

November 24, 2014

The November 24th meeting of Denver Borough Council was called to order at 7:00 p.m. with the following Councilmembers present: Cohick, 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

There were no citizens' concerns.

Borough Council Comments

Borough Council discussed with Todd Stewart, Hawke, McKeon, and Sniscak, LLP, a legal services proposal for the Borough in certain matters concerning PPL Electric Utilities and the Borough's planned deployment of LED streetlights. Mr. Stewart stated the Borough's payback is relatively short for this type of investment and because of the life span of the LED fixtures being in the 20-25 year range, that the savings to the Borough could be huge. PPL has been less than cooperative and seems to be taken the position that they do not want to assist the Borough in replacing the lights. Mr. Stewart stated that he proposes to engage in a two (2) part strategy, first, is to meet with people in position of authority at PPL, the Public Utility Commission (PUC), and state legislators to try to persuade PPL to be cooperative in this endeavor. If that fails, the second strategy would be to file a formal complaint with the PUC. Discussion followed regarding the issue with PPL and the two (2) fee structures proposed by Hawke, McKeon, and Sniscak, LLP's for this service. Following the discussion, Councilman Cohick made a motion, seconded by Councilman Flory, to engage the firm of Hawke, McKeon, and Sniscak, LLP to provide legal services for the Borough in matters concerning PPL Electric Utilities and the Borough's planned deployment of LED streetlights and to use the discounted per hour fee of \$215.00 per hour for all lawyer time. Motion carried unanimously 6 to 0.

Emergency Management Coordinator Report

Emergency Management Coordinator Andy Boyer reported that he attended the quarterly training at the Lancaster County Training Center and while there, he spoke with Randy Gockley regarding Mr. Gockley's letter sent to East Penn Railroad about the tank cars stored on the tracks in the Borough. Mr. Gockley informed him that East Penn officials did respond to him and it is their take that they are not obligated to comply, but they would be willing to work with the Borough. There is no legal statute that says they have to move them. Discussion followed and Borough Manager Michael Hession suggested that the next possible step is to schedule a meeting with Randy Gockley, officials from East Penn Railroad, the Denver Fire Company, EMC Andy Boyer, Police Chief George Beever, and a representative from Borough Council to discuss the Borough's concerns.

Police Department Report

Chief George Beever reported on the following incidents and calls for service in Denver Borough: during the night of November 11th and November 12th, someone throw a rock through the garage door window at Green Lawn Garage and there was \$100.00 worth of damage; on November 16th two (2) residents in the 600 block of Main Street got into a verbal altercation in the rear of their house and created a disturbance and were cited for disorderly conduct; on November 17th a resident on the 100 block of South 4th Street was cited for trespassing; on November 19th an officer assisted the Borough Manager in checking out an area behind the Denver House because there was a report of someone camping there, but there was no signs of anyone camping in the area; and, on November 6th the new radio system went live. Chief Beever also reported that he was contacted by the Center for

Highway Safety to inform him that our jurisdiction is in the top 100 for crashes where occupants were not using seatbelts so the East Cocalico Police Department is eligible for a grant to provide enforcement for seatbelt violations. Discussion followed.

Denver Fire Company Report

Chief Shannon Hilton reported that as of today there were 200 calls for the year; 14 extrications; 25 working fires; 2,280.1 man hours; 147.1 in service hours; 2,261 men responding with 11.3 men per call; and the average response time is 3.4 minutes. The Fire Department expects to go live with the new radio system in late January, 2015. Discussion followed.

Police Advisory Board Update

Councilman Gensemer reported that the Policy Advisory Board meeting will be held on Tuesday, November 25th at 7:00 p.m. at East Cocalico Township. The three (3) items that will be on the agenda will be a discussion concerning the formation of a Time-line Committee; a discussion concerning Adamstown Borough's request to contract for an Actuarial Study concerning post-retirement health care benefits; and a review of West Cocalico Township's comments concerning the draft Charter Agreement.

Director of Public Work's Report

George Whetsel, Director of Public Works, reported that the Department finished painting the outside of the Borough Garage; are continuing with the leaf collection until the week of December 8th; hung the Christmas lights on the tree; will be installing the Christmas lights on the poles tomorrow; completed the quarterly meter readings; removed last year's leaves from the Weaver farm; fixed the sewer trap at 404 North 9th Street; completed some work at the Denver Memorial Park in preparation for the tree removal project; completed the various end of the month reports; completed the annual source water meter testing; fixed some cracks in the Borough Garage floor; began repairing the Borough Garage air compressor; and had the spring in the Borough Garage door repaired. Mr. Whetsel also will be meeting with representatives from the Department of Environmental Protection (DEP) on December 3rd for their annual operations inspection of facilities.

Mr. Whetsel reported that he has been reviewing truck specifications for the dump truck replacement. Mr. Whetsel also reported that the Department installed a reflective post on the concrete block by the Borough Lot Gate, and the well levels are normal for this time of year. Discussion followed. Mr. Hession reported the Tree Project at the Denver Memorial Park is scheduled to begin on Wednesday, December 3rd.

Presentation

Borough Council reviewed and discussed Joseph R. Valent and Mary Ellen Valent's Application to the Zoning Hearing Board for A. Variances as follows: (1) Section 200-19 (Use); (2) Sections 200-19.F and 200-25 (Setbacks); Section 200-29, A, B, C, D (Screening); (4) Section 200-70. J (Entrance); (5) Section 200-70.K (Parking location); and (6) Section 200-105 (Parking). B. Special Exception under Section 200-105 (Parking). The subject property is 119 North 3rd Street and North 3rd Street, Denver, PA 17517 and is located in the Industrial Zoning District. The Owner of the subject property is Land Holdings, LLC. The Applicant (Equitable Owner) is Joseph R. Valent and Mary Ellen Valent. Mr. Valent discussed the current condition of the building and explained what he is proposing for the building, the apartments, and community space. Discussion followed.

Adam Webber, 127 South 4th Street, stated that he has attended a lot of Planning Commission meetings in reference to this property and thinks this is what the Planning Commission did not want when they reviewed the property. He stated Mr. Valent is doing a good job in trying to develop a piece

of property that needs developed, but feels it is not in the exact direction the Planning Commission proposed for that zoning district. He also expressed his concerns as to why the zoning on this property should not be changed and once it goes residential it will most likely not go back commercial. Fred Wagaman, Chairperson of the Planning Commission reported that he is here to answer any questions Borough Council may have concerning the recent Zoning Amendment to the Industrial District and gave a brief update on the commercial uses that were added to the Industrial District and the fact that residential uses are not permitted. John Weaver expressed his support for the re-use of the building as presented and the positive impact it could have on the community. Discussion followed. Councilman Gensemer made a motion, seconded by Councilman Stover, to recommend that the Zoning Hearing Board reject the application for a Use Variance as submitted since changing the use of that property from industrial to 75% residential and 25% commercial is not conducive to that district in the Borough. Motion carried 5 to 1 with Councilman Cohick voting no. This recommendation will be forwarded to the Zoning Hearing Board for review during their hearing scheduled for Wednesday, November 26th at 7:00 p.m.

Discussion Items

Borough Council discussed the 2015 Denver Borough Proposed Budget. Mr. Hession reported on the following two (2) minor changes to the draft budget: the removal of a \$1,000.00 line item from the General Fund designed to refund property tax payments following re-assessment court hearings; and, the removal of \$3,000.00 in the Water Fund for a capital purchase that is not schedule for 2015. The Borough will make a final adjustment to the proposed Budget to reflect the potential additional legal fees associated with the LED Streetlight Project. Discussion followed.

Borough Council discussed the Proposal for Actuarial Study to Value Other Postemployment Benefits Under Government Accounting Standards Board Statement No. 45 – East Cocalico Police, the financial support for this study, and the request to create a time line committee whose sole purpose is to develop a timeline of items that need to be completed in order to reach the January 1, 2016 start-up date. Mr. Hession reported that this item will be on the agenda at the November 25th Police Advisory Board meeting. Adamstown Borough is asking all four (4) municipalities to equally split the \$5,000.00 cost for the study. The study is supposed to take a baseline snapshot of the projected costs to the communities for the post-retirement health benefits for the new Regional Police Department. Discussion followed. Councilman Cohick made a motion, seconded by Councilman Flory, to support the completion of a \$5,000.00 Actuarial Study for Post-employment Healthcare Benefits for the Police Department, with Denver Borough sharing equally in the cost for the study. Councilman Cohick, Flory, and Daub voted yes and Councilmen Gensemer, South, and Stover voted no. Mayor Redcay broke the tie with a yes vote and the motion carried 4 to 3.

Borough Council discussed the 2015 Pricing for Police Services Letter Agreement submitted to the Borough by East Cocalico Township. Councilman Daub reported that the Borough received the Letter Agreement and there has been some disagreement between East Cocalico Township and Denver Borough regarding the differences on how it was calculated and the dollar difference is approximately \$2,300.00. East Cocalico Township has agreed to pay the full MMO of \$371,772.00 in 2015. Discussion followed. Councilman Cohick made a motion, seconded by Councilman South, to authorize the Borough Council President to execute the 2015 Police Services Letter Agreement submitted to the Borough by East Cocalico Township. Motion carried 6 to 0.

Action Items

Councilman South made a motion, seconded by Councilman Gensemer, to approve the November, 2014 monthly invoices and bills report as amended with the additional bills submitted. Motion carried unanimously 6 to 0.

Councilman Flory made a motion, seconded by Councilman South, to adopt Ordinance No. 621 – An Ordinance Of The Borough Council Of The Borough Of Denver, Lancaster County, Pennsylvania, Amending The Code Of The Borough Of Denver, Lancaster County, Pennsylvania, Chapter 32 – Pensions, Article 1 – Nonuniformed Employees Pension Plan – A, Section 32-6 – Pension Contributions, Subparagraph B To Provide That Effective January 1, 2016, The Borough Shall Contribute An Amount Equal To 6% Of The Participating Employees’ Regular Hourly Rate; Providing For The Repeal Of Inconsistent Ordinances; Providing For Severability Of The Ordinance; And Providing That The Ordinance Shall Take Effect As Provided By Pennsylvania Law. Motion carried unanimously 6 to 0.

Councilman Gensemer made a motion, seconded by Councilman South, to hire Mike Burkholder as a temporary Borough employee to be used to clear snow for the Borough at a rate of \$18.00 per hour. Motion carried unanimously 6 to 0.

Councilman Cohick made a motion, seconded by Councilman Stover, to authorize the Borough to advertise the 2015 Borough Council and Committee Meeting schedule. Motion carried unanimously 6 to 0.

Unfinished Business

Mr. Hession reported that he received an email from Alexandria Lambert, a Penn State student in the Hospitality Management Program who is interested in conducting a “canning” fundraiser in the Borough for THON on December 6th and December 7th at the 4th Street and Main Street intersection. Discussion followed. Councilman Flory made a motion, seconded by Councilman Stover, to authorize students from Penn State University to conduct a “canning” fundraiser in the Borough on Saturday, December 6, 2014, and on Sunday, December 7, 2014, at the Main Street and North/South 4th Street intersection, contingent upon the participants adhering to the safety regulations of the THON Program and the PA Vehicle Code regulations. Motion carried unanimously 6 to 0.

Councilman Gensemer reported that he had spoken to Barbara Fink and Walter Fink is coming along in his recovery. He is speaking and had dialysis today. She expects him to be moved to a rehab center in about two (2) weeks.

Adjournment

Councilman Stover made a motion, seconded by Councilman South, to adjourn the meeting at 8:45 p.m. Motion carried unanimously 6 to 0.

Michael Hession
Borough Manager/Secretary

Action Items:

- Motion to engage the firm of Hawke, McKeon, and Sniscak, LLP to provide legal services for the Borough in matters concerning PPL Electric Utilities and the Borough’s planned deployment of LED streetlights and to use the discounted per hour fee of \$215.00 per hour for all lawyer time. Motion carried unanimously 6 to 0.
- Motion to recommend that the Zoning Hearing Board reject the application for a Use Variance as submitted since changing the use of that property from industrial to 75% residential and 25% commercial is not conducive to that district in the Borough. Motion carried 5 to 1 with Councilman Cohick voting no.
- Motion to support the completion of a \$5,000.00 Actuarial Study for Post-employment Healthcare Benefits for the Police Department, with Denver Borough sharing equally in the

cost for the study. Councilman Cohick, Flory, and Daub voted yes and Councilmen Gensemer, South, and Stover voted no. Mayor Redcay broke the tie with a yes vote and the motion carried 4 to 3.

- Motion to authorize the Borough Council President to execute the 2015 Police Services Letter Agreement submitted to the Borough by East Cocalico Township. Motion carried 6 to 0.
- Motion to approve the November, 2014 monthly invoices and bills report as amended with the additional bills submitted. Motion carried unanimously 6 to 0.
- Motion to adopt Ordinance No. 621 – An Ordinance Of The Borough Council Of The Borough Of Denver, Lancaster County, Pennsylvania, Amending The Code Of The Borough Of Denver, Lancaster County, Pennsylvania, Chapter 32 – Pensions, Article 1 – Nonuniformed Employees Pension Plan – A, Section 32-6 – Pension Contributions, Subparagraph B To Provide That Effective January 1, 2016, The Borough Shall Contribute An Amount Equal To 6% Of The Participating Employees’ Regular Hourly Rate; Providing For The Repeal Of Inconsistent Ordinances; Providing For Severability Of The Ordinance; And Providing That The Ordinance Shall Take Effect As Provided By Pennsylvania Law. Motion carried unanimously 6 to 0.
- Motion to hire Mike Burkholder as a temporary Borough employee to be used to clear snow for the Borough at a rate of \$18.00 per hour. Motion carried unanimously 6 to 0.
- Motion to authorize the Borough to advertise the 2015 Borough Council and Committee Meeting schedule. Motion carried unanimously 6 to 0.
- Motion to authorize students from Penn State University to conduct a “canning” fundraiser in the Borough on Saturday, December 6, 2014, and on Sunday, December 7, 2014, at the Main Street and North/South 4th Street intersection, contingent upon the participants adhering to the safety regulations of the THON Program and the PA Vehicle Code regulations. Motion carried unanimously 6 to 0.
- Motion to adjourn the meeting at 8:45 p.m. Motion carried unanimously 6 to 0.