

**Marietta Borough Council
Minutes of Meeting held September 9, 2014
113 East Market Street, Marietta, PA**

President deVitry with Council member Sargen, Foreman, Roberts, Kramer, Overlander, Renninger and Mayor Vegso present called the regularly scheduled monthly meeting of the Marietta Borough Council to order at 7:00 PM. The meeting opened with a moment of silence followed by the pledge of allegiance.

The minutes of the August 12, 2014 Council meeting were unanimously approved as presented.

President deVitry opened the public comment session of Borough Council.

PUBLIC SESSION

Susquehanna Riverlands Conservation with Lori Yeich, DCNR, Fritz Schroeder and Kate Gonick with Lancaster County Conservatory put on a presentation in regards to the Susquehanna Riverlands Land Conservation in Lancaster and York Counties. This was for informational purposes.

Joyce Lehman – 304 East Front Street – Thanked the citizens of the Borough for their support for the free library established at her home. She also thanked Council for the opportunity for the public to ask questions. She also addressed that a Council member verbally attacked a citizen during public comment session at last Council meeting and would like to see Council being more courteous, professional and more ethical.

President deVitry stated that the dialog here is to be more civilized and would appreciate that as well.

Mark Davis – 336 East Market Street – Would like for Marietta Borough to opt out of paving their portion of the Northwest River Trail. By not paving the trail the cost for maintaining it would be lower for the Borough and its citizens and it would keep the trail natural. This is a small country town and people move here to be in a small bedroom community. By paving the trail you have another suburban park. We already have paved streets and sidewalks in the Borough we do not need another paved park. Please leave nature as it is.

President deVitry stated that there will be approximately 100,000 people a year using the trail once it is completed a number of people have stated that they cannot wait until the whole trail is completed.

Carl Jones – 619 West Market Street – On August 16, 2014 he came out of his home and smelled wood burning. He went down the street and found that next to 691 West Market Street they had a brush fire. The ashes were getting all over his car. He phoned the police and the police told him to call his insurance company. Also at 629 West Market Street there is a chain link fence around the property and it has high weeds, can we please check into it.

President deVitry stated that they had a permit for a control burn and that was why the fire company was there. It is a civil matter.

Jack Rice – 624 West Market Street – At last meeting he had brought up about the Evans Run Project and that someone turned the Borough into the District Attorney's Office. Nobody on Council stepped up. If this is how Council stabs each other in the back, the Borough is in trouble. He knew last month that the Mayor turned the Borough in.

Mayor Vegso stated that he makes no apologies. He thought hard over this before he made the call. He took an oath and everyone on this Council took an oath to follow the laws. In the audit report the auditor pointed out nine (9) significant deficiencies. He especially noted that the Fema/Pema money was not bid

in accordance with the municipal requirements. They recommend that all contracts be approved and documented in the minutes of the Council; also the auditors recommend that contracts above the threshold of \$18,900 be in accordance with municipal requirements. So the auditor was the accuser and he was the one pointing out the problem. He stated that the Council had forgotten about the unspent money and he accidentally discovered it when browsing the internet. He also thought the lack of exposure in the minutes which may have explained the situation; but he did not know if this was done through ignorance, incompetence or deliberate lack of openness and disclosure but it does not create a condition of confidence and trust. As a business manager and teacher of over forty (40) years he always stressed the concept of responsibility and doing your duty. Moral reasoning and practical experience came to the same conclusion that exposing wrong during was the right path. When he reported the situation he was not blaming anyone individual what seemed to be improper procedures which were incompatible with the code. He did not know why it happened it may be from a rush to spend the Pema/Fema money and also an embarrassment on how it was all handled. He never said anything negative about Jack Rice and he had no hand in creating it. He had no help from Council and he worked long and hard to fix the problems. The investigation was closed due to no criminal intent. He feels that Council did not handle their responsibilities properly.

Jack Rice asked if before he turned the Borough in did he come in and ask or speak with any of the Council members or the office staff in regards to this. If he did come in he would have found out that he spoke with a gentleman from Harrisburg before he got bids and he got bids for the job. If we didn't use the money we lose the money. He came in at the tail end of the project and we used the money.

Council member Renninger asked Mr. Rice if he got bids why they were not in the file.

Jack Rice stated that the bids were in the file and he asked Sharon Bradnick/Secretary if they were in the file. Sharon stated that they were in the file from Douglas Brothers, S.A. Way and Dustin Nagy, but Dustin Nagy ended up not giving us one because he could not do the project in the allotted time. Douglas Brothers did part of the work and S.A. Way did part of the work. So Jack's question to the Mayor was why the Mayor did not investigate this in house before it went out of house.

Mayor Vegso stated that there is little trust in this house in terms of failure and secrecy. At the last meeting and several meetings he had spoken about greater disclosure of information. If the Borough was practicing proper disclosure that \$100,000 would have been obvious to Council and it would not have been forgotten and there would not have been a rush to have the work completed. The issue here in this case he feels that this Council did not follow the code.

Council member Sargen stated that he wants to believe that there was no malicious intent. The case is closed. What code is the Mayor referencing? He is offended that the Mayor did not trust anyone in his own Municipal Government to come forward and ask the simple question. He had a conversation with Sharon Renninger on several occasions about the bidding process. From day one he has said that the bidding process did not apply because it was funds that came out of a declaration from an emergency and that the bidding process did not apply. This was all proven throughout this project and we should be moving on to something else if the Mayor would have just asked within this office.

Council member Roberts stated that it is despicable that the Mayor went to the District Attorney's Office and launched a criminal investigation against this council.

Mayor Vegso stated that he has given his reasons why and he was not going to be interrogated. He has practically begged this Council to work together.

President deVitry stated that this was not true. The Mayor has refused to speak with him and other members on Council.

Barb Wilson – 4 Bainbridge Street – Asked the Mayor if his actions actually provided a more feeling of trust and workmanship on this Council or do you think you just made a more further divide.

Catherine Tucker – 258 Fairview Avenue – When Council made the two hundred block of Fairview Avenue a one-way they did not realize that they were creating a problem. Now it is a speedway. There is no reason that she cannot park in front of her house without it getting hit.

Council member Renninger stated that she will look into this. She has been stopping into the office and she gets a verbal about a number of things and she has asked the office to start a list on what needs to be done and a way to track this. A decision to make Fairview Avenue one-way was done in 2013 and she will speak with the people who made this decision and get back to her.

Bridey Hannold – 552 East Market Street- What she would like to see for next year is just an audit report without the deficiencies? Any one that is in business this is inexcusable but maybe we can all work together and maybe we won't have these next year.

President deVitry stated that anyone is able to review the audit on line and that it is a clean audit.

Lewis McKinney – 17 South Clay Street – Asked why when the Mayor was speaking about letters that was deleted out of his and if David can answer that.

President deVitry stated that this letter was filed away in the office and any Council member and the Mayor could stop in the office and look at it.

Officer Laura Maryott – Came to last meeting in regards to the Color Run. She did research and brought in to the Council an event form for the Color Run. She brought in a copy of the Lititz Borough event form. She also filled out the form for the upcoming Color Run. This copy was given to Sharon Renninger to make copies for the rest of the Council members. They are moving forward with the Color Run. There is a \$30.00 fee to run and a \$5.00 fee for the festival.

Rich Waters – 130 Fairview Avenue – People are still going up the street the wrong way. A policeman said that they would check into it. It is happening every day.

Harold Kulman – 114 East Market Street – There is 45 people in the Council chambers at this meeting and he spoke with the people in Harrisburg. They have been working with Sharon Bradnick to get an occupancy permit with the amount of people that is allowed in the chambers.

Council member Kramer stated that he was going to bring that up that we are working on this. The occupancy permit is hanging in the Borough Office and we will get one just for the Council chamber.

Dennis Traub - 4 East Hazel Avenue – He has heard different things at Council meetings and he is confused on some things that were said. One thing was from Council member Roberts; that was that it is cheaper to buy up all the properties in the floodplain then to do the levy project. He assumes that would include the sewer plant and the old foundry. The state has already done a cost benefit analyze. Can you justify not doing anything when you total up all the money that was spent and the time that was lost and all the things that the first responders had to do and the pain and suffering people went through?

Council member Roberts asked Mr. Traub whose money after the levy is built; it becomes the Borough's responsibility to maintain. We have a hard time balancing our budget now.

President deVitry stated that he has asked the state for the cost benefit analyze and they were not able to give it to him and secondly he asked them if this was the state's cost and the Borough's cost or just the state's cost. DEP said that it did not include the Borough's cost. The Borough has cost's before the project and after the project. If Mr. Traub has a copy of that analyze he would be happy to see it. DEP would not furnish us a copy of that.

Council member Roberts stated that he has not seen any figures to this day on what it would cost the Borough.

Dennis Traub stated that you are saying that water on one side and not the other. If you have water on this side of the railroad tracks and the Borough wants to put in pumps. So is it water or no water, which is it. If you want to put in pumps then how are you going to get the water to the pumps, where are you going to put these pumps? Evans Run will be open to the river no matter what. There has never been that he witnessed in this town a problem with surface water when the river was up. The concerns over surface water are no reason to kill the levy project.

Mayor Vegso stated that he had a meeting with over thirty (30) questions raised and people raised other questions. This issue that is being talked about now they make a distinction between interior flooding versus river flooding. The state project is to prevent 100 year flood from the river. This project is intended to prevent the river flooding it does not prevent interior flooding from rainwater and stormwater and that is the Borough's problem. If the Borough wants pumping stations then that is the Borough's task. DEP is protecting against the river flooding.

Council member Overlander stated that he does not believe the Mayor. It might seem funny to a lot of you people but it is not funny to him or funny to Jack Rice or the people that was on Council at the time. Calling the District Attorney's Office on a bogus complaint is a black eye for the Borough. He understands that the Mayor is new and that he does not understand how local, state and federal government works. There are different guidelines for different projects and different guidelines for different monies. The statement that was made that it was emergency money that the Borough was awarded was true. When you have emergency money that was awarded you do not, Council does not have to bid that and get three (3) bids. When he heard that the District Attorney's Office had private detectives in the Borough Office he came in and went over the file with Sharon Bradnick. Borough Council did nothing wrong and Jack Rice did nothing wrong. Within ten (10) minutes he knew that nothing was done wrong. The extensions were filed and the permits came in to do the work. It did not have to be put out for bids or go in front of Council. If he would have set down with Sharon or Jack and asked questions and if he still didn't believe them he could have called the person at the state. He felt it was a malicious intent to demean. The Mayor talks about openness and transparency. It does not come from the Mayor.

Council member Renninger stated that what some of the Council members are forgetting is that it was found that there was no criminal intent and they talk about trust and talking to people. This all started because she had asked at March's Council meeting for time to review the audit and was told that everything was fine and she was made to look like a fool for questioning what was going on. After the meeting she went in and asked for a copy of the second letter that was in the audit and received that letter after several attempts. Mr. Overlander was on Council and serving this community and you should possibly give better guidance on the way things are run.

Council member Overlander stated that no one asked him about the file but there were people here that the Mayor could have asked.

President deVitry stated that in March he asked the Council to approve the audit so that we could put it on our website and make it public. It was a clean audit.

President deVitry announced public comment session of Borough Council was closed.

Council member Sargen motioned with a second by Council member Renninger for a recess.

Council adjourned at 8:40 PM

Council re-adjourned at 8:52 PM

ADMINISTRATIVE/PERSONNEL/FINANCE –President David deVitry

President deVitry stated that before we start the General Fund Monthly Breakdown we were asked to move the General Fund Monthly Breakdown date. We asked our accountant if what we are doing is appropriate the issues involved in changing it would be to let all our vendors know that we are changing our dates for submitting their bills and the Finance Committee does not feel that we need to change this.

Council member Renninger made a motion to change dates on the General Fund Monthly Breakdown so that Council members can receive the report the Friday before the Council meeting so that Council has time to review it. Council member Foreman seconded the motion.

Council member Renninger stated that she would be happy to sit down with the office, it is not my goal to change how Sharon Bradnick does her job or change how the Borough pays their bills it is her goal to get the General Fund Monthly Breakdown report beforehand so that everyone has time to look at it. One of the reasons being that Mayor Vegso pointed out was the missing \$100,000 or the money that needed to be done from the PEMA project would have been more visible and way more aware of it if they had time to look at the report. There are questions that come up like if we have money to spend on street repairs, do we have money to spend on different projects and if we have this report sooner this will make things more clear.

President deVitry stated that this is an up to date report and he would like to see it stay that way.

Sharon Bradnick stated that the Monthly Fund Breakdown report is the treasury report, she spoke with the accountant and the Monthly Fund Breakdown is the monthly bills that we pay out of our checking account each month that needs approved. The \$100,000 that Sharon Renninger was speaking about was not missing and that money was held in the Capital Reserve Account. It has nothing to do with the checking account.

Council member Foreman stated that his issue is that we are looking at \$80,000 dollars that he is approving and would like to have more time to look at this report.

Council member Renninger stated that the Mayor put out a blog to other Communities to see how they do this and they run from Abbottstown run theirs from the 15th to the 15th and the 3rd Thursday is their Council meeting and they don't automatically share. Eagles Mare financial reports from previous calendar months are sent to Finance Committee for review by the 15th of the month prior to the next Council meeting. They are marked draft until Council members approve it. Minutes, agenda packets, treasury reports all go out the Friday before the meeting. Another one the packets are emailed out two weeks before the meeting including bank balances. This is a lot of how other communities do this. However we

approve this and if there is an issue then it falls on all of us.

A roll call vote was taken.

Steve Foreman – aye
Bill Roberts – nay
David deVitry – nay

Eric Kramer – nay
Oliver Overlander – nay

James Sargen – nay
Sharon Renninger – aye

Motion fails.

Before us is the General Fund Monthly Breakdown dated 9/9/2014 the total general fund accounts are \$850,558.47. A motion by Council member Overlander with a second from Council member Roberts to approve the General Fund Monthly Breakdown.

A roll call vote was taken.

Steve Foreman – nay
Bill Roberts – aye
David deVitry – aye

Eric Kramer – aye
Oliver Overlander – aye

James Sargen – aye
Sharon Renninger – nay

General Fund Monthly Breakdown dated 9/9/2014 was approved as presented.

President deVitry stated that he had a meeting on the Northwest River Trail and discussed Furnace Road and the safety along their and down Hazel Avenue. Talk to Penndot about the section of Route 441 at River Road and to improve the safety of the users of the trail and to add a shoulder on Furnace Road from the Bridge down to the Vesta building. LCSWMA offered to both survey and stone through this section for the trail. This would allow the users of the trail to have a shoulder and have a little more space on the road and it would be no cost to the Borough. He asked for a motion to have LCSWMA install the shoulder along the shoulder on this route. There was a second by Council member Foreman.

Council member Renninger stated that this would be on the shoulder along the right-a-way on Furnace Road.

President deVitry stated that this would be on the Southside and would be in the right-a-way.

Motion carries

STREETS & HIGHWAYS – Council member Sharon Renninger

Council member Renninger stated the Borough completed ten (10) street repairs done in August. Waterford Avenue, Front Street, Clay Street, East Hazel Street and it cost approximately \$3,263.00. They also repaired two (2) stormwater inlets on Front Street. Jeff and Glenn have been working very hard.

There are plans for future projects that are underway. There was discussion about paving North Gay Street to Fairview Avenue this needs to be addressed and East Hazel Avenue from Bank Street to Route 441. The men supplied the engineer core samples to see if there was enough road base. The Borough engineer recommended cold mill planning with a bituminous overlay. The job will need to be put out for bid because they estimate the cost of the job to be approximately \$110,000. The cost of construction and milling will be approximately \$107,000. If we are using liquid fuels money we cannot pave after October 15th. We looked into splitting the work up but it would be more expensive. She would like to work on this over the winter and to have a ready to go project for the spring.

Council member Overlander stated that he felt that it would be good to wait till the spring because we would have more liquid fuels money on hand. Historically we would bid the project in January and February and you would get better bids. The funding would be there in the spring and we could get the whole project completed this would be the most logical thing.

President deVitry stated that in his trail safety meeting East Hazel Avenue at Route 441 was discussed and they are looking at possibly making some changes in that area. So it might be a good idea that we don't work on that area until we see what is happening in that area.

Council member Renninger stated that in August she took a three (3) day class in Harrisburg at the Pema office to become a certified floodplain manager. It was three (3) days of classes and a three (3) hour exam and it cost \$275.00 out of her pocket and the reason that she took the class was to become more knowledgeable about floodplain management overall and to make some contacts in Harrisburg and to understand the flood control and flood litigation for the Borough. She is happy to announce that she passed the class. It has put her in touch with professionals that she is able to contact with questions.

BUILDINGS & SPECIAL PROJECTS – Council member Eric Kramer

Council member Kramer stated that we are in contact with Atlantic Energy Concepts to give us a price to replace our lightning in the office to make them more efficient. He is also checking on getting some shelving for the maintenance building to get the building cleaned up. The occupancy permit was discussed earlier and that should be taken care of before next meeting.

PARKS & RECREATION – Council member Steve Foreman

Council member Foreman stated that movie night is this weekend; please bring your lawn chairs. The concession stand will be open. We have received a total of \$700.00 in donations and would like to receive another \$400.00 in donations.

PLANNING/ZONING/HOUSING – Council member Oliver Overlander

Council member Overlander stated that there is an opening on the Zoning Hearing Board and anyone interested should bring their letter of interest into the office by September 22, 2014. He took a moment of silence for Mr. Carroll who served on the Zoning Hearing Board for years. We do have an alternate and they put in a letter of interest to serve. There is a Zoning Hearing Board meeting on October 7th and the subject is for the Planning Commission and Eric Keiser was notified to attend the meeting and anyone else that might be interested in voicing their opinion on eliminating store fronts on West Market Street. We have been in contact with Environmental Planning and Design and we are in the process of going through the contract and our solicitor has provided us some comments on the contract and we are going over the recommendations. Hopefully by next month we will be ready to move forward.

PUBLIC HEALTH & SAFETY – Council member James Sargen

Council member Sargen stated that The Pioneer Fire Company responded to fifteen (15) QRS calls and seventeen (17) Fire Calls for the month of August. The Special Fire Police responded to four (4) calls and put eleven (11) men out on the street. All these organizations are looking for help.

Council member Sargen gave an update on the parking meters. He covered around fifty (50) meters and now he is back in the counting car mode and this will show us if there is a swing in the use of the meters. This will help determine what we will do in the future.

Council member Sargen added that it has been brought to his attention from the Fire Company and the Police Department and the EMS people that some of the doors in Marietta do not have an address or number. People need to make sure that they have a visible number on their door. So take a look around your neighborhood and let your neighbors know. The Borough is also at fault that we do not have streets marked properly.

Council member Renninger stated that maybe Mr. Sargen can put something out on our website because a lot of people look at our website.

Council member Roberts stated that most people know that odd numbers are on one side and even numbers on the other side but there are some areas in town that you just don't know where you are going. Essex Streets and Fairview Avenue are two good examples of this.

Council member Overlander wanted to bring up that it was brought to his attention that Marietta Borough has Susquehanna Valley as our ambulance service. They respond from Columbia. Northwest merged with Maytown and we may want to look into changing who the Borough has as the responder for Marietta Borough.

Council member Sargen stated that he has had a conversation with the chief of Susquehanna and he had a conversation with a person that works with Northwest. He heard that Bank Street is a magical line. Well it is, if a Class 1 call comes in and it is East of Bank Street then Susquehanna gets it. If it is West of Bank Street then the call goes to Northwest. When it is Class 2 and Class 3 then Susquehanna is the first due but because of budgetary reasons then it is sent to Northwest. Marietta Borough does not recognize anyone we just want good service. We as a municipality need to decide if we want one or the other. He subscribes to Susquehanna but if Northwest comes in they will honor Susquehanna's memberships. Last month Susquehanna came into the Borough seven (7) times and Northwest came in nine (9) times. The queue our quick response service responded to every call. We are getting attention as immediate as we can. If we are getting good service then we normally don't decide. But are we getting the best service that is what we need to decide.

Mayor Vegso stated that to clarify that there is a problem.

Mr. Sargen stated that there is no problem. The question is why do we have two EMS services and he will follow up.

SEWER & TRASH – Council member Bill Roberts

The Marietta Sewer Department Savings Account at the end of August has a balance of \$97,125.72 and the checking account has a balance of \$1,965.06. On a motion by Council member Roberts with a second by Council member Sargen, the August Sewer Department Monthly Breakdown was unanimously approved as presented.

The Borough recycled 21,920 pounds of recyclables for August. On a motion by Council member Roberts with a second by Council member Foreman, the August Recycling Report was unanimously approved as presented.

President deVitry stated that he looked up what the county is doing as far as recycling and they are doing forty-three (43) percent as a whole and the Borough is doing sixteen (16) percent. So there is a lot of room for improvement.

Council member Roberts stated that we held a pre-bid meeting for the trash contract and six (6) companies were there. The new contract will include more items to be recycled. Some of the items will be cardboard and office paper.

Council member Renninger stated that she just noticed that we are spending around \$13,000.00 a month for hauling away our trash.

Council member Roberts stated that on the recycling we are not charged a tipping fee so if it goes in the recycling container it would not cost the Borough other than to have it picked up.

MAYOR’S REPORT - Mayor Ray Vegso

Mayor Vegso stated that a resident on Front Street contacted him about the railroad rails deteriorating and he looked at them and found severe swelling on top of two rails. He phoned the railroad company and they will check it out. If any citizens in the Borough are aware of problems they should take action. At the police commission meeting he requested that they put their minutes on the website. They agreed and there is a website for the Susquehanna Regional Police and the minutes will start to show up there. In the box the data of the number of arrests, parking tickets, etc. from the meeting and also the minutes from the last Police Commission meeting are also in the box. As the Mayor he has performed one marriage and this weekend he is to perform another marriage and there is another one in the works. He is required to report to Council the marriages that he performs.

There being no further business to come before Council, the meeting adjourned at 9:54 P.M. on a motion by Council member Overlander with a second by Council member Roberts.

BOROUGH SEAL

Respectfully submitted,

Sharon L. Bradnick
Secretary/Treasurer