

**MOSCOW BOROUGH COUNCIL**  
**MINUTES OF THE MAY 6, 2019 MEETING**

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A meeting of the Moscow Borough Council was held on May 6, 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 Ivy Brenzel (Police Chief), David Lamm (Building Inspector/Zoning Officer), Shawn Young (Fire Chief), Bruce Zero (Solicitor), Marie Larosa and Andrew Zero (Junior Council Members), Jason Toy (Moscow Agway), Ann DiMattio and Louis, Brian Castrogiovanni, Mariesol Olivares, Jillian Carter.

**Moscow Volunteer Fire Company:** Chief Young reported on the following:

- The Annual Chicken BBQ will be held on Sunday, June 2, 2019.
- The EMS (Ambulance) drive is in progress.
- The Fire Company will be doing some training on property at Church and Green Streets now owned by Kevin Duffy.
- There are continued discussions to carry on with Commonwealth Ambulance. Discussions are also taking place with Covington and Commonwealth on a possible joint venture.
- Shawn asked Marc Gaughan about setting up a meeting to overview the trails since many new ones have been added. Marc will work on dates when a walk through can take place.

**Dollar General:** Commission members were provided with the following:

Pennsylvania Department of Transportation Highway Occupancy Permit for Dollar General; Pennsylvania Department of Environmental Protection NPDES Permit for Dollar General; letter dated April 29, 2019 from the Planning Commission to Dollar General (Steckbeck Engineering) regarding recommendation from the Planning Commission; and letter dated April 29, 2019 from the Planning Commission recommending final approval with certain stipulations.

Mike Lusaitis, Steckbeck Engineering (Dollar General), was present to answer any questions regarding the final submission of plans for Dollar General. Plans were available for Council's review. Marc Gaughan reported that the plans were previously reviewed by the Planning Commission and the Commission agreed that if all permits were received it would recommend final approval and that Council must act tonight to stay within the ninety day extension period. Marc Gaughan made a motion to approve the Dollar General plans as submitted. Tom Lynch seconded the motion. The motion carried unanimously with a roll call vote. After a brief discussion that the Land Development and Subdivision/Lot Consolidation Plans should be acted on separately, Marc Gaughan made a motion to amend the motion above to accept the Land Development Plan as submitted. Bill Heim seconded the motion. The motion carried unanimously with a roll call vote. Marc Gaughan then made a motion to accept the Subdivision Plans as submitted. Bill Heim seconded the motion. The motion carried unanimously with a roll call vote.

**Minutes of the April 15, 2019 meeting:** Bill Heim made a motion to accept the minutes of the April 15, 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 April 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. Joe Castrogiovanni seconded the motion. The motion carried unanimously with a roll call vote.

Council members were provided with the Real Estate Tax Collector's Report for the month of April.

### **Junior Council Persons:**

- Andrew Zero thanked Borough Council and Mayor Warner for their help and letter of recommendation. Council made its appreciation known to Andrew for his dedication and service to the Borough as a Junior Council Member.
- Applications for the upcoming vacant Junior Council Position are due May 31, 2019.

**Engineer's Report:** Art Pencek reported that there are concerns with water drainage and ponding on State Route 435 near Dollar General and some concerns with the railroad and rail ties and brush contributing to water pooling near the tracks behind his house and The Lofts on Main Street. He ran into several railroad workers and informed them of the issues. They said they will look into the matter. He said they have plans for the future which may not be immediate due to funding but are moving forward with some progress. Art asked about the underpass and they said that it is most likely the strongest bridge in the area.

**Grants:** Connie Sanko had submitted an Act 13 Flood Mitigation Project Grant application for the Scanlon Lane project but it must be submitted online. It was brought to Connie's attention that a 15% match is required which would be \$54,750.00. She is working with State Representative Mike Carroll who recommended applying for a Monroe County Local Share Account Grant for the 15% match. If the grant is not approved a serious issue will remain with emergency vehicle access. A resolution is required naming Arthur Pencek as the official to sign all paperwork. Marc Gaughan made a motion to adopt Resolution #276 - 2019. Bill Heim seconded the motion. The motion carried unanimously with a roll call vote. Marc Gaughan thanked Art Pencek for his work on this project. Art also acknowledged Connie Sanko and Mike Carroll for their joint efforts with him to make this work.

### **Correspondence:**

- The Minisink Lions Club sent a letter regarding the upcoming fireworks event on July 6, 2019.
- A Lackawanna County Association of Boroughs meeting is scheduled for May 16, 2019.
- The Lackawanna County Solid Waste Advisory Committee Municipal Waste Plan is available in the Borough Office for review.

### **Police Report:**

- Chief Brenzel gave the police report for the month of April. There were 135 911 calls and 134 cleared calls.
- Mayor Warner acknowledged Chief Brenzel on the apprehension and assist to the Scranton Police Department to solve and apprehend a suspect in a shooting case.
- A National Night Out meeting is scheduled for May 20, 2019 at 6:00 p.m.

### **Planning Commission:**

A Planning Commission meeting was held on April 29, 2019.

Marc Gaughan reported that Jason Toy (Moscow Agway) was present at the April 29, 2019 Planning Commission meeting and gave an overview of what he intended to use the property for at New and Lincoln Streets that he recently purchased. The property located at New Street and Lincoln Street, formerly owned by Airline Petroleum, was recently purchased by Mr. Toy with the assumption that it was a commercial property (as shown on his assessment sheet), however, it is in an R2 zone. After some discussion the Planning Commission voted to recommend that the zoning for this property be rezoned to C1 since it is contiguous with other commercial properties, and to allow commercial greenhouses and nurseries anywhere in a C1 zone as a permitted use. A letter dated April 30, 2019 was sent to Borough Council.

Jason Toy was present at the May 6, 2019 Council meeting and provided a letter to Council with his intentions for the development of the property he recently purchased. He also noted that the tax map sheet states that the property was in a commercial zone. After attending the Planning Commission meeting, Mr. Toy is requesting a continuation of the commercial zone that is adjacent to the newly purchased property since he would like to use the property for the storage of U-Haul trailers, which is not permitted in an R2 zone. Marc Gaughan said that precedence has been made with regard to the continuation of a commercial zone for The Academy project completed by Mark Paradise when the commercial zone was extended to include his project. Mr. Toy would also like to put up greenhouses on the property however, Marc said that Mary Liz Donato, Planning Consultant, said that greenhouses are not a permitted use in a C1 zone and recommended a zoning change to allow greenhouses in a commercial zone.

Attorney Zero was asked for his opinion and these were his concerns:

- Each decision to change zoning stands on its own (not related to what has been done in the past).
- A public hearing is required to do what is best for the community.
- Because a change was made for Mr. Paradise it does not affect or relate to Mr. Toy's project.
- The tax maps are not relative and it was Mr. Toy's responsibility to research zoning regulations.
- Mr. Toy's intentions would also be affecting a zone change in the C1 zone for greenhouses.
- The public hearing must be advertised in The Scranton Times not just The Villager as it would be a change to the zoning ordinance and all the properties in a C1 zone.
- There could possibly be other issues that might develop.

Jason Toy asked where a greenhouse would be allowed. Bruce said he believes to be in a C2 zone but would need to research.

Moving forward the following would need to take place:

- Approve concept
- Hold a public hearing
- A recommendation from the Planning Commission is in place.
- Council takes action on the recommendation.
- Notify the public of hearing to follow.

Attorney Zero suggested holding off on the greenhouse issue for now.

Art asked for Council to table this until the next meeting until proper investigations can be made as members of Council need to be fully informed and educated on this matter before it takes any action.

Attorney Zero also suggested that Mr. Toy check with The Department of Conservation and Natural Resources since the property is next to a stream bed. The Conservation District might have its own restrictions. The Lackawanna County Planning Commission may also have some restrictions.

Art suggested that Mr. Toy put his plans on paper and have some professional help from an engineer or surveyor.

Mr. Toy asked what could be put on the property and if duplexes for rent are permitted. Dave Lamm said it is written in the ordinance that minimum square footage may be needed for each structure to be built.

Mr. Toy restated that why would he not be led to believe it is a commercial property with the fuel tank being on the property and the property being located next to the train tracks. Attorney Zero told him that it is Mr. Toy's responsibility to personally check zoning laws and not to rely on maps. He referred to another case where the individual did not check zoning laws before purchasing property. Bruce stated that zoning is there for a reason, to protect the community and to know exactly what is and is not allowed where they live. It is an obligation to all in the community.

Marc Gaughan made a motion to table the Planning Commission recommendation to change zoning for the New Street/Lincoln Street property. Bill Heim seconded the motion. The motion carried unanimously.

A work session is scheduled for Wednesday, 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 28, 2019 at 6:30 p.m.

**Recreation:** Dan Hanna reported on the following:

- The port-a-potty project pad is in progress.
- He is working on signs for Harmony Park and rules and regulations for the park.
- Connie Sanko submitted the Pennsylvania Environmental Council grant application for improvements to Old Mill Park

**Financial Report:** Council members were provided with the following:

- Condensed statement from Murphy, Dougherty & Company.

- Peoples Security Bank and Trust Company - Pave Loan 2019. Bill Heim made a motion to adopt Ordinance #251 - 2019 and to execute the documents listed below. Ed Gaughan seconded the motion. The motion carried unanimously with a roll call vote.

1. Second reading of Ordinance #251 - 2019
2. General Obligation Note
3. Debt Statement
4. Commitment Letter

**Moscow Sewer Authority:** Marc Gaughan made a motion to accept the resignation of Stanley Zagorski from the Moscow Sewer Authority with regret. Bill Heim seconded the motion. The motion carried unanimously. There is now a vacancy on the Moscow Sewer Authority.

**Streets:**

- Part-time seasonal employee - applications were due on May 3, 2019 - two applications were submitted
- A letter is being sent to residents of Grove Street advising them that they have an opportunity to have their sidewalks replaced at their expense but a lower cost when the Grove Street project is being completed.
- The Ardito Parking Lot project has been completed.
- McAndrews Road and Church and Maple Streets
- A large tree was removed from the rear of the parking area at 142 North Main Street
- A meeting with FEMA representatives regarding McAndrews Road and Ardito's Parking Lot was held on May 2, 2019.
- The street sweeper from Bortek Industries will be here May 13 through 17, 2019

**Personnel Committee:** Council members were provided with the revisions to the Employee Handbook for background checks, sexual harassment, smoking policy, and vacation days/sick days for eligible part-time employees. Art Pencek asked everyone to review the revisions and let Connie know if you have any comments. These will be voted on at the May 20, 2019 meeting.

**Old Business:**

- Bill Heim said that he and Connie Sanko met with Bethany from MarketShare, Inc. on May 3, 2019 to start the process of upgrading the website. New pictures will be taken to add to the website.
- Entrance signs need to be painted.
- Marc Gaughan reported that Colin Gilmartin's Eagle Scout project on the trails is still in progress.

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

**Minutes submitted by Constance Sanko**