

Marietta Borough Council
Minutes of Meeting held June 14, 2016
113 East Market Street, Marietta, PA

President Hannold with Council members Snow, Kulman, Nagle, Renninger, Mazis, and Mayor Vegso present called the regularly scheduled monthly meeting of the Marietta Borough Council to order at 7:00 PM. Council member Foreman was absent from the meeting. The meeting opened with a moment of silence followed by the pledge of allegiance.

PUBLIC HEARING

President Hannold opened the public hearing for the East Waterford Avenue/East Prospect Avenue Improvements. This public hearing is for Council to apply for a CDBG Grant. Every time you apply for a CDBG Grant you need to have a public hearing to hear the public's feedback and to inform the public.

Darrell Becker, Engineer presented a plan that was sketched by RGS Associates that includes improvements on the Old Town Hall and the Union Meeting House. Marietta Borough's portion is for improvements for Waterford Avenue and East Prospect Avenue from Evans Run to North Waterford Avenue and Strawberry Alley from East Prospect to North Waterford and North Waterford from the Y at New Haven Street to Evans Run Bridge on North Waterford. This improvement would be from curb to curb and placing curbing on the Union Meeting House side of the roadway. The total cost would be \$117,564.50 but if the Borough would like to include the alternate items the total cost with the alternate items would be \$303,399.50.

President Hannold stated that the price is a little different then last month due to that MRA would like to do the sidewalks which would free up funds for additional paving on the Borough's part.

Council and the Mayor spoke in depth of the construction cost, options on having brick on what they are calling the plaza area so this area is show cased and the possibilities of opening the bridge that is going over Evans Run.

Justin Eby – Lancaster County Housing & Redevelopment Authority (LCHRA) – stated as soon as Council approves then Council submits their application, then the full specks and plans would be done and then the bidding process would take place.

Phyllis Stellfox – 270 W. Front Street – This is a little hard to follow without a drawing. The parking area that is being referred to: Is that the parking behind the post office or is this a new parking lot? So this would be a demolishing and a new parking lot. Who would own the parking area?

President Hannold stated that the property at 1 Strawberry Avenue was purchased by MRA and they would own the parking lot.

Oliver Overlander – 450 East Front Street – stated that for people that are not familiar with the property that it is the old Jim Malar property.

Mayor Vegso asked what the cost is for the demolishing, and when will this occur and are they getting any grants for this?

President Hannold stated that this would not be handled by the Borough and he would have to go to MRA for information on this.

President Hannold closed the Public Hearing and opened the public comment session.

PUBLIC SESSION

Justin Eby – Lancaster County Housing & Redevelopment Authority (LCHRA) – Justin stated that they came before Council to speak about “A Land Bank” and the possibility of creating a trailhead facility. Justin introduced Matthew Sternberg with LCHRA.

Matthew Sternberg - They came before Council to speak about the trailhead facility for the property that they purchased at South Bridge Street. They discussed over three (3) years ago on how they could use property along the railroad tracks to help support the river trail and bring people into Marietta to solicit the Marietta Borough businesses. It will not be a large facility and he would like the Borough to create a working group that can help them decide what this facility can be and what we need to serve the community.

President Hannold stated that she will have Council take the next month to get all their questions together and let her know who is interested in being involved in the work group.

Phyllis Stellfox – 270 W. Front Street – commented that it is nice to see LCHRA reuniting with Marietta Borough and reaching out to this Council. She sees things in the paper with plans for Front Street but no one reaches out and asks the neighbors. Her first reaction to his trail facility is a restroom but then he said that they want to make sure it is well maintained and she says “absolutely”. This is a project that needs to be thought out. The previous Council had purchased a property for trailhead amenities on West Hazel Avenue and was this property considered for a trail head facility?

Matthew Sternberg stated his concern is that the lot on West Hazel Avenue is too far down and won't allow people from the trail to make their way into Marietta.

Rich Kushner – 573 Essex Street – was concerned with parking in Marietta and the Decatur Street trailhead seems to be inundated with people parking there. Would like to see LCHRA acquire the old train depot and use the property that they purchased for a parking lot. Delighted that LCHRA are involved.

Matthew Sternberg spoke about the Land Bank. They can acquire property listed for judicial tax sale through direct purchase. The municipality would have to become a member of the Land Bank. They cannot get involved unless the municipality invites them. They do not have the power of eminent domain. The municipality does not have to join, but Sternberg stated that they would be delighted if Marietta was one of the first boroughs to decide to join. They are holding a meeting Wednesday, June 22, 2016 at the LCHRA facility in regards to the Land Bank.

Linda Ross – Planning Commission – asked what a blight property is and who determines that it is blight.

Matthew Sternberg responded that the Redevelopment Authority determines if it is blight and then the LCPC certifies that it is blight. A lot of this process is still in the works.

Brenda Wilson – PRINT – Brenda gave a presentation on printing a map and having the businesses advertise on the map and participate as a sponsor. It would be free to the borough. The municipality can place any other information in the brochure/map. The information is typically about local governmental and civil policies and resources. The brochure is for residents use and is only sent out to the residents of the borough with a few leftovers. It is not intended to be a tourism piece.

Bill Laudien, consultant asked what the time frame is for producing the product. Example if one or two sign up and there are no others, do those one or two get their money back? What is the turnaround for those to get their money back?

Brenda stated that it is a six month process. She will craft something before next council meeting.

Mike Fitzgibbons – Susquehanna Valley EMS – discussed a letter that was sent to them by the Safety Committee to clarify a few things in reference to Class 1 responses. Class 1 being life threatening calls

and they have no control on who gets dispatched. The control center dispatches the closest ambulance at that time. He did a response time study and there is not a big difference in response times with NW EMS. He is working with Mr. Kingsboro with NW EMS to make sure they provide the best possible service to the borough.

Carl Jones – 619 West Market Street – received a letter from the Mayor from back in February on the water problem on Essex Street and Decatur Street and was wondering when they are putting in the rolled curb? Also there is a sinkhole on Market Street. Are we aware of it? Also he feels that we don't have enough police force in the borough. He called 911 and they didn't show up.

President Hannold stated that it is on the schedule for the rolled curb. The mayor can address the police force with the commission at his next meeting.

Mark Davis – 336 East Market Street – Susquehanna is about three (3) minutes longer and the fire company had requested NW EMS.

Public comment session was closed.

The minutes of the May 10, 2016 meeting were presented. Council member Nagle made the motion with a second by Council member Snow to approve meeting minutes. Council member Renninger pointed out some corrections that needed addressed. Minutes were approved pending those corrections on page 3 and 4 changing president to council member.

Mayor Vegso would like the minutes to reflect when it says there was a four to two vote motion passes, he would like the minutes to reflect who voted nay and yea.

TREASURY REPORT/SECRETARY'S REPORT – Sharon Bradnick

Sharon Bradnick – Treasurer Reports - before us is the General Fund Monthly Breakdown dated 6/14/2016. The total general fund accounts are \$979,678.11. Council member Mazis approved the report with a second by Council member Snow. Motion carries.

Sharon Bradnick – Secretary's Report – stated that we had our audit for the Liquid Fuels Account for 2014 and 2015 and everything was in order. The PA Department of Conservation Natural Resources (DCNR) awarded the amendment to the grant for the NWRT and the signed documents should be coming through in 4 to 6 weeks. Flagstream contacted me in regards to upgrading Ronda and myself's computer to Windows 10 and it would be approximately 2 hours of work. Darrell is running the ad on Monday and placing the bid on Pennbid for the bidding of Basin D of the sewer. We look to open the bids July 6th so we can award this at our July meeting.

MAYOR'S REPORT - Mayor Ray Vegso

Mayor Vegso asked the officer that was on duty to introduce himself to the audience. The officer was Officer Bergman.

The Mayor read a proclamation to honor Kyle States for extinguishing a fire at 36 West Market Street and preventing any further damage to the neighboring buildings.

The Mayor let everyone know that there is a free paint program and to call him if anyone is interested in the program.

The Mayor did not perform any weddings in 2016 but has one scheduled in October.

The Mayor gave some brief remarks at the Memorial Day program at the cemetery.

The Mayor swore in Bill Perkins to the fire police.

The Mayor attended several meetings throughout the community. When he was at the MABA meeting they brain stormed on bringing trail users into the borough. He attended the PSAB Conference that was held in Hershey. He has literature and will hand that out to the appropriate people.

The Mayor stated that there was a violation of Robert's Rules of Order and that someone withdrew their motion and technically he could not do that. Once a motion is made and a second is made and the chair states the motion and at that time you cannot withdrawal the motion it is now the property of the council. This was an error and also the chairperson declared that it was tabled and you cannot table something without a motion by council.

Harold Kulman gave the police report and the main topic was the traffic on East Front Street and they had some officer's set on that area to monitor speed. There was three separate speed machines placed in that area. They had an executive session which concerns a personnel issue and a medical issue. The minutes were placed in the box.

REPORTS

Steve Bailey – EMA – There was no EMA to report due to no disasters in Marietta. Fire police report for May they had thirteen (13) responses with the fire company. Thirty-six (36) officers, forty-six and a half (46.5) man hours, they responded to four (4) vehicle accidents, 10 officers, thirteen and a half (13.5) man hours and they went to thirteen (13) meetings, training, public service with forty-one (41) officers and a total of one-hundred, thirty man hours. They had eight (8) officers that were recertified in the Haz-Mat Awareness class. The fire police are looking into purchasing an old used ambulance to transport their equipment to emergency scenes. They are looking for donations to purchase this piece of equipment.

Paul Hoffman– Pioneer Fire Company – For the month of May they ran twenty-four (24) fire calls and fourteen (14) QRS calls. They had a total of two-hundred, twenty-one and sixty-two (221.62) hours on fire calls and one-thousand, four-hundred, eighty-six and sixty-two (1,486.62) training hours.

Marietta Sewer Department Savings Account at the end of May has a balance of \$124,046.78 and the Checking account has a balance of \$104,426.52. The Borough recycled 25,100 pounds of recyclables for May. On a motion by Council member Renninger with a second by Council member Kulman, the reports were unanimously approved. Motion carries.

ANNOUNCEMENTS

President Hannold gave a few announcements; the Susquehanna Stage will be cleaning up Marietta trail on Sunday, June 26th from 1:00-5:00 PM and this is a way to give back to the community. They will have 15-20 volunteers to help.

ADMINISTRATIVE/PERSONNEL/FINANCE – President Bridey Hannold

President Hannold stated due to the restructuring of committees the new dates will be the third Thursday of each month and they will be discussing the personnel policy. They will also be addressing properties in the borough that are not on the rental roll. Our policy does state that if it is not owner occupied then it is classified as a rental unit and would need inspected and placed on the rental roll.

President Hannold stated that we reached out to our solicitor to have charges reversed on drafting an ordinance and the research work that was done without council knowledge on restructuring the Borough's loan from the bank, and the work was done by another solicitor in the firm. Our solicitor has reached out said he concurred that the Borough should not be charged for these actions when the Council did not approve a new ordinance and the charges will be credited back to the borough.

However, he added that once the Council President knew that the ordinance was being drawn up and the matter was being researched, it is assumed the rest of the Council knew about the matter, and charges after this will have to be reviewed. President Hannold reminded council and the Mayor that the preparation of an ordinance requires approval by council. Mr. Davis is committed to working with the borough on this, and has placed internal controls in his office. A letter has been prepared to the present to the mayor addressing his powers and duties and will be addressed later in the meeting.

HOUSING/ZONING/ENVIRONMENTAL – Council member Glen Mazis

Council member Mazis stated that they discussed instituting a Property Maintenance Code, the idea of a Heritage Plan and addressing the complaints over the little free libraries throughout town. He handed out an example of a policy about the little free libraries that we could enact in the borough for everyone to review for next meeting. His meetings will be the third Tuesday of each month at 5:45 pm.

PUBLIC HEALTH & SAFETY – Council member Harold Kulman

Council member Kulman spoke about the ROBO call procedure and looked into the burning ordinance and false alarm ordinance, this will be addressed later in the agenda. The minutes for the safety committee are available in the office.

PUBLIC OUTREACH – Council member Leah Nagle

Council member Nagle's meeting will be the second Thursday of each month at 8:00 AM. She is working on the next newsletter. She is working on a movie night for July 29th and she would like to get sponsors and possibly looking into purchasing equipment for showing movies.

Council member Kulman offered to look into having the movie at his church. He will look into this and get back to her.

PUBLIC WORKS – Council member Marcus Snow

Council member Snow stated that the public works meetings will be the third Wednesday of each month at 7:30 pm.

OLD BUSINESS

President Hannold stated that since the restructuring of the committees we used to have a fire committee which they realized was not a standing committee of council and this committee was dissolved. The flood committee will be still standing and serving on that committee will be Marcus Snow, Bridey Hannold and the Mayor. The Northwest River Trail we need a vote to have Marcus Snow on this committee. The motion was made by Council member Kulman to appointment Council member Snow to the NWRT with a second by Council member Mazis. Motion carries.

Council member Renninger gave an update on the mini-grant workgroup. Their focus is to outline the expectations of the study and information that the consultant will gather. This is a data collection study in preparation for the Marietta Market Place readiness. The study will take approximately a year. This will help the community to benefit economically, environmentally and culturally from the development of the River trail. Currently the group that met was Linda Ross, Tracy Beam-Farr, Leah Nagle, Ray Vegso, Bev Kreider, Michael Wann, and Judith Kennedy.

President Hannold asked for a motion to adopt the Resolution 10-16 to apply for the CDBG Grant. Council member Snow made the motion to adopt the Resolution 10-16 to apply for the CDBG Grant for improvements to Waterford Avenue in the amount of \$120,000 with a second by Council member Mazis. Council member Nagle made a motion to amend the motion to \$140,000. Council member Mazis

seconded the amendment to the motion. Motion carries.

Council member Snow made a motion to advertise the ordinance to adopt the official street map in accordance with Borough Code and the PA Municipalities Planning Code. It was seconded by Council member Nagle. Motion carries.

Council member Mazis made motion to have a 5 minute recess, seconded by Council member Renninger. Motion carries.

Council adjourned at 10:00 pm
Council re-adjourned at 10:10 pm

NEW BUSINESS

Council member Renninger made a motion to forward the False Alarm Ordinance and the Burning Ordinance to our solicitor to prepare a draft for us to review with a second by Council member Kulman. Motion carries.

Council member Nagle made a motion to allow Donegal Midget Football to use War Memorial park from August 8 to October 27 with a second by Council member Snow. Motion carries.

Sharon Bradnick, Secretary/Treasurer stated she sent out to everyone twice from the LCPC in regards to a meeting they are holding to have 1 Strawberry Avenue deemed a blight property. They sent out their recommendation and that Council agrees with their recommendation or denies their recommendation or agrees with changes. Council member Snow made the motion to adopt the LCPC plans as submitted with a second by Council member Mazis. Motion carries.

President Hannold stated that in your packets is a plan from Lancaster County Department of Parks and Recreation and they would like to change their land into a meadow. This land is on Furnace Road. It is considered open space. Everyone please read through the plan and bring questions back to Council. There was a discussion amongst council in regards to the meadow.

A member from the audience spoke in regards to the meadow. She was for the meadow and felt that it fit in.

President Hannold stated that in regards to the codification of the ordinances we can pick up and continue. We will need to send them all our ordinances from the end of 2009 to present. They will come back with a change order. Everyone has a copy of the editorial analysis that needs to be sent back to them. So everyone needs to look over the editorial analysis and check off the boxes and she will schedule a meeting to go over this.

President Hannold read a letter to the Mayor that the Administrative Committee would like to send out on behalf of Council.

Mayor Vegso demanded to speak. This letter has no signatures; he made no demands from anyone. But case law states that he can contact the solicitor anytime he wants or any Council person. Why is the letter not addressed to Council members and staff? He is very familiar with the powers of the mayor from the state code. The letter references that he does not have the right to directly contact and make demands of our professional support staff, not limited to, the budget, loans, grants, street projects, retirement accounts, and pension plans. He does not accept this laundry list to constrict this mayor or any future mayor. You state that I make a recommendation to Council and they will act on your request. Mayor is not authorized to negotiate agreements; he did arrange a standard agreement with Brenda Wilson with PRINTS which was later approved by Council. If the mayor and the Council have a conflict the mayor is authorized by statute to hire his own lawyer and the borough has to pay up to \$4000 so he

can spend up to \$4000. He is disappointed that someone enunciated this unnecessary letter. He has communicated several times that we need to be professional, civil and focused on the needs of the community. He knows that he can do fact finding, research and that formal action requires a vote by Council. He hopes Council members avoid any further division. Remember why we were elected and no one has spoken to him about this. He does not hold grudges and he starts each day fresh, now let's move on. There was a second note that was written in regards to calling the engineer. He spoke in detail about the events with the Shimko property.

Council member Mazis spoke on behalf of the administrative committee. A report was filed and asked that they look into things, and a letter is going to be proposed to the Council. Glen stated that Administrative Committee tried very hard to take care of the matter with the least blaming of individuals and to be as collegial as possible. It was brought to the Administrative Committee's attention from a citizen in a right to know document and there was black and white evidence of improper actions that they could not ignore. There were emails that stated that an ordinance was written and the Council was not aware of this. He phoned the PA State Association of Boroughs and they said that the Mayor had no authority to do this. They could have asked for legal advice and some people in this town have gone to the District Attorney's office in similar situations, but they decided instead to resolve the problem by asking for the money back and handling this in the quietest way possible. The document written by the committee is a very constructive document looking to future working together. It was not personal or political, it was just constructive. The administrative committee tried to look into this and address it in the least personal recriminatory way and to move forward.

Council member Kulman felt that this was handled wrong it should have been addressed in private and that everyone should be ashamed of themselves.

Council member Nagle felt that the nature of this cannot be done in private and it is awkward but it needs to be addressed. The Mayor's actions are not a personnel issue, which is the purpose of executive session, since he is an elected official.

Council member Snow felt that it should be done in public as an elected official and the letter should be voted on to send the letter or not.

President Hannold commented that concerns were given to the administrative committee and a lot of thought was put into the restructuring of the committees so that we are all on the same page. Maybe in that process we left out the mayor. We are all starting with this new structure in place. They agreed to not contact the solicitor and to funnel things through the office and the reason is the solicitor deals with things pertaining to the Borough and a copy must be maintained in the office. It is not abnormal for internal controls to be placed.

Mayor Vegso stated that no individual spoke to him about this and he does not know what emails they read. This has gone on for a long time and he was just fact gathering. He's all for not going to the solicitor for unimportant matters,

Bill Laudien – Consultant – He wanted to point out two things. It is inaccurate for the mayor to say no one approached him when indeed he had a lengthy conversation with him on behalf of the administrative committee and went over the letter with him. Secondly, this was not a lynching; it was a great effort by administrative committee to do the opposite. The committee determined that on a number of occurrences the major has overstepped his authority. This is to clarify that the roles and responsibilities of staff and council over the last two months clarify what their expectations are of him moving forward.

Council member Renninger felt that no action was taken on any part. From day one it was erroneously stated that it was a debt restructure and it wasn't. It was an offer from the bank to reset the interest rate a year ahead of the proposed contracted deadline. A lot of this would have been talked about at council meetings when it was brought out if Sharon Bradnick would not have made a federal case about

it. Mr. Kulman was out of town for six weeks and Marcus Snow was out of town and could not make a finance committee meeting and was unavailable. This was all blown out of proportion.

Council member Mazis made the motion to send the letter to the mayor with a second by Council member Nagle. A roll call vote was asked for.

Glenn Mazis – aye
Leah Nagle – aye

Harold Kulman – nay
Sharon Renninger – nay

Marcus Snow – nay
Bridey Hannold – aye

Since the vote was tied, the Mayor voted to break the tie. Mayor Vegso – nay.

Motion denied.

President Hannold stated that this letter was originally drafted to be sent by the head of Council and she was hesitant to do so, but she will change the letter and send it out by her as president.

PUBLIC COMMENT SESSION

James Sargen – 644 East Market Street – He explained the 2/10th marker for the ambulance service. The 2/10th marker is from Rt. 441 to Bank Street. Northwest EMS strictly runs Class 2 from Bank Street up. This is important because Susquehanna does not back up its units when they are called off their staged location. The Northwest 85% of the time when they are dispatched out they have a backup unit to fill that void in that station. He has a lot of discussions with both of these organizations. Also he applauds the courage of the individuals that want to send the Mayor the letter. Sargen said that when he was on the council that the Mayor was advised multiple times for his repeated and official overstepping of his bounds. Thank you for documenting this.

Mayor Vegso stated that when he follows through that he tries to get the facts and information. One of the earlier ones was with David DeVity; he did a plant tour with GSK and he let David know that we have water problems with the neighbors. He asked them to send him a letter and he did and nothing became of it. David thought this was overstepping his bounds. I hope that everyone is aggressive and bring things to Council.

There being no further business to come before Council, the meeting adjourned at 11:10 PM on a motion by Council member Snow with a second by Council member Kulman.

BOROUGH SEAL

Respectfully submitted,

Sharon L. Bradnick
Secretary/Treasurer