

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

**NOVEMBER 10, 2014 @ 7:00PM**

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The Regular Monthly Council Meeting of the Tyrone Borough Council was held on Monday, November 10, 2014 @ 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 Norman Huff gave the Invocation.

**CALL TO ORDER:**

Mayor Fink called the meeting to order and requested roll call. Present: Council members Mark Black, Ray Detwiler, Christy Ray, William Latchford, Courtney Rhoades, Terry Richardson and Mayor Fink. Absent: Council member Mark Kosoglow. Also present were Borough Manager Phyllis Garhart; Director of Administration Brandi Miller; Solicitor Daniel Stants; Sewer Superintendent Tim Nulton; Highway Superintendent Jim Bywater; Water Superintendent Ardean Latchford; Chief of Police John Romeo; Consulting Engineer Kevin Nester; Code Enforcement Officer Patrick Rabits; and Administrative Assistant Kimberly Gurekovich.

**COMMENDATIONS:**

**Eagle Scout Michael Cherry**

Mr. Cherry was present at the meeting to thank Council and Borough staff for their assistance during the work on his Eagle Scout Project. Michael installed pavers around the flag pole at Railroad Park, planters, new flags and stained the gazebo.

**Letter of Commendation – Dustin Rhoades**

Mayor Fink presented Officer Dustin Rhoades with a *Letter of Commendation* for his actions and arrest of a suspect during an armed robbery at Community Pharmacy on October 19<sup>th</sup>.

**PUBLIC COMMENT:**

**Mr. Steve Jolley, Logan Avenue**

Mr. Jolley was again present to inquire if Council had done any research on his previous request regarding the Borough's new water meters. Mr. Jolley was advised the Borough has had no documentation that proves the new meters are a danger to residents. Mayor Fink assured Mr. Jolley the Borough would continue to research this information.

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**Mr. Donald Miller, 1852 Hamlin Avenue**

Mr. Miller advised that he did not want this meter installed in his home until the Borough has satisfactorily proven to him the cancer causing risks. Mayor Fink advised that per Solicitor Clapper, residents do not have a choice to have their meters replaced due to the Borough's ordinance.

**Mr. Rick Emigh-705 W. 15<sup>th</sup> Street - Parking**

Mr. Emigh was present at the Council meeting to voice his opposition to the new parking restrictions along W. 15<sup>th</sup> Street. While Mr. Emigh understands the safety issue, he is not left with a house that has no available parking. Mr. Emigh has contacted a realtor regarding the resale of his property without parking and was advised it could be \$10-\$15,000 reduction. Mr. Emigh has also contacted PennDOT regarding a permit for a driveway and was advised he does not have enough property frontage to do this. Also, per PennDOT, vehicles are not permitted to back onto a state highway, hence your driveway, if granted, must have a turn around. Mr. Emigh feels the Borough should have notified all residents along W. 15<sup>th</sup> Street, as this affects everyone in this area.

Mayor Fink advised the Borough went to PennDOT for their assistance at the intersection of W. 15<sup>th</sup> Street and Clay Avenue as the Borough has received many complaints of the sight distance at this intersection, while visiting this location, they also looked at Columbia Avenue and Lincoln Avenues. Mayor further advised the Borough was only an attendee and had not input in the meeting.

After this, much more discussion ensued by many Borough residents who commented about the safety of the children walking to and from school, the possibility of stop signs, stop lights, a possible truck pull off further up the mountain, additional signage, crossing guards at Bressler's and speed enforcement. Residents advised they will be preparing a petition to send to PennDOT regarding these safety issues. Council member Ray suggested the Borough supply a letter of support to go along with their petition.

Residents also questioned why if PennDOT just "recommends" the Borough do this, why does Council have to do it. Mayor Fink advised this is a liability issue and if the Borough does not follow through with recommendations of the State, the Borough could be held responsible if something was to happen at these locations.

Residents were advised they can pull up to the front of their property to unload for a short duration. Parking is also available along the American Legion Parking lot side of W. 15<sup>th</sup> Street, which most people do not realize. Mayor Fink advised the Borough

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would keep working toward a more amicable solution, however, for now, this is what has to be done.

**Charles Hunter, Washington Avenue**

Mr. Hunter was at the meeting to address Council regarding a Citation he received from Magistrate Miller's office regarding the removal of an illegally installed swimming pool on his property. Council member Ray asked Mr. Hunter if the pool was removed to which Mr. Hunter answer no, but it was drained on August 16th. Council member Ray asked if the pool was moved and Mr. Hunter answered no. Mr. Hunter never advised Code Enforcement that the pool was taken down. Mr. Rabits reminded Mr. Hunter that he previously forbid him to be on his property. Attorney Stants addressed some of Mr. Hunter's questions and advised this would be resolved in Court.

There was no further public comment.

**APPROVAL OF MINUTES**

It was moved and seconded the Minutes of the October 13, 2014 Borough Council meeting be approved. A roll call vote was taken. Ayes: Council members Black, Richardson, Latchford, Rhoades and Mayor Fink. Council members Ray and Detwiler abstained.

**APPROVAL OF MONTHLY FINANCIAL REPORTS**

It was moved and seconded the financial reports for the monthly accounting period ending October 31, 2014 be approved: (1) The Account Balance Report; (2) Statement of Revenues and Expenses; and (3) Cash Disbursement Journal. A roll call vote was taken. Ayes: Council members Black, Richardson, Latchford, Detwiler, Rhoades and Mayor Fink. Council member Ray abstained.

**BOROUGH MANAGER'S MONTHLY REPORT**

**Termination of Lease – WWTP Nutrient Credits**

Council was in receipt of a request from Mercuria Energy America, to terminate their current lease with the Borough. The Borough entered into an Environmental Attributes Exclusive Purchase Agreement on September 29, 2011 with Mercuria. It was moved and seconded that Council approve said request. Council unanimously approved said motion.

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**Change Order – G & R Excavating – Demolition of 1104 Logan Avenue**

It was moved and seconded that Council approve a change order in the amount of \$1,450, for demolition of 1104 Logan Avenue. Council unanimously approved said motion.

**SOLICITOR’S RERORT:** Solicitor Stants has the following for Council’s discussion and/or adoption.

**Proposed Ordinance No. 1356 – Parking Prohibited Along W. 15<sup>th</sup> Street**

***“An Ordinance Of The Borough Of Tyrone, A Home Rule Municipality, Amending The Code Of Ordiances Of The Borough Of Tyrone Specifically Chapter 190 Entitled “Vehicles And Traffic”, Section 190-20, Entitled “Parking Prohibited At All Times” To Prohibit Parking: To Allow Parking Against The Flow Of Traffic In Certain Locations; And The Ordinance Reaffirms Section 190-20 As Amended; Contains Repealer And Severability Provisions And Establishes An Effective Date.”***

It was moved and seconded that Council approve Ordinance No. 1356. A roll call vote was taken. Ayes: Council members Black, Latchford, Detwiler, Rhoades and Mayor Fink. Nayes: Council members Ray and Richardson.

**Proposed Ordinance No. 1357 – Parking Against the Flow of Traffic**

***“An Ordinance of the Borough of Tyrone, A Home Rule Municipality, Amending the Code of Ordinances of the Borough of Tyrone Specifically Chapter 190 Entitled “Vehicles and Traffic”, Section 190-20, Entitled “Parking Prohibited At All Times” To Allow Parking Against the Flow of Traffic in Certain Locations; and the Ordinance Reaffirms Section 190-20 as Amended; Contains Repealer and Severability Provisions and Establishes an Effective Date.”***

It was moved and seconded that Council approve Ordinance No. 1357. A roll call vote was taken. Ayes: Council members Black, Richardson, Latchford, Detwiler, Rhoades and Mayor Fink. Council member Ray abstained.

**Resolution No. 2014-12 – Donation of Bicycles to *The Door***

It was moved and seconded that Council approve Resolution No. 2014-12, donating unclaimed bicycles to *The Door*, a non-profit in Bellwood. Council unanimously

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approved said motion.

**Resolution No. 2015-13 – Disposal of Old & Unused Equipment**

It was moved and seconded that Council approve Resolution No. 2014-13, disposing of old and unused equipment as listed in the Resolution. Council unanimously approved said motion.

**CONSULTING ENGINEER:** Council was in receipt of Mr. Nester's report. It was moved and seconded that Council approve GHD's proposal for engineering fees for an Anaerobic Digester for the WWTP. GHD's cost is \$8,000. Since this item was not on the Agenda, Mayor Fink asked for public comment. There being none, a roll call vote was taken. Ayes: Council unanimously approved said motion.

**CODE ENFORCEMENT:** Council was in receipt of Mr. Rabits' report.

**POLICE DEPARTMENT:** Council was in receipt of Chief Romeo's report. Chief inquired about a request for a private handicap parking space for Mr. Ken Shaw, made in September. This item was again tabled.

**SEWER DEPARTMENT:** Council was in receipt of Mr. Nulton's monthly report. Mr. Nulton added that landfill space is going away. The Digester, as outlined in his report may become a good source of revenue in the future.

**WATER DEPARTMENT:** Council was in receipt of Mr. Latchford's monthly report.

**HIGHWAY DEPARTMENT:** Council was in receipt of Mr. Bywater's monthly report.

**MISCELLANEOUS:**

A very brief discussion was held regarding the Proposed 2015 Budget until it was decided to schedule a budget meeting for November 18, 2014 @ 6pm.

The Meeting Adjourned at 9:15pm.

Respectfully Submitted,

*Phyllis J. Garhart*

Phyllis J. Garhart/kdg  
Borough Manager