

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 OCTOBER 8, 2019

49 West Cemetery Street, Ashley, Pennsylvania

Meeting Start Time: **6:33 PM**

Meeting End Time: **7:27 PM**

Attendance:

Gerald Maldonado-	Present
Frank Sorokach-	Present
Donna Schappert-	Present
Brian Casey-	Absent
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 Council President **John Gibbons**. **Attorney Vinsko** called roll call for the Council, Mayor and Borough Officials. The Pledge of Allegiance was recited by all.

COUNCIL MEMBER PRESENTATIONS

GERALD MALDONADO –

1. **Meeting Minutes - Mr. Maldonado** asked that the meeting minutes be updated and provided to counsel. It seems they have not been updated or provided in a few months. **Attorney Vinsko** confirmed that he would see to it that they were updated and available.
2. **31 South Main Street – Mr. Maldonado** stated that he would like this property cleaned up because there is a resident in the back that is forced to live next to the nuisance.

Attorney Vinsko confirmed that he notified the bank's counsel on this, and if the nuisance is not addressed, the Borough should address it and a lien should be filed. **Mr. Maldonado** asked that the Borough take immediate action on it. **Mr. Maldonado** stated that he was in touch with Wells Fargo and they told him that the Borough can address the nuisance and file the lien. **Mr. Sorokach** also identified another property that he wanted to have taken care of as he noticed that a landscaping company came to the property and the grass was 3 feet high. **Mr. Maldonado** added that he had the same concerns with the laundromat property.

3. **Rodgers Ave Bridge** – **Mr. Maldonado** asked why the Rodgers Ave Bridge was being repaired and replaced before the Carey Street Bridge. He and **Mr. Sorokach** had met with PennDOT and notified them of the Carey Street Bridge concerns before the Rodgers Ave Bridge issue was raised. A discussion among council members was held regarding whether there was a vote at a prior meeting on which bridge to address.

4. **Vehicles on Private Property** – **Mr. Maldonado** asked about why the vehicle ordinance is not being enforced. It was his understanding that a vehicle without current registrations or if it is on jacks or blocks must have a cover over it, or be cited. He asked if the Borough was citing people for such vehicles. **Mayor Sipple** stated that the Borough needs to hire a code enforcement officer. **Mr. Maldonado** responded that the Borough is not enforcing its ordinances.

5. **Stormwater Management Issues.** – **Mr. Maldonado** stated that he spoke with resident **Ronald Wickizer** and that Mr. Wickizer allegedly spoke with an administrative law judge from the Pennsylvania Public Utility Commission who stated that the Borough is not in compliance with the state's stormwater management law, and that there has not been a train running through that area behind his home since the 1980s. **Attorney Vinsko** stated that he reviewed the Act 167 Stormwater Ordinance and the Borough has no obligations there. He requested that Mr. Wickizer (who was not present) provide any information he has and that **Attorney Vinsko** would be happy to meet with him to discuss the issue.

FRANK SOROKACH –

1. **Upset Tax Sale** - **Mr. Sorokach** asked if any of the properties in Ashley were sold as part of the Luzerne County Upset Tax Sale. **Attorney Vinsko** responded that the list of what was sold should be posted by October 31, 2019. At that time, the Borough could entertain purchasing certain properties through a private tax sale.

2. **Sewer Bills** – **Mr. Sorokach** asked **Mr. Gulick** if he had an update on the delinquent sewer bills. **Attorney Vinsko** confirmed that he gave the current list to **Mr. Maldonado** and that he can see what is currently outstanding. **Attorney Vinsko** confirmed that there should be another disc coming from WVSA by the end of October, which will give an update on who has paid and who remains outstanding.

3. **Old Borough Building – Mr. Sorokach** requested a status update on any bidders for the acquisition of the old Borough Building. **Mr. Gibbons** stated that today was the day for the bids, and none came in. He indicated that the RFP will have to be readvertised.

4. **Talanca Lawsuit – Mr. Sorokach** was concerned about how much the Borough would have to pay on the lawsuit, and whether the \$15,000 was all that would need to be paid. **Attorney Vinsko** stated that once that is exhausted, the Borough's financial obligations were complete. He indicated that he would email the detailed letter from Attorney Dean (insurance counsel) related to the status of the case to **Mr. Gulick**, which he did during the meeting, so that the Board would have access to it.

5. **Status of Façade Grant – Mr. Sorokach** asked **Jason Fitzgerald** from Penn Strategies about the status of the façade grant and whether that grant would be available for rental properties. **Mr. Fitzgerald** confirmed that it would, as the owner of the rental property would have to apply. **Mr. Sorokach** also asked about any new or other grants. **Mr. Fitzgerald** said that he was preparing the application for the second phase of the Main Street grant, which is due November 13, 2019. The other grants will be in the Spring of 2020. The decision on the multimodal grant should come in or about January, 2020. He also confirmed that he attended a recent meeting of the Ashley Borough Economic Development Authority and they will review the façade grant applications.

DONNA SCHAPPERT – Nothing for this Meeting

DONALD SIPPLE – **Mr. Sipple** said that he is working with **Mr. Casey** to have a meeting with a code enforcement officer candidate. **Mr. Sorokach** asked if **Andy Kratz** submitted a resignation. **Mr. Gibbons** stated that as soon as the Borough gets a code enforcement officer, **Mr. Kratz** will be ready to go. He will train the replacement, but would like to leave by the end of the year.

JOHN GIBBONS –

1. **Code Enforcement Issue – Mr. Gibbons** received a complaint after the last meeting in Carey's Patch, and he and Mr. Sipple visited the property. The code issues were all addressed.

2. **Car Port Matter (Ashley Park) – Mr. Gibbons** investigated a car port concern at Ashley Park. The owner/applicant needed to have a drawing or schematic submitted for approval. He assisted the owner with the drawing and submitted it. There was a discussion over the size of the car port so that the car port would not extend into the street, which would be a hazard during snow season when the plow came through. **Mr. Gibbons** thought that a 16 – foot car port would work. **Clyde Harvey** said that **Mr. Kratz** already denied that request.

MAYOR DONALD SIPPLE – Asked if the Borough was going to move ahead with getting a code enforcement officer. He also asked if the Borough was going to move to have the zoning work and board addressed through Luzerne County. **Attorney Vinsko** stated that

the zoning through the County would require a change in the ordinances. He will be looking into that for the next meeting.

BOROUGH MANAGER – GREG GULICK – Mr. Gulick provided the detailed financial report for the meeting. He also requested that Council pass a resolution this evening directing that the K9 Fund be closed and that the money be transferred to the General Fund, Police Account. He also indicated that the fire house needs to have a new water and sewer line installed since they are on the same meters as the old Borough Building. He asked whether he should make contact with the utilities or if the Property Committee should do it. **Mr. Maldonado** stated that the Property Committee should meet and would address it. **Mr. Gibbons** asked **Mr. Gulick** to make sure that time was scheduled for the Property Committee to meet and address the issue.

CHIEF FEDORCZYK – Chief Fedorczyk gave the Police Report. He also received an application for a handicapped parking spot at 39 Barnes Street, Ashley. All information was submitted, including the letter from the doctor.

COMMITTEE REPORTS

There were no committee reports.

PUBLIC COMMENT

JOE PETROSKI – Thanked Mr. Gibbons for his prompt action on getting his neighbor’s hedges cut. **Mr. Gibbons** confirmed that he and **Mr. Coleman** confirmed the location of the survey pins, which allowed them to verify ownership. Mr. Petroski questioned whether the neighbor was fined because he should have been given his disregard for the ordinances. He asked why **Mr. Kratz** could not have done what **Mr. Gibbons** did. He waited five (5) years for this to be resolved.

LEGISLATION

RESOLUTION 74 OF 2019 – A Resolution authorizing the September, 2019 Payroll in the amount of \$36,961.21.

Date: October 8, 2019

Motion: **DONALD SIPPLE** Second: **DONNA SCHAPPERT**

Donald Sipple -	Y	Donna Schappert -	Y	PASS
Brian Casey -	Absent	Frank Sorokach -	Y	
Gerald Maldonado -	Y	John Gibbons -	Y	

RESOLUTION 75 OF 2019 – A Resolution authorizing the September, 2019 Bills in the amount of \$69,592.37.

Date: October 8, 2019

Motion: **DONALD SIPPLE** Second: **DONNA SCHAPPERT**

Donald Sipple -	Y	Donna Schappert -	Y	PASS
Brian Casey -	Absent	Frank Sorokach -	Y	
Gerald Maldonado -	Y	John Gibbons -	Y	

RESOLUTION 76 OF 2019 – A Resolution authorizing the Borough Manager to close the K9 Fund and transfer the money to the General Fund, Police Account.

Date: October 8, 2019

Motion: **DONALD SIPPLE** Second: **FRANK SOROKACH**

Donald Sipple -	Y	Donna Schappert -	Y	PASS
Brian Casey -	Absent	Frank Sorokach -	Y	
Gerald Maldonado -	Y	John Gibbons -	Y	

RESOLUTION 77 OF 2019 – A Resolution appointing the following individuals to the Ashley Borough Economic Development Authority: Scott Martinelli (3 years); Joseph Kultys (2 years) and Glen Monahan (4 years).

Date: October 8, 2019

Motion: **DONNA SCHAPPERT** Second: **DONALD SIPPLE**

Donald Sipple -	Y	Donna Schappert -	Y	PASS
Brian Casey -	Absent	Frank Sorokach -	NO	
Gerald Maldonado -	NO	John Gibbons -	Y	

Discussions were held regarding the status of the Economic Development Authority. Resident **Jim Barberio** stated a concern about whether there have been resignations and who is being replaced on the board. He also indicated that there will be a new Council coming in as of January, 2020 and thought that there should be some input from them. **Mr. Gibbons** stated that his term expired and he was not going to continue to serve. Additionally, a second board member has failed

to show for 3 meetings, which was confirmed by **Jason Fitzgerald**. Finally, **Steve Biernacki** resigned from the Board and is allegedly moving to Florida. Therefore, there are three (3) spots open. **Mr. Sorokach** asked who chose the names for consideration this evening. **Mr. Gibbons** stated that the Authority Board Members recommended names. Also, he indicated that the sooner the Board has members, the sooner the Board could apply for the grants. **Mr. Sorokach** asked **Clyde Harvey** about the current status of the Board and the concern that the Authority was paying \$500 per month for legal counsel, with only approximately \$47,000 or so in the bank. **Mr. Harvey** stated that the Board is changing attorneys and he is notifying the current counsel this week. **Mr. Harvey** expressed frustration with the Board stating that the Board has not been involved with anything since it started and he does not want to continue in that manner. He wants “nothing to do with it.” **Mr. Sorokach** responded that if the Board wants new members, the Borough should advertise for it. **Mr. Gibbons** responded that the Borough has never advertised for zoning board or planning commission members.

RESOLUTION 78 OF 2019 – A Resolution approving handicapped parking for 39 Barnes Street, Ashley.

Date: October 8, 2019

Motion: **FRANK SOROKACH** Second: **GERALD MALDONADO**

Donald Sipple -	Y	Donna Schappert -	Y	PASS
Brian Casey -	Absent	Frank Sorokach -	Y	
Gerald Maldonado -	Y	John Gibbons -	Y	

RESOLUTION 79 OF 2019 – A Resolution authorizing the Borough to readvertise the RFP for the former Borough Building.

Date: October 8, 2019

Motion: **DONALD SIPPLE** Second: **DONNA SCHAPPERT**

Donald Sipple -	Y	Donna Schappert -	Y	PASS
Brian Casey -	Absent	Frank Sorokach -	Y	
Gerald Maldonado -	Y	John Gibbons -	Y	

RESOLUTION 80 OF 2019 – A Resolution authorizing Borough personnel to enter private property at 31 South Main Street to abate the nuisance.

Date: October 8, 2019

Motion: **FRANK SOROKACH** Second: **GERALD MALDONADO**

Donald Sipple -	Y	Donna Schappert -	Y	PASS
Brian Casey -	Absent	Frank Sorokach -	Y	
Gerald Maldonado -	Y	John Gibbons -	Y	

Meeting Ended at 7:27 PM.

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