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BOROUGH OF GIRARDVILLE
FOURTH & "B" STREETS
P.O. BOX 5
GIRARDVILLE, PA 17935
PHONE: (717)276-1635 FAX: (717) 276-1640

REORGANIZATION MEETING

PLACE: Municipal Building **DATE:** January 2, 1996 **TIME:** 7:00 PM

Oaths of Office were administered by the Mayor, Edward Ketusky, to all newly and reelected Council members before the meeting.

OPEN MEETING

The meeting was opened by Mayor Ketusky with the Pledge of Allegiance.

ROLL CALL

Members present: M.B. Dougherty, R. Krick, E. Labie, T. Shearn, J. Tinari, J. Yackera, C. Marquardt. Mayor E. Ketusky and Solicitor J. Kilker.

Mayor Ketusky opened the floor for nominations for Council President. J. Yackera nominated Charles Marquardt, seconded by T. Shearn. No other nominations.

Roll call vote follows:

C. Marquardt	YES	M.B. Dougherty	NO
T. Shearn	YES	R. Krick	NO
J. Tinari	YES	E. Labie	NO
J. Yackera	YES		

YES 4 NO 3

At this point R. Krick made a point of order. He told Council that according to information sent to the borough dealing with reorganization from PSAB you cannot vote for yourself for the office of Council President. The Solicitor said that he had done some research in the matter after a phone call with R. Krick concerning this matter and the case law cited concerned a Council member voting for himself to fill a vacancy created by the resignation of the Mayor. Resulting from the law suit was a ruling that an elected official cannot vote for himself to fill another elected position. R. Krick thanked the solicitor for his opinion and then asked the Chair, in this case Mayor Ketusky, to make a decision in the matter. Mayor Ketusky said he felt he has no choice but to abide by the information

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given by PSAB. The Solicitor stated that he has control over any legal advice given to Council as stated in the Borough Code Section 1117 - duties of the solicitor and the Chair should not make a decision based on some vague opinion. R. Krick argued the point that any advice given is just that advice and Council or in this case the Chair can act as they see fit. He asked the solicitor if his advice was binding? Mr. Kilker continued to say he was acting in his capacity as borough solicitor. M.B. Dougherty asked who was then controlling the meeting? Technically we are not organized and the Mayor runs the meeting. Who makes the decision on which advice to take and which to ignore? She asked if the Solicitor is under control than does he have the power to make the decision in this matter and not Council? J. Yackera said that it should be Council and not just the Chair. At this point debate ensued over the entire matter. Who received what answers from PSAB, who has the right to make the decision, how should this matter be handled by Council, why this information comes out now and no two years ago and where does the solicitor fit in concerning any decisions made. M.B. Dougherty said she had been told that this information, which was just recently brought to PSAB's attention, was sent out to make officials aware of the possibility of problems and they will not recommend any course of action because they cannot give advice. Shelly Barkus told her Council should ask their Solicitor's opinion in the matter. J. Kilker said that the case PSAB cites has nothing to do with reorganization and that there are differing legal opinions. Also, he was told that this is an open question. Questions of case law and ethics were raised. He went on to say that if not reorganized this matter would have to go to court and he could not imagine that the borough code was written to force councils to end up in court over reorganization. R. Krick said he thought the Mayor controls the meeting until reorganization has taken place and any decisions made can be appealed. Asked what his decision is Mayor Ketusky said he felt it necessary to agree with the information PSAB sent and that no member could vote for himself for the President's seat. J. Yackera made a motion to ask for an appeal of the chair's decision. Motion seconded by J. Tinari. Roll call vote follows:

C. Marquardt	YES	M.B. Dougherty	NO
T. Shearn	YES	R. Krick	NO
J. Tinari	YES	E. Labie	NO
J. Yackera	YES		

At this point R. Krick pointed out that according to Robert's Rules of Order you need a super majority to overrule the chair. These rules have always been used for order at meetings. J. Yackera asked where it says we use Robert's Rules? R. Krick replied he was sure you could check minutes as he recalls J. Wayne bringing up the matter. If we are not using Robert's Rules what are we using? There have to be some rules to keep order at meetings. J. Kilker asked what the original point of order was? Krick replied voting for yourself for president. J. Kilker asked the Mayor if he chose not to follow the solicitor's advice? Mayor Ketusky replied he would follow the PSAB recommendations until proven otherwise. J. Kilker then asked, it is your decision to disregard the solicitor's opinion? At this time he asked for a 10 minute recess that was granted.

An executive session was then called and Council retired to the Municipal office.

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Council resumed the meeting. At this time is recognition of the members of the public present the Mayor opened the floor to the public for comment.

From the floor the question of whether a court decision is law J. Kilker said yes it is law. He added that what the Mayor is reading is a court decision and has nothing to do with Council President it has to do with replacing a vacant Mayoral seat. The decision does not mention reorganization. Again, the Mayor stated he would accept the document from PSAB until he felt comfortable doing otherwise. Mr. Kilker then stated for the record that first it was stated a super majority was required is a matter of legal question not procedural question. You cannot try to decide a case here and now. I am advising the Mayor is making a ruling on substantive law. My legal opinion is that everyone has the right to vote as the wish. PSAB will not even take a position. The council is not fulfilling their obligation to reorganize. R. Krick said to wait one minute because the meeting is not over yet. J. Kilker went on to say now I am being criticized for preparing. R. Krick asked again if the solicitor's legal opinions were binding on council? The question of ramifications and liability over this were raised. R. Krick criticized the solicitor for unasked for opinions and taking sides. The solicitor said that the Mayor could not deprive any one of their right to vote. R. Krick asked again if Council could either take the solicitor's opinion or not. J. Kilker said yes. When asked again if the Chair has the right to run the meeting J. Kilker replied he does not have the right to deny the right to vote. Mayor Ketusky said again that the notice from PSAB will stand until proven otherwise to his satisfaction. R. Krick added that is the chair rules you cannot vote for yourself than the chair is in the position of breaking the tie resulting from any vote.

The next question raised was when to make a point of order. J. Yackera asked if the vote is official? R. Krick argued you cannot make a point of order until the vote was taken and J. Kilker stated that any questions should be noted immediately after the person in question votes.

The Mayor opened the floor for nominations for Council President. R. Krick nominated E. Labie seconded by M.B. Dougherty. There were no other nominations.

Roll call vote follows:

C. Marquardt	NO	M.B. Dougherty	YES
T. Shearn	NO	R. Krick	YES
J. Tinari	NO	E. Labie	Abstain
J. Yackera	NO		

YES 2 NO 4 Abstain 1

At this point the Council is at a stalemate.

E. Labie made a motion to adjourn until Thursday that would give time to get a written opinion. Motion seconded by J. Yackera. M. B. Dougherty said that she did not think

PSAB will give a written opinion. J. Yackera asked why they would send it if they are not willing to back it up? E. Labie said he thought it would be a good idea to get a copy of the legal opinion upon which the notice was based. He said he would call Shelly Barkus and see what he could find out. I am not saying the Mayor is right or that the Solicitor is right I am saying to take some time and find out as much information as we can. J. Kilker said he was supposed to be out of town Thursday, Friday and Saturday but he would change his plans if the meeting had to be held Thursday. Labie said it would probably take two days to get answers. J. Yackera asked why this question comes up now and not two years ago? M.B. Dougherty told him that they were not aware of this until now and this notice has been in the correspondence folder since it arrived. Everyone should be reading this information.

Vote on the motion to adjourn until Thursday, January 4, 1996 at 7:00 PM. All. Motion carried.

J. Kilker suggested that the motion should be to continue the meeting. Motion to amend the motion to read to continue the meeting until Thursday, January 4, 7:00 PM made by J. Tinari seconded by E. Labie. Question? None. Vote. All. Motion carried.

Meeting continued.

Respectfully submitted
Mary Ambrose
Secretary/Treasurer

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REORGANIZATION MEETING CONTINUATION

PLACE: Municipal bldg. **DATE:** January 4, 1996 **TIME:** 7:00 PM

OPEN MEETING

The meeting was opened by Mayor Ketusky with the Pledge of Allegiance.

ROLL CALL

All members present. Mayor and Solicitor present.

BUSINESS

The Mayor opened discussion by explaining that the meeting had to be continued because of a question of voting for yourself for the office of council president. This information came from a notice from PSAB. He went on to say that PSAB was not taking any position in the matter and he would have to go with the advice of the Borough Solicitor. J. Kilker, at this point interjected that the original advice given was correct. R. Krick asked what would happen if this is in litigation on behalf of another council and the decision is the election is null and void? J. Kilker said that this would be valid unless challenged. One other question raised was needing a super majority to overrule a decision made by the chair. His copy of Rules of Order states only a majority is needed. R. Krick said that point is moot if the Mayor decides to declare voting for yourself in the election is allowable.

The Mayor opened the floor for nominations for Council President.
Charles Marquardt was nominated by J. Yackera and seconded by T. Shearn. There were no other nominations.
Roll call vote follows:

J. Yackera	YES	M.B. Dougherty	NO
C. Marquardt	YES	J. Tinari	YES
T. Shearn	YES	E. Labie	NO
R. Krick	NO		

YES 4 NO 3 C. Marquardt is elected to be Council President

Nominations for Council Vice-president.

J. Yackera nominated by T. Shearn seconded by C. Marquardt. No other nominations.

Roll call vote follows:

J. Yackera	YES	M.B. Dougherty	NO
C. Marquardt	YES	J. Tinari	YES
T. Shearn	YES	E. Labie	NO
R. Krick	NO		

YES 4 NO 3 J. Yackera is elected to be Council Vice-president.

The Mayor handed the meeting over to the new Council President.

C. Marquardt then opened the floor for nominations for the office of Secretary/Treasurer.

Mary Ambrose was nominated by J. Yackera seconded by T. Shearn. No other nominations. R. Krick made a motion to amend the nomination to include a pay increase of \$100.00 per month for the office of Secretary/Treasurer seconded by J. Yackera.

There were no other nominations. Roll call vote on amendment called.

J. Yackera	YES	M.B. Dougherty	YES
C. Marquardt	YES	J. Tinari	YES
T. Shearn	YES	E. Labie	YES
R. Krick	YES		

Vote unanimous. Motion carried.

Roll call vote on appointment follows:

J. Yackera	YES	M.B. Dougherty	YES
C. Marquardt	YES	J. Tinari	YES
T. Shearn	YES	E. Labie	YES
R. Krick	YES		

Vote unanimous. Mary Ambrose is appointed Secretary/Treasurer.

Nominations for Borough Solicitor.

James Kilker is nominated by J. Yackera seconded by J. Tinari. No other nominations.

Roll call vote follows:

J. Yackera	YES	M.B. Dougherty	YES
C. Marquardt	YES	J. Tinari	YES
T. Shearn	YES	E. Labie	YES
R. Krick	YES		

Vote is unanimous. James Kilker is appointed Borough Solicitor.

Nominations for Borough Bank Depository.

Pennsylvania National Bank nominated by T. Shearn seconded by J. Yackera. There were no other nominations. Roll call vote follows:

J. Yackera	YES	M.B. Dougherty	YES
C. Marquardt	YES	J. Tinari	YES
T. Shearn	YES	E. Labie	YES
R. Krick	YES		

Vote unanimous. Pa National Bank is appointed Bank Depository.

Nominations for one appointment for Vacancy Board.

Daniel Heiser nominated by J. Yackera seconded by T. Shearn. There were no other nominations. Roll call vote follows:

J. Yackera	YES	M.B. Dougherty	NO
C. Marquardt	YES	J. Tinari	YES
T. Shearn	YES	E. Labie	YES
R. Krick	YES		

Vote: YES 6 NO 1. Daniel Heiser is appointed to the Vacancy Board.

Nominations for Borough Engineer/SEO.

Entech Engineering nominated by J. Yackera seconded by T. Shearn. There were no other nominations. Roll call vote follows:

J. Yackera	YES	M.B. Dougherty	YES
C. Marquardt	YES	J. Tinari	YES
T. Shearn	YES	E. Labie	YES
R. Krick	YES		

Vote unanimous. Entech Engineering is appointed Borough Engineer.

Nominations for permit officer.

Nancy Olson nominated by J. Yackera seconded by E. Labie. There were no other nominations. Roll call vote follows:

J. Yackera	YES	M.B. Dougherty	YES
C. Marquardt	YES	J. Tinari	YES
T. Shearn	YES	E. Labie	YES
R. Krick	YES		

Vote unanimous. Nancy Olson is appointed Permit Officer.

Nominations for Health Officer.

Alan Shinkus nominated by T. Shearn seconded by J. Yackera. There were no other nominations. Roll call vote follows:

J. Yackera	YES	M.B. Dougherty	YES
C. Marquardt	YES	J. Tinari	YES
T. Shearn	YES	E. Labie	YES
R. Krick	YES		

Vote unanimous. Alan Shinkus is appointed Health Officer.

M.B. Dougherty asked about having Alan be more aggressive in enforcement. She suggested making him aware that Council expects him to do the job. J. Kilker said that any appointee serves at the pleasure of Council and can be replaced at any time. It is a good point to raise. M.B. Dougherty suggested that maybe hiring someone from out of town is the way to go with this job. R. Krick noted there is not enough money to make that practical. Perhaps, a joint effort with 3 or 4 municipalities could be investigated. There should be a code and the person hired should be qualified.

Nominations for North Schuylkill Landfill Association Representative.

Joseph Yackera nominated by J. Tinari seconded by T. Shearn. There were no other nominations. Roll call vote follows:

J. Yackera	YES	M.B. Dougherty	YES
C. Marquardt	YES	J. Tinari	YES
T. Shearn	YES	E. Labie	YES
R. Krick	YES		

Vote unanimous. Joseph Yackera appointed NSLA representative.

Nominations for NSLA Representative alternate.

Charles Marquardt nominated by J. Yackera seconded by E. Labie. There were no other nominations. Roll call vote follows:

J. Yackera	YES	M.B. Dougherty	YES
C. Marquardt	YES	J. Tinari	YES
T. Shearn	YES	E. Labie	YES
R. Krick	YES		

Vote unanimous. Charles Marquardt appointed NSLA representative alternate.

Nominations for Police Pension Fund Representative.

Thomas Shearn nominated by J. Yackera seconded by R. Krick. There were no other nominations. Roll call vote follows:

J. Yackera	YES	M.B. Dougherty	YES
C. Marquardt	YES	J. Tinari	YES
T. Shearn	YES	E. Labie	YES
R. Krick	YES		

Vote is unanimous. Thomas Shearn appointed Police Pension fund representative.

C. Marquardt asked for a motion to set date and time of regular meetings on the second Thursday of each month at 7:00 PM and work sessions the preceding Tuesday at 7:00 PM if this is acceptable to all Council members. Motion made by R. Krick with the addition of the only reason to cancel a council meeting be lack of quorum. Motion seconded by M.B. Dougherty. J. Yackera asked what about major weather problems? R. Krick asked that the motion be amended to include inclement weather seconded by M.B. Dougherty. Question? Vote. All. Motion carried.

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C. Marquardt introduced Resolution 96-1 that is a listing of all appointed officers needed for the bank. This is necessary in order to have the signature cards changed. R. Krick asked the solicitor about having the checks signed tomorrow as it is a pay day. An inquiry at the bank revealed they had no problem but R. Krick said he did not think it was proper. J. Kilker said that the new officers would have to be approved immediately. J. Yackera made a motion to adopt Resolution 96-1. Seconded by J. Tinari. Vote. All. Motion carried.

The question of handling of the Borough's mail was raised. R. Krick made a motion that all Borough mail be directed to the Post Office box and that no mail be directed to anyone's residence. Motion seconded by M.B. Dougherty. Vote. All. Motion carried.

A list of bills was submitted for regular monthly, quarterly and yearly payment be accepted. These bills fall due before meetings and the list was compiled to keep the borough from having late charges levied. Motion to allow the treasurer to pay these bills as they come due made by J. Yackera seconded by T. Shearn. Vote. All. Motion carried.

COMMITTEES -- 1996

The following committee appointments were announced by C. Marquardt.

Public Safety -- Chairman, T. Shearn, J. Tinari, J. Yackera

Streets -- Chairman, J. Tinari, J. Yackera, C. Marquardt

Parks/Recreation -- Chairman, M.B. Dougherty, E. Labie, C. Marquardt

School Building -- Chairman, R. Krick, J. Tinari, T. Shearn

Finance -- Chairman, E. Labie, C. Marquardt, J. Yackera

Recycling -- Chairman, C. Marquardt, T. Shearn, M.B. Dougherty

C. Marquardt said due to Mrs. Flannery's resignation we will have to hire a Summer Lunch coordinator.

M.B. Dougherty made a motion that all borough positions be advertised subsequent to being filled. Seconded by R. Krick. Vote. All. Motion carried.

The Secretary requests permission to have the books for 1995 audited. It was asked who would be doing the audit and council was informed if it were acceptable Dennis Mensch from Ashland would do the review again this year. The cost is usually \$550.00 Motion to allow the audit made by J. Yackera seconded by R. Krick. Vote. All. Motion carried.

C. Marquardt asked Mayor Ketusky if he would contact the water company and find out if they are willing to mulch the Christmas trees and when this could be done. The Mayor said he would call. Marquardt was asked about the shredder that the borough had applied for via a DER grant. He said it would be 4-6 months before we heard anything and the trees should not sit around that long. He suggested collecting the trees on January

8,9,10th weather permitting and that people could drop the trees off on the island. The road has to be plowed open and he will speak to J. Hinkle about having this done.

R. Krick made a motion to require the tax assessor to submit quarterly reports and that any information in borough hall she may require be turned over to her. Motion seconded by J. Yackera. Vote. All. Motion carried.

C. Marquardt reminded all the committee chairs that reports can be made at each monthly meeting.

The recycling is going to be done with drop off only. C. Marquardt reported he hopes this works well.

M.B. Dougherty made a motion that due to the difficulties with the DCA grant that all paper work be kept in the borough hall. Motion seconded by J. Yackera. Vote. All. Motion carried.

M.B. Dougherty asked C. Marquardt if he as the new council president planned to keep all mail available as was the previous practice. C. Marquardt replied that correspondence would only be filed when completed.

Mayor Ketusky turned in a letter of resignation from his position as Emergency Management Coordinator. Motion to accept the resignation made by J. Yackera seconded by R. Krick. Vote. All. Motion carried.

Council decided to put finding a replacement in the hands of the Public Safety committee. J. Yackera was appointed by C. Marquardt to fill the position in the interim. Yackera asked where all the paper work should be kept? The Mayor said everything is currently in the police office and it can remain. Mayor Ketusky said to keep in mind when making the appointment there are a lot of meetings and a lot school required of the person filling the job.

E. Dougherty, the tax collector, asked if it was possible for her to be allowed to burn certain old records. She was reminded that the borough has a no burn ordinance. C. Marquardt said that perhaps council could allow this. E. Labie said that the financial records could be taken directly to the landfill and watched being buried. This can be complicated to arrange but can be done. E. Dougherty was not comfortable with this idea. J. Tinari volunteered to take care of having the records burned.

It was asked from the floor if the new regime would continue to open the floor at council meetings? C. Marquardt said that meetings would continue as previously.

The solicitor, J. Kilker, asked if council would pay one half the cost of membership in the PA Borough Solicitor's Association? The amount would be \$35.00 the balance being paid

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by Mount Carbon. Motion to pay one half share, \$35.00, member PBSA made by J. Yackera seconded by T. Shearn. Vote. All. Motion carried.

Committee chairs were reminded that meetings have to be posted. Give dates and times to the Secretary. It was suggested that monthly meetings be scheduled.

J. Kilker suggested that if the council is going to follow Robert's Rules that members purchase a copy. There are several different copies available in local bookstores.

R. Krick made a motion that every reorganization it be stated what rules council will conduct meetings under. J. Kilker said that rules are very helpful, it can keep a meeting from getting out of hand. He said that he wished to thank council for voting to appoint him as borough solicitor.

Terri Krick, as a representative of the Girardville Area Recreation Cmte. wanted to know if they decide on an event would it be allowable to present the idea to council and get approval with a specific date. There are times when dates have to be decided either before or after a scheduled meeting. This question was raised because in order to be covered by the insurance all activities have to be approved by council and reflected in the minutes. J. Yackera said he did not think this should be a problem. The committee should go through M.B. Dougherty as she is their liaison. Motion to allow M.B. Dougherty to be the contact person for setting activities made by J. Yackera seconded by E. Labie. Vote. All. Motion carried.

Motion to adjourn made by J. Yackera seconded by T. Shearn. Vote. All. Motion carried.

Respectfully submitted
Mary Ambrose
Secretary/Treasurer

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REGULAR MEETING

PLACE: Municipal building **DATE:** January 11, 1996 **TIME:** 7:00 PM

OPEN MEETING

The meeting was opened by President C. Marquardt with the Pledge of Allegiance.

ROLL CALL

Members present: J. Yackera, C. Marquardt, R. Krick, M.B. Dougherty, J. Tinari, E. Labie, Mayor Ketusky.

Members absent: T. Shearn (work)

PUBLIC COMMENT

There were a group of residents from West Mahanoy Avenue complaining about the fact that the entire town has snow removal and they are always ignored. The area has elderly residents as well as children and even though most park on the opposite side of the street they would like the snow removed from in front of their homes. C. Marquardt asked J. Tinari to get together with Ed Burns and go down to see what if anything could be done in this situation. He told the residents that the problem is that PaDOT plows the Avenue and they get as close to curb to curb as they can. The homes on one section in question are set down off road level and maybe Pa DOT does not want to get too close to the end of the road. The residents replied that is fine but does not explain why East Mahanoy Avenue has snow removal. The other problem is a fire hydrant that was covered. C. Marquardt said that was caused by one of the neighbors with a snow blower and has since been taken cleared. They also mentioned that Julia Street is poorly cleared for visibility. Council informed them that Butler Twp. is responsible for the snow on the top of Julia Street. C. Marquardt told the residents that J. Tinari will get in touch with Burn's tonight and it will be looked into first thing tomorrow morning.

A question was raised from the floor concerning recycling. C. Marquardt informed the people that recycling will go on according to schedule but with drop-off only.

APPROVAL OF REPORTS

Motion to accept the minutes as submitted made by J. Yackera seconded by J. Tinari.
Vote. All. Motion carried.

Treasurer's report read by C. Marquardt. Motion to accept as read made by J. Tinari seconded by J. Yackera. R. Krick had a question about check #10710 in the general fund. The explanation was a typographical error. Vote. All. Motion carried.

Police report and Health Officer's report read by Mayor Ketusky. Motion to accept both reports as read made by J. Yackera seconded by J. Tinari. R. Krick asked if there were any hearings missed? The Mayor said no hearings were missed. Vote. All. Motion carried.

UNFINISHED BUSINESS

J. Yackera brought up correspondence from the SPCA concerning the possibility of entering into a contract for removal of stray dogs and cats. He asked what had been done concerning this matter. E. Labie told him that this had been looked into and tabled. The contract meant a commitment on the Borough's behalf of a specific amount of money, payable in advance. The one problem was there was no removal of the animals. The borough would have to transport. J. Yackera asked where the letters were concerning this and E. Labie said he thought he still had them. He would look and give them to Yackera. J. Yackera said he would look into this for next meeting.

The proposed addition to the building permit ordinance that was originally tabled in December was tabled again waiting information from Ashland.

NEW BUSINESS

J. Yackera asked to discuss policy on uniforms for the police department. We have one full time and one part time officer and each has only one uniform. There should be at least 2 or 3 uniforms and the borough should have a set policy on purchase of equipment. He had asked for a price quote for 3 complete uniforms and was told it would cost approximately \$250.00. He wanted council's opinion on the possibility of ordering uniforms. R. Krick said he has no problem with uniforms for the police but the problem is the cops come and go. We have a closet full of "useless" uniforms because they do not fit anyone. Will fitting the uniforms on hand become a requirement of being hired? The previous policy for our full time officer was \$150 per year. There was no policy for part time employees. Maybe we should stipulate a pro-rating of costs the policy being that if you leave within 6 months you owe us one-half the cost. The other problem is that these uniforms J. Yackera said a uniform should last at least one year. The Mayor suggested that one half of the cost be returned if the officer leaves within one year. J. Yackera made a motion to purchase three uniforms with the condition of reimbursement of on-half the

cost if the officer leaves within 1 year. Motion seconded by J. Tinari. M.B. Dougherty asked if we are going to look for the best price or is there one place to make the purchase. J. Yackera told her that the best place is usually the Gall's catalog. Vote. All. Motion carried.

E. Labie said he thought this would be a good time to get together with several other communities and look into regional police. Of 40 calls listed on the report 8 were assists to other departments. There has been talk that the State Police are going to charge for coming into communities. The biggest option is Butler Twp. We are set up perfectly for this if Gilberton is interested. It does not have to be on a large scale to start. We are looking at communities with little or no protection and all of the expenses. Within the next year or two we will be looking at purchasing a new police car. This can work. It has worked in other areas. The major stumbling block is politics and that can be overcome. I hope the police committee makes a commitment to seriously look into this possibility. I know that Sharon Mullins from Butler was interested and so was Joe O'Neil from Gordon. That is the place to start. C. Marquardt instructed the police committee to look into this possibility.

E. Labie asked council if they were aware that the housing project on Second Street is out for bids? It is to be hoped that this will be started in the spring. C. Marquardt told him that his information put the beginning of the project in 90 days.

J. Yackera asked if there had been any answer from Butler concerning the opening of the sewer authority. The Secretary said there had been no answer yet and she would contact them by phone. There was a question of an opening from the borough. T. Yesalavage is checking into this. R. Krick said he thought the slots became available one each year. J. Yackera said he would check with T. Yesalavage. Motion to advertise any open position for GAMA for the borough made by R. Krick seconded by J. Yackera. Vote. All. Motion carried.

BILLS

List of bills to be paid read by C. Marquardt. J. Yackera pointed out the bill for Teds BP should read \$475.78. Motion to pay the bills as read made by J. Tinari seconded by J. Yackera. Vote. All. Motion carried. Treasurer asked for permission to transfer \$800 from the General Fund MMA to the School building fund. Motion to allow transfer of \$800 from General Fund MMA to School fund made by R. Krick seconded by J. Tinari. Vote. All. Motion carried.

The Secretary asked for permission to add the Pottsville Republican to the list of bills payable when due. These bills sometimes have to sit for a month before a council meeting. Motion to add the Republican to the list of bills approved for payment made by J. Tinari seconded by M.B. Dougherty. Vote. All. Motion carried.

CORRESPONDENCE

PSAB - request for a contact person and an alternate for the drug and alcohol testing policy. Council appointed J. Tinari contact and J. Yackera alternate.

Fax received for J. Kilker explaining his absence at tonight's meeting. Due to the serious weather he had to pick up his daughter in Philadelphia and did not believe he would make it back in time to attend. He reminded council that the EMA plan needs to be revised and followed in order to qualify for any federal money that may be released as a result of the snow emergency. He advised the plan be revised and forwarded as soon as possible.

There was also a notice of the dog hearings scheduled for January 24, 1996.

R. Krick requested information on the status of the injunctions that were to be filed in December. He said these questions will have to wait until the solicitor is available. This work was paid for in advance and to date to his knowledge nothing had been done. This needs to be checked with the solicitor and if nothing was done yet see about getting back the advanced moneys. C. Marquardt told the secretary to contact the solicitor's office and find out what is going on with the injunctions.

There was a question raised from a citizen concerning J. Yackera driving the dump truck without a CDL. J. Yackera said that inquiry to A. Kaplan yielded that the permission should have been given by the Mayor under the Governor's proclamation of the emergency. The insurance carrier informed the secretary that the policy would cover and physical damage resulting from an accident but personal liability would be the responsibility of the driver. R. Krick wanted everyone to be aware that driving borough vehicles lets you open to being sued and being responsible for your own personal liability. M.B. Dougherty said an inquiry to PA DOT revealed that no one should drive a vehicle requiring a CDL unless they are qualified. J. Yackera said that fire trucks are driven without CDL's with PA DOT's approval. They are comparable to vehicles that require the license. He drove the truck to help in the emergency and did not do so with malice. He apologized for any problems he may have caused as a result of doing so. M.B. Dougherty suggested that due to the fact that Hinkle is having problems with his knees and maybe we should consider that any future employee have a CDL. Motion to make having a CDL a requirement for future hiring of borough workers made by M.B. Dougherty seconded by R. Krick. Vote. All. Motion carried.

Letter from Mr. & Mrs. Vincent Catizone of West Main Street complimenting the borough's snow removal effort.

Letter from W. Bowen informing the borough Waste Management Inc. will be the recycling hauler for 1996-97.

Fax from Tom Gallagher concerning the School roof project. R. Krick spoke to D. Cuff but he did not get to Gallagher. There is some question about the money because the bids came in higher than expected. Council should discuss the possibility of being able to put up funds if that becomes a requirement of the County continuing the funding already available. J. Yackera asked about rebidding? Krick told him he thought it was too late. The grant is intact but council has to be ready to act on any request that may come from the County. He suggested an executive session to discuss this matter. C. Marquardt said Council would go into executive session after the business of the meeting was concluded.

Letter from Entech concerning the sewer project. A problem concerning the property where the plant is to be built has arisen. Entech will keep Council apprised.

COMMITTEE REPORTS

Finance -- E. Labie scheduled a meeting for Tuesday, January 30th at 7:00 PM

Streets -- Snow removal went fairly well except W. Mahanoy Avenue. C. Marquardt wanted to thank all the contractors and everyone who helped. If anyone knows of a fire hydrant that needs to be opened would they please dig it out. John Hinkle has to work on keeping the streets open and we ask residents to be patient.

Recreation -- M.B. Dougherty scheduled a meeting for Tuesday, January 16th at 7:00 PM. The paper work for the grant has to be worked on and completed.

Police -- No report. Meeting will be scheduled.

School -- Have discussed some things like getting the floor mopped up and some other things. We will have to get with R. Krick.

PUBLIC COMMENT

None.

Council went into executive session to discuss the school building grant. When council reconvened the discussion of the roof replacement is tabled until further information is received from the County.

Motion to adjourn made by J. Yackera seconded by E. Labie. Vote. All. Motion carried.

Respectfully submitted

Mary Ambrose
Secretary/Treasurer

BOROUGH OF GIRARDVILLE
FOURTH & "B" STREETS
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REGULAR MEETING

PLACE: Municipal bldg. **DATE:** February 8, 1996 **TIME:** 7:00pm

OPEN MEETING

The meeting was opened by President C. Marquardt with the Pledge of Allegiance.

ROLL CALL

Member present: M.B. Dougherty, R. Krick, E. Labie, C. Marquardt, T. Shearn, J. Tinari, J. Yackera. Mayor E. Ketusky, Solicitor J. Kilker.

PUBLIC COMMENT

M. Ritro of West Preston Avenue brought to Council's attention that the ground seems to be caving in and it is not going into the sewer. J. Yackera and T. Shearn will stop up and look at it after the meeting.

E. Dougherty asked if anything could be done to help with the drainage. The water gushes down passed the drain on Carey's corner at John Street. We had water every and basements were flooded. J. Yackera told her to understand that there was water every where because the system was overloaded. Both he and T. Shearn will also look at the drain on John Street.

The ladies on East Main Street extended their thanks to all the men who worked on the sewer problem and repaired the line. They said thank you for a job well done.

J. Clayton asked if Council would consider making a donation to the Veterans Memorial in Pottsville? She thought it would be a good idea because of the number of veterans who live in town.

T. Bobarsky addressed questions to the Solicitor and Council concerning the Arcade. He had asked the Solicitor for an answer on ordinance 90-3 concerning loitering. J. Kilker told him he would try to have his answer within one (1) week and it is now two (2) months. He does not understand why it should take so long. He also asked if the Borough is bothering to enforce ordinances and are they on the Police report? J. Yackera said the report is not that specific. They do not get broken down by ordinance and crime

code. He has shown the tapes of what goes on in front. When he calls for the officers concerning trucks parked on the sidewalk by the time they arrive it is gone. They claim to have paperwork to do and will answer when they have time. C. Marquardt said he would have the Mayor look into this claim. J. Yackera said that at the Public Safety meeting this was addressed. The officers said that this is a legitimate complaint and should be taken care of immediately. If they have another call that is an excuse not paperwork. Mr. Bobarsky then asked when the Borough is going to regulate the "Pool Hall"? Would this Council vote to regulate their hours? They are illegal as they have no occupancy permit and no zoning permit. He asked if anyone from Council had gone inside the building? E. Labie said that he stopped in this evening before coming to the meeting. J. Yackera said that as far as zoning if concerned that is the County. We cannot enforce County zoning violations and have no authority to shut them down. They are backlogged and you will have to wait for the County to get to you. As to regulating hours, J. Yackera told Mr. Bobarsky that he would not vote to do so. I run a business in this town and would not want Council to tell me what hours I could be open. He then suggested that Mr. Bobarsky consult a private attorney. Mr. Bobarsky said that answers could be gotten from the Attorney General or the Inspector General. It is ridiculous to be making the same complaint for eight (8) months and have no answers. How would any of you like 30 kids hanging out by your homes every night? C. Marquardt said that we do not always know what calls the officers answer. We do not ask about every investigation or arrest. Everything done in that office is not our business. We will act on any complaints received. The general public does not and should not have access to the daily logs. Mr. Bobarsky went back to regulating the pool hall at this point. He said that Council is saying they will not regulate the operating times and he is saying they have the right to do so as there are six (6) tables which legally make is a pool hall. J. Yackera told him that he was not answering for all of Council. Not voting for regulating hours is his stand on the matter. E. Labie told him that the section of Borough Code that pertains to this allows Council to regulate if they so choose. It does not state that they have to regulate. Asked what hours he thought suitable Mr. Bobarsky said in the winter, October to May they should close at 9:00 PM. June to September they should close at 6:00 PM. E. Labie told him that the current curfew ordinance is 10:00 PM on weekdays and 11:00 PM on weekends. How can you justify those hours? If your reaction was to say close at 10:00 PM weeknights and 11:00 PM on weekends that would be reasonable. C. Marquardt said that he would appoint a committee to look into this matter with the owner and have a work session type of meeting. He appointed E. Labie, R. Krick, and J. Yackera to this committee. E. Labie said that the parks are closed at dusk and the arcade is the only place for the kids in town. Mr. Bobarsky said that he would bring the tapes and shown council exactly what goes on there. E. Labie answered that you cannot tell people not to let their children out after 6:00 PM.

Mrs. Catizone then asked about a letter she understood was sent by one of her neighbors with complaints about her. She wanted to know exactly what the letter was about. After some discussion the Solicitor said that he and the Mayor would speak with her after the meeting if that were acceptable. She asked for a copy of the letter. R. Krick asked if the letter is considered correspondence and a public document or police business as it went to

the Mayor? If it is police business it cannot be discussed in an open forum. Mrs. Catizone asked if everyone is afraid of him? J. Yackera told her that if this is discussed now it might cause a problem with any investigation. He thought that she should be allowed to atleast read the letter. After several minutes of discussion C. Marquardt told Mrs. Catizone that the Mayor and Solicitor would see her after the meeting.

E. Burns asked to speak as a representative of the Sewer Authority. GAMA has not been able to hold a meeting because of lack of quorum. They have heard rumors about resignations being handed but have nothing definite. They are asking if Council could put into effect a policy stating if you miss 2 or 3 meetings you are out? The Solicitor told him that should be in the Authority by-laws. R. Krick said the attorney for the Authority told him the only way to remove someone would be to have a private citizen petition the court. He asked the solicitor to tell him what to do and he would be willing to file the necessary papers. This is ridiculous. The borough is \$300,00 in debt over this plan. There are members who simply do not attend meetings and council is told they cannot remove them. Letters were sent asking for resignations. The letters were sent to Daniel Heiser, David Bittner and Thomas Downey. D. Heiser answered that he would not resign and the others simply ignored the letter. There are over 300 right of ways to be signed and only 2 or 3 people actively working on the project. C. Marquardt said he spoke to the board members recently and T. Downey's term is up and he will not be coming back. D. Bittner has handed in his letter of resignation which Council will deal with during the meeting. J. Yackera said he spoke to D. Heiser who said he will resign and that leaves only V. Gomosky. E. Burns said he would speak with Vince. E. Burns then asked that the general public attend these meetings. This is happening and will be happening soon. The first thing will be the billing and then the hollering will start. If you want to have some input now is the time. The Sewer Authority meets on the Fourth (4th) Thursday at 7:00 PM.

The Recreation Committee asked to use the Borough Hall for a Kite Flying project on March 16th with a rain date of March 23rd. Council approved the use.

APPROVAL OF REPORTS

Motion to approve the minutes as submitted made by E. Labie seconded by J. Tinari. Question? None. Vote. All. Motion carried.

Treasurer's report read by C. Marquardt. Motion to approve as read made by T. Shearn seconded by J. Yackera. Question? None. Vote. All. Motion carried.

Police report and Health Officer's reports read by Mayor Ketusky. Motion to accept both reports as read made by J. Tinari seconded by J. Yackera. Question? On the question J. Yackera said he pulled the transmission on the Plymouth. The question was to rebuild or get a used one. We could go to Recla for \$250.00. Motion to send the Plymouth to Recla made by J. Tinari seconded by J. Yackera. Vote. All. Motion carried.

Tax Collector's final report for 1995 read by C. Marquardt. Motion to accept as submitted and pay the tax collector made by J. Yackera. Question? None. Vote. All. Motion carried.

UNFINISHED BUSINESS

Changes in permit ordinance. Tabled.

J. Yackera asked J. Kilker if he had any answers on the dogs and Marty Ello. He said that he reinstated the complaint because if it goes over thirty days you have to reinstate. It will be served tomorrow. They have twenty days to answer.

On the dogs. The action was split between the preliminary injunction and the permanent injunction. We are supposed to meet on Saturday and it is not as immediate now. You have to wait a month or two to get a standard hearing. The rewritten complaints are here to get signatures of the Secretary, Mayor and President. The problem is that the windows are closed and therefor the problem is not immediate. When the weather changes that changes but we would already be on the docket. At the meeting we will decide which way to go.

M. Ello is not answering her door. The Sheriff cannot serve the papers. I am sending her a letter and hopefully she will take it to her lawyer. She thought it was the Borough's responsibility to board up the property. If we decide to do so we can send her a bill to cover any costs incurred. I did inform her that if someone gets hurt she may be sued.

NEW BUSINESS

Council received a request for a handicap parking space. This was given to the Street Committee.

Letter concerning the chimney at 15 East Main Street. The chimney is coming down.

The Mayor received complaints about the Ambulance jumping the curb on Main Street instead of using the driveway. C. Marquardt said they were contacted and this will be corrected. It is not only during calls but anytime of the day. Mrs. Catizone told Council about a white truck that uses it as a turnaround. The Mayor asked if anyone sees this to get the license plate and give it to one of the officers.

M.B. Dougherty asked for permission to host a meeting with a DCA representative concerning the break up. She suggested inviting area municipalities to send representatives. Council gave her permission to look into setting this up and mailing invitations to local boroughs.

BILLS

List of bills to be paid read by C. Marquardt. Motion to pay the bills as read made by J. Yackera seconded by T. Shearn. Question? We received a bill from Dietrick. C. Marquardt said he would check into this because it is not ours. HE also noted that the lights are not blinking on the Ogden Street bridge. The lights can be ordered as they get replaced at no charge. M.B. Dougherty questioned the bill submitted by Greco. She said that she saw him on West Main Street and that is not on the bill. J. Yackera said he thought the bill was accurate but took it to have it checked and any corrections made. It will be resubmitted. M.B. Dougherty said she just didn't want any problems if we submit to FEMA. R. Krick noted that Greco was down 2 Hours. He asked if we were paying down time? We learned two (2) years ago to be very accurate in keeping these bills. Motion amended to hold the Greco bill by J. Yackera seconded by J. Tinari. Vote. All. Motion carried. Vote on motion to pay bills taken. All. Motion carried.

CORRESPONDENCE

M. Ambrose has been invited to sit on the Postal Advisory Board. This involves meetings on a monthly. The meetings are usually held on a weekday between 11:00 AM and 1:00 PM that would require permission to close the office. There is advance notice of the meeting schedule. Motion to allow application and permission to close the office as necessary made by R. Krick seconded by J. Yackeral. Question? None. Vote. All. Motion carried.

Letter from Schuylkill County Solid Waste concerning the use of grant money to purchase dumpsters to be used by the county as part of our participation in their program. The borough will not be expected to put up any money. The county will assist in the process. Any invoices must be dated by 3/5/96. C. Marquardt asked the solicitor to check the lease agreement and possibly make any changes needed. The solicitor informed council the agreement was suitable as stands. R. Krick made the motion to proceed by allowing W. Bowen to begin the paper work and accept the lease agreement if acceptable to our solicitor. My only question was the expending of \$10,000. C. Marquardt said that Wayne informed him if the Borough did not have the funds budgeted the County would absorb the costs and be reimbursed upon receipt of the grant. Motion seconded by E. Labie. Question? None. Vote. All. Motion carried.

Letter from Capitol Blue Cross thanking us for taking time to fill in their questionnaire.

Letter EDCNP -- C. Marquardt asked if anyone was interested in setting up a meeting to see if we qualify. R. Krick said this had been checked into and they cannot help us.

Letter from J. Kilker concerning the results of the Yagielenski hearings. HE was found guilty on nine (9) counts. M. B. Dougherty asked if he does not pay in the ninety days will he actually go to jail. He has outrageous fines and will he actually pay. Kilker informed her that he must make arrangements to pay and if he does not he will go to jail.

Goodman - Pilconis. Letter concerning increase of compensation mod requiring an increase in our workman's compensation premium. We are waiting to hear from Bill Pilconis concerning the actual amount.

Letter United Methodist Church. Complaint about the snow being piled on Line Street. They are complaining that this practice causes access problems to the parishioners. Council discussed this and they found the oil trucks have access and the food pantry is no longer located in the church. C. Marquardt said he would answer the letter.

Letter from Girard Estate office informing Council that Lisa Smulligan is resigning her position as coal land engineer.

Entech -- new billing rates.

Entech -- concerning the bids on the school building stating that the contracts should be awarded separately. R. Krick said that he understood that because the bids were over the amount of the grant the commissioners were considering awarding additional fund. According to an article in the paper the needed money was to be awarded. M.B. Dougherty called J. Knowles office to thank him for all his help. R. Krick said that it is a good project and he is glad that the commissioners saw fit to award enough funds to complete both parts. It was asked from the floor what the costs are to rent the gym. R. Krick replied that it is \$20.00 @ hour with heat - \$60.00 per night. \$10.00 @ hour without heat. If there are 10 - 20 kids they pay \$2.00 a head. With the new heat system which should be in ninety days after contract awards it will be a lot less expensive to run. There will be no work on the bathrooms this year. Maybe next year.

DEP - received notice of three month extension on grant application.

COMMITTEE REPORTS

Finance -- Had first meeting to review. We will have a meeting at the end of the quarter to review where we stand.

Streets -- Obbles returned to work. Completed the sewer job and learned quite a bit about right of ways and some PADOT requirements for permits and safety regulations.

Recycling -- If anyone still has Christmas trees they should call the Borough Hall.

GAMA

C. Marquardt said he received a letter of resignation from D. Bittner. Motion to accept the resignation made by J. Yackera seconded by J. Tinari. Question? None. Vote. All. Motion Carried.

There was a letter for Charles Bann expressing interest in sitting on the Authority in addition to the applications already on file.

Floor opened for nominations to fill T. Downey's vacant seven year seat.

Charles Bann nominated by J. Yackera seconded by T. Shearn. R. Krick said Council should speak to these people in advance. It should be policy that interviews are conducted. E. Labie asked if consideration to changing from seven (7) members to five (5) and get five interested people. R. Krick said it is a burden for five people seven would be better if they are willing to work.

R. Krick suggested filling one vacancy allowing GAMA to have a quorum and have a meeting with them to discuss the possibility of being removed if missing more than 2 or 3 meetings. Allow the Authority to have some input into the size of the board.

J. Kilker suggested that motion be made to table the appointment. Then pass a resolution stating that all appoints made hereafter will be under the condition that they not miss more than two consecutive meetings at one time. We can take the necessary steps to change the by-laws. Then open the floor for nominations.

J. Yackera withdrew the nominations.

Motion to adopt Resolution 96-3 made by R. Krick seconded by J. Yackera. Question? None. Vote. All. Motion carried.

Floor opened to fill one vacancy on the Sewer Authority.

J. Yackera nominated C. Bann seconded by T. Shearn. No other nominations. Roll call vote.

J. Yackera	YES	M.B. Dougherty	YES
C. Marquardt	YES	R. Krick	YES
T. Shearn	YES	J. Tinari	YES
E. Labie	YES		

Vote is unanimous. Mr. Charles Bann is appointed to a term of seven years on the Municipal Authority.

Council instructed that a letter notifying him be sent.

E. Labie suggested setting up a meeting with the members of GAMA before their next meeting. He thought an informal work session would be ideal.

During snow removal there was damage done to the garage door at Ferrari's. We received a bill from him from Independant Overhead Doors. Council had a lengthy

During snow removal there was damage done to the garage door at Ferrari's. We received a bill from him from Independant Overhead Doors. Council had a lengthy discussion concerning paying this bill. There were questions raised over who is actually liable. There were also questions of who exactly told the operator where to put the snow in the first place and who said to remove it which is when the damage occurred. Kilker informed council that legally if an agent of the Borough causes damage the Borough is responsible. The bottom line is, refuse to pay the bill and be sued over the matter which costs more in the long run. R. Krick said no one wants this to go to court but it is Council's responsibility to find out why the damage occurred and to take steps to assure that it does not happen in the future. No private citizen should be allowed to give orders. M.B. Dougherty suggested making all hired personnel aware of exactly who is allowed to give orders. Motion to pay the bill made by R. Krick seconded by J. Yackera. Question? None. Vote. All. Motion carried.

Parks -- M.B. Dougherty said the grant paperwork was hand delivered last week and we should hear something soon. E. Labie said that they are hoping to hold a second round of grants. R. Krick suggested that even if we do not get the funds we consider doing the project anyway. We have money for demolition and \$7500 for recreation which would be sufficient to complete the project. C. Marquardt said that is supposing we have no additional snow fall.

School -- R. Krick said we got the good news concerning the grants that should make the gym more manageable.

Public Safety -- Question of officers being courteous were raised. The officers were informed that polite behavior is expected. The problem with both fire companies responding to out of town fires was addressed. Motion to send a letter to both companies requesting their out of town response policy made by J. Yackera seconded by J. Tinari. Question? None. Vote. All. Motion carried.

There was no response to the ad for the summer lunch program. If anyone has any interest in doing this please bring a letter to Borough hall.

At this time Council went into executive session for personnel matters.

After reconvening Council voted to send a letter to Joseph Matulaitis stating that due to his absence during the accident he is being dismissed. Motion to send such a letter made by J. Yackera seconded by T. Shearn. Question? None. Vote. All. Motion carried.

Motion to advertise the crossing guard position made by J. Yackera seconded by T. Shearn. Question? None. Vote. All. Motion carried.

The matter of the occupancy reports that must be filed by all landlords was raised. E. Dougherty should get a list together so that letters with a copy of the ordinance can be sent.

Received a draft from Entech concerning the Second Street School Housing project. Motion to accept the draft of a letter responding to DEP seconded by E. Labie. Question? None. Vote. All. Motion carried. Secretary instructed to call D. Cuff and inform him the letter is acceptable.

Motion to adjourn made by J. Yackera seconded by J. Tinari. Vote. All. Meeting adjourned.

Respectfully submitted
Mary Ambrose
Secretary/Treasurer

BOROUGH OF GIRARDVILLE
FOURTH & "B" STREETS
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SPECIAL MEETING

PLACE: Municipal Building **DATE:** January 29, 1996 **TIME:** 7:00 PM

OPEN MEETING

Meeting opened by C. Marquardt with the Pledge of Allegiance.

ROLL CALL

Members present: C. Marquardt, J. Yackera, R. Krick, M.B. Dougherty, E. Labie.
Members absent: T. Shearn (working) J. Tinari, Mayor Ketusky, Solicitor J. Kilker.

BUSINESS

This meeting was advertised to discuss and pass Resolution 96-2. This resolution is part of the application being made for grant money to repave and refurbish the basketball courts at the B Street playground. Motion to pass Resolution 96-2 made by M.B. Dougherty seconded by J. Yackera. Vote. All. Motion carried.

It was pointed out that part of the grant application has to be signed by the solicitor. The secretary was instructed to contact his office and if necessary take the paper work to Pottsville in the morning. It has to be mailed immediately. M.B. Dougherty said she will be going to Harrisburg the following morning and offered to hand deliver the application.

Motion to adjourn made by J. Yackera seconded by E. Labie. Vote. All. Motion carried.

Respectfully submitted

Mary Ambrose
Secretary/Treasurer

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SPECIAL MEETING

PLACE: Municipal Bldg. **DATE:** February 22, 1996 **TIME:** 7:00 PM

OPEN MEETING

The meeting was opened with the Pledge of Allegiance led by President C. Marquardt.

ROLL CALL

Members present: M.B. Dougherty, R. Krick, E. Labie, C. Marquardt, T. Shearn, J. Tinari, J. Yackera. Mayor E. Ketusky, Solicitor J. Kilker.

BUSINESS

Council President C. Marquardt said that the purpose for the special meeting is to hire a crossing guard, someone for the Summer Lunch Program, to fill two (2) positions on the Girardville Area Municipal Authority and general purposes. The meeting was advertised as such as is required.

At this time Council members who had not seen all the applications took time to review the resumes submitted for all open positions.

C. Marquardt informed Council that due to the accident, children are no longer released for lunch so there is no longer a need for lunch hour protection. The job will be only two (2) hours daily instead of the current three (3) hours. Ed Labie asked if the school had any input? C. Marquardt replied that Sister Helene was pleased with the job that Jimi Joe was doing and that the children seemed to like him. They had no recommendations on anyone else to fill the position.

Motion to appoint James Burke to the crossing guard position made by J. Tinari seconded by J. Yackera. There were no other nominations. Roll call vote follows:

J. Yackera	YES	M.B. Dougherty	YES
C. Marquardt	YES	J. Tinari	YES
T. Shearn	YES	E. Labie	YES
R. Krick	YES		

Vote is unanimous. Motion carried. James Burke is hired as crossing guard.

C. Marquardt asked for nominations for the summer lunch program.

Motion to appoint Susan Bobarsky was made by T. Shearn seconded by J. Yackera. There were no other nominations. Roll call vote follows:

J. Yackera	YES	M.B. Dougherty	YES
C. Marquardt	YES	J. Tinari	YES
T. Shearn	YES	E. Labie	YES
R. Krick	NO		

YES: Six (6) NO: one (1) Motion carries. Susan Bobarsky appointed coordinator for the summer lunch program. President asked the secretary to notify Mrs. Bobarsky.

President Marquardt said Council had a joint work session with GAMA to discuss several questions that had arisen concerning attendance. They decided to remain at seven (7) members. We received a letter of resignation from Daniel Heiser. Motion to accept the resignation made by J. Yackera seconded by J. Tinari. Question? Vote. All. Motion carried.

The open positions were advertised and the following are names for consideration to fill the two (2) vacancies. Tom Dougherty, Philip Rapant, Joseph M. Salukas, James P. Krick, Robert Lopez.

The first appointment has a term expiration of 1997.

Motion to appoint Thomas Dougherty made by J. Tinari, seconded by T. Shearn. Roll call vote:

J. Yackera	YES	M.B. Dougherty	YES
C. Marquardt	YES	J. Tinari	YES
T. Shearn	YES	E. Labie	YES
R. Krick	YES		

Vote. All. Motion carried. Mr. Dougherty is appointed.

The second appointment has a term expiration of 1998.

Motion to appoint Robert Lopez made by E. Labie seconded by R. Krick. Roll call vote:

J. Yackera	YES	M.B. Dougherty	YES
C. Marquardt	YES	J. Tinari	YES
T. Shearn	YES	E. Labie	YES
R. Krick	YES		

Vote. All. Motion carried. Mr. Lopez is appointed.

The secretary was asked to send letters to both new members informing them of their appointments.

The Butler Township seat currently held by Frank Johnston is also open. As noted at the regular meeting a letter requesting three names was sent to the Butler Township Supervisors and his was the only name submitted. Asked if he would be interested in continuing to serve Mr. Johnston said yes. Motion to appoint Frank Johnston to fill the Butler Township seat on the sewer authority made by M.B. Dougherty seconded by J. Yackera. Question? None. Vote. All. Motion carried.

GENERAL PURPOSE BUSINESS

Council was asked to allow a transfer from the General fund to the School building fund to allow payment of the recent oil bills. Motion to allow transfer of necessary funds made by R. Krick seconded by J. Tinari. Question? None. Vote. All. Motion carried.

The bill from Greco Trucking for services during snow removal that was tabled at the regular meeting has been corrected and resubmitted for payment. Motion to pay the corrected bill made by J. Yackera seconded by T. Shearn. Question? None. Vote. All. Motion carried.

J. Kilker said he checked into the question of being able to remove a member of GAMA. He said that all the answers were that council could not force someone to resign without going to court. He suggested that Council adopt and enforce an absentee policy for the Girardville Area Municipal Authority stating that Council would have the Borough secretary send a letter to the member after missing the second consecutive meeting that a third miss will require the Borough Solicitor to file a petition for their removal. Motion to adopt the suggested absentee policy for GAMA made by R. Krick seconded by J. Tinari. Question? None. Vote. All. Motion carried.

C. Marquardt noted that he received information concerning the chipper-shredded grant application. Due to the large response for grant funds our application has been put into the second round that will be opened 4/18/96. They have asked for additional information concerning the disposal of the mulch. We have to submit a list of local landscapers who are willing to use the mulch.

Motion to adjourn made by R. Krick seconded by T. Shearn. Vote. All. Motion carried.

Respectfully submitted
Mary Ambrose
Secretary/Treasurer

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REGULAR MEETING

PLACE: Municipal Bldg. **DATE:** March 14, 1996 **TIME:** 7:00 PM

OPEN MEETING

Meeting opened by C. Marquardt with the Pledge of Allegiance.

ROLL CALL

Members present: M.B. Dougherty, R. Krick, E. Labie, C. Marquardt, J. Yackera.
Mayor Ketusky, Solicitor J. Kilker.
Members absent: T. Shearn, J. Tinari (arrived late at 8:00 PM)

PUBLIC COMMENT

L. Catizone said she would donate programs for the Biddy league. She will design the flyers and supply the paper. C. Marquardt asked if it is agreeable to Council to allow use the Borough's copy machine? Council agreed. He told her to contact him to arrange a time to make the copies.

Mr. Bobarsky asked if he could read a short statement and that it be included in the minutes? Council agreed. Copy of statement is attached. He then asked why the ordinance against loitering is not being enforced. There was some debate over whether or not this particular ordinance is enforceable. In the past the magistrate has refused to prosecute. Mr. Kilker informed him that an unrepealed ordinance is enforceable. Everyone here sympathizes with the youngsters hanging out and making noise. We operate on a part-time basis and it takes time to handle complaints. We are small and do not have the resources and time to answer questions as quickly as we would like. This is a problem which we are still working to solve. C. Marquardt suggested that Mr. Bobarsky speak with the Mayor. Mr. Kilker said that if the officer feels the wording of this ordinance is being violated it should be brought before the magistrate. Mr. Kilker said he would go to the first hearing and maybe this would be a way to find out what the magistrate thinks is wrong.

C. Marquardt informed Mr. Bobarsky that he had spoken to Mr. Hester, the borough SEO, and the letter is on its way. The information he requires will be requested from the water company. Once all the information is gathered it goes back to zoning to decide if they will get their permit.

D. Heiser asked about the broken backboard in the gym. R. Krick informed him it will be replaced.

A resident had questions concerning replacing existing sewer lines and not being allowed to have a drain in the cellar. E. Burns, who sits on the Authority, started to answer the question. C. Marquardt instructed the resident to address this problem to GAMA directly at their meeting that is held the fourth Thursday of the month.

No further comment.

APPROVAL OF REPORTS

Motion to accept the minutes as submitted made by R. Krick seconded by E. Labie. Question? None. Vote. All. Motion carried.

Treasurer's report read by C. Marquardt. Motion to accept as read made by J. Yackera seconded by R. Krick. Question? M.B. Dougherty said she wanted to bring to Council's attention the fact that since January there have been at least twenty (20) calls to Mr. Kilker's office and only four (4) listed on the log. Also, the police department has not been turning in their logs on a monthly basis. She wanted to remind everyone that all calls must be logged. Vote. All. Motion carried.

Mayor and Health Officers reports read by Mayor Ketusky. Motion to accept both reports as read made by E. Labie seconded by J. Yackera. Question? None. Vote. All. Motion carried.

NEW BUSINESS

E. Labie said he had a request from the Good Time Club to find a place to store the flags and Christmas decorations. They need a new place due to the work being done in the basement at St. Joseph's Church. Council discussed this and had no objections to storing the things in the A Street school. E. Labie was told to get in touch with them and find a place that has easy access.

Mayor Ketusky said he had a request to allow the Geisinger HMO to use the Borough Hall to hold a public meeting to inform local residents about their new health plan. After some discussion Council had no objection to this use of the building. Motion made by J. Yackera to allow Geisinger to hold a public meeting in the Municipal building. Seconded by R. Krick. Question? None. Vote. All. The question was raised from the floor if this would seem that the Borough was supporting the HMO? R. Krick noted that they have already had meetings at the Mall. Does this mean the Schuylkill Mall endorses the HMO?

C. Marquardt brought up the question of allowing use of the Borough copy machine. He suggested that Council set a policy concerning the cost and time factor. There was

discussion about how much is charged in other places. Also, he was concerned about the time involved if the Borough secretary was the one who had to make the copies. M.B. Dougherty said she did not think residents should be charged. R. Krick suggested setting criteria. The Solicitor suggested \$.25 per copy for official documents. R. Krick objected saying this could limit someone's access to public documents. C. Marquardt said he thought this was something Council check.

Mr. Kilker reported that a hearing on the Yagaleinski case scheduled for today was continued without notice. A permanent injunction will be requested because he has cut down on the number of dogs right now. To get a preliminary injunction you have to show immediate problems. My understanding is that it has been quieter and not as bad lately. It is not a good idea to ask for special consideration without major cause such as a situation which would endanger your health. Doing so might jeopardize a permanent injunction.

In the matter of the Martha Ello property Mr. Kilker told Council Northumberland County Sheriff's Department informed him there was a problem serving the papers because she was not answering her door. They are preparing an affidavit which will be sent to me. It will be a motion to have her served by substitute service. This means having it posted on the building. He also asked about the billing for the work done on the property. C. Marquardt said the bill had been forwarded to his office. Officer Shinkus cited the property for health violations and would speak with the Solicitor on this matter.

Concerning the Summer Lunch Program. Mr. Kilker said he spoke with an insurance adjuster concerning the problem with the claim. They believe it is a contractual problem between the borough and the provider, Mr. Gill. I explained to him it is an error in the paperwork submitted and should be covered under errors and omissions. He wants me to get the funding documents together and send them to him along with a letter supporting the information and they will consider the claim.

In the matter of Mr. Zangari's complaint about Officer Hummel and Mayor Ketusky an Executive session was requested by his attorney. Mr. Kilker assured Mr. Zangari that any and all complaints are taken seriously and investigated. This particular complaint will be checked. The procedure is to approach the Mayor, who has the authority to check into any complaint and may refer it to either the Police Committee or the Council as he sees fit. We, of course, do not want any ethnic slurs or any insulting conduct by our employees especially the police. This is a serious allegation and is being taken very seriously.

In the workers' compensation matter and the employee demanding his job back after coming off compensation the Solicitor had the following to report. An opinion was rendered by the Mayors Association and I agree with this opinion. A part-time police officer is not guaranteed his job and does not have the same rights as a full-time officer. Also, we should insist that he is fully released and capable of fulfilling the required duties. Once he is released by his doctors from compensation the Borough stops paying. The Mayor informed Mr. Kilker that no note had been received as of today.

R. Krick asked the Solicitor how the bill for work done on the Ello property should be handled. Are we going to put a lien on the property. Kilker said that the process is the same. If we get the substitute service it will be posted. R. Krick asked if she gave the authority to go on the property and board the windows? J. Kilker said he received a letter from Mrs. Ello which gave permission to enter the property and that she would pay for the work done.

R. Krick said he has another question concerning the summer lunch program. It was mentioned that funding documents? J. Kilker said any documents that would support our argument of not receiving proper funding because of incorrect submission for funding. We are saying the error or omission is that we did not fulfill the state's requirement to get the money. I spoke with Mr. Gill and he is willing to work out an installment payment program. M.B. Dougherty asked why after two years does the insurance adjuster suddenly see things clearly? Why was this approach not taken sooner? J. Kilker said this is a difficult case. R. Krick asked why after these difficulties the new summer lunch coordinator was hired without an interview? C. Marquardt said he spoke with Susan Bobarsky before putting her application before Council. R. Krick noted there were three other applicants and he did not feel capable of voting for any of them as there were no interviews conducted. Motion made by R. Krick that any position to be filled Council be given the opportunity to interview before the position is brought to a vote. Seconded by M.B. Dougherty. Question? None. Vote. All. Motion carried.

R. Krick went on to say that the amount owed on the outstanding bill is over \$7100.00. This would be sufficient funds to pave the basketball court at B Street even without any grant money.

BILLS

List of bills to be paid for the month read by C. Marquardt. Motion to pay the bills as read made by J. Yackera seconded by J. Tinari. Question? R. Krick asked if the problem with the Deitrick bill has been settle. C. Marquardt told him that we have not heard back from Deitrick. R. Krick then asked about the bill from Rick Lorady for the work done on the sewer job on East Main Street. He wanted to know when the borough hired Lorady? He was told that there were three separate lines in the ground and Rick was asked to help. There was chaos with water lines on top of water lines on top of sewer lines. When the flushing was being done everyone was in the hole at one time or another. R. Krick asked about the billing for reconnecting laterals? Are we going to pay to reconnect everyone's laterals?

R. Krick questioned the bill from Entech for engineering work done concerning the Girard Towers project. He wanted to know if Susquehanna Development was going to pay the bill? C. Marquardt said he would contact them.

J. Yackera amended his motion to pay the bills by exempting the bill from Entech for Second Street project. Seconded by J. Tinari. Question? None. Vote. All. Motion to amend carried. C. Marquardt then called for a vote on the motion to pay the bills. Vote. Ayes: Six (6) Nays: one (1). R. Krick dissented. He stated he objected to the Borough paying the R. Lorady bill for \$445.00 which contains billing for reconnecting laterals.

Secretary requested permission to publish the audit results. Motion to allow publication of the audit made by R. Krick seconded by M.B. Dougherty. Question? None. Vote. All. Motion carried. C. Marquardt noted that the entire audit is available in the Municipal offices during business hours.

Secretary asked for permission to transfer funds from the General Fund to the School Building fund. Motion to allow the transfer of necessary funds made by J. Yackera seconded by E. Labie. Question? None. Vote. All. Motion carried.

CORRESPONDENCE

Letter DCA - The CDBG, which there were questions about has been reviewed and the proof of expenditures, as submitted, are acceptable. This grant is now closed out.

Letter Rangers Hose Company -- answering Council's request for information concerning out of town fire response policy.

Letters from both Senator Rhoades and Representative Luyck thanking the Borough for our letters objecting to the breakup of the Department of Community Affairs (DCA).

Letter from Governor Ridges' office informing municipalities of the early release of 1996's liquid fuels allocations.

Letter from the Department of Environmental Protection informing us that our SEO has completed his certification courses.

Letter from Entech concerning the contractors for the work to be done on the gym.

Copy of a letter sent from Mr. Kilker to Mrs. Martha Ello.

Schuylkill County Recycling sent year to date reports for 1995.

PLCB -- notice of receipts for liquor licenses to date for the Borough.

COMMITTEE REPORTS

Finance: E. Labie said there was only the snow removal application to review and there is to be a special meeting on Monday, March 18, 1996, for this purpose. M.B. Dougherty

asked if this paperwork is going to be in Borough hall. J. Yackera said E. Labie has it now to go over what was done. E. Labie told M. B. Dougherty it would be here. She asked where it was all this time. All Borough documents were to be kept in Borough hall. I came to look at it and there was nothing available. This was always part of the previous problems with missing paperwork. J. Yackera objected saying I had the documents to work on them. I do not have the time to sit in borough hall for 2 - 3 hours. R. Krick said that at least a copy of the qualifications should have been here or even just a copy of the documents. There was policy set concerning this in January and everyone on this Council agreed. If policy is set then everyone has to abide by the rules. Each council member has the right to try to keep up with what is going on. J. Yackera apologized saying he thought the rule applied only to completed paperwork.

Streets: J. Tinari said the borough workers would be patching pot holes. He asked for permission for J. Hinkle to go to Harrisburg to Federal Surplus Supply. There is a bid for repairs on the dump truck which was tabled. He also asked for permission to replace the window in the pickup truck which has been broken for a long time. He had bids from three different places the lowest from Action Glass. It was suggested that even if Action Glass was the cheapest they may not be the best and was instructed to check into this further. This matter was tabled pending further investigation. Tinari informed Council that D. Hess was injured on the job and is on light duty for three days.

Parks: Nothing to report.

Police: Nothing to report.

R. Krick asked if anyone on Council was aware of one of our officers having two parking tickets thrown back at him? Do we or do we not have a policy of not fixing tickets in this town or are we going back to playing games? He said my understanding is that two council members witnessed this altercation and did nothing. J. Yackera told council that this happened at his service station. The officer and gentleman had words but the officer told the resident to give him the tickets. During this time there was an eruption from the floor. The residents were very angry over the concept of anyone being able to avoid paying parking violations. When President C. Marquardt finally got the meeting back to order the debate continued. After much debate the Mayor said he has informed the officers that no tickets issued would be fixed. R. Krick said that it should be made certain that all of Council agrees. C. Marquardt suggested that this matter be handled by the Police Committee.

C. Marquardt said he would have T. Shearn speak with the officer involved and get to the bottom of the story. R. Krick said that if these tickets were squashed we may as well burn all the ticket books because no one will pay in the future. There should not have to be an investigation. The tickets were issued and should be paid no matter who received them.

R. Krick made a motion to authorize the Solicitor, at Council's expense, to prepare the necessary petition in order to petition the Court to decrease our Council from seven

members to five members. The motion was seconded by M.B. Dougherty. Question? It was asked that this motion be a roll call vote.

J. Yackera	NO	M.B. Dougherty	YES
C. Marquardt	NO	J. Tinari	NO
R. Krick	YES	E. Labie	YES

The vote count is tied at YES, three (3) NO, three(3). R. Krick made a point of order stating that in the event of a tie vote the Mayor has the tie breaking vote. M.B. Dougherty said that the reason for this request is to save the taxpayer money. If a city the size of Pottsville can get along with only three council members we should be able to operate with five members.

Asked for his vote on the motion Mayor Ketusky replied YES. The motion carried. The Solicitor was instructed to prepare the necessary documents as soon as possible.

The Solicitor asked if Council would go into Executive Session now. Motion to go to Executive session made by R. Krick seconded by J. Yackera. Question? None. Vote. All. Motion carried.

Meeting reopened after the Executive session that was held to discuss personnel matters.

Motion to have the Solicitor send a letter to Mr. Quinn, Mr. Zangari's attorney, asking for the complaint to be clarified. Council felt there was insufficient information to make a fair decision. Question? None. Vote. All. Motion carried.

Motion to adjourn made by J. Yackera seconded by J. Tinari. Vote. All. Motion carried. Meeting adjourned.

Respectfully submitted

Mary Ambrose
Secretary/Treasurer

March 14, 1996

Boro Council of Girardville

At this time I would like to address some issues regarding the Boro and the Soliciter.

In Dec. of 95 I asked at the council meeting why the ordinance No.90-3 was not being enforced, the answer from Mr. Marquat and previosly from Mr. Krick, and Mr. Labbe were the ordinance was no good, your Soliciter has not answered my question at all.

On asking three different attorney's plus one of the representatives of the State Legislatures office, the same answer comes, If the ordinance has not been repealed and it is in the ordinance book it is enforcable. then you enforce it.

Yet the Boro Council keeps giving me the same answer it is no good, and your soliciter has said nothing over the last four months, all he had to say is if the ordinance was not repealed and it is on the books then it is enforcable.

I have a high regard for the law and the people who administer it but at this time I am asking the Boro Council to terminate the Soliciter for failure to comply.

Regarding your ordinances which you say are no good how can you justify taking a salary increase over the last several years with no ordinance in effect, if this is the case and you have had no ordinance for a salary increase for the last several years with no ordinance then you have taken money illegally from this Boro and by rights of the law it should be returned to the Boro as you can not make an ordinance retro-active, could this be a reason why you are saying that the ordinances are not any good? I don't think that there is anybody that is beyond the law, and without law there is chaos, and there seems to be a lot here.

According to everyone I talk to that is associated with the Law has the same response, if its on the Books enforce it!

It is my opinion that not only your Soliciter has failed to comply, but this Boro has also failed to comply, I think that this Boro Council should stop putting the blame for things on everyone else and do the job they were elected for.

BOROUGH OF GIRARDVILLE
FOURTH & "B" STREETS
P.O. BOX 5
GIRARDVILLE, PA 17935
PHONE: (717) 276-1635 FAX: (717) 276-1640

SPECIAL MEETING

PLACE: Municipal Bldg. **DATE:** March 18, 1996 **TIME:** 7:00 PM

OPEN MEETING

Meeting opened by C. Marquardt with the Pledge of Allegiance

ROLL CALL

Members present: R. Krick, E. Labie, C. Marquardt, J. Yackera.

Members absent: M.B. Dougherty, T. Shearn, J. Tinari. Mayor and Solicitor.

BUSINESS

Council president C. Marquardt informed all present that this meeting was advertised for the purpose of reviewing and approving the snow removal paper work that was to be submitted.

Resolution 96-4 appointing J. Yackera to do the required paperwork was read by C. Marquardt.

Motion to adopt Resolution 96-4 as read made by E. Labie seconded by J. Yackera. Question? None. Vote. All. Motion carried.

After passing the resolution C. Marquardt said the question was how many signatures were needed. There are five spaces. The secretary said that in looking through the paperwork there did not seem to be any qualifications. Nothing done in the past needed that many signatures. The question was also raised if it was proper for J. Yackera to sign as he is the person being appointed. Council decided to proceed with his signature.

R. Krick said he wanted it on the record that even though it is just a formality this appointment should have been done before the paperwork was started. J. Yackera said he thought getting the numbers together was more important. R. Krick said he was not disagreeing just saying that things should be taken care of in proper order. C. Marquardt told the secretary to send this package overnight.

Motion to adjourn made by J. Yackera seconded by E. Labie. Vote. All. Meeting adjourned.

Respectfully submitted

Mary Ambrose
Secretary/Treasurer

BOROUGH OF GIRARDVILLE
FOURTH & "B" STREETS
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REGULAR MEETING

PLACE: Municipal Bldg. DATE: April 11, 1996 TIME: 7:00 PM

OPEN MEETING

The meeting opened by President C. Marquardt with the Pledge of Allegiance.

ROLL CALL

Members present: M.B. Dougherty, R. Krick, E. Labie, C. Marquardt, T. Shearn, J. Tinari, J. Yackera. Mayor Ketusky. Solicitor J. Kilker arrived after the meeting began.

PUBLIC COMMENT

Mr. Ritro wanted to know how far we had gotten with the problem? C. Marquardt said the solicitor should have an answer but he is not here yet. Mr. Ritro said he has waited this long a little longer won't hurt.

No further comments.

APPROVAL OF REPORTS

Motion to accept the minutes made by R. Krick. Motion seconded by T. Shearn with the note they be amended. It was incorrectly shown he was present and on page 6 the paragraph staring with his name should read C. Marquardt said he would have T. Shearn speak with the officers. Minutes amended to reflect the corrections. Question? None. Vote. All. Motion carried.

Treasurer's report read by C. Marquardt. Motion to accept the treasurer's report as read made by R. Krick seconded by M.B. Dougherty. Question? None. Vote. All. Motion carried.

Mayor's and Health Officer's reports read by Mayor Ketusky. Motion to accept both reports as read made by J. Yackera seconded by J. Tinari. Question? None. Vote. All. Motion carried.

Tax Collector's report read by C. Marquardt. Motion to accept the tax collector's report as submitted and pay the tax collector made by J. Tinari seconded by T. Shearn. Question? None. Vote. All. Motion carried.

UNFINISHED BUSINESS

There is still the question on the billing received from Deitrick for recycling hauling. J. Tinari told Council that they are looking into it on their end.

In the matter of the replacement window for the pick up truck J. Tinari resubmitted the original three price quotes. The least expensive is Action Auto for \$130.00. Motion to have Action Auto install the window made by J. Tinari seconded by J. Yackera. Question? None. Vote. All. Motion carried.

J. Tinari said that the some of the work needed on the dump truck in being done by J. Hinkle.

NEW BUSINESS

Resolution 96-5 that is for the sewer module to be submitted by Girard Towers was read by C. Marquardt. Motion to adopt resolution 96-5 made by R. Krick seconded by J. Yackera. Question? None. Vote. All. Motion carried.

At this time Council gave the floor to Mr. Greg Patryna from Susquehanna Development. This is the firm that is converting the school building on Second Street into elderly housing. Mr. Patryna explained, page by page, the revised module which Council has to consider approving. He also explained how the sewer system, which will be in use until our system goes on line, works. This system will be used in the interim and the building will be hooked up to the Borough's sewerage as soon as that project is completed.

The following narrative is read for the record.

Girardville Towers Associates has proposed the development of approximately .31 acres of land to be called Girardville Towers. This project consists of 16 units of residential elderly housing. The site is located at the intersection of Second and A Streets within the Borough of Girardville. A single unit elderly housing has been determined to provide a sewage flow of 55 gallons per day. This was determined by metering several existing elderly housing units established. The combined flow for the entire complex is projected to be 880 gallons per day or 2.51 equivalent dwelling units. An equivalent dwelling unit would be a single family house. The proposed building already exists as an abandoned school and is at present connected to the existing sewer system. The treatment method of

choice is to tap into the existing Borough collector with a single tap. Flows will be treated at the proposed Borough treatment facility.

Mr. Patryna went over the check list for the project. Everything is in order to date.

There is also a letter from the Historical and Museum Commission. This took two years to get. They thought this should be put on the register and they did not want to make any changes. We made them understand there were some changes that had to be made and they finally agreed. In the second paragraph it states the Bureau of Historic Preservation has reviewed the revised plans and specifications for the above referenced project. In our opinion the project will have no adverse effect upon the National Register listed or eligible resource listed below. That is our clearance stated Mr. Patryna.

Motion made by R. Krick to give the Municipal Secretary authorization to complete the necessary signatures and seals on the module. Seconded by J. Yackera. Question? None. Vote. All. Motion carried.

C. Marquardt read Resolution 96-6 eliminating employee contributions to the police pension fund for the year 1996. This resolution is to be passed on the advice of the Auditor General's office advice. It is something that should be done on a yearly basis as long as the Borough's Police Pension Fund is self supporting. Motion to adopt Resolution 96-6 made by J. Tinari seconded by T. Shearn. Question? None. Vote. All. Motion carried.

C. Marquardt informed J. Tinari that he received a certificate of training for the Drug and Alcohol/CDL program from PSAB.

Ultimate Home Health Care has requested permission to rent the Municipal building for their chicken dinner fund raiser. They would need the building on May 15th from 1:30 - 6:30 PM. Motion to allow Ultimate to use the building for a fee of \$75.00 made by J. Yackera seconded by J. Tinari. Question? R. Krick asked about the price and C. Marquardt said that is what they paid last year. Vote. All. Motion carried.

J. Yackera asked Council for funding for both the Little League and the Teener League. He was approached by both but more for the Teener League. He said the Teener League field is in very poor condition especially due to the bad weather. I feel these are organizations that do a lot for our children. There are no dugouts or a backstop. He wants Council to give \$500.00 to each organization. Motion to make a donation of \$500.00 to both the Girardville Little League and the Girardville Teener League made by J. Yackera. C. Marquardt asked is this to be used for repairs? J. Yackera said no, this is to spend as the organizations please. Motion seconded by J. Tinari. Question? M.B. Dougherty asked why these requests were not submitted at the time the budget was made? I have no problem giving the money but why didn't they ask at budget time? J. Yackera said that we should send them a letter stating that. M.B. Dougherty said they were told

about this last year. R. Krick said that last year it was asked that any organization seeking a donation send in a letter requesting a specific amount and stating exactly what would be purchased. The Teener league specifically was informed on this need. R. Krick said he has a problem with giving out \$500.00 to be spent any way. In expending borough funds there should be some control over how the money is used. J. Yackera asked why? R. Krick asked if we could have access to the books? This is tax payer money and we should have a bill to know where it is spent. J. Yackera said of course, they have to keep records. They, the Teener League, should keep minutes keep minutes of meetings and financial records which are available. R. Krick asked if they are registered as non-profit? J. Yackera told him they fall under the Little League charter. M.B. Dougherty then asked what about other groups in town? J. Yackera said to handle it case by case. M.B. Dougherty asked where the figure came from? Was is just pulled out of the air? J. Yackera said yes and he wished it was more. M.B. Dougherty suggested giving this to the recreation committee to review and offer it again to everyone? J. Yackera said that for the future that was fine but he would not rescind his motion. M.B. Dougherty asked did we give the Biddy League a donation? No. The Recreation committee got \$75.00 last year to rent the Moon Jump. Here is \$1,000.00 and what about the children who do not play? Council president C. Marquardt called for a vote on the motion. The vote was mixed so C. Marquardt called for a roll call vote.

J. Yackera	YES	R. Krick	NO
C. Marquardt	YES	M.B. Dougherty	NO
T. Shearn	YES	J. Tinari	YES
E. Labie	NO		

Vote 4-3 Yes. Motion carried.

The secretary asked Council for permission to get prices and order laser printer checks for both the Payroll and General funds. Motion to authorize the secretary to price and order laser printer checks for the Payroll and General Funds made by R. Krick seconded by E. Labie? Question? None. Vote. All. Motion carried.

R. Krick said that he was going to suggest that Council look into hiring someone to run a morning recreation program for the children of the borough. This could give some structure and for four (4) hours at minimum wage would cost approximately \$100.00 per week. He made a motion to advertise the position and look further into this and decide at a later meeting. M.B. Dougherty asked why waste money on an advertisement when the funds will not be available? She suggested that this be planned for next year. It would be necessary to check of there are funds available. We just expended \$1,000 of unbudgeted funds. The finance committee could set up a recreation program for next year and let Council decide. R. Krick said it is clear in the minutes that if a group did not submit a request in advance of the budget then there would be no money available. R. Krick then withdrew his motion. Mr. Kilker suggested advertising for proposals and Mayor Ketusky suggested that Council donate part of their salaries to pay for a recreation director. It was

brought up that some municipalities work with local colleges and arrange for an internship program. E. Labie said this is worth looking into for next year. The school could arrange for the student to earn credits. Mr. Crane told council that the paper work to set something like that up takes between 2 and 3 months. It is too late for this year but this is worth looking into for next year.

C. Marquardt told Council that the street sweeper will cost the same as last year and he wants to arrange this for Saturday, May 17th. It will be advertised that the borough workers will do the other streets starting on May 13th. He also asked for police assistance from the Mayor. R. Krick asked if anyone checked into the complaints received for people on East Mahanoy Avenue last time? There were residents up there who said they would rather not have the sweeper. C. Marquardt said that someone would check with those people and if there were enough then an alternate street would be done. J. Tinari asked if the State would come and do Main Street and Mahanoy Avenue because they are State Roads? C. Marquardt told him that PADOT has been asked previously and the answer is always no. Motion to contract for the street sweeper for Main Street, Second Street and Mahanoy Avenue with a possible alternate for Mahanoy Avenue made by R. Krick seconded by J. Tinari. Question? None. Vote. All. Motion carried.

BILLS

List of bills to be paid read by C. Marquardt. Correction on the bill for Krick's Automotive noted. Motion to pay the bills made by J. Tinari seconded by T. Shearn. Question? R. Krick asked for the cost of the bill for AT&T to be reread. C. Marquardt noted that we received the bill for the dumpsters from Eagle equipment. This is being handled by the County I spoke to W. Bowen and faxed this to him. Vote. All. Motion carried.

CORRESPONDENCE

Note received from Mahanoy City Council thanking us for hosting the Local Government meeting concerning the DCA breakup.

Note received from Biddy Basketball thanking Council for the use of the gym throughout the basketball season.

There is a workshop for municipal secretaries to be held by DCA. M. Ambrose has asked for permission to attend. The cost is \$30.00. Motion to pay for the secretary's attendance at this workshop made by E. Labie seconded by J. Tinari. Question? The reason for attendance was asked. M. Ambrose told council the main reason was to get some of the questions that have been raised recently about our ordinance books answered. Vote. All. Motion carried.

Notice from D. Argall office about meetings scheduled for April 17 to discuss the co-generation plants. April 18 there will be tours of the sites at Gilberton and Frackville.

(44)

Anyone wishing to attend may do so.

Entech -- Both contractors have submitted the required documents for the work on the School building. R. Krick said he thinks there has to be a pre-construction meeting.

Blue Mountain Environmental Services has informed us that there has been no increase water usage at the Arcade building. This is in response to questions raised at the last meeting concerning the legality of the Arcade's use of the present sewer system.

Notices from PP&L, Bell Atlantic and Service Electric concerning the movement of the poles for the Ogden Street Bridge project. Bell will put their poles back after construction but PP&L may leave the poles in the new locations.

Notice from Northeast Waste Management that our grant paperwork has not been filed. C. Marquardt said the W. Bowen is taking care of this and he will check the status.

Service Electric sent a notice of the upcoming rate increase. There will be four (4) new channels added and basic cable rates will be \$25.00

Notice received that the bill from Entech for the Girard Towers has been paid by Susquehanna Development.

Notice of zoning hearings to be held and a copy of the PLCB license application for the new distributor hoping to open at the East end of town.

Letter from the North Schuylkill Landfill Association asking for the names of our representatives and reminding us of the importance of attending meetings.

Copies of Senate Bill 1353, DCA breakup, given to each Council member.

Letter from Emergency Management noting the schedule of meetings for our coordinator.

Notice from Sabre concerning the placement of a book with the new assessments to be available to the public. There is also a number to be posted for people who may have questions.

COMMITTEE REPORTS

R. Krick said he has something but it is not committee reports. There was a question raised about the replacement of a pavement at a corner property. The question was if it is required to place a handicap ramp. This is something needed to comply with ADA. He asked council to consider having the solicitor look into drawing up an ordinance requiring anyone replacing a sidewalk on a corner property to install handicap ramps. It would be necessary to obtain any specifications the Federal Government might have and make them available to the homeowner. This would be to our advantage in showing attempts at

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compliance with ADA. Motion to authorize the solicitor to draw up an ordinance to require owners of corner properties to comply with ADA when replacing sidewalks made by R. Krick seconded by M.B. Dougherty. Question? None. Vote. All. Motion carried.

Finance Committee -- E. Labie noted they will schedule a meeting to go over the first quarters figures. This will be posted. He also said that at the DCA meeting there was a lot of interest in pursuing a regional police force and he suggested appointing two people to get this rolling. Perhaps one from the finance committee and one from the police committee. He made a map of the interested communities and this works without Ashland or Frackville if neither is interested. It would take nine (9) officers to supply coverage seven days a week, 365 days a year. Using the localities currently interested we could have a five minute response time. C. Marquardt said T. Shearn received some information and will set up this meeting. Labie noted there was interest in this before but nothing happened. Now is the time to get this going. We need to look at reasonable budgets, salaries, equipment, phones and benefits. J. Kilker suggested that council pass a resolution stating our intent to pursue this matter. Suggested content below.

Resolution 96-7 Borough of Girardville in interested in pursuing a regional police department. We will host the initial meeting and invite all other interested municipalities to participate. We are willing to commit resources to see the formation of a regional department through. We invite other communities to do the same.

Motion to adopt resolution 96-7 made by E. Labie seconded by T. Shearn. Question? None. Vote. All. Motion carried.

Street committee -- J. Tinari reported the only business was concerning the street sweeper and this has been taken care of by council.

Recreation committee -- M.B. Dougherty said she spoke to M. Breslin concerning the grant application and it would be 2 weeks before any final decisions were made.

School Building committee -- R. Krick reported there is nothing being done at the school building currently. We are waiting for the scheduled work to be done. Some interest has been raised in doing the floor. There is the possibility of applying for a grant for that purpose. C. Marquardt said that the Good Times Club was given space in the basement and they have requested keys. E. Labie said that should not be necessary as both he and Charlie are involved and any time Jeanette needs access she can call either of us.

Police committee -- Nothing to report at this time.

Recycling committee -- C. Marquardt reported that the curbside recycling will begin again this month. He was contacted with a request for more information on the

application for the shredder. The additional information has been forwarded. We are now waiting for an answer from Harrisburg.

C. Marquardt asked if there were any other matters to be discussed?

R. Krick asked if we were giving the donation of \$500.00 to each the Little League and the Teener League is this in excess of the money we agreed to give the Little League for the sand? J. Yackera said no.

R. Krick also noted that at the last meeting the solicitor was authorized to draw up a petition reduce the size of council from seven to five. You must be a registered voter of the borough to sign the petition. He asked the solicitor if a copy of the petition could be in the borough hall? J. Kilker said yes it could. He also asked if the circulator of the petition could sign and could it be anyone. The solicitor said yes to both questions.

J. Kilker noted that the Borough Council can not take an official position on this and can not push the petition. Only individual registered voters could circulate the petition.

Mayor Ketusky said he had been approached about a white goods pick up which would not cost the borough anything. The individual would do it free of charge but only if he was the only person with permission to make the collection. There were some questions about liability in the event the goods were not disposed of properly. C. Marquardt gave this to the Street committee to look into and possibly set up.

The solicitor had the following:

Concerning ordinance 90-3 which involves loitering. The ordinance is not repealed but may not be enforceable by the Court. It can be unenforceable due to vagueness. There need to be very specific standards of conduct set out in the ordinance. I will rewrite the ordinance in accordance with the various court decisions to make a loitering ordinance enforceable. Our current ordinance would require the person to be given a warning first. You should also look into enforcing other ordinances such as littering at the same time. If you wish I can have a sample ready for the next meeting or Council can look over the information supplied and come up with some ideas of how you want to approach this ordinance.

The Yagilenskie matter had two hearings. He failed to appear and was found guilty. The amount of money to be paid monthly on the fines was increased. I understand he has stated that for every time we cite him he will increase the number of dogs. The petition for a preliminary injunction was filed today. The complaint to abate a nuisance will be assigned to a judge tomorrow morning and a hearing date will be scheduled.

In the Ello matter. Due to the fact that she will not come to the door so I will file asking for substitute service. This will involve posting the notice.

Summer Lunch. There should be some proposal concerning what to do with this. Part depends on the caterer and what he is willing to do and part depends on any answer received from Hartford. I should have some resolution to this matter by the next meeting.

C. Marquardt asked about the incident occurring the other concerning solicitation in the borough. Kilker said that this is also connected with the loitering problem. We have to set standards of conduct. This will also include the other incident which occurred with the tickets. A specific policy must be set. Some communities allow a citation to be withdrawn only at the magistrates' offices and some do not allow the withdrawal under any circumstances. This is something the police committee should investigate. Look over this and come up with a policy. The standards should be clearly set. C. Marquardt brought up a solicitation information sheet. He asked if this could be advertised and used in the mean time. J. Kilker said this should wait. It could cause problems. An ordinance should be enacted.

No further business or comments.

Motion to adjourn made by J. Tinari seconded by T. Shearn. Vote. All. Meeting adjourned.

Respectfully submitted
Mary Ambrose
Secretary/Treasurer

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BOROUGH OF GIRARDVILLE
FOURTH & "B" STREETS
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REGULAR MEETING

PLACE: Municipal Bldg. **DATE:** May 9, 1996 **TIME:** 7:00 PM

OPEN MEETING

The meeting was opened by President Charles A. Marquardt leading the Pledge of Allegiance.

ROLL CALL

Members present: M.B. Dougherty, R. Krick, E. Labie, C. Marquardt, T. Shearn, J. Yackera. Mayor Ketusky. Solicitor J. Kilker.
Councilman J. Tinari arrived late.

PUBLIC COMMENT

Mr. Crane asked the solicitor to give a report on the court order concerning the dogs. This report will be given later in the meeting.

There was a resident complaint about a man in town who is approaching children at the bus stop. She wanted to know if this person was a vagrant or resident. If he is a resident is he paying taxes? Also, he is going into businesses in the Borough and then calling the police saying people are beating him up. C. Marquardt asked the Mayor to have the police check into the allegations. The Solicitor said that vagrancy and loitering ordinances are suspect but he could be charged with making false reports. M.B. Dougherty said that anyone renting apartments is supposed to file reports with the Borough. It is the tax assessor's job to make certain all names are registered. If you are aware of anyone you think is not on the books contact the tax assessor and she can check her lists. C. Marquardt said this is one of the things that will be taken care of soon. Judy Haluska, the tax assessor, is supposed to speak with Betty Dougherty, the tax collector, and get a listing of all landlords in the borough and notify them of the requirements of the ordinance.

APPROVAL OF REPORTS

Minutes: Motion to accept as submitted made by R. Krick seconded by J. Tinari. Question? None. Vote. All. Motion carried.

Treasurer's Report: Motion to accept as submitted made by T. Shearn seconded by J. Tinari. Question? None. Vote. All. Motion carried. C. Marquardt noted the annual PADOT usage of funds report had been returned approved subject to audit.

Tax Collector's Report: 4/9-4/25 -- \$16,673.32
4/26-4/30 -- \$10,130.15

Motion to accept the reports as submitted and permission to pay the tax collector's commission made by J. Tinari seconded by J. Tinari. Question? None. Vote. All. Motion carried.

Mayor's Report/Health Officer's Report: Read by Mayor Ketusky. Motion to accept as read made by R. Krick seconded by T. Shearn. Question? None. Vote. All. Motion carried. M.B. Dougherty has been asked by residents why our police reports do not appear in the paper? The Mayor said that the reports are sent but the Republican/Herald does not always publish them. C. Marquardt told the Mayor to instruct the Officers to submit them monthly and maybe they will be printed.

UNFINISHED BUSINESS

The Borough received another bill from Deitrick for hauling fees. J. Tinari said they are checking on it and he hopes to have an answer soon. They are apparently saying there was another bill for hauling which we never received.

The amendments to the building permit still have not been done. Copy of Ashland's ordinance were not received. The Solicitor said he could prepare this for the next meeting. The Solicitor reported on the results of the Yagielniskie hearing. Copies of the Court Order were distributed to each council member. This outlines the preliminary injunction and the steps to be taken. A final decision will be made at a future date. The Solicitor will have to prepare a response in a few months. J. Kilker said we can interpret this as a win but while winning a preliminary injunction does not necessarily translate into winning a permanent injunction it definitely helps. The expert witness retained seemed to be the fatal blow. He reported that it is cruel to expect the dogs not to bark in a town setting. Mr. Ritro said that Yagielniskie has started to clean up the mess but the dogs are still there. R. Krick asked if there is no reply does the injunction stand to which Mr. Kilker said no a hearing will still be held. The neighbors were instructed to contact Mr. Kilker directly if there are problems after Monday. We can still cite him for any barking and noise violations but can do nothing directly about violations of the court order. If the order is violated a petition for contempt of court must be filed.

Mr. Kilker noted that on the question of the possibility of amending the loitering ordinance the minutes reflect that Council was to go over the suggestions from last meeting and have a decision of how to approach this matter. Discussion about what changes Council wants made brought out addressing the criminal mischief, especially at the Bank and the littering that goes on as a result. J. Kilker said that some sections should be enforceable and he would do some further research in the matter. Motion to authorize the Solicitor to prepare amendments reflecting these changes made by J. Tinari seconded by R. Krick. Question? (discussion above) Vote. All. Motion carried.

J. Kilker submitted a short ordinance that pertains to sidewalk replacement and the Americans With Disabilities Act. It orders compliance with ADA and OSHA or permits will be denied. Motion to advertise this proposed ordinance made by R. Krick seconded by M.B. Dougherty. Question? None. Vote. All. Motion carried.

Mr. Kilker said that in the Ello matter he was asking for a special order of the Court to serve by regular mail. If Council verifies with the signatures of the President, Mayor and Secretary this can be done on Monday. Motion to authorize the Solicitor to serve Martha Ello by mail made by R. Krick seconded by T. Shearn. Question? R. Krick asked about the cost and was told only the cost of mailing. J. Tinari asked what happens if there is no answer? J. Kilker said if she does not answer there will be a hearing by default. Mrs. Ello will be subpoenaed. Vote. All. Motion carried.

In the matter of the 1993 Summer Lunch bills J. Kilker said the insurance will not pay. He spoke with Mr. Gill who will accept payment in installments on the original bill of \$7,156.15. J. Kilker suggested an initial payment of \$1,000 if possible and arrangements for regular monthly payments until completed. As he had no authority to make any definite plans Council must act on this matter. M.B. Dougherty asked if there were any possible legal actions to take against the responsible party? J. Kilker told her it would be a difficult case but he would check into options. R. Krick said it did not matter as the bill has to be paid. Krick made the motion to send \$1,000 and by next meeting have a payment schedule set up to give Mr. Gill. Motion seconded by M.B. Dougherty. Question? None. Vote. All. Motion carried.

NEW BUSINESS

Resolution 96-8 application to apply for County Liquid Fuels Funds in the amount of \$2,750.00. It has been past practice to encumber this money toward road repair after the sewer project is completed. Motion to adopt Resolution 96-8 and encumber the funds made by J. Tinari seconded by J. Yackera. Question? None. Vote. All. Motion carried.

Resolution 96-9 allowing for the Borough's participation in the County Demolition program was tabled due to lack of funds. C. Marquardt will contact Jim Davidson.

Motion made by R. Krick and seconded by T. Shearn to allow the Secretary to fill out and submit an application for credit at Staples. This will allow us to take advantage of their sometimes lower prices and our tax exempt status. Question? None. Vote. All. Motion carried.

The summer lunch bid ad resulted in one bid from Gil's Catering. Motion to accept the bid from Gil's Catering for the summer food service program for 1996 made by R. Krick seconded by J. Tinari. Question? R. Krick asked about the handling of the bank account. He was told that as of 1994 two signatures are required to access the funds. Vote. All. Motion carried.

Resolution 96-9 appointing Susan Bobarsky Summer Lunch Program coordinator introduced. Motion to adopt resolution 96-9 made by T. Shearn seconded by J. Tinari. Question? None. Vote. YES six (6). R. Krick voted NO. Motion carried.

BILLS

List of bills to be paid in addition to regular monthly expenses read by C. Marquardt. Motion to pay as submitted made by J. Tinari seconded by J. Yackera. Question? M.B. Dougherty asked what the keys on the Ace Hardware bill were for? C. Marquardt told her they were for the school for the Good Times Club. E. Labie noted that is was decided not to give them the keys. Vote. All. Motion carried.

CORRESPONDENCE

Request from Wm. Penn Fire Co. for permission to route their parade through part of town and help from our police department and fire police with traffic control. Council gave permission on the parade route and instructed the Mayor to make the arrangements with the police and fire police.

Letter System Design Engineering. This firm offers small municipalities code enforcement capabilities. Motion to contact them and arrange a presentation made by R. Krick seconded by M.B. Dougherty. Question? None. Vote. All. Motion carried.

Entech Engineering concerning the interim holding tank ordinance.

Entech Engineering notice of preconstruction meeting for school building on Tuesday. R. Krick said he understands the roof will be started on Monday and the heating at the end of the summer.

SCCA list of available programs. It was suggested to look into this as the letter suggests some of the programs can be done free of charge. M.B. Dougherty said that previous years this program required participation.

PA Emergency Managment Agency notice of certification of 1994 snow funds.

COMMITTEE REPORTS

Finance: Will schedule and post meeting for next week to review funding and the costs of the police department in preparation for meeting concerning the regional police force. Will check into the standing of the budget concerning phone bills.

Recreation: No answer from M. Breslin about the Keystone grant. If we get the grant the amount needed will be \$8900 and we have \$7200. Will additional funds be available? E. Labie noted this to add to finance committee meeting list. Bicycle Rodeo to be held on May 18, 1996 at 11:00 AM.

School: Roof project only thing to report. There has been no answer about the floor.

Recycling: Curbside went well. Still checking into the Deitrick bill.

Streets: Street sweeper scheduled for May 17, 1996. Borough workers will start on side streets on, May 13, 1996, weather permitting. Verbal request from Grace Anderson, 308 West Main Street for a handicap parking place. Due to the fact that a letter has not been received this matter was tabled.

Police: Bill from Conrad Siegle for work on the pension fund received. The Pennsylvania National Bank was contacted and they will take care of payment. The committee recommends advertising for another part time officer to fill the voids in our schedule as there have been some problems filling available hours. Motion to advertise for a part time police officer with Act 120 certification made by T. Shearn seconded by J. Yackera. The ad is to be placed for, Saturday, May 11, 1996, with a deadline of May 24, 1996. Interviews will be scheduled before the next Council meeting. Question? None. Vote. All. Motion carried.

Motion made by E. Labie to schedule a meeting with the surrounding communities who might be interested in pursuing a regional police force. The date of the meeting to be, June 4, 1996, at 7:00 PM in the Borough Hall. Seconded by J. Yackera. Question? Is this a formal meeting? E. Labie said it should be treated as an informal work session to see just how much serious interest there is in this matter. Vote. All. Motion carried. Letters to be sent to Gilberton, West Mahanoy Twp, Gordon, Ashland, Frackville, and Butler Twp.

M.B. Dougherty suggested making a policy concerning absences. We do not want our officers calling in so they can work somewhere else. Most places have this type of policy and it is updated regularly. It becomes a case of abide by it or walk. If we are planning to hire another officer the policy should be in place ahead of time. T. Shearn said you cannot dictate to a part time officer as he has no vacation or sick days. R. Krick suggested it be if you miss so many shifts. M.B. Dougherty and T. Shearn will work on a policy.

C. Marquardt received a letter from the Schuylkill Chamber of Commerce. There was a meeting over here at the East End park with Mr. Donlin and we are going to submit for funding for fencing the park. The program is run in conjunction with PP&L. The cost of the materials is covered and the Borough must cover the labor costs. The application was filled out using the numbers from Lok-Weld and we just have to wait to hear from them.

C. Marquardt asked is Mayor Ketusky had been in contact with Mr. Franks concerning prison laborers. E. Ketusky was told to contact the Sheriff's Department directly. A letter must be sent outlining what job you want done and how many men you will require. The Borough must supply all the necessary tools to complete the job. They will not do skilled labor. The purpose is not to take jobs away from local contractors. C. Marquardt asked if anyone on council had suggestions for projects. He suggested cutting the brush along the creek. He then said that we would come up with a specific project and get the details together and have the secretary send the letter.

R. Krick noted that concerning the resident complaint about persons living in town and not paying taxes needs to be addressed to the tax collector. This is a problem with all the buildings which are rented in the entire borough. He said he thought the tax assessor was responsible for getting to the landlords to register their tenants and that Council by motion asked for monthly reports. Nothing has been heard from J. Haluska since January. C. Marquardt said that J. Haluska and E. Dougherty were to have a meeting and get the current list. R. Krick asked if policy in this matter would be to file in Borough Hall? M.B. Dougherty said the tax assessor should have all the papers and be on top of this matter.

R. Krick said it was brought to his attention that in filing for Federal Funding the Borough submitted damage to our sanitary sewer system. He thought this strange because we currently do not have one. J. Yackera told Council that during the meeting in Pottsville everyone was told to check all the boxes applicable to borough property. There was to be a team come and check out exactly what type of damage occurred. R. Krick noted that the forms had two boxes, one for storm drains and one for sanitary sewers. He just wanted everyone to be aware that he was asked if we had a sanitary sewer system which we do not.

In another matter R. Krick said that at last months meeting when the motion was passed to give both the Teener League and Little League \$500.00 he thought policy was that requests had to be in writing and that is why the NO vote. He had a copy of a letter sent to D. Mulligan in July 1995 stating that the Borough would expect a request for funds to list exactly what the money would be used for and that it be submitted in writing before the budget was set. He voted against the funding request because it did not comply with what he understood was policy. He asked what policy was going to be in this matter? Do we have policy? Other groups need to know how to apply to Council for funding. We have to have a set policy or you may as well throw the budget out the window. R. Krick said that passing a resolution stating policy in every matter is ridiculous. E. Labie said that the Teener League was a specific problem. They did not ask for money last year and

then submitted bills expecting them to be paid. They were politely asked to comply and still saw fit not to send a letter. J. Yackera said this is a case of the same person running the organization with different assistants. The Solicitor suggested that the finance committee be responsible for setting policy concerning budget items.

PUBLIC COMMENT

It was asked if the finance committee was consulted to see if there was enough money in the budget to cover those donations? C. Marquardt said the finance committee meeting was held the following week.

Motion to adjourn made by J. Yackera seconded by J. Tinari. Vote. All.

Respectfully submitted

Mary Ambrose
Secretary/Treasurer

(55)

BOROUGH OF GIRARDVILLE
FOURTH & "B" STREETS
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SPECIAL MEETING

PLACE: Municipal Bldg. **DATE:** June 5, 1996 **TIME:** 8:00 AM

OPEN MEETING

The meeting was opened with the Pledge of Allegiance lead by President C. Marquardt.

ROLL CALL

Members present: M.B. Dougherty, R. Krick, E. Labie, C. Marquardt, J. Yackera.
Members absent: T. Shearn, J. Tinari Mayor E. Ketusky, Solicitor J. Kilker.

BUSINESS

C. Marquardt informed the members present that this special meeting was called to discuss the cost overruns on the roof project on the A Street School Building. Due to problems with the decking there is an additional cost of \$21,000.00. The County Commissioners are willing to fund \$11,000.00 of this cost but the Borough must come up with the remaining \$10,000.00. C. Ross in the County engineers office said that all work on the roof is stopped until this problem is resolved. The gym roof will be put on hold until it is certain that there will be enough funds to complete the project. He believed with the Borough paying the \$10,000.00 there should be enough money to finish completely.

The consensus of Council is that because part of the roof has been torn off there really is not much of a choice. It has been raining almost constantly and there is already interior damage resulting from leaking. C. Marquardt asked where would the funds come from? E. Labie and R. Krick pointed out there is \$2,700.00 left in demolition after paying the outstanding summer lunch '93 bill. Money was allocated in recreation that was to be used for the repair of the basketball courts. There has been no word yet concerning the grant applied for to do this project. It was agreed that council could come up with the funds out of the budget. Redoing the basketball courts would have to be delayed.

Motion to commit \$10,000.00 for the A Street School building roofing project and send a letter stating this fact to the County Commissioners made by R. Krick seconded by E. Labie. Question? None. Vote. All. Motion carried.

Note: Letter sent immediately by fax as the Commissioners are meeting this morning at 10:00 AM.

Motion to adjourn made by J. Yackera seconded by R. Krick. Vote. All. Motion carried.

Respectfully submitted
Mary Ambrose
Secretary/Treasurer

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REGULAR MEETING

PLACE: Municipal Bldg. **DATE:** June 13, 1996 **TIME:** 7:00 PM

OPEN MEETING

Meeting opened by C. Marquardt with the Pledge of Allegiance.

ROLL CALL

Members present: M.B. Dougherty, R. Krick, E. Labie, C. Marquardt, J. Tinari,
Mayor Ketusky.

Members absent: T. Shearn.

Late arrivals: J. Yackera, 8:30 PM, Solicitor 7:05 PM.

PUBLIC COMMENT

T. Bobarsky asked if anything had been done yet concerning Ordinance 90-3. C. Marquardt said that he would have to wait until the solicitor arrives. He then asked about the railroad crossing on the Flicker Hill. C. Marquardt said that the information he had is the crossing is scheduled to be repaired and when the work is being done the road will be closed. We do not have any definite information on this as yet.

Residents registering complaints about M. Ello's property on West Main Street wanted to know what if anything was being done. There was a very long debate over responsibilities and faults concerning these properties. Mr. Kilker tried to tell the residents about not being able to serve the papers and trying to get the court to allow service through the mail. Once the papers are served the court will decide what if anything needs to be done. This has been an ongoing problem for a very long time. The Borough cannot simply go in, condemn the property and tear it down. We do not have the resources available. After Mrs. Ello is served then we will go into court and ask that the buildings be ordered torn down.

APPROVAL OF REPORTS

Minutes: Motion to approve both the minutes from the last regular meeting and the special meeting as submitted made by J. Tinari, seconded by R. Krick. Question? None. Vote. All. Motion carried.

Treasurer's Report: Read by C. Marquardt. Motion to accept as read made by J. Tinari, seconded by M.B. Dougherty. Question? None. Vote. All. Motion carried.

Tax Collector's Report: Read by C. Marquardt. Motion to accept the report as submitted made by R. Krick, seconded by E. Labie. Question? None. Vote. All. Motion carried.

Motion to pay the tax collector made by J. Tinari, seconded by R. Krick. Question? None. Vote. All. Motion carried.

Mayor/Health Officer's Report: Read by Mayor Ketusky. In the middle of the Mayor's report there was a prolonged debate over how the calls answered by the officers are broken down. One resident complained about unanswered calls but when pressed by the Mayor had to admit that any call made to the Mayor when no officer was available was always answered and handled. There was debate on the floor about what Council can and cannot tell the officers to do in the course of their jobs. Motion to accept the reports as submitted and read made by R. Krick, seconded by J. Tinari. Question? None. Vote. All. Motion carried.

Mayor Ketusky told Council the Officer Shinkus requested a new pair of uniform pants. One pair was torn during an incident. J. Tinari made a motion that Council purchase a new pair of pants for Officer Shinkus. Motion failed due to lack on a second.

UNFINISHED BUSINESS

Deitrick bill for recycling. J. Tinari said that their office is still checking.

NEW BUSINESS

Request from Faye Lokitus, Rail Road Street for a handicap parking space.

Request from Grace Anderson for a handicap parking space. Both of these requests are tabled until all required information is received.

Concerning these M.B. Dougherty asked do not they have to provide proof of a handicap permit from PADOT? J. Kilker said yes that was part of the requirements.

C. Marquardt noted that the handicap parking sign was removed from in front of Heisers.

J. Kilker introduced Ordinance #96-1 that requires sidewalks being replaced meet ADA and OSHA requirements. This was duly advertised on, June 5, 1996, in the Evening Herald. Motion made by R. Krick to adopt Ordinance #96-1, seconded by E. Labie. Question? None. Vote. All. Motion carried.

J. Kilker said that concerning ordinance #90-3, vagrancy and loitering, most of the sections would be considered Constitutionally vague. As instructed by Council at the last meeting he presented a suggested ordinance to Council that could be advertised. There followed a long debate over the present ordinance and how it should be enforced by the police department. R. Krick made a motion to instruct the solicitor to draw up and advertise an ordinance combining the two and avoiding vague language. Motion seconded by M.B. Dougherty. Question? None. Vote. All. Motion carried. The Solicitor was instructed to have this for the next regular Council meeting. R. Krick made a motion to have the solicitor draw up an ordinance allowing the Borough to modify penalties without advertising. Motion seconded by M.B. Dougherty. Question? None. Vote. All. Motion.

J. Kilker told Council he was approached by Cheryl Gaughan about having a street vacated which she would then like to purchase. There is procedure for this process. Anyone adjacent must be notified. The Borough can vacate the street by ordinance. The buyer would then be responsible to do a title search. It is possible that the street was once private property. You have to wait 45 days for the ordinance to be advertised and adopted. Anyone has the right to petition not to vacate. There must be a public hearing. Several reasons not to vacate the street would be a question of damages, loss of access or any other reason. R. Krick suggested that she check with Girard Estate. J. Kilker will tell her she should have it surveyed and a legal description drawn up. It would be her responsibility to make certain that the Borough could convey good title. The potential offer is \$800.00.

Also, received a letter stating that it is time to update our EMA manual. As J. Yackera is EMA coordinator he and J. Kilker will get together and forward the request information to EMA Pottsville.

E. Labie asked about the status of the property adjacent to the Devaney's on A Street. He asked if they purchased it? R. Krick said that GAMA needs an easement through the property and as Borough owns the property we want to grant the easement before selling. He asked J. Kilker can the Borough do this and who would sign the easement? J. Kilker said the Council President and the Secretary would sign and Council would need a resolution to sign the easement. Motion to adopt Resolution 96- made by R. Krick. The Girardville Borough Council hereby resolves to sign an easement to allow the Sewer Authority access on the Borough lot located at 311 East A Street. Motion seconded by E. Labie. Question? None. Vote. All. Motion carried.

BILLS

List of bills to be paid read by C. Marquardt. Motion to pay the bills as read made by J. Tinari, seconded by J. Yackera. Question? None. Vote. Ayes five (5) Nos one (1) E. Labie. Motion carried. E. Labie objected to the bill from Sears for the purchase of two lawn mowers and a weedwacker. R. Krick said that Council has tried to impress on J.

Hinkle the importance of requesting things at budget. J. Kilker suggested adopting some type of policy to cover this in the future.

CORRESPONDENCE

Notice the GAMA document is available in the Municipal office.

Grants for libraries. R. Krick suggested sending for the application just to see what is required.

Capitol Blue Cross will send information on newer types of coverage available. C. Marquardt suggested sending for this information.

Court Administrator -- Seeking proposals for a new office for the District Magistrate. R. Krick sent a copy to our engineers to see if the school building would be feasible. M.B. Dougherty suggested if the engineer says it is feasible that a special meeting be held to allow us to meet the deadlines.

C. Marquardt asked about the easements for the Ogden St. Bridge. R. Krick said that they have not arrived as of today. J. Hinkle will take care of them when they are available.

C. Marquardt suggested sending to Pens Valley Publishers for cost information on codification.

Entech concerning the cost overruns on the school building roof. The Borough's share of this is \$10,000.

COMMITTEE REPORTS

Finance: E. Labie said that budget meetings will be set up soon. There is a meeting concerning regional police scheduled for June 18th at 7:00 PM. There were five communities at the first meeting and this is to see if there is further interest in pursuing the matter. The Borough would not see any savings in cost but would benefit by having more protection. The larger communities would be the ones to actually benefit financially. R. Krick asked about how the financial end would be structured. E. Labie said those details have not been discussed yet. There is a lot to deal with first.

Streets: R. Krick asked about liability on storm drains. C. Marquardt had an estimate from iron-tie fencing for damage done during the snow removal. R. Krick asked how was it determined that the Borough is actually responsible for the damage. C. Marquardt said this was look at when it happened. M.B. Dougherty asked why wait until now to bring this up? It should have been discussed when the damage occurred. C. Marquardt said that he did not bring it up at meetings due to lack of estimates. The matter was tabled. Meeting scheduled for June 21st at 7:00 PM.

Recreation: M.B. Dougherty said the SCCA has money available for one free program. It can be either of the bands and she will try to schedule this with sufficient time to advertise. Concerning Keystone there still has been no answer on the status of our grant application. C. Marquardt noted that we should hear from the Schuylkill County Chamber of Commerce this week. Hopefully we will get the grant for the fencing. He also noted that the shed in the East End Park should be taken down. E. Labie suggested getting an estimate of the cost from E. Burns to knock the shed down and the borough to haul it away. The consensus of Council was if it is not going to cost more than \$200 - \$300 dollars then go ahead. The recreation committee asked permission for Porcupine Pat to use the park on August 6, 7 & 8 to hold a wildlife day camp. Motion to allow this use made by R. Krick seconded by E. Labie. Question? None. Vote. All. Motion carried. C. Marquardt asked about having E. Burns dig out around the swings and put in a layer of the mulch we have to help protect the children. M.B. Dougherty suggested waiting until we could find some definite information on what is recommended.

School Building: R. Krick said that it looked as if the roof work has been started. The estimates are that the heat will be done in August. R. Krick noted that he did start tearing out the small room so that when John is going to the landfill he should stop over.

Police: T. Shearn asked to check again about June 19 & 20th to set up police interviews. There are eight resumes and he is planning to schedule four for each night. M.B. Dougherty said that she and T. Shearn started to discuss setting up an absentee policy. A policy should be in place before hiring. Concerning covering for A. Shinkus while on vacation you cannot exceed 40 hours. There was a question about A. Shinkus's sick days. The Mayor said he has the records but not right here.

PUBLIC COMMENT

E. Dougherty noted she and J. Haluska got together and should have a detailed report for next month.

Motion to adjourn made by J. Tinari seconded by J. Yackera. Question? None. Vote. All. Motion carried.

Respectfully submitted
Mary Ambrose
Secretary/Treasurer

(62)

BOROUGH OF GIRARDVILLE
FOURTH & "B" STREETS
P.O. BOX 5
GIRARDVILLE, PA 17935
PHONE: (717)276-1635 FAX: (717) 276-1640

SPECIAL MEETING

PLACE: Municipal Bldg. **DATE:** July 3, 1996 **TIME:** 6:00 PM

OPEN MEETING

Meeting opened by C. Marquardt with the Pledge of Allegiance.

ROLL CALL

Members present: E. Labie, C. Marquardt, T. Shearn, J. Tinari, J. Yackera.
Mayor Ketusky, Solicitor J. Kilker.

Members absent: M.B. Dougherty.

Late arrivals: R. Krick, 6:10 PM

MEETING

C. Marquardt informed all present that the advertised purpose for the special meeting was to hire two part time police officers.

The question of how this affects the COPS FAST grant was directed to Washington. We were informed that this does not affect the grant but the position should be filled as quickly as possible. A letter must then be forwarded to the grant coordinator.

There was general discussion about personnel policies, starting salaries, probation periods. T. Shearn and M.B. Dougherty are working on a general personnel policy. T. Shearn said there will be a Police Committee meeting before the regular meeting.

C. Marquardt asked E. Labie what if anything the finance committee had come up with as starting salaries. E. Labie asked what the previous officers were paid to start? He was told they started at \$6.25. Labie suggested deciding on a start salary with the possibility of raises after the budget. Motion to start the two officers at a salary of \$6.50 per hour made by J. Yackera seconded by J. Tinari. Question? None. Vote. All.

R. Krick arrived at this point.

C. Marquardt asked R. Krick if he had a chance to look over the resumes? R. Krick said that he was not involved in the selection process. He informed those present that he was going to vote no and wanted it on the record that it was just because he did not interview anyone.

C. Marquardt opened the floor to nominations.

T. Shearn nominated Michael Stokes. J. Tinari seconded the nomination. Question? None. Vote. Ayes, five (5) No, one (1) R. Krick. Michael Stokes is hired as a part time police officer.

T. Shearn nominated Edward Nesgode. J. Tinari seconded the nomination. Question? None. Vote. Ayes, five (5) No, one (1) R. Krick. Edward Nesgode is hired as a part time police officer.

C. Marquardt instructed the Mayor to swear them in as soon as possible.

Motion to adjourn made by J. Yackera seconded by J. Tinari. Vote. All. Motion carried.

Respectfully submitted
Mary Ambrose
Secretary/Treasurer

(64)

BOROUGH OF GIRARDVILLE
FOURTH & "B" STREETS
P.O. BOX 5
GIRARDVILLE, PA 17935
PHONE: (717) 276-1635 FAX: (717) 276-1640

REGULAR MEETING

PLACE: Municipal Bldg. **DATE:** July, 11, 1996 **TIME:** 7:00 PM

OPEN MEETING

The meeting was opened with the Pledge of Allegiance led by C. Marquardt.

ROLL CALL

Members present: M.B. Dougherty, R. Krick, E. Labie, C. Marquardt, T. Shearn,
J. Tinari. Mayor E. Ketusky, Solicitor J. Kilker, late arrival.
Members absent: J. Yackera.

PUBLIC COMMENT

The questions being asked had to be addressed by the solicitor. C. Marquardt said the floor would be opened at the end for any questions to be directed to the solicitor. Everyone decided to await his arrival. It was asked from the floor what the solicitor gets paid. The residents were told that the salary is \$180.00 per month which is for 3 hours of service time. This is a minimum that has to be guaranteed. Anything over that is documented and billed accordingly.

APPROVAL OF REPORTS

Minutes: Motion to accept the minutes from the last regular meeting and the special meeting held on, July 3, 1996, made by J. Tinari seconded by T. Shearn. Question? None. Vote. All. Motion carried.

Treasurer's report: Report read by C. Marquardt. Motion to accept as read made by J. Tinari seconded by T. Shearn. Question? None. Vote. All. Motion carried. E. Labie asked if the check from FEMA was the snow removal money? C. Marquardt told him yes.

Mayor/Health Officer's reports: Read by Mayor Ketusky. Motion to accept as read made by E. Labie seconded by T. Shearn. Question? None. Vote. All. Motion carried.

C. Marquardt noted that under police business everyone had received a copy of Alan Shinkus' resignation. He is resigning from both his positions as police officer and health

(65)

officer effective July 5, 1996. Motion to accept the resignation made by M.B. Dougherty seconded by R. Krick. Question? None. Vote. All. Motion carried.

C. Marquardt said that at the special meeting we hired two part time officers. One has decided not to accept the position. The second opening will need to be filled. We interviewed another person this evening. The decision to hire him will be voted on later in this meeting.

Motion to appoint Michael Hummel to the full time position in the police department made by M.B. Dougherty seconded by T. Shearn. Question? None. Vote. All. Motion carried. M.B. Dougherty noted that we now need a health officer. Mayor Ketusky said the M. Hummel did not want the job but was appointed temporarily. He spoke to E. Nesgoda, the new officer and he is willing to take the health officer's job. Motion to appoint E. Nesgoda health officer made by T. Shearn seconded by J. Tinari. Question? R. Krick asked what about salary. C. Marquardt said it would remain at \$25.00 per month payable quarterly. Vote. All. Motion carried.

M.B. Dougherty asked how many hours the part time police officers were slated? E. Ketusky said 32 hours between the two of them.

Motion to hire Theodore Buriak Jr. as a part time police officer made by T. Shearn seconded by R. Krick. Question? None. Vote. All. Motion carried. E. Ketusky is to notify Mr. Buriak that he has been hired.

Mayor Ketusky said that he found out about a piggyback program that would allow the Borough to purchase tires for the police vehicles. The regular price for each Firestone High Performance tire is \$126.00 and under the State program they are \$45.80. These are the tires recommended for police cars. E. Ketusky said we need new tires for the Chevy and he asked Council's permission to purchase them. R. Krick asked who had the deal. Shannon Tire in Bloomsburg. C. Marquardt asked for a motion to purchase four (4) tires. R. Krick made the motion amending it to purchase eight (8) tires. Seconded by J. Tinari. Question? Mayor Ketusky said these are not mounted. R. Krick asked who would put the tires on the cars? E. Ketusky told him he thought he would. R. Krick agreed. Vote. All. Motion carried.

Tax Collector's report: Read by C. Marquardt. Motion to accept the report and to pay the tax collector made by J. Tinari seconded by T. Shearn. Question? None. Vote. All. Motion carried.

Tax Assessor's report: J. Haluska submitted a report containing only numbers. 29 died, 47 moved, 150 names added. Motion to accept the report as submitted made by R. Krick seconded by T. Shearn. Question? R. Krick asked her if there was a list of the names to be added and if so would she drop them off at the Borough hall? J. Haluska said there are names but the list is not complete yet. Vote. All. Motion carried.

UNFINISHED BUSINESS

J. Tinari said that both the requests for handicap spaces will have to remain tabled. In Mrs. Lokitus' case he was informed she had a car and found out she does not. She does meet the State requirements. He has not had the opportunity to speak with Mrs. Anderson as of yet. C. Marquardt recommended tabling these requests.

M.B. Dougherty asked for a copy of the Handicap Parking ordinance.

In the matter of the Deitrick billing J. Tinari said we should have an answer next month. They have finally gotten the copies out of the back files.

NEW BUSINESS

C. Marquardt noted the arrival of the check for the snow removal. (see treasure's report). Also, the annual Berkheimer audit arrived and is available for anyone interested.

BILLS

List of bills to be paid read by C. Marquardt. Motion to pay the bills as read made by J. Tinari seconded by T. Shearn. Question? R. Krick questioned the bill for the copy machine repairs. He asked if we could find out how much we have invested in this and it may be cheaper to buy a new machine. E. Labie said we could look into this at budget time. The bill for D. Pastucka for the physiological tests for the new police officers was also questioned by R. Krick. We have a bill for the person who decided not to take the job. Should we have a policy stating the Borough would pay for the test but if you do not work for us you would reimburse us the costs involved? M.B. Dougherty said she has the copy of the compendium of personnel policy but has not gotten to that point yet. It was suggested the question be put to the solicitor. Vote. All. Motion carried.

CORRESPONDENCE

Fax received from Blue Mountain Environmental (SEO) billing for both the Matunis building on East Main Street and the Gantz property on North Second Street. C. Marquardt said the Borough is being billed \$100.00 for the Gantz property site visit. This is payable by the Borough. A manufactured home was placed on a lot where the existing residence had been demolished. There were complaints registered with DEP because they hooked onto the existing wild cat sewer line which is not permitted. The SEO informed the Borough that due to a mine drainage system in place on the property a holding tank is not practical. R. Stermer of DEP is on vacation and the question of the sewer is in DEP hands. Until we have further information from DEP the Borough is not in a position to make a decision.

Notice from Kenneth McClain, PADOT engineer, Reading, Blue Mountain Northern is planning the needed repairs on the three (3) railroad crossings it owns in Butler Township.

The crossing on the Flicker Hill is tentatively scheduled for August 19 - 23, 1996. The road will have to be closed for one (1) week during the repairs. The schedule is subject to PADOT approval of the repair plans.

The Recycling report for 1995 is in the office if anyone is interested.

COMMITTEE REPORTS

Finance: E. Labie told Council we were not successful in our application for a Keystone grant for the basketball courts. There will be another round and we can reapply. It might be worth looking into how to fine tune our applications to make them more competitive.

There will be a Budget committee meeting on August 19th at 7:00 PM unless it needs to be rescheduled. There is another Regional Police meeting scheduled for July 18th at 7:00 PM. Ashland is planning to attend and seems very interested. The various communities will be filling out DCA forms which give a better handle on needs and feasibility.

R. Krick noted that Recreation was budgeted \$9,000.00 which is more than 1/2 the grant application of \$12,000.00. Council should think about taking the money out of general funds and just doing this project. M.B. Dougherty said that if we did not have a policy of giving away unbudgeted funds this would be possible. Again the question of applying to the Borough for donations was raised. The budget committee should come up with some way of dealing with this problem. It was suggested that a deadline of September 30th be set.

Streets: J. Tinari said that we received three price quotes on weed killer. R. Krick suggested asking for the HAZMAT information on toxicity before ordering any weed killer. This was tabled.

Recreation: M.B. Dougherty said there will be a band concert outside the Borough Hall on July 16th at 7:00 PM. The Third Brigade Band is being sponsored by Schuylkill County Council for the Arts and the Schuylkill County Commissioners. The shed is still standing but J. Hinkle is talking to E. Burns about knocking it down. Placing mulch under the swings should be okay. There are no regulations but rubber matting or shredded tires is what is recommended when information is requested. Porcupine Pat will be at the East End Park August 6, 7, & 8.

School Building: R. Krick said the roofs are done. The heating is scheduled for August but no word from the contractor as to when they will start. The inquires about rentals are starting and we will have to see how it goes. C. Marquardt said that we are still checking into the gym floor.

Police: T. Shearn said the only thing to report is the hiring of the new officers.

Recycling: C. Marquardt said a request to submit more information on the chipper grant was received. Recycling in general is going well and Gilberton Borough is encouraging its' residents to participate in the drop off program in Girardville.

At this time the Solicitor took the floor. There are three (3) easements needed by Entech Engineering for the Ogden Street Bridge project. These must be signed in order for the replacement to proceed. J. Hinkle will take care of having them signed. The properties are the Ranger Hose Co., Shalamanda's and Kessler's.

Draft ordinance to allow Council to set fines and costs by resolution instead of having to readvertise ordinances submitted for Council review by the Solicitor.

Draft vagrancy ordinance for Council's consideration submitted for Council's review by the Solicitor.

During the Solicitor's report the floor was opened to the public for comment due to discussion of the Ello property.

Mr. Kilker informed both Council and the concerned residents that after trying repeatedly to serve papers through the U.S. Mail and the Martha Ello has been served by mail. He said that this process was granted after convincing Judge that she would not answer the door or accept certified mail. We had to prove that she has been playing games in this matter for a long period of time. She has previously not had official service. The letter was mailed to her address on Pear Street in Shamokin. There is a twenty (20) day period for notice of intent. After that elapses, in ten (10) more days a request can be made to the court to sign an order. The approximate date will be August 11, 1996, which is the next Council meeting. We can request a nuisance order directing her to correct the problem in thirty (30) days. After that time the Borough can take any actions necessary and place a lien on the property. The question is if we get what we want can we handle it. Council agreed with the residents that this problem has gone on too long. The buildings are a health and fire hazard. Recently children were found inside. J. Kilker said we are close to the end legally. M. Olivieri, a resident, raised a question concerning a newspaper article. M.B. Dougherty said the report was inaccurate. If you read the article it presumes she had already been served. At that time the Northumberland County Sheriff's office was attempting personal service. M. Oliveri wanted to know what would be done with the buildings? J. Kilker told her it depends on the Court. Hopefully, they could be torn down. S. Earll, a resident, said that the buildings would have to be cleaned out before being torn down. There are resident pigeons, rats and who knows what else. E. Labie noted this would be a major expense for the Borough. A lien could be placed against the property which is worthless and the Court can't force her to pay. J. Kilker said we could ask the Court for judgment against any properties she owns. He said there is no doubt that this matter should have been handled more aggressively. R. Krick said the bottom line in this is lack of money to pay a code enforcement officer. He said that like looking at combining local police departments an effort should be made to share an enforcement officer. When the matter of costs came up M. Oliveri asked what about all the donations made to private

organizations which do have fund raisers. She suggested the Borough stop making charitable contributions and put that money to use paying a code enforcement officer. R. Krick said she should attend meetings and voice her opinion when it comes to giving away money.

From the floor S. Earll asked what the \$1,000 for Gil's Catering was about? M.B. Dougherty explained the problems with the 1993 SFSP and the resulting debt that is just now being paid. The fact is that there were paper work problems and funds are not missing they simply were not applied for in a timely and proper fashion.

Motion to have the solicitor advertise draft of ordinance to modify fines and costs by resolution made by R. Krick seconded by E. Labie. Question? None. Vote. All. Motion carried.

J. Kilker read the draft of the vagrancy ordinance. Motion to have the solicitor advertise the draft vagrancy ordinance made by R. Krick seconded by J. Tinari. Question? None. Vote. All. Motion carried.

After this draft was read there was discussion from the floor concerning the loitering problems being experienced. E. Labie said that the Borough has to look at the policy of closing the parks. We have to give the kids someplace to go and closing the parks has not cut down on the littering or the vandalism. He also suggested Council look into changing our curfew ordinance. Perhaps lowering the age to 16 or advancing the hour to midnight. J. Kilker said that he did not recall any request to investigate the curfew ordinance.

C. Marquardt noted that Susquehanna Development has cut the grass and weeds on Second Street as requested. The sewer module which Council passed is in front of R. Stermer at DEP. G. Patina is waiting to hear from him.

No further business.

Motion to adjourn made by T. Shearn seconded by J. Tinari.

Respectfully submitted

Mary Ambrose
Secretary/Treasurer

(70)

BOROUGH OF GIRARDVILLE
FOURTH & "B" STREETS
P.O. BOX 5
GIRARDVILLE, PA 17935
PHONE: (717) 276-1635 FAX: (717) 276-1640

REGULAR MEETING

PLACE: Municipal Bldg. **DATE:** August 8, 1996 **TIME:** 7:00 PM

OPEN MEETING

The meeting was opened by President Charles A. Marquardt leading the Pledge of Allegiance.

ROLL CALL

Members present: M.B. Dougherty, E. Labie, C. Marquardt, T. Shearn, J. Yackera,
Mayor Ketusky.

Late arrivals: J. Tinari, 7:25 PM Solicitor, 7:10 PM

Members absent: R. Krick.

PUBLIC COMMENT

There was a complaint from a resident that one of the Girardville Police officers pointed a gun at a juvenile. C. Marquardt said that this was a police matter and there should be a meeting with the family, Mayor, police committee and officer involved. During the course of the Council meeting the family met with the Mayor and police. When the Mayor returned to the meeting he said the questions had been answered and the matter was closed.

APPROVAL OF REPORTS

Minutes: Motion to approve the minutes as submitted made by T. Shearn, seconded by J. Yackera. Question? None. Vote. All. Motion carried.

Treasurer's report: Report read by C. Marquardt. Motion to accept as read made by E. Labie, seconded by T. Shearn. Question? None. Vote. All. Motion carried.

Mayor/Health Officer's report: Both reports read by Mayor Ketusky. Motion to accept as read made by J. Yackera, seconded by E. Labie. Question? None. Vote. All. Motion carried.

UNFINISHED BUSINESS

C. Marquardt said that he spoke with R. Hester, from Blue Mtn. Environmental. The Borough is responsible for the \$100.00 charged for the investigation concerning the Gantz property on Second Street. M.B. Dougherty asked what the status of the Gantz property is currently. C. Marquardt said that the S.E.O. forwarded information stating a holding tank is not practicle due to the mine drainage system in place and we have not heard anything further from DEP. J. Yackera said he received several complaints and called the S.E.O. to ask if a permit had been issued. One had not been issued. He didn't realize we would be billed he thought it would be charged to the property owner. This charge would then be put on our year end report and should be reimbursed.

Solicitor arrived 7:10 PM.

Deitrick bill is still open and waiting for an answer. This was tabled and will be filed until we hear from them.

Due to J. Tinari's absence the requests for handicapped parking were tabled.

NEW BUSINESS

The solicitor stated that he forgot to advertise the two ordinances from last month's meeting. These will be advertised in time for September's meeting. E. Labie noted some concerns that the section dealing with noise is too broad. After some discussion J. Kilker suggested adding a separated section dealing with the problem and then advertise.

J. Yackera made a motion to have the solicitor add a definition of unreasonable noise and advertise the ordinances. Motion seconded by E. Labie. Question? J. Yackera asked the solicitor to fax a copy of the proposed ordinance to the borough. Vote. All. Motion carried. J. Yackera asked the faxed copy be given to E. Labie.

J. Tinari arrived, 7:25 PM.

M.B. Dougherty asked about the handicap parking requests. J. Tinari said neither of the people drive or have vehicles. They do not meet the PADOT requirements for an H.P. Plate. Motion to deny the requests for handicapped parking places and send letters of notification made by J. Yackera, seconded by J. Tinari. Question? None. Vote. All. Motion carried.

BILLS

List of bills to be paid read by C. Marquardt. E. Dougherty asked if Council is willing to pay for the tax collector's check printing charges in the amount of \$43.65? C. Marquardt added this to the list. Motion to pay the bills as read and the additional for the printing charges made by J. Yackera, seconded by J. Tinari. Question? M.B. Dougherty questioned the bill from Wayne's. It was explained that when checked by the borough

workers the lights did not work. That was the charge for checking out hall fluorescent lights. J. Hinkle said he could not replace the valves for the toilet. Vote. All. Motion carried.

Insurance is up for renewal. There was information received from our agent concerning "gap" insurance available to cover Heart & Lung payments. Adding this would require switching from HARIE to Titan and would add about \$850.00 to the cost. Also, it was suggested that the finance committee, after their meeting, be allowed to decide how to make the payments on the upcoming insurance bills. Motion to stay with HARIE and not carry "gap" insurance and to allow the finance committee to make recommendation on the payment schedule made by J. Yackera, seconded by J. Tinari. Question? None. Vote. All. Motion carried.

Secretary asked permission to transfer general funds to the school fund to pay bills. Motion to allow transfer of funds made by E. Labie, seconded by J. Yackera. Question? None. Vote. All. Motion carried.

CORRESPONDENCE

Service Electric -- Receipt of franchise fee

Notice change of date for J. Yagielenksi hearing.

Entech -- notice of change orders for school building.

DEP -- notice of receipt of grant moneys for recycling bins.

COMMITTEE REPORTS

Finance: Meeting scheduled Monday, August 19th at 7:00 PM for preliminary budget discussion. Plan insurance payments and talk about new COPS grants.

E. Labie noted there will be another Regional Police meeting on Thursday, August 15th. The other municipalities are bringing representatives from their police departments. Some members are going to visit Northern York to see how this works. The group is better organized and have elected a Chairperson, Vice-chairman & Secretary. There will be regular monthly meetings here at Borough Hall on the third Thursday of each month. Shenandoah is also interested in possibly participating.

Recreation: M.B. Dougherty reported currently swing seats are being replaced and the benches at the basketball court will be painted. Under consideration is replacing broken baby swings. Have gotten three (3) prices. C. Marquardt suggested looking into how many there are and waiting until next year. This could be part of the recreation budget. The borough workers will have to get one of the picnic tables out of the creek behind the East End Park.

Streets: J. Tinari reported a blocked sewer at the municipal building. If the acid does not work we might have to dig. M.B. Dougherty asked about the status of the shed removal. C. Marquardt said it has to be cleaned out first. C. Marquardt noted the article concerning parking during the renovations at St. Joseph's Church. There will be no parking at all on Main Street and Richard Street will be blocked off during the day.

Police: Problem with the Chevy. Officers keep being stranded. J. Yackera said they will have to go to one car. Mayor Ketusky asked what would cost be if the problem is with the computer. J. Yackera gave estimates of \$300 - \$350 and it is difficult to diagnose. He will take a look on Monday or Tuesday. It was noted there was a lot of positive feedback on the practice of E. Nesgoda walking around town. The new tires are on the Chevy and C. Marquardt asked that we pick up the old ones. If they are not salvageable they can be used to hold down the tarps.

Recycling: C. Marquardt reported that C. Fritz from DEP came down to go over the chipper application. Mahanoy City attended the meeting and is interested in going in on this with us. This makes four communities willing to participate in the joint venture. The application will go from Wilkes-Barre to Harrisburg. We cannot expect to get the chipper before early spring. Girardville will be the host municipality. Each of the participating communities must submit letters accepting responsibility for the chipper when it is in their possession.

OTHER BUSINESS

E. Labie said he wanted to discuss the borough policy of closing the parks at dusk. Having them closed has not alleviated the vandalism. He suggested it might be a better course of action to open the parks until curfew and that might get some of the kids off the corners. It would be easier for the officers to patrol if they knew most of the teens were in the park and not all over town. The only way to solve some of the problems would be to have 24 hour police because most of the problems occur when they are off duty. The Mayor asked about getting more light in the parks. C. Marquardt said the Recreation committee could look at that but in the past lights were always smashed. Motion to open parks until curfew made by J. Yackera seconded by J. Tinari. Question? None. Vote. Ayes: Five (5) members, M.B. Dougherty voted NO. Motion carried. It was asked from the floor about the fines for curfew violation? Some of them have received fines that amount to \$65.00 - \$90.00. Is there something that can be done? E. Labie said that with the confusion over curfew hours, 10:00 PM vs. 11:00 PM anyone receiving a fine could have requested a hearing at the magistrate's office. If the fine has already been paid there is nothing that can be done.

M.B. Dougherty asked the solicitor what needs to be done with the petitions to reduce council? J. Kilker told her that whoever circulated the petition has to present them at the Prothonatary's office. J. Kilker then told council they have a decision to make in this instance. Are we going to back or oppose this action? This needs to be decided because a

vote must be taken the first meeting after this petition is filed. Many other communities function with a five member council.

She was asked to find out if Junior firefighters are covered under the Borough's insurance. The secretary spoke with Bill Pilconis from our insurance agency today and the answer is yes.

PUBLIC COMMENT

No comments.

Solicitor J. Kilker asked Council to hold an executive session to discuss legal matters concerning the Martha Ello property.

Council went into Executive session at this time.

Meeting resumed. Motion to allow the Solicitor to prepare legal documents and to proceed with the M. Ello case made by J. Yackera, seconded by J. Tinari. Question? None. Vote. All. Motion carried.

Motion to adjourn made by T. Shearn, seconded by J. Yackera. Vote. All. Motion carried.

Respectfully submitted

Mary Ambrose
Secretary/Treasurer

BOROUGH OF GIRARDVILLE
FOURTH & "B" STREETS
P.O. BOX 5
GIRARDVILLE, PA 17935
PHONE: (717) 276-1635 FAX: (717) 276-1640

REGULAR MEETING

PLACE: Municipal Building DATE: September 12, 1996 TIME: 7:00 PM

OPEN MEETING

Meeting opened by President Charles A. Marquardt leading the Pledge of Allegiance.

ROLL CALL

Members present: M.B. Dougherty, R. Krick, E. Labie, C. Marquardt, T. Shearn
Mayor Ketusky
Late arrivals: J. Tinari, 8:20 PM, Solicitor J. Kilker, 7:05 PM
Members absent: J. Yackera

PUBLIC COMMENT

Residents of East Mahanoy with a complaint about an apartment house. They decided to await the arrival of the Solicitor.

APPROVAL OF REPORTS

Minutes: Motion to approve the minutes as submitted made by T. Shearn, seconded by R. Krick. Question? None. Vote. All. Motion carried.

Mayor/Health Officer report: Read by Mayor Ketusky. Motion to accept the reports as read made by R. Krick, seconded by T. Shearn. Question?

Solicitor arrived. 7:05 PM

M.B. Dougherty asked the solicitor, in relation to the Police report what could be done about dilapidated properties? What would be the best way to enforce our ordinances? J. Kilker said the best thing to do would be to review the ordinances and put them by subject. Council is looking into the cost of pursuing codification which would be the best thing to do in this case. It would let us see what we have and what we need in the way of ordinances. Vote. All. Motion carried.

Tax Collector's report: Read by C. Marquardt. Motion to accept the tax collector's report and to pay the tax collector made by T. Shearn, seconded by R. Krick. Question? None. Vote. All. Motion carried.

UNFINISHED BUSINESS

The solicitor presented two versions of a vagrancy ordinance for Council's consideration. He did not advertise the previous version because of the questions asked concerning time and noise levels. After some discussion R. Krick made a motion that the Solicitor be given permission to advertise version "B" with the changes discussed. Motion seconded by M.B. Dougherty. Question? None. Vote. All. Motion carried.

The Solicitor informed the Council that the Borough had received a default judgement against Martha Ello. She did not respond to the court. He will contact the neighbors within the next five days and compile a list of witnesses. He also suggested having someone with a demolition background as a expert witness. This would allow for a reasonable response to questions about the actual cost of demolition of the properties. e could ask for a court order for her to do this or we could execute on any property she owns to recoup costs. We will be notified on the hearing date.

The petition to reduce Council from seven (7) members to five (5) will be heard before Judge Baldwin on October 16, 1996, Court room 4 at 9:30 AM. The court has ordered that notice of this hearing be published. Both M.B. Dougherty and R. Krick offered to pay the cost of the advertisement as it was not their intention for the Borough to incur any expense in this matter. The solicitor said that Council could decide next month of what position they wished to take. M.B . Dougherty asked if Council had to take a position and was told no. J. Kilker said, however, Council should come down on one side or the other. J. Kilker will place the ad as that is what the Court ordered. Costs, next meeting.

The residents of East Mahanoy Avenue asked what could be done with the residence of 227 E. Mahanoy Avenue. J. Kilker said he was informed of this and sent a letter to both the tenants and the property owner. He hoped this would help resolve the matter. The neighbors want this taken care of as soon as possible. The house next door to 227 has become infested with fleas as a result of the condition of the dogs. J. Kilker told the neighbors they could take legal action. The Borough would have to go through the same procedure as with the Ello case. R. Krick asked if in addition to the requirement of registering the dogs couldn't the Borough cite them for other violations of the dog ordinance? We require 25 square feet per animal and they obviously do not comply. J. Kilker said they should be cited for any violations of the ordinance. Motion to authorize the Solicitor to send a letter to the landlord and tenants giving them seven (7) days to comply with ordinance #94-2 made by R. Krick, seconded by T. Shearn. Question? None. Vote. All. Motion carried.

Information concerning participation in the State's Piggyback program was received. Inorder to particiapte the Borough must pass a resolution and make payment of \$50.00. M.B. Dougherty asked what the participation dates are and is it worth doing this so late in the year. E. Labie suggested that Council decide exactly what it was going to purchase before participation. There is talk of a new dump truck within the next two years and purchasing a new spreader for the pick up truck. The matter was tabled.

There were two proposals for codification received. These were given to the Finance Conte. for budget discussion.

M.B. Dougherty received a letter from SCCA asking if the Borough is going to participate in next years program. This was given to the Finance committee for budget discussion.

In another matter, M.B. Dougherty noted that as a private citizen she had written a letter to the Pennsylvania National Bank to ask about rumors about the bank closing and to voice her objections. She asked that Council go on record opposing any action closing the Pennsylvania Bank. Motion to have Council send a letter voicing it's opposition made by M.B. Dougherty, seconded by R. Krick. Question? NOne. Vote. All. Motion carried.

BILLS

List of bills to be paid read by C. Marquardt. Motion to pay the bills as submitted made by R. Krick, seconded by T. Shearn. Question? NOne. Vote. All. Motion carried. The secretary asked permission to transfer \$730.00 for the General Fund to the School Fund to pay the oil bill. Motion to allow the transfer from the General Fund to the School Fund made by R. Krick, seconded by E . Labie. Question? None. Vote. All. Motion carried.

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E. Labie asked if any thing had been done yet concerning scheduling for the gym? The building has to be rented out as much as possible. He asked if there had been any response about the magistrate's office? R. Krick said that Entech did not get back to him. E. Labie noted that the Borough would have to have firm leases in order to justify spending any money on renovations.

CORRESPONDENCE

Biddy Baksetball -- Letter asking to schedule use of gym three nights a week instead of all day Saturday and offering to pay half the cost of redoing the floor. R. Krick said the School committee will have to have a meeting to discuss what will be done concerning schedules.

J. Tinari arrived, 8:20 PM

J. Kilker asked what was involved in the cost of redoing the gym floor? E. Labie said cost could be \$1,500 - 2,000 for just cleaning or as much as \$10,000 or more for stripping and refinishing. Then it becomes a matter of control - no food or drinks allowed in the gym. There are also other issues to be addressed. There has to be better control of the bathrooms and cleanup after games. M.B. Dougherty suggested sending letters to all the groups who rented last year. R. Krick said he also had an adult league interested.

M.B. Dougherty noted that G.A.R.C. is planning on cutting back on the activities. Due to lack of adult volunteers they will sponsor an Easter Egg Hunt and an Annual Bike Rodeo. If anyone is interested in helping with these activities they are more than welcome.

Nancy Olson submitted her resignation effective December 31, 1996. Motion to accept the resignation made by J. Tinari, seconded by M.B. Dougherty. Question? None. Vote. All. Motion carried. C. Marquardt thanked N. Olson for giving Council time to find a replacement.

Auditor's General Office -- Notice that GAMA is delinquent in their audit submission. Copy of this given to T. Yesalavage.

Ace Hardware -- Request for updated list of approved signers for the Borough's charge account. Motion to send a letter listing J. Hinkle, D. Hess and E. Ketusky made by M.B. Dougherty seconded by R. Krick. Question? None. Vote. All. Motion carried.

Ashland Public Library -- Request to be considered for a donation on the upcoming year. Given to the Finance Committee to the budget meeting.

Frackville Borough -- Notice of a meeting held to discuss handicapped parking problems. The Mayor and C. Marquardt attended. Our ordinance is one of the best in the area. They brought back a copy of the application form used by Pottsville. Motion to use this form with the following changes: plugging in our ordinance number and cost of applying could be no more than the actual cost of the sign to the Borough. Motion made by R. Krick, seconded by T. Shearn. Question? None. Vote. All. Motion carried.

DEP -- Notice of receipt of GAMA's application.

Court House -- Notice of heat installation.

Legislative Newsletter -- Notice of increase of the minimum wage. This will affect our Crossing Guard.

Classes -- Notice of various classes that may be of interest to Council. Council will pay the costs for anyone wishing to attend.

COMMITTEE REPORTS

Finance: Budget meeting scheduled for Tuesday, October 1, 1996.

Labie noted a Regional police meeting is scheduled for September 19, 1996 at 7:00 PM

Streets: J. Tinari said Council went over everything he had and the piggyback matter was tabled.

Recreation: M.B. Dougherty noted the only thing she had was the letter from SCCA.

School Building: R. Krick said the committee would look into numbers on the cost of the floor. The heating contractor was in the building and heat should be done soon. The contract calls for a ninety day completion. C. Marquardt noted that the borough workers had the building almost all cleaned out. The carpet is up and the windows are open to help air it out.

Police: T. Shearn said that Officer Buriak asked permission to use the Borough Police car for attendance at an instructor's firearms training class. New Castle Twp and Gordon are allowing use of theirs. Mayor Ketusky told Council that when approached he told Buriak no. Policy was use of cars for mandatory training only. Shearn said if allowed Buriak would certify our officers at no charge. R. Krick said that is only if he passes the course. We should not subsidise a private individual. Motion to deny T. Buriak use of a Borough vehicle to attend instructor's firearms training made by M.B. Dougherty, seconded by R. Krick. Question? None. Vote. AYES - five (5) NO - T. Shearn. Motion carried.

OTHER BUSINESS

R. Krick wanted it noted for the record that had he been in attendance at last month's meeting he would have been opposed to opening the parks until curfew.

PUBLIC COMMENTS

It was asked from the floor if it is legal to bring heating oil in by the can and pour it into the tank? The resident was told it is legal and if there are any spills she can call the fire department. R. Krick suggested calling DEP about any oil spills.

A resident of West Mahanoy Avenue wanted to know what circumstances required the road to be closed from Second Street to Julia Street and why weren't the residents notified. C. Marquardt told her that The Lennon Documentary Group was in town. They are filming a documentary about Irish immigration and had an interview scheduled with J. Wayne. They asked to have the road closed to avoid any noise interference and they paid for the officer's time. The resident complained that visitors were denied access to her front door. The Mayor said the officer, if asked, would have allowed the car through. The resident said they did ask and were told no. These people had to walk. It would have been nice to have known in advance. M.B. Dougherty asked C. Marquardt who made the decision to close the road and why was she not consulted. Marquardt said that the Street Committee after contacting members of Council for their opinions decided to allow the road to be closed. M.B. Dougherty asked again why she was not notified? C. Marquardt apologized to M.B. Dougherty for the oversight and said in future he would be more careful to ask everyone. He also apologized for any inconvenience caused to any of the neighbors.

The Easements for the Ogden Street bridge have been signed and turned over to Entech.

J. Haluska submitted a list of 150 names to be added to the Borough tax list. R. Krick said Council should give credit where due and told her it was a good job.

Motion to adjourn made by R. Krick seconded by J. Tinari. Question? None. Vote. All Motion carried.

Respectfully submitted
Mary Ambrose Secretary/Treasurer

BOROUGH OF GIRARDVILLE
FOURTH & "B" STREETS
P.O. BOX 5
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Regular Meeting

PLACE: Municipal Bldg. **DATE:** October 10, 1996 **TIME:** 7:00 PM

OPEN MEETING

Meeting opened with the Pledge of Allegiance led by Council President C. Marquardt.

ROLL CALL

Members present: M.B. Dougherty, E. Labie, R. Krick, C. Marquardt, T. Shearn,
J. Yackera, Mayor E. Ketusky, Solicitor J. Kilker

Members late: J. Tinari, 7:20 PM

PUBLIC COMMENT

Neighbors of 227 East Mahanoy Avenue wanted to know what if anything has been done concerning the complaints about the property. C. Marquardt said that a letter was sent to the Department of Labor and Industry and as of today it was not assigned a field agent. They take care of complaints as they are received. The solicitor asked to speak with the people after the meeting.

Questions were raised about the Martha Ello property on West Main Street. The Solicitor informed the residents that a hearing is scheduled for October 28th, at 10:00 A.M. He will be calling neighbors to find out who will come and testify. Susan Earll asked what about fines? J. Kilker told her that this is being pursued as a civil suit not criminal. This will force her to take action or the Borough will put liens against her. We will be asking the court to have her either repair or tear down the buildings. Mrs. Ello has not filed a response but the hearing will go on with or without her.

J. Tinari arrived, 7:20 PM.

APPROVAL OF REPORTS

Minutes: Motion to accept the minutes as submitted made by J. Yackera seconded by T. Shearn. Question? None. Vote. All. Motion carried.

Treasurer's report: Read by C. Marquardt. Motion to accept as read made by T. Shearn seconded by E. Labie. Question? None. Vote. All. Motion carried.

Tax Collector's report: Read by C. Marquardt. Motion to accept as submitted made by J. Yackera seconded by J. Tinari. Question? None. Vote. All. Motion carried.
Motion to pay the tax collector made by T. Shearn seconded by J. Yackera. Question? None. Vote. All. Motion carried.

Mayor/Health Officer reports: Read by Mayor Ketusky. Motion to accept both reports as submitted made by M.B. Dougherty seconded by J. Yackera. Question? None. Vote. All. Motion carried.

UNFINISHED BUSINESS

C. Marquardt noted the letter to Labor and Industry concerning 227 E. Mahanoy Avenue. This was not assigned as of today.

Petition to reduce Council. The notice of the hearing was placed in the paper. It is scheduled for, October 16, 1996, at 10:00 AM. J. Kilker said that as he had to appear in Court he asked what position Council wanted to take on this matter. Both R. Krick and M.B. Dougherty noted that according to Borough Code this is in the Court's hands and out of Council's. It is at the request of the necessary number of registered voters that this question be considered. They saw no reason for Council to take a position one way or the other or for the Solicitor to appear in court. There was discussion over the matter of the solicitor's attendance to which J. Kilker replied that as the Borough was served he was ordered to appear. Motion to oppose the petition to reduce Council made by J. Yackera. Motion failed due to lack of a second. Motion to take no position on the reduction of Council made by R. Krick seconded by M.B. Dougherty. Question? None. Vote. All responding aye. No nays recorded. Motion carried.

NEW BUSINESS

The Solicitor introduced Ordinance #96-2 for consideration by Council. He informed Council this has been duly advertised. If adopted this ordinance will replace all previous vagrancy ordinances. Motion to adopt Ordinance 96-2 as advertised made by T. Shearn seconded by J. Tinari. Question? None. Vote. All. Motion carried.

The Solicitor introduced Ordinance #96-3 for consideration by Council. This also was duly advertised. If adopted this ordinance will allow Council to modify all fines and costs by resolution. Motion to adopt Ordinance #96-3 as advertised made by J. Tinari seconded by T. Shearn. Question? None. Vote. All. Motion carried.

Council received a request to purchase a Borough owned lot in the 200 block of West Main Street. The resident was informed of all the requirement such as having the lot appraised and surveyed. R. Krick asked if selling this would cause a problem with snow removal as this is one of the places where snow is piled in the winter. This matter was tabled until the Street Committee could meet with our snow removal contractors.

GAMA asked that the Borough write a letter to the Citizens Bank requesting an extension on the Note held for the construction of the sewer plant. E. Burns, a member of the authority, was in attendance and was told that this needed to be done by the Authority and their bond counsel, Rhoads & Sinon. Although the Borough is financially responsible the paper work must be done by them.

It was brought to the Street Department's attention that cold patch could be purchased at Pennsy Supply. A credit application was received and needs to be filled out before being able to make this purchase. Motion to file the application made by R. Krick seconded by E. Labie. Question? None. Vote. All. Motion carried. R. Krick asked who would be able to sign on this account and C. Marquardt said either J. Hinkle or D. Hess. R. Krick asked if we were driving all the way to Harrisburg for cold patch? C. Marquardt said no they have a place outside Cressona.

Salt bids were received. Cargill is the lowest. Motion to order our salt from Cargill made by J. Tinari seconded by T. Shearn. R. Krick asked how much are we ordering as we ran out last year? He also suggested checking about reorders. C. Marquardt said we could dump this in the school yard that would keep the kids off the pile. Vote. All. Motion carried.

The small spreader on the pickup truck should be using smaller salt that is purchased by the bag. J. Hinkle got prices from Lindenmuth's, 50 lbs @ \$4.00 per bag -- 1 skid @ \$196.00. Motion to purchase a skid of bag salt made by J. Tinari seconded by T. Shearn. Question? None. Vote. All. Motion carried.

BILLS

List of bills to be paid read by C. Marquardt. Motion to pay the bills as submitted made by J. Tinari seconded by T. Shearn. Question? M.B. Dougherty asked what the bill from Ted's BP was doing on the list as paid? C. Marquardt said the bill should have been submitted with last month's but came in a day late. Vote. All. Motion carried. R. Krick said that checks should not be drawn without Council's approval. Only certain bills have been preapproved and this was not one of them. J. Kilker said that technically this is

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correct is bills should not be paid without approval. You are taking a chance when this is done.

CORRESPONDENCE

Consumer's PA Water Co. - asking for updated information on requirements for repairing streets after digging. This is tabled until Council can decide on adjusting fees.

GAMA - Request for an ordinance requiring sewer hook-ups. Motion made by R. Krick seconded by J. Tinari to authorize the Solicitor to draw up an ordinance to require residents to hook-up and to appoint someone to inspect the lines put in the ground. Question? None. Vote. All. Motion carried.

Motion to appoint E. Burns to inspect new sewer lines on an interim basis made by R. Krick seconded by E. Labie. Question? M.B. Dougherty asked E. Burns if he is comfortable doing this without an ordinance in place? He answered yes, someone has to do it now anyway. He also requested some type of permit that the solicitor said he would draw up as part of the ordinance. Vote. All. Motion carried.

Attorney General's Office - Annual Volunteer Firefighters Relief fund check. Motion to pay the funds to the relief association made by J. Tinari seconded by T. Shearn. Question? None. Vote. All. Motion carried.

Entech - transmittal for heating payment.

Ashland Police Department - Information on purchasing vehicles through the Federal Surplus Program. The Police committee is investigating this process.

DEP - Approval of temporary sewerage disposal plant for the Girard Towers project.

DCNR - Letter of notice concerning the Keystone Grant application forms.

COMMITTEE REPORTS

Finance: Budget meeting work session scheduled for all of Council October 24th, 7:00 PM. E. Labie stressed that everyone should attend.

Regional Police: E. Labie noted that a letter of intent needed to be submitted to participate in the feasibility study. Motion to send a letter of intent made by E. Labie seconded by R. Krick. Question? None. Vote. All. Motion carried.

Recreation: M.B. Dougherty said the main thing is to request the forms for the Keystone grants. Motion to send for the application forms made by R. Krick seconded by E. Labie. Question? None. Vote. All. Motion carried. R. Krick mentioned that R. Dillman was

available for a fee to file the grants and perhaps members of Council should speak with him. It was decided to arrange a meeting with R. Dillman.

Streets: J. Tinari asked about filling in the road cut on Scheely's hill. C. Marquardt noted that behind the Legion also needs to be done. They should be contacted to find out if they are going to take care of it themselves. J. Tinari set a meeting for October 21st, 7:00 PM to discuss things to be submitted for the budget.

School Building: R. Krick said they are still waiting for the completion of the heating installment. The question of usage of both the gym and the building itself was raised. Heated debate raised questions concerning the Borough's use of the building and not having sold it initially. Also, what would be done with the rest of the building? It was asked who would use the gym and if Biddy Basketball would be given preference. R. Krick had numbers and said this is a matter for the finance committee. The bottom line is the bills have to be paid. Motion to give Biddy Tuesday, Wednesday and Thursday nights on the schedule made by J. Yackera. Motion withdrawn due to lack of second. Registration can be held on Tuesday, Wednesday and Friday, October 15, 16, 18th. C. Marquardt said that the gym has to be cleaned and Bognet is not finished working yet. It was suggested that some type of board be formed to govern the use of the building. A meeting was scheduled with the School committee and the Recreation Committee for October 14th, 7:00 PM to discuss the questions raised. (Note: at this meeting the idea forming a board was withdrawn due to lack of interested parties)

Police: T. Shearn said that the three officers had requested use of a Borough Police car to attend a class on DUI Enforcement in Hegins. J. Tinari asked if this is mandatory training? He was told no. Motion to allow the three officers to use the police car to attend the DUI class made by T. Shearn seconded by R. Krick. Question? M.B. Dougherty asked what the Mayor's position was in this matter? Mayor Ketusky said it is up to Council to decide. Vote. Ayes - six (6) Nays - one (1) for the record J. Yackera.

Motion that it is the discretion of Council in the matter of usage of Police vehicles for non-mandatory training for our police officers made by T. Shearn seconded by R. Krick. Question? None. Vote. All. Motion carried.

T. Shearn said a police committee meeting will be scheduled and posted.

Recycling: C. Marquardt noted that the new schedule has been posted. The county is sponsoring a white goods and tire pick up at various locations. The only requirement is that you be a county resident. Cost of dropping off tires is \$1.00 each. He thought that the Borough should look into possibly sponsoring a tire drop off location. He said he would contact W. Bowen.

OTHER BUSINESS

Request from GAMA that Council request Vince Gomosky's resignation. Motion to send letter requesting V. Gomosky's resignation from GAMA made by M.B. Dougherty seconded by J. Tinari. Question? None. Vote. All. Motion carried.

Permission to transfer funds from the General fund to the School Building fund to pay for the recent oil delivery made by Treasurer. Motion to allow the transfer of necessary funds made by R. Krick seconded by T. Shearn. Question? None. Vote. All. Motion carried.

J. Kilker noted he was informed that Entech received the easement from Girard Estates needed for the Ogden Street Bridge.

C. Marquardt said he had been contacted by Rose Curran who requested a meeting with Council to discuss polling locations in the Borough. He will contact her and ask exactly what she wants.

PUBLIC COMMENT

Asked from the floor exactly what would be accomplished at the meeting with the school committee and the recreation committee? E. Labie said that that real numbers on the cost of operating the gym would be discussed and a tentative schedule would result. He recommended sending letters to each of the organizations that rented the gym last year be sent asking for letters of interest of renting the gym this year and possible times needed. (letters sent to Frackville Borough, Frackville Biddy, Shenandoah CYO, Mahanoy City CYO) The possibility of setting up a Recreation Board or Building Authority.

Motion to adjourn made by J. Tinari seconded by T. Shearn. Question? None. Vote. All. Motion carried.

Respectfully submitted
Mary Ambrose
Secretary

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BOROUGH OF GIRARDVILLE
FOURTH & "B" STREETS
P.O. BOX 5
GIRARDVILLE, PA 17935
PHONE: (717) 276-1635 FAX: (717) 276-1640

SPECIAL MEETING

PLACE: Municipal Bldg. **DATE:** October 29, 1996 **TIME:** 6:00 PM

OPEN MEETING

Meeting opened with the Pledge of Allegiance led by President C. Marquardt.

ROLL CALL

Members present: E. Labie, R. Krick, C. Marquardt, T. Shearn, J. Yackera,
Mayor E. Ketusky.

Members absent: M.B. Dougherty, J. Tinari, Solicitor (attendance not required)

PURPOSE OF MEETING

C. Marquardt stated the purpose of the meeting to adopt Ordinance #96-4 Incurring Debt. This is necessary to roll over the note required by Girardville Area Municipal Authority (GAMA)

PUBLIC COMMENT

None in attendance.

BUSINESS

C. Marquardt asked if each member present had the opportunity to read over the proposed ordinance. He said all the paper work was taken care of by Rhoads and Sinon, bond council for GAMA. This is the same ordinance previously enacted.

Motion to adopt Ordinance #96-4 to incur debt made by R. Krick seconded by J. Yackera. Question? None. Roll call vote followed:

C. Marquardt	YES	E. Labie	YES
J. Yackera	YES	R. Krick	YES
T. Shearn	YES		

Motion carried, Ordinance 96-4 duly adopted.

Motion to adjourn made by T. Shearn, seconded by J. Yackera. Question? None. Vote.
All. Motion carried.

Respectfully submitted
Mary Ambrose
Secretary/Treasurer

BOROUGH OF GIRARDVILLE

FOURTH & "B" STREETS

P.O. BOX 5

GIRARDVILLE, PA 17935

PHONE: (717) 276-1635

FAX: (717) 276-1640

SPECIAL MEETING

PLACE: Municipal Bldg. **DATE:** October 30, 1996 **TIME:** 6:00 PM

OPEN MEETING

Meeting opened with the Pledge of Allegiance led by President C. Marquardt.

ROLL CALL

Members present: M.B. Dougherty, R. Krick, C. Marquardt, T. Shearn,
Mayor E. Ketusky.

Members absent: E. Labie, J. Tinari, J. Yackera, Solicitor J. Kilker (attendance not
required)

PURPOSE OF MEETING

C. Marquardt stated the purpose of the meeting was to discuss and vote on hiring a Grant coordinator and general purposes.

PUBLIC COMMENT

None present.

BUSINESS

Council members present discussed the possibility of hiring Ron Dillman to fill out the paper work on the recreation grants. His fee is \$750.00. Due to the Borough's lack of success in the past everyone agreed that this is worth a try. Motion to hire Ron Dillman to file the Keystone Recreation grant application for the Borough made by R. Krick seconded by T. Shearn. Question? None. Vote. All. Motion carried. C. Marquardt asked about notifying Dillman and R. Krick said he would give him a call.

C. Marquardt noted that Vincent Gomosky submitted his resignation from GAMA as requested by the Council. Motion to accept V. Gomosky's resignation made by R. Krick seconded by M.B. Dougherty. Question? None. Vote. All. Motion carried.

Motion to advertise the vacancy on GAMA and also advertise for a new permit officer made by R. Krick seconded by M.B. Dougherty. Question? C. Marquardt asked that the deadline for the GAMA vacancy be November 12, 1996. All replies would be in by the work session and someone could be appointed at the regular meeting. The ad for the permit officer could have a longer deadline as we do not have to appoint someone until the December meeting. They will start in January 1997. Vote. All. Motion carried.

C. Marquardt said he had a letter from the election authorities. They wish to come to the November 14th meeting to discuss poll sites. He will make certain that all the election board officials are notified so they can attend.

J. Hinkle got prices from Sears on several sizes of dehumidifiers. These will be given to the Finance committee.

Information on a security system for the municipal building was received and will be discussed at the regular November meeting.

R. Krick asked if he should tell R. Dillman that the Borough wants to apply for a new pavilion or rides for the playground? After some discussion it was decided to go for rides. The Borough can tear down the sheds. R. Krick added that Dillman noted we should hold a public hearing concerning the grant application. Council decided that if a public hearing needed to be advertised it should be done.

C. Marquardt said there was some question over who was responsible for the sewer box on East Mahanoy Avenue and it turns out to be the Borough. M&W is going to send in two bids. One to remove the old box and build a replacement and the other to use a prefab box.

Motion to adjourn made by R. Krick seconded by T. Shearn.

Respectfully submitted
Mary Ambrose
Secretary/Treasurer

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BOROUGH OF GIRARDVILLE

FOURTH & "B" STREETS

P.O. BOX 5

GIRARDVILLE, PA 17935

PHONE: (717) 276-1635 FAX: (717) 276-1640

Regular Meeting

PLACE: Municipal Bldg. **DATE:** November 14, 1996 **TIME:** 7:00 PM

OPEN MEETING

Meeting opened with the Pledge of Allegiance led by Council President C. Marquardt.

ROLL CALL

Members present: M.B. Dougherty, E. Labie, R. Krick, C. Marquardt, T. Shearn,
Mayor E. Ketusky, Solicitor J. Kilker.

Members absent: J. Tinari, J. Yackera

PUBLIC COMMENT

Carole Cooney-Syzdek a representative from the Election Bureau attended the meeting to discuss the findings of the Election Advisory Committee. They are asking to reduce the number of polling places in the Borough from either three to one or three to two. Ms. Syzdek explained that this committee was not coming in and telling local communities what they had to do, rather asking what could be done. All polls must be handicap accessible and meet the required safety standards. They are anticipating having the changes in place for the primary election in 1997. If there are any repairs needed on the voting booths call Betty Dries at 628-1467. After some discussion Council decided that one polling place is not feasible but that the Borough could get by with two. This would require dividing the Middle Ward between the East and West Wards. Now Council must discuss where to draw the new lines and establish a polling place for the West Ward. Ms. Syzdek thanked everyone for their time and attention.

Request from L. Olson that Bidy Basketball be allowed to hold monthly meetings in the Borough Hall on the last Tuesday of each month at 7:30 PM. Motion to allow Bidy use of the Borough Hall made by E. Labie, seconded by T. Shearn. Question? None. Vote. All. Motion carried.

(90)

Mrs. McDonald brought to Council's attention a problem with tree limbs and brush left on a property adjoining hers. The property belongs to Reverend N. Smith. Mayor Ketusky said that he would look into this and if necessary send a letter to Rev. Smith. He assured Mrs. McDonald that this would be taken care of promptly.

Mrs. Budritis asked whom she should call if R. Tyson comes to his property and C. Marquardt is not available? The Mayor informed her that the police could not handle this complaint as it is a civil matter and not criminal. C. Marquardt said that he is being cited on health violations and letters are sent. Whenever we request he cleans up the garbage he always complies. The reported car does not run but if the plates and sticker are good it cannot be towed. C. Marquardt said she was aware of the letter sent to Labor & Industry. As of today, we were told that it was given to an inspector but we would have to wait until January 1997 to be able to find out the status of the report. Mr. Kilker again explained that this property would be considered a private nuisance and not a public nuisance. If the neighbors want to take legal action they would have to hire their own attorney and approach this as a civil case. At this time there was discussion of codification and a code enforcement officer. The Borough is currently exploring costs in this area. Mr. Tyson could be and is cited for health violations. Unfortunately he does just enough to comply. Mayor Ketusky asked if the Health Officer is allowed to enter private property? Mr. Kilker said that is always a judgment call. If he feels there is reasonable cause, yes, but there is always the risk of being sued. R. Krick said that we need to know exactly what ordinances are being violated. The Mayor said he would get Officer Nesgoda and together they would go into the building.

APPROVAL OF REPORTS

Minutes: Motion to accept both the regular and special meeting minutes as submitted made by M.B. Dougherty, seconded by T. Shearn. Question? None. Vote. All. Motion carried.

Treasurer's report: Read by C. Marquardt. Motion to accept as submitted made by R. Krick, seconded by E. Labie. Question? None. Vote. All. Motion carried. R. Krick asked why the balance in the Summer Lunch program was so high. C. Marquardt explained that there was some question about the last reimbursement and a meeting is being scheduled to straighten

Mayor/Health Officer reports: Read by Mayor E. Ketusky. Motion to accept as read made by R. Krick, seconded by M.B. Dougherty. Question? None. Vote. All. Motion carried.

UNFINISHED BUSINESS

The unfinished business had to do with the R. Tyson building on East Mahanoy Avenue that was discussed during the Public comment.

J. Kilker reported that at the hearing on the M. Ello properties testimony was given. Judge Dolbin has to make a decision. Mr. Bann, a construction expert, said that the buildings could not be saved and should be torn down providing proper support to the adjacent properties.

The requested information concerning the reduction of Council was forwarded to Judge Baldwin. Mr. Kilker told Council he is waiting to hear of the court's decision. As of today one had not been rendered.

NEW BUSINESS

J. Kilker presented a possible sewer hook up ordinance for consideration. R. Krick suggested that this be shown to the Sewer Authority for their input. Copies of this will be given to both T. Yesalavage and E. Burns.

C. Marquardt said it had be brought up to remove the fence from in front of the School building. E. Burns will be doing this if approved. After some discussion motion to remove the fencing was made by T. Shearn, seconded by R. Krick. Question? None. Vote. All. Motion carried.

C. Marquardt noted that there has been discussion about doing the gym floor. J. Pitts and J. Balsavage have said that they will do this. Cost to the Borough will be \$500 labor and cost of needed sealer and lambswool pads for the buffer. This will run approximately \$350.00 The men are available over the Thanksgiving weekend. This will be a good time because no one will be planning to use the gym and the floor will have time to dry. Biddy offered to split the costs with the Borough. M.B. Dougherty said she thought the Borough should take care of this themselves. Mayor Ketusky added that any donations to the School fund would be cheerfully accepted. Motion to pay the cost of redoing the gym floor made by M.B. Dougherty, seconded by E. Labie. Question? R. Krick asked if it is sealer or refinisher that should be ordered and does anyone know the difference? C. Marquardt suggested that he, R. Krick and J. Pitts get together in the gym tomorrow morning and discuss exactly what is needed. Vote. All. Motion carried.

Questions about the status of the chipper grant still are not answered. C. Marquardt said he is waiting a call back and we probably will not hear anything until the end of November.

GAMA -- Need to fill one vacancy on the Sewer Authority due to the resignation of V. Gomosky. After looking at the resumes received motion to appoint B. Johnston to fill the vacancy made by R. Krick, seconded by E. Labie. Question? R. Krick noted that in the future all applications on file should be considered and not just new ones. Vote. All. Motion carried. Note to secretary to send Mr. Johnston a letter of notice of his application along with the date and time of the next meetings.

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BILLS

List of bills to be paid read by C. Marquardt. Motion to pay the bills as read made by R. Krick, seconded by T. Shearn. Question? Permission to transfer funds from the General to the School fund as needed? M.B. Dougherty asked what the cost of the ad for reduction of Council is because the filers wish to make this payment. R. Krick amended his motion to include transfer of necessary money from the General to the School Fund and exclude payment of the required ad for the reduction of Council. Cost to be paid by M.B. Dougherty and R. Krick, filers of the petition. Amendment seconded by T. Shearn. Vote. All. Motion carried.

CORRESPONDENCE

Dynamark -- Cost estimate on a security system for the municipal building. This is given to the finance committee for consideration.

P.M. Church -- Letter requesting permission for traffic control during the annual horse drawn Christmas Caroling. This is scheduled for December 22, 1996. Council granted permission.

CDBG -- Council received packet to be filed this year. A meeting will be set for, Tuesday, November 19th at 7:00 PM to discuss what the Borough will apply for under this grant.

Council received a request from M.C. O'Donnell to be allowed to open a day care in the municipal building. C. Marquardt said that this needs to be looked into and suggested that Mrs. O'Donnell be notified of the meeting next Tuesday and that she come in at 6:30 to discuss what is required. Letter of notice to be sent.

Notice from Rhodes & Sinon of a special meeting required to sign all the necessary documents for the roll over of the sewer authority note at Community Banks, N.A.

PLIGIT -- Requested information concerning banking services they offer municipalities. In the same matter, C. Marquardt said that a representative from the PA National Bank wants to meet with Council to discuss exactly what the plans are for the bank in town. If it is okay with him, C. Marquardt will invite him to the meeting on November 19th. He will let everyone know if the bank representative can be there.

Resumes for the vacancy on the Sewer Authority.

Good Times Club -- Asking permission to post no parking signs on the poles where the Christmas lights are hung. Service Electric will be coming in to put them up this year. Council, after checking with Mayor Ketusky, granted permission.

Girard Tower -- Informing Council that work will begin on the project within the next two weeks. They are going to place No Parking signs on the lot and asked if the neighbors could be notified.

Knights of Columbus -- Letter requesting use of the gym on, January 19, 1997, for two (2) hours. They plan to hold a free throw competition for children ages 10 - 14. D. Bittner is the Grand Knight. Motion to allow this use of the gym made by R. Krick, seconded by E. Labie. Question? None. Vote. All. Motion carried.

COMMITTEE REPORTS

Finance: E. Labie noted that the proposed budget was ready for consideration. Motion to advertise public inspection to adopt this budget at the regular December meeting made by E. Labie, seconded by R. Krick. Question? R. Krick asked how long it must be on display? He was told ten (10) days are required. Vote. All. Motion carried.

Regional Police: According to E. Labie the next meeting will be November 21st. A representative from the State will be attending and the feasibility study will commence. The recommendations should be available within a couple of months.

Recreation: M.B. Dougherty noted that R. Dillman is working on the Keystone grant application. He informed members it would be an outright grant for \$20,000 for playground equipment. Phase I will be the work on the basketball courts, paid for by the Borough. Phase II will be the playground equipment. Phase III work on the tennis courts and pavilion areas. E. Burns has offered to donate the excavation end outright. The grant can only be used to pay for the equipment. The Borough will be responsible for all installation costs incurred. We need to look at getting donations and offers of manpower. It will be necessary for the Council to solicit from the various organizations and businesses in town.

School building: R. Krick noted that he has begun the schedule set up. The heat is working okay. The steps both upstairs and downstairs need to be blocked off. This will be done with plywood. He noted that a man came into the gym looking to take the lumber from the torn down room. No one knew who he was or who sent him. He reminded everyone that all the lumber is public property and cannot be given away. E. Labie said that he will be getting an estimate on the boiler not in use now. He thought it would cost between \$7 - 8,000 for installation and retubing. We will have to heat the building in order to rent space. The consultant from Girard Towers said the building could be filled at the drop of a hat.

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Police: T. Shearn asked for an executive session to discuss personnel matters during this meeting.

Recycling: C. Marquardt note the changes in curbside due to the Thanksgiving holiday. This has been sent to the paper to be advertised. There will be no curbside recycling in January, February & March. Flyers will be posted.

PUBLIC COMMENT

No public comment.

At this time Council went into Executive Session to discuss personnel matters.

When Council reentered chambers a motion was made by T. Shearn to have the Solicitor investigate the discussed situation and have a report as soon as possible. Seconded by R. Krick. Question? None. Vote. All. Motion carried.

J. Kilker said he thought it appropriate that the Mayor have an answering machine. It will save much of the time spent playing "phone tag". Motion to purchase an answering machine for use in the Mayor's home with the stipulation it is returned at the end of his term made by R. Krick, seconded by T. Shearn. Question? None. Vote. All. Motion carried.

Motion to adjourn made by E. Labie, seconded by T. Shearn. Question? None. Vote. All. Motion carried.

Respectfully submitted
Mary Ambrose
Secretary

BOROUGH OF GIRARDVILLE

FOURTH & "B" STREETS

P.O. BOX 5

GIRARDVILLE, PA 17935

PHONE: (717) 276-1635 FAX: (717) 276-1640

Regular Meeting

PLACE: Municipal Bldg. **DATE:** December 12, 1996 **TIME:** 7:00 PM

OPEN MEETING

Meeting opened with the Pledge of Allegiance led by Council President C. Marquardt.

ROLL CALL

Members present: M.B. Dougherty, R. Krick, E. Labie, C. Marquardt, T. Shearn, J. Tinari, J. Yackera. Mayor E. Ketusky, Solicitor J. Kilker.

PUBLIC COMMENT

Mrs. Budraitis asked about the apartments on East Mahanoy Avenue. Mayor Ketusky informed her that more citations were issued. Mr. Kilker apologized and said a meeting was to be scheduled with the enforcement officer but that his personal schedule was holding up the process. She was asked to call if the garbage again began to accumulate. C. Marquardt said that the Health officer would be over one day next week. Mayor Ketusky told her that we are seeking more professional help in this matter.

APPROVAL OF REPORTS

Minutes: Motion to approve the minutes as submitted made by J. Tinari, seconded by T. Shearn. Question? None. Vote. All. Motion carried. Motion to accept the minutes of the Public Hearing made by J. Tinari, seconded by J. Yackera. Question? None. Vote. All. Motion carried.

Treasurer's report: Read by C. Marquardt. Motion to accept the treasurer's report as submitted made by J. Tinari, seconded by T. Shearn. Question? None. Vote. All. Motion carried.

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Tax Collector's Report: Motion to accept the report as submitted and to pay the tax collector made by J. Tinari, seconded by J. Yackera. Question? None. Vote. All. Motion carried.

Mayor/Health Officer reports: Read by Mayor Ketusky. Motion to accept as submitted made by J. Yackera, seconded by J. Tinari. Question? None. Vote. All. Motion carried.

UNFINISHED BUSINESS

Copies of ordinances being held for meeting with health officer and solicitor.

There have been no new developments with Mrs. M.C. O'Donnell concerning the possible use of Borough facilities to host a day care center.

NEW BUSINESS

Letter of interest from Theresa Niedzweiki concerning the permit officer job. An interview is to be set up on Monday, December 16th at 6:30 PM. Members of Council will be notified if there is a problem with this time.

Council solicited support from the Pa National Bank for the grant application for the park improvements. They sent an application for the Snayburger Grant. Motion to submit the application made by T. Shearn, seconded by J. Yackera. Question? None. Vote. All. Motion carried.

C. Marquardt introduced Resolution # 96-11. This resolution, along with a fee of \$50.00, allows the Borough to participate in the Piggyback purchasing program. C. Marquardt said that the grant application for the chipper has been awarded and should be purchased through this program. Motion to adopt Resolution #96-11 made by M.B. Dougherty seconded by J. Tinari. Question? None. Vote. All. Motion carried.

C. Marquardt said that the Borough was notified that the DEP grant application to purchase a chipper/shredder has been awarded. It is necessary for the Council to sign off and officially accept the grant in the amount of \$17,730. Motion to accept the grant made by J. Yackera, seconded by J. Tinari. Question? None. Vote. All. Motion carried.

C. Marquardt told Council that the bid packet from Stephenson Equipment is in and the order must be placed by, December 21, 1996, in order to secure the chipper ordered at the price quoted. During a meeting with W. Bowen it was explained that each of the participating municipalities had to put in matching funds in the amount of \$459.50. There is also the possibility of getting the necessary hitches and having them installed. Motion to put up our share of the funds in the amount of \$459.50 made by J. Tinari, seconded by T. Shearn. Question? None. Vote. All. Motion carried.

Motion to submit the order to Stephenson Equipment made by J. Tinari, seconded by J. Yackera. Question? R. Krick asked if the Borough is the sole purchaser? C. Marquardt said we are the host community. Agreements and a time table for sharing have to be drawn up and signed. Each of the other municipalities will forward their matching shares to us. Stephenson will wait until we receive the grant funds for payment. Vote. All. Motion carried.

C. Marquardt introduced Resolution #96-12. This resolution allows Entech Engineering to submit an application for CDBG funds with the County on our behalf. We are applying for handicapped bathrooms, accessible front doors and outside lighting for the school building. Motion to adopt Resolution #96-12 made by J. Yackera, seconded by J. Tinari. Question? None. Vote. All. Motion carried.

SFSP - Required form asking if we will participate in the 1997 Summer Lunch Program. Motion to participate and send in the required form made by J. Tinari, seconded by T. Shearn. Question? None. Vote. All. Motion carried.

Discussion of the Keystone Grant application raised a question. M.B. Dougherty thought that this had to be done by resolution but there was none in the packet. Council decided to err on the side of caution. Motion to adopt Resolution #96-13 to apply for Keystone Grant funding for the East End Park made by M.B. Dougherty, seconded by J. Tinari. Question? None. Vote. All. Motion carried.

Motion to submit the Keystone Grant application packet as supplied to us by Prodesign Plus P.C. made by M.B. Dougherty, seconded by T. Shearn. Question? None. Vote. All. Motion Carried.

C. Marquardt informed Council of a letter received from the Commissioner's officer stating the Borough would not be receiving our 1997 County Liquid Fuels allocation. He went on to say that there is a drain box replacement project on East Mahanoy Avenue that needs to be done. Current bids put the price at \$3480. He spoke with the County Administrator who said the Borough could have 1/2 of the allocation, \$1375.00. After some discussion a motion was made by M.B. Dougherty to send a letter to the Commissioners explaining that we had already planned this project expecting the 1997 funds. All the money in escrow is to be used to repave streets after our new sewer project is completed. Motion seconded by T. Shearn. Question? None. Vote. All. Motion carried.

Bid from M&W Paving for the drain box project was tabled until a second bid could be obtained.

C. Marquardt introduced Ordinance #96-4, Tax Levy for 1997. This ordinance sets the new tax rate at 6.2 mills. Motion to adopt Ordinance #96-4 made by J. Tinari, seconded by E. Labie. Question? M.B. Dougherty asked to have the changes explained. R. Krick said he wanted to make sure that everyone knows that this is not a tax decrease. E. Labie

said that due to County wide reassessment the 6.2 mils brings us in line within the 5% allowable. This is an increase in property taxes. R. Krick asked again if this is a tax increase of 5% percent. E. Labie said yes it is a tax increase. Mayor Ketusky asked how much of an increase and E. Labie told him it would raise an additional \$2100. Our base went from \$3 million to \$8 million slightly less than a 5% increase. Vote. Roll call vote:

M.B. Dougherty	NO	T. Shearn	YES
R. Krick	NO	J. Tinari	YES
E. Labie	YES	J. Yackera	YES
C. Marquardt	YES		

Motion carried. Ordinance #96-4 passed.

C. Marquardt then introduced Resolution #96-14 to adopt the 1997 budget as submitted for review to Council. Motion to adopt the 1997 budget made by J. Yackera, seconded by J. Tinari. Question? None. Vote. All. Carried.

BILLS

List of bills to be paid read by C. Marquardt. Motion to pay the bills as submitted made by T. Shearn, seconded by J. Tinari. Question? R. Krick asked why we have to pay \$42.00 to replace overhead lights? It is ridiculous that at least one Borough employee cannot do this repair. He suggested sending to the Votech for electrical training.

C. Marquardt said he would ask Dean if he is interested. J. Yackera questioned the bill from T. Buriak for weapons qualifications. He was told that was for 1996's certification. Vote. All. Motion carried.

Solicitor J. Kilker asked if Council would once again be willing to split the cost of membership with the Pa Borough Solicitor's Association with Mt. Carbon Borough? The amount would be \$35.00. Motion to contribute half the membership cost made by R. Krick, seconded by J. Tinari. Question? None. Vote. All. Motion carried. The check is to be made out to the PBSA.

CORRESPONDENCE

Council received a request from the Girardville Basketball Association to use the Borough's mailing address in order to secure a charter. They have been using the president's home address but each time it changes they would have to reapply. They also thanked Council for doing the floor in the gym. Enclosed in the letter was a check in the amount of \$400.00 as a donation. Motion to allow use of the Borough's mailing address made by J. Yackera, seconded by J. Tinari. Question? None. Vote. All. Motion carried. Motion to accept the donation made by J. Tinari, seconded by T. Shearn. Question? None. Vote. All. Motion carried. A letter is to be sent informing them of Council's decision and thanking them for the donation.

Audit report for Liquid Fuels arrived from the Auditor General's office. It is all in order. The auditor requests a letter informing that office what steps are to be taken to correct the late filing of the annual audit report for allocation of annual funds. This problem was already corrected and submitted on time in 1996. Motion to accept the audit report and send the necessary letter made by J. Yackera, seconded J. Tinari. Question? Vote. All. Motion carried.

PSAB -- Notice of annual fee in the amount of \$50.00 to participate in the Drug/Alcohol testing program for 1997. Motion to participate made by J. Tinari, seconded by M.B. Dougherty. Question? None. Vote. All. Motion carried.

AMC Contracting -- Letter listing equipment available and prices as requested for participation in any snow removal.

Rhodes & Sinon -- GAMA paperwork to be signed and returned. This was taken care of at the 12/11/96 GAMA meeting.

Grant application for trees. Tabled.

Concerning the refinishing of the gym floor, it is necessary to purchase another can of floor refinish. More of it was used than anticipated and it has to be replaced at a cost of \$135.00. R. Krick made a motion to order and replace the can of floor refinish, seconded by T. Shearn. Question? None. Vote. All. Motion carried. C. Marquardt said he wanted to thank the people who did the gym floor.

COMMITTEE REPORTS

Finance: E. Labie reported that due to receiving federal funding over \$25,000 we will be required to have an audit performed. It is possible to have a single program audit for both the COPSFAST and the Summer Food Services Program reported as one. We will have to check into costs involved. A full audit could run between \$3,000 - \$5,000. Unfortunately for us the new legislation that raises the minimum to \$300,000 takes effect for 1997. The Secretary was instructed to check into costs of single program audits and finding a firm willing to take us as a client.

Regional Police: Next meeting scheduled for, December 19, 1996, at 7:00 PM.

Streets: J. Tinari said an application for a handicapped parking place was submitted by Reverend Horan. The application is all in order. He has suffered stroke and a heart attack. Motion to grant parking place made by J. Tinari. Mayor Ketusky asked if he was wheelchair bound? J. Tinari said not to his knowledge. J. Yackera said that the guideline for giving out these parking places has to be very strict. The question of ambulatory and nonambulatory was raised. R. Krick said he thought that policy was you had to be ambulatory in order to qualify. The solicitor was instructed to investigate if the requirements in the ordinance could be made tighter. J. Tinari withdrew his motion for

lack of a second. M.B. Dougherty asked wasn't the subject of being ambulatory debated before adopting the ordinance? The point was to make the criteria specific not leave room for discretionary decisions. Obviously we failed. J. Yackera said that a decision should be made now. The \$50.00 could be refunded. He made a motion to deny due to not meeting the criteria. R. Krick seconded the motion. Question? M.B. Dougherty asked what are the grounds for denial. J. Yackera replied that there is adequate parking available. Vote. M.B. Dougherty, NO. Motion carried. C. Marquardt suggested giving the ordinance to the solicitor for review. By next meeting Council asked for proposed changes in the ordinance to clear up this problem. Motion to have solicitor review ordinance and add ambulatory requirements to it made by T. Shearn, seconded J. Yackera. Question? None. Vote. All. Motion carried. Letters and applications for 1997 need to be sent to Mr. Stanton and Mr. Haley concerning reapplication requirements.

J. Tinari reported that that problem with the brakes on the dump truck was repaired. C. Marquardt said, no, they are gone again. J. Yackera will look at the brakes tomorrow.

Everything is ready for any snowfall.

Christmas trees will be collected town wide between January 6 - 10, 1997.

The shed is ready for removal and waiting until E. Burns has the time.

The Primitive Methodist Church is holding their annual caroling on, December 22, 1996, between 6:00 - 8:00 PM Mayor Ketusky said that an officer has been scheduled.

Recreation: M.B. Dougherty said the only thing to report was the Keystone grant application already approved for submittal.

School: R. Krick reported a letter from Entech to Spotts concerning the problem with the leak. They asked for an inspection. Keeping oil in the new tank has been a problem. He asked Arron's to place the school on a scheduled delivery program, weekly or every two weeks, depending on the weather. Motion to go put the \$400.00 donation in the school fund made by M.B. Dougherty, seconded by J. Tinari. Question? None. Vote. All. Motion carried.

Police: The council received a letter of complaint concerning M. Hummel for non-transport to Pottsville Hospital of a psychiatric patient. The police committee is working on standard operating procedures to cover this eventuality.

Recycling: C. Marquardt said that recycling has been going well. It will be posted that there will be no curbside pickups during the months of January, February and March.

OTHER BUSINESS

C. Marquardt said he spoke to Bill Hanley from Congressman Holden's office. He will set up a meeting to discuss the flood plain. Date to be announced.

He also noted that the Hi-rise project has begun construction. It was requested that the streets be blocked off while the work on removing the chimney is in process.

Solicitor J. Kilker informed Council that PADOT changed the wording on the easements for the Ogden Street Bridge and they will all have to be resigned.

The solicitor said he is still waiting for decisions in both the M. Ello case and the reduction of Council. He informed council that he has not billed in these matters and will not do so until they are finished.

Concerning the proposed ordinance requiring sewer hook ups R. Krick suggested it be given to GAMA for their input. Council agreed. A copy will be sent to D. Cuff and given to T. Yesalavage.

R. Krick suggested that due to the amount of the anticipated roll over the Finance committee should seriously consider setting up a Capitol Projects fund. This money could be used for emergencies and also as matching funds for grant applications. E. Labie said that he did not think unexpended funds in the amount of \$3,000 warranted such a decision. Roll over money is not excess funds. That is what pays the bills until tax receipts come in starting in March. Council will look at finances after the end of the first quarter.

R. Krick suggested getting specs done on the basketball courts to allow us to have more specific bids made. He will speak with D. Cuff.

PUBLIC COMMENT

None.

Motion to adjourn made by J. Tinari, seconded J. Yackera. Question? None. Vote. All. Motion carried.

Respectfully submitted
Mary Ambrose
Secretary/Treasurer