

WARRIOR RUN BOROUGH

496 Front Street

Warrior Run, Pennsylvania 18706

Phone: (570) 823-3301 | Fax: (570) 235-6911

Email: wrboro@ptd.net

Council Meeting Minutes Monday, August 14, 2023

Meeting Called to Order

Pledge of Allegiance

Roll Call

Approval / Minutes of Previous Meeting

Approval / Treasurer Report of Previous Month

Communications

Public Comment on Tonight's Agenda

Old Business

New Business

Attorney Patrick Aregood Report

Police Report

Mayor's Report

Public Comment

Final Comment

Adjournment

Council Meeting Minutes

Monday, August 14, 2023

Roll Call	Present	Not Present
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Council Members:

Larry Carbohn, President	<u> X </u>	<u> </u>
Sharon Wengren, Vice-President	<u> X </u>	<u> </u>
Sandy Wegrzynowicz	<u> X </u>	<u> </u>
Matt Pilch	<u> X </u>	<u> </u>
John Quinn, Public Works Supervisor	<u> X </u>	<u> </u>

Other Attendees:

Mayor, Tom Shypulefski	<u> X </u>	<u> </u>
Solicitor, Attorney Patrick Aregood	<u> X </u>	<u> </u>
Secretary, Donna Tudgay	<u> X </u>	<u> </u>

A motion to approve the minutes from the July 10, 2023, Meeting.

1st motion made by: JQ 2nd motion made by S. Wengren

	Yes	No	Abstain
S. Wengren	<u> X </u>	<u> </u>	<u> </u>
S. Wegrzynowicz	<u> X </u>	<u> </u>	<u> </u>
M. Pilch	<u> X </u>	<u> </u>	<u> </u>
J. Quinn	<u> X </u>	<u> </u>	<u> </u>
L. Carbohn	<u> X </u>	<u> </u>	<u> </u>

Motion passed X Motion failed

A motion to approve the Treasurer’s report from July 1, 2023, through July 31, 2023.

1st motion made by: MP

2nd motion made by: S. Wengren

	Yes	No	Abstain
S. Wengren	<u>X</u>	<u> </u>	<u> </u>
S. Wegrzynowicz	<u>X</u>	<u> </u>	<u> </u>
M. Pilch	<u>X</u>	<u> </u>	<u> </u>
J. Quinn	<u>X</u>	<u> </u>	<u> </u>
L. Carbohn	<u>X</u>	<u> </u>	<u> </u>

Motion passed X

Motion failed

Communications

The Borough received communication of the MS4 waiver approval. The approval will in expire July, 2028. There will be no “rain tax” for residents of Warrior Run Borough.

The Borough received notification the current refuse collector, GFL, was bought out by Casella Waste Systems; further information is pending.

Public Comment on Tonight’s Agenda - None

Old Business

1. A motion to authorize and direct the Council President and Borough Secretary to execute and deliver the certification and request payment, on behalf of the municipality to PennEastern Engineers and Krasavage Construction, for approved project costs as follows:

Payment Request by PennEastern Engineers: \$1330.00 (submitted 08/07/2023)

Payment Request #5 by Ed Krasavage: \$40,451.14 (submitted 08/07/2023)

All payments will be made from the General Fund, as checks are received and deposited from the Luzerne County Community Development Project (re: Chestnut Street Project, storm drain boxes and paving).

1st motion made by: JQ 2nd motion made by: S. Wengren

	Yes	No	Abstain
S. Wengren	<u>X</u>	_____	_____
S. Wegrzynowicz	<u>X</u>	_____	_____
M. Pilch	<u>X</u>	_____	_____
J. Quinn	<u>X</u>	_____	_____
L. Carbohn	<u>X</u>	_____	_____

Motion passed X

Motion failed _____

2. A motion to transfer all funds (and close account), from the Citizens Bank PCB Settlement / Monitoring Fund to the Citizens Bank General Fund, in the amount of \$17414.03. This action was taken per communication received by the Borough Solicitor, regarding use of the PCB Settlement funds.

1st motion made by: MP 2nd motion made by: S. Wengren

	Yes	No	Abstain
S. Wengren	<u>X</u>	_____	_____
S. Wegrzynowicz	<u>X</u>	_____	_____
M. Pilch	<u>X</u>	_____	_____
J. Quinn	<u>X</u>	_____	_____
L. Carbohn	<u>X</u>	_____	_____

Motion passed X

Motion failed _____

3. A motion to pay M & J Excavating for the paving of the end of Academy Street, in the amount of \$16,505.00, to be paid from the General Fund, and noted as follows:

- \$10,936.55, balance of the American Rescue Plan (ARP) money
- \$5,568.45 part of former PCB Settlement / Monitoring Fund

1st motion made by: MP 2nd motion made by: JQ

	Yes	No	Abstain
S. Wengren	<u>X</u>	_____	_____
S. Wegrzynowicz	<u>X</u>	_____	_____
M. Pilch	<u>X</u>	_____	_____
J. Quinn	<u>X</u>	_____	_____
L. Carbohn	<u>X</u>	_____	_____

Motion passed X

Motion failed _____

New Business

1. A motion to ratify payment to Don's Tree Service, for the emergency tree removal provided on Front Street, in the amount of \$1500.00, which was paid from Highway Aid.

1st motion made by: S. Wengren 2nd motion made by: MP

	Yes	No	Abstain
S. Wengren	<u>X</u>	_____	_____
S. Wegrzynowicz	<u>X</u>	_____	_____
M. Pilch	<u>X</u>	_____	_____
J. Quinn	_____	_____	<u>X</u>
L. Carbohn	<u>X</u>	_____	_____

Motion passed X

Motion failed _____

2. A motion to approve Warrior Run Borough Resolution No. 01-2023, authorizing request for the 2024 Community Development Program Grant-Chestnut Street-Road and Storm Sewer Improvements Project-Phase II (see next page):

1st motion made by: S. Wegrzynowicz 2nd motion made by: MP

	Yes	No	Abstain
S. Wengren	<u>X</u>	_____	_____
S. Wegrzynowicz	<u>X</u>	_____	_____
M. Pilch	<u>X</u>	_____	_____
J. Quinn	<u>X</u>	_____	_____
L. Carbohn	<u>X</u>	_____	_____

Motion passed X

Motion failed _____

**Warrior Run Borough
Resolution No. 01-2023**

Authorized Official Resolution

Be it RESOLVED, that Borough of Warrior Run of Luzerne County hereby request a 2024 Community Development Program Grant of \$ 273,000.00 from the Luzerne County Office of Community Development to be used for the Warrior Run Borough – Chestnut Street – Road and Storm Sewer Improvements Project Phase II .

Be it FURTHER RESOLVED, that the Applicant does hereby designate Larry Carbohn, President of the Borough of Warrior Run Council and Sharon Wengren, Vice-President of the Borough of Warrior Run Council as the official(s) to execute all documents and agreements between the Borough of Warrior Run and the Luzerne County Office of Community Development to facilitate and assist in obtaining the requested grant.

I, Donna Tudgay, duly qualified Secretary of Borough of Warrior Run, Luzerne County, Pennsylvania, hereby certify that the forgoing is a true and correct copy of a Resolution duly adopted by a majority vote of the Borough of Warrior Run Council at a regular meeting held August 14th, 2023 and said Resolution has been recorded in the Minutes of the Borough of Warrior Run and remains in effect as of this date.

IN WITNESS THEREOF, I affix my hand and attach the seal of the Borough of Warrior Run, this 14th day of August, 2023.

Borough of Warrior Run
Name of Applicant

Luzerne
County


Donna Tudgay, Warrior Run Borough Secretary

- A motion to approve Theresa Shypulefski to submit the 2024 LSA Grant, for the Front Street Storm Improvements Project (storm drain boxes and pipes and paving), for a fee of \$500.00, to be paid from the General Fund.

1st motion made by: MP 2nd motion made by: S. Wegrzynowicz

	Yes	No	Abstain
S. Wengren	<u> </u>	<u> X </u>	<u> </u>
S. Wegrzynowicz	<u> X </u>	<u> </u>	<u> </u>
M. Pilch	<u> X </u>	<u> </u>	<u> </u>
J. Quinn	<u> </u>	<u> X </u>	<u> </u>
L. Carbohn	<u> X </u>	<u> </u>	<u> </u>

Motion passed X

Motion failed

Attorney Aregood Report

The ordinance for property management (for rental/lease properties) was updated and is ready for adoption and advertisement. The ordinance states a property manager is to be appointed, within 25 miles of Warrior Run Borough, and is responsible for maintenance of the property and any issues which develop on the property. The President, Council requested members of Council to review the revised ordinance and reply by the end of the week with any questions/concerns. The advertisement of this item was previously approved by Council. If there are no further questions/concerns by the end of the week, the ordinance will be submitted for advertisement for next week.

Attorney Aregood provided a copy of correspondence sent on August 9, 2023, to Mr. Wooten’s attorney, Attorney Michael Butera. The communication is a follow-up to the last session held with Judge Halesey on 08/01/2023, at which time it was indicated Mr. Wooten would provide the Borough with an action plan regarding his problematic properties.

Patrick J. Aregood, Esq.
1218 South Main Street,
Wilkes-Barre, PA 18706
(TEL) 570.825.6720 (FAX) 570.825.1935

August 9, 2023

Michael Butera, Esquire
121 S. Main St., #202
Pittston, Pa. 18640

Re: Herbert Wooton

Dear Michael:

At our last session at Judge Halsey's it was agreed that Mr. Wooton would provide an action plan on his problem properties.

I would anticipate that this would set forth;

- 1) Address; actual action planned; time frames in which the action will be taken.

The Borough meeting is Monday August 14, 2023 @ 7:00 p.m.

Please advise if Mr. Wooton can have something prepared so I can discuss with Council at that meeting.

Thank you,

Patrick J. Aregood, Esquire

As of today, there has been no communication by Attorney Butera on behalf of Mr. Wooton. One more piece of correspondence will be issued to Attorney Butera regarding this matter. If there is no response, there will be a follow up meeting with Mr. Wooton with Judge Halsey. Judge Halsey understands what the agreement was and was in favor of approaching the matter in this manner; the Judges stated to Mr. Wooton at the prior meeting Mr. Wooton must comply. Going forward, there will be no further issues of trying to prove the resident is in the wrong; the fact is the resident is in the wrong by not adhering to the action plan as agreed.

The request for garbage contract bids has been advertised and Attorney Aregood provided proof of publication from the Citizens Voice; we are still waiting for the Times Leader proof of publication.

Attorney Aregood stated he was made aware of property 525/525R Front Street (former gas station) and the inability of having the owner(s) of the property appear before the magistrate because they cannot be found. The property owners will be subject to the new property management ordinance in addition to other property violations.

The Council President inquired if there is any course of action the Borough can take regarding the Warrior Run Recreational Area (baseball field) experiencing water runoff. The Borough pays into the MS4 program for the baseball field and the inquiry is if there is something within this program to assist with this issue. Attorney Aregood indicated a conversation can be initiated with WWSA officials; however, it is difficult to force another municipality to take action over an issue which has existed a number of years. Attorney Aregood will contact WWSA for further information.

Police Report - Month of July 2023 - Report on file

- Hearings are coming up for refuse citations.
- Letters are being sent out for property maintenance; Code Enforcement Officer Greg Gulick is sending letters and citations for noncompliance of payment.
- I would like to thank all the volunteers who participated in the Warrior Run Festival.
- Warrior Run Festival came out with profit. It seems the same 6 people continue to sell and do most of the fundraising and work. This festival started with a 125th celebration & now continued with an additional two years of festivals. It is not fair only a handful of residents continue to raise the entire cost of the festival for all to celebrate. Other municipalities/cities, churches share or provide the costs of festivals, concerts, promotions, and events for all to celebrate. They do not place the responsibility for a handful of volunteers to raise the entire cost or to reimburse the municipality for costs. If this is true for the residents then the residents should share the responsibility. Something needs to change.

Mayor Report

A motion to accept Attorney Aregood’s Report, Police Report and Mayor’s report.

1st motion made by: MP 2nd motion made by: S. Wegrzynowicz

	Yes	No	Abstain
S. Wengren	<u>X</u>	_____	_____
S. Wegrzynowicz	<u>X</u>	_____	_____
M. Pilch	<u>X</u>	_____	_____
J. Quinn	<u>X</u>	_____	_____
L. Carbohn	<u>X</u>	_____	_____

Motion passed X

Motion failed _____

Final Comment

The Borough sent a flower arrangement to the Thiemann Family in the recent loss of their son, James Thiemann.

Request for bids for new garbage contract was advertised in two local newspapers; bids will be opened at the September 11, 2023, Council Meeting.

Paul Pasonick, PennEastern Engineers, informed the Borough the bids for the Hanover Street Project, will be available for the September 5, 2023, Work Session Meeting.

Warrior Run Festival update and meeting pending.

Council Member S. Wegrzynowicz inquired on reinforcement of ATVs on roads. Has witnessed dangerous issues with ATV drivers cutting off oncoming traffic, going around vehicles pulling out of driveways, and speeding up streets. The Mayor will talk with Hanover Township police.

Public Comment

Resident C. Flaherty had two questions:

Q: What will be done with the Festival money.

R: Money will sit in the festival fund and may be used for start-up money for next year festival or if the money is needed for something for the Borough, it may be used for this purpose.

Q: Inquiry on property at 314 Boyle Street regarding property maintenance issues; showed pictures to Council, President and Mayor. Grass is very high, against resident's fence, concern of ticks, snakes, etc.

R: The Borough is aware of the numerous issues regarding the property; the resident has been in court, found guilty and fined, is making payments. Resident Flaherty was advised to go to the magistrate hearing and speak directly with judge; the resident will be provided information for next hearing. The Borough cannot go on resident's property to rectify issues; process has to be followed, as frustrating as it is.

Resident D. Mynes had three questions:

Q: Inquiry on property at 561 Front Street regarding what is the time limit for working on a property; property owner has been working on property over 10 years.

R: A new permit is required after 5 years; a new permit can be purchased to continue the work on the property, as long as work is being actively done, there is not an issue. Code enforcement will take a look to assess status of work being completed and if property maintenance is acceptable (no garbage, unsafe issues).

Q: Inquiry on property 525/525R Front Street, could not hear prior conversation.

R: There are several vehicles at the location, back of property is overgrown and unkept; property owner is in violation of numerous property maintenance issues. A major problem with this property is the Borough cannot locate the property owner. Different resources (including sending a sheriff to Reading, PA to locate the owner) have been used without success.

Q: The street/road is caving in in front of the resident's property.

R: The Borough has applied for a grant for Front Street improvements, which includes stormwater/pipe and road repair, and curb and sidewalk installation.

Motion to adjourn

1st motion made by: JQ 2nd motion made by: S. Wengren

	Yes	No	Abstain
S. Wengren	<u>X</u>	_____	_____
S. Wegrzynowicz	<u>X</u>	_____	_____
M. Pilch	<u>X</u>	_____	_____
J. Quinn	<u>X</u>	_____	_____
L. Carbohn	<u>X</u>	_____	_____

Motion passed X

Motion failed _____

Donna Tudgay
Secretary, Warrior Run Borough
Submitted: 08/14/2023