

## MINUTES OF THE BOROUGH OF MONTOURSVILLE

July 1, 2013

The regular meeting of the Montoursville Borough Council was called to order by Council President Robert Brobson at 7:00 PM, with the following answering roll call: Mark Tillson, Dennis Holt, Robert Brobson, Ronald Shearer, Eugene Boyles, Kim DiRocco and Mayor Dorin.

The Pledge of Allegiance was observed.

President Robert Brobson announced that a water committee meeting and executive session took place prior to this meeting. The executive session was to discuss personnel.

The minutes of the June 3, 2013 meeting were approved on a motion by Mr. Boyles, second by Mr. Shearer. The motion carried.

**VISITOR AND PUBLIC COMMENTS** – Borough Engineer, Mr. Todd Pysher/Pysher Engineering recommended to council to amend Ordinance 452 regarding procedure for filing proposed subdivision and land developments. The section Mr. Pysher recommended being amended states plans need to be submitted to the borough office 25 days in advance of the Planning Commission meeting; he recommends amending it to 10 days through a policy. He stated several reasons for this recommendation and noted that this recommendation also has the approval from the Planning Commission Chairman, Mr. Don King. Council President, Mr. Brobson questioned if this could be accomplished through a policy. Solicitor, Thomas Marshall stated a motion should be made to authorize the preparation of the proposed amendment and that amendment to the ordinance would have to be advertised. Council President, Mr. Brobson then asked Solicitor, Thomas Marshall if it would be okay to make changes via a policy while the ordinance is being prepared. Solicitor, Thomas Marshall stated that it could be done however it doesn't mean it could not be challenged; the ordinance governs.

**Motion** by Mr. Boyles to authorize the preparation of the proposed amendment to Ordinance 452, reducing the submittal date from 25 days to 10 days, second by Mrs. DiRocco. The motion carried. Council member, Mrs. Kim DiRocco commented on the recent shooting that took place in her neighborhood and her efforts to organize a neighborhood watch group. She noted that two meetings had been held; fifteen residents had signed up to be part of the group. She noted her goal is to get other neighborhoods involved; there is a very big heroin problem. She stated that crime is escalating; residents need to be proactive and do something positive. Council member, Mr. Mark Tillson commented on the topic and noted that the landlords owning property in the borough need to investigate who they are renting to, check references and not just collect rent from the first person who can pay the rent. He then stated that he knows that the landlords are not the only problem but there needs to be a group effort in the borough; not just homeowners. Council member, Mrs. DiRocco noted that Williamsport is proposing an ordinance that requires landlords to provide tenants names. She stated that if their ordinance goes into effect; Montoursville may be dealing with more problems.

### **TREASURERS REPORT** –

**Motion** by Mr. Boyles to approve the treasurer's report and the Borough bills for June 2013, second by Mr. Shearer. The motion carried.

### **NEW BUSINESS** –

**BENNETT & PINE STREET RECONSTRUCTION BID** – Ms. Kristin McLaughlin/SEDACOG stated that Jason Campbell/ McTish Engineering is also here to discuss and recommend to council the apparent low bidder for Bennett and Pine Street Reconstruction project. She explained that the bid opening was June 7<sup>th</sup>, 2013 and the award was based on the total bid price; however it was required to have the bid broke out into Pine Street and Bennett Street. She stated that 5 bids were received with the apparent low bidder being HRI with a total bid of \$ 160,278.50; which includes Bennett Street

at \$ 83,752.50 and Pine Street at \$ 76,526.00. She recommends awarding the bid contingent upon compliance with federal and state requirements established under the CDBG programs. A discussion took place regarding the bids. **Motion** by Mr. Boyles to award the bid for the Bennett and Pine Street Reconstruction project subject to the CDBG requirements to HRI in the amount of \$160,278.50, second by Mrs. DiRocco. The motion carried.

**CDBG FFY2013 PROJECT REVIEW & FINALIZATION** – Ms. Kristin McLaughlin/SEDACOG discussed with council that there are no updates to the status of the allocation; she is expecting an update any day. She noted she is still working with the figure of \$ 84,500.00 and project evaluations based on eligibility, fundability, timeliness and financial need. She noted that the borough street crews conducted some street surveys on potential streets that may meet the guidelines for CDBG funds; thus far none have qualified. Ms. McLaughlin recommendation to council is to approve the project finalization for CDBG FFY 2013 with 62 percent of the allocation going to Pine Street reconstruction, 20 percent of the allocation going to Bennett Street reconstruction and 18 percent allocated for SEDA-COG Professional and Administrative Services Agreement and not put any funds into any other project. She stated by doing this it would give more time to find potential streets to survey for reconstruction.

**Motion** by Mr. Boyles to approve the recommendation of the CDBG FFY 2013 project finalization with 62 percent of the allocation going to Pine Street reconstruction, 20 percent of the allocation going to Bennett Street reconstruction and 18 percent allocated for SEDA-COG Professional and Administrative Services Agreement, second by Mrs. DiRocco. The motion carried. Ms. McLaughlin stated the Final Public Hearing is scheduled for August 5<sup>th</sup>, 2013.

**CONRAD SIEGEL ACTUARIES' RECOMMENDATIONS** – The Borough Secretary explained to council the recommendations that came from consulting actuary, Mr. David Killick/Conrad Siegel regarding the Montoursville Police Pension Plan and Montoursville Borough Nonuniformed Employees Pension.

**Motion** by Mr. Boyles to approve the recommendations of consulting actuary Mr. David Killick/Conrad Siegel for the Borough of Montoursville Police Pension Plan and the Borough of Montoursville Nonuniformed Employees Pension Plan, second by Mr. Holt. The motion carried.

**DEVELOPMENT IMPROVEMENT AGREEMENT – BRIAN ST. JOHN & WILLIAM EDWARDS – LAZER WASH** – was reviewed and discussed. Council President, Mr. Brobson questioned Solicitor Thomas Marshall if he had reviewed the document. Solicitor Thomas Marshall stated he had reviewed and approved the agreement.

**Motion** by Mr. Boyles to authorize the necessary signatures for approving the Development Improvement Agreement with Brian St. John & William Edwards for their Lazer Wash, second by Mr. Shearer. The motion carried.

**AUTHORIZATION TO ENTER- SEDA-COG JOINT RAIL AUTHORITY** – The Borough Secretary explained to council SEDA-COG Joint Rail Authority's request for authorization to enter so that their Railroad Bridge Project may proceed. It was noted that the document had been reviewed and approved by the solicitor.

**Motion** by Mr. Boyles to approve the Authorization to Enter from SEDA-COG Joint Rail Authority, second by Mrs. DiRocco. Council member, Mr. Dennis Holt asked Street/Water Commissioner Mr. Smith if had been notified on what they would be doing on Mill Street. Street/Water Commissioner, Mr. Smith stated that they will be raising the railroad bridge, three feet so they will have to raise Mill Street in that area, three feet and taper it back; at the no expense to the borough. Council member, Mr. Holt asked if they were utilizing any of the borough property for storage. Street/Water Commissioner, Mr. Smith stated that they were not. The motion carried.

**SEASONAL EMPLOYEE – CALEB HUFF – WAGE INCREASE** – Council President, Mr. Brobson noted that the wage increase would be one dollar and hour. Personnel, Safety and Administration Committee Chairperson, Mrs. DiRocco stated that Caleb has been working here every summer for the past three years without a wage increase. He is currently being paid nine dollars per hour.

**Motion** by Mrs. DiRocco to give seasonal employee Caleb Huff a one dollar per hour raise retroactive to the beginning of his 2013 seasonal employment, second by Mr. Shearer. A discussion took place regarding the duties and hours Caleb works. The motion carried.

**STREET/WATER EMPLOYEE CANDIDATE – CRAIG JERNIGAN** – Personnel, Safety and Administration Committee Chairperson, Mrs. DiRocco stated that Montoursville Borough is very fortunate to have the opportunity to hire a third Certified Water Operator; covering when other water operators are unavailable. She noted he will also be working in the street department. She stated it is their recommendation to hire Craig Jernigan as the third Certified Water Operator.

Motion by Mrs. DiRocco to hire Craig Jernigan as the third Certified Water Operator, second by Mr. Boyles. Council member, Mr. Holt questioned his pay rate. It was noted he would be hired as per the contract for the probationary water operator pay rate. The motion carried. Council member, Mr. Tillson stated his reason for voting against the hiring was due to budgetary questions. Council President, Mr. Brobson stated that the borough has had a hard time locating water operators; he is in favor of the hiring. At this time, Mr. Craig Jernigan introduced himself and thanked council for the opportunity to serve.

**TEMPORARY PERMIT RENEWAL, 1001 BROAD STREET, DESANTO'S SUBS** – Council member, Mr. Holt noted that it was brought to his attention that Mr. DeSanto's business temporary permit is due to expire on July 30<sup>th</sup>, 2013. He stated that he feels that another temporary permit should be renewed for another 12 months. He can't see putting Mr. DeSanto through the whole permit process. Council member, Mr. Shearer requested the solicitor's advice on the matter. Solicitor, Thomas Marshall stated the temporary permit is a zoning permit so it is in the purview of the zoning officer; not council. He stated the temporary permit is to allow occupancy of land or structure for a temporary time if it may contribute to the welfare of the borough and its residents. He stated procedurally it should go to the Zoning Officer for consideration. In the absence of temporary permit, the business owner would file for a zoning permit to operate the business there. Council President, Mr. Brobson noted that it is his understanding that it has already been turned down by the Zoning Officer. Mr. DeSanto stated he had verbally been told by Zoning Officer, Mr. Matt Sauers that he would have to do the Land Development. It was noted that the temporary permit extension had never been discussed. Council President, Mr. Brobson stated that Mr. DeSanto had been told that the temporary permit was for one year and the problem now is that it can't be extended. Mr. DeSanto questioned whether the borough would be able to tell him what he needed to do. Solicitor, Thomas Marshall stated that it is a zoning matter and not in the purview of council. He stated that the Zoning Officer has the authority to grant temporary use permits for a period not exceed more than one year under the conditions the use would enhance the public health, safety and welfare. He noted that it is a very narrow category and if the Zoning Officer were to deny a request for a temporary use permit the appeal would be to the Zoning Hearing Board. He said that it sounds like the Zoning Officer has instructed the applicant to file a Land Development Plan in order to obtain a general permit; which is a zoning issue not an issue for council. Council member, Mr. Holt questioned Mr. DeSanto if he had received a letter stating that his temporary permit had expired. Mr. DeSanto stated that he had not. Council President, Mr. Brobson stated that it is not in the purview of council to approve this permit but the Zoning Officer's. A discussion between Mr. DeSanto, council and the solicitor took place regarding the cost of a land development and options Mr. DeSanto has. Council member, Mr. Holt questioned Solicitor, Thomas Marshall as to if Mr. DeSanto could apply for another Temporary Use Permit. Solicitor, Thomas Marshall stated that there is nothing prohibiting Mr. DeSanto from applying for another Temporary Use Permit. Council member, Mr. Holt suggested Mr. DeSanto should maybe try to apply for another Temporary Use Permit. Council member, Mr. Tillson questioned if Mr. DeSanto applied for another Temporary Use Permit; how long would it be for. Solicitor, Thomas Marshall stated the borough's ordinance provides for one year temporary permit. A discussion took place regarding whether the Zoning Officer has the ability to issue another Temporary Use Permit. Solicitor, Thomas Marshall stated that there is nothing in the ordinance that speaks to whether one can obtain more than one temporary permit.

**PLANNING & ZONING** – Central Keystone COG Reports June 2013 were reviewed by council.

Planning Commission June Meeting Minutes were reviewed by council.

An announcement was made that the Planning Commission meeting to be held August 7<sup>th</sup>, 2013 will be moved to July 31<sup>st</sup>, 2013.

**RECREATION** –

June Minutes

Event Permits:

2013-22 Lycoming Physical Therapy – 4 Mile Marathon–October 12<sup>th</sup>, 2013  
7:00AM-1:00PM

2013-23 PADEP – Softball Tournament – August 31<sup>st</sup>, 2013- 9:00AM-6:00PM

2013-24 ACES – Zombie Fun Run 5K – October 26<sup>th</sup>, 2012 -8:00AM-6:00PM

**Motion** by Mr. Shearer to approve Event permits 2013-22, 2103-23 and 2013-24, second by Mrs. DiRocco. The motion carried. Council member, Mr. Shearer noted the Recreation Board made motion to request to charge a \$25.00 fee for use of the park other than use of a pavilion. He stated groups of people are still using the park and facilities. He noted it would exclude the youth sport teams practices. A discussion took place regarding monitoring and enforcement of events, the definition of an event and the costs associated with the events being charged to the borough. It was clarified that this charge would be imposed on events required to fill out an event permit not utilizing a pavilion.

**Motion** by Mrs. DiRocco to approve a \$25.00 fee for events not utilizing a pavilion but using the borough facilities, second by Mr. Holt. The motion carried

**STREETS/WATER** – Street/Water Commissioner, Mr. Ron Smith reported to council on several projects. He stated Pavilion 1 is just about completed and Mill Street tar and chipping has been completed. He stated all but 1 item has been sold on Municibid for revenue of \$23, 316.00; however 2 items still need picked up. He noted that the backflow preventers have been installed at the sites; only grading needs to be done. He reported that progress is being done on Well 4 and the foundation is ready to be poured. He also noted that they had also repaired a water leak in the park. Council President, Mr. Brobson asked Street/Water Commissioner if the days that the park is to be mowed been established. Street/Water Commissioner, Mr. Smith stated that the park will try to be mowed Wednesday and Thursday. It was noted that the mowing contractor had recently used his new mower in the park. Council member, Mr. Tillson questioned if the new street sweeper was being used. Street/Water Commissioner, Mr. Smith stated it will be used once we get a few rain free days, now that the sweeper has been insured.

**MAYOR** – Mayor Dorin reviewed the June Police Report with council. He reported and updated council about his attendance at the neighborhood watch meeting along with Chief Gyurina and Deputy Chief Bentley. He commended the police for doing an excellent job responding to the resident’s questions. Mayor Dorin requested council to review a noise ordinance do to several complaints in the borough; he had received the ordinance from the mayor of Hazleton. He is hoping the ordinance could be tailored to fit Montoursville Borough’s needs. Mayor Dorin asked council if they had reviewed the “Young Lungs at Play” information they had received. He stated the Recreation Board reviewed the program at their last meeting and recommended approval of it; at the meeting signage placement was discussed. Mayor Dorin noted that the signs would be free. He requested Borough Council to support the program. A discussion took place regarding whether the program would include all tobacco products or just be a smoke free program and what areas would be designated. Mayor Dorin went on to say that it would be hard to enforce; it would be a self enforced program by families. Mayor Dorin stated that Loyalsock Township has adopted this program; utilizing the signs in several areas. It was noted that at Montoursville School District grounds there is a no tobacco products policy. The Borough Secretary stated that she had received the Loyalsock Township policy if anyone would like to review it. A discussion took place whether it would be appropriate to adopt a resolution, ordinance or policy. Council member, Mr. Holt questioned whether it should come under the Ordinance containing the park rules. Solicitor, Thomas Marshall stated if it is a policy instead of an ordinance; a citation cannot be issued for a violation. He stated if it is an ordinance; a citation can be issued. A

discussion took place between Council, Mayor Dorin and Chief Gyurina regarding policy versus ordinance. Council member, Mark Tillson questioned how many signs would be issued. Mayor Dorin stated that he felt approximately 15 to start with. Solicitor, Thomas Marshall noted that the policy provided as a sample, references that tobacco free facilities located in the borough do not allow use of tobacco products on borough owned park lands, park facilities, open space, or joint borough and school district properties. He stated he feels the description would have to be refined as to where borough council would like it to apply; he noted it also stated a broad description of all tobacco products. It was agreed by council to have the Solicitor draft a No Smoking policy to be posted and imposed in designated areas of the borough that had been discussed. Mayor Dorin updated council on his initiative for the pond area improvement and rehabilitation; it will include two handicap fishing decks, parking area improvement, boat dock launching pad, grub out area north of the pond, refurbish the information placard, park benches, picnic tables, and removal of domestic geese. He stated the grant submittal date is by January 2014. He stated he would like some input from the Recreation Board, VIP's, Borough Council, Garden Club and any organization that might have an impact. Mayor Dorin stated the grants are awarded April 2014. Council President, Mr. Brobson requested the Mayor to put all this information in an outline on paper to distribute to council. Mayor Dorin agreed. Council member, Mr. Tillson questioned Mayor Dorin if an architect would be required. Mayor Dorin stated that he felt a Land Development Plan would be needed and he had several people in mind. Council President, Mr. Brobson questioned the cost. Mayor Dorin stated it was estimated at \$100,000.00 and a 60/40 or 50/50 split, also services can be provided in kind. Mayor Dorin questioned Street and Water Committee Chairperson, Mr. Boyles if his committee had met to discuss the maintenance of the Broad Street Streetscape. Street and Water Committee Chairperson, Mr. Boyles stated that unfortunately the other members did not show for the meeting. He noted that he had the contract regarding the maintenance of the Broad Street Streetscape which states the trees will be maintained by the property owners along the street, borough crews are responsible for the trimming of the trees at the property owners request, maintaining the height limits as specified in the Borough's Shade Tree Ordinance, street lights will be maintained by the street crew; it does not include pulling weeds. A discussion took place regarding the project and its maintenance. Street and Water Committee Chairperson, Mr. Boyles explained that community service workers could be used to pull weeds, all it would take is someone to monitor them by the property owners; it is the property owner's responsibility not the boroughs. Council President, Mr. Brobson stated that this issue has been gone over several times; the contract states specifically what the borough is responsible to maintain on the streetscape. Mayor Dorin stated that the borough should care what the streetscape looks like. Council Member, Mrs. DiRocco suggested finding a solution to the problem. She suggested creating a group of volunteers who are willing to take care of the streetscape if the business owners won't; instead of expecting the taxpayers to take care of it. Council member, Mr. Tillson questioned Mayor Dorin when the last time he was at the Chamber of Commerce meeting. Mayor Dorin stated two weeks ago. Council member, Mr. Tillson questioned if the property owners know it is their responsibility. The Borough Secretary stated that the borough had sent out letters to each property owner. Council member, Mr. Tillson noted that even though the property owner had been notified they are still not taking care of it. Mayor Dorin stated about 25 percent of the property owners do take care of their streetscape. Council member, Mr. Tillson suggested handling it the same way other property maintenance issues are handled. Mayor Dorin questioned council's decision; he noted that he has been doing this for the last four years. Council member, Mr. Shearer stated that if the streetscape does not get maintained by the property owners, citations should be issued. He stated they should be treated just like he would if he did not maintain his property.

**POLICE CHIEF** – Chief Gyurina reviewed the June Police Report with council also. Chief Gyurina reported on four DUI's. He stated he has a community service worker needing sixty hours of community service; he will be taken care of the graffiti underneath the bridge and the bike path tunnel. Council member, Mrs. DiRocco asked Chief Gyurina if he had discovered who had done the graffiti. Chief Gyurina stated he is still working on it. Chief Gyurina stated in regards to a noise ordinance; there are situations in the borough that are out of control. The borough's current noise ordinance basically only addresses time. He would like to take the noise ordinance that Mayor Dorin presented and possibly implement some of it into the borough's current noise ordinance.

**COUNCILPERSONS** – Council member, Mr. Boyles stated that the Water Committee met early in the evening with Water Engineer, Mr. Dave Walters/Larson Design Group to discuss a water rate study he had prepared for the borough water system. He stated the study indicates that it currently cost the borough \$ 4.38 to produce one thousand gallons of water; currently the borough charges \$3.00 per one thousand gallons. He stated the Water Committee is going to have to take a hard look at raising the water rates in the future. Council member, Mr. Boyles also notified council that he has a Senior student who would like to do his senior project in the park. His project would be to put a walk way across the parking area to the location of the proposed handicap fishing deck. A discussion took place between Council member, Mr. Boyles and Mayor Dorin regarding the location of the walkway. Council member, Mr. Boyles stated the student would be able to complete the project at no cost to the borough. He stated he will be contacting the code official regarding permits. Council member, Mr. Shearer asked Council member, Mr. Boyles the status of the contract with Aqua America. Council member, Mr. Boyles stated that they are still in negotiations for a contract on what they would be charged for water; they have not gotten to a final version of the contract as of date. Council member, Mr. Shearer stated that the borough must set water rates before there could be a deal negotiated. Council member, Mr. Boyles agreed. Council member, Mr. Shearer stated if rates are not set quickly; the borough may lose the opportunity to sell water to Aqua America. Council member, Mr. Boyles noted that the borough needs to replace its water meters, on a three year program, costing \$135,000.00 a year to replace. He stated we must replace the old meters with new as the old meters do not meet the requirements from DEP.

**SOLICITOR** –Nothing at this time.

**COUNCIL PRESIDENT** – Nothing at this time.

**COORESPONDENCE AND ANNOUNCEMENTS** –

Next council meeting will be on Monday, August 5<sup>th</sup>, 2013 at 7:00 PM

**VISITOR AND PUBLIC COMMENTS** – Resident, Marion Harris, questioned Street/Water Commissioner, Mr. Smith about when a street light has been reported out, how many weeks does it takes to be repaired. Street/Water Commissioner, Mr. Smith stated sometimes it takes PPL months to repair. Mrs. Harris then questioned the ability to have a crime watch when a street light is out. Street/Water Commissioner, Mr. Smith stated once a street light has been reported to the borough; the police secretary notifies PPL that same day and once PPL is notified it is out of the borough's hands.

There being no further business the meeting was adjourned at 8:35 pm on a motion by Mr. Boyles, seconded by Mrs. Kim DiRocco and carried.

Respectfully submitted,

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Ginny Gardner, Borough Secretary