

BOROUGH OF WEST EASTON  
COUNCIL MEETING

FEBRUARY 8, 2016

***APPROVED***

The regular monthly meeting of the Council of the Borough of West Easton, Northampton County, Pennsylvania, was called to order at 7:00 p.m. by Council President Dan DePaul in Council Chambers of the West Easton Municipal Building, 237 Seventh Street, West Easton, Pennsylvania.

Roll was taken and Council President noted there was a quorum. Present were Council President Dan DePaul, Council Members Ron Nixon, Matthew Dees, Henry Nodoline and Robert Lewis. Council Members Thomas Nodoline and Louis Nikos were absent. Mayor Gerald Gross; Treasurer, Carl Pierson; and Solicitor Steve Goudsouzian were present. Leon Stull, Bruce Walter, Pete & Sandi Rossi, Trude Hargraves, Pete & Bonnie Mammana, Tricia Mezzacappa and Nick & Linda Voigt were members of the public in attendance.

A motion by Mr. H. Nodoline, second by Mr. Lewis, Council approved check # 14672 through 14725 in the General Fund and check #1938 and #1939 in the Sewer Fund.

Discussion – Council President DePaul questioned ck#14692 which pays for the Worker's Compensation for the Borough Fire Company and Borough personnel. Mr. DePaul also commented on ck# 14694 which was for two rims purchased from Collis Truck Parts to replace two of the rims from Truck #2306 which were damaged during the snow storm.

Motion passed 5-0.

Council President DePaul continued discussion regarding unpaid bills. The T&M Associates unpaid bills related to bills that date back as far as 2013 as well as current bills. Assad Younes outstanding bill is for computer services for the latter half of 2015. Mr. DePaul said we would automatically write out the check for the Solicitor. Bean Contractors, Inc is for snow removal after the storm in the amount of \$13,000.00. Mr. DePaul stated the Borough hopes to recoup more than \$8,000.00 if the state is approved for disaster relief.

A motion by Mr. Nixon, second by Mr. Dees, Council approved to pay Bean Contractors, Inc for charges incurred for snow removal. Motion passed 5-0.

A motion by Mr. H. Nodoline, second by Mr. Dees, Council approved January Receipts and Deposits. Motion passed 5-0.

A motion by Mr. Dees, second by Mr. H. Nodoline, Council approved the minutes from January 4, 2016 with corrections.

Discussion – Mayor Gross wanted to correct the minutes to add the other two applicants, Elliot & Elliot and King, Spry. He also wanted to have added to the minutes that copies of their information were copied and given to Council prior to their vote.

Matt Dees asked that the minutes be corrected that he had asked twice if anyone knew what happened to the computers and hard drives and Council President DePaul asked once and no one spoke up.

A motion by Mr. Nixon, second by Mr. Lewis, Council approved the minutes from January 11, 2016. Motion passed 5-0.

A motion by Mr. Nixon, second by Mr. Dees, Council approved the minutes from January 25, 2016. Motion passed 5-0.

A motion by Mr. Lewis, second by Mr. Nixon, Council approved the Treasurer's report for January.

Discussion – Mr. Carl Pierson explained his report and recommendations. The first recommendation was to eliminate the smaller Sewer fund account and deposit it into the larger account. Solicitor Goudsouzian asked if one was interest bearing and the other was not. Mr. Pierson replied that both are interest bearing accounts and the bank charges an analysis fee on every account.

A motion by Mr. Dees, second by Mr. Nixon, Council approved to merge the two accounts. Motion passed 5-0.

Mr. Pierson also asked that the Safe Deposit box be closed. Unfortunately the key is lost and to close the box a fee will be charged to drill the lock. Mr. Dees asked if we could find out who was the last person to have accessed the box. Mr. Pierson said the annual fee is \$40. Mr. Lewis asked if it was cheaper to do it now rather than later. Council President DePaul mentioned that the bank should have a record of who accessed the box and when.

The third recommendation was to rename the Depreciation Fund to Operating Reserve Fund. Mr. Pierson stated that the Council set this account up as an Emergency Fund for the Borough. Mayor Gross said it was a budget item that was \$1,000/year to cover expenses over and above amounts that were budgeted for.

A motion by Mr. Nixon, second by Mr. Lewis, Council approved to change the name of the Depreciation Fund to Operating Reserve Fund. Motion passed 5-0.

Mr. Pierson's final recommendation was to move some of the funds from the General Fund into a CD to earn additional interest. Council President DePaul asked what the minimum amount of time a CD could be issued. Mr. Pierson replied minimum time would be one year. Council would need to decide the amount and length of time.

Solicitor Goudsouzian suggested staggering the amounts over time. Mr. Mammana suggested that Mr. Pierson investigate rates at other banks.

Motion passed 5-0.

Richard Hyde of EZMicro was not present. Council President DePaul asked David Gehman to provide an update of the computer matters. Mr. Gehman stated that the old financial software is back in the office and we now have access to it. Work is currently being entered from December 31, 2015 to date to bring the records up to date.

Public Comment - None

### Mayor's Report

Mayor Gross opened his report by directing his comments to Solicitor Goudsouzian that he would like a response from the Solicitor in regards to being excluded from the Executive Session. Mayor Gross stated that he had received an opinion from the Pennsylvania State Mayors Association and would like his view. Mayor Gross referred to Borough Code 11-7A.

The Mayor directed the Solicitor to look into the Treatment Center of West Easton (County Codification #12-5-45) there was discussion on how financing was constructed and the fiscal year.

Mayor Gross visited the Borough office the day after the last Council meeting and showed Council President where the Ordinances and Resolutions are located in the Borough. Mayor Gross felt that it was an office staff job and not the Solicitor's job to update the Ordinances and Resolutions. Mayor Gross felt that the current Council was throwing the last 100 years of Borough government under the bus.

Mayor Gross and Mr. Pierson spoke about the Codification process that occurred in 2006. Former Council President Bill Concolino had previously worked on the process. Solicitor Goudsouzian said the problem is that there has been 10 years since it had been started.

Mayor Gross wanted to know where we stood on the Laurel Hill Development. The Mayor also mentioned that if the Borough Solicitor still represented Pete Rossi the Borough should hire independent counsel regarding this matter. He would like to see the process done right. Solicitor Goudsouzian stated he would report back to Council.

Mayor Gross has been speaking to the Mayor of Wilson, David Perruso, regarding police coverage. The Mayor asked how far Council wants him to go regarding this matter. Mr. Dees suggested that it would be best to speak with the committee regarding this matter.

Engineer's Report – None

## Solicitor's Report

Solicitor Goudsouzian opened his report with the check that was issued to Kelly Gross for the Emergency Manager Coordinator. Upon investigation she was not the Emergency Manager Coordinator. Mr. Goudsouzian explained that a person in this position would be nominated by the Borough but must be appointed by the Governor.

A motion by Mr. Dees, second by Mr. H. Nodoline, Council approved the Solicitor to recover the \$450 from Kelly Gross. Motion passed 5-0.

The Solicitor continued with the letter that was sent out to Kelly Gross in December. It was determined to be a personal letter and not a newsletter. Mr. Dees stated the costs between postage and copying fees would be about \$520.00. Council President DePaul asked the Solicitor his opinion as to whether the Borough should attempt to collect these fees; he stated that the Borough should attempt to collect these fees.

A motion by Mr. Dees, second by Mr. H. Nodoline, Council approved the Solicitor to recover the \$520 from Kelly Gross.

Discussion – Mr. Lewis asked if the action would be in letter form. Solicitor Goudsouzian stated it would be.

Motion passed 5-0.

Solicitor Goudsouzian updated the Council on the status of the Mezzacappa litigation. Ms. Mezzacappa has signed the requested paperwork and he has filed the necessary paperwork to end the litigation.

The Solicitor continued with the review of the new truck lease. His view of the lease is that it is one sided and that all monies need to be paid to the leasing company. As to the question of if the vehicle was being used for its intended purpose, he stated that it was because it was being used as a plow vehicle. Council President DePaul raised questions regarding Lemon Laws. The Borough currently does not have the truck because it is out for additional repairs. Solicitor Goudsouzian mentioned that the Lemon Laws are different for commercial vehicles rather than a personal vehicle. Mr. H. Nodoline stated that this lease was not a good lease for the Borough. The truck is only good for small storms.

Council President mentioned that Star Buick GMC contacted the Borough in regards to the issues with the salt spreader and the only reason why the dealership knows about the problem is that they sold another truck of the same type to Glendon and their vehicle has the same problem.

Solicitor Goudsouzian said that we would discuss the outstanding fees due to T&M Associates, the outstanding issues with the computers and the Condemnation of the Ridge Street property in Executive session.

## OFFICE REPORT

David Gehman stated, "The office now has a working computer system. Information is now being entered for the first five weeks of the new year. The utility billing for first quarter we hope will be sent out on Friday, February 12<sup>th</sup> and billing for subsequent quarters will be pushed back. We hope to be back on track by the fourth quarter of this year."

The third computer that should be in the Manager's office is still missing and there has been no back up done on the system.

After conducting a thorough search of the Borough office the Borough seal was not found so a new seal has been ordered.

## PRESIDENT'S REPORT

Council President stated he was contacted by someone who handles the state run program for Workman's Compensation and he hopes that money could be saved if we go through the Pennsylvania State program.

Council President asked Councilman Lewis to report on the Boot Camp that he went to for Newly Elected officials. Mr. Lewis discussed what was covered during the two day seminar. Mr. Lewis said the seminar covered the PA Borough code, Robert's Rules for Meetings, the Right-to-Know law, bidding procedures, budgets, taxes, reports and audits, codes, complaint forms and emergency management procedures, chain of command and touched briefly on fire and police forces.

Council President reported that he and Mr. Lewis attended the MECAP meeting in Freemansburg. A member from Stroudsburg brought up the Worker's Compension at the meeting. Compensation for the snow storm was also discussed at the meeting.

The office personnel watched a Webinar on the functions of the administrative staff.

Council had previously approved Mr. H. Nodoline to repair the potholes in the Borough. The cost spent for repairing the potholes was \$2,200.00. Mr Nodoline also had replaced the bathroom fixtures in the Borough building.

Mr. Dees brought up that there are proper procedures that need to be done prior to having work done. Mr. Lewis asked if the work done in the bathrooms needed to adhere to ADA guidelines. Mr. Nodoline apologized for not going through the proper procedures when having the work done.

Mr. Lewis brought up a two-day seminar later this year for our office staff.

Mr. Dees reminded Council President in regards to the Boot Camp for newly elected officials to be held in Macungie on February 19<sup>th</sup> and 20<sup>th</sup>.

## RESOLUTIONS

A motion by Mr. Dees, second by Mr. Nixon, the Council approved the Zoning fees set forth by Barry Isett and Associates. Motion passed 5-0.

## Committee Reports –

Property/Highway – Mr. Henry Nodoline talked about getting estimates for a new roof on the Borough building. Mr. Nodoline would also like to erect a guardrail along the parking lot at the Borough's Municipal building to prevent anyone inadvertently going over the curb and down the slope. Mr. Nodoline continued that the corner of the building continues to sink and needs to be repaired. The Borough Municipal building has two aging Lennox heating units which will need to be replaced and cleaning up the outside and planting new grass and shrubs are additional items that need to be added to the list.

Mr. Nodoline also noted that the fire extinguishers in the Borough Municipal building have not been inspected since 2011. Mr. Nodoline also mentioned installing a generator for the building.

Council President DePaul stated there are two more quotes coming for the installation of a generator. Mr. DePaul asked Mr. Nodoline if he would like someone from Barry Isett & Associates to examine the current situation with the building.

A motion by Mr. Dees, second Mr. Nixon; Council approved to have an engineer from Barry Isett & Associates to investigate the current situation with the Borough's Municipal building. Motion passed 5-0.

Mr. Nodoline also commented that the parking lot at the Municipal building should be sealed; if not sooner rather than later we will lose the black top and then spend much more money to replace it.

A motion by Mr. Dees, second by Mr. Nixon; Council approved Mr. H. Nodoline to get quotes for a curb railing for the Municipal building parking lot. Motion passed 5-0.

A motion by Mr. Dees, second by Mr. Nixon; Council approved Mr. H. Nodoline to get quotes for replacing the furnace in the Municipal building if replacing the part does not resolve the problem. Motion passed 5-0.

Mr. Gehman offered to contact Kistler O'Brien to inspect the fire extinguishers.

Mr. Dees notified the Council that he “personally” put in a Right-To-Know Request for the security tapes.

A motion by Mr. Dees, second by Mr. Nixon; Council authorized for the Solicitor to forward correspondence and to take all necessary steps in determining costs involved and the harm to the Borough and to recoup these funds for the responsible parties involved.

The Mayor asked what costs were involved. Mr. Dees replied that the Borough needed to purchase another router, the Borough had to bring another IT person to straighten out issues involved with the computers. Council President DePaul expressed his concern regarding the third computer that was purchased but not currently in the office. Mr. Dees also mentioned about the upgrade or lack thereof to the server.

Council President DePaul asked for a roll count. Dan DePaul – yes, Ron Nixon - yes, Henry Nodoline – yes, Robert Lewis – yes and Matt Dees – yes. Motion passed 5-0.

Mr. Dees stated he would withdraw his “personal” Right-To-Know request.

Mr. Lewis announced there would be a Finance Committee meeting on Friday, February 12<sup>th</sup> at 10am.

Council President DePaul announced there would be a Personnel Committee meeting on Friday, February 12<sup>th</sup> at 12pm.

Mr. Dees stated that the Legal/Newsletter/Computer Committee would meet Friday, February 12<sup>th</sup> at 11am.

Mr. Dees let everyone know that the Borough’s website is up and available for the public to preview. He is opened for suggestions. The new website is westeastonborough.com.

Mr. DePaul asked Mr. Gehman as to when he thought the utility billing would be mailed. Mr. Gehman stated that he hoped to print the bills by Wednesday or Thursday and be mailed by Friday. Council President DePaul suggested that a newsletter be created and be mailed with the utility bills.

Grants – Council President DePaul mentioned that he would possibly have information regarding grants by the end of the month.

## OLD BUSINESS

A motion by Mr. Lewis, second by Mr. Dees; Council approved quarterly payments to Council members. Motion passed 5-0.

Council President DePaul stated that Council had someone in mind for Interim Borough Manager. Mr. DePaul said a letter was sent to Pete Rossi and Mr. Rossi sent a reply back to Council. The letter is in the packet for each Council member.

Mr. H. Nodoline stated that Council members have spent too many hours in the Borough office. Council can provide direction to the Borough Manager. Mr. Dees asked that the office stop calling regarding the computers.

Mr. Rossi commented that he only wants to be here a limited time. He stated he would be available to assist in finding the Borough a manager. Mr. Lewis asked how far the Personnel Committee was in finding a Borough Manager. Council President DePaul stated he has found the Borough ordinance regarding the Borough Manager position and they are working on developing a job posting.

A motion by Mr. H. Nodoline, second by Mr. Dees; Council approve hiring Pete Rossi as the Interim Borough Manager starting on Tuesday, February 16<sup>th</sup> based on the conditions put forth in his acceptance letter.

Discussion – Mr. Lewis wanted to know what the pay rate is for Mr. Rossi. Solicitor Goudsouzian asked if the terms were as of the letter from Pete Rossi.

Motion passed 5-0.

## NEW BUSINESS

Council President DePaul mentioned that “Gino” (Ferhaad Hakimi) has been fantastic to work with in helping the Borough get the computers up and working.

A motion by Mr. H. Nodoline, second by Mr. Nixon; Council approved Ferhaad Hakimi as the Borough’s IT person on an as needed basis. Motion passed 3-1. Mr. Lewis dissented. Mr. Dees abstained due to a personal friendship with Mr. Hakimi.

Mr. Dees commented that Mr. Hakimi works for the school district and has been through multiple background checks and also fingerprinted.

Council President DePaul mentioned that during the most recent snowstorm that both trucks broke down. The older truck needed the rear to be replaced. Mr. DePaul stated that if the truck would have been towed from the Borough building and repaired at a commercial shop it would have been over \$5000.00. Mayor Gross stated “easily.” Council President DePaul wanted to let everyone know that Jeff Hancock did the repair work on the truck, the Borough purchased parts from Collis Truck Parts and the entire repair was under \$2000.00. Mr. DePaul would like to use Mr. Hancock on a as needed basis.



Solicitor Goudsouzian stated that the Borough would be using Mr. Hancock as a subcontractor and he would need to provide the Borough with the proper documents that he has the proper insurance required to be doing the work.

A motion by Mr. Nixon, second by Mr. H. Nodoline, Council approved using Jeff Hanock on an as needed basis for truck maintenance as a subcontractor. Motion passed 5-0.

Mr. DePaul asked Mr. Gehman about the gentleman from PennDOT that came in to help Joan with the Liquid Fuels audit. Mr. Rossi spoke up and stated that he spoke to him. A letter needs to be submitted to LTAP with the Borough's need if the request is approved LTAP will send out a certified engineer to review the matter and provide report to the Borough.

Council President DePaul asked if anyone had any questions from the public. Trude Hargraves offered her time if there was an abundance of data entry that needed to be done. Mr. DePaul asked Ms. Hargraves if she would be interested in the Community Activities Committee.

Council entered Executive Session.

Council returned from Executive Session.

A motion by Mr. Lewis, second by Mr. Nixon; Council approved the Solicitor to move forward with the Condemnation of the Ridge Street property. Motion passed 4-0. Mr. H. Nodoline abstained because he has a financial interest in the property.

The Solicitor wanted the minutes to reflect that the reason why Council went into Executive Session was to continue discussion on the litigation regarding the Condemnation and potential litigation regarding other individuals.

A motion by Mr. Dees, second by Mr. Nixon; the Council voted to adjourn. Motion passed 5-0. Meeting ended at 9:45 pm.