

**December 8, 2014**

The December 8<sup>th</sup> meeting of Denver Borough Council was called to order at 7:00 p.m. with the following Councilmembers present: Cohick, Flory, South, Stover, Daub, and Mayor Redcay. Councilman Gensemer was present via telecommunication device. The invocation was given by Mayor Redcay, which was followed by the Pledge of Allegiance to the Flag.

#### Citizen's Concerns

Councilman Daub reported that the Action Items on tonight's Meeting Agenda had been moved to the beginning of the meeting to make it possible for him to leave the Borough Council meeting early to attend his son's school program.

Fred Wagaman reported that he would like to propose that Borough Council appeal the Zoning Hearing Board's decision to grant a use variance for the 119 North 3<sup>rd</sup> Street formerly belonging to the Weave Corporation that was made on November 26, 2014. He stated his reasons for proposing this request as follows: he does not believe the hardship was properly established and the current owner measured the lack of interest in the property by how many calls he received; the owner seemed unaware of the amendments that were made in April to the Zoning Ordinance; how long the property was vacant was used as a justification for the use variance and does not feel that is a sufficient reason for granting a use variance; the owner only lowered the price once during the three (3) years it was on the market; the property owner should have kept the property maintenance up so it could be sold not to use that as a reason for granting a use variance; and, the majority of the Zoning Hearing Board seemed to be unprepared. Mr. Wagaman reported that the use of the property was approved and not the plan that was presented and the plans for the property changed in each of the three (3) meetings he was in with the applicant. He stated it sets a bad precedence for the district and the applicant will also own the North 2<sup>nd</sup> Street property as well. Mr. Wagaman also expressed his other concerns regarding parking and stated he believes the Borough needs to stand its ground and do everything it can to preserve its decisions. Borough Manager Michael Hession reported that he spoke to the Zoning Hearing Board Attorney and the Borough Solicitor who both indicated the 30 day appeal period will start after the "Findings of Fact and Conclusions of Law" is distributed to the applicant and the Borough. Mr. Hession encouraged Borough Council to wait until they receive and review that document before they decide to take any action concerning this request. Discussion followed concerning the appeal process and potential costs. Borough Council did not take any action concerning this issue and will wait until they receive the Findings of Fact and Conclusions of Law before discussing this issue again.

#### Meeting Minutes

Councilman Stover made a motion, seconded by Councilman Cohick, to approve the November 10, 2014 and November 24, 2014 meeting minutes. Motion carried unanimously 6 to 0.

#### Action Items

Councilman South made a motion, seconded by Councilman Stover, to approve the November, 2014 Treasurer's Report. Motion carried unanimously 6 to 0.

Councilman Stover made a motion, seconded by Councilman South, to adopt Denver Borough's 2015 Budget. Motion carried unanimously 6 to 0.

Councilman Gensemer made a motion, seconded by Councilman Cohick, to adopt Ordinance No. 622 – An Ordinance of the Borough of Denver, Lancaster County, Pennsylvania, Fixing the Rate of Tax on Real Estate for the Year 2015. Motion carried unanimously 6 to 0.

Councilman Flory made a motion, seconded by Councilman Stover, to adopt Ordinance No. 623 – An Ordinance To Amend The Code Of Ordinances Of The Borough Of Denver, Lancaster

County, Pennsylvania, Chapter 152 Thereof, Sewers And Sewage Disposal, Article II, Sewer Rentals And Charges; Regulations, And Chapter 196 Thereof, Water, Article II, Rates And Collections, To Revise Sewer And Water Rates Effective For The First Billing In 2015. Motion carried unanimously 6 to 0.

Councilman Cohick made a motion, seconded by Councilman Gensemer, to adopt Resolution No. 797 – A Resolution of Borough Council of the Borough of Denver, Lancaster County, Pennsylvania, Setting forth the Intention of Borough Council to Use a Designated Portion of the Annual Real Estate Taxes Collected for the Denver Fire Company. Motion carried 4 to 2, with Councilman Flory and Councilman Stover voting no.

Councilman Flory made a motion, seconded by Councilman Stover, to adopt Resolution No. 798 – Fixing Wages and Compensation for Certain Borough Appointed Officers and Employees, Effective January 1, 2015. Motion carried unanimously 6 to 0.

Councilman South made a motion, seconded by Councilman Flory, to authorize the Borough of Denver to contract with N.J. Hess Associates to conduct a wage and salary survey for non-contract positions in the Borough as per the Proposal for Wage and Salary Survey submitted to the Borough by N.J. Hess Associates on November 7, 2014. Motion carried unanimously 6 to 0.

Councilman Cohick made a motion, seconded by Councilman Stover, to authorize the Borough of Denver to contract with Cintas to provide uniform services for the Borough of Denver, effective February, 2015, for a 24-month term. Motion carried unanimously 6 to 0.

Councilman Stover made a motion, seconded by Councilman South, to authorize the President or Vice President of Borough Council to execute the lease agreement between the Borough of Denver and State Representative Mindy Fee for office space in the Denver Borough Municipal Building for the period December 1, 2014 through November 30, 2016. Motion carried unanimously 6 to 0.

### Discussion Items

Councilman Cohick discussed the magazine/glossy paper recycling program between the Borough of Denver and the Ronald McDonald House Charities of Central PA. Councilman Cohick reported that because of the size of the dumpster, the dumpster will not be able to be placed behind the Municipal Building next to the current cardboard dumpster. Councilman Cohick checked with Fulton Bank about putting it behind their building, but they weren't able to approve that so he is continuing to look for the best location. Discussion followed regarding a possible location and Gary Read suggested that the Borough check with the Denver Fire Company to see if the dumpster can be placed on their parking lot. Councilman Cohick also reported he is checking with various contractors about having a dumpster at the Borough lot for grass clippings and yard waste. Discussion followed.

### Borough Council President

Councilman Daub reported that the Christmas tree lighting was a success, the Mayor did a great job, the Borough staff had everything prepared well, the Fire Police did a good job, and he thanked the businesses for their sponsorship.

### Mayor

Mayor Redcay reported that on November 26<sup>th</sup> he met with Reamstown Elementary School Principal who interviewed him for a course she is taking; on November 24<sup>th</sup> he met Chief Beever and Corporal Kepley for a quarterly update; on November 26<sup>th</sup> he met with a representative from the Lancaster United Way to discuss needs in this community; on November 25<sup>th</sup> he attended the Regional Police Advisory Board meeting; on December 4<sup>th</sup> he participated in the Harlem Wizard Basketball game to support the Cocalico Boys Basketball Booster Club; and, on December 7<sup>th</sup>, he attended the Borough's annual Tree Lighting Ceremony.

### Borough Manager

Mr. Hession did not have a report.

### Police Advisory Board

Councilman Gensemer reported that the next Police Advisory Board (PAB) meeting will be December 23<sup>rd</sup> at 7:00 p.m. at East Cocalico Township.

### Unfinished Business

Gary Read inquired about the status of the Ash Tree Removal Project that started at the Denver Memorial Park. Mr. Hession reported that the contractor is more than halfway finished with the tree and stump removal and weather permitting, they anticipate having the project completed by December 19<sup>th</sup>.

### Adjournment

Councilman Stover made a motion, seconded by Councilman Cohick, to adjourn the meeting at 7:35 p.m. Motion carried unanimously 6 to 0.

Michael Hession  
Borough Manager/Secretary

### **Action Items:**

- Motion to approve the November 10, 2014 and November 24, 2014 meeting minutes. Motion carried unanimously 6 to 0.
- Motion to approve the November, 2014 Treasurer's Report. Motion carried unanimously 6 to 0.
- Motion to adopt Denver Borough's 2015 Budget. Motion carried unanimously 6 to 0.
- Motion to adopt Ordinance No. 622 – An Ordinance of the Borough of Denver, Lancaster County, Pennsylvania, Fixing the Rate of Tax on Real Estate for the Year 2015. Motion carried unanimously 6 to 0.
- Motion to adopt Ordinance No. 623 – An Ordinance To Amend The Code Of Ordinances Of The Borough Of Denver, Lancaster County, Pennsylvania, Chapter 152 Thereof, Sewers And Sewage Disposal, Article II, Sewer Rentals And Charges; Regulations, And Chapter 196 Thereof, Water, Article II, Rates And Collections, To Revise Sewer And Water Rates Effective For The First Billing In 2015. Motion carried unanimously 6 to 0.
- Motion to adopt Resolution No. 797 – A Resolution of Borough Council of the Borough of Denver, Lancaster County, Pennsylvania, Setting forth the Intention of Borough Council to Use a Designated Portion of the Annual Real Estate Taxes Collected for the Denver Fire Company. Motion carried 4 to 2 with Councilman Flory and Councilman Stover voting no.
- Motion to adopt Resolution No. 798 – Fixing Wages and Compensation for Certain Borough Appointed Officers and Employees, Effective January 1, 2015. Motion carried unanimously 6 to 0.
- Motion to authorize the Borough of Denver to contract with N.J. Hess Associates to conduct a wage and salary survey for non-contract positions in the Borough as per the Proposal for Wage and Salary Survey submitted to the Borough by N.J. Hess Associates on November 7, 2014. Motion carried unanimously 6 to 0.

- Motion to authorize the Borough of Denver to contract with Cintas to provide uniform services for the Borough of Denver, effective February, 2015, for a 24-month term. Motion carried unanimously 6 to 0.
- Motion to authorize the President or Vice President of Borough Council to execute the lease agreement between the Borough of Denver and State Representative Mindy Fee for office space in the Denver Borough Municipal Building for the period December 1, 2014 through November 30, 2016. Motion carried unanimously 6 to 0.
- Motion to adjourn the meeting at 7:35 p.m. Motion carried unanimously 6 to 0.