

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

July 17, 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, Seagrish, Stoner, Mayor Ritter, Solicitor Schorpp, Engineer Barber, Chief Seagrish, Lt. Myers, Manager Stough, and Assistant Secretary Boyer. Jr. Councilperson Ford was absent.

Also in attendance: Patriot – Elizabeth Gibson; Sentinel – Naomi Creason; Jeff & Ava May, Ronald Trace, Bill Walker and Jack Winchell.

CITIZENS COMMENTS:

Jeff May, 211 South Broad Street, addressed Borough Council on the stormwater situation at his property. Mr. May thanked David Fiesler, a private citizen, who made sand bags to help with the water problem at the May property after hearing of the situation at the last Borough Council meeting and Sewer Plant Superintendent, Ron Adams, for his assistance after the last rain storm. Mr. May also thanked Borough Council and Manager Stough for taking action to motivate the developer. Mr. May noted that the Borough Highway Department provided some sandbags which were placed in the handicapped curb cuts, but the water went around the sandbags over the curb and down the embankment, so Mr. Adams added some additional bags along the curb. Mr. May stated that he is here this evening to ask Council if the elevation on the roadway has been checked since the last meeting. President Whitcomb stated that he has been by the property several times since the last Council meeting and he asked the Borough Engineer if there would be sidewalk along the curbing. Engineer Barber reported that he and Mr. Ressler met with Mr. Westhafer on the site and discussed some changes which may help with the stormwater issue. He stated that they asked the developer to slope the sidewalk slightly towards the roadway to help with water drainage. Engineer Barber indicated that there is a sidewalk to be installed on the North side of West Coover Street. Engineer Barber stated that a retaining wall will begin to be constructed this week along the property line. Engineer Barber added that he and Mr. Ressler discussed with Mr. Westhafer, the construction of a curb along the backside of the sidewalk between Mr. May's property and the sidewalk, which would be eight inches higher than the sidewalk to try to redirect water away from the May property. He noted that this type of curbing was installed at the Rupp property on Shepherdstown Road. The pipes under the new roadway were discussed at length, as well as, the stormwater coming off of Broad Street. Mr. May stated that his neighbor on the corner of Valley and Broad is also getting flooded, which was not occurring prior to the new roadway being constructed. Mr. May stated that there is bonding available from this project to address stormwater. Mr. Stough clarified that the bond is for the retention pond, should it malfunction at a future date. After much discussion, Manager Stough suggested that Mr. May, Mr. Westhafer, the Borough Engineer and himself meet on site to discuss some options for stormwater management improvements. Mr. May thanked Borough Council for their time.

ADDITIONS TO AGENDA:

Manager Stough added Resolution 13-2007 in memory of Bob Dietrich. He also requested that Council change the agenda item for downtown recycling containers to reject and authorize rebidding of the project. He also asked that the Executive Session be changed to with possible action. Councilman Seagrish added Resolution 14-2007 honoring Aaron Duncan on his Eagle Scout project completion.

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:

Manager Stough noted that Dave Gelsinger is resigning from the Shade Tree Commission, so there will be two vacancies to be filled on that Board. This will be added to the next Council agenda.

Councilman Seagrist asked if Manager Stough could provide Mr. Timmons with the legal opinion on the stormwater issue at this property. On advice of the Borough Solicitor and at the direction of Borough Council the Manager will send Mr. Timmins a letter stating Council's opinion on this issue.

Manager Stough reported that a letter was received from the United Way for banners in the Downtown Business District. This will be added to the next agenda.

Manager Stough reported that the COG annual picnic will be held August 20, 2007 and if the delegate and alternate will be attending, please let the Manager know.

A letter was received from an Alison Avenue resident regarding traffic on Alison Avenue.

#### APPROVAL OF MINUTES

Councilman McDermott made a motion, second by Councilman Stoner, to approve the minutes of the June 19, 2007 Regular Council meeting as submitted. The motion passed with all votes in the affirmative.

#### MONTHLY REPORTS:

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

#### MANAGER'S REPORT:

Manager Stough reminded Borough Council of the Traffic Signalization Project kick-off on the square Monday at 9:30 AM. He also reviewed with Borough Council the status of rental inspections, to date, as the Borough approaches the end of the 1<sup>st</sup> of a three year rental inspection cycle. Manager Stough reported that all cycles have received at least two notices and staff will be sending out notices to property owners that have not complied outlining enforcement options available to the Borough should they fail to schedule an inspection by August 31, 2007 when the first year cycle comes to a close. Manager Stough noted that eviction and condemnation of the unit is the final option for units that do not come into compliance. Manager Stough noted that this year the notices were sent out in four groups, but for the second year, staff will be sending all the notices out in September, to see if that works a little better than the phased approach used this year. President Whitcomb asked Boyer to explain how the cycles were broken out. She explained that the ordinance breaks down the Borough into three groups by Ward. Staff broke down each year into four groups using the ward map and beginning in each ward with the units on East or West Main Street and then moving either north or south and doing all the streets that run parallel to Main first, then moving to Market Street and doing the streets in each ward that run parallel to Market in either an east or west direction. All five wards abut Main Street and four abut Market Street. The fifth ward does not abut Market Street so the East/West streets were assisted first and then the North/South streets to be consistent with the other wards. Councilman Seagrist asked if owners of multiple properties were more reluctant to pay and schedule inspections. Boyer indicated that did not appear to be the case. Manager Stough noted that the Borough has offered property owners of multiple properties the ability to have all of their units inspected in the same cycle if they chose to do that for convenience.

#### MAYOR'S REPORT:

Mayor Ritter reported:

June 9<sup>th</sup> & June 16<sup>th</sup> – The Mayor officiated weddings.

June 9<sup>th</sup> – The Mechanicsburg Mystery Book Shop sponsored the introduction of John Lamb's new mystery book "The False Hearted Teddy." Karen Shirey of the Good Bears of the World, an international charity organization, presented a supply of trauma bears to the Mechanicsburg Police Department. The Mayor attended the function with Chief David Spotts.

June 9<sup>th</sup> – Mayor attended the Citizens Fire and Rescue's annual banquet and engine dedication.

June 11<sup>th</sup> – Crime Watch speaker was Safety Press Officer, Fritz Schreffler, from PennDOT. Fritz explained the many programs PennDOT promotes.

June 13<sup>th</sup> – The Mayor was guest presenter at the New Cumberland Olde Towne Association Luncheon. Mechanicsburg History through the eyes of Sophie and Frankie of the Hummel Miniature Flea Circus.

June 16<sup>th</sup> – Community Day at the park. A Council Resolution was presented to Phil Dolson for his years of service to the Recreation Commission.

June 20<sup>th</sup> – Lt. Myers was honored as Carlisle's Finest Law Enforcement Officer at a dinner sponsored by the Sentinel. The Mayor attended with Chief Spotts.

June 23<sup>rd</sup> – Delivered a citation and a key to the city to Kyle Steven Wolf at his Eagle Scout Court of Honor. Kyle refurbished benches at the Mechanicsburg Community Pool.

July 7<sup>th</sup> – Officiated a wedding.

July 9<sup>th</sup> – Ron Adams, Supervisor of the Mechanicsburg Waste Water Treatment Department, was the presenter at the Crime Watch meeting. Ron had lots of facts and props and gave a very interesting talk.

July 11<sup>th</sup> – The Mayor was interviewed by Girl Scouts from Troop 610 chaperoned by Mrs. Fisher. The Scouts are pursuing their "My Community Badges".

Trivia Question: Robert F. Bender of the Citizens Fire Company was honored at the Citizen's Fire and Rescue Banquet with his name on the new fire truck. We all know Bob as "Beanie", who gave Bob his nickname?  
Answer- Mike Orner, Barber at Orner and Robinson on South Market Street. He was a thin little kid and Mike called him "Beanie" which is short for string bean. This information and permission to use it came from Bob Bender.

#### CHIEF OF POLICE REPORT:

Lt. Myers reported that the monthly report was out to Council in packets.

#### SOLICITOR REPORT:

No Report.

#### ENGINEERS REPORT:

No Report.

#### FIRE CHIEF REPORT:

Chief Seagrist reported that on June 28<sup>th</sup> a fire drill and inspection was conducted at the Mechanicsburg Post Office and one was also conducted on July 6<sup>th</sup> at the 1<sup>st</sup> Church of God on East Main Street. Chief Seagrist also reported attending a Jubilee Day wrap up meeting with the Mechanicsburg Chamber and other Emergency Service agencies on July 6<sup>th</sup>. Ladder and Ariel testing was conducted on July 10<sup>th</sup> and Pumper tests were conducted on July 13<sup>th</sup>. The 800 MHz radios should come on line for Fire and Emergency Services on July 24<sup>th</sup> at 10 AM. Hose testing is scheduled for August 6<sup>th</sup> through the 10<sup>th</sup>.

#### JR. COUNCILPERSON REPORT:

No report as Ford was absent.

#### COUNCIL COMMITTEE REPORTS:

Capital Region COG Delegate – McDermott – Councilman McDermott reported that COG met last night and the annual COG auction is scheduled for tomorrow.

Community Development & Downtown Committee – Humes - No report.

Highway & Public Safety – Stoner- Councilman Stoner reported that an item is on the agenda this evening.

Loan Review Committee – Humes - No report.

Environmental Advisory & Recycling Committee – Ryder – Councilman Ryder reported that the EAC met this evening. Councilman Ryder reported that two items of interest were the stormdrain stenciling project which was done by the Recycling Committee and the Adult Environmental Club and High School Green Team. EAC member Cece Viti obtained a grant to cover the cost. The preliminary plan for the Hess Farm development was reviewed at the EAC meeting with Planning Commission member Harry Baker. Councilman Ryder noted that the proposed plan calls for increasing the depth of the Cedar Run. Engineer Barber noted that the plan was reviewed for stormwater compliance before the plans were sent to DEP for approval to increase the depth of the channel.

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

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

Property & Buildings Committee – Stoner – Councilman Stoner noted that there is an item on the agenda.

Fire Committee-Stoner- Councilman Stoner reported that the Fire Committee will meet at the Municipal Building on July 25<sup>th</sup> at 7 PM.

Public Communications Committee – McDermott- Councilman McDermott reported that August 18<sup>th</sup> is the deadline for the Fall newsletter.

Health-Recreation – Seagrist – Councilman Seagrist reported that the next Recreation Commission meeting is August 14<sup>th</sup> at 7 PM and the next Joint Recreation Commission meeting will be held August 30<sup>th</sup> at 7:30 PM at Elmwood Elementary. He also noted that there is an item on the agenda.

School Board Liaison- Ryder – No report.

AGENDA ITEMS – July 17, 2007

◆ **Consider Approval of Certificates of Appropriateness for the Following Applications:**

**1. Diana M. McLaughlin – 204 W Main Street – Signage.**

Councilman McDermott made a motion to approve the Certificate of Appropriateness for Diana McLaughlin for signage at 204 W Main Street, contingent upon receipt of a zoning permit. Councilman Ciecierski seconded the motion, which passed with all in favor.

**2. Martin & Marsha Kelly – 517 W Main Street – Porch Enclosure, Window & Fence Replacement.**

Councilman Humes made a motion to approve the Certificate of Appropriateness for Martin & Marsha Kelly for porch

Enclosure and window & fence replacement at 517 W Main Street, contingent upon receipt of building and zoning permits. Councilman Ciecierski seconded the motion, which passed with all in favor.

**3. William & Nancy Walker – 5 S. York Street for a Two Story Addition.**

Councilman Ciecierski made a motion to approve the Certificate of Appropriateness for William & Nancy Walker for

a two story addition at 5 S. York Street, contingent upon receipt of building and zoning permits. Vice President

Ryder seconded the motion, which passed with all in favor.

◆ **Discussion and Possible Adoption of Ordinance 1097 Setting an Intergovernmental Agreement for Use of Special Fire Police.**

Councilman Ciecierski made a motion to adopt Ordinance 1097 and authorize signing of the Intergovernmental Agreement as advertised and presented. Councilman McDermott seconded the motion and a role call vote as taken as follows: The motion passed.

Ciecierski	Yea	Seagrist	Yea
Humes	Yea	Stoner	Yea
McDermott	Yea	Whitcomb	Yea
Ryder	Yea		

◆ **Discussion and Possible Adoption of Ordinance 1098 adopting the Intergovernmental Agreement with Upper Allen Township for the Mechanicsburg Area Swimming Pool.**

Councilman Seagrist made a motion to adopt Ordinance 1098 as advertised and presented and authorize the signing of the Intergovernmental Agreement. Councilman McDermott seconded the motion and the floor was opened for discussion. Councilman Humes asked for clarification on Ordinance 925 and Solicitor Schorpp explained that was the Ordinance codifying all the Borough Ordinances into their present format. Councilman Seagrist stated that he wants to publicly thank everyone who made this agreement possible, especially Jack Winchell, former Council President; Jonathan Stough, Borough Manager; Glenda Boyer, Office Manager; the Upper Allen Township Recreation Commission; Township Manager, Lou Fazekas and Township Commission members present and past. Councilman Seagrist stated that this Agreement will insure that the Mechanicsburg Area Swimming Pool will remain and continue to be a valuable asset and source of recreation to future generations. A role call vote as taken as follows: The motion passed by unanimous vote.

Ciecierski	Yea	Seagrist	Yea
Humes	Yea	Stoner	Yea
McDermott	Yea	Whitcomb	Yea
Ryder	Yea		

Manager Stough noted that the Agreement calls for three members from the Borough for the Joint Capital Committee

and staff will put that on the next agenda for Council's consideration. Councilman Seagrist stated that he would like to

recommend that Diann Meck be appointed to that Committee as a member of the Recreation Commission with first

hand knowledge of the day to day operations of the pool.

◆ **Consider Resolution 12-2007 Applying for MPOETC Funding to Reimburse for the Act 120 Training of Officer Timothy Lazarevich.**

Vice President Ryder made a motion, second by Councilman Ciecierski, to adopt Resolution 12-2007 applying for MPOETC funding for reimbursement of the Act 120 training for Probationary Officer Timothy Lazarevich.

The motion passed with all in favor.

◆ **Consider Appointment to Fill the Vacant Seat on the Civil Service Commission.**

Manager Stough stated that Council received a letter of interest from Ken Mundorf of 201 Gale Street. Vice President Ryder made a motion, second by Councilman McDermott, to appoint Ken Mundorf to fill the term of Dom Tarquin through December 31, 2008. The motion passed with all in favor.

◆ **Consider Request of the Wildcat Foundation for a Banner Across East Main Street during September 2007.**

Councilman McDermott made a motion, second by Councilman Stoner, to approve the request of the Wildcat Foundation for a banner across East Main Street from September 1<sup>st</sup> through September 30, 2007. The motion passed with all in favor.

◆ **Consider Request of Ross King, 210 E. Keller Street, for a Handicapped Parking Space.**

Councilman Stoner made a motion, second by Vice President Ryder, to table this until the August 7, 2007 meeting. The motion passed unanimously.

◆ **Consider Request of the Mechanicsburg Museum Association for a Loading Zone in front of 2 W. Strawberry Alley.**

Manager Stough reported that he discussed this request with the Solicitor prior to the meeting, the Stationmaster's House sets on the edge of the right-of-way. Since the parking spaces are indented and outside the public right-of-way and cannot be controlled by an on-street parking ordinance, the Museum can post them as they see fit. Manager Stough noted it is currently posted for two hour parking. President Whitcomb and Councilman Humes questioned the need for a loading and unloading zone all the time at that location. Solicitor Schorpp suggested before responding that Council review the recently recorded subdivision plan to be sure that the parking spaces are outside the public right-of-way. After some additional discussion, Councilman Ciecierski made a motion, second by Councilman Stoner, to table this until staff can check the approved subdivision plan and report back to Borough Council. The motion passed with all in favor.

◆ **Consider Request of Suzanna Reppert of the Rosemary House to Close the Public Alleyway Behind 116-120 S. Market St. on Sept 8 & 9, 2007 from 9:30 to 4:30 for the Annual Fairy Festival.**

Councilman Humes made a motion, second by Councilman Seagrist, to approve the request of the Rosemary House to close the public alleyway behind 116-120 S. Market Street on September 8 & 9, 2007 for the annual Fairy Festival event. The motion passed with all in favor.

◆ **Consider Awarding Bid for Downtown Recycling Receptacles to Midpoint International in an Amount not to Exceed Grant Funding of \$12,950.**

Manager Stough noted that Midpoint has withdrawn their bid and staff is requesting that Council authorize rebidding for

the containers. Manager Stough noted that there are no similar containers available on State contract. Councilman Stoner asked how many containers were to be purchased. Boyer indicated that ten to twelve containers was the proposal in the grant application. Councilman Stoner stated that he thought that the price on the bid was high. President Whitcomb asked about the containers on State Contract. President Whitcomb asked what would be done with the containers currently on Main Street. Boyer stated that any usable containers would continue to be utilized, but some of the locations may be changed to accommodate the new receptacles. Manager Stough stated that some of the containers currently on Main Street are in bad shape and that the locations for the new containers would be near businesses that sell bottled or canned beverages, in an attempt to have people properly recycle these items. Councilman Seagrist asked if the Borough would lose the grant funding if we do not purchase the containers. Manager Stough explained that the Borough has to spend the money and apply for reimbursement. Councilman Seagrist asked that the planters be included in the bid process, but not be the determining factor in the purchase. He stated that he felt an "Adopt a Planter Program" could be a great way to provide some plants in the downtown area and provide some additional funding for container purchases. Manager Stough noted that staff plans to try to get businesses to adopt planters and water them throughout the season. Councilman Humes stated that was done with terra cotta pots a few years ago.

Councilman Seagrist made a motion, second by Councilman Ciecierski, to authorize rejection of the bid and authorize the rebidding for the downtown recycling receptacles. The motion passed with all in favor.

◆ **Discussion and Possible Action on Request of Dillsburg Borough to Compost Leaf Waste at the Joint Compost Site.**

After a brief discussion, Councilman Seagrist made a motion, second by Councilman Humes, to table this matter until staff can meet and discuss it with Silver Spring Township representatives. The motion passed with all in favor and staff was directed to set up a meeting with Silver Spring Township prior to the next Council meeting if possible.

◆ **Discussion and Possible Action on Changes to the Local Services Tax.**

Solicitor Schorpp stated that changes will need to be made to the ordinance before the 2008 tax year. Vice President Ryder made a motion, second by Councilman Ciecierski, to table this until the Solicitor can provide Borough Council with some additional information. The motion passed with all in favor.

◆ **Discussion on Emergency Signals for Borough Fire Stations.**

Manager Stough reviewed Engineer Barber's memo of June 29<sup>th</sup>. The operation of the signals at both Fire Station locations was discussed. Engineer Barber stated that the cost would probably be about \$125,000 per station and if Council wishes to proceed, it would require a complete review and design by the Engineer as part of the PennDOT application process. Much discussion followed on how the signals would operate in conjunction with the new traffic signals. After considerable discussion, Council decided to take no action at this point in time.

◆ **Discussion and Possible Action to Approve Calling the Letter of Credit for the Westhafer Construction Project.**

Manager Stough reported that the Borough has a bond and asks that Council authorize staff to call the bond if work does not continue to proceed in a positive manner at Mr. Westhafer's Construction project. Councilman Ciecierski made a motion to authorize staff to call the Westfafer letter of credit if work did not continue to move forward. Councilman Humes seconded the motion, which passed with all in favor.

◆ **Discussion and Possible Action to Approve Resolution 13-2007 in Memory of Robert Dietrich.**

Councilman Seagrist made a motion, seconded by Vice President Ryder, to adopt Resolution 13-2007 in memory of Robert Dietrich. The motion passed unanimously.

◆ **Discussion and Possible Action to Approve Resolution 14-2007 in Honor of Aaron Duncan's Eagle Scout Award.**

Councilman Seagrist made a motion to adopt Resolution 14-2007. Councilman McDermott seconded the motion, which passed with all in favor.

**APPROVAL OF EXPENDITURES PAID:** Vice President Ryder made a motion to approve invoices and expenditures paid from May 1, 2007 through May 31, 2007 as follows: Councilman Ciecierski seconded the motion, which passed with all in favor.

General Fund: \$190,434.17      Highway Fund: \$10,417.18      Capital Fund: \$2,496.91

CITIZEN COMMENTS:

There were none.

ANY OTHER BUSINESS TO COME BEFORE COUNCIL:

Councilman Seagrist asked that Citizens Fire Company receive a letter of thanks for helping out with the reception after the services for Bobby Dietrich. He added that it should be signed by the Council President.

President Whitcomb noted that a picture of the Frankeberger Tavern was on this month's edition of the PSAB Borough News.

EXECUTIVE SESSION

At 8:56 PM Council adjourned into Executive Session on a matter of potential litigation with possible action.

At 10:12 PM President Whitcomb reconvened the meeting, noting that no action would be taken at this time.

ADJOURNMENT:

At 10:15 PM, with no further business to discuss, President Whitcomb adjourned the meeting.

A handwritten signature in black ink that reads "Jonathan Stough". The signature is written in a cursive style with a large initial "J" and a stylized "S".

Jonathan S. Stough  
Borough Secretary