

MINUTES
BROOKVILLE BOROUGH COUNCIL MEETING
Tuesday May 3, 2022 @ 7:00 P.M.

The Brookville Borough Council met in the large conference room on Tuesday, May 3, 2022 at 7:00 P.M. with the following in attendance:

<u>COUNCIL MEMBERS</u>	<u>STAFF</u>	<u>VISITOR/MEDIA</u>
Mayor Richard Beck	Manager Dana Rooney	Alex Nelson
Phil Hynes	Police Chief Vince Markle	Justin Felgar
Karen Allgeier	Fire Chief Chris Henry	Richard Scott
Randy Bartley	Public Works Director -	Kelly Culbertson
David Taylor	Jonathan Rhoades	Larry Pearsall
Sarah Gallagher	Code Enforcement Officer -	Dave Richards
	Vince Markle	Molly McNutt
	Recorder Christine Gunning	Jonathan Rollinger
	Solicitor Jim Dennison	Tracy Zents
		Bob Lewis

CALL TO ORDER:

President Phil Hynes called the meeting to order at 7:00 P.M., and led the group in the Pledge of Allegiance to the American Flag.

CORRECTIONS/APPROVAL OF MINUTES:

Member David Taylor moved to approve the minutes of the April 5th meeting as submitted; seconded by Vice-President Karen Allgeier. Motion carried 5-0.

FINANCIAL REPORTS:

- A. Approval of Expenditures** – The current bills were presented for approval. President Phil Hynes asked if there were any additions or questions. Manager Dana Rooney stated she had one addition; J's Custom Cleaning in the amount of \$2,460.00 for April's cleaning. Member David Taylor stated he has a couple of questions. Manager Dana Rooney stated okay. Member David Taylor asked what we paid Caylor Greeley Electric for, and Manager Dana Rooney stated traffic light repairs and electrical work at Blews Hall. Member David Taylor asked what about Core and Main LP, and Manager Dana Rooney stated that is for the Street Department for inlets and grates. Member David Taylor asked what about Hepler's Country Store, and Manager Dana Rooney stated that is a boot reimbursement for the employees. Member David Taylor asked what about U.S. Municipal, and Manager Dana Rooney stated signage. Member David Taylor moved to approve the bills for April 19, 2022 and May 3, 2022 as submitted with the addition of J's Custom Cleaning; seconded by Vice-President Karen Allgeier. Motion carried 5-0.

- B. Fund Level Financial Statements** – President Phil Hynes stated you have the Fund Level Financial Statement Summary, and if there are any questions, the appropriate people are available to answer them.

PUBLIC COMMENT:

A. Richard Scott – Madison Avenue as One Way Street – Richard Scott stated his daughter has lived on Madison Avenue for two years, and has had five vehicles totaled by trucks coming down that hill making an illegal turn into the Post Office, which is why he is asking to make that street a one-way street uphill. Richard Scott stated people cannot afford to replace vehicles every few months. President Phil Hynes stated we looked into this before, and asked Police Chief Vince Markle where we are at with this. Police Chief Vince Markle stated he thinks it got pushed back to the committee. Police Chief Vince Markle stated we went around with the committee, and we made recommendations, and he does not know that it ever went any farther than that. Vice-President Karen Allgeier stated the recommendation was to make it a one-way downhill, not uphill because of the Post Office, that way the people who are parked on the one side where we allow parking – it would facilitate them all having to park in the same direction instead of the way it is now. After some discussion, Second Vice-President Randy Bartley proposed the Public Safety Committee, Solicitor Jim Dennison, and Police Chief Vince Markle discuss it and come back with a recommendation. President Phil Hynes stated that sounds like a plan. President Phil Hynes thanked Richard Scott.

B. Kelly Culbertson – Japanese Knotweed – Kelly Culbertson stated she runs Cook Forest Conservancy, and Second Vice-President Randy Bartley invited her here to talk about the Japanese knotweed program, the problem you have on Redbank Creek. Kelly Culbertson stated she is running a program in Cook Forest, and they are having training sessions. Kelly Culbertson stated the first one is an informational session on the 12th at MacBeth's. Kelly Culbertson stated there will be a cutting demo on June 12th. Kelly Culbertson stated what Second Vice-President Randy Bartley is concerned about is that if you are cutting, but not later spraying, there is no benefit to that, and it may potentially increase the spread of it. Kelly Culbertson stated it will re-root if it falls into the stream and travels downstream. Kelly Culbertson stated if you cut, to control the problem, you should probably be spraying in the fall. President Phil Hynes stated he is really happy she is here, because he is on the Redbank Valley Trail Board as well, and they have had an issue since the opening of the trail with knotweed, and they do spray Depot Street but usually in the spring and not the fall. President Phil Hynes stated they are aware you are supposed to cut knotweed in the fall, is that correct? Kelly Culbertson stated they usually cut it in midsummer. Kelly Culbertson stated the point of the cutting is usually to weaken it and make it a treatable height. Second Vice-President Randy Bartley asked Kelly Culbertson to explain what Japanese knotweed is. Kelly Culbertson stated it is a nonnative invasive plant that colonizes primarily waterways, although it was introduced by the state to remediate strip mine areas that had very low soil quality, so it would grow there, but that was a problem because it would grow wherever there was a

disturbance or bad soil, however you do not have a native established, so after you spray, you have to come back in and put in willow or something that will stop the erosion. Kelly Culbertson stated Japanese knotweed does not shade your stream banks so you are getting hotter water that is less filtered, which means more erosion, which means more sediment, which means the water is carrying less oxygen, so all your health is degrading. Kelly Culbertson stated there is really no upside to knotweed. Kelly Culbertson stated Penn State Extension will help with that. Kelly Culbertson stated the service foresters may come out and give advice too. Kelly Culbertson stated she got a small grant from Western Pennsylvania Conservancy, so she will be doing these sessions every year. Kelly Culbertson stated the idea is to coordinate local land owners along the river bank with the efforts of the Department of Conservation and Natural Resources (DCNR), the game commission, and the state forest, because if you only treat patches of it, it is not going to work, and it will keep spreading, so you have to get blocks to treat it. President Phil Hynes asked what time that meeting is on the 12th. Kelly Culbertson stated 1:00 P.M. at MacBeth's. Kelly Culbertson stated in the summer, on June 12th is a cutting demonstration. President Phil Hynes thanked Kelly Culbertson.

C. Larry Pearsall – Code Enforcement – Larry Pearsall thanked Brookville Borough Council for having him as an ongoing saga. Larry Pearsall stated this is the thirteenth or fourteenth time between this Council and the Brookville Municipal Authority Board for his same problem. Larry Pearsall stated everybody listens, but nobody offered to help, or have any ideas on how to handle this. Larry Pearsall stated he is going to take some matters into his own hands, and move it along this way, and served Council with subpoenas. Larry Pearsall stated all he asked when he started coming to these is help, answer questions, tell me what I could do. Larry Pearsall stated nobody has offered any help or solutions to any of this. Larry Pearsall stated it is pretty bad when only two people, that are Borough workers, can decide for everybody in this room what happens. Larry Pearsall stated there is supposed to be a board to listen to his problems, and apparently you do not have one. President Phil Hynes stated thank you very much.

D. Dave Richards – Brookville Trail Hub – Dave Richards stated the Brookville Trail Hub is a group of seven or eight people who want to promote a trail from Brockway to Brookville. Dave Richards stated where they stand now is there is the Five Bridges Trail that goes from Brockway to Allens Mills. Dave Richards stated it is an unapproved trail, and only one guy does all the maintenance on that trail, and he is also the president of their 501c3 nonprofit trust. Dave Richards stated he is a railroad historian, and his two uncles worked for the Pittsburgh Shawmut Railroad. Dave Richards stated we are at the very beginning, and the completed trail is probably ten years away. Dave Richards stated we are beginning to raise funds to do a feasibility study, and everything will depend on that feasibility study. Dave Richards stated if they say it is feasible, they will start looking for grants to establish the trail. Dave Richards asked why is it important? Dave Richards stated the gap that is missing right now is between Allens Mills and Brookville. Dave Richards stated if you close that gap, you

have a trail that will go from Johnsonburg all the way to the Armstrong Valley Trail, and then from there towards Pittsburgh. Dave Richards stated they are eliminating the gaps on the Erie to Pittsburgh trail. Dave Richards stated right now they are doing the Sarver, which is part of their Rosebud Mining area, and that is being converted back into the trail again. Dave Richards stated Pittsburgh just spent several million dollars on combining all their trails along the riverfront, so pretty soon you will be able to get on a trail in Johnsonburg, and end up at the Mall of Washington D.C., but if the gap is not filled in, you will not be able to do that. Dave Richards stated the other thing is the Pennsylvania Wilds has a trail loop that will be around 220 miles, and it starts in Ridgway. Dave Richards stated you can go down Route 66 Trail, which will take you to the Allegheny Valley Trail and the Allegheny River, downriver to the Redbank Valley Trail, back up to Brookville, back up to Brockway, back up to Ridgway, so you have a continuous loop with no breaks. Dave Richards asked what does it mean to Brookville? Dave Richards stated tourism. Dave Richards stated the Redbank Valley Trail is a day trip. Dave Richards stated what we would like to see are people getting on the trail in Johnsonburg and by the end of the day they are in Brookville or New Bethlehem looking for a place to stay, a place to eat, repairs to their bike, or a new pair of shoes. Dave Richards stated it is all about bringing income in, and dollars into the community. Dave Richards stated they have two meetings a month that are open to the public; the first meeting is in Brookville at the Brookville YMCA on the first Thursday of the month at 6:30 P.M., and the second meeting is on the third Thursday of the month in DuBois. Second Vice-President Randy Bartley asked what Brookville Borough Council can do to help this project. Dave Richards stated he does not think they are at that point right now, other than getting the word out about what they are trying to do. Dave Richards stated there are a number of grants they will be applying for that do require some type of government entity to initiate the process, not saying you have to lay out funds, but mostly it is just the legal ramification of you authorizing the grant. After some discussion, Dave Richards stated this will require a lot of work and cooperation from a lot of people. President Phil Hynes stated he thinks you can count on the support of Council. Dave Richards stated I appreciate that.

E. Molly McNutt – Jefferson Street Parking/Ticket Issue – Molly McNutt stated she has lived on Jefferson Street for the past four years, and she appreciates all that the Borough of Brookville does for its residents. Molly McNutt stated she is here to discuss an issue that occurred on Tuesday, April 19th. Molly McNutt stated Officer Mick Stormer wrote both her and her husband a ticket for parking on the street. Molly McNutt stated she was told the no parking signs were placed the day prior around 12:00 P.M. instructing Jefferson Street residents not to park in the parking spot areas. Molly McNutt stated the only parking Jefferson Street residents have is on the street. Molly McNutt stated the reason for no parking was so the Borough could sweep the parking spots. Molly McNutt stated in her four years of living on Jefferson Street, her parking spot has never been swept. Molly McNutt stated she usually sweeps it herself if she thinks it needs done. Molly McNutt asked when did parking spot sweeping become mandatory for

Borough residents? Molly McNutt asked why she received a fifty-dollar ticket for parking in front of her own home, simply for the job of sweeping parking spots? Molly McNutt stated she does not agree with this ticket, and she is here not only to advocate for herself, but for others who live on Jefferson Street who are not able to afford to pay a fifty-dollar ticket. Molly McNutt stated she would like to know what other streets in the Borough had this completed, and how many tickets were written. President Phil Hynes stated this is the first he heard of this issue. Police Chief Vince Markle stated the street is laid out yearly. Police Chief Vince Markle stated every year those signs are put on Jefferson Street, and they are put there for a reason, because the street sweeper comes up through there, and when there are cars in those parking spaces, there is no way for that vehicle to get that street swept, and it holds up the Street Department. Police Chief Vince Markle stated they have been doing this every single year. Police Chief Vince Markle stated when we get called there, we could have towed your vehicle, but instead we gave you a parking ticket. Police Chief Vince Markle stated that is what we have to do, and we have been doing that since he started twenty-some years ago. Police Chief Vince Markle stated talk to Council, they make the decisions. Police Chief Vince Markle stated all we do is enforce the signs, and that is what we did. President Phil Hynes stated we will look at the issue. Molly McNutt stated thank you.

REPORTS:

Chief of Police

- A. **Statistics for April** – Police Chief Vince Markle stated in April the Brookville Police Department had 149 calls for service, wrote 157 citations, 144 warnings, and 171 parking tickets.
- B. **Activities** – Police Chief Vince Markle stated we did an inspection today with the PCCD (Pennsylvania Commission on Crime and Delinquency) juvenile justice and our station passed all of those inspections today. Police Chief Vince Markle stated we also did a suicide prevention training this evening; Q.P.R. question, persuade, refer. Police Chief Vince Markle stated it was a lot about teens and the problem we are having there.
- C. **Triathlon** – Police Chief Vince Markle stated they are having their first triathlon this Saturday. Police Chief Vince Markle stated we will be doing a thirteen point one mile run, a six point one mile kayak, and a thirteen mile bike ride. Police Chief Vince Markle stated we are using the Redbank Valley Trail to do that.

Fire Chief – President Phil Hynes stated Fire Chief Chris Henry was called out, and read his written report (attached).

Public Works – Public Works Director Jonathan Rhoades stated they started getting all the roads ready that they think we will pave this year. Public Works Director Jonathan Rhoades stated they are cleaning up the cemetery property and the parks, hopefully for some nice weather, so we can start mowing. Public Works Director Jonathan Rhoades stated the dirt and gravel class that he got certified for a couple of months ago, he was able to get a grant put in for one of the roads to see if we are applicable for it. Public

Works Director Jonathan Rhoades stated we have been working with PennDOT, and hopefully they will help us out and do a little flagging so we can get some of East Main Street and West Main Street cleaned up.

Code Enforcement – Code Enforcement Officer Vince Markle read his written report (attached).

Committee Reports - None

Solicitor

- A. **Depot Street – Memorandum of Understanding** – Solicitor Jim Dennison stated he does not have anything for the Depot Street Memorandum of Understanding.
- B. **Ordinance 1110 – Lease for Blews Hall** – Solicitor Jim Dennison stated he has Ordinance 1110 authorizing the long-term lease with the Jefferson County Historical Society. Solicitor Jim Dennison stated he believes everybody got a copy of that, and we would need a motion to approve that. Vice-President Karen Allgeier made a motion to approve Ordinance 1110 for the lease for Blews Hall; seconded by Member Sarah Gallagher. Motion carried 5-0. Member David Taylor stated Mr. President, Tracy Zents is here, and he is President of the board of the Historical Society and he might have something to offer. President Phil Hynes asked Tracy Zents if he wanted to offer anything. Tracy Zents thanked Council and the Borough for giving them this opportunity on behalf of the Jefferson County Historical Society. Tracy Zents stated this will allow the Historical Society to maintain the archive collection that we currently have now and in the future. Tracy Zents stated on behalf of the Historical Society, he wants to thank Brookville Borough Council, Manager Dana Rooney, and Solicitor Jim Dennison for all their hard work helping them with this. Tracy Zents stated they will keep Council informed on each phase they are doing. President Phil Hynes thanked Tracy Zents and stated he thinks Council thought this is an ideal use of the property.

Borough Manager

- A. **2022 Paving Bids** – Manager Dana Rooney opened the 2022 paving bids and stated there was \$155,000.00 budgeted. Manager Dana Rooney stated there is surplus in the liquid fuels fund so you have the option of both overdrawing your budgeted amount, and taking some of the surplus out of the liquid fuels fund from previous years where you have not necessarily met your budgeted amount. Manager Dana Rooney stated Hager Paving is the low bidder, and there is enough surplus in the liquid fuels fund to go with option two. Vice-President Karen Allgeier made a motion to approve option two from Hager Paving in the amount of \$157,208.50; seconded by Second Vice-President Randy Bartley. Motion carried 5-0.
- B. **CD Renewal** – Manager Dana Rooney stated we had a CD for the Borough that matured on April 27th, and we have ten business days to transact that. Manager Dana Rooney stated we received two local bank bids, and we always

look at the PLGIT/PRIME rate. Manager Dana Rooney stated S&T Bank bid point one eight for a six-month rate, and point two one for twelve months. Manager Dana Rooney stated Farmers National Bank has point zero five for six months, and point one for twelve months. Manager Dana Rooney stated PLGIT's current yield is point four eight eight six at PLGIT/PRIME. Manager Dana Rooney stated she recommends cashing out the entire CD and putting it into the PLGIT/PRIME reserves fund. Second Vice-President Randy Bartley made a motion to cash out the entire CD and put it into the PLGIT/PRIME reserves fund; seconded by Vice-President Karen Allgeier. Motion carried 5-0.

- C. **Cash Transfers** – Manager Dana Rooney stated with PLGIT rates on the rise, she would like to make a transaction. Manager Dana Rooney stated we treat PLGIT as our savings account, so she would like to move 400,000.00 from the General Fund at S&T Bank and put it into our PLGIT General Fund account. Vice-President Karen Allgeier made a motion to approve transferring \$400,000.00 from the General Fund at S&T Bank to our PLGIT General Fund account; seconded by Member David Taylor. Motion carried 5-0.
- D. **Abbottstown Request – Hemp Industry/Medical Marijuana** – Manager Dana Rooney stated Abbottstown Borough in Pennsylvania has sent out a letter that she shared with Council prior to this evening that explains how Abbottstown recently passed a resolution to legalize marijuana in Abbottstown Borough. Second Vice-President Randy Bartley stated this irritates me to no end to think a small Pennsylvania Borough can supersede not only Pennsylvania law, but federal law. It is the same as Philadelphia declaring itself a sanctuary city. Second Vice-President Randy Bartley stated it is unconstitutional, it is dangerous, and it is a gateway drug. Solicitor Jim Dennison stated he recommends spending no time considering this. Vice-President Karen Allgeier stated this is a slippery slope, and she does not think that we as a Borough have any right to even consider this. Vice-President Karen Allgeier stated it is going to be voted on, and will become part of the Pennsylvania State Association of Boroughs (PSAB) resolutions, et cetera at the conference at the end of this month, and as the voting delegate, she needs Council's full support to vote no against that resolution. Second Vice-President Randy Bartley made a motion to instruct our voting delegate to oppose this resolution to legalize marijuana in Abbottstown Borough at the PSAB conference at the end of this month; seconded by Member David Taylor. Motion carried 5-0.
- E. **Executive Session – Personnel** – Manager Dana Rooney requested an executive session for personnel with action expected.

UNFINISHED BUSINESS: None

NEW BUSINESS: None

EXECUTIVE SESSION:

Brookville Borough Council entered an executive session at 7:54 P.M. to discuss a personnel matter with action expected. Solicitor Jim Dennison stated Member Sarah Gallagher is going to abstain. Solicitor Jim Dennison stated she has a conflict with one of the parties, so she is not going to participate in the discussion or voting in the executive session. Executive session ended at 8:13 P.M. with the following action taken:

- A. **Officer Justin Miller - Resignation** – Vice-President Karen Allgeier made a motion to accept the resignation of Officer Justin Miller; seconded by Second Vice-President Randy Bartley. Motion carried 4-0, with Member Sarah Gallagher abstaining.
- B. **Civil Service Commission** – Vice-President Karen Allgeier made a motion to activate the Civil Service Commission; seconded by Member David Taylor. Motion carried 4-0, with Member Sarah Gallagher abstaining.

ELECTED OFFICIAL COMMENTS:

- A. **Mayor Richard Beck** – Mayor Richard Beck stated he appreciates everyone who came to the meeting tonight.
- B. **Member Sarah Gallagher** – Member Sarah Gallagher thanked the Historical Society. Member Sarah Gallagher stated she thinks it is great they are putting in the work to make that property look better, and put it to good use.
- C. **Member David Taylor** – Member David Taylor stated just a comment to follow up on what Member Sarah Gallagher said. Member David Taylor stated he was concerned when all the trees came down. Member David Taylor stated he was going to ask if the Borough did that, but Penelec did it, so never mind. Solicitor Jim Dennison stated those were ornamental, so that was an improvement. Member David Taylor stated it is. Solicitor Jim Dennison stated everything that was done up there looks great, and he thinks it is really going to be nice. Tracy Zents stated he thinks everyone will be happily surprised when it is finished.
- D. **Second Vice-President Randy Bartley** – Second Vice-President Randy Bartley stated on behalf of Council, when citizens bring concerns to the Council, like Madison Avenue, we take action on it. Second Vice-President Randy Bartley stated in years past that was kind of like shelved, but this is an actionable Council, and he thinks that is something the citizens should know.
- E. **Vice-President Karen Allgeier** – Vice-President Karen Allgeier stated today they had a PennDOT meeting at 3:30 P.M. at Chateau d'Argy. Vice-President Karen Allgeier stated she and Member Sarah Gallagher, Member David Taylor, and Second Vice-President Randy Bartley attended, and they spoke. Vice-President Karen Allgeier stated to be honest with you, she does not know if anybody heard anything that any of the commentators said. Vice-President Karen Allgeier stated she asked them if that was an exercise in futility on behalf of the people of Brookville Borough, because what you are doing is going to impact our town for the next three to four years. Vice-President Karen Allgeier stated during the meeting eighteen wheelers were going through town because they closed off that one lane. Vice-President Karen Allgeier stated they had assured her there would be two lanes of traffic

in both directions until it is finished, however, she is not holding her breath on that. Vice-President Karen Allgeier stated with respect to that, she has to think about how that will impact our fire company and police department, you know, all the things that happen when Interstate 80 shuts down. Vice-President Karen Allgeier stated snow removal will be horrific if these huge trucks are coming through town all the time, and that impacts our Public Works Department. Vice-President Karen Allgeier stated she was happy to see the people who spoke. Vice-President Karen Allgeier stated it was not just Brookville Borough residents. Vice-President Karen Allgeier stated people came from all over.

- F. **President Phil Hynes** – President Phil Hynes apologized for the length of the meeting, and asked the media if they had any questions.

MEDIA COMMENTS/QUESTIONS/CLARIFICATION:

- A. **Justin Felgar – Abbottstown** – Reporter Justin Felgar asked where Abbottstown is. Vice-President Karen Allgeier stated in Bucks County. Reporter Justin Felgar stated so a town in Philadelphia is basically unilaterally trying to legalize marijuana. Vice-President Karen Allgeier stated through the Pennsylvania State Association of Boroughs, they are a member just like Brookville Borough is, and a number of Boroughs, and they sent these letters out. Member David Taylor stated he thinks they wanted Brookville Borough to pass this resolution to go on to the PSAB, and ask the PSAB to promote it for legalization. Solicitor Jim Dennison stated he does not think it is the position of Borough Council to advocate on something like that on their behalf.

ADJOURNMENT:

Second Vice-President Randy Bartley moved to adjourn; seconded by Vice-President Karen Allgeier. Motion carried 5-0 at 8:26 P.M.

Borough Manager

