

**KULPMONT BOROUGH
REGUALR MONTHLY MEETING
February 14, 2017**

Opening Prayer by Councilman Stephen Motyka
The Pledge of Allegiance to the Flag by the body present,
Kulpmont Borough Council held the meeting for general purpose on
Tuesday February 14, 2017

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

ABSENT: Nicholas P. Goretski, III

APPOINTED POSITIONS: Solicitor William C. Cole

PRESENT: Code Officer Russ Moroz, Borough Secretary Rhonda Wilk, Officer in Charge Patrick McAndrew and Borough Supervisor Bruce Graff.

OTHERS PRESENT: Barry Fetterman, Stephanie Niglio, Joe Pancerella, Joe Meyer, Bernie Nestico, Jeff Gilotti, Joe Politza, Shannon Grinaway, John Grinaway, Daryl Troup, Donna Snyder, Bob Chesney and Steve Matzura.

OPPORTUNITY FOR CITIZENS TO BE HEARD ON ANYTHING ON THE AGENDA:

Joe Pancerella 700 Pine Street, Kulpmont stated that he is also the secretary of ISCA Enterprises, which is also the landlord of two apartments at 908 Chestnut Street. He stated that he is here to talk very briefly concerning the ordinance with registration and inspection fees for apartments and landlords.

Mr. Pancerella stated that the overall code which allows for the borough to get some money back from landlords to cover the cost of code enforcement is pretty clear and pretty specific. He stated that one of the things that is critical for that is that the code enforcement officer needs to maintain a log of what he does and how much time he spends on each of them. Mr. Pancerella stated that he has a photo copy of that log from January 2016 through December of 2016. He stated that Russ Moroz has maintained a very detailed log and even included the two hours that it took to photo copy that log. Mr. Pancerella stated that he is not going to go through all of it but stated that they did go through the entire log as Russ has it and he then passed out papers to council with his findings.

Mr. Pancerella stated that what Russ did was broke it down to total minutes breaking it down to the minutes used on landlord issues, minutes used on residential issues, minutes used on borough issues and then there is some time that is not logged.

Mr. Pancerella stated that they went through the entire year day by day and stated that he would be happy to email that document to anyone on council. He then added that what his totals come out to on the logged time, the percentage of the time that he logged and logged to landlord issues, was 20.93% of the amount of his time for the year.

Mr. Pancerella stated that at no given month was that higher than 35.62% of his time. Mr. Pancerella stated that if you look at actual time, assuming an 8-hour day, 5 days a week not including weekends... So its 240 days per year and that would be 96 minutes per month and if you use the annual minutes used on landlord issues vs. the amount of time it is 17.13%. Mr. Pancerella stated that what he is here to do is to ask council to rescind the ordinance that was passed in December for a number of reasons.

Mr. Pancerella stated that the Commonwealth of Pennsylvania allows for Borough to receive some compensation from landlords for services rendered by code enforcement adding that they are under strict guidelines that the compensation is equal to the time expended providing these services. He stated that other than that, the Commonwealth Court has been consistent with striking down such fees as discriminatory taxes that are illegal. Mr. Pancerella stated that he is not a lawyer but that his lawyers are lawyers.

Mr. Pancerella stated that the fee change that was passed in December is unrealistic at \$120.00 per unit adding that it is 2.4 times the 2015 fee of \$50.00 per unit. Mr. Pancerella stated that obviously it would require the code officer to increase his services to landlords 2.4 times. He added that the fees do not reflect the amount of service provided by the code officer based on his own log time.

Mr. Pancerella stated that the log records a time that the code enforcement officer spent on borough issues, residential issues and rental landlord issues as stated earlier. He stated that the time is logged on a daily basis and at 10 minute intervals from January 2016 through December 2016. He added that the final number of the year that code enforcement spent was 20.93% of its logged time on rental landlord issues including inspections for which the landlord pays an additional \$50.00 per inspection.

Mr. Pancerella stated that at no time of the month did the calculations equal 35.62% of the logged time. He stated that the 2015 audited cost for the code enforcement in the borough was \$43,664.00 and at 20.93% of the amount of logged time to service the landlords would equal \$9,776.00 or \$42.28 per unit. Mr. Pancerella stated that if we look at the overall schedule its 17.13% and the landlord could be charged \$7,479.64 or \$32.38 per unit and stated that this was based on the 231 units that council established in December.

Mr. Pancerella stated that if we backed out the \$50.00 inspection fees and if 60% of the units were inspected once in 2016 then the landlords would have already paid \$6,930.00 for code enforcement services and could be charges and additional fee of \$2.31 per unit and not \$120.00 per unit.

Mr. Pancerella stated that they ask for council to rescind this ordinance because it is arbitrary, it is discriminatory, it is punitive and it is illegal. He added that most of all it is the right thing to do.

Mr. Daryl Troup of 745 and 747 Scott Street and stated that he has a complaint. Mr. Varano questioned if it is on the agenda and he replied that it is not.

Mr. Varano stated that he is sorry but that if it is not on the agenda it will have to wait until the end of the meeting.

PRESIDENTS REPORT (Bruno R. Varano)

Mr. Varano stated that he has Resolution #730 which is and reads as follows;

A RESOLUTION OF THE BOROUGH OF KULPMONT, NORTHUMBERLAND COUNTY, PENNSYLVANIA, AUTHORIZING ADOPTION OF THE MINIMUM REHABILITATION STANDARDS CONTAINED IN THE UPDATED PENNSYLVANIA DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT (DCED) HOUSING REHABILITATION GUIDEBOOK TO BE UTILIZED FOR THE BOROUGH'S HOUSING REHABILITATION PROGRAM AS FUNDED BY NORTHUMBERLAND COUNTY AFFORDABLE HOUSING ACT 137 (ACT 137) AND HOME INVESTMENT PARTNERSHIP PROGRAM (HOME) FUNDS.

WHEREAS; Kulpmont Borough through its Housing Rehabilitation Program, with the support of federal grant funds, has provided and continues to provide financial assistance to owner-occupied housing rehabilitation activities benefitting low-and moderate-income Borough residents;

WHEREAS; this program is funded with Northumberland County Affordable Housing Act 137; and HOME funds provided by the DCED Commonwealth of Pennsylvania;

WHEREAS; the HOME and ACT 137 programs require that all homes eligible for rehabilitation through these programs be inspected, evaluated and rehabilitated for compliance by meeting the minimum rehabilitation standards set by DCED;

WHEREAS; the DCED has developed an updated Housing Rehabilitation Guidebook and is requesting the local government to adopt the minimum rehabilitation standards contained in the Guidebook; and

WHEREAS; the Borough, is desirous of adopting the minimum rehabilitation standards contained in the DCED Housing Rehabilitation Guidebook dated June 2016 (revised on November 2016) to conform to regulations and guidelines required by the funding resources and to effectively guide the administration of these funds to provide housing rehabilitation opportunities to the low and moderate income residents of Kulpmont Borough;

NOW, THEREFORE, BE IT RESOLVED:

1. That the Borough of Kulpmont Council, hereby adopts and authorizes utilization of the Minimum Rehabilitation Standards contained in the updated version of DCED's Housing Rehabilitation Guidebook dated June 2016 (revised November 2016), attached hereto as Exhibit "A" and incorporated herein as though set forth in full at this point, for use in implementing the Borough's HOME and ACT 137 funded housing rehabilitation programs.

RESOLVED AND ADOPTED by the Borough of Kulpmont Council, Northumberland County, Pennsylvania this 14th day of February, 2017 at its regularly scheduled Council meeting.

MOTION - Mr. Lutz made the motion and was seconded by Mr. Motyka to adopt Resolution #730.

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

6 YEAS and 0 NAYS

Mr. Varano stated that he has another Resolution, the Lower Anthracite Transportation and proceeded to read Resolution #731;

***WHEREAS** The Borough of Kulpmont resolves and certifies that it will provide to the Lower Anthracite Transportation System local funds in the amount of \$465.00 to match state funds provided pursuant to 74 Pa. C.S. Section 1513 in Fiscal Year 2016-17.*

***NOW, THEREFORE, BE IT RESOLVED,** that the Kulpmont Borough Council resolves and certifies that the required amount of local matching funds will be provided no later than the end of the State Fiscal Year, June 30, 2017.*

ADOPTED ON THE 14th DAY OF February, 2017

MOTION- Mr. Lutz made the motion and was seconded by Mr. Zigarski to adopt resolution #731

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

6 YEAS and 0 NAYS

Mr. Varano stated that since we moved into our renovated building we still didn't straighten out with the voter registration. He stated that we will still have the second precinct voting here in this room and voting for the first precinct will be at the Sobieski Club and the third precinct will still be at the West End Fire Company.

Mr. Varano stated that come November for the General Election they hope to have it ready to go and then this would be the first precinct and the second would be down at the Sobieski and the third at the West End. He stated that for this election, the primary it will be the second precinct here, the first precinct at the Sobieski and the third at the West End. Mr. Varano stated that it should be then in the paper and stated that he does not know if they are going to send letters out or not.

Mr. Varano stated that he would like to talk about part time police officers and stated that we have an officer that would like to work for us and stated that he has his numbers from MOPEC and stated that his name is Nick Letcavage.

MOTION- Mr. Zigarski made the motion and was seconded by Mr. Malakoski to add Nick Letcavage to the available part time police officer work list.

Mr. Lutz questioned if he has reviewed it and if there were any issues. Mr. Varano replied yes he did and no to any issues.

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

6 YEAS and 0 NAYS

Mr. Varano stated that it has been almost 6 months and so we can give Patrick McAndrew Chief status now. Mr. Varano stated that it would require a dollar per hour raise which will start for the new pay period which begins on Saturday February 18th.

MOTION- Mr. Lutz made the motion and was seconded by Mr. Burns to promote Patrick McAndrew to the status of Chief with a one dollar per hour raise to begin on February 18th.

ROLL CALL VOTE- BURNS (yes), GORETSKI (absent), LUTZ (yes), MALAKOSKI (yes), MOTYKA (yes), ZIGARSKI (yes), VARANO (yes)
6 YEAS and 0 NAYS

Mr. Varano welcomed Patrick McAndrew to the status of Chief and commented that he is doing a fine job.

MAYORS REPORT (Bernard P. Novakoski)

Mayor Novakoski stated that he has no report.

Mr. Lutz stated that he has a few questions for the Mayor and stated that he has a ticket in front of him and the ticket report says that the ticket is dropped and questioned how that works. The Mayor replied that he does not know. Mr. Lutz questioned the Mayor on if he is in charge of that. The Mayor replied that he guesses that he is. Mr. Lutz questioned how that happens. The Mayor stated that he may have made a mistake on it and stated that he does not know.

Mr. Lutz questioned if he should make a copy of it so that he could take a look into it. Mayor Novakoski replied to make a copy and that he will then take a look at it. Mr. Lutz questioned if we have two full time people now and then we have the new part time person that will be coming on soon. Mr. Varano replied yes. Chief McAndrew added that we have two other part time officers that work somewhat consistent.

SECRETARY REPORT (Rhonda Wilk)

Rhonda Wilk stated that approval is needed on the December 13th 2016 and January 10th 2017 meeting minutes.

MOTION- Mr. Lutz made the motion and was seconded by Mr. Zigarski to approve the meeting minutes from the December 13th 2016 and January 10th 2017 regular monthly minutes.

VOICE VOTE –

Unanimous

Rhonda Wilk stated that correspondence was received from the Kulpmont Fire Company and that was copied to both the Mayor and Council. Rhonda Wilk stated that correspondence was received from the Northumberland County on a Hazard Mitigation questionnaire and that was copied to the Mayor, Council and The EMA Director.

Rhonda Wilk stated that the Veterans of Kulpmont responded to the letter that was sent out and they sent in a donation toward the purchase of American Flags for along Chestnut Street.

Mr. Varano asked that a letter be sent out thanking them for their donation toward the flags.

TREASURER REPORT (Paul A. Niglio)

Rhonda Wilk stated that everyone received a copy of the financial statement and a list of bills to be paid and stated that approval is needed to accept the financial statement and to pay the bills.

MOTION- Mr. Burns made the motion and was seconded by Mr. Ziagarski to accept 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 and 1 NAY

Mr. Lutz stated that at the last meeting he had asked about the pension and stated that it is with someone called Sterne Agee and stated that he spoke with the Treasurer today adding that he is under the weather. He stated that he got the results from last year and stated that the pension fund is over funded.

Mr. Lutz stated that it is probably the only over funded pension fund in Pennsylvania, which is a very good thing. He added that it needs to be reviewed and stated that the money that it earned last year needs to be reviewed. Mr. Lutz stated that he had asked Mr. Niglio that when he is feeling better that they get together and take a look at it and he will then make a report for the citizens.

Mr. Lutz stated that evidently there are some extremely high administrative cost and stated the he mentioned that there may be an opportunity for us to save some dough there. Mr. Lutz stated that the Dow Jones Industrial average went up about 15% and this only went up, asset appreciation about 4 or 5%. Mr. Lutz stated that it needs a little work a little analysis.

Mr. Varano stated that for years it has been overfunded and stated that we have never had a deficit. Mr. Lutz replied that is a wonderful thing, but if we could make it better then why not make it better.

SOLICITORS REPORT (William C. Cole)

Mr. Cole stated that we received the Lease back from the County and stated that it is pretty much the same form as what we sent with a couple of minor changes. Mr. Cole stated that one of the changes indicates that the premises not only to be used by the Senior Action Center but added the language of any other approved public purposes. Mr. Cole stated that he does not know if the board wants to act on this at this point and as he said we did just get it today, or everybody review that before it is in fact circulated for signature.

Mr. Varano questions council on if anyone wants to make the motion to accept this contract or if they want to sit on it for a while and review it adding that it has been in the works for quite a few months now. Mayor Novakoski questioned if that means that they would be able to hold DUI meetings here. Mr. Cole replied that is pretty much open end and made the statement that he does not know if the board would want then to discuss that. Mr. Varano stated that it is a contract and stated that they could discuss that in executive session.

Mr. Varano stated that we received substantial completion forms from the architect to be signed and stated that these dates here concur with Russ's dates. Mr. Varano stated that the architect has the

papers dated November 7th but stated that we actually occupied the building on November 22nd. The Solicitor suggested to wait and discuss this in executive session. Mr. Varano was in agreement.

Mr. Motyka stated for the record that gives us a one-year warranty from that date forwarded.

Mr. Lutz stated that he would like to wish Mr. Cole very good luck on the election and questioned the Solicitor William C. Cole on if he wins the election if we would have to get a new solicitor. William C. Cole replied "If I win."

Mr. Lutz questioned on how we were doing on the Wilson Building for sale deal. Mr. Cole replied that from last month's meeting we need to discuss because there were many different ideas and stated that he does not have it clear. Mr. Cole stated that he knows that there was some discussion about provisions that would force the new owners to keep it up to code and there would be a twelve-month period for that and there was also the lease back that Councilman Lutz brought up.

Mr. Lutz questioned what about the grass cutting ordinance, remember where if it gets this high you're in trouble and snow and questioned Mr. Cole on if he has that one. Mr. Cole replied that he can easily get it. Mr. Lutz stated that he put that in his mail box two months ago and stated that we will talk about that. Mr. Cole questioned if he wants that changed and stated that they have always gone with basically 6" or 8" and that then the Code Officer either contacts them or they are..... Russ Moroz stated that he thinks that Mr. Lutz is talking about the Property Maintenance Ordinance. Mr. Lutz stated that it is very simple, it's a one page kind of deal adding that snow season will be over soon and then here comes grass cutting.

POLICE CHIEFS REORT (Patrick McAndrew)

Report attachment 2

FIRE CHIEFS REPORT (Kevin O' Hearn)

Report attachment 3

Jeffrey Gilotti stated that there are lights in the truck room that someone will have to look at they are out and stated that the lighting is not really good in there and so they need to be repaired.

Mr. Varano questioned Bruce Graff if a new fixture is needed. Bruce Graff replied that it needs a new ballast. Mr. Varano replied that it does not pay to change a ballast, you are better off to buy a new fixture.

Mr. Motyka stated that he does not think we can wait a month. Mr. Cole stated that we could solicit quotes between zero to ten thousand and once it goes over eighteen five then we have to bid it out. Mr. Varano stated that he doesn't think it is anywhere in that range.

MOTION- Mr. Motyka made the motion and was seconded by Mr. Lutz to hire an electrician to take a look at the truck room lights and provide a quote for repair.

VOICE VOTE-

Unanimous

EMERGENCY MANAGEMENT (Kevin O’Hearn)

No Report

BUILDING INSPECTORS REPORT (Tri County COG)

Report attachment 4

CODE/HEALTH ENFORCEMENT OFFICERS REPORT (Russ Moroz)

Report attachment 5

Mr. Burns stated that he went over the tickets that were written by the code enforcement for the last two years and stated that the problem is that nobody is paying them and stated that less than a third are probably paid. Mr. Burns stated that he does not know how far you can go back to try and collect this payment.

The Solicitor William C. Cole questioned Councilman Burns if when he states tickets if he means tickets that were filled at the magistrate or which ones stating that he knows that there are some warning ones and questioned if they were ever moved to citations.

The Code Officer Russ Moroz answered that most of them are \$25.00 citations. Mr. Cole replied that we do not have any authority and that once the expiration happens under the ordinance then it must be filed with the Magisterial District Justice to enforce the ordinance and so they would have to be filed, whichever ones were not filed and then what would happen is that he would schedule hearings and paper work would be going out to these people where they would plead guilty or opt to have a hearing and then that would be scheduled at that level.

Mr. Burns stated that a lot of these are hundred or three hundred dollar tickets and we just never got any of it and he stated that is not counting the factory or the collapsed building. He stated that he added up all of the other ones and they totaled over \$70,000.00. Mr. Varano questioned that these were not filed with the magistrate.

Mr. Moroz replied that they were fined and filed with the magistrate and they don’t pay. Mr. Cole replied that if they were found guilty already and there are court orders out there then we can then move to enforce the court orders.

Mr. Cole stated that if there are no court orders then that is a different ball game and they would need to be either filed or refiled and they have a right to appear. Mr. Cole stated that we do not have enforcement authority at that point if they have not been filed.

Mr. Cole stated that normally if they are found guilty and are then not paying the first thing that happens is a payment determination hearing which is when the judge brings them in and finds out why they are not paying. Mr. Cole stated that certainly the court has contempt power and all of those

vehicles which the borough itself of course does not and so that is what needs to be done. Mr. Cole stated that the ones that are not filed, get filed and the ones that are filed have the court enter enforcement orders to bring them back before the judge and have them enforce the payment determination, although it sounds like a pretty big job. Mr. Burns agrees and comments that it is. Mr. Lutz questioned that it is \$70,000.00 and questioned what we have to do. Mr. Burns stated it is \$72,000.00.

Mr. Lutz asked what specifically do we have to do, we have to refile and then we want you to bring all of these people in that are not paying their fines. Mr. Lutz said here is a big part of the problem, we should be after bad guys. Mr. Lutz questioned Mr. Cole if he can give him a written document that says you need to do A, B, C, D and E.

Mr. Cole replied sure and stated that we can definitely do that and stated that if council is in agreement he will get copies of them from Mr. Burns and then if council wants them enforced then we will go about having them file ones filed or file for payment determination hearings and these people will be brought back in front of the judge and find out why they have not paid.

Mr. Lutz stated that what happens is that if there is no enforcement of the law, and we are here hassling good landlords. Mr. Lutz stated that frankly they are somewhat contentious, \$72,000.00 is even a lot of money for you Mr. Cole. Mr. Cole replied that it is a lot of money for anyone.

Mr. Motyka stated that in addition to that \$72,000.00 he asked what about the money fined on the collapsed building and the mill. Mr. Burns replied that he would bet that they are six figures each. Mr. Motyka stated that the smoke stack is going to soon collapse it is leaning and only getting worse.

Mr. Moroz stated that he tried everything and stated that DEP will not file on them anymore, they say they don't have the money to do it and stated that the only reason he keeps on filing on the mill is that if something happens then at least we will have a paper trail. Mr. Varano commented that until somebody gets killed then they will cross that bridge.

Mr. Burns asked the question to Russ Moroz if on that collapsed one if they fought that and got off and asks if that is correct that they did not think that was a public nuisance. Mr. Moroz replied that DEP did not feel that is a public nuisance adding that he has a letter from them stating that they feel he cleaned it up as best as he could and it is not a public nuisance. Mr. Lutz questioned if the property they are talking about is the Valeiko property. Mr. Moroz stated that is correct.

Mr. Lutz stated that the deal with the mill and DEP where they are saying that they don't have any money, but the fact of the matter is that if it collapses the chances are very good someone will get killed. Mr. Moroz replied that anything could happen down there. Mr. Lutz questioned when the last time Mr. Moroz communicated with them. Mr. Moroz replied that he has not had any for quite a while. Mr. Motyka questioned when is the last time you communicated with the owner. Mr. Moroz replied that he talked to him and stated that he had said that someone was going to buy it, but he is not going to act on anything and stated that he had a contract for 1.6 million for asbestos abatement that he never followed up on and DEP never acted on it and made him fulfill the contract.

Mr. Burns asked the solicitor if January and February of 2015 the statute would now be off or is the statute two years long. Mr. Cole replied that it would depend on the charge actually and stated that if they are all code and not police ones. The Solicitor stated that if they are all summaries they vary some

are as low as 30 days to file and others have longer time periods that they could possibly be filed and still others if they are filed with a misdemeanor which would then involve the Chief, which would involve the department they could be tacked onto the misdemeanor case and filed as public nuisance cases and so there are three different statute of limitations for those types.

Mr. Lutz questioned that if the owner lives in a different state if that is a dilemma that we can't go and get him. Mayor Novakoski added or another country. Mr. Moroz stated that he is a native of another country. Mr. Lutz stated that we then do not know where he is. Mr. Moroz replied that he knows where he is. Mr. Varano commented that he is out of state. Mr. Moroz stated that up until a month ago he was inquiring about buying more properties, he has property holdings throughout the state and New York.

Mr. Lutz questioned if he is a US citizen. Mr. Moroz replied no he is a citizen of Lebanon or Israel. Mr. Lutz stated that he can be reported to the State Department as an undesirable alien and they won't let him back into the country and stated that he told Mr. Moroz that he will call him. Mr. Burns questioned about the \$300.00 ones and added that he does not know what would get you a three hundred dollars one. Russ Moroz replied that a \$25.00 fine is a waste of time and the three hundred dollar fines are because the fine went to three hundred dollars a day for garbage.

Russ Moroz stated that most of the time when he goes to the magistrate he spends three to four hours and all of the hearings are scheduled for the same time and if you get picked early you get out of there early and stated that Bill Cole knows that and the \$25.00 fine is a waste of time. Mr. Moroz stated that on the three hundred dollar fines the accused was found guilty and he sets up a payment plan and who knows if he is even paying on it and he is still walking around the streets.

Mr. Burns stated that he thinks some of them if a letter is sent out will pay their other half. Mr. Burns stated that maybe that if we remind them we can start getting the money coming in. Mr. Varano stated that there are some police fines also and sweeper tickets that were not paid and that we should get one of our secretaries to work on this for a week or two and get with Pat and Russ and make a substantial list and do whatever we got to do.

Mr. Varano stated that we will have to resend them out or whatever we have to do but we cannot just let them sit there. Russ Moroz stated that he will get together as much as he can and especially some of the bigger ones like the mill. Mr. Varano questioned Mr. Moroz on how many cables are snapped off of the stack on the mill. Mr. Moroz stated that probably two out of five and it's only a matter of time and it's going to come down. Mr. Varano stated that he knows that the county does not have the money to help us with that either.

SERVICE AND FACILITIES (George Malakoski)

Mr. Malakoski stated that the food surplus distribution will be held on February 23, 2017 from 8:00 am until 12:00 noon at the borough garage.

Mr. Malakoski stated that the street sweeper will run beginning in March and we need to advertise the 2017 schedule.

MOTION- Mr. Malakoski made the motion and was seconded by Mr. Lutz to advertise the 2017 street sweeping schedule.

VOICE VOTE –

Unanimous

Mr. Malakoski stated that we received a quote from Ehrlich for \$795.00 to spray for weed control up at the field adding that this is something that we do every year.

MOTION- Mr. Malakoski made the motion and was seconded by Mr. Lutz to accept the quote from Ehrlich for weed control at the baseball field for the season at a cost of \$795.00.

Mr. Varano questioned if this is a one-time deal. Mr. Malakoski replied yes. Mr. Matzura added that it is for the initial spraying and to continue follow up as needed for weed control. Mr. Varano commented that it would cover more than one treatment included in the cost of \$795.00.

ROLL CALL VOTE- BURNS (yes), GORETSKI (absent), LUTZ (yes), MALAKOSKI (yes), MOTYKA (yes), ZIGARSKI (yes), VARANO (yes)
6 YEAS and 0 NAYS

Mr. Malakoski stated that he has a quote from Bradco to purchase plow blades, shoes, sweeper broom for a cost of \$1333.80.

MOTION- Mr. Malakoski made the motion and was seconded by Mr. Lutz to accept the quote from Bradco to purchase plow blades and sweeper brooms from Bradco at a cost of \$1333.80.

ROLL CALL VOTE- BURNS (yes), GORETSKI (absent), LUTZ (yes), MALAKOSKI (yes), MOTYKA (yes), ZIGARSKI (yes), VARANO (yes)
6 YEAS and 0 NAYS

Mr. Malakoski reported that the picture that was donated of the Scott Colliery is framed and ready to be hung and questions council on where they want to hang the picture. He stated that it will have to be decided where to hang the picture and stated that we will be hanging the Mayor's pictures in the hallway. Mr. Malakoski stated that he would like to thank Ed Linkus and Jerry Wascavage for donating the picture of the Scott Colliery to the Borough. Mr. Varano questioned if we may have room to put it in the vestibule. Mr. Malakoski stated that it could be hung there or in the hallway.

Mr. Varano stated that while we are discussing pictures, the decal with the Borough logo is done and said that it will also have to be decided where to hang the decal. Mr. Varano asked the other members of council on their opinion on where it should be placed. Mr. Motyka asked if we want to install it or if we would like to have The Decal Shop install it for a cost of \$40.00. Mr. Varano suggested to have Barry from The Decal Shop install the decal. Council members discussed placing the decal on the back wall as was at the old building.

MOTION- Mr. Lutz made a motion and was seconded by Mr. Zigarski to hire The Decal Shop for the installation of the Borough decal to be installed onto the wall not to exceed a cost of \$50.00.

ROLL CALL VOTE- BURNS (yes), GORETSKI (absent), LUTZ (yes), MALAKOSKI (yes), MOTYKA (yes), ZIGARSKI (yes), VARANO (yes)
6 YEAS and 0 NAYS

FINANCE/PURCHASING COMMITTEE (Stephen Motyka)

Mr. Motyka stated that approval is needed to pay Shannon A. Smith Inc. in the amount of \$1755.00 as on the request for payment. Mr. Motyka stated that two Wednesday's ago we walked the borough building and put a punch list together and on Thursday the architect and the USDA representative came and did a final walk-through and off that walk-through they gave a list of doing such things as removing that pole out front and such.

Mr. Motyka stated that in addition to that there were some missed things and so they gave a credit for that and stated that in return we had a door added that was not in the contract and so back and forth it went and then eci Construction gave a credit of the difference which is \$66.00. Mr. Varano added that the handicap sign was put up out there and the lines painted.

Mr. Motyka stated that we have not made the final payment to eci Construction, we were holding that and asked Council members if we want to close out all of our contracts and make a motion to pay eci Construction and the other contractors the remainder balances owed and accept the change order for a credit of \$66.00 from eci Construction. Mr. Varano commented that as long as everything is complete, that way we can get this thing closed out.

MOTION- Mr. Motyka made the motion and was seconded by Mr. Zigarski to pay eci Construction and the other contractors the remainder balances owed and accept the change order for a credit on \$66.00 from eci Construction.

Mr. Lutz questioned what the situation is stating that the pole is gone and he asks if we are financially responsible for anything. Mr. Lutz asked if the pole was there originally and it's not there he stated his question is does the pole have to be there for safety reasons and stated that if not why did we put it there. Mr. Lutz stated with all of the re-digging and what not, are all of the bills in now.

Mr. Motyka stated that with the \$66.00 credit change order..... Mr. Lutz interjected and said so, that kind of does it. Mr. Lutz questioned Mr. Motyka on if he knows how much those four parking spots cost. Mr. Motyka replied that originally it was asked for the architect to include those parking spots and there was originally six of them drawn on the blueprints and a handicap and van accessible, originally there were eight parking spots.

Mr. Lutz replied that we are down to four and there was a pole put there and now the pole is gone. Mr. Motyka agreed and stated that it was asked that the architect include it as an alternate in the bid and he didn't include it in the bid and it became part of the project. Mr. Lutz stated so that we paid for something that we didn't need, the pole. Mr. Lutz stated that is one of the items that we paid for that we really didn't need. Mr. Varano stated that the whole thing came out to eleven or twelve thousand dollars in changes over the original bid. Mr. Varano stated that he thinks that the original bid was \$295,000.00, give or take and stated that he believes that the final figure was \$306,000.00 or \$307,000.00. Mr. Varano stated that we can start working on closing out the loan.

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

Mr. Motyka stated that annual inspection and certification of the Fire Sprinkler System is required and stated that he got a quote from Comunale to do the inspection in the amount of \$325.00.

MOTION- Mr. Motyka made the motion and was seconded by Mr. Malakoski to sign the contract agreement with Comunale to do fire service inspections.

Mr. Varano asked if he doesn't want to get any other quotes or anything adding that they are going to do the fire extinguishers or water backflow protection. Mr. Motyka stated that it's the backflow prevention, it's the wet sprinkler system at an annual price quote of \$240.00 and the fire backflow preventer at \$85.00.

ROLL CALL VOTE- BURNS (yes), GORETSKI (absent), LUTZ (yes), MALAKOSKI (yes), MOTYKA (yes), ZIGARSKI (yes), VARANO (yes)
6 YEAS and 0 NAYS

Mr. Motyka stated that we had money left in our DEP grant for educational materials and he stated that we purchased the magnets that we want to put out in this mailer. He stated that they would go to every household along with the fliers and stated that in addition to this we have \$1500.00, we have to pay 10% and stated that information on a borough to be put on a flier and then with the magnet put into a mailer. Mr. Motyka stated that he is still waiting on a price from the Shamokin Post office and by the next meeting he stated he hopes to have the flier.

Mr. Lutz questioned that he does not understand and asked that it is \$1500.00 left from a grant from DEP and so we have to pay 10% so we need to add like one hundred and fifty bucks. Mr. Motyka stated that is correct. Mr. Lutz stated that so what will happen is there is a cost to mail that thing seventeen or eighteen cents because of bulk mail and sorted and all that and then asks if he has a cost on how much to print that.

Mr. Motyka replied that the Post Master of Shamokin put him in contact with a bulk mailing company and he has not received anything yet. Mr. Lutz questioned if you have to rent the labels from them also. Mr. Motyka replied that he thinks that it is all pre posted. Mr. Lutz stated that they just don't give you those labels, you rent a mailing list and added that he does not have all the costs together yet. Mr. Motyka agreed. Mr. Motyka stated that he asked Russ and if any other council members have time Friday afternoon we can try to finalize this brochure.

Mr. Motyka stated that he received a quote from Stan-Wood Products for 2 stations one for in the police department and one for in the office. Mr. Motyka stated that the L shaped cabinet would be placed in the police department and the straight cabinet would be placed in the office and the quoted price for both is \$2450.00.

****second tape malfunction****

A discussion took place between council members and it was decided to get additional quotes.

Mr. Motyka discussed the parking lot at the new location will need to be paved and the retaining wall to be placed was discussed and the possibility of working on that project on a Saturday in April.

Mr. Motyka stated for the record the electric bill for the new building for a full month was \$1145.00. Council expressed that the cost was not really bad considering that was everything including to heat the building.

CODE/HEALTH/SAFETY (Nicholas P. Goretski, III.)

No Report

ORDINANCE COMMITTEE (Walter Lutz)

Mr. Lutz stated that he has a copy of the Berwick Ordinance from 2007 and that the most current copy of Berwick's Ordinance 2013-05 was provided by Mr. Varano for review.

A discussion took place about a landlord committee being formed in the past and discussion on whatever happened with all of that. Council discussed how it just fell apart and nobody would meet.

Mr. Lutz discussed concern for the landlord fees and asked for the figures and numbers to be reviewed.

RECREATION (Mark Burns)

Mr. Burns stated that baseball sign-ups will begin and that they will get going the end of March.

PERSONNEL (Richard Zigarski)

No Report

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

No Report

OPPORTUNITY FOR CITIZENS TO BE HEARD

Daryl Troup of 745-747 Scott Street and Donna Snyder of 739 Scott Street discusses a property next to him that was posted by the code officer and discussed how the sign was taken down and moved. He stated that he was concerned about possible drug activity as well. He stated that the property is posted and that the person is still going in there. Russ Moroz made the statement that residents can be in a posted property to make repairs but are not allowed to inhabit the property.

Mr. Troup also discussed problems with junk and unlicensed vehicles and asked that something be done.

Mr. Joe Myer of 810 Spruce Street questioned why the police car is parking along the yellow line on Chestnut Street and stated that you cannot see when pulling out on the corner.

Mr. Joe Myer questioned if you can park by the Wilson Building where it is painted adding that the signs are down but it is painted and didn't know if you could park there.

Council responded and stated that you can park there and it will be painted over in the spring no tickets would be issued and its perfectly fine to park there.

John Grinaway of 1237 Scott Street stated that there is a comforter and pillow in the yard since December and dog crap which is going into the ground. Mr. Grinaway also stated that there is a drain that is not capped that he complained about before and it is still uncapped. He discussed how the situation has been a problem since 2014 and expressed concern over when he asked the code officer about how many fines were given up until August and was told by him that there is no basis for a fine. Mr. Lutz made a statement to Mr. Grinaway that he would go down and take a look at the situation.

Shannon Grinaway 1237 Scott Street addressed council with concerns on this past week two couples taking a look at the home and said that she left messages with the code officer to let him know that it may possibly be rented. Shannon Grinaway also was concerned about insect infestation and junk cars and dirt bikes in the alley. She told council that she has pictures available to anyone who may want to see them.

OLD BUSINESS

NEW BUSINESS

ANNOUNCEMENTS

Mr. Varano wished everyone a Happy Valentine's Day

ADJOURNMENT

The Borough Solicitor William C. Cole stated that the board met in executive session for approximately forty minutes for personnel, contractual and litigation matters.

THE MEETING WAS ADJOURNED AT THE CALL OF THE CHAIR

**RHONDA WILK
BOROUGH SECRETARY**

DATE OF APPROVAL