

**KULPMONT BOROUGH
REGULAR MONTHLY MEETING**

July 8, 2020

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 July 8, 2020

Roll call was taken, and the following members were present: Mayor Bozza, Stephen Bielskie, Robert Chesney, Joseph Dowkus, Robert Fanella, Stephen Motyka, Michael Sinopoli and Robert M. Slaby

ABSENT: None

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

OTHERS PRESENT: William Ridner, Lynn Ridner, Edwin Howerter, Barry Fetterman, Joe Politza, Mike Benedetto and Karen Heiber.

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

No one spoke

PRESIDENTS REPORT – (Robert M. Slaby)

Mr. Slaby welcomed all to meeting and thanked everyone for coming.

MAYORS REPORT- (Nicholas Bozza)

Mayor Bozza stated he and Chief Foust were approached by an officer interested in part time work here at the borough. Mayor Bozza stated the individual is interested in working anywhere between 20 to 24 hours per week. Mayor Bozza stated we could always use another part time officer to fill in the gaps, especially during the evening hours.

Mr. Slaby stated as president of council he does not have any problem with the Mayor having applications on file, he stated right now we are fine but the next thing you know you could be down a police officer. Mr. Slaby stated unless council objects, he does not have a problem with the Department getting an application and resume from the individual to have on file.

Mayor Bozza stated he has been getting complaints about noise at 900 block of Spruce Street. Mayor Bozza stated he did inform the police and Officer Mazzeo informed him of some issues there. Mayor Bozza stated he has received many complaints on noise at this rental.

Mayor Bozza stated he is asking the police to look into this more and see if there are and how many violations have occurred at this property. Mayor Bozza stated he feels he should let the public be aware of where these nuisance properties are and asked if he could say the address.

The Solicitor suggested against that and recommended the Mayor to discuss any issued directly with the Code officer and the Police Department and they could address any issues and would be able to enforce the law.

Mr. Chesney asked to clarify the discussion of the part time officer, that this will be an application only and on paper. Mr. Chesney stated to clarify, this application will be only on paper and not that the person will automatically begin to work as a part time officer. Mr. Chesney stated he feels the budget would need to be looked at, this is an application only. Mr. Slaby agreed and directed a statement to Mr. Chesney stating, “that is my understanding, to get the application and there would then need to be further action taken.” Mr. Slaby stated he feels it is a good idea to get and have the application on hand.

Mayor Bozza stated he made it perfectly clear to council when he became Mayor that he would be working very closely with the police department and stated he wants to make it perfectly clear that if council would have any questions or concerns with his officers to come to him. Mayor Bozza stated any overtime issued to anyone of these officers is court time and asked the Chief if he is correct in saying that. Chief Foust responded it is court time or an investigation.

Mayor Bozza stated he told the Chief if there is something important that comes up not to even call him and stated he trust the Chiefs judgement and then commented he thinks we all should. Mr. Chesney then responded by saying that he thinks that all of council does. Mayor Bozza stated he thinks everyone should understand where the overtime is coming in and stated he does not know why they are being questioned. Mayor Bozza stated if anyone has any questions about this or anything about the officers to feel free to call him anytime.

SECRETARY'S REPORT- (Rhonda Wilk)

Rhonda Wilk stated approval is needed for the regular meeting on June 10, 2020 regular monthly meeting minute.

MOTION – Mr. Bielskie made the motion and was seconded by Mr. Sinopoli to approve the meeting minutes from the June 10, 2020 meeting.

ROLL CALL VOTE- DOWKUS (yes), MOTYKA (yes), CHESNEY (yes), FANELLA (yes), SINOPOLI (yes), BIELSKIE (yes), SLABY (yes)
7 YEAS – 0 NAYS

Rhonda Wilk stated Correspondence was received from Joe Cesari, a letter dated June 22, 2020 and was copied to Mayor and Council.

Mr. Slaby asked if anyone has any questions or concerns. No one spoke.

Correspondence was received from Ford Motor Company concerning an emission recall for the 2015 police vehicle and was copied to Service and Facilities Committee and Borough Supervisor, Bruce Graff.

Correspondence was received from the Solicitor, Edward C. Greco in regard to the easement being recorded and was copied to the Mayor and Borough Council.

Notification was received from the PSAB on the Fall Leadership Conference to be held on October 16th -October 18th in Gettysburg.

Mr. Slaby asked if anyone had any questions on any of the correspondence, nobody spoke.

TREASURERS REPORT – (Paul A. Niglio)

Council received a copy of the financial statement and bills to be paid and stated a motion is needed to approve and pay the bills. Mr. Niglio stated on the list of bills, it is printed a bill to be paid to PMRS and stated that is a typographical error and should be PMHIC for the group health insurance.

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

ROLL CALL VOTE- DOWKUS (yes), MOTYKA (yes), CHESNEY (yes), FANELLA (yes), SINOPOLI (yes), BIELSKIE (yes), SLABY (yes)
7 YEAS – 0 NAYS

Mr. Niglio stated if there are no questions for the treasurer, he has a family obligation and asked to be excused. Mr. Slaby granted his request and thanked Mr. Niglio.

SOLICITORS REPORT- (Edward Greco)

No Report

Mr. Motyka questioned the Solicitor asking, if we need to act on the information on the tax-exempt property discussed by council, the nonprofit group. Mr. Motyka then stated council would like the solicitor to act on that.

Solicitor Greco replied he did send the correspondence to council and stated just as a nonprofit entities need to apply for exception we would need to file a petition to challenge that and so we would need to authorize him to file a petition to take that particular property off and stated we have until September 30th to file that petition.

MOTION- Mr. Motyka made the motion and was seconded by Mr. Dowkus to remove the tax-exempt status property and authorize Solicitor Greco to file the petition to do so.

ROLL CALL VOTE- DOWKUS (yes), MOTYKA (yes), CHESNEY (yes), FANELLA (yes), SINOPOLI (yes), BIELSKIE (yes), SLABY (yes)
7 YEAS – 0 NAYS

Mr. Chesney questioned if there was anything else to discuss about the Valeiko. Solicitor Greco replied “no.” Mr. Chesney questioned if there is anything on the 955 and 957. The Solicitor stated he has sent correspondence out and has not heard anything back and then stated he could send another letter to the landowner. Mr. Chesney thanked the solicitor.

POLICE CHIEFS REPORT – (Nathan Foust)

Police Report Attachment #2

FIRE CHIEF REPORT – (Jeff Gilotti)

Fire Chief Report Attachment #3

Fire Department, Treasurers report Attachment #4

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 Attachment #5

Mr. Chesney stated the vast majority of the residents take care of their property and stated we should tip our hats to them because many are immaculate. Mr. Chesney stated there are a few that just do not care about their neighbors and have no pride. Mr. Chesney stated our code officer is doing her job and hopefully with her doing that we will get some of these slackers in line.

SERVICE AND FACILITIES – (Robert Fanella)

Mr. Fanella stated the food surplus will be held on July 23rd from 8:00 a.m. until 12 noon at the Borough Garage.

MOTION- Mr. Fanella made a motion and was seconded by Mr. Bielskie to pay the additional \$97.00 for the Tahoe tires over the quoted price amount.

ROLL CALL VOTE- DOWKUS (yes), MOTYKA (yes), CHESNEY (yes), FANELLA (yes), SINOPOLI (yes), BIELSKIE (yes), SLABY (yes)
7 YEAS – 0 NAYS

Mr. Fanella stated the Sixth and Fir Street project is all a go and stated that project bidding should be started next month and will be completed with the grant we received for that project.

Mr. Fanella gave an update on the Terry Miriello court project that was done with a grant that the Kulpmont 100 received adding Bruce and the crew did a good job with filling in around the court. Mr. Fanella stated the concession stand is now three quarters of the way painted and looking good.

Mr. Fanella questioned Council if we want to go with security cameras around the borough garage adding they would probably cost us about \$3,500.00 if we want to go that route. Mr. Dowkus questioned if that is just one estimate. Mr. Fanella replied that is just a quote based on the high side to consider if we want to go that route. Mr. Chesney agreed cameras are needed and should be considered. Mr. Chesney stated last week someone came up and left two or more bags of plastic on the ground and stated we should re-investigate that and get cameras up there.

Mr. Slaby stated he spoke to Mr. Fanella about the cameras and stated there is someone else that will be coming to take a look at it Friday and stated he thinks it would be fair to wait until then before accessing an amount.

Mr. Fanella stated we had the doors at the municipal building looked at and repaired by J. Janaski from Marion Heights. Mr. Fanella stated some issues were found with the doors and should be repaired in the future. A new door closure will soon be needed for the exterior Administrative door and the inside door hinges are bad. Mr. Fanella stated the police door also will need some additional work. Mr. Fanella stated he is working on getting a price quote for the repairs but did not have one before the meeting. Mr. Fanella stated during the discussion of repairs the cost may be about \$400.00.

MOTION – Mr. Fanella made the motion and was seconded by Mr. Bielskie to spend up to \$400.00 to have the doors repaired.

Mr. Chesney questioned if this is the front doors. Mr. Fanella stated the front doors were slamming and he was able to adjust and stated it is only a matter of time before they slam again because the door closure is leaking adding you could hear it. He stated the hinges

need to be replaced on the inside doors and the police doors need some replacing of the sealant because they are not working right with the cards.

ROLL CALL VOTE- DOWKUS (yes), MOTYKA (yes), CHESNEY (yes), FANELLA (yes), SINOPOLI (yes), BIELSKIE (yes), SLABY (yes)
7 YEAS – 0 NAYS

Mr. Fanella stated he did see in an ordinance where the yellow line should be 100 ft. each way from an intersection. Mr. Dowkus questioned if that is 100 ft. each way. Mr. Fanella replied no and stated each side is 100 ft. There was some discussion and the Mayor stated he believes it was an issue a while ago because of the limited parking.

Mr. Slaby made the comment, back when he was Mayor the magistrate at the time told him everything needs to be uniform because if somebody challenged, because of each block being different the case would be won because they are not uniform. Bruce Graff questioned what happens in front of Scicchitano Pizza. It was discussed that they all should be 100 ft. Mr. Slaby stated all should be 100 ft. Mr. Fanella stated if we make them all 100 ft. then it is a legal deal because it is all here in the ordinance.

Mr. Slaby stated that whole entire corner up there has been a problem for years and when he said something years ago when he was Mayor, he stated he was told he was trying to put the place out of business. Mr. Slaby stated it is no different today then it was years ago, but he had a council then that did not want to listen to him. Mr. Slaby stated a hydrant is supposed to be 15 ft., an intersection 20 ft. and a stop sign 30 ft. and stated if you want to win in court, go measure it.

Solicitor Greco stated they must not all be 100 ft. Mr. Fanella replied they are all listed in the ordinance he has with him. It was discussed and Mr. Slaby agreed it should be uniform throughout town. Mayor Bozza stated he feels the ordinance should be changed. It was further discussed to take a look at all intersections because we are going to look at this for the stop signs and so we could change the ordinance. Mr. Slaby agrees the ordinance should be uniform through town.

Mr. Graff stated there are some people that paint the lines after they are painted or cover them up with dirt. Mr. Slaby stated he was also once told by a magistrate if something like that happens, charge them with disorderly conduct, its like good paint and covers everything. Mr. Slaby then said he agrees with what Mr. Fanella is saying and stated we maybe should just uniform them completely. Mr. Fanella then said we will look at all of them before the next meeting and will then give another report. Mr. Fanella then said it would make it a little safer.

Mr. Fanella stated he had Eighth Street from Spruce to Pine, without doing the intersections, Lamplight Acres and Maple Alley from Tenth to Eleventh Street. Mr. Fanella stated they could be quite costly and stated he does not know that it will be affordable to do the paving, we were given an estimate for our benefit from the state but with the money available in the highway fund, we have regular and winter maintenance and any other cost, not knowing what the bids will come in at if it will be affordable or

not. Mayor Bozza stated we were given estimates from Barry. Mr. Fanella stated that is correct, for our benefit. Mr. Fanella stated we would need to put it out to bid and it could come in at more or less. The Solicitor stated we could put all three streets out for bid and write it in such a way that the borough could accept or reject any and all bids. The Solicitor stated if we have the money you could do it and if you don't you could reject the other bids and this way save the cost of doing it twice and pick and choose what you may want to accept.

MOTION- Mr. Fanella made the motion and was seconded by Mr. Sinopoli to put all three streets out for bid.

Solicitor Greco commented to make sure it reads the Borough has the right to accept or reject any and all bids.

ROLL CALL VOTE- DOWKUS (yes), MOTYKA (yes), CHESNEY (yes), FANELLA (yes), SINOPOLI (yes), BIELSKIE (yes), SLABY (yes)
7 YEAS – 0 NAYS

Mr. Motyka questioned about the permanent easement on the Fir Street project from the engineer and asked if we could put up something to prohibit parking on that area like they do now, if it is considered a permanent easement. The Solicitor replied an easement is only a right to access.

FINANCE/PURCHASING– (Stephen Motyka)

Mr. Motyka stated the bill for the disposal of trash collected to Mostik in the amount of \$534.88 for a 30 yard and one 20-yard dumpster and the Kulpmont Sportsman's club paid \$125.00 and stated he will ask for a motion for the Borough to pay the remaining balance.

MOTION- Mr. Motyka made the motion and was seconded by Mr. Dowkus to pay the remaining balance to Mostik for the cleanup expense in the amount of \$409.88.

Mr. Chesney stated there was no foreseen cost on that when this project began and stated at this price, he thought we would need to have permission to spend that amount. Mr. Chesney stated although the motion does have some merit was not properly presented.

Mr. Chesney stated they should have had some type of permission to get another dumpster or a bigger one, that is what caused the increase and discrepancy with the payment. Mr. Chesney stated he just wants to bring up the fact that it needs to be brought up before you just go and spend money.

Mayor Bozza questioned if we have paid this before. Mr. Chesney replied, "no," we used our borough trucks to haul the refuse. Mr. Motyka commented it probably cost more to use our trucks rather than have Mostik haul it. Mr. Chesney replied, he does not know and could not answer that. Mr. Fanella then said he could answer that question and stated we paid for bags and tires last time we did not pay for a shed.

ROLL CALL VOTE- DOWKUS (yes), MOTYKA (yes), CHESNEY (no), FANELLA (yes), SINOPOLI (yes), BIELSKIE (yes), SLABY (yes)
6 YEAS – 1 NAYS

Mr. Motyka stated on July 18th and then on the 25th the Kulpmont winery is having two food trucks to benefit the dog park. Mr. Dowkus questioned if we could waive the fee for them since they are raising money for the community. Mr. Slaby questioned if there is a peddler's fee. Rhonda Wilk stated there is a solicitation permit and provided a copy of the ordinance to the Solicitor. Solicitor Greco stated the ordinance reads the cost is \$25.00 or a fraction thereof. Mr. Slaby stated the bottom line is this is going to benefit the borough. Mr. Dowkus stated he was told 100% of the profits would be donated to the dog park.

MOTION- Mr. Bielskie made the motion and was seconded by Mr. Dowkus to waive the Solicitation fee for the benefit for the dog park.

ROLL CALL VOTE- DOWKUS (yes), MOTYKA (yes), CHESNEY (yes), FANELLA (yes), SINOPOLI (yes), BIELSKIE (yes), SLABY (yes)
7 YEAS – 0 NAYS

Solicitor Greco pledged to donated \$50.00 to the Borough to cover the waiving of the solicitation permit fee.

Mr. Slaby thanked Solicitor Greco.

CODE HEALTH AND SAFETY (Stephen Bielskie)

No Report

ORDINANCE COMMITTEE - (Joseph Dowkus)

Mr. Dowkus stated the committee is working on some ordinances and will have all of their ducks or chickens in a row for the next meeting.

GRANTS/RECREATION – (Robert Chesney)

No Report

PERSONNEL- (Michael Sinopoli)

No Report

FIRE/EMA/POLICE COMMITTEE – (Robert Fanella)

No Report

OPPORTUNITY FOR CITIZENS TO BE HEARD

Mr. Benedetto questioned if there is an ordinance about raising farm animals in the Borough. Mr. Bielskie replied we do have an old ordinance and stated it is being looked at. Mr. Chesney commented there is an ordinance from back in 1974 and it does list specific animals and also in another ordinance it does read about domesticated animals not in excess of two. Mr. Chesney stated council is looking at that and trying to make it as fair as possible and if it is decided it is a violation, we certainly need to be considerate and give some time to correct the situation.

Mr. Benedetto stated right now he is counting 24 ducks and does not know how many chickens.

Mr. Dowkus stated we have much information and we are working on the wording and how they need to be written.

Mayor Bozza asked if anyone would be grandfathered in before any change to come. Mr. Bielskie answered no and explained the reason is because it is in there already and stated if it gets to bad, then we would need to seek different measures because it would be a health and safety issue.

Mr. Sinopoli questioned if there would be any fine if they were to get out as there would be for a dog. Mr. Bielskie stated when the ordinance is written, we will look at having fines. Mr. Bielskie stated that is the only way to put some teeth into it.

Mr. Slaby asked Mr. Benedetto if the trailer was moved from near his fence. Mr. Benedetto replied it has been moved.

Mr. Dowkus stated the ordinance is being picked apart and needs to be nailed down.

OLD BUSINESS-

Mr. Motyka stated on March 12th a letter was sent to the Borough from the Shamokin Creek Association and stated the project was approved and organized the cleanup and the only thing was that the Borough needed to pay for the litter and stated he just does not want anyone to think he acted wrong in paying the remainder of the invoice from Mostik for the cleanup. Mr. Chesney replied that was all good to get rid of the garbage but there was not cost assessed in there, or price voted on, that is all. Mr. Dowkus commented to Mr. Chesney that he could have come down and helped out that day. Mr. Chesney then replied, he did come down.

Mr. Fanella stated we talked about putting the dump truck, police car and the suburban out of bid and stated he has the information but does not believe there was ever a motion to do so. Mr. Slaby stated he will talk with Rhonda in regard to those items tomorrow and stated he is sure everyone is in agreement to get rid of those vehicles.

MOTION- Mr. Sinopoli made the motion and was seconded by Mr. Dowkus to advertise for the sale of the surplus property, three vehicles reserving the right to accept or reject all or any bids.

Mr. Chesney questioned if we could piggyback that with the two lots that we are in possession of out on bid along with the vehicles and again at the discretion of Council to accept the bids.

Mr. Slaby commented that they maybe should be separate and questioned if there would be a minimum bid.

Solicitor Greco replied that would be up to council to set a minimum bid and suggested to do a motion to advertise the unused surplus property that would include the vehicles separate from any lots we are in possession of.

ROLL CALL VOTE- DOWKUS (yes), MOTYKA (yes), CHESNEY (yes), FANELLA (yes), SINOPOLI (yes), BIELSKIE (yes), SLABY (yes)
7 YEAS – 0 NAYS

Solicitor Greco stated we could advertise the lots if council is ready to set a minimum because he does believe there is some payback to the County. Solicitor Greco stated there was a question on another lot that was donated to the Borough from Victor Pupo and then asked if Council would like to sell all three lots.

Mr. Slaby questioned if we need to have an appraisal done first, so we know what it is worth. Solicitor Greco replied Council would not need to have an appraisal done adding that would be an additional expense.

Mr. Chesney stated he could check back with the County and discuss what would need to go back to the County and put back into the blight fund. Mr. Dowkus commented we would need to do some research so that there is a baseline before advertising. Solicitor Greco suggested to table the real estate part and stated there is no rush that were must have to get rid of it and stated he will look at it and the assessed value at the county. Solicitor Greco stated when he has that information, he will send it up so everyone could look at it in an email before the meeting.

NEW BUSINESS-

Mr. Chesney asked the Code officer if there was any action taken at the residence that at the last meeting people were here complaining about. Heather Owens replied all issues have been addressed.

ANNOUNCEMENTS

Mayor Bozza stated at 10:00 a.m. the volunteer fireman is having a food truck up at Dallazia's lot this Saturday and Holy Angels is selling potato cakes on Friday from 3

p.m. until 7 p.m. Mayor Bozza thanked Father Andrew for the use of the facility for the Borough's meeting.

ADJOURNMENT

The July 8, 2020 MEETING WAS ADJOURNED AT THE CALL OF THE CHAIR

**Rhonda Wilk
Borough Secretary**

Date of Approval August 12, 2020