

JULY 6, 2009
MONT ALTO BOROUGH COUNCIL MEETING

CALL TO ORDER – Council President Michael Gossard called the Regular meeting of July 6, 2009 of the Mont Alto Borough Council to order at 6:32 p.m.

ROLL CALL – Dennis Monn, Beverly Spicer, Debra Lee, Rick Lee, Tom Lawson, Shannon Strizziere and Michael Gossard present.

MAYOR – Mayor John Esser present.

BOROUGH STAFF – Maurice Gossert Engineer, Jeff Evans Solicitor, Michael E. Hansen Accredited Services and Patricia Kocek Borough Secretary.

INVOCATION – P. Kocek

PLEDGE OF ALLEGIANCE

ATTORNEY’S REPORT

Recreation Fees for developers – Nothing

Countywide Earned Income Tax Collection Committee – Will address this matter later in the meeting.

Grist Mill/Park Street properties

Liens against Grist Mill properties - J. Evans told Council that no permits will be issued until he has a signed copy of the Easement Agreement on his desk. P. Kocek reported that she spoke to Beth Reed of Columbia Gas and the Agreement has not been signed as of this date. B. Reed is also requiring that Troy Beam provide her with the proper documentation specifying that the person that signed the Easement Agreement has the authority to sign the document.

J. Evans left instructions with his office personnel that if Troy Beam calls she is to tell him in no uncertain terms that any continuation of building or ignoring stop work permits was going to land him more citations and more fines.

J. Evans said that once the Easement is signed and recorded, that in his mind, the issue regarding whether he violated stop work orders and is building without a valid permit are two separate issues from the Easement Agreement. The signing and recording of the Easement Agreement only gets him permits issued. It does not absolve the alleged conduct about building without

permits or not posting permits. All of that is still ongoing.

J. Evans discussed the liens briefly with T. Beam. J. Evans has not finished the documents but T. Beam is aware that there are liens out there that are going to have to be paid.

Resolution forbidding signs on any Borough property – J. Evans has this resolution ready and Council has copies before them to review. T. Lawson has a question about Section 2 of the Resolution regarding posting signs at polling places. J. Evans will look at this section and report back next month.

Liquid Fuels Ordinance No. 488 “An Ordinance increasing the indebtedness of the Borough.....” – J. Evans told Council that this has been advertised. He will also have to advertise that the Ordinance has been passed. J. Evans explained the Ordinance to Council.

P. Kocek to provide the Proof of Publication to J. Evans to be included in the packet that has to be sent to DCED.

D. Monn made a motion to adopt Ordinance 488, T. Lawson seconded, any further discussion, any further discussion, all in favor Aye, opposed No, motion carried.

Progress on Open Burning Survey – P. Kocek and J. Evans will work on the wording for the survey and will have the survey ready to go out on the August utility invoices.

PROPERTY & SUPPLY COMMITTEE

Skid Loader – “Resolution 489 of the Borough Council of Mont Alto, Franklin County, Pennsylvania, authorizing entry into a government equipment....” J. Evans reviewed the Contract and didn’t have any problems with the Borough signing the document. The Resolution has been duly advertised.

D. Lee made a motion to adopt Resolution 489, B. Spicer seconded, any further discussion, any further discussion, all in favor Aye, opposed No, motion carried.

STREET COMMITTEE

Square Project Update – J. Evans told Council that the paperwork for the Smith property has been recorded at the Court House and received by the Borough office.

Short discussion about the deeds that Penn Dot is asking the Borough to provide.

J. Evans left the meeting at 6:50 p.m.

VISITORS

Allison Schuhart The Record Herald

The following visitors attended the meeting this evening to discuss the Mont Alto Volunteer Fire Department Carnival Grounds in reference to the carnival, fireworks and tractor pulls.

Charles Channing	Carol Channing	Joe Howe	Earl McCleaf	Leisa McCleaf
Edward Steinberger	Irene Steinberger	Debbie Mickley	Philip Mickley	Kermit Reed
Tina James	Kim Bowersox	Ed Bortzfield	John Mickley	Howard Shaffer
Nancy Shaffer	Terry James			

Council President M. Gossard recognized the above visitors and allowed each one to speak if they so chose to do.

The following concerns were voiced by the residents attending the meeting this evening.

1. Noise from the tractor pulls
2. Dust from the tractor pulls
3. Noise pollution from the tractor pulls – What time will the tractor pulls be over?
4. Parking congestion – fireworks/tractor pulls/other events
5. Diesel pollution from the tractors
6. Affect on pets in the neighborhood
7. Are permits required to hold events at the carnival grounds?

Council President M. Gossard told the citizens that the Borough has a draft ordinance in front of them addressing these matters. At this time they do not need a permit.

8. Why do the citizens of the Borough have to have a permit for a Yard Sales and the Fire Company doesn't have to have a permit for events?
9. How many members on Council are members of the Fire Department?

Council Vice President D. Monn told the citizens that the MAVFD has to submit (for insurance purposes) to the Borough at the beginning of each year a list of their activities for the year.

M. Gossard said that tractor pulls were not listed on the annual activities report for 2009.

10. The MAVFD function is to provide safety for the community but not their function to provide countless recreation/entertainment to the community at the expense of the residential areas.
11. The number of events being held at the carnival grounds
12. Trash in the neighborhood after the carnival nights
13. Speeding
14. Parking on lawns on Walnut Street
15. Insufficient parking for the events held at the carnival grounds
16. Emergency vehicles could not get through the streets on fireworks night
17. Parking in front of fire hydrants
18. The peace and quiet of the neighborhood has been compromised
19. The name of the carnival grounds as listed on the MAVFD website
20. Beer being sold and served at MAVFD events
21. Burning trash and garbage on the carnival grounds by the tree line – smoldering – sometimes all night.
22. Carnival rides – Why are they allowed to run to 11 or 12 midnight the nights of the carnival?
23. Stipulations by Quincy Township on the tractor pulls
24. Concerns about the value of the real estate in that area because of the placement of the carnival grounds.
25. Citizens can't enjoy their homes because of the events at the carnival grounds
26. What is the Borough going to do to prevent the citizens from the exhaust at the tractor pulls?
27. Why wasn't any consideration given to the property owners in the area of the carnival grounds?
28. A development is no place for a carnival grounds.
29. The MAVFD is not a good neighbor.
30. The promised buffer zones have not been finished
31. Walkers can look in the backyard of some of the properties
32. Lack of respect from the people going to the fireworks
33. Tractor pulls are hideous and ludicrous
34. Can No Parking signs be erected to keep cars from parking on Walnut Street?

Council President M. Gossard noted that the MAVFD asked permission to block Walnut Street on the night of the fireworks. The residents said that Walnut Street was not blocked.

35. Residents of Walnut Street are not able to have access to their homes on fireworks night.
36. Expressed concern that Council will ignore and not listen to the concerns of the

- citizens and do nothing about the situation.
37. The whole town is out of control and something needs to be done about it.
 38. The environment and what will happen to the environment as the result of the tractor pulls.
 39. The citizens stated that they have the right to hire a lawyer to take the Council and the MAVFD to Court.
 40. Contamination of the ground at the tractor pulls and who is going to take care of the contamination.
 41. Storm sewer at the carnival entrance being fixed the week before the carnival
 42. Mud on roads after rains
 43. Fumes from tractors

Terry James left the meeting at this time.

Council Vice President D. Monn explained that all of the patching work was done in the Borough that week because that is when the paving company (Ganoe) could come into town to do the work.

Council President M. Gossard told the citizens that these are all valid concerns and Council will meet with representatives of Quincy Township, the MAVFD and the Borough solicitor to see where to go from here. Council President M. Gossard briefly discussed the Borough boundary line as it concerns the tractor pull pits.

The citizens will be notified after a meeting is held with the various entities to discuss this matter.

He also told the citizens that the Ordinance the Borough is drafting to address the use of the carnival/festival grounds will be published before it is passed in order to take public comment. The Ordinance is a work in progress.

One of the citizens asked that members of the Council come to their area to observe what happens on July 25 (the night of the first tractor pull).

Mayor Esser and various members of Council thanked the citizens for coming and presenting their concerns to Council.

The visitors left the Borough Council meeting at 7:54 p.m.

Council briefly discussed the MAVFD/carnival/tractor pull issue.

1. Tractor pulls were not on the list of activities for 2009
2. Screening/fencing/trees for barriers
3. Contamination is a valid concern
4. MAVFD is pursuing acquisition of land to the south
5. Need to find out why Walnut Street was not blocked on the fireworks night
6. Is burning taking place and what is being burned?

ACCEPTANCE OF ZONING OFFICERS REPORT

M. Hansen reported on the homes that are being built at 526 Park Street and Grist Mill Drive

1. He is deferring 100% to J. Evans as to when to issue the Land Use Permits
2. Columbia Gas Right of Way – Waiting for properly executed Easement Agreement
3. CCIS has issued Stop Work Orders
4. The Stop Work Orders are being addressed by citations
5. Violation notices have been issued by M. Cermac

Council President M. Gossard asked if the builder is required to post the Land Use Permits and the Building Permits. M. Hansen stated that it is a requirement to post the permits.

M. Hansen reported that Stop Work Orders have been posted several times at the property and the signs keep disappearing.

M. Hansen told the people working on the houses that the citations would not only be for the permit holder but anyone working on the dwellings. M. Hansen had L. Wenger take pictures of the license plates of the vehicles at the property.

M. Gossard informed M. Hansen of different dates when construction was taking place at the homes. M. Gossard will provide dated pictures to M. Hansen.

June 2009 – D. Lee made a motion to accept the Zoning Officer’s Report for June 2009, S. Strizziere seconded, any further discussion, any further discussion, all in favor Aye, opposed No, motion carried.

BOROUGH OF MONT ALTO ZONING OFFICERS REPORT TO THE BOROUGH COUNCIL

Michael Hansen for Accredited Services, Inc.
Zoning Officer

Report Period: June, 2009

LAND USE PERMITS

<u>Date</u>	<u>Name</u> <u>Project Address</u>	<u>Inspections</u>	<u>Comments</u>
6/9/2009	Jason Flook 411 Park Street	Fence in Rear of Property	Permit 09-13
6/30/2009	Terry L. McCoy 37 Creekstone Drive	Roof Over Existing Porch	Permit 09-17

DEMOLITION PERMITS

NONE

SUBDIVISION REVIEWS

NONE

Land Use Permits Issued This Month	2	Demolition Permits Issued This Month	0
Land Use Permits Denied This Month	0	Demolition Permits Denied This Month	0
Land Use Permits Issued To Date	14	Demolition Permits Issued To Date	0
Subdivision Reviews This Month	0		
Subdivision Reviews Year To Date	0		

Building Code Officials Report June 2009 and Complaint Log

Item #8 Vehicles 108 Park Street – M. Hansen told Council that the Court date has been set for the Scott Gump property.

Willow Street sofas in front of buildings – The sofas have been moved from this property.

Order of Court Stipulation and Agreements Willow Street – M. Hansen has copies of the Court Orders that state what needs to be done to bring the properties in compliance. He will look at the properties and report any violations to J. Evans so action can be taken.

Commonwealth Code Inspection Service, Inc. Report - For your information.

Accredited Services Report – For your information.

Code Enforcement Officers – Mayor J. Esser reported that he talked to M. Cermac and procedures have been established to use Accredited Services, Inc. for after hour violations.

Clean Up Mont Alto Initiative – J. Esser pointed out that there are two (2) outstanding issues. The vehicles on Jones Avenue and a travel trailer in the driveway on Constitution Avenue. Courtesy letters have been sent to these two property owners but now these issues have to be taken to the next level.

Jacobson property Constitution Avenue – M. Hansen will look at the violations at this property.

Apex Development – M. Hansen reported that the town houses are almost completed.

Deeds for Apex – M. Hansen said that the definition of an accessory building, in the Mont Alto Zoning Ordinance and the UCC, states that the accessory building has to be on the same lot as the residential building that it is accessory to. There are twenty deeds for Apex, one deed for each three (3) unit building. As such, the accessory building does comply.

M. Hansen will provide all of the sewer paper work in the near future.

Terry James arrived at the meeting at 8:16 p.m.

526 Park Street and Grist Mill Drive – Discussion on the set back requirements for these properties. The properties need to be measured to make sure they meet the requirements.

Council discussed putting stronger requirements on the documents that have to be submitted prior to obtaining a Land Use Permit for new structures.

M. Hansen will provide a copy of Antrim Township's requirements. P. Kocek to copy and provide to Council.

Terry James – Council President M. Gossard recognized T. James. T. James appeared before Council and apologized for his behavior earlier in the meeting. Brief discussion about some of the issues discussed previously in the meeting concerning the MAVFD carnival grounds and events being held there.

M. Hansen and T. James left the meeting at 8:34 p.m.

APPROVAL OF MINUTES

June 1, 2009

R. Lee made a motion to approve the Minutes of June 1, 2009, B. Spicer seconded, any further discussion, any further discussion, all in favor Aye, opposed No, motion carried.

June 16, 2009 Special Meeting

M. Gossard made a motion approve the Minutes of the Special Meeting of June 16, 2009, D. Monn seconded, any further discussion, any further discussion, all in favor Aye, opposed No, motion carried.

ACCEPTANCE OF TREASURER'S REPORT

May 31, 2009 – R. Lee made a motion to accept the Treasurer's Report of May 31, 2009, D. Lee seconded, any further discussion, any further discussion, all in favor Aye, opposed No, motion carried.

Table the June 30, 2009 Treasurer's Report until the August 2009 meeting.

T. Lawson noted that the Borough is accumulating quite an amount of expenses in pursuing the zoning and legal issues for the properties on Grist Mill Drive and Park Street. M. Gossard said the fines should cover the expenses. T. Lawson told Council that the matter can't be dropped because of the costs that have been incurred.

ADOPT RESOLUTION NO. 487 TRANSFER OF FUNDS JUNE 2009 – D. Monn made a motion to adopt Resolution No. 487, Transfer of Funds for June 2009, R. Lee seconded, any further discussion, any further discussion, all in favor Aye, opposed No, motion carried.

FINANCE AND ADMINISTRATION COMMITTEE

COLA Policy

M. Gossard will drop this off tomorrow morning in the drop box. He instructed P. Koczek to make copies for the members of Council.

VACANCIES – None

ATTORNEY'S REPORT

Countywide Earned Income Tax Collection Committee – Council Vice President D. Monn recommends appointing Ronald Strite, Borough Tax Collector as the Borough's representative to the Countywide Earned Income Tax Collection Committee. R. Strite has agreed to serve on the committee if Council so desires.

P. Koczek to email J. Evans and tell him to prepare the Resolution to appoint R. Strite to the committee. J. Evans is to have the Resolution ready for adoption at the August 2009 meeting of Borough Council.

D. Monn made a motion to appoint Ronald Strite as the Borough's representative to the Countywide Earned Income Tax Collection Committee, T. Lawson seconded, any further discussion, any further discussion, all in favor Aye, opposed No, motion carried.

MAYOR'S REPORT

July 6, 2009 – The July 6, 2009 report was provided to Council in their packets on July 2, 2009. Mayor Esser did not review the Report with members of Council because of time constraints.

ENGINEER'S REPORT

Report on progress of Borough boundary project – M. Gossert reported that he is meeting with representatives of Council on Tuesday July 7, 2009 at 10:30 a.m. to review the draft report of the Boundary Project.

Final Plat of a Subdivision of Land for Egolf Family Farms – M. Gossert recommends approval of the subdivision plan.

D. Monn made a motion to approve the subdivision of Land for Egolf Family Farms, R. Lee seconded, any further discussion, any further discussion, all in favor Aye, opposed No, motion carried.

WATER/SEWER COMMITTEE

Monitoring Water Treatment Plant and Wells on weekends and holidays – T. Lawson is gathering data and will draft a letter to DEP. T. Lawson feels the PA regulations haven't kept pace with the new technology. M. Gossert pointed out with the SCADA system the operator would be aware of problems sooner than if he visited the plant for two hours each day. Short discussion.

Water Hauler's Hours of operation – Council Vice President D. Monn asked if there were specific hours of operation for the water haulers. P. Kocek to research the Minutes to check on the hours of operation.

STREET COMMITTEE

Joint road maintenance with Quincy Township – Nothing at this time.

Mont Alto Borough Square Project Update – Nothing at this time.

Letter from Penn State Mont Alto Re: Crosswalks – Mayor Esser told Council that PSU will be paving the overflow parking lot and students would be crossing Slabtown Road and students will also be walking from the Apex complex.

D. Monn reported that the new street light was placed in service at the crosswalk area. He said the light is spotty. T. Lawson said the light needs to be turned to shine in the correct direction.

Council Vice President D. Monn will contact David Rock of Penn Dot to determine the proper procedure to begin this type of Project. It will also have to be determined who is responsible for any costs involved in the Project. There is a crosswalk on Park Street but there isn't one on Slabtown Road at this time.

PROPERTY & SUPPLY COMMITTEE

Skid Loader – Covered previously in the meeting.

ELECTRIC COMMITTEE

Electrical Grant for street lights – D. Monn reported that this is on hold because the Grant is being rewritten.

M. Gossert told D. Monn that there is going to be a Grant Seminar on projects that are shovel ready and will save at least 25% in energy costs. After the seminar is over he will contact D. Monn and discuss whether or not the money available with these grants could be used for the street light project.

Council Vice President D. Monn instructed P. Kocek to call Steve Hirsch of Downes Associates and remind him about the information D. Monn requested several weeks ago concerning the street lights.

PERSONNEL COMMITTEE

Personnel matters will be discussed in Executive Session.

D. Lee reminded Council that she and R. Lee will not be able to attend the August Council meeting.

SANITATION & SAFETY COMMITTEE – P. Kocek told Council that B.J. from H. A. Thomson will be at the Borough office on July 21, 2009 at 12:00 noon to review the insurance policies for the Borough. Charlie Baker has been contacted and informed of the meeting that is to be held on July 21, 2009.

RECREATION COMMITTEE

Nothing at this time.

REPORT ON COG (COUNCIL OF GOVERNMENT) ISSUES – No meeting.

VISION 2015 – No meeting.

Franklin County Emergency Service Alliance – D. Monn reported that the Franklin County Commissioners signed a \$4 million contract with Motorola for the radio system.

OLD BUSINESS

NIMS Certification – Nothing at this time.

Public Gathering/Festival Ordinance – Will work on this when J. Evans is at the meeting.

Ordinance 35 – An Ordinance Regulating Hawking, Peddling and other Borough Ordinances – S. Strizziere reported that she has a draft Resolution to cover fees for all of the Ordinances and Resolutions. She will email this to J. Evans for his review.

Emergency Management Coordinators – Mayor Esser and D. Monn will wait another week and if they haven't heard from the coordinators they will contact them and set up a meeting.

NEW BUSINESS – Nothing

EXECUTIVE SESSION – Council President M. Gossard called for an Executive Session at 8:57 p.m. to discuss personnel matters.

Council President M. Gossard called the Regular Meeting of July 6, 2009 back to order at 9:52 p.m.

Policy for summer time adjusted hours for hot weather – P. Kocek was instructed to amend the Policy to add “the temperature must be 92 degrees or forecast to exceed 92 degrees.” P. Kocek to provide copies to the Maintenance Department employees.

Adjournment – R. Lee made a motion to adjourn the Regular Meeting of the Mont Alto Borough Council of July 6, 2009 at 9:53 p.m., D. Lee seconded, no discussion, all in favor Aye, opposed No, motion carried.

Respectfully submitted,

Submitted to Council for their approval on
August 3, 2009.

Patricia A. Kocek

Patricia A. Kocek
Borough Secretary

Michael Gossard President

Dennis Monn Vice President

Debra Lee President Pro Tem