

FORTY FORT BOROUGH COUNCIL MEETING

SEPTEMBER 8, 2015

The September meeting for the Forty Fort Borough Council was held Tuesday, September 8, 2015, 7:00 PM at the Forty Fort Borough Building, 1271 Wyoming Avenue, with President Jeff McLaughlin presiding.

President McLaughlin called the meeting to order with the following members of Council present: Deborah Troy, Dottie Craig, Joseph Lynch, Charles Rick Kamus, Frank Michaels & Karen Martinelli via telephone. Also present were Mayor Andy Tuzinski, Solicitor Jack Haley, Quad 3 engineers Carl Schimmel and Mark Voyack.

GUEST: Eric Kline, Territory Manager from A&H Equipment, Harrisburg was in attendance to present and discuss a new 13 cubic yard Loadmaster Legacy Series Yard Packer with a new 2016 International chassis for the borough recycling process and yard waste. Mr. Kline answered questions from Mr. Kamus regarding: does A&H Equipment have customers that have used this particular model, it's efficient use for yard waste, LED light package, back up package, basic 3300 Chassis package. Mr. Kline responded that he does have customers using this equipment: the City of Harrisburg – yard waste and Kingston. Mr. Kline reported that there have not been any issues with this unit, as there are no cross-members. Cross-members rust. The Loadmaster has a better quality of steel and not a lot of it. It does have LED light readings; however, the back-up package is not standard. It is an option. Mr. Kamus pointed out that Forty Fort has a lot of dead-end streets; therefore a back-up package is necessary.

Mayor Tuzinski raised the question regarding a hydro winch. Mr. Kline responded that the basic International Chassis comes with air conditioning; however, a hydro winch is not standard.

Ms. Craig posed the question regarding a CDL license, with Mr. Kamus and Mr. Michaels stating that this would be a major concern. Mayor Tuzinski added that the truck would not be going to Dunmore. It would be going to Wilkes-Barre. Mr. Kline stated that a CDL is not required.

Ms. Craig asked the average life span for the Loadmaster – used approximately 2-3 days per week. Mr. Keller responded as about 10 years, depending upon the variables.

Mr. Kamus stated that his ultimate goal is to get recycling pick up down – the reason to increase the load capacity. Mr. Kline mentioned that from the 10 cubic yard loader to a 13 cubic yard loader is only about \$1,000 difference in cost. The 2016 International 3300 Chassis was requested; however, the quote is for a 2016 International 4300 Chassis. Mr. Keller and Mr. Kamus will get together to revamp the quote to present for approval in the near future.

Motion to table the topic of a new packer for Borough recycling was voiced by Ms. Craig and seconded by Mr. Kamus. Question was raised without response. Motion passed without dissent.

CONSENT AGENDA FOR ADMINISTRATIVE ISSUES:

President McLaughlin reported on the work session held prior to the Council meeting. Reports from the Mayor and minutes of each department were submitted. Motion was made by Mr. Michaels and seconded by Mr. Kamus to accept the consent agenda for administrative issues. There were no questions. Motion passed without dissention.

REPORT OF DEPARTMENT HEADS - MAYOR: Mayor Tuzinski presented a request on behalf of the Wyoming Valley Soccer League for the Fall Tournament to be held September 18 and 19, 2015. As with previous years, the Forty Fort Borough has waived the fees associated with this non-profit organization. Rita's Italian Ice will be donating their product. Motion to waive the vendor fee for this event was made by Mr. Lynch and seconded to by Mr. Kamus. There were no questions. Motion passed without dissention.

President McLaughlin presented a request on behalf of Amy Craig, Special Events Coordinator for the Forty Fort Pool. A craft fair is planned in the park on October 11, 2015 from Noon thru 5PM to benefit the FF Pool. There will not be an open inspection. Ms. Craig is requesting use of the park and to waive the fee for the participating vendors. All vendors will be required to sign the waiver of liability form. Motion for same was made by Ms. Troy and seconded by Councilwoman Ms. Craig. There were no questions. Motion passed without dissention.

Mayor Tuzinski reported that the police officers have been doing a tremendous job for the Borough. Parking tickets totaled 621 for 2014. So far this year, it is 831. Fines have reached \$5,000, not including the parking tickets. This is 22% over last year.

Still moving along with the construction project in this building. We're moving the evidence room upstairs to be under the same protective office as the police department.

With regard to the trees in question: The tree on Murray Street is actually located at 1290. The tree at 1283 came down on Sunday morning. It is also noted that the tree at 1296 is deemed unsafe.

REPORT OF BOROUGH MANAGER: Not available.

REPORT OF BOROUGH ENGINEERS:

Regarding the Sewer Project – President McLaughlin confirmed that Ed talked with Quad3 regarding the permit for construction on River St. with PENNDOT. Traffic control is a major concern and crossings. Quad3 will inquire about the permit, since the Manager is no longer with the FF Borough.

President McLaughlin reported that there were four bids, lowest being submitted by Popple Construction. Second lowest bid was with American Asphalt. American Asphalt will ask to shut down River Street for the construction project. American Asphalt assured Quad3 that they can get people in and out. Mr. Kamus posed the question as to how much it would cost to close River Street with regard to payroll for traffic control with flaggers. Mr. Voyack of Quad3 stated that he will find out.

Mr. Schimmel reported that the lowest bid for the street paving project was from Popple at \$53,833; however, there were several math errors associated with this bid. Popple Construction, Inc. submitted a letter to withdraw the bid from consideration, dated September 4.

American Asphalt bid was the next lowest at \$1,039,117.50. Discussion followed regarding the amount for adjustment to fall within the grant allocation. USDA fund availability is conditioned upon review. With the deduction of 4th Street \$216,840, the total would be closer (\$862,577.50). The contingency amount is \$223,260. Quad3 would like to recommend that the bid from American Asphalt be accepted. American Asphalt is willing to cooperate with adjustments to the work encompassed with this project bid. There are also hidden needs to consider such as the water company and the gas company. If the project is extended to next year, oil prices are also expected to increase. Mr. Kamus pointed out that American Asphalt anticipated doing the work next year and, thus, the anticipated increase in cost has already been worked into their bid.

Council must work within the grant amount awarded; therefore, further discussion was held to see if American Asphalt should re-bid or if the bidding process should be conducted again. Mr. Haley advised that Council can accept the letter from Popple regarding withdrawing the bid; however, if a re-bid is initiated with American Asphalt, Popple cannot re-bid. Mr. Haley reiterated that a motion regarding this process is acceptable.

Motion was made by Mr. Kamus and seconded by Ms. Craig to accept the letter from Popple Construction to withdraw said bid from the paving project. Question: Mr. Michaels asked what would happen if American Asphalt came back needing additional costs? Ms. Craig questioned as to what is the alternative? Mr. Schimmel responded that the contingency would then come into play. There were no other questions. Motion passed without dissent.

Motion was made by Mr. Kamus to award to American Asphalt with conditions the paving project within the USDA provisions of \$825,500 for the construction. Motion was seconded by Ms. Craig. There were no questions. Mr. Voyack pointed out that PENNDOT wants paving on the roads to be straight. Motion passed without dissent. Mayor Truzinski stated that the design of the paving project should be initiated as soon as possible. Mr. McLaughlin enforced this observation by stating that funds are being matched, each project is being prioritized and all projects are moving forward as soon as possible.

Ms. Martinelli reported that the grants for filing are:

- 1 – Multi-Modal Paving Project – July 31st
- 2 – Multi-Modal Transportation Grant – September 18th
- 3 – Recycling – Due September 30th
- 4 – DEP – Due October 9th

President McLaughlin reported that all paperwork is in order for filing on time.

RESIDENTS & TAXPAYERS COMMENTS & PETITIONS: No comments or petitions.

CONSENT AGENDA GENERAL BUSINESS: No Items.

GENERAL BUSINESS:

A letter of resignation from Borough Manager, Barbara Fairchild was read with regret by President McLaughlin. Mr. McLaughlin noted that Ms. Fairchild worked very hard to obtain several grants for the Borough to help bring in funding for many projects. Motion was made by Mr. Kamus to accept Ms. Fairchild's resignation and seconded by Mr. Lynch. There were no questions. Motion passed without dissent.

It was announced that Kathleen Washko was appointed as an alternate member of the Civil Service Commission. Motion was made by Ms. Martinelli and seconded by Ms. Craig to accept the appointment of Ms. Washko to the Civil Service Commission as an alternate member. There were no questions. Motion passed with one abstention, Mr. Lynch.

Sealed bids were opened and received from Yousef Dabbagh, 2438 Fen View Circle, Island Lake, IL 60042 as \$4,668.0000 and Chicago Motors, Inc., 2553 West Chicago Avenue, Chicago, IL 60622 as \$3,407.00 to purchase from the Forty Fort Borough Police Department a 2010 Dodge Charger. President McLaughlin reported that the bid from Chicago Motors, Inc. did not meet the minimum reserve of \$4,500. Mr. Michaels asked who bears the costs for transfer/transport of the vehicle? Solicitor Hayes asked how the vehicle was advertised? Mr. McLaughlin noted that this person has purchased a vehicle from the Forty Fort Borough prior to this bid notice and that the costs would be upon the purchaser as implied by the ad. Solicitor Hayes advised that, in the future, it would be best to include in the ad that the purchaser will bear all costs to transfer the vehicle being purchased. Motion was made by Mr. Lynch and seconded by Mr. Michaels to accept the bid from Yousef Dabbagh conditional upon the buyer incurring the costs. There were no other questions. Motion passed without dissent.

Motion to purchase the packer was tabled.

Motion was made by Mr. Michaels and seconded by Mr. Kamus to advertise for Borough Manager Applicants. There were no questions. Motion passed without dissent.

Regarding the Tax Anticipation Note – TAN from First Keystone: No information could be presented at this meeting. Motion was made by Mr. Kamus and seconded by Mr. Michaels to pay off the Tax Anticipation Note. There were no questions. Motion passed without dissent.

Since the resignation of Barbara Fairchild, Council Member Deborah Troy is the only COG representative of the two necessary. President McLaughlin asked for any volunteers. Mr. Kamus volunteered to be the second COG representative. Motion to appoint Mr. Kamus as second representative to COG was made by Mr. Lynch and seconded by Mr. Michaels. There were no questions. Motion passed without dissent.

Motion to pass PENNDOT Winter Services Resolution #15 of 2015-2016 was made by Mr. Michaels and seconded by Mr. Kamus. There were no questions. Motion passed without dissent.

Motion was made by Mr. Michaels and seconded by Ms. Craig to appoint Bonnie Arnone as borough HIPPA officer. There were no questions. Motion passed without dissent.

NEW BUSINESS AND OPEN DISCUSSION:

Mayor Tuzinski performed the swearing-in ceremony of Kathleen Washko as alternate member of the Civil Service Commission. President McLaughlin introduced Rob Swaback, President of the Civil Service Commission and Tony Smith who presented a discussion on the use of additional solicitor funds. A legal review of the Fire and the Police Departments equaled \$700 + miscellaneous expenses. It was reported that a letter was sent to the Borough Manager requesting \$1,000. Mayor Tuzinski asked from where would the money come? It will be a reimbursement to the Forty Fort Borough. Mr. McLaughlin will look for the letter and report. Mr. Haley responded an existing fire contract. In the future, all firefighters would be hired under the contract with Kingston. The hiring process now is through a bargaining agreement. Motion was made by Mr. Lynch and seconded by Mr. Kamus to secure \$1,000 for the Civil Service Commission to pay for the legal consulting fees. Mr. Michaels asked if there was any money left over from last year. Mr. Kamus responded that there are no outstanding bills and no money is pending from last year. There were no other questions. Motion passed without dissent.

At this time, the engineers were released from the Council meeting.

President McLaughlin presented the choice of replacement windows and pointed to a sample of one installed in the Council room with a pine finish on the inside and white finish on the outside. President McLaughlin suggested that the pine on the inside windows be installed in the Council Chambers only and the rest of the building be white on the inside and outside. Placement of grids on the windows was suggested. Mr. Kamus pointed out that the appearance of the grids should be consistent all around the building and that internal grids are better. Ms. Craig agreed. Mr. Kamus asked about the police windows. Mayor Truzinski stated they are a priority with the rest of the first floor level.

President McLaughlin presented the request from Bob Barnard, DPW Supervisor that he be able to take the work vehicle to and from his home, since Mr. Barnard has moved to the Back Mountain area. Mr. Kamus opined that Mr. Barnard has no tools in the borough truck and must go to the building in any event to properly load the truck for the work to be accomplished for that day. Mr. Kamus suggested that Mr. Barnard continue to use his personal vehicle to and from work. A taxpayer voiced the opinion that she did not want to pay for the fuel, wear-and-tear on the vehicle or any accident deductibles should the borough vehicle become involved in an accident to or from an employee's home. President McLaughlin stated that no other employee is permitted to take a borough vehicle to and from home for work. Mayor Truzinski also reminded Council that if an employee uses a borough vehicle to get to or from work, that employee must complete an IRS form to pay for the personal use of the borough vehicle. Council agreed unanimously to not allow Mr. Barnard to take the borough vehicle to and from his home. President McLaughlin will inform Mr. Barnard that his request of the Borough Council is denied.

Regarding 2016 sewer fee payments at the Borough building: President McLaughlin stated that no cash is to be received for the payment of sewer fees. Council approved of this stipulation. Credit card payments can be accepted via an account with PLIGA if the paperwork is completed.

If this method of payment is established, a 3% fee is passed on to the person using their credit card.

Discussion was held regarding the WWSA Commercial Account Billing. President McLaughlin recommends keeping it the same, due to all the other changes at this point in time.

Solicitor Haley mentioned the existing sewer connections will be maintained until there is a malfunction. When a buyer is in negotiation, the prospective buyer will author a letter to outline an ordinance regarding the sewer connection. Motion was made by Mr. Kamus and seconded by Mr. Michaels that the buyer will sign a letter outlining the sewer connection ordinance. There were no questions. Motion passed without dissention.

President McLaughlin informed the public that a special work session was held to discuss a lawsuit with an insurance company and Council, police contract negotiations and the resignation of the Borough Manager. No official action was taken at that session.

EXECUTIVE SESSION:

Council moved to an adjoining room to discuss (1) litigation involving a Forty Fort Police Officer and (2) the layoff of part-time DPW personnel.

The Borough Council returned to Council Chambers from the Executive Session at 9:03 p.m. Motion was made by Mr. Kamus and seconded by Mr. Lynch to grant the Insurance Company by Council authorization to settle. There were no questions. Motion passed without dissention.

Motion was made by Mr. Kamus and seconded by Mr. Lynch to lay off a part-time seasonal DPW worker. Mention was made that this person is a great worker. There were no questions. Motion passed without dissention.

President McLaughlin announced the next meeting will be work session on September 21st and to please note work session topics listed on the Agenda of tonight's Borough meeting.

Solicitor Haley reminded Council to move for payment of bills. Motion was made by Mr. Lynch and seconded by Mr. Kamus to pay the bills. There were no questions. Motion passed without dissention.

Motion to adjourn this Borough Council meeting was made by Mr. Kamus and seconded by Ms. Craig. There were no questions. Motion passed without dissention. Meeting was adjourned at 9:30 p.m.

Respectfully,

Marla Anthony – Interim Secretary for Bonnie Arnone