

Marysville Borough Council Meeting  
June 9, 2003  
200 Overcrest Road  
Marysville, PA 17053

**The attendance of the council members:**

President:	J Craig Raisner – arrived late
Vice President:	Ann Simonetti – present
Council Members:	Christopher Albright – present
	Leslie Chuhinka – present
	Kathy Lebo – present
	Jim Lewis – arrived late
	Ron Wolaver – present
Mayor:	Maura Carbaugh – absent
Borough Manager:	Marita Kelley – present
Borough Solicitor:	Bob Mensel – present
Borough Engineer (Benatec):	Mark Bonner – present
Secretary:	Nancy Hiddemen – present
Treasurer:	Jill Speck – present

President, Craig Raisner, called the meeting to order with the Pledge of Allegiance being recited and Pastor Neal Smith of the New Heart Baptist Church giving the invocation. Secretary Hiddemen completed roll call of council.

**APPROVAL OF PRIOR MEETING MINUTES:**

Motion made by Ann Simonetti and seconded by Kathy Lebo to approve the May 12, 2003 regular council meeting minutes with the following corrections. The last sentence on page four paragraph three should read For the safety of children crossing the street in the area of 222 Kings Highway, an **Ordinance is to be enacted** prohibiting the pickup and discharge of passengers in that area except by a school bus. The last sentence on page four paragraph five should read On other matters he deferred to the Zoning Hearing Board Solicitor. The following should be added to paragraph four page five; Insurance broker who brokers our Sewer Treatment Plant policy should be notified if there is a change in the sludge hauler. Passed unanimously.

A motion was made by Ann Simonetti and seconded by Chris Albright to accept the Reconvene Meeting Minutes of May 19, 2003. Passed unanimously.

**APPROVAL OF TREASURER'S REPORT**

A motion was made by Kathy Lebo and seconded by Chris Albright to accept the May 2003 Financial Statement presented by Jill Speck. Passed unanimously.

A motion was made by Chris Albright seconded by Ron Wolaver to pay all bills as presented with a correction to Central State Dist. Payment for the garage door expense which is to be split 50/50 between the Sewer Fund and General Fund. Passed unanimously.

### **CITIZENS CONCERNS:**

Howard Cosner of 204 Verbeke Street informed Council the Game Commission would issue him permits to keep the turkey and pheasants he has as pets but the complaints regarding the birds was because of noise and they are not legal pets under the borough ordinance and the matter is unresolved. The issue was referred to the Codes Enforcement Officer.

David Hoover of 219 Antler Drive complained of water drainage and sewer problems at his residence. He has been trying, unsuccessfully, to get developer Roger Barrick to correct the problems. Council requested Mr. Hoover give them copies of water sample test results, DEP, Anatomical Lab report, Attorney General letter, etc. Upon questioned by Mr. Hoover, Councilperson Kathy Lebo acknowledged that she had not met Mr. Hoover before this evening's council meeting. Brad Ritter of 236 Ridgeview Drive complained his bank is eroding behind his home. Barb Zimmerman of 230 Ridgeview Drive was water in her house. These are residents of Whitetail Crossing. The problem is between the homeowners and the building contractor, sub contractors and developer. The Borough will assist as a facilitator by channeling information and being a spokesperson. It was suggested the homeowners also report their problems to the Planning Commission.

### **REPORTS TO COUNCIL:**

**Borough Manager** – Marita Kelley's report is on file.

**Codes Enforcement Report** - Marita Kelley presented the report for Janet Hardman. Refer to copy of report.

**Police Report** – Chief Jake Stoss' incident report for the month of May 2003 is on file. Police Officers attended SWAT school this past month. Officer Stoss' recommendation to place No Parking signs on the South side of Lansvale Street from Church Street to 11&15 because of site view was referred to the Streets Committee. This is also being referred to Codes Enforcement Officer Janet Hardman because parking in this area is a Conditional Use violation.

**Planning Commission Update** - Chairperson Stephanie Stoner. See attached report. A new delegate is needed for the Planning Commission since Tim Killian resigned.

**Maintenance Report** – George Sponsler. Refer to copy of report.

**Waste Water Treatment Plant** – Denny Kreiser. Refer to copy of report.

**Engineer's Report** – Mark Bonner. Refer to copy of report.

**Fire Company Update** – Brian Webster. Refer to copy of report.

**OLD BUSINESS:**

The following motions were made regarding the **Subdivision** request of **Robert and Linda Durgin**, 306 South Main Street:

- A motion was made by Ann Simonetti and seconded by Chris Albright to approve a **waiver** from the preliminary plan requirements of Section 402 based on the fact that the subdivision involves two lots abutting an existing public **right of way** permitted by Section 406. Passed unanimously.
- A motion was made by Ann Simonetti and seconded by Kathy Lebo to approve a waiver from providing dedicating street right of way required by Section 501.7.a. based because the new lot will not create additional traffic on the street and no more land is available for future lots on this street. Passed unanimously.
- A motion was made by Ann Simonetti and seconded by Chris Albright to approve the Robert A and Linda S Durgin Preliminary-Final subdivision plan #2003.02, 306 South Main Street, Parcel 150, 152.0-106 contingent on:
  1. The owners sign certification of ownership and dedicatory statement.
  2. Approval of the sewage module by DEP.
  3. Pending any recommendations by the Borough Staff, Borough Engineer and Perry County Planning Commission are incorporated into the plan and reviewed by staff prior to being recorded at the courthouse.
  4. Verification of markers by Borough Engineer. Passed unanimously.

**Patrick and Paula McCarthy** subdivision at 729 Valley Street, Tax Parcel 150, 152.03-048:

A motion was made by Chris Albright and seconded by Kathy Lebo to waive the requirement to separate the sanitary sewer lateral connections for each townhouse at 729 Valley Road units A, B, C, D to the main sewer line. Passed with five yeas and one nay. A cleanout will be installed prior to the Y to clean the upstream lines. Passed unanimously.

A motion was made by Kathy Lebo and seconded by Chris Albright to approve a waiver from the preliminary plan requirements of Section 402 based on the fact that the subdivision involves two lots abutting an existing public right of way permitted by Section 406. Passed unanimously.

A motion was made by Kathy Lebo seconded by Ron Wolaver to approve a waiver from providing contours required by Section 404.17 based on the fact that the subdivision does not propose any new development. Passed unanimously.

A motion was made by Chris Albright and seconded by Kathy Lebo to approve the Patrick A. and Paula McCarthy Final subdivision plan #2003.01, 729 Valley Street, Tax Parcel 150, 152.03-048 contingent on the following conditions:

- Installation of a sewer clean out in accordance with the drawing provided with the Planning Commission recommendation letter.
- A deed restriction be added to the deeds that address the maintenance of the common areas (roof, parking and sewer line).
- Verification of survey monuments or markers by the Borough Engineer.

- Certification of ownership and dedicatory statement signed by the owners.
- Corrections recommended by the Borough Staff, Borough Engineer and Perry County Planning Commission incorporated into the plan and reviewed by staff before being recorded at the Courthouse. Passed unanimously.

**Sewer Update:**

All documents have been provided for the **Lower Interceptor Project** RUS Grant. PHMC has given their approval for the project since the geomorphologic study yielded no significant findings.

**Comprehensive Plan** final draft should be completed soon.

Planning Commission recommendation for the **Proposed Amendments to the Zoning and the Subdivision and Land Development Ordinances** was tabled pending final clerical changes.

A motion was made by Jim Lewis and seconded by Chris Albright to donate \$1000.00 from the Recreation and Park Fund toward installation of a **sliding board** for the Community Pool. Passed unanimously.

A request was made to the **PENNDOT Betterment Project Plan** to include a rockslide wall or cut the mountain back for rockslide protection on 11&15.

The final draft of the **Codification Update** should be ready for Council review by mid June.

Kirk Nace has been named **alternate delegate** to the **Perry County Planning Commission** but a delegate is still needed.

The legality of **East Pennsboro Township's** adoption of an **Ordinance** limiting the Size of Vehicles traveling on River Road and portions of Belle Vista Drive to three axles is being reviewed.

**HVAC Equipment and Installation** for the Wastewater Treatment Plant and Maintenance Shop bids are to be reviewed by Tim Miller of EPSYS for recommendations. This expense will be split 50/50 between the Sewer Fund and the General Fund.

A motion was made by Ann Simonetti and seconded by Ron Wolaver authorizing Craig Raisner to sign the **Cooperation Agreement with the Perry County Commissioners** for the purpose of Submission of a Pennsylvania Community Development Block Grant Program for the lower interceptor project. Passed unanimously.

A motion was made by Ann Simonetti and seconded by Chris Albright adopting the **Lien Resolution** with a judgment rate of 12% annually. Passed unanimously.

The borough supported the Orth Rodgers Study for Marysville **HATS** recommendation. Submission is due June 30, 2003.

A new **Cell Phone policy** has been adopted eliminating personal use of Borough Cell Phones except in an emergency.

The **Penn State Intern** interview process is ongoing.

Craig Raisner made a motion seconded by Ron Wolaver to include in the trash hauling Invitation Bid that the **trash hauler** will be required to pickup trash from homes where bills have not been paid. Passed unanimously. The Borough Insurance Company should review the Sludge Hauling final bid.

A motion was made by Ann Simonetti and seconded by Kathy Lebo to amend the approval dated September 9, 2002, of the conditional use requested by **Jane Dethlefs** 222 Kings Highway in order to operate a daycare home occupation in the R-1 zoning district with the following conditions.

1. The Appellant construct a circular driveway be deleted. Appellant shall instead be required to cause a 20 foot by 30 foot parking turnaround be installed in the eastern side yard so as to prevent customers of Appellants daycare from backing onto Kings Highway.

All previously required conditions shall remain in effect as follows:

1. The erection of an identification sign that meets the ordinance requirements
2. Outside activities are limited to the hours of 9:00 a.m. to 5:00 p.m.
3. There is no drop off of children on Kings Highway.
4. The number of children is limited to a maximum of 12. Passed unanimously.

An ordinance requesting the placement of a sign prohibiting the pickup and discharge of passengers in the 222 Kings Highway area was tabled until the July meeting.

#### **NEW BUSINESS:**

The County Chief Assessor, Randy Waggoner, will handle assessment/exoneration appeals for borough occupation tax and Marita Kelley will prepare any necessary documentation.

A motion was made by Ann Simonetti and seconded by Ron Wolaver to pay a \$500.00 fee to Tri-County Regional Planning Commission for Municipal Planning Advisory Service to assist our Planning Commission. This is for 7/01/03 through 12/31/03. Passed unanimously.

It was discussed where to hold the Fall Festival – River, Square, Heritage Park. Money raised from this event will be used toward the pool feasibility study.

In-home business **Conditional Use Forms** have not been completed for the following businesses: The Chimney Doctor, SCAN Appraisal, and Fritz property continuous porch sales. These properties should be paying business **sewer** rates. A letter giving a 10 day notice to comply will be sent to each by the CEO and then they will be turned over to Solicitor Mensel to follow-up and prosecute. The fine will include attorney fees.

The Borough Website is being moved to Gateway.

A motion was made by Ann Simonetti and seconded by Ron Wolaver to have Capital Tax Collection Bureau to continue to collect local income tax and will have employees complete a Certificate of Residence Report when they start a new job or have a change in name or address. Passed unanimously.

A motion was made by Ann Simonetti and seconded by Chris Albright adopting the resolution request from the **Marysville Lions Club** for permission to hang the Carnival Banner. Passed unanimously.

**CORRESPONDENCE:**

A letter was received from the West Shore Council of Governments requesting a list of items to be sold for their auction scheduled for 7/23/03.

President, Craig Raisner adjourned the meeting at 10:40 p.m.

Respectfully Submitted

Nan Hiddemen, Secretary