

KULPMONT BOROUGH  
REGULAR MEETING  
OCTOBER 8, 2013

Opening Prayer by Councilman Stephen Motyka  
The Pledge of Allegiance to Flag by the body present, Kulpmont Borough Council held  
its regular monthly meeting Tuesday October 8, 2013.

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

**APPOINTED POSITION:** Borough Solicitor William C. Cole, Treasurer Paul A.  
Niglio and Borough Supervisor George Malakoski.

**PRESENT:** Code Official Russ Moroz, Borough Secretary Rhonda Wilk

**OTHERS PRESENT:** Rodney Leighow, Eric Noll, Justin Deutsch, Jen Swartz, Russ  
Moroz, Joe Politza, Pat Malakoski, Paul Zupicick and Matt Siko.

**ABSENT:** Clarence H. Deitrick

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

No one spoke

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

Mr. Varano states that at this time he would like to present George Malakoski with a  
resolution for all of his years of service with the Borough and the community of  
Kulpmont and proceeds to read the resolution.

**RESOLUTION #701**

***WHEREAS***, *George Malakoski began his employment with the Borough of  
Kulpmont's Street Department as a laborer beginning on January 15<sup>th</sup> 1979, and*

***WHEREAS***, *"George" served the community as Borough Supervisor since  
January 5, 2004 with great leadership, dedication and loyalty, and*

***NOW, THEREFORE, BE IT RESOLVED***, *that Kulpmont Borough  
Council and the citizens of the Borough of Kulpmont express their appreciation and  
gratitude to George for his thirty five years of dedicated service to Kulpmont Borough  
and all of the citizens of our community and wish him good health and the very best in his  
retirement, and*

***BE IT FURTHER RESOLVED***, that the original of this Resolution be presented to George Malakoski.

***ADOPTED ON THIS THE 8<sup>th</sup> DAY OF OCTOBER 2013***

Mr. Varano congratulates George again and thanks him for his service. All in attendance applauds and congratulates George on his many years of service and his retirement.

George thanks everyone and states that they have come along way and he hopes that the borough keeps moving forward and thanks all.

**MAYORS REPORT** (Myron F. Turlis)

Mayor Turlis states that the Lions Club has announced the time and date of the Halloween Parade and states that it will be held the 24<sup>th</sup> of October with registration being at 6:00 PM at the Holy Angels Church with the Parade following at 7:00 PM.

The Mayor states that Trick or Treat in the Borough will be held on Saturday October 26<sup>th</sup> between the hours of 6:00 PM and 9:00 PM. The Mayor states that those wishing to participate in handing out treats are asked to turn their porch lights on.

The Mayor states that on Saturday the Knights of Columbus will be holding their second annual wine fest and he states that anybody that was there last year saw what a great event it was and states that he wishes them must success this year. The Mayor states that he will need a very brief executive session at the end of the meeting.

**SECRETARY REPORT** (Rhonda Wilk)

Rhonda states that approval is needed on the meeting minutes on September 10<sup>th</sup> regular monthly meeting minutes.

**MOTION**- Mr. Scicchitano makes the motion and was seconded by Mr. Bozza to approve the meeting minutes from the October 8, 2013 regular monthly meeting.

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

Rhonda states that a letter was received from Benecon concerning the HIPPA privacy policy packet and states that the privacy policy form is required to be signed and returned to be in compliance.

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

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

**MOTION**- Mr. Bozza makes the motion and is seconded by Mr. Scicchitano 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 (abstain)  
5 YEAS – 0 NAYS – 1 ABSTAIN

Mr. Niglio states that council all received a copy of the Certificate of Insurance from the Kulpmont Football and Baseball Association and also from the Knights of Columbus.

Mr. Niglio states that any event that the Knights of Columbus has the General Liability Policy covers up to 5 events, such as the chicken BBQ and any events, he states that they get a special certificate for the wine festival but all of the events up to 5 events are covered under the general liability insurance, just for the record.

Mr. Varano states that they are using the boroughs property so it is required.

Mr. Niglio states that the one other item is concerning the pension funds as the chief administrative officer, just so you are aware our non uniform pension plan is over funded so we do not have MMO for 2014 and the police pension plan is in good shape the MMO for 2014 is \$2709.00 which the state will pay us, so it will not cost the Borough anything.

Mr. Niglio states that our pensions are in very good shape. Mr. Niglio states that The News-Item has been writing some stories and states that he echo's the statements and states that the state should do something to consolidate them all because there is much duplication, we spend probably \$5,000.00 a year which is un-necessary but it is what it is. Just so everybody knows our pension plans are in good shape states Mr. Niglio.

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

No report. Mr. Cole states that he will need to meet in executive session after the meeting.

**POLICE REPORT** (Corporal Michael Pitcavage)

Attachment #2. Mr. Varano states that that the report is pretty much self explanatory and that Corporal Pitcavage was not able to make the meeting this evening.

**FIRE CHIEFS REPORT** (Raymond Siko)

Attachment # 3 report

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

No Report

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

Attachment # 4 report

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

Attachment #5 report

Russ Moroz states that landlords are asking about registering for 2014 and states that he has a letter prepared that he would like to send out to the landlords informing them or re-registering and the fees.

Mr. Motyka questions the time frame on when the letter should be sent out. Mr. Bozza states that he feels the letter has to get out now he feels.

Mayor Turlis states that the resolution was passed and signed.

Mr. Varano states that someone make a motion as far as to when we want him to send these out, the deadline is 12/31/13.

**MOTION-** Mr. Bozza makes the motion and is seconded by Mr. Motyka to send out the letters informing registration and the fees due for the registration for the 2014 rental properties.

**VOICE VOTE-**

Unanimous

**PERSONNEL COMMITTEE** (Phillip Scicchitano)

Mr. Scicchitano states the landlord meetings held the first Tuesday of each month have had so far one landlord show up the month before two landlord showed up for the meeting and he states that he just wants everyone to know that they have been given opportunities but they are just not that interested in coming to the meetings to make changes except for Steve Matzura.

Mr. Bozza said that we are coming up with some ideas.

Mr. Scicchitano states that we are going to try and make some changes but not until we have all of the information.

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

Mr. Bozza states that the Surplus food distribution will be held on Thursday October 24<sup>th</sup> from 8:00 Am until 12:00 noon.

Mr. Bozza states that Meckleys is going to be coming in on next Monday the 14<sup>th</sup> to start milling and states they are going to have no parking signs posted.

Mr. Bozza states that they are going to be doing Pine Street 8<sup>th</sup> to 9<sup>th</sup>, 10<sup>th</sup> Street Spruce to 10<sup>th</sup> and Pine, 7<sup>th</sup> and Maple to 8<sup>th</sup> and Maple and 11<sup>th</sup> and Fir to 12<sup>th</sup> and Fir Street.

Mr. Bozza states that they should have it wrapped up in about a week depending on the weather.

Mr. Bozza states that he will need a brief executive session.

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

Mr. Motyka states that we received some price quotes on electrical suppliers and states that he would like to discuss this matter further in executive session.

Mr. Motyka questions if possibly there is a local supplier that they could utilize for some of the office supplies. He states that most purchases are made from Staples.com and wondered if there was a local supplier.

Mr. Varano states that there are not any that he knows of, not anymore and states that staples pricing usually comes in at one of the lowest.

Mr. Varano states that if Mr. Motyka has any suggestions they will certainly take a look at them.

#### **CODE/HEALTH and SAFETY COMMITTEE** (Bruno R. Varano)

No Report

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

Mrs. Niglio states that we sent the letter out to Penn Dot and we are waiting for a reply about the signs for the wheelchairs.

Mrs. Niglio states that attached to everyone's agenda is a copy of these banners that could be placed across the roadway for an interim period when the pedestrian signs go up. Mrs. Niglio states that depending on the cost of it we could place them through the borough.

Mr. Motyka asks if there is still a wire across Chestnut Street.

Mr. Malakoski states that they can only be place where there are poles and the only place is by the post office and down by the town park.

Mr. Motyka states that we could possibly look into getting double sided banners that could be placed across the roadway.

Mr. Bozza states that the pedestrian crosswalks were taken down last year after trick or treat and asks if that is the plan for this year to be taken down after trick or treat.

Mr. Bozza states that the Knights of Columbus is requesting the boroughs consideration to use the ramp field this Sunday for parking.

**MOTION**- A motion was made by Mr. Bozza and seconded by Mr. Scicchitano to use the Veterans Memorial field for parking for the wine fest.

**VOICE VOTE**-

Unanimous

**GRANTS AND RECREATION** (Clarence H. Deitrick)

No Report

**BUILDING COMMITTEE** (Stephen Motyka)

Mr. Motyka states that the USDA is shut down because of the government shutdown and states that the building is stuck in limbo because the USDA is not working and cannot review our initial plans and states that the architect asked for permission to move ahead and asked for a waiver to be signed that we would pay for any changes.

Mr. Motyka states he feels we should wait. Mr. Varano agrees and states let it sit and states why have it possibly cost any more money. He states that he does not even want to get into the discussion of the government shut-down; it is a mess and will be a worse mess next week if we have a default.

**SENIOR EXECUTIVE COMMITTEE** (Winhofer, Varano and Deitrick)

No Report

**OLD BUSINESS**

None

**NEW BUSINESS**

Mr. Motyka questions the borough news magazine and if we pay a yearly fee. He states that his concern is that the good paying jobs in this community are mostly construction jobs and their main talking point is to eliminate the prevailing wage and states that he feels it is bad for the construction workers in this community and bad for the middle class and states that they are better suited with finding good paying jobs and promote buy Pennsylvania Acts rather than beat down the middle class by attacking the prevailing wage loss.

Mr. Motyka states that he does not know what we pay per year, and states that this is his personal concern.

### **ANNOUNCEMENTS**

Happy Halloween

Mr. Niglio states that the Actuary Report has been prepared which is due in January 2014 and the amount to be paid is \$2,800.00 and states that we need a motion to pay this.

Mr. Winhofer states that it was listed with the bills and a motion was made to pay the bills.

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

Mr. Matt Siko 932 Scott Street states that he is curious on the status of the sexual predator ordinance.

Mr. Cole states that the status currently is that one case that he looked at was not favorable to pass and states what has to be done now would have to bring out any other cases that qualify or change that and it was not a very new case so it could be something different frankly.

Paul Zupicick 1451 Scott Street and Captain of the Fire Police.

Mr. Zupicick direct the question if the Fire Chiefs get paid in the Borough to Council President Varano.

Mr. Varano states they are.

Mr. Zupicick asks if taxed are taken out of their checks.

Mr. Niglio states that the answer in no, they are not because it's under \$400.00 and he does not have to withhold.

Mr. Zupicick asks if fire police are needed for the wine festival and states no one was contacted.

Mr. Niglio states that the Fire Chief told him they would have an answer tomorrow.

Mr. Zupicick states that they have a big problem here and states that is one of the communication problems they had at last months meeting. He states everything goes through the Mayor and the Mayor then contacts the fire police, he states that it never was the Fire Chiefs.

Mr. Varano states that they never really can to a consensus as to actually who is in charge and states that council always thought it was the Mayor and Police Chief that was in charge of the fire police but we are being told no that it is the Fire Chiefs.

Mr. Zupicick states that the solicitor could answer this real quick because it's the law and it's not a mystery.

Mr. Zupicick directs a question to the solicitor asking who is in charge of the fire police. The solicitor states that the Mayor is the civilian head of all police so technically he would have supervisory power to oversee.

Mr. Zupicick states that past practices and even up until this past year for some reason went through the Mayors office.

Mr. Niglio and Mr. Bozza state that last year they went through the fire department to get the fire police up there.

Mr. Zupicick states that somehow you went through them and it got to the Mayor and the Mayor got to the fire police. He states that the Mayor tells them that they are on the insurance blanket if any of our men get hurt through the insurance that the borough carries. He states that without that if somebody gets hurt we could end up in a big mess such as who are paying what, compensation and all of that and that is why we always went through the Mayors office, he is our boss.

Mr. Zupicick states that lately that got all goofed up. Mr. Zupicick states that because of that the fight between the fire police and the fire chiefs are getting worse. He states that at last months meeting he does not even know what that was other than a disaster. Mr. Zupicick states that he came to talk something about a red light and the hand grenade went off when he walked in the door and that was not fair to anybody in the room and states that he does not think anyone should conduct themselves that way.

Mr. Zupicick states that he always thought that the fire chief should keep harmony amongst everybody because he needs the people to help him. He states volunteers volunteer their time for whatever reason that makes them go. Mr. Zupicick states that all of a sudden you have someone that does not want to let that happen anymore and we have to do everything one way. Mr. Zupicick states that when there are rules and laws in that one way then we have a conflict and that is where the mess starts and that is when everyone gets involved and everyone here in this room only knows half of what the other guy knows and nobody in the room knows all of what is going on. He states that we



cannot sit down and get this solved and states that is the sad part of the situation he feels and states he is sorry that it is that way but the borough is in jeopardy of losing volunteers because everybody is just more or less fed up with the whole nonsense.

Mr. Zupicick states that Joey out of the kindness of his heart has been with the fire police for over 30 years since his dad was here. He states that Joey gets bullied on a daily basis over all of this with the fire company and the fire police terribly, which is silly and stupid, we are supposed to be adults and we should all get along. He states that is not happening and Joey takes it to heart because he does so much and that has to stop and that is where the wedge is driven in.

Mr. Zupicick states that the chief should not make fun of anybody; everyone is there to do something and to help not to be ridiculed and not to be made fun of. He states there is no chain of command because the top link will not follow it, everybody under him is supposed to but the top link will not follow it.

Mr. Zupicick states that to back up, we get a directive from the fire chief who never talks to him and he hasn't since Myron Turlis became Mayor. He asks if he's the captain of the fire police and the fire chief does not want to talk to the captain then where are we going here, that is part of the problem.

Mr. Zupicick states that if he hates me that is fine and I am sure the feeling is mutual but for example when you work as a supervisor with 100 guys under you, you have to work together to get the job done. He states that you may hate each other but you have to work together and when the job is done you can go back to hating one another and states that a perfect example of this is the West End and the East End, when a fire starts we work together to get the job done and everybody works together and when the fire is out we go back to hating each other again. He states that the few volunteers that you have you cannot afford to lose and states that is where we are getting to and respect is all that anyone has asked for.

Mr. Varano asks to be enlightened and asks the Mayor the question that he is the civilian head of the police and asks what happens when there is a fire, do you the Mayor take over of the fire police or do the fire chiefs take over control of the fire police or do you as Mayor still have control.

The Mayor states that the fire chiefs at the scene of a fire police as to what they want done.

Mr. Zupicick states that say there is a disaster and the fire chief may not be in charge even though he is on scene he may have an incident commander that supersedes the fire chief because there is several operations going on at one time and states now we are going to fall under him.

Mr. Zupicick states that it is not as cut and dry as everyone would like it to be and states most time it is cut and dry, normally when we go to a fire we tell the chief we are there

and normally we do not hear from him again because they are busy, most time we normally let them know where we are placed and ask if they need anything other and most of the time that is it. Mr. Zupicick states that not as far as asking us why we were at the little league parade in Mount Carmel and you didn't tell us and Mr. Zupicick states why they would have to tell the fire chiefs because they have nothing to do with them. Mr. Zupicick states that is how it is and states that the thumb is there all of the time and states that the thumb is going away one way or the other.

Mr. Varano asks Mr. Zupicick if he has any suggestions on how we can solve this.

Mr. Motyka states that a simple solution would be that during a fire the fire chiefs are in charge and all other times the Mayor is in charge.

Mr. Zupicick states that would be black and white.

Mr. Bozza states that's it, if that is the way it is suppose to be then that is the way it is.

Mr. Varano comments, well yes if that's the way it is then.

Mr. Zupicick states now the light, we got a red light on our vehicle and if the solicitor digs through the law he will tell you that we can have a red and blue light on an emergency vehicle for the fire police, and then Ray took us off the box cards for the fires.

Mayor Turlis states he is going to get into that.

Mr. Zupicick states just so you know it is not any better and it is not going to get any better because we are just going to keep on getting tramped on worse.

Mr. Bozza questions if they were put back on the box cards.

Mr. Zupicick states that as far as he knows the answer is no, he states that how he knows this is that there was two fires and they were not called out.

Mr. Zupicick said that the Mayor looked into it and he was told that they were not needed and states that it is just crazy at this point.

Mr. Bozza states that he thinks that is ridiculous and they should be put back on and states he does not know if council can tell the fire chiefs to put them back on.

Mr. Winhofer states that the fire chief works for the borough of Kulpmont, he could be released.

Mr. Zupicick states that we are at the line where we are about to leave, so something has to be done.

Mr. Varano states that the only thing he can see to do is to have everyone sit down and hash things out, protocol and who's in charge of what.

Mr. Nilgio states that he would like to say that when the fire police did any work last year for the Knights of Columbus at the wine fest, you were not authorized by the borough and you are not covered under the borough's insurance just so you know that, that is a private endeavor and states that he hired a bunch of guys who are the fire police and states that he did not hire fire police and that is why the Mayor was not involved.

Mr. Zupicick states that he agrees and states that you cannot privately use the fire police on the borough's time, because technically they work for the borough.

Mr. Varano states that it could be done differently if the Mayor assigns them and then we get a donation from the Knights.

Mayor Turlis questions Mr. Niglio if that was the same protocol you did this year, same procedure and everything the same.

Mr. Niglio states that is correct.

Mr. Varano states that they will continue to discuss this in executive session.

Mr. Zupicick states that is all he has to say and one more thing is that he would like to wish George the best in his retirement that he is a good guy.

Mr. Varano states that he wants to mention what has been in sound off recently on the Dubbs property, people questioning why council can't get money to have this property cleaned up.

Mr. Varano states that is what they are trying to do and that he would have to sign the property over to the borough for the borough to get the money to clean it up, it's as simple as that.

Mr. Motyka states that he has never apologized for burning down four houses and damaging twelve, never an apology out of the man and we are taking the heat.

Mr. Varano states that you only ever hear from him how the borough is persecuting him.

**The Borough Solicitor William C. Cole states that the board met in executive session for approximately one hour and thirty five minutes to discuss possible litigation, contractual and personnel matters.**

**MOTION**- By Joseph Winhofer and seconded by Stephanie Niglio to approve Michael Pitcavage to receive \$17.00 an hour for any hours worked and to work approximately 40 hours per week.

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

**MOTION** – A motion was made by Joseph Winhofer and seconded by Stephanie Niglio authorizing Bill Cole to take whatever action necessary for Eminent Domain against David Dubbs and his property at 916 Chestnut Street.

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

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

\_\_\_\_\_  
RHONDA WILK  
BOROUGH SECRETARY

\_\_\_\_\_  
DATE OF APPROVAL