

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

MARCH 11, 2013 @ 7:00PM

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The Regular Monthly Council Meeting of the Tyrone Borough Council was held on Monday, March 11, 2013 @ 7:00PM at the Tyrone Borough Municipal Building, 1100 Logan Avenue, Tyrone, PA. Mayor Fink led the group in the Pledge of Allegiance and Pastor Kenneth Patterson, Bible Baptist Church gave the Invocation.

CALL TO ORDER:

Mayor Fink called the meeting to order and requested roll call. Present: Council members Mark Black, Raymond Detwiler, William Latchford, Christy Ray, Terry Richardson, Courtney Rhoades and Mark Kosoglow and Mayor Fink. Also present were Interim Borough Manager/Finance Director, Phyllis Garhart; Solicitor, Larry Clapper; Sewer Superintendent, Tim Nulton; Highway Superintendent, Jim Bywater; Water Superintendent, Ardean Latchford; Code Enforcement Officer, Patrick Rabits; Consulting Engineer, Kevin Nester; and Administrative Assistant Kimberly Gurekovich.

EXECUTIVE SESSION: Mayor Fink announced that an Executive Session meeting was held prior to the Council meeting to discuss personnel and litigation.

PUBLIC COMMENT:

William Dixon, owner of Dixon Tool & Die, addressed Borough Council regarding taking possession of a road that was part of a Developer's Agreement. Mr. Dixon stated this would be a gift in the amount of \$100,000 he was willing to give the Borough. Mr. Dixon advised that he was selling a parcel of land to a company that is currently leasing a building in Snyder Township. Mr. Dixon further stated this would be additional tax revenue for the Borough and five additional jobs. Mr. Dixon suggested that this could also be added to the Borough's Liquid Fuels program. Council was in a receipt of a Memo from Interim Manager Phyllis Garhart dated January 31, 2013 outlining the Borough's research of this situation. Council member Ray stated that the Borough was not interested in the taking over the road, as it only services one company and would be of no benefit to the Borough. Council suggested the Borough check in to the Liquid Fuels aspect of the road. Council member Detwiler stated that heavy equipment would be moving over this road as well and that would increase maintenance for the Borough.

Cody Eckels, Eagle Scout Project Update – Soldier's Park

Cody Eckels was present to update Council on his Eagle Scout Project at Soldier's Park. There has been some concern about the placement of the crosses with the new layout of the park. Mr. Eckels has met with Joe Ieraci and they feel they have come up with a resolution; however it would require them taking out one additional tree. Mr.

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Eckels explained which tree he would like to remove and it was the consensus of Council to approve this request. There will be a ceremony at the American Legion on April 5th @ 7pm as well as the dedication of the project on May 27th. Mr. Eckels thanked the Borough and everyone from Tyrone that help to make this project such a success.

There was no further public comment.

PUBLIC HEARING-LERTA – TYRONE INDUSTRIAL PARK

Mayor Fink adjourned the Council Meeting at 7:20pm and turned the meeting over to Pat Miller and Marty Marasco, both of ABCD Corporation. Mr. Miller read the public notice and stated the reason for the hearing is to request a five year LERTA Zone for the Tyrone Industrial Park. Mr. Miller explained that all companies involved continue to pay their current local taxes; however, the tax abatement would be for any newly constructed buildings. Mr. Marasco explained what properties were in the proposed zone. Copies of maps were distributed to Council, Solicitor and Interim Manager.

There was no public comment. The hearing was adjourned at 7:35pm.

Mayor Fink reconvened the Council Meeting.

RESOLUTION NO. 2013-04 – LERTA

Following the public hearing, Solicitor Clapper asked Council to take action on *Resolution No. 2013-04*, adopting the five year LERTA for the Tyrone Industrial Park. It was moved and seconded that Council approve *Resolution No. 2013-04*, contingent upon review of the Solicitor and Interim Manager. Council unanimously approved said motion.

CERTIFICATES OF COMPLIANCE

Mayor Fink and Sewer Superintendent Tim Nulton presented two Industries with a *Certificate of Compliance*, whereby Kunzler & Company and Albemarle Corporation were in total compliance of all Industrial Waste Pretreatment Permit Parameters for the year 2012.

PROCLAMATION

Mayor Fink presented a Proclamation to Alice Mulhollan, Representative of the Tyrone Events & Promotions Committee for Irish Heritage Days.

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There was no further public comment.

APPROVAL OF MINUTES

It was moved and seconded the minutes of the February 11, 2013 Borough Council meeting be approved. A roll call vote was taken. Ayes: Council members Rhoades, Black, Richardson, Detwiler, Kosoglow, Latchford and Mayor Fink. Council member Ray abstained. The motion carried.

APPROVAL OF MONTHLY FINANCIAL REPORTS

It was moved and seconded that the financial reports for the monthly accounting period ending February 28, 2013, be approved: (1) The Account Balance Report; (2) Statement of Revenues and Expenses; and (3) Cash Disbursement Journal. Council unanimously approved said motion.

INTERIM BOROUGH MANAGER'S MONTHLY REPORT

Award of Dump Truck – WWTP

The Borough accepted bids for a Used Dump Truck for the Wastewater Treatment Plant on February 14, 2013. One bid was received in the amount of \$51,000 from Crouse Ford Sales, Inc., of Taneytown, MD. It was moved and seconded that Council award the bid to Crouse Ford Sales in the amount of \$51,000. Council unanimously approved said motion.

Replacement of 1987 Bucket Truck

The Highway Department Budget includes replacement of the Borough's 1987 Bucket Truck. The current bucket truck cannot be certified due to the age of the vehicle. The state contract has a truck for \$83,643.22. It was moved and seconded that Council approve moving forward with this purchase. Council unanimously approved said motion.

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Manhole Relocation - 14th Street & Logan Avenue

The Borough requested quotes for this project since the estimated cost was to be around \$15,000. Three quotes were received and are as follows:

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|-----------------|-----------|
| Gordon Delozier | \$ 52,097 |
| DC Ventre | \$ 22,867 |
| Guyer Brothers | \$ 34,056 |

Due to the high quotes, this project will now have to be put out for bid. It was moved and seconded that Council reject the above quotes and allow the Interim Manager to administratively approve the bids being accepted on March 27th. Council unanimously approved said motion. Council will ratify this action at their April 8th Council Meeting.

Pennsylvania Avenue Streetscape Project

The Pennsylvania Avenue Streetscape project is now complete and a final walk through of Borough staff has been done. A concern regarding the sloped portion of the sidewalk was raised; however, the Contractor could not take away from what previously existed at this residence. The owner of that particular property has handicap accessibility into the front of the residence. It was noted that the red brick is not considered a “walking path”. Solicitor Clapper suggested seeking clarification from PennDOT. PennDOT is requesting the Borough accept this project as complete, thus taking ownership of it. After some discussion, it was moved and seconded that Council approve the completion of this project. Council unanimously approved said motion.

Parking Issues – Downtown

As a follow up from a meeting held with downtown merchants regarding parking issues, Council was provided with a list of requests for Council’s consideration and are as follows: (1) 30 minute courtesy parking; (2) reduction of monthly rental from \$0 to \$10; (3) allow for businesses to enter in an annual agreement for the entire 10th Street lot; and (4) provide additional spaced within the municipal lot (behind Gardner’s) for monthly rentals. If Council agrees to item #4, the Interim Manager suggests that those meters be placed on Logan Avenue, in front of the former YMCA, where meter posts already exist. Ms. Garhart advised that the 10th Street lot is not used at all and suggested a reduced cost to have it used. Owners of Thelma’s were present and stated they, along with Kim’s Salon, are interested in renting the 10th Street lot, if it is at a reasonable price. Council member Ray asked why do the business owners want to take on an additional expense.

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Solicitor Clapper later advised that the Borough could enter into an Agreement without a bidding process for the 10th Street lot.

INFORMATIONAL ITEMS:

Shredding/eWaste Event

The Borough will again be sponsoring a Shredding Event on April 27th at Reservoir Park. This event will also include eWaste disposal.

14th Street & Logan Avenue – Traffic Control

Council was provided with a copy of a letter sent to Lincoln Avenue residents regarding the change in traffic and parking on Lincoln Avenue due to the upcoming construction on 14th Street. Parking will be eliminated and one way traffic will be implemented on Lincoln Avenue from 14th to 13th Streets for the duration of construction.

Reservoir Park – Walking Path

Interim Manager Phyllis Garhart is seeking input from Council regarding the installation of a walking path along Reservoir Drive. It was noted that this is a highly traveled area for both vehicles and pedestrians. A walking path would be a safer means of travel for walking that the entire community could enjoy. Borough staff would be looking in to grant funding for such a project. Any grants would require the Borough to have the engineering complete. The budget contains \$50,000 each year for improvements to the park. Council member Latchford inquire if we could bid this engineering work out. It was also noted that Peoples Natural Gas was to give the Borough \$20,000, last year when the gas line replacement project started. It was the consensus of Council to move forward with plans for a walking path.

Vail Water System

The Borough is in receipt of a request from Snyder Township to take on approximately 50 Vail Water System customers. DEP has notified the Vail Water System to make cost prohibitive upgrades to the system or shut it down. Snyder would be required to construct the water facilities in accordance with Borough specifications. Snyder Township and Vail Water System intend to apply for CDBG funds however, they are required to attached a Memorandum of Understanding, identifying roles and responsibilities of the parties and assurance that the Borough will accept ownership of the system. This information has been provided to the Borough Solicitor and Tyrone Borough Authority Chairman for their input.

Corps of Engineers – Flood Modeling and Mapping

The Corps of Engineers met with Borough officials on February 12th to discuss the Borough's Flood Modeling and Mapping Report. Representatives from Snyder, Warriors Mark, Tyrone, Spruce Creek and Morris Townships, Birmingham Borough, and Blair County EMA were all invited to the meeting. The report reveals that at this time, additional work is needed on the flood ways before the Borough can challenge the current flood maps. The Borough currently has 200 acres of land located in the 100 year floodplain. Once revisions are made the Borough have 136 acres in the 100 year floodplain.

SOLICITOR'S RERORT: Solicitor Clapper had the following for Council:

Police Jurisdiction Agreement – Snyder Township Policing Services

Solicitor Clapper reviewed changes to the Jurisdiction Agreement with respect to the right of access, i.e., ingress, egress and regress. Council member Detwiler noted the Agreement did not include anything regarding funding. Mr. Detwiler was reminded that at the February meeting, Council decided not to collect money from the School and Hospital for police services. Mr. Clapper advised that the financial issue could be revisited in the future should Council change their mind. It was the consensus of Council for Solicitor Clapper to finalize the Agreement. An Ordinance and final Agreement will be presented for Council's approval at the April meeting.

CONSULTING ENGINEER: Council was in receipt of the Engineer's report.

Mr. Nester advised that three bids were received for the HVAC system at the water plant. The bidders are as follows:

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|--------------------------------|------------|
| Boyer Refrigeration | \$185,011 |
| Allied Mechanical & Electrical | \$ 198,000 |
| Marc Service | \$ 224,161 |

Since the bids far exceed the estimate, we recommend that Council rejects these bids. It was moved and seconded that Council reject the bids based upon the Engineer's recommendation. Council unanimously approved said motion.

ZONING/CODE ENFORCEMENT:

Council was in receipt of the Code Enforcement Report. Mr. Rabits advised the Zoning Hearing Board for Mr. Aaron Hamer has granted a 30 day extension, thus allowing Mr.

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Hamer additional time to present his facts.

POLICE DEPARTMENT: Council was in receipt of Chief Romeo's report.

SEWER DEPARTMENT: Council was in receipt of Mr. Nulton's monthly report.

WATER DEPARTMENT: Council was in receipt of Mr. Latchford's monthly report. Council member Richardson inquired as to how much work on the HVAC system can be done in house. Mr. Latchford advised that he would be meeting with the sub-contractor to go over the plans.

Council member Kosoglow inquired if the Borough could stop putting fluoride in the water. Mr. Kosoglow stated that he recently watched a documentary regarding the negative effects of fluoride. Superintendent Latchford stated that if the Borough did away with fluoride they could also reduce caustic soda by 50%. Council member Latchford agrees with whatever the Superintendent recommends. Several council members would like more information before making a decision. Consulting Engineer Kevin Nester advised the Borough would have to modify the permit at a cost of \$750, publicly make announcement, and notify water customers, schools and local dental and medical offices.

It was moved and seconded that Council remove fluoride and associated chemicals, pending permit review/modification. A roll call vote was taken. Ayes: Council members Black, Richardson, Kosoglow, Latchford, Detwiler and Mayor Fink. Nays: Council members Ray and Rhoades.

HIGHWAY DEPARTMENT: Council was in receipt of Mr. Bywater's monthly report. Mr. Bywater thanked Council for the bucket truck. The current bucket truck is to be taken out of service after 25 years.

The Meeting Adjourned at 8:40PM.

Respectfully Submitted,


Phyllis J. Garhart/kdg
Interim Borough Manager