

## MINUTES OF THE BOROUGH OF MONTOURSVILLE

July 7, 2014

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

The Pledge of Allegiance was observed.

The minutes of the June 2, 2014 were approved on a motion by Mr. Moyer, second by Mr. Holt. The motion carried.

**VISITORS AND PUBLIC COMMENT** – Megan Lehman/Lycoming County Planning and Todd Pysher, Borough Engineer discussed the MS4 Coalition and MOA. Ms. Lehman explained the proposed MS4 Coalition's Memo of Agreement. She stated the agreement potentially involves 10 MS4's and Lycoming County. She explained MS4's meaning as a Municipal Separate Storm Sewer System which describes the storm sewer's collection and discharge system into the local water body, which falls under a NPDES and regulated by DEP and the EPA. She stated Borough Engineer, Mr. Todd Pysher and Street/Water Commissioner, Mr. Ron Smith have been working with the County on for at least 10 years. The County took a leadership role with the original MS4's involving Williamsport, Old Lycoming Township, Loyalsock, Montoursville, South Williamsport, Duboistown, and Pennsylvania College of Technology, all sharing annual reporting responsibilities. She noted that the annual reporting requirements are outlined in the permit; however things have now changed. Whereas the past reporting was not heavily regulated or monitored by DEP, new permits had been issued in January 2014 as a Joint/Individual Permit with the other 7 municipalities; 2 of the municipalities, South Williamsport and Duboistown, have their own permits; so 3 MS4's have been added in. Stating that in recognition of the past working partnership between the MS4's and Lycoming County she is requesting council to consider moving forward with this partnership opportunity. She stated with the permits being much more serious the county cannot continue to supply the service that it had in the past; that is why the MS4's had created the MS4 Coalition. She stated that the MS4 Coalition had come up with an idea of one person handling all the permit requirements for each MS4, presented it to the County Commissioners, which is how the Memo of Agreement was established. The County's idea is to take all the regulatory requirements for each MS4 off of the list of requirements for the municipality so that the municipality can do other parts of the permit requirements that are absolutely necessary. She noted basically each municipality would be sharing the costs and getting a "bigger bang for your buck". Mayor Dorin noted that this mandate is coming down directly from the federal government. Ms. Lehman agreed however stated that Lycoming County is not imposing anything, just playing an assistance role. Mayor Dorin stated that the federal government is going to keep imposing more and more regulations. Borough Engineer, Mr. Todd Pysher and Ms. Lehman both agreed. Ms. Lehman noted that the attitude Lycoming County is taking is to meet in the most economical way the requirements; at the direction of the MS4 Coalition. The MS4 Coalition's direction was not to be the best MS4 in the state but to fully meet the minimum requirements. It was noted that as more municipality's become MS4's the MS4 Coalition may grow. Ms. Lehman stated that this is an innovative idea and may make grant monies available. Council member, Mr. Tillson questioned Ms. Lehman regarding an article that noted Montoursville Borough not being compliant. She explained to council that Lycoming County was providing an advisory assistance role which in the past reporting was not scrutinized closely by DEP, so every year the County and MS4's submitted the reports. Typically the County provided the "stock" language to the reports and the MS4 could add anything that was done above and beyond the County reporting. She stated that for some reason the EPA decided, she feels, to send a message that this program is now being looked at and not due to any specific deficiencies. They decide to review old permits' annual reports and issue letters of violation. She stated all that was required was to submit documentation as to what you did and if you felt you were in compliance, why you felt you were in compliance and if not, what your corrective action plan was. She explained how she contacted EPA, discussed their expectations, worked with MS4's representatives in each municipality that received the letter of violation to compile a letter in response along with 42 pages of documentation, to satisfy EPA's requirements. Ms. Lehman stated that she feels very strongly that the requirements had been fully met. Mayor Dorin stated that DEP has told him that they will be making unannounced inspections and questioned if that had been done in the past. Ms. Lehman stated they had not. Mr. Pysher noted that he does not feel the DEP inspections will be unannounced however, the whole process is

going to be stepped up. He stated what you do not want is to take a stance that you do not agree with the process therefore you are not going to comply; it will be very bad. He noted by having this MS4 Coordinator, letters of violation due to lack of documentation from the EPA will be avoided. It will be one person making sure that all the requirements are being met and getting accomplished. Mayor Dorin noted that currently Montoursville Borough has been doing their share. Ms. Lehman stated when she spoke with the EPA, the gentleman could not give any specifics on who got the letter and why; he stated just write a letter attaching any documentation you have and you will be fine. She noted that our response will be more than adequate and sent on time. Ms. Lehman also stated that it is accumulative reporting; you don't want to do too much in one year as you will be expected to even do more the next which is what she means by fully comply but not over comply. Council member, Mr. Holt questioned the conditions of the contract as being \$ 82,500.00 for 16 months for all partners and in equal shares. Ms. Lehman agreed. A discussion regarding how many MS4's will be participating in the MOA; concluding at least 9 if not all 10. It was also noted that the County Commissioner's had not signed it as they are awaiting for the municipalities to sign on; also that in order to get out of the agreement there must be a majority of the municipalities. Ms. Lehman noted that any municipality may get out of the agreement after 16 months. Mr. Pysher explained that the problem is there is very little time before the reduction plans are due so we are in a bit of an unfortunate situation due to timing. During the 16 months, the coordinator will have to help the municipalities decide whether that position should be funded in a different way rather than equal distribution and if that position is best left at the County or another entity like the Sanitary Committee. Council member, Mr. Holt noted that the County will be keeping track of the time spent on each municipality which is a good thing. Ms. Lehman stated that in her opinion, most of the Coordinator's time will be for the benefit of all the MS4's. Council member, Mr. Holt stated he will support this agreement however voter's in this country need to aware that the federal government/EPA are out of control; it is very disturbing. Mr. Pysher noted that hopefully there will now be a heightened awareness; it has been on everyone's back burner for the last 10 years. He noted that now is the time to get involved with your legislator's at the state and federal level to make sure they take a strong position on these regulations. Council member, Mr. Moyer noted that this was issued by an executive order with no congressional representation on the Chesapeake Bay mandates. Mr. Pysher stated that the most important thing to remember is to fly just below the radar and meet the minimum requirements. Council member, Mr. Tillson questioned the Borough Secretary as to if all the documentation is attainable. The Borough Secretary stated that all permits and annual reports are kept in the Borough office, but does not give the full "picture" of what is required. Council member, Mr. Tillson questioned if there is somewhere which gives deadlines for the requirements and how do we get informed. Mr. Pysher explained the EPA and DEP won't and they are not going to. Ms. Lehman also stated her frustrations with the same. A discussion took place regarding agencies and accountability; Mr. Pysher noted they will not hold your hand in order to help you meet you requirements as ultimately it is the responsibility of the municipality. In the end the coordinator of the MS4 will probably know more than DEP or the EPA regarding the requirements and deadlines, as it will be their job. Ms. Lehman explained MS4 areas, inspections for those areas and meeting the requirements. She noted that the MS4 Coalition will be meeting monthly.

**Motion** by Mr. Moyer to approve and authorize Council President to sign the Memo of Agreement for the MS4 Coalition, second by Mrs. Holmes. The motion carried.

**SUBDIVISION** – Wayne and Cathy Rockey, 115 Winter's Lane. Zoning Officer, Mr. Matt Sauers explained to council the proposed subdivision. He noted that Mr. & Mrs. Rockey had requested a Variance which was granted on April 1<sup>st</sup>. The subdivision had received a recommendation to approve by Lycoming County Planning on May 28<sup>th</sup> and by the Montoursville Borough Planning Commission at their June 4<sup>th</sup> meeting. Council member, Mr. Holt questioned the variance requested. Mr. Sauers explained.

**Motion** by Mr. Moyer to approve the subdivision for Wayne and Cathy Rockey at 115 Winter's Lane, second by Mr. Holt. The motion carried.

**TREASURERS REPORT** – **Motion** by Mr. Moyer to approve the treasurer's report and the Borough bills for June 2014 and approve to pay \$3380.70.- Legal Services for Broad Street Waterline project easements and \$1019.96 - Legal Services for Misc. Water Issues to McNerney, Page, Vanderlin & Hall, second by Mr. Lucas. Mayor Dorin discussed the Water Budget. The motion carried.

**NEW BUSINESS –**

**ORDINANCE # 459 DECLARING ITS INTENTION TO ACQUIRE, ENTER UPON, TAKE, USE AND APPROPRIATE PRIVATE PROPERTY FOR THE PURPOSES OF CONSTRUCTING A NEW WATER MAIN AND NEW SERVICE LINES –**

**Motion** by Mr. Holt to approve Ordinance #459 Declaring Its Intention to Acquire, Enter Upon, Take, Use and Appropriate Private Property for the Purposes of Constructing a New Water Main and New Service Lines, second by Mr. Moyer. The motion carried. Solicitor, Randy Sees noted to Council President that there was one minor addition to the Ordinance since advertising; the middle initial of Mr. Thomas had changed. He noted it had no bearing on the Ordinance itself.

**ORDINANCE #460 AMENDING SECTION 150-52, SCHEDULE XV, REGARDING PARKING PROHIBITED CERTAIN HOURS, AND SECTION 150-58, SCHEDULE XXI, REGARDING STOPPING AND STANDING PROHIBITED OF THE MONTOURSVILLE CODE –**

**Motion** by Mr. Lucas to Ordinance #460 Amending Section 150-52, Schedule XV, Regarding Parking Prohibited Certain Hours, and Section 150-58, Schedule XXI, regarding Stopping and Standing Prohibited of The Montoursville Code, second by Mrs. Holmes. The motion carried.

**EASEMENT AGREEMENTS – BROAD ST WATERLINE PROJECT-EXHIBIT A –**

**Motion** by Mr. Moyer to approve the Easement Agreements for the Broad St Waterline Project-Exhibit A, second by Mr. Holt. The motion carried.

**LICENSE AGREEMENT – PENNDOT - BROAD ST WATERLINE PROJECT –**

**Motion** by Mrs. Holmes to approve the License Agreement with PENNDOT for the Broad Street Waterline Project subject to further revisions and solicitor approval, second by Mr. Moyer. The motion carried.

**LETTER APPROVING A RESPONSE TO DCED, INVOKING AN EXTENSION IN WHICH TO RESPOND TO CDBG AUDIT INQUIRY AS REQUESTED BY SEDA COG –**

The Borough Secretary explained that a first audit had taken place by DCED regarding SEDACOG and the CDBG Grant. A letter was sent regarding findings; SEDACOG has been in discussion with DCED as they disagree with these findings; they struggle to define their role. The letter is a request for an extension in order for SEDACOG and the DCED to come to a mutual resolution.

**Motion** by Mr. Holt to approve a letter approving a response to DCED, invoking an extension in which to respond to a CDBG audit inquiry as requested by SEDACOG, second by Mrs. Holmes. The motion carried.

**RESOLUTION 2014-06 - CONDEMNATION OF PROPERTIES FOR EASEMENTS NECESSARY TO COMPLETE THE BROAD STREET WATERLINE PROJECT and ORDINANCE # 459 - PUBLICATION OF RELATED PROPOSED ORDINANCE FOR CONSIDERATION AT THE JULY MEETING OF COUNCIL**

**Motion** by Mr. Moyer to approve Resolution 2014-06 for condemnation of properties for easements necessary to complete the Broad Street Waterline Project and Publication of related proposed Ordinance for consideration at the July meeting of Council, second by Mr. Holt. Mayor Dorin questioned if this is for the people that did not respond to our request. Council President, Mr. Shearer stated that it was. Solicitor, Randy Sees stated that this would be for 4 owners and 9 properties. Mayor Dorin questioned if there had been 2 letters sent. Council President, Mr. Shearer stated that he was correct. The motion carried.

**WELLS #4 AND #5 ELECTRICAL UPGRADE PROJECT OPTION –** Street/Water Commissioner, Mr. Smith explained the 3 options that Larson Design Group had given. He noted that the Street/Water Committee and Larson Design Group both recommended option #3 to council at a cost of approximately \$160,000.00. Council discussed the project. Council member, Mr. Lucas asked Mr. Smith to explain the potential disaster that could occur if this was not done. Mr. Smith explained how in a certain situation the pipes could explode; he noted a lot of different things could happen. Mayor

Dorin questioned where the monies were going to come from to pay for the project. Council member, Mr. Holt stated it should come out of the Water Capital Improvement Fund; all this would do would change the priority of the water projects. The consensus of council was that it has to be done.

**Motion** by Mr. Tillson to approve Well's #4 & #5 Electrical upgrade option #3 in the amount of approximately \$160,000.00 from the Water Capital Improvement Fund, second by Mr. Moyer. The motion carried.

**LAMAR LEASE – BROAD ST AND RTE 15 ADVERTISING** – Council discussed the new lease figures. Lease # 321-01, was increased to \$2300.00 for five years, Lease # 223-01 was increased to \$3500.00 for years 1-3 and \$3600.00 for years 4 & 5; also included in this lease was a lease trade for one flight, running from 8/1 – 9/5 annually. The lessor is responsible for reproduction costs.

**Motion** by Mr. Moyer to approve Lamar Lease #321-01 and #223-01, second by Mr. Holt. The motion carried.

**PLANNING & ZONING** – Central Keystone COG Reports June 2014 were reviewed by Council.

**RECREATION** – June Minutes and Recreation Board Upcoming Events; July 9<sup>th</sup> – Brenda Mishler, August 5<sup>th</sup> – Repasz Band and August 22<sup>nd</sup> - Movie in the Park, “Planes” were reviewed by Council member, Mr. Lucas. He noted that a representative from Apple Dental, Sarah Swisher would possibly sponsor a movie or ventriloquist, Mr. Bruce Weaver. Council member, Mr. Lucas stated the Movie in the Park “Frozen” was a huge success. He also thanked Mark Tillson Allstate Insurance for sponsoring the movie. Council member, Mr. Moyer added that the Movie in the Park was a large success due to Council member, Mr. Lucas and his committee's efforts.

**STREETS/WATER** – Street/Water Commissioner, Mr. Ron Smith gave a report to council. He noted street sweeping started, storm damage cleanup was completed and spraying in Indian Park has been completed. He stated the gas company has started to repair all their gas patches and PENNDOT contacted him; they will be available next month to start tar & chipping. He had a request from GEOKINETICS, as in the past requesting to do seismic testing at the rear of the pond near Walmart. Council previously had denied their request. Council discussed and denied their request. Street/Water Commissioner, Mr. Smith stated based upon the recommendation from Borough Engineer, Mr. Todd Pysker; he requested to delay this year's paving project until next year, bidding in January. Liquid Fuel monies could be used from the prior two years along with 2015 allocation. He stated he will get all the curb work done prior to bidding the paving project. Street/Water Commissioner, Mr. Smith updated council on the Broad Street Waterline Project; bids are due August 4<sup>th</sup> at 1:00 PM. Council member, Mr. Holt questioned if all the easements would be completed. Solicitor, Randy Sees stated most, with the exception of 9 properties, one being the PA State Police, which council had already approved; the other 8 will be resolved through condemnation. Solicitor, Randy Sees stated the condemnation process will take approximately 60 days. Street/Water Commissioner, Mr. Smith reported that the pipe for Well#3 Detention project has been delivered along with the first shipment of water meters. He noted the software update for the water billing computer has been done so scheduling appointments for the meter installation will begin in the near future. He stated he was notified today that the Sylvan Dell Reservoir sensor is no longer working and registering the level of the reservoir. He reported all waterline repair patches have been completed. He also reported that the brush piles has been ground; no cost as of date. Council discussed a contractor brush pile rate increase in the future. Council member, Mr. Tillson questioned the process in order to have the diseased and dead trees replaced on the streetscape. Council discussed the replacement of the trees; 6 trees to be replaced at approximately \$ 149.00 per tree along with the repair of the brickscape around the trees. They also discussed taken donations for the tree replacements. Council discussed and agreed that the Borough will purchase, plant the trees and engrave a brick for the donor and take donations to reimburse the purchase.

**Motion** by Mr. Tillson to purchase and replace the streetscapes trees in the fall at a cost of \$150.00, engraving a brick for a donation of \$150.00 with a 5 yr. warranty replacing with the current species of tree, second by Mr. Lucas. The motion carried.

**MAYOR** – Mayor Dorin reviewed the June Police Report with council. He reported on the Streetscape, noting that 8 Rotarians along with 4 or 5 friends, pulled weeds, grass and also mulched and hung the flowers on the lampposts. Council discussed the banners and brackets for the lampposts. Mayor Dorin stated that he had Scout, Jack Sheetz from Troop 172 request an Eagle Scout project in the park; either the cover bridge or the gazebo. Once he has decided he will come and present his project to Borough Council. He stated the Master Plan focus groups are meeting throughout the day on July 10<sup>th</sup>, 2014. Mayor Dorin noted there was a parade held on Sunday in honor of the 11/12 year old Little League District 12 Champions. Council member, Mr. Tillson congratulated Mayor Dorin on the success of WVIA “Our Town – Montoursville” televised on June 18<sup>th</sup>. Mayor Dorin stated it raised over \$26,000.00. He will check to see if it will be re-televised. It stated you can go to WVIA website to purchase a copy.

**POLICE CHIEF** – Chief Gyurina reported to Council a couple of thefts. He noted Facebook helped to ID some of the individuals involved. He explained to council he is in the process of replacing the computers in the patrol cars with iPad’s. They have the ability to do a lot more and are easier to use, they will also save money by not needing air cards. Council member, Mr. Lucas noted that Mayor Dorin has stated that the police have been doing public service by issuing the public warnings with regards to blowing grass clippings in the street. He questioned how the public has received these warnings. Chief Gyurina stated that they are not having any issues as he is taking the approach of informing property owners, as most are not aware of the issues grass clippings cause being blown into the street.; most property owners comply. Council member, Mr. Lucas stated that it seems most of the culprits are landscaping companies. Chief Gyurina and Mayor Dorin agreed.

**COUNCILPERSONS** – Council member, Mr. Holt questioned Street/Water Commissioner, Mr. Smith regarding tar and chipping of alleys and if it was budgeted. Street/Water Commissioner, Mr. Smith stated \$30,000.00 was budgeted and he was starting at the south end of the Borough continuing until it is gone. He noted it is done in conjunction with PENNDOT as part of the agility program. Council member, Mr. Holt discussed Act 13 monies confirming with the Borough Secretary/Treasurer the amount of \$120,000.00. He stated he would recommend 25% to the fire company, 25% to the police department and 50% to the highway department; these are the departments impacted by the gas industry. The Borough Secretary/Treasurer noted the revenue had been budgeted however the expense had not. A discussion took place regarding the items that the Act 13 monies could be used for. Street/Water Commissioner, Mr. Smith stated that he had a project to replace the traffic light bulbs that it could be used for. The Borough Secretary/Treasurer noted this will affect the budget and will have to be adjusted. It was suggested to wait until the end of the year to see if any adjustment would be needed. Council member, Mr. Holt suggested to give the Borough Secretary/Treasurer the percentages as a guideline so it could be expended. Council member, Mr. Tillson suggested 15% to the fire company, 25% to the police department and 60% to the highway department. It was agreed that the fire company’s \$100,000.00 yearly allocation will be reduced by the 15% given from the Act 13 allocation.

**Motion** by Mr. Moyer to approve the adjustment of the General Fund Budget revenue PUC Act 13 Impact Fee to \$120,000.00 and adjust the General Fund Budget expenditure for the PUC Act 13 Impact Fee to 60 % of the allocation to the Highway Department, 25% of the allocation to the Police Department and 15% percent of the allocation to the Fire Department which will be deducted from the Fire Company’s yearly allocation, second by Mr. Tillson. The motion carried.

Council member, Mr. Tillson suggested advertising all committee meetings, if needed will be held prior to the all council meetings

**Motion** by Mr. Tillson to approve and advertise all committee meetings, if needed will be held at 6:15 prior to the regularly scheduled council meetings, second by Mr. Moyer. The motion carried.

Council President, Mr. Shearer announced that a Personnel Committee meeting took place prior to the council meeting.

**SOLICITOR** – Nothing at this time.

**COUNCIL PRESIDENT** – Council President, Mr. Shearer questioned Mayor Dorin regarding the Kiwanis Fall Festival and his statement that he was going to hold the money from the prior Fall Festival until next year to see how they would do. Mayor Dorin stated that he would be holding the monies in Jersey Shore State Bank from the prior Fall Festival as an incentive to the Kiwanis, if they should have successful festival this year, the monies would be turned over to them. He noted that Ms. Sharon Renninger, from the prior Fall Festival is concerned with holding the money and he will be discussing this with her. A discussion regarding the Kiwanis and the fireworks took place. Council President, Mr. Shearer stated he felt that it would be more of an incentive to the Kiwanis to come back next year if the monies were to be turned over this year. Mayor Dorin stated that it was his idea as he wanted to see a long term commitment to the festival. Council member, Mr. Holt noted that he agreed with Council President, Mr. Shearer; he would rather see the money spent this year. Mayor Dorin stated he will take care of it. A discussion regarding the contact person for the Kiwanis Fall Festival took place. Borough Council agreed to have the Borough Secretary/Treasurer contact Bruce Buckle with the Kiwanis to notify him of the Lease with Lamar and their responsibility to pay for the production costs for the billboard.

**COORESPONDENCE AND ANNOUNCEMENTS** – Next council meeting will be Monday, August 4<sup>th</sup>, 2014 at 7:00 PM

**VISITOR AND PUBLIC COMMENTS** – Resident, Andrea Carpenter, 301 N. Washington St. explained to council that there are chickens being raised in the First Ward and was concerned about the health risks. She requested council to pass an ordinance to prohibit them. Council will look into her request.

There being no further business the meeting was adjourned at 9:09 pm on a motion by Mr. Moyer, seconded by Mr. Lucas and carried.

Respectfully submitted,

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Ginny Gardner, Borough Secretary