

MASONTOWN BOROUGH REGULAR COUNCIL MEETING HELD TUESDAY, SEPTEMBER 24, 2019

REGULAR MEETING OF THE MASONTOWN BOROUGH COUNCIL CONVENING AT 7:00 P.M. HELD IN THE MUNICIPAL BUILDING, 1 EAST CHURCH AVENUE, MASONTOWN, PA.

COUNCIL MEMBERS PRESENT: (5) Sam Chahl, Bruce Cochrane, Charles Corcoran, Harry Lee, and President John Stoffa. **ABSENT: (2)** Anthony Brnusak, and EJ. Gulino.

OFFICIALS AND GUESTS: Attorney Monaghan, Engineer Bill Johnson, Myron Nypaver-PMI Services and Secretary Robin Core. (See Attached Sign In sheet).

President Stoffa called the meeting to order at 7:00 P.M.

- A. **AUDIENCE WITH COUNCIL: Tim Berkshire** of 313 West Church Avenue appeared before Council with a complaint concerning some Facebook comments that he believed that President Council had made, and regards to another comment that he stated the Council President made to his wife Rosemary about spending \$10,000.00 on flooding by their home. Mr. Berkshire stated that he was not happy about the comments due to the fact his wife was not even complaining about the flooding she was complaining about all the weeds in the parking lot next to their home. President Stoffa stated that the Borough has nothing to do with that parking lot and that would be a civil issue between them and the owner of the parking lot.

Mr. Berkshire stated that it seemed to him that as Council President shouldn't be going on Facebook and putting people down and stated that garbage must end in this town. Mr. Berkshire also stated that his wife was in Church and the Council President started to talk about a pervert Police Chief, and he was in shocked that he would do that in a place of God. Mr. Berkshire was also upset because of some Facebook comments that were made about a family friend that he believed Council President made.

Council President denied anything that had to do with that Facebook page and stated he did not make those comments, and if they don't like me, he said I don't care, and they can go to hell. After a long heated argument where some not so nice words being exchanged between Council President and some of the audience members and an off duty Police Officer, President Stoffa then stated that he had no problem with the Police Department and stated the new Chief of Police is doing a great job.

Mr. Berkshire then stated if you leave the rest of them alone, they would do a good job also. Mr. Berkshire than stated that he wanted Council President to admit that he was part of the Masontown Renaissance Facebook Page.

President Stoffa denied the accusation and stated he was continuing the meeting that he had enough time on this issue.

Mr. Berkshire stated that he was not done and wanted to continued and questioned Council on if he could continue and stated if the rest of Council wanted him to set down, he would.

Councilmen Lee stated that normally the spokesperson on an issue is aloud 3 minutes and if he had anything else to say to make it quick.

Mr. Berkshire stated he was not done on the issue and would be back on the agenda for the next meeting.

Greg Adamson of 313 Jefferson Avenue appeared before Council regarding his neighbor's property on 311 Jefferson Avenue and stated that there are some bushes and trees that are growing onto his property and would like something done with the property. After a lengthy discussion on the matter between Council, the Code Enforcement Officer and Mr. Adamson that if he cut the bushes and trees, they would have them hauled away. The Could Enforcement Officer stated he does have a report on his property.

AUDIENCE WITH COUNCIL: Continued

John Lingo Police Officer from German Township was not on the agenda to speak but was recognized by Council to speak.

Mr. Lingo told Council President to not send his father to his work again to try to intimidate him because he deals with criminals every day and he does not scare him. Then he wanted to know where the report was that Mr. Baranowski was supposed to do on the Masontown Police and stated that Mr. Baranowski was arrested and was in jail. He then stated that was a good person to pick to do an inventory of a Police evidence room.

Council President Stoffa then questioned on what he got arrested for.

Mr. Lingo stated that he would have to look it up because he was arrested and is in Washington County Jail and stated that was a good person to inventory the Police evidence room and stated congratulations.

- B. MINUTES OF THE REGULAR MEETING: held on Tuesday, September 10, 2019. Motion by Lee, second by Chahl to approve.** Roll call vote: Chahl-yea, Cochrane-yea, Corcoran-abstain, Lee-yea, and Stoffa-yea. **Tally:** (4) in favor (1) abstaining due to being absent. **Motion carried.**

C. FINANCIAL: FUND BALANCES ACCOUNTS PAYABLE PAYROLL ANALYSIS

1. Payroll Analysis for the pay period ending 8/25/19 – 9/07/19 and Payroll for 9/08/19 – 9/21/19. **Motion Chahl, second by Lee to approve.** All (5) affirmative.
2. Accounts Payable and Fund Balances as of 9/24/19 were noted by Council and was approved for payment as listed. **Motion by Lee, second by Cochrane to approve the Accounts Payable the Fund Balances.** All (5) affirmative
3. 2019 Distribution of Fire Fighters Relief Aid Check in the amount of \$14,232.79 was noted by Council.
4. PMI Services for Code Enforcement in reference to invoice #010-19 in the amount of \$585.00. **Motion by Corcoran, second by Chahl to approve the payment.** All (5) affirmative.
5. McClure & Wolf, LLP. Audit Proposal. **Motion by Corcoran, second by Lee to table until Council has a chance to read over the proposal.** All (5) affirmative.

D. LEGAL: ORDINANCES CONTRACTS

1. Feaster Pension Consulting, Inc. Re: 2020 MMO **Motion by Cochrane, second by Lee to approve.** All (5) affirmative.
2. Ordinance for Retirement Plans. **Motion by Cochrane, second by Chahl to table.** All (5) affirmative.
3. Old Borough Building on 2 Court Avenue in reference to putting it out for Sale. Attorney Monaghan stated that he prepared the advertisement, but we are still looking for the deed for the description of the property, but as soon as we find it, he will finalize the advertisement.

D. LEGAL: Continued

Councilman Lee stated that from the posts on Facebook may be the Borough shouldn't sell the old building and move back to it to save money.

President Stoffa stated we still have to pay for the new one.

Councilmen Lee continued to say that the old building was not good, and we were lucky and glad to move the office out of there, and he stated that Facebook posts on the Renaissance page needs to stop.

4. Lien: 309 Locust Street in the amount of \$297.00. Motion by Corcoran, second by Cochrane to approve to place the lien. All (5) affirmative.

E. GENERAL SERVICES: STREETS UTILITIES SANITATION PROPERTIES

1. **Bi-Weekly Water/Sewage Street Reports:** were noted by Council for review.
2. German-Masontown Library Minutes for July 8, 2019 was noted by Council.

Committee Reports: Councilmen Cochrane stated that there have been some issues that have come up about the new ordinance the one about where the Water is being placed in the property owner's name. After a discussion on the matter, Council agreed that there will be a grace period for the security deposits with landlords with more than one property and it will be on a case by case basis and in some cases, the security deposit can be waived if they are not problem customers. Council did state but it is up to the landlord to make sure the water is paid.

Mr. & Mrs. Diamond stated that they understand but they will need some time to get everything in order because they are the ones that are going to get the bills. Mrs. Diamond questioned on how she was going to find out if someone owes a bill before she pays a deposit on that property if the Borough is not allowed to give that information out. After a discussion on the matter, it was agreed upon that if someone needs that information, the borough office is aloud to say there is an amount owed on it or if the account is current but can not tell you what the amount is.

Council also stated that the best time to make the change with the tenants is when the lease expires and since they all do not renew at the same time it would be a good idea to make the change then.

Question by President Stoffa on if Council needs a resolution to waive the security deposit. Attorney Monaghan stated it could be done on a case by case basis. Question by Mrs. Krokus that was in the audience if the landlord is paying the water bill now and they must adjust that amount into their rent then does the landlord have the right to shut off the water whenever they want.

Attorney Monaghan stated that you can't use shutting off a utility to have a tenant move, and that is why the Borough is doing this because, so they do not come between the landlord and tenant in solving these problems.

Councilmen Cochrane stated that there are going to be different scenarios and it will be up to the discretion of Council on if the security deposit can be waived or not but there is a grace period and, in the end, it will be better for everyone.

E. GENERAL SERVICES: Continued

Councilmen Cochrane also stated that he wanted to bring it to everyone's attention that the Borough had sent out a water quality notice to everyone in the Borough and wanted everyone to know that there was no problem the Boroughs water. Councilmen Cochrane stated it was a mistake at the lab that the Borough uses, and the notice should not have been sent out.

Councilmen Cochrane stated it was the labs' mistake and they should be sending another letter out hopefully stating that it was their mistake to the Boroughs residents.

3. CODE ENFORCEMENT OFFICER: Report was skipped and handled under (G. Mayor's Office)

F. REDEVELOPMENT: PLANNING/ZONING GRANTS CIVIC AFFAIRS

1. CX-ENERGY in reference to Oil & Gas Rights in the Borough a Free event dates and times was noted by Council.
2. Planning & Zoning in reference to a Notice of Zoning Hearing for 27 Action Road on 10/22/19 at 9:20 A.M. was noted by Council.
3. Planning & Zoning in reference to a Zoning Permits issued 8/2019 was noted by Council.

G. MAYOR'S OFFICE: POLICE DEPARTMENT CIVIL SERVICE TRAFFIC

1. New Computers Police Department (2). Chief Miller stated that everyone should have the quote and that it is an update for the computers and it all needs done before the end of the year. Officer Miller stated that it was not a wish list thing but it's a necessity.

Motion by Corcoran, second by Cochrane to approve the purchase of the two new computers and equipment with the quote in the amount of \$3,353.52. All (5) affirmative.

Question by Corcoran if Tulip was going to install everything for the Police department. Chief Miller stated that yes, they were.

Officer Thomas O'Barto handed out a letter to all Councilmembers stating that it was his official notice to Council notifying them that he has seen legal counsel about the comments that have been put up on the Facebook page Masontown Renaissance and stated he had talked to Councilmen Corcoran before about the issue. Officer O'Barto stated that he had put the Masontown Borough Council on notice before verbally about the harassment that is going on. Officer O'Barto stated that now it has gotten worse in the past week alone he was told he attempted to kill somebody and he falsified suicide and there are very service allegations and he is going to hold the Borough Council responsible because on this sight Borough Councilmembers answer questions give reports and give updates on that site and he does not know of any other Borough that does that so he considers that site the arm of the Borough and so does his legal counsel.

Councilmen Chahl stated that sight was not an official website.

Officer O'Barto stated he did not care and stated that as long as Council is posting on it and putting their stuff on it and respond on it and respond to questions and answer questions verbally on it from the community and he sees no other site the Masontown Borough uses to do that other than that one and stated that he is putting it in the Councils corner to do something if not he is going to take some kind of action.

G. MAYOR'S OFFICE: Continued

Officer O'Barto stated the charges racism has been put against him and the department this week everywhere in the country police are getting shot at and beat up because of stuff like this and if something happens to one of the Boroughs Police force or one of his family members because of someone did or said something it's not going to end well for anybody.

Officer O'Barto stated he doesn't like to say things like that, but it seems that's how it has to happen around here and stated again he's coming to Council for something to be done again stating he did once verbally and now in written form and there will not be a third warning from him.

Mayor Petrus stated that since Mr. Baranowski and the police report he was supposed to do for the Borough was brought up she wanted to know if the Borough received a copy of the report yet.

President Stoffa stated that he did have a conversation with him, and he did read him the draft report, but he did not have a copy at this time.

Mayor Petrus stated that she thought that the Borough needs to do something because if he is actually in jail the Borough needs to find out what's going on with this and see where we going to go because it has been a year or year and a half maybe even two years and we haven't heard anything from him and the Borough has wasted \$4,000.00 on what?

Councilman Corcoran stated that it was \$4,000.00 of taxpayers' money. President Stoffa stated that he did read him the draft report and he should be mailing it out.

Mayor Petrus than stated it was said that we should have the report by Spring and now we are going into October and we still have no report. President Stoffa than stated that it was put on hold for a while and there were delays because no one would return his phone calls mainly the Mayor.

Mayor Petrus stated that she only talked to him one time and that was when the meeting took place with the District Attorney and she never talked to him after that. President Stoffa stated that he told him that she would not return his calls. Mayor Petrus stated that there were no calls to return that she never got any calls from him.

After a discussion on the matter, President Stoffa stated that he would call him and get the report.

Mayor Petrus stated that she would like times and dates that he called because she stated that she is available 24/7 and would like to know when he tried to call.

Myron Nypaver went over his Report *(See attached)

Status of Dilapidated Building / Properties: ongoing but the new Code Officer will Report on.

- a. 4 River Avenue (Beer City), inspected 03/25/2013 At some point there is going to have to have some safety fence around the property and the owner needs to be ticketed again -was ticketed again.
- b. 315 South Main Street (Duplex, stone and white siding, 4th past Sports ATV), Inspected 05/16/2014
- c. 401 South Main Street (6th past Sports ATV), voted at 06/12/2018 Council meeting to inspect
- d. 311 Jefferson Avenue (Betty Jane Cerqueira Townhouse), complaints made from neighbors.
- e. 401 Penn Avenue (Serafino's Market)
- f. 416 North Main Street (Next to Shaffer's)
- g. 13 Cedar Street (Mark Jarzynka – deceased)-Letter sent on going.
- h. 28 South Main Street (Ben Franklin 5 & 10)
- if. 303 Penn Avenue (Rear House)
- j. 112 East Church
- k. 212, 216, 218 South Main (WBR Company), garage in back terrible also.

J. CORRESPONDENCE & MISCELLANEOUS: Continued

President Stoffa stated that he had a quote on a new spreader for the old truck from a Street Employee. After a short discussion on the matter, Council stated that they need to use the new truck.

President Stoffa stated that he talked to the Magistrate and they are requesting to have new locks and key for the doors at their office because they have no keys to some of the doors.

Councilmen Cochrane stated that we can't keep upgrading and assuming the cost of upgrading what they consider safe at some point they are going to have to assume some of the cost to upgrade. **Motion by Cochrane, second by Corcoran to approve the quote from Keylock to replace the locks and Key for the Magistrates Office in the amount of \$2,245.45 to be paid out of the Building Fund.** All (5) affirmative.

President Stoffa also stated that while he was here, he could put in the second intercom station that was ordered but was not put in for another \$1,239.00 because when you not in the front part of the office they can't hear the buzzer. After a brief discussion on the matter, it was decided to try to look into something less expensive.

Councilmen Cochrane questioned if the Silver Bar owner should be notified if she fixes the building the retainage fee would be given back to her. After a discussion on the matter, it was decided that the Code Enforcement Officer would send her a letter explaining what needs to be done.

President Stoffa then questioned the solicitor on if he had heard anything on the missing report that he was accused of taking. Attorney Monaghan stated that he did talk to the District Attorney and the Chief County Detective a year ago and that was the last he heard about it.

Mayor Petrus left just before the executive session at 8:19 P.M.

EXECUTIVE SESSION: was called at 8:20 P.M. for Legal and Personal issues **Motion by Chahl, second by Cochrane.** In attendance were all (5) Council members, Borough Solicitor Gary Monahan, Myron Nypaver, and Borough Secretary Robin Core. All (5) affirmative.

REGULAR SESSION was called back to order: at 8:30 PM. **Motion by Chahl, second by Cochrane.** All (5) affirmative.

K. ADJOURNMENT: Motion by Lee, second by Corcoran at 8:30 P.M. All (5) affirmative.

_____: ATTEST
Robin E. Core, Secretary