

FORTY FORT BOROUGH

COUNCIL MEETING

AUGUST 19, 2013

The regular meeting of the Forty Fort Borough Council was held on Monday, August 19, 2013 at the Forty Fort Borough Bldg., 1271 Wyoming Ave., Forty Fort with President Joseph Chacke presiding.

President Chacke called the meeting to order at 7:30 PM with the following council members present: Robert Craig, Dorothy Craig, Karen Martinelli, Charles Rick Kamus & Frank Michaels. Betty Mascelli was excused.

Also present were Mayor Boyd Hoats, Atty. Sam Falcone, Mark Voyack & Carl Schimmel from Quad 3 Group, Chief Daniel Hunsinger, Manager Barbara Fairchild & Secretary Bonnie Arnone.

A moment of silence was held followed by the Pledge of Allegiance to the Flag led by Mayor Boyd Hoats.

APPROVAL OF MINUTES:

Motion by Mr. Michaels to approve the minutes of the July 15, 2013 special council meeting.

Second by Mr. Craig. Roll call showed the following:

YES: Mrs. Craig, Mr. Craig, Ms. Martinelli, Mr. Kamus, Mr. Michaels & Mr. Chacke.

NO: 0

Motion passed.

Motion by Mr. Michaels to approve the minutes of the July 15, 2013 council work session.

Second by Ms. Martinelli. All council was in favor of this motion. Motion passed.

At this time, newly hired part time police officer, Frank Oatridge, was sworn in by Mayor Boyd Hoats.

President Chacke presented Certificates of Appreciation to three lifeguards who will not be returning for next year's pool season: Zachary Holena, Janelle McDaniels & Katelyn Lord, all who have served the borough for several years in that capacity.

CORRESPONDENCE:

Several letters were read from Borough Residents, Contractors & Business Owners to convey to council their dismay at the loss of Stephen Nowroski as the Borough Zoning Officer. Also, letters from USDA stating the approval of the \$1.2 Million dollar road resurfacing Project, Pocono N.E. Resource Conservation & Development Council and letters from Families for Forty Fort Park, updating council on the amount of money they have raised towards the Park Grant. Amy Craig presented the Borough with a check for \$1,000.00. They also ask for permission to use the park once again on Sept. 8, 2013 for another craft fair.

Motion by Mr. Craig to allow Families for Forty Fort Park use of the Park on Sept. 8, 2013 for a craft fair, to waive the transient mercantile tax fee for vendors and to require waivers of liability from all vendors. Second by Ms. Martinelli. All council was in favor of this motion. Motion passed.

RESIDENTS:

Robert Swaback, 15 Susquehanna Ave., Forty Fort, PA stated he was glad to see that the borough had their loans & grants approved. He then inquired about the report from the investigation into the Code Enforcement office. Atty. Falcone stated that the report was not complete as of this time. Mr. Swaback also questioned the appropriateness of reading supporting letters for Mr. Nowroski in view of the ongoing investigation. Atty. Falcone stated that there was no conflict with this.

Joseph Danoski, 1621 Wyoming Ave., Forty Fort stated that the attorney had promised timely, ongoing reports with regard to the Code Enforcement Office investigation. Atty. Falcone disagreed that he had ever stated that there would be intermittent reports on the investigation but only the final report. He also asked why complaints against the Code Enforcement Office have not been read. He questioned if Alan Brezinski had the qualifications to become the Zoning Officer, Flood Plain Administrator & Storm Water Management Officer. Mr. Chacke stated that this appointment of Mr. Brezinski was being made on the recommendation of Manger, Barbara Fairchild, who stated that Mr. Brezinski was qualified to handle these positions. The possibility of making this an acting position and advertise for a candidate with all necessary certifications. Mr. Danoski also questioned transfers from the Sewer Fund into the General Fund. He was told that no such transfers had been made in the recent past.

Jeff McLaughlin, 25 Yates St., Forty Fort also congratulated the borough on obtaining the loan for the street improvements and sewer system upgrades. However, he stated that the residents and taxpayers should be notified of what type of financial impact this loan will have on them. He also stated that there should be a press release stating the borough roads that will be included in the re-pavement project.

Dave Williams, 55 Slocum St., Forty Fort, encouraged council not to bely the appointment of a zoning officer even in a temporary manner. He stated that in the absence of a zoning officer, all requests are automatically approved, which could prove troublesome.

TREASURER'S REPORT:

Motion by Mr. Michaels to accept the treasurer's report of July 31, 2013 as presented. Second by Mr. Kamus. All council was in favor of this motion. Motion passed.

ENGINEER'S REPORT:

Mark Voyack of Quad 3 Group, stated that the sealed bids for the Sanitary Sewer Rehabilitation were opened at a public meeting held at the Borough Building on July 31, 2013 at 12:00 Noon. The bid results were as follows: Mr. Rehab, Inc. - \$1,408,459.40; Miller Pipeline - \$1,445,744.25; Amliner East, Inc. - \$1,600,671.40; Fehlinger Construction - \$1,622,648.00; Insituform Technologies - \$1,704,450.00; IPR Northeast, LLC - \$1,842,085.00; Smart Recycling, Inc. - \$1,847,607.00; Allstate Power Vac - \$1,974,350.00; Leeward - \$2,313,638.00; Abel Recon - \$2,327,705.20. Mr. Voyack stated that he had

checked all bids carefully, checked references and all copies of bids had been sent to the USDA for inspection.

Carl Schimmel of Quad 3 Group stated he had made a visual observation of all borough roadways and rated them on their conditions. He has chosen 10 streets that would fit with the loan amount. He stated that since the bids for the sewer project had come in lower than anticipated, perhaps more streets could be done. Mrs. Craig asked about an alley between Hughes & Owens St. that is in bad shape. She was told that alleys are not a priority, but this particular alley will be having storm drain work done which should help some of the problems. Mr. Chacke asked Quad 3 if they would also survey the streets that will be repaved to see which side of the street could produce the most number of parking spaces.

GENERAL BUSINESS:

Motion by Ms. Martinelli to accept the following department reports: Mayor/Police Dept., Kingston Fire Chief, Code Enforcement Officer & WVSA. Second by Mrs. Craig. On the question, Mr. Michaels asked Chief Hunsinger if the increase in parking fines was due to the new parking ticket program recently purchased. He stated that it was. He was congratulated on the increase in revenue. Mr. Chacke also noted that Officers Stone, Lakkis & McDermott had been responsible for the recent capture of a dangerous sex offender during the course of an enforcement grant shift. He thanked those officers on behalf of council and all residents. All council was in favor of this motion. Motion passed.

Chief Hunsinger was asked if he was close to obtaining the new police cruiser to which he responded we are waiting on approval of paperwork for the loan application. He also noted in his report that he is asking for the approval of adding 8 more hours per week to his part time police shifts to conduct the Commercial Vehicle check program.

Motion by Mr. Craig to allow the scheduling of an extra 8 hours per week for the part time police officers to conduct the Commercial Vehicles Checkpoints. This will be effective until the October 7, 2013 meeting. Second by Mr. Michaels. All council was in favor of this motion. Motion passed.

Motion by Mr. Craig to accept the winter Services Agreement for 2013-2014 from PENDOT in the amount of \$5,008.48. Second by Mr. Kamus. On the question, it was noted that the borough will be paid for the maintenance of the following state roadways in the borough: River St./Rutter Ave., Slocum St. & Dennison St. All council was in favor of this motion. Motion passed.

Motion by Ms. Martinelli to reimburse Ms. Zelinsky \$150.00 for cost-sharing for the removal of a tree. Second by Mrs. Craig. On the question: Mr. Michaels asked if this request had been approved to which he was told that the shade tree commission had approved this request. All council was in favor of this motion. Motion passed.

Motion to issue a Notice of Intent to award the USDA Sewer Rehabilitation Project to Mr. Rehab, Inc. in the amount of \$1,408,459.40 as the low bid. Second by Mr. Kamus. On the question: It was noted that there will be a September award issue with an October 2013 start date. The contract calls for completion in 300 days or 10 months. All council was in favor of this motion. Motion passed.

Motion by Mr. Kamus to adopt a Resolution #15 of 2013 authorizing Quad 3 Group as Forty Fort's HOP (Highway Occupancy Permit) agent as per the recommendation of the Borough Manager. Second by Mr. Michaels. All council was in favor of this motion. Motion passed.

Motion by Mr. Michaels to adopt the Road Resurfacing Loan Resolution #16 of 2013 as presented. Second by Mr. Kamus. On the question: This authorizes the borough to take out the USDA loan of \$1.2 million at an interest rate of 3.5% with 15 years to repay. All council was in favor of this motion. Motion passed.

Motion by Mr. Craig to adopt the West Side COG Resolution # 17 of 2013 for equipment as presented. Second by Mr. Michaels. On the question: Ms. Fairchild explained that the COG will look to purchase 3 pieces of equipment for the member communities use; Vactor, Hot Box (used to pave roads) and a street sweeper. The borough can agree to an agreement to use any or all of these pieces of equipment. Council unanimously agreed to enter into the agreement for all 3 pieces of equipment's use. All council was in favor of this motion. Motion passed.

Mr. McLaughlin, the borough's representative to the WVSA stated that as a member community of WVSA, we can have the use of their Vac Truck for sewer maintenance and in some cases, storm drain maintenance. It was discussed that while this is true, it is usually reserved for emergency situations and not regular maintenance of these drains.

Motion by Mr. Michaels to adopt a policy requiring background checks on all supervisory candidates prior to hiring said candidates. Background checks shall include, at a minimum, criminal record, child abuse clearances, credit & psychological and medical checks. The result of these checks shall be used in a non-discriminatory manner and as regulated and permitted by all applicable laws. Candidates subject to these checks are subject to the previously adopted policy requiring the reimbursement of these checks/exams if they leave (for any reason) in a specified period of time. Second by Mr. Kamus. On the question: Mrs. Craig questioned the validity and need for psychological testing. A lengthy discussion ensued regarding this topic. Roll call voted showed the following:
YES: Mr. Kamus, Mr. Michaels & Mr. Chacke
NO: Mr. Craig, Mrs. Craig & Ms. Martinelli
MAYOR: Yes
Motion passed 4-3.

Motion by Mr. Michaels to appoint Alan Brezinski as acting Zoning Officer, Flood Plain Administrator & Storm Water Management Officer. Second by Mr. Kamus. Roll call vote showed the following:
YES: Mr. Kamus, Mr. Michaels & Mr. Chacke
NO: Mr. Craig, Mrs. Craig & Ms. Martinelli
MAYOR: YES
Motion passed 4-3.

Motion by Mr. Michaels to increase the hourly wage of Alan Brezinski from \$12.00 to \$13.00 for the assumption of new duties. Second by Mr. Kamus. Roll call voted showed the following:
YES: Mr. Kamus, Mr. Michaels & Mr. Chacke
NO: Mr. Craig, Mrs. Craig & Ms. Martinelli
MAYOR: YES
Motion passed 4-3.

Motion by Mr. Michaels to adopt the advertised ordinance for the General Obligation Note USDA Loan for the Sewer Rehabilitation Project. Second by Mr. Craig. All council was in favor of this motion. Motion passed.

Motion by Mr. Michaels to advertise the proposed parking ordinance revisions as presented by Chief Hunsinger for the Sept. 3, 2013 meeting. Second by Ms. Martinelli. All council was in favor of this motion. Motion passed.

Motion by Mr. Michaels to accept the proposal from GBM for the purchase of a refurbished copier for the administration office in the amount of \$1,790.00. Second by Mrs. Craig. All council was in favor of this motion. Motion passed.

At this point of 9:28 PM, council adjourned to Executive Session to discuss legal issues concerning the McLaughlin lawsuit.

Council re-convened the meeting coming back from Executive Session at 9:40 PM.

Atty. Falcone spoke with council about the difference between a Sheriff's sale and an upset sale. In the sheriff's sale, the borough can still recoup on any liens filed on that property. On an upset sale, all liens, etc. are wiped clean.

Council & Atty. Falcone next had a discussion pertaining to the definition of a home business. It was decided that perhaps Atty. Gill, solicitor of the Borough's Zoning Board, could help to make a clear cut decision on what is & what is not considered a home business. Atty. Falcone stated that each case may need to be looked at specifically.

PAYMENT OF BILLS:

Motion by Mr. Michaels to pay all bills as presented. Second by Mr. Kamus. All council was in favor of this motion with the exception of Mr. Craig & Mrs. Craig who abstained on payments to Thomas Craig only. Motion passed.

Motion by Mr. Michaels to sign the Office of Community Development Cooperation Agreement and Survey in the amount of \$140,000.00. Second by Mrs. Craig. On the question: It was noted that income surveys would need to be completed in the areas which work will be performed using this grant. All council was in favor of this motion. Motion passed.

Motion by Mr. Craig to enter into a temporary agreement with BIU for any work unable to be completed by Borough Code Enforcement employees. Second by Mr. Michaels. All council was in favor of this motion. Motion passed.

Motion by Mr. Craig to adjourn the regular meeting at 10:05 PM. Second by Mr. Michaels. All council was in favor of this motion. Motion passed & meeting was adjourned.

Respectfully submitted,

Bonnie Arnone
Secretary

FORTY FORT BOROUGH

WORK SESSION

AUGUST 19, 2013

The August work session of the Forty Fort Borough Council was held on Monday, August 19, 2013 at the Forty Fort Borough Bldg., 1271 Wyoming Ave., Forty Fort, with President Joseph Chacke presiding.

President Chacke called the meeting to order at 10:06 PM immediately following the adjournment of the regular August council meeting. Council members present were: Robert Craig, Dorothy Craig, Charles Rick Kamus & Karen Martinelli. Karen Martinelli left the meeting prior to the work session and Betty Mascelli was absent.

Also present were Mayor Boyd Hoats, Chief Daniel Hunsinger, Manager Barbara Fairchild & Secretary Bonnie Arnone.

Items discussed were:

- No viable applications had been received for the position left vacant by Stephen Nowroski.
- Council was asked to closely examine all proposals received for the position of Third Party Inspection Agencies with the hopes of awarding at the 9/3/13 meeting.
- Mr. Dave Williams of BIU, whose agency has submitted a proposal for this position, spoke on the benefits of his company.
- The maps relative to the evaluation of streets is available for viewing.
- Letter from Quad 3 stating that additional work may be done on the road paving project due to the low bid amount for the sewer rehabilitation project.
- Discussion as to if the Solicitor and/or engineers could attend the Planning Commission meetings.
- Update on composting location for the borough.
- Disaster Recover Grant application – Manager working with engineers.
- No response from Gower's regarding pump station on their property. Borough Manager directing funding toward creek projects.

With there being no further business to discuss, work session was adjourned at 10:15 PM.

Respectfully Submitted,

Bonnie Arnone
Secretary