

MINUTES FOR REGULAR MEETING OF NESQUEHONING BOROUGH COUNCIL

Wednesday, August 24, 2011 at 7:00p.m., Borough Office
114 W. Catawissa Street, Nesquehoning, PA 18240

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

President Stromelo called the meeting to order at 7:00 p.m.

Chief Smith arrived at 7:15 p.m.

Councilman Zabroski arrived at 8:45 p.m.

MINUTES: Approve the minutes from the Regular Meeting held on June 22, 2011 and on July 27, 2011.

Councilman Sniscak, Jr. moved and Councilwoman Walck seconded to approve the Minutes from the Regular Meetings held on June 22, 2011 and July 27, 2011.

Councilman Jacobs stated how he would like to note it that when Councilman Sniscak, Jr. and Councilman Zabroski abstained from voting for him last month when he was nominated for the Council seat, how it was improper. He stated that they should have stated "not voting" instead of abstaining because there was nothing wrong with him submitting his name. He stated how the other two candidates could have submitted their names also. Councilman Jacobs stated how there was nothing illegal about it. Councilman Sniscak, Jr. stated how he had just given his opinion. Councilman Jacobs stated to Councilman Sniscak, Jr. that if he would have stated that he was not voting, it would have been one thing. He stated to Councilman Sniscak, Jr. that if there was something wrong, then he would have abstained if he wanted to. He stated how there was nothing wrong with him submitting his name being that his name was on the ballot. Councilman Sniscak, Jr. stated how he never said that. Councilman Jacobs stated to Councilman Sniscak, Jr. that he had stated because his name was on the ballot. Councilman Sniscak, Jr. stated that he had said how anyone who was running he thought should not be on Council; it was not fair to anyone else. Councilman Jacobs stated how there were no rules against it. Councilman Sniscak, Jr. stated to Councilman Jacobs stated he did not say just him and that it was for anybody who was running. Councilman Jacobs stated to Councilman Sniscak, Jr. that he abstained from voting, which meant there was some kind of conflict. He stated how there was no conflict. He stated that if he would have just stated "not voting" it was one thing but when he abstained it was something else.

All voted yes. Motion passed.

HEARING OF VISITORS

Jacob Arner – 140 E. Center Street – stated that he was there that night because he was requested by the Building Code Official to fix his garage, which he was going to tear down. He stated that he would like to rebuild it. He stated how it was his intention when he purchased the property to tear it down and rebuild a new garage. Mr. Arner stated how the economy had not helped him very much. He stated that the Governor, last year, allowed them to extend permits to rebuild his garage. He stated how it was House Bill 1042 and it allows permits to be extended until July 2, 2013 plus the time line of the permit, which was one year. Mr. Arner stated that he was there that night, which was part of House Bill 1042, to ask for Council's permission to extend his permit. He stated how House Bill 1042 allows him to request it from Council and to request it in writing so there was no misunderstandings. He stated that all he wanted to do was to get along with the Borough and rebuild his garage.

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Councilman Jacobs stated how he had read the House Bill. He stated how they had to address it so they did not get caught in between if something should have happened, if someone would have gotten hurt. He stated how someone could not say that the Borough did not look into having the problem corrected. Mr. Arner stated that the problem will be corrected. Solicitor Yurchak stated how it was not July 2nd; it was July 1st, but that was neither here nor there. He stated how Council could also impose a fee of \$100.00 to do it, under the statute. Mr. Arner stated that he agreed. He stated how he had asked the Builders Association to weigh in on it and they had stated that it was July 2, 2013. He stated how he respected his opinion. Mr. Arner stated how he enjoyed working with several municipalities. He stated how he enjoyed providing paperwork for what he proposed. He stated how he was not trying to pull anything; he was only there trying to agree with them. Councilman Jacobs asked Solicitor Yurchak if they were required to request anything from Mr. Arner. Solicitor Yurchak stated how Mr. Arner had made a request and they would have to provide a verification if it was extended. He stated how he did feel that he was entitled to it under the statute but they could impose the \$100.00 fee. Councilman Jacobs asked if that was for the extension. Solicitor Yurchak stated that it was for the extension. Mr. Arner stated that the \$100.00 fee was an administrative fee.

Councilman Jacobs moved and Councilman Sniscak, Jr. seconded to extend the deadline for Mr. Arner's building permit/zoning permit for the rebuilding of his garage until July 2, 2014 according to House Bill 1042 with imposing the \$100.00 administrative fee. All voted yes. Motion passed.

David Lear – Lehigh Engineering – stated how he had received a phone call on Thursday from the company who was originally with the Solar Panel Park, which was proposed on Kovatch's property between 3rd and 4th Hollow Roads. He stated how they have a new Solar Panel contractor to install the panels. He stated how he wanted to update the Council Members as to the type of panels and how they were going to be installed and the location. Mr. Lear stated how he had a plan with him that night. Councilman Jacobs asked if it was still just phase 1. Mr. Lear stated how it was still just the original phase 1. He stated that basically nothing on the plan was being proposed for a change except for the actual panel configuration. He stated how they were not changing any of the storm water, the roadway, the visitor center and anything like that. Mr. Lear stated how it had no impact on the storm water. He stated that when they put the panels in the field, they looked at the panels as not being impervious because there was going to be grass growing under them. He stated how they were going to be on 3" – 4" diameter columns. He stated how that was exactly the same way it was going to be. Mr. Lear stated how the panels ran North and South in rows. He stated that the panels that were looked at were on peers, steel columns 3" – 4" diameter and they held up a horizontal bar going up the hill side, which allowed the panels to tip east and west to follow the sun. Mr. Lear stated how that was being costly as far as the return. He stated that the tipping of the panels east to west design did not really make up for the additional following of the sun. Mr. Lear stated that what they were looking at now was the same panel size and spacing between the panels but they were going to place the panel in an East and West direction and they will all be tipped to the South. He stated how they would be the same angles and the same height. He stated how they were not making them any higher out of the ground and there was no less clearance. He stated how there would still be 30" of clearance at the lowest part of the panel but they will not be moving. Mr. Lear stated that on the hillside, instead of looking at a row North and South, there will be rows East and West. He stated how they were working on electrical semantics and he had been told that they were 90 – 95% ready to start construction. Mr. Lear stated how he thought that there were grants. He stated how they had started working with PV Designs Associates, from New Jersey, who were the ones laying out the panel form. Mr. Lear stated how the construction was going to be exactly the same except the panels would not be tipping from East to West but rows running East and West.

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Mr. Lear stated that with the panels now, they would be able to condense it to a smaller area but still produce the same amount of electric. He stated how they were not looking for a larger output or a newer substation. He stated how they could see the panel consolidation and how it will be between the 3rd and 4th Hollow Roads. He stated how they would not see anything on the opposite side of the 3rd Hollow Road. Mr. Lear stated how they will still be able to produce what was said to Council in prior meetings. He stated how he had just received a call on Thursday and he wanted to come to Council because they were trying to put out bid packages for Monday. Mr. Lear stated how they were ready to go and they were trying to get it so it did work. He stated how he wanted to come to Council to show them the differences. He stated how he did not think that the redesign differences were going to affect the storm water.

Mr. Lear stated how it was up to Council if they required to see a new set of plans for something. He stated how there was one other thing that when they had originally discussed the project with it being on both sides of the creek, they had an access lane to the Hollow Road. He stated how they were not proposing anything on the other side. He stated how he did have some concerns about having an access to the Hollow Road in the event of a fire so there was still access. He stated how it would be a gravel road and how there will be less earth disturbed. Mr. Lear stated how they have berms underneath all of the panels so there was no concentration of water at any one point.

Mr. Lear stated how he wanted to explain the changes to Council and to answer any questions that they would have. He stated how he wanted Council's opinion as far as if they would be coming in with a revised set of plans or not. Mr. Lear stated how he had been in contact with Councilman Hawk in regards to the water lines and the clearances for the lines. Councilman Jacobs asked Mr. Lear if he had submitted plans to the Borough's Engineer. Mr. Lear stated that he had not submitted any plans to the Borough's Engineer. He stated how he had just gotten the plans on Tuesday. Councilman Jacobs stated how he felt that there should be plans submitted to the Borough's Engineer for review before they take any action to make sure everything was in order. He stated how they agreed to the previous plans. He stated how they had some concerns that they had to re-address from their engineer's concerns the first time. Councilwoman Fox asked Mr. Lear if the other side of 3rd Hollow Road was phase 2 of the project. Mr. Lear stated "no". He stated how there was another tract of land that Mr. Kovatch owned between BOCA Holding and a sludge pile, which they had been looking at as phase 2. He stated how that would have doubled the size of the facility. Mr. Lear stated how he believed that they only went through zoning with that as far as the use but they did not go through any design. Mr. Lear stated how he valued Council's opinion and how he was being honest about the plans. He stated how he really did not have any objections to submitting plans to Mr. Tirpak. Solicitor Yurchak stated how he did agree with Councilman Jacobs about plans being submitted to Ron Tirpak. He stated how they were there a year ago stating how they were going to start construction shortly and now they were there again saying the same thing. Councilman Jacobs stated how he relies on the engineer to review it and note how there were no changes to what they had agreed to previously. Mr. Lear asked if it could be an in-house review or if it had to come back for an approval. President Stromelo stated how they could grant a conditional approval if Ron Tirpak would approve it. Councilman Jacobs stated how someone should review them and make sure that there was nothing wrong with them. Councilwoman Fox stated how they should have something on record. Councilman Hawk stated that if Mr. Tirpak agreed that the changes were not substantial to warrant a full blown review.

Councilman Hawk moved and Councilman Sniscak, Jr. seconded to have Lehigh Engineering submit plans of the Solar Park to The Borough's Engineer, Ron Tirpak, for review and the Council will give conditional approval on Mr. Tirpak's recommendations. All voted yes. Motion passed.

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Councilman Hawk stated to Mr. Lear that Mr. Tirpak should also be contacting him in regards to the clearances.

Avril (Abbie) Guardiani – 35 E. Center Street – stated how she and Joe were there to be updated on what was going on with the property at 34 E. Railroad Street. She stated how she had spoken to Solicitor Yurchak and she knew that letters were sent, but their concern was if there had been any response and if there was no response, what the next steps were. Solicitor Yurchak stated how they did get a response from one party. He stated how they said that they sold it but they only supplied some things signed by one party and other things signed by another party. He stated how nothing had been recorded. Solicitor Yurchak stated how, realistically, he believed that Wells Fargo was the owner of the property. He stated that as part of his report he was going to ask for approval to start a nuisance action, which was a court action to basically fix it up or tear it down. Solicitor Yurchak stated how he had sent two certified letters and they were both received. Ms. Guardiani asked if there was a time frame on it. Solicitor Yurchak stated that once it was approved, he could file it.

Ms. Guardiani stated how the grass was cut for the second time all summer on August 8th. Councilman Jacobs stated how the property transfer was just in the paper the night before. He stated how the sale probably did go through but they never recorded it. Solicitor Yurchak stated how he will have to check on it to make sure. Ms. Guardiani asked if that meant that they had to start over. Solicitor Yurchak stated how he will have to notify the new owner to do something before he could file a complaint. President Stromelo stated that when they sold it to the company, they should have advised them of what was going on. Solicitor Yurchak stated how they should have. Councilwoman Fox asked Solicitor Yurchak if he gave them a time limit when he sent the letters. Solicitor Yurchak stated how he put that in all of his letters. Councilman Hawk stated to Solicitor Yurchak that when he did send the letter to the new owner, he should make them aware of what had been going on and how it was going on for several months and how Wells Fargo was aware of it. He stated how the Borough was not going to go back to square one but was going to proceed from where they were at. Solicitor Yurchak stated how he will include the last two letters also. Mayor Walck stated about giving them two weeks in the letter.

Tom Merman – 512 E. Center Street – stated how he had several questions that he wanted answers to. He stated how the sidewalks and the curbing did not belong to the property owner but they were responsible to maintain them and pay to repair them. Solicitor Yurchak stated how the property owner was required to put them in. Mr. Merman stated how they have some problems with people parking on sidewalks. He asked if it was encroachment if someone was parked on a sidewalk and there was no room for people to walk on that sidewalk. Solicitor Yurchak stated how they have an ordinance against that. Mr. Merman asked if they prosecute if they did not abide by the law. Solicitor Yurchak stated how that was not his job. Mr. Merman stated how Solicitor Yurchak could give the legal advice and President Stromelo could tell him what Council did. He stated if they were looking into it because they had a zoning officer, who was driving around doing her job looking for high grass to be cut. Mr. Merman stated how they now had a place on Catawissa Street and how long that sidewalk was going to stay wide open. He stated about someone explaining that to him.

Mr. Merman stated how the Borough gave a road away, how they gave a couple of roads away. He stated how he had brought them proof from the courthouse that they were streets. He stated how they were paper streets, but they were streets. Mr. Merman stated that he wanted to know that if some people have a curb in and they only have grass on it, they were not forcing them to put concrete in. He stated how they have an ordinance that states that when a sidewalk goes in, they must be out of concrete not out of anything else but concrete, no blacktop.

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Mr. Merman stated that if they were going to have ordinances and now they had the Shade Tree Ordinance, were they going to abide by them or were they going to say how they cut the grass for 20 years behind the curb so now it was theirs.

POLICE REPORT

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

\$1,334.74 fine money received from Magistrate Kosciolk; \$251.00 fine money received from Magistrate for Sanitation Fines/Bills; \$0.00 received in Carbon County Collections; \$0.00 received in DUI reimbursements; \$281.89 received in Motor Vehicle reimbursements; \$12.50 received from Carbon County Restitution; \$0.00 received from Attorney General for overtime reimbursement; \$0.00 received in State Fines; \$50.00 received in parking tickets; \$330.00 received in moving permits; \$90.00 received in accident reports; \$250.00 received in solicitation permits; 80 citations [7 non-traffic & 73 traffic]; 471 incidents reported for the month; alert form attached to report; 1 search warrants; 2 consent search; 9 traffic accidents (4 reportable – 5 non-reportable); 13 court appearances and the mileage total was 4,681 (895 – 2008 Crown Vic; 2,355 – 2008 Chevy Impala; 0 - 2003 Crown Vic; 233 – 2005 Expedition; 1,198 – 2009 Ford Crown Vic).

HOUSING & CODE ENFORCEMENT OFFICER'S REPORT

Linda Narciso stated how she had four hearings at the Magistrate, one was resolved and the other three were on going. She stated how the property in Hauto was cleaned up about 80%. Ms Narciso stated how the garage that had the fire was taken down and it was all cleaned up. She stated how almost everything on her report pertained to high grass. Ms. Narciso stated how she also wanted to bring up about a Property Maintenance Ordinance. She stated how there were a lot of things that they could not do because they did not have one. Solicitor Yurchak stated how he thought that Carl Faust would like to see that ordinance also. Ms. Narciso stated how Council had talked about it before. Solicitor Yurchak stated how it would give them another tool. President Stromelo stated to Solicitor Yurchak about coming up with something for next meeting. He stated how that ordinance has to deal with all kinds of junk being piled up on the property. Councilwoman Fox stated how she has also talked with Ms. Narciso on health hazards. She stated how Ms. Narciso had some complaints on health issues, like dog feces. Councilwoman Fox stated how Ms. Narciso had a complaint but she was not sure if she could go into the house or request to go into the home. Ms. Narciso stated how she could smell it by just walking past the house. She stated how she had talked to Children and Youth and they had been in the home. Councilman Jacobs asked about the one in New Columbus that they had talked about. Councilwoman Fox stated how that was an issue also but it was a separate issue. Councilman Jacobs stated about how far they could go if they did not have any tools to go with. Councilwoman Fox asked if there was a Board of Health that they could call. Solicitor Yurchak stated how they did not have a Board of Health. He stated how they would have to have a doctor on the board. Ms. Narciso stated how the people at one property were locking the animals in the basement and they do not go out at all. Councilman Jacobs stated how they had one years ago but they could not now because the courts supersede everything. Councilwoman Fox asked Ms. Narciso if someone had contacted Children and Youth. Ms. Narciso stated how she had heard that they were there and gave them 30 days to get out of the house.

Councilman Jacobs moved and Councilwoman Walck seconded to accept the Police Report and the Housing & Code report and to authorize Solicitor Yurchak to get copies of a Property Maintenance Ordinance. All voted yes. Motion passed.

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SUPERINTENDENT'S REPORT

Louis Paul gave his report for July - August as follows:

(Streets) Contractors were in progress with the following projects: sewer line, curbing, and paving; Mill Street inlets were 95% completed, (Sewer) stage one sewer project completed on Mill Street; Larry Fox was helping Bob Pilla when needed; Larry Fox also worked with the Water Authority when Mark Lopata was off, (Line Painting) was completed by the Panther Valley School; they were in progress on Catawissa Street on Thursday; school bus stops were also in progress, (Grass) all parks and 12 sites were cut bi-weekly, (Code Enforcement) 134 Stock Street, 34 Railroad Street, Center Street, all the requested code enforcement he had received had all been completed, (Landscape) 36" pipe job on Coal Street, which was 180 feet, was seeded and straw was completed, (Buildings) police station pictures, computer hookup, office furniture moved, lockers installed in police station, fan hooked up for Joe Fazio – apartment.

Mr. Paul stated how they still have the maintenance request forms in the office, if he does not know about it, he cannot do it.

PLANNING COMMISSION REPORT

- **County – Subdivision**

Councilwoman Fox stated how they did not have a meeting that month but they did have plans from the County for property on Mill Street. She stated how they were going to vote on the subdivision with a conditional approval. Solicitor Yurchak stated how they could give it a conditional approval subject to whatever conditions the Planning Commission placed on them. Councilman Jacobs stated how it was also with the Lion's Club's lot. He stated how some of the property was to be deeded over to the Borough. He stated that he had found out that where the sewer line was replaced on Mill Street, how it was County property. Councilman Jacobs stated how that was now getting deeded over to the Borough. He stated how there was some other areas that were going to be deeded over to the Borough also. Councilman Jacobs stated how it was on one big subdivision and now they were breaking them down. He stated how they found it all out when the Lion's Club asked them to subdivide the property with the building. He stated how they did not realize what all it entailed because it went all the way down to the western end of Mill Street. President Stromelo stated how it was only on the South side of the tracks. He stated how they were not going to accept the North side of the tracks.

- **Brown – Subdivision**

Councilwoman Fox stated about what they wanted to do with the subdivision for the Brown property. She stated about the dye test. President Stromelo stated how he had met with Mike Kafkalas. He stated how the initial copy of the plans had the County Seal on them. He stated how they had changed them but they did not go back for a stamp. Councilman Jacobs asked if there were some concerns from the Zoning Hearing Board. He asked about the easement that was supposed to be shown on the plans. President Stromelo stated how it was showing the sewer lines on Mussmano Avenue. He stated how it showed the easements for the water lines, which come from Columbus Avenue. Councilman Jacobs stated how he thought that their concerns with the Planning Commission were the sewer lines in the event they were going to build on the property and would sell it. He stated how the sewer lines were running through the yard. Councilwoman Fox stated how they wanted to make sure that everything was recorded. President Stromelo stated how he had explained that to Mr. Kafkalas and Mr. Kafkalas thought how it was a great idea because it falls by the wayside once they sign off of it.

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President Stromelo stated how the property owner to the east was going to be taking a garage down and building something there. He stated how he knew that the other thing on there was the dye test but Mr. Pilla was not able to get to the manhole, which was by the bridge and was covered by a tree. He stated how they were going to have to cut the tree up first. Solicitor Yurchak stated how they should get the County Stamp first. Councilman Jacobs stated how some of the things should be listed in the block of comments. He stated how the dye test will only show that they were hooked up. He stated how their concern was the property to the West and how there was a common line. He stated how they were going to build on that lot. Councilman Jacobs stated about selling that property in the future and how there should be an easement being shown on the plans. Councilwoman Fox stated how it was not the dye test but how it was the easement for the sewer line running through the yard. Solicitor Yurchak stated how he would table it or reject it because it was premature to be before Council. Councilman Jacobs stated how he thought it was addressed to show it. Solicitor Yurchak stated how they could give them a conditional rejection also. Councilman Hawk stated how he did not want to table it so they would have to reject it until the sewer easements were shown on the plans. President Stromelo stated how they need the County stamp, the sewer easements and whatever else was listed.

Councilman Jacobs moved and Councilman Hawk seconded to conditionally reject the Brown's subdivision plans until such time all the issues were addressed and shown on the plans. All voted yes. Motion passed.

Councilman Hawk moved and Councilman Sniscak, Jr. seconded to give the County a conditional plan approval until approved by the Nesquehoning Planning Commission. All voted yes. Motion passed.

CIVIL SERVICE COMMISSION

No report.

PANTHER CREEK ADVISORY REPORT

Councilman Jacobs stated how he had received a call two weeks ago concerning how they were going to cease receiving coal by railroad cars. He stated that when they had approved for the Cogeneration to come into the area, they had agreed to let a certain percentage of coal to come by railroad to keep the number of trucks down. Councilman Jacobs stated how they should sit with whoever was in charge of it, Patricia, to find out what direction they were going. He stated that by cutting out the railroad cars, they were going to be more truck traffic. Councilman Sniscak, Jr. asked if it was a signed agreement. Councilman Jacobs stated how it might have been, but where would the agreement be. He stated how it would not hurt to have a meeting with them to find out if it was true. He stated how they do not want an increase of truck traffic through Hauto. Councilwoman Fox stated how she had noticed that there were trucks, what she thought were ash trucks but were coal trucks, coming through town. Councilman Jacobs stated how they were coming over the Broad Mountain. Councilwoman Fox stated how there were three of them that came from Hauto and went down Catawissa Street. She stated that if they were coming from Eckley, they would come down over the Broad Mountain. She stated how it was not just going to be through Hauto but through the town also. Councilman Jacobs stated about sitting down with them and asking if they were going to disband the coal coming in by railroad cars and see what they tell them. Councilman Jacobs stated that if they would take 30 rail cars at a time and haul it in by truck. He stated how that was a lot of coal. Councilman Sniscak, Jr. stated how that was a lot of trucks. President Stromelo stated that they would send them a letter.

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ENGINEER'S REPORT

- 08.01.11 Carbon Engineering – Commonwealth Financing Authority
- 08.01.11 Carbon Engineering – Sanitary Sewer Project #11
- 08.01.11 Carbon Engineering – Street/Road Improvement – Mill Street
- 08.04.11 Carbon Engineering – Wastewater Treatment Facility – Sandblast residual
- 08.05.11 Carbon Engineering letter to Franzosa – Notice to Proceed
- 08.12.11 Carbon Engineering letter to Daniel Benedict – Street Reconstruction Project

President Stromelo stated how they had an emergency change order on the west end of Mill Street. He stated how the sewer line was deeper than what it was supposed to be. He stated how they then had to get a trench box. President Stromelo stated how it was a \$16,000.00 change order for Project #11. He stated that to keep the project going without stopping he approved the change order after confirming it with Ron Tirpak. He stated how he will need a motion to ratify his actions of complying with the change order.

Councilman Hawk moved and Councilman Jacobs seconded to ratify the actions of President Stromelo in approving the change order for Project #11. All voted yes. Motion passed.

President Stromelo stated how they had some other issues with the sewer line on Mill Street. He stated how it was the first block and continuing into the 100 block of Mill Street. He stated how they were also changing the sewer line that was running down School Street to pick up the main line. He stated how he needed a motion to ratify his actions to advertise Project 11A.

Councilman Jacobs moved and Councilman Hawk seconded to ratify the actions of President Stromelo to advertise for bids for Project 11A – Sewer line on Mill Street. All voted yes. Motion passed.

SOLICITOR'S REPORT

- 07.26.11 Robert T. Yurchak letter to Nesquehoning School Apartments –Fire alarms
- 07.26.11 Robert T. Yurchak letter to Nesquehoning School Apartments – Parking spaces
- 07.28.11 Robert T. Yurchak letter to District Court – Frank Munoz
- 07.29.11 E.H.Pooled 411 LP – Re: 34 E. Railroad Street
- 08.10.11 Carole J. Walbert letter to Atty. Yurchak – Nesquehoning School Apartments
- 08.17.11 Robert T. Yurchak letter – Motor Vehicle Damage
- 08.17.11 Robert T. Yurchak letter – High grass bill
- 08.17.11 Robert T. Yurchak letter – high grass bill
- 08.18.11 Robert T. Yurchak letter to Carole Wildoner-Walbert –Fire Alarms, 90 E. Catawissa
- 08.22.11 Robert T. Yurchak letter to District Court – constable fees

Solicitor Yurchak stated how he had sent letters to the Nesquehoning School Apartments and have not heard anything back in regards to the parking spaces. He stated how there have been several letters back and forth regarding the automatic fire alarms. He stated that the last letter he had received from Carol Walbert asking for a 60 day extension of any enforcement because they wanted to locate the problem. Solicitor Yurchak stated how he had written her back not allowing the extension.

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Solicitor Yurchak stated how they had to send out the order of execution so they could execute the truck.

Solicitor Yurchak stated how the Blue Ridge Franchise was coming due in October. He stated how they were asking for a Resolution but he was not sure a Resolution was appropriate. He stated how they had to do something by next month. He stated how it had to be renewed before October 17th. Councilman Jacobs asked if it was 10 years. Solicitor Yurchak stated how they wanted another 10 years. He stated how they had sent him a Resolution but he was not sure if the Resolution could modify an ordinance. He stated how they were looking to strike out one section of the ordinance.

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

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JIM THORPE NATIONAL BANK TREASURER'S REPORT

GENERAL FUND

Balance 06.30.11 299,160.03
Receipts 46,901.06
Expenditures 139,071.53
Balance 07.31.11 206,989.56

GENERAL SEWER CONSTRUCTION FUND

Balance 06.30.11 10,328.94
Receipts 2.19
Expenditures .00
Balance 07.31.11 10,331.13

SPORTS COMPLEX FUND

Balance 06.30.11 12,717.66
Receipts 422.38
Expenditures 1,322.59
Balance 07.31.11 11,817.45

SANITATION ESCROW

Balance 06.30.11 199,532.16
Receipts 59.31
Expenditures .00
Balance 07.31.11 199,591.47

DEBT SERVICE

Balance 06.30.11 1,936.39
Receipts .41
Expenditures .00
Balance 07.31.11 1,936.80

FIRE TRUCK FUND

Balance 06.30.11 149,016.08
Receipts 2,129.77
Expenditures 549.13
Balance 07.31.11 150,596.72

CAPITAL PROJECT

Balance 06.30.11 62,713.63
Receipts 156.47
Expenditures .00
Balance 07.31.11 62,870.10

SANITATION FUND

Balance 06.30.11 132,694.37
Receipts 96,205.61
Sewer 37,564.22
Expenditures 92,315.34
Balance 07.31.11 99,020.42

HIGHWAY FUND

Balance 06.30.11 107,901.40
Receipts 22.91
Expenditures .00
Balance 07.31.11 107,924.31

PLANNING FUND

Balance 06.30.11 9,578.93
Receipts 2.85
Expenditures .00
Balance 07.31.11 9,581.78

GENERAL SEWER FUND

Balance 06.30.11 87,167.66
Receipts 67,454.34
Expenditures 56,565.00
Balance 07.31.11 98,057.00

SEWER OPERATING & MAINTENANCE

Balance 06.30.11 32,010.90
Receipts 37,299.84
Expenditures 22,309.85
Balance 07.31.11 47,000.89

POLICE PENSION FUND

Balance 06.30.11 618,621.72
Receipts 1,579.78
Expenditures 8,562.06
Acct Depreciation 13,294.10
Balance 07.31.11 598,345.34

2010 STREET PROJECT ACCOUNT

Balance 06.30.11 .00
Receipts .00
Expenditures .00
Balance 07.31.11 .00

MINUTES FOR REGULAR MEETING OF NESQUEHONING BOROUGH COUNCIL

Wednesday, August 24, 2011 at 7:00p.m., Borough Office

CD REPORT

FUND	CURRENT VALUE 07.31.11	INTEREST 07.31.11	OPENING DATE	CURRENT RATE	RENEWAL DATE	BANK
PLANNING	\$ 15,805.66	\$ 33.49	08-17-09	2.50 %	08-17-12	JTNB
GEN. SEWER	\$ 372,320.92	\$ 788.87	08-20-09	2.50 %	08-20-12	JTNB
DEBT SERVICE	\$ 13,979.95	\$ 29.62	08-17-09	2.50 %	08-20-12	JTNB
DEBT SERVICE	\$ 107,587.10	\$ 123.66	06-04-10	1.40%	06-04-13	JTNB
DEBT SERVICE	\$ 18,771.92	\$ 23.11	06-30-11	1.50%	06-30-14	JTNB
SANITATION	\$ 20,780.40	\$ 25.59	06-30-11	1.50%	06-30-14	JTNB
CAPITAL PROJ	\$ 10,185.38	\$ 12.54	06-30-11	1.50%	06-30-14	JTNB
FIRE TRUCK	\$ 9,951.28	\$ 12.25	06-30-11	1.50%	06-30-14	JTNB

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

EMERGENCY MANAGEMENT REPORT

No report.

MAYOR’S REPORT

- **Advertise for Crossing guard – part time**

Mayor Walck stated how he would like Council’s permission to advertise for crossing guards. He stated how he did not have any back-ups if one of the crossing guards were off.

Councilman Sniscak, Jr. moved and Councilwoman Fox seconded to advertise for part-time as needed crossing guards. All voted yes. Motion passed.

- **Trick-or-Treat night**

Mayor Walck stated about what Council’s wishes were in regards to trick-or-treat night. He stated how they used to try to coordinate it with the other towns but it never worked out. He asked if they wanted to hold it on October 31st. President Stromelo stated about holding it on Halloween. Councilman Jacobs stated how they should go with the 31st. Councilwoman Walck asked what the times were. Mayor Walck stated how it would be from 6:00 p.m. – 8:00 p.m.

Mayor Walck stated how school was starting on Monday and how people will need to be careful of the kids crossing the streets. He stated how he had asked Mr. Paul to get the pedestrian crossing signs up.

Mayor Walck stated how he had presented the Resolution to David and Derek Marouchoc for their accomplishments in obtaining the rank of Eagle Scout.

MINUTES FOR REGULAR MEETING OF NESQUEHONING BOROUGH COUNCIL

Wednesday, August 24, 2011 at 7:00p.m., Borough Office

Mayor Walck stated how he had received a fax from the Rolling Angels for Armed Forces. He stated how they would be coming down Route 93, the Broad Mountain, on Saturday the 20th and they wanted traffic stopped for 150 motorcycles. He stated how it was a benefit for the military people. Mayor Walck stated how he had asked Chief Smith to block traffic with the car and Denny Creitz from the Fire Police will help also.

Mayor Walck stated how there was a request to go for the EXP Baton and Pepper spray recertification. He stated how he will have to see how many they can send on October 1st and who needs to be recertified.

Councilman Hawk moved and Councilman Sniscak, Jr. seconded to allow Mayor Walck to send as many officers to Lackawanna College in Hazleton to be recertified in EXP Baton and Pepper spray. All voted yes. Motion passed.

Mayor Walck stated how the next Crime Watch Meeting would be held on September 14th at 7:00 p.m.

TAX COLLECTOR’S REPORT

01 July 2011 – 31 July 2011

Real Estate	\$80,464.94
Occupation	1,860.00
Per Capita	<u>1,790.00</u>
TOTAL	\$84,114.94

<u>EXEMPTION:</u>	Paul Zettlemyer	Deceased
	Jennifer Moretti	Low Income

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

<u>APPLICATIONS:</u>	Louis LaRizzio, Jr.	Street, sewer, water authority, garbage
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COMMUNICATIONS:

- 07.19.11 Liberty Oil – Prepay oil program
- 07.26.11 PA DEP – Industrial Waste – Ametek
- 07.28.11 Panther Creek Partners – Updated pages, Panther Creek Off-Site Emergency
- 08.01.11 Nanovic Law Offices – Joint Board of Appeals/Kidder Township
- 08.03.11 Riley & Company – Year-end Audit
- 08.03.11 PetroChoice – Bulk Oil – COSTARS member
- 08.05.11 DCED – Basic Training & Examination for Municipal Tax Collector Qualification
- 08.05.11 DCED – Basic Training for Elected Auditors
- 08.08.11 PPL – Rebate invalid
- 08.08.11 PPL – Rebate invalid
- 08.11.11 Jake Arner – Act 46 of 2010

MINUTES FOR REGULAR MEETING OF NESQUEHONING BOROUGH COUNCIL

Wednesday, August 24, 2011 at 7:00p.m., Borough Office

- 08.12.11 T&M Associates – Capital Project goals for the community
- 08.17.11 CC Conservation District – Erosion & Sediment Control – Rte 54 Curve
- 08.19.11 Rolling Angels – Military Motorcycle run through Nesquehoning – Assistance
- **08.22.11 CC Dept. of Solid Waste – Electronics Recycling**

Secretary/Treasurer Ahner stated how there will be an electronic recycling held in Lehighton at the Borough Garage on Penn Street, near Snyder Tires, on September 26th and 27th. Councilman Jacobs stated how they wanted to know if the Borough was going to get involved by collecting items within the Borough and having someone take it down to Lehighton. Secretary/Treasurer Ahner stated how they had done that one year. She stated how they had parked a truck out front and people would throw their stuff in the truck. She stated how one of the Borough workers took it down at a certain time. Councilwoman Fox asked if they wanted to have one again. Councilman Jacobs asked if they wanted to get involved. Secretary/Treasurer Ahner stated how they had just held one on Locust Street and did not know how much stuff they would get. President Stromelo stated how they would have to get someone to collect the fees for specific items. Secretary/Treasurer Ahner stated how they would have to have somebody watching it because of people trying to take things off the truck. Mr. Paul stated how they would park the truck down back and Secretary/Treasurer Ahner could watch it. Secretary/Treasurer Ahner stated how she could watch it. Councilman Jacobs asked if they wanted to do it a day before or on the same day. Councilwoman Fox stated how they could do it on Friday. Councilman Hawk stated how they could do it all day on Friday, park the truck in the garage over the weekend and then run it down Monday morning. Councilwoman Fox stated how they would hold it on Friday, September 23rd in the back parking lot from 8:00 a.m. until 2:00 p.m. She stated how they would not be accepting televisions or appliances. Secretary/Treasurer Ahner stated how it did not say anything about a fee for monitors. Councilman Hawk stated how the memo stated about computers, monitors & printers. Secretary/Treasurer Ahner stated that it stated how basically anything electronic will be accepted at no charge to the County or the residents.

Councilman Jacobs moved and Councilman Sniscak, Jr. seconded to hold an electronic recycling collection on Friday, September 23, 2011 from 8:00 a.m. until 2:00 p.m. All voted yes. Motion passed.

- 08.22.11 PPL E-power - Rebates

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

BILLS TO BE RATIFIED, EXPENDITURES AND RECEIPTS

Councilman Sniscak, Jr. moved and Councilwoman Walck 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, August 24, 2011 at 7:00p.m., Borough Office

COMMITTEE REPORTS

1. STREETS

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

- 07.29.11 Patrick W. Kissane – Curbing is in dispute
- 07.29.11 Mr./Mrs. Patrick Kissane letter to Chris Serfass – curbing dispute
- **08.16.11 Curb Cut Permit – Michael Malaska**

Councilman Jacobs moved and Councilman Sniscak, Jr. seconded to approve the curb cut permit for Michael Malaska at 112 W. Diaz Avenue. All voted yes. Motion passed.

President Stromelo stated how they had to purchase two new weed whackers from J.C. Small Engine because the two they had were not able to be repaired.

President Stromelo stated how there were some major projects going on. He stated how Cedar Street should be done by the end of the week. President Stromelo stated how Lehigh Asphalt should be starting the streets that were bid, Diaz Avenue, Angelini Avenue, 6th Avenue, 7th Avenue, and 9th Avenue, sometime after Labor Day. He stated how Mill Street was under construction. He stated how they will be deciding on what streets they will do for next year. Councilman Jacobs stated how they should decide early next year as to what streets they were going to do. He stated how the Sewer Committee had discussed about getting an outfit in to televise the sewer lines in the streets that they were going to do. He stated how they could determine if there were any problems and if they would need or want to replace the lines. Councilwoman Fox stated about giving the people more time to get their curbing installed. Councilman Jacobs stated how they did not need one contractor tripping over another contractor.

President Stromelo stated how the County was bidding out the construction of Mill Street. He stated how they were due by September 6th and they were going to be opened/awarded on September 8th.

2. SEWER

**MARY FOX, CHAIRMAN; DAVID HAWK, CO-CHAIRMAN;
FRANK JACOBS**

- **Advertise for Liquid Sludge bids**

Councilman Sniscak, Jr. moved and Councilman Jacobs seconded to advertise for bids for hauling of Liquid Sludge. All voted yes. Motion passed.

Councilwoman Fox stated how they had all received a report from Emory Toth and Bob Pilla on what had been done at the Sewer Plant. She stated how they were working on tying in the laterals on the 200 block of Mill Street. Councilwoman Fox stated how the contractor was supposed to be getting back to working on unit #3 at the Sewer Plant. Councilman Jacobs stated about the CO that had gone bad in the comminutor. He stated how Mr. Pilla wanted some direction as to either send it away to be fixed or to order the seal and have them repair it. Councilwoman Fox stated that if they can do it, they should order the seal and repair it. President Stromelo stated that if it was not a big job and they could do it, they should just order the seal.

Councilman Hawk stated about Mr. Pilla taking his test to obtain his license for the sewer plant.

MINUTES FOR REGULAR MEETING OF NESQUEHONING BOROUGH COUNCIL

Wednesday, August 24, 2011 at 7:00p.m., Borough Office

Councilman Hawk moved and Councilman Sniscak, Jr. seconded to pay Bob Pilla's wages for 2 days, to pay one night hotel accommodations, to allot him \$35.00 towards meals and allow him to take a sewer truck in order for him to take his test on October 26th. All voted yes. Motion passed.

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

President Stromelo asked if they had gotten any quotes for the roofs. Secretary/Treasurer Ahner stated how she did get someone up to check the Borough roof and they do have a little bit of hail damage. She stated that she contacted the insurance company and they will send an adjuster out. She stated how she still had to get someone to check the other three roofs. Councilwoman Fox asked if the adjuster would look at the other three buildings when they came to look at the Borough roof. Secretary/Treasurer Ahner stated that she did not know if they would do that because they would not send someone out to look at them before she had someone check them.

Councilman Jacobs stated how he went around and made a list of things that they might be able to get rid of. He stated how Chief Smith was going to let them know what was no good in the basement. He stated how some stuff could go in the garbage.

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

Councilman Hawk stated how they had received a reply from Chief Smith so they could now continue contract negotiations.

President Stromelo stated that they had received word on how the grant money will be automatically deposited into the account for the new police car.

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

President Stromelo stated how the truck was still down because they were waiting for a charge air cooler. He stated how they should be working on it the following week. President Stromelo stated how they hired a part-time picker but he thought that he had gone back to school. He stated how they will look over the applications to see about hiring another part-time picker.

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

- Recreation Commission – Treasurer's Report for April-July 2011

President Stromelo stated how they had their meeting and they had received their treasurer's report from April – July 2011. He stated how he did advise them about the By-laws and they were approved by them and they need to adopt the By-laws. President Stromelo stated how they had discussed doing something for the community so they decided to put a gazebo in the New Columbus Park on the Southwest corner at the top of the steps where it was flat. Mr. Paul stated how that was where they play football. President Stromelo stated how the Recreation Commission received three quotes and Green Acres from Allentown was the cheapest. He stated how it was going to be a 16' White Vinyl with a cement pad. He stated how they were going to fund it solely by themselves. President Stromelo stated how they might have to put some sidewalks in over to it. He stated how Bobby Stempa was going to be putting the concrete pad in.

MINUTES FOR REGULAR MEETING OF NESQUEHONING BOROUGH COUNCIL

Wednesday, August 24, 2011 at 7:00p.m., Borough Office

Councilwoman Fox stated how the gazebo would look really nice but asked if anybody was going to use it. She stated how she did not want to see them waste their money. She asked if they would be able to set up a table inside to play cards. President Stromelo stated how it will be a place for the elderly to relax. President Stromelo stated how it was 16' and there were three benches along the back. He stated how they had talked about placing a table in there for people to sit at. Councilwoman Fox stated how she wanted to see them spend their money on something that would be used. Mr. Paul stated how they should keep it as close to the steps as possible. Councilman Jacobs asked if it would block the monument. President Stromelo stated "no".

Councilman Hawk moved and Councilman Sniscak, Jr. seconded to allow the Recreation Commission to place a 16' Gazebo in the New Columbus Park. All voted yes. Motion passed.

President Stromelo stated how they had ordered six garbage cans for all of the parks. Mr. Paul stated how they were working on replacing them. He stated how they should be all installed by the end of the week. President Stromelo stated how they have been asked about putting some new play equipment in Johnson Park. Councilwoman Fox stated how she would like to that Mr. Paul for fixing the steps.

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

Councilman Hawk stated how they were going to try and have a meeting.

Councilwoman Walck moved and Councilman Hawk seconded to give Grace Whildin a \$30.00 a month raise for cleaning the two buildings retroactive to the beginning of the year 2011. All voted yes except President Stromelo who was not voting due to being related. Motion passed.

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

- **Ambulance Summary Report for July**
- **Fire Department Summary Report for July**

Councilman Jacobs read the reports for July:

9 responses for the month;

4 automatic fire alarms

1 mutual aid – Jim Thorpe

1 rescue

1 odor

1 vehicle fire

1 landing zone

He stated how there was a total of 90 responses for the year. Councilman Jacobs stated how for July there were 37 ambulance responses and 776 miles traveled. He stated how it brought the total for the year to 307 calls and 4,010 miles. He stated how there were 5 EMS calls handled by KME employees during work, which brings the total to 74 for the year, which they really appreciated it.

MINUTES FOR REGULAR MEETING OF NESQUEHONING BOROUGH COUNCIL

Wednesday, August 24, 2011 at 7:00p.m., Borough Office

9. STREET LIGHTS

**FRANK JACOBS, CHAIRMAN; MARY FOX, CO-CHAIRMAN
ROSE WALCK**

Carol Zickler asked when the lights were going to be installed in the New Columbus Park. President Stromelo stated how they were waiting on one company. He stated that if they did not get back in touch with the Borough then they were going to have PPL install the poles and the lights and they would work with the street lights. He stated how the Borough will have to dig the trench across the court, pay for the wire and backfill/seal the trench.

Councilwoman Fox stated how they were not getting reimbursed for the traffic signals as per the PPL letters they had received.

10. GRANTS

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

Councilman Sniscak, Jr. stated how he was looking at two grants on substance abuse. He stated how they were really complicated. He stated how they want a lot of information from the Borough as far as finances. He stated how the police department would have to do a write up on it also. Councilman Sniscak, Jr. stated how the Borough should get a company to look into writing some of the grants. He stated how they have to have a contract with someone to do that stuff. Councilman Jacobs stated how they had received correspondence from a company. He stated how they should contact them to see what they could do for them. President Stromelo stated how they could contact them and see if they wanted to meet with the committee.

Councilwoman Fox stated how they were down and talked to Bill Richards in Senator Yudichak's office. She stated how they had talked to him about sewage grants. She stated how he had told her that the only grants that were out there were mostly for parks and recreation. She stated how she was waiting to hear back from him.

JR. RECREATION COMMISSION

No report.

Councilman Sniscak, Jr. moved and Councilman Jacobs seconded to accept all Committee Report. All voted yes. Motion passed.

NEW BUSINESS

Councilman Jacobs stated how the only thing that he noticed and he had talked to Mr. Paul was about getting some tar on the streets that were still in good shape. He stated that if they did not get them sealed, they were going to start to lose them also. He stated how they had a half inch or better crack along the curb. Councilman Jacobs stated how that was where the water was running, along the curb. He stated that if the water would freeze, it would bust up those streets. He stated that if they would get those roads sealed, they would not have to worry about it. Councilman Jacobs stated how he knew that they were busy but if it was something that they could squeeze in, in October. President Stromelo stated how they should all be done. Councilman Zabroski asked if they had ever looked into the machine that Councilman Sniscak, Jr. had brought up at a meeting. Councilman Sniscak, Jr. stated how they could rent the machine. Councilman Zabroski stated how they had talked about it last year.

MINUTES FOR REGULAR MEETING OF NESQUEHONING BOROUGH COUNCIL

Wednesday, August 24, 2011 at 7:00p.m., Borough Office

Mr. Paul stated how they had done some streets last year. He stated how it was not the machine but it was the cost of the blocks of tar. Mr. Paul stated how he thought that \$800.00 only took them half a block. He stated how he had spent \$1,500.00 - \$1,600.00 and only did two streets. Mr. Paul stated how they had to wait until it was a little cooler. He stated that the tar buggy they had worked but it was a little ancient. President Stromelo stated to Mr. Paul to check into pricing for renting a machine for a few days. Councilman Jacobs stated how there might be another company where they could purchase the blocks of tar. Mr. Paul stated how he had talked to a contractor and he would be able to give them a price on sealing a street.

OLD BUSINESS

Councilwoman Fox asked if they were going to create a Pension Board for the Pension Fund. She stated how they had passed the resolution. She asked if they had to advertise for people to be on the Board. Solicitor Yurchak stated how he would check into it.

ADJOURNMENT

Councilwoman Fox moved and Councilman Zabroski seconded to adjourn the meeting. All voted yes. Meeting adjourned at 9:05 p.m.

RoniSue Ahner
Secretary/Treasurer