

**MINUTES  
BOROUGH OF BERWICK  
MONTHLY COUNCIL MEETING  
AUGUST 17, 2015  
7:00PM**

**AGENDA:**

The regular monthly meeting of council was held at City Hall on Monday evening at 7:00PM August 17, 2015. Council members in attendance were President Alvin Hill, Vice President Scott Bower, Joanne Huntington, Arden Oliver, Travis Petty, Jim Meighan, and Jay Jarrett. Also present were Borough Manager Debra Force, Mayor Tim Burke, the Solicitor Frank Kepner, Chief of Police Ken Strish, Fire Chief Bill Coolbaugh, Code Enforcement Officer Greg Harkins, DPW Foreman Jack Kytte, Administrative Assistant Nancy Sborz, and Press Enterprise Reporter Susan Swartz. Absent was the Engineer. A listing of residents in attendance is attached.

A moment of Silence was observed and The Pledge of Allegiance was recited by all in attendance.

**APPROVAL  
OF AGENDA:**

AMEDMENTS to the AGENDA:

- Travis Petty requested the addition of paying Peters Consultants for the work he performed as relates to Abbonizio project.
- Advertise for representatives for BAJSA for a position that expires at the end of 2015 so the new position would begin at the beginning of 2016.
- Councilman Jarrett questioned the hiring of police officers as he did not see it on the agenda. Borough Manager Force said that the solicitor would render an opinion. Do we need to add it to the agenda now or later. Attorney Kepner said wither way. Councilman Jarrett said to add it now, consider and take action to hire a new police officer.

A motion was made by Councilman Jarrett to approve the agenda, seconded by Councilman Oliver. The motion carried unanimously to approve the Council Agenda. 'All in favor'. All ayes. Motion to approve the agenda passed.

## CITIZEN APPEALS:

Jacob Shaffer of 401 Susquehanna Ave had complaints about the bands at the Berwick Brewery. Noise is outrages. He has been complaining for the last 3 years and council does nothing about it. The band is loud. He can't sleep and can't enjoy his porch. Thought he had a solution with regard to decibels but it ended that they were lower than what he thought.

- Councilman Petty asked how often it occurs.
- Mr. Shaffer said every Friday and Saturday in the summer. He said that in the winter when they play inside it is not a problem. He can't listen to the night sounds or a radio if he wanted to.
- Councilman Petty asked when in summer does it start in June or July?
- Councilman Oliver said they do not play every weekend.
- Mr. Shaffer said he does not have the start and end dates. It is on the police record because he calls every time.
- Mr. Shaffer said they play until 11 PM. The application to approve this council did not see.
- Councilman Petty said that was before his time..
- Mr. Shaffer said they were worried about amplifiers. Which they definitely have, they were worried parking. The police come down and issue tickets for illegal parking.
- Councilman Petty asked what would be reasonable solution.
- Mr. Shaffer he would definitely like it to stop at 9PM. That place is the only place in town that council allows to play until 11PM.
- Council President Hill said that was wrong. He lives in Park Place and he hears the bands at Bandits that play until 11PM.
- Council President Hill asked Codes Enforcement Officer Greg Harkins what were the rules that zoning gave the Brewery.
- Mr. Harkins said he does not remember the start time but knows they have to stop by 11PM.
- Councilman Petty said in that case to only solution would be to get Mr. Shaffer and the Brewery together to come to an agreement.
- Mr. Shaffer said he was over there talking to Mr. Clark last year with the past Borough Manager and they did not get along. In fact Mr. Clark was going to throw him out for raising his voice.

- Councilman Petty said maybe they could get together on neutral ground. But if he is within the parameters of the law there is nothing we can do about it.
- Mr. Shaffer said a lower decibel might help.
- Councilman Petty asked what decibel
- Police Chief Strish said he thought 56D
- Councilman Petty asked if he could liken what 56D would sound like.
- Chief Strish said it is loud, comparable to heavy machinery.
- Mr. S said he lives right across the street and if it didn't bother him he wouldn't complain. He was on the computer to try to find how loud a decibel is and he knows that the machine that measures it must be calibrated every so often. He asked the officer the other night if the machine was up to date on the calibration. And he said that is not my job. I'm here to read the machine. Now I'm here to ask if that machine is calibrated.
- Chief Strish said calibration is more for timing devices than it is for the noise meter itself.
- Mr. Shaffer said he read it on the computer.
- Chief Strish said that not everything you read on the computer is true and accurate.
- Chief Strish said most of the things we use in police enforcement would need to be calibrated but they are timing devices.
- Mr. Shaffer said it is a shame that he has to call so many times and bother your people. All over a meter reading that no one is going to pay any attention to anyway. The officers say I have to go by what the meter says. But he is the one getting screwed.
- Council President Hill said you think that but you're not.
- Mr. Shaffer said yes he is that you don't have a band in your back yard. Mr. Hill said yes he does, from Bandits. And there are 4 people here from Park Place Village that can hear it too.
- Councilman Oliver said he believes that there is a house between Mr. Shaffer and the Brewery.
- Mr. Shaffer said yes Mr. Clark bought that house.
- Councilman Oliver said he put up a wall to help block the sound. A 6 foot fence with a fiber board. He doesn't play every weekend and that is a draw for people to come to Berwick.
- Mr. Shaffer said we don't need that kind of draw.

- Councilman Oliver said people come from out of state to see that place.
- Mr. Shaffer said yes they had a bus load of kids in there at one time.
- Councilman Oliver said they did not serve.
- Mr. Shaffer said he didn't say he served them.
- Council President Hill called order and told Borough manager Force to set a meeting up with the owner and see if we can get a resolution to turn the music down a little bit.
- Councilman Meighan said complaint from other places that were inside was resolved by just closing the door. The noise occurred because the doors were opened. He is not sure what can be done when the band play outside.
- Council President Hill repeated that the Borough Manager would set up a meeting.
- Mr. Shaffer said he not going to move just to get away from his noise.
- Council President Hill said that zoning has allowed him to have band there at a certain decibel and I don't think there is a whole lot you are going to do about it.
- Mr. Shaffer said that is true but council caused his problem by giving him the special allowance variance. He said the people are outside hollowing and clapping. He went on to say that the noise ordinance cover just about everything unless that is a lie.
- Council President Hill said that is how you are thinking and it is not a lie.
- Council Vice President Bower said the noise ordinance states 11 PM is the cut off for everything, period. He remembers that hearing and Mr. Shaffer had a chance to be at the hearing and if he didn't say anything then, that is his fault.
- Mr. Shaffer said that is true and is a good point. He said the druggies in Berwick get second chances. He missed the hearing, give him second chance. He will be glad to come.
- Council Vice President Bower said you never get a second chance in a zoning hearing.
- Councilman Oliver said that the zoning meeting is advertised twice.
- Council President called meeting back to order and said all he can promise is a meeting with the owner.
- Mr. Shaffer said if you don't do something then he will.

- Council President advised Mr. Shaffer not to make threats.
- Mr. Shaffer said that was not a threat.
- Council President Hill said that it can be taken in many ways. Just because you don't get your own way.
- Mr. Shaffer said that it is not his own way, he feels like second class citizen. Just because he owns a bar and get a special variance.
- Council President said we are moving on... Anyone else? No one.  
Ok moving on to approval of the minutes.

**APPROVAL OF  
THE MINUTES  
OF THE  
PREVIOUS  
MONTH:**

Motion to approve made by Councilman Bower and seconded by Councilman Jarrett. Motion carried unanimously to approve the previous months minutes.

**APPROVE  
PAYMENT OF  
BILLS:**

Motion to approve bills was made by Councilman Oliver and seconded by Councilwoman Huntington. Motion carried with nay from Councilman Petty, to approve the list of bills.

AMERICAN FAMILY LIFE ASSURANCE	668.07	JACK KYTTLE	120.00
AMERICAN PAPER & SUPPLY INC	391.84	JACK KYTTLE	30.00
AMERICAN PAPER & SUPPLY INC	243.25	JAMES DALBERTO	18.00
ANNETTE BRENNAN	50.00	JOHN DEERE FINANCIAL	57.60
ANNETTE BRENNAN	50.00	JSC LAW ENFORCEMENT SALES	8,659.51
ANNUZIATO DEGEORGE	50.00	KENNETH STRISH	421.22
ANNUZIATO DEGEORGE	50.00	KEPNER, KEPNER & CORBA, P.C.	5,176.20
AVAYA, INC	23.00	KEYSTONE COMMUNICATIONS	123.00
BACKYARD BOUNCIN'	200.00	KMART STORE #9161	173.90
BARRACUDA NETWORKS, INC	199.00	KNORR HAULING, INC.	12,375.00
BBC FUNDING VIII LLC	586.41	KOVATCH MOBILE EQUIPMENT	9,165.36
BEN MIKE	500.00	LARRY C. FRACE INSPECTIONS, LLC	2,972.00
BEN MIKE	300.00	LARRY'S LUMBER AND SUPPLY, INC.	70.05
BERWICK AUTOMOTIVE	177.91	LOWE'S	216.77
BERWICK AUTOMOTIVE	1.17	MATTHEWS SPRING WATER	74.50
BERWICK AUTOMOTIVE	235.32	METROCAST	127.12
BERWICK HOSPITAL CENTER	292.00	METROPOLITAN TELECOMMUNICATIONS	801.50
BERWICK HOSPITAL CENTER	248.00	MICHAEL MONICO	1,096.00
BLOOMSBURG PSYCHOLOGICAL CENTER	225.00	MICHAEL MONICO	1,096.00
BLOOMSBURG PSYCHOLOGICAL CENTER	225.00	MICHAEL MONICO	1,096.00
BODNAR SALES & SERVICE	27.47	MICHAEL MONICO	1,096.00
BODWALK'S ALIGNMENT & SERVICE CTR	317.90	MID-ATLANTIC FIRE AND AIRE	750.00
BORO OF BWK MUNICIPAL EMPLOYEE PEN	753.13	MIDLAND ASPHALT MATERIALS INC.	997.91

BORO OF BWK MUNICIPAL EMPLOYEE PEN	723.99	P A W C	35.15
BORO OF BWK PAYROLL ACCT	2,242.32	P A W C	23.15
BORO OF BWK PAYROLL ACCT	32,790.87	P A W C	2,739.70
BORO OF BWK PAYROLL ACCT	34,945.03	PENNSYLVANIA ONE CALL SYSTEM	53.49
BORO OF BWK PAYROLL ACCT	35,023.94	PITNEY BOWES PURCHASE POWER	806.50
BORO OF BWK PAYROLL ACCT	34,601.82	PPL	1,164.98
BORO OF BWK PAYROLL ACCT	55.28	PPL	1,345.00
BORO OF BWK PAYROLL ACCT	300.00	PPL	123.28
BORO OF BWK PAYROLL ACCT	39.49	PPL	180.01
BOROUGH OF BERWICK -PETTY CASH	250.00	PPL	13,129.22
BOROUGH OF BERWICK POLICE PENSION	663.13	PRESS-ENTERPRISE, INC.	1,768.46
BOROUGH OF BERWICK POLICE PENSION	710.30	RANDOLPH SCOTT RENARD	600.00
BORO OF BWK POLICE PENSION TRUST FD	1,373.43	RANGER HOSE CO	383.33
BRANDON SHULTZ	150.00	RELIANCE FIRE CO	383.33
CENTRAL PA TEAMSTERS HEALTH & WELF.	34,191.31	RHONDA T. KOCH, CCR	75.00
CENTRAL PA TEAMSTERS HEALTH & WELF.	2,248.95	ROBERT MAIER	50.00
CENTRAL PA TEAMSTERS HEALTH & WELF.	1,908.24	ROBERT MAIER	50.00
CITY OF WILLIAMSPORT	50.00	SCOTT SIENKIEWICZ	11.99
CNA SURETY	100.00	SHERWIN-WILLIAMS	3,097.67
COLE'S HARDWARE	82.18	SPECTRA ASSOCIATES, INC.	148.50
COLE'S HARDWARE	111.70	STAPLES CREDIT PLAN	352.62
COLE'S HARDWARE	153.43	STARR PORTABLES	230.00
COMPRESSED AIR SYSTEMS, INC.	784.52	STEVE SHANNON TIRE CO	22.95
COVERT ACTION	700.00	STEVE SHANNON TIRE CO	1,075.18
CUSTOM ADVERTISING	862.23	SUNTRUST EQUIPMENT FINANCE	2,998.05
DANIEL NOVICK	1,200.00	SUPERIOR PLUS ENERGY SERVICES	262.10
DEFEBO GRAPHICS	300.00	SUPERIOR PLUS ENERGY SERVICES	549.43
DEFENDER FIRE CO.	383.33	SUPERIOR PLUS ENERGY SERVICES	128.24
DOUGLAS CARRATHERS	363.20	SUPERIOR PLUS ENERGY SERVICES	47.62
EAGLES FIRE COMPANY	383.33	SUPERIOR PLUS ENERGY SERVICES	330.93
ERIK HELBING	50.00	SUPERIOR PLUS ENERGY SERVICES	259.17
ERIK HELBING	50.00	SUPERIOR PLUS ENERGY SERVICES	44.15
EUGENE GOLLA	50.00	TEAMSTERS	1,234.18
EUGENE GOLLA	50.00	THE FLAGPOLE CO.	3,664.30
FIRST COLUMBIA BANK & TRUST CO.	1,955.70	THE LOCKER ROOM	499.50
FIVE STAR INTERNATIONAL LLC	140.65	TOM ROOD ENTERTAINMENT	175.00
FORT DEARBORN LIFE INS.	890.53	TOTAL AMUSEMENTS	190.50
GENERAL SALES, INC.	493.40	TRAF-O-TERIA SYSTEM	694.98
GREGORY C. HARKINS	707.81	TRI-COUNTY HARDWARE	31.93
HANSON AGGREGATES INC	385.13	TRI-COUNTY HARDWARE	31.99
HARTMAN & LALLY INSURERS, INC.	2,467.30	TRI-COUNTY-LUMBER DIVISION	1,765.45
HAZLE PARK MEATS	314.23	UGI PENN NATURAL GAS	32.92
HELLER'S GAS INC.	37.46	VACUUM SALES, INC.	135.30
ICMA RETIREMENT TRUST	1,514.80	VERIZON WIRELESS	306.40
ICMA RETIREMENT TRUST	100.00	WASHINGTON NATIONAL INS CO	60.90
ICMA RETIREMENT TRUST	2,094.14	WEIS MARKET	93.98
ICMA RETIREMENT TRUST	100.00	WEST BERWICK FIRE CO	383.33
ICMA RETIREMENT TRUST	2,533.67	WEX BANK	1,645.95

ICMA RETIREMENT TRUST	100.00	XEROX CORPORATION	454.50
ICMA RETIREMENT TRUST	2,205.36	YIS/COWDEN GROUP INC.	87.00
ICMA RETIREMENT TRUST	100.00		

**REPORTS OF  
BOROUGH  
OFFICIALS:**

**BOROUGH MANAGER:** Debra Force reported that she had another meeting with the borough engineers from Quad3, regarding the Veterans memorial Park and by next week we will have a more detailed design. And then we can hopefully break ground in 2 – 3 weeks. We are currently going thru the Penn DOT permit process.

All of council has been invited to attend the Stuart Tank Committee event on Wednesday September 2 beginning at 5PM and will get more info to them if they would like to attend.

**CODES OFFICER:** Greg Harkins said his report has been submitted. Any other questions for Codes?

- Councilman Petty asked where we were with getting the condemned houses taken down. We have a whole list of the.
- Mr. Harkins said the next one that should come down is the one on 5<sup>th</sup> Ave.
- Councilman Petty said you have a whole host of them. The one on Front St is falling down (the next to the Hairport). And the property on 8<sup>th</sup> St. and the Babb property.
- Solicitor Kepner said we are moving on the Babb property, we are in front of Judge James and he gave James Babb a certain time to apply for letter of administration so we could sue him and ultimately the property has to be taken down by October 15, 2015. And if he doesn't take it down by that date (Mr. Babb assured the Judge it would be down by then) then we can take it down. We also moved on Tammy Tanner on 5<sup>th</sup> Avenue. There was some difficulty in finding her and he is not sure if she was served yet. She gave some people the slip but we have an address for service. And the complaint is drafted.
- Councilman Petty said she is going to default anyway.
- Solicitor Kepner said we are going thru the motions.
- Councilman Petty asked about the property on Chestnut behind Weis Markets.
- Mr. Harkins said the house has been tagged and the people live on 10<sup>th</sup> Street. He tried to contact them a couple of time but they don't have the money.
- Councilman Petty said he understands that; but it is dangerous.
- Council President said that Frank Kepner always told him that once you put that red tag on there you are liable for the property.

- Attorney/solicitor Kepner said at that point we have an equitable interest and we could be held liable if there is a problem. Also, there is something in the works that I am not a liberty to go into but will discuss with you on the Cromer property. So there are 3 properties that we are proceeding against.

POLICE CHIEF: Police Chief Strish said he would like to announce that the unfortunate incident on Saturday night that investigation by the State Police and the Columbia County District Attorney's Office has been ruled a justified shooting.

I'd like to identify on August 4<sup>th</sup> we had our 2nd Annual National Night Out and had over 300 hundred people in attendance. I was a very good event. I would like to personally thank the Central Susquehanna Community Foundation, Fire Chief Bill Coolbaugh and his family, the DPW crew, specifically Jack Kyttle, Cassandra Mowery for her volunteerism. We also received donations from Stuccios' Pizza and Anderson Ice.

I want to also announce that we will receive a \$4,000. Grant on our Police Explorers Program based on reconditions of Volunteers of Philanthropy Committee from the Central Susquehanna Community Foundation.

We will receive reimbursement of \$529.00 in overtime for working on methamphetamine investigations and \$1,332.15 on heroin investigations for last month.

Last month we had 540 calls for service, 115 criminal arrests were made, 22 warrants were served, 20 accidents, 46 traffic arrests and 23 warrants that were issued.

- Council President Hill asked if there were any questions.
- Councilman Petty said yes, now that the investigation has been completed and the shooting has been justified will you be releasing the officers name to the public.
- Chief Strish said he believed that was done in the press release by the Columbia County District Attorney.
- Councilman Petty said very good, thank you.
- Council President asked for any other questions. None.

DEPARTMENT OF PUBLIC WORKS: Jack Kyttle said that his report has been submitted and everyone should have a copy.

Any questions on the report?

We have some electrical that we will start working on real soon at Test Track Park.

Some work is being done in the Soccer fields.

We are also getting ready for the Kayak event this weekend.

And are taking care of the streets and the parks.

- Council President asked for any other questions. None.

FIRE CHIEF: You all have my monthly report. All five fire stations are good on the new child safety law and will not affect response time or man power. In the last couple week we had some bad outcomes and the fire chief want to express our best to the families for their loss and that. On a positive note the 9/11 Memorial scout Colin Hill wishes to start his project and has obtained the metal from the Port Authority. He got about 400 pounds of twisted metal from the South Tower. He is working on his project with all area businesses. On the 23<sup>rd</sup> from 4-7pm at the Elks he is holding a spaghetti supper. \$7.00 advanced ticket, \$8.00 at the door. If you would like to come out and support please do. He has put a lot of time into this and it will be something really special. Any questions?

- Council President Hill stated that it is a very, very tough job that you guys do as volunteers. A volunteer is a very stressful job, you can sit and listen to the scanner and any moment of the day and hear the volunteers. When I read the paper the other day I was disappointed to hear that they thought we stopped too early. I listened to it on the scanned and I think you guys had a great response time, you had men in the water at night time with a low river in a boat and that is very dangerous. So they are risking their lives to go out and try to save other lives and for some criticize that is unfair. I think they did the best that they could and council needs to stand behind the fire department. I think an hour to hour and a half of searching in a river that is low and in the dark is dangerous and is long enough. You guys did a great job and did a very good job under the circumstances.
- Fire Chief Coolbaugh thanked Press Enterprise reporter Susan Swartz for writing what we talked about with the people involved. You did a very nice job Saturday morning. You always write what I tell you and never add to it so thank you.

ENGINEER: NOT PRESENT

SOLICITOR: Attorney Kepner stated he was asked to look into is whether or not council can vote under the new Civil Service Regulations to offer full time employment to Kyle James it's my opinion that based on the Civil

Service Rules & Regulations that council passed on March 28, 2015. That council can fill one of the vacancies in the police department with Mr. James it would be subject to his successfully passing his physical agility test, back ground investigation, psychologically and medical testing. He also qualifies as a former employee and I understand that he previously complied with all civil service rules & regulations so that it is my opinion that council could hire him to fill a full time position with the department. I have given Debra a signed opinion letter to that effect and that's my opinion and if anyone has any questions I will be happy to answer them.

- Mayor Burke questioned the article in the new civil service rules says a former employee may be hired, how is Kyle James a former employee?
- Attorney Kepner, he was an employee of the Berwick Borough
- Mayor Burke "I believe he still is, isn't he?"
- Attorney Kepner said the definition of employment under Pennsylvania law is whether or not we have the right to control his actions; when he does things, how he does things, etc. and when he took a years absence with the armed services we did not at that point have direct control over how he was employed. How or when he did his jobs, things of that nature and it is my belief and if you look at the act you are talking about they talk about getting someone back into employment so I believe he qualifies as a former employee and that's my opinion and that is why I gave Debra a sign letter of that opinion.
- Mayor Burke thanked Attorney Kepner.
- Councilman Petty asked was there another provision where current employees could be promoted without using the Civil Service Guide and I may or may not have read that somewhere but somewhere it sticks out in my mind that an employee could be promoted without triggering a civil service test.
- Attorney Kepner said he is not aware of that. It very well maybe in existence but I was asked to look into this and did not look into that. There was a question of if we could do something with provisionals but we decided or I decided that this was a cleaner way to do it.

MAYOR: Mayor Burke said he would just like to thank West Berwick Hose for allowing us to hold a fund raiser there to pay for the funeral for Hunter Mullens, the little 7 year old. We raised enough to pay for the

funeral entirely. And I want to thank West Berwick Hose for allowing us to use their facility and for the firefighters passing the hat. Thank You!

## **REPORTS**

### **FROM**

**COMMITTEES:** PERSONNEL: NONE

LEGAL & FINANCE: NONE

PARKS & RECREATION: Councilman Jay Jarrett said first that he did re-schedule that concert for September 10th. I did speak to Jimmy Peca from the Legends and said he would be glad to come down.

The second thing, I approached by a guy at a concert about disk golf, it's like golf but with Frisbees. If council has no objections I will meet with him after this meeting and discuss with him how and what he is looking for. Any objections? It is very popular in the United States. Ok, then that is all.

- Council President Hill stated that a 50/50 was started this year due to a grant we did not receive this year. The first one we out with \$206.00 last week we made \$276.00. It puts the money right back into the concert series. So we will be running them every week we can and people seem to enjoy it especially knowing it goes right back into the concerts.

EMERGENCY MANAGEMENT: Councilman Meighan said we have a drill the 27<sup>th</sup> of August here in the building. And on the 22<sup>nd</sup> the date of the canoe race PPL is sponsoring a picnic for person involved in Emergency Management, they received an invitation to go to Knobles to have a meal and tickets for rides.

STREET, PARKS & BUILDINGS: Councilman Oliver said the guys have been working hard on the parks and they look great, really in the whole town. They will be getting the patch machine back. Street sweeping they got all the extra streets done. The line paint is done and the signal poles they have been working on look pretty good too. Everyone agreed that the town looks good.

- Council President Hill asked Jack to report on the accident down at Front and Orchard Streets where it knocked one of our.

- DPW Foreman Jack Kyttle said that yes an officer had a guy that was running from state parole and jumped out of the car and it rolled over the ped and hit the traffic mast arm. So I did get a quote for repair on the ped but mast arm is a little more difficult because the arm is specially made for that individual intersection so it will take a little longer to get a quote.
- Councilman Petty asked if the guy had insurance to cover that.
- Jack said he can't answer that. I think it wasn't his car.
- Council President Hill said if there was we will get a copy of the police report and if there was we can go after the insurance company.
- Attorney Kepner said maybe there is negligible entrustment.
- Police Chief Strish said when you get the estimate in just send it to him and he will attach it to the thing and it will part of the criminal process. But I can't guarantee that you will get anything back.

FIRE & WATER: Councilman Meighan said nothing except what the Fire Chief had already said. One thing is that school is about to start on the 26<sup>th</sup> so be careful out there.

CODES, RECYCLING & ORDINANCES: Council Vice President Bower said that a total of 60 permits issued for the month, \$7,786.00 for building, \$222.00 for electrical permits, \$150.00 for safety inspections, \$144.00 for UCC fees, \$300.00 for driveway, fence and zoning, \$650.00 for Zoning hearings, \$2,540.00 for landlord licenses, \$20.00 for tree permits, \$200.00 for contractor licenses. Total fees collected were \$12,191.00.

New school the buildings are down and they are crushing some stone for footers.

CVS will be ready in no time at all. They are laying macadam in there now.

My friend here next to me (Jay Jarrett of the Housing Authority) has 2 homes under roof and should be starting 2 more soon.

- Councilman Jarrett said the 3<sup>rd</sup> is being framed and the 4<sup>th</sup> will be started soon.

The Christof property there on LaSalle (down near Mrs. Tuzzi's) is down and leveled off and it looks beautiful.

The steel is in for Family Dollar and he has that about half up already.

2 homes burned one at 104-106 W. Front and Pearl Street. The one on Front Street is waiting on insurance to see if they want to demo or repair it and the one on Pearl is waiting on insurance too but most likely will come down. So there are 2 more building that they either repair or they come down.

- Councilman Petty said that while we are talking about buildings going up the CVS and Family Dollar I want to take the opportunity to commend our codes and our zoning officers because I am aware of other project in other communities that are just dragging on and on. I attribute the progress that we see here to our zoning and codes officers. Good work Greg, keep it up. Keeps the progress going.

SAFETY: DPW Foreman Jack Kytte said we are looking good, everything has been relativity quite so I guess we are working safely.

BAJSA REPORT: Council Vice President Bower said that a motion was made to approve the minutes of the July 8<sup>th</sup> meeting and a motion was made to pay the bills in the amount of \$153,045.88. The board discussed the options of up grading the bio-lodge floors at the sewerage treatment plant. They have 4 plans and each one is a different cost. We are taking it under advisement and will talk about it later. A motion was made and approved to accept Penn Vest loan for \$2,290,788.00 for the North Front Street project, the board will decide whether or not proceed depending on the cost of the bids coming in next month. September the 8<sup>th</sup> is the bid opening.

BAJSA and Berwick borough are sharing the cost to fix the Washington Street depression.

Richard Banks is retiring from the board after 34 years of service on October 9th.

## **BUSINESS NOT**

### **READY FOR**

**ACTION**: The Park Ordinance and the Restricted Routes Ordinances will be advertised and ready for vote at the September 21<sup>st</sup> meeting.

## **NEW**

**BUSINESS**: 1. Consider and take action on sealed bids for Police Cars.

- Borough Manager said one bid was received. She opened it and said \$380.00 for the 2000 Interceptor from Todd Stair, Maple Road Wapwallopen. We had 3 cars.
- Councilman Petty question what we would get for scrap.
- Councilman vice President Bower said if you drive the car in you can get \$650.00
- Borough Manager Force said the cars cannot be driven.
- Council President Hill agreed that they have been stripped pretty badly.
- Councilman Meighan made a motion that we reject that bid and sell then locally.
- Seconded by Councilman Oliver.
- Council President Hill took a roll call vote. Mr. Bower: NO, Mr. Jarrett: NO, Mr. Meighan: YES, Mr. Oliver: YES, Mr. Petty: NO, Mrs. Huntington: NO, Mr. Hill: NO. 4/3 the NO have it, the motion does not pass.
- Councilman Petty made a motion to get a price from at least 2 scrap yards and if the price is more to sell them to them and if not to accept the bid from Mr. Stair.
- Seconded by Mr. Bower.
- Council President Hill took a roll call vote. Mr. Bower: YES, Mr. Jarrett: YES, Mr. Meighan: NO, Mr. Oliver: NO, Mr. Petty: YES, Mrs. Huntington: NO, Mr. Hill: YES. 4/3 the yes's have it the motion passes.

2. Consider and take action to approve the street cut fees to \$100.00 per cut. Motion by Mr. Bower. Seconded by Mr. Petty. All in favor. Motion passes.

3. Consider and take action to approve reducing the(24-48 inch)above ground inflatable swimming pool fee from \$90.00 a year (\$40.00 for permit and \$50.00 for inspector) to \$60.00 (\$10.00 for the permit and \$50.00 for the one time inspection, subsequent years the resident will only pay the \$10.00 permit fee and the inspection will be free.

- Council Vice President Bower explained the fees to council.
- A motion was made to accept the new fee by Mr. Bower, second by Mr. Jarrett.
- Council President Hill took a roll call vote. Mr. Bower: YES, Mr. Jarrett: YES, Mr. Meighan: YES, Mr. Oliver: NO, Mr. Petty: NO, Mrs. Huntington: YES, Mr. Hill: NO. 4/3 the YES's have it, the motion passes.

4. Consider and take action to approve Zoning Hearing fee from \$325.00 to \$400.00. To help defray the cost of board fees, stenographer fee and advertising fee.

- Council President said at this time we are losing money on hearings.
- Motion by Mr. Bower, seconded by Mr. Meighan. All in favor, 2 opposed motion passes.

5. Consider and take action to advertise for 2 (two) new members to the Code Appeals Board. New law states the board must consist of 5 (five) members. At this time Berwick has 3 (three) board members. This is non-paid position with a 5 year term.

- Motion by Mr. Bower, seconded by Mr. Meighan. All in favor, motion passes.

6. Consider and take action upon the Mayor Burke resolution of the Officer Nardi grievance.

- Attorney Kepner said this will be taken up in executive session and Council President Hill agreed and said an executive session will be held after the meeting tonight.
- Councilman Petty said he is opposed to that.

7. Consider and take action to direct the Borough Manager, Debra Force, to advertise for the hiring of part-time police officers.

- Motion made by Mrs. Huntington, seconded by Mr. Oliver.
- All in favor, motion passed.

8. Consider and take action on the Civil Service Commissions letter to Council.

- Borough Manager Debra Force read the letter out to council. Here in attached.
- Motion to accept by Mr. Meighan and seconded by Mrs. Huntington. All in favor, motion passes.

9. Consider and take action on the allocation of funds from Pennsylvania Department of Community And Economic Development(DCED)funds.

- Mr. Dombroski spoke to council on 2 different items. First is project finalization for the borough's 2015 CDBG program, since the last council meeting the state has announced its 2015 allocation. The borough is due to receive \$132,929.00 that is about \$400.00 less than last year. Just a reminder to council that

they still have \$21,129.13 left from the 2013 project. Council still needs to allocate it to an activity preferably to a current project.

- Council President Hill asked how soon could we get that \$21,000.00/
- Mr. Dombroski said by the end of the year. 2014 money will be in the next six weeks but this \$21,000.00 if it's going to go to a new activity, which it has to and until the state approves it and all it will take a while.
- Council President Hill asked if the borough could take the money out of our Liquid Fuels and do Maple Road and the 300 block of 10<sup>th</sup> Street this year.
- Mr. Dombroski said time is not on your side as the state would have to approve the activity and an environmental review would take 90 days.
- Councilman Petty asked why the theater would not qualify for the funds.
- Mr. Dombroski said a number of issues were brought up and he talked to Harrisburg and went back to the LMI in order to meet project eligibility. And because theater would benefit more than just the community all the beneficiaries would need to meet the LMI. So Columbia County and Luzerne County. The state will only allow surveys to be done if the data is at 46%. Berwick can do a survey but Columbia and Luzerne Counties cannot.
  
- Mr. Dombroski needs a property listing to start the survey for Maple Road. He can work with resident Shannon.
- Councilman Jarrett said we need to do a borough wide survey. How long would it be good for.
- Mr. Dombroski said he did not know. Mr. Jarrett said he looked at other community numbers and they are not right.
- Mr. Dombroski said council must take action on the project council wants to do, there has been demo in the borough and last year you allocated 30% of your funds for that. If you want to do that this year the amount would be \$32,708.00 with \$76,321.00 remaining for the Maple Road project. But with the \$21,000.00 still out there it could bring the Maple Road project up to \$97,450.00. What would you like to do?
- Councilman Oliver said we talked about demo.
- Council President Hill not to get hung up on the money because it doesn't come in quick.
- Mr. Dombroski said demo does not need approval and is a separate category.

- Council President Hill asked if there a whole bunch of red tape
- Mr. Dombroski said the 90 day environmental process and an engineer to review the bond and work that SEDA-COG does not do. Demo could take place very late this year.
- Councilman Oliver made a motion to put the \$32,708.00 to demo. And the \$76, 321.00 to Maple Road. Council discussed the cost of Maple Road. The motion was seconded by Mr. Bower. All in favor, motion passed.
- Mr. Dombroski said the second thing is that he discussed with Debra that HUD would like to make the Borough of Berwick an Entitlement Community along with Bloomsburg. The program is set up it would cut out the middle man the PA Dept. of Economic Development. We at SEDA-COG would work directly with HUD and get the money directly from HUD. Some more reporting requirement but your allocation would more than double.
- Councilman Jarrett asked how did we get so lucky.
- Mr. Dombroski said because population has increased. And that may mean there is new data on the way out. HUB needs an answer by September 11<sup>th</sup>. It would be a lot more work for SEDA-COG but the borough would get a lot more money. It is nothing that is set in stone and can be reversed at any time.
- Council President Hill said it is just a lot of red tape.
- Councilman Jarrett asked how hard it would be to get an answer from HUD.
- Mr. Dombroski said they have no experience dealing with before.
- Councilman Petty said to tell HUD that we will look into more for 2016. We need time to look into this.
- Councilman Jarrett asked if a representative from HUD could come to talk to council.
- A motion was made to look into this by Mr. Oliver, seconded by Mrs. Huntington, all in favor, motion passed.
- Councilman Petty said he would like to see the survey done on the entire borough and not just Maple Road. He feels the borough as a whole would qualify better than just Maple Road.
- Council President Hill asked how to go about a borough wide survey.
- Mr. Dombroski said he would need to start with a property list.
- Councilman Jarett suggested doing both.
- Councilman Oliver asked what the population was.
- 10,500

**ADDED AGENDA ITEMS:**

- Councilman Petty said that we must pay the bill. The sewer authority said that they would not pay anything to Mr. Peters associated with the project. He worries about the harm that would come from not paying the bill. He makes a motion to pay the Peters bill up to this point on the Abbonizio project.
  - Councilman Oliver said the sewer authority was to pay half of the bill.
  - Council Vice President Mr. Bower said they have paid more than their share and will not pay any more. If he doesn't get paid will eventually.
  - Attorney Kepner said that he agrees with Mr. Petty to pay the bill because we need the documents he has.
  - Councilman Oliver seconded the motion to pay the Peters bill.
  - All in favor, one nay from Mrs. Huntington. Motion passes.
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- Second addition was an advertisement for a representative for the sewer authority. It is in the best interest of the borough to work with the sewer authority. He recommends that we advertise for the seat for 2016.
  - Mr. Oliver makes the recommendation to advertise and it is seconded by Mrs. Huntington. All in favor, motion passes with 2 abstains (Mr. Hill and Mr. Bower).
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- Next Mr. Jarrett made a motion to hire Kyle James as a full time police officer. Mr. Oliver asked how long that will take. Chief Strish said he could start next week as he has him set for exams. Motion is seconded by Mr. Meighan. All in favor, motion passes.
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Council President talked about the Poker Paddle to take place on August 22<sup>nd</sup>.

Council President said they will go into executive session for personnel.