

BOROUGH OF WEST EASTON
COUNCIL MEETING

MARCH 14, 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 Niko was absent. Mayor Gerald Gross; Interim Borough Manager Pete Rossi; Solicitor Steve Goudsouzian were present. Bruce Walter, Pete & Bonnie Mammana, Jim & Elaine Jakowich, Leon Stull, Trude Hargraves, Tricia Mezzacappa, and Steve Klaver were members of the public in attendance. Dane Thatcher, the borough's maintenance man, was also present.

A motion by Mr. Lewis, second by Mr. H. Nodoline, Council approved check # 14811 through 14864 in the General Fund and check #1942 and #1946 in the Sewer Fund.

Discussion –Mr. Dees asked about #14848 and #14849 checks. Mr. Gehman stated these payments were for the New Council Members Boot Camp. Mr. Dees also asked about #14827; Mr. Gehman stated that the accounts listed in the check summary do not match the General Ledger accounts where the expense is charged.

Motion passed 5-1. Mr. Thomas Nodoline was the dissenting vote.

A motion by Mr. H. Nodoline, second by Mr. Nixon; Council approved Receipts and Deposits for February 2016. Motion passed 6-0.

A motion by Mr. Dees, second by Mr. H. Nodoline; Council approved the minutes from the February 8, 2016, Council meeting. Motion passed 6-0.

A motion by Mr. Lewis, second by Mr. T. Nodoline; Council approved a request to have their meeting packets ready by the Friday prior to the meeting. Motion passed 6-0.

A motion by Mr. H. Nodoline, second by Mr. Dees; Council approved the minutes from the February 22, 2016, Council meeting. Motion passed 6-0.

A motion by Mr. H. Nodoline, second by Mr. Lewis; Council approved the Treasurer's Report for February 2016. Motion passed 6-0.

Public Comment –

Tricia Mezzacappa wanted to thank Council for cleaning up 811 & 813 Ridge Street and removing all the junk from the porches.

Mayor's Report –

Mayor Gross started off by complimenting Mr. Lewis on taking the initiative in learning about the Borough government. Mayor Gross also complimented the Interim Borough Manager, Pete Rossi. The Mayor mentioned that Mr. Rossi was born and raised in the Borough and has been active within the local government. Mr. Rossi has spent his own time reading minutes and is very knowledgeable regarding code and zoning and Council should take advantage of his strengths while he is available.

Mayor Gross mentioned that issues that a Council member would have should be addressed to Council President DePaul. If issues are addressed to the Council President they can also be resolved more efficiently. But if the issue is not resolved then you have to do what you need to do.

Mayor Gross told Council that PSAB was offering a two-day webinar for the new Zoning members. He felt Council should approve the education for the new members of the Zoning Board.

Mayor Gross had corresponded with the PA State Mayor's Association and he had their reply to his inquiry. The Mayor stated that some of the items that were responded to by the Solicitor at the prior Council meeting were not 100% correct, he was not going to dwell on them but wanted the Solicitor to have a copy of the Association's reply. The reply was from the Association's President and the CGA law firm which represents the Mayor's Association.

Mayor Gross commented that progress is good, get the task at hand completed and move on.

A motion by Mr. Lewis, second by Mr. Nixon; Council approved payment for training for the new Zoning Board members, Steve Klaver and David Kindrew. Motion passed 6-0.

Engineer's Report –

Mr. Rossi informed Council that the Chapter 94 report was completed and filed by T&M Associates. The final punch list item for completing the ADA ramps has not been completed by Heim Construction as of yet.

Mr. Rossi also informed the Council that a request was filed by the Borough to LTAP. LTAP would send an engineer come to inspect the railroad trestle that extends

over Spring Street. LTAP would then provide the Borough with a report with the findings. The engineer is scheduled to be in the Borough on Thursday, March 17th.

Mr. Rossi announced to Council that there will be a joint meeting between Easton, West Easton, Wilson and Palmer. They will be meeting with members of PennDOT for a discussion of raising the road bed to help eliminate flooding on the road. The meeting is scheduled for Friday, March 18th at 11:00 a.m.

Mr. Lewis asked about the report from LTAP if it could be tied into the Historical Preservation. Mr. Rossi responded the free report literally could be tied into anything that the Borough would decide to do with it.

Mr. Lewis also asked about Lehigh Drive. Council President DePaul and Mayor Gross discussed the history of the ownership and maintenance of the road.

Solicitor's report –

Certified mail was sent to Kelly Gross regarding the Emergency Management Coordinator position and the unauthorized use of Borough funds. Solicitor Goudsouzian informed Council that the certified letters were returned unclaimed but the copies sent First Class mail have not been returned. What to do next can be decided in Executive Session or now.

Discussion of the above referenced matters can also be tied into the issues that deal with the computers which will be discussed in Executive Session.

In regards to the Condemnation of the Ridge Street property; the amended declaration of taking has been filed with Civil Division and Court of Deeds and because of the special circumstances of the defendants additional steps will need to be taken.

Solicitor Goudsouzian has prepared an ordinance for Curb Cuts. This was an issued that was turned over from the prior Solicitor. Council will need to act on it at some point. Council President DePaul said the Legal Committee would look at the prepared ordinance and report back to Council.

LST Ordinance (Resolution #999) was to re-enact the collection of the tax. As per the Council wishes, a resolution was created to vacate this resolution and not begin the collection of the tax. Mr. Rossi said that Ordinance #964 lays out the procedures in collecting the tax.

A motion by Mr. H. Nodoline, second by Mr. Nixon; Council approved to vacate and nullify Ordinance #964 and Resolution #999.

Discussion – Mr. Rossi asked if the motion had both the ordinance and resolution included. Solicitor Goudsouzian stated he hand wrote the correction and added the Ordinance #964 to the resolution. His office would prepare a clean copy to be signed.

Motion passed 6-0.

The next issue was regarding updating the Sewer and Trash ordinance should be updated. Council President DePaul asked if the rates were done correctly.

A motion by Mr. Dees, second by Mr. Nixon; Council approved the corrected Sewer rates as follows – Resident \$60.00, Senior Citizen \$49.00 and Commercial/Club \$136.00. Motion passed 6-0.

Council approved the Solicitor's office to move forward with Codification at a previous Council meeting. His office was in contact with E-code and they do have a file for the Borough but the file is so old that the Borough should essentially start from scratch. The Solicitor has the Borough account code from E-Code.

Mr. Rossi said that the office was able to obtain the master copy of the corrections/updates that were previously agreed upon. Mr. Rossi stated he feels that the Codification needs to be completed by the Legal committee. Mr. Dees suggested having someone from the Zoning Board be in attendance to assist in updating the information. Meetings were set up for Friday, March 15th, Thursday, March 21st and Friday, March 22nd at 10:30 a.m. to start the process.

Office Report -

Mr. Rossi presented a list to the Council members for equipment that the Borough needs to do work in the Borough rather than having our maintenance man bring his own equipment from home to use. The list includes First Aid Kits to replace the existing kits because most of the items in the kits are past the expiration date.

Mr. H. Nodoline suggested purchasing a Stihl trimmer would be better than an Edge trimmer. Mr. Rossi said that we would be glad to have a professional grade product. Mr. Lewis asked about getting a better drill set. Mr. H. Nodoline asked the Mayor where he purchased his equipment.

The Mayor said he had 46 years of experience. No matter what the Borough would purchase but maintenance would be key to extending the life of the equipment. The Mayor also stated that upgrading to a professional quality model would also be a good thing.

Dane Thatcher the Borough Maintenance person was asked his opinion on the products being purchased. When he compared Rigid to Milwaukee you were talking really a considerable pricing difference. The Solicitor suggested setting a limit on what could be purchased. Mr. Nixon asked if any of the office personnel was trained in first aid.

A motion by Mr. Dees, second by Mr. Lewis; Council approved spending up to \$2,500 on necessary equipment for Borough maintenance. Motion passed 6-0.

Mr. Rossi reported that the Borough is asking for an extension to the annual audit. There are no major issues with the audit but the accounting does not match the budget items. Our General Ledger is not as expansive as the government is expecting and items need to be broken out.

Mr. Rossi also stated that another issue was that he had made an inquiry about Petty Cash and the auditor had stated that in previous audits it was stated there was "no" petty cash.

As of the beginning of the year, the petty cash fund was re-established to \$250 and a record of entries is now being kept.

Mr. Gehman also mentioned that the audit also revealed that the monies in the State Highway Fund are not recorded anywhere in our Accounting system.

President's Report –

Council President DePaul also brought up a discrepancy that was found in the old Petty Cash journal. According to the petty cash journal, a payment from a resident was put into petty cash in 2010 and never recorded into the Utility billing. The resident was charged multiple late charges for the utility bill. Mr. Dees asked Mr. DePaul how far back he planned on going to find issues. Mr. DePaul stated that record retention is 7 years.

Mr. DePaul asked Dane Thatcher, Borough Maintenance Employee, if he ever saw the Amber light that was reported to have been left on his work bench in the garage. Mr. Thatcher's reply was it was never left in the garage.

Mr. DePaul inquired in the Borough office as to amounts being owed by the owners of 811 & 813 Ridge Street. The two properties have the water turned off but a fee is still being charged for trash on quarterly basis. Council President DePaul directed a question towards the Mayor, regarding the ordinance requiring the owner to pay a trash bill. The Mayor commented that even though he has an empty rental unit he still pays for trash and sewer for the unit.

A motion by Mr. Dees, second by Mr. Lewis; Council approved to closed the 2016 Budget. Motion passed 6-0.

Council Roundtable –

Mr. Dees asked who ordered the dumpster that was placed on the Ridge Street property. Mr. Dees stated that he was glad for the Borough residents that the properties on Ridge were cleaned up.

Mr. H. Nodoline stated that he raised his hand that he had ordered the dumpster.

Mr. H. Nodoline also asked about the cameras that were asked to be ordered. Were they ordered?

Mr. Gehman responded that they were not ordered because the Borough does not have a credit card of its own and no one was willing to use their own personal credit card. Mr. DePaul asked Mr. Gehman the status of the credit card application that he gave to Mrs. Heebner about a month ago. Mr. Gehman stated that Treasurer, Carl Pierson, had reviewed the application today and it was being sent to Lafayette Ambassador Bank.

Mr. Dees asked the Solicitor what are the correct procedures. Solicitor Goudsouzian responded that there should be a chain of command and Council member requests should go to the Borough Manager and the Borough Manager can make the decision of whether it can be handled informally or if it should go to Council.

Mr. Dees and Mr. H. Nodoline discussed the correct procedures when something needs to be accomplished and completed.

Mr. Dees said he is seeing the same thing occur on this Council that happened to the last Council that two people are doing anything that they want.

Mr. H. Nodoline asked why the Borough office is open 7 days a week. Mr. Dees asked who was there. Mr. H. Nodoline said that Mr. DePaul and Mr. Dees were at the Borough office on Sunday since the selected computer technician could only make it on Sunday. Mr. Rossi stated that he waited around on Saturday expecting a call that never came. Mr. Rossi also stated that no one had contacted him that they were coming to the office on Sunday.

Committee Reports –

Finance Committee – Mr. Lewis stated that Carl Pierson, Borough Treasurer and he went to Lafayette Ambassador Bank and closed the safety deposit box. Because the key has been lost for years, the box had to be drilled. The contents of the box were inventoried. Each Council member was given a list of the contents. Mr. Rossi had Joan Heebner scan each of the documents into the computer system and the originals are now filed in the file room.

Highway/Property Committee – Mr. H. Nodoline stated that trees around the Borough Hall need to be trimmed and/or cut down along with trees around the monument property. Mr. H. Nodoline recommended that three trees should be cut down and the rest be trimmed. Mr. H. Nodoline stated there are three proposals....trim all, cut down just the three trees recommended or to trim the trees and cut down the three indicated.

A motion by Mr. Nixon, second by Mr. Dees; Council approved to have three trees removed and the remainder of the trees be trimmed. Motion passed by 6-0.

Mr. H. Nodoline mentioned that the Borough does not have grass; it has moss. The Mayor suggested that we stop treating the grass until it is limed and new grass seed is planted.

Mr. H. Nodoline again brought up that the corner of the building which is in the Borough Manager's office is sinking and the wall is cracking. The crack goes from ground to roof and is wide enough to put a finger into. Alternatives from the past were discussed. There are three shrubs that have outgrown their space and would interfere with doing any work to resolve the issue of the corner of the building sinking.

A motion by Mr. Dees, second by Mr. Nixon, Council approved that the overgrown scrubs be removed to facilitate repairs. Motion passed 6-0.

A motion by Mr. Lewis, second by Mr. H. Nodoline; Council approved Barry Isset & Associates review the previous report to evaluate the corner of the building and make recommendations for resolving the issue. Motion passed 6-0.

Mr. H. Nodoline also brought up that the roads in the Borough need to have the cracks sealed. He asked Mr. Rossi to get estimates to have the roads sealed. The Mayor said Council had a seven year plan to maintain the streets but at one time Council did not have the money to do the roads. The Mayor said Council should reinstate that plan.

Legal/Newsletter/Computer – Mr. Dees brought up the Electronic Recycling Day to be held on April 16th at the Nazareth Intermediate School from 9am to noon. Mr. Dees said there are fees for some items. The County and 10 municipalities are participating.

OLD BUSINESS

A motion by Mr. Lewis, second by Mr. Nixon, Council approved payment to EZMicro in the amount of \$14,886.77 for their proposal.

Discussion – Council President DePaul asked where the other estimates are. Why only one? The Solicitor stated that according to the Borough code three estimates are not required.

Council President DePaul objected that Council voted and approved and spent money last year for computer equipment and now needs more equipment. Mr. DePaul stated that he voted "NO" last year.

Mr. Rossi mentioned that you can't buy a personal computer for the Borough; it has to be built to the Borough's specifications.

Council President DePaul asked for a voice vote. Mr. DePaul – No, Mr. Nixon – Yes, Mr. Dees – Yes, Mr. T. Nodoline – Yes, Mr. Lewis – Yes. Mr. H. Nodoline-No. Motion passed 4-2.

Mr. T. Nodoline asked about what is going on with The Hubcap Store. Mr. T. Nodoline stated that The Hubcap Store contacted Frick to deliver heavy manufacturing equipment to their location.

The Mayor asked about if there were any new developments in regards to the Unemployment Compensation insurance. Mr. DePaul stated that Mr. Rossi was looking into updating the insurance through Brown & Brown.

New Business

Mr. Dees asked about the Borough using Purchase orders and Work orders for anything being done in the Borough. Mr. Rossi looked at copies of work orders or purchases orders and will introduce a policy that anything over \$100 would require one or the other.

Mr. Lewis brought up that at the end of the month there is an Open Records seminar in Harrisburg. He suggested that Joan Heebner should be given approval to attend the seminar. Mr. DePaul commented that she viewed the Administrative Secretary webinar. Mr. Rossi suggested that a Travel request needs to be filled out.

Council President DePaul asked if it was necessary to have a second meeting in March. A decision was made to hold a second meeting in March.

Additional Public Comment

Mr. Jim Jakowich of Ninth Street commented that he appreciated that the Borough Solicitor and the Borough Manager are taking an active role in the Borough's business.

Mr. Pete Mammana of Tenth Street asked the Mayor if he had heard anything additional about the LED lighting. The Mayor stated that he has not but when he does he will report back to Council.

Council entered Executive session at 9:45pm

Council returned from Executive session at 10:13pm

The first item that the Solicitor discussed was the matters concerning Kelly Gross (i.e. the various financial matters, computers, borough property). The options presented to Council were: 1) do nothing; 2) authorize the Solicitor's office to proceed with presenting the evidence to the appropriate government agency or 3) filing civil charges. The fourth alternative would be to present the information in front of a governing board.

A motion by Mr. Lewis, second by Mr. Dees; Council approved the Solicitor to move forward with presenting the evidence to the appropriate government agency.

Discussion – Mr. DePaul asked what does this entail. Solicitor Goudsouzian stated that he would compile a packet of information as to the facts as the Borough knows it and the evidence to support the facts and then present this information to either the District Attorney or the Attorney General.

Council President DePaul asked for a voice vote. Mr. DePaul – Yes, Mr. Nixon – Yes, Mr. H. Nodoline – Yes, Mr. Lewis – No, Mr. T. Nodoline abstained since he is involved. Motion passed 4-1.

A motion by Mr. Dees, second by Mr. Nixon; Council approved the censure of Mr. Thomas Nodoline for his actions of removing computer equipment and Borough property on December 30th, 2015, and January 4th, 2016.

Discussion – Mr. Lewis asked for a clarification of the Council's action. Mr. Dees explained his reasoning behind bringing the motion.

Council President DePaul asked for a voice vote. Mr. DePaul – Yes, Mr. Nixon – Yes, Mr. H. Nodoline – Yes, Mr. Lewis – Yes, Mr. T. Nodoline – No. Motion passed 5-1.

The Mayor asked what involvement of the computer issue was Kelly involved with. The Solicitor stated that Council had approved him to proceed with the issue. The Borough has their position and Ms. Gross has her position and it will be decided by the appropriate people.

A motion to adjourn was made by Mr. H. Nodoline, second by Mr. Nixon. Motion passed 6-0. Meeting adjourned at 10:23p.m.