

South Waverly Borough
May 3, 2021

President Testen called the meeting to order at 6:03 p.m. Members also present were Chris Wood and Cindy Parrish. Mayor Tim Hickey and Manager Valorie Huckabee also attended. The pledge of allegiance was recited.

There were no citizens to be heard.

Motion by Parrish, seconded by Wood to approve the minutes of the April 5, 2021 meeting. Motion was unanimous.

FINANCIAL

Motion by Wood, seconded by Parrish to approve the payment of the presented bills that total \$25,442.41. Motion was unanimous.

Amazon	\$45.86
Aqua Pa.	\$32.35
Art's Exterminating	\$30.00
Borough of Sayre	\$7,333.33
Brad co Assessment Office	\$80.70
Chamber Choice of NE Pa	\$1,971.52
Empire Access	\$104.26
Foster Law Office	\$4,325.00
Horn's True Value	\$170.39
Pa. State Assoc. of Borough	\$25.00
Patton's Plumbing	\$90.25
Penelec	\$398.03
Pitney Bowes Purchase Power	\$250.00
Quill Corp	-\$5.99
Robinson Contracting & Landscaping	\$3,000.00
RPM Group	\$2,950.00
Sayre Morning Times	\$282.87
Standard Insurance Co	\$459.42
Taylor Garbage Service	\$1,626.42
Teledair Communications	\$25.00
Tom's Hardware & Feed	\$33.09
Valley Energy	\$309.57
W B Mason	\$84.32
Bradco Supply	\$416.64
Dandy Mini Marts	\$139.15
Northeast ATV	\$47.94
Penelec	<u>\$1,065.61</u>
TOTAL	\$25,442.41

Motion by Wood, seconded by Parrish to approve the transfer of \$5,226 from our Super Money Fund to the Borough/Fire Dept. Capital Equipment Fund. Motion was unanimous.

Motion by Wood, seconded by Parrish to approve the transfer of \$5,000 from our Super Money Fund to the Borough's Capital Equipment Account. Motion was unanimous.

The 2021-2022 insurance quote was reviewed. Discussion followed about the deductible being raised for comp and collision. Huckabee will discuss with Steve Sumner at Gannon's and forward the info. to the council.

COMMITTEE REPORTS

Ralph Meyer and wife attended the meeting regarding the fireworks task force. The following final report dated 4/22/2021 from the fireworks task force was discussed.

History

On October 30, 2017, Pennsylvania House Bill 542 was signed into law which substantially increased the availability of fireworks in Pennsylvania. This change had numerous unintended negative consequences including personal injuries, emotional impact on veterans and others suffering from PTSD, serious behavioral responses of pets, and general public disturbances.

On July 6, 2020, the South Waverly Borough Council established a Fireworks Task Force in response to several requests from citizens to address the various issues related to fireworks disturbances in the community. John Natoli, a member of the South Waverly Borough Council was appointed Chairman. The task force had two organizational meetings, and in the process determined that it would be important to invite the other municipalities to appoint representatives to the task force. Subsequently, the Chairman of the task force left the SWB Council and stepped down as Chairman. There was thus a hiatus in the task force activity until January of 2021 when Ralph Meyer was appointed Chairman. Since that time, all municipalities in the valley have appointed representatives and there have been 6 meetings of the task force.

Goal for Task Force

Develop a comprehensive plan to deal with the fireworks disturbance issues and present same to the respective governing bodies for their consideration.

Summary and Recommendations

Legislation/Political Involvement

The task force reviewed all of the valley ordinances related to fireworks. There is a wide disparity of the various ordinances, with South Waverly having the most comprehensive and Waverly having none. **RECOMMENDATION: *It is recommended that all municipalities come together and to the extent possible, create and adopt a common fireworks ordinance.***

The task force reviewed the current laws in Pennsylvania and New York related to fireworks. The New York law is quite restrictive and only permits sparklers. The Pennsylvania House of Representatives recently introduced legislation (House Bill 998) that essentially repeals Pennsylvania House Bill 542 (the 2017 legislation). **RECOMMENDATION: *It is recommended that all municipalities adopt a resolution strongly supporting the adoption of House Bill 998 and request their elected representatives to support same.***

Enforcement of Existing Laws & Ordinances

The task force met with the municipalities Chiefs of Police to solicit their input on practical enforcement of existing laws and ordinances. It was noted that the law is somewhat unclear on the identification of various fireworks. They judged that education of the public the key in trying to reduce the disturbances and offered several suggestions. They were very supportive of the objectives of the Task Force and willing to work with us to accomplish the established objectives.

The task force became aware that there is a December 4, 2018 Commonwealth court decision that bans the sale of consumer fireworks from temporary structures (tents). Tents may resume selling the same type of novelty fireworks that are available in grocery stores, general merchandise stores, warehouse stores, etc. and that invalidated the portion of the law that addressed sales from roadside tents and similar temporary structures. There appears to be confusion on what is legal and not legal based on this court decision.

RECOMMENDATION: *It is recommended that municipalities that currently issue permits for the sale of fireworks in tents thoroughly review the law and court rulings regarding same and enforce them as appropriate.*

Education

The Task Force acknowledges that one of the most important components in accomplishing the stated goals is ongoing education of the public regarding the multitude of issues related to fireworks. The Task Force is committed to developing a comprehensive plan of education and is prepared to reconvene to accomplish same. In order to do this, the Task Force will need input from the governing bodies relative to a common fireworks ordinance and legal clarification relative to court rulings regarding the sale of fireworks.

Addressing the issues surrounding fireworks disturbances in the valley, especially to education component, is a long-term process. There is no “quick fix.” It is the goal of the Task Force to put into place a plan with sustainability for the years to come.

Council approves the report and a copy of House Bill 988 was presented and will be forwarded to the council to review. Our ordinance is the best in the Valley as it follows the current Pa. Law. The council supports Foster speaking with the other Borough’s to review their current ordinance and try to keep all of the Valley’s ordinance the same. We also will continue to place information regarding our ordinance and education of fireworks on our Facebook page and our sign. The task force will meet again on 5/22/21.

We did not receive a police report for April 2021. Wood reported the Fire Board met and approved to pay bills and still working on quotes for their building.

Lohmann reported he has been mowing. New garage floor was poured. The rented roller is being delivered Tuesday and Lohmann hopes to roll the yard. Lohmann also fixed the yard and areas that was damaged due to plowing this past winter.

The borough got a judgement against the Chapman’s on Pleasant St. regarding property maintenance. He has 30 days to appeal judgement. The property still has not been cleaned up.

We received 2 bids for the 2021 road project. Glenn O Hawbaker, Inc and Bishop’s Brothers, Inc. President Testen opened the bids. Bishop’s bid \$34,160 and included a check for bid bond and Hawbaker’s was \$39,220 and included bid bond. Wood stated that he would recommend Bishop’s as Glen Hawbaker bid is higher also they are in some legal trouble and PennDot isn’t considering for jobs either. Motion by Parrish, seconded by Wood to accept Bishop Brother’s, Inc. for \$34,160. Motion was unanimous.

Planning did not meet in April. Attorney Foster was attending meeting electronically.

He reviewed his report. Foster was told that the shed that isn’t authorized on the parking lot property on Division St is still there and has not been moved.

The building permit issued by Lohmann was voided and the payment issued by Porter's was returned. Horn was notified to remove shed.

Ordinance #5-3-21 was presented for naming of 2 new streets. Nocchi Drive and Beverly Lane. Motion was Parrish, seconded by Wood to approve and adopted Ordinance 5-3-21, naming Nocchi Dr. in Honor of Bob Nocchi for all his years of service to the Borough. The road will be the road from Loder St into the new Frandsen Development. Beverly Lane is Mrs. Frandsen and this will be the road heading south off Nocchi Dr. Motion was unanimous.

A letter was received from a resident on Pitney St. stated she doesn't have a problem with allowing chickens in the borough.

Meeting recessed into executive session at 7:05 p.m. for personal reason. Meeting reconvened and adjourned at 7:15 p.m.

Respectfully submitted,
Valorie L. Huckabee
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Manager