

Marietta Borough Council
Minutes of Meeting held September 11, 2018
113 East Market Street, Marietta, PA

President Mazis with Council members Shambaugh, McKinney, States, 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. The meeting opened with a moment of silence followed by the pledge of allegiance.

PUBLIC HEARING

Council member Dalzell presented the Ordinance 2018-05 Amending the Zoning Section 502, Patio and Outdoor Recreational Facilities. This will be in the Rail/Trail/River and Market Central Zoning Districts that would have patios and outdoor recreational facilities that would extend across property lines, if owned by the same individual. Dalzell read the entire ordinance and opened the floor for public comment. There being no public comment the public comment time was closed.

Our solicitor Brandon Harter asked that Sharon verify that this hearing was advertised in the newspaper. Sharon confirmed that it was advertised on August 31 and was on display for the public in the Borough office and Lancaster Law Library. This hearing ended at 7:06 PM.

PUBLIC COMMENT

Rebecca Sollenberger – Representative from Senator Aument's office introduced herself. If there are any state issues to please contact Senator Aument or the office for any issues that they can help with.

Carl Jones – West Market Street – About these septic tanks, council was to look into an ordinance and what did we find? The fire company does not want to come in there and pump because of bacteria from the septic tanks is this right? He had seen the advertisement in the paper for the sewer project to clean out the sewer lines. Are they going to clean out his pipe? Also, if someone gets hurt on the trail are we responsible?

President Mazis stated that the septic ordinance is on the agenda this evening. The planning committee and commission worked on it and the solicitor reviewed it and is presenting a final draft for discussion. Not pumping the water is the first that the fire company heard this.

Sharon stated that we received a grant from CDBG and Basin F will be done. He is to stop in the office to see if his lines will be included in this bid package.

Solicitor Harter stated we may have some exposure for liability on the trail.

Mark Jardell – 606 East Market Street – he received a letter in regard to the sidewalks, and his letter stated that he has 60 days to make repairs. The engineer was out and met with him and his paper states that he has 330 square feet that needs to be replaced. The engineer explained what needed to be done and the slope needed to comply with the 2% slope to meet ADA. He understood what the engineer explained he received an estimate. He received the estimate and it was \$6,992 so he stated that he did not see any way to make it safe without doing the whole sidewalk. Everyone up here has the same problem with the slope. He wants to replace the water line and put in paver stones and would like to have an extension of one year if possible. He would like to do it the right way so he is just asking for the extension.

President Mazis stated that we have this on the agenda to talk about this at two different places on the agenda and council is willing to take responsibility that we goofed up. The Council takes responsibility that we used to send out letters when we got the bid and we did not send those letters out. As soon as we got the bid we should have sent letters out and we want to deal with this because it is not fair.

Ryan Flattery – 678 East Market Street – I just want to say that a year is reasonable and he looks forward to seeing what council decides.

Maria Merritt – 684 East Market Street – She has to argue against that because a lot of our sidewalks are over sloped and a lot of them are not going to pass inspection. She understands that we are going by ADA standards, but we don't have to go by ADA at this point. It should be a different standard, I know that we do sidewalks when streets are done but she thinks it should be a different standard. You walk anywhere, her mother was her and she almost fell on a sidewalk because it was so bad and you're worried about slightly over sloped sidewalks when instead the worst ones around town should be fixed.

Nancy Malachowski – 661 East Market Street – Her concern is that there was talk about putting trees all along Market Street and she does not want to replace her sidewalk and then later come and dig it up to put trees in.

Solicitor Harter stated that the Borough has an obligation a general civil plan to make sure the streets and sidewalks are accessible for the members of the public. There are guidelines published including ADA guidelines tell municipalities from an engineering standpoint this is what you should try to lay out and do. Just like you lay out plans for sewage systems, you lay out plans for zoning districts you lay out plans for streets and sidewalks. A lot of times that means enforcing regulations such as how wide the sidewalks the slopes of sidewalks have to be. It is different than planting trees to change something aesthetic than changing sidewalks for safety purposes.

Maria Merritt – 684 East Market Street – If you have to be completely in ADA compliance then you have to do this with every sidewalk but what she has read on this is that to make it ADA compliance is only when you are working a huge amount of the sidewalk. But if you are just fixing small amounts of the sidewalk then it does not have to be ADA compliance.

Noah Alkinburgh – 700 East Market Street – There is nothing wrong with 205 square feet of my sidewalk. It is in perfect shape. He takes care of his sidewalk. There is nothing wrong that needs fix on his sidewalk. If there is something wrong with his sidewalk and he has to pull it up then he agrees that he would have to bring it into compliance. But there is nothing wrong with his sidewalk that it needs to be pulled up. The mistake is that he does have four feet or perfectly fine sidewalk, and the engineer measured from the side of the curb instead.

James Sargen – 644 East Market Street – What's going on here is that back in the 80's they poured new curbs. If they would have poured the sidewalks after the curb they would have been so much lower. On his sidewalk the engineer is telling him that he has to replace 70 feet of his sidewalk and the one-foot strip that the Borough poured is now creating a $\frac{3}{4}$ inch step from the edge of the sidewalk to the curb which now does not meet ADA requirements. This issue was created by the borough when they reconstructed the street. Some of the residents are getting letters because of this lip.

President Mazis made the proposal that because we are going to extend the time anyway that if there is four feet of walkable area that we will go out and revisit this in a second inspection with the engineer and members of Council.

Mike Emig – 101 Essex Street – enough with goof ups. You need to look at your ordinances and quit making people mad. You're affecting too many people here.

Wayne Angelo – 712 East Market Street – he wrote a letter on how he felt on the situation and read it to the public. The letter contents admitted that the Council is human and does not make errors, but the important thing is to be open to further discussion and have all sides come together and find a good solution. Councilman Angelo looks forward to having the Council and the community work cooperatively and we invite this partnership.

Linda Ross – 67 Fairview Avenue – We need to still look at long range planning. If we can get free trees we need to look at that for this area. Make this a priority with planning.

Bev Kreider – 103 West Walnut Street – looked up ADA compliance on her phone and read information about ADA compliance on sidewalks from her phone.

Carl Jones – West Market Street – looking at these sidewalks you need to worry about telephone poles in the sidewalks.

Justin Popp – 181 Longenecker Avenue – is there any plans for existing streets that don't have sidewalks to have sidewalks put in.

Mary Jo Hughes – 701 East Market Street – She volunteers for Columbia Animal Shelter and would like stray animals in the Borough to come to the shelter instead of going to Steve Mohr. They are also looking for volunteers.

President Mazis closed public comment at 8:00 PM

President Mazis opened the regular scheduled meeting.

MINUTES FOR APPROVAL

President Mazis asked for a motion to approve the August council meeting minutes. Council member Shambaugh made a motion to approve the August council minutes, Council member Dalzell stated that there needs to be a correction on page 5 paragraph 2 the first sentence does not make sense there is some words missing, the motion was made to approve with the correction to the minutes and a second by Council member Angelo. Motion carries unanimously by voice vote.

President Mazis asked for a motion to approve the September Budget meeting minutes. Council member Dalzell made the motion with a second by Council member McKinney. Motion carries unanimously by voice vote.

ANNOUNCEMENTS

President Mazis stated that the ribbon cutting and Eater 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 13th. This may change because of the flooding.

On September 29 there is going to be a Blood Drive from 10:00 to 2:00 at the Milanof Library.

Responses to last month's concerns included the Zoning Hearing Board allowed the narrower variance for the Ascot House. It allows it to still remain a B&B and no one has to live there when there are no guests, but the manager needs to be there when there are guests.

He reminded Jeff, Louis and Angelo to go in to take there NIMS training. Also, as a response to last month's public comments, it should be known that the court date was set for the problem on Market Street property.

REPORTS

Fire Police/EMA – Steve Bailey – For August they ran fifteen (15) calls, thirty-six (36) officers for a total of ninety-two (92) 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. County sent out damage forms and the county director called him to go to the residence and check out the major damage. He received an old police bicycle to be used to check out the Rivershore and the Recumbent Bike shop overhauled and repaired has a donation to the fire police in the amount of \$179.95. The fire police sent him a thank you letter. He's watching hurricane Florence and does not see any problems from this.

Pioneer Fire Company – Brandon Smith – For August they ran fifty-five (55) fire calls and eleven (11) QRS calls for a total of sixty-six (66) calls. They had two-hundred, ninety-two (292) hours on calls and training. They do pump out basements, but they take safety over pumping out basements. Please do not run over our hoses if they are across the road. They thanked everyone that sent out donations and food.

Pioneer Fire Company Financial Statement – Robert Shambaugh – Report dated August 27, 2018. The fire company had a balance of \$14,320.01.

Sewer –Freddy States – Report dated August 2018. The sewer fund has a savings account balance of \$182,302.58 and a checking account balance of \$12,035.73. Council member states motioned to accept the report as presented with a second by Council member Dalzell. Motion carries unanimously by voice vote.

Recycling –Freddy States – Reported that the Borough recycled 29,640 lbs. during August 2018. Council member States motioned to accept the report as presented with a second by Council member Dalzell. Motion carries unanimously by voice vote.

Treasurer – Sharon Bradnick - The General Fund Monthly Breakdown dated September 11, 2018. The total general fund accounts are \$1,001,602.95. 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 August. At the end of August, we show that we have 15,803.90 to the good for the month. January through August we show income of \$258,797.17.

Sharon stated she went to the Northwest EMS meeting on August 30, 2018. The discussion was to

get the word out for donations because donations are down. They went over the process on how everything works. They have to bill their clients and they don't always get paid. They have sent to collections in 2017 in the amount of \$576,920. Some ambulance services have closed, and some have merged. They are trying to come up with different ideas on how to come up with a flow of money. There will be another meeting in the future.

Sharon thanked the Bike Race for the donation in the amount of \$1,000 to be used towards a jiffy john at Decatur Street. They also gave a donation from Swedish Motors in the amount of \$600 to be used towards the jiffy john at Decatur Street trail. This will pay for the jiffy john for the whole year.

Mayor's Report - Harold Kulman – Mayor Kulman stated that the regional police is our biggest expense. It cost about \$2,200,000 and the Borough pays around 15% of that cost. The men have been getting 2% raises every year and we are renegotiating a new salary range for them. With this series of lower raises, they have fallen beyond comparable salaries at other departments. We have 12 people working and we should have 15 so right now we have a lot of overtime. We are in contract negotiation with the officers. They will have one more meeting with the officers and if they can't agree it will go to arbitration. He will let us know what happens.

He spoke with Phil Colvin with Emergency Management in regards to the process on the reports and how things work with FEMA.

STANDING COMMITTEE REPORTS

Administrative – President Mazis

President Mazis stated that everyone has the job description for a zoning officer and this position would be a Zoning/Code Enforcement Officer. At the end of it he has a help wanted ad. Council member Angelo made a motion to accept the job description for a zoning officer/code enforcement officer with a second by Council member McKinney. Motion carries unanimously by voice vote.

Council member Marsh made a motion to move forward and advertise the position as soon as possible with a second by Council member Angelo. Motion carries unanimously by voice vote.

President Mazis made a policy to send out letters to people who might have to reconstruct their sidewalks as soon as the bid for that street project was accepted to give them advance warning. This would give people at least another 3-month notice.

Council member Dalzell made a motion to send the engineer out to do the inspection once we have confirmation that the project is a go to send this information in the courtesy letter with a second by Council member McKinney. Motion carries unanimously by voice vote.

President Mazis stated that Administrative committee looked over the BB&T letter and added a sentence or two explaining what a hardship this would be for citizens without computers and with limited means of transportation. Council member Marsh made a motion to mail the letter to BB&T with a second by Council member Shambaugh. Motion carries unanimously by voice vote.

President Mazis stated we need a motion for our commitment to the Non-Uniform Employee Pension Plan for 2019 this is our share of it which is 18%. Council member Dalzell made a motion

to accept the commitment with a second by council member Angelo. Motion carries unanimously by voice vote.

Planning/Zoning/Environmental – Bill Dalzell

Council member Dalzell stated they spoke about the need for a five-year plan for the streets. Most of the meeting was taken up with the two changes, the first for woodpiles and second for recreational vehicles.

Council member Dalzell made a motion to adopt the Ordinance 2018-05 the Patio/Outdoor Facilities with a second by Council member Shambaugh. Motion carries unanimously by voice vote.

Council member Dalzell made a motion to advertise the change to section 502.K.2.f with a second by Council member Shambaugh. Motion carries unanimously by voice vote.

Council member Dalzell read the Storage of Recreational vehicles, boats, campers and trailers which would be a change to Section 502-K.2.k. He made a motion to advertise the recreational vehicles, boats, campers and trailers under the Parking requirements section with a second by Council member Angelo. Motion carries unanimously by voice vote.

Council member Dalzell stated they discussed septic system requirements within the Borough. Council member Dalzell made a motion to advertise the on-lot sewage system regulations with a second by Council member McKinney. Motion carries unanimously by voice vote.

Public Outreach – Louis McKinney

Council member McKinney spoke with Steve Ulrich in regards to the website. Council member McKinney presented the Pig Iron Festival Event Application and made a motion to accept this with a second by Council member Angelo. Motion carries unanimously by voice vote.

Public Safety – Robert Shambaugh

Council member Shambaugh stated they met on August 23 and it was brought up that the curbs need painting on the West End, storm drains, Essex and Biddle. Steve Bailey spoke on the closing of the trail. The Mayor asked if we need a white or yellow line on the S bend and a stop sign where Blackberry meets East Market and no left turn on Market. A traffic study will need to be done before any signs can be placed on Blackberry. Council member States stated that he would like to see it as a one-way and no left turn from Blackberry. They looked into painting a double yellow line on Market Street through town and the cost would be .09 cents a foot. The cost would be \$2,480 to do all of Market Street. This would slow people down and prevent passing people on Market Street. Council member Shambaugh stated that the Fire Company brought up the question of the \$20,000 the Council advanced earlier in the year. This was an advance and not a grant or gift to the Fire Company. We will see how tax money is collected by the end of the year, which might be even more than the sums already collected for the truck and loan.

Council member Shambaugh made a motion to advertise Ordinance number 2018-06 which is an amendment to Chapter 163, firearms, fireworks and projectiles. One of the things that will affect the people in this town is you cannot set off fireworks within 150 feet of any structure. Council member Shambaugh read the Ordinance. A second was made by Council member Angelo. Motion carries unanimously by voice vote.

Public Works – Freddy States

Council member States stated that they discussed the purchase of the new snow plow. Sharon stated that she will put the old plow out on Municibid this week. They also spoke about purchasing more road closure signs. They also spoke about the parking meters and the need to have them upgraded. They also need a new compressor and the men are going to price one. The guys are also in a need of a new mower and they are going to check out prices for the next budget meeting. The bike stencils are here and they are waiting on the paint. They would like to put a crosswalk in on East Market Street to slow people down. He would like to look into stamped asphalt for crosswalks throughout town so that it ties the sidewalks together.

Council member States stated that we need to allow more time for the East Market Street sidewalk repairs. Council member Angelo made a motion to accept the Resolution 2018-25 to allow 1-year time period following official notice with a second by Council member Marsh. Motion carries unanimously by voice vote.

SPECIAL COMMITTEE REPORTS

JOINT SEWER AUTHORITY – Bridey Hannold – The Joint Authority is waiting for the permits for the force main and then it will be put out for bid.

NWRT Committee – Glen Mazis – No meeting. Nothing to report.

C2P2 Committee – Glen Mazis – No meeting. Nothing to report.

OLD BUSINESS

Marietta Seal, nothing was reported.

The report is in that stated that the MRA paid almost \$5000 for the sidewalks that the Borough was going to put in. This made the idea of reducing their invoice with the engineering feasible given all the complications at the time. MRA invoice is to be reduced by \$3,500. Council member Angelo made a motion to reduce the invoice by \$3,500 with a second by Council member Dalzell. Motion carries unanimously by voice vote.

NEW BUSINESS

President Mazis stated that Steve Bailey is requesting a key and a fob to the shed to get to the signs. Council member Dalzell made a motion to give Steve Bailey a key and key fob with a second by Council member McKinney. Motion carries unanimously by voice vote.

President Mazis asked for a motion to send the Bike Shop a thank you letter. Council member Dalzell made a motion to send a thank you letter to the bike shop with a second by Council member Shambaugh. Motion carries unanimously by voice vote.

Council member Shambaugh brought to council that Bill Perkins does not have a radio and to see if council would consider purchasing him a radio. President Mazis asked that Council member Shambaugh take this back to his committee to have it checked into.

PUBLIC COMMENT

Seeing no 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