

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

April 4, 2006

7:30 PM

CALL TO ORDER:

At 7:30 PM President Whitcomb called the regular Council meeting to order. He announced that Borough Council held an Executive Session on March 31st at 7:30 AM on a personnel matter with no action.

PLEDGE OF ALLEGIANCE:

President Whitcomb led those assembled in the Pledge of Allegiance to the flag.

ROLL CALL:

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

Also in attendance: Cress – Sentinel, Harry Baker, Andy Bixler, Kirk Corliss, Bill & Ken Decker, Bob Dietrich, Dale Edwards, Lynn Fenbaugh, Nancy Hanlon, Don Kaberle, Casey Leinberser, Michele Matter, Brad Nauss, Chris Sestrich, Larry & Linda Stoner, Jon Taylor, Ron Trace, Joe Turri, Jr., Stephen Quigley,

GUESTS

Mayor Ritter introduced Joe Turri, owner of Advance Coating Technologies. Mr. Turri addressed Borough Council regarding the recent fire at his facility on West Allen Street. He thanked the Fire, EMS and Police Departments for their help during and after the fire and stated that he is available to Council and residents if they have any questions or concerns regarding the fire. He noted that he is available every day at the plant.

CITIZENS COMMENTS:

President Whitcomb noted that Andrew and Jen Nauss both took 1st place at the recent National History Day Awards.

ADDITIONS TO AGENDA:

There were none.

APPROVAL OF AGENDA:

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

CORRESPONDENCE:

Manager Stough indicated the following items were received:

- A letter was received from United Water regarding the flushing of Fire Hydrants beginning April 3rd and continuing through mid June.
- A notice was received regarding the Cumberland County Municipal Advisory Board meetings scheduled for May 23rd, August 22nd and November 21st. Demonstrations of voting machine before next meeting
- A letter was received from Mechanicsburg Brethren in Christ Church regarding their recent food and teddy bear drives. During February the church donated over 100 boxes of food and other items to New Hope Ministry. They also collected teddy bears which will be distributed to police, fire and EMT stations in Mechanicsburg and Upper Allen Township. Over 300 bears were collected.

APPROVAL OF MINUTES:

Vice President Winchell made a motion to approve the minutes as presented. Councilman Stoner seconded the motion, which passed with all in favor.

MANAGER'S REPORT:

Manager Stough reported:

The Rotary Club of Mechanicsburg will be hosting a Group Study Exchange team from Mexico and they will be touring the Borough Offices on April 5th at 9 AM. This is the second year the Rotary study group toured the facility.

Mr. Stough also gave an update on the sewer rate change scheduled for July 1st indicating that the software will be installed next week.

MAYOR'S REPORT:

March 25th – the Mayor was Guest Master of Ceremonies for CPARC's annual awards celebration. The Cumberland Perry Association for Retarded Citizens was established in 1953 and works to increase public awareness of needs, rights and abilities of people with mental retardation.

March 31st – Visited the Drama Club at the Mechanicsburg Middle School as guest of instructor Bill Richie.

April 2nd – Officiated a wedding at the Union Church

The Mayor noted that its library week, everyone should visit the Joseph T. Simpson Public Library. The Mayor stated that Chief Spotts was a Library VIP today, reading to the children from 1:30 to 2 PM today.

Trivia Question:

The Mayor displayed a Norfolk Southern rail heat sink. He asked what it is and how it functions.

Answer: It clamps to the rail and during extremes of temperature it prevents the rails from moving.

The Mayor noted that Norfolk Southern in addition to upgrading the rail crossings in the Borough of Mechanicsburg plan to do additional upgrades in the fall.

CHIEF OF POLICE REPORT:

No Report

SOLICITOR'S REPORT:

No report.

ENGINEER REPORT:

No report.

FIRE CHIEF REPORT:

Chief Seagrist noted that the February Fire report is in progress and will be out to Council before the next meeting.

JR. COUNCILPERSON REPORT:

Jr. Councilperson Nauss reported:

- On Saturday MASH held a dance-a -thon to benefit the Four Diamond Fund for Childhood cancer and it was very successful.
- The Mechanicsburg Color Guard is going Dayton Ohio this weekend to participate in the Winter Guard International Championship. They are currently ranked 15th in the nation in their circuit. The guard is comprised of High School and Middle School students.
- Preparations are underway for the Junior/Senior Prom which is being held at the Zembo Shire in Harrisburg this year.
- Spring sports are underway and schedules of event dates and times are available on the School District Web Site.
- Middle and High School Student competed on Saturday in the regional competition for National History Day and Mechanicsburg was well represented, and will continue to the State Completion in May.
- Ms. Nauss announced that she has been accepted in the Governors School for teaching at Millersville University this summer, which will last five weeks.

COUNCIL COMMITTEE REPORTS:

Community Development – Humes – No Report

Environmental & Recycling – Ryder – Councilman Ryder reported that the Environmental Council and the recycling committee both met this evening. He noted that at the Recycling meeting it was pointed out that several business do not recycle and he asked direction on how to proceed with these non compliant businesses. Manager Stough noted that the ordinance requires all businesses to participate even if they use a private hauler. President Whitcomb suggested that enforcement action be taken, in accordance with the ordinance. Councilman Ryder also noted that the Great American Clean Up is scheduled on April 22nd 10 AM to 2 PM and interested groups can meet Councilman Seagrist at the Borough Office. The Environmental Council expressed an interest in being informed on the Hess Farm Development as they have concerns regarding the Cedar Run Watershed which runs through the property.

Finance/Appropriations/Insurance – Winchell – No Report.

Fire Committee –Ryder – Councilman Ryder reported that the Fire Committee will meet April 19th at 7 PM at the Borough Office.

Health/Recreation –Seagrist – Councilman Seagrist reported that Saturday April 8th at 9 AM the Little League Opening Day at York Street Field. April 11th is the next Borough Recreation Commission meeting. A joint meeting with Upper Allen Township Commissioners regarding the pool has been scheduled for April 20th at 6 PM at the Upper Allen

Township building. The Great American Clean up is scheduled for April 22nd from 10 AM – 2 PM, meeting at the Borough Office. The Richenbaugh/Shirley ballfield will be dedicated at 1 PM on April 29th. The May Recreation Commission meeting is scheduled for the 9th at 7:30 PM. The Joint Recreation Commission will meet on May 25th at 7 PM at the Elmwood Elementary School.

Highway/Public Safety – Stoner – Councilman Stoner reported lighting will be installed by the School District at the area along Norway where a street light was requested.

Loan Review Committee- Humes – No report.

Ordinance/Administration/Legislative Action – Humes – Councilman Humes reported that there are two agenda items. She also reported that the Ordinance Committee met on March 27th and decided to recommend Council take no action on the Noise Ordinance at this time. The Committee also decided to send a draft sinkhole ordinance to the Planning Commission for review and comment.

Property/Buildings – Stoner – Councilman Stoner reported that the new backhoe was received at the Highway Department. Manager Stough indicated it will be several weeks to the new skid loader arrive. Manager Stough reported that the roof is on the bathhouse at the pool and work will begin on the footings for two additions shortly.

Public Communications – McDermott- Councilman McDermott reported that the Spring newsletter and annual report were both mailed last month and the deadline for the next Newsletter is May 5th.

School Board- Ryder – Councilman Ryder reported that he attended the Tuesday night work session of the School Board, but the meeting was short and he had nothing to report at this time.

W.S.C.O.G – McDermott – Councilman McDermott reported that the next meeting of the COG is April 19th and they are still taking suggestion for a new name.

AGENDA ITEMS – April 4, 2006.

◆ Consider waiver requests and land development plan for Washington Fire Company.

Steve Quigley, H.E. Black, was present to represent the land development plan on behalf of Washington Fire Company. On the advice of the Borough Solicitor & Engineer, Council decided to take action on each of the 15 waivers listed on the Engineer's memo of February 17th (attached) individually. Mr. Quigley read and explained each request and Engineer Barber made recommendation on each prior to action of Borough Council.

Waiver #1 - Waiver to §403 requiring a preliminary plan submission

Councilman Seagrist made a motion, second by Councilman McDermott to grant Waiver #1. The motion passed with all in favor.

Waiver #2 - Waiver to §502 requiring a preliminary subdivision plan. The Solicitor advised that the applicant was not requesting a subdivision, so this waiver did not require any action of Council.

Waiver #3 - Waiver to §405.4 requiring the applicant to provide a maintenance bond. Councilman Seagrist made a motion to deny the waiver request and Councilman Humes seconded the motion. The motion to deny this requested waiver passed with all in favor.

Waiver #4 - Waiver to §706.4 requiring sanitary sewer tapping fees. Councilman Humes made a motion, second by Councilman Seagrist to deny the request for a waiver of the sanitary sewer tapping fees. The motion to deny this requested waiver passed with all in favor.

Waiver #5 – Waiver to §710 requiring improvement guarantees. Councilman Seagrist made a motion, second by Vice President Winchell to deny the waiver of improvement guarantees. The motion to deny this requested waiver passed with all in favor.

Waiver #6 – Waiver to §604.6.D.1 requiring 30% of the total lot area to be lawn. Councilman Humes made a motion, second by Councilman McDermott, to grant this waiver request as currently they do not meet this requirement. The motion passed with all in favor.

Waiver #7- Waiver to §604.6.D.2 requiring 5% of the lot area to be planted in shrubbery. Councilman Stoner made a motion to grant this waiver request, as they currently do not meet this requirement at the site. Councilman McDermott seconded the motion, which passed with all in favor.

Waiver #8 – Waiver to §604.6.D.3 requiring one tree per 3000 sq. ft of lot area. Mr. Barber noted that the applicant has agreed to plant the required number of trees at an alternate location in the Borough. Vice President Winchell questioned if it was necessary to require the Fire Company to bear the expense of planting the additional trees off site. After discussion, Councilman McDermott made a motion, second by Councilman Humes to grant the requested waiver and not to require any off site tree planting. The motion passed with all in favor.

Waiver #9 – Waiver to §604.5.F requiring a manhole every 300 feet. After discussion, Vice President Winchell made a motion, second by Councilman McDermott, to approve the waiver request for the manhole. The motion passed with all in favor.

Waiver# 10 – Waiver from §604.5.G requiring inlets be placed at the tangent of the curbing. Engineer Barber reviewed this waiver with Council. After discussion Councilman Seagrist made a motion, second by Councilman Humes, to approve the waiver request not to install inlets. The motion passed with all in favor.

- Waiver #11 – Engineer Barber indicated that the roof drains on the fire house would be in compliance. Solicitor Schorpp indicated that a waiver would not be required for the roof drains at the Union Church, since no renovation was proposed for that structure.
- Waiver #12 – A waiver of Stormwater ordinance §129 requiring a performance guarantee for the stormwater retention system. Councilman Seagrist made a motion, second by Councilman Ryder to deny the requested waiver of the Stormwater Maintenance guarantee. The motion passed with all in favor.
- Waiver #13 – A waiver of Stormwater ordinance §131 requiring a maintenance guarantee for the stormwater retention system. Councilman Ryder made a motion to deny the request of a waiver of the stormwater maintenance guarantee. Councilman Humes seconded the motion, which passed with all in favor.
- Waiver #14 – A waiver of Stormwater Ordinance §142.F which states that stormwater basins shall not be located over proposed utility lines. Engineer Barber explained that a portion of the system will be constructed over the existing sewer lateral, however concrete sleaving will be used to reinforce and bridge the gap. Councilman Stoner made a motion, second by Councilman McDermott, to grant the waiver request for the construct of the stormwater retention system. The motion passed with all in favor.
- Waiver #15 – A waiver of Stormwater Ordinance §604.5.E which requires a .5% slop on all storm sewers. Vice President Winchell made a motion, second by Councilman McDermott to grant the waiver request for the .5% slope on the storm sewers. The motion passed with all in favor.

Engineer stated that the Borough will have to issue a stormwater permit when all conditions are met. The Engineer then asked the applicant if the parking agreement has been reviewed and approved by the Borough Solicitor. The applicant indicated that he would provide that to the Borough Solicitor this evening, for his review and the applicant will comply with any revisions required by the Solicitor. Engineer asked if the applicant has submitted a planning module or received an exemption. The request for an exemption was submitted to the wastewater treatment plant supervisor, Mr. Adams, and comments were received from him regarding the exemption request and those items were addressed. Solicitor Schorpp explained that an applicant may apply for an exemption from a sewer planning module, when public sewer service is available in sufficient capacity to provide service for the proposed facility. The Solicitor stated since sufficient capacity exists at the sewer plant, there would be no reason not to approve the exemption request. Councilman McDermott made a motion, second by Councilman Seagrist to approve the exemption from the sewer planning module and forward the same to DEP for their records. The motion passed with all in favor. The Engineer asked if an approval letter for the ENS plan for the conservation district was received. Mr. Quigley indicated that the first application was rejected by a second application was made on March 3rd and he has spoke with Brian James at the Conservation District, and he indicated that he does not see any problem with the second submission, but the paperwork for the approval has not yet been completed.

Solicitor Schorpp asked if the letters regarding the zoning non compliance were sent out to all residents as required by ordinance. Manager Stough indicated that he was waiting for the plan approval. The Solicitor asked if the plans have been signed and sealed and the Borough Engineer indicated that has not been done.

Solicitor Schorpp then summarized the conditions that would need to be included if Borough Council chooses to approve this Land Development plan.

Conditions:

1. The lease agreement with the church for parking shall be acceptable to the Borough Solicitor in so far as the requirements noted on the plan and shall be recorded concurrently with the plan.
2. The erosion and sedimentation control plan is approved, and documentation received from the Cumberland County Conservation District before the plan is recorded.
3. The applicant include the revised text provided by the Borough Solicitor for a note on the plan clarifying that it is not a subdivision plan and that no parcel may be conveyed out of the parent tract.
4. Agreements for the cross easements noted on the plan shall be acceptable to the Borough Solicitor and shall be recorded concurrently with the plan.
5. Security will be provided for the public improvements in an amount acceptable to the Borough Engineer.
6. Improvement agreement be executed by the applicant and the Borough in a form acceptable to the Borough Solicitor and that agreement will provide for the maintenance security after the improvements have been constructed.
7. The sewer tapping fees shall be paid before the building permit is issued.
8. The stormwater improvement and maintenance guarantee will be submitted in an amount acceptable to the Borough Engineer.
9. A stormwater management permit must be issued by the Borough for this plan when all conditions are met.
10. The professional will sign and seal the plan before it is recorded.
11. A twenty one day notice shall be issued by the Borough regarding this project to all property owners within a 200 foot radius of the proposed construction in accordance with Borough Code.

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Deleted: An exemption from the requirement for a sewer planning module shall be received from the sewer authority

The Solicitor asked if the applicant if he accepted all these conditions. The applicant indicated that he would accept all the conditions noted by the Borough Solicitor.

Vice President Winchell made a motion to approve the land development plan with the 11 conditions set forth by the Borough Solicitor. Councilman Stoner seconded the motion and President Winchell opened the floor for discussion. Councilman Seagrist asked if it needed to be put on the record that in approving this plan, Borough Council is not committing any funds to close the gap of any shortfall in the Fire Companies Capital Campaign to fund this project.

President Whitcomb indicated that the Fire Company has not requested any funding, so the issue does not need to be discussed at this time. With no further discussion, President Whitcomb called for the vote and the motion passed with all in favor.

◆ **Consider Ordinance 1079 enacting the EMS tax.**

Councilman Ryder made a motion, second by Councilman Humes, to adopt Ordinance 1079 enacting the EMS tax at a rate of \$52 per year.

The vote was taken as noted below and the motion passed.

Humes	Yea	Stoner	Yea
McDermott	Nay	Whitcomb	Yea
Ryder	Yea	Winchell	Yea
Seagrist	Nay		

◆ **Consider advertisement of the TND ordinance**

Councilman Humes made a motion, second by Councilman Ryder to table the TND Ordinance until the Planning Commission makes revision at their August 5th meeting. The motion passed with all in favor.

◆ **Discussion on requested zoning ordinance revision – David's Furniture.**

Manager Stough reviewed the request which is for rezoning and text change to the Zoning Ordinance related to parking space requirement and also a zoning map amendment. The Solicitor indicated that the action required by Borough Council to move this forward would be to Schedule a public hearing and advertise the date and time and send the proposal to the Borough and County Planning Commissions for review. After discussion, Councilman Seagrist made a motion, second by Councilman Humes to authorize the Solicitor to advertise the Public Hearing for June 6, 2006 at 7:15 PM and to have staff forward the proposed changes to the Borough and County Planning Commission for review and post the property as required. The motion passed with all in favor. Engineer Barber asked to receive a copy of the proposed changes for review. Manager Stough will provide them to the Engineer.

◆ **Consider approval of Mechanicsburg Little League request to construct a Press Box and Storage Buildings at Memorial Park.**

Councilman McDermott made a motion, second by Councilman Humes, to table this till the next Council meeting, pending review of the Recreation Commission. The motion passed with all in favor. Discussion followed on the buildings proposed and their size and location.

◆ **Consideration of request of the Mechanicsburg Area Veteran's Council for the Memorial Day Parade to be held May 29, 2006**

Vice President Winchell made a motion, second by Councilman Ryder, to approve the request of the Mechanicsburg Area Veteran's Council to hold the annual Memorial Day Parade on May 29, 2006. The motion passed with all in favor.

◆ **Authorization to release budgeted allotment for the Memorial Day Parade event.**

Councilman Ryder made a motion, second by Councilman McDermott, to approve release of the \$150 allotted for the Memorial Day Parade to the Veteran's Council. The motion passed with all in favor.

◆ **Consideration of the request of the Vietnam Veterans of Mechanicsburg for a Flag Retirement Ceremony on the Square June 10, 2006.**

Councilman Seagrist made a motion, second by Councilman McDermott to approve the request of the Mechanicsburg Area Vietnam Veterans for a Flag Retirement Ceremony on June 20, 2006 in front of PNC Bank. The motion passed with all in favor.

CITIZEN COMMENTS:

There were none.

ANY OTHER BUSINESS:

Councilman Seagrist asked Manager Stough if the markers at Koser Park, which the Recreation Commission requested be moved, have been moved yet. Manager Stough indicated that Craig Yinger had discussed that matter with the

Recreation Commission members that attended the Park Tour. A location to move the markets too has been identified and the Highway and Parks Department will move them as soon as the trench work at the pool is completed.

Councilman Seagrist also recognized two members of Boy Scout Troop 195, explaining that they are attending this evenings meeting as part of the requirements for their Citizenship Badge.

ADJOURNMENT:

At 8:38 PM, President Whitcomb adjourned the meeting to an Executive Session on a personnel, real estate and matter of potential litigation with no action to be taken.



Jonathan S. Stough
Borough Secretary