

MINUTES FOR REGULAR MEETING OF NESQUEHONING BOROUGH COUNCIL

Wednesday, April 27, 2011 at 7:00 p.m., Borough Office
114 W. Catawissa Street, Nesquehoning, PA 18240

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

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

Councilman DiMiceli was absent.

MINUTES: Approve the minutes from the Special Meeting held on September 2, 2010 and the Regular Meeting held on March 23, 2011.

Councilwoman Fox moved and Councilwoman Walck seconded to approve the minutes from the Special Meeting held on September 2, 2010 and the Regular Meetings held on March 23, 2011. All voted yes.

Motion passed.

HEARING OF VISITORS

Roberto Picone – 1321 Shady Lane, Tamaqua – stated how he was there to complain about the inspector that they had in town, Carl Faust. He stated how he had brought some stuff in and wanted to show them and explain it to Council. Mr. Picone stated about a fax that he had received on December 1st from Mr. Faust telling him what was wrong with the building. He stated about an email he sent to Mr. Faust the day before. Mr. Picone stated how they do not agree on a lot of stuff. He stated how Mr. Faust passed the inspection on his framing, his insulation, his drywall and now he was coming back to the beams and truss work. He stated how Mr. Faust told his carpenter how to do it, how to fix it. He stated that they had done it the way he wanted it. He stated how he came, inspected the place and told them to go on. Mr. Picone stated how they were getting close to opening and Mr. Faust was coming back to his counter, to his beams, and trusses. He stated how he wanted them to hire an Engineer, which was his friend, who he should have never heard from in the first place. Mr. Picone stated how he offered his own guy and he gave him all kind of faces. He stated that the only reason he hired that guy was so that they did not have any problems in the long run. Mr. Picone stated how he had his hood guy send him two set of plans and he approved them. He stated how everything was installed; he came and said “passed”. He stated how three days later he calls him that he received a call, from they do not know who, stating that it had to be ten feet from one property to another. He stated how he called his neighbor, he did not do it. He stated how he signed the plan and if he could not read the plan it was not his problem. He stated how he signed the plan when they submitted the plan and he was the code guy and should pick it up. He stated about it being five feet, ten feet, fifteen feet. Mr. Picone stated that he asked his guy, to make him happy, and they did a kind of duct work. He stated how he did not have to do it because it was on the plan. Mr. Picone stated how he had his plans there and he had the same set of plans at his office, but they made him happy.

Mr. Picone stated how he had a police report because he was missing a bunch of stuff a couple days ago. He stated that whoever called and complained, could have been the guy who had taken the stuff. He stated that to be able to see what was not good, they needed to go around the back of the building. Mr. Picone stated that he wanted to know who was trespassing on his property. He stated that Mr. Faust told him that it was unknown, but he felt that he needed to make the unknown, known.

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Mr. Picone stated how he was on the property and doing an inspection without his permission. He stated about his cameras in the building and how there are signs posted. He stated how he was measuring doors and the counter without his permission. Mr. Picone stated how Mr. Faust told him how the door needed things and he did not call him for that inspection. He stated how he was not ready for that. Mr. Picone asked how Mr. Faust was going to deny it when it was on camera. He stated about measuring the door's size, the width, and the counter when he was not ready for that. Councilwoman Fox asked if he was in there without them knowing. Mr. Picone stated that he was in there without him knowing.

Mr. Picone stated about pictures for them to look at from before and after for the Council to decide. He stated how Mr. Faust asked him for an amount of what it cost to fix the building, which he did not get back to him. He stated that the next day, he received something telling him how much he estimated it cost. Mr. Picone asked who was he to tell him on how much it cost him to get the building fixed.

Mr. Picone stated how Mr. Faust was telling him that he hired people that did not know what they were doing. He stated how Mr. Faust did not mention his name but said how he did not have any commercial experience.

David Bonner – 9 E. Center Street – stated how Mr. Faust passed everything and then came back and nit picked because he wanted to make more money. He stated how Mr. Faust was in cahoots with the architect. He stated how Mr. Faust should not even be in the town because he was a goofball. Councilman Zabroski asked Mr. Picone if Mr. Faust passed something and then failed it. Mr. Picone stated how it was in the email that he passed it because he promised a set of new prints, which was not true. He stated how the prints were dated 2009 and Mr. Faust would wait two years for new prints. He stated that Mr. Faust would not ask him every once in a while for a new set of prints.

James Musico – Schuylkill Mechanical – stated that he had submitted prints two years ago, which were stamped, signed and sealed by an architect in Philadelphia that everything was to code. He stated how it took Mr. Faust three weeks to get back in touch with him to let him know that it was okay and he could go ahead. He stated how they finally installed it and when it was done, now Mr. Faust was telling them how things were not right. Mr. Musico stated how all of the drawings were there. He stated how they do not give finished drawings but they give out shop drawings, which have all the details in there. Mr. Musico stated how the shop drawings have to be matched with the architectural drawings to see where it was going. He stated that if Mr. Faust would do that, he would know where everything was going, but he waits until it was done and then says how things were not right and he should have caught it before. Councilman Zabroski stated about prior to construction. Mr. Musico stated how Mr. Faust was arbitrary and precious because he had him at other places where he called him in to do work. He stated how Mr. Faust closed two places in Jim Thorpe because they were not up to code. Mr. Musico stated how Mr. Faust just does it and they do not know why.

Mr. Picone stated that every time he has talked to Mr. Faust, he was always stating about L & I. He stated how they had talked to L & I and they have nothing to do. He stated how Nesquehoning was the one who hired him. Mr. Picone stated how he states about L & I 24/7. He stated how Nesquehoning hired him and Nesquehoning could fire him. Councilman Zabroski asked when the planned opened date was. Mr. Picone stated how it was last week. Anthony Serradella stated about the Nesquehoning Council Members taking Mr. Faust off of it because the people of Nesquehoning want him to open this business. He stated that he will end up spending another million dollars and would never open.

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Solicitor Yurchak asked Mr. Picone if he had ever received a letter from Mr. Faust stating how things were approved. Mr. Picone stated how Mr. Faust said how he approved everything because he promised him a new set of prints. Solicitor Yurchak asked Mr. Picone if he had ever given him a letter stating what was not approved. Mr. Picone stated that he would give his builder the okay. He stated how if he did not like something he would not come back. He stated how he was there for the insulation, the drywall and he has been in and out of his building. Solicitor Yurchak stated how he should not be there without him knowing about it. Mr. Picone stated how he had emailed him last night. He stated how Mr. Faust emailed him back that morning telling him how the door was not right. He stated how he already knew the door was not right because he had him on camera measuring his door. Solicitor Yurchak stated that he should not be there without him knowing about it. Mr. Picone stated how he had sent him an email asking him as to why he was there when they had canceled the inspection. He stated how the next day he had come back with things that were wrong with the building. Mr. Picone stated how he did not even change his door.

Councilwoman Walck stated how they have been doing work on it and it has taken so long. Mr. Picone stated how he had people in and their mouths have dropped to the ground as for the work he did in the building. He stated how he believed in the town and that was why he was there. Councilman Sniscak, Jr. asked what would happen if Mr. Picone would pay Mr. Faust and get somebody else. Solicitor Yurchak stated how somebody had to issue the occupancy permit. He stated how he was not certain that another inspector would come in after Mr. Faust had already started it. Mr. Picone stated how he had to do the extra work like the duct work, which cost \$2,000.00. He stated that he wanted to know who was going to pay for that. Mr. Picone stated how it was on the plan and he missed it. Mr. Serradella stated how Mr. Faust said that he missed it and if he did miss it than he should pay for it. He stated how he was standing there the day Mr. Faust walked out of there and told them that the hood was fine, it passed. He stated how he had crawled in there like a mouse with mirrors to see if there were any holes. He stated how everything passed. He stated how Mr. Faust was now saying that the hood did not pass. Mr. Serradella asked if he was the inspector who he was supposed to go talk to. Mr. Musico stated that Mr. Faust told him and his two workers that it passed and that there were no problems. He stated how they have been doing hoods since 1972 and that hood was absolutely perfect. He stated how it was guaranteed and they would also provide a certificate or a letter to it as well. He stated how it conforms to every code in the book.

President Stromelo stated how Mr. Faust in his letter stated how he did not get any plans for the hood. Mr. Musico stated how he got stamped, signed and sealed plans delivered to his house. President Stromelo stated how Mr. Faust had received two set of sealed plans, which were incorrect and he had told everyone about them. Mr. Serradella asked if Mr. Faust knew about the meeting. President Stromelo stated how he was not able to make it for the meeting. Mr. Musico stated how his plans were dated March 18, 2010. He stated how it was a year later. Mr. Picone stated that if he was looking at the building to buy it and fix it now, he would not even look at it. He stated how he was sick of seeing Nesquehoning. He stated how Mr. Faust has put him through hell. He stated how he has worked hard. Mr. Serradella stated how there were steps that they take as a contractor, 1 – 2 – 3 – 4 – 5. He stated how they were at step 5 and now Mr. Faust wants them to go back to step 2. He stated how they cannot do that. Mr. Picone stated how Mr. Faust made his plumber rip out the bathroom sink for a ¼ of an inch, which did all kind of damage in his bathroom with the tile. Secretary/Treasurer Ahner stated how that was ADA regulations and there was no deviations from those. She stated how a ¼ of an inch was a ¼ of an inch and it would have to be moved. Solicitor Yurchak stated how they cannot do anything in regards to the accessibility codes.

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Councilman Zabroski stated how they needed to look into the rest of it. He stated how they were saying about him coming back a year later. He stated how they would need to look into that because of the things that were approved. Councilwoman Walck stated how he had the plans to begin with. Mr. Picone stated how the only thing they changed was the counter. Mr. Serradella stated about a mop sink. He stated how he had spent \$2,500.00 to redo the plumbing for a mop sink. He stated how he wanted a mop sink on the floor and the other inspector wants a mop sink with legs and asked who he makes happy. President Stromelo stated how they would have a meeting with Solicitor Yurchak, Council Members, Mr. Faust and Mr. Picone to get it straightened out.

Mr. Picone stated how he was hearing about the law and all of that. He stated how the law said that he was not allowed in his building without him knowing it or without his permission. He stated that as an inspector he was making his own laws, his own rules. Mr. Picone asked why he would inspect the door if he was not ready for that door. Mr. Serradella stated about the anonymous person. He stated how there was no one else there but the person who sold him the house. He stated that the person who sold him the house was okay with it because they were 60 yards away. Mr. Serradella stated how the person had to go behind the building behind the fence. He stated about who would be going behind the building. Mr. Picone stated that Mr. Faust told him that the Zoning guy got the call. He stated how he had talked to the Zoning guy and he shook his hand and told him to keep going. He stated how the Zoning guy told him that he would let him know if he had received a complaint. Solicitor Yurchak stated how he felt that they should have Mr. Faust give them a complete list of everything that was wrong with the place with specific citation to the code. He stated that when they have the meeting the following week, they can see what the story was. Mr. Serradella stated how there should be somebody else from L & I in the room who knows the rules. He stated how there should be somebody else in the room who understands and can analyze what he was saying. Solicitor Yurchak stated how the Council has the authority to overrule him on everything except the accessibility issues. President Stromelo stated about setting up a meeting with Mr. Faust.

Mr. Picone stated how he wanted permission to order his food. Solicitor Yurchak stated how they were not able to give them that permission that night. President Stromelo stated how they will give a call to L & I to see if they can have a representative present for the meeting.

Councilman Zabroski stated that if there was nobody who wanted to speak he wanted to be recognized. He stated how it has come to his attention and a few parents have called him that in a recreational area of a park that a basketball court was taken down. He stated that he wanted to know who authorized it and why because he did not know anything about it until after it was done. President Stromelo stated how he had instructed Louis Paul to take it down because there were ten people playing basketball for the previous couple of nights and the balls were bouncing all over the cars. He stated how their intentions were to move it from where it was down further to the east. He stated how it would get moved when Mr. Paul would get time to do it. He stated how Mr. Paul was tied up with sweeping and stuff. Councilman Zabroski asked why they would take it down when the youth of the community was using it. He stated how they were in a recreational area and they were not vandalizing anything. Councilman Zabroski stated how he did not understand first why he would take it down first instead of just moving it. He asked if it was that big of a nuisance that it had to be taken down. President Stromelo stated how it apparently was because the balls were bouncing all over the police cars.

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Councilwoman Walck stated how they had to worry about the liability. Councilman Zabroski stated about what liability and how it was a recreation center. He stated how that was what it was there for. He stated how that basketball net had been there for 50 years, without a problem. President Stromelo stated how it was going to be moved when Mr. Paul gets time to move it. Councilman Zabroski stated that in the meantime the kids have no place to go. Councilwoman Walck asked how long it was down, for a couple days. Councilman Zabroski stated how it was over a week. President Stromelo stated how it was since last week. Councilman Sniscak, Jr. asked who complained about it. President Stromelo stated how he had received a complaint from the Mayor about it. Councilman Zabroski stated that if it was bouncing off the cars, then move the cars. He stated how there were five cop cars there and asked if they needed five cars up there. Councilwoman Fox asked if they could park over on the side. President Stromelo stated how that was what he had suggested. He stated how they also had the truck parked up there with the stolen items in it. Councilwoman Fox asked if the truck could go up to the borough garage. Councilman Zabroski asked if the basketballs were causing that much damage to the cop cars. President Stromelo stated that when he went by the other night, there were 12 – 15 kids playing. Councilman Hawk stated that with the light bars, the antenna, and everything else if something were to get damaged . . . Councilman Zabroski stated about moving the cars. Councilman Hawk stated that he did not know if they had the room to move them. President Stromelo stated how they just had a claim with Officer Wuttke's car. Councilman Zabroski stated how that was his personal car. He stated how it was not a police car. President Stromelo stated how all of the police cars were parked up there on the side and behind the building.

Councilwoman Fox asked Chief Smith if he had a problem with the kids and if they were doing damage to the cars. Chief Smith stated how it was like with the baseball, they had to share. Councilwoman Fox asked Chief Smith if they could take the cars and put them on the side of the building along the fence. Chief Smith stated "no". Councilman Hawk stated about getting it installed somewhere safe. Chief Smith stated how they were not going to move the cars over to the opposite side. He stated how the whole reason their entrance was at the rear was because it was where the cameras were. He stated how the cameras were pointing down on there if they end up fighting with someone. He stated how the cells were closest to the back door. Chief Smith stated that if they would have to bring them in the front, they would not only have to go through a glass door but the foyer door and the entire length of the police department. Councilman Zabroski stated to Chief Smith that the cars would be on patrol and would not be parked there. He stated how he was using an incident about bringing someone in but the car would not be parked in the lot, it would be out on patrol. Councilman Hawk stated that instead of worrying about the cars or moving the cars and changing the design of the office that they should just get the hoop up somewhere else as quick as they can. Councilman Zabroski stated how it was just said how it was going to take a while because Mr. Paul was backed up. Mr. Paul stated how he was hoping that he could get it out. Councilman Zabroski stated how it has been there as long as he knew. President Stromelo stated how they might have to cut it off. Mr. Paul stated how he was going to try and pull it out with the backhoe. He stated that he will hopefully be able to pull it out and get it back in. He stated how there was a lot of concrete there and he would do what he could. President Stromelo stated that when Mr. Paul told him that he was busy, he told Mr. Paul to get it done as soon as he could. He stated how he did not tell him to take it out that day, but when he had the manpower to do it.

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Councilman Zabroski stated how he had talked to some pretty irate parents. He stated how he was pretty upset about it also. He stated how he had called Mr. Paul right away to find out what had happened. He stated how they had talked for an hour or 45 minutes. Councilman Zabroski stated that to just arbitrarily take it down and they should not have taken it down until they had time to move it. He stated how they should let kids in the community have a place to go. President Stromelo stated how they did have a place to go. Councilman Zabroski asked where. President Stromelo stated how they could go to the New Columbus Park because there were two of them up there. Councilman Zabroski asked if they had seen that park lately. President Stromelo stated how there was nothing wrong with it. Mr. Paul stated how he would get on it as soon as he can.

William Hutt – 55 W. Columbus Avenue – stated how he was one of the parents who complained because he drove his son there last week to go play basketball and he saw 10 kids playing there. He stated how it felt so good because his son was going out just like when he was a kid. He stated how they were sitting up there shooting foul shots, shooting for teams and having a great time. Mr. Hutt stated how he felt proud. He stated how there was a court in New Columbus too; but kids gather at all recreation areas and that was a Recreation Center. Mr. Hutt stated how they were up there for baseball practice and he did not notice it but his son noticed it. He stated how his son asked him about the basketball court. He stated how he had no clue. Mr. Hutt stated how he had called Councilman Zabroski and a few other people to find out what happened to it. He stated how he has no problem with it being moved. Mr. Hutt stated how it was Summertime and so many times they sit as parents and say how there were too many kids sitting inside playing video games. He stated that if they delay them even more, they were going to lose interest. Mr. Hutt stated about getting it moved. He stated how they had no problem making a call to get it taken down. Mr. Paul stated how it was not going to be as easy as they thought it was going to be. He stated how he might have to cut it down.

Mr. Hutt stated that the basketball court was on the recreation side not the police department side. He stated how it was 15 – 20 feet away from the police cars. He stated how a basketball might go over there and hit a light bar or something but he thought that they were far enough away. Mr. Hutt stated how they were complaining, they were complaining that their kids were getting fat, they were sitting at home, they were playing video games, they were texting and not going out to play. He stated how he saw a group of 10 – 15 kids at the basketball court and now they took it away from them. He stated how that it has only been a week but it had been nice out. Councilwoman Walck asked how many days out of that week was there rain. She stated how it was a temporary inconvenience and it was not that they were saying months but they were going to try to relocate it as soon as possible. Mr. Hutt stated how there has been no time line just that when they could get to it. He stated how they do not know how long that could be. President Stromelo stated that it will be on Mr. Paul's list to get it done as soon as possible.

Mr. Hutt stated about the whispers in the background with the little league concerning the balls coming over and hitting the police cars. He stated how there was a ball that went over that day and the police officer on duty looked up and shook his head. President Stromelo stated how they do have the fences that were up at the Sport Complex Field, which were probably a lot taller than what they have up there. He stated that he did not know if they could be adapted to that somehow. Councilwoman Walck stated how they were talking about making it higher so it would not happen. Mr. Hutt asked if she knew how high a foul ball goes up. Councilwoman Walck asked if they were supposed to move the police department. She stated how they have to find some middle ground. Mr. Hutt asked if they want the nets higher, who were going to pay for them. Councilwoman Walck stated that the Borough would pay for them.

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President Stromelo stated that they would see if they could move the ones that were up at the field. Mr. Hutt stated how he did not think that they could make the backstop higher. He stated how they had put that in 5 – 6 years ago. He stated how they might have to put something in like a driving range that has a fence all along. Councilwoman Walck stated how they could try something first and something was better than nothing. Mr. Paul stated how they did not have scaffolding to go up there. He stated about getting a price from A to Z Fencing.

Councilwoman Fox stated how she can see both sides of the story. She stated how it was a Recreation Center and the baseball field was there and maybe they should have taken it into consideration before they put the police department there but it was done. She stated how they need to work together and they need to work together fast. Councilwoman Fox stated how she felt that it was a priority because like Mr. Hutt said, they complain about the kids not having anything to do and destroying stuff or sitting, watching television and playing videos but they do not have access to things that they were allowed to do. She stated that everything was the way that it was and they have to work together. Mr. Hutt stated how he had brought it up because of the looks he had been getting around town. He stated how there was no liability because it was an inherit risk when they park near a little league field. Mr. Hutt stated how there was no problem on their end. He stated how they were going to play baseball and if a ball goes over and a police car gets hit, it gets hit. He stated how there was nothing they could do about it. Chief Smith stated how it was a \$35,000.00 piece of equipment. He stated how two of the cars have cameras in them. He stated how they were the taxpayers and they were paying for it. Chief Smith stated how they have to answer for it. He stated that if there was a dent or a ding they have to get it on the log. He stated that if he has damage on his car, he has to answer for it. Chief Smith stated how he was not trying to be rude. Mr. Hutt stated how the Borough had to do something to protect the Borough property then. President Stromelo stated that they would check into it and see what could be done.

Matthew Taras – 470 E. Catawissa Street – stated that he wanted to reintegrate what Mr. Hutt was saying. He stated that when the police station was put into effect the little league was over and they were into fall ball, there was talk that they were going to try to keep the kids off the field due to the fact that the balls were going over. Mr. Taras stated how they were detouring their kids from playing sports. He stated how it was a Recreation Center. He stated that he knew the Police Station was there and it was a 50/50 deal. Mr. Taras stated how they have to deal with it but they should not take things away from the kids and then try to come up with a solution. Mr. Taras stated how the 10 – 12 kids who were up playing basketball were not going to walk to New Columbus. He stated how they were now going to bum around town. Councilwoman Walck stated how they were going to work on it and they would have it moved as soon as possible. Mr. Taras stated how he did not want it to be that the kids have nothing to do. Councilman Zabroski stated how that was the issue he had. He stated how everybody jumped to a conclusion about taking a rim down and there were no plans at that time to put it up anywhere else. He stated how the plans should have been to move it all at once. President Stromelo stated how the plan was to move it over there. Councilman Zabroski asked why it was taken down. President Stromelo stated how Mr. Paul did not have the time that day to do it. Councilman Zabroski stated how it should not have been taken down until it was ready to be moved. President Stromelo stated how they took it down so the balls would not hit the cars. He stated how the camera systems were in there and if they would knock the wires out, the officer could be in jeopardy. He stated that if they wanted to take the liability on that, then they will put the net back up. Councilman Zabroski stated that if the cars were just there as being parked until they go out on patrol, move them down a couple of spots.

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Mr. Taras stated that he understands how about the prisoner but how hard was it to take the prisoner inside and then move the car. He stated how there were three or four cars on the side that have not been moved. Mr. Taras stated that they do not want to cause problems but they do not want the kids to be the victims. He stated how it was a recreation center and it was built for the children. President Stromelo stated how there was a police station there years ago. Mr. Taras stated how it was not a problem back then either. Councilwoman Walck stated how they did not have the equipment then that they have now. She stated how they now have cameras that people have donated money for. She stated how they should try to protect them also. Mayor Walck stated how the components for the cameras were in the trunk and the basketballs were bouncing off the trunk of the cars. He stated that if they knock them out and the officers do not know about it, they may have a problem. Mr. Taras asked if they could try to get the cars to park closer to the entrance, where they pull in. Councilwoman Walck stated that they will address it as soon as possible. Mr. Paul stated how he can stop everything that he was doing and move the basketball court. President Stromelo stated how they would get on it in the next day or two.

Anthony DeMarco – 29 E. Garibaldi Avenue – Panther Valley School Board – stated that a couple of weeks ago the School Board went ahead with the railroad crossing arms. He stated how the process has started, thanks to Smokey. He stated how he was personally disappointed in the Council, very disappointed in them. Mr. DeMarco stated how they had the opportunity to think about safety. He stated how they got a \$200,000.00 job for under \$6,000.00, which was good. He stated how they just spent \$3,000.00 for a power washer, which does not even work. Mr. DeMarco stated how they asked the Mayor to come to the meeting in March. He stated how they were still waiting for a response from the Mayor. He stated how they did not get a response from the Mayor. Mr. DeMarco stated how he was disappointed in the Council because they want to talk about safety. He stated that if they wanted to talk the talk, they should walk the walk.

Mr. DeMarco stated how they had a problem with the wetlands and the soccer field. He stated how, once again, he got the soccer field that year. Mr. DeMarco stated how he busted his hump and took the ridicule from the Railroad Commission, threatening him with letters, because of what he had said in the paper. He stated how he was finally getting his way. He stated how he was disappointed in the Council. Mr. DeMarco stated that, County or Railroad, he did not want to be a reactive person but they should be a proactive body. Mr. DeMarco stated that what got to him was that they spent \$3,000.00 for a power washer, which did not even work, and it would have cost the Council \$3,000.00, at the most. He stated how, right now, there were talks of maybe moving the money from the crossing guard money to pay for it. He stated how that was the talk in his district.

Mr. DeMarco stated how he was disappointed as a Panther Valley School Board as a whole because it was a PV issue with the kids but it was also a Nesquehoning issue. Mr. DeMarco stated how he has parents from Nesquehoning, he has seen things, and he had parents telling him about it. He stated how the crossing guard from the lower street cannot go to the top street. Mr. DeMarco stated how they have a chance to do safety. He stated how he had finally got it. He stated how, once again, the Borough did not do anything.

Mayor Walck stated to Mr. DeMarco how he had made an accusation that was not true. He stated how he had received the letter from Rose Poremba. He stated how he had called her personally and told her how he was not the person that they should be sending the letter to. He stated how he told her that she should send the letter to the president of council. Mayor Walck stated how he did not have a vote. He stated how she told him that she would send the letter to Council President, Mark Stromelo.

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Mayor Walck stated how he could not attend the meeting because he was working that day. He stated how he had told Ms. Poremba that she had sent the letter to the wrong person. He stated how he told her that she needed to send it to council because they were the ones who voted not to go along with the crossing. Mayor Walck stated to Mr. DeMarco that he should not put the blame on him that they did not get a response from him. He stated how he had called Ms. Poremba. Mr. DeMarco stated how he had never got that. He stated how he had asked Ms. Poremba if that had ever happened and she told him no. He stated how it was a he said, she said and he was not going to get into that. Mayor Walck stated how he did not have a problem saying the same thing to him while Ms. Poremba was in the room. He stated how he had called her at her house. He stated how he told her that she had sent the letter to the wrong person because he does not have a say. He stated how he does not have a vote unless it was a tie. Mayor Walck stated how he told her to please send the letter to Council President, Mark Stromelo, because they were the ones who shot it down, not him. Mayor Walck stated how that was told to her on the phone at her house. Mr. DeMarco stated that he understood what he was saying. Mayor Walck stated how he was clarifying because it sounded like he did not respond to it and just left it go. Mr. DeMarco stated how that was the response he got. Mayor Walck stated to Mr. DeMarco that he was wrong. Mr. DeMarco stated that he would ask Ms. Poremba. He stated how he was just saying that he was disappointed in everybody. He stated how they had an opportunity and they lost it.

President Stromelo stated to Mr. DeMarco that he had never received the letter that Ms. Poremba was supposed to have sent to him, personally. He stated how he did not know where it ended up, but he did not get it. He stated how Ms. Poremba did call him and they had discussed it. President Stromelo stated how it was a motion by all of council not to participate. He stated how they felt that it was the Railroad's responsibility to kick in because they do not want to do anything. Mr. DeMarco stated how he did agree. President Stromelo stated how there was an issue with handicap accessibility to go across the tracks. He stated how the county and the railroad were informed about it. He stated how he thought that they did a little patch job. President Stromelo stated how they have filed a complaint with the PUC over the railroad crossing. He stated to Mr. DeMarco that they were not just sitting there like he was saying, doing nothing. He stated that they were doing something. Mr. DeMarco stated to President Stromelo how he was sitting there doing nothing. He stated how he should just call a spade a spade. President Stromelo stated to Mr. DeMarco that he did not know what his pressure washer remark was about but it had nothing to do with it. He stated to Mr. DeMarco that he should do what they do on the School District side and they will do what they need to do on that side. Mr. DeMarco stated to President Stromelo that he should not play the game with him. President Stromelo stated how he did have the conversation with Ms. Poremba.

John McArdle stated how there was one clarification that he wanted Mr. DeMarco to hear. He stated that Solicitor Yurchak could correct him if he was wrong. Mr. McArdle stated that if the Borough was to institute a study on the railroad crossing and the PUC was involved with it. He stated that if the PUC would direct that the railroad crossing be upgraded, the person who requested the PUC could be the Borough of Nesquehoning and they would be held responsible to pay for the upgrade of the railroad crossing. Solicitor Yurchak stated how that was the basis as to why they were filing the PUC complaint. He stated how the complaint had been filed for not only that crossing but for all four crossings.

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Wednesday, April 27, 2011 at 7:00 p.m., Borough Office

Mr. McArdle stated how that was the concern of council; because they could ultimately be changing four crossings in town. He stated to Mr. DeMarco that they were only concerned with the one by the Elementary School. Mr. McArdle stated how the council did not have tunnel vision; they were looking at all four railroad crossings, which they would have to upgrade. He stated how it would bankrupt the Borough. Councilwoman Walck stated to Mr. DeMarco on how it was unfair to accuse the Borough of not doing anything. Mr. DeMarco stated how he did not accuse them of not doing anything. He stated how he was just saying how he was disappointed. Councilwoman Fox stated to Mr. DeMarco that he was accusing.

Frank Jacobs stated that the original design for the police station showed a roof over the police vehicles. He stated how it had to be deleted because of the cost factor. He stated how it might be something for them to look at again. Mr. Jacobs stated how it might solve the problems with the baseballs coming over and hitting the cars. Councilwoman Walck stated how that might be something to look into. Mr. Jacobs stated how it was on the original designs to protect the police cars.

POLICE REPORT

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

\$860.42 fine money received from Magistrate Kosciolk; \$37.00 fine money received from Magistrate for Sanitation Fines/Bills; \$0.00 received in Carbon County Collections; \$0.00 received in DUI reimbursements; \$343.62 received in Motor Vehicle reimbursements; \$22.50 received from Carbon County Restitution; \$0.00 received from Attorney General for overtime reimbursement; \$0.00 received in State Fines; \$165.00 received in parking tickets; \$135.00 received in moving permits; \$15.00 received in accident reports; 43 citations [3 non-traffic & 40 traffic]; 346 incidents reported for the month; alert form attached to report; 0 search warrant; 3 consent searches; 9 traffic accidents (3 reportable – 6 non-reportable); 25 court appearances and the mileage total was 4,338 (605 – 2008 Crown Vic; 1,956 – 2008 Chevy Impala; 0 - 2003 Crown Vic; 600 – 2005 Expedition; 1,1,177 – 2009 Ford Crown Vic).

Councilwoman Walck moved and Councilman Zabroski seconded to accept Chief Smith's Police Report. All voted yes. Motion passed.

Councilman Zabroski stated that in a conversation, which was not with the Chief, it was brought to his attention that on the first day they had started sweeping Mr. Paul had called the Chief to follow in the police car. Councilman Zabroski asked Chief Smith if he was made aware of the days that they were starting the street sweeping. Chief Smith stated that Mr. Paul called. Councilman Zabroski stated to Chief Smith that he did not know ahead of time. Chief Smith stated how Mr. Paul called him that morning. Councilman Zabroski asked why the Chief was not notified when it was discussed at the special meeting that they had with Hugh Lawrence on the 30th. He stated how the Chief was being held to notify everybody by phone or memo, why was it not in return. He asked why the Chief was not being made aware of things that he needed to know about as the Chief of Nesquehoning. Councilwoman Fox stated how that would be Mr. Paul. President Stromelo stated how he would say to ask Mr. Paul that. Councilman Zabroski stated how Mr. Paul was not his boss. He stated how Mr. Paul was not his supervisor. President Stromelo stated how Mr. Paul was the supervisor. Councilman Zabroski stated how Mr. Paul was not the Chief of Police's supervisor. Councilwoman Fox stated how Mr. Paul would know when they were sweeping. Councilman Zabroski stated how it was brought up in the meeting that they had talked about on the 30th.

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Wednesday, April 27, 2011 at 7:00 p.m., Borough Office

Councilman Zabroski stated how he also wanted to bring up that Chief Smith did not know about the whole process with Hugh Lawrence's building being vacated. Councilman Zabroski asked if they did not think that the Chief should know that stuff. President Stromelo stated that neither did anybody else. Councilman Zabroski stated that they did because it was talked about in that meeting. President Stromelo stated how there was a letter and Mr. Faust went on his own. Solicitor Yurchak stated that he did not tell anybody when he was going. Councilman Zabroski stated how they know that they talked about it in the meeting. He stated how they talked about how the building would need to be vacated on April 17th. He asked if they did not think that the Chief should have known ahead of time of that as well. Councilman Zabroski stated how they were asking him to do all of the notification of his overtime, where he was going and what he was doing and everything else; do they think that he should be notified as to what was going on in the town. President Stromelo stated how he should. Councilman Zabroski asked why he was not. Councilwoman Fox asked who was on the Police Committee.

Councilman Zabroski asked the Mayor because he was at the meeting as well. Mayor Walck stated how Mr. Faust went on his own. Councilman Zabroski stated that they had stated in the meeting that by April 17th the building was to be vacated. Solicitor Yurchak stated how he took two officers with him. Mayor Walck stated "okay" and how there were two officers with him. Solicitor Yurchak stated that he only knew that from the other attorney. Secretary/Treasurer Ahner stated how he was not there on the 17th and that he did not come up until the 18th. She stated that he did say at the meeting that they had to vacate by the 17th but he did not come up until the 18th. Mayor Walck stated that normally when Mr. Faust comes in to inspect a building he calls the Chief. Chief Smith stated that he usually contacts him or Secretary/Treasurer Ahner. Mayor Walck stated that he does not even know sometimes when the Chief was with Mr. Faust. Councilman Zabroski stated how communications were going . . . Mayor Walck stated how he did not even know about it until afterwards. He stated that if Mr. Faust comes into town, he will call the Chief or the officer on patrol and that was the procedure that it has gone by. Councilman Zabroski asked if they would not have scheduled someone else. He stated that the day of street sweeping, should they have two officers on that day. He asked if there should have been somebody to patrol and somebody to watch the Borough workers. He stated how all they had was one person on patrol following the street sweeper. Secretary/Treasurer Ahner stated how Carl Breiner was on vacation that week.

President Stromelo asked why they would need a police officer to watch the Borough workers. Councilwoman Fox asked about having a police officer to watch the street sweeper. Councilman Zabroski asked if they have ever watched them sweep the streets. He asked Mr. Paul about the dust cloud that goes up. He asked if it was not for the protection of their workforce and to ticket the cars. Mr. Paul stated how he usually has two guys in front picking up piles, he was behind the sweeper for safety with the light on and usually the police were behind him especially on the main street. Councilman Zabroski stated how he was only talking about Catawissa Street. Councilwoman Fox stated how the chain of command would be that Mr. Paul would call the Mayor and the Mayor would have to notify the police that they were going to be sweeping the street. Councilman Zabroski stated how it could be the chairman of public safety.

Chief Smith stated how Mr. Faust never called him about the building. Councilwoman Fox stated how he did not call anyone else either. Chief Smith stated how he did not even know that there was an order to vacate. Councilwoman Walck stated how they need dates from Mr. Faust. Councilman Zabroski stated how he had it written down as to when they wanted the people evicted by. He stated how he wrote down April 17th, which was a Sunday. He stated how anybody in there by the 18th would have been evicted.

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Wednesday, April 27, 2011 at 7:00 p.m., Borough Office

Councilman Zabroski stated how he was chastised when he had brought up about some other stuff. He stated that if communications were good one way they should be good the other way, whether it was from the Council President, the Chairman of the Police and Public Safety or the Mayor. He stated how their chief needed to know what was going on in the town as well. President Stromelo stated that he agreed. Mr. Paul stated that he usually calls him when it comes to the street sweeping. Councilman Zabroski stated how the first day he did not know. Mayor Walck stated that he did not know either. Councilman Zabroski stated how they discussed it at the meeting. Councilwoman Fox stated how he was going to sweep when he was available. Councilman Zabroski stated how what if the Chief had court, what if something else came up. President Stromelo stated how he would sweep by himself. He stated how he does not need to be babysat and did not need Mr. Paul to be driving behind him. He stated how the vehicle was self contained with lights on it.

Mr. Paul stated how the only time they were there was because of the tickets. He stated how they were also there for public safety because they do not get people flying through the work zone. Councilman Sniscak, Jr. stated how the lights on a sweeper will not slow people down but lights on a police car will. Mr. Paul stated how he was thankful that they were there. He stated how it was unbelievable how people change because they usually get a hard time. He stated how they do not understand what they have to go through sometime to do their job. Mr. Paul stated that if he was not there, he will still do his job. He stated how he will call and if the officer was available, he was thankful. Councilman Sniscak, Jr. stated how he would hardly call that babysitting. Councilman Zabroski stated how it had to do with communications. Councilwoman Fox stated how they need to set up a chain. Councilman Zabroski stated how there was a chain. He stated how there needed to be communications in both directions.

Councilwoman Fox stated how it was Mr. Paul's call to notify the police. Mr. Paul stated how he called for them to come and he did not have a problem. Chief Smith stated how there was no problem with them. Councilwoman Fox stated how Councilman Zabroski seemed to think that there was. Councilman Zabroski stated that he did not say that the problem was there. President Stromelo and Mayor Walck asked where the problem was. Councilman Zabroski stated that they were in a meeting and asked if they were or were not in a meeting where they discussed street sweeping on the 30th of March. He stated how there should have been a memo to the chief to say what was going on. President Stromelo stated how that was up to Mr. Paul to let him know ahead of time as to what streets he will be doing. Councilman Zabroski stated about Catawissa Street and how it was discussed. He stated how Catawissa Street was the first street to be done. President Stromelo asked if there was a date put there. Councilman Zabroski stated "yes". President Stromelo stated "no". He asked Mr. Paul if there were dates put on the posters for the first day. Mr. Paul stated that he did not put the dates on the signs for the first day. He stated how he was informed by the Chief that they have to have a date on it because if something would happen it would not stick in court.

Chief Smith stated that when he was behind them with the lights and stuff, they were still flying past them. He stated how the nice thing about them all working together was that everything was recorded. He records the sweeper, if there were any accidents, for court. He stated how that was the big problem with the snow bans. Chief Smith stated how he could actually videotape them going around the cars. He stated how it was the cameras and for the liability.

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John McArdle stated that on behalf of the Nesquehoning Ambulance Corp. the officers and members, they felt that there was a need to provide the Police Department with three Trauma Bags. He stated how the equipment that they had, when they came to the CPR training and first aid treatment, and did not know that some of the equipment they had and some of the things that they were lacking. He stated that to provide them with the protection as well as the citizens on the street. Mr. McArdle stated how they were also purchasing two other bags, which they were asking to be directed to Hauto Fire Company and the New Columbus Fire Company. He stated that if Council would do them that honor, they will be presenting five bags that night. Chief Smith stated to Mr. McArdle "Thank you very much". Mr. McArdle stated that he would like to get a picture because David Walls and Donald Schlier were also there representing Hauto and New Columbus Fire Companies. President Stromelo stated that the Council Members would like to thank the Ambulance Corp.

HOUSING & CODE ENFORCEMENT OFFICER'S REPORT

Councilman Sniscak, Jr. moved and Councilwoman Fox seconded to accept Linda Narciso's Housing & Code Enforcement report. All voted yes. Motion passed.

EXECUTIVE SESSION

The Borough Council Members entered into an Executive Session at 8:19 p.m. for personnel reasons and a case that was in litigation. The Council Members exited their Executive Session at 8:48 p.m.

SUPERINTENDENT'S REPORT

Louis Paul gave his report for March - April as follows:

- Sweeping – 308 hours
- Piles – 125 hours
- Patching – 84 hours
- Snow/March – 72 hours
- Signs – 57 hours
- Landscape/Coal Street Pipe – 56 hours
- Millings on Mussmano Avenue – 32 hours
- Equipment maintenance – 30 hours
- Inlets cleaning – 26 hours
- Clean equipment – 22 hours
- Parks maintenance – 18 hours
- Snow preparation/March – 16 hours
- Garbage truck maintenance – 14 hours
- Washouts/#4 stone – 12 hours
- Water Authority/help – 8 hours
- Clean tail ditch lines – 8 hours
- Office maintenance – 8 hours
- Administration/meeting – 4 hours
- Line painting – 4 hours

Mr. Paul stated that he has been running down to the Sewer Plant once or twice a day checking on Mr. Pilla and to make sure that everything was alright. He stated how everything was going okay.

MINUTES FOR REGULAR MEETING OF NESQUEHONING BOROUGH COUNCIL

Wednesday, April 27, 2011 at 7:00 p.m., Borough Office

PLANNING COMMISSION REPORT

No report.

CIVIL SERVICE COMMISSION

No report.

PANTHER CREEK ADVISORY REPORT

No report.

ENGINEER'S REPORT

- 04.08.11 Carbon Engineering letter to Eastern Environmental Contractors

Councilman Sniscak, Jr. moved and Councilwoman Walck seconded to accept all reports to that point (Superintendent to Engineer). All voted yes. Motion passed.

SOLICITOR'S REPORT

- **Robert T. Yurchak – MEM**

Solicitor Yurchak stated how he did send MEM the 30 day default notice. He stated how it gave them until approximately May 16th. He stated how they will decide what to do next after that.

- Robert R. Yurchak – Fallet (absorbent)
- Robert T. Yurchak – Nanovic Law Offices – Kidder Twp. UCC
- Robert T. Yurchak – Dennis Ball – Scheduled meeting
- Robert T. Yurchak – Curb Cut Letter (Railroad Street)
- Robert T. Yurchak – CC Commissioners – Taxes on parcel of property
- Robert T. Yurchak – CC Commissioners – Taxes on parcel of property
- CC Commissioners – Re: Property
- **Robert T. Yurchak – PUC –Railroad Crossing**

Solicitor Yurchak stated how the PUC complaint was filed and he was waiting to hear from them.

- Robert T. Yurchak – Carole J. Wildoner – Hugh Lawrence
- **CC Planning Commission – Oil & Gas Development Facilities Ordinance**
- **Codification of the Zoning Ordinances**

Solicitor Yurchak stated how the Carbon County Planning Commission had approved the Oil & Gas Development Facilities Ordinance and recommended it for adoption because it was not in violation of their ordinances. He stated how he would like to put it on hold because it will require setting up a public hearing right before a meeting. Solicitor Yurchak stated how the codification of the ordinances had to be referred to the Carbon County Planning Commission because of making changes to the zoning ordinances. He stated that rather than having two public hearings, he would rather have one concerning both matters. Solicitor Yurchak stated that they will put the shale ordinance on hold until they hear back on the other one.

MINUTES FOR REGULAR MEETING OF NESQUEHONING BOROUGH COUNCIL

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Councilwoman Fox moved and Councilwoman Walck seconded to allow Solicitor Yurchak to send the final draft of the Codification of the Ordinances to the Carbon County Planning Commission for approval. All voted yes. Motion passed.

- **Ordinance – Depressed Curbs**

Councilman Hawk moved and Councilman Zabroski seconded to advertise the Depressed Curb Ordinance. All voted yes. Motion passed.

- **Shade Tree Ordinance**

Solicitor Yurchak asked Council what they wanted to do with the Shade Tree Ordinance. President Stromelo stated that they would review it for another month.

Solicitor Yurchak stated about the Smoke Detector Ordinance. He stated that he and Mr. McArdle have gone through six drafts of it. He stated that it was up for Council to review.

Solicitor Yurchak stated that they had to prepare a Resolution for a Plan of Administration Improvement in regards to the Police Pension Plan. He stated that he had sent it to the Actuary for review and he had approved it as it currently stands. He stated that was also for the Council Members to review. He stated how it had to be done before the end of the year.

Solicitor Yurchak stated about the by-laws for the Recreation Commission. He stated that he did not see a need to change the ordinance or to change the commitment letters.

Solicitor Yurchak stated how he was thinking about a Political Sign Ordinance. He stated how it was not to charge anybody for anything for political signs. He stated how it was just so the Borough would have a contact person for when the signs go up in the event they were put up in the wrong spot or if they were not taken back down. Solicitor Yurchak stated how he was not talking about assessing a fee but when there was a problem with a sign, they would have a contact person to take care of the sign.

Secretary/Treasurer Ahner stated how she had received a call about a political sign being on Borough property. She stated how that would give her a number to call to ask them to remove it. Councilman Hawk stated that it was his opinion that if someone puts it on Borough property, they could just dispose of it. He stated that they would be consistent of disposing them all. He stated how they would not have to make phone calls or to tie anybody up. President Stromelo stated about some kind of policy. Solicitor Yurchak stated how he would see what was out there.

Councilman Sniscak, Jr. moved and Councilwoman Walck seconded to accept the Solicitor's Report. All voted yes. Motion passed.

MINUTES FOR REGULAR MEETING OF NESQUEHONING BOROUGH COUNCIL

Wednesday, April 27, 2011 at 7:00 p.m., Borough Office
JIM THORPE NATIONAL BANK TREASURER'S REPORT

GENERAL FUND

Balance 02.28.11 71,679.91
Receipts 63,915.45
Expenditures 109,662.56
Balance 03.31.11 25,932.80

SANITATION FUND

Balance 02.28.11 113,992.42
Receipts 99,941.98
Sewer 42,324.76
Expenditures 88,732.49
Balance 03.31.11 82,877.15

GENERAL SEWER CONSTRUCTION FUND

Balance 02.28.11 10,320.32
Receipts 2.19
Expenditures .00
Balance 03.31.11 10,322.51

HIGHWAY FUND

Balance 02.28.11 122,574.75
Receipts 19.03
Expenditures 87,838.91
Balance 03.31.11 34,754.87

SPORTS COMPLEX FUND

Balance 02.28.11 734.42
Receipts 1,010.77
Expenditures 1,425.90
Balance 03.31.11 319.29

PLANNING FUND

Balance 02.28.11 9,567.74
Receipts 2.84
Expenditures .00
Balance 03.28.11 9,570.58

SANITATION ESCROW

Balance 02.28.11 47,832.50
Receipts 2,914.25
Expenditures .00
Balance 03.31.11 50,746.75

GENERAL SEWER FUND

Balance 02.28.11 69,491.04
Receipts 60,323.28
Expenditures 33,558.99
Balance 03.31.11 96,255.33

DEBT SERVICE

Balance 02.28.11 1,934.77
Receipts .41
Expenditures .00
Balance 03.31.11 1,935.18

SEWER OPERATING & MAINTENANCE

Balance 02.28.11 75,170.93
Receipts 17,351.40
Expenditures 43,798.41
Balance 03.31.11 48,798.41

FIRE TRUCK FUND

Balance 02.28.11 96,008.80
Receipts 71.92
Expenditures 11,146.86
Balance 03.31.11 84,933.86

POLICE PENSION FUND

Balance 02.28.11 633,083.60
Receipts 2,625.54
Expenditures 7,015.50
Acct Appreciation 715.11
Balance 03.31.11 629,408.75

CAPITAL PROJECT

Balance 02.28.11 53,523.85
Receipts 81.73
Expenditures .00
Balance 03.31.11 53,605.58

MINUTES FOR REGULAR MEETING OF NESQUEHONING BOROUGH COUNCIL

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CD REPORT

FUND	CURRENT VALUE 03.31.11	INTEREST 03.31.11	OPENING DATE	CURRENT RATE	RENEWAL DATE	BANK
PLANNING	\$ 15,674.27	\$ 33.21	08-17-09	2.50 %	08-17-12	JTNB
GEN. SEWER	\$ 369,225.93	\$ 782.31	08-20-09	2.50 %	08-20-12	JTNB
DEBT SERVICE	\$ 13,863.73	\$ 29.37	08-17-09	2.50 %	08-20-12	JTNB
DEBT SERVICE	\$ 107,085.11	\$ 114.88	06-04-10	1.40%	06-04-13	JTNB
DEBT SERVICE	\$ 18,657.87	\$ 33.85	06-22-09	2.14%	06-22-11	JTNB
SANITATION	\$ 20,654.13	\$ 37.47	06-22-09	2.14%	06-22-11	JTNB
CAPITAL PROJ	\$ 10,123.50	\$ 18.37	06-22-09	2.14%	06-22-11	JTNB
FIRE TRUCK	\$ 9,890.82	\$ 17.94	06-22-09	2.14%	06-22-11	JTNB

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

EMERGENCY MANAGEMENT REPORT

- 04.05.11 Emergency Services Training
- Electrical Fire at 130 W. Catawissa Street

John McArdle stated that on April 18, 2011, they had the Ametek incident, which was around 5 hours. He stated how they had quite a few fire departments there. He stated that due to the nature of the chemical, the type of chemical that was in the truck they had the problem with, it was close to 5 hours between the different passports that they had brought in and they had to wait for a clean up crew to come in. Mr. McArdle stated how he wanted to draw Council’s attention to that fact that when the ambulance was dispatched for two workers who were having respiratory problems, Officer Wuttke, who was on duty, responded with the ambulance. He stated that once Officer Wuttke made sure that the people were taken care of, he started to check to see exactly what the cause was. He stated that through his actions, he contacted Mark Nalesnik who in turn contacted DEP and found that the chemical in the truck was hazardous.

Mr. McArdle stated how he would like Council to place a letter or something in Officer Wuttke’s file because he believed that Officer Wuttke’s direct action, preventing the driver of the truck from driving away from the plant, avoided serious ramifications later on down the road. He stated that if the truck would have stopped in the middle of town, at the traffic light, and the product began to react, the elementary school and the whole area would have had to be evacuated. He stated that by Officer Wuttke’s intervention, he thought that Officer Wuttke should get some kind of recognition.

Councilwoman Walck moved and Councilman Zabroski seconded to give Officer Wuttke a letter of commendation for his actions regarding the Ametek incident. All voted yes. Motion passed.

MINUTES FOR REGULAR MEETING OF NESQUEHONING BOROUGH COUNCIL

Wednesday, April 27, 2011 at 7:00 p.m., Borough Office

Mr. McArdle stated how there were several businesses that donated items and he felt that they should be recognized as well. He stated about the food and drink donations from Rosetta, McDonalds, Three-Points (the women who worked there paid for the iced tea) and Turkey Hill. He stated how everybody did come together. Mr. McArdle stated how they also implemented the Extra Ordinary Expense Ordinance. He stated that they had a bill, which was mailed to Ametek. He stated how Kovatch had also allowed them to use the Plant 21 building to keep everybody together out of the weather and to use the rest rooms while they waited the incident out.

Mr. McArdle stated that he would like to get the ladder lubed. He stated how they had the inspection in December and the recommendation was to have the ladder cleaned and replace some clamps on the ladder rungs. He stated that the PADOT inspection was due as well.

Solicitor Yurchak stated about a commendation for John McArdle because he did not think that anybody realized or appreciated the time or effort he puts in for the Borough.

Mayor Walck stated how the EMA Coordinator, Mark Nalesnik, also did a great job. He stated how he agreed with Mr. McArdle in regards to Officer Wuttke. He stated how Officer Wuttke took some flak from people who wanted to let the truck driver go. Mayor Walck stated how the stuff was flammable and if it would have gotten wet, it would have leveled Ametek. He stated that everybody, EPA, DEP, Mark Nalesnik, Officer Wuttke, John McArdle, and all the fire companies and ambulance personnel who were there did a great job. Mr. McArdle stated how the letters for the fire companies would come at a later time. He stated about the businesses who donated items should receive "thank-you" letters so the spirit of cooperation continues.

Councilwoman Walck moved and Councilman Sniscak, Jr. seconded to allow Mr. McArdle to have the ladder truck lubed and inspected. All voted yes. Motion passed.

MAYOR'S REPORT

- 04.05.11 Hazleton Area YMCA – Anthracite Triathlon

Mayor Walck stated how the Anthracite Triathlon would be coming through town again on July 17th. He stated that he would coordinate the Ambulance Corp. with Mr. McArdle.

Mayor Walck stated how he had received a request from the Chief about the two cell phones, which were acting up. He stated how Secretary/Treasurer Ahner had already taken care of that and got them two new cell phones.

Mayor Walck stated how there was an approval last month for Chief Smith and Officer O'Brein to attend a Sexual Assault Training at the Communication Center on April 28th. He stated how Officer Wuttke was supposed to have been included on that request. He was requesting to add Officer Wuttke to the approval for the class.

Councilman Hawk moved and Councilman Sniscak, Jr. seconded to allow Officer Wuttke to attend the Sexual Assault Training on April 28, 2011 at the Communications Center from 11:00 a.m. until 1:00 p.m. All voted yes except Councilwoman Walck who was not voting because it involved the D.A.'s office. Motion passed.

MINUTES FOR REGULAR MEETING OF NESQUEHONING BOROUGH COUNCIL

Wednesday, April 27, 2011 at 7:00 p.m., Borough Office

Mayor Walck stated that he had talked to Officer Bogart and he only had three dates available for May. He stated that Officer Bogart informed him that his schedule was wide open for June. He stated how it involved six hours of training per officer.

Councilman Hawk moved and Councilman Zabroski seconded to allow Mayor Walck to get the Taser training scheduled for June. All voted yes. Motion passed.

Mayor Walck stated how they will need an open area in order to shoot the tasers. He stated about using the Recreation Center. President Stromelo stated about getting it scheduled because they do have the guns and the training darts.

Mayor Walck stated about Resolutions for three individuals for their achievement of Eagle Scout.

Councilman Zabroski moved and Councilwoman Walck seconded to adopt Resolutions for Scott Nevenglosky, David Marouchoc, and Derrick Marouchoc for their achievement of Eagle Scout. All voted yes. Motion passed.

Mayor Walck stated how the training that was supposed to take place at Kovatch for the DUI was officially canceled.

Mayor Walck stated about reimbursing Officer O'Brein for his bulletproof vest, when he gets it.

Councilman Hawk moved and Councilwoman Walck seconded to authorize the reimbursement to Officer O'Brein for the bulletproof vest. All voted yes. Motion passed.

Mayor Walck stated about a request from Officer Wuttke and Officer Kurtz to attend a Fingerprinting 1-Rolled Prints Class in Harrisburg at the Area Community College on May 16th from 8:30 a.m. until 4:30 p.m. at a cost of \$100.00 per officer. Councilwoman Walck asked if anyone does the fingerprinting. She asked if the Chief did it. President Stromelo stated how the chief does do it. Mayor Walck stated how all of the officers can do fingerprinting. Councilwoman Fox asked if it was something different. Councilwoman Walck asked if there was any information on it. Mayor Walck stated that it said how the course was designed for any officer who had limited experience in rolling fingerprints. President Stromelo stated how it might be something new.

Councilwoman Walck moved and Councilman Hawk seconded to allow Officer Wuttke and Officer Kurtz to attend the Fingerprints 1-Rolled Prints Class on May 16th. All voted yes except Councilwoman Fox who voted no. Motion passed.

Mayor Walck stated that on June 7th, there was a vehicle search and seizure held at Lehigh Township Fire Company. He stated how there was no charge for the class. He stated how Officers Wuttke, Kurtz and White wanted to attend the class. Councilwoman Fox asked if they get paid for the day and if they also get overtime pay. Mayor Walck stated how Officer Kurtz would be straight time because he was a part-time officer. He stated that for Officers Wuttke and White it would depend if it was their day off, if they would get straight pay or overtime pay. He stated how he would also have to cover their shifts. Councilman Zabroski asked about waiting until the next meeting. President Stromelo stated about checking the schedule. Mayor Walck stated how he would put it on hold until May's meeting.

MINUTES FOR REGULAR MEETING OF NESQUEHONING BOROUGH COUNCIL

Wednesday, April 27, 2011 at 7:00 p.m., Borough Office

Mayor Walck stated how Officer Wuttke wanted to attend a Taser Instructor Certification Training held on June 15th and 16th in Harleysville, PA. He stated how the cost of the training was \$350.00 and was requesting to stay at a hotel because of it being a two hour drive one way. Councilwoman Fox asked how it would benefit the Borough. Councilman Zabroski asked what the difference was with the taser training. Councilwoman Walck stated about doing it at a later time. President Stromelo stated that he did not know how long the training was good for. He stated how Officer White would be the Taser Instructor like the way Officer Breiner was the Fire Arms Instructor. Mayor Walck stated how they have Officer Bogart who was certified in taser training. Councilman Hawk stated that as long as they had accessibility to Officer Bogart, he did not see a need to rush. Councilman Sniscak, Jr. stated how he did not see a need. President Stromelo stated that they would table it.

Mayor Walck stated that the Crime Watch Meeting would be held on May 3, 2011 at 7:00 p.m. at the Borough office.

Mayor Walck stated that the EMA Coordinator, Mark Nalesnik, was going to be holding CERT Courses on May 9th, 16th, and 23rd at 6:30 p.m. at the Communications Center and anyone who was interested could call up there at 570-325-3097. Councilwoman Fox asked if those were the courses that they were supposed to have. Mayor Walck stated “no”. He stated that they were supposed to have the NIMS courses. He stated how it was not a bad idea to take the course because it certifies that they were extra hands for the fire and the police personnel in the event of an emergency. Mayor Walck stated how it was valuable information to help the community. He stated that if there was an emergency, they all knew how the police, ambulance and fire personnel would be tied up and if they were certified in the CERT program, they can go in to help with certain things. He stated how it was a valuable course for any citizen to take. Mr. McArdle stated how Nesquehoning had blossomed and how there were 25 – 26 people on the list. He stated how it was good to get people involved. He stated that the more people they can get involved, the lighter the load was for everybody. Mayor Walck stated how it was a County and a State wide program. He stated how Nesquehoning was well represented.

TAX COLLECTOR’S REPORT

1 April 2011 – 15 April 2011

Real Estate	\$80,723.40
Occupation	470.40
Per Capita	<u>989.80</u>
TOTAL	\$82,183.60

Councilman Hawk moved and Councilman Sniscak, Jr. seconded to accept all the reports to that point (Emergency Management, Mayor, and Tax Collector). All voted yes. Motion passed.

APPLICATIONS:

Robert G. Hontz	Police Officer
Brent Getz	Police
Stacy Smith	Police
Brett Slivka	Wastewater Treatment Plant Operator
Ian Horton	Wastewater Treatment Apprentice
Steve Banditelli	Wastewater Supervisor
Stephenie Curvey	Wastewater Supervisor

MINUTES FOR REGULAR MEETING OF NESQUEHONING BOROUGH COUNCIL

Wednesday, April 27, 2011 at 7:00 p.m., Borough Office

Shawn Quigley	Sewer Operator
Duane T. Szczesny	Wastewater Treatment Plant Operator
Bob Croasdale	Wastewater Plant Operator
Richard P. Galgoci	Burner/Welder
Terry Derhammer	Wastewater Treatment Plant Operator
Donny McGorry	Sewer Treatment Plant
Gregory S. Bartek	Sewer Operator
Todd Leslie	Wastewater Treatment Plant Operator
Daniel Greek	Wastewater Treatment Plant Operator
Thomas L. Ellington	Wastewater Operator 1
Michael Dolena	Maintenance/Driver/Water Auth.
Herbert C. Gregory	Wastewater Treatment Plant Operator
Charles Romito	Truck Driver/Warehouse
Robert Cenchitz	Supervisor of digital print room
Thomas G. Otto	Truck Driver

COMMUNICATIONS:

1. 03.21.11 NEPA – Chainsaw Safety Training & Demo – Course
2. 03.22.11 DCED – Best Practices in Tax Collection
3. 03.25.11 NEPA – Traffic Calming - Course
4. 03.25.11 NEPA – Roadside Safety Improvements Program – Course
5. 03.29.11 PA Treasury – Disposition of Abandoned & Unclaimed Property Law
6. 03.29.11 PSAB – Update
7. 03.30.11 NEPA – Traffic Calming
8. 04.04.11 DCED – Basic Training For Municipal Secretaries and Administrators
9. 04.04.11 DCED – Roadside Tree Care
10. 04.05.11 Blue Mt. Inspection – Gothard Realty – 130 W. Catawissa Street
11. 04.05.11 Blue Mt. Inspection – Hugh Lawrence – 127 W. Catawissa Street
12. 04.05.11 Blue Mt. Inspection – Dennis Ball – 55 Garibaldi Avenue
13. 04.05.11 PA One Call – Newsletter
14. 04.07.11 PSAB – Dealing with Blighted Property in Your Community
15. 04.07.11 PSAB – Collecting Delinquent Municipal Fees
16. 04.07.11 Steve Shannon – Automotive Warehouse
17. 04.07.11 DCED – Chainsaw Safety
18. 04.11.11 PIRMA – Update
19. 04.11.11 CC Workforce Training – Summer Youth Employment Program
20. 04.11.11 Trollinger Consulting Group – Helping Municipalities reduce costs
21. 04.12.11 Pa DOT – Project on State Route 0093
22. 04.13.11 Blue Mt. Inspection Service – Hugh Lawrence
23. 04.15.11 ProActive Operator Source – Mastering Operator Math – Training Course
24. 04.16.11 Frank DiMiceli – Info on Police Officers
25. 04.18.11 Cargill – Operational effectiveness, enhanced collaboration with our customers
26. 04.18.11 Ford Credit – Municipal Finance Program
27. 04.20.11 PVSD – Matching grant for the design of the Warning Device at the Crossing
28. 04.25.11 Wildlands Conservancy – Notification of grant application for the Lehigh Trail

MINUTES FOR REGULAR MEETING OF NESQUEHONING BOROUGH COUNCIL

Wednesday, April 27, 2011 at 7:00 p.m., Borough Office

Councilman Hawk moved and Councilman Zabroski seconded to approve all communications and accept the applications and place them on file. All voted yes. Motion passed.

BILLS TO BE RATIFIED, EXPENDITURES AND RECEIPTS

Councilman Hawk moved and Councilman Sniscak, Jr. seconded to deposit all receipts, approve all bills to be ratified and pay all other bills. All voted yes. Motion passed.

MINUTES FOR REGULAR MEETING OF NESQUEHONING BOROUGH COUNCIL

Wednesday, April 27, 2011 at 7:00 p.m., Borough Office

COMMITTEE REPORTS

1. STREETS

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

• **Bid results for reconstruction of Cedar Street**

4/26/2011	9:27 a.m.	Franzosa Trucking Co., Inc. 1037 Peace Street Hazleton, PA 18202 Richard Franzosa	\$44,500.00
4/26/2011	10:27 a.m.	Lehigh Asphalt Paving & Construction Co. P.O. Box 549 Tamaqua, PA 18252 Jeffrey Frantz	\$66,525.00
4/26/2011	10:59 a.m.	C.E. Ankiewicz Construction & Excavation, Inc. 726 St. Mary's Road Mountaintop, PA 18707 Carl Ankiewicz, Jr.	\$74,544.00
4/26/2011	11:37 a.m.	A Scott Enterprises, Inc. HC 1 Box 70 Saylorsburg, PA 18353 Tighe Scott	\$56,386.00
4/26/2011	11:50 a.m.	Hazleton Site Contractors, Div. of Reading Materials, Inc. 40 Elm Road Hazleton, PA 18202 H. Christian Budenz	\$69,620.00
4/26/2011	12:38 p.m.	Pennsy Supply Inc., DBA Slusser Brothers 51 Small Mountain Road Wapwallopen, PA 18660 Andrew Nowak	\$75,780.00
4/26/2011	12:40 p.m.	Livengood Excavators, Inc. 4661 Lehigh Drive Walnutport, PA 18088 Leo Livengood	\$52,117.63
4/26/2011	1:24 p.m.	Muschlitz Excavating, Inc. 615 Moorestown Drive Bath, PA 18014 Jack Muschlitz	\$54,175.00

Secretary/Treasurer Ahner stated how Ron Tirpak called her and told her that everything was good with the low bidder, Franzosa Trucking.

MINUTES FOR REGULAR MEETING OF NESQUEHONING BOROUGH COUNCIL

Wednesday, April 27, 2011 at 7:00 p.m., Borough Office

Councilman Sniscak, Jr. moved and Councilwoman Walck seconded to award the bid for the Reconstruction of Cedar Street to Franzosa Trucking Co. Inc.

Councilwoman Fox asked that once the bid was awarded, who would oversee the project. Secretary/Treasurer Ahner stated "Ron Tirpak". President Stromelo stated how it was going to be paid out of Liquid Fuels. Secretary/Treasurer Ahner stated "yes". President Stromelo stated how he did inform Mr. Paul that he would have to get the delivery slips and note them. Secretary/Treasurer Ahner stated how Mr. Tirpak was up there to mark the curbing and how he also talked to some of the residents who need to install curbing. President Stromelo stated how he had to go up to check some of the curbing that Mr. Tirpak marked.

All voted yes. Motion passed.

President Stromelo stated how he had talked to Mr. Tirpak and he was progressing with the other streets. He stated how they would be having another street committee meeting. He stated about doing Angelini Avenue from the bridge up to Diaz Avenue and waiting on Mermon Avenue from the bridge to Catawissa Street because of Willow Lane. President Stromelo stated how West Mill Street will be a reconstruction and that will be funded through the County with CDBG (Community Development Block Grant) money. He stated how they will also need to replace a sewer line on West Mill Street.

Councilman Sniscak, Jr. asked if Council voted to purchase the basins for the storm drains, the culvert boxes. President Stromelo stated how they had done it last year sometime before the project started. Councilman Sniscak, Jr. stated how they were pre-construction basins. He stated how they will never use 50% of them. He stated how it will cost them more money to put them in the ground because of their system. President Stromelo stated that he did not think so. Councilman Sniscak, Jr. stated how he was trained in it. He stated that he was an inspector. He stated how they wasted the money. President Stromelo stated how they did not waste the money that they will be put in. Councilman Sniscak, Jr. stated that to put those drains in, with most of the drains they have, they will have to dig out the whole drain. He stated how they were going to disturb the pipes. Councilman Sniscak, Jr. stated how underneath their drains, they were done the old way. He stated how they have cement pads under there, which they will have to dig out. Councilman Sniscak, Jr. stated that with these boxes, (federal standards, state standards) they have to have a 200 granular base, which means they have to put the base back in on the base they just took out. Councilman Sniscak, Jr. stated how it was cheaper for them to pour them and frame them themselves than to use the boxes. President Stromelo stated that he disagreed with him. Councilman Sniscak, Jr. stated how he goes to school for it. He stated to Mr. Paul how he was on the state for 20 years. He stated how those boxes have inlets that go out the back and out the sides. He stated how there were no angle inlets on it and they could not drill into them. President Stromelo stated how they have put them in on Railroad Street and Center Street. Councilman Sniscak, Jr. stated about 50% of them. Councilwoman Fox asked how many they had. Councilman Sniscak, Jr. stated that there were 30 of them. President Stromelo stated that he did not know how many there were but there was a couple of each. He stated how there were tops there also.

MINUTES FOR REGULAR MEETING OF NESQUEHONING BOROUGH COUNCIL

Wednesday, April 27, 2011 at 7:00 p.m., Borough Office

Councilman Sniscak, Jr. stated to Mr. Paul that he worked for the state for 20 years. Mr. Paul stated that he wanted to let them know what they did. He stated about the cement mixer. He stated that out of 10 boxes, 7 of them they formed and poured because of pipes running diagonal. Mr. Paul stated how the old timers had put a base in about 8 – 10 inches thick. He stated that for them to bust it out with the backhoe, they would have busted the machine. He stated that on certain areas, not all, they pinned it and they poured it. He stated how they made a steel form that they got at Kovatch's. Mr. Paul stated how they drop it in. He stated how it was costing them more money to get a cement truck in because of the small load fee. He stated how it was cheaper to form and pour than it was to put a box in. Mr. Paul stated how another box that they had tore out with the way the pipes ran at that time, they had just put a box in. He stated that when it comes to using the boxes it was a flip of a coin. Mr. Paul stated how the boxes were for new construction. He stated how they can use them but more will be formed and poured. He stated how they were saving money because they were not paying a contractor. Mr. Paul stated how he was trying to get the best bang for the buck.

Councilwoman Fox asked if they will last as long as the old timers. Mr. Paul stated "yes". Councilman Sniscak, Jr. stated how it was the time they have to put in, to put them in. He stated how they should have waited and bought the boxes and set them up to find out which ones they were going to use. He stated how they have all that money sitting up there and it was a waste of money. President Stromelo stated how all the boxes will be put in. He stated that if they could not get them in, in a timely manner, he would get someone to come in to put them in. Councilman Sniscak, Jr. stated how it will cost more money. President Stromelo stated how it would cost less. He asked Councilman Sniscak, Jr. if he knew how many culverts there were in the town. Councilman Sniscak, Jr. stated "yes". President Stromelo stated how there were a lot of them and they were almost all bad. He stated how a lot of them were all brick. Councilman Sniscak, Jr. stated how that was when they formed and poured them. Mr. Paul stated how they will put them in. He stated how he was not saying that they could not use them. President Stromelo stated how there were over 300 culverts in the town. Mr. Paul stated how they were all different. Councilman Sniscak, Jr. stated that since money was tight, they should have waited to purchase them until they were ready to use them. Councilwoman Fox stated how they already have them and asked what could they do with them. President Stromelo stated how they do have the money because it was out of the loan. Councilman Sniscak, Jr. stated how he thought it was wasteful. Mr. Paul stated how they use the grates and the tops. He stated how they will use them where they can. President Stromelo stated that with the reconstruction, they will all be put in that year. Councilman Hawk stated how they were all going to get used and if they did not get used that year then they will get used the following year. He stated how it was a five year program and that they would not go to waste. Mr. Paul stated how he will use them where he can. Councilman Hawk stated how it sounds like Mr. Paul was evaluating each box and where it would make sense to use them, he would use them. Mr. Paul stated how he was doing what he could. Councilman Hawk stated how they would probably cost more to purchase them in a few years and with a five year street program, they will get used up.

2. SEWER

MARY FOX, CHAIRMAN; DAVID HAWK, CO-CHAIRMAN; FRANK DiMICELI

Councilwoman Fox stated how Mark Dementri's last day was April 1st. She stated that on April 14th David Digilio called them in for a meeting because he had some health issues. She stated that as of Monday, April 18th, he was no longer on the job he was out on health issues so they sent Bob Pilla down to the sewer plant.

MINUTES FOR REGULAR MEETING OF NESQUEHONING BOROUGH COUNCIL

Wednesday, April 27, 2011 at 7:00 p.m., Borough Office

Councilwoman Fox stated that on Wednesday morning, Secretary/Treasurer Ahner had received a phone call at the borough office from DEP that someone reported to them that Nesquehoning was in violation because they were operating without a sewer operator. She stated how the call was anonymous, so it had to be someone who knew who to call and also knew that Mr. Digilio was incapacitated. Councilwoman Fox stated that whoever it was, she wanted to thank them. She stated how they got the situation taken care of. Councilwoman Fox stated how they hired a gentleman by the name of Emory Toth, who was a licensed operator, with the company Water Mechanics at a rate of \$50.00 per hour. She stated that he was both water and wastewater certified. She stated how he will be at the plant approximately two hours a day. She stated how he had been showing Mr. Pilla things to do. She stated how Mr. Pilla was very pleased and has been doing a good job down at the plant.

Councilman Hawk moved and Councilman Sniscak, Jr. seconded to ratify the actions of hiring Emory Toth, Water Mechanics Inc. at a rate of \$50 per hour, flat fee to cover the sewer plant's licensing requirements until their operator was capable of returning.

Councilwoman Walck asked if she heard correctly that within a matter of a day or two there was a call made to DEP. Councilman Hawk and Councilwoman Fox stated "yes". Councilwoman Fox stated how she was told that they really were never in violation as long as the person working at the plant had contact with the operator, which Mr. Pilla did. She stated how he was in contact with Mr. Digilio. Councilwoman Fox stated how Mr. Toth met with them and Mr. Tirpak at the sewer plant on Thursday. She stated how Mr. Toth had everything taken care of, hung his license on that wall and called and talked to the DEP supervisor and the inspector. She stated that Scott Confer, the inspector for DEP, was at the plant on the following Monday and told them how everything was running well and he was pleased with them.

All voted yes. Motion passed.

Councilwoman Fox stated how they did advertise for sewer operators and they did receive several applications. She stated how they held interviews for four licensed and eight unlicensed applicants. She stated that Mr. Tirpak also sat in on the interviews. Councilwoman Fox stated that Mr. Tirpak's suggestion was, and they do not have to act on anything but it was for Council to think about, that they did not need to hurry to hire a Sewer Operator #2 because they do have the plant covered until Mr. Digilio would return. She stated that if they would hire an operator #2, he thought it would be better if they would wait until Mr. Digilio came back and had an opportunity to meet the person and also for the compatibility because they would be working together. Councilwoman Fox stated that rather than hire someone and they come in and change things around wanting to do it their own way. She stated how there might be a conflict when Mr. Digilio would come back. Councilwoman Fox stated that Mr. Tirpak's other suggestion was and she thought that Councilman Hawk was on board, to hire an apprentice. She stated how the apprentice position was in the contract. Councilman Hawk stated how they did put it in the contract with the possibility of getting a third person at the plant. He stated that in light of what happened, it was one of Mr. Tirpak's suggestions not to rush into hiring a licensed operator until they know a little better what the long term situation with their operator #1 was going to turn out to be before they make that decision.

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Wednesday, April 27, 2011 at 7:00 p.m., Borough Office

Councilman Hawk stated how the committee and Mr. Tirpak were all in agreement that in order to avoid a situation like that in the future, getting into a bind or short operators, they want to get an apprentice on board and start them working toward their licensing. He stated how it was a two year minimum wait until they can apply and take the test. He stated how it was a long term planning to have some sort of continuity at the plant so they were not strapped finding licensed people on short notice.

Councilman Hawk stated that it was recommended by the committee and the engineer that it was good planning for the Borough to get an apprentice working towards his license and knowing that they would have them retained by the Borough for awhile. Councilwoman Fox stated how his other suggestion was to hire two apprentices, who could go through the process at the same time. She stated that Mr. Tirpak told her that it was hard to bring in an operator who had worked at another plant. She stated how they will start changing things because each plant was different. Councilman Hawk stated how a lot of it was going to hinge on the long term situation with Mr. Digilio. He stated how they do anticipate on getting him back, how long it was going to be, they did not know.

Councilman Zabroski moved and Councilman Hawk seconded to post the apprentice position, as per teamsters contract, and if no interest from within, then they would proceed with the hiring to fill the position. All voted yes. Motion passed.

Councilwoman Walck stated how she would like to commend the Sewer Committee for what they did. Councilwoman Fox stated that she wanted to commend Secretary/Treasurer Ahner because she was away on vacation when they were on the phone with her while Mr. Toth was at the plant on Thursday. Councilwoman Walck stated how she wanted to commend all who were involved. She stated that the person who called was trying to make trouble for the whole Borough.

Councilwoman Fox stated how they did start the work on Unit #3. She stated how the Sewer Plant and the whole collection system had been in for 20 years. She stated how a lot of the pipes were used from the storm sewer. She stated that there has not been a lot done with the Sewage collection system or updating things at the sewer plant. She stated that Councilman Sniscak, Jr. has stated that the Sewer Plant had been antiquated. Councilwoman Fox stated how there has not been updates at the Sewer Plant and the Sewer Plant could be computerized. She stated how there had not been anything done at the sewer plant other than maintenance in the past 20 years. Councilwoman Fox stated how she had talked to Mr. Tirpak as to why there was not a five year plan or a ten year plan where pipes could be replaced. She stated how the pipe on Mill Street went from a 16 inch pipe down to a 10 inch pipe and then down to an 8 inch pipe. She stated how Mr. Pilla just pulled paper towels out of a 4 inch main line down on Coal Street. Councilwoman Fox stated how things like that should have been replaced over the last 20 years. She stated how she thought that they need to consider a Sewer Authority because politics gets too involved and that was not something to get the politics involved in. Councilwoman Fox stated how sewage was a public utility that had to be taken care of and should not change with Councils. She stated how the Council was going to change again, there will be new committees and everything will fall by the wayside. Councilwoman Fox stated how they have people on an Authority for five years. She stated how they take an interest with what was going on. Solicitor Yurchak stated how they would have to look at the structure of the current Authority. He stated how he was not sure if it was a Water Authority or Municipal Authority.

MINUTES FOR REGULAR MEETING OF NESQUEHONING BOROUGH COUNCIL

Wednesday, April 27, 2011 at 7:00 p.m., Borough Office

Frank Jacobs stated that when it was turned over from the Authority, they had taken it because things were at a standstill for sewage. He stated how it was in there that they were the Authority for water, sewage and to maintain the bridges. Mr. Jacobs stated how it was not changed. He stated how they did not get a handshake or a pat on the back but they did what they did in the late 80's. He stated how the sewer system should have been put in back in the 60's when there was 100% funding. Mr. Jacobs stated how they did what they had to do. He stated how there were no improvements because they were trying to keep the rates down. He stated how they spent thirteen million dollars for the project and DEP made them take in Lake Hauto, which added the extra cost.

Councilwoman Fox stated how they did what they could with what they had. Mr. Jacobs stated how he did agree with putting in new sewer lines when they do a street. Councilwoman Fox stated about the water infiltration. She stated how they were licensed for a 650,000 gallon a day sewer plant. She stated that with the nine inches of rain they got last month, it ran right through the plant. Councilwoman Fox stated how the water infiltration should be addressed. She stated how there should be a plan laid out especially with the roads being done. She stated how the sewer lines need to be addressed. Councilwoman Fox stated about smoke tests getting done. She stated how she did not know if Council was going to get it done. Councilman Zabroski asked that when they did the million dollar road construction, the sewer lines were a part of it. President Stromelo stated how Mr. Tirpak knew which ones needed to be addressed.

Mr. Merman stated how the trouble was that they could not get enough money to do the sewer system.. He stated how they did a shanty job. Mr. Merman stated that he had told them to put in all new lines and lock them in like it was at the intersection of 209 where it goes up to Hauto. He stated how they would not have had any trouble with water runoff, storm drains or drain pipes. Mr. Merman stated that he was told that they did not have enough money. He stated how they all told them what to do but they did not do the right things to begin with. Mr. Merman stated that when the Authority was created their duties were sewage and water. He stated how they had control that if someone did not pay the sewer they would turn the water off. He stated how it took years before they agreed with council to do it to control it. Mr. Merman stated how the Council took over the sewage. He stated that the authority should be running sewage and water not just water. Councilwoman Fox stated how she was not pointing fingers and at the time the plant was built they did what they could do with the money they had. She stated how it was not an insufficient plant because it has been up and running for 20 years.

Councilwoman Fox stated how they do not run their homes by not painting or not putting new windows in. She stated how there had to be a maintenance plan so they were not waiting for the whole thing to fall apart before they start doing something. She stated how she was not pointing fingers. Solicitor Yurchak stated how he was just stating that they might not be able to form another Authority. Councilwoman Fox stated how it was stuff that needed to be addressed and when it gets to Council, it gets political. She stated how Council change and committees change. She stated how it just seemed to fall through the cracks. Mr. Jacobs asked that if they would do a road, such as Mill Street, and they were putting a sewer line in and when they dig down and find a 4 inch line that was half filled with water, do they have a place to put the water if there were no storm drains on that street. He stated how he knew that there were a few lines coming in there that were strictly for springs, which were feeding into the system. He asked that since they do not have any storm drains to divert the water to, what were they going to do with it. Councilwoman Fox stated how she was just saying that the system needed preventative maintenance. She stated how she was not saying how anybody was right or wrong but that it just has not been addresses and it needed to be addressed and needed to be watched.

MINUTES FOR REGULAR MEETING OF NESQUEHONING BOROUGH COUNCIL

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Councilwoman Fox stated that she had talked to Mr. Pilla about taking the truck home because if he would get called out over to the lake it would take an extra half hour to go to the plant, open up the gate, open up the plant, get the keys. She stated how he had tools in the truck, if he would take it home. She stated how she told him that whatever he felt, he needed to do. She stated about how Mr. Digilio used to take the truck home. Councilwoman Fox stated that if anyone wanted anything else, they could let them know.

Councilwoman Fox asked if Mr. Pilla was going to continue to get his utility pay. President Stromelo stated how he was only temporarily there and they would worry about that when he changes position, if he would so choose. He stated that they do not know when or if Mr. Digilio was going to be coming back. Councilwoman Fox stated how they were working on the expectations that he was coming back. Councilman Hawk asked Councilwoman Fox that when she mentioned about Mr. Pilla's pay, was she talking about the future or the present. Councilwoman Fox stated "in the present". Councilman Hawk stated how it has been traditionally . . . Councilwoman Fox stated how they were tied into the contract. Councilman Hawk stated how they were tied into the contract but when they have had laborers driving trucks, they paid them the truck driver's rate. Councilwoman Walck stated how they did pay them that rate. Councilman Hawk stated that in the past, they have paid non-licensed people at Operator #2's rate. Councilwoman Fox stated how Sal Digilio Jr. was paid Operator #2's rate. Councilman Hawk stated how he thought that they should consider Mr. Pilla was down there basically functioning as Operator #2. He stated how they should compensate him for what he was doing. Councilman Zabroski stated that if it was past practice. Councilman Hawk stated how it was past practice that they have done with other people serving in other positions than what they were hired into. He stated how he knew that in the past, they have paid unlicensed people at that rate. He stated how he felt that Council should consider for the time Mr. Pilla was down there, until his status would change, that he was serving in the capacity of Operator #2 and it would be fair to compensate him at that rate. Councilwoman Fox stated how that was why she wanted to bring it up. She stated that she did not know how it was done before. Councilwoman Walck asked if they would need a motion on it. President Stromelo stated "yes".

Councilman Hawk moved and Councilwoman Fox seconded to pay Mr. Pilla the Sewer Operator #2 rate starting with the current pay period. All voted yes. Motion passed.

President Stromelo asked about the computer or if they wanted to wait. Councilman Hawk stated how they would wait. President Stromelo stated how it was just a recommendation. Secretary/Treasurer Ahner stated how they can file their DMR's online. Councilman Hawk stated how as a quick note, that some of the licensed operators they had interviewed asked how they submitted them. He stated how they told them that they still do it the old-fashioned way. He stated how some of them were in favor of doing them the old-fashioned way. Councilman Hawk stated that if the wrong number would get submitted, it would take an act of God to change it.

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

President Stromelo stated about the quotes for the cameras. Solicitor Yurchak stated how they only have to solicit three quotes not necessarily get three quotes.

Councilman Zabroski asked about the Little League using the Recreation Center to take pictures. President Stromelo stated that if it was raining, to just call him and he would open up for them.

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Councilwoman Fox asked if anything was done with the roofs yet. Secretary/Treasurer Ahner stated how they need to draw up some kind of specifications.

President Stromelo asked Mr. Paul to get the Police Department off the sign on the front of the building.

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

Councilman Hawk stated how they were continuing with negotiations with the Chief on his contract. He stated how the committee met and forwarded a counter proposal to the Chief. He stated how they were waiting to hear back from him.

Councilman Hawk stated how the Police/Public Safety Committee would be meeting with the Chief and the Mayor on the 2nd at 5:00 p.m.

President Stromelo stated how Chief Smith did get the bumper fixed on the police car from the snow plow incident. He stated that the camera was back in Officer Breiner's car.

Councilman Zabroski stated how a letter of commendation should go into Chief Smith's personnel file and for all the officers who were involved in the shooting or sniper incident on Catawissa Street. He stated that from what he had heard the State Police were very impressed with the Nesquehoning Police Department. President Stromelo stated how the Chief did have everything under control. Councilman Zabroski stated how Chief Smith should also receive a letter for his ongoing with the youth of the community and with dealing with the drug enforcement. He stated about his efforts with Operation Postage Stamp, which was a major drug bust in town.

Councilman Zabroski moved and Councilman Sniscak, Jr. seconded to present Chief Smith and Officer O'Brein with letters of commendation for the shooter incident and Chief Smith with his involvement with Operation Postage Stamp. All voted yes. Motion passed.

Councilman Zabroski stated that Saturday, May 7th was the opening day for the Little League and they wanted to have a parade through town. He stated how he wanted to start at the VFW at 9:00 a.m. and go up Center Street towards the Field. Councilman Zabroski stated how they were going to have an opening ceremony with t-ball games starting around 9:30 a.m. He stated how they would like some Fire Police for traffic control. He stated about having a fire truck lead the parade. Mayor Walck stated about an Ambulance too. Mr. McArdle stated "whatever they wanted". Councilman Zabroski stated how it would be approximately 120 kids. Councilman Hawk stated that when they were contemplating the police coverage for that day, they should remember that the Conservation Club Fishing Derby was on that day also. Councilwoman Walck stated how they could fine tune everything at the Police/Public Safety Meeting.

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

President Stromelo stated how they had just received the letter that their lawsuit with a Borough Worker had been finalized. He stated how they were now able to post the bid for a full-time sanitation worker.

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Councilman Sniscak, Jr. moved and Councilwoman Walck seconded to post the bid for the full-time sanitation picker. All voted yes. Motion passed.

President Stromelo stated how the financing for the new truck should be done sometime that week.

President Stromelo asked Councilman Sniscak, Jr. if he had received the quote. Councilman Sniscak, Jr. stated how he had a quote of \$76.00 a ton. President Stromelo stated how they were still billing the Borough \$77.00 a ton. Councilman Sniscak, Jr. stated how he was sending it in the mail. He stated how he actually told him how it was sent in the mail. Councilman Sniscak, Jr. stated how we were paying \$77.00 a ton but he was willing to do it for \$76.00 a ton. President Stromelo stated how he would let Councilman Hawk research it. Councilman Sniscak, Jr. stated how he thought that they should go over what it was costing them to go up there and with the new truck being smaller, they would be running up there more times. He stated how the truck bit the dust in 5 years when it should have lasted them 10 years. President Stromelo stated how the life span of the truck was 10 – 15 years; 250,000-300,000 miles. He stated how they were only at about 55,000 miles. He stated how the truck was not done needless to what the Borough worker was saying. Councilman Sniscak, Jr. stated how he knew that it was not dead but it could not keep running the way it was, up to Hegins. He stated how that was why they had to buy one. President Stromelo stated how that was not the reason they had to buy one. He stated that they bought one in the event it did breakdown so they would have another one to use. Councilman Sniscak, Jr. stated how he thought that Councilman Hawk should look at everything, the gas, the whole works. He stated about the cost for them to run up there and to go over the bills and everything. President Stromelo stated how Councilman Hawk will look over the stuff.

President Stromelo stated to Councilman Sniscak, Jr. that he had been made aware how he had picked up the Borough worker and went to Tamaqua with him. He stated to Councilman Sniscak, Jr. that he was not on the Sanitation Committee. President Stromelo asked Councilman Sniscak, Jr. who gave him permission to take the Borough worker away from his position, out of town. Councilman Sniscak, Jr. stated how it was for 30 minutes. President Stromelo stated how it did not matter if it was for one minute or 30 minutes. Councilman Sniscak, Jr. stated how he wanted him to show him the run and to show him the place that they were dumping at. President Stromelo stated how he had talked to the union representative and he told him how it was absolutely uncalled for, that a union employee should never be involved in management, and how he was only a worker and had nothing to do with it. Councilman Sniscak, Jr. stated how he was not involved as far as management. He stated how he just wanted his opinion on the drive, where he goes, where he dumps and how long it takes. President Stromelo stated how he knew that his position was that he wanted to go there. Councilman Sniscak, Jr. stated about going all of it. President Stromelo stated how Councilman Hawk could review it. He stated how he had also talked to Solicitor Yurchak. Solicitor Yurchak stated to Councilman Sniscak, Jr. how he really should not have taken him out of the Borough. President Stromelo stated about making a motion to not let anyone leave the Borough unless it was approved by the Committee Chairperson, President or Vice-President of Council. Mr. Paul asked about going for parts. President Stromelo stated how that was fine. He stated to Councilman Sniscak, Jr. to please not to do it again because it could be a liability for them.

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

Councilman Hawk stated how they had their Easter Egg Hunt on the Saturday before Easter. He stated how they had to have it indoors but everybody seemed to enjoy themselves.

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President Stromelo stated how they had approximately 35 kids. He stated how the number of kids was down from the previous year and how it will probably drop again next year. President Stromelo stated that the Bingo was plugging away. Councilwoman Fox stated that if anyone was free on Wednesday nights, they needed help in the kitchen for Bingo. She stated how there were still positions open for the Recreation Commission.

Councilman Zabroski stated about utilizing the Recreation Center for roller-skating, dances or even a movie. Councilwoman Fox stated how she was not able to attend the meetings. President Stromelo stated how roller-skating had been gone for over a year. He stated how there was no interest. Councilman Zabroski stated how it did not have to be skating. President Stromelo stated how they tried a movie night with a large screen television and it was a flop. He stated how they tried going on trips but that did not work. President Stromelo stated how the Jr. Recreation had even faded out because they cannot get the participation. Councilman Zabroski stated how it could be smaller kids not necessarily for the Jr. Recreation. President Stromelo stated how it was open for anybody to roller-skate but nobody was interested. Councilwoman Walck stated that when she was on the Recreation Committee, they would have a couple of parents who would just drop their kids off. President Stromelo stated that if anybody had any idea . . . Councilman Zabroski stated that it might not just be the building because Mr. Paul had brought up about repairing the parks. He stated about the Recreation Committee looking into doing things at the parks. He stated about building a pavilion. Mr. Paul stated how he wanted to start with benches "in memory of". Councilwoman Fox stated how Councilman Zabroski should work on some of the parents from the Little League to get on the Recreation Commission. President Stromelo stated how their main issue was going to try and get lights in the parks. Councilman Zabroski stated about looking into getting lights for the basketball courts first. He stated how there used to be lights there when he was a kid.

7. BUDGET AND PUCHASING DAVID HAWK, CHAIRMAN; ROSE WALCK, CO-CHAIRMAN; MARK STROMELO

President Stromelo stated how they had discussed the position of Jerome Citrano as the tax assessor. He stated how they had met with him along with the controller from Panther Valley School District, Charlie Gallagher. He stated how they were impressed as to what all he does control and they were surprised that they wanted to get rid of that position. President Stromelo stated how he was only getting paid \$1,000.00 a year. He stated how he did keep track of the people moving and the seniors who graduate from the High School. Councilwoman Walck stated how they had talked about the School putting a portion into it. Solicitor Yurchak stated how they should make sure that the School agrees with it before anything else. Secretary/Treasurer Ahner stated that even if the School would not go along with it, it was only a \$1,007.00 a year that he was getting and he was responsible to purchase his own stamps and envelopes. Solicitor Yurchak stated how they were not able to call him an assessor. Secretary/Treasurer Ahner stated how they have several moving permits in the office. She stated how they have also found a few people who were not on the tax roll as well.

Councilman Hawk stated about an increase in salary for the cleaning person. He stated how she was currently getting \$500.00 a month for both buildings, the Borough Office and the Police Station. Councilwoman Fox stated how she thought that she had received an increase when they finished the Police Station. President Stromelo stated how they had doubled it, but she did not receive an increase.

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8. FIRE/AMBULANCE FRANK DiMICELI, CHAIRMAN; DAVID HAWK, CO-CHAIRMAN; PUBLIC SAFETY ROSE WALCK

- **03.03.11 Nesquehoning Ambulance Summary Report for March**
- **03.03.11 Nesquehoning Fire Department Summary Report for March**

Councilman Hawk read the reports for March:

28 responses for the month;
1 automatic fire alarm
3 motor vehicle accidents
1 fire police
2 structure fire
1 industrial fire
17 pumping
1 landing zone
2 EMS assist

He stated how there was a total of 47 responses for the year. Councilman Hawk stated how for March there were 59 ambulance responses and 1,353 miles traveled. He stated how it brought the total for the year to 139 calls and 2,922 miles. He stated how there were 27 EMS calls handled by KME employees during work, which brings the total to 59 for the year.

Councilwoman Walck asked if they had ever honored them in some way or sent them something. She stated how it was something to think about. President Stromelo stated how they have only thanked them publicly. Councilman Zabroski stated how they have only thanked them at the meetings. Mayor Walck stated how they had given them a plaque and presented it them at the 911 services.

9. STREET LIGHTS FRANK DiMICELI, CHAIRMAN; MARY FOX, CO-CHAIRMAN; ROSE WALCK

No report.

10. GRANTS MICHAEL SNISCAK, JR. CHAIRMAN; MARY FOX, CO-CHAIRMAN; RICHARD ZABROSKI

- **04.08.11 NEPA – ARAC & EDA Project Funding Notice**

Councilman Sniscak, Jr. stated how he had talked to some people in Harrisburg about an Access Grant. He stated how they might be able to utilize it to go into the Industrial Park. He stated how it was \$200,000.00 but it was a matching grant. Councilwoman Fox asked what it would be for. Councilman Sniscak, Jr. stated how it was for access roads. He stated how it was called an application grant. He stated how it was something that was there but nobody ever utilized it. He stated about Industrial Parks and they need the roads to be fixed. Councilwoman Fox asked if he was talking about the Estates. Councilman Sniscak, Jr. stated “yes”. Councilwoman Fox asked if they could go onto private property to do that. Councilman Sniscak, Jr. stated how it would be for their roads going in. President Stromelo stated how they will have to see what happens. Councilman Sniscak, Jr. stated that as soon as he would get the application forms, he would let them know.

Councilwoman Fox stated how she had not heard back from Krista, from Barry Isett, Inc.

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President Stromelo asked if they had heard anything on the Radios Grant. Secretary/Treasurer Ahner stated how she had not heard anything yet.

President Stromelo stated how he had seen online that there were two bills going through to do away with the prevailing wage. He stated how Senator Argyle was sponsoring one and somebody else was sponsoring the other one. He stated how the contact was through Labor & Industry. President Stromelo stated to Solicitor Yurchak that he had printed the two bills out and would give them to him to check into it. He stated how he was hoping that they would pass it before they started the roads. Solicitor Yurchak stated how the sprinklers were revoked.

JR. RECREATION COMMISSION

Mayor Walck stated how they had their Easter Ham drawing. He stated that they had given a \$200.00 check to the American Cancer Society. He stated how there were five winners. Mayor Walck stated that he wanted to thank everyone who purchased tickets.

NEW BUSINESS

Solicitor Yurchak stated how Mr. McArdle and Councilman DiMiceli had contacted him about working on a release or a hold harmless agreement for Mr. Parano to tear down the house on West Catawissa Street. He stated how he had worked up an agreement for them. He stated how Council would have to approve the concept of holding him harmless for any damage or any type of injuries that might be caused as a result of the fire company doing their exercise on the property and tearing down the building. President Stromelo stated how Mr. McArdle had asked him if the Fire Police were covered under workers compensation. Secretary/Treasurer Ahner asked if they still have to file a demolition permit. President Stromelo stated how they were only going to do some cut up things but a contractor was going to come in then and crush it. Mr. McArdle stated how they just wanted to be able to go in and just drill. Mr. McArdle stated that the other thing they have to do it and it was a matter of importance was the promulgation page for the Emergency Operation Plan.

Councilman Sniscak, Jr. moved and Councilman Zabroski seconded to approve holding Mr. Parano harmless for the exercise by the fire company on the building at 249 West Catawissa Street, Nesquehoning. All voted yes. Motion passed.

Councilman Hawk moved and Councilman Sniscak, Jr. seconded to approve the update to the Emergency Operation Plan. All voted yes. Motion passed.

President Stromelo stated how Solicitor Yurchak will check on the workers compensation for the fire police.

Councilman Sniscak, Jr. stated how they will be receiving a letter from a company about a proposed windmill farm on top of the mountain. He stated how they had given them permission to put up triangular setups with lasers to measure the wind. He stated that they needed to get an idea as to what the wind speed was. President Stromelo stated how the Council had to ratify their actions because he and Councilman Sniscak, Jr. had signed it to allow them to do the study.

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Councilman Zabroski moved and Councilman Sniscak, Jr. seconded to ratify the actions to allow the company to do the windmill study on the mountain.

Councilwoman Fox asked where they were talking about doing windmills at. President Stromelo stated that it was on the top of the mountain. Councilman Sniscak, Jr. stated how it was in back of the CoGeneration Plant. President Stromelo stated that within the next few weeks they will be having a meeting probably with Borough Council to let them know what their plans were. He stated how he told them how it would be good to let Council know what was coming in. President Stromelo stated how it would depend on how much wind was up there.

All voted yes. Motion passed.

Councilman Sniscak, Jr. moved and Councilman Zabroski seconded to accept all committee reports. All voted yes. Motion passed.

OLD BUSINESS

No old business.

ADJOURNMENT

Councilman Zabroski moved and Councilman Sniscak, Jr. seconded to adjourn the meeting. All voted yes. Meeting adjourned at 11:04 p.m.

RoniSue Ahner
Secretary/Treasurer