

MECHANICSBURG BOROUGH COUNCIL MEETING
COUNCIL CHAMBERS, BOROUGH OFFICE BUILDING
36 West Allen Street
Mechanicsburg, PA 17055-6257

November 18, 2003

7:30 P.M.

CALL TO ORDER: At 7:30 p.m. President Rider called the Council meeting to order.

PLEDGE OF ALLEGIANCE: President Rider led those assembled in the Pledge of Allegiance to the flag.

ROLL CALL: Roll call taken with the following present: President Rider, Councilmen McDermott, Ritter, Seagrist, Whitcomb, Winchell, Jr. Councilperson Miller, Mayor Ritter, Solicitor Schorpp, Chief Spotts, Chief Seagrist, Manager Stough and Assistant Secretary Boyer. Vice President Eichelberger was not in attendance.

Also in attendance: Cress – Sentinel, Michael Anderson, Bob Dietrich, Brian Curtis, Kathleen Dougherty, Sean Forsythe, Melissa Geiger, Paul Hart, Floyd Kautz, Jr., Kevin Mahood, Lee Miller, Jack Niebert, Charlie Ryder, Charlie Sheriff, J. Songster, Jay Stoner, Kerry Vincent, Jaclyn & Doreen Winchell.

CITIZEN COMMENTS:

President Rider asked for comments from the public and there were none.

ADDITIONS TO AGENDA:

Manager Stough noted that he would be adding an Executive Session on a personnel matter at the conclusion of the meeting, with no action to be taken.

APPROVAL OF AGENDA: Councilman Winchell made a motion, Councilman Whitcomb second, approving the agenda, with change noted by the Manager. The motion carried, 6:0.

President Rider, read a letter from Vice President Eichelberger resigning his position on Borough Council, (Exhibit A). President Rider asked the media present and the Manager, via the web site, to relay the vacancy on Council to the public. President Rider asked that residents wishing to be considered for this vacancy should submit a letter of interest and resume to Borough Council by December 12th. The Solicitor stated that Council has thirty days to fill the vacancy. Manager Stough noted that the appointment would be added to the December 16th agenda. President Rider then made a motion to accept the resignation of Vice President Eichelberger. Councilman Seagrist seconded the motion, with regret. The resignation was accepted with all members voting in the affirmative.

CORRESPONDENCE:

Manager Stough reported:

1. Manager Stough noted that letters of interest were received from two applicants for the Junior Councilperson program. Letters were sent to Borough Council and both applicants were invited to attend the December 2nd work session. Applicant Melissa Geiger is in attendance this evening.
2. Mechanicsburg Brethren in Christ Church invites Council to attend their Community Day, Sunday December 7th from 9 to 10:30 AM.
3. A request was received from Tri-County Regional Planning Commission requesting Borough Council to nominate two members to serve on the Regional Planning Commission. This effort should be coordinated with other member municipalities in the Cumberland East Plan Development Section. Information will be in Council packets.
4. Monroe Township has sent a letter committing \$1,000 for each fiscal year 2004 & 2005 towards Mechanicsburg Borough's pool improvement project. They request that we forward information to them on the use of the facility by Monroe residents.
5. District Justice Elder's Christmas Breakfast will be held December 23rd from 7:30- 9:30 AM at the American Legion. All Council members are invited to attend. RSVP to the District Justice Office 766-4575, ext 7 by December 18th.
6. Cumberland County Commissioner's Office invites Council to a retirement celebration for Commissioners Nancy A. Besch and Earl R. Keller, December 10th from 4:30-6:30 PM at the Comfort Suites in Carlisle. If interested RSVP by December 1st.
7. PSAB will be charging this year for subscriptions to the PSAB magazine. Information will be in Council packets for Council's consideration.

APPROVAL OF MINUTES

Councilman Whitcomb made a motion, second by Councilman Ritter, to approve the minutes of the October 21, 2003 & November 3, 2003 Council meetings. The motion passed with all in favor.

APPROVAL OF REPORTS

Councilman McDermott made a motion, second by Councilman Winchell, to approve the monthly reports as submitted. The motion passed unanimously.

MANAGER'S REPORT:

Manager Stough updated Borough Council on the progress of the Church Road and Mulberry Drive Bridge replacement project. Rogele anticipates all work will be completed by Thanksgiving.

MAYOR'S REPORT

The Mayor reported:

Life Scout Brian Kisner, from Troop #190, Grantham landscaped the Mechanicsburg Area Chamber of Commerce Rail Car as his Eagle Scout Project.

November 6th – Councilman Vice President Eichelberger gave a focused 7 minute Mechanicsburg Transportation Improvement Program overview to the Cumberland County Planning Commission. Job well done.

November 10th – Fire Chief Larry Seagrist was the Crime Watch guest speaker. Larry, after your talk, we all agreed: it should be a crime not to have operational smoke alarms.

November 11th – Rain caused the Veterans' Day Ceremony, sponsored by the Mechanicsburg Area Veterans Council, to be moved to the VFW Post 6704. This year is the 50th Anniversary of the Korean War. Attended with Chief Spotts.

Trivia Question: Fire Chief Larry Seagrist recommends that the batteries in a smoke alarm be replaced how often?

Answer: When we move the clocks ahead in the spring and again when we move them back in the fall. Charlie Ryder had the correct answer and received a smoke alarm.

CHIEF OF POLICE REPORT

Chief Spotts reported:

- ★ Monthly Report has been distributed.
- ★ PennDOT wants to know if we want to make the changes to the Traffic Signal at Main and Walnut Streets permanent. President Rider directed Chief Spotts to have PennDOT make that improvement permanent.
- ★ The Country & Town Baptist Church Youth Group, from Upper Allen Township, will be reenacting the era when it was illegal to be a Christian on Friday from 5-9 PM. Several Main Street businesses will be cooperating with this activity, and residents may see the children out in the community asking questions of residents.

SOLICITOR'S REPORT

Solicitor had no report this evening.

FIRE CHIEF REPORT

Chief Seagrist stated that his monthly report was distributed. Chief Seagrist reported that Councilman Winchell and he went to see the progress on the new engine, which will be delivered in January. Chief Seagrist asked that Council consider adopting the Resolution for the Emergency Service Plan as submitted.

JR. COUNCILPERSON REPORT

Jr. Councilperson Miller thanked Megan Walde for article in the Patriot News on the Junior Councilperson program. He reported that the Debate team took 1st, 4th, and 6th place in recent competitions. The Marching band took 2nd place in their recent competition. The 2nd article from the Junior Councilperson will be in the Winter Newsletter

COUNCIL COMMITTEE REPORTS

Recycling Committee: Winchell: Councilman Winchell reported that the Citizen's Recycling Advisory Committee will meet on December 2nd at 6 PM.

Finance-Appropriations-Insurance: Rider: President Rider reported no report

Health-Recreation: Rider: Manager Stough stated a small crowd attended the Friends of the Pool meeting last evening. Sponsorship ideas and levels were discussed and additional fund raising ideas will be implemented after the holidays.

Councilman Winchell stated that Borough Council should make sure that the Recreation Commission continues to promote fund raising efforts.

Public Safety-Highways: Eichelberger: Manager Stough asked if former Vice President Eichelberger had forward any information to Borough Council on the oversized vehicle parking issue. Councilman Seagrist indicated that Mr. Eichelberger would be sending information to the Borough Manager on his research to date.

Public Communications: Eichelberger: Manager Stough reported that the deadline for the Winter Newsletter is today and asked for direction on which printer to use for this edition. After discussion, Councilman Whitcomb made a motion, and Councilman Winchell seconded to use Printers Ink for this edition of the Newsletter and consider the prices quotes received for the 2004 printing. Printing and distribution of the Manager's report and possible hand delivery was discussed. Councilman Seagrist suggested that CIT might be used for the package work involved in the distribution of the Manager's report. After some additional discussion, a vote was taken on Councilman Whitcomb motion and it passed with all in favor. Councilman Whitcomb asked Manager Stough how the County program had worked out for leaf collection. Manager Stough reported that everything went well and no costs were incurred by the Borough of the use of the inmates for leaf pickup.

Ordinance-Administration-Legislative Action-Seagrist: Councilman Seagrist asked Manager Stough to have a list of committee vacancies distributed to Council prior to the December 2nd meeting.

Property & Buildings – Ritter: Councilman Ritter reported on the Monday night meeting of the Museum Association and CAT Transit representatives. Councilman McDermott and Winchell also attended the meeting, which was held at the old train station. Talks were positive for a joint venture between CAT and the museum and talks ended on a positive note. CAT needs room for a ticket machine but may not have this section in place until 2010. Both groups agreed to meet again in January to discuss the matter further. Manager Stough stated that the Museum Association has requested one of the signs from the old train station. Councilman Ritter made a motion, second by Councilman McDermott, to donated one of the signs to museum. The motion passed with all in favor.

Manager Stough noted that he has met with Mark Walker, of Walker Realty, to discuss lease of the old Police Station. Some cleanup and renovations will be required prior to leasing of the space. Placement of a rental sign in front of the building was discussed. The Manager stated that if the Borough leases to a non- tax-exempt entity, the Borough would be required to pay tax to the county and school district for the percentage of the assessment that corresponds to the percentage of the building occupied by the taxable entity. Solicitor Schorpp indicated that he would like to review the listing contract for the realtor before Council takes any action on the matter. Renovations required will be made by the Highway Department. The Highway Department will also be constructing a lean-to for storage and converting the paint booth to break room.

School Board- McDermott: School Board held its last meeting of the year.

Community Development: McDermott: Councilman McDermott reminded Council of the Community Development meeting on skateboarding tomorrow evening. Councilman McDermott indicated that the Loan Review Committee would be meeting to review the request of Barbara Marbain for a business loan to reopen Eckels Drug Store. Councilman McDermott asked if a new member would need to be appointed due to the resignation of Mr. Eichelberger. It was decided, after discussion, not to make an appointment at this time. Councilman Whitcomb asked if there is sufficient parking for the proposed use. Manager Stough indicated that since the use was not changed, it would be grandfathered, unless the use was expanded beyond the first floor of the building.

W.S.C.O.G.: Ritter: Councilman McDermott attended the last COG meeting and reported that the COG Annual Dinner will be held on January 19th. The COG 2004 budget was approved at \$5,000 less than last year.

Fire Committee: Winchell: Councilman Winchell reported that the September 20th meeting of the Fire Committee has been postponed, due to a conflict. Councilman Winchell commented on his trip to see the new fire engine in processes, stating that he was impressed with the process, attention to detail, and pride of workmanship demonstrated by the manufacturer.

AGENDA ITEMS FOR November 18, 2003

- ◆ **Consider Resolution 19-2003 honoring Tonya Brown for her receipt of the Young Professional's Fellowship Award from The National Recreation and Parks Association.**
Councilman McDermott made a motion, second by Councilman Seagrist, to adopt Resolution 19-2003 recognizing Tonya Brown on her receipt of the Young Professional's Fellowship Award. The motion passed with all in favor.
- ◆ **Discussion and possible action on Ordinance 1052 amending the street sweeping ordinance, changing the section of the Borough Code, which deals with temporary parking bans and restricting on-street parking of oversized vehicles and discussion and possible action on Resolution 10-2003 changing regulations for temporary parking prohibition.**
After some discussion, Councilman Whitcomb made a motion, second by Councilman Winchell, to remove these two items from the agenda and send them back to the Public Safety Committee. The motion passed with all in favor.
- ◆ **Discussion and possible action on Ordinance 1054 Stormwater Management Ordinance.**
The Manager noted that this Ordinance is not yet ready for action of Council and will be placed on the agenda for the December meeting.
- ◆ **Consider authorizing the Solicitor to advertise an Ordinance to accept the recently completed section of Darla Road.**

- Councilman Whitcomb made a motion, second by Councilman Ritter, to authorize the Solicitor to draft and advertise an Ordinance to accept and dedicate the recently completed section of Darla Road. The motion passed unanimously.
- ◆ **Consider Resolution 20-2003 for County Emergency Management Plan.**
Councilman Winchell made a motion to adopt Resolution 20-2003 as presented. Councilman Ritter seconded the motion, which passed with all in favor.
 - ◆ **Consider appointment of Reid E. Kise, Jr. as Special Fire Police as requested by Washington Fire Company.**
Councilman Seagrist made a motion, second by Councilman McDermott, to appoint Reid E. Kise, Jr. as Special Fire Police. The motion passed unanimously. Solicitor Schorpp advised Council that Fire Police are appointed at the Mayor's discretion, so the action should be to recommend appointment to the Mayor, if desired, but no action is required. The motion was amended to recommend appointment, and carried with all in favor.
 - ◆ **Consider contracting with Brokerage Professionals, Inc. for the "Killed in Service" death benefit for uniformed officers.**
Manager Stough reported that Jeff Shatzer has been looking at our insurance coverage. A \$500,000 benefit for a flat fee of \$240 in annual premium per Officer was offered by Brokerage Professionals. The benefit would be paid the pension fund to help defer the cost of paying the annual salary of an officer killed in service to the widow or beneficiary for the rest of the life of the beneficiary. AIG also offers this coverage at a rate of about \$245 per officer, based on the age of the officer, and Manager Stough Recommend AIG to provide the killed in service benefit because it does not discontinue when the beneficiary reaches age 65, as is the case with Brokerage Professionals. After some review of the requirements and exclusions, the Solicitor recommended that Council review this further in Executive Session. President Rider noted that this would change the Executive Session to be an adjournment with possible action.
Manager Stough then recommended that Council change life and long-term disability insurance provider to Unum Provident, as the premium rates are lower for the same coverage. Councilman Winchell made a motion to recommend this change. Councilman Ritter seconded the motion, which passed with all in favor.
 - ◆ **Discussion on Health Insurance provider for Borough Employees.**
Manager Stough made a recommendation to Borough Council that the Employee Health Insurance plan be changed to a \$250 deductible, which the Borough would self-insure. This would lower the Borough's premium \$17,500 per year. Some discussion followed on how the reimbursements would be handled. After some discussion, President Rider made a motion to switch to the new coverage January 2004. Councilman Winchell seconded the motion, with all members voting for approval.
 - ◆ **Consider Resolution 21-2003 employee contribution to the MMO & Certification of the MMO payment for the 2004 fiscal year for non-uniform and uniform pension plans.**
Manager Stough reviewed correspondence received from Aris with Borough Council. President Rider made a motion to table these items until the December meeting. Councilman Seagrist seconded the motion, which passed with all in favor.
 - ◆ **Consider authorizing Chief Spotts to hire Community Service Officers for the Police Department and review and possible action on the Resolution 22-2003 prepared by the Solicitor to authorize the CSO's to enforce parking regulations.**
President Rider made a motion, second by Councilman Seagrist, to table this to the December meeting. The motion passed unanimously.
 - ◆ **Update on implementation of a Downtown Manager Program through DCED and formation of a 501.C.3 organization to implement the program.**
Councilman McDermott reported no new developments at this time. Councilman Rider made a motion, second by Councilman Whitcomb, to send this item back to Committee and remove it from the Council agenda. The motion passed with all in favor.
 - ◆ **Update on Composting project**
Manager Stough reported that he has met with Monroe Authority, Greenray Industries and Fry Communication representatives and had a favorable response to the request to overlay the easement adjacent to the Wastewater Treatment Plant property if a compost and yard waste facility is developed at that location. The Manager asked for a letter of support for the joint compost venture with Silver Spring Township. Councilman Ritter made a motion, second by Councilman Whitcomb, to approve a letter of support for the joint project. The Manager then asked for authorization to apply for a Technical Assistance Grant with Silver Spring Township to better estimate the work required to get the site operational. Councilman McDermott made a motion to authorize application for the Technical Assistance Grant. Councilman Seagrist seconded the motion, which passed with all in favor.
 - ◆ **Discussion on possible authorization to perform a wastewater treatment plant evaluation.**
Manager Stough indicated that he had obtained two RFP's for this work last fall, one from ARRO Engineering and one from Pennoni Associates. Both were in the amount of \$4,000. President Rider made a motion to contract with ARRO Engineering to perform this service, contingent on the price still being \$4,000. Councilman McDermott seconded the motion. Discussion followed on the two firms and the scope of the work to be performed. After discussion President Rider called for a vote and the motion failed with 2 in favor (McDermott, Rider) and four opposed. Councilman Whitcomb then made a motion to contract with Pennoni Associates for this service at a rate not to exceed \$4,000, as quoted. Councilman Seagrist seconded the motion, which passed by a vote of 4 to 2., with Rider and McDermott voting against.
 - ◆ **Discussion and possible action on conversion to metered sewer rates during 2004**
Manager Stough presented a slide show outlining the issues of a conversation to metered water rates. Councilman McDermott indicated that when the rates were raised he thought money would be put aside to move towards the conversion. Councilman Winchell indicated that it was his understanding that the increase just allowed the sewer revenue to pay for services. Mayor Ritter suggested the possibility of phasing in the change over a period of time, lessening the loss of revenues during any given quarter. Councilman Whitcomb suggested that when the debt service payments are reduced in 2007, then it might be feasible to do a conversion. A discussion followed on minimum usage rates and other related issues. After some discussion, the matter was tabled for discussion at a future date.
 - ◆ **Discussion on possible upgrades to the Borough's MAS90 accounting software.**

Manager Stough distributed a proposal from Hamilton Musser to upgrade the Borough's Accounts payable & receivable software. Stough explained that recently problems have arisen due to the addition of a computer running Windows XP software, which is not compatible with the MAS90 software version we currently have. Manager Stough indicated that money is left in the administration budget to pay for the upgrade of MAS90, without the purchase of the visual integrator software. After some additional discussion, President Rider made a motion, second by Councilman Winchell, to authorize the upgrade of the software, as per the quote submitted. The motion passed unanimously.

◆ **Tentative adoption of the 2004 budget**

Manager Stough noted that he changed the training line item for administration to \$2,000, as recommended. He reminded Council that it would require an Ordinance change to lower the Elected Official's Compensation by 20 percent, as discussed at the Finance Committee meeting. Councilman Seagrist made a motion, second by President Rider, to authorize the Solicitor to advertise an Ordinance reducing the elected officials compensation by 20 percent. The motion passed unanimously.

Councilman Seagrist asked if Borough Council is required to accept the resignation of Ron Blauch from the Sewer Authority. President Rider made a motion to accept the resignation of Ron Blauch from the Sewer Authority. Councilman Whitcomb seconded the motion, which passed with all in favor. Councilman Seagrist questioned if these non-functioning boards, such as Sewer Authority, Plumbing Board and Seidle Hospital Authority, need to be continued, or if they could be eliminated. Solicitor Schorpp will need to review this further and make a recommendation to Borough Council.

After some additional discussion on budget related matters, Councilman Winchell made a motion to authorize the advertisement of the 2004 proposed budget as presented. Councilman Whitcomb seconded the motion. Discussion followed, after which President Rider called for a vote: The vote was tie, with Ritter, Whitcomb and Ritter voting for advertisement and McDermott, Rider & Seagrist voting against. All voting against stated that they were against the 1 mill increase in taxes included in the proposed budget.

The Solicitor advised Borough Council that the Mayor could not break the tie vote on this matter. After some discussion, Councilman Whitcomb made a motion, second by Councilman Winchell, to reconsider the motion, which passed with all in favor. After discussion Councilman Winchell restated his motion to authorize advertisement of the proposed 2004 budget as presented. Councilman Whitcomb again seconded the motion, which passed by a vote of four in favor (Rider, Ritter, Whitcomb and Winchell) and two against (McDermott and Seagrist), President Rider indicating that his vote did not indicate a change of his view on the tax increase, but a desire to move the process forward.

The Manager noted that Council would need to authorize the Solicitor to draft the tax levy ordinance in the amount included in the budget. Discussion followed on how these items would be handled at the December meeting. After some discussion, Councilman Whitcomb made a motion to authorize the Solicitor to draft the tax levy ordinance in the amount of 2.45 mills. Councilman Ritter seconded the motion, which passed by a vote of 5 to 1 with Councilman Seagrist voting in the negative. Discussion followed on the County tax increase for Libraries and the inclusion of a donation to the library in the proposed budget. A general discussion followed on the time line for approving the budget and the possible re-opening of the budget in 2004.

APPROVAL OF EXPENDITURES

President Rider made a motion, second by Councilman Ritter, to approve the following expenditures in the amount of \$354,292.98 from the General Fund; \$12,819.22 from the Highway Aid Fund; and \$2,127.10 from the Capital Improvement Fund during the period beginning October 1, 2003 through October 31, 2003. The motion passed with all in favor.

GUESTS

Jay Stoner, 124 East Locust Street, expressed his view that the Borough has overspent in the last few years and this has lead to the budget shortfall. He also indicated that he is of the opinion that United Water meter readings are not reliable, and the data, if purchased from United Water, would cause errors in sewer billings.

At 9:25 PM, President Rider adjourned to Executive Session.

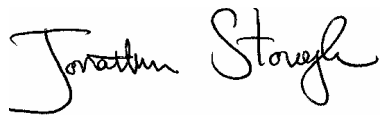
At 10:05 PM, President Rider reconvened the public meeting.

ANY OTHER BUSINESS:

President Rider indicated that no action would be taken as a result of the Executive Session.

ADJOURNMENT:

At 10:07 PM President Rider adjourned the Public meeting.

A handwritten signature in black ink that reads "Jonathan Stough". The signature is written in a cursive style with a large, prominent 'J' and 'S'.

Jonathan S. Stough
Borough Secretary

Borough Council Meeting 11/18/03
Exhibit A

GARY L. EICHELBERGER

606 South Arch Street
Mechanicsburg, PA 17055
November 13, 2003

Brian A. Rider, President
Mechanicsburg Borough Council
17 Patton Road
Mechanicsburg, PA 17055

Dear President Rider and members of Council:

It is with a mixture of regret and gratitude that I am writing to you today. After fourteen years as a member of Mechanicsburg Borough Council, I am submitting my resignation effective as of this date.

I regret that the near-term demands involved -- both for effectively preparing to assume my new duties as your county commissioner, and preparing to pass directorship of the West Shore COG -- now require that I concentrate fully on ensuring success in those efforts.

I wanted all of you to know how grateful I am for the opportunity I have had to serve this borough -- my home -- and that I consider it to have been one of the most valuable and educational experiences of my life.

I am grateful for the support of our town's citizens in nominating and electing me four times. I am grateful for the opportunity to have worked with many fine people, including current and former members of Council, and borough staff. I am grateful for the many exceptional citizens and remarkable community volunteers who serve our borough so selflessly. It has been a privilege to serve with all of you. I will always value the friendships I have developed, and the honor of being able to work toward the betterment of our community.

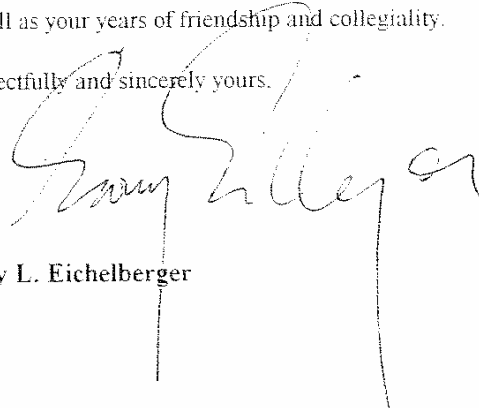
The lessons and experiences I carry from these years will serve me well in my new endeavor as a public servant for all of Cumberland County.

Our borough's community government is in good hands. The direction is positive. We have achieved many good things in these years. Decisions of our council are reached by open and thoughtful debate and discussion, and with broad participation. Our citizens are better informed and more involved than in any time in my memory. I believe our future as a community is bright. I will trust all of you to "keep up the good work."

Please be assured, I will remain accessible to you in my new capacity, and I hope to serve as a valuable resource to you in the future.

Thank you for your attention to this matter, as well as your years of friendship and collegiality.

Respectfully and sincerely yours,



Gary L. Eichelberger