

August 11, 2014

The August 11th meeting of Denver Borough Council was called to order at 7:00 p.m. with the following Councilmembers present: Junior Councilperson Shupp, Cohick, Fink, Gensemer, Flory, South, Stover and Mayor Redcay. The invocation was given by Mayor Redcay, which was followed by the Pledge of Allegiance to the Flag. In the absence of Borough Council President Blake Daub, Vice President Michael Gensemer facilitated the meeting

Citizen's Concerns

There were no citizen's concerns.

Meeting Minutes

Councilman Fink made a motion, seconded by Councilman Flory, to approve the July 14, 2014 and July 28, 2014 meeting minutes. Motion carried unanimously 6 to 0.

Borough Council President

Councilman Daub was not in attendance.

Mayor

Mayor Redcay reported that on July 17th and July 18th he attended a Mayor's conference in Harrisburg; on July 22nd he attended the Regional Leaders meeting; and on July 28th, he met with Borough Manager Michael Hession and a resident regarding a police issue.

Jr. Councilperson

Jr. Councilperson Shupp thanked Borough Council for giving him the opportunity to serve as a Jr. Councilperson and he stated that he really enjoyed the experience. He would like to continue doing student government work at college. Borough Council thanked him for his dedication and service.

Borough Manager

Mr. Hession reported that Randal Bingeman, 426 Walnut Street, is in attendance tonight to discuss the handicap parking space in front of his property on Walnut Street. The Borough previously painted a line in the street marking the handicap parking space in front of Mr. Bingeman's property. Due to the length of the space and the width of Mr. Bingeman's property, the one line in the street was painted in front of a neighbor's property, which caused a dispute with the neighbor. Mr. Bingeman then approached the Borough and asked to have the line removed. During the last Borough Council meeting, Borough Council discussed this issue and directed the Borough Manager to contact Mr. Bingeman to let him know that if he wanted to keep the handicap parking space, then both lines would need to be painted. If he did not want the lines painted, then the Borough would remove the handicap parking sign. Mr. Hession reported that after speaking with Mr. Bingeman, he agreed to have the line painted. However, this again caused an issue with the next door neighbor.

Mr. Bingeman reported to Borough Council that he approached his neighbor on the other side of his property at 424 Walnut Street and that neighbor stated that he has no objections to part of the handicap parking space extending on Walnut Street in front of his property to accommodate the minimum space requirements for the parking space. Mr. Hession stated that if Borough Council approves, the Borough can paint the new lines on Walnut Street to shift the parking space in front of the property at 424 Walnut Street. The current sign in the sidewalk will

not have to be relocated and can remain where it is. Discussion followed and Borough Council agreed to make the changes on Walnut Street.

Borough Council Committee Reports

There were no Committee Reports.

Borough Council Comments

Councilman Fink reported that the weeds under the bleachers at the North 4th Street Playground baseball field look terrible. Mr. Hession will make sure that the weeds are cut and removed.

Councilman Fink reported that the property at 206 North 4th Street looks good from the outside since it has been cleaned up.

Borough Council discussed the status of the property at 8 North 6th Street. Mr. Hession reported that the Code Enforcement Notice was filed at the District Justice's office. The property owner came into the office and submitted a permit to fix the front porch. Mr. Hession also reported that some items that were initially cleared off of the front porch seem to be piled back onto the front porch. Discussion followed.

Mayor Redcay reported that there have been some motorcycles speeding through the Borough on Monroe Street and he suggested checking with the Police Department concerning the issue.

Discussion Items

Borough Council discussed the draft regional police Articles of Agreement. Councilman Gensemer reported that the draft Agreement was developed by the Police Advisory Board and now the municipalities need to review it. Mr. Hession stated that the Borough Solicitor emailed comments regarding the draft and after a conversation with him, the Solicitor thought it would be ideal to meet in an executive session with him to go through the draft and discuss it further. Discussion followed regarding the draft Agreement and the comments provided to Borough Council by the Borough Manager and some concerns regarding the draft.

Borough Council discussed the final draft of the Denver Fair Fireworks Incident Action Plan (IAP). Mr. Hession reported that the Committee met last Thursday and discussed the possibility of relocating the site of the discharge about another 100 feet north/northwest. Charles Messner will speak with Mr. Carl Sensenig, the property owner in West Cocalico Township where the fireworks are discharged, about the possibility of moving the site. There will be a meeting at 7:00 p.m. at the discharge site on the day of the fireworks show to review the set-up and other issues such as weather. Discussion followed.

Borough Council discussed the 2014 Denver Memorial Park Ash Tree Removal Agreement. Mr. Hession reported that the Denver Park Association met last week and discussed the proposal. The proposal also was reviewed by the Borough Solicitor and the Contractor. Following their discussion, the Denver Park Association approved a motion to recommend the removal of the Ash trees and agreed to equally share with the Borough the cost to remove the trees and tree stumps up to a maximum of \$4,500.00. The total proposed cost for the project is \$8,774.00. Discussion followed and Councilman Fink made a motion, seconded by Councilman South, to authorize the President of Borough Council to execute the 2014 Denver Memorial Park Ash Tree Removal Agreement between the Borough of Denver and Kellenberger Excavating, LLC. Motion carried unanimously 6 to 0.

Borough Council discussed the status of the Jefferson Avenue Reclamation Project and the cost quotations for the replacement of approximately 62-feet of curb on Jefferson Avenue.

The Street Committee visited the site and inspected the flat section of Jefferson Avenue where the paving has created a water hole measuring 10-feet by 20-feet along the property located at 123 Jefferson Avenue. The issue was discussed with the Borough Engineer and Burkholder Paving. Burkholder Paving agreed to remove a section of the paving and a 62-foot section of existing roll curb. The Borough will contract to have a new section of standard curb installed in this area to create a higher curb reveal. Burkholder Paving then will install the new base material and repave the section of Jefferson Avenue at no cost to the Borough. The Borough received two (2) quotes for the installation of the new curb including one (1) quote from Reamstown Excavating at a cost of \$2,600.00 and a second from Zeiset Concrete at a cost of \$1,950.00. Discussion followed. Councilman Fink made a motion, seconded by Councilman South, to contract with Zeiset Concrete to install 62-feet of curb on Jefferson Avenue at a cost of \$1,950.00 as per his proposal. Motion carried unanimously 6 to 0.

Action Items

Councilman Fink made a motion, seconded by Councilman Stover, to approve the July, 2014 Treasurer's Report. Motion carried unanimously 6 to 0.

Councilman Flory made a motion, seconded by Councilman South, to donate to the Friends of the Adamstown Area Library a 2015 Family Membership to the Denver Community Pool to be used as an auction item at their 2014 Bucks for Books Dinner and Auction. Motion carried unanimously 6 to 0.

Councilman Cohick made a motion, seconded by Councilman Fink, to approve the following motion concerning the St. John's United Church of Christ Minor Land Development Plan:

- To approve a waiver from the requirements of Section 170-21.B (17) Significant Features Within 200 feet of the Project of the Borough of Denver's Subdivision and Land Development Ordinance to identify the locations of all proposed structures, existing floodplain and drainage easements, points of ingress and egress, easements, and sewer and water facilities all significant features located within 200 feet of the project site for the proposed St. John's United Church of Christ Expansion Project.
- To approve a waiver from the requirements of Section 170-21.B (18) to identify the capacity and condition of all storm water management facilities located on and within 200 feet of the lots proposed to be developed as part of the proposed St. John's United Church of Christ Expansion Project.
- To grant approval of the St. John's United Church of Christ Minor Land Development Plan subject to compliance with the August 7, 2014 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.
- To authorize the President or Vice President of Borough Council to execute the St. John's United Church of Christ Minor Land Development Plan upon submission of financial security and compliance with all conditions of approval.
- To approve the requested storm water modifications in Section 161-9.D; Section 161-10.A and Section 161-10.A (4); Section 161-10.A (3) (a); Section 161-10.B; and Section 161-10.X (3) as per the recommendation of Hanover Engineering Associates, Inc. in their August 7, 2014 review letter.

- To authorize the President or Vice President of Borough Council to execute a Storm Water Management Agreement relating to the St. John's United Church of Christ Expansion Project in a form acceptable to the Borough Solicitor upon receipt of such Agreement executed on behalf of the St. John's United Church of Christ.
Motion carried unanimously 6 to 0.

Unfinished Business

Mr. Hession reported that a Cocalico Area Appeals Board hearing is scheduled for Thursday, August 21, 2014, at 7:00 p.m. to review the application submitted by Christopher M. Comins, CEO of Custom Fab, Inc., and Samuel E. Wisner, Jr., Esquire, Salzman Hughes, P.C., Appealing the Determination of the Building Code Official or Construction Code Official concerning the revocation of the building permit for the property located at 531 North 4th Street, Denver, PA. Since a part of this dispute also is being battled in the court system, Mr. Comins and Mr. Wisner submitted a letter asking for a continuance of the hearing. The request concerning the continuation is being reviewed by Larry Maier, attorney for the Cocalico Area Appeals Board in this issue. Discussion followed.

Borough Council discussed the status of the streetlight purchase from PP&L. Mr. Hession reported that PP&L is stonewalling the sale of the lights to the Borough so the Borough, through the consultant, is trying to incorporate the help of the Pennsylvania State Association of Boroughs (PSAB). According to the Borough's consultant, PP&L has not been forthcoming with the information the Borough needs to come to an agreement and purchase the lights. Discussion followed.

Borough Council discussed the railroad cars being stored on the railroad tracks near Locust Street. Mr. Hession reported that he has pursued multiple agencies to determine if any agency has jurisdiction concerning this storage. He also discussed this issue with Randy Gockley, Lancaster County's Emergency Management Coordinator. Mr. Gockley is looking into whether his agency can assist the Borough with this issue.

Adjournment

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

Michael Hession
Borough Manager/Secretary

Action Items:

- Motion to approve the July 14, 2014 and July 28, 2014 meeting minutes. Motion carried unanimously 6 to 0.
- Motion to authorize the President of Borough Council to execute the 2014 Denver Memorial Park Ash Tree Removal Agreement between the Borough of Denver and Kellenberger Excavating, LLC.
- Motion to contract with Zeiset Concrete to install 62-feet of curb on Jefferson Avenue at a cost of \$1,950.00 as per his proposal. Motion carried unanimously 6 to 0.

- Motion to approve the July, 2014 Treasurer's Report. Motion carried unanimously 6 to 0.
- Motion to donate to the Friends of the Adamstown Area Library a 2015 Family Membership to the Denver Community Pool to be used as an auction item at their 2014 Bucks for Books Dinner and Auction. Motion carried unanimously 6 to 0.
- Motion to approve the following motion concerning the St. John's United Church of Christ Minor Land Development Plan:
 - To approve a waiver from the requirements of Section 170-21.B (17) Significant Features Within 200 feet of the Project of the Borough of Denver's Subdivision and Land Development Ordinance to identify the locations of all proposed structures, existing floodplain and drainage easements, points of ingress and egress, easements, and sewer and water facilities all significant features located within 200 feet of the project site for the proposed St. John's United Church of Christ Expansion Project.
 - To approve a waiver from the requirements of Section 170-21.B (18) to identify the capacity and condition of all storm water management facilities located on and within 200 feet of the lots proposed to be developed as part of the proposed St. John's United Church of Christ Expansion Project.
 - To grant approval of the St. John's United Church of Christ Minor Land Development Plan subject to compliance with the August 7, 2014 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.
 - To authorize the President or Vice President of Borough Council to execute the St. John's United Church of Christ Minor Land Development Plan upon submission of financial security and compliance with all conditions of approval.
 - To approve the requested storm water modifications in Section 161-9.D; Section 161-10.A and Section 161-10.A (4); Section 161-10.A (3) (a); Section 161-10.B; and Section 161-10.X (3) as per the recommendation of Hanover Engineering Associates, Inc. in their August 7, 2014 review letter.
 - To authorize the President or Vice President of Borough Council to execute a Storm Water Management Agreement relating to the St. John's United Church of Christ Expansion Project in a form acceptable to the Borough Solicitor upon receipt of such Agreement executed on behalf of the St. John's United Church of Christ.
Motion carried unanimously 6 to 0.
- Motion to adjourn the meeting at 8:10 p.m. Motion carried unanimously 6 to 0.