

The regular monthly meeting was called to order at 6:32 p.m. by President Michael Kovach, with the pledge of allegiance, followed by a moment of silence.

In Attendance:

Michael Kovach
MaryJo Szada
Jeffery Wright
Dennis Heefner
Thomas Acri, Mayor

Absent:

Stephen Shaver
Michael Albert
Lisa Wiedeman-Krosnar

Michael G. Musser, II, Secretary
David A. Wion, Solicitor
Kathleen D. Handley, Assistant Secretary
Jennifer Brown-Sweeney, Administrative Assistant

PRESENTATION: MS4 PUBLIC AWARENESS PRESENTATION:

Brandon Meyers of Herbert, Rowland & Grubic, Inc. presented information on the NPDES Phase II MS4 for Permit Year 4 of 5. He stated that the annual report is due by March 9, 2007, and the Borough must meet all six of the Minimum Control Measures to comply. Mr. Meyers explained to Council the progress they have made, and stated that he doesn't foresee any problems with meeting all six of the requirements.

PUBLIC COMMENT: Agenda Items Only

There were no public comments on agenda items.

COMMUNICATIONS:

Neil J. Wager, Environmental Consultant, Rettew – Letter Requesting Sewage Capacity for an Estimated Sewage Flow of 400 Gallons Per Day (gpd) to Acquire Sewer Service for this Facility.

Mr. Kovach stated that this is for Council's information only.

UNFINISHED BUSINESS:

Mr. Musser – Providing Council with an Update on the Special Purpose Parking Requests for 152 Conestoga Street, 18 Adams Street, 531 South Front Street, and 203 Lincoln Street.

Mr. Musser stated that all of the applicants still need sign-offs from their neighbors, and that he is getting the letters sent out.

Mr. Musser – Providing Council with an Update in Regards to the Vacating of a Public Prescriptive Easement.

Mr. Musser stated that this is in regards to the alley by the proposed grocery store, located at Front and Trewick Streets. He said that the proposed vacating of the public prescriptive easement has been advertised, and will be ready for approval at the March 19, 2007 Council Meeting.

He then stated that he will be unable to attend this meeting, because he will be out of town on Borough business.

Council expressed concern over the public's parking and trash removal and stated that they would need an easement for emergency purposes before they would be willing to vacate the easement. Mr. Kovach stated that there are still too many questions and that there needs to be more things in writing before a decision can be reached.

Mr. Wion stated that the easements would have to be done simultaneously to ensure the Borough receives an easement in exchange for the vacating of the current one. Mr. Wion stated that the grocery store financing may be contingent upon the vacating of this easement.

NEW BUSINESS:

RESOLUTION 2007-R-7 –Adopting the Parking Agreement for the Parking Lot Located Behind the Downtown Revitalization District, between the Borough of Steelton and Steelton BG Club Property LP.

Mr. Musser stated that the parking agreement is in the final stages and the Foundation is preparing to sign the Agreement of Sale with the Steelton BG Club Property LP. He stated that the main issues with the agreement is the ability to rent up to thirty spaces at \$20 a piece, per month, under a ten year agreement which has the ability to be renewed twice, for an additional five years each time. The agreement also includes a 5% escalator clause.

Mr. Musser stated that this is the best price the Borough could negotiate for the cost of the parking, and that he recommends Council approve the agreement. He then stated that this agreement would also cover additional businesses that would like to rent spaces in the Borough's lot.

Mr. Musser stated that Bond money was used for this and Mr. Wion will be required to give an opinion each time the agreement renews.

Mr. Wion stated that the cost goes up after the fifth year, even though it is a ten year contract. The effective date of the term will begin when the Borough is notified that they will begin parking there.

Motioned by Mr. Heefner, seconded by Mr. Wright, to adopt Resolution 2007-R-6, as presented. Motion approved unanimously.

RESOLUTION 2007-R-5 – Approving an Amendment to the PennVEST Agreement.

Mr. Frank J. Leber, Esquire, of Rhoads & Sinon stated that he has spoken many times with Mr. Wion and Mr. Musser regarding PennVEST funding. He stated that this funding was one component related to the funding of the storm water project. Mr. Leber said that he gave Mr. Wion and Mr. Musser a copy of an amendment to the agreement as well as a resolution for Council to approve the amendment to the agreement.

He stated that at the time the Borough entered into the financing arrangement with PennVEST, that arrangement consisted of the Borough issuing General Obligation Debt, which was the primary evidence of your loan obligation to PennVEST. A loan agreement was made with PennVEST. After review of the PennVEST agreement, which was generated by PennVEST, he notified PennVEST of some changes that he and Mr. Wion would like in the agreement on behalf of the Borough. After submitting the changes to PennVEST, PennVEST substantially agreed to the changes. When and after the loan was closed, in due course, PennVEST furnished the Borough's representatives with copies of the agreement. When the agreement was received, it was noticed that there were two material changes, which had not been made. He stated that the changes were changed in part of the document, but not throughout. Mr. Leber said that one of the changes was the requirement of the Borough to carry insurance on the storm water lines for the life of the loan. As this is not standard operating procedure, this needed to be removed. The second requirement was the Borough's obligation with respect to incurring additional debt throughout the life of the loan. Mr. Leber stated that the Borough should not obligate itself to anything but what the law required, because as a municipality, the Borough is required to follow the guidelines set forth by Pennsylvania law.

After these errors were uncovered, PennVEST agreed to an amendment. The purpose of the resolution is to amend the previous agreement to include previously stated changes.

Mr. Kovach thanked Mr. Leber for looking out for the Borough's best interest.

Motioned by Mr. Wright, seconded by Mr. Heefner to adopt Resolution 2007-R-5, as presented.

A role call vote was requested:

Mr. Wright, yes; Mr. Kovach, yes; Dr. Szada, yes; Mr. Heefner, yes

Motion approved unanimously in a 4-0 vote.

Mr. Leber – Updating Council on Unpaid Requisitions for the Storm Water Project.

Mr. Leber stated that when the project began, Council was informed that it may take awhile for requisitions to get paid. He said that PennVEST would have to set up their system and that can be a lengthy process.

Mr. Leber stated that it came to his attention that there were two unpaid requisitions submitted by the contractor. Upon questioning PennVEST on the matter, PennVEST stated that they were waiting for the approval of the resolution before processing payment. Mr. Leber said that as of late last week, the requisitions were being processed. He stated that the PennVEST website shows that the payments were released.

Mr. Leber stated that within the PennVEST system there is a permissible window that they will process requisitions. Mr. Leber suggested investigating this processing time, and working around it, to ensure prompt payments. He stated that this matter should be cleared up.

Mr. Kovach thanked him for his time.

Mr. Musser – Providing an Update in Regards to the Trash and Recycling Contract.

Mr. Musser stated that the Trash Committee met and reviewed changes to the contract. He stated that the options for bid will include a three bag limit, a three bag limit with one bulk item, a three bag limit with Spring Cleanup, and a three bag limit with one bulk item and Spring Cleanup, a four bag limit, a four bag limit with one bulk item, a four bag limit with Spring Cleanup, and a four bag limit with one bulk item and Spring Cleanup. He stated that he is working to get the bid documents finalized and then to put it out for bid.

Mayor Acri – Providing Council with a Report from the Police Committee and the Discussion of a Police Dog.

Mayor Acri stated that they asked Jennifer Brown-Sweeney to look into the costs of getting a police dog. He stated that it would be a drug and protection dog. Mayor Acri said that he has received two different quotes for police dogs. He stated that we are currently working on getting to the most economical way of getting a dog. Mayor Acri stated that this is for Council's information only and the issue will be discussed at the next Police Committee meeting. He stated that Mrs. Sweeney is doing an excellent job with the project and has received commitment letters for free veterinarian services and

free dog food. He then said that she is looking into additional grants to cover the cost of the dog. Mayor Acri stated that there are currently three officers interested in becoming the dog handler, but that matter will have to be handled by conducting interviews for the position. He stated that we have to make a decision by April, so that we can submit the grant in May.

Mayor Acri stated that currently the Police Committee has mixed feelings and is waiting for more information. After much discussion, Council asked the Mayor to follow up with the Police Committee and report back to Council.

Mr. Musser – Providing Council with a Copy of the Special Purpose Parking Request from 722 South Second Street, Steelton, PA

Mr. Musser stated that this is for Council's information.

Ms. Stoner – Requesting Council Consider Donating the Old Code Vehicle that is No Longer Being Used to Kars 4 Kids.

Mr. Wion stated that the Borough cannot donate its public property because it is purchased through public funds. He noted that in most cases the Borough must offer the items through the public bidding process. Mr. Wion stated that there are some exceptions, such as property valued less than \$1,500.00 in value; Council has to determine the methodology in which they will sell that property. Mr. Wion noted that there are some provisions in which a municipality can donate items, however this instance does not fall under those provisions.

OTHER BUSINESS:

RESOLUTION 2007-R-6 – Establishes Sweetbriar Alley as a One-Way Street Between North Harrisburg Street and Mulberry Alley, and Mulberry Street between Sweetbriar Alley and North Harrisburg Street as a One-Way Street.

Mr. Wion stated that Council had previously asked the Police Department to do a study on Sweetbriar Alley and Mulberry Street.

Motioned by Mr. Wright, seconded by Mr. Heefner to adopt Resolution 2007-R-7, as presented. Motion approved unanimously.

AUDIENCE PARTICIPATION:

There was no audience participation.

COUNCIL'S CONCERNS:

Mr. Heefner – stated that if the Borough vacates the alley discussed earlier, current property owners may not be able to get to the back of their properties. He said that he would like to see an agreement put in place that allows the property owners access to the back of their properties. Mr. Kovach said that Keystone International Alliance stated in previous meetings that they would accommodate them. Mr. Wion stated that the vacation of the easement will go hand-and-hand with a new easement for the Borough.

ADJOURNMENT:

There being no other business before Council, on motion by Mr. Heefner, seconded by Mr. Wright, the Council meeting adjourned at 7:45 PM.

Respectfully submitted,

Michael G. Musser, II
Borough Secretary