

## FORTY FORT, PA

November 16, 2009

Continuation of the November 2, 2009Regular Meeting of Council

The regular meeting of Forty Fort Borough Council held on Monday, November 16, 2009 was continued on Monday, August 2, 2009 at the Forty Fort Borough Building, 1271 Wyoming Avenue, Forty Fort, with President Joseph Chacke presiding.

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

Also present was Jr. Council Person Ted Ritsick, Borton-Lawson Representative Dave Yefko, and Borough Secretary/Coordinator Denise Syms.

President Chacke called the meeting to order at 7:25 p.m.

GENERAL BUSINESS:

Patrick Judge addressed Council regarding his term as the Forty Fort representative of the WVSA. Discussion transpired as to his qualifications and duties as representative.

Motion by Mrs. Mascelli to keep Pat Judge as the Forty Fort WVSA representative.  
Second by Mr. Michaels.

On the question, Mr. Craig asked if we were going to wait until the December meeting for this. President Chacke stated that there is a motion and a second on the table.

Motion passed.

Mr. McLaughlin repeatedly interrupted the meeting. He was warned by President Chacke as being out of order and explained that he will be asked to leave the meeting if he continues. He was then asked to leave the meeting and refused.

The meeting was recessed at 7:36 p.m. until the officer arrived. The meeting reconvened at 7:44 p.m. after Mr. McLaughlin was escorted out of chambers by Officer Casella.

Motion by Mr. Craig to rescind the previous motion until a decision can be made at the December meeting.

There is a question as to whether the motion can be rescinded in this manner.

Based on the discussion that at the last meeting it was mentioned that this would be handled in December, Mr. Michaels wants to rescind his second.

Again, there is a question as to whether he can since the motion was already voted upon.

This will be researched and

Motion by Mr. Craig to table the approval of the draft copy of the 2008 borough audit.  
Second by Mr. Williams. Motion passed without dissent.

President Chacke read Maria DeLazzari's letter of interest to be appointed to the Shade Tree Commission.

Motion by Mr. Craig to appoint Maria DeLazzari to the Shade Tree Commission. Second by Mr. Williams. Motion passed without dissent.

Motion by Mr. Williams to advertise the ordinances pertaining to adopting the codification. Second by Mr. Craig.

On the question, Mr. Craig asked what it is. President Chacke stated that it is the codification of the Borough ordinances. President Chacke and Mr. Williams have been working on this and we received the draft for review and final adoption. We need to advertise the ordinances adopting the codification as the Borough Code. Nothing has been made that Council has not adopted in the past.

Mr. Williams then discussed some of the changes that were addressed. Motion passed without dissent.

Motion by Mr. Williams authorizing the Borough Secretary to request payment from Luzerne County Office of Community Development for approved project costs in relation to the ADA modification project at the Forty Fort Pool. Second by Mr. Craig.

On the question, Mr. Craig asked if this is to pay for the new ramp. President Chacke stated that we pay it out of the general fund and they reimburse us.

Motion Passed without dissent.

Motion by Mr. Craig to rescind the appointment this body made earlier at this meeting to be decided at the regular meeting of Council for December as previously agreed upon at the November meeting. Second by Mr. Williams.

Motion passed.

Motion by Mr. Craig to contract with Ruckno Construction to pave the area at the end of Shook Place for \$3,600. Second by Mrs. Mascelli.

On the question, President Chacke explained where the area is that will be paved. Motion passed without dissent.

#### EXECUTIVE SESSION:

Council adjourned to Executive Session to discuss matters of litigation 8:04 p.m. and reconvened at 8:18 p.m.

#### MOTIONS RELATING TO MATTERS DISCUSSED IN EXECUTIVE SESSION:

Motion by Mr. Williams to not pay the Luzerne County Flood Protection Authority Levee fee bill that was sent to the Borough for Borough buildings based on the principal of double taxation which the residents of Forty Fort have also been charged the fee. Second by Mrs. Mascelli.

On the question, Mr. Craig asked that the motion be amended to include that a letter be sent to the Luzerne County Flood Protection Authority stating the reason for non-payment.

Mr. Williams and Mrs. Mascelli agreed to amend their motion accordingly.

On the question, President Chacke wanted on the record that since the beginning he and Council have stated their opposition to this fee. It is not the responsibility of the taxpayers of this community to cover the expenses incurred by the Luzerne County Commissioners and their ineptitude at running the county. It is not fair that they ask the Forty Fort residents and taxpayers to be taxed a separate fee that is enjoyed by not only the people that are protected by the levee

system. We have soccer tournaments where people from out of state are enjoying the levee system, we have recreational users, and anybody else that may live in Mountaintop and comes to the beer deli for lunch are being protected by the levee system.

Mr. Craig stated for the record that the Borough Council is aware that this may cost us more than the face value of the bill itself.

Motion passed without dissent.

ADJOURNMENT:

Motion by Mr. Craig and seconded by Mr. Michaels to adjourn.

Motion carried without dissent.

The meeting adjourned at 8:27 p.m.

Respectfully submitted,

Denise Syms  
Borough Secretary/Coordinator