

MINUTES OF THE BOROUGH OF MONTOURSVILLE

June 1, 2015

The regular meeting of the Montoursville Borough Council was called to order by Council President Rosemary Holmes at 7:00 PM, with the following answering roll call: Mark Tillson, Dennis Holt, Don King, Dave Moyer and Christopher Lucas.

The Pledge of Allegiance was observed.

The minutes of the May 4, 2015 were approved on a motion by Mr. Moyer, second by Mr. Lucas. The motion carried.

VISITORS AND PUBLIC COMMENT – Ms. Ashton Reitmeyer & Mr. Steve Shope formally announced the return of The Montoursville Echo Newspaper established in 1891; a monthly free community newspaper. Mayor Dorin presented a Proclamation along with Chief of Police, Jeffrey Gyurina to Willing Hand Hose Fire Chief Scott Konkle which recognized May 17th thru May 23rd as Emergency Medical Service Week. Mayor Dorin also presented Certificates of Recognition to Paramedic, Jeffrey Hutchins, EMT, Scott Hanner, EMT and Amy Newvine for the Josh Dinges emergency and Paramedic, Keri Tanger, EMT, Stephen Yonkin, EMT, Nick Bulavko and EMT, Mike Fedele for the John Sharp emergency. He extended a heartfelt thank you and commended the Willing Hand Hose's program. He feels that they have the best 24 hour response team in the county. Resident, Tina Kline, 1009 Tule Street questioned the cost of the ad for the Special Council meeting that did not take place and what fund it would be paid out of. The Borough Secretary noted that the invoice had not been received by the Borough as of date but will advise her once it has been received and that it would be paid from the General Revenue fund. Mrs. Kline stated that due to the meeting not being held the council member that was involved should be responsible for the payment for the ad and the Borough taxpayers should not be responsible for the payment for the ad.

TREASURERS REPORT – **Motion** by Mr. King to approve the treasurer's report and the Borough bills for May 2015, second by Mr. Moyer. The motion carried.

PUBLIC HEARING - ORDINANCE #465, AMENDING ORDINANCE 381, SECTION 2.01 GENERAL PROCEDURES

Motion by Mr. Moyer to adjourn/recess the regular council meeting at 7:17 PM and open the Public Hearing, second by Mr. Holt. The motion carried. Council President, Mrs. Rosemary Holmes explained the Ordinance is amended by adding a Pre-application meeting for any Land Development or Subdivision. She asked if anyone had any comments that they would like to make concerning the proposed Ordinance. Resident, Marian Harris, Jordan Avenue requested an explanation of the amendment. Council member, Mr. Dave Moyer explained. Council member, Mr. King also explained that the amendment has been recommended for approval by the Borough and Lycoming County Planning Commission. Council member, Mr. Holt questioned the Borough Solicitor if the reason for a Public Hearing is due to the amendment to the Subdivision and Land Development Ordinance. Borough Solicitor, Randy Sees stated that it was. Council President, Mrs. Holmes closed the Public Hearing at 7:21 PM and reconvened the council meeting.

NEW BUSINESS –

ORDINANCE 465, AMENDING ORDINANCE 381, SECTION 2.01 GENERAL PROCEDURES - ADDING PRE-APPLICATION MEETING -

Motion by Mr. King to approve ORDINANCE 465, amending Ordinance 381, Section 2.01 General Procedures, second by Mr. Moyer. The motion carried.

MONTGOMERY PLUMBING SUPPLY CO. - TODD DEWALD, 21 SOUTH WASHINGTON ST.- CHANGE OF USE REQUEST – Resident, Mr. Todd Dewald reviewed his letter requesting to change the use for the property at 21 South Washington St; the property where the burned down laundromat once stood. He is proposing to build a 2 family dwelling

changing the property back to residential which is what the area is zoned. It would be built on the same exact footprint of the laundromat except it would be eight feet higher. He discussed the addition of pad and balconies to the dwelling. Council member, Mr. King stated he discussed Mr. Dewald's request with Zoning Officer, Robin Fox and saw no issues with his request as he is staying within the footprint. Council member, Mr. Holt questioned if it was being considered a nonconforming lot. Zoning Officer, Mrs. Fox stated that it was but is considered a conforming structure, permitted use. It was discussed if it was meant to consider as a rebuilding or repair of a laundromat. Zoning Officer, Mrs. Fox stated the fire took place in October 2014 so he had met the criteria of rebuilding within one year and is requesting Council's permission to build eight ft. higher. It was noted that the laundromat was nonconforming within a residential district and if approved it would be going back to residential. It was discussed that the lot size is not large enough and therefore needs Council's approval. Council member, Mr. Tillson questioned if there would be on premise parking. Mr. Dewald stated that there would be on premise parking. Solicitor Randy Sees clarified by stating what Mr. Dewald is requesting is permission to increase the height of the dwelling by eight feet; the Borough's ordinance allows it to be built where it is and how it is. It was questioned if he would need any variances; it was noted that he may for the entryway issue and balcony, the Zoning Officer will need to make that determination. Council member, Mr. Holt questioned the need for a variance for the lot size. Solicitor, Randy Sees stated no that the Borough Ordinance permits him to rebuild it within the footprint. Solicitor, Randy Sees clarified that Council would not be approving a change of use; he is permitted to do that under the ordinance. He stated Council is only approving the increase in area size or bulk. Council member, Mr. Holt questioned Solicitor Randy Sees that if approved it will be considered a permitted use. Solicitor, Randy Sees stated yes that it would be.

Motion by Mr. King to approve Mr. Todd Dewald's change of use request for 21 South Washington Street, second by Mr. Lucas. The motion carried.

AMENDMENT TO AGREEMENT BETWEEN FIRST COMMUNITY FOUNDATION AND MONTOURSVILLE BOROUGH – MINI –GRANT PARK & NATURE TRAIL – Council President, Mrs. Holmes reviewed and explained the amended agreement

Motion by Mr. Lucas to approve the amendment to the agreement between First Community Foundation and Montoursville Borough for the Mini-grant for the Park & Nature Trail, second by Mr. Moyer. The motion carried.

DEVELOPMENT IMPROVEMENT AGREEMENT – MONTOURSVILLE AREA HIGH SCHOOL – The Borough Secretary reviewed and explained. It was noted that the agreement was the same agreement reviewed and approved at the prior meeting with the required financial security inserted.

Motion by Mr. Holt to approve the Development Improvement Agreement for the Montoursville Area High School, second by Mr. Moyer. The motion carried.

CONTRACT #2 PAYMENT APPLICATION #2 – TRA ELECTRIC - \$44,550.00 – Council President, Mrs. Holmes reviewed and explained.

Motion by Mr. Lucas to approve Contract #2 Payment Application #2 for TRA Electric in the amount of \$44,550.00, second by Mr. Holt. The motion carried.

P/T SEASONAL – EMPLOYMENT – DANIEL YEAGLE – Council President, Mrs. Holmes explained to Council.

Motion by Mr. Moyer to approve Daniel Yeagle for Part Time Seasonal employment, second by Mr. King. Council member, Mr. Tillson requested Street/Water Commissioner, Mr. Smith to explain the need for a Part Time Seasonal employee. He explained they would be utilized mostly in the park, leaving some full time borough employees able to work in the street department and this is nothing out of the ordinary. Council President, Mrs. Holmes questioned the number of Part time seasonal employee are usually hired. Street/Water Commissioner, Mr. Smith stated that generally two have been hired. It was noted that both seasonal employees are college students working through the end of August and they will be making \$10.00 per hour. Mayor Dorin questioned if they would be mentored. Street/Water Commissioner, Mr. Smith stated that Street Foreman, Ron Lee will oversee along with Joe Kavitt. Mayor Dorin questioned if the seasonal employees could be utilized on the weekend in the park. Council discussed Mayor Dorin's request and the current weekend use, cleanup, costs of

the park and pavilions and the possibility of fees being implemented. Council agreed to adjust the work schedules of the Part Time Seasonal employees to accommodate Mayor Dorin's request. A discussion regarding the use of work release to help with various tasks and took place. The motion carried.

DONATION OF POLICE VEHICLE TO FIRE POLICE – Council President, Mrs. Holmes explained and discussed with Council. She noted the current vehicle which had been donated by the Borough to the Fire Police previously will not pass inspection. The Borough currently owns a Police Impala #26 that has a bad transmission which the Fire Police would be happy to receive, along with putting a new transmission in it. Police Chief, Jeff Gyurina noted that recently it was found out that the vehicle has a 100,000 mile warranty on the transmission. Council member, Mr. Lucas questioned Chief Gyurina about any other issues that car may have. Chief Gyurina stated that the vehicle has other problems but the transmission is the biggest. Mayor Dorin noted that over \$500.00 had just been put into the vehicle along with 2 new tires, so it is in drivable condition. Council member, Mr. Lucas questioned if the warranty would transfer. Council member, Mr. Tillson recommended to have the Borough repair the transmission under warranty and then revisit the option to donate the vehicle. Council continued to discuss several issues regarding the warranty and transmission. Council member, Mr. Lucas suggested investigating the issue further and then revisit the issue. Council President, Mrs. Holmes agreed.

PLANNING & ZONING – Zoning Officer, Mrs. Robin Fox reviewed and updated the Central Keystone COG April Reports. She also discussed the Zoning Hearing Board application fees as being low for the area. Council member, Mr. Holt suggested revisiting the fee at budget time. Council discussed the different fees residential versus commercial. Council member, Mr. King noted that it had been discussed when the latest zoning ordinance was compiled that there had been too much rezoning by variances. Zoning Officer, Mrs. Fox also reviewed and discussed corner lot fence requests and common issues with those requests.

Council member, Mr. King stated that the Zoning and Planning Committee had a very good meeting with 4 individuals from the CKCOG and due to that meeting the Committee is making the recommendation to Council for the months of June, July and August, on a trial basis, the addition of two hours a week for patrol time for property maintenance throughout the Borough, which may entail increased administrative costs for additional violations that may be found.

Motion by Mr. King to approve an additional two hours of policing for property maintenance enforcement from the Central Keystone Council of Governments, second by Mr. Moyer. Council member, Mr. Lucas questioned the amount of hours they currently work. It was noted that they have 8 office hours per week for zoning and building. Council member, Mr. Lucas questioned if the office hours currently being used could be repurposed and if it had been investigated to get additional policing without added expense for the extra hours. It was noted it had not been however it could not be accomplished without cutting building or zoning services. The motion carried.

RECREATION – Council member, Mr. Lucas reviewed the May Recreation Board minutes and Event Permit.

Motion by Mr. Lucas to approve Event Permit 2015 – 27, second by Mr. Moyer. The motion carried. Council member, Mr. Lucas reviewed the two upcoming events, June 9th – The Hootenanny Band; June 24th – Raven Creek Band. He also reviewed the upcoming movies, June 19th – the new “Paddington”, Rain date – June 20th and August 21st – the new “Cinderella”, Rain date – August 22nd. He stated the Recreation Board is looking for sponsors at this time, for any events including movies. Council member, Mr. Lucas noted that the Harvest Parade will be on September 26th, starting at the Lyter Elementary School ending at Indian Park; it will coincide with the Fall Festival this year. He announced the next Recreation Board meeting will be June 16th at 7:00PM. Council member, Mr. King commended Council member, Mr. Lucas for the tremendous Middle and High School Jazz Band concert.

STREETS/WATER – Street/Water Commissioner, Mr. Ron Smith gave an update from Larson Design Group on the current water projects; Bulk Water Loading station, Electrical Improvements for Well 4 & 5, Well 4 cleaning, Broad Street Waterline Replacement. He explained the rebuilding of Pavilion 2 is almost completed, noting electric needs to be finished. He explained approximately 30 triaxle loads of mulch from the brush pile has been hauled out for the use in silt socks. Council member, Mr. Lucas requested mulch to be placed at the triangle near the green bridge to help with the placement of

the Recreation Boards announcement sign. Street/Water Commissioner, Mr. Smith agreed. Street/Water Commissioner, Mr. Smith requested permission from council to sell through Municibid the 1997 Chevy Dump truck with plow and salt spreader with no replacement needed.

Motion by Mr. Lucas to approve the selling of the 1997 Chevy Dump truck with plow and salt spreader through Municibid second by Mr. Holt. Council member, Mr. Holt noted that leaves the Borough with two dump trucks with salt spreaders and plows. The motion carried.

Street/Water Commissioner, Mr. Smith noted that a community service worker had done a tremendous job working in the park and will be returning upon approval of his probation officer so that he may work off his fines. He also reported catch basins will be started to be rebuild with in our paving project. He explained Utility Services will start leak detection on June 8th and will be here for five days. He reported that approximately 750,000 gallons bulk water was sold last month. Council member, Mr. Holt questioned the completion date for the Broad St Waterline Replacement Project. Street/Water Commissioner, Mr. Smith stated that there was and noted that ground restoration and paving still needed to be done, concrete work had just about been completed. It was discussed that the paving bids will be going out shortly once Borough Engineer, Todd Pysher completes and advertises the project for bid.

MAYOR – Mayor Dorin questioned the status of his request from the prior Council meeting regarding the Water Committee reviewing and discussing the ordinance which states the homeowner is responsible for the service line from the curb stop to the main. He noted that requirement must cease as soon as possible as it is the Borough's responsibility. Council member, Mr. Tillson noted that it has never been the Borough's responsibility. A discussion took place regarding the Mayor's request. Council President, Mrs. Holmes stated that the Borough is looking into his request. Council member, Mr. Tillson stated a Water Committee meeting took place prior to the Council meeting where Mayor Dorin's concerns were addressed along with coming up with an equitable way to pay for it. Mayor Dorin requested a plan. Council member, Mr. Lucas stated there is not a simple solution, it had been determined that a rate study would be completed which involves the Borough Water Engineer; it cannot be accomplished in one meeting. Mayor Dorin requested Council to grant a moratorium on the any issue that may arise regarding the curb stop to the main. Council disagreed. At this time, Mayor Dorin was pleased to announce that "Young Lungs at Play" had given the Borough a Bronze Award Plaque which was given for converting two communities. Mayor Dorin had convinced Picture Rocks to become a Tobacco free community. The plaque will be installed on a white pole at the entrance or stage area in the park. Mayor Dorin reviewed the May Police Report with Council. He stated he was meeting and working with Eric Hauser, Senator Gene Yaw's legislative aid, in conjunction with the Chamber of Commerce and Small Business Development Center at Lock Haven University which will be placing small businesses on the internet.

POLICE CHIEF – Chief Gyurina gave Council an update; ambulance calls and mental health calls have been on the rise. He stated a few cars had been entered and alerted the citizens to lock their vehicles He noted that it is also happening in the area of Walmart and Weis. Chief Gyurina announced Lycoming Counties Most Wanted list has been circulated.

SOLICITOR – Solicitor, Randy Sees requested a few minutes after the meeting to give a quick update on a legal issue and will not require any council approval or action and no need to reconvene.

COUNCILPERSONS – Council member, Mr. Moyer explained at the last MS4 Coalition meeting it was discussed and questioned whether the Borough and all participants were interested in continuing with the Lycoming County and Lauren Robinson, MS4 Planner for an additional year. He stated he believes another one or two municipalities plan on joining the coalition. He just wanted to give members time to consider whether this is something they would like to continue and discuss it at a later date. It was noted that it would cost approximately \$8,000.00, and with the addition of two more municipalities the possibility for that fee to be reduced. Chief Gyurina explained that the police department is doing enforcement of the MS4 reduction of grass clippings in the street. Mayor Dorin questioned Chief Gyurina regarding the Healy Estate and high grass enforcement. He stated

he had discussed this issue with CKCOG Property Maintenance Officer, Jim Emery and the problem is that it is in foreclosure. He stated it is hard to locate the bank who is responsible for it; he noted the borough will probably cut the grass and put a lean on the property. Council member, Mr. King explained that cars leaving an athletic events are letting out from Mill St and the congestion of traffic is backing up across the railroad crossing, sitting on the tracks. He questioned Street/Water Commissioner, Mr. Smith about what SEDACOG Joint Railroad Authority's responsibility was. Street/Water Commissioner, Mr. Smith explained that his understanding was that it was on SEDACOG's list to install flashing lights. Council member, Mr. King stated he would like to know approximately when they are to be installed. Chief Gyurina explained he had contacted PennDOT several times, questioning when a local highway meets a state highway signage regulation, and explained he has yet to receive a response. Mayor Dorin suggested to put a temporary "no left turn" sign and see PennDOT's reaction. Chief Gyurina stated it would be unenforceable. Council discussed the safety issues that are occurring and the possibility of a turning lane. Council member, Mr. King stated there are two issues; one is the intersection and two is the railroad tracks. Council member, Mr. Lucas questioned if there was a "Do not stop on tracks" sign installed. Street/Water Commissioner, Mr. Smith stated that there was not. Council member, Mr. Lucas stated that the signs could be done immediately. It was noted that the Borough Secretary was to contact SEDACOG Joint Railroad Authority and request a status on the flashing lights installation. Council member, Mr. Holt stated he was hoping that a plan was being developed to save the trees on Broad St. A discussion regarding the species of trees being planted and why some do not survive took place. Council member, Mr. Holt stated he does not want Broad Street to like it did twenty years ago; if that means irrigation, then maybe the Rotary Club would help. Council member, Mr. Lucas noted that the Recreation Board has been investigating potential grant money that would help with replacing the trees, one grant for streets and one grant for parks. Mayor Dorin stated the need to find out what may be in the soil that is causing the trees to die. Street/Water Commissioner, Mr. Smith stated he discussed last year the possibility of making the mulch rings larger with Mayor Dorin and never received an answer. He noted that he and another council member attended a meeting with a PA State forester who stated the one way not to plant trees, which was displayed with a photo like what exists on Broad St., they need to be planted with rain gardens. Mayor Dorin stated the need to have someone with expertise handle the trees, noting something needs to be done. Council, Mayor Dorin and Street/Water Commissioner, Ron Smith discussed the trees being replaced several times. Mayor Dorin stated a sample needs to be sent to Penn State for evaluation. Council President, Mrs. Holmes stated something will get done regarding the trees. Council member, Mr. Holt at this time, questioned Street/Water Commissioner, Mr. Smith if Water Engineer, Dave Walters started to prepare the Right of Way plans for the West Broad Street Waterline Replacement Project. Street /Water Commissioner, Mr. Smith stated the field work had been completed; however he does not feel right of ways will be required as the waterline will be installed underneath the sidewalk. Council member, Mr. Holt had concerns regarding Crawford Alley and suggested Mr. Smith to stay on top of the project. Street/Water Commissioner, Mr. Smith stated that it would be considered part of Phase 3 of the Waterline Replacement Project. Council member, Mr. Holt noted the bike path is in need of some maintenance. Council discussed the current issues and upkeep of the bike path.

COUNCIL PRESIDENT – Council President, Mrs. Holmes welcomed everyone to a fun day by attending and supporting the SPCA Event in Indian Park on Sunday, June 7th, 2015.

COORESPONDENCE AND ANNOUNCEMENTS – Next Council meeting will be Monday, July 6th, 2015 at 7:00 PM

VISITOR AND PUBLIC COMMENTS – Resident, Marian Harris, Jordan Avenue, questioned when a business closes down and reopens under a new ownership is it grandfathered as not to provide a restroom. It was suggested for Mrs. Harris to contact the Department of Health. It was noted that Zoning Officer, Robin Fox would look into if an Occupancy Permit had ever been obtained for that property. Resident, Donna Ponegrate, Cherry Street stated that she had a conversation with another restaurant owner who stated that codes had never showed up so they just put a sign up that they were open. Resident, Marian Harris, Jordan Avenue, questioned when Indian Park gets mowed. Street/Water Commissioner, Mr. Smith stated the park gets mowed typically on Thursdays. Business Owner, Scott Metzger questioned the letter he received regarding the

requirement to replace some curbing, noting upon investigation he could only locate a small crack. He questioned who inspects the curb and his appeal process. It was noted that the curb replacement is coinciding with the current paving project with Street/Water Commissioner, Mr. Smith doing the inspections. Mr. Smith stated he would inspect Mr. Metzger's curb again. Mr. Metzger also requested Council members to revisit the Rental Inspection Ordinance regarding the fee schedule for inspection. He stated he had requested the current council to revisit the ordinance and as of date it has not been addressed. Mr. Metzger stated he agreed with Mrs. Kline, noting that a council member walked out of a council meeting, turned in a letter of resignation, a legal notice put in the newspaper with a fee to advertise and requested the council member to pay for the ad as the meeting had been cancelled. Mr. Metzger requested to know what the fee for the legal ad was. Council member, Mr. Holt questioned the Borough Solicitor, Randy Sees if there is any legal requirement to pay for the ad. Borough Solicitor, Randy Sees stated that there is no legal requirement. Council member, Mr. Holt stated he has been a volunteer to the Borough for many years however he will pay for the ad, however he questioned if he should submit an invoice for the flowers he plants at the Borough office every year along with many other things. He requested the Borough Secretary to inform him what the cost for the advertisement was so that he may pay it. Resident, Tina Kline, thanked Council member, Mr. Holt and stated that this addresses his integrity and respects his offer to pay for the ad. Council member, Mr. Holt addressed Mr. Metzger's request to revisit the Rental Inspection Ordinance and stated he will not approve to change the ordinance.

There being no further business the meeting was adjourned at 9:05 pm on a motion by Mr. Moyer, second by Mr. Lucas and carried.

Respectfully submitted,

Ginny Gardner, Borough Secretary