

**OLYPHANT BOROUGH  
COUNCIL MEETING  
JUNE 7, 2022**

**Flag Salute:** Baldan led with the Pledge of Allegiance.

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

**Public Comment:** Sr. Mary Alice Jacquinet, St. Joseph's Center, said they bought 2 lots in Acorn Estates; it will serve as one of their community houses, which will accommodate four residents; she said they have 12 other community houses throughout Lackawanna County; representing St. Joseph's there was Ken Ruby, Kay Dodgson, Joseph O'Brien and an associate of his; Mustacchio said it is an allowable use under the Federal Fair Housing Act; Tully spoke highly of St Joseph's Center, and the work they do; he said he attends St. Joseph's and they are the reason he is still alive, the only person to survive Post-Polio Syndrome; Mary Kachera owns the neighboring property and asked if there are three different shifts for employees and if there was a medical staff; her husband Jerry Kachera said he has concerns with people coming and going at all hours and not knowing who they are; Bernard Walko asked how many residents were going to live there, and was told four; Mustacchio said Federal Law supersedes local laws; group homes are allowed in a Residential 1 Zone; Kay Dodgson lives in Acorn Estates and has recently retired from St. Joseph's after 45 years, and she said she was the one who spearheaded the project, because of concerns and safety issues in the current residence; Ken Ruby, a St. Joseph's board member and engineer, said he designed the home; Lauren Telep asked if it was tax exempt and was told yes; Jerry Kachera asked if there were plans for a second entrance to Acorn Estates and was told no; Bernard Walko asked if there is a limit on how many residents can live in the house and was a total of eight; Baldan thanked all participants.

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

Baldan announced the closing off all bids for the Stormwater/paving project; Linde Construction \$137,890, Stafursky Paving \$81,100.25, Digg-it Corp. \$139,135.00, and EBI, LLC \$133,100.00; LaFratte was directed to review the bids to make sure they are in order and see if he can make a recommendation under new business.

**Borough Bills:** 5A \$528.74, A&A Auto Store \$80.00, AJ Gilgallon \$100.00, Berkheimer Associates \$578.60, Cintas \$1.40, Cintas Fire Protection \$349.87, Comcast \$180.72, Thomas Cummings \$498.75, DGK Insurance \$861.00, Fire Chief Robert Powell \$50.00, Fraser Advanced Information Systems \$769.99, Holt Lumber Company \$513.05, Hose Co. #1 \$1,300.00, Hose Co. #2 \$1,300.00, Hose Co. #4 \$1,300.00, Hose Co. #6 \$1,300.00, Hose Co. #8 \$1,300.00, Jan-Pro \$729.00, JNK Hydrant & Extinguisher Supply Co. \$133.45, Kwik N Ezy \$435.00, Lackawanna County Recycling Center \$589.20, Louis LaFratte \$11,200.00, Manasek Auto Parts \$25.14, Olyphant Ambulance \$450.00, One Point \$412.43, Otis Elevator \$140.63, PAWC \$95.35, Planning Anthony Delfino \$25.00, Gerald Luchansky \$25.00, Gregory Moskel \$25.00, John Tomcho \$25.00; Rosenn Jenkins & Greenwald LLP \$368.00, Rossi Rooter \$4,520.00, Santarelli and Sons \$649.98, Scranton Times \$959.53, Service Tire Truck \$5,922.32, Staples \$1,146.61, Starr Uniform \$212.85, UGI \$240.91, Verizon \$739.87, Vision Benefits \$249.30, **Total \$41,322.31.**

A motion was made by Harrington and seconded by Krukovitz, to pay the bills when funds are available; all members assented.

**TREASURERS REPORT:** Income: Taxes \$282,439.29, Licenses & Permits \$14,029.78, Fines & Forfeits \$928.54, Interest, Rents & Royalties \$7.95, Intergovernmental Revenue \$13,186.29, Charge for Services \$289,197.43, Miscellaneous Revenues \$3,234.27, Other Finance Source \$133,783.33, Total Income \$736,806.88. Expense, Legislative Body \$208.33, Executive \$0, Executive Manager \$0, Financial Administration \$0, Tax Collection \$1,704.95, Law-Retainer Fee \$1,041.67, Clerk/Secretary \$6,758.63, Data Processing \$0, Engineering Retainer Fee \$725.00, General Government \$3,518.71, Public Safety \$71,859.75, Fire \$10,556.85, Ambulance/Rescue \$450.00, Protective Inspection \$2,397, Planning & Zoning \$2,318.50, Employee Salaries \$30,857.72, Recycling Collection \$518.80, Solid Waste Collection \$18,471.96, Wastewater Sanitary Sewer \$7,100.00, Highways \$12,818.72, Recreation

\$18,075.05, Debt Service 10,929.680, Miscellaneous Expenditures \$88,572.76, Total Expense \$277,954.19, Net Income **\$458,852.69. STATEMENT OF ACCOUNTS-** Olyphant Borough General Fund Beginning Balance \$19,757.07, Receipts \$345,198.03, Interest \$1.12, Bills Paid \$271,098.73, Ending Balance \$93,857.49, General Hi-Fi (Parking Meters) Beginning Balance \$12,446.41, Meter Collection \$0, Interest Earned \$0.11, Ending Balance \$12,446.52, Special Road Account (Liquid Fuels) Beginning Balance \$240,875.89, Interest Earned \$2.04, Liquid Fuels Ending Balance \$240,877.93, Sinking Fund Account Beginning Balance \$28,172.35, Receipts \$11,000.00 Loan Payments \$10,929.68, Ending Balance \$26,242.67, Refuse Account Beginning Balance \$47,416.19, Sale of Refuse Stickers \$23,609.00, Interest \$0.28, Bills Paid \$10,388.67, Ending Balance \$53,636.80, Police Pension Fund Beginning Balance \$2,271,353.55, Ending Balance \$2,264,512.23, Non Uniform Pension Plan Beginning Balance \$1,199,036.44, Ending Balance \$1,199,983.71, Phillip Condella Recreation Checking Beginning Balance \$498.03, Interest \$0, Ending Balance \$498.03, Fire Loss Escrow Account Beginning Balance \$58,455.64, Ending Balance \$58,455.64, Contingency Fund Beginning Balance \$390,511.14, Transfer \$12,000.00, Interest \$4.40, Building Permits \$250,139.50, Taxes \$94,967.71, Jacobeno \$3,750.00, Raleigh's \$11,722.22, Ending Balance \$732,150.53, Flood Account Beginning Balance \$25,466.52, Interest \$0.20, Ending Balance \$25,466.72.

**Secretary's Monthly Report:** None.

**Mayor's Monthly Report:** May 2022 total incidents 843; Abandoned Vehicles 20, ALS call 9, Animal Incident 8, Assault 2, Assist Motorist 19, ATV 5, Automatic Fire 5, Building Check 188, BSL 8, Brush Fire 1, Burglary 2, Phone Message 91, Carbon Monoxide 0, Child Custody 0, Chimney Fire 1, Criminal Mischief 5, DOA 1, Disorderly Person 6, Dog Complaint 11, Domestic 8, Driving Drunk 1, Drugs 3, Dumping 3, Emotionally/Mental 3, Escort 7, Fight 5, Fraud 1, Harassment 2, Hazardous 2, Hearing /court 2, Highway/road 4, Hit and Run 2, Hold up/ robbery 1, Identity Theft 1, Intrusion Alarm 8, Investigation 78, Juvenile 3, Landlord Tenant 0, Lockout 2, Loitering 0, Lost/recovered 0, Missing Person 5, Motor Vehicle 22, Neighbor dispute 1, Non-Structure Fire 0, Nuisance 6, Ordinance 1, Other Unspecified 42, Overdose 1, Parking Complaint 11, Police Assistance 2, Police Information 4, PFA 4, Rescue 0, Service 6, Sex Crime 0, Shooting 0, Special duty 13, Stolen Vehicle 1, Structure Fire 1, Suicide /attempt 1, Suspicious Person 8, Suspicious Vehicle 27, Theft 7, Threats 0, Traffic Control 22, Traffic Stops 97, Transport 0, Trespassing 7, Vehicle Pursuit 0, Warrant Service 5, Water Main 2, Weapon 3, Welfare Check 18, Wire Down 4. May 25 there was a large drug bust, during the bust we recovered 3 pistols a sawed off shot gun two lbs. of marijuana, 100 grams of Crack Cocaine and various pills, \$15,000 cash; May 30, a large Fireworks arrest that we had to remove fire works from an illegal location on Lackawanna Ave; approximately three, two ton trucks of Fireworks were removed from the vacant building, charges are pending; the three new officers are almost done with the probationary period and are doing very well at fitting in with the other officers while learning the job; the F-150 Truck is done and back in the rotation for patrol after a long issue with Gibbons Ford; the new drone is finally cleared customs and will be in Olyphant within two weeks; Sedlak said the Police have done a marvelous job, and there quality of work is impressive; he thanked Chief DeVoe and the rest of the officers.

**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 a various locations in the Borough; Communication with Delaware Ave, N Valley and side street re-pavement; MS-4 Communication with DEP and sub consultant KBA on submission of PRP; Lackawanna County OECD Borough Building ADA Access Project review of Shop Drawings and continued communication with Lackawanna County and contactor on project status; Olyphant Borough 2022- Infrastructure Project Continued design, document specifications; attended meeting with committee members; pedestrian update project contractor continued project along Lackawanna Ave; Olyphant Borough 2021 Dirt and Gravel

Roads Project continued, communication with Lackawanna County Soil Conservation; completed design of rain garden for DSA Project; DCNR Condella Park Equipment Project, continued design and contract documents for project; CTC communicated with CTC completed placement of decking at Train Station; State and local fiscal recovery funds- submitted the annual report to Federal Government for account of funds; 2022 Line Painting phase I project, solicited price; 2022 Pothole patching project Contractor began project; Borough Building ADA Update Project, Contractor placed temporary ramp and moved A/C units; performed project inspection and communication with Lackawanna County and Contractor; Weber Building Demolition bid opening intent to award and award letters, communicated with low bidder about project; SAM Number renew Borough Building Stormwater/paving project- prepared contractor documents, Invitation to Bid with Borough Solicitor held pre bid meeting and answered contractor questions; Borough Building Hose Tower Emergency Repair-solicited price quote for repair to badly deteriorated bricks, mortar and slate slabs; Re-Invest Grant- statue project-submitted all documents for grant payment.. REIMBURSABLE Preliminary/final plans SKM Land Development E. Lackawanna Ave-Final review of plan and communication with Engineering; Communication with LCRPC, Borough Officials and Zoning Officer.

**Code Enforcement Officer Report:** Permit Activity 6 \$253,198.50, Administration Fee 3- \$565.00; Zoning Permits 15- \$670.00, Dumpster Permit 2- \$50.00; Pave Cut \$400.00 Zoning Hearing Board \$1,000.00; Lien Satisfaction 1 \$1,590.94, Total collected in May \$257,543.74; **Code Enforcement Activity:** Responded to RTK request; Communicated with Borough Manager/solicitor on proposed Rental Ordinance; continue 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: Mailed numerous Notices out concerning violations of Borough Ordinances; issued stop work order for work without permits; magistrate hearing continued on nuisance property; fielded numerous phone calls regarding complaints and concerns around the borough.

**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; including meetings and discussions with PPL concerning the available capacity of electric supply to the Borough in order to provide Electric Service to the Endurance Development and for future growth; 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, property damage and sewer backups; conducted discussions with Borough IT Technicians regarding the installation of equipment for the ability to accommodate remote participation in Borough Meetings by Official and members of the Public; participated in several discussions with the insurance carrier regarding ongoing Workers Compensation Litigation. **Legal:** Consultation with labor lawyer consultants regarding issues pertaining to the Olyphant Borough Police CBA; discussions with the Business Agent regarding personnel issues pertaining to the Olyphant Borough Non-Uniform CBA; discussion with Insurance Carrier Attorney regarding the Worker Compensation Claim Litigation concerning Eric Hartshorn;; drafted and sent Letter of Acceptance for \$370,000.00 Multimodal

Grant (Mid-Valley Drive); drafted Rental unit Ordinance with assistance of Code Enforcement Officer; reviewed advertisement, Insurance and Bonding for the Storm Water/Paving Project.

**Fire Chief Report:** 4/1- 418 Delaware Ave: Gas smell from basement and hissing; 4/2- Aylesworth Park-Quad accident, female in the water; 4/4-N. Valley and Garfield truck v. pole; 4/8- 218 Hull Ave-Male walking on roof of building; 4/8- 400 Lackawanna Ave male struck by a vehicle' 4/12- 1400 E. Lackawanna Ave CanPack alarm; 4/13- 34 Walsh Plaza- crew struck gas line; 4/14 E Scott at Beech St smell of natural gas in area; 4/18- 1448 E Lackawanna- vehicle v. pole; 4/20- 722 E Scott St- UTV 26-2 requested to assist with police incident; 4/22- 1400 E Lackawanna Ave- Canpack0 Investigation at the pump house; 4/22- 530 N Garfield Ave- Valley Car wash, smell of gas; 4/24- Kimberly Circle- ATV26-2 requested to assist with police incident; 4.28- 328 Sanko Dr- residential fire alarm, smoke detectors going off; 4/29- 205 White Oak Dr, residential fire alarm; 5/4- 900 Susquehanna Ave Condella Park light post sparking and arcing; 5/6- 230 Lackawanna Ave McDade Chichilla Apts.- assisted EMS with forcible entry; 5/10- 1400 E Lackawanna Ave CanPack Commercial Fire Alarm; 5/12- Tower and Newton Rd Bush truck requested to assist with brush fire; 5/12- 30 Walsh Plaza contractors hit gas line; 5/18- 416 E Lackawanna Ave Queen City Laundry odor of gas in the area; 5/21- 539 E Pine St. power line arcing, tree on fire; 5/21- 128 Lackawanna Ave Community Bank commercial fire alarm; 5/21 111 Lackawanna Ave possible vehicle fire; 5/21- 1400 E Lackawanna Ave CanPack commercial fire alarm; 5/21 502 Sanderson Ave burning smell from outlet; 5/22- 506 Delaware Ave vehicle into building; 5/24- 846 N Valley Ave smell of natural gas; 5/26- 308 Dolph St. odor of natural gas in the home; 5/30- 129 Lackawanna Ave manpower requested for police incident; 5/31- 1175 Mid Valley Dr MTF Olyphant Warehouse commercial fire alarm and multiple alarm activation.

**Committee Reports:** Frushon said she, Harrington and Mustacchio did a virtual meeting with the PA State Fire Commissioner, Charles McGarvey, discussed auditing requirements and other recommendations; he sent them updated requirements and plans for implementation of training and state standards; he also offered to meet with the Fire Departments to discuss training and requirements; Frushon said he told them in the last 30 months, the Fire Department answered 671 call; Tully read Fire Chief Report; Baldan thanked Al Kosydar for his service, he has been the Borough Electrical Engineer for the last 12 years, and brought many upgrades to the Olyphant Borough Electrical System.

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

**Unfinished Business:** None

**New Business: Bid Opening:** A motion was made by Hudak and seconded by Tully to award the bid to Stafursky Paving, (\$81,100.25) the lowest responsible bidder, contingent upon further review and to make sure the bid is consistent with the unit price; all members present assented with the exception of Harrington, who abstained.

A motion by Hudak and seconded by Harrington to authorize the introduction of the Electric Rate Ordinance/ Review of Rate Modifications and to authorize the advertisement; all members present assented.

A motion was made by Frushon and seconded by Hudak to authorize the introduction of the Rental Ordinance/Review and to authorize the advertisement; all members present assented.

A motion was made by Tully and seconded by Harrington to approve the SALDO Waiver requests, by Ceccacci Lift Truck; all members present assented.

A motion was made by Hudak and seconded by Tully to appoint Baldan, Hudak, and Krukovitz, as Alternate Planning Commission Members; all members present assented.

A motion was made by Tully and seconded by Frushon to approve of emergency repair of Hose Drying Tower attached to the Municipal Building (\$16,790.00); all members present assented.

A motion was made by Hudak and seconded by Tully to authorize to provide 30% Match to 2022 Multimodal Transportation Fund Grant for the reconstruction of Mid-Valley Drive and to accept \$67,000.00 toward the full payment, from PA Water Company, which is installing new water lines on the road as part of the restoration project; all members present assented.

Public Area Grass Cutting Contract/Payments: Krukovitz said there were complaints in regarding grass cutting which occurred in April; he discussed the issue with the Contractor, and it was determined that there were circumstances beyond the Contractor's control; Council agreed to make full payment for the April cutting.

Baldan announced the Meeting will be Continued until June 28, 2022 at 6:30 PM for adoption of Ordinances and General Purposes.

**Public Comment:** Christine Powell asked what's the issue is with the Fire Department; Harrington said the meeting with the PA State Fire Commissioner was for the sake of receiving recommendations on what needs to be updated, and it is ultimately the Borough's responsibility; Frushon said the Commissioner is willing to meet with all the departments, to inform them requirements and recommendations; Baldan said Council does not want to run the fire department, he said it is Council responsibility to appoint the Chief; Mustacchio said it the Borough's responsibility is to oversee the Fire Department; he said the Assistant Fire Chiefs were taken off the Borough payroll, so it would not interfere with the rotation with the appointment of assistant chiefs with the department; Mustacchio said he requested a copy of the Protocol of who is in charge at a Fire scene, and we still have not received it.

Karen Wintermantle Acorn Estates showed pictures of a water runoff issue, saying it was acerbated by a fence that was installed; LaFratte said the problem was created by the swale that was in place, was replaced by pipe that doesn't allow for proper discharge of the water; LaFratte said the development was designed with a trench, which allowed the water to flow to the retention basin, once the trench was eliminated, the runoff has nowhere to go to; Mustacchio said it was never taken over by the Borough and the only recourse is to sue the neighbor for creating the problem; Mustacchio said the Borough will take a look at it again; Steve Kelly said he has had a problem with a runoff issue because of improper grading, created by a neighbor, and is very disappointed that no one has stepped up to help him with the problem; Don Kazmerak asked if it was a conflict of interest, when Hudak made a motion to appoint himself as an alternate to the Planning Commission, and Mustacchio said there was no conflict; Lauren Telep said there is a lot of debris under the Lackawanna Bridge; Krukovitz said he has been continuously been contacting PennDot with his concerns; Mustacchio briefly discussed the proposed increase in electrical billing; a meter charge of an additional \$12.00 per month will be added, in exchange for the elimination of the use of garbage stickers.

Karen Wintermantle is a volunteer with the Humane Society, and asked the Borough to consider making donations to Humane Society.

Baldan Continued the meeting to June 28<sup>th</sup> 2022 at 6:30 PM.

Secretary

John Tomcho