

MINUTES OF THE BOROUGH OF MONTOURSVILLE

May 7, 2018

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, Tina Kline, Eric Greenway and Robert Brown. Ted Haines and Chris Lucas were absent.

The Pledge of Allegiance was observed.

The April 2, 2018 minutes were approved on a motion by Mrs. Kline and second by Mr. Brown. The motion carried.

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

TREASURERS REPORT – **Motion** by Mr. Brown to approve the treasurer's report and the Borough bills for April 2018, second by Mrs. Kline. The motion carried.

NEW BUSINESS –

COMMUNITY YARD SALE REQUEST – JUNE 1ST & JUNE 2ND 2018 – Resident, Pamela Nelson, 225 Bennett Street discussed her request for Borough Council to permit two community-wide yard sales per year. Her first request is scheduled for June 1st and 2nd, 2018. Her requests include for it to be an annual event, waiving the Borough ordinance permitting a maximum of two-yard sales per year and the signage requirement, only placing signs on properties having the yard sale. She noted her request to waive the permit requirement is for convenience and if permitted would not count toward the two-yard sales permitted per year. Ms. Nelson requested the review of the sign ordinance which prohibits sign placement anywhere other than the property holding the yard sale; she would like the ordinance to permit the placement on anyone's property with the property owner's permission. Council member Mrs. Kline suggested issuing a general permit in lieu of waiving the permit and permit residents to call the Borough office adding their name to the general permit. Ms. Nelson requested the community yard sale not to be counted toward the two-yard sales allowed per year. Council President, Mr. Greenway questioned Chief Gyurina regarding any issue that may arise with the police if residents don't have a signed permit. Chief Gyurina responded it would not be a problem as long as signs are not being posted everywhere. Ms. Nelson stated she does not intend to post signs on telephone poles, just to post signs on the neighbors' properties if they agree. Council President, Mr. Greenway noted he felt a community-wide yard sale is a great idea. Council member, Mr. Brown questioned Borough Solicitor, Randy Sees regarding the legal ability for council to waive an ordinance. Borough Solicitor, Randy Sees stated yes, however, Borough council can issue a borough-wide permit. Council members, Mrs. Kline and Mr. Brown both agreed council should require a borough-wide permit. Chief Gyurina stated he does have concerns about illegal parking and safety issues. Borough Solicitor, Randy Sees suggested to council that a borough-wide permit should not require the submission of names and addresses; it's borough-wide, which gives every property owner the right to erect yard sale signs.

Motion by Mr. Greenway to approve a Borough-wide community yard sale on June 1st and 2nd, 2018, second by Mrs. Kline. The motion carried.

AUTHORIZE BOROUGH SOLICITOR TO ADVERTISE DRAFT ORDINANCE #480, AMENDING CHAPTER 102, PEDDLING & SOLICITATION – SPECIAL REGULATIONS FOR MOBILE FOOD VENDORS –

Council President, Mr. Greenway explained a discussion took place regarding concerns with mobile food vendors, from the community as well with council members, at the previous council meeting.

Motion by Mrs. Kline authorizing the Borough Solicitor to advertise draft Ordinance #480, second by Mr. Greenway. Borough Solicitor, Randy Sees explained the Borough's current Peddling and Solicitation Ordinance is conducive to adding regulations for mobile food vendors. He explained the draft Ordinance provisions require that mobile food vendors must be 75 feet from brick and mortar with no seating however those provisions can be changed. Council President, Mr. Greenway restated the provision requiring food trucks operating 75 feet from a brick and mortar

restaurant. Council member, Mr. Tillson stated the 75 feet requirement is not that far of a distance. Council member, Mr. Brown read Section 102.1 of the current Peddling & Solicitation Ordinance. Borough Solicitor, Randy Sees stated the current Peddling & Solicitation Ordinance, as written, a food truck could legally park and could operate from that spot. Council President, Mr. Greenway stated the food trucks currently are only operating on private property. Council member, Mr. Brown agreed to note he has only seen two food trucks and both were operating on two different private properties. Mayor Bagwell questioned if a distance of 300 feet would be enforced, could it prevent a food truck from going on private property if the brick and mortar was within 300 feet. Borough Solicitor, Randy Sees stated the intent of the draft ordinance is not to regulate food trucks on private property, only to regulate food trucks parking on public property. A discussion took place regarding food trucks parking on private property that is within 75 feet of brick and mortar amongst council members. Council President, Mr. Greenway and Council member, Mrs. Kline agreed; a 150 feet distance requirement would be a good distance for food trucks to operate from brick and motor restaurants. Council President, Mr. Greenway questioned the provision that does not allow food trucks to have a stand-up counter as they need a place for condiments. Council member, Mr. Tillson questioned the definition of a food vendor since Lowes has a vendor on its property. It was noted that the vendor at Lowes was approved through a land development plan and zoning permits. Borough Solicitor, Randy Sees stated the Borough's zoning ordinance permits vendors on private property. Council President, Mr. Greenway stated Borough council should protect the brick and mortar as permitted but could not put food trucks in a position where they cannot earn a living and operate their business. It was suggested that the topic regarding mobile food vendors would be deferred to a future meeting. **Motion by Mrs. Kline** to amend her prior motion to defer the topic of advertising draft Ordinance #480, amending Chapter 102, Peddling & Solicitation, special regulations for mobile food vendors to a future meeting, second by Mr. Brown. The motion carried.

RESOLUTION 2018-06 – CURB RADIUS – Council President, Mr. Greenway gave explanation, noting it applies to current 2018 Street Improvement project.

Motion by Mrs. Kline to approve Resolution 2018-06, second by Mr. Greenway. The motion carried.

REVIEW – 2017 AUDIT & FINANCIAL REPORT – was reviewed with no issues.

Motion by Mr. Greenway to accept the 2017 Audit & Financial Report, second by Mr. Brown. The motion carried.

DONATION – MONTOURSVILLE ROTARY CLUB – 3 BENCHES/PLAQUES – Council President, Mr. Greenway explained the Rotary Club's donation of three benches with plaques to the Indian Park Nature Trail.

Motion by Mrs. Kline to approve and accept the donation of three benches with plaques from the Montoursville Rotary Club, second by Mr. Brown. The motion carried.

P/T SEASONAL – EMPLOYMENT - \$10.00/HR – ALEXANDER HEITZMAN & ALEXANDER STABLER – Council President, Mr. Greenway explained Alex Heitzman and Alexander Stabler will be part-time seasonal employees in addition to Mason Gyurina, for a total of three part-time seasonal employees for 2018.

Motion by Mrs. Kline to approve the hiring of Alexander Heitzman and Alexander Stabler for Part-time seasonal employment with a wage of \$10.00 per hour, second by Mr. Greenway. The motion carried.

PLANNING & ZONING – Central Keystone COG April Report.

RECREATION – Council President, Mr. Greenway explained event permit 2018-21 for a softball tournament. Men's Softball League Treasurer, Mr. Carter McGill stated he has been having tournaments for 40 years, without ever asking permission. He continued stating tournaments were never listed on their Event permit application as they do not know at the time when they will be taking place. Mr. McGill questioned if they can notify the Borough with the dates of the tournaments as they are planned. Council President, Mr. Greenway explained every event held in the park that is not listed on their approved Event permit will require an additional Event permit; these rules apply to all organizations. Mr. McGill questioned if they can hold the tournament scheduled for this weekend. Council President, Mr. Greenway questioned if the tournament scheduled to take place this weekend has the same teams playing that are

on the current approved event permit. Mr. McGill stated there would be additional teams. Council President, Mr. Greenway stated the additional teams are a problem and in addition, the scheduled use of the field is also an issue. He continued explaining the tournament that your association wants to hold would be held on a Saturday; the Borough has it documented to show that it is available so in the event that someone else applies for an event to use that field, they would be permitted to use it because the Borough would have no idea that you have planned a tournament. It will not be available for your use; your teams would show up to use the field and someone else would be using it. Mr. McGill questioned if the softball league could apply for the tournaments when they apply for their yearly event permit. Council member, Mrs. Kline stated yes however it would be for next year's event permit. Council President, Mr. Greenway stated the issue is that the softball leagues are making money holding tournaments on the Borough fields without the Borough's knowledge. Charlie Green Softball Representative, Mr. Larry Solomon questioned the fees required for a tournament. He stated if the fee of \$150.00 for each team that is not in the softball leagues approved permit is required then it would be too much and teams couldn't afford it. Council President, Mr. Greenway stated that is the fee schedule. There was a lengthy discussion regarding softball tournaments, the cost per team and the prizes. Mr. McGill reminded the borough that the softball leagues take care of the fields and do all repairs. Council President, Mr. Greenway questioned Mr. McGill if he would like to apply for an event permit for the softball tournaments. Mr. McGill questioned if the fee of \$150.00 for each team for each tournament would be required. Council President, Mr. Greenway stated yes that is the fee. Mr. McGill stated the softball leagues will not be having any more tournaments. Mr. McGill stated the tournament for event permit 2018-21 will be the last and only tournament if they still decide to have it. After another lengthy discussion regarding the fees, Mr. McGill stated the softball league will be contacting the sponsor to question if they still intend to have the tournament, if they do they will stop by the Borough office to apply for another event permit. Council President, Mr. Greenway stated with that intention Council will not be approving Event permit 2018-21 and will wait for an accurate one.

STREETS/WATER – Council member, Mr. Tillson discussed and questioned the handicap curb ramps. He questioned why the broken yellow ramps can't be repaired. He noted in Milton Borough they have black removable truncated domes which can be replaced as needed. It was noted newer curb ramps have the replaceable truncated domes. Council President, Mr. Greenway stated that replaceable truncated domes were not an option at the time of installation of some of the original curb ramps. He continued stating CDBG funds can't be used to replace until they are a certain age, and require a certification of the Borough engineer that reconstruction is warranted. Council member, Mr. Tillson requested in future CDBG curb ramp projects the utilization of the replaceable truncated domes. Council President, Mr. Greenway explained the issues the Borough is having with the current 2018 Street Improvement project. He stated some properties within the project area with curbs that need to be replaced, were installed several years ago. These curbs were not 14 inches deep but were actually two feet deep along with being wider at the bottom. He continued stating it wasn't advantageous for the Borough to require the homeowners to forgo the cost of digging them out and repairing them. He explained there is no structural difference between going below the grade and capping the curb. Council member, Mr. Tillson questioned if the status of the completion of the new restroom and if it was on schedule. Council President, Mr. Greenway stated that it was almost completed and waiting for inspections. Council President, Mr. Greenway explained two water leaks were repaired on Broad Street.

MAYOR – Mayor Bagwell indicated the Montoursville Police Department received a large amount of positive attention from the photographed act of kindness giving assistance to a resident. Chief Gyurina explained the resident had no relatives or neighbors to take him to the hospital where his wife had been taken by ambulance. Deputy Chief Bentley gave the resident a ride to the hospital and assisted him walking into the hospital. At that moment one of the Police Department interns walking behind them took the photo.

POLICE CHIEF – Chief Gyurina reviewed the April police report.

COUNCIL PERSONS – Nothing at this time.

SOLICITOR – Nothing at this time.

COUNCIL PRESIDENT – Council President, Mr. Greenway discussed and explained the current brush and mulch pile issue. He explained there are two possible outlets for the current mulch that we have; one is a landfill and the other would be a company however both will cost the borough money to rid of the mulch. Also, he stated there is a solution to collect brush but it does not entail grinding it into mulch; there will be a bin provided where residents will be able to drop your brush. The borough will continue to offer mulch to residents, however the borough will obtain the mulch from other municipalities who have an excess of mulch. Council President, Mr. Greenway explained \$12,000.00 has budgeted for 2018 with approximately half of the budgeted amount being used to rid of the mulch. The borough will be placing a 30 cubic yard roll-off container at the area where the current mulch pile is located and will be available to borough residents to drop off their brush. This service will cost approximately \$300.00 per month for the summer, totaling \$3,000.00 per year. The additional monies remaining in the budget will be utilized for security surveillance cameras to prevent illegal dumping at the brush pile; signs will be installed indicating charges will be imposed for any illegal dumping violations. Council President, Mr. Greenway indicated if this process is successful, the borough will be able to continue this service next year at approximately half the cost. He continued to explain that grass clippings will not be permitted with this service, only brush. Council member, Mr. Tillson questioned who will be permitted to use the service. Council President, Mr. Greenway stated permitted use is for borough residents only. Council member, Mr. Tillson stated signage must be very specific with the language as to who will be permitted to use and noted the service is on a trial basis and won't continue if it is not successful. Council member, Mr. Greenway stated knowing the risk of non – residents getting caught, there will be less illegal dumping. It was suggested to have residents sign in at the borough building prior to dumping and have it open during daylight hours. Council member, Mr. Tillson stated the area needs to be secure. Council member, Mr. Greenway proposed the container be closed at the end of the day and opened in the morning. It was suggested the installation of a chain to prevent access to the container after hours; Council President, Mr. Greenway agreed. Council member, Mr. Brown questioned the availability on weekends. A discussion took place regarding the availability and the additional cost. Mayor Bagwell remarked that the mulch needs to be removed, along with the installation of cameras which are a necessity for building security. He continued stating the cost of the experiment is minimal. Council agreed.

PENDING MATTERS – Nothing at this time.

CORRESPONDENCE AND ANNOUNCEMENTS – The next regular Council meeting will be held Monday, June 4, 2018 at 7:00 PM.

VISITOR AND PUBLIC COMMENTS – Resident, Carrie Staron questioned if council members attended the meeting regarding the County Comprehensive Plan for Montoursville. Council President, Mr. Greenway responded council members did not attend the current meeting but have attended a meeting previously. Ms. Staron commented and stated throughout this country, the county and even Montoursville volunteers are a necessity however as reported in the media there is a noticeable shortage and decrease in involved community volunteers. She stated she wanted to take this opportunity to recognize and applaud a member of our community, a local business owner and a valuable member of Borough Council. As a 35-year business owner, he has used and shared his knowledge to better the Montoursville community, he has listened to his constituents, has done his research and asked the tough questions to ensure Montoursville Borough moves forward. He has recently received Allstate's symbol of exceptional business-Honor Ring award and Premier Agency designation based on 2017 achievements. She invited all in attendance to give a round of applause to Mark Tillson for his community involvement as well as for his successful business endeavors.

There being no further business the meeting was adjourned at 8:41 PM on a motion by Mrs. Kline, second by Mr. Brown and carried.

Respectfully submitted,

Ginny Gardner, Borough Secretary