

## Freeland Borough Council Meeting Minutes / 22 February 2024

### Members in Attendance

Joshua Richie – President

Barbara Tulanowski – Vice President

Members – Rich DeStefano, Frank Kislan, Tom Meyers, Marilyn Calderon-Cruz. Absent John Budda

Information transcribed from an audio recording

Joshua Richie calls meeting to order

### Pledge of Allegiance

### Roll Call

Joshua Richie asks for a moment of silence in honor of Steve Lechman who passed away.

Joshua Richie states Executive Sessions were conducted for Personnel and Legal Matters on February 14, 2024 and February 22, 2024.

### Citizen's Petitions

Colleen Krone President of the Rec Board states that the Rec Board is hosting the Easter event on March 23, 2024 at 11:00am but they do not have enough volunteers to run the event. She is asking Council to take the time to volunteer and help them out. She also asks for a check from the Rec Board account in the amount of \$625.00 to purchase candy for the event.

Joe Palko Sr. 901 Ridge Street is concerned about the garbage contract and the wording that is used in regards to how much he is going to pay. He states that he only puts out one bag per week and he sees other people putting out eight bags. Joshua Richie responds that everyone pays the same amount regardless of how much garbage they put out. Mr. Palko responds that his neighbor puts out a Shur Save bag every week and she is going to get nailed with a \$500.00 bill. He asks where is the justice in that? Joshue Richie responds that this is the realty of the contract that we signed. Joshua Richie directs him to look at the information on the board showing the breakdown of the billing. He states the Borough is billed over \$55,000.00 per month for the collection of trash. That amount is dispersed to the 1522 units to share equally and fairly. He continues that there is no tiered system of billing in the contract, it was not added in when they negotiated the contract. He shares that the new Council is trying to renegotiate the contract to allow for a smaller can that could result at a lower rate, or possibly give the responsibility for billing back to the garbage contractor. He stresses that not a penny in the bills has anything to do with delinquent accounts. Any accounts that are delinquent have had liens placed against them and over 100 liens have been placed to date. He reiterates that Council has been discussing allowing Anthracite Waste to bill the units directly instead of through the Borough which would allow service to be withheld if payments are 30 days late or not received. We would then be able to have Code Enforcement cite the properties for Quality-of-Life violations if the property is not kept clean. Also, if the Borough removes the trash, the homeowner will be billed for that service. Mr. Richie finishes by stating that from day one, the bill was never set high enough to cover the monthly bill the Borough receives from Anthracite Waste. The Garbage Account had \$167,000.00 in it at the start of the contract and all of the money was gone within months. Instead of immediately raising the bill to \$500.00 per year, the bill was raised incrementally so people would not be hit so hard initially. The Borough has been paying the monthly garbage from the General Fund, which is tax payer money, whenever the Garbage Account fell short. Mr. Palko states that maybe signing this contract was not right for the Borough. Joshua Richie responds that the contract was signed prior to taking his seat in January. He states that he can't do anything about what happened before him.

Valerie Mazur from Washington Street asks what is the maximum amount we will be paying at the end of 5 years? Will we be paying \$30.00, \$40.00 or \$50.00 more every year for the next 4 years?

Lillian Urenovich 539 Walnut Street doesn't understand why the bill will increase every year if we have a set contract and wants to know what the contract says. Former Councilman Matt Krone responds from the audience that the contract has no yearly increases. Ms. Urenovich asks if we will be paying the same amount without any increase for the next 4 years. Joshua Richie

responds that he hopes that the \$500.00 that was budgeted will remain the same but it is not guaranteed. Lillian Urenovich asks again why will it increase? Joshua Richie responds again that the first year of the contract should have been billed at \$500.00 not \$432.00. Matt Krone responds that the amount that the Borough has to pay to Anthracite Waste does not change throughout the life of the contract. He states that to Mr. Richie's point that Council did not raise the rate as high as they could have or should have in 2023 because there was a surplus in the garbage account and delinquencies were not paid as quickly as hoped. There may have been miscalculations in the number of units. The bill was originally calculated at 1600 units and now that number has changed to 1521 units. He continues by stating that if there is not enough money in the Garbage Account to pay the monthly bill then it has to come from the General Fund and if the Borough does not pay the bill, Anthracite Waste will sue the Borough. Rich DeStefano states that the contract beginning on January 1, 2023 required each unit to be billed \$477.00, if everyone pays on time, to meet our contractual obligation. He states that in that year the Borough collected \$303.00 per unit and now in 2024 the Borough will collect \$466.00 per unit at 1521 units which is still less than what the Borough needs to satisfy the monthly bill. Rich DeStefano reminds everyone that the cost of having garbage service is around \$8.00 or \$9.00 per week per unit.

Matt Krone 939 Birkbeck Street thanks the members of Council who took time out of their schedules to come to the meeting. He references the absent Council member and states that he is back to his old tricks again but he is sure he will continue to cash his checks each month. He states that the Borough's citizens deserve better. He suggests that in regards to Midlantic Engineering, Council should put contract total amounts and hourly rates into the budget. He would like to know if this was advertised and what the hourly rate and limit is and where the funds will come from in the budget? He states that Midlantic has been involved in at least one lawsuit. He asks Council to not send quarterly bills for the garbage because that will increase the administrative expense. He hopes that the Borough is not considering the Lexipol Policy Manual Solution because it's too expensive and he is unsure if that would be money well spent. He believes that the Borough would need 30 Flock cameras to effectively cover every possible entry point. He states that at \$3,000.00 per camera, it would cost the Borough \$90,000.00 per year. He asks Council to please sell the Yukon and is against selling the Crown Victoria for \$2,250.00. He suggests letting Code continue to use it and maybe bid it out again in the summer. He is in agreement with selling the stakebody truck. He feels that the flagpole lighting could be done cheaper. He states that the Rec Board bylaws allow for 2, 4, and 5-year terms not three as listed here. He doesn't think the Solicitor would have a problem changing them to 4-year terms.

### **Acceptance of Minutes**

Barbara Tulanowski makes a motion to accept the minutes. 2<sup>nd</sup> by Frank Kislán. Motion passes unanimously.

### **Secretary and Tax Collector Reports**

There was a \$21,399.28 deposit from the Tax Collector. The General Fund ending balance was \$224,282.99 Liquid Fuels total ending balance was \$24,365.10, and the Savings Account balance was \$47,658.42.

Frank Kislán makes a motion to approve the Secretary and Tax Collector reports. 2<sup>nd</sup> by Marilyn Calderon-Cruz. Motion passes unanimously.

### **Payment of Bills**

Heather Donish reviews the bills from each account. She notes the \$5,220.68 bill for the new salt spreader, the \$7,336.00 invoice for salt and no invoices from the Rec Board.

Barbara Tulanowski makes a motion to pay the bills. 2<sup>nd</sup> by Joshua Richie. Motion passes unanimously.

### **Mayor's Forum**

Mayor Palko states that the first snow ban was okay but the second was not great. He states that signs were hung, people were posting about it on Facebook, and the Water Authority sent out robo-calls to everyone in their system. He is at a loss as to what

else can be done to get the word out. He reminds everyone that the signs are only a courtesy and we are not legally required to hang them.

### **Comments and Recommendations**

#### **Engineer**

Dave Kavitski updates Council on the 2023 Storm Water and Paving Project. He shares that they are done with Centre Street and North Washington Street. They had begun work on South Washington Street, Ridge Street, and Schwabe Street. They are currently on hold for winter.

Joshua Richie makes a motion to appoint Midlandtic Engineering as project site inspector for the 2023-2024 Storm Water and Paving Project at the rates provided. 2<sup>nd</sup> by Frank Kislán. Motion passes unanimously. Joshua Richie clarifies that the Borough is not required to advertise for professional services and the amount allotted for this service is up to \$50,000.00.

#### **Solicitor**

Attorney Baranko states that certified mail containing the Notice of Violation for Schwabe Street was not claimed. He states that constable services are being secured and Council will be updated when services are rendered. Once the notice is successfully delivered, the recipient has 30 days to acquire the proper permits. He and Dave Kavitski are working together to resolve this issue.

### **Committee Reports**

#### **Budget, Finance, & Administration**

Frank Kislán makes a motion to appoint Joshua Richie as a check signer. 2<sup>nd</sup> by Marilyn Calderon-Cruz. Motion passes unanimously.

Barbara Tulanowski makes a motion to approve the 2024 Polling Place Agreement with a name change from the Freeland Events Center to the Freeland Borough. 2<sup>nd</sup> by Joshua Richie. Motion passes unanimously.

Joshua Richie makes a motion to renew the volunteer accident policy through Philadelphia Indemnity Company with no increase. 2<sup>nd</sup> by Rich DeStefano. Motion passes unanimously.

Joshua Richie reports that there are 2 Garbage Exoneration Requests awaiting inspection by Code Enforcement.

#### **Police, Code Enforcement, and Zoning**

##### **Police and Public Safety**

Chief Maholik reports the department had 126 documented reports for the month of January. There were 38 tickets issued in January and 106 issued to date in February. Of the 106 tickets issued, 101 were for snow ban violations. He also reports that 14 citations were issued in January. Chief Maholik reiterates that posting snow ban signs is not required by the Ordinance. He commends the Streets crew and the part-time plow drivers for their great work during the storms.

Chief Maholik states that he has contacted 3 different garages for information regarding the electric fan repair needed for the Yukon. Two of the three agree that the item needed can only be acquired by purchasing a kit with a switch, thermostat, and water pump for \$1,300.00 not including labor.

Chief Maholik discusses Lexipol Policy Manual Solution. He states that this company will provide an initial manual, containing 170 policies, tailored to our police department and will be instituted after it is reviewed by him. They will update it in real time as changes occur. Monthly quizzes on the manual will be sent to each officer to ensure compliance. He states that the current price for the initial year is \$4,250.30.

Chief Maholik explains the Flock Camera System is a solar powered license plate reading system that is an extreme benefit to law enforcement. He states that if a vehicle is stolen the plate number and description is put into the system. If the vehicle or

plate is picked up by a camera, alerts are sent out to every officer that is connected to the Flock System. It will then map out a 3- minute and 5-minute area and gives all potential areas where that vehicle could be. He feels that the price of \$3,000.00 per camera per year is worth it. He suggests 10 cameras at 5 different locations.

Chief Maholik states that applications for full-time and part-time police officers are being accepted until the end of next week. The Civil Service testing will be announced by the Civil Service Commission.

He asks for a brief Executive Session with the Solicitor and Council after the meeting for personnel purposes.

Chief Maholik answers questions from the audience. Jim Fisher asks why the vehicle with NY tags on Front Street was not towed? Chief Maholik responds that it had been ticketed but he does not know why it was not taken. Jessica Palmaccio asks if the Flock System just scans license plates for stolen vehicles or in general? Chief Maholik explains that it will scan every license plate but will only send alerts for what the police are looking for, such as stolen vehicles or vehicles associated with major crimes. It is capable of sending alerts for expired registration and the reasons why the registration is expired. Mary Lloyd asks how the senior citizen apartment building on Ridge Street gets snow ban information? Chief Maholik states that management tells them and there was a sign in the building explaining the snow ban.

Joshua Richie asks the audience to be respectful of people speaking and to not speak when others have the floor.

Joshua Richie makes a motion to enter into an agreement with Lexipol Manual Solution not to exceed \$4,250.30 for the year. 2<sup>nd</sup> by Tom Meyers. Motion passes unanimously.

Frank Kislak makes a motion to enter into the Flock Camera System 90-day trial. 2<sup>nd</sup> by Joshua Richie. Motion passes unanimously.

Joshua Richie makes a motion to allow Blaise Alexander to make the repairs on the Yukon not to exceed \$1,600.00 in preparation to list the vehicle for sale. 2<sup>nd</sup> by Barbara Tulanowski. Motion passes unanimously.

### **Code**

Frank Kislak reports that 4 violations have been cited. PGA has been boarded up twice after finding evidence of unauthorized entry.

Frank Kislak makes a motion to hire Joseph Murmello as a part-time Code Enforcement Officer not to exceed 6 hours per week at a rate of \$20.00 per hour. 2<sup>nd</sup> by Joshua Richie. Motion passes unanimously.

Rich DeStefano makes a motion to hire Charles Krone as a part-time Code Enforcement Officer not to exceed 10 hours per week at a rate of \$22.00 per hour. 2<sup>nd</sup> by Joshua Richie. Motion passes unanimously.

Joshua Richie makes a motion to sell the 2007 Crown Victoria to the final bidder on Municibid in the amount of \$2,250.00. 2<sup>nd</sup> by Tom Meyers. Motion passes unanimously.

### **Zoning**

Frank Kislak reports that one permit was issued for a property on Washington Street and two pending permits for properties located on Ridge Street and Birkbeck Street.

Rich DeStefano makes a motion to appoint Lew Brill to the Zoning Hearing Board. 2<sup>nd</sup> by Barbara Tulanowski. Motion passes unanimously.

### **Streets and Sanitation**

Lorne Rish reports that the department has emptied the parking meters and re-attached the plow that fell off the truck. They also put a new cutting edge on the pick-up and returned to PGA to re-board the property. He thanks the part-time snowplow drivers and the police for their help during the last two storms. Joshua Richie extends the Borough's appreciation for the good job done by the full-time and part-time Streets Department workers during the storms.

Joshua Richie makes a motion to sell the 2015 GMC Sierra 3500 to the final bidder on Municibid in the amount of \$36,800.00. 2<sup>nd</sup> by Tom Meyers. Motion passes unanimously.

Barbara Tulanowski makes a motion to renew the 2024-2025 COSTARS Salt Contract. 2<sup>nd</sup> by Joshua Richie. Motion passes unanimously.

**Fire, Light, & Water**

Chief Stepansky gives his report for January.

14 Incidents for January

30 Hours in service

Chief Stepansky gives the 2023 year-end report.

246 Incidents

174 Freeland

8 Valley Regional

1 Dennison Township

25 Foster Township

3 Hazleton City

10 Hazle Township

1 Lake Harmony

17 White Haven

4 Weatherly

1Tobyhanna

2 McAdoo

He reports that the average dispatch to enroute time was 2 minutes and 28 seconds.

**Buildings and Grounds**

Barbara Tulanowski makes a motion to approve the quote in the amount of \$1,212.38 from Forschner Wireworx to install a floodlight on the flagpole located at 526 Fern Street pending the contractor's license in Freeland. 2<sup>nd</sup> by Marilyn Calderon-Cruz. Motion passes unanimously.

**Ambulance**

Nothing

**Rec Board**

Frank Kislán makes a motion to appoint Agnes Brill to a 3-year Rec Board term expiring on 12/31/2026 pending background check and clearances. 2<sup>nd</sup> by Marilyn Calderon-Cruz. Motion passes unanimously.

Marilyn Calderon-Cruz makes a motion to appoint Therese Morrison to a 3-year Rec Board term expiring on 12/31/2026 pending background check and clearances. 2<sup>nd</sup> by Frank Kislán. Motion passes unanimously.

Marilyn Calderon-Cruz makes a motion to appoint Alba Perez to a 3-year Rec Board term expiring on 12/31/2026 pending background check and clearances. 2<sup>nd</sup> by Barbara Tulanowski. Motion passes unanimously.

Marilyn Calderon-Cruz makes a motion to appoint Jessica Palmaccio to a 3-year Rec Board term expiring on 12/31/2026 pending background check and clearances. 2<sup>nd</sup> by Barbara Tulanowski. Motion passes unanimously.

Joshua Richie states that the Rec Board is currently updating their bylaws from 1992.

Frank Kislán makes a motion to authorize \$625.00 from the Rec Board account to purchase candy for the Easter Egg Hunt. 2<sup>nd</sup> by Marilyn Calderon-Cruz. Motion passes unanimously.

### **Acceptance of Committee Reports**

Barbara Tulanowski makes a motion to accept the Committee Reports. 2<sup>nd</sup> by Joshua Richie. Motion passes unanimously.

### **Unfinished Business**

Joshua Richie states that Council is still verifying the members and their terms of service on the Civil Service Commission. Consideration is being given to making adjustments to the physical agility portion of the Civil Service Exam.

### **New Business and Correspondence**

Joshua Richie makes a motion to switch our web and email hosting from our current provider to Scalahosting. 2<sup>nd</sup> by Tom Meyers. Motion passes unanimously.

Barbara Tulanowski makes a motion to approve the Freeland Sons of Erin St. Patrick's Day parade on March 16<sup>th</sup> beginning at 12:00pm. 2<sup>nd</sup> by Frank Kislán. Motion passes unanimously.

Joshua Richie makes a motion to approve the Sons of Erin request for the road closure on Centre Street from MMI to Front Street, Front Street from Centre Street to Washington Street, and Washington Street to Wyoming Street on March 16<sup>th</sup> pending PennDOT approval. 2<sup>nd</sup> by Tom Meyers. Motion passes unanimously.

### **Resolutions and Ordinances**

Nothing.

### **Public Input**

Lillian Urenovich 539 Walnut Street asks, "why is there no ambulance report?" Joshua Richie responds that the Ambulance is out-of-service. She asks why property owners are still being taxed on their real estate taxes for the ambulance if it is out-of-service. She then asks when was the last time it was dispatched. Frank Kislán responds that the Ambulance has been out-of-service since October 1<sup>st</sup>. Mayor Palko responds that the ambulance was still doing facility to facility transports. Ms. Urenovich would like to know where the tax money will be going. Frank Kislán responds that no money has been collected yet this year. He states that the problem the Ambulance is having is that there are only 2 volunteers and the rest are paid employees and the Ambulance is lacking funding to pay those employees. Ms. Urenovich questions if there is an audit showing where the money has gone and if it is available to the public. Frank Kislán responds that the audit is ready for pickup tomorrow but it is only for Council to review not for the general public. Ms. Urenovich believes the public has a right to see it. Mayor Palko responds that because it is a private organization it does not need to be shared publicly. He states that audits have been performed for the last 20 years and Council has reviewed them multiple times. Mayor Palko and Frank Kislán state that they are doing everything possible to keep the Ambulance open. Mayor Palko states that the goal is to re-open at 16 hours per day. Mayor Palko states that if the Ambulance is not back in-service by March 1<sup>st</sup>, he can almost guarantee that it will no longer exist. Mayor Palko explains that the building will be sold along with all of its assets and then the proceeds will be divided 4 ways according to the bylaws between the Freeland Whippets, the Freeland Little League, the Freeland YMCA, and the Freeland Senior Center. Ms. Urenovich asks if the Fire Department would want to buy the old Borough Building then the Borough could buy the Ambulance building. Joshua Richie assures her that the Fire Department does not want the old Borough Building. Bill Kuklis from the Fire Department states they would like the Borough to tear down the old Borough Building so that the Fire Department could have the land.

Bill Kuklis from Schwabe Street wants to confirm the reports he saw on social media that the Ambulance is reopening on March 1<sup>st</sup>. Mayor Palko says you cannot believe everything you see on social media. Bill Kuklis asks if the Ambulance would reopen will there be people to run it. Frank Kislán responds that he has 8 people ready to start on March 1<sup>st</sup> if they have funding to pay them. Mr. Kuklis doesn't understand, why the public cannot see how the Ambulance is spending the tax money it is receiving from the Borough. Frank Kislán responds that it is a combination of Sunshine Law and non-profit regulations. He continues that

Council was given the opportunity to attend the Ambulance meetings last year to see how the money was being spent. He states that Matt Krone had attended all of those meetings except for one. Mr. Kuklis clarifies that it wasn't open to everyone, only Council. Frank Kislán shares that the Ambulance previously received \$50,000.00 per year in taxes and now it is between \$40,000.00 and \$41,000.00 because the Fire Department is receiving a portion of it. He explains that the EMS tax originally stood for Emergency Medical Services but last year it was changed to Emergency Municipal Services. He states that money received through taxes does not cover the cost of insurances and fuel. They would need \$15,000.00 more to just cover those expenses. He states that donations are stagnant and insurance companies are still paying at the same rate they did 10 or 15 years ago. He explains that they cannot balance bill Medicaid or Medicare patients. Mr. Kuklis asks how will it be possible to reopen in 7 days. Frank Kislán explains that they have found a bank that will authorize a line of credit that will allow the ambulance to be open for three months. During those three months the ambulance will be able to bring in income from insurance companies and that should keep them operational for nine or ten months. Mr. Kuklis wants to confirm that the Borough's only investment will be the EMS tax and it does not need to co-sign any loans or give any other monies. Frank Kislán agrees with Mr. Kuklis' statement. Joshua Richie states that Council is considering holding a special meeting next week to discuss the Ambulance coming back online.

Matt Krone 939 Birkbeck Street states that the Freeland Business Development Authority is advertising a meeting next Thursday at 4:30pm to discuss general business. He states that this organization has been dissolved by the previous Council and another ordinance has not been passed to revoke that ordinance. He repeatedly says "lies" in reference to the earlier statements regarding the Ambulance. He believes that the Ambulance bylaws were changed to include the Little League, which is based in Foster Township, as a recipient of proceeds in the event of the Ambulance disbanding. He insists that if the Ambulance folds all of the proceeds should go to the Freeland Borough. He validates the existence of the Facebook post that Mr. Kuklis referenced earlier regarding the Ambulance reopening on March 1, stating that he has multiple screenshots of the conversation. He states that there are rumors that the Ambulance has taken an additional loan recently and that they are in debt because they have taken loans in the amount of \$150,000.00 in the last couple of years. He urges Council to place the Ambulance tax money in an escrow account and keep Valley Regional in place until all of this is sorted out. He suggests the Freeland Ambulance approach the Foster Township Supervisors and ask them to have their taxpayers fund the ambulance. He states that Freeland taxpayers get hit with a mandatory tax and then a donation letter on top of it and Foster Township gets the same thing for free. He discloses the information he received through a Right to Know Request he filed with Luzerne County detailing the number of hours the Freeland Ambulance has been out of service since 2015. He shares that out of a possible 8760 hours per year in 2015 the ambulance was out of service 1400 hours, 2016 - 1415 hours, 2017 - 1752 hours, 2018 - 3398 hours, 2019 - 3790 hours, 2020 - 3323 hours, 2021 - 5419 hours, 2022 - 6206, and 2023 - 5792 hours. He finishes by saying make them prove it to you on paper. They've lied and they continue to lie.

Joe Murrello Ridge Street asks if Council could make a motion to continue the meeting instead of holding a Special Meeting to discuss the Ambulance. Attorney Baranko responds that we can't do that because it was not on the agenda.

Jessica Palmaccio asks why are the Ambulance audits not available to the public if taxpayer money is being given to them. Frank Kislán responds that there is an astronomical amount of information that would have to be put out. Ms. Palmaccio asks if a request is filed to gain a copy of that information would they be able to view it at the Borough Office. Frank Kislán responds that the Borough does not have any of those records. He states that the Ambulance's 990s which are their tax records are available to everyone online. Ms. Palmaccio asks if the residents will be responsible for repaying the loan the Ambulance is trying to get. Frank Kislán responds that the residents will not have to repay the loan and if the Ambulance cannot, then it will close and its assets will be liquidated. Frank Kislán states that it would cost \$290,000.00 to have full-time employees and an additional \$60,000.00 to pay for other things. Volunteerism is on a fast decline.

Bill Minnick owner of a local semi-professional football team. He is seeking permission to rent the Freeland Whippet field or the Fourth Ward field to host their games and practices. He states the regular season starts March 23<sup>rd</sup>. Joshua Richie asks him to submit a formal letter to the Borough detailing his organization and their request.

### **Adjournment**

Barbara Tulanowski makes a motion to adjourn. 2<sup>nd</sup> by Frank Kislán. Motion passes unanimously.

*These minutes are certified true and correct to the best of my knowledge.*

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Heather Donish, Borough Secretary / Treasurer

*(The proceedings of the Regular Meetings of Freeland Borough Council are recorded. These taped recordings are not meant to be for public record. They are for use by the Borough Secretary in preparing the Minutes of the Regular Meetings.)*