

**DALTON BOROUGH  
COUNCIL MEETING MINUTES  
MAY 9, 2024**

The Council Meeting was held on Thursday, May 9, 2024, at 7:00 p.m. President Brandt called the meeting to order and led the Pledge of Allegiance.

Attending: President Bill Brandt, Vice-President Brian Malamud, Len Peters, Elizabeth Bonczar, Aaron Chisholm, and Mayor Aaron Holzman. Lori Swanchak and Heather Burke were excused. Also attending: Solicitor Frank Bolock, Chief Christopher Tolson, Laura Kinney and Ben Freda from the Abington Journal, Janet Geeza, Celeste Cali, Atty. Abrahamson, Mike and Claudine Russo.

**PRESIDENT'S REPORT**

President Brandt welcomed those in attendance. He began by stating that the DPW employees had been busy cutting grass, hanging flowers, and cleaning up after a long winter. He thanked those that participated in the springtime cleanup going throughout the borough and also those that came out for the stream cleanup the following weekend.

**PUBLIC FORUM**

Residents and Program Directors for Nature and Nurture, Janet Geeza and Celeste Cali addressed the Council first. They began by thanking the Council for their approval and continued support for the program. Since they began two years ago, they have been able to plant flowers, install a reading center, repair benches, and teach young and old about nature and the importance of it. Their mission of bringing people together to learn about nature and enjoy Streamside Park has succeeded and they hope to continue to expand and make others aware of Streamside Park and its beauty. Mrs. Cali presented a new project they hoped the Council would approve of them doing in the future. They would like to produce a story stroll and display along the fence that lines Ackerly Creek. It would involve deconstructing a particular book and making the pages into weatherproof signs and displaying them along the fence ending at the pollinator garden based off the book. Mrs. Geeza and Mrs. Cali stated that they understand there are upcoming improvements being made to the park and why they would not be able to put install any permanent type structures but encouraged the Council to consider as part of the proposed renovations. Displaying this temporary story stroll encourages park guests to read and enjoy their visit to the park. Councilman Peters made a motion to approve the installation of the story slides on the fence in Streamside Park, seconded by Vice President Malamud. President Brandt asked if there was any discussion, and none was made. **Motion carried 5-0.**

Next, Atty. Abrahamson from the Edison Law Firm addressed the Council on behalf of Borough residents, Mike and Claudine Russo. Atty. Abrahamson explained that his clients, who live on S. Turnpike and below Prospect Street have water run off issues stemming from the drainage of Prospect Street. There is a drainage pipe that runs under Prospect Street and opens at the top of the Russo's property. The discharged water that runs through that pipe was not directed to flow in any certain direction and because of that has been emptying right down into the Russo's pool and along their house damaging their retaining wall which has now started to collapse. Atty. Abrahamson stated that his clients are not asking for financial help to repair the damage that has occurred, but instead would like the Council to figure out a solution to prevent further damage moving forward. President Brandt stated that the issue is listed on the night's agenda under 2024 Paving and Stormwater Project, Prospect Street. President Brandt stated that the engineering for the paving part is completed and that they are waiting for the engineering of the stormwater improvements. Once that information is obtained then the project can go out for bid. Depending on the numbers, President Brandt stated that the Borough may have to apply for funding to complete the entire project. President Brandt indicated that he would have a better idea of

figures within the next month possibly two. Because of the damages in September, President Brandt stated that a large amount of money had to be used to rebuild Fuller Road and that unexpected expense used up a large portion of funding that was put aside for future projects.

Third, Mr. Kevin Baker addressed the Council about his property located on Brookside Road. Mr. Baker provided the Council with a copy of an article published thirty years ago highlighting the drainage problems that occurred back then and continue to plague the property owners who live along the road. Further discussion went on between Mr. Baker and Council members to better understand where the problem begins and the compounding issues that add to it as the water makes its way down along the road.

With no further public comments, President Brandt closed the Public Comment session.

President Brandt asked for a motion to accept the minutes of the April 11, 2024, meeting. Councilman Chisholm made a motion to approve the minutes as presented, seconded by Councilman Peters. President Brandt asked if there was any discussion, and none was made. **Motion carried 5-0.**

### **SECRETARY REPORT**

Laura Kinney began the secretary's report by stating that the Downtown Dalton Flower Campaign had brought in \$2,400.00 so far. Next, the stream cleanup occurred on April 27<sup>th</sup> and there were approximately 15 volunteers that came out to help cleanup debris that ended up in Ackerly Creek from the September flooding. The dumpster that Waste Management donated was halfway filled with trash the volunteers were able to pull from the streambed. She indicated that there were some pieces that were too heavy for the volunteers to move, and the removal of those pieces needed the assistance of the DPW. Mrs. Kinney stated that she and Mr. & Mrs. Giardina will once again set up a table displaying the Hometown Hero Banners on Memorial Day after the parade and service for anyone interested in the program. Last, Mrs. Kinney informed the Council that the monthly Comcast bill had increased about \$75.00 due to the expiration of the two-year contract. She clarified that this is not tied into the Comcast Franchise Agreement negotiations and that this was solely for the phone and internet service for the Borough buildings. After contacting Comcast's business department, she was able to lock in a rate for the next two years at a rate cheaper than the previous contract by about \$10.00 a month, but with faster internet speeds. The contract was signed after reviewing the information with the finance committee.

### **ZONING & PLANNING**

Councilwoman Bonczar began by asking the Council to consider reducing the size of the Planning Commission from seven members down to five members. She explained that it is difficult to find members because of other obligations and time to learn the material. Councilwoman Bonczar asked what would need to be done to do this, to which Atty. Bolock replied stating a notice would have to be published and a new ordinance reducing the size from seven members down to five members would need to be put to vote. Councilwoman Bonczar requested Atty. Bolock to prepare an ordinance for the Council to consider at the next month's meeting.

Councilwoman Bonczar continued by reviewing the resolutions the Planning Commission would like the Council to consider approving. The resolutions put forth pertain to the Sub-Division and Land Ordinance Fee Schedule and new applications for Conditional Uses and Variances. Councilwoman Bonczar stated that the fee schedule for the services listed are comparable to surrounding municipalities and, in the past, the previous applications did not adequately cover fees and excess charges. She continued by informing the Council that the Conditional Use and Variance applications clearly state all information and documents required before submitting the application along with a detailed timeline of the application process.

Councilwoman Bonczar concluded her report by stating the Planning Commission intends on submitting updated applications and fee schedules monthly to bring everything up to date. She stated that many applications need to be updated, but there are many more that were never developed. Councilwoman Bonczar ended by stating the Planning Commission's intentions are to have a complete set of applications that coordinate with the Borough Zoning Code hopefully by the end of the year.

## **GRANTS**

Vice President Malamud stated that no new developments. He continues to work with Paul Bechtel to finalize the WRPP Grant using the Novak property as the match qualification.

## **PUBLIC RELATIONS**

Councilman Chisholm informed the Council that the website is moving in a positive direction. More content is being uploaded and the process of streamlining the page layouts is progressing. The .gov domain has been applied for but has not been approved as of today's meeting. Once that certification comes through then the emails can be built and the site can be activated. Councilman Chisholm reminded all Councilmembers to submit their biographies for the website as soon as possible.

## **HEALTH & SANITATION**

President Brandt stated that the Request for Proposal (RFP) on the Refuse Contract was not finalized at the time of the meeting. He stated that Councilwoman Swanchak had sent him an email requesting help because she was not sure how to draft an RFP. President Brandt informed the Council that there needs to be a draft presented by next month's meeting so that bids can be received in time to work into the 2025 budget.

## **MAYOR'S REPORT / FINANCE**

Mayor Holzman presented the Council with a Finance Committee report. He indicated that the Finance Committee met twice since the last meeting since President Brandt was not able to attend the first meeting. Mayor Holzman stated that the Borough has received 74.5% of this year's tax revenue to date. All payments received were paid within the discount period which allowed a total deduction of tax revenue of six thousand four hundred forty-four dollars (\$6,444.00). Mayor Holzman continued by stating that the Borough has received forty-six percent (46%) of the total income budgeted and the budgeted expenditures paid to date totaled thirty-seven percent (37%).

Mayor Holzman discussed the SRO Contract that the Borough has with Lackawanna Trail School District. An increase was discussed and tentatively approved as a part of last year's contract, but he wants to review with school officials to make sure both sides still agree on the numbers.

Next, Mayor Holzman informed the Council that it is the time of year to renew next year's insurance policy. The Finance Committee has met with one company and is awaiting feedback and once that has been obtained, they will arrange a meeting with DGK, who the current insurance carrier is, to compare figures. Mayor Holzman stated that starting July the finance committee will start compiling the budget for the 2025 tax year. He reminded Councilmembers that any recommendations or suggestions needed to be submitted no later than July 31<sup>st</sup>, 2024.

Mayor Holzman continued his finance report with a presentation of three different proposals received regarding the purchase of the post office and subsequent borrowing of funds. He informed the Council the three proposals were from Fidelity, Wayne Bank, and NBT Bank. The Finance Committee's recommendation is to choose NBT Bank's proposal. He stated that if any Councilmember wished to see the breakdown of each proposal before deciding, he had copies for them to review. Mayor Holzman stated that the loan can only be taken for a maximum of five years and cannot be in excess of one hundred and twenty-five thousand dollars (\$125,000.00) because any amount larger would have to be approved by the State. The funds would be allocated to the purchase of the Post Office Building approximately totaling sixty thousand dollars (\$60,000.00) after closing costs and filing fees, the Borough Building electric and HVAC system estimating fifty to fifty-five thousand dollars (\$50,000.00 - \$55,000.00), and the remaining ten to fifteen thousand dollars (\$10,000.00 - \$15,000.00) would be used to purchase new computers for the patrol vehicles. Mayor Holzman explained that the County's most recent update, the computers currently installed in the patrol vehicles are not compatible with the upgrade and cannot be upgraded due to how old the computers are.

Councilman Chisholm asked to apply for a grant for the computers to which Mayor Holzman said that would be great, but its an issue that cannot wait months for a decision. Mayor Holzman said if a grant is awarded in the meantime, it would help, but if not, this is an issue that must be addressed as soon as possible.

Mayor Holzman continued by stating that the financing of the building and the dividing the excess funds were decided on, but the information needed to make a final decision before signing on the dotted line is what the Borough would be responsible for in terms of electric, water, HVAC, and the overall shape of the building. Mayor Holzman added that answers on any contracts they currently have with maintenance, snow removal, HVAC, etc., and how they would be handled. The Borough has to obtain an estimate on insurance and what the increase is going to amount to overall and is there enough in the budget to account for it all.

In closing, Mayor Holzman reminded the Council that currently the Post Office pays monthly rent of eight hundred dollars (\$800.00) which totals nine thousand six hundred dollars (\$9,600.00) annually and at the end of the lease the total would be fifty-two thousand eight hundred dollars (\$52,800.00) which would almost offset the asking price. He stated that any maintenance or structural improvements would be in addition to the bottom line. Additionally, Mayor Holzman suggested having the property lines adjusted so that the entire building is on its own separate piece of property and that the engineering fees to achieve this would be an additional cost. Atty. Bolock stated that the entire property including the building would be solely owned by the Borough.

Finally, Mayor Holzman asked for a motion to pay the unpaid bills as presented. Councilwoman Bonczar made a motion to pay the unpaid bills as presented, seconded by President Brandt. **Motion carried 5-0.** Further discussions between Councilmembers continued focusing on the financing, building repairs that are needed, and future security upgrades with the possibility of funding future projects through grants. Mayor Holzman clarified that with this purchase the Borough does not need to raise taxes. Currently, the debt services tax amount that is taken in per year covers the annual obligation for the loan at Fidelity leaving an excess amount of twenty-six thousand eight hundred dollars (\$26,800.00). The excess amount would cover the annual obligation for the loan taken through NBT for the Post Office property. He stated that paying the Fidelity loan off early would not be an option, but the loan for the purchase of the Post Office would be covered under the current budget. In the end, the loan obligation is short about two thousand eight hundred dollars (\$2,800.00) which can be allocated from somewhere else or the hope is that the extra interest income received by switching the accounts over to money market accounts will at least make up the difference. Councilwoman Bonczar added that having a clear fee schedule on permits and applications also helps because the Borough was not charging for a lot of items previously and paying the extra costs that should have been paid by the applicants.

## LAW & LEGISLATURE

Councilman Peters read the following to enacted:

**Resolution 5 – 2024:** *“A RESOLUTION OF THE COUNCIL OF THE BOROUGH OF DALTON, LACKAWANNA COUNTY, COMMONWEALTH OF PENNSYLVANIA AUTHORIZING A SMALL BORROWING FOR CAPITAL PURPOSES UNDER SECTION 8109 OF THE LOCAL GOVERNMENT UNIT DEBT ACT.”*

Councilman Peters made a motion to approve Resolution 5 – 2024 as presented, seconded by President Brandt. President Brandt asked if there was any discussion, and none was made. **Motion carried 5-0.**

**Resolution 6 – 2024:** *“A RESOLUTION OF THE COUNCIL OF THE BOROUGH OF DALTON, LACKAWANNA COUNTY, COMMONWEALTH OF PENNSYLVANIA APPROVING A FEE SCHEDULE FOR ZONING, SUBDIVISION AND LAND DEVELOPMENT MATTERS AND APPROVING A CONDITIONAL USE APPLICATION AND VARIOUS APPLICATION PACKETS, ALL PURSUANT TO THE CODE OF ORDINANCES OF THE BOROUGH OF DALTON, LACKAWANNA COUNTY, COMMONWEALTH OF PENNSYLVANIA.”*

Councilman Chisholm made a motion to approve Resolution 6 – 2024 as presented, seconded by Councilman Peters. President Brandt asked if there was any discussion. Vice President Malamud asked Councilwoman Bonczar about the amount of the fees and if they were consistent with surrounding communities. Councilwoman Bonczar replied stating that the fees are comparable to surrounding municipalities and that John Seamans, Borough Engineer, helped establish and gave insight on what the Borough should be charging for certain services. No further questions were asked. **Motion carried 5-0.**

## SOLICITOR’S REPORT

Atty. Bolock began his report by stating he had requested the proposals brought before the Council showing the lending options available. Atty. Bolock stated that President Brandt has asked him to get in writing what the operating expenses and utilities are for the Post Office and who is responsible for each, and that an appraisal still needed to be done on the property.

## OLD BUSINESS

Councilwoman Bonczar updated the Council on the Comcast Franchise Agreement. She began by informing the Council that all fourteen (14) municipalities had signed with the Cohen Law Group and because of that Dalton Borough’s fee went from six thousand four hundred dollars (\$6,400.00) down to five thousand one hundred and twenty dollars (\$5,120.00). A franchise fee audit is included in this fee which means that the Cohen Law Group will audit the past four years of franchise fee disbursements to make sure that Comcast allocated the correct amount and included all parameters of the agreement. Councilwoman Bonczar stated that out of 150 audits performed over the past year, 73% were underpaid. If no underpayment of fees is found at least the Borough knows it received what they should have and makes Comcast aware of accountability. Items for the Council to consider and decide on before a final contract is drafted include unserved areas, legal protection of rights-of-way, customer service standards, free cable service for community facilities, and reporting requirements.

President Brandt stated that the committees were still a work in progress and hopefully by next month’s meeting will be finalized.

President Brandt stated that Waverly Township still has not paid for their share of the Fire Company's Workman's Compensation Insurance Premium. Mayor Holzman stated that multiple letters were sent out indicating the amount owed, but there has been no response. He regretfully stated that it's now come time for the Borough Council to decide as to whether to allow the Fire Company to cover Waverly Township. The premium is based on a rate per individual and as it stands now, Dalton Borough taxpayers are covering the expense. The policy expires on July 31, 2024, and a new policy begins August 1, 2024, through July 31, 2025, and a decision needs to be finalized on whether to include Waverly's population into the final coverage numbers. Atty. Bolock advised that the discussion continue in an executive session.

### **NEW BUSINESS**

None.

### **COUNCIL COMMENTS**

Councilwoman Bonczar commented on the recent ACOG meeting and encourage other Council members to attend. The meetings are held the first Thursday of every month at the Clarks Green Borough Building at 7 p.m.

### **ADJOURNMENT**

A motion to adjourn the meeting was made by Councilman Chisholm, second by Councilman Peters. **Motion carried 5-0.** The meeting adjourned at 8:12 pm.

At this time Council entered into an Executive Session.

Submitted by:

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Laura Kinney  
Secretary/Treasurer  
Dalton Borough