

Marietta Borough Council
Minutes of Meeting held August 14, 2018
113 East Market Street, Marietta, PA

President Mazis with Council members Shambaugh, McKinney, Dalzell, Angelo, Marsh, Mayor Kulman and Solicitor Harter 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 States. The meeting opened with a moment of silence followed by the pledge of allegiance.

PUBLIC HEARING

Council member Dalzell presented the Ordinance 2018-04 which is making changes to the Zoning Map expanding the Market Central Zoning District.

Lydia Sadauskas – 121 East Market Street – She thanked council for serving the Borough. She enjoys walking the streets of Marietta and enjoys the historic charm that this town has to offer. This is what prompted them to purchase their home. She was angry at the thought that the home she purchased in a residential area might now become a part of a commercial business area. She went through several points that the Borough has plenty of opportunity to develop the current commercial business area without having to expand.

Karen – 273 Franklin Road – representing Peter Alecxih that owns 14 East Market Street – Peter would like to know why this was even brought up. Are there any new businesses that have shown any interest to move into this area?

Council member Dalzell stated that Planning Commission wanted to incorporate this area because it is the entry way into town.

Rita Hovemyr – 246 West Walnut Street – was there any studies done on what advantages financially that rezoning this area would bring to the Borough. Did they do any studies on real estate value? Where will the excess parking go?

Mary Lou Ellsworth – 50 N. Pine Street – Entering town she feels if you just move the map change by one block towards New Haven Street instead of Strawberry Avenue.

Linda Ross – Fairview Avenue – Planning Commission spoke about making the change because of the nature of buildings like the Borough Hall and the garage across the street.

Mike Emig – 101 Essex Street – How many businesses are in this area that you want to make the change?

Charles Shireman – 345 East Market Street – It is taking away from the neighbor's home that has a resident as a home to have a business next door. This is not fair to them.

Tom Goldsborough – 544 East Market Street – Why do we need to change anything. Every time a new council gets on they want to make changes. What is this costing the Borough residents? Just leave it the way it is.

Wayne Angelo – 700 East Market Street – What was the impedances to do this?

Council member Dalzell stated that they looked at this as revitalizing the central part of town and is part of a long range plan.

Rob Shambaugh – 121 East Market Street – There is people in this block that are talking about selling. What about the value of his home and all the work that he has put into his home. It would be different if we had a bunch of empty buildings in this area, but we don't.

Steve Shireman – 218 West Walnut Street – why are we inviting new business and can't manage what we have. We have a junkyard down the street and council has no enforcement over it.

Bev Kreider – 103 West Walnut Street – what will we lose if we don't pass this?

Council member Dalzell stated that you would lose the potential of the non-residential buildings in this area to be developed in Market Central.

Charles Shireman – 345 East Market Street – described the different businesses that used to be in the area. However, that was the past and it is beautiful the way it is so leave it alone.

Linda Ross – Fairview Avenue – we should leave this alone and bring it back to the Planning Commission next week. They were looking at this are being the gateway into town and not taking some of these things into consideration. What council needs is to have a five year comprehensive plan.

Wilkinson – 101 East Hazel – there is no parking now. I don't see how you can put anything else in this area and have enough parking for residents.

Mayor Kulman agreed that we have a nice area downtown and we need to look at getting it up and running. I have a garage beside me and if anything I am against this because he don't want to see a motorcycle shop in this location or anything else.

Our solicitor Brandon Harter asked that Sharon verify that this hearing was advertised in the newspaper and the residents that were affected were notified. Sharon confirmed that it was advertised and the area was posted along with sending letters out to the residents. This hearing ended at 7:39 PM.

PUBLIC COMMENT

Steve Shireman – 218 West Walnut Street – is there going to be any conversation on the fire company money this evening. He is speaking about the \$20,000 advance that was spoken about. He is trying to understand this whole thing. He went through his understanding of the conversations. He feels the purpose of the MOU is to preserve the fire companies' existence.

President Mazis stated that they are going to have a meeting with them on the budgeting process in September. They did have a meeting about this. We had a special meeting earlier this month and gotten a lot of misunderstandings worked out. When we get to the safety meeting they can go over this a little more.

President Mazis closed public comment at 7:46 PM

President Mazis opened the regular scheduled meeting.

MINUTES FOR APPROVAL

President Mazis asked for a motion to approve the July council meeting minutes. Council

member Angelo made a motion to approve the July council minutes with a second by Council member Dalzell. Motion carries unanimously by voice vote.

ANNOUNCEMENTS

President Mazis stated that the ribbon cutting and plaque dedication is rescheduled for Friday, October 5, 2018 at 12:00 noon and the rain date will be Monday, October 8, 2018 at 12:00 noon.

There will be a Rivershore cleanup on Saturday October 6th. There will be a meeting on Thursday about this.

There are new recycling guidelines and the new guidelines are in the back and the office to pick up. There are a lot of restrictions and it is beyond our control because it is a national issue stemming from China's retaliation to tariffs to cut back on what they will recycle.

Responses to last month's concerns included the issue on East Market Street and the Borough is waiting to see if they are taking a hearing and the deadline is August 24th.

REPORTS

Fire Police/EMA – Steve Bailey – For July they ran twenty-three (23) calls, fifty-four (54) officers for a total of one-hundred, forty-three (143) hours on duty. The EMA report has been really busy and we have experienced record rainfall this year. He has been closely monitoring the river and creek conditions. He had a meeting with the emergency contacts and put a plan into place in case that it was required. Angie Shearer prepared press releases and social media ready to alert the public if it was required. On July 27th the river crested at 52.2 feet, 3.2 feet above flood stage but .5 from where we see water on Front Street. He will continue to monitor the river throughout this rainy season and the start of the hurricane season. The biggest problem that he found was the people violating the area closed signs and there will be fines of \$250.00 for those who don't heed the restrictions. He has never had a fatality and he does not want to start.

Pioneer Fire Company – Brandon Smith – For July they ran thirty-two (32) fire calls and nineteen (19) QRS calls for a total of fifty-five (55) calls. They had four-hundred, twenty-one (421) hours on calls and training.

Pioneer Fire Company Financial Statement – Robert Shambaugh – Report dated July 23, 2018. The fire company had a balance of \$19,608.37.

Sewer –Freddy States – Freddy was absent from the meeting and Sharon Bradnick gave the Report dated July 2018. The sewer fund has a savings account balance of \$239,938.30 and a checking account balance of \$7,853.62. Council member Dalzell motioned to accept the report as presented with a second by Council member McKinney. Motion carries unanimously by voice vote.

Recycling –Freddy States – Reported that the Borough recycled 25,260 lbs. during July 2018. Council member Angelo motioned to accept the report as presented with a second by Council member McKinney. Motion carries unanimously by voice vote.

Treasurer – Sharon Bradnick - The General Fund Monthly Breakdown dated August 14, 2018. The total general fund accounts are \$1,011,212.15. Council member Shambaugh motioned to approve the report as presented with a second by Council member McKinney. Motion carries unanimously by voice vote.

Secretary – Sharon Bradnick – Everyone received their profit and loss statements for the month of July. At the end of July, we show that we have -\$69,466.05 to the negative. January through July we show income of \$242,993.27.

Sharon stated that LSWMA asked that council make a motion because of the change in the recycling to make a change order to the contract with Cauler for the tipping fee so that Cauler Container does not eat the cost. We will need to contact Cauler to do a change order.

Council member Angelo stated that it is not Cauler's fault and it is not our fault and we should not have to eat the total cost. We need to be reasonable with them or they won't be reasonable with us. We need to do this on good terms. This is just the cost of doing business. Has the hauler asked for a change order? Cauler didn't know anything about it.

Council member Angelo made a motion to submit a change order to split the cost at no more than \$1,500.00 in consideration of the increase cost with a second by council member Dalzell. Motion carries unanimously by voice vote.

Sharon stated that each of the council members received a letter from Steve Foreman asking for reimbursement for taking a tree down to put his sidewalk in. Council stated that this would set a precedent and they are not willing to allow this. Council denied the reimbursement.

Mayor's Report - Harold Kulman – Mayor Kulman stated that he has attended twelve different meetings this month. He was at a three day mayor's conference in Lancaster. The police commission had a meeting and they discussed hiring more officers because they have a lot of overtime. He went to the MRA meeting and it was very nice. He went to the Susquehanna Stage Company meeting and they had a terrific gentleman that lead the meeting and they reorganized the whole group and the committee and they have done a wonderful job. He went to the MABA meeting in regards to the signs that they are putting on the trail. The signs are very neat. The police minutes are in the box in the back.

STANDING COMMITTEE REPORTS

Administrative – President Mazis

President Mazis stated they have made more process with the introductory part of the personnel policy that had been missing from the previous policy. We discussed that we interviewed someone for the zoning officer position last year and we ended up with someone else. The process was faulty and needs to be rectified. Council is requested to go into an executive session to discuss a personnel issue.

EXECUTIVE SESSION

Executive session adjourned at 8:27 PM

Council reconvened from the executive session at 8:44 PM

President Mazis brought the meeting back to order and stated the outcome from the executive session is to direct the administration committee to draw up a job description and a salary range for the borough zoning officer.

Planning/Zoning/Environmental – Bill Dalzell

Council member Dalzell stated a majority of the discussion was taken up by the septic system ordinance and writing a draft. We need to make sure that these are regularly inspected for safety reasons. They also looked at a park dedication fee and this is already accounted for in our SALDO. Lastly the committee revisited the patio/deck ordinance.

Solicitor Harter reiterated that some of the comments on parking that he would advise everyone comparing this to the existing codes that last month some of the parking requirements was changed. Also we are free to change the zoning map at any point and time and any zoning map changes are a slower requirement due to the extra publication requirements in the newspaper and also sending letters out to everyone that this change would affect and posting the area of the change.

Council member Dalzell made a motion to adopt Ordinance 2018-04 amending the zoning map change with a second by President Mazis. President Mazis stated that hearing the public concerns he has changed his mind and is going to vote against it.

Council member Angelo requested a roll call vote:

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|----------------|-------------|-----------------|
| McKinney – nay | Marsh – nay | Angelo – nay |
| Dalzell – nay | Mazis – nay | Shambaugh – nay |

Motion is defeated.

Council member Dalzell stated that going back to 502.Q that we have listed the definitions of outdoor recreational facilities and examples that would be allowed. Council member Dalzell made a motion to advertise the Patio and Outdoor Recreational Facilities ordinance with a second by Council member Shambaugh. Motion carries unanimously by voice vote.

Public Outreach – Louis McKinney

Council member McKinney stated that his committee discussed communication and how to reach out to the residents and what is on their mind and how we can better the community. Please let me know what's on your mind.

Council member McKinney presented the Marietta Borough Garden Tour special event for September 9th, the paperwork is in order and he made a motion to accept their special event application with a second by Council member Dalzell. Motion carries unanimously by voice vote.

Council member McKinney presented the Annual Tree Lighting event for November 24th, all paperwork is in order and he made a motion to accept this special event with a second by Council member Angelo. Motion carries unanimously by voice vote.

Council member McKinney presented the Annual Candlelight Tour for December 2nd from 10:00 AM to 7:00 PM, all paperwork is in order and he made a motion to accept this special event with a second by Council member Dalzell. Motion carries unanimously by voice vote.

President Mazis stated that he is doing things for this committee, such as the newsletter, the website and the ribbon cutting ceremony arrangements and he is turning these projects over to

the committee to handle going forward.

Public Safety – Robert Shambaugh

Council member Shambaugh stated that he met with the mayor and the discussion revolved around amending the fireworks ordinance. There have been a lot of complaints about people setting off fireworks on their own property. So we need to amend our current Chapter 163. He addressed the state's definition of consumer fireworks. He is recommending we amend chapter 163.

They also discussed the safety of pedestrians walking on the trail and possibly putting up signs on the trail, such as courtesy signs to remind cyclist to slow down. President Mazis he had asked the NWRT committee for this and was told we could use the templates.

With regards to the police force the police force is short-staffed and they hired a part timer and one officer will be going out on medical leave from September 1 through March. We really need two police officers. The police have someone in mind and they will be interviewing the officer in the next month.

Brandon Harter, solicitor stated that we have had the opportunity to look at the MOU and nothing has been decided on what is happening on the \$20,000. He explained the MOU and that \$5500 a month gets paid to the fire company and the extra amount received from fire tax will be settled up at the end of the year and be put in another bucket which will consist of the truck fund. The buckets only get filled when there is extra. Prioritizing that may need to be discussed or adjusted.

President Mazis stated that we discussed with Brandon that \$14,000 is earmarked for the loan and we are actually speaking about a difference of \$6,000.

Fire Chief Smith stated that the fire company needs to make on the spot decisions. You're talking about a lot of money and we brought this up last month and no one has talked about this, this month. They spent \$18,000 on the truck to keep it running. We have till September 15th to present you with a budget so because we are volunteers and trying to work our jobs and work on the budget and they are coming up on the deadline. They need to know if they can count on the \$20,000 being in their budget in case something major comes up. Brandon Harter stated that they should put their budget together based on what their operating expenses are. Council continued to have a lengthy discussion on the budget. Council gave the fire company an extension of time to submit their budget to Council. Council respects the fire company and what they do and they are willing to work with the fire company.

Steve Shireman – W Walnut Street – so the \$20,000 is still up in the air on where the money is coming from. He was a fire chief and wanted to have a fire tax years ago and it seems like the fire company is getting beat down. If the Borough set a fire tax why doesn't the Borough give them that ¾ mill and make them whole. For transparency why can't you guarantee them the ¾ mill? This Borough has gotten off cheap for years. The whole purpose for having this fire tax is to protect the fire guys. President Mazis pointed out that we had upped the payment this year from \$36,000 to approximately \$96,000 and we have to work on the future budget together.

Rae Ann Schatz – Fairview Avenue – how can they project a budget when you can't tell them how much money they are going to get. I don't think it's fair that we know what we are projecting and they can't budget that and if they are told they are going to get ¾ mill then they should get that.

Sharon stated that the same way we do. When we set up our budget we project on the low side. You never predict the exact amount that you are to receive in your budget because not everyone pays their taxes. All governmental agencies are in this predicament.

Public Works – Freddy States

Council member Angelo presented the report due to Council member States absent. Council member Angelo stated that they discussed the plow for the truck and we want to get a new plow for \$5710 and put the old plow out on municibid. This is the motion on the table from the committee with a second by Council member McKinney. Motion carries unanimously by voice vote.

SPECIAL COMMITTEE REPORTS

JOINT SEWER AUTHORITY – Bridey Hannold – No report. Everyone was given the minutes from the Joint Authority.

NWRT Committee – Glen Mazis – We met on July 24 and he spoke with Paul Weiss about the meadow on Furnace Road. Paul is willing to argue for us if we come up with uses for this area and this would fulfill our requirements for more acreage for a multi-use recreational park space, but it is not definite. The sharrows are on order and will be going in on the streets. We did ask for etiquette signs for our part of the trail. They have the templates for us to use. MABA and Rivertowns want to put up a kiosk at the Musselman Building. Conoy Township will be sending us information for a trail camera.

C2P2 Committee – Glen Mazis – We had a meeting on July 19th and they gave a great power point of possible improvements for our parks. She did an inventory of our parks but the inventory going by the 1962 information that we have fewer park acreage then required. We are deficient by 9 acres by the old standards and we are deficient by 19 acres by the new standards. Any parkland that we can develop with multi-recreational uses would meet our deficiencies. She showed different parks that have been upgraded over the last 10 to 20 years and our parks are outdated. The playground area on Front Street needs to be taken down because it is not in ADA compliance. We will be having public meetings in the fall. They showed us a multifunction amphitheater that would be perfect for us.

OLD BUSINESS

President Mazis stated that we have a resolution to consider for the 600 Block of East Market Street now that we done the street project, there is a follow up with the sidewalks.

Brandon Harter, solicitor stated that those that are new on council that it talks about the cost to reconstruct and the 10% additional charge and it is all in the Marietta ordinances and this is simply passing a resolution to make a formal demand on this particular residence to have their sidewalks comply with what the ordinance already says.

Council member Dalzell made a motion to adopt Resolution 2018-23 with a second by Council member Shambaugh. Motion carries unanimously by voice vote.

NEW BUSINESS

President Mazis stated there was a need for a Marietta Seal. Sharon stated that the Outreach Committee was to come up with a seal for Marietta. This has never been done. We have had a request several times for a seal. Council member Angelo stated that maybe we can have a contest for this. President Mazis asked that the committee work on this.

Sharon Bradnick stated that we invoiced MRA in regards to engineering fees for the Old Town Hall and Union Meeting House. Anything over and above the escrow fee would need to be billed directly.

President Mazis stated that there were several people involved in the project and different people changed and it really drove up the cost. They are hoping that the Borough would be able to help them out and reduce the cost.

Sharon stated that the Borough was to put in the sidewalk and we were supposed to supply the labor but it was too complicated, so they went ahead and put the sidewalk in. Ken Gall was to get back to us with what the labor cost would have been and since they saved the Borough money on this, it might be used towards reducing their fees. Since we don't have the figures yet from Ken we will look at this next month.

President Mazis stated that everyone that has an account at BB&T that the local branch will be closing in November. He would like to write a letter of concern to BB&T and that this will have a damaging impact on our community. Council member Angelo volunteered to draft the letter.

Sharon Bradnick stated that one of our residents came in and asked if we can set up a payment plan for them to pay an invoice that was sent to them for cleaning up the property. Their invoice was \$497.50 and they would like to pay \$20.00 a month. This would take over two years to pay back.

Brandon Harter, solicitor stated that he recommends that the borough limit themselves to a six month. If you are talking about a \$15,000 invoice you can take that over 2 years but this amount becomes an administrative hassle.

President Mazis stated that no action was taken for allowances of a payment plan.

Brandon Harter, solicitor stated that the Zoning Hearing Board attorney asked for an input from the council if they were opposed to it, favored of it or neutral to it. The Ascot House is set up as a bed and breakfast and it is set up as a residence first and they would like to operate it has a hotel so that they can get around the requirement of having someone live in the building at all times. When the property is in use the people are manning it, but they are not living there at all times. In this zoning area, hotels are not allowed. The definitions and the allowance for a hotel allows renting out for commercial events and a bed and breakfast cannot. At a bed and breakfast has a cap on the length of time that they are allowed to stay and at a hotel it is a different cap. He suggested that we give a neutral recommendation or somehow reach out that we are okay with a narrower variance that the B and B be run as it had been before with someone in the premises when guests are there but not required to live there otherwise. We want to have it up and operable as a bed and breakfast and not as a hotel.

Council member Marsh made a motion for council to give a more narrow opinion with a second by Council member McKinney. Motion carries unanimously by voice vote.

PUBLIC COMMENT

Bruce Gibson – 338 Essex Street – The Borough passed a ¾ mill for the fire tax, but recently the county advertised in the paper the properties that are delinquent. The amount is around \$50,000. If you have \$50,000 and you are supposed to collect ¾ of that you are guessing to close to what you are supposed to get. The only way the Borough is going to get this is if they sell the property. Government accounting is tough because uncertain. Maybe people don't understand this.

Also, the engineer's comments on the planting strips shouldn't have high plants and I hope council is looking into this.

Seeing no other public comments, President Mazis closed the public comment session.

There being no further business to come before Council, on a motion by Council member McKinney with a second by Council member Angelo the meeting adjourned at 10:27 PM.

BOROUGH SEAL

Respectfully submitted,

Sharon L. Bradnick
Secretary/Treasurer