

CITY OF NANTICOKE



WORK SESSION and COUNCIL MEETING MINUTES

April 20, 2020

Via Conference Call, 1-800-201-3962 – Code # 349057

Work Session/Council Meeting 1:00 pm

Call to Order: President of Council, William Brown

Pledge of Allegiance

Invocation: City Clerk, Jennifer W. Polito

The following were present: Council Members, William Brown, John Telencho, Lesley Butczynski, Mike Marcella, Interim City Manager, Donna Wall, Finance Director/City Clerk, Jennifer Polito and Solicitor, Attorney William Finnegan. Excused: Councilor John Pietrzyk.

City Residents present: Lou Gianuzzi, Ron Knapp, Mike Stachowiak, Deb Zywoitek, and Walter Griffiths.

WORK SESSION-

Ordinance # 2 of 2020, an Ordinance of City Council for the City of Nanticoke extending the declaration of disaster emergency for the City of Nanticoke for an additional period of 30 days through May 20, 2020.

Resolution # 7 of 2020, a Resolution of City Council for the City of Nanticoke extending the time period to pay property taxes under face value for a period of (60) sixty days. Attorney Finnegan stated he revised the resolution making it contingent on the passing of the Law by Thomas Wolf, Governor of Pennsylvania. Mr. Telencho suggested to Attorney Finnegan that the Resolution should specify a date and he replied the revised one does.

Lease Agreement with Stell Enterprises to lease the land on Lower Broadway from the City of Nanticoke contingent on them accepting the agreement and to pay the Stormwater Fee on the said property. Mr. Telencho asked if there is a zoning issue since we did not allow tractor trailers in the past to park on Lower Broadway but now we are leasing the property to Stell Enterprises yet it is not zoned for that activity. President Brown asked Attorney Finnegan if the lease agreement should be tabled to allow Mr. Telencho to talk over the potential zoning issues with Andy Kratz, the City's zoning officer and Attorney Finnegan advised Council to table the lease agreement.

Administrative Updates-

Mayor Kevin Coughlin has submitted the February and March Department reports for Council's review and Jennifer Polito has posted them on the City's website.

Donna Wall updated Council and residents on the following:

-Donna informed Council that there are options on how to charge for Billboards in the City and what the options are for City owned property versus private property. She then asked Attorney Finnegan to explain the options. Vice President, John Telencho asked what stops private property from putting a billboard in their yard and Donna stated there are zoning rules against that and they do not allow it. Commercial property can have a sign but must follow the zoning rules on size Donna wall replied. Donna stated she, Lou and John will work together as a committee to address the billboard issues in town.

-Donna updated Council on the benches and stated Mr. Alberola sent in an insurance certificate but it was for an auto policy and Donna contacted him and he was supposed to have the correct policy to her by yesterday and she did not receive it as of yet. Attorney Finnegan suggested writing him a letter giving him until May 1, 2020 to furnish the insurance and fix broken benches after Mr. Telencho suggested giving him a date to comply by or remove the benches all together.

-Donna informed Council that the clerical staff are all working from their homes remotely and come into the building at different times to get work done and keep the bills being paid and running reports. Mr. Telencho stated when we do reopen, to announce the building has been sanitized.

-Donna stated TSE has been granted a waiver to complete replacing the water lines on W. Main Street by the Burger King and also over in Honey Pot. She also stated there was a water main break on Center Street in Honey Pot and the water company's truck fell into a sink hole and damaged a sewer line which they will repair. Councilor Mike Marcella asked Donna if all of the ADA Ramps that we installed improperly have been fixed and she replied no. Mr. Marcella asked if Pennoni is inspecting them and she said yes. Mr. Marcella asked Attorney Finnegan if an ADA ramp is installed incorrectly and Pennoni signs off on it are they liable for the cost to fix it and Attorney Finnegan said yes they are. President William Brown asked Councilor Telencho if his question about pave cuts was answered and he replied yes.

A Motion was made by Councilmember Telencho, seconded by Councilmember Butczynski to adjourn the work session. Motion carried unanimously.

REGULAR MEETING Comments from the Public agenda items only.

Mr. Stachowiak wanted to confirm the lease with Stell Enterprises was for the use of 1 acre of the City's land and he was told yes. He asked who cleared all the vegetation that is more than an acre and will be subject to the rain tax and Donna asked she will have to look into it. She asked if it was cleared recently and Mr. Stachowiak replied yes. Mr. Stachowiak asked if the four corners of the acre of property will be marked so they do not use more than an acre and Donna said they corners can be marked. Mr. Stachowiak asked if they were storing top soil and or the heavy equipment to because now there may be a zoning issue and Stell may have to ply to change the zoning laws to accommodate the heavy equipment. Donna replied she will look into all of his concerns. Mr. Stachowiak asked about the utilities paying for permits for pave cuts that was discussed at an ADA committee meeting in the past. President Brown said they do. Mr. Stachowiak stated that the utility companies are really putting the screw to the City. Their repairs to our streets are horribly done and President Brown agreed and asked the Mayor to set up another meeting with the ADA committee. Mayor replied he would but for now it would have to be a teleconference but Mr. Stachowiak preferred it waited due to there are photos with explanations that need to be discussed in person when they can.

Mr. Gianuzzi stated when it comes down to the billboards, no one know anything about them or who owns them. He stated we need to do something to try to collect what is due to the City. Mr. Gianuzzi stated he hope we do not have issues with Stell and poorly maintained or damaged equipment on the property. He stated we just got rid of a mess down there. Mr., Gianuzzi stated after 6 months, Mr. Alberola is using a stall tactic by sending you the wrong insurance then promising to send you a different policy and the City should not give him too much more time to comply with our requests. President Brown said we are going to give him until May 1, 2020 to comply or the benches will be removed.

Mr. Ron Knapp thanked Attorney Finnegan and Council for considering to extend the payment of property taxes. Mr. Knapp also commented on the billboards and President Brown asked Donna to research these issues. Mr. Gianuzzi said he, Donna and John are looking into this matter and Donna replied she is doing research on this matter. Mr. Knapp asked if the City could do a right-to-know to get the information from Mr. Alberola and Attorney Finnegan stated Mr. Alberola does not fall under the right-to-know laws.

Mr. Walter Griffiths commented on the Resolution # 7 of 2020 to move the property tax deadline and said the statute law does not allow it. The statute says you can forgive any late fee or penalty Mr. Griffith replied. Attorney Finnegan asked Mr. Griffith if this is what the County is considering, because he was told the County was extending the due date for face payments. Mr. Griffith stated that Attorney Finnegan was given the wrong information and the County is most likely voting to remove the 10% penalty at the April 28, 2020 meeting. Attorney Finnegan stated that he wants to mirror what the County is proposing so he advised Council to table this resolution to see what the County passes.

Old Business

None

New Business

A Motion to approve the March 4, 2020 minutes was made by Councilmember Marcella, seconded Councilmember Telencho.

Motion carried 3-1. Councilmember Butczynski abstained.

A Motion to approve the March 30, 2020 minutes was made by Councilmember Telencho, seconded Councilmember Marcella.

Motion carried 3-1. Councilmember Butczynski abstained.

A Motion to approve the ratification of the bills in the amount of \$414,870.99 (Payroll \$103,237.28 and Payables \$311,633.71) was made by Councilmember Butczynski, seconded by Councilmember Telencho. Motion carried unanimously.

A Motion to approve the payment of the bills in the amount of \$647,728.90(Payroll \$189,443.73 and Payables \$458,285.17) was made by Councilmember Marcella, seconded by Councilmember Butczynski. Motion carried unanimously.

A Motion to approve **Ordinance #2 of 2020**, an Ordinance of City Council for the City of Nanticoke extending the declaration of disaster emergency for the City of Nanticoke for an additional period of 30 days through May 20, 2020 was made by Councilmember Marcella, seconded Councilmember Telencho. Motion carried unanimously.

A Motion to table **Resolution # 7 of 2020**, a Resolution of City Council for the City of Nanticoke extending the time period to pay property taxes under face value for a period of (60) sixty days. Attorney Finnegan stated he revised the resolution making it contingent on the passing of the Law by Thomas Wolf, Governor of Pennsylvania was made by Councilmember Marcella, seconded Councilmember Telencho. Motion carried unanimously. Resolution was tabled.

A Motion to table the **Lease Agreement with Stell Enterprises**, to lease the land on Lower Broadway from the City of Nanticoke contingent on them accepting the agreement and to pay the Stormwater Fee on the said property was made by Councilmember Telencho, seconded Councilmember Butczynski. Motion carried unanimously. Lease Agreement was tabled.

COMMENTS FROM THE PUBLIC –

Mr. Ron Knapp stated that this pandemic has been a learning experience for all of us on keeping the environment clean and with that being said, he asked the Mayor at the meeting he attended with all the Mayors was the topic of illegal dumping brought up and Mayor Kevin Coughlin said no. Mr. Knapp said he is asking this because the City of Wilkes Barre got money for a camera system to control this and asked if the City of Nanticoke has explored any means of financing for cameras. Donna Wall replied we have and a grant has already been submitted to try to get funding for cameras. Mr. Knapp asked Council since we had very little snow removal this year, what happens to the surplus of funds allocated for snow removal. Interim City Manager, Donna Wall answered the question by stating the excess money will be used on other Highway Aid

approved projects within the City. Mr. Knapp stated he is asking this because there is a storm drain on S. Prospect Street by the College that needs repair. Donna Wall stated the City is aware of the storm drain, the project must go out to bid because it is too deep for the City DPW workers and it needs shoring. The excess money can be used towards that, Donna Wall replied. Donna Wall also replied it is on our list to be addressed. **Mr. Lou Gianuzzi** stated that he attended meetings before Council meetings addressing the illegal parking on City streets. He says there are a lot of unmotorized campers on the streets and they are such an eye sore to look at. President Brown asked Donna to reach out to Police Chief Roke and ask him and his patrolmen to keep out for this and warn then cite the residents for not complying. Mayor Kevin Coughlin stated Chief Roke is on top of this and has been out tagging vehicles and citing individuals who are not complying with the City's rules.

Correspondence-

None

Announcements-

None

Councilmember Comments-

Mr. Telencho asked for Donna to call him after the meeting so he can get Andy's contact information. President Brown asked when Council wanted to meet next and they all agreed on May 6, 2020 but the time is to be announced. He said they will discuss and get back to Jennifer with a time and a sign will go on the door at City Hall and on the website.

Meeting Adjournment-

Councilmember Butczynski made the motion to adjourn, seconded by Councilmember Marcella, roll call. Motion carried unanimously.

Meeting adjourned at 2:17 PM.

Next Meeting, Wed, May6, 2020 @ TBA

Jennifer W. Polito
City Clerk