

FORTY FORT, PA

June 2, 2009

Regular Meeting of Council

The regular meeting of Forty Fort Borough Council was held on Tuesday, June 2, 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, Richard Yingst and President Joseph Chacke. Charles Kamus arrived at 7:51 p.m. and James McCabe was absent.

Also present were Mayor Boyd Hoats Jr., Solicitor Samuel A. Falcone, Engineer Christopher Borton and Borough Secretary/Coordinator Denise Syms. There were eleven (11) 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 Boyd Hoats Jr.

President Chacke announced that along with Mrs. Mascelli, Mr. Kamus, Mr. Williams, he attended the meeting in Kingston last night.

APPROVAL OF MINUTES:

Motion by Mrs. Brown to approve the minutes of the regular meeting of Council held on May 4, 2009 and continued on May 18, 2009 as presented. Second by Mr. Michaels.

On a roll call vote members voted as follows:

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

No = 0

Abstentions = 0

Motion passed without dissent.

Motion by Mr. Yingst to approve the minutes of the worksession of Council held on May 18, 2009 as presented. Second by Mr. Williams.

Motion passed without dissent.

COMMUNICATIONS:

Mrs. Syms read the following communications:

A letter from Northeastern Pennsylvania Alliance asking for assistance in their effort to restore funding for their organization in the Commonwealth of Pennsylvania's FY09/10 budget by writing to our State Senator and State Representative.

A letter from Earth Conservancy requesting a fair share contribution of \$5,100 was received.

An appeal to overturn the decision of the Shade Tree Commission was received from Attorney Joseph V. Kasper on behalf of Mr. Dombroski – America Realty at 1110 Wyoming Avenue, Forty Fort. Mr. Dombroski filed an application for permission to remove a tree and/or cut branches of a tree and was denied by the Shade Tree Commission.

A letter from the Forty Fort United Methodist Church thanking Council for their approval to remove the four trees on Yeager Avenue.

Notice of Road Turn back Annual Maintenance Payment in the amount of \$560 was received from Penn DOT.

The 2008 audit from Wyoming Valley Sanitary Authority was received.

President Chacke read a letter received from Penn DOT regarding the traffic concerns at Wyoming Avenue and Slocum Street/Welles Street.

RESIDENTS AND TAXPAYERS COMMENTS PETITIONS:

Sandra Ligouri, Sunset Court, addressed Council regarding the house on 123 Fort Street, which she owns with her brother. There is a problem with the neighbors putting in seven foot hedges as privacy fence. The landscaper originally dug the trench on her property and once she complained about it, the landscaper dug another trench and planted the hedges. The original trench was badly filled in and seeded and sinks every time it rains. Mr. Nowroski stated that it is an arborvitae fence and the neighbor applied for a seven foot fence and was denied because of the height. They then reapplied for a six foot fence and were granted as long as it was compliant with the six foot height. No variance was required.

(Note: Mr. Kamus arrived at 7:51 p.m.)

Carol Dancheck, 33 Yates Street, discussed her concerns with traffic with the Dunkin Donuts alley and the accidents that occurred.

President Chacke explained that the alley behind Dunkin Donuts is privately owned and the alley behind Landmark Bank is owned by the borough. The problem is both the amount of traffic and traffic not stopping at the stop sign. President Chacke asked the Mayor to have the police increase enforcement in the area. Mr. Borton will speak to Solicitor Falcone regarding the legal concerns. Mr. Borton stated that it is a matter of enforcement.

Ellie Steiner, Yates Street, discussed her concerns for her children and other children when vehicles come out of the alley behind Dunkin Donuts and they don't stop for the stop sign. A car from an accident that occurred there landed in her neighbor's yard. She asked if the alley between Yates and Shoemaker can be made into a one way towards

Shoemaker. Mr. Borton is looking at the entire situation and will make recommendation to Council. The Mayor will ask the police to increase enforcement in the area.

Harry Soudas, 34 Mohawk Street, asked when the paving project will start and if Mohawk will be paved. President Chacke stated that it will start very soon and Mohawk is on the list to be paved.

TREASURER'S REPORT:

Motion by Mr. Craig to approve the Treasurer's Report of May 20, 2009 as presented. Second by Mrs. Brown.

Motion passed without dissent.

REPORT OF THE MAYOR:

Mayor Boyd Hoats Jr. read the report of the police department for the month of May 2009.

FIRE CHIEF:

No report.

ENGINEER:

Mr. Borton explained a change order that is needed for the Welles Street project.

Motion by Mr. Yingst to approve the change order No. 3 in the amount representing a net decrease in the Welles Street Project contract price of \$10,700. Second by Mrs. Mascelli.

Motion passed without dissent.

Motion by Mr. Craig to approve contractor's payment application No. 1 in the amount of \$112,229.10 for the Welles Street Project. Second by Mr. Yingst.

Motion passed without dissent.

Mr. Borton discussed the issue with the house on the corner of Hughes and Murray and recommends a title search of the lot and the road.

CODE ENFORCEMENT OFFICER:

Steve Nowroski read the code enforcement report for May 2009. Total income was \$6,995.

WEST SIDE LANDFILL AUTHORITY:

Mr. Williams stated that they met at the sight and looked at the building that needs to be razed.

SHADE TREE COMMISSION:

Mrs. Carol Seltzer gave the report of the Shade Tree Commission.

GENERAL BUSINESS:

Motion by Mr. Yingst to enter into a temporary construction easement and license agreement in relation to the Welles Street Project. Second by Mr. Williams.

On the question, Mr. Yingst asked who is going to be responsible for cutting the grass and shoveling the sidewalk. President Chacke explained that they will cut that grass and shovel the sidewalks. The snow will be plowed to one end and our DPW will then move the snow to another part of their property.

On the question, President Chacke asked about the term of the agreement and who can break it. Solicitor Falcone explained that the license is given and revoked by the grantor. In paragraph 7c it should be added that it include snow removal from the sidewalk and maintenance and repair of the actual sidewalk.

Mr. Yingst amended his motion to enter into the agreement contingent upon the added language. Mr. Williams seconded the amended motion.

Motion passed without dissent.

Motion by Mr. Yingst to enter into an inter-municipal cooperation agreement between the Borough of Swoyersville and the Borough of Forty Fort. Second by Mr. Williams.

President Chacke will correct the ordinance where Edwardsville is stated and replace it with Swoyersville.

Motion passed without dissent.

Motion by Mr. Yingst to advertise the associated ordinance. Second by Mr. Craig.

Motion passed without dissent.

Motion by Mr. Craig to purchase a baby changing station. Second by Mrs. Brown.

On the question, Mrs. Brown asked if it is portable. President Chacke stated that it hangs on the wall.

Motion passed without dissent.

PAYMENT OF BILLS:

Moved by Mr. Williams to pay the bills as presented. Second by Mr. Craig.

Motion passed without dissent.

EXECUTIVE SESSION:

Council adjourned to Executive Session to discuss matters of litigation and personnel matters at 9:14 p.m. and reconvened at 9:40 p.m.

On Sunday, President Chacke had a meeting with the part-time firefighters to notify them that their position is being eliminated.

ADJOURNMENT:

President Chacke recessed the meeting and scheduled the continuation for 7:25 p.m. on Monday, June 15, 2009 for general business.

The meeting recessed at 9:50 p.m.

Respectfully submitted,

Denise Syms
Borough Secretary/Coordinator