

MOSCOW BOROUGH COUNCIL

MINUTES OF THE SEPTEMBER 6, 2016 MEETING

A meeting of the Moscow Borough Council was held on September 6, 2016 at 7:00 p.m. at the Moscow Borough Building, 123 VanBrunt Street, Moscow, PA. The following Council members were either present or absent:

Daniel F. Edwards – Mayor	Present	Marc Gaughan	Absent
Arthur Pencek – President	Present	William Heim, Vice-President	Absent
Joseph Castrogiovanni	Present	Thomas Lynch	Present
Edward Gaughan	Present	Rosemarie Warner, Secretary	Present

Also present were Constance A. Sanko (Secretary/Treasurer), Ivy Brenzel (Police Chief), David Lamm (Building Inspector), Bruce Zero (Solicitor), Grace Hamilton (Junior Council Member), Steven Warner (Fire Chief), Matt Gallagher, Brian Chase, Frank Hubbard and his attorney, Greg Pascale.

Citizen's Comments: Frank Hubbard and his attorney, Greg Pascale, were present to request a waiver from the Moscow Borough Subdivision and Land Development Ordinance Section 611.4 Central Water Supply. Mr. Hubbard stated that when he began the design for his project AQUA Pennsylvania said they could provide service for his project; however in a letter dated August 26, 2016 AQUA Pennsylvania stated that Mr. Hubbard's project is not within its service area and if he still wants to hook up to central water AQUA Pennsylvania would have to go to the PUC for permission for an extension of its service area, which could take six months to a year and a half for approval, therefore he is looking for a waiver to install individual wells for water supply to the proposed units. A very lengthy discussion followed on several issues:

- Attorney Zero said that regardless of Borough Council's decision Mr. Hubbard still has to go to the Zoning Hearing Board for a variance. He said that Council has three options: grant the request for a waiver; table the matter for more information; or deny the request.
- Joe Castrogiovanni stated that if the service area does not cover Mr. Hubbard's project how can he be required to hook up to central water.
- Art Pencek stated that he would like to do further investigation of this matter. He is concerned with the aquifer supplying four homes, and possibly eight more. Mr. Hubbard said that AQUA's water comes from the same aquifer so this is not an issue.
- Tom Lynch said if this waiver is approved for four wells then a precedent may be set for the additional wells for the remaining units. Attorney Zero said that no precedent is being set; each project is a different project.

Tom Lynch made a motion to grant a waiver to Frank Hubbard for the Harmony Hills Twin Homes project to be permitted to drill wells for water for four units only. Mr. Hubbard will have to come back in the future if he will seek a waiver for the wells for the additional units on the opposite side of Hideaway Drive. Joe Castrogiovanni seconded the motion. The motion carried with four yes votes and Art Pencek voting no.

Moscow Volunteer Fire Company: Steven Warner, Fire Chief, gave a report for the month of August. He reported that with the inception of the paid EMT's 91% of calls have been made. The Fire Company's financial advisor said that things are working out with the paid EMT's.

Minutes of the August 8, 2016 meeting: Ed Gaughan made a motion to accept the minutes of the August 8, 2016 meeting as written. Tom Lynch seconded the motion. The motion carried unanimously.

Treasurer's Report: Connie Sanko presented the Treasurer's Report for the month of August and lists of bills to be paid from the General Fund and Liquid Fuels Fund. Rose Warner made a motion to accept the Treasurer's Report and to pay the bills as presented. Joe Castrogiovanni seconded the motion. The motion carried unanimously with a roll call vote.

Junior Council Persons: Rose Warner will notify the North Pocono School District that a Junior Council member is needed to replace Matthew Zero.

Engineer's Report: Art Pencek reported that he met with Harry Andes regarding the Stephens Heights Project. Wayco put in the extra catch basin and stones, and a basecoat of blacktop on Julia street to stabilize the area so that there will be no more storm damage. Wayco will be coming back to finish all of Stephens Heights and Old Logger Road.

Grants: Automated Red Light Enforcement Grant - PennDOT is preparing an amendment authorizing the Borough to be able to purchase planters for Main Street with the remaining balance of \$4,080.52.

Correspondence: Letter from the Lackawanna County Association of Boroughs regarding meeting on October 20, 2016.

Police Report:

- Chief Brenzel gave the police report for the month of August. There were 138 911 calls and 129 cleared call.
- An email was received from Grace Gambino regarding parking tickets issued at the Moscow County Street Fair.
- A letter of thanks was received from the Lackawanna County Commissioners.
- A newspaper article from The Villager was provided to Council Members regarding the radKIDS Safety Camp.
- An ad was placed in The Scranton Times for part-time police. Applications are due on September 14, 2016.
- A letter of resignation was received from Thomas McGoff from the police department. Rose Warner made a motion to accept Thomas McGoff's resignation from the police department with regret. Ed Gaughan seconded the motion. The motion carried unanimously.

Building Permits: Dave Lamm reported that three building permits and one zoning permit were issued in the month of August.

Building/Zoning Officer's Report: Dave Lamm reported on the following:

- The house owned by John Pointon, 113 Brook Street, is up for foreclosure. The house is advertised as a three family residence but Mr. Pointon surrendered two EDU's to the Sewer Authority in the past and now only has one EDU, therefore it can only be sold as a single family residence.
- He received a complaint about an individual at 443 Brook Street splitting firewood for sale which creates a lot of noise. Dave is looking for someone to measure for an acceptable level of noise.
- The Borough News has an article about third party inspections and giving property owners the option to choose their own inspector. The Borough isn't affected because Dave is employed by the Borough. Dave spoke to Jake Thomas from Mike Carroll's office and told him he is against this practice as is the Pennsylvania State Association of Boroughs.

Planning Commission: A meeting was held on August 29, 2016. Council members were provided with copies of the following:

- Letter dated August 22, 2016 to Frank Hubbard approving his request for a forty-five day extension on the submission of his project.
- Letter dated August 24, 2016 from Frank Hubbard regarding Highway Occupancy Permit for installation of the approved Stormwater Infrastructure.
- Letter dated August 24, 2016 from Frank Hubbard requesting a waiver for connection to public water system.
- Letter to Frank Hubbard dated August 26, 2016 from AQUA Pennsylvania regarding its service area.
- Letter dated September 1, 2016 to Frank Hubbard regarding his request for a waiver for connection to public water system.
- Email dated September 1, 2016 from Donald Julian regarding a Highway Occupancy Permit.
- Letter dated September 1, 2016 to Frank Hubbard regarding summary of Planning Commission Minutes.

- Email dated September 1, 2016 from Harry Andes regarding continued construction of Harmony Hills Twin Homes project.

Recreation:

- Council members were provided with a brochure on Landscape Architect Services to the Parks and Recreation Community.
- Rose Warner said that she emailed Mark Mecca about lighting the flag and painting the flagpole at Golden Park.

Recycling:

- Monthly Recycling Report for June: 5.02 tons paper; 7.31 tons comingled; 6.7 tons cardboard; 30.39 tons brush; 18 trips to recycling center.
- Monthly Recycling Report for July: 4.87 tons paper; 10.4 tons comingled; 5.05 tons cardboard; 16.05 tons brush; 20 trips to recycling center.
- Monthly Recycling Report for August: 4.93 tons paper; 7.05 tons comingled; 7.37 tons cardboard; 26.01 tons brush; 17 trips to recycling center.
- Recycling Totals for 2015 and 2016 (to date):

	2015	2016
January	17.16	20.40
February	19.25	16.13
March	15.29	22.05
April	22.80	17.37
May	19.76	25.14
June	22.47	19.03
July	10.80	20.32
August	21.87	16.28
September	21.63	19.35
October	18.84	
November	17.88	
December	23.69	

Municipal Building:

- Art Pencek reported that Harry Andes will be revising the specifications for the Perimeter Fence.
- Tom Lynch contacted Ron Donati about repairing the steps at the front of the Borough Building.

Financial Report:

- Council members were provided with copies of letters and the Municipal Annual Audit and Financial Report for the year 2015 prepared by Murphy, Dougherty & Company. The Concise Statement of Revenue Receipts and Expenditures Paid was advertised in The Villager on August 26, 2016.
- The Pennsylvania Department of Community and Economic Development Local Government Unit Debt Act approved the Borough's application to Peoples Security Bank to borrow \$200,000.00 for paving purposes.
- A closing was held on August 29, 2016 with Peoples Security Bank to borrow the \$200,000.00 for paving purposes.

Moscow Sewer Authority:

- Harry Andes is reviewing the Sewage Facilities Planning Module Component 3M, Minor Act 537 Plan, Update Revision.
- Art Pencek reported that he and State Representative Mike Carroll attended a meeting of the Moscow Sewer Authority. The Sewer Authority is going to go ahead with continuing the sewer line to the Borough border on State Route 690 out to Interstate 380. Last year the Sewer

Enforcement Officer completed a study and surveyed all the properties along that area and said that those properties should be serviced as some of the on-lot systems are not fully functioning. The Sewer Authority is looking for grants to buy 40 to 45 grinder pumps as a low pressure system will be used. Mr. Carroll suggested that the Borough apply for a Monroe County Local Share grant in the amount of \$250,000.00 on behalf of the Sewer Authority which would have to be submitted by September 30, 2016. Marylou Butler, from Engineering Surveying Consultants & Design, will submit the grant application on behalf of the Borough. Rose Warner made a motion for the Borough to apply for a Monroe County Local Share Grant grant on behalf of the Moscow Sewer Authority in the amount of \$250,000.00 to secure funding for grinder pumps. Tom Lynch seconded the motion. The motion carried unanimously with a roll call vote.

Streets:

- A letter was received from Roaring Brook Township regarding the condition of Gardner Road, portions of which are located in Roaring Brook Township, Elmhurst Township, and Moscow Borough. He recommended looking for a grant to have this road paved. Jim Kanavy suggested holding off until 2018 because the Sewer Authority will be doing work in that area. Joe Castrogiovanni said the road is in very bad condition and something needs to be done soon.
- Art Pencek met with Mike Carroll and PennDOT about the issues with Scanlon and Bryant Lanes, and the issue with water running down State Route 435 by the Dollar General.

Solicitor's Report: Attorney Zero reported on the following:

- A letter was received from Wright & Reihner dated August 25, 2016 on behalf of David Z. Smith, Esq. regarding Linda Grabousky and Barry Thompson, 100 Spring Garden Street. He will be sending a letter to Wright & Reihner in response to the letter.
- He said that Marc Gaughan and Connie Sanko are still working on paperwork required by the Pennsylvania Department of Natural Resources for the sale of New Street Park.
- He will be sending letters to the property owners adjacent to the alleyway between Maple and Green Streets stating that the alleyway is not owned or maintained by the Borough, together with a copy of the Borough Code. He will also advise the property owners that they should consult with their attorneys to determine what rights they have regarding the alleyway.
- He will be sending a similar letter to the attorney for Gregg Schmidt on Marion Street advising him that the Borough does not own this property.
- He stated that when he was first appointed solicitor for the Borough that he understood that no shooting was allowed in the Borough. Chief Brenzel had another individual inquire if target shooting was allowed in the Borough but was only able to find a document from many years ago pertaining to firearms, which it cannot be confirmed that it was ever passed by the Borough. Attorney Zero will draft an ordinance to include firearms, bb guns, bow and arrows, and crossbows.
- He reviewed the PennDOT Maintenance Agreement for drains in the Borough on state right-of-way. The agreement was not signed by PennDOT and he said it is very ambiguous. He will contact PennDOT's lawyer for his interpretation of the agreement.

Adjournment: Ed Gaughan made a motion to adjourn the meeting. Tom Lynch seconded the motion. The motion carried unanimously.

Minutes submitted by Constance Sanko