

**MOSCOW BOROUGH COUNCIL
MINUTES OF THE MAY 20, 2019 MEETING**

A meeting of the Moscow Borough Council was held on May 20, 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	Absent	Marc Gaughan	Present
Arthur Pencek – President	Present	Daniel Hanna	Present
Joseph Castrogiovanni	Present	William Heim, Vice-President	Absent
Edward Gaughan	Present	Thomas Lynch	Present

Also present were Constance Sanko (Secretary), David Lamm (Building Inspector/Zoning Officer), Gerard Hetman (Lackawanna County Community Relations), Marie Larosa (Junior Council Member), Patrick Tigue (United States Census Bureau), and Adam Standiford.

Citizen’s Comments: Patrick Tigue, Partnership Specialist, United States Census Bureau, gave a brief overview of the process that will take place for the Census 2020 count. He stated that it is very important for everyone to be counted because it affects redistricting, reapportionment, how funds are spent to support programs, and it is your civic duty. Mr. Tigue said the process is much easier now; it can be done online, by mail or by phone.

Gerard Hetman, Lackawanna County Community Relations Department, reported that the Lackawanna County Flood Risk Coalition will be issuing new flood maps next year, and he handed out information on numerous upcoming Lackawanna County events.

Moscow Volunteer Fire Company: Art Pencek reported that the Chicken BBQ will take place on Sunday, June 2, 2019.

Minutes of the May 6, 2019 meeting: Art Pencek reported that on page 2 of the May 6, 2019 minutes that there is a correction to be made; it should read "Art ran into individuals from the railroad", not PennDOT. Marc Gaughan made a motion to accept the minutes of the May 6, 2019 meeting as corrected. Tom Lynch seconded the motion. The motion carried unanimously.

Junior Council Persons: Applications for the Junior Council Position vacated by Andrew Zero, are due May 31, 2019.

Grants: Connie Sanko will be submitting the Act 13, Flood Mitigation Program Grant application for Scanlon Lanes this week. A Local Share Account grant will be applied for to fund the 15% match in the amount of \$54,750.00 that is required for this grant.

Police Department:

- A National Night Out Committee meeting was held prior to this Council meeting.
- A thank you note was received from the McIntosh and Musewicz families.

Building Permits/Zoning Permits: Dave Lamm reported that he was contacted by the architect for Dollar General regarding the status of the project. The Land Development and the Subdivision Plans for the Lot Consolidation have all been signed off and recorded with Lackawanna County. He will now issue a building permit.

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

Keith and Theresa Ripley will be applying to the Zoning Hearing Board for a fence that is non-conforming on their property at 210 Jennifer Street. Also, he spoke with Mrs. Ripley about the furniture in front of her garage and she said it is not part of her real estate business, she collects antique furniture. He will talk to her about the other debris on the property.

Zoning Hearing Board: Council members were provided with a letter dated May 20, 2019 and Findings of Facts and Conclusion of Law approving the request of Richie Emily and Timothy Pappas for a special exception for a minimal impact home based business at 412 Brook Street.

Planning Commission: Marc Gaughan reported on the following:

- The Dollar General Land Development and Subdivision plans have been signed off by the Planning Commission, Borough Council, Lackawanna County, and recorded in the Lackawanna County Recorder of Deeds Office.
- Marc Gaughan reported that the Planning Commission reviewed Jason Toy's (Moscow Agway) request to change an R2 property on New Street to C1. He said the property formerly was used as a commercial property since it housed an oil tank for a refilling area for years and since Mr. Toy purchased the property he has made improvements to it. The land is contiguous with his other C1 properties on New Street so it makes sense to change the zoning and that since it is adjacent to residences screening would be required. The Planning Commission suggested that Bruce Zero review the change from R2 to C1 to see if there are any issues. Also, greenhouses are not currently allowed in a C1 zone so a zone change can be made to have greenhouses included in all C1 zones so that Mr. Toy can possibly someday put up greenhouses on the new property.

Marc said that a public hearing would have to be held and the local residents notified so that they can give their opinions. He said that at the Council meeting held on May 6, 2019 that Attorney Zero said this zoning change from R2 to C1 would not be spot zoning since it is contiguous with a C1 property. This is a similar situation to Mark Paradise's change for the Academy Street school project. Also, Tinsley was changed from R2 to C1 in 2010. He said he would like to see Mr. Toy's business grow but knows that the process can take months.

Art Pencek said a hearing is needed before a zone change can be made and that Borough Council must be very cautious of what it is doing so that it cannot be accused of spot zoning and that all issues are taken care of. He also said that if the zone is changed to include greenhouses in all C1 zones a door will be open to something else and Council needs to think out the footprint of the town better. Art said that Mr. Toy should submit a detailed letter to Council with his detailed plans for the property, and that he is concerned of what will happen if Jason sells out and what would then happen to the property. He said that if a zoning change is being considered Council has to take a new look at all the conditions. Art also said that Mr. Toy purchased the property without checking on the zone that it is in.

After some further discussion Council agreed on the following:

- That Attorney Zero be asked for a formal written opinion to clarify whether or not the zoning change would be considered spot zoning and if Mr. Toy has to supply a land development plan before the public hearing. Also, if Council agrees to the zone change will this set a precedence for the future with unintended consequences.
 - Mr. Toy should get together with an engineer or surveyor to develop a plan.
 - Mr. Toy should check with the Pennsylvania Department of Environmental Protection and the Lackawanna County Conservation District to see if there are any restrictions.
 - Council members would like to see this project go through but want to be certain that all the appropriate steps are taken and need to be cautious.
 - Mr. Toy should be sent a letter advising him of what steps he should take before moving forward.
- A special meeting is scheduled for May 22, 2019 at 6:30 p.m. to continue the review of the current zoning ordinance.
 - A regular meeting is scheduled for Tuesday, May 26, 2019.

Recreation: Dan Hanna reported on the following:

- On Sunday, May 19, 2019 approximately 30 athletes from the North Pocono High School helped with park cleanup at Clover Park, Old Mill Park, and Golden Park and did a great job. He sent an email to the Athletic Director thanking her for their work. They are interested in doing it again in the fall.
- He thanked Connie Sanko for her help in getting the Pennsylvania Environmental Council grant submitted.
- He had a sample sign for Harmony Park and will order one. A decision on where to place it will be made later.

- He and Connie will continue to work on signs for rules at Harmony and Old Mill Park.
- He said that several cars continually park overnight at Old Mill Park and believes it is the neighbors. Art Pencek suggested that the Chief be asked to find out who the cars belong to.

Recycling: Monthly Recycling Report for April: 4.21 tons paper; 4.99 tons comingled; 3.72 tons cardboard; 27.75 tons brush; 17 trips to recycling center.

Municipal Building:

- Daniel Schilling submitted a proposal for \$300.00 per year for spring and fall cleanup of the Borough Building grounds. He will continue to cleanup and maintain the Butterfly Garden at no charge to the Borough. Marc Gaughan made a motion to accept the proposal of Daniel Schilling for \$300.00 a year. Tom Lynch seconded the motion. The motion carried unanimously with a roll call vote.
- Tom Lynch will look into getting a screen for the meeting room.

Streets: Marc Gaughan reported on the following:

- Wayco completed the project at the intersection of Church and Maple Streets.
- Wayco completed the project at McAndrews Road.
- Marc Gaughan, Art Pencek, Mark Mecca, and Connie Sanko attended a meeting with FEMA on May 16, 2019 regarding documentation to be submitted for the McAndrews Road and Ardito's parking lot.
- The street sweeper was here for last week. Everyone said it did a great job.
- Two applications were submitted for the part-time position. Dan Hanna, Marc Gaughan and Mark Mecca will conduct interviews.

Personnel Committee: Edward Gaughan made a motion to revise the Employee Handbook to include the following: background checks, sexual harassment, smoking, and vacations for eligible part-time employees working twenty-five (25) hours or more in a week. Joe Castrogiovanni seconded the motion. The motion carried unanimously with a roll call vote. Connie Sanko will include the revisions into the handbook and distribute copies to all current and new employees, which will now be Version Four.

Old Business:

- Tom Lynch asked about moving the entrance sign on Church Street and replacing it with the new design. Art will talk to Susan from the North Pocono Public Library to ask if the sign can be placed on the Library's property. The posts on the other two entrance signs need to be painted and Art suggested hiring someone to do the work.
- An email was received from Bethany Staples from Market Share Inc. who is working on upgrading the website noting that there are numerous changes. She should have a presentation to review in early June.

New Business: Adam Standiford, 443 Brook Street, said that he stopped in the Borough Office to see if he can use the grass drop off area on occasion. He has a place to dump but sometimes it is dangerous. He said he is a Borough resident and services many Borough residents. During the fall he also does leaf cleanup which helps the Borough workers from having to pick up curbside. From time to time he runs into a situation when he has no where to dump the grass and leaves. Joe Castrogiovanni said that he received a message from Connie but did not get a chance to call him during the day. Joe explained that this is for residential use only and not for contractors; if he is allowed then others will have to be allowed. Joe said Mr. Standiford may use the dropoff area for himself. Joe said he understands Adam's situation but cannot give him permission to use the drop off area as a contractor.

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

Minutes submitted by Constance Sanko