

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

June 5, 2007

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 Ryder, Councilmen Ciecierski, Humes, McDermott, Seagrism, Stoner Solicitor Schorpp, Chief Spotts, Chief Seagrism, Manager Stough and Assistant Secretary Boyer. Mayor Ritter & Jr. Councilperson Ford were absent.

Also in attendance: Elizabeth Gibson – Patriot News, Bob Dietrich, Gary Eichelberger, Nancy Hanlon, Ron Klair, Ron Trace and Dave Weihbrecht.

GUESTS:

None.

CITIZENS COMMENTS:

Ron Klair addressed Borough Council about possible changes to the EMS Tax Ordinance for the Borough. Mr. Klair explained the plight of Senior's working only part time and earning less than \$12,000 per year. He indicated that he feels the tax should not be taken until an employee earns \$12,000. Mr. Klair also asked who gets the interest on the money while it is setting from January of one year to the next. Solicitor Schorpp explained that the Borough must follow the regulations set forth by the State of Pennsylvania in collecting this tax. He explained that the legislation in its current form does not allow for the determination of exemption to be made by the employer; it must be made by the tax collecting jurisdiction and must be based on earnings shown on the W-2 form showing the entire year's earnings. Solicitor Schorpp indicated that legislation is currently being considered to allow the EMS tax deducted in equal installments, based on the total number of pays that an employer has over the course of the calendar year. Vice President Ryder stated that at the preschool program, where he works, the teachers do not make over \$5,000 per year so the tax is not withheld, so he stated that he does not understand why Mr. Klair's employer is withholding it. Mr. Klair stated that the financial officer at this company was directed by the West Shore Tax Bureau that the tax had to be withheld from all employees, over a period of four weeks. Solicitor Schorpp stated that according to the Ordinance an employer is required to deduct the tax from every employee unless he provides proof that he has already paid the tax in full at another place of employment. Manager Stough addressed Mr. Klair's question on interest earned on EMS tax payments indicating that the interest is allocated to municipalities on a percentage basis and used to offset collection costs. Councilman Humes asked if the Borough could exempt workers under 16 and over 65. Solicitor Schorpp stated that he would caution against that approach as you can potentially have a wage earner making over \$100,000 per year be exempt, which would not be uniform. After some additional discussion on the matter, Councilman Seagrism made a motion to direct the Solicitor to draft an Ordinance repealing the EMS tax for the 2008 fiscal year. Councilman McDermott seconded the motion, and President Whitcomb opened the floor for discussion. Both Councilman Seagrism and McDermott spoke in favor of repeal. Manager Stough advised Borough Council that if they move to repeal this tax, the 2008 budget will have a shortfall of approximately \$140,000 on the revenue side that will have to be replaced in some other manner. Councilman Humes spoke against the motion stating that Mechanicsburg Borough was one of the last municipalities in this area to adopt the EMS tax and Mechanicsburg residents that work outside the Borough have to pay this tax to the municipalities in which they are employed and this tax is collected from both non-resident and resident employees working in the Borough. President Whitcomb stated as much as he does not like some aspects of this tax, the Borough cannot afford to lose \$140,000 in revenue. He stated that maybe when the legislation is revised, it will allow the tax to be deducted throughout the year, lessening the impact for lower income workers. Councilman Seagrism stated that he agrees repeal would reduce the revenue coming to the Borough, but stated that he thought that since the Borough has made all the payments on this building and purchased the new fire truck, the need for these funds should not be required, as the debt service payments have been reduced. Manager Stough stated that the two increases in Real Estate Tax in 2002 and 2004 were not to pay for the building or the fire truck. The building was purchased and renovated with a PNC loan and a DCED loan and the fire truck was purchased using the bond issuance. When Dolphin & Bradbury structured the repayment for the bond they looked at all the debt service payments and structured the bond for the payments so that the debt service for the bond will increase as the PNC and DCED loans are paid off. In 2007, the debt service dropped \$100,000 due to the PNC loan

being paid off during 2006; however, the DCED loan will not be paid off till the beginning of 2008. The bond payments will increase in 2008 for the next 17 years, as both the other two loans will be paid in full. Vice President Ryder spoke against the motion stating that he thought that this tax was originally enacted to place some of the burden for police and fire services on the work force that comes into the Borough, rather than on the residents. President Whitcomb called for a vote on the motion to repeal and the motion failed with two in favor (McDermott, Seagrist) and five against (Ciecierski, Humes, Ryder, Stoner, Whitcomb).

ADDITIONS TO AGENDA:

Chief Spotts asked to add an Executive Session with no action on a personnel matter.

Manager Stough stated that he apologized for the numerous agendas sent out as the Borough was experiencing e-mail problems last week.

Councilman Seagrist asked that discussion on the correspondence from West Shore EMS be added to the agenda.

Councilman Humes asked why a copy of the Fireman's Relief Association Audit from 2004-2005, was just being provided now. Manager Stough indicated that they always audit several years behind. Ron Trace concurred with the Manager stating that this audit was done last summer, and is just being signed off on by the Auditor General's Office.

APPROVAL OF AGENDA:

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

CORRESPONDENCE:

Manager Stough reported:

- ◆ A copy of The Monroe Township Comprehensive Plan, which was recently adopted, was received and is available for public viewing.

APPROVAL OF MINUTES

Councilman Stoner made a motion to approve the minutes from the May 22, 2007 Borough Council meeting as presented. Councilman Ciecierski seconded the motion, which passed with no dissenting votes.

MANAGER'S REPORT:

No Report

MAYOR'S REPORT:

The Mayor's report was read into the minutes by Secretary Stough.

May 26th – Officiated wedding at the Union Church.

May 28th -The Mechanicsburg Area Veterans Council sponsored the Memorial Day parade and program held at the Mechanicsburg Cemetery. Col. Thomas Faley gave a talk on the GAR monument and Col. Zinn.

June 1st – Congratulated the DARE graduates at the Elmwood School. Officers Curtis and Vincent conducted the program.

June 11th – Crime Water speaker will be PennDOT's Fritz Schreffler.

Trivia Question: Many of the people buried at the Lincoln cemetery were members of the Mechanicsburg AME Church. Where was this Church and what do the letters AME stand for?

Answer: The African Methodist Episcopal Church on West Simpson Street. Vice President Ryder knew what the initials stood for and President Whitcomb knew the location. Manager Stough noted the initials AME are still in the foundation of the building today.

CHIEF OF POLICE REPORT:

Chief Spotts reported that the street closing permit for Jubilee Day was received from PennDOT. Letters of commendation were received for Lt. Myers, Sgt Bradley, Sgt. Pellman, and Officers Curtis, Dyer and McCreary for work at recent incidents.

SOLICITOR'S REPORT:

No report.

ENGINEER REPORT:

No report.

FIRE CHIEF REPORT:

Chief Seagrist reported that the Borough received a letter from DCED confirming approval of a grant application for traffic preemption devices for fire apparatus in the amount of \$5,000.

JR. COUNCILPERSON REPORT:

Jr. Councilperson Ford was absent.

COUNCIL COMMITTEE REPORTS:

Community Development– Humes – No report.

Environmental Committee- Ryder – Vice President Ryder reported that the Recycling Committee met this evening at 5:30 PM. The next meeting of the Recycling Committee will be July 10th at 5:30 PM. The Environmental Advisory Council will meet on June 19th at 6 PM, and will continue to meet on the third Tuesday each month. This change was made to allow more meeting time for each group. This evening the Recycling Committee discussed the upcoming refuse contract. Vice President Ryder noted that Carl Hursh reported on use of biodegradable paper products during the recent E-Day event held at the Environmental Center, including the use of biodegradable utensils, which were able to be placed in the compost pile where they have started to decompose.

Finance/Appropriations/Insurance – Whitcomb -No report.

Fire Committee –Stoner – Councilman Stoner report on the recent Fire Company meeting and provided a written report to Borough Council. The Committee discussed 800 MHz radios, which will be on online by July 4, 2007 and issues related to the EMS Tax use. The Fire Departments would like to be notified of street closings, as the County has not been doing that for the Fire Companies. Chief Spotts stated that he thought County was doing that and he will check on that. Manager Stough stated that a lot of roadwork is being done this spring and the contractors have not done a good job of keeping the Borough notified of road closings. United Water was informed that they need to require their contractors to do a better job of communicating road closings to the Borough Police Department. President Whitcomb reported that he and Councilman Stoner attended a meeting at the West Shore Chamber of Commerce with representatives from the West Shore EMS. President Whitcomb stated that the West Shore EMS is facing a \$91,000 deficit and they are going to be asking the governing bodies involved to help to offset falling subscriptions and lower Medicare payments. Monroe Township is currently already contributing a fee per township resident to the West Shore EMS each year to offset services. President Whitcomb stated that the West Shore EMS will be making a presentation to Borough Council closer to the start of the 2008 budget preparation time. Much discussion followed on the subject.

Health and Recreation – Seagrist – Councilman Seagrist reported the Joint Recreation Committee met at Elmwood Elementary on May 24th and information that was distributed will be copied for Council packets. Councilman Seagrist stated that the 2007 Winter/Spring program offered few programs but cited higher participation rates. The next Joint Recreation Committee meeting will be August 30th at 7:30 PM at Elmwood Elementary.

Highway/Public Safety – Stoner – Councilman Stoner reported an item is on the agenda.

Loan Review Committee - Humes – No report.

Ordinance/Administration/Legislative Action – Humes – No report

Property/Buildings –Stoner – Councilman Stoner reported an item is on the agenda. He also stated that the Highway Department recently installed handicapped parking spaces at Koser Park.

Public Communications – McDermott – Councilman McDermott reported that the summer edition of the Newsletter will be sent to the printer tomorrow.

School Board- Ryder – Vice President Ryder reported that the School Board will vote on the proposed budget for next year on Tuesday evening.

C.R.C.O.G – McDermott – June 18th will be the next meeting of the Capital Region COG. There will be an update report on the Chesapeake Bay at this meeting.

AGENDA ITEMS – June 5, 2007

◆ **Discussion and possible action on the 2007 paving bids.**

Manager Stough asked Borough Council to table the bid award until staff can check the references of the bidders. Vice President Ryder made a motion to table, seconded by Councilman Ciecierski. The motion passed with all in favor.

◆ **Consider request of the Halloween Parade Association to hold the annual Halloween Parade on October 9, 2007 at 7 PM.**

Councilman Seagrist made a motion, second by Vice President Ryder, to approve the street closing request of the Halloween Parade Association for October 9, 2007. The motion passed with all in favor.

◆ **Consider the request of the Mechanicsburg Football boosters for flags and ribbons to be placed downtown during the fall sports season.**

Councilman McDermott made a motion, second by Councilman Seagrist, to approve the request of the Mechanicsburg Football boosters to place flags and ribbons in the downtown area during the fall sports season.

President Whitcomb opened the floor for discussion. Councilman Humes commented that there are still some ribbons up from last year, which should have been removed at the close of the season. President Whitcomb asked Manager Stough to advise them of the need to be sure all items are removed at the end of the season; otherwise this may not be approved for future years. President Whitcomb called for the vote, and the motion passed with all in favor.

◆ **Discussion on the possible change in tax collection to the County collection system.**

Manager Stough noted that a very informative memo was received from Harry Gsell outlining the items discussed at the recent Municipal Advisory Board meeting. He noted that as per this memo the possibility of County based tax collection was discussed and overwhelmingly there was a consensus that it was unnecessary to explore this option further. Councilman Seagrist made a motion, second by Councilman McDermott, to direct the Manager to send a letter to the County Commissioners' advising them that the Borough Council is not interested in a County based collection system for taxes at this time. The motion passed with all in favor.

◆ **Discussion and possible action on the lease for 102 West Allen Street.**

Manager Stough asked Borough Council to approve the lease agreement with Anne Dennison, Advance Physical Therapy, as presented. Councilman McDermott made a motion, second by Ciecierski, to approve the lease agreement with Anne Dennison. The motion was approved unanimously.

◆ **Discussion on the intermunicipal pool agreement.**

Manager Stough reported that this item is on the Township Commissioners agenda for tomorrow evening. Councilman Seagrist stated that he spoke with representatives from Upper Allen and their Solicitor is currently reviewing and making changes to the document for the Boards consideration.

◆ **Update on Fire Station signals.**

Engineer Barber met with PennDOT today but has nothing additional to report at this time.

◆ **Consider authorizing the Solicitor to draft and advertise the Special Police Agreement.**

Vice President Ryder made a motion to authorize the Solicitor to draft and advertise the ordinance for the Special Police Agreement. Councilman McDermott seconded the motion, which passed with all in favor.

◆ **Discussion and possible adoption of the Sixth Supplemental Agreement with Silver Spring Township Authority.**

Councilman Seagrist made a motion, second by Councilman Ciecierski, to adopt the sixth supplemental agreement with Silver Spring Township. The motion passed with all in favor.

◆ **Discussion and appointment of representative for Ped/Bike Trail meeting at Lower Allen Township.**

President Whitcomb asked for a volunteer to serve on this committee. Both Councilman Ciecierski and Councilman Seagrist expressed an interest in serving. President Whitcomb appointed Councilman Ciecierski to the Pedestrian Bike Trail Committee.

CITIZEN COMMENTS:

None.

ANY OTHER BUSINESS:

Councilman Seagrist stated that he received a packet of information from the Pennsylvania State Association of Boroughs regarding the Resolution and Policy Committee on which he serves. He offered any Council members who may be interested an opportunity to review the information.

Vice President Ryder recognized Commissioner Eichelberger and thanked him for his attendance this evening.

Councilman McDermott reported that Jim Schmick will be making a presentation at the Passenger Station on Saturday evening at 7:30 PM on the Monuments of Gettysburg.

Fire Chief Seagrist reported that he obtained all signatures for the change to Storz Couplings on Borough Hydrants and noted that most of the mutual aid companies that come into Mechanicsburg Borough will be using steward couplings on their hydrants as well.

ADJOURNMENT:

At 8:33 PM, President Whitcomb adjourned the meeting to an executive session on matters of real estate and personnel.



Jonathan S. Stough
Borough Secretary