

MINUTES FOR REGULAR MEETING OF NESQUEHONING BOROUGH COUNCIL

Wednesday, May 25, 2011 at 7:00p.m., Borough Office
114 W. Catawissa Street, Nesquehoning, PA 18240

ROLL CALL: COUNCILMEN HAWK, ZABROSKI; COUNCILWOMEN FOX, WALCK; PRESIDENT STROMELO; MAYOR WALCK; & SOLICITOR YURCHAK
Councilman DiMiceli, Councilman Sniscak, Jr. and Chief Smith were absent. Mayor Walck stated that he had excused Chief Smith from the meeting.
Engineer Ron Tirpak was present for the meeting.

MINUTES: Approve the minutes from the Special Meeting held on March 30, 2011.
Councilwoman Fox moved and Councilwoman Walck seconded to approve the minutes from the Special Meeting held on March 30, 2011. All voted yes. Motion passed.

HEARING OF VISITORS

Ted Dacey – 239 W. Columbus Avenue – stated how they were aware that one of the employees from the Nesquehoning Borough Authority was pretty sick and asked for a moment of silence and a prayer for her. A moment of silence was observed.

Mr. Dacey stated that he wanted to remind them of the outlining of the cemetery on Sunday for the VFW's parade on Monday, which will start at 8:00a.m. Mayor Walck stated how the coverage for both events had been taken care of.

Harry Miller – 255 Stock Street – stated about the curbing that was going in on W. Mill Street. He asked if they were going to be putting a sewer line in also. He asked if he could get the specifications of the curbing for his contractor to start to get the curbing installed. Ron Tirpak stated how they will have the grades available for the contractors by Monday – Tuesday of the following week. Mr. Tirpak asked Mr. Miller where he was located. Mr. Miller stated that he was across from the Lion's building. Mr. Tirpak stated about the line that ends down by Rhume Run and crosses underneath Mill Street. He stated how the sewer line would go from there approximately 550' towards the Lion's building that they would be replacing. He stated how they would be getting the specifications advertised early the following week. He stated how they would be taking/awarding the bids at the next Council Meeting for that sewer line. Mr. Tirpak stated how they would be replacing the sewer lines and laterals from the curb line to the main line. Mr. Miller stated how there were a lot of laterals that go to that main line. Mr. Tirpak stated that when the contractors were working on the line, the Borough was going to be dye testing the sewer laterals. He stated how that way they know that what they were tying into the main were sewer laterals and not foundation drains or rain gutters. He stated how they were going to get as much storm water out of the system as they can.

Mr. Miller asked if there was any place to get rid of grass clippings other than the garbage. He stated about being able to put them somewhere. President Stromelo stated how they would have to start a compost pile. He stated how it would be something for them to think about. Mayor Walck stated how he had received a letter in the mail from a concerned resident who would like to see the feasibility of a central compost pile within the Borough.

Genie Brennan – 65 W. Railroad Street – stated about her neighbor who had applied for a parking area at her home. She stated that last year when her neighbor applied for the parking area how she was a little concerned and had filed an appeal or something. Ms Brennan stated how the way they were parking it was actually putting children out into the street.

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Ms. Brennan stated how she also had an elderly neighbor who parks in the garage and during the winter there were snow piles on the road and when there was a man walking with a stroller the elderly man who was backing out of his garage only sees the man and does not see the stroller. Ms. Brennan stated how she has been in contact with the Code Official and had her to the house after she had received a ticket for parking in their driveway. She stated how she did not have a problem with the driveway but she did not think that three cars should be blocking the sidewalk and putting people into the street from the sidewalk. She stated how there was a little boy riding a motorized vehicle with his dad walking behind him who had to go out into the road and then back onto the sidewalk. She stated how that was an issue. Ms. Brennan stated how a letter was given. She stated how she was not able to make the last meeting because she was away.

Ms. Brennan stated how the other side of the street had grass. She stated how there were other areas in the Borough where they were blocking the sidewalks. She stated how they should either put them in the garage or park them on the street. Ms Brennan stated that if the law applies for one then it should go straight across the board.

Ms. Brennan stated how her neighbors had seven vehicles. She stated how she has one vehicle. She stated how she does not ever have a parking spot but it did not matter. Ms Brennan stated how games were now being played because her neighbor received a letter that they were no longer allowed to park head on and that they had to park horizontal. She stated how they were still parking head on because someone else gets to do it and it was the Borough's problem because they okayed it. Ms. Brennan stated how it was an issue with the kids. She stated whether the kids were on their way to or from school and about the elderly because it was getting nicer out and they were putting them in the street. She stated how she had pictures and the sidewalks on that side of the street of all the way up Railroad Street. She stated how that was the side they walked on and that was the side the bus stopped on. Ms. Brennan stated how she cannot even park her registered boat on the street for a week unless it stays attached to her vehicle as per Borough Ordinance. She stated how she has to park it in Lehigh in order to go boating over the weekend.

Ms. Brennan stated how she did not have a problem parking up by the church. She stated how the vehicles were still being parked head on and their van was parked in front of her house for three days with not being moved. Ms. Brennan asked if she was supposed to call the police to complain. She stated "no" that they had better things to do. Ms. Brennan stated how it was an issue and if they would not do anything about it, then she would have to go further. She stated how she does not even know that neighbor's first name. She stated how she talks to her other neighbors and how she does not have a problem with people. Ms. Brennan stated how she has one vehicle and how it did not matter if she parked in front of her house. She stated how it was an issue and she had created that problem because she was an outsider. She stated how she has a mouth and she was going to say something. Ms. Brennan stated how it was an issue and how she did not want to be an issue for her neighbor because they did spend all that money. She stated how she would like Council to do something about it only because of the kids who have to go down that street. President Stromelo asked Elaine Monaco if she wanted to elaborate. Ms. Monaco stated how it was her father's property and had no comment. President Stromelo asked Ms. Monaco if they were parking length wise or head on. Ms. Monaco stated that she had no comment. President Stromelo stated how they would have to address it. Ms. Brennan asked if they were supposed to be parking three cars head on or parallel to the street. Ms. Brennan stated how it was a serious blind spot for her neighbors, who were elderly. She stated that if there was an accident it was going to be their fault because they were old and could not see.

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President Stromelo stated how Solicitor Yurchak had sent them a letter to park parallel to the street. He stated that if the car was small enough that they could pull up to the house and still have enough room to walk by, he thought how that would suffice. He stated how he was not up to see what it looked like. President Stromelo stated how there was nothing that stated how they needed 24", 36" or 48". Ms. Brennan stated how they had two vehicles parked right in front of their home and they did not block the sidewalk at all. She stated that she knew that by her complaining how it would put every one of their vehicles on the street and she did not care. Ms. Brennan stated how it was for the safety of the community. She stated how she would walk a mile for her car. President Stromelo stated how there was no way of controlling how people park on the street. He stated how it was common courtesy not to park in front of someone else's house but sometimes it does not work. President Stromelo stated how they will look at the situation again.

Tom Merman – 512 E. Center Street – stated how he was listening to the lady and he knew that they were writing the ordinances up and making some changes. He stated how there was such a thing as an encroachment on Borough property. Mr. Merman stated how they knew how there was supposed to be a clear sidewalk and how they were not allowed to park on a sidewalk. He stated how he did not know why one of them could not answer the lady properly. Mr. Merman stated how they had an ordinance and if they did not have them, then they should make them. He stated how they should not look for favoritism in the town.

Mr. Merman stated how he wanted to ask a question about the flyers that were put in the paper right before election. He wanted to know the reason for it. Mr. Merman asked President Stromelo if they had lost \$3,000.00 on Sanitation. He stated how they were giving roads away. He stated how he brought a map in from the County. He stated how they told him about 20 years of cutting grass how it belongs to them. Councilwoman Fox stated to Mr. Merman how the issue with the parking was settled last month. She stated how Solicitor Yurchak had sent them a letter that they were supposed to park parallel to the street. Mr. Merman stated how they have to enforce their ordinances. He stated that if that lady squawks about it, she was going to be the bad one and how that was not right.

George Barron – 58 W. Catawissa Street – stated how he had received a letter in the mail telling him how he had to install curbing at the back of his yard at his driveway. He asked "why". President Stromelo stated that the ordinance from 1965 said so. Mr. Barron stated that "the ordinance, okay". He stated how he paid \$1,800.00 for the blacktop and asked who was going to fix the blacktop when they dig it up and ruin it. He stated "me" and told them how they were wrong. He stated how he paid once for the driveway and was not going to pay twice. Mr. Barron stated that if they want it in and somebody digs it up the Borough was going to pay for it because he knew that the contractor was not going to pay for it. He stated that if the Borough was not going to pay for it, then they should move it out into the middle of the street because he did not want it in his driveway. Mr. Barron stated that he did not think that they could tell him what to do on his property. He asked how the Borough could send him a letter stating that if he did not do it he could go to jail for 30 days. President Stromelo stated how that was what the ordinance said. Mr. Barron stated how it did not say anything in the ordinance about going to jail. He stated that he should not tell him that it did because it did not. President Stromelo stated how he did not write the ordinance. Mr. Barron stated how there was no ordinance that ever said that. President Stromelo asked Solicitor Yurchak what his comment on it was. Solicitor Yurchak stated how he did not write the letter. Mr. Barron stated (yelled) how nobody wrote the letter. He stated how it just got into the mailbox and was sent out by air mail. Mr. Barron stated how nobody wanted to take credit for the letter. He stated how there was not a signature on the letter.

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Mr. Barron stated how they should tell him what they were going to do with his driveway if they ruin it. He stated how he was not going to pay for it and if that was the case, they were not doing his property. Someone from the audience told Mr. Barron to calm down. Mr. Barron stated (yelled) how he was not going to calm down. He stated how he had come to the meeting to get the damn thing straightened out. He stated how nobody can tell him what to do. Mr. Barron stated how he paid the taxes and how that was his property. President Stromelo read the violation and penalty section of the curbing ordinance: if any owner or owners of property, person, firm or corporation in the Borough of Nesquehoning who shall neglect or refuse to abide by or violate any provision of this part within 5 days after being notified as aforesaid to do so upon failure to construct, reconstruct, or repair the curb as herein contain . . . Mr. Barron stated (yelled) how the curb was not there so it was not being repaired. He stated that if it was there, then it would have been a different story. He stated how they could not tell him to put it there. President Stromelo stated how the roads were being upgraded and reconstructed. Mr. Barron stated how that was not what he read. He stated (yelled) how it was bullshit. President Stromelo stated to Mr. Barron how it was in the ordinance if he wanted to see it. Mr. Barron stated how he had a copy and how it was bullshit. He stated how he could use it to go to the bathroom. Mr. Barron stated how they could not tell him to put a curb in his driveway. He stated how they should come up with some other thing.

Mr. Barron stated how nobody wrote the letter. Secretary/Treasurer Ahner stated how she had written the letter. She stated how she had signed the letter and that everybody received a copy of a signed letter. Mr. Barron stated to Secretary/Treasurer Ahner that he knew she wrote the letter and how he was not saying that. He stated how Council sat there stating how they did not write the letter. He stated how somebody had to dictate it. Mr. Barron stated how he lives at 58 W. Catawissa Street and when the plan was out to let him know. He stated that he had a contractor and if he had to do it, he will do it but somebody was fixing his driveway.

Councilwoman Fox asked Solicitor Yurchak that if there was a refusal to install the curbing what the consequences were. Solicitor Yurchak stated how the Borough could have the curbing installed and place a lien on the property. Mr. Barron stated (yelled) how the Borough could not do that. Solicitor Yurchak stated how they may not like it, but that was what the Borough could do. Mr. Barron stated how he had called a lawyer. He asked how they were going to put a lien on his property for \$600.00. Mr. Barron stated (yelled) that if something would happen to him, then his wife would be out of a house. Mr. Barron stated (yelled) about how the Council could be so stupid and what was wrong with them. Solicitor Yurchak stated to Mr. Barron not to talk to him like that because he did not disrespect him. President Stromelo asked Mr. Barron if he would like to be escorted out. Mr. Barron stated how they should not say stuff like that because they could not do it. Solicitor Yurchak stated how they could do it. Mr. Barron stated how they could not and how they were not going through his property. He stated how it was his property. President Stromelo stated how it was the Borough's right-of-way. Mr. Barron stated how they should put the curb in the Borough's right-of-way and not on his property.

Daniel Lain – 54 W. Mill Street – asked if it was the Borough's property, then why was the Borough charging the good citizens or forcing them to install curbing on their own property but that the Council now claims was the Borough's right-of-way. Mr. Lain stated that if it was the Borough's right-of-way, then the Borough should pay for the curbing. He stated how he did understand the ordinance and what it states in it but he wanted to know legally regardless of the ordinance how the Borough could force a homeowner to construct something that was no longer part of their property but then owned by the Borough. He asked how it could be done and stated how it did not make any sense. President Stromelo stated how that was the way the laws were written.

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Mr. Lain asked if that was not why people pay property taxes and other taxes. He asked if it was part of the road. He stated that in order to improve the road it was part of it. President Stromelo stated how they were going to reconstruct the road and in the ordinance of the Borough, anytime there was a reconstruction, there will be curbing installed. He stated how property owners were required to have curbing and sidewalks and they were not enforcing the sidewalks. Mr. Lain asked if they were going to have a curb and then a 3' – 4' gap of nothing.

Mr. Lain stated how most of the people, himself included, were working paycheck to paycheck, just to pay the mortgage, the bills and to put food on the table. He stated how the Borough was giving them 20 days, even though the Borough was gracious enough to give them 45 days, to spend thousands of dollars that they do not have to install curbing. He asked how they can force that on a homeowner in a recession, in a struggling economy with a 10% unemployment rate. He stated how it made no sense. Mr. Lain asked why and if they did not get money. President Stromelo stated how they had received a grant to do that road and that was why they had to do it. Mr. Lain stated that if the grant was not there, then they would not be pushing the issue. President Stromelo stated that they still would have because they have a major road reconstruction project going for the next five years. Mr. Lain asked if it was because of the grant. President Stromelo stated how it was not because of the grant. He stated how the grant was CDBG (Community Development Block Grant) money from the County and they had applied to have that street reconstructed. He stated how it was approved and curbing had to go in to control the water run off or the streets would buckle and bust up like they were doing. He stated how they wanted to do it so it would last for 40+ years. President Stromelo stated how nothing had been done with that street since he did not know other than cutting it up for water lines. President Stromelo stated how they were trying to improve the roads in the town. He stated how they could not let the infrastructure go. Mr. Lain stated how that was a legitimate roll of government, the infrastructure. He stated about the curbing ordinance being passed in 1965. Mr. Lain stated how the whole fact that it was infrastructure and how they were putting a financial burden onto taxpayers, which taxes were already high enough and they were already working paycheck to paycheck, which was the whole thing everyone who had to install curbing was that they could not afford it.

Mr. Lain asked if they expected them to put a second mortgage on their homes to install the curbing or to bake cookies and sell them on the corner. He asked if they take those things into consideration when they go to enforce the ordinances. President Stromelo stated how they knew it was a hard time but it was something that had to be done. He stated how they had multiple other projects with people in back alleys, who did not like it but were forced to install the curbing. He stated how there were a few streets in New Columbus that were done and it was the back of their homes, not the front, and they had to put the curbing in. President Stromelo stated how the 100 block of East Mill Street was reconstructed a little over 5 years ago and they had to install curbing. He stated that any street that would get reconstructed needed curbing and if it was just an overlay the curbing was fine. He stated that if there was no curbing they would have to install it because of the water runoff.

Mr. Lain asked if the ordinance included sidewalks but the Borough was not going to force the residents to install the sidewalks at that time. President Stromelo stated “no”. He stated how it was a walkway. Mr. Lain stated about making them install it at a later time. He stated how the Borough forces them (property owners) to install the curbing but has no ownership rights to it. He stated that if someone walks on his lawn he could tell them how it was his property and to get off his lawn. He stated that if they walk on his sidewalk, he could not tell them to get off the sidewalk. Mr. Lain stated how it comes out of his paycheck and he has to pay it but he has no property right to it. He stated how they were not getting taxpayers dollars.

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Mr. Lain stated how that was the thing with some bureaucrats was that they were out of touch with reality and whether they understood it or not; but the commonsense aspect says that in a recession/depressed economy, they were not going to force homeowners to pay thousands of dollars to do it. Mr. Lain stated about the ordinance and not having any legal rights. He asked if they were telling him that they had to do it regardless. President Stromelo stated how the Borough was going to put it in either way. Mr. Merman stated to President Stromelo about telling the people that they could go on a payment plan if they could not pay it all up front. President Stromelo stated "yes". Mr. Merman stated that when he was a council member, they had gone around telling people that if they wanted a road they had to install curbing because otherwise it would get washed away. He stated how they had a person who agreed to a payment plan because they could not afford it.

Mr. Merman stated how the sidewalk or the curb does not belong to the resident and that was why he was telling them about the encroachment where there was supposed to be sidewalks. Secretary/Treasurer Ahner stated how she had talked to several people in regards to the curbing on W. Mill Street and how the Borough would work with them on a payment plan when everything came through and they had prices. She stated how they would work with each one on an individual basis as to what it would cost them a month. She stated how they will set up a payment plan for anybody who was not able to pay for the curbing. President Stromelo stated to Ms. Barron how he had talked to her about that the other night. Ms. Barron asked how long the payment plan was. President Stromelo stated how it would depend on how much it was. Secretary/Treasurer Ahner stated how that will be determined on an individual basis. She stated to Ms. Barron that they could not say how they would pay a certain amount when her curbing might cost \$400.00 total and someone else's curbing could cost \$600.00/\$700.00 total. Ms. Barron stated that she was going to pay to install the curbing and if the Borough drives or plows curb to curb and they injure what she has installed that they should not think that she was going to put it back in. She stated how the Borough will pay to put it back. Mr. Barron stated how he thought that the Borough workers did a good job plowing; but if they would damage the curbing, what would happen then. Ms. Barron stated how it was for the simple reason that her driveway was damaged before by the Borough workers but she never reported it.

Mr. Dacey stated how the curbing by his son's house was damaged by the Borough and the Borough repaired it. President Stromelo stated that if it was negligent on the Borough then the Borough would fix it and if they hire a contractor then the contractor would fix it, if they were responsible. Ms. Barron asked if the vacant homes on W. Mill Street were notified of it. President Stromelo stated how everybody from W. Mill Street had received a letter. He stated that if they do not respond; the Borough will install the curbing and put a lien on the property.

Ms. Barron stated how they had a contractor who wanted to start within the next two weeks from Tammy Weaver's place all the way down to the curb on Mermon Avenue. Mr. Barron stated that if he had to do it, he wanted to get it done before winter time. President Stromelo stated how the letter stated 45 days but that was just to get everybody moving because they were under a time frame with the County bidding the job. He stated how they have to get the sewer lines replaced and storm drains installed. He stated how the road was not going to be done within a month or two. Mr. Tirpak stated that even in the area where they were replacing the sewer line, they could get the curbing installed. He stated how the sewer line would be basically 10' away from the curb. He stated how they will be replacing the laterals but they will only be the length of the bucket, which was about 18". He stated that they would be able to get their curbing installed. Mr. Tirpak stated how they should not wait until the sewer line was done to install their curbing. He stated that if they had a signed contract with a contractor, they should have their contractor call him and he would give them the grades so they could get started within the next two weeks.

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Mr. Miller asked if they were going to be installing a catch basin somewhere down by the Lion's building. Mr. Tirpak stated how they were going to be installing a catch basin by the driveway that goes back behind the church on the North side of the street.

Jean Schmitt – 64 W. Mill Street – asked if there was going to be an interest rate on the payment plan. President Stromelo stated “no”. Ms. Schmitt asked if they were going to use the same contractor as everybody else on W. Mill Street. President Stromelo stated how that was up to the property owner. Secretary/Treasurer Ahner stated to Ms. Schmitt that she could pick the contractor that she wanted. President Stromelo stated that the contractor who was there on Saturday was the cheapest one out of the other 3-4. Mr. Tirpak stated how he was only aware of 3 contractors. Ms. Schmitt asked how far in advance they knew about it. President Stromelo stated how they were in the planning stages last year. He stated how they applied for a loan to do a bunch of streets in town. He stated how W. Mill Street was one that they were planning on doing. President Stromelo stated that in the meantime they had applied for the grant money. He stated how they did not think that they were going to get it because of the narrow banding of the radios and how the County was in a predicament with all the fire companies who were going to have to get new radios. He stated how it was a major, major amount of money, so they did not think that they were going to be approved. He stated how they were lucky that they did because it was saving the Borough \$61,000.00. President Stromelo stated how they have to take advantage of it where they can to try and save taxpayers money. He stated how they would not like it if they had to raise taxes. He stated that they were doing the best they could and apparently some people were getting the wrong information from somewhere. President Stromelo stated that they should not get excited because they were there to help them. He stated how it was going to improve the property value of their homes. Ms. Schmitt asked when N. School Street was going to be done. Mr. Tirpak stated that they would not be doing N. School Street from Mill Street to the Railroad for a year or so.

Patsy Black – 201 W. Mill Street – stated how she was one of them who called Secretary/Treasurer Ahner about a payment plan. She asked who was going to do the curbing if they go on the payment plan because she could not afford to hire a contractor. Secretary/Treasurer Ahner stated that the contractor will send the resident a bill for the curbing and if they were not able to pay it, the contractor will then in turn send it to the Borough for payment. She stated how the Borough would then contact the homeowner and work something out as far as a payment plan. Ms Black asked who was going to do it down by her house. Secretary/Treasurer Ahner stated that she could get any contractor that she wanted to get.

Ms. Barron stated how Chris Serfass had informed her that if Walter Strohl, George Barron, and Theresa Kissane would all have to be in agreement with the contractor or he was not going to do her driveway because he was not going to be liable if something would go wrong. Theresa Kissane – 56 W. Catawissa Street – stated how they were going with Franzosa because they were getting their driveway paved at the same time and Mr. Serfass did not do paving; he only did the concrete work.

Robert Kenlin – 160 Willow Lane – stated how when he had curbing and sidewalks installed; they could not even get into their garage. He stated how they had to tear out the sidewalks and it was a fight. He stated how he just does not know about the curbing.

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POLICE REPORT

Mayor Walck gave the Police Report for the month of April as follows:

\$914.21 fine money received from Magistrate Kosciolk; \$174.00 fine money received from Magistrate for Sanitation Fines/Bills; \$0.00 received in Carbon County Collections; \$77.00 received in DUI reimbursements; \$10.17 received in Motor Vehicle reimbursements; \$0.00 received from Carbon County Restitution; \$530.80 received from Attorney General for overtime reimbursement; \$0.00 received in State Fines; \$680.00 received in parking tickets; \$285.00 received in moving permits; \$30.00 received in accident reports; 47 citations [3 non-traffic & 44 traffic]; 345 incidents reported for the month; alert form attached to report; 0 search warrant; 2 consent searches; 6 traffic accidents (1 reportable – 5 non-reportable); 19 court appearances and the mileage total was 5,627 (977 – 2008 Crown Vic; 2,660 – 2008 Chevy Impala; 0 - 2003 Crown Vic; 582 – 2005 Expedition; 1,408 – 2009 Ford Crown Vic).

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

HOUSING & CODE ENFORCEMENT OFFICER'S REPORT

Linda Narciso read her report, which was placed in the communications folder.

- **Mary T. Budusky – Handicap Parking Sign Application**

Councilwoman Walck moved and Councilwoman Fox seconded to approve the handicap parking spot for Mary Budusky located at 102 S. Allen Street. All voted yes. Motion passed.

Councilwoman Walck moved and Councilman Zabroski seconded to accept Linda Narciso's House & Code Enforcement report. All voted yes. Motion passed.

SUPERINTENDENT'S REPORT

Louis Paul gave his report for April – May as follows: He stated how some of the council members wanted a little more detail. He stated that he still had the hours and was going to keep going on that so he could give them a report at the end of the year with the hours.

Street sweeping and sign postings were completed on all streets; cold patching they did on Park Avenue, Industrial Road, Diaz Avenue, DiVinci Alley, & Tippetts Road; line painting was started on the main street but the rain killed them, they started on Thursday and Friday and they were going to do Catawissa Street first; millings they did on upper High Street (Alley) were completed and they were in the process of Mussmano Avenue and DiVinci Alley (up behind Vince Gogal).

Mr. Paul stated how they would be requesting a roller in order to do a better job. He stated that they did the best they could with the trucks and the backhoe. He stated how he was also requesting a smaller bucket for when they were installing the inlet boxes.

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Repaired and completed a Coal Street sewer problem that they had, which Councilwoman Fox was involved in; (Parks) they line painted all the basketball courts in New Columbus and Hauto, policed all trash and checked all rides to make sure they were in good shape (working on getting a portable welder, removed and installed basketball rim at the Recreation Center; (Police) repaired a leaky roof, hung fixtures on the wall for the Chief, picked garbage up for Grace (the police station was in pretty good shape); (Equipment) Friday afternoons they clean all the equipment and tools after the weekly projects, garbage truck was cleaned and lubed, oil was changed in all the mowers and in the pressure washer; (Grass cutting sites) New Columbus park, Hauto park, Johnson park, Tonolli island, VFW island, Recreation Center (front and back) Industrial Road shoulders, CVS, lot in New Columbus, Sport Complex field, proposed roads-Elm Street, Spruce Street and High Street and the High Street bank was not completed because the rain was putting a damper on that.

Mr. Paul stated how he wanted to bring 104 W. Columbus Avenue to the Council's attention. He stated how there was a hump at the gate of the current property owner. He stated that the property owner was requesting to remove the hump so he could have access to the back of his property. Mr. Paul stated how he thought that the hump was put in when the sewer line was installed. He stated how the property owner told him that he would take half of the hump out. He stated that he had told him how he had to be careful because the sewer line was there and that he also had to bring it before Council. Mr. Paul stated that the property owner told him how he would take the hump out, maintain the area and re-seed it. He stated how he was bringing it up to all of Council and how he was going to be there when he would do anything so they do not have a problem with the sewer line. He stated how the Council Members will be looking at it before they made a decision. He stated how it was a proposed road but the owner was not going to use it as a driveway. Mr. Paul stated that he could get in there but if he would take the hump out it would be a lot easier.

Mr. Paul stated about them looking into no parking at the old high school because when the buses double park it gets congested. He stated how it was hard in that area even with the snow removal. Mr. Paul stated how it would make things easier for the picking up and dropping off of the elderly and with parking for the beer distributor. He stated how it was an accident waiting to happen. President Stromelo stated how they should get in touch with them at the apartment complex and the bus company concerning the drop offs to set up a meeting. Mr. Dacey asked when they first opened if they were not allowed . . . President Stromelo stated how they were not allowed to double park. Mr. Dacey stated that every time he goes past there were two or three buses double parked. President Stromelo stated how they did discuss it at a meeting they had with Mr. Paul to try to alleviate some of the traffic tie ups up there.

Mr. Paul stated how they have to do something at the Hauto Valley Estates with site clearance when they get to the top of the hills. He stated that they do not want to start cutting people hedges. He stated how they should take a look and get the property owners, if they were willing to help out. Mr. Paul stated how it was an issue with the garbage truck and the plow truck because of pulling out onto the highway.

PLANNING COMMISSION REPORT

- Meeting scheduled Wednesday, June 8th at 7:00 p.m.

Councilwoman Fox stated how they were scheduling a meeting for the following month.

CIVIL SERVICE COMMISSION

No report.

MINUTES FOR REGULAR MEETING OF NESQUEHONING BOROUGH COUNCIL

Wednesday, May 25, 2011 at 7:00p.m., Borough Office

PANTHER CREEK ADVISORY REPORT

No report.

ENGINEER'S REPORT

Ron Tirpak stated how they will have the specifications ready for advertising by the following week for the sewer line project on W. Mill Street. He stated that as for the treatment until project, they were sandblasting and they should be ready to start painting. He stated how they could not do any repairs until the sandblasting and painting was done.

Councilwoman Fox moved and Councilwoman Walck seconded to advertise for bids for the Sewer Line Project on W. Mill Street. All voted yes. Motion passed.

Mr. Tirpak stated how he was going to meet with Mr. Paul concerning inlets that needed to be installed on some of the streets that they were going to be working on and also the West end of Mill Street, which had to be done before they install the curbing.

President Stromelo asked Mr. Tirpak if he wanted to bid the Sewer Line job from Yard Street to Route 54 (Stock Street) with the easement from the Hauto Fire Company. Mr. Tirpak asked about the Borough workers doing that job. President Stromelo stated how he had talked to Mr. Paul and they did not think that they would be able to do it with everything else that was going on. Mr. Tirpak stated how he would look at it because he might just be able to get some telephone bids on it. He stated how he would have it as a separate project.

President Stromelo asked about Cedar Street. Mr. Tirpak stated that the contractor was ready to proceed as soon as the residents had the curbing installed. He stated how he had several meetings up there. He stated how there had been a lot of talk and no action. He stated that if something did not get done, they would take the action to get it done.

SOLICITOR'S REPORT

- **Ordinance – Installation & Maintenance of Smoke, Heat and Carbon Monoxide Detectors**

Solicitor Yurchak stated how he handed out the Smoke, Heat and Carbon Monoxide Ordinance and Councilman DiMiceli was the only one who made a suggestion for changes. He stated that if there were no other changes, they could make the motion to advertise.

Councilwoman Fox moved and Councilman Zabroski seconded to advertise the Smoke, Heat and Carbon Monoxide Ordinance. All voted yes. Motion passed.

- **Ordinance – Rules Governing Planting, replanting, removal and care of shade trees**

Solicitor Yurchak stated how he had passed out another copy of the Shade Tree Ordinance.

Councilman Zabroski moved and Councilwoman Fox seconded to advertise the Shade Tree Ordinance. All voted yes. Motion passed.

MINUTES FOR REGULAR MEETING OF NESQUEHONING BOROUGH COUNCIL

Wednesday, May 25, 2011 at 7:00p.m., Borough Office

Mr. Merman asked what kind of trees were going to be planted and were they going to take into consideration the encroachment on the sidewalks and the curbs. President Stromelo stated how it was basically for the maintenance of existing trees not to plant new ones.

All voted yes. Motion passed.

- Ordinance – Amend code of ordinances requiring installation & maintenance of Smoke, Heat and Carbon Monoxide detectors in leased or rented dwelling units

- **Resolution – Establish a Pension Board and a plan for Administrative Improvement**

Solicitor Yurchak stated about the Resolution to Establish a Pension Board and a Plan for Administrative Improvement. President Stromelo stated how they would hold that Resolution for another month.

- **Resolution – Establish fees for an Appeal to the Joint Board of Appeals**

Solicitor Yurchak stated about the Resolution to establish fees for an appeal for the Joint Board of Appeals for the UCC, whenever someone would disagree with the BCO's determination. He stated how the amount of the appeal was \$1,000.00 and it was set by the Joint Appeals Board, which was to defray the cost of advertising, the stenographer and whatever other cost would be associated with the appeal.

Councilman Hawk moved and Councilman Zabroski seconded to adopt the Resolution establishing the appeal fees for the Joint Board of Appeals for the UCC. All voted yes. Motion passed.

- **05.11.11 Nanovic Law Offices – Packer Twp/UCC/Joint Board of Appeals**

Secretary/Treasurer Ahner stated how Packer Township wanted to join the Joint Board of Appeals for the UCC.

Councilwoman Fox moved and Councilman Hawk seconded to approve the membership of Packer Township to the Intermunicipal Agreement for the Joint Board of Appeals for the UCC. All voted yes. Motion passed.

- Robert T. Yurchak letter to J&L Family – Landlord/Tenant Ordinance

- **Robert T. Yurchak letter to Keystone Publishers – Codification – SALDO & Zoning part**

Solicitor Yurchak stated how he had dropped off the SALDO and the Zoning from the Codification to the Planning Commission. He stated they were reviewing it and when they were done they would let him know.

- **05.17.11 CC Commissioners – Copy of letter sent to PUC concerning railroad crossing**

- **05.18.11 Comm. of Pa - copy of letter sent to PUC concerning railroad crossing**

Solicitor Yurchak stated about the PUC and how it was stated in the paper that no one knew about the condition of the Railroad Crossings. He stated that every time they had contacted the Commissioners they were told how it was not their responsibility and to contact the Railroad and the Railroad would send them back to the Commissioners. He stated how he was sure that they would be contacting him for a meeting in the field.

MINUTES FOR REGULAR MEETING OF NESQUEHONING BOROUGH COUNCIL

Wednesday, May 25, 2011 at 7:00p.m., Borough Office

- **Adopt Amended Curb Cut Ordinance**

Solicitor Yurchak stated how the Curb Cut Ordinance was advertised and was ready for adoption.

Councilwoman Walck moved and Councilwoman Fox seconded to adopt the Amendment to the Curb Cut Ordinance. All voted yes. Motion passed.

Solicitor Yurchak stated how the time period had expired for MEM. He stated how he was asking for authorization to move forward on it. Councilwoman Fox asked if they could do anything through the DA's office. Solicitor Yurchak stated "probably not" that if there was partial performance, they would not get involved. He stated how it would be a civil matter.

Councilwoman Fox moved and Councilman Zabroski seconded to authorize Solicitor Yurchak to move forward in regards to MEM with rescinding the contract and pursuing damages for money that was expensed for the street lights. All voted yes. Motion passed.

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

MINUTES FOR REGULAR MEETING OF NESQUEHONING BOROUGH COUNCIL

Wednesday, May 25, 2011 at 7:00p.m., Borough Office
JIM THORPE NATIONAL BANK TREASURER'S REPORT

GENERAL FUND

Balance 03.31.11 25,932.80
Receipts 122,426.79
Expenditures 76,331.55
Balance 04.30.11 72,028.04

GENERAL SEWER CONSTRUCTION FUND

Balance 03.31.11 10,322.51
Receipts 2.12
Expenditures .00
Balance 04.30.11 10,324.63

SPORTS COMPLEX FUND

Balance 03.31.11 319.29
Receipts 1,793.24
Expenditures 321.14
Balance 04.30.11 1,791.39

SANITATION ESCROW

Balance 03.31.11 50,746.75
Receipts 40,021.12
Expenditures .00
Balance 04.30.11 90,767.87

DEBT SERVICE

Balance 03.31.11 1,935.18
Receipts .40
Expenditures .00
Balance 04.30.11 1,935.58

FIRE TRUCK FUND

Balance 03.31.11 84,933.86
Receipts 8,483.38
Expenditures 1,040.88
Balance 04.30.11 92,376.36

CAPITAL PROJECT

Balance 03.31.11 53,605.58
Receipts 8,831.90
Expenditures .00
Balance 04.30.11 62,437.48

SANITATION FUND

Balance 03.31.11 82,877.15
Receipts 78,497.13
Sewer 48,434.61
Expenditures 67,193.94
Balance 04.30.11 45,745.73

HIGHWAY FUND

Balance 03.31.11 34,754.87
Receipts 72,360.22
Expenditures .00
Balance 04.30.11 107,115.09

PLANNING FUND

Balance 03.31.11 9,570.58
Receipts 2.75
Expenditures .00
Balance 04.30.11 9,573.33

GENERAL SEWER FUND

Balance 03.31.11 96,255.33
Receipts 52,452.59
Expenditures 35,492.18
Balance 04.30.11 113,215.74

SEWER OPERATING & MAINTENANCE

Balance 03.31.11 48,798.41
Receipts 20,769.31
Expenditures 46,744.25
Balance 04.30.11 22,823.47

POLICE PENSION FUND

Balance 03.31.11 629,408.75
Receipts 1,624.24
Expenditures 8,589.02
Acct Appreciation 15,752.50
Balance 04.30.11 638,196.47

AGENDA FOR REGULAR MEETING OF NESQUEHONING BOROUGH COUNCIL

Wednesday, May 25, 2011 at 7:00p.m., Borough Office

CD REPORT

<u>FUND</u>	<u>CURRENT VALUE 04.30.11</u>	<u>INTEREST 04.30.11</u>	<u>OPENING DATE</u>	<u>CURRENT RATE</u>	<u>RENEWAL DATE</u>	<u>BANK</u>
PLANNING	\$ 15,706.48	\$ 32.21	08-17-09	2.50 %	08-17-12	JTNB
GEN. SEWER	\$ 369,984.61	\$ 758.68	08-20-09	2.50 %	08-20-12	JTNB
DEBT SERVICE	\$ 13,892.22	\$ 28.49	08-17-09	2.50 %	08-20-12	JTNB
DEBT SERVICE	\$ 107,212.44	\$ 127.33	06-04-10	1.40%	06-04-13	JTNB
DEBT SERVICE	\$ 18,690.69	\$ 32.82	06-22-09	2.14%	06-22-11	JTNB
SANITATION	\$ 20,690.46	\$ 36.33	06-22-09	2.14%	06-22-11	JTNB
CAPITAL PROJ	\$ 10,141.31	\$ 17.81	06-22-09	2.14%	06-22-11	JTNB
FIRE TRUCK	\$ 9,908.22	\$ 17.40	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 he had received a payment from Ametek in regards to the Extra Ordinary Expense Ordinance. He stated how he had received it around the 13th of the month. He stated that he wanted Council to authorize the disbursements of the funds to the various Fire Companies and Ambulance Corps. He stated how he had provided Secretary/Treasurer Ahner with a copy of the respondents and the amounts they will receive.

Councilwoman Fox moved and Councilwoman Walck seconded to authorize the disbursements to the various Fire Companies and Ambulance Corps from the funds received from the Ametek incident. All voted yes. Motion passed.

Mr. McArdle stated how they had an incident on the 15th of February and he was not sure where that was at. Solicitor Yurchak stated how he had sent a letter out on that one.

Mr. McArdle stated how he still had not heard anything from the AFG grant. He stated how the next years grant would be released in June for application. He stated how he would like a motion from Council allowing him to re-apply and the Borough would accept the 5% payment if the grant was awarded. He stated that the amount of money they were applying for was \$800,000.00. Mr. McArdle stated how the auditor had agreed to audit the money but his fees would be turned in as part of the grant.

Councilman Hawk moved and Councilwoman Walck seconded to allow Mr. McArdle to apply for a grant for a new aerial truck and to fund the 5% of the purchase of a new aerial if the Nesquehoning Hose Company receives the grant. All voted yes. Motion passed.

AGENDA FOR REGULAR MEETING OF NESQUEHONING BOROUGH COUNCIL

Wednesday, May 25, 2011 at 7:00p.m., Borough Office

Mr. McArdle stated how they had talked about a lock box system but it was put on a back burner. He stated how in the past week he had an incident, high risk area, and they had to kick a door in to discover a water flow alarm going off. He stated how the person was not very happy that they had to do it. Mr. McArdle stated how he had talked to him on the phone before they kicked the door down to find out how they were not close by. He stated about having to secure the key in the Fire Apparatus. He stated how they were at the point of taking some doors down. He stated how a lot of the time it was unnecessary but if they had to do it, they would. Mr. McArdle stated how he would like Council to revisit it. President Stromelo asked if it was an ordinance. Mr. McArdle stated how Mahoning Township had one. He stated how one of the problems they had was securing the box. He stated that he thought how they had talked about putting it in a police vehicle but if there was only one officer on duty and he was assisting another town, it would not help. He stated how the system would be similar to a pager so as the person on the Fire Apparatus would identify himself to the Communications Center and they would hit a tone to open the box in the Apparatus. He stated how they would retrieve the key, open the business, return the key and it would all be recorded. Mr. McArdle stated how each Apparatus would have to have a key. He stated that another problem they would have was if someone would break off the lock box because then they would have access to the building.

MAYOR'S REPORT

- **Kidder Township – Fire Police for parade at Lake Harmony**

Mayor Walck stated how he had received a letter from Kidder Township Supervisors asking for all of Carbon County's Fire Companies' Fire Police to assist with traffic control for the 2011 PA State Firefighters Parade & Convention in Lake Harmony. He stated how they will have to see if any of their Fire Police were available on the 24th of September to help direct traffic.

Councilman Zabroski moved and Councilwoman Fox seconded to allow the Mayor to call out the Fire Police for the 2011 PA State Firefighters Parade in Lake Harmony. All voted yes. Motion passed.

Mayor Walck stated how he would also need Council's permission to call out the Crossing guards and Fire Police for the Memorial Day Parade, which they held every year.

Councilman Zabroski moved and Councilwoman Walck seconded to allow the Mayor to call out the Crossing Guards, Fire Police and extra police to help secure the streets for the Memorial Day Parade. All voted yes. Motion passed.

Mayor Walck stated how he had a request from Officer Breiner, who has to be recertified as the Firearms Instructor. He stated how it was Officer Breiner's three year update for Glock. He stated how Officer Breiner was requesting to attend the course, which the cost of the course was \$195.00 and the use of a car.

Councilman Zabroski moved and Councilwoman Walck seconded to allow Officer Breiner to attend the Firearms Course and the use of a Police vehicle. All voted yes. Motion passed.

Mayor Walck stated how he had also received a request from Chief Smith concerning a 2 week training session. He stated how there were two one-week long classes, June 6th – 10th & September 19th – 23rd, and each weeklong class was \$620.00. He stated how the training would be held at the East Stroudsburg Police Department and it was for police executive development (police management training).

Councilwoman Walck asked if it was something that was necessary and if it was in the budget. Mayor

AGENDA FOR REGULAR MEETING OF NESQUEHONING BOROUGH COUNCIL

Wednesday, May 25, 2011 at 7:00p.m., Borough Office

Walck stated how it would be the registration, salary, and the cost from the use of a car, which would come to approximately \$2,000.00 for a week of training. Councilman Hawk stated how the request stated that it was the last class from Penn State for him to complete the management course. He stated how one of the things they had talked to Chief Smith about over the years was management training to improve as a manger as well as an officer. He stated that over the years they have been recommending that he pursue courses like that.

Councilman Hawk moved and Councilman Zabroski seconded to approve the request of Chief Smith to attend the two week management training course at a cost of \$620.00 per week at the East Stroudsburg Police Department.

Councilwoman Fox asked if it was in the budget. Councilman Hawk stated how they do have training money budgeted. Mayor Walck stated how he did not know of the other training he had taken with Penn State. Councilwoman Walck stated about another class at another time. Secretary/Treasurer Ahner stated how she knew that he had taken a Penn State course but did not know what kind of class it was. Councilwoman Fox stated how that would be the end of the training for the year.

All voted yes. Motion passed.

Mayor Walck stated that the Crime Watch Meeting would be held on Wednesday, June 8th at 6:00 p.m. at the Borough Building.

TAX COLLECTOR'S REPORT

18 April 2011 – 30 April 2011

Real Estate	\$58,307.50
Occupation	1,925.70
Per Capita	1,960.00
TOTAL	\$62,193.20

01 May 2011 – 15 May 2011

Real Estate	\$62,394.38
Occupation	44.10
Per Capita	137.20
TOTAL	\$62,575.68

EXEMPTION:

Jessica Heaney

Deceased

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

APPLICATIONS:

Brian A. Cook

Wastewater Treatment Plant Operator

Joseph J. Trimmel III

Sanitation, Street Department

Joseph R. Starosta

Sanitation, Street Department

Thomas L. Ellington

Gainful Employment

James A. Johnson, Jr.

Find Employment

Michael A. Minder

Find Employment

Bryan E. DeLay

Find Employment

Vincent J. Macalush

Experience is in manufacturing

AGENDA FOR REGULAR MEETING OF NESQUEHONING BOROUGH COUNCIL

Wednesday, May 25, 2011 at 7:00p.m., Borough Office

COMMUNICATIONS:

1. 04.27.11 PSAB – Update
2. 04.28.11 Trollinger Consulting Group
3. 04.28.11 PSAB – Update Request for 2011
4. 04.28.11 CERT – Classes scheduled for May 2011
5. 05.02.11 Lord Abbett – Conversion of shares
6. **05.02.11 Anthracite Little League Association – Contribution**

Councilwoman Walck asked about the donation letter for the Anthracite Little League. Councilman Zabroski stated how there was a canvas that went around both towns (Nesquehoning & Summit Hill), which they had combined into one Little League. Councilwoman Walck asked if they should be accepting the donations at the Borough Building. Councilman Zabroski stated how they asked for the donations to be sent there so they could be collected all at once and there was no where to send it. Councilwoman Walck asked if there were officers. Councilman Zabroski stated how there were officers. Councilwoman Walck stated how she was all for the donation thing but what they do for one organization, were they starting a precedent. She stated how she did not even see a name of who to send it to because there were no officers listed. Councilwoman Walck asked Solicitor Yurchak if they should be doing it.. Solicitor Yurchak stated how it should have been approved by Council. Councilwoman Walck asked who approved it, who authorized it. Secretary/Treasurer Ahner stated how they had come in and talked to them in the office and they did not see a problem with them being sent to the office because they originally wanted to send them to the Recreation Center/Little League Field. She stated how they were collected in the office, placed in an envelope and somebody from the Little League picked them up. Solicitor Yurchak stated how they could ratify the action.

Councilwoman Fox moved and Councilman Zabroski seconded to ratify the action to allow the Little League Donations to be collected at the Borough Office.

President Stromelo stated how the Little League will usually get a Post Office Box or something. Councilwoman Walck asked if it was going to set a precedent for other organizations. Solicitor Yurchak stated how they would deal with them case by case. Secretary/Treasurer Ahner stated how she did not know of any other organizations that were using Borough Fields. Councilwoman Fox stated how they will deal with it on a case by case basis. Councilman Zabroski asked if it was causing any problems in the office. He stated that with combining both Leagues it got hectic and time got away from them. Secretary/Treasurer Ahner stated how it was not a problem. Councilman Zabroski stated how the office was not doing any administrative work. He stated how he will have them go to a Post Office Box the following year. Councilwoman Walck stated how she was shocked when she saw that it was going to the Borough Office. Frank Jacobs stated how some people voiced their concerns to him. He stated how they should have listed the officer's names and the letter should have been signed by the president. Councilman Zabroski stated how they wanted to get the letters out before the season started and it was kind of like when he was a kid and they would go around and knock on doors. He stated how he will make sure that they were signed the following year.

All voted yes. Motion passed.

7. 05.02.11 Enercon, LLC – Discuss renewable energy resources at next Council meeting
8. 05.02.11 Payroll Law 2011 – Seminar
9. 05.05.11 CC Tax Collection Committee – Confirm Delegate Information
10. 05.06.11 PIRMA – Liability & Property – follow-up loss control service

AGENDA FOR REGULAR MEETING OF NESQUEHONING BOROUGH COUNCIL

Wednesday, May 25, 2011 at 7:00p.m., Borough Office

11. 05.09.11 Panther Creek Partners – Regulated substances identified
12. 05.10.11 PPL – e-power – Energy Management Program
13. 05.11.11 PSAB – 2011-2012 Legislative Directories
14. 05.11.11 Unique Paving Materials – Permanent Pavement Repair Material
15. 05.11.11 First National Bank – Line of Credit/Loans
16. 05.12.11 Barry Isett Associates – Bulletin
17. 05.13.11 DCED – Planning to Manage Secondary Impacts of Natural Gas Development
18. 05.13.11 Maureen Kennedy – State Firemen’s Convention and Parade
19. 05.16.11 PA DEP – Surface Mining Permit – Authorization to Mine
20. 05.16.11 Ohl Fuel Oil – New products to conserve energy–Solar Systems & Viridian Electric
21. **05.19.11 Kathryn O’Gorman – Children playing at tunnel/creek around 300 W.**

Railroad St.

Secretary/Treasurer Ahner stated about the letter from Kathy O’Gorman concerning the tunnel on the 300 block of Railroad Street. She stated how it was open and the kids were playing in and around the tunnel. She stated how Ms. O’Gorman wanted Council to do something for the safety of the kids. President Stromelo stated about letting Mr. Paul know so he could look at it and maybe put up a fence. Councilwoman Walck stated how Ms. O’Gorman had talked to her and she was told that Ms. O’Gorman had attended several Council Meetings a few years ago and nothing was ever done about it. She stated that when Ms. O’Gorman had called her, she had just chased some small children away from there. Councilwoman Walck stated how she had asked Ms. O’Gorman if she knew the kids because of contacting their parents. She stated how Ms. O’Gorman claimed that it was dangerous. She stated how she did not have a chance to go up to look and she did not even know if the Borough owned the property. Councilwoman Walck stated that she told Ms. O’Gorman about the meeting and that she should submit something in writing. She stated how Ms. O’Gorman asked her what she could do until the meeting and she told her about calling the police because they might be able to find out who the kids were in order to contact the parents. President Stromelo stated how it was the tunnel that they just had video taped. He stated how there was not much water there depending on the time of year. Councilwoman Fox stated how it was something that needed to be addressed. She stated about the sewer lines. President Stromelo stated that with the video, there were no open sewer lines and how there was just mine water running through but it was dark and rocky. Mr. Jacobs stated how somebody else owned that property and how it was not Borough owned. He stated how they could not block off the tunnel. President Stromelo stated how they could not put a gate there because of it getting blocked. Councilwoman Walck stated how the first thing they had to do was to find out who the owner of the property was. President Stromelo asked Solicitor Yurchak to find out who owned the property.

22. 05.19.11 Comm. Of Pa – Updated Audit DCED Contract # C000032033

23. 05.19.11 MECAB – Annual Banquet and Tour

Councilwoman Walck 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.

Mr. Jacobs asked if that was the last payment to PennVest. Secretary/Treasurer Ahner stated “June 1st”.

AGENDA FOR REGULAR MEETING OF NESQUEHONING BOROUGH COUNCIL

Wednesday, May 25, 2011 at 7:00p.m., Borough Office

COMMITTEE REPORTS

1. STREETS

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

- **05.05.11 Charles Eis – Curb Cut Permit**
- **05.18.11 Kathleen Gavala – Curb Cut Permit**

Councilman Zabroski moved and Councilwoman Fox seconded to approve the curb cut permits, Charles Eis – 252 Stock Street (Curb cut on East side of Cedar Street) and Kathleen Gavala – 104 W. Columbus Avenue, pending the approval of the Street Committee. All voted yes. Motion passed.

- 05.16.11 McTish, Kunkel & Associates – Compliance Review – SR 0054 Project
- 05.19.11 PA DOT – Project SR 0054 to SR 209

2. SEWER

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

Councilwoman Fox stated how DEP was down to the Sewer Plant last week and everything was good. She stated how she had talked to Emory Toth and they need a new ph meter, which was going to cost \$286.00. She stated that she gave them a tentative approval to purchase. She stated how she also had a request from Bob Pilla to purchase a digital camera and a pressure washer. She stated how they will have to get prices for a pressure washer. Councilwoman Fox stated how the water meters had been installed in the odor control buildings at the Lake and they will be up and running before the weekend. She stated how the contractor told Mr. Pilla that it would probably be 2 ½ months until completion.

- **Advertise for Sewer Chemical Bids**

Councilman Hawk moved and Councilwoman Walck seconded to advertise for the sewer chemical bids. All voted yes. Motion passed.

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

Councilwoman Walck stated how there was a leaky roof at the Police Station but Mr. Paul had taken care of it.

4. POLICE

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

Councilman Hawk stated how they had not received a response to their counter proposal for the Chief's contract. He stated how they had resolved a complaint and a grievance. He stated how he had received a call from Representative Heffley that the Borough was approved for the \$25,000.00 for a new police car. He stated how it will be a couple of months before they received the money.

Councilwoman Fox stated that she had a complaint concerning rats. She stated how they were across the street from the Borough building and did not know if they were coming from the tunnel. She stated how people have caught them in their homes. Councilwoman Fox stated how they had caught two at the church.

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President Stromelo stated about contacting Seitz to see if there was anything they could do. Mr. Jacobs stated how they had problems right after the systems went in for a couple of years. He asked if they had inspected the tunnel lately. He stated how there might be a broken line and that was why they were coming out again. President Stromelo stated about referring it to the Code Officer to see if there was an issue across the street. Councilman Zabroski stated about getting the tunnel inspected.

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

President Stromelo stated how the lawsuit had been resolved with one of the individuals who used to work on Sanitation. He stated how that opens up a full-time position.

Councilman Hawk moved and Councilman Zabroski seconded to hire Matthew Miller as a full-time Sanitation picker, waiving the 90 day probation period, which they have done in the past for long term employees. All voted yes. Motion passed.

President Stromelo and Councilman Hawk stated about giving him a year of credit so he would have a week of vacation that year.

President Stromelo stated how they were using the new truck but it blew a radiator hose.

President Stromelo stated that in regards to the flyer that was in the paper, when they started the Sanitation several years ago (April 26, 2066) there was a motion made by himself and seconded by Councilman Hawk to purchase a pressure washer for the Sanitation Department, not the Street Department and they all voted yes including Councilman DeMarco. He stated how they did look for the cheapest and they do not always have to go under COSTARS. He stated how they found one for \$2,400 - \$2,600.00 and ordered it. He stated how they were told that it would take 6-8 weeks for delivery. Mr. Merman asked if everybody knew about it. President Stromelo stated how everybody knew about it; he did not do it himself. He stated how he had Secretary/Treasurer Ahner call about it after the 8 week time period and they were waiting for parts. He stated how they waited another month and called again; they were still waiting for parts because they had to build it and it was a heated one. He stated that about a month after that, there was no way to get in touch with them. President Stromelo stated how they had contacted the Attorney General's Office. He stated how they contacted the Attorney General's Office in Washington State and they were told that they were no longer in business and would keep our complaint on file. He stated that if they were located they would be held responsible. Mr. Merman asked if they had to pay for it before they received it. President Stromelo stated how they did have to pay them up front. Councilman Zabroski stated how it was his concern that things were supposedly purchased and never received. He stated how they never received the pressure washer.

Councilman Zabroski stated how there has been several times that they have brought up about sanitation and it seemed like they would be saving money by doing other things. He stated how he was on two committees and he had no forum or no way to say anything. Mr. Merman asked Councilman Zabroski if he was a councilman. Councilman Zabroski stated "yes". Mr. Merman stated how he had a reason to question anything. Councilman Zabroski stated how he was questioning it. President Stromelo stated to Councilman Zabroski how his name was on the flyer and how he was told months ago what the figures were. Councilman Zabroski stated how he had never received anything. President Stromelo stated how they were told.

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Councilman Zabroski stated how he had never seen any comparisons as to what went on with sanitation with millage, fuel consumption and salaries. He stated how they were told last meeting how it was being looked into and they would get something. President Stromelo stated how he was just responding to his propaganda. Councilman Zabroski stated that if it was a public forum; other things had been put in the paper concerning Borough Councilmen and it had never been defended or anything in that area. Mr. Merman stated how it was a flyer. Councilman Zabroski stated how there were letters to the editor and stuff from Council Members accusing other Council Members of things and they have never been defended from Council.

Councilman Zabroski stated how he had questions. President Stromelo stated how he was answering them. He stated how they had in there that it was costing taxpayers 10's of thousands of dollars, which the Sanitation was funded by itself not by taxpayers' dollars. President Stromelo stated how they had in there that the truck was no good and how it was run into the ground. He stated how they were using it. Councilman Zabroski stated how he did not feel that it was the proper place to be discussing it. President Stromelo stated how Mr. Merman asked a question so he was bringing it up. Councilman Zabroski stated how he had asked about the pressure washer. President Stromelo stated how they threw him under the wheels of the garbage bus. Mr. Merman asked Councilman Zabroski if his name was on the bottom of the flyer. Councilman Zabroski stated "yes it was". Mr. Merman asked Councilman Zabroski if he agreed to it. Councilman Zabroski stated "some of it, yes". Mr. Merman stated that if there was some stuff he did not agree to then he should not have put his name on it. He stated that as long as his name was on there he was a part of it. President Stromelo stated how they can purchase anything under \$4,000.00 without getting quotes. He stated how they accused him of having the Borough checkbook; he does not control that.

President Stromelo stated about a letter to the editor and how he saved the Sanitation \$1.00 per ton. He stated how for 2011, Tamaqua Environmental charged them \$77.00 a ton with a \$4.00 tipping fee included and there has been \$1.00 saved, which puts them back to \$76.00 per ton, which they were charging them since 2005. He stated that for 2011 at Commonwealth, it was \$59.00 per ton and the prior years it was lower. President Stromelo stated how the final straw that was breaking the camel's back was that he was accusing him of tampering with the mail and also accusing the women in the office of tampering with the mail. President Stromelo stated how he had a letter from Towamensing Township, which there was no written agreement but there was a handshake agreement between him and the Supervisors. He stated how the letter states how the agreement still exists. Mr. Merman stated how in the flyer they also stated that the big truck was wore out after 5 years and he knew how some of those expenses were due to accidents. He stated how it was not that the truck was worn out. He stated that there were a lot of inconsistencies and a lot of things said that were untrue. He stated that to put it out before election took the needles off the trees.

Councilwoman Fox stated that on the purchase of the new garbage truck, she looked back in the minutes; she and Councilwoman Walck were the only two who voted against the purchase of the truck. Councilman Zabroski stated how he still believed that they needed the new garbage truck. He stated how there was 80 some thousand miles on the old truck. President Stromelo stated how there was only 60,000 and they run for 300,000 if maintained. Councilman Zabroski stated how they still needed another truck. President Stromelo stated how it was planned right from the beginning that after 5 years they would purchase another truck in the event there was a breakdown. He stated how they did not want to inconvenience Towamensing Township every time something happened. Mr. Merman stated how he had never heard what the savings were. He stated how he would like a report.

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Mr. Jacobs stated about the purchase of the pressure washer and how it was done at a Council Meeting. He stated how he had questioned too about the difference between Tamaqua and Hegins. He stated how they have to tabulate everything in there. Councilman Zabroski stated how he has done profit and loss reports for 15 years. He stated how he has put the numbers together and he feels that they would be saving money by going to Tamaqua, according to the figures. Mr. Jacobs stated how they should have a contract with Tamaqua as to what it would cost them for the next three years. He stated how some of the things that were put in the flyer were a stab in the back. President Stromelo stated how he was only a Council Member on a Committee at that time.

President Stromelo stated how the Borough workers get paid for 8 hours even if they were at home after 6 hours or not. He stated how man hours had nothing to do with it because they were getting paid for the day. Councilwoman Walck stated how they would like to see the figures from Tamaqua Transfer in writing. She stated how she has never seen any figures to compare. Councilman Zabroski stated how that was what he had been asking for all along, to sit down and go over the figures. Carol Zickler asked if they had never received anything from Tamaqua because she thought Councilman Sniscak, Jr. stated how they were going to send them something. President Stromelo stated how Councilman Sniscak, Jr. stated in the letter to the editor how the letter went missing accusing him and the girls in the office that his mail was missing. Councilwoman Fox stated about the letter from Tamaqua. President Stromelo stated how Councilman Sniscak, Jr. was supposed to have another letter coming. He stated how the committee will review it.

Councilman Hawk stated that the savings on the tonnage over the course of the thing was almost \$165,000.00 by not going to Tamaqua. He stated that if they would take mileage at 75,000 miles, with 5 miles to a gallon at the least they were talking 15,000 gallons at \$5.00 per gallon. President Stromelo stated how they would take the whole 5 years of fuel for the truck, which was \$67,585.65. He stated how that was picking up the whole town and everything and then going to Hegins. He stated how they were still saving almost \$100,000.00. President Stromelo stated how maintenance for the years was oil changes; it was a heavy duty truck. He stated that whether it was going to Hegins or Tamaqua it would still get serviced on a regular basis. President Stromelo stated that he had letters from Kovatch Mobile Equipment saying how it was a heavy duty truck because there were rumors going around how it was not a garbage truck and how it was not made for it.

Mr. Merman asked how many meetings a Council Member could miss before he needed a doctor certificate or medical reason. President Stromelo stated how they were not able to remove them anymore. He stated how it had to be by the court, by a court order. Solicitor Yurchak stated how the judge was the only one who could remove him. He stated how it was ruled unconstitutional.

Mr. McArdle stated that several months ago he had asked for that particular report and he has asked for it several times. He stated how that time it would get into the paper and it would put the whole thing to rest. He stated how he feels that the people in the town should have the correct information. Mr. McArdle stated how he has asked for it and the only reply he got was that the garbage had not increased. He stated how he wanted to know once and for all what the bottom line was and what they were saving. President Stromelo stated how Tamaqua Borough Council has approached him about collecting their garbage because they do not want to deal with Tamaqua transfer. He stated how Rush Township has also approached him and there was a request from Beaver Meadows. He stated how they were not in the garbage business; they were in their own business. He stated how he must be doing something right. President Stromelo stated how he has done a spreadsheet every day, week by week, year by year.

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Councilwoman Fox stated how they have to figure fuel usage, when they look at the fuel cost per year because 95% of the time the engine was running; it was idling. She stated how it would cost the same amount if they were running to Philadelphia when most of it was used by idling if they would go to Tamaqua or Hegins. Councilman Hawk stated how the only fuel they were going to save was the difference between Tamaqua and Hegins. President Stromelo stated how the difference was 30 miles.

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

Mr. Jacobs stated about the age limit (toddler to 10) for the Johnson Park. He stated how they have older kids in the park. President Stromelo stated how they do need to do something if it was more police patrols or something. He stated how he had witnessed something there the other night. Councilwoman Walck asked Mr. Jacobs if he called the police when it was happening. Mr. Jacobs stated "no". Mayor Walck stated how he would need to call the police so they could disburse the gang. Mr. Jacobs stated how there were kids on bicycles and all in the park.

- **Nesquehoning Recreation Commission – By-Laws**

Councilwoman Fox moved and Councilman Zabroski seconded to adopt the new By-Laws for the Recreation Commission. All voted yes. Motion passed.

President Stromelo stated how they were moving forward with getting lights in the park. Councilman Hawk stated how they met up at the park and went over what they wanted so they were getting quotes comparing apples for apples. Councilwoman Fox stated how Mr. Paul was being approached about benches in the park in memory of. Councilman Zabroski stated how Mr. Paul was looking at the cost, how to secure them and how to secure the plaques.

Mayor Walck asked who was responsible for the baseball field. He stated how he had a police report that the police officer's car, which was parked in the last spot on Railroad Street was hit by a baseball. He stated that he wanted to know if the Borough was responsible for it. He asked who had the insurance policy for it. Councilman Zabroski stated about past practice and how they paid for Officer Wuttke's car last year. Mayor Walck stated how they were now under Anthracite. Councilman Zabroski stated how they were under Anthracite last year. Mayor Walck asked if they had insurance. Councilman Zabroski stated that if they would go to a baseball game and their car was parked close to the baseball field and it would get hit, the Philadelphia Phillies were not going to pay for the car to get fixed; the Reading Phillies were not going to pay to get the car fixed. He stated how they assume the responsibility by parking by a baseball field. Ms. Zickler stated how that was their parking spot. Councilman Zabroski stated how he understood that but the baseball field had been there for 50+ years. He stated how he did not know what to tell them because they had talked about it last year. He stated about past practice and how the Borough paid the deductible. Councilwoman Fox asked about putting up some kind of net. Councilman Zabroski stated how he had talked to Mr. Paul about putting up some kind of net and they were looking into something like what they have behind a goalpost at a football game. He stated about putting it up just for the season, which was only two months out of the year.

Mayor Walck stated that the thing that concerned him was that the police vehicles were hit 4 times and the people on the bank thought it was funny and started cheering. Councilwoman Fox stated how they have no control over people. Councilman Zabroski stated how he was made aware of it at the last Little League Meeting. He stated how he addressed it with every coach and every officer on how they were trying to work with Council and how that was unacceptable behavior.

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Councilman Zabroski stated how he agreed with Councilwoman Fox that they cannot control what parents do. He stated how it was his understanding that the cheers came from the visitors side. He stated how he did not witness it so he could not defend or deny anything. Councilwoman Walck asked that every time there was damage, the Borough was responsible for paying. Councilman Zabroski stated how it was past practice and how they set a precedent last year. Councilwoman Fox stated how it should be up to the individuals to fix their own cars. President Stromelo stated how they will have to research it. President Stromelo stated how he would check with Pam Zlock to see what the insurance was when it was Nesquehoning Little League. Mayor Walck stated how that was when it was the Nesquehoning Little League. Councilman Zabroski stated how the insurance was still the same. He stated how the insurance and everything went through Williamsport, which was the world headquarters of Little League. He stated how there were strict guidelines that had to be met. Councilman Zabroski stated that when they turned in the charter for Nesquehoning Little League and Summit Hill Little League to create a new charter for the Anthracite Little League; there was a ton of legal paperwork that had to be done. He stated how the Little League had insurance; everybody had insurance because it was all dictated by Williamsport. Councilman Zabroski stated how it was not Nesquehoning, Summit Hill or the Anthracite with all the rules. Councilwoman Fox stated how it was blanket coverage. President Stromelo asked what happened if somebody would get hurt. Councilman Zabroski stated how he understood that the insurance was only on the players. President Stromelo stated about them coming after the borough if someone got hurt. Councilman Zabroski stated that they could not do that. He stated how the field was the Little Leagues unless it was not used. He stated how nobody would sue the Little League. Councilman Zabroski stated that there was insurance to cover the kids. Councilwoman Walck asked if they had a copy of the insurance on file in the Borough office. Councilman Zabroski stated that the Little League Field was the Little Leagues. President Stromelo stated to Councilman Zabroski about checking into getting them a copy. Councilman Zabroski stated how he could get a copy for them. Councilwoman Walck stated how there should be a copy on file at the Borough. She stated how they should also have a list of names of who the officers were. Councilman Zabroski stated how Rubin Smith was the President and how he was the Vice-President. He stated that if they had any questions, he would mediate between the Little League and the Council. Councilwoman Walck stated how all she was asking for was a copy of the insurance to be placed on file at the Borough.

Mr. Merman asked if the field had the right dimensions in feet. Councilman Zabroski stated how everything was exact because Teo Heckman obtained his Eagle Scout by re-doing the whole field and making sure everything was up to code. Mr. Merman stated how he had always heard that the outfield was a little too short. President Stromelo stated to Mayor Walck that they would check into it to get him an answer.

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

Secretary/Treasurer Ahner asked about Jerome Citrano. President Stromelo asked if they wanted to hire him for \$1,000.00 a year. Secretary/Treasurer Ahner asked Solicitor Yurchak if the school had brought it up at all. Solicitor Yurchak stated how he would check with call Ken Marx to see what the story was. President Stromelo stated how they could hire him even if the school did not want to contribute.

Councilman Hawk moved and Councilwoman Fox seconded to hire Jerome Citrano as a residency clerk with a salary of \$1,000.00 per year with a possible contribution from the school district. All voted yes. Motion passed.

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

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

Councilman Hawk read the reports for April:

- 9 responses for the month;
 - 1 automatic fire alarm
 - 1 motor vehicle accidents
 - 1 fire police
 - 1 structure fire
 - 1 industrial
 - 1 vehicle fire
 - 1 dwelling fire
 - 1 pumping
 - 1 landing zone

He stated how there was a total of 56 responses for the year. Councilman Hawk stated how for April there were 46 ambulance responses and 1,075 miles traveled. He stated how it brought the total for the year to 185 calls and 3,997 miles. He stated how there were 16 EMS calls handled by KME employees during work, which brings the total to 75 for the year, which they really appreciated it.

- **Fire & Rescue Products – Sales quotation – Clean & Lube aerial ladder truck**

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

Councilwoman Fox stated how she did receive an email from Krista from Barry Isset but she was not able to open the attachment. She stated how she had emailed her back asking her to forward it to the office. Councilwoman Fox stated how if the business would get together, they might be able to get private grants rather than the Borough trying to get them. President Stromelo stated how the people from W. Mill Street had questioned him on why they could not get a grant for the main street. He stated about contacting Dale Fruedenberger. He stated how there was a meeting coming up in September in Scranton about it. He stated that he did not know if they could get anything out of it.

Councilwoman Fox stated about the grant for the Red Light/Traffic Light, which was promised to them by MEM. She stated how the grant has never come through for the Traffic Light.

- **05.13.11 PA DOT – Automated Red Light Enforcement Funding Program Application**

Secretary/Treasurer Ahner stated how that was the rejection letter they received in regards to the grant they applied for to install crossing arms on Mermon Avenue at the Railroad Crossing.

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JR. RECREATION COMMISSION

No report.

NEW BUSINESS

No new business.

OLD BUSINESS

No old business.

ADJOURNMENT

Councilwoman Walck moved and Councilwoman Fox seconded to adjourn the meeting. All voted yes.
Meeting adjourned at 9:59 p.m.

RoniSue Ahner
Secretary/Treasurer