

November 25, 2013

The November 25th meeting of Denver Borough Council was called to order at 7:00 p.m. with the following Councilmembers present: Daub, Gensemer, Redcay, Binkley, Fink and Mayor Webber. The invocation was given by Councilman Redcay, which was followed by the Pledge of Allegiance to the Flag.

Citizen's Concerns

There were no Citizens Concerns.

Director of Public Work's Report

George Whetsel, Director of Public Works, reported that the Borough's well levels have increased by approximately 30-feet during the last month; the Borough's new Autocon radio system is about 99% complete; all the source meters have been tested; the end of the month reports and quarterly meter readings were completed; and about 30% of the work has been completed on the Reservoir Pump House Roof Replacement Project. The Public Works Department will continue the leaf collection program until the second week in December and a list of pot holes that will be cold patched has been compiled. Mr. Whetsel also reported on the Filter Plant Evaluation report conducted by staff from the Department of Environmental Protection (DEP) in which the Borough received a "Satisfactory" rating.

Mr. Whetsel reported that the Department will be working on the damaged part of South 4th Street where the water leak pushed up the road. The Department also assisted Zeager Brothers with the woody yard waste recycling and installed the Christmas lights on Main Street with assistance from East Cocalico Township and their bucket truck. Discussion followed.

Denver Fire Company Report

Fire Chief Shannon Hilton reported the between October and November, the Fire Company responded to 35 calls for service. Of this total, 30 of those were emergency calls and the average response time was 3.4 minutes. Chief Hilton also reported on the total volunteer man hours for the month and ongoing training activities with the Fire Company.

Discussion Items

Borough Council discussed the flood insurance renewal cost quotation for the Kitchen Pavilion at the Denver Memorial Park and Playground. Borough Manager Michael Hession reported there has been a change in the law and the Borough's flood insurance policy rate no longer will be subsidized. The Borough added this insurance after Tropical Storm Lee and the annual cost was approximately \$1,000.00. The renewal policy is expected to increase to \$7,000.00 per year. Since this facility only floods during major storm events, the Borough recommends eliminating the flood insurance policy for the Kitchen Pavilion and instead, developing an action plan with representatives from the Denver Park Association and the Denver Lions Club to either raise the equipment in the Kitchen Pavilion or relocate the equipment prior to a large storm event. Discussion followed. Councilman Daub made a motion, seconded by Councilman Gensemer, not to renew the flood insurance policy for the Kitchen Pavilion at the Denver Memorial Park and Playground. Motion carried unanimously 5 to 0.

Borough Council discussed the letter and invoice for professional services received from the Northern Lancaster County Regional Police Department (NLCRPD). Councilman Gensemer stated in his opinion it was his understanding the NLCRPD Commission never met to say they would take Denver Borough by itself so their services were never really offered. Plus the Borough has its own legal expenses of \$3,430.00 to pay. Discussion followed regarding the invoice and the fact the

Borough never agreed to any provision to reimburse the NLCRPD for any attorney fees during the process. Borough Council also discussed the Borough Solicitor conflict of interest because of an adversarial relationship. Following the discussion, Councilman Daub made a motion, seconded by Councilman Redcay, to authorize a letter to be sent to Northern Lancaster County Regional Police Department (NLCRPD) stating the Borough will not be paying any portion of the invoice for professional service received. Motion carried 4 to 1 with Councilman Gensemer voting no.

Borough Council discussed the Borough's representation to the Police Advisory Board. Councilman Fink reported that he has decided to no longer continue to serve on the Board. Councilman Gensemer currently is serving on the Board and will continue to serve. Borough Council would like to have a citizen representative serve on the Board with Councilman Gensemer. Mr. Fink reported that Ronald Petery contacted the Borough and expressed interest to be on the Board. Discussion followed regarding other citizens who also may be interested in serving on the Board including John Weaver and Kaley Johnson. Borough Council decided to appoint another member of Borough Council to attend the November 26th Police Advisory Board meeting with Councilman Gensemer as an interim appointment and to ask residents in the Borough who are interested in being considered for this appointment to submit a resume and letter of interest to the Borough and to attend the Monday, December 9th Borough Council meeting to discuss the appointment with Borough Council. Following the discussion, Councilman Gensemer made a motion, seconded by Councilman Redcay, to nominate Councilman Daub to fill in the vacant spot on the Police Advisory Board for the Borough until a citizen can be appointed. Motion carried unanimously 5 to 0.

Borough Council discussed the Denver Borough Street Light Privatization Feasibility Study. Mr. Hession reported that at the request of Borough Council he contacted ten (10) municipalities that have undertaken a street light privatization project with Ron Smith from Suburban Lighting Consultants (SLC) and spoke directly with (6) of their municipal managers. Every manager he spoke with had a positive recommendation of Mr. Smith and the street light privatization process. The process was on time and the savings were in line with the projections from Mr. Smith's study. Mr. Hession also reported that there is an article in this month's Public Works magazine "LED Beyond the Hype" and there is a list of communities that are doing some of the same things that Denver Borough is considering. Borough Council discussed the project, the financing costs, the advantages associated with privatizing the system and installing LED lights, and the projected costs and projected savings of this project. Councilman Redcay made a motion, seconded by Councilman Daub, to proceed with the Denver Borough Street Light Privatization Project. Motion carried unanimously 5 to 0.

Borough Council discussed the 2014 Draft Denver Borough Budget and the changes to the draft budget to incorporate possible grant funding and expenditures for the North 4th Street Playground Renovation Project, an expenditure for the proposed PEMA/FEMA improvements at the Denver memorial Park and Playground, the additional training line item funding for Borough Council, and the Recreation Board budget balance carryover from 2013 to 2014. Councilman Gensemer also reported on the recent meeting with representatives from the Denver Fire Company concerning the Borough's 2014 allocation. As was discussed during that meeting, the Borough will provide the Denver Fire Company with a list of the rental property owners in the Borough so that the Fire Company can send the rental property owners a fund drive letter to support the Denver Fire Company. Discussion followed.

Borough Council discussed the Preliminary Copies of the Flood Insurance Rate Map (FIRM) and Flood Insurance Study (FIS) Report for Lancaster County. The Borough received a copy of the new FIRM and the FIS, and has placed a copy of these documents on display at the Municipal Building for residents to review. The Borough also installed a copy of the new FIRM map on the Borough's website.

Borough Council discussed the current Borough Lot Access Card Fee Policy. Councilman Gensemer reported that a resident contacted him regarding the Borough Lot and the access cards and felt that the Borough does not charge enough for this service. The individual also inquired how much is spent each year to maintain the Borough Lot and thought that the cost of the cards should cover those expenses. Borough Council reviewed the history concerning the improvements to the Borough Lot including the access card system and surveillance camera, the cost to maintain the facility, the cost to chip and recycle the materials, the revenues raised to offset these costs, and what would be required to change the access card system from a one (1) time fee to an annual fee. Mr. Hession reported that as of October 31, 2013, the Borough spent a total of \$22,104.17 to build, maintain, and operate the Borough Lot. Also, as of that same time, the Borough has collected a total of \$8,120.00 in revenues from the sale of access cards. Discussion followed and Borough Council decided to maintain the current access card policy and fee structure without any changes.

Borough Council discussed an accident site memorial policy for Denver Borough. Mr. Hession reported this issue was address back in 2010 when there was a motorcyclist killed on North 6th Street and Locust Street and his family and friends placed a cross and memorial in the grass strip between the curb and sidewalk on North 6th Street by Locust Street. At that time, Borough Council agreed with the advice of the Borough Solicitor and did not take action concerning the memorial. Councilman Gensemer reported that a resident asked him about this memorial and whether the Borough Council had a policy on the placement of the memorials or a time limit for the memorials. Borough Council asked the Borough Manager to contact surrounding municipalities to see if any of them have a policy concerning these types of accident memorials.

Borough Council discussed the Borough's letter to PEMA/FEMA for approval of an Alternate Project to utilize the balance of funding for the damage to the former Scout Cabin. Councilman Gensemer stated there would not be any FEMA money if it wasn't for the Scout Cabin being damaged and asked if the Borough could use some of the funding to install a storage building for the Scouts in the Denver Memorial Park. Discussion followed. The Borough received cost estimates for a storage building and if the funding is approved by FEMA/PEMA, the Borough will re-approach FEMA/PEMA and ask to use some of the funding for a storage facility for the Scouts.

Action Items

Councilman Gensemer made a motion, seconded by Councilman Redcay, to approve the November, 2013 monthly invoices and bills report. Motion carried unanimously 5 to 0.

Councilman Binkley made a motion, seconded by Councilman Gensemer, to authorize the Borough to advertise the 2014 Borough Council and Committee Meeting schedule. Motion carried unanimously 5 to 0.

Councilman Redcay made a motion, seconded by Councilman Binkley, to adopt the Borough of Denver's Proposed 2014 Budget. Motion carried unanimously 5 to 0.

Councilman Daub made a motion, seconded by Councilman Gensemer, to authorize the President of Borough Council to execute the Request for Approval of Source Water Protection Program. Motion carried unanimously 5 to 0.

Unfinished Business

Councilman Gensemer inquired about the Cocalico School District's Land Development Plan and access road on South 4th Street. Mr. Hession reported that the Cocalico School District is interested in completing some recreation facility improvements on their property located on both sides of South 4th Street. They have developed a preliminary plan to relocate two (2) softball fields to the current soccer field side and to expand the parking lot on the soccer field side of their property. On the school side of the property they are considering the installation of a new synthetic turf field for lacrosse, field

hockey, and soccer, new practice fields for lacrosse and field hockey, re-orienting the JV baseball field, expanding parking at the High School parking lot, connecting the High School and the Middle School with an access road on their property, and installing a new roadway connecting their facility with South 4th Street. The Borough had concerns about the safe flow of traffic on the initial proposed plan because the access road from the school complex was going to access South 4th Street between Jefferson Avenue and Lancaster Avenue. Representatives from the Borough including the Borough Manager, the Zoning Officer, and the Borough Engineer met with Cocalico School District officials and their design team to discuss the plans and concerns. The Cocalico School District's engineers will run a series of traffic studies to look at options that may be available for the new access road. Discussion followed.

Executive Session

Councilman Gensemer made a motion, seconded by Councilman Redcay, to recess into an Executive Session at 8:35 p.m. to discuss personnel issues. Motion carried unanimously 5 to 0.

Councilman Gensemer made a motion, seconded by Councilman Daub, to reconvene into Regular Session at 9:20 p.m. Motion carried unanimously 5 to 0.

Adjournment

Councilman Gensemer made a motion, seconded by Councilman Binkley, to adjourn the meeting at 9:20 p.m. Motion carried unanimously 5 to 0.

Michael Hession
Borough Manager/Secretary

Action Items:

- Motion not to renew the flood insurance policy for the Kitchen Pavilion at the Denver Memorial Park and Playground. Motion carried unanimously 5 to 0.
- Motion to authorize a letter to be sent to Northern Lancaster County Regional Police Department (NLCRPD) stating the Borough will not be paying any portion of the invoice for professional services received. Motion carried 4 to 1 with Councilman Gensemer voting no.
- Motion to nominate Councilman Daub to fill in the vacant spot on the Police Advisory Board for the Borough until a citizen can be appointed. Motion carried unanimously 5 to 0.
- Motion to proceed with the Denver Borough Street Light Privatization. Motion carried unanimously 5 to 0.
- Motion to approve the November, 2013 monthly invoices and bills report. Motion carried unanimously 5 to 0.
- Motion to authorize the Borough to advertise the 2014 Borough Council and Committee Meeting schedule. Motion carried unanimously 5 to 0.
- Motion to adopt the Borough of Denver's Proposed 2014 Budget. Motion carried unanimously 5 to 0.
- Motion to authorize the President of Borough Council to execute the Request for Approval of Source Water Protection Program. Motion carried unanimously 5 to 0.
- Motion to recess into an Executive Session at 8:35 p.m. to discuss personnel issues. Motion carried unanimously 5 to 0.
- Motion to reconvene into Regular Session at 9:20 p.m. Motion carried unanimously 5 to 0.
- Motion to adjourn the meeting at 9:20 p.m. Motion carried unanimously 5 to 0.