

MOSCOW BOROUGH COUNCIL

MINUTES OF THE JUNE 3, 2019 MEETING

A meeting of the Moscow Borough Council was held on June 3, 2019 at 7:00 p.m. at the Moscow Borough Building, 123 VanBrunt Street, Moscow, PA. The following Council members were either present or absent:

Rosemarie Warner – Mayor	Present	Marc Gaughan	Present
Arthur Pencek – President	Present	Daniel Hanna	Present
Joseph Castrogiovanni	Present	William Heim, Vice-President	Present
Edward Gaughan	Present	Thomas Lynch	Present

Also present were Constance Sanko (Secretary), David Lamm (Building Inspector/Zoning Officer), Shawn Young (Fire Chief), Bruce Zero (Solicitor), Marie Larosa (Junior Council Member), Brian and Maureen Chase, and Brian Castrogiovanni.

Moscow Volunteer Fire Company: Shawn Young gave the Moscow Volunteer Fire Company report for the month of May. There were 7 fire related calls and 85 EMS/ambulance calls. The Ambulance Drive letters have been sent out. He reported that the Chicken BBQ held on Sunday was very successful and thanked everyone for their support.

Citizen's Comments:

- Maureen Chase, 140 VanBrunt Street, asked Art Pencek if he had heard from Attorney McDonald regarding the Judge's decision in the St. Catherine's issue. She said that she got an email that was sent to everyone involved that the case was dismissed. She said that this matter has been going on for six years and wants to know what the Borough will do if the decision goes in favor of St. Catherine's and the Borough loses the appeal.

Art Pencek said he did not receive a written decision and that until a written decision is received he could not speculate as to what the next steps will be.

Brian Chase, 144 VanBrunt Street, asked if the Borough is going to enforce the Zoning Hearing Board decision.

Bruce Zero said that the Borough has done everything to uphold the zoning ordinance and appealed with the judge. Now we need to wait for the written decision.

Maureen asked if the Judge rules in favor of St. Catherine's how the Borough can help with the water problem that has been going on for six years. She said if this happened anywhere else in town it would have been fixed. They gave concessions to St. Catherine's twice. St. Catherine's would have stopped if we didn't give concessions. They want to put a pipe between the two properties. She asked Tom Lynch, who is a realtor, about the resale value of a property that has a pipe running between it and another property and told you have to maintain it. She said when they told St. Catherine's they didn't want to maintain the pipe St. Catherine's stopped doing anything.

Bruce Zero said it was in mediation and nothing came to fruition. At this point he doesn't know what the Borough can do until he sees if the decision is based on law and fact. The Borough appealed the decision of the Zoning Hearing Board. He also told Mrs. Chase that the Borough would fulfill its obligation regardless of where you live.

Maureen asked if the Borough has an ordinance on water management. Bruce said yes and that is why the Borough appealed and now we have to wait for the decision.

Maureen asked if she will get an answer once the decision comes out and asked if the Borough would think about what happens in the future.

Bruce said once the decision is given the Borough will meet with its attorneys to see what can and can't be done. Maureen said she will be back next month to see where the case is going. Bruce said Council will follow the attorney's recommendation.

Art asked Mrs. Chase if she thought the Borough doesn't want to settle this matter. He said that the Chase's and St. Catherine's can't come together, so you can't blame the Borough for not trying. The Borough spent a lot of taxpayer money on this matter.

Maureen again said this matter has been going on for six years. Bruce said that is not the Borough's fault.

Brian Chase asked why the Borough approved the plans to begin with and why water management was not a problem with the Planning Commission. Marc Gaughan said plans were submitted and approved through Lackawanna County and that Greenman - Pedersen, Inc. did the calculations.

Brian asked if plans were submitted for the parking lot. Marc said that the plans were different from what happened. Brian asked why Dave issued an occupancy permit. Dave Lamm said one wasn't needed for the house, he only issued one for the carriage house. Art said this had to go before the Zoning Hearing Board because the percentage of impervious area was nonconforming. Marc Gaughan said that the plans approved by the Planning Commission did not include a parking lot on the east side; it was put in spontaneously. Brian Chase said that there wasn't supposed to be a second driveway. Marc Gaughan said that the Borough was not aware of the second driveway going in, then it was stopped but they continued. He said St. Catherine's got a Highway Occupancy Permit from PennDOT. Borough Council and Planning Commission disapproved and had St. Catherine's go to the Zoning Hearing Board. If the Zoning Hearing Board voted in favor of the Borough the parking lot would have to be torn out. Marc Gaughan said if approval from the Zoning Hearing Board was received it could have been done as a rebuild.

Art said the Borough appealed the action of Zoning Hearing Board and the problem kept escalating and that delays have been because of negotiations but that the Borough will do what we need to do.

Maureen suggested that St. Catherine's put the water onto their empty lot or right of way to eliminate the water onto her property but St. Catherine's doesn't want to do that. Art said the Borough can't speculate what can be done. Maureen asked if he would think about it as a possible solution.

Brian Chase said the Zoning Hearing Board addressed water management on the parking lot. There are now trees along the property line and a fence at the Chandler's. He asked if the Zoning Hearing Board decision is upheld will the Borough enforce it or shut down the parking lot.

Bruce Zero advised Art Pencek not to speak to Brian Chase until a decision is received and he can answer his questions at that point.

Maureen said she is giving Council something to think about and is trying to come up with solutions. St. Catherine's told her they spent \$40,000.00 dollars on this issue but there is still no solution. She said it doesn't matter how much they spent; there still needs to be a solution.

Art said if there is something the Borough can do in its power and the attorney says we can do it, we will try to help. The Borough has no control over St. Catherine's.

Maureen said they have only been able to cut their grass once this year because of all the water, and there is a lot of water on top of the hill. They are getting water in their basement again, and she is concerned with mosquitoes.

- Brian Chase asked about the pile of lumber that has been on the property next door to his, 148 VanBrunt Street and the possibility of lead paint going into their drinking water. Art said he was not aware of anything. Dave Lamm said he already sent a letter to the property owner who told him he is getting a dumpster.
- Brian Chase also said that there are several cars on the property at 167 VanBrunt Street, that haven't moved in a long time and have grass growing around them, and a shed with a tarp on the roof. Dave Lamm said they are allowed two unlicensed, unregistered vehicles on the property. Dave said he will look into the matter. Art said the Borough has been trying to keep everyone in town cutting their grass but it is a struggle.

Minutes of the May 20, 2019 meeting: Marc Gaughan made a motion to accept the minutes of the May 20, 2019 meeting as written. Tom Lynch seconded the motion. The motion carried unanimously.

Treasurer's Report: Elizabeth Murray submitted the Treasurer's Report for the month of May and lists of bills to be paid from the General Fund and Liquid Fuels Fund. Bill Heim made a motion to accept the Treasurer's Report and to pay the bills as presented. Ed Gaughan seconded the motion. The motion carried unanimously with a roll call vote.

Junior Council Persons: Art Pencek reported that five applications were submitted for the vacant Junior Council position and that all applicants were very qualified. He recommended that this be tabled until the July meeting so that everyone has a chance to review the applications. Marc Gaughan made a motion to table the action on the Junior Council applications until the July meeting. Bill Heim seconded the motion. The motion carried unanimously.

Grants: The Act 13 Flood Mitigation Project Grant for Scanlon Lane was submitted on May 24, 2019.

Correspondence:

- Council members were provided with a letter dated May 20, 2019 from the Lackawanna County Planning Commission regarding the Lackawanna County Hazard Mitigation Plan 2020 Five-Year Update. Art said that Lackawanna County is going after a grant on behalf of all the municipalities in the county. Bill Heim made a motion to adopt the Memorandum of Agreement for the Lackawanna County Regional Planning Commission 2020 Hazard Mitigation Plan Update and to appoint Edward Gaughan as the municipal representative for the Hazard Mitigation Planning Process. Ed Gaughan seconded the motion. The motion carried unanimously with a roll call vote. Rose Warner said that the Emergency Management Coordinator should be involved as well. Bill said there had been a plan in place and the Borough has to validate what was in it.
- Council members were provided with a thank you letter from The Friends of the North Pocono Public Library for allowing them to store books in the basement and for allowing them to hold a book sale in the building during the Moscow Country Street Fair.

Police Report:

- Art Pencek reported that Chief Brenzel was at training and asked everyone to review the police report for the month of May.
- A grant application was submitted to the United States Department of Justice for a bulletproof vest.
- Council members were provided with an article from the Borough News regarding "Police Departments and Medical Marijuana Usage". He said that the Police Department Policy Handbook made need to be revised to include information on medical marijuana. Rose Warner said she will go over it with Chief Brenzel.
- A National Night Out meeting is scheduled for June 17, 2019

Mayor's Report: Mayor Warner thanked Andrew Zero for his hard work and dedication as a Junior Council member. She said that Andrew sent a thank you note wishing everyone well and said it was an honor to serve as a Junior Council member. She noted that the five applicants for the vacant position are outstanding and was proud of the quality coming up.

Building Permits/Zoning Permits: Dave Lamm reported that one zoning and two building permits were issued in the month of May.

Building/Zoning Officer's Report: Dave Lamm reported that he received an email from the Pennsylvania Municipal League, an organization contracted with floodplain ordinance updates for the National Flood Insurance Program, with some requirements needed to be met for updating the floodplain ordinance. Dave said that we currently have a flood plain ordinance so most of the requirements are done. The Borough needs to make a decision on how restrictive it wants to be, and asked if a violation is a summary offense or a misdemeanor. Bruce Zero said that most are summary offenses. Dave said he will find out when the deadline for submission is.

Planning Commission: Marc Gaughan reported on the following:

- A letter was sent to Jason Toy from Council dated May 29, 2019 stating that he should provide Council with a detailed plan with his vision of how he wishes to expand his business. Also, Jason provided copies of emails sent to him from the Lackawanna County Conservation District and the Pennsylvania Department of Environmental Protection. Art Pencek reported that after consulting with Bruce Zero and Mary Liz Donato they confirmed that changing the zone from an R2 to a C1 for the property on New Street would not be spot zoning, and he also reiterated that Mr. Toy needs to submit a detailed plan that will have to go back to the Planning Commission for its review since this involves a change of zones. Art said that once all is in order the request has to be sent to the Lackawanna County Planning Commission. Marc Gaughan said a full land development plan will need to be submitted but not until after the zone is changed. The next move is up to Jason Toy.
- A newspaper article from The Scranton Times regarding Glamping was provided to members.
- A special meeting was held on May 22, 2019 to review the current zoning ordinance.
- The May 28, 2019 regular meeting was cancelled.
- Another special meeting will be scheduled for June to continue the review of the zoning ordinance.
- The next regular meeting is scheduled for Monday, June 24, 2019

Recreation: Dan Hanna reported on the following:

- The sign for Harmony Park has been delivered. A decision will have to be made where to put it.
- Signs for rules for Harmony Park and Old Mill Park continue to be pending.
- Notification was received from the Pennsylvania Environmental Council that the grant application submitted for Old Mill Park was not awarded. Another application will be sent next year.

Recycling: Joe Castrogiovanni reported that the Pennsylvania Department of Environmental Protection Act 101 Performance Grant award for 2017 was received in the amount of \$18,225.00, a significant increase over last year. Connie Sanko provided a listing of Performance Grants received over the past several years.

Year	Amount of Grant
2012	\$ 6,469.00
2013	\$ 7,022.00
2014	\$ 8,362.00
2015	\$ 7,449.00
2016	\$ 13,822.00
2017	\$ 18,225.00

Financial Report: Bill Heim reported that he was unable to make the Tax Collection Committee meeting and was not sure if it was even held due to a lack of quorum.

Streets: Marc Gaughan reported on the following:

- Two applications were received for the part-time seasonal employee position, however one applicant appears to be no longer interested. The other applicant will be interviewed tomorrow.
- The paperwork for the McAndrews Road and Ardito Parking Lot projects has been submitted to FEMA for the damage caused by the heavy rain in August 2018.
- None of the residents on Grove Street that were sent letters regarding replacing their sidewalks responded that they would be interested in having them replaced at this time.

Moscow Sewer Authority: The open position on the Sewer Authority will be advertised.

Personnel Committee: Connie Sanko said that the Employee Handbook will be ready for distribution soon.

Old Business:

- The upgrade to the website is in process.
- Connie Sanko asked if the posts for the entrance signs can be replaced with similar ones that are on the sign for Old Mill Park. Rose Warner said that would enhance the signs.
- Art Pencek said there has been no word on the Wright Center.

New Business: Marc Gaughan reported that Geraldine Glaser, a former Council Member, recently passed away.

Adjournment: Bill Heim made a motion to adjourn the meeting. Joe Castrogiovanni seconded the motion. The motion carried unanimously.

Minutes submitted by Constance Sanko