

## **TUNKHANNOCK BOROUGH COUNCIL**

### **Regular Meeting**

**October 2, 2014**

**Council President Stacy Huber called the Monthly Meeting of the Tunkhannock Borough Council to order in the Borough Building, 126 Warren Street, Tunkhannock, PA at 7:00 p.m. He led those in attendance in the Pledge of Allegiance to the Flag.**

**Present were: Mayor Norman Ball; Council Members Marshall Davis, Scott Douthett, Stacy Huber, Joseph Myers, Robert Robinson, Ruby Sands, Wendy Sweppenheiser, and Ruth Vincenti; and Borough Manager Dawn Welch.**

Others present: Wyoming County Press Examiner (WCPE) Reporter Brittney Lopes; Citizens Patti Mead, Ned Slocum, Susan DiStadio, and Mike DiStadio; Attorney Rick Huffsmith; Tunkhannock Community Ambulance Association (TCAA) Vice-President Mike Markovitz and Amy Markovitz; and Triton Hose Company (THC) President Chuck Sands.

#### **Reading of Minutes and Bills:**

**On a motion by Scott Douthett, seconded by Ruby Sands, the minutes of the meeting on September 4, 2014, were approved. Motion carried unanimously.**

**On motion by Robert Robinson, seconded Joseph Myers, move to approve payment of the bills. Motion carried unanimously.**

**Triton Hose Company 1994 Ford Ambulance Bid Opening:** No bids were recieved.

**1978 American LaFrance 85ft Snorkel Bid Opening:** Jim Greenly, Tunkhannock: \$4,500.00

**On motion by Ruth Vincenti, seconded Scott Douthett, move to accept the bid, pending coordination with Triton Hose Company. Motion carried unanimously.**

#### **Pennsylvania Act 8:**

In Accordance with the provisions of Act 8, President Huber welcomed THC President Sands and TCAA Vice President Markovitz. President Huber expressed his appreciation for their contributions to the community. President Sands and Vice President Markovitz each: a) stated that their organizations are capable of meeting the emergency services needs of the Borough; and b) thanked the Borough for its support.

#### **Public Privilege of the Floor:**

Mark Monsey, Tunkhannock Business & Professional Association reported that Matt Fisher, Reading, Blue Mountain, and Northern Railroad, contacted Manager Welch about having "Train" excursions from Tunkhannock. He was pleased to have this opportunity to coincide with the Christmas in our Hometown activities on Saturday, December 6th. There will be three, one hour rides on both Saturday and Sunday. The trains will be depart from Riverside Park.

### **68 Bridge Street:**

President Huber reported that tonight's agenda included a request by Anthony Wisnosky concerning work to be performed at 68 Bridge Street. Some time ago, Council implemented a Building/Property Maintenance Code for the purpose of ensuring that structures within the Borough are safe, habitable, and not a blight on neighboring properties.

The enforcement provisions of the Borough Code and Property Maintenance Code allow our code Officers to issue violation notices and to assess fines and penalties for non-compliance. While Council believes that all structures should strictly comply with the requirements of these codes, we also acknowledge that fines and penalties reduce the funds available to property owners to rehabilitate properties not in compliance.

Because Council would prefer to be in partnership with our property owners (instead of being adversaries) in making sure that all properties within the Borough are well maintained, we directed our Solicitor to create a rehabilitation agreement which will provide property owners with a reasonable time to rehabilitate their property, before fines are assessed.

Not everyone with a code violation will be entitled to enter into a rehabilitation agreement. The agreement option will be reserved for property owners who have demonstrated that they are ready, willing, and able to remedy all violations. Council expects that property owners who seek to enter into a rehabilitation agreement accept all of its terms and that they describe the work they intend to perform, how they intend to perform the work, and when they expect to complete the work.

Council's acceptance of this process should not be considered a modification of any Code or Ordinance now in existence or which may come into existence. The rehabilitation agreement is not an acceptance of any plan documents; and all work must still comply with all applicable codes, rules, laws, and ordinances.

With that being said, Mr. Wisnosky has requested that we enter into a rehabilitation agreement with him this evening. Mr. Wisnosky had produced detailed drawings from a licensed engineer clearly identifying what and how he intends to repair the structure at 68 Bridge Street to make it safe and to keep it from falling into further disrepair.

Mr. Wisnosky is in the process of soliciting bids for this work; so, timetables and schedules containing the names of contractors are currently unavailable. Mr. Wisnosky has expressed to us that he can have the remaining requested information in the next 120 days.

Because Mr. Wisnosky has shown that he is ready, willing, and able to complete the necessary work, is there a motion to allow our Borough Manager to enter into a rehabilitation agreement with Mr. Wisnosky, for a term of 120 days.

**On motion by Marshall Davis, seconded by Scott Douthett, move to allow Manager Welch to enter into a Rehabilitation Agreement with Mr. Wisnosky. Motion carried unanimously.**

### **Finance and Administration Committee:**

Manager Welch reported that a Budget Committee meeting is scheduled for October 20, 2014. President Huber reported that the Administration Committee is still working on policies for the other committees. (Policies for the Administration and Police Committees are already done.)

President Huber and Manager Welch met with Josh Kilmer, Kilmer Insurance Company; to review the new policy. Workers' Compensation went up \$4,470.00, General Liability went down \$1,211.00, so the overall policy went up \$3,259.00.

During the meeting, Mr. Kilmer, upon learning that the Police Department has a Facebook page, recommended that the Borough obtain a Cyber/Privacy Liability Policy. Kilmer and the Manager will work toward developing such a policy.

### **Department of Public Works (DPW) Committee:**

Committee Chairman Robert Robinson reported that: a) the DPW Committee met on September 22nd; b) Spring Clean-Up produced 41.51 tons, and Fall Clean-Up produced 26.57 tons; c) the Committee would like Council to consider only one clean-up project per year, which should result in considerable savings; and d) a proposal for sealing cracks in our streets was received from Vestal Asphalt Inc., for a minimum of 750 gallons at \$13.50/gallon, but when the Manager requested an updated proposal, the estimate increased to 2,000 gallons. (Note: Public bidding would be required on this, as it exceeds the \$19,100.00 threshold level.)

President Huber expressed gratitude to Warden Repsher, Wyoming County Correctional Facility, for providing two inmates to help during the Fall Clean-Up.

**On motion by Robert Robinson, seconded by Scott Douthett, move to hire David Anderson at \$10.55 an hour for part-time temporary help, for up to twelve weeks. Motion carried unanimously.**

### **Building and Property Committee:**

Chairman Robert Robinson reported that Scranton Electric Heating and Cooling Service has finished the Furnace Replacement Project (FRP).

Milnes Engineering Inc., (MEI) provided the FRP's Certificate of Substantial Completion for Council's review and action.

**On motion by Robert Robinson, seconded by Joseph Myers, move to accept the certificate and authorize the Council President to sign it. Motion carried unanimously.**

President Huber reported that the Retaining Wall Project requires the transfer of two small parcels of land (between the Borough and 57 Realty). The owner of 57 Realty has agreed to the swap and has signed the requisite paperwork. Our next step is to request sub-division approval from Wyoming County. Toward that end, our Solicitor prepared Resolution 4-2014 to authorize: a) the transfer of real property; b) Council President to sign the sub-division plan and application; and c) payment of \$90.00 for the subdivision application.

**On motion by Scott Douthett, seconded by Marshall Davis, move to authorize: a) the transfer of real property; b) Council President to sign the sub-division plan and application; and c) payment of the subdivision application. Motion carried unanimously.**

**Riverside Park Commission:**

Mayor Ball reported that Sam Elias has lots of volunteers to open the skating rink on the Sunday after Thanksgiving, weather conditions permitting.

**Police:**

Mayor Ball reported that it was a very quiet month.

Chief Hardy presented a summary of the Police Report for the month of September, 2014.  
Note: a copy of the report is on file in the Police Department.

Marshall Davis reported that, based on inquiries to the labor counsel, there is one settlement proposal on the table, which it is hoped will be reviewed in the next week or two.

**Planning and Zoning:** N/A

**Council of Governments (COG):** N/A

**New Business:**

President Huber reported that we have been requested (via the law firm of Hourigan, Kluger, and Quinn) to approve an inter-municipal transfer of a liquor license (from Lemon Township) to Foss Ventures, LLC, Seasons Restaurant. This action will require a public hearing to obtain "comments and recommendations of interested individuals residing within the municipality." As we have 45 days to take action on this request, he proposed to schedule the hearing at 6:45 p.m. on November 6, 2014, just prior to our next Council Meeting. Council concurred, in principle.

**Resolutions:**

3-2014 Establishing Fees for Hearings – Liquor Code:

**On motion by Joseph Myers, seconded by Scott Douthett, move to adopt Resolution 3-2014, pending on clarification of the language pertaining to stenographer transcript fees, should there be an appeal. Motion carried unanimoously.**

4-2014 Authorizing Exchange of Real Property (Retaining Wall):

**On motion by Marshall Davis, seconded by Robert Robinson, move to advertise Resolution 4-2014, Authorizing the Exchange of Real Property. Motion carried unanimoously.**

**New Business:**

The hearing for the possible transfer of a liquor license will be advertised for November 6, 2014, at 6:45p.m., pending authorization by our Solicitor.

**Old Business:**

Federal Emergency Management Agency (FEMA) Project/(Former) B & R Property: President Huber reported that we are continuing to monitor the status of the properties that were razed by Smart Recycling under the FEMA Demolition Project, most notably the former B&R Distributors building and grounds.

Walnut Hill Subdivision: All comments from the Solicitor, MEI, and the Planning Commission were forwarded to the Wyoming County Planning Office. Due to the number of issues raised therein and also by the County's Engineer (CECO Associates), the proposal was withdrawn from the Wyoming County Planning Commission's September Agenda. Several issues remain open and/or unresolved. We will continue to follow this closely.

**Council Privilege of the Floor:** N/A

**On motion by Scott Douthett, seconded by Ruth Vincenti, move to go into executive session at 8:17p.m. for matters involving real estate, a grievance, and potential litigation. Motion carried unanimously.**

**On motion by Joseph Myers, seconded by Scott Douthett move to go into regular session at 8:43p.m. Motion carried unanimously.**

**On motion by Robert Robinson, seconded by Joseph Myers, move to adjourn the meeting at 8:44p.m. Motion carried unanimously.**

Respectfully submitted,

Dawn Welch  
Borough Manager