

FORTY FORT BOROUGH

OCTOBER COUNCIL MEETING

OCTOBER 7, 2013

The October meeting of Forty Fort Borough Council was held on Monday, October 7, 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, Charles Rick Kamus, Frank Michaels & Karen Martinelli, via telephone. Betty Mascelli was absent.

Also present were Mayor Boyd Hoats, Chief Dan Hunsinger, Atty. Sam Falcone, Manager Barbara Fairchild & Secretary Bonnie Arnone.

Reverend Lukish led Invocation followed by the Pledge of Allegiance to the Flag led by Mayor Hoats.

APPROVAL OF MINUTES:

Motion by Mrs. Craig to accept the minutes of the September 3, 2013 meeting. Second by Mr. Craig. Roll call vote showed the following:
YES: Mrs. Craig, Mr. Craig, Mr. Kamus, Ms. Martinelli & Mr. Chacke
ABSTAIN: Mr. Michaels due to his absence at the 9/3/13 meeting.
Motion Passed.

Motion by Mr. Craig to accept the minutes of the September 16, 2013 council work session. Second by Mrs. Craig. All council was in favor of this motion, with the exception of Mr. Kamus who abstained due to the fact that he was absent from this meeting. Motion passed.

COMMUNICATIONS:

A letter was received from Atty. J. Ferentino representing Wyoming Borough stating that they accepted Forty Fort Borough's dissolution of the Code Enforcement Contract with their Borough.

A Notice of Turkey Hill Remediation due to a recent gas spill at their facility on Wyoming Ave.

A letter from Mericle Group explaining that they had purchased & demolished two buildings on Welles St., 148 & 150 Welles St., and replaced it with one building. They ask that the address for this building be 150 Welles St.

Motion by Mr. Craig to instruct & permit Ms. Fairchild contact Luzerne County Emergency Mgmt. and the Postal Service about the assignment of 150 Welles St. to this property. Second by Mr. Michaels. All council was in favor of this motion. Motion passed.

A letter from Amy Craig of Families for Forty Fort Park asking permission to use the Forty Fort Park for the annual Halloween Parade & party set for Sunday, Oct. 20, 2013 from 4-6 PM (rain date 10/27/13). Since they will be doing a basket raffle fund raiser, they also asked for a donation from the Borough of a Family Membership for the 2014 Pool Season.

Motion by Mrs. Craig to approve the use of the Forty Fort Park for the Families for Forty Fort Park Halloween event on Oct. 20, 2013 (rain date Oct. 27, 2013) from 2-4 PM and to donate a 2014 Family Pool Membership for their Fundraising raffle. Second by Mr. Kamus. All council was in favor of this motion. Motion passed.

Ms. Fairchild announced that Luzerne County would be holding a tire recycling program for all county residents on Oct. 12, 2013 from 9 AM to 3 PM in Hanover Twp.

President Chacke announced that the independent report on the Code Enforcement Office had been received and sent to all council. He then presented to council and the public that were present a Proposed Action Plan in response to the Code Enforcement Report that had been reviewed by Atty. Falcone, Charles Rick Kamus, Frank Michaels & himself. He stated that before council would vote on this action plan, the council and/or public would have an opportunity to review the plan and ask questions or make comments. The Proposed Plan is as follows:

Office or Policy:

1. The Rental Inspection Ordinance shall be enforced as written and adopted by Council.
2. Rental Inspection "fee discounts" shall only apply to units in the same building as intended when Council adopted it.
3. No occupancy permits (conditional or unconditional) shall be issued before fees are paid.
4. The Borough Manager shall oversee the Code Enforcement Department on a daily basis on a purely personnel/reporting/supervisory structure.
5. No Code Enforcement employee shall sign any documents on behalf of anyone else regardless of the situation.
6. The Borough shall direct BIU and/or the full-time employee to investigate the "landfill" at the end of River Street.
7. The Code Enforcement office shall only report fees actually received and deposited.
8. Cash payments shall no longer be accepted by the Code Enforcement Office, only checks or money orders will be acceptable payments. If residents or contractors wish to make cash payments they must make the payment to the Administrative office and obtain a receipt.
9. The 3rd party inspection "agreement" with a current Council Member is void and that Council Member shall not receive any preferential or deferential treatment not afforded to any other resident of the Borough.
10. The "Property Maintenance Officer" shall not inspect or participate in any manner with Code Enforcement matters associated with family members or those politically aligned with his immediate family members.

Personnel Actions:

Still under consideration.

Other Actions:

1. The full report shall be forwarded to the District Attorney Office for their review and investigation.
2. The report will be publicly released with appropriate redactions, if any, as recommended by the solicitor.

Atty. Falcone made the following observations regarding this report: There were no findings of criminal conduct in the report. Sending the report to the District Attorney's for review is keeping with the process of complete transparency. The borough does not have to release this report to the public However it can if so desired. Even with redactions of certain proper names from the report, he cannot guarantee that the dissemination of the report would not cause a lawsuit from any involved persons. He further stated that this topic is not considered to be an allowable topic to discuss in Executive Session.

RESIDENTS AND TAXPAYERS COMMENTS & PETITIONS REGARDDDING AGENDA ITEMS ONLY:

Joe Danoski, 1621 Wyoming Ave., Forty Fort, PA asked when the report would be available to the public. He was told that council had the option to vote on whether or not it would become a document to be disseminated to the public.

Carol Seltzer of the Shade Tree Commission told council that through DCNR, a grant will be applied for the purchase of new trees. She is in need of volunteers for the planting of these trees. In order to apply for this grant, paperwork must be submitted by October 10, 2013.

Motion by Mrs. Craig to re-appoint Carol Seltzer to the Shade Tree Commission and appoint Melissa Tomascik to the Shade Tree Commission. Second by Mr. Craig. All council was in favor of this motion. Motion passed.

TREASURER'S REPORT:

Motion by Ms. Martinelli to accept the Treasurer's report for September 30, 2013 as presented. Second by Mr. Craig. All council was in favor of this motion.

GENERAL BUSINESS:

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

Motion by Mr. Michaels to Accept the following 2014 MMO's for pension funds: Fire Dept: \$61,015.75; Police: \$154,843.63; Non-Uniform: \$5,789.65. Second by Mr. Kamus. On the question: Ms.

Fairchild was asked how this compared with the prior year's obligations to which she replied approx. \$10,000.00 more than last year. All council was in favor of this motion. Motion passed.

Motion by Mr. Craig to pay \$170.00 to the Ercolani family for necessary supplies to complete the new sign for the Forty Fort Park. Second by Mr. Kamus. On the questions: Christopher Ercolani is making a new sign as an Eagle Scout Project and has solicited donations from local businesses but finds himself short on funds. He hopes to have the sign done in approx. two weeks. All council was in favor of this motion. Motion passed.

Motion by Mrs. Craig to overrule the denial of the shade tree commission for the removal of a tree at 3 Englewood Terrace owned by Dottie Yurkowski. Second by Mr. Craig. On the question: This is a tree in which a large branch has broken off & hangs precariously in the crook of the tree. Due to the height of the branch, it is not possible for the borough to remove it. Tom's Tree Service has stated that they will be there ASAP to remove the tree as it is diseased. All council was in favor of this motion. Motion passed.

Motion by Mr. Craig to advertise seeking bids for the sale of the 2008 Ford Crown Victoria Police Cruiser with the starting bid of \$3,500.00 and "Best Offer" for the 1999 Ford Expedition. Second by Mrs. Craig. On the question: Chief Hunsinger noted that Wagner's Towing has offered to take the 1999 Ford Expedition to auction, free of charge, in the event that no bids are received. All council was in favor of this motion. Motion passed.

Mr. Michaels told council that the Finance committee of he, Barbara Fairchild, Karen Martinelli with Chief Hunsinger present, had met to review the budget requests from all departments. He stated that all requests looked in line and that Ms. Fairchild will have a proposed budget prepared for the October 21, 2013 work session. She will hope to have the first reading of the budget for the November 11, 2013 meeting. Mr. Kamus asked that the street department be able to get necessary equipment for their needs. Mr. Craig stated that he would like to see a budget with no tax increase.

Motion by Mr. Craig to give conditional approval for Barbara Fairchild to submit a grant application for a local share grant for renovations to the Borough Building, specifically new windows. Second by Mr. Michaels. On the question: It was agreed that the window should be of a design that would keep with the historical look of the building. All council was in favor of this motion. Motion passed.

Ms. Fairchild stated that she has been in touch with BC/BS regarding rates for the upcoming year. Due to the uncertainty with the Federal Government and insurance in general, they say that they may be able to quote her like coverage's for next year, but come Jan. 1, 2014, the product may no longer be available. Council decided to use the current rates for budget purposes.

Motion by Mr. Craig to authorize the renewal of the current Blue Cross/Blue Shield & Gap insurance rates for the year 2014. Second by Mr. Michaels. All council was in favor of this motion. Motion passed.

The proposed contract for the Public Works Department has been reviewed by council. The contract will be voted upon at the November meeting of council on November 11, 2013.

Ms. Fairchild stated that she has received a proposal from Creditech for the collection of delinquent recycle bills. She also stated that Ron Jeffery, the prior collector, has continued to receive payments on delinquents following the mailing of letters to those property owners.

Ms. Fairchild noted that there will be a town hall meeting on Wednesday, October 9, 2013 from 6-7 PM in council chambers at the Borough Building. Mr. Steven Stahl will discuss changes in health care due to new Affordable Health Care Act. The public is invited to attend.

Motion by Mr. Kamus to pay \$200.00 Chief Hunsinger to attend the annual Juvenile Police Officers conference in Hershey, PA from Oct. 14-17, 2013. Second by Mr. Michaels. On the question: Chief Hunsinger stated that he is V-P of the association. All council was in favor of this motion. Motion passed.

RESIDENTS AND TAXPAYERS COMMENTS & PETITIONS FOR GENERAL PURPOSES:

Carol Seltzer of the Shade Tree Commission asked when the 23 stumps throughout the borough were going to be removed. Council stated that the public works dept. would be instructed to rent the necessary equipment to remove & grind the stumps and perform the work.

Joe Danoski, 1621 Wyoming Ave., Forty Fort, asked how much the bill was for the Independent Investigation of the Code Enforcement Office. He was told that, as agreed, the bill was capped at \$4,000.00 despite the fact that the actual bill had exceeded that amount. He also told council that he would like them to vote to allow the release of the independent report to the public. He also questioned the cost of repairs made recently to the 2008 Crown Vic Police Cruiser which is now going out to bid for sale.

Council next voted on the Proposed Action Plans in response to Code Enforcement Independent Report line by line.

MOTION BY MR. MICHAELS, SECOND BY MR. KAMUS ON: #1- The Rental Inspection Ordinance shall be enforced as written and adopted by Council. All council was in favor of this motion. Motion passed.

Motion by Mr. Michaels, second by Mr. Kamus on #2 - Rental Inspection "fee discounts" shall only apply to units in the same building as intended when Council adopted it. All council was in favor of this motion. Motion passed.

Motion by Mr. Michaels, second by Mr. Kamus on #3 - No occupancy permits (conditional or unconditional) shall be issued before fees are paid. All council was in favor of this motion. Motion passed.

Motion by Mr. Kamus, second by Mr. Michaels on #4 - The Borough Manager shall oversee the Code Enforcement Department on a daily basis on a purely personnel/reporting/supervisory structure. All council was in favor of this motion. Motion passed.

Motion by Mr. Michaels, second by Mr. Kamus on #5 - No Code Enforcement employee shall sign any documents on behalf of anyone else regardless of the situation. All council was in favor of this motion. Motion passed.

Motion by Mr. Kamus, second by Mr. Michaels on #6 - The Borough shall direct BIU and/or the full-time employee to investigate the "landfill" at the end of River Street. All council was in favor of this motion. Motion passed.

Motion by Mr. Craig, second by Mr. Kamus on #7 – The Code Enforcement office shall only report fees actually received and deposited. All council was in favor of this motion. Motion passed.

Motion by Mr. Kamus, second by Mr. Michaels on #8 - Cash payments shall no longer be accepted by the Code Enforcement Office, only checks or money orders will be acceptable payments. If residents or contractors wish to make cash payments they must make the payment to the Administrative office and obtain a receipt. Roll call vote showed the following:

NO: Mrs. Craig, Mr. Craig, Ms. Martinelli, Mr. Michaels

YES: Mr. Kamus, Mr. Chacke

Motion failed 4-2

Motion by Mr. Craig, second by Ms. Martinelli to accept all cash payments for the code enforcement office at the office of the Borough Manager. All council was in favor of this motion. Motion passed.

Motion by Mr. Michaels, second by Mr. Kamus on #9 - The 3rd party inspection "agreement" with a current Council Member is void and that Council Member shall not receive any preferential or deferential treatment not afforded to any other resident of the Borough. On the question, a conversation ensued concerning the property owners right to hire a 3rd party inspection agency at their own cost. Roll call voted showed the following:

YES: Mr. Kamus, Mr. Michaels, Mr. Chacke

NO: Mrs. Craig, Mr. Craig, Ms. Martinelli

MAYOR: Yes

Motion passed 4-3.

Motion by Mr. Craig, second by Mr. Kamus on #10 - The "Property Maintenance Officer" shall not inspect or participate in any manner with Code Enforcement matters associated with family members or those politically aligned with his immediate family members. All council was in favor of this motion. Motion passed.

It was noted that under Personnel Actions, it was noted that there was no action at this time.

Other Actions:

Motion by Mr. Craig, second by Mrs. Craig on #1- The full report shall be forwarded to the District Attorney Office for their review and investigation. All council was in favor of this motion. Motion passed.

Motion by Mr. Craig, second by Mr. Michaels on #2 - The report will be publicly released with appropriate redactions, if any, as recommended by the solicitor. All council was in favor of this motion. Motion passed.

Atty. Falcone stated that he could have the report to Ms. Fairchild with redactions by Friday, Oct. 11, 2013 after which the report would be available to the public. He again cautioned that even with

redactions, it does not mean that a lawsuit could not be brought against the borough by any involved persons.

PAYMENT OF BILLS:

Motion by Mr. Michaels to pay the bills as presented. Second by Mr. Kamus. On the question, Mr. Kamus questioned the cost of the bill for the inspection of the St. Dept. trailer at Nicholas Trucking saying it was very high. All council was in favor of this motion, with the exception of Mr. Craig & Mrs. Craig abstaining from payment for line item 413.331 (mileage for Thomas Craig) only. Motion passed.

It was noted that the next regular meeting will be held on Monday, November 11, 2013 at 7:30 PM at the borough building. The work session will be held on Monday, November 18, 2013 at 7:30 PM at the Borough Building.

Motion by Mr. Craig to adjourn at 9:17 PM. Second by Mrs. Craig.

Respectfully submitted,

Bonnie Arnone
Secretary

