

FORTY FORT BOROUGH  
COUNCIL MEETING MINUTES

FEBRUARY 2, 2015

The February meeting of the Forty Fort Borough Council was held on Monday, February 2, 2015 at the Forty Fort Borough Bldg., 1271 Wyoming Ave., with President Jeff McLaughlin presiding.

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

Also present were Mayor Andy Tuzinski, Solicitor Jack Haley, Engineers, Rich Kresge & Mark Voyack of Quad 3 Group, Manager Barbara Fairchild & Secretary Bonnie Arnone.

Reverend Lukish led the group in prayer followed by the pledge of allegiance to the Flag led by boy scout, Charlie Wright of Pack 160, who was present as part of a badge requirement.

President McLaughlin recognized former council member, Robert Craig, who has resigned from council effective this evening. Mr. Craig was thanked for his 11 years of service to the community serving as a council person and presented with a gift.

President McLaughlin explained that Council would be using a Consent Agenda for certain matters. Matters listed within the Consent Agenda have been referred to members of the Borough Council for reading and study, are considered to be routine and will be enacted by one motion of the Council. If separate discussion is desired, the item may be removed from the Consent Agenda by Council action. The Resolutions listed below were submitted to the Borough Council for review and will be adopted by one motion.

Motion by Mr. Michaels and second by Mrs. Craig to accept the Consent Agenda for Administrative Issues which consists of the following items:

1. Motion to approve the minutes of the Regular Council meeting on January 5, 2015.
2. Motion to approve the minutes of the Special Council meeting on January 9, 2015.
3. Motion to approve the minutes of the Council Work Session on January 20, 2015.
4. Motion to accept the Treasurers' Report of January 31, 2015 as presented.
5. Payment of bills as presented.
6. Motion in accept the reports of the Mayor/Police Dept., Civil Service Commission, Code Enforcement Officer, Shade Tree Commission, Safety Committee and WVSA minutes.
7. Communications:
  - a. 2015 Ambulance Subscription Fund drive
  - b. DCNR application
  - c. IDM Consulting Services
  - d. 9-1-1 dispatch protocol policy
  - e. Bloom Early Education Center
  - f. Families for Forty Fort Park

g. UGI-gas distribution system work with roadway projects info request.

On the question: Mr. Kamus asked if the bills included a payment to Mr. Rehab for the handicap sidewalk ramps & sidewalk job on River Street. He was told it was not in the bills to pay but would be discussed later in the agenda. Ms. Troy questioned Selective Ins. Bill and Atty. Jamie Mangan's bill. She was told that the Selective Bill was for the Borough's Liability Insurance Package and Atty. Mangan's bill was for the closing costs associated with the 2015 Tax Anticipation Loan. All council was in favor of this motion. Motion passed.

#### REPORT OF DEPARTMENT HEADS:

##### CHIEF OF POLICE AND MAYOR:

Mayor Tuzinski reported that during a recent DUI checkpoint, the police had 14 stops resulting in 4 citations and 11 warnings and no DUI's. They will be securing a grant to conduct another DUI checkpoint in the near future. He commended Officers Peter Lakkis, Adam Michaels & Michael Fuller on their professionalism during the recent snow emergency during which no cars had to be towed; only a few tickets were issued and many residents were contacted personally being asked to move their cars in order to clear the streets of snow. He also thanked the career firefighters, Kingston Firefighters and Forty Fort Volunteer Firemen who all helped clear snow from around all fire hydrants in the borough.

Mr. Michaels stated that he would like to see the Code Red be renewed next month as it has been a valuable tool in reaching borough residents during all types of events and emergencies. Mayor Tuzinski stated that the burden of payment from the borough will be reduced greatly with the forfeiture of Rick Kamus's monthly council payment for the year 2015; a donation from the Volunteer Fire Dept.; the forfeiture of the yearly salary for Health Officer which Mr. Tuzinski will be testing for in the near future.

##### REPORT OF BOROUGH MANAGER:

Ms. Fairchild stated that she had provided council with a complete report and asked if they had any questions for her. She further stated that she wanted to clear up a statement that had been made in the Civil Service Commission report that stated that when asking Manager Fairchild for the Civil Service Records from the previous commission, she advised them that although she had the records requested, the borough solicitor needed to review the files before any information could be released. Ms. Fairchild, as well as Atty. Haley, explained that he did not review the civil service commission files, but only advised Ms. Fairchild what files she would be permitted to release.

##### REPORT OF BOROUGH ENGINEER:

Rich Kresge of Quad 3 Group discussed the request for payment from Mr. Rehab for the pouring of concrete for handicap ramps & sidewalks on River St. as per PENDOT's requirement for the Highway Occupancy Permit needed for the sewer rehab project on River Street. Mr. Kamus does not feel that the concrete was poured to the specifications set forth by PENDOT manuals but was approved by PENDOT supervisors as satisfactory when done. Quad 3 Group also agrees that the work was done satisfactorily. Ms. Fairchild stated that the job, done by subcontractor, American Asphalt, is bonded for up to one year from installation. If it is defective it would be completely re-done at their cost should problems arise. Atty. Haley stated that if the borough refuses to make the payment of \$51,377.40 to Mr. Rehab, the situation will go to arbitration. On the solicitor's suggestion, the following motion was done:

Motion by Mr. Michaels to make the payment to Mr. Rehab in the requested amount of \$51,377.40 and include the following notice: Forty Fort Borough has serious reservations and concerns with the concrete that was poured on 12/19/14 at River & Butler Streets and River & Fort Streets. Forty Fort Borough hereby puts you on notice that we will be conducting core samplings of this concrete prior to the expiration of the bond to test the strength of the materials. The testing would be completed before the one year term of the bond. Second by Mrs. Craig. Roll call vote showed the following:  
YES: Ms. Troy, Mrs. Craig, Mr. Michaels, Mr. McLaughlin  
NO: Mr. Kamus  
Motion passed 4 -1

#### RESIDENTS AND TAXPAYERS COMMENTS AND PETITIONS:

Rob Craig, 1828 Wyoming Ave, Forty Fort, questioned the borough engineers regarding the pouring of the concrete on the River Street and the temperatures of that time. Mr. Kresge reported on the certified weather reports of that time period stating that they were suitable for pouring.

Jill Shelp, 41 Cayuga Place, Forty Fort questioned council regarding the pension MMO's, employee contributions and company handling the pension. She further cited the amount of homes that were for sale in the community and the high taxes hike for 2015 causing people to lose their homes and be bought by out of state, absent landlords. She was assured that the borough was doing everything possible to hold the line on expenses.

Motion by Mr. Kamus and second by Mr. Michaels to accept the Consent Agenda for General Business which consists of the following:

1. Motion to accept the Rental Inspection Internal Policy.
2. Motion to accept the letter of resignation of Frank Oatridge.
3. Motion to accept the cash handling policy
4. Motion to adopt the PSAB UC Policy & Procedures Manual.
5. PAWC-request to waive pave cut fees.

All council was in favor of this motion. Motion passed.

#### GENERAL BUSINESS:

Motion by Mr. Michaels to appoint Joseph Lynch to the council seat left vacant by the resignation of Robert Craig. Second by Mrs. Craig.

With there being no further nominations for the council vacancy, a motion was made by Mrs. Craig to close nominations. Second by Mr. Michaels. All council was in favor of this motion. Motion passed.

Roll call vote on the nomination of Mr. Lynch showed the following:  
YES: Ms. Troy, Mrs. Craig, Mr. Kamus, Mr. Michaels & Mr. McLaughlin  
NO: 0  
Motion passed unanimously.

At this time, Mayor Andy Tuzinski swore in Mr. Lynch was welcomed and took his seat at the council table and was presented with all agenda items and paperwork that had been given to council prior to the meeting.

Motion by Mr. Kamus to pass Resolution #3 of 2015 for Council Vacancy. Second by Mr. Michaels. All council was in favor of this motion. Motion passed.

Motion by Mr. Michaels to appoint Charles Rick Kamus as Vice-President of Council. Second by Ms. Troy.

With there being no further nominations for Vice-President of Council, a motion was made by Mrs. Craig to close nominations. Second by Mr. Michaels. All council was in favor of this motion. Motion passed.

Roll call vote on the nomination of Mr. Kamus for council Vice-President showed the following:  
YES: Ms. Troy, Mrs. Craig, Mr. Kamus, Mr. Michaels, Mr. Lynch & Mr. McLaughlin.  
NO: 0  
Motion passed unanimously.

Motion by Mrs. Craig to authorize the Vice-President of council, Charles Rick Kamus, as signatory on all borough bank accounts. Second by Ms. Troy. All council was in favor of this motion. Motion passed.

Motion by Mr. Kamus to adopt Ordinance #3 of 2015 for Sewer Ordinance regarding Stahl Property. Second by Mr. Michaels. Roll call vote showed the following:  
YES: Mr. Kamus, Mr. Michaels, Mr. McLaughlin & Mr. Lynch  
NO: Ms. Troy & Mrs. Craig  
Motion passed 4-2.

Motion by Mr. Michaels to pay Forty Fort Volunteer Fire Department for the loan payments of the Fire Truck. Second by Mrs. Craig. On the question: It was noted that the fire truck loan had not been paid for the years 2013 & 2014. Mayor Tuzinski stated that he felt the Fire Dept. would not have a problem with adding those two delinquent years onto the end of the payment schedule which should end in 2020. Since no signed documentation can be located, Atty. Haley will draw up an agreement that will be signed by all parties for this loan payment. All council was in favor of this motion. Motion passed.

Motion by Mr. Michaels to authorize the DEP Grant of \$127,170.00 contract to be properly executed. Second by Mr. Kamus. On the question: Mr. McLaughlin asked what was to be purchased with this grant. Ms. Fairchild explained that we were awarded these funds for Public Education and equipment purchase. She hopes to be able to purchase a new packer to enable the street department to collect recyclables in a single stream mode. The department share to be awarded is \$127,170.00 with a match from Forty Fort Borough of \$14,130.00 which includes \$4,800.00 for public education and \$9,330.00 for collection equipment costs. All council was in favor of this motion. Motion passed.

Motion by Mr. Kamus to authorize funds of \$500.00 for legal fees for the year 2015 for the Civil Service Commission. Second by Mrs. Craig. On the question: A lengthy discussion took place regarding the civil service commission reluctance to reveal to council the need for such legal services.

Following the advice of Atty. Haley, the motion was tabled and the Manager will send a letter to the commission asking for an accurate accounting of the legal fees that will be needed for 2015 and what the specific purpose of those needs are.

Motion by Mr. Kamus to give the Families for Forty Fort Park one (1) 2015 Family Pool Membership for their upcoming basket raffle. Second by Mr. Troy. All council was in favor of this motion. Motion passed.

OPEN DISCUSSION:

Mayor Tuzinski thanked Ms. Troy and the Family Consumer Science Class of Wyoming Valley West School for ironing the flag from the state of Wyoming that he recently obtained. Mayor Tuzinski also pointed out the letter from Donna Kilgore of the Bloom Early Education Center thanking Chief Dan Hunsinger for talking with their pre-school class.

Mr. Kamus stated that following a rough estimation, he feels that the borough can save approximately \$14,000.00 a year in costs associated with travelling, man power, etc. if we can get our own composting area.

At this time, 10:30 PM, council adjourned to Executive Session to discuss pending litigation and personnel issues.

At 11:20 P.M. Council returned from executive session.

A motion was made to authorize the Borough Manager to execute documentation necessary for the zoning litigation.

Motion by Mr. Kamus.

Second by Ms. Troy.

Roll call: Mr. Kamus, Yes, Mr. Michaels-excused (absent), Mr. Lynch-Yes, Mrs. Craig-Yes, Ms. Troy-Yes, Mrs. Martinelli-Absent, Mr. McLaughlin-Abstain. Motion passed without dissent.

The Borough Manager agreement would be tabled and discussed further at the next work session on February 16, 2015.

Adjournment:

A motion was made to adjourn at 11:33 P.M.

Motion by Mr. Kamus.

Second by Ms. Troy.

Roll call: Unanimous-Mr. Michaels excused (absent), Mrs. Martinelli-Absent.

Respectfully Submitted,

Bonnie Arnone, Secretary

Barbara Fairchild, Manager