



PISANCHYN LAW FIRM

ATTORNEYS AND COUNSELORS AT LAW



524 Biden Street, Scranton, PA 18503

Office: (570) 344-1234 • Fax: (570) 346-9455

Michael J. Pisanchnyn Jr., Esquire
Douglas A. Yazinski, Esquire
Bradley D. Moyer, Esquire
Steven M. Serra, Esquire

Toll Free: (800) 444-5309

Philadelphia: (215) 784-1212
Wilkes Barre: (570) 824-2300
Harrisburg: (717) 238-3333
Pottsville: (570) 622-3200
Stroudsburg: (570) 424-6000
Williamsport: (570) 327-9999
Reading: (610) 374-1234
Altoona: (814) 944-4444
Mercer: (724) 662-2626
Pittsburgh: (412) 261-1212

Borough of Olyphant
 Attn: The Honorable Olyphant Borough Council
 113 Willow Avenue
 Olyphant, Pa 18447
 Via fax and email only
 570-383-7818 and olyphantclerks@comcast.net

Re: Should the Pocket Park, which Benefits the Whole Community, Be Sold to One Buyer so He Can use it To Make a Profit

To whom it may concern:

Several residents and business owners from Olyphant have contacted me with concerns about a recent article printed in The Times-Tribune on July 6, 2024, regarding the pocket park that was to be built in the middle of downtown Olyphant.

By way of background, and before the article cited above, the Times-Tribune reported on October 6, 2023 that three problematic downtown properties were slated for new development in Olyphant. According to the article, the Borough of Olyphant was seeking grant funding to build a pocket park at 105 Delaware Avenue. The article goes on to quote the council President who stated, "Variety is what it takes to have many people come to the downtown. We just don't want to be a drive-by. We want to be a destination."

Further, it is our understanding that the borough President and council felt the pocket park would tie in the Heritage Trail and help all of the small businesses located in the downtown. Borough council has also stated that there is no doubt that a pocket park, like the one recently completed behind the Federal Courthouse in Scranton, would add extrinsic value to Olyphant and give it a great feel for current and future generations of residents and taxpayers of Olyphant.

Despite the above referenced support from the borough council and residents of Olyphant in favor of the pocket park, a more recent article in The Times-Tribune reported, "Olyphant Borough and Basalyga are currently negotiating a potential sale of a lot next to OTOWN at 105



Excellent Attorneys

LACKAWANNA • LUZERNE • SUSQUEHANNA • MONROE • WAYNE • WYOMING • BRADFORD • LYCOMING • BERKS • DAUPHIN • SOMERSET • WASHINGTON
 CLINTON • MONTGOMERY • SULLIVAN • CARBON • NORTHUMBERLAND • UNION • PIKE • PERRY • YORK • MIFFLIN • LEHIGH • BEAVER • MONTGOMERY
 SNYDER • HUNTINGDON • ELK • JUNIATA • POTTER • SCHUYLKILL • GREENE • ADAMS • DELAWARE • INDIANA • LANCASTER • TIoga
 WESTMORELAND • ARMSTRONG • CENTRE • VENANGO • CAMBRIA • FULTON • MERCER • BUCKS • PHILADELPHIA • LAWRENCE • CUMBERLAND
 BUTLER • CLEARFIELD • MCKEAN • BEDFORD • LEBANON • JEFFERSON • ALLEGHENY • FAYETTE • COLUMBIA • FRANKLIN • NORTHAMPTON • BLAIR

www.pisanchnyn.com

Delaware Ave., ..” This article has caused great concern among numerous taxpayers, residents and business owners of Olyphant because it references the same piece of property that the Borough lead them to believe would be used for a pocket park. More specifically, the recent article is extremely concerning to my clients for the following reasons:

- 1) The borough never provided notice that the pocket park was no longer being pursued;
- 2) The borough never provided notice that the land located at 105 Delaware Avenue was for sale, when the sale would occur and where the sale would take place (to assure everyone had a fair opportunity to purchase the property and the borough could receive the maximum sale price to benefit the borough);
- 3) The borough never provided notice that borough council was negotiating the sale of borough property with a private citizen;
(See The Times-Tribune article quoting council President Jimmy Baldwin as stating, “Basalyga approached the borough about buying the land at a council work session about two months ago);
- 4) If the above article is true and accurate, why has council failed to inform the residents and taxpayers of Olyphant Borough for over 60 days, after which they only learned about the sale of the property through an article written in the newspaper;
- 5) If the borough received any public funding to help acquire, demolish or move forward with building the pocket park, what happens to these funds and do they have to be returned; and
- 6) Why would plans to develop a piece of property that would benefit the public change so quickly, where now only one person is set to make a profit, without taxpayers and residents of Olyphant having the opportunity for public comment?

As also reported in The Times-Tribune, “Olyphant purchased the Delaware Avenue property for \$30,000.00 in June of 2020. Two years later, the borough razed a run-down, long vacant building on the land with the intentions of constructing a pocket park in its place, spending nearly \$45,000.00 on the demolition.” This too raises several questions: 1) Was any additional money spent on the project, including any use of Olyphant DPW time; and 2) did/does Council intend on recouping all of its costs through the sale of the Delaware Avenue property or keeping the property for the pocket park if it is not able to recoup all of its costs?

Finally, Olyphant council has reportedly stated “Olyphant recently renovated its nearby Queen City Station, which Baldwin said was in part because of Basalyga possibly acquiring the pocket park site.” This is extremely concerning and a slap in the face to my clients, who have all helped sustain downtown Olyphant for years, to be told by council they renovated the downtown because of one private business owner.

In light of the above, my clients' feel the key question(s) the borough should be asking is what would benefit Olyphant and its residents more, while at the same time bringing the best "vibe" and people to downtown Olyphant. a) A public pocket park where people can bring their families, friends and pets; or, b) expanding a private restaurant that would offer the same menu as the three existing (four including the current O-town) restaurants located within 50 yards of 105 Delaware Avenue while taking away a public park. It is my clients' proposition that the answer is obvious. A free public park for the community would certainly benefit Olyphant much more than apartments, another patio and one private business making a profit.

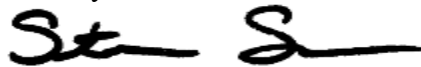
We understand that private citizens and businesses like to make money. However, it is our belief that government entities such as Olyphant council are charged with doing the right thing and making sure that public facilities are built as opposed to private development. Unfortunately, that does not appear to be what is occurring in this case. Our clients have heard that council members have already agreed to enter a deal with the private developer to expand the fourth restaurant instead of building the pocket park. This is occurring despite the borough not providing the residents with notice or the opportunity to be heard. On behalf of our clients, we urge Council to do the right thing in this case and continue moving forward with building the pocket park instead of expanding one of the four restaurants within 50 yards of each other.

In fact, we have secured an anonymous donor who has agreed to fully-fund the building and completion of the pocket park, with the conditions including: 1) the pocket park look similar to or the same as the existing pocket park behind the Federal Courthouse in Scranton; and 2) that it always remains a park for public use. This means the pocket park can be built with no further time, money or effort from council and once completed will immediately be available for the entire Olyphant community. Surely, the one-time sale and money (which will likely barely cover the costs the Borough has incurred in purchase and demolition of the property) has no comparison to the community enjoying a park for generations to come. Please review and let us know if you are in agreement with the above proposal.

If council rejects the above proposal, we would ask that the Borough also list the parks located at Fern Hill, the Flats and other similar parks located within the Borough for private sale, as there is no difference in the sale of those parks verse the sale of the pocket park.

As always, we thank you ahead of time for your anticipated cooperation and kind considerations in this matter. Should you wish to talk about this matter in more detail, please feel free to call me at any time.

Sincerely,

A handwritten signature in black ink, appearing to read "St Serra".

Steven M. Serra, Esquire