

FORTY FORT BOROUGH

COUNCIL MEETING

DECEMBER 1, 2014

The December meeting of the Forty Fort Borough Council was held on Monday, Dec. 1, 2014 at the Borough Building, 1271 Wyoming Ave., with President Jeff McLaughlin presiding.

President McLaughlin called the meeting to order at 7:30 PM with the following council members present: Deborah Troy, Dorothy Craig, Robert Craig, Charles Rick Kamus & Frank Michaels. Karen Martinelli was absent.

Also present was Mayor Andy Tuzinski, Atty. John Haley, Chief Dan Hunsinger, Rich Kresge from Quad 3 Group, Barbara Fairchild, Manager & Bonnie Arnone, Secretary.

Invocation was led by Reverend Lukish followed by the Pledge of Allegiance to the Flag led by Mayor Tuzinski.

APPROVAL OF MINUTES:

Motion by Mrs. Craig to approve the minutes of the November 3, 2014 council meeting. Second by Ms. Troy. All council was in favor of this motion, with the exception of Ms. Martinelli who abstained due to her absence at this meeting. Motion passed.

Motion by Mr. Craig to approve the minutes of the November 17, 2014 special council meeting. Second by Mrs. Craig. All council was in favor of this motion. Motion passed.

Motion by Ms. Troy to approve the minutes of the November 17, 2014 work session. Second by Mr. Craig. All council was in favor of this motion. Motion passed.

CORRESPONDENCE:

Ms. Fairchild read thank you notes from the McGough & Perugino families for the Borough's quick actions during the recent fire at their residence. A letter of resignation from Eleanor Babonis, the Health Officer, was read. A PP&L downstream notification from DEP was read. Approval from USDA to proceed with the bidding process for the road paving project. This will be done sometime in February or March 2015.

Motion by Mr. Craig to accept, with regrets, the resignation of Eleanor Babonis as Health Officer. Second by Mrs. Craig. All council was in favor of this motion. Motion passed.

RESIDENTS AND TAXPAYERS COMMENTS & PETITIONS REGARDING AGENDA ITEMS ONLY:

Robert Aumick, 31 Cayuga Place, Forty Fort spoke with council about the proposed parking restrictions on Cayuga Place. He presented pictures showing that he felt the other side of the street should be the side to restrict parking. Chief Hunsinger stated that he felt restricting parking on the odd side of the street was in the best interest of safety. Council will defer to the Chief's recommendations.

Dave Repshas, 135 Center St., Forty Fort asked about the paving project being delayed until spring 2015. He again asked council to reconsider the addition of Center St. between Walnut St. & Fort Street to the paving project.

TREASURER'S REPORT:

Motion by Mr. Craig to accept the Treasurer's Report of November 30, 2014 as presented. Second by Mrs. Craig. All council was in favor of this motion. Motion passed.

ENGINEER'S REPORT:

Rich Kresge of Quad 3 Group reported that the Sanitary Sewer Project is winding down with some minor work being completed. River St. will be done in late spring 2015, although they may try to do the ADA ramps sooner.

Regarding the Street paving project, USDA has completed their review and given authorization to proceed with the bidding process. In view of previous problems with PENDOT, the bidding will be held until the HOP is in place.

Regarding PENDOT's requirement to prove ownership of borough roads, Mayor Tuzinski visited PENDOT where it was determined that a Resolution in which Forty Fort Borough acknowledges the ownership of borough roadways to be paved would be sufficient.

Motion by Mr. Craig to adopt Resolution # 24 of 2014 acknowledging ownership of all borough roads to be paved. Second by Mrs. Craig. All council was in favor of this motion. Motion passed.

GENERAL BUSINESS:

Motion by Mr. Craig to accept the following department reports: Mayor/Police Dept., Forty Fort Fire Chief, Kingston Fire Chief, Code Enforcement Officer & Safety Committee. Second by Mrs. Craig. All council was in favor of this motion. Motion passed.

Ms. Fairchild gave the following presentation on the MS4 Outfall:

As part of our requirements for MS4 renewal permit applications DEP is requiring criteria to be met for NPDES so that municipalities separate storm sewer systems. In 2012 we passed the Storm water management Ordinance to be in compliance and are required to show a storm water management program for Best management practices and measurable goals to comply with the NPDES Municipal Separate Storm Sewer System MS4 General permit.

Representatives of Quad 3 Engineering & I have met since August of 2012. Since that time we have prepared a map of all of the locations of the Outfalls, included the latitude and longitude of each outfall and placed it also on the map, prepared a list of all residents near each location, started a Public Outreach and Storm water impact educational program, are preparing a notice for the public to attend a meeting for public participation and holding an annual meeting to discuss Storm water management on the agenda. We are finalizing a written program for detection, elimination and prevention of illicit

discharges into a regulated MS4. We will also be preparing a flyer to provide to residents and business owners and putting a link on the website.

Construction site storm water runoff control will also be part of the program in order to satisfy all requirements. Any post construction will also be addressed which is part of the storm water ordinance currently being followed.

We also want to promote good housekeeping and municipal operations. We pay toward the maintenance costs for use of the W Side Cog equipment which by utilizing the Vac Machine we have been able to clean the storm basins, street sweeper to remove all debris from entering the storm basins and inspections from Code Enforcement staff to reduce any discharge of pollutants from municipal operations to the regulated MS4. We also want to be a part of promoting Green Infrastructure.

Motion by Mr. Michaels to name William Flock of the Flock Ins. Agency as the Borough's Broker of Record and accept the insurance proposal from him as presented for a total cost of \$146,625.00 for the year 2015 for all necessary insurances and without the Terrorism Insurance. Second by Mr. Kamus. On the question: This policy does include the base model of the cyber security insurance. All council was in favor of this motion. Motion passed.

Motion by Mr. Craig to choose the \$7500.00 deductible for employee's BC/BS plans which will result in a savings of 6% of the premium unless this proves to be a problem with the employees and/or the CBA in place. Second by Mrs. Craig. On the question: Employee's are reimbursed for their deductibles and this does not violate any of the current Contracts. All council was in favor of this motion. Motion passed.

Motion by Mr. Michaels to accept the proposal from First Keystone Bank for the 2015 TAN at an interest rate of .74%. Second by Mr. Craig. On the question: Ms. Fairchild stated that the other banks who presented proposals were Landmark at a rate of 1.99% and M&T Bank at a rate of 2.25%. All council was in favor of this motion. Motion passed.

Officer Brian Casella received a Letter of Commendation from Forty Fort Borough Council for his involvement in a homicide investigation that occurred during the evening hours of December 17, 2013. John Dulsky was shot and killed by Brian Pavia after they argued and fought while Pavia was picking up a snow blower at a Law Office on Wyoming Avenue in Forty Fort. Officer Casella was the first officer on-scene and was assigned by Chief Daniel Hunsinger as the lead investigator for the Forty Fort Police Department. Officer Casella was assisted by Luzerne County Detective Lieutenant Christopher Lynch during the investigation.

Pavia was attempting to claim that he shot Dulsky in self-defense, however due to Officer Casella's actions during the initial response to the incident and the thorough investigation that followed by he and Detective Lynch, prosecutors were able to secure a third degree murder plea from Pavia.

Officer Casella was commended for his investigative efforts and the professionalism he demonstrated during this tragic incident.

Officer Peter Lakkis received a Letter of Commendation from Forty Fort Borough Council for his heroic actions on October 27, 2014 during a house fire at 24-26 Yates Avenue in Forty Fort Borough.

Officer Lakkis arrived on-scene within 45 seconds of the call coming in. When he arrived on-scene, the fire had fully involved the front of the second floor of 24 Yates with flames bellowing out the windows. Officer Lakkis immediately began to evacuate the residents, including a wheelchair bound amputee to safety. After getting the man to safety, he immediately returned, this time with the assistance of other first responders, in an attempt to effect the rescue of Rosalie McGough from the fully involved second floor of the structure.

Without the protection of firefighting gear, the extreme heat and smoke from the fire made it impossible for them to reach the second floor and sadly Mrs. McGough perished in the fire. The heat was so intense that it actually melted the finish off of Officer Lakkis's police badge.

Officer Lakkis was commended for his extraordinary efforts without regard to his personal safety in saving the lives of several residents and his heroic attempt to save the life of Rosalie McGough.

Motion by Mr. Michaels to approve John Lohman, Tax Collector for Luzerne Borough as the deputy of choice for our Tax Collector Ron Jeffrey. Second by Mr. Craig. On the question: It was noted that this is a mandate of the County and Mr. Lohman is naming Mr. Jeffrey as his deputy of choice for Luzerne Borough. All council was in favor of this motion. Motion passed.

Motion by Mrs. Craig to advertise Ordinance #4 of 2014 for a compliance amendment to the Forty Fort Borough Police Pension Plan and Amendment to the Pension Plan. Second by Mr. Craig. On the question: Ms. Fairchild noted that this is keeping in line with new laws regarding the spouse clause allowing for same sex marriages. All council was in favor of this motion. Motion passed.

Motion by Mr. Michaels to advertise Ordinance #5 of 2014 for a compliance amendment to the Forty Fort Borough Fire Pension Plan and Amendment to the Pension Plan. Second by Mr. Craig. On the question: It was noted that this is necessary in keeping with the new laws regarding the spouse clause allowing for same sex marriages. All council was in favor of this motion. Motion passed.

Motion by Mr. Michaels to advertise Ordinance #6 of 2014 naming the access road to the Luzerne County Recreation Complex off Wyoming Ave. as Camryn Way in memory of Camryn Lee Shultz who died on October 27, 2013 in Forty Fort Borough. Second by Mr. Craig. All council was in favor of this motion. Motion passed.

Chief Hunsinger stated that a ceremony will be held at a time to be announced for the dedication of Camryn Way with guest speakers and family & friends. Council thanked Chief Hunsinger for all the work he has done to accomplish this dedication to Camryn. Chief Hunsinger thanked council for permission to do so.

Motion by Mr. Craig to approve the Janet Weiss 5K run for May 31, 2015 for the Children's Miracle Network. Second by Mr. Kamus. All council was in favor of this motion. Motion passed.

Atty. Haley stated that Jeff McLaughlin was appointed to fill the unexpired term of Pat Judge on the WVSA Board as Forty Fort's representative which will expire on December 31, 2014.

Motion by Mr. Kamus to appoint Jeffrey McLaughlin to a five year term as the Forty Fort Representative to the Wyoming Valley Sanitary Authority Board. Second by Mrs. Craig. All council, with the exception of Mr. McLaughlin who abstained, was in favor of this motion. Motion passed.

Motion by Mr. Craig to adopt the 2015 budget as presented. Second by Mrs. Craig. On the question: It was noted that this budget calls for a 1.98 mill increase which brings the total millage to 5.59 mills; there will be no cuts in services or layoffs from any departments. All council was in favor of this motion. Motion passed.

Chief Hunsinger thanked council for not making any cuts to the police department. Ms. Fairchild thanked Jeff McLaughlin for the time he put into preparing the budget.

Motion by Mr. Craig to advertise Ordinance #7 of 2014 the 2015 Tax Ordinance. Second by Ms. Troy. All council was in favor of this motion. Motion passed.

Motion by Mr. Craig to hold a special meeting of council on Monday, December 15, 2014 at 7:30 PM to pass the 2015 Salary Resolution. Second by Mr. Kamus. All council was in favor of this motion. Motion passed.

Ms. Fairchild asked council to review the current signage ordinance which states that any sign over the size of 2 X 3 X 3 must apply for a zoning variance which could result in costs upwards of \$1,000.00.

Motion by Mr. Craig to authorize the Borough Manager to work with Robert Pugh of the Fire Department and Mayor Tuzinski to proceed with billing procedures allowable through borough ordinance for emergency responses by Forty Fort Emergency Personnel. Second by Mr. Kamus. All council was in favor of this motion. Motion passed.

Motion by Mr. Kamus to hire Ian Byczek as a part time police officer pending his background check and physical. Second by Mr. Michaels. On the question: Chief Hunsinger stated that Ian had been a part time officer with Forty Fort previously before leaving the area. The department is in need of more part time officers. All council was in favor of this motion. Motion passed.

OPEN DISCUSSION:

Mr. Kamus asked if UGI had a permit for the work being done on Fort St. & Butler St. He stated that although the permit fees had been waived, the permit would ensure the borough of proper workmanship. Several accounts of dangerous situations on these streets being worked on by UGI sub contractors were discussed. Ms. Fairchild will continue to contact the utility companies and keep council updated.

Mr. Craig asked if the prior Code Enforcement Officer, Steven Nowroski, was bonded and if so, would that cover his decision to conduct rental registrations and inspections every other year instead of every year as the ordinance calls for. He was told that all employees have an employee dishonesty bond on them. Atty. Haley stated that a dishonesty bond would cover any type of thefts but not the individual's lack of job performance.

Mayor Tuzinski reported that the Chief's Report showed 52 citations issued through the latest wave of the Aggressive Driving Program. Chief Hunsinger stated that through the Lions Club's donation, the borough was able to purchase three Active Shooter Armor kits that will be placed in each police vehicle.

Mayor Tuzinski stated that Office William Stone was very helpful during the Thanksgiving Turkey Trot that went very smoothly. He stated that Officer Stone also responded to a "shots fired" call near the cross valley dike area where duck hunters were found to be hunting. Upon further investigation, as per State Law, they were allowed to be in that area due to being more than 150 yards from any structure. Mayor Tuzinski stated that he would like to see "No Trespassing" signs on the levee area; if the county levee authority would institute such a rule, would Forty Fort Police be authorized to enforce that.

Mayor Tuzinski also stated that in the Forty Fort Fire Chief's report, it was noted that the Volunteer Fire Dept. pays for the Air card for the department which is a savings for the borough.

PAYMENT OF BILLS:

Motion by Mr. Craig to pay all bills as presented. Second by Mr. Michaels. All council was in favor of this motion. Motion passed.

EXECUTIVE SESSION:

At 9:20 PM, council adjourned to Executive Session to discuss Contract items for the Fire Department.

Council re-convened with instructions to Manager, Barbara Fairchild, to draft a letter to George Tomasak, union representative for the Forty Fort Fire Fighters, to request feedback from the recent meeting with the Firefighters & President McLaughlin & V-P Craig regarding CBA issues.

Council will hold a special meeting on Monday, December 15, 2014 at 7:30 PM which will be followed by the December work session of council.

With there being no further business to discuss, a motion to adjourn was made by Mr. Kamus at 9:55 PM and a second by Mr. Craig. All council was in favor of this motion. Motion passed.

Respectfully submitted,

Bonnie Arnone
Secretary

