

April 28, 2014

The April 28th meeting of Denver Borough Council was called to order at 7:00 p.m. with the following Councilmembers present: Jr. Councilperson Shupp, 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

Donald Wenger inquired how the Borough is going to address all the vehicles speeding through town and asked when a new "Pedestrian Crossing" sign will be installed at the crosswalk on Main Street. Discussion followed regarding his concerns.

Councilman Daub reported that he received a call from a concerned citizen regarding dumping of grass and dirt at the Borough's Well #1 property in East Cocalico Township by the Borough and whether this complies with the Wellhead Protection efforts that the Borough is pursuing in the Borough. Borough Manager Michael Hession reported that the Borough based our Wellhead Protection Ordinance on East Cocalico Township's Ordinance and once that ordinance is extended to the Borough's three (3) wells in East Cocalico Township, the Borough, as all other landowners in the protection zone, will need to comply with the regulations. In the interim, the Borough is looking to identify alternative sites to dump these materials and may need to consider budgeting monies in the future to meet these costs.

Councilman Cohick reported that he was contacted by a couple of people on his street regarding a situation where a front window was broken possibly by kids playing on the street. Last year the Borough sent a letter to the property owners and tenants on the 400-block of Walnut Street concerning damage to personal property caused by kids playing on the street. Councilman Cohick asked if another letter can be sent to all property owners and residents on the street concerning these same issues. Discussion followed and Borough Council agreed to have the Borough Manager draft and mail a second letter to the property owners and residents on the 400-block of Walnut Street regarding this issue.

Borough Council Comments

Councilman Gensemer discussed the vacant property at 10 North 6th Street which is attached to an occupied property at 8 North 6th Street and wanted to know why there is no concern regarding the porch roof that goes over 8 North 6th Street. Mr. Hession reported that when a code enforcement letter was sent to the property owner at 8 North 6th Street their issue was not concerning the condition of the beam on the porch, but rather the peeling and chipping paint. A similar letter also was sent to the property owner of 10 North 6th Street concerning the condition of his porch. When the property owner of 10 North 6th Street began scraping the paint off of the porch he noticed the beam was rotten and he then started to replace the beam with a new beam and a support jack. That owner never finished the work and never obtained a permit for the work so the Borough issued an enforcement notice. A hearing with the District Justice for this property has been scheduled for May 15th. Discussion followed.

Councilman Gensemer reported that on the front porch of the property located at 633 North 6th Street there is a stove, dishwasher, a large trash can, and two (2) gas canisters. Discussion followed.

Councilman Gensemer inquired if interviews had been scheduled for the Borough Solicitor position. Mr. Hession reported there was a list of questions that was distributed to Borough Council for review and comment. The Committee also needs to identify a day and time for the interviews so that they can be scheduled. The Committee discussed holding the interviews in the evening starting at 6:30 p.m. The interviews will be held by the Committee and any member of Borough Council can sit in the audience. Discussion followed.

Councilman Gensemer inquired if the Personnel Committee is still scheduled to meet to discuss the Collective Bargaining Agreement negotiations on May 5th. Mr. Hession reported that the Union members plan on meeting by the end of this week and then forwarding to the Borough either a new proposal or a response to the Borough's proposal for discussion on Monday May 5th.

Councilman Flory reported that the Street Committee discussed the Handicap Parking request issue for the Borough, reviewed some policies in other communities, and is recommending that Borough Council approve the draft application form and include the following handicapped parking fee schedule in tonight's proposed Fee Resolution changes: Handicap Parking Application/Installation Fee of \$75.00, (if denied, \$65.00 will be refunded); (Veterans with Currently Severely Disabled Veteran Plates or Placard issued by the Commonwealth of PA are exempt from fees); a Yearly Renewal Fee of \$10.00; and a fee to request to move a sign to new address at \$50.00. Discussion followed and Borough Council agreed to include these fees in the proposed Fee Resolution being considered later in the meeting.

Emergency Management Coordinator Report

Emergency Management Coordinator Andy Boyer was not in attendance.

Police Department Report

Chief George Beaver reported that during the night of April 2nd, a 38 caliber revolver was stolen from an unlocked vehicle parked in the 200 block of Beech Street. The Police Department has a suspect and the incident is under investigation. On April 15th at around 9:00 p.m., two (2) vehicles that were parked in the 600 block of Main Street were struck by a driver who was identified and is under investigation. Chief Beaver reported that between April 19th and 20th, a BMX Mongoose bicycle valued at \$200.00 was stolen from a residence in the 400 block of Spruce Street. On April 24th, a resident in the 300 block of Main Street was charged with theft of services because he was not able to pay the taxi cab fare charged for his trip from Lancaster to Denver. Later that night the same person was observed in an intoxicated state in front of Turkey Hill and was taken into custody and released to a friend. Chief Beaver reported that in July of 2013 there was an indecent assault incident that was reported in the first block of North 3rd Street where the victim was a female juvenile. A 17 year old juvenile male has been charged with indecent assault in that incident.

Chief Beaver also reported that Officer Chris Progin, who has been with the Department since 1997, was promoted to the rank of Corporal effective April 6th. He will be replacing Melissa Arment who left the Department on March 30th after 24 ½ years of service. Also, entry Level Officer Christopher Luongo is being trained to replace Officer Progin on patrol to maintain the same numbers of officers.

Chief Beaver also reported that on April 17th there was an incident in the 700 block of Walnut Street where there was a number of juveniles in possession of alcohol and it was determined the person who provided it was in their 30's. The Department is waiting for some information from the District Attorney's Office before any charges are filed.

Denver Fire Company Report

Chief Shannon Hilton was not in attendance.

Police Advisory Board Update

Councilman Mike Gensemer provided Borough Council with an update concerning the police pension meeting held on Monday, April 21st and the Police Advisory Board meeting held on Thursday, April 24th. Councilman Gensemer reported that last month the Board discussed the first four (4) chapters of the proposed Charter Agreement and during the April 24th meeting they were going to work

on Chapter Five (5), but a motion was presented by the Citizen Representative from Adamstown as to whether or not the MMO that East Cocalico agreed to pay as part of the contract would be carried into the Regional Police Department. A discussion concerning this issue followed and that motion was tabled until the members can go back and discuss this issue with their individual elected boards. Discussion followed.

Director of Public Work's Report

George Whetsel, Director of Public Works, reported that the street sweeping program has been postponed to May 14th and 15th due to the predicted inclement weather. The Public Works Department repaired a water service line break at 47 North 3rd Street today. The Department also started the work to prepare the Denver Community Pool; repaired the storm water inlets on Jefferson Avenue; started the valve maintenance program on the main valves in the streets; worked on the Park Annex Barn additional storage areas; repaired some pot holes in the Borough; completed the end of the month water and sewer reports and the quarterly Susquehanna River Basin Commission reports; submitted a waiver application to the Department of Environmental Protection (DEP) for asbestos testing in the water system; dug the holes for the Arbor Day tree planting celebration; completed the quarterly meter readings; fixed and lowered the curb box at 819 Oak Street; and sprayed the weeds at the Municipal Building and the Denver War Memorial.

Mr. Whetsel also reported that today the main cable on the Borough Garage overhead door broke and will need to be repaired. Also, the gate at the Borough Lot, which had been working, now is not working and will need to be repaired. Discussion followed.

Junior Councilperson Report

Jr. Councilperson Shupp reported that the German exchange students will leave tomorrow; the Cocalico High School Senior Class trip is scheduled for this Friday to King's Dominion followed by a dinner cruise on the Potomac River; 8th grade orientation at the High School will be held on May 7th; the last day for the regular season of track was today; and all spring sports should be done in a week or two (2).

Discussion Items

Borough Council discussed the request from Maeda Krizmencic, Public Relations Officer with the South Mountain Chapter of ABATE (Alliance of Bikers Toward Education) of PA, for a proclamation designating the month of May as Motorcycle Safety and Awareness Month in the Borough of Denver. Ms. Krizmencic reported this year, as in the past 10 years, the Governor has designated the month of May as Motorcycle Safety and Awareness Month in Pennsylvania. Ms. Krizmencic stated that there are 806,000 licensed motorcyclists in the Commonwealth and ABATE takes safety very seriously and promotes safe, sober, and responsible riding and would very much appreciate support from the community. Discussion followed. Councilman Stover made a motion, seconded by Councilman Fink, to approve a Proclamation declaring May, 2014 as Motorcycle Safety and Awareness Month in the Borough of Denver. Motion carried unanimously 7 to 0.

Borough Council discussed the revised Wellhead Protection – Land Use Questionnaire Form which has been streamlined from the original form in order to collect the relevant data from the property owners located within the district without being too burdensome. The form during the first year will be sent via mail and all future forms can be sent via email. Discussion followed and Borough Council agreed to modify the form to request that property owners provide a summary of chemicals stored on site in excess of one (1) gallon containers.

Borough Council discussed the disposition of the property located at 1975 North Reading Road, Denver. Councilman Daub reported at the last Regional meeting there was discussion to move

forward with the sale and to seek bidders to purchase the property. Mr. Hession reported that the Borough is responsible for 16% of the balance owed on the property following the sale. Discussion followed.

Borough Council discussed the status of the 2014 Street Improvement Projects – Jefferson Avenue and Fausnacht Drive including the proposed changes to the projects that were discussed during the pre-bid meetings which include adding a section of Fausnacht Drive from Jefferson Avenue to a paving notch on the dead-end section of Fausnacht Drive into the reclamation project, and, including in the Bid specifications the replacement of a handicap ramp located at the corner of Jefferson Avenue and South 4th Street to avoid water ponding by the ramp adjacent to the storm water inlet. Discussion followed concerning the survey work by the engineer for the handicap ramp and the Borough’s plan to remove and lift the handicap ramp to meet the new elevations. Borough Council also discussed seeing if the engineer would pay the costs for the additional survey since they provided oversight concerning the location of the handicap ramp in 2013. The Bids for the two (2) projects will be opened on May 6th and Borough Council will be able to review the Bids and consider making an award of Bid during their May 12th Borough Council meeting.

Action Items

Councilman Gensemer made a motion, seconded by Councilman Flory, to approve the April, 2014 monthly invoices and bills report. Motion carried unanimously 7 to 0.

Councilman Cohick made a motion, seconded by Councilman Fink, to adopt Ordinance No. 618 – An Ordinance To Amend the Denver Borough Code of Ordinances To Insert A New Chapter 161, Stormwater Management, To Implement The Lancaster County Act 167 Stormwater Management Plan. Motion carried unanimously 7 to 0.

Councilman South made a motion, seconded by Councilman Stover, to adopt Resolution No. 786 - A Resolution Of Borough Council Of The Borough Of Denver, Lancaster County, Pennsylvania, Reestablishing And Amending Fees To Be Charged In Connection With The Administration Of The Denver Zoning Ordinance And Other Borough Ordinances; Reestablishing And Amending Fees For Publications Of The Borough; Reestablishing And Amending Fees For Copies Of Certain Documents; And Reestablishing And Amending Fees For Miscellaneous Borough Permits And Services. Motion carried unanimously 7 to 0.

Councilman Fink made a motion, seconded by Councilman South, to adopt Ordinance No. 619 – An Ordinance To Amend The Code Of Ordinances Of The Borough Of Denver, Chapter 152, Sewers And Sewage Disposal, To Revise Maximum Allowable Concentration Of Certain Pollutants. Motion carried unanimously 7 to 0.

Unfinished Business

Councilman Cohick reported that a resident on Walnut Street spoke with him again about his concern regarding the sidewalk in front of his property which has lifted due to roots from a shade tree. The person asked whether the Borough would be willing to split the costs evenly for the replacement of the sidewalk. Discussion followed concerning this request and the possible precedent it may set throughout the Borough. Borough Council decided against changing their policy and will leave the sidewalk repair costs as the responsibility of the property owner.

Adjournment

Councilman Fink made motion, seconded by Councilman Gensemer, to adjourn the meeting at 8:17 p.m. Motion carried unanimously 7 to 0.

Action Items:

- Motion to approve a Proclamation declaring May, 2014 as Motorcycle Safety and Awareness Month in the Borough of Denver. Motion carried unanimously 7 to 0.
- Motion to approve the April, 2014 monthly invoices and bills report. Motion carried unanimously 7 to 0.
- Motion to adopt Ordinance No. 618 – An Ordinance To Amend the Denver Borough Code of Ordinances To Insert A New Chapter 161, Stormwater Management, To Implement The Lancaster County Act 167 Stormwater Management Plan. Motion carried unanimously 7 to 0.
- Motion to adopt Resolution No. 786 - A Resolution Of Borough Council Of The Borough Of Denver, Lancaster County, Pennsylvania, Reestablishing And Amending Fees To Be Charged In Connection With The Administration Of The Denver Zoning Ordinance And Other Borough Ordinances; Reestablishing And Amending Fees For Publications Of The Borough; Reestablishing And Amending Fees For Copies Of Certain Documents; And Reestablishing And Amending Fees For Miscellaneous Borough Permits And Services. Motion carried unanimously 7 to 0.
- Motion to adopt Ordinance No. 619 – An Ordinance To Amend The Code Of Ordinances Of The Borough Of Denver, Chapter 152, Sewers And Sewage Disposal, To Revise Maximum Allowable Concentration Of Certain Pollutants. Roll call vote was taken and motion carried unanimously 7 to 0.
- Motion to adjourn the meeting at 8:17 p.m. Motion carried unanimously 7 to 0.