

MINUTES FOR REGULAR MEETING OF NESQUEHONING BOROUGH COUNCIL

Wednesday, May 26, 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; & CHIEF SMITH

President Stromelo called the meeting to order at 7:02 p.m.
Councilman DiMiceli was absent due to illness.
Councilman Sniscak, Jr. and Solicitor Yurchak were absent.

MINUTES: Approve the minutes from the Regular Meeting held on March 24, 2010
Councilwoman Walck moved and Councilman Zabroski seconded to approve the minutes from the Regular Meeting held on March 24, 2010. All voted yes. Motion passed.

HEARING OF VISITORS

Carol Zickler – 2 E Center Street – asked if there was a rule or if they could ask Councilman DiMiceli what was going on since he had missed so many meetings. President Stromelo stated that Councilman DiMiceli was out on medical leave.

Ms. Zickler stated how it was her understanding that former officer Nick Saullo was suing the Borough. She asked if it was true. President Stromelo stated how there was a lawsuit pending and they were not able to discuss it.

Tom Merman – 512 E. Center Street – stated how he would like to know how they bill for sewage other than resident homes. He stated how he knows the residents pay \$35.00 a month. He stated that he would like to know how they bill business people. He stated that he would like to know how much they collected and how much they were billed. Mr. Merman stated that he was questioning the water meters and stated how the water and sewage work together.

Rose Rebar – 317 W. Catawissa Street – asked if there was an ordinance in the town for somebody to clean up the property at the end of town. She stated how it was such an eyesore. She stated how there were homes around town, which nobody lives in them and they were not being taken care of. Ms. Rebar asked if there was something that could be done. Chief Smith asked Ms. Rebar which properties. Ms. Rebar stated how it was the pizza shop. Chief Smith stated how that was a work in progress. He stated how the work stopped when Carl Faust was down to do an inspection. Ms. Rebar stated how there were homes in the town. She stated that all they had to do was to ride around. She stated how the homes were terrible and asked who was supposed to take care of them. President Stromelo stated how they were looking into hiring a Code Enforcement Officer. He stated how they will all be addressed.

Chief Smith stated how he and Mayor Walck had spent the better part of 3 hours last week going around to all the properties. He stated that it does not happen overnight. He stated that he was going to use the Sparich property as an example. Chief Smith stated how it took them over two years until it finally got torn down. He stated that they were aware of the properties. He stated that it was not being ignored by Council or the Police. Ms. Rebar asked why it took so long. President Stromelo stated how they have to go through a process. Chief Smith stated that on a high grass complaint, they have to send a certified letter to the owner. He stated how they might ignore the letter and then they have to call out the Borough Crew to cut the grass. Chief Smith stated how they did a more aggressive Ordinance because they were giving them too much time. He stated that they place a lien on the property once the Borough cuts the grass.

MINUTES FOR REGULAR MEETING OF NESQUEHONING BOROUGH COUNCIL

Wednesday, May 26, 2010 at 7:00p.m., Borough Office

Chief Smith stated about the property at 124 E. Columbus Avenue and how DEP was supposed to come in with their crew and clean up the site. He stated how nothing had ever happened. Chief Smith stated how he agreed with her that some of the properties were a real mess. Ms. Rebar stated how the whole town was a mess. Chief Smith stated that he disagreed with here there and that Nesquehoning was probably one of the cleanest towns in the County.

John Barna – 32 E. Columbus Avenue – stated how he had been coming to the meetings for five months complaining about a \$25.00 ticket that he had received. President Stromelo stated that if it was about the ticket, they had told him last month that it was over. He stated that he had the ticket thrown out. He stated how it was over with. Mr. Barna stated how he never blamed the Police Department for anything and he never blamed the people who do the plowing for anything. He stated that he never blamed the Council for anything. Mr. Barna stated that he complained because he felt that the ticket was given illegally. He stated that he was facing a \$125.00 fine for a \$25.00 ticket. President Stromelo stated that it was done with the ticket. He stated that he fought the ticket and he won; it was his prerogative.

Mickey Angst – 243 W. High Street – stated that he was not there to defend Mr. Barna. He stated that he was there to apologize. He stated that he was hoping that Officer Breiner was going to be there because he wanted to personally apologize to Officer Breiner. Mr. Angst stated that he wanted to apologize to him for the embarrassment he was put through at that hearing. He stated that he could not believe why the Solicitor would even suggest that they take a shaky parking ticket, four and a half months old, which had been mishandled from the very start and go to the expense of sending an officer to prosecute that ticket. Mr. Angst stated that what he wanted to apologize to Officer Breiner for, he would hope that they would relay his apology to Officer Breiner, was that the fact that he came to the hearing without knowing the history of what had occurred on the Council floor. He stated how it was announced that the ticket was paid and then it was announced at a later meeting that no it really was not and then go ahead and prosecute the four and a half month old shaky ticket, which had been mishandled. Mr. Angst stated that the Officer was embarrassed and said so at the hearing. He stated that he was embarrassed because no one had fully informed him of the history of that ticket. Mr. Angst stated how they owed him an apology. He stated how he was proud of the fact that he had voted to hire Officer Breiner. He stated how he thought that he was a good officer. He stated how he was proud of the fact that he helped recruit and hire him and he should never be put through an embarrassment like he was at that hearing because of the way the ticket was handled.

Eugene Hrebik – 158 W. Rhume Street – stated that he wanted to say something in response to DiMaggio's. He stated that he had talked to David Bonner, who was doing the work down there, and he told him that he was at the point of closing the walls and spackling. He stated that Mr. Bonner told him that Carl Faust wanted them to put in an air conditioning unit with all the duct work and they had wanted to put in a split system. He stated that the air conditioning unit cost \$20,000.

MINUTES FOR REGULAR MEETING OF NESQUEHONING BOROUGH COUNCIL

Wednesday, May 26, 2010 at 7:00p.m., Borough Office

POLICE REPORT

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

\$1,034.80 fine money received from Magistrate Kosciolk; \$33.40 fine money received from Magistrate for Sanitation Fines/Bills; \$22.50 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; \$506.38 received from Attorney General for overtime reimbursement; \$0.00 received in State Fines; \$140.00 received in parking tickets; \$180.00 received in moving permits; \$15.00 received in accident reports; 515 total officer contacts/follow-ups; 56 citations [10 non-traffic & 46 traffic]; 25 incidents reported for the month; arrests were attached; 0 search warrant; 0 consent searches; 4 traffic accidents (1 reportable – 3 non-reportable); 6 court appearances and the mileage total was 3,767 (622 – 2008 Crown Vic; 1,551 – 2008 Chevy Impala; 8 - 2003 Crown Vic; 451 - 2005 Expedition; 1,135 – 2009 Ford Crown Vic).

HOUSING & CODE ENFORCEMENT OFFICER'S REPORT

Chief Smith stated that all the Council Members had received a copy of his April Code Report. Officer Blisard's Report was placed in communications folder.

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

EXECUTIVE SESSION (if needed)

Borough Council entered into an Executive session at 7:22 p.m. for personnel matters. The Council members exited their Executive session at 7:58 p.m.

PLANNING COMMISSION REPORT

- 05.19.10 CC Planning Commission – David A. Hawk, Reverse-Subdivision
- 05.25.10 Mary Fox – Minutes from Planning Commission meeting for May

Councilwoman Fox stated how there was a Nesquehoning Planning Commission Meeting held the night before. She stated that they had approved the reverse subdivision for Councilman David Hawk.

Councilwoman Fox stated that they had voted last night to have a regular date for the Planning Commission to meet. She stated that they will meet the second Wednesday of every month and if there were no plans to review then they would not meet. Mr. McArdle stated that they were requesting that they honor that date.

Councilwoman Walck moved and Councilman Zabroski seconded to accept the Nesquehoning Planning Commission's recommendation to approve the reverse subdivision for Councilman David Hawk property located in Little Flower (Diaz Avenue). All voted yes except Councilman Hawk who was not voting. Motion passed.

Councilman Zabroski moved and Councilwoman Walck seconded to accept the Planning Commission report. All voted yes. Motion passed.

MINUTES FOR REGULAR MEETING OF NESQUEHONING BOROUGH COUNCIL

Wednesday, May 26, 2010 at 7:00p.m., Borough Office

President Stromelo stated that they had invited Officer Breiner into Council Chambers. Officer Breiner thanked Council for giving him five minutes for clearing something up. He stated how the Council Members had given him five minutes so he could address something up that needed to be addressed. Officer Breiner stated to Mr. Angst that he would like to ask him a question. He stated to Mr. Angst that he kept inferring that there was something improperly done with the parking ticket. Officer Breiner stated to Mr. Angst that even though the parking ticket did not have anything to do with him, he was the only one there and he was the only one making the accusation, so he wanted him to answer it. Mr. Angst stated that what he had said was how he was owed an apology. He stated that he was proud of the fact that he was on the Council, who hired him and he thought that he was an excellent policeman. Mr. Angst stated to Officer Breiner that he was owed an apology because he was not fully informed by the people who made the ridiculous suggestion that he take the parking ticket, which was four and a half months old and was handled the way that one was with the announcements that were made by Council regarding it and sending him to the magistrate's office where he was embarrassed about the proceedings because he was not fully informed as to what had happened with that ticket. Officer Breiner asked Mr. Angst what he meant that he was not fully informed. Mr. Angst stated how he had indicted that at the hearing.

Officer Breiner stated that he had issued the ticket. He stated that he was the one who wrote the ticket and asked him what he was talking about, that he was not informed about the ticket. Mr. Angst stated to Officer Breiner that he did not, at the hearing when Mr. Barna had him testify for him . . . Officer Breiner stated that even though he was not there. Mr. Angst stated that when he testified how Mr. Barna was complaining month after month and he was being told that the ticket was paid. He stated that he had urged him to forget the whole idea because either the ticket was voided or maybe one of his friends had paid the ticket for him. Officer Breiner asked Mr. Angst if he had addressed that. He asked if he did not explain that up at the hearing. Mr. Angst stated about the hearing. Officer Breiner stated how he had explained it at the hearing. He stated how he had said very clearly that if someone had a question about a ticket should that person go to the officer who wrote it. He stated how they would not ask somebody else a question about a citation that he had written. Officer Breiner stated that he had written the ticket and nobody asked him.

Mr. Angst stated that when he had explained to the magistrate that after Mr. Barna kept insisting he did not pay it, gave him a copy of the ticket, and said that he did not know where the idea that the ticket, being announced and it was announced at a Council Meeting, that the ticket was paid. Mr. Angst stated that he had filed the proper papers to get the records and the records showed that the ticket was not paid. He stated how it was announced at the last meeting. He stated how the Solicitor made a suggestion that it had a one year period to be filed. Officer Breiner stated how that was correct. Mr. Angst stated that the Magistrate found Mr. Barna not guilty and part of the reason was because it had been announced that the ticket was paid and then it was announced how the ticket was not paid. Mr. Angst stated to Officer Breiner how he had indicated to the magistrate that he had not been informed of that. Officer Breiner stated to Mr. Angst how he was doing the same thing that he did up there. He stated how Mr. Angst was not there when the ticket was issued, he objected to him testifying because in any courtroom proceedings, people who were not present at the time of the crime do not get to testify about the crime but he was allowed to, so that was neither here or there. Officer Breiner stated how Mr. Barna admitted leaving the car there 11:30 at night in violation of the ordinance and went to bed. He stated how even though he had admitted to that he was found not guilty.

MINUTES FOR REGULAR MEETING OF NESQUEHONING BOROUGH COUNCIL

Wednesday, May 26, 2010 at 7:00p.m., Borough Office

Officer Breiner stated to Mr. Angst that what puzzled him was why he was still there carrying on about, somebody who did not get a ticket and was not even there when it happened. Officer Breiner stated to Mr. Angst that he was not going to allow him to keep implying how the Mayor, the Council or the Chief did anything improper. He stated how if he had a question about whether the ticket was paid, he should have come and asked him. He stated about going to the horse's mouth. He stated that he had written the ticket. Officer Breiner asked Mr. Angst why he did not ask him. He stated that he should stop implying that they had done something wrong. Officer Breiner stated how it was wrong and it would not be right if it was about him. Mr. Angst stated that he was getting upset over the wrong thing. He stated that he had told him at the hearing . . . Officer Breiner stated that he was upset because Mr. Angst was painting a picture that was not quite right. Mr. Angst stated how it did not matter who wrote the ticket.

Mr. Angst stated to Officer Breiner that he had also explained to him why the magistrate found him not guilty. He stated how Officer Breiner objected when he had testified. Officer Breiner asked Mr. Angst how he could tell why the magistrate found him not guilty. He stated that he did not even ask the judge. He asked Mr. Angst how he knew why. He asked Mr. Angst if he knew something that he did not. Officer Breiner stated that he wished the judge was there then so that he could tell him. Mr. Angst stated to Officer Breiner that he was the one who addressed the magistrate and said that he did not know all of that, because he would have been better prepared and brought other people. Officer Breiner stated that he did not say that. Mr. Angst asked Officer Breiner what he did say in apologizing to the magistrate as to why he was not fully informed to what happened with that ticket. Officer Breiner stated to Mr. Angst that he had not apologized to the magistrate for anything. He stated that he explained why it took the time that it did and he showed Mr. Angst and the judge why it took the time that it did. He stated that he forgot to do his job and he explained that to the judge. Officer Breiner stated that if there was any apology out of his mouth, it was apologizing for himself not for his department, chief or Borough.

Mr. Angst asked Mr. Breiner why he thought that the magistrate found Mr. Barna not guilty. Officer Breiner stated that he did not know. He asked Mr. Angst why he doesn't ask him because Mr. Barna admitted to violating the ordinance. Mr. Angst stated to Officer Breiner that he was the one who lost the case. Officer Breiner stated that Mr. Barna admitted that he violated the ordinance. He stated that he was not able to do much better than that.

Mr. Angst stated that he had also testified to, which Officer Breiner objected, how there were times when Officers legitimately go out and give tickets and Council decides to void them. Officer Breiner stated to Mr. Angst that he had objected because how did he know what an officer was thinking. Mr. Angst stated to Officer Breiner how he had objected to how that had never happened. He stated how he had said that he would not go into detail. Mr. Angst stated how he was on Council when about three dozen tickets were voided by Council. Officer Breiner asked Mr. Angst how long ago was he on Council.

Mr. Angst stated to Officer Breiner how he did not know what he was excited about. He stated how he apologized and said how Council should apologize also. He stated to Officer Breiner how they never should have sent him to that hearing. Officer Breiner stated how they should not apologize to him. He stated how that was why he was excited. Officer Breiner stated to Mr. Angst how he kept implying that somebody did something wrong but he could not tell him what he meant by it. Mr. Angst stated how Mr. Barna testified how he had come to Council for about five months in a row. He stated to Officer Breiner that he was telling him how he was not aware that Mr. Barna was claiming how the ticket was never paid.

MINUTES FOR REGULAR MEETING OF NESQUEHONING BOROUGH COUNCIL

Wednesday, May 26, 2010 at 7:00p.m., Borough Office

Mr. Angst asked Officer Breiner if he was not aware of that for five months. Officer Breiner stated how he had testified to all of that. He stated to Mr. Angst how he had found out in January and forgot to file the citation. He stated how he had showed the judge that. Mr. Angst asked Officer Breiner if he forgot in February, if he forgot in March, if he forgot in April and the Council had talked about it at the meetings. President Stromelo stated how people have heard Officer Breiner's side of it. Officer Breiner thanked them for their time. He stated how he was sick of the implication of how anybody had done anything improper.

CIVIL SERVICE COMMISSION

No report.

PANTHER CREEK ADVISORY REPORT

- 05.20.10 Panther Creek Partners – Minutes from May meeting

ENGINEER'S REPORT

- 05.05.10 Carbon Engineering letter – Material Submittals–S&K Const
- 05.24.10 Carbon Engineering fax – Handicap parking – New Police Station

SOLICITOR'S REPORT

- Ordinance – Amend the code of ordinances pertaining to vehicles and traffic, vehicle weight limits
- 04.29.10 Jennifer Kreider, PLRB, to Robert T. Yurchak
- 05.05.10 Carbon Engineering letter to Robert T. Yurchak – Drainage & Sewer Easement

Councilman Hawk moved and Councilwoman Fox seconded to authorize Solicitor Yurchak to proceed with the condemnation of the sewer easement in the Hauto Village. All voted yes. Motion passed.

Councilman Hawk moved and Councilwoman Walck seconded to advertise the ordinance to join the Board of Appeals for the Uniform Construction Code. All voted yes. Motion passed.

Councilman Zabroski moved and Councilwoman Walck seconded to accept all reports to that point (Civil Service, Panther Creek, Engineer & Solicitor). All voted yes. Motion passed.

MINUTES FOR REGULAR MEETING OF NESQUEHONING BOROUGH COUNCIL

Wednesday, May 26, 2010 at 7:00p.m., Borough Office
JIM THORPE NATIONAL BANK TREASURER'S REPORT

GENERAL FUND

Balance 03.31.10 42,751.02
Receipts 99,373.03
Expenditures 50,879.39
Balance 04.30.10 91,244.66

GENERAL SEWER CONSTRUCTION FUND

Balance 03.31.10 10,281.87
Receipts 4.23
Expenditures .00
Balance 04.30.10 10,286.10

SPORTS COMPLEX FUND

Balance 03.31.10 116.05
Receipts 1,422.53
Expenditures 46.82
Balance 04.30.10 1,491.76

SANITATION ESCROW

Balance 03.31.10 77,690.37
Receipts 2,922.38
Expenditures .00
Balance 04.30.10 80,612.75

DEBT SERVICE

Balance 03.31.10 1,927.57
Receipts .79
Expenditures .00
Balance 04.30.10 1,928.36

FIRE TRUCK FUND

Balance 03.31.10 76,225.81
Receipts 10,136.94
Expenditures 4,904.50
Balance 04.30.10 81,458.25

CAPITAL PROJECT

Balance 03.31.10 90,571.74
Receipts 225.06
Expenditures 8,907.04
Balance 04.30.10 81,889.76

SANITATION FUND

Balance 03.31.10 139,197.70
Receipts 89,538.11
Sewer 47,232.26
Expenditures 44,396.68
Balance 04.30.10 137,106.87

HIGHWAY FUND

Balance 03.31.10 136,301.42
Receipts 53.92
Expenditures 5,271.04
Balance 04.30.10 131,084.30

PLANNING FUND

Balance 03.31.10 10,930.93
Receipts 3.14
Expenditures .00
Balance 04.30.10 10,934.07

GENERAL SEWER FUND

Balance 03.31.10 68,421.91
Receipts 47,255.67
Expenditures 28,367.18
Balance 04.30.10 87,310.40

SEWER OPERATING & MAINTENANCE

Balance 03.31.10 32,806.95
Receipts 27,165.78
Expenditures 10,440.05
Balance 04.30.10 49,532.68

POLICE PENSION FUND

Balance 03.31.10 520,664.20
Receipts 2,343.39
Expenditures 9,377.25
Acct Depreciation 153.39
Balance 03.31.10 513,476.95

ACQUISITION & RENOVATION

Balance 03.31.10 87,509.50
Receipts 35.96
Expenditure .00
Balance 04.30.10 87,545.46

MINUTES FOR REGULAR MEETING OF NESQUEHONING BOROUGH COUNCIL

Wednesday, May 26, 2010 at 7:00p.m., Borough Office

CD REPORT

FUND	CURRENT VALUE 04.30.10	INTEREST 04.30.10	OPENING DATE	CURRENT RATE	RENEWAL DATE	BANK
PLANNING	\$ 15,319.08	\$ 31.41	08-17-09	2.50 %	08-17-12	JTNB
GEN. SEWER	\$ 360,859.04	\$ 739.97	08-20-09	2.50 %	08-20-12	JTNB
GEN. SEWER	\$ 11,780.38	\$ 33.26	12-03-08	3.44 %	06-03-10	JTNB
DEBT SERVICE	\$ 13,549.58	\$ 27.78	08-17-09	2.50 %	08-20-12	JTNB
DEBT SERVICE	\$ 105,486.15	\$ 339.30	06-02-05	3.92 %	06-02-10	JTNB
DEBT SERVICE	\$ 18,295.32	\$ 32.12	06-22-09	2.14%	06-22-11	JTNB
SANITATION	\$ 20,252.78	\$ 35.56	06-22-09	2.14%	06-22-11	JTNB
CAPITAL PROJ	\$ 9,926.78	\$ 17.43	06-22-09	2.14%	06-22-11	JTNB
GEN. SEWER	\$ 77,323.32	\$ 135.77	06-22-09	2.14%	06-22-11	JTNB
FIRE TRUCK	\$ 9,698.63	\$ 17.03	06-22-09	2.14%	06-22-11	JTNB

Councilwoman Fox moved and Councilwoman Walck seconded to approve the Treasurer’s Report and the CD Report. All voted yes. Motion passed.

EMERGENCY MANAGEMENT REPORT

John McArdle stated how the Nesquehoning Hose Company was hosting the Transcaer Exercise on June 1st and all of Council was invited. He stated how it was going to involve Nesquehoning.

Mr. McArdle stated how he was requesting some consideration, which he thought they should invest or look into it, with the County Commissioners, the Reading and Northern Railroad and the Railroad Board. He stated how the railroad had been applying an herbicide to the weeds. He stated how he had been thinking about it and the wells at the east end of town adjacent to the tracks. Mr. McArdle stated how he did not know what it was and he felt that they should be concerned. He stated about trying to find out what the MSDS had on it and how much was being applied. He stated how it should be looked at especially with the contamination with the rain, which would probably leak into the water table. Mr. McArdle stated how it had been going on for a couple of years; it was not anything new.

Mr. McArdle stated how the fire truck had been serviced. He stated how it was going to need a PennDOT inspection and they would get that in a week or two. He stated how he was contacting someone to get the aerial tested.

Mr. McArdle stated how he was applying for a federal grant for a new aerial ladder truck. He stated how the previous council had offered to come up with 5% toward the funding, which would be approximately \$40,000.00. He stated that he would like a commitment from Council to hold true to their offer.

MINUTES FOR REGULAR MEETING OF NESQUEHONING BOROUGH COUNCIL

Wednesday, May 26, 2010 at 7:00p.m., Borough Office

Councilman Hawk moved and Councilwoman Fox seconded to fund the 5% of the purchase of a new aerial if the Nesquehoning Hose Company receives the grant. All voted yes. Motion passed.

Mr. McArdle stated how if it was awarded, it takes 8 months before they review the applications and then another year to get through it. He stated how they would be looking at almost two years before they would see anything.

Mr. McArdle stated how they had talked with the Fire Committee about the radio funding for 2013. He stated how they had lots of radios that had to be replaced. He stated how two months ago he, Jim Nardozzi, and David Walls sat down with Speaker McCall on another issue they had with Fireman's Relief. He stated how he had mentioned about the radio and finding a funding source. Mr. McArdle stated that he had given an opportunity; there was an application that they would have to do in July for funding. He stated that to sweeten the pot and to get them more points, they have met with the Chiefs from Summit Hill and Lansford. He stated how they were going to make a joint application. Mr. McArdle stated that in order to do it, it was through DCED, one community had to be the host community. He stated how they would be responsible for the disbursement of the funds. Mr. McArdle stated that he would like to strongly recommend, since it was the idea from the representatives from Nesquehoning, that Nesquehoning Borough step forward and acknowledge their part to submit the grant on behalf of Lansford and Summit Hill. He stated that in doing so, he has asked the Chiefs from Summit Hill and Lansford to contact their respective Borough Councils for a letter in agreement that Nesquehoning would be the host grant writing source. Councilman Hawk stated that due to the price tag of the mandated upgrade, if there was any possibility and if a joint effort was going to increase their chances to get the money, he was in favor of it. Mr. McArdle stated that the price tag they had for all three towns together was \$320,000.00. He stated that he had been in contact with the contact person in Harrisburg, with a person who sits on the Board as well as Representative McCall's contact Kate McMullen. He stated how he has all the paperwork and the whole application can be done online. Mr. McArdle stated how they have secured two radio quotes. He stated how they have their i's dotted and their t's crossed; they just need someone to put it together.

Councilman Hawk moved and Councilman Zabroski seconded for Nesquehoning to volunteer to be the host community in the grant writing effort for radios. All voted yes except Councilwoman Walck who was not voting. Motion passed.

Secretary/Treasurer Ahner stated how he and Mayor Walck met with a gentleman from Senator Casey's office. She stated how they also talked about getting funding with a joint effort with several towns. She stated how they were looking at police and the ambulance as well. Secretary/Treasurer Ahner stated how that would be filed in August. Mayor Walck stated how they had met with him that afternoon. He stated how the application had to be in by August. He stated how they do stand a better chance if they get several towns together. Councilman Hawk stated how the same group could submit both applications. Mayor Walck stated how one was State and the other one was Federal and they could see where it ends up. He stated that Senator Casey's aide said how things like that get pretty well looked at, volunteer fire companies and joint efforts get moved right to the top. He stated how the aide also offered to come and help write the grants. Mr. McArdle stated that they were trying to stay ahead of the game. He stated how he does feel that they should apply to both.

MINUTES FOR REGULAR MEETING OF NESQUEHONING BOROUGH COUNCIL

Wednesday, May 26, 2010 at 7:00p.m., Borough Office

Mr. McArdle stated how he had talked to Jim Nardozi and David Walls and they all concur that it would be time to lift the burn ban they had on in the Borough. He stated how they have had several incidents within the last two weeks where they had people having open burning. He stated how the Ordinance states times and what materials were allowed to be burned. Mr. McArdle stated how they have relaxed a little and have allowed chimneys as recreational purposes. He stated how he had two places in New Columbus that had backyard fires. He stated how they try to tell people to be conscious of their neighbors.

Mayor Walck asked Mr. McArdle what time the table top exercise was. Mr. McArdle stated how registration was from 5 – 6 and then it starts at 6:30.

Councilman Zabroski moved and Councilwoman Walck seconded to lift the burning ban as of May 26, 2010. All voted yes. Motion passed.

President Stromelo stated that in regards to, it was off of Solicitor Yurchak's report, John McArdle's title of Fire Investigator-grandfathering. He stated how Solicitor Yurchak had reviewed it and it does not hold up anymore. He stated how PSAB suggested that Mr. McArdle should contact the officer of the State Fire Commissioner to see what needs to be done and just follow through with it.

MAYOR'S REPORT

- 04.24.10 Nesquehoning Police Department – Training

Mayor Walck stated how the training request was from Chief Smith. He stated how the training was for the chief to become a certified instructor for the Taser. He stated that he would ask Council to table that request because they did not have the money to purchase the Tasers. President Stromelo stated how Chief Smith has told him that they might get the Tasers donated.

Councilman Hawk moved and Councilwoman Fox seconded to table the Tasers Training and to allow Chief Smith and Officer Wuttke to attend the "Livescan Training" at the County Prison. All voted yes. Motion passed.

- 04.30.10 Anthracite Triathlon – Sunday, July 18, 2010

Mayor Walck stated how the Triathlon would be coming through town on Sunday, July 18, 2010. He stated that they will need the ambulance there and they will only need the officer on duty.

Mayor Walck stated that the Memorial Day Parade was going to be held on Monday, May 31, 2010, start time was 8:30 a.m. He stated that they will start lining up at 8:00 a.m.

Mayor Walck stated that the next Crime Watch Meeting was going to be held on Tuesday, June 15, 2010 at 7:00 p.m.

MINUTES FOR REGULAR MEETING OF NESQUEHONING BOROUGH COUNCIL

Wednesday, May 26, 2010 at 7:00p.m., Borough Office

TAX COLLECTOR’S REPORT

01 May 2010 – 19 May 2010

Real Estate	\$64,813.43
Occupation	749.70
Per Capita	<u>1,195.60</u>
TOTAL	\$66,758.73

EXONERATION

Daphne Gasker

Non-resident

Councilman Hawk moved and Councilwoman Walck seconded to accept the Emergency Management, Mayor and Tax Collector’s Reports including the approval of the exoneration. All voted yes. Motion passed.

APPLICATIONS

Linda Narciso	Assistant Code Enforcement
Joseph A. Folk	Summer Work
Scott Nothstein	Borough Supervisor
Vickie Maynes	Code Enforcement
Anthony J. Citrano	Sanitation
Raymond G. McHose	Maintenance/painting lines
Nicholas C. Degiglio	Working Borough Supervisor
Thomas J. Devitt	Code Enforcement Officer
John J. Quinn	Code Enforcement Officer
Joseph P. Craig	Code Enforcement Officer

COMMUNICATIONS:

1. 04.28.10 Cynthia S. Ray – Petition to Intervene – Opinion
2. 04.29.10 CC Chamber of Commerce – Thank you for renewing Membership
3. 04.29.10 CSI – Security and investigations
4. 05.03.10 PSAB – Update
5. 05.03.10 Riley & Company – Financial Manager
6. 05.03.10 PennDOT – Plan of Action – Tonolli Entr Rd
7. 05.04.10 PSAB – Training Update
8. 05.05.10 Medico Industries – Local Government Day
9. 05.05.10 FRS Capital Management – Police & Non-Uniform Pension Plan Seminar
10. 05.05.10 NEPA – ARC & EDA Project Funding Notice – soliciting projects
11. 05.06.10 Ohl Fuel Oil – Newsletter
12. 05.10.10 Cynthia S. Ray – Scheduling Order
13. 05.10.10 ESC – Maintenance of dirt & gravel roads
14. 05.10.10 Michael S. Greek – Zoning Hearing – NM Solar
- 15. 05.10.10 Susan Kondrcek – Requesting full time position on Zoning Board**

Councilwoman Walck moved and Councilwoman Fox seconded to appoint Susan Kondrcek to the Zoning Hearing Board and to appoint Ronald Zabroski as the alternate to the Zoning Hearing Board. All voted yes except Councilman Zabroski who was not voting. Motion passed.

MINUTES FOR REGULAR MEETING OF NESQUEHONING BOROUGH COUNCIL

Wednesday, May 26, 2010 at 7:00p.m., Borough Office

16. 05.10.10 DCED – Intermediate Accounting
17. 05.10.10 Panther Creek Partners – Above ground regulated storage tanks on site
18. 05.10.10 Michael S. Greek – Amended vote – Solar Panel 1
19. 05.11.10 Strubinger & Gazo – Assessment appeal – Forte
20. 05.11.10 IDM Consulting Services – How to lower municipalities health costs
21. 05.12.10 CC Conservation District – New Columbus Filling Operation – E. Garibaldi Avenue
22. 05.14.10 Allied Alarms – Monitor Fire Alarm located at Zervos Apartments
23. 05.14.10 PSAB – Endorsement for AFLAC for supplemental insurance
24. 05.17.10 SealMaster/Graco – New equipment plus assortment of paints, crack sealers, hand tools
25. 05.17.10 ProActive Operator Source – Control Fundamentals for the Operator
26. 05.18.10 Michael S. Greek – Lot 11, Section 1, Little Flower Estates
27. 05.21.10 DCED – Best Practices in Tax Collection
28. 05.21.10 Blue Cross of NEPA – PPO Coverage for Ostomy Supplies
- 29. 05.24.10 St. Luke’s Miners Hospital – Special tribute ceremony**

Secretary/Treasurer Ahner stated how St. Luke’s Miners Memorial Hospital was holding a special tribute ceremony on Monday, July 5, 2010 at 1:00 p.m. to celebrate Mr. & Mrs. Drigan’s generous bequest of the building and grounds of St. Luke’s Miner Health Center located at 108 W. Catawissa Street, Nesquehoning.

30. 05.24.10 CC Department of Solid Waste – Minutes, April Meeting
31. 05.25.10 Cynthia S. Ray – OLMC Intervention

Councilwoman Walck moved and Councilman Zabroski seconded to accept the applications and approve all communications and place them on file.

Mayor Walck asked if they were going to be able to set something up to interview the applicants for the Code Enforcement Officer. President Stromelo stated that they would set up an Executive Session for personnel matters on Thursday, June 10, 2010 at 5:00 p.m.

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 pay all other bills. All voted yes. Motion passed.

COMMITTEE REPORTS

1. STREETS

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

President Stromelo stated how they were still pursuing avenues to fund the road program.

President Stromelo stated about an update for the Borough Vehicle that they voted on last month. He stated how the quote last month was about six months old so he did get a new quote. He stated that they did upgrade the chassis a little and they were going to go with a V plow instead of a straight plow to lessen the load on the vehicle.

MINUTES FOR REGULAR MEETING OF NESQUEHONING BOROUGH COUNCIL

Wednesday, May 26, 2010 at 7:00p.m., Borough Office

President Stromelo stated that the new quote came to \$70,576.64. He stated how it will be a 5-year hot lease and they were also going to be applying for a grant through USDA for a 15%, which they were going to apply for first and then get the vehicle. He stated how it will be purchased through COSTARS.

President Stromelo stated how the Borough crew was still sweeping the streets. He stated how they will be putting up the flags. He stated that they were patching the holes the best they could. He stated how he had noticed that there were several street lights out and about getting the pole information to the borough office.

President Stromelo stated about how they brought up last month about getting a new mower. He stated how he had received several quotes and the cheapest one was from JC Small Engine. He stated how it was an Exmark, zero turn mower, 60" at a cost of \$7,225.00.

Councilman Hawk moved and Councilwoman Walck seconded to purchase the Exmark mower at a cost of \$7,225.00 from JC Small Engine. All voted yes. Motion passed.

2. SEWER

**MICHAEL SNISCAK JR CHAIRMAN; DAVID HAWK CO-CHAIRMAN;
CHAIRMAN; MARY FOX**

- **Advertise – Chemical bids**

Councilman Hawk moved and Councilwoman Fox seconded to advertise for Sewer Chemical Bids. All voted yes. Motion passed.

Councilman Hawk stated how the Sewer workers were looking to purchase some equipment to use in refurbishing the units at the sewer plant. He stated how they were trying to get the #3 unit in service so one of the other units can be taken out of service and be cleaned. He stated how they had talked about it and it would be cheaper for them to do the work themselves rather than bidding it out, even though they would have to buy some tools to get it done. Councilman Hawk stated how David Digilio had given him a list of things that he would need: a pipe threading machine \$4389.49. He stated that it might be a worth while thing to buy. Councilwoman Fox asked if they needed to go with one that expensive. She asked if anyone had looked at anything else other than what they have been asked to buy. Councilman Hawk stated how they could look into getting some other quotes. He stated how Mr. Digilio had told him that he had looked around and that was the cheapest one he could find. President Stromelo stated about them getting a couple quotes.

Councilwoman Fox stated how she and Frank Jacobs were down at the plant the other day. She stated how they had just gotten the third unit pumped out. Mr. Jacobs stated how there were a lot of pipes down there. He stated how it was started 4 – 5 years ago. He stated how a lot of the pipes had to be changed. Mr. Jacobs asked if they wanted to spend that kind of money for something that will only be used for three units and then will probably not be used again for another 20 years. Councilwoman Fox asked if it was going to be cost efficient and what it would cost to get a pipe threaded. Councilman Hawk stated that if they were fitting pipe they cannot be running back and forth every time they needed something. Councilwoman Fox stated how they had talked to Mr. Digilio about efficiency of taking the pipe up to Hazleton and the time consuming. She stated about a possible rental of the equipment rather than to purchase it. Bobby Stempa stated how he had one that he purchased for \$1,700.00, it was a hand motor and he could do up to 2 ½ inch pipe. Councilman Hawk stated how that was an electric motor. Councilwoman Fox asked if they could go with something like that or did they need the Cadillac. President Stromelo stated how he would like the purchasing committee to review it.

MINUTES FOR REGULAR MEETING OF NESQUEHONING BOROUGH COUNCIL

Wednesday, May 26, 2010 at 7:00p.m., Borough Office

Councilman Zabroski stated about the sewer committee looking into it and them coming to the purchasing committee with a recommendation.

Councilman Hawk moved and Councilman Zabroski seconded to get quotes on the equipment and purchase according to the Purchasing Committee's recommendations. All voted yes. Motion passed.

Councilman Hawk moved and Councilwoman Fox seconded to place a letter of written warning in one of the Sewer employee's personnel file. All voted yes. Motion passed.

3. BUILDINGS MICHAEL SNISCAK, JR. CHAIRMAN; ROSE WALCK, CO-CHAIRMAN; MARY FOX

Councilwoman Walck stated how the police department was moving along and hopefully it will soon be near the end. Mayor Walck stated how they were waiting for Mr. Faust to come in to do the final inspection.

Councilwoman Walck stated how there was a door at the Recreation Center that needed some work. She stated how they might be able to power wash some of the siding at the east side of the building. Councilwoman Fox stated how the door had T-111 on it and it was rotting. Councilwoman Walck stated about getting some painting and things done to the building because it needed some sprucing up. She stated how the Borough workers could probably do it. Councilwoman Fox asked if the Borough workers could paint the doors at the Recreation Center. President Stromelo stated that they could handle painting the doors.

Councilwoman Walck moved and Councilwoman Fox seconded to get quotes for painting the Borough Building. All voted yes. Motion passed.

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

Councilman Hawk stated how Thomas Kurtz had been riding along with the police. He stated that they would like to proceed with hiring Mr. Kurtz upon his graduation, which will be on Friday, June 18, 2010. Mayor Walck stated about starting the Borough process of hiring.

Councilman Hawk moved and Councilman Zabroski seconded to hire Thomas Kurtz as a part-time police officer pending successful completion on all Borough requirements and his graduation. All voted yes. Motion passed.

Mayor Walck stated how they have received donations to purchase the in-car cameras. He stated about purchasing a camera in order to use the money that was donated to the Borough.

Councilman Hawk moved and Councilman Zabroski seconded to purchase an in-car camera system. All voted yes. Motion passed.

5. SANITATION MARK STROMELO CHAIRMAN; DAVID HAWK, CO-CHAIRMAN; RICHARD ZABROSKI

Councilman Hawk moved and Councilwoman Fox seconded to place a letter of written warning in one of the Sanitation employee's personnel file. All voted yes. Motion passed.

MINUTES FOR REGULAR MEETING OF NESQUEHONING BOROUGH COUNCIL

Wednesday, May 26, 2010 at 7:00p.m., Borough Office

President Stromelo stated about purchasing a second garbage truck. He stated that he had received a quote and the purchase price would be \$152,152.57. He stated that they would be doing a 5-year hot lease. He stated about the 2011 and the specifications of the truck. There was a discussion on weather the borough needed a new truck or if there was something that could be purchased used.

Councilman Hawk moved and Councilman Zabroski seconded to purchase the second garbage truck for the Sanitation Department. President Stromelo called for a roll-call vote.

- Councilman Hawk - yes
- Councilman Zabroski - yes
- Councilwoman Fox - no
- Councilwoman Walck - no
- President Stromelo - yes.

Motion passed.

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

No report.

**7. BUDGET DAVID HAWK CHAIRMAN; ROSE WALCK CO-CHAIRMAN;
MARK STROMELO**

President Stromelo stated how Kovatch was awarded their tax assessments for 2007, 2008 and 2009. He stated how the Borough had to reimburse Kovatch Corporation \$72,000 along with giving them credit on several parcels of property for 2010.

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

No report.

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

- **04.07.10 Fire Department Summary Report for April**
- **04.07.10 Ambulance Corp Summary Report for April**

Councilman Zabroski read the reports for April:

- 8 automatic fire alarms
- 1 motor vehicle accidents
- 1 brush fire

Councilman Zabroski stated how there were 38 ambulance response for April and 759 miles. He stated how there were 5 EMS calls handled by KME employees during work for a total of 36 for the year.

**10. LIGHTING/ELECTRICAL MARY FOX CHAIRMAN; RICHARD ZABROSKI, CO-
CHAIRMAN; ROSE WALCK**

No report.

MINUTES FOR REGULAR MEETING OF NESQUEHONING BOROUGH COUNCIL

Wednesday, May 26, 2010 at 7:00p.m., Borough Office

JR. RECREATION COMMISSION

No report.

NEW BUSINESS

Councilwoman Walck moved and Councilwoman Fox seconded to authorize Solicitor Yurchak to draft a drug free workplace policy. All voted yes. Motion passed.

OLD BUSINESS

Councilman Zabroski moved and Councilwoman Fox seconded to approve a smoke free policy, which will include all Borough property and vehicles. All voted yes. Motion passed.

ADJOURNMENT

Councilwoman Fox moved and Councilwoman Walck seconded to adjourn the meeting. All voted yes. Meeting adjourned at 9:32 p.m.

RoniSue Ahner

RoniSue Ahner
Secretary/Treasurer