

FORTY FORT BOROUGH
COUNCIL MEETING MINUTES

AUGUST 6, 2012

The regular meeting of the Forty Fort Borough Council was held on Monday, August 6, 2012 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 absent due to hospitalization.

Also present were Mayor Boat Hoats, Atty. Samuel Falcone, Tom Williams from Quad 3 Group, Barbara Fairchild, Manager & Bonnie Arnone, Borough Clerk.

Invocation was led by Pastor Philip Ike of the Forty Fort Methodist Church following by the Pledge of Allegiance to the Flag.

APPROVAL OF MINUTES:

Motion by Ms. Martinelli to approve the minutes of the July 16, 2012 work session. Second by Mrs. Craig. Correction noted that Mr. Craig will begin a new job in Philadelphia not Harrisburg.

All council in favor of the motion with noted correction. Motion carried.

Motion by Mrs. Craig to approve the minutes of the July 2, 2012 regular council meeting. Second by Mr. Craig.

Roll call showed all council present to be in favor of the motion. Motion carried.

COMMUNICATIONS:

There was no communication to be read at this time.

RESIDENTS AND TAXPAYERS COMMENTS & PETITIONS REGARDING AGENDA ITEMS ONLY:

Sherri Yeninas, 11 Oneida Place, Forty Fort, presented council with a petition signed by 175 individuals who want to keep the pool open longer than the scheduled closing date of August 12, 2012. She stated that the guards are willing and able to work and the chemicals are already purchased to treat the pool through the extended period of time. She would like to have the pool open until Sunday, August 19, 2012 and then re-open for the Labor Day Weekend of Sept. 1, 2 & 3rd, 2012.

Andy Tuzinski, 501 River St., Forty Fort, asked if anyone on council was aware that no funds from the employee's payroll checks for their pension had been transmitted to the Pension fund since the end of January 2012. Mr. Tuzinski further asked council if they were aware that since December of 2011, a wireless feed has been in place that is paid by the borough every month that allows President Chacke have access to view the cameras located in various locations throughout Forty Fort Borough from his personal computer. Several council members stated that they were unaware of both these situations and questioned why Mr. Chacke had this ability to view the cameras from his home. Mr. Chacke

answered that it was a personnel matter. Mr. Michaels did review his notes and state that the subject had been discussed possibly during an Executive Session held on December 11, 2011.

Mr. Tuzinski asked Mr. Chacke if the employment agreement had been signed for Borough Manager, Barbara Fairchild, and if so when had it been signed. Mr. Chacke stated that it had been signed sometime in the prior week. Mr. Tuzinski questioned why the delay in signing the agreement.

Regarding the agenda item concerning the return of recycle fees to businesses, Mr. Tuzinski petitioned council to table the motion until further information could be gathered on this subject. Ms. Fairchild explained that recycle fees have been being charged to commercial establishments despite the fact that every tax ordinance over the past several years has shown a recycle fee amount for residential establishment and nothing noted for commercial properties.

Motion by Mr. Craig to table the motion to direct the tax collector to reimburse collected 2012 recycling fees from commercial entities until further investigation. Second by Ms. Martinelli.

All council present were in favor of this motion.

Motion carried.

Mr. Tuzinski asked that council re-consider the closing of the pool on August 12, 2012 and keep it open as requested by the residents, lifeguards & Mrs. Yeninas. Mr. Craig asked what it cost to run the pool for a day. He was told that a figure for that could not be given. Mr. Michaels asked if we had enough chemicals to cover the entire length of extra days the pool would be open as requested. He was told there was.

Motion by Ms. Martinelli to keep the pool open every day until August 19, 2012, then close until Saturday, Sept. 1 and remain open through the Labor Day weekend of Sept. 2 & 3, 2012.

Roll Call showed all council present in favor of this motion.

Motion carried.

Mr. Tuzinski petitioned council to ask Mr. Chacke for reimbursement of the cost of the data feed into his personal computer to view the cameras since council was saying they were unaware of the situation & never authorized it.

Mr. Tuzinski asked about Mr. Chacke's new job as the Executive Direction of Community Development with the city of Pittston. He asked where his loyalties would lie when it came to grants. He then asked Joe to resign his position as president of council due to his new job duties in conflict with his position here. Mr. Chacke refused to resign. Mr. Tuzinski then petitioned council to reorganize council and remove Mr. Chacke as president.

Motion by Ms. Martinelli to reorganize council. Second by Mrs. Craig.

Roll Call showed the following

YES: Mrs. Craig, Mr. Craig & Ms. Martinelli

NO: Mr. Michaels, Mr. Kamus & Mr. Chacke

Mr. Tuzinski stated that Mr. Chacke should abstain from voting to which Mr. Chacke responded that he would not abstain. Mr. Tuzinski stated that Mr. Chacke was in violation of the Hatch Act as he was engaging in Partisan Political activity. As there was a tie vote at this point, Atty. Falcone was asked for a legal opinion as to whether the Mayor would be able to vote to break the tie. A brief recess was taken to enable Atty. Falcone to investigate this question. Recess was called at 8:24PM & council was back at 8:30PM.

Atty. Falcone stated after the recess that the Mayor has the ability to vote or he can request the matter be tabled for up to 10 days. Mayor Hoats voted "NO".

Motion Failed 4-3.

TREASURER'S REPORT:

Motion by Mr. Michaels to accept the treasurer's report as presented by Mrs. Fairchild. Second by Mr. Craig.

All council present were in favor of this motion.

Motion carried.

ENGINEER'S REPORT:

Mr. Tom Williams from Quad 3 Group reported that he will take questions on the two projects that they are working on: the sewer cleaning & televising and the street condition survey. Several council members reported that there are holes & dips occurring in roads that are currently being re-surfaced through PAWC such as Tripp & Dana Sts. Mrs. Fairchild stated that she has spoken with the water co & American Asphalt and that it should be taken care of.

GENERAL BUSINESS:

Motion by Mr. Kamus to accept the reports of the Mayor/Police Dept., Kingston Fire Chief & Code Enforcement Officer. Second by Mr. Michaels.

Roll call showed all council present in favor of this motion.

Motion carried.

Motion by Mrs. Craig to solicit quotes/rates for a loan to bridge the EIT revenue gap. Second by Mr. Michaels. On the question, Mr. Craig asked the status of the DWA debacle of collection & how long this can possible continue. He was told that this could take up to 18 months to correct.

All council present were in favor of this motion.

Motion carried.

Mr. Craig made a motion to give Kingston Borough 60 days notice of Forty Fort's intention to rescind the Agreement we have with them regarding the Fire Dept. stating that we could save \$90,000.00 per year. Second by Ms. Martinelli.

On the question, a lengthy discussion was held regarding the Agreement with Kingston Borough, the performance of that Agreement, etc.

Roll call vote showed the following:

YES: Mrs. Craig, Mr. Craig & Ms. Martinelli.

NO: Mr. Michaels, Mr. Kamus & Mr. Chacke

Mayor broke the tie vote with a "NO" Vote

Motion failed 4-3.

Motion by Mr. Michaels to withhold Council & Mayor pay until such time that EIT revenue is restored. Second by Mrs. Craig. On the question: This will begin in Sept. 2012 & remain in effect until council votes to reinstate payments.

All council present were in favor of this motion.

Motion carried.

Motion by Mr. Michaels to restrict overtime to declared emergencies only with all other overtime being unauthorized. Second by Mr. Craig.

All council present were in favor of this motion.

Motion carried.

Motion by Mr. Michaels to advertise the Noise Ordinance Amendment for consideration at the Sept. Meeting. Second by Mr. Kamus. On the question, Ms. Martinelli stated that the language of the amendment still disallowed home improvement jobs on legal holidays. Mr. Michaels agree to rescind his original motion to add that the language "with the exception of Legal Holidays" be included. This change will be made in the Ordinance Amendment prior to the vote in September.

All council were in favor of this motion.

Motion carried.

Following an explanation by Planning Commission member, Jeff McLaughlin to council regarding the subdivision plans, motion by Mr. Craig to approve the Plans for the Minor Subdivision for 1898 Wyoming Ave. & 1902 Wyoming Ave as recommended by Luzerne County Planning Commission, Forty Fort Planning Commission and Quad 3 Engineers. Second by Ms. Martinelli.

All council were in favor of this motion.

Motion carried.

RESIDENTS AND TAXPAYERS COMMENTS & PETITIONS FOR GENERAL PURPOSES:

Robert Swaback, 15 Susquehanna Ave., Forty Fort questioned the failure to submit pension deductions from employees paychecks to the proper entities and asked if the funds had been in an interest bearing account or if there were penalties to the borough for this oversight. He further stated that he sees many properties with visible work being done without permits being displayed.

Joe Homza, 34 Center St., questioned council about the fact that Chief Lahovski has his Certification numbers in Forty Fort Borough as well as Nazareth Borough and the fact that his original employment agreement did not allow for him to be employed full time in another municipality. Atty. Falcone stated that he had answered Mr. Homza on this issue and due to pending litigation, council should refrain from releasing any more information at this time.

Mr. Tuzinski, 501 River St., Forty Fort asked if anyone from Forty Fort had been in attendance at the recent negotiation meeting for the Fire Dept. contract which is expiring at the end of 2012. Mr. Chacke stated that he had not attended the meeting. He then asked who was on the committee to which he responded Mr. Kamus, Mr. Michaels & himself. Mr. Chacke was asked why Mrs. Fairchild had not been invited to attend these meeting as the Borough Manager.

Jeff McLaughlin, 25 Yates St. , Forty Fort, asked if the Chief Lahovski was hired as an Administrative Chief of an actual officer. Mr. McLaughlin also asked if the Borough Solicitor would look into if council explanation for holding Executive Session saying it was "Personnel" matters was sufficient or if the public was entitled to have more information.

Carol Seltzer reported on some damaged trees and asked that Wyoming Ave. be cleaned up of weeds & grass.

EXECUTIVE SESSION:

At this time, 10:00 PM, council adjourned to Executive Session to discuss Personnel issues & Litigation issues. Council returned from Executive Session at 10:54 PM.

MOTIONS RELATING TO MATTERS DISCUSSED IN EXECUTIVE SESSION:

Motion by Mr. Craig to authorize payment of \$300.00 for Drug & Alcohol Assessment for an employee. Second by Mrs. Craig.

All Council present were in favor of this motion.

Motion passed.

President Chacke recessed the meeting which will continue prior to the work session on Monday, August 20, 2012 at 7:30 PM.

Respectfully Submitted,

Bonnie Arnone
Borough Clerk