

Borough Council

Minutes – June 20, 2013

Public Hearing – Mr. Farley called the Public Hearing to order at 6:00pm and opened the hearing for public comments regarding the proposed Business Incubator District; Conservation District; and Natural Gas Ordinance.

- Jan Scott, 204 Hayden Street addressed the Borough Council and read a statement prepared by Barbara Ault, Planning Commission Chairperson regarding the natural gas ordinance.
- Robert Diltz, 115 Hospital Place asked about ownership of mineral rights if the new ordinance is adopted, and Attorney Foster explained that ordinance does not address or affect ownership of mineral rights.

Mr. Farley adjourned the public hearing at 6:05pm without objection.

Call to Order – Mr. Farley called the June Borough Council meeting to order at 6:05pm and Ms. Sabatura offered the prayer and led the Pledge of Allegiance.

Roll Call – The following members of the Borough Council were present; James Daly, Robert Flick, Maureen Howland, Jo Ann Sabatura, Eugene Cerutti, and Henry Farley. Excused: Mr. Osmun. Also present; Denny Thomas, Mayor; Elizabeth Fice, Borough Finance Coordinator, Jonathan Foster Sr, Borough Solicitor, Gil Crossett, Fire Chief, and David Jarrett, Borough Manager.

Approval of Minutes – The minutes of the regular May Council Meeting and special May Council Meeting were accepted as presented without comment or objection.

Citizens To Be Heard - Jan Scott, 204 Hayden Street asked the Borough Council when the minutes of Council meetings are available to the public. Mr. Jarrett explained that the minutes are not official or subject to public record requirements until they are approved by the Borough Council.

Finance Report – There were no questions or comments of the report.

Bills List - A motion was made by Mrs. Howland and seconded by Mr. Daly to approve the bills list and the supplemental bills list. Under the question: There were no questions or comments.

YES	NO
Mr. Daly	
Mr. Flick	
Mrs. Howland	
Ms. Sabatura	
Mr. Cerutti	
Mr. Farley	

Correspondence Summary – There were no questions or comments.

Appointed & Elected Officials Reports – The Borough Council reviewed the following reports;

- **Police Chief’s Report** – There were no questions or comments.
- **Fire Chief’s Report** – There were no questions or comments.
- **Code Enforcement Agency** - Mr. Cerutti reviewed the Agency’s report and explained that the Agency is accepting applications for a new full time code enforcement officer.
- **Borough Manager’s Report** – Mr. Jarrett presented the bid results for the Hopkins/Woodworth Paving Project and recommend to the Borough Council that the bid received from Contour Paving be approved. Mr. Jarrett also stated that he will be attending mandatory CDBG training in State College on June 25 – 27. Mr. Jarrett also stated that the Summer Concert Series began on June 12th and will continue through September 4th.
- **Borough Solicitor** - Attorney Foster advised the Borough Council that FEMA is preparing new flood zone maps and that he is preparing an amendment to the contractor’s ordinance that will require contractors to provide information on their employees, sub-contractors, and the sub-contractor’s employees for each project that they are issued a building permit for.
- **Mayor** – Mr. Thomas asked about the levee certification process and the cost of obtaining the certification. Mr. Jarrett explained that the cost is not known yet, but a similar size municipality is expected to spend \$300,000 on engineering fees to certify their levee. Mayor Thomas asked the Borough Council to consider allocating funding from the second round of impact money to repaving North Wilbur Avenue. Mayor Thomas also stated that

the new fire truck is in service, and that he would like the Borough Council to consider some type of recognition for Susan Robinson who is leaving her position at the Library.

- **Council President** – Mr. Farley announced that he, Mr. Cerutti, and Mr. Jarrett will be negotiating the contracts for Non-Uniform employees, the Borough Solicitor, and Police Chief which will each expire on December 31st. Mr. Farley also announced that that a Public Hearing and Special Council meeting will be held on June 27th at 6:00pm for the proposed ordinance amendment of the zoning map.

Mr. Farley explained that the Borough has received a settlement offer for the copier lease and asked if the Borough Council would like to approve the settlement.

Vote to approve the settlement offer of \$700 with Eastern Copy. A motion was made by Mr. Cerutti and seconded by Mr. Daly to approve the lease settlement for \$700. **Under the question:** Ms. Sabatura stated that she opposed the settlement offer and that it is a waste of money.

YES	NO
Mr. Daly	Ms. Sabatura
Mr. Flick	
Mrs. Howland	
Mr. Cerutti	
Mr. Farley	

- **Valley Joint Sewer Authority** – Mr. Farley and Mr. Jarrett explained that the municipalities will begin making full debt service payments in September for the upgrades to the new plant. Mr. Jarrett stated that the quarterly payments due in September and December will be covered by 2013 sewer budget but there is a possibility of a rate increase beginning in 2014.
- **Emergency Management** – Mr. Daly explained that funding for the Waverly/Sayre River Gauge located on Riverside Drive in Athens Township will be eliminated in October, and that new flood maps will be released in two months, and updated flood insurance maps will be released in eighteen months. Mr. Daly also stated that under the present system, the National Weather Service issues a flood warning for Waverly/Sayre when the river rises to 11 feet, and consideration is now being given to increasing the flood warning level to 14 feet.

Vote to adopt Ordinance #896 amending Section 173 – 6 Definitions adding Business Incubator. A motion was made by Mrs. Howland and seconded by Mr. Flick to adopt Ordinance #896. **Under the question: There were no questions or comments.**

	Yes	No	Abstain
Mr. Daly			X
Mr. Flick	X		
Mrs. Howland	X		
Ms. Sabatura	X		
Mr. Cerutti	X		
Mr. Farley			X

Vote to adopt Ordinance #897 amending Section 173-7; 173-8; and 173-87 creating the Business Incubator (BI) District. A motion was made by Mr. Flick and seconded by Mrs. Howland to adopt Ordinance #897. **Under the question: There were no questions or comments.**

	Yes	No	Abstain
Mr. Daly			X
Mr. Flick	X		
Mrs. Howland	X		
Ms. Sabatura	X		
Mr. Cerutti	X		
Mr. Farley			X

Vote to adopt Ordinance #898 amending Chapter 173– 7 Zoning Districts. A motion was made by Mr. Cerutti and seconded by Mr. Flick to adopt Ordinance #898. **Under the question: There were no questions or comments.**

	Yes	No	Abstain
Mr. Daly	X		
Mr. Flick	X		
Mrs. Howland	X		
Ms. Sabatura	X		
Mr. Cerutti	X		
Mr. Farley			X

Vote to adopt Ordinance #899 amending Chapter 173-33 deleting the Floodplain / Conservation District and creating the Conservation District. A motion was made by Mr. Cerutti and Mr. Flick to adopt Ordinance #899. **Under the question:** Ms. Sabatura both stated that they did not agree with the change the zoning designation of the Epiphany School property.

	Yes	No	Abstain
Mr. Daly	X		
Mr. Flick	X		
Mrs. Howland	X		
Ms. Sabatura		X	
Mr. Cerutti	X		
Mr. Farley			X

Vote to adopt Ordinance #900 the Natural Gas Ordinance amending 173-80; 173-147 through 173-159 and addition Act 13 Oil & Gas related definitions to Section 173-6 to allow for the reasonable development of oil and gas resources in the Borough while properly protecting the health, safety and welfare of the residents of Sayre Borough. A motion was made by Mr. Cerutti and seconded by Mr. Daly to adopt Ordinance #900. **Under the question:** There were no questions or comments.

	Yes	No	Abstain
Mr. Daly	X		
Mr. Flick	X		
Mrs. Howland	X		
Ms. Sabatura		X	
Mr. Cerutti	X		
Mr. Farley			X

Vote to award/reject/table the Hopkins / Woodworth paving project to the lowest responsible bidder. A motion was made by Ms. Sabatura and seconded by Mr. Daly to **award** the Hopkins/Woodworth Paving Project to Contour Construction Group of Binghamton, New York in the amount of \$209,791. **Under the question:** Mr. Jarrett explained that the Contour has previously done work in the Borough and most recently in 2011.

COMPANY NAME	BID AMOUNT	ALTERNATE #1 – CURBING
Vacri Construction One Brick Avenue Binghamton, NY 13901 (607-723-4319)	\$234,955.05	\$ 86,652.00
Contour Construction Group P.O. Box 534 Binghamton, NY 13902	\$ 209,791.00	\$ 92,220.00
Bothar Construction, LLC 170 East Service Road Binghamton, NY 13901	\$ 242,672.75	\$ 125,802.00
Nelson & Streeter P.O. Box 184 Pine City, NY 14871	\$ 222,835.00	\$ 97,440.00
G. DeVincentis & Sons 7 Belden Street Binghamton, NY 13903 (607-723-9971)	\$ 263,597.50	\$ 87,000.00

YES	NO
Mr. Daly	
Mr. Flick	
Mrs. Howland	
Ms. Sabatura	
Mr. Cerutti	
Mr. Farley	

Vote to award/reject/table Addendum #1 issued for the Hopkins / Woodworth paving project to complete curbing construction. A motion was made by Ms. Sabatura to table the bids however there was no second. A motion was then made by Mr. Flick and seconded by Mr. Cerutti to **reject** all bids for Addendum #1 on the Hopkins/Woodworth Paving project. **Under the question: There were no questions or comments.**

COMPANY NAME	BID AMOUNT	ALTERNATE #1 CURBING
Vacri Construction One Brick Avenue Binghamton, NY 13901 (607-723-4319)	\$234,955.05	\$ 86,652.00
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YES	NO
Mr. Daly	
Mr. Flick	
Mrs. Howland	
Ms. Sabatura	
Mr. Cerutti	
Mr. Farley	

Vote to make a donation to the Sayre VFW to assist the organization with the costs associated with placing American flags around the downtown on holidays. A motion was made by Ms. Sabatura and seconded by Mrs. Howland to donate \$300 to the Sayre VFW. **Under the question: There were no questions or comments.**

YES	NO
Mr. Daly	
Mr. Flick	
Mrs. Howland	
Ms. Sabatura	
Mr. Cerutti	
Mr. Farley	

Vote to adopt Resolution 2013 - 07 which establishes the policy for the use of Borough issued credit cards. A motion was made by Mrs. Howland and seconded by Mr. Cerutti to adopt Resolution 2013-07. **Under the question:** Mayor Thomas commended the Administration Committee for their work on the development of the new policy.

AYE	NAY
Mr. Daly	
Mr. Flick	
Mrs. Howland	
Ms. Sabatura	
Mr. Cerutti	
Mr. Farley	

Vote to prohibit all parking on South Hopkins Street and Woodworth Street between 7:00am and 6:00pm effective June 24, 2013 and continuing until the Hopkins / Woodworth Infrastructure Project is completed. A motion was made by Mr. Flick and seconded by Mrs. Howland to prohibit parking on South Hopkins Street and Woodworth Street from 7:00am – 6:00pm until the infrastructure project is completed. **Under the question:** Ms. Sabatura asked if the restriction also included the paving work, and Mr. Jarrett stated that it applied to the entire project.

AYE	NAY
Mr. Daly	
Mr. Flick	
Mrs. Howland	
Ms. Sabatura	
Mr. Cerutti	
Mr. Farley	

Vote to prohibit parking at all times on the east side of Frank Street for a ninety (90) day trial period effective July 1, 2013. A motion was made by Mr. Flick and seconded by Mr. Daly to prohibit parking on Frank Street for a ninety (90) day trial period. **Under the question:** Chief Crossett explained that the fire engine uses Frank Street to respond to calls, and it is difficult to maneuver the fire engine around vehicles parked on the east side of the street.

AYE	NAY
Mr. Daly	
Mr. Flick	
Mrs. Howland	
Ms. Sabatura	
Mr. Cerutti	
Mr. Farley	

Vote to prohibit parking at all times on the west side of Toolan Lane between West Lockhart Street and Stevenson Street for a ninety (90) day trial period effective July 1, 2013. A motion was made by Ms. Sabatura and seconded by Mr. Daly to prohibit parking on the west side of Toolan Lane for a ninety (90) day trial period. **Under the question:** There were no questions or comments.

AYE	NAY
Mr. Daly	
Mr. Flick	
Mrs. Howland	
Ms. Sabatura	
Mr. Cerutti	
Mr. Farley	

Vote to relocate the No Parking Here To Corner sign located on Woodworth Street approximately 25 feet from the intersection with South Hopkins to a location approximately 50 feet from the same intersection for a ninety (90) day trial period effective July 1, 2013. A motion was made by Mr. Flick and seconded by Mrs. Howland to relocate the No Parking Here To Corner sign located on Woodworth Street approximately 25 feet from the intersection with South Hopkins to a location approximately 50 feet from the same intersection for a ninety (90) day trial period. **Under the question:** There were no questions or comments.

AYE	NAY
Mr. Daly	
Mr. Flick	
Mrs. Howland	
Ms. Sabatura	
Mr. Cerutti	
Mr. Farley	

Committee Reports - The following reports were given to the Borough Council;

- **Public Works Committee** - Mr. Flick discussed the ongoing plans for improvements to Island Pond and explained that donation letters have been sent to Stroehmann Bakery, Sayre Rotary, and Sayre Elks Club.

- **Public Safety Committee** – Mr. Flick explained that the Committee discussed the Snow Emergency Ordinance and agreed that the ordinance is working but a policy needs to be developed on when the issuance of tickets will begin and that the policy would most likely stipulate that tickets will be issued when DPW crews begin plowing snow from the streets. Mr. Flick also stated that the Committee discussed the lack of funding for river level gauges on the Susquehanna River.
- **Administration Committee** – Mr. Cerutti reviewed the issues discussed at the Committee’s meeting including the possibility of bonding roadways and the development of a policy to provide façade improvement grants. Mr. Cerutti also stated that the Committee held an executive session at their meeting on June 11th to discuss employment contracts and reclassifying personnel.
- **Library** – Mrs. Howland explained that Susan Robinson resigned after serving the last five years as the Librarian, and the Assistant Librarian will serve as the interim Librarian until a replacement is hired. Mr. Flick suggested that the Borough Council recognize Mrs. Robinson’s for her accomplishments and dedication to the Library. Mrs. Howland also stated that the Library’s Summer Reading Carnival is scheduled for later in the month.

Recess - Mr. Farley recessed the meeting at 7:00pm.

Executive Session – The Council went into executive session at 7:06pm to discuss a litigation issue. The session ended at 7:11pm.

Adjourn – A motion was made by Ms. Sabatura and seconded by Mr. Daly to adjourn the meeting at 7:12pm.

Respectfully submitted,

David M Jarrett
Borough Manager/Secretary