

MOSCOW BOROUGH COUNCIL

MINUTES OF THE JULY 1, 2019 MEETING

A meeting of the Moscow Borough Council was held on July 1, 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	Absent

Also present were Constance Sanko (Secretary), Ivy Brenzel (Police Chief), David Lamm (Building Inspector/Zoning Officer), Bruce Zero (Solicitor), Gerard Hetman (Lackawanna County Community Relations), Attorney Joseph McDonald (representing Moscow Borough), Shawn Young (Fire Chief, Moscow Volunteer Fire Co.) Marie LaRosa (Junior Council Member), Roseann LaRosa, Chris Chermak, and Maureen Chase.

Moscow Volunteer Fire Company: Shawn Young, Fire Chief, reported that there were 14 fire related calls and 104 EMS calls in the month of June. The annual Run for the Hoses will take place on August 3, 2019.

Citizen’s Comments:

- Maureen Chase, 140 VanBrunt Street, was in attendance to discuss the Judge's ruling in the St. Catherine's matter. Art Pencek said that the Borough will not pursue the issue any further. Maureen asked if Council or zoning can help them. Art Pencek said that Council did all it could do and doesn't feel it can go any further based on the advice from our lawyer.

Attorney Joseph McDonald, who has represented the Borough on this matter, said that it is his recommendation that the Borough not move forward with an appeal. He told Mrs. Chase that they are no worse off legally than they were five and a half years ago.

Mrs. Chase asked if they should go back to zoning and Attorney McDonald said that their only recourse is with St. Catherine's. She said that since zoning was upheld do they have a way of backing the Chase's up. Attorney McDonald said that this matter is between the property owners and that the Zoning Hearing Board is no longer involved. Attorney McDonald said the Borough made good faith attempts.

Mrs. Chase said that they twice conceded to St. Catherine's and asked if they go back to zoning, since it was upheld, can the Zoning Hearing Board revoke the concessions they gave to St. Catherine's on the parking lot since they were not followed. Attorney McDonald said that there will be no further appeal. St. Catherine's obligations are still intact, the matter is now between the property owners.

Mrs. Chase asked if zoning can do anything to St. Catherine's. Art Pencek said they cannot and that the next step for the Chase's is to hire a lawyer. Mrs. Chase said if they hire a lawyer everyone will be included for damages, and pain and suffering, and they now have mold in their garage.

Attorney McDonald advised Council to no longer discuss the matter with Mrs. Chase as a threat has been made. Mrs. Chase said if they wanted to sue it would have been done 6 years ago, all they want is a solution to fix the property.

- Gerard Hetman, Lackawanna County Community Relations, reported that lifeguard positions are open for the summer season. Vouchers will be distributed at various locations throughout the county for the Farmers Market. He said there is a workshop on Master Watershed for government officials.
- Art Pencek said that he was told by Susan Jeffrey, the North Pocono Librarian, that over 1,000 pounds of produce was sent to the food pantry. Connie Sanko said that the Library Master

Gardeners' Club recently received an International Award that was presented by the Lackawanna County Commissioners.

- Chris Chermak, a candidate for Lackawanna County Commissioner, said that Gerard Hetman does a great job. Art Pencek said Council has the same feeling. Gerard thanked everyone and said their comments were much appreciated.

Minutes of the June 3, 2019 meeting: Bill Heim made a motion to accept the minutes of the June 3, 2019 meeting as written. Ed Gaughan seconded the motion. The motion carried unanimously.

Treasurer's Report: Elizabeth Murray submitted the Treasurer's Report for the month of June and lists of bills to be paid from the General Fund and Liquid Fuels Fund. Marc Gaughan 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: Art Pencek said that all five applicants for the Junior Council position are very good candidates and that Mayor Warner has suggested that the applicants not chosen for the open Junior Council position be appointed to the Young Visionaries as part of the executive committee. Mayor Warner said that the letters submitted by the applicants show that they are interested in what goes on in the Borough and would like to get the young people involved as they are too good to lose their vision for the Borough. She suggested that they meet once a month prior to a Council meeting which would be led by the two Junior Council members.

Ballots were passed out to Council members to vote. Joe Castrogiovanni and Dan Hanna abstained from voting as their sons were applicants. After a count of votes was taken, Bill Heim made a motion to appoint Brian Castrogiovanni as the Junior Council Member for a two year term to end June 30, 2021. Marc Gaughan seconded the motion. The motion carried unanimously with Joe Castrogiovanni and Dan Hanna abstaining from voting.

Grants: Art Pencek reported that he received a call from an individual from the Pennsylvania Department of Community and Economic Development who stated that the Act 13 Flood Plain Management Grant application for Scanlon Lane can be eligible but that additional conditions need to be met. Connie Sanko reported that she is working on providing additional information for the grant. Also, Connie is working on a Monroe County Local Share Account Grant application for the 15% match for the Scanlon Lane project. Bill Heim said that Art Pencek has done a fantastic job and put a lot of effort into trying to get help for the residents affected by the damage to Scanlon Lane.

Police Report:

- Chief Brenzel reported that there were 134 911 calls and 127 cleared calls for the month of June.
- Council Members were provided with copies of Special Order 2019 - 03 regarding Notification of the Chief of Police on Incidents; and 2.2.1 Active Threat Response (g) regarding procedures to be followed in the event of an active shooter, both to go into effect immediately. Attorney Bruce Zero previously reviewed these two documents.

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

- He is working on the Floodplain Ordinance Updates for the National Flood Insurance Program and needs to answer five questions.

Zoning Hearing Board: Council members were provided with a draft of an Affidavit to Proceed In Forma Pauperis before the Moscow Borough Zoning Hearing Board prepared by Attorney Brian Yeager, Zoning Hearing Board Solicitor, which provides the applicant with the opportunity to go before the Zoning Hearing Board at a reduced amount required for the escrow. Art Pencek said that the Borough currently requires \$1,000.00 escrow and there are times when people don't have it at that time and that we are required to have a minimum fee they can afford. He also stated that the applicant is still required to pay any additional fees above and beyond the minimum set. Attorney Zero reviewed the document and said everyone has a right to go before the Zoning Hearing Board and if it is verified that they can't afford to pay the \$1,000.00 they should have access. Bill Heim said he understands but is it open ended for the reason? Attorney Zero said each case is different and the applicant signs an affidavit with a criminal penalty if the relief is not legitimate. Art Pencek said that the application comes back to Council for a decision on the circumstances. Bill Heim was concerned with it becoming a habit. Art and Attorney Zero said the applicant verifies the circumstances under oath so it should not be a problem.

Bill Heim made a motion to approve the Affidavit to Proceed In Forma Pauperis Before the Moscow Borough Zoning Hearing Board for a minimum fee of \$250.00, effective immediately, with the requirement that if fees exceed the \$250.00 that the applicant would still be required to pay those fees. Dan Hanna seconded the motion. The motion carried unanimously with a roll call vote.

Planning Commission: Marc Gaughan reported on the following:

There was an article in the Borough News recently about Comprehensive Plans and Moscow Borough is one of a few without one and that one is really needed. Mary Liz Donato can help with goals for the Borough.

Art Pencek said the Borough is currently updating its zoning ordinance. There will not be an extra meeting for the zoning ordinance review in July since Mary Liz Donato will not be available.

Jason Toy submitted an email dated June 27, 2019 with his plans for the property at New and Lincoln Streets. Art Pencek suggested that he go back to the Planning Commission to have his plans reviewed.

Recreation: Dan Hanna reported on the following:

- He and Connie Sanko are still working on signs for rules and regulations for Harmony Park, Old Mill Park and Rotary Park.
- Privacy trees have been planted at Old Mill Park along the property owned by the Reid family and that they should grow 3 to 5 feet every year. Marc Gaughan said the screening looks great and Rose Warner said the improvements being made at the park are impressive.

Recycling: Joe Castrogiovanni suggested putting something in the October newsletter that when dumping yard waste and branches that it should be deposited toward the rear of the walled area and not at the very front.

Financial Report:

- Art Pencek reported that the closing for the \$225,000.00 pave loan was held on June 19, 2019.
- Bill Heim reported that a Lackawanna County Tax Collection Committee meeting was held and some bills were paid and the current Board was reelected.

Streets:

- Marc Gaughan made a motion to hire Jason Powell at a rate of \$8.50 per hour as the part-time seasonal employee through August 2019. Dan Hanna seconded the motion. The motion carried unanimously with a roll call vote. Marc said Jason is working out very well.
- Marc reported that to date only one property owner on Grove Street is interested in having their sidewalks replaced at a reduced rate quoted by Leeward Construction.

Old Business:

- Connie Sanko reported that the website is still under the construction process. A meeting will be scheduled with Bethany Staples who will show us how to make changes to the website. The photos will be added prior to launching the website.
- New posts have been put on the entrance sign at McAndrews Road and on Main Street by Dollar General. Art will be contacting PennDOT for placement of the entrance sign by the Library.

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

Minutes submitted by Constance Sanko