

**Marietta Borough Council  
Minutes of Meeting held March 12, 2013  
113 East Market Street, Marietta, PA**

President Fletcher with Council members deVitry, Nagel, Rice, Roberts and Yohe and Mayor Overlander present called the regularly scheduled monthly meeting of the Marietta Borough Council to order at 7:00 PM. Absent from the meeting was Council member Stellfox. The meeting opened with a moment of silence followed by the pledge of allegiance.

On a motion by Council member Nagel with a second by Council member deVitry, the minutes of the February 12, 2013 Council meeting were approved as presented.

President Fletcher opened the public comment session of Borough Council.

**PUBLIC SESSION**

Katie Martin, Marietta Market, formally requested that Marietta Borough Council consider allowing the Market to place a permanent shed in Flanagan's Park to store necessary items for the operations of their Farmers Market. Ms. Martin stated the Market's insurance liability would cover the liability of the shed and the contents for the entire calendar year. They have also spoken with Mark Harman regarding the zoning issues and are fully aware of the necessary setbacks. President Fletcher stated this item is on the agenda and at that time Council will take the issue up formally.

Carl Jones, 619 West Market Street, questioned if the water situation which he brought up last month was taken care of? Council member Rice stated this is a civil matter, it is not our property. Mayor Overlander stated as was discussed from the last meeting, the Borough does not have any stormwater projects currently scheduled and the properties in question are private properties, the Borough does not own the land.

Michael Sargen, President Pioneer Fire Co. No 1, stated last month the Fire Company was granted permission for use of the War Memorial Park from June 23 to June 29 to hold their 4<sup>th</sup> of July Carnival, since then we have entered into an agreement with a rides vendor and would like to extend the use until June 30<sup>th</sup>. Council member Rice questioned if it was decided on where the fireworks will be set off? Mr. Sargen stated they are still working on the location.

President Fletcher announced the public comment session of Borough Council is closed.

**ADMINISTRATIVE/PERSONNEL/FINANCE – Vice-President Jack Rice**

On a motion by Council member deVitry with a second from Council member Rice, the General Fund Breakdown dated 03/12/13 was unanimously approved as presented.

President Fletcher stated the finance committee met with the auditors and reviewed the 2012 Audit in great detail and we have obtained a clean audit for 2012. On a motion by Council member deVitry with a second from Council member Rice the 2012 Audit was unanimously approved as presented.

On a motion by Council member Rice with a second from Council member deVitry, Council unanimously approved the commitment amount of \$48,175.00 for Streets & Highways and \$50,993.00 for Planning & Zoning.

**STREETS & HIGHWAYS – Council member Jack Rice**

Council member Rice made a motion to advertise to amend Chapter 86, Article II of Section 86-90 One Way Streets to include Fairview Avenue from Bridge Street to Waterford Avenue eastbound, seconded

by Council member Nagel. Council member Roberts questioned why we need to go from Bridge Street to Waterford Avenue, since we are only reconstructing from Gay Street to Waterford Avenue? Council member Rice stated Walnut Street is one way from Waterford to Bridge and when Council discussed this last year we felt it would be better to have the total length of Fairview one-way going east. Council member Rice made a motion to amend the original motion to make Fairview Avenue one way eastbound from Gay Street to Waterford Avenue, seconded by Council member Nagel. Motion carried with an opposing vote from Council member Rice.

**BUILDINGS & SPECIAL PROJECTS – Council member David deVitry**

Council member deVitry introduced to Council a Resolution for a grant from DCNR for the Northwest River Trail from Decatur Street to Chestnut Street. This is an estimated \$280,000.00 project with DCNR paying \$224,000.00 and a commitment for the remainder from the Eater Foundation and in-kind services, no tax payers' money will be spent. Council member Roberts questioned what we would be doing that would cost that amount of money? Council member deVitry stated a big portion of the cost would be construction a bridge over Evans Run and will be a paved trail. Council member deVitry made a motion to accept the Northwest Lancaster County River Trail Development in Marietta Borough, Phase I Resolution (see attached), second by Council member Nagel. President Fletcher requested a roll call vote.

Council member Roberts – aye  
Council member Rice – aye  
Council member Yohe – aye

Council member Nagel – aye  
Council member deVitry – aye  
President Fletcher – aye

President Fletcher stated the motion carried unanimously.

**PARKS & RECREATION – Council member Corinna Yohe**

On a motion by Council member Yohe with a second from Council member deVitry, Council unanimously approved the Pioneer Fire Company permission to use the War Memorial Park from June 23<sup>rd</sup> to June 30<sup>th</sup> to hold their 4<sup>th</sup> of July Celebration. Council member Rice stated that is approved with the condition that Council knows where the fireworks will be shot from? President Fletcher stated yes.

Council member Yohe stated Council has before them the updated Lease Agreement between the Borough and Marietta Station Market. Council member Yohe stated the only thing in question is #9 temporary shed. Council member deVitry stated he enjoys the Market and does not see it being detrimental to have the shed placed there during the winter and would like to strike the portion regarding the removal of the shed from the lease agreement. Council member Roberts questioned who is the Marietta Market? Ms. Martin stated volunteers from the Borough. Council member Roberts also questioned if the vendors come in for free? Ms. Martin stated vendors are charged a fee of \$15.00/day which goes towards the cost of the port-a-potties and liability insurance. Council member Roberts questioned what happens to the shed if the Market is no longer in existence. Mr. Willing stated according to rules which govern non-profits, we must donate the shed to another non-profit organization. Mayor Overlander questioned how many vendors attend the Market? Ms. Martin stated last year there were seven (7). Council member deVitry made a motion to modify number 9 Placement of Shed from temporary shed to permanent shed and strike out the language regarding removal of the shed, second by Council member Roberts. Motion carried with a nay vote from Council member Rice. Council member deVitry made a motion to accept the modified Lease Agreement between the Borough and the Marietta Station Market. Motion carried with a nay vote from Council member Rice.

On a motion by Council member Yohe with a second from Council member Rice, Council unanimously

approved the Marietta Lions Club use of War Memorial Park on Saturday, March 30, 2013 from 8:00 AM until 3:00 PM to hold their Annual East Egg Hunt which will begin at 1:00 PM. Council member Yohe stated they have already submitted their certificate of liability insurance.

Council member Yohe announced we did not receive any applications for the Summer Recreation Program Director, therefore this year we will not be able to have a program.

**PLANNING/ZONING/HOUSING – Council member Phyllis Stellfox**

Nothing to report due to Council member Stellfox absence.

**PUBLIC HEALTH & SAFETY – Council member Gene Nagel**

Council member Nagel reported the Pioneer Fire Company responded to nine (9) calls during the month of February and eighteen (18) calls for the Quick Response Service.

**SEWER & TRASH – Council member Bill Roberts**

On a motion by Council member Nagel with a second by Council member deVitry, the February Sewer Department Monthly Breakdown was unanimously approved as presented.

On a motion by Council member Nagel with a second by Council member Yohe, the February Recycling Report was unanimously approved as presented.

**MAYOR’S REPORT - Mayor Oliver Overlander**

Mayor Overlander thanked Chief Haugh for having the sub-station up and running by the last week of February. Mayor Overlander stated he and Council member Nagel had their first meeting with the manpower regarding the contract and hopefully we can settle on an agreement by the next meeting or two.

Mayor Overlander stated the Fire Police served twenty-six and one-half (26-1/2) man hours from 02/12/13 to 03/11/13.

There being no further business to come before Council, the meeting adjourned at 7:50 PM on a motion by Council member Roberts with a second by Council member Rice.

BOROUGH SEAL

Respectfully submitted,

Jody L. Shaffner  
Secretary/Treasurer