

# **TYRONE BOROUGH COUNCIL MINUTES OF REGULAR COUNCIL MEETING**

**April 12, 2010 @ 7:00PM**

=====

The Regular Monthly Council Meeting of the Tyrone Borough Council was held on April 12, 2010, at 7:00PM at the Municipal Building, 1100 Logan Avenue, Tyrone, PA. Mayor Fink led the group in the Pledge of Allegiance and Pastor Susan Yata gave the Invocation.

## **CALL TO ORDER:**

Mayor Fink called the meeting to order and requested roll call. Present: Council members Jennifer Bryan, Stephen Hanzir, Mark Kosoglow, Christy Ray, Courtney Rhoades, Pat Stoner and Mayor Fink. Absent: Council member William Latchford. Also present were Borough Manager Sharon Dannaway; Borough Solicitor Larry Clapper; Consulting Engineer Kevin Nester; Sewer Superintendent Tim Nulton; Water Superintendent Gary Barr; Highway Superintendent Jim Bywater; Code Enforcement Officer Jim Metzgar; Chief of Police Joe Beachem; Finance Director Phyllis Garhart; and Administrative Assistant Kimberly Gurekovich.

## **EXECUTIVE SESSION**

Mayor Fink announced that Council had an Executive Session prior to the Council meeting to discuss possible litigation and personnel.

## **PUBLIC COMMENT**

### **Jerry Thomas, G & R Excavating**

Mr. Jerry Thomas, representative of G & R Excavating, was in attendance at the meeting to advise Council that G & R Excavating will be holding an Earth Day Celebration, April 22-24<sup>th</sup>. They are requesting to use some of the parking area at Railroad Park. It was moved and seconded that Council approve G & R's request. This item was not on the Agenda. Mayor Fink called for public comment and no comments were made. Council unanimously approved said motion. Mr. Thomas was advised that they would have to provide the Borough with a Certificate of Insurance and assure the cleanup of the site, following their event.

### **Kim Capenos, 424, W. 18<sup>th</sup> Street**

Mrs. Capenos was in attendance at the meeting to complain about the Borough's Refuse ordinance. Mrs. Capenos was recently taken to Magistrate Court for non-

**Minutes-Work Session Meeting  
Tyrone Borough Council – April 12, 2010  
Page Two (2)**

payment of her refuse bill. Mrs. Capenos stated that her bill was six months behind, however, she paid the bill in full before her court hearing. Mrs. Capenos feels the Borough's ordinance and penalties for nonpayment are cruel and unusual punishment. Mrs. Capenos requested that Council revisit this Ordinance and make changes. Mayor Fink advised that Council would review the Ordinance.

**James Ramsay, 414 4<sup>th</sup> Street, Tyrone**

Mr. Ramsay addressed Council regarding a recent door that he had to replace on a commercial property he owns in the Borough. The Borough's requirements cost him more money in permit fees than it cost for the door. Mr. Ramsay was required to install additional hardware to meet handicap accessibility requirements.

**Mike DelBaggio, 1014 Pennsylvania Avenue, Tyrone**

Mike DelBaggio, of Patrice's Boutique, located at 1014 Pennsylvania Avenue, was present to request that Council revisit their snow removal ordinance and suggested that cars be moved from the streets to allow the snow plows to push snow back to the curb. Mr. DelBaggio also suggested that the Borough remove the parking meters on 10<sup>th</sup> Street from Pennsylvania Avenue to the VFW. Mr. DelBaggio stated that renters use the metered parking, thus not allowing business patrons to park in front of or near the businesses.

**Deb Flannigan, Hollidaysburg, Gamesa**

Ms. Flannigan was presented Mayor Fink with a petition signed by 300 people supporting the wind farm project.

**Diane Brinkman, 1504 Logan Avenue & Misty Rhoades, Logan Avenue Residents**

Ms. Brinkman and Ms. Rhoades were in attendance to encourage Council to adopt a Rental Inspection Program. They stated that their residences are depreciating in value because of dilapidated structures. The residents in this neighborhood sent a letter to the owners of one particular property and they received correspondence back stating that they could purchase this rental if that was their desire.

Ms. Rhoades also inquired as to the condition of sidewalks along Pennsylvania Avenue and 14<sup>th</sup> Streets. She takes her grandmother in a wheel chair along this route and is worried that the wheel chair will fall over due to the condition of the sidewalks. Council

**Minutes-Work Session Meeting  
Tyrone Borough Council – April 12, 2010  
Page Three (3)**

member Bryan asked if Ms. Rhoades had reported these to the Code Officer and she had not.

**Alan Swan, Warriors Mark**

Mr. Swan was present to advise Council that he is in the process of forming a Neighbor to Neighbor Organization. Mr. Swan plans to hold fund raisers. Other plans are also to do 3 clean ups around the area and is asking for the Borough to donate vests, bags and provide pick up locations for the debris that is gathered as well as financial support from the Borough. Mr. Swan was instructed to meet with the Borough Manager regarding his plans.

There was no further public comment.

**APPROVAL OF MINUTES**

It was moved and seconded that Council approve minutes from the Council Meeting of March 8, 2010. Council unanimously approved said motion.

**APPROVAL OF MONTHLY FINANCIAL REPORTS**

It was moved and seconded that the financial reports for the monthly accounting period ending March 31, 2010 be approved: (1) The Account Balance Report; (2) Statement of Revenues and Expenses; and (3) Cash Disbursement Journal. Council member Ray inquired as to the two computer vendors; Mrs. Garhart advised that one is programming and one if IT. Council unanimously approved said motion.

**BOROUGH MANAGER'S MONTHLY REPORT**

**VFW Teener League Contribution**

Mr. Ernie Dick, President of VFW Teener League, thanked Borough Council for their annual \$300 donation. Council was in receipt of information from the Teener League showing receipt and deposit of \$850. The Teener League has sent letters to 13 businesses in and around the Tyrone area. Mr. Dick advised that they are looking for more cost effective alternatives for the retaining wall. Council member Ray suggested that a Council person take the lead with the VFW Board to make sure that things continue to progress. Gary Barr and Jim Bywater have both offered to do work on their own time provided they can use the Borough's equipment (i.e., backhoes, grader, etc.)

**Minutes-Work Session Meeting  
Tyrone Borough Council – April 12, 2010  
Page Four (4)**

The total estimate for work to be done is \$18,940. It was moved and seconded that Council match a maximum of \$9,500, whether it be monetary or in-kind contributions and to disburse \$850 immediately to the Teener League. Council unanimously approved said motion.

**Request of Site Plan – Gamesa**

Mr. James Casselberry addressed Borough Council and gave an update as to the core borings that were done at the wind farm site. The purpose of the report was to evaluate the potential for the excavation activities associated with the proposed wind farm to cause acidic surface-water and/or groundwater drainage with the Reservoir's watershed. There was no pyritic material found. Mr. Casselberry stated that Gamesa has done all the right things. It was then moved and seconded that Council approve the site plan. This plan is needed for Gamesa to move forward. A roll call vote was taken: Ayes: Council members Bryan, Ray, Kosoglow, Stoner and Rhoades. Nays: Council members Hanzir and Mayor Fink. The motion carried.

**Tyrone Regional Arts Council**

Council was in receipt of a letter from Mr. Steve Stoner, President of the Arts Council advising that the deadline for applying for a matching grant has passed. It was moved and seconded that Council approve the budgeted amount in order to continue providing Concerts at Reservoir Park. A roll call vote was taken. Ayes: Council members Bryan, Ray, Hanzir, Kosoglow, Rhoades and Mayor Fink. Council member Stoner abstained. The motion carried. Mr. Stoner also advised that he would be stepping down as President of the Arts Council.

**Hoopsfest Request – Joshua House**

Council was in receipt of a request from the Joshua House requesting approval to close 10<sup>th</sup> Street from Logan Avenue to Pennsylvania Avenue. This request must be made by the Borough to PennDOT since this is a State Road. The Joshua House is also requesting closure of Logan Avenue from 10<sup>th</sup> Street to the Moose. The time for the closure is 6am to 6pm. Several comments were made regarding the closure of the street; have they considered moving it to the high school, not all business owners in the downtown are in favor of this. Council member Kosoglow advised that one of the big draws for the event is that you get to play ball in the street and that this is the biggest 3 on 3 tournament other than Philadelphia and Pittsburgh.

**Minutes-Work Session Meeting  
Tyrone Borough Council – April 12, 2010  
Page Five (5)**

It was moved and seconded that Council approve the request for street closures as well as waiving vendor fees for the event. A roll call vote was taken. Ayes: Council members Bryan, Ray, Hanzir, Stoner, Rhoades and Mayor Fink. Council member Kosoglow abstained.

**Alternates Council Members for Various Boards**

In January, 2010, several new Council members were appointed to fill vacant board seats on the UCC Appeals Board and the IRC Board. It was moved and seconded that Council appoint alternates for these positions. Courtney Rhoades will serve as an Alternate on the UCC Board of Appeals and Christy Ray will serve as an Alternate on the IRC Board. Council unanimously approved said motion.

**Request to Terminate Verizon Tower Lease – Ice Mountain**

Council was in receipt of a request to terminate Verizon's lease for a tower on Ice Mountain. The current lease does not expire until July, 2014. The Borough receives annual rental of \$1,475. It was moved and seconded that Council deny the request for termination. Council unanimously approved said motion.

**2010 CDBG Sub-Grantee Agreements**

It was moved and seconded that Council approve two sub-grantee agreements for the Borough's 2010 CDBG funding. Council unanimously approved said motion.

**Reallocation of 2008 Demolition/Clearance Funds**

It was the consensus of Council to reallocate the 2008 Demolition and Clearance to Housing Rehabilitation.

**Request for New Fax Machine – Finance Department**

Council was in receipt of a request from the Finance Director for a new fax machine at the cost of \$788. Mrs. Garhart stated that she has a report that has to go to the State, its 50 pages, has to be faxed and the current fax machine won't take a 50 page fax. Several council members were not in favor of spending this kind of money for a fax machine that only has to be used twice a year for just a few years until the PennVest loan is paid. It was moved and seconded that Council deny the request for a new fax machine for the Finance Department. A roll call vote was taken. Ayes: Council

**Minutes-Work Session Meeting  
Tyrone Borough Council – April 12, 2010  
Page Six (6)**

members Ray, Kosoglow, Stoner and Rhoades. Nays: Council members Bryan, Hanzir and Mayor Fink.

**Letter of Intent – Army Corps of Engineers**

It was moved and seconded that the Borough submit a Letter of Intent to the Army Corps of Engineers. Said letter would permit a study of flood prone areas of Tyrone with possible recommendations and projects which could be utilized for flooding. There is no cost for this study. Council unanimously approved said motion.

**Request for Donation – Chamber’s Annual Dinner**

It was moved and seconded that Council donate a 2010 Family Swim Pass for the Chamber’s Annual Dinner. Council unanimously approved said motion.

**Award of Bid for Polyethylene Tank – WWTP**

The Borough was in receipt of two bids for a Polyethylene Storage Tank for the Wastewater Treatment Plant. Seneca Mineral Company has withdrawn their bid leaving the Borough with one bid from Process/Kana at a bid price of \$35,684. It was moved and seconded that Council approve said bid. Council unanimously approved said motion.

**Snow Emergency Routes – Discussion**

Council again revisited the Borough’s snow removal ordinance and snow emergency routes. Council was advised that the automatic call system would be up and running by the time the snow fell again and the Borough could implement this system to have cars moved from the streets. Council also discussed the snow emergency routes and/or state routes and the possibility of all cars being removed from the streets. It was the consensus of Borough Council to change the snow ordinance. Solicitor Clapper will prepare a revised snow ordinance for Council’s review.

**Minutes-Work Session Meeting  
Tyrone Borough Council – April 12, 2010  
Page Seven (7)**

**SOLICITOR'S REPORT:** The Solicitor had the following to report:

**Resolution No. 2010-02 – Agility Program**

It was moved and seconded that Council approve Resolution No. 2010-02, approving an Agreement between the Borough of Tyrone and PennDOT. Council unanimously approved said motion.

**Resolution No. 2010-03 – 2010 CDBG Program**

It was moved and seconded that Council approve Resolution No. 2010-03, approving submission of the Borough's 2010 CDBG application. Council unanimously approved said motion.

**Resolution No. 2010-04 – Authorized Signatures for PEMA**

It was moved and seconded that Council appoint William Fink as signatory for PEMA documents related to the Snow Declaration of February, 2010. Council unanimously approved said motion.

**CONSULTING ENGINEER:** The Consulting Engineer provided a report for Borough Council and had nothing additional to report.

**CODE ENFORCEMENT DEPARTMENT:** Code Enforcement Officer Jim Metzgar reviewed his report with Borough Council. Mr. Metzgar advised that he has received several complaints regarding the number of household pets people are allowed to have and would like Council to look at updating this ordinance. Mr. Metzgar will also be meeting with the Solid Waste Director, Terry Stacey regarding the ongoing mess of recycling material in front of Judge Miller's office. Mr. Metzgar's report also indicated that citations have been issued for 10 abandoned/junked vehicles. Council member Bryan inquired as to the vehicle located adjacent to the Borough Building. Mr. Metzgar advised that this vehicle has been moved.

**POLICE DEPARTMENT**

**Request for Private Handicap Parking Space – 1108 Lincoln Avenue**

Council was in receipt of a request for a private handicap parking space to be located at 1108 Lincoln Avenue. There is not off street parking available at this location. It was

**Minutes-Work Session Meeting  
Tyrone Borough Council – April 12, 2010  
Page Eight (8)**

moved and seconded that Council approve said request. Council unanimously approved said motion.

Council member Bryan thanked the Chief for showing a list of citations as issued and asked if the report could be reduced in size.

**Tasers**

Discussion on the tasers was tabled.

**Suspension of Part-Time Officer**

It was moved and seconded that Council suspend Part-Time Officer Adam Bonsell until the investigation regarding his recent accident is complete. Council unanimously approved said motion.

**SEWER DEPARTMENT:** Mr. Nulton had nothing additional to report.

**HIGHWAY DEPARTMENT:** Mr. Bywater inquired as to any changes to the street paving program. Council indicated to move forward as previously voted on.

**WATER DEPARTMENT:** Mr. Barr had nothing additional to report.

**MISCELLANEOUS:**

- The SCCBA Dinner is scheduled for April 22, 2010 at the Bellwood Fire Hall. Let Kim know if you are interested in attending.
- ABCD will be hosting a visioning meeting on April 21, 2010 at the Bull Pen, please let Kim know if you are interested in attending.
- Mrs. Dannaway presented Mayor Fink with a letter which he read aloud advising Council that she would be retiring and her last day will be June 11, 2010. Council accepted Sharon's retirement letter.
- Council member Bryan asked the Manager to look into ceiling fans for the Council Chambers.
- Mrs. Bryan also asked that Council consider two meetings per month. Ms. Bryan feels that there is too much of a lapse in time between meetings and one meeting leaves them rushed to get through everything. This discussion was tabled until the May meeting.

**Minutes-Work Session Meeting**  
**Tyrone Borough Council – April 12, 2010**  
**Page Nine (9)**

- Council member Rhoades advised that Dan Kobuck, of Blair Senior Services, will be hosting an Open House on Saturday, May 8, 2010 at the Blair Senior Services in Tyrone.

The Meeting Adjourned at 9:30PM.

Respectfully Submitted,

Sharon Dannaway/kdg  
Borough Manager