

May 23, 2016

The May 23rd meeting of Denver Borough Council was called to order at 7:00 p.m. with the following Councilmembers present: Stewart, Palm, Flory, Gensemer, 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

Amy Shelly, 832 Oak Street, reported that she has five (5) dogs and recently she received a letter from the Borough stating there was a complaint made saying that she has six (6) dogs which is more than the number of dogs stated in the ordinance. The complaint was not in regard to excess barking, not about uncared for animals, and not about dogs running loose and causing harm to others. The complaint was only that she is not obeying the ordinance and exceeding the four (4) dog limit. Ms. Shelly stated that she doesn't feel the current ordinance in place is fair and she discussed her reasons why. She asked Borough Council to consider another way for animal limitation to be enforced. Discussion followed regarding the current Animal Ordinance in Denver, similar animal ordinances in other Borough's including Lititz Borough's ordinance, and whether any changes should be made to the current ordinance. Borough Council thanked Ms. Shelly for bringing her concern to Borough Council. Councilman Stewart made a motion, seconded by Councilman South, to table this discussion concerning the animal ordinance violation at 832 Oak Street until the next Borough Council meeting and for the Borough not to take action to enforce the ordinance until this issue is discussed further on June 13, 2016. Motion carried unanimously 7 to 0.

Donald Wenger inquired about the former Weave building and what the Borough is going to do with the building. Mr. Wenger stated that he sees the lights are on all the time and there are some broken windows. Discussion followed.

Borough Council Comments

There were no Borough Council comments.

Police Department Report

Cpl. Terry Arment reported that in April there were 811 calls for service and 3,297 calls year-to-date; 12 reportable crashes for April and 39 year to date; 17 non-reportable crashes and 65 year-to-date; 76 traffic citations for April and 370 year-to-date; 85 warnings in April and 313 year-to-date; and, 43 parking tickets for April and 155 year-to-date. There were 30 criminal cases reported in April with nine (9) of them in Denver Borough and 13 of the April cases have already been cleared.

Cpl. Arment reported that on April 14th at 12:44 p.m. terroristic threats were reported at the Middle School when a 12 year old student threatened a teacher and the student was referred to the Youth Aide Panel since that was the first contact the Department had with that individual. On April 21st at 9:15 a.m. an assault was reported at the Cocalico High School where a 17 year old student struck another student and was charged with harassment. On April 26th at 5:54 p.m. vandalism was reported at 10 North 6th Street where windows were broken out of an unoccupied residence and suspects were identified and four (4) juveniles were referred to the Youth-Aide-Panel.

Cpl. Arment reported that he gave two (2) separate talks at the Middle School, one (1) for 7th graders and one (1) for 8th graders, regarding sexting issues; he participated in a video today for crossing guards at the Denver Elementary School for a project that was put together by two

(2) graduating seniors for the end-of-the-year project; an East Cocalico Police Officer will be attending the Heroin Awareness event at the Ephrata High School; the Department was asked to complete a second presentation at Henry Schein concerning work place violence since the first one was very well received; and, on April 29th he became a grandfather. Discussion followed.

Denver Fire Company Report

Chief Shannon Hilton reported that year-to date there have been 96 calls for service with 87 of the calls being emergency calls; 1,180 men responded with an average of 13.5 men per call; 970.2 man hours; in-service for 62.8 hours; response time of 3.3 minutes; and 11 working fires and 7 extrications.

Junior Councilperson Report

Ken Wallace was not in attendance.

Director of Public Work's Report

George Whetsel, Director of Public Works, reported that on Friday May 20th, the adult swimming pool was filled up and by Sunday morning at 6:05 a.m. Rob Rissler informed him the level of the pool dropped by two (2) feet. It appears that there is a broken pressure pipe somewhere around the pool and Mr. Whetsel explained how they will try to find the location of the leak and repair it as quickly as they can.

Mr. Whetsel reported that the 2016 street sweeping program went fairly well; he attended a four (4) day seminar on Construction Codes in the beginning of May in order to maintain his Building Code status to 2019; and the Filter Plant was started up in the end of April and he explained what was involved with opening it back up.

Mr. Whetsel reported that the Department completed the end of the month reports; the quarterly meter readings; re-opened the Borough Lot this morning; worked on the equipment inventory; placed a large rock in the upper part of the Denver Memorial Park where a plaque will be placed; completed the annual Water System Consumer Confidence Report; met with the Street Committee to discuss the bridge work that needs to be done; and assisted Kirk Showalter with some mowing in the Borough.

Presentations

Dan Ensinger, Weinhold, Nickel and Company, presented an overview of the Borough of Denver's 2015 Audit Report. Discussion followed.

Kevin Varner from Diehm and Sons, provided an overview of the Denver Cold Storage Final Land Development Plan Project and Farley Fry, Hanover Engineering Associates, reported that all of the substantial items in the review letter have been addressed. Mr. Hession reported that the Denver Planning Commission already has completed their review of the project. Following the discussion, Councilman Flory made a motion, seconded by Councilman South, to approve a waiver from the requirements of the Denver Borough Storm Water Management Ordinance, Section 161-37.D(2)(a)2 – Minimum pipe slope of 0.5%, to permit the installation of a smooth lined polyethylene basin outlet pipe at 0.4% slope for the proposed Denver Cold Storage Final Land Development Plan. Motion carried unanimously 7 to 0.

Councilman South made a motion, seconded by Councilman Stover, to grant approval of the Denver Cold Storage Final Land Development Plan subject to compliance with the May 20, 2016 review letter submitted by Farley Fry from Hanover Engineering Associates, Inc.; subject to the receipt of a fully executed Developer's Agreement and the posting of financial security acceptable to the Borough Manager and Borough Solicitor; subject to the receipt of a fully

executed and recorded Storm Water Management Agreement and Declaration of Easement in a form acceptable to the Borough Solicitor; and, subject to the payment of all outstanding reviews and attorney fees. Motion carried unanimously 7 to 0.

Councilman Stewart made a motion, seconded by Councilman Stover, to authorize the President or Vice President of Borough Council to execute the Denver Cold Storage Final Land Development Plan upon submission of financial security and compliance with all conditions of approval, as set forth in the Plan and as required by the ordinances of the Borough of Denver and laws of the Commonwealth of Pennsylvania. Motion carried unanimously 7 to 0.

Councilman Stover made a motion, seconded by Councilman Palm, to authorize the President or Vice President of Borough Council to execute a Storm Water Management Agreement relating to the Denver Cold Storage Final Land Development Plan in a form acceptable to the Borough Solicitor upon receipt of such Agreement executed on behalf of the applicant. Motion carried unanimously 7 to 0.

Discussion Items

Borough Council discussed the Property Maintenance Code Ordinance, process, and enforcement in the Borough. Mayor Redcay reported that the Committee met prior to this meeting to discuss the current Property Maintenance Code and recommended it would be best to adopt the 2015 International Property Maintenance Code which is the most current edition of the code. The Borough currently is using the 2006 International Property Maintenance Code. The Committee also recommended making changes to the ordinance including reducing the permitted height of grass from 10 inches to six (6) inches; not allowing trash or garbage containers to be stored in the front yard or by the sidewalk unless they are buffered; and not allowing vehicles to be parked on the grass. Mr. Redcay reported that the Committee discussed that there should be a height requirement added to the Code to determine what is considered a tripping hazard for sidewalks, as well as how properties should be inspected and how to enforce property maintenance code violations and possible incentives to encourage the community trying to improve their properties. Discussion followed regarding property maintenance in the Borough, developing an educational flyer to distribute to residents highlighting some property maintenance codes, and having the Borough Solicitor draft an ordinance incorporating the recommended changes for Borough Council to review.

Borough Council discussed the recommendation from the Street Committee to use a portion of the funds budgeted for the 2016 North 5th Street Reconstruction Project to install additional handicap ramps on North 5th Street at Evergreen Street (three (3) ramps) and on North 5th Street at Juniper Street (two (2) ramps). Councilman Stover reported that there is excess funding in the 2016 Budget and it may be good for the Borough get ahead with doing more handicap ramps on North 5th Street for the next part of the project. Mr. Hession will draft a specification sheet and will contact three (3) companies to obtain cost quotations for the project.

Borough Council discussed the proposed additions to Chapter 165 Street and Sidewalks of the Code of Ordinance of the Borough of Denver concerning the opening of the surface of any public street, alley, or highway in the Borough. Mr. Hession reported that the Street Committee reviewed the current ordinance and recommended the following additions to the current ordinance: require the applicant to submit a drawing of the proposed opening site with the permit application; add a section stating that for any Borough street that was resurfaced, reconstructed, or constructed within three (3) years prior the applicant will be required to pave the whole street; require an applicant to pave the entire street if they are applying for five (5) or more cuts within 100 lineal feet; require applications to be submitted at least three (3) days before the proposed date of excavation; require a Certificate of Insurance listing the Borough as

an additional insured; require a Bond from the applicant along with a guaranty of work for 24 months following the completion of work; and propose wording changes to the Borough's current section concerning violations and penalties. Discussion followed and Borough Council agreed to forward the changes to the Borough Solicitor for review.

Action Items

Councilman Gensemer made a motion, seconded by Councilman Stover, to approve the May, 2016 Monthly Invoices and Bills Report following the review and approval of the President and Vice President of Borough Council. Motion carried unanimously 7 to 0.

Councilman Palm made a motion, seconded by Councilman Flory, to authorize the Denver Lions Club to sponsor the 2016 Denver Community Porch Sale on Saturday, September 10, 2016. Motion carried unanimously 7 to 0.

Councilman Stewart made a motion, seconded by Councilman Palm, 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 24, 2016, beginning at 9:00 a.m., contingent upon representatives from the Cocalico Education Foundation coordinating this event with the Denver Fire Police. Motion carried unanimously 7 to 0.

Councilman Flory made a motion, seconded by Councilman Stover, to authorize the President of Borough Council to execute the Agreement between the Borough of Denver and Construction Masters Services, LLC for the North 5th Street Reconstruction Project. Motion carried unanimously 7 to 0.

Executive Session

Councilman Stover made a motion, seconded by Councilman Gensemer, to recess into an Executive Session at 8:34 p.m. to discuss various personnel issues including the new Collective Bargaining Agreement proposals. Motion carried unanimously 7 to 0.

Councilman Gensemer made a motion, seconded by Councilman Stover, to reconvene into Regular Session at 8:50 p.m. Motion carried unanimously 7 to 0.

Unfinished Business

Councilman Flory inquired if invisible dog fences are permitted to be installed right against the sidewalk and whether it may be a good idea to require the location of these fences to be three (3) to four (4) feet from a public sidewalk. Discussion followed.

Adjournment

Councilman Palm made a motion, seconded by Councilman Stewart, to adjourn the meeting at 8:56 p.m. Motion carried unanimously 7 to 0.

Michael Hession
Borough Manager/Secretary

Action Items:

- Motion to table this discussion concerning the animal ordinance violation at 832 Oak Street until the next Borough Council meeting and for the Borough not to take action to enforce the ordinance until this issue is discussed further on June 13, 2016. Motion carried unanimously 7 to 0.

- Motion to approve a waiver from the requirements of the Denver Borough Storm Water Management Ordinance, Section 161-37.D(2)(a)2 – Minimum pipe slope of 0.5%, to permit the installation of a smooth lined polyethylene basin outlet pipe at 0.4% slope for the proposed Denver Cold Storage Final Land Development Plan. Motion carried unanimously 7 to 0.
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- Motion to authorize the President or Vice President of Borough Council to execute the Denver Cold Storage Final Land Development Plan upon submission of financial security and compliance with all conditions of approval, as set forth in the Plan and as required by the ordinances of the Borough of Denver and laws of the Commonwealth of Pennsylvania. Motion carried unanimously 7 to 0.
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- Motion to reconvene into Regular Session at 8:50 p.m. Motion carried unanimously 7 to 0.
- Motion to adjourn the meeting at 8:56 p.m. Motion carried unanimously 7 to 0.