

Council Chamber, July 27, 2016

President Noble convened the meeting of Hanover Borough Council on Wednesday Evening, July 27, 2016, 7:00 PM, in the Hanover Municipal Building, 44 Frederick Street, Hanover, Pennsylvania as advertised.

The meeting began with the Pledge of Allegiance to the Flag of the United States of America, followed by a moment of silence. On roll call the following answered as present: Mr. Angel, Mr. Baumgardner, Mr. Funke, Mr. Marcoccio, Mr. McLin, Mr. Noble, Mr. Reichart and Mr. Shea; Mayor Adams; Solicitor Yingst; Manager O'Rourke and Secretary Neiderer. Ms. Libertini and Mr. Roth were absent this evening.

It was moved by Mr. Shea, seconded by Mr. Funke to approve the minutes of Hanover Borough Council from June 22, 2016 as presented. Motion carried.

It was moved by Mr. Reichart, seconded by Mr. Shea to approve the Report of the Mayor and the Report of the Fire Chief. Motion carried.

It was moved by Mr. Reichart, seconded by Mr. Shea to approve the reports of the following Borough Administrators:

- a.) Borough Manager
- b.) Supervisor of Public Works
- c.) Superintendent of Water & Wastewater Treatment
- d.) Supervisor of Water Treatment Plant
- e.) Supervisor of Water Distribution
- f.) Supervisor of Water Meter Department
- g.) Engineering Department
- h.) Library Director

Motion carried.

It was moved by Mr. Funke, seconded by Mr. Shea to approve the payment of the bills. Motion carried.

MAYOR ADAMS

It was moved by Mr. Shea, seconded by Mr. Reichart to accept, with regret, the resignation of Mr. Nevin Shultz from the Hanover Borough Planning Commission effective July 15, 2016. Motion carried.

Mayor Adams read and presented a formal Proclamation in honor of Mr. Shultz who was present with family and friends. President Noble congratulated Mr. Shultz for his many years of service to the community. Mr. Shultz thanked Council for the privilege of serving.

It was moved by Mr. Reichart, seconded by Mr. Shea to promote Douglas Kemmerly to the position of Captain in the Hanover Fire Department according to the recommendation from the Hanover Borough Civil Service Commission.

Mayor Adams administered the Oath of Office to Mr. Kemmerly and congratulated him on his promotion. Council welcomed Mr. Kemmerly to his new position and wished him success.

EXECUTIVE SESSION

7:10 PM: President Noble announced that Council would exit the meeting for a brief executive session to discuss legal matters.

7:32 PM: Council re-entered the Council Chamber and the meeting resumed.

CITIZENS WITH ITEMS OF BUSINESS TO BE BROUGHT BEFORE COUNCIL

Mr. Ed Swartz, 5678 Waltersdorff Road – was present on behalf of the Fire Museum Committee to report that they have received approval for their 501(c)3 non-profit designation. The Committee has been in contact with an architectural firm and an attorney. Mr. Swartz asked if there was a meeting scheduled with Pennrose Properties. President Noble replied that a meeting has been scheduled.

Mr. Donald Jamison, 217 East Middle Street – expressed concern over his sewer lateral not being properly connected due to the gas company's construction. Borough staff televised the line twice and found no issues, but Mr. Jamison insisted there was a problem that was not being addressed. Supt. Mayers stated that the line was televised twice with no issues. The Borough's responsibility for the sewer lateral only extends to the curblin; the property owner is responsible from the curb to the home. If Mr. Jamison feels that the gas company caused a problem, he would need to contact them, but the Borough staff could see no problems at this location when televising the lateral. A copy of the ordinance will be forwarded to Mr. Jamison explaining the responsibilities of the property owner and the Borough in regard to sewer laterals.

Public Hearing – Alley Vacation

Engineering Department Mr. Steckler explained that a petition had been received from the adjoining owner between 961 and 973 Carlisle Street that extends from Carlisle Street to the alley running parallel in the rear of Carlisle Street. This is where The Palms Dry Cleaning business is located. The petitioner owns both properties adjoining the alley, and has no plans to close this alley. The owner has been maintaining the alley and plowing the snow here. Mr. Steckler asked for questions.

Manager O'Rourke stated that the properties on either side of the alley now will maintain ownership to the center of the alley. After the Borough passes the ordinance, the property owner can then have the deeds changed to reflect the vacation.

Mr. McLin asked if there were any other properties involved, and Mr. Steckler stated there were not.

The ordinance is on this evening's agenda for approval.

REPORTS OF THE STANDING COMMITTEES

Finance & Personnel Committee – Mr. McLin

It was moved by Mr. McLin, seconded by Mr. Shea to ratify the action of the Borough Officers in making the following investments with People's Bank for a period of 31 days, June 30, 2016 to July 31, 2016 at a variable interest rate of 0.55%:

<u>Funds</u>	<u>Investments</u>
General Fund	\$7,360,700.00
Sewer Fund	\$1,857,500.00
Guthrie Memorial Library Fund	\$0.00
Regional Wastewater Treatment Fund	\$682,200.00
Market House Fund	\$37,800.00
Liquid Fuels Fund	\$207,400.00
Equipment Fund	\$136,200.00

REPORTS OF THE STANDING COMMITTEES

Finance & Personnel Committee – Mr. McLin

<u>Funds</u>	<u>Investments</u>
Local Services Tax Fund	\$70,500.00
Business Privilege Tax Fund	\$415,100.00
Sewer Projects Fund	\$0.00
Library Projects Fund	\$18,700.00
Hanover Recreation Endowment Fund	\$302,100.00
Water Revenue Fund	\$3,500,000.00
Water Projects Fund	\$186,500.00
Hanover Recreation Reserve Fund	\$27,900.00
Library Endowment Fund	\$1,654,278.05
2013 Water Bonds	\$0.00
2013 Sewer Bonds	\$100,000.00
2013 General Bonds	\$165,000.00
2015 Water Bonds	\$3,500,000.00
Total	<u>\$20,221,878.05</u>

Motion carried.

It was moved by Mr. McLin, seconded by Mr. Shea to approve Ordinance No. 2247 entitled **“AN ORDINANCE OF THE BOROUGH OF HANOVER, YORK COUNTY, PENNSYLVANIA AMENDING ORDINANCE NO. 2188 (THE CODE OF THE BOROUGH OF HANOVER) BY REVISING CHAPTER 325, SECTION 37 TO INCLUDE MODIFIED FILING REQUIREMENTS FOR BUSINESSES SUBJECT TO THE BOROUGH BUSINESS PRIVILEGE TAX. SAID MODIFICATIONS REQUIRE PERSONS COMMENCING BUSINESS SUBJECT TO THE BUSINESS PRIVILEGE TAX TO FILE A RETURN BY APRIL 15th OF THE NEXT FOLLOWING YEAR SETTING FORTH THE INFORMATION NECESSARY TO DETERMINE THE GROSS AMOUNT OF BUSINESS TRANSACTED AND THE AMOUNT OF TAX DUE; SET FORTH WHEN SUCH RETURNS MUST BE FILED FOR BUSINESSES WHICH COMMENCE OPERATIONS LESS THAN ONE (1) FULL MONTH PRIOR TO THE END OF THE PRECEDING CALENDAR YEAR OR PRIOR TO THE BEGINNING OF THE LICENSE YEAR; AND SET FORTH FILING REQUIREMENTS AND TIME LIMITS FOR RETURNS FOR TEMPORARY, SEASONAL AND ITINERANT BUSINESSES. SAID ORDINANCE REDUCES THE NUMBER OF FILINGS FROM TWO TO ONE PER YEAR.”** On roll call, the following voted in favor of the motion: Mr. Angel, Mr. Baumgardner, Mr. Funke, Mr. Marcoccio, Mr. McLin, Mr. Noble, Mr. Reichart and Mr. Shea. The motion passed with eight (8) in favor of and no opposition to the motion. Motion carried.

It was moved by Mr. McLin, seconded by Mr. Funke to approve the real estate property tax exemption for Mr. Hai Worrall, 635 Northland Drive, Hanover, Pennsylvania as per letter of approval and Disabled Veterans Real Property Tax Exemption Certification issued from the Pennsylvania Department of Military and Veterans Affairs. Motion carried.

REPORTS OF THE STANDING COMMITTEES

Finance & Personnel Committee – Mr. McLin

It was moved by Mr. McLin, seconded by Mr. Funke to approve college tuition reimbursement to Police Officer Jose Gonzalez for courses successfully completed toward his degree in Criminal Justice from the University of Phoenix in the amount of \$2,740.00 as per signed agreement stating the employee agrees to remain employed with The Borough of Hanover for a period of three (3) years following the completion of said degree. Motion carried.

It was moved by Mr. McLin, seconded by Mr. Angel to grant the following sewer billing credits, one time only, due to leaks which did not enter the sewer system and have since been repaired:

<u>Owner's Name</u>	<u>Location</u>	<u>Account No.</u>	<u>Credit Amount</u>
Sandra Hughes	30 W. Middle St	51-0131292-1	\$1,080.30
Fred Brady	128 E. Chestnut St	51-0237141-0	\$ 400.80

Motion carried.

It was moved by Mr. McLin, seconded by Mr. Shea to approve the Hanover Borough Fund Balance and Finance Reserves Policy to be used as a basis for budgeting and to achieve improved fiscal accountability. Motion carried.

It was moved by Mr. McLin, seconded by Mr. Funke to award the bid for the Wirt Park Fire Station chiller unit to Davidson's H & C, Company, Hanover, PA in the amount of \$47,286.00 as per bid specifications. Motion carried.

It was moved by Mr. McLin, seconded by Mr. Angel to approve the maintenance repairs to Wirt Park Fire Station at the estimated cost of \$40,000.00. Motion carried.

It was moved by Mr. McLin, seconded by Mr. Angel to approve the stairwell enclosure at Clearview Fire Station at the estimated cost of \$1,987.00. Motion carried.

It was moved by Mr. McLin, seconded by Mr. Marcoccio to approve the purchase of a second lawnmower for the Public Works Department in the amount of \$11,360.00. Motion carried.

It was moved by Mr. McLin, seconded by Mr. Funke to authorize the proper officers of The Borough of Hanover to enter into an attorney – client agreement with Rhoads & Sinon, LLC involving potential construction defect issues with the Guthrie Memorial Library – Hanover's Pubic Library. Motion carried.

Planning & Traffic Committee – Mr. Marcoccio

It was moved by Mr. Marcoccio, seconded by Mr. Reichart to approve Ordinance No. 2248, entitled "**AN ORDINANCE OF THE BOROUGH OF HANOVER, YORK COUNTY, PENNSYLVANIA, VACATING A PUBLIC ALLEY SITUATE BETWEEN 961 AND 973 CARLISLE STREET IN THE BOROUGH OF HANOVER, FROM ITS INTERSECTION WITH THE EASTERLY RIGHT-OF-WAY LINE OF CARLISLE STREET TO ITS INTERSECTION WITH THE WESTERLY RIGHT-OF-WAY LINE OF AN ALLEY RUNNING PERPENDICULAR WITH CARLISLE STREET.**" Mr. Funke noted that the word "Perpendicular" should be corrected to reflect the proper term of "parallel."

An amended motion was made by Mr. Marcoccio, seconded by Mr. Reichart to approve Ordinance No. 2248, entitled "**AN ORDINANCE OF THE BOROUGH OF HANOVER, YORK COUNTY, PENNSYLVANIA, VACATING A PUBLIC ALLEY SITUATE BETWEEN 961 AND 973 CARLISLE STREET IN THE BOROUGH OF HANOVER, FROM ITS INTERSECTION WITH THE EASTERLY RIGHT-OF-WAY LINE OF CARLISLE STREET TO ITS INTERSECTION WITH THE WESTERLY RIGHT-OF-WAY LINE OF AN ALLEY RUNNING PARALLEL WITH CARLISLE STREET.**" On roll call,

REPORTS OF THE STANDING COMMITTEES

Planning & Traffic Committee – Mr. Marcoccio

the following voted in favor of the motion: Mr. Angel, Mr. Baumgardner, Mr. Funke, Mr. Marcoccio, Mr. McLin, Mr. Noble, Mr. Reichart and Mr. Shea. The motion passed with eight (8) in favor of and no opposition to the motion. Motion carried.

It was moved by Mr. Marcoccio, seconded by Mr. Funke to authorize the proper officers of The Borough of Hanover to enter into an Easement - Right of Way Agreement with Columbia Gas of Pennsylvania, Inc., 121 Champion Way, Canonsburg, PA for a twenty (20') foot wide easement along the public right of way of the new section of Grant Drive referencing Deed Book 2006, Page 7421 and Plan Book 2351, Page 3373, as recorded in the office of Recorder of Deeds, York, County, Pennsylvania. Motion carried.

Public Service & Communications Committee – Mr. Shea

It was moved by Mr. Shea, seconded by Mr. Reichart to approve the request of the Hanover Area Council of Churches to hold their 40th annual CROP walk on Sunday, October 16, 2016 from 1:00 PM until 5:00 PM per their letter, walk map and special event application dated July 16, 2016, provided all walkers obey traffic laws and do not block sidewalks by other public users, a certificate of insurance is submitted naming The Borough of Hanover as additional insured; and waiving the fee of \$500.00 since no Borough services are utilized. Mr. Baumgardner questioned the need to waive the \$500 fee; Secretary Neiderer explained it was included in the motion due to a letter of request that it be removed. The fee is no longer charged. Motion carried.

It was moved by Mr. Shea, seconded by Mr. Reichart to approve the request of the Hanover Hospital Area Heart Walk Committee to hold their annual Heart Walk on Sunday, September 18, 2016 at Hanover Hospital from 11:30 AM to 3:00 PM, as per their route map and letter dated July 11, 2016 which requires no Borough services, provided all walk participants and volunteers obey all pedestrian and traffic regulations. Motion carried.

It was moved by Mr. Shea, seconded by Mr. Reichart to approve the request of Amanda Hollinger, 182 Breezewood Drive, Hanover, PA to reserve Stawski Field at the Moul Field Recreational Complex on Sunday, August 14th for a softball tournament from 2:00 PM to 5:00 PM including use of bathrooms with a refundable deposit of \$50.00; provided a certificate of insurance is submitted naming The Borough of Hanover as additional insured and the area is policed for litter after the event. Motion carried.

It was moved by Mr. Shea, seconded by Mr. Angel to ratify the request of Aaron Armstrong on behalf of Hope Baptist Church to reserve Stawski Field at the Moul Field Recreational Complex on Saturday, July 23rd from 4:00 PM to 6:00 PM including use of bathrooms with a refundable deposit of \$50.00; provided a certificate of insurance is submitted naming The Borough of Hanover as additional insured and the area is policed for litter after the event. Motion carried.

It was moved by Mr. Shea, seconded by Mr. Reichart to grant the the request of Roots for Boots, New Oxford, PA in conjunction with the Elks of Hanover and 3 Hogs Barbecue to reserve Good Field for a Vets' Fallfest on Saturday, November 12th from 8:00 AM to 3:00 PM provided a certificate of insurance is submitted naming The Borough of Hanover as additional insured and the area is policed for litter after the event. Motion carried.

Water & Sewer Committee – Mr. Reichart

It was moved by Mr. Reichart, seconded by Mr. Shea to approve the Consumer Deposit Agreement with Burkentine & Sons Builders, 1500 Baltimore Street, Hanover, PA for the installation of approximately 260' of 6" water main on Heights Avenue; including one – 1" single service lateral; and four – 1" double service laterals at a cost of \$35,000.00. Motion carried.

MAYOR'S REPORT

Mayor Adams reminded everyone that the Dutch Festival will be this Saturday, July 30th and to come out and enjoy the event.

OTHER MATTERS

Communications

On behalf of Council, President Noble thanked Borough Code Enforcement personnel & Public Works staff for the cleanup of 229 Carlisle Street. Pictures of before and after the cleanup were presented.

New Business

It was moved by Mr. McLin, seconded by Mr. Shea to reappoint Dr. Barbara Rupp to the Hanover Borough Planning Commission for a term of five (5) years from August 1, 2016 to July 31, 2021. Motion carried.

It was moved by Mr. McLin, seconded by Mr. Shea to reappoint Mr. Scott Roland to the Hanover Borough Planning Commission for a term of five (5) years from August 1, 2016 to July 31, 2021.

It was moved by Mr. McLin, seconded by Mr. Reichart to appoint Council Members Gerald D. Funke and Robert J. Marcoccio to serve on the Joint Hanover Borough – Penn Township Fire Commission. Motion carried.

Mr. Noble stated the fulfillment of the other opening on the Planning Commission will be deferred until a recommendation can be made on a candidate to fulfill the term of Mr. Shultz.

Unfinished Business

President Noble asked for any other comments from Council members, staff or citizens, and none were presented.

Adjournment

It was moved by Mr. Shea, seconded by Mr. Funke to adjourn the meeting at 8:02 PM to an executive session regarding legal and personnel matters. Motion carried.

Respectfully submitted,


Dorothy C. Neiderer
Borough Secretary

AN ORDINANCE

AN ORDINANCE OF THE BOROUGH OF HANOVER, YORK COUNTY, PENNSYLVANIA AMENDING ORDINANCE NO. 2188 (THE CODE OF THE BOROUGH OF HANOVER) BY REVISING CHAPTER 325, SECTION 37 TO INCLUDE MODIFIED FILING REQUIREMENTS FOR BUSINESSES SUBJECT TO THE BOROUGH BUSINESS PRIVILEGE TAX. SAID MODIFICATIONS REQUIRE PERSONS COMMENCING BUSINESS SUBJECT TO THE BUSINESS PRIVILEGE TAX TO FILE A RETURN BY APRIL 15th OF THE NEXT FOLLOWING YEAR SETTING FORTH THE INFORMATION NECESSARY TO DETERMINE THE GROSS AMOUNT OF BUSINESS TRANSACTED AND THE AMOUNT OF TAX DUE; SET FORTH WHEN SUCH RETURNS MUST BE FILED FOR BUSINESSES WHICH COMMENCE OPERATIONS LESS THAN ONE (1) FULL MONTH PRIOR TO THE END OF THE PRECEDING CALENDAR YEAR OR PRIOR TO THE BEGINNING OF THE LICENSE YEAR; AND SET FORTH FILING REQUIREMENTS AND TIME LIMITS FOR RETURNS FOR TEMPORARY, SEASONAL AND ITINERANT BUSINESSES. SAID ORDINANCE REDUCES THE NUMBER OF FILINGS FROM TWO TO ONE PER YEAR.

BE IT ENACTED AND ORDAINED by the Council of the Borough of Hanover, York County, Pennsylvania, and it is hereby enacted and ordained by the authority of the same as follows:

Ordinance No. 2188 (the Code of the Borough of Hanover) is hereby amended by revising Chapter 325, Section 37 as follows:

- I. Section 325-37 is amended by deleting the existing subsections A through F and substituting the following therefore:
 - A. Every return shall be made upon a form furnished by the Tax Collector. Every person making a return shall certify the correctness thereof by affidavit.
 - B. Every person subject to the tax imposed by this Part who commenced his business at least 13 full months prior to the beginning of any license year shall on or before the 15th day of April, file with the Tax Collector a return setting forth his name, his business and business address, and such other information as may be necessary in arriving at the actual gross amount of business transacted by him during the preceding calendar year, and the amount of the tax due.
 - C. Every person subject to the tax imposed by this Part who has commenced his business less than 13 full months prior to the beginning of any license year shall on or before the 15th day of April, file with the Tax Collector a return setting forth his name, his business and business address, and such other information as may be necessary in arriving at the monthly average of the actual gross amount of business transacted by him during the months

in the preceding calendar year he was engaged in business and the amount of the tax due.

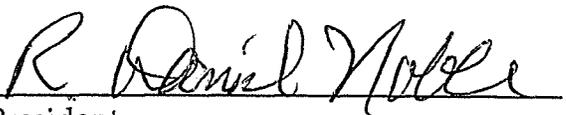
- D. Every person subject to the tax imposed by the Part who commences business less than 1 full month prior to the end of the preceding calendar year or prior to the beginning of any license year shall within 40 days from the date of commencing such business file a return with the Tax Collector setting forth his name, his business and business address, and such information as may be necessary in arriving at the actual gross amount of business transacted by him during his first full month of business and the amount of the tax due.
- E. Every person subject to the payment of tax imposed in this Part who engages in a business temporary, seasonal or itinerant by its nature, shall within seven days from the day he completes such business file a return with the Tax Collector setting forth his name, the business and business address, and such information as may be necessary in arriving at the actual gross amount of business transacted by him during such period and the amount of tax due.

ENACTED AND ORDAINED by the Hanover Borough Council on this 27th day of July, 2016.

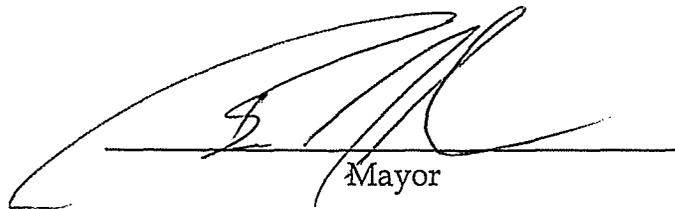
ATTEST:

BOROUGH COUNCIL OF THE
BOROUGH OF HANOVER


Secretary

By: 
President

Approved this 27th day of July, 2016.


Mayor

AN ORDINANCE

AN ORDINANCE OF THE BOROUGH OF HANOVER, YORK COUNTY, PENNSYLVANIA, VACATING A PUBLIC ALLEY SITUATE BETWEEN 961 AND 973 CARLISLE STREET IN THE BOROUGH OF HANOVER, FROM ITS INTERSECTION WITH THE EASTERLY RIGHT-OF-WAY LINE OF CARLISLE STREET TO ITS INTERSECTION WITH THE WESTERLY RIGHT-OF-WAY LINE OF AN ALLEY RUNNING PARALLEL WITH CARLISLE STREET.

BE IT ENACTED AND ORDAINED by the Council of the Borough of Hanover, York County, Pennsylvania, and it is hereby enacted and ordained by the authority of the same as follows:

ARTICLE I

This ordinance is enacted pursuant to the Act of February 1, 1966, P.L. (1965) P.L. 1656, No. 581, §1742, as amended, 53 P.S. §46742, as amended.

ARTICLE II

The public alley which runs between 961 and 973 Carlisle Street in the Borough of Hanover, York County, Pennsylvania is hereby vacated as a public alley, said alley being more particularly described as follows:

ALL THAT certain parcel of land located between 961 and 973 Carlisle Street, in the Borough of Hanover, York County, running from the easterly right-of-way line of Carlisle Street approximately 188 feet to the westerly right-of-way line of an alley which runs north/south parallel to Carlisle Street, comprising an existing twenty feet wide alley. Containing approximately 3,760 square feet.

ARTICLE III

The said alley shall be vacated and no longer be a public thoroughfare, serviced and maintained by the Borough of Hanover, but rather the rights thereto shall revert to adjoining property owners as provided by law.

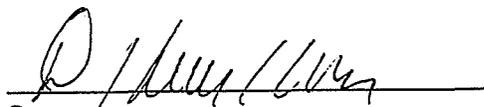
ARTICLE IV

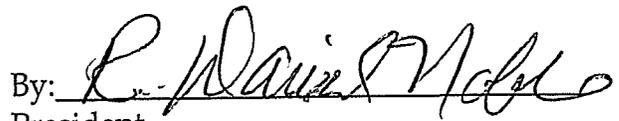
This Ordinance shall become effective five (5) days after the enactment hereof.

ENACTED AND ORDAINED this 27th day of July, 2016.

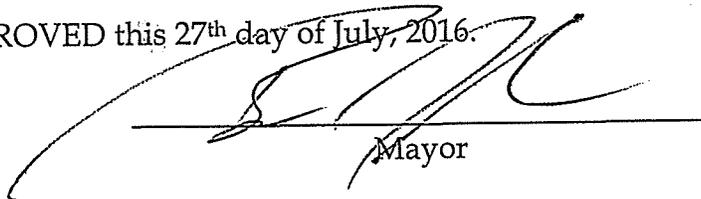
ATTEST:

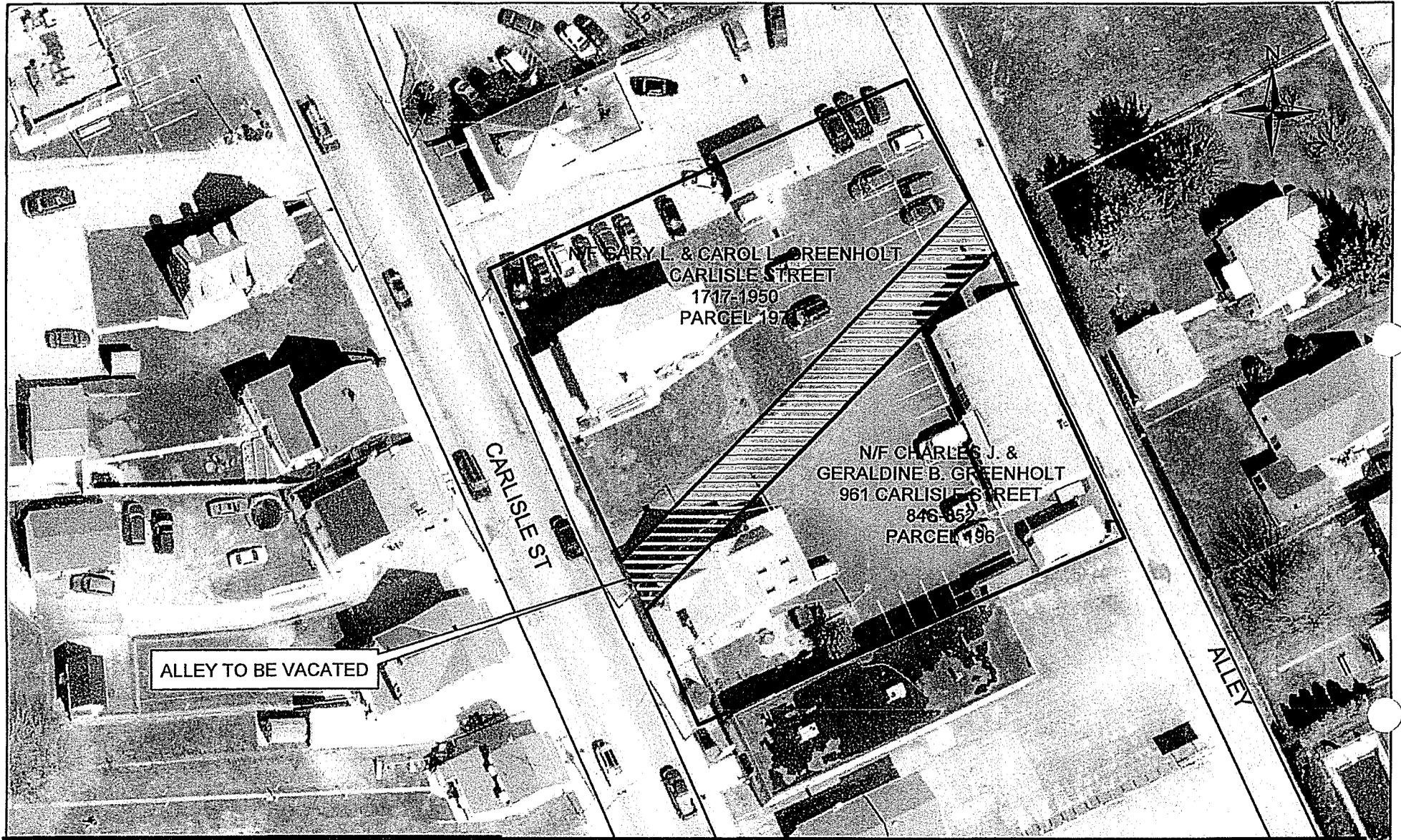
BOROUGH COUNCIL OF THE
BOROUGH OF HANOVER


Secretary

By: 
President

APPROVED this 27th day of July, 2016.


Mayor



VACATION OF A PUBLIC ALLEY
BETWEEN 973 & 961 CARLISLE ST



BOROUGH OF HANOVER

ALLEY VACATION

Scale:
1 inch = 50 feet

Drawn By: ZRS
DWG No.:

Date: 06/22/2016
Sheet 1 of 1