

**KULPMONT BOROUGH
SPECIAL MEETING
May 31, 2023
5:00 P.M.**

Opening Prayer by Councilman Joseph Dowkus
The Pledge of Allegiance to the Flag by the body present,
Kulpmont Borough Council held the special meeting for general purpose on
Wednesday May 31, 2023

Roll call was taken, and the following members were present: Mayor Robert M. Slaby, Stephen Bielskie, Joseph Dowkus, Stephen Motyka, Robert Fanella, Marlin Hodge, and Bernard Novakoski.

ABSENT: Robert Chesney

APPOINTED OFFICIALS PRESENT: Code Officer Heather Owens, Borough Secretary Rhonda Wilk, and Treasurer Paul Niglio

OTHERS PRESENT: Luke Darrup and Jason Lawson

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

None

Finance and Purchasing (Stephen Motyka)

Mr. Motyka stated we called this meeting to discuss individuals that are missing from the tax rolls. Mr. Motyka stated going by the 2020 census and take the numbers our tax collector is collecting there are 1650 on that roll and 900 are being assessed for the occupational assessment, we believe we are 657 short, so we figure there are 257 missing that are not identified or are not registered to pay that occupational assessment.

Mayor Slaby stated Jason Lawson from Keystone Collection Group is here this evening and stated he has shared with Mr. Lawson Kulpmont's concerns and what our dilemma is. Jason Lawson from Keystone Collections thanked council for having them here this evening and stated they have been the borough's earned income tax collector for 10 years now and recently have signed an extension with TCC and stated all representatives are very happy with the services they receive from Keystone.

Mr. Lawson stated part of the local tax enabling ACT 511, which governs both earned income as well as per capita taxes the ability to utilize earned income tax for other tax purposes. Keystone as your earned income tax collector have been contacted by the Mount Carmel School District and pulled an active earned income listing detailing the individuals within the borough that are reporting earned income to Keystone and that

total comes to about 1600 and asked Mr. Motyka if he feels that is in line with where it should be. Mr. Motyka said right now we have 650 people on that tax roll and with a population of 2800 we still have... Mr. Niglio said there are 500 or 600 with earned income that are not on our tax roll and that would not be on the school district also. Mr. Motyka stated those numbers are in line with the numbers our tax collector has, we just don't know where we are facing that deficit, based on the census of 2800.

Mr. Motyka asked if he could use public housing or assistance or any other public records, unemployment compensation or federal tax laws, other avenues. Mr. Motyka stated we filed a right to know with public housing and were able to obtain that information. Mr. Lawson suggested comparing our tax rolls with their listing. Mr. Lawson stated Keystone typically does not go into these other areas. He questioned what the percentage of payment on the current tax rolls and stated there may be folks that moved out of the area. Mr. Niglio replied it is about 80, 85% pay in the current year.

Mayor Slaby stated he would assume that is a good number based on what he is told in Shamokin. Mr. Niglio questions who is going to match the numbers to find the missing links between what our tax roll has, and Keystone has. Mr. Niglio questioned if Keystone crosschecks with the Department of Revenue to see if anyone is filing with the State and not with Keystone. Mr. Lawson replied, "absolutely," Mr. Lawson continued to say that is done every year and they receive the data in July of August every year and by September that cross reference is done, and initial notices are sent out to anybody that didn't file a return or pay what they should have paid.

Mr. Niglio stated the only people missing from the tax rolls are people that are earning money, the rest of them would not be paying anything. Mr. Motyka stated they are still required to pay the head tax. Mr. Lawson asked if the 1600 on the tax rolls are all occ and per cap or all they some per cap only. Mr. Motyka stated 900 of the 650 are filed as occupational assessment 750 of the 1600 people are coded as retired, 400 unemployed, 145 housewives, 135 disabilities, students. If you go by the census we should have 2307 adults in the town, we don't know why the difference between 1650 adults and 2300 adults. Mr. Lawson stated he thinks they may have an answer now. He then stated the listing we have for you are all people that have earnings and he stated if he is giving the borough a list of 1600 people that have earnings and you have 900, 950 people that have earnings that cross reference needs to happen because those 700 or so and add them to your rolls is about where you are looking to put yourself.

Mayor Slaby stated that is what he is trying to accomplish to fill the gap. Mr. Lawson stated what they don't get and if you have a per cap tax as well, the people paying that tax are retired folks, housewives or househusbands that don't work and so if you have 700 of those, plus 900 you have on the rolls paying the occ tax and if Keystones listing is 1600 of individuals that have W-2 earnings or profits, that's a Delta of 700 and adding that to your rolls puts you right where you want to be. Mr. Lawson stated he can send that list to the tax collector to cross reference, it is in excel format.

The question was asked of Mr. Lawson if his list can determine age. Mr. Lawson replied unfortunately no, and so he must warn them they are not given age or job titles, they are not supplied to Keystone and suggested cross reference with the school to determine students. Mr. Motyka questioned if they could contact the Dept. of Transportation to supply the borough with anyone in the borough that has a driver license. Mr. Lawson replied, "that may be overkill."

Mr. Lawson stated the problem here is missing 650, 700 people and he stated he thinks it is proven his list of working folks is about 700 more than you have as occupation folks in your record. Mr. Lawson stated the law under ACT 511 requires employers to remit all W-2 wage earners so therefore if someone moves into your borough is renting or owning and is working for someone else, there is a very strong chance they are on our list. He stated possibly someone that comes and owns their own business or does some work on the side, they may be missed but, the vast majority of folks they will get for the borough.

Mr. Lawson stated this is something they could provide every couple of months or year so the borough could catch someone moving in and keep the tax rolls active. Mr. Lawson stated they will work with the borough on this. Mr. Lawson stated that as people retire, they would complete a form to exonerate themselves and take them off the occupational tax but leave them on the per-capita tax and so you should have a good per-capita list going forward as you should have now. A discussion continued and Luke Darrup, Tax Collector agreed to work on cross referencing the list. Mr. Darrup replied saying he would, and the challenge will be how to list the occupation and the age.

Mr. Lawson also suggested that Luke Darrup check with Tiffany Kaseman of Northumberland County on how she brings new taxpayers into the records. Mr. Lawson stated there have been new folks added to the billing and he has received phone calls because they were never on the list before and so he explained it to them and stated some had to be corrected. Mr. Motyka questioned if the list could be easily sorted and cross-referenced. Mr. Lawson stated the list is in an excel file and so it could be easily matched up.

Solicitor Greco questioned if he has the breakdown of all the corrections that have been done in the borough over the last several months. Mr. Lawson does not have it with him but stated he will put a report together and send it to Ms. Wilk. Mr. Lawson stated he will have the staff pull a fresh set of numbers in the morning and send that to the borough.

Mr. Lawson stated they are making a big push to extend their community partnerships to collect delinquent per-capita and occupational tax, he stated if we are happy with the collector, you have right now that is great. Mr. Lawson stated with Keystone, they know where the folks on the list work. Mr. Lawson distributed proposals to the council.

Mr. Motyka questioned if we identify people who have not paid if we could go back to collect. Mr. Lawson stated there is a statute of limitations which he believes is five years but added it may be a little sticky to go back and send someone a bill from 2019 per

capita bill midway through 2023. He stated he appreciates the dilemma that folks have gotten away without paying this tax for years, but he stated it may be a situation where we fix it now going forward.

Mr. Lawson stated if the borough came onboard with Keystone, it would make it a one stop shop and make it easier for the residents since they are contracting with Northumberland County.

The council thanked Mr. Lawson for coming this evening.

Solicitors Report (Edward Greco)

Solicitor Greco stated there was a Right to Know and stated Rhonda provided him with paperwork that was sent out and stated it should put an end to this open records appeal. Solicitor Greco stated he and Mr. Dowkus did have a conversation yesterday with Service Electric and asked Mr. Dowkus if he would like to speak on that.

Mr. Dowkus stated it was a positive conversation in looking to put into motion the abandoned cable ordinance and stated he feels we now have a working relationship. He stated he has also witnessed them removing some wires in the borough since the conversation.

Mr. Motyka stated the landline phone wires need to be addressed as well and questioned Solicitor Greco about the information he provided on an overhead wire ordinance and questioned Solicitor Greco if that is something he is willing to work on. Solicitor Greco replied, "yes, he will be working on that." Mr. Motyka stated as soon as we got the overhead wire ordinance in place we could reach out to the offenders, including landline phones.

Marlin Hodge questioned where we were at with the letter from Varano thing. Solicitor Greco stated we would need to discuss that in executive session to see how best to proceed.

Mr. Dowkus stated we still have until next month's meeting, it has been advertised and we could hold off until the next meeting, get our ducks in a row.

Mr. Motyka stated he and a couple students were at Lamplight Acres to spread mulch around Saturday and questioned where we are at with the home that was involved in the fire there. The code officer then responded and said she is still issuing fines, but the house itself is not being touched and is still under investigation.

Solicitor Greco stated it is his understanding the state police are still investigating that and suggest we ask Ray Siko on behalf of the Fire Department to send a letter, Solicitor Greco stated he will send a letter, but stated he thinks Ray may have the contacts. Mr. Dowkus stated it is a safety issue.

Service and Facilities Report (Robert Fanella)

Mr. Fanella stated he will need an executive session to discuss a personnel issue.

Mr. Dowkus thanked everyone that came out to help with the cleaning up of the pollination garden and the spreading of the mulch around the borough. Mr. Dowkus stated we had a good team, the guys and the ladies that came together to get this done.

MOTION- Mr. Dowkus and Mr. Motyka made the motion to pay \$1080.00 for mulch to J & S that was used at the pollination garden and around town.

Mr. Chesney questioned as procedure if that should have been brought up prior to that purchase. He stated it certainly was not an emergency purchase that you would have the green light to go and do it. What you did was fabulous but stated he thinks we must watch how we are running things and not do things and just bring them into a meeting.

Mr. Chesney stated of course everyone is going to vote for paying it and questions the Solicitor if he is right with that. Paul Niglo stated we try to keep it to a minimum, he stated we don't know how much mulch you are going to use; we are not gardeners and so it is one of those where it may have started out at \$500.00 and turned out to be \$1,000.00. Mr. Motyka stated he agrees we didn't know how much we would use, but it turned out to be a good thing.

Solicitor Greco stated it may have started out that it was under a certain amount that we don't seek initial approval, but it just seems more was necessary, and they had the manpower. Mr. Chesney stated he did not know until Joe said they went to other areas of the borough and not just the pollination garden, adding when that was set up it was supposed to be all volunteer and donation type of payments in that area. Mr. Chesney stated he will vote no, based on procedure.

ROLL CALL VOTE- NOVAKOSKI (yes), BIELSKIE (yes), BRADLEY (yes), CHESNEY (no), DOWKUS (yes), MOTYKA (yes), HODGE (yes)
6 YEAS – 1 NAYS

Mr. Dowkus stated Mr. Motyka took it upon himself to purchase pizza and water for the volunteers that came to help with the cleanup and mulch spreading at a cost of \$147.99.

MOTION – Mr. Dowkus made a motion to reimburse Mr. Motyka \$147.99 for pizza and water for volunteers and was seconded by Mr. Novakoski.

Mr. Chesney then presented Mr. Motyka with a check in the amount of \$150.00 to cover the reimbursement amount Mr. Motyka paid for the pizza and water for the volunteers. Mr. Chesney stated under the same principle, based on principle, again that was to be all volunteers.

Mr. Motyka thanked Mr. Chesney and his wife for their generous donation and stated the children and other residents greatly appreciate it.

Mr. Dowkus and Mr. Novakoski withdrew the motion to reimburse Mr. Motyka.

OPPORTUNITY FOR CITIZENS TO BE HEARD –

No one spoke.

OLD BUSINESS-

None

NEW BUSINESS-

Mr. Novakoski asked the council to appoint him and make it legal for him to count mechanical devices and machines in the borough. He stated there is a new establishment that has not paid anything and a couple on the list that have not paid.

Mr. Novakoski then said the code officer does not have time and some of the establishments are not open during the day. Mr. Novakoski stated he would like to be authorized to do so, because as a citizen he does not have the right to do it. Paul Niglio stated you are a councilman, you could do it. Mayor Slaby stated in the past the police went to establishments and did this. He then asked them to let him send the police.

Treasurer Paul Niglio addressed the mayor and said the establishments are not open during the day. Mayor Slaby responded saying he will ask the chief to send a part timer. Mayor Slaby stated he does not want to put Mr. Novakoski out. Mr. Novakoski replied it is not putting him out, he wants to do it.

Treasurer Mr. Niglio stated Rhonda can just send out the bills, there is an ordinance. Mr. Novakoski stated there is a new establishment and we could make the decision on who has not paid, some people say they have one machine, and they have three.

Heather Owens, code official stated it is not that she does not have time, establishments are not open during the day, and most are bars, which are not her thing.

MOTION- Mr. Dowkus made the motion and was seconded by Mr. Hodge to appoint Mr. Novakoski to count machines and mechanical devices in the borough.

ROLL CALL VOTE- NOVAKOSKI (abstain), BIELSKIE (yes), BRADLEY (yes), CHESNEY (yes), DOWKUS (yes), MOTYKA (yes), HODGE (yes)
6 YEAS – 0 NAYS – 1 Abstain

Mr. Chesney stated concerning the crosswalk signs, he has had complaints about the road being too narrow to have those signs throughout the borough. Mr. Chesney stated it is state law you must yield to pedestrians in a crosswalk. Mr. Chesney suggested possibly 8 signs through town and taking the rest of the street and using it to replace any damaged

ones. Mr. Motyka stated he feels they are working well, and the original traffic study was two per block.

Mr. Dowkus stated we have 14 throughout town which is half of the amount that were out. Mr. Niglio stated the law states if you're in a crosswalk traffic must stop, the signs are a courtesy. A brief discussion continued, there was no decision to remove signs.

Mr. Chesney stated he has had some complaints from two people on Chestnut Street, the ten hundred and seven hundred blocks, concerning people parking behind their garages which is making it impossible for them to get out of the garage. He stated he does not know if anything could be done about that and stated if you are right on the edge of the alley by the garage which restricts someone from getting out of their garage they should need to move overnight and should not be allowed to park there.

Mr. Dowkus stated there is an ordinance. Heather Owens, code officer then said 30 ft. radius.

Mayor Slaby stated the first 4 years he was mayor at a football game up here at our stadium when the police were dispatched and several of his friends asked why, and he then said he showed them in the law book you are not allowed to park at a garage door. Mr. Chesney stated he does not know if possibly we should put that in the newspaper or what could be done.

Mr. Motyka stated on the permanent easement we have been looking at for months. Solicitor Greco stated the pins are set the stakes are just marking the ground. After a brief discussion Mr. Motyka stated the council needs to decide how we will proceed if we want to protect that easement by going the route of a removable concrete structure or the route of taking compensation for a piece of land, council needs to decide for the next meeting. Mr. Novakoski stated we could place large rocks; it would look good. Solicitor Greco read the statute concerning the survey markers and pins.

Solicitor Greco questioned Mr. Motyka about whether he had some cost estimates on the options.

ANNOUNCEMENTS

None

Council President stated council will now meet in executive session to discuss personnel issues.

Solicitor Greco stated the council met in executive session for approximately 15 minutes.

MOTION- Mr. Fanella made the motion and was seconded by Mr. Dowkus to hire Ed Begis as Borough Supervisor at \$20.00 per hour and 150.00 per month supervisor pay with full benefits.

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

ADJOURNMENT

The May 31, 2023, Meeting was adjourned by the call of the Chair.

Rhonda Wilk
Borough Secretary

Approval date – June 14, 2023