A Public Hearing pursuant to Section 461 of the Liquor Code was held on Tuesday evening, August 9, 2022 at 6:00 pm prior to the Regular Council Meeting of Dupont Borough Council held at 7:00pm. The public hearing was regarding the intermunicipal transfer of Liquor License R15073 from Wilkes-Barre to 279 Main Street Dupont.

Council President led those in attendance in the Pledge of Allegiance.

Roll Call of Council Members:

Mr. Knick, Present	Mr. Kowalczyk, Excused
Mr. Karkut, Present	Mr. Price, Present
Mr. Jones, Present	Mayor Elaine Lello, Present

In attendance was Bernadette, Stenographer
Kevin, owner of Dupont Beverage LLC and his spouse
Attorney Jessica L. Pleskach
Dupont Borough Solicitor, Erik Dingle
Dupont Borough Secretary, Patricia McDonald
Residens Danielle Perrins, Hemlock Street
Resident Alberta Warunek, Penn Avenue

Attorney Jessica L. Pleskach introduced herself, representing clients Dupont Beverage LLC, regarding the intermunicipal transfer of a Liquor License from Wilkes-Barre to 279 Main Street, Dupont. Atty. Pleskach discussed a few key points as to the policies and procedures of her client with regard to the possibility of this intermunicipal transfer. Packets were given to Council. The first two pages are polices and procedures required to be signed by all employees. Each and every employee is responsible for being RAMP certified within thirty days of being hired. In addition, all of the new employees will receive orientation from management. Requirement to report daily incidents, policy regard to minors, alcohol on premises, maximum alcohol to be served, and extended hours permit. The next few pages are copies of the flyers and posters hanging in the store for our employees and customers to follow. In addition, the last page you can see this store will be part of the BARS Program which is a really cool program. It is a volunteer program where the employer hires a company to come in and check their employees. The employer will be notified if the employee passed the test. This is not going to be a bar or a nightclub. This is just a grocery store selling twelve packs and six packs to go. There will be no live entertainment at the store. This is only the first step in the PLCB process which is very vigorous

Stan Knick – Is there going to be alcohol consumed on the property.
Atty – There can be. One or two drinks maximum are allowed. It is possible through the LCB but is not encouraged.

Stan Knick – Is there enough parking and seating.
Atty. – Yes that is part of the PLCB process. There has to be enough seating as well as parking. They will check that.
Stan Knick – Is familiar with PLCB rules and regulations.
Atty. - There is a lot they have to meet in order to be qualified. This is the first step to get the license.
Stan Knick - This is first step, then LCB comes in and approve it.
Atty. There are checkpoints along the way.

Joseph Karkut – Takeout only with one or two drinks maximum. Is that malt beverages and beer or is that liquor.
Kevin – Beer License. No Liquor.
Jospeh Karkut – Paperwork reads sales of liquor or malt or brewed beverages.
Kevin - That is a shot.
Atty. – It is allowed with the license, but clients do not intend on doing that. With a particular license, a restaurant license, they are allowed to have single shots or liquor as a beverage. It is not something you have to serve.
Joseph Karkut – The stipulation is you are going for beer now. If they want to switch it to liquor they can do so without coming again before council. Say six months down the road they want to sell liquor. They don't have to come back to us because it is already in this license.
Atty - I don't believe they have to come back.
Stan Knick – They are not going to be able to sell bottles of liquor. They will have to make sure they have the room. It will be up to the PLCB to determine if they have the room.
Patty McDonald – Erik, can that be taken out of the Resolution (liquor) or does it have to stay in
Erik Dingle – We can ok it without the distribution of liquor.
Atty - My client does not want this to be a hang out place. It is basically 6 and 12 packs to go. It is something he can do under the R license.
Erik Dingle – We got a proposed resolution, I suppose there is no objection to taking out any reference to liquor. Erik explained the Liquor Control Board is involved.

This public hearing in full context is available from the stenographer.
Atty - One of the exhibits presented lists the ounces you are allowed. That would include consumption on the premises. They are trying to make it just to go.

Alberta Warunek, Penn Avenue – The gas station is busy with cigarettes, gas, lottery. Who is going to keep track of who comes in and how many drinks or shots they have been buying.
Stan Knick – That is up to the PLCB.
Patty McDonald – Is there a separate employee handling the beer sales than the one handling the store and gas pumps.
Kevin – Yes.
Stan Knick – PLCB will come there how much parking they need, if anyone sits there, how many can be there at a certain time. The size of the place determines that.
Patty McDonald – What modifications are you making to the building.
Kevin – PLCB requires 30 seats.
Patty McDonald – Are you taking the machines out, totally out.
Kevin – Yes
Patty McDonald – So the seats will be where the machines are, then you have the restroom, and then the storage area.
Bob Price – The former restaurant area will be the seating area correct?
Kevin- Yes.
Atty – Very strict rules from the PLCB, where beer has to be placed, what type of floor etc.
Joseph Karkut – Will you be planning an extension on the building to house this.
Kevin – Yes we have to. Once we approve the license.
Joseph Karkut – No live entertainment.
Kevin – Correct
Stan Knick – Are you going to use the garage in the back where the boat place was.

Kevin – The truck parking will be gone. Their office is 15 miles from here and we allowed them to park here. Once we get this license, the trucks will not park there.
Stan Knick – So there will be parking there.
Patty McDonald - Is there a back entrance for beer sales, or front door.
Kevin – No. Just park in back and everything through the front entrance.

The public hearing concluded at 6:20 pm. The regular meeting of Council is scheduled at 7:00pm. There was a brief recess and parties returned at 6:35 at which time Council moved forward with the Motion since the public hearing was advertised.

Prior to the motion, Patty asked that the license number be verified and confirmed, since the proposed resolution does have three different numbers. It was confirmed the license number is R15073.

MOTION APPROVING RESOLUTION 6 OF 2022 AUTHORIZING THE LIQUOR LICENSE TRANSFER FROM CITY MARKET AND CAFÉ INC. , WILKES-BARRE TO DUPONT BEVERAGE LLC, 279 MAIN STREET DUPONT LICENSE R 15073 –
Motion: Mr. Karkut
Second: Mr. Jones
Roll Call Vote: Mr. Knick yes; Mr. Kowalczyk, excused; Mr. Karkut, yes; Mr. Price, yes; Mr. Jones, yes.
Motion Carried 4/0.

Atty: Will the resolution be signed this evening. Patty noted the resolution will be ready Wednesday.

This concluded the public hearing.

Respectfully submitted,

Patricia McDonald, Secretary Stanley Knick, Council President

The Regular Monthly Meeting of Dupont Borough Council was called to order at 7:00pm on Tuesday evening, August 9, 2022 by President of Council Stan Knick. Mr. Knick noted the Pledge of Allegiance and Roll Call was held at the Public Hearing at 6:00pm that was held for the liquor license transfer.

MOTION TO ADOPT THE MINUTES OF THE JULY 12, 2022 MEETING AND PLACE ON FILE.
Motion: Mr. Jones
Second: Mr. Karkut
Roll Call Vote: Mr. Knick, yes; Mr. Kowalczyk, Excused; Mr. Karkut, yes; Mr. Price, yes; Mr. Jones, yes.
Motion Carried 4/0.

MOTION TO ACCEPT THE CORRESPONDENCE PRESENTED.
Motion: Mr. Karkut
Second: Mr. Price
Roll Call Vote: Mr. Knick, yes; Mr. Kowalczyk, Excused; Mr. Karkut, yes; Mr. Price, yes; Mr. Jones, yes.
Motion Carried 4/0.

MOTION TO APPROVE BILLS FOR PAYMENT.
Motion:Mr. Jones
Second: Mr. Karkut
Roll Call Vote: Mr. Knick, yes; Mr. Kowalczyk, Excused; Mr. Karkut, yes; Mr. Price, yes; Mr. Jones, yes.
Motion Carried 4/0.

MOTION TO APPROVE THE PART TIME POLICE OFFICERS FROM AUGUST 9, 2022 TO THE NEXT REGULAR MEETING OF COUNCIL WITH NO GUARANTEE OF WORK: Bryan Besecker, Duane Saunders, Jennifer Polemitis, Christopher Fargione, Robert Avvisato, Michael Sniscak, Robert Bartolemei, Angelika Matuszelanski.
Motion: Mr. Price
Second: Mr. Jones
Roll Call Vote: Mr. Knick, yes; Mr. Kowalczyk, Excused; Mr. Karkut, yes; Mr. Price, yes; Mr. Jones, yes.
Motion Carried 4/0.

At this time, Mr. Knick stated the next item on agenda is Reports. Mr. Knick introduced Harry Smith, Code Enforcement, Pittston City, for the first report.

Harry Smith spoke for about fifty minutes and answered questions from the Borough Officials and Public in attendance.

Harry Smith noted he was asked to come here tonight to talk about being more pro active in code enforcement and rental registrations, and rental property inspections. Dupont, like Avoca and Pittston City have much older housing stock. A lot of the properties are not being maintained as they should be, more dilapidated properties, influx of rental properties, tenants and landlords not maintaining the properties. Without an inspection of the interior, we never know how bad or good the properties are. Also with the rental registrations, it would help with earned income tax, because you would know who is living there and if they are paying the local taxes. It also helps with the police department, if they are

looking for someone, they would know who is living where. There are a lot of people moving in from out of town. A lot of people do not know them, or whether they are wanted or criminals. At least if they are looking for someone, the registration would help in that aspect.

Being more proactive with code enforcement does a lot. It helps improve the housing stock in the neighborhoods, get the absentee landlords to fix the properties or deed them back over to the Borough or sell them to someone who will fix them so you are not living next to a dilapidated structure. It's a big difference from towns that do not do anything. Here there is a HOME program for people who cannot afford to fix their properties. It is for low income, it can be grants up to $25,000 for roof, heating, siding, etc. There is a lot of positives to it, there are not a whole lot of negatives.

Harry has been doing this for 12 years in Pittston City and went over what he has experienced over that time. He talked about the affect of property values in areas with dilapidated properties. There is a cost involved. Permitting can offset the costs. All these things have to be done by ordinance. You would have to review, approve, and pass the ordinance. Set fee schedules. It improves your community for the residents and it helps keep some bad out. Rents increase because you improve the housing stock. More people move in when they see the improvements happening.

Harry then discussed the process, sending a warning, cut the grass. The other is the neighborhood sweeps. We go through each neighborhood and get fire police, redevelopment authority, council to join us. We give warnings for high grass, broken windows, junked vehicles. Fireman check the fire hydrants to see if they are working properly. We provide flyers about the HOME Program.

Harry stated he has been through Dupont a lot and has seen some areas that need a lot more focus than others. It takes time. Not everybody has the money to make the repairs on their structures.

Harry further added about tax sales, Pittston has the landbank, and that tries to get them to developers that have resources so they do not go to tax sale to people who buy them, without seeing them, buy and flip or move someone in to a dilapidated building they haven't seen because they are out of state. Another goal of the landbank is for neighbors to acquire the property, it is not to make money, but it cleans up the properties.

Borough Solicitor, Erik Dingle asked the following questions.

1. Initial inspections, flat fees.
2. Ordinance Fees, For inspections, does an hour normally do it. – Response. Most less than an hour.
3. When doing inspections, who pays the fees. Response – Borough
4. How does the Borough get that money back? Response - Send Invoice
5. If inspected and find violations, does the municipality need to have a review board or does it go right to the magistrate. Response - You have to have a review board for any of the building codes. Residents can appeal it and they have to have a place to appeal it to. Prior to getting fines. They have a twenty day window to appeal.
6. It usually is a board of three people. Where do you get those people? Response – Borough sets the number. The Borough Council will choose who will be on it.
7. Who can they be. Response: He believes it can be only one council member. Two from public or most towns have the engineer. It can be a business owner. Most towns do not have a council member.

8. Are they paid to do it or volunteer. Response – Most are volunteers. They have vested interest in the community.
9. End result of all that. You can shut it down, tape up house, make uninhabitable or go to the magistrate to get fined. Response: The goal is to give them time period to make repairs. If they do not make the repairs, you can issue the citation to go to the magistrate. He explained a quality of life ticket used in the city. It lists about 25 things with fine amts. Citations, It can be $500 to $1000 a day. We don't collect a whole lot, generally people work with you. It is cheaper to fix a broken window, rather than pay $500 fine.
10. Do you go to the magistrate – Response – a lot. Before it gets to the magistrate we try other ways to help. Those who cannot help themselves we try to get volunteers to help cut the grass. If it is absentee landlords that lives somewhere else and doesn't take care of the property, we give them a warning, give them time to do them and then they will be fined for not working to correct the violation.
11. Do you attach the fines to the property if not paid. Response – Once they are found guilty and do not pay the fines, you can do that. It is not worth it because there are filing fees to put a lien on and release it. We want people to work with us, replace windows, make it safe, finish the siding etc. We have seen properties from the outside that look perfect, but inside they can have bags of garbage in the house with kids living in them.
12. What programs are out there - Response those programs work only if the people accept it. There are horders out there that won't accept the help. It is dangerous for anyone to go in those houses, fire, police, or themselves to get out during a fire or emergency. There are sanitation issues that you would never expect.
13. How many rental units in Pittston City – Response – More than 50%. There are 2800 units, out of 4100 properties. 3800 homes, 150 vacant lots. We have about 90% cooperation of people working with us, and about 10% of people cited or fined. Just clean up your property. It has been successful so far. There was an issue with the rental registration – they said it was a violation of their fourth amendment to take persons information. It was not unconstitutional and he went on to talk about that process including fees.
14. Do you charge for example, a five unit apartment building who lives there. Response – you are opening up because you are not providing a service for it.

Lou Posly, Lidy Road – House next to his property. It is boarded up, and is being used for storage. Response - The Borough would have to have at least one guilty verdict from a judge for unsanitary or unsafe conditions, otherwise it opens the borough up to a ton of liability. The right procedure is send a notice, if don't comply, send to magistrate, get at least one guilty verdict and then Borough can take action. Lou stated it is not fair to taxpayers, it brings down their property values. Response - To tear down the house it comes out of the tax revenue. That can mean a tax increase if sued.

Stan Knick – Before a Borough can do this, we have to get an inspector there first that says it is not fit, it has to be torn down, then we have to have a 3-member board. Response: The board has to be available in case that person files an appeal. And you have to advertise the appeal, post the building and it is not a requirement but I would suggest having a stenographer present.

An example: Went out, declared unsafe, ordered demolition, got administrative search warrant from magistrate, had the borough engineer accompany us, go out and do the inspection, to show it is unsafe. That covers the borough in case of a lawsuit.

Stan Knick asked Harry if he was available for hire by Dupont Borough. Response: Harry cannot commit to working for Dupont, he is here to speak to Dupont Borough tonight. His plate is full at the moment.

Jan Lokuta – (1) Explain Tenant Registration – Response: When they would register the rental property, whether it be one year or every two year, depending on the capability or number of units to inspect yearly or every two years. You have to schedule and have the manpower to do it. Right now we do half one year and half the next year. It is not as simple as going out and walking in the door. You have to schedule with the tenants and the landlord. The tenant registration provides their information and what unit they are in. It also helps if there is a fire, you can contact someone. Depending on what type of software you log it into, the police and fire have access to it. If there are five apartments, you have the names and number of people. (2) Landlords obtain a license, costs shifted from Borough to property owners – Response: The property owners are required to report the information and are responsible for the costs. Its 100% property owners responsibility. If not they can get issued a citation. It does not always happen, and if it does, it has to be consistent. You cannot play favorites. That is one of the biggest downfalls with code enforcement. If a complaint is filed, and we go check it, on the way we check all the other properties, because if they all have high grass, they all get cited not just the one you had a complaint on. (3) Which municipality has the best codes – Response: Part of the requirement to do anything most have the same code, the International Property Maintenance Code which allows us to do this. There is International Building Code, International Residential Code, there are about twelve and are all international. They are all around the country. Right now Pennsylvania has 2018 International Building Code adopted by the State so anyone enforcing the UCC codes uses those. The International Property Maintenance Code you have the option to adopt whatever year you want. That is the property maintenance or rental inspection for maintenance of yards etc. (4) When a tenant moves out does the registration have to be updated – Response: That is a policy decision. It would be in the ordinance. It could be difficult in a case where tenants move out every three months for example. The other side is a tenant can stay there for twenty years and be destroying the place or living in a mess without any repairs for twenty years. Jan asked what is the best in his opinion. Response: His opinion is every two years. They do not do it in between tenants, for one reason, the available manpower because of the high turnover with rental properties. Organization or Agencies that help by paying the first and second month's rent, then the tenant does not have the third month's rent so they move out, it is a high turnover. The tenant registration should be updated every time to provide an accurate account of who is living there.

Lou Posly – Asked the speaker for his title and who he works for – Response: Code Enforcement Director for Pittston City, in charge of code enforcement, building codes, zoning, planning. He also works for Wyoming Borough (building code official) Laflin Borough (code enforcement). Lou asked what does Dupont Borough have to do, can they someone like you or hire you. Response: Harry noted he is stretched at the moment, only has one full time person and two part time persons. He would have to hire more, and couldn't do it right if he did it now. Lou asked the taxpayers pay for this. Response: Yes. It generally comes out of the permitting, zoning and planning.

Joann Koza asked how does Dupont get a code enforcement person. Response: You advertise. If eventually I get the staff I can possibly do it for you. Stan Knick stated first we would have to put a board together and get the ordinance updated. Response: Harry will provide sample ordinances. Solicitor Erik Dingle added we already have a proposal ordinance for council to review and consider. The question is whether they want to do it. Stan stated we have to have someone to put the effort and time into it. We do have someone now. Response: Once you put the Ordinance in place you do have to

have that board in place. The first time you give out a notice, that person files an appeal, you have a time limit as to having the hearing.

Eugene Szumski questioned Mr. Posly as to why he is concerned about the house next door when so many feet up the street there is a house in total disrepair, he roof is caving in. Is it a personal issue against this person. Mr. Posly asked where this guy came from. Joann answered same place as you Dupont. At this time Council President called for order.

Jerry Bryk – Questioned whether properties condemned and acquired by the town can be resold to recoup some of their money. Response: It is not to make money, but they could get back what they spent to acquire and demolish the property. Jerry asked about people giving the properties to the town because they do not have the money to repair them. Response: The funds are not often available for demolition. If they can't make repairs and it is in bad shape they would sell for $1 or the assessed value or tax credit. We can wait til we have the money to demolish or apply for grants and once it is demolished we can sell to a neighbor, they always have first rights to buy it, or put it out for bid.

Jerry Bryk – The problem is not with homeowners, it is with landlords. If you take a ride down my street, the basement in this house next to me has issues and there are kids living there. He went into some of the issues and his conversations with the landlord. The roof, the smell, mold, the sidewalk you cannot walk on. Response: Mr. Knick stated we have sent code enforcement there several times and we are here tonight with this presentation as a first step having it explained to us the process. We have to get this board together first.

Joan Koza – Talked about out of town people buying up these homes and renting them out. They are absentee landlords. They don't care as long as they are getting their money. I am not saying all Section 8 because Section 8 people are good too Response: The agency providing the funds every year should be inspected the homes. Jerry added that they have called Section 8 and they never came out. The tenant says the ceiling is caving in and her kids can't go in that room. Joann said it happens more and more with people from out of town buying homes for rental units. Response: Harry continued with explaining programs out there and if there are complaints filed, the police would contact these agencies and get a response more likely than if neighbors call. Joann asked if we have a code enforcement officer now and Stan explained we did and he recently left the position and a new police officer is taking it over. Joann also asked council to confirm they are interested in getting this done. Stan responded yes we are and we are glad to have this presentation tonight to explain this to us. We will get a board in place, an ordinance in place and move this forward.

John Lizak – Complimented Pittston City's program because his daughter lives in Pittston and she talks about the program in Pittston City. The warning, the citations, the cleanups etc.

Joan Koza asked Stan to confirm again that Dupont is moving forward on this. Stan again stated yes and this was the first step getting this explained to us and where we go from here. Response: If you do it you do it right. It will be 100% effective if done right. You have to do the follow up. If you don't have the manpower to follow up on the complaints from initial notices it is pointless. Harry offered to train and show the officers what and how to do it, how to do the reports, the software, etc.

Stan stated we will work this out. Harry added he would not want this next to his house. He has been cutting the neighbors grass the past two months because they are selling the house. Stan also talked about his neighbor who is in the hospital and he offered to cut the grass.

Jan Lokuta – You mentioned the ordinance is in process, do you have a timeline or expected date. Response: Stan stated it will be ready for next month. Erik stated it will be for review next month. Council has it to review now. Lou Posly asked if it will be available at the next meeting.

Pina Hansen – Interested in being considered as a volunteer for that board.

_? – Asked how do you obtain the Landlord List. Response: Several ways, one being from your garbage fees you send out, cross reference the tax records if the mailing address is different from the property address. The sewer authority cross reference addresses. He also added about double block homes where parents live on one side and family members on the other. Or parents live away and allow the children to live in the home.

The questions and answers continued and Harry explained certain instances with citations costs, magistrate hearings, payment plans, out of town landlord vs local landlords.

Mr. Knick thanked Harry for his time, we really appreciate it. It was very informative. Harry stated he is willing to train someone if they decide. Patty stated we will be calling you.

REPORTS:

Treasurer's Report:
General Fund – $150,574.77
Payroll Fund –$ 6,997.86
ARPA Fund – $120,025.73
Admin Card $ 166.15
Police Card - $110.97
Community Development Fund –$63.18
Refuse Fund - $112,248.01
Sewer Maintenance Fund – $351,750.56
Liquid Fuels – $206,696.60
Police Pension Fund - $1,034,249.38
Police Pension Fund – $87.19
Special Fund – $178,583.78

Tax Collector Report:

Susan Gregory submitted the report for July 2022 as follows:
Balance Collectable Beginning of Month –$ 20,113.87
Less Face Collections – $544.93
Plus Penalties – $54.49
Balance Collectable End of Month – $19,568.94
Total deposited in General Fund - $599.42

Mayor Report: None

Police Report: Chief Doran read the statistical report for July 2022.
Traffic citations issued-49; Non Traffic Citations Issued – 5; Appearances in county court – 3; Apearances in Magisterial Court – 31; Motor Vehicle Accidents – 11; Assist to EMS/Fire – 15; Assist to Other Police Dept. – 11; Alarms -7; Thefts -3; Disorderly Conduct – 4; PFA Violations – 3; Domestic Reports – 3; Suspicious Activity – 6; DUI Arrest – 1; Assault/Harrasment – 1; Miscellaneous Calls – 47; Building Checks – 79; Code Enforcement – 6. Mileage: F150 – 38,241; Explorer – 6,145; Explorer – 4,574; Magistrate Fines - $1,414.89.

Solicitor's Report: None

Engineers Report: Bob Naegele (1) Resubmitted PennDOT HOP for manhole repair at Coolidge and Main (2) Worked on bid documents for demolition of 143 Main Street through Luzerne County Office of Community Development. We will talk with Mark Hurst to make sure we are on the same page. Patty has had conversations with him and we will followup. (3) Walnut Street stormwater is underway. We had one snag with the gas main. UGI came in and lower the main so we can get the storm pipe through. Pipe work is in, the drains are in. We need to check the area during heavy rain to make sure it is working like it should. Next week they will work on sidewalk and pave. (4) Still waiting for update on the ADA ramp project. Same Company. There were internal issues being addressed. They are tracking the orders for materials or lead time on doors and railings. We will keep up on that and give them a little time to get back to us. (5) The Flood Channel project, you can see the rebar was delivered, the one question they had was the location of the project sign because if you put it up by the Channel no one will really see it. Do you want it at the borough building. Do you want it by the ramp going down to the flood channel. Stan stated it should go there. Bob asked behind guardrail so it is not knocked down with snow removal. Patty suggested the guardrail near quality row where all the political signs go. Bob will have the contractors coordinate this with the borough. (6) Growing Greener project – I understand the final easement is signed and the motion to advertise is on the agenda. Bob talked about bidding it out now and risking the time of year for completion and price. The last few bids received in the summer were high. The other issue is getting materials. Stan said to put the bids out now, the whole project.

Crime Watch Report: Bob Price we had a meeting in July and the officer discussed things happening in town. This month we will have Wildlife Rescue Specialist John Acory talking about the work he does. He was involved with the dog in the mine rescue and the cats left in the apartment. The meeting is set for August 30th at 7 pm here at the borough building.

Council President Report: Stan reported the following:
Trash – 72.23 tons
Cardboard/Paper 9.96 tons
Mileage:
Paper Shredding and Electronic Recycling events are scheduled this Thursday, August 11th from 3 to 6 at the borough building. Mileage: Packer – 66,686; Recycler – 35,709; New 3500 – 923; F550 – 40,802; Green Pickup 3,580. The only other item is the water main break on Ziegler. The water company was here because of a problem at 295 Main. The water company said it was not theirs. They said check the sewers. It was not sewer. We hired someone to camera the line and opened storm water manholes. There was water in the manholes, even though creeks and drains were dry. Turned out it was a water break in the 200 block of Ziegler than was running down alongside the stormwater and going in. It was not our problem, but finally it was resolved a couple days later.

MOTION TO ACCEPT THE REPORTS PRESENTED.
Motion: Mr. Karkut
Second: Mr. Jones
Roll Call Vote: Mr. Knick, yes; Mr. Kowalczyk, Excused; Mr. Karkut, yes; Mr. Price, yes; Mr. Jones, yes.
Motion Carried 4/0.

MOTION TO APPROVE Wiliam Watt III, ATTY. TO REPRESENT THE BOROUGH IN LAWSUIT POPPLE VS DUPONT
Pina asked a question about that. How much does our solicitor get a month. Erik responded $1000. Pina stated and now we have to hire another attorney. Erik and Stan responded this is a lawsuit. Pina asked what did Popple not do. Stan stated it cannot be put out in public. Erik stated it is a breach of contract and unfortunately it is not covered by insurance so we have to defend ourself. We don't think we are liable at all. Call me in four years and I will let you know. Pina now remembers. Thank you.
Motion: Mr. Jones
Second: Mr. Karkut
Roll Call Vote: Mr. Knick, yes; Mr. Kowalczyk, Excused; Mr. Karkut, yes; Mr. Price, yes; Mr. Jones, yes.
Motion Carried 4/0.

Bob Naegele asked whether he should reach out to the Attorney. Erik stated yes, he will provide the contact information. Bob noted he has the information. Erik stated it is important because we have to prepare an answer immediately before we get a ten day notice. Bob will reach out to him to start the conversation.

MOTION TO APPROVE PURCHASE OF THE 2023 REFUSE LABELS PER QUOTE.
Joey Jones asked if they are the same as this year. Stan stated yes.
Motion: Mr. Jones
Second: Mr. Price
Roll Call Vote: Mr. Knick, yes; Mr. Kowalczyk, Excused; Mr. Karkut, yes; Mr. Price, yes; Mr. Jones, yes.
Motion Carried 4/0.

(Motion Voted on at Public Hearing) MOTION APPROVING THE RESOLUTION 6 OF 2022 AUTHORIZING THE LIQUOR LICENSE TRANSFER FROM CITY MARKET AND CAFÉ INC. WILKES BARRE TO DUPONT BEVERAE LLC 279 MAIN STREET DUPONT (PUBLIC HEARING HELD 8-9-22)
Motion: Mr. Karkut
Second: Mr. Jones
Roll Call Vote: Mr. Knick, yes; Mr. Kowalczyk, Excused; Mr. Karkut, yes; Mr. Price, yes; Mr. Jones, yes.
Motion Carried 4/0.

MOTION TO ADVERTISE FOR BIDS FOR THE DEMOLITION OF 143 MAIN STREET AND APPROVE REQUEST FROM PAYMENT UPON COMPLETION TO THE OFFICE OF COMMUNITY DEVELOPMENT, LUZENRE COUNTY
Motion: Mr. Jones
Second: Mr. Price
Roll Call Vote: Mr. Knick, yes; Mr. Kowalczyk, Excused; Mr. Karkut, yes; Mr. Price, yes; Mr. Jones, yes.
Motion Carried 4/0.

MOTION TO ADVERTISE FOR BIDS FOR THE GROWING GREENER PROJECT FOR EVERHART/HOLDEN AND JACKSON/ALMOND STREET
Motion: Mr. Jones
Second: Mr. Karkut
Roll Call Vote: Mr. Knick, yes; Mr. Kowalczyk, Excused; Mr. Karkut, yes; Mr. Price, yes; Mr. Jones, yes.
Motion Carried 4/0.

MOTION TO APPROVE THE MMO AND CAO FOR BOTH THE POLICE PENSION PLAN AND THE NON UNIFORM PENSION PLAN AS PRESENTED.
Motion: Mr. Price
Second: Mr. Karkut
Roll Call Vote: Mr. Knick, yes; Mr. Kowalczyk, Excused; Mr. Karkut, yes; Mr. Price, yes; Mr. Jones, yes.
Motion Carried 4/0.

Matters from Residents in Attendance:

Pina Hansen, 11 Ivy Lane – (1) Status of Quail Hill Project . Bob Naegele responded working with Penn DOT, most likely bid out this winter for construction in the Spring of 2023.

Erik noted the deeds of dedication of the roads in Quail Hill are prepared and given to Atty. Comitz for review. Did Council approve his filing of the deeds. Stan and Patty stated yes. Erik stated he will have them recorded.

Pina Hansen - Up on Waterford, when Bob Rothstein was taken away from Executor, there was a barrier for road blockage put up, and a sign that said private property. That barrier was taken down by a resident in quail hill. I would appreciate very much if council would send him a letter to put it back up because of that road being opened, people are dumping. Not just grass clippings, not just trees, not just bushes, but garbage because that barrier was taken down. There were 4 x 4s and a barrier across and now the barrier is missing. Stan asked for the person's information and we will send him a letter. Erik stated the roads are owned by Rothstein and under the control of Comitz. Pina will call Comitz to report it. Erik asked where is the barrier. What kind of barrier was it. Pina stated the person who took it down has it somewhere. Erik stated if Comitz agrees to put a concrete slab up there. Pina explained the two posts were concreted in the ground. He put a 6 or 8 foot barrier across them with reflectors on it so it is visible at night. It was on Waterford. Erik asked why did they take it down. Pina said she does not know but because some people think they can do what they want, because no one drives through there. Its entitlement. The sign is gone that says no trespassing and the barrier is gone. That includes people up there dumping and then you have to call the police. Pina explained it is up Pittston Avenue up to Whitman and make the first left. There are only two houses. Bob stated that is the area that we were not sure was to be dedicated. Stan said that is the road the packer backs up to.

Joe Cigan, 211 Gill Street – Gill Street paving and drainage project update. Bob Naegele noted Spring 2023. That is the multimodal grant through Penn DOT. Same unfortunately process as PennDOT. That project includes redesign of the ADA sidewalks. Drainage in the second block also.

Lou Posly, 243 Lidy Road – (1) Videos for projects so we can follow what the engineer is talking about. Patty stated she has the stormwater project on the screen currently. Stan stated we will have it next meeting. Lou said the projects the engineer talked about we should have had them up there to explain where they are at. (2) $4 Million for paving projects, what was spent so far and on. Bob stated the

multimodal grants are about $700,000 plus. Lou stated at one of the meetings we talked about $4 million in grants. Patty stated that included all projects, not all just for paving. There is a project list on the table in the back of the room. Patty passed a list to Lou and he stated he had that. Bob stated we currently have about $800,000 under contract. Stan stated none is spent. Right now $800,000 like Bob said is under contract and after next month another $500,000 will be under contract. The projects did not start yet, they are being put out to bid. Lou asked if it will be spent this fiscal year. Bob stated some will unless the bids for this last phase come over budget. There is very little road construction in this current amount. The only road being done is the section of Walnut where the stormwater was. Bob stated the rest is flood mitigation, ada ramp, growing greener. You have half million in flood channel, $130,000 for ramp, $130,000 for stormwater. Walnut is only one block. (3) ADA Ramp status is ongoing and should start next couple weeks.

Joe Cigan, 211 Gill – Do we receive grants from the casino. Response: Patty stated several grants including recent for basketball court/ pocke tpark $239,000; $92,000 for hose company roof and air conditioning, and DPW equipment, packer, dump trucks. Stan stated this last one was basketball courts and hose company. We are dealing with so many grants right now.

Joseph Rodola - Is work being planned by his property on Holden Street. Patty noted that project is going out to bid for next meeting.

Jerry Bryk, 300 McLean – Are the potholes getting paved on Walnut Street by the Senior Housing. Response: The paving is from Elm to the Culvert. Patty stated that is part of the multimodal project for paving streets. Stan will look at patching.

Matters from Council and Mayor:
Joseph Jones – Nothing
Bob Price – The Lions Club will be presenting a plaque on the Pavilion in the name of Mayor Dan Lello. It is in the planning stage right now.
Joseph Karkut – Nothing
Madam Mayor – Nothing Thank you
Stan Knick – Enjoy the weekend.

With no further business, the meeting was adjourned at 8:20 pm.

Respectfully submitted,

Patricia McDonald
Secretary

Adopted and Approved

Stanley Knick, Jr.
Council President