

**KULPMONT BOROUGH
REGULAR MONTHLY MEETING
JANUARY 10, 2017**

Opening Prayer by Councilman Walter Lutz
The Pledge of Allegiance to the Flag by the body present
Kulpmont Borough Council held the meeting for general purpose
On Tuesday January 10, 2017 at 7:00 p.m.

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: Treasurer Paul A. Niglio, Jr. and Solicitor William C. Cole.

PRESENT: Code Officer Russ Moroz, Borough Secretary Rhonda Wilk

OTHERS PRESENT: Stephanie Niglio, Steve Matzura, Joe Politza, Barry Fetterman, Jan Nestico, Bernie Nestico, Bob Chesney, Ronda Pollock, Keith Tamborelli, Paul Vincenzes, Cec Belfanti, Robert Belfanti, Robert Michalovich and William Henry.

PRESIDENT'S REPORT (Bruno R. Varano)

Mr. Varano stated that we are going to delay opportunity for citizens to speak on anything on the agenda until we present our resolutions and stated so that Mrs. Belfanti and Bob can get out of here this evening.

Mr. Varano asked Mrs. Belfanti and her son Bob to please come forward so that he can present them with Resolution #729 recognizing Pennsylvania State Representative Robert Belfanti. Mr. Varano read aloud Resolution #729. Mr. Varano presented the resolution to Mrs. Belfanti and thanked Mrs. Belfanti for Robert's service to his state, county and community. Mrs. Belfanti stated that Bob always held dear the residents of the Kulpmont Borough and stated that she knows that he has always done anything that he could to help the borough in anyway and stated that he would be very proud of the new Municipal Building. Mrs. Belfanti thanked Council and stated that they have a lot to be grateful for.

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

Robert Chesney of 929 Pine Street stated that he is going to be as brief as he can but stated that he thinks that he has something to say on just about everything that is on the agenda.

Mr. Chesney stated that right of the bat on the internet the minutes as of 6:28 p.m. today were only up to October and stated that he is sure that there could be some problems with that possibly but November minutes are not on there and of course December's minutes cannot be on there until they are approved.

Mr. Chesney stated that as this building goes it seems to be for what we are paying, very inadequate for what we need adding that the parking outside is a complete disaster and stated that the engineers and

the architects that designed that...putting a pole in the middle of the street, from ripping out two-year-old sidewalks and landscaping to gain one parking space. He stated that he cannot even imagine why something like that would be done when the other parking could have been without any problem. Mr. Chesney stated that he spoke to people in this building who said that all of the electrical had to be ripped out and re-done and stated that he can't understand why that had to be done without any better thinking so to speak.

Mr. Chesney stated that it is just beyond belief. Mr. Chesney stated that the contract that came in, he thinks that before he went away he thinks had a deadline of November 16th and after November 16th the architects and engineers, whoever those people are were supposed to be fined every day after that if the building was not complete. He stated that there are still holes in the wall and stated that he understands that for a couple weeks the workers were here without any heat in the building. He stated that whatever the architects did or did not do exceeding the November 16th deadline he would like to know if they were fined and how much they were fined in order of not having their work dates done.

Mr. Chesney stated that he also understands that there are add on's out the kazoo as far as things that still need to be done and we are being charged for add on's on a two-year-old building that we bought for \$250,000.00. Mr. Chesney stated that he is going to ask you eventually how much do we have into this already and added that it is ludacris absolutely ludacris what some of the decisions are being made. Mr. Chesney stated that he cannot understand as a citizen and since he has been home people have been asking him and he does not have all of the answers and that is why he is here tonight.

Mr. Chesney stated that he looked at the police section and again we talked about that for two years adding that was a complete waste of money, we had a Township Police Department that could have served us if we would have looked at that with some intelligence. Mr. Chesney stated that the truck room and Fire Department he knows is still up in the air.

Mr. Chesney stated that for three years they have been asking please sit and talk and form a committee with citizens to get input on what should be done because it is quite apparent that the decisions made have not been in the best interest of the citizens. Mr. Chesney stated that the opening prayer that Mr. Lutz said, he abbreviated it but what it said was give us the wisdom to know what's best. Mr. Chesney stated that today at mass there was an opening prayer that said we hope our officials do what's best for the people.

Mr. Chesney stated that Council does not even talk to the people, you don't ask the people you do whatever you feel like you have to do and you do it and almost thumb your nose. He added just like that pole in the middle of the street that is like, "pick a digit on your hand" and that is what that pole looks like, you are saying to the people of Kulpmont. Mr. Chesney stated that the bank was robbed and maybe that is why the cops couldn't get out because it was backed up against the pole, maybe he couldn't get out and commented that he does not know.

Mr. Varano stated that his three minutes is up. Mr. Chesney stated that he has a question. Mr. Varano asked that he speed it up.

Mr. Chesney asked if any member of Council has a number as to how much money has been spent to date, right now as of tonight. Mr. Lutz replied that he does, he has a number. Mr. Lutz stated that there is a schedule that Mrs. Wilk put together and the schedule is made up of several items and they are the bid, payments to date, to be approved and additional to be approved and over bid and

percentage over bid. Mr. Lutz stated that and so what is on the table now if we go forward and we pay it all it would be \$343,172.10. Mr. Chesney commented and plus the \$250,000.00 to buy it.

Mr. Lutz stated that is \$48,962.10 over the bids. Mr. Lutz stated that his sense is that there still needs to be more done. Mr. Lutz questioned if there needs to be a handrail out there in that ramp. Mr. Motyka replied no and stated that the architect put a permit in to have that waived and stated that we have not heard back. Mr. Lutz stated that if it comes back negative we will then have to put a handrail up and asked if that is correct. Mr. Motyka replied that he is not the design engineer. Mr. Lutz questioned what about that pole in the middle of the street is nothing else is a violation because it is so close to the fire hydrant. Mr. Lutz stated that if you look at the building and the way it is set up; the code office is inadequate.

Mr. Chesney questioned about the fines from November 16 and asked if any fines have been assessed.

Mr. Lutz replied not that he is aware of and stated that what the deal was an exchange of email with the architect and Mr. Motyka and essentially what the architect said was that you all went into the building sometime in the middle of November and when you went into the building that may cause a problem with assessing fines. Mr. Lutz stated that he kind of got worn out with the architect and told him that he would give him a dollar if he wouldn't send him any more emails.

Mr. Chesney questioned Mr. Motyka if he said anything about that or was that just a random number thrown around adding that around here a lot of numbers are just thrown around. Mr. Motyka stated that the architect said that he cannot advise legally what we should do and added that he was the one that put those numbers together as \$500.00 per day and stated that it was like \$11,000.00 as of the 20th and stated that we are going to ask our solicitor this evening as to how we should proceed with this.

Mr. Chesney stated that he hopes that he takes care of it and commented that we should fine the kazoo off of him and whoever put that pole in the middle of the street because that is ridiculous.

Mr. Motyka stated that the pole is in the wrong spot as per design in the prints and stated that the first parking lot is not usable and added that he cannot be here 24 hours a day and stated that we requested the pole to be removed and that we hold retainage on the general contractor until it is, just for that reasons. He stated that we are going to ask them to not reinstall it after it is removed. Mr. Motyka stated that it will be sitting there for 3 months because it is cold and we don't have a plant open to pave it.

Mr. Chesney asked to please let the public be involved when you are making major decisions. He stated that it has been a circus from day one and it is still a circus. Mr. Chesney stated that he is sorry it sounds so bad, but it's bad, the whole building.

Steve Matzura 716 Pine Street Kulpmont asked a couple questions on the Landlord Borough Ordinance and stated that a lot of the council people were not here the last time they rehashed this and stated that just a quick review on what it is stating that he is pretty confident that very few of them have read the ordinance. Mr. Matzura stated that this has been going on in small communities for ten years and stated that it is a good thing and that he agrees with 99% of it. He stated that the purpose is to help regulate the rental properties within a community and make sure that everything is up to code and stated that if you read the ordinance you will understand why.

Mr. Matzura stated that most of them followed Berwick which was one of the first communities to institute an ordinance and since that time many local communities have adopted basically the same thing almost word for word stating that theirs have been through many trials and tribulations but it is a good ordinance. He stated that Kulpmont's is based on that but a few things that he found that were not and are quite puzzling.

Mr. Matzura stated that the purpose of the ordinances stating that Kulpmont's purpose of the ordinance is to establish a procedure and standards through identification and registration of rental and non-owner occupied properties to make sure that the borough has a meaningful and efficient and effective means of communicating with those persons and companies who own these properties, the chapter is adopted to promote the health and safety of tenants and alleviate conditions of substandard housing including slums and blight.

Mr. Matzura stated that the last sentence is scary and stated that in his opinion if there are slums and blight in the community then the borough is not doing their job and the ordinances are not being enforced and stated that he thinks that is part of the problem and stated that the word alleviate means to ease the pain or make a bad situation better and stated that no other ordinance has that language in it.

Mr. Matzura stated that he looked at some others and has a copy of a shorter version that Shamokin has and he read a portion of it. Mr. Matzura pointed out the nice part of that ordinance stated that it reads "to encourage owners and occupants to maintain and improve the quality of rental housing within the community." It is also the policy of the borough, owner's, managers and occupants to share responsibility and obey the various codes adopted to promote public health and welfare.

Mr. Matzura stated that he does not know why the borough would choose those words and stated that he does not want to say attacking but the words that are used. He stated that most boroughs say the fee is due on such and such of date and that Kulpmont imposes their fees. Mr. Matzura stated that speaking of fees most local communities inspection fees are basically \$25.00 and Shamokin raised theirs to \$30.00 and stated that he does not understand how Kulpmont's are four times higher than any other community and named the following communities, "Danville, Berwick, Coal Township, Ashland."

Mr. Matzura stated that he understands that the objective is to have the landlords pay for the code enforcements salary adding that if there were no landlords then Kulpmont would not need a Code Enforcement guy. Mr. Matzura stated that he tried to look back in the minutes to see how this thing was instituted in the past but as Mr. Chesney stated the minutes were not there.

Mr. Matzura stated that the last minutes he was a mess with rats. He stated that what he sees is Borough Councilmembers that do not know what is in the ordinance and ordinances not being followed. He stated that a highlight from minutes is Mr. Bielskie's comment and stated that he has said "he would like to see the ordinance enforced before it gets to this point."

Mr. Matzura stated another highlight that was said was "maybe we could change our ordinance to make it so that the landlord goes into the properties." Mr. Matzura commented that we do not need to change the ordinance we need to enforce them.

Mr. Matzura stated that Mr. Bielskie had said "Russ Moroz was down there twenty or thirty times about the garbage." Mr. Matzura asked why he was down twenty or thirty times.

Mr. Matzura stated that another statement from the minutes was that Russ Moroz stated that he can't see how he could not be found guilty with all of the pictures and everything. Mr. Matzura stated that his understanding is that he was found not guilty.

Mr. Matzura stated that a statement was made by Mr. Bielskie stated that it sounds like the ordinance needs some more backbone. Mr. Matzura commented that they don't need more backbone they need to be enforced.

Mr. Matzura stated that Russ commented that he fines them daily. Mr. Matzura questioned why we would fine daily.

Mr. Matzura stated that Mr. Motyka questioned where Shamokin passed an ordinance where the landlord supplies the container and then Mr. Varano replied back to him that we already have that in our ordinance.

Mr. Matzura stated that Mayor Novakoski commented in past minutes that Berwick and Bloomsburg have good ordinances where the code official could walk in any time he wants. Mr. Matzura stated that he would like to see that in writing.

Mr. Varano asked please Mr. Matzura if you could speed it up a little.

Mr. Matzura asked why we don't enforce out of the container garbage bag, he asked why we don't enforce it. He stated that concerning the grass ordinance when Mr. Lutz questioned the solicitor the procedure to make change and do that the Solicitor would review it and give it to the Mayor and Council approve to advertise and then approve it at the following meeting and questioned how this ordinance got approved at a meeting.

The Solicitor William C. Cole questioned what ordinance he is referring to. Mr. Matzura replied that he is sorry, this resolution. Mr. Cole replied that the difference is that is a resolution and a resolution under an ordinance does not require any advertising or any of the other procedures that an actual ordinance requires. Mr. Matzura questioned if it is unless it involves litigation.

Mr. Cole replied not necessarily and stated that resolution is part of the ordinance, it is incorporated within the ordinance and gives the council the authority to regulate the fees without re-advertising and redoing or amending the ordinance.

Mr. Matzura stated that he understands that there is a clause in the ordinance that fees can be changed at any time but there is nothing in the ordinance about background checks with the state police and so that would need to be advertised before it is approved and voted on and put into place.

Mr. Cole stated that he is making the assumption that that particular section would change the substance intent or purpose, which is a legal conclusion which would actually be made by a judge. Mr. Matzura questioned which judge that would be. Mr. Cole replied no judge unless it is challenged.

Mr. Matzura stated that he found the information from the PSAB Borough Code and asked if the judge would determine if the resolution is of legislative nature.

Mr. Cole replied no legislative nature, whether it changes the substance, intent or purpose.

Mr. Matzura stated that it obviously does because there is no mention of the word background check in the entire ordinance. Mr. Cole replied that he does not want to get into a legal debate with him adding that the ordinance goes into a wide ranging area of what it is trying to do for the health and safety of the community and stated that is incorporated in that type of definition and stated that as he said that is a long legal analysis.

Mr. Matzura stated that they had submitted a right to know request about that particular part of it but yet they have not gotten any answers. Mr. Cole questioned when he had made the request.

Mr. Matzura replied that it was shortly after the ordinance was made public adding that was another question he had stating that the initial paperwork reads that it was initiated in September and questions if that was a typo.

Mr. Varano questioned if he is talking about the ordinance or the resolution. Mr. Matzura apologized and replied that he is talking about the resolution. Mr. Lutz stated that came up at the December 13th meeting. Mr. Matzura agreed and stated that he has a paper that reads the 15th of September and then stated that had to be a typo. Mr. Varano replied that he would think so.

Mr. Matzura stated that what it comes down to is that the fee is not a fee stating that it is a tax. Mr. Matzura stated that by allowing this to go through, which the borough already has he then asked what is to stop the borough from putting a tax on other businesses, car dealers \$100.00 for every car that is sold, hairdresser's \$100.00 to be in business.

Mr. Burns questioned Mr. Matzura what services the borough provides to those businesses stating that we have a guy that spends 80% of his time on those properties. Mr. Matzura replied that is debatable. Mr. Burns replied that it is not debatable adding that he turns in a report every month. Mr. Matzura replied that it is debatable adding that he has seen his report.

Mr. Matzura continued to say that what it comes down to is that the borough cannot charge fees in excess to services provided and stated that he does not receive \$120.00 worth of service for registering the rental property. Mr. Matzura stated that for inspections for the borough he charges an additional \$50.00. He stated that he is also paid for his time to do other things. He stated that what it comes down to is with council being the authority it is up to the landlords to prove that this is not the correct figure.

Mr. Matzura stated that they did this before adding that they went through it all and it took months and stated that he thought it was over. He added that some other communities and their fees have double the rental properties Kulpmont has and their Code Officer is paid less and their fees are less. He stated that he does not know how they do it and cannot understand why Kulpmont cannot do it. Mr. Matzura ended with the final comment "enough is enough."

Mr. William Henry stated that his official address is 105 Ridge Acres Rd. Bear Gap and stated that 280 Chestnut Street in Kulpmont for where they have B & B Heating Oil. He stated that he supports a lot that Mr. Matzura had to say adding that he thinks the \$120.00 fee is quite exuberant and stated that he does not know if any of the council has rental properties but stated that they really do not get that much for rental properties. He stated that what they get for security deposit they basically give to the borough. Mr. Henry stated that when these people leave these properties it is very hard to afford to fix them back up. He stated that when a tenant leaves his property he shampoos the carpet, paints the

walls and so forth. He stated that affordable housing here is not good, there are not a lot of jobs, industry is down here and to sock them an additional \$120.00 a year, it's tough and they are the ones paying for it in the long run.

Mr. Henry stated that he got his notice in the mail and had three days to pay. He stated that \$120.00 is a lot and stated that he was thankful that he does not have five or six in Kulpmont because that is exuberant and questioned who wants to cut a check for \$700.00 around Christmas when half the tenants didn't even pay their rent yet. Mr. Henry ended by saying that compared to all other communities around us nobody is charging that kind of fee.

MAYORS REPORT (Bernard P. Novakoski)

Mayor Novakoski stated that the county came in and started to change the radio frequencies on our cars and stated that Motorola has that screwed up so now they have to come back and do another radio adding that he does not know what the fee will be and that whatever it is we will have to pay it. Mayor Novakoski stated that he does not think it will be much more than \$250.00 or \$300.00 adding that he will have to come back and do another car and hopefully that will be done before the next meeting. Mayor Novakoski stated that communications are supposed to be up and running in the county and stated that it is not.

Mr. Lutz questioned if the auxiliary police deal is going to work. Mayor Novakoski replied yes it is and asked why not, we have two now. Mr. Lutz questioned how we are doing with the part time deal. Mayor Novakoski stated that we have another full time and we have a part timer. Mr. Lutz questioned then that we have Patrick McAndrew Officer in Charge, Officer Foust and then another full timer. Mayor Novakoski replied we have two full time and a part timer now.

Mr. Lutz questioned if that person is hired. Mayor Novakoski stated that he has his numbers and we call him out when he is available. Mayor Novakoski stated that when he gets the Chief job he knows what he needs and whatever he needs to do.

Mr. Lutz questioned the Mayor if he took a look at the police budget. The Mayor replied "no." Mr. Lutz stated that he will then inform him that there is a decrease in the police budget and questioned him if he thinks that the citizens would like a decrease in the police budget.

Mayor Novakoski stated that he will check with Paul Niglio on that. Mr. Lutz replied that he does not have to check with Paul on that adding that he is telling him right now it is in the budget. Mr. Lutz stated that at the last meeting he said to both him and Mr. Varano if you took a look at the Township proposal and it was said "no, we don't have it." Mr. Lutz stated that the Mayor that he is not doing his job and that he is not looking at those things.

Mr. Lutz questioned if everyone is okay with a decrease in the police budget and asked when the bank was robbed who responded first. Mayor Novakoski replied that our police were out of town. Mr. Lutz replied that it was Mount Carmel Township that responded. Mayor Novakoski replied that our police were out of town serving a warrant and asked Mr. Lutz to get it straight where the police were working.

Mr. Lutz stated that the other deal he would like to ask him was that on September 27th and 28th when a bunch of tickets were issued for sweeper violation if he fixed any of them. Mayor Novakoski replied "no" and added that he actually paid a few. Mr. Lutz replied that he paid a few too and asked if he did

not fix ticket 5522. Mayor Novakoski replied that he does not know who 5522 is. Mr. Lutz responded by saying that he will get the detail for it and stated that he understands that it is not legal to fix tickets.

Mr. Lutz stated that he was wondering when he asked him before that police coverage is 56% or 57% and you replied that you don't look at that and then asked the Mayor what it is he looks at and asked if it is like bank robberies or what.

Mayor Novakoski replied that he looks at the hours when he gets them to see what they put in to see if we can afford to pay them. Mr. Lutz replied to see if we could afford to pay them but you don't look at the budget to see if we could afford to pay them. Mayor Novakoski replied "no," to see when we run out of money.

Mr. Lutz questioned the Mayor if he knows how much money the borough has right now. The Mayor replied "no he does not." Mr. Lutz asked if he knows how much money went up in the checking account from January 1st 2016 to January 1st 2017. Mayor Novakoski replied that he does not adding that it is not his job. Mr. Lutz replied that \$180,000.00 hit the citizens.

SECRETARY REPORT (Rhonda Wilk)

Rhonda Wilk stated that a motion is needed to approve the minutes from the November 1, 2016.

MOTION- Mr. Motyka made the motion and was seconded by Mr. Zigarski to approve the November 1st 2016 meeting minutes.

Mr. Lutz questioned a section under old business where it states that Mr. Varano made the motion and was seconded by Mr. Malakoski to purchase and have constructed a steel garage *performed* at West End and asked if that means installed. Mr. Varano replied that was changed to *preferably* at West End.

Mr. Lutz stated that the next thing is to advertise for bids and hire an engineer and architect if needed and asked if that part is correct and pretty straight forward. Mr. Varano agreed.

Mr. Lutz referring to his first question, replied that he is good with everything then stating that he did not get that change.

VOICE VOTE –

Unanimous

Rhonda Wilk stated that she received a picture of the Scott Colliery donated to display in the Borough Building by Ed Linkus / Jerry Wascavage on January 5th.

Council agreed to hang the picture in the new borough building and discussed the cost of a frame.

Councilman Malakoski offered to make the frame for the picture to be hung in the Borough Building.

MOTION- A motion was made by Mr. Motyka and was seconded by Mr. Zigarski to have the Scott Colliery photo framed with a cost not to exceed \$100.00 for materials.

VOICE VOTE-

Unanimous

Rhonda Wilk stated that correspondence was received from the Degenstein Foundation and stated that was copied to the Grants Committee

Mr. Varano stated that we were turned down for that grant.

Rhonda Wilk stated that correspondence was also received from the Sunbury Pipeline UGI Energy Services on general procedures and that was copied to Council, Mayor and the Code Officer.

TREASURERS REPORT (Paul A. Niglio)

Mr. Niglio stated that a motion is needed to pay the bills and accept the financial statement.

MOTION- Mr. Motyka made the motion and was seconded by Mr. Malakoski to pay the bills and accept the financial statement.

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

Mr. Niglio stated that the Tax Ordinance for 2017 has been duly advertised and stated that a motion is needed to approve 2017-1 which sets that tax rate at 17 mills for General Purposes, 3 mills for Street Lighting and 3 mills for Fire Protection.

MOTION- A motion to approve the 2017 tax ordinance and set the tax rates for 2017 by Mr. Malakoski and seconded by Mr. Burns.

Mr. Lutz questioned what kind of projected revenues there are for 2017. Mr. Niglio replied that on page two of the budget that he has in front of him General Purposes would be \$211,000.00 and Light and Fire would be \$37,000.00 each. Mr. Lutz questioned how that compares to last year in 75, 74 and 73 and asked if he has a notion on what that would total, those three... \$676,000.00. Mr. Niglio answered no and stated that 211 plus 37 is 248 and 37 more is..... Mr. Lutz interjected and stated that on your budget sheet it is showing a budget of \$1,497,000.00 and stated that \$765,000.00 of that is the building and so subtract that out, but the deal with it is what is the projection. Mr. Lutz asked Mr. Niglio if he knows what we got in revenue last year. Mr. Niglio replied yes and said that he does not have December's..... Mr. Lutz interjected and stated \$815,000.00 and the year before we got 726, 735 and 728. Mr. Lutz questioned Mr. Niglio if he knows the rise in the cash balance from January 1st to January 1st. Mr. Niglio replied no. Mr. Lutz stated that he has no further questions.

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

Mr. Niglio stated that Council has a copy of the 2017 Budget, the budget for the General Fund is \$1,497,790.00 and the Highway fund is \$155,715.00 and the Police Pension is \$334,800.00 with

expenditures of \$20,500.00 leaving a fund balance of \$314,300.00. Mr. Niglio stated that a motion is needed to approve that.

Mr. Niglio stated that before we go into that he would like to comment on Mr. Lutz's assertion that the police budget is less than last year and stated that is true, it is less by \$1,170.00 simply because we don't have a pension obligation and our investments are doing well.....Mr. Lutz interjected a comment "when your under water, your under water".....Mr. Niglio asked Mr. Lutz if he could please have the floor. Mr. Lutz agreed and replied "yes." Mr. Niglio continued and said that we had a decrease in the wages for the Chief stating that we hired a new guy and so his wages are lower that the guy that was here and stated that we had a lowering in the health and hospitalization bill and so that is why the budget is lower. Mr. Niglio stated that it is not that we took away anything from the police department because we did not and stated that this budget calls for a full time Chief and a full time officer and there is \$35,000.00 for part time police officer which is over 2000 hours for the year. Mr. Niglio stated that the money is in the budget to be spent and stated that we just cannot get any part time officers to work.

Mr. Niglio stated that as far as the budget itself there are some one-time budget authorizations in here and at the last meeting council decided to fix the 6th Street problem down there by the red light and stated that will cost us probably \$50,000.00 and stated that we have \$15,000.00 in the balance that we are carrying over from the Williams Company Grant and so it is going to cost us approximately \$35,000.00. Mr. Niglio stated that we are going to need to buy an industrial riding mower because we cut two fields and everything else in the borough and so we don't buy a \$2,000.00 rider we buy a \$6,000.00 or \$7,000.00 rider so that it will last 5 years. Mr. Niglio stated that these are one time appropriations that are in this budget.

Mr. Lutz began to ask a question. Mr. Varano replied and said that we are not even on the question yet and asked that we have a motion and a second and then get on with the question.

MOTION- Mr. Motyka made the motion and was seconded by Mr. Zigariski to approve the 2017 final Budget.

Mr. Lutz stated that the police budget is down \$1100.00 and stated that the Mayor does not know but asked Mr. Niglio if perhaps he knows. Mr. Niglio stated that he cannot answer that. Mr. Varano stated that he figured it out to be about 75%. Mr. Lutz replied that 75% is way better than 57%. Mr. Lutz questioned the \$50,000.00 for repair and maintenance service. Mr. Niglio replied that is the 6th Street Project. Mr. Lutz stated that he sees one salary increase of \$2600.00 and asked if there are any others in here that he may be missing. Mr. Niglio replied that is not a salary increase, it is putting the salary where it should be because Council gave raises in the past that were not in the budget and so he stated that he made it correct.

Mr. Lutz questioned what the big increase in the wages for account 430.140 there is a \$17,000.00 increase. Mr. Niglio replied that is the wages for the maintenance workers, he said the hiring of the part time maintenance workers were done after the budget was passed and they were never included in the budget and we continue to keep them working. Mr. Lutz stated that he was supposed to be no more than 20 hours a week at \$8.00 per hour. Mr. Niglio stated that there are two people, they were never included in the budget and stated they were just hired outright.

Mr. Lutz stated that the deal of it is that the justification for this new building was that we were going to do better on the electricity and the heat. Mr. Niglio replied not for this building, you are going to pay more. Mr. Varano added the comment that was for the Fir Street building.

Mr. Lutz questioned Mr. Niglio on the pension fund and asked if it went up this last year, 2016 and if there were earnings. Mr. Niglio replied that our balance is more than what we started with and we took out benefit payments of \$20,000.00 and stated that we made 10%. Mr. Lutz replied that the Dow Jones went up 20% and asked if we have bad advisors. Mr. Niglio replied that he cannot answer that question. Mr. Lutz questioned if we got a big drop last year in the workman's comp. Mr. Niglio replied that we had a drop in the police liability.

Mr. Lutz stated that the key item in any kind of budget whether it be in government or private industry is cash and asked if we have a beginning and ending cash number on here someplace. Mr. Niglio replied "no." Mr. Lutz questioned what he thinks about that because that is how we pay bills, with cash. Mr. Lutz stated that when you don't have a beginning and ending cash number then you don't have a budget really. Mr. Lutz continued to say that you work towards that number, because that's the key number. Mr. Niglio replied that we are starting the year with \$242,000.00 and the budget needs \$102,000.00 of that. Mr. Lutz questioned what his projection is for year end. Mr. Niglio replied that his projection is zero and added that is the kind of budget he prepares. Mr. Niglio stated that is what you are supposed to prepare, a zero based budget in government. Mr. Lutz replied that he does not know where he gets that zero based budget. Mr. Niglio stated that he has been an auditor for 35 years and stated that you are not supposed to put money in the bank when you are in government, you are supposed to have enough money to run an operation and that is it.

Mr. Lutz stated that so we went from January 1, 2016 to January 1, 2017 and asked how much of an increase did we have in the checking account and stated that you need to take the escrow money that was improperly put in the general fund last year. Mr. Niglio questioned what escrow was that. Mr. Lutz replied for those two buildings and stated that he could pull out the minutes if he wants. Mr. Lutz said what he is saying is when you don't know where you're going... Mr. Niglio replied that he knows where we are going and stated that if we didn't have any cash balance then he would be here telling him to get a trans because we don't get any income until March.

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

SOLICITORS REPORT (William C. Cole)

Mr. Cole stated that last month there was some discussion at the meeting and stated that he prepared a draft and stated that he can read that and if the board wants to add or subtract anything that is doable and then if the board desires to entertain a motion to put an add out to the newspaper or wherever the board would choose to do so.

The Solicitor William C. Cole stated that it reads that Kulpmont Borough Council will be accepting sealed bids for the building only located at 860 Spruce Street in the Borough of Kulpmont PA 17834. This bid does not include the back parking lot or the borough garage and all of the bid shall require a 10% deposit for the amount of the bid by either a cashier's check or a certified check. The property shall be sold as is with no exceptions. All bids must be received by "*and the board will have to decide when*" at

the Municipal Building 9 N. 8th Street Kulpmont. All bids will be open at a duly advertised meeting of the Borough Council held on *"the board will have to decide when that is."* Kulpmont Borough Council reserves that absolute right to accept or to reject any and all bids.

Mr. Cole stated that then of course it would be attested by Mrs. Wilk and the President. Mr. Cole asked if the board would like anything else in there or do we need to discuss it further.

Mr. Varano asked if we need a motion and a second to advertise it and then go onto question or can we just discuss it. Mr. Cole replied that he thinks that we could discuss it and then if we could come up with enough information to do the ad we then could do the motion.

Mr. Varano questioned if we want to add something on there that they would need to bring the building up to code.

Mr. Lutz stated that his suggestion would be that they need to keep it up to code and stated that Mr. Niglio made a good comment when he said that we don't need another bad building in town. Mr. Lutz stated that this could have a significant impact on our requirements to borrow from the USDA if we could get the right landlord and all that kind of stuff because then we wouldn't have to knock it down. Mr. Lutz questioned if then this would go in the newspaper. The Solicitor replied yes and continued to say that we have to put it in at least one paper for general circulation which is normally The News Item but it could go wherever the board would choose. Mr. Varano stated that we could put it in Sunbury paper and Bloomsburg.

Mr. Lutz agreed that his comment would be to put it in a couple of papers and stated that he understands it would cost more to do so but if this thing would be ok then we would save a significant amount of money. Mr. Lutz stated that the other thing is that it does not include the back parking lot or borough garage. Mr. Varano replied that motion was made at the last meeting. Mr. Lutz replied that he knows but he is just trying to not scare off people and stated that he just does not know how to word that. Mr. Lutz stated that if people are interested, they are not interested in the garage they are interested in the building.

A discussion took place on the parking lot not being included and Mr. Henry from the audience commented that if someone is interested in the building they are going to want and need the parking lot. Mr. Motyka stated that he agrees with Mr. Henry that you are not going to sell a property without full access and stated that he thought that he expressed his opinion on that last time. Mr. Motyka questioned if we could access alongside the pal if we took that right of way continuing to say that he knows that we would lose the recycle center area and asked if there would be enough room to turn in there. Mayor Novakoski stated that we could get rid of that lawn out front and that would give you parking places.

Mr. Varano stated that we don't know what is happening with the Fire Department and can't get rid of that garage if we have no place to go with our equipment. Mr. Varano stated that we also have the salt shed and you are not going to move the salt shed down there on that property being it is on a flood plain, he stated he thinks that DEP would give us a hassle. Mr. Varano stated that you can't give that parking lot away because there goes our egress.

Mr. Henry asked if it could be stated that whoever wins the bid you get the first option to buy the garage. Mr. Cole replied that whatever the board comes up with we will put in there. Mr. Lutz

questioned if a provision could be put in there that the Borough could have access for 5 years or 10 years. Mr. Cole stated that we could put in there that it would be a lease back to the borough and it would be mandatory with the bid if they would agree to that. Mr. Henry commented to look at the value of the building with that lot and without that lot and stated that in his opinion it is worthless without that parking lot. Mr. Lutz stated that the deal of it is that we need to have access to that parking lot for a time.

Mayor Novakoski suggested to put in there that the Borough keeps the property for five years. Mr. Tamborelli commented that possible have in there that you have access to the garage say 12' wide from the road to the garage at all times, then it would still be able to be used as a parking lot and still used for access to the salt shed and the building.

Mr. Varano stated that we are going to need some of that parking lot for the equipment that is up there being that we didn't build and we didn't get this building yet. Mr. Varano stated that we need space for the recycling and the trailers and everything that does not fit in the garage.

Mr. Motyka stated that he thinks that if we sold the building we could find a place for the recycle bins and it is not worth worrying about until we get this off our hands and stated that he likes Mr. Tamborelli's suggestion that we just put an easement access because it turns the land over to the bidder as a solid piece of property and allows us access to the salt shed and the building. Mr. Varano questioned how much more will we get by doing that and asked if is it worth it to do that.

Mr. Tamborelli stated that any way you look at it you can sell that building and reject your first five bidders because of the language and take say Geisinger over five others because you like the name Geisinger because they have some money behind them. Mr. Tamborelli stated that you should have a secure bond saying that you have a period of time to bring it to code and we will release your bond, that is part of the deal. He stated that if they don't, you are still stuck with that building and have to tear it down. Mr. Varano agreed and said then we would tear it down.

Mr. Henry stated that he thinks the right bidder on that building is going to want that parking lot because we all know what it will take to bring it up to code and so if you are going to put that kind of money up you are going to want the parking lot. Mr. Varano stated that keeping the lot, they would still have access but the difference would be that we would own it.

Mr. Lutz suggested that the deal with it is that we could put a time limit and say we want egress for 24 months. Mr. Varano replied that he thinks we would want more than 24 months, look at this project and continued to say that we would need more like 10 years.

Mayor Novakoski stated that he thinks that they should have the right to the property sell the building and after 5 years they would have the right to buy the garage. Mr. Varano stated that he is not going to step down and make a motion and asked if someone would like to do that.

Mr. Burns stated that he thinks we have to research it more. Mr. Lutz stated that if Mr. Cole could re-do the ad a little bit. Mr. Cole replied that he can even actually do a couple of drafts with the different options that are being suggested, one with the easement and one with a leaseback and then the board could pick which one they like. Mr. Varano stated that he thinks that we need to discuss this further and table it until the next meeting.

Mr. Henry questioned if we can take another look at the landlord fees and take another vote on that while they are all here and maybe we can decrease the fees. Mr. Henry questioned Mr. Lutz if he can make a motion to lower it. Mr. Lutz replied sure and stated that he will make a motion to rescind resolution to the background checks. Mr. Varano said wait a minute... wait a minute. Mr. Lutz asked Mr. Varano is he is out of order. Mr. Varano stated that everyone is out of order and stated that we were in a discussion about the building and referring to Mr. Henry, Mr. Varano said that he cannot even make a motion or ask for a motion. Mr. Varano asked Mr. Lutz to wait until his report and he can address it under his report. Mr. Lutz replied yes Mr. President, I am agreeing with you.

The Solicitor asked to meet at the boards convenience that they meet with the contract. Mr. Varano stated that he is requesting to meet concerning Personnel also.

POLICE REPORT (Patrick McAndrew)

Report Attachment #2

Business cards are requested for approximately \$37.00 for both Officer McAndrew and Officer Foust.

MOTION – A motion was made by Mr. Lutz and seconded by Mr. Malakoski to purchase business cards for Officers Patrick McAndrew and Nathan Foust.

VOICE VOTE-

Unanimous

FIRE CHIEFS REPORT (Kevin O’Hearn)

Attachment 3

EMERGENCY MANAGEMENT (Kevin O’ Hearn)

No Report

BUILDING INSPECTORS REPORT (TRI County COG)

No Report

CODE/HEALTH ENFORCEMENT OFFICERS REPORT (Russ Moroz)

Report Attachment 4

Mr. Lutz asked what happened at the hearing for Mr. Bango’s rat problem. Russ Moroz replied that it was dismissed without prejudice on the fact of an ordinance, not having the proper paperwork. Mr. Lutz questioned if he showed up with attorneys. Mr. Moroz replied yes. Mr. Lutz questioned if we could get our solicitor to go. Mr. Varano replied that he is going to the next one and stated that we are refiling.

Mr. Lutz stated that he can testify and stated that when they were down there to look at the building a rat ran across his shoes and said that there are two people that will testify that they walked down for coffee in the morning and a rat was sitting in the middle of the floor. Mr. Varano stated that we don’t

want to give our game plan away but it is taken care of. Mr. Cole replied that they indicated that Mr. Moroz is going to notify him on a proper day and stated that he will either be there on that day or get it continued to a day he can be there.

SERVICE AND FACILITIES (George Malakoski)

Mr. Malakoski stated that surplus food distribution will be held on January 19th in the borough garage from 8:00 a.m. until 12:00 noon.

Mr. Malakoski stated that 36 American Flags are needed to hang on Chestnut Street and also six poles will need to be replaced. Mr. Malakoski stated that he has a price of \$18.49 each for the flags and the poles will cost \$14.79 each.

MOTION- Mr. Malakoski made the motion and was seconded by Mr. Lutz to purchase 36 flags and 6 poles at a cost of \$754.38.

Mr. Varano questioned if we will check with the Vets and Legion asking if they had participated last time and gave us some money toward them last time. The Mayor questioned if we had purchased flags last time asking because we put the other flags up. Mr. Motyka stated that he thinks we should purchase them and as they feel if they would like to donate as in the past they could do so. Mr. Varano stated that he is just asking a question because he knows that in the past they have donated money. Mr. Niglio commented that they still cost us money though. Mr. Varano agreed and commented that it still does not hurt for us to send them a letter.

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

Mr. Tamborelli asked that the borough send a letter concerning donations for flags to the Kulpmont 100 as well. Mr. Varano agreed to send them a letter as well.

FINANCE/PURCHASING COMMITTEE (Stephen Motyka)

Mr. Motyka stated that we requested a quote to do our logo on the plate glass in the building and stated that the quote came in at approximately \$100.00. Mr. Varano stated that is for inside the building on the wall, they said that they cannot do one for the window. Russ Moroz stated that they could not do the window and stated that it would be expensive and would not hold up with the sun. Mr. Motyka stated that the quote is only for one to be placed in the SAC/meeting room.

Mr. Varano suggested to get one for in the meeting room and possibly a second for out in the vestibule or hallway at that price.

Mr. Motyka stated that he will make a motion to purchase one and will then follow up on purchasing another.

MOTION- Mr. Motyka made the motion and was seconded by Mr. Zigarski to purchase A Borough Logo Decal at a cost of \$100.00 to be placed on the wall in the Borough meeting room.

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

Mr. Motyka stated that it was suggested to purchase some additional carpet runners to be placed in the hallway of the borough building with this winter weather.

MOTION- Mr. Motyka made a motion and was seconded by Mr. Lutz to purchase 2 more carpet runners to match what was purchased at a cost not to exceed \$700.00.

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

Mr. Motyka stated that the maintenance crew replaced a muffler on the 2006 Police car at a price of \$277.47 and stated that was an emergency purchase and wanted to make everyone aware that purchase order was signed.

Mr. Motyka stated that concerning the Degenstein Grant that he spoke to the secretary and she stated that we are free to apply and stated that they do it quarterly. He stated that he had heard that they gave the \$25,000.00 to the Montour Preserve and stated that since PPL Electric stopped funding the Montour Preserve they are looking for money everywhere. Mr. Motyka stated that he will still pursue some more grants and we are going to keep working on some improvements down over the hill. Mr. Motyka stated that due to the funding loss of the Degenstein he stated that he is going to cancel the sub-meeting that we were planning to have the public weigh in on any suggestions to improve the Veterans Memorial Field until we can regroup and get a new game plan.

Mr. Motyka stated a fee schedule was received from KPI for the project down on 6th Street Project and stated that since this is the January meeting and the letter has a breakdown and stated that we will be getting a bill for \$3200.00 that will total \$7800.00 in the end.

MOTION- Mr. Motyka made the motion and Mr. Zigarski seconded the motion to pay \$3200.00 for 6th Street project when the bill is received for the engineering and Penn Dot Highway occupancy bill.

Mr. Lutz questioned how we know it will be for \$3200.00. Mr. Motyka replied that there is a fee breakdown. Mr. Lutz questioned if we will pay without even a bill. Mr. Motyka stated that we have the fee schedule that was given by the engineers. Mr. Lutz replied that he has no further questions.

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

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

Mr. Lutz stated that he would like to make a motion to rescind the resolution to the background checks and stated that it is a minefield and we are going to get sued if someone gets turned down.

MOTION- Mr. Lutz made the motion to rescind the resolution to do the background checks for rentals.

No second

Mr. Varano stated that he will step down and make a subsidiary motion.

SUBSIDIARY MOTION- Mr. Varano stated that he will step down and make a subsidiary motion and was later seconded by Mr. Burns to amend the ordinance to 2015-08 to change the ordinance to include the background check in the ordinance.

Mr. Lutz questioned if we would have to advertise that. Mr. Varano replied yes and stated that Russ Moroz checked with the state police and the background checks in Pennsylvania would cost \$8.00 and stated that he does not know what the cost is if you would get a tenant from out of state.

Rhonda Pollack stated that it is free on line. Russ Moroz replied not by the state police it's on the USJ. Mr. Varano replied that is on the USJ and we are talking about the regular State Police background checks. A person in audience questioned what is the difference. Mr. Varano replied that there is a difference. A person in the audience replied "yea, ten bucks." Mr. Varano replied your out of order.

Mr. Lutz questioned if it comes back that the person is a member of ISIS, who determines whether or not that they should be rented to. Mr. Lutz questions if it is the borough or the government or who and stated that he is trying to figure out how that is going to work. Mr. Lutz asked who is the authority on if that background is good.

Mr. Varano replied that the landlord has to get the background check and then they have to present it to the borough with their registration. Mr. Lutz replied that it is then the borough who is the defining authority that would say whether or not that the background check is cool. Russ Moroz commented that the only thing that the borough could present and say no is written in our ordinance as a drug violation.

Mr. Lutz stated so a pedophile, murderer..... Mr. Varano replied that at least you would know what you are getting. Mr. Lutz stated that it is a difficult problem. The Solicitor William C. Cole stated that his suggestion would be depending on how this comes out, under Roberts Rules the subsidiary motion would be voted on first. Mr. Varano questioned whether or not we have a second on the subsidiary motion because there needs to be a second. William C. Cole stated that he does not think that there was a second on either motion. Mr. Varano stated that if there are no seconds then they die for a lack of second.

The motion made by Mr. Lutz died for lack of second and Mr. Burns seconded Mr. Varano's subsidiary motion to amend the ordinance 2015-08 to change the ordinance and advertise to include the background check.

Mr. Motyka asked Mr. Lutz if he was supposed to provide the council with a copy of the Berwick ordinance and like Steve Matzura said earlier, when you throw a Hodge podge of stuff together and stated that Berwick has been through a lot of courts and asked why are we trying to band-aid our ordinance along. Mr. Lutz stated that he agrees and stated that he got the Berwick ordinance and talked about it last time and then all of these other things came up and he stated that he can give a written synopsis of it.

Mr. Motyka questions if we are better to go down that path rather than Hodge podge ours together. Mr. Lutz stated that their ordinance has been litigated quite a bit and stated that it is an old ordinance from like 2007. Mr. Varano commented that the borough based their ordinance off of that. Mr. Lutz stated that what happens is that the landlords are kind of like licensed and if there is a violation then their license is taken away from them. He stated that the other deal of it is that it appears as though it is an easier situation to go into an apartment. Mr. Lutz stated with that said, we really are not enforcing our ordinances.

Mr. Lutz stated that Mr. Goretski is in charge of that committee and added that he is not here and he is second and stated that he would guess that is kind of his fault and stated that the fact of the matter is that Mr. Moroz is like 17 different things, he is supposed to do the code enforcement and get the building done.

Mr. Lutz stated that he thinks what would be very worthwhile is if we would bring our ordinance out and enforce it. Mr. Lutz stated that we have a landlord problem and we have a lot of private property problems also adding that we have a lot of blight.

Mr. Lutz stated that there are two bad landlords and evidently we will go into executive session and discuss it. Mr. Varano agreed and said we can't talk about it now in public, you will be getting us sued. Mr. Lutz stated that you didn't hear me say a name did you. Mr. Varano replied "no, but I am just for warning you."

Mr. Lutz stated that the deal with it is and the fact of the matter is what he is concerned about is number 1, are we enforcing our present ordinances the way that they should be enforced and stated that number 2, laws are made for criminals and not for the general public and stated that he does not think we need to make laws for Mr. Zigariski, Mr. Zigariski is a good upstanding citizen. Mr. Lutz stated that it is the two or three bad guys that we have to get after. Mr. Lutz stated that there is a lot of blight that is private and we need to get on it.

Mr. Varano stated that we are on the question for the subsidiary motion and asked if there are any more questions.

Mr. Motyka stated that he thinks that we should review it and why spend money to adopt this. Mr. Motyka stated that he thinks we should all look at this Berwick ordinance and come to vote next time to see if it is worth voting on next time or if we should just keep what we have.

Mr. Motyka stated that if we adopt that subsidiary motion just made then it will cost us money to advertise it. Mr. Varano stated that council should not expect to enforce the background checks then, because it is illegal and stated that unless you change that ordinance its illegal and just by passing that resolution did not make it legal and questioned the Solicitor if he is correct in saying that. The Solicitor William C. Cole replied it is a potential problem.

Mr. Varano rescinded his subsidiary motion and Mr. Burns rescinded his second. Mr. Varano questioned if anyone wants to make a motion to adopt Berwick's. Mr. Motyka stated that he does not think that a motion needs to be made at this point and stated that he thinks that after everybody gets their eyeballs on it and then we can weigh in on it.

Mr. Varano questioned Mr. Lutz if he is going to take care of that and get everybody a copy of it. Mr. Lutz stated that he will do a synopsis on it. Mr. Varano replied to just get it to Rhonda to make everyone copies of it and that way we will get a look at it. Mr. Lutz stated that he will get the exact ordinance stating that they have litigated substantially and have done okay. Mr. Varano stated that he believes that they are a borough and that all we would have to do is change the names.

Mr. Varano stated that until the ordinance is changed it is not in effect. Ronda Pollack questioned if we would give that to you, a for the landlords sign, if we have 14 days. Mr. Varano addressed Ronda Pollack and stated that we are not on public input right now. Mr. Lutz stated that the other part of the resolution was increasing the fees from \$50.00 to \$120.00 and Mr. Burns came up with that 80% of the code enforcement officers time deals with landlords and stated that he does not think that is the case.

MOTION- Mr. Lutz made the motion and was seconded by Mr. Malakoski to rescind the resolution and return fees from \$120.00 to \$50.00 for rental registration.

ROLL CALL VOTE- BURNS (no), GORETSKI (absent), LUTZ (yes), MALAKOSKI (yes), MOTYKA (no), ZIGARSKI (no), VARANO (no)
2 YEAS and 4 NAY

RECREATION (Mark Burns)

No report

PERSONNEL (Richard Zigarski)

MOTION- Mr. Zigarski made a motion and was seconded by Mr. Varano to give the full time non-uniform workers a .50 per hour raise.

Mr. Lutz questioned who that is. Mr. Varano replied it would be Rhonda, Bruce and Charlie.

Mr. Lutz stated that he thinks it should be \$1.00 per hour and he stated that we have the dough. Mr. Varano stated that there is a motion on the floor for .50.

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

MOTION- Mr. Lutz made the motion to give the full time non uniform workers an additional .50 per hour raise.

Mr. Varano asked if we have a second. The motion dies for the lack of a second.

BUILDING COMMITTEE (Mr. Motyka)

Mr. Motyka stated that we received our PPL bill for the month of December at a price of \$1,131.00 to light and heat this building and the lights for the truck room adding that the truck room is on oil heat. Mr. Motyka stated that there were some issues with the heating system in the Administrative area and stated that they have been resolved since the 22nd of December and so we do not have a full and

accurate bill as of December and so we will know better in January. Mr. Varano stated that it is still cheaper than what we were paying up there at the old building.

Mr. Motyka stated that as he mentioned a couple of meetings back, we knew the problems with the electric in this building when the USDA forced our hand to buy it and it was one of the reasons that the East End didn't do well.

Mr. Motyka stated that after a couple of months of looking at this we may end up paying for an energy audit from a professional company where they do an audit and see what's wrong. He stated that the people in this room cannot determine what is driving that cost. Mr. Motyka stated that he just wanted to make what our electric bill was noted.

Mr. Motyka stated at December meeting we denied payment to all four sub-contractors on this job stating that we did not get any information out of the architect. He stated that since then we were told to proceed with those payments and were given payments to be approved this month.

MOTION- Mr. Motyka made the motion and was seconded by Mr. Burns to pay the contractors Form the December 13 approval of \$81,138.20.

Mr. Motyka stated that everyone was copied late this afternoon from the architect and stated that he copied all of council on that and stated that a previous email from him said that he is holding a retainage and he stated that he does not know how he has a retainage when we have control of the money here and stated that at the next motion for the bills for next month he is going to include a 10% retainage onto the value of the contract. Mr. Motyka stated that if we want to approve to pay December's now and then we can talk about next month.

Mr. Lutz questioned Mr. Motyka on if he knows where this is coming out, kind of a total on this budget. Mr. Motyka stated that he did some math off of Rhonda's quote here and stated that he thinks we had the change order for Reilly Mechanical for \$6,495.00 and also a change order for Spotts Brothers for \$1,384.00 and stated that the change orders per contract are coming out at \$7,880.00 and stated that is the numbers that he pulled off of Rhonda's sheets.

Mr. Lutz stated that he will give him a copy of this and stated that he pulled the numbers off of Rhonda's sheet too and stated that it may have changed as of late this afternoon. Mr. Motyka stated that he thinks that the numbers that he is referring to is where we put the phone system in. Mr. Lutz stated that he will give him this because we are looking at the same sheet of paper and are coming up with different numbers.

Mr. Motyka stated that he pulled the numbers off of the last page on the agenda and stated that he was looking at the spread sheet today on the computer.

Russ Moroz stated that the change orders for Spotts were for the water heaters and the mixing valves that had to be brought up to code that amounted to the \$5,000.00 and stated that the other change orders that were for Reilly Mechanical was for all of the emergency lighting in here and the additional lights that had to be put in for the senior center. Mr. Varano stated that he does not understand because it reads here that with change orders for Spotts \$23,788.00 and he states that we don't owe them any money and the original award was for \$18,800.00 and we only paid them \$16,406.00 and they don't seem to have a balance. Mr. Lutz stated that they have a to be approved of \$4,988.00 which

would then leave them over bid of \$2,594.54. Mr. Lutz stated that is coming from Mrs. Wilk's sheet. Mr. Varano asked where he is getting that from and stated that she does not know where you are getting that from and he stated that he has the same sheet.

Mr. Lutz questioned on Riley\$ 42,780.00, payment \$26,264.61. Mr. Varano agreed but stated that there is no payment to Spots on this list. Mr. Lutz stated that he will come up tomorrow and go over this with Mrs. Wilk and stated that right now he has too many papers.

Mr. Motyka stated that as Rhonda questioned, this was supposed to have a coffered ceiling in his design and stated that he asked for a credit change order since it was deleted by the architect and stated that he did not have an answer as of this afternoon and stated that he also asked him if they will do another walk through adding that he thinks that we need it and also the USDA will walk through and stated that was confirmed.

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

MOTION- Mr. Motyka made the motion and was seconded by Mr. Burns to pay ECI and hold 10% of the total contract amount.

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 we had additional cost just so everyone is aware and as listed on the agenda so that everyone is aware for the new phone system, some cabinets and lockers and furniture for the office's and stated that we had some additional cost for furniture and finishes and stated these were all approved at the last meeting and that will be absorbed into the loan.

Mr. Motyka stated that he would make the motion and Mr. Varano stated that he will step down from the chair and second that motion

MOTION- Mr. Motyka made the motion and was seconded by Mr. Varano for payment to be approved to reimburse to the borough the amount of \$19,333.36 for related purchases from the USDA 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 he will need to meet with council in an executive session for litigation.

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

Mr. Varano stated that he does not see any of them here this evening on so we will move on to opportunity for citizens to be heard.

OPPORTUNITY FOR CITIZENS TO BE HEARD

Ronda Pollack from 1453 Scott Street and stated that she is a landlord and stated that she wanted to know what is the petition for the landlords to sign in order to appeal their decision for the resolution if any and asked if they could provide it to them and get the ball rolling. The Solicitor William C. Cole replied that is not how it works with the law of the Borough's in Pennsylvania and stated that when Borough Council passes either an ordinance or resolution, their actions are final unless reviewed or changed by the Court of Common Pleas. Ronda Pollack then asked the solicitor if it is that they have 14 days to repeal from the date that The Solicitor William C. Cole replied that we do not offer legal advice to the public as far as time limits or what we have done and added that what he will tell her is that the arbitrator of any ordinance in the Commonwealth of Pennsylvania is a Common Plea Judge.

Robert Chesney 929 Chestnut Street questioned Mr. Motyka and asked him if he said that the contractor is paying for the removal of the pole and that it will not be a add on cost. Mr. Motyka replied that the pole is not located where it was on the design drawings by feet, it was supposed to be closer to protect the curb and stated that his suggestion is that they ask for it to be removed and not replaced at no cost.

Mr. Chesney questioned Mr. Motyka about the emergency lighting that was overlooked by the architect and questioned if he is paying for that. Mr. Motyka replied that the architects have a clause of no guilt and stated that they missed it and they could care less that they missed it. Mr. Chesney replied that we then should care less if we pay them. Mr. Motyka stated that is how architects run their whole scheme and stated that if big hospitals go one hundred million dollars and if they miss something that hospital then pays for it and so yes we are stuck. Mr. Motyka stated that he does not know why it was not picked up by our plan reviewer Mr. Bielski, but that is how it is.

Mr. Niglio stated that the bottom is just like Mr. Lutz stated its cash and if it would have been caught in the beginning the cost would have been there and so you would still have been paying the same amount that you are paying now and stated that it does not matter whether it is before and you know about it or after and you didn't know about it. Mr. Niglio commented it is all about cash.

Mr. Lutz stated that it is all about cash but it is all about that people should be due diligent and professional in the execution of their duties. Mr. Lutz continued to comment saying that a two-year-old building, simple plans, \$350,000.00 and commented come on Mr. Niglio. Mr. Niglio replied to Mr. Lutz "how did we do, we were professionals and we lived in Kulpmont." Mr. Lutz replied that he is not sure what that has to do with anything and stated that he is talking about the architect. Mr. Lutz stated that the deal with it is we missed the pole, we missed this and we missed that and the deal with it is that when it is all done and said we will be well over 50K what was originally bid. Mr. Motyka commented that he does not know where he gets 50K. Mr. Lutz replied that you will see and you will be reading about it.

Mr. Keith Tamborelli stated that in the landlord tenant ordinance that was created he understands that there is some language in there requiring to do criminal history checks on your tenants to potentially keep drug dealers out of rental properties.

Mr. Tamborelli stated that his question is without being prejudice and bias to anybody where is there an ordinance that says that any real estate sold to any property owner should then have a criminal history. Mr. Tamborelli asked what happens if the drug dealer wants to buy the house right next door to him and has the money to buy it and then makes a meth lab in his house.

Mr. Tamborelli stated that your stopping him if he is renting his house, but not a purchaser from buying an inexpensive piece of property that is blighted inside the community. He stated that if you are not going to be bias and prejudice to that then you should be looking at that across the entire community. Mr. Varano replied that was in Berwick's ordinance and what we based our ordinance on.

Mr. Tamborelli stated that he just started reviewing Berwick's as he was standing here back in the corner but stated that his concern is that it is the councils position to have a good community, safe place to live and walk up and down the streets. He stated that is the ultimate goal. Mr. Varano replied that this benefits the landlords as well by knowing who they are moving into your apartment and if you are going to get your apartment ripped apart or stuck for money and asks if he would not want to know if he is renting to scum or criminals.

Mr. Tamborelli stated that he can have some of the best people with the best background checks and they trashed property. Mr. Varano stated that he agrees that you cannot always tell and stated that he talked to many landlords but asks why invite criminals into your property and stated that you're asking for trouble. Mr. Tamborelli replied that he is a police officer and so if a guy does his time it does not necessarily mean that person is going to be a bad tenant.

Mr. Burns commented that this is in the last seven years and stated that he would not want someone who was arrested for selling drugs in the last seven years living next to him. Mr. Tamborelli replied that he would not want them living next to him either and asks what is to say that same person can go to a county auction and buy a blighted property and not invest any money into that property and they got a meth lab in that property.

The Solicitor replied to Mr. Tamborelli that he is comparing apples and oranges and stated that once someone purchases a property under our laws and they have fee simple absolute rights to that property, we revert back to the old English law the old law of William Penn, the home is the castle and it attaches a whole completely different set of rules as far as getting in that house and trying to regulate that house. Mr. Cole stated that it is a different ball game when they are the owners. Mr. Cole stated that the landlord is sub-letting to third party and so there are contracts between the landlord which there are not between people who own outright and stated that so we have two different animals.

Mr. Tamborelli stated that we are putting so much focus on landlords paying for the Code Officers Salary and sated that we need him, absolutely. He added that he just bought two crap properties in this town and stated that he is investing a lot of money into those properties to make them look good but stated that he can go one or two blocks and there are properties with rats running around.

Mr. Tamberelli stated that his job is not just be revenue paid by landlords but we should be putting more effort into cracking down on the problem children instead of the people who are truly trying to invest in the community.

William Maher stated asked how the voters can get the power back in their hands in this town. Mr. Varano replied at the next election. Mr. Maher questioned how we can get the members down to five and asked how many council members were voted into their jobs that are here. Mr. Lutz replied four.

Mr. Varano stated that you have to do that two years before the general election he stated that he believes. Mr. Varano commented that it is already too late for this election. Mr. Maher stated that he

just thinks that we have to get it back into the voter's hands. Mr. Varano commented that it is not as easy as he thinks.

Mr. Maher stated that he is not saying that it is and added that if they need seven than have seven but if we can get it down to five and get control over this town and five would have more power and the voters would have more power to vote that five in. Mr. Varano stated that we need some people to run, that is what we need. Mr. Maher asked do we need seven or can we have five. Mr. Niglio replied that you need seven adding that there is too much action. Mr. Maher replied that he does not know that. Mr. Lutz stated that at the last election there were three seats up and he got voted in and Mr. Malakoski was voted in and there were other people that were a write in. Mr. Lutz stated that there are five seats up for election this year "five."

Mr. Maher stated that he does not want a seat and is just saying that it seems that you can't keep seven people here and two seats are just hot seats. Mr. Varano stated that council people don't want to put up with the battering and stated that no matter what you do you cannot please the people in this town. Mr. Maher replied that he agrees with him and stated that he don't want it and that he is just saying if you have five that can get the votes and sit in those hot seats and they would be voted on where they can say "we give you the power to build a building or buy a fire truck or whatever."

Mr. Lutz stated that he is going to start a write in campaign with Mr. Maher's name. Mr. Lutz commented that then Mr. Varano will be up here kicking your ass. Mr. Varano commented not to look at him and stated that he is not running again. Mr. Niglio commented that there is a lot that goes on and five people can't cover it adding that they can't cover it with seven. Mr. Varano questioned if any other citizen would like to be heard and nobody spoke.

Mr. Varano stated that council will now meet in executive session to discuss personnel, litigation and contractual matters.

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

THE MEETING WAS ADJOURNED AT THE CALL OF THE CHAIR

**RHONDA WILK
BOROUGH SECRETARY**

DATE OF APPROVAL

