

Marietta Borough Council
Minutes of Meeting held September 10, 2013
113 East Market Street, Marietta, PA

President deVitry with Council member Sargen, Yohe, Rice, Roberts and Kramer 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 Nagel. The meeting opened with a moment of silence followed by the pledge of allegiance.

On a motion by Council member Rice with a second by Council member Kramer, the minutes of the August 13, 2013 Council meeting were approved as presented.

President deVitry opened the public comment session of Borough Council.

PUBLIC SESSION

Darryl Becker, Engineer with Arro, spoke on the Adoption of the Countywide Act 167 Stormwater Management Model Ordinance. County submitted language to DEP regarding exemption of 1,000 or fewer square feet of Impervious Surface. Original Ordinance was to be approved by November 21, 2013, but will have a six (6) month extension. Once the language is approved by DEP will then start the six (6) month extension.

Ray Vegso, 50 North Pine Street, would like to have the Monthly Breakdown handed out during the meeting. President deVitry responded that until they are approved they are not to be put out. Mr. Vegso may come into the office and fill out a Right-to-Know form and can receive a copy of it. He thanked Borough Council for the response of his letter dated July 16th even though he does not agree with the response he would like to have his letter along with Council's response to his letter be attached to the minutes. See attached letters.

Catherine Tucker, 258 Fairview Avenue, would like Council to take another look at making Fairview Avenue a two-way. In the previous council meeting Council stated that it was for safety reasons. She does not agree. Council has taken a look at this and Fairview Avenue is staying one-way. She asked that Council look at the Pennsylvania Rules for making streets one-way in the Borough. Council member Roberts agreed with Ms. Tucker that the street never should have been made a one-way. Ms. Tucker knows how Council member Rice feels about the one-way and Council member Roberts and she would like to know how other Council members feel about the one-way on Fairview Avenue.

Barb Kauffman, 30 Fairview Avenue, would like to thank Council member Rice for coming out and looking at the potential water issue on Fairview Avenue and hopefully it is resolved. She is concerned on the inconsistency on road projects throughout the Borough. (West Market Street, Essex Street, 200 Block Fairview Avenue, Walnut Street all had been paved giving assess to driveways). Council borrowed up to \$800,000.00 for the project and they are using \$650,000.00 for the project. Property owners should not bare the expense to restore the paved condition. She is asking Council to be fair to all residents. Council wanted to put down stone to have access in her driveway and she spoke to contractors and they told her that this would not be sufficient and the stones would slide down the driveway. What is done in one section of town should be done in other sections of town. The Borough employees should not be doing work on driveways because they are not qualified to do the work. She would like to have a change order put in place to have the driveways completed.

David deVitry stated that paving the driveways were not in the cost of the contract and the Borough has spent a lot of money reconstructing the street and the Borough has met their obligation in reconstructing the street. The engineering on the street was adequate.

Council member Roberts stated that this project is the only street project in the Borough that has been done without a grant. Several years ago we had a grant to do this project and the residents complained and they withdrew the project. With borrowing the money to do this project if anything else happens in the Borough that we would need money for, the Borough would be strapped. Roberts felt that if the residents on Fairview Avenue would have done the project when we had the grant money there would have been more flexibility.

Barb Kauffman countered that she felt that the project was too large of a project at the time and the street did not need to be as wide as they originally wanted it to be. She felt that they saved the Borough money by narrowing the street and also saving a lot more trees on home owner properties. By not getting the grant money does not justify the project not being completed properly.

Linda Ross, 67 Fairview Avenue, commented that she had been round and round the block, she has lots of paperwork on the project for Fairview Avenue reconstruction. The issue was that the Street had been on the National Register of Historic License or eligible for it. Therefore to get state or federal money there would have needed to have an environmental review done. It could have been done on the grant money but because an environmental review needed to be done the Borough then withdrew the plans.

Carl Jones, 619 West Market Street, called each council member a liar. The people on Fairview Avenue got a raw deal. When they did his street they tied in the driveways.

Ray Vegso, 50 North Pine Street, both the contractor and the Borough should be ashamed of what was done on Fairview Avenue, including not providing any temporary rails for access to their properties. Forget the past, what is the Borough going to do about the project. The Borough should get a mediator.

Council member Rice stated that the Borough has been helping people get access to their properties. If someone needs to go somewhere they had people on standby to give them the help they needed to get in and out of their property. Yes there was a problem but we tried to accommodate the people.

Traci Murgas, father lives at 101 Fairview Avenue, does not want Fairview Avenue to go down in history that it was the first street that the Borough put money into. Her father is 81 years old and on a limited budget. He cannot afford to put the sidewalks and driveway in. Traci and her sister will have to come in and help her father. Her father's yard was always gorgeous. She would like Borough to just take into consideration the peoples feeling and the community.

Council member Roberts asked Daryl Becker our engineer if any of the issues that we are having if they were foreseen. Mr. Becker stated that when the plan was developed it was to include the road, curb and everything to the middle of the road. From the curb back was not included and was the homeowners' responsibility. Someone stated that the contractor should be ashamed of the work that he done. This is not true the contractor did what the contract stated. He was not to do anything from the curb in because he was not getting paid to do that.

Council member Yohe asked Mr. Becker was Council and the residents in any meeting and told what their responsibilities would be? Mr. Becker stated that there was several meetings and the residents were told from the curb in was their responsibility.

Council member Roberts stated that usually when you put sidewalks in and curbs you are looking at a pretty even road, but on Fairview Avenue you had a lot of curves and hills. When putting in sidewalks it is the homeowners' responsibility, but that is saying that the area is pretty even and ready for the sidewalks to go in and he felt that on Fairview Avenue this was not the case.

Daryl Becker stated that when engineering a street he takes into consideration the utilities in the street, such as the water lines, gas lines, sewer lines. When he re-profiles the street he takes into consideration these utilities. Unless you want to go to the added expense of digging up the utilities and moving them, and the Borough did not want to do that. If you tried to get everyone's curbs to match the driveway's it is impossible and they did the best that they could.

Barb Kauffman stated to Mr. Becker that there was a lot of discussion from lack of input and accepted input but there was no discussion about access to driveways. With that said what are we going to do about the drop off to driveways? This still needs to be addressed. Restoration of driveways was not included because the property owners will be constructing sidewalks at the completion of the Boroughs projects. She was told sidewalks would be constructed but not that they would have to reconstruct their driveways. Who is responsible for the driveways? The driveways were done in other projects around town and they should be done on Fairview Avenue. Council needs to discuss at length and reconsider.

Council member Roberts stated that this will not go away and we need to look at this on a case by case basis to see what is required.

Sharon Renninger, 122 West Front Street, she is confused that she thought the design for Fairview Avenue came about because there was requirements that needed to be met because we were using Grant money. Now she is hearing that this was designed and paid for by the Borough Council. So the Borough has the say if sidewalks were actually required or not.

President deVitry stated that it was accessible living. The money was not paid by Borough Council it was paid for by tax payers from borrowed money.

Barb Wilson, 4 Bainbridge Street, stated that sidewalks are a regulation that was passed several years ago and it is a regulation. She wants to ask who was on Borough Council when the plan was initially presented. Who knew that these driveways would not be accessible? Her driveway dropped four (4) feet and they paved her driveway. The sidewalks are the homeowners' responsibility but the driveways have not been. The Borough needs to do what's right. It's time to start telling the truth, if we wouldn't have had law suite's brought on the Borough the Borough would have had more money.

Council member Rice stated that Barb was in charge of the project and she should have known about them. He stated that these same people got to her and she resigned. She stated that she resigned because she did not think it was right that we needed to borrow the money to do the project.

President deVitry stated that when Bridge Street was done the homeowners had to pay for the curbs. He knows that policies have changed over the years. Borough Council is enforcing the policies that are in place now.

Linda Ross, passed around pictures of properties from the Fairview Avenue project and that homeowners will still lose more trees to put sidewalks in. This is changing the dimensions of Fairview Avenue.

Council member Sargen commented on Ms. Tucker asking how other Council members felt about the one-way. A lot of thought was put into it and there was great debate over if we should make it one way or not. Council member Yohe stated that she was in favor for the one-way.

President deVitry announced we would take a 5 minute recess. Council reconvened and the public

comment session of Borough Council was closed.

ADMINISTRATIVE/PERSONNEL/FINANCE –President David deVitry

On a motion by Council member Roberts with a second from Council member Yohe, the General Fund Breakdown dated 09/10/13 was unanimously approved as presented.

President deVitry stated that Council needs to adopt an Ordinance which is in front of Council number 2013-02, authorizing Execution of an Agreement among Lancaster County, Columbia and Marietta Boroughs, and Conoy, East Donegal and West Hempfield Townships pertaining to the Northwest Lancaster County River Trail. On a motion by Council member Roberts with a second from Council member Rice the Ordinance was approved, President deVitry asked for a roll call vote since it is an Ordinance.

Bill Roberts – yea	Eric Kramer - yea
Jack Rice – yea	James Sargen - yea
Corinna Yohe – yea	David deVitry – yea

Ordinance is approved. We need to appoint two (2) representatives, one (1) from Council and one (1) non-elected municipal official. President deVitry asked to vote on two (2) representatives which he asked for Wayne Pearson be voted in and his self. Council member Rice turned in Bruce Gibson’s name. Corinna made an appointment to nominate Wayne Pearson and David deVitry. Council member Sargen seconded the motion and was unanimously approved by council.

STREETS & HIGHWAYS – Council member Jack Rice

Council member Rice stated that within the next two (2) weeks there will be a walk through and the contractors will be done completely. There was four (4) ADA handicap ramps put in and there are eight (8) handicap ramps to go. The depression on the blueprints calls for ADA handicap ramps. The Borough is going to pay for this and is going to put them in.

BUILDINGS & SPECIAL PROJECTS – Council member Eric Kramer

Nothing at this time.

PARKS & RECREATION – Council member Corinna Yohe

The Borough received a letter from Bill Eisenhower to use the lighted field and the legion field at Marietta War Memorial Park for fall ball from now till October 19, 2013. Council member Yohe asked for a motion and Council member Roberts made the motion and Council member Rice second the motion.

PLANNING/ZONING/HOUSING – Council member James Sargen

Nothing at this time.

PUBLIC HEALTH & SAFETY – Council member Corinna Yohe

Council member Nagel was not present so Council member Yohe stated that The Pioneer Fire Company responded to twenty-three (23) calls during the month of August and seven (7) calls for the Quick Response Service.

SEWER & TRASH – Council member Bill Roberts

On a motion by Council member Roberts with a second by Council member Rice, the August Sewer

Department Monthly Breakdown was unanimously approved as presented.

On a motion by Council member Roberts with a second by Council member Rice, the August Recycling Report was unanimously approved as presented.

MAYOR’S REPORT - Mayor Oliver Overlander

Mayor Overlander shared a letter from State Representative Hickernell congratulating Miriam Fletcher for her seventeen (17) years of service to the Marietta Borough.

Mayor Overlander did not have enough people to hold a Fire Police meeting last evening. With the few people that were there they went over up and coming events. Police report did not have anything out of the ordinary. Marietta Borough accepted the five (5) year contract with the police. The vote was 2-1 and as far as he knew Conoy Township was still on board.

Mayor Overlander didn’t know if there was some confusion from last meeting but seen some information that people felt that Council has not done what DEP wanted us to do on the Flood Project. At last meeting he stated that the Borough signed off on the project. This meaning that we signed the contract and that it is back in DEP’s hand. Contacted David Hickernell that we have not heard anything from DEP, and that former Council President Fletcher had written a letter on the flood project and Representative Hickernell had written a letter asking DEP to respond and hopefully we will get an answer from DEP to let us know their intent. The Borough approved the project. Borough has signed off and it is now in DEP’s hand.

There being no further business to come before Council, the meeting adjourned at 8:21 P.M. on a motion by Council member Roberts with a second by Council member Rice.

BOROUGH SEAL

Respectfully submitted,

Sharon L. Bradnick
Secretary/Treasurer