

January 3, 2012

Towanda, PA

The reorganizational meeting of the Towanda Borough Council was held on Tuesday, January 3, 2012 at the Municipal Building, 724 Main St., Towanda, Pa. The meeting was called to order at 7:00 p.m. by Mayor Garrett Miller.

Mayor Miller then swore in the newly elected Council members: Jean Miller, P. William Roof, Paul Sweitzer, Mark Christini and Ellen Lacek.

Mayor Miller then asked for a moment of silent prayer and then 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. Lacek, Mr. Long, Mrs. Miller,  
Mr. Roof, Mr. Sweitzer

ABSENT: None

### **ELECTION OF OFFICERS**

Mayor Miller asked for nominations for President of Council.

Mr. Sweitzer made a motion to nominate Mark Christini for President of Council. Mr. Long called for the close of the nominations.

Mr. Christini was unanimously elected Council President.

Mayor Miller asked for nominations for Vice President of Council.

Mr. Kovalcin made a motion to nominate Paul Sweitzer for Vice President of Council. Mrs. Lacek called for the nominations to be closed.

Mr. Sweitzer was unanimously elected Vice President of Council.

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

Mr. Sweitzer made a motion to nominate Jean Miller as President Pro Tem of Council. Mr. Klinger called for the nominations to be closed.

Mrs. Miller was unanimously elected President Pro Tem of Council.

Mayor Miller turned the meeting over to Mr. Christini, Council President.

### **BOARD APPOINTMENTS**

Ms. Harris noted that in addition to the re-appointments to TMA, the Bradford County Tax Collection Committee also needs new appointments. Ms. Harris is being recommended to replace Mr. Fairchild as the Borough's delegate with Susan Miller and Thomas Fairchild, Jr. as alternates.

Mr. Sweitzer made a motion seconded by Mrs. Miller to appoint Ralph Park and Ellen Lacek to 5 year terms on the Towanda Municipal Authority and to appoint Mary Ann Harris as delegate for the Borough to the Bradford Co. Tax Collection Committee with Susan Miller and Thomas Fairchild, Jr. as alternates. Motion carried.

### **CITIZENS TO BE HEARD**

Joe Doherty, BCVMPA, asked Council to consider agreeing to break the park project down into three phases which would make it easier for fund raising purposes. Phase 1 which will cost \$200,000 is being funded with a \$200,000 state grant and this money will be used to build a parking lot at the park, an entry ramp, stairs, retaining wall, sidewalk and engineering and design costs. He said rather than

seeking another \$700,000 in funds to finish the park, he said the Association would like to break it down into phases. Phase 2 would cover the footprint of the veteran's side of the project. This would include the concrete work, landscaping, brick pavers, paving stones, the plaza, the rotunda, solar lighting and maybe some benches, etc. At this point, if for some reason the project could not come up with the remaining funds to finish it, the Borough would still have a useable park. The cost of Phase 2 is estimated at \$171,000. He said Phase 3 is estimated at \$308,000 which would include granite monuments, a flag display, rotunda structure, water fountains, etc. This estimate does not include the statues.

Tim Hoffman, CEO for the Association, told Council that if the project is broken down into phase it will be more obtainable and he said he felt that once the project is actually started and people see it happening more donations and interest will take place.

Mrs. Clark said she agreed that it would be easier to complete the project in phases.

Mr. Doherty introduced Jason Clapp, architect for the project that showed Council computer-generated renderings of the memorial park. He also told Council that the construction documents have been started.

Mr. Sweitzer said Council can okay the project in phases but the money still has to be in place before the phases can continue.

Mr. Frawley suggested that Council direct him to prepare an amendment to the present agreement with the BCVMPA to be reviewed and possibly approved at the next meeting of council. He said he felt this could be done by next month. Mr. Sweitzer said we need to keep the progress going and not get mirrored down in words. Mr. Frawley said one of the issues that comes to mind is the current agreement speaks of donations that are given and if the project does not reach completion the donations are returned. He said that has to be addressed again. Mr. Frawley said he is talking about a one month delay in making the final determination.

After further discussion, Mrs. Clark made a motion seconded by Mrs. Lacek to authorize the Solicitor to prepare an amendment to the agreement with the BCVMPA breaking the Veterans Memorial Park project into 3 phases as discussed and to send the proposed amendment to the Association's solicitor and committee for review and comment and to have it ready for action by Council at the February council meeting. Motion carried.

#### **APPROVAL OF PREVIOUS MONTH'S MINUTES**

Mr. Kovalcin made a motion seconded by Mrs. Lacek to approve the minutes for the December 5, 2011 and December 14, 2011 special meeting of council as presented. Motion carried.

#### **FIRE CHIEF'S REPORT**

Chief Roof reported there were 11 calls in December with a total for the year of 198 which is about 45-50 more calls than the previous year. He said a lot of the increase is due to traffic control calls. He said the department is in good shape.

Chief Roof said he would like to clarify something that was brought up at the last meeting with regard to billing insurance companies for traffic and fire calls. He said it started about 4 or 5 years ago and he said it was his responsibility at that time to do it. He said at that time he was not very versed in computer usage and was sending the information to a wrong e-mail address. The company was not getting the information and neither was I. So he said he quit doing it. He said he has talked to the Wysox fire chief and he is going to show us how to submit the reports.

Chief Roof said Towanda is not losing out on a lot of money. He said the outlying townships where there is a lot of road mileage get more money, sometimes as much as \$1500 per call but he said Towanda's coverage area does not get those types of calls. We get more the "fender/bender" type

which brings in \$15 to \$150. He said that the townships do not bill for fires because they tried but did not receive anything back. He said entrapment is an automatic \$1000.

Mr. Christini said how far back you can submit a bill and Chief Roof said 6 months. Chief Roof said he would do that.

### **FIRE BOARD REPORT**

Mr. Klinger said the Board discussed the insurance billing question and he said he discussed some parking issues within the Borough with Mr. Haight. Park St. is a concern of the Fire Dept. Chief Roof said he did not think the engine could get through and make the turn. He said there are a lot of streets in town that people are parking right on the corner and making it very hard for emergency vehicles to operate.

Mr. Haight noted that the Borough cannot get the plow truck through Second Street with traffic parked on both sides.

Mr. Klinger said also discussed with Mr. Haight and Mr. Fairchild is the crosswalk signs that have been place in the middle of the intersections. Have seen firsthand that an ambulance could not get through without knocking it down when vehicles were parked on both sides of Main St. They have now been moved to the side of the crosswalk.

Chief Roof asked if the siren was going to be replaced. He said he has been asked by others and Mr. Fairchild said he had not planned to but asked the Chief what he thought. Chief Roof said most of the firemen don't because they carry pagers but in talking with Mr. Manville, Towanda Borough Emergency Management Coordinator, he said that if the siren is in place the public would know there was an emergency occurring but the fire department does not need it. Mr. Fairchild and Chief Roof will check with Mr. Manville regarding the status of the siren. Ms. Harris was directed to write to Mr. Manville asking for his opinion.

### **MAYOR'S REPORT**

Mayor Miller wished everyone Happy New Year and thanked the Borough employees, the Police Dept., the Fire Dept. and Council for their service to the Borough.

Mr. Christini asked the Mayor if he was going to do a year-end report of the Police Dept. and he said yes.

### **POLICE COMMITTEE REPORT**

Mr. Eller reported that the Department assisted with the Santa parade and K-9 Morrow went to the Sullivan Co. school and did a sniff for them and we should be getting a donation from them. The Police Civil Service Commission is proceeding with the hiring process of the one officer and getting ready for the second round of hiring.

### **POLICE COMMITTEE REPORT**

Mrs. Miller reported that the new vehicle was discussed. It is going to be a Tahoe. Chief Epler said he is looking at the state contract to purchase the vehicle through but going through another vendor to have it outfitted because the state contract for that is more than another vendor.

Mrs. Miller also noted that the Department already has a new radio for the vehicle so that will not have to be purchased.

### **CODE ENFORCEMENT REPORT**

Mr. Haight reviewed his written report with Council. He noted that 834 Main Street has been condemned.

With regard to the public works and streets, we will work with the Police Department on these issues.

Mr. Haight said with regard to the commercial vehicles, he said maybe it should be taken to the Planning Commission with some recommendations to amending the ordinance that was done a while ago and include idling of vehicles in residential areas. Mr. Christini asked Council if it wanted to explore the idling situation and it was the consensus of Council that it did want to pursue it and involve the Planning Commission, Police Committee and Public Works Committee. Each committee come up with their recommendations and work together. Ms. Harris was asked to obtain sample ordinances from other municipalities.

Mayor Miller asked what the status of the Mulberry St. housing project was and Mr. Haight said they were turned down for money in the first round but are going to seek funding again.

Mr. Christini asked about the building fee for the GTP project. He said he thought it seemed low for a \$600,000 project and Mr. Haight said that is Code Inspections Inc. fee. He said we only get \$50 out of it.

Mr. Christini asked if there was any update on the Fairchild building and Mr. Haight said nothing to date. Mr. Christini asked Mr. Haight to keep on top of it.

#### **PUBLIC WORKS/CODE REPORT**

Mr. Kovalcin said items have been discussed already by Mr. Haight.

#### **BOROUGH MANAGER'S REPORT**

Mr. Fairchild did not have any items to bring before Council.

Mrs. Clark asked Mr. Fairchild if he had seen the e-mail regarding solar lighting for the street lights and Mr. Fairchild said he had and we are always open to any progressive ideas and solar energy definitely is. He said most of our street lights are owned by Penelec. The lights along the Merrill Parkway the Borough owns. Mr. Fairchild said he would contact Mr. Barrett about this situation. Mr. Fairchild noted that solar power does work in this cloudy climate.

#### **BOROUGH SECRETARY'S REPORT**

Ms. Harris gave Mr. Christini the information that was requested by Council regarding ordinances from Ithaca, NY with regard to historic districts, building heights, etc.

#### **SOLICITOR'S REPORT**

Mr. Long told Council that the Police Civil Service Commission met yesterday to make sure the process for hiring the officer was on track. The credit report has been taken care of and the background check. Mr. Frawley said the Commission found nothing in the background information that would prohibit them from making a recommendation of the candidate in contention subject to the physical exam and psychological exam. His physical is scheduled for tomorrow at 8:30 a.m. and the psychological testing scheduled for 1:30 p.m. tomorrow. The Commission will submit one name tonight, that of Bryan Bellows. The next step is for Council to offer him conditional employment under Civil Service provided that he passes the physical, drug and mental testing. Mr. Frawley noted that it could take 10 days or more to get the results from the psychological test.

Mr. Long presented the Certification List to Council.

Mr. Sweitzer made a motion seconded by Mrs. Miller to offer Bryan Bellows conditional employment as a police officer with the Towanda Police Department under Civil Service rules and regulations pending successful completion of a physical and psychological testing. Motion carried.

Mrs. Clark made a motion seconded by Mr. Klinger to add to the previous motion, passage of drug screening. Motion carried.

Mr. Long said a new written test is being order so the second round of testing can begin for the hiring of a second police officer.

**ADJOURNMENT**

Mr. Sweitzer made a motion seconded by Mrs. Lacek to adjourn the meeting. Motion carried. Meeting adjourned at 8:30 p.m.

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Borough Secretary

February 6, 2012

Towanda, PA

The regular monthly meeting of the Towanda Borough Council was held on Monday, February 6, 2012 at the Municipal Building, 724 Main St. The meeting was called to order at 7:00 p.m. by Council 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, Mrs. Lacek, Mrs. Miller, Mr. Roof, Mr. Sweitzer  
ABSENT: Mr. Christini (excused), Mr. Long (excused)

### **CITIZENS TO BE HEARD**

#### **BCVMPA**

Mr. Frawley told Council that the Association met and reviewed the new agreement that he prepared and it appears it will be acceptable to the Association. They are going to meet later this week to hopefully sign the new agreement. The new agreement breaks down the construction of the park into 3 phases and each phase must have the funds available for completion of that phase before it can begin. He said Council had been given a copy of the new draft agreement and he noted that he had made a couple of grammatical corrections to it. He said Paragraph 14 also needs to add the following wording: "the Borough shall have the right to seek donations, grants and loans but shall not be required to do so. The Borough accepts no financial obligation to fund the project at issue other than grants and loans it chooses to pursue including one grant already received".

With no further questions or comments, Mr. Kovalcin made a motion seconded by Mrs. Miller to approve the new agreement with the Bradford County Veterans Memorial Park Association. Motion carried.

Mr. Frawley said since the agreement covers monies the vote should be done by resolution.

Mr. Kovalcin made a motion seconded by Mrs. Miller to approve the Resolution the new agreement with the Bradford County Veterans Memorial Park Association with the changes noted by Mr. Frawley. The roll was called and the vote recorded as follows:

YES: Klinger, Kovalcin, Sweitzer, Miller, Lacek, Roof, Clark  
NAYE: None

Resolution 2012-1 carried.

### **APPROVAL OF PREVIOUS MONTH'S MINUTES**

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

### **FIRE CHIEF'S REPORT**

Chief Roof reported that the company is in good shape and it experienced a busy month in January. He told Council that the tower is back after having some extensive work done.

Mrs. Miller thanked the fire department and Chief Roof for the great job they did saving her home during the fire.

### **EMERGENCY MANAGEMENT COORDINATOR**

Mr. Manville told Council that his recommendation regarding replacing the fire siren was that it was not necessary to replace it.

Mr. Sweitzer thanked Mr. Manville for the excellent work he does for the Borough.

### **FIRE BOARD REPORT**

No items to bring before Council.

### **MAYOR'S REPORT**

Mayor Miller introduced new full time officer Bryan Bellows to Council.

Mayor Miller also thanked the fire department and Mr. Manville for a great job they did during the fire at his mother's home.

### **POLICE CHIEF'S REPORT**

Chief Epler reported on the following:

- Police and K-9 did two drug sniffs at the Towanda High School.
- K-9 unit conducted drug sniff at Northeast Bradford School.
- Officers Lantz and Hennessy did three talks to children at the K-4 program.
- Officer Lake did a safety talk for a 7<sup>th</sup> grade health class.
- Department was selected to receive an Aggressive Driving Enforcement & Education Project grant.
- Chief Epler conducted a drug awareness lecture at the Northern Tier Career Center.

Chief Epler noted that the Aggressive Driving grant works hand-in-hand with the seat belt program. We will be targeting Route 6 and it allows us to go one mile away from Rt. 6 on any feeder road and this would include the entire Borough.

Chief Epler reviewed his annual report with Council.

### **POLICE COMMITTEE REPORT**

Chief Epler noted that a letter from the Police Civil Service Commission was distributed to Council tonight recommending Bryan Bellows be hired as a permanent, full time police officer with the Towanda Police Department.

Mrs. Miller made a motion seconded by Mr. Kovalcin to accept the recommendation of the Police Civil Service Commission to hire Bryan Bellows as a permanent, full time police officer for the Towanda Police Department under the rules and regulations of the Towanda Police Civil Service Commission. Motion carried.

### **CODE ENFORCEMENT REPORT**

Mr. Haight was not in attendance due to illness but Council had received his written monthly report. There were no questions from Council.

### **CODE ENFORCEMENT COMMITTEE**

Mr. Kovalcin said the Committee is discussing the idling situation and hopefully will have a recommendation for Council in a couple of months.

### **BOROUGH MANAGER'S REPORT**

Mr. Fairchild reported on the following items:

- Ordered a 2012 Tahoe for the Police Department.
- With regard to the damage done to College Run by the spring and fall storms; the Borough has been using TMA's engineering firm for design. To make the engineering costs eligible for FEMA reimbursement, an engineer of record is needed and Mr. Fairchild recommended to Council that it appoint Stiffler-McGraw & Associates as the engineers of record for the Borough.

Mrs. Lacek made a motion seconded by Mrs. Miller to approve the execution of the Engineering Agreement with Stiffler-McGraw & Associates. Motion carried.

- Received fully executed grant agreement from the state for the \$5M RACP grant. Will continue to work with Trehab towards implementing it. The contract termination date is 12/31/2016.
- Borough was committed \$30,000 from the County's CDBG funds for the demolition of 219 Poplar St. We now wait for the state to release the funds.

Mrs. Clark asked if there was any new information regarding the Fairchild building repair and Mr. Frawley said he would address that issue during his report.

Mr. Sweitzer asked if the code update will be done so it can be voted on in March and Mr. Fairchild said he and Ms. Harris are working toward that date.

### **BOROUGH SOLICITOR'S REPORT**

Mr. Frawley reported that he has had a number of conversations with Mr. Haight and the owner(s) of the Fairchild building during the month. He said it was made known to the owner(s) that something had to be done immediately and last weekend some work was done. Mr. Frawley asked council to authorize himself and Mr. Haight to take whatever appropriate measures are necessary by the Borough if the project is not completed within 30 days.

Mr. Sweitzer asked if 30 days was a reasonable amount of time to complete the project and Mr. Frawley said he felt it was and from what he has been told. Mr. Sweitzer asked if the 30 days starts tomorrow and Mr. Frawley said it is an arbitrary number—let's say by the end of February so we know where we stand by the March 5<sup>th</sup> council meeting. Mrs. Clark said she did not think it might be enough time, especially doing the brick work and Mr. Frawley said we may decide he should have a few more days. We are working on it.

Mrs. Lacek made a motion seconded by Mr. Kovalcin that with regard to the Fairchild building on Main Street, that if the work is not completed by the end of February that Mr. Haight and Mr. Frawley are authorized to take the appropriate action necessary to have the work completed. Motion carried.

### **UNION NEGOTIATING COMMITTEE**

Negotiations will need to be done this year with regard to the Public Works/Clerical contract.

### **FINANCE REPORT**

Mr. Kovalcin 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.

### **EXECUTIVE SESSION**

Mr. Sweitzer called an Executive Session at 7:35 to discuss a personnel issue.

The regular meeting was called back into session at 7:55 p.m. The increased demands of the Borough Manager's job were discussed.

### **ADJOURNMENT**

Mr. Kovalcin made a motion seconded by Mrs. Miller to adjourn the meeting. Motion carried. Meeting adjourned at 8:00 p.m.

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Borough Secretary



March 5, 2012

Towanda, PA

The regular monthly meeting of the Towanda Borough Council was held on Monday, March 5, 2012 at the Municipal Building, 724 Main St., Towanda, Pa. 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. Lacek, Mr. Long, Mrs. Miller  
ABSENT: Mr. Roof, Mr. Sweitzer

### **CITIZENS TO BE HEARD**

Bill Manville, Towanda Borough's Emergency Management Coordinator, introduced Ed Robinson who has agreed to serve as the Borough's Deputy Emergency Management Coordinator.

Mrs. Lacek made a motion seconded by Mr. Kovalcin to appoint **Mr. Ed Robinson** as Towanda Borough's Deputy Emergency Management Coordinator. Motion carried.

Mr. Christini read the following e-mail from Paul Fairchild:

"After Pine St. opens up again, I think it would be a good idea to switch out the current parking situation for angled parking spaces which would allow more room for patrons of downtown businesses".

### **APPROVAL OF PREVIOUS MONTH'S MINUTES**

Mr. Long made a motion seconded by Mr. Kovalcin to approve the minutes of the January 2012 meeting as written. Motion carried.

### **FIRE CHIEF'S REPORT**

Chief Roof was not in attendance; he was working.

### **FIRE BOARD REPORT**

Mr. Klinger said there was nothing to bring before Council from the Board.

### **MAYOR'S REPORT**

Mayor Miller suggested getting in touch with Penelec with regard to street lights not working throughout the Borough. He noted the one at the corner of Bridge and Main Sts. Mr. Fairchild said we rely on the Police Dept. to keep up notified as to what street lights are out.

Mayor Miller told Council that the Department will look at submitting another grant application to COPS this year. He said the Chief will explain it during his report. He also noted that the new police vehicle is here but not in service yet as it needs to be painted.

Mr. Haight noted that each of the street lights has a pole number on it and if the police can get the number and report it to us we will notify Penelec.

### **POLICE CHIEF'S REPORT**

Chief Epler reported on the following:

- Attended a2-day DRE update seminar in State College.
- Officer Lantz and Chief Epler attended mandatory Aggressive Driving Grant Seminar in Montoursville.
- Department started yearly mandatory Act 180 in service training.
- Civil Service Testing was started and the written test phase has been completed.
- Holding cells are being refurbished and are nearly complete.
- Part of the basement floor was repainted by the officers due to the flooding.

- K-9 drug sniffs were conducted at Towanda High School and Northeast High School.
- Picked up new Tahoe in Pittsburgh. Vehicle is now at the body shop to be painted.
- Started the Teen Seatbelt Enforcement grant.

Chief Epler reported that he is soliciting bids for a camera system for the cells for security and liability reasons. Because the base camera system is a 4-camera system, he said he would like to see cameras installed in the main hallway and at the back of the building.

Chief Epler reported that the government is doing another COPS grant and this one is for departments that applied before but were not awarded a grant. He said we will apply again. One of the stipulations of this grant is that you must hire a military and we only have until March 22 to renew the application. This would be a 75/25 local match with the 4<sup>th</sup> year being paid 100% by the municipality.

Mr. Christini asked if the exams are on track for the Civil Service process and Chief Epler said yes.

Mr. Christini asked what is involved in the Act 180 training and Chief Epler said many subjects are reviewed such as legal updates, search and seizure procedures, etc.

#### **POLICE COMMITTEE REPORT**

Mrs. Miller reported that the Chief gave Mr. Long and herself a tour of the department which was very informative.

#### **CODE ENFORCEMENT REPORT**

Mr. Haight reviewed his written report with Council. He also reported that under Zoning we have a request from James and Elizabeth Bowen for a use variance for a bed and breakfast and for a special exception to put an apartment above the carriage house at the rear of the funeral home.

Mr. Haight told Council he received some sample ordinances from General Code Publishers dealing with commercial vehicles in residential areas and the Code Enforcement Committee would like to take some ideas to the Planning Commission for consideration. Also we found a good sample ordinance dealing with idling of vehicles and a gross vehicle weight sample ordinance that deals with it a little differently than we do now and trailers.

Mr. Klinger made a motion seconded by Mrs. Miller to refer to the Planning Commission from the Code Enforcement Committee ideas and recommendations regarding commercial vehicles in residential areas, idling of vehicles and gross vehicle weight and trailers in residential areas. Motion carried.

#### **PUBIC WORKS/CODE ENFORCEMENT**

Mr. Kovalcin reported that that Art Johnson talked to him about the parking situation at Elm and N. 4<sup>th</sup> St. The school buses are having problems swinging around there when people are picking kids up. He said people are parking all the way up to the corner and down the road. Mr. Kovalcin suggested that "No Parking from here to Corner" signs be erected. Mrs. Clark said that the school has announced that people are supposed to use Lombard St. and maybe we should notify the school so they can emphasize it again to those who pick up kids.

It was decided to place some signs in the area and the police will check it out also. Mr. Fairchild will give the school a call also.

#### **BOROUGH MANAGER'S REPORT**

Mr. Fairchild reported on the following items:

- Draft overhaul of the Borough Code Book has been completed and would recommend that it be sent to General Code Publishers.

Mrs. Miller made a motion seconded by Mr. Kovalcin to send the draft of the Borough Code Book to General Code Publisher. Motion carried.

- Act 13-impact fee on gas companies. Mr. Fairchild said he felt the act should have gone further as far as protecting and notifying public water systems but there are some improvements. DEP is now required to take into account when they issue permits for gas wells the location of public water sources. He said he felt it was important that the Borough encourage the Commissioners to vote for the impact fee. If the County does not vote to accept the impact fee then none of the municipalities within the County would receive the fees. There is no mention that road maintenance agreements would be usurped by this act. The County has until April 14<sup>th</sup> to vote. If the Commissioners vote it down it is up to 51% of the municipalities in the County to pass a resolution individually to encourage the County to enact it. If there is 51% positive vote then it is done but the County itself would not be eligible for any of the impact fee. Mr. Frawley noted that those municipalities that do not enact a resolution do not get a share of the impact fee either.

Mr. Frawley noted that The Daily Review has run articles by the three commissioners that people might want to read. Mr. Fairchild said there is also a good review of the act done by PSAB which was included in the packets to Council.

Mr. Kovalcin said he was in favor of the impact fee. Mrs. Lacek said she was in favor of the impact fee also.

Mr. Long said he had talk to a lot of people and participated in a webinar about the subject. He said the discussion with Council tonight has helped him understand the issue.

After further discussion, Mrs. Lacek made a motion seconded by Mrs. Miller to send a letter to the Bradford County Commissioners strongly encouraging them to support the adoption of Act 13 levying an impact fee on the gas industry. Motion carried unanimously.

- Request from Memorial Hospital to expand the personal care home.

Mr. Haight said the hospital wants to expand the personal care home more into the Borough—closer to Pratt Ave. They will need a variance for the setback. Mr. Fairchild noted that the hospital owns property on both sides of William St. (extension). The request from the hospital asks that the Borough vacate that section to the hospital. There is a legal procedure that has to be followed. He said the Committee discussed this request and he said he felt it is ready to recommend that Council consider the request on condition that the hospital pays all legal costs associated with it and any other reasonable fees that might be associated with it.

Council directed Mr. Fairchild to contact Mr. Baker regarding the hospital's request.

- Have a draft of a lease with the YMCA. Mr. Fairchild said he had some items he would like to discuss. Suggested Council review it and comment to the Fin/Adm Committee for their discussion and review, YMCA review and then present it to Council at the April meeting.
- Will apply again for the COPS grant.
- Bradford Co. Planning Commission needs to review the plans for the BCVMP and these will be submitted to them.
- Wysox Water Main Bore Project – project has been held up due to some problems with the railroad. The contractor went on to another job but have been told he will be back soon to do this project. Have until July to do the work. This is holding up the BCVMP project but it will give the group more time to secure funds.

- Have a preliminary design for College Run restoration with a cost of around \$2M which will be a tough sell to FEMA so are looking at some other options to get it done. Basic concept is to re-route College Run down College Ave, down Second St., down Main St. across the back parking lot basically to avoid the large ravine with those 3 houses that sit there and then make College Run itself from about 4<sup>th</sup> St. to Second St. a smaller drainage route.

Mr. Christini asked if the work could be done in segments and Mr. Fairchild said yes.

- Working with FEMA on the Eastside Riverfront Park. It some serious damage but it is a nice community park that needs to be restored. FEMA is encouraging us to do it. We will clean it up and rebuild the access to the boat launch and make it a passive recreational area.
- Been awarded \$35,000 in CDBG monies from the County to demolish 219 Poplar St. This money is federal money and the property was considered a contributing structure in the Towanda Historic District so we need to subscribe to certain conditions. PHMC wants the Borough to execute a “Standards Mitigation Measurers Agreement” recognizing there is no hope to restore the structure. Mr. Fairchild recommended the execution of the agreement.

Mr. Klinger made a motion seconded by Mrs. Lacek to approve the execution of the “Standards Mitigation Measures Agreement” with regard to grant for the demolition of 219 Poplar St. Motion carried.

- FEMA is working on reviewing and hopefully will amend the flood map for the Borough and the whole County. The present map has a lot of inaccuracies. Trying to arrange meetings with the people who are doing these. Preliminary work is complete. More on this later.

#### **BOROUGH SOLICITOR’S REPORT**

Mr. Frawley reported to Council that with regard to the Fairchild building, both he and Mr. Haight had visited the site many times during the past month and spoke to PJ Fairchild about the issue. Some work has been done and it is possible that they have reached the point where the building, though not complete, is safe but we have decided that an engineer should look at it to determine it. This is being done tomorrow.

Mr. Haight said if it is acceptable, the Borough may block off just the parking area and open the street.

Mr. Long reported that the Police Civil Service Commission is on track with the process of testing for the hiring of a possible second new police officer.

Mr. Frawley said the Commission is also addressing the issue of sergeant and qualifications.

Mr. Christini asked Council if it wished to comment on the e-mail from PJ Fairchild regarding changing the parking on Pine St. Mr. Fairchild said it had been discussed before in the past. Might be a good idea to make angle parking on one side.

#### **BOROUGH SECRETARY’S REPORT**

Ms. Harris asked Council members if they were interested in attending the annual Chamber of Commerce dinner on Thursday, March 29<sup>th</sup>. If anyone would like to attend, let her know and she will obtain tickets.

Ms. Harris suggested to Council a couple of date for the annual picnic and Council decided on Friday, August 10<sup>th</sup>.

**FINANCE REPORT**

Mr. Klinger made a motion seconded by Mrs. Lacek to approve payment of the bills for the Towanda Borough General and special Borough funds as presented. Motion carried.

**PLANNING COMMISSION REPORT**

Mr. Haight said the Commission heard and tentatively approved the requests from James and Elizabeth Bowen.

**ADJOURNMENT**

Mrs. Lacek made a motion seconded by Mr. Kovalcin to adjourn the meeting. Motion carried. Meeting adjourned at 8:25 p.m.

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Borough Secretary

April 2, 2012

Towanda, PA

The regular monthly meeting of the Towanda Borough Council was held on Monday, April 2, 2012 at the Municipal Building, 724 Main St., Towanda, Pa. 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: Mr. Christini, Mr. Klinger, Mr. Kovalcin, Mrs. Lacek, Mrs. Miller, Mr. Roof, Mr. Sweitzer  
ABSENT: Mrs. Clark, Mr. Long

#### **CITIZENS TO BE HEARD**

None

#### **APPROVAL OF PREVIOUS MONTH'S MINUTES**

Mrs. Lacek made a motion seconded by Mr. Kovalcin to approve the minutes as written for the March 2012 meeting. Motion carried.

#### **FIRE CHIEF'S REPORT**

Mr. Roof reported that 15 calls were answered last month making a total of 45 for the year. He said that the department was running smoothly and that the breakfast held last week was a success.

#### **FIRE BOARD REPORT**

Mr. Klinger made a motion seconded by Mr. Sweitzer to approve **Tim Miller** as a tanker driver for the Towanda Fire Department. Motion carried.

#### **MAYOR'S REPORT**

Mayor Miller reported on the following:

- Thanked Jason Snyder for his e-mail complementing the Police Chief on his fast response to a call.
- New police vehicle should be in service soon. Chief Epler said hopefully in a week.
- Had some serious DUI's last month.
- Reminded Council that First Friday will be held on April 6<sup>th</sup> with an Easter egg hunt at the Court House.

#### **POLICE CHIEF'S REPORT**

Chief Epler reported on the following:

- Officers Lantz and Bellows attended mandatory DUI conference in State College.
- Act 180 in-service training has been completed by the officers.
- Civil Service run testing scheduled for last weekend was cancelled due to the weather and has been rescheduled for this coming Saturday. Oral interviews scheduled for April 21.
- Holding cell refurbishing project is nearly completed. Camera people were in and installed the cameras and everything should be working by the end of the week.
- New vehicle has been painted and Chandler's Body Shop donated the work. Great job.
- Stated implementing the Aggressive Driving grant on March 19.

Ms. Harris was directed to send a letter to the body shop for their donation to the police department.

#### **CODE ENFORCEMENT REPORT**

Mr. Haight reviewed his written report with Council. He also reported that two zoning hearings were held last month for York Ave. properties—one for a bed and breakfast and an apartment on an adjoining property. Both were approved by the Board.

Mrs. Lacek asked about the Michael's property, she said it was open and you could see in. Mr. Fairchild said he was in taking pictures for the PHMC, which is part of the requirement for obtaining the CDBG funds to demolish it. Mr. Haight said he would check the property to make sure it is closed up.

#### **CODE ENFORCEMENT COMMITTEE REPORT**

Mr. Kovalcin reported that the signs have been placed on Elm St. and Fourth St. near the school. These were discussed last month.

#### **BOROUGH MANAGER'S REPORT**

Mr. Fairchild reported on the following items:

- Draft lease between the Borough and YMCA has been developed and is ready to send to the YMCA for its consideration.
- Memorial Hospital's request for the Borough to vacate the William St. extension north of Pratt Ave. Discussions have started and we are working toward a memo of understanding. More on this later.
- COPS grant has been submitted.
- Borough received its first gas royalty check and should have two more coming because there are 3 companies involved in the ownership of the property. Received \$1778 from Chesapeake for November, December and January.
- Have two resolutions that need to be enacted from the Bradford Co. Emergency Management Agency—one adopting the County's emergency plan and the other adopting the National Incident Management System.

Mr. Sweitzer made a motion seconded by Mr. Klinger to pass Resolution 2012-2 adopting the County's Emergency Management Plan.

The Council was polled and the vote recorded as follows:

YES: Kovalcin, Sweitzer, Miller, Lacek, Roof, Klinger, Christini

NAYE: None

Resolution 2012-12 carried.

Mr. Sweitzer made a motion seconded by Mrs. Miller to pass Resolution 2012-3 adopting the National Incident Management System.

The Council was polled and the vote recorded as follows:

YES: Kovalcin, Sweitzer, Miller, Lacek, Roof, Klinger, Christini

NAYE: None

Resolution 2012-3 carried.

- Still working with FEMA/PEMA on designing and finalizing a dollar amount for the College Run flood damage. Still hope to do the project this year but might need to borrow some temporary funds while waiting to be reimbursed from FEMA/PEMA.

Mr. Sweitzer asked how much and Mr. Fairchild said it would depend on the cash flow from FEMA/PEMA.

- Eastside Riverfront Park cleanup has begun and FEMA is urging us to document debris removal.

- Bradford Co. Veterans' Memorial Park design has been submitted to the Bradford Co. Planning Commission for review. They have requested some additional information.
- Kelly Geurin, who sponsored a memorial run last year in memory of her son, has requested permission to do the run again and close the Merrill Parkway on May 19<sup>th</sup> from 8 a.m. to 11:30 a.m. This year she would like to donate the proceeds to a "Memorial Park Playground" fund to replace worn out equipment.

Mr. Klinger made a motion seconded by Mr. Sweitzer to approve the closing of the Merrill Parkway on May 19, 2012 from 8 a.m. to 11:30 a.m. for a 5-K run as requested by Kelly Geurin. Motion carried.

- PennDOT's traffic consultant is setting up a meeting with local officials, etc. later in April. PennDOT would like to know who will be attending so they can plan accordingly.
- The Borough's spring cleanup is tentatively scheduled for May 11 and 12 for the drop off at the wastewater treatment plant. Still waiting to hear from NTSW to confirm the dates. Definite dates will be announced later.

#### **BOROUGH SOLICITOR'S REPORT**

Mr. Frawley said he worked on the draft lease between the Borough and the YMCA and worked on the possible vacation of the William Street Extension.

#### **UNION COMMITTEE**

Mr. Sweitzer said negotiations will start soon between the Borough and the Teamsters.

#### **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**

Mr. Christini said the Commission met and discussed the three items that were sent to the Commission by Council for review and comment—possible idling issue, weight limit on trucks and weight limits on trailers in residential areas and throughout the Borough. After discussing the issues, the Planning Commission made a motion that was passed to recommend to Council that it amend the Borough Code to make the gvw 21,000 or less for trucks, gvw of 10,000 or less for trailers and idling of a vehicle for not more than 15 minutes in residential areas.

After further discussion, Mr. Klinger made a motion by Mr. Kovalcin to authorize the solicitor to prepare a draft amendment to the Borough Code incorporating the recommendations from the Planning Commission as presented to Council in the form of an official motion. Motion carried.

#### **EXECUTIVE SESSION**

Mr. Christini called for an executive session to discuss a personnel issue at 7:50 p.m. The regular Council meeting was called back into session at 8:03 p.m. Mr. Frawley reported that a personnel issue with the Borough Manager was discussed.

#### **ADJOURNMENT**

Mr. Sweitzer made a motion seconded by Mrs. Lacek to adjourn. Motion carried. Meeting adjourned at 8:05 p.m.

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Borough Secretary



May 7, 2012

Towanda, PA

The regular monthly meeting of the Towanda Borough Council was held on Monday, May 7, 2012 at the Municipal Building, 724 Main St., Towanda, Pa. 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, Mr. Long, Mrs. Miller, Mr. Roof  
ABSENT: Mrs. Lacek, Mr. Sweitzer

#### **CITIZENS TO BE HEARD**

None.

#### **APPROVAL OF PREVIOUS MONTH'S MINUTES**

Mrs. Miller made a motion seconded by Mr. Klinger to approve the minutes of the April 2012 meeting as presented. Motion carried.

#### **FIRE CHIEF'S REPORT**

Chief Roof reported that 64 calls have been reported to date this year.

He told Council that the department was going to do training with the tower last week but it broke down. It has since been fixed. It needed an air dryer. He also told Council that the department will need to purchase some of new radios since going from low band to narrow band. He said he would come back to Council with the numbers and pricing.

#### **FIRE BOARD REPORT**

Mr. Klinger said no meeting was held in April due to a callout for the department.

#### **MAYOR'S REPORT**

Mayor Miller reported on the following items including reporting for the Police Chief who was not in attendance due to vacation time:

- Police Civil Service testing is continuing and the oral interviews were held on April 21, 2012.
- Holding cells have been refurbished and the cameras have been installed.
- New Chevy Tahoe is now in service.
- 2003 Ford Expedition has been repaired.
- First phase of the Aggressive Driving grant has been completed.
- Officer Edsell completed MCSAP training and is now certified.
- Officer Lantz attended the MDT meeting.
- K-9 unit was called out for State Police assistance and to the Sayre Police Department

Mayor Miller noted that the large number of traffic citations, especially for speeding, are in part due to the Aggressive Driving enforcement grant.

Mayor Miller noted that Officer Lake was commended for his professionalism by a resident in his handling of a sensitive situation.

#### **POLICE COMMITTEE**

Mrs. Miller said the committee had nothing to bring before Council and she referred to Mr. Long to report on the Police Civil Service Commission.

Mr. Long presented to Council a certification list of applicants for the patrolman's position. They are listed according to ranking.

Mr. Long said the next step is to have background checks done on the applicants.

Mr. Klinger made a motion seconded by Mrs. Miller to authorize the background checks to be conducted on the two certified applicants for patrolman position. Motion carried.

### **CODE ENFORCEMENT REPORT**

Mr. Haight reviewed his written report with Council. He noted there were no zoning issues in April.

Mr. Christini said he noticed a lot of tall grass in the Borough and Mr. Haight said he thought the rain has something to do with it but he said the department is cracking down on the issue.

### **CODE ENFORCEMENT COMMITTEE REPORT**

Mr. Klinger said he talked with Mr. Kovalcin about the traffic situation in the 300 block of Second St. It is getting tighter and tighter. He said he and Mr. Kovalcin would like to suggest that parking spaces be painted in this area. He said he felt it would relieve some of the congestion in that area, instead of someone taking up two or three spaces for one vehicle.

Mr. Fairchild agreed. He said that is the only block that the Borough did not designate as a controlled/parking rental area because it was so congested. He said the painting of the parking spaces will be put on the schedule.

### **BOROUGH MANAGER'S REPORT**

Mr. Fairchild reported on the following items:

- FEMA has been working across the state, with Bradford Co. being the last, to update the old FIRM maps done after the '72 flood. Mr. Fairchild showed the present Borough flood map and the new "preliminary" flood map to Council. He said we have questions with regard to some of the proposed changes to the map. The flood area has been expanded in the "new" flood map. Have responded to FEMA and have been told that they are listening to us so far and looking into it but we have not heard back from FEMA as yet. Once there is a corrected flood map there will be a process and it will be advertised and made public to the Borough residents, particularly those who are in the affected areas. The Borough will be required to post copies of the map at public locations and those locations will be at the Municipal Building, Towanda Public Library and the Elementary School. Mrs. Clark asked they could be put on the Borough's website because she said they were emailed to her. Mr. Fairchild said he would check on it. Upon publication of a legal notice that the maps are available for viewing it will also be the Borough's responsibility to notify the affected property owners, probably by hand delivered notice, as well as advertising in the newspaper, etc. The Borough also has to let the affected property owners know the ramifications of the changes. From that point it is a 30-day review period and then there is 6 months after that the Borough will be required to do certain things such as updating its present flood plain ordinance, etc. If the Borough is not satisfied with the corrected flood insurance map, or any affected resident, it will be up to the Borough or individual property owner to dispute it at its own cost.
- Spring clean up in the Borough will be held on May 18 and 19 (Friday and Saturday) at the wastewater treatment plant from 9 am to 6 pm.
- BCVMP Project – received 3 detailed quotes for each memorial part of the park—benches, plaques, memorial stones, etc. On May 10 those suppliers have been asked to come in for individual interviews. This is the portion that will be funded with donated non-grant money. Hoping to come up with a substantial project that will set the stage for the later elements of the project. The grant money will build the parking area, interconnecting sidewalk (non-memorial parts) of the project. Hopefully this will be combined with private dollars to build Phase 2. Mr. Christini said they are about half way through Phase 2 funding.

- Towanda/Wysox Congestion Study – Study conducted by PennDOT consultants last summer to analyze the increased traffic through Towanda and Wysox mainly through Rte. 6 and Main St. Preliminary concepts have been made and presented to municipal officials and other interested parties on April 28<sup>th</sup>. Four concepts were presented:
  - a. Intersection of Rte. 220 and S. Main St. (dead man’s curve) – construct underpass; bypass lane with a divider or a traffic circle.
  - b. Improvements to intersection at Rte. 187 and Rte. 6 – widen the right turn to Rte. 187 from Rte. 6; moving the Lake Rd. intersection east on Rte. 187 toward old school and widening the Rte. 187/Rte. 6 west intersection.
  - c. Leisure Dr./Rte. 6 – eliminate left turns and install traffic light at Masonite Dr. and Rte. 6.
  - d. Towanda Borough – reduce left turns at the signal at Rte. 6 and Main St. To do that Main St. would become one-way to Mix Ave. (going west on Rte. 6) and York Ave would remain two-way from there to its end and the Merrill Parkway (which is currently owned and maintained by Towanda Borough) would be re-designated as Rte. 6 east and would become a one-way south to the bridge and onto the bridge basically eliminating left turns. PennDOT is asking for our comments. This is definitely a drastic change.

The entire presentation was emailed to Council and other officials.

Mrs. Clark said area residents know to take the parkway to get through town and not Main St. Mr. Fairchild said the parkway is probably the “best kept local secret” around. The Borough built the parkway and it has always been a Borough idea to reduce congestion on Main St. He said one of the Borough’s comments might be to encourage more people to use the Parkway to get through town. Mrs. Clark said maybe more signage is needed. Mr. Fairchild said at one time there was a suggestion to designate Main St. /York Ave. as “Route 6 Business” and the Parkway as “Route 6 Through”.

Mr. Fairchild said PennDOT has asked us to hold off on the ARLE grant to convert traffic signals to video activated. Being told this will not affect our grant.

Mayor Miller also noted that there are a lot of people that don’t know you can turn right on red at the bridge intersection.

Mr. Kovalcin asked if there will be a public meeting on these proposals and Mr. Fairchild said it might be a good idea to have PennDOT present it at a public meeting for the residents.

Mr. Fairchild invited council members to email him with any comments, suggestions, concerns, etc. regarding the proposals.

Mr. Christini said as a council we have to look at it from our residents’ point of view also. He said PennDOT definitely wants our comments and suggestions.

Mr. Fairchild also noted that the Merrill Parkway provides another route for emergency responders.

Mr. Kovalcin said Council really needs to think this through—just don’t think about what is happening now but what will happen in 5, 10 years from now.

- Request from BC Communication Center to designate a temporary disaster debris drop off site in the Borough. Mr. Manville has asked the school about Memorial Park lower parking lot and it looks like it will be acceptable.

**BOROUGH SOLICITOR'S REPORT**

Mr. Frawley noted the two proposed ordinances that were included in the packets. One deals with idling of vehicles in the Borough and the other weight limits on trucks and trailers. He suggested Council review them before authorizing the advertise. He said he thought maybe they should be put on hold until the new code books are printed so when they are adopted they will be inserted into the code book in the proper section.

Also, in the packet is a draft agreement with Memorial Hospital. With a few grammatical changes the agreement is ready to be signed, if approved by Council.

Mr. Long made a motion seconded by Mr. Klinger to approve the agreement between the Borough and Memorial Hospital with grammatical changes. Motion carried.

**BOROUGH SECRETARY'S REPORT**

Ms. Harris presented a request from Jay Cory to close Park St. on June 23, 2012 from 8 am to 7 pm for the County's bicentennial celebration.

Mrs. Miller made a motion seconded by Mr. Klinger to approve the request by Jay Cory to close Park St. on June 23, 2012 from 8 am to 7 pm for the County's bicentennial celebration. Motion carried.

**FINANCIAL REPORT**

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

**ADJOURNMENT**

Mrs. Clark made a motion seconded by Mr. Klinger to adjourn. Motion carried. Meeting adjourned at 8:00 p.m.

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Borough Secretary

June 4, 2012

Towanda, PA

The regular monthly meeting of the Towanda Borough Council was held on Monday, June 4, 2012 at the Municipal Building, 724 Main St., Towanda, Pa. The meeting was called to order at 7:05 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. Lacek, Mrs. Miller, Mr. Sweitzer  
ABSENT: Mr. Long (excused), Mr. Roof (excused)

**CITIZENS TO BE HEARD**

None.

**APPROVAL OF PREVIOUS MONTH'S MINUTES**

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

**FIRE CHIEF'S REPORT**

Chief Roof was not in attendance. The "calls" report was distributed to Council.

**FIRE BOARD REPORT**

Mr. Klinger told Council there were no issues to bring before Council.

**MAYOR MILLER'S REPORT**

Mayor Miller expressed his deep sympathy over the passing of former Mayor Richard Snell.

Mayor Miller reported he did a proclamation for safe boating month and a proclamation for Fox News NY with whom he did an interview. He said they did a great job interviewing businesses downtown, the gas play, and the area in general. It has not aired yet but he will let Council know when it will be.

Mayor Miller reminded everyone about the bicentennial celebration and parade on June 23<sup>rd</sup> and urged everyone to attend.

**POLICE CHIEF'S REPORT**

Chief Epler reported on the following items:

- New Tahoe involved in an accident. We are seeking restitution and the person went to jail. Claim has been submitted to his insurance company.
- Seat Belt grant, Phase 2 is underway.
- Conducted a DUI checkpoint with the state police on Main St. and did several roving patrols over the Memorial Day weekend.
- Officer Edsell did a child safety seat lecture for MOPS.
- Officers Lantz, Bellows and Douglas gave tours of the Police Station with school students of Towanda Middle School.
- K-9 Unit did several sniffs of luggage for the high school senior trip.
- K-9 Unit did sniff at checkpoints. Two suspects were arrested for possession of marijuana.

Chief Epler told Council that the Department escorted the hearse carrying Mr. Snell (and his family procession) one last time around the Police Station before going to the cemetery.

- Police Civil Service Commission is going to be working on the process of conducting the sergeant's exam. One officer has applied for that position.

Chief Epler reported that Ryan Edsell and Alexander Roberts have successfully earned the right to have their names on the certification list for police officers. He noted that Ryan Edsell is currently a part time officer for the Department. He recommended to Council that it consider hiring Ryan Edsell as a full time police officer for the Towanda Police Dept.

Mr. Frawley said it was his understanding that neither was subject to the veteran's preference and Chief Epler said that was correct.

Mrs. Miller made a motion seconded by Mr. Kovalcin to hire **Ryan Edsell** as a full time police officer with the Towanda Police Department effective June 1, 2012. Motion carried.

Chief Epler asked Council to consider hiring Alexander Roberts as a part time officer for the Department. He said this way he can be trained by our officers.

Mrs. Miller made a motion seconded by Mr. Sweitzer to approve the hiring of **Alexander Roberts** as a part time officer for the Department. Motion carried.

Mr. Christini commended the police officers on the good job they are doing enforcing the speeding on York Avenue and the Merrill Parkway. Chief Epler said the grants are really helping because it is overtime for the officers and they are being paid to do that type of enforcement.

#### **CODE ENFORCEMENT REPORT**

Mr. Haight reviewed his written report with Council. He noted that the busy season had started for building permits. With regard to compliance action, a lot of those dealing with rubbish have been resolved but we now are dealing with the lawn mowing season and tall grass.

Mr. Christini asked Mr. Haight if he had any comments regarding the Fairchild building repairs (information in packets) that will be discussed by Mr. Frawley later. Mr. Haight noted that the owner was told on October 12, 2011 that something had to be done and the Borough had a structural engineer coming to look at it. The engineer came up with a list of problems and a plan to fix them. It was given to Mr. P.J. Fairchild and he applied for a building permit. Mr. Fairchild gave the Borough a schedule of the work and a date for completion which was a couple of weeks after January 10<sup>th</sup>. The work is still not done.

Mr. Frawley said the since the work was not completed as per the schedule, he had a conversation with Mr. Brown near the end of February. Mr. Frawley said he had been told that there was an oral agreement of sales between the Browns' and P.J. Fairchild. If that was the case than all parties involved would be responsible to address the problem. He said he spoke with Mr. Brown shortly before the March council meeting and indicated that he thought Council was going to be dissatisfied that the work had not been completed on the building. Mr. Brown said if he received a written notice that the work had to be done he (Mr. Brown) would see that it got done. Mr. Frawley said he had sent to Mr. Brown a copy of an earlier notice that had been sent to him regarding the issue. Shortly thereafter a deed was entered into and the Browns' conveyed their interest in the property to P.J. Fairchild. It is now solely Mr. Fairchild's responsibility. Mr. Fairchild began doing some work but stopped because Mr. Haight felt he was not in compliance with the engineer's plans at that time. We have talked to J.P. Fairchild more than once and he started working on the wall again. Was lead to believe the wall would be completed in the near future and it has not been. Mr. Frawley said it was his understanding that the wall was now safe and that the limits what the Borough can do at the present.

Mr. Sweitzer asked who stated that the wall was safe now and Mr. Haight said the wall has been braced and the bricks have been laid back. He said now Mr. Fairchild has taken some bricks out to the left of the problem area. He said it just keeps getting longer and longer. He is doing additional work. It probably needs to be addressed as this point.

Mr. Sweitzer asked at what point is the Borough liable and Mr. Frawley said an argument could be made that the Borough is liable if there is a risk and someone is hurt, yes. Mr. Frawley asked Mr. Haight if he was saying that the wall is still safe and Mr. Haight said he cannot say that it is safe at present. Mr. Frawley suggested that the Borough have the engineer look at it again as soon as possible to assure that it is safe. If the wall is safe probably all that the Borough can do is indicate to Mr. Fairchild that he is obstructing the sidewalk and if it continues we would file a citation.

Mr. Christini said the street is now half blocked off and Mr. Haight noted that the work is also not being done.

Mrs. Lacek asked how long it will take for the engineer to evaluate it again and Mr. Haight said there is a problem in that Mr. Fairchild says the engineer (the one the Borough originally hired) is now working for him, not the Borough. Mr. Haight said the Borough will have to get someone else.

Mr. Sweitzer asked if a lien could be placed on the property if the Borough has to hire another engineer and Mr. Frawley said yes.

Mr. Frawley said that if Mr. Haight cannot say that it is still safe, the Borough should make sure that an engineer looks at it as soon as possible.

Mr. Haight was instructed to check with Mr. Rathbun and see if he can look at it and if he says he can't then we will check with Stiffler-McGraw. He said he would check tomorrow.

Mr. Sweitzer said if the building is not safe, we close it down. This is a public safety issue.

Officer Edsell arrived and was introduced to Council.

#### **PUBLIC WORKS/CODE COMMITTEE REPORT**

No meeting.

#### **BOROUGH MANAGER'S REPORT**

Mr. Fairchild was not in attendance due to illness.

Mr. Christini presented the Borough Manager's report:

- Agreement with Memorial Hospital – Mr. Fairchild has met with the hospital concerning this and the hospital has signed the agreement in which they have agreed to pay "in lieu" of taxes on hospital property located in the Borough.

Mr. Sweitzer made a motion seconded by Mrs. Miller to authorize, by Resolution, that the council president executes the agreement with Memorial Hospital.

Mr. Frawley noted that with respect to the two properties, Memorial Hospital is to have an appraisal done and the Borough can either accept it or reject it as the selling price. The Borough is not bound to the agreement if it does not accept the appraisals. Mr. Sweitzer asked if Council should wait for the appraisals before signing the agreement and Mr. Frawley said this is basically an agreement of understanding. He said the Borough has agreed that for a certain period of time the Borough will not sell the properties to someone else. He said he felt Council should approve the execution of the agreement now.

Mrs. Clark asked what would happen with regard to taxes if the hospital sold the property to someone else and Mr. Frawley said it would be subject to this agreement because it would be a condition that runs with the land. If another hospital bought out Memorial Hospital they could not get out of the agreement to pay in lieu of taxes. Mr. Christini said it is a win/win for the Borough.

Mrs. Clark asked if this would include all the properties that the hospital owns in the Borough and Mr. Frawley said yes since they signed the agreement. He said he talked to Mr. Fairchild about the clause and maybe the hospital might look at it differently but it is still advantageous to the Borough.

Mrs. Clark said she did not know how you could attach the agreement and make it work because you are not going to do a search on that property and you cannot attach a covenant for this property on something else. Mr. Frawley said the Borough would attempt to collect the money by way of the agreement. Mr. Frawley said this was a starting point and we put it in the form of an agreement so it would have some teeth.

Mr. Sweitzer said this agreement will not be added on to the deed—pay in lieu of taxes any property they own in the Borough. Mr. Frawley said it would be a clause in any deed. It would be a condition set forth in the deed itself. Mrs. Clark said you cannot put a condition on a deed for another property. Mr. Frawley said that is not what he is saying. He said the condition in the deed would be limited to the property that is being conveyed by the deed but with respect to other properties we would have the agreement that we could raise in an attempt to get the hospital to give up funds in lieu of taxes. Mr. Frawley said he felt the Borough should sign the agreement because it will benefit the Borough. Mrs. Clark said he felt the agreement only applies to properties A and B that are in the agreement and the agreement does not apply to anything for the future. Mr. Frawley said the Borough does not lose anything by having the clause in the agreement and we might gain something.

Mrs. Clark asked how are you going to figure the amount of “in lieu” if the property does not have an assessed value and Mr. Sweitzer said it would be like the Progress Authority—they pay in lieu of but they don’t have to pay us anything. Mr. Christini said when the new building goes up a building permit will be needed and we will know the construction costs. Mrs. Clark asked if the Borough determines the amount and Mr. Sweitzer said it is not addressed in the agreement. Mrs. Clark asked how is it determined and Mr. Frawley said it does not give an amount because over the years the amount would change. Mr. Sweitzer said the amount the Progress Authority pays does not change. Mr. Frawley said it could be that way but also it could be the taxes could go up or go down over the years. He said we used the formula that whatever the taxes would be if it was taxable that is the amount they would pay. Mr. Sweitzer asked if that was in the agreement and Mr. Frawley said it states “shall pay the Borough a sum of money equal to the taxes that would be due the Borough for that year if the real property was subject to tax.” Mr. Sweitzer asked if that was the new building or on the houses that they are buying. Mr. Frawley said that pertains to the new building. Mrs. Clark said on non-taxable properties the assessment shows \$0 amount so how do you figure the amount? Mr. Christini said we will have the value from the building permit. He said we won’t resolve this tonight and Council needs to decide to vote for or against signing the agreement. He said the hospital signed it. Mrs. Clark said we don’t know how they interrupted the agreement—value of the present property or the new building.

Mr. Christini called for the vote.

The Council was polled and the vote recorded as follows:

AYE: Sweitzer, Miller, Lacek, Klinger, Kovalcin, Christini  
NAYE: Clark

Resolution 2012-4 carried.

Mr. Christini referred to a memo from Jason Clapp, project manager for the BCVMP project, to Granite Works, LLC of Waverly, NY, selecting them as the Design/Build contractor for the project. Quotes were received from 4 vendors. What it is basically saying is that when the funds are raised for the project they would be the contractor for the work. Mr. Christini said that Mr. Fairchild is recommending that this be approved.



Mr. Sweitzer made a motion seconded by Mrs. Lacek to approve Granite Works, LLC of Waverly, NY as the contractor for the granite work for the Bradford Co. Veterans Memorial Park project when the funds are available. Motion carried.

#### **BOROUGH SECRETARY'S REPORT**

Ms. Harris presented a request from the 1<sup>st</sup> Presbyterian Church to close off Court St. on June 16, 2012 so they could hold a block party.

Mr. Sweitzer made a motion seconded by Mrs. Lacek to approve the request of the 1<sup>st</sup> Presbyterian Church to close Court St. on June 16, 2012 for a block party. Motion carried.

Mr. Christini reviewed the letter Mr. Fairchild sent to PennDOT with Council's comments and the public's comments regarding the proposed changes to Main St. and the Merrill Parkway.

#### **UNION SUB COMMITTEE**

Mr. Sweitzer said negotiations will start soon between the union and the Public Works/Clerical employees.

Mr. Sweitzer said he would check with Mr. Lewis to see if he would serve on the committee again.

#### **FINANCIAL REPORT**

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 presented. Motion carried.

#### **ADJOURNMENT**

Mrs. Lacek made a motion seconded by Mr. Kovalcin to adjourn the meeting. Motion carried. Meeting adjourned at 8:25 p.m.

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Borough Secretary

July 2, 2012

The regular monthly meeting of the Towanda Borough Council was held on Monday, July 2, 2012 in the Council Room of the Municipal Building. The meeting was called to order at 7:03 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: Mr. Christini, Mr. Klinger, Mr. Kovalcin, Mr. Long, Mrs. Miller, Mr. Roof

ABSENT: Mrs. Clark, Mr. Sweitzer

VISITORS: Richard Lewis, Pat Taylor

#### **CITIZENS TO BE HEARD**

Richard Lewis of 222 Poplar Street asked if the fire department was billing for fire responses. Mr. Lewis stated that we have an ordinance for this purpose and the ordinance should be enforced. Fire Chief Bill Roof stated that billing is being. He noted we have not received anything for house fires but have received some for traffic accidents however in the borough the amount would be minimal for accidents as there are rarely any serious accidents. Mr. Christini asked Chief Roof if it was productive with the paperwork involved and he did not feel this was the case. It was the feeling of council that we would continue billing for the rest of the year and if there was more work involved than the money received we would look at the situation again.

#### **APPROVAL OF PREVIOUS MONTH'S MINUTES**

Mrs. Lacek made a motion seconded by Mrs. Miller to approve the minutes of the June 2012 meeting as prepared. Motion carried.

#### **FIRE CHIEF'S REPORT**

Chief Roof stated there is no written report. While he was trying to prepare it the power went out three or four times. He did note that the tower truck was taken to Vestal and worked well. The training was very good. Engine #4 is down with damage to the running board as a result of an accident. There has been a lot of mutual aid this past month.

#### **FIRE BOARD REPORT**

Chief Roof would like to approve Ed Webster III as a driver for Engine #4 and Tim Miller as a driver for Engine #1. Mr. Klinger made a motion seconded by Mrs. Lacek to approve these two firemen as drivers.

Mr. Christini asked if there had been any feedback on the absence of the fire siren. Mrs. Miller stated she had some who would like to see it back. Mr. Kovalcin noted it may be a good idea in the event of a tornado or hurricane warning. Mr. Roof stated as far as response to fires this has not been a problem.

## **MAYOR MILLER'S REPORT**

Mayor Miller noted he and Chief Epler met regarding some mini seminars Mr. Frawley has offered to give to the officers on better ways to represent the public from a defense attorney's point of view as well as what is the responsibility of the police department compared to the Boro Code Enforcement officer. Mr. Frawley stated his time would be at no cost to the borough. Mr. Frawley was thanked for this offer.

## **POLICE CHIEF REPORT**

Acting Chief Epler reported the following:

- Officer Hennessy & Moro trained in Vestal NY
- Chief Epler attended a meeting with NY Police Departments regarding a case they are requesting help on with the Sayre PD
- Officer Lantz attended the MDT meeting at the Children Advocacy Center for abused children
- He also attended the phase two meeting for Aggressive Driving Grant at Montoursville
- Chief Epler did a seminar for the prison guards at the prison on handling of a prisoner under the influence of drugs such as bath salts
- Chief Epler attended a meeting at the EOC for preparations for the demonstration scheduled at the court house on June 29<sup>th</sup>.
- The Civil Service Commission has completed the Sergeant position's testing.

Mr. Christini asked if the police department was at full staff. Chief Epler noted that it was, however there are vacations being taken which cuts the staff. Mr. Christini suggested that possibly the cross walk violations could be checked. Chief Epler stated this could be part of the Aggressive Driving grant if received as well.

## **POLICE COMMITTEE REPORT**

Mrs. Miller noted there was no meeting. Chief Epler noted the Civil Service Commission tested the only applicant who applied for the Sergeant's position, Officer Lantz, and he passed both oral and written tests. He would recommend Officer Lantz be promoted to the Sergeant position. His shift is 3:00 p.m. to 11:00 p.m. with the exception of Monday where Chief Epler would suggest the Sergeant schedule overlap his and work 11:00 a.m. to 7:00 p.m. Mrs. Lacek made a motion seconded by Mr. Klinger to promote Officer Lantz to the Sergeant position. Mr. Long noted there is a meeting of the Civil Service Commission scheduled for tomorrow, Tuesday, July 3 at 10:00 a.m.

Mr. Christini asked Solicitor Frawley his position on this matter. Mr. Frawley noted that the rules and regulations of the Civil Service Commission state a letter of certification should be sent from the Commission to the council certifying candidates who are eligible. There were many hours spent on these rules and regulations and he feels that they should be followed in recognition and consideration of this time spent. Mr. Kovalcin agreed with Mr. Frawley and Mrs. Lacek and Mr. Klinger rescinded their motion.

## **CODE ENFORCEMENT REPORT**

Mr. Haight was not available and there was no meeting.

A letter was received from Scott Saxon from 4 William Street regarding a parking situation near his house. He stated he can never find room in front of his house to park and asked if it would be possible to make this a one-way street. After discussion it was decided to paint parking spaces in front of these homes to try to alleviate the situation. A letter will be sent to Mr. Saxon stating lines will be painted as soon as staff is available to do so. It was felt the committee should look into the one-way situation as well in the event the painted spaces do not solve the issue.

## **BOROUGH MANAGER'S REPORT**

### Administrative

Mr. Fairchild noted that Jim Crawford who is representing "Hezekiah's Hands" has requested the use of the Merrill Parkway Trail Saturday, September 8 for a 5K run as a fundraiser. Hezekiah's Hands is a home repair ministry with the Presbyterian Church. A motion was made by Mr. Klinger and seconded by Mr. Kovalcin to approve this run. The motion was passed.

The Teamsters have notified Mr. Fairchild that the contract with the Borough's Public Works and Clerical employees expires at the end of 2012 and they wish to begin bargaining. An initial date of July 19 at 10:00 a.m. has been set. Mrs. Miller and Mr. Sweitzer are the council members on the bargaining committee however one or two other council members are being invited.

Mrs. Harris will undergo surgery at the end of July and will be on sick leave for a time. When she returns she will be on a part-time basis until retirement in November. The position will be posted for current employee interest.

Mr. Fairchild noted that he is anticipating retirement in May of 2013. Mr. Sweitzer and Mr. Christini along with Mr. Paul Dewitt and Mr. Michael Walsh from TMA are looking into his replacement. It was felt it was not necessary to advertise in the Borough's Association magazine. Mr. Fairchild would help with the transition.

### Finance

Mr. Fairchild and Mr. Christini are representing the council in negotiations with Memorial Hospital for the sale of two properties with a proposed PILOT (payment in lieu of taxes). A proposal from the hospital is expected soon. The assessed values from the County Assessment Office have been secured.

### Public Works

The water line has been installed under the river and the finish work and de-mobilization of equipment has started. Work will soon begin on excavating the roadway at the south end of the river bridge/Main St. intersection to connect this line with the existing 12" main on the west side of Main St. This work will be done at night with the road being plated during the day to allow for traffic.

The flood work is finishing up at the Eastside Riverfront Park. We are waiting for payment of our expenses from PEMA/FEMA. Expenses included: the sewer system at \$548,583 which included the

plant and two pump stations; water system at \$384,943 which included creek crossings; borough costs at \$110,715 for storm sewers and park and Wysox sewer system at \$260,223.

Our appeal for the new Flood Insurance Rate Maps is on-going and has been presented to FEMA. The target date for determination is June 2013. We need to prove that the Parkway and Mix Run projects have improved the potential for flooding in those areas.

#### Other

Another meeting was held regarding the automated red light grant to discuss further ideas and comments. The main message was that there is no money for anything substantial. A by-pass would cost \$250 million and widening of the bridge to provide additional lanes would be roughly \$20 million. It was the feeling that the video activated signals should go ahead and the timeframe for the design now is spring 2013. These signals would be implemented for traffic control only and not for law enforcement. There was a mention of another possible solution would be connecting Barclay Street to S. River Street but nothing definite has been decided.

Mr. Christini noted that the county has a four (4) year budget of \$60 million for this type of work and we would need to compete for that money. Expenses for this money is also being used for flood repair. There are no other funds available.

Mr. Fairchild noted that on July 20, GTP will have a film crew in the area to produce a marketing film.

Mr. Taylor asked if the signage for the right turn signal coming off the bridge was controlled by PennDOT. He felt it would be helpful if a sign stating turn right on red was posted. Mr. Fairchild said this is through PennDOT and this type of sign is not approved. Mr. Taylor thanked Council for their time.

#### **BOROUGH SOLICITOR'S REPORT**

Mr. Frawley would like permission to advertise the ordinances regarding idling of vehicles and restriction of parking of trucks over 21,000 lbs. in designated areas. Mr. Klinger made a motion seconded by Mr. Kovalcin that these ordinances be advertised for possible approval at the next council meeting. The motion was passed.

Mr. Frawley next asked for an executive session of council to discuss the building at 301 Main Street. This was granted at 8:23 p.m. The meeting was reconvened at 8:30 p.m. Mr. Klinger made a motion seconded by Mrs. Lacek as follows:

**RESOLVED** to force closure of the building at 301 Main Street for safety reasons until such a time the engineer from Hunt Engineers deems it safe. A roll call vote was taken and recorded as follows:

AYES: Mr. Christini, Mr. Klinger, Mr. Kovalcin, Mr. Long, Mrs. Miller, Mr. Roof

The motion was passed.

### **BOROUGH SECRETARY'S REPORT**

Ms. Wilcox stated Mrs. Harris would like to have the forms returned for the Boro picnic to be held on August 10<sup>th</sup> in order to get an estimated count.

### **FINANCIAL REPORT**

Mrs. Miller made a motion seconded by Mr. Klinger to pay the bills presented. The motion was passed.

### **RECREATION REPORT**

There was no recreation meeting.

### **OTHER BUSINESS**

Mayor Miller stated he had received several complaints about the parkway with the leaves of the trees and the flowers overhanging the parkway. Mr. Fairchild noted that Mr. James Johnson had been sick for several days and had fallen behind. He is back and things are improving. Mr. Frawley stated it may be possible to get people on parole to help with this type of work.

Council was asked to take a look at the youth gardens across the road from the YMCA.

Mr. Long acknowledged the passing of Mrs. Alice Mikus Underwood who was a council member for many years.

### **ADJOURNMENT**

Mrs. Lacek made a motion seconded by Mr. Klinger to adjourn the meeting. Motion carried. Meeting adjourned at 8:37 p.m.

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Borough Secretary

August 6, 2012

The regular monthly meeting of the Towanda Borough Council was held on Monday, August 6, 2012 in the Council Room of the Municipal Building. The meeting was called to order at 7:03 p.m. by Council Vice President Paul Sweitzer followed by a moment of silent prayer and the reciting of the Pledge of Allegiance. Mrs. Lacek asked that a moment of silence be held for Ralph Park. The roll was called and recorded as follows:

PRESENT: Mr. Klinger, Mr. Long, Mrs. Miller, Mrs. Clark, Mrs. Lacek, Mr. Sweitzer

ABSENT: Mr. Christini, Mr. Kovalcin, Mr. Roof

VISITORS: Pat Taylor, Joe Doherty, Lauren Hotaling, Misty Ackley

### **CITIZENS TO BE HEARD**

#### CBPA request for Bonds

Ms. Lauren Hotaling presented a "Consent to join TEFRA Hearing" from the Central Bradford Progress Authority. This will be held by the authority for all jurisdictions and is required to approve an ordinance or resolution and to allow the Authority's proposed issuance of up to \$90,000,000 of bonds to finance certain health care facilities of Guthrie Health, a non-profit organization, and its affiliate non-profit corporations. Towanda Borough will not directly or indirectly incur any liability or expense or be obligated in any way in connection with the Authority's undertaking as described.

Mrs. Lacek made a motion, seconded by Mrs. Clark to approve this consent. The motion was passed.

#### Children's House/Children's Advocacy Center

Misty Ackley asked council for permission to close off the Merrill Parkway on Saturday, September 15, 2012 in order to host a 5K walk/run. The purpose is to raise money to further support against child abuse. Registration for this will begin at 8:00 a.m. with the entire event being over and cleaned up by noon. If approved, she will ask the Fire Department to assist with blocking the roads from each end of the parkway. Mr. Klinger made a motion seconded by Mrs. Miller to approve this parkway closure. The motion was passed. Mrs. Lacek thanked Ms. Ackley for supporting this cause.

#### Burning Ban

Mr. Pat Taylor asked council if they had recently considered a ban on burning in the borough. This goes on constantly in his neighborhood. He has contacted the Police Department when this occurs but he feels their use is better needed in other areas. Mr. Long stated that Planning Commission has discussed this at length in the past as has the Public Works/Code Enforcement Committee according to Mr. Klinger. When it is to be voted on at a meeting, there are a large number of opponents to this ban and very few in favor of this. The police have cited residents for this violation. Chief Epler noted there were approximately 12-15 citations issued last year. Mr. Sweitzer apologized to Mr. Taylor for having to put up with this but at this time there is nothing to be done.

## Bradford County Veterans' Memorial

Mr. Fairchild explained the progress of the Bradford County Veterans Memorial Park along with Mr. Joe Doherty. Because of the construction of the water line to Wysox, work on the project has been held up; however, Phase I of the project is ready to start. This work will include a sidewalk leading from the Gateway Park to the BCVMP, a paved parking lot with lights, a handicapped accessible ramp and stairway from the parking lot to the upper level where the memorials will be located. There will also be retaining walls, one of which will hold one flag for every branch of the service and a POW/MIA flag. Mr. Fairchild noted we have received a grant for \$200,000 of which \$44,000 will be spent on professional fees. The group working on this project has secured \$100,000 and with the \$156,000 left over from the grant, Phase I is funded. Others who have been contacted regarding this project are waiting for activity to begin. It is the feeling that once the construction has begun, more monies will be received. Mr. Sweitzer questioned the start of the parking lot and sidewalks over the memorials. Mr. Fairchild explained that the grant received dictates parking lots, sidewalks, etc. be built with this money. Mr. Doherty stated there has been a lot more support over the past three (3) months. Phase II will be a separate contract to be completed in the spring pending further BCVMP fundraising. The cost for this will be around \$100,000. Phase 3 will be determined pending further funding. Mrs. Clark made a motion to approve the change of the planning. This was seconded by Mr. Long and passed. Mr. Klinger made a motion to authorize approval to seek bids for Phase I. This was seconded by Mr. Long and passed.

## Public Hearing

At 7:30 p.m. Mr. Sweitzer opened the Public Hearing for discussion on Ordinances No. 2012-1 and No. 2012-2 regarding the idling of vehicles and the weight restrictions for vehicles and trailers. As there were no comments regarding these properly advertised ordinances, the hearing was closed at 7:33 p.m.

## Ordinances

At this time Mr. Klinger made a motion, seconded by Mrs. Lacek to approve Ordinances No. 2012-1 and No. 2012-2. Roll was taken and recorded as follows:

AYES: Mrs. Clark, Mr. Klinger, Mr. Long, Mr. Sweitzer, Mrs. Miller, Mrs. Lacek

The ordinances were passed.

## **APPROVAL OF PREVIOUS MONTH'S MINUTES**

Mrs. Clark made a motion seconded by Mrs. Lacek to approve the minutes of the July 2012 meeting as prepared. Motion carried.

## **FIRE CHIEF'S REPORT**

Chief Roof was not present but had submitted a report for the period 4/1/12 through 7/31/12 showing 98 responses.



### **FIRE BOARD REPORT**

Mr. Klinger asked if it would be possible for the borough crews to trim some of the trees throughout the Boro in order to allow for safe travel for the trucks. Mr. Fairchild noted this is usually done in the fall, however with the flooding last year, it was delayed. Mr. Haight asked if there were any specifically giving them a problem to make a list. He will have the crews look throughout the Boro for any problem areas and have them cut.

### **MAYOR MILLER'S REPORT**

Mayor Miller reported he swore in Officer Alexander Roberts as a new officer. He also reported there were 48 calls over this past weekend so Officer Roberts was oriented quickly. It was also noted that Officer Brian Bellows has completed his 6 months' probation and has proven to be an outstanding officer.

### **POLICE CHIEF REPORT**

Chief Epler noted that for the month of July, Officer Lantz attended the MDT meeting at the Children Advocacy Center for abused children. The department has started the second wave of Aggressive Driving Enforcement which resulted in 4 DUI's along with 9 MCSAP violations. There were a total of 63 traffic citations and 14 non-traffic citations for the month of July.

Chief Epler asked for permission to hire Brian Wibirt as a part time officer. He is a full-time employee of the Sheriff's department and has agreed to commit to working at least one shift per weekend. Mrs. Miller made a motion to approve hiring of Brian Wibirt and it was seconded by Mr. Klinger. The motion was passed. Mr. Long noted that with Officer Edsell working on MCSAP enforcement, it sometimes affects staffing, especially this time of year with vacations, etc.

### **POLICE COMMITTEE REPORT**

Mr. Long noted the Civil Service Commission has submitted a letter to Council stating Officer David Lantz has passed all testing for the position of Sergeant. Mrs. Miller made a motion seconded by Mr. Long to approve promoting Officer Lantz to the position of Sergeant. The motion passed with Mrs. Lacek voting naye.

Mr. Long next asked for permission to advertise for officers to be placed on the Civil Service Certification list. The reason for this list is to have a "pool" of five possible candidates to hire immediately in the event a vacancy or need occurs. This past year has proven to be a very lengthy process in hiring officers for vacant positions. Mr. Long noted this is a pro-active approach in hiring. He also noted that if the Grant for school patrols is approved in September, the list will prove useful. Mrs. Miller made a motion which was seconded by Mr. Long to advertise for possible police applicants to be placed on a certification list per Towanda Borough Police Civil Service Rules and Regulations. The motion was passed with Mr. Sweitzer voting naye.

### **CODE ENFORCEMENT REPORT**

Mr. Haight reported on the Code Enforcement report for July. There were many more permits issued along with compliance issues that were turned over to the District Magistrate. There have been no issues from landlords regarding the inspections.

### Fairchild Building

The Fairchild Hardware building has been closed since July 3 as the result of a report from Hunt Engineers. Mr. Paul Fairchild has ordered steel to reinforce the wall and continues to work sporadically. It may be necessary to put more permanent barricades along the wall as people have been moving the current barricades and walking along the sidewalk. Mr. Sweitzer asked about the parking on that street and was informed that side of the street remains closed to parking.

### **BOROUGH MANAGER'S REPORT**

#### Administrative

On a personal note, Mr. Fairchild made note of the passing of Ralph Park. He retired from his work at Claverack and was a member of the Towanda Municipal Authority for many years. While a member, he took great pride in his role and it was a very important part of his life. He is survived by his wife, Cora and daughter and son. Mrs. Lacek noted that Mr. Park always had a smile and was always concerned with others.

#### Vacancy TMA

As a result of Mr. Park's death, Mr. Fairchild would like to ask that Dr. Joel Christian be appointed to fill Mr. Park's vacancy. Dr. Christian has shown interest in the past and is the manager of Advance Research at Global Tungsten & Powders Corp in Towanda. His experience includes plant operations, environmental and research & development. He is a licensed professional engineer in New York and Pennsylvania and a board certified Environmental Engineer – Water and Wastewater, by the American Academy of Environmental Engineers. He has a B.S. in Chemical Engineering from SUNY University at Buffalo, A M. Eng. in Chemical Engineering from Cornell University and a Ph.D. in Materials Science from SUNY in Binghamton NY.

Mrs. Clark made a motion, seconded by Mr. Klinger to approve Dr. Joel Christian as a member of the Towanda Municipal Authority to fill the vacancy left by Mr. Park's passing. The motion was passed.

#### First Friday Celebration Requests

A letter was received by Mr. Jay Cory of Ben Franklin on behalf of the First Friday committee. He is requesting that Park Street be closed all day on October 5 in order to set up for their annual quilt show and to set up craft vendors, demonstrators, and possible food vendors beginning at 9:00 a.m. Mrs. Clark made a motion to grant this request. This was seconded by Mr. Klinger and passed.

Mr. Fairchild also noted that the same committee has approached him regarding the September 7<sup>th</sup> First Friday celebration. They are hoping to hold a "firemen's contest" and is asking that the parkway be closed. They have checked with their insurance carrier and the firemen would not be covered by workers compensation. They are asking Council to approve workers' compensation coverage for the firemen for this activity. It was noted this was an event that was held many years ago and was enjoyed by many. Mr. Klinger made a motion to authorize workers' compensation coverage for the firemen for this event. The motion was seconded by Mrs. Lacek and approved.

#### General Code

Mr. Fairchild reported the new code books from General Code are now completed. However, an ordinance adopting the changes and the code book must be passed before they can be utilized and

placed on the website. They have presented a packet showing all the changes that have been made along with the necessary ordinance to be approved. If this is completed within the next 90 days, there will be no charge for the advertisement. Mr. Long made a motion which was seconded by Mrs. Lacek to have the solicitor review this ordinance and advertise for passage. The motion was passed.

#### Red Light Grant

An agreement regarding the Automated Red Light Enforcement Program Project Funding Agreement was presented. This is a project to update the Borough's traffic signals to adaptive systems and is funded 100% with the \$225,000 ARLE grant. A motion was made by Mrs. Lacek and seconded by Mr. Klinger to pass the following resolution:

#### **RESOLUTION**

**BE IT RESOLVED, by the authority of the Borough Council of the Borough of Towanda, Bradford County, and it is hereby resolved by authority of the same, that the vice-president of said POLITICAL SUBDIVISION be authorized and directed to sign the attached Automated Red Light Enforcement Program Project Funding Agreement on its behalf.**

#### **Borough of Towanda**

#### **ATTEST:**

Thomas J. Fairchild, Borough Manger

BY: Paul Sweitzer, Borough Council Vice President

I, Thomas J. Fairchild Jr., Borough Manager of the Borough of Towanda, do hereby certify that the foregoing is a true and correct copy of the Resolution adopted at a regular meeting of the Borough Council of the Borough of Towanda, held the 6<sup>th</sup> day of August, 2012.

Date: August 6, 2012

Thomas J. Fairchild Jr. , Borough Manager

Roll was taken and recorded as follows:

AYES: Clark, Klinger, Long, Sweitzer, Miller, Lacek  
The resolution was passed.

#### Public Works

Mr. Fairchild reported on a letter he received from Niemiec Smith & Pelling regarding the situation at the corner of Bridge Street and Main Street. They stated there had been an incident when one of their employees was crossing the street with the walk signal and was struck by an automobile coming off Bridge Street onto Main Street, also with a green light. They felt this was a very dangerous condition. A letter of response was sent by Pennsylvania Department of Transportation stating *"the signals are working in coordination with the vehicular signals as specified on the approved traffic signal permit"*. They state that in Title 75 of the Pennsylvania Vehicle Code it states in part: *"word 'walk' or walking person symbol – pedestrians facing the signal should proceed across the roadway in the direction of the signal and shall be given the right-of-way by the drivers of all vehicles."* It was the feeling of council that when the walk signal is activated, all lights for traffic should be red. Mr. Fairchild will contact the local PennDOT engineer and discuss this situation with him.

#### FEMA/PEMA

With the help of Tina Pickett in arranging a meeting, Mr. Fairchild had a meeting with representatives from FEMA and PEMA concerning damage done to the College Run storm drainage system during the April 2011 storm. After this discussion, Mr. Fairchild has them in agreement with a proposed plan for College Run. FEMA has verbally agreed to proceed with the project for a design and spring 2013 start. The preliminary engineering study is paid for with Liquid Fuels monies. Mr. Klinger made a motion, seconded by Mrs. Miller to proceed with the next phase of mapping this project as per the proposal from Stiffler-McGraw dated 8/6/12 from the lump sum price of \$19,000. The motion was passed.

#### BOROUGH SOLICITOR'S REPORT

Mr. Frawley was not available for the meeting and there was no report.

#### BOROUGH SECRETARY'S REPORT

Ms. Wilcox noted the borough picnic is this Friday, August 10<sup>th</sup>.

#### FINANCIAL REPORT

Mr. Long made a motion to pay bills as presented. The motion was seconded by Mr. Klinger and passed.

#### RECREATION REPORT

There was no recreation meeting.

#### OTHER BUSINESS

There was no other business at this time.

#### ADJOURNMENT

Mrs. Lacek made a motion seconded by Mrs. Clark to adjourn the meeting. Motion carried. Meeting adjourned at 8:30 p.m.

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Borough Secretary

September 4, 2012

Towanda, PA

The regular monthly meeting of the Towanda Borough Council was held on Tuesday, September 4, 2012 at the Municipal Building. The meeting was called to order at 7:00 p.m. by Council President James 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. Lacek, Mrs. Miller, Mr. Roof,  
Mayor Miller

ABSENT: Mr. Long, Mr. Sweitzer

#### **CITIZENS TO BE HEARD**

Joe Doherty, BCVMPA, asked Council to consider the "letter of intent" from Brian Hanlon, the sculptor who is going to be creating the sculptures for the Veterans Memorial Park. He said it does not constitute a contract but is a "letter of intent." Mr. Doherty said he had the Association's attorney, Mr. Brann look at it and felt it is not constraining in any way. Mr. Christini said Mr. Fairchild also felt it was not constraining.

Mr. Frawley said it needs to be clear that it is not a contract offer. He said he would review it and comment later in the meeting regarding it.

Mr. Christini noted that the bids are due Sept. 13 and Mr. Fairchild has suggested a special council meeting toward the end of September to award. He has suggested Monday, September 24.

Mr. Frawley said if this letter is not binding what is the purpose of it? Mr. Doherty said he felt it was for assurance.

Mr. Frawley said it seems that the letter constitutes a contractual commitment. He said there needs to be some changes in the language to indicate that the Borough is not contracting him to do the work but apparently is willing to agree that if the work is done it will be done by him.

Mrs. Clark suggested Mr. Frawley rewrite the "letter of intent" and have it ready for signature at the special meeting later in the month.

Mr. Doherty said he would have Mr. Brann contact Mr. Frawley.

#### **APPROVAL OF PREVIOUS MONTH'S MINUTES**

Mrs. Lacek made a motion seconded by Mrs. Miller to approve the minutes of the August 2012 meeting as written. Motion carried.

#### **FIRE CHIEF'S REPORT**

Chief Roof reported that there were 10 fire calls during the month of August. He also noted that the fire department breakfasts will start again in September.

#### **FIRE BOARD REPORT**

Mr. Klinger told Council there were no matters to come before Council.

#### **MAYOR'S REPORT**

Mayor Miller thanked Mary Ann, Jim and the Riverfest Committee for planning another outstanding Riverfest. Ms. Harris thanked Council, Mayor Miller and Mr. Fairchild for their support. Without it Riverfest could not take place. Mayor Miller also thanked the police for their coverage of Riverfest. Mayor Miller also reported he visited the DUI Memorial trailer that stopped in Towanda. He also thanked Frank Niemiec for providing the golf cart for the police to use during Riverfest.

Mayor Miller told Ms. Harris and Mr. Haight that a band that travels with the Fallen Heroes ride from Ohio would like to perform at Riverfest. He said he would have someone get in touch with them.

#### **POLICE CHIEF'S REPORT**

Chief Epler reported that the department experienced a busy month in August. He also reported that the officers elected to purchase a fifth taser with the money they made from the golf tournament. He also reported that extra officers were on patrol for Riverfest. He also noted that several DUI roving patrols were held during the month and the second phase of the Aggressive Driving grant was finished and the DUI Memorial Trailer made a stop in Towanda. Also Officer Douglas is backing working at the school.

A donation from the VFW for \$5000 was given to the police department for the purchase of extra ammo and three ballistic raid vests.

Ms. Harris was directed to send a thank you letter to the VFW from Council and the Mayor.

#### **POLICE COMMITTEE REPORT**

Mrs. Miller said there was nothing to bring before Council.

#### **CODE ENFORCEMENT REPORT**

Mr. Haight reviewed his written report with Council and asked if there were any questions for him.

Mr. Christini asked if there had been any movement on the Michael's property and the grant and Mr. Haight said he was told that Mr. Fairchild will be discussing this issue with him.

#### **BOROUGH MANAGER'S REPORT**

Mr. Fairchild was not in attendance. Ms. Harris reported that Mr. Fairchild has asked Council to consider authorizing the execution of the "Scope of Work" proposal from Dawood Engineers for the engineering services pertaining to the ARLE grant which involves the three pedestrian signals in the Borough.

Mrs. Lacek made a motion seconded by Mr. Kovalcin to authorize the council president to execute the "Scope of Work" proposal from Dawood Engineers for engineering services pertaining to the ARLE grant in the amount of \$29,500. Motion carried.

#### **BOROUGH SOLICITOR'S REPORT**

Mr. Frawley reported that the Police Civil Service Commission is suggesting some changes to the current Rules and Regulations. These are: 1) change in chapter numbering; 2) "an individual selected by the Commission shall be at the administration of the physical agility testing as it applies to the three hundred (300) meter run and the one and one-half (1.5) mile run. If that individual determines that, due to the inclement weather, either the said three hundred (300) meter run or the one and one-half (1.5) mile run should not be conducted, the same shall not be conducted". 3) a passing score on the written examination shall be a total overall score of seventy-five (75%) or above.

The reason for the recommended in regard to the 300 meter run and the one and one-half mile run is because if there is inclement weather it might be difficult to effectively have these tests done. This way, one or the other run could be done, not both. If the weather is not inclement both disciplines will be tested.

With regard to the last change, total score of written exam, sometimes the standardized tests have multiple parts and each one is graded. The Commission wants it known that the overall grade of all the parts is the final grade, not each individual (average grade of all combined parts).

Mr. Klinger made a motion seconded by Mrs. Miller to direct the Solicitor the draft and advertise the proposed changes to the Police Civil Service ordinance as stated for consideration at the October 1, 2012 Council meeting. Motion carried.

Mr. Frawley noted that the last council meeting at which he was not in attendance, Council directed the Solicitor to review the proposed ordinance prepared by General Code Publishers to accept the revised Towanda Borough Code. Mr. Frawley said he has some concerns and has some changes he would like to make before advertising it for consideration by Council. He asked Council for authorization to prepare the ordinance accepting the revised Towanda Borough Code for consideration at the October council meeting.

Mr. Klinger made a motion seconded by Mrs. Lacek to direct the Solicitor to prepare and advertise for consideration at the October 2012 meeting the ordinance accepting the revised Towanda Borough Code. Motion carried.

Mr. Frawley asked for an Executive Session to discuss the Fairchild building issue.

Mr. Christini called for an Executive Session at 7:45 p.m. The regular council meeting was called back into session at 8:32 p.m. Mr. Frawley stated that the PJ Fairchild building located at the corner of Main and Pine Sts. was discussed including the condition of the building at present and the work that has been done and the potential risks and what options are available to the Borough at this time.

Mrs. Lacek made a motion seconded by Mr. Roof to authorizing the hiring of an engineer to give the Borough a report on the condition of the building, including to state if the building is safe or unsafe at this time and provide an estimate of cost to repair the building as soon as possible and also have the current engineer look at the building. Motion carried.

#### **FINANCIAL REPORT**

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

#### **TRICK OR TREAT**

A discussion was held regarding holding Trick or Treat during the day time hours.

Mrs. Lacek made a motion seconded by Mr. Kovalcin to hold Trick or Treat in the Borough on Wednesday, October 31, 2012 from 6-8 p.m. Motion carried.

#### **ADJOURNMENT**

Mrs. Lacek made a motion seconded by Mr. Kovalcin to adjourn. Meeting adjourned at 8:50 p.m.

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Borough Secretary

September 24, 2012

Towanda, PA

A special meeting of the Towanda Borough Council was held on Monday, September 24, 2012 at the Municipal Building. The meeting was called to order at 5:15 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: Mr. Christini, Mrs. Lacek, Mr. Long, Mr. Roof, Mr. Sweitzer

ABSENT: Mrs. Clark, Mr. Klinger, Mr. Kovalcin, Mrs. Miller

Visitors present were: Darin Rathbun representing Hunt Engineers, Timothy Campbell representing Stiffler-McGraw, Frank Tourscher from Code Inspections, Inc. and Roger and Lori Brown.

Mrs. Clark arrived at 5: 17 p.m.

Mr. Christini noted that the special meeting is to discuss the situation of the building at 401 Main St., Towanda, Pa. and a discussion on the bids that were received for the Bradford Co. Veterans Memorial Park.

He asked for a summary from Mr. Haight and from the engineers that inspected the building. The goal is to figure out which way to go and when.

Mr. Haight noted that it has been almost a year since we received a call stating there were some structural problems with the building. That day the Borough hired Darin Rathbun from Hunt Engineers to look at the building. Since then we have had a couple different schedules given to us. A new schedule was received today from Mr. Fairchild (copy given to Council and made part of the minutes) for the completion of the repairs. We were fortunate to have a mild winter last year but this job needs to be taken care of before snow and ice come. In the meantime, Towanda Borough hired another engineer, Tim Campbell from Stiffler McGraw to give us a report on the building. Mr. Haight asked Mr. Rathbun to address Council.

Mr. Klinger arrived at 5:20 p.m.

Mr. Rathbun, structural engineer with Hunt Engineers, said last October there was a small section of wall that had started to bow out and collapse. There were some indication of the fire and it just kept getting worse. The Borough asked us to provide an opinion of what was happening and what needed to be done. We provided some immediate shoring sketches of what needed to be done inside the building. At the request of P.J. Fairchild we provided some assistance as far as designing the structural flooring system to make the repairs. He said he checked with the Borough to make sure there was no conflict with him helping Mr. Fairchild. He said we provided a very economical and easy to construct way to make the repairs. Unfortunately, it has not progressed as quickly as we had hoped. He said if the work is done, it can go very quickly. He said the repairs toward Main St. have been done but there is work that needs to be done going towards the river. He said time is a concern.

Mr. Campbell, engineer from Stiffler McGraw, told Council Stiffler McGraw was contacted by Mr. Haight on Sept. 10 and was asked to come and look at the wall at 401 Main St. Mr. Haight provided us with Mr. Rathbun's report also. We felt it was a good engineering approach to the project. When we looked at it there were two places that had not been addressed toward the front of the building. One location was where the brick had been removed and not replaced but it has now been done. There is still about a 12 ft. section that is still bowed out and needs to be addressed quickly. Also noted an area that in the future should be addressed where an area is bulging out near the "loading dock".

Mrs. Miller arrived at 5:25 p.m.



Mr. Christini thanked Mr. Rathbun and Mr. Campbell for their reports. He said it sounds like the area in the front should be replaced soon and as far as the area in the back that might be a little uncertain. He asked if they thought it should be replaced before the winter months or can it wait for a longer period of time.

Mr. Rathbun said we don't know for sure what could happen. He said we look for indications of movement that has occurred. Obviously with that bow that is a visual sign that something is happening there. After seeing that it appears to have been there for a significant amount of time. Then you start looking at other indications such as cracking, signs of lateral displacement of members. You that on the side toward Main St. Mr. Campbell said he did not see any new cracks.

Mr. Sweitzer said we have seen that bow in the back for a long time but seems like nothing new has occurred.

Mrs. Clark said she had noticed someone trying to make some repairs and Mr. Haight said they have repaired the section next to the window that was required to get done within a 2 week period. With regard to the wall in the back, there is no guarantee how long it will last.

Mr. Haight said there are some indications that work needs to be done on the inside of the wall in a small area. Mr. P.J. Fairchild said he is going to take care of it.

Frank Tourscher, Code Inspections, Inc., told Council that the repairs can't wait until spring to do.

Mr. Sweitzer asked when can the owner open and Mr. Haight said he has been allowed to open for about a month.

Mr. P.J. Fairchild submitted a new timeline for the repairs to Council today. It states the remaining section of the wall will be repaired and shored by Sept. 27, 2012.

Mr. Frawley, Borough Solicitor, stated that the concern of the Borough is the safety of the public and is concerned that the work that affects the public has to be done now. If there are other problems with the building that can be addressed later we need to know what they are and have a time frame for the repairs. With regard to what the Borough can do, it can cause the work to be done and then lien the property. He said the Borough should not wait any longer.

Mr. Frawley said the lien would be on the property but there is a question of who the owner is. Right now it is P.J. Fairchild. He said he felt it would be his (Mr. Fairchild's) financial obligation. The PA law states that if there is a problem with the building the owner must let the prospective buyer know of it in writing and they must take responsibility for the repairs or the responsibility remains with the seller. Not sure exactly what papers were filed or when Mr. P.J. Fairchild purchased the building. Mr. Frawley said he also thought it was the corporation that purchased the building.

Mrs. Clark said if he has it scheduled for the work to be done this week, she said she did not see how the Borough could get someone in that fast to do the work. She felt Council should give him the time he has asked for to get the work done.

Mr. Sweitzer asked if any mason has been contacted to do the work and the Borough Manager said no. Mr. Sweitzer said you should start now. Mr. Frawley said the Borough can contact one and have them ready to go if the work is not done by the scheduled date.

Mr. Frawley noted that the Stiffler McGraw report indicated that without seeing the interior of the building they could not fully assess the building. He said the reasonable thing to do is to get inside the building as soon as possible to see if anything else may need immediate attention. Mr. Rathbun said he has been inside and said it is relatively safe.

Mr. Roger Brown addressed Council regarding the 401 Main St. building. He told Council that he felt Mr. P.J. Fairchild should be given the chance to do the repairs in the time frame he submitted to Council today. He went on to tell Council that he and his wife sold the building to Mr. P.J. Fairchild. He said we had been in that process for a few years. When the incident occurred with the building we thought it was the right time to get the property out of our names. He said Mr. Fairchild had been trying for a few years to get it in his name. Mr. Brown said he met with his attorney and he said both he and Mr. P.J. Fairchild knew about the problem. He said he also met with Mr. Rathbun and tried to get this work done along with Mr. P.J. Fairchild. Mr. Brown noted that Mr. Frawley seems to think that he and his wife have some burden in the situation because we sold him the property with the deficiencies. Mr. Brown said his lawyer said we really don't. He said he and his wife will do anything to get try to get this situation taken care of. He said his lawyer said we are the first mortgage holder but we really don't own the building.

Mrs. Clark asked if this would be a municipal lien and Mr. Brown said yes but it will not go before the first mortgage holder.

Mr. Sweitzer said the Borough should give Mr. P.J. Fairchild the time to complete the repairs as per his letter to Council and be ready with a mason to do the work after October 1, 2012 if it is not done.

Mr. Brown told Council he did not want anyone thinking that we saw this as a "hot potato" and got rid of it because it would have cost me \$3000 to fix it and add the cost onto the selling price.

Mrs. Brown told Council that their attorney told them not to do the repairs because they could not recoup the cost from Mr. P.J. Fairchild because it was not in our contract.

After further discussion, Mr. Sweitzer made a motion seconded by Mr. Klinger to notify Mr. P.J. Fairchild that he has until October 1, 2012 to make the necessary repairs to the 401 Main Street, Towanda, Pa. building as outlined in his letter to Council dated 9/24/12. If the repairs are not made by October 1, 2012, Council will hire the work to be done.

Mr. Frawley noted that the PA code states that the prospective seller must notify the prospective buyer, in writing, of any problems with the property and it is still the owner's problem unless the buyer accepts the responsibility. He said if the proper paperwork was not done there could be someone other than P.J. Fairchild that could be responsible.

Mr. Frawley said the correspondence to Mr. P.J. Fairchild informing him of Council decision should be sent certified and regular mail.

The motion carried.

### **BCVMP BIDS**

Mr. Fairchild referred Council to the bid tabulation sheet. He said base bid number 1 was for the site preparation, concrete work for walls, steps, sidewalks and curb, flagpoles, pipe railings, decorative railings, asphalt paving and sub base, signs, seeding and relocating light pole. The low bid for Base Bid #1 was Robinson Companies for \$290,480. With regard to base bid number 2, it does everything but the curb, retaining wall and flagpoles the low bid was \$243,459 from Middendorf Contracting. The available funds, however, are about \$221,000, leaving out about \$36,500 for the pavers. We are recommending that Council reject the bids because of the unavailability of all the funds to do the project at this time and then value engineer certain parts of the project—curved retaining wall. Feel we can significantly lower the price and do the work in the spring.

Mrs. Clark made a motion seconded by Mr. Klinger to reject the bids received for the Bradford County Veterans Memorial Park and rebid the project with value engineering in the spring. Motion carried.

Mr. Christini asked Mr. Frawley about the letter that the BCVMPA had written concerning the sculpture and Mr. Frawley stated he redrafted the letter into more of a formal contract form. He said he explained in the contract that the firm would be given the commission for a specific amount of money, however, there were certain conditions and one was when the work was to be done if all the money was not available the contract would not be in force. Mr. Frawley said he contact Attorney Brann and faxed him a copy of the proposal and he is to get back to me but he hasn't as of today.

**ADJOURNMENT**

Mr. Sweitzer made a motion seconded by Mrs. Clark to adjourn the meeting. Motion carried. Meeting adjourned at 6:02 p.m.

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Borough Secretary

October 1, 2012

Towanda, PA

The regular monthly meeting of the Towanda Borough Council was held on Monday, October 1, 2012, at the Municipal Building, 724 Main Street., Towanda, Pa. 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, Mr. Sweitzer  
ABSENT: Mrs. Lacek, Mr. Long, Mr. Roof

**ADOPTION OF PROPOSED ORDINANCES**

Mr. Frawley explained that Ordinance 2012-3 is an ordinance that was developed by General Code Publishers to update the codification of the Borough code. Mr. Frawley noted that he made a few changes that were approved by Council at the last meeting. He said it has been duly advertised and recommended its adoption.

Mr. Klinger made a motion seconded by Mrs. Miller to adopt, by resolution, Ordinance 2012-3 as advertised.

The Council was polled and the vote recorded as follows:

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

Resolution carried.

Mr. Frawley noted that the second proposed ordinance deals with some amendments to the Towanda Borough Police Civil Service Commission rules and regulations. He said the proposed ordinance has been duly advertised and the changes were given to Council at the last council meeting.

Mr. Sweitzer made a motion seconded by Mr. Klinger to adopt, by resolution, Ordinance 2012-4 as advertised.

The Council was polled and the vote recorded as follows:

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

Resolution carried.

**CITIZENS TO BE HEARD**

Lauren Hotaling representing the CBPA asked Council to consider adopting a resolution authorizing the approval of the issuance of revenue bonds by the Progress Authority for the purpose of making a loan to Guthrie Health. Ms. Hotaling said this is similar to one that was passed by the Borough last year and by signed it does not in any way make the Borough financially responsible.

Mr. Sweitzer made a motion seconded by Mr. Kovalcin to approve Resolution 2012-10.

The Council was polled and the vote recorded as follows:

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

Resolution 2012-10 carried.

Attorney Darin Mendrzycki and Gary Engler were present representing Memorial Hospital in Towanda. They also presented Council with a proposed resolution relating to the issuance of tax exempt obligations by Memorial Hospital for its expansion project.

Mr. Engler, told Council that the planned project includes putting an addition onto the present personal care home. It will be 3-story addition with the lower floor housing an additional 20 beds with the upper two floors for physician offices for Community Health Assoc. Second floor will be for general practitioners and the third floor will be a specialty floor.

Mr. Mendrzycki emphasized to Council that proposed resolution releases the Borough from any financial burden.

Mr. Sweitzer made a motion seconded by Mr. Kovalcin, to approve by resolution, Resolution 2012-9 as presented by Memorial Hospital.

The Council was polled and the vote recorded as follows:

AYE: Kovalcin, Sweitzer, Miller, Clark, Klinger, Christini

NAYE: None

Resolution 2012-9 carried.

Joe Doherty, Bradford Co. Memorial Park Association, addressed Council concerning the memorial project. He told Council that he wants everyone involved to be on the same page with the project. He noted there was a meeting of Council last week where it decided to reject the bids that were received for Stage 1 and rebid in the spring. Mr. Doherty said that the BCMPA has been meeting regularly and has been discussing the project and the question of having to pay "prevailing wages" or not. The Association contacted the PA Labor Board and also to Jason Clapp. The person at the Board did offer a tentative opinion which will be defined by Thursday of this week as to whether the Association would have to pay "prevailing wages" using private funds.

The Association presented to Council a new Stage 1 for the project that would use privately donated funds to build. Stage 1 would then carry over into Stage 3. George Carl, a member of the Association told Council that the Association and those who contributed to the project want to see something "in the ground". He said it would also help with the fundraising to have something being built so people could see it.

Mr. Fairchild said Stage 1 would be the concrete retaining wall and the flag poles—about a \$40,000 project. Mr. Fairchild said when using the grant monies we will have to use "prevailing wages".

Dr. Hoffman, a member of the Association, also noted that people want to see something happening at the site.

Mr. Doherty said if they are successful in getting word from the state that "prevailing wages" are not required, the Association will still go out for bids. He said there are three interested contractors now.

Mr. Fairchild noted that he hopes the bids will be reasonable. It will be built to the design elevations so it will fit into the next stage of the project. He said his big concern is that when the parking lot and other retaining wall, steps and sidewalk, etc.—need to be sure we have enough money to do it. We have an obligation to the grant.

Mr. Sweitzer made a motion seconded by Mr. Kovalcin to approve the new Stage 1 phase of the memorial project as requested by the Bradford Co. Veterans Memorial Park Association contingent upon the Association receiving word, in writing, from the PA Labor Dept. that prevailing wages will not be required. Private funds will be used for this stage. The new Stage 1 will include the retaining wall, flags, lighting and possible the monument. Motion carried.

#### **APPROVAL OF PREVIOUS MONTH'S MINUTES**

Mr. Sweitzer made a motion seconded by Mrs. Miller to approve the minutes of the September 4, 2012 and the September 24, 2012 meetings as written. Motion carried.

#### **FIRE CHIEF'S REPORT**

Chief Roof was not in attendance. No report.

#### **FIRE BOARD REPORT**

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

#### **MAYOR'S REPORT**

Mayor Miller thanked the Monroeton Rod and Gun Club and Talisman Energy for their donations to the police department. \$2500 for ballistic vests and \$5000 for canine unit respectively.

Ms. Harris was directed to send letters of thanks to both entities.

#### **POLICE CHIEF'S REPORT**

Chief Epler reported on the following:

- Conducted several DUI roving patrols
- Officer Edsell taught Survival 101 at the Towanda High School
- Sent Officer Edsell to a child safety update class

Mr. Sweitzer asked if new vests were needed and Chief Epler said these are a type of vest used in raids and high risk situations. They have ceramic plates in them that will withstand rifle rounds. These cost about \$3000 each and he said he would like to purchase three.

Chief Epler said he would like to have a brief executive session at the end of the meeting to discuss a personnel issue.

Chief Epler asked Council to consider hiring Kyle Wisel as a part time officer for the Towanda Police Department. He was the former police chief in Troy.

Mrs. Miller made a motion seconded by Mr. Klinger to hire **Kyle Wisel** as a part-time police officer for Towanda Borough. Motion carried.

#### **CODE ENFORCEMENT REPORT**

Mr. Haight reviewed his written report with Council and asked Council if it had any questions regarding the report.

Mr. Haight told Council he has received an estimate to complete the project at 401 Main St. if the owner does not have it done by today. A previous letter stated October 1 or October 8 and at a special meeting Council chose October 1, 2012. The bid is from Mr. Hartmann who has been working on the building for \$2,812.00. Mr. Haight noted that a lot of work has been done this week on the building. He asked Council what its wishes were.

Mr. Christini asked how we recoup our costs if the Borough's hires the work to be done and Mr. Frawley the Borough would file a lien on the property. He said we would also need to get a stay on the bankruptcy. He said he has been told that the trustee, would probably make an exception and we could do the building.

Mr. Haight noted that he had been in contact with two other contractors and have heard from one of them. He is very good but he said he did not think the Borough would get that price like Hartmann's.

Mr. Christini asked Council what its wishes were.

Mrs. Clark said she felt we should stay with the same contractor who has been working on it. Mr. Sweitzer noted that Mr. Hartmann and the owner have been working on it. He suggested giving him until October 8<sup>th</sup> to complete the work. Mrs. Clark agreed. She asked Mr. Haight if the work could be done in a week and Mr. Haight said yes.

Mr. Klinger made a motion seconded by Mrs. Miller to approve an extension to October 8, 2012 for Mr. P.J. Fairchild to have the work completed on his building at 401 Main Street or if it is not completed, the Borough will hire the work to be done and a lien will be filed on the property and the solicitor will contact the bankruptcy trustee. Motion carried.

#### **BOROUGH MANAGER'S REPORT**

Mr. Fairchild reported on the following items:

- Mr. William Manville, Towanda's Emergency Management Coordinator, has been certified as one of 5 in the county. He is very dedicated and professional and the Borough is lucky to have him. He does a great job.
- Trehab was selected developer for the 400 Main St. block last year. The proposal at the time was for about a \$17 million project. Trehab has had difficulty securing financing for the project. Their most recent proposal is to submit an application to PHFA for funding to build a down-sized elderly housing on the upper floors with commercial on the ground floor. There has been a change in the RACP guidelines last year so to create housing. Housing money can be used as a match for the RACP money. Trehab is anxious to submit the proposal. The project is not what we looked at last year. There would have been one and two-bedroom apartments, the corner bank would be involved and commercial. The project will still build the parking garage with some being used for tenants. The project will bring people to the downtown. One of the downsides is that PHFA has a formula because there are private investors involved, where the level of local real estate taxes will be determined outside what the local taxes are...very similar to the Oak Ridge development. He said he estimated that the three taxing bodies, the Borough, County and school, full tax rate for a \$5-6 million taxable project would be about \$102,000 spread over the three with the Borough's share of about \$23,000. With the formula the Borough would receive about \$9,000. That would be in place until the private investors were paid off. Trehab is looking for approval or not for the project.

Mr. Kovalcin said he felt the Borough should approve the proposal. He said it was better than an empty lot and will provide housing for the elderly.

Sally Vaughn, resident of Towanda, asked how does a private investor get something like this, how do we compete? Mr. Fairchild noted that there was some interest from a private developer but it did not work out. She said it is not an even playing field.

Mr. Kovalcin made a motion seconded by Mr. Klinger to approve the new proposal by Trehab, Inc. for the 400 Main Street block redevelopment. Motion carried.

Mr. Fairchild noted that he is still working with FEMA/PEMA regarding College Run. He said he is also working with the engineer on their contract and it is looking better. Hope to have some exciting news about this in a few weeks.

Mrs. Clark asked if anything more has been done with regard to the new flood map for our area and Mr. Fairchild said we have time. We have been in contact with FEMA as well as our engineer has been in contact with them. We need to prove that the parkway project and the Mix Run drainage project made flood prone areas better. We have to prove it. May need to do some elevation surveys. Still have some time.

Mr. Long arrived at 8:00 p.m.

Mrs. Clark asked if Gorman's Pond could be cleaned up so people could fish there, etc. She said several people have asked her about it. Mr. Fairchild told Council that the pond is owned by PennDOT. It became a PennDOT offer in 1972 when the bypass was built. She said people have offered to clean it up.

Mr. Christini suggested writing a letter to PennDOT asking them to clean it up or if we would be given permission to do it.

#### **BOROUGH SOLICITOR'S REPORT**

Mr. Frawley reported to Council on the document that the BCVMA submitted regarding the sculpture for the memorial. He said he prepared a new document which has been reviewed by the Association and their attorney and they are going to use it. In essence, it says there is an agreement with the company and the Association and the agreement says you can go ahead and do this and the Association will pay \$167,000; however you will obviously not be able to start or get paid until the Association has all the funds to pay for it and if we don't have the money within a certain period of time, either party can terminate the agreement. Mr. Frawley said he told the Association that they might want to enter into a similar agreement with the sculpturer. He also said he asked the Association how long they wanted the agreement in effect before either party could terminate and he said Mr. Doherty said he thought it was 18 months.

#### **BOROUGH SECRETARY'S REPORT**

Ms. Harris asked Council to consider adopting a resolution in support of the DUI grant that the Police Dept. participates in each year. The grant is through PennDOT.

Mr. Long made a motion seconded by Mrs. Miller to execute Resolution 2012-11, by resolution, supporting the DUI grant for the Police Department.

The roll was called and recorded as follows:

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

NAYE: None

Resolution 2012-11 carried.

#### **FINANCIAL REPORT**

Mr. Kovalcin made a motion seconded by Mrs. Miller to pay the bills for the Towanda Borough General Fund and special Borough funds as presented in the "List of Bills" with the addition of the invoice from Solicitor Frawley. Motion carried.

#### **EXECUTIVE SESSION**

Mr. Christini called for an Executive Session at 8:12 p.m. to discuss a police personnel issue.



The regular meeting was called back into session at 8:24 pm. Mr. Frawley noted that a police personnel matter was discussed in Executive Session.

**ADJOURNMENT**

Mrs. Clark made a motion seconded by Mr. Klinger to adjourn the meeting. Motion carried. Meeting adjourned at 8:25 p.m.

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Mary Ann Harris  
Borough Secretary

November 5, 2012

Towanda, Pa

The regular monthly meeting of the Towanda Borough Council was held on Monday, November 05, 2012 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, Mr. Long, Mrs. Miller, Mr. Roof  
ABSENT: Mrs. Lacek, Mr. Sweitzer

#### **CITIZENS TO BE HEARD**

Mr. Joe Doherty, BCVMPA, addressed Council regarding Stage 1 of the memorial park project. He told Council that bids were received and opened for the Stage 1 portion of the project and that Middendorf was the apparent low bidder at \$62,650. He distributed to Council a handout of the finances for the project and reported that there is enough money to do Stage 1.

Mr. Fairchild noted that the curved retaining wall and the flag display and plaques was taken from what was bid previously that was too expensive a bid on its own. The low bid, including flag poles, came in at \$62,650 from Middendorf Contracting. Mr. Fairchild said the financing has been evaluated and it seems there is enough money for this phase. The architect talked to the apparent low bidder and he is ready to proceed and that will leave us with about \$153,000 for next spring and that is grant money. We will not be touching the brick paver money of about \$38,000. The Finance Committee and the architect are ready to make a recommendation of a "tentative award" to Middendorf who needs to get his bonds and insurance to us.

Mr. Long made a motion seconded by Mr. Kovalcin to tentatively award to Middendorf Contracting the bid for Stage 1 of the Bradford Co. Veterans Memorial Park project in the amount of \$62,650. Motion carried.

#### **APPROVAL OF LAST MONTH'S MINUTES**

Mr. Christini noted a correction on page 2 of Mr. George Carl which should read George Crowell.

Mrs. Miller made a motion seconded by Mr. Kovalcin to approve the minutes of the October 2012 meeting as corrected. Motion carried.

#### **FIRE CHIEF'S REPORT**

Mr. Roof said he did not have a written report because his printer was not working. He reported that 148 calls have been received to date for the year. He reported that all the new radios will be in service after this coming weekend.

#### **FIRE BOARD REPORT**

Mr. Klinger told Council there was nothing to bring before it.

#### **MAYOR MILLER'S REPORT**

Mayor Miller reported that he did proclamations for the Lions Club white cane day and for National Music Month. The Mayor thanked the firemen, police officers and fire police for doing a great job patrolling the Borough during Trick or Treat. Mayor Miller also noted that he help judge the Halloween costumes contest at the YMCA party.

#### **POLICE CHIEF'S REPORT**

Chief Epler reported on the following items:

- Officers were qualified with their duty weapons and long guns at the range. He told Council that there was damage again at the range. The new posts have been shot u and the shed was shot with a shotgun in the siding.

- Turned down for the COPS grant. Only 17% percent of those who applied were successful.
- The Borough was audited by the state for the Aggressive Driving grant. All requested paperwork was submitted and passed with no discrepancies. He thanked Ms. Harris for her help in doing the audit paperwork.
- Extra officers were put on duty for Trick or Treat.

A discussion followed regarding the damage at the rifle range. Chief Epler said Officer Bellows lives near the range and he can hear shooting so he will check it out and get a report on it and notify the state police because it is out of Towanda Borough's jurisdiction. He said he would like to see about getting different keys for it or some kind of locking system. He said the keys keep getting copied. Mrs. Clark suggested a mechanical lock because they can be changed on a daily, weekly or whatever basis. Mr. Fairchild noted it is a constant problem because we offer the old landfill as a compost area for our residents.

### **POLICE COMMITTEE REPORT**

Mrs. Miller said she discussed next year's police budget with the Chief. The other members of the committee were not able to be in attendance.

### **CODE ENFORCEMENT REPORT**

Mr. Haight reported that the situation at 401 Main St. has been resolved. He went on to review his written report with Council.

Mr. Haight noted that 3 rental inspections failed during the month and they have not called back for a second inspection. Had 23 rental inspections for the month.

Mr. Long said he has heard from numerous people that some landlords are avoiding any re-inspections by getting the people in and out quickly. Mr. Haight said we have a section in the code now that states if they have had an inspection within 6 months and someone changes and they had a favorable inspection we don't have to re-inspect. He said there are a couple landlords who don't obey the law.

### **PUBLIC WORKS/CODE COMMITTEE**

Mr. Christini read a letter from a resident at 112 Elizabeth St. requesting that a "watch for children" sign be placed there as well as some speed bumps.

Mr. Fairchild said there are several speed bumps there. Mrs. Clark suggested painting them. Council approved the request for a sign to be placed there.

Mr. Christini asked Ms. Harris to contact Mr. Walters and tell him of Council's decision.

Mr. Klinger told Council that he was out to Wellsboro a couple of weeks ago and the issue with the traffic lights, there main intersection, when you get the walk symbol they do get 4 red lights in every direction. Mr. Fairchild said we need to ask PennDOT and he said our engineer, Dawood, is checking it out given our concerns. Audible would also be a good idea. Will have the engineer check it out.

### **BOROUGH MANAGER'S REPORT**

Mr. Fairchild reported on the following items:

- Still negotiating with the Public Works/Clerical employees and the Teamsters.
- Ms. Harris has submitted her letter of resignation/retirement effective 12/31/12. She will stay on part-time to help teach her replacement.

Mrs. Clark asked if she would still do Riverfest and Ms. Harris said she would if that was Council's wishes. Mr. Christini said we will have Riverfest and Ms. Harris will organize it.

Mrs. Clark asked if the job will be advertised and Mr. Fairchild said it will be offered in house and advertised this week. Letters of intent to be in the office by November 28. It was suggested to move it up to November 21.

Mr. Fairchild reported that the Borough is expected to receive a little over \$173,000 in impact fees and it will be discussed how to use it in the upcoming budget work sessions.

Mr. Fairchild reported on the Police Pension Fund which has an unfunded liability issue (as do most pension funds in the country) and in 15 years if the rate of contribution stays the same and if the anticipated rate of return on the fund, which since we have been with C&N Trust Dept., hovers around 4% which is not that good and the basic problem is the actuary is estimating 8% rate of return on investment and is that realistic. We have asked the actuary to look at other rates of return and from there do something about it. 401K type plans maybe something we could do with new hires. Also more money into the fund is another option that we may need to look at.

Mr. Fairchild said the committee had a phone conversation with Mr. Fine, the actuary, and asked him to look at 5, 6 and 7% rate of return and see what that does to the numbers. He said when the present members of the force start to retire in about 15 years it is going to happen all at once and if we still assume an 8% return and what we have been putting into it each year will not be enough.

Mr. Christini said he asked Mr. Fine why 8% and he answered it is historical. Mr. Christini said he checked with some school districts around and they use 7.5%. The reality of the situation is that it is way too high. We need to deal with this now because it is just going to compound.

Mr. Kovalcin made a motion seconded by Mrs. Clark to refer to the Finance Committee the question of changing the police pension for new hires. Motion carried.

Mr. Fairchild said the Borough also needs to ask the police to contribute 5% again for 2013. He said it needs to be done by resolution.

Mr. Long made a motion seconded by Mr. Klinger to adopt by resolution the 5% contribution by the full time police officers toward the Police Pension fund for 2013. The Council was polled and the vote recorded as follows:

YES: Kovalcin, Miller, Roof, Clark, Klinger, Long, Christini  
NAYE: None

Resolution 2012-13 carried.

Mr. Fairchild noted that work on the 2013 budget is underway and he suggested the budget work session(s) be held on November 28 and 29 at 5:15 p.m.

#### **BOROUGH SOLICITOR'S REPORT**

Mr. Frawley said he had nothing to bring before Council.

#### **FINANCIAL REPORT**

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 presented in the "List of Bills". Motion carried.

#### **ADJOURNMENT**

Mrs. Clark made a motion seconded by Mr. Kovalcin to adjourn the meeting. Motion carried. Meeting adjourned at 7:50 p.m.

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Borough Secretary

December 3, 2012

Towanda, PA

The Towanda Borough Council held its monthly meeting on Monday, December 3, 2012 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. Roll was called and recorded as follows:

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

ABSENT: None

**CITIZENS TO BE HEARD**

Charity Fields, Executive Director of the Bradford Co. YMCA introduced herself to Council and reported on the programs that the "Y" offers. She noted that the "Y" is a very busy place and it is expanding both its adult and children's programming. She thanked everyone so being so welcoming to her.

Mayor Miller noted that he has known Charity for a long time and "the "Y" is in good hands".

Ms. Fields also introduced Dena Miller, a "Y" board member to Council.

Ms. Fields also thanked Mr. Klinger for donating dvd/vcr to YMCA.

Ms. Miller told Council that the "Y" has put about \$18,000 in improvement at the facility during the year.

Ms. Fields said the "Y" is trying to finalize the lease agreement with the Borough also.

Mrs. Clark said that without a lease being in place, it hinders the "Y" from seeking grants and she said the Board would like to start out 2013 with a signed lease.

Mr. Frawley said it was his understanding that there is basically an agreement between the two parties except for one issue and that deals with the cost of utilities. He said the draft presented to the "Y" by the Borough states that during the first 5 years of the lease, the only responsibility of the "Y" is that if it realizes a net profit that profit will be used toward payment of the utilities. After 5 years the "Y" would be fully responsible for the utilities. The draft that the "Y" is presenting to the Borough suggests that for the length of the lease any profits that the "Y" makes would go into a capital improvement fund and to be used for capital improvements. He said if he understood it correctly, the Borough would be the one to decide what capital improvements would be made to the facility. If the "Y" wanted to use the money for some other purpose, it would have to seek approval of Council.

Mr. Frawley said his concern is that the Borough has paid all the utility costs which have been substantial and it appears that it will increase significantly in the future. He said he felt the position of the Borough is probably more financially sound. If for some reason in the future, under the Borough's draft, if the "Y" wanted to use the money for some capital improvement project, they could always approach the Borough and ask that an exception be made or an amendment to the lease.

Mr. Sweitzer asked what the term was and Mr. Fairchild said 25 years.

Mrs. Clark said the "Y" board does not know where it will come up with the \$15-20,000 in 5 years to pay the utilities. That is their concern.

Mr. Sweitzer said there has to be some kind of regulation on the utility costs. He said we are in the same position now as we were a year ago.

Mr. Frawley said he felt the Borough's draft lease would protect the Borough more and there is nothing in it to prevent the "Y" from asking the Borough to use the money to help pay the utilities.

Mrs. Clark said if the Borough did not budget the money it would not be available to pay the utilities if the "Y" could not. Mrs. Clark said the "Y" is growing and hopes to continue. She said the building did need a lot of work and there still needs to be more done.

Mr. Christini asked if anyone wanted to make a motion on this and Mrs. Clark said she would. Mr. Frawley said he felt that there might be a conflict of interest because she serves on the board of the YMCA and is a council member.

Mr. Klinger made a motion seconded by Mrs. Lacek to accept, by resolution, the YMCA draft lease between the Borough and the YMCA.

Mr. Long said by doing this we would effectively be saying the Borough is taking on some of the expenses of the "Y" for the whole county and he said he did not think Borough residents would be too happy about that. Mrs. Clark said she understood Mr. Long's statement but she said the Borough has been paying for it since its inception and has been paying the bill when it was the SCI. She said the residents are not paying for anything they didn't pay before the "Y".

Mr. Frawley said if grants come into play, the "Y" and Borough can revisit the lease. Mr. Christini said the "Y" will get the grants with a 25-year lease and it has nothing to do with the utilities.

Mr. Klinger asked Mr. Fairchild for his opinion. Mr. Fairchild said with regard to grants, every one that has been secured has been through the Borough. Since 2005 the two large grants were about half million dollars. He said the utilities have always been a concern. He went on to say that the Borough and the "Y" have always enjoyed a great partnership but the expense of the utilities with the added space is going up so to say that the "Y" never has to pay the utilities is not right. Talked about in the past using a surcharge. He said he felt Mr. Long's concern is quite valid. The Borough has been doing this since its existence of providing for the other municipalities. There has to be some sort of way to cap it or something.

Mr. Klinger said if the nothing happens the status quo will remain the same and the "Y" will not be able to apply for certain grants.

Pat Taylor, Second St., Towanda, told Council, as a taxpayer in the Borough, he has real strong feelings about the Borough paying all the utilities. He said it is not fair to the taxpayers of the Borough. He asked if the "Y" provides the Borough with financials. He said he was enraged about it.

Mr. Christini said the Council has looked at this at great length and we do get direct benefit from the YMCA just in the fact that they operate the swimming pool saves us over \$10,000 a year. He also noted that the Council does review the "Y's" financials.

Mr. Kovalcin suggested some type of cap could be put on the utilities.

Mr. Frawley said if the Borough's draft is accepted and the "Y" has a problem in the future, the lease can be amended.

Mr. Christini said the utilities this year are \$20,000.

Mr. Christini called for a vote.

The Council was polled and the vote recorded as follows:

AYE: Lacek  
NAYE: Sweitzer, Miller, Roof, Klinger, Long, Kovalcin, Christini  
ABSTAIN: Clark

Resolution 201214 did not carry.

Mrs. Clark asked Council if there was anything it would like to take back to the "Y" concerning this issue.

Mr. Klinger suggested a progressive scale that they contribute a dollar amount or a percentage.

It was decided that the YMCA would come back to Council with a progressive scale with regard to utility costs.

Mr. Fairchild said with regard to Mr. Taylor's comments, before the "Y" was here the Borough had a few recreation programs but they were not well organized and the building sort of languished and we sort of had a part-time person there who organized some programs. The Borough and the area at large are now seeing a professional organization doing professional programs.

Mr. Christini thanked Ms. Fields and Ms. Miller for attending the meeting and updating Council on the YMCA.

Misty Blowers, representing Bradford Co. Children's' Advocacy Center, requested approval to hold a 5-K Run on the Merrill Parkway on April 27, 2013 from about 8 am to noon. She said they held on last year and it will be similar to that with hopefully adding a kids run and invite other agencies to participate.

Mr. Klinger made a motion seconded by Mr. Sweitzer to approve the request of the Bradford Co. Children's' Advocacy Center to host a 5-K Run on the Merrill Parkway on April 27, 2013 from 8 a.m. to noon. Motion carried.

Daniel Grubb, told Council about the outpatient clinic for veterans at Sayre and he asked Council to pass on the information if they know a veteran that could use some help.

Mr. Christini read an e-mail (made part of these minutes) from Larry Putnam expressing his concern for the speeding on Bridge Street.

Chief Epler noted that we have always had a problem with Bridge St. because of the way it is laid out and using vascar. He said a 200 ft. distance is needed while they are looking at us. He said they probably sound like they are going faster than they are because they are going up hill. He said the speed limit is posted at 25 mph and we have to give them 35 mph before we can write a citation. It is a hard thing to get them. He said he has personally sat there and tried to get them.

#### **APPROVAL OF PREVIOUS MONTH'S MINUTES**

Mrs. Lacek 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 reported that 154 calls have been received to date this year. He told Council that there was a small problem with the tanker but it will be getting fixed shortly.

#### **FIRE BOARD REPORT**

No action items to come before Council.

### **MAYOR'S REPORT**

Mayor Miller reported that he did a proclamation for the Musical Society and he said he did an interview with a reported from Harrisburg and one from Washington, D.C. He said he took them on a tour of downtown and they were impressed with our quaint little town. He said when it airs he will let Council know.

Mayor Miller thanked Dan for coming down and letting Council know about the help for veterans locally at Sayre.

Mayor Miller reminded Council that First Friday will be Dec. 7<sup>th</sup> and the Santa parade with Santa arriving will be the highlight of the event.

Ms. Harris asked Council to approve the route of the Santa parade for the PennDOT permit.

Mr. Sweitzer made a motion seconded by Mrs. Clark to approve the Santa parade route to be held on Friday, December 7, 2012. Motion carried.

### **CHIEF EPLER'S REPORT**

Chief Epler reported on the following:

- Sgt. Lantz and Officer Bellows completed the 2013 DUI grant.
- Started the Holiday Aggressive Driving enforcement third phase.
- 2009 Dodge Charger now back in service after being repaired. (\$4000 repair)
- Officer Hennessy and K-9 Moro did a walk through at Towanda High School and assisted the state police and game commission on a felon that fled a traffic stop.
- Ryan Edsell has completed his 6 months probationary period.

Chief Epler recommended that Ryan Edsell be made a permanent police officer for Towanda Borough.

Mrs. Miller made a motion seconded by Mr. Kovalcin to make Ryan Edsell a permanent employee of Towanda Borough Police Department. Motion carried.

### **POLICE COMMITTEE REPORT**

Mrs. Miller reported there was no meeting.

Mr. Christini asked about the number of hours spent out of town on assistance and Chief Epler said most of them are state police requests for assistance because they are busy.

### **CODE ENFORCEMENT REPORT**

Mr. Haight asked if there were any questions regarding his written report.

Mr. Christini said he has been talking to Dave Jarrett at Sayre Borough. The Borough has taken some action with regard to absentee owners and blighted properties and we will be looking at something like this for Towanda.

### **BOROUGH MANAGER'S REPORT**

Mr. Fairchild reported on the following items:

- Administrative Committee met and reviewed the applications for the Borough Secretary position. Interviews are being arranged for Dec. 17 and 18.
- Still waiting for a date from the mediator to resume the public works/clerical/teamsters negotiations.



- Proposed PILOT agreement dealing with the 400 block of Main St (copy distributed to Council), When project was proposed and approved by Council we were looking at something around 40% of real estate taxes. Trehab has come back with a 50% proposal. Met with Commissioners on Thursday and they were in favor of the project and would agree to the 50% PILOT agreement. Trehab is making the application in February. Asked Council to approve the PILOT agreement. Looking at about a \$6 million dollar building which is in addition to the parking garage at about \$5 million which would be owned by the Borough or a parking authority and Trehab would own the building. Estimated tax at the full rate for school, Borough and County based on 2012 rate would be \$87,000. Half of that would be about \$43,600. The Borough's share would be half of \$10,250. Right now the three taxing bodies enjoy a tax revenue of \$242.

Mr. Long made a motion seconded by Mrs. Miller to enter into a PILOT agreement with Trehab, the County and the school district for the development of the 400 block of Main Street. Motion carried.

Mr. Fairchild noted that after 15 years, the full tax rate would go into effect.

- Commended James Lowenstein for his article on the budget work session. Next year's proposed Borough budget is \$6,370,534. Revised Borough Budget Summary was included in written report as well as 4 sheets showing the changes that were made after Mr. Christini, Chief Epler, Mayor Miller and himself met the next day.

Mr. Fairchild noted that the Borough did very well in 2011. There was a \$113,000 difference which increased the estimated fund balance from \$175,000 to \$300,000 to begin 2012 with. Mr. Fairchild recommended no tax increase for next year.

Mr. Sweitzer ask if a paving project is in the budget for 2013 and Mr. Fairchild said yes.

Mr. Sweitzer made a motion seconded by Mrs. Clark to advertise the proposed 2013 Borough budget with final adoption at a meeting of Council on 12/27/12 at 6:00 p.m.. Motion carried.

Council commended Mr. Fairchild on the good job he does watching the expenses and preparing the budget.

#### **BOROUGH SOLICITOR REPORT**

Mr. Frawley said he had nothing to bring before Council.

#### **BOROUGH SECRETARY REPORT**

Ms. Harris said she had nothing to bring before Council.

#### **ADMINISTRATIVE COMMITTEE REPORT**

Mr. Christini reported the Committee reviewed the 27 applications that were received for the Borough Secretary position and narrowed it down to 7 to be interviewed.

#### **FINANCIAL REPORT**

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.

#### **ADJOURNMENT**

Mr. Kovalcin made a motion seconded by Mrs. Miller to adjourn the meeting. Motion carried. Meeting adjourned at 8:12 p.m.

December 27, 2012

Towanda, PA

A special council meeting was held on Thursday, December 27, 2012 at the Municipal Building. The meeting was called to order at 6:00 p.m. by Council President Mark Christini followed by a moment of silent prayer and the reciting of the Pledge of Allegiance. Roll was called and recorded as follows:

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

Also in attendance were Mayor Miller and Borough Manager Thomas Fairchild.

**CITIZENS TO BE HEARD**

Pat Taylor, Second St. said he had reviewed the proposed 2013 Borough budget and had a question about Fund 31...he asked what it was.

Mr. Fairchild responded that Fund 31 represents a 10 cent surcharge on each garbage bag sold in the Borough. This fund is used to pay for the spring cleanup, sanitation wages and the upkeep of the old dump site. This surcharge is used to off set a tax increase for the residents and since both renters and property owners use this service it is not placing the entire burden on the tax payers of the Borough.

**ADOPTION OF THE 2013 BOROUGH BUDGET**

Mr. Christini asked if there were any questions regarding the proposed 2013 Borough and special funds budgets.

Mr. Long made a motion seconded by Mrs. Lacek to adopt, by resolution, the 2013 Borough and special funds budget as presented and advertised. The roll was called and recorded as follows:

AYE: Sweitzer, Miller, Roof, Clark, Klinger, Long, Lacek, Christini  
NAYE: None

Resolution 2012-16 carried.

**ADOPTION OF 2013 REAL ESTATE TAX ORDINANCE**

Mr. Long made a motion seconded by Mrs. Miller to adopt, by resolution, Real Estate Tax Ordinance 2013 as presented. The roll was called and recorded as follows:

AYE: Sweitzer, Miller, Roof, Clark, Klinger, Long, Lacek, Christini  
NAYE: None

Resolution 2012-15 carried.

**ACT 13 IMPACT FEES**

Ms. Harris asked Council to consider adopting a resolution approving the deposit of the Impact Fees check into a money market account at the First Citizens-Community Bank at a rate of .75%. The amount of the check is \$173,550.64.

Mr. Long made a motion seconded by Mrs. Miller to approve, by resolution, the deposit of the Impact Fees check into a money market account at the First Citizens Community Bank in the amount of \$173,550.64. The Council was polled and the vote recorded as follows:

AYE: Sweitzer, Miller, Roof, Clark, Klinger, Long, Lacek, Christini  
NAYE: None

Resolution 2012-17 carried.

#### **PAYMENT OF YEAR-END BILLS**

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

#### **BOARD APPOINTMENT**

Mrs. Lacek made a motion seconded by Mr. Klinger to reappoint **Henry Dunn** to the Bradford County Progress Authority board as a representative for Towanda Borough for a 5 year term. Motion carried with Mr. Sweitzer abstaining.

#### **REPORT FROM BOROUGH SECRETARY SEARCH COMMITTEE**

Mr. Fairchild reported to Council that 27 applications were received for the position and seven were interviewed with the Committee voting to offer the position to **Martha Rajaei** and she has accepted.

#### **OTHER BUSINESS**

Mrs. Clark presented a revised YMCA lease agreement to Council. She said the YMCA board met and is proposing that during the first 5 years of the lease the Borough will continue to pay the utility costs. Years 5 through 10 of the lease, the Y will reimburse the Borough 10% of the utility costs. Years 11 through 15, the Y will reimburse the Borough 20% of the utility costs. Years 16 through 20, the Y will reimburse the Borough 30% and years 21-25, the Y will reimburse the Borough 40% of the utility costs.

Mr. Christini said Council cannot act on this tonight but should be able to consider it at the January 7, 2013 meeting. Council directed that Mr. Frawley review the proposed lease agreement before it is voted on.

Charity Fields, Executive Director of the YMCA reported to Council that about 375 members of the Y are Borough residents and about 53% of the scholarships (subsidy) are Borough residents and a total of \$5106 in scholarships were awarded to Borough residents and this does not include the summer day camp program.

Mr. Long asked if they were full scholarships and Ms. Field reported that it varies based on income.

#### **ADJOURNMENT**

Mrs. Miller made a motion seconded by Mr. Klinger to adjourn. Motion carried. Meeting adjourned at 6:15 p.m.

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Mary Ann Harris  
Borough Secretary