

MINUTES OF THE BOROUGH OF MONTOURSVILLE

September 9, 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, Robert Brobson, Ronald Shearer, Eugene Boyles, Kim DiRocco and Mayor Dorin. Absent - Dennis Holt.

The Pledge of Allegiance was observed.

The minutes of the August 5, 2013 meeting were approved on a motion by Mr. Boyles, second by Mr. Shearer. The motion carried.

VISITOR AND PUBLIC COMMENTS – Resident, Marci Hessert, 824 Weaver Street questioned the proposed Peace and Good Order Ordinance amendment; she was concerned about enforcement. Resident, Rosemary Holmes, 1098 Cherry Street questioned the hastiness of the agreement with the LCWSA rescinding the 2003 Agreement of Sale of Reserved Sewage Capacity; she felt that agreeing to the return payment of \$ 300,000.00 was premature. Resident, Christine Moon, 438 Jordan Avenue commented on the proposed Peace and Good Order Ordinance amendment; she noted that it is a good idea and feels that it was intended to be enforced on constant disturbances.

TREASURERS REPORT –

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

NEW BUSINESS –

ORDINANCE 455 – AMENDING CHAPTER 99, “PEACE AND GOOD ORDER” – Council member, Mr. Eugene Boyles noted that amendment was being adopted for the purpose of addressing continuous harassment issues. Police Chief, Jeff Gyurina explained the amendment. Council member, Mr. Mark Tillson felt the amendment was too broad. Mayor Dorin explained the reasoning behind the amendment.

Motion by Mr. Boyles to adopt Ordinance 455, amending Chapter 99, “Peace and Good Order”, second by Mr. Shearer. The motion carried.

ORDINANCE 456 – AMENDING ORDINANCE 381 SUBDIVISION AND LAND DEVELOPMENT – The reason for the amendment was explained by the borough secretary. At this time, the regular council meeting was recessed at 7:12 PM and the Public Hearing was opened. Council President, Mr. Robert Brobson asked if anyone had any comments that they would like to make concerning the proposed Ordinance. Hearing none, Council President, Mr. Brobson closed the Public Hearing at 7:13PM and reconvened the council meeting.

Motion by Mr. Boyles to adopt Ordinance 456, amending Ordinance 381 Subdivision and Land Development, second by Mrs. DiRocco. The motion carried.

ORDINANCE 438 – FIRM amendment – The borough secretary requested authorization to advertise the update to the floodplain management ordinance reflecting the updated Flood Insurance Rate Map effective February 5, 2014,

Motion by Mr. Boyles to approve authorization to advertise the Ordinance 438 and FIRM amendment, second by Mrs. DiRocco. The motion carried.

PPL POLE RELOCATION REQUEST’S– Street/Water Commissioner, Mr. Ron Smith explained to council the two requests; one relocation on Allen Street and one relocation on North Loyalsock Avenue.

Motion by Mr. Shearer to approve PPL pole relocation requests, second by Mr. Boyles. The motion carried.

HIPPA PRIVACY POLICY – The Borough Secretary explained to council that the final rule for HIPPA compliance has been handed down and required to be adopted by September 23, 2013 as per our health management company, Benecon.

PROTECTED HEALTH INFORMATION PRIVACY OFFICIAL – The Borough Secretary explained that with the adoption of the HIPPA Privacy Policy, a Protected Health Information Privacy Official needed to be appointed; the duties should be added to Borough Secretary/Treasurer position.

SECRETARY/TREASURER JOB DESCRIPTION – The Borough Secretary explained to council that if the Secretary/Treasurer was appointed as the Protected Health Information Privacy Official; the duties needed to be added to the Secretary/Treasurer job description.

Motion by Mr. Boyles to approve the adoption of the HIPPA Privacy Policy, the appointment of the Secretary/Treasurer as the Protected Health Information Privacy Official and the addition of the job description of the Protected Health Information Privacy Official to be added to the current Secretary/Treasurer job description, second by Mrs. DiRocco. The motion carried.

POLICE AND NUU PENSION MMO – Council member, Mr. Boyles explained to council that the Minimum Municipal Obligation payment for both the Police and Non-Uniform; Police MMO payment \$ 55,154.00 and the Non-Uniform MMO \$ 45,423.00.

Motion by Mr. Boyles to approve the payment of the regular amortization of the 2014 Police and Non-Uniformed Minimum Municipal Obligation, second by Mr. Shearer. The motion carried.

CHANGE ORDER #2- BROAD STREET WATER MAIN REPLACEMENT – Council member, Mr. Boyles explained that Water Engineer, Larson Design Group requested a second change order in the amount of \$14,595.00; they could not put the line where they originally thought. In order to implement the replacement project now, they must require 33 easements from property owners; this service had not been included in the original agreement.

Motion by Mr. Boyles to approve the change order for Larson Design Group for the Broad Street Water Main Replacement in the amount of \$ 14,595.00, second by Mr. Shearer. Council member, Mr. Mark Tillson questioned if there was enough money to do the project. Council member, Mr. Boyles stated that the money has been coming out of the two million plus dollars in the Water Capital Improvement Fund; which the total contract for engineering is now \$ 77, 595.00. Council member, Mr. Boyles stated that the project would be included in the first phase of construction and would cost approximately 1.4 million dollars. The motion carried.

LCWSA AGREEMENT TO RESCIND 2003 AGREEMENT OF SALE OF RESERVED SEWAGE CAPACITY –

Motion by Mr. Boyles to approve the LCWSA Agreement to rescind the 2003 Agreement of Sale of Reserved Sewage Capacity, second by Mr. Shearer. Council member, Mr. Tillson stated he is still on the fence with his decision. Council member, Mr. Boyles explained that the Borough never had reserved capacity. Originally there was suppose to be reserved capacity; there were to be two tiers of rates. The Borough would have a rate and Fairfield Township would have a rate. Loyalsock Township was involved also however they elected to buyout their capacity; paying cash up front. He went to explain that the Borough never paid cash up front for their capacity; lines were enlarged to accommodate some future expansion. The Borough was willing to pay the additional cost to enlarge those lines. When the project was completed the two tier rates or allocations were never imposed do to the costs; everybody wound up with the same fees. The only entity that put any extra money into the whole thing was the County Commissioners' and they wound up with the reserved capacity. All entities, Loyalsock Twp., Fairfield Twp and Montoursville had a percentage of usage out of the system. The plant was built bigger to accommodate the excess capacity that the county paid for. He stated this is how the excess capacity evolved; we never really did have any. Council member, Mr. Boyles stated as far as the \$617,500.00 sum, he felt it was a convenience thing at the time, where it could be used to pay for the flood study by the Army Corp of Engineers in order to see if a dike was feasible. He stated this was the original reason the money was given to the Borough. He explained that in actuality the money should be paid toward the debt; which would reduce the fee that residents pay every month. Council President, Mr. Brobson noted that this topic has been discussed for several years; one of the letters from the LCWSA is dated 2008. Council member, Mr. Boyles noted that the auditors had reviewed the documents and came

up with the dollar amount. Council President, Mr. Brobson stated that he felt the discussion has gone on for some length of time and he feels it is time to take action. Council member, Mr. Shearer stated he felt if something was not done soon, it would wind up in the courts costing everyone more. He stated that paying back one half of the amount would make the borough a head of the game. Council member, Mrs. DiRocco noted that the LCWSA has stated that if the money is not reimbursed, they will charge the sewer users more to pay it back. She stated it will get paid back one way or another; the borough can solve this issue now. Council President, Mr. Brobson stated that this new agreement will wipe the old agreement completely out. Resident, Rosemary Holmes questioned why it was called the Agreement of Sale of Reserved Sewage Capacity. Council President, Mr. Brobson stated that it was titled that way. Resident, Rosemary Holmes then stated, doesn't that explain what it really was. Council member, Mr. Boyles stated we never really reserved capacity. Mayor Dorin questioned Council member, Mr. Boyles about the EDU's. Council member, Mr. Boyles stated that the EDU's have no bearing at all. A discussion took place regarding the cost associated with an EDU and capacity. Council President, Mr. Brobson stated that you can't have something you never paid for. Council member, Mr. Tillson stated that the Borough received the money for excess capacity that we were never entitled to, so if the Borough never received the money to date, the LCWSA would say you have no excess capacity. He then stated that other townships purchased their excess capacity. Council member, Mr. Boyles agreed. A discussion took place regarding the construction and the excess capacity with the outcome that the County Commissioners put up the excess money to buy the capacity. Council member, Mr. Tillson stated that the bottom line is that they sold something we were not entitled to. He then questioned how soon it was until someone noticed. Council member, Mr. Boyles stated he felt their auditors noticed it around 2006. Mayor Dorin questioned if anyone wanted to build in the borough would there be EDU's available. Council member, Mr. Boyles stated that there would be, through the LCWSA. Council member, Mr. Tillson noted that it would not be at the same rate. Council President, Mr. Brobson stated they would have a stiffer tap on fee now than originally. A discussion regarding current tapping fees took place. Council President, Mr. Brobson noted that the payment to the Borough was a mistake and not to criticize anyone. A discussion took place of where the money would come from to make payment to the LCWSA. The motion carried.

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

Planning Commission August and September Meeting Minutes were reviewed by council.

RECREATION – August Minutes
Event Permits:

2013-26 Ellie's Heart 2.5/5K Zombie Run- Oct. 19th, 2013 3:00PM – 9:00PM
2013-27 MJJA–practice facilities–July 29th – Nov. 15th, 2013 5:00PM– 8:30 PM

Motion by Mr. Shearer to approve Event Permits 2013-26 & 2013-27, second by Mr. Boyles. The motion carried. Council member, Mr. Shearer also noted that the Harvest Parade will be taking place on September 28th, 2013 with a rain date for October 5th, 2013.

STREETS/WATER – Street/Water Commissioner, Mr. Ron Smith reported to council on several projects. He stated they continue to sweep streets, hot patch, do traffic line painting and thermal plastic cross walks. They continue to clean up sections of Indian Park near Pavilion 1. The FEMA project has been closed out and the paperwork has been sent in; total reimbursement \$ 331,930.08. He noted the concrete work on Bennett and Pine Street for the CDBG Block Grant is approximately 75% completed, once the concrete work is completed the street will be milled and paved. He stated that he had received a quote from Costars dealer, A & H Equipment for a Freightliner salt truck with a stainless steel bed, stainless steel salt spreader and snow plow in the amount of \$ 110,740.00. Council member, Mr. Boyles stated that there would be \$ 104,000.00 available from the Act 13 monies that could be utilized to purchase the truck. Street/Water Commissioner, Mr. Smith stated he would like to make the recommendation to purchase the new salt truck. A discussion took place regarding the age, condition and miles on the current salt truck, the availability to purchase parts for the current salt truck and if there is a need to purchase a new one.

Motion by Mr. Boyles to purchase a new salt truck with stainless steel bed, stainless steel salt spreader and snow plow in the amount of \$ 110,740.00 from Costar dealer, A & H Equipment, second by Mr. Shearer. The motion carried. Street/Water Commissioner, Mr. Smith stated that Well 4 is almost completed; the permit for the bulk water sites has been approved by DEP. He also noted that the water storage tanks at Well 2 are not being used regularly; there had been discussion about removing them. He spoke with HWR, owner of the tanks and came up with an agreement that would allow the tanks to be stored at Well 2, but they would charge the Borough only if they were being used. He noted however, they would increase the price from \$25.00 per day to \$30.00 per day for only the tanks at Well 2.

MAYOR – Mayor Dorin reviewed the August Police Report with council. He stated regarding the budget, the items that he went over last month that had been over budget has continued. He noted if you look at the complete financial report, they are exceeding in many areas and by November overall we will be over budget. A discussion regarding proper procedure for any item going over budget should be brought to the finance committee to approve. Council President, Mr. Brobson suggested Mayor Dorin to come to the Finance Committee to discuss the issue. Mayor Dorin stated that it is up to the Finance Committee to take a look at the financial status of the borough. Council President, Mr. Brobson asked Mayor Dorin to come to the Finance Committee to discuss the department that he would oversee; he does not have any authority over streets and water. A discussion took place regarding the Finance Committee's budget meetings and the draft budget; a working document which is not finalized.

POLICE CHIEF – Chief Gyurina reviewed the August Police Report with council also. Chief Gyurina reported that he has received a grant from PADOT; a Seat Belt Grant. It is a \$2,000.00 grant to educate and enforce the law regarding seat belt use. Chief Gyurina stated that there were 3 burglaries this month and noted several incidents related to heroin use. He noted that Wednesday, will be the 9/11 Motorcycle ride; approximately 5,000 riders will attend.

COUNCILPERSONS – Council member, Mr. Boyles stated he had several things to discuss. He stated that next Monday the VIP's will be removing an invasive species of trees and shrubbery in the park; removing the females species and their pods to burn. He then stated that the Key Club will be painting the fire truck playground equipment near Pavilion 1 on Saturday. He then noted at this time the current 2013 General Fund budget is still \$ 555,339.00 a head of the expenditures. A discussion took place regarding revenues being transferred from the water to the general fund; it was noted that it has been going on for many years. Council member, Mr. Tillson questioned Street/Water Committee Chairman, Mr. Boyles if the water rate situation will be addressed, as the cost of producing water is more than what we charge for the water. He also asked him to address the purchasing of new meters. Council member, Mr. Boyles stated that the Street/Water Committee met, which consists of Mark Tillson, Dennis Holt and himself, to discuss the subject of automating the bulk water sites at a cost of approximately \$ 77,000.00. It was noted by Street/Water Commissioner, Mr. Smith that the approximate cost was just for the automation equipment and not the tanks. Council member, Mr. Tillson stated that answered one of his questions however he still wanted to know about the water rate and the meter replacement costs and how they would be paid for. Council member, Mr. Boyles stated that it still would need to be resolved in the Budget process. He then stated that the Street/Water Committee recommends raising water rates by one dollar to what the rate was two years ago as to help pay for the meters. Mayor Dorin commented that theoretically the water company has been run in the red. Council member, Mr. Boyles stated that Water Engineer, Mr. Dave Walters proved that in his study. Council President, Mr. Brobson stated that it goes by ones philosophy. He stated the question is does the tax payer want to pay more taxes. He went on to say that taxes have not been increased in approximately 20 years. A discussion took place regarding Act 13 monies and the current purchase of a salt truck with them and the borough's equipment. Council member, Mr. Boyles stated the meters will cost approximately \$155,000.00 per year, for three years; a ward each year. He noted that doing this should increase water revenue by approximately 10 percent, if they were to pay for the meters through the water revenue, water rates would need to increase to \$4.50 per thousand gallons. He stated it is costing approximately \$ 4.25 per thousand gallons to produce it. A discussion took place regarding past water sales profit and the current water sales and expenses. Council member, Mr. Boyles stated that the hope is with automating the bulk water sites, will be a onetime cost, which will not have to be done in the future and will cut down the expenses in the future.

Buildings, Assets and Recreation Committee Chairman, Mr. Shearer stated that the Buildings, Assets and Recreation Committee met with the Montoursville Junior Athletic Association and their attorney to discuss the status of their football field. He stated that they are moving forward with it however getting permits approved by DEP has been the holdup. Council member, Mr. Boyles stated they are not interested in pursuing a lease and understand how all the other fields within the park are handled; they are very happy.

SOLICITOR –Solicitor, Randy Sees noted that with the approval of advertisement of the Zoning Ordinance Amendment for the FIRM map; it will be advertised in October with the plan being a public hearing at the November council meeting.

COUNCIL PRESIDENT – Council President, Mr. Brobson noted that there are a lot of decisions that have to be made with being a council member about taxes and the public; it will be a discussion for a later day. He then question Mayor Dorin about the status of a grant for improvement near the ponds. Mayor Dorin stated he had needed to get enough information in order to put a grant application together for January 2014 due to the grant being awarded in April 2014. A discussion took place regarding the process and financing of the grant. Council President Brobson, questioned Mayor Dorin if the grant was 100% funded. Mayor Dorin stated that the grant was 100% funded with different variations. Council President, Mr. Brobson asked Mayor Dorin what the Borough would have to contribute. Mayor Dorin responded that he is not requesting the Borough to contribute anything. Council President, Mr. Brobson questioned Mayor Dorin if he will be arranging for a volunteer labor source to help with the work that may be part of the grant. Mayor Dorin stated that yes; he could arrange for anything and he will not be asking the Borough for any money for the grant. A discussion ensued regarding expenses that would be involved with the grant. Council member, Mr. Shearer explained to Mayor Dorin that the poison ivy in the park will not be taken care of now; if anything it will be done in the spring. A discussion regarding licenses required to spray pesticides in the park and spraying paths in the spring.

COORESPONDENCE AND ANNOUNCEMENTS – Council President, Mr. Brobson commented on the receipt of two thank you notes from students attending the Y camp held in Indian Park. Next council meeting will be on Monday, October 7th, 2013 at 7:00 PM. Halloween will be held Thursday, October 31, 2013 from 6:00 PM -8:00 PM

VISITOR AND PUBLIC COMMENTS – Resident, Donna Ponegrate, 437 Cherry St., questioned that since council so graciously agreed to refund money to the LCWSA, she feels that it would be nice in the agreement to have them agree to not raise the sewer rates for three years. Council President, Mr. Brobson stated there is a provision in the agreement that states they will not raise sewer rates for the borough residents for any further reimbursements regarding this transaction. Resident, Mr. Lou Bassler, 400 Jordan Avenue questioned whether candy maybe thrown during the Harvest Parade. It was noted if you walk in the parade you may throw candy, if you ride you may not. He also questioned Council member, Mr. Boyles about the invasive tree species and that the borough has an ordinance against burning. Council member, Mr. Boyles stated by burning the seedpods is the only way to get rid of them. Council President, Mr. Brobson questioned Solicitor Randy Sees if there was any liability on the borough if candy were thrown. Solicitor Randy Sees stated that there was not. Resident, Christine Moon, 438 Jordan Avenue questioned Chief Gyurina and Borough Council what the proper speed would be for a street with no speed limit signs. Chief Gyurina stated that if a street is not posted it would be 25 mph. She questioned if a study would need to be done in order to have signs put up on a street. It was noted that it is understood that if a street is not posted state law is that the speed limit is 25 mph; no amount of signs will stop speeding.

There being no further business the meeting was adjourned at 8:31 pm on a motion by Mr. Boyles, seconded by Mrs. Kim DiRocco and carried.

Respectfully submitted,

Ginny Gardner, Borough Secretary