

MILTON BOROUGH COUNCIL MEETING

April 26, 2017

The meeting was called to order with the following Councilpersons in attendance: Mr. Walker, Mr. Specht, Mr. Cyphers, Mr. Budman, Mr. Shearer, Ms. Fawess, Mr. Swartz, Mrs. Meckley, Mr. Farr, and Mr. Keiser. Also in attendance were Mr. Beck, Mr. Benion, Mayor Nelson, Chief Zettlemyer, Sam Shaffer, Doug Diehl, and Shelly Sandstrom.

Minutes: On motion of Mr. Cyphers, seconded by Mr. Walker and carried, Council approved the minutes from the April 12, 2017 Council meeting.

Report of the Borough Manager: Mr. Beck requested Council's permission to advertise and sell the 2011 Dodge Charger through Municibid. On motion of Mr. Walker, seconded by Mr. Specht and carried, Council approved this request.

Next Mr. Beck reported that he has been informed that the Garden Club is no longer able to maintain the plantings and shrubbery at the Dorothy Hermani Park, The Marty Hopta Rose Garden, and the land between the walkway and the Old Library Building between Front Street and Elm Street. These properties belong to the Borough. The Public Works Department will maintain them; however the annual weeding and planting of flowers will not be completed at the same level the Garden Club did. If there is another organization or club that would be interested in maintaining these areas, the Borough would be very interested in working with them. Brice Brown offered to do the portion between the walkway and the Old Library Building.

The tree in front of the District Magistrates Office, the two in front of the YMCA, and the one in front of Lisa's Milltown Deli, have died and they are not covered under a warranty. Mr. Beck has received a quote to replace them with trees of the same size, which will be warranted for 1 year from plant date. The quote is \$1,950.00 and he asked for Council's approval to move forward with the replacement of the trees. On motion of Mr. Cyphers, seconded by Mr. Walker and carried, Council approved this request. Mr. Farr was opposed.

At the February 8, 2017 Council meeting, Council authorized Mr. Beck to negotiate a contract with the YMCA for the operation of the Community Pool for the 2017 season. He has a proposed contract which includes the same terms and conditions as the past contract and includes a \$1,954.50 increase over the 2016 contract. Mr. Beck asked for Council's permission to enter into this contract. On motion of Mr. Walker, seconded by Mr. Specht and carried, Council approved this request.

In his April 12th Manager's Report to Council, Mr. Beck attempted to clarify a few misconceptions concerning various events and projects that have been completed, and some that are being planned.

On Thursday, April 13, 2017, the day after the Council meeting, his report was published in the Standard Journal, as it should have been. On Saturday April 15, 2017, TIME had a letter to the editor published in the paper stating their position on a select few of the issues referenced in Mr. Beck's report. The Standard Journal published a correction to that letter on Monday April 17, 2017 which was available online.

With that said, Mr. Beck responded to what he considers inaccuracies in TIME's response letter. When his report was published, the Standard Journal asked TIME's Executive Director George Venios to respond, which he did. His remarks were co-mingled and published along with excerpts from Mr. Beck's report to Council which he delivered on April 12, 2017.

In his report, he stated that TIME asked for 10% of the \$500,000.00 grant for sustainability and/or to pay the Downtown Manager (Mr. Venios) for assisting me on the project supervision. Executive Director, George Venios stated that the statement was "Totally False". Mr. Beck's response will reference an email from the President of the TIME board, Jeff Coup, dated March 6, 2013 which clearly indicates that TIME did indeed ask for a 5% cut of the grant funds on this project, or \$25,000, so he was mistaken on the amount asked for. It was also stated in this email that TIME, as a general rule, always takes 10% off the top of any grant monies received, and TIME felt that since this project would be "supervised jointly" that they would only ask for 5%. You will also find that in Mr. Beck's response to that e-mail he stated to Mr. Coup that he is not in the habit of recommending that Council spend monies on a service that is not needed.

Further along in the article, Mr. Venios attempts to sidestep the issue of failing to meet the \$150,000.00 commitment by talking about other projects TIME has completed. TIME has completed several projects which they should be commended for, however, that was not the issue Mr. Beck was discussing in his report.

In TIME's Letter to the Editor, published on Saturday April 15, 2017 they stated, TIME was involved in the, QUOTE, "initial planning stage of the Municipal Parking Lot". That statement is true, they were involved until Mr. Venios realized that the Borough and the Library Board were not going to build an elevated library building on the site with a second-floor café' and roof top garden, but instead build a very functional Municipal Parking Lot, which the Borough did and the Library Board went on to renovate a very beautiful property which now houses the Milton Public Library.

It is stated that TIME originally proposed the Broadway Streetscape as a \$500,000.00 project, which they did. However, Mr. Venios fails to state that his original proposal was to have volunteers construct the project. Mr. Beck told Mr. Venios that the project was too complex to consider having volunteers attempt to construct it. This letter also states that the Borough Engineer delayed the project by suggesting replacing nearly all the sidewalks, which was not part of TIME's original plan. What Mr. Venios fails to say again is there was no way to replace the curb, and lay the brick boarder without replacing portions of the existing sidewalk. Also, the Borough could not complete a Streetscape Project and allow non-conforming sidewalks to exist and remain compliant with the grant guidelines.

This letter to the editor states that TIME paid nearly \$40,000.00 to the Borough's Engineer to refine and revise the plans, but it fails to state the reason for the additional engineering fees was due to TIME changing the design several times. The article states that in April 2013 Mr. Beck said he would attempt to allocate at least \$25,000.00 in the Borough's 2013 budget and in June 2013, he said TIME would have to raise the money or obtain a grant on their own. What it fails to state is, Council determines what monies are allocated to what projects, not the Borough Manger, and when the Council originally agreed to fund TIME, the stipulations were they must annually submit to Council a profit and loss statement, a list of achievements, and a list of goals that the monies will fund. TIME submitted the required information for several years and the Borough donated \$5,000.00 per year. When TIME stopped submitting the requested annual information, the Borough ceased the funding.

The article states that TIME found a \$500,000.00 grant the Borough may have been eligible for to fund the 2017 Streetscape Project which included Broadway and Front Street. QUOTE "Beck initially doubted the idea would work, but several meetings between TIME and Borough Officials and extensive joint correspondence with the State convinced everyone that Milton indeed was eligible for this second grant in the amount of \$500,000.00". This is true, however, when George Venios and Tom Deans informed the Borough about this grant, Mr. Beck was already aware of it and when TIME says it took several meetings between TIME and Borough Officials, it was due to Mr. Beck wanting to verify that utilizing this grant as a match for the first grant was a compliant expenditure. As far as TIME saying he missed a grant deadline - that is true and he did think it would set the project completion back a year,

however as it worked out, he applied for another TAP Grant and was not successful. He then applied for a Multi-Modal Grant in the amount of \$800,000.00 and was awarded \$588,202.00. With this grant, along with the \$ 170,065.00 CDBG Fund, and \$252,087.00 Borough Funds as match, he could fund the Front Street portion of the project.

Every grant that the Borough receives is audited separately by the funding agency to assure the funds were expended in compliance with the grant contract. All contracts, audit reports, and financial statements are public records, by Law. So, for TIME to say the Borough would not give them access to contracts and grant information is not accurate.

Mr. Beck stated that he believes there have been many volunteers on the TIME Board over the years that were, and still are committed to the betterment of the community, a few that come to mind are, Mike Longenberger, Bart Reichard, John Meckley, Amy Moyer, Graydon Moyer, Ginny Kaar, Tom Deans, George Geib, Jeff Coup, Deb Owens, Dave Stahl, Mark Shearer - he apologized to the people he failed to name. With that said, it is not his intention to take away from their accomplishments, but please understand that he does not take it lightly when the Borough is put in a position where it must utilize tax dollars to fund a commitment made by another organization. He does regret that he did not address this matter several years ago, and for the record he will not respond to any further Letter's to the Editor on this matter.

Mr. Walker stated that after he read the Letter to the Editor from TIME, he felt it put the Borough in a negative light and he is very disappointed that no one from the organization came to the meeting tonight to address these issues. Mr. Farr commented that the Borough continues to move forward and that is important. Anyone in the community is welcome to come in to a Council meeting to discuss issues they may have. Mr. Walker said that we should all be proud of this community and we need to work together collectively.

Report of the Mayor: Mayor Nelson had no report.

Report of the President of Council: President Budman also addressed the letter to the editor published in the Standard Journal on April 15th, 2017. This letter was signed by both current and past members of the TIME board, as well as their current director George Venios.

President Budman specifically addressed the concerns raised by Mr. Venios regarding a lack of communication on his part, and the Boroughs part in regard to the grant funding. First, he stated that he can assure you all that any grant application is one of public record, and he will also tell you that this information was available on-line for the public to view. At no time was there any question as to the status of the application, or the intent of the application. Second, President Budman assured council that his courtesy was always extended to Jeff Coup, President of the TIME board, with any update relating to the progress of the streetscape project, to include updates on funding. These updates were generally done by phone, or in person either at his office, or when invited to his home. He assured Council that his personal communication as President of this Council with the President of the TIME board has been consistent, open, and transparent. He also believes every meeting he has had was with the best interest of both organizations, and the Borough in mind.

Over the past four years, he and a few others sitting at this table have remained close to the operations of the TIME organization. We have attended many meetings together with the goal in mind to strengthen communication and unify efforts. Borough representatives have continued to be supportive of the TIME board during some very challenging times, specifically when sustainability was in question. President Budman stated that he has also worked diligently in the last year with Jeff Coup in helping to fulfill other commitments made by TIME to their donors.

The streetscape project will be completed in 2018, and he is confident it will be done on-time, on budget, and will certainly be another accomplishment this community should be proud of. He will also support Mr. Beck's acknowledgement of the many people from the community which include the many volunteers and donors that have contributed to the success of the project.

Report of Chief of Police: Chief Zettlemoyer reported that the new server is in the department and in the process of being updated. The Department was a part of getting a child predator off the streets this week. There have been reports of rounds fired on Vine Street and an investigation is underway.

Report of Public Works Director: Sam Shaffer reported that the Public Works Department continues to work at the parks and mowing. Spring brush and leaf pick up has been completed.

Report of the Fire Chief: Chief Stump was absent due to training.

Public Comments: Brice Brown, 500 Front Street, addressed Council. He stated that he owns the old library building which is now an Art Bank. The opening of this will be on May 15th. He is requesting permission to use certain Borough-owned properties from May 10th through July 15th, in conjunction with the inaugural exhibition at Milton Art Bank. The requested locations are Lincoln Park, Brown Avenue Skate Park, the municipal parking lot, and 5th Street Park to place weather proof, battery operated Mp3 player speakers. They are self contained units that will play only one unique sound on a continuous loop for the duration of the exhibition. The sound is a recording of a member of the Milton community responding to the phrase "Today I saw". The volume will be adjusted so it is audible without causing a nuisance. He will frequently check the speakers to ensure they are working correctly and not causing problems. If any speakers are stolen or damaged, he will not hold the Borough responsible and if there are complaints from residents, they will be removed. There was some concern from Council about hearing the noises and getting calls or complaints. Mrs. Meckley stated that if the sound of a child is heard at one of the parks late at night it would cause her concern for the child's safety. On motion, seconded by Ms. Fawess and carried, Council approved this request contingent upon receiving a written request specifying where the speakers will be located and that we have the right to revoke if any issues arise. The request should also include that the Borough will not be responsible for the equipment in any way. Mrs. Meckley was opposed.

Highways and Protection to Persons and Property:

- A. On motion of Mr. Swartz, seconded by Mrs. Meckley and carried, Council approved a request from T.I.M.E. to use Lincoln Park for Music in the Park. This approval is for the first 3 bullet points, however, the Borough will not provide a portable toilet.
- B. On motion of Mr. Swartz, seconded by Mrs. Meckley and carried, Council approved a request from West Chillisquaque Township to utilize the Milton Fire Police for their Memorial Day Parade on May 28, 2017.
- C. On motion of Mr. Swartz, seconded by Mrs. Meckley and carried, Council approved a request from Kingdom Kidz, Inc., to hold a National Day of Prayer at Lincoln Park on May 4, 2017 from 6:30 p.m. – 8:00 p.m.
- D. On motion of Mr. Swartz, seconded by Mr. Walker and carried, Council denied a request to add a street light to Susquehanna Avenue. Mr. Specht abstained.

General Government and Recreation

- A. On motion of Mr. Walker, seconded by Mr. Specht and carried, Council adopted Ordinance #1212 amending Ordinance 1021 increasing fees as outlined by Attorney Benion.

Finance, Health and Sanitation

- A. On motion of Mr. Shearer, seconded by Mr. Cyphers and carried, Council awarded bid for the 2017 Paving Project to New Enterprise Stone & Lime Company, Inc., in the amount of \$647,644.10. This is a joint project between the Borough and UGI. The start date is unknown at this time but the completion date is no later than October 31, 2017.
- B. On motion of Mr. Shearer, seconded by Ms. Fawess and carried, Council approved paying the bills from General Fund, Reserve, Payroll, Community Pool and Cemetery accounts in the amount of \$134,614.28.

Mr. Shearer informed Council that this Saturday is Opening Day for the Little League at Brown Avenue Park and encouraged everyone to attend. The League placed a thank you banner on the fence for the Borough's help.

Mr. Walker reported that there is a new Director at the Milton Regional Sewer Authority, Genie Bausinger. Mr. Beck stated that he is very pleased that she got the job. She has worked at the plant as a Lab Supervisor and has received numerous State awards.

There being no further business, on motion of Mr. Farr, seconded by Mrs. Meckley and carried, Council adjourned at 7:52 p.m.

Respectfully Submitted:

Shelly Sandstrom
Borough Secretary/Treasurer