

**TUNKHANNOCK BOROUGH COUNCIL**  
**Regular Meeting**  
**November 6, 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 6:45 p.m. He led those in attendance in the Pledge of Allegiance to the Flag.**

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

Others present: Wyoming County Press Examiner (WCPE) Editor Bob Baker; Citizens Patti Mead, Ned Slocum, Susan DiStadio, and Mike DiStadio; Tunkhannock Borough Solicitor Paul Litwin, Attorney Brain Stahl, Thor Foss, Eugenia Foss, William Corby, Maureen Corby, Ned Slocum, Sue Barziloski, Benjamin Barziloski, Eileen Barziloski, Donna Kaskus, Carl Penedos, J. Maniskas, Mark Monsey, Melissa Corea, Stephanie Harly; and Police Chief Roger Hardy.

**Public Hearing:**

As duly advertised, Council conducted a public hearing. The hearing was opened at 6:45 p.m. by Borough Solicitor Paul Litwin, presiding official. Foss Ventures (FV), LLC, has applied to the Borough of Tunkhannock, Wyoming County, Pennsylvania, for approval of the inter-municipal transfer of a Pennsylvania Liquor Control Board Restaurant Liquor License R-13839 (LID No. 4970), from Right on Enterprises, Inc., t/a Right on Enterprises, of 24 SR 1007, Lake Carey, Lemon Township, Wyoming County, Pennsylvania, to the premises located at 53 East Tioga Street, Borough of Tunkhannock, Wyoming County, Pennsylvania, known as Seasons. There is currently an inactive Eating Place Liquor License E-2863 (LID No. 58021) in the name of the former owner/operator, Seasons Downtown Bistro, Inc., that was previously used at premises located at 53 East Tioga Street, Borough of Tunkhannock, Wyoming County, Pennsylvania and that the former owner/operator is attempting to revive in unrelated proceedings before the Pennsylvania Liquor Control Board.

FV was represented by Attorney Brian Stahl of Hourigan, Kluger & Quinn, P.C. Testimony was presented by Mr. Thorstein Foss (business owner-applicant) and Ms. Melissa Corea (business employee). All questions were answered to the satisfaction of those present; and there were no adverse comments and/or recommendations made. In addition, a proposed agreement between FV and the Borough of Tunkhannock, should both the Restaurant License and Eating Place License become available for use by FV, was presented stating that FV intends to transfer the Eating Place License out of Tunkhannock Borough. Specifically, under no circumstances would FV operate or transfer the Eating Place Liquor License to any establishment located within Tunkhannock Borough, Wyoming County. The hearing was then closed at 7:06 p.m.

**On motion by Robert Robinson, seconded by Wendy Sweppenheiser, move to approve the aforementioned agreement between FV and the Borough of Tunkhannock. Motion carried unanimously.**

**On motion by Robert Robinson, seconded by Ruth Vincenti, move to adopt Resolution 5-2014, approving the application of Foss Ventures, LLC, its successors or assigns, for the proposed inter-municipal transfer of a Pennsylvania Liquor Control Board Restaurant**

**License Number R-13839 to the premises at 53 East Tioga Street. Motion carried unanimously.**

**Moment of Silence:**

President Huber requested a moment of silence in recognition of two respected members of our community whom we recently lost. The first was Clarence Baltrusaitis Sr., a former member of Council, who gave much to our community. Second was Gifford Sands (former Borough and Municipal Authority Superintendent and multidimensional leader at the Triton Hose Company) whose funeral and associated proceedings were so graciously chronicled in the Wyoming County Press Examiner. A moment of silence to recognize and salute both of these outstanding citizens was then observed.

**Reading of Minutes and Bills:**

**On a motion by Joseph Myers, seconded by Ruby Sands, the minutes of the meeting on October 2, 2014, were approved. Motion carried unanimously.**

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

**Public Privilege of the Floor:**

Benny Barziloski expressed concern that the D&I Silica Transfer Station will hurt his business. A discussion ensued, during which President Huber stated that he believes that this would primarily be a civil matter. President Huber then stated that he had sent correspondence to the Department of Environmental Resources (DEP) in September, in regard to this matter, but has not received a response.

Eileen Barziloski asked if the Borough would be interested in sharing the cost for an air-monitoring study to be performed by an environmental specialist. Following a brief discussion, there was no commitment made. She then stated that, on November 18th, there will be a meeting with the Wyoming County Commissioners to consider the proposal.

Donna Kaskus stated that she has lived in the Borough for 27 years; she then thanked the Council for all they do and expressed support for the air-monitoring initiative. She concluded by stating that her husband Ron has asthma.

Susan DiStadio thanked the Department of Public Works for picking up leaves and their hard work. She also wanted the Borough to work with everyone on the silica transfer station. She expressed concern about Tunkhannock Township's approving the transfer station in a designated flood plain area and wanted to know if the Borough would consider building a flood wall. President Huber responded that he would consult with the Borough Engineer on the matter.

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

President Huber reported that the Budget Committee has been working for the past several weeks on the draft 2015 Budget. Scott Douthett, Committee Chairman, was unable to be present tonight and had asked President Huber to convey his regrets and to offer the following with regard to the proposed budget: The Committee, aided by Manager Welch, started the process by having to address an initial shortfall approaching \$100,000, consisting of, among other things: a) an anticipated increase in health care cost of nearly \$30,000; b) unfunded police pension liability of approximately \$15,000; c) a decrease in Earned Income Tax revenue of approximately \$22,000; and projected losses in real estate taxes. Through multiple meetings and diligent line item discussions and through the use of carryover funds, we were able to pare this shortfall down to approximately \$22,000. The Committee had comprehensively considered the available options and recommended that taxes be raised by one mill.

**On motion by Joseph Myers, seconded by Ruth Vincenti, move to advertise, with the intent to adopt, the 2015 Budget and 2015 Tax Levy Ordinance on December 4, 2014. Motion carried unanimously.**

After much discussion about purchasing a cyber-insurance policy for \$1,896, Joseph Myers requested to know if the Police Facebook Policy would be redone. President Huber responded that this would be addressed in the near future.

**On motion by Robert Robinson, seconded by Joseph Myers, move to purchase a cyber-insurance policy for \$1,896. Motion carried unanimously.**

**On motion by Joseph Myers, seconded by Ruby Sands, move to authorize the Solicitor to draft a revised lease for A Better Today. Motion carried unanimously.**

President Huber, who drafted the 2015 Newsletter, requested that Council review the document and advise Manager Welch of any changes necessary.

**On motion by Wendy Sweppenheiser, seconded by Ruth Vincenti, move to adopt the proposed guidelines for Council's Committees. Motion carried unanimously.**

President Huber thanked Triton Hose Company, Wyoming County Historical Society, Gravel Hill Cemetery Association, and Children's Service Center for their payments in lieu of taxes.

Due to the small size of our work-force, the current life and disability insurance carrier (North American Benefits) has advised that it will no longer provide this coverage to us. In its place, a comparable coverage policy, through Nationwide Insurance, was recommended.

**On motion by Ruby Sands, seconded by Joseph Myers, move to purchase life and disability insurance through Nationwide. Motion carried unanimously.**

President Huber reported that Manager Welch had submitted the Act 205 Recovery Program for the Pension Plan, on the advice of our pension consultant, Ronald Bittner.

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

Committee Chairman Robert Robinson reported that: a) a committee meeting was held on October 27th; b) refuse pick-up would be on November 12th; c) the Wyoming County Liquid Fuels amount is \$3,121.31; and d) contractor Charles Corby recommended plugging the storm-water sewer on McCord Street for \$500. Chairman Robinson also stated that we were fortunate that Sherwood Cheverlot put in multiple storm drains as part of their building project. Another option would have been to run a pipe down to another drain, which would cost \$6,500.

**On motion by Robert Robinson, seconded by Joseph Myers, move to authorize Charles Corby to plug the storm-water sewer on McCord Street. Motion carried unanimously.**

**On motion by Robert Robinson, seconded by Ruby Sands, move to authorize the purchase of tires, sweeper broom, plow blade, and salt, with the Wyoming County Liquid Fuels allocation. Motion carried unanimously.**

**Building and Property Committee:** N/A.

**Riverside Park Commission:**

Mayor Ball reported that the Riverside Park Commission had met last night. He then paid tribute to Omar Camacho for the hundreds of hours he contributed to maintenance efforts in the Park.

**Police:**

Mayor Ball reported that the Police are still monitoring parking.

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

**Planning and Zoning:** N/A

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

**Resolutions:**

**In response to the Retaining Wall Project, and on motion by Robert Robinson, seconded by Joseph Myers, move to adopt Resolution 4-2014, Authorizing the Exchange of Real Property. Motion carried unanimously.**

**New Business:** N/A

**Old Business:** N/A

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

**On motion by Joseph Myers, seconded by Ruth Vincenti, move to go into executive session at 8:03 p.m. for matters involving arbitration, a grievance, potential litigation, and a personnel matter. Motion carried unanimously.**

**On motion by Robert Robinson, seconded by Ruth Vincenti, move to go into regular session at 8:30 p.m. Motion carried unanimously.**

**On motion by Robert Robinson, seconded by Joseph Myers, move to adjourn the meeting at 8:30p.m. Motion carried unanimously.**

Respectfully submitted,

Dawn Welch  
Borough Manager