

**KULPMONT BOROUGH
REGULAR MONTHLY MEETING
MARCH 8, 2023
7:00 P.M.**

Opening Prayer by Councilman Robert Chesney
The Pledge of Allegiance to the Flag by the body present,
Kulpmont Borough Council held the meeting for general purpose on
Wednesday March 8, 2023

Roll call was taken, and the following members were present: Stephen Bielskie, Mike Bradley, Robert Chesney, Joseph Dowkus, Marlin Hodge, Stephen Motyka and Bernard Novakoski.

ABSENT: None

APPOINTED OFFICIALS PRESENT: Solicitor Edward Greco, Treasurer Paul Niglio, Borough Supervisor Bruce D. Graff, Borough Secretary Rhonda Wilk and Code Official Heather Owens.

OTHERS PRESENT: Barry Fetterman, Joe Politza, Ben Britton, Ami Britton, Raymond J. Siko and Joe Cesari.

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

No one spoke.

PRESIDENTS REPORT – (Stephen Bielskie)

No Report

MAYORS REPORT- (Robert Slaby)

Mayor Slaby request authorization for the purchase of police clothing and weapons for three part time officers at a cost of \$1700.00.

MOTION- Mr. Dowkus made the motion and was seconded by Mr. Bradley to authorize the purchase of clothing for three part time officers and weapons.

ROLL CALL VOTE- NOVAKOSKI (yes), BIELSKIE (yes), BRADLEY (yes), CHESNEY (yes), DOWKUS (yes), MOTYKA (yes), HODGE (yes)
7 YEAS – 0 NAYS

SECRETARY'S REPORT- (Rhonda Wilk)

Rhonda Wilk stated a motion is needed to approve the meeting minutes from the February 8, 2023, monthly meeting.

MOTION- Mr. Novakoski made the motion and was seconded by Mr. Dowkus to approve the meeting minutes from February 8, 2023, meeting.

ROLL CALL VOTE- NOVAKOSKI (yes), BIELSKIE (yes), BRADLEY (yes), CHESNEY (yes), DOWKUS (yes), MOTYKA (yes), HODGE (yes)
7 YEAS – 0 NAYS

Correspondence was received from the following:

Kulpmont Cruise Association received and forwarded to the borough a copy of their certificate of liability insurance and request permission to proceed with the Cruise on Sunday June 18, 2023, with a d\rain date of Sunday June 25th from 2 p.m. – 4 p.m. Copy Mayor/Council.

MOTION- Mr. Dowkus made the motion and was seconded by Mr. Bradley to approve the cruise to be held with insurance papers to be in and Special Event application to be submitted.

ROLL CALL VOTE- NOVAKOSKI (yes), BIELSKIE (yes), BRADLEY (yes), CHESNEY (yes), DOWKUS (yes), MOTYKA (yes), HODGE (yes)
7 YEAS – 0 NAYS

The Housing Authority of Northumberland County – Annual Fight the Blight Golf Tournament to be held on May 26th at the Indian Hills Golf Club. Copy Mayor/Council

MOTION- Mr. Chesney made the motion and was seconded by Mr. Novakoski to sponsor a Hole in the amount of \$150.00 for fight the blight.

ROLL CALL VOTE- NOVAKOSKI (yes), BIELSKIE (yes), BRADLEY (yes), CHESNEY (yes), DOWKUS (yes), MOTYKA (yes), HODGE (yes)
7 YEAS – 0 NAYS

Northumberland County Tax Claim Bureau correspondence received for the upcoming judicial sale and was copied to Mayor/Council.

Mount Carmel Area School District Athletic Director/Assistant Athletic Director sent a letter regarding the repairing or replacing baseball storage shed. Copy Mayor/Council

Mr. Chesney questioned if they are asking permission for the school to take care of it, since they are the only ones that really use it. Mr. Motyka stated they will be removing the shed and utilizing a storage container for now. Mr. Motyka stated as we move

forward with the restroom project, if they need to then use the facility then they will. Mr. Chesney questioned if then the school district is handling it. Mr. Motyka replied, "yes."

Kulpmont Fire Department Station 200 sent correspondence letter regarding the residential structure fire at 526 Pine Street, Copy Mayor/Council and Solicitor.

A letter was received from Governor Josh Shapiro on PennDOT for the County Maintenance Municipal Outreach Program

A letter was received from Mark Avellino which was addressed to Borough and KMHJMA, concerning Kulp Lane, the letter was copied to Mayor/Council and Solicitor.

Mr. Bradley questioned if Mark Avellino ever proved he owned this, was there ever a deed search or a survey done adding he does not think the letter holds any weight unless he could prove he owns this property.

Solicitor Greco stated again, that is between neighbors, and you would just take it for what it is.

Mr. Dowkus stated on this topic, Mr. Avellino has been parking his vehicle in the middle of Kulp Lane and, he has also been taking the street sign down, Bruce has been picking them up and throwing it behind the shed up at the garage, the guy is doing whatever the hell he wants.

Mr. Niglio addressed Mr. Dowkus and stated the borough does not have a street up there. Mr. Dowkus stated that is not up to us. Mr. Niglio replied, "yes, it is up to you." Mr. Dowkus replied, "we named the Street." Mr. Niglio replied, "but there is not a street, you don't have a deed or an ordinance that says there is a street there, like all the other streets in the Borough of Kulpmont."

Solicitor Greco stated we had to name the street. Mr. Niglio agreed and stated 911 said you must name the street. Mr. Bradley stated before moving forward on this, we have got to find out who owns this piece of land.

Mr. Novakoski stated if he wants it, he will have it surveyed. Solicitor Greco stated, this is his opinion, if he brings a claim to stop it, then we will respond and stated that right now he does not think necessarily we respond. Mr. Dowkus stated it is a safety issue, we are naming the road for 911, he stated if there is an address, then there is an address for safety right of way, for 911. Mayor Slaby asked if we will wait until there is a fire and someone gets hurt, or if he should send a letter to see what we should do to prevent an accident. Mr. Bradley questioned the Mayor what he thinks of this, the guy is removing the sign. Mayor Slaby stated he does not care about the sign, but when you start blocking passages for emergency vehicles from getting back there, that is what we should all be focused on.

Solicitor Greco questioned was that not a paper street from years ago. Bruce Graff responded saying, “we don’t plow it.” Mr. Niglio stated Bill Fracalossi purchased that property and when he subdivided, he had it on the map 50 feet for a street, but it was never turned over to the borough and we don’t have a deed for it and as far as the Borough aspect, the Borough has no road.

Mr. Niglio stated it is on a piece of paper and if it is filed at the county, he doesn’t know when he subdivided. Mr. Bielskie stated if it was subdivided and filed at the county and shows a 50 ft. for a street on paper. Mr. Niglio then stated, you must take it to make it a street and added he had business law and so he is not just talking.

Mr. Bielskie stated it is on paper that it is there. Solicitor Greco stated it’s a paper street and asked if Council wants him to look at the subdivision plan. Solicitor Greco stated as far as him challenging where a person is digging or not digging is more of a civil matter and that is just his opinion and does not involve the borough.

Solicitor Greco stated if you are going to cite someone for vandalism or parking vehicles then that becomes a borough issue. Mr. Niglio stated we must determine what is what first before we do anything.

MOTION- Mr. Novakoski made the motion and was seconded by Bradley to approve to investigate subdivision concerns to see where the street is supposed to be and if it was ever surveyed.

Mr. Niglio asked said you’re asking if it were ever surveyed and then asked by who. Mr. Novakoski replied by Bill, it would show where the access is out at the road and where it goes. Mr. Bradley stated you can’t landlock it, if you like it or not you have to give access to the property.

ROLL CALL VOTE- NOVAKOSKI (yes), BIELSKIE (yes), BRADLEY (yes), CHESNEY (yes), DOWKUS (yes), MOTYKA (yes), HODGE (yes)
7 YEAS – 0 NAYS

A letter of interest was received from Mr. Bruno Varano for appointment to serve on Borough Council filling the vacancy left following Councilman Bradley’s resignation, copied to Council and Mayor.

TREASURERS REPORT (Paul Niglio)

Mr. Niglio stated council received the financial information and the bills to be paid and approval is needed to pay the bills.

MOTION- Mr. Dowkus made the motion and was seconded by Mr. Novakoski to approve and pay the bills.

ROLL CALL VOTE- NOVAKOSKI (yes), BIELSKIE (yes), BRADLEY (yes), CHESNEY (yes), DOWKUS (yes), MOTYKA (yes), HODGE (yes)
7 YEAS – 0 NAYS

SOLICITORS REPORT (Edward Greco)

Solicitor Greco stated he has been looking at the street opening ordinance and permit fees and looking at the ordinance Mr. Bradley talked about the past two months. He stated he is looking at this ordinance to see if any of this could be adopted or integrated into our ordinance.

Mr. Motyka questioned Solicitor Greco concerning Sixth and Fir Street right of way that we had surveyed and stated we were given some recommendations and asked how we move forward on the information we discovered. Solicitor Greco replied saying he could not find the right of way that was recorded and stated he would not be surprised if it was not recorded or dismissed. Solicitor Greco stated sometime a misspelled word could throw it off and stated he will look at that and stated he does not think we should use the bollard and stated he thinks that is a liability as we discussed.

Solicitor Greco stated using the concrete abutments on the side would be a worry that someone would be driving into those. He stated the last suggestion was decorative flower boxes on the edges and stated he thinks that would probably be the less intrusive. Solicitor Greco stated we must be aware of the PennDOT right of way also. Mr. Motyka stated he just wants to keep moving forward. Mr. Dowkus stated, and Mr. Bielskie agreed vehicles are being parked right on the edge now.

POLICE CHIEFS REPORT – (Stephen Mazzeo, Officer in Charge)

Report attached.

Mr. Bradley commented saying, “it looks like you are going to be a chief with police officers to help.

FIRE CHIEF REPORT – (Kevin O’Hearn)

Report attached.

Raymond Siko stated the chief made a comment on the bottom of the report in reference to the 2000 KME is due for inspection by the end of March and arrangements will be made to have it inspected. He also stated 10 members are currently attending firefighting essentials classes at Overlook Fire Company. There are 4 sections to essentials classes totaling over 100 hours. Raymond Siko stated the classes are held on weekends and occasional weeknights. The 10 members are giving their free time to expand their knowledge base to better protect the citizens of Kulpmont and surrounding areas. He stated the youngest member enrolled in that is 13 and the oldest is 30 and stated he is very pleased with that.

Mr. Motyka questioned Raymond Siko on the house in Lamplight Acres that was involved in a fire asking if that is still under investigation and stated they would like to move forward in getting that house raised. Raymond Siko replied from his understanding that is still under investigation and then asked Chief Mazzeo if that is correct. Chief Mazzeo replied it is still under investigation by the State Police he stated the people that lived there are out of state. Chief Mazzeo stated he would suggest talk to whoever you need to talk to concerning the Red X program and to move ahead. Chief Mazzeo stated whatever evidence needed we have already gotten out. Raymond Siko stated as far as the fire department to proceed as a safety factor, absolutely. Raymond Siko then stated as far as the fire, it is still an active investigation.

Mr. Bielskie questioned if we are holding insurance money. Code Officer Heather Owens replied, "she did not now it was a rental, so no." Paul Niglio confirmed with Rhonda if we received any money from an insurance company. Rhonda Wilk replied, "no." A discussion took place and if the investigation were for arson the insurance company would not release any money.

Chief Mazzeo stated he knows there is insurance on the property but is under investigation. Mr. Motyka stated he just wants everyone to know we are actively on this.

Mr. Bradley asked if there is a way, we could find out who the insurance is with and put pressure on them stating he thinks we should be holding something in escrow. Solicitor Greco stated if the insurance company is still investigating, they would not have released anything.

EMERGENCY MANAGEMENT – (Kevin O' Hearn)

No Report

BUILDING INSPECTOR'S REPORT– (Tri County COG)

Report, Tri County Cog contact information.

CODE/HEALTH ENFORCEMENT OFFICER'S REPORT – (Heather Owens)

Report attached.

Mayor Slaby questioned about the property on the 1300 block where the fire was years ago and stated the plywood is all rotted and has come out onto the sidewalk and heading for Chestnut Street. Heather asked the question, "the Factory?" Mayor Slaby since he has been on Council and have not recently talked about that mess. He stated the plywood is all rotted and starting to come out onto Chestnut Street and Bruce will then need to clean it up or PennDOT is going to have words with us. The Code Officer, Heather Owens stated up to now she has fined for tall grass, there were no snow violations this year. Mayor Slaby stated when he and she recently talked about metal scrap blowing off the roof. She stated an email went out and fines are going out to the owner again on that.

Mayor Slaby said its bad and its coming, it will be out on Chestnut Street and if we don't clean it up, PennDOT will dispatch someone to do it, its bad.

SERVICE AND FACILITIES – (Wm. Mike Bradley)

Mr. Bradley reminded residents of the food distribution scheduled this month for March 23rd from 8:00 a.m. – 11:00 p.m. at the borough garage.

Mr. Bradley reminded residents of the Street Sweeper to begin running at the end of March through October.

Mr. Motyka spoke on the Veterans Memorial Field Rest Rooms and associated costs. He stated the restroom project will soon be starting and stated they had a meeting last month with DCNR to finalize last month. Mr. Motyka stated Mt. Carmel Baseball and Athletic departments are very excited. Mr. Motyka stated a motion was made and allocated his salary to recreation; he would like the remaining \$4,000.00 to go to the restroom project.

MOTION- Mr. Dowkus made the motion and was seconded by Mr. Novakoski to allocate Mr. Motyka's remaining 2-year salary to the Veterans Memorial Field Rest Room project.

Mr. Chesney questioned if you could allocate the salary before you get it. Mr. Dowkus stated the first two years ago he made a motion to allocate it toward recreation and now he made a motion to allocate it to the restroom project. Mr. Bradley stated he understands the question, what if he dies tomorrow.

Mr. Chesney stated he just wants it to be up front. Solicitor Greco stated correct, he just wouldn't get it. Paul Niglio stated when you are going retroactive because we don't do carry overs unless it is specifically budgeted as a line item. He stated in any situation when you go retroactive.

Mr. Niglio stated we had a situation where we didn't have any money to do that, to pass a motion like that because where would we get the money from. Mr. Niglio stated in our case we do have a limited carry over, where it is available. Mr. Niglio stated just a note to council, you just can't do something retroactive because you did not spend it two years ago. Mr. Niglio stated, we are in a situation where we can. Mr. Niglio explained he is talking about the situation, not this motion, just that there are repercussions when you do something like that.

Mr. Niglio stated now, it is not a problem because we have that carryover. Mr. Novakoski questioned if we could allocate that \$4,000.00. Mr. Niglio stated yes, that is what you are doing when you make a motion to do so. Mr. Niglio stated he is just saying there are repercussions for any action, at this time we have a carryover. Mr. Dowkus stated there is only 9 months left in his term.

ROLL CALL VOTE- NOVAKOSKI (yes), BIELSKIE (yes), BRADLEY (yes), CHESNEY (yes), DOWKUS (yes), MOTYKA (yes), HODGE (yes)
7 YEAS – 0 NAYS

Mr. Bradley stated the street sweeper needs repair, we talked about it, the tub on the sweeper. Mr. Bradley stated when the street sweeper is running it picks up the water and the grit and when it goes inside the tub it hits a specific spot on the left and right side. He stated they are notorious for wearing out because it is a very abrasive material.

Mr. Bradley stated there is a hole wearing through and stated his recommendation is that it gets fixed now, because once it does come through the street sweeper is useless it will be like a vacuum cleaner with a hole in the bag.

Mr. Bradley stated right now it would be a simple repair, a welder would need to climb inside it, fabricate the part and weld it in place. Mr. Bradley stated we talked about this and stated his recommendation would be that it be plated and that would probably last longer than the street sweeper.

Mr. Bradley questioned Bruce what was the price we had for replacement of the tub? Bruce said he thought it was \$5,000.00. A discussion took place on if it was just for the tub or included labor. Mr. Motyka asked Bruce to reach out for pricing, so we have something to act on next meeting. Mr. Bradley stated we already did that.

Mr. Bradley stated he recommends doing it before it is too late. Mr. Bradley stated possibly Jones Fabrication in Burnside, or Oak Hill may do it, he will do a good job but you're going to pay a lot. He stated we should get those guys to look at it or take it to them to look at. Mr. Bradley stated the Vo-Tech may do it, but he does not know.

Mr. Novakoski stated it would be tied up to long at the Vo-Tech. Mr. Bradley stated he is just bringing it to Council's attention and stated it is up to you how you address it. Mr. Bradley asked Bruce if he has that price for that tub. Mr. Motyka stated we need prices for next meeting. Mr. Novakoski stated he could just get a price, and updated price for next meeting, it may have changed.

Mr. Novakoski asked Mr. Bradley if he knows these guys if he could get in touch with them and have a price for next meeting. Mr. Bradley agreed to reach out to the guys he knows, but its not a big job, a big money job and these guys are picky because they can be.

FINANCE AND PURCHASING- (Stephen Motyka)

Mr. Motyka stated he copied all of council on trying to find the 650 people not paying taxes or on the tax roll and stated he has one gentleman that is trying to help us, and he will have an update for next meeting. Mr. Motyka stated he is asking for an executive session at the end of the meeting for contractual matters.

CODE HEALTH AND SAFETY- (Marlin Hodge)

No Report

ORDINANCE COMMITTEE - (Joseph Dowkus)

Mr. Dowkus stated he reached out to Ms. Purcell from Service Electric and went back and forth for the longest time; it expired in December. Mr. Dowkus stated basically it is up to negotiations between Mr. Greco and the committee to get what we want in that franchise agreement.

Mr. Dowkus stated at one time, everybody had cable television, we now have 600 people in town that have cable. Mr. Dowkus stated we are asking to add into the agreement to remove any abandoned overhead cables and wires that litter our skyline. Mr. Motyka stated as he read through today and said he read reference to the National Electric Code and stated when he looked that up that requires by 2015 all abandoned wires to be removed and we could probably hold that every abandoned wire be removed in Kulpmont.

Mr. Motyka stated this also applies to the telephone, they are going to be held to the National Electrical Code. Mr. Motyka asked Mr. Bielskie to look into that and said he thinks this is the ticket out to get those wires removed. Mr. Dowkus stated the FCC in 2022 also has that any new land lines be put in and ran underground he said he sent forward all that information for building an ordinance against all these overhead wire issues.

Mr. Dowkus stated he put together a plaque and would like permission to hang it up in borough hall. He stated Mr. Robert Kaminsky passed away and had dedicated his life to the betterment of Kulpmont and stated he put it together, it has bicentennial memorabilia and a letter from Gerald Ford from the White House, honoring Kulpmont and would like it to be hung in the Borough Hall for everyone's viewing pleasure.

MOTION- Mr. Novakoski made a motion and was seconded by Mr. Chesney to have the memorabilia from Mr. Kaminsky to be hung in Borough Hall.

VOICE VOTE- Unanimous

Mr. Bradley asked Mr. Dowkus about the Ordinance, with the water company and all. Mr. Dowkus stated he has all that to Solicitor Greco has a copy of Ralph Township Ordinance and all his notes with depths and widths and all that stuff to piggyback onto that it is in the review process, and we are going forward with that.

GRANTS/RECREATION – (Robert Chesney)

Mr. Chesney stated there are grants in gear and pending. Mr. Chesney stated the County has received more money and are in the process of organizing how that will become

available and divided up. Mr. Chesney stated he is mostly concerned about the blighted properties which we are starting to get more and more do to fires and everything else.

Mr. Motyka stated he does not understand how the blight works; other municipalities have a list of blighted buildings owned by the municipality. Mr. Motyka stated Kulpmont does not have a list and does not know how we go about it if they are privately owned. The Code Officer, Heather Owens stated on the two fire properties with the Red X Ordinance we have a list, it's a long process, but we can go after them with that ordinance.

Mr. Motyka stated the county wants the application in by April 14th and without a list, he does not know the process. Solicitor Greco stated there are also properties on the county repository for taxes we could look at.

Mr. Motyka stated last time this money became available we were successful to receive \$300,000.00 APRA money for the water projects, but April 14th is right around the corner and if we don't come up with any blight or direction by then we resubmit the water and sewer.

Mr. Motyka stated in a letter from the county it reads any grant for up to \$50,000.00 if it is a dollar-for-dollar match.

Mr. Niglio then stated, "you can't use any previous grant money for match." Mr. Motyka then replied, "I think we would be able to use the DCNR money." Mr. Motyka stated he is just saying it is a good back burner project to throw in if we come down to the wire.

PERSONNEL- (Joseph J. Dowkus, III)

No Report

FIRE/EMA/POLICE COMMITTEE – (Joseph J. Dowkus, III – Vice Chair)

No Report

OPPORTUNITY FOR CITIZENS TO BE HEARD

Mr. Joseph Cesari spoke and said before you speculate about different things on their organization, he asked that you know the facts before you speculate. Mr. Cesari stated they got a lot of phone calls and people coming up to them asking, "what is with this Bradley guy, is he trying to throw a monkey wrench into it..." Mr. Bielskie interjected and said, "let's just stop right there, it has been addressed and is done and over with and so why beat it?" Mr. Cesari replied saying he just did not want it to become a political football.

Mr. Cesari stated he wants to address the burn outs and said they every year address burnouts, they put it in the paper and on the registration, place signs up and tell them ago before the cruise begins and so they do everything they could possibly do and have been doing this for 20 years. Mr. Cesari stated those people are not allowed back in the cruise if they do burn outs.

Mr. Cesar stated if Council has any questions at all concerning the cruise to invite them in here and they will explain everything. Mr. Cesari stated he would also invite Council to their meetings and would explain everything the do.

Mr. Ben Britton stated he just wanted to bring the same plan he brought to the sewer authority for the sewer line he would like to put in, which has to do with digging the road on Ash Street. He stated they were ok with it if council is ok with it. After passing it around and giving Council a moment to review. Solicitor Greco stated concerning the letter, it is a civil matter in a lot respects.

Mr. Motyka stated Mr. Britton did ask him to ask our engineer, he designed that intersection and stated he assured him that the stormwater pipes are well oversized to accept any additional water. Mr. Bielskie questioned if they are going to put new manholes up there.

Mr. Motyka replied there are four inlets going in across from Nick Gard's house, so the water does not affect his property. Bruce Graff stated the problem up there is that when it rains all the dirt comes down and blocks the drain, and the water runs over it, and the water and dirt runs on Nick Gard's driveway.

Mr. Bielskie stated hopefully when the home is built and the garage is done and the landscape, you are not going to have that water there. Bruce Graff stated even so, it still comes down that road.

Mr. Britton said it comes from Timberwood and down in. Mr. Britton stated personally if he was given permission, he said he would put a drain in higher on the road to help with the water. Mr. Britton stated it comes right down past Letcavage's and right into Timberwood and strait down through adding that most of it comes down from the Height's hill.

OLD BUSINESS-

None

NEW BUSINESS-

Mr. Bielskie thanked Mr. Bradley for his service on council.

ANNOUNCEMENTS

Mr. Bielskie stated council will now meet in executive session to discuss contractual matters.

Solicitor Greco stated council met in executive session for approximately 15 minutes to discuss contractual matters.

ADJOURNMENT

The March 8, 2023, Meeting was adjourned by the call of the Chair.

Rhonda Wilk
Borough Secretary

Approval date – April 12, 2023