

Marietta Borough Council
Minutes of Meeting held September 10, 2019
113 East Market Street, Marietta, PA

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

PUBLIC HEARING

The Borough solicitor explained the extension of the Inter-municipal police agreement which is extending the period of time for seven years. The new agreement changed slightly which now has four factors as part of the algorithm, which is; total number of incidents, total number of time spent, total number of road miles and a percentage of population. Marietta Borough's portion will change slightly.

Oliver Overlander asked how long the new agreement is for. The solicitor stated it was for 7 years. Overlander asked if the new project for 421 W. Market Street included in this agreement. With the 170 some people it is going to raise the need for police protection because it is concentrated population and will increase the drug trafficking in town. The solicitor stated that if the incidents change and the time changes then our percentages will change.

The Borough Solicitor asked the secretary if the hearing was advertised in the qualified time period. The secretary confirmed that it was.

PUBLIC COMMENT

Solicitor Matt Crème made a presentation on the Rail Trail Partners for the 421 W. Market Street project. It was designed according to the Borough's ordinance. Brent Detter with David Miller Associates displayed the location of the site and the design of the site. They came before council last month to vacate the portion of South Jones Street and the unnamed alley that runs through the property. It is in the Rail/Trail River zone. It is between South Bridge Street and South Jones Street. Detter went over the project and the modifications. They are projecting the total tax revenue for all three taxing bodies about \$300,000 which would be about \$65,000 for the Borough a year and \$205,000 for the school district. This building will be run by a full-time rental manager on site.

Darrell Becker with ARRO stated that everyone received their review letter for the project and he had spoken with Brent in regards to the comments and they will be addressed. The one waiver which council needs to be aware of, this is the one about a fee in lieu of that council needs to look at. The council needs to decide if the thirty trees are agreed on. President Mazis that this is not a condition that we can waive and the trees are not sufficient. They need to contribute either the balance of funds to projects for the parks and recreation or do in kind labor and materials to upgrading parks and recreation. Given the nature of their business there are things that they can do for our parks and the Borough is negotiating with them about the specifics.

Brad Stewart with Lancaster County Planning stated that this plan connects with our 2040 county plan. The in-consistent which needs to connect with our trails and needs approval by FEMA. They did sit down with Marietta officials and the client and went over the plan and at this point Lancaster County Planning does not have any issues with it and it passes all FEMA requirements.

The secretary asked where they were at in the FEMA approval process. Brent Detter with David Miller Associates stated that there is no approval from FEMA. They did submit a flood plan study and they did provide to Rail Trail Partners for their financing design flood plan certifications for each residential building; certifying that the finished elevation is above the hundred-year flood plain.

Ken Gall, President of Marietta Planning Commission stated that the Rail Trail Partners have come before the planning commission several times during the last year. They have been very cooperative with consulting with the PC. The PC would like to see this property be developed that would fit in with the character of the town. There has also been a subcommittee working with the architects on the design of the building to fit the character of Marietta. We are on the right trail and hopefully things continue on that trail.

Oliver Overlander – E. Front St. – he heard that there are 170 units going in and how many parking spaces are there. Detter stated that there are 269 parking spaces. Overlander asked if they are going to limit the number of cars that each person can have. Detter stated that we have more than required parking spaces. Also did anyone check with the sewer plant that they are able to take the additional EDU's? This was looked into and the sewer plant has more than enough capacity to handle this project.

Phyllis Stellfox – W. Front St. – She agrees with the planning commission that we need to make sure that we make the most use for this property. We are not going to make any more land after this. Her interest is to have a simple impact analysis. She would like to make a recommendation that we don't waive the preliminary plan tonight. That give us an additional 90 days and the Borough take a look at what it is exactly going to cost us. Solicitor Crème stated that the Borough already looked at this property on what the best use would be and they designed their ordinance to that use and that the Rail Trail Partners came and they complied with that use. When someone comes and applies to your ordinance, then approval is required. Stellfox stated that this is councils primary job is a fiscal responsibility.

Oliver Overlander stated that the income from taxes is a good number for Marietta Borough but there is no need to rush to make a decision tonight. There is no comparison to the Senior Housing. It will be added work for the Borough for billing. It is better to be cautious, council is supposed to be looking out for the Marietta residents.

Ed Stellfox – W. Front St. – Did anyone ever consider doing a traffic study on Bridge and Market Street and Jones and Market intersections. Just because you not required doing something doesn't mean that you shouldn't. Inch stated that when it was a fully occupied and up and running aluminum plant there were over 200 employees traveling the streets along with trucks.

President Mazis stated that we are just starting the budget process. The budget is proceeding on a shoe string and if we have a little more money to do public services that would be a good thing. We have not discussed lowering taxes or raising taxes.

Linda Ross – Fairview Avenue – She is just concerned about some of the things that have been raised at the last minute when we have been working on this for the last two years. What if we delay it for 90 days would it change the outcome? She doesn't understand where all the concerns are now when they should have been raised before.

Barbara Basile – Milanof-Schock Library – She stated that they are celebrating their twenty years in the making. She went over the programs that the library has to offer and she is hoping that the Borough will look at their budget and continue to support the library.

Ray Vegso – N. Pine St. – Concerns with the flap valve project. There are things that he doesn't understand and it is his duty to understand them because he feels we are in danger. He handed out two pages of notes on what his concerns are. He is asking that we schedule a meeting with the engineer to have his questions and concerns addressed. He is requesting before the next council meeting a meeting with the designer and what the expectations are.

Oliver Overlander – E. Market St. – Did we receive the money for the flapper valves yet. President Mazis stated that we needed to go through the process to sign the contract and that was completed. Overlander also has some concerns with the flapper valves and he hopes council is still committed to finish the stand-a-lone project. He agrees with Ray and he would like to be at the meeting with the engineer to see how he feels about the stand-a-lone project. Without the second phase and the third phase we could possibly have an issue.

President Mazis stated that on his agenda he has already talked to people about the second and third phases. He is going to continue on the project and go for grants to finish the second and third phases. We would like to move forward and get 100% of the problem taken care of. We would like to move forward and get 100% of the problem taken care of. However, mitigating the problem, even if not a 100% solution, is a good step forward for the Borough.

President Mazis closed public comment.

MINUTES FOR APPROVAL

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

ANNOUNCEMENTS

President Mazis stated the Marietta Garden Tour was a huge success and made a lot of money for the community house. More than two hundred people attended.

President Mazis said he already went over the grant for the Flapper Valve and he intends to move forward for other grants.

The website is to go live this week.

REPORTS

Fire Police/EMA – Steve Bailey – They had a total for August of 9 calls, 22 officers, and 57 duty hours. The vehicle has been serviced and ready to run.

Pioneer Fire Company – Brandon Smith – They ran nine (9) fire calls and eleven (11) QRS calls for a total of twenty (20) calls for August. They are holding their cash bash on Saturday. Brandon read a letter to council that was written by Wayne Bridgham, President of the Pioneer Fire Company. The letter addressed concerns over the conduct of the Safety Committee chair Rob Shambaugh. They requested that council appoint a new representative for the public safety committee.

Pioneer Fire Company Financial Statement – Robert Shambaugh – Council Shambaugh stated that the balance as of August 26, 2019 was \$16,310.44. Council member Shambaugh made the motion to accept the report as presented with a second by Council member Dalzell. Motion carries unanimously by voice vote.

Sewer –Freddy States – Council member States report was dated August 2019. The sewer fund has a savings account balance of \$146,460.37 and a checking account balance of \$106,160.04. 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 – Council member States reported that the Borough recycled 17,260 lbs. during August 2019. 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 10, 2019. The total general fund accounts are \$1,020,950.60. Council member Dalzell motioned to approve the report as presented with a second by Council member Shambaugh. 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 an income of \$16,055.18 for the month. January through August we show income in the amount of \$336,811.44.

Mayor’s Report - Harold Kulman – Mayor Kulman stated that he has been busy this month and has gone to fourteen different meetings. He tries to promote the town with people on the trail. He goes to lunch with the retired police officers. The AME Church is going to have a talk on September 22 at 3:00. The big thing right now is working on the police department.

STANDING COMMITTEE REPORTS

Administrative – President Mazis

President Mazis stated they discussed a personnel issue. They hired a person to do the mowing and that person is working out well. We also spoke about the EMS ambulance service and their dire need of money. It is inevitable that we are going to have to start contributing to them, as will all the other municipal governments. We will look at this during the budget.

President Mazis stated that we need a motion to fund the pension plan for the employees for 2020 which is our Municipal obligation. Council member Dalzell made the motion to accept the 2020 Minimum Municipal Obligation for 2020 budget with a second by Council member Shambaugh. Motion carries unanimously by voice vote.

President Mazis asked for a motion to accept the preliminary/final SALDO plan for 421 W. Market Street. Council member Dalzell made the motion pending the conditions from our engineer, ARRO, and five other conditions that will be drawn up by our solicitor with a second by Council member Shambaugh (including the order of the building construction and the contributions to the Parks and Recreation effort).

Council member Dalzell stated that he has looked at this quite carefully and feel that looking at how this relates to the county plan is important. Council member States stated that all council's

concerns have been addressed with this property. President Mazis stated that our solicitor hasn't reached final agreement with their solicitor about the MOU and ARRO has responded to all of our comments and he needs to look over all of this. There was one thing that came in by DEP that a study on the ground water needs to be a condition. One more condition is that the trail covers most of the fee and there is a small fee left and we are looking at what services that John can provide in our parks. There are five different levels of condition which are DEP, ARRO, Planning Commission, Solicitor and the one on the park and recreation fee. Secretary/Treasurer stated that under Subdivision and Land Development Plan number 7 in regards to improvement for South Jones Street. One thing is that the Borough would like to have all of South Jones we would like to have the whole street paved. President Mazis stated that when he got on council three and a half years ago he was thrown into Planning. The first thing he done was go down to the Harrisburg Redevelopment Authority and speak on how great it would be to have a development like this and they were trying to achieve that here. Then the Rail Trail Partners came along with just that sort of proposal. This is something that is going to help the town, help property values, and is in line with what the county wants us to do. This is a project that will move Marietta ahead. He is very much in favor of this project. Council member Dalzell recited the motion, that we preliminary/final SALDO for 421 W. Market Street on the conditions provided by ARRO engineering, DEP, solicitor, by the Marietta Planning Commission and by the Marietta Borough Council about parks and recreation and paving of Jones in the way that was described and with the request of the waivers with a second by Shambaugh. Motion carries unanimously by voice vote.

Planning/Zoning/Environmental – Bill Dalzell

Council member Dalzell stated they had residents from Donegal Place discuss the concept plan from the Green Streets grant and they were pleased with the ideas. PZE also went over the notes for the property maintenance code. They needed some clarification on the historic portion. Solicitor Harter addressed his concerns. He discussed other items in the property maintenance code.

Council member Dalzell stated that they are working on the five year plan and will continue working on that. He is having a person at work who is a graphic designer, help him on the Borough Seal and will get this to us as soon as they can.

Public Outreach – Louis McKinney

Council member McKinney was absent. Council member Dalzell gave the report. They did not hold a meeting this month. The Hub will be holding its first meeting this month and he will be attending. He presented the tree lighting event permit and made a motion to accept the permit with a second by Council member Shambaugh. Motion carries unanimously by voice vote.

Public Safety – Robert Shambaugh

Council member Shambaugh stated they had no meeting and nothing to report. They tabled the motion to pass the Intergovernmental Cooperation Police Agreement till next month.

Council member Shambaugh made a motion to ratify the emergency plan that is in place and there are no changes to it with a second by Council member Dalzell. Motion carries unanimously by voice vote.

Public Works – Freddy States

Council member States went over the projects. They are looking at West Prospect and placing millings in and then next year doing more. They are starting to look at all the stormwater drains to inspect them. We are replacing the stormwater drain on South Gay and we will be using liquid fuels money to complete this project and the projected price is under \$9000. Steve Bailey approached the committee and would like to have the unnamed alley by his house name Bailey Avenue. This would not be named after him but after a Navy officer that served in the Civil War by the name of Theodorus Bailey.

SPECIAL COMMITTEE REPORTS

JOINT SEWER AUTHORITY – Jeffery Marsh – The force main project has started and is moving along nicely. The new employees are doing well.

NWRT Committee – Glen Mazis – No meeting.

C2P2 Committee – Glen Mazis – On September 19 will be a meeting.

G3 Grant – Glen Mazis – Nothing to report on this.

OLD BUSINESS

President Mazis stated the International Property Maintenance Code will be presented next month.

NEW BUSINESS

No new business to report.

PUBLIC COMMENT

Fred Gabriel – West Market Street – He would love to see the speed machines placed by his home at Perry and Market Street because cars are racing in that area.

Oliver Overlander – East Front Street – He would like if he and Ray be informed when there is a meeting on the flap valve design. With the sewer project going on at the end of the construction time will this road be patched for the winter? He was told that it should be.

Lester Pottinger – Boat Club – The boat club will need to put together a petition to vacate South New Haven Street.

Ray Vegso – N. Pine Street – It is a disservice to close this street, he likes to walk down this street to look at the river.

There being no further business to come before Council, on a motion by Council member Dalzell with a second by Council member Marsh the meeting adjourned at 9:35 PM.

BOROUGH SEAL

Respectfully submitted,

Sharon L. Bradnick
Secretary/Treasurer