Steelton Borough Council Meeting

Monday, September 8, 2015

The regular monthly meeting was called to order at 6:30 p.m. by President Jeffery L. Wright, with the pledge of allegiance, followed by a moment of silence.

In Attendance:

Jeffery L. Wright

Maria R. Marcinko

Michael Albert

Brian Proctor

Steven J. Shaver

Maryjo Szada

Mayor Thomas Acri

Anthony Minium, Officer in Charge, Steelton PD

Rose Paul,Assistant Secretary/Treasurer

David A. Wion, Solicitor

Michael M. Miller, Labor Attorney

Absent:

Denae House

President Wright announced that he was going on record and will be reading a statement from Borough Council. The statement was read as follows:

Statement of Steelton Borough

As has been reported, Steelton Borough is in the process of addressing certain personnel concerns. While Borough Council has moved quickly to gather the necessary facts to make a decision, the Borough is not yet in possession of all of the facts that it requires to make a responsible decision for the Borough and its taxpayers. So, while the Borough needs additional

time to complete its employment investigation, Borough Council will promptly and definitively bring this process to a final resolution when all the facts are at hand.

During its progression of investigation and deliberation, Council has been advised that it cannot publicly comment on personnel matters. Council is compelled to follow this legal advice.

However, there are some answers and clarifications that Council can provide.

First, as to who is running the Borough, the Borough has experienced staff members who have been long-standing, dedicated employees. The Assistant Secretary is attending to the Borough Manager's duties with the assistance of the Borough Staff and the Borough's consultants. The Mayor has appointed an interim officer in charge of the Police Department and he is handling the day to day operations of the Department. The Public Works Department continues to work with their foremen to complete the work required. Council is very grateful to all of the employees for stepping up and working in the interest of the residents.

Second, as to the salary information that has been reported, Borough Council can correct the record. The Borough Manager was hired in April 2012 at a yearly salary of $ 55,000. She worked a partial year, so her salary for that year was $ 39,000. Her starting salary was not $ 39,000 as has been reported erroneously.

Finally, as to the process for resolution of these personnel matters, Council will act promptly and judiciously to resolve them. While it is clear that many people would like to have additional information now, Council must take the time to gather the necessary facts and be appropriately advised about its legal options. As such, while it is entirely appropriate to provide Council with your thoughts and opinion, Council is not able to answer specific questions until its investigation is complete.

The President asked Mayor Acri to address Chief of Police John King's salary.

The Mayor reported that the salary of Chief John King as of 2013 when he was a Sargent was $74,432. When he became acting Chief he received a $5.00 an hour increase, which was $10,400, which he received through April 13, 2014, which made his salary $84,432.00. In 2015, when promoted to Chief he was making $88,500. He was entitled to a raise in August but, at this time has not been given that raise. That is the stating of the salary for the Chief.

Councilwoman Marcinko made a motion to change the administrative leave with pay for Police Chief John King, to redemption of annual leave pending further investigation. The motion was seconded by Councilman Albert. Motion carried unanimously.

Councilwoman Marcinko made a motion that the administrative leave with pay for Borough Manager, Sara Gellatly be changed to unpaid administrative leave pending further investigation. The motion was seconded by Michael Albert. Motion carried unanimously.

EXECUTIVE SESSIONS BETWEEN MEETINGS:

President Wright then turned the meeting over to Mr. Wion. Mr. Wion reported that there were two Executive Sessions between the the last regular meeting of Council on August 17, 2015 and this meeting, September 8, 2015. The first was held on Tuesday, September 1, 2015 at 6:30 p.m. for the purpose of discussing personnel issues involving the evaluation of employee performance and potential discipline and legal advice relating there to. The second was help at 5:30 p.m. this evening for the same purposes.

APPROVAL OF PREVIOUS MINUTES AS PRESENTED:

A motion was made by Councilman Albert and seconded by Councilwoman Szada to approve the minutes of the August 17, 2015 meeting. Motion carried unanimously.

PUBLIC COMMENTS ON AGENDA ITEMS ONLY:

Mr. Wion wanted to draw to the public's attention that at 6:45 p.m. there is a public hearing scheduled in which we must recess the regular meeting and conduct the hearing and then return to session.

President Wright said there was about 5 minutes where Council could take public comments on agenda items only before the hearing.

1) Markis Millberry, who stays at 349 Spruce Street, Apartment A, Steelton, PA 17113

Mr. Millberry asked if Council would reveal the name of the officer in charge of the Police Department. It was announced that Officer Anthony Minium is acting as the officer in charge of the Police Department.

2) Shelby Burke, 2511 South Third Street, Steelton, PA 17113

Ms Burke question was regarding the resolution of the destruction of retention records. She wanted to know if it was yearly, monthly or just how did it work. Mr. Wion responded that the Historical and Museum Commission of the Commonwealth sends a manual for the retention of public records. It gives a whole listing of records. Ms. Burke mentioned that she is familiar with that because she is the retention officer of the State Treasury Department. Ms. Burke asked if we follow the procedure as outlined in the retention schedule and Mr. Wion said we certainly do. Ms. Burke stated that is all she wanted to know.

3) Emmuel Powell, 321 Lebanon Street, Steelton, PA 17113

Mr. Powell questioned the Executive Session process and when did we start this process. President Wright explained that we needed to meet regarding issues that are not for the public knowledge and once the meeting concludes votes are taken on what transpired at the Executive Session in an open session. President Wright explained that according to Robert's Rules of Order, we go executive session to discuss the issues, and if he would stick around, after executive session we come back into a public meeting to vote. President Wright stated that we can have an executive session to discuss personnel issues, potential litigation and other legal matters at any time.

Public Hearing:

President Wright asked Councilman Albert to read the Public Notice of Hearing.

President Wright asked for a recess from regular Council Meeting at 6:47 p.m. Councilwoman Marcinko made a motion to recess from regular Council Meeting to have the hearing to consider the ordinance amendment. Seconded by Councilman Shaver. Motion carried unanimously.

Read by Councilman Albert: This is the time and place set for the public hearing to receive and review public comment on proposed amendment to the Code of the Borough of Steelton,Chapter 120, Zoning, which the amendment provides for the rebuilding of a destroyed or damaged non-conforming use or structure if the building application is submitted with 18 months, work begins in 6 months, and no unconformity is nearly created or increased. The ordinance further amends the abandonment provisions related to non-conforming uses by accepting from its presumption of abandonment after 1 year, the provisions related to the rebuilding of the destroyed or damaged non-conforming uses. Note of the public hearing has been duly advertised as required by law. Copies of the proposed ordinance was sent to the Steelton Planning Commission and the Dauphin County Planning Commission, also as required by law. Is there anyone from the public who wishes to make a comment in relation to the proposed ordinance? There was no response. Is there any Councilpersons who wish to make comments in relation to the ordinance? There was no response. Councilman Albert declared the public hearing closed and announced the regular meeting of the Borough would be reconvened.

Councilman Albert made a motion to reconvene into regular Council Meeting, seconded by Councilman Proctor. Motion carried unanimously. Council reconvened at 6:49 p.m.

PUBLIC COMMENTS ON AGENDA ITEMS ONLY: CONTINUED

4) Charles C. Lawson, 401 Columbia Street, Steelton, PA 17113 (Swatara Township)

Mr. Lawson asked if Council expected people to wait a month while they are getting raw sewage into their homes. He believes it is inhumane. Mr. Lawson stated some other homes do not have a drop of water. He said last month the Borough billed him over $300 in error on his water bill. He stated he went to Borough Hall and talked to Sara who corrected it. The only reason he came down to Borough Hall was because the interest was being compounded and he did want his water shut off. Mr. Lawson stated that nobody should have to wait another month to have to straighten that water out. Mr. Lawson asked that we make that an emergency area and concentrate on that area to correct the problem.

5) Kristen Tate, 704 North Front Street, Steelton, PA 17113

Ms. Tate said she is very upset and she wants answers and she just wanted Council to care as much to the community. Ms. Tate stated that she respects each and every one of us and especially Councilwoman Marcinko for making the motions regarding Chief King and Borough Manager Gellatly but at the same time she had to say she was glad we brought at least one item to conclusion.

PRESENTATIONS:

Joshua Fox, HRG - Mr. Fox stated that he had a couple of items for Council's consideration. Mr. Fox presented Council with a copy of his monthly Engineer's Report. Councilwoman Marcinko asked for an update on when the Pine Street Project will begin. Mr. Fox stated that he received correspondence from Wexcon, who is a subcontractor with Pennsy Supply, who will be working on the Pine and Harrisburg Street project. The excavation work for the utility replacement for water and sewer is expected to begin at the end of September. It has been moved back a couple of weeks. Wexcon will give the Borough two weeks notice so the Borugh can notify the residents. Also, before the Borough can put the detour into effect, they will actually post the detour and the date when the detour is to begin. There will be signs on both Front Street and Pine Street as to when the detour will begin. Mr. Fox reported that HRG is communicating with Wexcon on a daily basis. Councilwoman Marcinko announced that details regarding parking will be addressed under unfinished business.

COMMUNICATIONS:

President Wright stated that we have a communication from Mr. Robert Amsel. Mr.Robert Amsel, resident of Pine Street, wanted to address issues for anyone who is handicapped and will be affected by the Pine Street Project. Mr. Amsel stated he as many health issues and was concerned about getting to and from medical appointments.

UNFINISHED BUSINESS:

Councilwoman Marcinko discussed Mr. Amsel's concerns regarding the parking issues during the upcoming Pine Street project. She stated that she did have a conversation with Mr. Amsel about his letter and it stemmed from the letter that all Steelton resident's received regarding this project. As a point of clarification, Councilwoman Marcinko stated that every must understand that this is a PennDot project and we do not have as much flexibility with things as we would if it was a Borough project. Councilwoman Marcinko said that the closure of the roads would be sections and no one would be a prisoner in their homes. All residents will be notified in advance if the area surrounding their homes will be completely unaccessible for any period of time so they can make arrangements to park elsewhere. The only reason why there will be parking issues is that there will be equipment and materials that will remain in the section the contractor will be working on for periods of time. Residents will access to and from homes before the start of the work day and after. Councilwoman Marcinko announce that special accommodations will be made for those individuals with medical issues. These accommodations will be made through the Project Manager of HRG. Councilwoman Marcinko said an email address and phone number for those needing accommodations will be on the website.

Mr. Fox stated that once we get the work schedule from the contractor they will provide the Borough with weekly updates from the onsite RPR and he will make it available to the Borough Office and we can put it on line to see just what areas of Pine Street will be effected and when. Residents are reminded, however, that it is a construction schedule and things change daily.

Mr. Fox also announced that there will be complaint forms on site with the RPR and residents are encouraged to complete them if needed.

NEW BUSINESS:

Consideration of amendment to the Zoning Ordinance - Mr. Wion reported that we had a public hearing earlier dealing with the Zoning Ordinance which initially had a provision in 2009 when the Borough passed it if the non-conforming structure, which is a building that during that period would not conform to uses and that structure was damaged or destroyed by fire or other act of god more than 50% of its replacement costs at that time, you are not permitted to reconstruct it unless you built it in conformance with the new building ordinance. We found that what was happening is that when residents were trying to sell their homes some of the title companies said what happens if you have a fire and it is destroyed you cannot rebuild it unless it meets the new zoning ordinance and with none of the provisions in there you couldn't do that. This was brought to the attention of the Borough and the Borough decided to change that provision and the change allows a non-conforming structure that has been destroyed to be rebuilt in a non-conforming condition as it was before if an application for the building permit is submitted within 18 months after the date of the damage and work begins in ernest within 6 months and continues and you don't create any new conformity or increase it by construction. The second portion of that is that there is a provision of non conformity that if you abandon or did not use that building for the activity use we would consider that within a year you could not rebuild it. That section was also changed and amended to provide that a non-conforming use of a building shall be abandoned when you cease to have any use or activity by an act a failure on the part of the owner to restate the use within a year, except for the provision that we just put into the ordinance that if it is destroyed or damaged that abandonment determination will not be made. That is ordinance 2015-4 for Council's consideration. President Wright asked if there were any questions on Ordinance 2015-R-4. There were no questions. A motion was made by Councilman Albert, seconded by Councilwoman Marcinko to approve Ordinance 2015-R-4. Motion carried unanimously.

Approval of Application for payment No. 1 for contract 2015-01 Pump Station Sewer Grinder Improvement Project for $144,546.07. - Mr. Fox, HRG, recommends approval for application for payment No. 1 PSI Pump Solutions, Inc. in the amount of $144,564.07. Upon approval this will be sent to the County for full reimbursement from the CDBG-R monies. President Wright asked Mr. Fox to verify that this is grant money. Mr. Fox responded in the affirmative. A motion was made by Councilman Proctor seconded by Councilman Albert to approve the application for pay No. 1, in the amount of $144,564.07. Motion carried unanimously.

Final application for payment for contract 2013-1 Mohn Street Multigenerational Park in the amount of $62,041.40. Mr. Fox recommends full payment to T.F. Stoner for the work performed on Mohn Street Multigenerational Park. This will be submitted for reimbursement to DCNR. A motion was made by Councilman Proctor, seconded by Councilwoman Szada to approve payment to T.F. Stoner in the amount of $62,041.40. Motion carried unanimously.

Approval for the estimate of client services for the estimate of $16,080 for the cleaning of a 42 sewer inlets as required for the preparation of the storm sewer project. This estimate will included cleaning and removal of debris from 42 inlets in order to complete the structural inspection and a component to the required inspection. This will be sent to the County for reimbursement from CDBG funds. A motion was made by Councilman Proctor and seconded by Councilman Albert to approve the estimated proposal in the amount of $16,080. Motion carried unanimously.

Retention and Distruction of Records - Mr. Wion reported that the Borough looks at the Municipal Records Manual approved by a prior resolution and in accordance with the disposition of municipal records as set forth in the manual, we pass a resolution from time to time which disposes after a certain period of time certain records in accordance with the Municipal Records Manual. Resolution 2015-R-25 is the latest authorization of disposition of administration records which are listed on an exhibit which is attached to a resolution this is Resolution 2015-R-25 for the Council's consideration. A motion was made by Councilman Shaver to pass Resolution 2015-R-25, seconded by Councilman Albert to approve the resolution. Motion carried unanimously.

Ratification of Salzmann Hughes, P.C. Representation and Fee Agreement - Mr. Wion reported that during last Council meeting is was brought up that the permits for Arcelor Mittal that had become an issue. Borough Manager Gellatly had indicated at the previous meeting that while we are working with Labor and Industry on a number of permits and the issue of their issuance our special counsel Eckert Seamans had a conflict of interest in representing Arcelor Mittal in regard to that particular issue with the mill. As a result, Ms. Gellatly reached out and secured the services of Salzmann Hughes, P.C., the firm that has also been working with the various municipalities in regard to the sewer rate issues and CRW provided a representation and fee agreement in regard to the issues involving Arcelor Mittal and the related fee schedule and their representation letter because this had not yet been before Council, Mr. Wion was presenting it and asking for a motion for Council approval for their retention. A motion was made by Councilman Albert, seconded by Councilman Proctor to accept the representation and Fee Agreement from Salzmann Hughes, P.C. Motion carried unanimously.

Sewer backup on Bessemer St. - Councilwoman Marcinko reported that she wanted to address this issue publicly because there has been controversy surrounding this issue and wanted to report what the Borough and the residents at 598 Bessemer Street have done regarding this issue.

She reported that Public Works Director received a call on Sunday, August 30 he received a call from the resident of this proper that the sewer backed up. The Public Works Department was sent up several times to take a look at the Borough's side of the sewer system. The back up was in the lateral line, which is the property owner's responsibility. The Borough sent Public Works employees up to the residents 4 times. The resident's called FreeFlow USA, RotoRouter, and a private plumber. The Borough took pictures within our lines. Councilwoman Marcinko reported that the Borough lines were clear. FreeFlow America went up there and said that when they opened the line they found 6 pairs of underwear in the line.

Councilman Proctor asked permission to use Borough Letterhead for a project for the Thanksgiving Turkey giveaway on November 21, 2015. The Borough will be partnering with the County and a anonymous donor and would like to send a letter to First Baptist church to use their fellowship hall on November 21, 2015 from 12 p.m. to 5 p.m. Councilman Shaver made a motion to authorize Mr. Proctor to use Borough letterhead, seconded by Mr. Albert. Motion carried unanimously.

Councilman Proctor asked Council to consider a give a book/take a book program run that would be voluntarily run by Iris Brown in the Borough Hall. Councilman Proctor has had three bookshelves already donated. A motion was made by Councilman Albert, seconded by Councilwoman Marcinko to have Councilman Proctor start a give a book, take a book program in Borough Hall. Motion carried unanimously.

Councilman Proctor stated that he wanted to spearhead an operation "Blitz Blight", which would include dumpsters. We will not except tire, paint unless dried up, electronics and things like that. Councilman Proctor said he would like to work with Dauphin County probation at the same time to work on homes with overgrown grass and property needs. It would be an overall Borough clean up. Councilman Proctor stated he would like permission to continue to research this project and if granted would come back to Council with a date. Councilwoman Marcinko suggested that we allow Councilman Proctor to continue to investigate the best way to attempt to plan operation "Blitz Blight". President Wright told Councilman Proctor that once he has everything in order he should come back to Council with a recommendation.

AUDIENCE PARTICIPATION:

1) **Charles Lawson, 401 Columbia Street, Steelton,PA 17113 (Swatara Township)** Mr. Lawson stated that he believes there are ghost employees in the Borough making $78,000 a year. He wanted to know who they are, what is their salary, and who approved them. President Wright responded that this is a personnel matter and we covered that in the beginning of the meeting. He wanted to know how we spending his money, signing off on raises and all that.

He also stated that he was down to see our new certified, educated, and graduated from wherever Codes Officer. Mr. Lawson said the Codes Officer had the nerve to tell him that he did not know what a Cease and Desist was. He further state that the Codes Officer told him that he did not have any records for 585 Bessemer St. with our letterhead on it catching them dumping oil in my sisters yard in broad daylight and DEP fined. This is a garage that your Codes Officer could find no records, no files no nothing on this property. Mr. Lawson stated that the Codes Officers asked if Mr. Lawson would give his records to him. Mr. Lawson stated that he was giving the records to President Wright and he should give them to the Codes Officer.

2) **Markis Millberry, stays at 349 Spruce St., Apartment A, Steelton, PA 17113** - Mr. Millberry asked if we were paying Rose Paul extra to be at the meeting tonight. President

Wright stated that we were not. Mr. Millberry also asked why are we paying Michael Musser $4,000 a month. President Wright stated that Mr. Musser brings millions of dollars to this Borough through grants.

Councilman Proctor brought up the recent meeting with the Auditor General of Pennsylvania. He stated that those in attendance were President Wright, Vice President Marcinko, Sara Gellatly, himself and Mike Musser. Councilman Proctor stated that the Auditor General stated we were in great financial shape.

Mr. Millberry asked when all of the minutes will be updated. President Wright asked Councilwoman Marcinko to address this. Councilwoman Marcinko stated that she and Councilwoman House are working on that project. All minutes prospectively from August 3, 2015 will be posted after approved at the previous meeting. They will be done timely from that date one. Councilwoman Marcinko stated that we committed to the Auditor General that they will be done by the end of year. She also stated that we are working on it as best as they can.

Mr. Millberry wanted to know the status of his Right to Know Requests. President Wright stated that based on the situation going on in our Administrative Office, we could not guarantee when but he would follow up with Rose to see where we stand with that.

Mr. Millberry asked the status of his police complaint against Chief King. President Wright asked the Mayor if he knew anything about it. The Mayor reported that it was reviewed and the finding was that Chief King did nothing in appropriate.

3) **Mr. Daniel Bowers, Sr., 587 Lincoln Street, Steelton, PA 17113**

He was asked to come to the microphone because it was very important for the minutes. He remained in his seat as was asked to speak loudly.

Did you consider moving these meetings to a larger facility? President Wright responded that on special occasions we have moved the meeting to a larger facility.

Mr. Bowers wanted to commend Assistant Secretary Rose Paul for her assistance in helping him resolve his erroneous water bill.

4) **Natasha Woods, 181 South Front Street, Steelton, PA 17113**

She wanted to follow up on the 2012 CDBG money and asked if he application has been submitted. President Wright responded that yes it has. She also asked if it has been approved. President Wright said it is still going through the process. Ms. Woods asked for a definition of "beautification" . President Wright asked Councilman Proctor to answer that question as Chairman of NEDC. Councilman Proctor said it means whatever we need to make the Borough look better however, the money can only be used for what you applied for. She also wanted to know where the input comes from for Beautification. Councilman Proctor stated she can make suggestions to the NEDC Committee. Ms. Woods asked if it has to be spent by September 30 and Councilman Proctor stated that we got an extension until the end of the year.

5) **Emmual Powell, 325 Lebanon St., Steelton, PA 17113**

Mr. Powell stated that the Pine Street project has been talked about for 5 years and it only took 9 years to build the turnpike. Why does it take 5 or 6 years to do a project? He also stated that every project that comes up we have the same engineers. He stated we should get rid of the engineers.

Councilman Albert stated that Pine Street is a state owned road. The project is totally under the control of PennDot.

Councilman Shaver stated that he shares his frustration when it comes to Pine Street but unfortunately like Councilman Albert stated that has been on the 5 year plan for the last 25 years.

6) **Candace Kitner, 380 South 7th Street, Steelton, PA 17113**

Ms. Kitner reported that when she entered Council chambers tonight she was verbally attacked by the Mayor's father.

COUNCIL CONCERNS:

Councilwoman Szada - She had no concerns.

Councilman Shaver - He wanted to thank Mr. Proctor for the two programs he is working on. He applauds him for trying to do something positive for the community.

Councilman Proctor - He asked the residents to keep their properties clean.

Councilman Albert - He wanted to touch base on Executive Session. He explained to the public that these are closed door meetings to only discuss personnel and legal matters. No votes are taken in Executive Session. He also addressed the fact that only a hand full of people come to meetings regularly but the everyone comes when there is a problem or when the news media is there. He also addressed 27 News, 21 News, WGAL News stated that he would like to see them all there when there is something positive to report not just when there are negative reports in Steelton.

Mayor Acri - Mr. Acri wanted the Assistant Secretary to insure that the record reflects that Mr. Lawson's address is located in Swatara Township and he does not live in the Borough of Steelton, he does not pay taxes to the Borough of Steelton, and his only obligation to the Borough of Steelton is that he receives Steelton Water.

Councilwoman Marcinko - Councilwoman Marcinko just wanted to state that she was at a loss for words. She holds a lot of respect for local government, county and state government. She worked in State Government for 35 years. She stated this is not a comedy theatre. She stated that Council has to do very intense business every day of the week. She stated that if you disagree with something I do, my telephone number is on that website like every other council member and you can call her anytime. She stated she does answer her phone and she does get back to her callers. She stated her point is that Council does business her twice a month and when Council discusses important issues like trying to find money to move a sewer line because the Borough has to move a sewer line there is no one at the meeting and something happens and

you are all here. Even tonight when we were approving resolutions that keep this Borough going, it wasn't sensational to you. She stated the Borough is operating, the Borough is funded, the Borough is going. There are two key people missing and it is a personnel matter and she stated she wasn't able to talk about it. She stated she got into local government because she wanted to do good in her community, but that maybe none of the Council will want to serve ever again.

AUDIENCE PARTICPATION:

1) Renee Drayton Bowers, 587 Lincoln Street, Steelton, PA 17113

Mrs. Bowers stated that she has been at Council Meetings before and if we were on the other side we would be coming out too in situations like this. She realizes that they are here because of personnel issues and that we cannot speak about it but it is what it is. She believes that everyone needs to know a reason why the two employees were let go.

2) Ron Acri, Pine Street, Steelton, PA 17713

Mr. Acri stated that he is appalled at everyone in the audience because they voted for the Council and they are so disrespectful to the Council.

The President called for a motion to adjourn. A motion was made by Councilman Albert, seconded by Councilman Shaver. The meeting adjourned at (The crowd was so loud the time could not be heard).

Respectfully submitted,

Rose Paul

Assistant Secretary/Treasurer