

REGULAR MEETING OF THE MECHANICSBURG BOROUGH COUNCIL  
2 West Strawberry at North Market Street  
Mechanicsburg, PA 17055-6282

December 18, 2001

7:30 P.M.

RECORD OF PROCEEDINGS

CALL TO ORDER

President Rider called the Borough of Mechanicsburg Regular Council Meeting of December 18, 2001 to order at 7:35 p.m. and led those assembled in the Pledge of Allegiance to the Flag.

ATTENDANCE:

(from roll call of the budget hearing) Mayor Ritter: President Rider, Vice President Eichelberger, Councilmen Forry, McDermott, Seagrist, & Winchell. Others present Solicitor Sunday, Chief of Police Spotts, Secretary Stough, Ron Secary, Borough Engineer and Assistant Secretary Boyer. Press Representatives, Cress- Sentinel, and Miller- Patriot News and others as follows: Ron & Georgia Blauch, Keith Brenneman, Jerry & Nancy Cichocki, R. A. Colestock, Nancy Hanlon, Mark Hughes, Brenda Kautz, Floyd Kautz, Jr., Tom Leshko, J. Neibert, Evelyn Stoner, Larry Seagrist, Bob Shambaugh, Jay Stoner, Carole & Charles Sheriff, & Rodney Whitcomb. Also present were guests Tom Klaum of the Pennsylvania Borough's Association and Tim Maro, Public Works Director from Camp Hill Borough. Councilman Ritter was absent.

ADDITIONS TO AGENDA

- ◆ Four resolutions to recognize service to the Borough – two to be added under regular business items – two under the guest section of the agenda.
- ◆ Advertise ordinance to ordain and accept Jenna Court.

APPROVAL OF AGENDA

Eichelberger moved, Seagrist seconded approval of the agenda for the Regular Council Meeting of December 18, 2001 as amended. Motion passed 6-0

GUESTS

Tim Maro, Camp Hill Borough, addressed the Borough Council and borough residents on the issue of composting. Mr. Maro reviewed the progress Camp Hill Borough has made with its composting effort over the past few years. He explained the time and staffing involved in operation of a composting facility. He also discussed equipment needs and overhead costs. Mr. Maro discussed the grant funding available for programs of this nature and reviewed the benefits of the compost for use at Borough facilities. President Rider thanked Mr. Maro for his presentation. Councilman Seagrist asked if Camp Hill recycles Christmas trees. Mr. Maro indicated that this is part of the wood mulch program. Mr. Eichelberger asked if the Borough sells the compost. Mr. Maro indicated that they give about 75% of the compost away to any one, 25% is used for borough facilities. Mr. Maro indicated that they do not check residency for drop-off or pick up at this time, as they do not have sufficient staff.

CITIZENS COMMENTS / REQUESTS

Mr. Tom Klaum from the Pennsylvania State Association of Boroughs was in attendance to present to awards for service. Mr. Klaum presented Councilman Gerald Forry with a Director's Award from PSAB in recognition of 20 years service to Mechanicsburg. Mr. Klaum then presented Solicitor William Sunday with the Director's Award from PSAB for his 40 years of service to Mechanicsburg.

President Rider then proceeded to read Resolution 18-01 to all those assembled and presented Councilman Forry with a framed copy of this Resolution in honor of his twenty years of service to Mechanicsburg. Councilman Winchell motioned, Councilman McDermott seconded the motion to adopt Resolution 18-01. The motion passed unanimously.

President Rider then went on to read Resolution 17-01, which honors Solicitor Sunday for his 40 years of service to the Borough of Mechanicsburg. The Solicitor received a framed copy of this Resolution, which was approved on motion of Councilman Eichelberger, seconded by Councilman Seagrist. The motion passed unanimously.

2002 BUDGETS  
BUDGET ACTION  
2002 GENERAL FUND / HIGHWAY BUDGETS

Manager Stough asked that the line item of the Fire Chief's salary be considered separate from the rest of the budget.

Councilman Eichelberger made a motion to approve the Fire Chief's salary for 2002 at \$3,850.00. Councilman McDermott seconded the motion which passed by a vote of 5 for; 0 against; 1 abstaining. Councilman Seagrist abstained from voting on this item.

Manager Stough then asked for a motion to approve the 2002 General Fund Budget in the amount of \$3,998,753 dollars, less the \$3,850 approved under the previous motion and the Highway budget in the amount of \$402,500. Councilman Seagrist moved to adopt the 2002 General and Highway Fund budgets as advertised, Councilman Wichell seconded the motion, Councilman McDermott asked Borough Council to rejected the proposed budgets due to the economic times, he feels that the tax increase should be reconsidered. Councilman Seagrist spoke in support of the budget as it addresses many future needs of the Borough. Councilman Forry spoke in agreement with Councilman McDermott and stated that he was not in agreement with proposed salary increases that range from 5 to 8 percent. Solicitor Sunday addressed Borough Council on their obligation under the Pennsylvania Borough Code to have a budget in place for 2002 and a tax levy ordinance advertised and adopted by December 31, 2001. The Solicitor noted that the budget could be amended during the month of January as long as it is adopted by February 15, 2002. He made the Council aware that the budget and tax ordinance must be advertised eight days prior to the adoption of same. After a lengthy discussion on the time constraint issue a roll call vote was taken on the motion to adopt the 2002 general fund and highway fund budgets with the vote as follows:

Councilman:  
Eichelberger : No  
Forry: No  
McDermott: No  
Rider: Yes  
Seagrist: Yes  
Winchell; Yes

With the vote tied at 3 for: 3 against, President Rider asked Mayor Ritter to cast the tie-breaking vote. Mayor Ritter voted in favor of adopting the 2002 proposed budgets as advertised. The 2002 budgets are adopted.

Solicitor Sunday reviewed the tax levy ordinance that has been duly advertised setting the 2002 tax rate at 1.45 mills. Councilman Winchell made a motion to adopt Ordinance 1033 setting the tax milage rate at 1.45 mills for 2002. Councilman Seagrist seconded the motion. President Rider called for a roll call vote as follows:

Councilman:  
Eichelberger : No  
Forry: No  
McDermott: No  
Rider: Yes  
Seagrist: Yes  
Winchell; Yes

President Rider asked Mayor Ritter to cast his vote to break the tie. Mayor Ritter voted in favor of adoption of the tax levy ordinance as advertised. The tax rate is set at 1.45 mills for 2002.

#### CORRESPONDENCE

- ◆ A letter was received from Ron & Georgia Blough regarding the development referred to as Mechanicsburg Commons.
- ◆ A letter was also received from a shop owner at 123 East Main Street on the proposed two hour parking that is being proposed.
- ◆ The Cumberland County Blighted Property Board is reviewing the Borough's application in regard to the vacant property at 720 South Frederick Street.

#### MINUTE APPROVAL

Eichelberger moved, Winchell seconded, approval of the minutes from the Council Meeting held on November 20, 2001 and the Special meeting held November 27, 2001 as amended. Motion passed: 6-0

#### APPROVAL OF THE MONTHLY REPORTS

Forry moved; McDermott seconded approval of the written monthly reports. Motion passed: 6-0.

#### MANAGER'S REPORT

- ◆ Manager Stough reported that the brick repair work on the walkway area outside the Borough Office has been completed for a price \$400 below the price quote.
- ◆ The Borough has a new Web site which will be created and maintained in house and the address is [www.mechanicsburgborough.org](http://www.mechanicsburgborough.org). The web page will be update on a regular basis.

#### MAYOR'S REPORT

- ◆ The Mayor attended the West Shore Chapter 50 of the Disabled American Veterans tree lighting ceremony on December 12<sup>th</sup>.
- ◆ Reported officiating one wedding.
- ◆ The next crime watch meeting will be January 14, 2002.

Mayor's trivia question: The contents of Wilcox Forging Co. (Known as the Fifth Wheel) were sold at pubic auction Saturday December 15<sup>th</sup>. It was one of the oldest drop forging operations in the United States. When was it founded?

Answer: 1890. President Rider and Chief Spotts both had the correct answer.

#### CHIEF OF POLICE REPORT

- ◆ Confirmed receipt of letter from PennDOT stating that additional warning signs for restricted truck traffic will be posted along SR 114.

#### SOLICITOR'S REPORT

- ◆ Solicitor Sunday requested Council's direction to advertise the Ordinance to accept Jenna Court as an Ordained Borough Street. Councilman McDermott made motion to direct the Solicitor to advertise the Ordinance for action at the January 15, 2002 meeting. Councilman Forry seconded the motion, which passed. 6-0.
- ◆ Solicitor Sunday addressed the Borough Council regarding the Hughes subdivision plans. The Solicitor advised Borough Council that they must take action on these plans before January 18, 2002 unless the applicant grants a time extension.

#### COUNCIL COMMITTEE REPORTS

**Recycling Committee**-Winchell: NONE

**Finance-Appropriations-Insurance** - Rider: NONE

**Health-Recreation** - McDermott: NONE

**Public Safety-Highways** – Forry: NONE

**Public Communications** - Eichelberger: Councilman Eichelberger commended Manager Stough on his development of the new Borough Web Site. Councilman Eichelberger added that the Borough newsletter would be brought in-house for 2002 in an effort to reduce costs and get the publication distributed on a regular schedule. Councilman Eichelberger invited citizens interested in writing for the newsletter to contact him.

**Ordinance-Administration-Legislative Action** - Seagrist: Councilman Seagrist thanked Planning Commission and Recreation Commission members for their participation in the discussion at the last meeting on off premise signage at sports fields. He noted that we are awaiting sample ordinances to be furnished by PSAB.

**Property-Buildings** – Manager Stough: NONE

**School Board Liaison** - McDermott: NONE

**Community Development** - McDermott: NONE

**W.S.C.O.G.** – Eichelberger: Councilman Eichelberger reminded members that the West Shore Congress of Governments annual meeting is open to all public officials and will be held on January 21, 2002, more information will follow.

**BUSINESS ITEMS**

◆ **Consideration the adoption of debt enabling ordinance #1034.**

Manager Stough introduced Frank Leber of Rhoads and Sinon, the firm retained by Borough Council as bond counsel for the loan the Borough is undertaking for the purchase of the new municipal center in the amount of \$800,000. Mr. Leber reviewed the Ordinance with Borough Council. After the review, Mr. Leber addressed questions from Borough Council. Councilman Forry asked if Solicitor Sunday has reviewed this document. Solicitor Sunday deferred to Mr. Leber in this matter, as this is his area of expertise. Councilman Eichelberger made a motion to adopt Ordinance 1034 as advertised. Councilman Winchell seconded adoption of the ordinance and a roll call vote was as follows:

Councilman Eichelberger:	Yes
Forry:	No
McDermott:	Yes
Rider:	Yes
Seagrist:	Yes
Winchell:	Yes

The motion passed by a vote of 5:1.

◆ **Discussion of Mechanicsburg Common Land Development Plan.**

Manager Stough noted that the Planning Commission approved this plan, with conditions, earlier this month. The Manager turned this issue over to the Borough Engineer, Ron Secary, for further clarification. Mr. Secary noted that he has not received any revisions to the plan since the Planning Commission meeting earlier this month. Keith Brenneman, attorney for Mrs. Hughes, noted that his client is waiting for legal clarification on an issue of the access drive to the development. Solicitor Sunday noted that he has reviewed the matter and has prepared a legal opinion, however, it would not be fair to his successor to issue this legal opinion without his concurrence. Mr. Sunday stated that he would turn over his findings to his successor, who could review the matter and advise Council as to action on this matter. Mr. Secary also reviewed the issue of the requirement for a cul-de-sac at the terminus of West Coover Street. Solicitor Sunday also noted that there was an issue overlooked in the Planning Commission comments as to the type of structure on one of the lots along Coover and the insufficient lot size to support the proposed structure. The Manager reminded Council that if all these issues are not addressed by January 15<sup>th</sup>, they might want to ask Mr. Hughes for a time extension. Mr. Brenneman noted that his client does not want to grant a time extension at this time.

◆ **Consider Motion to approve crossing guard at York & Simpson Streets.**

Chief Spotts asked for this item to be tabled pending correspondence with the School District based on Chief's Spotts memo of December 13, 2001. Councilman Forry made a motion, seconded by Councilman McDermott to table this item. The motion passed 6:0

- ◆ **Consider permanent status of Probationary Patrol Officer Brandon Bittner**  
Chief Spotts requested that Borough Council grant permanent status to Probationary Patrol Officer Brandon Bittner. Councilman Eichelberger made a motion, seconded by Councilman Forry to grant permanent status as a Patrol Officer to Brandon Bittner. The motion passed 6:0
- ◆ **Consider permanent status for Probationary Patrol Officer Kerry Vincent.**  
Chief Spotts requested that Borough Council grant permanent status to Probationary Patrol Officer Kerry Vincent. Councilman Seagrist made a motion, seconded by Councilman Eichelberger to grant permanent status as a Patrol Officer to Kerry Vincent. The motion passed 6:0
- ◆ **Consider approval of the request of the Cystic Fibrosis Society for use of Memorial Park in conjunction with their annual 10 K walk to be held Saturday, May 18<sup>th</sup>, 2002.**  
Manager Stough reviewed the request of the Cystic Fibrosis Society for use of the Borough's Memorial Park for their annual 10K walk to be held May 18, 2002. The Manager noted that he has reviewed this matter with the Recreation Department and they have no objections. Chief Spotts noted that last year's event went smoothly and he has no objection to the proposed activities. Mr. McDermott made a motion to approve the request of the Cystic Fibrosis Society to use Memorial Park in conjunction with their 10K walk on Saturday May 18, 2002. Councilman Forry seconded the motion, which passed 6:0.
- ◆ **Resolution for participation with the Mechanicsburg School District in the Junior Councilperson Program.**  
Councilman McDermott informed the Borough Council that three students are interested in participation in this program. A discussion followed and it was decided that Councilman McDermott will see that the students are invited to the next Council Committee meeting as suggested by Councilman Seagrist. Councilman McDermott said that he would see the students were invited.
- ◆ **Consider approval of Tri-County Planning Agreement.**  
The Manager reviewed the agreement and Councilman Winchell made a motion, seconded by Councilman Eichelberger, to authorize signing of the Tri-County Planning Agreement. Motion passed 6:0.
- ◆ **Authorization to close books December 31, 2001 and pay all outstanding bills, make deposits.**  
Manager Stough requested authorization to close the books for the 2001 fiscal year and pay all outstanding invoices and deposit all received revenue as of December 31, 2001. Councilman Forry made a motion to authorize the Manager to close the books December 31, 2001 and pay all outstanding invoices. Councilman Seagrist seconded the motion, which passed 6:0.
- ◆ **Appointments to various Boards and Commissions for 2002 – (2) Planning Commission, (1) Plumbing Board, (2) Zoning Hearing Board, (2) Asst. Emergency Director, (1) Sewer Authority.**

Councilman McDermott moved, Winchell seconded, the appointment of Floyd Kautz to the Planning Commission for a 4 year team to expire December 31, 2005 and the appointment of Ron Blauch to the Sewer Authority for a 5 year term to expire December 31, 2006. The motion passed by a vote of 6:0.

Manager Stough then read the list of commission members seeking re-appointment. Councilman Winchell made a motion, second by Councilman Seagrist to make the following appointments:

Commission/Board	Term	Expires
<u>Planning Commission</u> William Arbogast	4 Year Term	12/31/2005
<u>Plumbing Board</u> Earnest Zimmerman	2 Year term	12/31/2003

<u>Zoning Hearing Board</u> Thomas Niesen Thomas Witters	3 Year Term	12/31/2004
<u>Assistant Emergency Preparedness Director</u> Michael Gray Ronald Trace	1 Year Term	12/31/2002

The motion passed with a vote of 6:0. Mr. McDermott asked that all interested citizens not appointed receive thank you letters from the Borough Manager.

Fire Police and Vacancy Board will be appointed at the January reorganizational meeting.

- ◆ **Appoint Cumberland County Recorder of Deeds as Real Estate Transfer Tax collector for 2002**  
Councilman Forry made a motion, seconded by Councilman Winchell to appoint Cumberland County Recorder of Deeds as Real Estate Transfer Tax Collector for 2002. The motion passed 6:0.
- ◆ **Appoint G.H. Harris as Delinquent Per Capita Tax Collector.**  
Councilman Forry made a motion, seconded by Councilman Winchell to appoint G.H. Harris as Delinquent Per Capita Tax Collector for 2002. The motion passed 6:0.
- ◆ **Appoint Cumberland County as delinquent Real Estate Tax Collector for 2002.**  
Councilman McDermott made a motion to appoint Cumberland County as delinquent Real Estate Tax Collector for 2002. Councilman Forry second the motion which passed 6:0.
- ◆ **Appointment of Borough Solicitor for 2002**  
Councilman Eichelberger made a motion to appoint Edward Schorpp, Esquire of Martson, Deardorff, Williams & Otto of Carlisle to succeed William Sunday as Borough Solicitor. Councilman Seagrist seconded the motion. Councilman Winchell asked if the issue of travel expenses has been addressed. After discussion, President Rider called for a short adjournment while Mr. Schorpp is contacted to clarify the travel expense issue. President Rider reconvened the meeting and Manager Stough stated that no fee would be charged for travel time or expenses. A roll call vote was taken as follows:  

Forry:	No
Eichelberger:	Yes
McDermott:	Yes
Rider:	Yes
Seagrist	Yes
Winchell:	No

The motion passed by a vote of 4:2.

- ◆ **Appointment of Borough Engineer for 2002.**  
Councilman Forry made a motion to appoint HRG Associates represented by Ron Secary as Borough Engineer. The motion failed for lack of a second. Councilman Seagrist made a motion to appoint Pennoni Associates as Borough Engineer, Councilman Eichelberger second the motion. Roll call vote was taken as follows:  

Forry:	No
Eichelberger:	Yes
McDermott:	Yes
Rider:	Yes
Seagrist	Yes
Winchell:	Yes

The motion passed by a vote of 5:1

- ◆ **Exoneration of Delinquent Per Capita Tax – authorize the exoneration of 166 year 2000, 14 year 1999, 8 year 1998, 1 year 1997 & 1 year 1995 past due per capita tax as submitted by G.H. Harris.**

Manager Stough reviewed the exonerations recommended with Borough Council and asked for a motion. Councilman Forry made a motion to exonerate the taxpayers as submitted by G.H. Harris from payment of delinquent per capita tax. Councilman Eichelberger second the motion, which passed 6:0.

- ◆ **Consider contracting an architectural firm for renovations of the new municipal building.**

Manager Stough reviewed the quotes for preparation of the construction documents for renovation of the new Municipal Building. Manager Stough recommended engaging Cianfichi & Scholl as the architectural firm to design the renovations at the new building. President Rider suggested that since the three bids obtained vary greatly, it might be in the Borough's best interest to obtain several other price quotes. Councilman Forry questioned why the property committee was not involved in this process. Manager Stough stated that he welcomes Council input and that no decisions have been made as to design.

- ◆ **Resolution 19-01 recognizing John Martin for Planning Commission service.**

Councilman Winchell made a motion to adopt Resolution 19-01 recognizing John Martin for his Planning Commission service. Councilman Seagrist seconded the motion, which passed 6:0

- ◆ **Resolution 20-01 recognizing Elmer Ritter for Sewer Authority service.**

Councilman Forry made a motion, second by Councilman McDermott to adopt Resolution 20-01 recognizing Elmer Ritter for many years of service on the Mechanicsburg Sewer Authority. The motion passed 6:0.

#### CITIZEN COMMENT

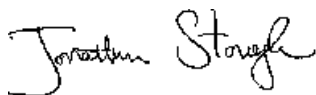
NONE

#### ADDITIONAL ITEMS

Councilman McDermott thanked Councilman Forry for his years of service. President Rider invited Council, staff and guest to remain after the meeting for refreshments in honor of Solicitor Sunday and Councilman Forry's retirement. Solicitor Sunday thanked everyone on Borough Council, Committees and Staff for working to make Mechanicsburg Borough a better place to live.

#### ADJOURNMENT

Having no further business to come before Borough Council, the meeting was adjourned at 9:00 p.m.



Jonathan S. Stough  
Borough Secretary