

**KULPMONT BOROUGH
REGULAR MONTHLY MEETING
SEPTEMBER 12, 2017**

Opening Prayer by Councilman Mark Burns
The Pledge of Allegiance to the Flag by the body present,
Kulpmont Borough Council held the meeting for general purpose on
Tuesday, September 12, 2017

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

ABSENT: Nicolas P. Goretski, III and Richard Zigarski

APPOINTED OFFICIALS PRESENT: Treasurer Paul A. Niglio

PRESENT: Police Chief Patrick McAndrew, Code Officer Russ Moroz, Borough Supervisor Bruce Graff and Borough Secretary Rhonda Wilk

OTHERS PRESENT: Joe Politza, Steve Bielskie, Rose Bielskie, Stephanie Niglio, Joe Pancerella, Joe Meyer and Keith Tamborelli.

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)

No Report

SECRETARYS REPORT- (Rhonda Wilk)

Rhonda Wilk stated that approval is needed for the regular monthly meeting minutes from the August 8th meeting.

MOTION- Mr. Lutz made the motion and was seconded by Mr. Motyka to approve the minutes from the August 8, 2017 meeting.

VOICE VOTE-

Unanimous

Rhonda Wilk stated that a letter was received from Sandy Ditchey and it was copied to Council, Mayor and Solicitor.

Correspondence was received from the National Notary Association concerning the expiration in April 1, 2018 adding that the standard renewal cost is \$245.00. That correspondence was copied to both Council and Mayor.

MOTION- Mr. Lutz made the motion and was seconded by Mr. Motyka to pay the notary renewal fees.

VOICE VOTE-

Unanimous

Correspondence was received from Northumberland County Conservation District for General Permit Acknowledgement Notification and copied to both Mayor and Council.

A letter was received from Mr. Bielskie and that was copied to both Mayor and Council.

Mr. Motyka stated that he could address some of Mr. Bielskie's concerns now. Mr. Motyka stated that Mr. Bielskie wrote a letter pertaining to the bridge.

Mr. Motyka stated that permission was granted to construct this bridge by DEP and the township agreed to waive all fees for the permit. Mr. Motyka stated that Mr. Lutz contacted our insurance company and they came back and said that they have no issues with the bridge being built.

Mr. Motyka stated that Mr. Bielskie in this letter adding that he thinks that the News Item has a copy of it and that it is available for anyone who wants to look at it. It addresses some of the concerns of liability and safety concerns.

Mr. Motyka stated that Mr. Bielskie in the letter goes on to elaborate that this bridge must be ADA accessible and quotes the Uniform Construction Code and such.

Mr. Motyka stated that he did a lot of research on this as well and that he quoted a couple of different web links about ADA requirements and stated that he went through the same history that he went through, but with different results. Mr. Motyka stated that the first ADA was a civil lawsuit that came effective in 1992. Mr. Motyka stated that the 1991 standards adequately addressed elements of typical built environments but did not address playgrounds, fitness facilities, golf, sports fields and other aquatics and recreational places.

Mr. Motyka stated that after eleven years of research, in 2004 new guidelines came out and they address those eleven years of public participation and input. Mr. Motyka stated that the 2004 guidelines did not address outdoor recreational areas such as trails, campsites, benches, picnic area and like. Mr. Motyka stated that in 2010 the US Department of Justice adopted and published the 2010 standard which was the 2004 standards with new cover and narratives and so this never addressed any such trails.

Mr. Motyka stated as Mr. Bielskie addresses in his letter that he works with a lot of professional, Labor and Industry, L & I Inspectors and all and state that he does as well.

Mr. Motyka stated that everyone he asked referred him to the 2015 ICC Codes and stated that those codes go into elaborate that those new codes that we adopted here in the borough should apply to accessibility through many scopes, buildings and public use areas. Mr. Motyka comments that as you go through this, all of them address as they should, new buildings and such.

Mr. Motyka added that they also address recreation and added that the standard reads that long as we have a ADA accessible route, which we do via the roadway into the park, that only one accessible route must be given to the public. Mr. Motyka stated that so the concerns with the bridge not being ADA accessible, he believes that they do not apply because all these facilities, they say long as there is a separate route it is not a concern.

Mr. Motyka stated that if there is a concern, the same engineering that we got approved from DEP and the borough, we can eliminate the arch, slope of the bridge 100% by lowering the footings, the distance of the slope. He stated that this has been used a lot in similar design. Mr. Motyka stated that you would keep the same structure, lower the fittings and put a flat deck across.

Mr. Motyka stated that by adding another deck there are some additional costs involved adding that if we would have to go that route. Mr. Motyka continued to say that he does not believe that we would have to go that route as long as we have an accessible route into the recreational area and stated that he does not know if we have to address anything more above ADA.

Mr. Motyka stated that also in Mr. Bielskie's letter he questions the copyright of this project and stated that the company that had given him the drawings, whose father did all this, is the gentleman that he paid \$25.00 for the plan fee and has all the emails and document to prove that.

Mr. Motyka addressed some additional concerns in Mr. Beilskie's letter and stated that if we do have any daredevils that we are concerned about jumping off what seems to be a very minimal arch we can always go the route of flattening the bridge and adding an extra deck for additional money. Mr. Motyka stated that part of the breakdown of materials has \$600.00 for protection from four wheelers, which you space ADA, 3 feet apart and it eliminates the four-wheel hazard.

Mr. Motyka stated that you can play scared all that you want and say that the kids are going to ruin it, and we have proven that is not the case up at the field. Mr. Motyka said if you keep taking things away from the public with the expectation that kids will ruin this it is a kind of hindrance, you tie your hands for making anything better for the borough. Mr. Motyka stated that he thinks that he addressed all of Mr. Bielskie's concerns and asked if any other members of council would like to address anything that he just mentioned.

Mr. Varano questioned if we were to make it ADA accessible what would be the extra fee. Mr. Motyka replied that the material list for the bridge is right around \$2,835.00, concrete footings \$720.00, ballyards to prevent the four wheelers would be \$779.00 and so we are around the \$4,200.00 mark and stated that he assumes by lowering the footers a little concrete would be saved but with a level deck you would have to add the structural components to be braced off of the lower arch for support span and stated that he would say it would be another \$2,000.00 change to the project, ADA.

Mr. Varano questioned what we would need beside the private grants that we got, the non-governmental grants we received. Mr. Motyka replied that currently we have about \$750.00 remaining that came from the public citizens and the borough businesses. Mr. Motyka stated that some of that

money will be used to place plaques on each bench to recognize members of the community that donated. He added that we received \$1,000.00 grant from Walmart and \$900.00 from Merck Chemical. Mr. Motyka stated that we have around \$2,000.00 for the bridge and said that we are probably about \$2,300.00 in the negative if we just go with the standard bridge.

Mr. Motyka stated that we do still have some outstanding grants, Home Depot is still considering and we have been in contact with Northumberland County Recreation Committee over the past year and we also have the Atlantic Sunrise grant, which we will not hear about until probably the end of October.

Mr. Lutz stated that going over that letter there is a whole listing of accreditations, certifications and experience and then questioned Mr. Motyka on if he had any. Mr. Motyka replied that he has plenty of certifications. Mr. Lutz questioned if they were the same kinds of certifications, adding that his were related to codes and all of that and asked if he has any of those. Mr. Motyka replied that he does not.

Mr. Lutz stated the other thing is regarding the ADA situation, he would have to look into it to see if access from the one side is okay. Mr. Lutz stated that the problem with it is and stated that he would think that they could all agree from the Fir Street side it is not okay because there is no ADA accessibility.

He stated that if ADA accessibility was built then the permit that we got from the County Water Conservation District changes because the vegetation in that area would change so dramatically. Mr. Lutz said the two filter bags that are in the construction would be overwhelmed from the run off. Mr. Lutz continued to say that if you go over on the track side, the ruts in the track are so substantial, though they can be filled in, it is not ADA accessible right now. Mr. Lutz stated that the permit from the County is for the creek situation.

Mr. Lutz stated that another thing is that it is in the Township and we need the Townships agreement, there is serious disagreement over ADA. Mr. Lutz stated that the way to solve it is to send a letter down to the Department of Justice ADA and say we are planning on doing this and ask are we in violation of anything. Mr. Lutz stated that it is a matter of fact, these are regulations, these are laws and not speculation on his part. Mr. Varano stated that if you are not close enough to a trail head or a..... Mr. Lutz interjected and said "it's not a rail to trail."

Mr. Motyka then stated that he agrees with Mr. Lutz on some of his assumptions, the existing track is not ADA accessible and neither is the road and so he asked why do we need an ADA bridge connecting the two sites. Mr. Lutz replied because its public money adding that public money was used when we paid the engineer people. Mr. Motyka stated that the use of public money as he read does not dictate that this turns to ADA requirement and said he has read nothing that shows that. Mr. Varano commented that he has not either. Mr. Lutz replied that he has and so what he is saying is that it is a matter of fact, not interpretation, it's a matter of fact. Mr. Varano stated that it is a matter of interpretation because it is not a matter of fact, because there is know where that it states that. Mr. Lutz said the other deal of it is that it is in the Township and so they must issue the permit.

Mr. Varano directed a statement to Mr. Bielskie and asked him to answer on question and asked him why he wrote a letter as a citizen to the borough rather than covering this under your expertise as Tri-County Inspector. Mr. Bielskie replied "because he did it as a citizen." Mr. Bielskie added if he has to stop the job, then he will do it as his job. Mr. Varano stated that if he is bringing all of these expertise and knowledge, it should have brought up under his report. Mr. Lutz questioned if a private citizen

cannot bring any information or expertise to the table. Mr. Varano replied that he is not saying that he can't, but being he is an employee of the borough why did he not cover it under his report. Mr. Lutz stated that he is a citizen also and a very knowledgeable citizen with all sorts of accreditations, experience and certifications that neither of you have. Mr. Motyka replied that he has plenty of certifications. Mr. Lutz replied, "God bless you."

Mr. Varano asked Mr. Bielskie why he doesn't do it under his report. Mr. Bielskie replied to Mr. Varano that if he read the first paragraph of the letter it says who he is and what he does. Mr. Varano replied "I know who you are and what you do."

Mr. Bielskie stated that he thinks that your wrong on this and stated that first of all the federal law says that any building, facility or any structure built by this town requires ADA accessibility. Mr. Bielskie added that UCC of Pennsylvania says that any building or structure built in Pennsylvania requires a permit and is required to be ADA accessible.

Mr. Bielskie stated that he did not do this alone and added that he talked with Jerry Seville who is head of the ADA in Pennsylvania and if he doesn't know he asked who does. Mr. Bielskie stated that he told Jerry the route to get into the park and he said it is not going to work. Mr. Bielskie stated that they did talk about that being the route. Mr. Bielskie stated that Jerry Seville said it is not going to work.

Mr. Bielskie stated that if someone is in a wheel chair on this side the only way to get on the other side is go up on the highway and then go down a steep hill. Mr. Motyka asked if he was saying there is no accessible route to that recreational facility as you say now. Mr. Bielskie replied only if you drive. Mr. Motyka replied that as the ICC 2015 states, there is your accessible route.

Mr. Varano added that is what we go by now, the ICC. Mr. Bielskie stated that the accessibility code is a little different and said that they only take a little bit of the 2012 code and a little bit of the 2015 and said they don't take the whole code adding they are still in 2009. Mr. Bielskie said if you want to build this bridge, get the plans and we will send it to Harrisburg and leave Harrisburg do an appeal and if you win you win.

Mr. Motyka asked "what am I appealing, there is no ruling against it right now." Mr. Bielskie replied yes there is and said first of all you are going to need a building permit. Mr. Motyka stated that the Township is going to waive the fee and he said that he sent all of the correct information to the Township. Mr. Lutz questioned if Mr. Motyka has a permit. Mr. Motyka stated that he talked to them and they were going to call him back. Mr. Lutz replied "so, you don't have a building permit." Mr. Motyka replied as of a week ago, he stated that he submitted for it.

Mr. Motyka stated that a building permit does not address bridges. Mr. Bielskie stated that the building permit addresses structures as defined in Pennsylvania and as defined under the 2010 code. Mr. Motyka questioned Mr. Bielskie and asked him if he inspects PennDOT bridges. Mr. Bielskie replied that he PennDOT bridges are transportation and this is different. He said this is a structure built by the municipality in the municipality and its two different rules, it's not a transportation bridge.

Mr. Varano stated yes, it is, if you are trying to tell us its ADA it could be a dual purpose and this is a dual purpose because you could ride a trail bike across there, a peddle bike. Mr. Varano stated it is dual purpose. Mr. Bielskie stated that there are no vehicles going across it. Mr. Varano replied it does not

have to be. Mr. Bielskie replied yes it does. Mr. Lutz said he disagrees, it's a simple matter of sending it into the ADA in Washington adding it's not a big deal.

Mr. Bielskie directed a statement to Mr. Motyka and stated that he is not worried about anybody damaging it and stated that he is not trying to bust Mr. Motyka's bubble. Mr. Bielskie stated that he is worried about someone getting hurt and stated that we already have some damage on the dog posts already right now and they are there two weeks. Mr. Bielskie stated what he is worried about is that we have a six-foot-high bridge and a 25-foot ramp where the kids will be going up over to the other side.

Mr. Varano asked Mr. Bielskie what we have down there now and asked if he does not think that the kids are down there jumping what we have down there now. Mr. Varano said if he does he is badly badly mistaken. Mr. Lutz asked Mr. Varano what does that have to do with anything. Mr. Varano replied that he is answering his question. Mr. Bielskie stated "you guys were warned." Mr. Lutz replied, "you got the letter."

Mr. Varano asked if somebody wants to make a motion. Mr. Motyka stated that it is either that we fund the bridge as designed..... Mr. Bielskie interjected and said, "let's stop right there," and continued to say that he would also have to put railing on both sides of that bridge at \$10.00 per foot. Mr. Motyka stated that he did a hell of a job fundraising to begin with. Mr. Bielskie stated that he is just saying what it will cost and added that a kick toe space so that a wheel chair can't fall off it would also have to be added, the cost is going to just keep going up and up and up. Mr. Varano replied "that is because you people keep making it go up and up and up.

Mr. Bielskie stated that if you try to make this lower so that you don't have the height, then you would have to redesign because it is made for one side over the other side. Mr. Motyka stated that the design is the same and engineering the same, you put a flat deck on at a cost of \$2,000.00. Mr. Motyka stated that they tried everything, bare bone, and added that he has been down there with his own pick and shovel for all the improvements made there with the benches.

Mr. Motyka stated that originally there was an application for \$2,500.00 from Degenstein which we were going to use as matching funds from a DCNR Grant, but we never got that and so we didn't approach that route. Mr. Motyka stated that if that was the case he stated that they would have had to address it with ADA accessibility. Mr. Motyka stated where they stand today it amounts to allocating a few dollars from our coffer, in addition to all the money that he had raised, which is in upward of \$14,000.00 now with all the benches. Mr. Bielskie suggested to get all the figures together and they can sit and talk with a new print and he can see if they can or can't make it work.

Mr. Varano said here is the print, there it is and it will cost \$2,000.00 more. Mr. Lutz replied it is not ADA compliant. Mr. Varano questioned Mr. Lutz if he is an expert on this. Mr. Lutz replied that he is not at all an expert and said what he does is sends a letter into the US Department of Justice saying this the American Disability Act and say here is a bunch of information and then they inquire. Mr. Lutz stated he does not know all that adding that is all legal rigmarole.

Mr. Motyka stated that if you could dictate to the US Department of Justice and what we mentioned at this meeting and really relay to them what is existing in the field, how are you going to relay to them... you are going to send them blue prints to a bridge, but you don't show each side of it. Mr. Bielskie replied what they are going to look for is ADA compliant. Mr. Lutz responded by saying what will happen is they will do an investigation adding that they will not take his word for it and said, "what the

hell do I know.” Mr. Lutz stated that he is only presenting some facts and then they will do an investigation. Mr. Bielskie stated that Jerry Seville gave him a phone number. Mr. Lutz replied “yea, I will get in touch with him.” Mr. Motyka stated that if we lower it then the ADA accessibility problem goes away and that will be two more thousand dollars that it will cost the borough. Mr. Lutz replied that is his opinion. Mr. Motyka asked what is his opinion. Mr. Lutz replied it is his opinion that the ADA accessibility would go away. Mr. Varano commented that it is simple fact. Mr. Lutz stated that they have a disagreement that is factual and stated that he can do what he wants to do and he is telling him what he is going to do.

Mr. Bielskie stated that they do an audit and they will pick this apart, and pick him apart. Mr. Motyka agreed and said that they do an audit as however often that they feel. Mr. Motyka stated so what you want to do is put an ADA bridge between two recreational areas that are not ADA accessible. Mr. Varano commented exactly and asked, “how idiotic is that?” Mr. Lutz replied not at all and said that he did not make the laws and said to Mr. Varano that he should talk to someone who is in a wheel chair, idiotic. Mr. Lutz stated that idiotic is this bridge from the start. Mr. Varano asked if he read the exemptions. Mr. Lutz stated that Mr. Varano has not even been down to that track and asked Mr. Varano if he drives down there.

Mr. Motyka stated ADA does not apply to trails. Mr. Bielskie stated that just because he is saying that does not mean that it is true, because accessibility is an important part of trail development. Mr. Motyka said that is correct for rails to trails and said this is not a rail to trails project. Mr. Bielskie replied that at the last meeting you said that it was. Mr. Motyka stated that is pretty cut and dry adding he never said that it was and if it is in the minutes then he would like to retract his motion to approve because he never said that. Mr. Bielskie stated that is why he put that in the letter, because Mr. Motyka said that.

Mr. Motyka said as he stated and has said time and time again, ADA does not apply to trails and there is no way to put a ADA accessible trail, done deal. Mr. Motyka stated this is a trail which will elevate the hazard that is there now. Mr. Bielskie stated that if it’s not ADA compliant then it’s not going to alleviate the hazard. Mr. Motyka stated that we need to find more money to lower the bridge and put a flat deck on it.

Mr. Varano stated that he will step down from the chair to make the motion for \$5,000.00 to get this bridge built already, a flat bridge.

MOTION- Mr. Varano made the motion and was seconded by Mr. Motyka to spend \$5000.00 to build the flat bridge.

ROLL CALL VOTE- BURNS (yes), GORETSKI (absent), LUTZ (no), MALAKOSKI (yes), MOTYKA (yes), ZIGARSKI (absent), Varano (yes)
4YEAS – 1NAY

TREASURERS REPORT – (Paul A. Niglio)

Mr. Niglio stated that everyone received a copy of the financial report and the bills to be approved and added a motion is needed to approve and pay the bills.

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

ROLL CALL VOTE- BURNS (yes), GORETSKI (absent), LUTZ (no), MALAKOSKI (yes), MOTYKA (yes), ZIGARSKI (absent), Varano (yes)
4YEAS – 1NAY

SOLICITORS REPORT- (William C. Cole)

No Report

POLICE CHIEFS REPORT – (Patrick McAndrew)

Police Report, attachment #2

Chief McAndrew asked the council to begin to form a Civil Service Commission. He stated that the question right now is where do we stand on hiring a third officer. Chief McAndrew stated to hire a few more officers and get our force up to cover 24 hours, he stated that he is asking to start the process to form a Civil Service Commission.

Mr. Varano replied that they will do everything they need to do to re-establish a Civil Service Commission adding that the one that we had is pretty much defunct, they are five year appointments. Mr. Varano said it was back in the 90's since it has been activated adding that was twenty years ago. Mr. Lutz stated that Mr. Chesney and Mr. Kaminsky were on it. Mr. Varano said that their appointments to that committee have long expired. Mr. Varano stated that he will do everything to get this all rolling with permission from council and asked if someone wants to make a motion to activate a new police Civil Service Commission.

Mr. Lutz questioned how the people are chosen. Mr. Varano replied by the council and stated that he believes that it says it in the bi-laws that you can have one councilman on and two ordinary citizens.

Mr. Lutz asked if he (Mr. Varano) were to appoint himself, if his period on the commission would be over at his end of service. Mr. Varano replied no, as a councilman yes but not on the Civil Service Commission. Mr. Lutz asked if he were put on there as a councilman if he would have to come off. Mr. Varano stated that Bill is not here tonight and said that he does not know and truly does not know. Mr. Niglio commented that it all depends on how the commission is set up, if it says that you must have a council member or not. Mr. Varano stated that it does not say that it reads that you may have a councilmember, but no more than one and added that it does not say you must have a councilmember. Mr. Lutz asked if we could table this until we get a little direction from Mr. Cole. Mr. Varano said we will get all the details. Mr. Motyka commented that it is pretty cut and dry.

MOTION- Mr. Motyka made the motion and was seconded by Mr. Burns to establish a new Civil Service Commission.

ROLL CALL VOTE- BURNS (yes), GORETSKI (absent), LUTZ (no), MALAKOSKI (yes), MOTYKA (yes), ZIGARSKI (absent), Varano (yes)
4YEAS – 1NAY

FIRE CHIEF REPORT – (Kevin O'Hearn)

Report attachment #3

Mr. Varano stated that the 211 Fire Truck was signed over to the West End and is now out of service and stated that we received a letter that it was taken out of service and it is now off our insurance. Mr. Lutz commented that he thinks that it saves us fifty bucks.

Mr. Lutz stated that whenever the sweeper is ready to go in there is all kind room and there is room for more stuff, whatever that stuff may be. Mr. Motyka asked if a rental price has been discussed or anything has been put on the table. Mr. Lutz replied "yes, it is one dollar," and added that he already paid it. Mr. Motyka replied that he was just curious. Mr. Lutz stated that is whatever you want to do, if you want them to draft up something they can do that but it is going to be one dollar. Mr. Burns asked Mr. Lutz if they are going to be able to fit in the 20' trailer.

Mr. Lutz replied that the 211 is coming out and so they have some figuring to do, but they will have lots of room. Mr. Varano said that if they are planning on putting the two mowers down there why they do not just leave them on the trailer. Bruce Graff stated that the Sweeper runs September and October. Mr. Lutz asked when he wants the space, he said go down tomorrow we can pull that truck out and you can pull it right in. Bruce Graff said that he heard that they got a dump truck with a plow on it that they were going to use to plow the parking lot and said that he does not know if the trailer now will fit and said so be it, they can put the trailer up the field and just store the lawn mowers there. Mr. Lutz replied that he heard that the Easter Bunny is down there and said let's just get down there and figure it out. Mr. Lutz stated that there is lots of room. Mr. Varano said there may be a lot of room and asked what is it going to cost us. Mr. Lutz asked Mr. Varano if he wants a letter. Mr. Varano replied "yes."

EMERGENCY MANAGEMENT – (Kevin O' Hearn)

No Report

BUILDING INSPECTOR'S REPORT– (Tri County COG)

No report

CODE/HEALTH ENFORCEMENT OFFICER'S REPORT – (Russ Moroz)

Report Attachment #5

Mr. Russ Moroz stated that the demolition is in the completion stage at the Wilson Building. Russ Moroz reported that the entire area will have to be fenced if there is no anticipation on building anything right away because in some areas you will have a 4' drop and some sections up to 7'. Russ Moroz stated that if nothing is going to be done for a while instead of hauling out a lot of fill could be used. He stated that it appears the way it is now, the concrete floor is going to get busted up and to salvage it is going to be near impossible. He added by code that floor will need to be busted up, it can be left on the premises but it needs to be busted up. Russ Moroz stated that a lot of the fill could be used and graded off in a nice slope, or the area will need to be fenced in.

Mayor Novakoski stated that if the concrete gets busted up then it could be used for backfilling instead of trucking it all in and that would save from needing a fence. Mr. Lutz asked Russ Moroz what his recommendation is. Russ Moroz stated that if nothing will be built right of way then you are probably

better off backfilling. Mr. Varano questioned what you are going to do with that wall adding that you are still going to have that wall standing by where the boiler room was. Russ Moroz stated that you would have to taper all of the way from the parking lot level and all of the way down to the sidewalk out front which is about a 5' grade. Mr. Lutz commented that the deal with it is that you either backfill it or put an expensive fence around it. Russ replied that you could rent a fence, but if you take that away and then it will cost you a pretty penny to bring it back.

MOTION - Mr. Lutz made the motion to backfill and Stephen Motyka seconded the motion to backfill and grade it down to a decent slope down to street level.

Mr. Motyka asked Russ Moroz to confirm with the contractor that it will be sidewalk graded at the front. Mr. Motyka stated that it is going to come off sidewalk and you have the fill that is currently holding the grass there, that can be mixed into the fill.

ROLL CALL VOTE- BURNS (yes), GORETSKI (absent), LUTZ (yes), MALAKOSKI (yes), MOTYKA (yes), ZIGARSKI (absent), Varano (yes)
5 YEAS – 0 NAY

Russ stated that he has done some research on ordinance on feral cats and stated that there are some ordinances out there and are severe on what can be done. He stated one ordinance reads that if you feed them they become yours. Russ Moroz stated that they are having issues with people putting food out on their porches and then debris blowing all over town. He stated that he is going to continue to look into this and what could be done adding that there is no governance that is even going to mess with it. Russ Moroz stated that the situation is getting progressively worse here in the borough and said that he will try and have something to look at by next meeting.

SERVICE AND FACILITIES – (George Malakoski)

Mr. Malakoski stated that they will be holding a food surplus distribution on Thursday September 21st from 8:00 a.m. – 12:00 noon at the borough garage.

Mr. Malakoski stated that they have been having a problem with some of the cars batteries going dead in the parking lot and when that happens sometimes you need 20' cables to get at it and stated that he would like to purchase a battery pack with a cap of \$200.00.

MOTION- Mr. Malakoski made the motion and was seconded by Mr. Burns to purchase a battery pack not to exceed \$200.00

ROLL CALL VOTE- BURNS (yes), GORETSKI (absent), LUTZ (yes), MALAKOSKI (yes), MOTYKA (yes), ZIGARSKI (absent), Varano (yes)
5 YEAS – 0 NAY

Mr. Malakoski stated that the suburban is due for inspection and stated that we usually take the vehicles to Donny Whalen's to be inspected.

MOTION – Mr. Motyka made the motion and was seconded by Mr. Malakoski to have the suburban inspection done.

ROLL CALL VOTE- BURNS (yes), GORETSKI (absent), LUTZ (yes), MALAKOSKI (yes), MOTYKA (yes), ZIGARSKI (absent), Varano (yes)
5 YEAS – 0 NAY

Mr. Motyka stated that the 6th Street drainage project is complete and stated that the payment is due and the amount is \$24,890.56.

MOTION- Mr. Motyka made the motion and Mr. Malakoski seconded the motion to pay Blue Ridge Excavating & Hauling \$24,890.56.

Mr. Motyka stated that KPI sent a change order over, a piece of existing pipe that was found to be crushed was slip lined and that change order is in there. They also sent a punch list over to be signed and approved, it was for a load of stone that was delivered. Mr. Motyka stated that we need to acknowledge those two changes adding that they also sent a letter for us to sign for substantial completion of the project so that they could be paid and so those are the legal things that we need to do.

Mr. Motyka stated that all three of these things are in this motion and he just wanted everyone to be aware of that. Mr. Varano asked if this is the price for all of them, the \$24,890.56. Mr. Motyka stated that Rhonda would have to pull that up. Rhonda Wilk stated \$24,890.56 is the total amount due adding it includes the \$930.56 change order.

Mr. Motyka stated that before this project started we asked KPI to do inspections and questioned if we got KPI's bill. Mr. Niglio replied that it was included in the list of bills approved for payment.

Mr. Motyka stated that he wants to go on record as stating that \$15,000.00 out of the \$24,890.56 was paid for with the money from the Atlantic Sunrise Pipeline Grant. Mr. Motyka stated that it was not the right thing, us fixing PennDOT's road. Mr. Varano commented "they did not give us much of a choice."

ROLL CALL VOTE- BURNS (yes), GORETSKI (absent), LUTZ (yes), MALAKOSKI (yes), MOTYKA (yes), ZIGARSKI (absent), Varano (yes)
5 YEAS – 0 NAY

Mark Burns questioned if there is anything that we are going to be able to do about the water that sits in the alley behind Choice. Mr. Malakoski replied that he is going to put that on the list for next year adding that street will have to be done. Mr. Malakoski stated that when they did it they took the hump out of it all the way up through and now the water runs down into his yard. Mr. Burns questioned if he was referring to the guy with the wall. Mr. Malakoski replied yes. Mr. Motyka questioned if we could put a macadam curb or something. Bruce Graff stated that they did that and said that his wall is caving in. Bruce Graff said that there is water going down into his wall adding that they built it up along his fence and water still goes in his yard.

FINANCE/PURCHASING/GRANT COMMITTEE – (Stephen Motyka)

Mr. Motyka stated that we got one price to pave the lot that was in upwards of \$29,000.00 as he said at the last meeting. Mr. Motyka stated that we met with PennDOT on site and went over quantities and stated that we could incorporate this with our paving project here in town at a cost of \$10,058.00 doing it as a change order. Mr. Motyka stated that it is 5 ½" thick he believes rather than 3 ½" that he

proposed when he did the budget estimates. He stated that he believes that this is a really good price. Mr. Motyka stated that we could have Bruce and George prepare the lot and have Meckley's include the paving of the lot as a change order.

MOTION- Mr. Motyka made the motion and was seconded by Mr. Lutz to have Meckley's pave the parking lot at a cost of \$10,958 to be paid out of the general fund.

Mr. Varano questioned what the total cost will be. Mr. Motyka replied that the cost \$101,576.00. Mr. Niglio added that it is just an addendum to the contract and stated that it will be separate from the paving project and paid from the general fund.

Mr. Motyka stated that the only other expense that he does see for the parking lot is the five concrete blocks to keep anyone from driving over the edge.

ROLL CALL VOTE- BURNS (yes), GORETSKI (absent), LUTZ (yes), MALAKOSKI (yes), MOTYKA (yes), ZIGARSKI (absent), Varano (yes)
5 YEAS – 0 NAY

Mr. Motyka stated that the West End is planning to put in a outdoor restroom adding that many people were involved in that. Mr. Motyka stated he would like to make a motion to waive the permit fee which is \$60.00 and change, and stated that he cannot speak for Mr. Bielskie but made the comment that he heard through the grapevine that he was going to waive his inspection fees as well.

Mr. Lutz stated that he paid the fee already. Mr. Motyka stated he told Russ to hold the check and he was going to make the motion and asked if that is acceptable. Mr. Lutz replied no, adding he can't be doing stuff like that and added that we have council for a reason, expenditures, no holding money and said that is his opinion.

Mr. Varano stated that any councilman could spend less than \$75.00 without a motion or approval of council. Mr. Lutz asked Mr. Varano, "but to hold it?" Mr. Varano questioned what he means by hold it. Mr. Lutz replied that he gave him a check. Mr. Motyka said that he told Russ Moroz to contact him and said he was sorry to Mr. Lutz if that offended him, adding that he thought it was a nice gesture that we waive the fee on this restroom.

Mr. Varano commented to Mr. Lutz that they made the fee on him, because the borough is not going to charge them a fee and so that is an extra donation that you gave them. Mr. Lutz replied that he gave it to the borough adding that we will use it on the bridge. Mr. Motyka said that he rescinds his motion and said, "sorry about that."

Mr. Motyka stated that he would like to make it official that Walmart gave us \$1,000.00 for down at the Veterans Memorial Field and stated that he would like to thank Merck Chemical for \$900.00 in addition to all the other grants and said that we will do a formal release when this project ends. He added that there are still outstanding grants that we are waiting to hear from adding that they are Northumberland Recreation, Home Depot and the Atlantic Sunrise.

Mr. Motyka stated that the DEP field trip this year will be October 17th and stated that there are 72 kids signed up to learn about the mining history and the borough again, visit the water company again and will learn about an active and a good stream. He stated that they will then come back here and plant

trees and place birdhouses. Mr. Motyka stated that a meeting will take place with the two agencies and Landscape services to discuss trees and the placement of trees and finalize a price. Mr. Motyka stated that this grant was for \$2600.00 and stated that he will need a motion not to exceed \$2700.00 to spend ahead of the tree planting and then be reimbursed through the grant process. He stated that will cover the cost of the trees and bluebird boxes. He stated last year we bought the sign and a picture of the Scott Colliery down there. Mr. Lutz questioned where the money will come from. Mr. Motyka stated that it will come from the DEP Environmental Education Grant, the same as last year.

MOTION- Mr. Motyka made the motion and was seconded by Mr. Lutz to spend money in advance for the DEP Environmental Educational Project 2017 and then be reimbursed from the grant not to exceed \$2700.00.

VOICE VOTE-

Unanimous

Mr. Motyka stated through all the turmoil of wanting to build a new building and then renovating this building, we had a town hall meeting which he had stated all the utilities and what we were spending at 860 Spruce Street. He stated that we were spending \$16,000.00 a year on heating oil and \$4,200.00 on electricity and so as of November we could pull our bills together and see where we stand. He stated that he would believe that it would be every bit of a \$15,000.00 savings by moving the borough building here. He added that it's not savings because we have a mortgage. Mr. Motyka stated prior to the move we identified that we were spending \$13,000.00 for a phone bill. Mr. Motyka stated when we moved here we were we are spending \$190.00 per month on our phone bill.

Mr. Motyka stated that we should be seeing about a \$25,000.00 per year savings. He stated that our mortgage is \$3,000.00 per month for the purchase and renovations and so we are spending about \$36,000.00 per year for our new building. He added that USDA made us raise taxes 3 mills to accommodate that and stated that when we see the final bills, which in addition we had a line item for building maintenance, which we will not have to do such as fixing sidewalks and whatever. Mr. Motyka stated that with the amount of savings we would potentially cover the mortgage and so as of the new year and the new budget, depending on what the new council intends to do but stated that he thinks that the 3 mills is not needed anymore and stated that he does not know if we give it back to the taxpayers or we allocate it to a new police officer or something. He stated that he wanted everyone aware of that we will have quite a savings as the new year and so he wanted to mention to the new council as a zero-balance budget we need to allocate it to different funds he stated he assumes.

Mr. Niglio stated that we do not have a zero-balance budget and said as far as what you went through, is true and added that that the council needs a carryover. Mr. Niglio stated that although Mr. Lutz disagrees with him a lot of times, but we do not have a zero-based budget, we need a carryover. Mr. Niglio continued to say that council this year has done some things that are going to impact next year's budget, they gave raises out in January that are not in this budget and so they need to be allocated. Mr. Niglio stated that our taxes do not cover our expenditures, we must rob Peter to pay Paul most of the time and once we are done with all of this and go back to where we were you will see that. He added that we never had a zero-based budget, we played catch up and had to raise taxes every six or seven years to take care of the deficit.

Mr. Motyka stated that in theory this tax increase that the USDA required to be on the books and show that, to be on paper, was needed anyway. Mr. Niglio replied "yes."

Mr. Motyka stated that he just wanted everyone aware of that. Mr. Niglio replied only because of the motions that are made by council on spending.

Mr. Motyka stated that in addition to all the bills that he mentioned we have saved about \$1800.00 per year on the street light transfer and stated that utility wise we have done a real benefit to the borough. Mr. Motyka stated that it will take some time to catch up to the design fees and all of that.....Mr. Lutz interjected and stated that he really does not want to get into a discussion about that and said we will go ahead and push it to the next council.

Mr. Niglio stated that for the record for Oct 17th the Holy Angels Church and the Knights of Columbus will be providing food for lunch for the students, just so it is in the minutes. Mr. Motyka added that Scicchitano's will be providing pizza and landscape services is involved again this year and also the Sportsman's Club again agreed to help with any expenses.

ORDINANCE COMMITTEE – (Walter Lutz)

Mr. Lutz stated that three Ordinances were advertised.

Mr. Lutz stated that when the notification was in the newspaper it had Mr. Varano as Council President and stated that he thinks that he was Mayor then. Mr. Lutz stated that what he was told in a kind of a side bar deal it that you have got to have all your ducks in a row. Mr. Lutz stated that if we go ahead on somebody's property and pull three cars off there and we go to court and if there is a good lawyer, he will say the ordinance was not advertised and will say that Mr. Motyka was the council president then. Mr. Lutz questioned if it matters and said that it appears that it matters, and it cost money to advertise again, because we will be going to court over this.

Rhonda Wilk stated that it was advertised with Mr. Varano as the Mayor and Mr. Motyka as the President. Mr. Lutz asked if we are cool and said that this attorney, with tons of experience said that we must have all our ducks in a row, signatures, dates and all.

Mr. Varano stated that at the time it was advertised he was the Mayor and Mr. Motyka was the President, and we will adopt it today when he (Mr. Varano) is the President and Mayor Novakoski is the Mayor. Mr. Varano stated that it was advertised properly, it is just that things change. Mr. Varano stated that when it was advertised Mr. Motyka was the president. Mr. Varano stated that it reads duly ordained on. Mr. Lutz stated that he thinks that when it was advertised, we should have advertised it with him. Mr. Lutz stated that he is cool. Mr. Varano stated that you would have to re-advertise it otherwise because how else could you do it if he (Mr. Varano) is no longer Mayor and Mr. Motyka is no longer President.

Mr. Niglio stated that if that would hold true none of our ordinances would be null and void because he threw out a lot of advertisement on the ordinances, so there is no proof on the old ones being advertised correctly. He added that we are not bound to keep them in a file.

Mr. Lutz stated that they have been duly advertised and it will be six months until something happens.

Mr. Varano questioned a statement in the Fine Ordinance and stated that it was an awful long statement. Mr. Lutz stated that we can revise that language. Mr. Varano stated that he would like to see it defined a little better rather than have it read and any, and any and any and any..... just to define it a little better, besides being a run-on sentence.

Mr. Lutz responded by saying we will and added that he may suggest some language. Mr. Lutz added that what the intent of all that was that we have some major construction in the borough, and what happens is they do not get a permit. He added that we placed signs coming into town notifying that a permit is required, to kind of get people's attention. Mr. Lutz added that what we are saying is if you do not get a permit it will cost you \$250.00. Mr. Lutz stated that if he would like to suggest better language, we can come back and define it. Mr. Varano replied that he would like to see better language.

Mr. Varano stated on the board of health one, under section two, if reads

SECTION TWO: General Provisions

The Board of Health for purposes of this Ordinance shall consist of the Borough physician, the Code Enforcement Officer and three (3) members of the Kulpmont Borough Council and Safety Committee to oversee all appointed Board of Health officers. The physician and code enforcement officer shall have authority under this Ordinance to sign citations issued by the Board of Health.

Mr. Varano questioned if this means that he is going to have five members on the board, eight members on the board.... He added that he does not understand it. Mr. Lutz replied, not eight and stated that he thinks that they were looking at three, adding that he does not have it in front of him. Mr. Lutz replied three. Mr. Varano stated that you can have up to five, but a community this size, three is plenty.

Mr. Lutz stated that we will change it to say one member of Kulpmont Borough Council, and then we will have a total of three. He added that is under section Two and added that we will make that change. Mr. Varano said you will have the Physician, the Code Officer and one member of Council. Mr. Lutz agreed. Mr. Varano replied that he can live with that and added that the borough Physician must be a professional health care provider, preferably a doctor, but not limited to, may be a dentist or a practitioner.

Mr. Lutz stated that with the abatement, there are a whole bunch of steps and then elaborated on what they are and explained the process. Mr. Lutz stated that we will look to do one and stated that Mr. Apichell always helps us so much, we will probably look at one of his, or Mr. Demetrious. Mr. Lutz added that he was down to talk to the Shamokin Police Department and they told him to go step by step by step, they said you do that step and come down and talk to us.

MOTION- Mr. Lutz made the motion to adopt ordinance 2017-04 Fine Ordinance and was seconded by Mr. Burns.

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

5 YEAS – 0 NAY

Mr. Lutz stated that the Garbage Ordinance is that if he and Mr. Burns want to go around and collect garbage they must have a license, and so you see a lot of people collecting garbage and they must have a license and it must say where they are dumping that stuff.

Mr. Varano stated that he should come down his place because he stated that between 10:00 a.m. and 10:30 a.m. and we could catch that one guy. Mr. Lutz stated that it's a real deal, we will get one guy and work through it and then when we have all of our p's and q's, we will be ready.

MOTION- Mr. Lutz made the motion and was seconded by Mr. Burns to adopt 2017-05 the Garbage Refuse Ordinance.

ROLL CALL VOTE- BURNS (yes), GORETSKI (absent), LUTZ (yes), MALAKOSKI (yes), MOTYKA (yes), ZIGARSKI (absent), Varano (yes)
5 YEAS – 0 NAY

MOTION- Mr. Lutz made the motion to adopt Ordinance 2017-06 Abandoned Vehicle Ordinance and was seconded by Mr. Burns

Mr. Lutz stated this is abatement for health-related issues, you go in a yard and its full of tires which means that there are rats, snakes and mosquitoes in there.

Mr. Lutz stated that this ordinance will allow us to be a little more forceful in making people clean up their properties.

RECREATION – (Mark Burns)

No Report

PERSONNEL – (Richard Zigarski)

No Report

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

Mr. Varano stated that we have discussed over the past several months on expanding our department. He stated that he would like to pursue this with a couple members from this council and a couple members from the incoming council.

Mr. Lutz commented to make a meeting. Mr. Varano stated that he will make an off the cuff committee right now. Mr. Varano stated that he and Mr. Burns have been in on this from the beginning and stated that he thinks also Mr. Lutz should be on it and Mr. Bielski and of course our Mayor Novakoski and incoming Mayor Mr. Nick Bozza.

It was discussed to try and set something up for Tuesday September 26th. Mr. Varano stated that we will try and set up a meeting for then with He, Mr. Burns, Mr. Lutz, Mr. Bielskie, Mayor Novakoski, Mr. Bozza and Patrick McAndrew.

OPPORTUNITY FOR CITIZENS TO BE HEARD

Michelle Shade of 1211 Scott Street in Kulpmont. She stated that she bought the property scot free on March 3rd of this year. She stated that she has not had many problems but did have one adding that she had to put a tenant out because of structural damage. She stated that it just so happened when they went out to check on the person that was causing the structural damage to the property they just so happened to have narcotics on them and so bingo-bango they went away.

Michelle Shade stated that her main reason here is that this Sunday September 10th. a police officer came to her house and singled her out on her block and "BANG BANG BANG" on her door, although she had a doorbell that works just fine. Michelle Shade stated that he banged and banged on her door, so she stopped her meditation, because she practices Buddhism and stated that she is peaceful people.

Michelle Shade stated when she got to her door, he left her a ticket on her vehicle. She stated that she then went out and tried to reason with him, speak to him and he said, "who the hell do you think you are parking up on the pavement with your tires, who do you think that you are." She stated she does not get cocky with the police and stated she replied, sir I will move this and tried to explain that because so many things were damaged at her home, she went to an estate sale the day before.

Michelle Shade said she was at the Varano estate sale, because of all the damage to her stuff she had to replace a lot of things. Michelle Shade stated that she must do this all alone and that is why her tires were up on the curb, because she must do this all alone. She stated that a neighbor helped with a bed that went in and that was it. She unloaded these tables and took them up the steps all by herself. Michelle Shade stated that she said she does not want any problems that she will move her vehicle to the back he said, "GOOD DO THAT."

Michelle Shade stated that she did not appreciate his tone or the ticket and stated that she considers it racial profiling. Michelle Shade stated that she went over to Representative Massers office and made up a report with the outreach specialist because she does not like how she was treated and how she was singled out like that. She added that she gets along with her neighbors well for the short time that she has been there.

Mr. Varano asked Michelle Shade if she is aware that you are not allowed to park on a side walk, it is against state law. She replied that she was unloading. Mr. Varano replied that she could double park to unload, but you can't park on the sidewalk to unload. Michelle Shade replied that she double parked when she had trouble with another vehicle and people laid on their horns. Mr. Lutz commented that you really can't park on the sidewalk. Michelle Shade questioned why he was banging on her door like he did and stated that he said, "are you from even around here?" She then said yea, I am from 1211 Scott Street, that is where I am from. She then commented that she will be letting it go to court. Mr. Lutz replied, "sure." Mr. Varano replied, "that is your prerogative."

Mr. Keith Tamborelli questioned Mr. Motyka on the savings from the PPL street lights. Mr. Motyka replied that it is \$150.00 per month and for 16 months it is \$2,400.00, it happened last June. Mr. Tamborelli questioned if that money comes back into the general fund. Mr. Lutz commented that it does not come back, it does not go out. Mr. Tamborelli questioned if we have a street light tax. Mr. Niglio replied that it is 3 mills. Mr. Motyka stated that we pay \$3,624.00 per month for the street lights and we are saving \$138.41 per month. Mr. Tamborelli questioned if there is a millage savings to the public. Mr. Motyka questioned Mr. Niglio is the millage is capped off. Mr. Niglio replied yes. Mr. Motyka stated that we still had a savings.

Mr. Tamborelli questioned if there was a contact to the borough concerning a third person not being allowed to be hired as a police officer. and say this this and this, the problem is someone is calling up Mr. Tamborelli replied that if you are still pursuing hiring a third officer without going Civil Service. Mr. Varano replied” yes we are.” Mr. Tamborelli stated that he believes that the borough was contacted about that not legally being able to be done. Mr. Lutz stated he recalls that if someone calls up here from Harrisburg and say this this and this, the problem is someone is calling up here and giving us direction and we don’t even know.

Mr. Tamborelli stated he called and stated that if you are still pursuing hiring a third person without going Civil Service he stated that he will call him again. Mr. Varano replied to Mr. Tamborelli that he can do whatever he wants. Mr. Niglio stated that we only have a one patrolman force and stated that the Chief is not included in that situation. Mr. Tamborelli replied that he is included, in this case he is an active officer and he is patrolling the streets and not an administrative person.

Mr. Varano stated three or more and so how does this pertain, to hire a fourth then we would have to have a Civil Service. Mr. Tamborelli stated that the Borough Code is very clear about it. Mr. Motyka stated that Bill Cole was in contact with that gentleman. Mr. Lutz stated that any education we could get on this matter, we want it and so any information you have or if you can have this person call him and he will take notes and then give the information to everybody and say, “this is what the head of Police in Harrisburg said.” Mr. Lutz said Bill could be wrong.

Chief Patrick McAndrew stated that Mr. Tamborelli is correct at the point he made and said he is considered patrol, he has arrest powers and patrol and still considered an Admin. Chief McAndrew stated that is why he asked for Civil Service, because is it when you hire your third or after your third. Chief McAndrew stated he is not even sure, he has heard so many things. Mr. Varano stated that he draws his recommendation from our Solicitor, he told me that we don’t need. Mr. Tamborelli stated that it is right in Borough Code section 1204, or something like that in the Borough Code. Chief McAndrew stated that it would be good if Keith could give that persons contact information and name and we could talk with them.

Mr. Pancerella of 700 Pine Street questioned what the final estimated cost is for the bridge. Mr. Motyka replied \$1900.00 and stated it would have been the same if we put pipes in the ground, and provided him with a copy of the material list costs. Mr. Motyka stated that the only thing that may change is if we get the grant we will have all the bells and whistles and if we do not get the grant we will keep it at that. Mr. Pancerella questioned what about the labor. Mr. Motyka stated that it is a total 100% volunteer project and stated that he could line up the Carpenter’s Union as soon as we decide to do it.

OLD BUSINESS

None

NEW BUSINESS

None

THE MEETING WAS ADJOURNED AT THE CALL OF THE CHAIR

**RHONDA WILK _____
BOROUGH SECRETARY**

**10/10/2017
DATE OF APPROVAL**

