

**TIONESTA BOROUGH COUNCIL  
MEETING MINUTES  
June 15, 2021**

Being a quorum present, the meeting was called to order with the Pledge of Allegiance at 4:15 PM by Robert G. Holzer. Those in attendance were:

Robert G. Holzer, President	Judith M. McDaid, Mayor
Bernadette K. Holzer	Dennis W. O'Toole
Thomas Mohny, V. President	Christine Hendryx
Jamie Say	Cindy Crytzer, Secretary
Kent Ralston, Public Works Director	Julie R. Griffin, Admin. Asst.

Also in attendance were Borough residents, Carolyn Mealy and Cathy Blum.

**Public Comment:** Carolyn Mealy stated that the bushes at the corner of Davis and Elm are obstructing the line of site for motorists. Cindy will contact the owners of the two properties in question to have the bushes trimmed. Mrs. Mealy also mentioned a property that has several motor vehicles and wondered if anything could be done. Unless the vehicles are not insured, registered and inspected, there is nothing the borough can do about it. Cindy will check into this specific situation. Also brought to the attention of council was the condition of sidewalks in the borough. Cindy will check into specific sidewalks mentioned. Cindy reported that there is a borough ordinance allowing property owners to have sidewalks removed through a specific process. All sidewalk removals, repairs, etc., must be approved per ordinance and property owners must complete an application. Mrs. Mealy also remarked that the website doesn't have any minutes online for 2021. Cindy stated she forgot to post them, but will do so soon. Council was questioned as to why the only person running for Borough tax collector wasn't appointed to take over the remainder of the former tax collector's previous term. Council preferred to wait until the new tax collector was elected (write ins are possible) and collect the taxes at the Borough office. It was not Council's intent to put someone out of a job. Cathy Blum expressed interest in being appointed by Council as the Borough's delegate to the Ambulance service. Mrs. Blum was directed to send a letter or email to Cindy to formally request consideration for the position and when appointments are made for 2022 in January, she will be considered. She also asked if there were

any other positions available. The Planning Commission will have one member resigning later this month because she's moving out of the Borough. There will be also be a seat available on the Zoning Hearing Board as well because a member plans on moving out of the area.

**Public Works:** Kent reported that the picnic tables at the park pavilion have been repaired. They've been doing a lot of storm cleanup after recent storm events. Also mentioned was Council Run. The collar that was installed inside the pipe was forceable removed during the rain events last week. Kent and Cindy are working through Chris Ernst and PennDOT to get this remedied. Kent expressed concern about the debris that was discharged through the culvert during the rain storms. It is collecting in an area that will be difficult to clean out and is changing the intended water discharge path in the outflow. Kent spoke to Chris Ernst about this issue and will get back to Council after the DEP has reviewed the site.

**Minutes:** A motion was made by Bernadette Holzer to approve the June 1, 2021 Council Meeting Minutes, 2nd by Tom Mohny, motion carried.

**Financial:**

- Account Balances 5/31/21: Reviewed.
- Capital Spreadsheet for May: Reviewed.
- Revenue & Expense Statement 5/31/21: Reviewed.

**Correspondence:** None.

**Old Business:**

- **GIS Mapping:** Field work complete.
- **Walnut Street Storm Water Line Replacement:** Waiting on the environmental review through the County. Cindy reported she expects this project to go out to bid at the end of the month.
- **Zoning Amendment:** Cindy sent the proposed draft to Donna Zofcin for Conservation and Planning review.
- **Enforcement Notices:** Cindy reported that the deadline for the notice she sent out last month for 214 Elm Street has expired. She will try to reach the owner by phone first and if not reachable, will continue with the enforcement procedure for the next meeting.
- **Putt-Putt Building:** Email from Cindy to Lessee dated 6/7/2021 reviewed. The lessees pulled out of the lease and are unable to fulfill their obligation.

Cindy reported that the cost for a roll out dumpster is estimate at \$600-\$800. Kent and the public works employees will remove the putt-putt course debris and deposit into the roll off. Denny O'Toole moved to authorize the rental of a roll off from Advanced Disposal for a month, 2<sup>nd</sup> by Bernadette Holzer, motion carried. Payment for the roll off will be taken from the solid waste trash account.

- **Code Violations:** Council reviewed Resolution No. 2021-2 regarding the commencement and completion of proceedings for 101 German Hill Road. Tom Mohney moved to adopt Resolution No. 2021-2, 2<sup>nd</sup> by Christine Hendryx. Roll call vote as follows: Denny O'Toole, Aye; Christine Hendryx, Aye; Tom Mohney, Aye; Jamie Say, Aye; Bernadette Holzer, Aye; and Bob Holzer. Aye. Resolution 2021-2 was adopted.

#### **New Business:**

- **Gas Leak Detector Purchase:** Kent reported that he has to replace two chlorine gas leak detectors as they are equipment required by the DEP. He proposed the water fund pay \$1,107 for one and the Authority (sewer) pay for the other one at \$1,107. Jamie Say moved to approve the purchase of one chlorine gas leak detector at \$1,107 plus shipping, 2<sup>nd</sup> by Denny O'Toole, motion carried.
- **Beach Park Bathing Permit:** Sue and Dan Baker asked, if required by the Army Corp, if the Borough would transfer its interest in the DEP bathing permit. Council agrees to transfer if requested.
- **Document Destruction Resolution No. 2021-3:** Council reviewed Resolution No. 2021-3 regarding the destruction of certain records. Tom Mohney moved to adopt Resolution No. 2021-3, 2<sup>nd</sup> by Jamie Say. Roll call vote as follows: Denny O'Toole, Aye; Christine Hendryx, Aye; Tom Mohney, Aye; Jamie Say, Aye; Bernadette Holzer, Aye; and Bob Holzer. Aye. Resolution 2021-3 was adopted.
- **FUNBank CD Maturing 6/30/2021:** Jamie Say moved to reinvest \$36,000 in a CD at the best rate available for one year, 2<sup>nd</sup> by Tom Mohney, motion carried.

#### **Non-Agenda Items:**

- **Downtown Ball Park Shed:** Cindy reported that the Proper trust awarded the Borough \$2,635.00 for the new shed at the park. After contacting Rolling Metals to confirm the price, there was an increase to \$2,940. There will be a shortage of \$305.00. Tom Mohney moved to use the interest from

RESOLUTION NO. 2021-3

RESOLVED by the Borough Council of the Borough of Tionesta, Forest County, Pennsylvania, That

WHEREAS, by virtue of Resolution No. 3-91, adopted September 3, 1991, the Borough of Tionesta declared its intent to follow the schedules and procedures for the disposition of records as set forth in the Municipal Records Manual approved on May 17, 1982, and updated and approved on July 16, 1993, and,

WHEREAS, in accordance with Act 428 of 1968, each individual act of disposition shall be approved by resolution of the governing body of the municipality;

NOW, THEREFORE, BE IT RESOLVED That the Borough Council of Tionesta Borough, Forest County, Pennsylvania, in accordance with the above cited Municipal Records Manual hereby authorizes the disposition of the following public records:

YEAR(S):	DOCUMENTS:
2003	Bank Deposit Receipts
1999-2003	Grant Deposit Receipts & Correspondence
1998-2003	Grant Requests & Supporting Receipts
2001-2003	Paid Bills
1993-2003	Plgit Bank Statements
2001-2003	NW Bank Statements
2003	Lab Reports

ADOPTED as a Resolution for Tionesta Borough, Forest County, Pennsylvania, this 15 day of June, 2021

ATTEST: (SEAL)

  
Cynthia S. Crytzer, Secretary

TIONESTA BOROUGH

By:

  
Robert G. Holzer, President

APPROVED this 15 day of June, 2021.

  
Judith M. McDaid, Mayor

the CD that is maturing at the end of the month to cover the difference, 2<sup>nd</sup> by Jamie Say, motion carried.

- **Electronic Recycling Event:** Cindy reported that residents have asked if the Borough would be having an electronic recycling collection this year. After discussion, staff was directed to check into the options and costs and report at the next meeting.
- **American Rescue Plan Funds:** Cindy handed out an article on the funds and for what they can be used. This will go on the agenda for the next meeting.
- **Zoom Account:** The account can be discontinued.

**Executive Session:** None.

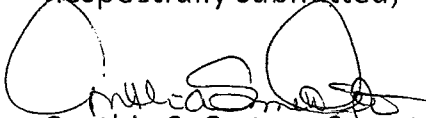
**Reports:**

- **Mayor:** Letter from the Mayor to Gabriel Chambers dated 5/27/2021 reviewed recognizing him for attending a Borough meeting to earn a Boy Scout merit badge. Ms. McDaid stated she will be attending the PA State Association of Mayors annual conference. She will submit her receipt to Cindy for reimbursement.
- **President:** None.
- **Committees:** None.
- **Sheriff:** May Patrol Report reviewed.
- **Library:** None.
- **EHB:** None.
- **COG Report:** None.
- **TCC Committee:** None.
- **Ambulance:** The ambulance service had a meeting earlier this month which had about 15 members of the public in attendance. She reported she had attended both the Hickory and Harmony Township Supervisors meetings to support the TAS Board Members and answer questions. There is at least one candidate who has applied for full time employment. The service is operating on volunteers only at this time. There has been an ad placed in area newspapers for full time employees.
- **Zoning Hearing Board:** None.
- **TMA:** None.
- **Planning Commission:** None.

**Roundtable:** Jamie Say mentioned that there are a few spots along Elm Street that were seeded and mulched and appear not to be growing. Kent will take a look.

Jamie Say moved to adjourn, 2<sup>nd</sup> by Christine Hendryx, motion carried. Meeting adjourned at 6:12 PM.

Respectfully submitted;



Cynthia S. Crytzer, Secretary

**TIONESTA BOROUGH**  
**FOREST COUNTY, PENNSYLVANIA**  
**RESOLUTION NO. 2021-2**

**RESOLUTION OF TIONESTA BOROUGH, FOREST COUNTY, PENNSYLVANIA, AUTHORIZING THE COMMENCEMENT AND COMPLETION OF PROCEEDINGS UNDER THE EMINENT DOMAIN CODE, ACT OF MAY 4, 2006, P.L. 112, No. 34, 26 Pa. C.S.A. §101 ET SEQ., FOR THE PURPOSE OF DEMOLISHING ANY AND ALL STRUCTURES LOCATED ON THE PREMISES.**

**WHEREAS**, Section 205 of the Eminent Domain Code (26 Pa.C.S.A. §205) provides that properties may be declared blighted and condemned is any of the enumerated criteria exist; and

**WHEREAS**, the Borough Council Members of Tionesta Borough (the “Borough”) have made inspection of the condition of premises located at 101 German Hill Road, Tionesta, Pennsylvania and further identified in the Tax Assessment Records of Forest County as Parcel No. 19-10-120-00 (hereinafter, the “Property”); and

**WHEREAS**, as a consequence of said inspection, the Borough Council Members have found upon said Property the following conditions which qualify the property as being blighted and, consequently, subject to condemnation:

(1) Premises which, because of physical condition or use, is regarded as a public nuisance at common law or has been declared a public nuisance in accordance with the municipality housing, building, plumbing, fire or related codes.

(2) Premises which, because of physical condition, use or occupancy, is considered an attractive nuisance to children.

(3) A dwelling which, because it is dilapidated, unsanitary, unsafe, vermin-infested or lacking in the facilities and equipment required by statute or an applicable municipal code, has been designated by the agency responsible for enforcement of the statute or code as unfit for human habitation.

(4) A structure which is a fire hazard or is otherwise dangerous to the safety of persons or property.

(5) A structure from which the utilities, plumbing, heating, sewerage or other facilities have been disconnected, destroyed, removed or rendered ineffective so that the property is unfit for its intended use.

(6) A property which has environmentally hazardous conditions, solid waste pollution or contamination in a building or on the land which poses a direct and immediate threat to the health, safety and welfare of the community.

(7) An unoccupied property which has been vacant for more than two years.

(8) A property having three or more of the following characteristics:

(i) has unsafe or hazardous conditions that do not meet current use, occupancy or fire codes;

(ii) has unsafe external and internal accessways;

(iii) violates the applicable property maintenance code adopted by the Borough and is an immediate threat to public health and safety; and

(iv) is vacant; and

WHEREAS, the Property Maintenance Ordinance No. 291 of the Borough, adopting the 2015 International Property Maintenance Code, further provides that properties which are in violation of the Property Maintenance Ordinance may be condemned; and

WHEREAS, the Borough desires to improve the health and safety of the conditions of the Borough and of the residents of the Borough and finds it necessary and appropriate to see to the demolition of the structures located on the Property; and

WHEREAS, it is necessary to condemn the Property for the purposes stated herein.

**NOW, THEREFORE, BE IT RESOLVED and IT IS HEREBY RESOLVED**, that Tionesta Borough does declare that the Property is condemned, is in violation of the Borough's Property Maintenance Ordinance No. 291 and, further, that it satisfies the criteria set forth in the Eminent Domain Code for blight for the reasons that the Property constitutes or contains

(1) Premises which, because of physical condition or use, is regarded as a public nuisance at common law or has been declared a public nuisance in accordance with the municipality housing, building, plumbing, fire or related codes.



(2) Premises which, because of physical condition, use or occupancy, is considered an attractive nuisance to children.

(3) A dwelling which, because it is dilapidated, unsanitary, unsafe, vermin-infested or lacking in the facilities and equipment required by statute or an applicable municipal code, has been designated by the agency responsible for enforcement of the statute or code as unfit for human habitation.

(4) A structure which is a fire hazard or is otherwise dangerous to the safety of persons or property.

(5) A structure from which the utilities, plumbing, heating, sewerage or other facilities have been disconnected, destroyed, removed or rendered ineffective so that the property is unfit for its intended use.

(6) An unoccupied property which has been vacant for more than two years.

(7) A property which has environmentally hazardous conditions, solid waste pollution or contamination in a building or on the land which poses a direct and immediate threat to the health, safety and welfare of the community.

(8) A property that:

(i) has unsafe or hazardous conditions that do not meet current use, occupancy or fire codes;

(ii) has unsafe external and internal accessways;

(iii) violates the Borough Property Maintenance Code Ordinance No. 291, adopted by the Borough and is an immediate threat to public health and safety; and

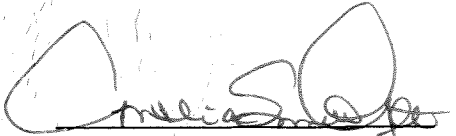
(iv) is vacant.

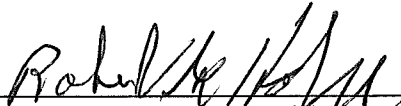
**BE IT FURTHER RESOLVED**, and it is hereby resolved, that the President, Vice President and Secretary of Tionesta Borough or the Solicitor for the Borough (Stapleford & Byham, LLC) are hereby authorized and directed to prepare, execute, attest, file and serve all such documents relating to said condemnation and declaration of blight and other proceedings and to do all other such acts as shall be necessary, proper and convenient for the carrying out of the Resolution hereby adopted and that said parties or persons shall further be authorized to retain a duly licensed real estate broker to prepare and submit an appraisal of damages, if any, experienced by the condemnee as a result of the implementation of the Resolution hereby adopted.

ADOPTED as a Resolution for Tionesta Borough, Forest County, Pennsylvania,  
this 15 day of June, 2021.

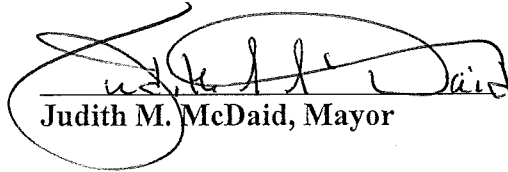
ATTEST: (SEAL)

TIONESTA BOROUGH

  
Cynthia S. Crytzer, Secretary

BY:   
Robert G. Holzer, President

APPROVED this 15 day of June, 2021.

  
Judith M. McDaid, Mayor