

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 be 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 Lacek, 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.

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Borough Secretary