

## FORTY FORT, PA

December 7, 2009

## Public Hearing

A public hearing was held on December 7, 2009 at 7:00 p.m. at the Forty Fort Borough Building, 1271 Wyoming Avenue, Forty Fort, for public comment on the codification of the Forty Fort Borough ordinances.

Mr. Dave Williams chaired the meeting, explained the codification process, and answered any questions that the audience may have had.

The public hearing closed at 7:27 pm.

## FORTY FORT, PA

December 7, 2009

## Regular Meeting of Council

The regular meeting of Forty Fort Borough Council was held on Monday, December 7, 2009 at the Forty Fort Borough Building, 1271 Wyoming Avenue, Forty Fort, with President Joseph Chacke presiding.

Council Members present were as follows: Robert Craig, Charles Kamus, Betty Mascelli, Frank Michaels, Dave Williams, Richard Yingst, and President Joseph Chacke. Deanna Brown and James McCabe were absent.

Also present were Mayor Boyd Hoats Jr., Borton-Lawson Engineering Representative Dave Yefko, Solicitor Samuel A. Falcone, Junior Councilperson Ted Ritsick and Borough Secretary/Coordinator Denise Syms. There were twenty-one (21) visitors present.

President Chacke called the meeting to order at 7:30 p.m.

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

APPROVAL OF MINUTES:

Motion by Mr. Williams to approve the minutes of the regular meeting of Council held on November 2, 2009 and continued on November 16<sup>th</sup> as presented. Second by Mr. Craig.

On a roll call vote members voted as follows:

Yes: Robert Craig, Charles Kamus, Betty Mascelli, Frank Michaels, Dave Williams, Richard Yingst, and President Joseph Chacke = 7

No = 0

Abstentions = 0

Motion passed without dissent.

#### COMMUNICATIONS:

Mrs. Syms read the following communications:

A letter of resignation from the Forty Fort Borough Zoning Hearing Board was received from Dorothy Craig.

Motion by Mr. Yingst to accept Mrs. Craig's resignation. Second by Mr. Williams.

On the question, President Chacke thanked Mrs. Craig for her fourteen years of service.

Motion passed without dissent.

A letter was received from the Forty Fort Cemetery Association requesting a donation.

#### RESIDENTS AND TAXPAYERS COMMENTS PETITIONS:

Robert Cole, 76 Walnut Street, discussed the trouble with 69 Walnut Street and that the police were there for underage drinking.

Marilyn Curry, 63 Walnut Street, discussed problems with 69 Walnut Street and the underage drinking at the residence.

Darryl Curry, 63 Walnut Street, also discussed the problems with 69 Walnut Street.

Jim Rittinger, 70 Walnut Street, discussed the problems with 69 Walnut Street.

Judy McAndrew, 90 Center Street, discussed the problems with 69 Walnut Street.

Carol Ann McLaughlin, 29 Yates Street, read a written statement regarding Pat Judge's appointment to the WVSA, the appointment of TransMed, the rights of the residents, and various other comments.

Jeff McLaughlin, 29 Yates Street, read a written statement regarding the appointment of a Forty Fort WVSA representative.

Dorothy Craig, 1823 Murray Street, discussed the appointment of a WVSA representative.

Mildred Urban, 75 Walnut Street, discussed the problems with 69 Walnut Street.

Pat Judge discussed his qualifications and what he did for Forty Fort as the Forty Fort representative on the WVSA board.

William Black, 1088 Murray Street, spoke on behalf of the WVSA and Pat Judge.

#### TREASURER'S REPORT:

Motion by Mr. Craig to approve the Treasurer's Report of November 20, 2009 as presented. Second by Mr. Yingst.

Motion passed without dissent.

#### ENGINEER:

Mr. David Yefko stated that the problem with the trees along Abrahams Creek has been rectified with Luzerne County.

Mr. Yefko also discussed the Welles Street Project, a complaint about an inlet in front of 106 Welles Street, and traffic on the alley at Yates Street.

Motion by Mr. Craig to make the alley one-way from Shoemaker to Yates going toward Shoemaker Street. Second by Mr. Williams.

On the question, Mr. Michaels asked Mr. Yefko if he recommended that no traffic study be done. Mr. Yefko stated that he has yet to find someone at Penn DOT that confirms that a traffic study needs to be done. Discussion ensued as to whether a traffic study needs to be done or not.

Mr. Kamus is not against making it one-way and if Penn DOT files against the borough to reverse the decision. The borough would only lose the cost of the signs.

Mr. Michaels asked if the motion can be changed to do it for a certain amount of time for monitoring. Mr. Craig does not have a problem with changing the motion to include a six month time period.

President Chacke asked Solicitor Falcone if the borough illegally make the street one-way (by not following the necessary requirements) and someone is in an accident and killed what is the borough's legal liability. Attorney Falcone stated that there is always the potential for that type of liability. Attorney Falcone stated that if they change the flow of traffic it must be done by ordinance, so it cannot be done tonight. Attorney Falcone is unaware of a formal traffic study needing to be done.

Mr. Craig revised his motion to be "authorizing the solicitor to prepare an ordinance making the alley (Turkey Hill Alley) between Yates Street and Shoemaker

Street one-way going towards Shoemaker Street.” Mr. Williams agreed to the changed ordinance.

President Chacke stated that we are receiving liquid fuel funds for the alley and that it is on the Penn Dot map for liquid fuels funding.

Motion passed without dissent.

Discussion ensued regarding the Yates Street line of sight triangle that would reduce the number of parking spots on the corners surrounding the alley between Wesley Street and Yates Street and Turkey Hill Alley (between Yates Street and Shoemaker Street).

#### GENERAL BUSINESS:

Motion in toto by Mr. Yingst to accept the reports of the Mayor/Police Department, Code Enforcement Officer, WSL Representative and Shade Tree Commission. Second by Mr. Kamus. Motion passed without dissent.

Motion by Mr. Williams to approve the draft 2008 audit as presented. Second by Mr. Yingst.

Motion passed without dissent.

Motion by Mr. Craig to contract with Zavada & Associates to perform an audit for all the borough’s accounts for the year ending December 31, 2009. Second by Mr. Williams.

On the question, Mr. Craig asked if Zavada has been doing it for years. President Chacke said “yes.”

Motion passed without dissent.

Motion by Mr. Yingst to pay William Bookwalter a treasurer’s gratuity of \$400. Second by Ms. Mascelli.

On the question, Mr. Michaels asked that since this is a budgeted item if this is for 2010. President Chacke explained that it is for 2009.

Motion passed without dissent.

Motion by Mr. Williams to adopt the tax ordinance as presented. Second by Mr. Craig.

On the question, President Chacke asked that the motion be changed to reflect changes to the ordinance that weren’t in the original advertised tax ordinance. The recycling fee was increased from fifty dollars (\$50.00) to fifty-five dollars (\$55.00) per year and the sewer fee was increased from thirty-five dollars (\$35.00) for residential to forty dollars (\$40.00) and from fifty-five dollars (\$55.00) to eighty dollars (\$80.00) for commercial and industrial.

The motion was amended by Mr. Williams and Mr. Craig to reflect the changes.

On the question, Mr. Craig asked if this is the first year using the revised tax rate. President Chacke stated that this is the second year. There is no tax increase other than the increase to the recycling and sewer fees.

Motion passed without dissent.

Motion by Mr. Williams to adopt the salary resolution fixing the salaries and wages of the employees of the Borough of Forty Fort for the calendar year 2010. Second by Mr. Craig.

On the question, Mr. Craig the dollars that are in it for the professional firefighters that is what is listed in their base contract correct and does not include the additional salary that we are paying them because of our agreement with Kingston. Is that the inflated salary number because of the agreement with Kingston? Mrs. Syms stated that it is base salary.

Mr. Kamus asked why the employees are not getting equal raises. President Chacke stated that the raises are negotiated.

Mr. Yingst asked Mrs. Mascelli if Bob Barnard gets to take the pickup truck home with him and use it as a personal vehicle. Ms. Mascelli responded that not as she knows of and asked if it has been reported that he does. Mr. Yingst said that he was told that he is using it on Saturday and Sundays. Ms. Mascelli will look into it.

Mr. Michaels asked how it works to pass a salary resolution without passing the budget first. Mr. Craig asked how along the same lines if the budget is \$28,000 smaller than it was last year how are we giving non-contract employees raises. President Chacke stated only one non-contracted employee is receiving a raise. Mr. Craig asked who that is. President Chacke stated that it is the borough coordinator. Everyone else is under contract that is receiving a raise. Mr. Michaels asked "even the assistant". President Chacke stated that the assistant did not receive a raise and her hours are cut.

Mr. Craig wants to change the motion to "due to the economy all non-contracted raises for the year 2010 be eliminated." Mr. Michaels asked who would that be. Mr. Craig stated "the borough coordinators". Mr. Craig stated that it is a \$2,200 raise. President Chacke explained that it was a typo and should only be a \$1,200 raise.

President Chacke stated that he suggests that it be tabled and discussed in executive session before moving forward.

Mr. Williams stated that there is a discrepancy on line number eleven between the written and the number. President Chacke stated that it will be discussed in executive session.

Motion tabled.

Motion by Mr. Yingst to grant the President of Council and the Borough Secretary the authority to pay off the 2009 tax anticipation note on or before December 31<sup>st</sup>. Second by Mr. Williams.

On the question, Mr. Williams asked if we have the money. President Chacke stated that he hopes.

Mr. Craig asked what the balance is. President Chacke stated \$250,000 plus interest.

Mr. Yingst stated that we do this every year at this time and we also do the tax anticipation note for 2010.

Motion passed without dissent.

Motion by Mr. Craig to solicit bids for the 2010 tax anticipation note for \$250,000. Second by Mr. Yingst.

Motion passed without dissent.

Motion by Mr. Craig to renew the same insurance policy we had for 2009 for 2010. Second by Mr. Michaels.

On the question, President Chacke stated that the premium is \$22,051.

Motion passed without dissent.

Motion by Mr. Williams to adopt the Code of Ordinances of the Borough of Forty Fort; consolidating, revising, amending and repealing certain ordinances; enacting certain new provisions; providing a procedure for amending the code and for the citation of the code and the effective date thereof; establishing responsibility for maintenance of the code; saving certain provisions from repeal; and prescribing penalties for violation. Second by Mr. Craig.

On the question, Mr. Michaels has what the stipulation that was made during the meeting. During the hearing, President Chacke suggested that the suggestions Mr. Williams made since they change or amend certain ordinances that they not be part of the codification and that we discuss it at a later worksession.

President Chacke stated that a public hearing was held prior to tonight's meeting and was chaired by Mr. Williams. President Chacke also thanked Mr. Williams for his work on the project.

Motion passed without dissent.

#### PAYMENT OF BILLS:

Moved by Mr. Yingst to pay the bills as presented. Second by Mr. Kamus.

On the question, Mr. Michaels stated that just as a point of clarification under police department uniform allowance Brian Casella's name is spelled wrong.

On the question, Mr. Craig asked about the lawnmower the street department got for \$1400. President Chacke stated that it was approved in the 2009 budget. Mr. Craig asked if it is a riding mower. Ms. Mascelli stated that it is. Mr. Craig asked what it is for. President Chacke said that it is for the Borough building, the park, and for cutting lawns that are in violation of the ordinance. President Chacke noted that Attorney Falcone filed liens regarding residents who do that. Attorney Falcone stated that he filed three liens.

Motion passed without dissent.

#### EXECUTIVE SESSION:

Council adjourned to Executive Session to discuss matters of litigation and personnel matters at 9:06 p.m. and reconvened at 10:10 p.m.

MOTIONS RELATING TO MATTERS DISCUSSED IN EXECUTIVE SESSION:

Motion by Mr. Williams to adopt the salary resolution fixing the salaries and wages of the employees of the Borough of Forty Fort for the calendar year 2010 with the following changes: line item number 11 should read \$1,000; line item number 22 should read \$40,800. Second by Mr. Yingst.

Motion passed with two no votes.

President Chacke called for a motion on the 2010 budget as presented.

Motion by Mr. Craig to accept the 2010 budget with the certain changes that we can discuss on the question. President Chacke stated that the motion needs to be as presented.

Motion by Mr. Craig to present the 2010 budget with the following changes:...

President Chacke stated that is not the motion that he is asking for. President Chacke stepped down as President of Council for a moment.

Motion by Mr. Chacke to adopt the 2010 budget for the first reading. Second by Mr. Yingst.

On the question, Mr. Craig's question was regarding an email that he sent out to Council. The report he sent compared the 2009 budget was versus our 2010 budget and the dollar change and what the percentage change was. The first item that he wants to clarify based on the ordinance that was just passed was the borough coordinators salary and that needs to be changed to \$40,800. The problem Mr. Craig sees is that we are cutting the hours of two of our employees. We are cutting the hours of the assistant to the borough coordinator from \$10,000 down to \$7,500 and we are also cutting the hours budgeted for my father, the part-time property maintenance officer from \$7,900 down to \$5,000.

Mr. Chacke asked what the conflict is with him addressing that. Attorney Falcone stated that he can talk about it as long as he is disclosing the fact that there is a relationship; however Attorney Falcone stated that he thinks he (Mr. Craig) has his own mind when it comes to voting on it and how he handles it.

Mr. Craig continued that of the two employees that they are cutting only one brings income into the borough and that is the part-time property officer. They do all of the rental inspections, he is also responsible for citing people when their grass isn't cut, making sure people shovel their sidewalk. He spoke to Mr. (Tom) Craig about this and he said that if his hours get cut.. This is a cut from 20 hours a week down to 12 hours a week.. He said he does not feel he could do the job as the job needs to be done. President Chacke explained that Council originally did not want to hire for the position because they thought Steve could handle it. The reason for the hiring of that position was that the calls that Steve was handling were too enormous that he could not get to those things. Steve's numbers have been dropping and he is now more available and that is why it was reduced.

Mr. Yingst also pointed out that 402.110 Elected Officials Salaries should be \$11,000. Mr. Chacke explained that the Mayor and President of Council will be making \$150 per month in 2010.

Mr. Michaels asked about the overall gasoline costs, it seems that the amount budgeted for 2010 is less than 2009. Mr. Chacke explained that if you review the 2009 budget versus actual it is based on usage.

Ms. Mascelli asked if Steve and Tom gets gas mileage. Mr. Chacke stated "yes". Mr. Craig stated that it will be stopping in the near future because we got a grant for a code enforcement vehicle. Mr. Chacke explained that Steve's will be stopping since we are purchasing a police cruiser and one of the police cruisers will be turned over to the code enforcement.

Mr. Craig stated that there was more money in there for vehicle maintenance and fuel. Mr. Craig asked about it since there wasn't a code enforcement vehicle. Mr. Chacke stated that there was a vehicle at the beginning of the year. Mr. Yingst stated that it caught fire.

Mr. Craig asked if the finance committee put the budget together or just Joe. Mr. Chacke stated that it was him and Denise (Syms). The finance chair is MIA. Mr. Craig asked about the rest of the finance committee members. Mr. Chacke stated "no".

Mr. Craig reminded council that this budget also includes the \$90,000 additional that we are paying for our fire agreement with Kingston and the \$40,000 we are paying for each of our full-time firefighters for the pay raises that we had to give them to make them happy.

Ms. Mascelli stated that one of our trucks is gone for the street department that we use to do streets in the wintertime.

Mr. Chacke explained that the budget is prepared by taking the actual dollars figures over the last several years and then you make decisions based upon those and what you have.

Mr. Yingst asked about budgeting for supplies and postage... \$5300 was the actual in 2009 and only budgeting 4500 in 2010. Mr. Chacke stated that the numbers went down. It shifted to different departments.

Mr. Michaels asked about the vehicle fuel cost for 2010 is based on the usage. Mr. Chacke stated that the police vehicle fuel as of today was \$5,700. Mr. Craig stated that we are budgeting \$7,440 for the police. Mr. Chacke stated that he bases his figures on current figures and trends over the last three to five years. Mr. Craig stated that the police department operating supplies are dropping from \$6,500 to \$500. Mr. Chacke suggested taking the \$1,000 that was removed from 402.141 and put it there. The reason that it was reduced is because in 2009 we purchased a lot of stuff for the police department. Mr. Craig stated that he would suggest moving it between the property maintenance officer and the assistant to the borough coordinator. Mr. Michaels asked about the database she is working on and is it complete. Mrs. Syms stated that she is currently working on three databases and one is complete. Mr. Michaels asked what are the databases dealing with. Mrs. Syms stated that one is parking tickets, parking stickers, and pool memberships. Mr. Craig asked where the \$2500 increase for engineering and architecture fees come from. Mr. Chacke stated that it is based on what we have been using and as you can see we have been using Dave (Yefko) a lot more. Mr. Craig stated that it was because of Welles Street. Mr. Chacke stated that was paid out of the grant. Mr. Craig is looking at line item 409.313. Mr. Chacke explained that it is for when we do a project on the

borough building, the park, or something the borough owns and this year we used \$3,100. Mr. Craig asked if we foresee any of those projects in the future. Mr. Chacke responded that we have the window project that we are considering doing. Mr. Craig asked what project is that. Mr. Chacke stated "to replace all the windows." Mr. Craig asked that we need an engineer to replace the windows. Mr. Chacke stated "to draw up specs, it is a requirement". Mr. Kamus asked why repairs and maintenance get cut so much, 409.37. Mr. Chacke stated that the windows were in there this year and it wasn't done and the only thing planned is to replace some sidewalks. Mr. Craig asked why the \$3,500 in engineering and architecture fees. Mr. Chacke explained that when you make a budget you don't plan for one year. The multi-year plan is to get the specs drawn next year and then budget for 2011. When we replace the windows, we will save some heating expenses. You must be foresighted to make a budget. Mr. Yingst asked if the \$21,900 was the columns out front. Mr. Chacke stated that part of it was the columns. Mr. Craig said that he is not stating that we don't want to do that to increase efficiency or what not, but I think that if we only have \$1,500 for repairs and maintenance... \$3,500 for the engineering that is ridiculous and he personally believes that we should remove \$2,500 from engineering and architecture fees and leave that same budgeted amount for 2009.

Mr. Chacke amended the motion to change line 402.141 to \$40,800; reduce 409.313 to \$1,500; increase 410.220 to \$1,500; increase 413.150 to \$6,000; increase 409.370 to \$2,500. Mr. Williams seconded the amended motion.

Mr. Craig asked if any members of the audience wanted to see the budget. Mr. Chacke stated that they had time to see the budget and that it was duly advertised. Mrs. Syms stated that it was available in her office for anyone to review.

Mrs. McLaughlin wanted to make a comment. Mr. Chacke stated that her time to speak was during resident and taxpayer petition and comments. Mr. Craig wants to hear what she has to say and that Mr. Chacke stepped down as President of Council. Mr. Chacke stated that Ms. Mascelli is in charge. Ms. Mascelli stated that she is not Vice-President of Council. Mr. Chacke stated that she is the longest tenured member of Council and is President Pro Temp. Attorney Falcone stated that they should just go on with the meeting and that there is a discussion on the budget and let Council continue with the discussion and if she wants to comment, let her make a comment but please don't be sarcastic or editorialize. Mrs. McLaughlin interrupted Attorney Falcone and asked if she is ever sarcastic. President pro temp Ms. Mascelli stated that she is not allowing comments and petitions at this time. Attorney Falcone stated that Council is to continue their discussion and that this is not an open forum. You can't allow taxpayers to dialect and interface with Council.

Motion passed without dissent.

Mr. Chacke took back his chair. President Chacke reminded the residents that there will be a second reading on the budget.

President Chacke opened the floor to comments.

Mrs. McLaughlin discussed that cutting the hours of Mr. Craig as a bad idea.

ADJOURNMENT:

Motion by Mrs. Mascelli to adjourn. Second by Mr. Craig.  
Motion passed without dissent.

President Chacke stated that a Special Meeting of Council will be held on Monday, December 21<sup>st</sup> at 7:15 p.m. for the second reading of the budget and general purposes.

Respectfully submitted,

Denise Syme  
Borough Secretary/Coordinator