

**Marietta Borough Council
Minutes of Meeting held November 11, 2014
113 East Market Street, Marietta, PA**

Vice President Roberts with Council member Sargen, Foreman, 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 October 14, 2014 Council meeting were unanimously approved as presented.

Vice President Roberts opened the public comment session of Borough Council.

PUBLIC SESSION

Tracy Beam – 280 West Front Street – Came in front of Council to ask for relief on their sewer bill from their business while the business was not open. They would like it taken from 9 EDU's to 1 EDU. While they were not living here they had the water turned off and feel that the Borough could abate their fees during that period. They are not asking for the Borough to forgive them of their sewer bill but asking that the Borough work with them on a payment program. Also if they could get the sewer bill reduced from nine (9) EDU's to one (1) EDU. Asked that the Borough reflect their sewer bill as a single residential home and after the business is open then they will pay the 9 EDU's. If the Borough cannot do this, then they ask if the Borough could please work with them on a payment schedule so that they can get their business opened.

Vice-President Roberts stated that we are not in total control of this bill. A portion of it goes to the Sewer Authority. When the business was open several years ago the account was always in the arrears. Other municipalities have a water authority and sewer authority like in Mount Joy. So they charge water in, water out. Our disadvantage is that we have a private water company and we do not have access to those records. You can go back to one (1) EDU by having it rezoned as a resident, but then once you want to reopen as a business you have to go back through hoops to have it re-zoned as a business. We will have Council discuss it and he will check with the Sewer Authority.

Council member Renninger commented that while the business was open they had a contract for trash.

Mayor Vegso stated that during the period of time that you were gone the bills continued.

Tracy stated that while they were closed they had the water turned off. While they were in New Jersey she phoned Ronda and Ronda told her after six (6) months then she would not have to pay the sewer bill any longer. Their water was shut off in September 2012 and they continued to receive sewer bills and they had the water turned back on November 2013. They are not asking to not pay their bill, but they would like to get their business open as soon as they can. They would like to open before the Candlelight Tour.

Vice-President Roberts stated that he does not know all the dynamics why things can't be abated, but he will look into what those dynamics are and get back to them.

Mayor Vegso added that we want to be friendly to families and businesses. Other places want to attract businesses and to do that they say they don't have to pay taxes for ten (10) years. If the Council could have one or two persons work through this and do what is necessary then maybe something could be worked out.

Council member Overlander stated that they want to be open for the Candlelight Tour, are they going to open or is someone else leasing the building and going to open it.

Tracy stated that they are going to be opening it themselves, but they are working out the details on a lease right now.

Bridey Hannold – 552 East Market Street – A few months ago the ROBO call system was brought up at the budget meeting and it was brought up that we can't send the sewer bill with the ROBO call information. Looking at the sewer bill someone has to place a stamp on this bill. So what she feels is the most cost effective would be to place the sewer bill in an envelope with the information on the ROBO call system and mail it out. This would then only cost the Borough an additional .15 cents. She sees that Steve has on the Agenda about usage of fields and this also was brought up at the budget meeting and she would like us to keep in mind about charging for fields since they are community fields. At other fields in different communities the organizations that run the concession stands give a donation for the fields. So if you feel funny about setting a dollar amount then ask for a donation. She has heard different large projects that we may be working on and to make sure whoever brings the project out that they get estimates. We may also want to set money aside for education credits for seminars and that educating the Council would better serve the community.

Rich Waters – 130 Fairview Avenue - asked where the President is. If he resigned then this should have been brought up first thing before anything.

Vice President Roberts stated that we will be getting to that in the agenda.

Rae Ann Schatz – 24 Fairview Avenue – at the last Council meeting she was asking for reimbursement for transition of her driveway. Can anyone comment on that? Will we be putting anything in next year's budget for the transition of the driveway's? She did not get access, she did her access herself.

Vice-President Roberts stated that we cannot comment. As per our attorney we were responsible for giving each resident access.

Council member Renninger stated that she is in possession of five (5) or six (6) quotes from residents that had work done earlier in the year. With the transition in committee's she would encourage residents that are looking for reimbursement to bring their estimates into the Borough so that we know what we have to budget for.

Vice-President Roberts asked what it cost her to give her access. What would the Borough's portion be of her bill? The person that was in charge of this project is no longer on Council and may be able to answer why things were not in the contract.

Rae Ann stated that if Council would have taken the money that they saved on Fairview Avenue and used that for the driveways we would not be in this situation.

Vice-President Roberts stated that we did not save that money because the Borough needed to articulate a loss and the Borough could not show a loss. So the Borough did not save that \$18,000 dollars. The appeal is on the agenda for this evening.

Jack Rice – 624 West Market Street - Wanted to point out that the people who negotiated the contract on Fairview Avenue, none of them are sitting on Council. Everything was done by our controller. The contract was delivered to him and what was needed to be done to complete the project he did.

Dennis Traub – 4 Hazel Avenue - Wanted clarification when talking to Tracy Beam it was stated that six

(6) months after the water is shut off then the trash bill would cease.

Vice-President Roberts stated that the information she received from the office was that six (6) months after the water is shut off then the sewer bill would cease. But the water company and the sewer company does not speak with each other. Someone would need to notify us. He is going to clarify why the Borough does not abate these fees.

Ernest Lehman – 304 East Front Street – Back when he was on Council the Council determined that if the water was shut off for six (6) months then the sewer bill would cease.

Brandon Wright – Fire Company – Would like to thank Council for the use of streets for the Color Run. It was a great success.

Linda Ross – 67 Fairview Avenue – Wanted to clarify one more time that there was not a grant for the Fairview Avenue project because part of the street is on the National Register and when that happens there are requirements. It was Council who withdrew the grant process.

Barb Kauffman – 30 Fairview Avenue – To follow-up with Linda Ross there is a document that is on file in the Borough Office that states the Borough withdrew the grant application because the Borough did not submit the appropriate plan. She filed a Right-to-know to receive that document and if anyone would like to see that she would be willing to share that information. To many times things are being stated that is not true.

Lillian Hill – 462 East Front Street – Would like to ask the Council if they were angry about the task with East Walnut Street that Mayor Vegso brought up. She feels that Mayor Vegso was verbally abused over this and asking Council to apologize.

Vice-President Roberts stated that he disagrees with that. He turned this Borough into the District Attorney's Office for a criminal investigation on the handling of Evans Run it was not East Walnut Street that was damaged in hurricane situation. A criminal investigation that could have cost the Borough thousands and thousands of dollars in fines, if there was criminal conduct found. He never spoke to Council about it or state that we did this wrong; he went directly to the District Attorney's Office. This is not the way we conduct business. The project was done.

Council member Renninger stated that she would like to see this put to rest and move forward. There are members of Council that are working together and we are starting to make progress. As far as the actions that Mayor Vegso did was all started with the fact that there was information that should have come to each and every Council member that did not. This Council and members that were senior members of Council would have been more forthright and would have discussed this we would not have fallen into this situation. We are going to do whatever we need to do to make it better and move forward.

Vice-President Roberts announced public comment session of Borough Council was closed.

ADMINISTRATIVE/PERSONNEL/FINANCE –Vice-President Roberts

Before us is the General Fund Monthly Breakdown dated 10/14/2014 the total general fund accounts are \$754,572.19. A motion by Council member Sargen with a second from Council member Kramer, the General Fund Breakdown dated 10/14/2014 was approved as presented.

Vice-President Roberts stated the next agenda item is to accept the resignation of Jeffrey Lighty our

Road master as of October 30, 2014. A motion by Council member Renninger with a second from Council member Kramer the motion was unanimously approved.

Vice-President Roberts stated that we received the resignation from our President David deVitry. Hold the applause on his resignation. David put a lot of time into this job regardless if you agreed with him or not we don't need applause. The people that are clapping he doesn't see those people ever sitting on Council. A motion by Council member Sargen with deep regret accepts the resignation with a second by Council member Overlander the motion was unanimously approved.

Vice-President Roberts stated that we are now taking nominations for a new Council President. Council member Kramer nominated Council member Sargen with a second by Council member Overlander the motion was unanimously approved. Vice-President Roberts asked for a roll call vote.

Steve Foreman – aye
Sharon Renninger – aye

Eric Kramer – aye
Bill Roberts – aye

Oliver Overlander – aye

Vice-President Roberts stepped aside and President Sargen stepped in to run the meeting.

President Sargen stated that he would like to first say that he appreciates the confidence that this Council demonstrated and he hopes over time that everyone else has the confidence in him.

President Sargen stated that he would like to ask for a motion to go into an executive session. Council member Roberts made the motion with a second by Council member Overlander to discuss the pending litigation on Fairview Avenue. Motion was unanimously approved.

Council adjoined at 7:53 PM
Council re-adjoined at 8:15 PM

President Sargen brought the meeting back to order stating that during the executive session we discussed the appeal, who will be presenting us during the appeal and the vacant council seat.

President Sargen asked for a motion to continue using Hartman, Underhill & Brubaker as the attorney for the appeal, so moved by Council member Overlander and a second by Council member Roberts. Excuse his ignorance. President Sargen stated first we are going to make a motion to carry on with the appeal first, so moved by Council member Overlander with a second by Council member Kramer. Motion was approved with a nay from Council member Renninger. Motion carries.

Mayor Vegso stated that his preference would be not to appeal and the reasoning would be the cost to everyone and to have a greater sense of courtesy to the people on Fairview Avenue. He feels that the Borough should pay for the damage to the driveways and other damages to their property.

President Sargen went back to the motion to continue using Hartman, Underhill & Brubaker as the attorney for the appeal, so moved by Council member Overlander and a second by Council member Roberts. Motion was unanimously approved.

President Sargen stated that since we have a vacant Council seat we will be accepting letters of interest up to December 1st.

President Sargen stated that the update on the Personnel Policy was emailed to everyone. This is recommendations from our solicitor. Since everyone was unable to see the changes we will table this till

next month.

President Sargen stated that in regards to Northwest River Trail he will get caught up on this item and get back to everyone next month.

Council member Roberts stated that the Shucks Mill Bridge is now open and it is very nice, they are having an open house at the trailhead in Columbia.

Council member Renninger asked if we would be looking into replacing David's position on the trail committee.

President Sargen stated that he would look into that.

STREETS & HIGHWAYS – Council member Sharon Renninger

Council member Renninger stated that she and Jim Sargen have been working together on future projects on the Marietta Streets which encompasses also infrastructure. In 2009 a company came in and did a study on the Stormwater drains. Some have been fixed and we are looking at a project to replace the stormwater drains on South Gay Street from Market Street to Front Street. The estimated cost would be around \$80,000. And we are looking at applying for Grant money to start this project. We also are going to work on a projection for the next three (3) to five (5) years so that street by street our underground items are improved. The automatic red light on Route 441 and Market Street, East Donegal Township received approval and was awarded a Grant from the Automatic Red Light Fund and we have committed \$17,000 to them for our part of the cost. We are looking at numbers for getting East Hazel Avenue on the books and we are looking at ways to fund these projects. Her goal is to receive funds on the State and Federal level and Grant money out there and she would like to get more of that brought back into town and see some improvements.

Council member Renninger stated that the Candlelight Tour is coming up and they asked for some parking spaces for the buses and some no parking signs and property owners would be notified. Council member Overlander made the motion to have the Candlelight Tour with a second by Kramer the motion was unanimously approved.

President Sargen stated that at last month's meeting we stated that it is getting down to crunch time to have sidewalks put in on Fairview Avenue and if you came into the Borough Office with a signed contract by next spring we would work with you on this and we had not received any of those contracts. The deadline was not extended and that is still May 31th with a signed contract.

BUILDINGS & SPECIAL PROJECTS – Council member Eric Kramer

Nothing at this time

PARKS & RECREATION – Council member Steve Foreman

Council member Foreman stated he has a field usage contract that he received from East Donegal Township and he is possibly looking at charging fees for using the fields at War Memorial Park. The field gets a lot of use and he would like to start charging fees to help out the budget. He is looking at feedback on this and does not have anything at this time to make a motion on.

Council member Foreman stated that he has been working with Chris Heistand in using the T&T building for a teen center that could be used on a regular bases and possibly using it for a movie night and would

like to make a motion to take \$500 out of the budget to get the licensing for movie night to get things started and then moving forward the monies from concessions could pay for additional movies. This is to get the community into that building more. Council member Overlander seconded the motion. Motion was unanimously approved.

Council member Foreman stated that the Senior Housing reached out to him in regards to having a little free home library put on the tot lot for their usage. The Senior Housing managing company does not allow the library to be placed on their property. They are asking if the Borough would allow them to have the little library placed across the alley on the tot lot. This library would be in a child proof refrigerator. The Borough would not be responsible for it.

Council member Overlander asked on how we keep it from being vandalized.

Ernest Lehman commented that they have a few little libraries around town and the Senior Housing would like him and his wife to spearhead this for them. They realize that no one can prevent vandalizing from happening and the Borough would not be responsible for the library at all.

President Sargen asked that we take some time with this so that we can check things out with our Borough solicitor since it would be placed on Borough property. At this time this item will be tabled.

PLANNING/ZONING/HOUSING – Council member Oliver Overlander

Council member Overlander stated that after our last Council meeting the Planning Commission met and recommended that a Steering Committee be formed with five (5) people being appointed on that Committee. They would be Pat Shinkosky, Ken Gall, Eric Keiser, Sharon Renninger, and Oliver Overlander. All the meetings will be advertised. The first meeting will be November 24th at 7:00 PM and will be the kick off day for the Committee to meet. Council member Overlander made the motion to form this Committee with these people and a second by Council member Renninger, the motion was unanimously approved. The committee would be meeting with Environmental Planning and Design and the County and working very close with these people to oversee we get the up to date zoning that the Borough needs. All the meetings will be open to the public and they will be holding two (2) public meetings to get the public's input.

Council member Renninger stated that her understanding would be to look at Marietta, the potential revitalization. The Zoning Ordinances will be the outcome of this and will govern land usage, asset tax, and the districts if it is zoned residential, commercial, or industrial. Looking at those things and making them clearer.

Motion carries.

PUBLIC HEALTH & SAFETY – President James Sargen

President Sargen stated that The Pioneer Fire Company responded to thirteen (13) QRS calls and twenty-four (24) Fire Calls for the month of October.

President Sargen asked for a motion to put an extra handicap sign up for St. John's Episcopal Church and the Bethel AME Church. They each have one sign and are requesting a second sign to be placed at their locations with specific times. Council member Foreman made the motion to put the extra handicap sign up with the requested time and a second by Council member Roberts, the motion was unanimously approved.

President Sargen touched base on his bagged parking meter study that he did for two months. The study turned out exactly how he thought. When he spoke with business owners one thought it worked another one didn't think it worked and one didn't even realize that we did anything. At this time the bags have come off the meters and we are not doing anything at this time with the parking meters. There is no easy answer for everyone and there is no good answer for everyone and we will not be able to satisfy everyone. In the future we may look at issuing a hanger for delivery people which would exempt that delivery person from plugging the meter and we would provide each place of business with one hanger and if they lose them then they would have to pay to receive another one.

Council member Roberts asked if there was any off street parking for these folks. The meters are there to control the customer's cars, not the owner's cars.

Council member Renninger stated that having a hanger for the employees would be nice and it would be legitimate.

Mayor Vegso asked if someone could make a motion to proceed with the hangers for the businesses.

President Sargen stated that he would like to ask more questions before we proceed with that.

SEWER & TRASH – Council member Bill Roberts

The Marietta Sewer Department Savings Account at the end of September has a balance of \$89,647.41 and the checking account has a balance of \$993.40. The Marietta Sewer Department Savings Account at the end of October has a balance of \$138,077.85 and the checking account has a balance of \$687.43. On a motion by Council member Roberts with a second by Council member Kramer, the September and October Sewer Department Monthly Breakdown was unanimously approved as presented.

The Borough recycled 28,020 pounds of recyclables for October, and 720 pounds of yard waste. On a motion by Council member Roberts with a second by Council member Foreman, the October Recycling Report was unanimously approved as presented.

President Sargen stated we need to make a motion to hire a new highway person to replace Jeffrey Lighty, Council member Overlander made that motion with a second by Council member Kramer, motion carries.

Council member Roberts stated that we are looking to replace Mr. Haas on the Sewer Authority and if anyone would like to serve on the Sewer Authority Board should submit a letter of interest by December 1st.

MAYOR'S REPORT - Mayor Ray Vegso

Mayor Vegso stated that it is a new day and hopes we can make the most of it with professionalism and civility. Since today is Veterans Day he would like to thank all Veterans and their families and everyone should take action to help out the Veterans.

Mayor Vegso stated that the Fire Police had their trailer refurbished and would like to thank all the people involved in doing that which was Brandon Wright, Steve Bailey, and Paul Kline and others. It looks great. With the Fire Police being volunteers and getting volunteers to improve their equipment is great.

Mayor Vegso stated that in regards to the lawsuits he asked the solicitor a list of questions in regards to initiating lawsuits and he will not go through all the questions or the answers but he wanted people to

know that the Council must vote on any of those kinds of actions.

Mayor Vegso commented on the ROBO call system. He had additional questions from David deVitry and he had sent David and to the council members answers to the questions that he had asked and we need to move forward on this. We don't need any votes on this it was approved on August 12, 2014 and we just need to get this done.

As for the police report there is a copy in the box and the police department has the health insurance with Benecon and Benecon gives rebates. The question has come up with what to do with that money. To have it go to future premium costs, or come back to the Boroughs. The other Commissioners stated that we have other liabilities with police officers when they retire. They feel if we should put the money in an account that is committed for healthcare cost and not for buying cars with it. After looking at this he feels that this would be best to use the rebate money for this purpose. The alternative would be when these increases occur then they would have to come back to each Borough to get more money.

He had previously spoke about the fire hydrant rental fee that Columbia Water charges and the loans would be paid off this year and that we should not jump the gun on this because they feel we may not get a reduced rate.

There being no further business to come before Council, the meeting adjourned at 9:12 P.M. on a motion by Council member Roberts with a second by Council member Kramer.

BOROUGH SEAL

Respectfully submitted,

Sharon L. Bradnick
Secretary/Treasurer