

June 3, 2024

The regular meeting of the Montoursville Borough Council held in the John Dorin Municipal Building was called to order by Council President Eric Greenway at 7:00 PM with the following answering roll call: Eric Greenway, Tina Kline, Chris Lucas, Mark Tillson and Robert Brown. Misty Emick arrived at 8:09PM.

The Pledge of Allegiance was observed.

The May 6, 2024 minutes were approved on a motion by Mr. Brown, second by Mrs. Kline. The motion carried.

TREASURERS REPORT/BOROUGH BILLS – Motion by Mr. Lucas to approve May 2024 treasurer’s report, second by Mr. Brown. The motion carried.

VISITORS AND PUBLIC COMMENT FOR AGENDA ITEMS – Nothing at this time.

NEW BUSINESS –

DONATION –FAST BRIDGE FIBER, LLC –PARK HANDICAP SWING- Council President, Mr. Greenway presented Donation –Fast Bridge Fiber, LLC –Park Handicap Swing for review.

Motion by Mrs. Kline to approve donation application from Fast Bridge Fiber, LLC to be used for the purchase of a Park Handicap Swing as presented; second by Mr. Greenway. The motion carried.

PLANNING & ZONING – Central Keystone COG Reports May 2024.

RECREATION – Council member, Mr. Lucas reviewed and explained Event Permits 2024-09, 2024-14, and 2024-15 as presented.

Motion by Mr. Lucas to approve Event Permits 2024-09, 2024-14 and 2024-15 as presented, second by Mrs. Kline. The motion carried.

STREETS/WATER – Nothing at this time.

MAYOR – Mayor Bagwell stated that the Community Yard Sale went very well. He shared no safety issues arose with the date change to Saturday and Sunday.

POLICE CHIEF – Chief Gyurina reviewed the May 2024 police report. He also agreed with Mayor Bagwell’s remark about the yard sales and added that people are more patient on the weekend versus a Friday.

COUNCIL PERSONS – Vice President, Mr. Brown shared a civil service update stating the prior applicant removed himself, therefore the Civil Service test was re-advertised in four municipal police academies and in the local newspaper for new applicants. Council member, Mr. Lucas questioned Police Chief Gyurina if there is a shortage of applicants. Chief Gyurina replied yes. Council member, Mrs. Kline questioned Chief Gyurina if there is a shortage of applicants in other municipalities. Chief Gyurina stated there is a shortage of applicant’s everywhere.

SOLICITOR – Nothing at this time.

COUNCIL PRESIDENT – Nothing at this time.

PENDING MATTERS – Nothing at this time.

CORRESPONDENCE AND ANNOUNCEMENTS – The next Council meeting will be held Monday July, 1st 2024. Executive session for Personnel & Legal to be held after and will not reconvene.

VISITOR AND PUBLIC COMMENTS

Fire Chief, Mr. Scott Konkle, gave a monthly update on the fire department calls and current training that is ongoing. Resident, Ms. Kim Myers, 1127 Elm St, explained and presented a petition that she herself and about a 100 other people in the borough has signed.. She also presented photographs to Council President, Mr. Greenway and Council member, Mr. Lucas and questioned Council President, Mr. Greenway if he knew what this photo was and if he recognized the location where the photo was taken. Council President, Mr. Greenway stated it would appear to be his curbs. Ms. Myers questioned why he did not care enough about replacing his curbs when his street was paved. Council President, Mr. Greenway explained if he would have received notice to replace his curbs he would have done so as he gets no special consideration from being on council. Ms. Myers then referenced a PennDOT engineer, whom she could not name, and accused Council President, Mr. Greenway of forcing residents to replace their curbs, but not replacing his own curbs. Council President Mr. Greenway stated that that protect was through the state and dealt with state tax dollars, both of which he has nothing to do with and has no part of that project. Ms. Myers then stated she had a very well noted and recommended Engineer come to her house to inspect her curbs, noting he took photos. Ms. Myers shared the engineer stated only three feet of her curbs needed to be replaced. She continued stating she contacted a second engineering firm that stated curbs do not have to be replaced with hairline cracks or if they are tilted. Ms. Myers shared she also contacted a supervisor for Glenn O. Hawbaker and M & M paving who shared that curbs are not required to be straight in order to get a good seal when paving a road. Ms. Myers then cites a conversation that took place between Attorney Malcom Mussina and Borough Solicitor, Christopher Kenyon, questioning Borough Solicitor, Christopher Kenyon as to their discussion. She stated Attorney Mussina explained to her that you were in agreement regarding no need to repair curbs with hairline cracks or curbs with different elevation could be grinded. Borough Solicitor, Christopher Kenyon adamantly denied discussing those items with Attorney Mussina and explained he would be calling Attorney Mussina to clarify any misunderstandings. Borough Solicitor, Christopher Kenyon also clarified that he did say that people could choose their own contractor to do the curb work, but that he was mistaken on this particular project. Resident, Mr. Scott Metzger, 515 Willow St shared he is the CEO of Metzger Apartments and his history working with the borough. He cited that he had a section of curb that had a hairline crack, which he claims John Sanso said it did not need replaced, so upon refusal to replace it, the borough did it for him and charged him \$450.00. He stated that the amount charged to the Borough on a project is prevailing wage. If the resident as a private citizen could choose their own contractor they would not have to pay prevailing wage. He asked the borough to reconsider doing this curb project due to the financial hardship on people. Resident, Mr. Keith Toner, 204 Tule St., explained he purchased his house a year ago. He questioned as to who makes the decision which curbs need replaced. He continued stating that a concrete saw could be used to salvage what curb could be saved and thus cut costs. He explained he would like somebody to come out and show him what curbs need to be replaced. Council President, Mr. Greenway shared Borough Engineer, Todd Pysher, inspects the curbs and has previously visited several residences, sharing what areas need replaced. Resident, Mrs. Meghan Maeulen, 220 Maple St. stated the Borough Engineer told her that whether it be a chip or a crack, either way they could not distinguish what caused it in the curb and thus it would need replaced. She also stated that the curb assessments were based solely on the Borough Engineer's best professional opinion, not a set guideline that states so many feet from the joint, etc. Resident, Mr. Donald Boyles, 407 Tule St, explained he and his father met with Borough Engineer, Todd Pysher, last week and asked if council did the research about the trough in the street. He questioned the ownership of the trough located in the street. He expressed that the homeowner is responsible for this... Mr. Boyles continued stating several sections of his curbing need replaced. He explained he has an issue with paying for the trough to be ripped out and replaced with curbing but does not have a problem with paying for damaged curb. He is upset with paying for good curbing that is being ripped out to change the design of the road, which he states was councils' decision to change.. Mr. Boyles shared information regarding MS4 regulations. Council explained Montoursville Borough has been an MS4 Community for many years now and is fully aware of the regulations. Resident, Mr. Ken Raker, 1127 Elm St. complained no notice was sent stating this curbing project was coming. He also stated that he wants an itemized list of Borough Engineer, Mr. Pysher's expenses because he feels he is ripping the Borough off. He explained he has heard Borough Engineer, Todd Pysher, spends most of his time in Florida, and the Borough pays for his flights to and from Florida. He stated the Borough needs to find a different engineer. Council President, Mr. Greenway explained a letter had been sent out to residents with information regarding the upcoming Street /Curb Improvement project, noting it did not share any costs

or the specific amount of curbs needing to be replaced. Mr. Raker noted the borough has not gotten bids for this project yet, but yet it is expected to be completed by the fall of 2024. Council President, Mr. Greenway shared that it is required to advertise and receive sealed bids as the law requires. Mr. Raker closed by criticizing the transparency of the borough and their doings. It was also explained to Mr. Raker that if he wants an itemized bill for Borough Engineer, Mr. Pysker then he needs to file a "Right to Know" request. Resident, Ms. Kim Myers questioned if second opinion by another engineer would be permitted. Resident, Meghan Maeulen intervened questioning if a second opinion by another engineer could be permitted at the homeowner's expense prior to the start of the paving project this year. Council President, Mr. Greenway explained to the residents they are permitted to have a private engineer come in on their own expense and time if they so choose. A question was asked if the second opinion would even matter regarding holding up, changing, or delaying the project. Borough Solicitor, Christopher Kenyon stated Borough Council has the authority to delay a project, if they so choose. Resident, Meghan Maeulen noted that there are no specifications that would determine a curb needing to be replaced being provided. Mayor Bagwell then posed the issue that this may delay and hold up the project that has already been approved and budgeted for by the Borough for this year. He also stated that the Borough is relying on the expertise of the borough appointed engineer, who determines what curbs need replaced based upon damage and what curbs need replaced due to re-design of the road. Council President, Mr. Greenway explained that the ability of residents to choose their own contractor changed after the Arch St. Project due to the issues with excavated curbs and huge costs associated that residents had to absorb. Borough Solicitor, Christopher Kenyon explained there is a process for the Borough, there is an ordinance and a policy, when the Borough is doing a street paving project, they are re-engineering the street, and a part of that process is to look at the current structure of the curbs relative to the paving project by the Borough appointed engineer. He continued by saying that if each property owner was to bring in their own individual independent engineer's you would be getting multiple second opinions on just specific issues. He advised that if this idea would be considered, it should be a single engineer looking at the entire project. Resident, Mr. Raker shared that he has heard that Borough Engineer, Mr. Pysker was being sued by another client for overcharging. Council President, Mr. Greenway asked residents to leave hearsay out of the meeting and provide some documentation with signed statements regarding the professional's those residents had spoken with regarding the project. At this time, a discussion took place regarding the ordinance and if an engineer would be needed to tell if a curb should be replaced. Resident, Ms. Kim Myers stated that the Borough engineer is ripping the Borough off and we should be done with him. She continued stating that if residents did not complain before on previous paving projects that is on them. Resident, Mr. Raker accused Council President, Mr. Greenway of not even listening. Council President, Mr. Greenway responded that he is listening and has heard everything Mr. Raker has said. Council President, Mr. Greenway was questioned if the Borough Engineer could attend the next meeting, to which he responded that he could be if he is available. Council member, Mr. Lucas shared a comparison regarding getting a second opinion from an independent engineer as like when you go to a physician and want a second opinion. He continued stating that council is here to listen and if the residents would collectively hire an independent engineer that would refute the Borough engineer professional opinion, they would have to listen. Resident, Ms. Kim Myers shared an engineer that came to her house from PennCor Engineering stated he took pictures and told her there is nothing wrong with her curbs. She stated he took the pictures back to his boss. His boss called her and stated that Borough Engineer, Mr. Pysker is known for not hiring contractors that go against him. She continued stating that she talked to Vassallo Engineering. Council President, Mr. Greenway interrupted Ms. Myers and requested her to stop attacking Borough Engineer, Mr. Pysker's character as he is not here to defend himself, if you want to talk about his professional opinion that is something different. Ms. Myers stated she understands, however, when he was questioned at the prior meeting he could not answer them. Council President, Mr. Greenway explained that you had asked him specific questions about specific properties. Resident, Ms. Myers shared that was not the case and one resident was told to sit down and shut up. Council President, Mr. Greenway disputed Ms. Myers statement stating that no one was told to sit down and shut up. Resident, Ms. Myers stated that this is a "good ole' boys town," everybody talks. She stated that an engineer is not going to cut his own throat to come and give a second opinion. Council President, Mr. Greenway shared if the curbs are good, he would not be cutting his throat. Resident, Mr. Metzger then posed a two-tiered question to Council President, Mr. Greenway, asking if they are keeping the curb policy the way it is and secondly if the property owner could bring in their own contractor to do the work.. He shared if council does not revisit this then they are taking away residents freedoms. Council President, Mr. Greenway responded by saying that this item cannot be revisited tonight and voted on as it is required to be put on the agenda. Council President, Mr.

Greenway commented that the policy has been in place since the 1980's. It was requested to have the paving project revisited at the next council meeting. A discussion ensued regarding formulating a proper policy, what prior projects have proven that created the current policies, what specifications and contractors to use and that in the end the liability would be on the Borough. At this time, a question regarding when the new playground in Indian Park would be opened. It was shared that DCNR has scheduled an inspection for tomorrow June 4th, 2024, once completed it would be opened.

There being no further business the meeting was adjourned at 8:15 PM on a motion by Mr. Greenway, second by Mr. Lucas. The motion carried.

Respectfully submitted,

Ginny Gardner, Borough Secretary