

**KULPMONT BOROUGH  
REGULAR MEETING  
MARCH 10, 2015**

Opening Prayer by Councilman Joseph A. Winhofer  
The Pledge of Allegiance to the Flag by body present, Kulpmont Borough Council held  
its regular monthly meeting Tuesday March 10, 2015.

Roll Call was taken and the following members were present. Mayor Novakoski, Nicholas Bozza, Clarence Deitrick, Stephanie Niglio, Philip Scicchitano, Bruno R. Varano, Joseph A. Winhofer and Stephen Motyka.

**ABSENT:** Treasurer Paul A. Niglio, Jr.

**APPOINTED POSITIONS:** Borough Solicitor William C. Cole

**PRESENT:** Borough Supervisor Bruce Graff, Chief Michael Pitcavage, Borough Secretary Rhonda Wilk and Code Officer Russel S. Moroz.

**OTHERS PRESENT:** Myron F. Turlis, Joe Politza, Frank W. Pecatis, Vince Wasilewski, Rose Pecatis, Gerry Zarkoski, Martin Zarkoski, Ed Moleski, Thomas Lazarski, Kathy Taylor, Bob Taylor, Bernie Nestico, Joe Pancerella, Bernie Britt, Bob Chesney, Bob Gusick, Frank Rakowsky.

**Council President Bruno R. Varano states that the board met in executive session  
for approximately 1 hour for personnel matters.**

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

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

Mr. Varano states that the code officer and the Mayor met with Mr. Guzick and ironed out a deal and that will get discussed later in the meeting.

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

No Report

**SECRETARY REPORT** (Rhonda Wilk)

Rhonda Wilk states that approval is needed on the meeting minutes from the February 10, 2015 monthly meeting.

**MOTION-** Mrs. Niglio made the motion and was seconded by Mr. Deitrick to approve the meeting minutes from the February 10, 2015 monthly meeting.

**VOICE VOTE**- Unanimous

Rhonda Wilk states that a letter was received from John Balsis from Your Choice Energy provided an electric supply renewal price from Your Choice Energy. The lowest price quote was from Champion and the quotes were based on 12, 18 and 36 month terms.  
Copy Council/Mayor

Rhonda Wilk states that the price quote was .05902 for 12 months, .05674 for 18 months, .05879 for 24 months and .05929 per k Wh for 36 months.

Mr. Bozza questions what the rate is now. Rhonda Wilk replied that the current charge is .06299 per k Wh from Direct Energy.

Mr. Motyka questions if the date the renewal starts is June 2<sup>nd</sup>. Rhonda states that is correct it is in June.

Mr. Deitrick states that if we take a 36 month term it would be an \$1809.00 savings.

**MOTION**- Mr. Deitrick made the motion and was seconded by Mr. Scicchitano to hire Champion Energy for 36 months.

Mr. Varano asks if the term Mr. Deitrick made the motion for was 36 months. Mr. Deitrick states that is correct.

Mr. Bozza questions what our current term was for. Rhonda Wilk replied that the last contract was for 18 months.

Mr. Deitrick states that the price quote is lower than under the old contract.

Mr. Varano states that they are quoting a lower price for the 18 month term.

Mr. Deitrick states that prices keep going up and that is only going up 3/100 of a cent over the next 18 months so he states that he feels that is a tremendous savings.

**ROLL CALL VOTE**- BOZZA (yes), DEITRICK (yes), MOTYKA (yes), NIGLIO (yes), SCICCHITANO (yes), VARANO (yes), WINHOFER (yes)  
7 YEAS – 0 NAYS

Correspondence was also received from East Penn Fire & Emergency Inc. Copy Council/Mayor

Mr. Varano states that we need a motion to have the West End Engine 211 inspected and a new clutch, the approximate bill estimate was around \$3,500.00.

**MOTION**- Mr. Deitrick made the motion and was seconded by Mr. Bozza to have the West End Engine 211 fixed not to exceed \$3,500.00.

**ROLL CALL VOTE**- BOZZA (yes), DEITRICK (yes), MOTYKA (yes), NIGLIO (yes), SCICCHITANO (yes), VARANO (yes), WINHOFER (yes)  
7 YEAS – 0 NAYS

**TREASURERS REPORT** (Paul A. Niglio, Jr.)

Financial statement attachment #1

Rhonda Wilk states that a motion is needed to accept the financial statement and to pay the bills.

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

**ROLL CALL VOTE**- BOZZA (yes), DEITRICK (yes), MOTYKA (yes), NIGLIO (yes), SCICCHITANO (yes), VARANO (yes), WINHOFER (yes)  
7 YEAS – 0 NAYS

Rhonda Wilk states that under the treasurer's report we will need approval on a deputy tax collector.

Mr. Varano states that we would like Paul A. Niglio, Jr. as the deputy tax collector in the absence of our tax collector Linda Nolter.

Mr. Deitrick commented that this is a new law that if something happened to our tax collector there would not be any interruption in collecting taxes if you have a deputy already approved and in place.

Mr. Deitrick states that this would not be used unless your existing tax collector is unavailable.

**MOTION**- Mr. Deitrick made the motion to appoint Paul A. Niglio, Jr. as deputy tax collector and was seconded by Mr. Bozza.

**ROLL CALL VOTE**- BOZZA (yes), DEITRICK (yes), MOTYKA (yes), NIGLIO (abstain), SCICCHITANO (yes), VARANO (yes), WINHOFER (yes)  
6 YEAS – 1 abstain

**SOLICITOR REPORT** (William C. Cole)

The Borough Solicitor William C. Cole states that there is no report this month and adds that the brake retarder will be discussed under another report.

**POLICE CHIEFS REPORT** (Michael Pitcavage)

Police Report attachment # 2

**FIRE CHIEFS REPORT** (Jeffrey Gilotti)

Fire Chiefs report attachment #3

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

No Report

**BUILDING INSPECTORS REPORT** (Stephen G. Bielskie, Sr.)

No Report

**CODE/HEALTH ENFORCEMENT OFFICERS REPORT** (Russ Moroz)

Code report attachment #4

Mr. Varano states that Russ Moroz will describe his endeavor with Mr. Guzick.

Mr. Moroz states that he and the Mayor met with Mr. Guzick and went over the bill and there were some discrepancies in it as far as some of the pricing on it and some of the stuff he was charging us.

Mr. Moroz states that basically he spoke to him and told him that he has five or six other contractors that he has quotes from for our emergency management plan that we have in place. He states that other contractors and his pricing are off by thirty to forty dollars per hour. Mr. Moroz states that they then basically came up with a realistic figure of what he should get paid and accepted it as final payment.

Mr. Varano states that we will need to make a motion on that final payment of \$5,000.00

**MOTION-** Mr. Deitrick made the motion and was seconded by Stephen Motyka to pay Mr. Guzick \$5,000.00 as final payment with final payment written on the check for the 1263 Chestnut Street demolition.

Mr. Varano states that the total to be paid to him on that will be \$10,000.00 and states that we paid him \$5,000.00 and this will be the second and final payment of \$5,000.00 for a total of \$10,000.00.

**ROLL CALL VOTE-** BOZZA (yes), DEITRICK (yes), MOTYKA (yes), NIGLIO (yes), SCICCHITANO (yes), VARANO (yes), WINHOFER (yes)  
7 YEAS – 0 NAYS

Mr. Deitrick question the borough solicitor if a lien could be placed on that property to re-coup our \$10,000.00.

Mr. Cole states that we can definitely put a municipal lien on the property.

Mr. Deitrick questions if that is the way we should go.

Mr. Cole replied that it is always good to have that in place and states that if the board is authorizing him to do that he will place a lien on 1263 Chestnut Street property.

**MOTION**- Mr. Deitrick made the motion and was seconded by Mr. Bozza to place a lien on the property at 1263 Chestnut Street.

Mr. Winhofer questions if we could sue him for \$10,000.00. Mr. Cole replied that we can.

Mr. Winhofer states that he feels he would rather just sue him. He states that if there is a judgment a sheriff sale will then come in and sell everything he owns.

Mr. Varano states questions if we could also sue him for our lawyers fees.

Mr. Cole replied that you can and he adds that it is up to the court and states that is a different standard and is up to the court and would be separate from the suit itself.

Mr. Varano states that he feels that we should discuss this further in executive session concerning litigation and states that he does have additional questions.

Mr. Varano questions Mr. Winhofer if this is satisfactory with him.

Mr. Winhofer states that it is and states that there still is a motion on the floor.

Mr. Varano states that his question was if he is alright with the answer.

Mr. Winhofer states that he is and questions if council is going to vote on this and his other question would be if both could be done, to place a lien and to sue.

Mr. Cole states that you cannot pursue both together one would cancel the other.

Mr. Cole states that if a lien was in place you could then sue, but that would cancel the lien out.

**ROLL CALL VOTE**- BOZZA (no), DEITRICK (yes), MOTYKA (yes), NIGLIO (yes), SCICCHITANO (no), VARANO (no), WINHOFER (yes)  
4 YEAS – 3 NAYS

Mr. Varano addressed Mr. Winhofer and states that he though he was going to come back and decide to sue him.

Mr. Winhofer states that if council decides to do that then it cancels this out and if it is decided not to sue him then at least the borough has this lien in place.

**PERSONNEL COMMITTEE** (Philip Scicchitano)

No Report

**SERVICE AND FACILITIES COMMITTEE** (Nicholas Bozza)

Mr. Bozza sates that food surplus will be held on March 19<sup>th</sup> from 8:00 a.m. until 12:00 noon at the borough garage.

**MOTION-** Mr. Bozza makes a motion and was seconded by Mr. Scicchitano to purchase brooms for the street sweeper for \$228.00

**VOICE VOTE-**

Unanimous

Mr. Bozza states that the prices for six brake retarder signs will be \$439.50.

Mr. Winhofer states that signs cannot be purchased when the ordinance is not passed yet.

Mr. Bozza states that at least you know the price and asks council if they would like to just table that price.

Mr. Varano questions if that price is good for the rest of the year.

Mr. Bozza states that it is.

Mr. Varano directs Mr. Bozza to put that on next months agenda after council votes on this ordinance.

Mr. Bozza states that concerning the side streets, north and south there is going to be some places where there will not be street sweeping signs on the one side.

Mr. Deitrick questions if a sign cannot be placed on both sides of the telephone pole on one side of the street that will cover both sides.

Mr. Bozza states that you could, but this month the Mayor will lift the parking ban and you will only be able to park one way. Mr. Bozza states that he does not know what signs on both sides will do.

Mr. Winhofer states that he thought that they discussed this and that there is just nothing that we can really do in some places.

Mr. Bozza states that there will be some places where we can place them where there is grass.

Mr. Deitrick states that all we can do is put the signs up the best we can and states that it has been in the paper and it has been advertised.

Mr. Deitrick asks why we cannot put flyers on cars. Mr. Bozza states that you can't do that, it is illegal to put flyers on cars.

Mr. Bozza states that he does not know how it can be enforced and questions the solicitor.

Mr. Cole states that there has to be signage. Mr. Deitrick questions if for the first time we could just announce it. Mr. Cole states that again, he does not think there should be any citations.

Mr. Winhofer states that we did talk about that and realized that and that we couldn't enforce. Mr. Deitrick questions if we cannot enforce it then why are we doing it? Mr. Bozza states that we bought the signs.

Mr. Deitrick states that then we need to find a way to put the signs up the best we can. Mr. Bozza replied that he is not going to vote to drill holes in people's new sidewalks to put these signs up.

Mr. Bozza replied to Mr. Deitrick that he is not going to do it and states that if he wants to put a motion on the floor go right ahead but states that he will not vote for it.

Mr. Deitrick questions Mr. Bozza on how all of the original signs got put in peoples sidewalks and asks what he did for the handicap sign that was put in and if he had to drill a hole in the sidewalk to put that sign in.

Mr. Bozza states that he did and states that he got the grief for that also.

Mr. Deitrick states that many side streets have grass.

Mr. Bozza states that if you want them in then put a motion in to go and rent a core drill for \$3000.00 and go put them in. Mr. Deitrick questions the fact that it will cost \$3000.00.

Mr. Bozza replied that he does not know how much it will cost but it will be expensive. Mr. Winhofer states that we already talked about this and states that the drill is not expensive it is the bits that are expensive.

Mr. Bozza states that is correct because they are diamond.

Mr. Deitrick states that we bought all of these signs to put them up on the side streets.

Mr. Bozza states that we put a lot of them up and there is still more that we can put up but there are going to be sections that we will not be able to put up.

Mr. Varano questions how many sections and if Mr. Bozza has any idea.

Mr. Bozza questions Bruce Graff on how many sections. Bruce Graff replied that the side street sidewalks are not as wide as the front of the house and to move the sign in you are narrowing that sidewalk down more and more.

Mr. Motyka feels that the signs should be put in wherever they can be placed.

Mr. Deitrick asks what the problem is then.

Mr. Varano states that once they are all up we will check it out, Mr. Varano states that street sweeping is scheduled for this month.

Mr. Bozza states that it is this month and depending on the snow, if there is snow then they will only do the center of the street.

Mr. Scicchitano questions if that will take two days per month to do all of the side streets.

Mr. Deitrick states that it will take one day.

Mr. Bozza states he does not think it will take one day.

Mr. Deitrick states that on the 1100 block there is just about one car that parks on the entire street where you have Luzerne down there.

**FINANCE AND PURCHSING** (Stephen Motyka)

No Report

**CODE HEALTH AND SAFETY** (Philip Scicchitano)

No Report

**ORDINANCE COMMITTEE** (Stephanie Niglio)

**MOTION-** Mrs. Niglio made a motion and was seconded by Mr. Deitrick to advertise Ordinance 2015-01 which is the Engine Suppression Brake Retarder Engine Brake Ordinance.

**VOICE VOTE –**

Unanimous

**GRANTS AND RECREATION** (Clarence Deitrick)

Mr. Deitrick states that last week we met with USDA to finalize the USDA police car grant and states that we officially have it now.

Mr. Deitrick states that he has something that he will read into the minutes so that after we send this in within seven to ten days we should have the money.

Mr. Deitrick states that the grant was for a little over 50% so we will have to pay \$15, 015.00 for the car and USDA share will be \$18,000.00.

Mr. Deitrick reads the grant agreement between Kulpmont Borough and the USDA into the minutes in its entirety.

**MOTION-** Mr. Deitrick made the motion and was seconded by Mr. Bozza that the Council President Bruno R. Varano to sign the Letter of Intent to meet the conditions of the USDA grant for the police car.

**VOICE VOTE-**

Unanimous

**MOTION-** Mr. Deitrick made a motion and was seconded by Mrs. Niglio for the request of obligation of funds form for the police car grant to be signed by Council President Bruno R. Varano.

**VOICE VOTE-**

Unanimous

Mr. Deitrick states that last month we also received our DEP grant for the new dump truck and recycling containers and educational materials and states that within the next two or three weeks we will be ordering a new police car and a new dump truck.

Mr. Motyka questions on if we will be passing out educational materials and if that we will pass them out door to door.

Mr. Deitrick states that we can do that.

Mr. Motyka asks if they are magnets or what they will be.

Mr. Deitrick states that we have not decided what we will be ordering on that yet and states that educational materials is also to pay for reams of paper to make copies of educational materials to pass out.

Mr. Motyka asks that if we will be going door to door to pass these out if we could also do a synopsis of our other ordinances. Mr. Deitrick questions if Mr. Motyka is asking about as far as recycling. Mr. Motyka replied that he is asking as far as our other ordinances go. Mr. Deitrick replied no, this grant only pertains to recycling.

Mr. Motyka states that he is just saying if we are going to go door to door if we could accompany information with that grant. Mr. Deitrick states that we could.

Mr. Motyka replied that he will put some ideas together. Mr. Deitrick states that another way we can do it is that when we empty bins we can place a flyer with information in the recycling bin rather than the option of going door to door.

### **BUILDING COMMITTEE** (Stephen Motyka)

Mr. Motyka states that he had a conversation with the architect about some of the things that the contractors are asking him about including the sales tax exemption.

Mr. Motyka stated that he forwarded some information on what is available for tax free such as computer or light fixtures; they should not pay taxes on this if they are bidding on our buildings.

### **OLD BUSINESS**

Mayor Novakoski states that April 1<sup>st</sup> is the last day of opposite side parking and states that you have to go back to normal, face up the hill or down the hill. Come April 1<sup>st</sup> you have to park with traffic.

### **NEW BUSINESS**

None

### **ANNOUNCEMENTS**

Happy Easter and Happy Saint Patrick's Day

### **OPPORTUNITY FOR CITIZENS TO BE HEARD**

Mr. Varano asks any citizen that would like to be heard to come up to the microphone and state your name address and business.

No one spoke

Mr. Varano announced that at this time council will meet in executive session.

**The Borough Solicitor William C. Cole states that the board met in executive session for approximately 1/2 hour to discuss possible litigation and personnel matters.**

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

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**RHONDA WILK  
BOROUGH SECRETARY**

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**DATE OF APPROVAL**