

September 9, 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: Mayor Bagwell, Tina Kline, Chris Lucas, Eric Greenway, Mark Tillson and Robert Brown. Misty Emick arrived at 7:05.

The Pledge of Allegiance was observed.

The August 6th, 2024 minutes were approved on a motion by Mr. Brown, second by Mr. Lucas. The motion carried.

TREASURERS REPORT/BOROUGH BILLS – Motion by Mr. Lucas to approve the August 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 –DEBRA MOSCH –MAGNOLIA TREE & PLAQUE- Council President, Mr. Greenway presented a donation application from Debra Mosch for a Magnolia tree & plaque for review. It was noted that the tree and plaque will be located in the new playground area of Indian Park.

Motion by Mr. Brown to approve the donation application from Debra Mosch for a Magnolia tree & plaque as presented; second by Dr. Kline. The motion carried.

PAYMENT APPLICATION #1 –2024 CDBG CURB RAMP PROJECT –BIG ROCK PAVING LLC. – Council President, Mr. Greenway presented Payment Application #1 to Big Rock Paving, LLC for the 2024 CDBG Curb Ramp Project.

Motion by Mr. Greenway to approve Payment Application #1 for the 2024 CDBG Curb Ramp Project to Big Rock Paving LLC. In the amount of \$47,147.00, second by Dr. Kline. The motion carried.

CHANGE ORDER #1 –2024 CDBG CURB RAMP PROJECT –BIG ROCK PAVING, LLC –

Motion by Mr. Lucas to approve Change Order #1 for the 2024 CDBG Curb Ramp Project to Big Rock Paving, LLC. in the amount of (\$30,000.00), second by Mr. Greenway. The motion carried.

2025 POLICE AND NUU PENSION MMO – Council President, Mr. Greenway presented 2025 Police and NUU Pension MMO for review.

Motion by Mr. Greenway to approve 2025 Police and NUU Pension MMO as presented, second by Dr. Kline. The motion carried.

SALE OF A 2012 CHEVY TAHOE IN THE AMOUNT OF \$9,801.00; A 2007 GMC 6500 DUMP TRUCK INCLUDING 6' FLINK CALCIUM SPREADER, 8' FLINK SALT SPREADER, 10' FLINK SNOWPLOW IN THE AMOUNT OF \$6,000.00; A 2006 CHEVY COLORADO TRUCK IN THE AMOUNT OF \$3,900.00; A JOHN DEERE FLAIR MOWER IN THE AMOUNT OF \$1,150.00; A HTC 8' BELT SPREADER IN THE AMOUNT OF \$560.00; A 32"D X 65"W X 81"H COMPOSITE HEATED SHED IN THE AMOUNT OF \$161.00; A 6' X 4' ROUND CALCIUM TANK IN THE AMOUNT OF \$100.00; A 5' X 4' OVAL CALCIUM IN THE AMOUNT OF \$66.00; AN ALAMO GROUP 6' BAR MOWER IN THE AMOUNT OF \$850.00; AN AIR FLO 10' STONE SPREADER IN THE AMOUNT OF \$110.00; A 500 GALLON STEEL CAMO TANK IN THE AMOUNT OF \$440.00 – Council President, Mr. Greenway presented a list of a Borough vehicles and equipment that were previously approved by Council to be sold via Municibid.

Motion by Mr. Brown to approve the sale of the following vehicles and equipment through Municibid as presented: 2012 Chevy Tahoe in the amount of \$9,801.00; 2007 GMC 6500 dump truck including 6' Flink Calcium spreader, 8' Flink Salt spreader, 10' Flink snowplow in the amount of \$6,000.00; 2006 Chevy Colorado truck in the amount of

\$3,900.00; John Deere Flair mower in the amount of \$1,150.00; HTC 8' Belt spreader in the amount of \$560.00; 32" D x 65" W x 81" H Composite heated shed in the amount of \$161.00; 6' x 4' round calcium tank in the amount of \$100.00; 5' x 4' Oval calcium tank in the amount of \$66.00; Alamo Group 6' Bar mower in the amount of \$850.00; Air Flo 10' Stone spreader in the amount of \$110.00; 500 Gallon Steel Camo tank in the amount of \$440.00, second by Mrs. Emick. The motion carried.

PLANNING & ZONING – Central Keystone COG Reports August 2024.

RECREATION – Council member, Mr. Lucas reviewed and explained Event Permits 2024-21, 2024-22, 2024-23, 2024-24 and 2024-25 as presented.

Motion by Mr. Lucas to approve Event Permits 2024-21, 2024-22, 2024-23, 2024-24 and 2024-25 as presented, second by Mrs. Emick. The motion carried.

STREETS/WATER – Nothing at this time.

MAYOR – Mayor Bagwell explained there was a social media post regarding himself that he was not able to access however he wanted to clarify on a few things. He encouraged all residents that read or post on social media to do their homework and own investigations on how factual the information they reading is. He stated that he in fact does his homework. He also noted that Jersey Shore Borough codes hold homeowners responsible for their curbing, and it is not worked into their borough budget, however he noted that it has not been enforced recently.

Mayor Bagwell also addressed some staffing issues with police department and that 24/7 coverage has not been possible to maintain as of late due to a shortage of full time and part time officers.

POLICE CHIEF – Chief Gyurina reviewed the August 2024 police report. He announced that there is an ongoing safety issue with kids riding electric scooters on the streets, which is not improving. He explained this issue is directly prohibited according to PennDOT. He noted his concern is that he does not want to see a child get hurt or killed. He continued stating that even with a driver's license a 16-year-old child cannot ride a motorized scooter on the street; it is prohibited. Chief Gyurina also wanted to inform residents there are a lot of scams going around via the phone and internet so to be careful and wary of them. Council member, Mr. Lucas questioned the chief regarding setting up speed checks around town. Chief Gyurina stated they have done a few already, which has stopped quite a few people.

COUNCIL PERSONS –

Council member, Dr. Kline re-addressed an issue regarding the issuance of borough email accounts for Council members and how the purchase of the email accounts will affect next year's budget. It was explained the cost is dependent on the size of email account, a 50GB account will cost per email address \$3.89/month and \$1.99/month for 25GB. The Borough Solicitor, Chris Kenyon stated he will be working on a formal policy regarding the Borough Council email accounts.

Council member, Mr. Lucas requested an update on the demolition of Spruce Street. It was noted that Lycoming Supply, Inc. is waiting for the electricity to be disconnected so that a demolition permit can be issued. It was also noted that Lycoming Supply is not permitted inside to clean out the property until the demolition permit is issued.

Council member, Mrs. Emick thanked all the residents that attended the ribbon cutting ceremony for the new playground last month. She also announced the upcoming pumpkin decorating contest for this fall and that the Kiwanis Fall Festival will be taking place in Indian Park on September 20th and 21st, 2024. Mayor Bagwell thanked Council member, Mrs. Emick for all her efforts that made the ribbon cutting ceremony of the new playground a success.

Council Vice President, Mr. Brown thanked all the residents in attendance at this evening's meeting.. He continued by reading a statement and explained he would like his official statement to be recorded and included as part of the meeting minutes.

Council member, Dr. Kline inquired as to the amount of money that is spent yearly by the borough for advertising in a “newspaper of general circulation.” She asked for a general total to be presented at the next council meeting due to it being tax-payer money and since it is budget season, every penny counts.

SOLICITOR – Borough Solicitor, Chris Kenyon reminded residents if anyone is recording or videoing the council meeting this evening, you have an obligation to announce to the residents that you are recording or videoing them so that they know they are being recorded.

COUNCIL PRESIDENT – Council President, Mr. Greenway asked Council Vice President, Mr. Brown to give Civil service update. Council Vice President, Mr. Brown announced that so far this year the Civil Service test has been advertised three times, which comes with advertising costs; the first time zero applicants applied. The second time there was one applicant which passed the written portion of the test, but the applicant took a job elsewhere. He continued noting the third time we had one applicant; however, the applicant did not pass the written exam. So, at this point we are back at square one. Council Vice President, Mr. Brown then went on to explain the requirements of civil service test with the assistance of Chief Gyurina. A discussion took place regarding possibilities that would encourage individuals to apply. Chief Gyurina will investigate the possibilities and present them to Council at a future date.

PENDING MATTERS – Nothing at this time.

CORRESPONDENCE AND ANNOUNCEMENTS –The next Council meeting will be held Monday October 7th 2024 @ 7:00PM. Halloween will be held Thursday, October 31, 2024 from 6:00PM to 8:00PM. An Executive session for Personnel & Legal issues will be held at the close of the meeting and will not be reconvened.

VISITOR AND PUBLIC COMMENTS –

Resident, Mr. Dan Ayers, 1101 Weaver St. shared he was employed by PennDOT for 25 years. He would like to know who makes the call for employees to come in on weekends to plow snow. He explained that one Saturday in particular this past winter there was no plowing done and it was unsafe out. He also commented that Weaver St. is the last street to be plowed in the Borough and wanted to know why. Street and Water Project Coordinator, Mr. Hoffman responded stating that the Borough crew is sent out based upon the snowfall amount along with other safety issues that may arise with the snowfall. The police department notifies him when these events arise. He also noted that the Borough crew determines their own snow-plowing gridwork pattern.

Borough Solicitor, Chris Kenyon announced for the second time, reminding the audience, if anyone was recording the council meeting tonight to please announce it, so that other residents are aware they are being recorded.

After Borough Solicitor, Chris Kenyon made his second announcement, Resident, Ms. Kim Myers, 1127 Elm Street, announced that she has been and is currently recording the council meeting this evening. Resident, Mr. Ken Rader, 1127 Elm Street questioned when they should have made the announcement that they are recording and also stated the Borough Secretary is recording the meeting too without an announcement. Borough Solicitor, Chris Kenyon responded stating the Borough Secretary is recording for meeting minute dictation purposes, not personal use. He continued stating that she is not required to announce that she is recording, noting that the recording is also deleted immediately thereafter the recording of the minutes. Borough Solicitor, Chris Kenyon, also responded to Mr. Rader’s question of when an announcement should be made about recording the meeting; he was told this announcement needs to occur in the beginning of the meeting prior to public comment time.

Resident, Ms. Annette Baker, 1133 Broad St, inquired the number of hours in the shifts that Montoursville Borough Police force works.. Chief Gyurina responded by stating that the shifts are eight hours. Ms. Baker suggested lengthening shifts and increasing incentives to deal with the shortage. Borough Solicitor, Chris Kenyon explained that the Collective bargaining agreement for the Police Union makes her suggestion difficult. Council member, Dr. Kline

announced that she appreciates Ms. Bakers take on creative staffing, but stated having full police coverage may not be a possibility anymore, but Borough Council will continue to investigate.

Resident, Mrs. Tracey Buffington, 108 Sunset Circle, stated that she previously contacted the Borough regarding 100 Sunset Drive, which has been abandoned for years. She questioned the process the borough requires and how it will be handled. It was noted that the issue with some complaints, is trying to figure out who the current owner of the property is and where to mail any violation notices in order to get this process started. The particular issue with this property is that there have been difficulties in reaching the owner of this property and/or the return of the certified letters. Borough Solicitor, Chris Kenyon shared the issues with serving the proper notices to owners of properties that may or may not live in the area. Residents were encouraged to call when violations are occurring in real time in order to help expedite the process.

Resident, Mr. Nathan Allen, 1319 Spruce St., stated last meeting his comments were horribly misquoted in the newspaper. He apologized and encouraged people to do their own research and not believe everything you hear or read on social media. Research is especially important.

There being no further business the meeting was adjourned at 8:05 PM on a motion by Mr. Greenway, second by Mr. Brown. The motion carried.

Respectfully submitted,

Ginny Gardner, Borough Secretary

09/09/2024
Montoursville Borough Council meeting
Prepared remarks by
Robert Brown

Tonight in my prepared remarks, I am going to speak on ordinances, motions, resolutions and the process of enacting an ordinance in a Borough.

In Pennsylvania, an ordinance is a law created by a local government, such as a borough, that governs a specific detail of conduct or procedure. It is very important to point out that local governments can only create laws on matters that the state government permits. In Pennsylvania, the Borough council can adopt ordinances that exercise the borough's general or specific powers. They can also amend, repeal, or revise existing ordinances by enacting subsequent ordinances. A codified ordinance is a collection of all ordinances adopted by a borough that are organized and numbered into a document that is easy to read and search.

Motions are proposals that aim at making borough council members of the meeting deliberate on the issue at hand. Motions are proposed by a council member that needs a “second” by an additional council member before the council can debate on the issue and consider voting for a decision. Also, it is not required

that a motion be put down into writing, it can be done verbally.

A resolution, on the other hand, is a motion that has been put in writing and passed by the members of borough council. It is a formal act that is implemented, binding and put in writing.

STEPS TO ENACT AN ORDINANCE

- The governing body (council, board of supervisors or commissioners) talks about what it wants to enact. This can be done at a council or a committee meeting as both are legally public meetings
- A member of the body makes a motion to authorize the solicitor to draft the ordinance. Another member then must second the motion. There can be a discussion among council members. If a majority votes in favor of the motion. The process continues.
- Note ***** If the draft was not listed on the agenda, it cannot be voted on at that meeting. It must be listed on the next meeting agenda and voted on at that meeting.
- Note *****If the draft was not on the agenda but was discussed during the meeting, the public may comment on that item at the public comment period at the end of the meeting.
- The solicitor then prepares a draft ordinance, which he or she returns at a later meeting.

At the subsequent meeting, a member makes a motion to approve the advertising of the proposed draft ordinance, another member seconds the motion. A discussion may take place between the council members. The governing body votes on the draft. If it is approved, it goes to the secretary to be advertised. As the draft will be on the agenda, the public is invited to comment on the draft at the public comment period on agenda items at the beginning of the meeting.

- Some ordinances require public hearings, and some municipalities hold public hearings on some ordinances even when a hearing is not required.
- All proposed ordinances must be published in a “newspaper of general circulation” not more than 60 nor less than seven days before passage. The advertisement must say where the public can read copies of the draft – like the newspaper office and a public office.
Many people question why we advertise in the newspaper. We are required by law to advertise in a newspaper of general circulation. We have no choice. If you want that changed, contact your state legislator.
- After the advertisement period, at the next meeting a motion is made by a member of council to adopt the ordinance. The motion will be listed on the agenda. Another council member must second the motion. A discussion of council members may take place. The public may comment on the ordinance during the public comment period for agenda items.

- At that meeting, If the governing body makes substantial changes to the draft, the procedure has to be repeated.
- Otherwise, it may vote to adopt the ordinance.
- Once passed by council, it goes to the mayor for signature. If the mayor does not sign it within 10 days, it is considered vetoed.
- Council can override veto at next meeting with a vote of a majority + 1 council person.

As you hopefully now understand, a governing body cannot just bring something up out of the blue and pass it like you are seeing talked about on social media. We follow the law as that is the oath that we took before taking this responsibility of serving our community.

Any item to be voted on has to be advertised on the agenda before it can be voted on. If someone brings up an item that is not on the printed agenda that they wish passed, it legally must be placed on a subsequent agenda and voted on at that meeting.

<https://pennreporter.wordpress.com/ordinances/>

Madam Secretary, I submit these remarks and ask that they be including as an attachment to the September 2024 meeting minutes.