

**MINUTES  
REGULAR COUNCIL MEETING  
SEPTEMBER 19, 2016**

**AGENDA:**

Regular meeting of the Borough Council, Borough of Berwick, Pennsylvania was held Monday September 19, 2016 at 7:00PM; in City Hall. Present at this meeting was President of Council Alvin Hill presiding and Council Members Scott Bower (VP), Jay Jarrett, Andrew Shecktor, Travis Petty, Joanne Huntington and Mayor Tim Burke. Councilman Jim Meighan and the engineer were absent. Also present were Borough Manager Debra Force, the solicitor Attorney Frank Kepner, Police Chief Ken Strish, DPW Foreman Jack Kyttle, Codes Officer Greg Harkins and Fire Chief Bill Coolbaugh, and Press Enterprise reporter Susan Swartz.

A prayer and The Pledge of Allegiance was said.

**REVIEW &  
APPROVAL  
OF AGENDA:**

**Additions to the agenda: (1) Pool Association finger printing issue. (2) Councilman Meighan's letter. (3) The Termination of a crossing guard.**

**A motion was made by Councilman Bower to approve the agenda. 2<sup>nd</sup> by Councilwoman Huntington. All ayes. Motion to approve agenda passes.**

**PUBLIC HEARING,  
CITIZENS  
CORRESPONDENCE,  
PERSONAL APPEALS:**

**Kirk Bower** appearing with an update on the Disk Golf course he is installing at Test Track Park. The Foundation awarded him \$4,000.00 for the purchase of the equipment. And Don Bower donated a tri-axel load of gravel. The borough crew has been brush hogging the area. What he wants to do is put 18 T-pads with baskets in. He wants to get sponsors for each hole at \$400.00 each. He has 4 sponsors so far. He is looking to do everything as tournament quality to bring some tournaments into the community. What he needs from Council is a PO (purchase order) so he can place the order for the equipment. The borough will float the money until Kirk raises the funds to pay the bill. The Foundation will handle the money, and he has raised \$5,600.00 so far. Council President said this will have to put on the agenda for a vote.

Motion to add this to the agenda was made by Councilwoman Huntington and seconded by Councilman Bower. All ayes. Motion passes.

**Nadine Kramarz**, Director of the McBride Public Library celebrating 100 years. Here to give an update. Since she was here last year the library has signed up 2090 Berwick residents with active library cards. That makes over 50% of population with cards. The library will be hosting a Geisinger Diabetes Clinic. October 1<sup>st</sup> will be a Native American group, October 3<sup>rd</sup> will be a computer learning class, and for the kids we have a LEGO CLUB that is off to a great success. Councilman Shektor congratulated the library on the great job they do in the community. (Audience applause)

**Marc Nespoli**, the large turn-out is here tonight to thank Chief Strish for his service to the community. (Audience applause)

**Debra Baffield** (719 Sycamore Street) and **Ralph Storko** (707 Sycamore Street), here to complain of the traffic problems at the new school. People are parking on her sidewalk which will damage it, blocking driveways, cigarette butts and candy wrappers all over. The construction company took out a sign and would have taken out her fence if she had it up. A former Berwick police officer came around the corner really fast, parked wrong way and on her sidewalk. When she asked him to get off her sidewalk he told her she did not own the sidewalk and got in her face and told her to chill out and go in and take her meds. She called 911, but he wanted her arrested for touching him on his shoulder. Council President said that there will be problems to be worked out with the new school. We will sit down with the school and possibly make some streets one-way. Chief Strish will sit in on the meeting too. Mr. Ralph Storko 719 Sycamore Street has people blocking his driveway and being very rude when he asks them to move. Councilman Petty said to send the Parking Enforcement Officer down to patrol.

**Carla Norse**, 600 block of Mulberry Street. She has concerns over 617-619 Mulberry Street. This property had a shooting in 2013, there has been drug activity going on. All the copper has been stolen out of the house. In 2015 it was condemned and in 2016 she had to call the police because she heard someone in the house. The police did not take it seriously and said it was probably animals in there. They found 3

people in the house cutting out more piping and they were arrested. The house needs to be secured before something happens like the fire on Vine Street. Mr. Hill asked the Codes Office to get some owner information and get them to secure the place. Greg Harkins said the last time he was there when some trees were taken down the property was secure at that time. He said that the property was condemned at that time. Attorney Kepner said that the bank will not want to take control of the property and once it is condemned it becomes the boroughs problem and should be put on the demo list.

**PRESENTATIONS:** NONE

**PREVIOUS MONTHS MINUTES APPROVED:** MOTION TO APPROVE AUGUST 15, 2016 MINUTES was made by **Councilman Shecktor** and seconded by **Councilwoman Huntington. All ayes. Motion passes.**

**PAYMENT OF BILLS APPROVED:** MOTION TO PAY THE BILLS was made by **Councilwoman Huntington** and seconded by **Councilman Bower. All ayes. Motion passes.**

AARON ZANOLINE	5.00	KEN'S CATTAILS	319.00
AARON ZANOLINE	80.00	KEYSTONE COMMUNICATIONS	123.00
AMERICAN FAMILY LIFE ASSURANCE	1,068.09	KNORR HAULING, INC.	6,187.50
AMERICAN PAPER & SUPPLY INC	420.02	LARRY C. FRACE INSPECTIONS, LLC	2,630.00
AUTOZONE	21.27	LAUBACH'S AUTO REPAIR	177.00
AVAYA, INC	25.30	LECCE ELECTRIC, INC.	324.75
BARRACUDA NETWORKS, INC	100.00	LJM INVESTIGATIVE SERVICES, LLC	804.76
BEAVER VALLEY ENVIRENMENTAL LLC	380.00	MAGLOCLEN	400.00
BERWICK ELECTRICAL SUPPLY, INC.	11.99	MARINOS, MCDONALD & KNECHT, LLP	156.00
BODNAR SALES & SERVICE	164.20	MATTHEWS SPRING WATER	124.00
BORO OF BERWICK MUNICIPAL PENSION	1,207.07	MBC SOLUTIONS	129.99
BOROUGH OF BERWICK PAYROLL ACCT	2,242.32	METRO TECHNOLOGY SERVICES, INC.	5,465.00
BOROUGH OF BERWICK PAYROLL ACCT	30,760.81	METROCAST	2.17
BOROUGH OF BERWICK PAYROLL ACCT	33,107.49	METROCAST	127.12
BOROUGH OF BERWICK PAYROLL ACCT	35,326.43	METROPOLITAN TELECOMMUNICATIONS	787.43
BOROUGH OF BERWICK PAYROLL ACCT	35,778.66	MICHAEL MONICO	1,123.20
BOROUGH OF BERWICK PAYROLL ACCT	36,845.22	MICHAEL MONICO	1,123.20
BOROUGH OF BERWICK PAYROLL ACCT	300.00	MICHAEL MONICO	1,123.20
BOROUGH OF BERWICK -PETTY CASH	100.00	MICHAEL MONICO	1,123.20
BOROUGH OF BERWICK POLICE PENSION	1,028.16	MICHAEL MONICO	1,123.20

BORO OF BWK POLICE PENSION TRUST FD	1,464.36	MIDLAND ASPHALT MATERIALS INC.	411.56
BRADCO SUPPLY CO, INC.	985.78	MIDLAND ASPHALT MATERIALS INC.	796.46
BRANDON SHULTZ	20.00	MIDLAND ASPHALT MATERIALS INC.	1,540.20
C.H. RINEHIMER	22.90	NAPA AUTOPARTS BERWICK	127.71
CAMPBELL PRINTING CO.	41.25	NAPA AUTOPARTS BERWICK	843.44
CENTRAL CLAY PRODUCTS, INC	52.02	NORTHERN TIER RESEARCH	425.00
CENTRAL PA TEAMSTERS HEALTH & WELF.	37,983.66	P A W C	56.02
CENTRAL PA TEAMSTERS HEALTH & WELF.	2,057.84	P A W C	35.66
CH WALTZ SONS, INC	111.64	P A W C	2,737.24
CHRISTOPHER CASHMAN	540.00	PENNSYLVANIA ONE CALL SYSTEM	78.74
COLE'S HARDWARE	186.30	PHILIP MAINIERO	306.94
COLE'S HARDWARE	7.08	PITNEY BOWES GLOBAL FINANCIAL	150.00
CONSTELLATION NEWENERGY INC.	9.40	PITNEY BOWES PURCHASE POWER	402.50
CONSTELLATION NEWENERGY INC.	11.38	PPL	90.26
CONSTELLATION NEWENERGY INC.	27.96	PPL	35.88
CONSTELLATION NEWENERGY INC.	1,601.89	PPL	179.08
DAN-BER CONCRETE & SUPPLY	589.00	PPL	11,509.51
DEBRA FORCE	380.96	PRESS-ENTERPRISE, INC.	1,508.23
EAGLES FIRE COMPANY	383.33	RANDY GAUGLER	306.94
EAGLES FIRE COMPANY	383.33	RANGER HOSE CO	383.33
EASTERN PENN SUPPLY CO.	52.21	RANGER HOSE CO	383.33
EVIDENT CRIME SCENE PRODUCTS	54.84	RELIANCE FIRE CO	383.33
FASTENAL COMPANY	9.44	RELIANCE FIRE CO	383.33
FIRST COLUMBIA BANK & TRUST CO.	1,955.70	RHONDA T. KOCH, CCR	150.00
FIRST COLUMBIA BANK & TRUST CO.	1,412.58	RIVERVIEW BLOCK	165.08
FIRSTLAB	46.00	SCHUYLKILL PLUS!	195.00
FIVE STAR INTERNATIONAL LLC	140.65	SCOTT SIENKIEWICZ	230.00
FORT DEARBORN LIFE INS.	965.19	SHERWIN-WILLIAMS	2,361.75
FORT DEARBORN LIFE INS.	965.19	STAPLES CREDIT PLAN	519.73
FROMM ELECTRIC SUPPLY	124.84	STEVE SHANNON TIRE CO	22.95
GENERAL SALES, INC.	54.95	SUPERIOR PLUS ENERGY SERVICES	1,006.98
H.B.O. CARPORTS	2,823.40	SUPERIOR PLUS ENERGY SERVICES	176.72
HALLS MARINE	194.79	SUPERIOR PLUS ENERGY SERVICES	31.60
HANSON AGGREGATES INC	390.00	SUPERIOR PLUS ENERGY SERVICES	334.74
HARTMAN & LALLY INSURERS, INC.	3,069.33	SUPERIOR PLUS ENERGY SERVICES	81.59
HELENA CHEMICAL CO	102.50	TEAMSTERS	1,248.84
HILLER'S HEATING & AC	65.00	TRI-COUNTY HARDWARE	166.53
ICMA RETIREMENT TRUST	1,704.67	TRI-COUNTY HARDWARE	13.90
ICMA RETIREMENT TRUST	150.00	TRI-COUNTY-LUMBER DIVISION	714.39
ICMA RETIREMENT TRUST	1,835.68	TRI-COUNTY-LUMBER DIVISION	8.93
ICMA RETIREMENT TRUST	150.00	TROY MANEVAL	1,120.00
ICMA RETIREMENT TRUST	1,845.52	UGI PENN NATURAL GAS	33.91
ICMA RETIREMENT TRUST	150.00	VALLEY PLUS!	195.00
ICMA RETIREMENT TRUST	2,071.03	VERIZON WIRELESS	307.10
ICMA RETIREMENT TRUST	150.00	WASHINGTON NATIONAL INS CO	60.90
JAMES DALBERTO	85.00	WEST BERWICK FIRE CO	383.33
JAMES DALBERTO	30.00	WEST BERWICK FIRE CO	383.33
JERRY'S ENGINE REPAIR	31.95	WEX BANK	1,213.36

JIMMY PECA  
JSC LAW ENFORCEMENT SALES

550.00  
5,973.30

WEX BANK

26.89

REPORTS

OF

COMMITTEES:

MAYOR: Tim Burke.

- Attended the new school dedication.
- Mayor's ball disbursed \$900.00.
- Wedding that was done at City Hall was published in the Pennsylvania State Mayor's Association Magazine.
- July 7<sup>th</sup> a lady on LaSalle Street needed an electric wheel chair for her husband and we were able to deliver to her a new electric wheel chair that was purchased by the band Licker'd Up. Mr. Ben Mike and Rich Hinchliffe paid for it.
- Raised \$460.00 for Beyond Violence with a Soft ball game.
- A lot of Police activity this month. A grievance, time at the District Attorney's office. Spent a lot of time defending our police department. Our Chief is doing a one heck of a job.

ENGINEER: Quad 3 (NOT PRESENT)

SOLICITOR: Attorney Frank Kepner. Nothing.

PERSONNEL: Travis Petty-Joanne Huntington- Debra Force. Nothing

LEGAL AND FINANCE: Travis Petty-Andrew Shecktor-Debra Force. Nothing.

PARKS AND RECREATION: Jay Jarrett - Alvin Hill. Kayak Poker Paddle brought in \$2,277.43. We had 148 participants. The Friday night before the event a tree branch fell on the awning and damaged it. To replace it will cost \$3,795.00. Insurance paid \$1,909.00 and the rest will come out of the Poker Paddle to pay for it. The rest will go to something else at Test Track Park. The concert 50/50 brought in \$1,449.00 and the total cost of concerts came to \$8,272.33. Minus donations and 50/50 money the borough pays \$1,792.33 to put on the concerts that the residents love.

EMERGENCY MANAGEMENT: Andrew Shecktor - Jay Jarrett - Greg Harkins. Talen had a practice drill and we had some communication problems, we were getting

messages without times and numbers. We made them aware of that to have it corrected for the actual drill.

STREETS, PARKS, & BUILDINGS: Joanne Huntington-Jim Meighan-Jack Kytte. SEE DPW REPORT. The Fountain pump burned out. It ran dry once and had some vandalism that takes its toll on the pump. New over flow was put on so that should not happen again.

FIRE AND WATER: Andrew Shecktor, Jim Meighan-Fire Chief Bill Coolbaugh. Had an audit on fire apparatus. Our ISO rating is about a 5 now and we may be able to get a 3 which would be good for fire insurance premiums. Fire Prevention is kicking off with visiting schools. Thank You to everyone who attended the 9/11 Anniversary Program. SEE FIRE REPORT.

CODES, RECYCLING, & ORDINANCES: Scott Bower - Greg Harkins. SEE CODES REPORT.

SAFETY: Joanne Huntington-Scott Bower. Nothing.

POLICE: Scott Bower - Joanne Huntington - Police Chief Ken Strish. Committee meeting was postponed. SEE REPORT.

BAJSA REPORT: Scott Bower. SEE REPORT.

**BUSINESS NOT  
READY FOR  
ACTION or NO  
ACTION NEEDED**: NONE

**OLD BUSINESS**: AN EXECUTIVE SESSION WAS HELD WEDNESDAY SEPTEMBER 1

**ORDINANCES &  
RESOLUTIONS**:

**NEW BUSINESS**:

1. Consider and take action upon granting 1900 Fairview Avenue an emergency access exception to cut the street for a UGI hook-up.

Discussion: This street was a new pave and we usually do not allow a street cut but this resident needs heating. Jack Kyttle will check to see if the cut can be done another way besides cutting the new paved street.

**Motion to approve a curb side hook and if that can't be done than the street cut will be approved was made by Councilman Petty seconded by Councilman Jarrett all ayes. Motion passes.**

2. Consider and take action on hiring one full time police officer.

Discussion: Councilman Petty wanted to make the record clear. The union representing the police department filed a grievance based on some alleged violations on Civil Service rules. Council does not control the Civil Service. We will not get into if the rules were violated by the Civil Service Commission. He asked Attorney Kepner if that is grievable by the Union. Attorney said it is his understanding that it is not. Councilman Petty also stated that if one of the men on the list is a Veteran that he gets Veteran preference and they must hire him. Attorney Kepner agreed that is correct.

**Motion to hire Jeff Taylor as a full time police officer was made by Councilman Bower seconded by Councilwoman Huntington. ROLL CALL VOTE. BOWER=Yes, JARRETT=No, SHECKTOR=No, PETTY=Yes, HUNTINGTON=Yes, HILL=Yes. Motion passes 4/2.**

After the vote Councilman Petty wanted to explain the difficult decision that this is. The borough is going to face litigation regardless of what we did tonight. Proceeding with the hire the grievance process will play out and we are going to have to defend an action from our police department. If we didn't do what we did tonight we would have been sued by Mr. Taylor who has sued us in the past for not hiring him. So regardless of our decision tonight we are going to face a lawsuit. Now if the police union prevails in the action what will happen is the Civil Service Commission will correct its deficiencies and we will have another round of testing and Mr. Taylor will again score high and we will be faced with hiring him all over again. But what we will have done is left our police department understaffed which it has been for too long. Certainly I have heard the concerns from the public about hiring Mr. Taylor. Mainly Mr. Zapata coming to the last council meeting. But none the less the law is the law with the veteran preference points and we are obligated to hire Mr. Taylor; so it is what it is.

Consider and take action on hiring one part-time police officer.

Discussion: Daniel Langousky is the only one on the list.

**Motion to approve was made by Councilman Bower seconded by Councilwoman Huntington. ROLL CALL VOTE. BOWER=Yes, JARRETT=No, SHECKTOR=Yes, PETTY=Yes, HUNTINGTON=Yes, HILL=Yes. Motion passes 5/1.**

3. Consider and take action on approval of the draft of the Sidewalk Replacement Program for Senior Citizens.

Discussion: NONE

**Motion to approve was made by Councilwoman Huntington, seconded by Councilman Shecktor all ayes. Motion passes.**

4. Consider and take action to approve soliciting engineering proposals for the reconstruction of Grant Street and another street to be determined later.

Discussion: NONE

**Motion to approve was made by Councilman Jarrett seconded by Councilman Shecktor. All ayes. Motion passes.**

5. Consider and take action on the MMO for non-uniformed pension plan.

Discussion: Standard procedure. Councilman Jarrett asked the amount. It was not available at the time. (\$67, 227.52)

**Motion to approve was made by Councilman Bower seconded by Councilman Shecktor all ayes. Motion passes.**

6. Consider and take action on the uniformed pension plan.

Discussion: NONE. (\$63,058.00)

**Motion to approve was made by Councilman Shecktor seconded by Councilman Jarrett all ayes. Motion passes.**

7. Consider and take action on transferring titles of the 51 Mack and the '06 Spartan from Defender Fire Co to the Borough of Berwick.

Discussion: After discussion with Attorney Kepner it was advised to get this done as soon as possible. Councilman Jarrett asked where it is now. He was advised in Harrisburg. He is not in favor of letting Berwick history leave the borough. This will be discussed at the next work session.

**Motion made by Councilman Shecktor and seconded by Councilman Jarrett. All ayes. Motion passes.**

8. Consider and take action on the new Ranger Fire Engine bid.

DISCUSSION:

KME, Ferrara both submitted bids that were not anywhere near the specs. Councilman Petty said that he would like to see Fireman's Relief put in a significant contribution to this purchase in the amount of \$100,000. If we are going to move forward on this. Fire Chief Coolbaugh was asked what the process to get this started is. He said that Rangers would have to submit a letter to the Fire Board, it would be voted on to push it onto Fireman Relief to see if they would put whatever money towards it. Fire Board meets the last Thursday of this month. Fireman Relief meets the first Wednesday of next month so you will not have an answer on this until next month's council meeting. By that time the estimate will jump up. Councilman Petty said who better to know what the borough needs and maybe it's time to put individual station idealology behind us and look at the department as a whole. He thinks Rangers and our town needs this engine. He is hopeful optimistic that Fire Board and Fireman's Relief will do the right thing and the borough will still make a significant contribution towards the purchase of this engine. Our budget is tight as it is and for our taxpayer to saddle all five hundred and twenty-six thousand dollars is going to be really difficult. Fire Chief Coolbaugh said that is how the process works and Councilman Petty said we do not want circumvent the process. Coolbaugh said he hopes that as a fire department they pull together and I am behind this. Greg Harkins said the only thing is worried about is that the \$523,000 bid we no longer be valid. The bid is only good for 60 days and that date is coming up soon. Councilman Petty asked when it expires, what date. Mayor Burke asked why they don't go with 460 demo model, the police department and DPW had to make due with less. Harkins said it would be taking a step back from a 10-man cab that they now have and going to a 6-man cab with the demo model that that has nothing on it. Councilman Petty said he understands and that is why he is asking for help from the Fireman's Relief Fund. Again he asked for the date the bid expires. Council President said that the Fire Board meets and they tentatively say yes then we can hold a special meeting. The bid expires 60 days from the opening of the bid. The bid was opened August 17<sup>th</sup>, it expires October 17<sup>th</sup>. Hill said the Fire Board meets September 29<sup>th</sup> and Fireman Relief meets October 5<sup>th</sup>, we should know then.

**Motion by Councilman Shektor to approve the purchase of a fire engine as specified pursuant to the approval of Fireman Relief paying on hundred thousand dollars of the total amount. Contingent on that.**

Councilman Jarrett said so if Relief says no there is no engine. Councilman Petty said that is correct. Unless we call

a special meeting to decide what we are going to do. But we need to come with some money to offset this cost. Councilman Jarrett said he has been on the Fireman Relief for 5 years now and we have invested a lot of funds to the fire service, we are not sitting on big pile of money. **The motion was seconded by Councilman Petty. A roll call vote was taken. BOWER=YES, JARRETT=NO, SHECKTOR=YES, PETTY=YES, HUNTINGTON=YES, HILL=YES. Motion passes 5/1.**

9. Consider and take action to re-assign the Defender Fire Engine to another Fire Company.

Discussion:

Councilman Shecktor asked where it will be assigned. Council President said at this time it is at Reliance and will help to alleviate wear and tear on the ladder truck. Councilman Shecktor made the motion to assign the '06 Sparton Defender to Reliance Fire House. Seconded by Councilman Bower. **A roll call vote was taken. BOWER=YES, JARRETT=YES, SHECKTOR=YES, PETTY=YES, HUNTINGTON=YES, HILL=YES. Motion passes 6/0.**

**ADDED ITEMS:**

- a. Consider and take action on the request of Kirk Bower for the borough to supply him with a PO number to purchase the equipment to complete the Disk Golf Course at Test Track Park. The payment

**Motion was made by Councilman Petty to go ahead and issue a PO for this purchase. Seconded by Council Jarrett. All ayes. Motion passes.**

- b. Consider and take action on the resignation from council of James Meighan due to health reasons effective 30 days from this date; and to advertise for letter of interest for the position.

Motion to accept the resignation and advertise the position was made by Councilwoman Huntington and seconded Councilman Bower, All ayes. Motion passes.

- c. Consider and take action to terminate school crossing guard, Harold Clark.

Councilman Petty said he disagrees with termination of employment at this time. I think he should be suspended him without pay until after his preliminary hearing. He is bound over for trial then he would be terminated.

A motion was made by Councilman Petty to suspend Mr. Clark without pay until after his preliminary hearing and if charges are bound over for court of common pleas then Mr. Clark would be terminated. Seconded by Councilman Jarrett. All ayes, motion passes.

- d. Councilman Shecktor made a motion to rescind his motion from last month asking the Pool Association to terminate biometric finger printing. Mr. Shecktor said that the pool has posted signage that it optional and not mandatory and he is satisfied with that. This was seconded by Councilman Jarrett. All ayes, motion passes.

**ADJOURNMENT:**

Motion to adjourn made by Councilman Petty, seconded by Councilman Shecktor.