

FORTY FORT BOROUGH
COUNCIL MEETING MINUTES

JULY 1, 2013

The July meeting of the Forty Fort Borough Council was held on Monday, July 1, 2013 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: Dorothy Craig, Robert Craig, Karen Martinelli & Frank Michaels. Excused absences by Betty Mascelli & Charles Rick Kamus, who arrived later in the meeting.

Also present were Mayor Boyd Hoats, Chief Daniel Hunsinger, Atty. Sam Falcone, Mike Lombardo of Quad 3 Group, Barbara Fairchild, Mgr. & Secretary, Bonnie Arnone.

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

APPROVAL OF MINUTES:

Motion by Mr. Michaels to accept the minutes of the June 3, 2013 council meeting. Second by Mrs. Craig. Roll call showed the following:

YES: Mr. Craig, Mrs. Craig, Mr. Chacke & Mr. Michaels.

ABSTAIN: Ms. Martinelli due to her absence at the 6/3/13 meeting.

Motion Passed.

Motion by Mr. Michaels to accept the minutes of the June 17, 2013 council work session. Second by Mrs. Craig. All council was in favor of this motion with the exception of Ms. Martinelli who abstained due to her absence at the 6/17/13 meeting. Motion passed.

COMMUNICATIONS:

Ms. Fairchild noted that she has been soliciting bids for a bulk pick up throughout the borough. She has only received one bid thus far from J.P. Mascaro in the amount of \$29,000.00 for a one time collection with certain restrictions. She will clarify what the restriction are and continue to solicit other bids.

A letter from Families for Forty Fort Park was read which indicated that they will be holding a Movie in the Park on Wednesday, July 3, 2013 beginning at 9:00 PM. The refreshment stand at the Forty Fort Pool will be open for purchases. They also stated that they will be holding a Dip & Dance at the Pool on July 12, 2013 and a craft fair in the park on July 28, 2013 at a cost \$25.00 per table space. All proceeds from their July functions will be donated towards the money match that Forty Fort Borough must reach in order to obtain a \$250,000.00 grant that will be used for renovations to the pool and park areas. It was noted that the Borough General Liability Insurance will cover all the aforementioned activities.

Motion by Mrs. Craig to waive the lifeguard fees, pool rental fees & daily pass fees for the Dip & Dance function they will be holding at the pool on July 3, 2013 and the Transient Mercantile Tax Fees for the vendors at the Craft Fair on July 28, 2013. Second by Ms. Martinelli. All council was in favor of this motion. Motion passed.

Motion by Mr. Michaels to grant permission to the Families for Forty Fort Park to hold a Movie Night in the Park on Wed., July 3, 2013. Second by Mr. Craig. All council was in favor of this motion. Motion passed.

Mr. Chacke read a letter from Quad 3 Group stating that they have completed the installation of the Eye Wash Station at the Forty Fort Pool. This project was donated by Quad 3 Group to the Borough.

TREASURER'S REPORT:

Motion by Mr. Michaels to accept the Treasurer's report as presented. Second by Ms. Martinelli. All council was in favor of this motion. Motion passed.

GENERAL BUSINESS:

Motion by Mr. Craig to accept the Mayor/Police Department report. All council was in favor of this motion. Motion passed.

Motion by Mr. Michaels to accept the Kingston Fire Chief report. Second by Ms. Martinelli. All council was in favor of this motion. Motion passed.

Motion by Mr. Michaels to accept the Code Enforcement Officer report. Second by Mr. Chacke. Roll call showed the following:
YES: Mr. Michaels, Mr. Chacke
NO: Mr. Craig, Mrs. Craig & Ms. Martinelli
Motion failed.

Motion by Mr. Michaels to engage Atty. John G. Dean of Eliot, Greenleaf & Dean as Special Counsel pursuant to the engagement letter to conduct an independent investigation of the Code Enforcement Department due to several alleged improprieties and the alleged individuals involved.

Atty. Falcone explained that he had received a communication from a resident who stated that he was being targeted by the Code Enforcement Office and treated unfairly. Atty. Falcone stated that in the best interest of all parties, he had investigated the prospect of engaging Atty. John Dean to conduct an independent investigation into the matter.

Motion by Mr. Craig to table the aforementioned motion until after the Executive Session. He stated that during the Executive Session, council will have the opportunity to discuss personnel matters involving the individuals involved in this action. Second by Mrs. Craig. At this point Mr. Michaels agreed to rescind his previous motion. Motion rescinded. All council was in favor of the table motion. Motion passed.

Motion by Mr. Michaels to adopt the Luzerne Co. Memorandum of Understanding for the Hazard Mitigation Plan 5 year Plan and Municipal Representative will be Barbara Fairchild. Second by Ms. Craig. All council was in favor of this motion. Motion passed.

Motion by Mrs. Craig to adopt Resolution No. 11 of 2013 for the Penn Works Grant Application for \$1,000,000.00 and appoint Barbara Fairchild as designee to sign all documents. Second by Ms. Martinelli. All council was in favor of this motion. Motion passed.

Motion by Mr. Michaels to adopt Resolution No. 12 of 2013 for the PennWorks Loan Application for \$1,977,475.00 and appoint Barbara Fairchild as designee to sign all documents. Second by Mrs. Craig. All council was in favor of this motion. Motion passed. Ms. Fairchild noted that there are stringent requirements for this loan which hopefully the borough will meet. A letter has been received from Robert Mericle which acknowledged that the sewer renovation project will help economic development in his area.

Motion by Mrs. Craig to adopt Resolution No. 13 of 2013 for Greenways, Trails and Recreation Application for \$250,000.00 and appoint Barbara Fairchild as designee to sign all documents. Second by Ms. Martinelli. All council was in favor of this motion. Motion passed.

Motion by Mr. Craig to adopt Resolution No. 14 of 2013 for the Flood Mitigation Application and appoint Barbara Fairchild as designee to sign all documents. Second by Mr. Michaels. All council was in favor of this motion. Motion passed. Mrs. Fairchild explained that this application deals with a situation which occurs regularly at the Gower Property at 306 River St. during heavy rains where the water pools in their back yard area. The solution to the problem would be a pump station of sorts which the property owner does not want on his property. Mr. Chacke instructed Ms. Fairchild to send a letter to Mr. & Mrs. Gower explaining that this solution is the best for all concerned and ask for their permission to install it ASAP.

Motion by Mrs. Craig to adopt the amendment to the Noise Ordinance as presented. Second by Ms. Martinelli. All council was in favor of this motion. Motion passed. It was noted that this will allow property owners to do work on their properties on weekends and holidays.

Motion by Mr. Craig to adopt the West Side Council of Governments Ordinance as presented. Second by Ms. Martinelli. All council was in favor of this motion. Motion passed. The dues will be \$400.00 per year and gives the borough opportunities to network with other local communities.

Motion by Mr. Craig to advertise the Mowing Ordinance as presented. Second by Mrs. Craig. On the question: Atty. Falcone stated that in order to comply with the ordinance, a notice must be hand delivered or posted on the property with a time stamped photo taken as verification that deliverance has been done. It was noted that the Code Enforcer has the ability to use his discretion in cases of dire circumstances involving the property owners in question. All council was in favor of this motion. Motion passed.

Motion by Mr. Craig to schedule a special meeting for July 15, 2013 at 7:15 PM for General Purposes and to cancel the August 5, 2013 meeting and reschedule it for August 19, 2013. Second by Mr. Michaels. On the question: It was noted that due to vacation schedules, the August meeting would need to be re-scheduled. All council was in favor of this motion. Motion passed. Atty. Falcone stated

that the aforementioned changes should be advertised together in the newspapers and the building property posted to indicate the same.

OPEN DISCUSSION:

Ms. Fairchild stated that the Sewer Rehabilitation Project bid documents for 7/3/13. Key dates for this project are Bid Opening for 7/31/13 at noon at the Forty Fort Borough Building with the award date of August 19, 2013 during the Council Meeting which will begin at 7:30 PM at the Forty Fort Borough Building. It was noted that a special meeting would not be needed for the bid openings but it must be advertised and open to the public.

RESIDENTS AND TAXPAYERS COMMENTS AND PETIONS FOR GENERAL PURPOSES:

Phil Mertz, 93 Virginia Terrace, Forty Fort, PA asked council for some resolution to the water problems he has been having at his property. A lengthy discussion ensued in which Mr. Lombardo of Quad 3 Group stated that he along with Rich Kresge from his office have visited this site often and are aware of the problems and believe that the storm drain needs to be moved in order to catch the water more effectively. Mr. Chacke proposed the following three actions take place over the next week: Atty. Falcone & Stephen Nowroski of the Code Enforcement office will investigate files to see what previously had been done during Zoning Hearings concerning the Koral Property; Quad 3 Group will come up with some type of temporary solution to this problem and Ms. Fairchild will check the map to see if this area will be affected during the upcoming Sewer Rehabilitation Project.

Charlie Bell, 89 Virginia Terrace, Forty Fort, supported everything stated by Mr. Mertz saying his property is affected by the water problem that occurs regularly. He further stated that he has received parking tickets while parked in his driveway and acknowledged that his car does go part way over the side walk. He stated that he leaves enough room for pedestrians to pass safely. Chief Hunsinger stated that he will investigate the situation to make a determination on the situation.

PAYMENT OF BILLS:

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

Ms. Fairchild noted that Percy Diefenbach notified her that Boy Scout, Chris Ercolani, will undertake the new sign project for the Forty Fort Park as his Eagle Scout Project. Council noted that the design must be accepted by council before any construction takes place.

Ms. Martinelli stated that she would like a hard copy of permits given as she was e-mailed a paperless copy following a recent permit she received. Mr. Nowrowski stated that despite his attempts to make his office "green", he will discontinue the practice of paperless reports and order new inspection forms.

EXECUTIVE SESSION:

At 9:00 PM, Council adjourned to Executive Session to discuss Personnel issues in the Code Enforcement Department.

Council re-convened at 9:24 PM noting that matters of personnel of code enforcement employees was the topic of the Executive Session.

Motion by Mr. Craig to engage Atty. John G. Dean of Eliot, Greenleaf & Dean as Special Counsel pursuant to the engagement letter to conduct an independent investigation of the Code Enforcement Department due to several alleged improprieties and the alleged individuals involved. Second by Mr. Michaels. All council was in favor of this motion. Motion passed. It was noted that Mr. Dean will charge a fee of \$165.00 per hour with a cap of \$4,000.00.

Robert Swaback, 15 Susquehanna Ave., Forty Fort, asked whose discretion it would be to decide any wrongdoing following the aforementioned investigation. Atty. Falcone assured Mr. Swaback that any action needed would be done.

Council discussed the possibility of obtaining a low interest loan for the purpose of purchasing a new police vehicle due to the poor condition of the existing fleet. Chief Hunsinger stated that he has an officer currently training to be certified to do weights of commercial vehicles which would bring considerable revenue to the borough through fines. The purchase of a SUV for the police department would be necessary to complete the process of these activities. Mr. Chacke cautioned that he has heard many times that the police dept. would be conducting these types of checkpoints and nothing ever came of it. Further, he stated that the purchase of an SUV would prove to be costly due to higher maintenance costs, vehicle fuel, tires, etc. Mr. Craig stated that the only way he could agree to the purchase of a \$40,000.00 SUV would be if the Chief gave his assurance that the vehicle would only be used during inclement weather and for the weights check points. Chief Hunsinger stated that the vehicle would be used to supplement the fleet.

Motion by Mr. Michaels to purchase the 2013 Ford Expedition at a cost of \$40,000.00. Second by Mrs. Craig. Roll call showed the following:

YES: Mrs. Craig & Mrs. Michaels

NO: Mr. Craig, Ms. Martinelli, Mr. Chacke & Mr. Kamus. ****Note**** Mr. Kamus arrived at the meeting as this topic was being discussed.

Motion failed 4-2.

With there being no further business to discuss, a motion to adjourn was made by Mr. Craig and seconded by Mr. Michaels.

The next meeting will be a work session on Monday, July 15, 2013 at 7:30 PM.

Respectfully submitted,

Bonnie Arnone
Secretary

