

**KULPMONT BOROUGH
REGULAR MONTHLY MEETING
November 13, 2024
7:00 P.M.**

Opening Prayer by Councilman Marlin Hodge
The Pledge of Allegiance to the Flag by the body present,
Kulpmont Borough Council held the meeting for general purpose on
Wednesday, November 13, 2024

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

ABSENT: Robert Chesney

APPOINTED OFFICIALS PRESENT: Fire Chief Raymond Siko, Code Officer, Heather Owens Borough Secretary, Rhonda Wilk.

OTHERS PRESENT: Edwin Howerter, John Klokis, Sue Klokis, Jason Tandler, Nick Bozza, Mike Bradley and Jewel Newbern.

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

Mr. Motyka stated we have two men from Clean Tech Financial Group on the phone and also Mr. Ramsey Stephens from the Steel Valley Authority. He stated they are going to speak on and answer any questions we may have on the cash flow scenario on Borough owned Solar. Mr. Motyka stated the council has a copy of two cash flow analyses and stated currently the Federal Government will give us up to 70% tax incentives to build these solar systems; Kulpmont Solar will cost 2 million dollars. Mr. Motyka then stated and one is based on 60% tax incentives and the other is based on 50% tax incentives.

Mr. Motyka stated all the council received a copy of these two analyses and continued to briefly explain. Mr. Motyka explained the warranty and explained the production over the life of the system. Mr. Motyka stated Livic Engineering will be handling the Engineering and the bid packages. Mr. Motyka stated if a single panel in the array underperforms the panel will be replaced, it all goes back to the manufacturer's warranty.

Mr. Motyka explained the credits and tax credits and incentives available to us; Mr. Motyka stated we would file for all the tax incentives we qualify in the following year and so in March and April of 2026 we will file for those tax incentives. Representatives from The Clean Tech Financial Group and The Steel Valley Authority added to that stating Municipalities and nonprofits are not taxpayers and so the tax credits are converted to cash, and so these are actual cash infusions you get from the government and so this makes the economics of Kulpmont's system and others they do like this very favorable.

Mr. Niglio questioned if we will be responsible for filing for these credits or if we would have outside help in doing so. Clean Tech Financial explained the Borough needs to file for these credits when the project is complete and stated if the Borough is unfamiliar, they could then recommend to council, if the borough is unfamiliar. Mr. Motyka stated the engineering firm we brought on board, Jason Worth is very knowledgeable and spoke to him and Mr. Stephens the other day and stated he would prepare everything to turn over to your accountant.

Mr. Motyka stated he feels very confident that it should be cut and dry and Mr. Stephens agreed. Mr. Bielskie questioned what the credits are now. Mr. Stephens briefly explained and stated of course the final economics would need to be subject to final due diligence by all of council. Mr. Motyka stated RETTEW put the Performa together for the operating cost, the facility maintenance and such. Mr. Motyka stated it also includes the tax credit acronym that Mr. Ramsey has used is in the analysis he provided council as well.

The Borough Solicitor Edward Greco questioned the general terms and conditions it stated in CAPS if sales tax is applicable, it is our responsibility, stating obviously we are a municipality. Solicitor Greco questioned if they have ever run into a situation where a municipality like ours to be subjected to a sales tax, because sales tax on two million dollars would be quite substantial. Mr. Stephens replied stating only in the state of California and stated the Borough will provide an exemption certificate and that would exempt you from tax, it should not be a problem in Pennsylvania. Solicitor Greco asked if that was the course of action taken by other projects in PA. Mr. Stephens replied, "Yes indeed."

Mr. Motyka stated the total cost of the array is \$2,038,100.00, that is the estimated cost and stated that number does include a contingency amount, development costs which are estimated above what we anticipate we need. He stated last year this council approved bringing RETTEW aboard and with this new financing we rolled the engineering fee into the financing which makes it nice.

Mr. Stephens stated they have not completed their final approval process, that process should probably take a week once they get the green light. Mr. Motyka stated if we don't need contingency money, we will not borrow the contingency money.

Solicitor Greco stated if we were to look further at this and if something is within the lease purchase, we were not comfortable with when doing our due diligence that would be a way for us to not follow through and asked if that is correct. The representative replied stating that document is something they use in all fifty states and if there was something in there bringing discomfort to bring it to his attention and they will do their best to work through that. Solicitor Greco stated if it is approved, have some contingencies.

Mr. Motyka stated if we give final approval tonight, we will have another final proposal within a week and so we could always call a meeting if we would need to vote again but followed up saying hopefully we don't. Mr. Bielskie questioned the treasurer about how this would affect us. The treasurer, Paul Niglio replied and stated it won't, it is a lease purchase so really not at all,

because it's outside. Mr. Niglio stated it is that first year because we're making that payment \$13,000.00 and then we will recoup it.

Mr. Motyka stated it was front page news that Shamokin School District is going to save 2 million dollars for over the next 20 years and stated Kulpmont is going to produce 5 million dollars over the next 20 years and stated he feels it is above and beyond what Kulpmont is trying to do here.

Mr. Hodge questioned operating cost, insurance \$15,000.00 and asked if that is per year? Mr. Motyka replied yes and that includes insurance. Mr. Hodge questioned what maintenance entails. Mr. Motyka stated a pressure washer every couple year if we see it underperforming, and grass maintenance in the fenced in area, sometime they will bring live stalk in to take care of that, cleaning of gear and monitoring of equipment and including insurance that is where we come up with \$30,000.00 per year.

Solicitor Greco stated one thing he talked about with the Treasurer concerning putting money aside for decommission when the time comes so the borough is not burdened in the future. Solicitor Greco stated he would suggest a motion for a preliminary proposal for tax exemption purchase financing with BLL Financial Solutions Partner, he stated that is what he would recommend.

MOTION- Mr. Motyka made the motion and was seconded by Mr. Novakoski for a preliminary proposal for tax exemption purchase financing with DLL Financial Solutions Partner.

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

Mr. Motyka thanked the gentlemen for joining by phone this evening to explain and answer any of council's questions.

PRESIDENTS REPORT – (Stephen Bielskie)

No Report

MAYORS REPORT- (Robert M. Slaby)

No Report

SECRETARY'S REPORT- (Rhonda Wilk)

Rhonda Wilk stated approval is needed on the October 9, 2024, meeting minutes.

MOTION- Mr. Novakoski made a motion to approve the October 9, 2024, meeting minutes and was seconded by Mr. Hodge.

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

Rhonda Wilk stated correspondence was received from the following and copied to both Mayor Council,

Correspondence was received from Borough Residents Sheldon & Debra Kowaleski, a letter of thanks was copied to Mayor/Council.

A letter was received from the Northumberland County Department of Development and Economic Development and Planning regarding Freedom 40 LLC dated October 18, 2024.

Correspondence was also received from Northumberland County Department of Development and Economic Development and Planning dated October 28, 2024.

A letter was received from resident Stephanie Niglio and copied to Mayor Council; Rhonda Wilk stated that issue has been addressed.

TREASURERS REPORT (Paul Niglio)

MOTION- Mr. Novakoski made a motion to approve the bills to be paid and was seconded by Mr. Motyka.

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

Mr. Niglio stated a copy of the proposed budget for 2025 was provided and stated he does not anticipate many changes. He stated the General fund cash carryover is \$186,635.00 and receipts of \$853,835.00 with expenditures the same and stated he does not anticipate changes to this year net.

Mr. Niglio stated the Highway fund has had lots of activity with \$133,000 being spent of street repairs and stated the borough has purchased some equipment. He stated next year's budget is \$107,000.00 with basically \$85,000.00 coming from our allocation from the state and so we will have \$22,000.00 left over for this year.

Mr. Niglio stated the police pension fund keeps rolling along and stated investments are doing well with minimal expenses. He stated we have four individuals that are receiving checks and stated our administrative expenses. He stated we are looking at total funds available of \$478,000.00 and \$23,500.00 expenses and \$454,500 fund equity balance.

Mr. Niglio stated we need a motion to approve these three funds and stated there may be a few changes next month once we pay all of these bills for the activity still going on with the streets and the storm sewer.

MOTION- Mr. Motyka made a motion and was seconded by Mr. Fanella to approve the General fund tentative budget of \$853,835.00 tentative budget for 2025.

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

MOTION- Mr. Motyka made a motion and was seconded by Mr. Novakoski to approve the HW Fund of \$107,000.00, expenses the same.

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

MOTION- A motion was made by Mr. Motyka and seconded by Mr. Fanella to approve the Police Pension 2025 tentative budget of \$478,000.00, expenses 23,500.00 and fund equity of \$454,500.

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

Mr. Niglio stated he needs two filing cabinets; the cabinet he has now exceeded its use and will not even open they lock up and stated he needs two and the cost is approximately \$960.00 for two.

MOTION – Mr. Novakoski made the motion and was seconded by Mr. Motyka to purchase two filing cabinets.

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

SOLICITORS REPORT (Edward Greco)

Solicitor Greco stated a draft ordinance was provided 2024-04 related to amending ordinance 1993-4 article one section two.

MOTION- Mr. Fanella made a motion and was seconded by Mr. Motyka to advertise ordinance 2024-4

ROLL CALL VOTE- NOVAKOSKI (yes), BIELSKIE (yes), FANELLA, (yes), CHESNEY (absent), STASKIEL (yes), MOTYKA (yes), HODGE (yes)

6 YEAS – 0 NAYS

Solicitor Greco stated concerning the bank parking, he did have a discussion and there was a draft sent back up he stated it does still state nonexclusive right to the borough adding however, they do not have a parking license agreement with anyone other. Solicitor Greco stated in essence this gives us the right to control the parking area at no fee to the borough other than maintenance. He stated if we put up a sign we would need to run it by them. He stated they are in approval.

MOTION-Mr. Motya made the motion and was seconded by Mr. Novakoksi to approve entering into parking agreement with Truist Bank.

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

Mr. Motyka asked the solicitor if he could recommend some language for the signs. Solicitor Greco agreed.

MOTION- Mr. Motyka made a motion and was seconded by Mr. Fanella to purchase signs to post for no parking not to exceed \$500.00.

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

Solicitor Greco stated with respect 1263 Chestnut Street Judicial Sale, objections were filed on behalf of the borough and stated a hearing is scheduled for any and all objections, not just ours scheduled for tomorrow. He stated he is requesting an executive session at the end on the meeting related to this and another matter.

Solicitor Greco stated a draft Resolution 776, a resolution forming a hiring committee and hiring process has been put on the agenda if council wishes to adopt that resolution.

MOTION- Mr. Novakoski made the motion and was seconded by Mr. Fanella to adopt Resolution 776 forming a hiring committee and process.

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

Solicitor Greco stated he had a phone conference with PPL on the ongoing dispute. He stated we are trying to work out an agreement, if we can't work out an agreement we will go before the PUC next year.

Mr. Motyka commented to refresh everyone in 2016 we changed all of the streetlights to LED and we have seen no reduction over those years.

Solicitor Greco stated he had no response from the solicitor of the Township on the letter he had sent regarding the Veterans Field annexation and stated he will attempt again.

Solicitor Greco stated there is no word yet on the survey of Kulp Lane.

POLICE CHIEFS REPORT – (Stephen Mazzeo)

Report attached and reviewed.

Mr. Hodge stated he understands they know the name of the robber at Fuel on and stated he is still at large asking if that is correct. Chief Mazzeo stated that is correct, stating there are warrants out for his arrest.

FIRE CHIEF REPORT – (Raymond Siko)

Report attached. Fire Chief Ray Siko stated we are getting back into that time of season and asks everyone to make sure their chimneys are cleaned and smoke alarms are in working condition. He stated anyone not having smoke and carbon monoxide detectors to get them installed and have their furnaces serviced.

EMERGENCY MANAGEMENT – (vacant)

Mr. Fanella stated he looked over Devin O'Hearn's letter of interest and stated he has most of the qualifications the state requires and stated he looks like a good candidate and we should bring him into talk with for an interview. He stated that is his recommendation. Mr. Novakoski stated he agrees as long as we follow the process and procedure.

BUILDING INSPECTOR'S REPORT– (Tri County COG)

Report attached, permits issued

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

Report attached

SERVICE AND FACILITIES – (Robert Fanella)

Food distribution will be held November 21st from 8 a.m. until 11 a.m. at the borough garage.

Mr. Fanella stated he would like to purchase three CB radios for the street department's use, an estimate was received for under \$300.00.

MOTION- Mr. Fanella made the motion and was seconded by Mr. Motyka to purchase three CB radios for the street department.

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

Mr. Fanella stated the Hometown Hero banners will be coming down for the winter and stated many of them are in very bad condition and will not be going back up because of the condition. He stated those who purchased the banners that will not be re-hung next year are welcome to make arrangements to pick them up if they would like them.

Mr. Fanella stated the duct work has never been cleaned in the building and stated Stanley Steamer provided an estimate for them to be cleaned.

MOTION- Mr. Fanella made the motion and was seconded by Mr. Motyka to approve Stanley Steamer to clean the ducts not to exceed \$3,400.00.

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

FINANCE AND PURCHASING – (Stephen Motyka)

Mr. Motyka stated he made out of pocket purchases when he took the truck to pick up storm structures and materials for restroom project and is looking to be reimbursed.

MOTION – Mr. Fanella made the motion and was seconded by Mr. Novakoski to reimburse Mr. Motyka for purchases.

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

Mr. Motyka stated we had a late addition with all of the storm water work finishing up and we have a pay request for M & J Excavation of \$414,779.50.

MOTION- Mr. Motyka made the motion and was seconded by Mr. Fanella to pay \$414,779.50 pay request to M & J Excavating.

Mr. Motyka stated that is not the full contract amount; there is around \$300,000.00 left. Mr. Hodge questioned what the amount was. Mr. Motyka replied \$45145, 779.50.

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

Mr. Niglio stated just to clarify the money to pay for this project is from coming from the ARPA funds the borough received three years ago which we committed for storm water and also grants secured using that money into matching grants, he stated the money is not out of our general fund and coming out of our revenues. The money is isolated and stated we kept that money because we committed to do the storm system.

Mr. Motyka stated we used the money as a match for grants and so there is still more work coming. Mr. Niglio stated he just wanted that noted in the minutes. Mayor Slaby questioned approximately how much the remaining balance after this invoice paid. Mr. Niglio stated there is still approximately \$200,000.00 more to be spent, at the end of the day it may cost the borough \$10,000.00, there were some under and some overages. Mr. Niglio stated that money is not in our general fund, it is in an isolated account and does not affect the budget today.

CODE HEALTH AND SAFETY- (Stephen Bielskie)

There was a meeting with Pat Mack on blight. Solicitor Greco stated he was here with Pat Mack, Heather Owens attended, and Mr. Hodge and Mr. Chesney attended on the phone. Solicitor Greco stated they identified three properties that are a priority for the Borough and stated there are monies available through blight funding throughout the county and stated we are trying to allocate money for those properties.

The Solicitor stated one was the property in Lamplight Acres, and another was 1263 Chestnut Street and the other was the burned out property on Spruce Street. He stated those are the three properties we are looking at and said it was a very productive meeting. Mr. Hodge stated Mr. Mack was very helpful.

ORDINANCE COMMITTEE - (Robert Fanella)

No Report

RECREATION/GRANTS COMMITTEE – (Robert Chesney)

Mr. Motyka stated we have two resolutions to adopt to apply for additional grants. He stated they are for Main Street Beautification and Safety enhancements.

Resolution 777 and Resolution 778

MOTION- Mr. Motyka made a motion to adopt Resolution 777 and was seconded by Mr. Fanella.

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

MOTION- Mr. Motyka made the motion to adopt Resolution 778 and was seconded by Mr. Fanella.

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

Mr. Motyka stated we have a \$3000.00 Main Street Matters Walks Work Grant and stated next week on Thursday November 21st at 9 a.m. we will meet with the representative from downtown and the Department of Health, it's a grant through them they are going to make recommendations on how to create an active transportation plan to solve some of our traffic issues through town. Mr. Motyka stated we would be looking to improve things like crosswalks and streetlights.

Mr. Motyka stated there is an opportunity for citizens to get involved, he asked any council members interested to walk along and citizens to please get involved. Mr. Motyka stated there is a Bucknell survey available and asked everyone to please take a few minutes and complete the survey.

PERSONNEL- (Bernard P. Novakoski)

No Report

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

No Report

OPPORTUNITY FOR CITIZENS TO BE HEARD

No one spoke

OLD BUSINESS-

None

NEW BUSINESS-

None

ANNOUNCEMENTS

Happy Thanksgiving!

Stephen Bielskie stated the council will now meet in executive session to discuss possible litigation.

Solicitor Greco stated the council met in executive session for approximately 15 minutes to discuss possible litigation.

ADJOURNMENT

THE MEETING WAS ADJOURNED AT THE CALL OF THE CHAIR

Rhonda Wilk
Borough Secretary

Approval - December 11, 2024