

**The regular monthly meeting of the BOROUGH OF BERWICK COUNCIL
was held at City Hall on Monday evening at 7:00PM December 21, 2015.**

- Call to order by presiding officer.
- A prayer was said by Councilman Jarrett and then the Pledge of Allegiance was recited by all in attendance.

ATTENDANCE CALLED:

- President Alvin Hill: Present
- Vice President Scott Bower: Present
- Joanne Huntington: Present
- Councilman Jay Jarrett: Present
- Travis Petty: Present
- Jim Meighan: Present
- Councilman Andrew Shecktor: Present
- Mayor, Tim Burke: Present
- Borough Manager, Debra Force: Present
- Solicitor, Attorney Frank Kepner: Present
- Engineer: Absent
- Chief of Police, Ken Strish: Present
- Fire Chief, Bill Coolbaugh: Present
- Code Enforcement Officer, Greg Harkins: Present
- DPW Foreman, Jack Kyttle: Present
- Administrative Assistant, Nancy Sborz: Present
- Press Enterprise Reporter, Susan Swartz: Present
- A listing of residents in attendance is attached

APPROVAL and/or ADMENDMENTS OF AGENDA:

- Motion to approve the agenda and switch line items 4 and 5 for the meeting. Motion was made by was made by councilman Jay Jarrett and seconded by Councilman Scott Bower. All ayes, so ordered, motion passes.

PRESENTATION:

A presentation was made to Coach George Curry. Council President Alvin Hill read from the plaque. “The great Vince Lombardi once said *The price of success is hard work, dedication to the job at hand, and the determination that whether we win or lose, we have applied the best of ourselves to the task at hand.*

“In grateful recognition of George Curry’s many contributions to the borough as a citizen, a coach, a leader of young men. Your career total of 455 victories is an impressive accomplishment and a record that may never be broken. But your lasting legacy is the positive impact you had on the many young men who played for the Berwick Bulldogs during your tenure. Please accept our sincere appreciation for all you have done to make Berwick a better place.

APPLAUSE.

Coach Curry went on to give a ‘thank you’ speech.

APPLAUSE.

CITIZEN CORRESPONDANCE And PERSONAL APPEALS:

- Attorney Pat O’Connell took to the podium and introduced himself as representing Lee Benjamin a Berwick borough citizen. He said that tomorrow there is scheduled an injunction hearing which is going to shut down the Berwick Armory and end several wrestler’s seasons. Wrestlers who have given their heart and soul, who from my observation....here Attorney Kepner interrupted and advised Attorney O’Connell that he is not in front of jury here and council doesn’t have anything they are going to do. They are going to follow their code office. We talked to the school. The school has indicated that all you had to do or all your client had to do was fill out a form and he could have used any number of places, he doesn’t have permits. I know you want the publicity but it’s just not the right forum. Attorney O’Connell said he was not here for publicity and doesn’t care if the press isn’t here. He would talk to anyone with or without the press. But he has the right to speak. Attorney Kepner said it was already determined that the man does not have a certificate of occupancy. This borough is not going to subject itself to liability based on anything. The fact of the matter is there is no certificate of occupancy so I think he is out of order. Attorney O’Connell said with all due respect he was going to finish and then he could

add on. Here Council President Alvin Hill spoke. He said that if we are going to litigating this tomorrow we are not going to be discussing this tonight. Certainly said Attorney O'Connell he was asking that. Others were talking and I could distinguish who was speaking. Council President Hill said Attorney O'Connell has the floor with council. Councilman Petty spoke here saying that the majority of us can disagree with what Mr. O'Connell and Mr. Benjamin have to say and this will be decided tomorrow as to who is right, none the less I still think they have the right to be heard by this body. Council President Hill agreed, however we are not going to make this a circus tonight. I control the meeting, I run the meeting and we are just not going to do that. The litigation that you are going to talk about tonight is the same you are going to say to the judge tomorrow. Attorney O'Connell said absolutely not. Council President said ok, go on I will give you a couple of minutes. Attorney O'Connell said this is a very important proceeding tomorrow for the future of these Berwick wrestlers and the reason I am here is to request that council make a motion to call off the preliminary injunction to allow the parties to engage in a settlement dialog. So I am asking... obviously the sides got off to the wrong start. But this is going to be a travesty this is going to be the end of the season for these folks if. Here Council President Hill asked why is that. The school district is available. Do you know that? Attorney O'Connell said that Mr. Benjamin had informed him that they are not available. That is absolutely not true said Council President Hill. Eight days ago he spoke with the Superintendent of the school district and he indicated that wrestling never came to them this year. However, he called around and called Mr. Hill back and said there are 2 or 3 spots at the schools that they could use but they never came to us this year. Attorney O'Connell turned to Mr. Benjamin for confirmation and asked that he be allowed to address it since he is in the dark regarding this. Council President Hill said he was telling him exactly what the superintendent of the high school told him personally on the phone. Mr. Benjamin stood to speak and said he had a paper from him that they had an open spot from 7-9pm at night and you can't have 5 year olds. Council President Hill said that have 2 different schools open that can accommodate the kids. Councilman Petty addressing Council President Hill: I would suggest to allow Mr. O'Connell the floor, if his client would like to put himself on the record after Mr. O'Connell is finished then so be it. But I wouldn't engage with 10 people in the crowd at one time. Council President Hill said he was not going to do that. Attorney O'Connell said he requesting the borough council, someone here make a motion to call off the injunction to allow the parties to engage

in a settlement dialog. That building is safe that building was in use for a darn long time. I think and deficiencies can be cured relatively soon if there are any deficiencies. Which I seriously doubt. And there is no reason for the two side to be butting heads like this. There were kids wrestling they hearts out this weekend. There was a tournament, there were people from Hanover, people from Wilkes-Barre. They were eating in the restaurants and shopping in the IGA. There was more going on there in the borough of Berwick then most of what I saw otherwise, during the day. I am sure the Boulevard was jammin'. But I am not here to get publicity as Mr. Kepner is suggesting. I am here to try to broker a resolution, personally I wrestled in the past. And when I saw the Berwick spread sheet for wrestling, the high school, they're forfeiting 4 weights. So Lee Benjamin has the potential to be the next Coach Curry when it comes to wrestling. So lets all work together. Cause this should be on the same side. But as good a lawyer as Mr. Kepner is quite likely he is going to succeed tomorrow. Council President Hill and why is that? Attorney O'Connell replied cause he's a good lawyer and he.... Council President Hill no no, it's because you violated the zoning laws. Attorney O'Connell said that is debatable. And if he wins it's a loss for everyone. Attorney Kepner said if he wins Mr. O'Connell's client has to go through a 2-3month process and would have to use the school. Your client knew that in the summer when he first came in and was told what he had to do, he was given all the forms he had to get and then they were mailed to him on top of that. Then his first Attorney Brenda Hill or I mean Attorney Hess told him again what was needed, and that was months ago. Mr. Benjamin interrupted here and said that was not months ago that was 2 weeks ago. Council President Hill agreed it was 2 weeks ago. Attorney O'Connell said please, please, please make a motion, someone, just call it off. Let us engage in a settlement dialog. Let's sit down with codes. Let's get this expedited. We got Dennis Peters in there today. We'll have you whatever you need. Just keep it going. There is no threat of harm, there was a whole bunch of people in there.... Council President Hill said you have to go through a zoning hearing. Attorney O'Connell said let's do it. Let's do it, expedite it. Call off the injunction and we'll get it. Council President Hill there is no way we can expedite it if it already a full case load for next month. We don't know what it is. Attorney O'Connell said we can make it happen, you can make stuff happen. Let's do it. Councilman Petty said to Attorney O'Connell that he believes that your clients heart is in the right place, I believe this town needs this youth center, I think what they are doing is wonderful, but there is a process for doing that. And Attorney O'Connell I

will note that you weren't interested in negotiating a settlement when you advised your client to disobey the borough and go back into that building. Council President Hill said that is right and asked why didn't we do it then. Councilman Petty said he suspects what happened is that he looked at the zoning laws and you realized that now you are not in a favorable position and that the borough will succeed with an injunction and now you want to come to us and talk. Attorney O'Connell said absolutely not, he did not think the borough would pursue an injunction. We were prepared to file appeals to whatever needed to be done to file for permission for whatever zoning needs to be done and there is some debate Travis as to what is needed, what isn't needed. I am not a zoning expert; we have another council on this that knows about zoning than I do. Councilman Petty said in spite of that fact he too will stand with him and urge the borough to expedite this process. And get the zoning hearing at an expedited rate. And work with Mr. Benjamin to get the proper permits and paper work. With that said in the meantime I don't see how the borough can't proceed with this hearing tomorrow. Attorney O'Connell said we candidly disagree. We candidly disagree on that and the last thing I have to say is will someone make a motion please to keep the armory open pending the zoning approvals. SILENCE. Council President Hill, (strikes gavel) moving on. Councilman Petty said everyone loses in this. The borough loses, Mr. Benjamin loses, the kids lose. Everybody loses. Council President Hill said if there is a way that we can put them on the schedule for the next zoning hearing. Attorney Kepner said the main thing is clear that need a certificate of occupancy. And with a certificate of occupancy we know if there is adequate fire safety things and Mr. Frace told him he concerned about the back-up lighting, concerned about vent-less heaters in the basement and what we really don't need is some sort of tragedy where while we are going through all this, 40 or 50 kids lose their lives and we get sued for 40 or 50 or 60 million dollars. That is what I am concerned about. I understand what Travis is saying and I don't disagree, but I am just concerned that if something happens I mean Mr. Frace talked to me this afternoon and talked to me in terms of whether people will be able to find their way out of the basement, there is not adequate ingress or egress from the basement. There is a garage door, if somebody gets trapped down there, if a number of students or kids get trapped down there then we are not talking about a couple of hundred thousand or a couple of millions but multi millions then the borough is on the hook for that and that is where I am concerned. Mr. Benjamin said there are 4 exits out of the basement. One being a huge overhead door and 3 other

exits all with panic hardware, emergency lighting and battery back-up. All that stuff is already done. There are 13 fire extinguishers in the building along with 3 panic pump stations with hoses just like the fire department uses. There is, Defebo donated LED back-up lighting emergency, all that is done. We have a handicapped ramp there that is accessible. Council President Hill said Mr. Benjamin should be ready for a walk through inspection. Now here is the thing, when you did you first walk through, not walk through but when you and Larry Frace went through your building somewhat, am I correct. Mr. Benjamin said yes, every floor, every room. Mr. Hill said ok, so then you came up here and any gave you some paper work to fill out, am I correct. Mr. Benjamin said no Larry did not give him anything, he saw him after he got up here. Mr. Hill ok but then you came up here to get some type of paper work. That was on Thursday, 2 days before we got shut down on that Monday said Mr. Benjamin. Thursday was the first I was approached by anyone, now I've been up here several time before that with regard to (inaudible)...paper work at all. It was just when I first came up here 2 or 3 months before I bought the building and had an interest in buying the building and donating it to the town as long as they would do something with it. This isn't something I am making money guys; this is something that I'm not.... Mr. Hill said and I believe you and I do believe we need a community center and I applaud you for that however the only thing is it's the boroughs responsibility to make sure all buildings are safe including yours. Mr. Benjamin said trust me when I tell you I have 50 kids in there that I love like my own. I have coached them for years and I would not want a kid getting hurt at all. Mr. Hill said he did not think it helps him on council's point when he comes in here and you have a temper which a lot of us do and you have to be escorted out by a police officer. So that doesn't help you. So when I call council members and say lets sit down with Lee Benjamin and hammer this out. You know that puts a bad taste in them for them to have to do that. Now had Attorney O'Connell came to us before maybe we could have all sat down but now we are all going to go before the judge and we are going to let the judge decide this. Mr. Benjamin said the two people he spoke to, where is Jay Jarrett, he texted me and said about sitting down and the last thing I got from two different people who talked to you, was that you guys were advised not to talk to me. Councilman Petty said he did not get that from him as did a few other council members. Council President Hill said he would be open to sitting down with anyone. Councilman Jarrett said let me stop you right there, I sent you a message on, two Tuesdays ago and I never heard from you. Mr. Benjamin said he was

told not to approach anybody because that could be me trying to turn you. Mr. Jarrett said that day it was brought to his attention by Facebook, someone tagged him and I said to that person that he would be willing to talk to anyone at any time about anything. Mr. Benjamin said he did not want to get to be that person that went behind anybody's back, he has known Alvin for many years whether got, bad or indifferent. If I went to him and sat down and said this is what I want to do. I don't want that construed as going behind anyone's back. And trying to turn somebody. Mr. Hill said that would never have happened because he is in contact with all of council and he would have emailed and said he needs 3 councilmembers down at City Hall to talk to Lee Benjamin. Now the bottom thing is this, I don't know is running your Facebook page but it is. Mr. Benjamin said it is 5 or 6 people. Mr. Hill said it is troubling to get on and it says the borough requesting a meeting and now they are having this meeting on Tuesday when nobody can come. The court actually sets the date not the borough. Mr. Benjamin said we can do a walk through right now, nothing is unsafe about that building. A discussion ensued regarding use of area schools for wrestling matches/practice with Mr. Benjamin saying it is just too time consuming to roll and unroll the mats and move them from place to place. He said he will do whatever he has to do to keep this place open for the kids, he would put money in escrow if you want. Councilman Petty said he wants to thank and commend Mr. Benjamin for what he wants to do, he thinks it is amazing and I am glad there are people in Berwick that want to make this kind of difference. Attorney Kepner how long is it going to take to get this occupancy certificate. Attorney Kepner was not sure but he was told it could take 2-4 months. Mr. Hill asked Larry Frace how long it would take. Mr. Frace said it is a 2-4 month process. Mr. Petty asked if there was someone in Harrisburg they could call to expedite this. Mr. Frace said Harrisburg has nothing to do with this. Mr. Petty asked who is in charge of this process. Mr. Frace said he is as the building code official. Mr. Petty asked if there was any way he could expedite this process? Mr. Frace said he has to go through the process to get his prints, they go a state print reviewer that has 30 days to review them and if they are not right that reviewer sends them back. And he gets another 30 days. Mr. Benjamin said he will pay for the prints. Mr. Hill said give us a minute to sort through this. He asked who in Harrisburg do they have to talk to at the print reviewer. Mr. Frace said no one. Mr. Frace said he needs to get the prints from a Pennsylvania licensed engineer/architect. Mr. Benjamin said Mr. Peters has donated his time to do the prints. Mr. Frace said he would then fill out the permit application and

submit those drawings to the borough. The drawing come to him (Larry Frace) and he takes them over to a state certified print reviewer. That guy has 30 days to review the prints. Mr. Hill said if we tell him we need them as soon as possible what would he do. Mr. Frace said he always tell him that and he says 2 weeks if nothing is wrong. Mr. Hill said what if you explain the situation to him. Mr. Frace said he could try but the guy usually tells him that he takes them as he receives them. Mr. Petty asked Councilman Bower how long it takes for the zoning process. Mr. Bower said you have to schedule a meeting. He asked Greg Harkins when the next meeting is. Curt Rider said it would be the 3rd week in January if the plans are received by January 1st. Mr. Petty said the zoning hearing will be faster than the occupancy permit. Mr. Hill asked about scheduling a special hearing. Mr. Petty asked if there was a way around this occupancy permit. Attorney Kepner said that was one thing there is no way around. Not if we want to shield ourselves from liability. Councilman Shecktor said it is \$1,000. (one thousand dollars) a day if we are fined. Attorney Kepner agreed with Mr. Shecktor it is a fine against us. Attorney O'Connell said they would be willing to indemnify the borough. Mr. Shecktor said there is no indemnification for it. Attorney O'Connell said if the borough gets fined then Lee Benjamin would pay the fine on the boroughs behalf. Mr. Hill asked why they did not come to council a week ago and have this meeting? Why do you have to do this during a council meeting the night before a hearing that is the problem he is having. Attorney O'Connell said he didn't get this until Lee gave me a shutdown notice. Mr. Hill said that was a week ago. Attorney O'Connell agreed. Ok, Mr. Hill said then right after that why didn't you want to sit down with us? Mr. Benjamin said he tried to deal with Brenda first and she told him to get the paper work. He went up and was refused the paper work. Brenda said go up again. And again I was refused the paper work. Attorney Kepner asked Greg why he refused to give Lee that paper work. Mr. Benjamin said it was Curt not Greg. Curt said yes Lee came in but was getting angry and raising his voice so we had him escorted out of the office. Mr. Benjamin said he does get loud but he is very passionate about this. Mr. Hill said it would have been better if Lee had his Dad come in who we could have...Lee said he was always given the run around. Some parents came up for the paper work and there was always some reason....he didn't have fire extinguishers, he didn't have fire exits he didn't have signs. He has all of that, he doesn't want any kids getting hurt, he has coached 3-4-5 years. His own 2 kids are in the building. I invite anybody down there if there are any questions of it being safe. There are

heaters in the basement. Mr. Hill asked how do we work with this occupancy permit. That is the big issue. How do we work it? Attorney O'Connell said the state has one on file. Attorney Kepner said that is for an armory, you have a change of use and need a new occupancy permit. You have to have a registered architect/engineer come through because they are the people, the borough council doesn't know whether or not there are enough fire exits, the borough council doesn't know what kind of back-up lighting is required that is why Peters or an architect has to do it. Mr. Benjamin agreed. Mr. Hill said we had to do this when we moved here from the Jackson Mansion, we have a certificate that says how many people are allowed in this building. That is what you have to have and then you have a certificate of that occupancy permit. That's from the state man that walks through your building and looks at your prints and makes sure your doorways, your bathrooms are ADA accessible if they have to be or if there has to be sprinklers put in. Whatever has to be done the state will tell you what has to be done. Then you are safe also. Mr. Benjamin said that is true but there are several businesses downtown that have changed occupancy a dozen times or so and still are not up to code. Mr. Petty said that is change of use not change of occupancy. That is a big difference. Mr. Benjamin said ok on his form change of occupancy was underlined not change of use. Mr. Frace said the one big difference with his building is that it was a state building and as such was exempt from inspections. And that is the problem. Councilman Shector said he empathized, he wants to see the kids in there too. But as a Father of 5 that one child in a school, not in this area that put bleachers in and did not get them inspected and his kid was trapped in the bleachers and almost died. I will be honest with you I want that place safe and inspected. Mr. Benjamin agreed and said when he left the building with Larry Frace he did not express any problem when we walked out and he said you don't need a permit for anything you are doing. Mr. Frace said that is absolutely not true. We had the discussion about getting permits. Mr. Benjamin said correct zoning permits. Mr. Frace said he told Mr. Benjamin when they walked through that building that there were problems. Mr. Benjamin said that Larry never once, and we will just have to agree to disagree. He went on to say that as soon as someone told him there were problems with fire extinguishers he had Susquehanna Fire come in and certify every fire extinguisher. He had the Fire Marshall come in and he said you have the right amount of exits, here is how many fire extinguishers you need, he said 11 we have 13. Anything I can do to make sure that building is safe 100% I will do, I spent thousands of dollars just on padding on the walls.....

Mr. Hill interrupted and said Mr. Benjamin is getting off track. Mr. Benjamin said that the heaters are for residential. Mr. Hill said you cannot have them in a commercial building. We can take them out and just not use the basement. Mr. Hill asked if council wants to postpone the hearing. But he told Mr. Benjamin he did not feel the building was safe without doing a walk through. Mr. Benjamin said Mr. Peters was in the building today. Attorney Kepner said that he must tell council that until we have a certificate of occupancy the borough is libel. And council may want to take a chance because of the good to the community but without the certificate of occupancy there will be a liability. Mr. Frace addressed council said if you do not follow the law the state could come in and take over your codes Department and that has been done in a couple municipals. Councilwoman said she would not want to see that and neither should Mr. Benjamin because the state would come down harder on him. Mr. Benjamin agreed he does not want the either. He said he has a million dollars in liability insurance to cover the kids if they are hurt he doesn't want the parents to have to pay for anything for any accident. He did not go cheap. Mr. Hill said he appreciates that and we are right back to the same thing at this point he understands he is trying but how do we get the occupancy permit. Mr. Benjamin said that they only have 2 practices left before the break and then we could maybe go to Vo-Tech for a week or two. Mr. Hill said you may have to go to Vo-Tech for month or two. Mr. Benjamin said if Mr. Peters could go through and say this and this needs to be fixed and he has a 2 days to fix he will bust himself to get it done. He will do whatever he has do. Mr. Jarrett said 2 things he wants Lee to understand. 1. That no one at this table is against what he is doing. A lot of us we coach kids too. But the other thing I want you to understand is that these are not our rules, they are state rules and we are bound to follow them. It doesn't matter if you are doing the greatest thing in the world we are still bound to follow them. Mr. Petty said we should exempt from any law the state exempts themselves from. If the state doesn't have to have an occupancy permit, then we shouldn't be bound by it either. Mr. Hill said we often talked about getting rid of the BOCA rules but you can't because then they can cut off your state money and come in and take over your codes and zoning offices. So they got you. Mr. Jarrett said in personal opinion lets go to see Judge James tomorrow and lets maybe reach an agreement with the judge's stamp. Mr. Benjamin said he just figured it would cost the borough more money to go through with it than if we can say we will not use the building until an inspector comes and if we can get things expedited He doesn't care what it will cost. Mr. Hill said ok, if you can go

into that building but he'll take the liability. Will he say that Frank? I don't think he will do that but you never know. But he could also come to a medium point that where it kind of diminishes the liability for the borough and for the state, and he can speak for the state, correct Frank. Attorney Kepner said no. Mr. Jarrett said the rules apply to Lee Benjamin like they apply Jay Jarrett. We have to follow the rules. Mr. Benjamin said he is not trying to have the rules bent he is asking for time to fall within the guidelines. Mr. Hill said to tell the judge that tomorrow, we don't have a problem with that. Mr. Benjamin said it has a handicapped ramp there, the doors are 35. He had Mr. Peters in the today and all he has to do is take 2 toilets out and the stalls are handicapped accessible. There are some really, really easy solutions that he can have done in a few days if that's what need be. I was under the misguided impression it was an R3 and I was doing a youth center and that was my ignorance and I am sorry for that. Mr. Hill maybe if you would have called us and came up and sat down we could have called our codes officers in to explain things to you and you would have been on your way 3 months ago. Mr. Benjamin said he didn't see an issue, they have been there 6 months already and this isn't something new. We have been there the whole football season; flag football tackle we have been using the building for 6 months so it wasn't like I just started. Mr. Hill said I know, I know and it was to just be a warehouse. Mr. Benjamin said no he never said it was just going to be a warehouse, I bought it with all intentions on Facebook and everything. He sent a paper home to every kid in the borough that we were going to use the armory for this, it was on Facebook, I never tried to hide it. Mr. Hill said and he applauded him for that. Mr. Benjamin said that no matter what is said or who says it he never once tried to deprive or deceive the borough of what I was using the building for, I did not. All the way back to 3 months ago when I sent the paper home to every parent through every school. He had to get approval to do that. Mr. Hill said here is the bottom line, we are going to go see the judge tomorrow and see if he can make an exception here or whatever he wants to do. Councilman Jarrett said no one here opposed to working with him but we have to see the process through and he hopes Lee understands that. Mr. Benjamin said that whatever he can do to expedite this process, whether it's an extra fee or whatever. Mr. Hill said we are going to try to help you as much as we can, we don't want to see extra fees, money that you can put back into the building for the kids. No body works for kids more than this council, we do a lot for the kids, we try very hard, all of us do. And Lee you put us in a wedge that we can't get out of, you put us there. You didn't come talk to us

we had the liability and we have to enforce the zoning and the borough code, and we have no way out you understand. Pat we are in a wedge right now. Attorney O'Connell said there are all kinds of gray areas when you come to zoning issues so it's not as clear cut. Mr. Hill said but you still have to agree that you need that occupancy permit. You do need an occupancy permit. Mr. Benjamin said he was under the impression that the state already had one and it would transfer. Mr. Hill said no it would not transfer. Mr. Benjamin said the lady he talked to at the state said absolutely they have an occupancy permit on file. So I said ok, I have it. Mr. Hill said when the engineer gives you your blueprints, you are going to drive them down to Harrisburg. Mr. Benjamin said yes whatever I have to do. Mr. Frace said no. Mr. Hill said yes that is what we did and it expedites it. Mr. Frace said you did that for you ADA not for structure prints. Structure prints are different. Mr. Petty said just don't get this process screwed up. Mr. Hill said well anyway if you have to go it's on the 14th floor. LAUGHTER. Mr. Hill said we will get together with the zoning and see when we can get them scheduled. If we can have a special zoning meeting. Curt Rider said that would be the 3rd Tuesday of the month. Mr. Hill said no a special meeting and remember that would have to be advertised. Maybe the second week. Mr. Bower said that we don't have prints or anything yet. Mr. Hill asked Mr. Benjamin when he will get the prints. Mr. Benjamin said that Peters can work with us any how any way, he was going to start working on them immediately and I will have to ask him. Mr. Hill said well the first thing in the morning call and ask him. Everything depends on the prints. Attorney O'Connell asked if there was a politician that could help with the process. Councilman Meighan said that they are most likely all busy working on the budget. All agreed. Mr. Benjamin said what he is asking council is if we do reach some sort of whether there is a law or whatever that allows us to carry an extra liability policy or quadruple or whatever that I don't know the word to use. Councilman Petty said indemnify. Mr. Benjamin said if we have an inspector come through can we, we.... Councilman Petty said we will have to abide by the judges' decision tomorrow, however if the judges' decision is to let you indemnify the building then I wouldn't lose any sleep over it. Councilman Shecktor asked Attorney Kepner if at the hearing tomorrow they say you can do whatever, if we can't move it through and we as a council vote no and they continue wouldn't they take on the liability based on us sending them a unanimous decision to not run the place, they would be taking a lot of liability. Council President Hill said that is why we should let it go before the judge. Let Judge James decide. Lee Benjamin said that

he sees what you are saying. If you guys say pretty much I can't use it and if I defy you and just go ahead and use it any way, do I carry full liability. Councilman Petty said well that is the reason we are getting this injunction. Mr. Benjamin said and that is what he brought up. All liability is on him right now since I am edifying you guys now, correct. Exactly said Council President Hill. Attorney O'Connell said and that is why we should pull the plug on the injunction. Then that is complicity saying you are allowed to do it, if we do that, said Councilman Petty. Well, yes said Attorney Kepner because once you get an injunction we are obligated to enforce the injunction. The problem is said Councilman Shecktor that we are the care takers of State (inaudible) policy. Basically, on July 1 of 2004 we signed on, we opted in. We don't run, we have no say in this we are the care takers. Mr. Benjamin said you are the middle men. Mr. Shecktor said that is right. And that is why I didn't want tomorrow to come and he... Council President said he understands what he is trying to do. I applaud you and your Dad, I have known you guys for years, I know your Mom, your Dad, great people. But we are in a spot now where we have to do something. You backed us into a corner and I wish you hadn't done that. Mr. Benjamin said trust me so do I. Mr. Hill said if you had called we could have sat down and discussed it. Now we are in a corner where we can't, so.... Mr. Benjamin said that is what he is asking. If there is some sort of way to indemnify you guys one way or another. Extra liability. He will put money in escrow. Mr. Hill said I don't think you can do that with the State. Councilman Petty said it would be up to Judge James. Mr. Hill said we will go by what Judge James says. Mr. Benjamin said are you guys ok with... Several Councilmembers said we will wait to hear what the judge has to say and we don't have a choice. Mr. Benjamin said he understands but doesn't want council to take it.... No, no, no said Mr. Petty, we want you to succeed, we want this to happen, so....But you just didn't so it the right way said Mr. Hill, you backed us into a corner. Yes, said Mr. Benjamin if that is what I have to do. Mr. Hill said now another thing before you go. You bought the other building down there. Busy Bee Dry Cleaners said Mr. Benjamin. Yes, said Mr. Hill if you are going to do something, come see us first. Mr. Benjamin said the only thing we are doing there is what they are already doing. Ok, said Mr. Hill if you decide you are going to do something, come talk to us, sit down and talk to us. Am I right Attorney O'Connell. Attorney O'Connell said in retrospect I think that would be right but you know (inaudible)Mr. Petty said I hope you are right. (LAUGHTER). Mr. Benjamin said let me ask this, it never before council and was never approved; BYFL has been using that building

for years. When I buy it is that going to change anything? Councilman Petty said come talk us. Mr. Benjamin said they have all their equipment and take pictures in there. That is the only reason I bought that building. Mr. Petty said he wants to address that building too. I see on Facebook that the Borough is putting you through these steps because we want to make money off the process, off the permits and we are mad that we are not involved. I just want you to know and you might not know this, that to facilitate the purchase of that Busy Bee transaction there was an outstanding mortgage on that that we waived all the late fees and penalties. That were significant in order for you to purchase it. Because we didn't want it to be an eye sore and that you would do something positive with it, so the assertions that the Borough is only doing this to make money are, and I am not saying you made these assertions but they are completely false and ridiculous. And one more thing, you said there are six different people who run that Facebook Page, "Get control of it". You know as I was reading through comments there, one person made a threat of physical violence against a Borough employee. That is unacceptable. Our Codes Officers, whether you agree with them or not don't deserve that. Mr. Benjamin said he agrees 100% and I went on there and pretty much told them, listen it is not the council members, its not ya know I know Alvin does for the Coats and I know Joanne does for the renters, landlords association stuff, and Jay Jarrett does for LaSalle Street and I know you have your part that you always give back to the community. Tim Burke I know you are all for the kids, so I was, I guess.....Mr. Petty said the redarick , not from you but the people with the unnecessary redderick are not helping this process, again threats against employees, out right falsities do nothing to move this discussion forward. Mr. Benjamin said he understands. Sometimes the posts get out of control. Council President said he wants the Manager or Codes to find out how quick we can help Mr. Benjamin once he gets the blueprints in, how quick we can get this into a Zoning hearing meeting. Larry Frace said there are 2 processes here, Zoning process and construction permit. Larry doesn't know what prints he needs for the Zoning process. Curt Rider said he doesn't need any prints he just needs to fill out a general zoning application. And that doesn't cost anything just describe what he is doing with the building. Then we would send you a letter approving or denying. Mr. Benjamin said he did a scale drawing. Mr. Hill asked if he turned it in. Mr. Benjamin said it was a huge drawing and had to be scanned down, it is at Karpovich's with the zoning application and a check for \$575.00. Curt Rider said the borough has not received anything as of yet. Mr. Benjamin said he will check with him.

Mr. Hill ok, you know what needs to be done and we will help you as much as we can. Mr. Petty said we can also call Mr. Millard and see if there is anything he can do in Harrisburg to help on that end. Mr. Hill said let's see what the Judge has to say tomorrow. Mr. Benjamin said anyone is welcome to take a look at the building anytime. Mr. Lee Benjamin Sr went on record and said he wants Council to know this is for the kids and he would like to see the lights on until 9 o'clock there every night. Council understands what they are trying to do and they think it is a great idea. Mr. Petty said hopefully now we can move forward. This discussion ended.

- Next up was a resident regarding the sidewalk at 2nd & Market that is in deplorable condition. Attorney Bull's property (the old Historical Society building). People stop at the light and it does not leave a good impression. Council agreed.
- The light at 2nd & Oak is too long. Mr. Hill said for DPW (Jack Kyttle) to have the light inspected tomorrow to make sure it is working correctly.

APPROVAL OF THE MINUTES OF THE PRECEDING MEETING:

- Motion made Councilman Jay Jarrett to approve November 2015 meeting minutes, seconded by Councilwoman Joanne Huntington. All ayes, so ordered, motion passes.

APPROVE PAYMENT OF THE BILLS:

- Motion to approve the bills was made by Councilwoman Joanne Huntington and seconded by Councilman Andrew Shecktor. All ayes, so ordered, motion passes.

A & A AUTO PARTS	8.69	JORDAN HOPPER	113.93
AARON ZANOLINE	75.15	KEN POLLOCK	238.68
AMERICAN FAMILY LIFE ASSURANCE	668.07	KEN POLLOCK	10.66
AMERICAN PAPER & SUPPLY INC	166.27	KENNETH STRISH	792.50
AMERICAN PAPER & SUPPLY INC	122.39	KENNETH STRISH	226.29
ATLANTIC TACTICAL	1,381.45	KENNETH STRISH	38.16
AUTOZONE	61.97	KEPNER, KEPNER & CORBA, P.C.	2,382.50

AVAYA, INC	25.30	KEYSTONE COMMUNICATIONS	123.00
BARLETTA MATERIALS & CONSTRUCT	143.42	KISSINGER'S FLOOR & WALL	20.50
BARRACUDA NETWORKS, INC	1,800.00	KMART STORE #9161	19.04
BARRACUDA NETWORKS, INC	1,298.00	KNORR HAULING, INC.	6,187.50
BARRY'S SERVICE STATION	249.50	LARRY C. FRACE INSPECTIONS, LLC	2,915.00
BERWICK AUTOMOTIVE	79.92	LARRY'S LUMBER AND SUPPLY, INC.	19.38
BERWICK AUTOMOTIVE	709.43	LENDENMANN'S REMODELING	366.00
BERWICK AUTOMOTIVE	175.17	LIGHTFIELD LLR CORP	1,620.00
BERWICK AUTOMOTIVE	77.46	LUZERNE CO COMMUNITY COLLEGE	125.00
BERWICK ELECTRICAL SUPPLY, INC.	17.98	MARIA ASSUNTA SOCIETY	283.15
BERWICK ELECTRICAL SUPPLY, INC.	142.25	MARTY SITLER	233.00
BERWICK FIRE POLICE	761.25	MATTHEWS FUEL SERVICE, INC.	189.37
BERWICK FIRE POLICE	2,444.90	MATTHEWS FUEL SERVICE, INC.	77.14
BERWICK HOSPITAL CENTER	158.00	MATTHEWS SPRING WATER	74.50
BILL GAMBLE	900.00	MATTHEWS SPRING WATER	110.50
BILL GAMBLE	1,082.50	MBC SOLUTIONS	4,568.46
BLOOMSBURG UNIVERSITY	1,000.00	MBC SOLUTIONS	4,112.81
BODNAR SALES & SERVICE	107.11	MCBRIDE MEMORIAL LIBRARY	10,000.00
BORO OF BWK GENERAL FUND	300.00	MEDICO INDUSTRIES	33.43
BORO OF BWK GENERAL FUND	150.00	METROCAST	127.12
BORO OF BWK GENERAL FUND	9,200.00	METROCAST	127.12
BORO OF BWK GENERAL FUND	2,162.49	METROPOLITAN TELECOMMUNICAT	731.63
BORO OF BWK GENERAL FUND	10,155.94	METROPOLITAN TELECOMMUNICAT	765.65
BORO OF BWK MUNICIPAL PENSION	815.73	MICHAEL KLINETO	225.00
BORO OF BWK MUNICIPAL PENSION	1,079.29	MICHAEL KLINETO	1,494.49
BORO OF BWK PAYROLL ACCT	2,242.32	MICHAEL LONG	285.02
BORO OF BWK PAYROLL ACCT	42,171.56	MICHAEL MONICO	225.00
BORO OF BWK PAYROLL ACCT	10,500.06	MICHAEL MONICO	1,096.00
BORO OF BWK PAYROLL ACCT	34,911.05	MICHAEL MONICO	1,096.00
BORO OF BWK PAYROLL ACCT	36,787.63	MICHAEL MONICO	1,096.00
BORO OF BWK PAYROLL ACCT	8,692.24	MICHAEL MONICO	1,096.00
BORO OF BWK PAYROLL ACCT	36,166.36	MICHAEL MONICO	1,096.00
BORO OF BWK PAYROLL ACCT	39,155.71	MID-ATLANTIC FIRE AND AIRE	17.50
BORO OF BWK PAYROLL ACCT	37.05	NEIGHBOR FENCE CO.	2,500.00
BORO OF BWK PAYROLL ACCT	28.46	NEW HOLLAND AUTO GROUP	29,818.00
BORO OF BWK PAYROLL ACCT	300.00	NMS	474.00
BORO OF BWK PAYROLL ACCT	26.47	OSBURN ASSOCIATES, INC	5,002.75
BORO OF BWK PAYROLL ACCT	20.33	P A W C	65.25
BORO OF BWK POLICE PEN TRUST FD	3,671.43	P A W C	62.20
BORO OF BWK POLICE PENSION	980.82	P A W C	2,739.70
BORO OF BWK POLICE PENSION	1,321.19	PAYROLL FORMS COM	100.30
BRADCO SUPPLY CO, INC.	2,280.94	PCCA	250.00
BRANDON SHULTZ	500.00	PENNSY SUPPLY INC	633.00
BUDGET HOST PATRIOT INN	73.58	PENNSYLVANIA ONE CALL SYSTEM	44.45
BULLDOG DIRECT PROTECTIVE SYS	1,148.00	PHILIP MAINIERO	225.00
C.H. RINEHIMER	5.00	PITNEY BOWES GLOBAL FINANCIAL	150.00
CAMPBELL PRINTING CO.	141.11	PITNEY BOWES PURCHASE POWER	402.50
CAMPBELL PRINTING CO.	23.00	PML--MANAGER TRAINING	450.00

CAMPBELL PRINTING CO.	324.00	PPL	687.02
CASSANDRA MOWERY	35.00	PPL	1,324.01
CENTRAL PA TEAMSTERS HEALTH	35,213.55	PPL	52.15
CENTRAL PA TEAMSTERS HEALTH	2,385.30	PPL	270.91
CHARLES GERASIMOFF	14.07	PPL	112.32
CLEVELAND BROTHERS EQUIPMENT	137.60	PPL	13,977.14
COLE'S HARDWARE	73.04	PRESS-ENTERPRISE, INC.	2,454.54
COLE'S HARDWARE	294.55	PRESS-ENTERPRISE, INC.	34.00
COLE'S HARDWARE	13.99	PSAB	60.00
COLE'S HARDWARE	495.58	PSAB	75.00
COLE'S HARDWARE	188.48	QUILL CORPORATION	269.97
COLE'S HARDWARE	63.89	RANDY GAUGLER	225.00
COLUMBIA CTY ASSESSMENT OFFICE	477.85	RANDY GAUGLER	120.00
COMMONWEALTH OF PA	35.00	RANGER HOSE CO	607.43
COMPUTER SOFTWARE, INC.	6,808.00	RANGER HOSE CO	383.33
CRAFCO INC	2,250.00	READING FIRE EQUIPMENT INC.	204.29
CUSTOM ADVERTISING	13.00	REAGAN RAFFERTY	225.00
CUSTOM ADVERTISING	161.75	RELIANCE FIRE CO	383.33
DAN-BER CONCRETE & SUPPLY	1,035.00	ROGER BODWALK	225.00
DEFEBO GRAPHICS	94.00	ROGERS UNIFORMS	1,110.00
DEFENDER FIRE CO.	383.33	ROGERS UNIFORMS	1,886.00
EAGLES FIRE COMPANY	383.33	SCOTT SIENKIEWICZ	225.00
EAST PENN FIRE & EMERGENCY			
SALES	185.00	SCOTT SIENKIEWICZ	73.98
EAST PENN FIRE & EMERGENCY			
SALES	485.50	SEDA-COUNCIL OF GOVERNMENTS	13,940.00
EASTERN PENN SUPPLY CO.	0.75	SEDA-COUNCIL OF GOVERNMENTS	10,050.00
EASTERN PENN SUPPLY CO.	151.73	SQUARE ONE CONSTRUCTION	5,700.00
FASTENAL COMPANY	38.61	STAPLES CREDIT PLAN	771.01
FASTENAL COMPANY	50.80	STAPLES CREDIT PLAN	2,301.63
FF1 PROFESSIONAL SAFETY SERVICES	275.69	STEPHEN LEVAN	225.00
FIRST COLUMBIA BANK & TRUST CO.	1,955.70	STEPHEN LEVAN	363.00
FIRST COLUMBIA BANK & TRUST CO.	1,412.58	STEVE SHANNON TIRE CO	1,191.64
FORT DEARBORN LIFE INS.	890.53	STEVE SHANNON TIRE CO	70.94
FROMM ELECTRIC SUPPLY	821.36	STEVE SHANNON TIRE CO	113.29
FROMM ELECTRIC SUPPLY	62.35	STOPSTICK, LTD.	2,324.00
FROMM ELECTRIC SUPPLY	45.36	SUNTRUST EQUIPMENT FINANCE	2,998.05
GENERAL SALES, INC.	50.95	SUPERIOR PLUS ENERGY SERVICES	45.49
GEORGIE BAGELS INC	55.00	SUPERIOR PLUS ENERGY SERVICES	17.61
GORDY'S HEATING & AIR CONDITION	198.50	SUPERIOR PLUS ENERGY SERVICES	22.61
GOWER'S AUTO REPAIR	724.34	SUPERIOR PLUS ENERGY SERVICES	187.76
GREGORY C. HARKINS	227.50	SUPERIOR PLUS ENERGY SERVICES	119.38
GREGORY C. HARKINS	87.95	SUPERIOR PLUS ENERGY SERVICES	622.88
GREGORY MARTIN	450.00	SUPERIOR PLUS ENERGY SERVICES	384.86
HARRY J FRUECHT	3,800.00	SUPERIOR PLUS ENERGY SERVICES	429.25
HARTMAN & LALLY INSURERS, INC.	9,604.00	SUSQUEHANNA FIRE EQUIPMENT CO	596.05
HARTMAN & LALLY INSURERS, INC.	960.40	TASER INTERNATIONAL	4,173.96
HIGHWAY EQUIP & SUPPLY	274.83	TEAMSTERS	1,358.58

HOLDEN SPRUNG	569.00	THE TIMES LEADER	2,030.70
HOME DEPOT CREDIT SERVICES	88.42	TRACTOR SUPPLY CO	77.97
ICMA RETIREMENT TRUST	2,465.94	TRACTOR SUPPLY CO	104.93
ICMA RETIREMENT TRUST	150.00	TRI-COUNTY HARDWARE	107.23
ICMA RETIREMENT TRUST	1,900.00	TRI-COUNTY HARDWARE	332.13
ICMA RETIREMENT TRUST	150.00	TRI-COUNTY HARDWARE	11.99
ICMA RETIREMENT TRUST	1,715.91	TRI-COUNTY HARDWARE	46.00
ICMA RETIREMENT TRUST	150.00	TRI-COUNTY-LUMBER DIVISION	169.92
ICMA RETIREMENT TRUST	1,848.42	TRI-COUNTY-LUMBER DIVISION	268.00
ICMA RETIREMENT TRUST	150.00	TROY MANEVAL	225.00
ICMA RETIREMENT TRUST	1,922.09	UGI PENN NATURAL GAS	216.29
ICMA RETIREMENT TRUST	150.00	VERIZON WIRELESS	306.56
ICU SURVEILLANCE	65.00	WAGNER'S TROPHIES & ENGRAVEABLES	40.00
JACK KYTTLE	160.00	WALKERS JEWELERS	65.00
JACK KYTTLE	214.96	WASHINGTON NATIONAL INS CO	60.90
JAMES DALBERTO	38.00	WEST BERWICK FIRE CO	383.33
JAMES DALBERTO	112.28	WEX BANK	1,342.81
JAMES DALBERTO	35.00	WEX BANK	51.94
JAMES DALBERTO	15.00	WILLIAMSPORT SUN-GAZETTE	978.70
JERRY'S ENGINE REPAIR	449.95	WISE FOODS	8,395.73
JERRY'S ENGINE REPAIR	76.17	XEROX CORPORATION	448.11
JOHN DEERE FINANCIAL	370.30	YIS/COWDEN GROUP INC.	59.00
JORDAN HOPPER	135.00		

REPORTS of BOROUGH OFFICIAL:

- **BOROUGH MANAGER DEBRA FORCE:** Made follow up to the LCB in regard to the petition for a hearing to consider and exemption from the state regarding music being heard off premises of licensed establishments referring of course to The Brewery. So what council must do if we are interested in proceeding with this is we must do a resolution for a meeting and then with that it must be passed at a council meeting for a petition to the Liquor Control Board to consider an exemption. So then we send the resolution with our current Noise Ordinance with the petition, a map with a description of the area and as well as a 3x3 of the map and a list of all the registered establishments in that area. Plus, a written explanation from Council as to why they are exploring this option. And we send that to the office of the PLC Chief Counsel and they schedule the meeting. The Borough Solicitor holds the hearing. If we are doing it borough wide for every establishment in the borough the meeting can be held here. If it is just for a focus area for one establishment the meeting must be held in that establishment. Councilman Jarrett asked if it was held inside the establishment. Borough Manager Force advised 'yes'. And then the hearing must occur in the place and the time frame is 30-60 days; that is as soon as we do the resolution and submit this petition then we must take

action. So she is currently working on that. And then also an update with the budget. She met with all department heads and is currently working with the Treasurer on the projections for next year so the stratagem here is that by November 25th, next Wednesday afternoon you will have all of your books with the budget like we did last year. She will be delivering them to your homes. And then we will schedule the public budget meeting for December 7th -9th -14th -16th if needed at 6PM. That was all she had.

- CODES OFFICER: See attached report. No questions for Codes.
- POLICE CHIEF: Chief Strish read his report. See attached report. Councilman Jay Jarrett said did not know if any other council members had an opportunity to hear the 911 tape. He heard it on Facebook last Wednesday and was struck by the calmness and professionalism of the officers when this was going on. And one of them is sitting in the back of the room (Detective Martin). For the kind of situation, they were going through, to hear the back and forth on the radio it was like another day at the office and that was really struck me. And if you haven't heard it and can still find it on Facebook it is worth 5 minutes to listen to it.
- DEPARTMENT OF PUBLIC WORKS: Supervisor Jack Kyttle read his report. See attached report. Councilwoman Joanne Huntington said that she wants to sing praises for the DPW crew, they do great work and she thanked Alvin for the idea of putting that work in and he needs thanks too. Councilman Bower said it looks good. Council President Hill said the dedication will be this coming Saturday at 1 o'clock, all the veterans the Amvets the Berwick and Nescopeck VFW have been notified. Councilman Petty said it should also be noted that Alvin hustled all the donations for this facility and it didn't cost the tax payers anything. Mr. Hill said the fountain alone cost \$30,000. that was donated.
- FIRE CHIEF: Wanted to thank everyone for all their support and well wishes there when I went through my valve there. He is not back 100%, he is cleared for only administrative work on. His Deputy Chief Terry Weaver is running on the street fires so we are covered there. He did hand in his budget and monthly reports. See attached report.
- ENGINEER: NOT PRESENT
- SOLICITOR: Nothing to report. Major depositions tomorrow on the Abbonizio case. Vince Kohick who was the Penn DOT representative on

the site is going to be disposed by the Abbonizio's attorney so he expects that to go most of the day. Other than that there is nothing else.

- **MAYOR BURKE:** Is happy to see a couple of people in this room tonight. Detective Martin and Bill Coolbaugh. To viable members of the community that scared the daylights out of half the town during this week. We are glad you are both up and around and well. Thank you. As the Chief that could have been ugly. And he didn't think it could have been handled better. Facebook was going crazy and it would have been a good time to shut it down. People dying, people shot, people running. It was just... he couldn't say enough about our department defused it. It could have been a catastrophe real quick. Other than that on October 29th we went to have lunch and trick or treat at Holy Family School. November 6th we accepted an invitation with Mr. Millard, Mr. Kovach, Mr. Young and Mr. Barletta to do the Salem Township Veteran Memorial dedication. Saturday we went to LCCC to interview with a couple of journalism students. And we have some kind of invitation here from Penn State to attend and speak at an extension of Youth Development Program at the 21st which give us 3 events on the 21st so it is going to be a pretty busy day coming up. And I'll join the crew with saying our DPW crew.... there is nothing they can't do. Councilwoman Huntington agreed. They do whatever you ask them to do. The Mayor said and they do it well and they are well qualified group of people we have put together. And one thing, he welcomed Mr. Shecktor to council.

REPORTS of COMMITTEES:

- **PERSONNEL:** Nothing.
- **LEGAL & FINANCE:** Nothing.
- **PARKS & RECREATION:** Nothing.
- **EMERGENCY MANAGEMENT:** Nothing.
- **STREET, PARKS & BUILDINGS:** Nothing.
- **FIRE & WATER:** Nothing.
- **CODES, RECYCLING & ORDINANCES:** Councilman Bower read the report. See attached.

- SAFETY: Working on renewing state certification, that is the biggest thing. The employees have been pretty safe and following the policies and procedures.
- BAJSA REPORT: Councilman Bower read the report. See report attached.

BUSINESS NOT READY FOR ACTION:

- NONE

OLD BUSINESS:

- Addendum to the Alternative Dispute Ordinance 2015-04 adding a means of appeal. No discussion, a motion was made by Councilman Jarrett and seconded by Councilman Bower. All ayes, so ordered, motion passes.
- Addendum to the Sidewalk Ordinance 2015-08 adding removal violations & penalties. Councilman Meighan said he reads this mean that if you don't have a sidewalk in front of your house you have to go out and shovel a 4 ft. wide path. Councilman Bower said that is correct it is called a footpath and it is in the ordinance. Councilman Meighan said if you look at it, it says you can't have grass in front of your house. Councilman Bower said you can have grass there just shovel a path for snow. Councilman Meighan said it is not very clear. Councilman Schecktor raised concerns that \$100. is too much. He would start it at \$25.00 for the first notice. Mayor Burke agreed. Councilman Bower said the main thing is to keep the sidewalks clear of snow. A motion was made by Councilman Bower and seconded by Councilman Jarrett. Councilman Petty called for a Roll Call Vote.
BOWER: YES, JARRETT: YES, MEIGHAN: NO, SHECKTOR: NO, HUNTINGTON: YES, HILL: YES. Motion passes 5/7.

APPROVAL/INTRODUCTION of ORDINANCES & RESOLUTIONS:

- NONE

New Business:

- Consider and take action to accept the proposed budget for 2016.
 - There is a 1 mil increase in the budget. No discussion. Motion was made by Councilman Meighan and seconded by Councilwoman Huntington. Councilman Petty asked for a Roll Call Vote. BOWER:

YES, JARRETT: NO, MEIGHAN: YES, SHECKTOR: NO, PETTY: NO, HUNTINGTON: YES, HILL: YES. Motion passes 4/3.

- Consider and take action to direct the Borough Manager to advertise for bids on the tax anticipation loan.
 - No discussion. Motion was made by Councilman Bower and seconded by Councilman Shecktor. All ayes, so ordered, motion passes.
- Consider and take action on Mayor Tim Burke's legal invoice payment from Pulliese, Finnegan, Shaffer & Ferentino in the amount of \$760.00.
 - Councilman Petty asked Attorney Kepner if he had in fact advised Council that we must pay this bill. Attorney Kepner said that yes, it was his recommendation that they do. Motion was made by Councilman Jarrett and seconded by Councilman Petty. Roll Call Vote: BOWER: NO, JARRETT: YES, MEIGHAN: NO, SHECKTOR: ABSTAIN, (was not here during this issue), PETTY: YES, HUNTINGTON: NO, HILL: YES. 3/3. Mayor must recuse himself. Mr. Shecktor must vote. SHECKTOR: YES (to put the issue behind us). Motion to pay bill passes 4/3.
- Consider and take action for Councilman Shecktor to attend a Newly Elected Municipal Official Training Boot Camp in Luzerne County on January 15th & 16th for a cost of \$125.00 + mileage.
 - Motion made by Councilman Bower, seconded by Councilman Meighan. All ayes, so ordered, motion approved.
- Consider and take action to approve and advertise the 2016 workshop dates as follows: January 2016; NONE, February 8, 2016, March 14, 2016, April 11, 2016, May 9, 2016, June 13, 2016, July 11, 2016, August 8, 2016, September 12, 2016, October 10, 2016, November 7, 2016, December 12, 2016. All workshop meetings start at 6:00PM unless otherwise listed.
 - No discussion. Motion was made by Councilman Shecktor and seconded by Councilman Jarrett. All ayes, so ordered, motion approved.
- Consider and take action to approve and advertise the 2016 Council Meeting dates as follows: January 4, 2016 (Reorganization & Monthly Council Meeting), February 15, 2016, March 21, 2016, April 18, 2016, May 16, 2016, June 20, 2016, July 18, 2016, August 15, 2016, September 19, 2016, October 17, 2016, November 21, 2016, December 19, 2016. All meetings start at 7:00PM unless otherwise listed.

- No discussion. Motion made by Councilman Petty to approve the meeting dates with the March 21st meeting to be held at the High School at 1:15 once approved by the school district. Motion seconded by Councilman Jarrett. All ayes, so ordered. Motion passes.
- Consider and take action to appoint one (1) member to the Zoning Hearing Board for a five (5) year term.
 - Floor was open to nominees. Councilman Meighan nominated A.D. George. Councilman Jarrett nominated Mr. Gardner. Roll Call Vote. BOWER: A.D., JARRETT: MR. GARDNER, MEIGHAN: A.D. SHECKTOR: MR. GARDNER, PETTY: A.D., HUNTINGTON: A.D., HILL: A.D. A.D. George is appointed to the Zoning Hearing Board by a vote of 5/2.
- Consider and take action to appoint one (1) member to the Planning Commission for four (4) year term.
 - The only person to show interest was Mr. Charles Ligosh, but he did not send a formal letter. Councilman Petty nominated Mr. Ligosh. Roll Call Vote: BOWER: NO, JARRETT: YES, MEIGHAN: YES, SHECKTOR: YES, PETTY: YES, HUNTINGTON: YES, HILL: YES. Mr. Ligosh is appointed by a vote of 6/1.
- Consider and take action to appoint one (1) member to the Code Appeals board for a five (5) year term.
 - No applicants. Councilman Petty asked Nelson Learn if he would like to retain the position. Mr. Learn said no. No one was appointed.
- Consider and take action to appoint one (1) member to the Berwick Area Joint Sewer Authority (BAJSA) for a five (5) year term.
 - Applicants for the position are: Rick Gardner, David Richards, Mike DeMarco, A.D. George, Ben Mike, Nelson Learn. The floor was open to nominations. Councilman Meighan nominated David Richards. Councilwoman Huntington nominated Ben Mike. Councilman Jarrett nominated Nelson Learn. Roll Call Vote. BOWER: Abstain, JARRETT: Mr. Learn, MEIGHAN: Mr. Richards, SHECKTOR: Mr. Mike, PETTY: Mr. Mike, HUNTINGTON: Mr. Mike, HILL: Abstain. Ben Mike is nominated to the BAJSA Board by a vote of 3/1/1.

ADDED ITEMS:

- None

ADJOURNMENT:

- Motion made for adjournment by Councilman Bower.