

**Minutes
Steelton Borough Council Meeting
December 21, 2015**

Present:

Council President Jeffery Wright
Council Vice President Maria Romano Marcinko
Councilwoman MaryJo Szada
Councilman Stephen Shaver
Mayor Thomas Acri

Absent:

Councilwoman Denae House
Councilman Brian Proctor
Councilman Michael Albert

Staff:

Douglas E. Brown, Borough Manager
Susan Spangler, Codes Administrative Staff
Howard Gray, Property Maintenance Officer
Anthony Minium, Officer in Charge
David A. Wion, Solicitor

Call to Order:

The December 21, 2015, meeting of the Steelton Borough Council was called to order by Council President Jeffrey L. Wright at 7:15 pm. The meeting was delayed until 7:15 due to the lack of a quorum.

Pledge of Allegiance:

The Pledge of Allegiance and a moment of silence was led by Mayor Thomas F. Acri.

Executive Sessions between Meetings:

Mr. Wright announced that there were no Executive Sessions between meetings.

Approval of Minutes from Previous Meeting:

Mr. Wright entertained a motion to approve the minutes of the December 7, 2015, Steelton Borough Council meeting. Mr. Shaver motioned to approve the minutes, which was seconded by Ms. Marcinko. Council voted unanimously to approve the minutes.

Approval of minutes of previous meetings as presented:

Councilman Wright entertained a motion to approve the minutes as presented for the following meetings of Steelton Borough Council:

Minutes of October 7, 2013

Minutes of January 6, 2014
Minutes of March 17, 2014
Minutes of April 7, 2014
Minutes of June 23, 2014
Minutes of February 17, 2015
Minutes of March 2, 2015
Minutes of April 6, 2015
Minutes of May 4, 2015

Ms. Marcinko made a motion to approve the minutes as presented as listed above. Mr. Shaver seconded the motion. Council voted unanimously to approve all sets of minutes as presented.

Public Comment on Agenda Items Only:

Mr. Wright opened the floor for public comments on agenda items only.

Mr. Markis Millberry – 349 Spruce Street

Mr. Millberry asked if the minutes approved at the meeting constituted the remainder of minutes that are outstanding from the past. Mr. Brown replied that there are still approximately five sets of minutes left to complete before the Borough is completely caught up.

Mr. Millberry asked who is drafting the minutes. Mr. Brown replied that he is drafting the minutes at home along with his wife as well as Ms. Marcinko. Mr. Brown also stated that Ms. Kim Fisher has been drafting minutes for the Borough per an arrangement previously made.

Mr. Millberry asked if Ms. Fisher is being paid to complete minutes. Mr. Brown replied that she is being compensated for the minutes she completes.

Mr. Millberry asked the cost of Ms. Fisher's services. Mr. Brown replied that Ms. Fisher received \$150 per set of minutes that she completed.

Approval of Schedule of Billings, Requisitions, and Change Orders as Presented for November 2015:

Mr. Wright entertained a motion to approve the schedule of billings, requisitions, and change orders as presented for November 2015. Ms. Marcinko motioned to approve the schedule of billings, requisitions and change orders as presented for November 2015. Ms. Szada seconded the motion. Council voted unanimously to approve the motion.

Approval of Departmental Reports as Presented:

Mr. Wright opened the floor for discussion and approval of the following departmental reports:

Neighborhood and Economic Development
Police Departmental Report
Codes Office Departmental Report

Fire and Ambulance Department Report
Public Works Departmental Report
Mayor's Report
Borough Manager's Report

Mayor Acri announced that Officer in Charge Anthony Minium will give Council an update on police regionalization talks.

Mr. Minium stated that on December 10th, Mr. Minium, Mayor Acri, and Mr. Brown attended a roundtable meeting with representatives from Lower Swatara Township, Middletown Borough and Highspire Borough in reference to the potential regionalization or merger of police departments.

Mr. Minium stated that the meeting was productive and included significant concern amongst representatives from all four municipalities regarding the findings of the Dauphin County report on regionalization. Mr. Minium stated that there were concerns over the costs of start-up fees associated with regionalization. Because of concerns over whether or not the regionalization options presented by the county will result in true savings, the representatives present at the meeting agreed to have the Commonwealth conduct a regionalization for their respective departments. Mr. Minium stated that the study would be funded by a grant through the state and that Middletown Borough is taking the lead on coordinating with the Commonwealth to conduct the study.

Mr. Minium stated that the four municipalities, on a recommendation from Mayor Acri, will also be exploring options for shared purchasing between the four municipalities for the purpose of cost savings.

Mr. Minium stated that the next meeting of the four municipalities will be in early January and he will inform Council of the status of talks.

Mr. Wright asked for clarification about Mr. Minium's report. Mr. Wright specifically wanted to know what the four municipality regionalization study will include. Mr. Minium replied that the study will include projected startup fees for regionalization as well as analysis of projected savings through shared purchasing which would allow each police department to maintain their own identity and organizational autonomy.

Mr. Wright inquired about the process of conducting the study and asked Mr. Minium to clarify that each municipality would bring the resulting report back to their respective governing bodies for review and consideration. Mr. Minium replied that Mr. Wright is correct.

Mr. Wright further asked for clarification that Steelton Borough Council will still have the authority to make the final decision on whether to regionalize or enter into any shared purchasing agreement. Mr. Minium and Mayor Acri replied that Steelton Borough Council will ultimately decide on the best option for the police department.

Ms. Marcinko asked if the four municipality study will look into the fee-for-service model. Mr. Minium stated that at the December 10th meeting, no representatives supported a fee-for-service model. Mr. Minium stated that all four municipalities agreed that if there is any reorganization of departments it will be in the form of a merger, not a fee-for-service structure.

Mayor Acri stated that if Steelton Borough goes with the recommendations of the county study, the Borough will only save money through cutting police officers. Mr. Minium stated that at this time every department in the four municipalities are at minimum manpower. Mayor Acri stated that service will suffer if the Borough followed the county plan due to cuts in staffing.

Ms. Marcinko asked if Middletown had already obtained grant funding to conduct the study. Mr. Minium stated that Middletown is in contact with a representative from the state Department of Community and Economic Development who provides regionalization studies to municipalities.

Mr. Wright stated that the state is currently at a budget impasse and that he does not feel that a state-funded regionalization study would be approved right now given the status of the state budget. Mr. Wright asked Mr. Minium to continue work on the project.

Mr. Shaver asked Mr. Minium to repeat the municipalities involved in the December 10th meeting and asked if Royalton Borough is involved. Mayor Acri replied that Royalton Borough is not joining in the discussions because of their small size.

Mr. Wright asked for any questions or comments about the public works report. Ms. Marcinko replied that the Borough is ready for the snow and has the salt needed to treat the roads if a snow event occurs.

Mr. Wright noted that he had talked to Mr. Proctor, Chair of the NEDC Committee, and there was nothing to report.

Mr. Wright asked Mr. Brown to update Council on the Codes Office. Mr. Brown stated that Mr. Amrinder Singh, a Codes Enforcement Officer in Reading, will be starting with the Borough on January 18th as the Codes Enforcement/Zoning Officer and head of the Codes Department. Mr. Brown noted that Mr. Singh continues to get additional certifications through the state Department of Labor and Industry.

Mr. Brown stated that the arrangement with Highspire Borough to perform interim Codes work for the Borough has been working well. Further, Mr. Terence Watts from Highspire has been working successfully with staff to address issues like zoning, condemnation of properties, etc.

Mr. Brown stated that the office is doing well given the current lack of a department head but that they are very much looking forward to Mr. Singh starting.

Mr. Wright asked if there were any further comments or concerns before he entertains a motion to approve the departmental reports as presented. No questions or comments were offered.

Mr. Wright entertained a motion to approve the Departmental Reports as presented. Mr. Shaver made a motion, seconded by Ms. Marcinko. Council voted unanimously to approve the reports.

Presentation: Ms. Rachel Yannich, 524 Third Street, Swatara Township, Request for Relief on Sewer Bill for Property at 2691 South Third Street

Mr. Wright asked Ms. Rachel Yannich to address Council about her request for relief on her sewer bill for 2691 South Third Street.

Ms. Yannich stated that she lives in Swatara Township but owns a property in the East End of Steelton. Ms. Yannich stated that her sewer/water issue has been a long time coming and that she has been waiting a while to address Council.

Ms. Yannich stated that she could never get a hold of anyone in order to be scheduled on the agenda in the past.

Ms. Yannich requested relief on billing for two specific quarters. One quarter was for 42,000 gallons of water, the second quarter was for 68,000 gallons of water. Ms. Yannich stated that she is being told that she has a leak somewhere, but that when she leaves her house the water gets turned off at the meter. She stated that the Borough tested her meter and said it was not faulty, but that her usage went back to normal after she replaced the meter. Ms. Yannich stated that she is not sure what the Borough needs from her in order to prove that noone is living at her property or that she is not using water.

Mr. Wright asked Ms. Yannich if she has addressed the Water Authority about her bill. She stated that she had done so. Mr. Wright then stated that Council can only make a ruling on the sewer portion of her bill.

Ms. Yannich stated that she did not use the 42,000 or 68,000 gallons of water and there is no one that lives at the location. Ms. Yannich stated that the only records she can give Council are the water records for the location where she lives and the electric bill from where she lives to show that she does not live at 2691 South Third Street and that noone lives at the location or uses water.

Mr. Wright asked Ms. Marcinko, Chair of Public Works, to address Ms. Yannich's situation as the Public Works Committee had reviewed her case. Mr. Wright then reiterated to those in attendance that they can only come before Council for sewer bill issues, not water bill issues. Mr. Wright stated that he turned the case over to the Public Works Committee which was supposed to work with Ms. Yannich on her issue.

Ms. Yannich stated that she had talked to Ms. Marcinko, Public Works Committee Chair, and that she had talked to the Mayor as well over the past year.

Ms. Marcinko stated that she believes that her conversation with Ms. Yannich included discussion of a domestic situation where someone could have entered the house and turned on the water. Ms. Marcinko stated that she informed Ms. Yannich that she needed to deal with the individual in the domestic dispute to seek restitution for the water/sewer bill if they are responsible for turning the water on during the aforementioned quarters. Ms. Marcinko stated she further reviewed Ms. Yannich's case with the Borough Solicitor, Mr. Wion, and that there is a recent court ruling that states that if a customer can prove that the water did not go into the sewer system (leak, filling a swimming pool) then Council can provide relief on the customer's bill. Ms. Marcinko stated that if Ms. Yannich can provide such proof Council can discuss relief on the bill.

Ms. Yannich replied that she had Borough Water Distribution staff in her house multiple times and

they have confirmed that there are no leaks in the house. Ms. Marcinko replied that if there are no leaks and it has been confirmed multiple times, then the water must have went through the meter and to the sewer system. Therefore, there will not be relief given on Ms. Yannich's bill unless she can prove the water used during the two quarters in question did not go through the sewer system.

Ms. Marcinko stated that if someone did go into the property and turned on the water to let it run, it went through the system, including the water meter. Because there is no leak or proof at this point, the Borough cannot give relief at this time, stated Ms. Marcinko.

Ms. Yannich stated that the water is currently turned off and that she used to go to the property every day to check and see if someone was in the property. She stated that noone but her turned the water on or off. Ms. Yannich stated that her neighbors can confirm that noone other than Ms. Yannich has been at the house and that she is not sure what else she has to provide to the borough to receive relief on her bill.

Ms. Marcinko stated that if there were no leaks and the water meter tested as accurately reading water usage, the water was used and there is no recourse or relief the Borough can provide. Ms. Marcinko stated the the Borough pays the City of Harrisburg for sewage treatment based on water consumption in the Borough, including consumption at Ms. Yannich's property. Ms. Marcinko stated that the Public Works Committee recommends providing no relief on the bill at the current time given the lack of evidence that the water was not used.

Ms. Yannich stated that her ex-partner who could be suspected of turning the water on was not in her house. She stated that he has never been in the house based on what her neighbors have told her. Ms. Yannich stated that she has an attorney who will take her case and she will be litigating her case against the Borough.

Communications:

Mr. Wright shared the following pieces of communications received by the Borough:

Dauphin County Office of Tax Claim Bureau, Notice of Repository Property Sold

Capital Region Council of Governments, Reminder to RSVP for CapCOG Annual Dinner

DHI Engineering Services, Notification of Dura-Bond Pipe LLC's Application to DEP for the Renewal of Title V Air Quality Permit

Comcast, 2015 FCC Form 1240 and Form 1205 Filings

Dauphin County Office of Tax Assessment, Notice of Change in Assessment

Mr. Shaver questioned if there is a mobile home on Lincoln Street, then noted his understanding that this notice is due to new construction.

Unfinished Business:

None.

New Business:

Mr. Brown, Resolution 2015-R-43 Setting Annual Salaries and Benefits for Non-Uniform and Non-Union Employees for the 2016 Calendar year

Mr. Brown shared that this resolution establishes the annual salaries, hourly wages and employee benefits for non-uniform, non-union employees of the Borough including himself at a salary of \$80,000, Ms. Rosemarie Paul at a salary of \$53,560 plus \$1,000 bonus in 2015 in recognition of performance and duties while the Borough Manager Position was vacant, and Mr. Amrinder Singh for \$62,500. Mr. Brown noted that the resolution includes that he is not eligible for the Borough's Health Insurance Program as per his employment agreement.

Mr. Shaver made a motion to approve Resolution 2015-R-43, which was seconded by Ms. Marcinko. The motion carried.

Mr. Wion, Resolution 2015-R-44 Establishing the Police Pension Contribution for 2016

Mr. Wion stated that annually pursuant to the Collective Bargaining Agreement between the Borough and the Steelton Borough Police Association, Council looks at the contributions that are required by each officer for the pension plan which is for the police individuals. Also, the Borough's Police Pension Plan Ordinance requires the mandatory contribution and through the determination of the pension plan and the actuary, the member contribution will be fixed at 5% of monthly compensation for the period of January 1, 2016, through December 31, 2016.

A motion was made by Ms. Marcinko and seconded by Dr. Szada. The motion carried.

Mr. Wion, Resolution 2015-R-45, Appointing MRP Chief Administrative Officer (CAO)

Mr. Wion stated that that the Municipal Pension Plan Funding Standard and Recovery Act (Act 205 of 1984) requires that pension reports be prepared under the supervision and the direction of the Chief Administrative Officer of the Municipality. Resolution 2015-R-45 appoints the Borough Secretary as the Chief Administrative Officer of its Police and Non-Uniformed Pension Plan(s) effective December 21, 2015.

A motion was made by Ms. Marcinko and seconded by Mr. Shaver. The motion carried.

Councilwoman Marcinko, Motion to Move Codes Department Under the Supervision of the Borough Manager's Office

Ms. Marcinko shared that Council previously approved to move the Codes Department under the Police Department. With the arrival of Mr. Singh, the Codes Department will now be a separate Department, with Mr. Singh being the Director of the Department, and reporting to Mr. Brown.

A motion was made by Mr. Shaver and seconded by Ms. Marcinko. The motion carried.

Mr. Brown, Update on Minutes

Mr. Brown shared that five sets of minutes remain to be completed. For 2015, 19 sets of minutes were completed. For 2014, there were an additional 6 sets completed and several others which are being worked on. For 2013, there are three remaining sets. Overall, around 30 sets were completed since October. Mr. Brown shared that he is confident the remaining minutes will be completed by January 2016.

Mr. Brown, Advertised Dates for 2016 Council, Authority, and Committee Meetings

Mr. Brown shared that for Council's information, they are required to advertised meetings of Council, the Authority and the various committees. Mr. Brown provided a list of the scheduled meetings and noted that they will be available on the Borough website and have been advertised in the Patriot News.

Mr. Wion, Safety Risk Manager

Mr. Wion shared that in May 2015, Council passed Resolution 2015-R-13 which was a resolution recognizing that the Borough's insurance carrier, Penn Prime Insurance Trust, provides a loss control initiatives program. They require the Borough to designate a safety risk management contact who is responsible for loss control risk management under their loss control initiatives. Mr. Wion indicated that the adoption of 2015-R-13 resolved that the Borough would appoint a safety risk management contact that would be responsible for loss control risk management and implement the Penn Prime's insurance trust loss control standard #2. At the time the resolution was adopted, Council appointed Mr. Ken Klinepeter, then Public Works Director, as the contact person. Mr. Klinepeter is no longer employed by the Borough and Mr. Wion suggested that Council name another contact person. Mr. Wion suggested that Mr. Brown be designated as the safety risk management contact person.

Ms. Marcinko shared that this action lowers workers compensation costs.

Ms. Marcinko made a motion which was seconded by Mr. Shaver. The motion carried.

Audience Participation:

Mr. Dennis Heefner, 337 Swatara Street

Mr. Heefner shared that on River Alley, Front Street, and Swatara Street, the 'lot where the billboards are,' there is a truck and a white Ford that drive over the curb and pavement and parks on the lawn. According to Borough ordinances you can't park on grass. Further, it has to be a paved or graveled surface. Mr. Heefner requested that someone look into this.

Mr. Heefner also reminded Council that it is the Code Officer's responsibility to deliver meeting packets to the Planning Commission and the Zoning Hearing Board. Mr. Heefner stated that the Planning Commission must receive the plans it reviews 14 days prior to a meeting. Mr. Heefner stated that Dr. Kambic will be moving forward with his project at the old Moose Building and it will require Planning Commission review. Mr. Heefner wanted to inform Council about deadlines in order for the review process to go smoothly.

Mr. Mike Segina, 2117 South Second Street

Mr. Segina thanked Mr. Shaver, Dr. Szada, Ms. House, and Mr. Albert for their years of service.

Council Concerns:

Mr. Shaver

Mr. Shaver wished everyone a Merry Christmas and a Happy New Year. Mr. Shaver thanked everyone for their support over the years he served on Council.

Mr. Shaver indicated that he wanted to reach out to Mr. Brown regarding a project Arcelor Mittal has been working on in the main office building. Mr. Shaver indicated that he wasn't aware if the project was permitted or not. Mr. Shaver stated that there is a metal walkway that goes behind the office and it appears that it was replaced. Mr. Shaver shared that there has been concerns in the past with Arcelor Mittal submitting proper permits.

Mr. Shaver thanked members of Council, the Borough Manager, Mr. Wion, Mayor Acri and the Borough staff. Mr. Shaver shared that staff is what makes the Borough work.

Mayor Acri

Mayor Acri wished everyone a Merry Christmas and a safe and happy New Year. Mayor Acri thanked Doctor Szada for her years of service and noted that her experience as a physician was an asset to Council. The Mayor wished Doctor Szada luck in the future.

Mr. Wion

Mr. Wion thanked Doctor Szada for the time and attention she has paid to a number of matters. Mr. Wion stated that Dr. Szada was committed to making sure Council fully reviewed situations before the Borough. Mr. Wion pointed out that Dr. Szada always approached situations with an analytical mind in order to look at problems and was an asset to Council. Mr. Wion stated that he would miss her and her contributions.

Mr. Brown

Mr. Brown wished everyone a happy holiday season and echoed the sentiments with regards to Dr. Szada and Mr. Shaver. Mr. Brown stated that he would miss them.

Ms. Marcinko

Based on the noise complaints Ms. Marcinko received regarding DuraBond, Ms. Marcinko shared that she, the Borough Manager, and the Acting Police Chief met with the owner and had a productive meeting. Mr. Marcinko shared what actions cause the noise and that a system is in place to properly alert the public of the noise. Information will be shared on Crime Watch as a newflash as well as the Borough websites and social media.

Ms. Marcinko thanked Dr. Szada and Mr. Shaver for their dedication and service to the community. Ms. Marcinko shared that their service began when they were children. Ms. Marcinko shared that she would miss them and wished them well.

Ms. Marcinko wished everyone a holiday season.

Mr. Wright

Mr. Wright offered comments thanking Dr. Szada and Mr. Shaver for their service.

Doctor Szada

Dr. Szada offered personal remarks to each Council member for their service as well as Mr. Wion and Mr. Brown.

Dr. Szada thanked the staff of the Borough, which she noted is minimal and underpaid, who work to get the job completed.

Dr. Szada indicated that she had words for the community and that over the last 18 months she sat in her position as a council member and silently listened. Dr. Szada said that she did not lash back at anyone out of respect for the position and her fellow Council members.

Dr. Szada shared that she has been slandered, defamed, lied about, ridiculed privately and publicly. Dr. Szada shared that for those individuals who criticize government and Borough Council for not being honest and investigating issues, she advised those individuals to look into the mirror and reflect upon themselves.

Dr. Szada said that she has been defamed for things individuals did not investigate. Dr. Szada acknowledged that there was a problem with the office as well as the license; however, individuals failed to look into the complete details. Dr. Szada said as leaders of the community, individuals must look into full details. Dr. Szada said that the punishment received far exceeded the guilt.

Dr. Szada said that there were lies told about her. Dr. Szada said that individuals who retaliated had their own agenda to serve. Dr. Szada reflected upon scripture and said towards those individuals who consider themselves Christians, "let he who is without sin cast the first stone." Dr. Szada advised that individuals 'put their stones back in their pockets' or 'drop them on the ground' because there is no one without their own feelings or 'sins.'

Dr. Szada advised individuals to stop criticizing others without the full details of truth. Dr. Szada shared that she is aware of local connections with media and the Medical Licensing Board; however, due to her respect of the Borough and Council she did not share her knowledge.

Dr. Szada said that for those who want to destroy her life, they will not succeed.

Dr. Szada thanked her colleagues for being her true friends. Dr. Szada said that she would be there for anyone who would ever need her. Dr. Szada noted that Mayor Tom Acri is one of the finest people

she has ever known and that his heart is in the Borough and always will be in the Borough.

Dr. Szada reminded individuals that slander is when an individual tells a lie that they know is not true and reiterated that individuals should look in the mirror.

Dr. Szada wished everyone a happy holiday season. Dr. Szada shared that she hopes the new Council members who will start their positions in January have ‘tough skin.’ Dr. Szada said that she will be watching the moves of individuals and will point towards their decisions but do so in proper, professional and courteous way.

Mr. Wright

Mr. Wright thanked the out-going members, including Doctor Szada, Mr. Shaver, Mr. Albert, and Ms. House, for their service.

Mr. Wright shared that he looks forward to working with the new members of Council.

Executive Session:

A motion was made to move into Executive Session at 8:20 p.m. to discuss potential litigation and personnel issues by Councilman Shaver and seconded by Ms. Marcinko. The motion carried.

Adjournment:

Council returned to regular session at 9:01 pm.

President Wright entertained a motion to adjourn the Borough Council meeting of December 21, 2015, which was made by Mr. Shaver and seconded by Ms. Marcinko. The meeting was adjourned at 9:03 pm.

Respectfully Submitted,

Douglas E. Brown
Borough Secretary