

FORTY FORT, PA

July 6, 2009

Regular Meeting of Council

The regular meeting of Forty Fort Borough Council was held on Monday, July 6, 2009 at the Forty Fort Borough Building, 1271 Wyoming Avenue, Forty Fort, with President Joseph Chacke presiding.

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

Also present were Solicitor Samuel A. Falcone and Borough Secretary/Coordinator Denise Syms. There were fifty-two (52) visitors present.

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

A moment of silence for Paul George, a former member of Council that passed away recently, was observed.

Invocation was then given by Reverend William Lukesh of the Forty Fort United Presbyterian Church followed by the *Pledge of Allegiance to the American Flag* led by President Chacke.

APPROVAL OF MINUTES:

Motion by Mr. Craig to approve the minutes of the regular meeting of Council held on June 2, 2009 and continued on June 15, 2009 as presented. Second by Mrs. Brown.

On a roll call vote members voted as follows:

Yes: Deanna Brown, Robert Craig, Betty Mascelli, Frank Michaels, Dave Williams, and President Joseph Chacke = 6

No = 0

Abstentions = 0

Motion passed without dissent.

Motion by Mr. Craig to approve the minutes of the worksession of Council held on June 15, 2009 as presented. Second by Mr. Michaels.

Motion passed without dissent.

COMMUNICATIONS:

Mrs. Syms read the following communications:

A letter from Diane Soudas, 34 Mohawk Place, thanking Council for the road improvements/paving project on Seneca, Cayuga, Mohawk, and Oneida.

A letter from Sharon Harry, Wyoming Valley Children's Association, requesting consideration from Council to waive/reduce the building permit fee for the second phase of their renovation project at their Wyoming Avenue location.

Motion by Mr. Craig to reduce the building permit fee by 25%. Second by Mr. Williams. Motion passed without dissent.

An appeal to overturn the decision of the Shade Tree Commission was received from David Hergan, 1915 Englewood Terrace.

President Chacke read a card he received from Joe and Kate Ryan thanking Council for the Commerce Parking paving.

RESIDENTS AND TAXPAYERS COMMENTS PETITIONS:

Michael R. Youron, 84 Virginia Terrace, as spokesperson for the residents of Virginia Terrace and surrounding streets that will be affected by the 60 foot high billboard that will be erected by Northwest Ventures at the end of Virginia Terrace on Elizabeth Street, addressed council on issues with the billboard and the actions of the Zoning Hearing Board. The residents of Virginia Terrace and the residents from Kingston on Park Place are opposed to this. Neither he nor his neighbors received notifications of the billboard hearing and he was under the impression that the zoning was denied by the Zoning Hearing Board. Discussion ensued.

John Faust, 93 Virginia Terrace, discussed his concerns with the billboard and questioned the issues and what can be done to stop the process. He wants to know when it will be in front of the Zoning Hearing Board again.

Charlie Bell, 89 Virginia Terrace, asked who governs the Zoning Hearing Board. Mr. Craig explained that the Zoning Hearing Board is governed by state law and is an autonomous body.

David Danelo, 90 Park Place, Kingston, noted that there are around 40 to 50 people at this meeting that don't want this (the billboard) to happen.

Robert Smith, 29 Virginia Terrace, discussed his concerns with the billboard and if certain stipulations have been addressed such as soil samples. He also asked where he can go to see the engineering reports.

Thomas Mastrini, 57 Virginia Terrace, discussed his concerns with the billboard and the process to stop it from being erected.

Harry Kozloski, 25 Bedford Street, stated that a drain was removed thirty years ago and the existing drain can't handle all the water. He gets water in his basement and his driveway. Mr. Dave Yefko, Borton-Lawson Engineering, will do survey work and gather the necessary data to make a recommendation to Council.

Ernest Shara, 33 Bedford Street, discussed the flooding on the street and that he gets water down his basement and driveway. He believes that the Alpine Floor roof is causing the problem. It will be reviewed.

Fred Bernard, 24 Virginia Terrace, asked how they can put a stop to the appeals that Northwest Ventures may file and discussed his issues and concerns with the billboard.

Thomas Conway, 105 Park Place, Kingston, he is the president of the Park Place Association and they do not want the sign.

Chris Sailus, 45 Virginia Terrace, discussed his concerns regarding the billboard and regarding the process that Northwest Ventures still needs to go through in order to erect the sign.

Timothy McManus, representing the Black Diamond American Legion Post #395, presented a Certificate of Appreciation to the Forty Fort Council and Mayor Hoats for their assistance for the Memorial Day event and parade.

Jim Gallagher, 1200 Wyoming Avenue, discussed the water in the alley behind his house between Oak Street and Dana. Mr. Gallagher presented pictures to Council depicting the problem. Council will have the borough engineer look at the issue and see what can be done.

Ellen Cornfeld, 112 Park Place, Kingston, wants to make sure the Zoning Hearing Board follows through and makes sure they do what they are supposed to.

Dave Bolt, 30 Virginia Terrace, expressed his concerns regarding the appeal letter and the way they (Northwest Ventures) went about this.

President Chacke stated for the record that he is opposed to this type of billboard being built anywhere within the borough limits and if we can we will do whatever we can to defend your interests and your rights. Hopefully the steps and policies that he and Council have instituted since becoming aware of these problems will prevent future problems and we'll keep working to improve the process. He thanked everyone for coming out tonight and making Council aware of their intense feelings on this issue.

TREASURER'S REPORT:

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

Motion passed without dissent.

ENGINEER:

Mr. David Yefko discussed the issue with the traffic behind Dunkin Donuts from Shoemaker to Wesley. They are still working on it. He has a call into Penn DOT regarding the inlets on state highways that need work. He has a call into Joe Gibbons

regarding the trees along Abrahams Creek. He has also been in contact with Popple and UGI regarding the Welles Street Project.

GENERAL BUSINESS:

Motion in toto by Mr. Craig to accept the reports of the Mayor/Police Department, Fire Chief, Code Enforcement Officer, and Shade Tree Commission. Second by Mrs. Brown.
Motion passed without dissent.

Motion by Mr. Michaels to adopt the ordinance authorizing an intergovernmental cooperation agreement with the Borough of Swoyersville relating to code enforcement. Second Mr. Williams.

On the question, Mr. Craig asked if Steve will perform their Code Enforcement. Mr. Nowroski responded that it will be only building inspections.
Motion passed without dissent.

Motion by Mr. Williams to donate \$500 to Earth Conservancy. Second by Mr. Craig.
Motion passed without dissent.

Motion by Mr. Craig to overturn the decision of the Shade Tree Commission and allow the removal of the tree in front of 1915 Englewood Terrace. Second by Mr. Michaels.
Motion passed without dissent.

PAYMENT OF BILLS:

Moved by Mr. Craig to pay the bills as presented. Second by Mr. Williams.
Motion passed without dissent.

EXECUTIVE SESSION:

Council adjourned to Executive Session to discuss matters of litigation and personnel matters at 9:05 p.m. and reconvened at 9:12 p.m.

MOTIONS RELATING TO MATTERS DISCUSSED IN EXECUTIVE SESSION:

Motion by Mr. Craig to buy two biometric time clocks for the borough...one to be installed at the borough building and one at the borough garage. Second by Mrs. Brown.
Motion passed without dissent.

Motion by Mr. Craig to adopt the report of the Westside Landfill as presented. Second by Mr. Michaels.
Motion passed without dissent.

ADJOURNMENT:

Motion by Mrs. Mascelli to adjourn. Second by Mr. Craig.
Motion passed.

The meeting adjourned at 9:15 p.m.

Respectfully submitted,

Denise Syms
Borough Secretary/Coordinator