

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

Thursday November 4, 2010 at 5:30p.m., Borough Office  
114 W. Catawissa Street, Nesquehoning, PA 18240

### **ROLL CALL: COUNCILMEN HAWK, ZABROSKI COUNCILWOMEN FOX AND WALCK; PRESIDENT STROMELO; & MAYOR WALCK**

President Stromelo called the meeting to order at 5:30 p.m.

Councilman DiMiceli was absent due to illness.

Councilman Sniscak, Jr. and Solicitor Yurchak were absent.

### **PURPOSE: Special meeting for general purposes**

#### **Presentation by AFLAC**

Greg Guldin stated how Carolyn Verba had stopped by the office several months ago asking about getting permission from Council to be able to offer AFLAC to the employees as a payroll deduction. Mr. Guldin stated how the payroll deduction could be taken after taxes or pre-tax. He stated how AFLAC was offered to the employees at no cost to the Borough. He stated how they were voluntary benefits and how they were not asking them to change anything they have. He stated how AFLAC was supplemental and how it could be a great enhancement if they have insurance or not. Mr. Guldin stated how AFLAC pays the policyholders cash unlike insurance, which pays the doctor or hospital bills. He stated how they could use the cash to pay for any extra bills that might occur because they were not working. Mr. Guldin stated how a serious accident or illnesses, such as cancer, were some of their top policies. He stated that if they were not working, they were not getting paid and their health insurance gets thrown into COBRA, which they have to pay. He stated how it was an additional expense added to the ones they already had. He stated how they could use that money anyway they see fit.

Mayor Walck asked if it had to be a payroll deduction or could the individual pay it directly to AFLAC. Mr. Guldin stated how the best way to do it was as a payroll deduction but they could do it through a bank draft or credit card. He stated how they could set up a Section 125 or a pre-tax plan free of charge. Mr. Guldin stated how the advantage of that was for every dollar they pre-tax the Borough does not have to pay FICA tax. He stated how they would be saving 20% on the pre-tax amount. Councilman Zabroski asked that if an employee would sign up, it would have nothing to do with the Borough. Mr. Guldin stated how it was just a vehicle to go through businesses so the employees could be offered a group rate. Councilman Zabroski asked if they wanted to meet individually with the employees. Mr. Guldin stated how they could meet individually or a group meeting works. He stated how it takes about 15 minutes to do a presentation and they give them detailed information on the policies at that time. He stated how it will take 10-15 minutes to sign up the individuals who were interested, at a later date. He stated how they might want to go home and talk to their families.

Councilwoman Walck asked if they had done it in any other Borough or town. Mr. Guldin stated how the city of Pottsville was one of the larger. He stated about the city of Allentown, the city of Bethlehem, Borough of Slatington and the Borough of Palmerton. Councilwoman Fox stated that when there was a claim, the Borough was not involved and the employer would go directly to them. Mr. Guldin stated how they were the claim agents as well. He stated how there was no cost to the Borough or the business.

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Mr. Guldin stated how businesses were looking to lower their healthcare costs and one way of doing that was to raise the deductible. He stated how they have various products to help with the deductibles and co-pays. Mr. Guldin stated how they have about 22 different products but they will originally only start by offering 3 or 4. He stated about the accident plan or the disability plan. Councilman Hawk asked if there were a minimum number of people who have to participate. Mr. Guldin stated "just three". Councilman Hawk asked if the group rate would vary if there were more or less. Mr. Guldin stated "no". He stated how prices were stable and they never have a price increase. Mr. Guldin stated how some of the employees may not want any and some of the employees may want two. He stated how nobody has to get exactly the same thing; it was voluntary and it was their choice. He stated how they were not high pressured. Mr. Guldin stated how they will do the presentation and usually 50-60 of the employees will take a product.

Mayor Walck asked if there was a certain time period that they had to be off before they could collect. Mr. Guldin stated how it depended on the plan. He stated how for example on disability, they get to choose their waiting period. He stated how the 0/7 was the least and that was 0 days for an accident and 7 days for an illness. He stated how it could be tailored. He stated how it gives them the ability based on their circumstances. He stated how raising the waiting period would lower their premium. Mr. Guldin stated how the accident plan was effective from the very first day of the plan and that they usually start that at the beginning of the month.

Secretary/Treasurer Ahner asked how it worked with other short term/long term disability plans. Mr. Guldin asked if they had it through the Borough. Secretary/Treasurer Ahner stated "yes". Mr. Guldin asked what the waiting period was. Secretary/Treasurer Ahner stated how it was 30 days. Mr. Guldin asked if the employee pays for that. Secretary/Treasurer Ahner stated how the Borough pays for it. Mr. Guldin stated how they would not offer the disability policy. He stated how they could not coordinate the policies. He stated how it would be a waste of money because they could only collect off of one. Mr. Guldin stated that the state laws only allow them to collect up to 70% of the take home. He stated how the disability does not coordinate with workers compensation and how that was regulated by the state. He stated how the accident plan does not conflict with any other disabilities or workers compensation. Councilwoman Fox asked if the accident was for on or off the job. Mr. Guldin stated how it was 24/7 and how it was the most popular plan. Ms. Verba stated how they could also cover their families with it. She stated how they could choose individual or a family option. She stated about children in sporting activities. Councilwoman Fox asked if they could cover the spouse too. Ms. Verba stated "yes".

Mr. Guldin stated how the prices never go up unless they upgrade their plan. He stated about sickness plans or hospital plans to help with the deductibles. Councilman Zabroski asked Mr. Guldin what he was looking for from Council. He stated about Council going to the employees or AFLAC going to the employees. Mr. Guldin stated about getting permission to move further to set up meetings. Councilwoman Fox asked Secretary/Treasurer Ahner that as an employee, what she thought. Secretary/Treasurer Ahner stated how it would be nice to get the offer and hear the presentation.

Councilman Zabroski moved and Councilman Hawk seconded to allow time (schedule a meeting) for AFLAC to give a presentation of the insurance to the Borough employees.

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Secretary/Treasurer Ahner asked if it was for full time and part time employees. Mr. Guldin stated how that was up to the employer. President Stromelo stated about all the employees. Mr. Guldin asked if they wanted him to come in and set up a payroll deduction (Section 125). Councilman Zabroski stated about waiting with that to see if anyone was interested. Councilwoman Fox asked if they would leave Borough employment how it works. Mr. Guldin stated how they can take the plan with them and the employee receives the bill. Mr. Guldin stated how they bill a month in arrears.

All voted yes. Motion passed.

### Hearing of Visitors

Tom Merman – 512 E. Center Street – stated how several months ago he had seen a bill on the agenda for over \$600 for Attorney Cindy Ray. He stated how he had asked at that time if it has anything to do with the paper street that was given to Sammy Devan for \$1.00. He stated how Solicitor Yurchak told him how that had nothing to do with it. Mr. Merman stated how a couple months later he saw another bill. He stated how he did not hear a report as to what it was for. Mr. Merman stated that on the agenda on Wednesday night when the meeting was cancelled, he saw another bill. He asked if anyone knew why they were paying another bill to an attorney when they pay a retainer for the Borough Solicitor to handle their matters. Secretary/Treasurer Ahner stated that when they pay Cindy Ray, it was because she was the acting Solicitor for the Zoning Hearing Board. She stated how Michael Greek withdrew himself as Zoning Solicitor for the church because of a conflict of interest. She stated how the church filed an appeal and they have been back in court trying to get approval for the ramp. Secretary/Treasurer Ahner stated how every time they go to court, Attorney Ray has to be there because she was the acting Solicitor for the Zoning Hearing Board. Secretary/Treasurer Ahner stated that all of the bills that were coming in from Attorney Ray were for the Zoning Hearing Board.

Mr. Merman stated about the orange fencing down at the church. Secretary/Treasurer Ahner stated how they applied to put the ramp on the other side of the church and on Wednesday, November 10<sup>th</sup>, there will be a Planning Commission meeting to have a reverse subdivision to be allowed to install the ramp on the other side. She stated that if all of that gets approved, the appeal might go away. Mr. Merman asked how long they have to be stuck with the bills. Councilman Hawk stated how they have the right to come before the Borough Planning and Zoning to try and get something done. He stated that as long as they appear, the Borough Planning and Zoning has to be represented. Mr. Merman asked about paying the Solicitor to represent them. He stated about getting an outside Solicitor. Councilman Hawk stated that he was not the Zoning Hearing Board Solicitor; he was the Borough Solicitor. President Stromelo stated that he could not represent both Boards. Mr. Merman asked if he could not represent the Borough. Councilman Zabroski stated that he could not represent the Planning and Zoning. Mr. Merman stated that he had never heard so many things in his life like he was hearing here. Councilman Zabroski stated to Mr. Merman how he was on Council once and should know that the Borough Solicitor could not represent Planning and Zoning. Mr. Merman stated how they never had problems like that.

Councilwoman Fox stated to Mr. Merman that the Zoning Board had their own Solicitor who was Michael Greek and because of it being a conflict of interest because of it being with the St. Francis Church, he pulled himself away from it and Cindy Ray was appointed to do the job as Solicitor for the Zoning. She stated that as long as the Church keeps appealing the Zoning Hearing Board's decision, they have to go before the Court and Cindy Ray has to be there to represent the Zoning Board. She stated how that was what the bills were from. Councilwoman Fox stated how they do not like it any more than he does.

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Mr. Merman stated how Solicitor Yurchak was not a member of the Church. Councilman Zabroski stated to Mr. Merman that it has nothing to do with the membership of the Church. He stated how it has to do with Solicitor Yurchak not being able to represent the Zoning Hearing Board or Planning and the Borough of Nesquehoning. Mr. Merman stated that he wanted to go on record how he was opposed to giving the paper street away for a dollar to Sammy Devan.

Accept the Police and the Housing & Code Enforcement Official's Reports from the October 27, 2010 meeting (Police Chief and Linda Narciso).

Councilwoman Walck moved and Councilman Hawk seconded to accept the Police Report and the Housing and Code Reports from Chief Smith and Linda Narciso. All voted yes. Motion passed.

- **John Marczyk – Handicap Parking Sign Application**

Councilman Zabroski moved and Councilwoman Fox seconded to approve the handicap parking sign for John Marczyk at 68 W. Ridge Street. All voted yes. Motion passed.

Approval for Joann M. Yevcak's plan for subdivision and the Planning Commission Minutes from October 2010.

Councilwoman Fox moved and Councilwoman Walck seconded to approve the reverse subdivision plans for Joann M. Yevcak and the Planning Commission's October 2010 meeting minutes. All voted yes. Motion passed.

# MINUTES FOR SPECIAL MEETING OF NESQUEHONING BOROUGH COUNCIL

Thursday November 4, 2010 at 5:30p.m., Borough Office  
JIM THORPE NATIONAL BANK TREASURER'S REPORT

## GENERAL FUND

Balance 08.31.10	294,761.64
Receipts	90,878.28
Expenditures	224,732.36
Balance 09.30.10	160,907.56

## GENERAL SEWER CONSTRUCTION FUND

Balance 08.31.10	10,303.44
Receipts	4.23
Expenditures	.00
Balance 09.30.10	10,307.67

## SPORTS COMPLEX FUND

Balance 08.31.10	5,589.95
Receipts	169.63
Expenditures	716.00
Balance 09.30.10	5,043.58

## SANITATION ESCROW

Balance 08.31.10	127,353.74
Receipts	2,937.47
Expenditures	.00
Balance 09.30.10	130,291.21

## DEBT SERVICE

Balance 08.31.10	1,931.61
Receipts	.79
Expenditures	.00
Balance 09.30.10	1,932.40

## FIRE TRUCK FUND

Balance 08.31.10	128,825.62
Receipts	1,330.45
Expenditures	8,501.17
Balance 09.30.10	121,654.90

## CAPITAL PROJECT

Balance 08.31.10	52,582.30
Receipts	91.99
Expenditures	.00
Balance 09.30.10	52,674.29

## SANITATION FUND

Balance 08.31.10	78,767.68
Receipts	86,613.52
Sewer	12,294.22
Expenditures	36,621.80
Balance 09.30.10	116,465.18

## HIGHWAY FUND

Balance 08.31.10	135,527.11
Receipts	55.70
Expenditures	.00
Balance 09.30.10	135,582.81

## PLANNING FUND

Balance 08.31.10	9,551.15
Receipts	2.75
Expenditures	.00
Balance 09.30.10	9,553.90

## GENERAL SEWER FUND

Balance 08.31.10	19,257.86
Receipts	79,447.49
Expenditures	28,367.18
Balance 09.30.10	70,338.17

## SEWER OPERATING & MAINTENANCE

Balance 08.31.10	27,270.44
Receipts	37,603.48
Expenditures	39,735.29
Balance 09.30.10	25,138.63

## POLICE PENSION FUND

Balance 08.31.10	463,214.12
Receipts	42,293.99
Expenditures	7,015.50
Acct Appreciation	25,871.28
Balance 09.30.10	524,363.89

## ACQUISITION & RENOVATION

Balance 08.31.10	2,096.00
Receipts	.86
Expenditure	.00
Balance 09.30.10	2,096.86

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**CD REPORT**

<b>FUND</b>	<b>CURRENT VALUE 09.30.10</b>	<b>INTEREST 09.30.10</b>	<b>OPENING DATE</b>	<b>CURRENT RATE</b>	<b>RENEWAL DATE</b>	<b>BANK</b>
PLANNING	\$ 15,480.28	\$ 31.74	08-17-09	2.50 %	08-17-12	JTNB
GEN. SEWER	\$ 364,656.54	\$ 747.76	08-20-09	2.50 %	08-20-12	JTNB
DEBT SERVICE	\$ 13,692.17	\$ 28.08	08-17-09	2.50 %	08-20-12	JTNB
DEBT SERVICE	\$ 106,352.83	\$ 126.31	06-04-10	1.40%	06-04-13	JTNB
DEBT SERVICE	\$ 18,460.02	\$ 32.41	06-22-09	2.14%	06-22-11	JTNB
SANITATION	\$ 20,435.11	\$ 35.88	06-22-09	2.14%	06-22-11	JTNB
CAPITAL PROJ	\$ 10,016.15	\$ 17.59	06-22-09	2.14%	06-22-11	JTNB
GEN. SEWER	\$ 77,992.04	\$ 109.59	06-22-09	2.14%	06-22-11	JTNB (Cashed In)
FIRE TRUCK	\$ 9,785.94	\$ 17.18	06-22-09	2.14%	06-22-11	JTNB

Approval of the Treasurer's Report and the CD Report from the October 2010 Meeting.

Councilman Hawk moved and Councilman Zabroski seconded to approve the Treasurer's Report and the CD Report from the October 2010 meeting. All voted yes. Motion passed.

Ratify actions of Council President to Hire Sal Digiglio, Sr. as a crossing guard.

Councilwoman Walck moved and Councilman Zabroski seconded to ratify the actions of President Stromelo to hire Salvatore Digiglio, Sr. as a crossing guard. All voted yes. Motion passed.

Take action on the damage to Officer's Wuttke's personal vehicle.

President Stromelo stated about Officer Wuttke's personal vehicle getting damaged by baseballs. Councilwoman Walck stated how it was for the \$100.00 deductible.

Councilwoman Walck moved and Councilwoman Fox seconded to pay the \$100.00 deductible for the repairs to Officer Wuttke's personal vehicle. All voted yes. Motion passed.

Mayor: the date of the Next Crime Watch Meeting.

Mayor Walck stated how they did not set a date for the next crime watch meeting. He stated how it should be sometime in January.

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### TAX COLLECTOR'S REPORT

01 September 2010 – 30 September 2010

Real Estate	\$9,073.90
Occupation	242.10
Per Capita	<u>215.20</u>
TOTAL	\$9,531.20

### Approval of the Tax Collector's Report.

Councilwoman Fox moved and Councilman Hawk seconded to approve the Tax Collector's Report. All voted yes. Motion passed.

### COMMUNICATIONS:

1. 09.22.10 NM Solar, LLC – Municipal notification, phase I, II & III
2. 09.23.10 NEPA – Combined Heat and Power Workshop
3. 09.23.10 EMC Insurance – Loss Control Insights – Drug-Free Workplace
4. 09.23.10 PSAB – Training Update – New Diesel Idling Law
5. 09.28.10 PSAB - Training Update – Complex employment problems
6. 09.28.10 Cynthia S. Ray – St. Francis of Assisi vs. Nesquehoning Borough ZHB
7. 09.29.10 PSAB – Firefighter Workers' Compensation Cancer Bill
8. 09.29.10 Computer Pals – Managed IT Services
9. 09.29.10 DEP – Notice of violation – DMR
10. 10.04.10 PSAB – Training Update
11. 10.04.10 Commonwealth Environmental Systems – Life of CES Landfill is 13 years
12. 10.04.10 PSATS – Annual Fall Meeting
13. 10.05.10 PSAB – Update
14. 10.06.10 PennDOT Project Delivery Schedule – Sep 2010 to Jun 2012
15. 10.07.10 PSAB – Training Update
16. 10.08.10 American Lung Association – Diesel-Powered Motor Vehicle Idling Law
17. 10.13.10 PIRMA – Update
18. 10.20.10 Cynthia S. Ray – Appeal – St. Francis of Assisi Application
19. 10.22.10 Penn State Extension – “Young Lungs at Play” – secondhand smoke
20. 10.22.10 Renee Slakoper – No. 9 “Haunted Mine Tour”
21. 10.25.10 Peter J. Radocha – Rental prices for 2010-2011
22. 10.25.10 Keith R. McCall – PA Grant and Resource Directory
23. 10.25.10 PSAB – New WEBINARS

### Accept Communications from October Meeting and place them on file.

Councilman Hawk moved and Councilwoman Zabroski seconded to accept all communications from the October 27, 2010 meeting and place them on file. All voted yes. Motion passed.

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Ratify the actions of the Council President to deposit all receipts, approve all bills to be ratified and to pay all other bills.

Councilman Hawk moved and Councilman Zabroski seconded to ratify the actions of President Stromelo to deposit all receipts, approve all bills to be ratified and pay other bills from the October 27, 2010 meeting. All voted yes. Motion passed.

Ratify the actions of the Council President to advertise for bids for Road Construction Materials.

Councilman Zabroski moved and Councilman Hawk seconded to ratify the actions of President Stromelo to advertise for bids for the road construction materials. All voted yes. Motion passed.

Approve the Police Contract.

Councilwoman Walck moved and Councilman Zabroski seconded to approve the Police Contract. All voted yes. Motion passed.

Chief Smith request for Training: Computer Forensics

Councilman Zabroski moved and Councilwoman Walck seconded to approve the training: Computer Forensics for Chief Smith and Officer Wuttke.

Councilman Zabroski asked how much the training cost. Mayor Walck stated the training was free but they would have to pay their wages. He stated how one officer would be on straight time but the other would be on overtime

All voted yes. Motion passed.

Approval for the “Plan for Administrative Improvement” from Conrad Siegel

Councilwoman Fox asked for some kind of explanation. Secretary/Treasurer Ahner stated how it went along with the MMO for the police pension. She stated how it was a type of recovery program because of being in a stress level 2. She stated about the deferred payment for the pension. Secretary/Treasurer Ahner stated how Solicitor Yurchak and she talked with John Vargo from Conrad Siegel and they were going with his recommendations.

Councilman Zabroski moved and Councilwoman Walck seconded to approve the “Plan for Administrative Improvements” from Conrad Siegel. All voted yes. Motion passed.

Other Business

Mayor Walck stated how they had received an application from Dane Shea O’Brien for a part-time officer. He stated how the background came back favorable. He stated how he would like Council’s approval to hire Mr. O’Brien, who already has his MOPEC number. He stated how they could always use part –timers.

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Councilman Zabroski moved and Councilwoman Fox seconded to hire Dane S. O'Brien as a part-time police officer pending successful completion of all required testing.

Councilman Hawk asked what he would start at. Secretary/Treasurer Ahner stated \$14.00/hr.

All voted yes. Motion passed.

Secretary/Treasurer Ahner asked Mayor Walck about the other application, Roland Rogers. Mayor Walck stated how they were going to place it on file. He stated how they had received another application that has to be checked out.

Councilman Hawk stated how they talked at the crime watch meeting about getting lighting at the basketball court at the park. He stated how they had looked at park-wide lighting but had turned it down because of the cost. He stated how they discussed getting the court lighting working again. Councilman Hawk stated about getting it on a timer so there was some light up there. President Stromelo stated about getting an electrician because everything was rotting away. Councilman Hawk stated how a lot of the stuff would have to be replaced. President Stromelo stated about contacting the company who did the ball field. Councilman Hawk stated about getting an estimate. Councilwoman Fox stated how they were talking to the gentleman from NM Solar at the Planning Commission meeting about Solar lighting for the parks. Councilwoman Walck stated how it would be nice if they would donate the lighting. Councilwoman Fox stated how Frank Jacobs was trying to get him to do that.

Councilman Zabroski moved and Councilman Hawk seconded to get quotes for lighting at the basketball court in the park. All voted yes. Motion passed.

Councilwoman Fox stated how they were also discussing getting some Solar panels for the Borough buildings. She stated about the electric bill under the Sports Complex Fund. President Stromelo stated how it was going to be split because the police were up there now.

Mayor Walck stated about the officers at the football games were on hold.

Borough Council entered into an Executive Session at 6:30 p.m. for personnel reasons. The Council Members exited their Executive Session at 7:12 p.m.

### **ADJOURNMENT**

Councilman Hawk moved and Councilwoman Walck seconded to adjourn the meeting. The meeting was adjourned at 7:12 p.m.

*RoniSue Ahner*

RoniSue Ahner  
Secretary/Treasurer