

**KULPMONT BOROUGH
REGULAR MONTHLY MEETING
AUGUST 9, 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 August 9, 2023

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

ABSENT: Mayor Slaby, Secretary Rhonda Wilk

APPOINTED OFFICIALS PRESENT: Solicitor Edward Greco, Borough Supervisor Ed Begis and Code Official Heather Owens.

OTHERS PRESENT: Joe Politza, Edwin Howerter, Tina Treese, Rich Hallick, Janine Beury and Corry Hepler.

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

No one spoke.

PRESIDENTS REPORT – (*Joseph Dowkus*)

Mr. Dowkus stated he is sitting in for the President as Mayor Slaby has a medical issue at this time.

MAYORS REPORT- (*Stephen Bielskie*)

Mr. Bielskie stated he has nothing to report under the Mayors Report and stated Mayor Slaby did speak with the Chief today and stated anything the Chief needs to know the Mayor wants to know.

SECRETARY'S REPORT- (*Rhonda Wilk*)

Paul Niglio stated a motion is needed to approve the meeting minutes from the June 12th meeting and August 2nd.

MOTION- Mr. Fanella made the motion and was seconded by Mr. Novakoski to approve the meeting minutes from the June 12th, 2023, and August 2, 2023, meeting.

VOICE VOTE-

Unanimous

Paul Niglio stated correspondence was received from the following:

A letter was received from the Kulpmont Fire Department Station 200 letter dated July 13, 2023, from the President, Matthew Siko and copied to Mayor/Council

Northumberland County Tax Claim Bureau- Re: Municipal Claim against the properties subject to sale – Copy Mayor/Council

A letter was received from the Kulpmont Knights of Columbus concerning the Wine Fest October 14, 2023, they are requesting to close Fir Street between 8th and 9th streets from 8:00 a.m. until 6:00 p.m., Copied to Mayor/Council

MOTION- Mr. Fanella made the motion and was seconded by Mr. Chesney to close Fir Street for the wine festival to be held on October 14th.

ROLL CALL VOTE- NOVAKOSKI (yes), FANELLA, (yes), CHESNEY (yes), DOWKUS (yes), MOTYKA (yes), HODGE (yes)
6 YEAS – 0 NAYS

TREASURERS REPORT (Paul Niglio)

Mr. Niglio stated the financial statement and bills to be paid are attached and approval is needed.

MOTION- A motion was made to pay the bills and accept the financial statement by Mr. Novakoski and seconded by Mr. Fanella.

ROLL CALL VOTE- NOVAKOSKI (yes), FANELLA, (yes), CHESNEY (abstain), DOWKUS (yes), MOTYKA (yes), HODGE (yes)
5 YEAS – 0 NAYS – 1 ABSTAIN

SOLICITORS REPORT (Edward Greco)

Solicitor Greco stated he did make changes to the street excavation ordinance and stated his secretary did have problems emailing it out, it was getting bounced back and stated he does not know if the problem was on their end, and he will investigate it again tomorrow.

Solicitor Greco stated he still did not hear anything from PPL with the complaint, it is still out there.

Solicitor Greco stated there was correspondence Steve addressed with delinquent taxpayers, that was an issue we looked at.

Solicitor Greco stated a letter was going out and Mr. Dowkus could confirm on Service Electric.

Mr. Dowkus stated he got a report back and stated there are many lines hanging throughout the Borough. Mr. Dowkus stated during the month of June the technician did check out the dropped lines in the Borough and the ones he did find were replaced and pulled. He said they also indicated the other situations with the overhead wire ordinance we are trying to get together. Mr. Dowkus stated they did get back to us and are correcting the issue.

Mr. Motyka stated Verizon Telephone lines; we all agree are the main culprit and stated we must make sure we notify them of all the overhead wires have to go away. Solicitor Greco stated he will be sending a letter.

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

Report attached. Chief Mazzeo stated there are a lot of abandoned vehicles in the last couple months. He stated he added investigations on line 3, stating we are doing a lot of investigations, and it is taken away from patrol time.

Mr. Dowkus asked if there was any potential employment and stated he read in the paper Ralpho Township hired a part-time officer. Chief Mazzeo stated he got three applications, and one was not certified, two were released for cause from other police departments and background investigation washed out. He stated he got one today and it was washed, released from other departments for cause. Chief Mazzeo stated there is a website PAchiefs.org and stated there are 35 jobs available with 31 being for patrolmen. He stated objectively we have the lowest paid one there adding just about everyone else is 8,000 to 15,000 in bonus as far as that goes. Chief Mazzeo said that is a website for State of PA jobs and viable candidates and suggested the council access that option.

Mr. Bielskie stated most are starting off at \$53,000.00 over the mountain from us and stated it is a bigger area, but people are going where the money is. He stated and then after three years they are up to \$63,000.00.

Mr. Chesney stated we have had this conversation before, but we need to live within our means and if we could find part-time officers. Mr. Chesney stated he thinks that is the route to go, and stated they could discuss it a little more and try to entice part-time officers, not only a dollar amount but with flexible schedules to fit their lifestyle. Chief Mazzeo stated he does flexible schedules now on whenever they want to work, they could work. Chief Mazzeo stated he gets about 12 hours a month out of Officer Scandle and hours here and there from Shamokin people. Chief Mazzeo stated he has made it very clear for over a year now they can work when they want to work. He continued to say; with many local guys he has beaten his head against the wall for two years with them.

Chief Mazzeo said we are now below their day rate as surrounding police officers, some make as little as \$28.00 per hour and some make in the 30-, 40- and 55-dollar range. He stated as far as a flexible schedule, he already tried that. Mr. Chesney stated it is still something to keep in your hip pocket and we must keep trying. Mr. Chesney stated every year we have been looking for police officers and we just will keep looking and hopefully we will get one.

Mr. Dowkus stated he would like to say to everyone, we are trying. Mr. Dowkus stated we are now looking at PA Chiefs.org that is why we received applications. Chief Mazzeo stated they have 500,000 subscribers and stated you could sign up for 90 days it is \$200.00, and it covers regional areas, not just regional departments he talked on the salaries depending on counties and that he has seen sign on bonuses out west.

Chief Mazzeo went on to explain the pay rates in different areas and stated that is our competition. He added we are the lowest payer. Chief Mazzeo stated sign on bonuses which he has not seen in Pennsylvania until recently, the sign on bonuses is very popular in Colorado, and Nevada they are very popular out West. He stated it is the first time he has seen something here on this website in PA for sign on bonuses that is our competition on a state-wide level.

Chief Mazzeo stated there was a young man that was going to put himself through the academy, he went to Shamokin. Chief Mazzeo stated Shamokin police department pays less but they have a stable police department, a much more organized police department.

Mr. Hodge asked Chief Mazzeo if he had received any complaints from the Borough about graffiti. Chief Mazzeo responded and said he had a report from North 11th Street and said that is the first one he had recently. Chief Mazzeo said if you look at where it was it looks like they may have come out of the bush.

FIRE CHIEF REPORT – (Kevin O’Hearn)

Report attached.

Mr. Dowkus read Chief O’Hearn’s comments on recent training members attended. Mr. Dowkus stated they are requesting permission to set up the annual inspection on the 2007 Spartan due in September.

MOTION- Mr. Fanella made the motion and was seconded by Mr. Novakoski for the Fire Department to proceed in scheduling the inspection of the 2007 Spartan.

Mr. Chesney questioned for clarification that it is for the inspection. Mr. Dowkus confirmed it is for inspection on the 2007 Spartan.

ROLL CALL VOTE- NOVAKOSKI (yes), FANELLA, (yes), CHESNEY (yes), DOWKUS (yes), MOTYKA (yes), HODGE (yes)
6 YEAS – 0 NAYS

Ray Siko announced this Saturday will be the first annual Community Day will be held and we have a lot of activities planned and asked all to try and come out adding it is going to be a great day. Mr. Motyka asked if we may share his post on Kulpmont Borough Facebook page. Ray Siko asked the Borough to please share the information on the Community Day planned.

EMERGENCY MANAGEMENT – (Kevin O' Hearn)

No Report

BUILDING INSPECTOR'S REPORT– (Tri County COG)

No Report

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

Report is attached.

Mr. Chesney questioned Heather Owens if she heard anything from the owners about maintaining the Mill and if we have anything on record of who anybody is taking care of the property. Heather Owens replied and said there is not a property manager. She continued to say over the weekend it was mowed. She stated over the weekend her sister-in-law is going to secure the property better from the inside.

Edwin is going to give them access to the inside, so we can secure it from the inside, so we are not worried about fires and trespassers. She said they are going to sign paperwork that if there are anymore trespassers they will prosecute. Heather Owens said she sent them an email after the last trespasser was left go, because they did not want to prosecute. She said she expressed to the owner it is like an invitation to shady people and said if there were a fire there or something it would they would lose tons of property and people's lives would be ruined and he then had a change of heart.

Mr. Dowkus questioned Edwin Howerter if he was acting as an agent of their company. Heather Owens replied he has a key. Edwin replied if something goes on, they will call him if he needs to let someone in, they have him down he would guess as a manager. Mr. Dowkus stated he just wants to get something put in the books. Solicitor Greco then stated Edwin is not affiliated with the Borough, so he is doing this on his own.

Mr. Dowkus said if we can get something on paper as a property manager from the Mill people. Mr. Chesney began to comment on the grass when Mr. Motyka then said the grass had been cut within the last couple of days and it is not bad now. Mr. Chesney commented on all the rain we have had and with the break in the concern is to keep things under control.

Mr. Hodge questioned Heather Owens if we took care of the issue Catherine Macijewski had. She responded and said they were down and stated she was back down again yesterday concerning the issue; the lady does not want to listen. Mr. Bielskie said we gave her 15 days to get it cleaned up and then we are coming back, and the next step will be to cite her and after 30 days he is going to condemn the house.

Mr. Motyka said he read an article from New York City; they adopted an ordinance for short term rentals and stated if it is still a problem renting by the room, he suggested the ordinance is something we should consider.

SERVICE AND FACILITIES – (Robert Fanella)

Residents enrolled in the food program are reminded of the food distribution to be held on August 24, 2023, from 8:00 a.m. until 11 a.m. at the Borough Garage.

Mr. Fanella stated the Kulpmont 100 purchased and donated dog waste bags to the borough for the dog park.

Mr. Fanella said they received a price quote for a set of forks for the skid loader for \$1375.00. He stated we could shop around for used for \$750.00.... Mr. Dowkus stated purchasing these from them, they are a dealer and so we would have a warranty and services vs. purchasing them from a guy off the street.

Mr. Dowkus stated it would be beneficial for our operation of the distribution of the food and organization of the garage. Mr. Motyka questioned who buys the freezers up there and questioned if they would purchase these since they would be used for food distribution. Mr. Fanella replied stating it is the county and stated Rhonda would have a contact or be able to contact them about that. Solicitor Greco stated they could be purchased and then we could see if we could be reimbursed for it.

MOTION- Mr. Motyka made a motion to purchase the forks for up to \$750.00 and check into possibly being reimbursed and was seconded by Mr. Fanella

Mr. Chesney questioned if we should check with the County first about that. He questioned if it is something that needed to be organized. Mr. Dowkus stated there was a motion on the floor and a second and called for a roll call.

ROLL CALL VOTE- NOVAKOSKI (yes), FANELLA, (yes), CHESNEY (yes), DOWKUS (yes), MOTYKA (yes), HODGE (yes)
6 YEAS – 0 NAYS

Mr. Fanella stated we have zero turn in for repair and will be around \$1350.00, \$1375.00 to be fixed and asked Ed Begis if he knows what is wrong with it. Ed Begis stated basically it is the clutch bearing with the engine cease, which basically makes the mower inoperable. He stated they will go in and make the repairs, redo all that and several other issues that were about to fail and we should be as good as new. Ed Begis stated to

purchase a brand new used one you would be looking at about \$9,000.00 and a brand new one, a lot more and so fixing it is the best option. Ed Begis stated he does want to give a shout out to J & S because we were down to one and to rent one would be expensive by the day and they said if we ran into problems, they would help us out.

MOTION- Mr. Motyka made the motion to repair the mower up to \$1400.00 and was seconded by Mr. Fanella.

ROLL CALL VOTE- NOVAKOSKI (yes), FANELLA, (yes), CHESNEY (yes), DOWKUS (yes), MOTYKA (yes), HODGE (yes)
6 YEAS – 0 NAYS

Mr. Chesney questioned how old the mower is. Ed Begis replied he believes it is 2016, because he just replaced the battery which appeared original in it and so it is 7 or 8 years old. Mr. Dowkus questioned if it was due to a maintenance issue. Ed Begis replied, “No, it is wear, and tear.” Ed Begis stated they just went over it, cleaned everything, went over everything and put the fresh battery in it and stated it is just used hard.

Mr. Dowkus questioned Mr. Fanella concerning the Aqua project listed under his committee report. Mr. Fanella stated he listed that in his report so if the council wanted to consider discussion, pick up on that special meeting or a decision on that. Mr. Dowkus stated that is all based on that ordinance and stated we will just table that.

FINANCE AND PURCHASING – (Stephen Motyka)

Mr. Motyka stated following the July meeting the solicitor contacted Keystone Collection Services and stated we did find 600 people in the borough not paying occupational taxes. He stated our tax collector is in the process of writing his tax rolls and adding those people. Mr. Motyka stated at the last meeting the question was could we charge them for back five years of not paying.

Mr. Motyka stated we were advised it is probably not doable because they have never been delinquent for a bill they have not received. Mr. Motyka stated council will need to decide and stated he thinks the question is where we put these individuals at, Lawyers, Doctors, Laborers explaining they all pay a different rate and questioned how we assess these new 600 people the right way, we either pick something in the middle, pick the lowest and work up or pick the high end and work down.

Mr. Motyka stated although the county does decide on the scale of occupations, it will come through our tax collector first and stated that puts a lot of burden on him with the 600 new payers. Mr. Motyka questioned do we go for the higher amount and have the burden of appeal, or do we compensate the tax collector, he would be bringing in that much more taxes and asked do we give him another \$10.00 per taxpayer.

Mr. Motyka stated 600 people could come knocking on the door; we would have to feel for him. Solicitor Greco stated if they appeal it will be a lot of work. Solicitor Greco

stated he thinks what the tax collector was suggesting in the email was in the middle and then the county and if they had any question it would go up to a higher assessment. Solicitor Greco stated he thinks for this year that is not a bad approach and stated again this is more money; it was an outstanding job in identifying these individuals and stated it is still going to pay dividends.

Mr. Motyka stated he knows at the last meeting it was up to the borough council to decide how we work this and asked if we want to instruct our tax collector on the \$120.00 that is in the middle of the road. Mr. Chesney questioned if this would be going back one year, not five. Mr. Motyka replied, "Yes." Mr. Motyka stated we can't go back 5 years; they never received a bill; this would be from here going forward, which may not be best in everyone's eyes, but we found 600 people and that 600 people at \$100.00 is \$60,000.00.

Solicitor Greco asked Treasure Paul Niglio his thoughts. Mr. Niglio suggested the middle of the road. Mr. Motyka stated we will instruct our tax collector to send the bills in the next mailing. Mr. Niglio replied, "No, this would be for next year." Mr. Motyka stated the even though the taxes were sent out in March we can't go back to this year, we need to wait for next year. Mr. Niglio stated he does not think anybody is going to do that, you must get them printed by the county and the whole nine yards and stated it is not something our tax collector Luke could do.

Mr. Motyka stated we identified this months ago, we have been after this for two years and questioned if this is a calendar year and why can't we send out the March bills to these 600 people. Mr. Motyka stated he does not want to wait until next month and said he agrees not to go back five years but.....Mr. Niglio stated it is all about who does it. Mr. Motyka stated we approached this month's ago that we would pay a firm to research and find these 600 people because that is a lot of money to leave on the table. Mr. Niglio agreed and said alright, so we got them and asked, how do you bill them. Mr. Motyka stated we would have the county run another set of March bills. Mr. Niglio said it isn't just a phone call.

Mr. Dowkus commented that they work for us and the community. Mr. Motyka stated there is work involved and stated the tax office and assessment office in Sunbury, we need to contact both and have the 600 people charged \$120.00. Mr. Niglio stated we pay to have the bills printed, they would do the work and process them through Lycoming, and they are not done in Sunbury. Mr. Niglio stated the information would need to be transmitted to the County and they send it to where it gets printed.

Solicitor Greco stated the other issue is, you can't say they are delinquent; the face value is due now and then the delinquent period until the end of the year. Mr. Motyka stated if you remember with the Real Estate sale, we had the state law apply where we had to approve anyone in the Real Estate sale that falls in delinquent where we waived the delinquent fee, would need to do the same thing where we charge the face value. Mr. Novakoski responded and said, until we get all that done it will be December. Mr. Motyka stated people have got away with it since they are 18 years old, some for five, ten

or twenty years. Mr. Novakoski stated the county will not do it fast, they will drag their feet.

Mr. Dowkus stated he thinks we should just do it and having them have an excuse of dragging their feet is not an excuse of doing what is right for the community, we pay county taxes as well and they should do their job. Mr. Motyka stated its \$60,000.00 a year assessing these individuals or more at \$120.00. Mr. Dowkus stated is it safe to say we have a motion and a second.

MOTION- Mr. Motyka stated he will make the motion to move forward with the \$120.00 fee and Mr. Novakoski stated he will second it.

Mr. Chesney questioned whether there will be a fee charged to us and we don't know what that fee would be. Mr. Motyka stated the only motion on the table is to move forward with a \$120.00 fee. Mr. Niglio stated if they were on the tax roll, we would pay the fee already and so we are adding it to the tax roll and so there is a fee to do that.

ROLL CALL VOTE- NOVAKOSKI (yes), FANELLA, (yes), CHESNEY (yes), DOWKUS (yes), MOTYKA (yes), HODGE (yes)
6 YEAS – 0 NAYS

CODE HEALTH AND SAFETY- (Marlin Hodge)

No Report

ORDINANCE COMMITTEE - (Joseph Dowkus)

Mr. Dowkus stated Solicitor Greco has already talked on what we are working on currently.

RECREATION AND GRANTS (Mr. Chesney)

Mr. Chesney stated he just wants to say under Ordinance we have a sidewalk ordinance to handle sidewalk repair. He stated Ordinance 2000-1 on sidewalk repair could possibly be brought up and talked about by the solicitor. Solicitor Greco stated he is not familiar with the issue Mr. Chesney is referring to.

Mr. Chesney stated it was for sidewalk construction and repair and just wants to bring to light that we have something on record. Mr. Chesney stated he just wanted to bring that up and have something on record and stated there was another in 2022 on removal and repair of any dangerous structure he stated he found it, it's from 2022 and it probably was not acted on. He went on to say he found it in all his papers. Mr. Dowkus stated he will pass on whatever he has to the solicitor.

Mr. Chesney continued to speak on various ordinances. Mr. Dowkus stated the Mr. Greco spoke under ordinances and an email was sent to him on what the solicitor is looking at. Mr. Dowkus stated he will forward any notes on sidewalks to him. Mr.

Dowkus reminded Mr. Chesney of an ordinance to address blight stating we do have the Red-X program. Mr. Dowkus then said, "Wish you were here Bob." He replied, "So do I."

PERSONNEL- (Joseph J. Dowkus, III)

Mr. Dowkus stated Chief Mazzeo elaborated on our personnel issues.

FIRE/EMA/POLICE COMMITTEE – (Bernard P. Novakoski)

Mr. Novakoski questioned why the West End had not been paid their \$3000.00 allocation yet. Mr. Niglio stated it was his fault, he did not tell Rhonda to cut the check.

Mr. Niglio replied stating it is his fault, he did not tell Rhonda to cut the check. Mr. Dowkus stated, so we can handle it just as a regular bill.

Mr. Hodge stated he would like to put a motion on the floor that we recognize the West End Fire Association and Fire Department, and we support the side by side, he would like to put that motion on the floor. Mr. Dowkus stated he thinks to just bring that up in a session that is not fully into fruition as of right now as of the Fire Ordinance that we are still trying to find and get that all in order, we don't have all the information yet .

MOTION- Mr. Hodge made the motion to recognize the West End Fire Association as part of the Fire Department and we support the side by side and were seconded by Mr. Fanella.

Mr. Fanella stated that it was brought up at the last meeting that the West End was not anymore, the board never took them off. Deputy Fire Chief, Ray Siko said that never happened stating, he was at the meeting. Mr. Chesney stated the West End is part of the Kulpmont Fire Department and there is two companies making up the Department and asked if that is what is going on. Mr. Motyka stated every year they receive a fire relief check and so if the state recognizes them, why are we..... Mr. Hodge then said commented, at the last meeting they were told they were not part of the Fire Department.

Ray Siko, said no, you are wrong and stated he will sit there and tell him he is wrong. Mr. Hodge replied back to him, "you could sit there." Ray Siko said this is typical and stated you were at the meeting and asked what he missed out of this. Ray Siko stated two Associations make up the Kulpmont Fire Department. Ray Siko stated what you're doing here is totally circumventing a borough ordinance in place adding you may think you can do it, you can't.

Mr. Chesney questioned who it is that is speaking. Ray Siko replied stating "I am, Ray and then said to Mr. Chesney you were there to." Mr. Bielskie clarified and stated Ray Siko is speaking. Mr. Chesney then said he does not know that he is recognized. Ray Siko then said, "Oh, really... well I am recognized."

Mr. Dowkus stated there is a motion on the floor and a second.

Solicitor Greco stated there was an ordinance and stated he does not have it with him in front of him, but he thought the ordinance did communicate that the West End did comprise part of the Fire Department. Ray Siko commented, "100%." Mr. Dowkus questioned if we are just reiterating that.

Mr. Dowkus then stated we have a motion and a second.

Mr. Hodge stated the reason is they did not get their \$3,000.00, they think that they are not part of what they get from the state. Ray Siko questioned what does that have to do with them. Solicitor Greco stated they are going to get their \$3,000.00 allocation and questioned if that cures this until we look at that ordinance again. Mr. Chesney stated every ordinance we have had in Kulpmont states anything, any aspect whatsoever must go through council and council has the final say on any information or direction anything to do with the Fire Department and stated if we are going as Borough Council to recognize the other fire company as part of the Fire Department in Kulpmont we can. Mr. Chesney stated Council has final decisions on all of that.

Mr. Chesney stated according to Mr. Jeffries, who is the head of the county as far as safety, and fire and everything else. Mr. Chesney stated that is the research he had done before the last meeting and it still is the same, it is just what the Pennsylvania law says Borough Council has control over all entities within the borough. Ray Siko commented out loud, "you're wrong."

Solicitor Greco stated he was just handed an ordinance from Mr. Fanella as Mr. Chesney was talking, and there is an amendment to the bylaws in ordinance 1993-2. Solicitor Greco stated it reads the two companies of the Borough, West End and the East End and any special units such as the emergency rescue squad and fire police which may be considered for company status or units are hereby formed into the Association known as the Kulpmont Volunteer Fire Department of Kulpmont. Solicitor Greco stated just by that ordinance it is recognizing the West End and the East End. Solicitor Greco stated as Mr. Niglio stated, he is not aware of any ordinance which said they..... Mr. Fenella said there wasn't any ordinance; it was at the last meeting. Solicitor Greco stated there is nothing contradicting that.

Mr. Dowkus addressed Ray Siko and stated to him he had reached out to his brother after they did their research on all the ordinances Ray Siko interjected saying "yea I know he said you went above and beyond trying to pick up on everything and stated he heard about the amendment problem." Mr. Dowkus stated anything they talked about; this is the ordinance. Ray Siko then said, "I know, I understand that, the amendments were never done that were submitted, but that is a whole different ball game."

Ray Siko stated he understands that is the ordinance but asked where does it have in the ordinance, the West End Fire Association and Kulpmont Fire Company #1 comprise of the Kulpmont Borough Fire Department. Ray Siko stated he knows, because he was on

the Fire Committee when they worked on the bylaws. Ray Siko stated nothing has changed since that day; nothing at all has changed and stated he is just trying to figure out if they were all at the same meeting when they had this discussion last week. Solicitor Greco stated the question on the motion, looking at this ordinance the West End is comprised, and the East End made up the Kulpmont Fire Department.

Mr. Dowkus stated the motion is redundant. Solicitor Greco agreed and stated at this time, unless something comes to light. Mr. Dowkus stated that ordinance does stand. Ray Siko responded and said you made it perfectly clear to the President and said they understand and then said Mr. Dowkus has gone above for them with the research and stated they appreciate it. Ray Siko stated as far as the research goes, you are 100% correct and things that happened in the past, we apologize for, we submitted amendments they were just never completed.

The Motion was then rescinded. Solicitor Greco stated the motion was redundant and rescinded, if we see something else a motion could be made at another meeting.

Mr. Dowkus questioned that as well as any other ordinance we have could be changed or amended by council. Solicitor Greco replied that is correct.

Mr. Chesney stated you skipped over the grants. Mr. Bielskie responded to Mr. Chesney saying, "We went to grants, you did not talk about it, and you talked about other stuff instead."

OPPORTUNITY FOR CITIZENS TO BE HEARD

Janine Beury of 1144 Poplar Street stated she has had ongoing issues with her neighbor now for two or three years now and believes it has escalated because they are not held accountable for any of their actions. She stated when his house was condemned, he was living in his house for weeks and got away with it. She stated he violated the noise ordinance where the neighbor down the street can hear surround sound and her walls shake and nothing has happened to him.

Janine Beury then stated he drew a line down the front of her porch with black markers and said that her porch is part of his property, and nothing happened to him because he was disputing the property line. Janine Beury asked isn't it his burden of proof to prove that is his property, isn't it her property until he does so. She said she was told to get a survey, which she does not have \$5,000.00 to do so.

Janine Beury stated he clearly drew on the front of her porch and most recently tore down her fence in the back yard and removed her entry gate to her yard, that says private property do not enter and just tossed it to the side and asked how is that not criminal. Chief Mazzeo interjected saying, we have had this conversation multiple times and said he is not trying to be rude.....Mr. Dowkus interjected asking Mr. Mazzeo to let her speak please." Chief Mazzeo then agreed. Janine Berry interjected and responded by saying, when she called the police, Chief Mazzeo told her to soundproof her walls, file a civil suit

or move. She then asked who it is to say she has the means to move. Janine Beury asked why it is not his burden of proof to prove that it is his property and asked how he can remove the entry gate to her yard on her property. She said anybody can walk through her yard now and his dogs are urinating on her sidewalk because there is no fence now.

Janine Beury stated he drives around the streets of Kulpmont with no license; he gets arrested in every other town but ours. She asked where she is to turn for help if nobody is going to help her. She then said Mr. Bielskie helped them last year and she appreciates that. Mr. Bielskie then asked if there was a permit for a fence. Heather Owens the code officer replied, 'yes.' Mr. Bielskie stated that the fence is down and if you remember he said he was going to install a four or six ft. high panel fence for his dogs.

Janine Beury stated he started tearing down their fence and now there are tarps and pieces of wood hanging. She said that is the least of her worries his dogs urinating on her property; he does have three Pitbull's though. Janine Beury questioned how he could get away with removing her fence from her yard and asked how that is not criminal. Mr. Bielskie then stated he will need to stop in. She then said he instigates them all of the time to where now they are moving.

Janine Beury emotionally expressed that now they are moving and being pushed from their home. She added they don't have the means to do so but they are being made to move from their home because nothing is happening to him. Mr. Bielskie said he was in their basement and knows what it smells like. She replied and stated it is even worse.

Mr. Dowkus asked the solicitor if he could shed any light on the issues that they have. Solicitor Greco stated again that could be a civil action, filing a suit up at the district judge for the removal and the cost to improve it. Janine Beury stated she is talking about the removal of the fence and gate, the entry to her yard and asked how he is not getting arrested for that. Solicitor Greco replied stating he is not a police officer and asked Mr. Dowkus if he will recognize Chief Mazzeo to speak and address this issue. Mr. Dowkus agreed.

Chief Mazzeo then said the issue is, there are people in town that are completely uncooperative adding he cannot talk to them he can't deal with them. Chief Mazzeo stated she is incorrect, he responded to her noise complaint multiple times if she calls and if he is working. Chief Mazzeo then said when it comes to property lines, adding he is sorry that a surveyor cost that kind of money, and stated he does not want to spend that kind of money himself where he lives for the same kind of issue.

Chief Mazzeo said the issue is with uncooperative people like that he needs something in black and white that he can give to a DJ to say it's not a deed that's filed whenever, this is a surveyor's property that says that is the property line and at that point it becomes criminal trespassing. Janine Berry said it is clearly on her side of the porch.

Chief Mazzeo said he discussed this with her repeatedly. Janine Beury asked him if he came down and looked at the black line and then said you did not. Chief Mazzeo said he

looked at the black line. She then asked where it is then and said it is on her side of the porch. Chief Mazzeo responded by saying, "that is what you say, and he says something different." Chief Mazzeo said he can't prove it in a court of law. She said it is his burden of proof to get the survey, not hers.

Janine Beury asked about the gate he removed on her property and asked if she could just go and remove anyone's gate and it would be hers. Chief Mazzeo said do whatever you want to do; you're not the only one in town that has this issue, other people in this town that have that issue and he needs to get something in black and white to bring to Judge Cole, it's not his word verse her word here it is in black and white from a certified surveyor.

Janine Beury said he tore down her fence in the back that is clearly her property the fence that he removed, the entry gate. She said she needs to pay her money and file a civil suit and then nothing, they are not held accountable because she can't go after him for money anyway and asked will he get arrested then.

Mr. Motyka stated the fence may be debatable, but the gate would not be. She agreed and said it is the entrance to her yard from the alleyway.

Solicitor Greco stated he is not familiar with her property but it's two half double connected and asked if she lives on the left or the right. She said she lives on the right facing north. Solicitor Greco stated he drew a line up over the middle of the front porch. She agreed and said up over her banister. Solicitor Greco said if you are on the right what side is the gate on, she said the boarder side. Solicitor Greco asked if they paid for the gate, or it was there when they bought it. She said the gate was there, the fence they paid for and installed. Solicitor Greco said you paid for the fence and he took that down. She replied, "yes." Solicitor Greco asked where is the fence now. She said rolled up in the beginning and the part he took down in the back, they don't know where he put it. Solicitor Greco said if you paid x amount of dollars you could sue him, but if he damaged the post you had put in..... Mr. Bielskie interjected and stated the problem is he does not have anything adding when he closed them down last year legal aid paid for them to stay in a hotel.

Mr. Dowkus said he is sorry, you can't get blood from a stone, can't be an excuse to do what is right. Janine Berry said and now they are moving and are petrified about what he is going to do to her property until they sell it while they are gone.

Corry Hepler also of 1144 Poplar Street stated his biggest concern, and he understands we are short on police all of that stuff, but when he came here and said about the fence, he, Chief Mazzeo did not even come down..., nothing. Corry Hepler stated he is not trying to cause any problems, but if you feel you don't have the police behind you, and then said, he just doesn't even know.

Mr. Dowkus stated you raised enough awareness, and we will get back to you onto handle that, but as the solicitor said, that is his advice on how to handle the problem.

Janine Beury stated she has one more question; she stated they are moving to Lamplight Acres and stated her taxes went up over \$2,000.00 and said the roads are atrocious and questioned if the roads there will be paved anytime soon. Mr. Fanella replied stating they have seen it and they have a list, it is on the list, and stated the cost is about \$95,000.00 for one block. They have a list of the worse ones and when we get the money to do them when we can.

Mr. Motyka questioned about the burned-out house in Lamp Light Acres. Heather Owens stated she does not know where he is at and said she has only the address for the burned house and all the mail comes back to her. Mr. Motyka said wouldn't the insurance company be held accountable for the house they insured. Mr. Motyka stated we'd got a clear bill of health from the State Police that the investigation no longer needs to be standing.

Mr. Niglio stated we hold money in escrow. Mr. Motyka questioned when we could take that escrow money ourselves and take the house down Solicitor Greco said he thinks the escrow is usually 10% of what the insurance company is paying and asked the Treasurer if he knows how much we have. Mr. Niglio replied he does not.

Mr. Chesney stated he wants to interject since this was brought up, that was something he wanted to bring up under grants.... Mr. Dowkus asked Mr. Chesney to hold onto that and said everyone got on a tangent and we are on opportunity for citizens to be heard. Mr. Chesney stated he wants to be on the tangent train to. Mr. Dowkus asked Mr. Chesney to hold onto that thought then please.

Tina Treese of 611 Spruce Street asked if there is anything on the books about garbage cans being stored on the sidewalk all of the time. Heather Owens the code officer replied and said they can actually be on the sidewalk when they have to be because some people do not have access to the back yard, there is no entry way. But then you run into the issue like Ms. Macijewski where you can smell it and have flies and everything else.

Ms. Treese said it is becoming more and more that they are just keeping them there. Mr. Dowkus asked Heather Owens if there is not a stipulation where it could only be so many hours before the scheduled pick up on when they could have garbage cans on the street, Mr. Bielskie responded to Mr. Dowkus question stating the problem is there is no place to store them and so they are putting them back in the entry ways. Solicitor Greco asked Heather to talk with them and check it out. Heather Owens agreed to do so.

Ms. Treese said she has an issue with a property owner on 600 block of Pine Street, the 600 block of Walnut and the 600 block of Spruce Street. She said on Pine he has cars parked on the grass, 10 or twenty cars and the property on Walnut and Spruce are just terrible and have been that way for a long time, he does not take care of the weeds or shovel the snow and stated now he is starting to park the cars in the alleyway of Maple. Mr. Dowkus asked Ms. Owens if she got those addresses and will look into it. Heather Owens agreed.

OLD BUSINESS-

Mr. Fanella stated on the side by side, West End told them the Fire Chiefs are not going to put the side by side into service for the Fire Department. He said they are at a standstill now. They bought the machine and don't want to spend any more money because the Chiefs are saying they are not going to put it into service.

Mr. Dowkus stated the big issue that was brought up in the meeting with the Fire Company that they had was so long as the machine was bought under a grant allowing the vehicle to be used as a safety vehicle they would absolutely be alright in doing so, they just want to make sure that it is not in some sort of loophole or that it is not going to be used in an improper way as per the grant, so there is an outline of the grant. Mr. Sinopoli was here and Mr. Howerter was here and they have all the notes from that meeting and would be able to advise you on everything from that meeting.

Mr. Fanella replied saying with a state grant you tell them what you're doing and if you don't meet the guidelines, you don't get the money. Mr. Fanella said they are at part one; first they are going for the buggy and then they will go for the unit that will rescue people from the bush and fighting brush fires.

Mr. Dowkus said if everything checks out that everything is fine they said it would be a great asset to the community and so they have no problem with them recognizing that as a service vehicle. Mr. Novakoski said he thinks they could override the Chief as far as putting it into service.

Mr. Dowkus stated they have no problem putting it into service as long as everything checks out with the grants, and nothing was under false pretenses. Mr. Fanella stated the only other thing with that is the Borough will need to insure it as an emergency response vehicle. Mr. Dowkus stated once we get all that information, we can see how it will be covered.

Mr. Chesney stated he will make a motion to put the side by side into service once we get clearance that it meets all requirements. Solicitor Greco stated it does not seem to be an issue giving the Fire Department the opportunity to recognize it on its own and if they don't, we can revisit it next month.

Mr. Chesney stated action has begun already on researching all of the deeds and tax rolls on the properties in Kulpmont that have been identified as blighted properties. Mr. Chesney stated he is not going to mention the lawyer's name; he will be contacting Solicitor Greco. Solicitor Greco stated he will wait for the contact.

Mr. Chesney stated before any of the cardboard compacts are purchased he feels there is more research and cost analysis has to be done. Mr. Chesney state he wants his voice to be heard before a compactor is purchased and said we should have a meeting on this because there is a mile long list of things that need to be purchased.

MOTION- Mr. Chesney made a motion to hold off on the purchase of a cardboard compactor.

Motion failed for a lack of second.

NEW BUSINESS-

None

ANNOUNCEMENTS

Happy Labor Day

ADJOURNMENT of the August 9, 2023, meeting

**Rhonda Wilk
Borough Secretary**

Approval date – September 13, 2023