

MINUTES OF THE BOROUGH OF MONTOURSVILLE

March 4, 2019

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

The Pledge of Allegiance was observed.

The February 4, 2019 minutes were approved on a motion by Mr. Brown, second by Mrs. Kline. The motion carried.

VISITORS/PUBLIC COMMENT ON AGENDA ITEMS – Nothing at this time.

TREASURERS REPORT – **Motion** by Mr. Lucas to approve the treasurer's report and the Borough bills for February 2019, second by Mr. Greenway. The motion carried.

NEW BUSINESS –

EMPLOYMENT – PROSPECTIVE PART-TIME POLICE CANDIDATE – Brandy Perchinski – **Motion** by Mr. Greenway to approve the employment of Officer Brandy Perchinski for the position of a part-time police officer, second by Mrs. Kline. The motion carried.

SUBDIVISION FINAL PLAN - CEMETARY – Mr. Rich Trowbridge with Hawbaker Engineering presented the Montoursville Cemetery Final Subdivision plan located on Fairview Drive. Council President, Mr. Greenway, reviewed Zoning Officer, Mr. David Hines' zoning report stating the plan had been recommended for approval by the Lycoming County Planning Commission and Montoursville Borough Planning Commission. In addition the plan complies with the Montoursville Zoning ordinance and Montoursville Borough's Subdivision/Land Development ordinance. **Motion** by Mr. Greenway to approve the Montoursville Cemetery Subdivision Final Plan as presented, seconded by Mr. Brown. The motion carried.

ORDINANCE #484, AMENDING CHAPTER 99, PEACE & GOOD ORDER-TO INCLUDE SPECIAL REGULATIONS FOR CONSUMER FIREWORKS – **Motion** by Mrs. Kline to approve Ordinance #484, Amending Chapter 99, Peace & Good Order to include Special Regulations for Consumer Fireworks as presented; second by Mr. Lucas. The motion carried.

ELECTRICITY – CONSTELLATION. ENERGY – 1 YEAR CONTRACT - Council President Mr. Greenway, reviewed the one year contract with Constellation Energy. **Motion** by Mr. Lucas to approve a one year contract with Constellation Energy; second by Mr. Brown. The motion carried.

CURB BOX – EXCAVATION – REIMBURSEMENT – WILLIAM SMITH, 310 N. LOYALSOCK AVE – \$450.00 - Council President, Mr. Greenway reviewed and explained the reimbursement request in the amount of \$450.00 to be paid to Mr. William Smith for excavation of a curb box located at 310 North Loyalsock Avenue. He explained the excavation of a curb box was believed to be responsibility of the property owner however was proven afterward it was the responsibility of the Borough. **Motion** by Mr. Greenway to approve payment in the amount of \$450.00 to Mr. William Smith for excavation conducted at 310 North Loyalsock Avenue second by Mrs. Kline. The motion carried.

CARR'S 6' X 10' TRAILER WITH ELECTRICAL/AIR CONDITIONING/LIGHTING – Council President Mr. Greenway explained during the February meeting council, it was agreed to postpone the purchase of a new 6' x 10' trailer equipped with electric, air conditioning and lighting until the March meeting in order to compare the pricing of a steel trailer versus the pricing of an aluminum trailer. It was noted the cost of a 6' x 10' aluminum trailer having all the options is listed at \$7,408.00 compared to the cost of a steel trailer having the same options at \$5,213.00. It was noted that both options are over budget. **Motion** by Mr. Greenway to approve the purchase of the 6' x 10' aluminum trailer to be equipped with electric, air conditioning and lighting from Carr's Trailers & Supplies in the amount of \$7,408.00; seconded by Mr. Haines. The motion carried.

INDIAN PARK/BOROUGH PROPERTY MOWING QUOTES – Council President Mr. Greenway, reviewed and explained the quotes requested for mowing services for Indian Park and other Borough property. It was noted the three quotes received were

as follows: Dad's Landscaping - \$1,226.00 per mowing; Ken's Lawn Care - \$1,715.00 per mowing and Smith's Lawncare - \$2,600.00 per mowing. All quotes include additional properties the Borough owns and maintains. It was noted including the additional properties free up current employee's time; therefore seasonal employees would not be needed. Additional cost savings would include cost for gas and repairs needed to operate the mowing equipment. Council President, Mr. Greenway questioned the age of the current mowing equipment. Street/Water Project Coordinator, Mr. Hoffman stated the mowing equipment is approximately 8 years old and noted maintenance is not included in the cost comparison, therefore it would be an on top of cost savings. Council President, Mr. Greenway commented the savings will not be seen immediately however will over time. It was noted that the additional mowing increased the cost and was not included in the budget however not hiring the seasonal employees that had been budgeted would offset that increased cost. Council member, Mr. Tillson questioned Street/Water Project Coordinator, Mr. Hoffman regarding efficiency and how he would measure efficiency. Street/Water Project Coordinator, Mr. Hoffman stated the manpower the Borough had in past years should be sufficient therefore hiring seasonal employees would not be required. In addition more work will be accomplished having the full-time employees freed up from mowing the additional areas. Council President, Mr. Greenway commented efficiency will be hard to measure but cost effectiveness makes the most sense even without the maintenance.

Motion by Mr. Greenway to accept Dad's Landscaping quote in the amount of \$1,715.00 per mowing for mowing services in Indian Park and Borough property, second by Mrs. Kline. Council Vice President, Mr. Lucas stated he has two questions. First in regard to part-time seasonal help and the decision to contract Dad's Landscaping for all mowing services. He questioned if hiring a service to mow the additional properties would eliminate the need for all part-time seasonal help. He explained in the past part-time seasonal employees assisted with taking care of a lot of little things and have been very helpful to the Borough in that aspect. He stated his next question or concern is if Dad's Landscaping is hired, he would like Street/Water Project Coordinator, Mr. Hoffman to ensure they are managed and not mowing when it is not necessary. Street/Water Project Coordinator, Mr. Hoffman addressed Vice President, Mr. Lucas's concern stating it will be hard to determine the number of times mowing will be necessary as this is his first summer with Montoursville Borough but will manage the number of times mowing will be required. In regard to part-time seasonal employees, Street/Water Project Coordinator, Mr. Hoffman stated that as our full-time employees are freed up to do more work he will be able to assess if there is a need for part-time seasonal employees. Council member, Mr. Tillson inquired if there is specifications for mowing requirements. Streets/Water Project Coordinator, Mr. Hoffman stated there is and that Dad's Landscaping is willing to work with our specifications, however you are at the will of Mother Nature. Council President, Mr. Greenway at this time suggested inquiries regarding meeting the "fine tuning" of specifications to the companies be investigated and addressed at a future meeting. Council President, Mr. Greenway stated he withdraw his motion until further investigation was completed. Council member, Mr. Tillson questioned if Dad's Landscaping is certified with a pesticide license. Street/Water Project Coordinator, Mr. Hoffman confirmed they hold a pesticide license. A discussion ensued regarding the need and use of a company with a pesticide license. Council President, Mr. Greenway confirmed investigating the company's ability to meet the Borough's specifications and addressing it at the next council meeting.

PROPERTY DAMAGE RELEASE – BROAD & LOYALSOCK STRAIN POLE IN THE AMOUNT OF \$40,010.00 – The Borough Secretary explained due to a driving accident which damaged the strain pole on the corner of Broad and Loyalsock Streets. An estimate was needed from Lecce Electric to submit to the driver's insurance company. This estimate along with other associated costs were submitted to that insurance company. The insurance company is requiring a release to be signed releasing them from any further damage. Borough Engineer, Mr. Todd Pysher stated his recommendation was to obtain an estimate from Lecce Electric and feels the estimate they provided is accurate. Council President, Mr. Greenway stated there is no way to tell if there is any further damage underground. At this time, Borough Engineer, Todd Pysher explained PennDot made a request to have all Borough traffic signals replaced. He strongly suggested this might be a good opportunity to apply for a grant. The Borough Secretary explained an additional traffic pole was damaged due to accident at the corner of Walnut and Broad Streets which has also had estimates for repairs submitted to that drivers insurance company. She anticipates receiving correspondence from that insurance company this week. Council President, Mr. Greenway explained the monies obtained from the repair estimates from both insurance companies along with any additional monies received from a grant may give the Borough a good chance to replace multiple poles. Borough Engineer, Todd Pysher explained utilizing monies to make repairs on something that will ultimately be replaced does not make sense. It was noted the monies received from the insurance will be placed in a segregated fund and can be utilized as the match required by the grant. Borough Solicitor, Randy Sees confirmed the document is a standardized release form. **Motion** by Mr. Lucas to approve the Property Damage Release form for the damage of the strain pole located at the intersection of Broad Street and Loyalsock Avenue in the amount of \$40,010.00, second by Mr. Brown. The motion carried.

MAINTENANCE SHOP BREAKROOM QUOTES – The Borough Secretary explained an estimate was received in 2018 from Lowe's for the supplies needed to build a Maintenance shop breakroom. It was explained due to the age of the estimate the anticipated costs maybe slightly higher. The estimate less the cabinets and countertop is \$3,717.00. The total estimated cost including the cabinets is \$6,768.97. The cabinets will be purchased from Yordy Brothers. Council President, Mr. Greenway

explained the breakroom costs were not included in the 2019 budget noting this project has been delayed for some time. He explained the maintenance shop is presently without a breakroom and would provide a clean environment for the street and water employees to have their break and lunch.

Motion by Mr. Lucas to approve the construction of a maintenance shop breakroom as presented; second by Mr. Greenway. The motion carried.

AUTHORIZE BOROUGH SOLICITOR TO ADVERTISE DRAFT ORDINANCE #485, AMENDING CHAPTER 54, ANIMALS, OF THE CODE OF THE BOROUGH OF MONTOURSVILLE TO INCLUDE SPECIAL REGULATIONS FOR CATS – Council President, Mr. Greenway brought to council’s attention an ongoing issue with feral cats within the Borough; he noted council members were provided with a copy of the draft ordinance. Discussion ensued; Mayor Bagwell shared many residents in the Borough feed the cats to the level where the feral cat population are increasing and causing a disturbance. He explained residents and businesses are complaining about the problem and Chief Gyurina does not have enforcement ability at this time. Council President, Mr. Greenway addressed Mayor Bagwell’s concerns stating he is aware of the residents’ concerns and understands the current situation, however feels the draft ordinance does not permit the Borough to enforce. He inquired if options on how to handle this situation were investigated. Chief Gyurina explained he inquired with Magistrate Judge Whiteman. Council President, Mr. Greenway’s concerns are on the ability of determining the difference between a feral cat and pet. Mayor Bagwell gave a fictional scenario on how the intent of the draft ordinance would work; a person is feeding a number of feral cats which are running all over; this person states to the Chief that they are the owner of such cats. He stated Section 54- 12B “*The owner of a cat shall exercise reasonable care and guard from a cat creating a nuisance*” of the draft ordinance would fit this scenario. In response, Council President, Mr. Greenway pointed out the word “*reasonable*”. It was agreed that the definition of the word “*reasonable*” needs to be determined. Council President, Mr. Greenway added if a property had cats everywhere and has clearly been determined as being unsafe and unhealthy, the Borough has property maintenance laws that would allow the situation to be addressed. Chief Gyurina commented if a person has ten cats soon there will be twenty; the cats will keep multiplying. He stated the current situation is a certain property having 30 to 40 cats in a backyard continuing to populate. The property owner is not willing to spade them and the SPCA will not get involved as the cats are not located inside the house. Solicitor, Randy Sees was questioned on what action would be taken if it were a similar dog problem. A discussion took place regarding cats and ownership and if they are considered property. Council member, Mrs. Kline questioned how there would be a difference if her inside cat got out and did some damage to another property and the possibility of a civil matter against the person having the inside cat. Solicitor, Randy Sees replied it would be a different scenario as the inside cat is not considered a feral cat. Council President, Mr. Greenway questioned on how one would make the distinction between a feral cat and pet cat. Mayor Bagwell stated an officer could question a property owner as to the ownership of the 30-40 cats, if the property owner states they are the owners then the officer could say they are not in reasonable care. Mayor Bagwell noted the draft ordinance is not designed for the police to harass cat owners for feeding one stray cat. He added people are not going to report about a person feeding feral cats, however people will call to report that their bushes have a foul odor from these cat, and they are running all over their property and other properties. Council member, Mrs. Kline inquired of the location of the problem that prompted the draft ordinance. Mayor Bagwell shared the area of Rupert’s Market. Council member, Mrs. Kline suggested educating residents on feral cats noting if they are trapped, they could be taken to the SPCA to get spade. She questioned the Borough donation to the SPCA. It was noted the Borough no longer makes a donation to the SPCA.

Motion by Mr. Greenway to approve authorization of Borough Solicitor to advertise draft Ordinance #485, amending Chapter 54, Animals of the Code of the Borough of Montoursville to include special regulations for cats. Motion failed for lack of a second.

PLANNING & ZONING – Central Keystone COG February 2019 Reports.

RECREATION– Council Vice President, Mr. Lucas reviewed and explained Event permits 2019-01, 2019-09 and 2019-10

Motion by Mr. Lucas to approve Event permit 2019-01, second by Mr. Greenway. The motion carried.

Council member, Mrs. Kline noted last year the Garden Club’s event interfered with her event as they had set up the evening before. She requested the group amend their permit to include all dates and times being used. The Borough Secretary shared the event permit is submitted includes a reservation of Pavilion 5. Council Vice President, Mr. Lucas requested the event permit stands as approved and requested the Borough Secretary to block out the pavilion for the prior evening. He requested the Garden Club be notified so future permits may be accurate. He added the Garden Club does a lot for Montoursville Borough and maintains many areas

Motion by Mr. Greenway to approve the Event Permit #2019-09; seconded by Mr. Greenway. The motion carried.

Motion by Mr. Lucas to approve the Event Permit # 2019-10; seconded by Mr. Greenway. The motion carried.

Council Vice President, Mr. Lucas gave update on the newly constructed pavilion # 6 noting it is almost complete. He explained a new rental fee will need to be established as the new pavilion is larger than the one it had replaced. He continued stating it is anticipated the new pavilion will be in more demand therefore would like to establish an appropriate fee. The Borough Secretary shared pavilion rental fees are based on half or full day rental. She explained pavilion # 5, the largest pavilion has a rental fee of \$50.00 per half day and \$95.00 per full day. It was noted pavilion # 6 would be comparable to pavilion # 5.

Motion by Mr. Lucas to approve establishing rental fee for pavilion # 6 at \$50.00 per half day and \$95 per full day, seconded by Mrs. Kline. Council President, Mr. Greenway requested for public comment. No comments were received. Council member, Mr. Tillson questioned maintenance costs for other areas in the park including the basketball and tennis courts. Council President, Mr. Greenway confirmed monies had been budgeted to cover those expenses. The motion carried.

MAYOR – Mayor Bagwell reported the Veterans Day Parade Committee requested Montoursville Borough to consider listing their event on our current liability insurance coverage. The committee provided Mayor Bagwell with a copy of their current liability insurance to be considered. They feel the one day event would be less costly if added to the rider of our existing Borough liability policy. Mayor Bagwell noted some communities have provided the insurance coverage and some have not. A copy of their request will be provided to the Borough Secretary for consideration. Mayor Bagwell expressed his concerns and disappointment in Borough Council regarding not bringing the draft ordinance dealing with feral cats to vote. He again shared his concerns for residents experiencing problems with feral cats noting the police have no way to address the problem. Council member, Mr. Lucas noted he would reconsider the ordinance.

POLICE CHIEF – Chief Gyurina reviewed the February police report.

STREETS/WATER – Street/Water Project Coordinator, Mr. Hoffman reported on the repair of the town clock. He explained external repairs are needed in the future. He had been informed the clock should either be replaced or updated; it was recommended the neon lights be updated to LED if future repairs are needed. Council member, Mr. Tillson recommended Street /Water Project Coordinator, Mr. Hoffman to remove any weeds on Broad Street before it becomes a problem. He stated the merchants on Broad Street are not accountable for taking care of the weeds; every year around June the downtown begins to look like a mess due to no one taking care of them. He questioned who would be responsible. Council Vice President, Mr. Lucas questioned Solicitor, Randy Sees for the ability of the Borough to issue a notice to property owners stating if they do not maintain their property from weeds, the Borough will do so and charge a fee to the property owner. If the property owner does not pay the invoice, a lien would be placed on the property. Solicitor, Randy Sees stated that is the proper manner in which property maintenance works. Council member, Mr. Tillson questioned the definition of who the responsible party would be, the tenant or the property owner. Council Vice President, Mr. Lucas stated the property owner is responsible and needs to be informed of the responsibility and if ignored; the Borough will do it for them and invoice them. Council member, Mr. Tillson questioned enforcement noting if the Borough does not have the appropriate pesticide license who will be responsible to do it. Council Vice President, Mr. Lucas stated he feels the Borough should obtain the appropriate pesticide licenses to do it. Council member, Mr. Haines commented if a notice is going to be sent out with an invoice, why not hire a company to do it. Council President, Mr. Greenway agreed noting that hiring a company is permitted and the cost would be passed off to the property owner and not to the Borough. He clarified the property owner does not require a permit to spray pesticide however the Borough does. A discussion took place regarding the benefits the Borough would receive if employees acquired the appropriate pesticide licenses. Council President, Mr. Greenway questioned why the Borough would want to tie up employees in order to take care of residents properties and where does the Borough stop. Council President, Mr. Greenway stated if the Borough steps into take care of the weeds on Broad Street, the Borough would be subject to having to take care of other properties located in the Borough. He continued stating if it is done for one property owner; it must be done for all property owners or it would be selective enforcement. Council member, Mr. Tillson stated last year certified letters were sent out regarding the weeds to property owners but it was unsuccessful to solving the problem. He continued stating the biggest offenders are the property owners on Broad Street. All agreed. A discussion ensued regarding the enforcement of property maintenance, the timeline and process when notices by CKCOG Property Maintenance Codes Officer are issued. Solicitor, Randy Sees noted the Borough's current property maintenance ordinance covers all the discussed issues. After the lengthy discussion it was decided property owners that do not maintain weed control will be issued a five day letter for compliance after the five days have expired and the property owner has still not complied, the Borough will contact a company which holds the appropriate pesticide license to spray the weeds with the cost for those services charged to the property owner. Should the property owner not make payment to the Borough for those services; the Borough will place a lien on the property.

COUNCIL PERSONS – Council member, Mrs. Kline announced her term on Borough Council will expire at the end of this year and she will not be running for re-election. She shared that she enjoyed her time serving on Council and encouraged anyone who was considering running in the third ward as it was very rewarding and educational. She explained she has personal commitments that will take precedence and cannot make that commitment for another four years.

SOLICITOR – Nothing at this time.

COUNCIL PRESIDENT – Nothing at this time.

PENDING MATTERS – Nothing at this time.

CORRESPONDENCE AND ANNOUNCEMENTS – The next regular Council meeting will be held Monday, April 1, 2019 at 7:00 PM. 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.

VISITOR AND PUBLIC COMMENTS – None at this time.

There being no further business the meeting was adjourned at 8:15 PM on a motion by Mr. Lucas, second by Mr. Haines. The motion carried.

Respectfully submitted,

Ginny Gardner, Borough Secretary