

August 31, 2015

The August 31st meeting of Denver Borough Council was called to order at 7:00 p.m. with the following Councilmembers present: Cohick, Fink, Gensemer, 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

John Weaver inquired if the Borough has an ordinance regarding free range chickens in the Borough. Borough Manager Michael Hession responded that the Borough's Code of Ordinances requires lots to be a minimum size in order to keep chickens in the Borough and there are few properties in the Borough that meet this requirement. Mr. Weaver declined to provide an address of the property that may be keeping the chickens.

Ralph Bearinger, oldest grandson of Sam Snyder, was in attendance and stated that he has been informed that the Borough Council is considering changing the name of the Weaver Road Bridge by the Denver Beer Distributor to the Sam Snyder Memorial Bridge. Mr. Bearinger stated that since Mr. Snyder dedicated a lot of his time to the Denver Park it would be better to name the bridge on Main Street by the Park after him. Discussion followed and the Borough will gather additional information on the process to have a PennDOT Bridge named after a local resident.

Donald Wenger reported that he was at the Boy Scout Cabin and felt that whoever designed the driveway did a sloppy job. Discussion followed.

Mr. Wenger inquired about the railroad tank cars stored on the railroad tracks and if they are filled or empty. Mr. Hession reported that the Borough contends that the rail cars are being stored on the tracks and the railroad owner contends that the rail cars are in transit. The railroad owner stated that he will be willing to meet with representatives from the Borough, the Denver Fire Company, and the Emergency Management Coordinator to discuss an emergency plan only after the rail cars are stored at the facility. Discussion followed concerning the lack of cooperation from the railroad company regarding this safety issue.

Borough Council Comments

Mayor Redcay reported that the R.E.A.L. Life Youth Ministries "End of the Summer Rock Fest" Concert at the Denver Park on Saturday went well. Three (3) different bands were there, food vendors were there, and about over 100 people from kids to adults were there. It was a great evening and they would like to do this again next summer.

Mayor Redcay reported that there has been an increase in kids hanging at the Denver Park doing things in violation of the Park's rules and regulations including riding their bikes through the dirt pile next to the Skate Park and being disrespectful to volunteers. Discussion followed concerning the dirt pile and the Public Works Department was asked to install orange construction fencing around the dirt pile in the Park.

Councilman Gensemer reported that across from his house there is a utility pole at 112 Jefferson Avenue that has been laying on the curb for a couple of weeks. With the high school football season starting the street is used for parking and he is afraid somebody will run into the pole. George Whetsel, Director of Public Works, was asked to contact PPL about relocating the pole.

Emergency Management Coordinator Report

Emergency Management Coordinator Andy Boyer reported that he has different contacts regarding the railroad and he also kept getting dead ends and being referred to someone else to talk too concerning the rail car storage.

Police Department Report

Chief George Beever reported on the following incidents and calls for service in the Borough over the past month: on August 2nd there was a fire hydrant stolen from a residence in the 500 block of North 6th Street; on August 8th there was a bicycle valued at \$500.00 reported stolen from a residence in the 800 block of Main Street; on August 22nd at about 5:15 p.m., two (2) juveniles ages 12 to 14 were cited for disorderly conduct for a fight and both were issued letters not allowing them in the Denver Memorial Park; on August 24th at 2:40 p.m., at 16 year old Ephrata juvenile was charged with disorderly conduct after he was involved in a disturbance in the 800 block of Main Street; and on August 12th he met with the Mayor Redcay and the Borough Manager regarding various issues in the Borough such as parking, speeding in certain areas, skate boarders and scooters in the Business District. Chief Beever reported that on the first Tuesday of August the Police Department as well as other various first responders hosted National Night Out. He also reported on the kids at the skate park being disrespectful to Mike Grant and an officer did go to the Park to talk to the kids and their information is on record. Discussion followed.

Denver Fire Company Report

Mr. Hession read Chief Shannon Hilton's report since Chief Hilton was not able to be in attendance. As per the report, from January 1st to August 31st there were 134 total calls, 110 were emergency, 1,516 men responding for an average of 13.78 per call, 946.4 man hours, 56.7 hours of time in service, 3.7 minutes response time, 12 working fires, and 5 extrications. The Denver Fire Company recently had five (5) members complete the National Pro Board Firefighter One Certification which bring the total number of members who have Firefighter One or higher certification to 23. There currently are 78 fire departments in the Commonwealth to have a certification rate of 75% or higher including seven (7) fire companies in Lancaster County. The Denver Fire Company's percentage currently is 76%.

Police Advisory Board Update

Councilman Mike Gensemer reported that during the last Borough Council meeting, he asked the members of Borough Council to review the draft charter to see if there are any additions or questions. Councilman Gensemer reported that the Borough received letters from Adamstown Borough and West Cocalico Township stating that they are not interested in participating with a Regional Police Force, nor are they willing to contract with East Cocalico Township for police services. Councilman Gensemer reported that he along with Councilman Daub and Mr. Hession met with Supervisors in East Cocalico Township and the Supervisors are still standing behind the contract that was offered to the Borough that runs through 2018. The Borough now needs to decide if it wants to pursue a regional police force or if it wants to continue on a contractual basis for now. The Borough currently is in the second year of a five (5) year contract and the contract is a good deal for the Borough. To jump into the Regional Police Department now the Borough will assume not just the 16% of the liability, but maybe 25% to 26%. Discussion followed.

Junior Councilperson Report

Jr. Councilperson Rachel Weaver was not in attendance.

Director of Public Work's Report

Mr. Whetsel reported that the Public Works Department continued with the line and curb painting; conducted the SRBC Curb Box inspections and now are working on repairing the ones that need repaired; started closing down the Denver Community Pool for the season; and repaired some of the stone alleys in the Borough. Mr. Whetsel also reported that he and Scott Mohn attended a seminar on water meter performance and back flow devices; he attended a seminar on public communication; and Scott Mohn and Doug Enck attended a seminar on Water System Maintenance. These seminars are required for the Borough staff to maintain compliance with their DEP water certifications.

Mr. Whetsel reported that the Public Works Department completed the quarterly water meter readings; assisted with hauling and moving dirt from the Scout Cabin; and participated in a meeting with representatives from the Susquehanna River Basin which was more of a pre-application because the permits for them are coming due in 2019 and 2021.

Mr. Whetsel also reported that the Public Works Department worked with PennDOT to place risers at Bon View Drive and Reinholds Road prior to PennDOT paving Reinholds Road; replaced all the street signs in Denver Heights; saw cut the blacktop at the Recreation Center and trail for the Scout Cabin parking lot; started hauling debris off the Borough Lot; installed approximately 340 storm basin markers on storm sewer inlets in the Borough for the MS4 program; and made welding repairs to the Weaver Road Bridge. Discussion followed regarding the status of the Borough Lot and Borough Council asked to include a discussion concerning this issue on the September 28th meeting agenda.

Discussion Items

Borough Council discussed with Todd Stewart from Hawke, McKeon and Sniscak, LLP, the status of the streetlight system purchase with PPL. Councilman Daub reported that the streetlight system purchase is not going the way the Borough had planned and he asked Mr. Stewart to give an overview of the project. Councilman Daub also stated that Borough Council will be meeting in an Executive Session later this evening to discuss some contractual issues and possible litigation efforts moving forward concerning the streetlights. Mr. Stewart reported that there have been two (2) meetings with PPL for the purpose of gathering information from PPL on their Make Ready estimates previously giving. The Borough has come to the conclusion that PPL is essentially trying to slow the process down. Mr. Stewart provided an overview of the activities to date and discussed the alternatives that Borough should consider next including filing a complaint with the Public Utility Commission or notifying PPL to remove their facilities from the Borough and then the Borough purchase and install new lights, brackets, and poles for the underground fed streetlights. Mr. Stewart stated that his recommendation is to inform PPL that the Borough is terminating the contract with PPL for providing street lighting in the Borough under the terms of their tariff and to require PPL to remove their facilities basically at no cost to the Borough for any facility that is over 10 years old. The Borough then will have funds available to buy replacement facilities which would be less costly than what PPL proposed to charge the Borough for the facilities they have in place. Discussion followed regarding PPL and also the \$227,405.00 grant the Borough received to purchase LED lights, wiring, brackets, and the installation of the lights.

Borough Council discussed the request from Philp Shober, owner of 515 Main Street, to lease two (2) parking spaces in the stone area located behind the Municipal Building and adjacent to the paved Municipal Building Parking Lot to be used by his tenants for additional off-street parking. Mr. Shober asked to formalize an agreement with the Borough to lease the parking spaces at a rate of \$25.00 per space per month which would total \$600.00 per year. Borough Council discussed the request as well as the recommendation from the Borough Solicitor that prior to entering into a lease for these spaces, the Borough will need to draft and advertise a Bid for this lease. Discussion followed and Borough Council decided that they are not interested in leasing the parking spaces in the stone area behind the Municipal Building.

Borough Council discussed the request from Linda Roether, 717 Walnut Street, for two (2) temporary on-street parking spaces during the week of the Denver Fair. Councilman Daub stated that he knows everyone has circumstances to deal with and if the Borough is looking to allow residents to have temporary parking restrictions because of the Denver Fair it may create challenges for the Borough. Discussion followed regarding this request and Borough Council decided not to approve this request for two (2) temporary on-street parking spaces during the Denver Fair.

Borough Council discussed the status of the police services for the Borough. Councilman Daub gave a brief update on what has happened over the past year with the police discussion involving the four (4) municipalities. Borough Council has to decide if the Borough wants to continue to pursue regionalization or to consider contracting for services with the existing three (3) year contract that is remaining. Discussion followed regarding all the work that was put into discussing police coverage, police coverage at the Cocalico School District, what is the best overall situation for the Denver Borough, and the proper timing and process to disband the Police Advisory Board. Borough Council also thanked John Weaver for all he has done in representing Denver Borough on the Policy Advisory Board. Following the discussion, Councilman Cohick made a motion, seconded by Councilman South, to authorize the Borough Manager to send a letter to the East Cocalico Township Board of Supervisors notifying them that the Borough has decided to continue to contract police services from East Cocalico Township as per the terms of the Intermunicipal Agreement Amendment signed on October 17, 2013, and, to express their interest in discussing police regionalization in the future. Motion carried unanimously 7 to 0.

Borough Council discussed PennDOT's South 4th Street Bridge Project and the potential utility costs to the Borough including a projected sharing of these costs based on PennDOT paying for 75% of the utility costs and Denver paying 25% of these costs. Mr. Hession reported that there was a meeting today and the consultant was there, but the representative from PennDOT was not able to make the meeting. The meeting may be rescheduled for next week when the PennDOT representative will be available. The goal of the meeting was to make sure the Borough knew what was required to have the cost sharing implemented with PennDOT. The project will be Bid in the fall of 2016 and construction will begin in the spring of 2017. Discussion followed.

Action Items

Councilman Fink made a motion, seconded by Councilman Gensemer, to approve the August, 2015 Monthly Invoices and Bills Report. Motion carried unanimously 7 to 0.

Councilman Stover made a motion, seconded by Councilman Flory, to purchase a TS410 12" CutQuik Cut-off Saw, CutQuik Cart, Mounting Kit, and Water Tank from Eagle Rental at a cost of \$1,371.12 using the remaining funds budgeted in the following line items: 01-430-700, 06-430-700, and 08-430-700. Motion carried unanimously 7 to 0.

Councilman South made a motion, seconded by Councilman Gensemer, to authorize the Borough to sell the 1995 John Deere 425 Tractor with 60 inch mower deck (Inventory Code 1059), the 1997 Trac Vac Model 880 (Inventory Code 1070), and the Bolen's Trailer for Lawn Tractor in the 27th Semi-Annual Lawn, Garden, and ATV Consignment Auction scheduled for Saturday, September 12, 2015, beginning at 8:00 a.m., at the Schoeneck Firemen's Field. Motion carried unanimously 7 to 0.

Councilman Stover made a motion, seconded by Councilman Flory, to authorize the Cocalico Education Foundation to sponsor the Cocalico Education Foundation's 5K Race and One-Half (1/2) Mile Fun Run in the Borough on Saturday, September 26, 2015, beginning at 9:00 a.m., contingent upon representatives from the Cocalico Education Foundation coordinating this event with the Denver Fire Police and cleaning up after the event. Motion carried unanimously 7 to 0.

Councilman Cohick made a motion, seconded by Councilman Fink, to purchase for the Denver Community Pool four (4) Riptide HT Starting Blocks, four (4) Square Root Anchors, and four (4) Square Root Anchor Lids from Kiefer at a total cost of \$10,477.58, with the Denver Swim Team paying \$2,000.00, the Denver Recreation Board paying \$8,477.58, and the Denver Swim Team agreeing to reimburse the Recreation Board an additional \$1,400.00 in 2016. Motion carried unanimously 7 to 0.

Unfinished Business

Mayor Redcay reported that at the last Mayors' Conference he attended he learned that in order to be compliant to perform weddings he needs to submit a letter of intent to Borough Council. Discussion followed. Councilman Cohick made a motion, seconded by Councilman Flory, to officially accept Mayor Rodney Redcay's letter of intent to perform weddings. Motion carried unanimously 7 to 0.

Mr. Hession provided an update concerning the Cocalico School District's Athletic Field Project and the outstanding paving issues including the two (2) sections of South 4th Street that the Borough notified the Cocalico School District that must be repaired and repaved. Mr. Hession reported that the Borough received an email today from the School District's engineer stating that they did not feel any of the work was their responsibility and in their opinion, they do not believe the additional repairs or work are necessary at this location. Borough Council discussed the actions that the Borough has taken through this process that has saved the School District time and money including not requiring the School District to post a Letter of Credit for the project and permitting the widening of South 4th Street and the installation of curb and sidewalk in this area to be deferred for this project. Following the discussion, Borough Council determined that these two (2) paving sections shall be repaired by the School District at their cost. Mr. Hession will forward this information to Dr. Bruce Sensenig at the School District.

Executive Session

Councilman Flory made a motion, seconded by Councilman Gensemer, to recess into executive session at 8:38 p.m. to discuss professional issues relating to the PPL contract. Motion carried unanimously 7 to 0.

Councilman Flory made a motion, seconded by Councilman Fink, to reconvene into regular session at 9:00 p.m. Motion carried unanimously 7 to 0.

Councilman South made a motion, seconded by Councilman Stover, to authorize the Borough's streetlight consultant to develop Bid Specifications as per PennDOT and PPL

specifications to replace the streetlight fixtures and designated poles in the Borough. Motion carried unanimously 7 to 0.

Adjournment

Councilman Stover a motion, seconded by Councilman Gensemer, to adjourn the meeting at 9:03 p.m. Motion carried unanimously.

Michael Hession
Borough Manager/Secretary

Action Items:

- Motion to authorize the Borough Manager to send a letter to the East Cocalico Township Board of Supervisors notifying them that the Borough has decided to continue to contract police services from East Cocalico Township as per the terms of the Intermunicipal Agreement Amendment signed on October 17, 2013, and, to express their interest in discussing police regionalization in the future. Motion carried unanimously 7 to 0.
- Motion to approve the August, 2015 Monthly Invoices and Bills Report. Motion carried unanimously 7 to 0.
- Motion to purchase a TS410 12” CutQuik Cut-off Saw, CutQuik Cart, Mounting Kit, and Water Tank from Eagle Rental at a cost of \$1,371.12 using the remaining funds budgeted in the following line items: 01-430-700, 06-430-700, and 08-430-700. Motion carried unanimously 7 to 0.
- Motion to authorize the Borough to sell the 1995 John Deere 425 Tractor with 60 inch mower deck (Inventory Code 1059), the 1997 Trac Vac Model 880 (Inventory Code 1070), and the Bolen’s Trailer for Lawn Tractor in the 27th Semi-Annual Lawn, Garden, and ATV Consignment Auction scheduled for Saturday, September 12, 2015, beginning at 8:00 a.m., at the Schoeneck Firemen’s Field. Motion carried unanimously 7 to 0.
- Motion to authorize the Cocalico Education Foundation to sponsor the Cocalico Education Foundation’s 5K Race and One-Half (1/2) Mile Fun Run in the Borough on Saturday, September 26, 2015, beginning at 9:00 a.m., contingent upon representatives from the Cocalico Education Foundation coordinating this event with the Denver Fire Police and cleaning up after the event. Motion carried unanimously 7 to 0.
- Motion to purchase for the Denver Community Pool four (4) Riptide HT Starting Blocks, four (4) Square Root Anchors, and four (4) Square Root Anchor Lids from Kiefer at a total cost of \$10,477.58, with the Denver Swim Team paying \$2,000.00, the Denver Recreation Board paying \$8,477.58, and the Denver Swim Team agreeing to reimburse the Recreation Board an additional \$1,400.00 in 2016. Motion carried unanimously 7 to 0.
- Motion to officially accept Mayor Rodney Redcay’s letter of intent to perform weddings. Motion carried unanimously 7 to 0.
- Motion to recess into executive session at 8:38 p.m. to discuss professional issues relating to the PPL contract. Motion carried unanimously 7 to 0.
- Motion to reconvene into regular session at 9:00 p.m. Motion carried unanimously 7 to 0.
- Motion to authorize the Borough’s streetlight consultant to develop Bid Specifications as per PennDOT and PPL specifications to replace the streetlight fixtures and designated poles in the Borough. Motion carried unanimously 7 to 0.
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