

FORTY FORT BOROUGH

MARCH COUNCIL MEETING

MARCH 3, 2014

The March meeting of the Forty Fort Borough Council was held on Monday, March 3, 2014 at the Forty Fort Borough Bldg., 1271 Wyoming Ave., Forty Fort, PA, with President, Jeff McLaughlin, presiding.

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

Also present was Mayor Andrew Tuzinski, Police Chief Daniel Hunsinger, Solicitor, John Haley, Manager, Barbara Fairchild & Secretary, Bonnie Arnone.

Reverend Lukish said an opening prayer followed by the Pledge of Allegiance to the Flag.

APPROVAL OF MINUTES:

Motion by Mrs. Craig to approve the minutes of the February 3, 2014 regular meeting. Second by Ms. Martinelli. All council was in favor of this motion with the exception of Rob Craig who abstained due to his absence at the meeting. Motion passed.

Motion by Ms. Troy to accept the minutes of the February 17, 2014 council work session. Second by Mrs. Craig. All council was in favor of this motion with the exception of Rob Craig who abstained due to his absence at the meeting. Motion passed.

COMMUNICATIONS:

A letter from the Luzerne County Historical Society inviting council to a dinner that was on Feb. 26, 2014.

A letter from Kingston/Forty Fort Baseball & Softball requesting a sponsorship donation of either \$100.00 or \$165.00 for signs. Also a letter from them announcing their annual fund raising event, a golf tournament.

A letter from PSAB announcing the Proposed Constitution Change which will be voted upon at the Annual Business Meeting on Wed., April 9, 2014.

An invitation to the North Branch Land Trust Annual Dinner at the Westmoreland Club on Wed., May 14, 2014.

A letter from Ashley Ferretti, General Manager of the Dunkin Donuts, requesting permission to place a banner across Wyoming Ave. announcing their upcoming 31cent dip night charity event hosted by the Kingston/Forty Fort Fire Dept. A discussion was held where Atty. Haley stated that the liability for placement of such a banner across a state roadway would fall on the borough. A better solution would

be to allow the placement of this banner on the fence at the corner of River & Wyoming Ave. by the Forty Fort Cemetery.

Motion by Mr. Craig to allow an exception to the sign ordinance and have the aforementioned sign for Dunkin Donuts hung on the Cemetery Fence at the intersection of River & Wyoming Ave. Second by Ms. Martinelli. All council was in favor of this motion. Motion passed.

Motion by Mr. Michaels to make a donation to the Forty Fort/Kingston Baseball & Softball League in the amount of \$100.00. At this point, Mayor Tuzinski stated that he would personally make up the difference of \$65.00 to do the \$165.00 donation for two signs. Mr. Michaels then changed his motion to make a donation of \$165.00 to the League. Second by Mr. Kamus. All council was in favor of this motion. Motion passed.

A letter from Sandy Miklaszewicz stating that Mayor Tuzinski had harassed her following a recent storm to make her move her car to allow the street dept. to plow properly on Yates St. Mayor Tuzinski stated that he was only following the ordinance as this was during a snow emergency.

A letter from Mayor Thomas Leighton from Wilkes-Barre inviting Mayor Tuzinski to walk in the St. Patrick's Day parade on Sunday, March 16, 2014 at 2:00 PM.

#### TREASURER'S REPORT:

Ms. Fairchild apologized for the incompleteness of the treasurer's report due to Quick Book Problems and stated that a complete one would be sent to council as soon as possible. A motion to accept the treasurer's report as presented was made by Mr. Craig and seconded by Mr. Michaels. All council was in favor of this motion. Motion passed.

#### ENGINEER'S REPORT:

There was no representative from Quad 3 Group present at the meeting. However, Ms. Fairchild advised council that there has once again been another problem with the Highway Occupancy Permit through PENDOT for the upcoming road work projects. Atty. Haley will review this situation.

#### GENERAL BUSINESS:

Motion in toto by Mr. Michaels to accept the following dept. reports: Mayor/Police Dept., Forty Fort Fire Chief, Kingston Fire Chief & Code Enforcement Officer. Second by Ms. Martinelli. All council was in favor of this motion. Motion passed.

It was noted that the Shade Tree Commission would begin to hold regular meetings on the second Monday of each month at 4:00 PM in council chambers at the Borough Building. All other Commissions and Boards will begin to hold regularly scheduled meeting in the future.

Regarding the possibility of the Fortis Institute students performing work on the electric heating system at the Borough Building, Fortis does not provide liability insurance for its students while performing work at other locations. Therefore, all students who will be participating in the project will need to provide the Borough with a letter releasing the Borough from any and all liability while in the performance of this project.

Motion by Mr. Michaels to sign the agreement with Creditech allowing them to collect any and all delinquent sewer fees prior to Jan. 2014. Second by Mr. Craig. On the question: The Resolution for this was passed in November but the agreement had never been signed. All council was in favor of this motion. Motion passed.

Motion by Mr. Michaels to allow Stu Krasavage to perform repairs to the Storm Basin at Myers & Walnut St. not to exceed his \$2500.00 estimate and the manhole cover repairs at Butler & Welles St. not to exceed his \$1800.00 estimate. Following a discussion on this matter, both Mr. Michaels & Mr. Craig rescinded this motion to the following:

Motion by Mr. Michels to allow Stu Krasavage to perform repairs to the manhole covers at Butler & Welles St. not to exceed his estimate of \$1800.00. Second by Mr. Craig. All council was in favor of this motion. Motion passed.

The work to the storm basins at Myers & Walnut Sts. Will be done by the borough dept. of public works department with the assistance of Mr. Kamus and possibly Swoyersville Borough.

Motion by Mr. Craig to allow Carl Krasavage Plumbing to repair the heater in the Dept. of Public Works Garage not to exceed his estimate of \$1075.00. Second by Mr. Kamus. All council was in favor of this motion. Motion passed.

Motion by Mr. Michaels to hire part time police officer Richard Address. Second by Mr. Kamus. On the question: Ms. Martinelli questioned why another part time police officer was being hired when there are p-t officers not being used. Chief Hunsinger stated that all available p-t officers are being asked to fill shifts and there is still a need for more. Ms. Martinelli asked to have an Executive Session. President McLaughlin stated that an Executive Session would be held later in the meeting. Roll call voted showed the following:

YES: Mrs. Craig, Mr. Kamus, Mr. Michaels, Ms. Troy & Mr. McLaughlin

NO: Mr. Craig & Ms Martinelli.

Motion passed 5-2.

Motion by Mr. Craig to file judgment liens for the 16 accounts that were not paid for delinquent sewer & recycling fees recently filed by Ronald Jeffrey. Second by Ms. Craig. On the question: Ms. Fairchild advised council that of the nearly 100 civil complaints filed, the following amounts had been received: \$10,838.00 paid in full; \$510.00 in partial payments. The judgment liens amount to \$9,145.29. Atty. Haley spoke to council about the fact that a better way to go after such money is through municipal liens and not civil complaints as they have a higher priority for payment should the property be sold. The possibility of investigation shut off procedures with the water co. for unpaid sewer bills was also discussed. All council was in favor of this motion. Motion passed.

Motion by Mr. Michaels to accept the resignation of police officer William Eick. Second by Mr. Craig. All council was in favor of this motion. Motion passed.

Motion by Ms. Martinelli to pay Balloons by Justin in the amount of \$150.00 for work he performed at the 125<sup>th</sup> celebration. Second by Mr. Craig. On the question: Mr. Michaels questioned the cost of \$50.00 an hour to blow up balloons. Ms. Troy stated that she was part of the committee that secured Justin and was not aware of his hourly rate. Roll call vote showed the following:

YES: Ms. Craig, Mr. Craig, Ms. Martinelli, Mr. Kamus & Ms. Troy

NO: Mr. Michaels & Mr. McLaughlin

Motion passed 5-2.

Motion by Mr. Craig to sign the Memorandum of Understanding agreement for the 3 full time police officers hired in June of 2011. Second by Mr. Kamus. On the question: The third year salary for these 3 full time officers will begin effective Jan. 1, 2014 with raise increments on the 1<sup>st</sup> of Jan. of each year. All council was in favor of this motion, with the exception of Mr. Michaels who abstained due to his son being one of the officers involved in this agreement. Motion passed.

Motion by Mr. Craig to sign the Agreement for Robert Pugh, fire fighter, reimbursing him for the 3 work day, unpaid suspension he had in 2012. His record will also be expunged in the Forty Fort Fire Dept. Second by Mrs. Craig. All council was in favor of this motion. Motion passed.

#### RESIDENTS & TAXPAYERS COMMENTS & PETITIONS FOR GENERAL PURPOSES:

Chris Papadoplos, 95 W. Liberty St., Hanover Twp., PA stated that he was the victim of an attack by Forty Fort part time police officer David McDermott in 2013. He stated that Mr. McDermott should not be hired back in Forty Fort Borough as a police officer.

Jason Papadoplos, 116 Jersey Rd., Plymouth Twp., PA stated that he was present at the incident where his brother Chris was attacked by David McDermott & that his wife had been verbally abused by Mr. McDermott as well. He stated that he should not be working as a police officer.

Stacey Papadoplos, 95 W. Liberty St., Hanover Twp., stated that he is aware of several other incidents in which Mr. McDermott has been in trouble and conducting himself in a way not becoming of a police officer.

Lee Ann McDermott, 5 Tripp Manor, Forty Fort, stated that David is her son and that neither the Forty Fort Police Chief nor former or current Mayor has ever asked to speak with David to talk about the incident.

Richard Kamus, Swoyersville, stated that Mr. McDermott has a clean record as a police officer and should be put back on the schedule. \*Note, this is not the Richard Kamus on Forty Fort Borough Council\*.

Patti O'Donnell, former police officer, stated that she has always known David McDermott to be a good police officer and says Forty Fort Borough should give him a second chance.

At this point of 9:05 PM, council adjourned to Executive Session to discuss police personnel issues.

Council re-convened at 9:45 PM.

Mayor Tuzinski stated that he was excused from the Executive Session due to the fact that he had a personal conflict with the situation discussed. He also stated that he was able to give executive

authority to the Borough Manager in his absence to sign certain documents with permission from council. He stated that he is often out of town with his job.

Motion by Mr. Craig to pass Resolution #7 of 2014 that the mayor is authorized by council to delegate his powers "to sign papers, contracts, obligations and documents as may be required" by the Borough Manager. Second by Mr. Michaels. All council was in favor of this motion. Motion passed.

With there being no further business to discuss, a motion to adjourn was made by Mr. Michaels & seconded by Mr. Craig. All council was in favor of this motion. Motion passed.

It was noted that the next work session of council would be held on Monday, March 17, 2014 at 7:30 PM in the council chambers of the borough building.

Respectfully submitted,

Bonnie Arnone  
Secretary