

January 4, 2010

Towanda, PA

The reorganization meeting of the Towanda Borough Council was held on Monday, January 4, 2010 at the Municipal Building.

Newly elected Mayor Garrett Miller who was sworn in earlier by Mary Ann Harris, Notary Public, swore in the newly elected Council members **Rex Klinger** and **Shannon Clark**. Mayor Miller also swore in re-elected Council members **William Kovalcin** and **Keith Long** along with **Dixie Cabucci**, Towanda Borough Tax Collector.

Mayor Garrett Miller called the meeting to order at 7:00 p.m. followed by a moment of silent prayer and the reciting of the Pledge of Allegiance. The roll was called and recorded as follows:

PRESENT: Clark, Christini, Klinger, Kovalcin, Long, Miller, J., Sweitzer

ABSENT: McLinko

ELECTION OF COUNCIL OFFICERS

Mayor Miller asked for nominations from the floor for Council President.

Mr. Long nominated Mark Christini for Council President. Mayor Miller asked if there were any other nominations from the floor. There were none. Mr. Christini was elected Council President.

Mayor Miller asked for nominations from the floor for Council Vice President.

Mr. Kovalcin nominated Paul Sweitzer for Council Vice President. Mayor Miller asked if there were any other nominations from the floor. There were none. Mr. Sweitzer was elected Council Vice President.

Mayor Miller asked for nominations from the floor for President Pro Tem. Mr. Sweitzer nominated Jean Miller for President Pro Tem of Council. Mayor Miller asked if there were any other nominations from the floor. There were none. Mrs. Miller was elected President Pro Tem of Council.

Mayor Miller turned the meeting over to Mr. Christini.

APPOINTMENT TO VACANT COUNCIL SEAT

Mr. Christini noted that there is now an open seat on Council from the First Ward. He opened the nominations from the floor.

Mr. Frawley noted that the Borough Code state that Council, by resolution, can fill the vacancy within 30 days by appointing a register voter from the Borough's First Ward.

Mr. Long said two persons have shown an interest in the seat and have sent letters of interest to Council. They are Mr. Alec Garden and Mr. William Roof.

Mr. Long nominated Alec Garden. Mr. Christini asked if there were any more nominations and Mrs. Miller nominated William Roof.

Mr. Sweitzer made a motion seconded by Mrs. Miller to close the nominations.

The Council was polled and the vote recorded as follows:

Clark for Garden
Christini for Roof
Klinger for Garden

Long for Garden
Miller for Roof
Sweitzer for Roof

Kovalcin for Roof

Resolution 2010-1 carried with William Roof being appointed to Council from the First Ward.

Mr. Christini asked Mrs. Harris to send letters to Mr. Garden and Mr. Roof thanking them for their interest in serving on Council.

VISITORS TO BE HEARD

Mr. Joe Doherty, Bradford Co. Concerned Citizens Assoc. addressed Council regarding the Veteran's Memorial located at Elizabeth St. He said he was concerned about it being moved to the American Legion. He said he felt it should be placed near the Court House. He said he felt it would be more accessible for the public than at the Legion. He asked Council if it could help.

Mr. Christini suggested that he come to the Finance/Administrative Committee at the end of the month to discuss this in more detail. He said he would do that.

Rick Lewis, 222 Poplar St., addressed Council regarding the issue of tax exempt properties in the Borough. He said it becoming impossible for the taxpayer to live in Towanda. He asked Council what it was going to do about the situation, especially with regard to the properties that the County owns or are buying. He also asked Mr. Lowenstein, reporter for the Daily Review when he was going to write an article about this as he said he would.

Mr. Christini suggested Mr. Lewis attend a county meeting and express his concerns.

Mr. Frawley said the County exists under the laws of the Commonwealth and a County cannot do anything that violates state law. This also applies to municipalities. We are at the mercy of Harrisburg and the lawmakers are the ones who have the power to change things.

Mr. Christini thanked Mr. Lewis for his comments.

APPROVAL OF PREVIOUS MONTH'S MINUTES

Mr. Long made a motion seconded by Mrs. Miller to approve the minutes of the December 7, 2009 meeting as presented. Motion carried.

Mr. Sweitzer made a motion seconded by Mrs. Miller to approve the minutes of the December 28, 2009 special meeting as presented. Motion carried.

FIRE CHIEF'S REPORT

Asst. Chief Johnson reported that Chief Roof could not be in attendance tonight. He reported to Council that there were a total of 146 calls last year. He also told Council there were no issues with equipment at this time.

Mr. Johnson also noted that they have been having good crowds for their breakfasts and he said the department will continue holding them.

FIRE BOARD

No report.

MAYOR'S REPORT

Mayor Miller reported that the police department hosted a retirement party for Mayor Snell and he also told Council that the department held a county-wide DUI patrol during New Year's Eve.

Mr. Christini asked if there will be a year-end police report and Chief Osman said yes, it will be done for next month's meeting.

POLICE CHIEF'S REPORT

Chief Osman said he did not have anything further to add to his written report. He said he was excited to be working with Mayor Miller.

Mr. Sweitzer asked how the new schedule was working and Chief Osman said it was working fine.

POLICE COMMITTEE REPORT

Mrs. Miller said there was nothing to come before Council

Mr. Sweitzer asked what the status of the police dog was and Chief Osman said he has a meeting this week with several individuals in the County to see what can be done. He said he is going to have the training done when Officer Hennessy is on duty to cut down that cost.

Mr. Sweitzer asked if a monthly report could be generated to show how many times the dog is called out of the Borough and in. Chief Osman said that could be done. Mr. Sweitzer said we need to track all costs related to the dog.

Mrs. Miller said all income that comes in as donations for the dog should be kept track of too. Mr. Klinger asked if any of the other boroughs have offered compensation and Chief Osman said the state police are the ones who ask for his services and they have said they are going to help us.

CODE ENFORCEMENT REPORT

Mr. Haight noted that his report reflects year to date activities as well as monthly. He asked Council if they had any questions for him.

Mr. Haight also reported that the fire burned property on Second St. is still in litigation and no word has been received.

Mr. Haight asked Mr. Lowenstein from the Daily Review to please put something in the newspaper about keeping the streets and sidewalk clean from the snow. Our ordinance allows 24 hours to have the snow and ice removed.

Mr. Frawley said the Borough should also make sure that the crosswalks are cleaned too. Mr. Haight said we address those after we clean our sidewalks and streets.

Mr. Sweitzer asked whose responsibility is it for the areas coming off the curb into the street and Mr. Haight said the property owner.

PUBLIC WORKS REPORT

No report to Council.

BOROUGH MANAGER'S REPORT

Mr. Fairchild is ill this evening and could not get a written report done.

BOROUGH SOLICITOR'S REPORT

Mr. Frawley reported on the property owned by the Borough that is located in Towanda Township and is the subject of a lease with Chesapeake, we are in the process of negotiating an easement so the pipeline can be laid. Reviewed the lease with Mr. Fairchild and we had some concerns that were discussed with the agent for Chesapeake and he has developed an addendum to address the concerns and he would like to speak to us. He said he would check with Mr. Fairchild to see when they all could meet.

BOROUGH SECRETARY'S REPORT

Mrs. Harris said that Evelyn Sherburne and James Lacek have agreed to serve again on the Borough's Planning Commission and Joel Christian has agreed to serve again on the Code Appeals Board.

Mr. Sweitzer made a motion seconded by Mr. Long to appoint **Evelyn Sherburne** and **James Lacek** to the Borough Planning Commission for 4 year terms and **Joel Christian** to the Code Appeals Board for a 5 year term. Motion carried.

Mr. Kovalcin told Council that Pat Taylor would like to serve on the Borough's Recreation Board.

Mr. Kovalcin made a motion seconded by Mr. Klinger to appoint **Pat Taylor** to the Borough Recreation Board. Motion carried.

Mr. Christini said the committees will be formalized for the next meeting and he asked Council to let him know if there were any committees they would especially like to serve on.

ADMINISTRATIVE REPORT

No report.

UNION COMMITTEE

Mr. Sweitzer said an agreement has been reached between the Union and the Borough's Public Works and Clerical workers.

PLANNING COMMISSION REPORT

Mr. Christini said the Commission met in December and went over the questionnaire that was sent by General Code Publishers regarding the revision of the code book. The Commission responded and now the Commission will review the codes line by line and decide what changes need to be made.

RECREATION BOARD REPORT

No meeting.

OTHER BUSINESS

Mr. Frawley reported that to enter into mediation with Lycoming Supply, \$600 is needed for the process.

ADJOURNMENT

Mr. Sweitzer made a motion seconded by Mrs. Miller to adjourn the meeting. Motion carried. Meeting adjourned at 7:43 p.m.

Borough Secretary

February 1, 2010

Towanda, PA

At 7:00 p.m. before the regular meeting was called to order, Solicitor Frawley said that after the January meeting some had been suggested that maybe the appointment of a replacement on Council for Mr. Miller needed to be done by a special board. He said he researched the law and that is not the case. Council has the authority at this time to appoint someone to replace Mr. Miller. The Borough Code requires that if Council is going to appoint someone they must do so within 30 days of the time the individual resigns. An attempt was made at the January meeting to accept the resignation and Mr. Miller was given the oath of office of Mayor and the meeting was continued. Mr. Frawley said out of the abundance of caution he wanted to do this again. He said in reviewing the issue, he discovered that Mr. Miller had not, in writing, indicated he was resigning as councilman. Mr. Miller has since signed a statement resigning as councilman from the First Ward effective January 4, 2010. Mr. Frawley said we can now replace him because we are still within the 30 day limit.

Mr. Frawley asked Mrs. Harris to swear in the Mayor.

Mrs. Harris, a Notary Public, swore in Garrett Miller as Mayor of Towanda Borough.

Mayor Miller called the regular meeting to order at 7:05 p.m. after which he swore in the newly elected Council members: William Kovalcin, Keith Long, Shannon Clark and Rex Klinger.

Mr. Frawley asked Council to ratify by resolution the actions taken at the January 4, 2010 meeting with regard to the election of Council officers.

Mr. Kovalcin made a motion seconded by Mr. Klinger to ratify, by resolution, the election of Council officers that took place at the January 4, 2010 council meeting.

The Council was polled and the vote recorded as follows:

AYE: Clark, McLinko, Miller, Kovalcin, Long, Klinger, Christini
NAYE: None.

Resolution 2010-2 carried.

Mayor Miller turned the meeting over to Council President Christini.

Mr. Christini noted to Council that two letters were received from residents of the First Ward interested in filling the council seat vacated by Mr. Miller. The residents are William Roof and Alec Garden. He asked Council for nominations.

Mr. Kovalcin made a motion seconded by Mrs. Miller to appoint William Roof as a council member from the First Ward.

Mr. Christini asked if there were any other nominations from the floor.

Mr. Long made a motion seconded by Mr. Klinger to appoint Alec Garden as a council member from the First Ward.

The nominations were closed.

The Council was polled and the vote recorded as follows:

| | |
|------------------|----------------|
| Clark – Garden | Long - Garden |
| Christini – Roof | McLinko - Roof |
| Klinger – Garden | Miller - Roof |
| Kovalcin – Roof | |

Mr. William Roof was appointed council person from the First Ward to fill the unexpired term of Mr. Garrett Miller who resigned to accept the office of Mayor.

Mr. Christini swore in **William Roof** as Councilperson from the First Ward.

Mr. Christini called the meeting to order followed by a moment of silent prayer and the reciting of the Pledge of Allegiance.

The roll was called and recorded as follows:

PRESENT: Clark, Christini, Klinger, Kovalcin, Long, McLinko, Miller, Roof
ABSENT: Sweitzer

CITIZENS TO BE HEARD

Diane Siegmund, Third St., spoke to Council about her concerns regarding the gas drilling operations going on in the Borough especially with regard to radiation and costs associated with the gas operations. She distributed informational packets to Council. She asked Council to be pro-active and no re-active. She said she was concerned about the wells that have been tested by DEP and found to contain radioactive materials, as much as 257 times the safe limit on some. She said she was also concerned about the brine which contains radioactive materials that is being reused on highways.

Ms. Siegmund told Council that the number of wells in the County is increasing rapidly and the number of state inspectors is insufficient. At this point she said we are asking our PA DEP to do something that is not possible with only 86 inspectors. She also reported to Council that the gas companies can sell the leases to anyone they want to and Chesapeake has sold leases to France, China and Italy and others.

Mr. Christini thanked Ms. Siegmund for her informative presentation. He asked Ms. Siegmund if she had shared this information with other municipalities and the County and she said no. She said her concern is Towanda Borough because that is her home.

APPROVAL OF PREVIOUS MONTH'S MINUTES

Mrs. Miller made a motion seconded by Mr. Kovalcin to approve the minutes of the January 4, 2010 meeting as written. Motion carried with Mr. McLinko voting naye. Mr. McLinko said he had questions about the police dog and Mr. Christini suggested he ask those questions during the Police Committee report.

FIRE CHIEF'S REPORT

Chief Roof reported there were 13 calls during the month. He said the equipment is in good working order.

FIRE BOARD REPORT

Mr. Klinger asked Chief Roof to report for the Fire Board because he said he was not appointed to the Board until after the meeting. Chief Roof said there was no business to being before Council.

MAYOR'S REPORT

Mayor Miller reported that the department was very busy during the month. He told Council that he went on patrol with Officer Kelley last night and it was very educational.

Mayor Miller stated that he swore in the Fire Police during the month and attended the firemen's breakfast.

POLICE CHIEF'S REPORT

Chief Osman asked Council if it had any questions for him regarding his monthly report or his annual report.

Mr. McLinko said he did not understand why Council would want to get rid of the police dog and Mr. Christini said it was one of the items that were discussed at the budget meeting last year as a way to cut costs and not raise taxes. He said information was requested from the Police Chief and the Police Committee to try to determine the costs and the benefits of the dog. At the end of the year it was decided to keep the police dog but the Police Committee, the Chief and the Mayor would look at ways to try to generate additional monies to offset expenses.

Mr. McLinko asked if the state police and other municipalities use the dog and Chief Osman said yes, especially the state police. Chief Osman said some donations have come in and we will look at ways to raise money during the coming year. Mr. McLinko said we need the dog now more than ever before. Mr. Christini said the Police Committee will be working on ways to raise money and will also track the expenses during the year. Mr. McLinko said he would buy the dog's food and Mrs. Miller said a donor has come forward for the year.

POLICE COMMITTEE REPORT

Mrs. Miller reported that the Committee met last week and the new members of the Committee were showed around the station and explained how the Committee works.

CODE ENFORCEMENT REPORT

Mr. Haight reviewed his written report with Council. He noted that on the first page, Item #3. is being reconstructed due to a recent fire. 7 Poplar St. is also being rebuilt by the Knights of Columbus.

Mr. Haight reported that a Certificate of Occupancy was issued for a new bed and breakfast in the downtown.

Mr. Haight said there is no news regarding the burned property on Second St. Still legal issues pending.

Mr. Long asked Mr. Haight how Ms. Wells was doing with her new duties and Mr. Haight said it is going well. Mr. McLinko asked if Ms. Wells will be doing the parking duties full time and Mr. Fairchild said no; only a few hours a week. He said we are going to try a different approach—not a regular schedule, keep them guessing and work on a complaint basis. The First Friday group has come up with block captains and hopefully each block will keep an eye on itself and let us know.

Mr. Christini asked how many units will there be at the new bed and breakfast and Mr. Haight said 9 now and then they are converting the house and adding a new addition.

Mr. Haight also noted that a new business is going in the building where Table Rock Deli was.

PUBLIC WORKS REPORT

Mr. Kovalcin said the Committee will have its first meeting February 22. The Code Enforcement Committee is going to be combined with the Public Works Committee.

BOROUGH MANAGER'S REPORT

Mr. Fairchild reported on the following items:

- Mr. Doherty was at the Administrative/Finance Committee meeting to promote a centralized veterans memorial. Consensus of the Committee is to support the idea and see if it can be moved forward.

Mr. Christini asked if the one on Elizabeth St. is going to be dismantled and Mr. Fairchild said most of what is left can be dismantled. He said the Legion, VFW and the Borough have partnered to work at moving it.

- Appointment still needs to be made to fill his seat on the Central Bradford Progress Authority. He said it is the seat of the municipal official.

Mr. Christini asked who could fill the position—only a council person, someone from the Borough, etc. Mr. Fairchild said any municipal official.

- The Insurance Services Office which is a rating agency that goes around the country and evaluates communities' public water system and fire protection organizations. The rating leads to individual property owner's property insurance premiums—the higher the rating the community has the lower the property insurance rates. Towanda was last rated in 1994. ISO is back and they will begin field work shortly.
- The state has enacted law that will take the place of our pension plan providing for payments to survivors of an officer killed in duty.
- Prepared the 2010 Salary Resolution for approval by Council.

Mr. Long made a motion seconded by Mr. Kovalcin to adopt Resolution 2010-3, 2010 Salary Resolution as presented. The Council was polled and the vote recorded as follows:

AYE: Clark, Roof, Miller, Kovalcin, Long, Klinger, Christini
NAYE: McLinko

Resolution 2010-3 carried.

- When the 30 parking spaces were created at the "Mid-Town" parking lot, there was discussion about splitting them up between 3-hour free parking and rental spaces. At that time Council decided not to set aside any for rental. Asked Council to consider reserving 5 spaces for rentals.

Mrs. Clark asked who would they be reserved for and at what price and Mr. Fairchild said for whoever wants to rent them. The charge is \$15 month.

Mr. Fairchild said "loading zone" on the other side of the 400 block on Main St. could be removed and 3 more parking spaces could be made there. He said he would like to talk to those property owners and get their ideas. Asked Council for approval.

Mr. McLinko said he did not think they should be made into reserved spaces.

Mrs. Clark asked if the loading zone was the one by Fairchild's and Mr. Fairchild said yes. It was noted that they usually load from the side of the building.

Assistant Fire Chief Billy Sheets suggested that Council look at placing a cross walk in front of the new parking lot. Mr. Christini referred that to the Police Committee to check into. With regard to the parking issues, Mr. Christini asked the Public Works Committee to study and make recommendations to Council.

With regard to the remarks made by Ms. Siegmund, Mr. Fairchild said her points were well taken by all and we all hope the right things are being done by DEP and the SRBC. He said he consulted with specialists and the Towanda Municipal Authority has engaged a hydrogeologist for some of its work. His opinion in so far as the horizontal boring under the Borough that is being proposed by several gas wells, is that Towanda is sitting a very solid cap of rock. The vertical bores that will be done to the west of us will go down 6,000-8,000 ft. and curve and go beneath the Borough and the concern about radiation or gas escaping through fractures in the rocks, he feels is not really a serious issue because of the hard rock cap that lies under the Borough. However there also seems to be a lot of concern about impacts on ground water. He said the Authority is very concerned and is studying the water supply very carefully and keeping a close eye on it.

Mr. McLinko asked if the Authority was still selling water and Mr. Fairchild said yes. Mr. McLinko asked how much and Mr. Fairchild said about \$700,000. Water rates were lowered 10% for our customers but the sewer rate was increased by 10% for this year which was planned when the WWTP project was implemented. Mr. Fairchild said some of the water sales is being used to offset the sewer rate increase but the Authority also has a use for the water sales money—they are still looking for a new water source.

Mr. Fairchild referred to a letter (in packets) that was sent to John Earl at PA DCNR with regard to the bids for the SCI/YMCA Renovation project. He said a copy of the bid tabulation was also included with the letter. He noted that Grimm Construction appears to be the apparent low bidder at \$507,321. Of that amount, \$52,745 is for site work and he said we have convinced Grimm that the Borough can do the site work and we can deduct the \$52,745 from the bids as well as a few other deductions. A total estimated cost for the project is \$534,721 including the Borough's implementation of the site work. Mr. McLinko asked if Grimm is paying the \$52,745 and Mr. Fairchild said it will be a deduct from the bid. He said the Borough will provide the labor and equipment for the site work. Mr. McLinko asked where will that money come from and Mr. Fairchild said that is what we pay our employees and our rental rates.

Mr. McLinko asked what happens to Riverfront Park cleanup after the flood—where is that money coming from and Mr. Fairchild said it is our normal labor costs that has been put into the 2010 budget.

Mr. McLinko also asked where will the money come from to fix the roads from all the gas haulers and Mr. Fairchild said from our Liquid Fuels fund and he said Council should consider posting Plank Road. Mr. McLinko said they are also coming down Lombard St. Mr. Fairchild said he has noted them coming down State St. to Main St. Mr. Christini asked the Public Works Committee to study the posting of streets and recommendations to Council.

Mr. Kovalcin said we need work with the gas companies on this issue.

Mr. Sheets said other municipalities have road maintenance agreements with the gas companies.

Getting back to the SCI project, Mr. Fairchild said it is not going to cost the Borough \$52,745 to do the site work but that amount will be deducted from the contractor's base bid. We can claim this as part of the Borough's match. Mr. Fairchild said he will meet with Penelec tomorrow about a line relocation. He said he has also set aside \$10,000 in contingency. Mr. Fairchild told Council that we have \$412,745 available and he said he asked DCNR for another \$100,000 to meet the \$121,676 estimated short fall. He said it looks like we will be getting the additional \$100,000 (according to his contact in Harrisburg). The difference would be \$21,676 which could come from the gas lease money.

Mr. Fairchild said the contractor has extended his bid for another month and he proposed that Council authorize him to issue a "Notice of Intent" to award the contract subject to the receipt of additional state money.

Mr. Frawley asked that he be given authority to review and approve the "Notice" before it is sent.

Mr. McLinko said he had asked about the Borough contributing matching funds and he said he was told the YMCA was contributing some money and Mr. Fairchild said the YMCA is bringing \$50,000 of its own and the YMCA has partnered with us. He said we have always had matching funds for the project--\$62,500 which will come from the Community Development Fund. He said if we have to, we will use \$21,676 from the gas lease money.

Mr. Long made a motion seconded by Mrs. Clark to authorize, by Resolution, the Borough Manager send a "Notice of Intent to Award" to Grimm Construction for the SCI/YMCA Renovation Project if the additional funding is received from the State and after review by the Borough Solicitor.

The Council was polled and the vote recorded as follows:

AYES: Clark, Roof, Miller, Kovalcin, Long, Klinger, Christini

NAYE: McLinko

Resolution 2010-4 carried.

BOROUGH SOLICITOR'S REPORT

Mr. Frawley reported that a preliminary telephone conference is scheduled for February 8 with himself and the attorney for Lycoming Supply and one of the AAA agents regarding mediation.

Mr. Frawley said there have been some changes in the law with regarding to contractors' registration and in essence if you are dealing with home improvements as opposed to building a home or building a commercial establishment, you can no longer require that contractors register and can't charge a fee. The Borough will need to comply with this.

Mr. Haight said the intent is continue to register the commercial and new home building. All contractors still have to provide us a liability insurance certificate.

Mrs. Clark made a motion seconded by Mrs. Miller to direct the Code Enforcement Office to comply with the new state law regarding the registration of contractors and the collection of fees. Motion carried.

It was noted that the Code Enforcement Committee will be looking into the changes that will need to be made to the existing ordinance.

ADMINISTRATIVE REPORT

Mr. Christini said the packet included a committee listing and he said he has talked to the chairs of those committees and asked them to come up with short term and long term goals.

FINANCE COMMITTEE

Mrs. Miller made a motion seconded by Mr. Klinger to approve payment of the bills for the Towanda Borough General fund and special Borough funds as presented on the "List of Bills." Motion carried.

PLANNING COMMISSION REPORT

Mr. Christini reported that officers were elected for the Planning Commission as follows: Jim Lacey, President, Erin Groves, VP and Mrs. Clark has expressed an interest in serving on the Commission.

Mr. Long made a motion seconded by Mrs. Miller to appoint **Shannon Clark** to the Towanda Borough Planning Commission. Motion carried.

RECREATION BOARD REPORT

Mr. Kovalcin said the Board will be focusing on the sportsmen's show for the fall and the improvement of the summer recreation program.

Mr. Long asked about the skate park at Riverfront Park and Mr. Haight said that is not the appropriate place for it because of the flooding concerns. Mr. Christini asked the Board to look into the idea of an ice skating park.

ADJOURNMENT

Mrs. Miller made a motion seconded by Mr. Kovalcin to adjourn the meeting. Motion carried. Meeting adjourned at 9:00 p.m.

Borough Secretary

March 1, 2010

Towanda, PA

The regular monthly meeting of the Towanda Borough Council was held on Monday, March 1, 2010 at the Municipal Building. The meeting was called to order at 7:00 p.m. by Council President Mark Christini followed by a moment of silent prayer and the reciting of the Pledge of Allegiance. The roll was called and recorded as follows:

PRESENT: Clark, Christini, Klinger, Kovalcin, Long, Miller, Sweitzer

ABSENT: McLinko, Roof

CITIZENS TO BE HEARD

Alex Piechocki, 15 Locust Ave., addressed Council regarding banning open burning in the Borough. He read a letter that was printed in The Daily Review from a resident who wanted the Borough to ban open burning. He asked Council to consider passing an ordinance banning open burning. He noted that the Borough has a great curbside recycling program and it is not necessary to burn papers and garbage outdoors. It is also not good for people with breathing problems and allergies.

Mr. Piechocki said he loves Towanda and it is embarrassing when visitors come to the area and someone is burning garbage—the smell is horrible.

Mr. Sweitzer told Mr. Piechocki that this issue has been addressed in the past and the public came out in force to support open burning. He said if we address it again, we need to get the people who want to ban it to come out and support it and to let us know.

Mr. Long said the Planning Commission developed an ordinance some years back banning open burning it was not adopted and he said he felt it was time to address the issue again.

Mr. Pat Taylor, Second St., said he supported Mr. Piechocki's request that Council consider banning open burning in the Borough.

Mr. Christini noted that New York State has banned open burning across the state. He said the request would be considered by the Planning Commission and Council.

Jen Dibble, Executive Director of the Bradford County YMCA presented Council a 2009 review of the Y's activities and finances. She distributed information regarding the Y's finances and membership totals. (attached and made part of the minutes)

Ms. Dibble noted that several years ago this Y merged with a group of Y's that include Williamsport, East Lycoming and Jersey Shore.

Ms. Dibble reported that the Bradford County Y did end the year in the black but association wide it did not. She said in 2009 they were fortunate to receive a grant for almost \$23,000 for the summer day camp. She also noted that membership has grown each year and she said hopefully that will continue.

She said that grants are dwindling and she said that they have made cuts in the budget—operating hours, eliminated the part time grant writer, froze wages, etc.

Ms. Dibble told Council that the swimming pool recorded a loss of \$4000 for the year which included the wages for the program director. If that was taken out, the pool would have broken even.

Ms. Dibble also told Council that the Y would not be receiving funding through HSDF this year because the money has been frozen by the state. That is \$20,000 a year that we will not receive.

She said they are looking for funding from other sources including the gas companies. She said Chesapeake has toured the facility and is very interested in the renovation project.

Mr. Sweitzer said this report was a good thing and he would like to see it every year.

Mr. Christini thanked Ms. Dibble for her report.

APPROVAL OF MINUTES

Mr. Sweitzer made a motion seconded by Mr. Kovalcin to approve the minutes for the February meeting as presented. Motion carried.

FIRE CHIEF'S REPORT

No report.

FIRE BOARD REPORT

Mr. Klinger reported that he attended the meeting and the Board requested that the excavator and trailer be moved. He said he discussed this with Mr. Haight. Mr. Haight said it is being taken care of. We moved it back and the Fire Chief said it was okay.

MAYOR'S REPORT

Mayor Miller said the police department was very busy last month and he said the officers are doing a great job. He reported that there were two canine calls during the month. Mr. Sweitzer asked if they were in the Borough or out and Mayor Miller said in the Borough. Chief Osman noted that the calls were actually in January. Mr. Sweitzer asked if the dog is being used with the regular schedule or a different one and Chief Osman said with the regular schedule and one flexible shift.

Mayor Miller commended the Borough crew for the great job they did with snow removal.

POLICE CHIEF'S REPORT

Chief Osman also commended the Borough crew on the great job they did with snow removal. He said there were no reported accidents in the Borough during the snow storm.

He reported that the officers are doing their mandatory update training.

POLICE COMMITTEE REPORT

Mr. Sweitzer asked if any money has been received for the dog and Chief Osman said someone has offered to pay for Moro's food. He said they are also looking to the gas companies for donations.

Mayor Miller said Officer Hennessy is going to meet with the Committee to help plan some fundraising for Moro.

Mr. Sweitzer suggested that as people donate they should be sent a thank you and recognized.

CODE ENFORCEMENT REPORT

Mr. Haight reviewed his written report with Council and noted that there were not many building permits issued during the month.

Mr. Sweitzer asked about the Flynn sidewalk on 4th St. and Mr. Haight said a decision was never made regarding it. Mr. Christini noted that the sidewalks in the Borough need to be looked at again. Mr. Kovalcin noted that an independent survey of all the sidewalks was done several years ago and the sidewalks were rated as to their condition and notices were sent to those property owners whose sidewalks were rated as being in the worst condition and each year notices were sent in the order of the sidewalks conditions.

Mr. Haight reported that a zoning hearing will held here to consider a request from Scott Hall, 5 Bridge St. for a setback of their home. The hearing will be March 23 at 7 p.m.

Mr. Sweitzer asked how things were working out with the landlords and the inspections and Mr. Haight said very well. Mr. Sweitzer asked if the landlords have to wait for the inspections and Mr. Haight said no.

Mr. Haight commented on the open burning by stating that it is not always garbage that they are burning. When they burn paper, especially the newspaper and the funnies section, the smell is awful.

PUBLIC WORKS/CODE ENFORCEMENT COMMITTEE REPORT

Mr. Kovalcin said he and Mr. Klinger, with the approval of Mr. Fairchild, are recommending that 5 rental parking spaces be created at the "mid town" parking lot. He said there is still plenty of public parking available in the lot.

Mr. Christini asked if they had come up with a monthly rate and Mr. Fairchild said we currently charge \$10 and \$15 a month so those would be \$15/month.

Mr. Fairchild said there are also four unused spaces at the end of East Bridge Street (overlook) that could be made rental spaces.

Mr. Kovalcin made a motion seconded by Mr. Klinger to authorize the creation of five (5) rental parking spaces at the "mid town" parking lot with a rental charge of \$15 per month.

Mr. Fairchild noted that there are about 250 free 3-hour parking spaces in the central part of the downtown that were formerly the metered spaces and there are about 200 rental spaces. Mr. Sweitzer asked how many of them are rented and Mr. Fairchild said probably about 160. He said a map is going to be developed to identify where the available rental spaces are.

The motion carried with Mrs. Clark voting naye.

Mr. Frawley noted that the fees are not intended to generate revenue but to pay for the current system and Mr. Fairchild said that is correct.

BOROUGH MANAGER'S REPORT

Mr. Fairchild reported on the following items:

- A municipal official is still needed to fill his seat on the Central Bradford Progress Authority Board.
- Someone should be appointed to the Borough's Police Civil Service Commission to replace Mr. Miller who is now the mayor.

Mr. Sweitzer made a motion seconded by Mrs. Clark to appoint **Keith Long** to fill the unexpired term of Garrett Miller on the Towanda Police Civil Service Commission. Motion carried.

- About a year and a half ago Council authorized the sale of some land that was given to the Borough by PennDOT from the Parkway project. It is the former Pedro property which is sandwiched on the Parkway between Pratt Ave and Kingsbury Ave. It is just under 11,700 square feet. When Council authorized the sale of the property it was contingent that a home would have to be put on the property. Mr. Frawley has come up with some language that will allow us to advertise this property for sale.
- Also across the street from the lot is another parcel of land that was given to the Borough by PennDOT. One of our trail shelters has been placed on the north piece of it but there

is still enough land to produce a salable lot of about 10,620 square feet. He asked Council to consider that at some point to advertise for sale.

- County's Enhanced 911 Readdressing Project – will be sending out notices with respect to new numbers (under 200 actual properties in the Borough) sometime in August.

Mr. Fairchild noted that with respect to the survey that the County sent to all property owners there was almost 100% participation from the Borough residents.

Mr. Christini said about 157 addresses will be renumbered including addresses with ½, some alleys and some numbers that were just wrong. He said they are just cleaning up the problem areas.

- Borough received letter from the new owners of the railroad (Reading & Northern). They are trying to formalize some of the easements, crossings, etc. Anticipate a meeting with them in the near future.
- \$350,000 Transportation Enhancement grant for funding Phase 4 of the Streetscape project is nearing a point where PennDOT will allow us to go out for bids. This project will extend the trail at the southern end from Elizabeth St. 1100 ft. down the Parkway across S. River and go up the south side of the Farley Connector to connect with the existing sidewalk here at S. Main St. Going north we will take the trail across the Parkway with a crosswalk and extend it southward from the Grow Mart area and take it up the bank which will become a paved pathway up to N. River St. and connecting with Locust Ave. Also we will be installing about 30 benches along the trail and downtown and placing new trash cans and relocating the old ones to along the trail. We are getting 36 new Victorian street signs and 8 bike racks. We will also have to make the Locust Ave connection ADA accessible.
- Met with a representative from Chesapeake Energy to discuss the matter of large vehicles on Borough streets. Took representative down State St. to see how dangerous it could be. They are using that street instead of using the state route. The state has posted their roads. Chesapeake has offered to make up signs that say "Chesapeake Preferred Route" and Bridge St. would be posted as such. Also we are going to have a maintenance agreement with Chesapeake. We will document the road conditions now and as problems arise we will bring them to Chesapeake's attention and they will either pay us the fix them or bring in a crew to do the work.

Mr. Kovalcin noted that after the last council meeting, Chesapeake contacted him, we did not contact them. They were very cooperative.

Mr. Fairchild said he would like to have a short Executive Session to discuss a possible legal issue. Mr. Frawley said he did not think an Executive Session was necessary.

Mr. Frawley said the question came up whether or not the Borough would have to re-bid the YMCA/SCI project and the proposed solution for the Borough was that it take from the statement of values the amount of money for the site work and it would be done by the Borough. He said he talked to a number of lawyers about it and there are two schools of thought—there are lawyers around here who say that it is totally appropriate and other who don't.

Mr. Fairchild asked if that meant the Borough can issue the "Notice of Intent to Award" and Mr. Frawley said yes but he would like a motion for the records.

Mr. Long made a motion seconded by Mr. Kovalcin to authorize the Borough Manager to issue the "Notice of Intent to Award" to Grimm Construction for the YMCA/SCI Renovation Project with the deduction of the site work which will be done by Towanda Borough. Motion carried.

Mr. Fairchild reported that his request to the state for additional funds for the project is being processed. It appears that we will be receiving the additional funds.

BOROUGH SOLICITOR'S REPORT

Mr. Frawley noted that the Borough had hired Attorney Les Greevey to prepare a quiet title action in regard to an oil and gas deed for property in Towanda Township. As far as we know he has done nothing and we have attempted to contact him numerous times. He asked Council to authorize him to find someone else to do the work.

Mr. Kovalcin made a motion seconded by Mrs. Miller to authorize the Solicitor to seek another attorney to pursue a quiet title action regarding property that the Borough owns in Towanda Township for the customary fee for the area. Motion carried.

Mr. Christini asked Mr. Frawley if he has been working on the police policies and Mr. Frawley said he has spent a lot of hours on it and has met with the Chief and some we can have ready for the next meeting.

BOROUGH SECRETARY'S REPORT

Ms. Harris asked Council to consider passage of Resolution 2010-5 which is required by the state for the Small Borrowing Capital Loan that the Borough applied for to help with the cost of the new police vehicle.

Mr. Sweitzer made a motion seconded by Mr. Kovalcin to approve Resolution 2010-5 Small Borrowing for Capital Purposes. The Council was polled and vote recorded as follows:

AYES: Miller, Sweitzer, Kovalcin, Klinger, Long, Clark, Christini

NAYE: None.

Resolution 2010-5 carried.

ADMINISTRATIVE REPORT

Mr. Christini said the Committee discussed looking at the building permit fees because they have not been adjusted for a long time.

He said a salary survey is going to be done looking at other municipalities with regard to salaried personnel.

Also discussed the possibility of leasing an area of the old landfill to a gas company.

FINANCIAL REPORT

Mrs. Clark made a motion seconded by Mrs. Miller to approve payment of the bills for the Towanda Borough General Fund and special Borough funds as presented in the "List of Bill." Motion carried.

PLANNING COMMISSION REPORT

Mr. Christini reported that the Commission discussed the ongoing project with General Code Publishers to update the Borough code book. The Commission will continue working on this project.

Mr. Christini asked if the opening burning issue should be placed with the Planning Commission to study. Mr. Fairchild said it is a separate ordinance. Mr. Christini said it can be a Council issue to deal with and can be addressed now if Council wishes.

Mr. Long said people are going to know about it and those residents who do not want open burning need to make themselves known to Council. Mrs. Clark said she wants to hear from both sides of the issue. Mr. Christini said we should encourage residents to write a letter expressing their view to the Borough or attend a Council meeting.

After further discussion the issue was tabled until the next meeting.

RECREATION BOARD REPORT

Mr. Kovalcin said the Board discussed the sportsmen show and have been talking to vendors, etc.

OTHER BUSINESS

Mr. Christini referred to his memo to Council regarding council committee. He asked the committees to come up with goals for the coming year. He encouraged everyone to think about this. He said he felt we need to be pro-active because there are many changes and challenges coming up and we need to be prepared to deal with them.

Mr. Christini also formally acknowledged Mr. Fairchild for helping to make many improvements to Towanda Borough.

Mr. Christini asked Ms. Harris to include TMA minutes in the Council packets.

SPECIAL PRESENTATION

Mr. Christini, on behalf of Council and the Mayor, presented Mrs. Miller with a plaque commending her on her years serving as Council president.

ADJOURNMENT

Mr. Kovalcin made a motion seconded by Mr. Long to adjourn the meeting. Motion carried. Meeting adjourned at 8:50 p.m.

Borough Manager

April 5, 2010

Towanda, PA

The regular monthly meeting of the Towanda Borough Council was held on Monday, April 5, 2010 at the Municipal Building. The meeting was called to order at 7:00 p.m. by Council President Mark Christini followed by a moment of silent prayer and the reciting of the Pledge of Allegiance. The roll was called and recorded as follows:

PRESENT: Clark, Christini, Klinger, Kovalcin, McLinko, Miller, Sweitzer, Roof

ABSENT: Long

CITIZENS TO BE HEARD

Pat Taylor, Second St., asked Council who does a resident contact if there is open burning violation occurring and Mr. Christini said the police department.

Mr. Taylor asked who is in charge of placing banners across roads and Mr. Fairchild said Ms. Harris is the contact person.

Robert Archer, Fourth St., told Council he was dead set against banning open burning in the Borough. He said there is an ordinance already in place and it needs to be enforced. He said it seems like every time you turn around someone is telling us what we can't do on our own property.

Paula Barr, owner of Knights Out, told Council that as part of her LCB licensing, she has to come to a council meeting once every 6 months to see if there is anything council wants done, etc. with regard to her bar business.

Chief Osman said he and Ms. Barr have been in contact and he said there have been no problems at the bar recently.

APPROVAL OF PREVIOUS MONTH'S MINUTES

Mr. Sweitzer made a motion seconded by Mr. Kovalcin to approve the minutes of the March council meeting as presented. Motion carried.

FIRE CHIEF'S REPORT

Chief Roof reported that old Engine 1 has some pump problems and they are being worked on "in house". Mr. Sweitzer asked how old it was and Chief Roof said it is a 1985 truck. Chief Roof said old Engine 4 is being used now and we are thinking of keeping it in service even after old Engine 1 is fixed and use it on township roads because they are in such bad shape.

Chief Roof said the department received a grant last year to purchase a generator and that is almost completely installed now.

Chief Roof told Council that June 5 is the date for the Emergency Services annual golf tournament with the police department.

FIRE BOARD REPORT

Mr. Klinger said there was nothing to report to Council.

POLICE CHIEF'S REPORT

Chief Osman asked Council if there were any questions regarding his written report.

Chief Osman said that the police do enforce the present burning ordinance. He said we have had two burning complaints over the weekend and those are the first in quite some time. One was a call for William St. and he said the officer checked all along William St. and he said he also

checked it out and we could not find anything. We could not see it or smell it. He said the other call was just paper products being burned.

Chief Osman said he is still actively pursuing donors for K-9 Moro. Mayor Miller noted that Moro participated in the First Friday event and was very well received.

Deb Barr, Towanda resident, asked if burn barrels were banned in multi-family units and Mr. Haight said no. Ms. Barr said according to the DEP fact sheet if it is a multi-family residence you don't have the right to have a burn barrel. She handed out copies of the fact sheet to Council. She said even though the Borough has under 5000 population and is not required to ban open burning, it might be time to look at the area of town where the density is 300 people per square mile. Mr. Fairchild said we definitely have that—it is about 3000 per square mile. Ms. Barr said that should be reason enough to ban burn barrels. She asked Council to please consider banning open burning in the Borough.

Mr. Christini thanked her for the information and said it would be checked out.

CODE ENFORCEMENT REPORT

Mr. Haight reviewed his written report with Council and noted that #1 on page 1 was removed from the project totals because it never went through.

Mr. Haight also noted that no 3rd inspections have ever had to be done.

With regard to the Steve Michel's property, Mr. Haight it is being worked on by Mr. Frawley. Mr. Haight said there is someone new involved with the Meredith Wilson Estate and we are working with that person to get the property back on the tax rolls.

Mr. Haight said the property on Ann St. was discussed at the Code Enforcement Committee meeting. Mr. Kovalcin said he and Mr. Klinger feel it is not something we want to go to court over and spend a lot of money on it. Mr. Klinger noted that there are no sidewalks on Wilmot Dr., Foster Rd., and more. Mr. Sweitzer said there was a sidewalk before on the property that is being discussed. Mr. Kovalcin said it is a no win situation for the Borough.

Mr. McLinko asked whose property is being talked about and Mr. Haight said Mr. Ed Flynn's. Mr. Christini said he took his sidewalk out a number of years ago. Mr. Christini said he would like to see a motion to the effect that no action will be taken and the item removed from the report.

Mr. Klinger made a motion seconded by Mrs. Clark to remove the Flynn sidewalk item from the Code Enforcement report with no action being taken. The motion carried with Mr. Sweitzer and Mr. Christini voting nay.

Mr. Haight said some activity with regard to the fire destroyed property on Second St. has taken place. Mr. Frawley said he talked to a representative of the insurance company and they are waiting to see how the criminal litigation comes out. The insured has entered a plea to a couple of criminal infractions neither of which constitutes arson. The agent indicated he would contact the insured's attorney. Mr. Frawley said there are liens on the property and one is a mortgage that is tied to a Pennsylvania Housing Agency and he said he spoke to them and they said their legal department was reviewing the situation and that they were not available to talk to him but would be able to talk next week.

Mr. Frawley said he would speak to the insured's attorney to see if the Borough can go back into the building and see how it is holding up.

Mr. Frawley said with regard to the Wilson property on William St., he said he talked to counsel for the executor of the estate and the executor is willing to meet with representatives of the

Borough to see what can be done to the property. He said he will call and try to confirm a date when a meeting can be held.

Mr. Frawley reported to Council that he sent a letter to Mr. Michels asking him to contact me immediately because one of the creditors has indicated that they cannot speak to me without written authorization from Mr. Michels. Mr. Frawley said he felt the other major creditor would be cooperative if both creditors would cooperate. Mr. Sweitzer asked if the creditors being talked about are the ones with the 1st and 2nd liens and Mr. Frawley said they appear to be so. Mr. Sweitzer said we have been this route before and it ended up not working out because they were not the lien holders at the time. Mr. Frawley said the creditor that requires written authorization may not now own the mortgage but we have to talk to them to find out the history of the mortgage.

Mrs. Clark asked Mr. Frawley if he thought Mr. Michels would give the authorization and Mr. Frawley said he did not know.

Mr. Frawley said it was also his understanding that because of a case that came down several years ago, the Tax Claim Bureau does not want to have a tax sale on the property because they believe it would not be sold at “upset” sale and there would be a potential liability according to the case that came down before to the Tax Claim Bureau if it does not sell at the “upset” sale and they would have to own it until there is a sale. Mr. Frawley said he questions whether the County can simply refuse to sell the property. It appears the County may have an obligation to collect the taxes and make a reasonable effort to do so.

Mr. Sweitzer asked how can the County do that—pick and choose what property they want to sell for taxes and Mr. Frawley said he did not know if they could.

Mr. Christini asked if there is any action the Borough can take to try and force the County to sell it and Mr. Frawley said he had done some research on that this week and it seems the Borough can bring an action asking the County by what right do they have not to sell the property.

Mr. McLinko asked about the parking at the new bakery. He asked if some spaces were given to the business when it was Table Rock and Mr. Haight said it was given some on the other side. Mr. McLinko said it states 3 hour parking and Mr. Haight said that is right—it was reserved before but it is now 3 hours free parking. Mr. McLinko asked if that means someone going to the court house could park there and be there 3 hours and Mr. Christini said yes, just like any other business downtown. Mr. McLinko said there is room for about 3 parking spaces right behind the building by the “drive thru” window and Mr. Haight said that is where he has been parking. Mr. Fairchild said that is private property there. Mr. McLinko said he asked Mr. Haight to go down and talk to the person running the bakery and Mr. Haight said he did. Mr. Fairchild said he would go down and talk to the new tenant.

POLICE COMMITTEE REPORT

Mrs. Miller reported that the Committee discussed that the budget contained money for a full time officer for 10 months but she said we are not hiring a new officer. Because of the increased activities and people in town, the Chief is considering putting a third person on Friday and Saturday nights. She asked for Council’s approval on that. Mr. Sweitzer said the money is in the budget now so a motion is not needed.

Mrs. Miller said the Committee would like to recommend that the Police Civil Service Commission begin the process of testing police officer applicants for future hiring.

Mrs. Miller made a motion seconded by Mr. Kovalcin to authorize the Police Civil Service Commission to begin the process for compiling an approved list of police officers for hire. Motion carried.

Mrs. Miller reported that Mr. Frawley and the Chief are working on the police operating manual and the Committee will bring it to Council for approval.

CODE ENFORCEMENT COMMITTEE

Mr. Kovalcin said the Committee discussed some long range plans specifically Cash Creek drainage which will need to be addressed in the future.

Mr. Fairchild noted that there are four natural drainage ways through the Borough—Kingsbury Ave. that drains part of North Towanda Township which has been taken care of. Mix Run has also been taken care of with the Plank Road project. The next one is Cash Creek which starts at the Penelec Substation off from Convent Ave and drains Charles St., Mechanic St., part of Plank Road and goes under Fourth St., Third St., Second St. and under the museum parking lot, the 400 Main St. block and crosses under Rt. 6 across from the 400 block. This system was probably built in the 1800's and will have to be dealt with. The last one is College Run which drains Gorman's Pond and that area. That system goes onto the SCl property and under College Ave and Third St. and under Second St. Main St. to Gorman's Pond will need to be done at some point. These would be major infrastructure projects.

Mr. Fairchild said the first thing that will need to be done is a cost analysis which would involve some engineering.

Mr. Sweitzer said when we have a plan then we can go after grant money.

Mr. Kovalcin said the Committee also discussed the burn barrel issue and the Committee is recommending that the ordinance remain as is and not ban open burning. He said he heard for 12 people who wanted it allowed and only two who did not. Mr. Sweitzer said we need to enforce our current ordinance. Mr. Kovalcin said residents have to call the police when they have a burn barrel issue. Mr. Klinger said he has heard from more people who want to keep it than want to abolish it.

Mr. Frawley said he would check with DEP about the laws that affect open burning and get back to Council next month.

The issue was tabled until next month.

Mr. Kovalcin said the Committee also discussed the idea of the Borough purchasing its own paver in the future. Mr. Sweitzer asked how much would on cost and Mr. Fairchild said about \$50,000. Mrs. Clark said maybe we could find a used one.

Mr. Sweitzer asked if the Borough has a rotation of equipment list and Mr. McLinko said he asked for one a few years ago and got a partial list. Mr. Fairchild said there is not.

Mr. McLinko asked how is the clean up of Riverfront Park charged and Mr. Christini told Mr. McLinko he should stop at the Municipal Building and ask those questions.

Mr. Christini asked the Committee to get some figures together regarding the possible purchase of a paver.

BOROUGH MANAGER'S REPORT

Mr. Fairchild reported on the following items:

- Act 30 made Boroughs responsible for providing Killed In Service benefits to survivors of police officers killed in the line of duty. This has been funded by an insurance policy specifically for this purpose which was paid for from the police pension fund—about

\$1700 a year. Last year the state passed Act 51 which makes the state responsible for providing this coverage. The police pension ordinance needs to be amended to reflect this change. This has also been recommended by the fund's actuary.

Mr. Sweitzer made a motion seconded by Mrs. Miller to authorize the Solicitor to prepare the amendment to the ordinance and advertise it for possible passage at next month's meeting. Motion carried.

- SCI/YMCA Project – still waiting for grant contract amendment from the state. Being told it will be coming and as soon as we get this assurance we can notify Grimm Construction to proceed with the project.

Mr. McLinko asked if \$50,000 in taxpayer money is going to be used for the labor and equipment and Mr. Fairchild said yes.

- Attached list of Borough property including streets. Note that 33.878 acres which is the Bridge St. landfill which is currently under a gas lease with Chesapeake. The Eastside Riverfront Park has also been leased. Almost 96.2 acres left. Looked into the possibility of leasing all this and there is some interest. If Council is interested in this, it will need to bid the project. No drilling will be allowed.

Mr. Sweitzer made a motion seconded by Mr. Klinger to authorize the Borough Manager to move forward with the leasing of all the Borough's property. Motion carried.

- Act 129 of 2008 (Energy Efficiency Act) – Has to do with Penelec requesting PUC approval to meet the Act 129 mandate of reducing its electricity cost by 10%. One way Penelec is going to do this is to change out all of its street lights from mercury vapor to sodium vapor. All of Towanda's street lights have been done but Penelec will finance this project for all its street lights by imposing an increase in its tariff. Was approved by the PUC. Our bill will increase about 11% or \$4000 a year.
- Heavy truck traffic on Borough streets. Last month the Public Works Committee met with a gas drilling company doing work west of the Borough and talked about a preferred route and a road use maintenance agreement. The preferred route would have been Bridge St. which is a state route. This was not agreeable with PennDOT. They sited its part of Bridge St. going through a densely populated residential area. The Borough streets that these heavy trucks seem to be using are Plank Rd., N. Fourth, Lombard and Ward Ave and State St. are narrower and more densely populated than Bridge St. These trucks do not belong in Towanda Borough so a road use maintenance agreement is not the solution.

Today met with representative of Chesapeake who seem to understand our concern? Have also contacted other companies doing work west of the Borough. Have asked them to tell the subcontractors not to come through Towanda Borough. Mr. Fairchild said he would like to recommend prohibiting these trucks in the Borough except for local deliveries, school buses, emergency vehicles, etc. with a 10 ton weight restriction.

Mr. Fairchild noted that the Merrill Parkway was built to handle this kind of traffic. He said he would make an exception for that.

Mr. Frawley said Mr. Fairchild has spoken to him about this and also gave me a copy of a sample ordinance from Moosic, Pa. He said he took a look at them and also looked at others on line. He said he would discuss this further with Mr. Fairchild.

Mr. Sweitzer made a motion seconded by Mr. Roof to authorize the Solicitor to prepare and advertise an ordinance restricting weight limit on Borough streets with the exception of state routes and the Merrill Parkway with possible approval at the May Council meeting.

Mr. Fairchild asked Council if it would consider a special meeting to possibly adopt this ordinance as soon as possible. Council agreed.

Motion carried.

BOROUGH SOLICITOR'S REPORT

Mr. Frawley reported that he has finished the draft of the "hot pursuit" policy and have given it to the Chief and we will review it and meet with the Police Committee to review it with them.

The Lycoming Supply case is scheduled for arbitration on April 28. Mediation is supposed to be before that and he said the rules of mediation require that someone be present to commit the party they represent to a mediation agreement. He said he told them Council was his client and they said it would be alright for someone to represent Council. He asked Council to appoint someone.

Mr. Sweitzer made a motion seconded by Mrs. Miller to appoint Mr. Fairchild to represent the Borough in the mediation procedure with regard to Lycoming Supply Inc. Motion carried.

Mr. Sweitzer said he would like to see someone other than ourselves to review the hot pursuit policy and Mr. Fairchild suggests checking with DCED and the Borough's Association.

Mr. Frawley said with regard to one of the properties the Borough owns and leases with Chesapeake, when Chesapeake did the research it found there was an outstanding 2/3 interest in the oil and gas rights beside the Borough. Council decided to possibly bring a quiet action title action in hopes to establish the Borough as the sole owner. Asked an attorney to do it but it has not been done. Asked Attorney Fred Smith about it and he had serious doubts the Borough would succeed. Finance/Administration Committee feels it is best not to pursue it.

Mr. Christini asked Mr. Frawley to give the information about the former Pedro property to Mr. Fairchild.

BOROUGH SECRETARY'S REPORT

Ms. Harris asked Council to consider adopting Resolution 2010-6 approving the County's Hazard Mitigation Plan. She noted that this is something that is done every couple of years.

Mr. Sweitzer made a motion seconded by Mrs. Miller to adopt Resolution 2010-6 as presented. The Council was polled and the vote recorded as follows:

AYES: McLinko, Roof, Clark, Klinger, Kovalcin, Sweitzer, Miller, Christini

NAYE: None

Resolution 2010-6 carried.

Ms. Harris asked Council members to notify her if they wished to attend the Progress Authority annual dinner meeting on April 15 at the Country Club.

FINANCE

Mrs. Miller made a motion seconded by Mrs. Clark to pay the bills for the Towanda Borough General fund and special Borough funds as presented. Motion carried.

ADMINISTRATIVE

Mr. Christini noted that he and Mr. Fairchild and Mr. Haight are going to meet and review the permit fees which have not been updated since the early 80's.

PLANNING COMMISSION REPORT

Mrs. Clark reported that the Commission approved a request from Mr. & Mrs. Finlan to change the beauty shop into an apartment. The Zoning Hearing Board will hear the request on April 13.

RECREATION BOARD

Mayor Miller said the Board is discussing the sportsmen show and have sent vendor applications out. The show will be September 11th at Riverfront Park.

Mr. Sweitzer asked Mrs. Clark if she could report to Council about the YMCA since she is a board member and she said she would.

Mrs. Clark reported that there has been an increase in membership and the After School Program has been very successful.

Mr. Christini asked Ms. Harris to include minutes from TMA and the Progress Authority in the packets.

ADJOURNMENT

Mr. Sweitzer made a motion seconded by Mrs. Miller to adjourn the meeting. Motion carried. Meeting adjourned at 8:50 p.m.

Borough Secretary

May 3, 2010

Towanda, PA

The regular monthly meeting of the Towanda Borough Council was held on Monday, May 3, 2010 at the Municipal Building. The meeting was called to order at 7:00 p.m. by Council President Mark Christini followed by a moment of silent prayer and the reciting of the Pledge of Allegiance. The roll was called and recorded as follows:

PRESENT: Clark, Christini, Klinger, Kovalcin, Miller, Roof

ABSENT: Long, McLinko, Sweitzer

BID OPENING FOR SALE OF VEHICLES

Ms. Harris opened and read the bids received for the sale of Borough vehicles that were duly advertised.

1999 Ford Crown Victoria Police Car

1. DeNaples Auto Parts
400 Mill St.
Dunmore, PA 18512
Bid Price: \$465.00

2. Richard Parrish
Athens, PA
Bid Price: \$300.00

3. Police Car Store
9 Cynwyd Rd
Bala Cynwyd, PA 19004
Bid Price: \$579.00

4. Bay Ridge Motors Inc.
1869 Richmond Terrace
Staten Island, NY 10310
Bid Price: \$1919.00

Mrs. Harris noted that the bid from Bay Ridge Motors states it for a 2004 Crown Victoria and the advertised vehicle is a 1999.

1995 Dodge Dakota

1. DeNaples Auto Parts
400 Mill Street
Dunmore, PA 18512
Bid Price: \$501.50

1991 Jeep Cherokee

1. DeNaples Auto Parts
400 Mill Street
Dunmore, PA 18512
Bid Price: \$465.00

Mr. Fairchild recommend that Council accept the bid of DeNaples Auto Parts for the 1995 Dodge Dakota in the amount of \$501.50 and the bid from DeNaples Auto Parts for the 1991 Jeep Cherokee for \$465 and to check with Bay Ridge Motors about its bid for the police vehicle since the bid stated a different year than the one we have for sale. If they are not interested, Mr. Fairchild said he would like Council to reject all the other bids for the police vehicle and negotiate a sale.

Mr. Klinger made a motion seconded by Mrs. Miller to accept the bids from DeNaples Auto Parts for the 1995 Dodge Dakota for \$501.50 and the for the 1991 Jeep Cherokee in the amount of \$465 and to authorize Mr. Fairchild to check with Bay Ridge Motors regarding its bid for the police vehicle to see if it is for the 1999 or something different. If Bay Ridge Motors in not interested Council will reject all bids received for the police vehicle and negotiate a sale of the vehicle. Motion carried.

CONSIDERATION OF PROPOSED ORDINANCE 2010-1

Mr. Frawley noted the Act 51 of 2009 makes Chapter 80 of the Borough's Police Pension Ordinance obsolete and more specifically the Borough needs to pass an ordinance bringing Chapter 80 into compliance with regard to an officer killed in action. Act 51 makes the state responsible for providing for the survivors and not the Borough.

Mr. Roof made a motion seconded by Mrs. Miller to adopt Ordinance 2010-1 by resolution as advertised. The Council was polled and the vote recorded as follows:

YES: Roof, Clark, Klinger, Kovalcin, Miller, Christini

NO: None

Resolution 2010-7 carried.

CITIZENS TO BE HEARD

None. Mr. Klinger told Council that Mr. Scott Hall will be attending the meeting later to address Council regarding a zoning matter.

APPROVAL OF PREVIOUS MONTH'S MINUTES

Mr. Christini noted that on page 4, paragraph 4 the word "when" should be inserted in the sentence "Mr. Sweitzer said "when" we have a plan..." Also on page 4, paragraph 5 the word "how" should be inserted in the sentence that starts "Mr. Sweitzer asked "how" we need to enforce..."

Mrs. Miller made a motion seconded by Mrs. Clark to approve the minutes of the April meeting with the corrections. Motion carried.

FIRE CHIEF'S REPORT

Chief Roof reported that the department responded to 10 calls during the past month. He also told Council that Engine 1 is still being worked on. He noted that the generator was put to a trial run last week and worked well. The generator will run a test automatically once a week. Chief Roof also reported that a new security system was installed at the station and it will be up and running next week.

CITIZENS TO BE HEARD

Scott Hall, 103 Fifth St., addressed Council regarding the Zoning Hearing Board denying his request for a variance so he could put an addition on his home. He said it was denied because of the visibility triangle. He said the current code requires a 30 ft. visibility triangle for building on a corner lot. He asked Council to review this because he felt it was excessive.

Mr. Kovalcin asked how large the addition would be and Mr. Hall said it would be a 24 foot addition. Mr. Klinger said he looked at the area and he said the addition would not interfere with the visibility at the intersection.

Mr. Frawley asked where does the request stand at this point and Mr. Hall said the Zoning Hearing Board denied the request. He said he asked the Zoning Hearing Board for an extension so Council could review it.

Mr. Klinger said if Council amended the ordinance it could be allowed.

Mr. Christini said Mr. Hall's request should be sent to the Planning Commission and review it and make a decision based on general cases, not this particular case. The Commission will then bring its recommendation to Council. It would then have to go to the Bradford Co. Planning Commission for review. This process will take a few months. Mr. Frawley cautioned that you have to move carefully because you can't amend an ordinance to accommodate one person, but for the community as a whole.

Mrs. Clark made a motion seconded by Mr. Klinger to send the request from Mr. Scott Hall to the Borough Planning Commission for study and review and recommendation to Council. Motion carried.

FIRE BOARD REPORT

Mr. Klinger reported that the Fire Dept. would like an "Emergency Vehicles" sign place on York Ave coming south and one on Main St. west. Mr. Fairchild said they would be on PennDOT's right of way. He said he would contact PennDOT about applying for a permit.

Mr. Klinger made a motion seconded by Mr. Kovalcin to approve **Wayne Welch** as a tanker driver for the Towanda Fire Department. Motion carried.

Chief Roof also reported that he attended the Bradford Co. Fire Chiefs meeting and PennDOT is now requiring any emergency vehicle that is not on the highway for emergency purposes to have a permit for non-emergency. There will be no charge. Mr. Christini said what about parades. Mr. Roof said he did not know. They were talking about pool fills, etc.

MAYOR'S REPORT

Mayor Miller reported the following items:

- Officer Lantz participated in the mock trial at the court house sponsored by the Abuse and Rape Crisis Center.
- Officers Hennessy and Lantz gave a tour of the station to a local Boy Scout troop.
- Officers Lantz, Hennessy and Moro participated in the "healthy kids" day at the YMCA.
- Sgt. Strozyk and Officer Epler assisted the State Police Motor Carrier Enforcement unit.
- Officer Hennessy solved a large criminal mischief case.
- Officer Kelley gave a tour of the station to a local Girl Scout troop.
- Department participated in a mock crash scene at the high school.
- Assisted State Police with a Sobriety Checkpoint in the Borough.

Mayor Miller said he and Chief Osman will be visiting businesses on Main St. and updating merchant contacts, etc.

POLICE CHIEF'S

Chief Osman reported the Department experienced another busy month. He said his written report shows the numbers.

Chief Osman noted that Moro was used a lot this past month also.

Chief Osman said that the criminal mischief case that Officer Hennessy solved involved 14 vehicles that were damaged over a week in the northern part of the Borough.

Chief Osman said he contacted some municipalities who have the pedestrian crosswalk signs and they said they were purchased by the business association. Mr. Fairchild said PennDOT has

a grant for those and he said he will be taking the information to the First Friday Committee, TBA and the Chamber to have them do the grant application.

Chief Osman said he is looking into the idea of providing cameras for Main Street. He said Corning, NY has outdoor cameras. A company has been here to look at our Main Street and gave some prices. Would like to use wireless cameras but would have to obtain permission from the building owners to place them. There would be no cost to them because there would be wireless. If you went with ones that were not wireless they would be less expensive but the property owner would be billed the electricity. He said Main St. is become more beautiful and we want to keep it that way. Mr. Christini asked the Chief if he was aware of any funding sources for this and Chief Osman said no, not at this time.

Chief Osman reminded Council that last year he applied to the Recovery Hiring Program for a new officer and we did not get it but was put on a hold and it is opening again in June. Will be working on that.

POLICE COMMITTEE REPORT

Mrs. Miller said the Chief had covered everything in his report.

Mr. Christini referred to the letter from Ed Boardman regarding traffic on N. Main St. He is asking for an additional stop sign at Walnut and N. Main. Mr. Fairchild said it would be a PennDOT matter because it is a PennDOT street. Mr. Christini asked the Police Committee to look into it.

Mr. Frawley reminded Council that he brought up the issue a few months ago—speeding on N. Main and there are a lot of children that live on that street. Chief Osman said it is a very congested area. Mrs. Clark suggested more patrolling of the area.

Mr. Christini asked if the “hot pursuit” policy had been updated and Mr. Frawley said he has drafted a policy and has given it to the Chief to review. He has done that and we met and some of the language has been revised. Will have it ready for the Police Committee before its next meeting.

CODE ENFORCEMENT REPORT

Mr. Haight said that Mr. Christini asked him to update Council on some of the long-pending items on his written report. He noted Item 2 on Page 8, there has been an order to have that completed by the end of July signed by the owner and the Code Enforcement Office and the District Justice. Item 4 on Page 8, the owner has some serious health problems and the house next to him is also being dealt with. The owner claims that if the Borough can get the other one down he will take his down. We have a meeting scheduled with the owners of the other property in the near future.

Mr. Haight said Item 5 is going into a citation after we send another registered letter to the owner. Item 7—there is a permit issued for the work but it has slowed down. The permit needs to be updated. Item 8 a certified letter will be sent.

Mr. Haight reported that the request of Ray and Laura Finlan for a special exception was approved by the Zoning Hearing Board.

With regard to the request of Scott Hall, Mr. Haight said he has asked for a couple of other things beside the site clearance and the Zoning Hearing Board has asked him for a couple of things and he has not produced them. He said there have been two continuances. The Board is ready to render a decision but since it has not happened it cannot be discussed at this meeting. If Mr. Hall chooses to appeal the decision it would go to the Court of Common Pleas. He said Mr. Hall has sent a letter to the ZHB asking for a six months continuance but the Board feels they have to make a decision before that.

Mr. Christini asked if there is a parking requirement for the 200 Main St. property that was purchased by the County and Mr. Haight said there is no requirement for that in the C2 district. He said the reason we were able to require parking in the C2 district for the special exception is because it is listed in the C2 district as a special exception and they can require certain things at the time of the hearing if they are reasonable.

Mr. Fairchild said the County is working on parking for that building.

PUBLIC WORKS REPORT

No meeting.

BOROUGH MANAGER'S REPORT

Mr. Fairchild reported on the following items:

- Mr. Christini has agreed to serve on the Bradford Co. Progress Authority board replacing Mr. Fairchild. The term is for 5 years.

Mr. Klinger made a motion seconded by Mr. Kovalcin to appoint **Mark Christini** to the Bradford County Progress Authority Board for a 5-year term as the Borough's municipal representative. Motion carried.

- Received written commitment from DCNR for an additional \$100,000 for the SCI/YMCA Renovation Project. Issued Notice to Proceed to Grimm Construction.
- Awarded a \$350,000 TE grant in 2007 through PennDOT. This will fund our trail extensions at the south end of the walking trail and up the bank to Locust Ave. Also we will purchase 2 dozen new trash receptacles for the Main St. area and move the existing ones to the trail. Also new benches along the trail and bike racks.

Mr. Fairchild reported that PennDOT has notified us that our street signs are ineligible for the grant. Will pursue other avenues.

Now ready to bid the project. He asked Council to authorize the bidding of the project and to set a special council meeting for May 26 at 5:15 p.m. to open bids. Mr. Fairchild said once the bids are opened they will be valid for 45 days and the bids will include unit costs for everything.

Mr. Kovalcin made a motion seconded by Mrs. Miller to authorize the advertising of the bids for Phase 4 of the Streetcape Project and to hold a special council meeting on May 26 at 5:15 p.m. to receive and open bids. Motion carried.

- Borough only has 1/3 interest in the gas and mineral rights at the old landfill on Bridge St. Hill. One of the suggested options was to contact the other heirs who hold the other 2/3 interest and partner with them. Pursuing that.
- With regard to obtaining gas leases for other Borough property including streets, we have had to pull back some because there is some question as to the ownership of certain Borough streets. Gas companies will not make leases if there are no deeds and probably most of the old streets are actually right-of-ways. Will continue searching this. Other properties we can still lease including the SCI and Third Ward playground.
- Council last month authorized the preparing of a weight restriction ordinance for Borough streets. Since then we have learned that we need an engineering study to strictly enforce the ordinance strictly on weight. Hired a consulting firm to do that this month. Hopefully have proposed ordinance for the next Council meeting.
- Truck traffic on Borough streets seems to have decreased and thanks to Chesapeake for honoring our request. Also thank Art Johnson for monitoring this for us.

Mayor Miller asked Mr. Fairchild if he could contact PennDOT about at least a temporary patch on Bridge St. near Third St. Mr. Fairchild said he would contact them.

- PennDOT will be paving from Campbell Rd. in North Towanda Township to S. Main St. The contract has been awarded. Being told this project will consist of micro paving the road and will be done on a Saturday and Sunday. Should only take a couple of days to do. They will put the painted crosswalks back as well as the stop bars. We will be responsible for the parking spaces.
- Wysox Water Project will start some time in September. One of the first things to be done will be an open cut at this intersection. The water line will be pushed under the river. The work in the roadway will be done at night.

Mr. Christini asked when will the new street signs be erected for the streets that the name is being changed and Mr. Fairchild said when the County is here with its readdressing.

BOROUGH SOLICITOR'S REPORT

Mr. Frawley reported that a meeting is scheduled for May 6 with the administrator of the Meredith Wilson estate and his attorney and another meeting is scheduled for the same day with Mr. Maloney and his attorney regarding his property on Second St.

With regard to the Michels property, Mr. Frawley said he thought he has traced the current owner of the initial mortgage for \$30,000. The bank has no record of it but they gave us a special department to contact and have written a letter to that department.

Mr. Frawley said he is waiting for the road study to be done before preparing the ordinance for the weight restriction on Borough streets.

Mr. Frawley said he with regard the taser policy, he has a minor amendment to make and it will be ready for Council at the next meeting.

Mr. Frawley said a survey needs to be done of the Pedro property.

Mr. Christini asked if there was an update regarding Lycoming Supply Inc. and Mr. Frawley said he and Mr. Fairchild will be going to mediation on May 7 in West Hazelton.

BOROUGH SECRETARY REPORT

Ms. Harris asked if any Council members would be able to attend a Police Civil Service workshop in Wilkes Barre tomorrow. She said that two members of the Commission were going to attend but they cannot do so.

Mr. Christini noted to Council that the YMCA of Bradford County awarded the Borough a 2010 Community Service Award for supporting them. Good cooperation between the YMCA and the Borough.

ADMINISTRATIVE REPORT

Mr. Christini said the Committee is still looking at salaries and doing a salary survey of area municipalities. More on this later.

FINANCIAL REPORT

Mr. Roof made a motion seconded by Mrs. Miller to approve payment of the bills for the Towanda Borough General Fund and special Borough funds as presented in the "List of Bill". Motion carried.

PLANNING COMMISSION REPORT

No meeting.

RECREATION BOARD REPORT

Mr. Kovalcin said the Board is working on the summer recreation program and will be interviewing applicants this month.

ADJOURNMENT

Mrs. Miller made a motion seconded by Mrs. Clark to adjourn the meeting. Motion carried. Meeting adjourned at 8:22 p.m.

Borough Secretary

June 7, 2010

Towanda, PA

The regular monthly meeting of the Towanda Borough Council was held on Monday, June 7, 2010 at the Municipal Building. The meeting was called to order at 7:00 p.m. by Council President Mark Christini followed by a moment of silent prayer and the reciting of the Pledge of Allegiance. The roll was called and recorded as follows:

PRESENT: Clark, Christini, Klinger, Kovalcin, Long, Miller, Sweitzer

ABSENT: McLinko, Roof

CITIZENS TO BE HEARD

Joe Doherty addressed Council about the possibility of making the Roger A. Madigan Park into a Bradford County veteran's memorial park. He said he has spoken to the various veterans groups and the County commissioners and has received their approval for a project. Mr. Doherty said he has been working with Dan Grubb and Denny Wolfe, Jr. and other veterans and volunteers to come up with a plan. He then unveiled preliminary drawings from two architectural firms showing how the park could look as a war memorial and incorporating the present park architecture. Some new features being considered are a rotunda and inside the rotunda would be a statue of the quintessential soldier. Also brick pavers could be purchased by the public to honor a veteran.

Mr. Doherty asked Council to consider endorsing the project so it can go forward. He said his next step will be to form a non-profit organization and obtain a 501c designation. He asked Council if it would consider allowing his group to use the Borough's tax exempt designation to accept funds.

Denny Wolfe, past president of the Vietnam Veterans of America, told Council that he would help in any way possible to get this project done. He said he had complete confidence in Mr. Doherty's ability to get the job done.

Mr. Christini thanked Mr. Doherty for his impressive presentation.

Mr. Fairchild said he felt what Mr. Doherty needs is a vote of confidence from the Council to proceed with the project and with the Council being the conduit to accept donations. Mr. Doherty said he has a tentative completion date of 11/2011.

Mr. Fairchild said the project would actually expand and improve the park. He said the infrastructure is there already.

Mr. Fairchild said, at Mr. Christini's suggestion, that former Senator Roger Madigan be contacted about the project. Mr. Fairchild said he spoke to Mr. Madigan and he is in favor of the project.

Mr. Sweitzer made a motion seconded by Mr. Kovalcin to give Mr. Doherty Council's vote of confidence to move forward with the proposed Bradford County Veterans Memorial. Motion carried.

Mr. Christini asked if any council members would be interested in serving on the committee and Mrs. Clark and Mr. Long expressed interest in serving.

A representative from the YMCA board was in attendance.

APPROVAL OF PREVIOUS MONTH'S MINUTES

Mrs. Clark made a motion seconded by Mrs. Miller to approve the minutes of the May council meeting as presented. Motion carried.

FIRE CHIEF'S REPORT

Chief Roof was not able to attend the meeting due to his work schedule.

FIRE BOARD REPORT

Mr. Klinger noted that there were 11 fire calls during the month of May. He reported that Engine 1 is being worked on.

Mr. Klinger made a motion seconded by Mr. Sweitzer to approve Brian Casselberry and Tom Franklin as tanker drivers for the Towanda Fire Department. Motion carried.

SOLICITOR'S REPORT

Mr. Frawley reported on the three properties that are in disrepair in the Borough—Maloney, Wilson Estate and Michels.

Mr. Frawley reported that he, Mr. Fairchild and Mr. Haight met with Mr. Maloney and his attorney. Mr. Maloney is in the process of trying to collect the insurance money from the fire. He said his initial reaction was that it was unrealistic to think the insurance company would pay since Mr. Maloney started the fire. Mr. Maloney pleaded guilty to reckless endangerment in failing to stop the fire. Mr. Frawley said he had conversation with the counsel for the insurance company and he basically thought that the critical language of the policy dealt with whether or not Mr. Maloney would have intentionally started the fire that caused the damage. Mr. Frawley said that gives him some sense of hope because he said he has some reason to believe that when Mr. Maloney started the fire it was not the purpose to burn the house down. Possibly fund may be available. They will not make a decision until after Mr. Maloney's deposition at the end of the month.

In regard to the Meredith Wilson situation, Mr. Fairchild, Mr. Haight and Mr. Frawley met with Mark Wilson and his attorney. Mr. Wilson's attorney said there are some potential purchasers and it appears that the focus is on the Bradford County Housing Authority. More on this later.

Regarding the Steven Michels property, Mr. Frawley reported that he has found the agency that owns the original mortgage (Earth Homes). They have sent a letter stating that it is there mortgage and have charged it off which means they are not pursuing collection at this time nor are they seeking additional interest but they will not satisfy it until the mortgage is discharged. Mr. Frawley said the mortgage company said that if we have a proposal to send it to them.

Mr. Frawley referred to the policy he and Chief Osman prepared regarding police vehicles in hot pursuit (copies of policy in Council packets). He said the Police Committee has reviewed it and are ready to recommend its approval.

Mrs. Miller made a motion seconded by Mr. Sweitzer to approve the Police Vehicle Hot Pursuit policy as presented. Motion carried.

Mr. Frawley noted that the police department has a taser policy but the Chief was concerned about one paragraph which deals with the removal of the taser plugs. The Chief has proposed that if the person who has been tasered wishes to be taken to the hospital to have the plugs removed it will be done so; otherwise it will be done by a qualified certified police officer.

Mr. Sweitzer made a motion seconded by Mr. Kovalcin to approve the change to the Towanda Borough Police Taser Policy which would allow a person tasered to be taken to the hospital to have the plugs removed if requested, otherwise it would be done by a certified police officer. Motion carried.

Mr. Frawley noted that the street survey has been done with regard to the weight the streets can handle. Mr. Frawley said an ordinance can now be developed to deal with the trucks that go through the Borough and the weight limits.

Mr. Long made a motion seconded by Mr. Klinger to authorize the Solicitor, along with the Borough Manager, to draft an ordinance for posting weight limits on Borough streets and advertise for possible enactment at the July council meeting.

Mr. Christini asked if weight limit signs will be posted on the streets and Mr. Fairchild said yes.

Motion carried.

Mr. Frawley reported that he and Mr. Fairchild and the parties involved in the Lycoming Supply mediation met and came to a tentative settlement. Mr. Frawley said that the Superior Court of PA in a 1991 case decided that a breach cannot be punitive but must be based on a reasonable estimation of financial loss. The mediator felt the Borough's actual financial loss was most likely much less than the \$1000 a day and if the case was to proceed to arbitration that we would be lucky to be granted \$100 a day. He said we tentatively settled on a \$5500 deduction from the contract price and agreed to pay the contractor \$39,500 subject to Council approval.

Mr. Sweitzer made a motion seconded by Mr. Kovalcin to approve the settlement with Lycoming Supply, Inc. in the amount of \$39,500. Motion carried.

Mr. Frawley said he would have an opinion at the July meeting regarding open burning in the Borough.

POLICE CHIEF'S REPORT

Chief Osman reported that the department received a \$10,000 donation from Chesapeake for the K-9 program. He said he is also talking to Talisman about a donation. He said we should be looking for another car for the K-9 unit because the other one is getting well worn.

Chief Osman reported that Moro did 3 vehicle sniffs in the Borough and was involved in First Friday and visited the Troy Middle School, Towanda High School and Athens Junior High School.

Chief Osman said the department was active in the DUI Task Force check point held in the Valley. Also conducting seat belt roving patrols.

Chief Osman said he and Sgt. Strozyk and Officer Douglas attended a drug free luncheon at the high school.

Chief Osman reported that he and the Mayor visited Corning, NY to follow up on the cameras in the downtown. He said that the funds for their cameras come from their business district authority. He said they spent a lot of time talking about and observing the cameras. He said he is gathering more information about them. Mr. Christini asked the Chief if he had received any negative feedback on the cameras and Chief Osman said not directly but some third hand—"big brother in the sky".

Chief Osman reported that there were 428 calls to the department in May. He said the numbers keep going up and it will continue because the town is changing so dramatically.

Chief Osman told Council that the COPS grant application has opened up. You can apply again this year if you applied last year and he said he would be working with Mr. Fairchild to reapply. Application has to be submitted by June 16th.

Mr. Fairchild said the grant, if awarded, would provide for a new full time entry level officer with 3 years of paid wages and benefits. The Borough would have to pay the 4th year.

Chief Osman reported he is working on the Civil Service process for establishing a list of eligible hires.

CODE ENFORCEMENT REPORT

Mr. Haight reported that the issue with the sidewalk being put in on Main St. has been dealt with. It will be replaced in the morning.

Mr. Haight told Council that with regard to apartment inspections, a few second inspections were required but to date no third inspections have been required.

Mr. Haight reported that a zoning hearing will be held tomorrow for a request for a special exception for second floor apartment from the Mr. & Mrs. Saylor.

Mr. Haight told Council that the Hall's received their denial for their addition on their house. Their next step would be the Court of Common Pleas or to change their plan and resubmit to the Zoning Hearing Board. The request of Finlan's was approved by the Board for an apartment on the second floor.

CODE ENFORCEMENT COMMITTEE

No meeting.

PUBLIC WORKS REPORT

No meeting.

BOROUGH MANAGER'S REPORT

Mr. Fairchild reported on the following items:

- Bradford Co. will be celebrating its Centennial in 2012 and has requested a written history of each municipality. Looking for someone to write the history of Towanda Borough.

Mr. Long mentioned Bob Veleker's name and Mr. Fairchild said he would approach him about it. Another name mentioned was Henry Farley.

- Channel 16's Joe Snedeker will be here to make an "official" stop over in Towanda on his annual "Go Joe" bike ride to benefit St. Joseph's Center.

Chief Osman said the television station would like us to close Park St. for the day and to block off 4 or 5 parking spaces in front of the Court House. They also asked about closing one lane of Main St. but the Chief said he felt that would not be a good idea especially at 5 pm in the evening with the traffic we have. Also that is a state highway and permission from PennDOT would be required.

- May 26, 2010 one bid was received and opened for the Streetscape Phase 4 project. The bid was from HRI, Inc. of Williamsport in the amount of \$364,618. We have \$350,000 in available federal TE money. PennDOT will administer the grant and there are a couple of things going and they are not in a position to make a recommendation tonight and there might be a technical flaw that could require a rebid. Also, there is a possibility that the engineer made a mistake in the quantity of the asphalt and if more money is needed Mr. Fairchild said he is prepared to ask the NTRPDC. They may have some money to fill in for this project. Another possibility is that some of the purchases could be scaled back such as some of the benches, etc.
- In 1996, the Borough fine-tuned its planning for the downtown and one of the ideas was to create additional parking. Mr. Fairchild said it seems the Ben Franklin store is suffering for lack of parking during the week. He said he felt it is the most important

retail business in the downtown and its customers have trouble parking. He went on to say the 1996 plan envisioned making Park Street one-way going west with parking also on the north side of the street. He said he would like to implement it and enforcement will be critical. The ordinances will have to be amended also.

Mr. Fairchild said Ben Franklin would be willing to rent a number of spaces for its customers but we are being told that could be discriminatory because it is a public street. Mr. Fairchild said we might be able to rent some of the spaces in the municipal parking lot in back of the store to Ben Franklin.

After further discussion, Mr. Fairchild recommended to Council that it make Park Street one-way east and add angle parking on both sides of the street.

Mrs. Clark made a motion seconded by Mr. Klinger to amend the Borough ordinances affected to make Park Street one-way east and add angle parking to the north side of Park Street with a three hour parking limit. Motion carried.

- PennDOT's micro-resurfacing of Main St. should be done this weekend.

Mr. Christini told Council that the County's 911 Readdressing project for the Borough is progressing and that only about 18% of the Borough's addresses will be affected. Towanda will be done with the city-style numbering and we will remove all the half addresses and fix the odd and even numbers that are not correct. Some alleys will be added. He noted that the County will be notifying everyone affected by the changes.

Mr. Klinger asked about his address which is 303 ½ but he said with the apartment house ordinance he started calling it 303 with apartments 1 and 2.

Mr. Christini said the County will notify you. Mr. Fairchild said the post office will give you a year to change the address.

BOROUGH SECRETARY'S REPORT

Ms. Harris asked Council to approve the request of the First Friday Committee to have a parade for the July First Friday. A permit request has to be submitted to PennDOT to hold the parade on Main Street.

Mr. Sweitzer made a motion seconded by Mrs. Miller to approve the request of the First Friday Committee to submit a request to PennDOT to have a parade on Main Street on July 2, 2010. Motion carried.

Council decided to have the Borough picnic on Friday, August 13, 2010.

Ms. Harris told Council that Chesapeake Energy had donated \$5000 to Riverfest.

ADMINISTRATIVE COMMITTEE

Mr. Christini told Council that he stopped into the new bed and breakfast and bakery and told them we were glad they were here.

Mr. Christini said the Committee has been reviewing the salary scale and he passed out a salary survey that was done including Troy, Athens, Sayre and Canton.

Mr. Christini reported that TMA has already adjusted the salaries of Mr. Johnson and Mr. Walker. Mr. Christini said the Committee is looking at the other salaried employees and at this time we

have looked at the Police Chief's. Mr. Christini asked Council to increase Chief Osman's salary to \$55,000 a year.

Mr. Sweitzer made a motion seconded by Mrs. Miller to set Chief Osman's salary at \$55,000 a year effective July 1, 2010. Motion carried.

UNION SUB COMMITTEE

Mr. Fairchild said the Borough has received notice from the Teamsters to start negotiations with the Police Department.

FINANCIAL REPORT

Mr. Sweitzer made a motion seconded by Mrs. Miller to pay the bills for the Towanda Borough General Fund and special Borough funds as presented. Motion carried.

PLANNING COMMISSION

Mr. Long said the Commission reviewed the Zoning Hearing Board's decision regarding Mr. Hall's request.

RECREATION BOARD

Mr. Kovalcin said the recreation program will start Monday and the Board is working on the sportsmen's show.

ADJOURNMENT

Mr. Sweitzer made a motion seconded by Mrs. Miller to adjourn. Motion approved. Meeting adjourned at 9:25 p.m.

Borough Secretary

August 2, 2010

Towanda PA

The regular monthly meeting of the Towanda Borough Council was held on Monday, August 2, 2010 at the Municipal Building. The meeting was called to order at 7:00 p.m. by council President Mark Christini followed by a moment of silent prayer and the reciting of the Pledge of Allegiance. Attendance is recorded as follows:

PRESENT: Long, Kovalcin, J. Miller, Klinger, Sweitzer, Christini

ABSENT: Clark, Roof, McLinko

CITIZENS TO BE HEARD

Mr. Joe Doherty addressed council regarding the proposed Bradford County Veteran's Memorial Park. He noted since the last meeting there have revisions made which totally revamp the project and will not require the name be changed from the Roger A. Madigan Park. There are three phases to this project. The first phase is approval. He and Mr. Fairchild described the changes that are to be made. It was noted the area on the south side of the bridge is not being utilized completely and the park will be added to that area along with a 20 space parking lot. The rotunda on the north side of the bridge will be duplicated on the south side. This rotunda will be civic as well as historical with quotes from Nathan Hale, Paul Revere and Patrick Henry to be memorialized.

Phase II has the park reconfigured to a larger plan which will include all veterans of Bradford County through the Civil War. The reflective pool will completely encircle the park.

Phase III will be east of Veterans Park and will consist of a parking lot using eco-friendly bricks and not blacktop. The council was very receptive to this project and the changes; however there are some concerns that have to be addressed before a written agreement can be made. Mr. Frawley was concerned about who would be the liability; if the project had 3 phases and only one or two were completed, who would be responsible for completion; how much time for completion and would the land be leased to or sold to the Veteran's Assoc. Mr. Sweitzer noted that the entire council is behind this project but agrees that these issues need to be finalized. Mr. Frawley and Mr. Brann, Attorney for the Veteran's Park Association will meet this week and will come back with a recommendation for the meeting next month.

Mr. Pat Taylor from Second Ward was present regarding the litter, trash, etc. in certain sections of Second Street. He asked what could be done. It was noted that letters go to the tenant and the landlord of the property. They are given a certain amount of time to remedy the situation. If it is not corrected a Certified Letter is sent and if still not corrected, a citation will be issued through the District Magistrate and fines be levied. This is occurring more because of the influx of people in small areas and some people just don't care. Chief Osman was asked if the police department could do anything if someone was seen littering. He stated they would if someone was seen. It is hard to prove who is responsible unless there is something with a name.

APPROVAL OF PREVIOUS MONTH’S MINUTES

As there was no meeting in July, the June 7, 2010 minutes were approved on a motion made by Mr. Sweitzer and seconded by Mr. Kovalcin.

FIRE CHIEF’S REPORT

The Fire Chief is not present due to his work schedule.

FIRE BOARD REPORT

Mr. Klinger noted there was no Fire Board meeting as there was a call at the start of the meeting.

POLICE CHIEF’S REPORT

Chief Osman reported for June and July. A tour of the station was given to a local boy scout troop. K-9 Moro has been re-certified for the fourth year as a Police Narcotics Dog. Officer Hennessy and K-9 Moro have been attending the First Friday festivities. Roving DUI patrols have occurred over the holiday weekend; the police escorted Joe Snedeker with the “GO JOE” bike ride through the borough. Talisman Energy donated \$5,000 to the K-9 unit and noted they will be contributing to it for the next “few years”. Chief Osman provided copies of the Civil Service Rules to Mr. Frawley review and update. It was noted there are some changes to be made as they have not been updated in several years. A civil service list should also be generated. It was noted the donation for the K-9 fund goes into a special fund and is used in proportion with the expense of the K-9 unit. Chief Osman said he would also like to use this money to help offset the purchase of a vehicle in the future. The present vehicle has 117,000 miles on it and will most likely need to be replaced in the near future. The Police Committee and the Finance Committee will look at this situation.

Mr. Sweitzer made a motion, seconded by Mr. Klinger to pass the following Resolution regarding the Federal COPS grant. The roll was called and recorded as follows:

Ayes: Mr. Sweitzer, Mr. Kovalcin, Mr. Long, Mr. Klinger, Mrs. Miller and Mr. Christini

Nays: None

RESOLUTION

BE IT RESOLVED, by authority of the Towanda Borough Council of the Borough of Towanda, Bradford County, and it is hereby resolved by authority of the same, that the Council President of said Municipality, Authority, be authorized and directed to sign the attached grant on its behalf.

ATTEST:

Mary Ann Harris
Borough Secretary

Towanda Borough

J. Mark Christini
President of Council

I, Mary Ann Harris, Borough Secretary of the Towanda Borough, do hereby certify that the foregoing is a true and correct copy of the Resolution adopted at a regular meeting of the Towanda Borough Council held the 2nd day of August 2010.

Mary Ann Harris
Borough Secretary

CODE ENFORCEMENT REPORT

Mr. Haight reported that the house at 205 Second St. has been demolished. Also, sections 17 – 21 in the July report show that concerns regarding rubbish have been resolved. There are several items still pending.

Mr. Haight stated that he would like the “Rental Inspections” to be done every three years for those who have a good history for one year. There are many inspections that have been done with a few calling for second inspections. However, there have never been any third inspections necessary. He did note that some of these companies in the area, i.e. Geo-Kinetics, rent a building and then have their staff move in and out with the schedules they have. Mr. Sweitzer made a motion seconded by Mr. Klinger to have the Planning Commission consider this change. The motion was passed.

Mr. Fairchild noted that with the Commonwealth registration of home improvement contractors, our registrations are down significantly. We currently register only commercial and new home contractors; however we do require home improvement contractors to be registered with the Commonwealth and to have a valid and current certificate of liability and workers’ compensation insurance.

Mr. Haight requested approval be given to have the Planning Commission consider revising the set-back requirements for an above ground swimming pool and to make swimming pools accessory structures. Mr. Sweitzer made a motion seconded by Mr. Kovalcin to send this request to the Planning Commission. The motion was passed.

CODE ENFORCEMENT COMMITTEE

There was no meeting

PUBLIC WORKS REPORT

There was no meeting.

BOROUGH MANAGER’S REPORT

Mr. Fairchild reported that Susan Bailey has resigned from the Zoning Hearing Board as she has moved from the area. He would personally like to thank her for her time serving on this board as do the members of council. He has received a letter from Mr. Joel Christian who is interested in serving on this Board. Mr. Sweitzer made a motion, seconded by Mrs. Miller to

appoint Mr. Christian to the Zoning Hearing Board effective immediately. The motion was passed.

The Wysox Township Municipal Authority has secured funding to expand water to the areas in Wysox served by the sewer. There are two easements council is asked to sign. One would run under the property the proposed Veteran's Memorial is located and the other is on the east side of the river in the Riverfront Park. The work for this project will be at night and there will be a metal plate in the road in order to continue the flow of traffic during the day. The easements will indemnify the borough for any potential damage to the parkway. Mr. Sweitzer made a motion, seconded by Mr. Klinger to approve the easements. The motion was passed.

Mr. Fairchild reported negotiations have begun between the Police Teamsters and the Borough.

Monroe Borough council has asked about Towanda Borough police providing coverage to their municipality. This will be discussed further by the Police Committee and the Finance Committee.

Mr. Fairchild stated that the Bradford County 911 readdressing will be sending letters to approximately 280 residents with either street name changes or street number changes. Bradford County also will reimburse the county municipalities for signs that meet PennDot standards. This could amount to \$24,000 to \$25,000. It may also be possible to use Liquid Fuels money for these signs. There is a need for 310 signs, 160 posts and 310 brackets. Mr. Long made a motion seconded by Mrs. Miller to allow Mr. Fairchild to advertise for bid for the materials, meeting both county and PennDOT specifications. The motion was approved.

All the fees and charges for the borough are being looked at compared to other municipalities, according to Mr. Fairchild. He noted that the parking spaces are being rented for \$10 and \$15 per month, depending on location to the center of town. Mr. Fairchild would like approval to raise prices of the fees to \$20 and \$30 respectively. His request was approved on a motion made by Mr. Sweitzer and seconded by Mrs. Miller.

The borough has been designated as a potential recipient of a \$5 million State Redevelopment Assistance Program (RCAP) grant for a project in downtown. To secure these monies, an application will need to be developed and submitted with a commitment of at least \$5 million in non-state monies. A very important requirement of this program is to create jobs and Mr. Fairchild said he had received several inquiries from developers. He feels the reason for this designation is a presentation that was given about 3 ½ years ago in then Senator Madigan's office regarding the 400 block fire. He will submit an application into the Office of the Budget as soon as possible. It was noted that it will not hurt that the proposed location is less than a block from the main County Government offices and we are in the "heart" of the Marcellus Shale "boom".

About six weeks ago there was a bid opening for Phase IV of the Streetscape project. There was only one bid received and due to a technicality, this was rejected by PennDot. He would like to go out for bid again for the October meeting.

The YMCA renovation project is underway and is progressing well. The borough employees are doing the bulk of the site work. The condition of the swimming pool was questioned. Mr. Fairchild said that we rebuild the frames for the filters and other work as needed. There are some leaks that are dealt with and we could use a new pool.

Mr. Fairchild stated he has not laid out a parking scheme for the one-way Park Street but will be working on it in the very near future. Mr. Frawley and Mr. Fairchild have been discussing this project during the past month and an ordinance is being developed that will entail all the facets of the different parking spaces. Mr. Sweitzer does not want there to be a delay in this and made a motion for Mr. Frawley to develop an ordinance for the September meeting. This was seconded by Mr. Kovalcin and passed.

BOROUGH SOLICITOR'S REPORT

Mr. Frawley reported that he has been working an open burning and weight restriction ordinance. The Weight Restriction ordinance is attached to the members' packets. Mr. Sweitzer made a motion, seconded by Mr. Kovalcin for Mr. Frawley to advertise this ordinance for passage in September. The motion was passed.

In checking regulations through DER and EPA, it appears there are specific restrictions to open burning and that it can not be allowed on properties with more than two family residences. It is also possible that with a recycling grant, it may state that burning is not allowed. Mr. Frawley will continue working on this subject.

Regarding the Joe Maloney property on Second Street, Mr. Frawley stated there is insurance coverage for the fire. An appraiser has been assigned but there is no information available at this time. Mr. Maloney is not sure what he will do with the property but Mr. Frawley feels there is a better than 50% chance he will fix the property.

Regarding the Wilson Estate property on William Street, there is a signed sales agreement. The buyer is aware of the disrepair and what the Boro requires to be done. The buyer would like to raze the building and re-build however there is not enough square footage to build unless the roof of the building is left. It may be possible for the buyer to purchase the adjoining property as well.

In reference to the Michel property, it is estimated that it will cost \$15,000 to \$20,000 to tear down and about \$7,000 to \$8,000 in real estate taxes. The lot may be able to be sold for about \$30,000. Mr. Frawley is not sure how many liens have been filed but he will file a lien against this property on our behalf. Our status will move us ahead of some of the other liens if filed and it may be possible to get some of our money back.

The Civil Service Rules are not up to date with the PA Code Regulations. Mr. Frawley will review them and update our list. There have been no changes since 1983.

ADMINISTRATIVE COMMITTEE

Mr. Christini stated it was a very short meeting. There was nothing to report.

UNION SUB-COMMITTEE

The first meeting was held. Negotiations will start next week and hope to be pointed in some direction by September.

FINANCIAL REPORT

Mrs. Miller made a motion seconded by Mr. Long to pay the bills for Towanda Borough as presented. The motion was passed.

PLANNING COMMISSION

Mr. Long reported the last meeting approved was May 18th with nothing to report other than a public hearing that was held regarding the Saylor property on Main Street.

RECREATION BOARD

Mr. Kovalcin reported the summer recreation ends on Friday with approximately 57 children participating. September 11 is the Sportsman's Show at the Riverfront Park. At this point there are 17+ vendors registered.

OTHER

Mr. Doherty asked if possibly the RCAP money that is possible could be used for the Bradford County Memorial site. Mr. Fairchild stated the jobs wouldn't be there for the site. That is one of the requirements for the Grant is permanent job positions.

It was suggested that possibly the project be broken down in smaller sections; however, it may be possible to have the televisions screens put up and some of the pictures could be done immediately. This may possibly create more of an interest if something tangible was sent. This will be looked at in relation to the current sign ordinance.

ADJOURNMENT

As there was nothing further, the meeting was adjourned at 9:00 p.m. on a motion made by Mr. Sweitzer and seconded by Mr. Kovalcin.

Borough Secretary

September 13, 2010

Towanda, PA

The regular monthly meeting of the Towanda Borough Council was held on Monday, September 13, 2010 at the Municipal Building. The meeting was called to order by Council President Mark Christini followed by a moment of silent prayer and the reciting of the Pledge of Allegiance. The roll was called and recorded as follows:

PRESENT: Mrs. Clark, Mr. Christini, Mr. Klinger, Mr. Long, Mr. Kovalcin, Mrs. Miller, Mr. Roof and

Mr. Sweitzer

ABSENT: Mr. McLinko

SERVICE AWARD

Mr. Christini read a letter of resignation from Gordon Ford, Towanda Borough's Emergency Management Coordinator. Mr. Ford stated health reasons for his resignation.

Mr. Christini presented Mr. Ford with a plaque stating Towanda Borough's appreciation to Mr. Ford for his many years of dedicated service to the Borough.

Mr. Fairchild said Mr. Ford is a great citizen and has been devoted to his community for many, many years and he thanked him for his years of service to Towanda Borough.

STREET SIGNS BID OPENING

Mr. Fairchild said this project is related to the County's readdressing project in that most of the Borough's street signs do not meet PennDOT's and or County specs. The project requires replacement of all 307 street signs—293 are public streets and 14 are alleys that have a dwelling on them. The Borough will be reimbursed by the County for these signs.

Mr. Fairchild opened and read the bids received. Bid tabulation made part of the minutes.

Mr. Fairchild recommended the bids be reviewed by the Finance/Administrative Committee for study and recommendation to Council.

CITIZENS TO BE HEARD

Rick Lewis, 222 Poplar St. asked Mr. Fairchild if it was correct that the County was going to pay for the new street signs and Mr. Fairchild said yes, the Borough will be reimbursed the cost of the signs.

Mr. Lewis noted that the Borough budget would be coming up soon for next year and he said he looked over the present budget and found \$9500 that could be saved and help prevent a tax increase. He said services are being duplicated with the Borough's summer recreation program and the one sponsored by the YMCA. He also said he read in the newspaper that the Borough was looking for another police officer through a 3 year grant program. He said 50% of the Borough budget is for police and he said he did not think Towanda needs another police officer nor can it afford one. He asked Council to look hard and long at the budget for next year.

Joe Doherty, Coordinator, BCVMPA introduced George Crowell, as the administrative officer for the BCVMPA. Mr. Crowell said it was his understanding from our attorney the Borough's solicitor has some concerns with regard to moving the project along.

Mr. Frawley said he met with Attorney Matthew Brann and he said it is his understanding and Attorney Brann's understanding that the relationship between the Borough and the Association would be as follows: the Association would not obtain tax exempt status or a tax number. Rather they would go out and solicit funds and in essence it would be a Borough project. Mr. Frawley said if that were the case the Borough would reserve the right to decide any modifications to the project, if there was enough money and when the project would begin. Mr. Frawley said he prepared a report for Council which was included in the packets. Mr. Doherty said he did not receive a copy of the report. Mrs. Clark asked Mr. Doherty if that was correct that the Association would not get a tax identification number and Mr. Doherty said that was correct. Mr. Kovalcin asked Mr. Frawley if he was comfortable with the arrangement and Mr. Frawley said there are legal decision and political decisions here and he said as he sees it, it is a case where the Borough would make all the decisions. He said from a legal prospective he did not see any dangers to the Borough so long as the arrangement was clearly understood and the public was made aware of the arrangement.

Mr. Sweitzer said he felt a meeting with the committee and the two attorneys was necessary to get all the parts together. He said he was uncomfortable with the fact that we suggested heavily that no monies be collected until this situation was dealt with but already money has been collected. Mr. Doherty said he did know that the Association was not to collect funds yet. Mr. Kovalcin and Mrs. Clark said they did not remember Council telling the Association not to start collecting funds yet. Mr. Doherty said the booth at Riverfest was an informational one and we did not solicit funds.

Mr. Christini asked how are any funds that have been collected to date being handled and Mr. Fairchild said the Borough has set up a separate account and any monies collected has been deposited in the account.

Mrs. Clark said the community is getting behind this project and we don't need to keep meeting to discuss this. Mr. Fairchild said there have been two meetings.

It was decided to have a meeting with the two attorneys, representatives of the Borough and representatives of the Association to develop a tentative understanding to submit back to Council. Mr. Frawley asked Mr. Doherty to have Mr. Brann call him with available dates for a meeting.

Mr. Doherty noted that the Association has a meeting scheduled for Thursday at LeRoy's Restaurant at 7 p.m.

CONSIDERATION OF ADOPTION OF PROPOSED ORDINANCES

Mr. Christini asked the Council to consider the adoption of proposed Ordinance 2010-2 establishing weight limits on vehicles using certain Borough street, Ordinance 2010-3 making Park Street one-way, Ordinance 2010-4 authorizing diagonal parking on the north side of Park St. and Ordinance 2010-5 prohibiting vehicles from exiting municipal parking areas located between State and Park Sts.

Mr. Frawley asked that it be noted in the resolution that the ordinances include the addition of the word "attest" above the signature line for the Borough Secretary to sign on the last page of each ordinance.

Mr. Sweitzer made a motion second by Mr. Kovalcin to approve, by resolution, Ordinance 2010-2 limiting the weight of vehicles using certain streets located within the Borough of Towanda.

The Council was polled and the vote recorded as follows:

AYES: Klinger, Long, Kovalcin, Sweitzer, Miller, Roof, Clark, Christini

NAYE: None

Resolution 2010-9 carried.

Mr. Christini noted the next ordinance to consider was 2010-3.

Mr. Sweitzer asked if they could all be done in one resolution and Mr. Frawley said he did not see a problem with that.

Mr. Long made a motion seconded by Mr. Kovalcin to approve, by resolution Ordinances 2010-3, Ordinance 2010-4 and Ordinance 2010-5, as duly advertised with the addition of the word "attest" above the signature line for the Borough Secretary on each ordinance.

The Council was polled and the vote recorded as follows:

AYES: Klinger, Long, Kovalcin, Sweitzer, Miller, Roof, Clark, Christini

Resolution 2010-10 carried.

Mr. Sweitzer asked when will the lines be painted on Park St. and Mr. Haight said the paint will be here tomorrow and we will get signs made and it will happen either the end of this week or next week.

APPROVAL OF PREVIOUS MONTH'S MINUTES

Mr. Sweitzer made a motion seconded by Mrs. Miller to approve the minutes of the August meeting as written. Motion carried.

FIRE CHIEF'S REPORT

Chief Roof noted that there have been 95 calls to date this year.

Chief Roof reported that Chesapeake has donated a ½ ton pick up truck to the department. It is a 2007 and is in good shape. It will be used as a brush truck.

Mr. Sweitzer asked the Borough Secretary to send a letter of thanks to Chesapeake.

Chief Roof reported that the department bought 2000 ft. of 5" hose for Engine 4. He noted that the purchase was made with grant monies.

He told Council that there has been some trouble with the tower lately—does not go left and right when you operate it in the bucket. We have someone working on it.

Chief Roof said there have been some discussions with Wysox regarding our old ladder truck. It is not certified but Wysox would like to use it and they would certify it and insure it. It would be a mutual aid piece of equipment and if we have the opportunity to sell it we will. Mr. Christini asked what is the cost of certification and Chief Roof said about \$3000. Council approved Chief Roof to continue the discussions with Wysox.

FIRE BOARD REPORT

Mr. Klinger said there was nothing to bring before Council.

MAYOR'S REPORT

Mayor Miller was not present due to his work schedule.

POLICE CHIEF'S REPORT

Chief Osman reported that there were extra patrols on during Riverfest. He said they received a couple of burning complaints during the month. He also reported that the department is looking to replace the K-9 unit vehicle but have not found anything yet.

Chief Osman said the Borough is also looking to update the Civil Service Commission rules and regs.

Mr. Frawley said he is working on them and hopefully will have them ready for Council next month.

Mr. Sweitzer asked Chief Osman if there were significantly more calls to the department with the influx of new residents and Chief Osman said we are definitely busier and the severity of some of the calls has increased. Mr. Sweitzer said he felt Council has to seriously look at having two officers on during the busy hours and Chief Osman said we do at different times.

Mr. Sweitzer asked for an Executive Session to discuss officer safety.

Mr. Christini called an Executive Session at 8:02 p.m. The regular meeting was called back to order at 8:10 p.m. Mr. Frawley said officer safety and possible litigation were discussed.

POLICE COMMITTEE REPORT

Mrs. Miller said most items have already been discussed. She said that the Chief is continually tweaking the coverage schedule.

CODE ENFORCEMENT REPORT

Mr. Haight reported that 327 York Ave is almost completed after a fire a few years ago. One unit is rented and two more are being completed. He said that 333 William St. has been purchased after a recent fire. Mr. Haight also reported that 18 first time rental inspections were done last month with no second inspections.

Mr. Sweitzer asked how does it work with these gas guys going in and out of apartment so quickly and Mr. Haight said if they are completely empty we inspect them. Mr. Haight said one of things that has been discussed with regard to this situation is to amend the ordinance that would state if you had a good inspection within the last year. We are using some discretion now.

Mr. Haight referred to Page 8, Item 5—there is an on-going contract in place with the purchase of the property. With regard to Item 6, the Second St. house, there is some movement there. It will probably be rebuilt.

Mr. Sweitzer asked about the property on the corner of Second and Pine where they are parking trucks in the yard. Mr. Haight said the owner is going to have to have a parking lot in there to continue.

Mrs. Clark said someone asked her if the Borough could clean the street lights and Mr. Haight said they belong to Penelec. Mr. Fairchild said the banners will be removed soon and we will clean them at that time. Mr. Christini asked if the banners were coming down permanently and Mr. Fairchild said the intent of the program was to leave them up for a year and a half. Mrs. Clark asked if they could remain up and Mr. Fairchild said he would love to. He said they are looking for someone to take over the program and do it again.

PUBLIC WORKS/CODE ENFORCEMENT

Mr. Kovalcin said most items have been previously discussed. He thanked Mr. Haight for his help with the Sportsmen show.

Mr. Kovlacin said street paving was discussed and its time for a serious paving project in the Borough.

BOROUGH MANAGER'S REPORT

Mr. Fairchild reported on the following items:

- Police bargaining has reached an impasse and it will now go to a 3-member board of binding arbitration per Act 111. The union has notified us of its partial arbitrator and the Borough will select one and then both parties select a third arbitrator to act as a hearing master.

Mr. Christini asked if their demands could be discussed in public and Mr. Frawley said no.

Mr. Fairchild said he asked Mr. Frawley to look into this. Mr. Fairchild said he has a person in mind. He has worked for Canton and Troy and the County. The firm is Campbell, Durrant, et.al. The individual we would be using is Christopher Gabriel. He asked Council to appoint him as the Borough's partial arbitrator.

Mr. Sweitzer made a motion seconded by Mrs. Miller to authorize the Borough Manager to do what is necessary to protect the Borough's interests and to approve the appointment of Christopher Gabriel as the Borough's partial arbitrator. Motion carried.

- Met with Borough employees and have gotten concurrence from the union on a proposed policy (TAPS) change the pay from checks to direct deposit for payroll. He asked Council to amend its TAPS policy to reflect this.

Mr. Sweitzer made a motion seconded by Mr. Klinger to amend TAPS to change the Borough's payroll from checks to direct deposit. Motion carried.

- Proposal to rename Park St. in honor of Mr. C.W. Sick who founded the Towanda Ben Franklin Store and the Card Shop.

Mr. Christini said this was discussed in the Finance/Administrative Committee and there was the feeling that we don't want to set a precedent by renaming the street. Other requests have been made in the past and were not accepted. He said the Committee did come up with an alternative which would be to offer to name the alley between the Police Station and Ben Franklin (from Park to State). Mr. Kovlacin said he talked with Mr. Cory and he thought it would be a good idea.

Mrs. Clark made a motion seconded by Mr. Kovlacin to name the alley between the Police Station and Ben Franklin store C.W. Sick Lane. Motion carried.

Mrs. Clark suggested we check with Mr. Sick's widow to see how she would like the sign to read.

- Asking for proposals from interested developers for the 400 Main St. block project. There is a line item in the state budget under the RCAP funds for Towanda Borough. Time is of the essence. The \$5 million dollar grant requires a \$5 million match. An application needs to be submitted to the Governor's budget office and then the project will either be approved or denied by the Governor. Proposals are due by September 29.

Mr. Christini said this project could potentially generate \$70,000 in tax money for the Borough each year and create new jobs and also create public parking.

- Bradford Co. Tax Collection Committee has appointed Berkheimer Associates to collect the Earned Income Tax and the Local Services Tax countywide. This will save us about \$4400 a year in commissions. This will become effective in 2012. Berkheimer is currently our tax collector and we pay them 3%. With the new process we will be paying 1.55% for the Earned Income Tax collection and 2% for the Local Services Tax collection.

BOROUGH SOLICITOR'S REPORT

Mr. Frawley reported he met with Attorney Jones and put together a right-of-way agreement involving the Borough and the Wysox Township Municipal Authority. It is ready for signature by both parties.

Mr. Frawley said he spent time on the airport ordinance and reviewed the proposed ordinance that was prepared by the state. Since then the model ordinance has been amended and he said he asked Mr. Lafy to send him a copy of the latest model.

Mr. Frawley said with regard to Joseph Maloney, he said he talked to Mr. Maloney and his attorney several times during the month and they expect that the insurance matter will be settled within the next week. He will receive a settlement and it is Mr. Maloney's intent to rebuild the structure.

With regard to the proposed burn barrel ordinance, Mr. Frawley said we need to be concerned with DEP regulation 129-14. General rule is there can be no open burning but then it has exceptions. The most significant is "a fire set for the purpose of burning domestic refuse when the fire is on the premises of the structure occupied solely as a dwelling by two families or less...". The Borough has to at least amend the current ordinance to include this. Also exceptions include fire set solely for recreational ceremonial purposes, set for cooking food, etc.

Mr. Sweitzer made a motion seconded by Mr. Kovalcin to authorize the solicitor to prepare and advertise an amendment to Chapter 32 of the Borough Code to come into compliance with DEP Regulations 129-14 and include the exceptions. The proposed amendment to be considered at the October council meeting. Motion carried.

Mr. Frawley said with regard to the matter of the property on William St., the estate indicated that they have a purchaser but we have not heard anything yet. Mr. Frawley said he has prepared a letter to send to the estate and attorney to get them to get us an answer on what is happening to this property.

BOROUGH SECRETARY'S REPORT

Mrs. Harris reminded members of the Police Pension Committee that the annual meeting is Tuesday, September 21 at 8:30 a.m. in the Council Room.

Mrs. Harris asked Council when it would like to hold Trick or Treat in the Borough. She suggested Thursday, October 28th. Council concurred.

Mrs. Harris thanked Council and the Mayor for their support of Riverfest. This year's was the largest and most profitable to date.

FINANCE

Mr. Sweitzer made a motion seconded by Mr. Klinger to pay the bills for the Towanda Borough General Fund and special Borough funds as presented. Motion carried.

RECREATION

Mr. Kovalcin reported that the Sportsmen show was a big success and next year's date is September 10, 2011.

ADJOURNMENT

Mr. Sweitzer made a motion seconded by Mr. Kovalcin to adjourn. Motion carried. Meeting adjourned at 9:00 p.m.

Borough Secretary

October 4, 2010
Towanda, PA

The regular monthly meeting of the Towanda Borough Council was held on Monday, October 4, 2010 in the Council Room of the Municipal Building. The meeting was called to order by Council President Mark Christini followed by a moment of silent prayer and the reciting of the Pledge of Allegiance. The roll was called and recorded as follows:

PRESENT: Mrs. Clark, Mr. Christini, Mr. Klinger, Mr. Kovalcin, Mrs. Miller
ABSENT: Mr. Long, Mr. McLinko, Mr. Roof, Mr. Sweitzer

CITIZENS TO BE HEARD

Karen Guerin, 301 Wilmot Dr., Towanda asked Council for permission to hold a 5K run on the Merrill Parkway on Saturday, November 27 from 8:30 – 11:30 a.m. She asked that the Parkway be closed from the Court House to GTP. She told Council she was organizing the event in memory of her son and the proceeds would go to the Children's Miracle Network.

Mr. Christini said that Council supports her efforts. Mr. Haight suggested she contact Les Sheridan who organizes the run for Riverfest and she said she would.

ADOPTION OF PROPOSED ORDINANCE 2010-6

Mr. Frawley noted the ordinance will replace the existing ordinance regarding open burning. The new ordinance was done to bring the Borough in compliance with DEP regulations. He said while the ordinance prohibits open burning in dwellings of more than two units, it also adds other permitted open burning uses that the former ordinance did not address.

Mr. Klinger said he wanted the residents to know that Council is not trying to eliminate all open burning in the Borough but to bring our code into compliance with state regulations.

Mr. Klinger made a motion seconded by Mrs. Miller to adopt, by resolution, Ordinance 2010-6 Chapter 32-7 of the Borough Code. The Council was polled and the vote recorded as follows:

AYE: Kovalcin, Miller, Clark, Klinger, Christini
NAYE: None

Resolution 2010-11 carried.

APPROVAL OF PREVIOUS MONTH'S MINUTES

Mrs. Miller made a motion seconded by Mr. Klinger to approve the minutes of the September 2010 meeting as written. Motion carried.

FIRE CHIEF'S REPORT

Chief Roof was not in attendance due to his work schedule.

FIRE BOARD REPORT

Mr. Klinger told Council there were no items to bring before it.

MAYOR'S REPORT

Mayor Miller reported that the Police Department assisted the state police with two sobriety checkpoints in the Borough. Also Officer Hennessy and Moro attended the Sportsmen show and First Friday. Mayor Miller told Council that the Department has been awarded a \$10,000 grant for new portable radios.

Mayor Miller thanked the members of the Recreation Board, his wife and Mrs. Clark for their help with the Sportsmen Show that was very successful and plans are underway for next year's event.

POLICE CHIEF'S REPORT

Chief Osman asked Council if there were any questions regarding his written report.

Chief Osman asked Council for approval for the Towanda Fire Department to hold its annual Halloween Parade on Saturday, October 30. PennDOT requires a letter from the municipality approving the closing of Main St. for the parade.

Mrs. Clark made a motion seconded by Mr. Kovalcin to approve the request of the Towanda Fire Department to hold its Halloween Parade on Saturday, October 30, 2010 on Main St. and to provide the required documentation to PennDOT. Motion carried.

POLICE COMMITTEE REPORT

Mrs. Miller said there were no items to bring before Council.

CODE ENFORCEMENT REPORT

Mr. Haight reported that the 402 Second St. property is going to be rebuilt after the fire damage. He also reported that the Wilson estate property on William St. has not been settled yet. The first potential buyer backed out of the deal but there is another prospective buyer and he said he was going to meet with him tomorrow.

Mr. Frawley said he was lead to believe that the first buyer was ready to sign and then just learned a couple of days ago that the sale fell through. He said that Council has been very lenient with regard to this situation and it does have the authority to impose fines and even have the property torn down. He also noted that if Council does take strong action in this case it must make sure that everyone is treated the same in cases like this. He recommended that the estate be given another 2 or 3 weeks to address the issue. Mr. Haight said he felt they have been given enough time and something needs to be done now. He said it either needs to be sold or we go after the estate every day with a fine. Mrs. Clark noted that even if a sale is pending it is going to take at least 30 days to close. Mr. Frawley suggested writing another letter to the attorney representing the estate giving the Borough's concerns and giving them two weeks to come up with concrete solution and to authorize the Code Enforcement office to initiate action in the form of fines if it deems necessary.

Mrs. Clark made a motion seconded by Mrs. Miller to authorize the solicitor to write a letter to the attorney representing the Wilson estate about the Borough's concerns with the property and giving them 2 weeks to answer the Borough's concerns and to authorize the Code Enforcement office to issue fines if necessary. Motion carried.

Mr. Kovalcin also noted that the Borough should take more aggressive action with the maintenance of some of the properties in the Borough.

BCVMPA

Mr. Frawley reported to Council that he has drafted an agreement between the Borough and the BCVMPA and it has been reviewed and discussed with the committee and the Association's attorney. He said a couple of minor changes were suggested.

Mr. Joe Doherty, BCVMPA, told Council that he and other association officers have read the proposed agreement and are ready to sign it. He also stated that he had prepared an addendum to the agreement that he asked Council to consider. It involves some changes and ideas with regard to the collection of monies consider as "petty cash." He said the association feels that any monies under \$25 would not require a signed receipt but be recorded by the association and deposited accordingly. He said a receipt would be written if asked for by the donor. He said the association is ready to sign the agreement even if the "addendum" is not incorporated into the agreement.

Mr. Doherty submitted to Council a list of officers with addresses and phone numbers. Also he submitted a list of donations made so far that the association is aware of. He said there may be more that were sent directly to the Borough. He also gave Council a copy of a letter that has been drafted to send to veterans organizations soliciting funds for the project. He asked Council for permission to send out the solicitation letter.

Mr. Frawley said he felt the committee should look at the proposed addendum and determine if all or any of it wants to be incorporated into the agreement and they should determine whether to make a distinction regarding petty cash and then hopefully have an agreement ready to present to Council at the November meeting.

Council directed the association to wait until after the November council meeting to send out the solicitation letter to veteran's organizations.

Mr. Christini asked Council its thoughts on the petty cash issue.

Mrs. Clark said she felt a \$20 or \$25 donation does not require a written receipt. She said if people write a check they have a record and if someone requests a receipt it would be provided. Mr. Frawley said if you are going to treat under \$20 differently, they are not going to get that money back and they need to know that. He said they should be given a written notice at the time of the donation so they can't complain. He also asked Council to direct the committee meet with the association in the hopes of having a final agreement ready for the November council meeting.

Mr. Doherty said he has also set up Paypal so that anyone who goes to the association's website can donate via Paypal and the money will be deposited into our bank. He said these deposits will be recorded monthly and distributed to the Borough. He asked Council if it wanted him to take Paypal off the website until after the agreement is signed by both parties. Council did not see a problem with keeping it open.

Mrs. Clark made a motion seconded by Mr. Kovalcin to set a limit of \$25 for the "petty cash" collected by the association and directing the committee to meet and finalize the agreement for consideration at the November council meeting. Motion carried.

PUBLIC WORKS REPORT

Mr. Kovalcin said the items have already been discussed.

BOROUGH MANAGER'S REPORT

Mr. Fairchild reported on the following items:

- Representatives of Monroe Borough attended the Finance/Administrative Committee meeting along with Chief Osman to discuss the possibility of part time police service to Monroeton. Mr. Fairchild said he would like to meet with the Committee this week to discuss the issue and prepare a draft proposal. It was agreed to meet Wednesday, October 6th at 7 p.m.

Mr. Christini said as a Council we need to keep in mind the residents of the Borough of Towanda and what is best for them in this proposal.

- Memo from PSAB regarding HB 1231 that is to be considered soon. This bill would amend the PA Workers Comp Act to consider any kind of cancer contracted by paid or volunteer firefighters as an occupational disease. Association is inviting Council members to contact the state Senator's office with any comments.

- Bargaining with the Teamsters and the Police Department is continuing. A partial arbitrator has been hired for the Borough and he is suggesting a meeting sometime in October. More on this later.
- Kelly Bradley has agreed to coordinate the Hometown Hero's Banner Program in the Borough for the next year. The existing banners will come down after Veterans Day. These will be given to the families along with a commemorative CD produced by a school student. Many thanks to Kelly for a great job.
- Budget meeting being suggested for Wednesday, October 27th at 5:15 p.m.
- Chief Roof reported there might be an interested buyer for the old Engine-4.
- In 2008 the Police Pension Fund decreased in value. The actuarial valuation was based on what that plan was worth on 1/1/09. The plan, based on this, will require some additional financial contribution. The Police Pension Committee met in September and discussed it. It was the consensus of the Committee that the officers will once again be asked to contribute to the fund but also the Borough would need to contribute a significant amount—either \$21,000 or \$28,000 approximately. To be discussed at the budget meeting.
- State announced a possible \$5 million in RCAP monies for Towanda Borough's downtown. That money was premised on a project we proposed to fill the 400 Main St. block. To secure the money a preliminary application needs to be submitted. To that end we advertised for proposals to be submitted by September 29. Received 3 proposals from developers. One from Trehab for a mixed use commercial/retail on the first floor and dwelling units and a parking garage to the rear. Another was for a hotel which was submitted by a group named Hine Turner. The proposal is to develop a Wilmot Hotel with a parking garage. The third is a mixed use development (commercial/retain/apartments and a parking garage). These need to be reviewed and analyzed. Suggested Council appoint a committee to review the applications and bring recommendation to Council at the November meeting. Suggested Mr. Christini, Tony Ventello and himself and invited any other Council member. Also invite a downtown business person to be on the committee. Henry Dunn's name was offered.

Mrs. Clark said Mr. Dunn would be a good choice.

Mr. Klinger made a motion seconded by Mrs. Miller to appoint a committee of Mr. Christini, Mr. Fairchild, Mr. Ventello and a downtown businessperson to review the proposals for the 400 Main St. block redevelopment and to make a recommendation to Council at the November meeting. Motion carried.

- Recommend rejecting street sign bids that were opened last month. The specs for the lettering need to be tightened up—don't want any signs that contain paint or ink because they will fade easily.

Mrs. Miller made a motion seconded by Mr. Kovalcin to authorize the Borough Manager to re-advertise the bid for street signs and for bids to be opened at the November Council meeting. Motion carried.

Mr. Fairchild noted that last month Gordon Ford resigned as the Borough's Emergency Management Coordinator. Bill Manville has volunteered to serve in this capacity. He asked Council to appoint Mr. Manville.

Mrs. Miller made a motion seconded by Mr. Klinger to appoint, by resolution, **William Manville** as Towanda Borough's Emergency Management Coordinator. Motion carried.

The Council was polled and the vote recorded as follows:

AYE: Kovalcin, Miller, Clark, Klinger, Christini
NAYE: None

Resolution 2010-12 carried.

FINANCE

Mr. Klinger made a motion seconded by Mr. Kovalcin to approve payment of the bills for the Towanda Borough General Fund and special Borough funds as listed on the "List of Bills." Motion carried.

PLANNING COMMISSION REPORT

Mr. Christini said the Commission did not meet but there are a couple of items that need to be addressed and he said he would talk to the chairman about them—updating of the Borough codes and the issue of the swimming pool setback.

OTHER BUSINESS

Mrs. Guerin asked Council again if she had its permission to hold the 5K run on the Merrill Parkway.

Mrs. Miller made a motion seconded by Mr. Kovalcin to approve the request of Karen Guerin to hold a 5K run on the Merrill Parkway on Saturday, November 27, 2010 and to close the Parkway from the Court House to GTP from 8 am to 12 noon. Motion carried.

Mayor Miller reported to Council that Mike and Kelly Flynn, Bradford B&B Inn, donated exercise equipment to the Police Department. Council directed the Borough Secretary to write a letter thanking the Flynn's for their donation.

ADJOURNMENT

Mr. Kovalcin made a motion seconded by Mrs. Miller to adjourn. Motion carried. Meeting adjourned at 8:20 p.m.

Borough Secretary

November 1, 2010

Towanda, Pa.

The regular monthly meeting of the Towanda Borough Council was held on Monday, November 1, 2010 at the Municipal Building, 724 Main St. The meeting was called to order at 7:04 p.m. by Council President Mark Christini followed by a moment of silent prayer and the reciting of the Pledge of Allegiance. The roll was called and recorded as follows:

PRESENT: Shannon Clark, Mark Christini, Rex Klinger, William Kovalcin, Robert McLinko, Jean Miller,

William Roof

ABSENT: Keith Long, Paul Sweitzer

CITIZENS TO BE HEARD

Joe Doherty, BCVMPA told Council he was in attendance to sign the agreement between the Borough and the BCVMPA. He also related to Council that when the committee met they also discussed having himself and or members of the committee go to the County Commissioners and ask them if they would partner with the Borough on the upkeep of the memorial

Mr. Christini reported that the committee felt that since the memorial is a Bradford County memorial that the Towanda Borough taxpayers should not be burdened with the upkeep of the memorial and maybe the County would be willing to consider helping maintaining the site.

Mr. McLinko said he didn't think it would need much maintenance and the Borough mows the area anyway. He said maybe some volunteer organizations would help too.

Mrs. Clark said she felt the Borough should include the County and ask them to partner with us.

It was decided that Mr. Doherty would speak to the commissioners and members of the committee were invited to attend the commissioner's meeting also.

Mr. Christini asked Council if it was ready to vote to approve the agreement with the BCVMPA.

Mr. McLinko made a motion seconded by Mr. Klinger to authorize the council president to sign the agreement between the Bradford County Veterans Memorial Park Association and Towanda Borough. Motion carried.

TRICK/TREAT

Mrs. Clark said she had received several requests asking if York Avenue could be shut down next year for Trick or Treat. The traffic was really bad on the Avenue and the potential for someone getting hurt is very real.

It was suggested that the fire police be asked to help control traffic and to check with PennDOT about the possibility of closing York Avenue. Mr. Christini noted Council would look into this next year in August.

STREET SIGNS BID OPENING

Mr. Fairchild noted that the County will reimburse the Borough to replace all its non-compliant street signs. Last month bids were received and opened but found some issues with the specs and Liquid Fuels forms so the project was re-bid. Mr. Fairchild opened and read the bids received as follows:

| | | <u>BASE BID</u> | | | | | <u>OPTIONAL</u> | <u>BIDS</u> |
|---|---------------------|--------------------|--------------|----------------|----------------|-----------------|-----------------|---------------|
| | 293 | 14 | 158 | 158 SINGLE | 158 DOUBLE | TOTAL | 158 BLACK | 158 |
| <u>COMPANY</u> | <u>STREET SIGNS</u> | <u>ALLEY SIGNS</u> | <u>POSTS</u> | <u>BRACKET</u> | <u>BRACKET</u> | <u>BASE BID</u> | <u>POSTS</u> | <u>FINALS</u> |
| BRADCO SUPPLY RD 1 BOX 143-1 TOWANDA, PA | 6226.25 | 335.86 | 3790.42 | 1848.60 | 1848.60 | 14,049.73 | 4242.30 | NO BID |
| CPC PO BOX 54091 JACKSON MS | 7899.28 | 377.44 | 5476.28 | 1856.50 | 1854.92 | 17,464.42 | 9426.28 | 1540.50 |
| GARDEN STATE HIGHWAY PROD. INC 1740 E OAK RD VINELAND, NJ | 6481.16 | 324.94 | 5721.18 | 1777.50 | 1777.50 | 16,082.28 | 12041.18 | 5925.00 |
| HALL SIGNS INC. 4495 W VERNAL PIKE BLOOMINGTON, IN | 6065.10 | 289.80 | 4504.58 | 1501.00 | 1501.00 | 13,861.48 | 5326.18 | 6250.48 |
| NEWMAN SIGNS INC PO BOX 1728 JAMESTOWN, ND | 6333.10 | 308.02 | 4313.40 | 1853.34 | 1853.34 | 14,661.20 | NO BID | NO BID |
| ROCAL INC 3186 COUNTY RD FRANKFORT OH | 8157.12 | 389.76 | NO BID | NO BID | NO BID | | NO BID | NO BID |
| | | | | | | | | |
| | | | | | | | | |

Mr. Fairchild said he would like to review the bids and if possible award the bid tonight. Mrs. Clark suggested awarding the bid to Bradco because they are local and can get the items to us quicker. Mr. Fairchild noted that the law requires the Borough to award to the lowest responsible bidder. He said the length of time to get the items could be considered under “responsible”.

Mr. Christini asked if the County will pay for the black posts and Mr. Fairchild said he did not think either the County or PennDOT cares about the sign posts. He said the black vs. silver is a local decision. Mr. Christini asked who pays for the post and Mr. Fairchild said the County through the reimbursement.

Mr. Fairchild noted that Bradco bid calls for using a “U” channel instead of a square. He also noted that the Borough can just use the black posts and finals in the downtown area.

Mr. Christini asked Council if it had any opinion on the “u” channel bracket vs. the square. The consensus of Council was the square in black. Mr. Fairchild also noted that the bid from Hall does not include the hardware for the breakaway—it is additional. He said Bradco has the base bid but

they are bidding the “u” channel. He suggested Council award the base bid to Bradco and then work on the black posts with Bradco.

Mrs. Clark made a motion seconded by Mr. Klinger to award the street signs base bid to **Bradco Supply Inc.** and negotiate with regard to the black square posts for the downtown area. Motion carried.

APPROVAL OF PREVIOUS MONTH'S MINUTES

Mrs. Clark made a motion seconded by Mr. Kovalcin to approve the minutes of the October meeting as presented. Motion carried.

FIRE CHIEF'S REPORT

Chief Roof reported that there have been 126 calls to date this year. He also told Council that the tower would have to be certified before the end of the year.

FIRE BOARD REPORT

Mr. Klinger said there were no items to come before Council.

MAYOR'S REPORT

Mayor Miller reported that the Department hosted a Chiefs' meeting during the month. Also the department has been awarded a new DUI grant for 2010-11 and the K-9 Unit assisted Athens Borough police with a search for a suspect.

POLICE CHIEF'S REPORT

Chief Osman reported that the department did a street light check through the Borough and reported to Penelec the malfunctioning lights. He noted that the department is still looking for a replacement vehicle for the K-9 Unit.

Chief Osman also reported that the department was awarded a \$10,000 grant for the purchase of new radios. He asked Council for authorization to obtain quotes for their purchase.

Mr. Christini asked if that will need to be bid out and Mr. Frawley said he would check. Mr. Fairchild asked the Chief if he had the award contract and Chief Osman said yes. Mr. Fairchild said that should be checked to see what it requires. Mr. Fairchild also noted that if the price is between \$4000 and \$10,000 three phone quotes are needed and if over \$10,000 it has to be bid unless purchased through the state's cooperative purchasing program.

Mr. Frawley said the general rule is you have to advertise for bids for anything that exceeds \$10,000.

Mrs. Miller made a motion seconded by Mr. Klinger to authorize the Police Chief to seek quotes for new radios to be purchased through a grant awarded to the Department in the amount of \$10,000. Motion carried.

POLICE COMMITTEE REPORT

Mrs. Miller said there were no issues to bring before Council.

Ms. Harris asked the committee about its scheduled meeting in November which falls on Thanksgiving when they would like to meet. It was decided to wait until later in the month to see if a meeting was necessary.

CODE ENFORCEMENT REPORT

Mr. Haight reported that the property at 402 Second St. is being rehabbed. He also noted that a new home is being built at the corner of 3rd and Huston St. where the Hawke residence used to be.

Mr. Haight reported that during the month two second inspections were conducted on a couple of rental units.

PUBLIC WORKS/CODE ENFORCEMENT REPORT

Mr. Kovalcin said the items have been previously covered.

BOROUGH MANAGER'S REPORT

Mr. Fairchild reported on the following items:

- Discussion of Council regarding various Borough fees that it charges for services. Looked at Sayre, Athens, North Towanda, Mansfield, Code Inspections and others and have come up with suggested proposed new fees list.

Mr. Frawley said when reading the information it seemed like it was being suggested that Council modify the ordinance by resolution which cannot be done. He suggested Council authorize him to prepare an ordinance as suggested and he would continue to research it and if it cannot be done it will not be advertised.

Mr. Fairchild said that was not what he was suggesting. He said right now there are several of these fees that are established by ordinance, some are not. He said those that are established by ordinance, we need to establish an ordinance to rescind these fees and in the same ordinance authorize Council to establish all the fees, from time to time, by resolution. This way an ordinance would not be necessary.

Mr. Frawley said he would prepare a draft ordinance and check into it and if okay advertise it for adoption at the December meeting.

Mr. Christini asked when this is completed will the individual fees be in the code book and Mr. Fairchild said no. They will be listed at the office.

Mr. Kovalcin made a motion seconded by Mrs. Miller to authorize the Borough Solicitor to draft an ordinance to rescind the present fees that are established by ordinance and authorize Council to establish all Borough fees by resolution and to advertise said ordinance for consideration at the December 6, 2010 meeting. Motion carried.

- NTSWA has asked for a sticker price increase from \$2.50 per sticker to \$2.60 per sticker. This is in accordance with the contract. First price increase in 2 years.

Mr. Kovalcin said it was his understanding that the Borough could not refuse this increase and Mr. Fairchild said that is right because it meets the language in the contract.

Mrs. Clark noted that Towanda Township pays less for their stickers. Mr. Fairchild said the Borough does receive a surcharge for the garbage pickup which is why there is a difference in sticker price. That money is used for Spring Cleanup, maintenance of the old landfill, etc. He also noted that the Borough has a free curbside recycling program that NTSWA does for us.

Mrs. Clark said he felt if Council could deny the cost increase it should and Mr. Fairchild said it really can't because the increase is in accordance with the CPI. Mrs. Clark asked when was the contract up and Mr. Fairchild said the end of this year and then it goes year-to-year. He said there is a 90 day notification period if either party wants to terminate the contract.

Mr. Kovalcin said the sticker price affects everyone, not just property owners, and is a fairer way to collect the garbage.

Mr. Christini asked what is needed tonight and what are our options next year. Mr. Fairchild said the Borough has an exclusive garbage contract—only one hauler allowed. Mrs. Clark asked why? Mr. Fairchild said so the Borough can control the flow of garbage and we do derive some revenue from it. Mr. Christini said if you have more than one provider the cost will go up for both because they would not have as many customers each.

Mrs. Clark suggested that this issue be brought up earlier next year so it can be discussed thoroughly. Mr. Fairchild said you would need to advertise for bids. Mr. McLinko said it should be bid. Mr. Christini said it will be put on the calendar to be discussed next July.

Mayor Miller asked about the fuel and why it hasn't been bid lately. Mr. Fairchild said it could be bid.

Mrs. Miller made a motion seconded by Mr. Roof to approve the request of NTSWA for a 10 cent increase in the garbage sticker price from \$2.50 per sticker to \$2.60 per sticker. Motion carried with Mrs. Clark, Mr. McLinko and Mr. Klinger voting no.

Mayor Miller again brought up the subject of bidding for fuel. Mr. Kovalcin asked if all the vehicles used 87 gasoline and not premium and Mrs. Miller said the police use regular. Mr. Kovalcin said it was brought to his attention that some vehicles are using premium gas and Mr. Fairchild said he would check into it.

Mr. Fairchild noted that our fuel contract is with Williams and we pay 7 cents over his tank wagon price. The last time we bid it he said "we shot ourselves in the foot" because we were paying 6 cents. It is a question of whether you want to maybe end up paying more or maybe less. Mrs. Miller noted that fuel has gone up considerably since we entered into the contract with Williams and Mr. Fairchild said that is why we have not gone out for bids. Same goes for our garbage contract he noted.

- Budget work session held. Discussion with respect to the General Fund was to keep it on a positive cash flow and propose a small real estate tax increase of about 3% which would raise the millage from 14.56 to 15. The total budget was not complete but another work session will be scheduled in a couple of weeks.
- Announced in July by the Governor's office that Towanda Borough may have an opportunity for \$5 million in RCAP money for a downtown project. This was prompted from a presentation made in 2007. We need to try to secure an award letter for a project. Developed an RFP for proposals and advertised it and received three proposals. Committee established including Henry Dunn, Tony Ventello, Mark Christini and Mr. Fairchild who reviewed the proposals in detail. One was for a 7-story hotel with an attached parking garage at \$22.5 million. Another was from Impact PA for a 4-story mixed use—commercial on the first floor, upper three floors would be 39 one-bedroom apartments with an attached parking garage to the west of the property for just under \$11 million. The third proposal was from Trehab for a 4-story mix used building with commercial on the first floor with possible offices and/or apartments on the second floor and two-bedroom and one-bedroom apartments on the third and fourth floor. These would be affordable apartments and some market rate apartments. This proposal also includes a parking garage to the west. The committee felt the proposal from Trehab best fits the needs of the Borough. The cost of this proposal was \$17.3 million. The committee would like to recommend that Trehab be designated the developer for the project for the purpose of RCAP funding.

Mrs. Clark made a motion seconded by Mr. Klinger to appoint Trehab Inc. as the designated developer for the purposes of the RCAP funding for the 400 Main Street Redevelopment Project.

Mr. McLinko asked where is the rest of the money coming from and Mr. Fairchild said Trehab will borrow money. The idea is that Trehab would own the building and the Borough or a parking authority would own the parking garage.

Mr. McLinko asked about the drainage under that property and Mr. Fairchild said that will be part of it and it will be taken care of.

Mr. McLinko asked if Trehab was going to buy the property from the Borough and Mr. Fairchild said that remains to be seen. We could end up leasing the property to Trehab. The details have to be worked out but right now we need to identify a preliminary project and get the information to Harrisburg so we can nail down the \$5 million.

Mr. Christini said the \$5 million from Harrisburg will pave the way for private investment in our downtown and will lead to tax revenue for the Borough. He said it is a win/win situation for the Borough.

The motion carried with Mr. McLinko voting no.

BOROUGH SOLICITOR'S REPORT

Mr. Frawley reported that he had drafted a letter regarding the Wilson Estate property.

FINANCIAL REPORT

Mrs. Clark made a motion seconded by Mrs. Miller to pay the bills for the Towanda Borough General Fund and special Borough funds as listed on the "List of Bills". Motion carried.

UNION COMMITTEE REPORT

Mr. Fairchild said there was nothing to report at this time.

PLANNING COMMISSION REPORT

Mrs. Clark said the Commission will be working on the revisions to the Borough codes. She said the Commission discussed a request from the Code Enforcement Office to consider a change to the ordinance regarding apartment inspections which would allow apartment inspections to be waived if successfully done within the previous 6 months. This was recommended to Council. She said a request from the Code Office to remove the 3-year mandatory inspection requirement for apartments that tenants have not changed was tabled for further discussion.

Also the Commission is recommending to Council it amend the code regarding the setback requirements for in-ground and above ground pools and to clarify the definition of "permanent and "above-ground" swimming pools.

Mr. Christini reiterated the recommendations of the Planning Commission to Council as follows: 1) with regard the apartment inspections, if you have a good one you don't need to have it inspected again if under 6 months since the last inspection when a new tenant moves in. 2) Change setbacks on the swimming pools to be 10 ft. instead of 20 ft. and that the above-ground pools have the same setback as accessory structures and 3) to remove the word portable and define above ground pools as no more than 2 feet in height nor more than 15 ft. in length.

Mr. Haight said he did not agree with the present code that state inspections have to be done every three years for apartments that tenants have not moved. He said the Code Office does not want to go into someone's residence that is occupied. There is a liability issue involved.

Mr. Christini asked Council if it wished to make any motions regarding the recommendations from the Planning Commission.

Mrs. Clark made a motion seconded by Mr. Klinger to authorize the Solicitor to prepared and advertise amendments to the Borough Code dealing with setback requirements for above-ground and in-ground pools and to change the description of swimming pools with the removal of the word "portable" for consideration at the December council meeting. Motion carried.

Mrs. Clark made a motion seconded by Mr. Kovalcin to amend the Borough code to waive apartment inspections if successfully done within the previous 6 months. Motion carried.

Mr. Christini asked Council for comments or suggestions regarding the request from the Code Enforcement Office to relax or remove the 3 year maximum on inspections of occupied rentals.

Mrs. Clark said she felt we should act on the request from Mr. Haight and Ms. Wells.

Mr. Klinger made a motion seconded by Mrs. Clark to amend the Borough code to remove the 3 year maximum requirement for mandatory occupied apartment inspections. Motion carried with Mr. Christini voting no.

RECREATION BOARD REPORT

No meeting.

Mr. Frawley told Council that he felt the word "tenant" should be described clearly in ordinance regarding apartment rentals.

Mr. Frawley said the 400 Main Street Redevelopment Project will need to be bid even though Council has designated a developer.

Mr. Klinger made a motion seconded by Mrs. Miller to authorize the Solicitor to prepare and advertise for consideration at the December meeting the four (4) changes to the Towanda Borough Code previously approved by motions. Motion carried.

Mr. Haight asked about the 410 William St. property. He said we have an agreement of sale with the new owners and they will go forward with renovations. Mr. Frawley said he prepared a letter to the attorney for the Wilson Estate regarding the situation.

Mrs. Clark made a motion seconded by Mr. Klinger to authorize the Solicitor to send the letter to the attorney for the Wilson estate. Motion carried.

ADJOURNMENT

Mrs. Clark made a motion seconded by Mr. Klinger to adjourn the meeting. Motion carried. Meeting adjourned at 9:10 p.m.

December 6, 2010

Towanda, PA

The regular monthly meeting of the Towanda Borough Council was held on Monday, December 6, 2010 at the Municipal Building, 724 Main St., Towanda. The meeting was called to order at 7:00 p.m. by Vice President Paul Sweitzer followed by a moment of silent prayer and the reciting of the Pledge of Allegiance. The roll was called and recorded as follows:

PRESENT: Mrs. Clark, Mr. Klinger, Mr. Kovalcin, Mr. Long, Mr. McLinko, Mrs. Miller, Mr. Roof,
Mr. Sweitzer

ABSENT: Mr. Christini

PUBLIC HEARING

Solicitor Frawley told Council that the proposed ordinances had been summarized in the newspaper. Three of the ordinances require a public hearing. He said the first advertised proposed ordinance deals with Borough fees. The ordinance will make it possible to set Borough fees by resolution instead of by ordinance.

Mr. Sweitzer asked if there were any questions or comments regarding the proposed ordinance. There were none.

Mr. Long made a motion seconded by Mr. Kovalcin to adopt, by Resolution 2010-13, Ordinance 2010-7 setting Borough fees by resolution.

The Council was polled and the vote recorded as follows:

YES: Sweitzer, Miller, McLinko, Roof, Clark, Klinger, Long, Kovalcin,

NO: None

Resolution 2010-13 carried.

Mr. Frawley said with regard to proposed ordinance 2010-8, it repeals Sec. 73-3(B) (5) and then adds a new Sec. 73-32 (B)(5) in which the change deals with height of in-ground pools.

Mr. McLinko said it does not address depth below ground and Mr. Frawley said that was correct. Talking about above the ground.

With regard to proposed Ordinance 2010-9, Mr. Frawley said it relates to Sec. 73-32 (3) (b) which repeals the current subsection and states "in ground swimming pools may be erected only in rear yard of such structures and shall be at a distance not less than 10 feet from any rear lot line nor less than 10 feet from any side yard...."

Mr. Sweitzer asked if there were any more questions regarding the proposed ordinances. There were none.

The Public Hearing was closed at 7:12 p.m.

Mr. Long made a motion seconded by Mrs. Miller to adopt, by Resolution 2010-14, Ordinance 2010-8 as advertised.

The Council was polled and the vote recorded as follows:

YES: Sweitzer, Miller, McLinko, Roof, Clark, Klinger, Long, Kovalcin,

NO: None

Resolution 2010-14 carried.

Mr. Long made a motion seconded by Mrs. Miller to adopt, by Resolution 2010-15, Ordinance 2010-9 as advertised.

The Council was polled and the vote recorded as follows:

YES: Sweitzer, Miller, McLinko, Roof, Clark, Klinger, Long, Kovalcin,
NO: None

Resolution 2010-15 carried.

Mr. Frawley noted that the last proposed ordinance for Council to consider is Ordinance 2010-10 which deals with rental property inspections. The proposed ordinance states that "scheduled through the Borough Code Enforcement Office a date a time for inspection of a rental dwelling unit whenever a change in tenants occur unless a satisfactory inspection has been completed within the previous 6 months in which case the inspection may be waived at the discretion of the Code Enforcement Officer..."

Mr. Sweitzer asked if there were any questions regarding the proposed ordinance.

Mr. Long made a motion seconded by Mrs. Clark to adopt, by Resolution 2010-16, Ordinance 2010-10 as advertised.

The Council was polled and the vote recorded as follows:

YES: Sweitzer, Miller, McLinko, Roof, Clark, Klinger, Long, Kovalcin,
NO: None

Resolution 2010-16 carried.

Mr. Frawley then referenced proposed Resolution 2010-17 which sets the rates for the Borough fees by resolution. He asked Council to also include the fee for a permit for alcoholic beverages in public places. It has been \$10 and now setting it at \$25. It was inadvertently left off the list. He asked Council to consider its adoption.

Mr. Long made a motion seconded by Mrs. Miller to adopt Resolution 2010-17 setting Borough fees by resolution and including the fee for a permit to allow alcoholic beverages in public places for special events.

The Council was polled and the vote recorded as follows:

YES: Sweitzer, Miller, McLinko, Roof, Clark, Klinger, Long, Kovalcin,
NO: None

Resolution 2010-17 carried.

PRESENTATION OF AMERICAN FLAG

Mr. Fairchild told Council that the flag the Borough has been given came off the casket of Gus Spentzes who was one of the Borough's favorite sons. Mr. Mike Brutzman was to have brought it to the Borough at the request of the Spentzes' family but Mr. Brutzman has since died so his widow gave it to Mr. Haight to give to the Borough. He said he would like to fly it over the Municipal Building and asked Council to approve it.

Mr. Klinger made a motion seconded by Mr. Kovalcin to honor Mr. Gus Spentzes by flying the American flag that covered his casket over the Municipal Building. Motion carried.

CITIZENS TO BE HEARD

Mr. Joe Doherty, BCVMPA, told Council that with regard to the clay bricks for the memorial walk, it was decided to go with granite bricks which cost three times as much as brick but hold up much better. He said the Association has decided to sell them for \$50 each. He said there is the potential to sell 10,000 bricks. He said we need to market these bricks and we need a brochure which he said he will be working on getting done as soon as possible.

Mr. Doherty told Council that Sen. Gene Yaw is looking into a state grant for the project—possibly \$200,000 but we only have a two week window to get the grant application filed. He said if we are successful in getting the grant it would pay for the design and the walkway.

Mr. Frawley asked if funds were available to do advertising and Mr. Fairchild said he did not think so at this time. Mr. Fairchild said the Borough can help get the word out via the website and community bulletin board.

Mr. Sweitzer thanked Mr. Doherty for his update.

Rick Lewis, Poplar St., addressed Council with his concerns regarding the 3% increase in real estate taxes for 2011 and the increase in salaries for management. He said the proposed increases are out of site and uncalled for. He asked how can this be justified. He asked Council to seriously look at the real estate tax rate. He asked why are the crews short of help? He said the present crews are overworked and if we have this kind of money why are these people not being replaced on the crews. He said he is not saying that these people don't deserve a raise but the percentage is too much. He asked Council to carefully consider this before passing the final budget.

Mr. Sweitzer thanked Mr. Lewis for his comments.

APPROVAL OF MINUTES

Mrs. Clark made a motion seconded by Mrs. Miller to approve the minutes of the November meeting as presented. Motion carried.

FIRE CHIEF'S REPORT

Chief Roof said he did not have a written report at this time but there have been 137 calls to date this year. He also reported that everything was running well in the department.

FIRE BOARD REPORT

Mr. Klinger said there was nothing to bring before Council.

MAYOR'S REPORT

Mr. Miller was not in attendance at this time.

POLICE CHIEF'S REPORT

Chief Osman reported that Officers Epler and Lantz did an outstanding job with a large drug arrest during the past month. He also reported that the department participated in a DUI Roving Patrol in the Borough. Officer Hennessy and K-9 Moro were busy during the month and he reported that he is still looking for a new K-9 vehicle.

Mr. McLinko asked about the new radios and Chief Osman said they have been ordered.

POLICE COMMITTEE REPORT

No meeting.

CODE ENFORCEMENT REPORT

Mr. Haight asked Mr. Frawley if the amendment to the rental property inspection ordinance included the removal of the 3 year mandatory inspections. Mr. Frawley said he would have to look at it and see.

Mr. Haight reported that the moratorium on sprinkler systems will be lifted and they will be required in all new home construction.

Mrs. Clark said she did not think that the clause Mr. Haight was asking about was in the amendment to the ordinance. Mr. Frawley asked Council to direct him to advertise the change if it was not in the present ordinance.

Mrs. Clark made a motion seconded by Mr. Klinger to direct the Solicitor to prepare and advertise an amendment to the rental property ordinance eliminating the mandatory 3-year inspection of occupied rental units for consideration at next month's meeting. Motion carried.

Mr. Haight said with regard to the Meredith Wilson Estate property, it has been sold and we are in the process of getting in touch with the new owner. Mr. Haight reported that a permit was issued for 402 Second St. and it is under construction with probably 80% completed.

CODE ENFORCEMENT COMMITTEE REPORT

No meeting.

PUBLIC WORKS COMMITTEE REPORT

No meeting. Mr. Fairchild noted that there is a written Public Works report each month that is distributed to Council.

BOROUGH MANAGER'S REPORT

Mr. Fairchild reported on the following items:

- \$300 million tax exempt bond issue that the BCPA is facilitating on behalf of Guthrie. Guthrie operates in 4 counties in Pennsylvania and 6 in New York and has asked the Authority to do this. Since the Borough is one of the 4 enabling municipalities we are being asked to adopt a resolution (copy in packets) authorizing the issuance of the bonds. Solicitor has reviewed this resolution.

Mr. Frawley said he reviewed the document and spoke to a bond counsel and they indicated they did not see a problem with it. He said he made a couple of minor changes in the resolution and Guthrie's legal department had no problems with it.

Mr. Long made a motion seconded by Mr. Kovalcin to approve Resolution 2010-18 regarding the bond issue for Guthrie.

The Council was polled and the vote recorded as follows:

YES: Sweitzer, Miller, McLinko, Roof, Clark, Klinger, Long, Kovalcin,

NO: None

Resolution 2010-18 carried.

- 2011 proposed Borough budget. The draft proposed a 3% tax increase but the Finance Committee meet and looked at the General Fund again and has determined that the tax increase could be eliminated this year because of a relatively healthy fund balance. That proposed tax increase was removed from the 2011 budget. The \$15,276 that would be saved by not raising taxes would be applied against the revenue which would reduce the revenue by that amount and would reduce the estimated ending fund balance in the General Fund by that amount. Everything else as proposed would remain the same. The raises for management would stay as originally proposed. These raises would affect the Borough budget by \$6,345 and the sewer and water systems by \$10,315.

Mr. Sweitzer said the salary increases as compared to the net affect of the fund balance is minimal and he said he felt the Borough is almost three times better in our fund balance than we were 4 or 5 years ago.

Mr. Sweitzer called an Executive Session at 8:26 p.m. to discuss personnel.

The regular meeting was called back into order at 8:40 p.m. Mr. Sweitzer said personnel issues were discussed.

Mr. McLinko read a statement to Council regarding the proposed wage increases citing that senior citizens have not received a COLA in the last two years and many workers have not seen one either. He said many workers are happy to pay more of their health insurance and are grateful to have it. He said the unemployment levels are at an all time high and even though we have the gas companies that have kept our local unemployment down there is no guarantee this will be here forever. He said the salary increases proposed will be.

Mr. McLinko said if the management staff feels they are underpaid he suggested they resign and Council will form a search committee to replace them with qualified individuals that will gladly work for an honest wage.

Mr. McLinko asked if Mr. Fairchild did not request these increases who did? Mr. Sweitzer said the Finance/Administrative Committee felt the supervisory personnel had not gotten a raise and they were not kept up with the raises that were given to the non-supervisory personnel. Mr. Sweitzer said not one of the people being proposed a rate increase asked the Committee for one.

Mrs. Clark said she did not think these people demanded a raise.

Mr. Sweitzer noted that the committee meetings are open to the public and there is nothing hidden. These are open meetings.

Mrs. Miller said if there had been a tax increase she would not be in favor of the raises or vote yes for the proposed budget.

Mr. Long said he believes this is a win/win situation. We have some growth coming in Towanda and we need good people to run the show and part of retaining them is to pay them well. Their jobs are not going to get easier, they are going to get harder.

Mayor Miller arrived at 8:50 p.m.

Mrs. Clark said she felt that an 11% increase is too much at one time. She said she felt these people deserve raises but they should be done over a period of time not all at once.

Mr. Sweitzer asked for a motion to advertise the budget for public display and for a final vote at the year end meeting.

Mr. Kovalcin made a motion seconded by Mr. Roof to authorize the advertisement of the proposed 2011 Towanda Borough General Fund budget and special Borough funds with a final vote at the end of December. Motion carried with 5 yes and 3 no votes (Clark, Klinger, McLinko).

Council decided to hold its year-end meeting on Tuesday, December 28, 2010 at 5:15 p.m.

Mr. Fairchild reported that the police pension actuary has presented a report that was distributed to Council in September regarding the minimum municipal obligation to the police pension fund by the Borough in 2011. The amount is about \$79,000 and the state aid is projected at \$37,000. Up to 5% can be provided by the members and the remainder by the Borough, about \$26,900. This needs to be done by resolution—the 5% member contribution.

Mr. Fairchild noted that the Act 205 monies for 2010 was enough to pay the total required so the members can get their 3% contribution returned or held for them in reserve.

Mr. Long made a motion seconded by Mrs. Miller to approve, by resolution, a 5% member contribution to the Police Pension Fund in 2011.

The Council was polled and the vote recorded as follows:

YES: Sweitzer, Miller, McLinko, Roof, Clark, Klinger, Long, Kovalcin,
NO: None

Resolution 2010-19 carried.

SOLICITOR'S REPORT

Mr. Frawley reported that at the last regular meeting he indicated that the Wilson Estate had indicated they had an agreement of sale for the property and they were waiting for the buyer to receive an LLC and once that was received there would be a closing. He said he contacted the lawyer for the estate on several occasions and she has stated that the buyer is still waiting for the LLC.

Mrs. Clark said the LLC should have been done by now. She said you can get one in a few days.

Council directed the Solicitor to write another letter to the attorney for the Wilson estate concerning the delay.

Mrs. Clark made a motion seconded by Mr. Kovalcin to authorize the Council Vice President to sign the Borough fee resolution. Motion carried.

BOROUGH SECRETARY'S REPORT

Mrs. Harris asked Council to reappoint Paul Sweitzer to the Central Bradford Progress Authority board for a 5-year term. She said Mr. Sweitzer has agreed to serve again.

Mrs. Clark made a motion seconded by Mr. Kovalcin to appoint **Paul Sweitzer** to the Central Bradford Progress Authority board for a 5 year term beginning January 1, 2011. Motion carried.

UNION SUB-COMMITTEE

No date has been set for an arbitration meeting.

FINANCE COMMITTEE

Mr. Klinger made a motion seconded by Mrs. Miller to approve payment of the bills for the Towanda Borough General Fund and special Borough funds as presented in the "List of Bills". Motion carried.

PLANNING COMMISSION REPORT

Mr. Long said that Mrs. Lacek has resigned from the Commission. Mrs. Clark said Jimmy Lacek, Mrs. Lacek's son has requested consideration for the seat.

Mrs. Clark made a motion seconded by Mr. Kovalcin to appoint **Jimmy Lacek** to the Towanda Borough Planning Commission to fill the seat vacated by Ellen Lacek. Motion carried.

OTHER BUSINESS

Mr. Fairchild said that the \$200,000 grant through Sen. Yaw sounds promising. He said this grant could be used to pay for the parking lot, walkways, fencing, benches and design. It will not pay for the memorial park itself. He asked Council for authorization to submit an application.

Mrs. Clark made a motion seconded by Mr. Klinger authorize the Borough Manger to submit an application for \$200,000 and to authorize the appropriate Borough official to execute the documents. Motion carried.

Mr. Frawley said he talked to the County Commissioners about the Michaels property and they have indicated that they would support a grant through the CDBG to the Borough. Mr. Frawley said he is going to talk to the grants' coordinator tomorrow. He asked Council to authorize the filing of an application for this up to \$30,000.

Mrs. Clark made a motion seconded by Mr. Klinger to approve the filing of a CDBG in the amount of \$30,000 for the demolition of the Michael's property. Motion carried.

Mr. Frawley noted that the ordinance that was just passed tonight does cover the 3 year inspection of occupied rental units.

Mr. Sweitzer apologized to Mr. McLinko for being rude.

ADJOURNMENT

Mr. Kovalcin made a motion seconded by Mrs. Miller to adjourn the meeting. Motion carried. Meeting adjourned at 9:02 p.m.

Borough Secretary

December 28, 2010

Towanda, PA

A special meeting of the Towanda Borough Council was held on Tuesday, December 28, 2010 at the Municipal Building, 724 Main St., Towanda, Pa. The meeting was called to order at 5:20 p.m. by Council President Mark Christini followed by a moment of silent prayer and the reciting of the Pledge of Allegiance. The roll was called and recorded as follows:

PRESENT: Mrs. Clark, Mr. Christini, Mr. Klinger, Mr. Kovalcin, Mr. Long, Mr. McLinko, Mrs. Miller, Mr. Roof and Mr. Sweitzer

ABSENT: None

CITIZENS TO BE HEARD

Mr. Nick Farley was in attendance.

2011 REAL ESTATE TAX ORDINANCE

Mr. Christini said this is the first item on the agenda and the proposed real estate ordinance does not reflect a tax increase from 2010 millage rates. He asked Council for a vote.

Mr. Sweitzer made a motion seconded by Mrs. Miller to adopt, by resolution, Ordinance 2010-10 Real Estate Tax Millage for 2011.

The Council was polled and the vote recorded as follows:

YES: Miller, Roof, Clark, Klinger, Long, Kovalcin, Sweitzer, Christini

NO: McLinko

Resolution 2010-20 carried.

2010 SALARY RESOLUTION

Mr. Sweitzer made a motion seconded by Mr. Roof to approve Resolution 2010-21, 2011 Towanda Borough Salary Resolution.

Mr. Sweitzer asked if there were any questions concerning the resolution.

Mr. McLinko asked if the salary increases were included in the resolution and Mr. Sweitzer said yes.

Mrs. Clark said she had been contacted by numerous people who feel the increases are too high all at once. She said she did not dispute that the employees in question do not deserve raises but these are too high for a one time increase. She said the Borough is going to be paying for them one way or another, probably with a bigger tax increase next year.

Mr. Christini said the Borough's share of this increase is \$6300 a year and he said this is not a cost of living adjustment but a salary adjustment to meet competitive levels. Mr. McLinko asked competitive levels to what? Mr. Christini said to what we found in the survey that was done. Mr. McLinko asked what was found and Mr. Christini said he would be glad to explain it at a later time because it was discussed in September and October.

Mrs. Clark said there were no other borough managers who made \$80,000 a year. Mr. Christini said the survey showed that the top salary was over \$100,000 in northeastern Pa.

Mr. Klinger asked if there are two W-2's at the end of the year, one from the Borough and one from the Municipal Authority and Mrs. Clark said no—just one W-2—from the Borough.

Mrs. Clark said the residents of the Borough are not behind these increases.

The Council was polled and the vote recorded as follows:

YES: Roof, Long, Kovalcin, Sweitzer, Christini

NO: Miller, McLinko, Clark, Klinger

Resolution 2010-21 carried.

2011 TOWANDA BOROUGH BUDGET

Mr. Sweitzer made a motion seconded by Mr. Kovalcin to adopt by Resolution the General Fund Budget and special funds budget as presented which include no real estate tax increase.

The Council was polled and the vote recorded as follows:

YES: Roof, Long, Kovalcin, Sweitzer, Christini

NO: Miller, McLinko, Clark, Klinger

Resolution 2010-22 carried.

RACP GRANT RESOLUTION

Mr. Fairchild asked Council to authorize a resolution for the submittal of a RACP grant application for \$5,000,000 for the Downtown Revitalization Project. This is the project for the 400 Main St. block. Trehab has been selected as the project's "designated developer" but now we need to submit the application to secure the monies. This application has to be into the state by the end of the year. The application has been completed. The project would be for Trehab to construct a multi-use 4-story building fronting on Main St. The first floor would be commercial and the upper floors would be a combination of affordable and market rate housing and possibly office space. At the back of this building would be a parking garage serving the new building as well as creating more parking for the rest of the downtown. The Borough owns most of the land. The overall project is just over \$20,000,000 which would include the apartments which are RCAP ineligible. The RACP project would construct the parking garage and a shell building with an estimated cost of just over \$10,000,000. He said that C&N Bank is on board with this project.

Mr. McLinko asked if matching funds are needed from the Borough and Mr. Fairchild said no, Trehab would be responsible for the rest of the funding.

Mr. Sweitzer made a motion seconded by Mr. Klinger to adopt by resolution the submittal of the RACP grant application for \$5,000,000 for the Downtown Revitalization Project and to authorize the Council president to execute the necessary documents.

The Council was polled and the vote recorded as follows:

YES: Miller, Roof, Clark, Klinger, Long, Kovalcin, Sweitzer, Christini

NO: McLinko

Resolution 2010-23 carried.

PAYMENT OF YEAR END BILLS

Mr. Sweitzer made a motion seconded by Mrs. Miller to approve payment of the bills for the Towanda Borough General Fund and special Borough funds as present in the "List of Bills". Motion carried.

OTHER BUSINESS

Mr. Fairchild asked Council to approve by resolution the addition of the sign permit fee to the Borough fees resolution which was left off last month.

Mr. Sweitzer made a motion seconded by Mr. Kovalcin to add to the Borough's fee listing sign permits.

The Council was polled and the vote recorded as follows:

YES: Miller, McLinko, Roof, Clark, Klinger, Long, Kovalcin, Sweitzer, Christini

NO: None

Resolution 2010-24 carried.

Mr. McLinko noted that the public works wages for 2011 were in line with gas industry wages.

ADJOURNMENT

Mr. Sweitzer made a motion seconded by Mrs. Miller to adjourn. Motion carried. Meeting adjourned at 5:45 p.m.

Borough Secretary