

ARCHBALD BOROUGH COUNCIL MEETING
WEDNESDAY, AUGUST 19, 2020

The meeting was called to order at 7:00 pm by President Brian Gilgallon. A moment of silence was followed by the Pledge of Allegiance. Roll call Burke, Owen, Ossont, Moran, Gilgallon and Mayor Barrett were present. Simon attended via teleconference. Mancuso arrived late. Mr. Gilgallon mentioned Council met in Executive Session last week to discuss personnel, real estate and litigation.

Public Input

A representative from Rite Aid notified Mr. Turlip to offer flu shots to employees. They also offered to open it to the public on a separate day. People would need to bring their insurance card.

Dickson City has invited members of Council to tour their new facility on Friday August 21, 2020 at 1:00 PM if any members are interested.

Council Committee Reports

Mr. Ossont updated Council on the Feral Cat Ordinance it will be presentable at the September meeting. The Finance Committee will be starting to look at next year's budget with Mr. Gilgallon within the next few weeks.

Mrs. Owen informed Council the Safety Committee is in the reorganization phase. She met with Joyce Insurance and the committee has to begin mandatory safety inspections that coincide with an investigative checklist that they are currently reviewing. The committee is starting with inspecting all Borough vehicles, making sure they are equipped with first aid kits, flashlights and other items to keep employees safe. Another item that may be needed in the DPW trucks are fire extinguishers. She stated it is very important that we provide them the tools and education needed to stay safe and she values all our employees. Mr. Turlip will look into pricing for the items needed.

Owen also wanted to recognize and thank Colleen Goodrich, a Borough resident, for her passion and concern for the increasing growth of feral cat colonies that are infringing on their neighbors. She thanked Kim Simon and Mr. Ossont for their work calling different agencies concerning the issue.

Mr. Burke said he spoke with Giffin Pond Animal Shelter this week and they will donate the cages to trap the feral cats. They will not donate the manpower.

Mrs. Owen asked if Zoning Enforcement Officer Brian Dulay can give an update on Sugerman's Plaza. Solicitor O'Connor advised Owen what subject matter cannot be discussed outside of Executive Sessions. Mr. Turlip stated there is current litigation pertaining to the subject.

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Mr. Moran stated he missed a Planning Commission meeting and asked if he can get an update. Mr. Dulay relayed it was a busy two-hour meeting with numerous items presented. They conditionally approved two items and there were two more larger items on the agenda. Woodbury II was a submission. Mr. Moran asked if the Planning Commission approved meeting minutes can be added to the members folders for the monthly council meetings.

Ms. Simon stated they will continue to work on the pricing to have the feral cats spayed/neutered.

Mr. Gilgallon brought up online discussions with the Mayor and Chief Trently about political Trump and Biden signs being stolen along Main St. Mr. Gilgallon informed everyone that the ordinance in Archbald states signs cannot be placed on public ground no more than 45 days prior to election. The question to the Mayor and Chief Trently is: If someone is caught on home surveillance, can people be prosecuted? Chief Trently's response is that it would be theft. Also, depending on the time of night it could also be prowling and loitering at night. The crime has to be reported first. They can also cite for trespassing.

Mayor Barrett stated the signs are not to be put up until 45 days prior to election and taken down 5 days after election or they can be fined. Signs in private yards are a different subject matter. She also brought up signs being placed for yard sales on poles in the Borough. Mr. Gilgallon stated when the Borough hires a second Zoning Code Enforcement Officer they will be enforced.

Unfinished Business

1. SEIU Local 668 Contract Negotiations
2. Community and Economic Development Committee
3. Senior Housing Committee – United Neighborhood Centers
4. American Tower Lease Agreement
5. Proposed Zoning/Building Permit Fee Schedule
6. Feral Cat Ordinance
7. Pave Cut Ordinance
8. Comprehensive Plan Update
9. Zoning Ordinance

Mr. Turlip said he, Mr. Mancuso, Mr. Moran and Mr. Ossont will be meeting with SEIU Local 668 to continue contract negotiations on Friday, August 20, 2020. They are getting very close to finishing the contract.

Mr. Turlip spoke with Marty Fragga about senior housing, everything is on track for a January submission. The Comprehensive Plan must be updated prior to submission.

There is work being done on the American Tower lease agreement. There should be an agreement by the September meeting for Council's next executive session.

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Solicitor O'Connor stated American Tower has provided the agreement to the Pittsburg affiliate firm. He will have by this week to review comments and circulate to council.

The new Zoning Fee schedule is included in packets for review. There is a resolution on the agenda for approval of the fee schedule tonight. They are still working on amending the building permit fee schedule and will look to have that part amended when Mr. Dulay takes over in January.

Mr. Totino is working on Pave Cut ordinance. They have begun looking at our roads and he will be at the next work session in which he will also have the projected costs. He will present that in writing to Council at the next meeting.

Mr. Turlip spoke with Jack Barlay about the Borough's Comprehensive Plan and the Zoning Ordinance. A meeting is scheduled with Jack on Friday August 28, 2020 at 1:00pm. He will go over and provide a proposal for each of those.

New Business

1. Police Reform/ Accreditation
2. DPW Building Roof
3. Amendment to Quality of Life Ordinance
4. Keystone Opportunity Zone (KOZ) designation on Lot #36, Valley View Business Park

Chief Trently presented Council with items needing approval from Council. He spoke on new police reform, requirements the police must meet by law, mandated Accreditation, and items needed for the police. He is asking these items be placed in the upcoming budget. He stated it is his job to advise Council on what is taking place and ask for what is needed. He came up with ideas so they can get the ball rolling. He is also open to look into grants that may cover some of the costs. Unfortunately, they are at a time when they've been lax on requirements because of the costs involved. Police reform is now a reality. He has worked on a Right-To-Know letter with Officer Jamie Trently and Mr. Turlip asking for policies and procedures coming from the city of Philadelphia through a law firm and study they are doing. Police agencies all over are watching what is occurring within police departments across the state. He is looking to put a motion on the agenda to move the Police Department towards Accreditation. They have already paid the \$250.00 fee and other minor costs. Once Accreditation is accomplished, there is an annual fee of \$1,000.00. The Chief spoke on behalf of Officer Jamie Trently to appoint her Accreditation Manager starting with eight (8) hours per week as needed. This would be an assignment (not a paid position). Mr. Turlip stated there would be a need to have a part time officer cover Officer Trently's shift when she will be working on Accreditation and that would have to be approved by Council. Trently also spoke with Joyce Insurance about discounts once accredited.

Chief Trently would also like approval for two (2) Patrol PC computers and two (2) Watch Guard Dash Cameras to outfit two (2) new patrol cars ordered last year.

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The cars were delayed due to CoVid-19. They are now here and waiting to be up-fitted with police equipment.

Chief Trently said he is delaying the cars from being up-fitted until they get approval for the Patrol PC computers for two (2) cars to save on installation fees. He also explained what the Watch Guard Dash Cameras are capable of helping the officers with.

As of now, the cars will be ready for use by October. He stated he will purchase one (1) Patrol PC computer with money he raised (\$6,000.00). If Council approves the other two (2) computers to be installed with delayed payment until January 2021 the cost will be \$12,566.74. These are the safest computers to be used in the cars.

They will also need some type of software and system to run their policies. He mentioned there are 414 points that have to be met on the policy. When they are in the field, they will be easily accessible through the new computers and software. He will be meeting with three (3) other police departments this week to go over policies and work as a team.

He stated in car video and body cameras will probably become a requirement but he is willing to look into grants available for the body cameras for police departments. He explained how important these video cameras can be.

Chief Trently provided Council with a list of all vehicles in the fleet. He stated he is happy to work with the Safety Committee as well.

Mr. Gilgallon stated to spend money with the current budget, without moving money around, to hire a part time officer to cover time for Officer Trently's position of Accreditation Manager is not really possible right now. Chief Trently stated some things can wait until the budget is worked out other things must be done now. The police have saved money this year by not working the picnics, parades, 5K races, police road time, fuel time, etc. which was budgeted for the year. Mr. Turlip explained what Mr. Gilgallon was trying to say is that the budget is being looked at early, they are paying close attention to the taxes that are coming in, numbers need to be worked out by Mr. Durkin and they will have a better understanding of the budget after August. Chief Trently did state he trusts in what he is told and whether they decide to do it now or later, it has to be done according to House Bills 1841 and House Bill 1910. He is asking to let the police be prepared to start as quickly as they can. Mr. Gilgallon stated the reason they are looking at the budget early is because of the items Chief Trently presented at the work session. Gilgallon stated if the August numbers are good, he should have a definite answer by the September meeting.

Chief Trently spoke on the importance of having up to date information that Com Center may not always have. He explained how license plate readers and other equipment works to help the police solve crime.

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Mayor Barrett asked if approved tonight or in September will there be a problem delaying the cars from being ready or the savings they lose if they are up-fitted later. She asked if Council can somehow find the money. Mr. Turlip explained they are going on what the current budget is now. These items were not initially in this year's projected budget and this is a huge, costly item. He stated the municipality is doing good with the budget compared to other municipalities. August is a critical month, sometimes there is money left over in the budget and he should know more in the next few weeks.

Chief Trently stated he understood everyone has a role to play but, unfortunately, they have to make decisions quickly because people's lives depend on it. They don't have time to wait for meetings after meetings when you have to make decisions right then and there. They are 24/7, their guys and girls are out there, doing their job keeping the crime from this town and that is the way this police department operates today.

Mr. Turlip asked what the cost would be if they waited. Chief Trently did not know without talking to Premier (up-fitted installer). The cost would be more for bringing the cars back due to another appointment time, travel and manpower. Chief Trently stated it has to be done one way or another and he is trying to save money.

Mr. Moran asked if Council approved the extra 8 hours for Officer Jamie Trently to be Accreditation Manager and after the budget is looked at and they come back and say she needs 16 hours instead. Chief Trently said he agreed and spoke with Mr. Turlip who has been through a similar program and Mr. Turlip stated it is a lot of work and you need to dedicate one officer to do that job. Chief Trently said in the near future this may be a requirement by the Commonwealth which Council will have to hire someone. Mr. Moran asked if eight (8) hours is enough. Chief Trently said to get started eight (8) hours should be enough to get started. He mentioned he received a \$4,350.15 donation today to buy new tasers for the department that never came out of the borough's pocket. But they needed to upgrade them.

Mrs. Owen asked if a special meeting can be held if Mr. Durkin is available to come in next week. Solicitor O'Connor explained how they can proceed. Owen thinks it's necessary to vote on what they need. She thinks it's important they have the tools that are necessary. Mr. Moran stated he thinks they are ready to make a motion and have Council decide if they want to go with it. Mrs. Owen said she doesn't know how to go with it. She stated she thinks she has only seen Chief Harvey twice in the 4 years she's there. She said to be honest she does not know her place in Council. Mr. Gilgallon said the situation is about a big sum of money they do not know if they have or not. He suggests they adjourn the meeting and reconvene on another night. He asked for them to pick a night.

Mr. Turlip reminded Mrs. Owen that Mr. Durkin has looked at the budget and he and Mr. Durkin advised Council to wait until after the numbers from the budget come through in August. So, if you adjourn the meeting, you will be into next month's meeting.

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Mayor Barrett commented that what Mr. Moran was trying to do was just make a motion for eight (8) hours to be approved to start the Accreditation program. Nothing else. She is not sure why it is going into a big spill. Mr. Moran agreed that was all he was trying to do.

Mr. O'Connor stated based on what Mr. Turlip just said he does not think he can make any determination on the computers based on waiting for the August numbers. On the first motion the Chief wants, on terms of Accreditation can be made tonight. The motion in respect to the hours for Officer Trently can be considered if it is not a substantial amount of money. But anything that is going to involve a substantial amount of money, even if the meeting is adjourned, Mr. Durkin will tell you the same thing he told Mr. Turlip. He can not give an answer until he sees the August numbers. So, there is no sense adjourning the meeting. Mrs. Owen agreed.

Mr. Turlip updated Council on the condition of the DPW roof which is 27 years old and needs to be replaced. They do not think the roof will make it through winter. He received early estimates to see the costs and it will run anywhere from \$29,000-\$37,000.00. The roof project will have to be bid out to the public if Council decides to do this project. He advised Council they can push this to the September meeting but that would make it closer to winter to start the roof. He said there is also still a money issue. He is looking at a grant to get money for this project and could use the time to work on trying to get that accomplished as opposed to using Capitol Fund money.

Mr. Turlip asked Council for any changes they would like made to the Quality of Life Ordinance. He did receive one change on page 11 of the Ordinance under Section 9: Fines and Penalties. The proposed change would state:

- A. The amount of \$25.00 for the first violation shall be waived if the violation has been corrected within 7 days of receiving the violation notice.

Mr. Ossont asked, with the amended change how the office will know if the violation was received. Mr. Moran answered the violations are sent registered mail. The Borough sends violations through the mail both certified and regular mail delivery. Mr. Turlip said it is a costly way of sending the violations and sometimes they do go unsigned. Mr. Turlip stated it costs \$6.90 to send certified mail plus \$.50 to send first class mail delivery. When a person does not sign for certified mail and a copy was also sent first class mail delivery, it is presumed to be delivered.

Mr. Ossont also asked Mr. Dulay to talk about discretion when discussing Quality of Life violations. He asked if any of the violators has been spoken to first before being cited and fined. Mr. Dulay responded a fair amount of people this year have been repeat offenders. When he started he believes they were at approximately Quality of Life violation #50 and right now they are over 100 violations. So far he has written about 50-60 violations in total. Mr. Turlip said 0-#50 were written by him when he started until Mr. Dulay took over.

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Mrs. Owen asked what the fine for repeat offenders is when they have to go up to the Magistrate. Mr. Dulay stated the way the Ordinance reads now, for example over grown grass, if he is out and notices someone's grass is 10 inches high, he will not typically give a fine the first time. When he sees it again hasn't been cut, he will then issue a citation that is sent in the mail for \$25.00. If it is a second offense within the calendar year of the first offense it is increased to \$50.00. He let Council know that he worked hard to get a mattress off the street so they would not see it as they came to the meeting tonight. He is willing to knock on doors to resolve issues. Mrs. Owen asked what the time span is between violations. Mr. Turlip responded 30 days. They will also go through the whole process of fines before habitual violators are taken to the Magistrate. Mr. O'Connor stated the whole point of having the Ordinance is to avoid having to bring violators to the Magistrate. It is costly and time consuming. Mr. Turlip also informed Council of the magnitude of calls the Borough receives daily regarding borough properties.

Meeting is paused at 8:07 PM due to an internet problem.

Meeting is reconvened at 8:11 PM

Mr. Mancuso arrived at 8:12 PM. Mr. Gilgallon asked if anyone has anything to add to the topic, Quality of Life Ordinance. Mr. Moran said his only thing is Council in favor or not, rather than advertising the amendment to the ordinance. The cost to advertise and amend an ordinance including legal fees can cost between \$500-\$1000.00. Mr. O'Connor asked Mr. Dulay if he was having trouble the way the Ordinance stands. Mr. Dulay said he doesn't believe there are any problems with the way the Ordinance works now. He will do whatever Council wishes. Mr. Turlip explained discretion is always used. Mayor Barrett stated after years working on blight, this system works. Mr. Burke and Mrs. Owen commended Mr. Dulay on his work. Mr. Moran went back to his question of keeping the changes on the agenda for a motion or to scrap it. Mrs. Owen asked to let to the changes pass.

Mr. O'Connor informed Council that Slibco requested the Borough extend the Keystone Opportunity Zone (KOZ) designation on Lot #36, Cardinal Glass, Valley View Business Park for either 7, 9 or 10 years. There is currently nothing on the property. Also, there is nothing that is known by the Borough coming on to that property. If extended it makes the property more marketable. Mrs. Owen asked how long the existing KOZ was created for. Mr. O'Connor explained how they are set up in terms of years. She also asked if Council gave them LERTA. Mr. O'Connor said they requested a LERTA. LERTA is an ordinance that is a different process. Mr. Turlip stated the school and county also have to vote on the allowance. Mr. Ossont commented that if the lot is a tougher sell, and it is not hurting the borough, why not extend it to bring more business to that area. Mr. Mancuso stated if they don't extend it, future business may bypass that area.

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Motions

Motion by Ossont second by Owen to approve of the July 15, 2020 Regular Council meeting minutes. All in favor. Motion carried.

Motion by Owen second by Simon to approve of July HNB General Fund bills totaling \$199,434.72 and Whelen Siren Account 103 bills totaling \$4,735.70. Roll call. All in favor. Motion carried.

Motion by Owen second by Burke to accept Reports – Treasurer, Building Inspector, Tax Collector’s Report and Mayor’s Report. All in favor. Motion carried.

Motion by Owen second by Ossont to adopt a job description for the position of “Zoning-Code Enforcement Officer” as agreed upon by SEIU Local 668. Roll call. All in favor. Motion carried.

Motion by Owen second by Simon to award the sale of the Oxygen Scooter to Jermyn Borough for \$400.00. Roll call. All in favor. Motion carried.

Motion by Ossont second by Owen to ratify and adopt a Resolution to enter into a Cooperation Agreement with the County of Lackawanna for the Archbald 1st Street Culvert Replacement Project. Roll call. All in favor. Motion carried.

Motion by Owen second by Burke to adopt a proposal from Barry Isett & Associates Inc. to provide Professional Services for the Borough Street Assessment and Recommendations in the amount of \$62,100.00 and MS4 Mapping Project in the amount of \$17,800.00 for a total of \$79,900.00. Roll call. All in favor. Motion carried.

Motion by Ossont second by Owen to adopt a Resolution to enter into a Cooperation Agreement by and between the County of Lackawanna (hereinafter referred to as “The County”), and Archbald Borough, Lackawanna County, Pennsylvania, for certain grant monies from the Commonwealth of Pennsylvania Office of Community and Economic Development through the CARES ACT and more particularly grant monies made available through the Covid-19 County Relief Block Grant, and the Archbald Borough has made application for some of the CARES ACT grant funds from the County for reimbursement of certain COVID related expenses they incurred. Roll call. All in favor. Motion carried.

Motion by Ossont second by Burke to adopt a Resolution for the 2020 Archbald Borough Zoning Fee Schedule pursuant to Archbald Zoning Ordinance 14 of 2003, Section 9.6. Roll call. All in favor. Motion carried.

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Motion by Moran second by Ossont to approve Police Department moving towards Accreditation. (Fee has been paid). Once accomplished it is an annual \$1,000.00. Roll call. All in favor. Motion carried.

Motion by Owen second by Ossont to approve Officer Jamie Trently as the Accreditation Manager with the availability of 8 hours per week as needed. Roll call. All in favor. Motion carried.

Motion by Owen second by Burke to extend the Keystone Opportunity Zone (KOZ) designation on Lot #36, Valley View Business Park for 7 years. Roll call. All in favor. Motion carried.

Motion by Ossont second by Owen to adjourn. All in favor. Motion carried.

ATTEST:

ARCHBALD BOROUGH:

Michele Bianchi, Borough Secretary

Brian Gilgallon, President of Council

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Archbald Borough Council Meeting Minutes, Wednesday August 19, 2020