

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

August 21, 2007

7:30 PM

CALL TO ORDER:

At 7:30 PM, President Whitcomb called the Council meeting to order.

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, Seagrist, Stoner, Mayor Ritter, Solicitor Schorpp, Engineer Barber, Chief Seagrist, Chief Spotts, Manager Stough, and Assistant Secretary Boyer. Jr. Councilperson Ford was absent

Also in attendance: Patriot – Elizabeth Gibson; Sentinel – Naomi Creason; Tom Bender, Duke Bendix, Eric Casanave, Kirk Corliss, Ron Lucas, Jack Neibert, Charlie Sheriff, Jim Smith, Matt & Valerie Stacknick, Clint Timmins Ronald Trace.

GUESTS

President Whitcomb recognized Matt Stacknick for 30 years of service as a Wastewater Treatment Operator. Mr. Stacknick was presented with a Certificate of Appreciation and a watch. President Whitcomb also recognized Greg Reinecker of the Wastewater Treatment Plant for 30 Years of Service with the Borough as a Wastewater Treatment Operator. Mr. Reinecker was unable to attend.

CITIZENS COMMENTS

Clint Timmons, 604 York Circle, addressed Borough Council regarding the stormwater problem at his property. Manager Stough reviewed a letter sent to Mr. Timmons from the Borough Council President in 2000, stating that the Borough Solicitor determined that this is a civil matter between Mr. Timmons and his neighbor. Mr. Timmons asked Manager Stough who was the solicitor at that time. Manager Stough indicated that the Counsel at that time was William Sunday. Solicitor Schorpp indicated that he reviewed the matter and concurred with the determination of Solicitor Sunday in this matter. Much discussion followed on the matter without any resolution. President Whitcomb advised Mr. Timmons to discuss this matter with an attorney. Mr. Timmons provided the Borough Manager with a CD of pictures of the most recent flooding of this property.

ADDITIONS TO AGENDA:

Manager Stough added discussion and possible action to accept a grant for emergency preemption devices for the Borough Fire Equipment.

APPROVAL OF AGENDA:

Councilman McDermott made a motion, second by Vice President Ryder, to approve the agenda, as amended. The motion carried with all in favor.

CORRESPONDENCE:

- ◆ An invitation was received for the upcoming Central Tri County Boroughs Association meeting to be held on September 25th in New Cumberland at Coakley's with RSVP due in by September 19th.
- ◆ Correspondence was received from Hartman and Associates on behalf of Mr. Diamond, owner of Georgetown Crossings. This property is located behind the parcel being reviewed by the Borough and Upper Allen know as the Hollinger Group Plan. Manager Stough added that he received a call from Upper Allen Township asking for a meeting to discuss some stormwater issues in that area.
- ◆ A letter was received from residents in the 200 block of Allendale Road, requesting the addition of a street light. This request will be sent to the Highway and Public Safety Committee for review.
- ◆ Letters of interest in the Joint Pool Committee were received from Recreation Commission members Steve Deihl and Bob Smith.

- ◆ The Harrisburg Regional Chamber and CREDEC meet your elected officials reception will be held on August 29th at 5:30.
- ◆ The Cystic Fibrosis Foundation is requesting to hold their annual walk at Memorial Park on May 17, 2008. This request will be added to the next agenda.

APPROVAL OF MINUTES

Councilman Stoner made a motion, second by Councilman Ciecierski, to approve the minutes of the August 7, 2007 Regular Council meeting as submitted. The motion passed with all votes in the affirmative.

MONTHLY REPORTS:

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

MANAGER'S REPORT:

The Trailer that the Borough is offering for sale has been advertised on flyers throughout town. The offers will be opened and review on August 31st at 1 PM. Al Timko, Executive Director of the West Shore Tax Bureau, has offered to speak to Borough Council regarding the changes in the Local Services Tax legislation. Manager Stough reviewed the proposed changes and Council decided not to have Mr. Timko speak at this time.

MAYOR'S REPORT:

August 11th – Joseph T. Simpson Run for Reading 11th was held. The Mayor's summer reading awards were presented at Friendship Park.

August 12th – a dedication was held for the Lebo-Owens Memorial at the parking Shiremnastown. Lebo was their Mayor and Owens was their Police Chief.

August 13th – Crime Watch guest was Donna Flickinger from the Insurance Department of the Commonwealth of Pennsylvania. Officer Rod Temple gave the crime up date. After the meeting the guest consumed 2 ½ gallons of Ice Cream.

Trivia Question: How many police holding cells are there in Mechanicsburg today?

Answer- Three – The Lock Up, just off of Portland Street, in the basement of the old borough building at 36 West Main Street and at the present Police Department at 36 West Allen Street. President Whitcomb had the correct answer.

CHIEF OF POLICE REPORT:

Chief Spotts reported that he received letters of commendation for Sgts Pellman and Meneses and two letter of commendation for Officer McCreary. Letters of commendation were also received for Officers Vincent, Curtis, Myers and Montgomery for their work at recent incidents.

SOLICITOR REPORT:

No Report.

ENGINEERS REPORT:

No Report.

FIRE CHIEF REPORT:

Chief Seagrist reported that the fire hose testing was completing and 22,000 feet of hose was tested. A grant for traffic signal preemption devices in Borough Fire Vehicles was received from Senator Vance in the amount of \$5,000.

Ron Trace, President of Washington Fire Company, reported that the Washington Fire Department received a \$90,000 grant for 800MHZ radios.

JR. COUNCILPERSON REPORT:

No report as Ford was absent.

COUNCIL COMMITTEE REPORTS:

Capital Region COG Delegate – McDermott – Councilman McDermott reported that Capital Region COG will meet Thursday.

Fire Committee-Stoner- Councilman Stoner reported that the Fire Committee will meet on Sept 28th

Highway & Public Safety – Stoner- No Report

Community Development & Downtown Committee – Humes – Councilman Humes reported that the Planning Commission would like to set up a meeting with Borough Council and Community Groups to discuss the implementation of the Comprehensive Plan. The Planning Commission representatives feel that their volunteer hours are limited at this time, but feel it is important to keep the implementation process moving forward. The Wildcat Foundation is embarking on a Capital Campaign, the steering committee for the campaign met today to discuss keeping Mechanicsburg Schools top notch to attract quality residents to the communities that they serve. The Wildcat Foundation is considering installation of artificial turf at the Football field, which would cost about \$700,000 dollars. This surface would last about ten to fifteen years and allow the facility to be used for other sporting events. Councilman Humes asked if this action would be permitted under the terms of the lease for that facility. Manager Stough indicated that he believes it would, as they are responsible for maintenance of the facilities located inside the fence. Manager Stough noted this would require a stormwater study be completed and reviewed by the Borough.

Loan Review Committee – Humes - No report.

Environmental Advisory & Recycling Committee – Ryder – Vice President Ryder reported that the Committee met this evening and discussed having a table and handing out seedlings at the Market Street Festival to promote urban forestry in the Borough.

Ordinance-Administration-Legislative Action Committee – Humes - No report.

Finance-Appropriations-Insurance Committee – Whitcomb- No report.

Property & Buildings Committee – Stoner – No Report.

Public Communications Committee – McDermott- No Report.

Health-Recreation – Seagrist – Councilman Seagrist reported that the Recreation Commission met last Tuesday, August 14th and discussed the Pool Financial Reports through the end of July. These reports will be placed in Council packets this week for Council's review. The Pool will close on August 26th for the 2007 season. Letters of interest were received from four Recreation Commission members for appointment to the Joint Pool Committee. The next Joint Recreation Board Meeting will be held on August 30th at Elmwood Elementary and the next Borough Recreation Commission meeting will be held on September 11th.

School Board Liaison- Ryder – Councilman Ryder reported that the School Board voted to pursue a full day Kindergarten Program for 2008-009. The Kindergarten Academy will be placed at the Filbert School. The School District was awarded a grant from the Pre-K Counts program to help 20 disadvantaged children in the district attend a Pre-K program.

AGENDA ITEMS – August 21, 2007

◆ **Discussion and possible award of the Sanitary Sewer Interceptor Rehabilitation Lining bid.**

Ron Adams, Superintendent of the Wastewater Treatment Plant, was present to address Borough Council. Mr. Adams updated Borough Council on the activities at the Compost Site. Mr. Adams reported that the Highway and Wastewater employees were grinding woody waste this week at the facility and that the leaf screener will be arriving next month to grind the leaves collected in the fall of 2006. Manager Stough reported that a bid opening was held for the Sanitary Sewer Interceptor Rehabilitation Lining bid on August 14, 2007 and the bid results were distributed to Borough Council (attached). Gannett Fleming has reviewed all the bids and recommends award of the bid to Reynolds Inliner of Hillard, OH in the amount of \$72,230. Councilman Seagrist made a motion, second by Vice President Ryder, to award the bid for the Sanitary Sewer Interceptor Rehabilitation to Reynolds Inliner in the amount of \$72,230. The motion passed with all in favor.

◆ **Discussion and possible action on request for temporary reserved parking spaces at Schoolhouse Apartments.**

Manager Stough reviewed the request of Rovegno Real Estate Partners for Borough Council to approve 7 reserve parking spaces for Senior Citizens that reside at Schoolhouse Apartments during the construction scheduled to take place in the complex parking area from September through the end of November. Discussion on enforcement of this type of temporary parking restrictions was discussed. After discussion, Councilman Seagrist made a motion, second by Councilman McDermott, to table this matter so additional information can be obtained. The motion passed with all in favor. President Whitcomb directed Chief Spotts to contact Rick Rovegno to obtain the additional information required to determine enforceability.

◆ **Discussion and possible action on the Preliminary/Final Land Development Plan/Lot Consolidation for Citizens Fire and Rescue 208 South York Street.**

Jim Smith, Fischbach Morgan & Associates, was present to represent this plan on behalf of Citizens Fire and Resuce. Mr. Smith informed Borough Council that there are two components to this plan; one is the consolidation of three parcels into one parcel and the erection of a 1,000 square foot building addition to house a truck and some equipment. Mr. Smith reviewed the requested waivers with Borough Council. After review of the waivers requested Vice President Ryder made a motion to approve the six waivers requested

§22-404.3 – Waiver of the Preliminary Plan requirement

§22-503.3.W – Waiver of the requirement for a stormwater management plan.

§22-503.3 – Waiver of the requirement to draw plan to 1"=50' scale.

§22-503.3.O – Waiver of the requirement to provide locations of existing sanitary sewers.

§22-503.3.S,612.5 – Waiver of requirement to provide permanent reference monuments at all property corners

§604.6.H – Waiver of requirement to provide a landscape plan.

Councilman Ciecierski seconded the motion, which passed with all in favor. Solicitor Schorpp then reviewed the conditions for approval, outlined in Engineer Barber's memo of August 1st, with Borough Council and the applicant. After review Vice President Ryder made a motion to approve the Land Development Plan for Citizens Fire and Rescue subject to the condition that the professional sign and seal the plan, the property owner must sign the plan and have his signature notarized, a deed of consolidation be provided for all tracts included in the plan and that this deed be reviewed by the Solicitor and recorded with the plan, all waivers be noted on the plan and that the applicant before recording the plan, would provide the required notice to all property owners within two hundred (200) feet twenty one (21) days prior to recording of the plan. The applicant's representative, Mr. Smith, agreed to all the conditions included in the approval. After a brief discussion on the paper alley in this vicinity, Councilman Seagrist seconded the motion, which passed with all in favor.

◆ **Discussion and possible action on the on the Preliminary/Final Land Development for Admiral's Quay – off Brandy Lane.**

Ron Lucas and Eric Casanave were present to represent this plan. Mr. Lucas explained that all the structures proposed in this plan are located in Hampden Township. The public access street is located in the Borough and will connect the proposed development to Brandy Lane. Both the Mechanicsburg and Hampden Township Planning Commissions have recommended this development for approval. Mr. Lucas explained that as part of this plan approval an agreement is proposed between the Borough and Hampden Township, which would make Hampden Township responsible for maintenance of the public street leading into the development after the Borough accepts and ordains the roadway, with the Borough providing any liquid fuels money received for maintenance of this street to Hampden Township annually. President Whitcomb asked if the proposed street would be the only access to the development. Mr. Casanave indicated that it was. Mr. Lucas described some changes to the plan, which were made and submitted to the Borough Engineer. Mr. Casanave stated that the change in the cartway of the cul-de-sac makes the roadway exceed the requirements in the Borough subdivision ordinance. Engineer Barber asked Mr. Casanave if the buildings in Unit 1, A, B and C have been moved as a result of the increased radius in the cul-de-sac to maintain the 40 foot buffer. Mr. Casanave indicated that the plan was modified to meet all the Borough and Township set back requirements. Councilman Stoner asked about the roadway grading to contain potential stormwater. Mr. Casanave indicated that the stormwater will be contained on site. Councilman Stoner initiated discussion on the traffic impact. Mr. Lucas indicated that the developer had a traffic study completed, at the request of the Borough and is offering 4% of the cost of installing a traffic signal at Walnut and Brady Lane in the future. President Whitcomb suggested tabling the plan until the Police Department could deploy the traffic counter on Brady Lane and Walnut Street to determine current traffic along that roadway. Much discussion followed on this subject, with Engineer Barber projecting the developer's contribution to a future signal to be in the neighborhood of \$10,000. Discussion followed on the 12 hour traffic count in the study versus a week long collection on site by the Police Department. President Whitcomb was informed by Borough Staff that an extension would have to be offered by the applicant, to table the plan for 30 days. President Whitcomb asked Mr. Lucas if he would offer an extension and Mr. Lucas indicated that he was not authorized by the property owner to offer any extensions at this time. Councilman Seagrist asked Mr. Lucas about the timeline for his approvals and construction. Mr. Lucas explained that the applicant was hoping to obtain approval tonight, as to have approval when Hampden reviews this plan next week. Planning Commission Chairman, Kirk Corliss, addressed Borough Council noting that the traffic study performed and submitted by the applicant meets the criteria outlined in the Borough subdivision and land development ordinance for a traffic

study. It was determined, after much discussion that the additional information gained from a traffic count, could not be used in determining approval of this plan, since it is not required by the Borough subdivision and land development ordinance, Solicitor Schorpp then directed Borough Council to consider the six waivers requested by the applicant. Councilman Seagrist made a motion, second by Councilman Humes, to grant waiver number six, which is a waiver of §22-604-.6.B – waiver of the requirement to place sidewalks on both sides of the street. The motion passed with all in favor. Discussion followed on the remaining five waivers, particularly the turning distance required for fire vehicles. Solicitor Schorpp indicated that the turning radius being discussed is located in Hampden Township. After much discussion it was determined that sufficient coverage in the event of fire was available with vehicles that would be able to maneuver within the development. The developer will make available the information on vehicle turning radius to the Borough Fire Chief for review. Councilman Humes made a motion, second by Vice President Ryder to move granting the five waivers requested by the developer as follows:

§22-404.3 –waiver of the requirement for a preliminary plan.

§22-603.18 – waiver of the requirement that a cul-de-sac does not serve as access for more than 20 dwelling units.

§22-604-1.B – waiver of the minimum cartway width of 34 ft.

§22-604.2.D- waiver of the requirement for superelevation with radii less than 300 ft.

§22-604.4.I –waiver of the right-of-way radii requirement

Councilman Seagrist spoke in opposition of the motion, stating that he had concerns about reducing the street width. After additional discussion a vote was taken and the motion passed with six in favor (Ciecierski, Humes, McDermott, Ryder, Stoner, Whitcomb) and one against (Seagrist). After action was taken on the waivers, Solicitor Schorpp reviewed the conditions for approval with Borough Council as presented in the Engineers memo of August 8, 2007 (attached):

1. condition to have the property owner sign and notarize the plan.
2. condition to provide shade trees and have number and type approved by the Shade Tree Commission.
3. condition to record at grade pavement and grading easement
4. recording of a bonding improvement agreement for the proposed street and stormwater facilities.
5. condition upon the developer providing a letter of adequacy from the Cumberland County Conservation District for its stormwater plan.
6. the applicant agrees to provide 4% of the cost of future signalization of the Walnut and Brandy Lane intersection, with the Borough Engineer to determine the projected cost. (Comments 2,3 & 4 on the memo were already addressed by the developer)
7. the applicant will place approved waivers on the plan prior to recording.
8. the applicant agrees to use imprinted asphalt or like product in place of the concrete medium in the center of the proposed street and provide specifications for same to the Borough Engineer for approval.
9. the applicant will execute an agreement between himself, Hampden Township and Mechanicsburg Borough for maintenance of the ordained roadway.

Mr. Lucas agreed, to all the conditions as outlined by the Borough Solicitor on behalf of the developer, Mr. Strong. Vice President Ryder made a motion to approve the preliminary/final land development Plan for Admiral's Quay, subject to the conditions outlined by the Borough Solicitor and agreed to by the developer and authorize the Borough Council President to enter into the maintenance agreement, after it has been reviewed by the Borough Solicitor. Councilman Humes seconded the motion for plan approval. With no further discussion, President Whitcomb called for the vote and the motion passed by a vote of four in favor (Ciecierski, Humes, Ryder, Whitcomb) and three against (McDermott, Seagrist, Stoner).

◆ **Consider approval of Certificates of Appropriateness for the following applications:**

1. Kristen Ramsey – 62 W Main Street – Signage.

Councilman McDermott made a motion, second by Vice President Ryder to approve the Certificate of Appropriateness for Kristen Ramsey for a sign at 62 West Main Street. The motion passed with all in favor.

2. Martin & Marsha Kelley – 517 W Main Street – Signage.

Councilman McDermott made a motion, second by Councilman Ciecierski to approve the Certificate of Appropriateness for Martin and Marsha Kelley for a sign at 517 West Main Street. The motion passed with all in favor.

3. Meril & Karen Fisher – 101 S. York Street for shingle replacement.

Councilman McDermott made a motion, second by Vice President Ryder to approve the Certificate of Appropriateness for Meril & Karen Fisher for a shingle replacement on the dormers at 101 S York Street. The motion passed with all in favor.

- ◆ **Discussion and possible action on the request of the Gathering Place for closure of S. Frederick Street from W. Locust to W Simpson Street on September 30th from 4 to 8 PM.**
Councilman Ciecierski made a motion, second by Councilman McDermott to approve the request of the Gathering Place for closure of South Frederick Street from Locust to Simpson on September 30th from 4 to 8 PM. The motion passed with all in favor.
- ◆ **Request of Myrtle C. Desch of 46 West Keller Street for a handicapped parking space.**
Councilman Stoner made a motion to table. Councilman Ciecierski seconded the motion, which passed with all in favor.
- ◆ **Discussion and possible award of the downtown recycling container bid.**
Manager Stough reviewed the bid received for purchase of downtown recycling containers funded by a 902 grant for the Department of Environmental Protection. He recommended that \$12,272.50 be expended to purchase recycling containers for the downtown business district and the \$2,549.00 of recycling money from Capital reserve be used to purchase flower box containers. Councilman Stoner spoke in opposition to the purchase saying he felt the cost of the containers and planter boxes was too high. Manager Stough indicated that the quality of the containers, made from recycled plastic lumber, is the reason that they are more costly than some other less sturdy options. President Whitcomb asked why we were purchasing planters. Boyer responded that the idea is to bring some green planting to the downtown area. Councilman Seagrist agreed with President Whitcomb and suggested that an adopt a planter program be used to cover the costs of the planter purchase and maintenance. Councilman Stoner raised questions about the location of the units. President Whitcomb expressed his opinion that the \$2,549 could be better spent. Councilman Humes asked if the planters could be purchased separately, by either Main Street or the Mechanicsburg Chamber. Vice President Humes made a motion to purchase ten (10) recycling/refuse containers in the amount of \$12,727.50 from Midpoint International. Vice President Ryder seconded the motion. The motion passed with all in favor. Councilman Seagrist made a motion to purchase the ten planters at \$2,549.00 and put a planter adoption program into place. Councilman McDermott seconded the motion, which passed with five in favor (Ciecierski, Humes, McDermott, Ryder, Seagrist) and two against (Stoner, Whitcomb).
- ◆ **Discussion and possible action to hire Crossing Guards for the 2007-2008 school year.**
Chief Spotts asked that the resignation of Ed Kodish as a Crossing Guard be accepted with regret. Councilman Seagrist made a motion to accept the resignation of Ed Kodish, with regret. Vice President Ryder seconded the motion, which passed with all in favor. Chief Spotts asked Council to consider hiring Dorothy M. Erickson, Holly R. Wills and Joyce P Phillips as School Crossing Guards and Doug R. Limbaugh as a substitute School Crossing Guard. Vice President Ryder made a motion to authorize hiring of the four crossing guards proposed for employment by Chief Spotts. Councilman McDermott seconded the motion, which passed with all in favor. With the hiring of these individuals Chief Spotts reported that we are short two school crossing guards.
- ◆ **Discussion and possible action to hire Community Service Officers.**
Chief Spotts asked for approval to hire Community Service Officers Natasha M. Strong and Shane C. McMillan. Chief Spotts indicated that two of the current Community Service Officers are going back to college next week, so the new hires would replace them. President asked Chief the total number of CSOs with these two new additions. Chief Spotts reported that would bring the total to five. Vice President Ryder mad a motion, second by Councilman Humes to hire Strong and McMillan as Community Service Officers. The motion passed with all in favor.
- ◆ **Update on residential rental housing compliance.**
Manager Stough updated Borough Council on compliance with the residential rental inspection ordinance stating that 277 account representing 586 units were billed during this first twelve month period. Final notices have been sent to a few property owners that have failed to comply. Most of the units have been inspected or are scheduled for inspection. For the second year, some billing and processing changes are going to be put in place to make this process easier for both the property owners and staff.
- ◆ **Discussion and possible action on acceptance of a grant from Senator Vance for preemption devices for Fire Apparatus**
Councilman Seagrist made a motion, second by Vice President Ryder, to accept the \$5,000 DCED grant and authorize the President of Council to sign the contract documents. The motion passed with all in favor.

Approval of the Expenditures

Vice President Ryder made a motion, second by Councilman Seagrist to approve the expenditure for from June 1, through June 30, 2007 in the following amounts

\$205,754.87 from General Fund, \$8,424.42 from Highway Fund, \$81,144.94 from Capital Improvement Fund and for July 1, 2007 through July 31, 2007 in the amount of \$217,513.66 from General Fund, \$757.04 from Highway Fund and \$1,074.34 from Capital Improvement Fund. Councilman Humes questioned a \$50,000 check to Solicitor Schroon. He explained that the donation from Upper Allen Township had to be transferred to him for escrow, until an agreement was in place. Manager Stough noted that money is now in the pool account. The motion passed with all in favor.

CITIZEN COMMENTS:

There were none.

ANY OTHER BUSINESS TO COME BEFORE COUNCIL:

Councilman Seagrist asked that a check list be compiled to assure that all Borough Department review and sign off on land development plans prior to the plans being sent to Borough Council. Manager Stough asked for clarification. Councilman Seagrist stated that he felt Fire Chief, Police Chief, Highway and Wastewater should all review the plans and make comments prior to Planning Commission sending the plans to Council for consideration. He also asked that all of those receive agendas for Planning Commission and HARB meetings.

Councilman McDermott asked Manager Stough if he made contact with the School District regarding the Broad Street Parking issue presented to Borough Council at the last meeting. Manager Stough stated he will be discussing that with Alan Vandrew in the near future.

EXECUTIVE SESSION

At 10:28 PM Council adjourned into Executive Session on a matter of potential litigation with possible action.

At 11:00 PM President Whitcomb reconvened the meeting, noting that no action would be taken at this time.

ADJOURNMENT:

At 11:05 PM, with no further business to discuss, President Whitcomb adjourned the meeting.



Jonathan S. Stough
Borough Secretary