

WARRIOR RUN BOROUGH

496 Front Street

Warrior Run, Pennsylvania 18706

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Council Meeting Minutes

October 15, 2024

Meeting Called to Order

Pledge of Allegiance

Roll Call

Approval / Minutes of Previous Meeting

Approval / Treasurer Report from Previous Month

Open Bids for 2024 Chestnut Street Road and Storm Sewer Improvements,
Phase II

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

WARRIOR RUN BOROUGH

Council Meeting Minutes

October 15, 2024

Roll Call **Present** **Not Present**

Council Members:

John Quinn, President	<u> X </u>	<u> </u>
Sandy Wegrzynowicz, Vice-President	<u> X </u>	<u> </u>
Rick Kratz	<u> X </u>	<u> </u>
Matt Pilch	<u> X </u>	<u> </u>
Larry Carbohn	<u> X </u>	<u> </u>

Other Attendees:

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

A motion to approve the minutes from the September 9, 2024, Council Meeting.

1st motion made by: LC 2nd motion made by SW

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

Motion passed X

Motion failed

A motion to approve the Treasurer’s report from September 1 through September 30, 2024.

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

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

Motion passed X

Motion failed

Open Bids for the 2024 Chestnut Street Road and Storm Sewer Improvements, Phase II

Warrior Run Borough received two bids; the Luzerne County Office of Community Development approved the Borough can open the two bids (original communication stated a minimum of three were required). The two bids were opened; bids were received from KBA Engineering, Jerymn, PA, and PennEastern Engineers, Wilkes-Barre, PA. No other bids were received; the bid process for this project is now closed. The Council will need to review the information, complete the tally sheet and make a decision if either the two bids will be accepted. This item was tabled for the 11/04/2024 Warrior Run Borough Work Session meeting.

Communications

Resident Mr. Michael Pac Jr, Beaumont Street, passed away on September 16, 2024.

On 09/30/2024, Warrior Run Borough received a letter, from the Pennsylvania Department of Transportation, of the estimated Liquid Fuels allocation for 2025 is \$15,969.54. This is a decrease in the amount of \$159.52 from 2024 (prior year received \$16,129.06).

On 10/01/2024, Warrior Run Borough received a notification of payment in the amount of \$186.83, from the Pennsylvania Department of Revenue, for the 2023 Public Utility Realty Tax (PURTA) Distribution.

Public Comment on Tonight's Agenda - None

Old Business - None

New Business

1. A motion to issue a check to the Warrior Run Volunteer Fire Company in the amount of \$2,856.90, to paid from the General Fund. This is the annual distribution from the PA State Volunteer Fire Relief Association (VFRA) in accordance with Act 205 of 1984; the money was direct deposited into the Warrior Run Borough's General Fund (on 09/18/2024) for this distribution.

1 st motion made by: <u>LC</u>	2 nd motion made by: <u>MP</u>		
	Yes	No	Abstain
S. Wegrzynowicz	<u>X</u>	<u> </u>	<u> </u>
R. Kratz	<u>X</u>	<u> </u>	<u> </u>
M. Pilch	<u>X</u>	<u> </u>	<u> </u>
L. Carbohn	<u>X</u>	<u> </u>	<u> </u>
J. Quinn	<u> </u>	<u> </u>	<u> X </u>

Motion passed X

Motion failed

2. A motion to pay Citizens Voice newspaper, in the amount of \$373.20 to be paid from the General Fund, for legal advertisement for request for proposals (RFP) for the Warrior Run Borough 2024 Community Development Program, Chestnut Street Road and Storm Sewer Improvements, Phase II. The advertisements appeared on 09/24/2024 and 09/27/2024.

1st motion made by: SW 2nd motion made by: RK

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

Motion passed X

Motion failed _____

3. A motion to approve Greg Gulick, G & R Consulting, to submit the 2025 Local Share Assessment (LSA) Grant (Statewide) from the Commonwealth Financing Authority, for the Warrior Run Borough Front Street Improvements Project (milling and paving), for a fee of \$700.00, to be paid from the General Fund.

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

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

Motion passed X

Motion failed _____

4. A motion to approve Roto-Rooter to clean the wet well(s) at the Hanover Street Pump Station, in the amount of approximately \$2100.00, to be paid from the Sewer Fund.

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

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

Motion passed X

Motion failed _____

5. A motion to establish an escrow account for Warrior Run Borough, to receive transfer of insurance proceeds, for expenses associated with fire losses. Insurance proceeds will be held as security and will be used in accordance with the Warrior Run Borough Fire Insurance Escrow Ordinance No. 13, from 2006. Ten (10%) will be held for security for rehab and/or clean up.

1st motion made by: RK 2nd motion made by: SW

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

Motion passed X

Motion failed _____

Attorney Aregood Report

A meeting was held on 09/13/2024, with Wyoming Valley Sanitary Authority (WVSA) and the Warrior Run Borough Solicitor, President, and Mayor, regarding general information associated with the Hanover Street Pump Station and other matters. The state of the Hanover Street Pump Station and the repairs recently made to it were discussed and WVSA was asked if they were interested in assisting the Borough or interested in taking pump station over. It was decided to continue discussion; nothing has been decided. It will be at least a one-year process for them to assess the Borough's systems and to assess the revenue streams associated with the systems.

On 09/20/2024, Warrior Run Borough received notice that a civil action suit was filed against Warrior Run Borough by resident Herbert Wootton, regarding placement of a storm water drainage pipe adjacent to the resident's property. The suit has been turned to our insurance company; the claim will be managed by the carrier (ECM). Attorney Aregood has spoken with the attorney from the insurance company (James Greco) on several occasions. Attorney Greco has requested to meet with a Borough representative, at a convenient and scheduled time, to walk the property and assess the circumstances before he files his answer to the lawsuit. This needs to be coordinated between the Council President and the law firm so both parties can meet at the premises.

The escrow account previously mentioned for insurance proceeds involves 551 Orchard Street. A fire occurred at this residence in July 2024; the proceeds check was issued by the insurance carrier, signed by the insured and delivered to the Borough. Ten percent (10%) of the proceeds will be placed into the escrow account, to ensure the property will be rehabilitated or cleaned up.

Warrior Run Borough defended a tax appeal at Luzerne County by Mr. Wootton on his Chestnut Street and Hanover Street properties. The appeal on the Chestnut Street property was dismissed as being inappropriate and improper. The decision on the Hanover Street property is pending and may have a reduction in assessment if he is successful. The Borough has a right to appeal if it chooses to do so.

Police Report - Month of September 2024 - Report on file

Mayor's Report

As was stated in previous report, the appeals hearing for Mr. Wooton was continued until November 5, 2024, at the Luzerne County Court House. Attorney Patrick Aregood, Code Officer Greg Gulick & I will be attending this hearing. This is an appeal of the Magistrate's verdict of guilty in the property maintenance case.

Mr. Wooton's properties were granted a stay from Sheriff's sale by Judge Pierantoni. They will be placed back on the Sheriff's sale list scheduled for April 2025.

Attorney Patrick Aregood, Code Officer Greg Gulick and I attended the property maintenance hearing, 9/10/2024, at the Magistrate's office. It involved the 525 Front Street property issues. The resident was found guilty. The property owner also was three years in arrears in property taxes and paid one year which allows the owner to be taken off the Sheriff's sale auction. Various citations have been filed with the Magistrate's Office and are awaiting scheduling.

October has approached rapidly, and the council and group will be formulating budget figures for next year. I believe the Borough has done a great job in providing services to our residents and keeping up with the rising costs of total financial responsibility.

Luzerne County of Emergency Management notified Warrior Run Borough that they will be conducting a drill, October 22, for Talen. It will start at 6 P.M. and end at 9 P.M.

On a personal note, I would like to extend many thanks to Larry Carbohn, who throughout the year at times was our lone road crew. Despite many attacks on Facebook, and other gossip, he continued to provide needed services to our residents. He placed the residents above personal pride to accomplish the job. There are few personnel willing to attach themselves to the Warrior Run misinformation rhetoric.

Motion to accept Attorney Aregood, Police and Mayor Reports.

1st motion made by: MP

2nd motion made by LC

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

Motion passed X

Motion failed _____

Final Comment

On 09/18/2024, Warrior Run Borough was notified of property damage to Rick Kratz’s recreational vehicle (RV), during grass cutting of Borough property adjacent to the Kratz property. The Borough is waiting for final estimate(s) to move forward with the matter. Council member R. Kratz indicated he has two more estimates coming. Council Member Carbohn stated he wanted to clarify when the issue occurred; he worked in the area where the property damage occurred on Tuesday, 09/17/2024, and requested this statement be recorded in the minutes.

Attorney Aregood inquired if Council Member Kratz contacted his homeowner insurance; this matter is a comprehensive issue. The homeowner’s insurance would cover any damage before the Borough is able to move forward with the matter (or if they are able to move upon it at all). Attorney Aregood advised Mr. Kratz he may want to speak with his carrier if he is wants to resolve this issue quickly; it is not a chargeable issue against a policy because it is comprehensive in nature (for example, when a deer hits your car). The insurer may be subjected to a deductible; however, this would reduce the damage(s) the Borough may be exposed to if there is liability. Council member Kratz stated he will decide how it will be managed once he receives the other two estimates.

Council Member Wegrzynowicz brought up concerns/issues on Chestnut Street. It is not known how many cats have been killed due to being run over by vehicles; drivers are not stopping to address the deceased animals, and they are being left in the middle of the road. Traffic is crazy on the street, including cars and quads; and there are people riding scooters with lights on the sidewalks. She requested law enforcement to be involved and inquired, to Attorney Aregood, should she be contacting police or the SPCA. People are feeding stray cats; aren't they responsible for these multiple cats? When the cats get run over, there are kittens left behind; they are hiding under cars and roaming into people's yards. With the winter months coming, it will be cold outside, and they are not being put anywhere.

Attorney Aregood stated the SPCA can be contacted due to feral cats and their multiplication; also, there are societies that will trap cats and have them spayed, so they don't keep proliferating around the neighborhoods. To bring the cat issue under control, the lead agency in this part of the issue is the SPCA. The issue of speeding which is contributing to slaughtering the cats is certainly a police issue. Both agencies can be contacted for their respective issue; and the Borough can also contact SPCA. However, SPCA has taken a very strong stance they can only do so much, unless the Borough makes contribution to the SPCA for this purpose, they are not going to act.

Mayor Shypulefski stated agencies which spay cats (cost is around \$35 to \$40 per cat) will spay cats but they bring them back where they found them. The Mayor also spoke with SPCA; SPCA requires a 5 year contract and fees are dependent upon where the Borough falls into the contract; for example, if 4 to 5 animals are managed by the SPCA, the fees could be up to \$80/per animal (approximately \$400-\$500 year), via taxpayers money. This information will be provided at the next work session meeting for Council to review.

Attorney Aregood inquired if everyone feeds the cats; it was stated it only a few people do it. Per Attorney Aregood, this is a health issue and may be enforced through a health officer and code enforcement officer (cited Hanover Township as an example of how this was enforced). People can be cited if they have been told not to feed stray animals but choose to continue to do it.

Council Member Carbohn stated he fully agrees with the concerns Council Member Wegrzynowicz expressed and stated the cat issue is not limited to Chestnut Street; this is an issue throughout the Borough, including cats being killed and left behind.

Council Member Kratz inquired on the status of work to be done in the alley. He stated he was told at the work session it would be taken care of; we don't have the road crew and there was only one person to do it (John); it still is not done. President Quinn stated it will get done. Council Member Kratz inquired who did yard waste yesterday; President Quinn stated he did, was there an issue. Discussion ensued regarding how many people were in the truck; should there be more than one person doing yard waste; weight of cans; safety issue. Question was asked is Eric still working for Borough; he is still on payroll, has not worked lately (has another job).

Public Comment

C. Flaherty: Regarding 314 Boyle Street (Shannon property); ongoing property maintenance issues, the back yard weeds are so tall they look like trees. He is not living there; nobody takes care of anything. Concerned about what living is in the mess.

Response: Mayor Shypulefski will call the code enforcement officer; he has been cited multiple times.

Council Member Kratz inquired on Borough ordinance; can the Borough clean the property up and bill the resident. Attorney Aregood stated yes, once the property owner is cited, clean up can be managed in this way. But how does the Borough receive reimbursement from someone who isn't paying the magistrate fines; the property already has liens on it for issues outside of property maintenance.

Council Member Kratz stated something should be done about it, cannot leave the weeds like this. It is starting to look like Elm Street.

D. Myes: Has an issue with her neighbor's dog (barks continuously); the neighbor's property is in Hanover Township.

Response: Council Member Carbohn stated Hanover Township has an ordinance regarding dogs who bark for more than 10 minutes. Attorney Aregood stated to prosecute under the ordinance, there must be documentation of when the dog starts barks and when it stops.

Motion to adjourn

1st motion made by: LC 2nd motion made by SW

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

Motion passed X

Motion failed _____

Donna Tudgay, Secretary
Warrior Run Borough
Submitted: 10/15/2024