

**OLYPHANT BOROUGH
COUNCIL MEETING
SEPTEMBER 7, 2021**

Flag Salute: Baldan led with the Pledge of Allegiance.

Executive Session: Baldan announced an Executive Session was held to discuss personnel matters.

Roll Call: Harrington, Hudak, Frushon, Tully, Krukovitz, Abda and Baldan were present.

Public Comment: None.

Minutes: A motion was made by Abda and seconded by Krukovitz to approve the minutes from the previous meeting, all members assented.

Borough Bills: : AJ Gilgallon \$100.00, Auto Zone \$11.09, Axon Enterprise \$468.65, Berkheimer Associates \$325.58, Blakely Borough \$4,078.71, Bradco Supply \$811.50, Building Inspection Underwriters of PA \$854.00, Cintas \$344.31, Fed Ex \$27.33, Fireman Brian Doughton \$50.00, Fireman David Tully \$100, Robert Powell \$50, Hose Co # 1 \$1,000, Hose Co #2 \$1,000, Hose Co# 4 \$1,000, Hose Co.# 6 \$1,000, Hose Co. #8 \$1,000, First Bankcard \$76.62, Fraser Advanced Info Systems \$406.93, Greenfield Power Equipment \$159.48, Kwik N Ezy Carwash \$278.00, Lackawanna County Recycling Center \$558.80, Louis LaFratte \$10,560.00, Mid Valley Plumbing \$180.02, Newday Technologies \$447.40, Northeast Hydraulics \$189.21, Olyphant Ambulance \$450.00, One Point \$737.73, PA Municipal Health Insurance Cooperative \$34,884.87, Pennsylvania Northeast Regional Railroad \$175.00, Pitney Bowes \$180.66, Powells Sales & Service \$686.83, Rite Temp \$823.00, Santarelli & Sons \$483.81, Schwaab \$26.25, The Scranton Times \$752.60, Staples \$371.49, Starr Uniform \$2,665.98, Throop Landscape Supply \$648.00, TIAA Bank \$200.13, Trittech Software Systems \$1,319.85, Vision Benefits of America \$249.30, **Total \$69,733.13.** A motion was made by Abda and seconded by Frushon, to pay the bills when funds are available; all members assented.

TREASURERS REPORT: Income: Taxes \$257,053.76, Licenses & Permits \$12,712.84, Fines & Forfeits \$1,220.67, Interest, Rents & Royalties \$10.25, Intergovernmental Revenue \$12,000.00, Charge for Services \$34,867.50, Miscellaneous Revenues \$53,922.20, Other Finance Source \$128,866.67, Total Income \$500,653.89. Expense, Legislative Body \$1,541.64, Executive \$0, Executive Manager \$0, Financial Administration \$375.00 Tax Collection \$709.89, Law-Retainer Fee \$1,041.67, Clerk/Secretary \$5,834.04, Engineering Retainer Fee \$625.00, General Government \$545.48, Public Safety \$101,211.98, Fire \$8,537.24, Ambulance/Rescue \$450.00, Protective Inspection \$2,976.24, Planning & Zoning \$1,400.00, Employee Salaries \$45,311.18, Recycling Collection \$0, Solid Waste Collection \$10,149.87, Wastewater Sanitary Sewer \$385.00, Highways \$12,497.75, Recreation \$6,483.73, Debt Service \$0, Miscellaneous Expenditures \$56,062.82, Total Expense \$256,138.53, Net Income **\$244,515.36.** **STATEMENT OF ACCOUNTS-** Olyphant Borough General Fund Beginning Balance \$28,100.00 Receipts \$296,111.24, Interest \$1.10, Bills Paid \$242,481.82, Ending Balance \$81,730.52, General Hi-Fi (Parking Meters) Beginning Balance \$12,445.69, Meter Collection \$0, Interest Earned \$0.10, Ending Balance \$12,445.79, Special Road Account (Liquid Fuels) Beginning Balance \$233,910.32, Interest Earned \$1.99, Liquid Fuels Ending Balance \$233,912.31, Sinking Fund Account Beginning Balance \$25,539.47, Receipts \$11,000.00 Loan Payments \$10,929.68, Ending Balance \$25,609.79, Refuse Account Beginning Balance \$47,677.66, Sale of Refuse Stickers \$22,291.53, Interest \$0.43, Bills Paid \$10,149.87, Ending Balance \$59,819.72, Police Pension Fund Beginning Balance \$2,418,899.63, Ending Balance \$2,433,440.51, Non Uniform Pension Plan Beginning Balance \$1,362,139.56, Ending Balance \$1,377,109.42, Phillip Condella Recreation Checking Beginning Balance \$498.03, Interest \$0, Ending Balance \$498.03, Fire Loss Escrow Account Beginning Balance \$341.51, Ending Balance \$341.51, Contingency Fund Beginning Balance \$683,516.02, Transfer \$12,000.00, Interest \$6.73, Taxes \$12,858.151, Transfer Taxes \$102,258.75, Police Car Insurance Money \$34,124.00, DCED Downtown Project \$10,000.00, Kovatch Ford \$14,213.51, Worldwide RV \$9,695.00, Ending Balance \$830,855.14, Flood Account Beginning Balance \$24,464.62, Interest \$0.20, Ending Balance \$25,464.82.

Secretary's Monthly Report: None.

Mayor's Monthly Report: August 2021 total incidents 783: Abandoned Vehicles 20, ALS call 12, Animal Incident 3, Assault 3, Assist Motorist 10, Automatic Fire 0, Building Check 170, BSL3, Burglary 3, Phone Message 118, Child Custody 3, Criminal Mischief 4, DOA 0, Disorderly Person 4, Dog Complaint 8, Domestic 13, Driving Drunk 1, Drugs 0, Dumping 1, Emotionally/Mental 3, Escort 3, Flooding 3, Fight 0, Fraud 5, Harassment 2, Hazardous 1, Hearing /court 1, Highway/road 6, Hit and Run 4, Identity Theft 1, Intrusion Alarm 14, Investigation 119, Juvenile 1, Landlord Tenant 3, Lockout 1, Loitering 1, Lost/recovered 4, Missing Person 4, Motor Vehicle 21, Neighbor dispute 3, Nib-Structure Fire 1, Nuisance 4, Ordinance 0, Other Unspecified 18, Parking Complaint 8, Police Assistance 3, Police Information 4, PFA 0, Service 1, Shooting 0, Special duty 19, Structure Fire 3, Suicide /attempt 4, Suspicious Person 12, Suspicious Vehicle 11, Theft 5, Threats 2, traffic Control 2, Traffic Stops 107, Trespassing 3, Vehicle 3, Warrant Service 5, Weapon 1 Welfare Check 12, Wire Down 1; The Mayor and Chief are requesting the Standard Operating Procedure be approved by Council; requesting Council to open the process for Civil Service Test for the potential of Full Time Officer Hiring; Congratulated the new recruits on successfully completing the requirements for hire Clayton DeVoe and Kyle Koveck to the Olyphant Police Department; The mayor thanked Council for seeing the urgent situation we are currently under in regard to man power issues;

Mayor Sedlak swore in both officers Clayton DeVoe and Kyle Koveck.

Engineer's Report: Attended Planning, Work Session and Monthly Borough Meetings, communicated with Soil Conservation Service, Lackawanna River Basin Sewer Authority and County engineer pertaining to Borough Business; Communication with Zoning Officer about Planning Commission meeting items; Communication with Borough Manager/Solicitor, DPW Foreman and Zoning Officer regarding ongoing borough projects; Review of various Borough issues with DPW foreman, Borough Manager and council President; PA American and UGI, continued to call each utility company about repair to cuts made at various locations in the Borough; MS-4 continued Communication KBA engineering and DEP about MS-4 reports and Pollution Reduction Plan; Review of Mapping for Borough Lackawanna County OECD Future Project (Jackson St) assisted Lackawanna County office of Economic and Community Development with economic survey; DCNR Rep. Joseph Wargo Park Concession Stand Rehab Project, continued closeout of grant; Recording of park revised deed as per DCNR 2021 LSA Grant; Downtown Revitalization Project-completed grant application; Weber Building Demolition, opened bids and prepared bid tab review of bids and communicated with low bidder for project; Lackawanna Co. OECD Borough Building ADA Access Project, began design and specs for ADA Project; met with structural Engineer for design of columns and roof; Floodplain Administrator- review of multiple zoning applications for Flood Zone; DCED Multimodal Grant-completed grant application for Mid Valley Dr.; Olyphant borough 2021 Dirt and Gravel Roads Project, continued communication with Lackawanna County Soil Conservation; solicited prices for DSA material; Investigated tree falling issue at E. Lackawanna and Roberts Dr; 2021 Paving Project completed the spec and bid schedule advertisement and copies; Preliminary /Final Plans Land Development Plan Eastern PA Land Investment Group; Preliminary /Final Plans Minor Subdivision Plan Barilka/Zuroski & Runco; Preliminary/Final Plans Minor Subdivision Plan Triboro Industrial Park, LLC Pedestrian Update Project- continued review of shop drawings, review of bonds and insurances with solicitor and communication with contractor about starting project 2021 Paving Project- held and attended Pre-Bid Meeting prepared and distributed meeting minutes, answered contractor questions open bids and prepared Bid Tab; review of various complaints about water issues for Hurricane Henri with Code Enforcement and DPW Foreman.

Code Enforcement Officer Report: Permit Activity for August, 2021 UCC Building Permits: 1 NEIC \$84.50, Administration Fee \$75.00, Zoning Permits \$235.00, Borough Electric, Dumpster Permit \$25.00, Zoning Hearing Board \$500.00, Total Collected \$919.50; Continued scanning plans to eliminate the need to store paper plans; continued to purge old paper work, plans and catalog pertinent documents for easier retrieval; **Code Enforcement Activity:** 9 violation cases opened in August 5 resolved 4 cases still open; Fielded numerous phone calls regarding complaints around the Borough; refuse being left with no stickers, overgrown grass and shrubs, flooding issues; sewage backups in basements, vacant and abandoned properties.

Manager/Solicitor Report: *Administration-* Coordinated the administration of the Olyphant Borough Electric Department and Electric Service Accounts including drafting and execution of payment agreements, discussions with account holders and account collection procedures; reviewed delinquent electric accounts collection summary report as compiled and submitted to the Borough Light Committee; consulted with Borough Civil Engineer regarding ongoing projects including the Downtown Revitalization Project and several grant applications; consulted with Borough Electrical Engineer regarding ongoing purchases, maintenance, usage and repair of Borough Electric Distribution System; consulted with Borough Civil and Electrical Engineers regarding ongoing projects and several proposed developments throughout the Borough; acted as CAO and provided required administration of Borough Police and Non-Uniform Pension Plans, reported balances and investments of Plans to Borough Council Conducted the administration of the Random Drug and Alcohol Testing Program regarding all DPW Employees having drivers licenses; conducted discussions regarding code enforcement officers and assisted in resolving several property maintenance conditions including the abatement of several nuisance properties; responded to several Right to Know Requests; processed and responded to several unemployment compensation claims; processed and coordinated several insurance claims regarding personal injury and sewer backups; drafted and submitted support correspondence for LHVA Pedestrian Bridge Grant Application; Drafted Fern Hill Park Property Deed including the required DCNR Designation and consolidation of Park Properties in the same deed; completing documents for the renewal of Borough Insurance Policies; received \$34,124.00 for the Police Vehicle Insurance Claim; completed certification under CDBG Program for the Heritage Apartments; reviewed process and documentation for sewer module regarding several developments and discussions with PADEP; calculated and drafted proposed Minimum Municipal Obligations for Borough Pension Plans. **Legal:** conducted several discussions with account holders regarding delinquent electric service accounts and implementation of payment agreements; reviewed Bid Packages submitted for the Demolition of the building formerly known as the Weber Building and for the 2021 Liquid Fuels Paving Project; conference with developers regarding the possible implementation of future developments in Borough; drafted two (2) conditional letters of employment for Olyphant Police Department.

Committee Reports: Tully said he wanted to give praise to the Police and how well they handled a very difficult situation the previous evening; Hudak said he would like to make a motion to have LaFratte have the Infrastructure bid package ready for the next regular meeting; Mustacchio said since the Engineer is on vacation this week, Mustacchio suggested to extend the meeting until next Tuesday, September 14, 2021 at 6:30 PM for General Purposes; in all fairness, can you wait until next week to see if LaFratte can meet that deadline; Hudak said the Police Chief, the Mayor and the Police Committee should meet to discuss, and activate the Civil Service Committee testing for Full Time Police Eligibility; DeVoe said we are losing more officers to full time status in other communities; we are not getting our investment's worth, with the cost of training; the Committee will be meeting to look at the financial situation with the current budget; Abda said he was at Excelsior Hose Co. on stand by in the event of Lackawanna River breaching its banks during Hurricane Ida; he said there was a call; and no one responded to it, except Dave Krukovitz, and he alone pumped out SS Cyril's church basement; He said Christine Powell was coordinating with Lackawanna County Emergency Services, he thanked them both for their service; Frushon asked if there were trash receptacles available for the downtown area; Mustacchio said we had additional ordered, he will check.

A motion was made by Tully and seconded by Krukovitz to accept the reports; all members assented.

Unfinished Business: None

New Business: Bid Opening: Mustacchio announced the amendments made to the Sunshine Law; being the Labor Day Holiday on Monday and requiring that, the agenda of matters voted on, be posted within 24 hours following this Regular Session of Council.

A motion was made by Tully and seconded by Krukovitz to adopt the Olyphant Borough Police Department Standard Operating Procedure Manual; all members assented.

A motion was made Tully and seconded by Krukovitz to adopt a Resolution authorizing the Board of Commissioners of Lackawanna County to submit an Application for Federal Fiscal Year 2021 CDBG Program Funds in the amount of 105,762.00 on behalf of the Borough of Olyphant: on the question Hudak asked if this was for Jackson St.; Mustacchio said it was for CDBG Grant; all members assented.

A motion was made by Krukovitz and seconded by Frushon to approve the 2022 Minimum Municipal Obligation Calculation for the Borough Police Pension Plan in the amount of \$105,293.00; all members assented.

A motion was made by Frushon and seconded by Krukovitz to approve the 2022 Minimum Municipal Obligation Calculation for the Borough Non-Uniform Pension Plan in the amount of \$29,358.00; all members assented.

A motion was made by Hudak and seconded by Abda to accept the Bid from the Bids submitted for the 2021 Liquid Fuels Paving Project; all members assented.

A motion was made by Tully and seconded by Frushon to approve the purchase of 2022 F-550 Chassis 4 X 4 SD Regular Cab 145" WB DRW XL (F5H) from either a Costar approve Dealer or the State Contract Piggyback; price approximately \$82,750 and to authorize the Manager and Engineer to get the best price; all members assented.

A motion was made by Abda and seconded by Tully to postpone the awarding of the Bid for the Demolition of the former Weber Building on Delaware Avenue until a later date due to budgetary concerns; all members assented.

A motion was made by Abda and seconded by Hudak to suspend David Tully, Fire Chief and Fire Marshall immediately, without pay, to surrender his Borough issued phone, until an investigation is completed; all members assented with the exception of Tully, who abstained.

A motion was made Hudak and seconded by Frushon as per request of the mayor, to open up the Civil Service Process for testing for the consideration of hiring full time officers; all members assented.

Public Comment: Christine Powell asked if there was a plan in place for replacing the Chief; Abda said we will follow the Policy that is in place. Lauren Telep had concerns about a Halloween Party that is planned at the old Restore and Rescue Church that is advertised as a BYOB; the police are aware of it and will do a follow up on it; Telep asked to see if there could be better coordination amongst the businesses in regard to the Third Thursday Celebrations, that is held in town; Frushon will help out by reaching out to the businesses; she also said if Mr. Mustacchio is retiring, the opening for the position should be advertised.

Adjournment: Baldan said the meeting will be continued until September 14 at 6:30 PM for General purposes.

Secretary

John Tomcho