



new ordinance would curtail him from putting on an addition. He had always planned since he bought his house, to put another garage bay into his house. The Planning Commission believes that our Borough as it is developed today; we are so close to that 25% in the R-1 and 30% in the R-2, there is not a lot more that they can do on the residential side. The one thing that they did recognize is that the Planning Commission has been asking whoever has been developing these commercial lots to provide more storm water retention that would normally be provided. For the most part they have had people agree and do that. Mr. Durdan stated that the borough also has the Shade Tree Commission, and trees are one way of containing storm water during a storm event. We are going things that are fairly progressive. The Planning Commission believes that the ordinance as it was written should be repealed back to the original values and we should possibly look at improving or giving owners an opportunity to do something else on their lots, other than limit their square footage. If you tell people that they can't improve their property, then it is not going to be a desirable place to live. This can also have an effect on taxes if someone gets assessed the value doesn't go up. Vince Cruciani suggested making it 5%, 10% or 15% then. Vince Cruciani stated that one of the driving forces with this was the general overdevelopment of the urban sprawl that has occurred here in the last 20 years and it is rampant. Pat Williams agreed that there was no more room in the borough if you built on it had to be in an upward direction. Vince Cruciani stated that for example if you had a full acre and you wanted to develop that acre it would 2 lots not 3. That was the idea of the ordinance. Mr. Cruciani stated that the borough has a half dozen or so big lots left in R-1; let's make them make them 2 half acre lots instead of 3 1/3 acre lots. Mr. Cruciani stated that this was a judgement call on what is essentially excessive development. Mr. Cruciani stated that his thoughts are to leave the ordinance the same as they passed last year 2015. Vince Cruciani stated that the numbers were not arbitrarily driven. They were trying not to prevent home size increase rather the increase in ancillary items that people choose to add on to their property. For example, a bigger driveway or a basketball court, or an enormous patio, if they can tailor it to accommodate that vs the home, he thinks that is something that everybody would be interested in. John Durdan stated that the setbacks are so stringent. Mr. Cruciani stated that is something they can adjust. Herman Johnson stated that his problem is the storm water management and we are getting more and more restriction. Two problems, storm water management and then there are setbacks. Mr. Johnson stated that this is something that they need to look into a little more. Borough Engineer Bob Naegele stated that if we are impacting the smaller lots, Mr. Naegele asked if there has been an increase in variances. Ms. Kehoe said not yet. Mr. Naegele stated that if there is an increase in variances then you know it is a little too strict. Vince Cruciani stated that on that note it gives the ability to give more, as long as you are doing it uniformly by project, more meritorious types of development the green light versus superfluous development. That way it stops the nonsense and allows for the positive. Bob Naegele agreed and stated that the only negative is cost basis and administrative time. Mr. Naegele stated that the new lot size being fine, maybe if you are under 10,000 square foot on your lot, your impervious coverage isn't 25%, maybe it goes to 35%. So you tier based on existing lot size, you tier your lot coverage. Mr. Naegele also suggested maybe you separate out your pervious coverage from you building lot coverage, you could have two definitions, so your structure coverage is one number, then allow your impervious

coverage a smaller percentage, what those numbers are is a balancing act. Virginia Kehoe stated that earlier Bob Naegele was breaking out residential vs commercial, if you put this ownership of the lot coverage issue on the businesses rather than the homeowners. Mr. Naegele stated that the businesses coming into the area have more potential for absorbing these costs. The average homeowner doesn't want to pay \$700 to maybe or maybe not get the answer they want. They are referring to commercial re-development. Mr. Naegele brought examples of other ordinances. Mr. Naegele stated that there is not enough new land to develop in the borough, look at re-development and offer credits for lot coverage, planting trees, retention areas, and rain gardens for example. Vince Cruciani stated that Bob Naegele's point about the two tiers with the R-1 lot sizes at staggered rates with square footage vs impermeable surfaces percentage merits the Planning Commission looking at. Also look at impervious vs building codes. Bob Naegele stated that a long term developing a storm water management ordinance separate and aside from what we already have that is along these lines, would be beneficial not only to the community but also benefit the MS-4 program. This will go back to the Planning Commission. Bob Naegele discussed Luzerne County development standards.

- **Planning Commission recommendations - Ordinance 2016-02 and 2016-03:**

Vince Cruciani stated that they are going to add a line as part of "C" that says objects that were originally designed for recreational purposes shall not fall under the definition of storage containers. If you look at the ordinance you have a definition of "accessory structure" and this creates a separate definition and then they just wanted an exclusionary sentence. The first half of 2016-02 we are going to keep the second half they went way broader than what they were looking for. Ms. Kehoe stated that in Ordinance 2013-06 front yard fences go to 6 foot and there is a section specifically addressing front yards. Vince Cruciani stated that what they will be able to do is amend that instead of changing everything, he will work with Solicitor Mulhern on the exact language. There is a provision on front yard fences they are going to say is that they cannot be over 4 feet tall and they cannot be chain link. Pat Williams and Herman Johnson were in agreement. Solicitor Dan Mulhern asked about properties that are on a corner. Vince Cruciani stated that the old ordinance treats the side yards separately and doesn't merge it that is why it is just easier to amend the existing ordinance. Gerrie Carey is also in agreement. Pat Williams asked about boats in people's driveways and how that should be addressed. There are people in this borough that have RV's in the yard and at least 2 boats. Ms. Kehoe stated that anything on a trailer like an RV or a pop up camper are regulated by the police is legal as long as it is street worthy. Herman Johnson stated that he likes what Vince is saying, this is a start and it can always be tweaked. Vince Cruciani stated that to avoid the cost of advertising advertise in December. Vince Cruciani asked how they make it possible so that somebody can own a parrot but it is very clear so that it is not animals traditionally used for agricultural purposes and say such as a parrot or a parakeet. Right now the ordinance excludes all fowl, but a parrot and a parakeet is fowl. Vince Cruciani stated that they should add in the definition of fowl to not include birds typically as pets, parakeets, parrots etc. That way they are just changing the definition of fowl. Vince Cruciani stated that service animals should be exempted on public property and property open to the public, not private residential households. Herman Johnson stated thinks that a certified service dog should be able

- to go anywhere. Maybe we need more wording if he does go on private property the owner has to clean it up. Vince Cruciani stated that this is on private property and not cleaning it up. Virginia Kehoe stated that that one sentence needs to be qualified and so Solicitor Mulhern will work on that and we will have something to present.
- **Shade Tree Commission – Replacement for Donna Zagraban:** Ms. Kehoe stated that Donna Zagraban has not given her resignation yet. Molly Philbin is going to take over as chair for the Shade Tree Commission. Ms. Zagraban is moving to Philadelphia and putting her home in Clarks Summit up for rent.
  - **Sheridan Ave Little League Field:** Virginia Kehoe asked Council if they want her to write to the contact with the Little League to let them know that the contract has expired. Vince Cruciani stated that we need to identify what is theirs and what is the Borough's; we need to be proactive about what we own there. Ms. Kehoe stated that she doesn't think we own anything other than the structures. Vince Cruciani stated that we should sent a letter that says Dear Abington Little League, in accordance with our lease on such and such date the renewal date of December 2015 has expired, we appreciate the partnership over the last 20 years, however moving forward we believe that, due to their development at Ackerly Field, that the borough is going to move in an alternate direction with the property. Herman Johnson stated that we are jumping the gun, send a letter and see what their intentions are. Maybe they want to use it as a backup field, and then work from there; we had a relationship with these people for the last 20 years and never had a problem with them. Herman Johnson stated that he would rather the letter come from the Borough Manager, not the Solicitor. Vince Cruciani stated that the lease has run out and asked the last time they used the field. Herman Johnson stated that they used it last year. Vince Cruciani stated that he doesn't think anybody is going to stop them from using the field if they do actually use it. Mr. Johnson stated that he has been brainstorming ideas if they don't want the field. Mr. Johnson stated maybe that can be cleared and homes could be built or one of the buildings there could be an EMA office, but he wants to make sure we have clean hands moving forward.
  - **Office Hours:** Gerrie Carey stated that they would like to have the office open from 8am-4pm, not 9am-3pm. Ms. Kehoe stated that her contract doesn't have specific hours. Ms. Kehoe stated that her argument with that is if the office is open from 8am-4pm that means we need coverage for those hours. Ms. Kehoe stated that when she is on vacation, who is in for those hours. Staffing is effected by this. Herman Johnson stated that he thinks it is an administrative thing and this can be worked on. The office should be open from 8am-4pm so people can take care of business. Mr. Johnson said the logistics could be worked out by the Borough Manager and the Council President. We did not budget for additional office staff hours. There is a financial implication. Pat Williams stated that office hours are normally 9am-5pm but he is willing to say 8am-4pm. Mr. Williams stated that if there are adjustments to be made with the staff, then she can make them, that is a management decision. Herman Johnson stated that there are two different issues. If they are talking about one person then he thinks it should go into executive session, if it is about the business hours of the office itself they can discuss that now. The question is are we talking about office hours or the Borough Manager's hours. Mr. Williams stated that

- he does not care about the office hours, he is only interested in requiring Virginia to work different hours. Gerrie Carey stated that the staff is 9am-3pm and Melissa is not there 5 days a week. Herman Johnson suggested tabling it and bring it into executive session, and request that the Borough Manager be present at the executive session.
- **Legal determination of liability of owning flood plain property:** Gerrie Carey stated that this is about the Weaver property that the Borough is going to have surveyed. The Weavers have 3 deeds total and they are giving the Borough 1 deed. Virginia Kehoe stated that Dave Jenkins expressed concern that if we owned the property that the creek went through and if someone below the creek from us was flooded, could they come after us. Vince Cruciani stated that maybe they can get Countryside to take it. But we want to use it as a staging area. Mr. Cruciani stated the fact that we have been using this property as a staging area; we should pay the \$900 to get the land surveyed. Herman Johnson stated that he would like to see it stay as a staging area, dress it up a little bit so it looks decent. Check in to the liability because that area is wetlands. Solicitor Rogan was asked to look into the liability a few meetings ago. Pat Williams stated that he doesn't like that staging area, we need to make it look presentable. Solicitor Mulhern will look into that.
  - **Harris Land Management – EDU decrease request:** Virginia Kehoe stated that they asked about dropping 1 EDU, Lori Harris reported one business being there.
  - **Earth Day E-cycle event:** Barry Kaplan is working to offer another e-cycling event on Earth Day. He is working with the county on it. The problem is that he needs a truck to put it in and bring to the Recycling Center. Mr. Kaplan has asked if the Borough would consider donating a truck. Ms. Kehoe stated that we would also need a DPW worker to get the truck there and this is a Saturday, so we would have to pay 4 overtime hours, labor at time and a half would come to \$139. Herman Johnson stated that he would strongly request to Council that they do pay it, maybe some Council member show up and help out. This would go a long way for the Council. Herman Johnson stated that he thinks this is a great idea, the business people and citizens working together. Put this on the agenda because this would be taxpayer money being used. Mayor Lawler stated that April 23 is the Borough Cleanup Day.
  - **Request from Jay Hoyt:** Mr. Hoyt wants to plant sunflowers around the clock tower. Vince Cruciani stated that he talked to Jay Hoyt and explained the situation over that that the Borough doesn't own it. Suggested that Mr. Hoyt get in contact with Jack Decker, the owner of the land. Mr. Cruciani suggested an area by the Pocket Park that would be a good place for a sunflower garden. Mr. Cruciani suggested have Mr. Hoyt talk to Mr. Decker and if that doesn't work out then they can discuss alternatives.
  - **Deed for Florence:** Solicitor Dan Mulhern is going to check on that to make sure there are no restrictions or be aware of what they are. That will be ready for the Council meeting.
  - **Senior Center – AAJRB leases:** Ms. Kehoe stated that they just got an email that evening saying that the seniors definitely want it. Vince Cruciani stated that we need to do something that just conveys our ownership in the building and he knows not having a document that talks about it establishing our ownership in the building, how this would be conveyed. If this is ready by April, Mr. Cruciani is ready to give it over if Gerrie Carey is ready. Herman Johnson stated that he has one concern, if we give it over, he hates giving over our assets. Can we put something in that says if they sell it that the borough gives it back? Vince Cruciani stated that if it comes back to the

- Borough before it goes back to the AAJRB, we could incur liability. Mr. Johnson stated that we don't want to get into a legal issue down the road. Pat Williams stated that the Senior Center is an asset and why are we getting rid of it. Vince Cruciani stated that it isn't an asset in the sense that we don't own the property. There is a limited period of time that we own brick and mortar on AAJRB land. Mr. Williams stated that Mr. Cruciani is getting very technical. Pat Williams stated that he needs to know why are we giving up an asset. Mr. Cruciani stated that it is draining us of about \$12,000 a year in operational costs right now, for a building that we only have a lease on the land and the lease is not able to be located. It is an asset that has liabilities associated with it that make it inequitable because of the fact that we have this lease. Pat Williams asked president of council Gerrie Carey if she was good with this and this was the way to go. Ms. Carey stated that yes positively. Telespond will take care of this. It is costing us so much a year. Herman Johnson said let Solicitor Dan Mulhern do his research and go from there. He wants to make sure that our citizens don't get hurt in the end. Mr. Cruciani stated that the inevitable fate of the building is that it will go back to the AAJRB. Herman Johnson stated that the state gave the AAJRB property to building their park. Let's protect ourselves legally.
- **School St Wall Bid:** Virginia Kehoe was looking for permission from Council to prep that bid for advertising. Herman Johnson stated that he has no problem with it. Get the drawings to see what repair needs to be made on it. Ms. Kehoe would get that from Bob Naegele and forward that to Council.

Herman Johnson stated that there was a safety issue on Thurston; they have it half way corrected. The DPW did install a "Curve Ahead" sign. PPL is aware that they need to put in a street light there. Mr. Johnson stated that he is proposing they hire a parking enforcement officer, duties would be 12 hours a week to enforce the parking meters that have expired and that would relieve our police officers to be more visible and be on the road more. See if that could be on the agenda. Ms. Kehoe stated that it is already on the agenda. Mr. Cruciani stated that he is on board as long as the person is not considered part time police. Mr. Johnson stated that on his memo he stated that this individual is not a police officer. Mr. Cruciani stated that he probably referenced that this would self-fund. Mr. Johnson said yes it will. Mr. Johnson stated that he would like to see it put on the agenda that the borough have the Chief and Mayor interview for another part time police officer. Gerrie Carey stated that what they are looking for is a retired state trooper. Mr. Johnson stated that the Chief and the Mayor should review the applications that come; he doesn't think you can really say who you are looking for or what you want because we would get in trouble for doing something like that. Mr. Johnson stated that we received our Depot Street money; the plans are at Lackawanna County being reviewed so they can put the bid out. There was a meeting where Mr. Johnson, Mayor Lawler, and Gerrie Carey spoke with the business owners, property owners and the tenants on Depot Street. They were all pleased, questions were answered and they are moving forward. The parking issue is that if we put all of our police cars together during the day in the parking lot, let any resident use the parking lot in the back, because they are going to lose a couple of parking lots. Virginia Kehoe stated that the only problem with that is we don't have enough parking as is. Herman Johnson stated that there are 4 slots for police cars. Ms. Kehoe stated that we would have to give them permits to park in the lot. Mr. Johnson stated that we all have to work together, look at the problem and get a

solution. Vince Cruciani suggested call the church and see if employees can park at Our Lady of Snows. Borough Manager can send a letter. At the most it should be 90 days of construction. Mayor Lawler suggested talking to Frank Savo about parking. Residents were at the meeting who live on Greenwood Avenue. Virginia Kehoe stated that the Engineer, the DPW and she were taking the first steps as soon as the weather breaks. The Borough is hoping to start work in April on Greenwood. Ms. Kehoe stated that the resident needs a letter from the Borough specifying what work is being done so they can put that into their plans. The first phase doesn't need to be bid out; the DPW is going to do the work. Then Bob Naegele wants to see after the first phase is done, with some heavy weather, what happens to make sure the next phase appropriate based on the results of the first phase. Herman Johnson thinks that a letter would be a legal issue because if the first phase did not correct that problem, he doesn't want the person who buys that property coming back to the borough with liability issues. We could probably show the scope of work, what is intended, there is no guarantee. The resident would need that to show the person who they will show the home to. Ms. Kehoe stated the engineer could show a plan for phase 1. Mr. Cruciani stated that the only thing that can be done would be the scope of work that will occur in phase one. There is one issue that would help is that they have a 36 inch pipe going into an 18 in pipe that then goes into a 36 inch pipe. Ms. Kehoe stated the issue is working on private property; we are going to need an easement. Mayor Lawler stated that she had a similar problem and Council never jumped up to the plate to help her. Why did they take precedent on her issue? Vince Cruciani stated that we do not want a permanent easement there. Let's assume they do a temporary easement for the scope of work, what if the neighbor tells them no. Ms. Kehoe stated that we cannot do anything without impacting her neighbors. Mr. Cruciani stated that if they say yes, there is no problem. Solicitor Dan Mulhern is going to review this to see what the liability is. Solicitor Dan Mulhern asked if it is the intent of the borough to set a precedent where they will expand the flow of water on private property to accommodate people. Vince Cruciani stated that we have 36 inch pipes on each side and it tunnels to 18 inches. If you had a 36 in pipe under the road and a 36 in pipe on both sides.... The precedent that they are setting is that if you have an inner connecting piece that is choking the flow on two pieces that exist, that the borough installed, and that's the precedent being set. Solicitor Mulhern asked what if an 18 inch pipe doesn't cut it on a property we are not going to have people coming in saying they want a 24 inch pipe. Vince Cruciani stated that they created the choke point under the road. Herman Johnson stated that he thinks even with the 36 inch pipe we are going to still have a choke there and one down further. Ms. Kehoe agreed and stated that is why we also have to re-route some of the storm water away from there. Mr. Johnson stated that there is too much water coming off of that mountain. We get too much water off of those municipalities. He understands the system well and he hates putting band aids on things.

- **Dori Waters –The Gathering Place:** Dori Waters spoke to Council. Vince Cruciani asked with their different line items, with the money that they have right now, can they bare bones function. Dori Water said yes. They made changes so that everything is bare bones and everything else is an “add-alternate”. Vince Cruciani stated that is exactly what he wanted to hear. Dori Waters stated that painting and carpeting is an add alternative. They don't know what this will come out to cost. They have \$30,000 from the county that they need to use by April 2016. If this goes

to the underwriter's tomorrow, they are going to put this out to bid. Council gathered around the plans for the Gathering Place and discussed it. The Gathering Place will have a separate entrance. The contractor will demolish as they build. Lori Harris will be receiving a sealed copy of the plans which will be sent to the underwriters.

**3. REVIEW OF MARCH 2, 2016 AGENDA**

**4. ADJOURN:**

**President Carey**