

**June 8, 2015**

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

Citizen's Concerns

Donald Wenger reported that people were upset that there was no advertisement or posters about the event held at the Denver Memorial Park on May 30<sup>th</sup> in honor of Jan Roseboro. Borough Council informed Mr. Wenger that a private organization hosted the event and the Borough was not involved. Discussion followed.

Meeting Minutes

Councilman Cohick made a motion, seconded by Councilman Flory, to approve the May 11, 2015 and May 18, 2015 meeting minutes. Motion carried unanimously 4 to 0.

Borough Council President

Councilman Daub was not in attendance.

Mayor

Mayor Redcay reported that on May 13<sup>th</sup> he attended the Lancaster County Mayor's Luncheon; on May 16<sup>th</sup> he attended the Denver Park Festival and opened up for the Salute to Armed Services Day; on May 19<sup>th</sup> he spent the day at the Borough Municipal Building for the Primary Election; on May 25<sup>th</sup> he attended the Memorial Day Parade; on May 28<sup>th</sup> he met with the East Cocalico Fire Company Merger Committee; and on May 30<sup>th</sup> he attended the Jan's Circle of Friends event at the Denver Memorial Park.

Junior Councilperson

Jr. Councilperson Weaver was not in attendance. Borough Manager Michael Hession reported that Ms. Weaver was not able to make the meeting tonight. Borough Council will discuss a second appointment for Junior Councilperson later in the meeting and if approved, the members will split Borough Council's meetings with Ms. Weaver attending the second meeting of the month and Mr. Ken Wallace attending the first meeting of the month.

Borough Manager

Mr. Hession reported that on Friday June 5<sup>th</sup>, George Whetsel, Director of Public Works, celebrated his 40<sup>th</sup> year working for the Borough. Mr. Hession also reported that a representative from Goodwill stopped into the Municipal Building this morning and informed the Borough that when the Denver Lions Club holds the Community Yard Sale in September they usually get a big rush of people bringing stuff to their facility. The representative wanted to know if it would be possible for Goodwill to bring two (2) of their box trucks on the day of the yard sale and park them in the Municipal Building Parking Lot to allow people to bring any items that they want to donate to that location. Discussion followed. Councilman Cohick made a motion, seconded by Councilman South, to allow Goodwill Industries to park two (2) box trucks in the Municipal Building parking lot the day of the Denver Lions Club Yard Sale and to require them to provide a certificate of insurance to the Borough naming the Borough as an Additional Insured. Motion carried unanimously 4 to 0.

### Recreation Committee

Councilman Cohick reported that he attended the Park Association meeting and the Park Association members would like to see if they can get recyclable containers at different spots in the Park. Councilman Cohick will check with the Lancaster County Solid Waste Management Authority about the availability of these containers. Councilman Cohick also reported that there are a few trees by the new Boy Scout Cabin that are almost dead and Mindi Stoner mentioned that her husband would be willing to cut down the trees and keep the main pieces of wood for firewood. The Borough would be required to remove the branches and brush. Discussion followed concerning this project and the signing of an insurance waiver.

### Borough Council Comments

Councilman South inquired about the status of the street light privatization project. Mr. Hession reported that the Borough was supposed to receive the Make Ready Report from PPL on June 4<sup>th</sup>, but instead the Borough received an email about a problem street light on Walnut Street by F&M Hat Co. where the light is on a bank of transformers. The Borough decided at the advice of both the consultant and attorney not to comment piecemeal on individual lights and instead to wait until the Borough receives the full report to review. The Borough requested a copy of the report as it stands now and to receive a copy of the full, final report once it is completed. The Borough is waiting for a response from PPL concerning this request.

Councilman Flory reported that he went to Tamarack Drive to look at the crack sealing and the Public Works Department did a good job. Mr. Hession reported that the Borough received a few calls regarding the crack sealing. One resident complained it doesn't look nice and he was informed why the Borough is doing it and he was fine with the explanation. Today the lower section of Hawthorne Drive was blocked from cars coming in and a gentleman started on his bicycle in the middle part of the development, rode down through a series of cracks, and wasn't too happy. He asked if in the future the Borough can look to do half the road and then come back and do the other half of the road. Discussion followed. Mr. Hession stated when the Borough goes to oil and chip the streets he would like to discuss with the Street Committee the best way to post the streets so people are aware of the project and the Borough avoids any conflicts with motorists.

Borough Council also discussed their concerns with dirt on the road and the impact on the condition of South 4<sup>th</sup> Street due to the Cocalico School District's construction project. Mr. Hession will meet with the Borough Engineer at the site to review these issue before notifying the Cocalico School District.

### Presentation

Fred Wagaman, Denver Planning Commission Chairperson, discussed the proposed Zoning Ordinance Amendment topics that have been identified by the Planning Commission. Mr. Wagaman discussed how this project originated and then reviewed the list of Zoning Ordinance issues that the Planning Commission is requesting authorization from Borough Council to review including prohibited signs in the Borough; Business District permitted uses; Industrial District uses permitted by right; accessory buildings height and size; and the location of fences. Mr. Wagaman stated that Planning Commission would like to have recommendations back to Borough Council concerning these issues by the end of the year. Discussion followed. Councilman Flory made a motion, seconded by Councilman South, to authorize the Denver Planning Commission to review and recommend amendments to the Zoning Ordinances for the Industrial District, Fences, Accessory Buildings, the Main Street Business District Regulations and Uses, and language concerning prohibited signs in the Borough. Motion carried unanimously 4 to 0.

## Discussion Items

Borough Council met with Ken Wallace, 319 Tamarack Drive, concerning his application to Denver Borough to serve as a Denver Borough Junior Councilperson starting in September, 2015. Mr. Wallace reported that he will be starting his senior year and he is involved academically and musically, is the Vice President of Student Government, and is the President for the National Honor Society. He stated the school and community are important to him and he may want to make a career in Public Policy and Civics. Following the discussion, Councilman Cohick made a motion, seconded by Councilman Flory, to appoint Ken Wallace, 319 Tamarack Drive, as a Denver Borough Junior Councilperson. Motion carried unanimously 4 to 0. Mayor Redcay then administered the Oath of Office for Denver Borough Junior Councilperson to Mr. Wallace.

Borough Council discussed the request from PPL to install a pole in the grass strip on Lancaster Avenue in the Borough's right-of-way to provide electric service to the St. John's United Church of Christ Project. James Kalenich from Professional Design and Construction discussed the request, how the line will be installed, and how the original plan was for it to come off of South 4<sup>th</sup> Street. Following the discussion, Councilman Flory made a motion, seconded by Councilman South, to permit PPL to install a pole in the grass strip on Lancaster Avenue in the Borough's right-of-way to provide electric service to the St. John's United Church of Christ Project. Motion carried unanimously 4 to 0.

Borough Council discussed the Bid results for the Borough's 2015 Handicap Ramp Project and the 2015 Street Resurfacing Project. Mr. Hession reported that the Borough received four (4) Bids for the Handicap Ramp Project. Reamstown Excavating submitted the lowest Bid with a Base Bid of \$37,400.00. Each of the four (4) bidders also submitted bid prices for the Alternate Bids which included the replacement of 20-feet of depressed curb owned by the Borough and 35-feet of standard eight-inch (8") curb owned by Roy Sweigart, 506 Walnut Street. Reamstown Excavating submitted an alternate bid price totaling \$4,125.00 for this work. The Borough also obtained a cost estimate from Lloyd Zeiset Concrete for the two (2) sections of curbing which totaled \$3,252.00 (\$1,426.00 for the Borough's section of curb and \$1,826.00 for Mr. Sweigart's curb). Borough Council discussed awarding the Base Bid contract to Reamstown Excavating for the 13 handicap ramps at a total price of \$37,400.00 and awarding the contract for the replacement of the curbing owned by the Borough and Mr. Sweigart to Lloyd Zeiset Concrete at a cost of \$3,252.00.

Borough Council also discussed the 2015 Street Resurfacing Project and the one (1) bid submitted by Martin Paving at a cost of \$66,332.00 for the oil and chip work. Discussion followed. Councilman South made a motion, seconded by Councilman Flory, to award the base bid contract for Denver Borough's 2015 Handicap Ramp Project to Reamstown Excavating at a total cost of \$37,400.00. Motion carried unanimously 4 to 0.

Councilman Flory made a motion, seconded by Councilman Cohick, to award the contract for the 2015 Street Resurfacing Project to Martin Paving at a total cost of \$66,332.00. Motion carried unanimously 4 to 0.

Councilman Cohick made a motion, seconded by Councilman South, to award the contract to remove and replace 20-feet of depressed concrete curb and 35-feet of 8-inch concrete curb to Lloyd Zeiset Concrete at total cost of \$3,252.00. Motion carried unanimously 4 to 0.

Borough Council discussed the proposed changes to the draft Personnel Policy Manual. Mr. Hession reported that the Teamsters' Union had one (1) comment that they wanted to see added concerning expanding the use of sick leave and bereavement leave to include a fiancé or domestic [partner of a Borough employee. A definition for domestic partner and committed relationship was reviewed by the Borough Solicitor and added to the draft Personnel Policy Manual. Discussion followed and Borough Council will consider an official adoption of the revised Personnel Policy Manual which includes this requested change during the next Borough Council meeting.

Borough Council discussed the selection of a law firm to represent the Borough in current and future Collective Bargaining and labor issues. Mr. Hession reported that the Borough was notified that attorney Joseph C. Rudolf, who the Borough had contracted with before for collective bargaining and personnel issues, is now leaving the firm of Dilworth Paxson LLP and moving to the firm of Clark Hill PLC. The Borough has the option of continuing to use the firm of Dilworth Paxson and working with a new attorney; continuing to work with Mr. Rudolf at his new firm; or deciding to work with another attorney for this issues. Discussion followed and Councilman Cohick made a motion, seconded by Councilman South, to retain the firm of Clark Hill PLC and to continue with Joseph C. Rudolf as the attorney to represent the Borough in current and future Collective Bargaining and labor issues. Motion carried unanimously 4 to 0.

Borough Council discussed the reassessment of water and sewer tapping fees for non-residential properties in the Borough based on excess usage. Mr. Hession reported that the Borough's Code of Ordinances requires a reassessment to be completed annually for both water and sewer usage to determine if any non-residential customers need to purchase any additional water or sewer capacity. Based on 2014 actual usage, it has been determined that Kalas Manufacturing and Direct Wire have exceeded their capacity. Direct Wire exceeded their purchased capacity in both water and sewer usage and Kalas Manufacturing exceeded their capacity in sewer usage. Borough Council reviewed the actual usages and the projected costs to both of these industries. A letter will be sent to both companies informing them about the assessment and the need to purchase the additional capacity. An invoice also will be sent to each of the industries.

#### Action Items

Councilman South made a motion, seconded by Councilman Flory, to approve the May, 2015 Treasurer's Report. Motion carried unanimously 4 to 0.

Councilman Flory made a motion, seconded by Councilman South, to appoint the firm of Zimmerman, Pfannebecker, Nuffort, and Albert, LLP as the Borough Solicitor from July 1, 2015 through January 4, 2016. Motion carried unanimously 4 to 0.

Councilman South made a motion, seconded by Councilman Flory, to contract with Ephrata Agway for the installation of 13 sections of wooden, two (2)-rail split rail fence installed at the North 4<sup>th</sup> Street Playground at a cost of \$825.00. Motion carried unanimously 4 to 0.

Councilman Cohick made a motion, seconded by Councilman South, to contract with Elite Paving, Inc. for the paving of the walkway and handicap parking area at the North 4<sup>th</sup> Street Playground at a cost of \$2,800.00. Motion carried unanimously 4 to 0.

#### Adjournment

Councilman South, made a motion, seconded by Councilman Flory, to adjourn the meeting at 8:19 p.m. Motion carried unanimously 4 to 0.

Michael Hession  
Borough Manager/Secretary

#### **Action Items:**

- Motion to approve the May 11, 2015 and May 18, 2015 meeting minutes. Motion carried unanimously 4 to 0.
- Motion to allow Goodwill Industries to park two (2) box trucks in the Municipal Building parking lot the day of the Denver Lions Club Yard Sale and to require them to provide a

- certificate of insurance to the Borough naming the Borough as an Additional Insured. Motion carried unanimously 4 to 0.
- Motion to authorize the Denver Planning Commission to review and recommend amendments to the Zoning Ordinances for the Industrial District, Fences, Accessory Buildings, the Main Street Business District Regulations and Uses, and language concerning prohibited signs in the Borough. Motion carried unanimously 4 to 0.
  - Motion to appoint Ken Wallace, 319 Tamarack Drive, as a Denver Borough Junior Councilperson. Motion carried unanimously 4 to 0. Mayor Redcay then administered the Oath of Office for Denver Borough Junior Councilperson to Mr. Wallace.
  - Motion to permit PPL to install a pole in the grass strip on Lancaster Avenue in the Borough's right-of-way to provide electric service to the St. John's United Church of Christ Project. Motion carried unanimously 4 to 0.
  - Motion to award the base bid contract for Denver Borough's 2015 Handicap Ramp Project to Reamstown Excavating at a total cost of \$37,400.00. Motion carried unanimously 4 to 0.
  - Motion to award the contract for the 2015 Street Resurfacing Project to Martin Paving at a total cost of \$66,332.00. Motion carried unanimously 4 to 0.
  - Motion to award the contract to remove and replace 20-feet of depressed concrete curb and 35-feet of 8-inch concrete curb to Lloyd Zeiset Concrete at a total cost of \$3,252.00. Motion carried unanimously 4 to 0.
  - Motion to retain the firm of Clark Hill PLC and to continue with Joseph C. Rudolf as the attorney to represent the Borough in current and future Collective Bargaining and labor issues. Motion carried unanimously 4 to 0.
  - Motion to approve the May, 2015 Treasurer's Report. Motion carried unanimously 4 to 0.
  - Motion to appoint the firm of Zimmerman, Pfannebecker, Nuffort, and Albert, LLP as the Borough Solicitor from July 1, 2015 through January 4, 2016. Motion carried unanimously 4 to 0.
  - Motion to contract with Ephrata Agway for the installation of 13 sections of wooden, two (2)-rail split rail fence installed at the North 4<sup>th</sup> Street Playground at a cost of \$825.00. Motion carried unanimously 4 to 0.
  - Motion to contract with Elite Paving, Inc. for the paving of the walkway and handicap parking area at the North 4<sup>th</sup> Street Playground at a cost of \$2,800.00. Motion carried unanimously 4 to 0.
  - Motion to adjourn the meeting at 8:19 p.m. Motion carried unanimously 4 to 0.