

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

June 1, 2004

7:30 PM

CALL TO ORDER: At 7:30 PM President Winchell called the Council meeting to order.

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

ROLL CALL: Roll call taken with the following present: President Winchell, Vice President Whitcomb, Councilmen Humes, McDermott, Ryder, Seagrist, Jr. Councilperson Geiger, Mayor Ritter, Solicitor Schorpp, Engineer Barber, Chief Spotts, Chief Seagrist, Manager Stough and Assistant Secretary Boyer. Councilman Rider was absent.

Also in attendance: Cress-Sentinel, Edward & Elizabeth Bentzel, Bob Dietrick, Nancy Hanlon, David Hoover, Floyd Kautz, Jr., Kyle Miller, Jack Neibert, Jay Stoner, & Cece Viti.

GUESTS: None

CITIZEN COMMENTS:

Cece Viti, 50 West Allen Street, addressed Borough Council about illegal drugs in Mechanicsburg. She asked Council to re-consider a drug dog in the future.

Nancy Hanlon, 38 West Allen Street, also indicated that she was present supporting Ms. Viti in her concerns and questioned Chief Spotts about drug enforcement efforts. Chief Spotts noted that the Police Department does have an aggressive anti-drug program in place and made four arrests related to drugs last month. He also noted that the Police Department works with the Cumberland County Drug Task Force.

ADDITIONS TO AGENDA:

Manager Stough asked that the agenda be amended to reflect possible action on the Uniform Construction Code Ordinance and discussion on the adoption of a property maintenance code and also to include possible action on the handicapped parking permit request of Richard Griffith. Manager Stough also asked that update of the Borough's solid waste ordinance be added for discussion and possible action.

APPROVAL OF AGENDA: Councilman Seagrist made a motion, Vice President Whitcomb second, approving the agenda with the amendments and addition noted by Manager Stough. The motion carried 6:0.

CORRESPONDENCE:

Manager Stough report:

1. Harrisburg Area Transportation Study sent a memo regarding the 2030 Regional Transportation Plan becoming available on CD. Orders for CDs must be received by June 30th. The study is also available in hard copy and on the website www.tcrpc-pa.org.
2. Information on United Water Pennsylvania's water service operations was received and information on their proposed rate increase and all was provided to Borough Council.
3. A letter was received from the Treasurer of Cumberland County thanking the Borough for selling dog licenses during the first four months of 2004. Staff issued 100 Regular licenses and 100 Senior Citizen licenses and had no voids or errors.
4. A letter of approval for the Zoning Ordinance Amendment was received from the Cumberland County Planning Commission. A letter will be sent to Council from the Planning Commission regarding this proposed change to the Zoning Ordinance. The Mechanicsburg Planning Commission had sent the proposed change to the County for review and will be submitting it to Borough Council for consideration in the near future.

5. A letter was received from Jonathan C. Holsinger of 31 E. Coover Street, requesting speed bumps be installed on Arch Street from Simpson Street to Marble Street. President Winchell asked that this be added to the agenda for the next meeting
6. Letter was sent to CAT Transit regarding their possible purchase of the Train Station, asking for some direction by June 15th.

APPROVAL OF MINUTES:

Councilman Ryder made a motion, second by Vice President Whitcomb to approve the minutes of the May 18, 2004 Council meeting. The motion passed with all in favor.

MANAGER'S REPORT:

Manager Stough displayed a picture of the cannon at Memorial Park which was recently refurbished.

MAYOR'S REPORT:

The Mayor reported:

May 21st – Attended the DARE graduation. Drug Abuse Resistance Education is taught by Mechanicsburg Police Officers Demmy, Vincent and Curtis to 5th grade students from Filbert, Northside and Broad Street elementary schools. The guest speaker at the graduation was Lee Woodall of the Forty-niners.

May 31st – Memorial Day Parade and service was held, as well as, the Lincoln Cemetery Memorial Service. Flags collected last year at the Vietnam Veteran's flag retirement ceremony were cremated and buried at the Lincoln cemetery, near the flag pole.

Upcoming events

June 12th – Vietnam Veterans of the Mechanicsburg Area will be accepting American Flags for retirement.

June 14th – Crime Watch – Project Childsafe – will provide free gun locks to residents and demonstrate how to use them.

Trivia Question: What prestigious award did Wilcox Manufacturing Company receive at the end of World War II in 1945?

Answer: The Army Navy "E" for excellence in providing drop forgings for the war effort. This was a flag, which was flown below the American Flag.

CHIEF OF POLICE REPORT:

- ★ Lt. Myers and Officer Hlavac received citizen letters of commendation for their efforts at recent incidents.
- ★ We have received the Permit from PennDOT for the Jubilee Day street closures and detours.

SOLICITOR'S REPORT:

Solicitor Schorpp had no report.

FIRE CHIEF REPORT:

Chief Seagrist reported that he attended training at HACC sponsored by the International Association of Fire Chiefs. Chief Seagrist also coordinated the loading of the Old Engine 127 for delivery to Bay Fire Products. Chief Seagrist obtained Bio-Hazard stickers for the Recreation Department for use at the pool.

JR. COUNCILPERSON REPORT

Jr. Councilperson Geiger reported:

1. Students in speech & debate competed at the NOFL, a national tournament in Boston this weekend.
2. Varsity Baseball plays in the semi-finals for the District III tonight.
3. Kyle Miller was featured in the Patriot News Best & Brightest.
4. Graduation will be held on June 8th and the last day of school will be June 10th.

COUNCIL COMMITTEE REPORTS:

Community Development/Downtown - Humes –No Report

Finance/Appropriations/Insurance – Winchell- President Winchell ask Manager Stough if he had researched the question posed by Councilman Humes regarding the Dolphin and Bradbury report. Manager Stough indicated that he e-mailed Michael Wolfe regarding that question and will forward the response to Council.

Fire Committee – McDermott – No Report

Health/Recreation – Seagrist – Councilman Seagrist reported that the Friends of the Pool will meet on Tuesday June 15th at 7 PM at the Borough Office. The Joint Recreation Commission will meet on June 2nd at 6:30 PM at the Recreation Office. The next Recreation Commission will be held on June 8th at the Borough Office at 7:30 PM. The Recreation Commission met on May 25th and Councilman Seagrist reported that they had a very productive meeting. Councilman Seagrist reported that the sale of pool memberships is progressing slower than anticipated, but are comparable to last year and sales will continue through this week. The Recreation Commission asked that Council act on the RFP for the pool as soon as possible. The Recreation Commission asked about the progress of paving the parking lot at the pool. Manager Stough indicated that the Borough will sweep and repack the lot, but paving is not budgeted for this year. Vice President Whitcomb asked if tar and chip would be a viable option. Manager Stough indicated that it would not, as the area is too deteriorated. Councilman Seagrist asked about the possibility of approaching the School District for financial support to help with the maintenance of the wall. Vice President Whitcomb stated that the Borough has already assumed the responsibility for the maintenance of the wall. Manager Stough indicated that he had sent a letter to the Recreation Commission regarding the wall with the list of items required for maintenance. Councilman Seagrist asked if an article could be placed in the next newsletter recognizing the Eagle Scout who did trail improvements at Memorial Park as his Eagle Scout project. The minutes of the April Recreation Commission meeting were discussed, and some of the items in the minutes were clarified by Councilman Ryder, at the request of President Winchell.

Highway/Public Safety – Winchell – President Winchell noted that Council will be considering a handicapped parking permit on this evening's agenda

Loan Review Committee- Humes – No Report

Ordinance/Administration/Legislative Action – Whitcomb – Vice President Whitcomb stated that Council may be taking action on the Uniform Construction Code this evening. Councilman Ryder asked that Council consider a letter of support for the bill that would allow radar use by Borough Police. A discussion followed as to the signage required under the proposed bill now in committee. President Winchell directed the Manager to add this for discussion on the June 15th agenda.

Property/Buildings – Rider – No Report

Public Communications – McDermott – Councilman McDermott reported that the Summer Newsletter will be going out this week. The magnets are being inserted at CIT now and should be ready to mail by Friday.

Recycling Committee – Ryder- Councilman Ryder asked that the Elizabethtown "Pay-As-You-Throw" refuse/recycling program be sent to Borough Council for their review. Councilman Ryder asked that Council members view the video provided, and that this be added to a future agenda for discussion.

School Board – Ryder- Councilman Ryder reported that he was disturbed by the number of teachers retiring from the Mechanicsburg School District. Ryder noted that the School District has advertised a preliminary budget, which includes a tax increase. A number of Administrators have resigned and staff is being shifted around to cover all positions. Councilman Ryder reported that he has been asked by the Superintendent to be on a Steering Committee, which will give him access to more comprehensive and up-to-date information. Several construction projects will be going out to bid and there are some stormwater and lot coverage issues with the Elmwood project. The portable classrooms at Broad Street are still being considered to be made permanent. Manager Stough indicated that he will research the original permits for the portable classrooms to see if a time limit was established.

W.S.C.O.G. - McDermott – Councilman McDermott reported that the next WSCOG meeting will be June 14th. He also reported that he attended the quarterly meeting of the County Municipal Advisory Board where land use planning was discussed. Councilman McDermott indicated that all of the municipalities in attendance agree that better communication is needed. The next meeting will be the last week of August and the 800 MHz radio system and traffic concerns will be discussed.

AGENDA ITEMS June 1, 2004:

♦ **Consider request of Citizen's Fire and Rescue to abandon King Alley.**

Manager Stough reviewed this request with Borough Council. Manager Stough asked Mr. Kautz, a member of Citizens, who is the property owner on the south side of King Alley. Mr. Kautz indicated that he did not know. Solicitor Schorpp reviewed the requirements for a petition to vacate an alley, indicating that a petition should include the signatures of a majority of the adjacent property owners. Solicitor Schorpp asked Mr. Kautz if the other adjacent property owners support this request. He indicated that he did not know, at this time. Vice President Whitcomb asked why the Fire Company wanted the alley abandoned, since it is a grass area not being used for traffic. Vice President Whitcomb stated that he could not see the point of incurring the

cost to abandon the alley when it is not open for public access and abandoning the alley would transfer ownership of the land currently comprising the alley half to Citizens Fire and Rescue and half to the adjacent property to the south side of the alley. Councilman Ryder stated that if the Borough is not maintaining the alley and not using it, he could not see why they should not abandon it. Solicitor Schorpp indicated that Council could vacate an alley, without a request from the property owners. The Solicitor stated that a public hearing would have to be advertised and an ordinance would have to be passed by Borough Council to formally vacate the alley. After the ordinance is passed, it does not go into effect for a period of forty days, during which time any party has the right to request a hearing for damages. After vacation of the alley, the public rights to the area are terminated; however, the private rights are not extinguished for a period of one year. Manager Stough asked if the requesting parties to such a petition can be asked to reimburse the Borough's legal expense for the abandonment process. Solicitor Schorpp will research this further. Councilman Seagrish asked if the County Assessment office is notified after abandonment of the change in lot size of the adjacent properties. Solicitor Schorpp indicated that they should be informed. Councilman Seagrish stated that he would be uncomfortable initiating this without support of the adjacent property owners; as he would not want to cause them to incur increase tax liability as a result of this action. After some discussion, Mr. Kautz indicated that Citizen's Fire Company would approach the neighboring property owners about their request, and bring the additional required information to Council. Vice President Whitcomb asked Mr. Kautz why Citizen's Fire and Rescue wanted to have Council vacate the alley. Mr. Kautz indicated that Citizen's maintains the property now, and thought that they would take possession of the entire alley, after the alley was vacated. Solicitor Schorpp stated that the adjacent owner on the south side may be interested in conveying the additional area to Citizens' Fire and Rescue, if they are approached. After some additional discussion Councilman Ryder made a motion to table this matter until additional information could be provided. Councilman Humes seconded the motion, which passed with all in favor.

◆ **Consider request of Richard Griffith, 10 West Locust Street, for a handicapped parking permit.**

Vice President Whitcomb made a motion, second by Councilman Ryder, to approve the handicapped parking permit of Richard Griffith. The motion passed unanimously.

◆ **Discussion and possible action on uniform building code Ordinance 1058 and discussion and possible adoption of a property maintenance code.**

Manager Stough indicated that the Uniform Building Code Ordinance has been properly advertised by the Borough Solicitor and is ready to be considered by Borough Council this evening. A copy of the Property Maintenance Code has been provided for Council this evening; however, this is not one of the codes included in the ordinance as advertised. Manager Stough reviewed several of the sections of the Property Maintenance Code with Borough Council, expressing his opinion that the property maintenance code would allow the Codes Officer to address some property maintenance issues not covered under the Building Code. Manager Stough indicated that Council could adopt the entire property maintenance code or only those sections that they choose to adopt. Manager Stough stated with the adoption of the new uniform construction code, as of July 1st, the Borough will lose the ability to enforce some of the property maintenance concerns with existing structures that were included in the old building code. The Borough will, however, have better control over new construction. Councilman Seagrish made a motion to adopt Ordinance 1058, enacting the Statewide Uniform Building Code as of July 1, 2004. Councilman McDermott seconded the motion and roll call was taken as follows:

Humes	Yea	Seagrish	Yea
McDermott	Yea	Whitcomb	Yea
Ryder	Not Present	Winchell	Yea
Ryder	Yea		

The motion passed with all in favor.

Solicitor Schorpp indicated that the Board of Appeals Ordinance still needs to be advertised, and will be on the agenda for the June 15, 2004 meeting. Manager Stough noted the two Resolutions will also be required; one appointing the proper officials to act as the building code official and one establishing the fee schedule. These Resolutions will be prepared and on the June 15th agenda for Council's consideration.

◆ **Discussion on sound system for the Council Chambers.**

Manager Stough reviewed discussions he had earlier today with a representative of Pennsylvania Entertainment Group. After looking at the room, he suggested several gooseneck microphones, an amplifier, an area microphone, a wireless microphone, speakers and a recording device. He will provide a new price quote for these items, and he thinks that he may be able to get these items for around \$2,500. Manager Stough noted that the Borough received an \$8,000 check from DCNR for the money paid by the Borough as part of the grant process. The money has been put back into the general fund and can be used for building and property improvements. President Winchell stated that if the sound system can be installed for \$2,000, he would like to see the extra \$6,000 used to improving the parking lot at the pool. Manager Stough will check to see what the paving estimates for the parking lot were last year, and provide that information to Council in their packets. Vice President Whitcomb made a motion to table discussion on the sound system until the next Council meeting. Councilman Ryder seconded the motion, which passed with all in favor.

◆ **Discussion on update of the Borough Ordinance regarding Solid Waste and Recycling.**

Manager Stough stated that the Borough will need to bring their ordinance into compliance with our refuse contract and Act 101 to receive 902 grant funding for the dump truck and composting site. Manager Stough reviewed the changes required and asked Borough Council to authorize himself and the Solicitor to draft the required amendments and advertise the Ordinance for action of Council. Vice President Whitcomb made a motion, second by Councilman Ryder, to authorize the Manager and Solicitor to draft and advertise the required changes to the Solid Waste Ordinance. The motion passed with all in favor.

CITIZEN COMMENTS

President Winchell asked for Citizen Comments, and there were none.

ANY OTHER BUSINESS:

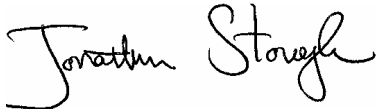
Chief Spotts informed Council that the lease has been signed and the 800 MHz radios should be fully operation by year end.

Mayor Ritter commended Councilman McDermott and staff for a great job on the summer newsletter

Councilman McDermott congratulated the Mechanicsburg High School class of 2004.

ADJOURNMENT:

At 8:28 President Winchell adjourned the meeting to an executive session on a personnel matter with no action to be taken.



Jonathan S. Stough
Borough Secretary