

March 9, 2015

The March 9th meeting of Denver Borough Council was called to order at 7:00 p.m. with the following Councilmembers present: Cohick, Gensemer (via teleconference call), Flory, South, Stover, Daub, and Mayor Redcay. The invocation was given by Mayor Redcay, which was followed by the Pledge of Allegiance to the Flag.

Citizen's Concerns

Gary Read stated in the recent newsletter there was information regarding the Park Restoration Project and he inquired about the status of the \$4,670.89 grant the Borough applied for to help offset the cost of the trees. Borough Manager Michael Hession reported that the grant application is still pending. The grant will be used to purchase of the trees, topsoil, mulch, stakes and ties, and there is a small cash match that was budgeted for the Shade Tree Commission.

Mr. Read inquired about the status of the buyout of the streetlights. Councilman Daub reported that there was a meeting scheduled for this past Thursday with representatives from PP&L, Senator Ryan Aument's office, and Representative Mindy Fee's office, however, due to the weather, the meeting had to be rescheduled to March 18th.

Mr. Read inquired about the 1975 North Reading Road property and if the Borough is out of that yet and not responsible for interest payments. Mr. Hession reported that the financial part of this issue is resolved. The only part that is not resolved yet is the seven (7) acre tract of land.

Mr. Read reported that the bollards at the intersection of 4th Street and Main Street are really taking a beating and he thinks that is one of the best ideas and projects that Borough Council instituted.

Mr. Read reported at 163 Monroe Street there is a constant parade of unlicensed vehicles sitting in the front yard and driveway. Discussion followed regarding this issue and the Borough Manager will investigate.

Fred Wagaman reported that tomorrow night there is a Planning Commission meeting at 7:00 p.m. and prior to that meeting at 6:00 p.m., there will be discussion to brainstorm and discuss the future vision meeting for Denver Borough.

Donald Wenger reported when there is a snow emergency he thought all the snow was to be cleared off of Walnut Street. Discussion followed. Mr. Wenger also inquired about the traffic pattern for bridge project on Main Street. Discussion followed.

Meeting Minutes

Councilman Stover made a motion, seconded by Councilman South, to approve the February 9, 2015 and February 23, 2015 meeting minutes. Motion carried unanimously 6 to 0.

Borough Council President

Councilman Daub reported that he participated in the Police Advisory Board meeting and he was invited to participate in the Cocalico Advisory Forum tomorrow night at the Cocalico Middle School at 7:00 p.m.

Mayor

Mayor Redcay reported that he attended the Weaver Road Bridge meeting on February 10th and the Police Advisory Board meeting on February 26th.

Borough Manager

Mr. Hession reported that the IMG Committee met today to reconcile the 2014 billing and the Borough will be reimbursed \$6,045.00 from Ephrata Borough for the sewer interceptor replacement study that was done in 2014 as part of a PennDOT project. Ephrata Borough had to pay the money up front, the four (4) municipalities were billed, and PennDOT will reimburse Ephrata Borough, who in return will reimburse the other communities based off the percentages. The IMG also awarded two (2) contracts to Becker Engineering totaling \$125,675.00. One (1) contract was for a Proposal for Professional Services to replace the Mission Pumping Station and the other was for a Proposal for Professional Services for the Upper Interceptor Line Segment Replacement. The funding for this work will include \$18,000.00 paid out of the 2015 budget, \$27,273.00 from the I & I Reserve Fund that is kept at Ephrata Borough, and \$84,727.00 from the system Tapping Fee Account. There will not be any additional out of pocket cost to the Borough in 2015 for these professional services.

Mr. Hession reported that the Planning Commission's meeting last week was canceled because of a snow event and they will meet on Tuesday, March 10th at 7:00 p.m. to review the Cocalico School District Land Development Plan. Mr. Hession stated that he received a call today from the consultant who is working with the School District asking if Borough Council will consider scheduling a special meeting on March 23, 2015 to take action on the School District's Land Development Plan, contingent upon the Denver Planning Commission granting a conditional approval for the project tomorrow night during their meeting and contingent upon the School District obtaining their E&S and NPDES Permits. The School District will pay for the advertisement for the meeting. The second issue requested by the School District's consultant is whether Borough Council would object to the School District having their contractor mobilize on site and begin to do some of the site work prior to having the plan approved and recorded. The consultant stated that the School District is aware that any site work started prior to full approval and recording will be at their own risk. Discussion followed and Borough Council did not object to these requests and will reschedule the March 30, 2015 Borough Council meeting to March 23, 2015, contingent upon the recommendation of the Planning Commission during their March 10, 2015 meeting.

Mr. Hession also reported that there is an issue that has surfaced today concerning the Teamster Union's health insurance plan that will need to be discussed during an Executive Session tonight.

Borough Council Committee Reports

Councilman Cohick reported that the magazine dumpster will be delivered to the Denver Fire Company parking lot next Monday and he is still working on getting a dumpster for the yard waste. Discussion followed.

Councilman Stover reported that the Street Committee met last week.

Borough Council Comments

Councilman South reported that when the automated snow emergency calls are made there is about a 30 second delay until the recording starts. Discussion followed and the Borough Manger will look into having this issue addressed.

Borough Council discussed the areas in the street where UGI has excavated to make connections to the natural gas service. The cold patch in some of these areas has settled and potholes have developed. The Borough will contact UGI to address these potholes. UGI also will make the final repairs to these excavations in the spring/summer of this year.

Gary Read asked about the Borough Council President's report and stated that there is a least one (1) meeting he is aware of that Councilman Daub hosted and had no comment on in his report. Mr. Read reported that Saturday afternoon at his home there were two (2) Borough Councilmembers in Councilman Daub's home and inquired if this was a violation of the Sunshine Law. Mr. Read stated they were there for one (1) hour and 15 minutes. Councilman Daub responded that he had two (2) Councilmembers come to his home to sign his petition. They watched a little television and did not do any Borough business.

Discussion Items

Borough Council reviewed the Draft Personnel Policy Manual for the Borough and identified the following sections which need to be revised: Page 18, Section 3.13 Promotions, states that a promote employee may voluntarily revert to his/her former position within his/her six (6) months trial service period and on Page 22, Section 5.03 Trial Service Due to Promotion, the policy permits a promoted employee to voluntarily revert to his/her former position within 90 days. Borough Council decided that both sections should be 90 days. Borough Council also discussed removing the clause "with consent of the employee" from Page 18, Section 3.12. Borough Council discussed changing Page 20, Section 4.03 concerning layoff order, to remove the list language and to provide the Borough with the greatest flexibility concerning the layoff order. Borough Council also discussed Councilman Gensemer's issue raised during the previous Borough Council meeting concerning employees attending meetings and having to get approval to do so on behalf of the Borough. Mr. Hession reported that the Borough Solicitor reviewed Councilman Gensemer's proposed language and added language to include the following statement: "All Borough employees under the direction of the Borough Manager are prohibited from attending a public meeting wherein he or she identifies himself or herself as a Borough employee to state an opinion on an issue under consideration by Borough Council unless the employee states that their opinion is their own and is not the opinion of the Borough. This section is not intended to prohibit a Borough employee from attending any public meeting to express his or her concern as a private citizen." Borough Council discussed including this provision in Chapter 14 – Employee Ethics, Standards of Conduct, and Personal Activities. Lastly, Borough Council also discussed Page 16, Section 3.09 Employment of Relatives. The Borough Manager will make the necessary changes and will resubmit a copy to Borough Council for final review.

Borough Council discussed possible changes to the Borough's Zoning Ordinance concerning electronic billboards or changeable message signs. Mr. Hession reported recently in East Lampeter Township there was an appeal to the Court of Common Pleas of a decision of the East Lampeter Zoning Hearing Board which reversed the decision of the Zoning Hearing Board. The Borough Solicitor received a copy of the decision from that appeal and reviewed the Borough's ordinance and recommended that the Borough modify its ordinance to address these types of signs. Borough Council discussed whether they want to authorize the Planning Commission to review this potential Zoning Ordinance change. Councilman Cohick made a motion, seconded by Councilman Flory, to authorize the Planning Commission to proceed with exploring proposed changes to the Borough's Zoning Ordinance concerning electronic billboards or changeable message signs to make it enforceable. Motion carried unanimously 6 to 0.

Borough Council discussed the proposed regional police force issues discussed at the Police Advisory Board Meeting including the March 6, 2015 letter the Borough received from East Cocalico Township. The letter stated that the East Cocalico Township Supervisors feel that what is being asked of them from West Cocalico Township will obligate them to pay over approximately \$4 million dollars over a 14 year period in addition to their regularly yearly costs

and felt the things they negotiated already by paying 100% of the MMO in 2015 and paying 75% of it in 2016 is the offer they are willing to make. There is a provision in the letter suggesting that all parties should indicate whether or not they are ready to move forward with the current structure of the Draft Charter to the other members of the Commission by Monday March 23rd. Discussion followed regarding the letter from East Cocalico Township, the five (5) year proposed budget that was recently distributed, and what is best for the Denver Borough. Councilman Gensemer made a motion to authorize the Borough to send a letter to the Board of Supervisors of East Cocalico Township reaffirming the Borough's position taken at a previous Borough Council meeting, accepting the Borough's portion of the existing unfunded liabilities and supporting the spirit of the existing Draft Charter; and stating that the Borough's position is to move forward with the current structure of the draft charter to the next step. There being no second the motion failed. Discussion followed. Councilman South made a motion, seconded by Councilman Flory, to send a letter to East Cocalico Township affirming that Denver Borough supports of the spirit of the draft charter with continued work. Motion carried unanimously 6 to 0.

Borough Council discussed a waiver for the Denver Lions Club from the regulations to file, obtain approval, and record a Final Land Development Plan through the Borough's Subdivision and Land Development Ordinance for the Shober Family Scout Cabin Project. Mr. Hession reported that the Denver Planning Commission is going to meet on Tuesday night to review this request and to make a recommendation to Borough Council about waiving a Final Land Development Plan. Discussion followed.

Borough Council discussed the proposed 2015 Street Improvement Projects. Mr. Hession reported that the Street Committee met and proposed installing 13 handicap ramps on North 5th Street between Main Street and Pine Street; oil and chipping various streets in the Borough; and renting a machine for the Borough staff to complete crack sealing in the Borough. Borough Council reviewed the engineer's proposal for bidding and inspection as well as the project timeline. Discussion followed.

Borough Council discussed the 2015 Water Leak Detection Proposal submitted by David B. Bonkovich at a cost not to exceed \$3,000.00. Mr. Hession reported that as part of the Borough's water audit, this will be a system-wide study to find any water leaks in the Borough. Discussion followed. Councilman Cohick made a motion, seconded by Councilman Stover, to contract with David B. Bonkovich to provide the 2015 Water Leak Detection Audit at a cost not to exceed \$3,000.00. Motion carried unanimously 6 to 0.

Borough Council discussed the status of PennDOT's S.R. 1051-003 Bridge Deck Replacement Project on Main Street adjacent to Kalas Manufacturing. Mr. Hession reported that the project started today and he notified the businesses, the school, the police, and the fire company. The Borough will address issues as they arise. Discussion followed regarding the emergency responders having the ability to control the temporary traffic light during an emergency.

Borough Council discussed the appointment of a voting delegate for the Borough to the 2015 PSAB Conference. Mr. Hession reported that the 2015 PSAB Conference is in Lancaster this year. Borough Council may appoint someone to be a voting person and it can either be a Councilmember or the Borough Manager. Councilman Stover made a motion, seconded by Councilman Flory, to appoint Michael Hession Borough Manager as the voting delegate for the Borough to the 2015 PSAB Conference. Motion carried unanimously 6 to 0.

Action Items

Councilman Stover made a motion, seconded by Councilman South, to approve the February, 2015 Treasurer's Report. Motion carried unanimously 6 to 0.

Councilman Cohick made a motion, seconded by Councilman South, to adopt Resolution No. 802 - A Resolution of the Borough Council of the Borough of Denver, Lancaster County, Pennsylvania, Approving the Appointment of Barbara A. Artz as Deputy Tax Collector. Motion carried unanimously 6 to 0.

Councilman Stover made a motion, seconded by Councilman Flory, to authorize the Borough Engineer to prepare the Bid Specifications and Documents for the Borough's 2015 North 5th Street Handicap Ramp Installation Project. Motion carried unanimously 6 to 0.

Councilman Flory made a motion, seconded by Councilman Stover, to authorize the President or Vice President of Borough Council to execute the Agreement between the Borough of Denver and Reilly Sweeping, Inc. for street sweeping services in the Borough, including paved alleyways, at a total cost of \$4,575.00. Motion carried unanimously 6 to 0.

Councilman Cohick made a motion, seconded by Councilman Stover, to authorize the Borough to advertise Bids for the North 4th Street Playground Redevelopment Project after receiving approval from the Department of Conservation and Natural Resources (DCNR) to proceed with the project. Motion carried unanimously 6 to 0.

Unfinished Business

John Palm, 232 South 4th Street, stated that he has coordinated the Denver Memorial Day Parade and Service that is held at the Denver Memorial Park for the last five (5) or six (6) years and he recently found out he will not be in the Borough this year during that weekend and is looking for a volunteer to run the program this year and to serve as the Master of Ceremonies. Discussion followed and Mayor Redcay was asked to consider taking on this task.

Executive Session

Councilman Stover made a motion, seconded by Councilman Flory, to recess into an Executive Session at 9:05 p.m. to discuss a union health plan issue. Motion carried unanimously 6 to 0.

Councilman Stover made a motion, seconded by Councilman Flory, to reconvene into regular session at 9:18 p.m. Motion carried unanimously 6 to 0.

Adjournment

Councilman Stover made a motion, seconded by Councilman South, to adjourn the meeting at 9:20 p.m. Motion carried unanimously 6 to 0.

Michael Hession
Borough Manager/Secretary

Action Items:

- Motion to approve the February 9, 2015 and February 23, 2015 meeting minutes. Motion carried unanimously 6 to 0.
- Motion to authorize the Planning Commission to proceed with exploring proposed changes to the Borough's Zoning Ordinance concerning electronic billboards or changeable message signs to make it enforceable. Motion carried unanimously 6 to 0.

- Motion to authorize the Borough to send a letter to the Board of Supervisors of East Cocalico Township reaffirming the Borough's position taken at a previous Borough Council meeting, accepting the Borough's portion of the existing unfunded liabilities and supporting the spirit of the existing Draft Charter; and stating that the Borough's position is to move forward with the current structure of the draft charter to the next step. There being no second the motion failed.
- Motion to send a letter to East Cocalico Township affirming that Denver Borough supports of the spirit of the draft charter with continued work. Motion carried unanimously 6 to 0.
- Motion to contract with David B. Bonkovich to provide the 2015 Water Leak Detection Audit at a cost not to exceed \$3,000.00. Motion carried unanimously 6 to 0.
- Motion to appoint Michael Hession Borough Manager as the voting delegate for the Borough to the 2015 PSAB Conference. Motion carried unanimously 6 to 0.
- Motion to approve the February, 2015 Treasurer's Report. Motion carried unanimously 6 to 0.
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