

ASHLEY BOROUGH

Donald Sipple, Sr., Mayor

John Gibbons, Council Chair
Donald Sipple, Jr. Council Vice Chair
Frank Sorokach

Gerald Maldonado
Donna Schappert
Brian Casey

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Greg Gulick, Borough Manager

William E. Vinsko, Jr., Esquire, Solicitor

ASHLEY BOROUGH COUNCIL MEETING SUMMARY MEETING MINUTES AUGUST 14, 2018

49 West Cemetery Street, Ashley, Pennsylvania

Meeting Start Time: **6:30 PM**

Meeting End Time: **8:00 PM**

Attendance:

Gerald Maldonado-	Present
Frank Sorokach-	Present
Donna Schappert-	Present
Brian Casey-	Present
Donald Sipple -	Present
John Gibbons-	Present
Mayor Donald Sipple, Sr.-	Present
Borough Manager, Greg Gulick -	Present
Police Chief David Fedorczyk-	Present
Solicitor William E. Vinsko, Jr. -	Present
Andrew Kratz, Code Officer-	Absent

Meeting was called to Order by President of Council, **John Gibbons**. **Attorney Vinsko** called roll call for the Council, Mayor and Borough Officials. The Pledge of Allegiance was recited by all.

Mayor Sipple made a special presentation to **Mr. and Mrs. John Halliday** for special recognition through a Certificate of Appreciation for their generous donation to the Ashley Borough K9 Unit. Mr. and Mrs. Halliday were presented with a framed certificate from Ashley Borough. Officer Chris Capasso and the K9 were present.

COUNCIL MEMBERS PRESENTATIONS:

GERALD MALDONADO – **Mr. Maldonado** raised the following issues:

- (1) **Plans for the Borough to Replace the Sliding Board** – **Mr. Maldonado** questioned **Mr. Gibbons** about what the Borough plans to do regarding the sliding board

replacement. **Mr. Gibbons** confirmed that it was his understanding that **Mr. Maldonado** would be getting the price for the replacement. **Mr. Maldonado** stated that the Recreation Committee was not notified of the replacement, and questioned why it was done. **Mr. Gibbons** stated that it was for the safety of the children. Someone could have cut their leg or body. **Mr. Maldonado** stated that he had a company that was going to provide a repair kit but he was not notified. **Mr. Gibbons** responded that the Council spoke about it for four (4) months and nothing happened. **Mr. Maldonado** responded that the minutes of the meeting are not accurate and do not coincide with the tapes of the meetings that he has. He then asked: "What are we going to do for the kids?" **Mr. Gibbons** said that he had mulch put there and took down the slide, and everything was completed in that way because it was a safety issue. He then stated that he would personally take care of it.

(2) **Trucks on Main Street / Orchard Street** – **Mr. Maldonado** asked what was going to be done about the trucks on Main Street and Orchard Street, specifically the property across the street from Knockers. **Mr. Casey** stated that **Andy Kratz** was handling it and was checking on the zoning issues. **Mr. Gibbons** confirmed that Mr. Kratz was waiting for their attorney to get to the Borough, but no response ever came. **Mayor Sipple** advised that Mr. Kratz sent the zoning ordinance to the owner and owner's attorney and he never heard back. A discussion followed regarding the road itself (Orchard Street). It was vacated by Ashley Borough in 1986. **Mr. Gibbons** asked if the road could be reacquired. **Attorney Vinsko** confirmed that it could only be acquired by an eminent domain taking since it has already been vacated by Ordinance. **Mr. Gibbons** confirmed that the Borough could not do anything about any prior action by Borough Council, but can address things going forward. **Attorney Vinsko** confirmed that he would contact Mr. Kratz and follow up on a plan to proceed. Resident **John Halliday** stated that he was concerned about the vehicles as well. They are not permitted to drive there and/or park there. He had to follow the Ashley Borough Zoning Ordinance, so therefore, he believes that the Zoning Ordinance should be followed. He also asked **Attorney Vinsko** if there was anything legal that could be done. **Attorney Vinsko** stated that he would follow up with Mr. Kratz. **Chief Fedorczyk** confirmed that the police could only ticket if the trucks are caught driving on the road. Other than that, it is a zoning matter.

(3) **Huber Breaker** – **Mr. Maldonado** stated that people are removing steel out of the Huber Breaker. **Mr. Gibbons** stated that there was nothing left to take, but one building is moving with the wind. Resident **Don Kane** is working on the adjacent Miner's Memorial Park and he said that there is a vehicle there everyday while he is working. **Mr. Gibbons** said that there are more tire piles, and that he would investigate what is happening. He also stated that he would check on the steel issue. He believes that there is not much left there. **Mr. Gulick** stated that the Pennsylvania State Police, DEP and Mr. Kratz are spot checking the Huber Breaker for these issues. **Mr. Gibbons** followed with the concern that kids are also cutting the fence.

(4) **Amount being spent on Cold Patch** – **Mr. Maldonado** asked how much the Borough is spending on cold patch for the Borough roads. **Mr. Gulick** referred him to the financial report under Liquid Fuels, and said that in July, 2018, the Borough spent approximately \$1,000 on modified, approximately 2 loads. **Mr. Maldonado** stated that he has asked several times to get a used roller to save money. **Robert Hess** stated that his current procedure is to put the cold patch in and then roll it with the tires of the 2000 lb.

truck. **Mr. Maldonado** asked if a roller would do better, and **Mr. Hess** confirmed it would. **Mr. Hess** advised that the roller has a vibrating mechanism to enhance the compaction. **Mr. Gibbons** recommended that the Borough get a price on a used roller and a trailer. **Mr. Maldonado** stated that purchasing a roller and trailer would be cheaper than wasting cold patch.

FRANK SOROKACH – **Mr. Sorokach** had the following issues:

- (1) **Huber Breaker** – **Mr. Sorokach** asked **Mr. Gulick** whether the Huber Breaker taxes have been paid. **Mr. Gulick** confirmed that they were not paid.
- (2) **Home on Stewart Alley** – **Mr. Sorokach** asked if there was a status on the property located on Stewart's Alley that was transferred and not up to code. He asked if the Borough could pass a resolution to try and stop out of town purchasers from bidding on properties that are not up to code or condemned. **Attorney Vinsko** confirmed that such an action would not be possible. **Mr. Gibbons** confirmed that when people are bidding, the Borough is not able to confirm what the purchaser will do with the property. **Mr. Gulick** stated that the property is up for the continued upset tax sale in October, 2018.
- (3) **33-35 Barnes Street / 42 Carey Street** – **Mr. Sorokach** stated that 33-35 Barnes Street has an owner who cuts the front but does not touch the back. The garage door is open and the weeds are very high. Additionally, 42 Carey Street, the yard is a mess. **Mr. Gulick** stated that the owner of 33-35 Barnes was cited and fined \$250. He paid the fine but did not correct the issue. **Mr. Sorokach** asked that the Borough get the owners to clean the properties up.
- (4) **Borough Engineer (Reilly Associates / A+E Engineering)** – **Mr. Sorokach** stated that the Borough has to make a decision on which engineering firm the Borough is going to use. He stated he is concerned because it costs money. **Mr. Casey** responded that it does not cost anything. **Mr. Gulick** stated that A+E is still doing work for the Borough and they have not charged anything.
- (5) **PennDOT's Inspection of Ashley Street** – **Mr. Sorokach** referenced that PennDOT has inspected Ashley Street and that **Mr. Maldonado** was present and aware of the situation. **Mr. Maldonado** said that PennDOT is going to be cutting the gatoring and the issues on Ashley Street will be addressed.
- (6) **Ideas for the Main Street** - **Mr. Sorokach** was pleased that **Jason Fitzgerald** was present at the meeting since he had heard that Burger King was not coming in, but he wanted to have ideas from the public and to hear from Mr. Fitzgerald regarding options and opportunities. **Mr. Gibbons** stated that Mr. Fitzgerald will be able to update Council and the public, and that the old Borough Building will have an RCAP grant, at which point it should be put out to bid.

DONNA SCHAPPERT – Nothing for this meeting.

BRIAN CASEY – **Mr. Casey** asked Council to consider purchasing a DR Cutter for issues that the road crew faces, such as the brush on Conyningham Street. He looked into the DR Cutter that cuts up to 3 inch saplings. It also has options for attachments. He would like to have that approved and considered as a resolution this evening.

DONALD SIPPLE, JR. – **Mr. Sipple** mentioned that he was approached by a resident about whether the Borough could put a recycling drop-off at the new Borough Building, similar to the one that was at the prior building. Sometimes, residents have recycling that they cannot store for 2 weeks at their residence. **Mr. Hess** referenced the fact that some had garbage in it. **Mr. Gibbons** asked if the Borough should try it for a month. **Mr. Sorokach** suggested giving the resident an extra can to address the matter.

JOHN GIBBONS – **Mr. Gibbons** asked **Mr. Fitzgerald** to come up and give a status report.

Mr. Fitzgerald identified the following issues and matters being addressed:

- (a) Burger King will not be in Ashley since the Wilkes-Barre Burger King owner objected to Hutchenson that it was too close. There is no contract with anyone at the moment, but they are working on things. **Mr. Gibbons** confirmed that he was looking to have a meeting with Hutchenson.
- (b) The PennDOT Multimodal grant is on “recommended status” from PennDOT, which was a really good thing.
- (c) The DCED Multimodal grant was submitted by the Economic Development Authority.
- (d) The DEP work with the Sulphur Run matter is ongoing and the grant applications are pending with the county and the state. We are looking into local matches. For these DEP projects such as this, there is no money or cost to the Borough.
- (e) The Streetscape project grants will be applied for by the end of the month. We are asking for \$100,000, and the state has a \$50,000 minimum application fee. Once this goes through, the Borough will not be responsible for the local match, the homeowner will have to match if a grant is awarded. The Borough will have to make a decision whether this will apply to residential only or residential and commercial properties.
- (f) The RCAP for the Old Borough Building has not been approved yet. The Borough requested \$750,000 but Mr. Fitzgerald expects it to be approved at \$500,000 only. Council will have to be comfortable with the developer. For RCAP, the renovations and construction will have to contain an “economic driver.” For example, you cannot have it be exclusively residential. You need a retail or commercial piece. **Mr. Gibbons** confirmed that the developer does not have to accept the RCAP grant. Mr. Fitzgerald gave examples of successful projects in Williamsport where the developer declined the RCAP grant. He also stated that if it is not accepted,

then the Borough should seek a reallocation. There are strings attached to an RCAP grant, such as the requirement for prevailing wage and a state audit. **Ms. Schappert** asked how soon something would come in for the park issue (Centennial Park). Mr. Fitzgerald said the timing is based on the Borough, and that he is going to set up a meeting with Hutchenson. **Mr. Sorokach** asked if any other developers are or would be interested. Mr. Fitzgerald said it is a valuable piece of property and there likely would be. **Mr. Gibbons** stated that we have to have appraisers for the old park and the new park, and show that the old park is less expensive than the new park. The Borough has to work with DCNR on this and everything has to be approved by them. **Mr. Gibbons** stated that he wants everything done before he moves to meet with DCNR because it could affect future funding and grant availability for the project. Mr. Fitzgerald stated that the Borough is ahead of the game. He also confirmed that both he and Mr. Gibbons have been given authority to negotiate, but that all approvals for contracts will be presented to and have to be approved by Council. **Mr. Sorokach** asked when the façade grants would be ready or approved. Mr. Fitzgerald stated that they would be addressed before the end of the year and then engineering could start in or about the Spring of 2019. We will not likely get all \$3 million requested as it will most likely be approved in phases. He recommended that people contact their local legislators. **Mr. Gibbons** stated that this is why we keep the general fund money up because we will be able to address things such as local matches. Mr. Fitzgerald confirmed that there is \$250,000 budget for local matches and there have been no requests for that money.

Mr. Gibbons also addressed the Cook Street Culvert since people had complained last month. Children were threatened the residents they would be shot and one actually disrobed. **Mr. Gibbons** went to DEP since they have a system to fence in the culvert and then it opens when the water gets too high so it will move more water. DEP sent Ashley to PennDOT. PennDOT looked into the matter and then said “No” to the fence because the road is directly above it. **Mr. Gibbons** said that there are many ways to get in there. He said that he will continue to try and work on the situation to see what can be done. **Chief Fedorczyk** confirmed that the police issued as many as 30+ tickets at one time this summer.

MAYOR DONALD SIPPLE, SR. – Followed up on the same issue of the culvert in the Cook street area. He asked Mr. Hess to cut the brush around the signs.

BOROUGH MANAGER GREG GULICK – **Mr. Gulick** provided the financial report for the Borough. **Mr. Gulick** also announced the COMMUNITY SMOKE DETECTOR GIVEAWAY for Saturday, August 25, 2018 - 10:00 AM to 2:00 PM. The Ashley Borough Fire Department and the American Red Cross are going to be going through the trailer park and areas of the patch to install smoke detectors. They will request access to your home and install battery-operated smoke detectors at NO CHARGE to you. Installation will be immediate and will be at a location that you direct. There is no limit to the number of detectors you can have, but they are going to generally offer one per

floor. Hearing impaired ones will also be available but will require installation another time.

Mr. Gulick read a letter from the Auditor General that the Borough's Distressed Determination Score is ZERO (0). This means that the Borough's pensions are stable. Ashley is funded at 180% and the pension plan is in great shape.

POLICE CHIEF DAVID FEDORCZYK – Gave Police Report. Additionally, the Chief addressed animal complaints. Ashley Borough did not agree to “pay” the SPCA so they will not accept stray animals. The police cannot do anything unless they are being harmful, at which point they absolutely can do something. **Mr. Gulick** stated that Blue Chip Animal Farm will accept them for a \$100 one-time donation.

COMMITTEE REPORTS

None.

PUBLIC COMMENT

BREE KASTREVA – She lives at 95 West Hartford Street. She complained about the property at R. 98 Ashley Street stating that the property has rats and they are coming into her yard and causing problems with her dog. Her dog is 7 months old. **Mr. Gibbons** took her number and would address the situation and then contact her.

DON KANE - He publicly thanked Borough Council for serving as the host municipality for the application for the steam locomotive. He also stated that he is waiting for the grant approval, but the Council's help was appreciated. He is still working on the mine car at Miner's Memorial Park and people are welcome to come see it and/or volunteer to work this Saturday starting around 8:30 AM.

LEGISLATION

RESOLUTION NUMBER 52 OF 2018 – A Resolution authorizing the July, 2018 payroll in the amount of \$31,581.28.

Date: August 14, 2018

Motion: **DONALD SIPPLE, JR.** Second: **FRANK SOROKACH**

Gerald Maldonado –	Y	Brian Casey -	Y	PASS
Donna Schappert -	Y	Donald Sipple, Jr. -	Y	
Frank Sorokach -	Y	John Gibbons -	Y	

RESOLUTION NUMBER 53 OF 2018 – A Resolution authorizing the July, 2018, bills in the amount of \$60,944.97.

Date: August 14, 2018

Motion: **BRIAN CASEY**

Second: **DONNA SCHAPPERT**

Gerald Maldonado –	Y	Brian Casey -	Y	PASS
Donna Schappert -	Y	Donald Sipple, Jr. -	Y	
Frank Sorokach -	Y	John Gibbons -	Y	

RESOLUTION NUMBER 54 OF 2018 – A Resolution authorizing the Borough to apply for a Community Development Block Grant in the amount of \$1,192,455 for Road Repairs.

Date: August 14, 2018

Motion: **FRANK SOROKACH**

Second: **GERALD MALDONADO**

Gerald Maldonado –	Y	Brian Casey -	Y	PASS
Donna Schappert -	Y	Donald Sipple, Jr. -	Y	
Frank Sorokach -	Y	John Gibbons -	Y	

RESOLUTION NUMBER 55 OF 2018 – A Resolution authorizing the Borough to apply for a Community Development Block Grant in the amount of \$33,146 for Rescue Tools.

Date: August 14, 2018

Motion: **BRIAN CASEY**

Second: **JOHN GIBBONS**

Gerald Maldonado –	Y	Brian Casey -	Y	PASS
Donna Schappert -	Y	Donald Sipple, Jr. -	Y	
Frank Sorokach -	Y	John Gibbons -	Y	

RESOLUTION NUMBER 56 OF 2018 – A Resolution authorizing the Borough to apply for a Community Development Block Grant in the amount of \$42,546 for Air Packs.

Date: August 14, 2018

Motion: **BRIAN CASEY**

Second: **JOHN GIBBONS**

Gerald Maldonado –	Y	Brian Casey -	Y	PASS
Donna Schappert -	Y	Donald Sipple, Jr. -	Y	
Frank Sorokach -	Y	John Gibbons -	Y	

RESOLUTION NUMBER 57 OF 2018 – A Resolution authorizing the Borough to get a table and name plates for the Borough Meetings for an amount not to exceed \$400.00.

Date: August 14, 2018

Motion: **DONNA SCHAPPERT** Second: **BRIAN CASEY**

Gerald Maldonado –	Y	Brian Casey -	Y	PASS
Donna Schappert -	Y	Donald Sipple, Jr. -	Y	
Frank Sorokach -	Y	John Gibbons -	Y	

RESOLUTION NUMBER 58 OF 2018 – A Resolution authorizing the Borough to purchase a DR Cutter for \$4,800.00.

Date: August 14, 2018

Motion: **BRIAN CASEY** Second: **DONNA SCHAPPERT**

Gerald Maldonado –	Y	Brian Casey -	Y	PASS
Donna Schappert -	Y	Donald Sipple, Jr. -	Y	
Frank Sorokach -	Y	John Gibbons -	Y	

RESOLUTION NUMBER 59 OF 2018 – A Resolution authorizing the Borough to approve the minutes of the August 7, 2018 Work Session.

Date: August 14, 2018

Motion: **BRIAN CASEY** Second: **FRANK SOROKACH**

Gerald Maldonado –	Y	Brian Casey -	Y	PASS
Donna Schappert -	Y	Donald Sipple, Jr. -	Y	
Frank Sorokach -	Y	John Gibbons -	Y	

Mr. Gibbons announced the next meeting dates and confirmed that there would be a meeting on personnel through an executive session immediately after the meeting.

Meeting Ended at 8:00 PM.

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