

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

