

**KULPMONT BOROUGH  
REGULAR MONTHLY MEETING  
September 9, 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, September 9, 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, Police Chief Nathan Foust.

**OTHERS PRESENT:** Joe Politza, Albert Rosetta, Edwin Howerter, Barry Fetterman, Dylan Howerter, Vikki Benedetto, Lynn Ridner, Mike Benedetto, Bill Ridner and Mary Ann Balonis.

**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 concerning the education grant that was approved for \$3,000.00 and stated we would get the school kids involved with the planting but because of the pandemic this year the school is not allowing any school field trips this year.

Mayor Bozza stated we have decided to get the community involved in the planting and education of the coal region. Mayor Bozza stated we will go through the process of the planting of the plants and trees and hope to do this October 24<sup>th</sup> at 9:00 a.m. Mayor Bozza stated hopefully father will do as in the past and host a lunch for us.

Mr. Motyka added per our grant we still are planning a field trip in the spring for education of our students. Mayor Bozza stated we will plant some fall plants and trees on

October 24<sup>th</sup> and some additional flowers and plants in the spring and stated he will update the information on that next month.

Mr. Motyka said he would like to thank everyone for the donations toward the pollination garden and stated we must have well over \$15,000.00. Mayor Bozza agreed adding the donations that have come in for this project are amazing.

Mayor Bozza stated the Lion's Club has canceled the Lion's Club sponsored Halloween Parade for this year in the Borough. Mayor Bozza stated he is announcing right now we will still proceed with holding Trick or Treat in the Borough for October 31<sup>st</sup> and stated he will announce any changes adding for now we will still have Trick or Treat in the Borough.

Mayor Bozza stated he would like to remind everyone that pets must be kept on a leash adding there has been an incident where a dog was attacked by another dog at the Veterans Memorial Park. Mayor Bozza asked to please keep your dogs on a leash and asked owners to clean up pet waste after your pets.

Mayor Bozza stated Myron Turlis made a donation to the police department for \$100.00 and stated Chief Foust received tokens for the car wash with that donation. Mayor Bozza stated he would like to thank Myron Turlis and asked that we get a thank you card out to him.

Mayor Bozza stated bicycles must abide by Pennsylvania traffic law and stated riders are not doing that in town. He stated there are complaints of them going the opposite way on streets, not stopping at stop signs and asked parents to help keep their children aware of this and under control and asked that they are made to wear a helmet.

Mayor Bozza asked if there is an ordinance or if motorcycles are permitted to be parked on sidewalks. Chief Foust stated he has never seen one. Mayor asked if council could investigate that. Solicitor Greco stated possibly on the sidewalk, you can't block a sidewalk or must give so much room.

**SECRETARY'S REPORT**- (Rhonda Wilk)

Rhonda Wilk stated approval is needed for the regular meeting on August 12, 2020 regular monthly meeting minute.

**MOTION** – Mr. Bielskie made the motion and was seconded by Mr. Sinopoli to approve the meeting minutes from the August 12, 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 the Solicitor which was a copy of the tax appeal that was filed on August 28<sup>th</sup> and copied to both Mayor and Council. Solicitor Greco explained that was an appeal for the property on the 1400 hundred block, challenging the tax exempt status of that property and stated the appeal needed to be filed before September 1<sup>st</sup>.

A letter was received from the Kulpmont 100 in regard to the First Responders Appreciation Day, which was an invite to the Mayor and Borough Council to the event. Rhonda stated that letter was copied to both Mayor and Council.

**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.

**MOTION**- Mr. Sinopoli made the motion and was seconded by Mr. Bielskie 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

**SOLICITORS REPORT**- (Edward Greco)

Solicitor Greco stated he provide two drafts one for the Animal Ordinance and the Noise Ordinance. Solicitor Grego stated we are not approving those ordinances this evening and stated if Council would like to move forward in the advertising of those Ordinance to be adopted at the next meeting a motion will be needed to do so.

**MOTION**- Mr. Chesney made the motion and was seconded by Mr. Dowkus to Authorize the advertising of the Animal and Noise Ordinance.

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

**POLICE CHIEFS REPORT** – (Nathan Foust)

Police Report Attachment #2

**FIRE CHIEF REPORT** – (Jeff Gilotti)

Fire Chief Report Attachment #3

Mr. Slaby stated there is nobody here this evening representing the Fire Department. Mr. Slaby asked the question if anybody knows why we have no representation from the fire department. Mr. Slaby stated we have a meeting every month and there is no representation from the fire department and again asked if anyone may know why. Mr. Bielskie stated he thinks they may have started to have their meetings the same night as ours. Mr. Fanella stated they have not showed up since the hang match.

**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 #4

Code Officer Heather Owens asked that residents be more mindful of the high grass and weeds along the fences and property lines. She asks that when residents are cutting their grass to pay attention to these areas along the fence, behind garages and in entry ways. Heather Owens stated she along with their neighbors will greatly appreciate it.

Mayor Bozza stated he is getting many calls about rats, a high volume of calls. Mr. Slaby stated it is not just Kulpmont, but surrounding areas are also having these problems. Mr. Slaby stated garbage must be keep in sealed and closed containers.

Mr. Slaby made the comment, people need to keep their yards clean. Mr. Slaby stated his advice to the Code Officer is that when she is on patrol through the borough to please give them a gift certificate from the borough.

Mr. Dowkus stated for people in town calling Mayor Bozza and using facebook to complain and such to call the borough office and Mrs. Wilk could provide a complaint form by mail or email. Mr. Dowkus stated by using these forms we would have the issues sent to the proper department for investigation and a record to build the case against the violators. Mr. Slaby agreed completing a formal form would help.

Mr. Slaby stated he has checked with other communities and they are having the same problem. Mayor Bozza questioned if we could bait more. Mr. Fanella stated the only place we could bait would be in the sewers. Mr. Slaby agreed and stated you can’t put anything out on the street where people’s animals may get the bait. Mr. Fanella stated another problem is with how dry it has been.

Mr. Fanella stated the sewer authority has been instructed to get some more bait out there adding he has had some complaints as well. Mr. Fanella stated he believes in the past

the Borough shared the cost with the Sewer Authority for the extra baiting. Mr. Motyka agreed stating he believes we split the cost 50/50. Mr. Fanella stated he will inquire about the extra baiting and cost.

**SERVICE AND FACILITIES** – (Robert Fanella)

Mr. Fanella addressed the Mayor and stated he did not have the answer before during the question and discussion on the motorcycles being parked on the sidewalk, but he found it and has it here in an ordinance. Mr. Fanella read the section which reads as; Motor Vehicles not to be driven on sidewalks, no person shall operate any motor vehicle upon any sidewalk in the Borough nor shall any person operate motor vehicle upon or across any sidewalk in the Borough except in order to gain access or egress to a driveway or alley at such locations where curb has been properly cut down for that purpose.

Mayor Bozza questioned the Solicitor if our officers were to ticket a motorcycle for being on a cycle, we are covered.

Solicitor Greco replied, “yes, based on that.” Solicitor Greco asked to see the ordinance.

Chief Foust stated he would not ticket if the motorcycle is on the sidewalk and stated he would need to see them operate it. Mr. Slaby asked if we could move the meeting on while the Solicitor reviews the ordinance.

Mr. Fanella stated the food surplus will be held on September 17, 2020 from 8:00 a.m. until 12 noon at the Borough Garage.

**MOTION**- Robert Fanella made the motion and was seconded by Stephen Bielskie to purchase tires for the 2015 Police Vehicle to be balanced, mounted and pay for the disposal of old tires in the amount of \$704.68.

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

Mr. Fanella suggested we suspend all paving this year and fix 15<sup>th</sup> Street where we have the terrible wash out and the Fir Street pipe replacement and the intersection. Mr. Fanella stated the treasurer said we would have about \$20,000.00 for paving which would not be enough to do any of it this year.

Mr. Fanella suggested on 15<sup>th</sup> Street near the gas station where the pipe is rotted, the right way to fix that would be with 18” plastic right down to the bush.

Mr. Slaby questioned if that would remain on top or underneath. Mr. Fanella stated he thinks they should be able to put it under and stated we should not need to mess with the gas line. Mr. Fanella stated as far as the paving, with the bids that came back we just don’t have the money to do it this year.

Mayor Bozza questioned if the Borough could do this project. Mr. Fanella said we should be able to complete the work on 15<sup>th</sup> Street ourselves. Mr. Fanella stated we would put in a one call and stated he does not think there are any utilities that run down that street that we would need to go around. He stated the backhoe could dig it. Mr. Fanella stated the only thing is that we only have two people on the Street Department. Mayor Bozza offered his help with the project.

Mr. Fanella asked if all council agrees to skip the paving and stated he has been contacted by a bidder and asked what the intentions are.

**MOTION**- Mr. Motyka made the motion and was seconded by Mr. Sinopoli to suspend any paving for 2020 in lieu of minor repairs to the streets discussed.

**VOICE VOTE**-

Unanimous

Mr. Fanella questioned the Mayor on the no parking request for Saturday's First Responders Appreciation Day.

Mayor Bozza stated the no parking post should be from 11 a.m. until 3 p.m. from 6<sup>th</sup> Street through 13<sup>th</sup> Street on Chestnut Street.

Mr. Fanella questioned the Solicitor on the process to get rid of the bicycles the police department has accumulated. Solicitor Greco stated he believes they would need to bid them, he stated he thinks that is under code. Solicitor Greco stated he can look into it.

Mr. Slaby stated he is surprised at how these bikes accumulate and stated he recalls when he was Mayor a child's cart was left outside the municipal building and was surprised on how you as a parent could lose your child's cart.

Mr. Motyka stated he did some math and stated a piece of pipe 20', 18" is \$500.00 for a length for 20'.

**MOTION** - Mr. Motyka made the motion and was seconded by Mr. Motyka made a motion to repair 15<sup>th</sup> Street in house with our own guys with a price of \$17,000.00.

Mr. Slaby questioned if we are focusing on 15<sup>th</sup> Street. Mr. Motyka replied yes. Mr. Fanella stated with the 7<sup>th</sup> Street, we may as well wait until the start the 6<sup>th</sup> and Fir Street project because then that Street will be closed down and we can tackle it with our forces.

Mayor Bozza questioned if the gas lines run through 5<sup>th</sup> Street also. Mr. Fanella stated he thinks it comes down the alley. Mayor Bozza stated we may be able to fix that in house also if there are no gas lines.

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

Mr. Fanella stated we received one bid for the old police car for \$100.00 and stated he feels we could get more for it at S.O.S. as scrap. Mr. Slaby asked if it is drivable and if we could run it by there and find out. Mr. Slaby asked if everyone was ok in finding out. All members agreed to find out.

Mr. Fanella stated we held off on the bid for the Suburban because we only received the one bid and asked if there were any additional bids that came. No other bids were received.

**MOTION**- Mr. Dowkus made the motion and was seconded by Sinopoli to re-advertise for bids for the Suburban and 2006 Chevy Impala and advertise the bicycles for bid.

Mr. Dowkus asked approximately how many bikes there are. Mr. Fanella replied 6 or 7.

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

Mr. Moyka stated he has a late addition and stated UGI forwarded us a draft agreement and stated in 2018 we got \$25,049.00 for four blocks to the school and 3 blocks on Pine Street and stated they are offering \$25,601.00 for repair costs with the same agreement pretty much word for word. Mr. Slaby stated it is a better deal for two.

A discussion took place where it was \$31,000.00 back in March. Mayor Bozza stated the reason why we got \$31,000.00 is that it was more blocks and lining back in March. Mr. Slaby stated it is a better deal for two. Mr. Motyka stated to continue on Pine Street for two more blocks it is \$25,601.00.

**MOTION**- Mr. Motyka made the motion and was seconded by Mr. Dowkus to consent to accept the \$25,601.00 street repair money from UGI contingent upon the review of the Solicitor.

Mr. Fanella stated there is a part where the Borough will meet with UGI and see what paving will need to be done then. He stated the year 2030 and 2032 would be this part of the project and it would be up to our discretion what will be done, to mill, pave what ever we want to do.

Mayor Bozza questioned where the money will go into the Highway Fund or the General Fund. Mr. Niglio stated as before it will go into the General Fund adding once the money would be put into the Highway fund then there would be limits as to where it could be used. Mr. Niglio stated the money went to the General Fund before and that is what also contributed to the cash carryover.

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

Solicitor Greco stated getting back to the Ordinance on Parking and Motorcycles, this Ordinance is very vague but under the vehicle code 3353, its prohibited, sidewalks under vehicle code. Solicitor Greco stated so you could cite someone under the vehicle code.

Chief Foust asked how he is supposed to cite someone with a motorcycle that is already parked. Solicitor Greco stated under this section it reads no person should stop, stand or, park a vehicle under sub section B2 on a sidewalk except that a pedal cycle may be parked.....Chief Foust agreed and said that is if they are on it and getting off. Solicitor replied “stop, stand or park a vehicle.”

Chief Foust then asked the solicitor if he is correct in saying you must have a rider to cite them to issue a traffic citation, he would need to have a rider someone physically controlling the vehicle on it and getting off. Solicitor Greco replied the police encounter unoccupied vehicles all of the time.....Chief Foust interjected and said that is a parking ticket and stated he cant write a summons.....Solicitor Greco replied “I am not telling you how to do your job, I am just telling you the citation, you make the decision.” Solicitor stated it clearly says in the vehicle code, to park a vehicle on a sidewalk.

**FINANCE AND PURCHASING** (Stephen Motyka)

No Report

**CODE HEALTH AND SAFETY** (Stephen Bielskie)

No Report

**ORDINANCE COMMITTEE** - (Joseph Dowkus)

Mr. Dowkus stated we have the two ordinances’ to be advertised which was approved previously in the meeting.

**GRANTS/RECREATION** – (Robert Chesney)

No Report

Mr. Chesney questioned Rhonda if anyone sent in a letter explaining the Kulpmont Cougars playing under Mount Carmel Area. Rhonda Wilk replied nothing was received recently, we last received a letter a few months ago. Mr. Bielskie stated he recalls that letter which was a few months ago.

Mr. Chesney stated he was told Cougars would be playing under Mount Carmel Area in the Hartland Conference and all practice and games would be at Mount Carmel Area. Mr. Chesney stated he noticed the Cougars are practicing in Kulpmont. He stated Coach Shimko stated since the Shamokin Teams cancelled, they will play under the Hartland Conference. Mr. Chesney stated he was told three weeks or so ago. Mr. Slaby stated he

shared a conversation that he was told the baseball will go into the fall and the field would be in place for baseball but not football, but now apparently things have changed. Mr. Chesney stated he spoke to the couch a three weeks ago and asked for a letter to be sent to council explaining things. Mayor Bozza stated he will talk to him. Mr. Fanella stated they always insure themselves and we only insure the field. Mr. Fanella stated for baseball, Ray Shimko will only take the banners down. Mr. Chesney stated just so they do not show up there for a game and joked if they do then fine, we will show up to watch any kind of football. Mr. Chesney then said we need to be prepared with the field and added they should have sent an official letter. Mr. Slaby said he has not received one.

**PERSONNEL**- (Michael Sinopoli)

Mr. Sinopoli stated after meeting with the treasurer he would like to hire a part time officer not to exceed 15 hours with no benefits.

**MOTION**- Mr. Sinopoli made the motion and was seconded by Mr. Dowkus to hire a part time officer not to exceed 25 hours.

**ROLL CALL VOTE**- DOWKUS (yes), MOTYKA (no), CHESNEY (no), FANELLA (yes), SINOPOLI (yes), BIELSKIE (yes), SLABY (yes)  
5 YEAS – 2 NAYS

**FIRE/EMA/POLICE COMMITTEE** – (Robert Fanella)

No Report

**OPPORTUNITY FOR CITIZENS TO BE HEARD**

Mary Ann Balonis stated she has a complaint about a property on Pine Street, she then said it is falling apart and falling into her yard. She stated she has contacted the code officer about the property and did not hear back from her. Mary Ann Balonis stated she has pictures with her this evening and then handed them to Mr. Slaby. Mr. Slaby then assured her the chairman of that committee will address her issue and will be in contact with her about this issue.

Mike Benedetto stated something needs to be done concerning the animal ordinance in draft. He stated something needs to be done and said the chickens fly over the four-foot fence in front of what he calls a barn. He stated there were about 10 of them that flew out into the yard and stated he has not seen anybody there last week at all. Mr. Benedetto stated nobody was around and commented how even a farmer checks on his chickens. He stated he gets up every day at 4:15 a.m. and stated he does not need a rooster crowing every Saturday and Sunday morning adding something needs to be done. Mr. Slaby responded to Mr. Benedetto and said, “we agree with you.”

Vikki Benedetto of Kulpmont stated she has something to add to the situation with the Chickens adding there is a new development, horse flies. She stated they never had a

problem with horse flies before. Ms. Benedetto stated it is not only her house, he parents house now has them also. Mr. Slaby commented, "that certainly can be a health issue."

### **OLD BUSINESS-**

Mr. Motyka stated on September 2<sup>nd</sup> Williams gas signed a check for \$100,000.00 to the Shamokin Creek Association. Mr. Motyka stated that money will be spent on a storm water project. Mr. Motyka stated three months or so ago the Borough agreed to work with the Shamokin Creek Association and stated that money should be in our hands in about two weeks and then will start the process of design.

Mayor Bozza asked if it is correct that no construction would start this year. Mr. Motyka stated he arranged a meeting with Susquehanna Coal on donation of land adding storm water is a big focus point of DEP and controlling that water rushing down the creek. Mr. Motyka stated it would benefit the whole valley.

Mayor Bozza questioned if there is, anyway, we could tie that pipe on Seventh Street into that. Mr. Motyka stated the designer would decide if Seventh Street is the best bang for the buck or Eighth or Ninth Street. Mr. Motyka added \$10,000.00 of the \$100,000.00 will be used for design and legal fees. Mr. Motyka then stated we may be able to fix the creek bed by the monument. Mr. Motyka stated he will keep the Borough informed and stated there will be a press release because this money was not a given by Williams as a gift, it was an environmental find and DEP requires it.

### **NEW BUSINESS-**

Mr. Slaby stated he has been notified by Coal Township; they provide the borough with the recycle bins at Kulpmont's recycle drop off location. Coal Township notified the Borough that they could no longer afford to go through and clean Kulpmont Borough's recyclables. Mr. Slaby asked residents not to throw household garbage in the recyclable bins, the township can no longer afford to clean Kulpmont Borough's recyclables and we are going to end up losing a very valuable service to all of us in the Borough. Mr. Slaby stated recently he was able to obtain another bin for cardboard and stated he was there Monday night and they were coming Tuesday to pick up and all three bins for cardboard were stuffed to the top.

Mr. Fanella stated the cameras were approved to be installed at the recycle center and signage will be put up so that people will know they are being watched now. Mr. Fanella questioned the Solicitor if anything additional will need to be done to press charges or if we would be covered. Solicitor Greco replied scattering rubbish would be something we could use.

## **ANNOUNCEMENTS**

Mayor Bozza stated Kulpmont 100 is sponsoring a first responders' day on Saturday beginning at 1:00 p.m. Mayor Bozza stated this is the third one they hosted and stated they deserve a day and asked everyone to come out and show their support. Mayor Bozza also thanked the Kulpmont 100 for all they do in and for the Borough of Kulpmont.

## **ADJOURNMENT**

Mr. Slaby thanked the public for coming to the meeting this evening.

**The 2020 MEETING WAS ADJOURNED AT THE CALL OF THE CHAIR**

**Rhonda Wilk  
Borough Secretary**

**Date of Approval October 14, 2020**