He stated that the amount of money they have in there to do street repairs was minimal compared to what was going to be required.

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

Councilman Hawk stated how the contract meeting they had scheduled for the following day had been postponed due to the weather.

Mayor Walck stated for those who did not see the newspaper that night, Redners donated \$2,000.00 towards the cameras for the police cars. He stated how he would like to send them a thank you letter.

President Stromelo stated that with the upcoming storm, the residents should abide by the snow parking ordinance as it was posted. He stated how nobody was getting special treatment. He stated that they were getting to them as soon as they could with their work force.

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President Stromelo stated how they did a great job during the last storm. He stated how they worked long hours and worked with the police. President Stromelo stated that with Radocha Excavating, everybody worked above and beyond their required jobs. President Stromelo stated how he would like to thank the work force and the police. Councilwoman Walck stated how she agreed. She stated how they had a lot of compliments.

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

Councilman Hawk stated how they tabled the bids for the garbage collection contracts.

Councilman Hawk moved and Councilwoman Fox seconded to reject all sanitation bids that were received. All voted yes. Motion passed.

President Stromelo stated how they had a few breakdowns with the garbage truck during the snowstorm. He stated how they had a problem with the radiator, which was repaired. He stated how the garbage pick-up was a day later.

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

Councilwoman Fox stated that she did not know when the meetings were. President Stromelo stated how the last meeting was canceled because people could not make it. He stated to Councilwoman Fox that he would have Pam Zlock let her know when it was rescheduled. President Stromelo stated how on their agenda for the year, they were going to have a block party.

President Stromelo stated how they had an issue with the water in the men's bathroom last week. He stated that the water was frozen but he did not know if it was due to the construction.

President Stromelo stated how bingo was canceled that night because of the storm.

Councilman Zabroski stated how over the last three years Nesquehoning and Summit Hill had been trying to combine their efforts to make the Little League more . . . He stated about getting more kids out for each team, each level. He stated how they both operated under Williamsport with their own charter, but they were able to combine through the year. Councilman Zabroski stated how as of that year, Nesquehoning and Summit Hill had relinquished their charter to Williamsport and they were now one chartered little league called Anthracite Little League. Councilman Zabroski stated how he wanted to make everyone aware of it. He stated how they were going to utilize both fields and any help from the public was welcome. Councilman Zabroski stated how they were going to try and form some committees since it was two towns.

Councilman Zabroski stated how there was going to be a wrestling club forming and they wanted to know if they were able to utilize the Recreation Center one day a week over the Summer. President Stromelo stated how they will have to check into it.

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7. BUDGET

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

- **Reimbursement for overpaid property taxes**

Councilman Hawk moved and Councilwoman Walck seconded to pay the two refunds for Jake Arner in the amount of \$422.37 and for various entities of the Kovatch Corporation in the amount of \$37,082.76. All voted yes. Motion passed.

Secretary/Treasurer Ahner asked if they were going to give the refund to Kovatch or extend credit. President Stromelo stated to Secretary/Treasurer Ahner to get in touch with them to see if they will accept credit for that year.

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

President Stromelo stated how there were garbage cans that were crushed during the snow storm while there were plowing and they would have to be replaced.

Councilwoman Walck moved and Councilwoman Fox seconded to reimburse Steve Bretzik for two ash cans, a garbage can and two driveway reflectors in the sum of \$57.82.

Larry Fox stated how it was a real narrow alley. He stated how they always set their garbage cans in the alley. He stated that if they would keep them in on the property that would not have happened. Mr. Fox stated about sending them a letter to keep the can on the property. He stated how their were cars on one side and the garbage cans on the other. Councilwoman Walck stated about including a letter with the check. Councilwoman Fox asked Bob Pilla if they usually had their garbage cans out that far in the street. Bob Pilla stated how their driveway encroaches onto the road and they put them at the very end of the driveway. He stated how they were pretty much in the road and there was a car that parks pretty far out, so it was tight. Secretary/Treasurer Ahner stated that she would put a little note in with the check about keeping them back especially during snowstorms.

All voted yes. Motion passed.

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

- Fire Department Summary Report for January
- Ambulance Corp Summary Report for January

Councilman Zabroski read the reports for January:

- 3 automatic fire alarms
- 1 mutual aid (Jim Thorpe)
- 1 landing zone
- 2 special assignments
- 1 spill containment
- 1 EMS
- 1 fire police.

Councilman Zabroski stated how the ambulance response for January was 43 calls and 792 miles. He stated how there were 10 EMS calls handled by KME employees during work.

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

No report.

JR. RECREATION COMMISSION

Mayor Walck stated how they were still waiting for the tickets to be printed for the Easter Ham Drawing to benefit the Cancer Telethon.

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

NEW BUSINESS

President Stromelo stated how he had asked Secretary/Treasurer Ahner to check on a system called One-Call System like the schools have. He stated that in the event of an emergency they will see how feasible it would be. He stated how Tamaqua just went to it and he thought that Jim Thorpe had it. President Stromelo stated how everybody would be aware of any emergency, parking ordinance, garbage collection or any other delay. He stated how they were going to check on it and move forward with it.

OLD BUSINESS

Frank Jacobs stated about people throwing snow into the streets. He stated how he had seen a police officer pass someone on Center Street and nothing was done. He stated how there had to be something because with the storm like that it was bad enough. President Stromelo stated how he rode around with the Chief and he had told him that if he saw someone doing that he was to tell them to knock it off or they would be cited. President Stromelo stated how it was the same with the cars that were not moved from one storm to the next. He stated how he had advised Officer Wuttke to issue tickets.

John McArdle asked President Stromelo if he had a report on feasibility of the garbage collection. President Stromelo stated how they did compile a list. He stated how the committee did look it over and gave their recommendation to Council. He stated how they were still saving money by doing it themselves. Mr. McArdle asked for some figures that the public could be made aware of. President Stromelo stated how they had to wait until negotiations were finished because that was part of the contract negotiations. Mr. McArdle asked when Nesquehoning would be finished. President Stromelo stated how the next meeting was scheduled for March 17th.

ADJOURNMENT

Councilman Zabroski moved and Councilwoman Walck seconded to adjourn the meeting. All voted yes. Meeting adjourned at 9:38 p.m.

RoniSue Ahner

RoniSue Ahner
Secretary-Treasurer