

# Sayre Borough Council

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## Minutes – November 19, 2015

**Call to Order** – Mr. Farley called the meeting to order at 6:00pm and 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, Eugene Cerutti, and Henry Farley. Excused; Timothy Shaw. **Also present;** Mayor Denny Thomas, Gilbert Crossett, First Assistant Fire Chief; Elizabeth Fice, Finance Coordinator; Jonathan Foster, Borough Solicitor; Christopher Kaiden, Code Enforcement Director; Blane Lathrop, DPW Foreman; Daniel Reynolds, Police Chief; Tracy Stroup, Second Assistant Fire Chief; and David Jarrett, Borough Manager.

**Approval of the Minutes** – The Minutes of the Borough Council’s October 22, 2015 meeting were approved as presented.

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

- ❖ Jason Bookoff, 302 North Thomas Avenue explained that he is a double amputee and it is sometimes difficult for him to get into his vehicle because traffic is going by at a high rate of speed. Mr. Bookoff also stated that he is concerned the safety of his children because of the traffic.
- ❖ Donna Hazelton, 212 North Thomas Avenue stated that speeding on the street is worse since the roadway was repaved and the vehicles continue to run the stop sign on Dominic Pace Road at the intersection with North Thomas Avenue.
- ❖ Tammy Evans, 302 North Thomas Avenue stated that she is also concerned about speeding is an issue on the street.
- ❖ Mr. Farley asked Mr. Daly and Chief Reynolds to schedule a meeting with businesses owners to discuss the concerns raised by the residents.
- ❖ Mayor Thomas suggested that Guthrie be contacted to assist with the purchase of another speed detection device.
- ❖ Jan Scott, 206 Hayden Street addressed the Borough Council regarding the budget, the solicitor’s retainer, and the appointment to the Shade Tree Commission. Ms. Scott stated that the Borough is stopping citizens from participating on boards because letters of interest are not considered.

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

**Correspondence Report** – Ms. Sabatura asked about the request submitted by the Sayre VFW regarding funding for flag replacement. Mr. Farley explained that the Borough has

\$400 budgeted for new flags. A motion was made by Ms. Sabatura and seconded by Mr. Osmun to provide \$400 to the Sayre VFW for the purchase of new flags for the downtown. .  
**Under the question:** There were none. **Roll Call: Mr. Daly, Mr. Flick, Mr. Osmun, Ms. Sabatura, Mr. Cerutti, and Mr. Farley; YES.**

**Finance Report** – There were no questions or comments.

**Committee Minutes** – The following Committee meetings were discussed;

- Administration Committee – Mr. Cerutti reviewed the topics discussed by the Committee at their meeting on November 17 and minutes of the meeting were distributed. Mr. Cerutti explained that one issue discussed was the possibility of establishing the Emergency Services Tax as part of the 2017 budget process. Mr. Farley stated that the EMS tax is only under discussion as a possible way to generate new revenue. Mr. Cerutti also explained that the re-organization meeting will be on Monday, January 4, 2016 at 12:00pm at the DPW Building. Mr. Osmun asked about the Committee’s discussion regarding a potential PILOT Agreement for the Sayre Gardens Project. Mr. Cerutti explained the discussion was in response to a request from project developer.
- Public Works Committee – Mr. Flick reviewed the topics discussed by the Committee at their meeting on November 9 and the minutes of the meeting were distributed. Mr. Flick commended the DPW personnel for their work on recent projects.
- Public Safety Committee – Mr. Daly reviewed the topics discussed by the Committee at their meeting on November 9.
- Code Enforcement Agency – Mr. Cerutti explained that renovation of 105 Chemung Street is moving forward and that the property looks very nice. Mr. Cerutti also reported that the Agency Board approved new Memorandums of Understanding with Mrs. Joyce and Mr. Kaiden.
- Planning Commission – Mr. Daly explained that the Commission is continuing to work on definitions. Ms. Sabatura asked if the Commission approves minutes of the meetings. Mr. Daly stated that he prepares the minutes and distributes them to Commission members for their review and comment but the minutes are not officially approved. Mr. Farley asked Mr. Daly to start approving his minutes but understood it is difficult to keep track of the flow of the meeting because of interruptions from the citizens attending the meeting. Mr. Farley stated that he is considered to be an “Ogre” for the way he runs Council meetings but it is important to keep control of the meeting.
- Library Board – Mr. Farley stated that the annual fundraising letters have been sent out to the public and that several adult classes are being offered by Library staff.

**Elected & Appointed Officials Report** - The following reports were reviewed by the Borough Council;

- Police Chief – Chief Reynolds explained that he does not doubt that residents believe that vehicles are speeding on North Thomas Avenue however statistics from the traffic speed device show that during a twenty (20) day period, more than 25,500 cars traveled on the street past the sign and eighty-five (85%) of the vehicles had an average speed of 27.7mph. Chief Reynolds further explained that the device was located on North Lehigh Avenue for an eighteen (18) day period and 44,000 cars traveled past the device and the average speed was 27.5mph. Chief Reynolds stated that sixteen (16) special traffic assignments were assigned during the month and forty-five (45) tickets were issued.
- Borough Manager – Mr. Jarrett explained that several important projects were completed last month after a lot of hard work by contractors, engineers, and DPW personnel. Mr. Jarrett also reported that the Borough's Act 205 Pension reports have been completed and submitted to the Commonwealth.
- Code Enforcement – There were no questions or comments.
- Fire Chief – There were no questions or comments.
- Valley Joint Sewer Authority – There were no questions or comments.
- Emergency Management - Mr. Daly reported that an accident occurred on the Thomas Avenue Bridge that resulted in hydraulic fluid leaking on to the roadway and into Cayuta Creek. Mr. Daly stated that the County's EMA responded to supervise the clean-up.
- Borough Solicitor – Mr. Foster reported that he received confirmation from the Attorney General's Office regarding the validity of the Code Agency's Contractor Verification Fee and that the fee is legal due to the fact that the Commonwealth's law only pertains to home improvement contractors, and the Agency registration requirement pertains to all contractors.
- Mayor – Mayor Thomas stated that although the Borough does not waste money and that the use of tax dollars is evident through the completion of projects, he cautioned that Council must be careful to ensure that a large tax increase is not necessary in the future to make up for the years that there was no tax increase. Mayor Thomas explained that the County Commissioners were forced to double their tax rate after years of not increasing taxes. Mayor Thomas also commended the Code Agency for their efforts to get 105 Chemung Street renovated and back on the tax rolls.
- Council President – Mr. Farley announced that the Borough received a sub-division request for 101 South East Street submitted by Steven Crain and that the request will be forwarded to the Bradford County Planning Office for their review and comment. Mr. Farley also stated that action is necessary on a piece of correspondence which was a request for the Pound the Ground for Ultrasound 5K in Riverfront Park.

**A motion was made by Mr. Osmun and seconded by Ms. Sabatura to approve the request.** Under the question: There were none. **Aye – 6 / Nay - 0**

**Vote to adopt the 2016 Budget as recommended by the Administration Committee.** A motion was made by Mr. Daly and seconded by Mr. Flick to adopt the budget. **Under the question:** There were none. **Roll Call: Mr. Daly, Mr. Flick, Mr. Osmun, Mr. Cerutti, and Mr. Farley; YES. Ms. Sabatura; NO. Motion Carries.**

**Vote to adopt Ordinance #917 2016 Tax Ordinance establishing the millage rate at 10.37.** A motion was made by Mr. Flick and seconded by Mr. Daly to adopt Ordinance #917. **Under the question:** There were none. **Roll Call: Mr. Daly, Mr. Flick, Mr. Osmun, Mr. Cerutti, and Mr. Farley; YES. Ms. Sabatura; NO. Motion Carries.**

**Vote to approve the purchase of a 2016 Ford F-550 Dump Truck through the Pennsylvania Cooperative Purchasing Agreement in the amount \$78,711.82 as recommended by the Public Works Committee.** A motion was made by Mr. Flick and seconded by Mr. Daly to approve the purchase of a 2016 Ford F-550 Dump Truck. **Under the question:** There were none. **Roll Call: Mr. Daly, Mr. Flick, Mr. Osmun, Ms. Sabatura, Mr. Cerutti, and Mr. Farley; YES. Motion Carries.**

**Vote to approve the Police Services Agreement with South Waverly Borough as recommended by the Administration Committee.** A motion was made by Mr. Daly and seconded by Mr. Cerutti to approve the Police Services Agreement with South Waverly Borough. **Under the question:** Ms. Sabatura asked about the terms of the agreement. Mr. Jarrett explained that it is a four (4) year agreement and that the annual payment is \$82,000. Ms. Sabatura asked if the annual fee is comparable to the Borough's per officer cost. Mr. Jarrett explained that the amount of the agreement is a three (3%) percent increase from the current agreement and that savings have been implemented into the recently approved collective bargaining agreement that will reduce the Borough's per officer cost during the term of the agreement. **Under the question:** There were none. **Roll Call: Mr. Daly, Mr. Flick, Mr. Osmun, Mr. Cerutti, and Mr. Farley; YES. Ms. Sabatura; NO. Motion Carries.**

**Vote to advertise for applications for the position of Per Diem Patrol Officer as recommended by the Public Safety Committee.** A motion was made Mr. Osmun and seconded by Mr. Daly to advertise for Per Diem Patrol Officer employment applications. **Under the question:** There were none. **Aye – 6 / Nay – 0 Motion Carries**

**Vote to advertise for employment applications for the position of Per Diem Fire Truck Driver and require all current per diem drivers to re-apply for the position if they are interested as recommended by the Public Safety Committee.** A motion was made by Mr. Daly and seconded by Mr. Osmun to advertise for Per Diem Fire Truck Driver employment applications and to require all current per diem drivers to re-apply for the position if they are interested. **Under the question:** There were none. **Aye – 6 / Nay – 0 Motion Carries**

**Vote to re-appoint Henry Farley to the Hospital Authority.** A motion was made by Mr. Daly and seconded by Mr. Flick to re-appoint Henry Farley to the Hospital Authority. **Under the question:** Ms. Sabatura asked what the function of the Hospital Authority is. Mayor Thomas explained that the purpose of the Authority is to provide financing for hospital projects. Mayor Thomas stated that the Authority has one loan outstanding and must remain in existence until the loan is repaid. **Roll Call: Mr. Daly, Mr. Flick, Mr. Osmun, Mr. Cerutti, and Mr. Farley; YES. Ms. Sabatura; NO. Motion Carries.**

**Vote to re-appoint Richard Jennings to the Hospital Authority.** A motion was made by Mr. Daly and seconded by Mr. Flick to re-appoint Richard Jennings to the Hospital Authority. **Under the question:** There were none. **Roll Call: Mr. Daly, Mr. Flick, Mr. Osmun, Mr. Cerutti, and Mr. Farley; YES. Ms. Sabatura; NO. Motion Carries.**

**Vote to approve the request from the Sayre Christmas Parade Committee to prohibit parking along the parade route, the closure of streets, and granting sole soliciting and vending rights to Committee.** A motion was made by Mr. Flick and seconded by Mr. Daly to approve the request from the Parade Committee. **Under the question:** There were none. **Aye – 6 / Nay – 0 Motion Carries**

**Vote to approve Pay Application #3 submitted by Vacri Construction Corporation in the amount of \$64,166.80 for work completed in conjunction with the Chemung / Desmond Stormwater Improvement Project.** A motion was made by Mr. Flick and seconded by Mr. Osmun to approve Pay Application #3 for the Chemung / Desmond Stormwater Improvement Project. **Under the question:** Ms. Sabatura asked about the status of the project and the remaining unpaid balance. Mr. Jarrett stated that the final inspection was completed on November 18<sup>th</sup> and that the contractor will need to complete some minor repairs. Mr. Jarrett stated that he did not know the remaining unpaid balance but he would review the pay request and advise the Council of the amount. **Roll Call: Mr. Daly, Mr. Flick, Mr. Osmun, Mr. Cerutti, and Mr. Farley; YES. Ms. Sabatura; NO. Motion Carries.**

**Vote to approve Pay Application #4 submitted by Vacri Construction Corporation in the amount of \$108,350.00 for work completed in conjunction with the Oliver Lane Pump Station Project.** A motion was made by Mr. Daly and seconded by Mr. Flick to approve Pay Application #4 submitted by Vacri Construction for the Oliver Lane Pump Station Project. **Under the question:** Mr. Jarrett explained that the remaining unpaid balance owed to Vacri Construction is \$48,773. **Roll Call: Mr. Daly, Mr. Flick, Mr. Osmun, Ms. Sabatura, Mr. Cerutti, and Mr. Farley; YES. Motion Carries.**

**Vote to approve Pay Application #3 submitted by RG Electric in the amount of \$18,469.80 for work completed in conjunction with the Oliver Lane Pump Station Project.** A motion was made by Mr. Daly and seconded by Mr. Flick to approve Pay Application #3. **Under the question:** Mr. Jarrett explained that the remaining balance on the project is \$31,626.60. **Roll Call: Mr. Daly, Mr. Flick, Mr. Osmun, Ms. Sabatura, Mr. Cerutti, and Mr. Farley; YES. Motion Carries.**

**Vote to approve Pay Application #4 submitted by RG Electric in the amount of \$21,483.00 for work completed in conjunction with the Oliver Lane Pump Station Project.** A motion was made by Mr. Daly and seconded by Mr. Flick to approve Pay Application #4. **Under the question:** Mr. Jarrett explained that the remaining balance is now \$10,143.60. **Roll Call: Mr. Daly, Mr. Flick, Mr. Osmun, Ms. Sabatura, Mr. Cerutti, and Mr. Farley; YES. Motion Carries.**

**Vote to approve the Memorandum of Understanding with Kandy Ferguson as recommended by the Administration Committee.** A motion was made by Mr. Flick and seconded by Mr. Daly to approve the Memorandum of Understanding with Kandy Ferguson. **Under the question:** Ms. Sabatura asked what the amount of Ms. Ferguson's pay increase would be under the new agreement. Mr. Jarrett explained that the agreement would be for two (2) years, and that Ms. Ferguson's salary would increase by \$1,760.00 in 2016 and \$1,560.00 in 2017. Mr. Jarrett also stated that Ms. Ferguson has done an outstanding job managing the delinquent sewer process resulting in the satisfaction of many delinquent accounts. **Roll Call: Mr. Daly, Mr. Flick, Mr. Osmun, Ms. Sabatura, Mr. Cerutti, and Mr. Farley; YES. Motion Carries.**

**Vote to approve the Memorandum of Understanding with Foster Law Office as recommended by the Administration Committee.** A motion was made by Mr. Daly and seconded by Mr. Flick to approve the Memorandum of Understanding with Foster Law Office. **Under the question:** Mr. Jarrett stated that the hourly rate will remain the same as the 2015 rate for the term of the agreement. Ms. Sabatura asked why the position wasn't put out for bids and asked when the last time it was put out for bids. Mr. Jarrett explained that it has been several years since the position was advertised and that only three (3) attorneys submitted letters of interest and only Mr. Foster was qualified. Mr. Jarrett stated that in the past, the Borough had a large number of lawsuits dealing with litigation however most of those issues have been resolved today due in part to better code enforcement and that legal fees incurred now are associated to enforcement of codes. Mr. Flick stated that \$3,000 in legal fees was incurred last month defending the contractor registration fee. **Roll Call: Mr. Daly, Mr. Flick, Mr. Osmun, Mr. Cerutti, and Mr. Farley; YES. Ms. Sabatura; NO. Motion Carries.**

**Citizen Questions** – There were no questions or comments.

**Adjourn** – A motion was made by Mr. Daly and seconded by Mr. Osmun to adjourn the meeting at 7:15pm without objection.