

Council Chamber, September 28, 2011

Hanover Borough Council met in public session, Wednesday Evening, September 28, 2011, 7:30 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 Council Members answered as present: Mr. Delzingaro, Mr. Dennin, Mr. Eline, Mr. Funke, Mr. Gerken, Mrs. Griffin, Ms. Hormel, Mr. Hufnagle and Mr. McLin; Junior Councilperson Linsey Bowersox; Mayor Adams; Solicitor Yingst; Manager Krebs and Secretary Miller. Absent was Councilperson Yingling.

It was moved by Mr. Delzingaro, seconded by Mr. Dennin to approve the minutes of the following Council Meetings:

- (a) August 24, 2011
- (b) September 14, 2011

Motion carried.

It was moved by Mr. Hufnagle, seconded by Mr. Eline to authorize payment of the bills and approve the reports of the following Borough Officials: Mayor; Fire Chief; Borough Manager; Supervisor of Public Works; Superintendent of Water & Wastewater Treatment; Superintendent of the Water Department; Borough Engineer; and Library Director. Motion carried.

#### **Hearing of Citizens with Items of Business to be Brought Before the Borough**

Ms. Sue Ellen McCall, from the new Cherry Tree Development to ask that Council agendas be made available on the website; asked for more than once per month recycling pick up, noting additional revenue from refuse bills could be used toward twice per month pick up.

Mr. Eline commented the summer months may be sited for bi-monthly pickup.

Ms. McCall thanked Mr. Eline for his recent correspondence.

Holly Ann Richute, 5 Sease Drive was present to ask for help with damage by sewer overflow in the recent flooding. She has also contacted Conewago Township, her insurance company and FEMA, and reports she has \$38,000 in damages. Manager Krebs awaits her claim information so she can forward same to the Borough's insurance carrier. Other neighbors with the same problem can also forward their claim information to Manager Krebs. When asked who is responsible, the Borough or Township, Mrs. Krebs responded that there are residents in the same area who had no problems and the insurance company needs to investigate further.

Missy Utz, who also lives on Sease Drive was present to report her frustration with the same problem, and asked about the mandatory installation of backflow preventer valves at the time their houses were built, as a requirement of Conewago Township. Mrs. Krebs replied she does not have information on Conewago Township's plumbing requirements to answer this question.

Mr. Eline noted the wastewater treatment plant is a regional plant and a cooperative effort with both Hanover Borough and Conewago Township, and each governing authority is ultimately responsible for their own collection system.

Cindy Klunk, 4 Sease Drive questioned the time of day permission was granted from the Department of Environmental Protection to "open the gates". Mrs. Krebs stated that Supt. Reed followed all necessary protocol with DEP and documented an hour by hour

description of the events and what transpired. Mr. Reed gave a copy of this documentation to Ms. Klunk, and offered copies to neighbors requesting same for their information.

Mr. Reed assured Ms. Klunk that the valve was opened promptly as soon as DEP was contacted and approved same to try to alleviate the flooding. He further commented that 11.4 inches of rain is a record level and this is the first time since 1986 he has had to open the bypass valve. Because of the intense rainfall, the Commonwealth had to declare a state of emergency. Although the plant limits comply with all requirements from DEP, and further upgrades are in progress, the intense amount of rainfall in such a short period of time exceeded the plant's capacity to handle the flooding. Mr. Reed explained at that point a mass one-call went out to all residents on the system to reduce water usage, another attempt to also try to alleviate the high rate of water flow.

Ms. Richute and her neighbors stated they did not receive the one-call to reduce water usage. Mr. Reed offered to take their telephone numbers and double-check why the system may not have reached them.

The citizens thanked Mr. Reed and Mrs. Krebs for their attention to the situation and information to help them to with their claims.

President Gerken thanked the citizens for their attendance and concerns this evening.

### **PROCLAMATION**

Mayor Adams read and presented the following proclamation to Sharon Benner and Charlotte Gailey, President, of the Hanover Area Arts Guild:

#### ***"THE HANOVER AREA ARTS GUILD"***

**WHEREAS,** In 1968 six local artists came together to paint and this group became the "Hanover Area Arts Guild"; and

**WHEREAS,** Now the 200 members consist of active artists, youth members, support members as well as corporate members who organize new shows every month with free receptions and provide reasonably priced art classes and workshops in the gallery classrooms for children and adults; and

**WHEREAS,** The Hanover Area Arts Guild works very diligently to maintain their role as the hub of the art community in Hanover by holding and participating in many community events including but not limited to the Chalk Art sidewalk art contest for children, free art workshops like the one recently held at the Utz Terrace community for seniors; children's art projects Make and Take Workshops at the annual community Dutch Festival, and exhibits at the Music at the Mansion music series for the Hanover Area Historical Society; and

**WHEREAS,** Also to their credit their first Juried Regional Art show was held this year with 125 artists applying from all over the region which included a wonderful catered affair and their best attendance ever; and

**WHEREAS,** The Hanover Arts Guild raises funds to offer a \$1000 scholarship each year for a local senior high school student who has been accepted to a college pursuing a degree in art.

**NOW, THEREFORE,** I, Ben J. Adams, Mayor of The Borough of Hanover, York County, Pennsylvania wish to commend the members of The Hanover Area Arts Guild for their dedication, initiative and creativity in providing this much appreciated spot of culture in our community.

I hereunto set my hand and  
cause my seal to be affixed this  
28<sup>th</sup> day of September, 2011.

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Ben J. Adams, Mayor

## REPORTS OF THE STANDING COMMITTEES

### Finance & Personnel Committee – Mr. McLin

It was moved by Mr. McLin, seconded by Mr. Hufnagle to approve Ordinance No. 2174 entitled **"AN ORDINANCE AMENDING ORDINANCE NO. 2129 AND ORDINANCE NO. 2141, IMPOSING A TAX, KNOWN AS THE "LOCAL SERVICES TAX", FOR GENERAL REVENUE PURPOSES ON INDIVIDUALS FOR THE PRIVILEGE OF ENGAGING IN OCCUPATIONS WITHIN THE CORPORATE LIMITS OF THE BOROUGH OF HANOVER AT THE FLAT RATE OF FIFTY-TWO (\$52.00) DOLLARS PER YEAR, PROVIDING FOR ITS COLLECTION; IMPOSING ON EMPLOYERS THE DUTY OF COLLECTING SAID TAX FROM EVERY INDIVIDUAL IN THEIR EMPLOY SUBJECT TO SAID TAX AND REMITTING AND PAYING OVER THE SAME TO THE TAX RECEIVER; CONFERRING AND IMPOSING POWERS AND DUTIES OF ADMINISTRATION ON THE TAX RECEIVER; AND IMPOSING PENALTIES FOR THE VIOLATION THEREOF."** On roll call, the following members voted in favor of the motion: Mr. Delzingaro, Mr. Eline, Mr. Funke, Mr. Gerken, Mrs. Griffin, Ms. Hormel, Mr. Hufnagle and Mr. McLin; Mr. Dennin voted in opposition to the motion. The motion passed 8 – 1.

When asked by Mr. Delzingaro, Mrs. Krebs replied that if a citizen's income falls below \$12,000 annually, they are exempted from the tax; and this tax is deducted weekly or biweekly by the employer.

Motion carried.

It was moved by Mr. McLin, seconded by Mr. Dennin to approve Ordinance No. 2175 entitled **"AN ORDINANCE AMENDING ORDINANCE NOS. 1371, 1871, 1889 AND 1989 PRESCRIBING LICENSING, INSPECTION AND OTHER FEES FOR PUBLIC EATING AND DRINKING PLACES, RETAIL FOOD ESTABLISHMENTS AND FOOD VENDING MACHINES IN ACCORDANCE WITH RESOLUTIONS TO BE PASSED FROM TIME TO TIME BY THE COUNCIL OF THE BOROUGH OF HANOVER."** On roll call, the following members voted in favor of the motion: Mr. Delzingaro, Mr. Dennin, Mr. Eline, Mr. Funke, Mr. Gerken, Mrs. Griffin, Ms. Hormel, Mr. Hufnagle and Mr. McLin; The motion passed 9 – 0. Motion carried.

It was moved by Mr. McLin, seconded by Mr. Dennin to approve Resolution No. 970 entitled **"A RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF HANOVER ESTABLISHING LICENSING, INSPECTION AND OTHER FEES FOR PUBLIC EATING AND DRINKING PLACES, RETAIL FOOD ESTABLISHMENTS AND FOOD VENDING MACHINES."** Motion carried.

It was moved by Mr. McLin, seconded by Mr. Dennin to charge 2011 Real Estate Tax Collector Leroy Wentz, 217 Frederick Street, Hanover, Pennsylvania with the collection of additional Real Estate tax per the York County Tax Assessment Office report dated as follows:

<u>Date</u>	<u>Additional Tax</u>	<u>Tax Year</u>
8/30/2011	\$ 1,395.73	2011

Motion carried.

It was moved by Mr. McLin, seconded by Mr. Delzingaro to authorize the proper officers of The Borough of Hanover to enter into an Agreement with the SPCA of York County for 2012 for the annual amount of \$7,645.00. Motion carried.

It was moved by Mr. McLin, seconded by Mr. Funke to approve and recommend the Hanover Regional Waste Water Treatment Plant Budget for 2012 to Conewago Township and McSherrystown Borough. Motion carried.

## **REPORTS OF THE STANDING COMMITTEES**

### **Finance & Personnel Committee – Mr. McLin**

It was moved by Mr. McLin, seconded by Mr. Hufnagle to approve the following 2012 Borough of Hanover Budgets:

- a.) Market House
- b.) Baseball/Softball

Motion carried.

It was moved by Mr. McLin, seconded by Mr. Funke to authorize the Hanover Borough Manager to direct the Borough Solicitor to prepare an ordinance amending the municipal solid waste and refuse service ordinances to reflect changes in the rates and items recycled. Councilman Delzingaro asked for a roll call vote. On roll call, the following members voted in favor of the motion: Mr. Delzingaro, Mr. Dennin, Mr. Eline, Mr. Funke, Mr. Gerken, Mrs. Griffin, Mr. Hufnagle and Mr. McLin; Ms. Hormel voted in opposition to the motion. The motion passed 8 – 1.

Mrs. Krebs reported the discussions with the Public Service Committee have led to a 2 tier phase-in to the uniform rate to better accommodate the recycling center users and the discount they currently receive; and twice a month summer recyclable pick up. Ms. Hormel questioned the commercial service which Mrs. Krebs explained will only affect minimal customers, and dumpsters will be a uniform rate as well.

Motion carried.

It was moved by Mr. McLin, seconded by Mr. Dennin to authorize the proper officers of The Borough of Hanover to enter into a contract for Health – Medical Insurance Coverage for 2012 with Capital Blue Cross. Motion carried.

It was moved by Mr. McLin, seconded by Mr. Hufnagle to approve Resolution No. 972 authorizing the proper officers of The Borough of Hanover to enter into a Supplemental Winter Services Agreement with the Pennsylvania Department of Transportation for years 2011-2012 in the amount of \$19,258.00. Motion carried.

It was moved by Mr. McLin, seconded by Mr. Hufnagle to authorize the proper officers of The Borough of Hanover to enter into an agreement with One Call Now, Troy, Ohio for a period of 4 years at a total cost of \$33,048.00. Motion carried.

It was moved by Mr. McLin, seconded by Mr. Delzingaro to acknowledge receipt of the Volunteer Fire Relief Association allocation from the Commonwealth of Pennsylvania Department of the Auditor General in the amount of \$77,980.20. Motion carried.

### **Planning & Traffic Committee – Ms. Hormel**

It was moved by Ms. Hormel, seconded by Mr. Hufnagle to approve Resolution No. 973 for the application for permit to install and operate flashing warning devices at 900 High Street at the Utz Quality Foods facility. Motion carried.

It was moved by Ms. Hormel, seconded by Mr. Hufnagle to approve the Planned Residential Development Plan for Mummert Enterprises, 8 Stuart Avenue for the Cherry Tree Phase 4 Development drawn by Reginald F. Baugher, PLS, Hanover Land Services, Hanover, PA dated July 28, 2011, last revised September 21, 2011, bearing Job #6040 contingent upon an agreement between the Developer and the Borough of Hanover to include a bond with costs to cover all public improvements, an onsite inspector during the installation of those public improvements, a note stating the Developer must obtain an NPDES Permit and an Erosion and Sediment Control Plan, and receipt of the sanitary sewer module prior to construction, as approved by the Hanover Borough Zoning Hearing Board September 19, 2011. On roll call the following voted in favor of the motion: Mr. Delzingaro, Mr. Dennin, Mr. Eline, Mr. Funke, Mr.

## **REPORTS OF THE STANDING COMMITTEES**

### **Planning & Traffic Committee – Ms. Hormel**

Gerken, Mrs. Griffin, Mr. Hufnagle and Mr. McLin; Ms. Hormel voted in opposition to the motion. The motion passed 8 – 1.

Councilperson Hormel asked questions regarding the York County Planning Commission comments and a brief discussion followed in which Manager Krebs and Mr. Timothy Mummert provided information and answers in response thereto.

Motion carried.

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

It was moved by Mr. Eline, seconded by Mr. Hufnagle to approve Resolution No. 967 for the Hanover Area Arts Guild to erect one (1) banner at 212-213 Carlisle Street for their Fall Art Show from November 1, 2011 to December 1, 2011 provided a certificate of insurance is submitted naming the Borough of Hanover as additional insured; and this approval is not to be shared with any other organization. Motion carried.

It was moved by Mr. Eline, seconded by Mr. Hufnagle to approve Resolution No. 968 for the VNA Hospice of Hanover and Spring Grove to erect one (1) banner at Carlisle Street and Maple Avenue for their Hospice Pizza Sunday from October 24, 2011 to November 7, 2011, provided a certificate of insurance is submitted naming the Borough of Hanover as additional insured; and this approval is not to be shared with any other organization. Motion carried.

It was moved by Mr. Eline, seconded by Mr. Hufnagle to approve Resolution No. 969 recognizing the Angie Neiderer Staub Heart Transplant Fund, 1150 Carlisle Street – Suite 5, Box 149, Hanover, PA as a non-profit organization for the purpose of fundraising activities in the Hanover area. Motion carried.

It was moved by Mr. Eline, seconded by Mr. Hufnagle to approve the request of the Friends of Downtown Hanover to use Wirt Park on Saturday October 22<sup>nd</sup> from 2:00 PM to 5:00 PM with a rain date of October 29<sup>th</sup> for the purpose of promoting recreational and social activities, provided the area is policed for litter following the event. Motion carried.

It was moved by Mr. Eline, seconded by Ms. Hormel to approve the request of the Hanover Area Chamber of Commerce and "*Saturdays on Main Street Hanover*" to use the southwest quadrant of Center Square at M & T Bank on Saturday, October 8, 2011 from 10:00 AM to 2:00 PM to assemble scarecrows for downtown businesses, provided sidewalks are not blocked to pedestrian traffic. Motion carried.

Mr. Eline asked if the yellow solicitation box in this quadrant could be moved; Mrs. Krebs stated she will look into this.

It was moved by Mr. Eline, seconded by Mrs. Griffin to approve the request of Caitlin Eyer to use the sidewalk in front of 130 Carlisle Street on Saturday, October 15, 2011 between 11:00 AM and 4:00 PM to conduct a fundraiser for the Breast Cancer Foundation, provided a minimum four (4') feet walkway is maintained for pedestrian traffic; and the area is policed for litter following the event. Motion carried.

It was moved by Mr. Eline, seconded by Mr. Hufnagle to approve Resolution No. 973A for Keeney Chiropractic, 112 Baltimore Street, Hanover, PA to erect one (1) banner at 133-136 Carlisle Street from October 18, 2011 to November 14, 2011 for their Reading of the US Constitution Event, to be held at the YWCA, provided a certificate of insurance is submitted naming the Borough of Hanover as additional insured; and this approval is not to be shared with any other organization. Motion carried.

## VIDEO REPORT – PROGRESS

None was presented.

## MAYOR'S REPORT

Mayor Adams reported he gave the welcoming announcement for the Chili Cookoff on Sunday, September 4<sup>th</sup> at Good Field, which he attended with his son Nicholas. He thanked all involved for a successful event that each year raises substantial funding for local charities. On September 17<sup>th</sup>, he attended the 50<sup>th</sup> Anniversary of the Texas Lunch and read a proclamation commemorating the event.

## OTHER MATTERS

### 1. Communications

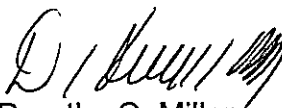
- a.) President Gerken reminded all that the Library Rededication Ceremony for their 100<sup>th</sup> anniversary is scheduled for Monday, October 3<sup>rd</sup> at 5:30 PM.
- b.) Library Director Hiigel extended an invitation to Hanover Borough Council members to attend the three (3) events planned for the anniversary celebration: Sunday, October 2<sup>nd</sup> from 2:00 PM to 4:00 PM – Family Day; Monday, October 3<sup>rd</sup> at 5:30 PM – Rededication Ceremony; Tuesday, October 4<sup>th</sup> – Chamber Mixer 5:00 PM – 7:00 PM.

Ms. Hormel noted the events were funded through the Friends of the Library donations and fundraising activities; there was no taxpayer money used for the events.

## ADJOURNMENT

It was moved by Mr. Eline, seconded by Mr. Hufnagle to adjourn the meeting at 8:30 PM to a Closed Caucus meeting regarding personnel issues. Motion carried.

Respectfully submitted,

  
Dorothy C. Miller  
Borough Secretary