

MINUTES FOR REGULAR MEETING OF NESQUEHONING BOROUGH COUNCIL

Wednesday, April 25, 2007 at 7:00p.m., Borough Office
114 W. Catawissa Street, Nesquehoning, PA 18240

ROLL CALL: COUNCILMEN DeMARCO, DIGIGLIO, DiMICELI, HAWK, STROMELO;
COUNCILWOMAN WALCK; PRESIDENT JACOBS; MAYOR WALCK;
SOLICITOR YURCHAK; & CHIEF SMITH

President Jacobs called the meeting to order at 7:02 p.m.

MINUTES: Regular Meeting held on March 28, 2007
Councilman DiMiceli moved and Councilman DeMarco seconded to approve the March 28, 2007
Regular Meeting Minutes. All voted yes. Motion passed.

HEARING OF VISITORS

Joseph Tout stated that the 3½ year land/road dispute with Lake Hauto will be coming to an end the next day because they will be signing an agreement. He stated that the end results were exactly what they were before the suit was initiated with only one change. Mr. Tout stated that the traffic on the road would be allowable traffic and defined as Lake Hauto residents and their guest. He stated how that will eliminate trucks. Mr. Tout asked for the Nesquehoning Borough to install weight limit signs to inform the truck drivers that there was a weight restriction further down the road. He stated how that would save a lot of problems of trucks trying to turn around. Councilman Digiglio asked what limit they were talking about. President Jacobs and Councilman DiMiceli stated that it was a 6 ton limit for the bridge.

President Jacobs stated that if they would put one at the top, they would also have to put one at the bottom somewhere where the trucks could turn around. He stated that once they get down to the end and see the 6 ton limit for the bridge; there was not enough room for these trucks to turn around. President Jacobs stated that the Borough owns the bridge and they should be protecting it.

Councilman DeMarco stated how they had that problem when they were re-doing the damn and they discussed it in length about the weight tonnage and how they snubbed their noses on it. Councilman DeMarco stated that their concern was for their lines, which run underneath the bridge and who would pay for them. Councilman DeMarco stated that they should put the signs up ahead of time, before the bridge. President Jacobs stated that they could get signs that say "6 ton weight limit ahead". Councilman DeMarco asked if it was lower then that. President Jacobs stated that it was 6 ton.

Mr. Tout stated that when they get down to the bottom of Tippetts Road and start to turn right, there was an area where a truck could turn around. He stated that if a truck would miss the first sign at the top of the hill, which it might be hard to see; they would have a place to turn around before they would start the straight stretch toward the bridge, where there was no place to turn around.

Councilman DiMiceli stated that he would ask that they send a letter to the Lake Hauto Club asking them to put signs on the Lake side in case there was a truck entering the east entrance and decide to exit at the west entrance. He stated that it was the Borough's bridge with a 6 ton weight limit.

Councilman Stromelo asked about how it would affect the fire apparatus. Councilman DiMiceli stated that the fire apparatus has no waiver to go over a weight limit. He stated that they would have to go up to the main entrance. He stated that he would not want to be the driver if he would get cited, because it was a sliding fine based on the weight.

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Joe Fauzio asked who owned the road. President Jacobs stated that they own Tippetts Road to the bridge. Mr. Fauzio asked if the rest was private, whoever owned it. President Jacobs stated that it was, if it was owned by Joe Tout or Lake Hauto Club.

Councilman Stromelo asked if it was privately owned, were they giving permission to the borough to go down and collect the garbage. Mr. Tout stated that the emergency vehicles were an exception. Councilman Stromelo stated that if the garbage truck would go around through the main entrance and now it was privately owned from Lake Hauto down to the bridge, were they allowing the garbage truck to come down and collect their garbage. Councilman DiMiceli stated how that was the same problem with the house off on Route 54, which was located back on private property. He stated that they do not go back there; it has to be brought out. Councilman DiMiceli stated that there would have to be a collection point. Councilman Stromelo stated that they will have to bring the garbage over across the bridge. Councilman DiMiceli stated how he knows that Lansford/Coaldale Water Authority have pipe underneath that road from the well heads. He stated that he does not want any borough trucks going over it.

Dolores Philips stated how she thought that the street sweeper was doing a great job. She stated how she thought that it was contributed basically to the driver/operator of that vehicle. President Jacobs stated that he was doing a great job cleaning the streets.

Tom Parker and Rebecca Diem from 255 Railroad Street stated that they just purchased an RV back in September of last year. He stated that they were working on it. He stated that they were not aware of the Ordinance concerning parking large vehicles. Mr. Parker stated that after he went over this with Chief Smith, they had moved it to Stempa's parking area. He stated that they were trying to fix it up to use it for camping. Mr. Parker stated that it was very difficult to work on it when it was not at their home. He stated that they also had some concerns about parking it at a storage unit because of someone breaking into it. Mr. Parker asked if there was any provision in the ordinance concerning temporary parking in front of their home for short periods of time. He stated that it was registered, insured, and streetable.

President Jacobs asked Chief Smith if it fell under the 48 hour rule. Chief Smith stated that there were two separate ordinances. He stated that they have a 48 hour ordinance and then they have the large vehicle restriction. He stated that the large vehicle restricted ordinance applies to trucks, tractors, trailers, work trailers, RVs and Motor Homes. He stated how that was the ordinance he had pointed out to Mr. Parker. Chief Smith stated that it was not necessarily the 48 hour rule. He stated how Mr. Parker's vehicle was registered, insured, and inspected. He stated that was Mr. Parker's question, if he meets all of those obligations, why he cannot park there. Mr. Parker stated that he understood why the rule was there because they did not want things parked all the time as storage. He asked if there was some kind of exception, any permit or fee that they could pay in order to do it. He also asked if there was a certain time of the year that would be more accommodating or was that the way that council wanted it, end of story.

President Jacobs stated that they had talked about it with the Chief, Chairman of Public Safety and the Mayor. He stated that they were going to bring it up to the Solicitor to revisit the ordinance on commercial vehicles. He stated that they could see what they were or were not going to address. President Jacobs stated that at one time, they had maybe one or two tractors within the Borough but now it seemed that everybody was driving truck. He stated that they had talked about it and they will revisit the ordinance.

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President Jacobs stated that they had problems in the past with those kinds of vehicles being parked on the street with tarps pulled over them. He stated that he does not blame neighbors for getting mad. Mr. Parker stated that once they were finished, they were not looking to have it parked in front of their house. Councilman Digiglio asked how long they were talking about with repairing the vehicle. Mr. Parker stated that he would bring it up for a few days a week and then take it back to storage. He stated that it was so hard to drag everything to the storage place to work on it. President Jacobs stated that they will get back to them. He stated that they were going to sit down with the Solicitor to review that ordinance.

Anthony DeMarco stated that he would like to remind everybody about the School Board Meeting the following night at 7:00p.m. He stated about them getting to the meeting in regards to the crossing guards situation. Mr. DeMarco stated that it was tabled at the last meeting. He stated that their budget was winding down. He stated how it was being tabled to see if it was by law that they had to have them. Solicitor Yurchak stated that it was tabled last month and he had researched it. He stated that the School District has the obligation to request crossing guards where they would like them. He stated that if they request them, then they were responsible to pay half of the price for them even though they would be under the supervision of the Borough. President Jacobs asked if they had to call to request or was it going to be a general discussion. Mr. DeMarco stated that it was a regular board meeting. President Jacobs stated that when they reviewed their records for 2006, he thought that the School District had reimbursed the Borough of Nesquehoning around \$12,000 for crossing guards. He stated that he does not know about Lansford. Mr. DeMarco stated that he thought it was going to be around \$29,000 for both towns. He stated that he wanted to get them involved.

Councilman DiMiceli stated how he thought that as the Borough, they should not make any decisions on crossing guards. He stated how it was the school responsibility and if the intention was to eliminate crossing guards, they should make that decision and be responsible for it not them. Councilman DiMiceli stated how he thought that they should not participate in their decision or their discussion on whether they were going to eliminate crossing guards. Solicitor Yurchak stated that it was their obligation to request them. Councilman DiMiceli stated that he did not want it coming back if some child would get hit by a car and they were involved in agreeing to eliminate a crossing guard where there was one now.

President Jacobs stated that they were not agreeing. He stated that by going to the meeting, they were not agreeing, they were just seeing where they were coming from. He stated that they know the minimum amount that it cost, which they reimburse the Borough. Mr. DeMarco stated that they should go and support the crossing guards. Councilman DeMarco stated that they were only asking for support of the crossing guards. He stated that there were some board members who felt that in order to cut the budget, it was one of the easiest ways, but it really was not one of the easiest ways. Councilman DeMarco asked Solicitor Yurchak what the legality of the Nesquehoning Borough, if they do not have crossing guards, were they allowed to do that. Solicitor Yurchak stated that under a specific section of the Borough Code, if the School District request crossing guards, the Borough would supply them and they would pay half of it.

Councilman DiMiceli stated that if they eliminate crossing guards, they should be signing a waiver. Solicitor Yurchak stated that they were indicating that they do not feel that they should be there. Councilman DiMiceli stated that they should want that in writing. He stated that legally later on if there was a lawsuit; the Borough would not be responsible because it was their decision. Solicitor Yurchak stated that the Borough would not want to be responsible.

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President Jacobs stated that he did not want to get to the point where a child gets hit, injured seriously, or killed. He stated that he did not want to see the crossing guards eliminated. President Jacobs stated that he did not know if the members of the board realized the volume of traffic that goes through Catawissa Street all day long. Councilman DiMiceli stated that he thought they should send a letter to the School Board saying that . . . Councilman DeMarco stated that they were going to the meeting tomorrow to discuss the whole thing. He stated that the best thing to do would be go to the meeting. He stated that it was a shame that \$12,000 was a drop in the bucket for the protection of children. He stated that it was a shame to even mention it no matter what the amount was. Councilman Digiglio stated that with the high salaries up there, they were worried about \$12,000 for crossing guards. Mr. DeMarco stated he was fighting for the Nesquehoning crossing guards. He stated that he would like some backing from the Borough.

Councilman DiMiceli stated how the point he was trying to make was that the Borough should go on record officially about how they were opposed to the reduction of any crossing guards within the Borough. He stated that by going to the meeting, they were not going as Council; they were going as a citizen. Councilman DiMiceli stated that he was asking that the Borough go on record legally and send a letter to them stating that they do not want any reduction.

President Jacobs stated how he had heard a remark that they had six crossing guards and they were only supposed to have three. He stated that they have extra crossing guard on by the request of Panther Valley School District. President Jacobs stated that some were questionable but they could not let children cross Catawissa Street. Councilman DeMarco stated that they were the ones who asked for extra crossing guards and the Borough did not deny the fact that they needed extra crossing guards. He stated that the Council and the Mayor went along with the fact that they needed crossing guards. Mayor Walck stated that they did their study and came back to Council that they needed crossing guards at that point, that point and that point. Councilman DeMarco stated that the Mayor came back with the recommendation and all of Council agreed.

Mr. DeMarco stated that he wanted them to have enough time to have their say. President Jacobs stated that they had to go and voice their feelings, the pros and cons of what they were talking about. He stated that the \$12,000 was not a lot of money to protect the children in the Borough. He stated that there were several other places to cut the budget to pick up that \$12,000.

Councilman Digiglio stated how he made a request, when he was Mayor, to put a crossing guard at the CVS. He stated that they told him how they did not need one there, but they will stick one in a back alley for one child.

Councilman DiMiceli moved and Councilman Digiglio seconded to allow Council President Jacobs to represent the Borough tomorrow night at the School Board Meeting and oppose the reduction of any crossing guards in the Borough of Nesquehoning by the School District and follow it up with a letter. All voted yes. Motion passed.

Teddy Dacey stated how he thought Mr. DeMarco was trying to say that if the Borough was not there, they could do whatever they wanted because there would be no opposition.

Mickey Angst asked what, if any, action had been taken regarding the pigs on Rhume Street. President Jacobs and Gene Kennedy stated that they were cited on Good Friday. Mr. Angst stated that they were still there as of Monday. Solicitor Yurchak stated that they have 30 days under the Zoning to appeal to the Zoning Board. He stated that they cannot do anything for another two weeks.

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Mr. Angst stated that the Borough could put on as many crossing guards that they want to, on the Borough's expense. He stated that the School District pays if they request a crossing guard for a specific location. Solicitor Yurchak stated that it did not have to be a specific location. He stated that if they request them, they have to pay for them. He stated that was how the statute was written. Mr. Angst stated how it was his understanding that they only pay if they request for a specific location. Solicitor Yurchak stated that it did not have to be a specific location if they request a crossing guard; it did not matter where they were placed.

Tom Mermon asked if Council had heard anything about issuing fly ash at Hell's Kitchen. President Jacobs stated that all he knew was what he had read in the paper. He stated that according to the paper, anybody who had anything against it needed to do it by the 30th of May. Mr. Mermon asked how they were supposed to answer if they did not have any information on it. President Jacobs stated that they did not get any correspondence on it. Mr. Mermon stated that they have to take everything into consideration to protect the whole valley.

POLICE REPORT

Chief Smith stated that in the report for March 2007, the total fine money collected was \$2,563.64, 345 complaints, 29 court appearances, and a total of 4,648 patrol miles. He stated that they had also received Officer Blisard's code report and a packet, which contained his code report.

Councilman DiMiceli moved and Councilwoman Walck seconded to accept the police report. All voted yes. Motion passed.

PLANNING COMMISSION REPORT

No report.

CIVIL SERVICE COMMISSION

No report.

PANTHER CREEK ADVISORY REPORT

No report.

ENGINEER'S REPORT

- 03.29.07 Carbon Engineering – PJT Enterprises Subdivision
- 04.12.07 Carbon Engineering – 2006 Wasteload Management Annual Report
- 04.23.07 Carbon Engineering letter to Stephen Simchak – Street/Road Improvements
- 04.23.07 Carbon Engineering – NPDES Renewal Permit

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SOLICITOR'S REPORT

- 04.04.07 Robert T. Yurchak – letter to Mr. Bott concerning fire damage at 123 W. High Street

Solicitor Yurchak stated that he had sent a letter to the insurance company concerning Mr. Bott's property. He stated that he had spoken to the insurance company and they had agreed to send \$20,000.00 to the Borough for an escrow to make sure the property was torn down.

Solicitor Yurchak stated about the sex offender ordinance, which was duly advertised and prohibits residency within 1500 feet of a school or child care facility. Councilman DiMiceli asked Solicitor Yurchak to get a letter out to the Carbon County Probation, State Parole, and Federal Parole because they have to grant permission when somebody moves into an area. He stated that they should also include a copy of a map from the Engineer with a circle of the 1500 feet places; bus stops, playgrounds and the school. Councilman DiMiceli stated that if they would come to move here, they have to get permission from their probation officer to move into a resident. He stated that if they were given a copy of that ahead of time, they would know that they cannot move into that particular area. Solicitor Yurchak stated that it was 1500 feet radius of an area. He stated that Coaldale, Schuylkill Township had advertised one, Lansford was going to be doing one, and Hazleton was 2500 feet and they were considering theirs that night. Councilman DiMiceli stated that the Feds just passed a law that if somebody moves from a state to another state and fails to report, it was a Federal offense.

Councilman DiMiceli moved and Councilwoman Walck seconded to adopt the sex offender ordinance. All voted yes. Motion passed.

Councilman DeMarco asked about posting signs. President Jacobs stated that he had seen them. Councilman DiMiceli stated that just advertising the ordinance should be enough, but if they need signs they could do that at a later date.

Solicitor Yurchak stated that they had received a fax from Carbon Search regarding the settlement for the storage sheds indicating that Mr. Turko wanted to assign his rights to a Kerry Paules. He stated that Secretary/Treasurer Ahner was just notified about it yesterday and he had talked to Carbon Search that morning. He stated that he indicated to them that they could not do that because it was a bid. He stated that it was awarded to PJT Enterprises as a bid and Council President was only authorized to execute a deed to PJT Enterprises. Solicitor Yurchak stated that they sent him the assignment and asked that Council discuss it and approve it. He stated that he questioned the legality of the assignment because there was no consideration for it and it says from Peter Turko to Kerry Paules. He stated that they did not award the bid to Peter Turko; it was awarded to PJT Enterprises. He stated that it was on the floor for Council's consideration. President Jacobs stated how he felt that they awarded the bid to PJT Enterprises and that was who they should have settlement with. He stated that if he wanted he could transfer it after that. Councilman Hawk stated that their settlement should be with him. President Jacobs stated that when their auditors start looking over the books and ask how that happened. Councilman DeMarco stated that they should know better than that, it was not the way it works. Solicitor Yurchak stated that a normal agreement of sale, they can assign but that was not a normal agreement of sale; it was a bid. Councilman DeMarco stated that Carbon Search should have known better than that also. Councilman Hawk stated that they had no idea what their relationship was and a year or two down the road; they could be in litigation over their dealings. He stated that they were going to get dragged into it. Councilman DiMiceli stated that they should send them a letter informing them that it has to go to PJT Enterprises. Councilman Hawk stated that they will settle with PJT Enterprises.

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Solicitor Yurchak stated that the last thing he had was on a personal note. He stated that he wanted to publicly thank Chief Smith, Jeff Ohl, John McArdle and all the emergency personnel for all of their efforts at last months accident where his daughter was injured. He stated that he believed their cool heads and their quick actions saved lives that day. Solicitor Yurchak stated how he believed that they should be publicly commended for it.

Councilman DiMiceli asked about an ordinance that was tougher on Landlords. Solicitor Yurchak stated that he would get some samples. Councilman Stromelo stated to Solicitor Yurchak how he proposed one from Lansford, which they never acted on. He stated that there were a lot of issues they had discussed at the sanitation meeting. Solicitor Yurchak asked if they wanted a draft or samples. Councilman Stromelo stated that he would say a draft. Mr. McArdle stated that at the recent fire they had, if the building was fully occupied and had the quick actions to get people out of there; they would have probably had fatalities. Councilman Digiglio stated how there were seven apartments up on Garibaldi Avenue in New Columbus, which had no fire escapes.

President Jacobs stated that they have to have a meeting with Solicitor Yurchak, Chief Smith and Public Safety to review the ordinance on commercial vehicles.

Councilman DiMiceli moved and Councilman DeMarco seconded to accept all the reports to this point. All voted yes. Motion passed.

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NESQUEHONING SAVINGS BANK TREASURER'S REPORT

GENERAL FUND

Balance 02.28.07 73,043.65
Receipts 51,670.01
Expenditures 70,755.58
Balance 03.31.07 53,958.08

GENERAL SEWER CONSTRUCTION FUND

Balance 02.28.07 8,356.05
Receipts 31.00
Expenditures .00
Balance 03.31.07 8,387.05

SPORTS COMPLEX FUND

Balance 02.28.07 78.47
Receipts .29
Expenditures .00
Balance 03.31.07 78.76

SANITATION ESCROW

Balance 12.30.06 17,111.71
Receipts 5,483.02
Expenditures .00
Balance 03.31.07 22,594.73

DEBT SERVICE

Balance 02.28.07 1,077.56
Receipts 4.00
Expenditures .00
Balance 03.31.07 1,081.56

FIRE TRUCK FUND

Balance 02.28.07 14,527.33
Receipts 53.89
Expenditures .00
Balance 03.31.07 14,581.22

CAPITAL PROJECT

Balance 02.28.07 36,258.26
Receipts 31,715.43
Expenditures 28,531.00
Balance 03.31.07 39,442.69

SANITATION FUND

Balance 02.28.07 154,914.53
Receipts 82,691.96
Sewer 20,000.00
Expenditures 54,721.93
Balance 03.31.07 162,884.56

HIGHWAY FUND

Balance 02.28.07 22,944.77
Receipts 76.91
Expenditures 2,639.52
Balance 03.31.07 20,382.16

PLANNING FUND

Balance 12.30.06 10,837.01
Receipts 26.75
Expenditures .00
Balance 03.31.07 10,863.76

GENERAL SEWER FUND

Balance 02.28.07 86,693.04
Receipts 22,787.96
Expenditures 67,423.18
Balance 03.31.07 42,057.82

SEWER OPERATING & MAINTENANCE

Balance 02.28.07 23,484.64
Receipts 19,478.42
Expenditures 19,954.16
Balance 03.31.07 23,008.90

POLICE PENSION FUND

Balance 02.28.07 474,530.01
Receipts 1,725.12
Expenditures 15,168.80
Acct Depreciation 314.39
Balance 03.31.07 460,771.94

FEMA FUND

Balance 02.28.07 32,332.31
Receipts 20.40
Expenditures 31,532.00
Balance 03.31.07 820.71

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CD REPORT

FUND	CURRENT VALUE 03.31.07	INTEREST 03.31.07	OPENING DATE	CURRENT RATE	RENEWAL DATE	BANK
PLANNING	\$ 13,852.44	\$ 46.74	5-08-05	4.05 %	5-08-08	NSB
GEN. SEWER	\$ 368,640.77	\$ 1,243.94	5-08-05	4.05 %	5-08-08	NSB
GEN. SEWER	\$ 10,605.79	\$ 28.78	2-28-03	3.25 %	2-28-08	NSB
DEBT SERVICE	\$ 12,252.35	\$ 41.34	5-08-05	4.05 %	5-08-08	NSB
DEBT SERVICE	\$ 93,190.92	\$ 279.80	6-02-05	3.92 %	6-02-10	NSB

Councilman DeMarco asked about the money from Liquid Fuels. Secretary/Treasurer Ahner stated that it was deposited in April and shows in the Highway Fund's Deposits.

Councilman DeMarco moved and Councilman Stromelo seconded to approve the Treasurer's report and the CD Report. All voted yes. Motion passed.

EMERGENCY MANAGEMENT REPORT

John McArdle stated that he wanted to remind Council of the Elected Officials Seminar, which will be held May 19, 2007.

FIRE COMMISSIONER'S REPORT

No report.

HOUSING & CODE ENFORCEMENT OFFICER'S REPORT

(A copy was placed in the Communications Folder.)

MAYOR'S REPORT

Mayor Walck stated how Chief Smith received a 9-1-1 call, which could not be tracked through the Communications Center, demanding that the Nesquehoning Police come up to the Catholic Church in New Columbus and move cars, which were in a no parking zone. He stated that it was a woman, who was asked to identify herself but would not, demanding that the police go up there because during church services there were some people parked in a no parking zone. Mayor Walck stated that he would like to remind the public that 9-1-1 and the Nesquehoning Police Department had more concerns than a couple of cars parked in a no parking zone. He stated that the cars belonged to elderly people, who were in church services. He stated that this person used the 9-1-1, which was totally out of context. He stated that 9-1-1 was there for emergency purposes and that was not an emergency. Mayor Walck stated how they retrieved a copy of the tape from the Communications Center, which Chief Smith secured. He stated that he, President Jacobs, Chairman of Public Safety- Councilman Digiglio, and Chief Smith had listened to the tape that day. Mayor Walck stated how he would like the public to know that when a 9-1-1 goes up there, it should be an emergency.

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Chief Smith stated how that was everything that they addressed at the meeting that day. He stated how that woman ordered to have the vehicles ticketed. He stated that he issued warning tickets. Chief Smith stated how he thought it was a pretty bad thing to do. He stated that he did not want to start any precedence with the other churches in town. Chief Smith stated that they were only in church for 40 minutes and he will not ticket a car. Councilman Digiglio stated that he had their backing on that. He stated that if they cannot for a ½ hour see somebody. . . He stated how that lady did it out of spite. Chief Smith stated how there was a call on the answering machine two weeks ago with the same kind of complaint. He stated there was no name or number. Councilwoman Walck stated that it was an abuse to use 9-1-1 for such a petty thing like that. She stated how that was for life saving emergencies.

Councilman DiMiceli stated that there were some streets in town, it does not matter how they park, if they have to get an emergency vehicle down, they would have to run 1 -2 blocks out of the way to get to it. He stated how Mill Street was a good example. He stated how that was not an issue either. Mayor Walck stated that he was not condoning parking in the middle of the street, but to use the 9-1-1 system for something like that. Councilman DiMiceli stated that he did not want someone to come back saying the reason they did it was because of that.

➤ 04.10.07 Jason Vermillion – Anthracite Triathlon

Councilman DeMarco moved and Councilman Digiglio seconded to authorize the Mayor to call out whoever will be needed for the Triathlon, which will be held on July 15, 2007. All voted yes. Motion passed.

Mayor Walck stated that Summit Hill had invited anyone from Nesquehoning to join them for the Memorial Day Parade.

Councilman DeMarco stated that Nesquehoning will be holding a Memorial Day Parade on May 28, 2007.

Councilman DeMarco moved and Councilman DiMiceli seconded to authorize the Mayor to call out whoever will be needed for the outlining of the cemeteries on May 27, 2007 and for the Memorial Day Parade on May 28, 2007. All voted yes. Motion passed.

Ms. Diem asked where the traffic was going to be diverted to during the parade. Chief Smith stated how that was Memorial Day Parade and the parade she was talking about was the Veterans' Day Parade. Ms. Diem asked if the traffic was going to be diverted over East Railroad Street. Chief Smith stated "no". Mayor Walck stated that the parade was only about 20 minutes long but well worth it. Councilman DeMarco stated that she should not have her car parked there in November because they were holding the Veterans' Day Parade on November 11, 2007. Mr. Parker stated that they had two lanes of traffic and buses going through East Railroad Street. Chief Smith stated how that was the best route. Councilman DeMarco stated how that was the best way to divert the traffic because there were so many people in town. Chief Smith stated that they host the parade every 3 – 4 years.

➤ Crime Watch Meeting: May 8, 2007 at 7:00 p.m.

Mayor Walck stated that the Crime Watch Meeting on the 10th of April went very well. He stated that Officer Wuttke was in attendance again. He stated that anyone interested was encouraged to join the Crime Watch. He stated that the warm weather was coming and they were looking to upscale the patrols. Mayor Walck stated that some of their groups will be congregating and the Crime Watch was ready.

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Mayor Walck stated about the Elected Officials Seminar on May 19, 2007 from 9:00 – 11:30 a.m., which was put on by PEMA and he encouraged the Council Members to attend.

Mayor Walck stated that he and Chief Smith were down at the Elementary School. He stated that they were in the process of setting up a bicycle rodeo on Saturday, May 19th. He stated that they will register the bicycles in town. He stated that he had been working with Rose Poremba and the School Board. He stated how Secretary/Treasurer Ahner was typing up a request to use the school grounds. Mayor Walck stated that they will advertise and get flyers out. He stated that they will hopefully get all the bicycles registered and get everybody safe for the summer with their bicycles.

Councilman Digiglio moved and Councilman Stromelo seconded to approve the Emergency Management Report, Fire Commissioner Report, Housing and Code Enforcement Officer's Report, and the Mayor's Report. All voted yes. Motion passed.

TAX COLLECTOR'S REPORT

01 April– 12 April 2007

Real Estate	31,715.34
Occupation	1,117.20
Per Capita	<u>2,077.60</u>
Total	34,910.14

EXONERATION:

Walter Snyder – Deceased
John Barachie – Full Time Student

Councilwoman Walck moved and Councilman Hawk seconded to accept the Tax Collector's report and the exonerations. All voted yes. Motion passed.

APPLICATIONS:

Nicholas Digiglio – Borough Worker
John E. Bartenope – Any position/driver

COMMUNICATIONS:

1. 03.27.07 Thomas, Tangela – Salt Participation Agreement
2. 03.28.07 Mark Nalesnik – Spring Training Classes
3. 03.29.07 PSATS – Bridge Maintenance Program
4. 03.29.07 Joseph Genits – Council of Governments Educational Seminar
5. 03.30.07 Court of Common Pleas – Reschedule assessment appeal
6. 03.30.07 NEPA – Survey & Upcoming Courses
7. 04.02.07 NEPA – Need letter of support to Comm. of PA for funding
8. 04.02.07 Keith R. McCall – Mandatory overtime - Nurses
9. 04.02.07 Greg Berry – municibid.com update – Municipal Auction Site
10. 04.03.07 DCED – Constitutional Law & Legal Update
11. 04.04.07 newPA news – Newsletter
12. 04.04.07 ODB Company – Street Sweeper Brooms & Replacement Parts
13. 04.04.07 General Code – Quarterly Publication

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14. 04.05.07 Lorman Education – Sales & Use Tax in Pennsylvania
15. 04.05.07 CC Solid Waste – 1st Qtr Recycling Collection Totals for 2007
16. 04.05.07 PennDOT – Liquid Fuels Tax Fund payment
17. 04.10.07 PENNBOC – Building Code Officials Training
18. 04.10.07 Valuation Advisory Grp.–Help with maintaining complete & accurate property records
19. 04.11.07 Comm of PA – PEMA Summer '06 Floods
20. 04.11.07 Laurel Asphalt – Thermoplastic system for crosswalks
21. 04.11.07 Letter to Kovatch Enterprises – Bank D Removal Project
22. 04.11.07 PA Agricultural Program – Homeowners Brochure (moving to the country)
23. 04.11.07 Mark Nalesnik – SART Invitation
24. 04.12.07 Keith R. McCall – Restoration of funds to Local Development District (LDD)
25. 04.12.07 Lorman – Real Estate Development
26. 04.12.07 DCED – Assessing your Financial Condition
27. 04.12.07 PSAB – CDL Supervisor Training
28. 04.12.07 PSAB – Reclaiming Abandoned Property

29. 04.12.07 Lori Dacey – Property damage during snowstorms

Councilman DiMiceli stated how this was already being addressed. President Jacobs stated that it should be done within the next two weeks.

30. 04.13.07 PA House Democratic Caucus – Solutions for your family's health
31. 04.13.07 Letter from Randall Goodreau – General Permit Application Boat Dock
32. 04.16.07 Blue Mt. Inspection Service – Armstead – Change of Occupancy
33. 04.16.07 AG of Washington – Complaint against Newaukum Water Cleaning Systems
34. 04.16.07 Keith R. McCall – Guidelines for three grant programs
35. 04.16.07 Haines & Kibblehouse – Bellmawr Waterfront Development, etc.
36. 04.16.07 Copy of 1968 Seagrave Bid
37. 04.16.07 Mark Nalesnik – Emergency Services Training
38. 04.18.07 Ohl Fuel Oil – Newsletter
39. 04.18.07 DCED – Transferable Development Rights
40. 04.19.07 Joanne & Butch Kochanski – MECAB meeting
41. 04.19.07 CC Tax Claim Bureau – Repository Bid – Tonolli
42. 04.20.07 CC Tax Claim Bureau – Dissolution of Real Estate Tax Liens – 64 Rhume Street
43. 04.20.07 ICMA – Municipal Year Book 2007
44. 04.20.07 Greg Berry – Results Speak for Themselves
45. 04.23.07 CC Conservation District – Bank D Removal Project
46. 04.23.07 PSAB – 2007 Annual Conference
47. 04.23.07 FEMA – Newsletter
48. 04.24.07 DEP – Industrial Waste – Ametek, Inc.

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

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BILLS TO BE RATIFIED, EXPEDITURES AND RECEIPTS

Councilman DeMarco moved and Councilwoman Walck seconded to deposit all receipts, approve all bills to be ratified and pay all other bills including the expenditures of the Home Program. All voted yes. Motion passed.

Councilman DiMiceli abstained from bills to be ratified for the General Fund check #5760 because it was a reimbursement to him for supplies he purchased for the Firemen that morning.

COMMITTEE REPORTS

1. STREETS MARK STROMELO, CHAIRMAN; SAL DIGIGLIO CO-CHAIRMAN; DON DeMARCO

Councilman Stromelo stated that with the spring season coming around, they were in the process of street sweeping and patching potholes. He stated that if anybody would see anything, they could call the Borough office. Councilman Stromelo stated how after that they will probably start with the line painting and the grass cutting.

Councilman Stromelo moved and Councilwoman Walck seconded to purchase three dozen street/traffic cones.

President Jacobs asked Larry Fox about the barricades. He stated about getting some barricades also. Mr. Fox stated that they need the cones more for when they were painting lines. He stated that they have around 17 cones left. Councilman Stromelo stated that they will look at the price of barricades.

All voted yes. Motion passed.

Carol Zickler asked about the schedule for the street sweeping. Councilman Stromelo stated that they were finishing Hauto and then they will be switching days from New Columbus to downtown. He stated that they will probably do all of the North and South Streets first and then the East and West Streets. He stated how people should watch and obey the street parking signs. President Jacobs stated how one of the problems they were having was after the broom makes the first pass, people were putting their cars back. He stated how they do not realize that he was coming back to make a second or a third pass. President Jacobs stated that they should abide by the times on the parking signs. Councilman Stromelo stated how they had some problems at the Banks and the Post Office.

Councilman DeMarco asked when they were going to schedule to get the pipe replaced on Garibaldi Avenue. He stated that they have to do something. President Jacobs stated that they canceled it last year. He stated that they have to get with Ron Tirpak because of the depth of the sewer line. President Jacobs stated how Mr. Tirpak wanted to put a 36" pipe in there. Councilman DeMarco stated that they could not do that. He stated that there was a water line and the most they could go was 20 – 24" maximum. Councilman DeMarco stated that Mr. Tirpak was the engineer but they will tell him what they want to put in there. He stated that they have been talking about it for over two years.

Councilman DeMarco stated that they could get it ahead of time so that they did not have to control the water. He stated that the DEP and DER were not saying what size pipe; Mr. Tirpak was saying what size pipe they should use.

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President Jacobs stated that he was saying how they needed a certain size pipe to accommodate the 100 year flood zone. Councilman DeMarco stated that all they want was a pipe. President Jacobs stated how the pipe that goes under Strauss' driveway was not that big and it took all the water last June. He stated that it was a 30" pipe. Councilman DeMarco stated that they could build it up a little and still put a 30" pipe in there.

Councilman Digiglio stated that they have to get the sewer line in the alley. He stated how that was their next project.

2. SEWER DAVID HAWK, CHAIRMAN; FRANK JACOBS, CO-CHAIRMAN; FRANK DiMICELI

Councilman Hawk moved and Councilman DiMiceli seconded to award the Anti-foam and the Gas Chlorine to Main Pool & Chemical Company, Inc.; and to award the Sodium Hypochlorite and the Hydrated Lime to Northeast Chemical & Supply Company; and to table the Floating Degreaser and the Regular Degreaser until next month. All voted yes. Motion passed.

President Jacobs stated that he received a quote from a company to maintain their lift stations up in Hauto. He stated that they did not get a chance to sit down and talk with the gentleman but he did supply a quote for a year. He stated that there were no parts included with the quote. President Jacobs stated that after talking with David Digiglio, they felt that they should stay with the outfit they have now. He stated how he thought that the quote included pulling the pumps once a year and checking them but it did not. President Jacobs stated that they had the original outfit up there last week to pull the pump out from one of the pump station because they were having a problem of pump failure up in Lake Hauto.

Councilman DiMiceli stated that he would like to reinforce about the sewer line because they were spending money to fill in potholes, which were huge and they continue to do so until they get the sewer line in and resurface the street. He stated that it was really not an alley. He stated that people were living there and it was a street. He stated that it was a mess. Councilman Digiglio stated that he wants it done.

3. BUILDINGS SAL DIGIGLIO, CHAIRMAN; DON DeMARCO, CO-CHAIRMAN; ROSE WALCK

No report.

4. POLICE SAL DIGIGLIO, CHAIRMAN; DAVID HAWK, CO-CHAIRMAN; PUBLIC SAFETY MARK STROMELO

Councilman Digiglio stated that they have been having their regular meeting with the Chief and everything was going fine.

Councilman Hawk stated how they had a letter from Officer Carl Breiner asking permission to go to Fire Arms Instructor Training. Mayor Walck stated how Officer Breiner sent a request to go to Pennsylvania State Police Northeast Training Center to qualify and get the training needed so he can stay current. He stated how Officer Breiner was going through the qualifications with the Borough Officers.

Councilwoman Walck moved and Councilman DiMiceli seconded to send Officer Carl Breiner to the Fire Arms Instruction School. All voted yes. Motion passed.

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Councilman DiMiceli stated that he had received two complaints about the shooting that was taking place up at the Hollows. He stated that there was a pistol range on the Broad Mountain, which the game commission will shut down for them to use. He stated that there was also a range out at the FOP Lodge, which they spent over \$50,000 to build. Councilman DiMiceli stated that when they qualify, they should qualify on a certified range and not in the woods like that. Councilman DiMiceli stated that if a stray bullet would hit somebody, a liability was . . . and a "No Trespassing" sign does not mean anything. He stated that the two ranges he mentioned were controlled by the entrance and the exit areas. Councilman Digiglio stated how he received a phone call from a lady in Hauto concerned about stray bullets. He stated that she told him how a stray bullet went through her neighbor's window last year. Councilman Digiglio stated that he got in touch with Officer Ann Lutz and she checked up the mountain. He stated that there was a range up there and they were shooting up there. He stated that she told him how it was like automatic rifle fire. Councilman Digiglio stated how it was not their police.

Mayor Walck stated that he will check into it. Councilman DiMiceli stated how they could put their request in for next year already. Mayor Walck stated that Mr. Merluzzi was in that day to talk to him and Chief Smith. He stated that Mr. Merluzzi told them how he was the only game commission officer in all of Carbon County and part of Monroe County.

Councilman DeMarco asked about when they were going to work on the Chief's contract. President Jacobs stated how Chief Smith was supposed to submit a request in writing. He stated that he had not submitted the request. Councilman DeMarco asked if he was supposed to get a raise every year even though they were waiting for negotiations. President Jacobs stated that it was not to his knowledge and that his contract was over. Councilman DeMarco asked Solicitor Yurchak what the Borough Code stated about it. Councilman DiMiceli stated that in the Chief of Police Act . . . Solicitor Yurchak stated that there was no such thing. He stated that he had checked with the PSAB and Jeff Stewart. Councilman DiMiceli asked if there was something in the Labor Law that states the Chief shall enjoy the same privileges. Solicitor Yurchak stated that it says about benefits not raises. Councilman DiMiceli stated that he will have to give them a letter requesting negotiations. Councilman Digiglio stated how he was told about it. President Jacobs stated how they have been waiting. Councilman Digiglio stated that he had addressed the Chief on it about three weeks ago and he told him that he was waiting for his attorney. President Jacobs stated that he could still get the letter in.

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

Councilman Stromelo stated that the committee had met. He stated how previously they had mentioned about looking for a part-timer for a fill-in when the full-timers were sick or take their vacation. He stated that they had reviewed the applicants and the committee came up with a recommendation.

Councilman DiMiceli moved and Councilman DeMarco seconded to hire Andrew Staehle as a part-time as needed picker/laborer for the Sanitation Department upon his successful completion of a physical and drug test.

President Jacobs stated that he had seen Mr. Staehle that week and he had a cast on his arm. He asked if anybody knew anything about it.

All voted yes. Motion passed.

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Councilman Stromelo stated how it was brought to their attention that there were some businesses who exceeding their limits. He stated that he would like to send letters to those specific businesses encouraging them to recycle, pay an additional fee or stick to the six bag limit. President Jacobs asked if they had the businesses noted. Councilman Stromelo stated how another option was for them to get their own dumpster.

Councilman Stromelo stated how the same thing was going to apply to the apartment complexes. He stated how they would like to notify all landlords concerning cleaning out an apartment. He stated that they came up with a fee of \$200.00 and the landlord will have to notify the Borough office that they will need a clean out. Councilman Stromelo stated how one of the committee members will look at it and it will be a minimum of \$200.00 and it will go up depending on how much material they have for garbage.

Councilman Stromelo stated how they had complaints from up on Loggie Road with the schedule being on Thursday morning concerning the bears getting into the garbage. He stated how they had asked about putting their garbage out in the morning, which will probably cause conflict because the guys start to work. Councilman Stromelo stated about possibly moving the pick-up to Wednesday after he dumps. Councilman DiMiceli stated that he feels that it should be left the way it was. He stated that if it was because of the bears, there was nothing they could do about it. Councilman DiMiceli stated that a bear would travel thirty miles to eat. Councilwoman Walck stated that they could spray Clorox on their garbage cans the bears will not go near it. Councilman Hawk stated about putting their garbage out on a Wednesday morning for a Wednesday pick-up, the bear should not be up there during the day. President Jacobs stated that they were not out during the daylight. He stated about the three streets that got picked up on a Thursday, High, Ridge and Loggie. President Jacobs asked why they could not be picked up on a Wednesday. Councilman Stromelo stated that it would depend on when they got back from the Landfill. President Jacobs stated that he did not think that it would take them two hours to finish those three streets. Councilman DiMiceli stated that they should ask them to see if they could do it on Wednesday, move it and if so take action on it. Councilman DiMiceli stated that he agreed with Councilwoman Walck that all they had to do was to put bleach. Councilwoman Walck stated that all they would have to use was ammonia or Clorox and they will not touch the bag.

Mayor Walck stated how they discussed that with Mr. Merluzzi, the game warden, and he said that there was nothing they could do because it was a seven hundred pound bear. He stated that he was told that they were not going to try to relocate him because of him not endangering any people. He stated that he was just going after the garbage.

6. RECREATION DAVID HAWK, CHAIRMAN; MARK STROMELO, CO-CHAIRMAN; ROSE WALCK

No report.

7. BUDGET DAVID HAWK, CHAIRMAN; MARK STROMELO CO-CHAIRMAN; FRANK JACOBS

Councilman Hawk stated that they had their quarterly police pension fund review. He stated that given the behavior of the market the fund faired pretty well. He stated that they were going to be looking at making MMO payments as the Borough starts getting money in rather than all at once at the end of the year.

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8. PURCHASING ROSE WALCK, CHAIRWOMAN; FRANK JACOBS, CO-CHAIRMAN; FRANK Di MICELI

President Jacobs stated that they had to purchase new wires for the broom. He stated that Palmerton told him that they ordered 100 pounds at a time. He stated that he ordered 200 pounds of wire.

President Jacobs stated how he told them last month that he had put a bid in for a truck down Macungie. He stated that they lost the bid by \$2,000. President Jacobs stated that they have to do something. He stated that they had been looking around for something second hand and they cannot find anything for \$14,000-\$15,000 that has 60,000 miles on them. He stated that they cannot find anything half decent. President Jacobs stated that if Council so desired to purchase a new one. He stated that they were running through the Costars program \$21,000-\$22,000. President Jacobs stated that unless Council so desired to bid it. President Jacobs stated that there were four dealers but there was none in the immediate area. President Jacobs stated that the pick-up truck they want was with a regular cab. He stated that the way the dealers were ordering them was with a club cab or a crew cab.

Councilman DiMiceli moved and Councilman Digiglio seconded to look into and buy a truck through the Costars program if it suits the Borough's needs. All voted yes. Motion passed.

9. FIRE/AMBULANCE FRANK DiMICELI, CHAIRMAN; DAVID HAWK, CO CHAIRMAN; PUBLIC SAFETY SAL DIGIGLIO

➤ Fire Apparatus Purchase Policy

Councilman DiMiceli stated that they have a rough draft of the fire apparatus purchase policy. He stated that they were going to be meeting again as a committee along with the Fire Chiefs on either the 8th or 9th of May, 2007. He stated that if anybody had any questions they should get them to him before that meeting so they can address them. Councilman DiMiceli stated that Solicitor Yurchak had additional language that they wanted to add to the one paragraph, which protects the Borough of Nesquehoning. He stated how everybody had the book with the specifications in it. He stated that they could look at that also. Councilman DiMiceli stated that this would go into affect in 2008. He stated that it would not go into affect now and it would not affect any presently owned equipment. President Jacobs stated that after reading through the policy, if they would have any concerns, they should get with one of the committee members. He stated how that way when the committee meets again they can address the concerns.

Councilman DeMarco moved and Councilman Hawk seconded to accept all the Committee Reports. All voted yes. Motion passed.

JR. RECREATION COMMISSION

Mayor Walck stated that before he got into his Jr. Recreation Report, he would like to take a moment and thank Secretary/Treasurer Ahner and the rest of the office personal for their good work on this Secretary's Day.

Mayor Walck stated that thanks to the generosity of the ham raffle drawing, they were able to give the American Cancer Society a check for \$250.00. He stated that he would like to thank everyone who purchased a ticket and Councilman Hawk for printing the tickets at no charge.

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Mayor Walck stated that they were trying to get the group together to go bowling or something, but every time they try to plan something they have school involvements. He stated that they were going to wait until after school was over.

NEW BUSINESS

President Jacobs stated about the fly ash and all he knew was what he read in the paper with the pros and the cons of it. President Jacobs stated that they will have Solicitor Yurchak look into it along with the Engineer. President Jacobs stated that one of his concerns with the fly ash was the stripping that they were going to be doing up in Little Italy. He stated that they better go in and backfill that whole void. He stated that it was supposed to happen last year but it stopped. President Jacobs stated about the water that was going to run into town if they did not put a holding pond in to discharge it slowly. Mayor Walck stated that one of his concerns was the truck traffic going through town. President Jacobs stated that he had seen the article in the newspaper about contacting DEP over in Pottsville. Solicitor Yurchak stated that they will have to go over there and look at the plans. President Jacobs stated that they should have some kind of concerns of what will be taking place there.

Councilman DeMarco stated that the fly ash was going to come from the Panther Valley CoGen. He stated how Chris Parker called him the other day and told him how that was where it was going to be coming from. Councilman DeMarco stated that if it was coming from Panther Valley CoGen, who dumped it at the bank, which they reclaimed. President Jacobs stated how they have been hauling it up there. Councilman DeMarco stated that they have been hauling it up there but they want to move it to that site there. He stated that as long as they follow the rules that were put in place many years ago regarding how to dump the fly ash. President Jacobs stated that he thought how they have to get something confirmed on who was going to be dumping up there.

Councilman Digiglio asked if DEP would have some kind of advanced notice. President Jacobs stated that if they were applying for the permit, they must know who wants to come in there and dump. Councilman DeMarco stated that they should call to where it was filed at . . . President Jacobs stated that it was in Pottsville. Councilman DeMarco stated that they had talked to Ed Bielarski and that was where it was coming from because they use to send it to two other firms, which were no longer taking it and that was why they were taking it to Hell's Kitchen.

Mr. Fox stated that he lived above the CoGen and he has seen trucks coming down past his house with fly ash going directly up there. He stated that they have been doing that so, evidently they must be bringing it in from somewhere else. President Jacobs stated that they have to get it clarified as to who they were going to get to permit to dump up there. Councilman DeMarco stated how that was the way it was applied over in Pottsville. He stated how it was going to be the CoGen who was going to be dumping in Hell's Kitchen.

Mr. Mermon stated that it was agreed that anything that came from their banks, the fly ash could be dumped in their area, but anything that came from outside their area; they were supposed to take that ash back from where it came from. He stated that it never materialized and they kept bringing it in and dumping. He stated how that was before the CoGen plant was even there. President Jacobs stated that they would have Solicitor Yurchak check into it to see where it would be coming from.

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Ms. Philips stated that she has been noticing a lot of trucks full of dirt going through town and they do not have any covers on them. She asked if that was allowed with a reply of "no". Councilman Digiglio stated that she should get the name of the truck and they will track it.

OLD BUSINESS

Councilman DiMiceli asked if they ever got a response from the request that was made by the chief. Mayor Walck stated that they were trying to fit them into their schedule. He stated that they received confirmation and it will be done but when it will be done, he did not know. Councilman DiMiceli stated how at that time of the morning, they were flying through there and they have kids walking to school.

President Jacobs stated about an application for a business parking sign for the gentleman who bought the old liquor store building. Mr. Dacey asked what was going in there. President Jacobs stated that it was a \$.99 store. Councilman DiMiceli stated that as long as he pays the fee, there was a spot reserved for the liquor store. He stated that they were not losing any parking spaces. President Jacobs stated that he will have to pay the fee.

Mr. Fox asked about the lawsuit that was brought against the borough from the last superintendent. He stated that he had not heard anything about that. Solicitor Yurchak stated that it was still being handled by the insurance company. Mr. Fox asked if there was a settlement yet. Solicitor Yurchak stated how not that he knew of. President Jacobs stated how they just give them some general information. He stated how he was told that they were making an offer to his attorney.

EXECUTIVE SESSION (if needed)

Council entered into an Executive Session at 8:48 p.m. Council exited their Executive Session at 9:30p.m.

ADJOURNMENT

Councilwoman Walck moved and Councilman Stromelo seconded to adjourn the meeting. All voted yes. Meeting adjourned at 9:30p.m.

RoniSue Ahner
Secretary/Treasurer