

The regular monthly meeting of the Towanda Borough Council was held on Monday, February 7, 2011 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: Mrs. Clark, Mr. Christini, Mr. Klinger, Mr. Kovalcin, Mrs. Miller
ABSENT: Mr. Long, Mr. McLinko, Mr. Roof, Mr. Sweitzer

BID OPENING FOR STREETScape PHASE 4 PROJECT

Mr. Fairchild noted this is a re-bid from last year where only one bid was received and was rejected for technical reasons. He said this part of the project will extend the walking trail in a couple of directions and provide street furniture (benches, bike racks, trash receptacles).

Mr. Fairchild introduced Ken Klingerman from PennDOT who was in attendance for the bid opening. PennDOT will be administering the grant for the project.

Boland's Excavating & Topsoil Inc.
1403 Milburn Drive
Conklin, NY 13748
Total Bid Price: 361,667.00
Glen O Hawbaker, Inc.
2801 Canfield Lane
Montoursville, PA 17754
Total Bid Price: 482,750.00
HRI, Inc.
PIO Box 3513
3576 West Fourth St.
Williamsport, PA 17701
Total Bid Price: 457,593.50
Pikes Creek Site Contractors
PO Box 211
Sweet Valley, PA 18656
Total 340,000.00

Mr. Fairchild said the bids will be referred to PennDOT and the engineer for review and recommendation at the March council meeting.

Mr. Christini asked what was the estimated cost for the project and Mr. Fairchild replied \$350,000.

CITIZENS TO BE HEARD

Joe Doherty, BCMPA, introduced members of the association to Council and also introduced Robert Eccleston, sculptor, who has made a design model of a possible sculpture for the park.

Mr. Eccleston gave a brief history of his background in sculpting. He said his purpose is to educate people who are going to visit the memorial, honor the men and women who the memorial is dedicated to and inspire people who go to the memorial to learn more about the subject. Mr. Eccleston explained his design to Council. He also explained to Council the process involved in making the actual 8 foot sculpture. He said it is called the "lost was" method. He said it takes about 14 months to complete the sculpture.

Mr. Doherty asked Council for approval to go ahead with the project and to pay the initial down payment.

Mr. Fairchild asked if there was an invoice and Mr. Doherty said he would e-mail it to Mr. Fairchild tomorrow.

Mr. Christini said as far as approval of the sculpture, he said he felt Council was blown away by it.

Mr. Fairchild noted that most of the project will have to be bid because it is a public project but the sculpture would qualify as a non bid because it is a piece of art and one- of-a-kind piece.

Mr. Doherty told Council that since the statue will be inside and under cover it will keep the maintenance costs down. Mr. Eccleston said the statue will need to be waxed every one or two years.

Mr. Christini said we need a copy of the invoice and follow the guidelines of the contract with the CVMPA and follow the Borough purchasing guidelines.

Mr. Doherty said the invoice for the model is \$3800 and this will be deducted from the first payment for the actual sculpture.

Mr. Frawley said he would like to look at the agreement before the payment is made. He asked if the payment will come from the grant monies and Mr. Fairchild said no, it will come from the monies that have been donated. Mr. Frawley said he still wants to review the agreement.

Mr. Fairchild reported that the grant is a \$200,000 DCNR grant that has to be used for the design (Phase 1) which has to do with the trail head and parking lot and the interconnecting sidewalk and any related design associated with these items. He said we do have a grant agreement from DCNR for Council's execution. When it is executed in Harrisburg and a copy sent back to us we can ask for part of the money. It is not related to the memorial park per say. The sculpture will have to be paid some other way—from donations.

Mr. Klinger made a motion seconded by Mrs. Miller to authorize the Borough Manager and the Solicitor to review and if approved, pay the initial invoice from Mr. Eccleston. Motion carried.

Mr. Fairchild asked Council to consider adopting Resolution 2011-1 approving the execution of the \$200,000 DCNR park grant agreement.

Mr. Klinger made a motion seconded by Mrs. Miller to approve Resolution 2011-1 regarding the execution of the \$200,000 DCNR grant agreement for the BCVMP. The Council was polled and the vote recorded as follows:

YES: Clark, Klinger, Kovalcin, Miller, Christini

NO: None. Resolution 2011-1 carried.

APPROVAL OF MINUTES

Mrs. Clark made a motion seconded by Mr. Kovalcin to approve the December 6, 2010 minutes as presented. Motion carried.

Mr. Kovalcin made a motion seconded by Mrs. Miller to approve the minutes for the December 28, 2010 special meeting as presented. Motion carried.

Mrs. Miller made a motion seconded by Mr. Kovalcin to approve the minutes of the January 3, 2011 meeting as presented. Motion carried.

FIRE BOARD REPORT

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

MAYOR'S REPORT

Mayor Miller reported that the officers gave a tour of the station to a Boy Scout troop during the month. Also, he told Council that Chief Osman was elected vice president of the Bradford Co. Chief's of Police Association and that the K-9 unit conducted a drug sniff at the Bradford Co. Correctional facility.

Mayor Miller thanked Chief Osman and his officers for all their help during his first year as mayor and for their cooperation in working out a new work schedule.

POLICE CHIEF'S REPORT

Chief Osman reviewed his written annual report to Council and asked if there were any questions regarding it.

Council discussed the scheduling of replacing police vehicles and Chief Osman noted that the SUV would be in line next to be replaced.

Mrs. Clark asked the Chief if the schools call requesting the K-9 unit and Chief Osman said it is on a random basis—no contract with any of the schools. He said that when the project was started, the Towanda school district donated to it.

Chief Osman reported that he looked into the parking issue at William and Chestnut that was brought up last month by a resident of that area. He said he spoke to the new tenants and also posted violations to look out for. He said the department has not received any complaints since then. He said the problem is tenant turnover and everyone has a vehicle and it is hard to find a place to park.

Mr. Christini asked if the possibility of a stop sign at William and Chestnut was discussed and Chief Osman said he felt it would be a good idea to put one there.

Mr. Frawley said that will be have to be done by ordinance if Council wishes it. It is a regulation.

Mrs. Clark made a motion seconded by Mr. Klinger to authorize the Solicitor to draft and advertise an amendment to the Borough Code installing a stop sign at William and Chestnut. The proposed amendment will be considered at the March council meeting. Motion carried.

Chief Osman commended the Borough road crew for a great job removing the snow from the Borough streets during the lasted storm.

Mr. Fairchild said he felt the snow emergency declaration could be changed. He said maybe making it whenever the snow exceeds 4 inches move the car to one side or the other. The amount of snow triggers the emergency.

Mr. Haight said the problem is there is no place for a person to move their vehicle too. He said we try to work with them.

Mr. Frawley, relating back to the Chief's annual report with regard to DUI's, said he was surprised at the ignorance of the general population of DUI law. He asked Council to consider exploring the possibility of approaching the school and having our officers talk to those who are of driving age and explain the DUI law. Mrs. Clark said she thought the school participated in the SADD program. Mayor Miller said it is now called Students Against Destructive Decisions. Chief Osman said it is something that could be looked into.

Mr. Christini noted that parking rental revenue for 2009 should be \$23,800. It was added wrong on the original report.

POLICE COMMITTEE REPORT

Mrs. Miller said the committee discussed the parking issue downtown and suggested Council consider placing 25 parking meters around the Court House area.

Mr. Fairchild reported that the Finance/Administrative Committee discussed the parking issue as length at it meeting last week. Some of the suggestions discussed were: 1) changing some of the 3-hour spaces to shorter term (1 hour) (near some business and the Court House, 2) creating an automated, long-term parking lot behind the Boro Hall, 3) increasing the amount of fines, 4) eliminating or modifying the "forgiveness", 5) increased enforcement.

Mrs. Clark said she felt that some people do need to park longer than 3 hours and a long-term parking lot with an automated ticket machine would be great. Mr. Klinger asked how much a machine would cost and Mr. Christini said around \$10,000 but it would pay for itself in no time. He suggested putting one behind the Boro Hall and people would pay for the number of hours they want to part (example, .50/hr), and they get a ticket to put on their dash board. He said the enforcement agent, who could be the police, would walk around and if a ticket has expired they would be issued a parking ticket.

Mr. Christini noted that this type of long-term parking would free up the premium parking spots for customers to use.

Council agreed that the automated ticket machine would be a good idea for the parking lot behind the police station. Mr. Christini said more information will need to be gathered with regard to the type of machines that are available, cost, etc.

Mr. Fairchild said another idea would be to float a trial balloon and see if the newspaper could help with this and see what kind of reaction we could get from the public. Mrs. Clark suggested that the newspaper put a picture of the type of machine Council is considering.

Mr. Fairchild said other ideas discussed by the committee were: currently base fine is \$20 for exceeding the parking time limits downtown and \$10 if paid within 24 hours plus a "forgiveness" if the violator can produce a receipt from a downtown business in the amount of at least \$10 for that day. The committee discussed the possibility of increasing the fine. Mr. Fairchild said that the parking enforcement officer feels the "forgiveness" is being abused.

After further discussion, Mr. Kovalcin made a motion seconded by Mrs. Miller to direct the Solicitor to prepare an amendment to the Borough ordinance to remove the "forgiveness" portion of the parking ticket section and to advertise the proposed amendment for consideration by Council at the March council meeting. Motion carried.

Mr. Fairchild noted that the owner of Dry Goods Plus mentioned at last month's meeting about the loading zone directly in front of her store. That is a 15-minute loading zone and is also intended to be used as a

bypass lane for getting around cars that want to turn left on Bridge St. He said one thought might be to eliminate left turns. Mrs. Clark said Mrs. Wood said she needed the loading zone for her customers.

Mr. Christini told Council he and Mr. Fairchild would work on looking into the parking ticket machine and have more information for next month.

Mr. Fairchild also noted that the current parking scheme does not provide enough parking downtown for apartment dwellers. He said we tell tenants that there is parking on Second St. but they don't seem to want to walk the hill. Also, you have to learn the system. Here someone can park downtown in one of the free 3-hour spaces from 2 p.m. to 8 a.m. the next morning when you have to move or from 5 p.m. to 11 a.m. and be legal. Mr. Klinger said he would like to have that in writing so he could give it to his tenants.

Mr. Christini noted that there is a "parking" map on the Borough's website and maybe that is something that could be more widely distributed.

Mr. Christini suggested tabling the idea of reducing the 3-hour free parking to one hour or two hour and asked Council to talk to merchants and get their opinions and ideas on it. Mrs. Harris was directed to contact Joel Crayton who is a member of the Towanda Business Association and ask him to discuss it with TBA members and get their suggestions.

CODE ENFORCEMENT REPORT

Mr. Haight asked if there were any questions regarding his written report. Mr. Haight reported that a Certificate of Occupancy has been done for 402 Second St.

Mr. Haight noted that there will be Planning Commission hearing on the 15th at 5:30 p.m. to hear the plan development for the old Mulberry Street School. The Zoning Hearing Board will then meet on the 23rd at 5:30 to hear the request for a special exception for a moderate income housing development. This project would be done by Trehab and is very similar to the one done at Oak Ridge. Mr. Christini asked if the plans include the opening of 6th Street to give an artery onto Bridge St. and Mr. Haight said the initial plan does not show that but he said that could be done to help alleviate traffic.

Mr. Christini said one of the things he is going to suggest to the Planning Commission is that it require Trehab to pay 100% real estate taxes for the Borough. He said this type of project brings families into the area and that is a positive for the Borough.

BOROUGH MANAGER'S REPORT

Mr. Fairchild reported to Council that that cable television franchise for the Borough expires on 12/31/2014. He said there is a procedure in the process that allows the Borough to survey the community as to how and what the community thinks of its cable television company. This would have to be done within the first 6 months of next year. He said the cable company can also ask us to do it.

Mr. Fairchild reported he has asked Mr. Frawley to look into the process and the letter from Comcast suggests we meet soon and start discussing the matter. He said this is something we are going to have to be dealing with throughout this year.

Mr. Frawley said he would like to get a hold of an expert in the field to help us due to the rapid change in technology.

Mr. Fairchild reported that the bargaining between the Borough and Police (Teamsters) has gone to arbitration and looking at March 15th for a hearing.

Mr. Fairchild explained that the YMCA would like to participate in a community vegetable garden project and has submitted a request for a grant through USDA and would like to use the Borough's triangular piece of property across from the swimming pool.

Mrs. Clark made a motion seconded by Mrs. Miller to endorse the YMCA's grant application to develop a community vegetable garden and to allow it to be done on the Borough's triangular piece of property across from the swimming pool. Motion carried.

Mr. Fairchild reported that the YMCA/SCI project is about 2/3 complete and the addition has been granted a temporary Certificate of Occupancy. The Borough needs to finish the asphalt parking in front of the addition. Work has now begun on the two west wings and connecting them. This project will not actually complete the renovation of the west wing. There will be no sheetrock on the partitions and most of the downstairs will be left unfinished.

Mrs. Clark said the issue of the lease status comes up the regional board meetings and Mr. Christini said as soon as the renovations are done we will address the lease issue.

Mr. Christini reminded Mr. Fairchild about the review of the Borough codes for the codification update and Mr. Fairchild said that will be tackled soon.

BOROUGH SOLICITOR'S REPORT

Mr. Frawley reported that significant progress has been made on the Wilson estate property. He said the prospective buyers received their LLC designation and then a deed was prepared and executed and filed. He said there was a problem with the deed because the wrong property was described. He said a day or two later he looked in the Recorders' office and there was a new deed. He said it appears we are getting closer to resolution.

Mr. Frawley told Council he was continuing to work on the police civil service commission procedures and said he would be attending a PSAB seminar in March on this subject. He said he also spoke to an expert on the subject who gave him some information.

Mr. Frawley noted that one member of the 3-member commission can be a council person but other than that you cannot hold an elected position. The commission elects a chairperson and determines its rules and regulations.

He said when it comes to filling a vacancy, the commission is notified that there is a vacancy and the process begins including a written exam (certified), physical test, agility test and oral exam to determine eligibility. He said once the testing is complete the commission submit the 3 top candidates to Council. The Council has discretion as to who it selects except that if one of the top 3 is a veteran they get a veteran's preference and they get the job.

Mr. Christini asked if there was any update on the Michaels property and Mr. Frawley said there has been no decision yet from the County.

Mr. Christini told Mr. Frawley that he tried to reach him but his voice mail was full and he said we need to have a way to reach him at all times. He asked Mr. Frawley to give his e-mail address to Mr. Fairchild, Mrs. Harris and himself.

BOROUGH SECRETARY'S REPORT

Mrs. Harris read a request from Jay Cory, Ben Franklin Crafts, on behalf of the First Friday Committee asking for Council approval to close Park Street during the First Friday events at 2 p.m. from April through December for vendors.

Chief Osman said he thought that was too early especially since the street was changed to one-way and parking spaces were added.

After further discussion, Mr. Kovalcin made a motion seconded by Mrs. Miller to approve the request of the First Friday Committee to close Park St. on First Fridays from April through December at 3:00 p.m. and for the Committee to place notices on cars in that area of the closing. Motion carried.

EXECUTIVE SESSION

Mr. Christini called an Executive Session at 9:10 p.m. to discuss a personnel issue.

The regular council meeting was called back into session at 9:28 p.m. Mr. Frawley reported that a personnel issue regarding communication among staff was discussed.

FINANCIAL REPORT

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

ADJOURNMENT

Mr. Klinger made a motion seconded by Mrs. Miller to adjourn the meeting. Motion carried. Meeting adjourned at 9:30 p.m.

Borough Secretary