

Manheim Borough Council Meeting

March 29, 2016, 7:00 PM

Manheim Borough Building, Manheim

- Pledge of Allegiance and Moment of Silence.
- **Roll Call:** President Carol Y. Phillips, Vice President Brad Roth, Jean Gates, Elaine Leech, Chris Simon, Jr. Council Person Kayla Heiserman & Mayor Scot Funk
- **Staff:** Borough Manager, James R. Fisher , Police Chief, Joseph Stauffer & Recording Secretary, Linda Gerhart

Ms. Rochelle Shenk from the LNP was thanked for her coverage on the new playground program being implemented at Mummau Park for the summer.

Approval of Minutes: 3/8/16 Borough Council Meeting, Motion to approve, as presented by Mr. Roth, seconded by Mr. Simon, passed unanimously.

Visitors: Manheim Fire Chief Dan Wagner was present to answer any questions about his report distributed to the council. He updated council on the fire at the Manheim Auto Auction and extended an invitation to anyone on council who would be interested in attending their annual banquet on April 9th.

Mayor and Police Chief Report:

Mayor Funk updated council on the funds that were generated for McFee at their auction from the donations from the borough. He commended the Manheim Girls Softball team for painting the bleachers at their field in Memorial Park. Mayor Funk and Police Chief Stauffer will be attending the Rally for Road Safety in Harrisburg being held on April 5th in support of Senate bill #535 and House bill #71 concerning radar use by officers other than State Police. Resolution 28-2016 was presented for approval, Motion by Ms. Leech, seconded by Ms. Gates, passed unanimously. Council was updated on the possible zoning amendment being proposed to be discussed by the Planning Commission concerning outdoor café tables for eating establishments.

Police Chief Stauffer presented his report and reviewed it with council. Council was updated on the department statistics, the aggressive driver patrols, the suicide incident in Rapho Township at the McDonalds and the change in date of the Prom Promise event at the Manheim Central High School to April 28th.

Borough Engineer Report: Mr. Benjamin Craddock updated council on the progress of the new Police Building and the Adele Avenue Stormwater Project. B R Kreider is being recommend as the lowest responsible bidder for the West Stiegel and South Penn Street Improvements project at a cost of \$68,854.00. Motion to approve B R Kreider by Mr. Roth, seconded by Ms. Gates, passed unanimously. The project will start after school is finished in June.

Borough Code Officer Report: Mr. Moyer updated council on the continued progress with the rental inspections and the rental property applications. There will be 2 cases presented at the Zoning Hearing Board meeting scheduled for April 4th.

Borough Manager Report:

- a) The Borough Manager presented his Summary Report and updated council on the completion of the exoneration process for the taxes for 16 East Stiegel Street and the findings from the Richards Energy reviews of our energy bills which resulted in refunds as well as future savings over current electric contract beginning in 2017. The current gas supplier rate as of now is the lowest available. Discussion was held concerning changing the PPL streetlights to LED. There will be more information presented at the next council meeting.
- b) Recommendation of Fulton Bank as depository for Capital and General Funds was presented for consideration. Motion by Mr. Roth to approve Fulton Bank as depository for Capital and General Funds when staff feels time is best, seconded by Ms. Leech, passed unanimously.
- c) Resolution 29-2016 (Designation of Agent to execute forms and documents for financial assistance associated with the January snowstorm) was presented for adoption. Motion by Ms. Gates, seconded by Mr. Roth, passed unanimously.
- d) Borough participation in the shred-it event at Pleasant View on May 7th was presented for consideration. After discussion it was decided not to participate.

Payment of Bills: Presented for approval - Construction Loan Draw Requisition #5 in the amount of **\$16,341.68** Motion by Mr. Simon, seconded by Ms. Leech, passed unanimously. **General Fund** in the amount of **\$166,450.43**, **Capital Fund** in the amount of **\$ 2,951.97** and **Liquid Fuels Fund** in the amount of **\$2,499.32** Motion by Ms. Leech, seconded by Ms. Gates, passed unanimously.

Committee Reports:

- a) Finance Committee – Nothing to report.
- b) Parks and Pools – Nothing to report.
- c) Personnel/Police – The committee met prior to the council meeting. The items discussed will be handled at the executive session at the end of the council meeting.
- d) Public works –. The committee will be meeting before the next council meeting.

New Business:

- a. Manheim Christian Day request for donation of pool pass for their fundraising auction. Motion by Ms. Gates, seconded by Mr. Simon, passed unanimously.
- b. Approve annual VFW Baseball field use lease. Motion by Mr. Simon, seconded by Ms. Leech, passed unanimously.
- c. Request from St Paul's Episcopal Church sign placement (3/26 – 4/3) for their spaghetti dinner. Motion by Mr. Roth, seconded by Ms. Leech, passed unanimously.
- d. Request from Library for summer reading sign-up event Friday 6/3 at pool to include free pool attendance for participants for that evening. Motion by Mr. Roth, seconded by Mr. Simon, passed unanimously.

Old Business:

- a) SALDO –
 - a. The Council meeting is recessed to conduct public hearing on SALDO 648.
 - b. Public hearing on SALDO 648 was explained.
 - i. Borough Exhibits for Record were presented.
 1. Legal Notices
 2. Review letter from LCPC
 3. Minutes from Manheim PC
 4. Lancaster Co Law Library Receipt
 5. Certification of posting of legal notices and availability of ordinance for review at Borough office.
 6. Copies of Notification of Advertisement
 - ii. Ordinance was prepared by Borough PC with assistance from LCPC and Lancaster Civil Engineering, as well as borough staff.
 - iii. Public Comment on SALDO 648. There was no public comment presented.
 - iv. Per the legal notice, it is noted that Council has the ability to enact ordinance at conclusion of public hearing or to continue public hearing to a subsequent meeting and to take action at subsequent meeting.
 - v. Adjourn public hearing or continue public hearing. Motion moved by Mr. Roth to adjourn the Public Hearing, seconded by Mr. Simon, passed unanimously.
 - c. The council meeting was reconvened.
 - d. Action on adoption of SALDO 648. Motion by Ms. Leech to adopt SALDO 648 as submitted, seconded by Ms. Gates, passed unanimously.
- b) Flood Ordinance - Flood Ordinance 649 was explained and presented for approval by Mr. Fisher. Motion by Mr. Roth, seconded by Ms. Leech, passed unanimously.
- c) Verizon Wireless – Verizon Wireless is going through a reorganization so all new sites work has been put on hold, and their representatives are not allowed to work on anything until the reorganization is complete.
- d) Borough Building & EMS Building – The evaluation of these buildings is ongoing. Public Works Committee is planning a tour at one of their upcoming meetings for both facilities. Council will be notified of the time if they would like to be part of the tour.
- e) Police Grievance – Received response regarding settlement agreement, to be discussed in executive session.
- f) Solicitor RFP – Proposals have been received from Eckert Seamans and Kozloff Stoudt. Barley Snyder has chosen not to submit a proposal, and tendered their resignation as of 4/15, with an offer to extend to 4/30 if requested by Council. The Police Department would like to retain Barley Snyder as their solicitor for labor issues and presented their reasons to council. Council members presented their reasons for having either one solicitor or two solicitors. After a lengthy discussion Resolution 30-2016 Appointing Kozloff Stoudt as borough-wide solicitor effective 4/16 was presented for approval. Motion by Mr. Roth, seconded by Ms. Leech, passed with a vote of 4 to 1, Mr. Simon was the nay vote. The resignation of Barley Snyder as Borough Solicitor as of 4/15 was presented for approval. Motion by Mr. Roth, seconded by Ms. Leech, passed unanimously.
- g) Police Station Plaque – Mr. Fisher contacted former Council members Fenicle and Martin about being included on plaque. Both agreed to be included and expressed appreciation

to Council for this consideration. Mayor Funk reported that he contacted Ms. Martin concerning her inclusion on the plaque and gave his opinion that she should not be included on the plaque. He also reported the vote results by the Police Association to exclude Ms. Martin from being listed on the plaque. Discussion was held concerning who should be included on the plaque. Various opinions were presented. Motion was moved by Mr. Roth that all current and prior council members be listed on the Police Station Plaque seconded by Ms. Gates, passed with a vote of 4 to 1, Ms. Leech was the nay vote, stating that as she is a new council member she did not feel she needed to be included.

- h) Junior Council Person, Ms. Heiserman reported that she is working with the guidance department at the High School to find a replacement for herself on council.

Motion by Mr. Simon seconded by Mr. Roth to recess to Executive Session for police association grievance at 8:27 PM, passed unanimously.

Executive session adjourned at 8:40 PM, Motion by Mr. Simon, seconded by Mr. Roth, passed unanimously.

Regarding the police grievance, motion by Mr. Roth, seconded by Ms. Leech, to pay officer Colwell the overtime rate for 1 hour of service, and stipulating that Council by doing so does not acknowledge or admit to any violations, present or past, of the terms of the police contract. Passed unanimously.

Motion by Mr. Roth, seconded by Mr. Simon to confirm an interpretation of the police contract with regard to tuition reimbursement that online education falls within the definition of “traditional or adult learner classroom attended courses”. Passed unanimously.

Motion by Mr. Simon, seconded by Ms. Leech to approve “detective pay” rate for Drug Task Force officers, effective with the current payroll period, and when said officer returns to the regular Borough force the pay rate will revert back to the Borough officer pay rate. Passed unanimously.

With no further business Motion to adjourn at 8:48 PM by Mr. Simon, seconded by Mr. Roth, passed unanimously.

Respectfully submitted,

Linda Gerhart

March 29, 2016