

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

June 15, 2010

7:30 PM

CALL TO ORDER:

President Whitcomb called the regular Borough Council meeting of June 15, 2010 to order at 7:30 PM.

PLEDGE OF ALLEGIANCE:

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

ROLL CALL:

Present were President Whitcomb, Vice President Ryder, Councilmen Humes, Kiskis, McDermott, Seagrist, Mayor Ritter, Solicitor Schorpp, Engineer Rogalski, Chief Spotts, Secretary Dennis and Assistant Secretary Boyer. Councilmen Ciecierski and Chief Seagrist were absent.

Public: Bob Arbogast, Elizabeth Bahn, Richard Coyne, Sean Forsythe, Paul Glantz, Nancy Hanlon, Joe Kurtz, Stephanie Perles, Jeff Sanders, Mark & Jay Stoner, Jon Stough and Ron Trace.

GUESTS:

Stephanie Perles, Mechanicsburg Environmental Advisory Council, addressed Borough Council on the upcoming round of Treevitalize Grant funding. Ms. Perlas advised Council that through the first round of Treevitalize Grant funding through Cumberland County and the Pennsylvania Department of Conservation and Natural Resources, 102 trees were planted in the Borough. The trees were planted in Memorial Park, Koser Park and in tree lawns throughout the Borough. In addition to the work already completed, 25 street trees are scheduled to be planted this Fall. There will be another round of Treevitalize funding available, the application is due in July, and the EAC hopes to build on the success that they have had thus far. There is currently a waiting list of residents who would like to have a street tree planted. Ms. Perles asked Borough Council to support the grant application for additional Treevitalize Funding and opened the floor for questions.

Councilman Kiskis asked how many residents are on the waiting list. Ms. Perles indicated there are currently 37 residents on the waiting list and Ms. Perles noted that every time a notice is put in the Newsletter, additional requests are received.

Jon Stough, Kilmer Insurance, addressed Borough Council regarding the renewal of the Borough's liability insurance. Mr. Stough noted that he met with Manager Dennis and reviewed the Borough's insurance coverage's and provided a proposal for Borough Council's review. Mr. Stough stated that he obtained price quotes from various carriers before preparing the proposal to stay with EMC Insurance through Kilmer. The current premium is about \$64,913 and the renewal is up about \$400 to \$65,321. Mr. Stough stated that currently the Borough has a one million dollar policy that over rides the liability for the policies and Mr. Stough recommended increasing that to two million and the premium for that would be \$2,600 a year. Solicitor Schorpp concurred with Mr. Stough's recommendation. Mr. Stough stated that he has seen an increase in Municipal litigation over the last six months to one year.

CITIZENS COMMENTS:

Paul Glantz, representative for Kim Smith of 427 West Main Street, who has a Historic Architectural Review Application before Council this evening, was present. Mr. Dennis stated that the HARB recommended denial of this application, as the work was completed without a Zoning Permit or HARB

review. This was done to be consistent with past practice. Mr. Dennis stated that in this case a citation will be sent to Ms. Smith for doing this work without obtaining the required permits and Mr. Glantz is here tonight to ask Council to consider an approval of her application. Councilman Humes asked if a Zoning Permit was obtained. Mr. Dennis stated that Ms. Smith has applied for the Zoning Permit, which is pending until a Certificate of Appropriateness can be obtained. Mr. Dennis stated that District Magisterial Judge Martin asked the Borough to adjust their enforcement policy so that only one penalty per offense is being enacted. Manager Dennis stated that the fence was recommended for denial because it was erected prior to obtaining a Certificate of Appropriateness, but the fence style and placement is in compliance. Mr. Glantz stated that Ms. Smith is a single mom with three children and she is also a first time homeowner. She did not realize that a permit was required and depended on the contractor to advise her of the requirements. He stated that Ms. Smith feels very bad about not obtaining the appropriate permits. Mr. Glantz stated that the new fence replaced and existing wire fence, that did not provide any privacy. Mr. Glantz stated that a better fence was required to keep Ms. Smith's four year old from wandering out onto Main Street. Mr. Glantz stated that Ms. Smith is remorseful about not following the rules and is doing everything she can to rectify the situation.

Ron Trace, President of Washington Fire Company, reminded everyone that Thursday is Jubilee Day and he asked that everyone patronize the two Fire Companies. Citizens Fire and Rescue is serving breakfast and Washington Fire Company will be serving lunch and dinner. Money spent at the Fire Companies stays in the community. Mr. Trace stated that both Fire Companies are ready for Jubilee Day and wish Chief Seagrist a speedy recovery.

Jeff Sanders, 501 North Market Street, commended the person responsible for the new website stating he has been "bitching" for three years and finally the website has been made easier to read. Mr. Sanders stated that the meeting agenda was posted on Friday which almost caused him to have a heart attack. It only took three years but it looks like it is on the way to improving. Mr. Sanders stated that there should be the ability to donate money to the Fire Companies on the website. Mr. Sanders further stated that the Borough spends money on the swimming pool, hundreds of thousands of dollars, but the Borough does not help the Fireman out all that much. Mr. Sanders stated that if someone's house catches on fire, they may want to make a donation that would help the fire companies. Mr. Sanders stated that he hopes all his comments this evening are on record. Mr. Sanders suggested that the Borough provide free sewer and refuse service to every fire fighter that attends 15 fire calls per year. Mr. Sanders stated the Police Department is always receiving kudos for their work in the minutes, however, the Fire Departments are just as professional as the Police Department but they do not get paid. Mr. Sanders stated that Fire insurance rates in the Borough would be higher without the volunteer Fire Departments. Mr. Sanders wants to be on record as stating that Borough Council should think about doing more for the fireman considering all that they do for the residents of the Borough.

Mr. Sanders stated that the reason he is before Council this evening is because Monday, June 7<sup>th</sup> at 5 PM, he had a sewer problem. Mr. Sanders stated that he wants to make a disclaimer that this subject is kind of ugly. Mr. Sanders stated that he cleaned out his lateral and that was not the problem. Mr. Sanders stated that he opened the lid to the manhole and there was six foot of "shit" and "piss" in the main. Mr. Sanders stated that he called the 24/7 number for the Sewer Department on the computer and got a voice mail with a woman's voice, so he assumed he had the wrong number. Mr. Sanders stated he tried a second time and the same thing occurred. After that, Mr. Sanders stated that he called 911; Mr. Sanders stated that he relayed the information to the operator, who tried the same emergency number for the plant and got a lady's voice mail, so the operator said he did not know what to do, so he called the Police. The Police Officer responded and confirmed the problem and he tried the same number and told Mr. Sanders he did not know if he could get someone

there tonight. Mr. Sanders stated that he told the office someone had to come out tonight or the shit would back up into his lateral. Mr. Sanders stated that Officer contacted Mr. Reinecker, who came out with the flusher truck and flushed the line. Mr. Sanders stated that the Sewer Department removed towels and shop clothes and other items from the line. It took till 10 PM to get this done. The guy who lives on Portland Street was trying to decide where all the items that created the block came from and he could not figure it out. Mr. Sanders stated that he understands it is almost impossible to find out where they came from, but it took him till after midnight to clean up the mess.

Mr. Sanders stated he came to the Borough Hall on Tuesday at 3:45 PM and asked to talk to the Borough Manager and the Secretary stated that he had just missed the Borough Manager but she would e-mail him and he would get back to me very soon. The secretary provided him with a copy of the e-mail. Wednesday went by without contact, Thursday went by without contact, so at 3:45 on Thursday, two days latter, Mr. Sanders stated he stopped in and Dennis was not around. "I waited for twenty minutes and then he showed up" stated Sanders. Mr. Sanders stated that they engaged in a heated conversation at the beginning, in which he said that he has 8,000 other people to deal with did not have time for him. It got a little bit more heated and Dennis said that the past practice is that the Borough does not do anything when a problem such as this occurs, as there is no negligence on the part of the Borough. Mr. Sanders stated that he did not do anything to create the problem and this is not right. Mr. Dennis stated this is past practice and Mr. Sanders stated he wanted to see documentation or case law on this matter. Mr. Sanders stated he had no documentation and he would think anyone here would agree that is not right. In the mean time, the guy who was running the flusher truck came in and Mr. Sanders stated he asked Mr. Reinecker to explain to Mr. Dennis what happened. Mr. Sanders stated it was like a choreographed tap dance between the two men, with Reinecker stating that the problem could be Mr. Sanders. Mr. Sanders stated that he has had this building for twelve years and he has not experienced a problem. Mr. Sanders stated the end result was both men stating that there sewer line was blocked, but it was his problem to clean up the mess. Mr. Sanders stated if he has to get someone else involved, and he is not saying who he is getting involved, but he will. Mr. Sanders stated if anyone here thinks this is right he wants to hear it now.

President Whitcomb stated that he understood that the Borough did respond and clean out the line. Mr. Sanders stated that they did not clean his property out. President Whitcomb stated that would not be the Borough's responsibility. President Whitcomb asked Mr. Sanders how the Borough would know that a sewer line is backed up until a call is received as the lines can not be checked continually. Mr. Sanders stated that it is the Borough's line and residents should be compensated if it backs up. Mr. Sanders stated that you can not discharge sludge onto another person's property, agree or disagree. President Whitcomb stated that the Borough did not intentionally do that. Mr. Sanders stated he did not ask him that he asked him if he agreed or disagreed with the statement regarding the discharge of sludge. Solicitor Schorpp advised President Whitcomb not to answer that question. Mr. Sanders asked how he was to obtain an answer, stating he must be telling the truth if Counsel is advising Council not to answer. Solicitor Schorpp stated Mr. Sanders could bring "someone" else into it, which can be interpreted as a matter of potential litigation. Mr. Sanders stated that Solicitor Schorpp should advise him how to obtain an answer, if he is advising Council not to answer. Mr. Schorpp stated he is giving his client legal advise not to go any further with this at this point in time. Mr. Sander's state he intended to do. Mr. Schorpp stated that Mr. Sanders has presented his issue to Borough Council and the Borough Manager did discuss the matter with him. Manager Dennis stated that he was at the Wastewater Treatment Plant dealing with a problem when his Administrative Assistant called him to advise him that Mr. Sanders was waiting. As soon as the issue was resolved, Manager Dennis stated that he came directly to the Borough Office to meet with Mr. Sanders and stated that the delay in response was due to the fact that he needed to check on the facts of the issue with the Wastewater Superintendent before meeting with Mr. Sanders. Mr. Sanders stated that it took two days for the Manager to respond to him. Manger Dennis stated to Mr. Sanders

that he was not satisfied with the answer he received during their meeting. Manager Dennis stated he would address the issue of the voice mail message on the sewer on call number. Mr. Sanders stated both he and 911 got the same female message on the voice mail. Mr. Sanders stated that he is to assume the clean up is on him. He further stated that you elect the Borough Council and then they are not allowed to talk to the residents that elected them. Solicitor Schorpp stated that because Mr. Sanders is trying to insist that someone on Council agrees with his position, and he is advising his client not to respond to this matter at this time. Mr. Sanders stated that Solicitor Schorpp is advising residents that if they want to talk to Council they must get a lawyer and sue the Borough. Solicitor Schorpp stated that since Mr. Sanders implied legal action, he is advising Borough Council not to answer at this time. Mr. Sanders stated that his intention is being twisted around. Mr. Sanders asked that this all be part of the record and reflected in the minutes.

Mr. Sanders stated that he also spoke with Mr. Dennis about the retention pond at Northside and Mr. Dennis agreed with him that it is not functioning during heavy rains. Mr. Sanders stated that he has been complaining for twenty years that it does not function properly. Mr. Sanders stated during heavy rains the water comes out of the grates. Mr. Sanders stated that the Borough can obtain money to plant trees, money for handicapped curbs; money for the swimming pools; however, the Borough can not obtain grant funding to dig out the retention pond, in which the elevation of the pond is higher than the pipes feeding it to protect people's property. Mr. Sanders stated that Mr. Dennis told him the Engineer would be here this evening and the matter could be discussed. Mr. Dennis stated that he has had the Highway Department out cleaning up the area to try to improve drainage; however during heavy rains it is not removing the water. There is garbage that collects there and sometimes ends up in resident's yards during heavy rains. President Whitcomb asked where the trash is coming from. Manager Dennis stated it is trash that is in the stormwater and collects near the outfall. Mr. Sanders stated that Mr. Dennis told him that residents complained about the appearance of the detention pond. Mr. Sanders stated that residents that purchased homes in that area deposit dirt and other items into the detention pond which have filled it up over time. Mr. Sanders suggested that area be improved to be used as a practice field which provides double use. Mr. Sanders stated that the Borough put in corrugated pipe rather than fiberglass which would have taken 30 percent more water away, but the Manager wanted to save money. The detention pond is now higher than the pipe. Manager Dennis stated that Greg is here this evening representing Pennoni Associates. Manager Dennis stated that the Highway Department did dig out the area adjacent to the pipe coming into the basin to try to make it function more efficiently. Manager Dennis stated some storms just bring too much water for the system to handle. President Whitcomb asked if the area was grated if that will improve drainage. Mr. Rogalski stated that Pennoni will investigate the option available at the site and will make recommendations to Borough Council to see if there is a solution to the problem at this location. Mr. Sanders stated that when the Borough had the Revitalization plan the Borough paid money to study how to get rid of water on the South side of town and Mr. Sanders stated that he provided input about the storm water issues on the North side of town. Mr. Sanders stated that whoever did that study did not put in much time if he was trying to put more water on the north side of town. Mr. Sanders stated during one storm event the water was up over the curbs on Market Street clear up to Simpson Street. President Whitcomb stated that these storms are not the normal situation. Mr. Sanders stated the retention pond is not big enough. President Whitcomb directed the Borough Engineer to see what could be done. Mr. Sanders stated he hopes all his comments are on the record.

Paul Glantz, 400 North Market, asked Borough Council about the issue regarding Foundry Alley where it intersects North Alley. Mr. Glantz stated that the alley serves four properties and one of the property owners blocks the alleyway with vehicles and garbage bags. Mr. Glantz stated that this alleyway provides access to the rear yards for the three property owners on North Market Street. Mr. Glantz stated that this matter was brought to Council's attention several months ago. Manager

Dennis stated that both he and the Codes Officer, Scott Merryman, have looked over the situation. Penn Waste has been instructed not to pick up trash bags that are placed to block the alleyway. Manager Dennis stated that the alleyway is not improved and appears as if it is just an extension of the rear yards for the North Market Street properties. The property owners blocking the alleyway have been contacted and asked to refrain from doing so, and the parties involved have been offered neighborhood counseling services to try to resolve the issue. Manager Dennis stated that this alleyway is not maintained. The Borough Solicitor stated if the Borough has not maintained the alleyway within the last twenty one years; it is not a public thoroughfare and reverts to private status. The Borough can not enforce the deeded rights as this is a private matter, but the property owners may have legal recourse available to them. Mr. Glantz stated that the problem is escalating. The Solicitor suggested that Mr. Glantz consult an attorney. President Whitcomb stated that Borough has never opened this roadway, so there are no public rights to the street. Solicitor Schorpp stated that even if the Borough accepted the deed of dedication forty or fifty years ago, if they never improved, opened, or maintained the roadway over the last twenty one years, it is not Borough property. President Whitcomb asked if the property deeds reference the alleyway. Mr. Glantz indicated that all four deeds reference the property lines as extending to the alley. Boyer stated that staff attempted to look for a deed of dedication and could not find one. Nancy Hanlon stated that they researched this when she was at the Borough Office and nothing could be found. Councilman Seagrist stated that this is one of two occasions when property owners have asked to have an alley vacated and that in those cases the property reverted to the property owners on each side of the alleyway. Mr. Glantz stated that he wants to keep the alley open, not vacate it. Solicitor Schorpp recommended that the residents wishing to keep the alleyway open contact an attorney and seek advice on their legal rights in this matter.

Bob Arbogast, 408 North Market, stated that Manager Dennis has done everything he can to help to abate the issue. Having Penn Waste not collect the refuse placed across the alleyway is a step in the right direction. Mr. Arbogast asked how the property would be divided if the alley was vacated. Solicitor Schorpp stated that one half would go to the residents on the Market Street side and one half would go to the other adjacent property to the east of the alley if it would be divided in the customary manner. Mr. Arbogast stated that all the Market Street property deeds state that there is a twelve foot public alley to the rear of the property. Mr. Arbogast stated when he obtained permits for his sheds he was required by the Borough to follow the setback requirements for that alley and that was just six years ago. Mr. Arbogast stated that the residents at the property facing Portland Street are getting nasty with the other residents that have access rights to the alley. Mr. Arbogast stated that these individuals insulted his wife, her family and it is getting ugly back there and it is an uncomfortable situation. Councilman Seagrist asked the Solicitor if it is possible to find out if ownership has reverted back to the parties adjoining the alley. Solicitor Schorpp stated that Mr. Arbogast would need to engage legal counsel to do the research to determine if the alley has reverted to the property owners on either side. Mr. Arbogast stated he currently has his property for sale, but he would like to resolve this for the next property owner.

Richard Coyne, 706 Alison Avenue, addressed Borough Council regarding the refuse & recycling service in the Borough. The quarterly refuse charge is \$43.32 which is \$3.32 per week, or 82 cents per bag. If a resident requires an extra bag over the four permitted the charge for that bag is \$3.00, almost the same rate as the four bags cost. Mr. Coyne stated that he has a large family and he would like to ask Borough Council if they could consider a low extra bag charge in the next contract. Mr. Coyne stated that he does not mind paying extra but feels \$3.00 per bag is excessive. Mr. Coyne stated he does do a lot of recycling. Councilman Seagrist stated that at the last Council meeting, Borough Council renewed the refuse and recycling contract for another two years at the current rates.

ADDITIONS TO AGENDA:

- Consideration and possible action to accept a \$25.00 donation from Ashley Shultz for the Community Relations Fund (former DARE Fund)  
Councilman McDermott made a motion to approve this addition and Councilman Kiskis seconded the motion which passed with all in favor.
- Discussion and possible action to cancel the July 6<sup>th</sup> Borough Council Meeting.  
Councilman Humes made a motion, second by Vice President Ryder, to cancel the July 6<sup>th</sup> Council meeting. A vote was taken and the motion to add this item to the agenda passed by a vote of four in favor (Humes, Kiskis, Ryder, Whitcomb) and two against (McDermott, Seagrist).

APPROVAL OF AGENDA:

Councilman Kiskis made a motion to approve the agenda, with the two additions noted. Councilman Humes seconded the motion, which passed with no dissenting votes.

CORRESPONDENCE:

None.

APPROVAL OF MINUTES:

Councilman McDermott made a motion to approve the minutes from the Regular Council meeting held on June 1, 2010. Councilman Kiskis seconded the motion, which passed with no dissenting votes.

MANAGER'S REPORT:

Manager Dennis reported that the paving and painting on North Washington Street has been completed. The buckets are up on the splash feature at the pool. They had been missing as they were sent out to be painted. The Memorial Park entrance and the pool complex are both looking good for the summer season.

Manager Dennis reported that he attended the HATS meeting last week and the Federal Earmark for Allendale Road Paving in the amount of \$700,000 was ranked 44 of 99 projects and the funding was accepted as secure. If the earmark makes it through appropriations their will be funding to pave the entire length of Allendale Road.

The Bond Sale for the Wastewater Treatment Plant upgrades went well and the closing documents were signed last Tuesday. A separate account has been set up at PNC Bank for the funds. Ron Adams is working on a construction schedule and once we know what is needed for year one, the remainder of the funds can be place in an investment account to earn additional interest until it is needed for construction.

A meeting was held at the Pool last Monday to discuss possible water slide configurations for the upcoming grant funding.

A meeting was held last Monday with Dewberry and Steve Barber regarding the Safe Routes to School Grant Project. A few cost cutting measures were discussed and they are still finalizing the design scope.

MAYOR'S REPORT:

June 3<sup>rd</sup> – Attended Captain McCabe's retirement lunch at the Navy Officers Club and presented Captain McCabe with a key to the city.

June 5<sup>th</sup> – Officiated a wedding at Allenberry.

- June 8<sup>th</sup> – Attended a meeting at the Borough Office to finalize the bond issue to move forward the sewer upgrade project.  
The Mayor was a guest at the PRE-K counts learning center graduation at the First Church of God. Councilman Charlie (WE CARE FOR KIDS) Ryder is the Pre-School Liaison for the Mechanicsburg Area School District.
- June 12<sup>th</sup> – Participated in the Vietnam Veterans of Mechanicsburg American Flag retirement ceremony at the Square. Myers Funeral Home cremates these flags and the ashes will be buried next year at the Lincoln Colored Cemetery on Memorial Day 2011.  
Officiated a wedding at Liberty Forge.  
Attended the Citizens Fire and Rescue 107<sup>th</sup> Anniversary Banquet held at the Mechanicsburg Club.
- June 14<sup>th</sup> – Crime Watch speaker was James O'Brian aka "Dr. Gonzo", James' last crime watch visit was October 8, 2007 escorted by Constable Hesse. Junes' visit was an amazing turn around of his prior life.
- June 15<sup>th</sup> – Assisted Borough Manager Pat Dennis with collection of the rent for the Sr. Citizen's Building.

Trivia Question – The Mechanicsburg Museum has completed interior renovations of the passenger station. What name has been given to this expanded room?

Answer – Cumberland Valley Railroad Room.

CHIEF OF POLICE REPORT:

- I received citizen letters of commendation for Lt. Myers and Sgt. Curtis for their work at recent incidents.

SOLICITOR'S REPORT:

No report.

ENGINEER'S REPORT:

Engineer Rogalski noted that the paving work and reconstruction of Allendale Road along the turn is scheduled for next Monday.

FIRE CHIEF'S REPORT:

Councilman Seagrist reported on the pump testing.

COUNCIL COMMITTEE REPORTS:

**Capital Area COG - McDermott** – Councilman McDermott reported that there is a COG meeting next Monday evening. The Cumberland County Municipal Advisory Board will be meeting on June 29<sup>th</sup>.

**Community Development – Humes** – Councilman Humes reported Main Street Mechanicsburg is funding another round of Grant funding for the About Face Grant Program.

**Environmental Committee – Seagrist** – Councilman Seagrist reported that the EAC will host a Build your own Rain Barrel Workshop 6:30-8:30, July 21st at Memorial Park The cost will be \$20 for residents and \$25 for non-residents and the registration deadline is July 16<sup>th</sup> Each Participant will leave with a rain barrel. Registration is limited to 25 participants. Councilman Seagrist also noted an agenda item.

**Finance/Appropriations/Insurance** – Whitcomb – No report.

**Fire** – Ciecierski – No report.

**Health and Recreation** – Ryder – Vice President Ryder stated he was unable to attend the last Recreation Commission meeting due to the PRE K Counts Graduation. Manager Dennis stated a shed is being installed by Recreation to store supplies for the summer recreation programs. The Highway Department will level the area prior to delivery. Manager Dennis stated that the Pool

opening was discussed as well as the purchase of a new water slide feature with the newly obtained grant funding.

**Highway/Public Safety – Whitcomb** – President Whitcomb reported that the Committee met on June 2<sup>nd</sup> and will be putting an item on the meeting agenda for the second Council meeting in July.

**Loan Review Committee - Humes** – No report, however there is an Agenda Item.

**Ordinance Administration – Ciecierski** – No report.

**Property & Buildings – Seagrist** – Councilman Seagrist reported that he is attempting to contact the Lower Allen Township representative that oversees the Community Garden program to meet and tour their facility. Councilman Seagrist stated that he spoke with the Camp Hill coordinator who stated they have 36 plots available. The plots are rented on a first come first serve bases and there is a \$25 per year fee.

**Public Communications – McDermott** – No report.

**School Board - Ryder** – No report.

### **AGENDA ITEMS – June 15, 2010**

- **Discussion and Possible Action to approve a loan from the Mechanicsburg Commercial Revitalization Loan Pool for Steve Fisher Rental Properties 7-11 West Main Street.**

Councilman Humes made a motion to approve the Commercial Loan for Steve Fisher Property Rentals in the amount of \$39,000 waiving the requirement that the property appraisal be completed within the last three months and that the loan value ratio is no more than 75% as recommended by the Loan Review Committee. Councilman McDermott seconded the motion, which passed with all in favor.

- **Discussion and possible action to make revisions to the Mechanicsburg Commercial Loan Application Guidelines.**

Chris Gulotta, Cumberland/Perry Housing and Community Partnership, was present to represent this request. Mr. Gulotta explained to Borough Council that at the last Loan Review Committee meeting the Committee voted to ask Council to consider two changes to the Mechanicsburg Commercial Loan Application Guidelines. Mr. Gulotta indicated that the Committee would like to change item 6, Appraisals to allow the applicant to have an appraisal that is up to twelve months old, instead of the three months currently required. The second change would be to Item 4.a, Loan Amount, which would change loan to value ratio to 80%, from the current 75%. Mr. Gulotta stated that the original guidelines were prepared in 1993. Councilman Humes made a motion, second by Councilman McDermott, to change the Commercial Rehabilitation Program guidelines to increase the loan to value ratio permitted to 80% and allow appraisals up to twelve months old. Solicitor Schorpp asked that motion be amended to say the appraisal must be within twelve months or such lesser time as the Loan Review Committee recommends. The Solicitor stated this would allow discretion on the part of the Committee should the structure have sustained damage, such as fire, in the period following the appraisal. Mr. Gulotta indicated that would be fine, as the Loan Review Committee would take into consideration any special circumstances that may have impaired the value. Councilman Humes amended her motion and Councilman McDermott amended his second. The amended motion passed with all in favor.

- **Discussion and Possible Action to Approve Certificates of Appropriateness for the Following Applications:**

1. **Application of Kim Smith – 427 West Main Street – Fence.**

Councilman Seagrist made a motion to recommend approval of the Certificate of Appropriateness for Kim Smith, 427 West Main Street for a fence. Councilman Kiskis seconded the motion, which passed with all in favor.

2. **Application of Robert Dunn – 200 West Main Street – Signage.**

Councilman McDermott made a motion to recommend approval of the Certificate of Appropriateness for Robert Dunn, 200 West Main Street for signage as per

the recommendation of the Historic Architectural Review Board at their meeting on June 7, 2010. Vice President Ryder seconded the motion, which passed with all in favor.

**3. Application of Tom & Anna Mallios – 125 West Main Street – Signage.**

Councilman McDermott made a motion to recommend approval of the Certificate of Appropriateness for Tom & Anna Mallios, 125 West Main Street for signage as per the recommendation of the Historic Architectural Review Board at their meeting on June 7, 2010. Vice President Ryder seconded the motion, which passed with all in favor.

**4. Application of Christina & Jonathon Verrecchio – 403 West Main Street Street – Roof Replacement.**

Councilman Humes made a motion to recommend approval of the Certificate of Appropriateness for Christina & Jonathon Verrecchio, 403 West Main Street for roof replacement as per the recommendation of the Historic Architectural Review Board at their meeting on June 7, 2010. Councilman Kiskis seconded the motion, which passed with all in favor.

**5. Application of John Sopensky – 111 East Main Street – Exterior Alterations.**

Councilman McDermott made a motion to recommend approval of the Certificate of Appropriateness for John Sopensky, 111 East Main Street for exterior alterations as per the recommendation of the Historic Architectural Review Board at their meeting on June 7, 2010. Councilman Kiskis seconded the motion, which passed with all in favor.

- **Discussion and Possible Action to Adopt Ordinance 1116 Changing the Tax Certification fees, as requested by Barry Heckard, Tax Collector.**

Councilman Seagrist made a motion, second by Vice President Ryder, to adopt Ordinance 116 as presented. President Whitcomb called for a vote as follows:

Ciecierski	Absent	Ryder	Yea
Humes	Yea	Seagrist	Yea
Kiskis	Yea	Whitcomb	Yea
McDermott	Yea		

The motion passed.

- **Discussion and Possible Action to Adopt Resolution 07-2010.**

Councilman Kiskis made a motion to adopt Resolution 07-2010 to apply for Treevitalize Grant Funding as presented. Vice President Ryder seconded the motion, which passed with all in favor.

- **Discussion and Possible Action to Approve the Banner Request of the Washington Fire Company for a Banner Across East Main Street Advertising their Annual Children’s Christmas Party.**

Councilman Seagrist made a motion, second by Councilman Humes, to approve the request of the Washington Fire Company for a banner across East Main Street from November 12, 2010 through November 27, 2010 advertising their Children’s Christmas Party. The motion passed with all in favor.

- **Discussion and Possible Action to approve the Resignation of Aaron Bayer, as a Community Service/Park Security Officer, effective July 2, 2010.**

Vice President Ryder made a motion to accept the resignation of Aaron Bayer, effective July 2, 2010. Councilman McDermott seconded the motion, which passed with all voting in the affirmative.

- **Discussion and Possible Action to approve Permanent Status with the Mechanicsburg Police Department for Officer Justin Myers.**

Vice President Ryder made a motion, second by Councilman Kiskis, to approve permanent status with the Mechanicsburg Police Department for Patrol Officer Justin Myers. Chief Spotts stated that he received a highly commendable report on his pre-permanent status

Investigation. The motion passed with all in favor.

- **Discussion and Possible Action to Renew the Borough's General Liability Insurance with EMC.**

Vice President Ryder made a motion to renew the Borough General Liability Insurance with EMC. Councilman Humes stated she would like to see the motion include raising the umbrella to two million as discussed. Vice President Ryder amended his motion to include the increase in the umbrella to two million. Councilman Humes seconded the motion, which passed with all in favor.

- **Consideration and Possible Action to Accept a \$25.00 Donation from Ashley Shultz for the Community Relations Fund (former DARE Fund).**

Vice President Ryder made a motion to accept the \$25.00 donation from Ashley Shultz for the Community Relations Fund, with thanks. Councilman Kiskis seconded the motion, which passed with all in favor.

- **Consideration and Possible Action to Consider Cancelling the July 6<sup>th</sup> Council Meeting.**

Vice President Ryder made a motion, second by Councilman Humes and President Whitcomb opened the floor for discussion. Councilman Kiskis asked why Council is considering cancelling the meeting. Manager Dennis stated that Monday July 5<sup>th</sup> is a holiday and the Borough Office is closed and the Office will be really busy coming off of a long weekend. Manager Dennis stated that July is usually a slow month for Council business, so one meeting is usually sufficient to conduct the business of the Borough. President Whitcomb stated that in the past Council cancel both the 1<sup>st</sup> meeting in July and August as the summer month are slower. Councilman Kiskis asked if a HARB approval would have to wait longer. Manager Dennis stated this would not impact HARB reviews, since they are on the second meeting of the month agenda regularly. Solicitor Schorpp stated that Borough Council has a Public Hearing on July 20<sup>th</sup> at 6 PM on the Member 1<sup>st</sup> Zoning and Comprehensive Plan amendment. Councilman McDermott stated he objects to cancelling the meeting as it was advertised in the Annual Report and we did not cancel it in the newsletter. Councilman McDermott stated it should have been done earlier in the year. Councilman Seagrist stated that he objects to cancelling the meeting because as elected officials the Council is being compensated for two meeting per month. President Whitcomb called for a vote and the motion was tied at three in favor (Humes, Ryder, Whitcomb) and three against (Kiskis, McDermott, Seagrist). Mayor Ritter was called upon to break the tie, and Mayor Ritter voted in favor of the motion to cancel the July 6<sup>th</sup> meeting.

**Authorization to Approve Expenditures from May 1, 2010 through May 31, 2010 as follows:**

<b>Capital Fund:</b>	<b>\$ 7915.54</b>	<b>Highway Fund:</b>	<b>\$14,703.64</b>
<b>General Fund:</b>	<b>\$ 188,317.55</b>	<b>Sewer Fund:</b>	<b>\$50,349.52</b>

Vice President Ryder made a motion to approve the expenditures from May 1, 2010 through May 31, 2010 as reported. Councilman McDermott seconded the motion. Councilman Humes asked what the Borough purchased from the National Rifle Association. Chief Spotts explained it was for instructor re-certification for the firearms instructors. After discussion, the motion passed with all in favor.

**CITIZENS COMMENTS:**

Joe Kurtz, 102 North Washington, explained that he brought his son this evening to work on a merit badge. Mr. Kurtz stated that the paving on North Washington Street looks great. He continued to say that the painting was done, however, they did not close the roadway to allow the paint to dry and now the paint has been smeared all over the roadway. He also noted that he replaced his curb and it was

damaged during the paving when a roller hit his curb and cracked the curb. Manager Dennis noted that he would be out on Friday with the Borough Engineer to review the damage.

OTHER BUSINESS:

Chief Spotts stated that Congratulations are in order for the Hershey Bears on their Calder Cup Championship.

Councilman Humes noted that Mechanicsburg Area Foundation awarded twenty three scholarships totaling \$36,000.

Councilman Seagrist commended Mr. Kurtz for working on his Citizenship Merit Badge. He updated Borough Council on Fire Chief, Larry Seagrist's, condition and thanked everyone for their well wishes and concern. Chief Seagrist was released from the Hospital and is recovering at home.

Councilman Kiskis stated that free Concerts on the Corner are happening downtown every Thursday from 7 PM to 9 PM. She noted she is still working on getting vendors for the Farmers Market.

ADJOURNMENT:

At 8:59 PM President Whitcomb adjourned the meeting.

A handwritten signature in cursive script that reads "Pat E. Dennis". The signature is written in black ink on a light-colored background.

**Patrick E. Dennis, Borough Secretary**

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

June 15, 2010

7:30 PM

CALL TO ORDER:

President Whitcomb called the regular Borough Council meeting of June 15, 2010 to order at 7:30 PM.

PLEDGE OF ALLEGIANCE:

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

ROLL CALL:

Present were President Whitcomb, Vice President Ryder, Councilmen Humes, Kiskis, McDermott, Seagrist, Mayor Ritter, Solicitor Schorpp, Engineer Rogalski, Chief Spotts, Secretary Dennis and Assistant Secretary Boyer. Councilmen Ciecierski and Chief Seagrist were absent.

Public: Bob Arbogast, Elizabeth Bahn, Richard Coyne, Sean Forsythe, Paul Glantz, Nancy Hanlon, Joe Kurtz, Stephanie Perles, Jeff Sanders, Mark & Jay Stoner, Jon Stough and Ron Trace.

GUESTS:

Stephanie Perles, Mechanicsburg Environmental Advisory Council, addressed Borough Council on the upcoming round of Treevitalize Grant funding. Ms. Perlas advised Council that through the first round of Treevitalize Grant funding through Cumberland County and the Pennsylvania Department of Conservation and Natural Resources, 102 trees were planted in the Borough. The trees were planted in Memorial Park, Koser Park and in tree lawns throughout the Borough. In addition to the work already completed, 25 street trees are scheduled to be planted this Fall. There will be another round of Treevitalize funding available, the application is due in July, and the EAC hopes to build on the success that they have had thus far. There is currently a waiting list of residents who would like to have a street tree planted. Ms. Perles asked Borough Council to support the grant application for additional Treevitalize Funding and opened the floor for questions.

Councilman Kiskis asked how many residents are on the waiting list. Ms. Perles indicated there are currently 37 residents on the waiting list and Ms. Perles noted that every time a notice is put in the Newsletter, additional requests are received.

Jon Stough, Kilmer Insurance, addressed Borough Council regarding the renewal of the Borough's liability insurance. Mr. Stough noted that he met with Manager Dennis and reviewed the Borough's insurance coverage's and provided a proposal for Borough Council's review. Mr. Stough stated that he obtained price quotes from various carriers before preparing the proposal to stay with EMC Insurance through Kilmer. The current premium is about \$64,913 and the renewal is up about \$400 to \$65,321. Mr. Stough stated that currently the Borough has a one million dollar policy that over rides the liability for the policies and Mr. Stough recommended increasing that to two million and the premium for that would be \$2,600 a year. Solicitor Schorpp concurred with Mr. Stough's recommendation. Mr. Stough stated that he has seen an increase in Municipal litigation over the last six months to one year.

CITIZENS COMMENTS:

Paul Glantz, representative for Kim Smith of 427 West Main Street, who has a Historic Architectural Review Application before Council this evening, was present. Mr. Dennis stated that the HARB recommended denial of this application, as the work was completed without a Zoning Permit or HARB

review. This was done to be consistent with past practice. Mr. Dennis stated that in this case a citation will be sent to Ms. Smith for doing this work without obtaining the required permits and Mr. Glantz is here tonight to ask Council to consider an approval of her application. Councilman Humes asked if a Zoning Permit was obtained. Mr. Dennis stated that Ms. Smith has applied for the Zoning Permit, which is pending until a Certificate of Appropriateness can be obtained. Mr. Dennis stated that District Magisterial Judge Martin asked the Borough to adjust their enforcement policy so that only one penalty per offense is being enacted. Manager Dennis stated that the fence was recommended for denial because it was erected prior to obtaining a Certificate of Appropriateness, but the fence style and placement is in compliance. Mr. Glantz stated that Ms. Smith is a single mom with three children and she is also a first time homeowner. She did not realize that a permit was required and depended on the contractor to advise her of the requirements. He stated that Ms. Smith feels very bad about not obtaining the appropriate permits. Mr. Glantz stated that the new fence replaced and existing wire fence, that did not provide any privacy. Mr. Glantz stated that a better fence was required to keep Ms. Smith's four year old from wandering out onto Main Street. Mr. Glantz stated that Ms. Smith is remorseful about not following the rules and is doing everything she can to rectify the situation.

Ron Trace, President of Washington Fire Company, reminded everyone that Thursday is Jubilee Day and he asked that everyone patronize the two Fire Companies. Citizens Fire and Rescue is serving breakfast and Washington Fire Company will be serving lunch and dinner. Money spent at the Fire Companies stays in the community. Mr. Trace stated that both Fire Companies are ready for Jubilee Day and wish Chief Seagrist a speedy recovery.

Jeff Sanders, 501 North Market Street, commended the person responsible for the new website stating he has been "bitching" for three years and finally the website has been made easier to read. Mr. Sanders stated that the meeting agenda was posted on Friday which almost caused him to have a heart attack. It only took three years but it looks like it is on the way to improving. Mr. Sanders stated that there should be the ability to donate money to the Fire Companies on the website. Mr. Sanders further stated that the Borough spends money on the swimming pool, hundreds of thousands of dollars, but the Borough does not help the Fireman out all that much. Mr. Sanders stated that if someone's house catches on fire, they may want to make a donation that would help the fire companies. Mr. Sanders stated that he hopes all his comments this evening are on record. Mr. Sanders suggested that the Borough provide free sewer and refuse service to every fire fighter that attends 15 fire calls per year. Mr. Sanders stated the Police Department is always receiving kudos for their work in the minutes, however, the Fire Departments are just as professional as the Police Department but they do not get paid. Mr. Sanders stated that Fire insurance rates in the Borough would be higher without the volunteer Fire Departments. Mr. Sanders wants to be on record as stating that Borough Council should think about doing more for the fireman considering all that they do for the residents of the Borough.

Mr. Sanders stated that the reason he is before Council this evening is because Monday, June 7<sup>th</sup> at 5 PM, he had a sewer problem. Mr. Sanders stated that he wants to make a disclaimer that this subject is kind of ugly. Mr. Sanders stated that he cleaned out his lateral and that was not the problem. Mr. Sanders stated that he opened the lid to the manhole and there was six foot of "shit" and "piss" in the main. Mr. Sanders stated that he called the 24/7 number for the Sewer Department on the computer and got a voice mail with a woman's voice, so he assumed he had the wrong number. Mr. Sanders stated he tried a second time and the same thing occurred. After that, Mr. Sanders stated that he called 911; Mr. Sanders stated that he relayed the information to the operator, who tried the same emergency number for the plant and got a lady's voice mail, so the operator said he did not know what to do, so he called the Police. The Police Officer responded and confirmed the problem and he tried the same number and told Mr. Sanders he did not know if he could get someone

there tonight. Mr. Sanders stated that he told the office someone had to come out tonight or the shit would back up into his lateral. Mr. Sanders stated that Officer contacted Mr. Reinecker, who came out with the flusher truck and flushed the line. Mr. Sanders stated that the Sewer Department removed towels and shop clothes and other items from the line. It took till 10 PM to get this done. The guy who lives on Portland Street was trying to decide where all the items that created the block came from and he could not figure it out. Mr. Sanders stated that he understands it is almost impossible to find out where they came from, but it took him till after midnight to clean up the mess.

Mr. Sanders stated he came to the Borough Hall on Tuesday at 3:45 PM and asked to talk to the Borough Manager and the Secretary stated that he had just missed the Borough Manager but she would e-mail him and he would get back to me very soon. The secretary provided him with a copy of the e-mail. Wednesday went by without contact, Thursday went by without contact, so at 3:45 on Thursday, two days latter, Mr. Sanders stated he stopped in and Dennis was not around. "I waited for twenty minutes and then he showed up" stated Sanders. Mr. Sanders stated that they engaged in a heated conversation at the beginning, in which he said that he has 8,000 other people to deal with did not have time for him. It got a little bit more heated and Dennis said that the past practice is that the Borough does not do anything when a problem such as this occurs, as there is no negligence on the part of the Borough. Mr. Sanders stated that he did not do anything to create the problem and this is not right. Mr. Dennis stated this is past practice and Mr. Sanders stated he wanted to see documentation or case law on this matter. Mr. Sanders stated he had no documentation and he would think anyone here would agree that is not right. In the mean time, the guy who was running the flusher truck came in and Mr. Sanders stated he asked Mr. Reinecker to explain to Mr. Dennis what happened. Mr. Sanders stated it was like a choreographed tap dance between the two men, with Reinecker stating that the problem could be Mr. Sanders. Mr. Sanders stated that he has had this building for twelve years and he has not experienced a problem. Mr. Sanders stated the end result was both men stating that there sewer line was blocked, but it was his problem to clean up the mess. Mr. Sanders stated if he has to get someone else involved, and he is not saying who he is getting involved, but he will. Mr. Sanders stated if anyone here thinks this is right he wants to hear it now.

President Whitcomb stated that he understood that the Borough did respond and clean out the line. Mr. Sanders stated that they did not clean his property out. President Whitcomb stated that would not be the Borough's responsibility. President Whitcomb asked Mr. Sanders how the Borough would know that a sewer line is backed up until a call is received as the lines can not be checked continually. Mr. Sanders stated that it is the Borough's line and residents should be compensated if it backs up. Mr. Sanders stated that you can not discharge sludge onto another person's property, agree or disagree. President Whitcomb stated that the Borough did not intentionally do that. Mr. Sanders stated he did not ask him that he asked him if he agreed or disagreed with the statement regarding the discharge of sludge. Solicitor Schorpp advised President Whitcomb not to answer that question. Mr. Sanders asked how he was to obtain an answer, stating he must be telling the truth if Counsel is advising Council not to answer. Solicitor Schorpp stated Mr. Sanders could bring "someone" else into it, which can be interpreted as a matter of potential litigation. Mr. Sanders stated that Solicitor Schorpp should advise him how to obtain an answer, if he is advising Council not to answer. Mr. Schorpp stated he is giving his client legal advise not to go any further with this at this point in time. Mr. Sander's state he intended to do. Mr. Schorpp stated that Mr. Sanders has presented his issue to Borough Council and the Borough Manager did discuss the matter with him. Manager Dennis stated that he was at the Wastewater Treatment Plant dealing with a problem when his Administrative Assistant called him to advise him that Mr. Sanders was waiting. As soon as the issue was resolved, Manager Dennis stated that he came directly to the Borough Office to meet with Mr. Sanders and stated that the delay in response was due to the fact that he needed to check on the facts of the issue with the Wastewater Superintendent before meeting with Mr. Sanders. Mr. Sanders stated that it took two days for the Manager to respond to him. Manger Dennis stated to Mr. Sanders

that he was not satisfied with the answer he received during their meeting. Manager Dennis stated he would address the issue of the voice mail message on the sewer on call number. Mr. Sanders stated both he and 911 got the same female message on the voice mail. Mr. Sanders stated that he is to assume the clean up is on him. He further stated that you elect the Borough Council and then they are not allowed to talk to the residents that elected them. Solicitor Schorpp stated that because Mr. Sanders is trying to insist that someone on Council agrees with his position, and he is advising his client not to respond to this matter at this time. Mr. Sanders stated that Solicitor Schorpp is advising residents that if they want to talk to Council they must get a lawyer and sue the Borough. Solicitor Schorpp stated that since Mr. Sanders implied legal action, he is advising Borough Council not to answer at this time. Mr. Sanders stated that his intention is being twisted around. Mr. Sanders asked that this all be part of the record and reflected in the minutes.

Mr. Sanders stated that he also spoke with Mr. Dennis about the retention pond at Northside and Mr. Dennis agreed with him that it is not functioning during heavy rains. Mr. Sanders stated that he has been complaining for twenty years that it does not function properly. Mr. Sanders stated during heavy rains the water comes out of the grates. Mr. Sanders stated that the Borough can obtain money to plant trees, money for handicapped curbs; money for the swimming pools; however, the Borough can not obtain grant funding to dig out the retention pond, in which the elevation of the pond is higher than the pipes feeding it to protect people's property. Mr. Sanders stated that Mr. Dennis told him the Engineer would be here this evening and the matter could be discussed. Mr. Dennis stated that he has had the Highway Department out cleaning up the area to try to improve drainage; however during heavy rains it is not removing the water. There is garbage that collects there and sometimes ends up in resident's yards during heavy rains. President Whitcomb asked where the trash is coming from. Manager Dennis stated it is trash that is in the stormwater and collects near the outfall. Mr. Sanders stated that Mr. Dennis told him that residents complained about the appearance of the detention pond. Mr. Sanders stated that residents that purchased homes in that area deposit dirt and other items into the detention pond which have filled it up over time. Mr. Sanders suggested that area be improved to be used as a practice field which provides double use. Mr. Sanders stated that the Borough put in corrugated pipe rather than fiberglass which would have taken 30 percent more water away, but the Manager wanted to save money. The detention pond is now higher than the pipe. Manager Dennis stated that Greg is here this evening representing Pennoni Associates. Manager Dennis stated that the Highway Department did dig out the area adjacent to the pipe coming into the basin to try to make it function more efficiently. Manager Dennis stated some storms just bring too much water for the system to handle. President Whitcomb asked if the area was grated if that will improve drainage. Mr. Rogalski stated that Pennoni will investigate the option available at the site and will make recommendations to Borough Council to see if there is a solution to the problem at this location. Mr. Sanders stated that when the Borough had the Revitalization plan the Borough paid money to study how to get rid of water on the South side of town and Mr. Sanders stated that he provided input about the storm water issues on the North side of town. Mr. Sanders stated that whoever did that study did not put in much time if he was trying to put more water on the north side of town. Mr. Sanders stated during one storm event the water was up over the curbs on Market Street clear up to Simpson Street. President Whitcomb stated that these storms are not the normal situation. Mr. Sanders stated the retention pond is not big enough. President Whitcomb directed the Borough Engineer to see what could be done. Mr. Sanders stated he hopes all his comments are on the record.

Paul Glantz, 400 North Market, asked Borough Council about the issue regarding Foundry Alley where it intersects North Alley. Mr. Glantz stated that the alley serves four properties and one of the property owners blocks the alleyway with vehicles and garbage bags. Mr. Glantz stated that this alleyway provides access to the rear yards for the three property owners on North Market Street. Mr. Glantz stated that this matter was brought to Council's attention several months ago. Manager

Dennis stated that both he and the Codes Officer, Scott Merryman, have looked over the situation. Penn Waste has been instructed not to pick up trash bags that are placed to block the alleyway. Manager Dennis stated that the alleyway is not improved and appears as if it is just an extension of the rear yards for the North Market Street properties. The property owners blocking the alleyway have been contacted and asked to refrain from doing so, and the parties involved have been offered neighborhood counseling services to try to resolve the issue. Manager Dennis stated that this alleyway is not maintained. The Borough Solicitor stated if the Borough has not maintained the alleyway within the last twenty one years; it is not a public thoroughfare and reverts to private status. The Borough can not enforce the deeded rights as this is a private matter, but the property owners may have legal recourse available to them. Mr. Glantz stated that the problem is escalating. The Solicitor suggested that Mr. Glantz consult an attorney. President Whitcomb stated that Borough has never opened this roadway, so there are no public rights to the street. Solicitor Schorpp stated that even if the Borough accepted the deed of dedication forty or fifty years ago, if they never improved, opened, or maintained the roadway over the last twenty one years, it is not Borough property. President Whitcomb asked if the property deeds reference the alleyway. Mr. Glantz indicated that all four deeds reference the property lines as extending to the alley. Boyer stated that staff attempted to look for a deed of dedication and could not find one. Nancy Hanlon stated that they researched this when she was at the Borough Office and nothing could be found. Councilman Seagrist stated that this is one of two occasions when property owners have asked to have an alley vacated and that in those cases the property reverted to the property owners on each side of the alleyway. Mr. Glantz stated that he wants to keep the alley open, not vacate it. Solicitor Schorpp recommended that the residents wishing to keep the alleyway open contact an attorney and seek advice on their legal rights in this matter.

Bob Arbogast, 408 North Market, stated that Manager Dennis has done everything he can to help to abate the issue. Having Penn Waste not collect the refuse placed across the alleyway is a step in the right direction. Mr. Arbogast asked how the property would be divided if the alley was vacated. Solicitor Schorpp stated that one half would go to the residents on the Market Street side and one half would go to the other adjacent property to the east of the alley if it would be divided in the customary manner. Mr. Arbogast stated that all the Market Street property deeds state that there is a twelve foot public alley to the rear of the property. Mr. Arbogast stated when he obtained permits for his sheds he was required by the Borough to follow the setback requirements for that alley and that was just six years ago. Mr. Arbogast stated that the residents at the property facing Portland Street are getting nasty with the other residents that have access rights to the alley. Mr. Arbogast stated that these individuals insulted his wife, her family and it is getting ugly back there and it is an uncomfortable situation. Councilman Seagrist asked the Solicitor if it is possible to find out if ownership has reverted back to the parties adjoining the alley. Solicitor Schorpp stated that Mr. Arbogast would need to engage legal counsel to do the research to determine if the alley has reverted to the property owners on either side. Mr. Arbogast stated he currently has his property for sale, but he would like to resolve this for the next property owner.

Richard Coyne, 706 Alison Avenue, addressed Borough Council regarding the refuse & recycling service in the Borough. The quarterly refuse charge is \$43.32 which is \$3.32 per week, or 82 cents per bag. If a resident requires an extra bag over the four permitted the charge for that bag is \$3.00, almost the same rate as the four bags cost. Mr. Coyne stated that he has a large family and he would like to ask Borough Council if they could consider a low extra bag charge in the next contract. Mr. Coyne stated that he does not mind paying extra but feels \$3.00 per bag is excessive. Mr. Coyne stated he does do a lot of recycling. Councilman Seagrist stated that at the last Council meeting, Borough Council renewed the refuse and recycling contract for another two years at the current rates.

ADDITIONS TO AGENDA:

- Consideration and possible action to accept a \$25.00 donation from Ashley Shultz for the Community Relations Fund (former DARE Fund)  
Councilman McDermott made a motion to approve this addition and Councilman Kiskis seconded the motion which passed with all in favor.
- Discussion and possible action to cancel the July 6<sup>th</sup> Borough Council Meeting.  
Councilman Humes made a motion, second by Vice President Ryder, to cancel the July 6<sup>th</sup> Council meeting. A vote was taken and the motion to add this item to the agenda passed by a vote of four in favor (Humes, Kiskis, Ryder, Whitcomb) and two against (McDermott, Seagrist).

APPROVAL OF AGENDA:

Councilman Kiskis made a motion to approve the agenda, with the two additions noted. Councilman Humes seconded the motion, which passed with no dissenting votes.

CORRESPONDENCE:

None.

APPROVAL OF MINUTES:

Councilman McDermott made a motion to approve the minutes from the Regular Council meeting held on June 1, 2010. Councilman Kiskis seconded the motion, which passed with no dissenting votes.

MANAGER'S REPORT:

Manager Dennis reported that the paving and painting on North Washington Street has been completed. The buckets are up on the splash feature at the pool. They had been missing as they were sent out to be painted. The Memorial Park entrance and the pool complex are both looking good for the summer season.

Manager Dennis reported that he attended the HATS meeting last week and the Federal Earmark for Allendale Road Paving in the amount of \$700,000 was ranked 44 of 99 projects and the funding was accepted as secure. If the earmark makes it through appropriations their will be funding to pave the entire length of Allendale Road.

The Bond Sale for the Wastewater Treatment Plant upgrades went well and the closing documents were signed last Tuesday. A separate account has been set up at PNC Bank for the funds. Ron Adams is working on a construction schedule and once we know what is needed for year one, the remainder of the funds can be place in an investment account to earn additional interest until it is needed for construction.

A meeting was held at the Pool last Monday to discuss possible water slide configurations for the upcoming grant funding.

A meeting was held last Monday with Dewberry and Steve Barber regarding the Safe Routes to School Grant Project. A few cost cutting measures were discussed and they are still finalizing the design scope.

MAYOR'S REPORT:

June 3<sup>rd</sup> – Attended Captain McCabe's retirement lunch at the Navy Officers Club and presented Captain McCabe with a key to the city.

June 5<sup>th</sup> – Officiated a wedding at Allenberry.

- June 8<sup>th</sup> – Attended a meeting at the Borough Office to finalize the bond issue to move forward the sewer upgrade project.  
The Mayor was a guest at the PRE-K counts learning center graduation at the First Church of God. Councilman Charlie (WE CARE FOR KIDS) Ryder is the Pre-School Liaison for the Mechanicsburg Area School District.
- June 12<sup>th</sup> – Participated in the Vietnam Veterans of Mechanicsburg American Flag retirement ceremony at the Square. Myers Funeral Home cremates these flags and the ashes will be buried next year at the Lincoln Colored Cemetery on Memorial Day 2011.  
Officiated a wedding at Liberty Forge.  
Attended the Citizens Fire and Rescue 107<sup>th</sup> Anniversary Banquet held at the Mechanicsburg Club.
- June 14<sup>th</sup> – Crime Watch speaker was James O'Brian aka "Dr. Gonzo", James' last crime watch visit was October 8, 2007 escorted by Constable Hesse. Junes' visit was an amazing turn around of his prior life.
- June 15<sup>th</sup> – Assisted Borough Manager Pat Dennis with collection of the rent for the Sr. Citizen's Building.

Trivia Question – The Mechanicsburg Museum has completed interior renovations of the passenger station. What name has been given to this expanded room?

Answer – Cumberland Valley Railroad Room.

CHIEF OF POLICE REPORT:

- I received citizen letters of commendation for Lt. Myers and Sgt. Curtis for their work at recent incidents.

SOLICITOR'S REPORT:

No report.

ENGINEER'S REPORT:

Engineer Rogalski noted that the paving work and reconstruction of Allendale Road along the turn is scheduled for next Monday.

FIRE CHIEF'S REPORT:

Councilman Seagrist reported on the pump testing.

COUNCIL COMMITTEE REPORTS:

**Capital Area COG - McDermott** – Councilman McDermott reported that there is a COG meeting next Monday evening. The Cumberland County Municipal Advisory Board will be meeting on June 29<sup>th</sup>.

**Community Development – Humes** – Councilman Humes reported Main Street Mechanicsburg is funding another round of Grant funding for the About Face Grant Program.

**Environmental Committee – Seagrist** – Councilman Seagrist reported that the EAC will host a Build your own Rain Barrel Workshop 6:30-8:30, July 21st at Memorial Park The cost will be \$20 for residents and \$25 for non-residents and the registration deadline is July 16<sup>th</sup> Each Participant will leave with a rain barrel. Registration is limited to 25 participants. Councilman Seagrist also noted an agenda item.

**Finance/Appropriations/Insurance** – Whitcomb – No report.

**Fire** – Ciecierski – No report.

**Health and Recreation** – Ryder – Vice President Ryder stated he was unable to attend the last Recreation Commission meeting due to the PRE K Counts Graduation. Manager Dennis stated a shed is being installed by Recreation to store supplies for the summer recreation programs. The Highway Department will level the area prior to delivery. Manager Dennis stated that the Pool

opening was discussed as well as the purchase of a new water slide feature with the newly obtained grant funding.

**Highway/Public Safety – Whitcomb –** President Whitcomb reported that the Committee met on June 2<sup>nd</sup> and will be putting an item on the meeting agenda for the second Council meeting in July.

**Loan Review Committee - Humes –** No report, however there is an Agenda Item.

**Ordinance Administration – Ciecierski –** No report.

**Property & Buildings – Seagrist –** Councilman Seagrist reported that he is attempting to contact the Lower Allen Township representative that oversees the Community Garden program to meet and tour their facility. Councilman Seagrist stated that he spoke with the Camp Hill coordinator who stated they have 36 plots available. The plots are rented on a first come first serve bases and there is a \$25 per year fee.

**Public Communications – McDermott –** No report.

**School Board - Ryder –** No report.

### **AGENDA ITEMS – June 15, 2010**

- **Discussion and Possible Action to approve a loan from the Mechanicsburg Commercial Revitalization Loan Pool for Steve Fisher Rental Properties 7-11 West Main Street.**  
Councilman Humes made a motion to approve the Commercial Loan for Steve Fisher Property Rentals in the amount of \$39,000 waiving the requirement that the property appraisal be completed within the last three months and that the loan value ratio is no more than 75% as recommended by the Loan Review Committee. Councilman McDermott seconded the motion, which passed with all in favor.
- **Discussion and possible action to make revisions to the Mechanicsburg Commercial Loan Application Guidelines.**  
Chris Gulotta, Cumberland/Perry Housing and Community Partnership, was present to represent this request. Mr. Gulotta explained to Borough Council that at the last Loan Review Committee meeting the Committee voted to ask Council to consider two changes to the Mechanicsburg Commercial Loan Application Guidelines. Mr. Gulotta indicated that the Committee would like to change item 6, Appraisals to allow the applicant to have an appraisal that is up to twelve months old, instead of the three months currently required. The second change would be to Item 4.a, Loan Amount, which would change loan to value ratio to 80%, from the current 75%. Mr. Gulotta stated that the original guidelines were prepared in 1993. Councilman Humes made a motion, second by Councilman McDermott, to change the Commercial Rehabilitation Program guidelines to increase the loan to value ratio permitted to 80% and allow appraisals up to twelve months old. Solicitor Schorpp asked that motion be amended to say the appraisal must be within twelve months or such lesser time as the Loan Review Committee recommends. The Solicitor stated this would allow discretion on the part of the Committee should the structure have sustained damage, such as fire, in the period following the appraisal. Mr. Gulotta indicated that would be fine, as the Loan Review Committee would take into consideration any special circumstances that may have impaired the value. Councilman Humes amended her motion and Councilman McDermott amended his second. The amended motion passed with all in favor.
- **Discussion and Possible Action to Approve Certificates of Appropriateness for the Following Applications:**
  1. **Application of Kim Smith – 427 West Main Street – Fence.**  
Councilman Seagrist made a motion to recommend approval of the Certificate of Appropriateness for Kim Smith, 427 West Main Street for a fence. Councilman Kiskis seconded the motion, which passed with all in favor.
  2. **Application of Robert Dunn – 200 West Main Street – Signage.**  
Councilman McDermott made a motion to recommend approval of the Certificate of Appropriateness for Robert Dunn, 200 West Main Street for signage as per

the recommendation of the Historic Architectural Review Board at their meeting on June 7, 2010. Vice President Ryder seconded the motion, which passed with all in favor.

**3. Application of Tom & Anna Mallios – 125 West Main Street – Signage.**

Councilman McDermott made a motion to recommend approval of the Certificate of Appropriateness for Tom & Anna Mallios, 125 West Main Street for signage as per the recommendation of the Historic Architectural Review Board at their meeting on June 7, 2010. Vice President Ryder seconded the motion, which passed with all in favor.

**4. Application of Christina & Jonathon Verrecchio – 403 West Main Street Street – Roof Replacement.**

Councilman Humes made a motion to recommend approval of the Certificate of Appropriateness for Christina & Jonathon Verrecchio, 403 West Main Street for roof replacement as per the recommendation of the Historic Architectural Review Board at their meeting on June 7, 2010. Councilman Kiskis seconded the motion, which passed with all in favor.

**5. Application of John Sopensky – 111 East Main Street – Exterior Alterations.**

Councilman McDermott made a motion to recommend approval of the Certificate of Appropriateness for John Sopensky, 111 East Main Street for exterior alterations as per the recommendation of the Historic Architectural Review Board at their meeting on June 7, 2010. Councilman Kiskis seconded the motion, which passed with all in favor.

- **Discussion and Possible Action to Adopt Ordinance 1116 Changing the Tax Certification fees, as requested by Barry Heckard, Tax Collector.**

Councilman Seagrist made a motion, second by Vice President Ryder, to adopt Ordinance 116 as presented. President Whitcomb called for a vote as follows:

Ciecierski	Absent	Ryder	Yea
Humes	Yea	Seagrist	Yea
Kiskis	Yea	Whitcomb	Yea
McDermott	Yea		

The motion passed.

- **Discussion and Possible Action to Adopt Resolution 07-2010.**

Councilman Kiskis made a motion to adopt Resolution 07-2010 to apply for Treevitalize Grant Funding as presented. Vice President Ryder seconded the motion, which passed with all in favor.

- **Discussion and Possible Action to Approve the Banner Request of the Washington Fire Company for a Banner Across East Main Street Advertising their Annual Children’s Christmas Party.**

Councilman Seagrist made a motion, second by Councilman Humes, to approve the request of the Washington Fire Company for a banner across East Main Street from November 12, 2010 through November 27, 2010 advertising their Children’s Christmas Party. The motion passed with all in favor.

- **Discussion and Possible Action to approve the Resignation of Aaron Bayer, as a Community Service/Park Security Officer, effective July 2, 2010.**

Vice President Ryder made a motion to accept the resignation of Aaron Bayer, effective July 2, 2010. Councilman McDermott seconded the motion, which passed with all voting in the affirmative.

- **Discussion and Possible Action to approve Permanent Status with the Mechanicsburg Police Department for Officer Justin Myers.**

Vice President Ryder made a motion, second by Councilman Kiskis, to approve permanent status with the Mechanicsburg Police Department for Patrol Officer Justin Myers. Chief Spotts stated that he received a highly commendable report on his pre-permanent status

Investigation. The motion passed with all in favor.

- **Discussion and Possible Action to Renew the Borough's General Liability Insurance with EMC.**

Vice President Ryder made a motion to renew the Borough General Liability Insurance with EMC. Councilman Humes stated she would like to see the motion include raising the umbrella to two million as discussed. Vice President Ryder amended his motion to include the increase in the umbrella to two million. Councilman Humes seconded the motion, which passed with all in favor.

- **Consideration and Possible Action to Accept a \$25.00 Donation from Ashley Shultz for the Community Relations Fund (former DARE Fund).**

Vice President Ryder made a motion to accept the \$25.00 donation from Ashley Shultz for the Community Relations Fund, with thanks. Councilman Kiskis seconded the motion, which passed with all in favor.

- **Consideration and Possible Action to Consider Cancelling the July 6<sup>th</sup> Council Meeting.**

Vice President Ryder made a motion, second by Councilman Humes and President Whitcomb opened the floor for discussion. Councilman Kiskis asked why Council is considering cancelling the meeting. Manager Dennis stated that Monday July 5<sup>th</sup> is a holiday and the Borough Office is closed and the Office will be really busy coming off of a long weekend. Manager Dennis stated that July is usually a slow month for Council business, so one meeting is usually sufficient to conduct the business of the Borough. President Whitcomb stated that in the past Council cancel both the 1<sup>st</sup> meeting in July and August as the summer month are slower. Councilman Kiskis asked if a HARB approval would have to wait longer. Manager Dennis stated this would not impact HARB reviews, since they are on the second meeting of the month agenda regularly. Solicitor Schorpp stated that Borough Council has a Public Hearing on July 20<sup>th</sup> at 6 PM on the Member 1<sup>st</sup> Zoning and Comprehensive Plan amendment. Councilman McDermott stated he objects to cancelling the meeting as it was advertised in the Annual Report and we did not cancel it in the newsletter. Councilman McDermott stated it should have been done earlier in the year. Councilman Seagrist stated that he objects to cancelling the meeting because as elected officials the Council is being compensated for two meeting per month. President Whitcomb called for a vote and the motion was tied at three in favor (Humes, Ryder, Whitcomb) and three against (Kiskis, McDermott, Seagrist). Mayor Ritter was called upon to break the tie, and Mayor Ritter voted in favor of the motion to cancel the July 6<sup>th</sup> meeting.

**Authorization to Approve Expenditures from May 1, 2010 through May 31, 2010 as follows:**

<b>Capital Fund:</b>	<b>\$ 7915.54</b>	<b>Highway Fund:</b>	<b>\$14,703.64</b>
<b>General Fund:</b>	<b>\$ 188,317.55</b>	<b>Sewer Fund:</b>	<b>\$50,349.52</b>

Vice President Ryder made a motion to approve the expenditures from May 1, 2010 through May 31, 2010 as reported. Councilman McDermott seconded the motion. Councilman Humes asked what the Borough purchased from the National Rifle Association. Chief Spotts explained it was for instructor re-certification for the firearms instructors. After discussion, the motion passed with all in favor.

**CITIZENS COMMENTS:**

Joe Kurtz, 102 North Washington, explained that he brought his son this evening to work on a merit badge. Mr. Kurtz stated that the paving on North Washington Street looks great. He continued to say that the painting was done, however, they did not close the roadway to allow the paint to dry and now the paint has been smeared all over the roadway. He also noted that he replaced his curb and it was

damaged during the paving when a roller hit his curb and cracked the curb. Manager Dennis noted that he would be out on Friday with the Borough Engineer to review the damage.

OTHER BUSINESS:

Chief Spotts stated that Congratulations are in order for the Hershey Bears on their Calder Cup Championship.

Councilman Humes noted that Mechanicsburg Area Foundation awarded twenty three scholarships totaling \$36,000.

Councilman Seagrist commended Mr. Kurtz for working on his Citizenship Merit Badge. He updated Borough Council on Fire Chief, Larry Seagrist's, condition and thanked everyone for their well wishes and concern. Chief Seagrist was released from the Hospital and is recovering at home.

Councilman Kiskis stated that free Concerts on the Corner are happening downtown every Thursday from 7 PM to 9 PM. She noted she is still working on getting vendors for the Farmers Market.

ADJOURNMENT:

At 8:59 PM President Whitcomb adjourned the meeting.

A handwritten signature in cursive script that reads "Pat E. Dennis". The signature is written in black ink on a light-colored background.

**Patrick E. Dennis, Borough Secretary**