

REGULAR MEETING

May 6, 2013

Vice President Chamberlain called the meeting to Order at 7:01 p.m.

Present for Roll Call: Todd Chamberlain, Randy Schuster, Craig Reimel, Sean Granahan, Tony Pickett, and Julanne Skinner.

Other Officials Present: Marion O'Malley, Esq., Solicitor; Erin H. Jenner, Secretary; John Wilson, Mayor.

Approval of Minutes: Council discussed and revised the minutes of the April Meeting. Council then approved the minutes of the April meeting as amended. Motion by Granahan; seconded by Skinner. Approved unanimously

Misc. Correspondence: Chamberlain requested the letter from the County Commissioners .

Recognition of Attendees: Julie Gaines, Judy Kelly, Craig Stevens, Joe Hunt, MaryAnn Dewitt, Alice Walsh, Staci Wilson, Melinda Darrow, and Nate Williams.

Adoption of Agenda: Adopt May's agenda. Motion by Pickett; seconded by Schuster; approved unanimously.

Approval of Payroll: Approval of April's payroll as presented. Motion by Granahan; seconded by Schuster; approved unanimously. Motion carried. Chamberlain noted that a change in Chief Smith's holiday pay should be Police not Secretary. Borough Secretary said she would correct the line item.

Approval of Expenditures: Approval of April's Expenditures as presented in the amount of \$37,337.78 against \$212,642.90 in reported deposits. Motion by Schuster. Seconded by Skinner. Approved unanimously. Motion carried.

Budget vs. Actual Report: Vice President Chamberlain asked if anyone had any questions or comments about the budget report.

Reports:

Treasurer's Report: Granahan motioned to accept the Treasurer's report. Pickett seconded. Approved unanimously. Motion carried.

Police Department: Corporal Williams asked Council if they had any questions with the police report.

Corporal Williams explained the County had to switch over to narrowband and the radio coverage is not as good. Corporal Williams said over the weekend he had a situation where he was on a traffic stop and the County could not hear him, and they didn't know where he was located. Corporal Williams asked Council for permission to purchase two NEPA cell phones to keep in the cars in order to return phone calls and call the County if the radio is not working. Granahan asked if he knew the cost. Schuster said we can ask Reimel when he shows up.

Schuster asked how many applications were submitted. Corporal Williams answered four. Schuster said he would get with Reimel, and Pickett and set up interviews.

Vice President Chamberlain asked how Forest Lake was going. Corporal Williams said everything is going well, the people really like us patrolling.

Reimel arrived at the meeting at 7:35pm.

Schuster asked Reimel about pricing for the NEPA phones. Reimel said a two year agreement for two phones would be around \$66.00 month for 500minutes. Schuster motioned for two phones for the police cars. Granahan seconded. Approved unanimously. Motion carried.

MMA Report: Vice President Chamberlain asked if there were any questions on the MMA report. Skinner questioned whether there had been a discussion on the meeting date. Reimel stated they were waiting for Bridgewater's Solicitor. Skinner asked Council if they would like to recognize a member of the MMA for his 37 years of service. Granahan motion to recognize the member of the MMA for his 37 years of service. Skinner seconded. Approved unanimously. Motion carried.

Mayor's Report: Mayor Wilson asked Council if they knew of a place Leatherstocking could have a meeting. Council suggested the County office, or if the Community Center is ready they could have their meeting there.

Street Department: DiPhillips did not attend the meeting. The Borough Secretary stated she would like to recognize Pennsy Supply who donated two loads

of material to resurface the walking track at the park. Vice President Chamberlain asked if we could send Pennsy Supply a thank you letter.

Pickett asked the Borough Secretary if she could have DiPhillips call PennDot and ask them to clean out the catch basin on the corner of Cedar and Cherry Street.

Zoning Officer: Vice President Chamberlain asked if anyone had any questions or comments with the Zoning report. Skinner questioned the permit for the Community Center. Granahan stated the permit are in COG's hands and we will be creating a bid package soon. Granahan said he has spoken with the members of the Adult school and committed to having the Community Center ready for August 2nd. The Adult School would like to hold their EXPO for the weekend of the August 2nd which is the same weekend as the Blueberry Festival.

Action Items:

- 1. Joe Hunt, update on Coleman Road and introduce his business:** Joe Hunt was present at the meeting and updated Council on the application for the Coleman Road project. Joe Hunt also introduced his business, and stated he is in the process of purchasing what is currently the Times Shamrock building. Joe Hunt said he would be contacting the Borough's zoning officer with some questions, and asking for a letter from the Borough for the use of the parking lot. Joe Hunt said he is planning on moving his business into the building and there would be around 25 to 30 people employed there. Joe Hunt said his one concern was the Borough parking lot, and offered to help come up with a layout of the parking lot so more cars can park. Granahan stated the Borough and the Chamber have been talking about restriping the parking lot because with the 706 Project we will be losing parking spots.
- 2. Judy Kelly, handicap parking in town:** Judy Kelly and Julie Gains were both present at the meeting to asked Council their thoughts of adding handicap parking on the theater side of Public Avenue. Judy Kelly explained with the new curbing there are only a few sections where a person with a wheel chair or walker can access the sidewalk. Reimel explained he met with Judy Kelly and they talked about the handicap parking, but there is a standard that the Borough had to go by when the new sidewalks were built.

Reimel said we already lost twelve parking spaces when the sidewalks were upgraded, and dropping the curb would cause problems when it rains. Council discussed in detail no action was taken.

- 3. Skateboard Enclosure:** Reimel explained he asked the Borough Secretary to go back through old paperwork to find out what the insurance company needed us to do to be in compliance with the skateboard park. Some of the items listed were; the skateboard area needed to be enclosed, signs hung that state the rules, and a waiver. Reimel said he would like to move forward and get prices on the fencing around the skateboard area. Schuster asked who will be enforcing the rules. Reimel explained this is one of the reasons why we had the cameras installed at the park. Reimel said he has talked with some of the kids and told them if they destroy the park, there will never be another skateboard park again. Skinner questioned when the skateboard park will be open. Reimel hoped by mid-summer.
- 4. 2011 Audit:** Granahan explained most of the issues from the 2010 audit to the 2011 audit have been cleaned up. Three items in the 2011 audit are standard, with most Boroughs and the other items have been taken care of in 2012. Granahan thanked the Borough Secretary and Borough Treasurer for their hard work. The books are in great shape and managed down to the last penny. Granahan motioned to accept the 2011 Audit. Reimel seconded. Approved unanimously. Motion carried.
- 5. Street Sign for Pine Street:** Granahan explained there are three houses on Pine Street, but no street sign. Granahan motioned for DiPhillips to install a sign. Reimel seconded. Approved unanimously. Motion carried.
- 6. Legal Fees:** Granahan stated he felt this conversation should have happened a long time ago, and it is long overdue. It has to do with Mr. Steven's spigot lawsuit case. The legal fees for this lawsuit have topped \$13,500.00. This is a combination of multiple trips to the Zoning Hearing Board, going to Court, and answering Right-To-Know request. At the end of the day this case is one of the simplest. Mr. Stevens shows up in a residential area, installs a spigot and starts a commercial business. Mr. Stevens does not ask for permission, doesn't ask the Borough, and didn't even bother applying for a permit. The Borough residents are upset which calls for the Borough's attention, and when Council begins to act on it, we got the circus. First it was the Vera Scroggins circus, then the Oneonta New York circus, and now it's the repeated circus of running back and forth to

court hearings. Granahan stated to Skinner the problem he had was how to approach the subject, he would have done it in executive session, but felt it was a waste of time as he had raised other issues to Skinner in executive session without success. Granahan continued it is his understanding that Skinner had been seen at the Court House filing and paying for matters on behalf of Mr. Stevens. Granahan was unsure but stated if that is the case it could easily be discovered. More importantly he states Council just found out through a LinkedIn web site that Skinner is employed by the law firm that Mr. Steven is using to sue the Borough. Mr. Stevens is a non-borough resident, and a non-tax paying member of the community. Granahan stated Skinner's role as a fiduciary for the Montrose Borough people and the taxes that they pay, she should have disclosed that she is working for the law firm. Granahan said that Skinner didn't even disclose this information on her financial form, which he now understands has been amended as of this afternoon. Skinner replied that she didn't even have the Borough listed as an employer. Granahan stated that the primary employment needs to be listed on the forms. Granahan said the fact is that this has gone too far and the appropriate thing that should have happened was for Skinner to come forward and say she wanted to pursue this law suit with Mr. Stevens and excuse herself from Borough Council until there had been an agreement and then came back. Another avenue would have been to disclose that she is working for the law firm. Granahan said at this point the whole thing is inappropriate and feels the law firm is primarily in the wrong. Granahan stated the law firm had an obligation to come forward and say they have an employee who is sitting on Borough Council. Granahan motioned to ask Borough Council to have Solicitor Marion O'Malley explore options to seek legal fees for this frivolous case, whether or not they can be had is up to Solicitor Marion O'Malley, she can do the research and let us know. Also, explore some kind of filing with the disciplinary board. Granahan stated that the law firm had an obligation to step forward if they have an employee who is suing the Borough. She is attending the Council's executive session, she is involved in the litigation strategies, and she is suing the Borough. Reimel seconded. Skinner said she would abstain from the motion, but she would like to speak. Skinner confirmed that she does work for the Speer Law Firm, but her primary duties have little to do with the Zoning Hearing Board, and she never disclosed anything that was said in executive session. Skinner said she made it clear that she could not disclose any information discussed in executive session, she would not breach her responsibility as a member of

Council. Granahan stated that Skinner disclosed the emails that were attorney-client privilege. Skinner questions which emails Granahan was talking about. Granahan stated the emails that went back and forth among Council, which were distributed to WBNG. Skinner said she did not hand over emails to WBNG. Pickett questioned Skinner when Council was in executive session discussing legal matters, why didn't she excuse herself from the discussion. Skinner asked when. Pickett replied anytime we were in executive session and Council discussed any matters with Craig Stevens why didn't she excuse herself from the discussion. Skinner answered we didn't discuss Mr. Stevens when we were in executive session. Skinner then questioned when Council voted to have Solicitor Marion O'Malley become an intervener. Granahan said no, Solicitor Marion O'Malley was tasked to block whatever we had to in order, to get the spigot out. Skinner asked we don't need to have a vote every time. Granahan answered not ever signal motion as we go along. Skinner stated she never discussed anything in executive session ever, and that she is a worker and does what she is told. Skinner stated when she came on Council this issue was already here. Pickett questioned which issue. Granahan said the issue with the spigot was already here when both Pickett and Skinner started Council. Pickett stated it was not, the issue with the spigot started just after we started Council. Skinner said when she first started Council she wanted to know how Council could tell a public utility company what they can and can't do with their water. This was one of the first curiosities she had when she started Council. Then in February this matter came in front of Council the second or third meeting, then the walk out on religious grounds. Skinner stated again that her goal and duties had little to do with working against Borough Council. Pickett asked Skinner if the point she was trying to make is Council has no way in what a public utility company can come in and do. Skinner said no she is trying to understand the nature of the relationship. Granahan said let's get back to the point, at the end of the day this case is frivolous. Attorney sanctions need to be put in place or at least applied for along with attorney fees. Granahan stated he would have had this conversation in executive session but until now when he put Skinner on the spot she didn't disclose that she was working for the law firm. Skinner stated Granahan knew that. Granahan answered no Council didn't know if she is there as a friend to Stevens or because you wanted to snub Council or as official participant. At the end of the day the tax payer money spent on this case is two thirds of a salary. Skinner stated she had to have a job; she needs to be able to make a

living. Granahan answered he understands and that's why he is not making any motions against Skinner. Granahan said he is asking Council to have Solicitor Marion O'Malley do two things. One, go after the attorney fees; and two, explore the filing of paperwork with the disciplinary board. Skinner questioned if Solicitor Marion O'Malley goes ahead and does this how much more will it cost the Borough. Granahan said Solicitor Marion O'Malley has been very successful in controlling her legal fees and she will let Council know if this is worth filing for. Borough resident Alice Walsh commented \$13,500 is her salary for the year, and she agreed that this case is frivolous. Alice Walsh stated she is a taxpayer of Ward Two and felt Skinner was not representing her ward. Skinner told Alice Walsh that she could express herself at the ballot. Alice Walsh answered she did, she didn't vote for Skinner. Alice Walsh stated she felt Skinner came onto Borough Council with a personal agenda and questioned where her allegiance lied. Alice Walsh said she thinks Skinner allegiance lies with people who don't live in the Borough and in her opinion Skinner should be charged with Malfesance of Duty of an elected official, for what she has done. Skinner stated she appreciates Alice Walsh;s opinion but she is incorrect. Skinner didn't come on Council with a personal agenda, she likes public service. Alice Walsh said she is not convinced, not after everything she has seen. Skinner said however she does have an agenda when people don't have water to drink. This is her concern because someday it is a possibility that someone in this room in the Borough might have water problems. Skinner stated she has a moral issue with that. Alice Walsh stated then the people should have gone to their own municipality. Their problems should not be brought here and put on the backs of the Borough taxpayers and residents. Skinner said they went to Penn American water when the pipeline failed. Craig Stevens called Penn American Water and they told him they would put the spigot in. We dotted all of our I's and crossed all of our T's, and Ken DiPhillips the street foreman was at the site. Vice President Chamberlain stated that there is a motion we have a first and second . Approved. Motion carried. Skinner abstained.

- 7. Fire Police requesting no parking for Maple Street:** The Borough Secretary explained Mark Wood contacted her and asked if the Borough could have no parking signs on Maple Street for the Chocolate and Wine Festival, and the July 4th Celebration. The Borough Secretary explained

Mark Wood's concern was to be able to get a fire truck down Maple Street. Council discussed and approved the no parking signs pending clarification if the fire company wanted all of Maple Street or just from Chestnut Street to the pharmacy. Schuster motion for no parking signs on Maple Street. Granahan seconded. Approved unanimously. Motion carried. Pickett abstained, he is a member of the fire company.

8. Kiwanis permission for their Halloween Parade: Schuster motioned to approve the Kiwanis Halloween Parade for on Saturday October 26, 2013 at 12:30pm. Granahan seconded. Approved unanimously. Motion carried.

9. Brian Baker use of building for training: Granahan motioned to allow Brian Baker the use of the Borough Building for June 6, 2013 from 8:00am. to 2:00pm. Reimel seconded. Approved unanimously. Motion carried.

Discussion Items:

1. TWC Franchise Agreement: Council discussed the agreement and decided to table.

Vice-President Chamberlain asked for public comment.

Granahan motioned to adjourn the meeting. Skinner seconded. Approved unanimously. Motion carried.

REGULAR MEETING

May 20, 2013

President LaMont called the meeting to Order at 7:35 p.m.

Present for Roll Call: Tom LaMont, Todd Chamberlain, Craig Reimel, Randy Schuster, Tony Pickett, and Julianne Skinner.

Other Officials Present: Marion, O'Malley Esq., Solicitor; Erin H. Jenner, Secretary; John Wilson Mayor.

Recognition of Attendees: Elaine Petrzala, Patti Pickett, Melinda Darrow, Staci Wilson, Craig Stevens, Vera Scroggins, Alice Walsh, and Nate Williams.

Adoption of Agenda: Pickett motioned to adopt the agenda with additions. Schuster seconded. Approved unanimously. Motion carried.

Action Items

- 1. Susquehanna County Communication, need to appoint a delegate and alternate:** Chamberlain motioned to appoint Mayor Wilson as the Borough's communication delegate, and Chief Smith as the alternate. Pickett seconded. Approved unanimously. Motion carried.
- 2. MRC requesting donation for their Summer Beautification Project:** Chamberlain motioned to donate \$350.00 to the MRC for their Summer Beautification Project. Skinner seconded. Approved unanimously. Motion carried.
- 3. Fence for Skateboard Park:** Reimel explained we received quotes from Budget Fence in the amount of \$8548.00 and DeLongo Fence in the amount of \$8,750.00. Reimel motioned to accept the price quote from DeLongo Fence for \$8,750.00 they are a local company in New Milford and can get the project done within the next few weeks. Schuster seconded. Approved unanimously. Motion carried.
- 4. Community Center:** President LaMont recessed the meeting at 7:52pm., to give Council time to review the plans for the Community Center. President LaMont called the meeting back to order at 7:55pm. Council discussed and decided to table the item until they had more time to review the plans. Chamberlain asked if John Puzo could be asked to come to the next meeting for questions.
- 5. Elaine Petrzala, questions regarding attorney fees:** Elaine Petrzala asked Council if they could tell her to-date what the attorney fees are that have been paid in the matter with Craig Stevens. Solicitor Marion O'Malley asked the Borough Secretary for the amount. Solicitor Marion O'Malley explained about a week ago she did ask Judge Hollister to consider as part of a judgment, the attorney's fees with the Marta matter. Judge Hollister didn't grant the fees but he did find her guilty of both citations that were filed against her. The fine will be \$100.00 a day per citation there were two citations so a total of \$200.00 a day. There is a five day grace period, which should take effect Tuesday or Wednesday. Solicitor Marion O'Malley said she was unsure if that money could be used to defray some of the cost. Solicitor Marion O'Malley explained the other avenue taken to try and recover some of the cost, is last week she filed a motion for sanctions in the matter of Stevens vs. Montrose Borough et al, which is scheduled for a

hearing in June. Elaine Petrzala questioned, the Borough will not know if any of the fees could be recouped until the hearing. Solicitor Marion O'Malley said that is correct, the judge could grant all of it, some of it, or none of it. Solicitor Marion O'Malley felt given the circumstances she feels confident some type of award will be made, otherwise she wouldn't have recommended filing the motion. Elaine Petrzala said she is very disappointed by a Council member being on the board and being in the position where she is working with the other party, and feels very betrayed by her actions. President LaMont was not at the last meeting but understood it was expressed. President LaMont said the Borough Code does not allow for any type of self discipline among our self, so it will be up to the voters.

6. KLR requesting permission for their Annual Independence Day

Celebration: Reimel asked if the 706 project was going to interfere with the parade. The Borough Secretary answered she had spoken with Ed Dewitt who has been in contact with Leeward and at this time no. Ed Dewitt was going to keep in touch with Leeward as to their progress. Ed Dewitt gave an alternative parade route if needed. Reimel motioned to approve the KLR's request for their Annual Independence Day Celebration. Pickett seconded. Approved unanimously. Motion carried.

7. Click-it-or Ticket Program: Corporal Williams explained the Click-it-or- Ticket program is a state program where the Borough receives \$900.00 for 45 hours of patrol. Corporal Williams said the state recommended pay rate is \$20.00 per hour. President LaMont asked if the officers were scheduled. Corporal Williams said yes, it's spread out among the officers who wanted to participate in the program. Skinner asked to explain the program and if it was a secondary offence.

President LaMont asked if there was any public comment.

Reimel motioned to adjourn. Pickett seconded. Approved unanimously. Motion carried.

Respectfully Submitted,

Erin H. Jenner, Borough Secretary/Clerk

