

Towanda Borough Reorganization & Regular Council Meeting Minutes January 2, 2018

The **Reorganizational Meeting** of the Towanda Borough Council was held on Tuesday, January 2, 2018, at the Municipal Building, 724 Main Street, Towanda, PA. The meeting started at 7:06 PM with Mayor Garrett Miller being administered the oath by Towanda District Judge Timothy Clark for another 4-year term. Also sworn in were newly elected Council members: Rex Klinger, William Kovalcin Jr., Keith Long and Patrick Taylor. In addition, Mary Ann Harris was sworn in for another 4-year term as Borough Tax Collector, and Mrs. Shirley Strohl was sworn in as Majority Inspector of Elections in 1st Ward of Towanda Borough for another 4-year term.

Mayor Miller then called the meeting to order at 7:08 PM, and asked for a moment of silent prayer and then the reciting of the Pledge of Allegiance. Those present were Mr. Christini, Mr. Klinger, Mr. Kovalcin, Mrs. Lacek, Mr. Long, Mrs. Miller, Mr. Roof, Mr. Sweitzer & Mr. Taylor

ELECTION OF OFFICERS

Mayor Miller asked for nominations for President of Council.

Mr. Kovalcin made a motion to nominate Mr. Sweitzer for President of Council and Mr. Taylor 2nd it and all were in favor. Mrs. Lacek called for the close of the nominations - Mr. Long 2nd it, and all were in favor. Mr. Sweitzer was unanimously elected Council President.

Mayor Miller asked for nominations for Vice President of Council.

Mrs. Lacek made a motion to nominate Mr. Christini for Vice President of Council, Mr. Kovalcin 2nd it, with all in favor. Mr. Long called for the nominations to be closed with Mr. Kovalcin 2nd it and all were in favor. Mr. Christini was unanimously elected Vice President of Council.

Mayor Miller asked for nominations for President Pro Tem of Council.

Mr. Kovalcin made a motion to nominate Mrs. Lacek as President Pro Tem of Council, Mr. Klinger 2nd it and all were in favor. Mr. Long called for the nominations to be closed, and Mr. Taylor 2nd it, and all were in favor. Mrs. Lacek was unanimously elected President Pro Tem of Council.

Mayor Miller turned the meeting over to Mr. Sweitzer, Council President at 7:11 PM.

The **Regular Meeting** of the Towanda Borough Council continued at this time.

ROLL CALL:

PRESENT: Mr. Christini, Mr. Klinger, Mr. Kovalcin, Mrs. Lacek, Mr. Long, Mrs. Miller, Mr. Roof, Mr. Sweitzer, and Mr. Taylor

ABSENT: None

CITIZENS TO BE HEARD: None.

APPROVAL OF PREVIOUS MONTH'S MINUTES:

Motion to approve the December 4, 2017, regular meeting minutes and the December 28, 2017, special meeting minutes was made by Mrs. Lacek and seconded by Mr. Klinger. Motion passed.

FIRE CHIEF REPORT:

Chief Roof reported approximately 10 calls this month. President Sweitzer asked if they received any collection of insurance money for aid calls. Mr. Roof stated they have not collected anything because the accidents that happen in town usually do not call for any extractions of entrapment. They are usually fender benders. On township calls, North Towanda runs with Towanda, as they carry heavy rescue equipment, and they were billing the insurance companies. They have not received any money to date; however, they currently don't have anyone to do the billing for them. However, he stated, Towanda Fire Department will continue to bill.

FIRE BOARD REPORT:

Mr. Klinger attended the meeting and asked for approval of two new fire company drivers. Justin Sheets and Jim Sheets both passed their test to drive all the trucks except the Tower Truck (they are not certified on it). Mr. Klinger made the motion to approve them both, and it was 2nd was Mr. Kovalcin. Motion passed.

MAYOR'S REPORT:

Mayor Miller stated that he presented Magistrate Tim Clark with a certificate of appreciation for his 18 years of service. He retired from the District Magistrate and will be missed.

POLICE CHIEF REPORT:

Chief Epler stated that all full time officers have successfully been re-certified for 2018, with MPOETC (Municipal Police Officers' Education & Training Commission). In addition, he stated they covered all shifts through the holidays with some vacation time being used as well.

DECEMBER 2017 – Monthly Report

260	COMPLAINTS RECEIVED	2	JUVENILE PETITIONS
5	TRAFFIC CITATIONS	0	K-9 SERVICE (BORO)
9	NON-TRAFFIC CITATIONS	7	THEFT REPORTS
0	DUI ARRESTS	4	ANIMAL COMPLAINTS
49	DISTURBANCE CALLS	10	VEHICLE DOORS OPENED
3	VEHICLE ACCIDENTS	5	WARNINGS ISSUED
1	OUT OF TOWN ASSISTS	0	K-9 SERVICES
4	CRIMINAL ARRESTS		

POLICE COMMITTEE REPORT:

Mrs. Miller stated there was nothing to report.

CODE ENFORCEMENT / PUBLIC WORKS REPORT:

Mr. Haight reviewed the code enforcement report.

There were 4 permits issued in December 2017, YTD - 192.

Permit fees paid in December were \$302.00, and YTD - \$12,508.58.

Code Inspections charges in December were \$0.00, and YTD - \$3,708.58.

The value of permits issued work in the borough YTD - \$1,539,526.00

Mr. Haight reviewed the compliance actions, permits issued and rental inspections.

Mr. Haight also told Council that there are 17 borough residents' sidewalks that are not shoveled yet from the last snow. He handed a copy of the ordinance to the reporter from the Daily

Review that was present at this meeting. The reporter stated that he would put a notice in the paper tomorrow reminding property owners to get their sidewalks shoveled.

President Sweitzer mentioned that there seems to be issues with getting property owners to comply with code in a timely manner. As Council has discussed before, the step in the process where it goes in front of the magistrate, the fines should be increased and this would get people's attention.

President Sweitzer stated that concerning these current ongoing code issues/violations, he would like to see the **Planning Commission review the fines**. Mr. Christini made the motion to have the Planning Commission review all fines in the code to see if they are legitimate and if they should be raised or lowered. Mr. Kovalcin seconded the motion. Motion passed. Manager Lane asked that the Planning Commission review parking fines as well.

The Planning Commission will review all and make recommendations to Council, and Council will make a decision on what to do.

In addition, Vice-President Christini asked Mr. Haight to have **Public Works/Code Enforcement** look at the junk car ordinance.

PARKING REPORT – DECEMBER 2017

# Green Tickets Issued:	-	12
# Yellow Tickets Issued:	-	2
# Green Tickets Forgiven	-	1
# Yellow Tickets Forgiven	-	0
# Green Tickets Excused	-	0
# Yellow Tickets Forgiven	-	0
# Paid W/N 48 Hrs @ ½ Cost	-	3
\$ Amount Paid w/n 48 Hrs	-	\$10
# Paid After 48 Hrs	-	4
\$ Amount Paid After 48 Hrs	-	\$80
# Tickets to Magistrate as Citations	-	0
Amount Received from Magistrate	-	Need Amount
Delinquent Tickets before Citation	-	2
\$		\$40
Revenue from Reserved Parking Spaces	-	\$2,980
Hours on Parking per Month	-	50
Police - # of Tickets Written	-	0
\$ Amount Paid W/N 48 Hours	-	\$0
\$ Amount Paid After 48 Hours	-	\$0
<u>TOTAL MONTHLY REVENUE</u>	-	<u>\$3,110</u>

BOROUGH MANAGER’S REPORT:

1. **Downtown Revitalization Project**- Manager Lane stated the footers are at 70 percent (poured) completion. E.R. Stuebner has decided to shut down until January 8th and wait out the extreme low temperatures.

The Office of the Budget informed Manager Lane they are currently reviewing our drawdown requests.

2. **College Run** –

Manager Lane submitted all eligible costs for reimbursement to PEMA and is waiting for the FEMA audit in order to receive the final reimbursement. He was told that they would not pay for the single audit, as they “no longer support the reimbursement of that cost.”

3. **USDA GRANT/LOAN FOR NEW BACKHOE** –

The grant and loan for a new backhoe is moving forward, and Manager Lane has reviewed the “Special Conditions” with Michelle Musser from USDA, and intends to submit a “Request for Obligation of Funds”, and a letter of intent to meet conditions. The grant total is \$37,600, and a loan of \$50,000 @ 3.5% for 5 years. There is no penalty for early payment. Sewer revenues will cover the debit service, and the sale of the current backhoe is anticipated to cover the down payment.

Manager Lane asked for Council’s permission to requests these funds and send a letter of intent to meet the conditions. Mr. Taylor made the motion for Manager Lane to move forward on the grant and loan for the backhoe with the special conditions. Mr. Klinger seconded this motion. Motion passed.

4. **SR 3020 Turn back** –

Manager Lane and Jim Haight met with PennDOT Municipal Services to go over options to reconstruct SR 3020 (includes length of Poplar Street). The project consists of 3,053 feet in distance of roadway, and will cover storm water management, curbing, design, and inspection. As stated before, Cash Creek runs underneath Third Street, and PennDOT stated they would give us funds to replace 120 feet of piping that is 26 feet underneath the street.

Manager Lane asked for a resolution to move forward with discussions with PennDOT. He stated that the resolution does not commit the Borough to anything; it is simply to acknowledge that Council agrees to move forward with the turn-back discussion.

RESOLUTION 2018-1

Highway Transfer Program of State Route 3020 (Poplar Street) to Towanda Borough

Mr. Long made a motion seconded by Mrs. Lacek to adopt, by resolution.

The roll was called and recorded as follows:

AYE/YES: Mr. Christini, Mr. Klinger, Mr. Kovalcin, Mrs. Lacek, Mr. Long, Mrs. Miller, Mr. Roof, Mr. Sweitzer, and Mr. Taylor

NAY/NO:

ABSTAIN:

ABSENT:

Resolution 2018-1 carried unanimously.

5. **2018 Paving** –

Manager Lane stated that he would be physically looking at several borough streets with PennDOT Municipal Services on January 19th to begin to put together a bid package. He is currently considering Washington Street from Main Street to the Merrill Parkway (utilities were addressed in 2017), Third Street between Elizabeth and College Ave., Fifth Street between Thomas Street and Borough line, North Fourth Street from High School Drive to Oak Street. He does not anticipate all of these making it into the bid package; however, he will consider the recommendation from Municipal Services in order to prioritize which streets to pave first.

BOROUGH SOLICITOR'S REPORT:

Solicitor Smith was not present due to illness.

BOROUGH SECRETARY REPORT:

Secretary Kulick asked Council members to verify the Borough Committee list, and Public Officials list for any corrections or changes, and let her know so she can make corrections/changes.

ADMINISTRATIVE REPORT:

Mr. Christini stated that according to the Consolidated Statutes of Pennsylvania (Constitution of Pennsylvania, Chapter 8, Title 8 Boroughs and Incorporated Towns), the borough needs to approve the employment contract with Manager Lane (every two years). The agreement terms that have been in effect the last two years will remain, and will include a cost of living increase. At this time, Mr. Christini made a motion to renew the employment contract between the borough and Manager Lane for another two years. In addition, he is to receive a 2% cost of living increase. Mr. Kovalcin seconded this. Council member's comments were made and they feel that Manager Lane is doing an excellent job in running the personnel and business of the borough. The motion passed unanimously, and Manager Lane thanked council for approving the new agreement.

Manager Lane also stated that he is putting together a job description for Fred Johnson's position (Water & Sewer Superintendent), as Mr. Johnson is planning to retire soon this year.

UNION SUB-COMMITTEE REPORT:

This year the Publics Works union employees will be negotiating for a new contract that should start in June.

FINANCIAL REPORT:

There were no bills to pay at this meeting, as they were paid at the 2017 year-end Special Meeting on December 28, 2017.

PLANNING COMMISSION REPORT:

Mr. Christini stated that there was a meeting held on December 19th, 2017, with a quorum present. There was discussion about the use of a home in the R4 district, which is the most restrictive district in the Borough. In Chapter 325: Zoning - Article XI Terminology §325-81 Definitions, the Commission felt there is a need to add additional text to the definition of "Dwelling Structure" and the words "single housekeeping unit" is a term used in the definition of "Family", but is currently not defined in the definitions.

Mr. Christini stated that Solicitor Smith was present at the Planning Commission meeting to offer legal assistance regarding these definitions. He said the current definitions are wide open to interpretation, and that is what we are dealing with now. He stated that the borough has been told the County Commissioners plan to use a home in the R-4 district located at 104 York Avenue, as step housing for county probationers.

He said it is stated in our borough code Section §325-9 Degree of restrictiveness. A. Those uses permitted in an R-4 District Zone are the most restrictive. The principal use in this district is "single family residence", and the County's planned use may not comport with this definition.

The 104 York Avenue address may not meet the probability of "living together as a single housekeeping unit." These individuals are "together" not voluntarily, with one another in a changing number of other individuals whose admissions or an expulsion from the "group" is not determined

by their own choice but by the county probation department. These people just share a space and are not bound together by choice to form a "single housekeeping unit".

This type of use is more like a "rooming house", "hotel" or "other housing accommodations". Those uses are provided for in less restrictive districts, under Section §325-9. C., such uses are not permitted in the most restrictive R-4 district.

At this time, Mr. Christini made the motion for Council to authorize Solicitor Smith to amend the borough code: Chapter 325: Zoning - Article XI Terminology §325-81 Definitions "Dwelling Structure" and add a new definition of "Single Housekeeping Unit". Mr. Taylor seconded the motion. Motion passed.

Mr. Christini also talked about the concern of campers, trailers and small trucks under 10,000 pound weight class parking (stored) on Borough streets, if this is still an issue for Council to have the Planning Commission address. Council agreed that it is an issue and Mrs. Lacek made the motion to have the Commission discuss and make recommendations on it. Mr. Christini seconded. The motion passed unanimously. The Planning Commission will revisit this topic also in the upcoming meeting(s).

MISC: Mr. Taylor added a thank you to the borough workers who addressed a sewer odor that was lingering heavily on Second Street over the last weekend. Manager Lane stated that the odor came from Main Street and is fixed now.

RECREATION REPORT:

No meeting held.

TMA/WMA/CBPA REPORTS:

Included in packet.

ADJOURNMENT:

Motion to adjourn was made by Mrs. Lacek and seconded by Mr. Kovalcin. Meeting adjourned at 8:02 PM.

Towanda Borough Secretary