

President Gerken convened the meeting of Hanover Borough Council on Wednesday Evening, September 24, 2014, 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. Eline, Mr. Funke, Mr. Gerken, Mrs. Griffin, Mr. Marcoccio, Mr. Morris, Mr. Reichart, Mr. Roth and Mrs. Yingling; Mayor Adams; Solicitor Yingst; Manager Krebs and Secretary Miller. Mr. McLin was absent.

It was moved by Mr. Reichart, seconded by Mr. Eline to approve the minutes of Hanover Borough Council from August 27, 2014 as presented. Motion carried.

It was moved by Mr. Reichart, seconded by Mr. Eline to approve the bills, the report of the Mayor and the report of the Fire Chief. Motion carried.

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

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

Motion carried.

President Gerken stated a meeting was held regarding the Fire Contract Negotiations on September 17<sup>th</sup> at 2:00 PM. Another meeting will be held September 29, 2014 for ongoing Fire Contract Negotiations.

#### **CITIZENS WITH ITEMS OF BUSINESS TO BE BROUGHT BEFORE COUNCIL**

Mr. Brian Frederick, 309 fox Knoll Court was present on behalf of the Hanover Athletic Booster Club to ask Hanover Borough Council for a waiver of the \$500.00 special event permit fee for the upcoming Hanover Hawks 5K Walk Run on November 15, 2014 since most of the race is held in Penn Township and minimal Hanover Borough Police coverage is required.

Mr. Gary Laird, President of the Hanover Chamber of Commerce was present to ask Council for a repeal or reduction of the Amusement Tax Ordinance. The Chamber supports the efforts of Timeline Arcade in the downtown and because the amusement devices are their primary source of income, he does not want to create a burden on this small business. The business has brought patronage to downtown and created business partnerships.

Ms. Pam Moser, 2 Holly court was present to voice concerns regarding the property at the corner of Railroad Street and Chestnut Street. It has become run down and asked what is being done to rectify this property. Manager Krebs stated if there are safety issues they can be dealt with through Code Enforcement and she will ask this department to investigate. The Chamber of Commerce and Hanover Borough have this property on their radar for revitalization.

Mr. John Flynn, 179 Primrose Lane was present to ask if there was an established leaf collection schedule. Manager Krebs stated that leaf collection is scheduled within each ward on the same days as garbage collection.

Mr. Brandon Spencer, 256 Meade Avenue was present as owner of Timeline Arcade to thank Council for their support and allowing him to speak this evening. He noted that Timeline Arcade was recently designated as the largest arcade in all of Pennsylvania and would like the amusement tax to be abolished or lowered.

There being no further questions or comments, President Gerken stated that all further public comment be deferred until after the regular business of this evening's meeting.

## REPORTS OF THE STANDING COMMITTEES

### Finance & Personnel Committee – Mr. Roth

It was moved by Mr. Roth, seconded by Mr. Funke to ratify the action of the Borough Officers in making the following investments with ACNB for a period of 32 days, August 29, 2014 to September 30, 2014 at an interest rate of .31%:

| <u>Funds</u>                       | <u>Investments</u>     |
|------------------------------------|------------------------|
| General Fund                       | \$3,098,619.44         |
| Bicentennial Fund                  | \$1,380.56             |
| Sewer Fund                         | \$1,800,000.00         |
| Bucks for Books Fund               | \$43,200.00            |
| Regional Wastewater Treatment Fund | \$0.00                 |
| Market House Fund                  | \$9,300.00             |
| Liquid Fuels Fund                  | \$78,500.00            |
| Equipment Fund                     | \$37,000.00            |
| Local Services Tax Fund            | \$200,300.00           |
| Business Privilege Tax Fund        | \$22,000.00            |
| Brier Memorial Fund                | \$11,490.00            |
| Leisure Services Fund              | \$43,800.00            |
| Old Hanover Videos Fund            | \$970.00               |
| Sewer Projects Fund                | \$0.00                 |
| Library Projects Fund              | \$95,100.00            |
| Hanover Recreation Endowment Fund  | \$296,400.00           |
| Water Revenue Fund                 | \$760,000.00           |
| Water Projects Fund                | \$186,500.00           |
| Market House Reserve Fund          | \$5,657.84             |
| Hanover Recreation Reserve Fund    | \$12,677.72            |
| Library Endowment Fund             | \$698,376.06           |
| 2010 Water Bonds                   | \$85,000.00            |
| 2013 Water Bonds                   | \$6,720,000.00         |
| 2013 Sewer Bonds                   | \$225,000.00           |
| 2013 General Bonds                 | \$170,000.00           |
| Total                              | <u>\$14,601,271.62</u> |

Motion carried.

**REPORTS OF THE STANDING COMMITTEES**

**Finance & Personnel Committee – Mr. Roth**

It was moved by Mr. Roth, seconded by Mr. Funke to acknowledge that the Council of The Borough of Hanover, York County, Pennsylvania (the "Borough") wishes to proceed in currently refunding its General Obligation Bonds, Series of 2009A (the "Refunding Project") to achieve costs savings to the Borough; and The Borough contemplates issuing its General Obligation Bonds, Series of 2014 (the "Bonds"), to provide funds to implement the Refunding Project; and it is anticipated that a portion of the indebtedness to be evidenced by such Bonds will be "self-liquidating" within the meaning of the Local Government Unit Debt Act of the Commonwealth of Pennsylvania, because it is anticipated that the water revenues collected by this Borough shall be sufficient to pay the principal and interest when due on a portion of the Bonds; and this Borough shall engage its underwriter, bond counsel and solicitor to render advice and to assist in structuring and issuing the Bonds; The Finance Committee of the Council of this Borough determines to recommend that Council proceed with the Refunding Project and to determine the cost savings; the firm of PNC Capital Markets LLC (the "Underwriter"), is hereby retained by this Borough in connection with the Refunding Project and the issuance of the Bonds, and is authorized to take all action necessary and appropriate to proceed with the Refunding Project under the above-mentioned conditions; the law firm of Rhoads & Sinon LLP (The "Bond Counsel") is hereby engaged to act as bond counsel in connection with the Refunding Project and the issuance of the Bonds and, in conjunction with the Borough's Solicitor, is hereby authorized to prepare all legal documents and take all legal action necessary to complete the Refunding Project, under the above-mentioned conditions; the Manager of this Borough is directed to take all necessary and appropriate actions to consummate the Refunding Project, under the above-mentioned conditions; and the Secretary of this Borough is directed to certify and deliver a copy of this Motion to the Underwriter, Bond Counsel and to the Council of the Borough.

Manager Krebs explained that the 2009A bond represent library funds and will result in a cost savings of approximately \$200,000; and the new monies will be designated for the Water Filtration Plan Project.

On roll call, the following voted in favor of the motion: Mr. Eline, Mr. Funke, Mr. Gerken, Mrs. Griffin, Mr. Marcoccio, Mr. Morris, Mr. Reichart, Mr. Roth and Mrs. Yingling. The vote was 9 in favor of with no member voting against the motion. Motion carried.

It was moved by Mr. Roth, seconded by Mr. Funke to authorize 2014 Real Estate Tax Collector Leroy Wentz, 217 Frederick Street, Hanover, PA to credit the following amounts of miscellaneous corrections per the York County Tax Assessment Office report dated as follows:

| <u>Date</u> | <u>Credit</u> | <u>Tax Year</u> |
|-------------|---------------|-----------------|
| 8/12/2014   | \$906.11      | 2014            |

Motion carried.

It was moved by Mr. Roth, seconded by Mr. Funke to authorize the following credit to a sewer account, one time only, due to a leak that did not enter the sewer system and has since been repaired:

| <u>Account No.</u> | <u>Owner</u>    | <u>Location</u>     | <u>Credit Amount</u> |
|--------------------|-----------------|---------------------|----------------------|
| 51-0232830-0       | Guy Sheely, Jr. | 439 Carlisle Street | \$ 147.10            |

Motion carried.

It was moved by Mr. Roth, seconded by Mr. Funke to approve Resolution No. 1080 authorizing the financing by M & T Bank at a rate of 2.643% for a period of ten (10) years with an annual payment of \$132,998.49 for one (1) one hundred (100') foot Midmount 2015 Aerial Ladder Truck to be purchased from Sutphen Corporation, 6450 Elterman Road, Dublin OH for the Hanover Borough Fire Department. Manager Krebs noted that Council previously authorized the purchase of the fire truck. This motion is to approve the financing. On roll call, the following voted in favor of the motion: Mr. Eline, Mr. Funke, Mr. Gerken, Mrs. Griffin, Mr. Marcoccio, Mr. Morris, Mr. Reichart, Mr. Roth and Mrs. Yingling. The vote was 9 in favor of with no member voting against the motion. Motion carried.

It was moved by Mr. Roth, seconded by Mr. Funke to table the authorization to amend Ordinance Number 1462 and its subsequent amendments to refine the wording to accommodate the modern definition of amusement device to include revised payment options for the previously designated coin-operated amusement device, at a charge of \$25.00 per device annually with an annual maximum limit of \$2,000.00 per business. *This will allow staff sufficient time to gather information on how other*

## REPORTS OF THE STANDING COMMITTEES

### Finance & Personnel Committee – Mr. Roth

*municipal and government organizations handle this tax and to reach alternative solutions.* On roll call, the following voted in favor of the motion: Mr. Eline, Mr. Funke, Mr. Gerken, Mr. Morris, Mr. Reichart, Mr. Roth and Mrs. Yingling. Mrs. Griffin and Mr. Marcoccio voted in opposition to the motion. The vote was 7 in favor of and 2 against. Motion carried.

It was moved by Mr. Roth, seconded by Mr. Funke to authorize the Finance Director of the Borough of Hanover to amend the invoice issued to Timeline Arcade for the calendar year 2014 from \$5,400 to \$2,000. *As recommended as a maximum cap by the Finance & Personnel Committee at their meeting held September 17, 2014.* On roll call, the following voted in favor of the motion: Mr. Eline, Mr. Funke, Mr. Gerken, Mr. Marcoccio, Mr. Morris, Mr. Reichart, Mr. Roth and Mrs. Yingling. Mrs. Griffin voted in opposition to the motion. The vote was 8 in favor of and 1 against. Motion carried.

It was moved by Mr. Roth, seconded by Mrs. Yingling to ratify the action of the Proper Officers of The Borough of Hanover entering into an agreement with Shipley Choice, LLC, York, PA for supply of natural gas at a rate of \$6.32 per Dth for a period of two (2) years from October 1, 2014 to September 30, 2016. Motion carried.

It was moved by Mr. Roth, seconded by Mrs. Yingling to approve the reduction of occupants when calculating sewer tap-in fees which reduces the ratio of average gallons per day to .45 gallons per day for treatment at the Regional Wastewater Treatment Facility. This reduction is a result of the decision of the Hanover Borough Zoning Hearing Board on October 15, 2012 to allow only one (1) occupant for each of the thirty-two (32) units at the Villas on Carlisle Street. This will result in a refund of \$23,865.60.00. Mr. Funke recused himself from voting on the motion. On roll call, the following voted in favor of the motion: Mr. Eline, Mr. Gerken, Mr. Marcoccio, Mr. Morris, Mr. Reichart, Mr. Roth and Mrs. Yingling. Mrs. Griffin voted in opposition to the motion. The vote was 7 in favor of and 1 vote against. Motion carried.

It was moved by Mr. Roth, seconded by Mrs. Yingling to refund the \$100 fee to the Potters House for their rental of the Moul Field with electricity and bathrooms for a movie night which was cancelled due to rain. Motion carried.

It was moved by Mr. Roth, seconded by Mr. Funke to approve Resolution No.1081 increasing Market House Stall Rental Fees to \$10.00 per stall. Mr. Marcoccio voted in opposition to the motion. Motion carried.

It was moved by Mr. Roth, seconded by Mr. Reichart to approve the appeal request of The Hanover Athletic Booster Club for a waiver of their \$500 fee for the 5<sup>th</sup> Annual Hawk Hustle 5K Race and 1 mile run/walk scheduled for November 15, 2014. *(This was approved with the \$500 fee at the Hanover Borough Council meeting August 27, 2014.)* Chief Smith noted police coverage would be needed for approximately half an hour at the beginning of the race when the participants enter Wilson Avenue. On roll call, the following voted in favor of the motion: Mr. Eline, Mr. Gerken, Mrs. Griffin, Mr. Marcoccio, Mr. Morris, Mr. Reichart, Mr. Roth and Mrs. Yingling. Mr. Funke voted in opposition to the motion. Motion carried.

It was moved by Mr. Roth, seconded by Mr. Funke to charge 2014 Real Estate Tax Collector Leroy Wentz, 217 Frederick Street, Hanover, PA with the collection of additional Real Estate Tax per the York County Tax Assessment Office report dates as follows:

| <u>Date</u> | <u>Additional Tax</u> | <u>Tax Year</u> |
|-------------|-----------------------|-----------------|
| 9/10/2014   | \$2,040.56            | 2014            |

Motion carried.

### Planning & Traffic Committee – Mr. Morris

It was moved by Mr. Morris, seconded by Mrs. Yingling to approve the "Agreement to Terminate Plan" for the Cherry Tree Phase 3 Subdivision Plan with Denniston Family Limited Partnership, WBBG, LLC and Renee Real Estate, LLC and returning their letter of credit in the amount of \$412,507.00 for improvements in the above mentioned plan. The Plan will now be considered under the conditional recommendation of the Planning Commission and must be reapproved by Council prior to release

## **REPORTS OF THE STANDING COMMITTEES**

### **Planning & Traffic Committee – Mr. Morris**

and issuance of any building permits. Solicitor Yingst explained that the buyer put up the bond and signed the agreement without taking actual ownership of the property, and the deal fell through. Mr. Mummert is still the owner of the property. The Borough will be reimbursed for the legal fees to terminate the agreement. Mr. Funke recused himself from voting on the motion. On roll call the following voted in favor of the motion: Mr. Eline, Mr. Gerken, Mrs. Griffin, Mr. Marcoccio, Mr. Morris, Mr. Reichart, Mr. Roth and Mrs. Yingling. The vote was 8 in favor of and no member voting in opposition to the motion. Motion carried.

It was moved by Mr. Morris, seconded by Mr. Roth to approve the Improvement and Maintenance Agreement for the alley widening and improvements to the rear of proposed parking lots at 316 and 400 Stock Street, and crosswalk installation on George Street with Hanover Hospital, 300 Highland Avenue, Hanover, PA. Mr. Funke recused himself from voting on the motion. Motion carried.

It was moved by Mr. Morris, seconded by Mr. Roth to approve the Parking Facilities Plan for Hanover Hospital to re-grade and install new parking facilities at 316 and 400 Stock Street, plans sealed by Gerald D. Funke, Professional Land Surveyor with Group Hanover, Inc., bearing file number 142120, dated July 29, 2014, last revised September 12, 2014, provided security guaranteeing such improvements is provided prior to release of plan and the plan is recorded in the York County Court House. Mr. Funke recused himself from voting on the motion. Motion carried.

It was moved by Mr. Morris, seconded by Mr. Roth to approve the Sanitary Sewer Main Easement Agreement along Wilson Avenue for the proposed Peach Tree Terrace planned unit development. Mr. Funke recused himself from voting on the motion. Motion carried.

It was moved by Mr. Morris, seconded by Mr. Roth to approve the Final Land Development Plan for Peach Tree Terrace, Larry R & Loretta G Redding to consolidate four lots along George St across from Wilson Avenue, totaling 4.512 acres, and to construct a forty two (42) unit efficiency apartment complex and sixteen (16) detached parking garages, plans sealed by Gerald D. Funke, Professional Land Surveyor with Group Hanover, Inc., bearing file number 121141, dated 06/25/2014, last revised 08/25/2014, provided the agreement is executed and security is provided guaranteeing such improvements are completed prior to release of plan and the plan is recorded in the York County Court House. Mr. Funke recused himself from voting on the motion. On roll call, the following voted in favor of the motion: Mr. Eline, Mr. Gerken, Mr. Marcoccio, Mr. Morris, Mr. Reichart, Mr. Roth and Mrs. Yingling. Mrs. Griffin voted in opposition to the motion. The vote was 7 in favor of and 1 vote against. Motion carried.

It was moved by Mr. Morris, seconded by Mr. Roth to acknowledge the request to withdraw the Subdivision Plan for Performance Motors of Hanover, LLC 1171 Eichelberger Street, bearing project no.131640 drawn by Edward L. Mort, Professional Land Surveyor with Group Hanover, Inc., dated July 17, 2013. Mr. Funke recused himself from voting on the motion. Motion carried.

### **Public Service Committee – Mr. Eline**

It was moved by Mr. Eline, seconded by Mr. Funke to approve the request of Erin Heaps for the Mason Dixon Ruffnecks to use Good Field Baseball Complex and bathrooms for baseball tournaments on Saturday and Sunday April 11<sup>th</sup> and 12<sup>th</sup>; and Friday and Saturday, June 19<sup>th</sup> 20<sup>th</sup> and 21<sup>st</sup>, 2015 contingent on the signing of an agreement for field use and providing a certificate of insurance naming The Borough of Hanover as additional insured as per their letter of request dated September 2, 2014. Motion carried.

It was moved by Mr. Eline, seconded by Mrs. Yingling to designate the annual Hanover Borough Trick or Treat night as Tuesday, October 28<sup>th</sup> from 6:00 PM to 8:00 PM. Motion carried.

It was moved by Mr. Eline, seconded by Mr. Funke to authorize the Hanover YMCA to proceed with the planning of their 2015 Hanover Half Marathon tentatively scheduled Sunday, October 4, 2015 as presented at the Finance & Personnel Committee meeting September 17, 2014. Motion carried.

It was moved by Mr. Eline, seconded by Mrs. Yingling to approve the request of the Hanover Lions Club to collect donations to support Hanover area community projects at the Hanover Market House on Saturday, October 18<sup>th</sup>, 2014. Motion carried.

## **REPORTS OF THE STANDING COMMITTEES**

### **Water & Sewer Committee – Mr. Reichart**

It was moved by Mr. Reichart, seconded by Mr. Roth to authorize the proper officers of The Borough of Hanover to enter into a water consumer deposit agreement with Royal Building Inc., 160 Ram Drive, Hanover, PA for installation of approximately 1,220' of 8" water main on Bottom Road, 400' of 8" water main on Bentt Lane, 735' of 8" water main on Boulder Road, and 1,340' of 8" water main on Brian Lane; including 37 – 1" single service laterals in the Thornbury Hunt Development in the amount of \$134,200.00. Motion carried.

It was moved by Mr. Reichart, seconded by Mr. Roth the proper officers of The Borough of Hanover to enter into a water consumer deposit agreement with Brookside LLC, 330 Dubs Church Road, Hanover, PA for installation of approximately 400' of 6" water main on Charles Avenue; including 11 single and 8 double 1" service laterals in the Brookside Heights Phase II Development; and includes from Brookside Heights Phase I Development the following lots: Lots 21 (A through F) on South Center Street; and Lots 1, 2 and 3 (A through D) and Lots 4 (A through E) on Brookside Avenue in the amount of \$23,000.00. Mr. Funke recused himself from voting on the motion. Motion carried.

### **MAYOR'S REPORT**

Mayor Adams reported his attendance on September 15<sup>th</sup> with Commissioner Doug Hoke to commemorate "National Wellness Week" where he read a proclamation for TrueNorth Wellness Center. Mayor Adams congratulated Mr. Reichart on Hanover High School's first football win of the season in the newly renovated stadium.

### **OTHER MATTERS**

#### **New Business**

It was moved by Mr. Eline, seconded by Mr. Funke to accept, with regret, the resignation of Lisa Miller, Hanover Borough Recreation Director effective the close of the 2014 summer season. Motion carried.

#### **Communications**

- The Blue Quarry Farm Auction will be held Saturday, September 27<sup>th</sup> from 8:30 AM to 12:00 Noon, with the real estate sale beginning at noon.
- Manager Krebs asked Council if they would consider rescheduling the next Council meeting from October 22<sup>nd</sup> to October 29<sup>th</sup> since the PUC Public Input Session for the Water Rate Increase has been scheduled for October 22<sup>nd</sup> at 6:30 PM at SAVES. Council authorized staff to advertise the change of date for the next Council meeting.
- Manager Krebs asked Council to hold a Finance & Personnel Committee meeting on Thursday, October 23<sup>rd</sup> at 6:00 PM to finalize the 2015 Budget. Council authorized staff to advertise and schedule this meeting.

President Gerken asked if there were any further comments from citizens.

Ms. Pam Moser, 2 Holly Court asked what will be done to assure no more than one tenant occupies each unit at the Villas on Carlisle Street. Manager Krebs replied that the Zoning Hearing Board required a copy of the lease and amount of parking for one unit only. Our Code Enforcement Officer can monitor if necessary.

Mr. Timothy Seitz, 230 Primrose Lane thanked Council for encouraging public comments, but noted there is difficulty in the audience hearing discussion among Council members. President Gerken replied that Council would try to improve on this in the future.

Mr. Mark Mathias, 12 Ridge Avenue and co-owner of Miscreation Brewing Company was present to inquire about the status of the outside seating request for his business on Center Square. He is in the process of acquiring his LCB permit and needs to know if this can be approved. Manager Krebs replied that staff is gathering information to formulate a policy for same, and an ordinance may need to be adopted regarding seating and consumption of alcoholic beverages in the public right-of-way.

**OTHER MATTERS**

President Gerken thanked citizens for their comments; and thanked staff and Council members for their attendance this evening.

**Adjournment**

It was moved by Mr. Funke, seconded by Mr. Reichart to adjourn the meeting at 8:10 PM to a closed caucus session regarding property acquisition. Motion carried.

Respectfully submitted,

  
Dorothy C. Miller  
Secretary