

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 Bldg. **DATE:** January 5, 1998 **TIME:** 7:00 PM

Oaths of Office were administered by Mayor J. Kelly to all newly elected Borough officials before the meeting. Sworn in were Council member Judith Haluska and Constable Francis McKeon. The Mayor chaired the meeting for purposes of reorganizing Council.

OPEN MEETING

Meeting called to order and opened with the Pledge of Allegiance led by Mayor Joseph Kelly.

ROLL CALL

Members present: M.B. Dougherty, J. Haluska, R. Krick, C. Marquardt, J. Tinari,
Mayor J. Kelly, Solicitor J. Kilker.

Members absent: J. Yackera

BUSINESS

Nominations opened for Council President. Motion to nominate C. Marquardt made by J. Tinari, seconded by J. Haluska. No other nominations. Roll call vote:

M.B. Dougherty	NO	C. Marquardt	YES
J. Haluska	YES	J. Tinari	YES
R. Krick	NO	J. Yackera	ABSENT

YES 3 NO 2 motion carried.

The Mayor gave the Chair to Council President C. Marquardt.

Nominations opened for Vice-President. Motion to nominate J. Yackera made by J. Tinari, seconded by J. Haluska. No other nominations. Roll call vote.

M.B. Dougherty	NO	C. Marquardt	YES
J. Haluska	YES	J. Tinari	YES

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R. Krick	NO	J. Yackera	ABSENT
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YES 3 NO 2 motion carried.

Nominations opened for Secretary/Treasurer. Motion made to appoint Mary Ambrose made by J. Tinari, seconded by J. Haluska. Vote called. Unanimous. Motion carried.

Nominations opened for Borough Solicitor. Motion to appoint J. Kilker Esq. made by J. Tinari, seconded by J. Haluska. Vote called. Unanimous. Motion carried.

Nominations for Bank Depository. Motion to use Pennsylvania National Bank - Girardville made by J. Tinari, seconded by J. Haluska. Vote called. Unanimous. Motion carried.

Nominations for Chairman of the Vacancy Board. Motion made to appoint Daniel Heiser made by J. Tinari, seconded by J. Haluska. Roll call vote:

M.B. Dougherty	NO	C. Marquardt	YES
J. Haluska	YES	J. Tinari	YES
R. Krick	NO	J. Yackera	ABSENT

YES 3 NO 2 motion carried.

Nominations opened for Borough Engineer. Motion made to appoint Entech Engineering, Inc. - Pottsville by J. Tinari, seconded by J. Haluska. Vote called. Unanimous. Motion carried.

Nominations opened for Sewerage Enforcement Officer. Motion to appoint Blue Mountain Environmental made by J. Tinari, seconded J. Haluska. Vote called. Unanimous. Motion carried.

Nominations opened for Permit officer. Motion to appoint Theresa Niedzwiecki made by J. Tinari, seconded J. Haluska. Vote called. Unanimous. Motion carried.

Nominations opened for Health Officer. This office was tabled until the regular meeting.

Nominations opened for NSLA representative. Motion to appoint J. Tinari made by J. Haluska, seconded J. Tinari. Vote called. Unanimous. Motion carried.

Nominations opened for NSLA representative alternate. Motion to appoint C. Marquardt made by J. Tinari, seconded J. Haluska. Vote called. Unanimous. Motion carried.

Nominations opened for Chief Administrative Officer of the Police Pension fund. Motion to appoint J. Tinari made by J. Haluska, seconded by J. Tinari. Vote called. Unanimous. Motion carried.

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Motion to appoint Robert Lopez to fill the vacancy on the Girardville Area Municipal Authority made by J. Tinari. Question? None. Vote. All. Motion carried.

C. Marquardt presented Resolution 98-1 list of all officers required for Corporate bank account to Council. Motion to adopt Resolution 98-1 made by J. Tinari, seconded J. Haluska. Question? None. Vote. All. Motion carried.

Permission to submit 1997 records for review requested by the Secretary/Treasurer. Motion to allow financial records to be submitted to Dennis Mensch for review when ready made by J. Tinari, seconded J. Haluska. Question? None. Vote. All. Motion carried.

COMMITTEES 1998

The following committee appointments were announced by C. Marquardt.

Public Safety -- J. Yackera, J. Tinari, J. Haluska
Streets -- J. Tinari, J. Yackera, R. Krick
Parks/Recreation -- M.B. Dougherty, J. Haluska, C. Marquardt
School/Boro Bldgs. -- R. Krick, J. Tinari, J. Yackera
Finance -- J. Yackera, C. Marquardt, J. Tinari
Recycling -- C. Marquardt, J. Yackera, M.B. Dougherty

Ashland Boy Scouts Pack 149 requests permission to use the Borough Hall on Saturday, January 24, 1998, from 9:30 AM to 2:00 PM for their annual Pine Wood Derby. They would also like to be able to set the track up on Friday, January 23, 1998. This pack has members from Girardville and there is no suitable location available in Ashland this year. Motion to allow the Boy Scouts use of the Borough Hall on Friday and Saturday, January 23 -24, 1998, made by J. Tinari, seconded J. Haluska. Question? M.B. Dougherty asked if other business could be conducted at the reorganization meeting? Borough Code allows for reorganization and any other business which may come before Council. Vote. All. Motion carried.

C. Marquardt reminded Mayor Kelly to contact L. Bennick concerning the Regional Police meeting scheduled for this month. It was also decided the J. Tinari would sit on this committee.

Motion to adjourn made by J. Tinari, seconded J. Haluska. Vote All.

Respectfully submitted
Mary Ambrose
Secretary/Treasurer

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FOURTH & "B" STREETS

P.O. BOX 5

GIRARDVILLE, PA 17935

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

Regular Meeting

PLACE: Municipal Bldg. **DATE:** January 8, 1998 **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, J. Haluska, R. Krick, C. Marquardt, J. Tinari.

Mayor J. Kelly, Solicitor J. Kilker.

Members absent: J. Yackera.

PUBLIC COMMENT

No comment.

APPROVAL OF REPORTS

Minutes: Motion to accept the December 1997 minutes and Special meeting minutes as submitted made by J. Tinari, seconded by J. Haluska. Vote. All. Motion carried.

R. Krick said that Council needs to adopt rules of order for meetings. Motion to adopt Robert's Rules of Order made by R. Krick, seconded M.B. Dougherty. Question? None. Vote. All. Motion carried.

Treasurer's report: Motion to accept the report as read made by J. Tinari, seconded by J. Haluska. Vote. All. Motion carried.

Mayor report: Read by Mayor J. Kelly. Motion to accept as read made by J. Tinari, seconded by J. Haluska. Vote. All. Motion carried.

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C. Marquardt reminded everyone that the Regional Police meeting is scheduled for January 15th at 7:00 PM. J. Kelly is going to contact the State Police about the Crime watch. When a meeting is set it will be advertised.

E. Ketusky asked from the floor if all scheduled hearings were attended? He was told, yes, it is on the report but was not read.

UNFINISHED BUSINESS

PP&L - The cost of a street light is \$130.00 per year. There are no up front charges if a pole is available. R. Krick said there should be a policy in place to deal with requests for street lights. You cannot just install street lights every time one is requested.

C. Marquardt said a letter could be sent asking for a review of the current lighting and any suggestions for changes or additions from PP&L. Motion to send a letter requesting a review of the Borough's current street lighting made by R. Krick, seconded M.B. Dougherty. Question? None. Vote. All. Motion carried.

PSAB - Hepatitis B shots are set to begin. The location is the Hamburg Municipal building.

EMA Plan - J. Yackera made some changes and it is being submitted to Council for approval. M.B. Dougherty said that is looking it over she noticed some incomplete areas. There are phone numbers missing and some incorrect addresses. Also, she stated that being in Harrisburg on a daily basis she did not think it suitable that she be appointed communications officer. R. Krick noted that his name and several other people's names appeared and he was not approached about participating. He wondered if everyone whose name is listed was asked? With the controversy over people being named without being approached J. Tinari recommended that the Emergency Management Plan be tabled.

Code of Conduct - After going over the changes made in the proposed code of conduct suggestions that "Except in the case of dismissals" be added to the end. There were questions of the legality of section #5 and Council discussed deleting it entirely. C. Marquardt said this would be tabled. J. Kelly will give a copy to the police officers for any input.

NEW BUSINESS

Ogden Street Bridge - Motion to send Entech's proposal to PADOT for approval made by J. Tinari, seconded J. Haluska. Question? None. Vote. All. Motion carried.

USDA - Grant application sent. A conference will be scheduled. Attending will be representatives from Council, Rep. T. Holden's office, Entech, and Dept. of Agriculture.

PADOT - 80-20 agreement for Ogden Street bridge construction. Tabled pending outcome of grant application.

Motion to authorize Entech Engineering to send a letter to Lycoming Supply informing them that they were low bid on the bridge project made by M.B. Dougherty, seconded J. Haluska. Question? None. Vote. All. Motion carried.

C. Marquardt asked if there were any questions? The meeting will be scheduled during the day. M.B. Dougherty asked if it is a grant or a loan? C. Marquardt said that Marcella Duld was not available and that question would be discussed at the preconference. The meeting should be within the next month.

East End Park Bids - Two bids were received and opened. The bids were tabled and a motion to forward them to Prodesign Plus made by R. Krick, seconded M.B. Dougherty. Question? None. Vote. All. Motion carried.

Health officer - One letter of interest received as a result of the advertisement. Motion to appoint Melissa Brennan as Borough health officer made by J. Tinari, seconded J. Haluska. Question? None. Vote. All. Motion carried.

Tax Assessor - Letters of interest were received from Daniel Kelly and Melissa Brennan. C. Marquardt said that because M. Brennan is not a registered voter he did not think she could be appointed to this office. Motion to appoint Daniel Kelly to the office of Tax Assessor to fill the unexpired portion of the term made by R. Krick, seconded J. Tinari. Question? None. Vote. All. Motion carried.

Summer Lunch - C. Marquardt said due to fact that M. Turkavage will not be available for this year's program it is necessary to advertise for a coordinator. Motion to advertise the Summer lunch coordinator position made by J. Tinari, seconded J. Haluska. Question? None. Vote. All. Motion carried.

Resolution 98-2 - Price list for Sewer enforcement. Motion to adopt and forward a copy to Rick Hester made by J. Tinari, seconded J. Haluska. Question? None. Vote. All. Motion carried.

R. Krick asked if Mr. Hester is going to respond to phone calls? C. Marquardt said he is aware of problems in this area and will be checking with Mr. Hester.

BILLS

List of bills for preapproval by Council. All bills on this list have regular due dates and are preapproved to avoid any late charges. Copy in file folder. List read by C. Marquardt. Motion to approve list of preapproved bills made by R. Krick, seconded J. Tinari. Question? None. Vote. All. Motion carried.

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List of regular bills to be paid read by C. Marquardt. Motion to pay the bills as read made by J. Tinari, seconded J. Haluska. Question? None. Vote. All. Motion carried.

Request from Solicitor to pay half the cost of his annual membership in PBSA in the amount of \$35.00. Motion to pay half PBSA membership made by J. Tinari, seconded J. Haluska. Question? None. Vote. All. Motion carried.

Motion to transfer funds as necessary from the General Fund to the School Fund to pay bills made by J. Tinari, seconded R. Krick. Question? None. Vote. All. Motion carried.

It was noted that beginning in April there will be a \$2.00 per card per month service charge on the current gas cards. R. Krick noted that the savings in gas will pay the \$10.00. Part of the savings is that we are now tax exempt at the pump.

CORRESPONDENCE

County Solid Waste Mgmt. - W. Bowen requested list of haulers and annual tonnage, and yard waste figures. This is to be used in preparing the 1997 grant paperwork. The new flyers for recycling have arrived. Girardville is under consideration as a permanent site for the location of the recycling dumpsters.

Bureau of Audits - Letter concerning the Program audits the Borough had performed. This is to be given to J. Yackera to check if more needs to be done.

Representative T. Holden - Letter is support of our application for aid from the USDA for the Ogden Street bridge.

Schuylkill County Planning - C. Ross forwarded a copy of the County's twelve (12) year program schedule. Any comments or recommendations should be made by, January 21, 1998.

Treasurer's office - Copy of the newest Tax Collector's manual.

Various training seminars available to anyone interested.

Underground Storage Tank Insurance Fund - Information for School Building concerning premiums. The Borough's showed no charges.

Department of Education - Letter of approval for program audit.

PADOT - Letter confirming electronic transfer of annual State Police fines.

Grant packet for Libraries.

Service Electric - Notice of additional channels and rate increase.

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It was questioned from the floor if the Borough is stuck with the franchise agreement made with Service Electric? R. Krick said he believes we are tied into Service Electric. The Solicitor said he thought that the contract could be broken.

COMMITTEE REPORTS

School: R. Krick said that the gym is out of oil again. We need to check into automatic delivery. Due to the recent dance he suggested a policy of no activity except athletics be allowed without Council permission. Requests should be made in writing, in advance for approval. Motion that it be required a letter be submitted to Council for approval for use of gym for anything other than Athletics made by R. Krick, seconded J. Tinari. Question? None. Vote. All. Motion carried.

L. Petusky suggested changing the outside fixture at the front door. Council gave permission to check into this possibility.

Finance: C. Marquardt informed Council that a request had been made to increase D. Hess's vacation from one (1) week to two (2) weeks. M.B. Dougherty suggested that a policy be set. C. Marquardt suggested that after five (5) years two (2) weeks vacation. After some discussion motion was made by M.B. Dougherty, seconded by J. Haluska that for full time employees policy be:

Ninety (90) days = one (1) week vacation

five (5) years = two (2) weeks vacation

This to be recorded by calendar year. Question? J. Kelly asked about employees here longer? That matter was table. Vote. All. Motion carried.

Regional Police: no report.

Recreation: M.B. Dougherty declined her appointment as chair of the recreation committee for this session of Council. She informed C. Marquardt she will remain on the committee. C. Marquardt asked if anyone else wished to chair the recreation committee?

R. Krick added that he would like to resign from the Street Committee. C. Marquardt tabled these requests until next meeting.

Streets: J. Tinari said that the handicapped parking spaces will be reviewed. Letters will be sent out as soon as possible.

Police: No report.

Recycling: C. Marquardt noted that the application for a trailer is currently in Harrisburg. C. Fritz recommended granting the application. Grants will be announced at a later date. J. Clayton asked about getting recycling containers for each household? She was told that because we do not use a recycling truck for pickup the containers are not practical.

OTHER BUSINESS

Blocked private sewer lines - Council is looking at a possible policy to help alleviate the problem of Borough workers spending time on lines blocked on private property. After discussion of the matter was tabled.

R. Krick suggested that the Finance committee meet to discuss short term investment of available funds in the General and Liquid Fuels accounts. Motion to review investment strategies and bring recommendations to Council within two months made by R. Krick, seconded J. Haluska. Question? M.B. Dougherty said the information should be available for review at the March meeting. Vote. All. Motion carried.

PUBLIC COMMENT

P. Kowalick, on behalf of Little League, asked who owned the property where the Little League field is located? Little League is looking into acquiring non-profit status and there are many questions that need to be answered. R. Krick told him that the Borough owns the bulk of the field. There are sections in use that belong to the various property owners along A Street. R. Krick suggested that the property could be deeded to the Little League Association with a condition that the property would revert back if it were no longer used by the Little League. The Rangers Hose Company building is held under a similar deed. Questions were raised about insurance coverage and where the responsibility falls. The Borough is responsible only if the activities are sanctioned. R. Krick suggested that Little League investigate insurance for non-players.

N. Flannery asked why when he called the police officer the officer did not show up? His complaint deals with cars being parked in such a way as to block access to garages. You cannot get the person to move the vehicles if no one answers the door. Mayor Kelly said he would check this matter with Officer Buriak and get back to Mr. Flannery.

E. Budraitis asked if Council could do anything about the building on East Mahanoy Avenue? C. Marquardt told her that a new health officer was just appointed this evening and that M. Brennan would contact her directly. Housing and Urban Development was contacted last year. They come when they can without any notice to local government. If they investigated last year no information was made available to us. Both C. Marquardt and the Mayor will check the complaint about 5 - 7 dogs in the house. R. Krick noted that you can begin action to condemn the building but the Borough does not have the resources to tear demolish.

Executive Session on personnel matters.

Reconvened. The matter is turned over to the Solicitor for action.

On the question asked about training for the Constable the solicitor informed F. McKeon that he does have to have the training and it is at his own expense. M.B. Dougherty said

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she did not like to contradict but her information was that the training is only necessary if the Constable is going to serve papers. F. McKeon said he is not planning on serving papers and will pass on the training.

Motion to adjourn made by J. Tinari, seconded J. Haluska. 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:** February 12, 1998 **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, J. Haluska, R. Krick, C. Marquardt, J. Tinari,
J. Yackera. Mayor J. Kelly, Solicitor J. Kilker.

PUBLIC COMMENT

J. Clayton asked what Council's take is concerning the police officer? J. Kilker said that Council is going to go into Executive session to discuss this matter and would make any announcements at that time.

M. Mervine informed Council that Officer T. Buriak had a vehicle towed from her property without prior notice as required by Borough ordinance. This vehicle was towed at 12:30 AM and when she noticed it was gone she reported it stolen. There are other vehicles in the same area, without licenses that are still sitting. Mervine told Council that if properly notified the car would have been moved. She asked that the vehicle be brought back as it was towed illegally. Mayor Kelly said that the car had no current license or inspection sticker. Also the vehicle was parked within the right of way in front of an abandoned house. Mervine said she had just purchased the car and had not yet had the title changed. R. Krick asked if B. Ellison, the registered owner, received notice? He was told by Mervine that no letters were received. Mayor Kelly said that Officer Buriak was acting on a complaint. C. Marquardt said that after the meeting the Police committee will check out this complaint.

T. Niedzwiecki asked if any decision had been reached concerning a donation to the North Schuylkill Soccer Association? A request was submitted at budget time. C. Marquardt said that he would check. Niedzwiecki asked if it would be possible to use the gym for a fund raiser. The soccer parents want to play the WNEP-TV 16 Instabuckets in a

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basketball game. R. Krick said that there is not a lot of seating in the gym. Niedzwiecki said that anything is better than nothing. Motion to allow North Schuylkill Soccer Association to use the gym for a fund-raiser basketball game made by J. Haluska, seconded J. Tinari. Question? R. Krick asked that they clean up afterwards. Vote. All. Motion carried.

T. Niedzwiecki noted that there has been an increase in vandalism and garbage being dumped at the bank, arcade and the William Street bridge. Mayor Kelly said he would look into this with the Officer. He knows that the arcade is posted. M. Brennan said that does not stop the kids from tearing the siding off the building and ripping up the sidewalk. Also, skateboarding at the bank is again a daily thing. Mayor Kelly said he has some ideas to bring up and will go into this later in the meeting.

M. Brennan asked who investigates situations concerning fire damaged properties, the fire chief or health officer? Mr. Kilker said that she, as health officer, can inquire and report findings to the Mayor. You can indicate to owners that they will be cited if the problem is not remedied.

E. Budraitis asked about the property on East Mahanoy Avenue. M. Brennan said that the owner was contacted and the garbage should have all been removed. If there is another problem a letter will be sent.

V. Ambrose asked if Council could request that the speed limit on Main Street be reduced. The current speed is 35 MPH but VASCAR allows for + - 10 MPH meaning traffic can travel at 45 MPH before being cited for speeding. This is a danger especially with the number of children who live on Main Street. C. Marquardt said that Council will send a letter to PADOT requesting a speed limit survey.

J. Clayton asked if there was any action on the PP&L street light survey? C. Marquardt said that we are still waiting for an answer from PP&L. No street requests will be considered until the survey is done.

APPROVAL OF REPORTS

Minutes: Motion to accept both the regular meeting and special meeting minutes as submitted made by J. Tinari, seconded by J. Haluska. Question? None. Vote. All. Motion carried.

Treasurer's report: Motion to accept the report as read made by J. Yackera, seconded by J. Tinari. Question? None. Vote. All. Motion carried.

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

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Permit Officer's report: Motion to accept as submitted made by J. Yackera, seconded by J. Tinari. Question? None. Vote. All. Motion carried.

Health Officer report: Read by C. Marquardt. Motion to accept as read made by J. Yackera, seconded by J. Tinari. Question? No

Mayor's Report: Read by Mayor Kelly. Motion to accept as read by made by J. Tinari, seconded J. Haluska. Question? None. Vote. All. Motion carried. The Mayor noted that the Regional Police meeting scheduled for, February 19, 1998, will be the last if there is no commitment. In conjunction with the Girl Scouts and the Sheriff's department, fingerprinting for Borough children will be held on, March 21, 1998, from 10:00 AM to 12:00 PM. Flyers will be posted.

Mayor Kelly said that he wants to set up a meeting with the kids in town to get some input. He wants to work with them to attempt to solve some of the problems. A date has been set for, March 31, 1998, at 6:00 PM for kids ages 8 through 16. This will be posted. T. Krick asked what kinds of ideas the Mayor has in mind? Several months ago there was a similar meeting with no results. Mayor Kelly said that he was not here then and is doing this in hopes of working out something. J. Clayton thought this was a good idea. She asked if perhaps something could be arranged to have some in to speak with the kids. Right now there is not a lot of confidence in the police officers. Mayor Kelly said he would consider that suggestion.

R. Krick asked if the Regional Police Committee is looking for a commitment now or after this scheduled meeting? C. Marquardt read the letter and thought that it really was not clear. Girardville has already gone on record as being interested in continuing with the study. Mahanoy City just voted to drop out and so have several other communities.

J. Yackera said that Mahanoy City cited cost overruns and cut in protections as their reasons for withdrawal. R. Krick said that each municipality has to access their own needs.

UNFINISHED BUSINESS

Code Of Conduct - Tabled.

Emergency Management Plan - J. Yackera contacted Art Kaplan and was told that any names on the plan were there permanently. If you wish your name removed submit a written request. This plan can be submitted for approval every two year with no changes. It can be accepted now as is and Council can still make any changes for the next two years. Motion to accept the EMA plan as submitted made by J. Yackera, seconded J. Tinari. Question? M.B. Dougherty asked if there were any changes? If she had known that a letter was required to have her name removed it would have been here tonight. She thought that any future practice should not be simply to remove anyone who died or moved but to notify all people and give them the chance to withdraw if they wish.

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C. Marquardt said that the plan is in the office and available. If your name is in the plan and you wish to be removed just send a letter to the Council. Vote. All. Motion carried.

Sewer Policy - At the work session Council hammered out a policy which is on file. Policy will be that residents should try to open blocked lines themselves. If a plumber is contacted the expense is the residents. Borough workers will not go on private property unless the main sewer line is located within the boundaries. This policy is subject to change or addition. Motion to adopt the Sewer Policy as submitted made by J. Tinari, seconded J. Yackera. Question? None. Vote. All. Motion carried.

DCNR playground grant - Paperwork for advance payment received. This is optional and drawdown would only be for advertising and administrative costs incurred so far. Motion to submit for advance payment made by R. Krick, seconded J. Haluska. Question? None. Vote. All. Motion carried.

With the advance requested it will be necessary to open a separate account for any funds received for this project. Motion to allow the secretary to open an account for the DCNR grant funds made by R. Krick, seconded M.B. Dougherty. Question? None. Vote. All. Motion carried.

Ogden Street Bridge - Report from Entech read by C. Marquardt. Acceptance of both the Entech proposal and the funding from PADOT are tabled pending outcome of the grant application from the Rural Utility Services department of the US Department of Agriculture.

R. Krick said that he thinks it necessary that Council thank Representative Timothy Holden for his support in obtain RUS funding. C. Marquardt agreed and suggested sending letters to Holden, Rhoades and Lucyk.

NEW BUSINESS

Salt contracts through the piggy back program have been received. Motion to purchase salt for 1998-1999 through the L3P program made by J. Tinari, seconded J. Yackera. Question? M.B. Dougherty asked if this is the salt for the dump truck. C. Marquardt said yes. Vote. All. Motion carried.

Request to add Advertising costs to the pre-approved bill list made by the Secretary. All advertising is approved before being placed. Motion to add advertising costs to bill list made by R. Krick, seconded J. Haluska. Question? None. Vote. All. Motion carried.

Request from Little League to use the Borough hall for registration on March 16 -17 & 20, 1998 from 6:00 - 7:00 PM. Motion to allow this use made by J. Tinari, seconded J. Yackera. Question? None. Vote. All. Motion carried.

Request from Teener League to hold registration in the Borough hall on, February 25, 1998, from 6:00 - 8:00 PM. Motion to allow this use made by J. Tinari, seconded J. Yackera. Question? None. Vote. All. Motion carried.

Jiffy Mart - D. StClair asked for permission to put cones on Second and Ogden Streets on Tuesdays and Fridays from 9:00 - 11:00 AM. This will allow the delivery truck room to turn onto Ogden Street. There have been occasions when deliveries are difficult because of parked cars. She is willing to put up and take down the cones. J. Kilker said if there are no signs you cannot ticket cars. StClair said that cones would be sufficient to remind people of the deliveries. Motion to allow cones to be placed on Second and Ogden Streets between 9:00 AM - 11:00 AM on Tuesdays and Fridays for deliveries to the Jiffy Mart. This is on a trial basis to see if it works. Motion made by J. Yackera, seconded J. Tinari. Question? None. Vote. All. Motion carried. J. Yackera said that he would check with F. Zangari if the fire house would lend some cones.

BILLS

Motion to pay the bills as read made by J. Tinari, seconded J. Yackera. Question? None. Vote. All. Motion carried.

CORRESPONDENCE

Gilberton Borough - Letter requesting that Council consider allowing them to purchase the extra VASCAR unit. Matter tabled for consideration.

Auditor General's Office - 1996 Liquid fuels annual audit on file.

Solid Waste Mgmt. - Information for annual grant to be sent to the County office.

Ancient Order of Hiberians - Letter requesting consideration of renting the Borough hall to hold Irish dance lessons. M.B. Dougherty said that Council would need to discuss what rental charges would be and also insurance liability. J. Kilker said that Council should check if current insurance will cover rentals. Ask renter for proof of insurance. Council could approve this use on condition of proof of insurance. M.B. Dougherty said there is still a question of what rental fees to charge. R. Krick questioned the fact that this is not an open organization. T. Dempsey, a member, said that the lessons would be open to the public. This matter was tabled pending further discussion.

Emergency Management Services - Training seminars available.

Information on CAD system. Copies given to both fire companies.

Service Electric - Franchise fee notification.

PSAB yearbook - Listing in municipal yearbook for a fee of \$35.00. Motion to list in PSAB 1998 Yearbook made by J. Tinari, seconded J. Yackera. Question? R. Krick asked

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if this is actually a good idea? J. Kilker said that this is a resource to use when looking into obtaining information on such things as joint ventures. Vote. Voice vote - R. Krick, NO M.B. Dougherty, NO. Motion carried four to two.
Department of Environmental Protection - Act 149 with amendments on file.

Schuylkill County Conservation District - Staff listing.

COMMITTEE REPORTS

School: R. Krick reported being \$500.00 ahead on rents compared to last year. The water fountain is open but the sink in the office is still blocked. The gym has been rented out for birthday parties. Cost is \$20.00 per hour and all food must be kept out in the hall. Policy is still the same that sneakers have to be changed before going out in the gym floor. The question of holding dances was raised from the floor. R. Krick replied that dances are no longer held in the gym due to floor damage. The possibility of renting the Borough hall for dances was raised. Council answered that rental questions are tabled for discussion.

Recreation: M.B. Dougherty asked to be removed as the chair of this committee.
C. Marquardt agreed and appointed J. Haluska to chair.

Streets: J. Tinari reported that Mr. Kilker obtained specific specs for the handicapped parking spaces. All existing spaces will be updated. There are three requests for approval of spaces: Elizabeth Raineri - Second Street
David Eye - B Street
J. McDonald - Beech Street

Motion to approve the handicapped parking applications made by J. Tinari, seconded J. Haluska. Question? None. Vote. All. Motion carried.
Tinari also noted that there are outstanding renewals and he will contact the residents involved.

Police: J. Yackera said that the police committee met last month and discussed changing the night hours due to increased vandalism. They also discussed a specific personnel matter.

Solicitor: Mr. Kilker requested an executive session concerning two or three lawsuits and police matters. All votes will be taken in public.

OTHER BUSINESS

R. Krick noted that representatives of the Young Marines are here to give a report on their work at St. Joseph's Cemetery. Pfc. Michael Grady, representing the Coal Crackers Division of the Young Marines made the report. He informed all present that the unit which consists of between 30 - 40 members between the age of 8 - 18 has chosen cleaning up the old cemetery as their community service project. They are under adult supervision at all time. Since beginning work a number of memorial markers have been found. Efforts

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will be made to locate the graves they are to mark. Requests will be forwarded to the Veterans Administration for new markers to be issued. The group plans to hold a Memorial Day wreath laying ceremony and all are welcome to attend. R. Krick asked if there is anyone who wants to help, in any way they are welcome. It was requested that because of the number and size of trees if it would be possible to have a limited burn, in a 55 gallon drum? R. Krick made a motion to exempt from burning for a controlled burn in the cemetery. Motion seconded by J. Tinari. Question? J. Yackera suggested they contact the fire company and possibly have three or four indian tanks. Todd asked if anyone is willing to lend chain saws. C. Marquardt offered use of the two from the Borough. Vote. All. Motion carried.

Summer lunch - Received two applications for coordinator and will interview to hire by next meeting.

M.B. Dougherty noted that the Girard Estates has moved their offices out of the building on Second Street. She spoke with C. Holman from Senator Rhoads office. It was discussed using this building for a museum or library. A letter was sent to the Historical/Museum commission. They will contact us with information about what types of funding is available. This is something worth investigating.

J. Kilker informed the public that when a matter of discipline of a police officer the Council goes into executive session to discuss the matter in detail. There are strict procedures governing actions taken. All matters discussed will be acted upon in public. It was asked from the floor if better screening of officers should be done before hiring. Council answered that there are physiological screening that is required and also background requirements.

M. Mervine asked what about her situation? C. Marquardt said she could either wait or go back into the office and discuss the matter with the officer. She decided to speak with the officer.

J. Haluska attended a seminar for newly elected borough officials. C. Marquardt noted that she paid for this seminar herself. Council gave approval for reimbursement if wanted.

At this time Council went into Executive session.

Meeting reconvened by President C. Marquardt. He asked Mr. Kilker to elaborate.

Council authorized Mr. Kilker to take legal steps necessary regarding complaints in the dog case. Mr. Kilker told everyone that because it involves legal strategy actions would not be revealed to the public.

Mr. Kilker noted that in reference to actions involving Officer Hummel the following action was taken. Mayor Kelly suspended Officer Hummel on, February 6, 1998, without pay based on charges filed that same day. Tonight those charges are formally presented to Council and Council must take action on the suspension. If continued, legal procedures

must be followed. Suspension can only last one year. Officer Hummel is being charged with conduct unbecoming an officer. Conduct which could result in misdemeanor or felony charges. A copy of the charges filed with the magistrate's office. Council can suspend, terminate or reinstate independent of any court decision. This decision must be rendered within ten (10) days. These hearings are usually no open to the public. A court stenographer is present and there is a transcript. We will notify Officer Hummel of Council's actions and he in turn will notify Council of how he wishes to handle this matter. Mayor Kelly presented to Council the suspension notice of, February 6, 1998, and he has amended it by adding the criminal complaint which is made up of about thirteen (13) pages. Some is probable cause affidavits and some is listing the charges he is currently facing. Motion made to continue Officer Hummel's suspension to the point of the hearing made by J. Yackera, seconded J. Tinari. Question? Mr. Kilker asked if that was without pay? J. Yackera answered, yes, without pay. Roll call vote:

M.B. Dougherty	YES	J. Haluska	YES
R. Krick	YES	J. Yackera	YES
J. Tinari	YES	C. Marquardt	YES

Motion carried.

Motion to advertise a full time/part time police position made by J. Yackera, seconded J. Haluska. Question? Application deadline? To be next special meeting, date to be decided. None. Vote. All. Motion carried.

Motion to advertise a Special meeting to be held on, Friday, February 27, 1998, at 7:00 PM made by J. Yackera, seconded by J. Tinari. Question? None. Vote. All. Motion carried.

Motion to authorize the Mayor to extend part time officers' hours from 32 per week to as much as 48 hours as needed until this situation is resolved. Motion made by J. Yackera, seconded J. Tinari. Question? None. Vote. All. Motion carried.

Mr. Kilker brought up the questions concerning the COPSFAST funding. He suggested that an inquiry be made if the temporary arrangements for T. Buriak could be covered under this program. Motion to authorize the secretary to contact COPSFAST asking if the temporary arrangements would be reimbursable. Made by J. Yackera, seconded J. Haluska. Question? None. Vote. All. Motion carried.

PUBLIC COMMENT

M. Mervine asked how this scheduling would affect Officer Buriak's other jobs? C. Marquardt told her that all the part time officers work other jobs. This is not a full time job it is an increase in part time hours until this problem can be solved.

J. Yagalienski, on the matter of the dog complaints, asked who made the two complaints and what the complaints were? He also asked how long Council was going to continue to

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pay for personal vendettas. Mr. Kilker said that when Council feels the law is being disregarded then what is necessary must be done to enforce compliance. Council has authorized legal action be taken and it will be taken. J. Yagalienski asked the Mayor if he knew what the complaints are? Mr. Kelly said he did not and this matter was turned over to the Solicitor for action. Mr. Kilker said he would not discuss legal matters in a public forum. Investigation will be done and answers will be available at the next meeting.

J. Clayton asked if we can only advertise locally or could ads for officers be placed in places like Philadelphia? C. Marquardt said that ads are expensive and for part time positions you cannot hire anyone who lives too far away.

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

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:** February 27, 1997 **TIME:** 7:00 PM

OPEN MEETING

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

ROLL CALL

Members present: M.B. Dougherty, J. Haluska, R. Krick, C. Marquardt, J. Yackera
Mayor J. Kelly, Solicitor J. Kilker.

Members absent: J. Tinari.

PURPOSE OF MEETING

The meeting was advertised for Police personnel matters and general purposes.

PUBLIC COMMENT

M. Mervine addressed the Mayor and said that her car had not been returned. Mayor Kelly said that the report in the paper stating that the car would be returned was incorrect. Mervine said that it is ridiculous that the police do not have to abide by the law. C. Marquardt asked if she and the Mayor would go into the office and discuss this with Officer Buriak. M.B. Dougherty asked that they come back in and inform everyone of the results of the discussion. M. Mervine said she cannot understand what the problem was in the first place. If the procedure outlined by the ordinance had been followed the car would have been moved. Officer Buriak told her that she can have the car back. The towing bill has to be paid. The car was on the State right of way and no notice is required before removal. J. Yackera said that borough ordinances cannot supersede state law. J. Kilker said that he would review this question with all parties and give an answer.

BUSINESS

Resolution 98-3 Emergency Management submission plan 1998. Motion to adopt resolution 98-3 for submission to County made by J. Yackera, seconded J. Haluska. Question? None. Vote. All. Motion carried.

Resolution 98-4 opening an account for the DCNR funding for the East End Playground. Motion to adopt resolution 98-4 made by J. Yackera, seconded J. Haluska. Question? None. Vote. All. Motion carried.

Resolution 98-5 Police pension, no employee contributions for 1997. Motion to adopt resolution 98-5 made by J. Yackera, seconded J. Haluska. Question? None. Vote. All. Motion carried.

Resolution 98-6 Police pension, no employee contributions for 1998. Motion to adopt resolution 98-6 made by J. Yackera, seconded J. Haluska. Question? None. Vote. All. Motion carried.

Request from the Young Marines for use of the Borough dump truck for removal of the trees cut down at the cemetery. These would be brought to the island for chipping.

J. Catizone asked about using the chipper? R. Krick said it is too big to park on the highway and can only be used by Borough personnel. Motion to allow use of the truck made by

J. Yackera, seconded J. Haluska. Question? None. Vote. All. Motion carried.

Request from Teener league for use of borough hall on March 16, 1998 for final signups. Council okayed use of the hall.

Schuylkill County Demolition is opening another round of funding for local demolition. J. Kilker said he would send letters asking M. Ello is the property would be conveyed to the borough on the condition that funds for demolition were received. Motion to submit paperwork for demolition funds made by J. Haluska, seconded J. Yackera. Question? None. Vote. All. Motion carried.

J. Clayton said that the property on the corner of Mahanoy Avenue and Julia Street is open. Mayor Kelly said that Officer Buriak has been there several times and closed the building only to find it open again. M. Brennan is checking into ownership and contacting the responsible parties.

DeAngelo Brothers sent a contract for the street sweeper. Motion to contract for the street sweeper for May 15, or 22, 1998 made by J. Yackera, seconded J. Haluska. Question? M.B. Dougherty asked if there would be a backup? C. Marquardt said he was assured that what happened last year would not happen again. Vote. All. Motion carried.

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Request from M. Brennan to place an ad in the paper concerning curbing dogs. She was instructed to write an ad and get prices to present at the next regular meeting. M. Brennan also requested cards to use as identification. Again, she was told to get prices for consideration.

Council went into Executive session.

Meeting resumed.

J. Kilker explained to Council that the paperwork from the attorneys concerned the Shouck lawsuit and could be signed and returned as requested.

Mr. Kilker requested that Council hire an independent council relating to the suspension of Officer M. Hummel's hearing. He will coordinate with Hummel's attorney and the D.A.'s office in this matter. Motion to table the matter of hiring independent council until Council can investigate the matter further made by R. Krick, seconded J. Yackera. Question? None. Vote. All. Motion carried.

Police committee meeting for Tuesday, March 3, 1998 at 7:00 PM.

C. Marquardt said that Council would meet at 7:00 PM the same evening to review police applications.

Motion to continue this special meeting to, Wednesday, March 4, 1998 at 7:30PM made by J. Yackera, seconded R. Krick. Question? None. Vote. All. Motion carried.

M. Mervine asked about her car. She said she wanted the public present not just the police officer. She showed Council pictures of other parked vehicles similar to her situation and asked why they have not been ticketed or towed? She repeated that if properly notified she would have gladly moved the car. J. Yackera told her she was told if she paid the towing fee she could have her car back and he did not wish to argue this with her. Mr. Kilker said he would check into the questions concerning the state law.

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

SPECIAL MEETING

PLACE: Municipal Bldg. **DATE:** March 4, 1998 **TIME:** 7:30 PM

OPEN MEETING

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

ROLL CALL

Members present: M.B. Dougherty, J. Haluska, R. Krick, C. Marquardt, J. Yackera.
Mayor J. Kelly, Solicitor J. Kilker.

Members absent: J. Tinari

PURPOSE OF MEETING

CONTINUATION OF FEBRUARY 27, 1998 MEETING

BUSINESS

Council immediately went into executive session.

Meeting reconvened.

Mr. Kilker requested Council hire an independent Council to act either as prosecuting or advisory council. Conflicts of law require that there be two attorneys for the hearing. He also requested that after making a decision and hiring council that authorization be given to begin the investigation. The following three attorneys were named for consideration:

- | | |
|--------------------|------------------|
| 1) Steve Elwood | \$80.00 per hour |
| 2) Mary Ann Conway | \$125.00 |
| 3) Joseph Rudolf | \$200.00 |
| 4) Paul Domalakes | no response |

Mr. Kilker stated that any one of these would be a good choice.

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Motion to hire Steve Elwood, as independent council to act in an advisory position made by J. Yackera, seconded J. Haluska. Question? None. Vote. All. Motion carried.

Motion to hire James Kilker, to begin the investigation needed before the hearing made by J. Yackera, seconded J. Haluska. Question? None. Vote. All. Motion carried.

J. Kilker said he will contact M. Hummel's attorney and ask if they want to continue and possibly set a date for the hearing.

R. Krick asked that J. Kilker make a written report on the findings of his investigation. J. Kilker said that a written report is possible but if there is no conviction than all records are sealed and not available to the public. He will check into all aspects of the charges. Motion to expand the hiring of J. Kilker as investigator to include the submission of a written report made by R. Krick, seconded J. Yackera. Question? None. Vote. All. Motion carried.

PUBLIC COMMENT

M. Mervine was again in attendance requesting the return of her car that had been towed. She stated that she contacted the State Police and PADOT and was informed that the right of way is only 16 feet. The vehicle was parked 18 feet off the road. The State police "red tag" vehicles for seven (7) days before towing unless they present a danger to traffic. She had pictures of a vehicle parked within 44 inches of the road which has not been towed. J. Yackera said that he went down with M. Mervine and she showed him where the vehicle was parked. He told her it was on a sidewalk and pedestrian right of way cannot be blocked. M. Mervine accused Council of changing the story as to why the vehicle was towed but it should not have been towed without warning. First it was cited as being on the state right of way, then being parked in front of an abandoned building, now you are saying it was parked on the sidewalk. J. Kilker said that Council cannot review every police action. Officer has to maintain some independence. This was a judgment call and in the Officer's judgment the car needed to be towed. J. Yackera said that as far as he is concerned this matter is resolved. If you feel you have a case get a lawyer. M. Mervine was told previously that she can have her car back if she pays the towing charge. All the storage fees are being waived. He told her that he did not want to argue this anymore.

Motion to adjourn made by J. Yackera, seconded J. Haluska. Meeting adjourned.

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:** March 12, 1998 **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, J. Haluska, R. Krick, C. Marquardt, J. Yackera.
Mayor J. Kelly, Solicitor J. Kilker.

Late Arrivals: J. Tinari, 7:10 PM

PUBLIC COMMENT

E. Budraitis asked if the Borough was contacted by the PA State Police about the dogs on E. Mahanoy Avenue? J. Kelly said that he was not aware of any contact but would ask Officer Buriak.

At this time C. Marquardt turned the floor over to Don Cuff, Entech Engineering, Inc.. Mr. Cuff informed Council that Rural Utility approved the grant in the amount of \$76,706.00. With the State contract this will cover the cost of the construction of the Ogden Street bridge. He recommended that Council accept the RUS grant. Motion to accept the grant from RUS made by J. Yackera, seconded J. Haluska. Question? None. Vote. All. Motion carried.

Motion to accept the PADOT 80 - 20 agreement made by J. Haluska, seconded J. Yackera. Question? None. Vote. All. Motion carried.

Motion to award the bridge contract to the low bidder, Lycoming Supply made by R. Krick, seconded J. Haluska. Question? None. Vote. All. Motion carried.

With the Federal and State money there is no further local share involved in the construction of the bridge. Motion to authorize Entech Engineering, Inc. to proceed made by R. Krick, seconded J. Haluska. Question? None. Vote. All. Motion carried.

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D. Cuff said that a tentative start date is April 6, 1998.

J. Tinari arrived, 7:10 PM.

There will be a pre-construction conference and Council will be notified of the date. Also, because of the moneys involved there will be a ribbon cutting ceremony. C. Marquardt thanked D. Cuff and Entech on behalf of Council.

APPROVAL OF REPORTS

Minutes: Motion to accept the three (3) sets of minutes as submitted made by J. Yackera, seconded by J. Haluska. Vote. All. Motion carried.

Treasurer's report: Motion to accept the report as read made by J. Haluska, seconded by J. Yackera. Vote. All. Motion carried.

Mayor's Officer report: Read by Mayor Kelly. Motion to accept as read made by J. Tinari, seconded by J. Yackera. Vote. All. Motion carried. Mayor Kelly reported that the fingerprinting being jointly sponsored by the Girl Scouts will be held on, Saturday, March 21st. There will be a kids meeting on Wednesday, April 1st from 6:30 - 8:00 PM for Borough kids from 8 - 16. He is looking for input for possible ways to solve some recreation problems. The Regional police meeting is canceled. Crime watch will hold a meeting on, Thursday, March 26 TH at 7:30 PM.

Permit Officer's report: Motion to accept as submitted made by J. Haluska, seconded by J. Yackera. Vote. All. Motion carried.

Health Officer's report: Read by C. Marquardt. Request for business cards for identification. Motion to order business cards made by J. Haluska, seconded J. Yackera. Question? None. Vote. All. Motion carried. Motion to place the requested ad reminding residents of the fines for littering and curbing dogs made by J. Haluska, seconded J. Yackera. Question? M.B. Dougherty asked if there were any changes to be made to the ad before it was placed? Vote. All. Motion carried. Motion to accept the report as submitted made by J. Tinari, seconded J. Haluska. Question? None. Vote. All. Motion carried.

UNFINISHED BUSINESS

Bids for the DCNR grant for the East End Park/Playground. In accepting these bids Council takes on the responsibility for \$442.00 in additional costs. Motion to accept the Bids submitted for the East End Park made by J. Tinari, seconded J. Haluska. Question? None. Vote. All. Motion carried.

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De Angelo Brothers confirmed, May 15, 1998, for street sweeping. Rain date scheduled for the following Friday. Any resident who sweeps and wants the Borough to pick up the dirt piles should call Borough Hall.

VASCAR - Gilberton Borough requested consideration of purchase of our second unit. This matter is table.

Ancient Order of Hiberians - Withdrew request for use of the Borough Hall.

Street lights - PP&L reported that the Borough is well lit. A report is expected.

Demolition - Request from County for a list of properties to be considered for the demolition money expected from the State. It was suggested that all buildings should be submitted regardless of owners' status. Motion to submit a letter listing the M. Ello properties on West Main Street and Richard Street and several properties on West Mahanoy Avenue made by J. Yackera, seconded J. Tinari. Question? M.B. Dougherty said that the Borough should start getting on the property owners. Vote. All. Motion carried.

NEW BUSINESS

Motion to advertise the annual financial report for 1997 made by J. Yackera, seconded J. Tinari. Question? None. Vote. All. Motion carried. The audit report is on file.

Liquid fuels - 1997 report approved pending audit. On file.

Resolution 98-7 Code of Conduct. Motion to adopt the code of conduct governing employee behavior made by J. Tinari, seconded J. Haluska. Question? R. Krick asked if the employees got the chance to look this version over? He was told yes. M.B. Dougherty asked if it takes effect immediately? Yes. Vote. All. Motion carried.

Summer Food Service Program - Two applications for position of coordinator received. Second applicant declined the interview. C. Marquardt contacted the references for M.B. Dougherty. Motion to hire Carol Abalo from Frackville as the SFSP coordinator made by J. Yackera, seconded J. Haluska. Question? None. Vote. M.B. Dougherty, NO. Motion carried.

Resolution 98-8 SFSP bank resolution. Motion to adopt 98-8 made by J. Yackera, seconded J. Haluska. Question? None. Vote. M.B. Dougherty, NO. Motion carried.

Request from Junior Girl Scouts to host a badge workshop in the Borough hall. The date has not yet been set and would include troops from neighboring towns. There will be about 25 girls in attendance. Motion to approve made by J. Yackera, seconded J. Tinari. Question? M.B. Dougherty questioned the motions being made. She said they are not being made properly. There are times when she is not sure exactly what is on the floor for

votes. R. Krick said that Roberts' Rules state that the person making the motion must state it as they want it recorded. Motion to allow the Girl Scouts to use Borough Hall to host a workshop to include troops from the neighboring communities made by J. Yackera, seconded J. Tinari. Question? None. Vote. All. Motion carried.

BILLS

List of bills to be paid read by C. Marquardt. Notice of the billing for the Solicitor includes \$25.50 for the Constable for delivery to M. Hummel. Motion to pay the bills as submitted made by J. Haluska, seconded J. Yackera. Question? None. Vote. All. Motion carried.

CORRESPONDENCE

Young Marines - Letter explaining purpose of canisters placed in the local businesses. They are looking for donations to help off set costs of the cemetery restoration project. A report was made by M. Grady on the progress to date. The group thanked everyone involved in helping. Memorial day services are scheduled for 2:00 PM with the public invited. T. Amos said overall the project is going well. C. Marquardt thanked everyone involved for their hard work.

Mayor Kelly said that the Memorial Day parade is scheduled for 9:00 AM.

PADOT - In response to the request for consideration of lowering the speed limit on Main Street PADOT requires a letter stating the Borough is willing to assume financial responsibility for new signage placement and maintenance. Motion to send a letter assuming responsibility for the costs involved made by M.B. Dougherty, seconded J. Tinari. Question? None. Vote. All. Motion carried.

Thank you note from the Krick family.

Letter from Zachary Wilson expressing concern over the bridge. This letter from a young resident was answered.

Survey - Request for bridge award information.

NSLA - Meeting notice scheduled for March 24, 1998. Landfill is looking into hauling.

Employment application - revised application to be used by the Borough. Motion to authorize the secretary to print a new application based on the sample provided by the solicitor made by M.B. Dougherty, seconded R. Krick. Question? None. Vote. All. Motion carried.

COMMITTEE REPORTS

School: R. Krick reported that the water leak has been fixed. The basketball tournament is the next big activity in the gym.

Finance: The committee is going to review the material received concerning possible investments of the Borough funds. An appointment with J. Hoover from the PA National Bank is set for the next work session. Representatives from the PA National Bank were on hand to discuss the Pension Fund. They asked to be allowed to come back for a work session due to the content of the material to be presented to Council for consideration. Reports were given to each member to read between now and April 7, 1998.

Recreation: No report. L. Petusky will be starting the work on the Basketball courts. R. Krick asked if anyone had contacted the contractor for the courts. C. Marquardt said that he will contact them to make the arrangements.

Streets: J. Tinari reported that he received the Stanton renewal. He has not heard from Fr. Horan or T. O'Boyle yet. The borough is looking into purchasing street signs. There are 52 signs needed. R. Krick asked about the cost. A listing of price quotes will be available at a later meeting. M.B. Dougherty asked if there are any plans to do the curbs? C. Marquardt said that over the summer the curbs, hydrants and lines will be painted.

Police: J. Yackera reported that interviews were held for a part time officer. The committee is recommending that Council consider Daniel Wickle for this position. Motion to hire Daniel Wickle made by J. Yackera, seconded J. Tinari. Question? R. Krick asked what the pay scale is? C. Marquardt told him it is \$6.50 to start. Vote. M.B. Dougherty, NO. Motion carried.

The question of the time for scheduling was asked. Motion to go back to 64 hours per bi-weekly time schedule made by J. Yackera, seconded J. Haluska. Vote. All. Motion carried.

Recycling: C. Marquardt reported that curbside collections will resume next month. We were notified that the grant application for a trailer for use in recycling has been approved. A letter from Harrisburg will follow official announcement of the grant.

OTHER BUSINESS

M.B. Dougherty noted that she received confirmation from Father Mongiello allowing use of the Father Sheridan meeting room, in the basement of Saint Joseph's Church on West Main Street, for the new location of the West Ward Poll. The poll must be moved because of lack of handicapped accessibility at DeLuca's. Motion to change the location of the West Ward Poll and notify the Election Bureau of the change made by J. Tinari, seconded J. Yackera. Question? It was asked if the poll could be located in a church building? M.B. Dougherty said this matter was discussed with Elizabeth Dries of the

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Election Bureau and she saw no problem with the new location. Vote. All. Motion carried.

The possibility of having to temporarily move the location of the Middle Ward Poll due to the bridge construction was also discussed. The owner's of the Golden Moon expressed interest in having the elections in their banquet room adjacent to the restaurant on West Main Street. M.B. Dougherty asked when the deadline for notices was? C. Marquardt said the Election Bureau had to be notified by next week. M.B. Dougherty suggested making the arrangements if it becomes necessary.

Motion to go on record as opposing the proposed Area code split in Schuylkill County made by J. Yackera, seconded J. Haluska. Question? None. Vote. All. Motion carried.

M.B. Dougherty asked if Council would be interested in having someone from VISION come to the next meeting and discuss the plans they have for the future. Council agreed.

At this point Council adjourned to Executive Session.

J. Yackera left the meeting at 8:49 PM shortly before it reconvened.

C. Marquardt called the meeting to order. Mr. Kilker requested the meeting be continued until Wednesday, March 18, 1998, at 7:30 PM. The purpose relates to the issue concerning Michael Hummel and his request for a hearing. Motion to continue this meeting until, Wednesday, March 18, 1998, at 7:30 PM made by J. Tinari, seconded J. Haluska. Question? None. Vote. All. Motion carried.

PUBLIC COMMENT

E. Budraitis asked if Council would consider having the speed limit on Mahanoy Avenue lowered at the same time they are having PADOT check Main Street? C. Marquardt said he will contact PADOT about adding Mahanoy Avenue.

J. Clayton noted that the drainage ditch on West Mahanoy Avenue needs a reflector. Someone is going to go into the ditch. L. Petusky said he understood that PADOT was supposed to have taken care of this problem.

T. Krick noted that the Annual Easter Egg hunt will be held on, April 4, 1998, at 2:00 PM. Permission asked to use the Building if the weather is inclement. Motion to allow the egg hunt and use the building is needed made by J. Tinari, seconded M.B. Dougherty. Question? None. Vote. All.
Meeting continued to, March 18, 1998, at 7:30 PM.

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

SPECIAL MEETING

MEETING CONTINUED FROM MARCH 12, 1998

PLACE: Municipal Bldg. **DATE:** March 18, 1998 **TIME:** 7:30 PM

OPEN MEETING

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

ROLL CALL

Members present: M.B. Dougherty, J. Haluska, R. Krick, C. Marquardt, J. Tinari,
J. Yackera. Mayor J. Kelly, Solicitor J. Kilker.

BUSINESS

Resolution 98-9 Council acceptance of the 80 - 20 agreement with PADOT for the Ogden Street Bridge. Motion to adopt resolution 98-9 made by J. Yackera, seconded J. Haluska. Question? None. Vote. All. Motion carried.

At this point C. Marquardt turned the meeting over to Attorney Elwood to act as Council's council in the matter of setting Sgt. Michael Hummel's hearing date. Attorney J. Kilker left the Council table to act as prosecutor.

Mr. Kilker asked that Council consider his request to postpone or continue the employment hearing requested by Attorney Moyer on behalf of Sgt. Michael Hummel. Mr. Kilker submitted a letter dated today listing the reasons for his request. Mr. Elwood asked Mr. Moyer if he had opportunity to review the letter? Mr. Moyer replied that he received a fax at 4:44 PM just before leaving his office to attend this meeting.

Mr. Elwood asked if more time was needed to review this letter before proceeding? Mr. Moyer said no.

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Mr. Kilker said that the hearing was originally set within the ten (10) days when a letter was received from Mr. Moyer asking for a reasonable continuance of the hearing. If this hearing is scheduled after the Magistrate's hearing there may be some of the alleged charges which are no sustained. Code does allow the hearing to be postponed for good cause. The D.A.'s office sent a letter stating they would prefer that we wait. Waiting until after the preliminary hearing might be beneficial to all. A transcript of the hearing can be made available to Council. Any charges not bound over will not have to be dealt with.

Under the Tenure Act a letter was directed to Mr. Moyer stating that a public employer has the right to interview a public employee about questions related to his employment. Mr. Kilker said he has not had the opportunity to do this and would like to do so. This would give M. Hummel the chance to tell his side of the story to Mr. Kilker and Mayor Kelly.

Mr. Elwood asked if there is any legal authority that witnesses should not be asked to testify at separate proceedings? Mr. Kilker said no. Mr. Elwood asked do you have any legal authority that a hearing on his suspension should wait until after the preliminary hearing? Mr. Kilker said no. He cited the Tenure Act stating it may be postponed for good cause. Mr. Elwood noted that the letter cited security problems in having the hearing at the Municipal building. Mr. Kilker said that there is always a room available in the court house with the security of the metal detectors and other protections. Concern with getting the young witnesses in and out of the hearing with minimal contact could be better arranged at the Court House. Mr. Elwood asked if any members of Council had any questions for Mr. Kilker. There were none.

Mr. Moyer gave copies of related correspondence to Mr. Elwood.

1. Suspension notice from Mayor Kelly to M. Hummel dated February 6, 1998.
2. Letter from J. Kilker setting the hearing within the ten (10) days dated February 13, 1998.
3. Letter to Mr. Kilker dated, February 13, 1998, indicating that a public hearing would be required.
4. Letter to Mr. Kilker questioning the date of March 16, 1998. This is the date in dispute. Mr. Kilker says that no one from his office contacted anyone about this date being open for the rescheduled hearing.

In all fairness the request to continue the hearing scheduled for, February 23, 1998, was to the benefit of both parties. It was requested that the continuance be reasonable not an indefinite postponement. We are now ready to proceed. The ages of the witness should not be a factor as it will not change any time soon. As to the security problems there is no objection to going to the court house. Wants the hearing promptly.

Mr. Elwood said that he takes that Mr. Elwood would not be agreeable to having the transcripts of the preliminary hearing being given to the Council in lieu of testimony.

Mr. Moyer questioned the legality of this action.

Mr. Elwood asked Mr. Moyer if he had any legal authority that when the initial hearing is continued at your request that you may demand a hearing within ten (10) days of whichever date you choose? Mr. Moyer said no.

R. Krick asked if Mr. Moyer were the prosecutor would he be in favor of having this hearing before the preliminary hearing? Mr. Moyer answered that the truth will set us free. Witnesses can tell a story several times if they are telling the truth.

Mr. Kilker answered that he did not know from day one what all the requirements were in this matter. There was no hearing date set from his office. There was no response to the request to having M. Hummel speak with both himself and the Mayor. Will subpoena him if necessary. Mr. Moyer said that his client will be at the hearing. He will not submit to an interview with the Borough solicitor and Mayor due to criminal charges pending against him. Anything he said could be used against him. Mr. Moyer and Mr. Kilker each had a different take on the rulings in this matter.

At this point Mr. Elwood recommended Council go into Executive session.

Meeting reconvened by C. Marguardt.

Mr. Elwood advised Council that the preliminary hearing date should have no bearing in reviewing this request. M. Hummel is entitled to a Council hearing as well as a Magistrate's hearing.

However, in his opinion that the time line in not as strict as Mr. Moyer stipulates. The original date runs from when the charges are filed. Once a continuance is requested there is no legal authority allowing the officer to determine the timing of the hearing. Advice to Council that Mr. Moyer's letter does not bind Council. The matter cannot be delayed indefinitely. Suggested that the hearing be set for no later than, April 19, 1998, and allow me to make all the necessary arrangement.

Motion to hold the hearing no later than, April 10, 1998, and to allow Mr. Elwood to make the necessary arrangements for security purposes made by J. Yackera, seconded J. Haluska. Question? None. Vote. All. Motion carried.

Mr. Moyer thanked Council for their attention in this matter.

Mr. Kilker said there will be no subpoena needed as Mr. Moyer assured Council that Michael Hummel will attend the hearing.

OTHER BUSINESS

C. Marguardt said that at the meeting on, March 12, 1998, Council agreed to submit a letter to participate in the County Demolition program. We have since learned that the

M. Ello properties are up for taxes. He asked Mr. Kilker to review this before the deadline of March 31, 1998. The Borough share would be about \$13,000 and Council has to look seriously at this matter. J. Kilker said the owner could be held responsible for the demolition. A special meeting should be held to discuss how to deal with this situation. R. Krick said that we still have the right to reject the money if we cannot afford to tear down the properties. We should wait to go after the properties until funding is not in question. C. Marquardt said that a new letter with this information would go to the County. M. Yesalavage asked what were the amounts of the bids for the demolition? J. Yackera told him there were no bids. This is simply a request from the County for cost estimates. The cost entails insulation, sheathing and black paper not siding.

Request to use the Borough hall on Saturday at 3:00 PM for a Basketball pizza party.
Motion to allow the party made by R. Krick, seconded J. Yackera. Question? None.
Vote. All. Motion carried.

J. Clayton questioned having the preliminary hearing before the suspension hearing. J. Yackera told her that Council was just told it was not an excuse to delay the suspension hearing. J. Kilker said the suspension hearing will be held before April 10th. The two hearings are independent. J. Yackera said that we cannot violate M. Hummel's civil rights. Council has to depend on the advice of its' lawyers.

Motion to adjourn made by J. Yackera, seconded J. Haluska. Motion carried.

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: April 9, 1998 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, J. Haluska, C. Marquardt, J. Tinari,

Mayor J. Kelly, Solicitor J. Kilker.

Members absent: J. Yackera.

PUBLIC COMMENT

D. O'Connor made a complaint about cars parking at the intersection of Main and Line Streets. He noted that you cannot see to get off the hill onto Main Street. Mayor Kelly said that when the officer responded to the complaint there were no cars blocking the view at the intersection. He sent Ofcr. Buriak into the Sons of Italy to inform Mr. Dando that his patrons are not to park in the yellow painted sections of the corners.

M. Ritro asked if there was any news about the dogs at Yagielinskie's? Mr. Kilker told him that the case was reassigned and notices should be out by Monday. C. Marquardt asked if he had been cited? Mayor Kelly said there were eight (8) citations issued.

T. Niedzwiecki asked what will be done about the kids hanging out on the bridge and arcade corner? There should not be a repeat of last summer when her children could not go outside to play because of the vulgar language. J. Catizone said that apparently dispersing them does no good. Start levying fines. J. Kilker asked what laws are being violated and who is willing to go to court to testify? T. Niedzwiecki said they are littering and using vulgarity. The opinion of the residents was that the police officer should be able to move them. J. Kilker said he would speak with the officers and the Mayor.

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V. Ambrose asked what time a cop was on duty on Saturday night? Mayor Kelly said he would have to check the schedule. It was asked if the cops give out tickets? It seems that they never give out any tickets. J. Kelly said to his knowledge there were no tickets issued on Saturday. C. Marquardt said that the matter would be referred to the police committee and solicitor.

No further comments.

C. Marquardt turned the floor over the Jason Shade, a representative of VISION. He introduced himself as a member of the steering committee. VISION is looking for businesses, individuals and local government to sign on to support the projects. Council thanked Mr. Shade for his time and presentation.

APPROVAL OF REPORTS

Minutes: Motion to accept the minutes with the noted corrections made by J. Haluska, seconded by J. Tinari. Vote. All. Motion carried.
Corrections March 18, 1998 minutes: page 2, last paragraph sentence second Mr. Elwood should be Mr. Moyer. Page 4, first paragraph, fourth sentence. Mr. Kilker noted he said that Council could possibly hold Mrs. Ello responsible not that the owner could be held responsible.

Treasurer's report: Motion to accept the report as read made by J. Tinari, seconded by J. Haluska. Vote. All. Motion carried.

Tax Collector's report: Motion to accept the report as submitted and pay the tax collector made by J. Haluska, seconded J. Tinari. Vote. All. Motion carried.

Mayor's report: Read by Mayor Kelly. Motion to accept as read made by J. Tinari, seconded by J. Haluska. Vote. All. Motion carried.

Mayor Kelly asked permission for the Little League to hold an Opening day parade on April 25, 1998. Motion to allow the parade made by J. Tinari, seconded J. Haluska. Question? C. Marquardt asked if the mayor was going to make the arrangements with the fire police. J. Kelly said yes. Vote. All. Motion carried.

Mayor Kelly informed Council that his contact with the Sheriff's department concerning prison labor resulted in the following dates: June 1, 3, 4, 9, 1998. The prisoners will be sweeping streets, possibly painting the gym and cutting brush along the creek. The borough is asked to supply drinks. Motion to bring in the prison work force made by J. Tinari, seconded J. Haluska. Question? None. Vote. All. Motion carried.

Police committee meeting scheduled for April 14th at 7:30 PM

Kids meeting with the Mayor scheduled for April 29th from 6 - 7:30 PM. Any parents are welcome

R. Krick asked if the car that was towed in error was returned and if so who paid the charges? Mayor Kelly said the car was returned and all charges were waived.

M.B. Dougherty noted that council needs to be aware that a borough police officer was apparently painted VASCAR lines in the dark. He was not wearing a vest or any other safety equipment at the time. J. Kelly said he would take care of this matter.

Permit Officer's report: Motion to accept as submitted made by J. Tinari, seconded by J. Haluska. Vote. All. Motion carried.

Health Officer's report: Read by C. Marquardt. Motion to accept the report as submitted made by J. Tinari, seconded J. Haluska. Question? None. Vote. All. Motion carried. Note: the health officer will contact the local radio stations to find out about public service announcements or cost estimates for next meeting.

UNFINISHED BUSINESS

DCNR - received 1/2 of the grant money for the East End Park project.

PP&L - received updated maps and information concerning the street lights. PP&L reported that all the intersections are well lighted and there is sufficient lighting overall. They recommended that Council approve or disapprove any requests for additional street lights due to the costs involved in having PP&L conduct the study. C. Marquardt suggested Council consider going with brighter lights in the parks. A resident mentioned a fire hydrant on West Mahanoy Avenue that should be lighted. There was general discussion about the requests for streetlights. R. Krick noted that at an additional cost of \$120 per year any request needs careful consideration. He added that he has two private lights at his garage. Motion to go with brighter lights in the parks made by J. Tinari, seconded J. Haluska. Question? None. Vote. All. Motion carried.

Motion to deny request for street light at 512 E. Main street made by J. Tinari, no second.

Motion to deny request for street light on Oak street made by J. Tinari, no second.

VASCAR - Motion to keep both units and send a letter to Gilberton denying their request to purchase one of our units made by M.B. Dougherty, seconded R. Krick. Question? None. Vote. All. Motion carried.

Demolition - submissions made to County, any additional possible candidates for demolition can be added. Ownership of the Catizone property on West Main Street. The

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health officer can check with the tax collector and a letter can be sent to the owner concerning the condition of the building.

It was noted that kids are hanging out behind the old K of C building. C. Marquardt said that the owners had taken care of the problem and boarded up the openings.

Election Bureau - Approval of changes in the poll locations for the West Ward and Middle Ward. Notices were sent that are to be placed in each of the Wards.

PADOT - Agreement to lower the Main Street speed from 35 MPH to 30 MPH if the Borough agrees to properly install the new signs. Motion to purchase the required signs at the lowest available cost and lower the speed limit on Main Street made by R. Krick, seconded J. Haluska. Question? None. Vote. All. Motion carried.

NEW BUSINESS

Police Pension Fund - exit conference noted that the ordinance should be either changed to ACT 120 or if left as ACT 600 provisions for job related disabilities should be added. Motion to have the solicitor investigate the best way to handle any proposed changes made by J. Tinari, seconded J. Haluska. Question? None. Vote. All. Motion carried.

North Schuylkill Soccer Association - request for funds that were allocated for the Girardville Teener League up to \$200.00. This request brought up the question of tax dollars going out of town even if Borough children participate in the program. There are numerous sports programs located in other municipalities in which Borough children participate. Motion to table this request for discussion made by J. Tinari, seconded J. Haluska. Question? None. Vote. All. Motion carried.

Girardville Little League - request to allow funds allocated for the purchase of sand to help defray the costs of installing the top to the existing back stop. Motion to allow the money budgeted for sand be used towards the installation of the addition to the back stop made by J. Tinari, seconded J. Haluska. Question? R. Krick asked if this was to be the same amount of money? C. Marquardt said yes, the Borough's annual contribution would be added to other money to pay the entire cost. Vote. All. Motion carried.

BILLS

List of bills read by C. Marquardt. Motion to pay the bills as submitted made by J. Tinari, seconded J. Haluska. Question? None. Vote. All. Motion carried.

CORRESPONDENCE

Classes available - in the office.

Schuylkill Transportation System - Notice of public hearing for request for County funding of the bus system.

Health Officer - Request to be allowed to have public service announcements made on local radio. M. Brennan will investigate possible costs.

NSLA - Notice of reduction in tipping fees from \$53.00 per ton to \$42.00 per ton. Emergency Management - Notice of receipt of the updated EMA plan for the County.

PADOT - Notice of electronic deposit of 1998 liquid fuels allocation.

COPSFASST - Notice of approval of extension request.

Schuylkill Greenway meeting notice.

VISION membership application - Presentation noted at beginning of meeting. Motion to sign on to VISION made by R. Krick, seconded M.B. Dougherty. Question? None. Vote. All. Motion carried

COMMITTEE REPORTS

School: R. Krick and C. Marquardt went over the prices of the scaffolding and ladder received. J. Catizone noted that he has scaffolding and is willing to give it to the Borough. The only purchase necessary would be wheels. Discussion of this purchase was tabled. Rents to date in the amount of \$3750.00 about \$500 over last year. The water leak has been fixed.

Parks: J. Haluska received listing from the Schuylkill County Council for the Arts summer programs. Motion to apply to SCCA for participation made by J. Haluska, seconded J. Tinari. Question? M.B. Dougherty noted that the application should pick one of the programs and leave the dates open. Vote. All. Motion carried. The only other activity scheduled is Porcupine Pat in August. The Borough workers are starting to remove the playground equipment to be ready for the new things and the color choices for some of the equipment have been submitted.

Streets: There was a question raised about replacing existing sidewalks in a different manner. C. Marquardt suggested that Council look into ordinances regarding sidewalks as there is nothing in the ordinances on this subject. R. Krick said he thought that as a result of the lawsuit we were getting some information on the subject. M. Ambrose told him the investigator was supposed to send samples of ordinances but they were never received.

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Council continued the discussion concerning vacation lengths and service time required. After some debate the following was decided upon for vacation for full time Borough employees. Motion to set policy for vacations as follows: 90 days - 1 week, 5 years - 2 weeks, 10 years - 3 weeks made by J. Tinari, seconded J. Haluska. Question? R. Krick asked if this will be retroactive or apply only to new employees? C. Marquardt said the policy should be retroactive. Vote. All. Motion carried.

Estimates on costs of street signs for Main, Second, and Mahanoy Avenue are \$1100.00. Approximately 51 signs are needed to complete the street names. This also included stop signs and no parking here to corner signs. This matter was tabled until the PADOT suppliers could be checked for estimates.

Police: Committee meeting scheduled for next week. D. Weikel's uniform pants have arrived. R. Krick asked if there were any Regional Police meetings? He knew there was one last month with Butler Twp. J. Kelly said no. He noted that Gordon called and Rose Yost said they are interested in participating. Question from the floor about who is on the committee to represent the Borough? R. Krick said that the Mayor and J. Tinari are the appointed representatives.

Council discussed the fact that the fire siren will have to be moved during the bridge construction. It was requested that consideration be given to having the siren sandblasted and painted while it is down. C. Marquardt said he will get estimates on the cost.

Recycling: C. Marquardt noted that curbside recycling resumes this month.

OTHER BUSINESS

Mr. Kilker reported that the public hearing for M. Hummel has been scheduled for, April 15, 1998, at 7:00 PM in the Court House. A hearing date will be set nu Judge Dolbin concerning J. Yagielskie and the dog complaints. M. Ello this matter was discussed when the County demolition program was discussed.

C. Marquardt noted that the SYETP application will be filed for summer youth workers.

PUBLIC COMMENT

T. Amos, Young Marines, reported that a Memorial Day Service will be held at the St. Joseph Cemetery. The public is invited. Work at the cemetery is on temporary hold because there is some question over who actually owns the property. The Diocese's Office is concerned about liability insurance. At the Memorial Day Service the cemetery will be re-dedicated. There will be a representative from Washington DC. Lt. Col. Monaghan, a Medal of Honor winner is buried in the cemetery. History concerning this subject is available from the Schuylkill County Historical Society.

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The Young Marines asked about using the gym or one of the parks to hold a fund raiser. They are planning a pro wrestling match. R. Krick said that the gym would not be big enough. This matter was tabled until Council could check with the insurance carrier.

Motion to adjourn made by J. Tinari, seconded J. Haluska. Vote. All.

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

Regular Meeting

PLACE: Municipal Bldg. DATE: May 14, 1998 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, J. Haluska, C. Marquardt, J. Tinari,
J. Yackera. Mayor J. Kelly, Solicitor J. Kilker.

President C. Marquardt adjourned the meeting for an Executive Session relating to personnel matter.

When Council resumed C. Marquardt read the following statement. Notice is hereby given that the Girardville Borough Council conducted an Executive Session for legal and personnel matters on, May 11, 1998, from 7:23 PM to 10:45 PM.

C. Marquardt explained that the Executive Session tonight related to Michael Hummel. He asked that the following motion be put before Council for consideration.

Moved that Michael Hummel be removed as a police officer for the Borough of Girardville for conduct unbecoming a police officer under the provisions of Police Tenure Act [53 P.S. 812(4)] and for conduct violating a law which provides that such violation constitutes a misdemeanor or felony under the provisions of the Police Tenure Act [53 P.S. 812(3)] based upon the findings and conclusions attached hereto. This removal shall be effective February 6, 1998. The above motion was made by J. Yackera, seconded J. Tinari. Question? Roll call vote follows:

J. Yackera	YES	J. Haluska	YES
J. Tinari	YES	M.B. Dougherty	YES
R. Krick	YES	C. Marquardt	YES

Motion carried.

PUBLIC COMMENT

M. Ritro stated that on Sunday he reported harassment. J. Yagielnske told my neighbor if I did not stop the complaints about the dogs he would smack me in the mouth. Mayor Kelly said that the police department and the State Police responded. M. Ritro said that no charges will be filed unless he is harassed again. He noted that now J. Yagielnski is taking movies of the whole neighborhood.

M. Brennan asked if there has been any restitution or counseling for the girls involved? J. Kilker said that he believed the families are taking care of this. She asked if M. Hummel would be able to get another job as a police officer. C. Marquardt said that is not our decision.

Complaint from H. Uschock, owner of Oakland Auto, Ashland. He asked why the Borough never calls him for towing service. He is available for towing 24 hours a day. Mayor Kelly said that Oakland Auto is not on the list. Ofcr. Buriak said that on a previous occasion this service did not respond in a timely fashion to a call involving a DUI stop. J. Yackera said that calls should be rotated between any local interested towing services and a list should be compiled. Any problems with a particular service could be addressed immediately. The Police Committee will address this matter.

J. Yagaleniski asked if he could use notes to address Council. C. Marquardt said that was okay.

He noted that at the last meeting he asked who made and what the complaints were against him. At that time J. Kilker said he would not discuss the matter. One month later he is fined and has a contempt of court notice. It is always the same two people complaining about the dogs. J. Yackera tried to get other neighbors to complain and could not. J. Yackera said that yes he did knock on doors to see if other neighbors were experiencing similar dog problems. Asking resident who have problems to come forward applies to any problem. He went on to say that from a year ago there was a court order saying you cannot have dogs. J. Yagielnski said he was under the impression that the order was "kicked back a step" it meant he could have dogs. I thought this meant the injunction no longer stood. J. Yackera said that last meeting the answer was you have a court order saying you cannot have dogs. Mr. Kilker there is a current Court order saying you cannot have dogs without a plan. In December you did not get a hearing due to lack of submission of a plan for maintenance of the dogs. You had no court order saying the order no longer stood. The judge found you in contempt of the court order. J. Yagielnski stated that yes the Judge found him in contempt of court. Despite having been taken to court found innocent by a jury of my peers the Borough continues to press this case. It is very unfair that taxpayers of Girardville pay for a case that should be paid for by individuals. Other complaints are ignored. J. Yagielnski noted that when he calls the police no one returns his calls. When he calls the Mayor his calls are not returned. Complaints were made that Mr. Ritro was looking into his windows with binoculars. The officer, the mayor and J. Yackera were aware of this complaint but no investigation was

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done. J. Kelly said he never ignored any calls. When the complaint about Mr. Ritro was made I knew where Mr. Ritro was at the time. I had just left him. J. Yagielinski said he only got a response from the Mayor when he threatened to go to the D.A. The response was from Ofcr. Buriak not the Mayor. J. Yackera said that as Chairman of the Police committee he has no police powers. If J. Yagielinski has problems or complaints he can go to the State Police or the local magistrate and file charges.

J. Kilker added that this problem is one of long standing. Prior solicitors, mayors and police officers have tried to settle this with you. Obey the ordinance, keep the dogs quiet. There are others with the same complaints that are afraid to come forward. J. Yagielinski said that he did not say he would punch Mr. Ritro in the face. I did tell him he better quit messing with my dogs. Argument ensued between J. Yagielinski and the Mayor concerning return or lack of return of phone calls and answering complaints.

J. Yagielinski contended that no times or dates were given concerning the complaint about the binoculars so the Mayor could not vouch for Mr. Ritro's whereabouts. Mr. Ritro denied looking through anyone's windows at anyone's five year old with binoculars.

M. Brennan asked if the police could check out a truck parked on Richard Street belonging to R. Weikel. It is parked illegally and when she approached him he told her to mind her own business. Mayor Kelly said he will have Ofcr. Buriak check this. It seems that every time the police go to check if the vehicle is gone.

T. Krick noted that even after the complaints made about Main and Line streets the cars are still illegally parked. The corners have yellow lines but they are ignored.

R. Krick asked how many parking tickets were given out in the last month? J. Kelly said, none and that amended that to three. Krick said that if we are not going to enforce the yellow lines why waste the borough time painting them. At this time there were numerous complaints about the police sitting and ignoring illegally parked vehicles. R. Krick asked wasn't there a meeting to discuss parking tickets? J. Kilker said there was a meeting and he told the police committee that the officer should be giving out tickets not just warnings. M.B. Dougherty said that the solicitor should not have to tell the police department to do their job. E. Labie noted from the floor that Council should also address the parking situations on Sunday mornings in front of and around the various churches. C. Marquardt asked Officer Buriak if he is issuing tickets? He said yes but it makes no sense to write tickets in the rain. C. Marquardt informed Ofcr. Buriak that he is to issue tickets on all illegally parked vehicles. A question was asked about the yellow lines on William Street. This will be checked.

J. Clayton said that the parishes should be notified to have announcements made that illegally parked cars will be ticketed. J. Yackera said that all the churches have been approached about the members not blocking intersections.

L. Canavan, American Legion, Memorial Day celebration parade begins at McDonald's at 8:30 AM. Services will be held at the memorial on Third and Ogden Streets this year. There were concerns about the older members climbing the hill on Main Street. This is

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temporary. A second ceremony will be hosted by the Young Marines at the cemetery on Mahanoy Avenue. The public is welcomed to attend both services. Mayor Kelly noted that permission from PADOT to block Mahanoy Avenue for no longer than 20 minutes was granted.

R. Krick asked if any skateboarders were fined or warned this month? Mayor Kelly said no, not this past month. Ofcr. Buriak was questioned about yelling out the car window and then not returning to pick the boy and the board up. He said that was the kids warning. J. Yackera said that yelling out the window at them is not a warning. There is no intimidation in that. You have to pick them up and bring them in to the station. Mayor Kelly said that procedure is to pick them up and have them sign the ordinance the first time. The second time we confiscate the board. M. Brennan said that lately it has been much quieter. R. Krick said she should know what goes on all around town and not just out in front of her own house. M. Brennan said she is not concerned about the whole town.

APPROVAL OF REPORTS

Minutes: Motion to accept the minutes as submitted made by J. Haluska, seconded by J. Tinari. Vote: All. Motion carried.

Treasurer's report: Motion to accept the report as read made by J. Tinari, seconded by J. Haluska. Vote: All. Motion carried.

Tax Collector's report: Two reports submitted and read by C. Marguardt. Motion to accept the reports as read made by J. Yackera, seconded J. Haluska. Vote: All. Motion carried.

Mayor's report: Read by Mayor Kelly. Motion to accept as read made by J. Yackera, seconded by J. Tinari. Vote: All. Motion carried. Mayor Kelly noted a Police Committee meeting is scheduled for, Thursday, May 28, 1998, at 7:30 PM. This will be posted. No Crime Watch meetings have been scheduled. A Regional Police meeting is set to be scheduled in July. The next kid's meeting is to be held on, Wednesday, June 3, 1998. The Mayor asked for permission to bring out the fire police on May 25th for the Memorial Day parade.

Health Officer's report: Report read by C. Marguardt. Motion to accept as submitted made by J. Tinari, seconded J. Haluska. Vote: All. Motion carried.

Permit Officer's report: Motion to accept as submitted made by J. Yackera, seconded by J. Haluska. Vote: All. Motion carried.

Health Officer's report: Read by C. Marguardt. Motion to accept the report as submitted made by, seconded. Question? None. Vote: All. Motion carried.

UNFINISHED BUSINESS

Playground equipment ordered as part of the grant and should start arriving within 6-8 weeks.

Ogden Street Bridge - Final paperwork submitted. Proposed start in two weeks. Contractor's bond was the hold up.

NS Soccer request for donation - This matter was tabled last meeting. After some discussion this matter was again tabled.

Demolition - no word from County yet.

Burned out houses - Asked what the hold up is in getting these torn down?
C. Marquardt said that they were probably on hold for insurance. M.B. Dougherty asked if we have any ordinance to require demolition or hold insurance money for that purpose? No such ordinance on file.

C. Marquardt noted that in addition to that Council is checking on a sidewalk ordinance.

Girard Estate - there is some question concerning a lease for a section of the East End Park. Their office will forward a copy. This lease arrangement was made with the Playground Association in the 70's or 80's.

NEW BUSINESS

Motion to purchase PSAB's publication "Sunshine Act - Open Records" for \$15.00 made by J. Krick, seconded J. Yackera. Question? None. Vote. All.

Recommendations made to change the current Borough General and Motor License fund MMA accounts to Indexed accounts. This will result in almost double the current interest being paid on the money in the funds. Motion to change the MMA accounts to Indexed accounts made by R. Krick, seconded J. Tinari. Question? None. Vote. All.

Police Pension Fund - There is a question of having the fund under Act 120 or Act 600. Mr. Kilker will check into this and have recommendations.

PA National Bank as Administrators approached Council with a request to update files on the names of the officers from the Borough. Motion to file the updated list requested by the bank made by R. Krick, seconded J. Tinari. Question? None. Vote. All.

PA National Bank also recommended to Council that the investment strategy for the pension fund be changed from only government securities to allow investments in mutual

and bond fund. Motion to change the pension fund investment strategy from Government securities to allow mutual and bond fund investment made by R. Krick, seconded M.B. Dougherty. Question? Vote. All.

Motion to adopt the trust agreement for the police pension fund made by R. Krick, seconded J. Haluska. Question? Vote. All.

Bureau of the Census - request for the borough to participate in updating the mailing lists for the census process. This involves making additions and deletions to a list sent by the Census Bureau. Motion to participate and give this to the tax assessor made by J. Yackera, seconded J. Tinari. Question? Vote. All.

Recycling - 1997 grant application received. Deadline is 9/30/98. A decision must be made as to what if anything to apply. C. Marquardt noted that the Borough received the grant for the recycling trailer from the last round of funding.

Summer Lunch - One bid received from J. Gill, Gilcrest Catering. After opening the bid a motion to award the summer lunch contract to J. Gill was made by J. Tinari, seconded J. Haluska. Question? Vote. All.

BILLS

List of bills to be paid read by C. Marquardt. Motion to pay the bills as read made by J. Yackera, seconded J. Tinari. Question. Vote. All.

M.B. Dougherty asked that Mr. Kilker itemize his bills in the future.

Bill submitted from Conrad Siegal in the amount of \$1600 for completion of Act 205 paperwork. This is to be forwarded to the PA National Bank for payment directly from the fund.

CORRESPONDENCE

Grow with Me preschool - request for use of the Borough Hall to hold graduation ceremonies. Motion to allow use requested made by R. Krick, seconded J. Yackera. Question? Vote. All. M.J. Leonhardt, owner, from the audience thanked Council.

Coal Cracker Young Marines - request for use of school gym for a wrestling fund raiser. Details in letter submitted. Questions about of parking were raised. Motion to allow use of the gym for a wrestling fund-raiser made by R. Krick, seconded J. Haluska. Question? Vote. All.

Wm Penn Fire Co. - request for permission to have their annual parade pass through the borough and assistance with traffic control. Motion to allow the parade made by J. Yackera, seconded J. Tinari. Question? The Mayor will make arrangements for traffic control. Vote. All.

Senator Rhoades - congratulations on receipt of playground grant.

Election Bureau - Notices of changes of polling places for the upcoming elections.

EMA - questionnaire to be filled out by the coordinator.

COMMITTEE REPORTS

School: R. Krick reported gym rental of \$3800.00

Parks: Confirmation Prodesign Plus concerning the playground equipment. This is due to arrive by late June. The color selections have been received. It was recommended that the tetter totter that was not bid be ordered. Motion to order the tetter totter made by J. Yackera, seconded M.B. Dougherty. Question? Vote. All/

SCCA confirmed Kids Fest July 7th, 1-3 PM East End Park.

Request from Girardville Little League to utilize the section of the East End park where the tennis courts currently stand to place a T-ball and minor league field. R. Krick said he spoke with P. Kowalick and there is enough room to accommodate this usage. Motion to allow the tennis court area to be used by the Little League for a T-ball, minor league field made by R. Krick, seconded J. Yackera. Question? Vote. All.

On the basketball courts the backboards are removed. C. Marguardt will call the contractor and make arrangements for paving.

Streets: Need for a new dump truck was brought to Council. C. Marguardt contacted L3P for information on purchasing and possible funding. Information should be available by next council meeting. M.B. Dougherty suggested looking into the State loan program. C. Marguardt asked if she would get information about the loan program.

Request for a garbage can by the PM Church and the Golden Moon. Council agreed that this cannot be done. When cans are placed they are filled with household garbage.

Police: Mayor had nothing concerning police. Fire police had a request for payment for fire watch duty. There were questions on handling this matter. No policy is currently in place to cover payment for fire watches. There were also questions about the ages of the people involved and their status as junior or senior firefighters. M.B. Dougherty said this needed to be discussed further. Mayor Kelly informed Council that F. Zangari turned this in for payment. J. Yackera noted that fire police are not paid when called out. Matter tabled.

The prisoners will be in town on June 1, 3, 4, 9, 1998. Arrangements are being tentatively made for them to be available to work on the park when the equipment arrives.

Solicitor: Report due on the Hummel matter by next meeting. In the matter of J. Yagielinski, the court ordered the dogs be removed and the borough was awarded \$500 in attorney fees. J. Yagielinski is required to submit a plan for maintaining the dogs. Mr. Kilker asked to be allowed to direct a letter to Attorney Watkins that what was submitted is not a plan but rather a letter stating the problems that led to the lawsuit. Attorney Watkins needs to put the letter submitted by J. Yagielinski in the form a plan for submission. C. Marquardt noted that when registering his dogs J. Yagielinski wrote that no one could go onto his property without his permission. He informed J. Yagielinski that the Health officer can go onto any property to investigate a health related complaint without any permission. J. Yagielinski noted that registering dogs does not result in a physical permit, your name is written in a book. No one else registered submitted plans. J. Kilker informed him that this case is different. This case is under a court order. J. Yagielinski argued that a permit has been issued. Mr. Kilker told him it did not matter he still has to obey the Court order.

Motion to direct a letter to J. Yagielinski's council, Kent Watkins, concerning the need for submission of a plan for the maintenance of the dogs made by J. Yackera, seconded J. Tinari. Question? M.B. Dougherty stated that Council needs to clarify that we are not accepting this as a plan. J. Kilker could ask if this is the plan or is there a more formal submission. Vote. All. Motion carried.

OTHER BUSINESS

The complaint on Line Street concerning the railroad crossing seems to be remedied. Any further problems will be directed to the rail road again.

PUBLIC COMMENT

GARC reminded Council that the annual bike rodeo will be held on, Saturday, May 30th at 11:00 AM. Mayor Kelly said a police officer has be assigned.

Request from Girl Scout Junior troop #149 to plant flowers outside the Borough hall building as part of a service project. Motion to allow the project made by J. Yackera, seconded J. Haluska. Question? Vote. All.

M.C. Williams came into the meeting with a complaint of non-response from our officer when she called. When she called and asked that he investigate a possible problem in the apartment building he told her to call the State Police. Upon calling the State police she was told to go to Council. Ofcr. Buriak said that when the call came he explained that he

was busy with another call. He told her husband that he would respond as soon as possible. After this meeting he will go and check out this complaint.

J. Kilker suggested that due to the increase in complaints of no response from the police department in addition to the Police committee consisting of Council members consideration be given to having a citizens committee.

C. Marguardt said that residents with complaints should continue to contact any Council member. Mayor Kelly said residents could contact him directly as well.
Motion to adjourn made by J. Yackera, seconded J. Haluska. Vote: All.

Respectfully submitted
Mary Ambrose
Secretary

NOTE:

Addition to minutes requested by John Yagielski:

Page 8, second paragraph, under "Solicitor", J. Yagielski asked if because he has a permit can he have any dogs back? Mr. Kilker said no because of the court injunction.

Minutes approved with this addition.

June 12, 1998
Mary Ambrose

NOTICE

Notice is hereby given that the Girardville Borough Council conducted an Executive Session for legal and personnel matters on May 11, 1998 from 7:23 p.m. to 10:45 p.m.

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BEFORE THE BOROUGH COUNCIL OF THE
BOROUGH OF GIRARDVILLE, PENNSYLVANIA

IN RE: MICHAEL HUMMEL

MOTION

Moved that Michael Hummel be removed as a police officer for the Borough of Girardville for conduct unbecoming a police officer under the provisions of the Police Tenure Act [53 P.S. 812(4)] and for conduct violating a law which provides that such violation constitutes a misdemeanor or felony under the provisions of the Police Tenure Act [53 P.S. 812(3)] based upon the findings and conclusions attached hereto. This removal shall be effective February 6, 1998

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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:** June 6, 1998 **TIME:** 7:30 PM

OPEN MEETING

Meeting opened with the Pledge of Allegiance led by Council President C. Marquardt.
Meeting started late due to having to wait to obtain a quorum.

ROLL CALL

Members present: J. Haluska, R. Krick, C. Marquardt.

Mayor J. Kelly, Solicitor J. Kilker.

Late Arrivals: J. Tinari (7:30 PM) Had to wait for quorum

Absent: M.B. Dougherty, reason given, J. Yackera, no reason given.

J. Yagielniskie asked for and received permission to record any matters that concerned him directly.

Floor given to Mr. Mike Fiorillo from Curran Law Firm, representing Ideal Construction Company. Also present was Mr. E. Shoner as an environmental consultant. Mr. Fiorillo's presentation concerned the proposed demolition landfill in Union Township. DEP application has been filed for this landfill. The proposal is to back fill with material on site, fill the pit with demolition debris and when the pit is filled to cover with material from the site. Union Township will receive \$1.00 per ton and a proposal will go before the County that they will receive \$1.00 per ton royalty. This site is to have an inspector, employed by Union Township to check each load before it is pushed into the pit. Sheriff Francis McAndrew, Raven Run, asked for and was given permission to direct questions to Mr. Fiorillo. There were questions from the floor about the impact such a landfill would have not only on Girardville but on the surrounding communities. The amount of daily truck traffic was put at 95 trucks. There were questions about the local route to be taken and the ability of the existing roads to sustain this amount of heavy traffic. Assurance of a specific route for this traffic was questioned. There is no legal remedy to restrict properly licensed vehicles from traveling whatever route they choose. Questions about the proximity to local watersheds were also raised. Mr. Fiorillo had no specific answers to questions concerning distances from the pit to watersheds. Brought up were, Roaring Creek, Shenandoah area, Ringtown areas. Questions about ground water pollution

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specifically for Ringtown were also not addressed. On the whole residents present were not pleased with the answers Mr. Fiorillo supplied to the questions asked. J. Clayton noted that the gentleman came here expecting no resistance. M. Yesalavage asked who would be responsible for any resulting pollution? R. Krick asked who is the "owner". Girard Estate will contend they have no responsibility. E. Shoner noted that the operator would be responsible. Mr. Fiorillo noted that if anyone had other questions that he would be available. Mr. McAndrew informed Council that a group has been organized to fight this landfill. It was requested that Council go on record as opposing this landfill. Council decided not to vote on the matter tonight. This would be taken under consideration at the next work session.

PUBLIC COMMENT

M. Yesalavage asked if the are paying Union Township can't the Borough be paid?
R. Krick said that only the host municipality and the County will benefit financially from this landfill. If you are sitting in Union Township it is easy to sell out for \$750,000. The impact from this will be felt more on this side than in Union Township.

M. Ritro asked for a ruling on "No Parking" signs placed on garage doors. My neighbor has one up but if I put one up he screams. J. Kilker said that if garage doors are posted then no one can park in front. J. Yagielniskie said that most of the residents on the block have No Parking signs on the garage doors. J. Yagielniskie noted that even without signs you should not block a garage. This raised the question about access with gates to a carport. C. Marquardt said he would check this matter. If you wish to build a carport you need a county and borough permit.

J. Smolock asked what happened to his request for a street light in front of his home on East Main Street. C. Marquardt informed him that the motion to install a street light never got off the floor. J. Smolock said he has a problem with people driving on his front lawn and has had to put telephone poles on the ground. This is a safety issue.

C. Marquardt suggested that he resubmit his request for Council's review. J. Smolock asked if the cost of the light was the problem? C. Marquardt said this was part of the debate. A survey by PP&L shows the Borough is well lighted for a small town.

V. Ambrose asked what happened with installing the signs to reduce the speed on Main Street. C. Marquardt told him that the signs have been ordered and will be installed when they arrive. V. Ambrose noted that approval was two months ago. C. Marquardt explained that the order was held to be placed with the street sign order.

J. Clayton asked if patrols could be done on West Mahanoy Avenue. The cops have not been out in a long time and the speed of the truck traffic reflects this. Mayor Kelly said he would schedule some day time hours and have the officers check the truck speeds.

APPROVAL OF REPORTS

Minutes: Motion to accept the minutes as submitted made by J. Haluska, seconded by J. Tinari. Vote. All. Motion carried.

Treasurer's report: Motion to accept the report as read made by J. Haluska, seconded by J. Tinari. Vote. All. Motion carried.

Tax Collector's report: Motion to accept report as submitted and to pay the tax collector made by J. Tinari, seconded by J. Haluska. Vote. All. Motion carried.

Mayor's report: Read by Mayor Kelly. Motion to accept as read made by J. Tinari, seconded by J. Haluska. Vote. All. Motion carried. Mayor Kelly noted that a list of approved towing services has been compiled. There are five (5) local services on the list. R. Krick noted that there is one additional to be added, Vic's Auto Body, Shenandoah. Mayor Kelly made note. C. Marquardt asked what type of schedule is to be used? Mayor Kelly responded, monthly rotation. Request for purchase replacements for flashlights and two new tires for the Chevy. Motion to purchase one (1) new flashlight and battery stick made by J. Tinari, seconded J. Haluska. Question? R. Krick, his copy of the request is blurred, is it one or two? Vote. All. Motion carried. Motion to purchase through L3P two tires for the Chevy police car made by J. Tinari, seconded J. Haluska. Question? None. Vote. All. Motion carried.

Permit Officer's report: Motion to accept as submitted made by J. Haluska, seconded by J. Tinari. Vote. All. Motion carried.

Health Officer's report: Read by C. Marquardt. Motion to accept the report as submitted made by J. Haluska, seconded J. Tinari. Question? None. Vote. All. Motion carried.

UNFINISHED BUSINESS

See Solicitor's report

NEW BUSINESS

Request to purchase borough lot on Third and B Streets. Letter to be sent to resident outlining procedure for purchase. Appraisal with result being over \$1500 it must go out to bid.

Request to purchase lot on West Main Street next to 245 W. Main. Resident was present and was informed of the procedure requirements. Letter will be sent.

R. Krick suggested that these residents submit their bids as soon as they have the appraisals so that bid ads can be placed if needed.

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Election Poll money - Set up and storage of polls. Motion to deposit in general fund made by J. Tinari, seconded J. Haluska. Question? None. Vote. All. Motion carried.

Letter of resignation from Albert Beneshunas. Motion to accept Albert Beneshunas' resignation as of 6/1/98 per his request made by J. Haluska, seconded J. Tinari. Question? None. Vote. All. Motion carried.

C. Marquardt thanked Mr. Beneshunas for all his years of service to the Borough and a letter stating same is to be sent.

Motion to advertise the position of a full time borough employee made by J. Haluska, seconded J. Tinari. Question? Cut off date for application to be June 26, 1998. Vote. All. Motion carried. Ad to be reviewed by C. Marquardt before placement.

BILLS

List of bills to be paid read by C. Marquardt. Motion to pay the bills as submitted made by J. Haluska, seconded J. Tinari. Question? None. Vote. All. Motion carried.

CORRESPONDENCE

Curran and Curran Law firm - concerning possible demolition landfill in Union Township.

Young Marines - Information on wrestling fund raiser. Location moved to the Teener field. C. Marquardt had told T. Amos to contact someone on Council about this event.

DCNR - Notice that application for funds for a pavilion in the East End Park was denied.

Grow With Me Daycare - Thank you note for use of building for pre-school graduation.

VISION - Notice of luncheon in Pottsville.

COMMITTEE REPORTS

School: No report.

Finance: No report.

Recreation: J. Haluska noted that the playground equipment is starting to arrive. Kid Faire is scheduled for July 7th from 1:00 - 3:00 PM. Flyers will be posted around town.

Streets: J. Tinari reported two requests for Handicapped parking spaces. E. Marquardt, 120 A Street and L. Reichwein, 352 W. Main Street. It was suggested finding out how

long L. Reichwein anticipated needing the space as it is for her new baby and the necessary medical equipment. Motion to grant both requests for spaces made by J. Tinari, seconded J. Haluska. Question? None. Vote. All. Motion carried.
Letters of notification to be sent.

Rear window of pick up truck was broken. Cannot replace just one section. The entire window must be replaced. L. Petusky got a price of \$135.00 from Diamond. Motion to replace the rear window of the pick up truck made by J. Haluska, seconded J. Tinari. Question? A protective screen has been installed. Vote. All. Motion carried.

Purchase of a new dump truck. This matter was tabled pending reviews of cost estimates.

Raises to be reviewed at next work session.

Police: No report.

Recycling: No report.

OTHER BUSINESS

Solicitor J. Kilker had the following matters to discuss with Council.

In the matter of the Police pension fund his recommendation is to stay with the ordinance using Act 600 and add the required disability clauses. He will draw up and propose addition to the ordinance for next meeting.

Girard Estate - Copy of the lease in question. In 1951 property was leased to the Girardville Playground Association. There is a question of which park this concerns and it was suggested that Council table the matter of paying anything until the question is resolved. The Borough is not a party to the lease but would not be adverse to assuming it. He will check into this matter.

Sidewalk/curb ordinance - Request from Council to draw up an ordinance regulating sidewalks. Installation and replacement of same. Debate on how technical the ordinance should be and if requirements would be all sidewalks upon replacement should be of cement or replacement in same type of pre-existing material would be allowed. Is there an ordinance requiring pavements and are you going to require they be installed?

J. Kilker said that Council will have to make some decisions in the matter. Consensus that a plain language, replacement in same material ordinance to be drawn up for Council's approval.

Hearing at District Justice Nahas office for new citations on the Yagielskie dog matter. Subpoenas were issued to all Council members and the Mayor. Due to lack of reasonable notice a request was made to have the hearing postponed. Postponement granted.

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J. Kilker has a motion to quash the subpoenas. D. J. Nahas notified J. Kilker's office that she was requesting that the matter be transferred to another magistrate's office. All involved parties will be notified of any changes in the magistrate, location of this hearing and result of motion to quash. On the matter of the dogs J. Kilker contacted Kent Watkins, J. Yagielniskie's attorney of record. Mr. Watkins was unaware of the hearing and the subpoenas. J. Kilker requested that a plan, as required by the Court, be submitted for Council's review. Mr. Watkins indicated that he would contact J. Yagielniskie. No plan was submitted so there is no plan to present.

In the matter of M. Hummel many different people were interviewed. J. Kilker recommended holding off on a final report pending the outcome of the criminal case. As a result of this recommendations were made to set up a procedure for complaints against police officers. Initially complaints should be given to the Mayor. He in turn can give notice to the Police committee. Council should consider setting up a committee with Council members and private citizens to review any complaints. More time needs to be spent investigating backgrounds before hiring. R. Krick suggested that the report on the M. Hummel case be specific but that Council wait the outcome of the criminal case before requiring the solicitor to submit anything in writing. J. Kilker noted that the court date would probably be sometime in November. R. Krick asked if an appeal concerning the firing has been filed? J. Kilker said nothing was filed to his knowledge.

Agenda - J. Kilker suggested that Council have a procedure for getting things on the agenda in advance. There have been occasions when questions are asked which with a little preparation could be answered immediately. Sometimes residents may feel they are being put off but some questions require research before an answer can be given. There could be a time limit for the floor and an allowance for rebuttal. This would allow exceptions for emergency matters. R. Krick noted that the floor should be open at every meeting and anyone who has anything to say should have the opportunity. You should not have to be on the agenda to speak at a public meeting.

Documents - It was suggested that Council look at setting up procedures for access public documents. There were two examples given as to how other municipalities handle requests. Cost and convenience should be taken into consideration. J. Kilker proposed that council set up procedure for requests. It is reasonable to take a few days to have certain records available. It should not be necessary to drop important Borough business to handle information requests immediately. This matter was tabled for review at the next work session.

PUBLIC COMMENT

J. Yagielniskie asked about the change in the hearing and the subpoenas which he requested from the Magistrate. J. Kilker told him that delivering subpoenas on Monday to appear on Tuesday is insufficient notice. J. Yagielniskie noted that J. Kilker did receive a plan concerning the dogs. It is a more detailed plan than the Borough has received from any other person. J. Yagielniskie said that he wants an answer tonight whether or not

Council will accept his plan. J. Kilker said he has already noted that he will send a letter to Mr. Kent Watkins stating the submission is not a plan but a defense of past practice and actions. He further noted that a copy of the submission is not available tonight for Council to examine. This is an example of the problem with unannounced business coming before Council. J. Kilker further noted that he would not speak with J. Yagielniskie concerning this matter without his attorney present.

Motion to adjourn made by J. Tinari, seconded J. Haluska. Vote. All.

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

Regular Meeting

PLACE: Municipal Bldg. DATE: July 16, 1998 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, C. Marquardt, J. Tinari,

Mayor J. Kelly, Solicitor J. Kilker

Members absent: J. Haluska, work J. Yackera, vacation.

C. Marquardt apologized for the change in the meeting schedule.

PUBLIC COMMENT

M. Ritro asked if any answer concerning the "No Parking" signs. Mr. Kilker said that he had not had chance to investigate this matter. M. Ritro said that the Pa State Police told him that if the sign was not authorized it can be ignored. J. Kilker said he will check.

Mr. Mazeika, West Ogden Street complained he was having problems with the sewer backing up. L. Petusky told Council that he will check into this problem tomorrow.

Mrs. Budraitis asked about the apartment building on East Mahanoy Avenue. Mayor J. Kelly told her that animal control was in about the dogs. The dog warden said that he saw the residents and cannot take dogs when someone in on the premises. The dogs are not neglected just left alone. Mr. Budraitis asked why the place could not be condemned. J. Kilker said he will see if there is anything Council can do in the matter.

J. Kilker recognized Attny. Ed Heimiller. He is in attendance representing D. Ellison who is represented by M. A. Conway, she is on vacation. J. Kilker said he spoke with Conway about a possible compromise, i.e., moving the location of the shed. This matter has generated a lot of phone calls both to the Borough office and the attorney's offices. If not settled the matter could lead to litigation. Attny. Heimiller said the Borough should not be involved in this matter. It is an argument about ingress/egress which should result

in Civil action. J. Kilker cited Borough Code section 46702 - right of borough to take over streets, "section (3) Any street to which the public shall have acquired rights by constant use over a period exceeding twenty-one years". He said that Council or private parties have options for action. Neighbors can join and bring a joint action. Attny. Heimiller requested that any decision by Council be postponed until M.A. Conway is back from vacation and the parties have had a chance to try to work things out. Joanne Edmundson asked if anyone decided if this is a street and does it have a name? She stated that she had to cancel a contract because the estimate was given based upon access through the back of the properties. This access is now denied. J. Kilker said that no decisions can be made except in a public forum. The Borough has searched its records to try and find anything in writing. Nothing was found designating this area a street. The Borough should also get input from the fire companies, ambulance and the neighbors involved to weigh the impact of any decision that may be made. R. Krick said that he has checked maps going back years and finds no reference to this area ever being a street. Katherine Brennan asked why this is shown as a street on the sewer map? R. Krick noted that the engineer has no say in what are "streets" and what are not. Showing on the sewer map is a section of sewer line that was to be laid to service the houses on that side of Ogden Street. Just because there is a sewer line does not make it a street. Residents were sent letters asking for easements allowing the line to be laid through their property. J. Kilker suggested asking the engineer if there was any basis for the map. There were complaints about threats being made if anyone touched the shed or attempted to cross Ellison's property. J. Edmundson stated that the shed was posted on the neighbor's side below William Street but not on the other side. Ellison expects to have access but does not want anyone going through his property. J. Kilker said that we have to go by what is on the record. You are arguing something that there is no record of. Council has to discuss this matter thoroughly. He suggested having a work session and possibly meet with all the neighbors involved. Council will have to decide whether or not to make it a street. Then there is the question of maintenance. D. Ellison asked if it is made a street will it go all the way to Richard? J. Kilker said no because that section is not currently open. M. Tobias raised the question of taxes. Why are residents paying taxes on only 150 feet and actually using more if the property extends to the creek. J. Kilker said that the tax maps are not always accurate and if the deed reads "to the creek" than it is "to the creek". K. Brennan said that deeds are open to interpretation. J. Kilker said the "to" mean "to" and not towards. K. Brennan noted that this has been open since 1958 to her knowledge. J. Edmundson noted that it is not fair as this has been used extensively. J. Kilker told her that legal action filed in the court would probably agree with you. D. Ellison said he would move his shed in three (3) feet and the access would be open. Both K. Brennan and J. Edmundson said that the property is posted and anyone crossing will be arrested. J. Edmundson noted that if they are stopped from crossing Ellison's property then he should not have access from William Street to his property. K. Brennan said she was told by Ofcr. D. Weikel that a decision had been made to bulldoze and open the street. C. Marguardt said that Ofcr. Weikel told him that he did not make such a statement. This question was posed to him just today. K. Brennan accused Ofcr. Weikel of lying and said she has witnesses to prove that he made just such a statement

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C. Marquardt said that Council would pass this question to the Police committee to be addressed. Any complaints about the police need to go through the Mayor's office. K. Brennan noted that this area has been maintained by the Borough in the past. There was discussion concerning any plowing that may or may not have been done.

J. Edmundson said she has addressed these questions to Senator Rhoades' office. The bridge on William Street is a County bridge and the County would not make a gift of sidewalks and curbing if it were not adjacent to another street. J. Kilker said he had no advice at this point. Any action taken by neighbors would be at your own risk. Any property owner above Ellison could extend their fence and block his access. C. Marquardt noted that two Council members are not present at this meeting and a decision could not be reached tonight in any event. K. Brennan asked if anyone had read Ordinance 96-27?

Mr. Mazeika asked why we have no codes and code enforcement officer? C. Marquardt explained that the costs involved are prohibitive. A representative from Mahanoy City was in and showed how to set something up but costs put it out of our reach. The budget does not allow this expense.

APPROVAL OF REPORTS

Minutes: Motion to accept the minutes as submitted made by J. Tinari, seconded by R. Krick. Vote. All. Motion carried.

Treasurer's report: Motion to accept the report as read made by M.B. Dougherty, seconded by J. Tinari. Vote. All. Motion carried.

Tax Collector's report: Motion to accept report as submitted and to pay the tax collector made by J. Tinari, seconded by R. Krick. Vote. All. Motion carried.

Permit Officer's report: Motion to accept as submitted made by J. Tinari, seconded by M.B. Dougherty. Vote. All. Motion carried.

Health Officer's report: Read by C. Marquardt. Motion to accept the report as submitted made by M.B. Dougherty, seconded R. Krick. Question? None. Vote. All. Motion carried.

Mayor's report: Read by Mayor Kelly. Motion to accept as read made by J. Tinari, seconded by M.B. Dougherty. Vote. All. Motion carried. Mayor Kelly read his list of scheduled meetings:

Fire Police	August 3rd 7:00 PM
Police committee	August 3rd 8:00 PM
Kids meeting	August 5th 6:30 PM
Crime Watch and Regional police	to be scheduled.

Police officers requested permission to attend mandatory training in September and use the police car for transportation. Motion to allow use of police car for mandatory training

made by J. Tinari, seconded R. Krick. Question? M.B. Dougherty asked if both are attending and the Mayor said yes. Vote. All. Motion carried.

Request to purchase two all season tires for the Plymouth Police car. The car currently has studs on which must be removed. The old tires are in the garage but L. Petusky said they are no good. Motion to purchase two all purpose tires made by J. Tinari, seconded R. Krick. Question? M.B. Dougherty asked where to purchase these and was told through L3P. Vote. All. Motion carried.

UNFINISHED & NEW BUSINESS

Due to lack of order to various discussions these are combined for purposes of record.

J. Kilker submitted a proposed Sidewalk Ordinance as requested by Council. Mr. Kilker read the ordinance and the following changes were to be made before advertising. "Code officer" is to be omitted in favor of "Permit officer", Section #1 - Type of material. Concrete, macadam, same material as previously present. Section #4 - 15 days respond/60 days comply. Section #7 - \$500.00 or less - 48 hours could be extended for cause. Motion to advertise the proposed Sidewalk ordinance with the above changes made by R. Krick, seconded J. Tinari. Question? None. Vote. All. Motion carried.

Proposed ordinance to designate the fire companies for insurance purposes. After some debate it was decided to remove the clause concerning disposition of Borough owned equipment because the Borough does not purchase any for the two departments. R. Krick suggested the proposed ordinance be given to the fire companies for their review and input before being advertised. Their reactions are to be back to Council before the next work session. Tabled.

There was a question raised if this type of action had not already been taken. The Girardville Fire Department or the Girardville Bureau of Fire was established between 15 - 20 years ago. The question of whether or not it was abolished needs to be answered. J. Kilker said that the purpose of this type of ordinance is to make the question of liability clear for purposes of Worker's Compensation Insurance. The Council is not interested in taking over running the fire companies.

Resolution 98-10 Fire Watch was submitted. This raises the question of who is responsible for setting a fire watch and whether or not "Junior" firefighters are eligible to participate in this activity. R. Krick suggested that this also go to the fire companies for their input. Tabled.

Proposed ordinance requiring fire insurance money be held for building tear down. After some debate R. Krick suggested that this proposed ordinance be tabled until next meeting. This would allow all of Council to go over it more thoroughly. Tabled.

It was noted that copies of the proposed ordinances should also include the ambulance service. Copies are to be sent to all three volunteer organizations.

J. Kilker noted that involving the injunction action against J. Yagielniskie he was handed a "plan" 5 minutes before a contempt hearing with no caption, no date and no signature.

J. Kilker contacted Attorney K. Watkins and asked if he were still representing J. Yagielniskie. Mr. Watkins said yes, on this matter (Dogs). Mr. Kilker read the submission in total (Copy attached). He noted there are many unanswered questions.

NOTE: questions are listed in total at end of minutes. J. Kilker said that Council has the right to take vote on this matter or direct inquiry. This matter will be held until the Executive session as it involves ongoing litigation.

J. Kilker brought up the matter of meeting procedures and document procedures. He recommended that Council set up some type of procedure to allow residents to speak but possibly limit the time given to each subject on the floor. He suggested that residents who wish to speak sign up in advance to be placed on the agenda along with notice of the question. This would give Council time to be prepared to answer questions raised. He felt that the regular business that must be attended to takes far less time than that spent with the open floor. M.B. Dougherty said that she disagrees with everything J. Kilker said on this matter. She does not have any problem with opening the floor and listening to residents on any matter. R. Krick agreed and stated that it is up to the chair to maintain order and to stop any discussion that is becoming repetitive. Order should be kept but people have the right to speak. He remembers meetings where if a controversial subject was brought up the meeting was adjourned. Any resident has the right to ask any question and all Borough officials have the right to say I do not have an answer right now. Answers should be forthcoming as soon as possible.

M.B. Dougherty said that Council should review a put in place a photo copying policy. J. Kilker said that important work should not have to be dropped immediately to copy documents requested. There is sometimes a question of what is actually available as public record. Some documents have to be reviewed before being made available. R. Krick said this is not a problem. Most documents are available but copies are not guaranteed. To say that the documents are not available subject to review is reasonable. DEP allows you to call for an appointment, come in and review the documents and you can either request specific pages or bring in your own copier. There is a charge for copies. J. Kilker said that copy requests should be honored but there can be a reasonable charge attached. All the copies requested were made before all the research could be done. Charges can be made on a per page basis and a retrieval fee. Some municipalities charge \$0.25 per page and up to \$12.00 per hour for the employee's time. J. Yagielniskie said that every time he requests documents this subject comes up for discussion. It was asked from the floor what documents and how many copies Yagielniskie requested. The resident was told all minutes from 1988 to present and Mayor's reports for the last four years. The total was in excess of 650 pages and a charge of \$0.05 per page was levied. J. Kilker stated that if no formal policy exists than the custodian of records, in our case the secretary, handles each request. After some debate it was decided to put in place an

interim policy. Motion made by R. Krick that copy requests the first 10 pages per person per month are free, additional pages at \$0.05. At least five (5) days notice is required unless otherwise notified by office. Motion seconded M.B. Dougherty. Question? None. Vote. All. Motion carried. Council will have a better policy for consideration next month.

Girard Estate - According to J. Kilker there has been no response concerning the playground lease.

C. Marquardt noted that in the matter of applications for the Borough worker job Council interviewed one person. The other candidate being considered withdrew his application. Council wishes to interview others for the position so this matter was tabled until the next meeting.

Summer Youth Employment Program requested use of building, July 28, 1998, from 9:00 AM - 3:00 PM. Purpose is employment training programs for the program participants. Motion to allow use of the building by SYETP made by R. Krick, seconded M.B. Dougherty. Question? None. Vote. All. Motion carried

Request for permission to place a dumpster on Ogden Street at Second Street. This will be used to clean up 100 Second Street from fire damage. C. Marquardt noted that this request came in earlier and he gave permission to place the dumpster on Ogden Street away from the corner.

Request from J. Smolock, East Main Street for a street light. Letter cited safety concerns. Motion to authorize a street light by the Smolock residence where PP&L deems best made by R. Krick, seconded M.B. Dougherty. Question? None. Vote. All. Motion carried.

New employment applications for Borough positions submitted. This was tabled pending review.

BILLS

List of bills to be paid read by C. Marquardt. Motion to pay the bills as submitted made by J. Tinari, seconded R. Krick. Question? C. Marquardt noted that this will include a bill from Quandel for the concrete used on the basketball posts. Vote. All. Motion carried.

CORRESPONDENCE

Entech Engineering - Minutes of the Ogden Street Bridge construction meeting. (on file)

Toole & Plaubinsky - letter on behalf of the Ranger Hose Company asking the Borough to exonerate 14 A Street from local taxes. The property has been conveyed as a gift. Motion to exonerate the property from Borough taxes made by R. Krick, seconded

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J. Tinari. Question? None. Vote. All. Motion carried.

Schuylkill County Waste Management - Letter informing Council that the County requesting for DCED funding for demolition was rejected. Request letters written to our local representative asking their help in securing funds during the next round. Motion to send letters as requested made by R. Krick, seconded J. Tinari. Question? Vote. All. Motion carried.

PADOT - Suggestion that John Street Bridge be removed from the inspection list was posed to PADOT. Answer, the span cannot be removed due to Federal regulations.

Schuylkill County Zoning - J. Yackera building plans were approved by the County.

Commonwealth - notice PA State Police fines were electronically deposited.

DCNR - Parks, approval of part II funding for East End playground. Money must be expended before reimbursement papers can be filed.

Berkheimer - Audit on file.

VISION - luncheon notice.

L3P (piggyback program) - copier contracts.

M.A. Conway - letter on behalf of D. Ellison. Recommend hiring a surveyor.

COMMITTEE REPORTS

School: R. Krick said the Young Marines are holding the wrestling fund raiser in the gym. It was made very clear to them that they are responsible for any damages. Parking will be on the lot by the Borough hall.

Recreation: Work on the park will be starting. Request from J. Haluska to send a letter to Schuylkill County Council for the Arts thanking them for the Kid Faire program. It was hosted in the park on, July 7, 1998, and was a great success. Motion to send the letter made by M.B. Dougherty, seconded J. Tinari. Question? None. Vote. All. Motion carried.

Streets: In researching the purchase of a new dump truck the borough discovered the L3P contracts are not available at this time. We received two estimates for a 1998 dump: Paul's' Chevy-Olds \$34017.24
Fairway Motors \$34083.58
Finance committee recommends funding the down payment as follows: \$10,000 from general funds and \$5,000 from liquid funds. The Pa National bank had the best interest rates, \$20,000 for 48 months at 6.10% with monthly payments of \$407.62.

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The old dump truck can be put out for bid for sale. Any proceeds can be used to help cover the cost of the new truck. C. Marquardt said that delivery from Paul's can be in 3 - 4 weeks from date of order.

Motion to advertise the dump truck for bid, inspection available, sealed bids with the right to reject any and all received made by R. Krick, seconded J. Tinari. Question? None. Vote. All. Motion carried.

Motion to purchase the new dump truck from Paul's Chevy-Olds made by R. Krick, seconded J. Tinari. Question? None. Vote. All. Motion carried.

Motion to use Pa National bank for loan financing for 48 months at 6.1% made by R. Krick, seconded J. Tinari. Question? None. Vote. All. Motion carried.

Ogden Street bridge: The contractor agreed to remove, move and permanently establish the location of the fire siren. We received two prices for sandblasting and repainting of the siren. S&S in Cressona, we deliver and cost is \$250 - 300.00 for blasting and repainting. Evans in Ashland will pick up and cost is \$490.00. Unit would be out of two days. Motion to take the siren to S&S made by R. Krick, seconded M.B. Dougherty. Question? C. Marquardt will check to make sure of the price. Vote. All. Motion carried. It was suggested that the siren be removed from service for the duration of the construction. Council decided that as soon as the siren was returned it would be put back up and returned to service.

Recycling: Received the recycling grant money in the amount of \$231.64. The trailer has arrived and the paper work is in Harrisburg for final signatures for approval for the check.

OTHER BUSINESS

R. Krick made a motion that the Girardville Borough Council go on record as opposing the proposed Construction and Demolition landfill. Girardville paid the bill to fight the Keystone dump in Butler Township. Union Township has no risk in allowing this dump. The wells are in Girardville. The County and Township benefit while we take the risk and inconvenience. East Mahanoy Avenue will be a major problem. It is unfair the municipalities and townships can make decisions that affect their neighbors. We need to call and ask for the right to testify before the County board. Butler Township will consider negotiating with Ideal if they can prove that part of the proposed landfill is in Butler. Motion to go on record opposed to the proposed landfill seconded by M.B. Dougherty. Question? None. Vote. J. Tinari voted NO. Motion carried.

R. Krick asked to call and make arrangements to represent the Borough before the Commissioners on this matter. Motion to allow R. Krick to act a Borough representative in this matter made by M.B. Dougherty, seconded J. Tinari. Question? None. Vote. All. Motion carried.

PUBLIC COMMENT

Floor was opened before the council went into executive session.

J. Yagielniskie asked Council to discuss how legal it is for J. Yackera to be a council member and head of the fire company. Is this a conflict of interest? He went on record saying the fire companies would go through the creek if they had to to fight a fire.

M. Tobais noted that the "No Parking" sign on Preston Avenue has been there for 35 years. When I built my carport it was brought to my attention that I could not block the sign. J. Yagielniskie said that M. Ritiro does anything he can to harass these people to keep them from testifying against him. He calls the State Police. Mr. Ritiro can do whatever he wants and nothing is done to him. Numerous complaints are filed. J. Kelly said that M. Ritiro currently has a hearing upcoming concerning complaints against him. M. Tobias said that the hearing against M. Ritiro is on 7/20/98 at 2:00 PM in Tremont, so that Officer Buriak is aware of when and where it is. J. Kelly said that the police department receives notices of hearings and are aware of the time and location.

Question about the sewer lines. It was asked if everyone in town has to hook up to the new sewer lines? R. Krick said he believes that if you have an approved septic system and are not within 250 feet of the main you do not have to connect. If you do not have an approved septic system you have to connect regardless. He qualified this answer by saying that the ordinance would have to be checked for the exact distance requirements.

L. Petusky asked if Council has discussed the question of Street Department raises. C. Marquardt said that this would not be discussed when all of Council is present. L. Petusky insisted that he wanted to know right now if he was getting a raise or not getting a raise. C. Marquardt said that Council would review this at get back to him.

Council went into Executive session. Council reconvened.

J. Kilker asked Council to consider implementing Borough Code Section 46702(3) - right to take over streets and to consider the pros and cons of the action. R. Krick made a motion to investigate the possibility of making the section in question a non-maintained street with the understanding that the Borough would pay no money to the property owners for condemnation. Immediate relief will be investigated with D. Ellison and his attorney. The fire companies to be contacted for their input in the matter and a decision be made at the next Council meeting. Motion seconded J. Tinari. Question? None. Vote. All. Motion carried. It was noted that this could affect all the residents fire insurance.

In the matter of J. Yagielniskie's document as plan. Motion to direct the following questions to Attorney K. Watkins concerning the plan as submitted.

1. How many dogs are to be housed?
2. Are puppies included in the number of dogs included in the plan?

3. Are you willing to register the puppies, if any, as soon as they are introduced to the property?
 4. Will you be housing other peoples' dogs?
 5. What measures are being taken to avoid dog noise?
 6. Will there be someone available to calm the dogs down and quiet them during the day or night should they begin to bark?
 7. How often will the dogs be attended by a person during the day?
 8. What arrangements are going to be made to dispose of the dog wastes in a manner to avoid odors accumulating on the property and extending throughout the neighborhood?
 9. What breed of dogs are to be housed? Is it going to be only Beagles as it has been in the past?
 10. Is this property being used as a kennel, either formally or informally, commercially or non-commercially?
 11. What is the plan to be able to conduct the activities on the property without creating noise?
- Motion made by J. Tinari, seconded M.B. Dougherty. Question? J. Kilker will have a report for the next meeting. Vote. All. Motion carried.

J. Yagielniskie asked if all letters read become part of the minutes? The secretary asked if what he meant is if copies of the minutes are requested are copies of the letters read also part of the official minutes that should be attached? He said yes. The answer was that letters read as part of correspondence are noted in the minutes and a brief state concerning the contents of the letter are noted. Minutes are not a verbatim record of the meeting. J. Kilker said that next meeting a decision could be made concerning letters read as correspondence.

Motion to adjourn made by J. Tinari, seconded R. Krick. 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: August 13, 1998 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, J. Haluska, C. Marquardt, J. Tinari, R. Krick,
Mayor J. Kelly.

Late Arrivals: Solicitor J. Kilker

Absent Members: J. Yackera

PUBLIC COMMENT

J. Edmundson asked about the shed. C. Marquardt said that Mr. Kilker will address this issue when he arrives. J. Edmundson said she did not expect the shed to be removed just moved in enough to allow access.

Sally McMonegal asked what is being done about the barking and the stray dog? The Mayor told her that the dog warden has been in town. When he was here there was no stray dog running around. As for the Cress's dog barking all the time C. Marquardt said he will check this and call the dog warden this evening. The dog catcher is the only one who can remove strays. We can check if Cress's can be cited for any violations.

Report of a bee nest under the cover of the drainage on Preston Avenue at Silver Street. Two children playing were stung. C. Marquardt said he will have this taken care of tomorrow.

J. Yagielinski asked if Council received his letter concerning the dogs? C. Marquardt said that the letter arrived shortly before the meeting via fax. J. Yagielinski said he did not understand the delay as Mr. Kilker told Mr. Watkins that he had to have the letter before today. C. Marquardt said this will be addressed when Mr. Kilker arrives.

APPROVAL OF REPORTS

Minutes: Motion to accept the minutes as submitted made by J. Tinari, seconded by J. Haluska. Vote. All. Motion carried.

Treasurer's report: Motion to accept the report as read made by J. Haluska, seconded by J. Tinari. Vote. All. Motion carried.

Tax Collector's report: Motion to accept report as submitted and to pay the tax collector made by J. Tinari, seconded by J. Haluska. Vote. All. Motion carried.

Health Officer's report: Read by C. Marguardt. Motion to accept the report as submitted made by J. Haluska, seconded J. Tinari. Question? None. Vote. All. Motion carried.

Permit Officer's report: None submitted this month.

Mayor's report: Read by Mayor Kelly. Motion to accept as read made by J. Haluska, seconded by J. Tinari. Question? None. Vote. All. Motion carried.

Mayor Kelly read a letter submitted by Ofcr. D. Weikel. He stated that due to a new job he would not be available to work night shifts. He asked to be kept on the list and called if needed, with advance notice. Mayor Kelly also asked for permission to advertise for two (2) part-time police officers. R. Krick noted that Weikel did not resign so no action is needed. If he does not fit the schedule he gets no time. Questions concerning schooling were raised. C. Marguardt said that Weikel would pay the cost for any mandatory schooling. Motion to advertise opening for part-time police officer made by J. Haluska, seconded

J. Tinari. Question? None. Vote. All. Motion carried. Note: deadline for applications, August 28, 1998, at 1:00 PM. Interviews to be scheduled week of, September 1, 1998.

Mayor Kelly noted that he has a Kids Meeting scheduled for, August 19, 1998, from 7:00 - 8:00 PM. If there is no show of support the meetings will be dropped.

UNFINISHED BUSINESS

New Employment Applications: Motion to use the new employment applications made by J. Tinari, seconded J. Haluska. Question? M.B. Dougherty asked if under former employment a line asking "Reason for leaving" could be added. Vote. All. Motion carried.

Mayor Kelly said that he and Tom Dempsey are interested in getting the Fire Police back in action. Letters were requested to be sent to each of the fire companies asking for five (5) volunteers from each. Next year the annual dues will be paid. Both Mayor Kelly and Mr. Dempsey are interested in getting the Fire Police up and running and active again.

NEW BUSINESS

Ordinance allowing the Borough to apply for an additional line of credit in the amount of \$300,000 submitted for advertising approval. Credit line necessary to pay possible costs for purchase of land for the Sewer Authority to build the actual plant. Motion to advertise this ordinance made by R. Krick, seconded J. Haluska. Question? None. Vote. All. Motion carried.

W. Johnston from the sewer authority was in attendance. Several questions were addressed to him. It was recommended by C. Marquardt that anyone with questions attend the regular meeting of GAMA. These are held on the fourth Thursday of each month.

Resolution 98-10: Allowing Sewer Authority to use Borough streets and alleys for construction, operation and maintenance of a sewer system. Motion to adopt Resolution 98-10 made by J. Haluska, seconded J. Tinari. Question? None. Vote. All. Motion carried.

Resolution 98-11: Opening account for Rural Housing funds for Ogden Street Bridge. Motion to adopt Resolution 98-11 made by R. Krick, seconded J. Haluska. Question? None. Vote. All. Motion carried.

Ordinance 98-1: Sidewalks pertaining to replacement, repair and maintenance. Duly advertised. Motion to adopt Ordinance 98-1 as advertised made by J. Haluska, seconded, J. Tinari. Question? None. Vote. All. Motion carried.

Information from Commonwealth Insurance regarding health insurance policies for employees. Tabled pending review by Council.

Insurance quotes from Goodman-Pilconis for general, police and worker's compensation packages. Motion to accept the policy quotes and use the recommended carriers for insurance made by J. Haluska, seconded J. Tinari. Question? None. Vote. All. Motion carried. R. Krick asked if the firefighters spoke with the agent about the questions they had concerning worker's compensation? C. Marquardt said that the appointment was scheduled but no one showed for the meeting. Copies of the policy were given to both fire companies.

Dump truck: The Borough advertised for sealed bids to sell the 1978 dump truck. Bids are to be opened tonight.

Received:	George & George General Contracting, Mahanoy Plane -	\$ 500.00
	Naftzinger Auto Wrecking, Auburn -	\$ 557.50
	Bob Lex, Girardville -	\$1105.00
	Bob's Auto Body, Frackville -	\$1531.33

Motion to accept the bid from Bob's Auto Body, Frackville in the amount of \$1531.33 made by R. Krick, seconded J. Haluska. Question? None. Vote. All. Motion carried.

Motion to advertise the ordinance requiring insurance be held in escrow for demolition of burned properties made by R. Krick, seconded M.B. Dougherty. Question? None. Vote. All. Motion carried. This is to be given to the solicitor for advertisement.

Solicitor arrived.

BILLS

List of bills to be paid read by C. Marquardt. Motion to pay the bills as read made by J. Tinari, seconded J. Haluska. Question? It was noted that the amount of the bill for Steve Shannon is incorrect and should be \$170.90. R. Krick asked if the bill from C&R's was for the gas tank on the police car as it is a lot of money? C. Marquardt said that apparently there was sugar put into the tank and the repairs were more extensive than just replacement of the tank itself. R. Krick asked where this happened? C. Marquardt said he did not know. Vote. All. Motion carried.

CORRESPONDENCE

Budget workshop: Secretary requested permission to attend. Cost \$35.00. Motion to pay cost of workshop made by J. Haluska, seconded J. Tinari. Question? None. Vote. All. Motion carried. C. Marquardt said he would like to attend and will check the dates available.

Status report request on Ogden Street Bridge. Answered.

Entech Engineering - Notice to proceed with construction of bridge.

PA National Bank - Loan proposal for purchase of new dump truck.

Paul's Chevy - Olds - Copy of invoice for truck to be purchased.

COMMITTEE REPORTS

School: R. Krick reported that he did not think Wrestling should be allowed in the gym again. There was minor damage to the floor but it is not worth the risk. C. Marquardt noted that he was in contact with Frackville Biddy concerning their unpaid rentals from last season. R. Krick suggested that Council look into purchasing an additional 250 - 275 gallon oil tank for the gym heaters. Last season we ran out of oil on occasion and it only makes sense to try to avoid the problem. Also, the one heater needs to be checked before being used and they should both be serviced.

Recreation: Committee meeting scheduled for, August 17, 1998, at 9:00 AM. This will be to discuss ordering the balance of materials needed for the East End park project. Need to set up a Saturday, Sunday schedule with the volunteers to get the equipment installed.

R. Krick asked if the Borough has white paint for the line machine? This is to be used to paint the lines on the basketball courts. C. Marquardt said yes. He also noted that the basketball courts have been resurfaced. He is looking into price quotes for fencing along the B Street side. The baskets on that side will not be installed until fencing is installed. This is to avoid possible accidents.

Streets: J. Tinari noted that Mrs. Delorenzo submitted a request for a handicapped parking space. This is tabled until next meeting allowing the committee to investigate.

The sewer in the 300 block of West Main Street was blocked again. J. Tinari suggested something in the paper saying only necessary things should be put into the sewer. C. Marquardt noted that while cleaning this out a lot of things that do not belong in the sewer are found. For example: dirt, oil, pine needles, twigs, you name it. Residents need to be aware that if they have drains in the back of the houses they need to be kept clean. Motion to send a letter addressing the residents of the odd side 300 block of West Main Street and Preston Avenue making them aware of the problem. Also, letter to the railroad making them aware of the problem with washout above Silver Street made by M.B. Dougherty, seconded J. Tinari. Question? None. Vote. All. Motion carried.

Solicitor: Mr. Kilker noted that he has been taking care of the paper work for the truck loan. Resolution 98-12 authorizes the Borough to assume debt for purchase of equipment. Motion to adopt Resolution 98-12 made by J. Tinari, seconded M.B. Dougherty. Question? None. Vote. All. Motion carried. Mr. Kilker noted he had to send a letter stating the Borough is financially sound. On the question of pending litigation he answered no because the current case will be covered by insurance if it goes any further.

Due to a lack of response from the fire companies concerning the proposed ordinance designating official recognition and the proposed resolution for fire watch these matters were tabled.

Motion to have the solicitor advertise the proposed ordinance pertaining to insurance coverage to be held in escrow for fire losses made by M.B. Dougherty, seconded J. Haluska. Question? None. Vote. All. Motion carried.

The matter of the shed behind Ellison's property on West Ogden Street was discussed. Council decided to hold a public hearing on the matter to assist in making any decision relating to declaring the area a street. Questions of dimensions, width and length would have to be answered with a survey if the decision to proceed was reached. M.B. Dougherty made a motion to advertise a public hearing to declare the rear of the South side of the 100 block of West Ogden Street a street. The meeting to accept public input. Dimensions to be determined at a future date. The solicitor is to contact all the residents on the block and place the required advertisement. Meeting to be held on, August 31, 1998, at 7:00 PM in the Borough Hall. Motion seconded by R. Krick. Mr. Kilker added that the notice should mention use for 21 years to be determined. Question? None.

Vote. All. Motion carried. C. Marquardt said he will contact D. Ellison in the meantime and see if the shed is to be moved.

In the matter of J. Yagielskie and the dogs a hearing to quash the subpoenas was held. All but two (2) were quashed. The Mayor's and a private party's stood. The letter from Attny. K. Watkins with the proposal was received in J. Kilker's office today at 2:57 PM. It was faxed to the Borough office this evening. J. Kilker suggested that copies be made a circulated to each of the Council members. This matter concerns a lawsuit and not just violations of ordinance. He further suggested that this matter be tabled until next month. Council needs time to go over this letter. J. Yagielskie told Council to hold an executive session and give him an answer tonight. C. Marquardt informed J. Yagielskie that an executive session is scheduled for tonight and this will be discussed.

C. Marquardt noted that a safety inspection was done on all the Borough buildings. There are some corrections that need to be made and a report will be submitted upon completion.

Council went into executive session to discuss personnel matters and matters concerning litigation.

Council reconvened.

C. Marquardt addressed the concerning the plan submitted by J. Yagielskie and asked J. Kilker to discuss this. J. Kilker said that with Council's approval he would consult with the expert witness in the matter of the dogs and have a response for next meeting.

Motion to allow J. Kilker to consult with the expert witness and have an answer for Council by next meeting made by R. Krick, seconded J. Tinari. Question? J. Yagielskie requested a roll call vote on this motion. J. Kilker told C. Marquardt that it is not necessary to comply. C. Marquardt called for a voice vote. Vote. All. Motion carried.

C. Marquardt informed Council that Albert Beneshunas retired as of June 1, 1998. On July 17, 1998, Lenny Petusky left a note on the desk in the office along with his keys and a note stating he could not take the stress. Marquardt tried to speak with him on different occasions and Petusky would not speak with him.

Council advertised to fill the two positions and received several applications. Interviews were conducted.

Motion to accept L. Petusky's resignation effective, July 17, 1998, made by M.B. Dougherty, seconded J. Haluska. Question? None. Vote. All. Motion carried.

Motion to hire William Boyer to replace Albert Beneshunas made by J. Tinari, seconded J. Haluska. Question? R. Krick noted that this position will start at \$5.25 per hour. Pending a satisfactory review after 90 days probation a \$0.25 per hour raise will be

granted. Benefits also included. Vote. All. Motion carried. Start date will be, Monday, August 17, 1998, at 8:00 AM.

Motion to hire Vytas Ambrose to replace L. Petusky made by R. Krick, seconded J. Tinari. This position to start at \$7.00 per hour. Pending satisfactory evaluation after 90 days a \$0.25 per hour raise will be granted. Benefits also included. Start date, Monday, August 17, 1998, at 7:00 PM. Vote. All. Motion carried.

OTHER BUSINESS

Questionnaire from unemployment concerning L. Petusky has been filled out and sent in as requested.

Hazardous materials report made by Emergency Management coordinator J. Yackera will be mailed.

PUBLIC COMMENT

K. Brennan requested a meeting with herself, Mayor Kelly and Ofcr. Weikel. She reported previously that Ofcr. Weikel lied concerning the disposition of the right of way in question behind the homes on Ogden Street. Mayor Kelly said that he asked Ofcr. Weikel about the matter and he denies the accusation of lying. He cannot force such a meeting but will approach Ofcr. Weikel on the matter.

Lori Klare, Preston Avenue, asked for information concerning the charges she filed against her neighbor. Mayor Kelly told her that Ofcr. Buriak is available and they can go to the office after this meeting.

It was noted that the subpoenas were quashed. J. Yagielinski said the J. Tinari's was quashed for failure to serve properly and the others were quashed for failure to question.

Motion to adjourn made by J. Tinari, seconded J. Haluska.

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

Regular Meeting

PLACE: Municipal Bldg. **DATE:** September 10, 1998 **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, J. Haluska, R. Krick, C. Marquardt, J. Tinari,
J. Yackera. Mayor J. Kelly, Solicitor J. Kilker

Council President announced that Council will go into Executive session before the meeting is ended.

PUBLIC COMMENT

S. McMonegal asked if anything further has been done concerning the barking dog on East Mahanoy Avenue? J. Kelly said that one citation was issued. He said he thinks things have to be handled through the magistrate's office. The Mayor informed S. McMonegal that Ofcr. Buriak did try to contact her but no one was home. L. Petusky noted that month after month the same complaint is made and nothing is done. J. Yackera answered that all the police can do is issue citations. We cannot remove the dog. If it has no shelter you can contact the SPCA. The Borough can only enforce the ordinance by issuing citations. S. McMonegal said that if the dog is left on the porch there is no problem. When the dog is tied up in the yard it barks all the time. J. Kelly said that after the meeting we can talk to Ofcr. Buriak. S. McMonegal asked Ofcr. Buriak if any citation was issued? Ofcr. Buriak said yes and that every day the dog barks Mrs. McMonegal should either call the police office or the Communications Center. J. Yackera asked if the dog owner was contacted and made aware of her responsibility? Ofcr. Buriak said that he did make the owner aware and the dog was quiet for a short period of time. He stated he would write a citation for today's complaint.

APPROVAL OF REPORTS

Minutes: Motion to accept the minutes as submitted made by M.B. Dougherty, seconded by J. Haluska. Vote. All. Motion carried.

Treasurer's report: Motion to accept the report as read made by M.B. Dougherty, seconded by J. Haluska. Vote. All. Motion carried.

Tax Collector's report: Motion to accept report as submitted and to pay the tax collector made by J. Yackera, seconded by J. Haluska. Vote. All. Motion carried.

Permit Officer's report: Motion to accept as submitted made by M.B. Dougherty, seconded by J. Yackera. Vote. All. Motion carried.

Mayor's report: Read by Mayor Kelly. Motion to accept as read made by J. Tinari, seconded by M.B. Dougherty. R. Krick asked what is an "unwanted person"? J. Kelly said that it should be wanted persons. FBI wanted posters were received. Vote. All. Motion carried.

Mayor Kelly said that a Crime watch meeting is tentatively scheduled for November. The following meetings are scheduled:

Fire Police - October 6, 1998, 6:00 PM

Police Committee - October 6, 1998, 8:00 PM

Kids Meeting - September 16, 1998, 7:00 - 8:00 PM. The kids are planning to participate in the yard sale sponsored by the Jiffy Mart.

There is a bill received from Ashland Regional Medical Center. This is related to blood tests done when D. Weikel applied for the part time police officer job. The doctor required the tests because at the time he was taking cough medicine and it turned up on the drug test. Motion to pay the bill made by J. Tinari, seconded J. Haluska. Question? None. Vote. All. Motion carried.

Health Officer's report: No report submitted this month.

UNFINISHED BUSINESS

Proposed resolution pertaining to fire watch tabled due to lack of response from the fire companies.

Proposed ordinance sanctioning the two fire companies tabled due to lack of response from the fire companies.

Council instructed the Solicitor to send letters to both fire companies asking for input in both of these matters.

NEW BUSINESS

Request from Biddy basketball to hold registration in the Borough hall on September 16, 17 & 18, 1998. Motion to allow made by R. Krick, seconded M.B. Dougherty. Question? None. Vote. All. Motion carried.

Ordinance allowing the Borough to assume a letter of credit for possible costs related to purchase of land for the location of the proposed sewer plant. The Court required line of credit to be in the amount of \$300,000.00 at 5 1/2 % annual interest. This proposed ordinance has been duly advertised. Motion to adopt letter of credit ordinance for GAMA made by M.B. Dougherty, seconded J. Yackera. Question? None. Vote. All. Motion carried.

Resolution 98-13 submitting application to Schuylkill County for CDBG money to be used to install handicapped accessible doors to the school gym. Motion to adopt made by R. Krick, seconded J. Yackera. Question? None. Vote. All. Motion carried.

Resolution 98-14 submitting application to Schuylkill County for CDBG money to be used to install handicapped accessible bathrooms in the school gym. Motion to adopt made by R. Krick, seconded M.B. Dougherty. Question? None. Vote. All. Motion carried.

Application from C. Delorenzo for a handicapped parking space. J. Tinari said that upon investigation it did not seem the request was feasible. There is an ongoing dispute between neighbors. Motion to deny the request made by J. Tinari, no second.

Request from Theodore Marquardt for reimbursement of the \$50.00 fee paid for the handicapped parking space that was installed and removed at his request. Motion to deny request because the application says the fee is non-refundable made by J. Tinari. J. Yackera asked if the spot was placed? J. Tinari informed him the space was put in and then removed. Motion seconded J. Yackera. Vote. All. Motion carried.

Through HARIE, American Safety Consultants is going to conduct a safety class. This is a free seminar offered to local governments. This was discussed at previous meetings. It is scheduled for, October 28, 1998, from 9:30 AM to 12:00 PM. Lunch will be served. Mailings were sent to many boroughs and townships in our area of Schuylkill County.

BILLS

List of bills to be paid read by C. Marquardt. Motion to pay the bills as submitted made by J. Yackera, seconded J. Tinari. Question? None. Vote. All. Motion carried.

CORRESPONDENCE

Request from Girl Scouts to hold their weekly meetings in the Borough hall once again this year. Tentative dates will be Tuesday evenings between 6:30 - 8:00 PM. Motion to allow Girl Scouts to use Borough hall for weekly meetings made by M. B. Dougherty, seconded J. Yackera. Question? None. Vote. All. Motion carried.

Sherwin-Williams - Notice of credit line available.

Street Department - Request to purchase stripping pads, polish pads, bucket and mop. These will be used to redo the floors in the municipal building. Each of the pads comes in a case which costs \$25.00 and the bucket will be approximately \$40.00. V. Ambrose reported that there is stripper and wax up under the gym. He is not sure if any of it is still good but will try it and see. Motion to allow purchase of two types of pads and bucket made by J. Yackera, seconded M.B. Dougherty. Question? None. Vote. All. Motion carried.

Ashland Regional Medical Center - Industrial meds survey. This is to be completed and filed.

Conrad Siegal - Notice of seminar on retirement plans.

Capitol Blue Cross - renewal rates notice.

Paul's Chevy-Olds - Thank you note for purchase of truck.

PA National Bank - Report on Police Pension Plan.

PSAB - information request.

Election Bureau - absentee ballots and registration forms to be kept on hand in the office.

DEP - notice of approval of grant for purchase of recycling trailer. Check will be sent for the amount less 10%, to be held pending completion of required forms.

Schuylkill County Zoning & Planning - copy of letter sent to D. Ellison regarding the shed he placed.

Toole & Plaubinsky - requesting follow up on tax exempt status of property given to the Ranger Hose Company. This matter was taken care of with the County and a copy of the letter forwarded.

Auditor General - Ad hoc funds Police Pension Fund.

E.J. Luyck - copy of letter sent in support of the County application for State funding for the demolition grant program.

COMMITTEE REPORTS

School: C. Marquardt said that no prices on the tank installation were received. R. Krick suggested tabling the matter until next month.

Streets: J. Tinari said that he only had the handicapped parking request dealt with earlier. The new dump truck is here. The pick up with the plow has been sent to Ringtown for repairs.

Recreation: C. Marquardt noted that four (4) estimates on the cost of fencing along the B Street side of the new basketball courts have been received. The quotes are for both materials only and materials with labor. This is tabled pending a finance committee meeting. A Recreation committee meeting to discuss the B Street Project will be held on, Monday, September 14, 1998, at 7:00 PM.

OTHER BUSINESS

C. Marquardt reported that the copy machine in the office broke down. The cost to repair would depend upon putting in a brand new part or a used part. Tom Cuff of A-1 Office Equipment recommended a used part at approximately \$60.00 depending upon availability. The cost of a new part will be between \$140.00 - \$160.00. There is currently a new copy machine in the office. It is a Minolta. The cost of this machine is \$995.00 plus an additional \$150.00 if a two year warranty is purchased. Motion to purchase the

Minolia with the two year warranty made by R. Krick, seconded J. Tinari. Question? None. Vote. All. Motion carried.

V. Ambrose reported that the steel bridge beams are too heavy for practical use as a rack for the new spreader. Sorin's has pallet racks available for a cost of approximately \$200.00. Motion to purchase pallet racks from Sorin's made by J. Tinari, seconded J. Yackera. Question? R. Krick asked if this is a straight up deal or do the steel beams go with it? V. Ambrose said the cost includes sending the beams to Sorin's. Vote. All. Motion carried.

C. Marquardt noted that last month Council voted to advertise to hire at least one part time police officer. The floor is open at this time.

Motion to hire Mark Kessler as a part time officer made by J. Yackera, seconded by J. Tinari. Question? None. Roll call vote follows:

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

Motion carried.

Motion to hire Marvin Livengood as a part time police officer made by J. Yackera, seconded J. Tinari. Question? None. Vote. All. Motion carried.

M.B. Dougherty asked if there is to be a probationary period? C. Marquardt said, yes, the regular ninety (90) days. M.B. Dougherty asked what the salary will be? C. Marquardt said that the salary will be \$6.00 per hour. There is thirty-two (32) hours to be split.

R. Krick asked who will do the evaluation at the end of the probation period?

C. Marquardt said that all of Council and the Mayor. A work session to discuss this will be held in December. Motion to set part time police officer salary at \$6.00 per hour made by J. Yackera, seconded J. Tinari. Question? None. Vote. All. Motion carried.

Motion to have ninety (90) days probation with evaluation done by the Council and Mayor in December made by J. Yackera, seconded J. Tinari. Question? None. Vote. All. Motion carried.

M.B. Dougherty said she understood that Mark Kessler was willing to pay for one half the cost of VASCAR training if hired. C. Marquardt said that was his understanding also.

Mayor Kelly said he would contact both men and make arrangements to swear them in.

R. Krick and M.B. Dougherty raised the question of the doctor who does the psychological evaluations. It was suggested that Council look into qualified professionals and perhaps have one that is required as part of the hiring procedure.

Question was raised concerning the new borough workers and policy concerning sick and vacation time eligibility and what time if any can be carried. This matter was tabled until next month.

Solicitor J. Kilker raised the question of dilapidated properties. He suggested that due to the Ello properties and also the property next the Dr. Carney's on West Main Street that Council consult with an engineer. The property next to Dr. Carney's is a brick building that seems ready to collapse at any time.

M.B. Dougherty left the meeting at this point, 8:05 PM.

R. Krick said he did not believe it is in the Borough's best interest to expend money investigating demolition of private properties. The Borough should only expend money for an engineer if required to file for funding. We should go after the property owners. C. Marquardt said there was an article recently in the Standard Speaker concerning the County's application for demolition funding. R. Krick said that it does not matter because we still have to match half. J. Yackera said that Council should consider sending the Code Enforcement Officer for schooling. J. Kilker said that the old Strong building has huge cracks and looks like it could cave in at any time. R. Krick said take pictures and show the Commissioners. Even if the County is holding any property for taxes they do not own it. It is held only in lien for back taxes.

R. Krick suggested that the Budget Committee look into possibly buying time from another local municipality for police protection. Perhaps 40 hours patrol time and an additional 20 hours response time. It may be feasible it may not. The other municipality may be interested or may not. We now spend a lot of money and do not have the response time. You are talking about insurance, cars and all the other expenses. Dump the existing police force and buy the time. J. Yackera noted this would eliminate a lot of liability. It is worth looking into. He said that he would set up a meeting with Butler Township and see if they are interested.

Council went into Executive Session at this time.

Council reconvened.

Council discussed the matter of D. Elision's shed and the possibility of making the back section of the 100 block of West Ogden Street a public alley. The solicitor explained to Council the options they had in dealing with this situation. Upon recommendation of the solicitor motion to admit transcript of the testimony of the public hearing as part of the official record made by J. Yackera, seconded J. Tinari. Question? J. Kilker noted that the map submitted should be added and the incorrectly spelled names should be corrected. He will take care of contacting the stenographer and have the necessary changes made. Vote. All. Motion carried. This is made a part of official record which will allow Council to act on this at a later date. R. Krick noted that more exact measurements should be taken of the area to determine how wide and how long any proposed alley should be. J. Kilker said that any street adopted using the 21 year usage, the dimensions would be based upon what was used as access. There would be no need for standard street size. If this becomes a public street it will be open to anyone, not just property owners who live in the area. No action was taken.

J. Kilker reported that in the matter of the J. Yagielinski litigation we received an evaluation of the plan from our expert. He asked permission to forward this information to Kent Watkins for review with J. Yagielinski. The expert did visit the site some time ago and there may be changes of which he is not aware. Motion to send Attorney K. Watkins a copy of the evaluation of the submitted dog plan for review with J. Yagielinski made by J. Yackera, seconded J. Tinari. Question? J. Kilker told Council that what was sent to Mike Arden was a copy of the original plan, a copy of Attny. Watin's letter and a copy of the additional plan. Council should be prepared with an answer for next meeting. Vote. All. Motion carried.

PUBLIC COMMENT

J. Yagielinski said "I would like to know why you guys are so interested in one barking dog when the cops were getting called everyday for months about a person harassing kids trying to intimidate adults ah trying to intimidate a witness in a case and most times never even showed up or responded like months later and then filed the citation in such a way that they knew the person was going to get away with it I think ah a couple of you people need to wake up and get your priorities straight up there and I'd like that on the record as I said it not how you interpret it"

(NOTE: This quote was taken verbatim off the tape recording as requested.)

R. Krick said that he understood Mr. McAndrew was supposed to attend the meeting this evening. The purpose was probably to ask for financial support for F.O.R.C.E. He stated that being involved with the committee he is biased. Council should consider this request. C. Marquardt said that when the budget committee meets it can be discussed. Donations from other municipalities have been in the \$500 - \$1,000 range. This will be reviewed for the October meeting.

V. Ambrose asked where the polling location will be for the November election for the Middle Ward. C. Marquardt said it will be at the Golden Moon on West Main Street. Permission for the change was granted at the same time it was changed in the spring. A letter is to be sent to the Election Bureau reminding them of the bridge construction.

Motion to adjourn made by J. Yackera, seconded J. Haluska.

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: October 8, 1998 TIME: 7:00 PM

OPEN MEETING

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

ROLL CALL

Members present: J. Haluska, R. Krick, C. Marquardt, J. Yackera

Mayor J. Kelly, Solicitor J. Kilker

Late Arrivals: J. Tinari, 7:05 PM M.B. Dougherty, 7:10 PM

PUBLIC COMMENT

No comments.

APPROVAL OF REPORTS

Minutes: Motion to accept the minutes as submitted made by J. Haluska, seconded by J. Yackera. Vote. All. Motion carried.

Treasurer's report: Motion to accept the report as read made by J. Yackera, seconded by J. Haluska. Vote. All. Motion carried.

Mayor's report: Read by Mayor Kelly. Motion to accept as read made by J. Yackera, seconded by J. Haluska. Vote. All. Motion carried.

J. Tinari arrived, 7:05 PM

Mayor Kelly asked for permission for the Good Time Club to hold their annual Halloween parade. It is scheduled for, Sunday, October 25th at 2:00 PM. The parade will start at the corner of Main and Julia Streets and finish at the Girard Hose Company. Motion to allow the parade made by J. Tinari, seconded J. Halsuka. Question? None. Vote. All. Motion carried.

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M.B. Dougherty arrived, 7:10 PM.

Mayor Kelly said he checked with the local communities and for safety reasons Trick or Treat is scheduled for Thursday. Cited were football games on Friday and traffic problems on Saturday. Motion to hold Trick or Treat night on, Thursday, October 29, 1998, from 6:00 - 8:00 PM made by J. Tinari, seconded J. Yackera. Question? None. Vote. All. Motion carried.

A Fire Police meeting is scheduled for, November 10, 1998, at 6:00 PM. The Fire Police are looking for volunteers.

Request from the Police department for ammunition for qualifications. Two price quotations were submitted: Schuykill Haven, \$189.30, Tamagua, \$184.10. R. Krick asked what happened to all the ammo that was in the locker? Ofcr. Ted Buriak said that the last signed inventory list was from 1995 and that there is no ammunition in the locker at the current time. J. Yackera said he thought we buy ammo every year for qualification. R. Krick asked how much ammo is bought for duty use and what happens to the old ammo at the end of the year? T. Buriak said he did not get ammo from the Borough to qualify with last year. He bought his own. J. Yackera noted that he remembered buying 40 caliber for M. Hummel. He asked when the qualifications are due? T. Buriak said they have to be done before the end of the year. J. Yackera noted that Marvin Livergood is employed by Gilberton Borough. We should wait for them to approach about paying for half his cost. R. Krick questioned the amount of ammo each officer carries? If you want to carry 50 rounds fine, we will reimburse you for each round fired in the line of duty. Any shots fired should be logged. The shot gun should only be fired for qualifications. Can ammo bought at the beginning of the year be used to qualify? T. Buriak said yes. J. Yackera asked what is needed to qualify? T. Buriak told him between 60 and 120 rounds. Yackera said that the Borough should pay for the minimum and anything needed over that should be the officer's expense. The question of what happened to the ammo that should have been in the locker was given to the Police Committee to investigate. Purchase of ammo is tabled until next meeting pending the outcome of the investigation.

Police Committee meeting scheduled for, October 26, 1998, at 7:00 PM.

Request for uniform purchases. After going through all the uniforms in the closet it was determined that the following purchases are necessary:

M. Livergood - 2 shirts, 1 pants - \$83.97

M. Kessler - 1 shirt, 1 pants - \$50.98

Motion to purchase with provision that the officer remain employed for 6 months or they will bear the cost made by J. Yackera, seconded J. Tinari. Question? None. Vote. All. Motion carried.

Motion to have the uniform code be regular dress shirts with long sleeves effective today made by J. Yackera, seconded M.B. Dougherty. Question? M.B. Dougherty asked when the polo shirts that Ofcr. Buriak has been wearing were approved? J. Yackera said

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Council never did approve the change. Mayor Kelly stated that he allowed this due to the summer heat. R. Krick said there should be written policy that uniform code not be changed without Council's permission. This question was raised after Brian Russell's accident. Vote. All. Motion carried. Uniforms not be ordered until the Police Committee meeting.

Officer T. Buriak has recently been certified in "Vehicle Stops".

Permit Officer's report: Read by C. Marquardt. Motion to accept the report as submitted made by M.B. Dougherty, seconded J. Yackera. Question? None. Vote. All. Motion carried.

Health Officer's report: Read by C. Marquardt. Motion to accept the report as submitted made by M.B. Dougherty, seconded J. Yackera. Question? None. Vote. All. Motion carried.

UNFINISHED BUSINESS

Handicapped parking space request, Mrs. Delorenzo. J. Tinari still had the same recommendation to deny. No action. Motion to return the check made by J. Tinari. No second. Solicitor noted that no action meant no parking permit. The check is to be returned to Mrs. Delorenzo.

NEW BUSINESS

Request Ultimate Home Health for use of Borough hall, Thursday, November 5th from 2:00 - 6:00 PM. This is for their annual Chicken dinner fund raiser. Motion to allow made by M.B. Dougherty, seconded J. Haluska. Question? None. Vote. All. Motion carried.

Request from Secretary to order 1998 tax forms. Motion to allow ordering 1998 tax forms made by R. Krick, seconded J. Tinari. Question? None. Vote. All. Motion carried.

Request Schuylkill County Treasurer's office for Borough to allow funds to be electronically transmitted. Motion to allow and forward required information to the County Treasurer made by R. Krick, seconded J. Tinari. Question? None. Vote. All. Motion carried.

Motion to continue to use the old format for reporting budget to Council due to DCED changes made by J. Yackera, seconded J. Haluska. Question? None. Vote. All. Motion carried.

Motion to pay Firefighter's Relief Association 1998 allowance made by J. Yackera, seconded J. Tinari. Question? None. Vote. All. Motion carried.

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Gym - Two bids for placement of additional oil tank. Aaron's Oil - \$475.00, Antz Refrigeration - \$500.00. Motion to contract Aaron's Oil for additional tank installation made by R. Krick, seconded J. Haluska. Question? None. Vote. All. Motion carried.

BILLS

List of bills to be paid read by C. Marquardt. Motion to pay bills as submitted made by J. Haluska, seconded J. Tinari. Question? None. Vote. All. Motion carried.

CORRESPONDENCE

Entech Engineering - GAMA permit renewal notice.

DCED - notice they received grant application for Basketball fencing.

FEMA - flood plain maps

PA Treasurer's office - Annual Firefighter's Relief audit.

COMMITTEE REPORTS

School: R. Krick noted that the major business was the additional fuel oil tank. Biddy has approached about use of the gym for the new season and the possibility of having a concession stand. They have also discussed putting a bathroom in the gym. He suggested that representatives come and discuss any plans with Council. Motion to allow Girardville Biddy League use of the gym for the 1998-99 basketball season made by R. Krick, seconded J. Tinari. Question? None. Vote. All. Motion carried.

Recreation: Work on East End playground has begun. C. Marquardt thanked Vytas Ambrose and Edward Burns for donation of services in the evening hours. M.B. Dougherty asked that Council thank Senator Rhoades office for pointing us in the direction of the funds to be used for fencing the basketball court. This money will come through his office. Thank you letter to be sent.

Streets: J. Tinari reported that the rack for the spreader should be finished by next Thursday. Have the needed hoist and are looking for the chain. The siren will be put back in the same place using the same pole. Hopefully it will be back in service next week.

Recycling: C. Marquardt reported that the Borough was asked to participate in a County wide fall clean-up program. This will involve recycling tire, furniture and white goods. All money collected will be shared among the County and all the Boroughs which participate. Girardville will be one of the host sites. Motion to participate made by

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J. Yackera, seconded J. Haluska. Question? M.B. Dougherty asked about advertising? C. Marquardt told her the County will take care of all advertising and arrangement of dumpsters. Vote. All. Motion carried.

A possible joint purchase of a leaf-vac is being pursued by Lorrie Bennick, Mahanoy City. This would also involve a compost pile. L. Bennick is willing to do the grant paper work and Gilberton has been approached to be the host community for a composting location. This is something for Council to consider and possibly budget to allow participation. Interested communities are: Mahanoy City, Shenandoah, Gilberton, Girardville, possibly West Mahanoy Twp. and Ashland. Motion to participate in meetings for leaf-vac and composting project made by J. Yackera, seconded J. Haluska. Question? None. Vote. All. Motion carried.

OTHER BUSINESS

R. Krick noted that the Mahanoy Creek Watershed Association would like to hold a meeting in the Borough hall on, October 15, 1998, at 7:00 PM. This is a group of people interested in cleaning up the creek. Have to raise public awareness and get people to think before throwing their trash in the water. Motion to allow the Watershed Association use of the hall made by R. Krick, seconded M.B. Dougherty. Question? None. Vote. All. Motion carried.

Mr. Kilker reported that F. Zangari asked for a meeting to discuss the Fire Watch Resolution and Ordinance recognizing the two fire companies. He read a letter to be sent along with the pending policies. M.B. Dougherty made a motion to send the letter as read and if the representatives of the fire companies (F. Zangari, G. Misunas, D. Heiser) agree to the ordinance as written to advertise it for next meeting. Motion seconded J. Yackera. Question? None. Vote. All. Motion carried. The solicitor is to handle this matter.

Girard Estate replied that on leased land residents only pay taxes on houses. He recommended that Council pay the \$4.00 for the park lease. Philadelphia is to forward their copy of the lease. Need data on the drainage request. Details concerning a physical description should be forwarded if desired.

In the matter of J. Yagielinskie a copy of the response from Michael Arden was sent to Attny. Watkins. No response was received. Council can take a position on what they would agree to as a solution this matter or a letter can be directed to Attny. Watkins asking for a meeting. The Court order is a bar of any dogs and the Borough and parties involved could negotiate a plan. If an acceptable plan is reached the matter goes no further. If no plan can be agreed upon the burden is on the other party to ask for another hearing. J. Yagielinskie questioned Mr. Kilker on when the letter was sent to Attny. Watkins? Mr. Kilker answered, September 11, 1998. J. Yagielinskie said he spoke with his attorney three times since then and no letter was mentioned. Mr. Kilker said he believed a copy was sent to the borough office as well. J. Kilker suggested that if there is

an allegation that the documents were not received it should be checked. Motion that no action be taken until it can be verified that Mr. Watkins receive the letter made by J. Yackera, seconded J. Tinari. Question? None. Vote. All. Motion carried.

J. Yagielnskie stated that Council has been stalling for eight months. Mr. Kilker noted that he did send the letter to Mr. Watkins office.

Fire Insurance Escrow ordinance 98-3. Duty advertised. Motion to adopt made by M.B. Dougherty, seconded J. Yackera. Question? None. Vote. All. Motion carried.

Finance committee meeting to work on the budget set for, Monday, October 12, 1998, at 7:00 PM.

PUBLIC COMMENT

E. Labie asked if the flood plain letter was a request to review. If so, historic information showing lack of flooding in the area should be investigated and sent to FEMA. R. Krick said the appeal process is not that easy. It should have been appealed when the maps where first distributed and input was requested. J. Yackera noted the Joseph Quinn appealed and was turned down. He will ask what information was submitted and possibly look at Council submitting an appeal request.

J. Clayton thanked the Borough supervisor for the action of getting PADOT to place the requested reflector on West Mahanoy Avenue drainage ditch.

Drawing - Bingo basket to benefit Skateboard fundraising effort, winner - Mary Lock.

Motion to adjourn made by M.B. Dougherty, seconded J. Yackera. Vote. All.

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

Regular Meeting

PLACE: Municipal Bldg. **DATE:** November 12, 1998 **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, C. Marquardt, J. Tinari, J. Yackera

Mayor J. Kelly

Members absent: J. Haluska (work) Solicitor J. Kilker (illness)

PUBLIC COMMENT

No comments.

APPROVAL OF REPORTS

Minutes: Motion to accept the minutes as submitted made by M.B. Dougherty, seconded by J. Tinari. Vote. All. Motion carried.

Treasurer's report: Motion to accept the report as read made by J. Tinari, seconded by J. Yackera. Question? R. Krick asked why there is a balance in the Summer Lunch Fund? He was told that all bills are paid and we are waiting for a final report from Harrisburg. This will show a balance owed and the amount to be returned. Vote. All. Motion carried.

Mayor's report: Read by Mayor Kelly. Motion to accept as read made by J. Yackera, seconded by J. Tinari. Question? R. Krick asked why there is no list of hearings missed on the report. There are at least two that Council is aware of and none listed. This is something that has been discussed in the past. J. Kelly said missed hearings should be and he will make sure any are listed in the future. Vote. All. Motion carried.

The Christmas Decorations are scheduled to be hung on the poles on Saturday, November 21, 1998. There will be NO PARKING signs posted for the hours of 9:30 AM to 1:00 PM.

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Santa Claus will arrive by Fire truck on, Thanksgiving Day at 5:00 PM. The Good Time Club sponsors this parade. All borough children are invited to visit Santa at the Girard Hose Company after the parade.

Fire Police meeting, December 8, 1998, 6:00 PM - Borough Hall
Kids meeting, December 9, 1998, 6:00 PM - Borough Hall
Crime Watch no meeting scheduled.

The police department needs a new typewriter. J. Kelly said that J. Tinari brought a small word processor in the night of the work session. He is willing to sell it to the borough for \$100.00. J. Yackera asked if the Mayor has other prices? J. Kelly said that a call to A-1 Business resulted in price quotes of \$200 – 300.00 for a standard typewriter. J. Yackera said that there should have been comparisons with the word processor. New versus the one being offered. It does not look proper to purchase this without comparison pricing. Is this what the police department needs? What are we getting for \$100.00? This matter is tabled until next meeting.

Mayor Kelly asked if the newly repaired copy machine could be used in the police office. Since the Borough purchased a new one the old one is just sitting on the table. Motion to move the old copy machine into the police office made by J. Yackera, seconded J. Tinari. Question? None. Vote. All. Motion carried.

Mayor Kelly informed Council that both officers are qualified on their duty weapons. They need to be qualified on the shotgun. Need two boxes of buckshot and 5 boxes of rifle slugs. Motion to purchase the required ammo for shot gun qualification made by J. Yackera, seconded J. Tinari. Question? R. Krick asked why 5 boxes of .00 buckshot and 5 boxes of rifle shells have to be purchased. He was told that the gun uses two types of ammo and the officers must be qualified using both types. Vote. All. Motion carried.

Uniforms were requested last month. The new officers were informed that if they failed to remain for six (6) months they would be responsible for the costs.

M. Livergood - 2 shirts, 1 pants

M. Kessler - 1 shirt, 1 pants

T. Buriak - 1 pants

J. Yackera asked why T. Buriak did not ask for pants last month. Mayor Kelly said that he requested them because the other pair is showing wear and he needs them now.

J. Yackera asked about the stripes on the pants. Mayor Kelly said that after discussing this with the officers, they requested either no stripes or black stripes be ordered for the pants. They felt the gold stripes make them too visible. M.B. Dougherty noted that the stripes are to do exactly that. After an officer being hit by a car during a traffic stop the uniforms were changed. The purpose of the gold stripe is to improve visibility. There was debate over the choice of stripe color. Question of being visible on the road or risk of being visible if having to chase someone. M.B. Dougherty asked when was the last time one of our officers chased someone in the dark and were fired upon? R. Krick asked what is going to be the uniform standard? J. Kelly said that it would be dress shirts, long sleeve

in winter and short sleeve in summer. R. Krick asked if we are doing away with the polo and T-shirts. J. Yackera noted they were never approved anyway. Motion to purchase the uniforms requested, the pants without the gold stripe made by J. Yackera, seconded J. Tinari. Question? None. Vote. AYE - J. Yackera, J. Tinari, C. Marquardt
NO - M.B. Dougherty, R. Krick. Motion carried.

Mayor Kelly noted there are no bills for the qualifying ammo because M. Livergood qualified for Gilberton Borough and M. Kessler paid his own costs.

Permit Officer's report: Motion to accept as submitted made by J. Yackera, seconded by J. Tinari. Vote. All. Motion carried. During the work session T. Niedzwiecki had several suggestions for Council's consideration. J. Yackera suggested that Council take some time to go over all of these and have an answer for next month. He suggested raising the commission rate but not the permit charges. The purpose is to make certain that contractor's have the state required insurance not to make money for the borough. This matter was tabled.

Health Officer's report: Read by C. Marquardt. Motion to accept the report as submitted made by J. Tinari, seconded J. Yackera. Question? None. Vote. All. Motion carried.

UNFINISHED BUSINESS

None.

NEW BUSINESS

Letter to PADOT concerning West Main Street at Silver Street. M.B. Dougherty reported that John Mitchell from PADOT was in and looked at the problem. He noted that it probably should be dug up for repair but it is too late in the season. Sometime next week he will make arrangements for a crew to come in and lay black top. That should help until the spring.

Ordinance recognizing the fire companies for compensation insurance purposes proposed. Motion to have the Solicitor advertise the ordinance for adoption next month made by J. Yackera, seconded J. Tinari. Question? R. Krick said he thought the ambulance service should be included in the ordinance. If they are omitted there could possibly be problems with insurance coverage in the future. After some discussion it was decided to ask the solicitor if the ambulance should be included. If he agrees the ordinance will be changed. Vote. All. Motion carried.
Resolution 98-10 – Fire Watch. Establishing who is eligible to stand fire watch and payment mechanisms. Motion to accept the resolution made by J. Yackera, seconded J. Tinari. Question? None. Vote. All. Motion carried.

BILLS

List of bills to be paid read by C. Marquardt. Noted that the water bill from the School building is as a result of a leak. The Water Company has been contacted and we are working on getting it adjusted. Motion to pay the bills, with an adjusted school building water bill made by J. Yackera, seconded J. Tinari. Question? None. Vote. All. Motion carried.

CORRESPONDENCE

William Boyer - letter of resignation from his position as a borough worker. Motion to accept W. Boyer's resignation made by J. Yackera, seconded J. Tinari. Question? None. Vote. All. Motion carried. C. Marquardt asked if Council was agreeable to advertise the position with a deadline of, November 30, 1998, at 1:00 PM and interviews to be conducted at the work session in December. Motion to advertise the position made by J. Yackera, seconded J. Tinari. Question? None. Vote. All. Motion carried.

PADOT - Notice of their "Agility" program. This concerns shared services. C. Marquardt noted he would get more information on this program. He believes Gilberton has already participated.

F.O.R.C.E. - Letter of thanks for the support in the fight against the proposed Construction and Demolition waste landfill. Request for financial support to pay the bills in excess of \$20,000.00.

Todd Amos - request for renting the gym for wrestling programs he is promoting. R. Krick noted that if these were fund-raisers for local groups it might not be a problem. This is a business venture and the borough is not in a position to negotiate rents. Concern about possible damage to the gym floor was discussed. Motion to deny use of the gym for the requested dates made by R. Krick seconded, J. Yackera. Question? None. Vote. All. Motion carried.

Schuylkill County Commissioners - VISION, concerning financial support of the library system. Donations to Ashland library are to be discussed.

Answers from local contractors with proposed costs for snow removal. On file for winter usage.

Certificate recognizing the borough for allowing employees to make emergency response with no loss of time or pay.

HARIE - certificates D. Hess and V. AMBROSE for attendance at the Right to Know seminar.

Ultimate Home Health Care - Donation of \$75.00 for use of the Borough hall for their

annual chicken dinner. The money raised supports their hospice services.

Capitol Indemnity - Bonding Company request for status of bridge construction. As of this date construction is 62% complete.

COMMITTEE REPORTS

School: R. Krick reported that rents have started for the season. The only open dates are Sunday and Monday. The second oil tank has been installed and the source of the water leak is being tracked down. C. Marquardt said he got a price from Paul Houser to cut down the tree on Ogden and Vine Street. The total cost would be \$300.00 for removal. This includes use of the chipper. Motion to proceed and have the tree removed made by J. Yackera, seconded J. Tinari. Question? None. Vote. All. Motion carried.

Recreation: The East End park project is under way. Work will continue as weather permits. Anticipated installation one swing set, the play area and the concrete pad for the scoop rides.

Streets: J. Tinari reported that all was covered during the meeting.

Recycling: C. Marquardt reported that the borough participated in the County fall clean up. A total of \$454.00 was collected. One half of this went to the County and the remainder was shared with Ashland, Shenandoah, and Mahanoy City. Today was a leaf-vac demonstration. We are exploring a joint purchase project. Residents are reminded to note the changes in the curbside schedule in November and December due to the holidays. There will be no curbside recycling in January, February and March.

OTHER BUSINESS

Request from the Rangers Hose Company for permission for a controlled burn. The house they were recently given was torn down and stacked. This will be practice. The remains will be removed and covered. Motion to allow the controlled burn on, November 15, 1998, at 1:00 PM and to close Ogden Street to traffic for the duration made by J. Tinari, seconded J. Yackera. Question? None. Vote. All. Motion carried.

C. Marquardt noted that Mr. Kilker is not present tonight due to illness. Council received several faxes concerning matters to be discussed this evening. Some of the matters have been decided. In the matter of J. Yagielinski, however, there were several letters and one has had the chance to read over them completely. This matter is tabled for review and to get any questions answered by the solicitor.

J. Yagielinski handed in several letters concerning a complaint against the police department. These will be opened in an executive session to discuss personnel matters.

R. Krick asked Council to consider a motion that anyone requesting statements be

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recorded verbatim in the minutes submit them in writing. They can then simply be attached. Motion seconded J. Yackera. Question? None. Vote. All. Motion carried.

Council went into Executive Session at this time.

Meeting reconvened. Executive session was held to discuss personnel matters.

C. Marquardt informed the residents that the letters were opened, read, and turned over to the Police committee for review.

V. Ambrose's probation period is completed. Due to an excellent review motion made by J. Yackera to increase his pay rate to \$7.25 per hour. Motion seconded, J. Tinari. Question? None. Vote. All. Motion carried.

A tentative budget has been completed. The real estate figures have been projected from last years because the newest numbers will not be available from the Court House until after, November 15, 1998. Pending the receipt of the letter the tax rate will remain at 6.2 mills. If any changes have to be made a special meeting will be held before advertising. Motion to advertise the 1999 tentative budget made by J. Yackera, seconded J. Tinari. Question? None. Vote. All. Motion carried.

Motion to advertise the tax rate ordinance at 6.2 mills made by J. Yackera, seconded J. Tinari. Question? None. Vote. All. Motion carried.

PUBLIC COMMENT

Betty Ann Bernosky asked if something could be done about the What-Not-Shop. The owner is again parking his large trailer on Main Street for unloading. That is okay but he leaves the trailer there for days. There will be an accident at the intersection because anyone pulling out from Richard Street cannot see oncoming traffic. J. Kelly said he has been warned. J. Yackera said that if warnings are not working it is time to start issuing tickets. Not only does he leave the trailer there he puts out cones to save the space.

Motion to adjourn made by J. Yackera, seconded, J. Tinari. 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: (570) 276-1635 FAX: (570) 276-1640

Regular Meeting

PLACE: Municipal Bldg. DATE: December 10, 1998 TIME: 7:00 PM

OPEN MEETING

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

ROLL CALL

Members present: M.B. Dougherty, J. Haluska, R. Krick, C. Marguardt, J. Tinari,
J. Yackera. Mayor J. Kelly, Solicitor J. Kilker.

PUBLIC COMMENT

No comments

APPROVAL OF REPORTS

Minutes: Motion to accept the minutes as submitted made by J. Tinari, seconded by J. Haluska. Vote. All. Motion carried.

Treasurer's report: Motion to accept the report as read made by J. Haluska, seconded by J. Yackera. Vote. All. Motion carried.

Mayor's report: Read by Mayor Kelly. Motion to accept as read made by J. Tinari, seconded by J. Haluska. Vote. All. Motion carried.

M. Kessler needs to be certified on the VASCAR. Cost of the classes is \$130.00. Mayor Kelly asked for permission for him to attend. M.B. Dougherty noted that she recalled that M. Kessler said he would pay for one half the cost of the training. Motion to allow M. Kessler to attend VASCAR training and to pay one-half of the cost made by J. Yackera, seconded by J. Haluska. Question? None. Vote. All. Motion carried.

Mayor Kelly asked for permission to purchase a word processor for the police department. Price quotes on copiers from A-1 Business machines are new \$400.00 -

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\$500.00. Used \$200.00. J. Tinari has a word processor that is 3 years old and he is asking \$125.00. Motion to purchase the word processor from J. Tinari for \$125.00 made by J. Yackera, seconded J. Haluska. Question? None. Vote. All. Motion carried.

Fire Police meeting - Tuesday, January 12, 1999, 6:00 PM
Police Committee - Tuesday, January 12, 1999, 7:00 PM

Permit Officer's report: Motion to accept as submitted made by J. Yackera, seconded by J. Haluska. Vote. All. Motion carried.

Health Officer's report: Read by C. Marguardt. Motion to accept the report as submitted made by J. Tinari, seconded J. Haluska. Question? None. Vote. All. Motion carried.

UNFINISHED BUSINESS

PADOT Agility program – C. Marguardt reported that Mr. Mitchell was here and he will set up a meeting with the entire Council. There is a list of things available and Council should continue to discuss participation in this program.

PADOT - Class information is available. If anyone is interested check the office.

Building permits - still checking into possible changes in the ordinance. After discussion the list of suggested changes were tabled pending revision of the ordinance.

Ogden Street Bridge - bridge should be open to traffic by, December 23, 1998, as per report from Entech Engineering.

NEW BUSINESS

Blue Mountain Environmental - Resolution 9-16, appointing Richard Hester as Sewer Enforcement Officer and accepting list of prices for services for 1999. Motion to adopt Resolution 98-16 made by M.B. Dougherty, seconded J. Haluska. Question? None. Vote. All. Motion carried.

Vacancy on Girardville Area Municipal Authority due to W. Johnston's term ending. W. Johnston was approached and agreed to retain his seat if Council saw fit to reappoint him. Motion to appoint W. Johnston to a five year term on the Girardville Area Municipal Authority made by R. Krick, seconded J. Yackera. Question? None. Vote. All. Motion carried.

New legislation requires the appointment of a Tax Hearing Officer. Motion to appoint Berkeimer Associates as Tax Hearing Officer for the Borough made by J. Yackera, seconded J. Haluska. Question? None. Vote. All. Motion carried.

Motion to advertise the 1999 Regular meeting and work schedule keeping the meetings on the second Thursday of each month and the work session the preceding Tuesday made by J. Yackera, seconded J. Haluska. Question? None. Vote. All. Motion carried.

Ordinance 98-4 tax levy 1999 setting rate at 6.2 mills. Motion to adopt Ordinance 98-4 made by J. Yackera, seconded J. Tinari. Question? None. Vote. All. Motion carried.

Motion to adopt 1999 Budget as advertised and displayed made by J. Yackera, seconded J. Haluska. Question? None. Vote. All. Motion carried.

Resolution 98-15 to join PLGIT for purposes of establishing a Capitol Projects Account. The current seven day rate is 4.72%. Motion to adopt Resolution 98-15 to enter program made by J. Tinari, seconded J. Yackera. Question? None. Vote. All. Motion carried.

BILLS

List of bills to be paid read by C. Marguardt. Motion to pay bills as submitted made by J. Tinari, seconded J. Haluska. Question? R. Krick asked that all bills be available for review by the work session. Specifically the solicitor's bill. Vote. All. Motion carried.

CORRESPONDENCE

Schedule of classes available in office.

Underground Storage Tank Insurance Fund - Notice of rate changes. Motion to send for application and look into participating in the program made by J. Yackera, seconded R. Krick. Oil storage tank owner's participation is not mandatory. Question? None. Vote. All. Motion carried.

Blue Mountain & Northern Railroad - Notice of increase in cost of lease for the Memorial on East Main Street. Questions were raised about the condition of the retaining wall and responsibility for maintenance. Motion to pass this information on the American Legion and ask for their input made by J. Yackera, seconded J. Haluska. Question? None. Vote. All. Motion carried. Table this matter until a meeting with the Legion can be held.

Ashland Cub Scouts - request for use of the Borough Hall on either, Saturday, January 16 or snow date, Saturday, January 23, 1999, to hold their annual Pine Wood Derby. Motion to allow the Cub Scouts use of the Borough Hall on either of the date as needed made by J. Yackera, seconded J. Haluska. Question? None. Vote. All. Motion carried.

Knights of Columbus - request for use of the gym on January 17, 1999, at 2:00 PM for a free throw contest. Motion to allow use of C use of the gym, dates to be funneled through R. Krick made by J. Yackera, seconded J. Haluska. Question? None. Vote. All. Motion carried.

Grant application for trees.

DCED - budget forms notification.

COMMITTEE REPORTS

School: R. Krick reported that everything is going okay so far.

Streets: J. Tinari said that a handicapped parking application was received for West Ogden Street. Matter tabled pending review. V. Ambrose raised questions concerning his sick, personal and vacation time. Probation was over in November and he did not feel there were enough days through the end of the year to use the time. The Street Committee recommended to Council that the 1998 time be rolled over for use between January and June 1999. Motion to use fringe time carry over into 1999 made by J. Yackera, seconded J. Haluska. Question. None. Vote. All. Motion carried.

The pick up truck needs upper and lower ball joints. Motion to send the pick up to Boylan's for the necessary repairs made by J. Tinari, seconded J. Yackera. Question? None. Vote. All. Motion carried.

Motion to allow the Street Department one-half day Christmas Eve with full day pay made by J. Tinari, seconded J. Haluska. Question? None. Vote. R. Krick – NO. Motion carried.

Snow removal price quotes have been received from Burns Contracting, Sweden Trucking, and AMC.

C. Marguardt noted that Council needs to hire a full time Street Department worker. The ad was placed and interviews were conducted this past Tuesday. M.B. Dougherty said that this matter needs to be discussed in Executive Session first.

Recreation: C. Marguardt noted that the work on the park will continue as weather permits.

Police: No report.

OTHER BUSINESS

J. Kilker said that the matter concerning the easement for the park project was still open. Complaints were received concerning the police department. This is a personnel matter and needs to be discussed in an Executive Session.

E. Burns thanked Council for use of the building for the pizza party. He also thanked the employees for setting the room up, the effort was appreciated.

Council adjourned for Executive Session

Meeting resumed.

C. Marquardt asked for a motion to hire a full time street department employee. Motion to hire James Neary at a pay rate of \$5.25 @ hour with a ninety day probation period made by J. Yackera, seconded J. Haluska. Question? None. Vote All. Motion carried.

Police Department evaluations are tabled until next meeting.

Request by Secretary to date the payroll checks 12/31/98 instead of 1/1/99 due to the holiday. Motion to allow the date change made by J. Yackera, seconded J. Tinari. Question? None. Vote. R. Krick – NO. Motion carried.

Curbside recycling this month will be December 28, 29, 30, 1998 due to the holiday. There will be no curbside recycling for the months of January, February, and March.

Note: Kreitzer Sanitation pickups will be Thursday, December 24th and Thursday, December 31st

Ordinance for the fire companies has to be advertised. This matter tabled until next month.

As a result of the Executive session J. Kilker recommends that Council appoint a special police committee to review the complaints received concerning the police officers. Motion to appoint a committee chaired by J. Haluska with J. Yackera and J. Tinari as additional members made by J. Yackera, seconded J. Haluska. Question? None. Vote. All. Motion carried.

J. Kilker noted that he has been in contact with Attorney K. Watkins through the mail concerning the Yagielskie matter. He wants to set up a meeting in person to find out where matters stand at this time. J. Yagielskie noted that Mr. Kilker has received communication from his attorney. Mr. Kilker said he would call for an appointment as soon as possible.

J. Yagielskie asked if this is the only action to be taken concerning the police department? He stated that there are three (3) other governmental agencies waiting to see what action will be taken by Council. J. Kilker noted that this should be kept confidential due to it being a personnel matter.

B. A. Bernosky asked if any action was taken against the owner of the White-Not-Shop? J. Yackera said that as parking his truck is a violation of an ordinance and notices are served through the mail. He believed that 3 or 4 have gone out and if the matter is not taken care of it will go before the magistrate. He also observed the cone left out to save the space and this practice is illegal.

J. Tinari said that notification has been received for the Pa National Bank concerning the name change the bank is currently going through. Keystone Financial will be the investment advisor for the Police Pension fund. Motion to accept notice of change from the bank made by R. Krick, seconded J. Yackera. Question? None. Vote. All. Motion carried.

PUBLIC COMMENT

All public comment is noted and no other business.

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

Respectfully submitted
Mary Ann Prose
Secretary