

CONYNGHAM BOROUGH COUNCIL REGULAR SESSION
Tuesday, October 9, 2014

Conyngham Borough Council met in Regular Session on Thursday, October 9, 2014 at 7:02 p.m. in Council Chambers, Municipal building, 215 Main Street, Conyngham, Pennsylvania. The meeting was called to order by Council President Gary Gregory, the Pledge of Allegiance was recited and roll call was taken.

Roll Call:

Present: Fuccile, Gallagher, Gregory, Hawk, Jones, McKee, Schneider.

Absent: None.

Others Present: Solicitor, Secretary, Treasurer.

Absent: Mayor Carrelli.

Citizens: Linda Grecavich, Maureen Susa, John Cotsack, Shane Pettit, Thomas Lagana, Carol Ference.

Public Comment: None.

Invited Guests: Thomas F. Lagana, Janney Montgomery provided an overview of the pension plan performance as of September 30, 2014 for the Non-Uniformed Pension Plan and the Police Pension Plan. Copies of the report are on file in the supplemental minute book.

Mr. Lagana advised Council that prior to 2009 Council had a different strategy where Council selected individual stock to purchase and trade, however as of July 18, 2009 an Investment Policy Statement was created and Janney Montgomery assumed total management of the pension funds.

The Solicitor advised Mr. Lagana the Borough received a Municipal Derivatives Settlement Claim Form and requested Mr. Lagana review the assets held by Janney Montgomery to determine if any are involved in the settlement.

Approval of Minutes:

Motion

Motion to Approve Minutes from Work Session, September 11, 2014 and Regular Session, September 16, 2014 - Gallagher. Second - Schneider.

ROLL CALL VOTE:

Fuccile	-	Affirmative	Gallagher	-	Affirmative
Gregory	-	Affirmative	Hawk	-	Affirmative
Jones	-	Affirmative	McKee	-	Affirmative
Schneider	-	Affirmative			

Mayor: Absent. Police Report was not provided for Council's review.

Treasurer: Treasurer Blasé reviewed the September Treasurer's Report. The report is on file and available for public inspection. A year end forecast will be prepared using 9 months of actual data and three months forecast in order to prepare a first draft of the 2015 budget.

Motion

Motion to Accept the Treasurer's Report for September 2014 – Gregory. Second – Jones.

Questions on the Motion: None.

ROLL CALL VOTE:

Fuccile	-	Affirmative	Gallagher	-	Affirmative
Gregory	-	Affirmative	Hawk	-	Affirmative
Jones	-	Affirmative	McKee	-	Affirmative
Schneider	-	Affirmative			

CONYNGHAM BOROUGH COUNCIL REGULAR SESSION
Tuesday, October 9, 2014

Motion

Motion to Approve the Bills - Gallagher. Second – Gregory.

Questions on the Motion: Councilwoman Hawk asked if the money was received for the Volunteer Fire Relief Funds – Yes. Councilman Fuccile questioned whether the spay/neuter bills were paid for with donations – Yes.

ROLL CALL VOTE:

Fuccile	-	Affirmative	Gallagher	-	Affirmative
Gregory	-	Affirmative	Hawk	-	Affirmative
Jones	-	Affirmative	McKee	-	Affirmative
Schneider	-	Affirmative			

Treasurer Blasé reviewed the 2015 MMO's. 2015 MMO Police Pension - \$1,385.00. 2015 MMO Non-Uniformed Pension Plan - \$9,625.00.

Motion

Motion to accept the 2015 MMO's – Gregory. Second – Jones.

Questions on the Motion: None

ROLL CALL VOTE:

Fuccile	-	Affirmative	Gallagher	-	Affirmative
Gregory	-	Affirmative	Hawk	-	Affirmative
Jones	-	Affirmative	McKee	-	Affirmative
Schneider	-	Affirmative			

Solicitor: The Solicitor advised Council the Borough's Actuary RKS has retired and pursuant to Act 44 and Resolution 9 of 2014 Council is required to RFP for actuarial services.

Motion

Motion to RFP for Actuarial Services pursuant to Act 44 for the Police Pension Plan and Non-Uniformed Pension Plan – Gregory. Second – Schneider.

Questions on the Motion: Councilwoman Hawk questioned whether or not the State sends the actuary – No the State audits the funds. Councilman McKee questioned how often the actuary does reports – every two years. The Solicitor advised the actuary also provides other functions such as if someone retires.

ROLL CALL VOTE:

Fuccile	-	Affirmative	Gallagher	-	Affirmative
Gregory	-	Affirmative	Hawk	-	Affirmative
Jones	-	Affirmative	McKee	-	Affirmative
Schneider	-	Affirmative			

Goliath Properties needs to submit a Sewage Planning Module to DEP which requires the Borough to pass a Resolution.

Motion

Motion to Adopt Resolution 21 Goliath Sewage Planning Module – Gallagher. Second – Jones.

Questions on the Motion: None.

ROLL CALL VOTE:

Fuccile	-	Affirmative	Gallagher	-	Affirmative
Gregory	-	Affirmative	Hawk	-	Affirmative
Jones	-	Affirmative	McKee	-	Affirmative
Schneider	-	Affirmative			

Shannon Tire submitted a minor subdivision which has been reviewed and approved by the Borough Engineer & Solicitor. Luzerne County issued comments which were previously addressed. Dimensional requirements were addressed and a variance has been granted by the Zoning Hearing Board. The only other comment was from Quad 3 County Engineering to secure a Highway

CONYNGHAM BOROUGH COUNCIL REGULAR SESSION
Tuesday, October 9, 2014

Occupancy Permit which they have; therefore it is the Solicitor's recommendation to approve the request.

Motion

Motion to Approve Shannon Tire Minor Subdivision – Gregory. Second – Hawk.

Questions on the Motion: None.

ROLL CALL VOTE:

Fuccile	-	Affirmative	Gallagher	-	Affirmative
Gregory	-	Affirmative	Hawk	-	Affirmative
Jones	-	Affirmative	McKee	-	Affirmative
Schneider	-	Affirmative			

The Loan RFP is advertised for opening at October 28, 2014 Regular Council meeting.

Valley Regional: Shane Pettit from Valley Regional advised Council the next in-house training will be held October 15, 2014. September 2014 report noted 3 fire and rescue calls for Conyngham Borough. The next Emergency Management drill will be held October 21, 2014. Vice President Schneider asked Council to advise the secretary if they will be in attendance.

Recreation:

Motion

Motion to Approve CVCO Halloween Parade Sunday, October 26, 2014 at 2:00 pm – Jones. Second – Gregory. Unanimous.

Motion

Motion to Approve Stripes and Strikes to utilize field October 18, 2014 – Jones. Second – Schneider. Unanimous.

Planning & Zoning: Mr. Pittinger has signed a waiver extending approval of his minor subdivision until December 11, 2014. The Engineer was going to contact him. Zoning Variances are needed.

Goliath Properties requested an extension for their Zoning Permit however the Solicitor advised Act 46 of the Pennsylvania Legislature allows for automatic extension of zoning permits through July 2, 2016 due to the Recession.

Councilwoman Hawk advised after reviewing the minutes from the American Planning Association PA Chapter she noticed Mr. Ference was a representative and questioned whether someone from Council or the Planning Commission should be named a replacement representative.

President Gregory requested Councilwoman Hawk to follow up.

Tara Lilley and Anita Reber will be attending a Planning seminar October 16, 23, 30 sponsored by the PA State Association of Boroughs. Councilwoman Hawk would like to attend as well.

Conyngham-Sugarloaf Joint Municipal Authority: Councilman Gallagher advised CSJMA is moving forward with Pilot regarding a sewer line. The permit transfer is pending signature from the dissolved Conyngham Borough Authority. CSJMA is up and running and ready to move forward.

An invoice was received from Entech Engineering for services provided August 30, 2014 thru September 26, 2014 and the Joint Authority is requesting the bill be split between Conyngham Borough and Sugarloaf Township until the CSJMA assumes the assets of the CBA.

Motion

Motion to Pay ½ Entech Invoice for \$315.00 – Gregory. Second – Schneider.

ROLL CALL VOTE:

Fuccile	-	Affirmative	Gallagher	-	Affirmative
Gregory	-	Affirmative	Hawk	-	Affirmative
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CONYNGHAM BOROUGH COUNCIL REGULAR SESSION
Tuesday, October 9, 2014

President Gregory stated that Councilman Fuccile met with the Authority Architect, Authority Engineer, Borough Engineer and Code Officer regarding Stop Work Order for 245 Main Street. Councilman Fuccile advised another Stop Work Order was issued due to lack of inspections. There are some minor interior issues that the Borough Engineer is allowing work to be completed. The paving was drastically reduced to several hundred square feet. The pole building paving has been cancelled. Mr. Peters will have plan to Borough Engineer tomorrow to pave before it gets cold. Councilman Gallagher questioned the charges to the Borough for paving now that the paving has been drastically reduced. Contracts will not be signed until the Borough gets an explanation of where their money was spent.

The Solicitor advised Council that Section 46.014 of the Borough Code allows Council to subpoena documents regarding the \$80,000.00 funds.

The Authority wants an extension to complete work to allow for fifteen days to prepare plans and thirty days to complete work. Discussion ensued whether the extension should be allowed. Vice President Schneider fully supports Councilman Fuccile's recommendation and noted that at the code meeting no representatives attended from the Authority Board.

Motion

Motion to Grant Extension from 30 to 45 Days to Complete Exterior Work contingent upon approval from BCO and Engineer's review starting today- Gallagher. Second - Gregory.

ROLL CALL VOTE:

Fuccile	-	Affirmative	Gallagher	-	Affirmative
Gregory	-	Affirmative	Hawk	-	Affirmative
Jones	-	Affirmative	McKee	-	Affirmative
Schneider	-	Affirmative			

Streets & Property: Councilman Fuccile reported a 16' Blue Spruce is to be planted at the Borough Building, between the building and gazebo. A PA One Call was placed and the gas lines are marked. President Gregory thanked Attorney Karpowich for donating the tree. His generosity will brighten Christmas in Conyngham.

Motion

Motion to Plant Christmas tree on Borough Grounds - Gallagher. Second - Jones. Unanimous.

Vice President Schneider noted the Street Department has been revising the parking areas on Main Street by painting the curbing white where parking is now allowed. The changes are in place on the East side. A sign was ordered indicating "Designated Parking Only" for the West side which creates an additional eighteen (18) spaces for Main Street.

Councilman McKee met with a contractor on Edge Trail to repair the two worst areas @ \$14.40/ sq yard. The total area to be repaired is 625 sq. yards for a total of \$9,000.00. President Gregory noted safety is an issue and must be dealt with. Council will determine amount of Liquid Fuels funds that can be carried over.

Motion

Motion to Approve Repair of Edge Trail not to exceed \$10,000.00 - Gregory. Second - Hawk.

Public Comment on Motion: Mr. Cotsack questioned if bidding is required. The Solicitor advised under \$10,000.00 no bids are required. \$10,000.00 - \$19,300.00 requires three estimates. Over \$19,300.00 requires bidding.

President Gregory added that Councilman Fuccile attempted to get four bids from contractors.

Questions on the Motion: None.

ROLL CALL VOTE:

Fuccile	-	Affirmative	Gallagher	-	Affirmative
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CONYNGHAM BOROUGH COUNCIL REGULAR SESSION
Tuesday, October 9, 2014

Grants: Councilman Gallagher reviewed the grants applied for to date. The report is on file in the supplemental minute book and available for inspection.

New grants coming up include C2P2 Spring 2015, a second WREN Grant which would include CSJMA and Sugarloaf Township to address infiltration issues within the sewage system.

The Solicitor added the LSA grant is open until 12/31/14.

Motion

Motion to Approve Multimodal Transportation Fund Grant Resolution 20 of 2014 – Gregory. Second – Fuccile.

Questions on the Motion: Councilman Fuccile questioned if there are matching funds – Yes.

ROLL CALL VOTE:

Fuccile	-	Affirmative	Gallagher	-	Affirmative
Gregory	-	Affirmative	Hawk	-	Affirmative
Jones	-	Affirmative	McKee	-	Affirmative
Schneider	-	Affirmative			

Motion

Motion to Approve Commitment Letter Multimodal Transportation Fund Grant in the amount of \$86,751.18 – Schneider. Second – Jones.

Questions on the Motion: Councilman Fuccile questioned location of the project.

The Solicitor noted that there are grants available to cover the match.

ROLL CALL VOTE:

Fuccile	-	Affirmative	Gallagher	-	Affirmative
Gregory	-	Affirmative	Hawk	-	Affirmative
Jones	-	Affirmative	McKee	-	Affirmative
Schneider	-	Affirmative			

Councilman Gallagher added that he is continuing to work on the banner and American flag programs. He received a quote from Flag Works for \$195.00 for a double side 30" x 4'.

Shade Tree: Nothing at this time.

Police Committee: Nothing at this time.

New Business: Vice President Schneider advised Council a citizen was pleased with the Borough website and access to the minutes.

President Gregory commended the Recreation Board for the Pumpkin Decorating Program to be held Saturday, October 18, 2014 12:00 pm to 2:00 pm at Whispering Willows for children in grades K through sixth. All pumpkins and materials will be supplied.

Councilman Fuccile advised the Leaf Collection will begin Tuesday, October 14th on Main Street. The second week will be in Brookhill. Rules can be found on the Borough website.

Motion

Motion to have President Gregory and the Solicitor prepare subpoenas pursuant to 46.104 of the Borough Code to determine where Borough Escrow funds are and documentation of the \$80,000.00 with a Hearing date to be set – Gallagher. Second – Gregory.

The Solicitor advised a public hearing will be conducted.

Public Comment on the Motion: None.

Questions on the Motion: None.

CONYNGHAM BOROUGH COUNCIL REGULAR SESSION
Tuesday, October 9, 2014

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Councilman Gallagher advised Council he met with Vice President Schneider, Councilman Jones and Borough Engineer at the Borough Park to develop a master plan for the park which will assist with future grants. Barry Isett & Associates will look into funding.

Old Business: Vice President Schneider attended the COG meeting on September 19th and the first annual MCOG auction was a great success. The Borough should consider buying or selling equipment at future auctions.

Councilman Jones noted Christmas in Conyngham committee met on Sunday and things are moving forward.

Councilman Fuccile advised last week Council found the source of the water leak on Main Street. The cause was an air relief valve from CBA. It is estimated that 1/2 million gallons of water was lost.

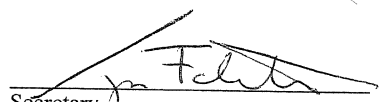
President Gregory is happy leak is fixed however he is sorry it wasn't done eight months ago when CBA was first contacted about the problem.

Catch-All: Councilman McKee questioned whether Council is going to seek reimbursement from CBA for expenses due to water leak. It is under consideration.

Public Comment: None.

Motion to Adjourn @ 8:27 PM – Gallagher. Second – Fuccile. Unanimous.

ATTEST:


Secretary