

## **BOROUGH COUNCIL MINUTES**

**JULY 13, 2015**

### **CALL TO ORDER**

Council President James Collin II called the July 13, 2015 Borough Council meeting to order at 7:00 p.m. Council and guests stood and recited the Pledge of Allegiance to the flag.

### **MEMBERS PRESENT**

James Collins II, Matt Hockley, Deborah Halpin-Brophy, Lois Stoner, Pam Still, Leroy "Cork" Shildt, Ed Kendall, Borough Secretary/Treasurer Cheryl D. Smith, Solicitor Mike Scherer and Mayor P. Scott Boise

### **APPROVAL FOR PAYMENT OF BILLS**

Deb Brophy made a motion to approve payment of the bills. The motion was seconded by Lois Stoner. Motion passed unanimously.

### **APPROVAL OF COUNCIL MINUTES-JUNE 8, 2015**

Deb Brophy made a motion to approve the Borough Council meeting minutes of June 8, 2015. The motion was seconded by Matt Hockley. Motion passed unanimously.

### **PUBLIC OPINION SESSION None**

### **SOLICITOR'S REPORT**

Mike Scherer reported he has prepared a Volunteer Background Check Policy which reads: It is the policy of Mount Holly Springs Borough to conduct a background check (Pennsylvania State Police Criminal History, Pennsylvania Department of Human Services Childline check and/or Federal Bureau of Investigation History) on volunteers who are interacting with children on a 1:1 ration in an atmosphere where other persons are not present. Mr. Scherer stated this is in effort to get the coverage approved for molestation coverage. This would be submitted along with the other things that have been prepared and see if the insurance company is happy with it.

Jim Collins stated Council members should have received a copy of the other changes that were made in the policy book.

Cork Shildt made a motion to adopt the changes into the policy book. The motion was seconded by Deb Brophy. Motion passed unanimously.

Mike Scherer reported Rex Fisher from Dollar General contacted him replying to his letter of October of 2014. Mr. Scherer did not have a chance to reply to him but he indicated the Council is growing weary of the lack of compliance and their security could be used to bring the property up to the specifications in the plan if something was not done soon. Cork Shildt stated

the water run off goes to Mr. Bradley's sign shop. They need to install a drain. The other issue is the grass. Since it was planted in the middle of winter it needs to be re-planted. Mr. Scherer would reply to Mr. Fisher on both matters.

\*\*\*\*\*COMMITTEE REPORTS\*\*\*\*\*

**HEALTH, SAFETY & WELFARE**

Deb Brophy reported the Chief is not getting many hours from Rachel and Brandon so the Police Chief has interviewed and would like to submit for hiring Anthony Martinez. He is a part-time officer with Carol Township and speaks Spanish.

Deb Brophy made a motion to hire Anthony Martinez as a part-time police officer at the current pay rate effective 7-13-15. The motion was seconded by Matt Hockley. Motion passed unanimously.

**Mayor's Report**-Scott Boise presented the monthly statistics from the police department. The report included monthly stats, truck inspections and citations by events.

Mayor Boise stated with Route 30 being restricted from Chambersburg to Gettysburg there would be more truck traffic in the Borough.

Mayor Boise reported the total fines from June 8 thru July 13 were \$63,928.50.

**ADMINISTRATIVE, FINANCE & BUDGET**

Deb Brophy made a motion to approve the group activity permit for the Fire Company application for the Fireman's Fair August 12<sup>th</sup> through August 15<sup>th</sup> with street closing. The motion was seconded by Cork Shildt. Matt Hockley asked if it was the same street closing as last year. Mr. Collins indicated yes. Mayor Boise asked if they would be using the grass parking lot, weather permitting. Mr. Collins stated yes. Motion passed unanimously.

Deb Brophy read a letter from the Municipal Health Insurance Cooperate stating if the employees enrolled in the health insurance program do not increase to 6 by July 1, 2016 the membership would be terminated effective December 31, 2016.

**WCOG Report**-Pam Still reported the WCOG has passed a Resolution that allows them to destroy a tape or erase after a meeting once the minutes are recorded. Mike Scherer would do a resolution for the Borough.

Pam Still reported Will Tallman and Commissioner Eichelberger were in attendance at the meeting and the State University tuition will be increasing 3.25 %. Crop and food prices would be affected by diminishing bee population. The aging population is putting a burden on EMS and ambulance people.

Pam Still reported Tallman office is having an avian flu meeting and believe the flu may reach Pennsylvania in the fall.

Pam Still reported Mr. Eichelberger discussed the County employee's raises and stated it is performance merit based pay scale.

Pam Still reported County did a fuel accuracy test in June and did 23 fuel retailers. There was a 5% error rate.

Pam Still reported Dickinson Township is concerned about driving township trucks down W. Pine Street and asked if the Borough would concede with at least driving the backhoe on W. Pine Street. Chief Day stated he did not have a problem with the backhoe but he did have a problem with the dump trucks. They can come down the same road as all the other dump trucks do.

## **PUBLIC WORKS**

Cork Shildt reported the light at Baltimore and Mill Street was hit again by another truck. Fortunately there were witness and the Chief tracked down the truck. The pole has been replaced by Percs and the insurance company took care of the bill.

Cork Shildt reported Jim received a quote from USG to clean the drain behind the pharmacy. The cost would be approximately \$570.

Cork Shildt reported the rear tires on the backhoe need to be replaced. Jim received estimates from Barrick's and Highland's. Jim Collins stated the Authority authorized a payment of up to \$1200 but they are looking for the Borough to pay half.

Cork Shildt made a motion to authorize Jim Hoerner to have two new back tires for the backhoe installed. The motion was seconded by Lois Stoner. Motion passed unanimously.

Cork Shildt reported the bucket truck needed inspected and the emergency brake is bad and will cost \$900 to replace. Mr. Shildt suggested if there is something like this again, Jim should contact Matt to see if there is someplace cheaper that Matt uses.

Cork Shildt reported they had a conference call with FEMA and Curt Stoner and Steve Blair have pretty much convinced FEMA that they need to do another study on the flood plain. The reason they agree is because the dam has been removed and the bridge on Mill and E. Pine Street have been replaced. FEMA would be doing a study and they would be having another conference call on August 25<sup>th</sup>.

Cork Shildt reported on the water problem on Hill Street. Jim suggested installing a rolled curb for the water run off but that cannot be paid for through liquid fuels and he did not know if there was money budgeted to do that. Mr. Shildt suggested looking at that for next year in the budget.

Pam Still stated she informed Mr. Tallman about the difficulty with the green light go grant.

## **PLANNING & ZONING**

Pam Still reported on April 9, 2015 Dennis Gotthard requested a variance to obtain relief from Article B-B, Section 501-B of the Mt. Holly Springs Zoning Ordinance where he wanted to convert businesses into apartments. A public hearing was held before the Zoning Hearing Board. The Zoning Hearing Board found the applicant failed to meet his burden of establishing the criteria necessary for the grant of a variance.

Pam Still reported by July 28, 2015, at the next planning meeting, County would have a non-bias third party evaluation of the proposed zoning ordinance by a member of their Planning

Commission. A summary of the changes will specifically be sent to the Mt. Holly Springs Planning members. The County would provide the Borough with a large map, before and after, in preparation for the public meeting and public hearing. Ms. Still also indicated the map has been changed because some properties fell into two zoning districts.

Pam Still stated on July 28<sup>th</sup> there would be a discussion on how to advertise the public meeting and how the hearing would be handled. The public meeting would be handled at the Planning Commission meeting and the hearing would be handled at a Council meeting.

Matt Hockley asked if anything would be done about Mr. Gotthard who admitted he turned them into a rental property with anything. Jim Collins stated the matter is still being discussed. Mike Scherer indicated the Borough could send an enforcement notice and if the intention is not to allow a residential unit. Chief Day stated they need to make sure they were put in in some sort of compliance. Mayor Boise stated if there is a fire upstairs, the people would not be getting out because there is no fire escape. Matt Hockley stated Mr. Gotthard claims he got permission from the State to put the three apartments upstairs 10-15 years ago.

Chief Day asked the Solicitor if he could have the COG and the codes and zoning set up a walk through. Chief Day stated should there be a fire there would be casualties.

Joe Andreatti indicated he talked to the DA on issues where people don't comply with building inspections and he would need to get an administrative search warrant. Mike Scherer asked if someone could draw a picture since there are some many levels.

Chief Day stated Mr. Gotthard may go into commercial apartment complex which would have the sprinkler system installed. Jim Collins stated they may not be able to tell Mr. Gotthard to tear everything out, but he may have to bring it up to standards.

Jim Collins stated Mr. Gotthard most recent action is what determines the time line and what he is doing and what the Borough caught him doing brings everything else into today and not 15 years ago.

Joe Andreatti stated once you pass a threshold of monetary value in modifications to an already existing structure you are no longer bound by that set of codes when it was built. It has to be entirely brought up to date with modern code because it is no longer the old building. That is why Mr. Gotthard did it that way so he did not have to do that. Chief Day stated the bottom line is he changing what he was zoned for to begin with.

Mike Scherer stated the issue becomes what has Mr. Gotthard done recently and not what is old news. An enforcement notice could be sent for the recent things that have been done stating he was not allowed to use that property as residential units with getting a variance.

Mike Scherer indicated the problem for the Borough is that if you have the church and the theater that have apartment units and none of them have been inspected and have been there or 15 plus years and they are not inspected then if the Borough goes to Mr. Gotthard and say we are going to inspect yours but not the church or theater apartments then you are treating one resident or landowner differently than the other. Mr. Scherer added that would expose the Borough to an issue of civil liability for violating someone's civil rights. If you pursue people differently there could be very severe civil consequences or violating someone's civil rights under Section 1983 of the Federal Code.

Mike Scherer suggested asking Mr. Gotthard to inspect it and if he denies you then request the administrative search warrant through the DA's office.

Matt Hockley made a motion to authorize Mike Scherer to draft a letter for enforcement to Mr. Gotthard to remove tenants from the apartment that was not approved. The motion was seconded by Cork Shildt. Mr. Kendall stated when they said commercial, three or more apartments verse commercial business and is there a difference. Mr. Scherer replied he was being told that it does not comply with the zoning and if he is out of compliance with the zoning that would be a reason to evict the people living there. Motion passed unanimously.

Jim Collins stated when the Borough gets to where we are doing rental inspections, that would put the Borough in a position to inspect the upstairs apartments.

## **PARK & RECREATION**

Lois Stoner reported they purchased 3 spring riders for Butler Street Park. A \$2500 contribution was received from the VFW and from the Ladies Auxiliary of the VFW. Mrs. Stoner also reported a donation of \$700 was received to buy a geo dome climber from a private individual.

Lois Stoner reported she visited A.H. Rife and talked to them about removing the junk trees at Trine Park. They would not do it for mulch but would for firewood. Once the trees are marked they would let Park & Rec know if they would be interested.

Lois Stoner reported they met with Stephanie Williams to discuss a possible grant to finish the walking trail.

Lois Stoner made a motion to appoint Fern Gardner to Park & Rec Board. The motion was seconded by Deb Brophy. Motion passed unanimously.

Lois Stoner reported the trees on North Baltimore Avenue would be trimmed next week the church work crew. Cork Shildt reminded Mrs. Stoner to have them wear gloves because they just sprayed the weeds around the trees and along the curbs and sidewalks.

Lois Stoner reported she called Valley View Nursery and they gave her the name of Gerst Nursery's Landscape in Leola PA which is the only place they could think of that sells large trees to get an estimate for the tree that was hit by the truck on N. Baltimore Avenue. Mrs. Stoner she received an estimate of \$450.50 to replace a 4" to 5" caliber tree. Chief Day stated Old Dominion is willing to settle up for the cost of the tree.

## **OTHER BUSINESS FOR COUNCIL**

**Revitalization-**Pam Still reported she has checked into the January 2016 Tree Vitalized grant and it would not be held next year. The next one would possibly be in September. Ms. Still stated to receive more points on the grant they suggest having a consistent volunteer group to take care of the trees

Pam Still reported Deb Sweeney reported at the school board on July 9<sup>th</sup> about the Borough's streetscape plan. The school board openly supports the Borough efforts.

Pam Still reported the grant came through for the \$2500 with no match and was given by the Greater Harrisburg Association of Realtors.

Pam Still reported they would be purchasing about 20 banners that are 18" x 48". There would be approximately \$300 remaining. They would be looking into buying a banner for across the railroad bridge.

Pam Still reminded everyone that the Community Meeting is July 26<sup>th</sup> at the fire hall beginning at 1:00 p.m.

Pam Still reported the barks march people have produced a rough draft brochure for the barks march to be held on September 19<sup>th</sup> and that would help promote Holly Days. Ms. Still thanked Allen for all his help.

**THE MEETING WAS NOT RECORDED FROM THIS POINT**

Deb Brophy made a motion to move forward on the grant to subdivide PA Dutch Candy property. The motion was seconded by Matt Hockley. Motion passed unanimously.

Council went into an executive session at 8:50 p.m. to discuss a personnel matter.

**THE MEETING WAS RCORDED FROM THIS POINT ON**

Jim Collins called the July 13, 2015 Council meeting back to order at 9:15 p.m.

Deb Brophy made a motion to increase the pay for the MCSAP Certified part-time employees to \$28.00 per hour effective July 13, 2015. The motion was seconded by Matt Hockley. Motion passed unanimously.

**ADJOURN**

Cork Shildt made a motion to adjourn the July 13, 2015 Borough Council meeting. The motion was seconded by Ed Kendall. Motion passed unanimously.

Respectfully submitted,

Cheryl D. Smith  
Borough Administrator

Transcribed by:

Pat Fisher  
Utility Billing Clerk