

**Borough Council**  
**Public Hearing / Regular Meeting**  
**Minutes – January 23, 2014**

**Public Hearing** – Mr. Farley called the Public Hearing regarding the Zoning Ordinance Amendment / Victorian Facades to order at 6:00pm. Attorney Foster stated that the ordinance amendment was developed to keep the historical tone of the buildings in the downtown but that regulations cannot be limited to Victorian facades, because of buildings like Chacona’s Restaurant and the former Newberry store. Attorney Foster explained that property owners will be required to apply for a building permit for façade improvements, and that the Code Enforcement Officer will review plans. Attorney Foster addressed the recommendations provided by the County Planning Commission and stated that the recommendations can be incorporated as a policy rather than amending the ordinance. Attorney Foster stated that the County’s recommendations also included a sketch design that could be used as a reference by applicants.

The following individuals addressed the Borough Council regarding the proposed ordinance amendment;

- Ms. Sabatura asked if the same requirements apply to property owners not using UDAG funds, and Attorney Foster stated that the Code Office will ensure consistency with enforcement of the ordinance. Ms. Sabatura asked what will be done if the scope of work for a renovation changes after a project is started, and Mr. Foster stated that the Code Office will be responsible for inspections. Mr. Flick asked if the Code Office could issue a stop work order in the event a project is not in compliance with the ordinance, and Mr. Foster stated they could. Ms. Sabatura asked if boarded up windows are addressed in the ordinance amendment, and Mr. Foster stated that they would not be allowed.
- Mr. Cerutti stated that the Borough will need to establish a Board to review façade designs and act as a review Board for the Code Appeal process. Ms. Sabatura asked how long it will take to develop a board, and Mr. Cerutti stated it should be in place within the next two months. Ms. Sabatura stated that ordinance amendment should be tabled until a Review Board is appointed.
- Mr. Osmun asked if matching fund program would be a grant or a loan, and if there is still a Victorian Commission. Mr. Jarrett stated that the program would be established as 50/50 grant program that would provide matching funds up to \$5,000. Mr. Foster stated that the Victorian Commission no longer exists and that the ordinance amendment deletes the language in the current ordinance related to the Commission. Mr. Osmun asked if there is presently interest in the grant program, and Mr. Jarrett stated that three business owners have already expressed interest in the program.
- Jan Scott, 204 Hayden Street stated that the Planning Commission met on January 22, 2014 and reviewed the proposed ordinance amendment and developed the following recommendations;
  1. Utilize the TRO Pamphlet as a reference
  2. Utilize the Main Street drawings as a guide.
  3. Delete “Sunbrella” as a reference for awnings.
  4. Better description of the dimensions of a display window
  5. Establish a Review Committee with recommended membership requirements

- Barbara Ault, 332 West Lockhart Street stated that a separate building permit application should be used for façade projects.
- Janice Gardner, 103 Park Place asked why the Borough was reluctant to use the diagram provided by the Planning Commission. Mr. Farley stated that the diagram provided by the County Planning Commission was good and provided enough information to be useful to applicants.

**Adjournment of Public Hearing** – Mr. Farley adjourned the Public Hearing at 6:29pm without objection.

**Call to Order** – Mr. Farley called the January Council meeting to order at 6:30pm. Mr. Daly 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, Eugene Osmun, JoAnn Sabatura, Timothy Shaw, Eugene Cerutti, and Henry Farley. Also present: Elizabeth Fice, Borough Finance Coordinator; Gilbert Crossett, Fire Chief; Jonathan Foster Sr., Borough Solicitor; and David Jarrett, Borough Manager.

**Approval of the Minutes** - The minutes of the December regular Borough Council meeting held on December 19, 2013 and the Borough Council’s re-organization meeting held on January 6, 2014 were both accepted as presented without objection.

**Citizens to be Heard** - The following citizens addressed the Borough Council;

- Peter McClure of North Penn Telephone & Empire Access addressed the Borough Council regarding the company’s interest in entering into a franchise agreement with the Borough to provide television, telephone, and internet services to properties in the Borough. Mr. McClure stated the company is opening an office in Sayre and that he would be meeting with the Administration Committee in February to discuss the company’s plans further.
- Barbara Ault, 332 West Lockhart Street addressed the Borough Council regarding the proposed amendment to the Streets & Sidewalks ordinance that would reduce the time residents have to clean their sidewalks from 24 hours to 12 hours following a storm. Attorney Foster stated that residents would receive a warning notice after 12 hours but would have an additional 24 hours to clean their sidewalk before a citation is issued.  
  
Mrs. Ault stated that she participated in a webinar earlier in the day regarding Act 13 and asked what is being done by the Borough since the Supreme Court ruled against Governor Corbett. Mr. Foster stated that it is believed that Governor Corbett will file a request for reconsideration to the Supreme Court. Mrs. Ault stated that the regulation pertaining to the location of impoundment basins was not included in the Court’s decision.
- Jan Scott, 204 Hayden Street addressed the Borough Council regarding the snow removal ordinance and stated that the reduction in the amount of time given to property owners is unfair.
- Susan White-Alvino, 307 North Lehigh Avenue stated that new snow removal regulation is placing a burden on property owners.

**Correspondence Report** – There were no questions or comments about the January’s report.

**Vote to approve January Bills List** - A motion was made by Mr. Daly and seconded by Mr. Flick to approve the bills list. **Under the question:** There were no questions or comments.

Mr. Daly	Mr. Flick	Mr. Osmun	Ms. Sabatura	Mr. Shaw	Mr. Cerutti	Mr. Farley
YES	YES	YES	YES	YES	YES	YES

**Finance Report – December 31, 2013** – There were no questions or comments regarding the finance report. Mr. Farley stated that the report would be placed on file for audit.

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

**Public Works Committee** – Mr. Flick commended the efforts of the DPW crew during the recent snow storms and reviewed the Committee’s goals and objectives for 2014. Mr. Flick stated that repairs to the Borough Hall roof and Packer Avenue Bridge are also a goal for this year.

**Public Safety Committee** – Mr. Daly reviewed the Committee’s goals and objectives for 2014. Mr. Daly also stated that he was asked by the County EMA office to monitor Cayuta Creek and Susquehanna River during the recent sub-zero weather. Mr. Daly made a motion that was seconded by Mr. Cerutti to write a letter to oppose the proposed changes to the National Flood Insurance Rate that will dramatically increase flood insurance rates for many households. **Under the question:** Mr. Daly stated that Senator Yaw is holding a Public Hearing on the impact of the proposed increases will have on residents throughout the Commonwealth.

Mr. Daly	Mr. Flick	Mr. Osmun	Ms. Sabatura	Mr. Shaw	Mr. Cerutti	Mr. Farley
YES	YES	YES	YES	YES	YES	YES

**Administration Committee** – Mr. Cerutti reviewed the Committee’s goals and objectives for 2014 which included the development of a plan to use of Act 13 funds for projects and the creation of search committee for the replacement of the Police Chief. Mr. Cerutti explained that the Committee discussed the façade ordinance and engineering proposal for the Oliver Lane Pump Station project and recommend that both issues be approved by the Borough Council.

**Code Enforcement Agency** – Mr. Cerutti introduced Christopher Kaiden who began working for the Code Agency on January 6<sup>th</sup> as Code Enforcement Officer II. Mr. Cerutti explained that Mr. Kaiden has been getting familiar with the Agency and will be taking his first training courses in February. Mr. Cerutti also stated that the Agency is working on revisions to the fee schedule which will be presented to the Borough Council as soon as February.

Mr. Cerutti provided an overview of the Agency’s activity for the year. Mr. Cerutti stated that five (5) new homes were built in the Borough in 2012 and one new business.

**Library** – Mr. Farley explained that the Library is required to increase the number of hours it is open each week and will begin Monday hours to fulfill the requirement imposed by the Commonwealth Library System.

**Appointed and Elected Official’s Report** – The following reports were discussed;

**Fire Chief** – Chief Crossett announced that Robert Repasky will become the Department’s Chief on February 1<sup>st</sup>, and William Wood will become the 1<sup>st</sup> Assistant Fire Chief. Chief Crossett will be designated as 2<sup>nd</sup> Assistant Chief for 2014. Chief Crossett thanked the Borough Council for their support during the last year, and the Borough Council thanked Chief Crossett for his leadership.

**Police Chief** – There were no questions or comments.

**Borough Manager** – There were no questions or comments.

**Solicitor's Report** - Attorney Foster reviewed the three ordinances that will be voted on later during the agenda. Mr. Foster asked Mr. Farley for a brief executive session for personnel and litigation issues at the conclusion of the normal business on the agenda.

**Valley Joint Sewer Authority** – Mr. Jarrett announced that the ongoing capital improvement project surpassed \$14 million and is on target to be completed by August 1<sup>st</sup>.

**Mayor** – Mayor Thomas was unable to attend the meeting due to an illness.

**Council President** – Mr. Farley stated that the Borough will be celebrating its 125<sup>th</sup> Anniversary in 2016 and that a Committee will be needed to plan the anniversary events.

**Vote to approve proposal submitted by Borton-Lawson Engineering of Wilkes-Barre, Pennsylvania to provide engineering services for the Oliver Lane Pump Station.** A motion was made by Mr. Osmun and seconded by Mr. Daly to approve proposal submitted by Borton-Lawson Engineering for engineering services for the Oliver Lane Pump Station. **Under the question:** Mr. Cerutti stated that the fees outlined in the proposal are fair and that additional work not covered by the proposal will need to be completed

Mr. Daly	Mr. Flick	Mr. Osmun	Ms. Sabatura	Mr. Shaw	Mr. Cerutti	Mr. Farley
YES	YES	YES	YES	YES	YES	YES

**Vote to accept the resignation of Richard Ault from the Sayre Healthcare Facilities Authority of Sayre.** A motion was made by Mr. Osmun and seconded by Mr. Daly to accept the resignation of Richard Ault. **Under the question:** Mr. Farley stated that the Borough Council will accept letters of interest to fulfill Mr. Ault's unexpired term.

Mr. Daly	Mr. Flick	Mr. Osmun	Ms. Sabatura	Mr. Shaw	Mr. Cerutti	Mr. Farley
YES	YES	YES	YES	YES	YES	YES

**Vote to adopt Ordinance 904 – Zoning Ordinance Amendment to Chapter 173 / Victorian Facades.** A motion was made by Mr. Daly and seconded by Mr. Flick to adopt Ordinance 904. **Under the question:** Ms. Sabatura asked if the motion could be withdrawn and the vote be tabled so that suggestions provided by the County and Borough Planning Commissions could be included in the ordinance. Mr. Daly refused to withdraw his motion. Ms. Sabatura asked if the motion could be amended, and Mr. Daly refused to amend his motion.

Mr. Daly	Mr. Flick	Mr. Osmun	Ms. Sabatura	Mr. Shaw	Mr. Cerutti	Mr. Farley
YES	YES	YES	NO	YES	YES	YES

**Vote to adopt Ordinance 905 – Amendment to Chapter 114 - Occupations Requiring Permits.** A motion was made by Mr. Cerutti and seconded by Mr. Daly to adopt Ordinance 905. **Under the question:** There were no questions or comments.

Mr. Daly	Mr. Flick	Mr. Osmun	Ms. Sabatura	Mr. Shaw	Mr. Cerutti	Mr. Farley
YES	YES	YES	YES	YES	YES	YES

**Vote to adopt Ordinance 906 – Detectable Warning Devices / Amendment to Chapter 141 Streets, Sidewalks, & Driveways.** A motion was made by Mr. Flick and seconded by Mr. Daly to adopt Ordinance 906. **Under the question:** Ms. Sabatura asked why the ordinance amendment was

necessary since the Borough is already required to comply with all state and federal regulations regarding handicap accessibility. Attorney Foster stated that the ordinance amendment is necessary to ensure that utility companies make the appropriate improvements.

Mr. Daly	Mr. Flick	Mr. Osmun	Ms. Sabatura	Mr. Shaw	Mr. Cerutti	Mr. Farley
YES	YES	YES	NO	YES	YES	YES

**Vote to Accept the Resignation of Kevin Belles from his position in the Department of Public Works effective January 3, 2014.** A motion was made by Ms. Sabatura and seconded by Mr. Flick to accept the resignation of Kevin Belles effective January 3, 2014. Under the question: There were none.

Mr. Daly	Mr. Flick	Mr. Osmun	Ms. Sabatura	Mr. Shaw	Mr. Cerutti	Mr. Farley
YES	YES	YES	YES	YES	YES	YES

**Vote to Adopt Resolution 2014 – 01 establishing the hourly rates for Permanent Part-Time and Per Diem employees.** A motion was made by Mr. Shaw and seconded by Mr. Daly to adopt Resolution 2014-01. Under the question: There were none.

Mr. Daly	Mr. Flick	Mr. Osmun	Ms. Sabatura	Mr. Shaw	Mr. Cerutti	Mr. Farley
YES	YES	YES	YES	YES	YES	YES

**Vote to Adopt Resolution 2014 – 02 establishing rates for equipment.** A motion was made by Mr. Shaw and seconded by Mr. Daly to adopt Resolution 2014-02. Under the question: There were none.

Mr. Daly	Mr. Flick	Mr. Osmun	Ms. Sabatura	Mr. Shaw	Mr. Cerutti	Mr. Farley
YES	YES	YES	YES	YES	YES	YES

**Vote to approve the 2014 pond management plan submitted by Aquatic Environmental Services for Island Pond.** A motion was made by Mr. Flick and seconded by Mr. Daly to approve the 2014 pond management plan. Under the question: There were none.

Mr. Daly	Mr. Flick	Mr. Osmun	Ms. Sabatura	Mr. Shaw	Mr. Cerutti	Mr. Farley
YES	YES	NO	YES	YES	YES	YES

**Vote to appoint James Crease to a six (6) year appointment on the Borough’s Civil Service Commission.** A motion was made by Ms. Sabatura and seconded by Mr. Daly to appoint James Crease to the Civil Service Commission to a term that will expire on February 1, 2020. Under the question: Mr. Farley stated that the Borough received two (2) letters of interest for the appointments to the Civil Service Commission. Mr. Cerutti explained that the Administration Committee met on Tuesday, January 21<sup>st</sup> and reviewed the letters of interest that were submitted.

Mr. Daly	Mr. Flick	Mr. Osmun	Ms. Sabatura	Mr. Shaw	Mr. Cerutti	Mr. Farley
YES	YES	YES	YES	YES	YES	YES

**Vote to appoint James Shaw to a six (6) year appointment on the Borough’s Civil Service Commission.** A motion was made by Mr. Flick and seconded by Mr. Daly to appoint James Shaw to the Civil Service Commission to a term that will expire on February 1, 2020. Under the question: Mr. Cerutti stated again that the Administration Committee reviewed the letters of interest at their meeting on January 21<sup>st</sup>.

Mr. Daly	Mr. Flick	Mr. Osmun	Ms. Sabatura	Mr. Shaw	Mr. Cerutti	Mr. Farley
YES	YES	YES	NO	YES	YES	YES

**Vote to approve one (1), four (4) year appointment to the Planning Commission.** A motion was made by Mr. Flick and seconded by Mr. Daly to appoint Maureen Howland to a four (4) year term on the Planning Commission that will expire on February 1, 2018. **Under the question:** Mr. Farley stated that the Borough received three (3) letters of interest for the appointment and they were submitted by Susan White-Alvino, Maureen Howland, and Jan Scott. Mr. Cerutti stated again that the Administration Committee reviewed the letters of interest at their meeting on January 21<sup>st</sup>. Ms. Sabatura and Mr. Osmun both questioned the decision to replace Mrs. Scott given her experience on the Commission and her regular attendance at Council meetings and Committee meetings. Ms. Sabatura asked if it was a conflict of interest for Mr. Shaw to vote on the appointment of Mrs. Howland since she is his sister, and Mr. Foster stated that conflict of interest would only exist if members of the Planning Commission were compensated.

Mr. Daly	Mr. Flick	Mr. Osmun	Ms. Sabatura	Mr. Shaw	Mr. Cerutti	Mr. Farley
YES	YES	NO	NO	YES	YES	YES

**Vote to approve one (1), three (3) year appointment to the Zoning Hearing Board.** A motion was made by Mr. Shaw and seconded by Mr. Osmun to appoint Cy Morris to the a three (3) year term on the Zoning Hearing Board that will expire on February 1, 2017. **Under the question:** Mr. Farley stated that the Borough received letters of interest from Susan White-Alvino and Cy Morris.

Mr. Daly	Mr. Flick	Mr. Osmun	Ms. Sabatura	Mr. Shaw	Mr. Cerutti	Mr. Farley
YES	YES	YES	YES	YES	YES	YES

**Vote to adopt Resolution 2014-03 waiving the requirement of the Borough Police Officers to contribute five (5%) percent of their salary to the pension fund.** A motion was made by Mr. Daly and seconded by Mr. Flick to adopt Resolution 2014-03. **Under the question:** Ms. Sabatura asked why the Borough was waiving the contribution. Mr. Jarrett stated that the fund is solvent and the contribution is not necessary.

Mr. Daly	Mr. Flick	Mr. Osmun	Ms. Sabatura	Mr. Shaw	Mr. Cerutti	Mr. Farley
YES	YES	YES	YES	YES	YES	YES

**Citizen Questions and Comments** - Mr. Farley asked for comments and questions about any issue that the Borough Council had taken action on. The following citizens addressed the Borough Council;

- ❖ Susan White-Alvino, 307 North Lehigh Avenue stated that there is an appearance of unethical actions and that the appointment to the Planning Commission is an end run to get everyone off the Commission.
- ❖ Barbara Ault, 332 West Lockhart Street stated that she has been a member of the Planning Commission for 25 years and this is the first time an incumbent was not re-appointed.
- ❖ Janice Gardner, 103 Park Place asked Mr. Farley for a reason why Mrs. Scott was not re-appointed. Mr. Farley stated that the decision was made by the Borough Council. Mr. Flick stated that Mrs. Howland had been a member of the Borough Council and was involved in the decision process for the recent zoning map changes, and he believes that she has the ability to be a productive member of the Commission.
- ❖ Ron Cole, 609 North Elmer Avenue advised the Borough Council that State Senator Gene Yaw is conducting a Senate Hearing on January 28, 2014 regarding the proposed increases of flood insurance rates.
- ❖ Jan Scott, 204 Hayden Street stated that she participated in a webinar earlier in the day and that Act 13 funds received by municipalities will not be affected by the recent Supreme Court

decision. Mrs. Scott also stated that she was disappointed by the Council's decision not to re-appoint her to the Planning Commission.

**Recess** – Mr. Farley recessed the meeting at 7:38pm prior to executive session.

**Executive Session** – The Borough Council went into executive session at 7:43pm to discuss a personnel issue and a potential litigation issue. The executive session ended at 8:07pm.

**Adjourn** – A motion was made by Mr. Daly and seconded by Mr. Osmun to adjourn the meeting at 8:08pm. There were no objections.

Respectfully submitted,

David M. Jarrett  
Borough Manager/Secretary