

**July 25, 2016**

The July 25<sup>th</sup> 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, and Mayor Redcay. The invocation was given by Mayor Redcay, which was followed by the Pledge of Allegiance to the Flag. Borough Council Vice President Flory chaired the meeting in the absence of Borough Council President Daub.

Citizen's Concerns

There were no citizens' concerns.

Borough Council Comments

Councilman Stover discussed the condition of the alley behind the 400 block of Walnut Street and inquired if the contractor who will be working on the North 5<sup>th</sup> Street reconstruction Project has any extra blacktop material, the Borough can ask them if they would be willing to apply that material in the alley. Discussion followed.

Police Department Report

Cpl. Terry Arment reported on the police activity for June and the year to date totals including calls for service in June totaling 799 and 4,941 year to date; reportable crashes in June totaling 13 and 64 year to date; non-reportable crashes in June totaling 18 and 93 year to date; traffic citations in June totaling 54 and 470 year to date; traffic warnings in June totaling 50 and 440 year to date; and parking tickets in June totaling 20 and 202 year to date. There were 31 criminal cases reported in June, with 21 of them East Cocalico Township and 10 of them in Denver Borough. Nine (9) of those cases in East Cocalico Township and six (6) cases in Denver Borough already have been cleared.

Cpl. Arment reported on various incidents in Denver Borough. On June 25<sup>th</sup> at 8:22 p.m., an assault was reported at 137 Hawthorne Drive where the victim reported a male came to the residence, assaulted the resident, and left in a vehicle. The vehicle was located and stopped and the driver was arrested for suspicion of DUI and charges were filed on Kenneth Martin, 75 years of age. On June 30<sup>th</sup> at 7:45 p.m., a fight was reported in the 700 block of Walnut Street where a 13 year old and 15 year old female were engaged in a physical altercation. They both were identified and charged with disorderly conduct. On June 30<sup>th</sup> at 11:59 a.m., a drug violation was reported at 240 Main Street where Adult Probation Officer was doing a residence check and discovered marijuana and drug paraphernalia. The East Cocalico Police were called to the property as well as the Borough Manager and Zoning Officer. Shawn Killinger was charged with possession of marijuana and drug paraphernalia, possession of clonazepam, and prohibited offensive weapons.

Cpl. Arment reported on the Crime Prevention and training the Department did during the month. On June 8<sup>th</sup> he attended training at the Garden Spot High School and Middle School for a collective training between fire, EMS, and police regarding an active shooter incident and how everyone can respond together. On June 8<sup>th</sup> Cpl. Projan attended Denver Elementary Schools' Fun Day. On June 15<sup>th</sup>, half of the Department qualified with their duty weapons. On June 14<sup>th</sup>, Officer Roger Kreisher received the Top Gun DUI Award from Lancaster County, and, on June 19<sup>th</sup>, Officer Kreisher and Officer Gail Sizer Assisted with an Annual Ride for a motorcycle fundraiser.

Cpl. Arment reported on his mission trip to Northern New Jersey where restoration is still going on from Hurricane Sandy. On Saturday he leaves for another mission trip to Guatemala. Also, the National Night Out is scheduled for Tuesday, August 2<sup>nd</sup>. Discussion followed.

#### Denver Fire Company Report

Chief Shannon Hilton reported on the Denver Fire Company's calls for service for the year. During 2016, the Fire Company responded to 130 calls, with 116 of them being emergency calls. A total of 1,559 men responded with an average of 13.4 men per call, 1,282.2 man hours, in service for 84.9 hours, and a response time of 3.3 minutes. In 2016 there have been 16 working fires and nine (9) extrications. During all of 2015 the members put in 1,461 main hours and 92 hours of service for emergency incidents.

Chief Hilton also reported that sometime in late August or early September, the Fire Company's hoses will need to be tested and he wanted to know which hydrant they could use that will not affect anything. Chief Hilton will coordinate this project with the Director of Public Works. Discussion followed.

#### Director of Public Work's Report

George Whetsel, Director of Public Works, reported that the Department completed the end of the month reports for water and sewer; the quarterly Susquehanna River Basin reports; and the annual Consumer Confidence Report (CCR). Mr. Whetsel stated that the Borough had to revise the CCR report this year because the Department of Environmental Protection (DEP) modified their format. The revised CCR report is now on the Borough's website for the public to view and a link to the report will be printed on the 3<sup>rd</sup> Quarter Water and Sewer Bills. Mr. Whetsel also reported on the new requirements for the Lead and Copper testing that needs to be completed this year.

Mr. Whetsel reported that the Department worked on a water main break in front of Kalas at 1:30 on Saturday morning; repaired the copper water line at the Denver Community Pool; sprayed the weeds on the Borough properties; trimmed the shrubs around the Municipal Building; participated in an MS4 training with Michael Hession and Jennifer Prunoske from Hanover Engineering Associates; completed the welding on Weaver Road Bridge; replaced all the bridge markers at Weaver Road and Walnut Street bridges; made repairs to the front yard at 401 Monroe Street because of damaged that was done repairing the broken water transmission line from the Filter Plant; installed motion sensor lighting at the Denver Pool; installed sewer manhole risers on Poplar Street for PennDOT; repaired a sink hole compression on Sycamore Street; repaired a damaged flower pot on Main Street in front of Fulton Bank; met with Mr. Hession and Farley Fry regarding the South 4<sup>th</sup> Street Bridge Project and sewer right-of-ways; repaired three (3) bench seats at the grandstand; and cleaned up a bunch of stump grindings at the Denver Park. Discussion followed.

#### Discussion Items

Borough Council discussed the proposed July 26, 2016 Regional Elected Officials Meeting in Denver Borough. Borough Manager Michael Hession discussed the proposed Meeting Agenda and noted a couple of changes. Jennifer Prunoske from Hanover Engineering Associates will provide the MS4 training/education program instead of Bob Lynn. Also, an item that was added is East Cocalico Township agreed to provide an update concerning the tax exempt process for 1925 North Reading Road. Discussion followed.

Borough Council discussed the proposed changes to the Borough's Animal Ordinance – Chapter 70 of the Borough Code of Ordinances. Mr. Hession reported that Borough Council

previously discussed eliminating the provision concerning the number of animals allowed to be kept at a residential property and also some other changes proposed including some new guidelines concerning allowing animals to run at large and the nuisance definitions. The Borough Solicitor provided a draft copy of the proposed ordinance to review and the Planning Commission provided a recommendation asking Borough Council not to remove the restriction on the maximum number of animals from four (4) as an accessory use to a residential dwelling. Fred Wagaman from the Denver Planning Commission reported that the Planning Commission was informed of Borough Council's desire to remove the number of animals allowed. Mr. Wagaman stated the Planning Commission discussed this issue and has forwarded a recommendation that Borough Council not to remove this restriction. Mr. Wagaman discussed the reasons for the limit placed in the Borough in the past and distributed sample information concerning limits on animals in other municipalities. Discussion followed concerning the proposed limit, whether this limit is arbitrary, and whether instead of a limit the ordinance details concerning an animal nuisance will be more effective. Mr. Wagaman proposed a possible 90 day extension for people who do not meet the ordinance to come into compliance along with a fee charged for the permit or extension.

Randy Meckley, also a member of the Planning Commission, discussed his concerns with the ordinance change and cats and the impact this may have on property owners and quality of life in the Borough. He cited recent issues where cats have been running at large throughout the Borough.

Amy Shelly from Oak Street stated that she does not disagree with having a maximum number in the ordinance, however, she is not sure what about the appropriate maximum number of animals. Discussion followed concerning developing a temporary waiver for property owners who exceed the number of animals that can be approved by Borough Council contingent upon there being no other animal ordinance violations at the property, whether a fee can be assessed for this permit or waiver, or whether Borough Council wants to proceed with the language in the revised ordinance. Councilman Stewart recommended that the Borough Solicitor draft some alternative language that addresses this issue and Borough Council can review the information and decide what is best for Denver Borough. He also stated he has some concerns about the constitutionality of a temporary waiver without some sort of findings and the government can't treat people differently with the same circumstance.

Borough Council discussed the proposed changes to the Borough's Property Maintenance Ordinance – Chapter 140 of the Borough Code of Ordinances. The proposed ordinance will make the change from the International Property Maintenance Code 2006 to the International Property Maintenance Code 2015. The proposed ordinance also includes language dealing with parking vehicles on grass. The new ordinance states vehicle parking is not permitted on grass, landscape, dirt, or stone areas in the front yard of a property. All parking must be in compliance with all applicable Borough ordinances, codes, and regulations. Borough sponsored events are exempt from this requirement. Mr. Hession reported on the other changes proposed in the ordinance including a section stating that rubbish, refuse, garbage, and recycling containers located in the front of the property must be screened or otherwise stored so it is to be free from view from the public right of way upon which the property front except on those days which trash is collected. The language also maintains the current requirement that rubbish, garbage and recycling containers shall be placed at the curb side for collection not more than 24 hours in advance of scheduled time of collection. The proposed ordinance includes a provision concerning furniture on exterior porches of a property prohibiting furniture which is not designed or constructed for exterior use from being placed on property exterior areas. The ordinance includes a provision making it unlawful to store, place, or accumulate on private property any

junk, wrecked, discarded, or abandoned machinery, equipment, household appliances, or other debris and waste material of any kind or description on an exterior area of a property unless in an closed building or unless the same is authorized in conjunction with the business properly operated pursuant to the zoning ordinance and other laws of the Borough. Lastly, the ordinance will limit the permitted height of grass and weeds on a property to six (6) inches. Discussion followed regarding the proposed changes, the process to make the changes, and that the Zoning Ordinance will have to be changed because some of these items will conflict with the current Zoning Ordinance. Councilman South made a motion, seconded by Councilman Gensemer, to authorize the Borough Solicitor to prepare the proposed Property Maintenance Ordinance for advertisement as well as to authorize the Planning Commission to review and look into addressing the Zoning Ordinance conflicts in a Zoning Ordinance review. Motion carried unanimously 6 to 0.

Borough Council discussed the North 5<sup>th</sup> Street Reconstruction Project and the North 5<sup>th</sup> Street Handicap Ramp Project. Mr. Hession reported that the North 5<sup>th</sup> Street Reconstruction Project start date has changed a couple of times and now is scheduled for Monday, August 1<sup>st</sup>. The project is still planned to be completed prior to school starting. Mr. Hession also reported that the North 5<sup>th</sup> Street Handicap Ramp Project started today. Mr. Hession indicated that he contacted the property owners who would be impacted by the ramp installation, however, at one (1) location he contacted the neighboring property owner thinking that the ramp was on his property. Mr. Hession reported that he spoke with the other property owner today about the project and apologized for the mistake.

Borough Council discussed the request to install a handicap ramp at the crosswalk on Lancaster Avenue between the Green Lawn Garage and the St. John's United Church of Christ. Mr. Hession reported that there was a request from the crossing guard to install a handicap ramp at this location. The crosswalk is connected to a walkway that links the adjacent housing development and was installed to direct the students towards the school. On Lancaster Avenue there is a roll curb at Green Lawn Garage and then it crosses to a straight curb at the church property. Mr. Hession reported that Lancaster Avenue is a state road and if Borough Council decides to proceed with the installation of a handicap ramp in this area, the Borough will have to obtain a Highway Occupancy Permit (HOP) from PennDOT. Also PennDOT may decide that the crosswalk is not at the best location since it is in the middle of the block. Discussion followed concerning the need for the handicap ramp and the location of the crosswalk. Borough Council asked the Borough Manager to contact PennDOT to see if a handicap ramp at this location would be approved before they decide whether to install the ramp.

#### Action Items

Councilman South made a motion, seconded by Councilman Stover, to approve the July, 2016 Monthly Invoices and Bills Report. Motion carried unanimously 6 to 0.

Councilman Palm made a motion, seconded by Councilman Stover, to approve the temporary traffic pattern changes for the 2016 Denver Fair beginning on Monday, September 12, 2016 and ending on Monday, September 19, 2016 and to authorize the Borough's Public Works Department to install the Denver Fair Committee's temporary directional signs. Motion carried unanimously 6 to 0.

#### Unfinished Business

Rodney Redcay, as a citizen, updated Borough Council on the status of the Denver House Project. The Sheriff Sale for the property was postponed to September 28, 2016 and his

organization currently is in discussions with the Bank about purchasing the property. Discussion followed.

Mr. Hession reported that he received a call from a representative from Columbia University saying that the University's policy is to provide a Certificate of Insurance and a Letter of Support, but they do not sign off on Indemnification Agreements for students filming at different site locations. Mr. Hession stated that he spoke with the Borough Solicitor regarding this issue and the Solicitor advised that the Certificate of Insurance will provide coverage for anyone who is injured during the filming. Borough Council's original motion to approve closing South Fifth Avenue for the filming was contingent upon the students and production team signing off on Indemnification Agreement. Discussion followed concerning the risk to the Borough and the reduced production time for the shoot. Councilman Palm made a motion, seconded by Councilman Gensemer, to permit Columbia University to close South Fifth Avenue on Sunday, July 31, 2016, beginning at 7:00 a.m. for the filming of a movie, contingent upon submitting to the Borough a Certificate of Insurance. Motion carried unanimously 6 to 0.

#### Adjournment

Councilman Stover made a motion, seconded by Councilman Stewart, to adjourn the meeting at 8:10 p.m. Motion carried unanimously 6 to 0.

Michael Hession  
Borough Manager/Secretary

#### **Action Items:**

- Motion to authorize the Borough Solicitor to prepare the proposed Property Maintenance Ordinance for advertisement as well as to authorize the Planning Commission to review and look into addressing the Zoning Ordinance conflicts in a Zoning Ordinance review. Motion carried unanimously 6 to 0.
- Motion to approve the July, 2016 Monthly Invoices and Bills Report. Motion carried unanimously 6 to 0.
- Motion to approve the temporary traffic pattern changes for the 2016 Denver Fair beginning on Monday, September 12, 2016 and ending on Monday, September 19, 2016 and to authorize the Borough's Public Works Department to install the Denver Fair Committee's temporary directional signs. Motion carried unanimously 6 to 0.
- Motion to permit Columbia University to close South Fifth Avenue on Sunday, July 31, 2016, beginning at 7:00 a.m. for the filming of a movie, contingent upon submitting to the Borough a Certificate of Insurance. Motion carried unanimously 6 to 0.
- Motion to adjourn the meeting at 8:10 p.m. Motion carried unanimously 6 to 0.