

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

July 20, 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 and Jr. Councilperson Geiger were absent.

Also in attendance: Cress – Sentinel, Robin Agerton, Todd Aunkst, Susan Brenner, Tonya Brown, Bob Dietrich, Jill Bretz, Kate Fagan, Brian Gross, Nancy Hanlon, Floyd Kautz, Jr., Sharon Lopez, Deeg Meck, Fern Oram, Michael Ripton, Nancy Saidis, Ken & Haddiee Spidle, Donna Sprowls, & Cese Viti.

GUESTS: Susan Brenner, Friends of the Pool Representative, provided Borough Council with an outline for the Community Day Project. Ms. Brenner reviewed highlights of the planned events. She also reviewed the “Pool your Resources” campaign which is asking Day Care Centers that use the pool to collect spare change for the next few weeks and bring to change to Community Day, with the group collecting the most change receiving a trophy. Flyers promoting Community Day are being handed out throughout the community. Councilman Ryder commended the volunteers on their fundraising efforts.

Nancy Saidis addressed Borough Council on her proposal to do a Feasibility Study to determine if a Capital Campaign for the pool renovations is warranted. Ms. Saidis stated that her study would identify donors that can give substantial gifts to the renovation project.

CITIZENS COMMENTS:

Haddiee Spidle, 704 Jenna Court, addressed Borough Council regarding her view that she, as a property owner, has been penalized by a mistake made by the Borough’s Zoning and Codes Officer. She explained that a shed was permitted to be placed in the side yard at the property at 702 Jenna Court, in violation of the Borough Code. After many months, Ms. Spidle stated she was told that her neighbors, the Liddicks, would be allowed to keep their shed, which was constructed in violation of the Borough Code and she feels this is unfair to her as a property owner. Manager Stough reviewed the determination of the Codes Officer, regarding the issuance of this permit. After some additional discussion, Solicitor Schorpp advised Council that they have no jurisdiction. Mr. Schorpp advised Mrs. Spidle that she has the right to appeal the decision of the Codes Officer to the Zoning Hearing Board. Mrs. Spidle asked if an attorney is required and was advised that an attorney is not required to appeal, but it is recommended. Manager Stough advised Mrs. Spidle that she could file an appeal with the Borough Office by sending a letter requesting that the Zoning Hearing Board review the appeal to the determination of the Zoning Officer in this matter. Councilman Seagrist asked how many appeals the Zoning Hearing Board has held similar to the one proposed. Manager Stough indicated that since he has been at the Borough we have never had an appeal of the Zoning Officer determination. Manager Stough noted that with most variance requests, residents do use legal counsel; however, it is not required.

ADDITIONS TO AGENDA:

Manager Stough asked that discussion on Keystone Municipal Insurance Trust, Worker’s Compensation Insurance be added.

APPROVAL OF AGENDA: Councilman Ryder made a motion, Vice President Whitcomb second, approving the agenda with the additions as noted. The motion carried 6:0.

CORRESPONDENCE:

Manager Stough report:

1. Jr. Councilperson Geiger told the Manager that she would be absent this evening.

2. The pool report for the period from July 1<sup>st</sup> through July 16<sup>th</sup> and will be in Council packets.
3. The Mechanicsburg Recreation Commission will be changing their meeting date to the second Monday of each month at 7 PM, and staff will advertise this change.
4. Flyers for Community Day have been out at the Borough Office and residents have been picking them up.
5. Councilman Rider notified the Manager in a phone conversation that he will be resigning from his position as a Borough Council member, as he is moving to Upper Allen Township. Manager Stough noted that a written resignation will be submitted at some point in the future.

President Winchell asked the Solicitor to review the procedures for filling of a Council Vacancy. Solicitor Schorpp informed Council that once the written resignation is received by the Borough Manager, Council has thirty days to fill the vacancy. If Council fails to fill the vacancy, within thirty days, the Vacancy Board will then have an additional fifteen days to consider the matter and make an appointment. If an appointment is not made by the Vacancy Board, the Court would then appoint someone to fill the vacancy. Solicitor Schorpp stated that Council has adopted a policy for public interviews of the prospective candidates. President Winchell asked Solicitor Schorpp for a determination of the effective date of the resignation. Solicitor Schorpp stated that in his opinion the resignation is effective the date it is received by the Borough Secretary at the Borough Office.

#### APPROVAL OF MINUTES:

Councilman Humes noted that the date was wrong in the header on all of the pages. Councilman McDermott made a motion, Vice President Whitcomb seconded, to approve the minutes of the July 6, 2004 Council meeting, with the correction as noted by Councilman Humes. The motion passed with all in favor.

#### APPROVAL OF REPORTS:

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

#### MANAGER'S REPORT:

Manager Stough had no report

#### MAYOR'S REPORT:

The Mayor reported:

July 12<sup>th</sup> – Rich Spidel from the Shaffer Youth Detention Center serving Dauphin and Cumberland County was the guest speaker at the Crime Watch.

July 17<sup>th</sup> – Mechanicsburg Museum Association held their annual Sunflower Garden tour.

#### Upcoming

August 3<sup>rd</sup> – is National Night Out. Crime Watch members have been encouraged to expand their membership and educate neighbors in police-community crime prevention tips.

Trivia Question: At 225 West Simpson Street there is a corner stone showing A.M.E. and below it built 1873. What was the purpose of this building?

Answer: It was an African Methodist Episcopalian Church; some members are buried at the Lincoln Cemetery just south of Mechanicsburg. Vietnam veterans maintain this cemetery and hold a ceremony there each Memorial Day.

#### CHIEF OF POLICE REPORT:

- ★ Chief Spotts reported that he has submitted the Permit application to PennDOT to close South Market Street for the Arts and Craft Festival on August 28, 2004.

#### SOLICITOR'S REPORT:

Solicitor Schorpp had no report.

#### FIRE CHIEF REPORT:

Chief Seagrist no report

#### JR. COUNCILPERSON REPORT

Jr. Councilperson Geiger was absent this evening.

COUNCIL COMMITTEE REPORTS:

**Community Development/Downtown** – Councilman Humes reported that the Cumberland County Website History page has a picture of the Mechanicsburg Passenger Station featured.

**Finance/Appropriations/Insurance** – Winchell- President Winchell reported that the Finance Committee met at 6PM this evening and discussed the Passenger Station and the “State of the Borough” after the first six months of the 2004 budget.

**Fire Committee** – McDermott – Councilman McDermott reported that he is trying to schedule a Fire Committee meeting on August 12<sup>th</sup> and he also asked that formation of an Emergency Service Board be added to the August 3<sup>rd</sup> agenda.

**Health/Recreation** – Seagrist – Councilman Seagrist reported that on July 10<sup>th</sup> he had the opportunity to accompany the Health Inspector on two health inspections at the Volunteer Fire Companies and reported that both kitchens are in immaculate condition. Councilman Seagrist also reported that the Recreation Commission met last night and recommended that Council contract with Wade Associates for the pool design project. He also noted that Recreation Commission meeting will be changed to the second Monday of each month.

**Highway/Public Safety** – Winchell – No Report

**Loan Review Committee**- Humes – No Report

**Ordinance/Administration/Legislative Action** – Whitcomb – Vice President Whitcomb announced that the Ordinance and Administration Committee will meet on July 30<sup>th</sup> at 10 AM to discuss the property maintenance ordinance

**Property/Buildings** – Rider – No Report

**Public Communications** – McDermott – Councilman McDermott announced that the Committee met last night to discuss the upcoming edition of the newsletter. The deadline for the Fall Newsletter will be August 13<sup>th</sup> and will include a resident survey. A list of questions for the survey will be given to Council for their approval, prior to the copy deadline.

**Recycling Committee** – Ryder- No Report

**School Board** – Ryder – No Report

**W.S.C.O.G.** - McDermott – Councilman McDermott reported that he was unable to attend the meeting last night, but will get information and provide it to Borough Council.

AGENDA ITEMS July 20, 2004:

- ◆ **Discussion and possible action on the Mechanicsburg Transfer and Storage Land Development Plan.**  
Brian Gross addressed Borough Council, on his plans to expand his receiving area for refrigerated and frozen products. Mr. Gross answered questions from Borough Council regarding the scope of the project and time frame for completion. Mr. Barber noted a couple comments on his review of July 20<sup>th</sup> are still open (Exhibit A). Mr. Barber noted that the Stormwater and E&S performance and maintenance guarantees have not been finalized as the applicants estimate was lower than his estimate of the cost. Mr. Barber noted that the bond required would be \$9,768 and the applicant agreed to provide bonding in that amount to cover improvements (Exhibit B). Mr. Barber stated that a draft improvement agreement was provided to the Borough Manager. The Solicitor noted that he has not reviewed that document at this time. Mr. Barber reviewed the waiver requests with Borough Council. Councilman Ryder made a motion to approve the four waivers requested. Councilman McDermott seconded the motion which passed with all in favor. Councilman Ryder then made a motion to approve the Land Development Plan contingent upon review of the performance and maintenance agreement by the Borough Solicitor, bonding for the improvements in the amount of \$9,768 and in a form approved by the Borough Solicitor. Councilman McDermott seconded the motion, which passed by a vote of 6:0.
- ◆ **Review and consideration of the RFP's received for design work at the Mechanicsburg Pool.**  
Councilman Seagrist made a motion to award the design work for the Mechanicsburg Pool improvement project to Wade Associations in an amount not to exceed \$49,300, with payments to be made in two phases, pending review of the agreement by the Solicitor, as recommended by the Recreation Commission. Councilman Ryder seconded the motion, which passed with all in favor. Manager Stough discussed with Borough Council the funding for the design portion of the project. He explained that the \$25,000 grant from Representative Nailor can be used for the development cost, but the balance of the development cost would have to come out of the \$200,000 Council earmarked for the renovations project. This will make the Borough short on their match for the grant and some of the funds raised by Friends of the Pool, may need to be used to offset the Borough Match of \$200,000.
- ◆ **Consider authorizing the Solicitor to advertise changes to the Borough's Solid Waste and Recycling ordinance to come into compliance with Act 101 and our refuse contract.**  
Manager Stough stated that the Solicitor has prepared a draft which was reviewed by Carl Hursh and Mark Vottero from DEP and Justin Miller from the County Solid Waste Authority and the changes required will be sent to the Solicitor for inclusion. The burning provisions need be changed to prohibit burning, except for ornamental burning and training of fire fighters with a permit required by the State. Councilman Humes made a motion, second by

Councilman McDermott, to authorize the Solicitor to finalize and advertise the changes to the Borough's Solid Waste and Recycling ordinance to come into compliance with Act 101 and our refuse contract. The motion passed with all in favor.

◆ **Resolution 12-2004 establishing schedule of Zoning Fees.**

Manager Stough reviewed this requested Resolution with Borough Council. President Winchell expressed concern that the Spidles would be impacted by this change, if they desired to file a Zoning Hearing Appeal. After discussion, Vice President Whitcomb made a motion, second by Councilman McDermott to table this Resolution till the August 3<sup>rd</sup> Council meeting. The motion passed unanimously. Councilman Humes asked Manager Stough why we are not setting rates that would cover our costs. Manager Stough stated that we are not allowed to charge for reimbursement of the Solicitor's services.

◆ **Resolution 14-2004 in memory of Jane C. Huebner.**

Councilman Seagrist made a motion, second by Councilman McDermott to adopt Resolution 14-2004 in memory of Jane C. Huebner. The motion passed unanimously.

◆ **Resolution 15-2004 for Reverend Donald J. Ciampa in honor of his Community Service.**

Councilman Ryder made a motion, second by Councilman Seagrist to adopt Resolution 15-2004 in honor of Reverend Donald J. Ciampa on his retirement. The motion passed with all in favor.

◆ **Discussion and possible action on Act 30 changes for Police Officers.**

Manager Stough stated that Reed Smith has provided a sample resolution to address the required changes; however, after discussion with the Solicitor, it is recommended that this should be converted to ordinance, to be consistent with our current code. The disability benefit under Act 30 is only required to be 50%; our current ordinance provides 75%, so this detail must be reviewed by our labor counsel. Vice President Whitcomb made a motion to direct the Solicitor to draft the ordinance and advertise the ordinance changes to comply with ACT 30. Councilman McDermott seconded the motion, which passed with all in favor.

◆ **Consider request of First Church of God for a Community Health and Safety Fair on October 23<sup>rd</sup> at the community center 201 E. Green St. and closure of Race Street from Allen to Green St.**

Councilman Ryder made a motion to approve the special events application for a Community Health and Safety Fair of First Church of God and approve the closure of Race Street, from Allen to Green Street for the event. Vice President Whitcomb seconded the motion, which passed unanimously.

◆ **Consider request of the Friends of the Joseph T. Simpson Public Library to use the borough building and garage for their book sale on October 2<sup>nd</sup> from 9 AM to 4 PM.**

The Solicitor noted that use of the building for this sale is covered under the lease, so no action of Council is required.

◆ **Discussion and possible action on the handicapped-parking request of Richard Griffith approved at the June 1<sup>st</sup> Council meeting.**

Chief Spotts indicated that he has spoke with the applicant, Mr. Griffith, and he is not interested in withdrawing his request for a space. Councilman Humes made a motion to recind the approval of the handicapped parking space for Richard Griffith. Councilman Ryder seconded the motion, which passed with all in favor. Chief Spotts will inform the applicant of Council's action.

◆ **Consider authorizing the Solicitor to draft and advertise parking changes to the Borough Code as compiled by Borough staff.**

After discussion, Councilman Ryder made a motion, second by Vice President Whitcomb, to table this matter until a draft of all the changes is available for Council members to review. The motion passed with all in favor.

◆ **Discussion on Nancy Saidis Proposal.**

Manager Stough stated that Council received this proposal in their packets. Manager Stough reminded Council that any money spent on fundraising, would have to be offset by donations to the pool, as the Borough only has \$200,000 allocated to this project. Councilman Ryder asked if all the study would do is determine if a capital campaign would be feasible. Councilman Humes stated that if the Borough decides to proceed with a capital campaign, there would be additional expenses involved. Councilman Seagrist asked if any other proposals were received. Councilman Humes made a motion to contract with Nancy Saidis for a full feasibility study at a cost not to exceed \$21,000. Vice President Whitcomb seconded the motion and President Winchell opened the floor for discussion. Councilman Seagrist asked which line item this expense would be paid from. Manager Stough noted it would be paid from the \$200,000 of bond proceeds earmarked for the pool project. Councilman McDermott stated he favors the smaller study, due to the cost. Councilman Humes stated she is in favor of spending the additional \$14,000, as it improves the odds of receiving the needed donations to enhance the project. Councilman Seagrist spoke in support of the study. After some additional discussion a vote was taken and the motion passed with 5 in favor (Humes, Ryder, Seagrist, Whitcomb, and Winchell) and one against (McDermott).

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

Manager Stough indicated that he provided to Borough Council a new proposal for equipment from PA Entertainment Group. He stated that they are willing to guarantee the equipment and sound quality, the same as the other company that provided the original quote. Manager Stough asked that Council consider purchase of the sound equipment from PA Entertainment Group in the amount of \$2,500, which will include four table top microphones, a hand held wireless microphone for the public, a recording tape deck, a amp and mixer board and two or three over head speakers to help with sound for the public. Councilman Ryder asked which line item this expense would come out of and Manager Stough indicated it would come out of 409-720-0, building improvements. Vice President Whitcomb made a motion to approve to purchase of the sound system at a cost not to exceed \$2,500. Councilman Ryder seconded the motion which passed with 4 in favor (Humes, Ryder, Whitcomb, Winchell) and two opposed (McDermott & Seagrist).

◆ **Discussion on future use of the Passenger Station.**

Manager Stough indicated that the future lease of the Passenger Station to the Museum was discussed at the Finance Committee meeting earlier this evening. Manager Stough asked if a lease could be drafted for 99 years with the lease value being set at \$180,000 to be paid within the first ten to fifteen years of the lease. The Solicitor indicated that it could be done if Council determines it to be in the best interest of the Borough. Manager Stough asked if a clause could be added that the lease could be terminated if it was mutually agreeable. Some additional discussion followed on the particulars of the proposed lease arrangement. After discussion Councilman Seagrist made a motion to authorize the Solicitor to draft a lease for the Passenger Station for 99 years, with a total value of \$180,000 with \$30,000 to be paid in the first two years of the lease, and the balance to be paid in a time frame to be determined, with the museum being responsible for the maintenance and utilities and containing a clause that would allow the lease to be terminated at any time, if both parties agreed. Vice President Whitcomb seconded the motion, which passed with all in favor. Solicitor Schorpp will draft an agreement to be reviewed by Council and the Museum Board. President Winchell asked that the signs be removed. Councilman Seagrist asked how many inquires were received and Manager Stough indicated he had three serious inquires. Solicitor Schorpp asked if the building would be open to the public. Mr. Ripton indicated that the Museum is open to the public 180 days per year, four hours per day.

◆ **Discussion on Workman Compensation Insurance.**

Manager Stough indicated that he shopped for lower insurance rates for Worker's Compensation Insurance and Keystone was much less than EMC Insurance which we currently contract with for this coverage. Manager Stough indicated that they do not offer a discount for having a Safety Committee. They do require pre-employment Hepatitis-C testing for all police officers, which we currently do have, but they also require it for all new fire fighters. This would require the Fire Companies to have new volunteers tested. Vice President Whitcomb asked how much testing costs. Chief Spotts indicated that the cost are about \$30-\$50 dollars per person.

Councilman Humes asked if the EMC quote includes the 5% discount, and Manager Stough indicated it does not include the discount. A discussion followed on testing and immunization procedures. Councilman Ryder made a motion to contract with Keystone for Workman's Compensation Insurance. Councilman Humes seconded the motion, which passed with all in favor.

APPROVAL OF EXPENDITURES:

Councilman Ryder made a motion, Vice President Whitcomb second, to approve expenditures in the amount of \$129,660.88 from the General Fund and \$20,876.13 from the Highway Aid Fund beginning June 1, 2004 through June 30, 2004. The motion passed with all in favor.

CITIZEN COMMENTS

There were no citizens comments.

ANY OTHER BUSINESS

Councilman Humes asked about several pieces of correspondence received in Council packets, and when action would be taken on these items. The first item is a letter from Foster Bernheimer asking about the possible installation of a traffic signal at East Allen and Walnut, the second item is the MMO obligation for the pension and the third is the Hazard Mitigation requirements. Manager Stough indicated that the traffic signal would be addressed either during the land

development process at the Wilcox site or during the traffic signalization project. General discussion on traffic signals followed. Manager Stough stated that he is trying to schedule a time for representatives from ARIS to come in and speak to Council regarding the MMO for the pension plans. The Manager noted that the Hazard Mitigation would be added to the next agenda. Councilman Humes also asked Manager Stough about the County Commissioners June report, and if that was just an informational item, and Manager Stough indicated it was just information for Council to review.

Councilman Seagrist asked about the status of Mulberry Drive paving. Manager Stough indicated that drainage is the major issue, but we should be paving out there next year. Engineer Barber reviewed the problems with the project with Borough Council. Engineer Barber indicated that the project is being proposed at three levels, for Council to consider ranging from \$40,000 to \$100,000. Manager Stough informed Council that Chief Spotts had put the traffic counter out and the roadway at Mulberry is handling almost 1,000 trucks a week, north of the entrance to Keystone. Manager Stough is asking businesses in that area to contribute towards the restoration of the roadway. Councilman Seagrist also asked the Manager to provide him with a copy of the Health Officer inspection of the pool. With respect to Councilman Rider's pending resignation, Councilman Seagrist asked if a notation could be made on the Borough Website letting the public know that a resignation is forthcoming. The Solicitor suggested that once the written resignation is received by the Borough Secretary, a special meeting could be called by the President of Council to begin the process of filling the vacancy. The Solicitor cautioned Council about advertising a vacancy, which may not be yet available. Vice President Whitcomb made a motion to authorize the Borough Staff to advertise the potential vacant Council seat on the Borough Website as soon as the resignation is received in writing by the Borough Secretary, and ask interested residents to submit a letter of interest and resume to Borough Council. Councilman Ryder seconded the motion, which passed with all in favor. Solicitor Schorpp indicated a special meeting should still be called as soon as possible after receiving the letter, as the thirty day time period begins when the letter is received.

Councilman Ryder asked if the sidewalk at St. Joe's has been repaired. The Manager indicated that ECI has included the repairs in the scope of work for the construction project and will be making the repairs.

Councilman McDermott asked that Council consider the setting aside money for the proposed sewer rate change to a meter based system and consider using a portion of the money from the Passenger Station lease for that purpose. Councilman McDermott also asked that Councilmember keep an open mind and consider all the applicants when filling the impending vacant seat.

ADJOURNMENT:

At 9:32 PM President Winchell adjourned the public meeting with an Executive Session regarding a personnel matter with no action to be taken.



Jonathan S. Stough  
Borough Secretary

**MEMORANDUM**

Mechanicsburg Borough  
Council – July 20, 2004  
Exhibit A

**TO:** Mechanicsburg Borough Council

**FROM:** Steven Barber, P.E.  
Mechanicsburg Borough Engineer

**DATE:** July 20, 2004

**SUBJECT:** Mechanicsburg Storage and Transfer  
Preliminary/Final Land Development Plan  
Engineer's Reference No. MECH 204.02

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We have reviewed the above referenced Preliminary/Final Land Development Plan dated May 18, 2004, last revised June 21, 2004 and Stormwater Management Report, dated May 2004, last revised July 15, 2004 as prepared by C.W. Junkins Associates, Inc. and offer the following comments:

**A. Subdivision**

1. Plan must be signed by landowner(s) and be properly notarized (503.4.B).

**B. Stormwater & E&S**

1. Performance and maintenance guarantees will be required (129 & 131).

**C. Waivers**

1. A preliminary plan is required (403). **Applicant requesting a waiver to this section.** Revise section number under waiver request/approval block. The Mechanicsburg Borough Planning Commission recommends approval of the following waiver for the above noted land development plan.
2. The final plan shall be drawn at a scale of fifty (50) feet to the inch (503.3). **Applicant requesting a waiver to this section.** The Mechanicsburg Borough Planning Commission recommends approval of the following waiver for the above noted land development plan.
3. Pre-development calculations shall be based on meadow conditions (142.A SWM). **Applicant requesting a waiver to this section.** The Mechanicsburg Borough Planning Commission recommends approval of the following waiver for the above noted land development plan.
4. Infiltration systems are not permitted in sinkhole prone areas. A waiver of this requirement is reasonable if the applicant provides a report prepared by a certified soil scientist or registered geotechnical engineer regarding the impact of the proposed infiltration facility on subsurface conditions (142.6 SWM). **Applicant requesting a waiver to this section.** The Mechanicsburg Borough Planning Commission recommends approval of the following waiver for the above noted land development plan.

*D. General*

1. Requested waivers noted on plan should be revised to acknowledge outcome.
2. Authority Engineer must approve method of sewerage.

Mechanicsburg Borough Council Meeting July 20, 2004  
Exhibit B

July 20, 2004

MECH 204.02

Borough of Mechanicsburg  
36 West Allen Street  
Mechanicsburg, Pennsylvania 17055

Attention: Jonathan S. Stough, Manager

**RE: Mechanicsburg Storage & Transfer Station  
Bond Establishment**

Dear Mr. Stough:

We have reviewed an estimate of probable construction cost for public improvements on the above referenced project as prepared by C.W. Junkins Associates, Inc. dated July 18, 2004. We have found it to be reasonable, with revisions, as reflected on the attached bond establishment spreadsheet.

This estimate identifies the estimate of probable costs of construction to be \$8,880.00. Therefore, the amount of financial security to be posted for the required improvements should be established at 110% of the probable cost of construction or \$9,768.00.

Should you have any questions or desire additional information, please to not hesitate to call.

Very truly yours,

PENNONI ASSOCIATES INC.

Steven L. Barber, P.E.