

**Borough Council
Minutes – December 18, 2014**

Call to Order – Mr. Farley called the meeting to order at 6:30pm following the conclusion of the Public Hearings. Mr. Farley asked anyone recording the meeting to identify that they are doing so. Ron Cole, WATS/WAVR; Warren Howeler, Morning Times, Jan Scott, and Councilman Jim Daly all indicated that they were audio recording the meeting. Mr. Daly offered the meeting prayer and led the Pledge of Allegiance.

Roll Call – The following members of the Council were present; James Daly, Robert Flick, Eugene Osmun, JoAnn Sabatura, Timothy Shaw, Eugene Cerutti and Henry Farley. **Also present;** Gil Crossett, 2nd Assistant Fire Chief, Elizabeth Fice, Borough Finance Coordinator; Jonathan Foster Jr., Borough Solicitor, David Jarrett, Borough Manager, Christopher Kaiden, Code Enforcement Director, Blane Lathrop, DPW Foreman, and Daniel Reynolds, Police Chief.

Approval of the Minutes - A motion was made by Mr. Shaw and seconded by Mr. Flick to approve the minutes of the November Borough Council meeting with the correction to the minutes adding Mr. Cerutti's name to the roll call vote regarding the advertisement of the Light Commercial Zoning District amendment. There were no objections.

Citizens to be Heard – There were none.

Approval of the Bills List – A motion was made by Mr. Daly and seconded by Mr. Shaw to approve the bills list. **Under the question:** There were none. **Roll Call:** Mr. Daly, Mr. Flick, Mr. Shaw, Mr. Cerutti, Mr. Farley; YES. Mr. Osmun and Ms. Sabatura; NO. **Motion Carries.**

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

Mr. Farley announced that the agenda items requiring votes will be moved up because Mr. Shaw needed to be excused from the meeting at 6:45pm.

Vote to adopt Ordinance #912 – A motion was made by Mr. Daly and seconded by Mr. Flick to adopt Ordinance #912 regulating the number of seats allowed in an eating establishment business located within the Borough's Light Commercial Zoning District. Under the question: There were none. Roll Call: Mr. Daly, Mr. Flick, Mr. Osmun, Ms. Sabatura, Mr. Shaw, Mr. Cerutti, and Mr. Farley; YES. Motion Carries.

Vote to adopt Ordinance #913 – A motion was made by Mr. Flick and seconded by Mr. Cerutti to adopt Ordinance #913 establishing a Local Economic Revitalization Tax Assistance Program (LERTA) in the Borough. Under the question: Mr. Flick stated that he believed that the LERTA program would be a win/win for business owners and the Borough. Roll Call: Mr. Daly, Mr. Flick, Mr. Osmun, Mr. Shaw, Mr. Cerutti, and Mr. Farley; YES. Ms. Sabatura; NO. Motion Carries.

Vote to approve the request to transfer of a Liquor License into the Borough – A motion was made by Mr. Shaw and seconded by Mr. Flick to adopt *Resolution 2014-22* authorizing the transfer of a Liquor License from a business in Athens Borough to Many's Six Pack Shack that will be located in the former Beirne Distributor building on North Wilbur Avenue. Under the question: Ms. Sabatura stated that she was concerned with the number of Liquor Licenses in the Borough but she did see the need for this type of business. Mr. Flick stated that the Skerpons should be supported because they have been good business owners. Mr. Osmun stated that the North Wilbur Avenue property had held a Liquor License and was previously operated as a distributorship. Mr. Shaw stated that he agreed with Mr. Flick and Mr. Osmun. Roll Call: Mr. Daly, Mr. Flick, Mr. Osmun, Ms. Sabatura, Mr. Shaw, Mr. Cerutti, and Mr. Farley; AYE. Motion Carries.

Vote to reclassify Jason Phillips as an Operator/Laborer in the Department of Public Works as recommended by the Public Works Committee. A motion was made by Mr. Flick and seconded by Osmun to reclassify Mr. Phillips. Under the question: Mr. Jarrett stated that the reclassification would become effective January 1, 2015. Roll Call: Mr. Daly, Mr. Flick, Mr. Osmun, Ms. Sabatura, Mr. Shaw, Mr. Cerutti, and Mr. Farley; YES. Motion Carries.

Vote to approve the Memorandum of Understanding between the Borough of Sayre and Daniel J. Reynolds as recommended by the Administration Committee. A motion was made by Mr. Daly and seconded by Mr. Cerutti to approve the Memorandum of Understanding. Under the question: Mr. Osmun asked what the term of the Memorandum of Understanding, and Mr. Jarrett stated that it begins on January 1, 2015 and expires on December 31, 2018. Roll Call: Mr. Daly,

Mr. Flick, Mr. Osmun, Ms. Sabatura, Mr. Cerutti, and Mr. Farley; YES. Mr. Shaw; NO. Motion Carries.

Vote to Adopt Resolution 2014-13 – A motion was made by Mr. Osmun and seconded by Mr. Daly to adopt Resolution 2014-13 authorizing the Council President to sign the application for the Borough's 2014 Community Development Block Grant Entitlement Application requesting \$94,432. **Under the question:** Mr. Farley stated that this is the first of several Resolutions that are required for the Borough's CDBG application. **Roll Call: Mr. Daly, Mr. Flick, Mr. Osmun, Ms. Sabatura, Mr. Shaw, Mr. Cerutti, and Mr. Farley; AYE. Motion Carries.**

Vote to adopt Resolution 2014-14 – A motion was made by Mr. Osmun and seconded by Mr. Daly to adopt Resolution 2014-14 establishing the Borough's Fair Housing Standards. **Under the question:** There were none. **Roll Call: Mr. Daly, Mr. Flick, Mr. Osmun, Ms. Sabatura, Mr. Shaw, Mr. Cerutti, and Mr. Farley; AYE. Motion Carries.**

Vote to Adopt Resolution 2014-15 – A motion was made by Mr. Osmun and seconded by Mr. Daly to adopt Resolution 2014-15 establishing the Code of Conduct for the Borough. **Under the question:** There were none. **Roll Call: Mr. Daly, Mr. Flick, Mr. Osmun, Ms. Sabatura, Mr. Shaw, Mr. Cerutti, and Mr. Farley; AYE. Motion Carries.**

Vote to Adopt Resolution 2014-16 – A motion was made by Mr. Shaw and seconded by Mr. Daly to adopt Resolution 2014-16 approving the Borough's Rehabilitation Act Plan & 504 Annual Review Plan. **Under the question:** There were none. **Roll Call: Mr. Daly, Mr. Flick, Mr. Osmun, Ms. Sabatura, Mr. Shaw, Mr. Cerutti, and Mr. Farley; AYE. Motion Carries.**

Vote to Adopt Resolution 2014-17 – A motion was made by Mr. Daly and seconded by Mr. Osmun to adopt Resolution 2014-17 approving the Borough's Anti-Displacement & Relocation Assistance Plan (RARAP). **Under the question:** There were none. **Roll Call: Mr. Daly, Mr. Flick, Mr. Osmun, Ms. Sabatura, Mr. Shaw, Mr. Cerutti, and Mr. Farley; AYE. Motion Carries.**

Vote to Adopt Resolution 2014-18 – A motion was made by Mr. Daly and seconded by Mr. Osmun to adopt Resolution 2014-18 establishing the Borough's Police Department Use of Force Policy. **Under the question:** There were none. **Roll Call: Mr. Daly, Mr. Flick, Mr. Osmun, Ms. Sabatura, Mr. Shaw, Mr. Cerutti, and Mr. Farley; AYE. Motion Carries.**

Vote to Adopt Resolution 2014-19 – A motion was made by Mr. Flick and seconded by Mr. Cerutti to adopt Resolution 2014-19 amending the Borough's building permit fee schedule. **Under the question:** Ms. Sabatura asked for background information on the fee changes. Mr. Cerutti explained that Code Agency Board had discussed the proposed changes for the past three months and that the proposed changes to the cost of a sign would base the price of a business sign on a percentage of the sign cost. Mr. Cerutti then explained that the commercial building permit fee for a small project which is a project under \$5,000 would be reduced from a base fee of \$100.00 plus \$4.00 Act 13 fee paid to the Pennsylvania Department of Labor & Industry, plus \$22.00 per \$1,000 of the project cost to the \$100.00 base fee, \$4.00 state fee, and \$11.00 per \$1,000 of the project cost. Mr. Cerutti stated that the lower fees should be an encouragement to property owners to improve their properties which ultimately makes the town look better. **Roll Call:** Mr. Daly, Mr. Flick, Mr. Osmun, Ms. Sabatura, Mr. Shaw, Mr. Cerutti, and Mr. Farley; AYE. **Motion Carries.**

Vote to Adopt Resolution 2014-20 – A motion was made by Mr. Shaw and seconded by Mr. Flick to adopt Resolution 2014-20 establishing the hourly rates for part-time and per diem personnel in 2015. **Under the question:** There were none. **Roll Call:** Mr. Daly, Mr. Flick, Mr. Osmun, Ms. Sabatura, Mr. Shaw, Mr. Cerutti, and Mr. Farley; AYE. **Motion Carries.**

Vote to Adopt Resolution 2014 – 21 – A motion was made by Ms. Sabatura and seconded by Mr. Daly to adopt Resolution 2014-21 establishing equipment and personnel rates in 2015. **Under the question:** There were none. **Roll Call:** Mr. Daly, Mr. Flick, Mr. Osmun, Ms. Sabatura, Mr. Shaw, Mr. Cerutti, and Mr. Farley; AYE. **Motion Carries.**

Vote to accept or reject the recommendation of the Planning Commission regarding the demolition permit for 108 North Elmer Avenue. A motion was made by Mr. Shaw and seconded by Mr. Flick to accept the Planning Commission's recommendation to approve the demolition permit for 108 North Elmer Avenue. **Under the question:** Ms. Sabatura stated that she had concerns with process that occurred with the demolition permit and that the chimney and the porch were removed without a permit. Ms. Sabatura stated that she hates to the deterioration of the residential neighborhoods but that she understands why the property is being demolished. **Roll Call:** Mr. Daly, Mr. Flick, Mr. Osmun, Ms. Sabatura, Mr. Shaw, Mr. Cerutti, and Mr. Farley; AYE. **Motion Carries.**

Vote to approve the proposal submitted by Wheatley Painting the amount of \$1,400 to complete touch-up painting in the Police Department Building and the Public Works Building as recommended by the Public Works Committee. A motion was made by Mr. Flick and seconded by Mr. Daly to approve the proposal. **Under the question:** There were none. **Roll Call:** Mr. Daly, Mr. Flick, Mr. Osmun, Ms. Sabatura, Mr. Shaw, Mr. Cerutti, and Mr. Farley; AYE. **Motion Carries.**

Vote to re-appoint Francis Vail to the Healthcare Facilities Board for a five (5) year term. A motion was made by Mr. Shaw and seconded by Mr. Daly to re-appoint Mr. Vail. **Under the question:** There were none. **Roll Call:** Mr. Daly, Mr. Flick, Mr. Osmun, Ms. Sabatura, Mr. Shaw, Mr. Cerutti, and Mr. Farley; AYE. **Motion Carries.**

Vote to accept or reject the bids for the Borough's used vehicle sale. Mr. Jarrett explained that the Borough did not receive any bids for the vehicles.

Vote to accept the bid submitted by the lowest responsible bidder for the Borough's new 2,400 square foot salt shed. A motion was made by Mr. Flick and seconded by Mr. Daly to award the bid to the lowest responsible bidder. **Under the question:** Mr. Jarrett explained that the Borough received three (3) bids for the project and the lowest responsible bid was submitted by CB Structures Inc. of New Holland, Pennsylvania in the amount of \$42,929. Mr. Jarrett stated that he reviewed the bids with Eric Casanave, P.E. of Stiffler-McGraw and Associates and that Mr. Casanave did not feel there was an acceptable reason to reject the bids. Mr. Osmun asked about the design of the salt shed, and Mr. Jarrett explained that the project is 40' by 50' and 24' high and that the contractor will be required to provide stamped engineered drawing for the Borough's review. **Roll Call:** Mr. Daly, Mr. Flick, Mr. Osmun, Ms. Sabatura, Mr. Shaw, Mr. Cerutti, and Mr. Farley; YES. **Motion Carries.**

Vote to accept the bid submitted by the lowest responsible bidder for the Borough's Emergency Snow Removal bid. A motion was made by Mr. Osmun and seconded by Mr. Daly to award the bid to the lowest responsible bidder. **Under the question:** Mr. Jarrett explained that the Borough received one bid which was submitted by Austin Excavating & Paving of Waverly, New York and that the hourly rate for equipment is \$345. Mr. Jarrett stated that the last time the Borough hired a contractor to remove snow was in 2012 and the hourly rate was \$297. Mr. Jarrett said the hourly rate will be the same rate for the full length of the snow removal contract which will expire on December 31, 2017. **Roll Call:**

Mr. Daly, Mr. Flick, Mr. Osmun, Ms. Sabatura, Mr. Shaw, Mr. Cerutti, and Mr. Farley; YES. Motion Carries.

Vote to authorize a donation of \$400 to the Skiff Bower VFW - A motion was made by Ms. Sabatura and seconded by Mr. Osmun to donate \$400 to the Skiff-Bower VFW to assist the organization with the cost of buying new flags and poles that are placed throughout downtown by the organization. **Under the question:** There were none. **Roll Call:** Mr. Daly, Mr. Flick, Mr. Osmun, Ms. Sabatura, Mr. Shaw, Mr. Cerutti, and Mr. Farley; YES. Motion Carries.

Correspondence Report – Mr. Osmun commented on the announcement of the \$241,000 DCNR Grant that was received for the Diahoga Trail Project.

Finance Report – There were non questions or comments.

Committee Reports – The following reports were presented;

- Administration Committee – Mr. Cerutti reviewed the items discussed by the Committee.
- Public Works Committee – Mr. Flick reviewed the items discussed by the Committee.
- Public Safety Committee – Mr. Daly reviewed the items discussed by the Committee.
- Code Enforcement Agency – Mr. Cerutti reviewed the items discussed by the Agency Board.
- Planning Commission – Mr. Daly reviewed the items discussed by the Planning Commission and stated that two terms on the Planning Commission and one on the Zoning Hearing Board will expire on February 1, 2015. A motion was made by Mr. Daly and seconded by Mr. Flick to request letters of interest for the positions. **Under the question:** There were none. **Roll Call:** Mr. Daly, Mr. Flick, Mr. Osmun, Ms. Sabatura, Mr. Cerutti, and Mr. Farley; YES. Motion Carries.
- Library Board – Mr. Farley stated that planning for the annual fundraiser is underway. The event will be held in the Spring.

Elected & Appointed Official's Reports – The following reports were presented;

- ❖ Police Chief – Chief Reynolds explained that the Department is continuing to make arrests for drug violations and that the majority of the arrests are related to bath salts, meth, and heroin. Ms. Sabatura asked about the use of Narcan, and Chief Reynolds stated he would discuss the issue with Mayor Thomas.
- ❖ Borough Manager – Mr. Jarrett thanked everyone for their support of the Christmas Parade.
- ❖ Code Enforcement Officer - Mr. Kaiden reviewed the Agency's accomplishments for the year which included the repair of more than 375 sidewalk violations and resolution of all most all illegal parking lot violations. Mr. Kaiden explained that the only other violation is under appeal and that a decision should be made in February. Mr. Kaiden stated that he was disappointed with the treatment that the Guthrie Federal Credit Union received by the public regarding the demolition of 108 North Elmer Avenue. Mr. Kaiden explained that GFCU fully cooperated with the Agency and the demolition process, yet some people accused the organization of acting inappropriately. Mr. Kaiden stated that a total of six (6) properties located within the historic boundary have been demolished since the ordinance was passed, and four (4) properties were granted approval by the Borough, one (1) property slipped through the cracks, and one (1) property on North Lehigh Avenue was dilapidated that it was not required to get permission from the Borough. Mr. Kaiden thanked the Borough Council, Agency Board, and Borough employees for their support during his first year, and he looks forward to working with everyone in the future.
- ❖ Fire Chief – Chief Repasky reported that the Department's new squad vehicle was placed in service.
- ❖ Valley Joint Sewer Authority – Mr. Farley reported that the plant is online and the project closeout will be completed soon.
- ❖ Emergency Management – Mr. Daly stated that the FEMA Floodplain Map has been completed and that the fire reporting system will change in June.
- ❖ Borough Solicitor – Attorney Foster asked for a brief executive session to discuss a litigation matter regarding the tax assessment appeal filed by Avery Dennison.

❖ Council President – Mr. Farley stated that he had no issues.

Citizen Questions – Joseph Dougherty, representing the Bradford County Veteran’s Memorial Association addressed the Borough Council regarding the Council’s decision to table the vote on a donation to the organizations project in Towanda. Mr. Dougherty explained that he was disappointed in the Council’s decision and that the organization has received 116 donations including \$50,000 from the Towanda VFW and that a total of \$500,000 has been received to date. Mr. Dougherty stated that the first and second state of the project has been completed the third state is started, and stages four and five are next at a cost of \$225,000.

Mr. Farley explained that the Borough Council’s decision was only to table the decision until further information is received and that the donation is still under consideration.

There were no other citizen comments.

Recess – Mr. Farley recessed the meeting at 7:28pm.

Executive Session – The Borough Council went into executive session at 7:33pm to discuss a litigation issue regarding the tax assessment appeal filed by Avery Dennison. The session ended at 8:03pm.

Vote to authorize settlement of the Avery Dennison assessment appeal – A motion was made by Mr. Daly and seconded by Mr. Flick to authorize the Borough Solicitor to settle the assessment appeal filed by Avery Dennison for their property on Wilcox Street. **Roll Call: Mr. Daly, Mr. Flick, Mr. Osmun, Ms. Sabatura, Mr. Shaw, Mr. Cerutti, and Mr. Farley; YES. Motion Carries.**

Adjourn – A motion was made by Mr. Daly to adjourn the meeting at 8:05pm. There were no objections.

Respectfully submitted,

David M. Jarrett
Borough Manager/Secretary

