

## Borough Council Meeting Minutes – December 19, 2013

**Call to Order** – Mr. Farley called the meeting to order at 6:00pm and announced that anyone recording the meeting must announce that they are doing so. Ms. Sabatura and Ronald Cole acknowledged that they were recording the meeting.

**Prayer & Pledge of Allegiance** – Mr. Flick offered the meeting prayer and led the Pledge of Allegiance.

**Roll Call** – The following members of the Borough Council were present; James Daly, Robert Flick, Maureen Howland, Eugene Osmun, JoAnn Sabatura, Eugene Cerutti, and Henry Farley. **Also present;** Mayor Denny Thomas, Elizabeth Fice, Borough Finance Coordinator, Jonathan Foster Jr., Borough Solicitor, and David Jarrett, Borough Manager.

**Approval of Minutes** – Mr. Osmun stated that he did not vote in favor of adopting Ordinance #903 and asked that the minutes be amended to reflect the correct vote. The corrected minutes of the November meeting were approved.

**Citizens to be Heard** – There were none.

**Finance Report** – The November finance report will be placed on file for audit.

**Bills List** - A motion was made by Mr. Daly and seconded by Mrs. Howland to approve the bills list as presented. Under the question: Mr. Osmun asked about the towing fee for the KME truck. Mr. Jarrett stated that he would need to review the invoice with Chief Crossett because he was not aware of any need to tow the 1996 KME truck. Ms. Sabatura asked about the payment for damage to a vehicle and the invoice submitted by Kai Pan. Mr. Jarrett explained that the fire truck had struck a parked vehicle and that the owner of the vehicle was asked to provide an estimate for the repair. Mr. Jarrett stated that he discussed the situation with Gannon Associates and it was determined that the Borough paying for the repairs would expedite the process and prevent a possible increase in premium costs. Ms. Fice explained that Mr. Pan's invoice was for hourly service and equipment that was purchased. Mr. Cerutti asked about the cost of the Sam's Club Membership. Mr. Jarrett stated that he would look into the invoice. **Roll Call: Mr. Daly, Mr. Flick, Mrs. Howland, Mr. Osmun, Ms. Sabatura, Mr. Cerutti, and Mr. Farley; YES.**

**Correspondence Summary** - There were no questions or comments.

**Appointed and Elected Officials Reports:** The following reports were presented to the Borough Council;

- Fire Chief: There were no questions or comments.
- Police Chief – There were no questions or comments.
- Emergency Management – Mr. Daly stated that he attended a meeting for input and discussion regarding the future Bradford County Emergency Responder Training Facility. Mr. Daly explained that the meeting was well attended and that the proposed project is in the preliminary stages. Mr. Daly also stated that he participated in an emergency drill performed by Robert Packer Hospital Safety and Security Department.
- Borough Manager – Mr. Jarrett reviewed the items included in his report. Ms. Sabatura asked about the new street decorations and if older decorations will be taken out of service. Mr. Jarrett stated that he would like to see more decorations go up around town and that electrical work would be needed to accomplish that. Mr. Jarrett explained that DPW employee Jason Phillips may be able to complete the project if it is started next year.
- Borough Solicitor – Attorney Foster announced that the Pennsylvania Supreme Court ruled earlier in the day that Act 13 was unconstitutional. Attorney Foster also stated that the Borough Council has reviewed three ordinance amendments that will be acted upon during the meeting.
- Mayor – Mayor Thomas commended the Public Works Department for their hard work on leaf collection and the recent snow storm.
- Council President – Mr. Farley thanked Mrs. Howland for her service to the Borough Council during her two year term and presented her with a gift on behalf of the Borough Council and Borough employees.
- Library Board – Mrs. Howland stated that a new children’s librarian has been hired and that the new employee has started.

**Committee Reports** - The following reports were presented;

- **Public Works Committee** – Mr. Flick reviewed the issues discussed the Committee’s December meeting.
- **Public Safety Committee** – Mr. Osmun reviewed the issues discussed at the Committee’s December meeting.
- **Administration Committee** – Mr. Cerutti reviewed the issues discussed at the Committee’s December meeting.

**Vote to re-classify Jason Phillips from Laborer – Probationary to Laborer Class 4 effective December 4, 2013 as recommended by the Public Works Committee.** A motion was made by Mr. Flick and seconded by Mr. Osmun to re-classify Jason Phillips from Laborer – Probationary to Laborer Class 4 effective December 4, 2013. **Under the question:** Mr. Jarrett explained that Mr. Phillips is doing a very good job and has had the opportunity to complete a variety of tasks. **Roll Call:** Mr. Daly, Mr. Flick, Mrs. Howland, Mr. Osmun, Ms. Sabatura, Mr. Cerutti, and Mr. Farley; YES.

**Vote to authorize the Civil Service Commission to begin testing process for the position of Full-Time Patrol Officer as recommended by the Public Safety Committee.** A motion was made by Mr. Osmun and seconded by Mr. Cerutti to authorize the Civil Service Commission to begin testing process for the position of Full-Time Patrol Officer. **Under the question:** Mr. Jarrett explained that the testing process includes a physical agility test, written test, and oral interview. Ms. Sabatura asked who the members of the Commission are. Mr. Jarrett explained that James Crease, James Shaw, and Ron Cole and that the members of the Commission are responsible for ensuring that all applicants are treated fairly during the testing process. **Roll Call:** Mr. Daly, Mr. Flick, Mrs. Howland, Mr. Osmun, Ms. Sabatura, Mr. Cerutti, and Mr. Farley; YES.

**Vote to authorize the transfer of funds from the General Fund to the Capital Reserve Fund as recommended by the Administration Committee.** A motion was made by Mrs. Howland and seconded by Mr. Daly to authorize the transfer of funds from the General Fund to the Capital Reserve Fund. **Under the question:** Mr. Jarrett explained that revisions were made to the original list and that the revisions were distributed on Wednesday via email to the Borough Council. **Roll Call:** Mr. Daly, Mr. Flick, Mrs. Howland, Mr. Osmun, Ms. Sabatura, Mr. Cerutti, and Mr. Farley; YES.

**Vote to re-appoint Frank Alteri to a five (5) year term to the Healthcare Facilities Authority of Sayre.** A motion was made by Mr. Flick and seconded by Mr. Osmun to re-appoint Frank Alteri to a five (5) year term to the Healthcare Facilities Authority of Sayre. **Under the question:** There were none. **Roll Call:** Mr. Daly, Mr. Flick, Mrs. Howland, Mr. Osmun, Ms. Sabatura, Mr. Cerutti, and Mr. Farley; YES.

**Vote to approve Amendment #1 to the Cooperation Agreement between the United States of America and the Borough of Sayre.** A motion was made by Mr. Osmun and seconded by Mr. Daly to approve Amendment #1 to the Cooperation Agreement between the United States of America and the Borough of Sayre. **Under the question:** Mr. Jarrett explained that the agreement is to authorize the U.S. Army Corps of Engineers to complete additional repairs to the levee and that the Borough will be required to provide a 20% local match for the work. The value of the match is approximately \$46,000. Mr. Daly asked why the Council President was not the required signature, and Mr. Jarrett explained that the forms were sent by the United States Army Corps of Engineers and the Borough is required to process the forms as they are. **Roll Call:** Mr. Daly, Mr. Flick, Mrs. Howland, Mr. Osmun, Ms. Sabatura, Mr. Cerutti, and Mr. Farley; YES.

**Vote to adopt Resolution 2013 – 13/Code of Conduct.** A motion was made by Mrs. Howland and seconded by Mr. Cerutti to adopt Resolution 2013 – 13. **Under the question:** Mr. Jarrett explained that the Code of Conduct establishes a policy for how Community Development Block Grant funds are spent and that it is a requirement of PA-DCED. **Roll Call:** Mr. Daly, Mr. Flick, Mrs. Howland, Mr. Osmun, Ms. Sabatura, Mr. Cerutti, and Mr. Farley; YES.

**Vote to adopt Resolution 2013 – 14 / Section 504 Plan & 504 Review Plan.** A motion was made by Mr. Osmun and seconded by Mr. Cerutti to adopt Resolution 2013 – 14. **Under the question:** Mr. Jarrett explained that the 504 Plan and 504 Review Plan establishes a policy that prohibits discrimination of handicap individuals and annual review of discrimination complaints. **Roll Call:** Mr. Daly, Mr. Flick, Mrs. Howland, Mr. Osmun, Ms. Sabatura, Mr. Cerutti, and Mr. Farley; YES.

**Vote to adopt Resolution 2013 – 15 / Anti-Displacement & Relocation Assistance Plan.** A motion was made by Mrs. Howland and seconded by Mr. Osmun to adopt Resolution 2013-15. Under the question: Mr. Jarrett explained that the policy establishes guidelines and procedures to provide assistance to individuals who may need to be displaced or relocated during projects that receive Community Development Block Grant funds. **Roll Call:** Mr. Daly, Mr. Flick, Mrs. Howland, Mr. Osmun, Ms. Sabatura, Mr. Cerutti, and Mr. Farley; YES.

**Vote to adopt Resolution 2013 – 16 / Use of Force Policy.** A motion was made by Mr. Flick and seconded by Mrs. Howland to adopt Resolution 2013-16. Under the question: Mr. Jarrett explained that this policy establishes procedures authorizing the use of force by police officers. Mr. Jarrett stated that this policy is a requirement for the Borough's CDBG entitlement application. Ms. Sabatura stated that she was concerned with approving the policy without reviewing the document. Mr. Jarrett stated that the policy has already been in effect for several years. **Roll Call:** Mr. Daly, Mr. Flick, Mrs. Howland, Mr. Osmun, Ms. Sabatura, Mr. Cerutti, and Mr. Farley; YES.

**Vote to re-appoint David Jarrett to a five (5) year term on the Valley Joint Sewer Authority.** A motion was made by Mr. Flick and seconded by Mrs. Howland to re-appoint David Jarrett to a five (5) year term on the Valley Joint Sewer Authority effective January 1, 2014. **Under the question:** Mr. Osmun stated that it is important to have more involvement by citizens on Borough Commissions, Authorities, and other Boards but he felt Mr. Jarrett's membership on the Board was beneficial to the Borough. **Roll Call:** Mr. Daly, Mr. Flick, Mrs. Howland, Mr. Osmun, Ms. Sabatura, Mr. Cerutti, and Mr. Farley; YES.

**Vote to approve Change Order #2 submitted by Contour Construction Group in the amount of \$58,701.88 for the installation of curbing on South Hopkins and Woodworth Streets.** A motion was made by Ms. Sabatura and seconded by Mr. Cerutti to approve Change Order #2 submitted by Contour Construction Group. Under the question: There were none. **Roll Call:** Mr. Daly, Mr. Flick, Mrs. Howland, Mr. Osmun, Ms. Sabatura, Mr. Cerutti, and Mr. Farley; YES.

**Vote to advertise an ordinance amendment to Chapter 173-02 - Victorian Facades of the Borough Code as recommended by the Administration Committee.** A motion was made by Mr. Cerutti and seconded by Mrs. Howland **to advertise an ordinance amendment to Chapter 173-02 - Victorian Facades of the Borough Code.** **Under the question:** Ms. Sabatura asked if the ordinance was reviewed by the Planning Commission, and Mr. Cerutti stated that it was not reviewed by the Commission. **Roll Call:** Mr. Daly, Mr. Flick, Mrs. Howland, Mr. Osmun, Mr. Cerutti, and Mr. Farley; YES. Ms. Sabatura; NO.

**Vote to advertise ordinance amendment to Chapter 114 – Occupations Requiring Permits as recommended by the Administration Committee.** A motion was made by Mr. Cerutti and seconded by Mr. Daly to advertise ordinance amendment to Chapter 114 – Occupations Requiring Permits. **Under the question:** Mr. Osmun asked why the ordinance amendment was needed. Mr. Jarrett explained that the legality of the Borough’s Contractor Registration Ordinance had been questioned and that the ordinance amendment would resolve any conflict. **Roll Call:** Mr. Daly, Mr. Flick, Mrs. Howland, Mr. Osmun, Ms. Sabatura, Mr. Cerutti, and Mr. Farley; YES.

**Vote to advertise ordinance amendment to Chapter 141 – Sidewalks as recommended by the Administration Committee.** A motion was made by Mrs. Howland and seconded by Mr. Daly to advertise ordinance amendment to Chapter 141 – Sidewalks. **Under the question:** Mr. Jarrett asked that enforcement of snow removal regulations be enforced by the Code Agency. Mr. Farley asked if there were any objections to Mr. Jarrett’s recommendation, and there were none. **Roll Call:** Mr. Daly, Mr. Flick, Mrs. Howland, Mr. Osmun, Mr. Cerutti, and Mr. Farley; YES. Ms. Sabatura; NO.

**Vote to appoint Maureen Howland to the Sayre Public Library Board as the Borough Council’s representative.** A motion was made by Mr. Flick and seconded by Mr. Daly to appoint Maureen Howland to the Sayre Public Library Board as the Borough Council’s representative. **Under the question:** There were none. **Roll Call:** Mr. Daly, Mr. Flick, Mr. Osmun, Ms. Sabatura, Mr. Cerutti, and Mr. Farley; YES. Mrs. Howland; ABSTAIN.

**Vote to authorize the Council President & Vice President to sign checks for the remainder of the year.** A motion was made by Mrs. Howland and seconded by Mr. Flick to authorize the Council President & Vice President to sign checks for the remainder of the year. **Under the question:** There were none. **Roll Call:** Mr. Daly, Mr. Flick, Mrs. Howland, Mr. Osmun, Ms. Sabatura, Mr. Cerutti, and Mr. Farley; YES.

**Citizen Comments** – Janice Gardner, 103 Park Place asked the Borough Council why the Façade Ordinance was not reviewed by the Planning Commission. Mr. Cerutti stated that the ordinance was developed from a draft document prepared by Mr. Jarrett and reviewed by the Administration Committee, and that the Committee did not want to delay the passage of the ordinance.

Ms. Gardner also asked why the Borough Council does not do anything to promote the downtown businesses the night of the parade. Mr. Jarrett stated that it is up to the businesses to decide if they would like to be open during the parade and that some businesses are open selling hot chocolate and other items. Mr. Jarrett also stated that the parade is not an official function of the Borough and that the individuals that help coordinate the event and assist before, during, and after the parade are all volunteers. Mr. Jarrett suggested to Ms. Gardner that she talk with businesses and ask why they do not open.

**Meeting Announcement** – Mr. Farley announced that the Borough Council's re-organization meeting will be held on Monday, January 6, 2014 at 6:00pm in the Public Works Building.

**Recess** - Mr. Farley recessed the meeting at 7:23pm before going into executive session.

**Executive Session** – The Borough Council went into executive session at 7:30pm to discuss personnel issues and a potential litigation issue. The executive session ended at 8:13pm.

**Vote to approve Agreement between the Borough and the Athens Township Authority to transfer up to six percent (6%) of the Borough's sewer plant capacity to the Athens Township Authority.** A motion was made by Mr. Daly and seconded by Mr. Flick to approve Agreement between the Borough and the Athens Township Authority up to six percent (6%) of the Borough's plant capacity to the Athens Township Authority. **Under the question:** There were none. **Roll Call:** Mr. Daly, Mr. Flick, Mrs. Howland, Mr. Osmun, Ms. Sabatura, Mr. Cerutti, and Mr. Farley; YES.

**Vote to approve the Memorandum of Understanding between the Borough and Foster Law Office.** A motion was made by Mr. Cerutti and seconded by Mr. Daly to approve the Memorandum of Understanding between the Borough and Foster Law Office. **Roll Call:** Mr. Daly, Mr. Flick, Mrs. Howland, Mr. Osmun, Ms. Sabatura, Mr. Cerutti, and Mr. Farley; YES.

**Vote to authorize the Borough Manager to send letters to the members of the Planning Commission, Civil Service Commission, and Zoning Hearing Board advising them their appointments are expiring.** A motion was made by Mrs. Howland and seconded by Ms. Sabatura to authorize the Borough Manager to send the letters, and to issue a press release seeking interested applicants for the appointments that are expiring. **Roll Call:** Mr. Daly, Mr. Flick, Mrs. Howland, Mr. Osmun, Ms. Sabatura, Mr. Cerutti, and Mr. Farley; YES.

**Vote to approve Memorandum of Understanding between the Borough and Kevin Guinane.** A motion was made by Mr. Flick and seconded by Mr. Daly to approve Memorandum of Understanding between the Borough and Kevin Guinane. **Under the question:** Ms. Sabatura stated that she did not believe that the proposed Memorandum of Understanding is in the best interest of the Borough. **Roll Call:** Mr. Daly, Mr. Flick, Mrs. Howland, Mr. Cerutti, and Mr. Farley; YES. Mr. Osmun and Ms. Sabatura; NO.

**Adjourn** – Mr. Farley adjourned the meeting at 8:17pm without objection.

Respectfully submitted,

David M Jarrett  
Borough Manager/Secretary