

**KULPMONT BOROUGH  
REGULAR MONTHLY MEETING  
December 12, 2017**

Opening Prayer by Councilman Bruno Varano  
The Pledge of Allegiance to the Flag by the body present,  
Kulpmont Borough Council held the meeting for general purpose on  
Tuesday, December 12, 2017

Roll call was taken and the following members were present: Mayor Novakoski, Bruno R. Varano, Stephen Motyka, George Malakoski, Walter Lutz, Richard Zigarski and Mark Burns.

**ABSENT:** Nicholas P. Goretski, III

**APPOINTED OFFICIALS PRESENT:** Solicitor, William C. Cole, Treasurer Paul A. Niglio

**PRESENT:** Borough Supervisor Bruce Graff, and Borough Secretary Rhonda Wilk

**OTHERS PRESENT:** Joe Politza, Robert Michalkovich, Erika Varano, Keith Tamborelli, Robert Fanella, Bob Chesney, Joe Pancerella and Stephanie Niglio

**OPPORTUNITY FOR CITIZENS TO BE HEARD ON ANYTHING THAT IS ON THE AGENDA:**

Robert Chesney 929 Pine Street stated he just got back in town this weekend and stated that his fellow citizens saved him a few papers and in looking over what is in line it seems as though there are still some deficiencies. Mr. Chesney stated some issues are the heating, the ramp coming in and the door not working right, the parking lot issues and the Wilson School looks like a scene out of World War II. Mr. Chesney stated he is just wondering if there are plans in place to rectify some of these deficiencies that are still prevalent right now. Mr. Chesney stated as he looks back on some of the meetings on line there seems to be a lot of spending but questions if these things are going to be addressed in some way.

Mr. Varano replied that they were addressed at the warranty meeting few weeks ago and they have been working on them slowly but surely and then asked Rhonda if it is correct that we are getting heat about a half of day. Rhonda Wilk replied yes and stated it has been going into different mode's. Mr. Motyka stated that our legal issue pertains to bond and stated it is very hard for council to take action because it is a bond issue, legal. Mr. Chesney questions if there is a chance it can be rectified. Mr. Varano stated it is working more than what it was, but it is going into different modes, where before it was not working at all.

Mr. Chesney questioned if there is any action taken on the Wilson Building. Mr. Varano replied that we are probably going to court over that. Mr. Varano stated that is another bond issue and stated he does not know what kind of bond we have on the demolition. Mr. Varano stated we just received correspondence today on the final payment for \$23,928.16 and stated we will not pay this until they finish the job. Mr. Chesney stated he read that there is other projects going forward and money going out, and stated if they are bonded legal, he would hope that our attorneys are working on that, that's all.

Mr. Keith Tamborelli questioned on the agenda it is listed Third Party Inspector and questioned what that is about. Mr. Varano replied that we said we were going to hire a third-party inspector to finish out the year to replace Tri-County. Mr. Tamborelli questioned if that is just until the end of the year. Mr. Varano replied yes and added that he met this guy while he was doing an inspection for him for electrical and he said his firm would do this until the end of the year if we needed a third-party inspection done. He also said they would stay on for next year if needed.

Mr. Tamborelli questioned item 4 Under his report listing policy changes, interpretation and asked what that is about. Mr. Varano stated that item on the agenda is regarding the insurance reimbursement to any of our full-time employees that don't take the insurance. Mr. Varano stated he would like to have that changed to 25% of what the cost of insurance is. Mr. Varano stated right now it is \$1,000.00 to be paid after Dec 1 of the year. Mr. Varano stated back when that was put into place the insurance cost was much less and the cost has since increased and so the policy should be changes to 25% of the cost, Mr. Varano stated right now 25% would be about \$2,100.00. Mr. Tamborelli questioned if this change is reflected in the budget. Mr. Varano replied probably not.

Mr. Tamborelli questioned if there is a bond on the demolition of the old school. Mr. Varano stated that the Solicitor has the contract and he is not here right now. Mr. Tamborelli stated that the council voted on doing the work but yet the council does not know if there is a bond. Mr. Varano replied it does not matter, they are holding his last payment. Mr. Tamborelli stated a bond gives more security. Mr. Tamborelli asked if they are resolving the heating problem in the entire building. Mr. Tamborelli stated it was like a heat wave walking through this door, but yet it was cooler next door.

Mr. Varano replied there is no problem in the rest of the building and stated that the meeting room and the Police Department are on the same thermostat and so if it is turned up or down in the Police Department it would be up or down in here. Mr. Varano stated that is simply a matter of balancing it out.

Mr. Tamborelli stated he did not see on the agenda correspondence from him that would have been addressed to Mr. Varano and questioned if he planned on addressing it. Mr. Varano questioned what letter was that. Mr. Tamborelli stated he is talking about a letter that he personally brought in and gave to Russ. Mr. Tamborelli stated he believes Russ gave it to council and asked Mr. Varano if he is saying he did not get that letter.

Mr. Varano stated he did get it, not that day and not handed to him like he is saying it was. Mr. Tamborelli asked if he is going to respond to that. Mr. Varano stated in the first place, he thought it was a right to know request. Mr. Tamborelli stated it was a letter sent to him specifically on section 1401 of the Borough Code on the right to know request where he did not receive any information that there were three quotes before the track project improvements at the field was passed.

Mr. Tamborelli stated they were over \$10,000.00 and you would have got three quotes before you award that and stated he did not see anywhere where there were three quotes, at least three phone quotes. Mr. Varano stated he was under the impression that we had three quotes. Mr. Tamborelli stated there were not three quotes, not according to the right to know paperwork.

Mr. Varano stated that when they passed the motion we were under that assumption and when we made payment. Mr. Tamborelli asked if it is not the responsibility of Council as a whole to understand before they pass anything, especially giving the public money out that we got bids, got quotes before we

do anything and arbitrarily award somebody money. Mr. Varano stated first off, he was also under the impression that it was under professional services, and then you only need one, you could hire anybody you want under professional services. Mr. Tamborelli asked how putting down material on the Ramp Field project would be under professional. Mr. Varano replied an Architect is professional, an Engineer is a professional a Lawyer is a professional. Mr. Tamborelli stated he agrees that they are a professional but a contractor doing work is not, when there are multiple contractors out there to do that and not for \$10,000.00. Mr. Varano then replied, "the job is done already Mr. Tamborelli." Mr. Tamborelli replied that he believes then that was done in violation and stated on that he will yield the floor.

Mr. Varano stated it is also in this Borough Code that you cannot be on Council and a police officer working for any conglomerate that is associated with this borough and mutual aid is considered just that. Mr. Tamborelli stated that he would argue that under borough code he is allowed to be an employee of this borough when we have less than 3000 constituents. Mr. Varano replied "but not a police officer." Mr. Varano stated there is a section in there and stated he has read it hundreds of times. Mr. Tamborelli stated to Mr. Varano that he can try and change his position but none the less the facts are on the board as to the fact that you gave an award to a contract without getting multiple quotes.

**PRESIDENTS REPORT** – (Bruno R. Varano)

Mr. Varano stated that a motion is needed to advertise for Reorganization.

**MOTION**- Mr. Lutz made the motion and was seconded by Mr. Motyka to advertise for Re-organization of Council set for January 2, 2018 at 7:00 p.m.

**VOICE VOTE** –

Unanimous

Mr. Varano mentioned there is a typo on the agenda listing the date as December 12, 2018 and will be corrected.

Mr. Varano stated everyone received copies of the fee schedule for the third-party inspector, Commonwealth Code Inspection service out of Mount Carmel and stated they are comparable to what we had with Tri-County Cog. Mr. Varano stated they will do any inspections if needed this year and they are willing to stay on as third-party Inspector next year if the new Council so desires.

Mr. Varano stated he has had many questions concerning the Reserve Parking Policy and people have been questioning why they need to have a get a statement from their physician yearly when they are permanently disabled. Mr. Varano stated that section was put in there for temporary disability and stated that they are redefining the policy to written statement from your Physician annually for temporary disability to make the distinction there. Mr. Varano stated on the bottom of your placard it reads temporary or permanent disability and they expire every four years and so they would need to be resubmitted upon expiration. Mr. Lutz questioned if every four years is for the permanent one also. Mr. Varano replied yes and stated that the other option would be to get the regular handicap license plate.

**MOTION**- Mr. Varano made the motion and was seconded by Mr. Lutz to change the Reserve Parking Policy changes.

**ROLL CALL VOTE-** BURNS (yes), GORETSKI (absent), LUTZ (yes), MALAKOSKI (yes), MOTYKA (yes), ZIGARSKI (yes), Varano (yes)  
6 YEAS – 0 NAY

**MOTION-** Mr. Varano made the motion and was seconded by Mr. Lutz to change the employee policy to reflect 25% of the cost of insurance to be paid to any full-time employee by not using insurance plan.

**ROLL CALL VOTE-** BURNS (yes), GORETSKI (absent), LUTZ (yes), MALAKOSKI (yes), MOTYKA (yes), ZIGARSKI (yes), Varano (yes)  
6 YEAS – 0 NAY

**MAYORS REPORT-** (Bernard P. Novakoski)

Mayor Novakoski stated the Santa Sleigh will be at town park tomorrow evening and reminded all to watch for children and people crossing. Mayor Novakoski wished all a Merry Christmas.

**SECRETARYS REPORT-** (Rhonda Wilk)

Rhonda Wilk stated approval is needed on the November 14<sup>th</sup> and the November 28<sup>th</sup> meeting minutes are also finished and were distributed to Council for review.

**MOTION-** Mr. Burns made the motion and was seconded by Mr. Zigaraski to approve the meeting minutes from the November 14<sup>th</sup> and 28<sup>th</sup> meeting minutes.

Mr. Lutz stated he can't do the 28<sup>th</sup> because he was not here and stated how would he do it. Mr. Lutz stated he will just abstain from the both of them for the sake of efficiency.

Mr. Varano stated an abstain is a no anyway. Mr. Lutz said thank you very much I did not know that. Mr. Varano questioned Mr. Cole if that is correct. Mr. Cole replied not really.

**VOICE VOTE-**

5 YEAS – 1 ABSTAIN – 0 NAYS

Rhonda Wilk stated that the 2018 Tentative Budget has been advertised and the 2018 Tax Ordinance has been advertised as well.

Mr. Varano questioned Mr. Niglio if we have a final budget. Mr. Niglio stated he did not prepare one because the new council is going to reopen it and so you can pass the tentative budget as the final, they are going to change it as need be. Mr. Varano stated he knows that you have to pass it by December 31<sup>st</sup>. Mr. Niglio stated under the circumstances with a new council they have until February 14<sup>th</sup>. Mr. Varano stated to open it and change it, but you still have to pass the final budget by December 31<sup>st</sup>.

**MOTION-** Mr. Motyka made the motion and was seconded by Mr. Malakoski to approve the tentative budget as the final budget.

**ROLL CALL VOTE-** BURNS (yes), GORETSKI (absent), LUTZ (no), MALAKOSKI (yes), MOTYKA (yes), ZIGARSKI (yes), Varano (yes)

5 YEAS – 1 NAY

**MOTION-** Mr. Lutz made the motion and was seconded by Mr. Motyka to pass the 2018 tax Ordinance as it has been advertised.

Mr. Varano commented that is with no tax increase.

**ROLL CALL VOTE-** BURNS (yes), GORETSKI (absent), LUTZ (yes), MALAKOSKI (yes), MOTYKA (yes), ZIGARSKI (yes), Varano (yes)

6 YEAS – 0 NAY

Mr. Varano stated that he just would like to mention that the tentative budget and the final budget, there is going to be such a carry over, it is bigger than any one that he has been sitting on this council for. Mr. Varano stated that they never had a carryover of \$85,000.00 and stated he just wanted to set everyone straight, everybody is thinking doom and gloom and that we are going to have to raise taxes in 2019 and it is not so. He added the only way you will have to do that is if you don't go by the budget.

Rhonda Wilk stated that correspondence was received from ARRO Consulting Inc., and stated they just wanted to introduce themselves as an Engineering Firm and stated that was copied to both Mayor and Council. Mr. Varano questioned where they are from. Rhonda replied Orwigsburg.

Correspondence was received from the Kulpmont 100 concerning the Santa Sleigh scheduled for December 13<sup>th</sup> from 6 to 9 p.m., Rhonda stated there is also a schedule of events that begin at 6:00 p.m. including hot chocolate and cookies.

Correspondence was received and copied to both Mayor and Council concerning transmission lines.

PA DCED Correspondence was received notifying of a permit fee increase of .50, they will be going from \$4.00 to \$4.50, copied to Mayor, Council and Code.

PSAB 2018 Boot Camp Registration and Information, copied Mayor and Council.

Correspondence was received from PA Family Council and Copied to both Mayor and Council.

Correspondence was received from FEMA concerning the Hazard Mitigation Plan Approval, Copied to both Mayor and Council.

Rhonda Wilk read aloud a resignation letter that was received from the Borough's Solicitor William C. Cole, effective December 31<sup>st</sup>. Copied to Mayor and Council.

Mr. Varano stated he will step down from the chair and make the motion to accept the resignation of William C. Cole.

**MOTION -** Mr. Varano made the motion and was seconded by Mr. Lutz to accept the resignation of Solicitor William C. Cole effective December 31, 2017.

**VOICE VOTE –**

Unanimous

Mr. Varano stated he is sorry to see him go, but you must move on to bigger and better things.

The Solicitor William C. Cole stated he was going to do this under his report but stated he would like to take the opportunity and thank the council and many, many councils that he served under over 28 years and the Mayor's and other officials that were very helpful and stated one of them are still here, Paul. Mr. Cole stated he just would like to thank everybody and wish everyone a Merry Christmas and Happy New Year.

Correspondence was received from the PA Dept. of Transportation and was copied to both Mayor and Council.

Correspondence was received from the Motyka Family and reads as follows:

The Motyka family is proud to donate the following material to the Borough for improvements made to our Veterans Memorial Field recreation complex.

Metal Roof \$552, Nail Gun Nails \$157.86, Guard Rail Fence \$95.90 + \$90.36, Furring Strips \$102.16 for a total of \$998.28. Our Family has a long heritage in the Borough and enjoys seeing the improvements made to our community. Keep up the good work. Our Borough's success is vital to our future generations.

Thank You, The Motyka Family  
Copy Mayor and Council.

Mr. Varano asked that a letter be sent to the Motyka family thanking them for their donation. Mr. Varano stated he would like to thank everybody that helped out down at the Veterans Field, adding there was quite a few volunteers.

Mr. Motyka distributed a list of everyone who helped out down there. Mr. Motyka stated the total business donations, donated material is at \$15,305.00, organizations and some of the grants that we got were \$18,050.00, and families donated another \$2,800.00 and so \$36,155.00 donated. Mr. Motyka stated that does not include probably over 650 hours of donated of volunteer labor with most over the last week and a half. Mr. Motyka stated that he will double check with Steph, she has an ongoing list adding he will check on it and then provide the information to the newspaper.

Mr. Motyka stated he would like to mention and make a point J & D Trucking donated an estimate of \$3,000.00 in material and stated they also delivered all of the cracker dust which was part of the track at two thirds of the market price, which that material alone took Landscape Services estimate under \$10,000.00 and Landscape Services also donated three pieces of equipment used for the project and stated he does not think Landscape Service took advantage in any way of the Borough, they were well under and spent two weeks down there with multiple employees. Mr. Motyka stated if anyone would like to dissect their budget number for the work that was done on the track, there is not anything to be complaining about. Mr. Varano stated he has a check here for \$100.00 donated toward the purchase of solar lights for the bridge. The Mayor stated he will donate \$100.00 for the purchase of solar lights as well. Mr. Motyka stated the solar lights will go on dusk to dawn to light it up down there.

**TREASURERS REPORT** – (Paul A. Niglio)

Mr. Niglio stated that all received a copy of the financial statement and list of bills to be paid and stated a motion is needed to approve and pay the bills.

**MOTION**- Mr. Burns made the motion and was seconded by Mr. Zigarski to approve the financial statement and to pay the bills.

**ROLL CALL VOTE**- BURNS (yes), GORETSKI (absent), LUTZ (no), MALAKOSKI (yes), MOTYKA (yes), ZIGARSKI (yes), Varano (yes)  
5 YEAS – 1 NAY

**SOLICITORS REPORT**- (William C. Cole)

No Report

Mr. Varano addressed the Solicitor, William C. Cole thanking him for everything and stating it has been a pleasure.

**POLICE CHIEFS REPORT** – (Patrick McAndrew)

No Report

**FIRE CHIEF REPORT** – (Kevin O’Hearn)

Report attachment 2

**EMERGENCY MANAGEMENT** – (Kevin O’ Hearn)

No Report

**BUILDING INSPECTOR’S REPORT**– (Tri County COG)

Report attachment 3

**CODE/HEALTH ENFORCEMENT OFFICER’S REPORT** – (Russ Moroz)

Report attachment 4

Mr. Varano stated Russ is out sick today.

Mr. Motyka questioned if anyone knows if he followed up with the contractor registrations that were missed. Mr. Varano replied he does not believe so adding he did not hear anything and stated he asked him about that the other day. Mr. Motyka then stated he will have to ask him.

Mr. Motyka stated that the permitting down there was supposed to be taken care of, the parking lot. Mr. Motyka stated that was a couple dollars in fees. Mr. Motyka stated he will have to ask Russ about that next time he runs into him. Mr. Varano replied he does not know about that, he knows that he was working on it.

**SERVICE AND FACILITIES** – (George Malakoski)

Mr. Malakoski stated that Food Surplus will be held this month on December 21<sup>st</sup> at the Borough Garage from 8:00 a.m. until 12:00 noon.

Mr. Malakoski stated he got prices on pants, shirts, sweat shirts for Doug as a new full-time employee of the street department.

**MOTION**- Mr. Lutz made the motion and was seconded by Mr. Zigarski to purchase new uniforms at a cost of up to \$500.00.

**ROLL CALL VOTE**- BURNS (yes), GORETSKI (absent), LUTZ (yes), MALAKOSKI (yes), MOTYKA (yes), ZIGARSKI (yes), Varano (yes)  
6 YEAS – 0 NAY

Mr. Malakoski stated that the car driven by the code officer was taken up to Dons Garage for an estimate to repair the oil cooler lines on the car and received a quote of \$600.00.

**MOTION**- Mr. Malakoski made the motion and was seconded by Mr. Burns to repair the oil cooler lines on the car used by the code officer at a cost of \$600.00

Mr. Lutz questioned what it is that needs to be fixed. Mr. Malakoski replied the oil cooler lines.

**ROLL CALL VOTE**- BURNS (yes), GORETSKI (absent), LUTZ (yes), MALAKOSKI (yes), MOTYKA (yes), ZIGARSKI (yes), Varano (yes)  
6 YEAS – 0 NAY

**FINANCE/PURCHASING/GRANT COMMITTEE** – (Stephen Motyka)

Mr. Motyka stated he would like to recognize the people that donated to the project with a 32 x 32-inch plaque listing who donated at a price of \$350.00.,

**MOTION**- Mr. Motyka made the motion and was seconded by Mr. Zigarski to recognize the donors to the project at the Veterans Memorial not to exceed \$350.00.

**ROLL CALL VOTE**- BURNS (yes), GORETSKI (absent), LUTZ (yes), MALAKOSKI (yes), MOTYKA (yes), ZIGARSKI (yes), Varano (yes)  
6 YEAS – 0 NAY

Mr. Motyka stated that at the last meeting we made a motion to send a new lease up to the School District, it was sent but they had their last meeting prior to them receiving it adding we got it to them on Thursday but their last meeting was prior. He asked the future Council to follow up on this and stated that he will give the letters that took us to this point. Mr. Motyka stated we take care of the trash and maintenance and all on the field adding the past Council feels that we were to a disadvantage to that lease.

**CODE HEALTH AND SAFETY** (Nicholas P. Goretski, III)



No Report

**ORDINANCE COMMITTEE** – (Walter Lutz)

No Report

**RECREATION** – (Mark Burns)

No Report

**PERSONNEL** – (Richard Zigarski)

No Report

**FIRE/EMA/POLICE COMMITTEE** – (Varano, Zigarski and Burns)

Mr. Varano stated that we could have up to three alternates on the Civil Service Commission. Mr. Varano stated we should probably have a few alternates and stated if anyone is interested in being on it to get back with council or with the new council next year. Mr. Varano stated that he does not think there will be another meeting this year adding at least he is hoping there is not.

**OPPORTUNITY FOR CITIZENS TO BE HEARD**

Mr. Keith Tamborelli questioned the Solicitor if there was a bond on the teardown of the school. The Solicitor William C. Cole replied that he provided his policy, which is a specific policy to demolition to his understanding. Mr. Tamborelli asked if it was not a bond, a certificate of insurance but not a bond. Mr. Cole replied that was correct.

Mr. Tamborelli stated that he is not sure this is the forum to ask this question on if a correspondence was given to Council and then stated it was given to Russ adding that he sent a text to Russ. Mr. Tamborelli stated Russ said that he specifically gave it to a certain member of Council. Mr. Tamborelli stated when he asked the Council President and Rhonda if he got the correspondence or not, because they are saying they didn't. Mr. Varano stated he did not get it directly from him.

Mr. Cole questioned Mr. Tamborelli on if he is asking if this is the forum to ask if he got the correspondence. Mr. Tamborelli stated he would like to ask specifically to specific people if they got his correspondence in this forum so they have an opportunity to say yes or know. Mr. Varano again stated "I did not get it I am telling you, eventually I got it but it was not handed to me by Russ." Mr. Cole stated Mr. Tamborelli could ask that question adding if the public official wants to respond to it that is their prerogative.

Mr. Tamborelli stated it was official correspondence to the Council and stated if they did not get it that is a concern that the public is giving correspondence to the Council and they didn't get it that could be a problem. Mr. Varano again stated he did get it eventually and stated he did not get it handed to him from Russ, he got it eventually. Mr. Varano stated Mr. Tamborelli is insinuating that he got it handed to him from Russ and stated he did not get it that way. Mr. Tamborelli stated his question was very simple and stated the question was did you get my correspondence regarding his concerns regarding ..... Mr. Varano replied it is what he told him, he got it eventually. Mr. Tamborelli questioned that correspondence. Mr. Varano replied yes, I told you I got it eventually, a copy. Mr. Tamborelli asked of

that specific correspondence. Mr. Varano replied "yes." Mr. Tamborelli then stated, and you were not going to address it, because it was addressed to the Council. Mr. Lutz addressed Mr. Tamborelli suggesting we take a look at it.

Mr. Varano questioned if there is anybody else.

Mr. Joe Pancerella of Pine Street stated he is confused and would like clarification. Mr. Pancerella stated at the last meeting the estimate on doing the bridge was eleven thousand one hundred and some odd dollars and we got \$36,000.00 in donations.

Mr. Motyka stated that was cash and did not include such things as donated rebar and donated operator and equipment use of Manny Giorgini, and there was another gentleman in town that gave two days of his backhoe and stated some of it was estimated with what the fuel cost was. Mr. Motyka stated if he would like to see it, after the meeting he could show him how he came up with that price.

Mr. Pancerella questioned what the bridge actually cost. Mr. Motyka replied it was the eleven thousand and some dollars, that included all the lumber, material, code review and permitting, engineering cost that was the biggest cost of it all. Mr. Motyka stated that is all water under the bridge now. Mr. Varano commented literally.

Mr. Lutz questioned if he has a detail on that. Mr. Motyka replied Rhonda could provide a copy that was given at the last meeting which shows the budget. Mr. Lutz questioned if it shows the \$36,000.00 that he is talking about. Mr. Motyka replied some of the donations are..... Mr. Lutz interjected asking, secret? Mr. Varano replied they are in kind as far as labor. Mr. Lutz asked Mr. Motyka to give him a copy of it when he has the chance.

Mr. Pancerella asked if the borough workers did not volunteer their time asking if it was correct to say they were paid. Mr. Motyka replied that is correct they are not included in the volunteer labor. Mr. Motyka stated it also included the bench projects and the DEP projects, for instance the DEP grants were two year grants which was \$3,000.00 per year and \$3,000.00 donated in kind services and so that accounted for \$12,000.00 of that number. Mr. Motyka stated he is saying that is the total invested donation wise adding that the borough did pay for the track down there and bridge cost above and beyond what was left.

Mr. Pancerella said we are talking about \$36,000.00 in donations and \$11,400.00 plus the labor for the borough employees. Mr. Motyka stated \$11,400.00 you are saying for the bridge but there was \$4,000.00 left of donated money and so it would not be that amount. Mr. Pancerella clarified there was \$4,000.00 was originally donated for the benches. Mr. Motyka replied that is correct and added a letter went out to all of the organizations that did donate, we thought we would get four benches but we got 10. Mr. Pancerella stated we are very generous in this town. Mr. Varano commented absolutely.

Mr. Tamborelli stated it was specifically said that the bridge is not in Mount Carmel Township and that it was in Kulpmont and questioned if Council request for refund for the money back that was spent on the permit. Mr. Motyka replied they did not, if Council would like to apply for that money back.... Mr. Motyka stated the money that they spent for \$250.00 for the plan review with Tri-County Cog. Mr. Varano made the comment that we should ask for that back. Mr. Motyka stated the company did put time and effort into that and personally he would not ask for that back, but if the Council wants to ask for that. Mr. Motyka stated the cost of \$40.00 for the permit is justifiable.

Mr. Tamborelli questioned with donations, charitable contributions, I gave it away and did it myself, what was the bottom line cost that this bridge would have cost with all of these numbers together. Mr. Motyka stated before the engineer fees and plan review fees it was \$5,200.00, \$6,000.00 original estimate. Mr. Motyka stated as of last meeting it stood at \$11,200.00 with all of the plan review fees, architect fees that were above and beyond our initial position.

Mr. Tamborelli stated he is trying to get a straight answer on if we had to rebuild the bridge tomorrow, how much did the bridge cost. Mr. Motyka replied we had 600 hours of donated labor and so he would say \$25,000.00. Mr. Motyka stated that is the number he has in his head and stated we could dissect this down, but the volunteer labor was worth a lot. Mr. Tamborelli questioned how much public labor.

Mr. Motyka stated last meeting we made a motion if and as needed we would use the maintenance department. Mr. Motyka stated three of them worked all last Friday and they did work on the weekend. Mr. Varano questioned Bruce on if he knew how many hours approximately. Bruce replied he was there on Friday and stated he was not there on Saturday but he was for Sunday for 10 hours. Mr. Tamborelli questioned if that was straight time or overtime. Bruce replied the 10 hours was overtime. Mr. Tamborelli asked if there was a deadline to complete the bridge. Mr. Motyka asked was there a deadline and then replied, yes when January 1<sup>st</sup> hit, the new Council would not let me build that bridge. Mr. Tamborelli then commented it was just to get it under the umbrella.

Mr. Motyka stated they applied for all of the permits back in August and we were under the gun, the whole bridge should have taken a month, more leisurely. Mr. Motyka stated they had it done in ten days. Mr. Varano added we had all of that free labor lined up from the prison that we lost out on. Mr. Motyka then stated the end product was nice, getting to this point was ugly. Mr. Lutz stated the new Council will have a full detailed accounting.

Mr. Tamborelli replied that is fair enough and stated we got a ton of labor and a ton of donations and stated he respects Council for getting it done, for kicking butt getting it done and using your own time and labor within ten days. Mr. Tamborelli stated in 10 days we got a bridge built, a difficult task but yet we have been in this building a year and stated he feels sorry for this lady here that has been here now for the second winter with no heat. Mr. Tamborelli stated she is running an electric heater to keep her warm and we can't get that resolved and asked why that is. Mr. Varano replied that is legal problems, if you want to touch their bond, fine we will go after their bond. Mr. Varano stated this is litigation, we cannot talk about it, this has to be talked about in executive session. Mr. Varano stated you are welcome to sit in on an executive session if you want us to have one, but you can't talk about it in a public meeting.

Mr. Tamborelli stated the Borough is published for a Council meeting every Tuesday and questioned if there is an opportunity, there is about two weeks until the end of the year for the incumbents to sit down with those going out so that we can go over positions in executive session, however that has to take place prior to January 2<sup>nd</sup>. Mr. Varano replied "you have Walter and you have George on that Council," and asked, "what do you need with us?" Mr. Tamborelli replied he respects his opinion. Mr. Motyka replied to Mr. Tamborelli and stated he would be willing to talk with him about anything. Mr. Varano stated he would be willing to sit down with him and added he figured nobody wanted his opinion the way he is bashed in the newspaper all of the time. Mr. Tamborelli replied he is not the one bashing him and stated again that he does respect him.

Mr. Motyka stated on the heating issue, it took a whole year of getting no responses and we got a letter that they will not come in for the heating system without charging \$120.00 per hour because they said it was not their fault. Mr. Motyka stated we were stuck with a non-working heating system and it got to the point of where we did a final walk through, we did not release their bond because of that and now we are back to the plate again.

Mr. Motyka stated he does not know if they will ever resolve it. Mr. Tamborelli asked if they have a bond. Mr. Varano replied yes. Mr. Motyka stated that legally that would be the recourse. Mr. Chesney stated he thinks we will just play ping pong like that and questioned if it is an engineering thing where the guy just did not know if it was compatible or something like that. Mr. Varano then stated they took out a board out of the system and they replaced it then when they realized that they screwed up when they took out the part and it has not worked right since. Mr. Motyka then stated by contract they owe us a working heating system and that is where we are today. Mr. Varano stated he said we do not want anything fancy we just want a thermostat we can turn up or down and stated we are getting there, but it is going into different modes and is just not working right. Mr. Varano stated he thinks they will have to put a different board in there. Mr. Chesney stated he would hope that is their responsibility.

Mr. Motyka stated there are a few issues, the heating issue and so forth but added that they invested 150 hours themselves in that parking lot across the street and had some criminal labor and volunteer labor as well to get that parking lot completed. Mr. Motyka stated there was savings there also and stated he does not like the insinuation that we did not put forth an effort to resolve these issues, there is one we resolved on our own.

Mr. Varano stated as far as the occupancy permit, that should be automatically given now that the handicap parking space was moved across the street. Mr. Varano stated that was the hold up, the goofy island the architect put in, we are blaming the architect and stated that is who the code guy is blaming.

Mr. Tamborelli stated it would be nice out of respect for both directions to sit down and see what these issues are and we could put them on the surface so that we can create a punch list on what needs to be resolved instead of guessing. Mr. Motyka stated he does not think the bond will be resolved in two weeks or the building issue will be resolved in two weeks. Mr. Motyka then stated he would more than willing to sit down and tell them what he knows. Mayor Novakoski stated he will enlighten him on this building, everything he knows about this building in private.

Mr. Tamborelli stated he does not know what the rules are. Mr. Cole stated you have situations pending with both situations that may end up in litigation and as a general rule it is never wise to discuss potential litigation, that is one of the areas that Council always go into executive session because there is the potential for lawsuits to be filed either way. Mr. Cole stated it is never wise to discuss any of that matter in public because it puts the Borough at a disadvantage when and if that does occur. Mr. Tamborelli questions if they could have an executive session with the current Council.

Council discussed when they may be available to meet and Mr. Varano stated they could have an executive meeting anytime, it does not need to be advertised or on a Tuesday. Mr. Cole stated it does not have to be advertised it just must be announced at the next regular meeting. Mr. Cole stated it does not need to be advertised because it is matters that the board is going to discuss that is specifically by statute removed by the sunshine law. Mr. Fanella questioned if it would be better to have when the new Solicitor is on board. Mr. Cole replied whatever the board decides.

Mr. Motyka stated that he wanted to mention that there is a lot of utility savings here in the new building. Mr. Motyka stated we were spending \$12,000.00 to heat at the Wilson Building and we are seeing a lot of utility savings here. Mr. Motyka stated the full mortgage is paid for by the savings. Mr. Motyka stated he thinks the reason we raised taxes two years ago, because of what the USDA required. Mr. Motyka stated we have seen a lot of savings and we hope that it holds true.

Mr. Varano stated he would schedule the meeting now if it can be agreed on. It was discussed to be held possibly next Wednesday at 7:00, that will be the 20<sup>th</sup> of December. Mr. Varano stated they may invite whoever it is that they will hire as Solicitor next year. Mr. Varano stated Rhonda will notify the Senior Action Center, because we are only scheduled to meet on Tuesday's.

**OLD BUSINESS**

None

**NEW BUSINESS**

None

**ANNOUNCEMENTS**

Mr. Varano wished everyone a Merry Christmas and a Happy New Year

**ADJOURNMENT**

**THE MEETING WAS ADJOURNED AT THE CALL OF THE CHAIR**

\_\_\_\_\_  
Rhonda Wilk  
Borough Secretary

Date of Approval \_\_\_\_\_