

MUNCY BOROUGH COUNCIL MEETING

Minutes

August 20, 2009 7pm

The Muncy Borough Council met in regular session with the following members present: President Vivian Daily, Vice President Galen Betzer, Karen Richards, Lloyd Wurster, Linda Stein, and Alicia Myers. Dana Bertin was absent. Also attending were Solicitor Wilfred Knecht, Mayor Anthony Rizzo, Police Chief Richard Sutton, and Borough Secretary/Office Manager Mary Lynné Rager.

Guests: John Klim, Muncy Borough Streets Supervisor
Phillip Klim
Darla Zimmers, Resident
Kim Paterson, Resident
Richard Baker, Resident
Dan Arnold, Resident
Kim Rager

President Daily called the meeting to order at 7:00pm in the Muncy School District Board Room located in the Margaret Waldron Building. Invocation was provided by President Daily followed by the Pledge of Allegiance.

Executive Session

President Daily announced the August 19, 2009 Executive Session that was held for legal reasons. She also announced an Executive Session for August 26 at 2pm for legal and personnel reasons.

Comments From the Public

None

Minutes from August 4, 2009

Tabled

Treasurer's Report

Ms Stein stated best wishes to Treasurer Rick Lowe as he is in a critical situation and cannot be at this meeting to present the semi-annual 2009 Treasurer's Report that he had prepared. In his absence Ms Stein gave a summary report:

- General Account is at 51% and is in good condition. Ms Stein pointed out that when the FC prepared the revenue side of the budget last year they went conservative due to the recession.
- Water Account for the first six months has revenue at 46%. Ms Stein noted the FC will be monitoring the revenue although it is within a reasonable range of 50%. Water tower reimbursement hasn't happen yet this year (Kellogg's). The interest income was budgeted too high but was comparative to other years. Ms Stein commented that this year has been a tough year.
- Sewer Account shows the revenue at exactly 50%. Income and revenue is on budget.

Ms Stein stressed the outstanding work Treasurer Lowe has done. He had a lot of "bugs" to work out. He is to be credited with this significant accomplishment which will also result in reducing the auditing cost for the 2009 audit.

Chief Sutton made note that the old police vehicles had high maintenance. With the purchase of the Tahoe his expenditures were at 46% in the semi-annual report.

<p>Motion to approve the Semi-annual Treasurers Report for 2009 by Ms Stein and seconded by Mrs. Myers. Motion passed with all voting in favor.</p>
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Checks for Approval

None

Minutes from Commissions

None

Correspondence

President Daily read the letter from the Lycoming County Planning and Community Development. Their staff completed the review of the Draft 537 Act and found two problems:

- Montgomery lacking documentation
- The assumptions for calculation percentage of grant costs and no grant costs for Muncy.

Both options may receive some funding but will be reviewed at a later date.

Old Business

1. *Pension Study*- Ms Richards noted an actuarial study is being completed. The study will also review eligibility for pensions current and past. Ms Richards proposes to go forward.
2. *Act 537 Planning*- Ms Richards spoke of last weeks meeting, August 13, where engineer Brian Books had interaction and gathered information. The next public meeting is September 10, 2009 at 7pm at the MCT fire hall where Mr. Book will present his final report. Ms Richards stated that we could be in a position to sell nutrient credits, but there is an issue of organic overload. In the past five years we had occasions where we were over the limit however our plant was able to treat before going into the river.

Ms Richards also noted the grant should not be included in the cost.

3. *Shade Tree Ordinance*- On August 4, 2009, Mrs. Myers gave the STC the recommendations from the last Council Meeting. Solicitor Knecht inserted most into the draft. Mrs. Myers stated she needs final input before the September 1, 2009 Council Meeting. She asked that section 207 still be considered too restrictive in regards to spacing. Also #210-#3 needs to be considered as well. Chief Sutton asked, in relation to #211, who does the enforcement? Mrs. Myers will check into.

Mrs. Myers reported that the pruning was completed. President Daily thanked Steve Jacquith for overseeing the project to its end with a job well done.

4. *Bids for Street Sweeper*-Solicitor Knecht to review. Mr. Klim did take for a test drive. Mr. Klim recommends going with the 3000 Johnston model compared to the 4000 model that is too big to maneuver the Muncy streets. Mr. Betzer also noted the hopper for the 3000 model is larger.

Ms Richards said she believes we need to sweep our streets however the equipment account has less than \$100,000 and we are still waiting for nine months for the sewer to pay \$25,000 on their 2008 truck. President Daily stated that we need to go ahead and purchase the used sweeper. Mr. Betzer said the advantages are a larger hopper, less down time, and fewer repairs.

<p>Motion to award the bid to Bradco Supply Company for the 2002 Johnston 3000 street sweeper for \$29,720 contingent on Solicitor Knecht's review by Mr. Betzer and seconded by President Daily Motion passed with 5 yeas -1 nay with Ms Richards objecting. Motion carried.</p>

New Business

Authority term expired- President Daily announced that Council has been attempting to get our records straight. What has majorly been brought to Council's attention is the fact that there is a mix up of Authority terms. A report showed that there are three Authority positions that will be expiring in 2010 but there should only be two that will expire. After extensive research it has been found that Chairman Thomas Gardner's term expired in January 2009, which he was unaware of.

It reads that a person can stay in their appointed position until Council appoints a successor. President Daily made a motion to appoint Karen Richards to that position. President Daily asked for any discussions and there were none.

Motion to appoint Karen Richards to the Muncy Borough Municipal Authority with her term ending the first Tuesday in January, 2014 by President Daily and **seconded** by Ms Stein. Motion **passed** with 5 yeas -1 nay with Mr. Betzer opposed stating the position should be advertised. **Motion** carried.

Councilwoman Myers congratulated Ms Richards on her appointment to the Authority and thanked her for mentoring her. She said, "No one is more capable."

Acting Borough Manager-President Daily noted the need for an Acting Borough Manager in the absence of Borough Manager Ed Coup. President Daily appointed Mary Lynné Rager as Acting Borough Manager and authorized her to hire a temporary helper.

Letters of Engagement for specialized legal services-Ms Richards stated that the Water Committee met with Preston Davis of Davis, Davis, & Kaar, Attorneys at Law to discuss the issues of selling water in bulk to the Lycoming County Water and Sewer Authority. She stated that he is highly recommended and the WC was impressed.

Motion to accept the letter of engagement for Davis, Davis, and Kaar by Ms Richards and **seconded** by President Daily. Motion **passed** with all voting in favor.

Solicitor Knecht presented a Letter of Engagement from another firm in relation of the interplay between the Borough and the MBMA. This firm is from Pittsburg and has high expertise. Solicitor Knecht commented that they can add to the ability to come to a resolution and that things have been festering for a long time. Partner Joe Pierce charges \$220 per hour (reduction in price) and his associate \$185 per hour. President Daily said that the water and sewer revenue is very messy and they will go back and make it clear.

Motion to accept the letter of engagement for Eckart and Siemens by Ms Richards and **seconded** by Mrs. Myers. Motion **passed** with 5 yeas -1 nay with Mr. Betzer abstaining stating he is a member of the MBMA.

Committee Reports:

A. Water Committee – Ms Richards noted that per the December 13, 2007 minutes (handed out), \$100,000 that was supposed to go into a Water Construction Account went to MBMA's CD instead. The money was to directly be transferred to a Water Construction Account. MBMA closed the loan without setting monies aside for paving Carpenter Street. Ms Stein asked that during the audit process-what was the origination point of the CD's? The answer is that the auditor traced the CD's back and this \$100,000 CD was discovered.

Motion to have **MBMA transfer \$100,000 into a Water Construction Fund** in order to complete the transaction by Ms Richards and **seconded** by President Daily. Motion **passed** with all voting in favor.

Motion to open a **Water Construction Fund in the name of the Borough at Sovereign Bank** for the \$100,000 transfer by Ms Richards and **seconded** by Mrs. Myers. Motion **passed** with all voting in favor.

B. Sewer Committee – no report.

C. Streets – Mr. Klim thanked Council for their motion on the purchase of a used sweeper.

D. Finance – Ms Stein stated that at the meeting the FC investigated and recommended changes and new options. Currently the Borough's banking is at Sovereign Bank. Ever since last year the

FC wanted to put together a Request for Proposal (RFP) to send out to local banks. Ms Stein reported that they are now finalizing their plans to send the RFP's out. Ms Stein commented that it is possible the banks could offer new services that would equal cost savings for the Borough:

- Billing and Collections for the water and sewer system. No decision has been made to utilize this service but it had been done in the past.
- OPTIONAL: Role of Treasurer

It is the FC's plan to send the RFP's to five local banks with a September deadline.

E. Personnel –

Revised Personnel Policies: Ms Richards presented an Amendment to the Muncy Borough Personnel Policies. This amendment is for extended absence leave when the employee has a personal illness that is likely to result in more than eight (8) consecutive sick leave absence days. This is not related to workman's comp. It is not a work related injury.

Motion to adopt the Amendment to the Muncy Borough Personnel Policies by Ms Richards and **seconded** by President Daily. Motion **passed** with all voting in favor.

Mr. Betzer stressed that all employees get a final copy. Mr. Rager suggested that Ms Richards pass this through the Borough's STD provider. Ms Richards noted that she did.

Conditions of Employment: Ms Richards noted what had been changed/added/or deleted to the existing Conditions of Employment from the Employee Handbook. She commented that in the absence of the Borough Manager it was evident that changes had to be made.

Motion to adopt the Conditions of Employment by Ms Richards and **seconded** by Mrs. Myers. Motion **passed** with all voting in favor.

Continuing Education: John Klim pulled his request for #2897 Capacity, Operations & Maintenance and Asset training.

Motion to approve Stephen Michael to attend Nutrient Process Control Workshop Oct, 20 & 21 for \$275 by Ms Richards and **seconded** by Mr. Betzer. Motion **passed** with all voting in favor.

Motion to approve Ron Alexander to attend Nutrient Process Control Workshop Oct, 20 & 21 for \$275 by President Daily and **seconded** by Mr. Betzer. Motion passed 5-1 Mrs. Myers abstaining due to having a relative as a Borough employee.

Motion to approve Ron Alexander to attend #2897 Capacity, Operations & Maintenance and Asset Workshop September 15 for \$75 by President Daily and **seconded** by Mr. Betzer. Motion passed 5-1 Mrs. Myers abstaining due to having a relative as a Borough employee.

F. Equipment, Property, and Grounds – Mr. Wurster noted that we have two street sweepers and now the Johnston makes three. Mr. Klim noted that the Elgin will be sold; either by advertising for bids or contacting interested municipalities. Mr. Klim said that the 2nd existing sweeper would be kept as a back up and kept in service. Mr. Betzer noted that the bid specs did not include a trade-in.

G. Community Relations – The Selection Committee for the Master Site Planning (DCNR Grant) were to present their ideas tonight. Due to Mr. Coup being out this topic is being tabled.

H. Borough Ordinance – See Shade Tree Ordinance.

Comments From the Public

Resident Baker noted that, "after eight months you decide to get rid of someone and then move money around."

Mr. Arnold noted that the August 19 executive session was not advertised. President Daily reminded him executive sessions alone do not require to be advertised. He also noted we increased the Authority from five to seven members stating that there are "no consistencies in what you are doing." President Daily responded that the Authority asked us to increase their members to seven. Mr. Arnold then noted that most of the Selection Committee for the Master Site Plan live outside of the borough. Ms Richards responded that only Dr. Brandt lives outside the borough even though she is the Muncy School District's Superintendent. Residency is not a requirement.

Individual Council Members

None

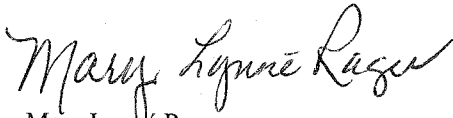
Executive Session

An Executive Session was called by President Daily at 8:54pm to discuss personnel matters.

Adjournment

There being no further business, Mr. Wurster made a **motion** to adjourn the meeting at 8:54pm with Mrs. Myers making the **second**. Motion **passed** with all voting in favor.

Respectfully submitted,



Mary Lynne Rager
Borough Secretary/Office Manager