

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

Wednesday, January 26, 2011 at 7:00p.m., Borough Office  
114 W. Catawissa Street, Nesquehoning, PA 18240

The Borough of Nesquehoning's Regular Meeting scheduled for January 26, 2011 was held on February 8, 2011 due to weather conditions.

**ROLL CALL:** COUNCILMEN DiMICELI, 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.

### **HEARING OF VISITORS**

No hearing of visitors.

### **POLICE REPORT**

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

\$737.17 fine money received from Magistrate Kosciolek; \$200.00 fine money received from Magistrate for Sanitation Fines/Bills; \$28.51 received in Carbon County Collections; \$0.00 received in DUI reimbursements; \$0.00 received in Motor Vehicle reimbursements; \$0.00 received from Carbon County Restitution; \$0.00 received from Attorney General for overtime reimbursement; \$0.00 received in State Fines; \$25.00 received in parking tickets; \$195.00 received in moving permits; \$105.00 received in accident reports; 14 citations [0 non-traffic & 14 traffic]; 301 incidents reported for the month; alert form attached to report; 0 search warrant; 2 consent searches; 14 traffic accidents (4 reportable – 10 non-reportable); 10 court appearances and the mileage total was 6,206 (1,339 – 2008 Crown Vic; 2,263 – 2008 Chevy Impala; 0 - 2003 Crown Vic; 1,236 – 2005 Expedition; 1,368 – 2009 Ford Crown Vic).

Councilman DiMiceli moved and Councilman Zabroski seconded to accept the Police Report. All voted yes. Motion passed.

Councilman DiMiceli moved and Councilwoman Walck seconded to have Officer Wuttke added to the evidence custodian position in addition to Chief Smith.

Councilman DiMiceli stated how the reason for his motion was because there was an officer who was kicked and ended up in the hospital and if that were to happen to the chief, there would have been no access to the evidence room.

All voted yes. Motion passed.

Councilman DiMiceli stated that he would like to ask the mayor if it would be possible, from time to time, depending on the case load, to assign Officer Wuttke to some criminal investigations. He stated about checking into the budget and the schedule to have someone else come out during those hours to answer the calls. He stated how it would free up the officers when they were working on investigations.

Councilman DiMiceli moved and Councilwoman Walck seconded to allow Officer Wuttke, at the scheduling of the mayor, to do criminal investigation work and the mayor be allowed to bring someone else out at that time to answer calls, budget permitting.

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Chief Smith stated that he did not have a problem with it and thought that it was a good idea. He stated how the mayor had been giving them extra coverage. Chief Smith stated that he would like same because he had the same case load as Officer Wuttke. Councilman DiMiceli stated how that was not a problem. Chief Smith stated how the mayor had been putting somebody out with them. Councilman DiMiceli stated how it would be on what the investigations need whether it would be Chief Smith or Officer Wuttke. Mayor Walck stated how he has been trying to do that when he has the part-timers available.

All voted yes. Motion passed.

Councilwoman Fox stated that she would like to congratulate Chief Smith on the Panther Valley Education Association's Friend of Education. President Stromelo stated about giving Chief Smith a round of applause.

Councilman DiMiceli stated about Mayor Walck and Chief Smith dropping a letter of commendation for Officer Wuttke.

### **HOUSING & CODE ENFORCEMENT OFFICER'S REPORT**

- **Code Enforcement Officer's**

Councilwoman Fox moved and Councilman Zabroski seconded to accept the Housing and Code Enforcement Report from Linda Narciso. All voted yes. Motion passed.

### **SUPERINTENDENT'S REPORT**

Louis Paul gave his report for December to January as follows:

14 projects –

Snow removal – 220 hours

He stated how he would like to thank his drivers because they were doing a great job.

Signs – 100 hours

Pipe – He stated how they had installed 160 feet of piping on Coal Street. He stated how he had figured that between a contractor's price and his price, they saved the Borough approximately \$4,000.00.

Christmas trees – 64 hours

Patching – 49 hours

Equipment maintenance – 43 hours

Cutting Brush – 39 hours

Building maintenance (recreation center) – 32 hours

Inlets – 20 hours

Cleaning equipment – 16 hours

Christmas lights – 16 hours

Building maintenance (police) – 12 hours

Building maintenance (borough) – 6 hours

Recycling – 4 hours

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Mr. Paul stated that for their future plans:

Snow removal

Businesses – churches

Bar – restaurant

Corners

Catawissa Street

Inlets – Nesquehoning, New Columbus, Hauto

Mayor Walck stated how he wanted to add something about the Supervisor was made aware that the sidewalks at 2 – 4 Rhume Street were a sheet of ice. He stated how they had a complaint from a crossing guard. He stated how the house was not occupied and that he had asked, for the safety of the children, that the borough crew could clean the sidewalks. Mayor Walck stated about putting a lien on the property.

### **PLANNING COMMISSION REPORT**

#### **01.19.11 Gerald L. Heffelfinger – Position on Planning Commission**

Councilwoman Walck moved and Councilman Hawk seconded to re-appoint Gerald Heffelfinger to the Planning Commission. All voted yes. Motion passed.

### **CIVIL SERVICE COMMISSION**

No report.

### **PANTHER CREEK ADVISORY REPORT**

No report.

### **ENGINEER'S REPORT**

- Ron Tirpak letter to Eastern Environmental – Award contract for Treatment Unit #3
- Ron Tirpak letter to Robert T. Yurchak – Natural Gas Extraction

### **SOLICITOR'S REPORT**

• Letters between Robert T. Yurchak & Joseph J. Matika – Re: Hugh Lawrence  
Solicitor Yurchak stated how they had a tentative meeting scheduled with Mr. Lawrence and the snow took care of it. He stated how he had told Attorney Matika to get him some additional dates.

• Keystate Publishers letter to Robert T. Yurchak – Re: Code of Ordinances  
Solicitor Yurchak stated how they were supposed to have a draft last week.

- Robert T. Yurchak letter to Joshua Vega-Santos – Absorbent
- Robert T. Yurchak letter to Julie Ann Varilek – Absorbent
- Robert T. Yurchak letter to Anna Zervos –Cutting High Grass
- Nanovic Law Offices – Addendum to Inter-municipal Agreement

Solicitor Yurchak stated about the updated CDL Policy. He stated how it was based upon a format given to them from PSAB. He stated how he was giving Secretary/Treasurer Ahner a copy to make copies for all of Council.

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Solicitor Yurchak stated about the amended Water Metering Ordinance that Council had asked him to draw up.

Solicitor Yurchak stated how he had drafted a sample ordinance for the National Gas Extraction based upon Ron Tirpak's recommendations. He stated how it was regulating the shale extraction within the Borough. He stated how they cannot outright ban it, but they can regulate it to death. Solicitor Yurchak stated how he was giving it to Secretary/Treasurer Ahner to make copies for all of Council. Councilman DiMiceli asked Solicitor Yurchak about the issue he had talked to him about. Solicitor Yurchak stated how everything was covered in it.

Solicitor Yurchak stated to Mr. McArdle how he had a copy of the revision of the Smoke Detector Carbon Monoxide Detector, and Heat Detector Ordinance. He stated how he was giving a copy to Secretary/Treasurer Ahner to make copies for all of Council.

President Stromelo stated about the Young Lungs Resolution. Solicitor Yurchak stated how he would get something drawn up on it.

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

- 01.21.11 CC Correctional Facility – Community Inmate Work Program

Councilman DiMiceli asked Solicitor Yurchak about the letter they had received from the County and who was responsible if one of the inmates would get injured while doing work for the Borough. Solicitor Yurchak stated how he could not give him an answer. He stated how it would be either the County or the Borough. Councilman DiMiceli asked Solicitor Yurchak if he could find out. Councilwoman Walck asked if they used to receive that service free of charge with responses of "yes".

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Wednesday, January 26, 2011 at 7:00p.m., Borough Office  
**JIM THORPE NATIONAL BANK TREASURER'S REPORT**

**GENERAL FUND**

Balance 11.30.10 26,590.97  
Receipts 264,833.88  
Expenditures 154,458.44  
Balance 12.31.10 136,966.41

**GENERAL SEWER CONSTRUCTION FUND**

Balance 11.30.10 10,313.96  
Receipts 2.19  
Expenditures .00  
Balance 12.31.10 10,316.15

**SPORTS COMPLEX FUND**

Balance 11.30.10 4,925.03  
Receipts 123.75  
Expenditures 1,079.80  
Balance 12.31.10 3,968.98

**SANITATION ESCROW**

Balance 11.30.10 136,169.74  
Receipts 2,938.46  
Expenditures 100,000.00  
Balance 12.31.10 39,108.20

**DEBT SERVICE**

Balance 11.30.10 1,933.58  
Receipts .41  
Expenditures .00  
Balance 12.31.10 1,933.99

**FIRE TRUCK FUND**

Balance 11.30.10 113,958.79  
Receipts 1,032.16  
Expenditures 4,229.90  
Balance 12.31.10 110,761.05

**CAPITAL PROJECT**

Balance 11.30.10 53,027.17  
Receipts 154.41  
Expenditures .00  
Balance 12.31.10 53,181.58

**SANITATION FUND**

Balance 11.30.10 108,149.13  
Receipts 82,138.48  
Sewer 43,587.23  
Expenditures 47,029.61  
Balance 12.31.10 99,670.77

**HIGHWAY FUND**

Balance 11.30.10 135,665.47  
Receipts 28.69  
Expenditures 1,677.86  
Balance 12.31.10 134,016.30

**PLANNING FUND**

Balance 11.30.10 9,559.49  
Receipts 2.84  
Expenditures .00  
Balance 12.31.10 9,562.33

**GENERAL SEWER FUND**

Balance 11.30.10 44,302.13  
Receipts 59,341.16  
Expenditures 43,367.18  
Balance 12.31.10 60,276.11

**SEWER OPERATING & MAINTENANCE**

Balance 11.30.10 22,673.20  
Receipts 36,731.78  
Expenditures 38,725.16  
Balance 12.31.10 20,679.82

**POLICE PENSION FUND**

Balance 11.30.10 583,779.43  
Receipts 24,800.46  
Expenditures 7,015.50  
Acct Appreciation 24,091.00  
Balance 12.31.10 625,655.39

**ACQUISITION & RENOVATION**

Balance 11.30.10 .00  
Receipts .00  
Expenditure .00  
Balance 12.30.10 .00

Account closed on 22 Oct 2010.

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**CD REPORT**

<b>FUND</b>	<b>CURRENT VALUE 12.31.10</b>	<b>INTEREST 12.31.10</b>	<b>OPENING DATE</b>	<b>CURRENT RATE</b>	<b>RENEWAL DATE</b>	<b>BANK</b>
PLANNING	\$ 15,578.04	\$ 33.01	08-17-09	2.50 %	08-17-12	JTNB
GEN. SEWER	\$ 366,959.21	\$ 777.51	08-20-09	2.50 %	08-20-12	JTNB
DEBT SERVICE	\$ 13,778.62	\$ 19.19	08-17-09	2.50 %	08-20-12	JTNB
DEBT SERVICE	\$ 106,724.48	\$ 122.67	06-04-10	1.40%	06-04-13	JTNB
DEBT SERVICE	\$ 18,559.77	\$ 33.67	06-22-09	2.14%	06-22-11	JTNB
SANITATION	\$ 20,545.53	\$ 37.27	06-22-09	2.14%	06-22-11	JTNB
CAPITAL PROJ	\$ 10,070.27	\$ 18.27	06-22-09	2.14%	06-22-11	JTNB
FIRE TRUCK	\$ 9,838.82	\$ 17.85	06-22-09	2.14%	06-22-11	JTNB

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

**EMERGENCY MANAGEMENT REPORT**

John McArdle stated how they were still being plagued with Liquid Fence. He stated how there were two incidents in December that it seemed when the air was heavy and there was a lot of moisture, they get the smell. He stated how it seemed to settle around the LCCC School and he did not know why. Mr. McArdle stated how they also had an incident on Route 54 where someone saw steam coming out of a storm culvert and smelled the smell. Councilwoman Fox stated how it will all depend on which way the wind was blowing. Secretary/Treasurer Ahner stated how they were supposed to be moving out. President Stromelo stated how they did contact DEP last week about a complaint on the smell. He stated how it was a nuisance and it goes throughout the whole town. He stated how he feels sorry for the people who have to smell it. President Stromelo stated how DEP apparently did not have time for it. He stated how they had sent Liquid Fence a letter years ago that if the stuff comes off of their property, they were going to be cited. He stated how it was time to start it. Mayor Walck stated how they had to upgrade their ventilation. Secretary/Treasurer Ahner stated about getting in touch with the County to see if they were moving and when they were planning on moving. President Stromelo stated to Solicitor Yurchak about contacting the County as well.

Mr. McArdle stated about the residents helping them out and if there was a hydrant near their house, to clean snow out from around the hydrant. He stated that they would really appreciate it.

**MAYOR’S REPORT**

- **12.22.10 Ptlm. Carl Breiner – carry over vacation & personal time**

Mayor Walck stated how the officers wanted to carry over their vacation time and their personal time from 2010 to 2011. He stated that because of the lack of manpower, they were not able to take their time off.

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Councilman DiMiceli moved and Councilwoman Walck seconded to allow the full-time police officers to carry over their 2010 vacation time and personal time to be used in 2011. All voted yes. Motion passed.

Mayor Walck stated how he had received a letter on the Railroad crossings. He stated how they were looking for \$6,500.00 to help with the cost to do the study on the crossing. He stated how he was going to let Solicitor Yurchak send them a letter. Solicitor Yurchak stated how the School District was to pay for the whole thing.

Mayor Walck stated how the Crime Watch Meeting would be on Monday, March 7, 2011 at 7:00 p.m.

### **TAX COLLECTOR'S REPORT**

01 December 2010 – 31 December 2010

Real Estate	\$9,455.55
Occupation	523.50
Per Capita	<u>457.00</u>
TOTAL	\$10,436.05

**EXEMPTION:** Kim K. Rochow Non-Resident

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

### **COMMUNICATIONS:**

**1. 11.23.10 Brior Environmental – Reappointment as Primary Sewage Enforcement Officer**

Councilman Hawk moved and Councilwoman Fox seconded to reappoint William Brior of Brior Environmental as Primary Sewage Enforcement Officer. All voted yes. Motion passed.

**2. 12.10.10 Richard D. Creitz – Reappointment to Nesquehoning Borough Authority**

Councilman DiMiceli moved and Councilwoman Walck seconded to reappoint Richard D. Creitz to the Nesquehoning Water Authority. All voted yes. Motion passed.

Councilman Hawk abstained to the Authority reappointment.

3. 12.15.10 NEPA – Municipal Road Maintenance & Safety Training
4. 12.16.10 PSAB – Police Civil Service Training
5. 12.20.10 DCNR – 2011 Grant Workshops
6. 12.21.10 Dept. of Agriculture – Annual Farm Show Luncheon
7. 12.22.10 Reading & Northern Railroad–Contribution towards upgrading the Allen Street Crossing
8. 12.23.10 Community Services for Sight – Donation request
9. 12.23.10 Carbon Builders Association – Training for Chapter 102 regulations – earth disturbances
10. 12.28.10 OAC Network Solutions – Computer program for collecting real estate taxes
11. 12.28.10 ProActive Operator Source – Maintain & adjust parameters (pressures, levels & flows)
12. 12.30.10 CC EMA – NIMS – ICS Training

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13. 12.30.10 Cynthia S. Ray – Cancellation of hearing – St. Francis of Assisi
14. 01.03.11 DCED – Duties of the Zoning Hearing Board
15. 01.03.11 DCED – Roadmasters Roundtable – The Changing Role of Public Works
16. 01.03.11 Cynthia S. Ray – Denying of Petition for OLMC
17. 01.07.11 PennDOT – Road & Bridge Safety Improvement Award Program
18. 01.07.11 PSAB – Collecting Delinquent Municipal Fees
19. 01.10.11 Steve Shannon – Automotive Warehouse
20. 01.10.11 PIRMA – Update
21. 01.12.11 EMC Insurance Co. – Loss Run
22. 01.18.11 NEPA – Funding Opportunity – Transportation Enhancement (TE) Program
23. 01.19.11 PVEA – PVEA Friend of Education – Banquet – Sean Smith
24. 01.19.11 PSAB – Confined Space Training
25. 01.19.11 PSAB – Financing Solutions for Dealing with Blighted Properties
26. 01.19.11 DCED – 2011 Municipal Road Maintenance & Safety Symposium
27. 01.19.11 Comm. Of PA – Real Estate Tax Exemption – Harry W. Davidson
28. 01.21.11 PSAB – Training Update

### **29. 01.21.11 PSAB – Robert C. Edwards Scholarship Foundation**

Secretary/Treasurer Ahner stated that they had received the Robert C. Edwards Foundation Scholarship Applications again this year. She stated that she had already sent it to the schools. She stated that it was a scholarship for \$1,000.00 for High School Seniors who live within the Borough of Nesquehoning.

30. 01.21.11 PSAB – Annual Conference

### **31. 01.21.11 St. Luke's Miners Health Center – Parking spaces for their employees**

Secretary/Treasurer Ahner stated how they had received a letter requesting that the employees utilize the Borough's parking lot. She stated how they were asking for six parking spots. She stated that when they had talked to her about it, she told them to submit a letter because they might possibly be able to allow two spots down at the very bottom. Secretary/Treasurer Ahner stated how once they would paint lines in the back parking lot and all the office workers park in the lot, she was not sure there were even six spots available. Councilwoman Walck stated how she would have a concern with the neighbors who rent and how they were going to expect it too. She stated how she did not think that it was a good idea. Councilman DiMiceli stated how he did not think it was. Councilwoman Walck stated about charging them to have so many spaces. Councilman DiMiceli stated how they would be assuming liability.

President Stromelo stated how he had talked to the gentleman in regards to it and his concerns were that the employees' cars were getting scratched and windows broken. Councilman DiMiceli stated how he hoped that they called the police. Secretary/Treasurer Ahner stated how they were across the street the other day. She stated how it has happened to her as well, when they back in across the street; they back right into the car. Councilwoman Walck stated how her concern was also about them using the Borough property. Councilman DiMiceli stated how they were assuming liability when they do it. Councilwoman Walck stated how they also have to plow to clean out the parking lot.

Councilman DiMiceli moved and Councilwoman Walck seconded to deny the request from St. Luke's Miners Health Center for utilizing the Borough's parking lot. All voted yes. Motion passed.

32. 01.21.11 CC Correctional Facility – Community Inmate Work Program
33. 01.21.11 NEPA – Municipal program assistance
34. 01.21.11 PA DEP – Surface Mining Permit

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35. 01.24.11 John T. Yudichak – Newly elected state senator

36. 01.24.11 PSAB – Training Update

**37. 01.24.11 PV Public Library – Donation Request**

Councilwoman Fox moved and Councilwoman Walck seconded to table the request for a donation to a later date. All voted yes. Motion passed.

38. 01.24.11 CC Commissioners – Radio Narrow Banding

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

**BILLS TO BE RATIFIED, EXPENDITURES AND RECEIPTS**

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

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## COMMITTEE REPORTS

### 1. STREETS

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

- Reconstruction Road Project

President Stromelo stated how he knew that it was Winter before they knew it, Spring would be there. He stated how they would be on the move for the Road Reconstruction Project. He stated how he had given Secretary/Treasurer Ahner a list of people who will need curbing. President Stromelo stated how the curbing letters will be going out soon. He stated how he had talked to Ron Tirpak and they were talking about April 1<sup>st</sup>.

President Stromelo stated how they were trying to keep up with the snow and ice. He stated how they have been hit by one storm after another. President Stromelo stated how they were waiting on the other vehicle. He stated how it was down at the body company yet. President Stromelo stated how the small dump was down during the last storm for transmission replacement again. He stated how it was under warranty. He stated how they had corrected the problem that time.

### 2. SEWER

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

Councilwoman Fox stated how they all saw the letter from Ron Tirpak. She stated how she had talked to him the other day and they will get started once the weather breaks.

### 3. BUILDINGS

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

No report.

### 4. POLICE PUBLIC SAFETY

**DAVID HAWK, CHAIRMAN; MARK STROMELO, CO-CHAIRMAN; RICHARD ZABROSKI**

Councilman Hawk stated how they have to get something scheduled with Chief Smith on his contract.

Councilman Sniscak, Jr. asked Councilman Hawk if Council had passed a resolution that the Chief was supposed to do all the scheduling. Councilman Hawk stated that he did not know if it was a resolution. He stated that he knew with the sessions with the Chief in the past they had agreed that he would do the scheduling subject to approval by the Mayor. Councilman Hawk stated how at the end of 2010, due to the budget situation, the Mayor took over scheduling to try to keep them as close to budget as they could. Councilman Hawk stated that as far as an act of Council, he did not think that there was anything done with it. Councilman DiMiceli stated how there was never a motion or a resolution. Councilman Sniscak, Jr. asked if there was a resolution that they follow the recommendations of the Blue Book. Councilman DiMiceli stated "where applied". Councilman Hawk stated how they made a motion to accept the study but they did not say how they were explicitly going to follow verbatim because there were things in there that they do not do.

Councilman Sniscak, Jr. asked who approves the overtime. President Stromelo and Councilman Hawk stated how it was the Mayor. Councilwoman Walck stated how it was as per the Pennsylvania State Borough Code the Mayor was to do that.

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Councilman Sniscak, Jr. stated how they were over budget and the Mayor takes over scheduling yet the Mayor had approved the overtime. Councilman DiMiceli stated that if he felt it was appropriate, yes. Councilman Sniscak, Jr. stated how they had said, that because of the budget being over, the Mayor took over the scheduling, but yet he approves all overtime. Councilman Hawk stated how he was supposed to approve all the overtime. Councilman DiMiceli stated how there were two issues there . . . Councilman Sniscak, Jr. stated how what he understood was that the Mayor took over the scheduling because it was over budget. He stated how the Chief was not following the budget but yet he signs all the overtime. Councilman Sniscak, Jr. asked how it could be both ways. Councilwoman Walck stated how she thought that the Mayor was trying to control it because they could not stop it once it had started. She stated to Councilman Sniscak, Jr. that what he was suggesting was way out of line as per the Pennsylvania Borough Code. Councilman DiMiceli stated how it should be talked about in Executive Session. Councilman Sniscak, Jr. stated how he was just asking a question. Councilwoman Walck stated how she was answering that it was the Pennsylvania Borough Code. Councilman DiMiceli stated how there were two issues and both of them should be discussed in Executive Session.

Councilwoman Fox stated how she does not know too much about the Blue Book thing but they should go back in the minutes and look to see what was approved. Councilman DiMiceli stated how there were two issues with the Blue Book. He stated that when the Blue Book study was done, it was done with the old Police Station. He stated how there was absolutely no way they could have come close to calling that room back there and those couple of shackles on the wall in the hallway a Police Station not by current and acceptable standards. Councilman DiMiceli stated how 99% of the things that were in the Blue Book were reflective of that.

Councilman DiMiceli stated how the second issue they have with the Blue Book was that they have an SOP manual that they had received from the state (FOP). He stated how it was reviewed by the Solicitor at great length. He stated how there were some things that were in the SOP that do not conform to the Blue Book. Councilman DiMiceli stated how the SOP was also a negotiated item. He stated how the SOP stands as it was and it takes precedent and priority over the Blue Book. Councilman DiMiceli stated how even though they had adopted it, was really a mute issue and it was out of date. Councilwoman Fox stated how it was not actually adopted. Councilman DiMiceli stated how it was accepted. Councilwoman Walck stated how it would not be paid for by the State if they did not accept it. She stated that they accepted it as a study not as a rule of order or anything like that. Councilman Sniscak, Jr. stated how the SOP would supersede the Blue Book and their officers were to follow the SOP.

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

- CC Dept. of Solid Waste – Covered Device Recycling Act
- House Bill No. 708

President Stromelo stated how they were still waiting for the truck.

Councilwoman Fox asked how it went with the collections of the Christmas trees. President Stromelo stated how it went pretty well. Councilwoman Fox asked if they took them to the Mauch Chunk Environmental Center. Louis Paul stated “no” and how it would have cost a fortune. He stated how they did their own Environmental thing. Councilwoman Fox asked why it would have cost a fortune. Mr. Paul stated how he would give them an example; there were about 3,000 people in the town.



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Wednesday, January 26, 2011 at 7:00p.m., Borough Office

Councilman DiMiceli stated how it bothers him that the Nesquehoning School tops the list of 33 out of 51 for Automatic Fire Alarms. He asked if there was any way they could get the ordinance enforced down there. Mr. McArdle stated how they were looking at putting heat detectors in certain areas rather than the smoke detectors. He stated how the heat detectors seems to be working better because they had installed them in the county building. Mr. McArdle stated how they had talked it over with Solicitor Yurchak and when someone was cooking on the stove and the smoke detector goes off because of the minimal amount of smoke. . . Councilman DiMiceli stated that what he was trying to say was that in the definition of the automatic alarm, it was a false alarm. He stated how they should get cited and maybe they will change to the heat detectors. Councilwoman Fox stated how if it was anything like her house, the smoke alarm goes off when she burns roast. Councilman DiMiceli stated how they have the smoke detectors one panel away from the stove. He stated how they were in a bad location and they will not move them.

Councilman DiMiceli stated how they had passed an ordinance to address it and they were not enforcing the ordinance. Solicitor Yurchak stated how they could issue a citation and see. He stated how they were working on an ordinance, which includes smoke detectors, heat detectors and CO2 detectors. Councilman DiMiceli stated that if they were too lazy to move the smoke detectors, what makes them think that they would install the heat detectors until they start getting cited. Councilman Hawk stated how there was nothing legally as to where they have to be placed. He stated how the device was doing what it was designed to do. He stated how he did not see how they could fight that as being a false detection because it was working. Councilman Hawk stated how it was a nuisance but it was not false. Councilman DiMiceli stated that in the ordinance, it addresses the nuisance. Mr. McArdle stated how it was a balancing act because of what Councilman Hawk stated, the alarm was going off for the purpose of why it was going off. He stated that how frequently it would go off was how they would define nuisance. Councilman DiMiceli stated how they might get a judge to define what a nuisance was. Solicitor Yurchak stated how he would get with Mr. McArdle and discuss it. Mr. McArdle stated how they were getting 5 – 6 calls a day and that was corrected.

Councilman DiMiceli stated how for December there were 56 ambulance responses and 1,198 miles for a total of 484 EMS calls and 9,752 miles traveled for the year. He stated how there were 14 EMS calls handled by KME employees during work for a total of 119 for the year.

Councilman DiMiceli stated how he would like to give his condolences for the loss that Kovatch had.

### **9. STREET LIGHTS**

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

Councilman DiMiceli stated how Solicitor Yurchak had informed him on how there had been some discussion with MEM. He stated how they were waiting on information. Councilwoman Fox stated how they did meet with Mr. Kearns from MEM and they were still waiting on them. She stated how they now had a deadline of March 26<sup>th</sup>.

### **10. GRANTS**

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

Councilman Sniscak, Jr. stated how the grants were dried up because of the economy. He stated how he did follow up from an email from Councilwoman Fox. Councilwoman Fox stated how she had talked to Krista Schneider, Barry Isett & Associates, in regards to setting up a meeting with non-profit organizations and businesses. She stated how there were grants that could go through them rather than through the government.

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

Wednesday, January 26, 2011 at 7:00p.m., Borough Office

Councilman Sniscak, Jr. stated how they would have to get the businesses to charter to start a Chamber of Commerce. Councilman DiMiceli asked if it did not filter down that it would first go to the County Chamber of Commerce and then the Panther Valley Chamber of Commerce. Solicitor Yurchak stated how it was the Carbon County Chamber of Commerce that incorporated. He stated how the Panther Valley one did not exist anymore. Councilwoman Fox stated that she would talk to her to see what could be done. President Stromelo stated about talking to Dale Fruedenberger to see what he could tell you. He stated how he was with a different organization but he might be able to point her in the right direction. Councilwoman Walck stated how it would not hurt to have another meeting to see what she had to say.

### **JR. RECREATION COMMISSION**

No report.

Councilman DiMiceli moved and Councilwoman Walck seconded to accept all committee reports. All voted yes. Motion passed.

### **NEW BUSINESS**

President Stromelo stated how he had a visit from the tax assessor informing him on how his position had been abolished. He stated how the assessor was wondering what was going to happen with him. He stated about what the Borough would want to do. Solicitor Yurchak stated how the State had eliminated the position. President Stromelo stated how the question would be if the Borough wanted to hire him and keep up on the moving permits. Secretary/Treasurer Ahner asked what they were supposed to do with the moving permits now that he was not going to be collecting them. Councilwoman Fox asked if the County was going to do it. Councilwoman Walck asked what his final date was. Secretary/Treasurer Ahner stated that once his term was done he was done. Mr. Jacobs stated that he had heard that they were done as of the beginning of the year.

### **OLD BUSINESS**

Councilman Hawk moved and Councilwoman Fox seconded to accept the agreement with the office workers. All voted yes. Motion passed.

President Stromelo stated how the Sanitation was looking for part-time pickers. Carol Zickler stated that she would put something in the paper.

President Stromelo stated about the accreditation for the police department. Councilman DiMiceli stated to Mayor Walck that he wanted to know where they were with the accreditation and wanted to know if there was anything done. Councilwoman Walck asked who was supposed to be in charge of it. Councilman DiMiceli stated how it was supposed to be the Chief of Police who would do the paperwork. He stated about going onto the Pennsylvania State Police Website and getting the information from the website. He stated how there was a committee who will review and either approve or disapprove it. He stated how they might even do an inspection of the police department. Councilman DiMiceli stated how it will reduce their liability insurance.

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

Wednesday, January 26, 2011 at 7:00p.m., Borough Office

Councilman DiMiceli moved and Councilwoman Walck seconded to have the Nesquehoning Police Department accredited.

Councilman DiMiceli stated that he would request that the Chief report back to Council in 30 days to let them know where he was at.

All voted yes. Motion passed.

President Stromelo stated how they had two incidents on Saturday. He stated how one of them was with a Borough truck. He stated that they slid on the ice on Mermon Avenue and hit a car. President Stromelo stated that the other issue they had was at the Police Station. He stated how they had developed a leak and it took some ceiling tile down on top of one of the computers. Councilwoman Walck asked if there were many tiles damaged. President Stromelo stated how it was only one. Mayor Walck stated that it was dry for the last few days. Councilwoman Fox asked about the contractor. Secretary/Treasurer Ahner stated that Ron Tirpak had sent a letter to the contractor and she had also been in touch with the insurance company. President Stromelo stated how that was in the event they would have trouble with the computer or the phone. Secretary/Treasurer Ahner stated how Jeff Leslie was going to be in to re-hook up the computer to make sure that it was okay.

### **EXECUTIVE SESSION**

Borough Council entered into an Executive Session at 8:10 p.m. for personnel reasons. The Council Members exited their Executive Session at 10:30 p.m.

### **ADJOURNMENT**

Councilwoman Fox moved and Councilwoman Walck seconded to adjourn the meeting. All voted yes. Meeting adjourned at 10:30 p.m.

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RoniSue Ahner  
Secretary/Treasurer