

**KULPMONT BOROUGH  
REGULAR MONTHLY MEETING  
MARCH 28, 2017**

**Council met in executive session for approximately 45 minutes before the meeting to discuss contractual matters and possible litigation.**

Opening Prayer by Councilman Richard Zigarski  
The Pledge of Allegiance to the Flag by the body present,  
Kulpmont Borough Council held the meeting for general purpose on  
Tuesday, March 28, 2017

Roll call was taken and the following members were present: Mayor Novakoski, Bruno R. Varano, Stephen Motyka, George Malakoski, Mark Burns and Richard Zigarski.

**ABSENT:** Nicholas Goretski and Walter Lutz

**APPOINTED POSITIONS** – Solicitor William C. Cole and Treasurer Paul A. Niglio

**PRESENT:** Code Officer Russ Moroz, Borough Secretary Rhonda Wilk, Chief of Police Patrick McAndrew and Borough Supervisor Bruce Graff

**OTHERS PRESENT:** Stephanie Niglio, Shannon Grinaway, John Grinaway, Stephen Bielskie, Rose Bielskie, Jeffery Gilotti, Bob Fanella, Barry Fetterman, Ferdinand Dimminick, Joe Pancerella, Keith Tamborelli and Steve Matzura.

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

No one spoke

**PRESIDENTS REPORT (Bruno R. Varano)**

Mr. Varano stated that council discussed the Aqua Water project with the project manager and stated that he is going to take their proposal back to his boss and stated that they will then act on it in two weeks at the next meeting.

Mr. Varano stated that concerning the Senior Action Center Lease, there was never a vote taken on accepting it and stated that at the last meeting it was decided that everyone would look over it and council would then vote to accept it or not accept it at the next meeting. Mr. Varano stated that he looked it over and stated that everything looks alright to him and asked if council would like to vote on this.

**MOTION-** Mr. Burns made the motion to accept the lease and was seconded by Mr. Malakoski to accept the lease for the Senior Action Center.

**ROLL CALL VOTE-** BURNS (yes), GORETSKI (absent), LUTZ (absent), MALAKOSKI (yes), MOTYKA (yes), ZIGARSKI (yes), VARANO (yes)  
5 YEAS and 0 NAYS

Mr. Varano stated that we are going to open the bids for 860 Spruce and stated that we will open the sale first and then the bids for demolition.

Mr. Varano questioned how many bids we received for the sale of the building. Rhonda Wilk replied that we received one bid for the purchase of the building and that it was received from Ferdinand Diminick of Danville.

Mr. Varano opened the bid and passed it on to the Borough Solicitor for review and then announced that the offer is for \$3,000.00 and stated that is the only bid that we received for the purchase.

Mr. Varano stated that he believes that an alternate bid came in and asked Mr. Cole if we can do that one. Mr. Cole stated that the board can look at it and if it is outside the bid specifications it could be rejected for that reason but the board could look at it.

Mr. Varano stated that we have a bid from Ferdinand Diminick Contracting for \$75,000.00 for demolition and stated that he thinks that there was a miscommunication as far as the down payment and stated that it would be bid bonds. Mr. Cole replied which he did and so he is good.

Rhonda Wilk announced that the next bid was received from Brdaric Excavating in Luzerne. Mr. Varano stated that the bid from Brdaric Excavating is for \$53,000.00 for demolition and it appears that all the paperwork is in order.

Rhonda Wilk announced that the final bid received if from SRI in Dunmore. Mr. Varano along with the Solicitor reviewed the bid and announced the amount of the bid as \$69,000.00.

Mr. Varano stated that we received three bids for the demolition and one for the purchase and stated that he thinks that council would like to sit on these for two weeks until the next meeting to vote on them unless council would like to vote on them at this meeting. There was no motion or discussion, Mr. Varano stated that we will wait and decide on this at the next meeting.

**MAYORS REPORT** (Bernard P. Novakoski)

Mayor Novakoski stated that parking restrictions come back into effect on April 1<sup>st</sup> and stated that you must park in the direction of traffic on the side streets adding that is suspended for the winter time.

Mayor Novakoski asked the Chief if he would like to discuss a new system on tickets. Chief McAndrew stated that he is working on getting some numbers and has some phone calls out on the track system for printing tickets in the police cars and stated that he is hoping that for next month he should have more information.

Mayor Novakoski stated that the way the state is changing license plate registration without that it is going to be a nightmare to write a ticket. Mr. Motyka questioned if this is because they are getting rid of the registration. Chief McAndrew replied not only that but it is going to make their job easier, it will be printed right out of the car and the copy will automatically go right to the magistrate office. Mayor Novakoski added that this way we will not waste our time going back and forth to the magistrate.

Mayor Novakoski stated that he just wanted to make everyone aware that this is what they are trying to get. Mr. Varano asked if we have a cost. Mayor Novakoski stated that we do not have a price yet.

Mayor Novakoski stated that he has a letter to join the State Mayors Association and stated that he has had it for about a month now.

**MOTION**- Mr. Motyka made the motion and was seconded by Mr. Malakoski to send in the form for the Mayor to join the State Mayors Association.

Mr. Varano questioned if it is about \$60.00. Mr. Motyka replied yes that is what is on the bills.

**VOICE VOTE-**

Unanimous

Mayor Novakoski wished all a Happy Easter.

Mr. Burns questioned if the Street Sweeper was starting. Mr. Varano replied that it was canceled for March because of the snow storm and it will resume in April adding that it will be the last Wednesday, Thursday and Friday of the month.

**Secretary Report** – (Rhonda Wilk)

Rhonda Wilk stated that approval is needed for the meeting minutes dated February 14, 2017.

**MOTION**- Mr. Zigariski made the motion and was seconded by Mr. Malakoski to approve the meeting minutes from the February 14, 2017 meeting.

**VOICE VOTE-**

Unanimous

Rhonda Wilk stated that under correspondence a resignation letter was received from Keith Tamborelli. Mr. Varano asked council if someone would like to make a motion to accept the resignation of Mr. Tamborelli so that it is on record.

**MOTION**- Mr. Burns made the motion and was seconded by Mr. Motyka to accept the resignation of Mr. Tamborelli.

**VOICE VOTE** –

Unanimous

Rhonda stated that a letter was received from the Kulpmont 100 and was copied to the Mayor and Council. The letter reads that the Kulpmont 100 will be purchasing U.S. Military flags representing the different branches of the military to hang along Chestnut Street. Mr. Varano stated that we need to send them a thank you letter.

Rhonda Wilk stated that a letter was received from PPL Electric notifying the Borough that they will be removing the old poles along the East Oak Street in the Borough now that all the existing wires have been transferred.

Rhonda Wilk stated that resignation letters were also received from Dianne Padula and from Donna Rompallo resigning as auditor effective after the submission of the 2016 annual audit.

**MOTION**- Mr. Burns made the motion and was seconded by Mr. Zigarski to accept the resignation of both Dianne Padula and Donna Rompallo contingent upon the audit getting approved.

Mr. Varano questioned how long we have until we need to fill these positions and asked the question if it is 30 days.

Mr. Niglio stated that we just got the audit and stated that we probably will not send that until later next week and stated that we have not had time to review the audit yet. Mr. Varano questioned Mr. Burns if he would like to change his motion to reflect accepting the resignation upon the audit being approved.

**MOTION** - Mr. Burns made the motion and was seconded by Mr. Zigarski to accept the resignation of both Dianne Padula and Donna Rompallo contingent upon the audit getting approved.

**VOICE VOTE**-

Unanimous

Mr. Niglio stated that normally he presents that at the April meeting and then we approve payment of the Audit at the April meeting and so that is when he stated he will present the audit information to council.

Mr. Varano stated that he thinks that it is 30 days after the audit is complete and accepted adding that we would have to act on it at our next meeting. Mr. Varano asked Mr. Niglio what the qualifications would be and asked if there is any training needed for that and asked if he knows them off hand.

Mr. Niglio replied that it is basically citizens of the borough and if they could work a calculator and a computer. Mr. Niglio stated that in the future, once we close our loan we are going to have to hire a CPA to do our books adding that is one of our requirements under USDA and so we may be able to do away with the auditor positions. Mr. Varano replied that makes more sense since we need to hire a CPA anyway. Mr. Niglio stated that we are going to have to do our statements adding that per Governmental Accounting Principles and said that we are going to be paying probably \$4,000.00 or \$5,000.00 for that service and stated that he does not think that we need to do \$1,200.00 for elected officials to come in and rubber stamp it.

Mr. Niglio stated that as he said he just got all this stuff now and we shouldn't be meeting for two weeks later. Mr. Varano stated that the meeting should have been two weeks ago but we were bombarded with snow. Mr. Niglio stated that the events are running ahead of schedule. Mr. Varano stated that we could always appoint them and if we are going to hire a CPA at the end of the year then we could always do away with the positions.

**Treasurers Report**- (Paul A. Niglio)

Mr. Niglio stated that council received a copy of the financial statement and copy of the bills to be paid and a motion is needed to approve the financial statement and to pay the bills.

**MOTION-** Mr. Zigarski made the motion and was seconded by Mr. Malakoski to accept the financial statement and to pay the bills.

**ROLL CALL VOTE-** BURNS (yes), GORETSKI (absent), LUTZ (absent), MALAKOSKI (yes), MOTYKA (yes), ZIGARSKI (yes), VARANO (yes)

5 YEAS and 0 NAYS

Mr. Niglio stated that all the bills have been submitted from the contractors from the snow storm from the people that were hired for the period of March 16<sup>th</sup> through the 20<sup>th</sup> was \$6,375.00. He states that B & L Contracting, Smith Burial Vault, Giorgini Construction, C. Savitski and Alert Data are the people that were hired.

Mr. Niglio stated that all their hours matched up to the back up information that Bruce Graff gave to him. Mr. Niglio stated that a motion is needed to pay the contractors a total amount for all the snow removal cost of \$6,375.00.

**MOTION-** Mr. Burns made the motion and was seconded by Mr. Malakoski to pay the contractors bills for the snow removal.

Mr. Varano questioned if this is only for the 48-hour period. Mr. Niglio answered no and said that it is the entire contractor cost for the five days that they worked adding that they didn't start until Wednesday, Thursday, Friday, Saturday and Monday.

**ROLL CALL VOTE-** BURNS (yes), GORETSKI (absent), LUTZ (absent), MALAKOSKI (yes), MOTYKA (yes), ZIGARSKI (yes), VARANO (yes)

5 YEAS and 0 NAYS

Mr. Niglio stated that he has been working on the information for PEMA and stated that we can submit cost for a 48-hour period and stated that he did the spreadsheet and that the highest concentration of cost is from Thursday the 16<sup>th</sup> 12:00 noon until 12:00 noon on Saturday. He stated that is the highest concentration of cost during a 48-hour period.

Mr. Niglio stated that we will submit for any overtime hours of full time employees and part time employees, which we only have one full time, the others are part time. Mr. Niglio stated that we will submit for our three trucks and those bills amount close to \$5,000.00. Mr. Niglio stated that we would be recovering about 80% of our hard cost and the remainder will be our soft cost.

Mr. Niglio stated that he is not getting his hopes up because the threshold for Storm Stella is 18 million dollars and stated that he does not think that will be incurred in the state of Pennsylvania. Mr. Niglio said how this works is they take the total county cost and there were only 8 counties that were designated as emergency situations during the storm and so only those 8 counties will submit cost's and those 8 counties total has got to add up to 18 million and then the state will then get to submit that to FEMA.

Mr. Niglio stated that he does not think that is going to happen and stated that it is going to be just like last year in January when we submitted over \$8,000.00 in costs and it did not go anywhere. Mr. Varano agreed but said that we have got to put it in even if we don't stand a chance, you still must go through the motions.

Mr. Niglio stated that the other situation is that Councilman George Malakoski put in 58 hours on the truck during the snow storm Tuesday, Wednesday, Thursday and Friday. Mr. Niglio state that he can be compensated for his hours under the borough code. Mr. Varano asked for a motion to pay him for his hours during the storm.

**MOTION-** Mr. Motyka made the motion and was seconded by Mr. Zigarski to pay George Malakoski at a rate of \$10.00 per hour for the 58 hours he worked during the storm.

Mr. Varano stated that we can pay him under the borough code since our population is under 3000 and being that we were down a driver we didn't have much of a choice. Mr. Varano thanked Mr. Malakoski.

**ROLL CALL VOTE-** BURNS (yes), GORETSKI (absent), LUTZ (absent), MALAKOSKI (abstain), MOTYKA (yes), ZIGARSKI (yes), VARANO (yes)

4 YEAS and 0 NAYS

**MOTION-** Mr. Motyka made the motion and was seconded by Mr. Malakoski to pay for the storm costs out of the General Fund and maintain the Street Fund for paving.

Mr. Varano questioned why we want to pay out of the General Fund asking if there is an excess in the General Fund. Mr. Niglio answered yes. Mr. Motyka stated that he and Mr. Niglio discussed it briefly and it makes sense.

**ROLL CALL VOTE-** BURNS (yes), GORETSKI (absent), LUTZ (absent), MALAKOSKI (yes), MOTYKA (yes), ZIGARSKI (yes), VARANO (yes)

5 YEAS and 0 NAYS

**SOLICITORS REPORT** (William C. Cole)

No report

**POLICE CHIEF REPORT** (Patrick McAndrew)

Police Report attachment #2. Chief McAndrew stated that an order was placed with Atlantic Tactical for ammunition and we never received it and so we called and were told it was on back order and we continue to get the run around and the ammunition is needed for qualifying. He stated that he would like to cancel the order and go through a gentleman in Wilberton and the ammunition is cheaper purchasing it from Andy Klasick. Mr. Varano agreed.

**FIRE CHIEFS REPORT** (Kevin O' Hearn)

Report attachment #3. Mr. Motyka stated that he would like to thank the firefighters for the good job they did cleaning out the hydrants after the snow storm adding that they did a great job. Mr. Varano agreed and stated that they always do. Mr. Varano stated that he does not see Mr. Kevin O'Hearn here and asked Mr. Jeff Gilotti if he has anything to add to the report.

Jeff Gilotti stated that the county radio project has been delayed and they are now hearing sometime in May but there is nothing official yet. Mayor Novakoski stated that the radio will be obsolete before you get them. Jeff Gilotti stated that the problem that they are running into is that the equipment they are giving them the warranty has started and so they are going to be cutting time off the warranty and they

are sitting idle. Mr. Varano commented that they will be obsolete by then. Jeff Gilotti replied that they won't be state of the art.

Mr. Varano stated that he has only seen one quote for the replacement of the light in the truck room for the fire company. Bruce Graff stated that he was not sure if he was taking care of it and if it were him or Russ was taking care of it. Mr. Varano stated that he thought that there was some confusion. The price quote we have is for \$220.00.

Mr. Motyka questioned the Solicitor Mr. William C. Cole on the procedure and asked that since it is such a small amount \$220.00 if three quotes are needed or if council could act on it, he stated at the last meeting we said we would get three quotes. The solicitor replied that we do not have to solicit quotes unless it's over \$10,000.00.

**MOTION-** Mr. Motyka made the motion and was seconded by Mr. Malakoski to accept the quote from Kreco Electric for \$220.00 to fix the broken light in the truck room.

**VOICE VOTE-**

Unanimous

Mr. Varano stated that Bruce Graff or Russ Moroz can take care of contacting them for repair. Mr. Moroz stated that he will contact them.

**EMERGENCY MANAGEMENT** (Kevin O'Hearn)

No Report

**BUILDING INSPECTORS REPORT** – (TRI County COG)

No Report

**CODE/HEALTH ENFORCEMENT OFFICERS REPORT** (Russ Moroz)

Report attachment #4

Mr. Motyka questioned Russ Moroz on some back fines that were gathering dust and questioned how we stand on those stating that he knows that he was working on them.

Russ Moroz stated that he worked on the ones that they could submit and letters have gone out and we have received some payments from fines, the deadline is the end of this month and the rest will go to the magistrate, we are working on them.

Mr. Motyka commented that he just wanted the community to understand it.

**SERVICE AND FACILITIES-** (George Malakoski)

Mr. Malakoski stated that during the storm the wiper arm assembly on the bobcat and the wiper blade were broken by a chunk of ice and a total price quote of \$118.25 was received.

**MOTION-** Mr. Malakoski made a motion and was seconded by Mr. Zigarski to purchase a new wiper arm assembly and wiper blade at a total cost of \$118.25.

**VOICE VOTE** –

Unanimous

Mr. Malakoski stated that the food surplus distribution was held in the borough on March 23<sup>rd</sup>.

Mr. Malakoski stated that he received a price for three sets of tire chains at \$140.00 per set for a total cost of \$420.00 and stated that if we purchase them now we will save \$180.00 in shipping charges.

**MOTION**- Mr. Malakoski made the motion and was seconded by Mr. Zigarski to purchase 3 sets of chains at a cost of \$420.00

**ROLL CALL VOTE**- BURNS (yes), GORETSKI (absent), LUTZ (absent), MALAKOSKI (yes), MOTYKA (yes), ZIGARSKI (yes), VARANO (yes)

5 YEAS and 0 NAYS

Mr. Malakoski stated that the pedestrian crossing signs will be put out on Monday and asked that everyone please observe them.

**FINANCE/PURCHASING/GRANT COMMITTEE** (Stephen Motyka)

Mr. Motyka stated that at the last meeting we agreed to close out the construction account and pay all the balances. Mr. Motyka stated that since then eci submitted another change order and stated that Russ Moroz walked with the company and was in contact with the company.

Mr. Motyka stated that they are asking for us to pay them \$500.00 to re-laminate the case work in the police station and stated that he would contest that because there was supposed to be a wall there and the end they installed was damaged and they saved the money by not building that wall and stated that he does not know how we relay that.

Mr. Moroz stated that he talked to them on Friday and told him that on the pending change order for that wall that the borough is due a refund because they did damage it when they put it in and that was agreed to on the walk through. Mr. Motyka questioned if it is still damaged. Mr. Moroz replied yes, it is and stated that they are not going to fix it because if they try and fix it, it will then be worse than what you have now. Mr. Motyka replied that if you are in contact with them on that and they have the understanding.

Mr. Motyka stated also the line stripping from eci excavation crew, he stated that he would contest that because they could do that and it was on the blue prints, the bollard because it was in the wrong spot in the design and they are charging us for removing that. Russ Moroz replied that he has already contested that on Friday and stated that he told them we are not paying anything because just as Mr. Motyka had said, that they are wrong.

Mr. Motyka questioned Rhonda if this must go back to the USDA or the architect. Rhonda Wilk replied that this was the architect that had contacted us. Mr. Motyka asked Rhonda Wilk to let them know what council's opinion is.

Mr. Bielskie commented and suggested to let Rocky know also that on the ADA compliance and said that the ramp is not compliant. Mr. Varano questioned if that was on the blue prints or if that is going to be a change order also. Mr. Bielskie replied that that was one of Rocky's "I am changing it because it is

going to work.” Mr. Varano commented that he must address a couple of these situations and continued to say that we are not taking the heat for his mistakes.

Mr. Motyka stated that he discussed some numbers with Paul Niglio before the meeting and stated that for the same reason we paid for emergency snow removal out of the general fund, we purchased a roller and a bobcat several years ago and we have two payments left of \$11,300.00. Mr. Motyka stated that we can pay them off two years ahead of schedule if we decide to do so at a price of \$22,600.00 if we want to get them off our payment schedule and save some interest. Mr. Motyka questioned Mr. Niglio on the payoff figure asking where it came from. Mr. Niglio replied that the number came right off the last invoice and added that it probably will be less because there will be less interest.

**MOTION-** Mr. Motyka made the motion to pay off the equipment at the price of \$22,600.00 out of the general fund and was seconded by Mr. Malakoski.

**ROLL CALL VOTE-** BURNS (yes), GORETSKI (absent), LUTZ (absent), MALAKOSKI (yes), MOTYKA (yes), ZIGARSKI (yes), VARANO (yes)

5 YEAS and 0 NAYS

Mr. Varano questioned Mr. Motyka on the intern that he and Mr. Motyka talked about to possibly come in and codify the ordinances.

Mr. Motyka stated that he was talking with a gentleman over in Point Township and stated that the gentleman said he was working with the borough in Point Township and he said he was working with a borough in the township to codify the ordinances. Mr. Motyka stated that he does not know about them that well on his side and stated that he only hears how bad they are. Mr. Motyka stated that what codify means is that they will come in and take all the open ends and close them, give us a book that you could say these are all your ordinances.

Mr. Motyka stated that he and Mr. Varano discussed it and if it is worth an option for advertising it in a college for an intern, government studies or something to work on theses for say 35 hours a week for several weeks over the summer.

Mr. Motyka questioned the Solicitor William C. Cole on how big of a job this undertaking is.

Mr. Cole replied that it is involved and added that they were redone in 1988. Mr. Cole stated that it is a big undertaking and the reason is that when successful councils come through, they change ordinances and some have been changed six or several times. Mr. Cole stated that of course it supersedes and repeals the prior ordinance, but what you are talking about is combining all of that basically into one book and as you said erasing any loose ends.

Mr. Cole stated that what it eliminates is a tremendous amount of researching of the repeal of the prior ordinances into one ordinance that is now the law of the borough. Mr. Cole stated that of course the newest one is the law of the borough but we have them all on record in the borough and stated that he would guess that is what makes it confusing.

Mr. Motyka stated that if we did get some interest in a position like that, we would have to word it right to advertise it, but once it is all completed and the intern does their work there will still be some legal

fees to have it all checked over. Mr. Motyka stated that it would probably be ten times better and Russ probably talked to everyone on how confusing they are.

Mr. Cole stated that the other part of that process is that on certain ordinances, they would have to be brought back to the board for the council to decide at times if they want modifications done.

Mr. Cole stated that what happens in codification also is that some of them are so antiquated and stated that as he said they have not re-codified since 1988. Mr. Cole stated that some of them the board will look at and decide whether they will want to abolish them or update them and things like that.

Mr. Motyka questioned if we get our intern in here for a month to do it and then it would have to go to the board and then we would have to advertise and so this could be a three-month process. Mr. Cole agreed and said that again, depending on the speed of being able to go through those ordinances and bring them to a codification it is the rendition that everyone can understand in one book so to speak.

Mr. Cole stated that it is a complicated process and stated that it is difficult for a person if they do not have some background or knowledge of the original laws and code enforcement and all those things. Mr. Cole stated that they are not going to be able to read them and then get an idea of what they are supposed to be because there are thousands of pages.

Mr. Varano questioned if he does not recommend that we do it or if we should have more than one person working on it. Mr. Cole answered no and stated that he thinks that it is a great thing and good idea because as Mr. Motyka said it does un-complicate the process of trying to determine what the current ordinance on any subject is, it is just a time consuming and tedious endeavor.

Mr. Varano commented that it is a nightmare when you must find old ordinances because you know that they are there somewhere but you cannot find them. Mr. Cole stated to keep in mind that some of those old ordinances are valid and they will be included in the book because they have not been modified.

Mr. Motyka questioned if we want to decide at the next meeting. Mr. Cole replied that this is just a suggestion but possibly research it a little or to get a law student intern adding that he thinks that it would be much easier to handle a task like that. Mr. Cole added that someone who is familiar with legal research and how codes and laws are passed. Mr. Cole stated that he does not know what the person's background is that you are considering but stated that he thinks it would be difficult to bring in somebody who does not have that legal type of background to try and get these re-codified.

Mr. Motyka questioned if PSAB has a templet that they use and refer to that this is a good place to start. Mr. Cole replied yes and stated that they do have many templets depending on the number of ordinances and they do have a research department also and so they may be able to speak to what would be an appropriate avenue to get that done.

Mr. Varano stated that he feels that they should decide and at the next meeting advertise or decide how we want to handle this. Mr. Burns replied that the problem that he sees with it is that every week that goes by, the students are lining up internships and if you wait until the next meeting you are down to a month and a half, two weeks is a big deal. Mr. Varano stated that internships are usually their senior year and questioned if that is correct. Council discussed internships are done in the junior or senior year. Mr. Motyka commented that as Bill Cole said, law school students and questioned how we

address that target audience and stated that he does not know. Mr. Cole replied that you would advertise that type of thing and for that type of intern to be obtained in a law school. Mr. Motyka stated that another question would be what the going rate for an intern is and what is the going rate for a law school intern. Mr. Varano stated that you could advertise in Penn State and stated that he does not know if Bloomsburg has a law school or not. Mr. Cole replied that Bloomsburg does not. Mr. Varano stated that you could place the advertisement in several law schools for an intern.

Mr. Motyka stated that it is a worthwhile idea. Mr. Varano stated that they can work with Russ and they could work with Stephanie Niglio. Stephanie Niglio stated that she thinks that the biggest problem with the ordinance is that they are not maintained in any order as per subject and you can't find them, they are just numbers and you can't remember, they are simply just numbers.

Mr. Varano stated that he remembers ordinances but when you go to find them, you can't find them, and you know they are in there somewhere. Stephanie Niglio stated that you could do it like a check way and say make the first ordinance of 2015 you could make that ordinance number 1, number 2 and number 3 and then make a file on it. Mr. Varano questioned how many books we have. Stephanie Niglio stated that it is a lot. Mr. Cole stated that some of those ordinances are thick because they combined ten ordinances into one.

Mr. Motyka questioned Mr. Bielskie on if the UCC is going to change if it is even worth it to do it in the next two months. Mr. Bielskie stated that the UCC and the zoning are two different things adding that the UCC is more on buildings and we use the UCC to condemn homes.

Mr. Motyka stated that he just does not want to pay an intern and then the UCC change and we then waste that money. Mr. Bielskie stated that the UCC is not changing what the UCC is saying is that instead of us having the committee that changes the code we are going to go by the ICC.

Mr. Varano stated that a lot of them do not have a lot to do with our ordinances. Mr. Bielskie agreed. Mr. Varano stated that we could codify the ordinances. Mr. Bielskie stated that the only thing that would change the ordinance would be the Uniform Construction Code. Mr. Varano stated that they could highlight those and anything to do with them they can make an asterisk or highlight them or make a special list so that we know after it is done if there is a chance of it being changed. Mr. Bielskie stated that any that are before 2004 will be a question mark. Mr. Varano replied that there are a lot of them before 2004. Mr. Motyka stated that since this is Mr. Lutz's committee he stated that he is sure that he will review these meeting minutes when he gets back. Mr. Motyka questioned Mr. Bielskie if he knows when Mr. Lutz will return. Mr. Bielskie replied that he will be back this weekend. Mr. Motyka asked that Rhonda Wilk give him this discussion and have him review the meeting and then he may move on it and by the next meeting we could decide what we want to do, it is two weeks away. Mr. Motyka stated that in two weeks as Mr. Burns said, it may be a lost opportunity. Mr. Varano commented that you never know.

**CODE/HEALTH/SAFETY** (Nicholas P. Goretski, III)

No report

**ORDINANCE COMMITTEE** (Walter Lutz)

Mr. Varano stated that council had met a couple weeks ago before the snow storm and talked about the landlord fees and fines.

**MOTION**- Mr. Burns made the motion and was seconded by Mr. Zigarski to rescind the resolution passed in December increasing the fees and we go back to the 2015 payment schedule which will be \$50.00 per property.

Mr. Varano stated that he knows that we cannot do anything legally but that he hopes that some of the landlords that owe fines pay them with the rescinding of this resolution, it's just a suggestion. Mr. Motyka questions Mr. Varano if he is referring to some of those outstanding tickets that Russ has. Mr. Varano replied yes and said that legally we cannot take it out of there, but we can suggest that they pay the fines and save us a lot of court costs and everything else.

**ROLL CALL VOTE**- BURNS (yes), GORETSKI (absent), LUTZ (absent), MALAKOSKI (yes), MOTYKA (yes), ZIGARSKI (yes), VARANO (yes)

5 YEAS and 0 NAYS

Mr. Varano stated that he does not know what this is review of ordinances and ordinance regarding height of grass and said that we will discuss this when Mr. Lutz returns from Italy.

**RECREATION** (Mark Burns)

No Report

PERSONNEL (Richard Zigarski)

No Report

**FIRE/EMA/POLICE COMMITTEE** - (Varano, Zigarski and Burns)

No Report

**OPPORTUNITY FOR CITIZENS TO BE HEARD**

Mr. Grinaway 1237 Scott Street, he said that he is here again about 1235 Scott Street. He said nothing is being done about cleaning up the property and said that it is garbage galore. He stated right next to his door and his fence and kitchen. Mr. Grinaway stated that the garbage bins outside are filled snow and now its melted and filled with water that is getting to be stagnate. He stated that the yard is filled with garbage and the yard is filled with to put it bluntly dog shit.

Mr. Grinaway stated that nobody is making any effort to clean it up and the drain in back is still not capped, he stated that he brought it up to the code officer in September and the Sewer Authority in November and they said there should be fines going out and nothing is being done about it. He stated that he does not know if the property owner is being fined for it.

Mr. Grinaway stated that he has pictures of weeds that are 5 feet high and he stated that if that is not the basis for a fine then that is crap. Mr. Grinaway asks why is nothing being done and he asks why something is not being done. Mr. Varano replied that he will ask that question to Russ and added that he knows that he and Mr. Lutz went down there.

Mr. Grinaway continued to say that there is also a bag of garbage on the back porch a flat screen television on the back porch at 1235 and a box and supposable they are not the property owners per Mr. Moroz. Mr. Grinaway stated that Mr. Moroz said that it is from the property owner next door putting it on the 1235 property. He said all the garbage is getting deeper and deeper and stated that he would like to know when something is going to be done about it.

Mr. Varano asked Russ if he could address. Mr. Russ Moroz replied that he has fines out on it. Mr. Grinaway stated that this morning when he spoke to Mr. Moroz and that he said that Mr. Moroz said maybe talking to council, they will have the borough workers clean up the property. Mr. Varano replied that we don't do that and added that you cannot open a can of worms like that. Mr. Grinaway stated that he has pictures and that he will show them to council at the end of the meeting if you would like to look at them and then you can tell me what is what.

Mr. Motyka questioned if it is true about the neighbor putting garbage on his property, is this true.... or do we not know. Mr. Moroz stated that there is a box there and a television there, adding that he can't go on the property. Mr. Varano commented that we cannot go onto the property and remove anything. Mr. Grinaway questioned Mr. Moroz and said that he thought that he said that he talked to the property owner and that the property owner said that it is not his and that its from 1233 sitting on the back. Mr. Moroz stated that he did talk to him and he said that he can't go on the property and how do I verify it.

Mr. Motyka asked Mr. Moroz if he talked to the property owner what he said and what was his defense. Russ Moroz stated that it's the next-door neighbor not mine is all that he said. Mr. Grinaway stated that with the warm weather coming up nobody is going to cut the grass, the dog shit is going to lay there, we are going to be infested with flies and bugs and everything else.

Mr. Grinaway added that it is a health hazard and a sanitation problem and that should be addressed also. Mr. Varano questioned Mr. Moroz on if he is fining him. Mr. Moroz stated that he is. Mr. Varano questioned if he is responding to any of them. Mr. Russ Moroz stated that he has paid them, yes, he has paid a snow fine he has paid a fine on the property.

Mr. Varano asked why he does not clean it up. Mayor Novakoski commented that it is cheaper to pay the fine. Mr. Moroz stated that he can't answer that question. Mr. Grinaway stated that it should be a sanitation problem or a health problem and unfit for human habitation, it is ridiculous.

Mr. Moroz stated that he is paying the fines but he is not cleaning up the property. Mr. Bielskie stated that you can post that unsafe structure because of the garbage. Mr. Grinaway stated that nobody has been in the house since December when the people were evicted and when the people moved in in September he stated that he let Russ know about it. He added that Russ did not know they moved in and so he did not have a chance to inspect the building either. Mr. Varano replied that we are going to fine him for that also.

Mr. Grinaway stated that the reason he knows that is because he talked to the lady that moved in. He said he asked the lady to not put anything on his fence and told her that he put a lot of money into it and right now there is a bunch of weeds on it, a gate on it and a lawn mower. Mr. Grinaway stated that there are weeds on it and they are all dried up and with the smokers that come around this building and if they throw a match in it he stated he is going to lose a garage and a fence. He asked the Mr. Varano if he would look at the pictures at the end of the meeting. Mr. Varano replied sure, they will look at it.

Rose Bielskie stated that her comments are related to Mr. Grinaway's and stated that their property at 1109, a very similar situation. She stated that the problems that happened there were left go to the point that the building was condemned and there were a lot of citations that were quelled at the magistrate and they were to be re-filed and stated that she is wondering why they were not refiled.

Mr. Varano questioned Russ Moroz if they were refiled. Mr. Russ Moroz replied that those were the ones that they talked about the last time and discussed with the solicitor and they could not be refiled. The Solicitor replied that he thinks that they were going to change the language in them and go under a different section. Mr. Cole added that they would not be re-filed, they would be new citations.

Mrs. Bielskie asked if that is being taken care of and stated that her understanding is that it is several thousand dollars' worth of fines and with it being knocked down at the magistrate that is just a feather in his cap. Russ Moroz stated that the garbage was the main thing and that they were burrowing in from the outside in. Mr. Varano questioned that he thought that it was cleaned out.

Mr. Moroz said "oh yes." Mr. Bielskie added that 18 truckloads were taken out. Mrs. Bielskie stated that even after the garbage issue one of the things that they did was empty a freezer and there was a big bag of rotting meat on the back porch and during that heat wave it was several days until they came and got it and with the blood dripping it was just like the ground was alive with all the flies. She stated that everybody's house was infested and when the brother finally came for the bag, he dragged the bag down through the yard and didn't clean anything up. She stated that she got her own hose out and hosed off the top and bottom of their deck and sidewalk.

Mrs. Bielskie stated that there is a dirty adult potty chair on the front porch for a week. Mrs. Bielskie stated that those citations must be re done. Mr. Varano questioned if Walter Lutz was addressing that. Russ Moroz replied "not that one" Russ Moroz stated that is the one he addressed with Bill Cole. Mr. Varano stated that he knows that they talked about it at that meeting.

Mrs. Bielskie stated that the only thing he responds to is money adding that in all the times that he had tenants, until he was cited he never shoveled snow and he was shoveling snow and so it does make a difference when you cite them. She added that there was an opened window for about three months and there is something running around. She stated that she does not know if it is a bird a racoon or what it is, but you can hear it in there running around in there. Mrs. Bielski stated that this is why the little things are important and they need to be enforced right from the beginning and they cannot wait until the house must be condemned and you cannot live next to it. Mr. Varano asked Russ Moroz to take care of that.

Keith Tamborelli stated that when they were out plowing the other day they were going down Maple Street and they still have the road closed at the fire company and stated that he is just wondering what activity there is to resolve that street closed and asks why is the community still being penalized for a property that is not being taken care of therefore keeping the street closed.

Russ Moroz stated that is just for safety in the case that the stacks come down, that's all I can tell you. Mr. Tamborelli asked if we can resolve that and questioned why we must keep a street closed for a property owner. Mr. Varano replied that we do not have a couple of million dollars to tear it down and the property owner is not going to do it and added that he is from out of state.

Mr. Tamborelli questioned if we are fining him. Mr. Varano stated that we are absolutely adding that he is an absentee landlord from New York and has dual citizenship with Israel or Lebanon..... Mr. Burns stated that he is at the point where he owes us close to \$200,00.00. Mr. Tamborelli asked if it can move to legal action and stated that it would be better to auction the building off. Mr. Motyka questioned if we could take legal action, maybe put a lien on the property. Mr. Cole replied that we could. Mr. Tamborelli replied that it would be better to auction off the building off. Mr. Motyka stated that it was up for taxes. Mr. Varano stated that he only paid \$250,000.00 for the whole kit and caboodle. Mr. Motyka asked if we could put a lien on it for the money he owes now so that if he does sell it. Mr. Cole replied yes, we could put a lien on it.

Mr. Tamborelli asked if we are going after one or more property owner. Russ Moroz replied that it is a corporation and the fines are going to the corporation. Mr. Tamborelli questioned if the borough could reach into the owners of the corporation. Mr. Cole replied that we could but we would have to exceed the procedures that we are using now and we would have to file a regular law suit with common pleas court and attach jurisdiction and bring him back here to answer to that law suit. Mayor Novakoski stated that DEP has fines against him and said that when the owner found out that the fines were \$200,000.00, \$100,000.00 for a smoke stack they have not seen him since. Mr. Varano added that DEP isn't going after him and the EPA. Mayor Novakoski stated that the EPA is responsible for the asbestos in the smoke stack and that they did not even move on it, they ignored it. Mr. Tamborelli stated that the problem is that what happens when the people in the community are walking by and the smoke stack falls, ultimately they are going to come back to the borough and say "what up" and sue us.

Mr. Bielskie commented that as long as the borough is doing something they can't sue us. Mr. Cole stated that the only other thing beside filing a law suit in common pleas is, we can certainly look at the property from a different standpoint with the Chief under criminal statutes which would particularly be a public nuisance charge which would be a misdemeanor in the second degree.

Mr. Cole stated the himself and Chief McAndrew could look at it from that angle. The Solicitor William C. Cole continued to say that it puts such a tremendous burden on the community and stated that he thinks that the Council and the Mayor all agree with the Mr. Tamborelli and the citizens of the community. Mr. Cole added that there is nothing that they would like more than to be able to eradicate these situations and especially a case like this when the property is such an enormous size with such an enormous problems and the person is in a different country it really creates..... Mr. Tamberelli asked if the property is empty, completely. Mr. Cole replied that he believes so, yes. The Mayor added that PPL Electric cut the power to the building.

Mr. Tamborelli stated the other day when they were plowing it looked like some broken windows. Council said that it has been like that. Mr. Tamborelli stated that it will not be long for them to start to occupy the inside. Russ Moroz stated that he will go in as long as someone goes in with him adding that he will not go in alone. Mayor Novakoski commented to stay out of the basement adding that the chemicals in there will kill you. Mr. Varano stated that we checked with the blight people many of times and there just is not enough money to tear it down. Mr. Motyka commented that it is still in private ownership and so we could not go that route anyway. Mr. Varano replied that he knows, but if we could get it signed over to us there is still not enough money to tear it down. Mr. Varano added that we checked on it numerous times.

Mr. Tamborelli made the statement that at some point something is going to have to happen, somebody has got to pay the piper, somebody has got to do something, somebody has got to remediate but there has got to be some action to do something. Mr. Tamborelli stated that the main part of Chestnut Street, and this is the first thing that people see coming into town.

Russ Moroz stated that we are a small community and when you have DEP and they tell you they don't have the funds to pursue where do you go. Mr. Tamborelli replied that he does not know, but there must be somewhere. Mr. Bielskie replied that there is but you have to go to the right place adding that he has municipalities that are doing buyouts from FEMA again, they are buying out houses and raising them. Mayor Novakoski agreed and commented that we do not qualify for any of them. Mr. Varano stated that it is not like we didn't check into any of this. Mr. Tamborelli stated that we are so focused on these homes and there it is, right when you come into town and your just like "we can't go after them because they are out of town ....." Mayor Novakoski stated that the last time we talked to him his lawyer stood right next to him and he didn't answer a question until he checked with his lawyer, that is how slick he is. Mr. Tamborelli stated that you must light a fire under the guy somehow, file a lawsuit or something. Mr. Motyka asked Mr. Cole to look into this.

#### **OLD BUSINESS –**

Mr. Motyka stated that as part of the flyer that we hope to get out, we have \$679.00 that we spent on magnets as part of the grant and we have \$820.00 left for mailing and postage and said that he got a price on he thinks it was 19 cents per mailing and so if we want to get some mailings out and some points across, we must start working on that.

Mr. Motyka stated that we talked about adding a retaining wall in the lot across the street so that it is usable and you could get 10 parking spots or whatever it works out to be. Mr. Motyka stated that he approached the Federal Prison at Minersville and has some paper work, and stated that we would have to pick a date but since we are down a man and if we can get three guys out from the prison on work release we may be able to get them to set the retaining wall.

Bruce Graff stated that he worked with guys from the prison before and they don't work too good. Mr. Burns stated that he is working now from the place where they would be coming from and he will get him three good ones. Bruce Graff asked if he will be there to keep them moving. Mr. Burns replied that he does not think that he is allowed to be there but stated that he will get three good ones.

Mr. Motyka asked if there is a Saturday in May that we can do this. Bruce Graff stated that anytime but May 20<sup>th</sup>. Mr. Motyka stated that we will have to get the ball rolling on this, we have to transport them. Mr. Motyka stated that he thinks that it was mentioned before that we could bring our police car to transport them.

Mr. Motyka questioned Mr. Burns if a supervisor comes along with them as well. Mr. Burns replied no and added that these guys are non-violent and they are outside custody and there is no fence where they live or anything and you have got to feed them lunch.

Mr. Motyka stated that he did get some prices off Rock and Block and Nolan's Lumber adding that he does not understand when it is needed to get multiple quotes. Mr. Motyka stated that he thinks that the prices were \$3,000.00. Mr. Varano replied that he should get three quotes, they are not bids, they are quotes. Mr. Motyka questioned if he needs to go and do the leg work on getting multiple quotes.

The Solicitor William C. Cole replied that the way the code is unless the project is a project that is going to be bid over ten thousand. Mr. Motyka stated that it is probably going to be \$4,500.00 to get the retaining wall and the fence in on our property.

Mr. Motyka directed a statement to Mr. Jeff Gilotti and questioned that concerning an AED, with the seniors in this building and at the cost of about \$1,500.00 used for somebody in cardiac arrest, is it worthwhile or is a cardiac response team close enough.

Mr. Gilotti replied that we have an ALS unit in Atlas that is more trained than anyone in this building and stated that unless someone is trained to use it, he does not think so. Mr. Motyka stated that a lot of new buildings that they build they do include it and stated that he just wanted an opinion.

**NEW BUSINESS-**

None

**ANNOUNCEMENTS-**

Mr. Varano wished all a Happy Easter

**THE MEETING WAS ADJOURNED AT THE CALL OF THE CHAIR**

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**RHONDA WILK  
BOROUGH SECRETARY**

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**DATE OF APPROVAL**

