

BOROUGH OF WEST EASTON
COUNCIL MEETING

FEBRUARY 22, 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, Robert Lewis and Thomas Nodoline. Council Member Louis Nikos was absent. Mayor Gerald Gross; Interim Borough Manager Pete Rossi; and Solicitor Steve Goudsouzian were present. Leon Stull, Betty Jo Bonners, Virginia Bonners, Sandy Cooke, Bruce Walter, Sandi Rossi, Paul James, Rich Hyde and Tricia Mezzacappa were members of the public in attendance.

A motion by Mr. H. Nodoline, second by Mr. Lewis, Council approved check # 14726 through 14810 in the General Fund and check #1940 and #1941 in the Sewer Fund.

Discussion – Mr. Dees asked about ck# 14808 payable to PSAB for Annual Conference fee requested by Mr. Lewis. Check has not been paid.

Council President DePaul asked the Solicitor the status of the payments due to T&M Associates. Solicitor Goudsouzian has sent a letter to T&M Associates and has not received a response back. Interim Borough Manager, Pete Rossi stated that he has been in contact with T&M Associates. Mr. Rossi said that the end of year work is 80% complete or more and were told by Tim Edinger of T&M Associates and because of the letter sent by our Solicitor everything was put on hold according to their legal department. Mr. Edinger stated they would complete the Chapter 94 report which is due by 2/26/2016 if the invoices that were outstanding were paid. Mr. Rossi said there were 10 invoices that T&M were looking for payment totaling \$6488.62. Mr. Henry Nodoline questioned why T&M did not come after the Borough for payment on the really old invoices from 2013. Mr. Rossi said that Tim Edinger had a record of the number of calls he made to Kelly Gross requesting payment. Mr. Rossi is requesting that Council approve payments so that the reports can be completed.

Ck# 14801, Mr. DePaul mentioned it was for a purchase of a new Borough seal. Ck# 14809 payable to Christy Schlottman, Mr. Dees asked if this was the final bill from the Borough's former Solicitor.

Mr. Thomas Nodoline questioned ck#14726 Taylor Plumbing for \$1,176.00 and wanted to know why Dane did not install the toilets. Mr. Rossi said that Dave was getting a correct copy for him

Mr. Thomas Nodoline continued his questions on ck# 14727 to Collis Truck Parts. Council President DePaul stated that Dane was driving the truck. Mr. Thomas Nodoline stated the person driving the truck was driving entirely too fast and nearly hit a resident with the truck.

Mr. Thomas Nodoline also questioned why Fifth Street was cleared and but not the rest of the Borough. He also asked who authorized it.

Mr. Henry Nodoline said let's talk about the new truck that was purchased. Mr. Thomas Nodoline asked what happened to it. Council President stated that the plow needed to be repaired and the salt spreader was installed improperly on the truck and a new spreader was being installed.

Mr. Thomas Nodoline stated that Council is in trouble and Mr. Thomas Nodoline asked the Solicitor if he was being arrested. The Solicitor replied to Mr. Thomas Nodoline question that he was not being arrested at this time.

An exception to the motion was Ck# 14808 payable to PSAB would not be paid. Motion passed 5-1. Mr. Thomas Nodoline dissented

A motion by Mr. Dees and second by Mr. Nixon, Council approved checks 1940 and 1941 for the Sewer Fund. Motion passed 6-0

Council President DePaul introduced Richard Hyde from EZMicro. EZMicro would act as the Borough's IT department. EZMicro would take care of your technology – phone, computer, software, etc. EZMicro would work with our Borough's vendors and also develop a catastrophic plan that can be implemented in the event a disaster would occur.

Mayor Gross asked if there was a schedule for updates to the software. Mr. Hyde said that all updates would happen after working hours.

Mr. Rossi asked how long data is kept. Data is kept up to a year.

Mayor Gross asked if there was any training hours included in the hours. Mr. Hyde stated that there are no hours included in the rate but if there are problems with a particular program such as Word, their engineers could remote in and repair the issues while the user watches.

Mr. Dees asked about in-house repairs; would be only for a hardware problem or internet access.

Mr. Dees asked Mr. Hyde his opinion of the Borough's current server. Mr. Hyde stated that since the box is already six years old and not knowing what all was refurbished he would not rely on the server working more than 2 or 3 years.

Council President DePaul objected to spending additional monies for computer equipment. Mr. DePaul stated that he had voted against the purchase of computer equipment last year and why should we spend more money now for computer equipment that suppose to have been purchased last year.

Mr. DePaul asked David Gehman to report to the Council what was found. Mr. Gehman reported that according to our former IT person, the refurbished server could run the new software. It was also determined that the Microsoft software that is installed on the server is corrupt. Whether it was caused by someone unplugging the server or by a power outage it could not be determined.

Mayor Gross stated that he had a conversation with Vice President of Dallas Data and they knew who had pulled the plug.

Mr. Hyde stated that the existing server could run the Cassel software but the real question is how long. Mr. Hyde stated their two concerns with our computer system were the backup of data and the lack of security on the computer system. If EZMicro would set up the computer system, they could implement controls as to whom has access to what.

Mr. Bruce Walter asked how old the computer was. Mr. Hyde replied 5 or 6 years old. Mr. Walter added that you can normally get up to 3 years for a warranty. Mr. Hyde stated if a new unit was purchased through EZMicro it would have a 3 year warranty.

Public Comment

Paul James of Iron Street was interested in participating with the Block Watch if the program is resurrected.

Sandy Cooke of Ridge Street asked the Council members the status of getting a Police force back in the Borough. Mayor Gross said that he has had several discussions with Wilson Borough's Mayor and the President of Council about having their Police patrol West Easton.

Ms. Cooke also stated that she lives at the intersection of two Snow Emergency Routes. She mentioned that during the recent snow storms parking was at a minimum because of clearing snow from the Snow Emergency Routes

Ms. Cooke also suggested that the Borough entertain multiple bids for computer equipment.

Betty Jo Bonners of Ninth Street expressed concern that the park on Ninth Street was to be a passive park. She stated that where the swings are positioned children could try to jump from the swings onto a concrete table and bench. Council President DePaul mentioned he was aware of the issues at the park and the park is being watched.

Mayor's Report

Mayor Gross suggested that the Borough implement the P.S.A.B. drug testing program especially when it comes to snow blowing.

Mayor Gross said that an axle snapped because there was too much torque not speed but Mayor Gross fielded the complaints from residents that the person plowing during the storm was driving at a high rate of speed.

He continued that if someone would be injured or killed by someone plowing; the first thing that should happen is the driver would be told to take a drug test. If this would happen it could get costly in a hurry.

The Mayor also suggested that persons that are plowing for the Borough should also have an annual physical to make sure there are no medical issues. It is a plus for the employee and also a plus for the Borough.

The Mayor directed his next question to Solicitor Goudsouzian. The Mayor asked the Solicitor if he had time to review Section 1-7 of the P.S.A.B. Code. Solicitor Goudsouzian replied it was the first item in his report.

Also referring to the State Borough Code the Mayor asked if Council would approve \$4,000 for legal fees. Mayor Gross stated he has never had to use this before but he feels there are situations that may need to be addressed. Mr. Lewis asked if the Mayor wanted it to be included as a line item in the budget for next year.

The Mayor applauded Bob Lewis for taking the time and attending seminars and viewing webinars to learn all he can in his position as a Council member.

Mr. Rossi told the Mayor that the axle did not snap but the teeth in the rear were worn badly. The Mayor replied to Mr. Rossi's comment that the Borough should have a list of scheduled maintenance. Council President DePaul told everyone that there was a flat tire that sat in the garage for two years. Mr. DePaul said that we now have a mechanic who will regularly inspect the vehicles.

The Mayor stated he checked the oil stick on the mower when it was stopped at the ball field. He said the oil was so thick it should have been changed.

Mr. Henry Nodoline talked about the difficulty that the Borough had to plow snow during the storm with all the issues with both trucks. During the height of the storm when it was snowing three inches an hour the Borough was down to one truck and we did the best that we could.

Mr. Henry Nodoline also mentioned that the furnace has finally been repaired with a replacement of a \$25 part.

Engineer's Report – None

Solicitor's Report

Solicitor Goudsouzian was asked by the Mayor to report back to Council with his responsibilities to the Mayor. The Solicitor is under the control of the Borough Council. The Borough Council will decide if and when there is a need to enlist additional counsel. There is no requirement that the Council provide a budget for legal issues. There is a memo dated February 16th that I provided to Council answering this question. First of all, Solicitor Goudsouzian is employed by the Borough Council and not the Mayor. The Mayor's duties and powers are explained in statute Sections 10A-06 and -07 and very limited. The Mayor's responsibilities include taking oaths, certain actions during a State of Emergency and things that Council asks or allows the Mayor to do and also responsibilities to do with police which does not apply to the Borough. The Mayor is very limited under the Borough code such as running the organizational meeting and able to break a tie vote. The Solicitor can represent the Mayor regarding to the Borough but not as an individual.

Mayor Gross explained that the reason he asked the question is so the new Council members can be informed.

Mr. Dees asked the Solicitor a question regarding providing funds for a Mayor's legal expense or line item in the budget. The Solicitor replied that the Council is under no obligation to do so.

Pursuant to the direction of Council the Solicitor forwarded a letter to Kelly Gross via first class mail and certified mail with regards to the Emergency Management Coordinator position. The letter was dated February 10, 2016 with a deadline of Friday, February 19, 2016; with no response from Kelly Gross. This will be an Executive Session discussion.

With regard to the separate letter regarding to the mailing that went out on December 30th; the letter was sent out on February 12, 2016 with a deadline of Friday, February 19, 2016; with no response from Kelly Gross. This will be an Executive Session discussion.

The issue with T&M Associates has been resolved with the approval of payments. Computers and the Condemnation will be addressed in the Executive Session.

The Solicitor forwarded correspondence to the Council regarding who should be bonded. The Solicitor felt that anyone who handles money; writes checks or handles the books should be bonded. The amount they should be bonded for should be \$25,000.

The next topic would be payments from the DUI Center which relates to Ordinance #885. The Solicitor has provided a copy to each Council member.

The final two items that need to be addressed are the Curb Cut Ordinance and the LST Ordinance. They need to be looked at and reviewed.

OFFICE REPORT

David Gehman stated, the Borough now has all three PC's that were purchased last year. The third computer that was missing had a bad hard drive and was removed, replaced and returned. When EZMicro gave us an evaluation of the computer equipment; one of the warranties was already expired, the second only had a few months remaining and the third was unknown.

Rich Hyde of EZMicro met with the Computer Committee. While he was here we also held a conference call with Jim Arms of Dallas Data regarding the new software. Rich Hyde and Jim Arms were both in agreement that a new server should be used for the new software.

EZMicro provided some additional support and helped us join the old server with the AMS software to my computer so that the financial reporting software is accessible from the front office. He also determined that the operating system on the "new" refurbished server is corrupt.

Council President DePaul said that Assad Younes and Ferhaad Hakimi were in agreement that the refurbished server could handle the new software.

Pete Rossi, Interim Borough Manager, is working on updating personnel files and making sure that Council has turned in their Financial Responsibility forms.

Mr. Rossi stated that he keeps running into road blocks while trying to resolve issues. In his search for information he has found a missing resolution that was passed in the minutes but was never signed by the appropriate people. The Solicitor stated that the resolution would need to be reaffirmed. Solicitor Goudsouzian also stated his case for codification of the Borough ordinances for this specific reason.

Mr. Rossi has a copy of the resolution that was passed in the minutes from November 9, 2009 with a vote on 7-0.

A motion by Mr. Lewis, second by Mr. Dees; the Council ratified resolution #870 as of November 9, 2009. Motion passed 6-0.

PRESIDENT'S REPORT

Mr. Rossi has been looking into the Workman's Compensation Insurance and from all the information that he has found is that the Swift Fund provided by the state is a last resort plan.

Council President DePaul stated that the previous policy which was through Keystone was cancelled when they were told we were starting our own police department. The Mayor stated that we never committed to a police department.

The Mayor and Mr. Dees wondered if it was possible to contact Keystone to see if the Borough could be reinstated in the plan.

Council President DePaul mentioned that we are still waiting to hear from the County as in the amount the Borough will be reimbursed from the Snow Storm.

Council President DePaul discussed maintenance on the Borough trucks; he mentioned that one of the hoses is still leaking hydraulic oil. He was getting someone in to check out the truck.

Council President DePaul asked the status of Mr. Dees Right-To-Know Request for a copy of the surveillance camera footage. Mr. Dees replied that the matter is in litigation and the footage would be unavailable. The Solicitor agreed.

Council President DePaul said that a neighbor of his contacted the Borough office regarding the swings at the Ninth Street Park. He said he has a copy of the minutes stating that it was to be two belt swings and two infant swings at the park. The invoice from the company supplying the swings shows three belt swings and one infant swing.

Mr. DePaul said he has been receiving calls from Mr. Niko. Mr. DePaul said Mr. Niko has not attended a meeting since November 2014. Mr. Dees let the public know that a Council member cannot be removed from Council because of missing meetings. The Mayor has visited him several times since Christmas. He asked about what is going on with Council. Mr. Dees stated that we need him on Council or need to find a replacement for him. Mr. Dees suggested that Council could find a replacement for Mr. Niko until he was ready and able to return.

Council President DePaul brought to the attention of the public that the basketball nets have been put back up at the Park.

Council President DePaul then asked about the yellow strobe light that was purchased back in September. Councilman Thomas Nodoline told Council President to ask Dane where it is because it was put on his workbench.

Zoning Board members: We currently have four members on the Zoning Board and one open seat. There are two current residents that are interested in the position. Mr. DePaul suggested that we appointment one to the permanent seat and one as an alternate. Mr. Dees and Council President DePaul discussed the qualifications of both applicants.

A motion by Mr. Dees, second by Mr. Nixon; Council approved the appointment of David Kindrew. Motion passed 6-0.

A motion by Mr. Dees, second by Mr. Nixon, Council approved the appointment of Stephen R. Klaver as an alternate to the Zoning Board. Motion passed 6-0.

Council President DePaul reported back on the Newly Elected Boot Camp. The one item that he was surprised about was the new limit to have a job put out for bid was \$19,400 up from \$10,000. Mr. Dees was surprised that some Councils don't approve minutes. Mr. H. Nodoline mentioned that anyone from the public can view minutes and not be required to pay for copies to read the minutes. Mr. H. Nodoline also mentioned that we should be spending the monies received from the Liquid fuels fund.

Mr. Rossi corrected this statement that the County must pay out all the money allocated to the County. The Borough does not. Mr. Rossi told Council that the Borough could have used some of this money to pay for street signs, electric for street lights, guide rails. For some reason, Council in the past has elected to take these funds out of the General Fund. Mr. Rossi said with this year's allocation, the Borough will have over \$160,000.

Council President DePaul said that the furnace has been repaired by replacing a \$25 part. A replacement part has also been ordered and is now on hand.

The final item Council President DePaul brought up for discussion was the Life Insurance Policy for Council members. The Solicitor asked if there was a resolution or ordinance for the institution of the policy because this is essentially a benefit for the Council members because it is being paid by taxpayer money. This is policy is for people only currently serving on Council. Mr. Dees suggested that Council members who want it could pay for it themselves.

One of the gentlemen that came to provide the Borough with an estimate for the generator contacted the gas company. He found out that the gas line that the Borough Municipal office would be connected to is not large enough to support the generator.

RESOLUTIONS - None

Committee Reports –

Finance – Mr. Lewis asked about having the safe deposit box drilled and closed the box. The Solicitor asked if there was a record as to who was the last person to access the box. Dick Foster was the last person to access the box.

A motion by Mr. Lewis, second by Mr. Nixon; Council approved the drilling of the safe deposit box and closing it. Motion passed 6-0.

Property/Highway – Mr. Henry Nodoline talked about getting estimates for a new roof on the Borough building. Mr. H. Nodoline has received one estimate. His suggestion was to replace the roof rather than just repair it because he would not guarantee the repair. Mr. H. Nodoline suggested that we get additional estimates.

Mr. H. Nodoline also mentioned that there are several trees on Borough property that need to be either trimmed or cut down. He also mentioned that the grass around the Municipal Building needs to be cleaned up and reseeded.

Mr. H. Nodoline is also waiting on an estimate for the guardrail along the parking lot.

The final concern that Mr. H. Nodoline discussed is the corner of the building that is sinking. The building also needs to be painted; the building has not been painted since it was put up.

Mr. Dees said the roof could wait, the grass could wait but we need to have the building repaired to prevent the corner of the building from sinking more.

Mr. H. Nodoline stated that all these items need to be done at some point.

A motion by Mr. H. Nodoline, second by Mr. Dees, the Council approved the cutting down of the tree behind the Borough Municipal building.

Public Safety – Council President DePaul mentioned that there are numerous residents who are interested in beginning the Blockwatch

Legal/Newsletter/Computer – Mr. Dees asked some of the Council members to submit their information forms so that it can be inputted on the website

Recreation – Mr. Thomas Nodoline asked for a key to the Municipal Building so that he can hold a meeting with the Wilson Recreation Committee so that the T-ball can be held again in the Borough.

OLD BUSINESS

The Mayor asked about when the signs for the businesses in the Borough were going to be put up. He knows that George Johnson, the DUI Center, Dubs and Yvonne's Hair Salon have all ordered signed.

Mr. Nixon asked if anyone has contacted the Fire Chief, Bill Bogari, Jr. about marking the fire hydrant locations. Council President DePaul asked the office to send a letter to the Fire Chief.

Mr. Gehman stated that Council made a motion to reopen the budget but there was no motion made to close the budget. Council President DePaul stated that this is a question that should be directed to the County because the County reported the Borough's tax rate prior to February 15th.

NEW BUSINESS

Mr. Dees let everyone know that Tatamy Borough is hosting an electronic recycling day on Saturday, April 16th at the Nazareth Intermediate School. The Borough of West Easton has joined in along with 9 or 10 other municipalities. There are two options. The first option costs \$3,500 and that includes traffic control which is the most likely. Some appliances are not free such as televisions, computer monitors. Other items such as exercise equipment, DVD players are free.

Betty Jo Bonners had a question regarding the Bonding. Ms. Bonners asked if all Council members would be also be bonded. Solicitor Goudsouzian replied that Bonding is essentially to insure against theft by employees and that there would be no need for Council members who do not handle money or sign checks to be bonded.

Tricia Mezzacappa suggested to Council that they do not approve the request of the Mayor for funds for legal matters.

The Solicitor stated that Council will now go into Executive Session to discuss matters concerning matters of litigation concerning the check for Emergency Manager Coordinator, funding of the mailer, the computers and the Condemnation of the Ridge Street property.

Council entered Executive Session.

Councilman Thomas Nodoline exited Council meeting during Executive Session.

Council returned from Executive Session.

Council President brought Council out of Executive Session at 10:15pm.

The Solicitor stated that Council discussed possible litigation regarding the Condemnation of the Ridge Street property, possible litigation against Kelly Gross and possible litigation in regards to the Computers.

The Solicitor listed the outstanding taxes owed on the Ridge Street property as follows:

Liquid County taxes of \$1,973.94
2016 County Taxes of \$206.00
2016 West Easton Borough of \$198.36

A motion by Mr. Lewis, second by Mr. Dees, the Council approved to pay the back taxes due on the Ridge Street property. Motion passed 4-0. Mr. Henry Nodoline abstained because of having a financial interest in the property.

The Solicitor asked to entertain a motion to file an amended Declaration of Taking so that the correct people sign the form.

A motion by Mr. Dees, second by Mr. Nixon, Council approved to file an amended Declaration of Taking with the correct people signing the form. Motion passed 4-0. Mr. Henry Nodoline abstained because of having a financial interest in the property.

The Solicitor asked for a motion to make the surveillance tapes available to the public.

A motion by Mr. Nixon, second by Mr. H. Nodoline, the surveillances tapes are now available to the public. Motion passed 4-0. Mr. Matthew Dees abstained because he had a personal interest in obtaining the tapes with a Right-To-Know request.

A motion by Mr. Nixon, second by Mr. Lewis, Council approved to adjourn. Motion passed 5-0. Meeting adjourned at 10:23pm.