

Council Agenda
January 19, 2016

Call Meeting to Order: President Jeffery Wright

Pledge of Allegiance: President Jeffery Wright

Moment of Silence: Mayor Thomas F. Acri

Executive Sessions held between meetings: None

Approval of minutes from previous meeting: January 4, 2016 Reorganization Meeting

Approval of minutes of previous meetings as presented:

Minutes of February 18, 2014

Minutes of May 19, 2014

Public Comment on Agenda Items Only

Approval of schedules of billing, requisitions, and change order as presented for: December 2015

Approval of Department Reports:

Fire Department and Ambulance (Written Report)

Police Department (Written Report)

NEDC Committee (Oral Report)

Public Works Report (Written Report)

Codes Department (Written Report)

Mayor's Report (Oral Report)

Borough Manager's Report (Oral Report)

MOTION/SECOND/APPROVAL

Presentation:

Mr. Chris Koberlein

Request to Address Council Regarding
Renovating Borough Properties

Mr. Thomas Evans

Request to Address Council Regarding Sewer
Rate Classifications

Ms. Maria March

Request to Address Council Regarding Special
Purpose Parking Request Denial

Communication:

Dauphin County Office of Community and Economic Development

Invitation to Dauphin County Regional
Community Rating System (CRS) informational
meetings.

Dauphin County Office of Tax Claim Bureau

Notice of Repository Bid Properties Sold

Storb Environmental Incorporated

Downstream Notification and Public Notice

Dauphin County Office of Tax Claim Bureau

Tax Claim Bureau Interest-Free Grace Period

Unfinished Business:

President Wright

Assignment of Council Committees

New Business:

David A. Wion

Declaration of Vacancy – Ms. Sharon Salov

Mr. Wion

Appointment of Resolution 2016R-_____
Appointing Raymond Spencer as Chair of the
Vacancy Board

Mr. Brown

Approval of Engagement Letter with Caldwell &
Kearns, PC (David A. Wion)

Mr. Wion

Elimination of Disabled Parking Space for Ms.
Delores Moser at 356 Locust Street.

Mr. Brown

Approval of UGI Agreement for Firehouse
Project

Ms. Marcinko

Maintenance of Tree Wells Along Front Street
Streetscape Area

Audience Participation

Council Concerns

Executive Session

To discuss personnel issues and pending litigation.

- Police Contract
- AFSCME Greivances
- Litigation Involving Former Employees
- Spruce Street Sewer Issues
- Sewer Issue for 407 N. Front Street

Business

Adjournment

**Steelton Borough Council Meeting
January 19, 2016**

Present:

Jeffery L. Wright, Council President
Maria Marcinko, Council Vice President
Michael Segina, Councilman
Keontay Hodge, Councilwoman
Kelly Kratzer, Councilwoman
Mayor Thomas F. Acri

Absent:

Brian Proctor, Councilman Pro Tem

Call Meeting to Order:

Council President Jeffrey Wright called the Steelton Borough Council meeting of January 19, 2016, to order followed by the Pledge of Allegiance.

Moment of Silence:

Mayor Acri led a moment of silence.

Executive Sessions held between meetings:

Mr. Wright announced that there were no executive sessions held between meetings.

Approval of minutes from previous meeting:

Mr. Wright entertained a motion to approve the meeting minutes of the Reorganization Meeting on January 4, 2016.

Mr. Wion recommended that on page 12, on the motion to recess into executive session, in the second paragraph, the language stating "Mr. Wright then entertained a motion to go into executive session" be edited to add "for personnel issues and litigation matters at 7:26 p.m." Mr. Wright acknowledged the need for the change.

Ms. Marcinko also noted that on page 12, in the second paragraph, the minutes state that "Mr. Wright stated that he is counting on Ms. Marcinko as Public Works Chair and Mr. Proctor and Mr. Segina as co-chairs." Ms. Marcinko questioned if the language should read, "Chair and Vice Chair." Mr. Wright noted that Ms. Marcinko was correct. Ms. Marcinko requested the change.

Mr. Wright asked if there were any other corrections, which there were not. Mr. Wright entertained a motion to approve the minutes of January 4, 2016, with the requested changes. A motion was made by Mr. Segina and seconded by Ms. Marcinko. The motion carried.

Approval of minutes of previous meetings as presented:

Mr. Wright entertained a motion to approve the meeting minutes from February 18, 2014, and May 19, 2014.

Ms. Marcinko noted that on the minutes from the February 18, 2014, meeting that there was a slight correction needed on page 4. It currently states in the council concerns section that Ms. Marcinko attended a grant writing seminar and met with State Representative Patty Kim regarding Act 89. Ms. Marcinko stated that the meeting regarding Act 89 was correct; however, the seminar was regarding what grants were available and was hosted by Senator Folmer. Further, it was not a grant writing seminar. Ms. Marcinko stated that a change should be made to reflect that the seminar was regarding grant writing availability by Senator Folmer.

Mr. Wright asked for any other corrections. Seeing none, Mr. Wright entertained a motion which was made by Ms. Marcinko and seconded by Ms. Hodge. The motion carried.

Public Comments on Agenda Items Only:

There were no comments on agenda items only.

Approval of schedules of billing, requisitions, and change order as presented for December 2015:

Mr. Wright entertained a motion to approve the schedules of billings, requisitions, and change order as presented for December 2015. Ms. Marcinko made a motion which was seconded by Ms. Kratzer. The motion carried.

Approval of Department Reports:

Ms. Marcinko shared that she had a couple questions. On the Fire Department and Ambulance Report, Ms. Marcinko noticed that the response times were “getting out of hand.” When the Borough contracted with Life Team, Ms. Marcinko stated that Council was concerned about response times due to distance. While Life Team is doing a wonderful job, Ms. Marcinko shared that some ALS calls were beyond 16 minutes from dispatch to arrival which are crucial minutes in an advanced life support call.

Ms. Marcinko stated her understanding that Mr. Shaver has agreed to remain on the board of Life Team. Further, Ms. Marcinko asked that Mr. Brown contact Mr. Shaver to speak with Mr. Craig Chandler regarding the issue to see if the times can be brought under ten minutes. Mr. Brown agreed to the action item.

Mr. Wright noted the following reports:

- Fire Department and Ambulance
- Police Department
- NEDC Committee
- Public Works Report
- Codes Department

Mayor's Report
Borough Manager's Report

Ms. Marcinko asked Acting Police Chief Minium, with regards to the provided yearly report, if the monies that the County owes the Borough are up to date. Acting Chief Minium stated that they are up to date.

Acting Police Chief Minium provided the department report orally and announced that as of January 1, 2016, to current date, the department is running at 484 calls for service, 46 of which are criminal cases. 15 have been sent to detectives for follow-up. Of the 46 criminal cases, 23 were serious crimes.

Additionally, Mr. Minium shared that he gathered an evaluation and analysis of accident reports from 2014, 2015, and 2016. In 2014, there were 141 accidents. In 2015, there were 144 accidents. In 2016 so far there have been 8 accidents. Most of the accidents have occurred on Front Street between noon and 6:00 p.m.

Mr. Minium stated that the department conducted a traffic detail between 11:30 a.m. and 2:30 p.m. During that time, 30 traffic stops were conducted with people moving 12 miles per hour over the speed limit. In addition, the department has logged 15 hours of foot patrol, most of which was performed during the midnight shift around parks and businesses to reduce vandalism. The department also logged 12 hours of community service most of which was performed during the 3-11 shift with the afterschool program and the youth basketball program.

Ms. Marcinko stated that the Public Works Department is ready for the upcoming weather and that schedules are ready. Ms. Marcinko stated that the Christmas lights have also been taken down. Further, Ms. Marcinko stated that a new laborer, Michael Hayes, began employment today.

Mr. Wright noted that Mr. Proctor, the Chair of the NEDC Committee, was not present at the Council meeting due to a scheduling conflict. Further, Mr. Proctor was not available to provide a report and did not shared anything with Mr. Wright that needed to be stated during the Council meeting.

Mr. Wright noted that today was the first day Mr. Amrinder Singh was present in the office as the new Codes Director. Mr. Wright asked if Mr. Singh had anything to report on his first day. Mr. Singh stated that he looks forward to working residents of the Borough and taking care of any Codes related issues.

Mayor Acri stated that he did not have any items to report.

Mr. Brown reiterated that Mr. Singh began employment today and that they have already engaged in great conversations regarding the direction of the Codes Office as well as implementing a strategic plan and standard operating procedures for the office.

Mr. Brown noted that Mr. Hayes started as a laborer in the Highway Department and the Sewer laborer will begin employment in early February.

Mr. Brown stated that Council is in receipt of the December 2015 financial report. The financial year ended December 2015 with the General Fund sitting around \$1.1 million. The Water Fund sits around \$2.9 million. The Sewer Fund currently sits at \$2.6 million.

Mr. Brown also shared correspondence from the County regarding the Police Regionalization Study and that the report totals 121 pages. The report that can be viewed at [dauphincounty.org \(http://www.dauphincounty.org/government/publicly-elected-officials/commissioners/pages/police-regionalization-study.aspx\)](http://www.dauphincounty.org/government/publicly-elected-officials/commissioners/pages/police-regionalization-study.aspx).

Mr. Brown noted that there is funding available from the County Gaming Grants as well as the Department of Community and Economic Development to pay for startup costs associated with regionalization.

Mr. Brown shared that during the weekly staff meeting that took place today, the upcoming snow was discussed. Mr. Brown stated that 12 Public Works staff members are ready to plow and treat the roads.

Mr. Brown shared that he also reached out to the Fire Department as well as the Emergency Management Coordinator to discuss any needs regarding emergency preparedness before the snow. Mr. Brown noted that the Fire Chief requested that the Borough let residents know if they are a property owner with a fire hydrant close to or in front their property to please be diligent about clearing them of snow. The Fire Department will be working to clear snow from the hydrants but cooperation in doing so assists the Department greatly.

Mr. Brown reported on the brownfields project at 140 North Front Street and the adjoining properties. Mr. Brown stated that Mr. Wion conducted extensive work reviewing a large bid document with Hall and Associates. The bid will be advertised by January 24, 2016, and based on that, schedule construction should begin March 2016. The project is expected to be completed in May 2016.

Ms. Marcinko asked if the request from the Fire Department regarding shoveling out the fire hydrants can be placed on the website. Mr. Brown shared that information would be provided on the website.

Mr. Wright entertained a motion to approve department reports which was made by Ms. Marcinko, seconded by Ms. Hodge, and the motion carried.

Presentation:

Mr. Chris Koberlein, Request to address Council regarding renovating Borough properties

Acting Police Chief Minium advised Council that he had the pleasure to work with Mr. Koberlein over the past few months on several incidents, one of which was a serious

investigation. Mr. Minium wanted to remind Council and advise Mr. Koberlein that under the Child Protective Services Law, reporting sources are confidential and the Borough is prohibited from discussing cases that the Borough is involved in.

Mr. Koberlein addressed Council and noted his residence at 1330 Waterford Drive in Camp Hill Pennsylvania. Mr. Koberlein provided documents to Council. Mr. Koberlein thanked Council for allowing him to speak today.

Mr. Koberlein stated that he has engaged in the purchasing of properties in Steelton since 2011 and it has come to his attention that a number of properties are owned by the Borough. Mr. Koberlein provided an example of the work he has done in renovating properties.

Mr. Koberlein shared his belief that the Borough has three options regarding to the properties under the Borough's ownership. 1.) The properties can continue to sit and be "constant losers"; 2.) The Borough could attempt to sell them for \$10,000-\$20,000 to a landlord that might invest \$5,000 in a "patchwork job"; or 3.) Sell the property at a lower price, possibly to Mr. Koberlein, and allow the purchaser to put the money back into the house.

Mr. Koberlein provided pictures of 266 South Second Street and shared that is what he has in mind to renovate properties. Mr. Koberlein shared his interest in acquiring 10 houses in a row on one street. Further, Mr. Koberlein shared that he wants to put new roofs, siding, replacement windows and wiring in the houses and renovate them from start to finish.

Mr. Koberlein stated the benefits to the Borough being the generated tax revenue, contributions to sewer, etc. Further, Mr. Koberlein expressed his interest in working with the Borough to renovate properties and, at the end of the process, give people the ability to rent or own the home.

Mr. Koberlein shared that if he secured a property at a lower price from the Borough, he would then be able to sell the property to a Borough resident at a price below market value.

Mr. Koberlein reflected on an experience with one of his contractors, Mr. Randy Smith. Mr. Koberlein shared that Mr. Smith made "every mistake in the book." After doing so, Mr. Koberlein stated that they sat down together and discussed Mr. Smith's situation and learned that what Mr. Smith didn't have was a home base. Mr. Koberlein shared that he and Mr. Smith secured a trailer in Mechanicsburg, in the preferred school district for his daughter, and paid \$500 for the trailer. Together, Mr. Koberlein and Mr. Smith "fixed it up." Mr. Koberlein said that the most important part to the arrangement was Mr. Smith's response. Mr. Smith found responsibility and a desire to properly care for the property and in return he gained a sense of pride. This feeling of pride infiltrated the rest of Mr. Smith's decisions.

Mr. Koberlein stated that this is also what Steelton needs - a sense of pride. Rebuilding a house is simple; however, working on something larger, to allow Borough residents become homeowners, could be very beneficial to individuals and the Borough.

Mr. Koberlein stated that updating electrical systems in houses would also reduce fires.

Mr. Koberlein stated that he creates jobs for the community and has eight individuals currently working for him and that he would like to expand that number. Mr. Koberlein expressed that he has engaged in conversations with Mr. Brown and emphasized that he would like to work with the Borough to start rebuilding Steelton.

Mr. Koberlein stated that he doesn't plan on moving, that he has been approved for a loan through Members First Federal Credit Union, and that he is before Council asking where he should spend it. Further, Mr. Koberlein questioned how he can start investing in the Borough to make major improvements, possibly on Adams Street. Mr. Koberlein invited Council members to visit the property on South Second Street to learn what can be done. Mr. Koberlein stated that this is an opportunity not only to build up the houses but also build up the people.

Ms. Kratzer thanked Mr. Koberlein for his work thus far. Ms. Kratzer asked, in the properties that Mr. Koberlein has renovated, how many are currently being rented. Mr. Koberlein expressed that he has 100% occupancy. Mr. Kratzer asked if Mr. Koberlein offers a rent to own program, owner financing, or if those are options he may consider down the road.

Mr. Koberlein stated that finished houses would be placed on the market for two to three months. If someone were to offer to purchase the home with traditional financing that would be wonderful; however, if someone would like to engage in a rent to own option they would be able to work that out given that certain parameters are properly met. Mr. Koberlein expressed the goal to encourage ownership so that residents are more encouraged to take ownership of their property, street, the Borough, etc.

Ms. Kratzer asked if Mr. Koberlein has current properties available now. Mr. Koberlein stated no and that he is closing a deal on 181 through 183 South Front Street which is five units. Mr. Koberlein stated that he hopes to put in a commercial unit in the commercial space below. Mr. Koberlein stated again that he has 100% occupancy and actually that he has a waiting list of interested tenants. Mr. Koberlein shared that he has a wonderful group of tenants.

Ms. Marcinko thanked Mr. Koberlein for his work thus far in renovating properties she remembers from her childhood. Ms. Marcinko asked if Mr. Koberlein is interested in properties outside of those that the Borough owns because, contrary to popular belief, the Borough doesn't own that many private houses; however, there are several that the Borough does own. Ms. Marcinko asked for confirmation that Mr. Koberlein wants to negotiate with private owners that have houses available. Mr. Koberlein clarified that this isn't an either or situation; rather, this is in addition to his efforts to secure houses through independent owners. Mr. Koberlein expressed that he is going to continue his efforts but hopes to work with the Borough to coordinate.

Mr. Wright encouraged Mr. Koberlein to continue working with Mr. Brown to identify what properties the Borough owns and share his interest with Council and the NEDC Committee.

Mayor Acri asked for clarification on where the purchased properties on Front Street are located. Mr. Koberlein clarified that he is closing on 181-183 South Front Street, the "old Steelworkers' bar." Mayor Acri expressed his interest in working together especially on Front Street. Mr. Koberlein shared that his brother is looking to bring a business into the Borough and doing so

preferably in a building on Front Street. Further, Mayor Acri expressed his interest in cleaning up Front Street and encouraging business.

Council thanked Mr. Koberlein for his presentation.

Mr. Thomas Evans, Request to address Council regarding sewer rate classifications

Mr. Evans shared that he owns 638 North Front Street, half of which is residential and the other half is commercial. Mr. Evans shared his belief that most of the sewage is being produced upstairs which is the residential section; however, the whole building is being charged the commercial rate.

Mr. Evans shared that his last sewer bill was \$971. Mr. Evans said that he has an individual coming in to occupy the business portion but that he won't be able to afford this. Further, the individual that will run the business will also reside upstairs. Mr. Evans questioned if the meters can be separated between residential and commercial. Mr. Evans shared that he spoke with the Water Authority and they informed Mr. Evans that two curb keys would be necessary. Mr. Evans stated that he pays his water bills on a consistent basis but that this sewer bill will run the tenant out of business.

Mr. Wright asked if Mr. Evans has spoken with Mr. Brown about this issue and if the Public Works Committee has worked on the issue.

Ms. Marcinko asked Mr. Evans if the business downstairs is open. Mr. Evans stated that the business is not open yet and that repairs are being done to the location. Further, the location will be a used appliance store. Mr. Evans stated that the new tenant has a location on Cameron Street and does well there but that the rents are too high. After the tenant's lease is completed at the Cameron Street location, he plans to move to Mr. Evan's property. Mr. Evans stated that a toilet facility and a slop sink are located in the property downstairs. Mr. Evans is confident that most of the sewage is being created upstairs. Mr. Evans further expressed his interest in separating the commercial meter from the residential.

Mr. Wright recommended to move the issue to the Public Works Committee so that members of the committee and the Borough Manager can investigate the issue which is standard protocol for such requests. Once the Committee and the Borough Manager have properly discussed the issue, Mr. Evans would be notified.

Mr. Evans thanked Council.

Ms. Mary March, Request to address Council regarding Special Purpose Parking Request Denial

Ms. March shared that she resides at 251 South Second Street. Ms. March expressed that Mr. Chris Koberlein did an excellent job on the house across the street and that the transformation is amazing and brought "the neighborhood back a little bit."

Ms. March stated that she has a handicap placard and was told she could not secure a handicap parking spot unless she has a handicap license. Ms. March stated that she secured a handicap license. Mr. March shared that she is now being told that because she has a barn/carriage house in the back of her property, which is not usable, that she cannot secure a spot for handicap parking in the front of the residence.

Ms. March provided pictures and shared that in order to park in the barn she would need to open barn doors that are twice as tall as Ms. March and have been sealed for many years. Further, Ms. March pointed out the entrance will not allow for a car to pass through.

Ms. March shared that she was advised to construct a ramp at the entrance. Ms. March shared that she physically cannot create the ramp. Ms. March provided her medical reports which detail her five heart attacks, stroke and COPD. Ms. March stated that she was in the hospital five times over the past year for heart conditions. The garage will not accept a car and it isn't a traditional garage. It is an old barn meant for horses.

Mr. Wright asked Ms. March the distance between the street and the top of the garage. Ms. March shared that it is knee height.

Mayor Acri shared that members of the Police Department were present at the meeting and asked if they looked at the residence. Detective Schaub shared that according to Borough restrictions, Ms. March has off street parking.

Mayor Acri questioned Mr. Wion if the Borough Code speaks to garages in addition to driveways. Mr. Wion shared that the policy states that if off street parking is available to the premises then the resident is not eligible for special purpose parking because off street parking is available. Mr. Wion stated that the question is if off street parking is available. Ms. March shared that she cannot afford to tear down the garage to create the parking.

Mayor Acri stated that he lived on Locust Street for some time and that he had a two car garage; however, you couldn't drive a car down the alley. Mayor Acri shared his belief that Ms. March should be afforded special purpose parking because she physically cannot get a car in the garage. Ms. March also stated that the barn floor is not stable.

Ms. March said that the house was purchased as a pre-foreclosure and that they have done major renovations; however, the barn is not a priority. Ms. March shared that she is trying to better the property. Further, the said garage is not a garage, it is a barn. Ms. March said that new neighbors have moved in and have multiple cars which take up a large amount of parking on the street.

Mr. Segina asked Mr. Wion to clarify if the ordinance pertains to the garage or the cutout leading to the garage from the curb. Mr. Wion stated that he was not aware of the request until this evening; however, Mr. Wion stated that the policy simply states that if there is available off street parking then the requestor is not available to receive special purpose parking. Therefore, the question is if off street parking exists in this case. Detective Schaub deferred to Council to make a decision on this.

Ms. Marcinko clarified that the garage is located on Third Street. Ms. March stated that she wishes to park on Second Street. Ms. Marcinko asked Detective Shaub if no parking is permitted on both sides of the area on Third Street. Detective Shaub shared that no parking is permitted on the other side of the garage. Parking is permitted on the garage side. Ms. Marcinko asked if it would be more reasonable to park on Third Street. Ms. March clarified that she wishes to park on Second Street.

Mr. Wright stated that the issue would be moved to the NEDC Committee.

Ms. Hodge asked if the barn/garage would become a priority at some point during Ms. March's renovations. Ms. March stated no and that it probably would not become a priority due to the expenses. Ms. Hodge asked if the floor of the barn was wooden or cement. Ms. March shared that it is wooden.

Mr. Wright said that the proper people would take a look at the issue and come back with a recommendation.

Mr. Wright thanked Ms. March for her presentation.

Communication:

Mr. Wright shared the following communications:

Dauphin County Office of Community and Economic Development, Invitation to Dauphin County Regional Community Rating System (CRS) Informational meetings

Dauphin County Office of Tax Claim Bureau, Notice of Repository Bid Properties Sold

Storb Environmental Incorporated, Downstream Notification and Public Notice

Dauphin County Office of Tax Claim Bureau, Tax Claim Bureau Interest-Free Grace Period

Unfinished Business:

President Wright, Assignment of Council Committees

Mr. Wright shared that he assigned members of Council to committees and worked to properly assign members to interested committee.

New Business:

Mr. David A. Wion, Declaration of Vacancy-Ms. Sharon Salov

Mr. Wright noted that during the reorganization meeting on January 4, 2016, only three of the four Council members were sworn in including Ms. Hodge, Ms. Kratzer, and Mr. Segina.

Further, Ms. Salov declined to take her seat as a Council person. During the time of January 4, 2016, through January 15, 2016, Ms. Salov had time to reconsider her decision. To the knowledge of Council, Ms. Salov did not indicate that she would like to assume her seat on Council.

Therefore, Mr. Wright entertained a motion to declare Ms. Salov's seat on Council as open for a two year term. Ms. Marcinko made a motion to declare a vacancy on Borough Council due to Ms. Sharon Salov deciding not to take the oath of office. Ms. Hodge seconded the motion and the motion carried.

Mr. Segina made a nomination to appoint Mr. Michael Albert to fill the vacant Council seat.

Mayor Acri indicated that although he does not have a vote, he had a question regarding the nomination. He understands the Mr. Albert has been Council member for 16 years and knows that he wants to fill the vacant position. Mayor Acri then asked if anyone else in attendance wishes to be nominated for appointment to the vacant Council seat.

Mr. Wright reiterated that there is already a nomination on the floor for Mr. Albert, but he was going to entertain further nominations for the vacant seat as the floor was still open for nominations.

Mr. Wright then asked if there are any other nominations for appointment to the seat vacated by Ms. Sharon Salov.

Mr. Wright then entertained further nominations from Council for appointment to the vacant Council seat.

Councilwoman Hodge asked how it is possible to vote on filling the vacant seat when a Vacancy Board chair has not been appointed.

Mr. Wright replied that Council can fill the position by a motion/vote without the need to have a Vacancy Board. The Vacancy Board would convene if Council cannot fill the position within 30 days of a declared vacancy. However, Council can act in the interim without the need to convene a Vacancy Board.

Mayor Acri stated that the Borough should be advertising the open position if other members of the community are interested in taking the vacant Council seat. Mayor Acri stated that not advertising the position or having further public consideration of filling the seat was unfair.

Mayor Acri stated that he understands that Mr. Albert was the next highest "vote-getter" amongst the candidates for Council who lost in the general election. Mayor Acri stated that he has admiration for Mr. Albert and that he is a great person, but feels that others in the community should have an opportunity to express interest in the position. Mayor Acri then asked if anyone in the audience was interested in the Council seat.

A member of the public, Ms. Julianna Paoletti, stood up and expressed her interest in the position.

Mr. Wright then entertained any further nominations by Steelton Borough Council of candidates for the vacant Council position.

Mayor Acri replied that Council is moving ahead prematurely and appointing the position without any public process. Mr. Acri stated that it is not fair.

Mr. Wright then closed the floor for nominations as no further nominations were announced.

Mr. Wion then explained the procedure for filling a vacant position on Borough Council stating that Council has the authority to appoint someone to the position within the first 30 days after a vacancy is declared. Mr. Wion stated that Council has indicated that there has been a motion by Mr. Segina to have Mr. Albert fill the vacancy. Mr. Wion stated that the appointment must be done by Council resolution.

Mr. Wion stated that the resolution would be 2016-R-6 which recognizes the fact that the vacancy has occurred because Council has declared the seat vacant and pursuant to the Borough Code Council has the authority to fill said vacancy. Mr. Wion further stated that if Council is appointing Mr. Albert to the position, in the Resolution they should state that Mr. Albert is a registered elector in the Borough that will be appointed as the Councilperson for the Borough of Steelton until the first Monday in January 2018. Mr. Wion stated that if this is a resolution in which Council desires to act upon then there should be a motion to adopt Resolution 2016-R-6.

Ms. Marcinko stated that she remembers at the reorganization meeting of Steelton Borough Council that took place on January 4, 2016, Mr. Wright did state that if there was anyone interested in being appointed to Council, that person should inform Council and the Borough.

Ms. Marcinko asked if the Borough or Council had received any expression of interest or resumes for the vacant seat.

Mr. Wright stated that there was nothing in writing submitted to the Borough indicating the interest of any other candidates.

Mayor Acri stated that the statement was disingenuous because the Borough did not advertise the position or put in a good faith effort to solicit interested candidates for the position.

Mr. Wright then entertained a motion to pass Resolution 2016-R-6. Ms. Marcinko made a motion to approve Resolution 2016-R-6 appointing Mr. Michael K. Albert to Steelton Borough Council. Mr. Segina seconded the motion. Upon the motion and second, Mr. Wright asked for a roll call vote to pass Resolution 2016-R-6.

Mr. Brown took the roll call vote on Resolution 2016-R-6 as follows:

Ms. Hodge - Nay

Mr. Wright Yay
Ms. Maricenko Yay
Mr. Segina Yay
Ms. Kratzer Nay

Mr. Brown stated that by a vote of 3 Yays to 2 Nays, the motion carried to approve Resolution 2016-R-6.

Mr. Wion, Resolution 2016-R-7 Appointing Mr. Raymond Spencer as Chair of the Steelton Borough Council Vacancy Board

Mr. Wion explained that the Borough Code provides that in the event of a vacancy for certain elected offices within the Borough where Council fails to fill the position within 30 days, the vacancy must be filled by the Vacancy Board, which is comprised of Council and an appointed Chair that is a registered elector in the Borough. The Mayor is excluded from the Vacancy Board.

Resolution 2016-R-7 appoints Mr. Raymond L. Spencer as Chair of the Vacancy Board.

Mr. Wright entertained a motion to approve Resolution 2016-R-7. Mr. Wright asked if there were any questions on the resolution.

Ms. Hodge asked Mr. Wion if the resolution is in order since Council has already filled the vacancy left by Ms. Salov. Ms. Hodge stated that the purpose of Resolution 2016-R-6 was to appoint a Chair to the board for a public process of appointing a replacement to Council.

Mr. Wion replied that the Borough Code says that a Vacancy Board Chairman must be appointed in order to consider appointments to vacancies throughout the entire year. Mr. Wion stated that the Resolution is in order because it establishes a Chair for the Vacancy Board that will act in such capacity for the year and be appointed to consider any further vacancies during the year in which Council cannot fill a vacancy.

Ms. Hodge then asked if it is a violation of the Sunshine Act that the public did not know a resolution to appoint Mr. Michael K. Albert would be considered by Council and that it was not placed on the meeting agenda. Ms. Hodge stated that every other item is on the agenda, but Mr. Albert's appointment was not. Further, Ms. Hodge stated that his appointment was not sunshined or placed on the public agenda and asked if it is a violation of the Sunshine Act.

Mr. Wion replied that there is no violation of the Sunshine Act taking place. Mr. Wion stated that there is no requirement in the Sunshine Act that a Council treat an appointment any different from any other and that an item can be added to an agenda at any moment, as long as it is considered in a public meeting.

Ms. Hodge asked if the President is the one who adds items to the agenda. Mr. Wion replied that any member of Council could add an item to the agenda at any moment during a public meeting.

Ms. Hodge then questioned whether it is okay or legal to appoint Mr. Albert in the manner in which Council made the appointment. Mr. Wion replied that there is no problem or legal issue with the procedure that was used.

Ms. Hodge stated that the solicitation for interested candidates announced at the reorganization meeting was not sufficient. Ms. Hodge stated that the reorganization meeting was a celebratory meeting in which not many members of the public attended. Ms. Hodge stated that the Borough never officially posted anything soliciting resumes or letters of interest from potential candidates for Council. Ms. Hodge stated that she is confused as to why it was okay to appoint Mr. Albert in the fashion that Council did when the public had no preparation for the appointment taking place.

Ms. Hodge stated that there are other residents interested in the position that are not present at the meeting who should be given the opportunity to be considered for the vacant Council position.

Mr. Wion stated that there is no legal requirement for a borough to advertise a vacancy on Council. The only requirement under the Pennsylvania Borough Code is that Council fill the vacancy or the issue gets sent to the Vacancy Board.

Ms. Hodge asked if, under those circumstances, she could have nominated anyone from the audience to be considered for the Council position earlier in the evening.

Mr. Wion stated that she is within her rights to do so. Mr. Wright also stated that that was the reason he asked for additional nominations before considering the motion to appoint Mr. Albert.

Ms. Hodge asked if the intent was to nominate off the cuff.

Mr. Wright replied that when Ms. Poletti stood up to express interest, she could have been nominated by a member of Council. She was not.

Ms. Hodge stated that she does not agree with the process and has issues with how Mr. Albert was appointed, not personally with Mr. Albert.

Ms. Marcinko made a motion to approve Resolution 2016-R-7 appointing Mr. Raymond Spencer to the Steelton Borough Vacancy Board for 2016. Mr. Segina seconded the motion. Council voted unanimously to approve Resolution 2016-R-7.

Mr. Brown, Approval of Engagement Letter with Caldwell & Kearns, PC (David A. Wion)

Mr. Brown stated that the engagement letter formalizes the Borough's agreement with Caldwell & Kearns, PC and, specifically, Mr. Wion, to act as solicitor for the Borough of Steelton. Mr. Brown reviewed the rates and retainer for Mr. Wion with Council. Mr. Brown stated that the rates were shared by Mr. Wion during preparation of the 2016 budget and are costs that are anticipated in the budget.

Ms. Kratzer made a motion to approve the engagement letter with Caldwell & Kearns, PC and David A. Wion to serve as Steelton Borough solicitor as presented. Ms. Marcinko seconded the motion. The motion carried unanimously.

Mr. Wion, Elimination of Disabled Parking Space for Ms. Delores Moser at 356 Locust Street

Mr. Wion stated that the Borough had received written verification that Ms. Moser no longer resided at 356 Locust Street. Ms. Moser had a special purpose parking space in front of her former residence. Mr. Wion stated that Resolution 2016-R-8 will eliminate Ms. Moser's special purpose parking space due to her no longer residing at the property.

Ms. Marcinko motioned to eliminate the parking space for Ms. Moser which was seconded by Ms. Kratzer. The motion carried.

Mr. Brown, Approval of UGI Agreement for Firehouse Project

Mr. Brown stated that this approval is necessary to move forward with the Firehouse Improvements Project which is expected to begin in Spring 2016. Part of the project is a natural gas service upgrade to be completed by UGI in part by the contractor to be selected during the bidding for the firehouse project. The connection is required to provide adequate service for the new emergency generator.

Ms. Marcinko asked Mr. Wion if the contract was satisfactory and Mr. Wion stated that he reviewed the letter and that it was properly executed. Ms. Marcinko made a motion to approve the UGI agreement for the Firehouse Project which was seconded by Mr. Segina. The motion carried.

Ms. Marcinko, Maintenance of Tree Wells along Front Street Streetscape Area.

Ms. Marcinko indicated that she would like to gain Council's opinion. Further, Ms. Marcinko shared that the streetscape was completed and trees were put back in place. The trees no longer living will be replaced by the contractor in the spring. The weeds in the wells of the trees are getting "bad." Ms. Marcinko questioned who would maintain them because it has never been determined even with Streetscape #1. Problems occurred with bricks and lifting due to the types of trees. Ms. Marcinko asked if Public Works would be in charge of them and would like to learn before spring.

Mr. Wright expressed his understanding that Ms. Marcinko, as Chairperson for Public Works, would like the committee to oversee the project. Council discussed potential individuals to attend to the issue including Dauphin County Probation/community service. Ms. Marcinko said that she would share the idea with Public Works to learn their opinion.

Mr. Wright entertained a motion to allow Public Works to oversee the project.

Mayor Acri asked Ms. Marcinko to look into an individual who would maintain the Christmas tree. Mayor Acri shared that Council had agreed that an individual knowledgeable about landscaping would look into the issue as the roots are beginning to look sickly.

Mr. Wion recommended that the Public Works committee meet with HRG in regards to the provisions of the streetscape program and the bidding documents, and to determine provisions for maintenance had been provided for within the language. Then Council can look beyond that if it is the responsibility of the property owners or perhaps the Borough but the issue would need to be more deeply understood.

Ms. Marcinko shared that she had looked into the responsibility; however, no one is stepping up to the plate regarding the maintenance.

Mayor Acri shared that a lot of the individuals who donated the trees do not live in the Borough; rather, the individuals contributed the trees because the placement was in front of their previous home.

Mr. Wright shared that Ms. Marcinko, as Public Works Chair, would look into the issue with HRG.

Mayor Acri, Swearing in of Mr. Amrinder Singh as Codes Enforcement/Zoning Officer

Mr. Singh took the oath of office as Codes Officer for the Borough of Steelton. There was a round of applause.

Mayor Acri, Swearing in of Mr. Michael Albert as Council Member

Mr. Albert took the oath of office as Council member. There was a round of applause.

Mr. Wright asked Mr. Albert to assume his seat as Councilperson amongst the other Council members.

Audience Participation:

Mr. Wright opened the floor for audience participation. No members of the public presented comments.

Council Concerns:

Ms. Kratzer shared her belief that Council has the sole discretion to appoint who they would like to on Council; however, with Resolution 2016-R-6, Ms. Kratzer shared that she was “blindsided.” Further, Ms. Kratzer shared that she would have preferred if there would have been more discussion or audience participation.

Ms. Hodge welcome Mr. Albert back to Council. Ms. Hodge prefaced her statements with the fact that they had nothing to do with Mr. Albert as an individual; however, Ms. Hodge wanted

the record to reflect that she does not agree to or appreciate the manner in which Mr. Albert was appointed to Council. Further, this action is a contributing factor to the lack of relationship with the community. Ms. Hodge stated that the position should have been advertised. Whether or not anyone came or a decision was made about Council's preference, the community should have been given an opportunity to indicate interest. Ms. Hodge shared that the process was unfair and that she was blindsided similar to Ms. Kratzer. Ms. Hodge shared that this is not the manner in which she intends to do business and further expressed her disagreement.

Mr. Albert thanked Council for voting him back to Council. As a member who served for 16 years, he looks forward to continuing to serve.

Mayor Acri welcomed everyone to a New Year and believed the first meeting of the New Year was a good one. Mayor Acri welcomed Mr. Albert back to Council.

Ms. Marcinko shared that she attended the webinar from the State Borough's Association on conducting a professional meeting and that she made those points known to Mr. Wright and Mr. Proctor. Further, she hopes Council can have a conversation about the items shared.

Further, Ms. Marcinko shared that Council will be blindsided by processes and that it is the way Council functions. Further, members must "roll with different things as they come up."

Ms. Marcinko shared why she voted to have Mr. Albert return to Council. Ms. Marcinko stated that if this vacancy would have occurred mid-term, meaning that someone in their term would die or move out of the Borough, this would have been handled differently. Ms. Marcinko shared that an election just took place less than two and a half months ago. Further, Ms. Marcinko shared her belief that she voted "the people's voice in this vote tonight." Ms. Marcinko stated that the people elected candidates, one being Ms. Sharon Salov. Ms. Salov did not take her seat. The next highest "vote getter" was Mr. Mike Albert. Mr. Salov won with 27 votes over Mr. Albert. Ms. Marcinko shared her vote was for the 300 and some individuals who voted for Mr. Albert to be a part of Council. Ms. Marcinko reiterated that this was not a mid-term election. Ms. Marcinko shared that her vote reflected the wishes of the people.

Mr. Segina echoed Ms. Marcinko's statements and that an election just took place. Unfortunately, Ms. Salov decided not to take office and that Mr. Segina felt it was prudent to appoint to the position who the people, the residents of this Borough, voted.

Mr. Segina shared thoughts regarding the new Borough website and noted that it was just activated prior to the meeting. Mr. Segina shared that the website is mobile friendly. Mr. Segina encouraged individuals to visit the website and let the Borough know their thoughts. Mr. Segina shared that there is a "report a pothole" option on the website that will go right to the Codes Officer. Additionally, there is an anonymous section to report a Codes violation. A mechanism is in place to file a complaint against a Police Officer as well as file a letter of recommendation to a Police Officer. An option also exists for residents who would like Police Officers to keep an eye on a resident's house if they are out of town. Mr. Segina encouraged residents to visit the website.

Mr. Wright thanked individuals for their attendance. Mr. Wright also noted that all the outstanding minutes have been completed. Mr. Wright thanked Mr. Brown and his staff for their efforts.

Executive Session:

Mr. Wright made a motion to recess into executive session at 7:55 p.m. Mr. Albert made a motion which was seconded by Ms. Marcinko. The motion carried.

Adjournment:

Council returned to regular session at 9:30 pm. On a motion by Mr. Albert, seconded by Ms. Marcinko, Council adjourned at 9:31 pm.