

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

October 18, 2005

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 was taken with the following present: President Winchell, Councilmen Humes, Kautz, McDermott, Ryder, Seagrist, Mayor Ritter, Solicitor Schorpp, Chief Spotts, Chief Seagrist, Manager Stough and Assistant Secretary Boyer. Vice President Whitcomb and Jr. Councilperson Ravindraraj were absent.

Also in attendance: Cress – Sentinel, Tom Bender, Andrew Bixler, Bob Dietrich, Joe Elias, Peter Faramol, Lynn Fernbaugh, Sean Forsythe, Mike Grey, Nancy Hanlon, Paul Heeter, Kori Hench, Keith & Frankie Hensel, Marty Kaberle, Ken Kise, Michael Larkin, Casey Leinherser, Melissa Manning, Mike Mills, Jack Neibert, Jeff Peters, John Rupp, Mark Sheely, Charlie Sheriff, Brian Snyder, Jay Stoner, John Stough, Ron & Lori Trace and Branden Vortar.

GUESTS:

None

CITIZENS COMMENTS:

Mike Larkin, 209 South York Street, addressed Borough Council regarding the replacement of his metal roof. He indicated that he wished to replace the roof with shingles and was informed by the Codes Officer that this work would require a Certificate of Appropriateness from the Historical and Architectural Review Board, as his home is in the Historic District. Much discussion followed on the matter, with the Solicitor advising Mr. Larkin that the Historic District Ordinance requires the Certificate of Appropriateness and he could make his case for replacement with shingles to the Historic and Architectural Review Board. Mr. Larkin expressed his dissatisfaction with having to wait a month for the HARB to hear his application. Councilman Ryder explained the purpose of the Historic District Ordinance and encouraged Mr. Larkin to take his case to the Historical and Architectural Review Board.

John Rupp, 333 Main Street, addressed Borough Council regarding a letter he received from the Magisterial District Judge regarding his property maintenance violations. Mr. Rupp expressed his dissatisfaction with the citation; citing a lack of sufficient notice. Manager Stough indicated that Mr. Rupp had received several letters regarding the property maintenance violation. Discussion followed on the matter, and the need for Mr. Rupp to have modifications to his exterior reviewed by the Historical and Architectural Review Board, as his property is located in the Historic District. Manager Stough explained the enforcement of the property maintenance code and indicated that once a violation has been sent to the Magistrate, the Borough has no jurisdiction over the penalties imposed.

Frankie Hensel, 18 East Keller, asked to be heard on a noise issue when the proposed noise ordinance agenda item comes to the floor.

John Stough, 15 East Keller Street, asked about the status of the ordinance regulating the parking of oversize vehicles along Borough Streets restricting space for residential parking. President Winchell indicated that Council has not made any decision on this matter, as the cost of signage required was a concern to Borough Council. Mr. Stough then asked Borough Council if they would again consider removal of the Handicapped spaces in front of church on East Keller stating that the parking lot added to the side of the church would provide parking for handicapped parishioners and the removal of these spaces would provide more resident parking on a street where parking is limited. Mr. Stough also commended the Borough on the paving job recently completed on East Keller Street. Mr. Stough indicated that in the winter time the church did not remove the snow from the handicapped parking spaces.

Councilman Ryder read into the minutes Resolution 28-2005 recognizing the dedication and commitment of the Mechanicsburg Volunteer Fire Company members. Councilman Ryder made a motion, second by Councilman Humes, to adopt Resolution 28-2005 and the motion passed unanimously. All firefighters present were given a copy of the Resolution.

ADDITIONS TO AGENDA:

Manager Stough added a matter of possible litigation to the Executive Session.

Chief Spotts added discussion on action to appoint Kathy Hellam and Christine Haldeman as School Crossing Guards.

APPROVAL OF AGENDA:

Councilman McDermott made a motion to approve the agenda with the additions noted. Councilman Kautz seconded the motion, which passed with no dissenting votes.

CORRESPONDENCE:

Manager Stough reported the following correspondence as received:

- ◆ A letter was received from the Mechanicsburg Chamber & Washington Fire Company requesting approval for the closure of Main Street from Walnut Street to Market Street for the wrench drop on New Year's Eve.
- ◆ A request for funding to help defer the cost of the Wrench Drop was also received, both items will be added to the November 1st agenda.
- ◆ A request was received from the Mechanicsburg Chamber for "No Parking" signs between Market and Frederick Street during the carriage rides on November 25th.
- ◆ A memo was received from the Codes Officer regarding sandwich board signage on the square.
- ◆ A letter was received from Cindy Zimmerman regarding ball playing at the pool over the summer.

APPROVAL OF MINUTES:

Councilman Ryder made a motion to approve the October 4, 2005 minutes. Councilman Kautz seconded the motion, which passed with all in favor.

MONTHLY REPORTS:

Councilman McDermott made a motion, second by Councilman Kautz, to approve the monthly reports as submitted. The motion carried.

MANAGER'S REPORT:

Manager Stough reported that a letter was sent to all board and commission members with terms expiring at the end of the year, and all are willing to be re-appointed. President Winchell asked if there was an opening on the Municipal Board and Manager Stough indicated that there was a vacancy on that Board, due to the passing of David Sultzaberger. Manager Stough noted that both Mechanicsburg High School and Trinity have been contacted about having interested students apply for the Jr. Councilperson position.

MAYOR'S REPORT:

October 5th – Attended the Joseph T. Simpson ninth Annual Breakfast for Municipal and School Officials.
October 10th – Crime Watch presenter Sally Holbert explained the Safe Routes to School Project.
October 11th – Lunch guest at the "Focus on Living Home" on West Keller Street. The Intermediate Unit manages this home.
October 12th – Chamber of Commerce Mixer hosted by the Mechanicsburg Museum Association.

Officiated three weddings

Trivia Question: Where would Mechanicsburg have used a Chambersburg Board Hammer?

Answer: At the D. Wilcox Mfg. Co. – boards driven by rollers were used to lift the drop forge hammers, then they would fall with little resistance.

CHIEF OF POLICE REPORT:

Chief Spotts reported that he received letters of commendation for Officers Curtis and Demmy for their work at recent incidents. Chief also noted that the street closure permit was received for the Market Street Festival scheduled for Saturday.

SOLICITOR'S REPORT:

Solicitor Schorpp had no report.

FIRE CHIEF REPORT:

Chief Seagrist reported the Mechanicsburg Fire Department received the Residential Fire Safety Institute 2004 Life Safety Achievement Award, as the fire departments had no fatalities during the 2004-year. He reminded residents to replace the batteries in their smoke and carbon monoxide detectors on October 30th when they turn back their clocks.

JR. COUNCILPERSON REPORT:

Jr. Councilperson Ravindraraj was absent.

COUNCIL COMMITTEE REPORTS:

Community Development– Humes- Councilman Humes reported that Powers Associates purchased the large building at 48-50 West Main Street and they will be renovating the upper floors for upscale apartments and the 1st floor for retail space.

Finance/Appropriations/Insurance – Winchell- No Report.

Fire Committee – Ryder – Councilman Ryder reported on the meeting held last evening with Dean Fernsler who presented a lot of information on a study authorized under Act 148, on regionalizing fire companies. At the November 9th meeting of Fire Committee this study will be discussed. Councilman Ryder asked all volunteer fire fighters to attend. He also commented on the Fire Prevention programs provided to the nursery school where he serves as Director. He thanked both Fire Companies for their contributions.

Health/Recreation – Seagrist – Councilman Seagrist reported on the Recreation Commission meeting held last week. The Recreation Commission requested that the Borough Staff provide the Commission with a list of park expenditures for their review. Manager Stough indicated that their expenditures are not given to staff, the allotment is made to the Commission and Ms. Teeter is responsible for tracking the expenditures. Councilman Seagrist asked that Manager Stough have the broken swings at Memorial Park fixed and the dead trees removed by the Highway Department. Manager Stough indicated that he would discuss these matters with Craig Yinger. Councilman Seagrist provided Council with a copy of Andrew Wilson, of Troop 88, Eagle Scout project, a tree survey of Memorial Park. Councilman Seagrist indicated that the Recreation Commission asked that the Borough begin a tree replacement program at Memorial Park and budget each year for replacement of some of the dying trees at the park. President Winchell asked about a notation in the Recreation Commission minutes about lips on some of the ballfields. Mr. Hensel explained the required maintenance to correct the situation and Manager Stough stated that he would be meeting with Mr. Yinger and Ms. Brown regarding preparation of the ballfields, so they would be in good shape for the opening of baseball season in the spring. Councilman Seagrist noted that the Recreation Committee will be meeting with Upper Allen Township representatives on Monday, October 24th at 6 PM at the Upper Allen Township Building.

Highway/Public Safety – Kautz – Councilman Kautz indicated that the update of sewer rates is on the agenda.

Loan Review Committee- Humes – No report.

Ordinance/Administration/Legislative Action – Whitcomb – No report

Property/Buildings – Kautz – Councilman Kautz noted that an update on the Train Station sale is on the agenda.

Public Communications – McDermott – Councilman McDermott indicated that the deadline for the winter newsletter is October 28th.

Recycling Committee – Ryder – Manager Stough reminded Council that tomorrow morning Council will meet with the Silver Spring Township Supervisors at 7:30 AM to discuss the Compost Site. Councilmen Humes, Ryder, and Seagrist indicated that they would be attending.

School Board – Ryder –No Report.

W.S.C.O.G. – McDermott – Councilman McDermott reminded Council of the Dan Cohen presentation scheduled for November 4th.

AGENDA ITEMS – October 18, 2005

- ◆ **Discussion and possible action to hire Cianfichi & Scholl Architects to design the pool bathhouse.**
Manager Stough explained the scope of the work involved in renovating the bathhouse. He indicated that it would take 8 to 10 weeks to develop the bid documents. He reminded Council that the work must be completed in May, before the pool opens for the season. Manager Stough indicated that the estimated cost of the renovations is \$150-200,000 dollars. Manager Stough recommended contracting with Cianfichi & Scholl for the plans and bid documents at an estimated cost of \$23-\$25,000. After discussion, Councilman McDermott made a motion, second by Councilman Seagrist to table this for two weeks to allow Council to review the price quote. President Winchell asked Manager Stough to provide a copy of the proposal to the Solicitor for review and to add the item to the next Council agenda.
- ◆ **Consider action on Ordinance changing parking regulations on Railroad Avenue.**
Councilman Humes made a motion, second by Councilman Ryder, to table this pending receipt of permission letters from the residents who's property would be posted. The motion carried with all in favor.
- ◆ **Discussion and possible authorization to advertise Noise Ordinance.**
Chief Spotts distributed a memo with various noise levels throughout the Borough. Manager Stough also asked Council to consider if regulations on vehicles with amplified music should be added to the Ordinance. He also noted that an e-mail was received from the Solicitor advising Council of some items to be considered in the draft of the Ordinance. Councilman Humes suggested that this Ordinance be sent back to committee for some additional review. Manager Stough indicated that he would speak with Vice President Whitcomb when he returns and schedule a follow up meeting to discuss this matter further. Councilman Seagrist asked that the sample readings taken at the Wastewater Plant be provided to Borough Council. Chief Spotts will add those to his memo and send a revised copy out to Borough Council.

Frankie Hensel addressed Borough Council regarding noise ordinances. She spoke to the Department of Environmental Protection and was directed to a web site www.nonoise.org, which has a lot of information on noise ordinances including sample ordinances. She indicated that many noises are occasional, however, the noise from Rakestraws is a constant noise, interrupting the quality of life in her residential neighborhood. She indicated that although the business has been in the community for many years the condensers creating the disturbance where

just added fourteen years ago. She would like Council to take steps to abate this disturbance, in conjunction with the proposed ordinance.

Nancy Hanlon, 38 W Allen Street, asked that Council consider business retention when making noise regulations, and not make decisions that will adversely affect an established viable long standing business in our community.

Keith Hensel, 18 East Keller Street, asked that Council consider suggesting options to Rakestraws, such as changing the direction of the blowers away from the residential neighborhood. He indicated that noise levels at his home, are equivalent to having a vacuum running in your living room 24 hours at day or living within 100 ft of a highway.

Councilman Humes made a motion, second by Councilman Ryder to send this matter back to the committee for further review and recommendation. The motion passed with all in favor.

◆ **Consider request of Sandra Greene for a handicapped parking space at 48 West Allen Street.**

Councilman Seagrist made a motion, second by Councilman Humes, to table this pending review by the Police Department. The motion passed with all in favor.

◆ **Update on the sale of the Train Station.**

Solicitor Schropp reported that the signed agreement has been received and the closing will be scheduled sometime on or before November 30th.

◆ **Update on Sewer Rate information.**

Manager Stough reported he would be preparing a memo regarding the issues with implementing this change. Councilman McDermott reported that legislation has been introduced to reinstate Act 339 funding for Wastewater Treatment Plants.

◆ **Discussion and possible action on appointing Kathy Hellam and Christine Haldeman as School Crossing Guards.**

Councilman Ryder made a motion, second by Councilman Humes, to appoint Kathy Hellam and Christine Haldeman as school crossing guards. The motion passed with all in favor.

APPROVAL OF EXPENDITURES PAID: Motion to approve invoices and expenditures paid from September 1, 2005 through September 30, 2005 in the following amount was made by Councilman Ryder second by Councilman Kautz. The motion carried.

General Fund:	\$546,049.93	Highway Aid Fund	\$10,010.81
Capital Improvement Fund:	0		

Councilman Humes asked why the check to Integrity Bank check was dated September 30th. Manager Stough indicated that the check was cut, but not taken to the bank until the solicitor reviewed the documentation.

CITIZEN COMMENTS:

There were none.

ANY OTHER BUSINESS:

Councilman McDermott thanked to all who helped with the Halloween Parade last week and stated there will be a follow up meeting next Tuesday, October 25th at 7:30 PM to begin discussions for next years parade.

EXECUTIVE SESSION

AT 9:05 PM President Winchell recessed the meeting to Executive Session on a matter of personnel and potential litigation, with possible action.

9:34 PM President Winchell reconvened the public meeting.

ADJOURNMENT:

With no further business, President Winchell adjourned the meeting at 9:35 PM.



Jonathan S. Stough
Borough Secretary