

## MINUTES OF THE BOROUGH OF MONTOURSVILLE

February 3, 2020

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

The Pledge of Allegiance was observed.

The January 6, 2020 minutes were approved on a motion by Mr. Brown, second by Mr. Lucas. The motion carried.

### **VISITORS AND PUBLIC COMMENT FOR AGENDA ITEMS – None**

**TREASURERS REPORT** – Motion by Mr. Lucas to approve January 2020 treasurer's report, second by Mr. Haines. The motion carried.

**PUBLIC HEARING: REQUEST TO REZONE PARCEL #34A-011-700** – Council President, Mr. Greenway recessed the Council meeting at 7:03 PM and opened the Public Hearing for the request to Rezone Parcel– Tax Parcel# 33-011-700. Borough Solicitor, Randy Sees oversaw the hearing; he presented Exhibit A, proof of advertisement of the public hearing from the Sun-Gazette on January 13 and January 20, 2020. Zoning Officer, David Hines was sworn in and testified. He presented the request for the Zoning map amendment and testified the change was to rezone a residential zoning district to an industrial zone district; the area to be rezoned as industrial is approximately 12 acres with roughly 2.8 acres to remain as residential suburban along Fairview Drive in Montoursville. Additionally the re-zoning will require an amendment to the Comprehensive Plan and the Future Land Use Map. Zoning Officer, Mr. Hines confirmed he posted the property in three conspicuous locations along Fairview Drive on January 15, 2020 as required by law. In addition, all properties located within 300 feet of the proposed zoning district were notified via regular first class mail. Zoning Officer, Mr. Hines testified the Lycoming County Planning Commission had reviewed the request and were not in favor of, nor discouraging the zoning map amendment. He stated the Montoursville Borough Planning Commission met on January 8, 2020, and made a positive recommendation to Borough Council for approval with the condition that the Future Land Use Map being amended. Borough Solicitor, Randy Sees entered the application for the zoning map amendment, one page application with sketch plan along with a letter under Blaise Alexander Family Dealerships letterhead as well as a July 17, 2019 subsequent letter under Hawbaker Engineering letterhead as Exhibit B; with postings and mailings as Exhibit C, Lycoming County Planning Commission's recommendation as Exhibit D, and the Montoursville Borough Planning Commission recommendation as Exhibit E. Borough Solicitor, Randy Sees inquired whether Council had any questions. Without further questions, Zoning Officer, Mr. Hines concluded his testimony. Applicant and property owner, Mr. Aubrey Alexander was sworn in and gave testimony. He testified approximately 2 years ago, he discussed with the cemetery owners the possibility of the expansion of their Alexander dealership body shop parking lot located on Fairfield Road in Fairfield Township. He stated Zoning Officer, Mr. David Hine had accurately given testimony regarding property along Fairview Drive and as stated would remain residential with the remaining property to be industrial that will be primarily used as a parking lot for their cars as they are out of room on Fairfield Road. He acknowledged his understanding of industrial zoning uses that include power plant, chemical plant, small storage building, and small warehousing. He testified that it is not their intent to sell the property; they are only wanting the additional space for their business operation. Without further questions from Council for Mr. Alexander then concluded his testimony. Borough Solicitor, Mr. Sees announced if there were any questions from the audience. Resident, Mr. Robert Gallagher, 1408 Cedar St. questioned Mr. Alexander regarding the area along Fairview Drive which is to remain residential and the depth to be considered as a buffer. Mr. Alexander responded, approximately 162' will be allowed for that purpose. Mr. Gallagher questioned if the existing road would have a chain across; he inquired if there are plans for an ingress or egress from the industrial zone through what will remain residential. Mr. Alexander responded with no. Mr. Gallagher asked Mr. Alexander if he would be agreeable to a variance for contingency of no ingress or egress traffic from Fairview Drive; all traffic would be from Fairfield Township. Zoning Officer, Mr. Hines noted today's hearing is for the purpose of a zoning map amendment and not in regards to any variance. Borough Solicitor, Mr. Sees questioned Mr. Alexander regarding the

12 acres to be re-zoned as industrial questioning if it is suitable for residential use. Mr. Alexander testified that it is not; it would take a lot of money and effort to properly grade for it to become suitable for residential lots. He confirmed the residential area will remain residential with the potential to sell the residential lots. Resident, Mr. Tom Hartland, 1400 Cedar St., questioned Mr. Alexander regarding the planned appearance for the rear of the lots between the industrial and residential. Mr. Alexander replied the property would be required to submit a land development plan which would address the requirements to build a parking lot and will include a berm or a tree buffer to landscape that area. Resident, Ms. Susan Maeulen, 220 Maple St., asked Mr. Alexander the amount of footage from the residential area to Fairview Drive. Mr. Alexander testified it is approximately 160'. Zoning Officer, Mr. Hines testified the lots if presented today would have to meet the Zoning Ordinance requirements; the residential and industrial zones requires there to be a buffer zone; approximately 200' which includes the 160' plus another 40' buffer per lot. Ms. Maeulen requested confirmation that Fairview Drive will remain residential with the back being industrial without an egress to Fairview Drive. Mr. Alexander testified he is only requesting for a re-zoning map amendment; if in the future he decides to build residential he would be required to come back and submit plans and a building permit. Resident, Mr. James Maeulen, 220 Maple St. asked if there are plans to drive vehicles through Fairview Drive to enter the parking lot. Mr. Alexander testified no; traffic will only come from Fairfield Township side. Council member, Mr. Tillson, questioned Mr. Alexander confirming he is only requesting for a re-zoning map without having to subdivide land. Mr. Alexander confirmed Council member, Mr. Tillson, questioned; his only request this evening is for a re-zoning of the map. Council member, Mrs. Emick, inquired with regard to the County's letter referring to the Future Land Use Map adopted under the 2017 Montoursville/Muncy Multi-Municipal Comprehensive Plan, requesting examples of what is considered to be light industrial. Zoning Officer, Mr. Hines testified the reference is to the Muncy/Montoursville Multi-Municipal Comprehensive Plan and should not be confused with Montoursville Borough Zoning Ordinance. The Montoursville Borough Zoning Ordinance has list of uses permitted in the various zoned areas. The Comprehensive Plan is a general guide and is not a law; the Montoursville Borough Zoning ordinance, Subdivision ordinance and Land development ordinance are laws. Zoning Officer, Mr. Hines testified and explained the Muncy/Montoursville Multi-Municipal Comprehensive Plan's language's states the primary purpose for neighborhood district is listed as family housing but includes light industry. He continued testifying the Borough Zoning Ordinance does not have a light industry, only Industrial. Council member, Mrs. Emick questioned if a parking lot would be considered light industrial. Zoning officer, Mr. Hines testified a parking lot would be considered light industrial compared to a mud plant for a fracking industry. Council member, Mrs. Emick questioned why Mr. Alexander's plan would not qualify as light industrial and require to be re-zoned. Zoning Officer, Mr. Hines testified the process is required by the Borough's Zoning ordinance. Council member, Mr. Haines questioned Mr. Hines confirming the Borough Zoning Ordinance not having light industrial, only industrial. Zoning Officer, Mr. Hines testified he was correct. Council member, Mr. Haines asked if light industrial could be added to the Borough's current Zoning ordinance so that the fears of some council member as to what could happen after the Alexanders no longer own it, could be addressed. Council member, Mr. Tillson and Council President, Mr. Greenway discussed the location of the proposed parking lot. Resident, Mr. Don King, 500 Fairview Drive was sworn in and testified to a pin at the top of his property that extends to the township line. He testified that some of the land that Mr. Alexander purchased is located in Montoursville Borough and some is located in Fairfield Township; finding the property lines will be very hard to locate. Approximately 25 years ago, the Lycoming County Water and Sewer Authority entered into an agreement with the cemetery to provide fill from trenching, filling in the pits that were located in the back of the cemetery. The entire front portion that is residential had been built up to approximately 7'. The narrow part referenced in the plan is somewhat flat and is drivable; the Borough also had an agreement to use that location to dump clean fill. Mr. King offered to assist anyone interested in finding the property boundaries. Council member, Mrs. Emick commented Mr. Alexander should be aware of the terrain and doesn't feel he has any intensions of going into this project half way not knowing the challenges he will face; it is not her concern of how much he pays for excavation; he should be aware. Borough Solicitor, Mr. Sees called for any additional questions for Mr. Alexander. Borough Solicitor, Mr. Sees questioned the public as to anyone wanting to testify. Resident, Mr. King testified as to a portion of Griggs parking lot being located in a residential zone, therefore if you review what they are presenting the Borough has allowed parking lot in the past. Council member, Mr. Haines revisited an earlier question regarding light industrial, questioning if the Borough can review uses for light industrial and address the Borough's industrial vs light industrial

language in the current Borough Zoning ordinance. Borough Solicitor, Mr. Sees replied that no one has stated that it cannot be done. Council member, Mr. Haines recommended Borough Council conduct research into addressing light industrial language and uses and incorporate it into our current Zoning Ordinance, which could clear up a lot of concerns. Council member, Mr. Haines questioned if this could be done. Borough Solicitor, Mr. Sees commented this is a question separate from tonight's hearing; it would involve a quite a bit more comprehensive zoning amendment and is something that Borough Council would not be able to do this evening. Mr. Alexander added in the future if they were to sell that property, as the property owner they could put deed restrictions. He offered if he were to add that legal language would the Borough Council agree to such an arrangement. Borough Solicitor, Mr. Sees responded unfortunately those kinds of deed restrictions are not sufficient to ensure a particular kind of zoning; zoning and deed restrictions are two separate issues; in addition there could be no insurance that the deed restriction stays, therefore it would not be a solution as far as Borough Council would be concerned. Council member, Mr. Tillson inquired if there could be a deed restriction for eliminating access to Fairview Drive. Borough Solicitor, Mr. Sees made a reminder that tonight's hearing is about zoning and not deed restrictions. Council Vice President, Mr. Lucas addressed Mr. Alexander referring to Council member, Mr. Haines suggestion for Council to research into changing industrial to light industrial and if that would help his plan to move forward. Mr. Alexander testified that it would, however he does not wish to be here a year from now discussing the same issue. He added light industrial is less evasive than industrial and feels that should be an easy fix and if it can be completed in 30 days. At the present time he does not have immediate plans for the property but would like to have this matter remedied without it having to take another 6 months. Council Vice President, Mr. Lucas acknowledged this issue has been ongoing for quite some time. However prior to Council taking a step backward to remedy the matter, he wanted to make sure Mr. Alexander is comfortable with the time needed while being sensitive to Mr. Alexander's situation. Mr. Alexander commented he does not ever foresee the land being used for anything other than warehousing or light manufacturing. He referenced businesses located in the Borough along the railroad tracks and are considered light manufacturing. Borough Solicitor, Mr. Sees asked if there are any other questions or comments from Mr. Alexander, Mr. Alexander had no other comments or questions. Borough Solicitor, Mr. Sees asked if there were any other questions or comments from Borough Council and the public. Resident, Ms. Susan Maeulen asked for confirmation that the property on Fairview Drive will remain residential with 160' in the rear will be industrial. Zoning Officer, Mr. Hines confirmed her understanding as being correct. Borough Solicitor, Randy Sees closed the record, noting Borough Council has the opportunity to deliberate in private or in public and have no requirement of a decision this evening. He continued stating Council may make that decision at the public meeting taking place following this hearing if they so choose. At this time, Borough Solicitor, Mr. Sees stated the Borough Council would be able to commence to the public hearing for the request for the Vacation of Charles Street. Borough Solicitor, Mr. Sees noted there was no representation in attendance to present for the Vacation of Charles Street request. The public hearings were adjourned at 7:43PM. Council President, Mr. Greenway reconvened the council meeting at 7:44PM.

**NEW BUSINESS –**

**ORDINANCE #485, VACATING A PORTION OF CHARLES STREET AND DECLARATION & ORDINANCE #486, ADOPTING AN AMENDED OFFICIAL ZONING ORDINANCE NO. 438, ARTICLE II, DEFINITIONS, TO REFERENCE THE AMENDED OFFICIAL ZONING MAP –** Council President, Mr. Greenway announced Ordinance #485 and Ordinance #486 will be deferred to a future meeting. At this time, Council Vice President, Mr. Lucas requested an executive session immediately following the meeting to discuss options regarding Mr. Alexander and his property parcel #34A-011-700. All agreed.

**LETTER FOR SPONSORSHIP REQUEST – MONTOUR STREET AIRPORT CONNECTOR PROJECT -** Council President, Mr. Greenway presented a letter for sponsorship request with regard to the Montour Street Airport Connector Project for review.

**Motion** by Mr. Greenway to approve the sponsorship letter related to the Montour Airport Connector Project, second by Mrs. Emick. The motion carried.

**EASEMENT AGREEMENT – 10FT PERMANENT EASEMENT – TAX PARCEL #34-004-110 – ALONG NORTH LOYALSOCK NEAR PEARL BOULEVARD TO CONSTRUCT NEW STORM SEWER** - Council President, Mr. Greenway presented for review an Easement Agreement for Tax Parcel #34-004-110 for a 10’ permanent easement located along North Loyalsock Avenue near Pearl Boulevard in order to construct a new storm sewer.

**Motion** by Mr. Greenway to approve the Easement Agreement for a 10’ permanent easement for the construction of a new storm sewer for Tax Parcel #34-004-110, 600 Pearl Boulevard, second by Mr. Haines. The motion carried.

**RESOLUTION 2020-01 – REAL ESTATE TAX REIMBURSEMENT – LC REALTY, INC IN THE AMOUNT OF \$293.95** – Council President, Mr. Greenway presented Resolution 2020-01 with regard to real estate tax reimbursement for Real LC Realty, Inc. for review.

**Motion** by Mr. Greenway to approve Resolution 2020-01 for Real Estate Tax Reimbursement for LC Realty, Inc. in the amount of \$293.95, second by Mr. Brown. The motion carried.

**RESOLUTION 2020-02 – AUTHORIZING THE BOROUGH SECRETARY TO SELL A 2013 DODGE CHARGER BY MEANS OF AN PUBLIC ONLINE OR ELECTRONIC AUCTION SALE** – Council President, Mr. Greenway presented Resolution 2020-02 authorizing the Borough Secretary to sell a 2013 Dodge Charger by means of a public online or electronic auction sale.

**Motion** by Mr. Haines to approve Resolution 2020-02 authorizing the Borough Secretary to sell a 2013 Dodge Charger by means of a public online or electronic auction sale, second by Mr. Greenway. The motion carried.

**RESOLUTION 2020-03 – AUTHORIZING THE BOROUGH SECRETARY TO SELL A SALTDogg HYDRAULIC CONVEYOR CHAIN SPREADER BY MEANS OF A PUBLIC ONLINE OR ELECTRONIC AUCTION SALE** – Council President, Mr. Greenway presented Resolution 2020-03 authorizing the Borough Secretary to sell a Saltdogg Hydraulic Conveyor Chain Spreader by means of a public online or electronic auction sale.

**Motion** by Mr. Lucas to approve Resolution 2020-03 authorizing the Borough Secretary to sell a Saltdogg hydraulic conveyor chain spreader by means of a public online or electronic auction sale, second by Mr. Brown. The motion carried.

**2020 ENGAGEMENT LETTER/LARSON, KELLET & ASSOCIATES – AUDITING SERVICES** – Council President, Mr. Greenway presented an engagement letter submitted by Larson, Kellet & Associates.

**Motion** by Mr. Lucas to approve the 2020 Engagement Letter for Larson, Kellet & Associates for auditing services, second by Mrs. Emick. The motion carried.

**RESIGNATION LETTER – CIVIL SERVICE COMMISSION – DAVID L. MOYER** – Council President, Mr. Greenway presented a letter of resignation from the Civil Service Commission submitted by David L. Moyer for Council review.

**Motion** by Mr. Greenway to accept David L. Moyers letter of resignation from the Civil Service Commission, second by Mr. Brown. The motion carried.

**CHECK SIGNATORIES**– Council President, Mr. Greenway reviewed the authorized check signatories as Secretary/Treasurer, Ginny Gardner, Council Member, Robert Brown, and Council President, Eric Greenway. Council member, Mr. Brown explained the request is due to signatory, Tina Kline no longer holding a seat on council.

**Motion** by Mr. Haines to approve Secretary/Treasurer Ginny Gardner, Council Member Robert Brown and Council President, Eric Greenway as check signatories of Montoursville Borough, second by Mr. Greenway. The motion carried.

**PLANNING & ZONING** – Central Keystone COG January Report

**RECREATION** – November 2019 and January 2020 Recreation Board Minutes were reviewed. Council Vice President, Mr. Lucas reviewed and explained Event permits 2020-04, 2020-05 and 2020-06.

**Motion** by Mr. Lucas to approve the Event Permit 2020-04, 2020-05 and 2020-06, second by Mr. Greenway. The motion carried.

**STREETS/WATER** – Nothing at this time.

**MAYOR** – Mayor Bagwell shared he would like to implement parking fines for the no parking zone located in front of Rosecrans and the Post Office. He would like a sign erected and increase the parking fine for that area to \$50.00 due to the ongoing problem. This request will be reviewed by Chief Gyurina and Borough Solicitor, Randy Sees.

**POLICE CHIEF** – Chief Gyurina reviewed the January police report. It was reported the new full-time police officer is doing quite well. It was also shared the new part-time police officer is very sharp, doing well and is now patrolling on his own.

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

**SOLICITOR** – Borough Solicitor, Randy Sees reminded Borough Council as of February 17, 2020 the Borough will be less one civil service commission member; under Borough Code Borough Council is required to appoint the vacated seat of the unexpired term within 30 days. He recommended to appoint a new member at the March Borough Council meeting.

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

**PENDING MATTERS** – Nothing at this time.

**CORRESPONDENCE AND ANNOUNCEMENTS** –

The next Council meeting will be held Monday, March 2, 2020 at 7:00 PM

**VISITOR AND PUBLIC COMMENTS** – Resident, Mrs. Donna Ponegrate, 437 Cherry Street requested recognition of the Boy Scouts, our future leaders that are in attendance tonight. Mr. Chris Bastress, Volunteer with a non-partisan organization endorsing the redrawing of the congressional legislative district in the 2020 Census. He is trying to improve public awareness, politician's awareness and public support. His request tonight is to pass a resolution for the creation of an independent citizen's commission.

Council President, Mr. Greenway announced an executive session will be held immediately following this meeting to discuss legal matters and Council will not be reconvening.

There being no further business the meeting was adjourned at 8:02 PM on a motion by Mr. Lucas, second by Mr. Haines. The motion carried.

Respectfully submitted,

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Ginny Gardner, Borough Secretary