

MINUTES OF THE BOROUGH OF MONTOURSVILLE

August 5, 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: Dennis Holt, Robert Brobson, Ronald Shearer, Eugene Boyles, Kim DiRocco and Mayor Dorin. Absent - Mark Tillson.

The Pledge of Allegiance was observed.

The minutes of the July 1, 2013 meeting were approved on a motion by Mr. Boyles, second by Mrs. DiRocco. The motion carried.

VISITOR AND PUBLIC COMMENTS – Denise Johns presented to Borough Council a photo of a bench that her family would like to donate and dedicate to Bill Johns. She is requesting permission to place the bench along John Hazel Drive in Indian Park between Pavilion 6 and Pavilion 4. Council Member, Mr. Eugene Boyles stated that he has been helping Denise; the bench will maintenance free and the VIP's will help with the installation.

Motion by Mr. Boyles to approve and accept the donation of the bench dedicated to Bill Johns, second by Mr. Shearer. The motion carried.

LAND DEVELOPMENT PERMIT – Preliminary/Final – Hutchinson East was reviewed and discussed by Mr. Robert Pfirman/Larson Design Group with council.

Motion by Mr. Boyles to conditionally approve the Preliminary/Final Land Development Permit for Hutchinson East with the following conditions, the applicant obtains an NPDES permit for the proposed land development project and posts acceptable financial security with amount to be determined by Borough Engineer, Mr. Todd Pysher, and in a form acceptable to the Borough Solicitor with Montoursville Borough to cover the proposed site improvements, second by Mr. Holt. The motion carried.

LAND DEVELOPMENT PERMIT & SUBDIVISION – Preliminary/Final – Montoursville Lazer Wash was reviewed and discussed by Mr. Bruce Kilpatrick/Hawbaker Engineering with council Mr. Kilpatrick requested his Land Development Plan to be revised to Preliminary only. Mr. Kilpatrick started with the Subdivision request. Zoning Officer, Mr. Matt Sauers stated the subdivision meets all the requirements of the Zoning Ordinance and the Planning Commission has reviewed and recommended the project.

Motion by Mr. Boyles to approve the Subdivision Permit for Montoursville Lazer Wash, second by Mr. Shearer. Council President, Mr. Robert Brobson questioned the distance the building will be to the road. Mr. Kilpatrick stated it will be 75' from the right of way. The motion carried. Mr. Kilpatrick went on to review and discuss the Land Development with council. Zoning Officer, Mr. Sauers stated that the Planning Commission had reviewed and approved with the following additional conditions, favorable review by the Borough Engineer and the County Planning Commission. The applicant must obtain a sewage planning module exemption from PADEP, an executed Right of Way Agreement for the extension, post financial security for the proposed improvements and record the Subdivision at the Lycoming County Courthouse prior to approval. Mr. Kilpatrick explained at this time he would like to withdraw the Land Development Plans as Final and resubmit them as Preliminary Land Development Plans with the understanding he would have to return with Final Land Development Plans. A discussion regarding the Right of Way Maintenance Agreement took place. Borough Solicitor, Mr. Randy Sees stated that he had been working with Attorney Stuart Hall who represents Montoursville Lazer Wash, on the Right of Way Maintenance Agreement; there have been some issues with contacting PPL and the property owner of the road, which is also in question. Mr. Kilpatrick stated that he had done some research regarding the ownership of the road; it seems that it was to be dedicated to Montoursville Borough but he cannot find a deed. He stated they are willing to make that a condition if needed. Borough Solicitor, Mr. Sees stated he does not feel the Right of Way Maintenance Agreement will be an issue but proving ownership of the road may be more difficult; also getting all parties to sign the Maintenance Agreement. A discussion took place over the width of the road; it was agreed by council to make widening the road to 25 feet as part of the conditions of approving the Preliminary Land Development Plans.

Motion by Mr. Boyles to conditionally approve the Preliminary Land Development Plan for Montoursville Lazer Wash with the following conditions, the Design Engineer must satisfactorily respond to the Borough Engineer's, Mr. Todd Pysher's review comments, must obtain sewage planning exemption approval from PA DEP, must execute a right-of-way

use and maintenance agreement with the Borough, et al., must record the subdivision plan for the property that will be affected by this land development project, and provide proof of said recording to the Borough prior to the release of the land development plan for recording, must widen Vine Street Extension to 25 feet, second by Mr. Holt. The motion carried.

TREASURERS REPORT –

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

NEW BUSINESS –

CDBG FFY 2013 GRANT APPLICATION FINAL PUBLIC HEARING AND APPLICATION – Council President, Mr. Robert Brobson recessed the regular meeting at 7:39 pm and the final public hearing for the CDBG FFY 2013 was convened. Ms. Kristin McLaughlin/SEDACOG stated that this year's allocation is still estimated at \$ 84,500.00. The projects that has been selected by council for this year's funding are 20% allocated to Bennett Street reconstruction, 62% allocated to Pine Street reconstruction and 18% allocated to administration. Ms. McLaughlin stated that a resolution must be passed by council in order to submit the application and authorize Council President to execute the documents to be submitted. She stated that typically she would have the actual application however due to not having the exact allocation; she cannot fill the numbers into it. At this time, Ms. McLaughlin opened the floor for any comments or questions from the public. Mayor Dorin questioned if there had been any monies left over from 2013. Ms. McLaughlin stated that due to the fact we could not identify a street that could qualify for CDBG funds and did not have another project in line. Council decided to take all the funds and put them into Bennett and Pine Streets reconstruction, knowing that in the end there will be money left over, which will be reallocated. She stated it gives a cushion of time to find another street or project that would qualify. Mayor Dorin questioned whether a site plan manager for the pond improvement project would qualify; pending council's approval of the site plan for the pond improvement project. Ms. McLaughlin stated that the time to put funds into that CDBG project would be after council approved the project. Council member, Mrs. Kim DiRocco questioned Ms. McLaughlin if there were any neighborhood watch projects that would qualify to be funded. Ms. McLaughlin stated that you could probably fund some type of public service. At this time Council President Mr. Brobson closed the public meeting at 7:44 and reconvened the regular council meeting.

Motion by Mr. Boyles to adopt Resolution of the Borough of Montoursville authorizing the submission of an application to the PA DCED for Federal Fiscal Year 2013 under the Community Block Grant Program and authorize the necessary signatures, second by Mrs. DiRocco. The motion carried.

RESOLUTION 2013-04 – adopting the market value of assets as the actuarial value of assets as part of the actuarial valuation of the Police Pension Plan.

Motion by Mrs. DiRocco to approve the Resolution 2013-04 adopting the market value of assets as the actuarial value of assets as part of the actuarial valuation of the Police Pension Plan, second by Mr. Shearer. The motion carried.

RESOLUTION 2013-05 - Real Estate Tax Refund – William & Wanda Bafile, 112 Allendale Drive – \$ 94.53

Motion by Mr. Boyles to approve the Resolution 2013-05 for Real Estate Tax Refund, second by Mrs. DiRocco. The motion carried.

RESOLUTION 2013-06 - Real Estate Tax Refund – Donald & Shirley Shatley, 117 Sunset Drive – \$ 398.30

RESOLUTION 2013-07 - Real Estate Tax Refund – Donald & Shirley Shatley, 117 Sunset Drive – \$ 380.69

RESOLUTION 2013-08 - Real Estate Tax Refund – Donald & Shirley Shatley, 117 Sunset Drive – \$ 382.09

RESOLUTION 2013-09 - Real Estate Tax Refund – Donald & Shirley Shatley, 117 Sunset Drive – \$ 370.95

The Borough Secretary explained to council that the real estate taxes that are being requested to be refunded should have fallen under a Veterans Exemption that was approved November, 2009 by the state for any persons 100% disabled as a

result of military service during war time. Unfortunately, they never received an exemption status by the county and they continued to pay the tax. Upon the Borough Solicitor, Mr. Sees review, it had been noted that only the prior 3 years taxes are required to be refunded by council. It was noted that the county had refunded the prior 4 years.

Motion by Mr. Boyles to approve the Resolution's 2013-06, 2013-07, 2013-08, 2013-09 for Real Estate Tax Refunds for all four years, second by Mrs. DiRocco. The motion carried.

RESOLUTION 2013-10 – PADOT Traffic Signal Mast Arm transfer – Council member, Mr. Boyles stated that the borough has been trying to get rid of the mast arm for many years. Street/Water Commissioner, Mr. Ronald Smith stated the resolution authorizes the agreement between Montoursville Borough and PADOT approving the borough to do the work replacing the mast arm and PADOT reimbursing the borough and taking ownership after it has been replaced. Street/Water Commissioner stated nothing will get started until we receive the signed agreement from PADOT.

Motion by Mr. Boyles to approve the Resolution 2013-10 PADOT Traffic Signal Mast Arm transfer, second by Mr. Holt. Council member, Mr. Holt questioned if there was an estimated cost. Street/Water Commissioner, Mr. Smith stated approximately \$ 8,000.00. Council member, Mr. Holt asked who will be doing the work. Street/Water Commissioner, Mr. Smith stated that it would be Lecce Electric. A discussion took place regarding the time and materials that would be used. Council member, Mr. Holt commended Council member, Gene Boyles for his persistence with this project. The motion carried.

REIMBURSEMENT AGREEMENT – PADOT –Traffic Signal Mast Arm

Motion by Mr. Boyles to approve the Reimbursement Agreement with PADOT regarding the Traffic Signal Mast Arm transfer, second by Mrs. DiRocco. The motion carried.

RESOLUTION 2013-11 – Smoke Free Policy for Montoursville Borough Open Spaces. Borough Solicitor, Mr. Sees reviewed and discussed the resolution and policy that he was requested to prepare at a prior council meeting. He questioned if the Borough is relying on signage from the American Lung Association, does it make a difference that the Borough' policy would be a smoke free policy and not a tobacco free policy. Mayor Dorin stated that it would; it must be all tobacco products. A discussion took place regarding designated areas for signage and the definition of open space. Council President, Mr. Brobson questioned Borough Solicitor, Mr. Sees about his definition of open spaces. Borough Solicitor, Mr. Sees stated that he defines it in the proposed draft policy to include all recreation areas and open spaces owned by the borough. A discussion took place regarding the enforcement of this policy. The resolution fails for lack of a motion.

DEVELOPMENT IMPROVEMENT AGREEMENT – Steven Kriner, 1007 Loyalsock Avenue.

Motion by Mr. Boyles to authorize the necessary signatures to approve the Development Improvement Agreement for the Kriner Plaza, 1007 Loyalsock Avenue, second by Mrs. DiRocco. The motion carried.

PEACE AND GOOD ORDER – proposed changes. Police Chief Gyurina explained the change would be an addition to the current ordinance. He stated that it gives a clearer definition of a noise violation. Borough Solicitor, Mr. Sees stated that the additions to the ordinance were to cut down on noise disturbances without decibel readings.

Motion by Mr. Boyles to authorize the Borough Solicitor to advertise the amendments to Chapter 99 – Peace and Good Order, second by Mrs. DiRocco. A discussion took place regarding the enforcement hours. Mayor Dorin discussed how the changes to the ordinance came about. The motion carried.

GREATER LYCOMING EMERGENCY SERVICES ALLIANCES COMMITTEE – Council President, Mr. Brobson stated that the Personnel Committee met with the Fire Chief and still need the answers to several questions.

PLANNING & ZONING – Central Keystone COG Reports July 2013 were reviewed by council.
Planning Commission July Meeting Minutes were reviewed by council.

RECREATION –

July Minutes
Event Permits:

2013-25 Connecting the Pieces –Community Day for Autism- Sept. 7th, 2013
8:00AM – 4:00PM

Motion by Mr. Shearer to approve Event Permits 2013-25, second by Mr. Boyles. The motion carried. Council member, Mr. Shearer congratulated all Montoursville Baseball and Softball teams on their accomplishments to get to the State Championships. Mayor Dorin stated he would be happy to recognize all the teams and their efforts.

STREETS/WATER – Street/Water Commissioner, Mr. Ron Smith reported to council on several projects. He stated they continue to sweep streets and trim; power washed and painted the bridge and bike tunnel removing graffiti. He noted the welcome sign on Brushy Ridge Rd had a broken wire; he suggested new types of lights for the welcome signs. The tar and chipping is completed on Mill Street; reimbursement of \$18,000.00 was received from FEMA. Street/Water Commissioner, Mr. Smith stated he had received a request from PPL to install two new poles at the railroad bridge on Mill Street.

Motion by Mr. Boyles to authorize the necessary signatures to permit PPL to install two new poles near the railroad bridge on Mill Street, second by Mrs. DiRocco. The motion carried. He stated Pavilion 1 is complete; the VIP's are currently installing soffit. He stated that Well # 4 project is coming along. He explained to council that Tuesday evening the hot water heater in the borough building burst, flooding the first floor and basement.

MAYOR – Mayor Dorin reviewed the July Police Report with council. He reported that the Rotary Club has graciously agreed to volunteer to maintain the streetscape. He noted that he will be presenting them with a certificate commending their efforts at their August 6th Rotary meeting. Council member, Mr. Holt asked about the status of the new banners. Mayor Dorin stated that they are currently selling them. Mayor Dorin discussed several issues regarding the budget. He advised council that the police budget for part time Officers will be out of funds after the month of September and if the Chief continues to utilize part time officers through the rest of the year they will be over budget. He also stated the Police Departments' vehicles equipment, vehicle repairs, vehicle supplies, fuel, lights, and phone are also over budget. He noted there is a problem. Council President, Mr. Brobson noted that the Chief must make some internal adjustments. Mayor Dorin also advised council that the bulk water in the red by \$ 18,495.33 after four years of supplying bulk water the gas industry. Council President, Mr. Brobson asked Mayor Dorin if he had any solutions. Mayor Dorin stated that the Finance Committee needs to find a solution. Mayor Dorin also questioned council on the Water Improvement Fund's July balance, \$2,620,529.40.

POLICE CHIEF – Chief Gyurina reviewed the July Police Report with council also. Chief Gyurina reported that an arrest was made for the graffiti and had several ongoing investigations. He also noted that there was a recent bank fraud scheme with the person being arrested in State College; Montoursville Borough will arrest when State College has completed their arrest. Council President, Mr. Brobson questioned the status of the shooting incident investigation. Chief Gyurina stated there had been one person in custody in jail and another person fled but a warrant had been issued for their arrest.

COUNCILPERSONS – Council member, Mr. Holt questioned the fuel, light and maintenance budgets.

SOLICITOR –Nothing at this time.

COUNCIL PRESIDENT – Council President, Mr. Brobson stated that he had received a Thank You note from General John Burrows Historical Society for the use of the Borough parking lot on July 28th.

COORESPONDENCE AND ANNOUNCEMENTS –

Next council meeting will be on Monday, September 9th, 2013 at 7:00 PM.

VISITOR AND PUBLIC COMMENTS – Resident, Mr. David Moyer, 1109 Monroe Road questioned Chief Gyurina about the newest fad with teenagers, inhaling alcohol. Chief Gyurina stated it is a way to become drunk instantly; it goes from the lungs directly to the bloodstream. Resident, Mr. Wayne Miller, 717 Broad Street asked Street/Water Commissioner, Mr. Smith about the new street sweeper not picking up stones. Street/Water Commissioner, Mr. Smith stated that it is an adjustment on the street sweeper. Resident, Mr. John Daugherty stated that he felt the No Smoking Policy would be a violation of his rights. Resident, Mr. Lou Bassler, 400 Jordan Avenue noted his disappointment in council and the businesses for refusing to clean up the streetscape. He noted that there should be some pride in the community and how it looks and would hope some type of agreement could be brought to terms. Mr. Bassler stated that there was a drunk driving incident on Jordan Avenue and it took 2 ½ hours for an extra police officer to show up. Chief Gyurina stated that there wasn't a hazard and they had already received witness information so there was no urgency. Council President, Mr. Brobson noted that there is a Mutual Aid Agreement.

There being no further business the meeting was adjourned at 8:51 pm on a motion by Mr. Boyles, seconded by Mrs. Kim DiRocco and carried.

Respectfully submitted,

Ginny Gardner, Borough Secretary