

Forty Fort Borough  
Council Meeting Minutes

January 3, 2017

**Call to Order**

Gavel strike of President of Council, Jeffrey McLaughlin, called tonight's meeting to order.

**Invocation and Pledge of Allegiance**

Mayor Andy Tuzinski led those present in a moment of silence, followed by the Pledge of Allegiance.

**Roll Call**

President Jeffrey McLaughlin ordered Roll Call. Members in attendance were: President, Jeffrey Mclaughlin, Dominic Butchko, Deborah Troy, Amy Craig, and Tom Murray. Borough Mayor, Andy Tuzinski, Chief of Police Daniel Hunsinger, Borough Manager, Bonnie Arnone, Borough Secretary, Brandy Fuller, and Borough Engineer Representative of Quad 3, Rich Kresge. Visitors numbered 37 and two members of the press were present. President Mclaughlin confirmed a quorum.

**Nominations for appointment of vacant council seat.**

A Nomination was made for Carol Romanelli, Dave Sieminski, and Rob Swabeck. No one seconded the nomination for either.

A Nomination for Ted Ritsick was made and seconded by Amy Craig. Dominic Butchko and Deborah Troy voted No. Amy Craig, Tom Murray, and Jeffrey Mclaughlin voted yes. Majority rules, Ted Ritsick was appointed to the Vacant Council Seat.

**Motion to appoint William T. Finnegan Jr. as Forty Fort Borough Solicitor.**

A motion was made by Tom Murray to appoint William T. Finnegan Jr. as Forty Fort Borough Solicitor. Deborah Troy seconded. All were in favor. Motion passed.

### **Motion to appoint Tom Murray as Vice President of Council**

A motion was made by Deborah Troy to appoint Tom Murray as Vice President of Council. Amy Craig seconded. All were in favor. Motion passed.

### **Motion to appoint Deborah Troy as President Pro-Tem of Council**

A motion was made by Amy Craig to appoint Deborah Troy as President Pro-Tem of Council. Ted Ritsick seconded. All were in favor. Motion passed.

### **Consent Agenda for Administrative Issues:**

Matters listed within the Consent Agendas 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.

1. Motion to approve the minutes of the December 5, 2016 council meeting regular meeting
2. Motion to approve the minutes of the December 19, 2016 council work session minutes
3. Motion to approve the November 2016 Treasurer's Report
4. Motion to pay all bills
5. Motion to accept the minutes and reports of the following:
  - a. Police Department
  - b. Kingston Fire Department
  - c. Forty Fort Fire Department
  - d. Code Enforcement report
  - e. Safety committee meeting minutes
  - f. Manager's time sheets 12/21/2016 & 1/4/2017
  - g. Electric saving analysis

### **Correspondence:**

1. Robert Smith Retirement letter

A motion was made by Deborah Troy to accept Robert Smith's retirement on July 1' 2017. The motion was seconded by Tom Murray. All were in favor. Motion Passed.

## 2. Gorman Subdivision

### **Report of Police Chief and Mayor**

The Police Department assisted with Santa Clause coming to Forty Fort Park and made sure that he and his elf and the Grinch were safe. The Police Department also, assisted by students of the West Side CTS's Law Enforcement Program and a 7 year old female resident and her mom delivered recycling calendars to borough residents. The following streets still require calendars to be delivered to them:

Yates, Shoemaker, Sullivan, Bidlack Durkee, Crisman, Filbert, and a Section of Wyoming Avenue.

The Mayor stated that on a later date the Good Citizen Award will be given to the young lady who helped.

The Police Department collected and stored for safe keeping, firearms owned by the owner of 94 Yeager Avenue which was destroyed by fire.

The Mayor also asked if the Council would donate a Family Pool Membership to the Fred Case Memorial Fundraiser. Motion was made by Tom Murray to Donate a Family Membership, and seconded by Deborah Troy. All were in favor. Motion passed.

Finally, the Mayor would like to recognize the 9<sup>th</sup> Graders in the audience, attending for their Civic Lesson.

### **Manager's Report**

There was no report for this month.

### **Report of Borough Engineer and Addendum**

#### **Streetscape Project for Rutter Avenue (Possibly to include River Street)**

A project narrative and schematic layout was forwarded to Mr. Robert Kretchmer at PennDOT for his review and in hope of him setting up a meeting with the Department to further review this project for general acceptability. We received a

message back that stated he has reviewed the plans with his District Engineer, George Roberts, and that they would be fine with us pursuing either option we presented, although the sidewalk may work best for driveway access. He stated that if we pursue the sidewalk option we will need to address all the driveways and permit each one. We would also have to possibly address the limited access issue as well.

### **No parking Zone Posting on River Street**

As discussed previously, a provision within PennDOT Publication 46 permits the characterization of this section of road as meeting local roadway criteria – exempting the Borough from having to perform the study as originally anticipated. Forty Fort Borough was to request a meeting with PennDOT representatives to determine the path forward, in order to determine if a speed limit study and H.O.P. revisions will be necessary. A meeting date has not yet been established.

### **Paving Project Work**

The project is basically complete, including East Turner Street, with the exception of completing certain punch list items. The only outstanding punch list items to be completed are the stop bar pavement markings, which will need to be postponed until better weather. We are awaiting American Asphalt's final application for payment and supporting closeout quantities/documentation in order to issue a close-out change order.

### **Wesley Street**

Wesley Street has been completed, and an application for payment has been received from the Contractor in the amount of 100% of the contract amount. Certificates of Substantial and final Completion, both dated December 7, 2016, have been prepared and submitted to Forty Fort Borough for final execution. Additionally, a Change Rider to the Maintenance bond was prepared and presented to Forty Fort Borough for their acceptance. This document increased the bond amount from \$105,599.85 to 140,000.00 to reflect the increase in the contract amount and increase the maintenance bond time to November 16, 2017 to reflect the added pavement.

### **Forty Fort Borough Sanitary Sewer Rehabilitation Project**

This project is completed. The only item remaining is to get the sign off from Penn DOT that the project was completed to their satisfaction, which will release the Borough's letter of credit. This would also allow us to release the Contractor's retainage (approximately 10,000.00) and officially close out the project. Unfortunately repeated attempts to secure the documentation through the General Contractor and through the Sub-Contractor, and the PennDOT inspector (Mr. Al Lolli) have been unsuccessful.

### **Gorman Minor Subdivision**

Review minor subdivision submission for conformance with Forty Fort Borough Subdivision and Land Development Ordinances, and issue review comment letter.

### **Mericle Construction – Parking Lot Expansion at 180-190 Welles Street.**

Mericle Construction intends to add 22,736 Sq Ft. of new parking area and entrance off of Rutter Avenue. Quad Three was asked by the Code Enforcement Officer to review the schematic documents and to make a determination as to whether or not Land Development approvals would be required under the Subdivision and Land Development as t whether or not Land Development approvals would be require under the Subdivision and Land Development Ordinances. Our review resulted in a primary concern relative to the Limited access to a state highway that exists on Rutter Avenue at the location of the intended entrance to the new parking area. However, as it relates to Land Development classification, we did not believe it met the definition of a land development. Therefore submission to the planning Commission would not be a requirement. However, we recommended the Borough require Mericle provide written confirmation form PennDOT that an entrance onto Rutter Avenue is approved before allowing any entrance to be built. Further, we also suggested that, due to traffic congestion in this immediate area, the Borough require any cost associated with eh construction of traffic signal improvements be borne by the developer, with additional consideration for requiring reimbursement to the Borough for traffic signal maintenance responsibilities.

### **Sabol Development**

Mr. Joseph Sabol, 235 River Street, submitted a Zoning Application and narrative to purchase and demolish the property at 148-150 Fort Street, (which presently is

a rental unit) and eventually construct a 25' by 30' one story two car garage and breezeway. He is also proposing to sell his present property at 235 River Street, subdivide the land between 152 Fort and 235 River, and move into t152 Fort Street as his residence. Quad Three was asked by the Code Enforcement Office to review the schematic documents and to make determination as to whether or not Land Development approval would be required under the Subdivision and Land Development Ordinances. Our review was as follows, "the site appears to be located within an R-1 zoning district. Private parking areas are permitted as an accessory use within an R-1 District. Further, according to the Forty Fort Borough SALDO, the definition of Land Development includes, the addition of an accessory building, including farm building, on a lot or lots subordinate to an existing principal building. While this condition is not represented presently by Mr. Sabol, it is clearly his intent to make that occur within his 10-year plan. At a minimum, he should be made aware that at such point in time then he intends to construct the 2 car garage addition, with breezeway connection to the existing dwelling, a Land development variance approval was sought for set-back violations, otherwise the breezeway connection would extend across a property line and be located within the setback areas.

In closing, I do not believe his present project requires Land development, however I am not able to verify the accuracy of his sketch and or to verify that the setback dimensions to the planned parking areas will comply Schedule 27-1 of the Zoning Ordinance, or whether or not variances will be required. Note, the requirements for an R-1 district require a minimum lot area of 7200 SF, front yard setback of 25 feet, side yard setback to parking areas of 6 feet and rear yard setback of 35 feet. The sketch presented illustrates 4 feet setback from the property line to the planned 2 car garage, so that may require a variance. I believe the lot in question is also a corner lot, which may have further setback constraints (i.e. frontage setbacks). I was also not provided with the referenced County GIS drawings or photos. I am also unable to assess the dimensional requirements for his future intended subdivision since no information was provided. For Instance, he mentions that he will subdivide the land between his home at 235 River Street and 152 Fort Street, creating less land for 152 Fort Street and more land for 2354 River Street. Without seeing a dimensioned survey plan of his intended subdivision, I have no way of determining if the lots he intends to create

will be compliant with the Borough Ordinances. Again, this is not something he is planning on doing now, but he should be made aware that any waiver of Land Development now is not a waiver of future land development submission requirements and certainly not a guarantee that his future subdivision will be approved. I'm concerned that proceeding in a piecemeal fashion, whereby a parking area may encroach within a setback, what happens when he intends to build a structure upon that parking area, which now falls within the setback area, I don't want to see a way around the ordinance by then claiming he's grandfathered in. I have also not reviewed the Zoning relative to screening requirement or surface requirements (i.e. parking areas requiring pavement, etc.) I will defer to Bill Harvey on this review.

### **Addendum to January 3, 2017 Engineer's Report**

Mark Voyack spoke with Kevin Miluszusky of the PennDOT permitting group who informed us that the letter of credit issued by the Borough is to remain in place for a two year period. An 80% reduction in the amount may be requested after a one year period and full release after two years. Mr. Miluszusky informed Mr. Voyack that a Letter should be forwarded to Mr. Robert Kretchmer of PennDOT requesting a reduction in the credit amount after the one year period and complete release following the two year period. Mr. Voyack will prepare a letter to Mr. Kretchmer summarizing his discussion with Mr. Miluszusky, understanding of the process, and the applicable milestone dates. To our knowledge PennDOT has taken no issue with the workmanship in place and we accordingly infer that to deem their acceptance. This will also be placed in Mr. Voyack's letter to PennDOT. Additionally, Kimberly Loftus with USDA informed us that in order to close out the project the following are also required: Certification that all punch list items are complete ( Engineer or Contractor), Certification that the project was completed in accordance with approved plans and specification (Engineer), Owner's acceptance of work (Borough), and Final Pay Request (Contractor, Engineer, and Borough.) Quad Three Group will address the above punch list certification and certify that the project was completed in accordance with our plans and specifications. Further, we will also prepare a certificate of Final Completion for the Borough's execution and request the Contractor forward his application for Final Payment. Ms. Loftus also advised that if there were any funds remaining after the contract's final payment, they would need to be applied to the account

as an extra payment. A check can be made payable to Rural Development and sent to their office in Tunkhannock.

### **Casale land development**

Quad 3 reviewed the documents that were initially submitted to the Borough. In response the developer's engineer, Site Services Group revised and resubmitted the plans and supporting documents. Quad 3 has yet to complete a final review of these items, but initial comments that remain unresolved include DEP's approval of the Planning Module, or exemption there from. Also, there is some question concerning two of our zoning comments having to do the parking and driveway access. We indicated in our review that the applicant could seek a waiver from these requirements (which he did, see attached response), but it would likely require a variance since the change is related to the Borough's Zoning Ordinance. However since the project received zoning approval already, this may be an irrelevant comment. Mr. William Harvey was to check with Jack Gill, Solicitor to determine what if any action would be required on the part of the Developer. We have not heard back from Mr. Harvey at this time.

### **Residents and Taxpayers Comments and Petitions**

Brian Ginocchetti of 1626 Wyoming Ave, Cecilia Hebda of 59 Virginia Terrace, George Hebda of 59 Virginia Terrace and Mr. Steiner of Dana Street, all approached the podium and voiced their concerns regarding Frank Michaels continuing to be on Council.

### **General Business Consent Agenda**

1. Appoint Rick Kamus as the Forty Fort representative to the West Side COG
2. 2017 Salary Resolution
3. Resolution 2 of 2017 – appoint replacement for council vacancy

A motion was made by Tom Murray to pass the General Business Consent Agenda. Deborah Troy seconded. All were in favor. Motion passed.

## **General Business Agenda**

1. Vote on new and improved telephone system – Proposal

A motion was made by Tom Murray to go ahead with the Verizon new and improved phone system. Amy Craig seconded. All were in favor. Motion passed.

2. Purchase of Paving Machine from Kingston Borough - \$2500.00

A motion was made by Deborah Troy to purchase the Paving Machine from Kingston Borough. Ted Ritsick seconded. All were in favor. Motion passed.

## **New Business and Open Discussion**

The Borough is submitting an LSA Grant on behalf of the West Side Cog. A motion was made by Deborah Troy to pass Resolution 3 of 2017 LSA Grant. Tom Murray Seconded. All were in favor. Motion Passed.

## **Adjournment**

A motion was made by Deborah Troy to adjourn the meeting at 8:25PM. Jeffrey McLaughlin seconded. All were in favor. Meeting Adjourned.

The January work session will be held on Monday, January 16, 2017 at 7:00PM.

Respectfully Submitted by

Brandy Fuller

Secretary/Treasurer