

**PUBLIC HEARING – ZONING AMENDMENT**  
**AUGUST 9, 2010**

Solicitor Chris Lantz called the public hearing to order at 5:30 p.m. on August 9, 2010. The meeting was held in the council room of the John E. Dugan Fire Station Municipal Building, 28 Crafton Street, Wellsboro, Pennsylvania.

**PLEDGE TO FLAG-** The pledge of allegiance to the American Flag was given by all present.

**ELECTED OFFICIALS:**

The following elected officials of the Borough of Wellsboro were present

Mayor James Daugherty

First Ward Council Member- Michael Wood

First Ward Council Member- Rudolf Scharf

First Ward Council President- Joan Hart

Second Ward Council Member- John Sticklin

Second Ward Council-Vice President- John E. Wheeler

Second Ward Council Member- Terry Bryant

**APPOINTED OFFICIALS:**

The following appointed officials of the Borough of Wellsboro were present

Superintendent of Public Works- Mark Dieffenbach

Superintendent of Water & Sewer Plants- Daniel Brought

Police Chief- Jim Bodine

Secretary/Treasurer- Susan Keck

Assistant Secretary- Florence Martino

**PRESS:**

Wellsboro Gazette- Natalie Kennedy

Williamsport Sun-Gazette- Bryan Robinson

**VISITORS:**

Dorotha Dibble- 71 West Avenue, Jacquelyn G. Gradaner- 43 Pearl Street, Bob & Helen Bernhardy- 53 Meade Street, Sam & Nancy McCaughey- 9 Norris Street, Harold Cleek- 831 Gas Company Road, Ron & Jackie Patt- 20 Highland Street, Dick Miskovitz- 20 Sherman Street, Cindy A. Copp-53 Waln Street, Ken & Karen Meyer- 45 West Water Street, Wellsboro, PA. Lilace Guighard- 56 Sherwood Street, Mansfield, Pa.

Mr. Lantz informed the public, this evening the Borough Council is considering an amendment to the Wellsboro Zoning Ordinance. Mr. Lantz informed the residents a public hearing is held to inform the public and allow public comment. Mr. Lantz stated anyone wishing to comment at the public hearing would need to be under oath and he asked anyone who wished to speak to raise his or her right hand and take the oath. Chris Lantz explained any resident who has a legal issue would need to hire his or her own attorney. for private issues and could not be discussed this evening.

Mr. Miskovitz asked what issue was being addressed by this public hearing. Mr. Lantz stated that borough's zoning ordinance addresses surface mining; however subsurface

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mining as in natural gas and oil exploration, was not previously included. Council Member Wood said the borough council cannot eliminate companies from coming into the borough, this way the borough can say how we want it done. Mr. Miskovitz asked how New York State stopped the drilling. Council Member Bryant said at this time New York has a moratorium on drilling. Mr. Lantz stated the borough needs to allow some mineral extraction and the borough does have a mechanism in place for reasonable development so drilling can proceed. Mr. Lantz addressed issues of concern in the handout:

1. Page G section one addresses the issue of the general health, safety and welfare of its residents and the Municipalities Planning Code.
2. Page C is a map of the borough and only section where drilling is permitted is in the white section known as rural residential
3. Page D is the legal advertisement of public notice for this meeting.
4. Page E is letter from the Borough Solicitor's office to the Tioga County Planning Commission – Mr. Jim Weaver and also a letter to the Wellsboro Planning Commission with the proposed ordinance to amend the Wellsboro Borough's Zoning Ordinance # 615.
5. Page F is the respond back from Jim Weaver the Tioga County Planner, he stated the proposed conditional uses and additional regulations are appropriate.
6. Page G is a copy of the Proposed Ordinance #615 including the new definitions for oil or gas drilling explanation.

Cindy Copp asked if the Borough Council had already voted on this proposed ordinance. Mr. Lantz stated the Borough Council could vote on the proposed ordinance this evening or they could take more time and vote at a later date. Mr. Miskovitz said the objective is excellent, however how are you defining exploration, and what is definition of drilling, what about a pipeline that would be in the right-of-way. Mr. Lantz stated the Council has not looked into the right-of way issue. Council Member Wood stated Borough Council has talked to gas drillers concerning a pipeline across borough land. Council member Wood said if any resident signs a lease it is up to the property owner the size of the right of way, they don't need to give a 50' right of way as may be requested.

Mr. Miskovitz said it is imperative for the Borough Council to define gas exploration.

Ken Meyers recommended the Council consider changing 14.19.4 from 300' of any occupied dwelling or public building to 500 or 600' he stated it would be more reasonable.

Helen Bernhardt asked what Council could do about the truck traffic, that there is drilling up from their home. Central Avenue is behind their home and there is a lot of truck traffic going up Meade Street from the Hospital construction. Mr. Lantz said the borough has adopted a weight limit for trucks however were not aware of any regulations for truck traffic.

Mr. Cleek said his concern was the right of way access. He said his concern was how deep the gravel up to the site. Mr. Lantz said this ordinance does not address personal property. Mr. Cleek said if the gas company wants a right of way they need to buy it

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from property owner, the property owner would not be able to build on the roadway. Mr. Cleek said nothing protects the borough or the homeowner. Council Member Wood said in the rural residential area most of the land is forest. I'm in favor of drilling however it needs to be done correctly. Council Member Wood stated if a gas company were given a 50' right of way it would not keep the rainwater from going downtown. Mr. Colton said 200' pavement from the road would keep dust down but would not handle water run off.

Mr. Miskovitz said the oil companies deal with property owners. Mr. Lantz said the borough is not impacting anyone's lease, however in the borough the companies would need to follow the ordinance. Mr. Miskovitz said the oil companies are not going to meet the mustard of the ordinance. Mr. Lantz said the drilling is only in the rural residential area. Mr. Lantz said gas exploration is going to be here and the borough needs to work with what we have to work with.

Lilace Guighard said she was from Mansfield and Wellsboro is pro active and she is very interested in the ordinance, which Wellsboro is working on. Council Member Bryant said the borough council has done an excellent job and has worked with other municipalities and townships on the ordinance. Mr. Miskovitz asked if two acres was the minimum lot size. Council Member Bryant stated drilling would only be on farmland on the edge of the borough.

Ken Meyers said he had a letter from Steve Bickham, a resident of Fischler Street. In the letter Mr. Bickham stated the Borough Council should adopt the proposed amendment to the zoning ordinance however he has some concerns listed in the letter. Mr. Lantz said he would put the letter in the record of the public hearing. Ken Meyers had concerns with members of Borough Council if they served on any boards; he requested they excuse themselves from voting on this amendment.

Section 14.19.17 are changed from do not back onto public roads to do not block public roads. Mr. Lantz said he would move the following documents A, B, C, D, E, F, G and H letter from Mr. Bickham be entered a motion. Council Member Scharf asked if Borough Council adopts this new ordinance who would Borough Council get to check, who would be the expert to see the companies are in compliance. Mr. Lantz said the burden is on the applicant. Council Member Bryant said the State offices, Penn DOT and the Susquehanna River Basin Authority. Council Member Scharf said the Borough should have someone. Mr. Lantz said the borough could use Scott Bray the Borough Engineer. Mr. Meyers asked what if the borough incurs fees? Mr. Lantz said there would be permit fees to cover any cost.

Council President Hart made a motion to adopt with stipulation of width of right of way and blocking the roadway. Council Member Wood said Council could adopt as it is and then make changes. Council Member Wheeler seconded the motion; carried 5-1 Council Member Bryant abstained.

**ADJOURNED 6:25 P.M.**

**REGULAR MEETING OF WELLSBORO BOROUGH COUNCIL  
AUGUST 9, 2010**

Council President Joan Hart called the regular monthly meeting of the Borough Council for the Borough of Wellsboro, Pennsylvania, to order with a quorum of six members present at 6:00 p.m., Monday, August 9, 2010, in the council room of the John E. Dugan Fire Station Municipal Building, 28 Crafton Street, Wellsboro, Pennsylvania.

**PLEDGE TO FLAG-** The pledge of allegiance to the American Flag was given by all present.

**ELECTED OFFICIALS:**

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Assistant Secretary- Florence Martino

**PRESS:**

Wellsboro Gazette- Natalie Kennedy

Williamsport Sun-Gazette- Bryan Robinson

**VISITORS:**

Michael Rempel- 809 Lafayette Parkway, Joshua Kreider- 18 East Avenue, Dick Miskovitz-20 Sherman Street, Bob Bernhardt- 53 Meade Street, John Coleman- 5 Calkins Lane, Peter Herres- 26 Sherman Lane, Fire Chief Lonnie Campbell.

**MINUTES-**

**CANYON MOTEL-** Mr. Kreider informed the Borough Council at the last meeting Council had issues with the storm water plan and the concerns had been addressed for a 100-year storm. Mr. Kreider said the overflow had been addressed by going over the planters into the parking lot. The rain from the roof would flow to the gravel area. Mr. Kreider said another issue had been the overhang. It was presented wrong the first time and it is 20' off the property line. Mr. Kreider said there are currently 12 parking spaces. Secretary Keck informed Council that of the issues on Scott Bray's list have been met; the only outstanding issue is the recommendation for a fire hydrant. Mr. Kreider said the Canyon has a sprinkler system in the building and have met all of the requirements of the

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building code. Fire Chief Lonnie Campbell said the fire department has been included and have three concerns:

- Accessibility issue- right of way easement designated as a fire lane.
- Fire equipment connection on front of building- this has been addressed.
- Recommendation of on site hydrant

Fire Chief Campbell stated this site is in the center of mostly residential block and has limited access due to the existing building. Acknowledged it as a sprinkled facility, however is limited to number of fire vehicles being able to access location. The property will be renting rooms and customers will be sleeping, we need to supplement the water supply. Council Member Bryant stated the Walnut Street hydrant is 500' from the building. Fire Chief Campbell said the first truck would close the driveway for any other emergency vehicles. Fire Chief Campbell said the best location would be in back of the existing building. Council Member Wood asked if the hydrant could be at the beginning of the right of way with a time extension to move it to where the Fire Dept. would prefer it to be located. Council Member Sticklin said the hydrant should be done when project is completed. Council Member Bryant made a motion to accept the plan with the condition of Scott Bray approving the plan and installation of the fire hydrant, seconded by council Member Sticklin, motion carried 6-0.

SHERMAN LANE- Mr. Miskovitz stated Sherman Street is a public road and the borough has not maintained it, however has maintained a private road (Sherman Lane). Mr. Miskovitz said he has used his own snow blower to clear the road. Council President Hart stated the Borough Council has a plan and can only do so much with the budget. Mr. Miskovitz asked how the borough could use town resources for a private road? He asked if all private roads are open for bid. Why was the private road of a town official done? Council Member Scharf stated the council budgeted money for oil & chip, this was not done with borough funds, the homeowners paid it. Mr. Miskovitz asked why all private roads weren't given the same opportunity. Mr. Miskovitz said the borough gave a private road a cost that a private person would not be able to get.

Superintendent Dieffenbach stated the Borough does Borough streets first and not one dollar of taxpayer's money was used to do the work on Sherman Lane. Mr. Miskovitz asked why other private residents are not made aware of the program. Secretary Keck said all of the bids are advertised in the paper. Mr. Herres said the residents of Sherman Lane had worked on the road to keep Sherman Street from eroding down onto Meade Street. Mr. Herres said he had hired Scott Bray and the residents put in stormwater drains and the residents of Sherman Lane paid for the cost of the oil and chips. Mr. Herres said the residents of Sherman Lane have paid four times to have the road done. The residents of Sherman Lane pay taxes and do not have garbage collection nor do they have snowplowing. Mr. Herres said Adrian Lane had the same program until it became a street. Mr. Herres said Mark Dieffenbach has done nothing wrong he had the approval of the Street committee of Council to do the work.

Council member Wood said on the paving program residents can find out which company got the bid for the streets and residents can get a break on the cost due to the

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company being mobilized in town. Mr. Miskovitz said he lives on a public road and a private road gets better service. Mr. Miskovitz asked Council to deed over the road to him or do repairs the public road. He said if borough would deed the road over to him he would maintain the road. Council Member Sticklin asked what Mr. Miskovitz would do if Borough Council decides to open Sherman Street up to Lincoln Street. Council President Hart said she would turn the concern over to the Street Committee for a recommendation.

**MAYOR'S REPORT-** Mayor Daugherty informed the Council on August 28<sup>th</sup> there would be a Block Party on block from Central Avenue to Water Street in front of Native Bagel.

**CHIEF OF POLICE-** Chief Bodine informed the Council there have been 18 applicants for the police officer position with three applicants being women.

**WEBINAR FOR PARKING TICKETS-** Chief Bodine said the training for the parking ticket software would be held on August 25<sup>th</sup>, on Teresa' computer in the front office.

**SUPERINTENDENT OF PUBLIC WORKS- SUMMER YOUTH PROGRAM-** Superintendent Dieffenbach said the program would be ending this week. He stated the youth had been doing a lot of weeding whipping throughout the borough. Council Member Wood asked if there would be time to do some on Buena Vista Street. Superintendent Dieffenbach said he planned to borrow a tractor from Charleston Township.

**CREW-** Superintendent Dieffenbach said the crew had been working on the two taps for the hospital and the Fischler Street catch basin has been moved.

Superintendent Dieffenbach informed the Council, he and Scott Bray had reviewed the plans for the restroom project. At Woodland Park, Sidewalk drainage issues, Sewer Crossing behind Tioga County Court House, Pearl Street Walk Bridge, and had assisted the police department with erecting speed sensor signs.

**PLANT SUPERVISOR-** Dan Brought informed Council sand filter #1 has been cleaned and is back online and the water is coming back. Dan Brought said the lift pump is working well with the part created by Steve Moss. Council Member Scharf asked how long does a lift pump last? Dan Brought reported they had rebuilt two for \$35,000.00 and one new one would cost \$135,000.00

**COMMITTEE REPORTS- PARKING ORDINANCE-** will be ready for the next Borough Council meeting. The Parking Authority will meet next week.

**PARKS-** Council Member Sticklin informed the Council the restroom for Woodland Park would be in the first week of November.

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**FINANCE COMMITTEE-** Council Member Scharf recommended approval of the bills for 7/28<sup>th</sup> & 8/3<sup>rd</sup>. Council Member Bryant made a motion to approve, seconded by Council Member Sticklin motion, carried 6-0.

**SECRETARY/TREASURER'S REPORT-** MINUTES FOR 6/14<sup>TH</sup>, 6,28<sup>TH</sup> & 7/12- Council Member Sticklin made a motion to approve the minutes, seconded by Council Member Bryant motion carried 5-1 council Member Wood voted no due to not having the June minutes only in the prior packet, not included in this packet.

**FINANCE COMMITTEE REPORT-** ITEM #2 Sidewalk Program- The Finance Committee request Borough Council make a decision to keep the program as it is currently or provide some monetary consideration. Council Member Bryant made a motion to keep the program as it is, seconded by Council Member Wheeler motion carried 6-0.

Council Member Scharf asked to have some trees planted on East Avenue on the other side of the street from the new First Citizens Bank. Peter Herres explained there are some areas with a narrow clearance and also would be giving up sight distance. He said he had spoke with the manager of the Bilo Plaza and they will participate with the Shade Tree Commission.

**STREET LIGHTS ON EAST AVENUE-** Council Member Bryant made a motion to approve Charles Griscavage to paint the lights, seconded by Council Member Wood, as long as the vents are open, motion carried 6-0.

**ADVERTISE BIDS FOR CLEANING-** Council President Hart requested Secretary Keck send out bids for cleaning the Municipal Building and the Senior Center. Requested letter be sent to lady at the Senior Center explaining Mark Parson's duties for cleaning at the center.

**STONE QUARRY-** Secretary Keck asked if Borough Council would authorize an engineer to determine if the site would be able to be used as a parking lot. Council Member Wood said this has been discussed years ago and one problem is it is out of the way for most employees of downtown businesses. Council Member Wood recommend a questionnaire be send out to businesses to see if they would use the site, and Council talk to the nearby resident before further discussion or action.

**WALNUT STRET RESIDENT-** Secretary Keck informed the Council a fine of \$8,000.00 plus court cost had been imposed for the Property Maintenance Code violation at the Walnut Street location.

**UGI ENERGY COST-** Council Member Sticklin made a motion to lock in the price at 7.76 for 12 months, seconded by Council Member Bryant motion carried 6-0.

**THOMAS ALLEY-** Ruth Cobb informed the Council she would like to be on the sidewalk program, she lives on Central Avenue. She also asked if the alley, which runs

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behind her property and has no name could be called Thomas Alley after her last name. She explained she had lived in the house growing up with her family. She informed the Council there is a storm sewer coming out onto Sherman Street from the back of her property, which is plugged and asked if the borough crew could clean it.

Superintendent Dieffenbach said that Raymond Thomas had installed the drain, and it is not anything the borough has ever been involved in. Mrs. Cobb stated she would like help maintaining the ditch because it creates problems with both Sherman Street and Central Avenue. She said neighbors do use the alley to drive on. Council Member Bryant asked Superintendent Dieffenbach to review the issue. Mrs. Cobb then asked if the Borough or the Wellsboro Electric Company would help in the removal of the old sidewalk blocks, she had paid 1500.00 to remove a stump. The tree caused the sidewalk block to rise up. She said she would like help in getting the sidewalk level. She asked if she could have trees up in the yard, not down by the sidewalk. Peter Herres said he would help in the selection of trees.

Mrs. Cobb said they are going to be adopting a retired greyhound and the dog will require a fence around yard. She also asked if she could have a special exception to one-way traffic from Meade Street. She said it would be easier to access Central Avenue if they could come down on Sherman Street. Chief Bodine said a special exception to go the opposite way on a one-way street would not be possible.

**ADJOURNED 8:10 p.m.**