

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

SEPTEMBER 12, 2016 @ 7:00PM

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The Regular Monthly Council Meeting of the Tyrone Borough Council was held on Monday, September 12, 2016 @ 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 Courtney Rhoades, Christy Ray, Nate Verilla, Bob Dollar, Charlie Mills, Michelle Miller and Mayor Fink. Absent: Council member William Latchford. Also present were Borough Manager Phyllis Garhart; Solicitor Dan Stants; Water Superintendent Ardean Latchford; Highway Superintendent Jim Bywater; Consulting Engineer Kevin Nester; Chief of Police John Romeo; Code Enforcement Officer Marvin Frazell; and Administrative Assistant Kimberly Gurekovich.

EXECUTIVE SESSION: Mayor Fink announced that Council held an Executive Session on August 16, 2016 to discuss personnel and possible litigation.

PUBLIC COMMENT:

John Frederick, IRC

Mr. Frederick was present to advise Council of the IRC's fall collection of non-household items scheduled for October 22, 2016 at PNG Field.

Mr. Frederick also advised the current municipalities have some financial burden in the near future. Currently Tyrone Borough, Hollidaysburg Borough, City of Altoona and Logan Township are the only four municipalities in Blair County that make up the IRC. Mr. Frederick would like to get other municipalities involved.

Mr. Frederick invited all of Borough Council to a meeting hosted by the IRC being held on October 18, 2016 @ 5:30pm at the US Hotel in Hollidaysburg.

APPROVAL OF MINUTES

It was moved and seconded the Minutes of the August 8, 2016 Council Meeting be approved. Council unanimously approved said motion.

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APPROVAL OF MONTHLY FINANCIAL REPORTS

It was moved and seconded the financial reports for the monthly accounting period ending August 31, 2016 be approved: (1) The Account Balance Report; (2) Statement of Revenues and Expenses; and (3) Cash Disbursement Journal. Council unanimously approved said motion.

Trina Illig, CDBG Director

Ms. Trina Illig was present at the meeting to give a review of the Borough's CDBG Program. Ms. Illig advised the Borough has been allotted a sum of \$95,058 (-) Administration Fees of \$ 17,110, leaving the Borough a total of \$77,948 available for projects. Council will need to approve the Borough's allocation at their October 10, 2016 Council meeting. The first public meeting was held August 29, 2016 at the Tyrone-Snyder Public Library with no members of the public in attendance.

Council member Ray asked the news media to write a story explaining the available funding. Council feels that most people do not understand what this program offers. A proposed schedule of events was also provided for Borough Council.

BOROUGH MANAGER'S MONTHLY REPORT

Borough Annual Audit – December 31, 2015

Chris Shirock, Representative of Young, Oakes, Brown & Company was present at the meeting to review the Borough 2015 Annual Audit. Mr. Shirock thanked Borough Council, Borough Manager Phyllis Garhart and Borough staff for courtesies extended to them during their audit process.

Mr. Shirock also advised that Mrs. Garhart had also found some issues in 2015 and contacted Mr. Dan Bradley, partner of YOB to review and confirm what Mrs. Garhart had found. Mrs. Garhart's concerns were confirmed and proper measures were taken to resolve the issue.

It was moved and seconded that Council approve the 2015 Annual Borough Audit. Council unanimously approved said motion.

Tyrone Borough Watershed – Forester Services

Council was in receipt of a separate memo dated September 8, 2016, wherein Mrs. Garhart reviewed the Borough's current Forestry Program, under contract with Mr. Paul

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Noll, of Noll's Forestry Services. It is the recommendation of Borough staff to transition to a new forester, Penn Forest Products Unlimited. Mr. Don Pringle and Mr. Paul Haduck, of Penn Forest were present for questions, however, none were asked. Council unanimously approved said motion. Council was provided with a copy of a 5 year Agreement with Penn Forest Products Unlimited. It was moved and seconded that Council approve a 5 year Agreement with the new forester, Penn Forest Products. Council unanimously approved said motion.

Radar Speed Sign

Chief Romeo had previously requested a portable Speed Device Sign which alerts drivers as to the speed they are traveling. The Borough Manager's report included three quotes the Chief received for said device. Council members Ray and Rhoades inquired as to the need at this time for such a device. This item was not in Chief's budget for 2016, however, the laptops cannot be purchased until after the first of the year due to 911 system upgrades. Chief also had body cameras included in the 2016 budget, however, will make that purchase in 2017. With these two items being pushed to 2017, funding is available in the Police 2016 budget. Council member Ray felt this was an unnecessary purchase at this time, that spring may be better and felt a bigger police presence would be more beneficial. Councilmember Miller stated she lives along Washington Avenue and feels this would be a good investment for the Borough Police Department. It was then moved and seconded to move forward with the purchase of this device from Elan City at a cost of \$2,763. A roll call vote was taken. Ayes: Council members Dollar, Mills, Miller, Verilla and Mayor Fink. Nays: Council members Ray and Rhoades. The motion carried.

Pension Plans – 2017 MMO's

Council was provided with 2017 Minimum Municipal Obligations (MMO) forms for the Police and Non Uniform employee pension plans. The estimated cost for the Police Pension Plan is \$75,851 (\$12,641/officer); the estimated cost for Non Uniform Pension Plan is \$139,875 (\$4,823/employee). These totals must be included as part of the 2017 Budget.

2016 State Aid Unit Value – Pension Plans

The Borough received notification that the 2016 State Aid Unit Value per unit will increase from the 2015 amount by 11.6% reflecting approximately \$13,050 (\$450x29)

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increase for Non-Uniform and \$4,500 (\$900x5) increase for the Police Pension Plans. This increase will reduce the 2016 general fund pension obligations

Tyrone Area School District Request

Council was in receipt of a request from the Tyrone Area School District for additional parking enforcement by the Tyrone Borough Police Department. The area of enforcement is located in Snyder Township. Mayor Fink advised he had recently attended a meeting at the School regarding this issue and at that time the School indicated they would not contribute any funding towards a Borough Police Officer and/or Code Enforcement performing the duties of parking enforcement.

Chief advised the School is nearly at 100% compliance since the new parking regulations were implemented at the School.

Council member Rhoades stated that Snyder Township has not been cooperative with the Borough and is not interested in spending Tyrone Borough tax payer dollars to work in Snyder Township. Borough Council was not interested in granting this request, thus no action was taken.

DCED Monitoring CDBG

Council was advised that earlier this year, DCED conducted an extensive monitoring on the Borough's CDBG for fiscal years 2009-2011. Mrs. Garhart reported there were no findings noted.

Comcast Franchise Agreement

The Borough was in receipt of correspondence from Comcast stating their intent to continue the contract with the Borough. The current franchise agreement is scheduled to expire April 9, 2017. The Agreement allows for an automatic extension for an additional five year term. This will make the new expiration date of the Cable Franchise Agreement April 9, 2022.

Ordinance No. 1375 – Solicitation

Solicitor Stants will be presenting Borough Council with an updated Solicitation Ordinance. This new proposed ordinance would allow for background checks to be performed and provides for penalties when permits have not been secured.

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Upcoming Events:

- September 10 – Community Yard Sale
- September 13, 14, 15 – Burgmeier Hauling Fall Cleanup
- September 17 – Farm City Day (Logan Avenue & Municipal Lot)
- October 22, 4 pm – Halloween Parade
- October 27, 6-8pm – Trick or Treat
- November 11, 4pm Veteran's Day Parade

SOLICITOR'S RERORT: Solicitor Stants had the following to report:

Ordinance No. 1375 – Solicitation

"An Ordinance Of The Borough Of Tyrone Amending And Restating Chapter 111 Of The Borough Of Tyrone Code Of Ordinances Entitled "Licenses" To: Include Definitions; Require Licenses For All Retail Transient Merchants And Provide For An Application Process And Fee; Provide For Investigation Of Applications And Approval And/Or Denial Of Said Permits; Compel The Lessor Of Any Real Estate Or Other Space To Collect A License Fee From Each Transient Retail Merchant Leasing Said Real Estate Or Other Space And Remit Said License Fee To The Borough And Obtain A License For Each Such Transient Retail Merchant; Provide Exemptions; Provide Religious And Charitable Entity Fee Exmptions; Provide Noise And Street Restrictions; Allow Residents To Prohibit Solicitations; Require Possession Of A License While Conducting The Transient Business; Provide Exemptions For Certain Parties; Provide A Purpose And Severability Of Provisions; Establish A Fine For Violation Thereof And Establish An Effective Date."

It was moved and seconded that Council approve Ordinance No. 1375, updating the existing Solicitation ordinance. Council unanimously approved said motion.

Resolution No. 2016-09 – Disposal of Old, Unused Equipment, Uniforms, Etc.

It was moved and seconded that Council approve Resolution No. 2016-09, granting permission for the Chief of Police to dispose of old, unused equipment, uniforms, etc. Council unanimously approved said motion.

Resolution No. 2016-10 – Donation of Unclaimed Bicycles

It was moved and seconded that Council approve Resolution No. 2016-10, granting permission for the Chief of Police to donate 7 unclaimed bicycles to Helping Hands. Council unanimously approved said motion.

CONSULTING ENGINEER: Council was in receipt of Mr. Nester's report. Wastewater Operator Training is scheduled for October 12 and 19. The replacement UV Disinfection system is still projected to come in \$30,000 under budget.

CODE ENFORCEMENT: Council was in receipt of Mr. Frazell's report. Mr. Frazell stated he has seen an increase of work being done without permits, however is gaining compliance on many properties.

POLICE DEPARTMENT: Council was in receipt of Chief Romeo's report. Chief Romeo thanked Council for their approval of a Speed Device Sign. Chief feels with the versatility of this device, it will help with speed enforcement. Chief referred to his report wherein it states the number of crashes and DUI's are down from this time last year.

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

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

Water Superintendent Ardean Latchford thanked Borough Council for their approval of a new forester. Mr. Latchford advised that Mr. Paul Haduck, of Penn Forest Products, has already put in many hours walking the Borough's watershed property at no cost to the Borough. Council member Michelle Miller inquired as to the \$2,000 remaining cost of the contract with Noll's Forestry.

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

MISCELLANEOUS:

Council Member Charlie Mills inquired as to the status of the Fire Police issue and pending State Police investigation of expenditure of funds. Mr. Mills voiced his concern over the length of time the investigation is taking.

Council member Christy Ray asked Council member Mills to take time and sit with Solicitor Stants and allow him to explain why the former members that are present at the meeting tonight are no longer members of the Tyrone Fire Police. Mrs. Ray further explained it was a four year legal battle that cost the Borough taxpayers a lot of money

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and the members of the Fire Patrol, who brought the law suit against the Borough, never appeared at the hearing.

Several former members of the Tyrone Fire Patrol, whom were dismissed from their duties as Fire Police for the Tyrone Borough, voiced their concerns for the current situation and expressed interest in being reinstated as Fire Police for the Borough of Tyrone. Those who spoke were Ralph Stimer, Sharon Feters and Eugene Zimmerman. Council member Ray advised the former members in attendance that if they wanted reinstated, they need to start with their fire chiefs.

Solicitor Stants advised Council (for the purpose of the new members) a brief background of how the legal end of this dispute had gone.

Mayor Fink suggested that Mr. Mills meet with the Borough Manager, Solicitor and Fire Chiefs. Mr. Mills advised he would do that.

Mayor Fink announced Council would move to an Executive Session to discuss personnel.

The Meeting Adjourned at 8:15pm.

Respectfully Submitted,

Phyllis J. Garhart/kdg
Borough Manager