

MINUTES OF THE BOROUGH OF MONTOURSVILLE

January 6, 2020

The reorganizational meeting of the Montoursville Borough Council held in the John Dorin Municipal Building was called to order by Honorable Mayor Steve Bagwell at 7:00 PM with the following answering roll call: Mark Tillson, Eric Greenway, Chris Lucas, and Robert Brown. Absent: Ted Haines

The Pledge of Allegiance was observed.

COUNCIL PRESIDENT – Mayor Bagwell called for nominations for Council President. It was moved by Mr. Lucas to nominate Mr. Greenway for Council President. Mayor Bagwell called for additional nominations, hearing none, Mayor Bagwell closed the nominations. Mayor Bagwell requested a vote for nominee, Mr. Greenway. The motion carried.

COUNCIL VICE PRESIDENT – Mayor Bagwell called for nominations for Council Vice President. It was moved by Mr. Greenway to nominate Mr. Lucas for Council Vice President. Mayor Bagwell called for additional nominations, hearing none, Mayor Bagwell closed the nominations. Mayor Bagwell requested a vote for nominee, Mr. Lucas. The motion carried. Mayor Bagwell turned the gavel over to Mr. Greenway as Council President.

COUNCIL PRESIDENT PRO TEM – Council President, Mr. Greenway requested nominations for the Council President Pro Tem. It was moved by Council President, Mr. Greenway to nominate Mr. Brown for Council President Pro Tem. Council President Mr. Greenway called for additional nominations, hearing none, Council President, Mr. Greenway closed the nominations. Council President requested a vote for nominee, Mr. Brown. The motion carried.

APPOINTMENT - VACANCY BOARD CHAIR -

Motion was made by Mr. Greenway to appoint Mrs. Deb Brown as the Vacancy Board Chair, second by Mr. Lucas. Motion carried.

REAPPOINTMENTS/APPOINTMENTS – Council President, Mr. Greenway reviewed the following re-appointment/appointments: Secretary/Treasurer and Open Records Officer, Ginny Gardner; Street and Water Project Coordinator, Cliff Hoffman; Borough Solicitor, McCormick Law Firm; Borough Engineer, Pysher & Associates; Levine Engineering, LLC; Larson Design Group; Zoning Hearing Board, Dr. Timothy Strein; Property Maintenance Board of Appeals, Dr. Steve Rush & Mrs. Nicole Greenway; Recreation Board, Mr. Dave Walters, Mr. Ron Beach, and Ms. Renee` Carey; Planning Commission, Mr. Bryan Pauling; Civil Service Commission, Mr. Robert Brown; Alternate, Robert Brobson and Alternate, Frank Delycure; Memorial Gardens Committee, Mr. Eric Greenway; Wellhead Protection, reported as vacant; Lycoming County Sewer Water Authority (LCSWA) & Library Liaison, Mr. Robert Brown.

Motion by Mr. Greenway to approve the re-appointments/appointments as presented, second by Mr. Lucas. Motion carried.

Council President, Mr. Greenway notified Council members a Council seat representing Ward 3 is currently vacant. At this time he called for nominations to fill the vacancy and added the appointment will be for a two year term.

Motion by Mr. Lucas to appoint Mrs. Misty Emick to fill the vacant seat within Ward 3, second by Mr. Brown. Council President, Mr. Greenway requested any public comment. Resident, Mrs. Tina Kline, 1009 Tule St., stated certain protocol is required following an election that includes formal acceptance documents to be filed with the county; she inquired why for the delay which now requires an appointment to the seat. Mrs. Emick responded stating she recently received the paperwork as of Friday, January 3, 2020 and was not received in time to adhere to the County's deadline. Resident, Mrs. Kline commented after the election the seat typically is a four year term; further inquired as to why the appointment is for two years. Council member, Mr. Lucas explained that due to circumstances, a special election is required for the seat and will be considered a two year term, and upon expiration of the two years, another election will be required for the remaining two year term. The motion carried.

At this time Mayor Bagwell presided over the swearing in of Mrs. Misty Emick as Council member in the 3rd Ward.

The December 2, 2019 minutes were approved on a motion by Mr. Lucas, second by Mr. Greenway. The motion carried.

VISITORS AND PUBLIC COMMENT FOR AGENDA ITEMS – Nothing at this time

TREASURERS REPORT – Motion by Mr. Greenway to approve December 2019 treasurer’s report, second by Mr. Brown. The motion carried.

NEW BUSINESS –

AUTHORIZE BOROUGH SOLICITOR TO ADVERTISE DRAFT ORDINANCE # 485 VACATING A PORTION OF CHARLES STREET – Council President, Mr. Greenway presented a request to authorize the Borough Solicitor to advertise draft Ordinance # 485 related to vacating a portion of Charles Street.

Motion by Mr. Lucas to approve authorization of the Borough Solicitor to advertise a draft Ordinance # 485 vacating a portion of Charles Street, second by Mr. Brown. The motion carried.

AUTHORIZE BOROUGH SOLICITOR TO ADVERTISE DRAFT ORDINANCE # 486 AMENDING THE MONTOURSVILLE BOROUGH ZONING ORDINANCE NO. 438, ARTICLE II, DEFINITIONS, TO REFERENCE THE AMENDED OFFICIAL ZONING MAP AND TO SCHEDULE A PUBLIC HEARING - Council President Mr. Greenway presented a request to authorize Borough Solicitor to advertise draft Ordinance #486 amending the Montoursville Borough Zoning Ordinance No. 438, Article II, Definitions to reference the amended Official Zoning Map and to schedule a public hearing for approval.

Motion by Mr. Lucas to approve authorization of the Borough Solicitor to advertise draft Ordinance #486 amending the Montoursville Borough Zoning Ordinance No. 438, Article II, Definitions, to amend the Montoursville Borough Zoning Ordinance No. 438, Article II, Definitions to reference the amended Official Zoning Map and to schedule a public hearing, second by Mrs. Emick. The motion carried.

MONTOURSVILLE CURBCUTS PHASE II PROJECT – FFY 2016 – COOPERATIVE AGREEMENT – AMENDMENT #1 – Council President Mr. Greenway presented the CDBG FFY 2016 Cooperative Agreement Amendment #1 related to the Montoursville Curbcuts Phase II Project for review and approval. The request is to extend the time period to complete the project.

Motion by Mr. Brown to approve the CDBG FFY 2016 Montoursville Curbcuts Phase II Project, Cooperative Agreement Amendment #1 as presented, second by Mr. Greenway. The motion carried.

FEE SCHEDULE AMENDMENT – SEO SERVICES/JAMI NOLAN – Council President, Mr. Greenway presented the Fee Schedule Amendment for SEO Services/Jami Nolan for review.

Motion by Mr. Greenway to approve SEO Services/Jami Nolan amended Fee Schedule as presented, second by Mrs. Emick. The motion carried.

RESIGNATION LETTER – RECREATION BOARD – ROBERT DUNNE – Council President Mr. Greenway presented a letter of resignation submitted by Mr. Robert Dunne to resign his position on the Recreation Board. Council member, Mr. Lucas publically acknowledged and thanked Mr. Dunne for his many years of service and his contributions to the community during his tenure on the Recreation Board. It was announced due to the resignation, the Recreation Board currently has a vacancy and will be taking applications to fill the vacancy.

Motion by Mr. Lucas to accept the resignation of Recreation Board member, Mr. Robert Dunne, seconded by Mr. Brown. The motion carried.

EMPLOYMENT – FULL TIME POLICE OFFICER – MARCUS WATKINS – Council President, Mr. Greenway presented a request for employment for the position of a full time police officer. The position was created by the resignation of full-time Police Officer, David Yael in 2019.

Motion by Mr. Greenway to approve the employment of Officer, Marcus Watkins for the position of a full time Police Officer, second by Mr. Lucas. The motion carried.

PLANNING & ZONING – Nothing at this time.

RECREATION – December 2019 Minutes

STREETS/WATER – Nothing at this time.

MAYOR – Mayor Bagwell gave an update on the Montoursville Dog Park. He stated in speaking with Ms. Zoe Gillespie shared that since her presentation to Council on May 6, 2019, she has raised \$3,000 for the park. Mayor Bagwell commended Ms. Gillespie's efforts in holding various fund raisers as well as the amount of money she has been able to raise to date. He stated he is very impressed with Ms. Gillespie and would like to see her succeed.

POLICE CHIEF – Deputy Police Chief, Jason Bentley reviewed the December police report. In addition, he reviewed a separate report of other occurrences that took place during the months of September through December that were under investigation and are now complete.

COUNCIL PERSONS – Nothing at this time

SOLICITOR – Solicitor, Randy Sees stated the February 3rd, 2020 Borough Council meeting will include two public hearings; the first concerns the vacating of Charles Street and the second concerns the possible amendment to the zoning map. He explained Borough Council may decide to hold one of the hearings on a separate date as having both hearings on the same date would extend the meeting time, however would save costs associated with having a court reporter. Council agreed with Solicitor Randy Sees.

COUNCIL PRESIDENT – Nothing at this time.

PENDING MATTERS – Nothing at this time.

CORRESPONDENCE AND ANNOUNCEMENTS –

The next Council meeting will be held Monday, February 3, 2020 at 7:00 PM

VISITOR AND PUBLIC COMMENTS –Resident, Ms. Nancy Butler, 1301 Pearl Boulevard, shared she had frequently been in contact with Streets and Water Project Coordinator, Mr. Hoffman, and with his predecessor in regard to the drainage system throughout Fairview Heights. She stated she has had difficulties working with people in the Borough with the exception of Mr. Hoffman and feels she has been provided with false statements for over two years. Ms. Butler shared she conducted an investigation of county court records related to easements and discovered the Borough of Montoursville purchased the original easements from the developer for \$1.00 for the express purpose of drainage for maintenance of the pipes. She shared her past responses from the Borough had been they denied knowledge of the easements and pipes; they belong to PPL, or is considered private property and is responsibility of the property owner. Ms. Butler stated she presented this information back in December to the Borough Secretary, Ginny Gardner, with expectation this matter would be placed on the Agenda for the January meeting and was not; therefore requested the matter be placed on this month's agenda and to continue to be on the agenda until resolved. She explained the ongoing pipe problem is with broken underground pipes that have created sink holes due to water not being properly drained. She further stated her property is located at the bottom corner and water is going in between her house and property located at 1303 Pearl Boulevard and is flowing through her garage and the foundation of her home. It was also shared she had an engineer examine her property due to the excessive damage for at least the last 5 years and has been in communication with the Borough. Ms. Butler stated she is currently unemployed with employment waiting for her in Phoenix, AZ, however is unable to sell her house in its current condition with the entire double car garage/driveway being concaved as well as sinkholes located under the back northeast corner of the ground. Ms. Butler shared she had learned in her process that other properties had counter acted the Borough in which the Borough had taken care of the issue and feels the Borough is aware of their responsibility with this issue and with being told by the Borough they cannot get to the matter until Spring is not acceptable especially with having to sell her house. Ms. Butler referenced October 2019 Borough Council meeting minutes regarding the Borough's purchase of

GPS equipment to identify storm sewer pipes, which will work better than the camera and inquired why the equipment is not being used. Street & Water Project Coordinator, Cliff Hoffman addressed her inquiry stating the GPS equipment she is referring to is designed to identify storm sewer grates, inlets and manholes and not to identify pipes underground. Ms. Butler addressed Borough Solicitor, Randy Sees, informing him she has retained Attorney, Joe Ryder to expedite a resolution to this problem. At this time Council President, Mr. Greenway interjected to halt the conversation due to the matter now being a legal issue. At this time, Borough Solicitor, Randy Sees, advised Council to cease all conversations regarding this matter. Borough Solicitor, Randy Sees provided Ms. Butler with his business card so that her attorney may contact him.

Resident, Mrs. Tina Kline, 1009 Tule Street, complimented and thanked the police department and Mayor Bagwell for another successful holiday lighting contest in which she enjoyed all the pictures shared on Facebook.

There being no further business the meeting was adjourned at 7:32 PM on a motion by Mr. Lucas, second by Mr. Brown. The motion carried.

Respectfully submitted,

Ginny Gardner, Borough Secretary