

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

December 19, 2006

6:30 PM

The Conditional Use Hearing was held for the erection of a cellular tower on the building at 43 East Locust Street by T-Mobile.

BOROUGH COUNCIL REGULAR MEETING

8:09 PM

CALL TO ORDER:

At 8:09 PM, President Whitcomb called the Council meeting to order and stated that Council will now continue with the regular Council Meeting at this time.

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, Seagrism, Stoner, Jr. Councilperson Nauss, Solicitor Schorpp, Engineer Barber, Mayor Ritter, Chief Spotts, Chief Seagrism, Manager Stough, and Assistant Secretary Boyer.

Also in attendance: Joe Cress- Sentinel, Steve Bishop, Roger Ciecierski, Kirk Corliss, Bob Dietrich, Nancy Hanlon, Tom Joerg, Tom Ludwig, Kyle Miller, Brad Nauss, Lekha Ravindraraj, Ken Robinson, Charlie Sheriff, James Strong, Daryl Westby and Doug Wolf

GUESTS:

Ceena P Ford, 19 E. Main Street, addressed Borough Council regarding her desire to be appointed Jr. Councilperson for the 2007 calendar year.

CITIZENS COMMENTS:

There were none.

ADDITIONS TO AGENDA:

Manager Stough asked for the application for a Certificate of Appropriateness for John & Sally Holbert be removed as the application was withdrawn by the applicant at the HARB meeting last evening. Councilman Seagrism asked that discussion on the Intergovernmental Pool Agreement be added to the agenda.

APPROVAL OF AGENDA:

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

CORRESPONDENCE:

Manager Stough reported the following correspondence was received:

- ◆ An invitation to the Central Tri County Boroughs annual dinner to be held on February 27, 2007 at Scotties Beef and Reef was received. The speaker that is being approached for the evening is Kim Fox from Shippensburg University.
- ◆ Information was received from PSAB on the 2007 Spring Conference to be held in Grantville March 18th through the 20th.

APPROVAL OF MINUTES:

Councilman Seagrism asked that the Health and Recreation report be amended to add his request to add the intergovernmental pool agreement to this evenings meeting and to add the response by the Solicitor regarding the Joint Recreation Agreement being signed by the Borough Council President, not a member of the Recreation Commission.

Councilman McDermott a motion to approve the minutes of the December 5, 2006 regular Council meeting as amended. Councilman Stoner seconded the motion, which passed with all in favor.

MONTHLY REPORTS:

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

MANAGER'S REPORT:

Manager Stough reported:

- ◆ A spreadsheet with the rates for pavilion rental in local municipalities is on the Council table this evening. Staff is still updating the information and discussion on rental rates will be added to the January agenda.
- ◆ The vacancy on the Shade Tree Commission will be added to the agenda for the 1st meeting in January.
- ◆ Manager Stough announced that the rate for the Borough's Workers Compensation Insurance is decreasing for 2007. The premium rate for 2007 will be \$62,000, which is a \$16,634 decrease from the 2006 rates.

MAYOR'S REPORT:

Dec 6th – Mayor Ritter was the guest speaker at the Bethany Village Masonic luncheon.

Dec 7th – Officiated a wedding.

Dec 8th – The Mayor attended the change of command ceremony at the Naval Support Activity Center. Captain Donney relieved by Captain Vitt.

Dec 9th – The annual Christmas Banquet was held by the Mechanicsburg Vietnam Veterans. Special guests were students from the Scotland School.

Dec 10th – Open house at the Naval Support Activity center was hosted by Chief of Supply Corps Admiral Daniel Stone.

Dec 11th – Swearing in Ceremony and reception for Mechanicsburg's newest Police Officer – Rodney Temple.

Dec 18th – Mayor Ritter was honored to be the guest speaker at the Computer Learning Network's graduation ceremonies held at the Mechanicsburg Middle School.

Trivia Question: In the late 1800's Mechanicsburg was divided into wards. How many and how were they designated?

Answer: North and South Wards divided by Main Street. Councilman Seagrist had the correct answer.

CHIEF OF POLICE REPORT:

The permit for closing East Main Street for the New Year's Eve Wrench Drop was received from PennDOT.

SOLICITOR'S REPORT:

Solicitor Schorpp requested that the scheduled Executive Session be amended to include quasi judicial deliberation of the T-Mobile Conditional Use application.

ENGINEERS REPORT:

Engineer Barber reported that the paving project on Mulberry Drive is completed. The Borough Signalization Project is moving forward with the letting date scheduled for January 11th, 2007 with a notice to proceed anticipated to be February 26th. The total project will take about 13 months, with the construction phase lasting 10 to 12 months and the last month including all the system testing. This is seven months in advance of the original anticipated schedule.

FIRE CHIEF REPORT:

Councilman Ryder reported that Chief Seagrist is attending an 800 MHz radio meeting at the County this evening.

JR. COUNCILPERSON REPORT:

Jr. Councilperson Nauss reported:

- ◆ Winter sports are all underway and doing well
- ◆ The Spring musical auditions were finished today with the production schedule for the last weekend in March.
- ◆ Students are looking forward to the holiday break, with this Friday being the last day of classes.

Jr. Councilman Nauss thanked all the members of Borough Council for the opportunity to serve as Jr. Councilperson for this year. She stated that she has enjoyed serving and looks forward to continued community service in the future.

COUNCIL COMMITTEE REPORTS:

Community Development – Humes – No report

Environmental/Recycling Committee – Ryder – Councilman Ryder reported that we received a letter from Mr. Santo, Chairman of the EAC, recommending that Borough Council support anti idoling regulations.

Finance/Appropriations/Insurance – Winchell – No report

Fire Committee – Ryder – The next meeting is January 24th.

Health/Recreation – Seagrist – Councilman Seagrist reported that the December Recreation Commission was cancelled, but year end financial reports were received via mail and he will provide them to staff to be distributed to Borough Council.

Highway/Public Safety – Stoner – There is one item on the agenda this evening.

Loan Review Committee – Humes – No report.

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

Property/Buildings – Stoner – No Report

Public Communication – McDermott – Feb 2nd is the deadline for the next Borough Newsletter. Boyer reminded Council that Committee reports for the Annual report are needed as soon as possible.

School Board – Ryder – Councilman Ryder – Councilman Ryder reported that Northside Elementary will occupy Filbert Street School for six to eight months. Northside and Broad Street students will be sent to Filbert Street School during their building renovations. Councilman Ryder asked that a Resolution be added to the next agenda for the High School Band for winning the Atlantic Coast Conference Championship in Scranton.

W.S.C.O.G. – McDermott – The annual dinner will be held in January and Trick or Treat night will be on the February agenda for discussion.

Vice President Winchell asked Councilman Seagrist if he is the only person that gets the pool financials, or does staff get that report. Manager Stough indicated that he did not get the financials. President Whitcomb asked Councilman Seagrist to have the Recreation Commission send the financial reports to the Manager as well.

AGENDA ITEMS – December 19, 2006

◆ **Consider Conditional Use Application of T-Mobile for an antenna to be placed at 43 E. Locust St.**

Councilman Stoner made a motion to table this until a written decision is available for action of Borough Council. Councilman Seagrist seconded the motion, which passed with all in favor.

◆ **Consider Certificates of Appropriateness for the following Applications.**

1. T-Mobile for their antenna on the structure at 43 E. Locust Street.

Vice President Winchell made a motion to approve the Certificate of Appropriateness for T-Mobile, contingent upon the receipt of the Conditional Use Permit being obtained. Councilman Ryder seconded the motion, which passed with all in favor.

2. Tracey Shambach for a sign at 56 West Main Street.

Councilman McDermott made a motion to approve the Certificate of Appropriateness for the proposed sign, contingent upon the applicant obtaining a zoning permit for the proposed sign. Councilman Ryder seconded the motion which passed unanimity.

3. Alberta Cook for a sign at 67 West Main Street.

Councilman McDermott made a motion, seconded by Vice President Winchell, to approve the Certificate of Appropriateness for Alberta Cook for a sign at 67 West Main Street advertising Liberty Tax Services. The motion passed with all in favor.

4. Linda Willis for a sign at 73 West Main Street.

Councilman McDermott made a motion, second by Vice President Winchell, to approve the Certificate of Appropriateness for the sign for Linda Willis at 73 West Main Street contingent upon the applicant obtaining a zoning permit. The motion passed with all in favor.

5. Debra Eckstine Long for a sign at 17 Railroad Avenue.

Manager Stough explained that the HARB recommended approval of this sign, with the condition that the original existing sign face for Revelations Day Spa remain in place and the sign not be lite. Vice President Winchell asked if the applicant was present at the HARB proceedings. Tom Ludwig, HARB Chairman, indicated that the applicant was present and understands the conditions outlined by the Board. Vice President Winchell made a motion to approve the Certificate of Appropriateness for the sign for Dreams Day Spa contingent upon the opposite face of the sign for Revelations Day Spa continuing to remain unaltered and that the sign not be backlit. Councilman Ryder seconded the motion, which passed with all in favor.

6. William Walker for a door overhang at 234C West Locust Street.

Manager Stough reviewed an amendment to the application, in which the applicant agreed to construct a 4' X 8' gable roof over the porch area with a pitch of 4 to 12 or 6 to 12, instead of the rounded overhang proposed.

Councilman Ryder made a motion to approve a Certificate of Appropriateness for the amended application for a gable roof. Councilman McDermott seconded the application, which passed with all in favor

7. Donald Steele for demolition of a structure, increase of a parking area, construction of a 2 car garage with apartment and three shed and to install vinyl fence at 22 S. Market Street.

Manager Stough explained that this application is for both demolition of an existing structure and erection of a new structure which will require a land development plan. Manager Stough stated that it was recommended by the HARB for approval; however, he would recommend that Council approve the Certificate of Appropriateness for the demolition and reconstruction contingent upon the applicant's successful submission of a land development plan to the planning commission, which is reviewed by the HARB. Solicitor Schorpp asked if the applications were both submitted and Manager Stough indicated they were submitted on the same application. President Whitcomb asked Mr. Ludwig, HARB Chairman, if the HARB approved both the demolition and the new construction. Mr. Ludwig indicated that they did provided some sketches and general material information and it appears that the new construction will meet the guidelines, as it is not an existing structure. Mr. Ludwig stated that the applicant was reluctant to remove the deteriorated structure unless he knows what type of new construction will be acceptable.

Mr. Ludwig stated that he concurs with the Manager, that it would make more sense to approve the demolition now and the new construction after submission of the land development plan. Solicitor Schorpp indicated that Council could act on the demolition this evening; however, it can not table the new construction as the time line would expire prior to the applicant receiving land development plan approval. Manager Stough suggested that Council consider tabling the application, so staff can ask the applicant to withdraw the request for a Certificate of appropriateness for the new construction or wave the timeline, then Council could take action on the demolition. After discussion, Councilman Ryder made a motion to table; Councilman McDermott seconded the motion, which passed with all in favor.

◆ **Consider award of the contract for the layout and printing of the Historic District Guidelines Booklet.**

Tom Ludwig, HARB Chairman, reviewed the procedure used by the Historic Architectural Review Board to make their determination with Borough Council. He stated that three vendors were interviewed, and follow-up research on the firms was conducted. After deliberation, the HARB unanimously voted to recommend the firm of LeVan & Lack. Their price quote was slightly above the \$15,000 budgeted; however, Mr. Ludwig stated that during the interview LeVan & Lack indicated that they could shop for better printing prices to bring their submission within the budget. After discussion, Councilman Ryder made a motion to contract with Robert A. Lack and LeVan Design for development and printing of the Borough of Mechanicsburg Historic District Design Guidelines Booklet for an amount to exceed \$15,000. Councilman McDermott seconded the motion. Councilman Humes asked if a step by step process for residents would be included in the booklet and Mr. Ludwig indicated that it would. Mr. Ludwig stated that examples provided by LeVan & Lack were easy to read and would provide the information in a format that would be user friendly for residents as well as HARB members. Councilman Humes asked if Zoning requirements are integrated into the document, and Mr. Ludwig indicated that they would not, however, the Planning Commission and HARB are dialoging with staff on the best way to bridge that gap. Mr. Ludwig stated that they are hoping to have a document that can be edited, should changes occur to the guidelines or ordinance in the future. Councilman Seagrist asked if Council will be able to review a draft of the document before it goes to print. Mr. Ludwig stated that the team will be at several meetings to gather input from the HARB, and then the final booklet will be sent to Council for review. Councilman Seagrist asked that Mr. Ludwig provide him with a copy of the Carlisle booklet, which was prepared by this firm. Mr. Ludwig stated he would get that to staff to be distributed to Council. After discussion, a vote was taken and the motion passed with all in favor.

◆ **Consider Ordinance 1089 changing the Borough requirements to allow for the installation of rubber sidewalks.**

Councilman Seagrist made a motion, second by Councilman Ryder, to adopt Ordinance 1089 as presented. A roll call vote was taken as follows:

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

◆ **Consider Ordinance 1090 to modify the Pension Ordinance to recognize PSAB as the pension fund and adopt the requested joinder agreement.**

Vice President Winchell made a motion, second by Councilman Ryder, to adopt Ordinance 1089 as presented. A roll call vote was taken as follows:

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

◆ **Discussion and possible authorization to change the tapping fees for connection to the Borough Sewer system.**

Vice President Winchell made a motion, second by Councilman Ryder, to authorize the Solicitor to draft and advertise changes to the tapping fees for connection to the Borough's Sewer System, as per the recommendation in the memo received from Gannet Fleming. The motion passed with all in favor.

◆ **Consider Resolution 16-2006 thanking Jr. Councilperson Nauss for her service as Jr. Councilperson for 2006**

President Whitcomb read and presented the Resolution to Jennifer and thanked her for her service to the Borough. Vice President Winchell made a motion to adopt Resolution 16-2006, honoring Jennifer Nauss for her service to the community as Jr. Councilperson. Councilman Seagrist seconded the motion, which passed unanimously. Councilman Seagrist thanked former Jr. Councilpersons Miller and Ravindraraj for their support and attendance at this evenings meeting.

◆ **Consider adoption of the 2007 budgets as advertised.**

Councilman Seagrist asked that the Fire Chief salary line item be separated from the budget vote, so he could he recuse himself from that vote. The Solicitor stated that Council could take action first on the Fire Chief salary line item, and then move on to the budget. Vice President Winchell made a motion to approve the Fire Chiefs salary for 2007 as stated in the advertised budget. Councilman McDermott seconded the motion which passed with six in favor and Councilman Seagrist abstaining. Vice President Winchell made a motion to approve the 2007 budgets as advertised and presented. Councilman Ryder seconded the motion and opened the floor for budget discussion. Councilman McDermott stated that he questions the addition of a new police officer position being packaged in the proposed budget. President Whitcomb stated that the addition of the new police officer would not be covered by a grant, as per an e-mail received today from Chief Spotts, so he would favor elimination of that position from the budget. Solicitor Schorpp stated that if a Council member objected to the addition of the officer, they would need to vote nay on this motion, as it was to approve the budget as advertised and presented. Manager Stough clarified that the budget presented included the additional officer position, but did not include the grant funding. If the grant had been funded, there would have been surplus revenue in the budget. After some additional discussion, a vote was taken in the budget passed by a vote of five in favor (Humes, Ryder, Seagrist, Stoner, Winchell) and two against (McDermott, Whitcomb).

◆ **Consider request of the Mechanicsburg Chamber to use the Borough parking area off East Strawberry Alley for VIP parking during the Wrench Drop.**

Councilman McDermott made a motion, second by Councilman Humes, to approve the request of the Chamber for use of the Borough parking lot behind Myers Funeral Home for VIP Parking during the wrench drop. The motion passed with all in favor.

◆ **Consider request of Robert K. Danner for a handicapped parking space in front of his property at 214 West Allen Street.**

Chief Spotts asked that this be tabled to the Department could complete its review. Councilman Seagrist made a motion, second by Councilman McDermott, to table this until a recommendation was available from the Police Department. The motion carried.

◆ **Discussion on Statement of Support for Anti-idling Regulations.**

After some discussion on the form the letter of support should take, Councilman Ryder made a motion, second by Councilman McDermott to table this until the next Council meeting to gather some additional information.

◆ **Consider appointment of a Jr. Councilperson for 2007.**

Councilman McDermott made a motion, second by Councilman Ryder, to appoint Ceena Ford as Jr. Councilperson for a term to begin January 1, 2007 and continuing until December 31, 2007. The motion passed unanimously.

◆ **Consider appointment of the Borough Solicitor for 2007.**

Councilman McDermott made a motion, second by Councilman Ryder, to appoint Ed Schorpp as Borough Solicitor for 2007. The motion passed with all in favor.

◆ **Consider appointment of the Borough Engineer for 2007.**

Councilman Stoner made a motion, second by Councilman McDermott to appoint Pennoni Associates as the Borough Engineer for 2007. The motion passed with all in favor.

◆ **Consider appointment of Cumberland County Recorder of Deeds as Real Estate Transfer Tax Collector for 2007.**

Councilman Seagrist made a motion, second by Vice President Winchell, to appoint Cumberland County Recorder of Deeds as the Real Estate Transfer Tax Collector for 2007.

◆ **Consider appointment of G. H. Harris as Delinquent Per Capitia Tax Collector for 2007.**

Vice President Winchell made a motion, second by Councilman McDermott, to appoint G.H. Harris as Delinquent Per Capitia Tax for 2007. The motion passed with all in favor.

◆ **Consider appointment of Cumberland County and Barry Heckard as delinquent real estate tax collector 2007.**

Councilman Seagrist made a motion, second by Councilman McDermott, to appoint Cumberland County and Barry Heckard delinquent real estate tax collector for 2007. The motion passed with all in favor.

◆ **Consider exonerations of delinquent per capita tax as recommended by G. H. Harris.**

Councilman McDermott made a motion, second by Councilman Humes to approve the exoneration of delinquent per capita tax as recommended by G. H. Harris. The motion passed with all in favor.

◆ **Consider the following reappointments to boards and commissions for 2007.**

Councilman Ryder made a motion to re-appoint the residents listed below to additional terms on the prospective boards, for the terms as listed below. Councilman Humes seconded the motion, which passed unanimously.

Civil Service Commission	Charlie Sheriff	6yr term	2007-2012
Environmental Advisory Council	Erin Arva	3 yr term	2007-2009
	Susan Richards	3yr term	2007-2009
HARB	Mary Eberly	4 yr term	2007-2010
	Fred Pracht	4 yr term	2007-2010
Planning Commission	Roger Ciecierski	4 yr term	2007-2010

Zoning Hearing Board	Ed LeClear	4 yr term	2007-2010
	Tom Niesen	3 yr term	2007-2009

◆ **Authorization to close the books and pay all outstanding bills as of December 29, 2006**

Councilman Stoner made a motion, second by Councilman Ryder, to approve closing of the books and paying of all outstanding invoices as of December 29, 2006. The motion passed unanimously.

◆ **Discussion on the Intergovernmental Pool Agreement.**

Councilman Seagrist asked Borough Council members if they had any changes or amendments they would like have made to the draft agreement. At this time, no Council members voiced any concerns or had any changes to the draft agreement.

APPROVAL OF EXPENDITURES PAID: Councilman Ryder made a motion to approve invoice and expenditures paid from November 1, 2006 through November 30, 2006. Vice President Winchell seconded the motion, which passed with all in favor.

General Fund: \$190,139.47 Highway Aid Fund \$2,259.40 Capital Improvement Fund: \$157,593.40

CITIZEN COMMENTS:

There were none

ANY OTHER BUSINESS TO COME BEFORE COUNCIL:

Councilman Seagrist asked that the pool agreement be placed on the next meeting agenda.

Engineer Barber thanked Council for their support during 2006 and their continued confidence in appointing Pennoni for the 2007 year.

EXECUTIVE SESSION:

At 9:14 PM President Whitcomb recessed the meeting into Executive Session on matters of deliberation on T-Mobile and a personnel matter, with possible action.

At 10:33 PM President Whitcomb reconvened the public meeting and stated Council would be taking no action at this time.

ANY OTHER BUSINESS TO COME BEFORE COUNCIL:

Vice President Winchell provided President Whitcomb with a letter of resignation effective, December 19, 2006.

Councilman McDermott move to amend the agenda to allow Council to take action on the resignation. Councilman Ryder seconded the motion, which passed with all in favor.

Councilman Ryder made a motion to accept, with regret, the resignation of Vice President Winchell. Councilman Humes seconded the motion, also stating her regret. The motion passed, with all in favor.

Solicitor Schorpp stated that Council would have until January 16, 2007 to fill the position. After discussion, Councilman McDermott made a motion, second by Councilman Humes to accept resumes for the position until December 29th at noon. Council will review the applications and invite any candidates being considered to public interviews on January 11th, beginning at 6 PM. Council can then take action on filing the vacancy, if they chose at the special advertised public meeting, or at the following Council meeting on January 16th. The motion passed with all in favor.

ADJOURNMENT:

At 10:47 PM, with no further business to discuss, President Whitcomb adjourned the meeting.



Jonathan S. Stough
Borough Secretary