

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

October 3, 2006

7:30 PM

CALL TO ORDER:

President Whitcomb called the regular Council meeting to order at 7:30 PM.

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, Manager Stough and Assistant Secretary Boyer.

Also in attendance: Kirk Corliss, Bob Dietrich, Brad Nauss & Jack Neibert.

GUESTS:

Kirk Corliss, Planning Commission Chairman, updated Borough Council on the Comprehensive Plan process. He invited Borough Council to attend the informational meetings scheduled to review the draft of the Comprehensive Plan on October 19th, November 1st and December 6th. All meetings are scheduled to begin at 6:30 PM in the William Sunday Council Chambers. Mr. Corliss noted that after the public meetings, the Planning Commission anticipates sending the draft plan to Council for consideration in early January. Vice President Winchell asked the Solicitor if once the plan is adopted, would it lock Council into doing all the items outlined, in a defined time period. The Solicitor stated that Council would need to be consistent with the plan, but can revise the projects and set their own implementation timeline. Chairman Corliss stated that there are goals, but no defined time line in the plan.

CITIZENS COMMENTS:

President Whitcomb called for citizen comments, and there were none.

ADDITIONS TO AGENDA:

Chief Spotts added the following:

- ◆ Consider hiring Michael E. McCormick as a Community Service Officer.
- ◆ Discussion on the Elmwood/Maplewood Sewer Project.

APPROVAL OF AGENDA:

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

CORRESPONDENCE:

Manager Stough indicated the following items were received:

- A letter was received from Mechanicsburg Brethren in Christ Church inviting Council members to Community Day on November 19th.
- A letter was received from School House Apartments thanking Council for allowing the temporary closure of the alley on the east side of the complex.
- A letter was received from the Mechanicsburg Wildcats Football Booster Club thanking the Borough Council for allowing the flags and ribbons to be placed downtown.
- A packet of information on the West Shore Tax Bureau 2007 budget was received and will be placed on the agenda for the October 17th meeting.

APPROVAL OF MINUTES:

Councilman McDermott made a motion to approve the minutes of the September 19, 2006 Borough Council meeting as presented. Councilman Stoner seconded the motion, which passed with no dissenting votes.

MANAGER'S REPORT:

Manager Stough reported a call he received from PennDOT, stating that they will look at the intersection of Elmwood Avenue and Shepherdstown Road for a possible four-way stop intersection. The pool parking lot, Borough Lot, the Factory Street alley and the Compost Site will all be paved by the beginning of next week. The well has been installed at the Compost Site and so far, the project is under budget. Manager Stough reported that the paving on Mulberry Drive will be done by the 15th of October.

MAYOR'S REPORT:

- Sept 21 – Attended the Grand Opening of the Gallerie Thirteen at 13 East Main Street.
Sept 24 – Forwarded a Citation of Achievement to Eagle Scout Bernard W. Girman for his Court of Honor.
Sept 24 – The Mechanicsburg Museum Association dedicated their recently acquired CV Railroad Passenger Station.
Sept 25 – Main Street Mechanicsburg's Annual meeting provided activities, projects and progress.
Sept 26 – The Mechanicsburg Museum Association held their annual dinner meeting at the Mechanicsburg Club.
Sept 27 – The 16th Annual Wheel Chair Basketball Tournament sponsored by the Workforce Division of the Defense Activities, Mechanicsburg took place at the Middle School. High scorer for the Mayor's team was Jon Stough. October is National Disabilities Awareness Month.
- Oct 1 - Assisted the Vietnam Veterans of Mechanicsburg with their picnic at Solders and Sailors Memorial Park. Students from Scotland School were our guests.
- Oct 2 - The trustees and proprietors of the Union Church held their annual meeting. Expansion of the Washington Fire Company and ongoing maintenance of the building were discussed.
- Oct 9 - The Crime Watch guest speaker will be Leslie Richards from Cumberland County Children and Youth. Leslie will tell us about how child abuse affects our town and what is being done about it. Crime Watch is always the second Monday of the month at the Senior Citizen Center.

Trivia Question: Irving Female College was founded in 1856. It closed in 1929. In 1970, the Irving College Reunion Club put together a collection of memorabilia. Where is it today?

Answer: This collection is maintained by the Joseph T. Simpson Public Library. The Collection has its own room.

CHIEF OF POLICE REPORT:

Chief Spotts reported that Letters of Commendation were received for Sgt. Bradley, Sgt. Meneses, Officer Vincent and Officer Montgomery for exemplary performance of duty. He also reported that the appropriate PennDOT street closing permits for the Halloween Parade and Market Street Festival have been received.

SOLICITOR'S REPORT:

With the assistance of Engineer Barber and the Planning Commission, the sinkhole ordinance is now ready for advertisement. The advertisement was authorized at the August meeting.

ENGINEER REPORT:

No report.

FIRE CHIEF REPORT:

Chief Seagrist reported that homecoming will be held this weekend and a bonfire is scheduled in the parking lot at the end of Washington Street. He also reminded everyone that the week of October 8th is Fire Prevention week.

JR. COUNCILPERSON REPORT:

Jr. Councilperson Nauss reported:

- ◆ The School year is moving along and tomorrow is the Senior Class Trip to the Renaissance Faire.
- ◆ This Friday is the homecoming football game and Saturday will be the homecoming dance.

Councilman Ryder noted that Ms. Nauss was in the Metro West section of the Patriot-News as the teen spotlight on September 27th.

COUNCIL COMMITTEE REPORTS:

Community Development– Humes – Councilman Humes reported on the Main Street Mechanicsburg Annual Meeting held last week.

Environmental Committee- Ryder – Councilman Ryder reported that the Recycling Committee met this evening and discussed recycling at Jubilee Day. They also looked at the rubber sidewalk sample and a draft letter to PNC Bank which was being considered as a test site for rubber sidewalk installation. He reported that discussion was also held on the possible installation of public restrooms in the downtown.

Finance/Appropriations/Insurance – Winchell – No report.

Fire Committee –Ryder – Councilman Ryder reported that the Fire Committee met last Wednesday evening and will be meeting again, at the request of Citizens Fire Company, to discuss the 2007 budget.

Health/Recreation –Seagrist – Councilman Seagrist reported that the Health and Recreation Committee met this morning with Upper Allen Township and will meet again on October 11th at 8 AM to discuss the pool. The Recreation Commission will be meeting on October 11th and again on November 14th. The Joint Recreation Commission meets on November 30th at the Elmwood School.

Highway/Public Safety – Stoner – No report.

Loan Review Committee - Humes – No report.

Ordinance/Administration/Legislative Action – Humes – No report.

Property/Buildings – Stoner – Manager Stough informed Council that the bid packet for demolition at the Bartoo property is almost completed. Manager Stough suggested that a possible place to install a sample of the rubber sidewalk material may be at the Bartoo property as sidewalk restoration will be needed after the demolition and site work are completed.

Public Communications – McDermott - Councilman McDermott reminded everyone about the deadline of November 3rd for the winter edition of the newsletter. Councilman McDermott scheduled a Communication Committee meeting for 6:30 PM on October 17th to discuss upcoming newsletter editions.

School Board- Ryder – Councilman Ryder stated that he met with the Director of Elementary Education and was informed that the Broad Street Elementary and Northside School students will be moved into the Filbert Street School at various times during the year to facilitate renovations at those two locations. This will push back the use of the Filbert Street School for Recreation Department Programs. Councilman Ryder also informed Council that the School District is going to be renovating Broad Street Elementary and they plan on making the temporary classroom at that location permanent.

W.S.C.O.G – McDermott – Councilman McDermott reported that the next COG meeting is on the 16th.

AGENDA ITEMS – October 3, 2006

- ◆ **Consider Reduction in the Improvement Bond for the Sopensky Project, South Chestnut Street.**
Manager Stough reported that Mr. Sopensky has requested a reduction in his improvement bond to \$14,770.50. Councilman Seagrist made a motion, seconded by Councilman Ryder, to authorize the reduction of the Sopensky Bond. The motion passed with all in favor.
- ◆ **Consider Acceptance of a \$1,500 Donation from Mechanicsburg Area School District to the DARE Program.**
Chief Spotts stated that this donation would help with the purchase of supplies for the DARE program. Vice President Winchell made a motion, seconded by Councilman Seagrist, to authorize acceptance of the donation from the School District. The motion passed unanimously.
- ◆ **Consider Authorizing Execution of the 2007 Service Contract with the Humane Society for Animal Control Services.**
Chief Spotts stated that this year's contract did not include any increase in fees. Councilman Ryder made a motion, seconded by Councilman Humes, to authorize the President of Council to sign the contract with the Humane Society for animal control services. The motion passed with all in favor.
- ◆ **Discussion on \$12,000 Exemption Requirement for EMS Tax.**
The matter of the definition of the exemption was tabled earlier this year, pending action of the legislature. Manager Stough noted that the Borough did not take out the EMS tax if an employee was not anticipated make \$12,000 during the year. The Solicitor stated that the Borough should be deducting this from everyone who has earned income, as they may have other earnings during the course of the year. Discussion followed on part-time workers and the burden of having the tax taken out of their small paychecks. Solicitor Schorpp stated that the current Borough Ordinance defines income, for the purpose of qualifying for an exemption, as all income. The West Shore Tax Bureau defines income as that amount shown on the employees PA Income Tax return which is filed. The tax return may not include pension or retirement. The definition in the Ordinance includes pension, alimony, child support and other income that may not be included on the PA Income form. Solicitor Schorpp

stated the question for Borough Council to consider is if they want to leave the definition as it stands, or amend it to agree with the West Shore Tax Bureau definition, as income reported on the PA Income Tax return. Solicitor Schorpp clarified that the \$52 tax is on earned income, you must have earned income during the tax year to be subjected to the tax. The exemption for income less than \$12,000 is based on all sources of income. Discussion followed with most Council members expressing that they thought the exemption was based on earned income, when they voted to adopt the ordinance. Councilman Humes made a motion to authorize the Solicitor to change the definition of income for the exemption, to be earned income and Councilman Ryder seconded that motion. Much discussion followed on both sides of the issue and the time frame for amending the ordinance and getting it passed before year end. After much additional debate, Councilmen Humes and Ryder withdrew their motion. Councilman Humes stated that she spoke to Mr. Timko at the West Shore Tax Bureau and she understood him to say that he favored the tax being on earned income. Solicitor Schorpp explained that the West Shore Tax Bureau position is that earned income is the income reported on your PA State Income Tax form. Vice President Winchell stated that he feels that Council needs to find out how the West Shore Tax Bureau will be handling the matter, if Council goes with earned income tax only to be counted as the exemption. Manager Stough stated that he feels that it would be good to change the ordinance to be consistent with the West Shore Tax Bureau position. After discussion, Councilman McDermott made a motion, seconded by Councilman Humes to table this until the next Council meeting so the Manager can provide additional information from the West Shore Tax Bureau on their procedures. The motion passed with all in favor.

◆ **Consider Addition of Michael E. McCormick as a Community Service Officer.**

Councilman Humes made a motion, seconded by Councilman McDermott, to authorize the hiring of Michael E. McCormick as a Community Service Officer. The motion passed with all in favor.

◆ **Discussion on Elmwood and Maplewood Avenue Sewer Project.**

Manager Stough explained that the meeting earlier this evening was held at the request of some of the residents in the area to receive sewer service. The meeting was set up to be an informational session with the sanitary Sewer Engineer and Ron Adams from the Wastewater Treatment Plant on the progress of the sewer extension project. Manager Stough stated that each resident received a letter inviting them to the meeting, but only two responded, so staff had no idea that 23 residents would be coming out this evening to discuss the project. Manager Stough stated that one of the biggest issues brought up this evening was cost sharing. The residents were concerned that they have to expend monies to install their service line and grinder pump, but they also have the added expense of demolition of the existing septic tank and the \$2,200 tapping fee to connect to the sewer system. The residents are asking the Borough to provide financing or offer payment arrangements to residents to allow them to spread out the tapping fees over an extended period and not have to incur those costs up front. Manager Stough suggested that the Council consider liening the residents for the cost of the tapping fee and then allow payments to be made by the residents on the lien, until it was paid in full. The Solicitor stated that if the Borough incurs expenses in the installation of the sewer line and the property owner is unable to pay, the Borough's recourse would be to file a municipal property lien against the property. The Solicitor explained that once liened, the Borough has no defined time period in which the monies due would be paid, unless they executed the lien and put the property up for tax sale. The Solicitor stated that Council could consider a loan arrangement; however, the policy decision for Borough Council should be a reasonable rate of interest charged for the financing. The Solicitor stated that if the Borough fails to charge a reasonable interest rate, then the other taxpayers are helping to subsidize that loan. Councilman Seagrist stated that during the meeting, it was brought up that the ordinance specifies that the tapping fee be paid in one lump sum. He asked if that was correct. Councilman Seagrist stated that he has a problem with the Borough acting as a lender for these residents. He suggested we look at revising the ordinance to allow flexibility to be able to provide a payment plan for those tapping fees. Discussion followed regarding the flexibility could be limited to a geographical area or zoning district. The Solicitor stated that utility rates have to be uniform within a service district and he would need to research further how a district can be delineated. Mrs. Humes stated that she understands that residents could possibly obtain low interest loans from their banks to cover these costs. President Whitcomb asked what the average out of pocket expense would be for each resident for all the services required to connect to the sewer system. Manager Stough indicated that the cost should range between \$4,500 and \$5,000. In addition, Manager Stough advised that Council would need to determine what can be done legally, to assist residents with the tapping fee costs. Vice President Winchell stated that a couple of years ago when this project was discussed he got the impression from the residents in that area that about fifty percent were in favor of having sewer service made available to them and he asked if that has changed. Manager Stough stated that staff met with residents back in March and he did not get the impression that there were a lot of concerns, and these issues just seemed to come up in the last few weeks. Manager Stough stated that he tried to relay to the residents that the Borough

is purchasing the grinder pumps, instead of installing a pump station and creating a new sewer district, which would be billed at a higher rate to offset the pump station costs. Solicitor Schorpp asked if the County has a housing rehabilitation program in the Borough. He added that maybe that could be a source of some assistance for low income residents in this area. After additional discussion, Council directed the Solicitor and Manager to review the options and report back to Borough Council at the next meeting.

CITIZEN COMMENTS:

There were none.

ANY OTHER BUSINESS:

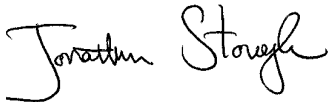
Vice President Winchell indicated that Harry Gsell will be unable to attend the West Shore Tax Bureau meetings on October 18th and November 15th. Manager Stough stated that earlier, Council had authorized Councilman Seagrist to be the delegate for the November 15th meeting. Councilman Seagrist indicated that he could also attend the October 18th meeting. Councilman Ryder made a motion, seconded by Councilman McDermott, to authorize Councilman Seagrist to be the temporary delegate to the West Shore Tax Bureau for the meetings of October 18th and November 15th. The motion passed with all in favor.

Councilman McDermott reminded everyone of the Halloween Parade next Tuesday at 7 PM.

Councilman Seagrist asked about the status of the enforcement action for 144 East Main Street and Manager Stough reported that the contractor was cited. Manager Stough also noted that a hearing has been scheduled on the property maintenance issue at 333 West Main Street.

ADJOURNMENT:

At 9:12 PM, President Whitcomb adjourned the meeting to an Executive Session on a matter of personnel and real estate, with no action to be taken.



Jonathan S. Stough
Borough Secretary