

Borough Council Meeting June 21, 2012

PUBLIC HEARING – ZONING CHANGE FOR BIRCHWOOD SAYRE APARTMENTS Tax Parcel #34-007.11-104 - Mr. Farley called the public hearing to order at 6:00pm. Mr. Farley explained that the proposed change to the Zoning District is from Single-Family Residential RS District to Multifamily Residential RM District for this parcel only.

- James Delpierre – 114 Larch Road – Addressed the Borough Council with his concerns regarding the existing conditions of the area including traffic, number of cars that require parking, increased need for parking with the construction of the new unit, expansion of sanitary sewer system that may require road work, and lack of dumpsters.
- Mark Gallagher – Property Manager Birchwood Village – Explained that the project's scope of work is to construction one building with six apartment units. Mr. Gallagher also explained that the use of the property as multi-family residential has existed for nearly forty years and that the change is only necessary to properly zone the property as it is being used.
- Mr. Farley stated that the action of the Borough Council is only to correct the zoning designation of the property and that there will be additional steps including zoning approval of variances before the construction of the new building will be approved.
- Ms. Sabatura asked if there were any plans to expand and construct additional buildings, and Mr. Gallagher stated that the property owners did not have any plans to expand and that the property's owners do not have plans to expand beyond the one building. Ms. Sabatura asked Tim Phinney of Hunt Engineering who is also serving as the project manager if he knew if there were plans to construct additional buildings on the property, and Mr. Phinney stated that he agreed with Mr. Gallagher that the plan was to construction one building.

Mr. Farley concluded the Public Hearing at 6:09pm without objection.

Call to Order -- Mr. Farley called the meeting to order at 6:10pm and Ms. Sabatura offered the prayer and led the flag salute.

Roll Call – The following members of the Borough Council were present; Mr. Cerutti, Mr. Farley, Mr. Flick, Mr. Hickey, Mrs. Howland, and Ms. Sabatura. **Also Present;** Denny Thomas, Mayor; Elizabeth J. Fice, Borough Finance Coordinator; David Jarrett, Borough Manager; and Attorney Jonathan Foster Sr., Borough Solicitor. **Excused:** Mr. Osmun

Approval of the Minutes – There were no questions or comments of the minutes of the May regular or special meeting. The minutes will stand as presented.

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

- ❖ Shelly Northrup – 124 Francis Street - Ms. Northrup asked if agenda item 17 was the same issue as discussed during the public hearing and also expressed concern with appointment of Sam Thrush to the Borough's Planning Commission because he is an employee of the Bradford County Planning Office.

Finance Report – There were no questions or comments of the May 31, 2012 finance report. The report will be filed for audit.

Bills List – A motion was made by Mr. Cerutti and seconded by Mr. Flick. **Under the question:** Ms. Sabatura asked about the invoice for ink pens, and Mr. Jarrett explained that they were purchased in conjunction with the opening of the new police department building. **Roll Call: Mr. Flick, Mr. Hickey, Mrs. Howland, Ms. Sabatura (with exception of the invoice for the ink pens), Mr. Cerutti, and Mr. Farley; YES. Mr. Osmun; Excused. Motion Carries.**

Correspondence Summary – Ms. Sabatura asked if the Zoning Hearing was held for the Amato variance and asked why the website dashboard report was distributed when she previously stated it was not necessary to distribute the report. Mr. Farley stated that the Borough Council did not make a decision on the issue, and therefore it will continue to be distributed. There were no questions or comments.

Appointed & Elected Official's Reports: The following reports were given;

- **Borough Manager/CDBG Coordinator** – Mr. Jarrett reported that the summer concert series kicked off on June 20th and approximately 100 people attended the concert. Mr. Jarrett stated that concerts will continue through August 29th. Mr. Jarrett also stated that the Sayre Historical Society has coordinated the relocation of the Lehigh Valley Caboose from the north parking lot to the tracks on the south side of the museum. The move will take place on Saturday, July 7th with assistance from G.E. Rail Car. Mr. Jarrett was asked about the proposed renovation to the office area formally used by the police department, and he explained that the plans are currently being developed and would be paid for by code enforcement budget.
- **Fire Chief's Report** – There were no questions or comments.
- **Police Chief's Report** – Ms. Sabatura asked for a more detailed report similar to the Fire Chief's Report with narratives for the incidents. Mayor Thomas stated that the Chief will continue to submit his monthly reports in the current format due to the confidentiality of the incidents.

A motion was made by Ms. Sabatura to require the Police Chief to provide narratives in addition to his standard monthly report and that the narrative report be stamped confidential. The motion died for lack of second.

- **Code Enforcement** – Mr. Cerutti explained that a detailed report of the Agency's activity for the first six months of 2012 will be presented at the Agency's next meeting. Mr. Cerutti stated that the report will be distributed to the Borough Council for their review.
- **Borough Solicitor** – Attorney Foster explained that he provided a revised version of the surveillance ordinance to the Administration Committee and that he is finalizing the ordinance that addresses continuous code issues and that he will provide a copy of ordinance to the Administration Committee in July. Attorney Foster stated that he is continuing to work on the sidewalk detectable device ordinance, flood plain ordinance, and oil & gas ordinance. Attorney Foster asked for a brief executive session following the meeting to discuss a litigation issue.

- **Mayor** – Mayor Thomas commented on the opening of the new police building and stated that an open house for the new buildings should be held. Mayor Thomas also explained that a ceremony will be held on Wednesday, August 29th prior to the start of the last concert in the park recognizing all of the businesses and individuals that helped with improvements in Howard Elmer Park. Mayor Thomas stated that the amount of donations exceeded expectations and therefore improvements will be made to the electrical system in the park.
- **Council President** -- Mr. Farley reminded the Borough Council that Sayre is hosting the annual Valley Memorial Day Parade and stated that he would be participating in the parade and invited all of the members of the Borough Council to participate. Mr. Farley also announced that the Borough received a subdivision application for Teresa Ann Smith & Patrick Sullivan for a property on Franklin Street and the application has been forwarded the Bradford County Planning Office
- **Valley Joint Sewer Authority** - Mr. Jarrett provided an update on the upgrade project.

Vote to approve Pay Application #4 from Premier Construction Group in the amount of \$17,418.37 for work completed at the William J. Hickey Building.

A motion was made by Mr. Cerutti and seconded by Mrs. Howland to approve Pay Application #4 from Premier Construction Group in the amount of \$17,418.37 for work completed at the William J. Hickey Building. **Under the question:** There were no questions or comments.

Roll Call: Mr. Flick, Mrs. Howland, Ms. Sabatura, Mr. Cerutti, and Mr. Farley; YES. Mr. Osmun; Excused. Mr. Hickey; Abstained.

Vote to approve Pay Application #5 submitted by G. DeVincentis & Son in the amount of \$5,496.00 for work completed on the Bradford/Hoover/Draper Infrastructure Project.

A motion was made by Mr. Flick and seconded by Mr. Hickey to approve Pay Application #5 submitted by G. DeVincentis & Son in the amount of \$5,496.00 for work completed on the Bradford/Hoover/Draper Infrastructure Project. **Under the question:**

Mr. Flick asked Mr. Jarrett to make sure the joints of the roadways are tacked. **Roll Call: Mr. Flick, Mrs. Howland, Mr. Hickey, Ms. Sabatura, Mr. Cerutti, and Mr. Farley; YES. Mr. Osmun; Excused.**

Vote to approve Pay Application #8 submitted by G. Webster Inc., in the amount of \$163,591.85 for work completed at the William J. Hickey Building.

A motion was made by Mr. Cerutti and seconded by Mr. Flick to approve Pay Application #8 submitted by G. Webster Inc., in the amount of \$163,591.85 for work completed at the William J. Hickey Building. **Under the question:** Ms. Sabatura asked if the building was near completion.

Mr. Jarrett explained that the emergency generator and fencing were the two remaining items to complete the project. **Roll Call: Mr. Flick, Mrs. Howland, Ms. Sabatura, Mr. Cerutti, and Mr. Farley; YES. Mr. Osmun; Excused. Mr. Hickey; Abstained.**

Vote to approve Pay Application #9 from Matco Electric in the amount of \$16,422.60 for work completed on the DPW/EOC Building Project.

A motion was made by Mr. Hickey and seconded by Mr. Cerutti to approve Pay Application #9 from Matco Electric in the amount of \$16,422.60 for work completed on the DPW/EOC Building Project. **Under the question:** There were no questions or comments.

Roll Call: Mr. Flick, Mrs. Howland, Mr. Hickey, Ms. Sabatura, Mr. Cerutti, and Mr. Farley; YES. Mr. Osmun; Excused.

Vote to approve Change Order #16 submitted by G. Webster Inc. to furnish and install a new 48kw generator for the new William J. Hickey Building. A motion was made by Mr. Flick and seconded by Mrs. Howland to approve Change Order #16 submitted by G. Webster Inc. to furnish and install a new 48kw generator for the new William J. Hickey Building. **Under the question:** Mr. Flick asked if the generator was natural gas, and Mr. Jarrett stated it was. **Roll Call: Mr. Flick, Mrs. Howland, Mr. Cerutti, and Mr. Farley; YES. Ms. Sabatura; NO. Mr. Osmun; Excused. Mr. Hickey; Abstained.**

Vote to approve proposal from Jay's Carpet of Athens, PA to furnish and install flooring in DPW building in the amount of \$6,495.00 as recommended by the Public Works Committee. A motion was made by Mr. Flick and seconded by Mr. Hickey to approve proposal from Jay's Carpet of Athens, PA to furnish and install flooring in DPW building in the amount of \$6,495.00 as recommended by the Public Works Committee. **Under the question:** Ms. Sabatura asked if other quotes were sought for the work, and Mr. Jarrett stated that it was not necessary to seek other quotes due to the cost, and that the Borough wanted the same type of flooring installed in the new police building. **Roll Call: Mr. Flick, Mrs. Howland, Mr. Hickey, Ms. Sabatura, Mr. Cerutti, and Mr. Farley; YES. Mr. Osmun; Excused.**

Vote to authorize the purchase of nine (9) new Tasers® from Witmer Public Safety Group – The Officer's Store in the amount of \$7,245 as recommended by the Public Safety Committee. A motion was made by Mr. Flick and seconded by Mr. Cerutti to authorize the purchase of nine (9) new Tasers® from Witmer Public Safety Group – The Officer's Store in the amount of \$7,245. **Under the question:** Mrs. Howland asked how many Tasers the Borough had and Mayor Thomas explained that purchase of the nine new tasers will now allow each officer to have his own and the part-time officers would use the four tasers already owned by the Borough. **Roll Call: Mr. Flick, Mrs. Howland, Mr. Hickey, Ms. Sabatura, Mr. Cerutti, and Mr. Farley; YES. Mr. Osmun; Excused.**

Vote to adopt Ordinance #889 amending Chapter 173 Zoning Map of the Code of the Borough of Sayre. A motion was made by Mr. Hickey and seconded by Mrs. Howland to adopt Ordinance #889 amending Chapter 173 Zoning Map of the Code of the Borough of Sayre. **Under the question:** Mr. Farley clarified that this ordinance only pertains to the Birchwood Apartments parcel. **Roll Call: Mr. Flick, Mrs. Howland, Mr. Hickey, Ms. Sabatura, Mr. Cerutti, and Mr. Farley; YES. Mr. Osmun; Excused.**

Vote to reject the proposal received from TS Cleaning Services for cleaning services at the Borough's DPW building and William J. Hickey Building. A motion was made by Mr. Cerutti and seconded by Mrs. Howland to reject the proposal received from TS Cleaning Services for cleaning services at the Borough's DPW building and William J. Hickey Building. **Under the question:** Mr. Jarrett explained that the scope of work outlined in the request for proposals will be modified and re-advertised in the future. **Motion Carries.**

Vote to approve request from the Williams Auto Group to use Riverfront Park to hold our Sounds of Scion Saves the Music event on Saturday, July 21, 2012. A motion was made by Ms. Sabatura and seconded by Mr. Flick to approve request from the Williams Auto Group to use Riverfront Park to hold our Sounds of Scion Saves the Music event on Saturday, July 21, 2012. **Under the question:** There were no questions or comments. **Motion Carries.**

Vote to advertise for bids for the 2012 Paving Project as recommended by the Public Works Committee. A motion was made by Mr. Flick and seconded by Mrs. Howland to advertise for bids for the 2012 Paving Project as recommended by the Public Works Committee. **Under the question:** Mr. Cerutti asked what section of Stevenson Street was included in the project and Mr. Jarrett explained that it would be the block between Larch Road and Cedar Street including the intersection with Toolan Lane. Ms. Sabatura asked what section of Chacona Lane is in the project, and Mr. Jarrett stated it was the section between Cross Street and Allison Street; and specifically the portion behind the Morning Times. **Motion Carries.**

Vote to approve the placement of plaque at Island Pond in memorial of Jack Rhodes in recognition of his leadership and hard work over many years made his vision for Island Pond a reality. A motion was made by Mr. Hickey and seconded by Mrs. Howland to approve the placement of plaque at Island Pond in memorial of Jack Rhodes. **Under the question:** There were no questions. **Motion Carries.**

Vote to approve the placement of a plaque at the John Stetz Sr. Park in memorial of John Stetz Jr. in recognition of his years of service as a Borough Councilmember, Mayor, and Sewer Authority Representative. A motion was made by Ms. Sabatura and seconded by Mr. Hickey to approve the placement of a plaque at the John Stetz Sr. Park in memorial of John Stetz Jr. **Under the question:** Mr. Hickey stated that Mr. Stetz was also a member of the Sayre Healthcare Facilities Authority at the time of his death. **Motion Carries.**

Vote to accept the resignation of Robert Dydynski as the citizen-at-large member on the Sayre Code Enforcement Agency Board. A motion was made by Mr. Cerutti and seconded by Mr. Flick to accept the resignation of Robert Dydynski as the citizen-at-large member on the Sayre Code Enforcement Agency Board. **Under the question:** Ms. Sabatura thanked Mr. Dydynski for his service to the Agency. **Motion Carries.**

Vote to accept the resignation of Robert Dydynski as one of the Sayre Borough representatives on the Valley Joint Sewer Authority Board. A motion was made by Mr. Hickey and seconded by Mr. Flick to accept the resignation of Robert Dydynski as a Borough representative on the Valley Joint Sewer Authority. **Under the question:** Ms. Sabatura thanked Mr. Dydynski for his service to the Agency. **Motion Carries.**

Vote to accept the resignation of Robert Dydynski as a member of the Sayre Borough Planning Commission. A motion was made by Mr. Flick and seconded by Mrs. Howland to accept the resignation of Robert Dydynski as a member of the Sayre Borough Planning Commission. **Under the question:** Mr. Dydynski was thanked for his service. **Motion Carries.**

Vote to appoint Sam Thrush, 141 Sunset Street, Sayre, PA to fill the unexpired term of Robert Dydynski on the Sayre Borough Planning Commission. A motion was made by Mr. Hickey and seconded by Mr. Flick to appoint Sam Thrush, 141 Sunset Street, Sayre, PA to fill the unexpired term of Robert Dydynski on the Sayre Borough Planning Commission. **Under the question:** Attorney Foster was asked if it would be a conflict of interest for Mr. Thrush to be a Planning Commission member since he was an employee of the County Planning Office. Attorney Foster stated it would not be a conflict of interest because Mr. Thrush only serves in the capacity of a plan reviewer. **Motion Carries.**

Vote to extend the temporary parking restrictions on Harrison Street, Madison Street, Reilly Street, and Onondaga Street for a period of no more than 90 days so that further review and consideration of the parking change can be completed. A motion was made by Mr. Hickey and seconded by Mrs. Howland to extend the temporary parking restrictions on Harrison Street, Madison Street, Reilly Street, and Onondaga Street for a period of no more than 90 days. **Under the question: Mr. Flick explained that reason for extending the trial period. Ayes: 5 Nays: 1 Excused: 1**

Vote to approve request from the Sayre Historical Society to host the 2nd Annual History Fair on Saturday, September 8, 2012. Motion was made by Mr. Cerutti and seconded by Mrs. Howland to approve request from the Sayre Historical Society to host the 2nd Annual History Fair. **Under the question:** There were no questions or comments. **Motion Carries.**

Vote to authorize temporary parking for Municipal vehicles and Fire Department Personnel in the two parking spaces formally designated as police car parking only on West Packer Avenue in accordance with Chapter 163-4 *Experimental Regulations of the Borough Code.* A motion was made by Mrs. Howland and seconded by Mr. Flick to authorize temporary parking for Municipal vehicles and Fire Department Personnel in the two parking spaces formally designated as police car parking only on West Packer Avenue. **Under the question:** There were no questions or comments. **Motion Carries.**

Vote to advertisement amendment to Chapter § 163-63 Schedule X: Parking Prohibited at All Times designating the two parking spaces formally designated as police car parking only on West Packer Avenue as Municipal Vehicle Parking (North side of street) and Fire Department Personnel (South side of Street). A motion was made by Mr. Flick and seconded by Mr. Hickey to advertisement amendment to Chapter § 163-63 Schedule X: Parking Prohibited at All Times designating the two parking spaces formally designated as police car parking only on West Packer Avenue as Municipal Vehicle Parking (North side of street) and Fire Department Personnel (South side of Street). **Under the question:** There were no questions or comments. **Motion Carries.**

Committee Reports

- **Public Works** – Mr. Flick reviewed the issues discussed at the Committee’s meeting.
- **Public Safety** – Mr. Jarrett reviewed the issues discussed at the Committee’s meeting.
- **Administration** – Mr. Cerutti reviewed the issues discussed at the Committee’s meeting and stated that the Committee is waiting for information from Plannign Commission on the proposed Transitional Residential Zoning District.
- **Library** – Mr. Farley stated that Suzanne K. Jarrett has been appointed by the Library Board to represent the Library on the County System Board.
- **Shade Tree Commission** – Mr. Jarrett stated that the Borough received a resignation from Jay Olisky from the Commission.

A motion was made by Mr. Flick and seconded by Mrs. Howland to accept the resignation of Jay Olisky from the Shade Tree Commission with regret. Under the question: There were no questions or comments. **Motion Carries.**

A motion was made by Mr. Flick and seconded by Mr. Hickey to place a plaque on the bandstand in Howard Elmer Park recognizing the contributors the improvement project in the park. Under the question: There were no questions or comments. **Motion Carries.**

Recess – Mr. Farley recessed the meeting 7:03pm prior to going into executive session at 7:09pm to discuss a litigation issue. The executive session ended at 7:19pm.

Adjourn – A motion was made by Mr. Flick and seconded by Mr. Hickey to adjourn the meeting at 7:20pm without objection. There were no objections. Motion Carries.

Respectfully Submitted,

David M Jarrett
Borough Manager/Secretary