

**Marietta Borough Council**  
**Minutes of Meeting held May 9, 2023**  
**113 East Market Street, Marietta, PA**

President States with Council members Wills, Lauver, Hudson, Marsh, Dalzell, DeBottis, Mayor Carroll Baltozer 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 COMMENT**

**Amanda Fetterman – ARRO- MS4 updates** – Amanda presented the 2021-2022 MS4 report. Report is attached.

**Erin Snyder – West Market St.** – As tax-paying, homeowners who live at the square, they would like to request that the Borough address the issue of parking. For the past 6 months or so, residents of the apartment building at the square and other residents have parked and left their cars parked outside of their residents for weeks or months at a time. They have called the police several times and one officer has been very helpful and has issued parking tickets to the illegally parked cars. There is a specific ordinance to prevent this and nothing is being done to enforce it. We do recognize that it is public parking, but we are frustrated because there is an ordinance and when we reach out for help, it takes weeks to get anything changed. President States asked Chief Hall to address. Chief Hall stated that depending on the particular matter of parking, there is a process that the police have to follow by law. Once the car is there for 48 hours, the police then have to send certified mail to the registered owner of the vehicle and get a response. After two weeks of not getting a response, at that point the police can mark the vehicle as abandoned and get the vehicle towed. In order to get just a parking ticket issued, that can be rectified by a phone call. Erin stated that they had been calling for weeks. Chief Hall stated that he is aware of some of the calls and knows the officers did respond. Chief Hall stated he does not know why when leaving a message with dispatch, they are not receiving a call back. Chief Hall gave them the non-emergent phone number to call during the day.

**Linda Ross – Fairview Avenue** – last week at the Bank Street entrance to the trail, she came across a lady who crashed her bike on the gravel that goes down the embankment. It is an incredibly dangerous spot. She has seen seasonal bike riders crash there before. She knows there was talk before about an ADA problem where we cannot pave that area and would like to hear more about that. President States stated that we can only get so close to the tracks and then the railroad is responsible for their piece. They don't want us to cross there, and we would have to talk them into paving it along with us. The railroad has right of way or easement to 30 feet off the center of the tracks. They would like it if we didn't cross there at all because it's their liability. They own the land on the other side at two different spots and they wouldn't let us connect to Riverfront Park and come out at Donegal Place, so we had to bring everyone over and up Bank Street. Linda asked if there would be anything that could be put in there that would be safer than the gravel. Council member Dalzell stated that we would run into the same problem with the railroad. Solicitor Harter asked if the Borough keeps any lists of incidents of people who fall there? President States informed him at this time, we do not. Solicitor Harter suggests that if we want the railroad to do something, putting them on written notice that people are getting injured here, it may get their attention. President States stated that we could report that we had another incident and send them a letter. Linda asked if there was a contact person at the railroad. Council member Dalzell stated that LCSWMA acted as a mediator the last time we met with them. President States will find out a contact name and look into getting some signage.

**Steve Ulrich – West Market St. – Mulberry Thrill** - The one-way sign has been removed on Apple Avenue going East. People are going down Mulberry out toward West Market the wrong way. Also looking west bound on Apple, that sign is bent. He would like to recommend a vertical sign so it is tighter to the pole. Steve would like the Borough to consider putting a sign that says slowdown or something like that on the pole at West Market and Mulberry. With laundromat traffic and with the people visiting Mulberry Thrill, there is a lot of activity in that area. A reminder that May 20<sup>th</sup> is Marietta Day. There are 35 Artisans signed up, which is double what we usually have. There is also a rain date this year, which is May 21<sup>st</sup>. Thank you to the Borough for allowing MABA to hang the lights across Market Street. Everything is buttoned up now and they should be all lit and on a timer that runs from dusk to 10pm. Mayor Carroll Baltozer asked if they would be turned off during the heavy may fly period. Steve reported that they would be.

## **MINUTES FOR APPROVAL**

President States asked for a motion to approve the April 11<sup>th</sup> minutes. Council member Wills made a motion to accept the April 11<sup>th</sup> minutes with a second by Council member DeBottis. Motion is carried unanimously by voice vote.

## **ANNOUNCEMENTS**

The parking lot that we promised the residents on Furnace Road has been completed. Just the split rail fencing needs added yet. Looks great. There are 8 additional spaces for the residents to park.

The project on Furnace Road and Front Street is near completion. They should be paving next week. They are pretty far ahead of schedule and should be done by the end of the month. It looks really good. The trail going up East Front Street looks amazing.

Tennis Courts look great. Project is moving along. Paving is scheduled for tomorrow. The only delay is getting the benches installed. There is a 14-week lead time. We are looking at other options.

The softball team was asking to relocate the old scoreboard and get it working again. When they looked into getting it fixed, the cost was astronomical. Our Roadmaster put them in touch with a contact at Donegal Mutual Insurance and Donegal is going to pay for a new scoreboard and sponsor it. The scoreboard will be installed in the near future.

## **REPORTS**

**Fire Police/EMA – Steve Bailey** – Steve had another meeting he had to attend; however, he did submit his monthly reports to council. The emergency contact form is ready to go to all local businesses. He is asking if we could also get that for apartment buildings as well.

**Pioneer Fire Company** — no report

**Pioneer Fire Company Financial Statement – Jeffery Marsh** –The balance as of February 28, 2023, was \$1905.92. Total withdrawals were \$3189.17. Total deposits were \$5,500.00 from the Borough. Balance as of March 31, 2023, is \$4216.75. Council member Marsh made the motion to accept the report as presented with a second by Vice President Hudson. Motion is carried unanimously by voice vote.

**Sewer –Freddy States** – President States gave the report dated April 2023. The sewer fund has a savings account balance of \$339,777.46. Total receipts \$97,174.32. Interest \$15.22. Total receipts

and interest are \$97,189.54. Disbursements \$0. Ending balance of \$436,967.00. Checking account beginning balance \$2,041.25. Total receipts \$0, interest \$0.01. Total receipts and interest are \$0.01. Disbursements \$695.77. Ending balance \$1,345.49. The monthly ending balance breakdown as of April 30, 2023, checking account is \$1,345.49, money market-savings is \$436,967.00 for a grand total of \$438,312.49.

President States motioned to accept the report as presented with a second by Council member Marsh. Motion is carried unanimously by voice vote.

Schedule B Monthly Municipal Report for the month of March 2023. Single Stream 22540 lbs. LCSWMA, 22540 total pounds recycled, 11.27 equivalent tons, 78.34 tons of refuse collected. President States motioned to accept the report as presented with a second by Council member Marsh. Motion is carried unanimously by voice vote.

**Treasurer – Julie Hall** – The General Fund Monthly Breakdown dated May 4, 2023, was presented to council. The total general fund accounts are \$883,374.09.

**Secretary – Julie Hall** – Council received the profit and loss statements for the months January–April. At the end of April, we show that our income is \$129,558.25 for the month. Council member Dalzell motioned to accept the treasurer/secretary report as presented with a second by Council member Wills. Motion is carried unanimously by voice vote.

**Zoning – Ron Kistler** – no report

**Vesta Furnace – Dave Haneman** – Rivertowne now has a new insurance policy that covers contents and any activities. There is an addition to include Columbia Borough for the Quick Draw.

Almost 400 pieces were hung for the Plein Air Event by 60 artists that were completed in 8 days. There seemed like there was more attendance this year based on the ballots that came in. Artists and the public just love the Rivertownes. We invited some members of Marietta Art Alive to their meeting and they are thinking of expanding the boundaries for next year. Donegal High School graduation award will be made on May 22<sup>nd</sup>, and Columbia's will be made on May 24<sup>th</sup>. Scholarships on Rivertownes will be given to a graduating senior who will be pursuing a career in history or art.

RiverFest – James Landis will be presenting “The Other Side of the Hill...the Other Side of the Story” on Friday evening, June 23<sup>rd</sup> at 6pm at the Columbia Crossing. If you would like to attend, please contact Columbia Crossings for reservations. Miss Gettysburg will be present Saturday morning at the biathlon on Saturday, June 24<sup>th</sup> at Columbia Crossing to hand out awards.

The weekend of Marietta Day, there is a lot of stuff going on. Maryland State Iron Festival is that weekend. We will be present there as representatives that weekend as they are including us on their driving tour. The last two years we have gone and presented.

We did get funding for one of the historic panels like we have along the trail. This one will be on the Eastern division of the canal system. That will be sent to us shortly.

**Mayor’s Report – Rebecca Carroll-Baltozer** – May 16<sup>th</sup> is voting day. Please go out and vote. All elections matter. Just a reminder that the MDJ in Mount Joy is up this election to and is important to Marietta Borough and our police department.

This Place Matters did an amazing job with E-town College. President States and Mayor Carroll Baltozer went and it was great seeing the homes they did. All the home posters are at the Borough Hall. You will be receiving a This Place Matters mailer in your mail, and we ask that you hang that in your window and make sure Marietta matters long term.

Columbia Water Company is looking to increase our water bills. Some residents are trying to do something about it, but in reality, this is bigger than Marietta and hard for us to fight, but we are aware of it.

Lastly, Chief AJ Hall is celebrating 29 years as a police officer. Congratulations!

## **STANDING COMMITTEE REPORTS**

### **Administrative – President States**

There was no meeting last month. However, we do have a couple of items to go over.

We need to make a motion to approve the DH Funk payment for Furnace Road/Front Street project. The 1<sup>st</sup> payment request is for \$92,779.00. Council member DeBottis made a motion to approve with a second from Council member Lauver. Motion passed unanimously by voice vote. LandStudies is the company that did the first phase of the Furnace Road/Donegal Place and the trail last year. That was around a \$900,000.00 project which was mostly grant money. They just submitted a bill for overages that were accrued, and they did not bill out in time. The invoice is \$31,682.35. This is for extra work they said they completed. The DCNR grant was closed out in November. They submitted this invoice in December. They did contact DCNR and DCNR will not pay this invoice as the grant has been closed. The original bill was for \$25,000.00 and they want an additional \$31,682.35. President States would like to actually talk to them, get a break down of what was actually done. What were the overages, what work was actually done that wasn't in the scope. They bid on it, we accepted the bid, they didn't put in a change order, and we didn't approve a change order. Plus, the fact that they contracted out to someone else.

President States certainly doesn't want the Borough to look bad and doesn't want to create any friction with DCNR to affect future grants. President States would like, if everyone agrees, to table this matter so we can look into it further.

Vice President Hudson asked Solicitor Harter if he had any opinion on this. Solicitor Harter stated that as a preliminary matter, usually the timing of contract payments are very specifically set. You have so much time to ask for either an adjustment of time or adjustment of price. Certainly, after the grant was closed is going to be outside the contractual time period. Solicitor Harter would like to see more information on what is different about this scope beyond what was originally bid on and get a little more detail.

President States made a motion to table the LandStudies overages and look over it this next month with a second from Council member Marsh. Motion is carried unanimously by voice vote.

SLC Excavating is the company that had low bid for the Penncast Tot Lot project. Their bid came in at \$261,586.00. Next closest one for \$25,000 higher. President States made a motion to accept SCL Excavating bid for the Penncast Tot Lot with a second from Council member Dalzell. Motion carried unanimously by voice vote.

### **Planning/Zoning/Environmental – Bill Dalzell – no meeting last month.**

#### **Public Outreach – Vice President Hudson**

One of the items we discussed was funding the Gears program that is run in the summer. The past years, we usually struggle with coming up with the funding. However, through the generosity of the people in the community, we are able to fund the program. We have decided that we want to get this program on a stable basis. Any extra money that comes in from donations for the program, will be earmarked for that particular program.

Mayor Carroll Baltozer asked if we received any complaints since this is the first year we are charging Marietta residents. We have not received any complaints. Mayor Carroll Baltozer stated that she did some research and Silver Springs for Hempfield charges \$240.00 per child. We are way under that fee.

Vice President Hudson presented a special event application for RiverFest. The date for RiverFest is June 24<sup>th</sup>. They have all their insurance and everything that they need included. Council member DeBottis made a motion to approve with a second from Council member Dalzell. Motion carried unanimously by voice vote.

Vice President Hudson presented a special event application for a Childrens Festival. They included their insurance. The date is Saturday, June 3<sup>rd</sup>, from 11am-4pm at the Community House. It's for all ages. There will be pony rides, magicians and lots of games. Council member Dalzell made a motion to approve with a second from Council member Lauver. Motion is carried unanimously by voice vote.

**Public Safety – Miles Lauver** – The speeding on Market Street was discussed. We know it's an issue and we looking at ways to address the situation. On the corner of Bank and Market, there is an apartment there and they are working on cars in the street. Mayor Carroll Baltozer stated that this issue has been addressed and taken care of. There was a complaint about the house on Front Street that was condemned. Council member Lauver stated that he sees in the Zoning Officer's report that it has been fixed and is no longer condemned and is structurally sound.

#### **Public Works – Jeff Marsh**

We are looking to get a price to pave the new lot on Furnace Road. The new bike trail will be open by the weekend. New signage has been placed at Bank and Front. The tennis court paving project will be done tomorrow, which is ahead of schedule. Donegal Insurance is willing to participate in a new scoreboard for the softball field. President States stated the Donegal Insurance stated that they would be interested in helping to renovate War Memorial Park. They would be willing to help pay for the Amphitheater, if we dedicated it to Donald Nikolaus.

#### **SPECIAL COMMITTEE REPORTS**

**JOINT SEWER AUTHORITY – Jeffery Marsh** – Sewer Authority met on April 28<sup>th</sup>. Everything is running well at the pumping station. We are getting a quote to replace the dumpster service at the plant. We are getting a price to rebuild our sludge test machine and we are still looking for a place to go with the sludge. The contract is up at the end of the year with Kline.

**Shade Tree Committee – Bill Dalzell** – We will have a spot at the S-bend on Marietta day and will be distributing free trees. We encourage you to plant them on the street in front of your house, but you are also welcome to plant them in your back yard.

We had a workday this past Saturday on the trail. Over the past couple of months, we have been cutting back the evasive vines that have taken over trees along the trail. We went back and have already been seeing that the ivy has died off and the trees are going to really benefit from that.

At noon on Saturday, we had a tree planting event at the Community House. We planted a tree and had a resident and former resident explain how you prepare the soil and what you need to do to care for the tree.

If there are any trees left over from Marietta Day, they will be planted along the trail.

**War Memorial Park – President Freddy States** – The grant that we received for the tennis and pickleball courts, there is an additional \$50,000.00 that we have the opportunity to apply for now if we could find the right place to use it. We were thinking about using it to renovate our existing restrooms, but we do have to stick to the Master Plan, which was relocating the restrooms. We are looking to see if we could do a change order.

#### **OLD BUSINESS**

No old business.

#### **NEW BUSINESS**

No new business

**PUBLIC COMMENT**

**Steve Ulrich – MABA** - Wanted to thank the Lions Club for assisting with the lights for coordination and also the special fire police. If there are any other need for funds for athletic type of things at War Memorial Park or anywhere, there is a group call Donegal Athletic Club that raises money for such needs. They are more focused on the School District, but they may be willing to help.

**Harold Kulman – East Market Street** – Several weeks ago Steve Bailey attended the Emergency Management Meeting which was a meeting of all the people from the county. Steve told him a little about the meeting, but at the end it led to 2 or more additional hours where he was given all sorts of information about the railroad and safety factors that would be involved with the railroad and trains passing by Marietta. As we all know there have been a lot of derailments. To be fair, 40-60% of derailments happen in the yard, not on the tracks. Steve said he was given a lot of information but there are factors that he cannot tell him about. Harold stated that he thinks it would be good for the residents of Marietta to know what's going on and what is going through our railroad so that if a disaster happens, we are prepared.

Mayor Carroll Baltozer stated that she talked to Steve and she believes a lot of that sort of information is confidential because of 911 and terrorism. Harold stated that he understands the railroad and he thinks we need to keep pressure on them.

Presidents States made a motion to adjourn the meeting, with a second from Vice President Hudson. The meeting was adjourned at 8:06pm.

BOROUGH SEAL

Respectfully submitted,

Julie A. Hall  
Secretary/Treasurer