

**KULPMONT BOROUGH COUNCIL  
REGULAR MEETING  
MAY 12, 2015**

Opening Prayer by Councilman Stephen Motyka  
The Pledge of Allegiance to the Flag by body present, Kulpmont Borough Council held  
its regular monthly meeting Tuesday May 12, 2015.

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

**ABSENT:** Clarence H. Dietrick

**APPOINTED POSITIONS:** Borough Solicitor William C. Cole and Borough Treasurer Paul A. Niglio, Jr.

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

**OTHERS PRESENT:** Vince Wasilewski, Robert Nolan, Walt Lutz, Joe Politza and Barry Fetterman.

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

No one spoke

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

No Report

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

Mayor Novakoski states that the Circus sponsored by he Mother Pauline Center will be held on June 10<sup>th</sup> with two shows one at 5:00 and one at 7:00 p.m. at the Veterans Memorial Field. Mayor Novakoski states that the police will need lighting and states that he does not know if the fire company is going to provide it for them or what. He states that he received a copy of their insurance.

Mayor Novakoski received a letter from Holy Angels and the picnic will be held on August 7<sup>th</sup> and 8<sup>th</sup> and he states that he has all the paper work straightened out.

The Mayor states that the community yard sale will be held on June 20<sup>th</sup> from 8:00 a.m. until 3:00 p.m. and the rain date will be June 27<sup>th</sup>, he states that he will announce it again next month but this will give people a chance to be ready for it.

**SECRETARY REPORT (Rhonda Wilk)**

Rhonda Wilk states that approval is needed on the meeting minutes from the April 14, 2015 and May 5, 2015.

**MOTION-** Mr. Motyka made the motion and was seconded by Mr., Bozza to approve the meeting minutes from the April 14 and the May 5, 2015 meetings.

Mr. Varano states that there has to be a correction on the meeting minutes from the May 5, 2015 meeting minutes and states that it is listed as a special meeting and it was just a regular meeting for general purposes and states that has to be corrected on the minutes and the agenda.

**VOICE VOTE-**

Unanimous

Rhonda Wilk states that Kimberly A. Smith contacted the borough and the special event permits for the car cruise on June 21<sup>st</sup> has been approved and a hard copy will be mailed to the borough.

Rhonda Wilk states that a motion is needed to accept resolution 708. Mr. Varano states that the Boroughs match to the state funds provided is \$423.00 for the fiscal year or 2015-2016.

**MOTION-** Mr. Winhofer made the motion and was seconded by Mr. Scicchitano to pay local match of \$423.00 to L.A.T.S. and prepare resolution #708 for the fiscal year 2015-2016.

**VOICE VOTE-**

Unanimous

Rhonda Wilk states that under correspondence we received the following:

-A letter was received from the USDA and copied to Council/Mayor

-Pennsylvania Department of Transportation concerning traffic signal maintenance, copied Council/Mayor

-A letter was received from the Kulpmont Sportsman's Association on the Youth Fishing Derby to be held in June. Rhonda Wilk states that in the letter they are looking for support and a donation toward the derby which is held for area youth.

Mr. Bozza states that it will be held on June 6<sup>th</sup>.

Mr. Scicchitano states that they do a lot in town, for everybody.

**MOTION**- Mr. Scicchitano made the motion for the borough to donate \$100.00 to the Kulpmont Sportsman's Association and was seconded by Mr. Bozza.

**VOICE VOTE** –

Unanimous

Rhonda Wilk states that numerous donations were received from local businesses toward the purchase of American Flags and hardware for Chestnut Street and states that donations were received from the following:

Kulpmont Ambulance, Power King Motor Sports, Kulpmont Sportsman Association, Just Hair by Dottie, Scicchitano Buenos Pizza, Shimocks Furniture, West End Fire Association, Susan Hepler Beauty Salon, West End Automotive and C.J. Lucas Funeral Home Inc.

Mr. Varano states that under correspondences from the USDA, we did get approval from them to purchase the East End Building for \$250,000.00 and states that we are waiting on the hard copy and everything else.

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

Mr. Niglio states that everyone received a copy of the financial statement and a motion is needed to approve and pay the bills.

**MOTION**- Mr. Bozza 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 (absent), MOTYKA (yes), NIGLIO (yes), SCICCHITANO (yes), VARANO (yes), WINHOFER (yes)  
6YEAS – 0 NAYS

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

The Solicitor states that we had talked about the ordinance on the brake retarder systems and states that there was a motion to advertise it and states that he has not advertised it yet because there was some discussion by different council people regarding the

ordinance and also the signs. Mr. Cole states that he will not advertise that until the board is satisfied and it is the way they want it.

Mr. Varano replied that we may make a new motion and states that he does not remember what happened with that. Mr. Cole states that he thinks that there was a motion but then after the discussion they decided that we wait so it was not advertised. Mrs. Niglio added that it is resolved and states that they just had to go over it in regard to the sign and the placement and all and states that it is resolved and she is planning on making the motion later.

**POLICE CHIEFS REPORT** (Michael Pitcavage)

Report attachment #2

Chief Pitcavage states that he needs approval to purchase a new paper shredder and that he found one for a cost of approximately \$90.00 from staples.

**MOTION** – Mr. Bozza made the motion and was seconded by Mrs. Niglio to purchase a new shredder for the police department.

**VOICE VOTE** –

Unanimous

Chief Pitcavage questioned council on what time the Memorial Day parade will be. Mr. Scicchitano states that he thinks it is at 10 o'clock.

Mr. Bozza states that they start forming around 10:00 and usually start around 11:00. Mrs. Niglio added that they don't start until the band gets here from the parade in Mount Carmel. Mayor Novakoski states that he did not hear anything from anyone. Mr. Bozza states that they usually start forming around 9:30 or 10:00 at the Legion and then they start around 11:00 a.m.

**FIRE CHIEFS REPORT** (Jeffrey Gilotti)

Report attachment #3

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

No Report

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

No Report

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

Report attachment #4

**PERSONNEL COMMITTEE** (Philip Scicchitano)

No Report

**SERVICE AND FACILITIES COMMITTEE** (NICHOLAS BOZZA)

Mr. Bozza announced that the food surplus distribution will be held on May 21, 2015 from 8:00 AM until 12:00 noon.

Mr. Bozza states that he would like to place a tractor trailer sign at 6<sup>th</sup> and Fir Street. He states that is where the pipe and road is caving in. Mr. Bozza states that he would like to put a sign there to stop the tractor trailers from going that way because it is ripping up the road and sinking in that area. Mr. Bozza states that they will have to go up and come down by the post office and asks if anyone has a problem with doing so. Mr. Varano states that we had problems with that before and directed Mr. Bozza to go ahead and do it. Mr. Bozza directed Bruce Graff to order the sign.

Mr. Bozza states that concerning the red-light maintenance, we used to have Lecce Electric provide the maintenance on the red light and they used to charge us \$1090.00 and we have a quote here from Kreco Electric and states that he assumes that they are doing the same thing for \$103.00.

Mr. Varano states that is a no brainier.

Mr. Niglio states that he has been doing some checking and states that he checked with Coal Township and states that they do not do a maintenance program, they fix them as they go bad. Mr. Niglio states that the only thing that Lecce is doing is replacing the filter. He states that they clean the LED, check the signal for proper alignment, check the hardware, and check the controller and battery for problems in operation. He states we witness that everyday when we go to the red-light.

Mr. Niglio states that the battery should be checked every six months. He added that when the batteries go then you have to reprogram the whole operation and states that Ms. Tosca mentions that in the letter. Mr. Niglio states that is really the critical thing and there is a filter that needs to be replaced.

Mr. Niglio states that for \$100.00 he was going to recommend that we don't get these guys back, because \$1,000.00 is ridiculous. Mr. Niglio states "that negated all of the savings in switching to the new LED lights."

**MOTION**- Mr. Bozza made the motion and was seconded by Mrs. Niglio to switch from Lecce Electric to Kreco Electric to maintain the red light at \$103.00

Mr. Varano questions on when it is due. Mr. Niglio replied that they did this in August before.

**VOICE VOTE** –

Unanimous

Mr. Bozza states that the street sweeper needs some repairs and states that it has not been repaired in 10 years. Mr. Bozza states that the price from Golden Equipment Inc. in Myerstown was \$5,249.00.

Mr. Bozza directs the statement to the treasurer Mr. Niglio that he knows they had discussed paving but that the paving could be adjusted to get us where we need to be. Mr. Niglio states that he is going to have to do that.

Mr. Winhofer questioned Bruce Graff on if there were actual bolt on parts that we can do. Bruce Graff states that actually the guy was here last week, when he fired the thing up and the bearings on the back roller are bad. Bruce Graff said that for them to put the curtains and all on they drive over a pit. He states for us to do it, we could probably do it but it may take us 6 hours where it will take them 3 hours.

Mr. Winhofer states that we can't drive that down there. Bruce Graff questioned why they couldn't drive it down. Mr. Scicchitano replied that Myerstown is far. Mr. Bozza agrees it is far and asks Bruce Graff if there is not a way that they could come here and fix it. Bruce Graff said that he asked about that and the way it sounded it has to be done down there but he could ask them again.

Mr. Bozza questions on how you would do that if the bottom piece comes off and what is the maximum speed in that thing. Bruce Graff states that Charlie Ross said that it would be 55 miles per hour. Mr. Bozza said that would be a whole day there. Bruce Graff said that they would have to leave it there and that it will take about a week or so. Bruce Graff said that we could take it down on the 1<sup>st</sup> of the month so that we have it back for the end of the month.

Mr. Bozza asks Bruce Graff to check and see if they could pick it up and if they have low boys. Bruce Graff said that he can ask them if it is capable to drive them that far and states that he does not know, they only drive it to get diesel fuel. Mr. Winhofer states that if they sell them they have to have a way to deliver them. Mr. Bozza directed Bruce Graff to check into if they could pick it up and what it would cost to do so. He states that the price quote is \$5249.00 and we need to get this fixed.

**MOTION**- Mr. Bozza made the motion and was seconded by Mr. Scicchitano to repair the street sweeper at a cost of \$5249.00.

Mr. Varano states that it has to be fixed. Mr. Bozza states that for ten years, Charlie Ross will tell you that the suction is starting to go bad and we have to have guys following behind and sweeping up. Mr. Varano states for 10 years we only did regular maintenance on it and replaced brushes.

Bruce Graff added that Charlie Ross said that the roads are uneven and that is why the curtains are getting worn and that is why it is not picking up, inverted and crowned streets there are not flat ones. Bruce Graff states that the screen in the hopper is all rotted and there is a baffle in there and that is suppose to be bolted on, but the bolts for the baffle are all rotted and Charlie Ross actually has it wired up. Mr. Winhofer states that we have to keep it up and running. Bruce Graff stated that the guy that was here to look at the street sweeper said that it was a very clean machine. Mr. Varano agreed and said that you guys take good care of that.

**ROLL CALL VOTE**- BOZZA (yes), DEITRICK (absent), MOTYKA (yes), NIGLIO (yes), SCICCHITANO (yes), VARANO (yes), WINHOFER (yes)  
6YEAS – 0 NAYS

Mr. Bozza states that he will need an executive session also at the end of the meeting.

Mr. Bozza states that he would just like to thank and mention Manny Giorgini and Giorgini Construction and asks Rob Wheary to mention it in the paper, if he will place that in the paper. Mr. Bozza states that every time we need anything, putting flags up and down, help with the decorations, banners anything we need he helps out. Mr. Bozza states that he doesn't want anything and that he just wants to do what he can to help out.

Mr. Scicchitano states that he was the same way with his helping out at the concession stand. Mr. Varano suggests giving him a resolution. Mr. Bozza states that he does not want anything he just does whatever he can to help out.

#### **FINANCE AND PURCHASING** (Stephen Motyka)

Mr. Motyka states that the only thing he has is that there was one emergency purchase in the last month for two batteries for the diesel truck.

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

Mr. Scicchitano states that he would like to remind people to keep their garbage in closed containers and states there are skunks and rats are out already and it is only May. Mr. Scicchitano states that it is going to be a big problem if we don't keep the garbage in a closed container. Mr. Scicchitano states that we will have to cite people if they don't do it, we will not have a choice.

#### **ORDINANCE COMMITTEE** (Stephanie Niglio)

Mrs. Niglio states that she is going to make a motion to advertise the brake retarder ordinance and states that it is listed as 2015-01 but asks Rhonda Wilk if it needs to be

changed to 2015-02. Rhonda Wilk states that the tax ordinance was for 2015 so that was what she wanted to check Mr. Niglio states that the tax levy ordinance was in December so it is one if there is no other passed ordinance. Mr. Scicchitano states that it reads ordinance 2015-01 and that is what it reads anyway. Mr. Varano states that even though the ordinance was for this year it was passed in December of 2014.

**MOTION**- Mrs. Niglio made the motion and was seconded by Mr. Scicchitano to advertise the Brake Retarder Ordinance 2015-01.

**ROLL CALL VOTE**- BOZZA (yes), DEITRICK (absent), MOTYKA (yes), NIGLIO (yes), SCICCHITANO (yes), VARANO (yes), WINHOFER (yes)  
6YEAS – 0 NAYS

**BUILDING COMMITTEE** (Stephen Motyka)

Mr. Motyka states that we received a quote from B3 Architects to provide a document to bid the East End renovations and states that he feels the number is way unacceptable. Mr. Motyka states that he thinks it should be a percentage of the final cost of the bid. He states that he talked to some architects today and was told 6 or 7%, so we should talk with them or advertise for a proposal for architects. He states that it is a three year old building and it is half the cost to build brand new down on Fir Street.

Mr. Scicchitano commented that they quoted 9%, almost 10%. Mr. Motyka replied just based on this \$400,000.00 and states he thinks it should be based on our bid number. Mr. Scicchitano asks if that number is locked in stone, the number that they gave you yesterday.

Mr. Motyka states that it was late coming and he hasn't talked to them. Mr. Varano states that he fired him off an email to let him know he will have to come down. Mr. Motyka states that he had a conversation with a couple of architects at work today and they said that around 6 or 7% for a new renovation and this is only a three year old building.

Mr. Motyka stated that they have the documents and if council wants to put in the parallel parking spaces as discussed or if we wanted to price solar power there may be an additional cost for that, but most of the solar companies do that for free.

Mr. Niglio directs a statement to Bruno Varano and states that someone from the committee will need to explore a cost plus net fee agreement instead of a fixed agreement so that way you are paying for what you get instead of a percentage.

Mr. Niglio states that if a guy is going to spend 10 hours on a job then you pay him for ten hours. Mr. Motyka states that we do have a rate schedule. Mr. Niglio states that he knows but it is still based on a fixed fee.

Mr. Motyka states that this rate schedule is included thinking we would have additional work.

Mr. Niglio states that he used to pre audit these kind of contracts for the turnpike and the turnpike always gives cost plus net fees or 10 or 15% but the cost factor was based on hourly. Mr. Niglio states that the principle is really not doing a lot of the work, somebody else is doing all of the work so when you go to cost plus then you really pay for what you get and not a straight fixed fee which is a percentage. Mr. Niglio states that just so you are aware, knowing you all may not be familiar with that stuff.

Mr. Motyka states that we will hold on that until we have further discussion with him or advertise for somebody else.

Mr. Varano states that is professional fees, so you do not have to advertise to bid it.

Mr. Scicchitano directed a statement to Bruno that 3B Architects were recommended by USDA as being the least expensive people to do business with.

Mr. Varano replied “maybe on their standards.” Mr. Motyka states that the breakout includes a lot of stuff we already paid out such as our front end specs for the Fir Street project which would be the exact same language as this project because it was all based on the USDA requirements.

Mr. Motyka states that all that would have to be done would be to take ours and alter it to the project. Mr. Varano states that is basically what they did anyway.

Mr. Scicchitano questions who is going to contact them.

Mr. Motyka states that Bruno has been the main point of contact.

Mr. Varano states that he did say that he fired off an email to him and they didn't get back on that yet, if they do not get back to him in the next day or two then we will take it from there.

### **OLD BUSINESS**

None

### **NEW BUSINESS**

None

### **ANNOUNCEMENTS**

Mr. Varano wishes everyone a happy 30<sup>th</sup> of May

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

Mr. Varano asks any citizen that would like to be heard to please come to the microphone and state your full name, address and nature of your business.

Mr. Walt Lutz of 860 Oak Street in Kulpmont asks council if they have a full accounting of the money that was spent on this project from the beginning until now.

Mr. Varano replied that we have the bills, yes.

Mr. Lutz asks if Mr. Varano knows how much that is.

Mr. Varano questions Rhonda Wilk on if we would have that in a file in the office. Rhonda Wilk replied that we have all bills that were paid out.

Mr. Lutz asks out of the money that was spent so far if anyone on council has the notion of how much of that could be saved on the new project and asks if it is all gone.

Mr. Motyka states that the only thing we did in excess of what was required by USDA was a second round of bore testing at \$8,000.00.

Mr. Lutz states that does not answer his question and followed up with the comment, "so that's all gone."

Mr. Winhofer replied yes.

Mr. Lutz states that his next question is the amount Baer said they are going to charge.

Mr. Winhofer states he does not think it is fair to say if we are going to ask for other quotes.

Mr. Lutz replied that he will get it and stated that he will request a right to know. Mr. Lutz commented that if he goes over his three minutes waive your hand and Ill go away. Mr. Lutz asks if there is a set of plans that the public could review before this thing goes to bid or some intention of spending \$400,000.00.

Mr. Lutz asks to be filled in a little bit.

Mr. Varano replied that is what Rocky Baer is going to do, draw up the plans and then it will go to bid.

Mr. Lutz questions the time frame for this.

Mayor Novakoski answered that these guys will work at their pace.

Mr. Lutz commented with that, you really do not know the time frame.

Mr. Lutz questioned if council would then advise him to just keep checking in to see if there are plans to take a look at.

Mr. Varano said yes, when we get the plans and they go out to bid. Mr. Lutz stated so, we don't know what we spent, it's pretty much all gone and then we are going to spend some more money on the East End and evidently we got some approval from the USDA today to buy the building.

Mr. Varano asked Mr. Lutz if he was at the last meeting.

Mr., Lutz replied, "no he was not."

Mr. Varano stated that at the last meeting Mick Ward from the USDA was here. Mr. Lutz said "well good for him." Mr. Varano stated that at that meeting council was told that he would be getting back to council as soon as Washington got back to him and then we received a letter and they approved it.

Mrs. Niglio stated that she has a question for Mr. Lutz this evening and asked him if it was correct that he resided at 860 Oak Street in the Borough of Kulpmont.

He replied that is correct.

Mrs. Niglio asked him if he owns that property in Kulpmont.

Mr. Lutz replied that he does not.

Mrs. Niglio asked if he owns any property here in the Borough of Kulpmont.

Mr. Lutz responded that no, he does not.

Mrs. Niglio questioned if he pays taxes here.

Mr. Lutz responded yes that he does pay taxes and added that he pays a lot of taxes.

Mrs. Niglio asked if he is the same Walter Lutz that was involved in the Mill Street Square project.

Mr. Lutz responded that he is.

Mrs. Niglio stated that she wanted to make sure he was the same individual.

Mr. Lutz said that he is a resident here and that he could start giving her a schedule of when he is in town.

Mrs. Niglio said no generally speaking, if you want to be a councilman and she is a resident and it's a question as a resident.

Mr. Lutz said he thinks she should know. Mrs. Niglio responded that they should know a lot. Mr. Lutz stated that he moved back from New Jersey in November of 2013 and in 2014 he was here the whole year and 2015 to date he states that he has been in Puerto Rico and it was nice especially when it was snowing up here. Mr. Lutz states that he has been in Mississippi and he has been in Italy.

Mrs. Niglio stated that it looks to her that he resided in Meridian Mississippi; you have been in Baldwin Missouri, Asbury Park New Jersey, Saint Louis Missouri, back to Meridian, Effingham Illinois, Erico Virginia... Mr. Lutz commented "you have been checking on me."

Mr. Lutz asked if Mrs. Niglio also checked on him that he was also in Fort Benning Georgia when he was in the service. Mrs. Niglio replied that does not mean anything as to what you are doing presently.

Mayor Novakoski added that was to long ago and states that he was there also and that does not count.

Mr. Lutz stated that it does count and directed the statement to the Mayor that when you are a soldier, you are always a soldier.

Mayor Novakosi replied that he didn't have to tell him that, he stated that he knows that.

Mrs. Niglio commented that they are talking about things that are going on in the Borough right now and states that her question is if he resides here.

Mr. Lutz said "I live here."

Mrs. Niglio stated that she does not know how he could say that and stated "you do not live here; you do not reside in this Borough."

Mrs. Niglio repeated herself again and stated "you do not reside in the Borough of Kulpmont."

Mr. Lutz replied that Mrs. Niglio does not know what she is talking about.

Mrs. Niglio responded by saying that she does know what she is talking about.

Mr., Lutz said that it has to be where he is at most of the time.

Mrs. Niglio replied "and you are not here."

Mr. Lutz said to “prove it, prove it.” Mrs. Niglio said if you get elected you will have to reside here, you will have to move here.

Mr. Lutz continued to say “prove it.” Mrs. Niglio said she does not have to prove it.

Mr. Lutz replied that she does.

Mrs. Niglio again stated that she does not have to prove it.

Mr. Lutz stated that Mrs. Niglio does have to prove it and states that she is making an assertion that he is not a resident of Kulpmont and states that he is.

Mrs. Niglio said that she can make an assertion and followed up by saying that he makes a lot of them and council has a right to know certain things also.

Mr. Lutz asked Mrs. Niglio if she has anything else.

Mrs. Niglio responded that she does not, not at the moment.

**The Borough Solicitor William C. Cole states that the board met in executive session for approximately 15 minutes for contractual matters.**

**MOTION**- Mr. Bozza made the motion and was seconded by Mr. Winhofer to advertise for bids on the paving of 15<sup>th</sup> to Chestnut Street to Poplar and Fir Street 8<sup>th</sup> – 9<sup>th</sup> Street.

**ROLL CALL VOTE**- BOZZA (yes), DEITRICK (absent), MOTYKA (yes), NIGLIO (yes), SCICCHITANO (yes), VARANO (yes), WINHOFER (yes)  
6YEAS – 0 NAYS

**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**

