

August 29, 2016

The August 29th meeting of Denver Borough Council was called to order at 7:00 p.m., at the Denver Fire Company 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.

Councilman Daub recognized and thanked Douglas Kurtz and Morgan Combs, two (2) seniors from Garden Spot High School, who both provided 31 hours of Community Service in the Borough priming and painting the bell bollards; painting fire hydrants; picking up sticks and weeding in the Denver Memorial Park; planting flowers at the Shoher Family Scout House; and developing a Facebook page for the Borough. Councilman Daub presented both students with a gift card in recognition of their service to the Borough.

Citizen's Concerns

Adam Webber from the 100 block of South 4th Street reported that he has a concern regarding the proposed sewer improvements on his property as part of the South 4th Street Bridge Replacement Project. He stated that he has been in contact with PennDOT regarding the bridge construction project, however, the Borough has a separate project concerning the relocation of sewer mains and sewer manholes and the acquisition of additional right-of-way on his property. Mr. Webber is concerned with the proposed placement of a sewer manhole on his property that will sit approximately 18 inches above grade and how the extended sewer right-of-way will limit his ability to use that section of property. Borough Manager Michael Hession summarized the Borough's sewer project and the need to relocate the existing sewer line and manholes on Mr. Webber's property to accommodate PennDOT's bridge project. The Borough has contacted Mr. and Ms. Webber and three (3) additional property owners to obtain additional right-of-way for the sewer man and associated manholes to be replaced as part of the bridge project. Discussion followed concerning the location of a new Manhole #13 on Mr. Webber's property and the plan to install the top of the manhole 18-inches above the existing grade of the creek bank. Discussion followed regarding the project, Mr. Webber's concerns, and possible solutions including lowering the elevation of the sewer manhole. Mr. Hession will schedule a meeting with Mr. Webber at his property to discuss possible options for the project.

Kimberly Weaver from C.K. Grill, reported that there has been concerns regarding a lot of kids hanging around downtown on Main Street, there have been drug activity, and there is a lot of "not good behavior". She would like to see some positive changes and some discussion on what the community can do to change it. Corporal Terry Arment from the East Cocalico Police Department responded that when he was hired in 1995, there was an issue in the late 1990s with older teenagers and young adults and the business would call for the police to come out and move them along the way. He stated some of the activity like hanging out and loitering, not the drug activity, is more about the quality of life. Everyone should work together to help resolve these issues and maybe when school starts up again, the loitering concerns will slow down. Corporal Arment stated that concerning the drug activity, the Police Department needs to be made aware of it. He knows some people don't want to get involved because they are afraid of retaliation. He advised that citizens can call to report the concerns and remain anonymous, however, that limits the Police Department from being able to follow-up with the person filing the complaint. There is a non-emergency number for the Police Department that people can call 24 hours a day and seven (7) days per week which is 717-336-1725. After hours and weekend calls to this number get transferred to dispatch.

Lori Casanova, resident of Denver, acknowledged that there is drug activity in Denver and would like to request this to be looked at as more than a drug activity problem, but as an addiction problem. She discussed the addition epidemic that is taken place and she reported she works for Conestoga Valley School District and they are having a Community Education Forum on Addiction on Sept 20, 2016 and invited people to attend.

Heather Muncy discussed her concerns with the drug activity and the need for the community to come together to try and make a difference by investing in one (1) person at a time who is struggling with addiction and other issues.

John Weaver stated that these problems are very cyclical and feels that parents need to be parents and not their children's best friends. He stated that the solution starts at home. Discussion followed concerning the impacts of drug abuse on both families without much guidance and well as families where there is a lot of love and support. Michelle Weaver stated that she comes from a family of addicts and she has been married for 14 years with two (2) children in the district. She encouraged everyone to come together, keep fighting, and not give up hope.

Jack Settler stated that it takes a community to fix the problem however it can be done. Discussion followed concerning the role of the Borough, the community, and the School District to continue to address this issue. It was recommended that the Borough consider developing a summit meeting and asking Fred Wagaman to facilitate the meeting like he did at the Vision Meeting. Mayor Redcay discussed the addiction issue in the area and the role that the Task Force can provide to help address the situation through a community summit. Councilman Stewart stated that if a summit or forum is convened, the program must include an education component to it as well. Councilman Gensemer discussed the limited drug and alcohol education in the School District and recommended that a community meeting be held at the High School auditorium where a large number of people from the Borough and the District could meet. Also discussed were the negative impacts on Main Street due to the Denver House and alleged illegal activities by the Turkey Hill, and, the need for the Police Department to enforce the curfew in the Borough. Lynn Sailor asked for the Police Department to establish a substation in the center of Main Street to provide a large presence at all times of the day and night. Discussion followed. Councilman Daub thanked everyone for attending the meeting and providing comments. He stated that the Borough will work on developing an additional meeting to continue to discuss this important issue further.

Borough Council Comments

Mayor Redcay reported that he received a letter from Senator Casey congratulating Denver Borough for being awarded a 2015 Tree City USA by the Arbor Day Foundation.

Mayor Redcay reported that he received some information from the Department of Health and Human Services who will be conducting a survey in the Borough and throughout parts of Lancaster County between August 4th and October 4th. The people working for the Department of Health and Human Services will have credentials and identification and will be conducting the surveys by knocking on doors.

Police Department Report

Corporal Terry Arment reported on the police activity for July as well as the year to date totals. For the month of July there were 842 calls for service with 154 of them in the Borough and 5,783 year-to-date; 12 reportable crashes and 76 year-to-date; 13 non-reportable crashes and 106 year-to-date; 60 traffic citations and 530 year-to-date; 85 traffic warning and 525 year-to-

date; 23 parking tickets and 225 year-to-date; and 30 criminal cases were reported and 14 of those cases have been cleared.

Corporal Arment also reported on community relations and services for July. He along with Officer Fisher attended a thank you ceremony at the Cocalico Family and Sports Medicine's office. On Thursday August 21st, Officer Dave Fisher was recognized by the East Cocalico Township Board of Supervisors for his life saving efforts pulling a woman from a fire on Wabash Road, and, on Tuesday July 26th, he attended an area pastors' meeting at the police station. During the month officers from the Police Department attended a mandatory training at the District Attorney's Office on Domestic Violence, and today, on the first day of school, he stopped by each school in the jurisdiction and made contact with the principals of each school.

Denver Fire Company Report

Chief Shannon Hilton reported that in 2016 the Department responded to 141 calls, with 1,726 men responding with an average of 13.2 men per call, 1,432 man hours, in service for 94.2 hours, 17 working fires, and with a response time of 3.3 minutes. Chief Hilton thanked the neighbors, businesses, and members of the community who offered support including food, water, ice, and ice cream to the Fire Company and the Fire Police during the fire at 525 Main Street, Denver. The temperature was over 100 degrees that day.

Director of Public Work's Report

George Whetsel, Director of Public Works, reported that the Department completed the curb and line painting and are approximately 95% complete with the improvements at the Filter Plant. Mr. Whetsel also reported that Scott Mohn currently is setting up the Lead & Copper testing to be completed in September and Doug Enck will be attending a seminar in Ephrata on Water System Maintenance. The Department also sprayed the weeds along the curbs and gutters in the Borough; painted the buildings at the wells sites and the upper reservoir building; worked on the North 5th Street Reconstruction Project; attended a meeting with an official from the Department of Environmental Protection (DEP) and the Borough Manager concerning the MS4 audit inspection in the Borough; completed the quarterly meter readings; patched some of the stone alleys; completed the end of the month reports for DEP and the Susquehanna River Basin Commission; and completed the stormwater management system outfall inspections. Discussion followed.

Discussion Items

Brant Meckley from Scout Troop 61 of Adamstown reported that he is currently a Boy Scout working on his Eagle Scout Project and he discussed several project ideas with Borough Council including constructing a roof structure over the oil tank at the Filter Plant; extending the walking trail in the wooded area of the Denver Park Annex to connect the existing trail in the Park with the trail segment in the Park Annex; and replacing or painting the benches in front of the concert stage at the Denver Memorial Park. Mr. Meckley asked Borough Council to let him know whether they have any other projects that he should consider as part of his Eagle Scout Project.

Matt Arment from Arment Concrete, LLC, discussed with Borough Council the proposed Denver Skatepark Phase II Improvement Project. Mr. Arment reported that he is planning to begin the second phase of the improvement project which includes removing the chain link fence, extending the concrete surface on the existing macadam towards the Cocalico Creek and trail, and developing a series of concrete ramps and features in this new section. He also will be adding some landscaping to buffer the Skatepark from the adjacent walking trail. Mr. Arment

reported that he met with the Denver Park Association and the Denver Recreation Board and both organizations approved his project request. Mr. Arment stated that he is requesting authorization from Borough Council to proceed with the project. Discussion followed concerning the removal of the chain link fence; the ability to close the facility during the Denver Fair; the status of the fundraising efforts; and the requirement for Mr. Arment to submit a signed agreement, bond, and Certificate of Insurance prior to starting the project. Mr. Arment confirmed that his committee will either install orange construction fencing or tarps of the ramps during periods when the Skatepark is required to be closed such as the week of the Denver Fair. Discussion followed. Councilman Flory made a motion, seconded by Councilman Stover, to approve the request from Matt Arment, Arment Concrete, LLC, to complete the Denver Skatepark Phase II Improvement Project contingent upon Arment Concrete, LLC submitting to the Borough a Certificate of Insurance, a signed agreement, and a bond or Letter of Credit for the improvement project prior to starting the project. Motion carried unanimously 7 to 0.

Councilman Daub again thanked people for participating in the Main Street discussion and the attendees were asked to make sure they provide their names and contact information on the sign-in sheets so that they can be contacted about future meetings concerning this issue.

Borough Council discussed the status of the streetlight system purchase from PPL. Mr. Hession reported that he and Councilman Stewart met with PPL on August 12th to review the final list of streetlights and poles that the Borough will purchase from PPL; to review the Make Ready Work and Make Ready Work costs that will be billed to the Borough; and to clarify inconsistencies with PPL's depreciation schedule. As of now the projected cost to purchase the system, complete the make Ready Work, and then purchase and install new LED lights is approximately \$518,994.00. Borough Council discussed the status of the Borough's \$227,405.00 grant from PennDOT, the Borough's match amount for the grant, and financing alternatives for the balance of monies required for the project. Discussion followed.

Borough Council discussed the decision by the elected officials from the four (4) municipalities during the July 26, 2016 Regional Elected Officials Meeting to list the property at 1925 North Reading Road for sale through a realtor. Mr. Hession reported that officials from East Cocalico Township have been authorized to list the seven (7) acre piece of land for sale, however, as of the date of this meeting, he hasn't been made aware whether the property has been listed with a realtor.

Borough Council discussed the status of the Borough's animal ordinance and reviewed the existing animal ordinance; the revised animal ordinance which removes the limit on the number of animals and reinforces the animal nuisance provisions; and the alternate animal ordinance which would maintain the current limit on the number of animals at four (4), but also adds a provision that would enable a residential property owner with more than four (4) animals to apply for an annual waiver from Borough Council. Following the discussion, Councilman Gensemer made a motion, seconded by Councilman Palm, to approve advertising the Alternate Animal Ordinance which limits the number of animals to four (4) and gives Borough Council the ability to issue an annual waiver. The motion failed 5 to 2 with Councilman Stewart, Flory, South, Stover, and Daub voting no and Councilmen Gensemer and Palm voting yes.

Councilman Stewart made a motion, seconded by Councilman Stover, to approve advertising the revised Animal Ordinance which removes the limit on the number of animals and reinforces the animal nuisance provisions. Motion carried 6 to 1 with Councilman Gensemer opposed.

Borough Council discussed the request to install handicap ramps at the crosswalk on Lancaster Avenue between the Green Lawn Garage and the St. John's United Church of Christ. Mr. Hession reported that he discussed the crosswalk and handicap ramps with officials from

PennDOT since Lancaster Avenue is a state road and the crosswalk is a mid-block crosswalk and the PennDOT officials did not have any issues with the location of the crosswalk. The Borough was advised that prior to installing the ramps the Borough would need to apply for a Highway Occupancy Permit (HOP) from PennDOT. Discussion followed and Borough Council decided to discuss this project further during the 2017 Budget discussions.

Borough Council discussed the Commonwealth Financing Authority's PA Small Water and Sewer System Grant Program. Mr. Hession reported that the Borough is considering drafting and submitting an application for funding through this program to install 450-feet of eight-inch (8") ductile iron water main on Washington Street and Alley A connecting the existing 10-inch water main on South 4th Street with the existing six-inch (6") water main on Franklin Street. The new water main will eliminate a vulnerability in the Borough's water system by creating a water system bypass around the South 4th Street and Franklin Street connection so that in the event of a water main break at this location, public water service will remain uninterrupted to southern end of the Borough including the Cocalico School District complex and the Denver Health and Rehabilitation Center. The connection also will improve the public water system integrity and will improve fire service flows for the southern end of the Borough. The total project is estimated to cost \$168,338.00. The Borough will be applying for a grant in the amount of \$143,087.30. The Borough will be required to match this grant with \$25,250.70 in Water Fund cash match. Discussion followed and Councilman Stewart made a motion, seconded by Councilman Flory, to authorize the Borough to develop and submit a grant application to the Commonwealth Financing Authority's PA Small Water and Sewer System Grant Program for this project. Motion carried unanimously 7 to 0.

Action Items

Councilman Stewart made a motion, seconded by Councilman South, to approve the July 11, 2016 and July 25, 2016 meeting minutes. Motion carried unanimously 7 to 0.

Councilman Stewart made a motion, seconded by Councilman South, to approve the July, 2016 Treasurer's Report. Motion carried unanimously 7 to 0.

Councilman Stover made a motion, seconded by Councilman Palm, to approve the August, 2016 Monthly Invoices and Bills Report. Motion carried unanimously 7 to 0.

Councilman Stover made a motion, seconded by Councilman Palm, to adopt Ordinance No. 630 – An Ordinance of the Borough of Denver, Lancaster County, Pennsylvania, Amending the Streets and Sidewalks Provisions of the Code of the Borough of Denver Contained in Chapter 165 to Require that Applications for Street Opening Permits Be Provided At Least 3 Days Prior to the Excavation, Providing that the Applicant Shall Submit a Drawing of the Proposed Opening Site with the Application, Requiring Certificates of Insurance to be Provided with the Application, Requiring Surety Bonds From Contractors For 24 Months At a Minimum of \$5,000.00, Requiring a Guaranty of Work From The Contractor, Providing That No Permit Shall Be Issued To Cut Any Borough Street That Had Been Constructed or Reconstructed Within the Last Three 3 Years Unless Certain Conditions are Met, Providing Limitations on the Number of Cuts Within 100 Lineal Feet of Streets, and Modifying the Penalty Provisions; Providing for the Repeal of Inconsistent Ordinances; Providing for the Severability of the Ordinance; and Providing that the Ordinance Shall Take Effect As Provided by Pennsylvania Law. Motion carried unanimously 7 to 0.

Councilman South made a motion, seconded by Councilman Stewart, to adopt Ordinance No. 631 - An Ordinance of the Borough of Denver, Lancaster County, Pennsylvania, Amending Chapter 140 of the Code of the Borough of Denver-Property Maintenance To Reflect That All References To The International Property Maintenance Code/2006 Are Changed To International

Property Maintenance Code/2015, To Modify The Requirement To Maintain Weeds To Be Six Inches Or Lower Rather Than Ten Inches Or Lower, To Prohibit Parking of Vehicles On Grass, Dirt or Stone Areas of Property, To Require That Rubbish, Refuse, Garbage And Recycling Containers Not Be Visible From The Public Right Of Way Upon Which The Property Fronts, To Provide That Furniture Not Intended For Exterior Use Shall Be Prohibited On Property Exterior Areas, To Prohibit The Placement, Storage, Accumulation Of Junk, Wrecked Or Abandoned Machinery, Equipment And Household Appliances On The Exteriors Of Properties; Providing For The Repeal Of Inconsistent Ordinances; Providing For The Severability Of The Ordinance; And Providing That the Ordinance Shall Take Effect As Provided By Pennsylvania Law. Motion carried 6 to 1 with Councilman Stover opposed.

Councilman Flory made a motion, seconded by Councilman South, to grant a 90-day extension to permit representatives from Denver Cold Storage to record the required plan sheets and agreements for the Denver Cold Storage Final Land Development Plan. Motion carried unanimously 7 to 0.

Councilman Flory made a motion, seconded by Councilman Stewart, to authorize the President or Vice President of Borough Council to execute the Memorandum of Understanding Agreement between the Borough of Denver and the Lancaster County Planning Commission (LCPC). Motion carried unanimously 7 to 0

Councilman Palm made a motion, seconded by Councilman Flory, to grant a time extension to December 31, 2016 for Reamstown Excavating Inc.'s surveyor/engineer to address the review comments submitted by Hanover Engineering Associates for the Reamstown Excavating Inc.'s Final Land Development Plan. Motion carried unanimously 7 to 0.

Councilman Palm made a motion, seconded by Councilman Stewart, to approve Jan's Circle of Friends Jan's Daisy Dash 5K walk/run in the Borough Saturday, October 22, 2016, starting at 9:00 a.m. contingent on the event being scheduled with the Denver Fire Police and the East Cocalico Police Department. Motion carried unanimously 7 to 0.

Unfinished Business

There was no unfinished business.

Adjournment

Councilman Gensemer a motion, seconded by Councilman Stover, to adjourn the meeting at 8:50 p.m. Motion carried unanimously 7 to 0.

Michael Hession
Borough Manager/Secretary

Action Items:

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- Motion to approve advertising the Alternate Animal Ordinance which limits the number of animals to four (4) and gives Borough Council the ability to issue an annual waiver. The motion failed 5 to 2 with Councilman Stewart, Flory, South, Stover, and Daub voting no and Councilmen Gensemer and Palm voting yes.

- Motion to approve advertising the revised Animal Ordinance which removes the limit on the number of animals and reinforces the animal nuisance provisions. Motion carried 6 to 1 with Councilman Gensemer opposed.
- Motion to authorize the Borough to develop and submit a grant application to the Commonwealth Financing Authority's PA Small Water and Sewer System Grant Program for this project. Motion carried unanimously 7 to 0.
- Motion to approve the July 11, 2016 and July 25, 2016 meeting minutes. Motion carried unanimously 7 to 0.
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- Motion to adopt Ordinance No. 631 - An Ordinance of the Borough of Denver, Lancaster County, Pennsylvania, Amending Chapter 140 of the Code of the Borough of Denver-Property Maintenance To Reflect That All References To The International Property Maintenance Code/2006 Are Changed To International Property Maintenance Code/2015, To Modify The Requirement To Maintain Weeds To Be Six Inches Or Lower Rather Than Ten Inches Or Lower, To Prohibit Parking of Vehicles On Grass, Dirt or Stone Areas of Property, To Require That Rubbish, Refuse, Garbage And Recycling Containers Not Be Visible From The Public Right Of Way Upon Which The Property Fronts, To Provide That Furniture Not Intended For Exterior Use Shall Be Prohibited On Property Exterior Areas, To Prohibit The Placement, Storage, Accumulation Of Junk, Wrecked Or Abandoned Machinery, Equipment And Household Appliances On The Exteriors Of Properties; Providing For The Repeal Of Inconsistent Ordinances; Providing For The Severability Of The Ordinance; And Providing That the Ordinance Shall Take Effect As Provided By Pennsylvania Law. Motion carried 6 to 1 with Councilman Stover opposed.
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- Motion to authorize the President or Vice President of Borough Council to execute the Memorandum of Understanding Agreement between the Borough of Denver and the Lancaster County Planning Commission (LCPC). Motion carried unanimously 7 to 0.

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- Motion to approve Jan's Circle of Friends Jan's Daisy Dash 5K walk/run in the Borough Saturday, October 22, 2016, starting at 9:00 a.m. contingent on the event being scheduled with the Denver Fire Police and the East Cocalico Police Department. Motion carried unanimously 7 to 0.
- Motion to adjourn the meeting at 8:50 p.m. Motion carried unanimously 7 to 0.