

MINUTES FOR REGULAR MEETING OF NESQUEHONING BOROUGH COUNCIL

Monday, November 19, 2007 at 7:00p.m., Borough Office
114 W. Catawissa Street, Nesquehoning, PA 18240

Councilwoman Walck stated that recently Representative Keith McCall had a ceremony to honor Korean War Veterans. She stated how she was very pleased to find out that they had two Korean War Veterans on Council, President Frank Jacobs and Councilman Salvatore Digiglio. Councilwoman Walck stated that Frank Jacobs had been able to attend the ceremony; however, Salvatore Digiglio was not able to attend. Councilwoman Walck stated to Councilman Digiglio that on behalf of Keith McCall, she was there to present him with a medal and a citation from the Pennsylvania House of Representatives. She stated that Keith McCall asked her to convey a special "Thank You" and a "Congratulations" to Councilman Digiglio and a thank you to all veterans who served or who were still serving.

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 7:01 p.m.

MINUTES: Regular Meeting held on October 24, 2007

Councilman Hawk moved and Councilwoman Walck seconded to approve the October 24, 2007 Regular Meeting Minutes. All voted yes. Motion passed.

HEARING OF VISITORS

Helen Applegate (201 W. Railroad Street) stated how after a neighbor shoveled her sidewalks for her, because she was unable to shovel them herself, the plow truck went through and pushed the snow back onto her sidewalks. She stated how the plow truck flies past so fast that it also throws the snow against the house. Ms. Applegate asked why she should have to clean her sidewalks again after they had already been cleaned off and why they have to drive so fast. President Jacobs stated that he did not know if it was the speed or the heaviness of the snow. He stated how the Street Committee will check to see who was plowing and get them to slow down.

Anthony Buccilli (27 W. High Street) stated how he and his wife had submitted an application for a handicap parking spot several months ago and they were still waiting for an answer. He asked where they were at in the process because he really needed the spot for his wife. Chief Smith stated that he did not have a status on it. President Jacobs stated how the officer who handles the handicap spots was not there but they would get in touch with him the next day regarding the status.

POLICE REPORT

Chief Smith gave the Police Report for September and October as follows:

\$2,136.00 total fine money collected; 909 total complaints received; 65 citations; 3 Ordinance arrests; 24 criminal arrests (3 were felonies); 18 traffic accidents (11 reportable & 7 non-reportable); 39 court appearances and the mileage total was 6,184 (1,279 – 2000 Crown Vic; 856 – 2008 Chevy Impala; 3,953 - 2003 Crown Vic; 96 - 2005 Expedition).

HOUSING & CODE ENFORCEMENT OFFICER'S REPORT

Councilman DiMiceli moved and Councilman Digiglio seconded to accept the Police Report and the Housing & Code Enforcement Officer's Report. All voted yes. Motion passed.

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PLANNING COMMISSION REPORT

- 11.09.07 Parano Subdivisions (1) & (2)

Councilman DiMiceli asked if there were any conditions on the subdivision with a reply of “no” from President Jacobs.

Councilman DiMiceli moved and Councilwoman Walck seconded to approve the subdivision of the properties owed by Mr. Parano located on E. Catawissa Street and E. Railroad Street. All voted yes. Motion passed.

CIVIL SERVICE COMMISSION

No report.

PANTHER CREEK ADVISORY REPORT

Councilman Hawk stated that the Borough was advised that they would not be taking any more fuel deliveries by truck for the remainder of the year because they have enough stockpiled and they were only going to accept train deliveries. He stated that it should alleviate some of the traffic and the mess up in Hauto until the first full week in January. Councilman Hawk stated that they had talked about the Railroad looking at the crossing. President Jacobs stated that they did contact Ron Tirpak. He stated that Mr. Tirpak had said about contacting the Railroad because it was hurting the Borough's roadway. He stated how he would hope that the Railroad would respond to Mr. Tirpak's letter.

ENGINEER'S REPORT

- 10.24.07 Carbon Engineering – Coal Street Culvert Replacement
- 10.30.07 Carbon Engineering – 2008 Sewer Budget
- 10.30.07 Carbon Engineering – Pre-application for CDBG 2008

SOLICITOR'S REPORT

- 11.09.07 Penn DOT – changes in speed limits on Rte. 54

Mayor Walck stated how they were reducing the speed from 55 to 50 and 45 to 40. He stated that they also removed the passing zone by Kovatch and the lines had already been painted. Mayor Walck asked Solicitor Yurchak to write a letter to PennDOT to thank them for their consideration.

- 11.13.07 PSAB – Letter to Atty. Yurchak –Increasing the fee for accident reports

Solicitor Yurchak stated how PSAB responded on his letter that there was House Bill 832 pending to raise the accident report fee to \$20.00. He stated how PSAB was asking that they contact their State Representatives concerning increasing it to \$25.00 or \$30.00. President Jacobs stated about Solicitor Yurchak sending letters to their State Representatives and Senators because he thought that it should be higher. Chief Smith stated that it should be at the least \$35.00.

Councilman DiMiceli moved and Councilman DeMarco seconded to adopt the Large Vehicle Ordinance. All voted yes. Motion passed.

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Councilman DeMarco stated about the letter that was received from the "Voice of the People". Mayor Walck stated that he had it under the Mayor's Report. He stated that he received a letter from the "Voice of the People" commending Chief Smith for the detaining of the illegal immigrants. He stated that it was a commendation signed by Gregory Griffin, Legislative Director. Mayor Walck stated how they also received a letter from a resident of Nesquehoning praising the Chief for detaining the nine illegal immigrants in Nesquehoning. Councilman DeMarco stated how the letter stated that there should be a Letter of Commendation placed in Chief Smith's file. Mayor Walck read from the letter: "We request that a Letter of Commendation be placed in Police Chief Sean Smith's personnel file indicating that he has gone above and beyond the call of duty in his services to the citizens of Nesquehoning". He stated that he did ask Secretary/Treasurer Ahner to place a copy of those letters in his personnel file. Councilman DeMarco stated how Chief Smith was at the right place at the right time and it was good police work.

Councilman DeMarco moved and Councilman DiMiceli seconded to have a Letter of Commendation for Chief Sean Smith drafted and placed in his personnel file. All voted yes. Motion passed.

Councilman DiMiceli stated how he thought that Council, because of the amount of time spent that morning by other departments assisting them; (Lansford, Summit Hill, and Jim Thorpe) should receive letters of "Thank You" from the Nesquehoning Borough Council to their Council.

Mayor Walck stated that he asked Officer Wuttke to be present because he had just completed the 2½ day training, scored excellent on the test, and was now an instructor in defensive tactics for the Borough of Nesquehoning. He stated that he will now be able to train the other Nesquehoning Police Officers. Mayor Walck stated that he wanted to recognize Officer Wuttke because it was a very intensive course.

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

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NESQUEHONING SAVINGS BANK TREASURER'S REPORT

GENERAL FUND

Balance 09.30.07 430,028.84
Receipts 135,701.08
Expenditures 219,239.29
Balance 10.31.07 346,490.63

SANITATION FUND

Balance 09.30.07 119,214.17
Receipts 99,009.22
Sewer 47,835.58
Expenditures 54,544.54
Balance 10.31.07 115,843.27

GENERAL SEWER CONSTRUCTION FUND

Balance 09.30.07 8,558.09
Receipts 22.34
Expenditures .00
Balance 10.31.07 8,580.43

HIGHWAY FUND

Balance 09.30.07 52,664.26
Receipts 122.79
Expenditures 10,909.58
Balance 10.31.07 41,877.47

SPORTS COMPLEX FUND

Balance 09.30.07 80.38
Receipts .21
Expenditures .00
Balance 10.31.07 80.59

PLANNING FUND

Balance 06.30.07 10,890.88
Receipts 27.49
Expenditures .00
Balance 09.30.07 10,918.37

SANITATION ESCROW

Balance 06.30.07 907.91
Receipts 5,810.56
Expenditures .00
Balance 09.30.07 6,718.47

GENERAL SEWER FUND

Balance 09.30.07 49,064.91
Receipts 62,391.89
Expenditures 28,407.18
Balance 10.31.07 83,049.62

DEBT SERVICE

Balance 09.30.07 1,103.61
Receipts 2.88
Expenditures .00
Balance 10.31.07 1,106.49

SEWER OPERATING & MAINTENANCE

Balance 09.30.07 32,725.00
Receipts 20,928.03
Expenditures 33,584.88
Balance 10.31.07 20,068.15

FIRE TRUCK FUND

Balance 09.30.07 14,878.58
Receipts 16,671.61
Expenditures .00
Balance 10.31.07 31,550.19

POLICE PENSION FUND

Balance 09.30.07 476,157.80
Receipts 74,840.85
Expenditures 9,265.99
Acct depreciation 2,197.93
Balance 10.31.07 539,534.83

CAPITAL PROJECT

Balance 09.30.07 111,662.77
Receipts 376.32
Expenditures 24,000.00
Balance 10.31.07 88,039.09

FEMA FUND

Balance 09.30.07 25,861.34
Receipts 67.52
Expenditures .00
Balance 10.31.07 25,928.86

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CD REPORT

FUND	CURRENT VALUE 10.31.07	INTEREST 10.31.07	OPENING DATE	CURRENT RATE	RENEWAL DATE	BANK
PLANNING	\$ 14,179.48	\$ 47.85	5-08-05	4.05 %	5-08-08	NSB
GEN. SEWER	\$ 377,343.60	\$ 1,273.30	5-08-05	4.05 %	5-08-08	NSB
GEN. SEWER	\$ 10,806.64	\$ 29.33	2-28-03	3.25 %	2-28-08	NSB
DEBT SERVICE	\$ 12,541.60	\$ 42.32	5-08-05	4.05 %	5-08-08	NSB
DEBT SERVICE	\$ 95,357.40	\$ 306.72	6-02-05	3.92 %	6-02-10	NSB

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

EMERGENCY MANAGEMENT REPORT

John McArdle stated that he had passed out information concerning the NIMS program. He stated how federal grants were going to be part of it. He stated that Borough Council has to complete the 100, 400, & 700, which were available online. Mr. McArdle stated that the Borough Secretary needed to be in compliance with 100 & 700. He stated that it takes around 2 hours to do it online. Mr. McArdle stated that they were trying to push it across the United States and they will hold grants unless the Borough was in compliance. Mr. McArdle stated how the police department was in compliance with what they needed to do with their MOPEC. He stated how Council and the Fire Department also have to make sure that they were in compliance.

FIRE COMMISSIONER’S REPORT

No report.

MAYOR’S REPORT

Mayor Walck stated about the tactical training letter that was received last month in regards to the cost of the training, which would be \$450.00 but not to exceed \$500.00. He stated that the motion last month was to approve the training at \$450.00; however, the training came to \$500.00 and asked for a motion for the extra \$50.00.

Councilman DeMarco moved and Councilman DiMiceli seconded to approve the increased fee for the tactical training. All voted yes. Motion passed.

Mayor Walck stated how the Veterans Day Parade was a success. He stated that he would like a thank you letter to be sent to all of the fire police because they did a wonderful job on traffic control. He stated that they had 22 fire police from 5 different townships/boroughs. (Lehighon – 7, Lansford – 3, Mahoning – 4, Summit Hill – 4, & Rush – 4)

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Councilman DeMarco stated that the Nesquehoning UVO would like to thank the Mayor, the Nesquehoning Police and John McArdle. He stated that there has been nothing but compliments: when everybody met at the post, on how organized the parade was and how great the traffic was controlled. Councilman DeMarco stated that it was a great job by one and all. He stated that it was a great parade, the best they have had in a while in Carbon County. Mayor Walck stated that he and Mr. McArdle organized the fire police, who had volunteered their time and did a wonderful job.

Mayor Walck stated that he did attend the dedication of the New Middle School. He stated that the New School was a very nice state-of-the-art school and was appreciated.

Mayor Walck stated that he would like to ask Council for a motion, when any part-time police officer fills in for a full-time officer scheduled at a minimum of 36 hours per week be paid \$1.50 per hour more.

Councilman Digiglio moved and Councilwoman Walck seconded to increase the pay (\$1.50) for any Part-time officers when they work 36 hours or more for a full-time officer.

Councilman DeMarco stated that he did not have a problem with it; however, he did not want one person to be singled out. Mayor Walck stated that it would be for any full-time officer. Councilman DiMiceli stated that if somebody has a full-time job, which they do have part-time officers who have full-time jobs, they give them their two days off, which means that they were not getting any time off between their full-time job and the Borough. He stated that they would not be enjoying the pay raise and it would be like penalizing them for having full-time jobs and only being able to work two days per week. He stated that they had been there for seven years and it would really only benefit one person right now. He stated that if they were going to do something, maybe they should look at giving them all raises because he thought that it was going to cause a problem. Councilman DeMarco stated that he was willing to go along with it but if they did end up with a problem, the Mayor should come back and let them know. He stated that he does not want the others to feel set aside. Mayor Walck stated that they will not be and if the others would step up to the plate and take a position of a full-timer for three shifts (36 hours – 3 twelve hour shifts) they would be paid the same also. Councilman DiMiceli stated that with their full-time jobs, they cannot do that. He stated how they have one officer who was doing his police duties, answering calls while he was working and also working code enforcement. He stated how that part-time officer was taking a load off of the full-time officers and the other part-time officers. Councilman DiMiceli stated that he did not think that it should be one person. He stated that if they do it, they should do it for all three. President Jacobs stated how he thought that it would probably cause some problems because they do have a full-time job and were not able to give the Borough those kinds of hours. Councilman DiMiceli asked how much time they were talking about with the other two officers between then and the end of the year. Mayor Walck stated how they were hardly working any. He stated how Rob Blisard works eight hours on a Saturday. He stated that Officer Blisard gave 12 hours last week because they were stuck. Mayor Walck stated that Officer Peck will give them 4 hours or 8 hours one or two days a month.

Councilman DiMiceli stated that he was asking Councilman Digiglio to change his motion to include all the officers with the raise (straight across the board). Mayor Walck asked if it was for any hours worked. Councilman DiMiceli stated that he did not want to cause a problem with the other two officers. Mayor Walck stated that he did not either, but they had a burden, which was taken off of them by the person who was working all the hours. Councilman DiMiceli stated how it was just as important to him when a guy was giving the Borough his only two days off a week. He stated how it was a lot to them also.

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President Jacobs stated how they were working on the budget for 2008. He stated how they knew where they were financially under wages with the police force right now. He stated that he knows that it was because they have an officer out sick and there was a lot of overtime. Councilman DiMiceli stated that if they were going to do it, they should do it across the board for the three part-time officers. He stated how it was costing them a little more because they do have an officer off but when it goes back it would revert back to the way it was before. Councilman Hawk stated that if they make it across the board, it would not go back when the officer comes back. Councilman DiMiceli stated how the amount of hours would go back. Councilman Hawk stated if they would do it the way the motion was made, once the full-time officer was back; then they would be less likely to run into that situation of somebody working 36+ hours a week. He stated that if they would award across the board, then it would stay.

Councilman DiMiceli asked how many hours was it in a year's time with the part-time police officers working with a regular schedule, without anybody being off. Mayor Walck stated that he had 36 hours a week put in for part-timers in the 2007 budget. President Jacobs stated that they were roughly talking 2000 hours in a year. Councilman DiMiceli asked if they could absorb \$3,000.00 in next year's budget. Councilman Hawk stated not readily with what they were going to propose for the budget. Mayor Walck stated how they could definitely do it for the rest of the year. President Jacobs stated that they could not do it financially because they were at 90% with the last payroll. Councilman DeMarco stated about just doing it until the end of the year. He stated that they would revisit it with the budget and go from there.

Councilman Digiglio revised his motion to include to the end of the year and Councilwoman Walck revised her second.

Secretary/Treasurer Ahner asked if they were talking a flat 36 hours or only if they were working for a full-time officer. Mayor Walck and Councilman DeMarco stated that only if they were working for a full-time officer. Secretary/Treasurer Ahner stated that even if they get 36 hours it would not count. She stated how they did have an additional part-time officer who had over 40 hours. Mayor Walck stated how Robert Blisard had worked an eight hour shift and also did code work, which he does do when he was not on duty. Mayor Walck stated that when any part-time officer fills in for a full-time officer and work the 12 hour shift with a minimum 36 hours in a week. He stated that they were actually saving money because if they do not up the part-time rate that would mean he would have to bring in a full-time officer at time and a half, which was more money. Councilman Hawk asked how the Secretary/Treasurer was supposed to know when to apply it. Mayor Walck stated that she had a schedule. Secretary/Treasurer Ahner stated that Officer Blisard was in for 40+ hours and only had 2 hours of code. Councilman DiMiceli stated that if they were going to go with 36 hours in a week then it should be 36 hours in a week for all officers. President Jacobs stated how they were not singling out any one person but they did only have one part-time officer who was covering most of the full-time shifts. Mayor Walck stated how that was why he had said any part-time officer filling in for a full-time officer. President Jacobs stated how he might not be filling in for a full-time officer if he was coming out to double up on a shift. Councilman DiMiceli asked why they just did not make it for 36 hours in a week.

Councilman Digiglio revised his motion to any part-time officer who works 36+ hours in a week will receive \$1.50 per hour increase until the end of the year. Councilwoman Walck revised her second. All voted yes. Motion passed.

Mayor Walck stated that he would like to thank Councilman Digiglio for working with him as the Chairman of Police and Public Safety. He stated that they did not agree all of the time but they did what

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was necessary to get the job done for the Nesquehoning residents. Councilman Digiglio stated that it was a pleasure.

Mayor Walck stated that the next Crime Watch Meeting would be held on Wednesday, January 2, 2008 at 7:00 p.m.

Mayor Walck stated that he would like to wish everyone a Safe and Happy Thanksgiving.

TAX COLLECTOR’S REPORT

01 October– 31 October 2007

Real Estate	\$ 2,138.53
Occupation	249.60
Per Capita	<u>178.60</u>
Total	\$ 2,566.73

<u>EXEMPTIONS:</u>	Nathan Conrath	Listed twice on the duplicate (2003)
	Amy M. Lower	Listed twice on the duplicate (2003)

Councilman DeMarco moved and Councilman Hawk seconded to accept the Tax Collector’s report and the exonerations. All voted yes. Motion passed.

Councilman Hawk moved and Councilman DeMarco seconded to accept the Emergency Management, Fire Commissioner, Mayor and Tax Collector Reports. All voted yes. Motion passed.

<u>APPLICATIONS:</u>	Gerri R. Kramer – Secretarial/Clerical
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COMMUNICATIONS:

1. 10.19.07 Hewlett-Packard Co – Merger agreement
2. 10.22.07 Jane Becker – Donating a Christmas tree to anyone who wants it
3. **10.23.07 Rosemary Poremba, PVSD – 6 ton weight limit on bridge at Tippets**

Councilman DeMarco asked if they were going to send a letter to PVSD concerning the 6 ton weight limit being lifted from the bridge. Secretary/Treasurer Ahner stated how the letter was already sent.

4. 10.29.07 PennDOT – Estimated Liquid Fuels Allocation for 2008
5. 10.29.07 PA DEP – Approval given for reimbursement under the Underground Storage Tank
6. 10.29.07 State Workers’ Insurance Fund – Drug Free Pennsylvania Program
7. 10.29.07 PSAB – Training for Borough officials
8. **10.30.07 Carbon County Fair Assoc. – Donation**

Councilman Digiglio stated how they should put it on file that the Borough was refusing because it was a profit organization.

9. 10.30.07 Blue Cross of NEPA – Annual student certification
10. **10.31.07 PA DEP – Complaint -Sewage – Nesquehoning Creek**

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President Jacobs stated that it was taken care of in the tunnel and other areas. He stated that they were going to do a yearly inspection and submit the results to DEP.

11. 11.01.07 PennDOT – Newsletter
12. 11.01.07 Carbon Builders Assoc. – General Membership Meeting
13. 11.01.07 PSAB – Newsletter
14. 11.01.07 Michael S. Greek – Parano Subdivision - Approved
15. 11.01.07 Michael S. Greek – Helipad - Approved
16. 11.01.07 Berkheimer – EMST vs. LST
17. 11.02.07 One Call Rentals – snow removal 2007
18. 11.02.07 Ohl Fuel Oil – Requesting an e-mail list
19. 11.02.07 Multi-State ISAC – Computer Security (cyber security)
20. 11.05.07 Benesch & Company – Professional Consultants – Engineering
21. 11.05.07 Penn DOT – Newsletter
22. 11.05.07 Carbon Engineering – Break in sewer main
23. 11.05.07 PSAB – Collecting delinquent property taxes & municipal claims
24. 11.06.07 Steve Shannon – Automotive Warehouse

25. 11.06.07 Mark & Elizaeth Yanoski – Asking to modify the livestock ordinance

Councilman DeMarco asked Solicitor Yurchak to check on and get a copy of the ordinance that Lehighton adopted on exotic animals.

26. 11.06.07 Carbon Engineering – Sew Main Problems
27. 11.09.07 DCED – Basic Training for Elected Auditors
28. 11.09.07 PA DEP – Closure/Remediation File – Kovatch Complex

29. 11.13.07 Constellation Operating Svcs. –Service at Cogeneration Plant

Councilman Hawk stated that the Panther Creek Cogeneration Plant had a high water reading in a quarter for sewage usage. He stated that they had 5 EDUs reserved, which gives them 100,000 gallons of usage and for the quarter they used 229,000 gallons. Councilman Hawk stated that the letter sent to Council indicating that as typical for the months of May – August and October their usage was normal. He stated that in the month of September they used approximately seven times what they use in a normal month. Councilman Hawk stated that they were not disputing the water usage because they did use the water. He stated that the water goes through two meters. He stated that one was metered for sewage and the other was metered as process make-up water. He stated that when they used the water they inadvertently used from the piping connected to the meter for sewage. He stated that they did use the water; however, it was used as processed make-up water and never entered the sewer. Councilman Hawk stated how it eventually evaporated out of the cooling tower. He stated that when they had realized what had happened, they had corrected it, which was why October's reading returned to normal. Councilman Hawk stated that they were asking for relief from the Sewer Surcharge bill (\$1,057.80) not because they were disputing the use of the water but because the water never entered the Borough's Sewer System.

Councilman DiMiceli asked if there was something that they could do to make sure that it did not happen again. Councilman Hawk stated that they had taken steps to make sure it did not happen again. President Jacobs stated how they had the same issue brought to them from another business in the Industrial Park. He stated that their meter was in error but they did pay the sewer surcharge bill. He stated that the Borough was not responsible; they just go by the meter readings when they bill them. He stated how they had told them to take it up with the Water Authority. President Jacobs stated how they wanted the

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Borough to waive the fee also. He stated that they could not because their surcharge was based on their water usage. Councilman DiMiceli stated how they were not saying that their meter was wrong, just the wrong meter was used because they ran it through the wrong pipe. He stated that the Cogeneration does use a lot of water, which generates into steam. President Jacobs stated how he wanted Council to be aware of the other situation. Councilman DiMiceli asked if the meter was off at the other business. Councilman Hawk stated that they were going to come to the last Water Authority Meeting but nobody showed up. Councilman Digiglio stated how they had the same problem at the Elementary School. President Jacobs stated that if someone opened the wrong valve and was drawing water from the wrong area, it was a problem for the Cogeneration. Councilman Hawk stated that they were not disputing the water usage but it did not go into the sewer system.

Councilman DiMiceli moved and Councilman DeMarco seconded to honor the request to waive the surcharge fee and it was a one time deal. All voted yes. Motion passed. Councilman Hawk did not vote.

- 30. 11.13.07 Lake Hauto Club – Lowering the lake
- 31. 11.13.07 ITC – Conference
- 32. 11.13.07 PSAB – Biennial organization meeting
- 33. 11.13.07 PLGIT – A pooled investment program
- 34. 11.14.07 OTT Consulting – Professional land development services

35. 11.15.07 R. Mickey Angst – Crime Watch volunteer – moving permits

Councilman DeMarco asked why. Mayor Walck stated that he did not have a clue and he was not instructed by the Crime Watch to do it. Councilman DiMiceli asked if it said that he was. Councilwoman Walck stated how he was saying that as a crime watch volunteer. President Jacobs stated how a new form was drawn up and they could take action now. He stated that they were not going to be keeping moving permits in the Borough office any longer. He stated that they will be kept on file in the police department. Solicitor Yurchak stated that the police will be in charge of the moving permits because if the person requesting the information has a PFA against them, the police would be able to check and the office personnel cannot. Councilman DeMarco stated that he should not or anybody should not be able to come in there . . . Councilman DiMiceli asked if the letter misrepresented what took place at the meeting. Mayor Walck stated “yes”. Solicitor Yurchak stated that he does not have a problem with a name and address but Social Security numbers and license numbers. Councilman DeMarco stated that they should not have a copy of the permit, just a name and an address. Solicitor Yurchak stated that was why the police would handle them. Secretary/Treasurer Ahner stated how the form would be for all requests. She stated that the office will still issue the moving permits but all copies will be forwarded to the police.

Councilman DiMiceli moved and Councilman Hawk seconded to adopt the request-for-information form and anybody requesting information needed to fill out this form and the Secretary/Treasurer will direct it to the appropriate person. All voted yes. Motion passed.

36. 11.15.07 Liquid Fence – Removal of liquid waste water

President Jacobs stated how the odor up at the new garage was unbelievable. He stated that they were supposed to put a filter system in. He stated that they should turn it over to their Engineer because the filter system was not working.

- 37. 11.16.07 Keystone Publishers – Ordinance Codification & Document Archiving
- 38. 11.16.07 Cynthia S. Ray – Rutch vs. Carbon County
- 39. 11.19.07 Carbon County – Snow Removal Call-out

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President Jacobs stated that if it happens late at night the officer on duty should call the Communications Center. Councilman DiMiceli stated that he thought it should be up to the police. Councilman DeMarco stated that it should be the Chairman of Streets. Councilman Hawk stated that they should list more than one person. President Jacobs stated that they will keep it the same until the new Council takes over. Councilman Hawk stated about send them Councilman Stromelo and President Jacobs for right now.

Councilman DeMarco moved and Councilman Digiglio seconded to approve the one application and all communications and place them on file. All voted yes. Motion passed.

BILLS TO BE RATIFIED, EXPENDITURES AND RECEIPTS

Councilman DeMarco moved and Councilman Hawk 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.

President Jacobs stated that they would be going into an executive session for personnel and possible litigation problems. He stated that they would not take any further actions taken when they come out.

Councilman Hawk moved and Councilwoman Walck seconded to appoint Althea Higgins to acting Secretary/Treasurer while Secretary/Treasurer Ahner was away on vacation. All voted yes. Motion passed.

Councilwoman Walck moved and Councilman Digiglio seconded to allow the office personnel to work to 12 noon on December 24th & 31st.

Councilman Hawk asked what day was Christmas Eve with a reply of Monday. Councilman Hawk stated about being open for just four hours. Councilman DeMarco stated about not opening at all. He stated that New Years Eve was fine at 12 noon but close for Christmas Eve. He stated that he would ask for the motion to be amended. Councilman Hawk stated to amend the motion to give them Christmas Eve off and only work a half of a day on New Years Eve.

Councilwoman Walck amended her motion to give the office personnel off on Christmas Eve day and only work to 12 noon on New Years Eve day. Councilman Digiglio amended his second. All voted yes. Motion passed.

Councilman DiMiceli moved and Councilman DeMarco seconded to give Chief Sean Smith a 3.6% raise retroactive to September 23, 2007. All voted yes. Motion passed.

COMMITTEE REPORTS

1. STREETS

**MARK STROMELO, CHAIRMAN; SAL DIGIGLIO CO-CHAIRMAN;
DON DeMARCO**

Councilman DeMarco moved and Councilman DiMiceli seconded to get Blue Ridge Cable at a cost of \$45/per hour for two men and a truck to put the Christmas Lights up. All voted yes. Motion passed.

MINUTES FOR REGULAR MEETING OF NESQUEHONING BOROUGH COUNCIL

Monday, November 19, 2007 at 7:00p.m., Borough Office

Councilman Stromelo stated that the storage shed still needed work. President Jacobs stated how he needed workers to get the storage shed done. He stated how he had received five quotes for blacktop. He stated how he has to get the shed prepped before they could blacktop it. He stated that he needed man power because everybody was off for deer season. Mayor Walck stated about the crew that help out at the New Columbus Park. Councilman Digiglio stated that he did not know about those kids because they do not use any power equipment. President Jacobs stated that he would need two or three guys for three days. He stated that they would probably be out tomorrow morning setting the Christmas lights at the poles and getting the Flags down.

Councilman DeMarco asked about the letter they received from the prison to get the inmates out on a work program. President Jacobs stated that he did not know what kind of process they would have to go through. Councilman Hawk asked if they had any applications on file for part-time workers. President Jacobs stated that he did not know because he had not looked at them lately. Councilman DiMiceli stated that they would have to go through the process of the drug test and everything else. President Jacobs stated that he could call the warden tomorrow to see if they have anybody up there. He stated that they would need a good 15 – 16 hours to get it ready for whatever date the contractor was coming in to do the blacktop. Councilman DiMiceli asked how many people. President Jacobs stated how he had the two guys from the sewer plant and one from the borough crew. He stated that they would need at the least 4 – 5 people. He stated that it was not big work just time consuming. Councilman DiMiceli stated that if they could not get somebody from the prison why they couldn't call Radocha. President Jacobs stated that he had talked to him already and he was trying to finish up his jobs. He stated that he will get some bodies up there some how. Helen Applegate asked if they could use High School kids who need to do community service. President Jacobs stated that he did not know.

Councilman Stromelo stated that they have a truck driver position, which needed to be posted.

Councilman DiMiceli moved and Councilman DeMarco seconded to post the Truck Driver position for the Street Department. All voted yes. Motion passed.

Councilman Stromelo stated how he had prices to lease a loader because they got rid of their loader last year. He stated that to lease it for a minimum of a three month period: smallest unit, 924, \$2,250.00 a month (\$6,750.00 for 3 months) or a bigger unit, 938, depends on what was available . . . Councilman DiMiceli stated that he did not think that it was necessary. He stated how they have a list of the contractor who provided them with the necessary paperwork, as far as insurance. If they would have to hire somebody for snow removal that would be the route they would go. Councilman DiMiceli stated that they were not going to pay \$2,200.00 a month to have a machine sit and only use it a couple of times in the event of a snow storm. He stated how they have a new backhoe which they can use to load the trucks. He stated that he thought that it was a waist of money. President Jacobs stated that he had put a call in to different outfits for them to fax information concerning rates. He stated that he did not have a problem paying that kind of money unless the fee does not go towards the purchase price. Councilman DeMarco stated that he did agree, he did not want to pay for something that was not going to go towards a purchase price or to pay for something that was just going to sit there. He stated how they had plenty of contractors in town and it would end up a lot cheaper. President Jacobs stated that if they were going to give them a price and that money would go toward the purchase price. Councilman DeMarco stated about the full amount going toward the purchase price because they have to buy one anyway. President Jacobs stated that at some point they were going to end up buying one.

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Councilman DiMiceli stated that they should go the way they were running and if they have a heavy snow and need a contractor, they could call them in because they have a list of prices. President Jacobs stated that if the right machine comes around at the right time, good for their municipality, they should look at purchasing it then. Councilman DeMarco stated how he had no problem with that.

Councilman DeMarco stated that William Perbetsky asked why his end-zone on Holland Street was 11' and others were only 5'. Councilman DiMiceli stated that it might be because it was narrower and if they had to get a fire truck or a plow through there, they would never do it if somebody was parked 5' away from the corner. Councilman DeMarco stated how he knew that they were more than 5' when they paint them. Councilman Stromelo stated how there was a cross walk going across there. President Jacobs stated how he went through there last year with the plow and it was tough to get through there. Councilman DeMarco stated how he had told him that it was because of emergency vehicles.

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

Councilman Hawk stated how they did receive a tentative budget for the Sewer from Ron Tirpak. He stated that the 2008 expenditures of \$838,116.30, projective revenue of \$826,674.01 and \$11,442.29 from reserves to balance the budget, which does not include any increases.

Councilman Hawk moved and Councilwoman Walck seconded to adopt the 2008 sewer budget. All voted yes. Motion passed.

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

No report.

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

➤ 11.16.07 Commonwealth Environmental Systems – Increase in tipping fees

Councilman Stromelo stated how they were increasing the tipping fees, which was where they dump at the landfill, by 5%. He stated how it will not affect the rates for next year. He stated how the tipping fees had not increased in years.

Councilman DiMiceli stated how he thought that they should review some of the applications submitted and possibly hire a part-time as needed truck driver. He stated how they were running into trouble now that they were short drivers. He stated that it would not hurt to have somebody available. Councilwoman Walck asked how many of the workers have CDLs. Councilman DiMiceli stated that he knew how two were in the process of trying to get them. President Jacobs stated that whatever was going to happen with the third man, they should all have CDLs. He stated that without CDLs they cannot use them. He stated how they have to bounce the workers around and they cannot keep on working like that.

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

Councilman Hawk stated how there was around \$3,000.00 left in the budget for recreation that has not been spent yet. He stated about looking into replacing the flagpole in the New Columbus Park similar to what they did at the recreation center. He stated that it was also in bad shape. He stated that they were going to take a look up there and possibly purchase more tables and chairs to replace some that were falling apart.

Councilwoman Walck stated how she wanted to request from Councilman Digiglio concerning the offer of some free trees and equipment for the playground. She stated that the day they had planned to meet it had rained. Councilwoman Walck asked Councilman Digiglio if he would contact the person to see if he would roll the offer to the Spring. Councilman Digiglio stated that he did contact Mr. Kovatch and Mr. Kovatch said that next year would be fine. He stated that it was too late in the year and they could not do anything now.

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

Councilman Hawk stated that they had a tentative budget for 2008. He stated that the budget for 2008 was \$1,288,142.18, which represents an increase of \$53,801.20 over the 2007 budget. Councilman Hawk stated that looking at the income, property taxes and other income; they see a decrease in other income of \$18,119.71. He stated that the budget as it was proposed includes a 1.4 mill property tax increase to make up for that deficit and meet the increase in the budget. Councilman Hawk stated that the 1.4 mills included: an increase of .35 mills (from .25 mills to .5 mills) for fire protection, which will allow them to double their contribution to the fire truck fund. Councilman Hawk stated that they were looking at an agreement with the fire companies on the engine purchase program, which was long overdue in getting it in writing. He stated that in order to fund that and also fund the continued replacement of their aerial truck, the Fire Committee along with the Budget Committee realizes that the money had to come from somewhere. Councilman Hawk stated that .35 was tagged for fire protection.

Councilman Hawk stated that .7 mills were tagged for street lighting. He stated how several years ago they had started paying for the street lighting out of the Highway Fund (Liquid Fuels). He stated how that had helped them get their General Fund in order, but it was not letting that money available for road maintenance and road construction. He stated that the only way to have some money available for the roads was to absorb some of the street lighting back out of the General Fund. Councilman Hawk stated how it accounts for 2/3 of the street lighting for the year.

Councilman Hawk stated that the other thing that the budget addresses was hiring another full-time police officer. He stated how they looked at a figure of what it would cost to put someone on taking into account what it would save from part-timers. He stated that they figured around .4 mils, which was about \$24,000.00, going toward hiring the police officer. Councilman Hawk stated how the police were responding to an increasing number and severity of calls. He stated how Mayor Walck asked them to see if there wasn't something they could do to possibly hire another police officer.

Councilman Hawk stated that those three items do add up to more than 1.4 mills. He stated that in addition to those things going into the budget, there were a couple of major increases in there other than salaries as a result of contracts (3.6%). He stated how police pension payments were up almost \$21,000.00 over 2007.

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Councilman Hawk stated that they have also made some cuts. He stated that they had reduced the police vehicle expense by \$11,500.00 by having some newer cars they were hoping to cut back on the expenses on keeping the old ones running; highway vehicle expenses were down \$2,500.00, highway maintenance was down \$8,000.00, highway construction was down \$8,000.00 and highway capital was down \$15,331.00. He stated that a lot of those expenses will come out of the Highway Fund (Liquid Fuels). He stated that it was a shuffle back and forth with the street lighting. Councilman Hawk stated that they were also looking at some long-term highway projects.

Councilman Hawk stated that they had also made some other cuts with totaled \$28,627.90. He stated that with those cuts and the increases it washes out to \$53,801.20 more, which requires a 1.4 mill increase. He stated that they had looked at the situation both in terms of a higher budget and a lower budget.

Councilman Hawk stated that the new millage would be 10.6 mills (1 mill for fire protection and .19 mills for recreation). Councilman DeMarco asked what one mill generated. Councilman Hawk stated that a mill was \$64,793.56. President Jacobs stated that it had come down from last year. Councilman Hawk stated how that was the full value of a mill. He stated that when they were budgeting they figure on approximately 95% of that figure (\$61,553.88).

Councilwoman Walck stated that she would hope that the residents would agree with that because the items which were going to be addressed were for the safety of the citizens of Nesquehoning. Councilman DiMiceli stated that in addition to the safety, which he agreed 100%; it was also addressing some long overdue street projects. President Jacobs stated how Councilman DeMarco and Councilman Hawk went around with Ron Tirpak and saw some of the conditions of the streets. He stated that they were not going to just do the streets; they would fix the sewer lines and the storm drains. President Jacobs stated that they were looking at spending \$500,000.00 over the next 10 years and there was so much put in the budget to make that payment. He stated that they were killing the Liquid Fuels by paying for the street lights. He stated that they were paying \$4,900.00 and it just went up to \$5,400.00 a month.

President Jacobs stated that it would all depend with the police if they can get the cops grant, which helps with the wages for three years. He stated that the paper should be in this week. He stated how there were a lot of questions, because there were a lot of places where the fuel was cut back. He stated how it might be a problem for them if the prices keep going up the way they were. President Jacobs stated that they do need to make improvements. Councilman Digiglio stated that he has been saying for the last four years how the infrastructure of the town was in trouble. He stated that if they would look at the main arteries, like Diaz Ave, which had not been touched in 42 years. Councilman DeMarco stated that when it came around several years ago when they had the deficit, which was hard to accept. He stated that this was what it took to get it all straightened out. Councilman DeMarco stated that it was finally there, how with this millage increase they can say that they were going to do something because other times they had to pay for the past sins.

A discussion continued with all the Nesquehoning Council Members concerning different line items, income and expenses, in the budget.

Councilwoman Walck moved and Councilman Stromelo seconded to tentatively adopt the budget for 2008. All voted yes. Motion passed.

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Councilman Hawk stated that they had the company in, who did the billing, to demonstrate websites, which was discussed at a prior meeting. He stated how they had looked at some other municipalities' websites. He stated that the company does most of the stuff on an as cost basis and their fees were reasonable. Councilman Hawk stated that the total first year cost was projected to be \$3,120.00. He stated that they would have a 6 – 8 week lead time. He stated that it would make a lot of stuff online to the public and also help disseminate some information about the Borough. Councilman DeMarco stated that most of that for the first year was a one time fee. He stated that the annual fee would be \$240.00 for the website. Councilman DeMarco stated that Secretary/Treasurer Ahner would be updating the site every month. Councilman Hawk stated that since it was the same company who did the billing system, the opportunity was there in the future for online bill pay or automatic withdraw.

Councilman DeMarco moved and Councilwoman Walck seconded to accept the quote from Diversified Technology for the website. All voted yes. Motion passed.

Councilman DeMarco stated that he would like the thoughts from all Council Members and the Mayor as to what they would like to see on the website.

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

Councilwoman Walck moved and Councilman DiMiceli seconded to give the part-time officers a \$200.00 a year uniform allowance.

President Jacobs stated that he thought that they were opening a can of worms. He stated that he was not saying that they do not deserve it but once they start buying clothes for part-time workers, they would be opening something up they would be sorry for later. Councilman DiMiceli stated that if they purchase a coat, they would be in the hole \$250.00 because a coat cost \$450.00. Councilwoman Walck stated that it comes to \$600.00 a year. Councilman DiMiceli stated that he did not think that it was unreasonable to give them \$200.00 for a year. He stated that it was basically one winter uniform and one summer uniform.

Councilman Hawk stated that his only reservation as an annual allowance was depending on how much they work, they may or may not need something replaced as often as a full-time officer. He stated that he would rather see it done on an as requested basis rather than a blanket allowance. He stated that with a blanket allowance, they will spend it if they need to or not. Councilman Hawk stated that if they would look at it on an individual basis by request, they would have more control over where the money would be spent. Councilman DeMarco stated how they could let it up to the purchasing committee. Councilman DiMiceli stated that it would come to purchasing to review before it would be approved. Councilman DeMarco stated that if they were to hire a new part-timer, it was not going to happen. Mayor Walck stated how it was the first time Officer Peck put in for anything. President Jacobs stated that he had questioned a jacket that was purchased for the police. He stated that it was a jacket for all of the part-time officers to use. Councilwoman Walck stated that it was requested by one of the officers but if that officer would quit the jacket would stay in the police department. She stated that it was still Borough property. Councilman DiMiceli stated that it was assigned to a specific officer.

Councilwoman Walck amended her motion to include on an as needed basis to be reviewed by the purchasing committee. Councilman DiMiceli amended his second. All voted yes. Motion passed.

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

Councilman DiMiceli stated how he would like to thank Councilman Digiglio for his time that he spent on the Fire/Ambulance Committee. He stated that his input was appreciated. He stated that he spent a lot of time working with them on the purchase of the aerial truck.

Councilman DiMiceli stated that there was a letter submitted on how they were lowering the lake. He stated how that meant that the fire companies were going tanker response for Lake Hauto. He stated that there was only one dry hydrant that they would be able to use up there. Councilman DiMiceli stated that the hydrant was now in operation at the Estates, which the Water Authority installed. He stated that he would like to thank them for installing it. He stated that it was flow tested last week by the fire company and the static pressure was 750 gallons per minute.

Councilman DiMiceli stated that they were going to have a committee meeting on December 4, 2007 to clean up the fire purchase agreement. Councilman DiMiceli stated that he had talked to Mike Radocha concerning the aerial truck. He stated that he would remove the radiator, engine and transmission for them so they could store it. He stated that he had talked to Butch Fauzio from Kovatch and the engine was brand new. He stated that they could sell it faster if it was removed from the truck than trying to sell the whole truck.

Councilman DiMiceli moved and Councilman Hawk seconded to have Mr. Radocha pull the radiator, transmission and engine from the old ladder truck not to exceed a price of \$600.00.

President Jacobs stated that if it was up in the garage for 6 – 7 years, it was not going to be good for anybody because the seals were going to be dried up. Councilman DiMiceli stated that they could put the items on eBay or on Municibid and it would be cheaper than shipping an entire truck. He stated that they would get their money back for it even if they had to scrap it. He stated that this way they could get rid of the truck. Councilman DiMiceli stated that the chiefs from New Columbus and Hauto both expressed an interest in the engine if something were to happen to the engine in their truck.

All voted yes except President Jacobs and Councilman Stromelo who voted no. Motion passed.

President Jacobs stated that he wanted to bring up about the money that they were paying Hauto. He stated how it was kicked around how it was 50% of the purchase price of the truck. He stated how they should have looked into the money that the Borough paid off for the rescue truck that Hauto received. Councilman DiMiceli stated that they should get an invoice from Hauto for the purchase price because they had already agreed to give money toward the purchase of their truck. He stated that they had saved them money. He stated that they were going to need a receipt also. He stated that when the auditors come in they needed to show what they gave them the money for. Councilman Hawk stated that they will need to show what they paid for the truck and what they put into it to come up with what the total was. He stated that he thought that President Jacobs question was reasonable as far as what they did get for the truck. President Jacobs stated how the Borough paid that truck off. He stated that they should be giving them credit for what the taxpayers already paid off.

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

MINUTES FOR REGULAR MEETING OF NESQUEHONING BOROUGH COUNCIL

Monday, November 19, 2007 at 7:00p.m., Borough Office

JR. RECREATION COMMISSION

Mayor Walck stated that they had met prior to the Council Meeting and prepared five Thanksgiving baskets for some families in Nesquehoning. Mayor Walck stated that on December 15, 2007 at 10:00 a.m. the Jr. Recreation along with Santa Claus was going down to MapleShade to spread some Christmas cheer to the residents of MapleShade. He stated that he was inviting all of Council to join them visit with Santa and sing some songs with Danny Farole.

NEW BUSINESS

No new business.

OLD BUSINESS

No old business.

EXECUTIVE SESSION (if needed)

Council entered into an Executive Session at 9:02 p.m. Council exited their Executive Session at 9:47p.m.

ADJOURNMENT

Councilwoman Walck moved and President Jacobs seconded to adjourn the meeting. All voted yes. Meeting adjourned at 9:47 p.m.

RoniSue Ahner
Secretary/Treasurer