

Steelton Borough  
Council Meeting  
May 19, 2003

The regular monthly meeting was called to order at 6:31 p.m. by the Council President, Michael Kovach, with the pledge of allegiance, and a moment of silence.

**In Attendance:**

Michael Kovach  
Jeffrey Wright  
Thomas Acri  
Mike Albert  
Maryjo Szada

**Absent:**

Albert Gornik  
Jeffrey Wrightstone  
Mayor George Hartwick, III

David A. Wion, Solicitor  
Michael G. Musser, II, Secretary  
Kathleen D. Handley, Assistant Secretary

**APPROVAL OF MINUTES:**

Minutes from the April 7<sup>th</sup> and 21<sup>st</sup>, and the May 5<sup>th</sup>, 2003, Council meetings were presented for approval.

On a motion by Mr. Acri, seconded by Mr. Albert, Council Members present voted unanimously to approve the minutes as presented.

Mr. Acri informed Council Members that Mr. Musser receives copies of the Steelton Highspire School Board Meeting minutes, which are on file in the office. Mr. Acri told the Council Members that they should inform Mr. Musser if they want him to give them copies of the minutes.

**EXECUTIVE SESSIONS HELD BETWEEN MEETINGS:**

Mr. Musser said he had nothing to report at this time.

**APPROVAL OF SCHEDULES OF BILLINGS, REQUISITIONS AND CHANGE ORDERS AS PRESENTED:**

On a motion by Mr. Wright, seconded by Mr. Albert, Council Members present voted unanimously to approve the Schedule of Bills, requisitions and change orders as presented.

**APPROVAL OF DEPARTMENT REPORTS:**

On a motion by Dr. Szada, seconded by Mr. Wright, Council Members present voted unanimously to approve the Community Development, Finance, Fire and Ambulance, Personnel, Police, Public Works, Code Enforcement, Departmental Reports for April, as presented.

**PUBLIC COMMENT: Agenda Items Only**

There were no comments.

**COMMUNICATIONS:**

**Dennis Yablonsky, Secretary, DCED – Providing the Borough with a Letter of Acceptance into the Second Year of the Main Street Program and supplying the Borough with a grant in**  
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**the amount of \$55,000.**

On a motion by Mr. Wright, seconded by Mr. Albert Council Members present voted unanimously to authorize Mr. Kovach to execute this Letter of Acceptance as presented.

**Citizen Fire Co. #1 of Oberlin – Invitation to Mayor Hartwick to attend the 85<sup>th</sup> Annual Dauphin County Volunteer Firemen’s Convention and Parade on Saturday, June 13-14, 2003.**

There were no comments

**William D. Smith, Police Chief, Derry Township – Letter of thanks to Chief Lenker, Officer Elhadj and Officer Conjar for their assistance in regards to the incident on March 22, 2003, at the Giant Center.**

On a motion by Mr. Acri, seconded by Mr. Albert, Council Members present voted unanimously to place copies of this letter in each Officer’s personnel file.

**Mr. Musser – Reminding Council Members of the QRS Meeting on Wednesday, May 28, 2003, at 7:00 P.M.**

There were no comments.

**Craig Zumbrum, Executive Director, The South Central Assembly for Effective Governance – Invitation to the First Annual Neighborhood Initiatives Workshop on May 29<sup>th</sup> from 5 p.m. to 9 p.m., at the Penn State Middletown Campus.**

Mr. Kovach said that anyone who wishes to attend should contact Mr. Musser.

**UNFINISHED BUSINESS:**

**Mrs. Sviben – Update on the Unity Day Celebration.**

Ms. Sviben said that, as Council is aware, she and the School District has received some complaints about the fees we were going to charge for the Summer Playground Program. Ms. Sviben said that she had some discussions with the School District, Council persons, and residents and is making the following recommendations for changes in the Summer Playground Fees for this year: \$25.00 for the 1<sup>st</sup> child; \$35.00 for two children; and \$5.00 additional dollars for each child over two, living in the same household. Ms. Sviben said this is the fee schedule used for the athletic programs in town.

On a motion by Mr. Wright, seconded by Mr. Albert, Council Members present voted unanimously to approve the changes to the Summer Playground Fees as recommended.

Mr. Wright asked if the residents would be notified. Ms. Sviben said she would like to do a mailing to the residents informing them of the change to the fees, as well as information on the Pre-Independence Day Parade and boat dock.

It was the consensus of Council Members present to do the mailing as recommended by Ms. Sviben.

**George Connor, Community Development Coordinator, Dauphin County – Requesting the Borough Execute the Agreement between the Borough and County for the FY 2003 CDBG Funds in the amount of \$225, 480.00.**

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On a motion by Mr. Acri, seconded by Mr. Wright, Council Members present voted unanimously to authorize Mr. Kovach to execute the Agreement as presented.

**Mr. Musser – Informing Council that the written testing for full-time police officers in the Borough of Steelton has been scheduled for Saturday, June 28, 2003.**

There were no comments.

**ORDINANCE 2003-2, An Ordinance to Amend the Code of the Borough of Steelton, Pennsylvania, Chapter 120 Thereof Entitled "Zoning", Article II, "Definitions and Word Usage" Chapter 120-8, "Definitions" and Article III, "Regulations Applicable in All Districts", Section 120-10, "Usage Regulations" to Provide Appropriate Definitions and Further Providing for Regulation of Wireless Telecommunications Facilities, was presented for Council's consideration.**

Mr. Kovach said Council cannot consider ORDINANCE 2003-2, until Council holds the Public Hearing at 7:00 p.m., and moved on to the next item on the agenda.

**Mr. Ron Acri, Code/Zoning/Planning Officer – Discussion in regards to the sale of food and bait at the new Boat Dock Facility.**

Mr. Acri said that T.J.'s East End Pub submitted a proposal for a Chicken Shack at the boat dock facility. He said that the building will be removable and put on a 10 x 14 concrete slab. Mr. Ron Acri said they will have to supply the building and slab and their own self-contained water and sewer, since there is no water or sewer at the boat dock facility. Mr. Ron Acri said that we haven't established any vendor fees yet. Mr. Tom Acri asked what they charge on City Island. Mr. Ron Acri said they charge an annual fee and a percentage of sales. Mr. Wright asked if there is any place we can check for vendor fees. Mr. Ron Acri said he could check with Blue Marsh to see what they charge. Mr. Albert asked if any other businesses have been approached. Mr. Ron Acri said that we didn't contact any businesses. He said that T.J.'s approached us about doing this. Mr. Albert asked if we are going to limit the number of vendors. Mr. Kovach said he thought the Borough would welcome other vendors.

Mr. Wion said he thinks the Borough should look at this as a lease arrangement, which should include the things Council has talked about, and include insurance requirements, the commission or lease rentals. Mr. Wion said that the Borough should conceptually have the structure of a letter to be presented to these vendors.

Mr. Wright suggested that Mr. Ron Acri a list of our requirements and give them to Mr. Wion to prepare a contract for Council's consideration. Mr. Musser said he would give Mr. Ron Acri a copy of a Lease Agreement, which the Borough has used in the past, as a guideline.

**NEW BUSINESS:**

**Bill and Jackie Hrestak, 506 Spruce St., Steelton, PA – Requesting permission to address Council regarding their Dog Grooming Business located in their home.**

Mr. Ron Acri introduced Mr. and Mrs. Hrestak. Mrs. Hrestak said that she will be doing the grooming and it will be a drop off and pick up type of business. Mrs. Hrestak stated that she and her husband could park their cars on Sixth Street, to leave room for parking and her next door neighbor doesn't park out front either, so there shouldn't be any parking problems. Mr. Tom Acri asked Mrs. Hrestak if she had any idea how many cars may be parked there are one time. Mrs. Hrestak said that probably no more than two or three.

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Mr. Wion said that Mr. & Mrs. Hrestak are asking for Council's consideration for their home occupation under the Borough's Zoning Ordinance, 120-10J. Mr. Wion said this lists a home occupation as conditional. He said what that means is they have to go to the Planning Commission, present their request to the Planning Commission, the Planning Commission then makes the recommendation to Council and it is Council that determines whether the conditional use is permitted, based on the eight (8) conditions listed in 120-10J. Mr. Wion recommended that Council review the eight (8) conditions and verify to Council's satisfaction that those conditions are being met

Mr. Kovach asked Mr. Ron Acri if the Hrestak's home occupation complies with the Borough's Zoning Ordinance 120-10J. Mr. Ron Acri said that it does. Mr. Tom Acri noted that it doesn't say anything about parking, and asked Mr. Wion if that means that Council cannot require off-street parking. Mr. Wion said that is correct, but the Hrestak's have indicated that they are aware of the fact that Council and the Planning Commission had a concern about the parking issue and are willing to park their personal cars away from that to free up some area there, so to that extent, and they are willing to do it, that would be another condition that Council could impose as pursuant to being approved

On a motion by Mr. Wright, seconded by Mr. Albert, Council Members present voted unanimously to approve the Hrestak's request to have a Dog Grooming Business in their residence at 506 Spruce Street, contingent upon their meeting the eight (8) conditions in the Borough's Zoning Ordinance 120-10J, and an additional condition that the owners are willing to work with the Borough on the parking issue.

On a motion by Mr. Acri, seconded by Mr. Wright, Council Members present voted unanimously to have Mr. Ron Acri work with Mr. Wion to make an amendment to this ordinance to require off-street parking for home occupations. Mr. Acri said he is not anti-business, but he wants to address the parking issue.

**Mr. Musser – Informing Council that two (2) applications for Special Purpose Parking Spaces have been submitted for Eartha D. Beaty, Sr., of 513 South Second Street and Shirley W. Keck of 331 Locust Street.**

There were no comments.

**Mr. Acri – Requesting Council to approve the hiring of the following three summer time per diem employees: James Crist, Joshua Bosak and Jerry D. Cooper, at the rate of \$8.00, per hour.**

Mr. Acri said that last Wednesday evening, he, Mr. Albert and Mr. Wright interviewed seven (7) applicants for the three openings for the position of summer time per diem employees for the public works department. Mr. Acri noted that two of the applicants, James Christ and Joshua Bosak, worked for the Borough last year and Mr. Conjar indicated that he was happy with their performance.

On a motion by Mr. Acri, seconded by Mr. Wright, Council Members present voted unanimously to hire James Christ Joshua Bosak, and Jerry D. Cooper at a rate of \$8.00 an hour. Mr. Acri noted that Mr. Crist and Mr. Bosak, will start when school is finished and Mr. Cooper will begin on May 27<sup>th</sup>.

**Mr. Musser – Discussion in regards to scheduling interviews for the position of Summer Time Recreation Supervisor and Playground Leaders and to discuss the possibility of sending out a mailing on the Program.**

Mr. Musser said he would like to get a date when Personnel Committee members could interview for the Playground positions. He noted that the mailing was previous discussed.

**ADDITIONS TO THE AGENDA:**

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**Mr. Musser announced the following additions to the agenda:**

- 1) The April Fire & Ambulance Report, which Council approved earlier in the meeting.
- 2) Memo from Chief Vance – advising Council that Jeffrey Trammell and Keith Miller have completed training on Engine 50 and requesting that they be added to the driver's list.
- 3) Memo from Lisa Wiedeman to Chief Lenker – expressing concerns over the ongoing problems with youth and robberies/vandalism, etc., and requesting that Chief Lenker attend a meeting with the Business Association on June 8, 2003, at 3:00 p.m., in Council Chambers to begin to discuss a plan for the youth of Steelton.

On a motion by Mr. Acri, seconded by Mr. Wright, Council Members present voted unanimously to have Chief Lenker attend the meeting June 8<sup>th</sup> at 3:00 p.m., in Council Chambers.

**Mr. Musser - Requesting an executive session to discuss a personnel matter in regards to Donald Mummert and to discuss legal matters in regards to the Boys & Girls Club.**

## **PUBLIC HEARING:**

On a motion by Mr. Wright, seconded by Mr. Albert, Council Members present voted unanimously to recess into a Public Hearing at 7:00 P.M.

**Mr. Kovach** – This is the time, date and place set for the public hearing on the matter of the Wireless Communication Ordinance, to change the Zoning provision of the Steelton Code of Ordinances. Mr. Kovach noted that the Public Hearing was duly advertised and the Borough has proof of publication. Mr. Kovach also noted that the Council has received a copy of a letter dated May 5, 2003, a report from Dauphin County Planning Commission reviews of the purpose of the Ordinance and comments. He said it should also be noted that the Steelton Planning Commission has reviewed the Ordinance and presented it to Council. Mr. Kovach called upon the Code Enforcement Officer, Ronald Acri to provide comments related to this ordinance.

Mr. Ron Acri said this Ordinance is saying that we are allowing our Borough to have Wireless Telecommunication facilities in the Manufacturing-Heavy areas and under special exception, permitted in the Commercial Central, Commercial Neighborhood and Commercial Highway. He said there is a stipulation providing that they maintain a distance of five hundred (500') feet from any residential property; keep the towers at two hundred (200') feet maximum; if the tower is attached to a building, it can't be any more than twenty (20') feet higher than the building; provide paved off-street parking for at least one vehicle where there is an equipment cabinet and tower.

Mr. Tom Acri asked if the ones at the elementary school are legal. Mr. Ron Acri said they are. Mr. Musser added that even if they weren't, they were there prior to this ordinance. Mr. Musser noted that if they were to add to them, then the additions would have to comply with this ordinance and since the school is in a residential zone, they would have to apply for a special exception. Mr. Musser suggested that the Borough send a copy of the new regulations to the School Board informing them that this was passed tonight. He also suggested that a copy of the ordinance be sent to the vendors who have telecommunication towers in the area, so they are notified that before they approach anyone in town they are aware of the ordinance. Mr. Musser said that he thought it would be a good idea to have a record that they were notified after the ordinance was passed, that we do have this and if they have any comments or concerns, they could express them to us, since we didn't follow the exact procedure as our neighbor, Swatara Township did by having them come and present that. Mr. Musser said we could include a cover letter saying that this

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ordinance was passed, if you have questions or concerns, please address them and the Council or the Planning Commission will gladly listen to your concerns.

Mr. Wion said that Mr. Kovach indicated that the Borough has received, from the Dauphin County Planning Commission, a letter dated May 5, 2003, reporting on their review of the ordinance and their comments. He said they did make certain recommendations and oddly the first two (2) recommendations are already in the ordinance, and their other comments have been included in what is before you. Mr. Wion said they added the requirement that something be in writing and that evidence be presented in writing in another section of the ordinance, so we have incorporated those in as well as making the one correction where it said the Township, instead of the Borough. Mr. Wion said their comments have not only been considered, but the ordinance really basically does include of all of their changes.

Jeanne Barr asked what kind of towers are they were talking about putting up and where would they be located. Mr. Acri replied that they are telecommunications towers and they could be put in the Manufacturing Heavy area, which would be the Bethlehem Steel property, and with a special exception in the Commercial Central, Commercial Neighborhood and Commercial Highway, which would be most of Front Street. Mr. Wright emphasized that the Borough isn't putting up any towers. Ms. Barr said she just wondered since she had heard that they could cause cancer.

Dr. Szada said that Mr. Ron Acri stated that these towers can be placed along Front Street. Mr. Acri said that would be by special exception, but they still have to abide by the five hundred feet (500') from any residential property.

Mr. Wion said he thinks it is important that we distinguish here that this ordinance deals with wireless communication antennas, which are small antennas that cannot be placed in a residential property with a one or two family dwelling on it, but there may be other residential areas where you could have an antenna placed on it. Mr. Wion said then there is the communication tower, which is a much larger, generally considered commercial wireless communications, which are also controlled and limited where they can locate and the special exceptions, so you are dealing with both situations. Mr. Wion addressed her comment on the health situation. He said when these antennas first started coming out, there were a lot of studies and issues as there are in these new kinds of situations. Mr. Wion said that the FCC that controls this whole area, while allowing the local municipality to control some of the regulations, went through a whole series of studies conducted by the wireless communication industry and all the studies done by those opposed to the wireless communication industries and the FCC held hearings and the courts have had a number of cases that clearly indicate that that is no longer an issue which you can consider. The studies have clearly demonstrated that there are no harmful effects from any of these types of towers through the electro-magnetic situation or anything else. That has been put to rest, maybe as much as five (5) years ago. Now it is just a matter of regulating, where, particularly these big tall towers go. Mr. Wion said if you are going to have them in your community, you want to have other people piggy-back on there so that you can have more than one on that kind of antenna and hopefully if you had one in the Borough, or two or three, you could have fifteen service carriers on those and that's all you would need.

Dr. Szada said that she has to respectfully and professionally disagree with Mr. Wion, because there are ongoing studies at this point in time being done of cell phone use and the energy source that comes from cell phones that can potentially cause brain tumors and when you have a small device raising that particular issue, then there have to be on-going studies which have come out with the latest, within the last five years of whether the effect of massive uses of that same type of energy field are going to cause some problems. So while agree with you that the studies done by the FCC and the wireless communications industry did not show any health issues, I would respectfully say that they were probably biased studies.

Mr. Wion said he was just suggesting that those studies were all done and the number of court cases that

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had dealt with that issue, the courts have held that local communities can't refuse to allow such antennas or towers on the basis of danger to health from electromagnetic energy. He said he doesn't disagree with Dr. Szada, that anything can change and you may have a revelation medically next year that there is some cause, but the information now before you, there appears to

be, at least to the court's satisfaction, no harm caused that would warrant not permitting these antennas.

Dr. Szada said that according to our ordinance, and I understand that you can piggy-back multiple companies off of one tower, but with our ordinance, do we open ourselves up for the possibility of a large tower for every potential company who wants to run a wireless system. Does our ordinance open up the door for every single company to put up a tower in this town? Mr. Wion said it did not, it actually requires them to, before they put their own up, they have to demonstrate that they could not get on another tower, and that can't be because the other company says no. Mr. Wion said that there is a requirement that as many as can go on a tower as possible. He said the only thing they could do is somehow show that they would need another tower situated somewhere else to cover their communication, but most of these facilities have the same kind of range and one of the things the ordinance does is mandate that if a tower exists, you have to go on it unless you can demonstrate that it is impossible for them to be on there. Dr. Szada asked if there is any way we could know potentially how many of these towers we may be having in this town or how many of those potential companies can piggy-back on the existing towers. Mr. Wion said he has no idea about that and is not aware of any study done to determine that. Again the requirement is that they have to go one that could go up in the limited areas that we allow it.

There being no further comments, on a motion by Mr. Albert, seconded by Mr. Wright, the Public Hearing was closed at 7:15 p.m., reconvened the public meeting.

**ORDINANCE 2003-2, an Ordinance to amend the Code of the Borough of Steelton, Pennsylvania, Chapter 120 thereof entitled "Zoning", Article II, "Definitions and Word Usage" Chapter 120-8, "Definitions" and Article III, "Regulations Applicable in all Districts", Section 120-10, "Usage Regulations" to provide appropriate definitions and further providing for regulation of Wireless Telecommunications Facilities was presented for Council's consideration.**

On a motion by Mr. Wright, seconded by Mr. Albert, Council members present voted unanimously to adopt ORDINANCE 2003-2 as presented and to have Mr. Musser send this Ordinance with a cover letter, by certified mail, to the Steelton-Highspire School Board and the Telecommunications Companies.

#### **OTHER BUSINESS:**

**Ms. Sviben** – requested permission to add information on the parade and the Boat Dock to the Summer Playground Information that will be mailed out to all of the residents.

It was the consensus of Council to include the additional information in the mailing.

#### **AUDIENCE PARTICIPATION:**

**Jean Barr, 346B Locust Street** said that the Borough updates go the owners on the utility billings and since she rents, she doesn't get them.

Mr. Kovach said that is unfortunately true. He told Ms. Barr that they are also available in the lobby of the Municipal Building, or check with the office.

Ms. Barr said it was a shame that Mother Nature ruined the Unity Day festivities and asked if the borough



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is going to have any more. Ms. Sviben said we are going to have another event in the fall. Ms. Barr asked if anything was going on this weekend. Ms. Sviben said that the Midland Cemetery is having an event Friday at 5:00 with an encampment on the lot across from the Municipal Building and on Saturday, there will be a parade beginning at 11:30 a.m., at 2<sup>nd</sup> and Adams Street to Mohn Street and then to the Midland Cemetery for a ceremony. Ms. Barr asked if food will be sold at the event. Ms. Sviben said that food will be sold. Here and at the firehouse. Sviben said that New Hope Baptist Church will also have a parade on Monday, beginning at 10:00 a.m., at Wood Street. Ms. Sviben said that some of these events are listed in the Steelton Update, which is available in the lobby.

#### **COUNCIL'S CONCERNS:**

**Mr. Albert** – asked if anyone else heard the 5 or 6 shots fired the other evening. He said that the police were investigating it. He said he was really disheartening.

**Mr. Wright** – commended the Department Heads for doing a good job and told Chief Vance to keep up the good work at the fire house.

**Mr. Acri** – wished everyone a safe holiday and said he hoped to see a lot of people at the encampment on Friday evening.

**Mr. Kovach** – encouraged everyone to vote tomorrow, it means a lot. Mr. Kovach noted that our Mayor Hartwick is running for Dauphin County Commissioner, and Mr. Acri, Dr. Szada, Mr. Albert and Mr. Heefner are running for Council.

#### **ADJOURNMENT:**

There being no other business before Council, on a motion by Mr. Wright, seconded by Mr. Albert, the meeting recessed into executive session at 7:23 p.m.

The meeting reconvened at 7:41 p.m.

On a motion by Mr. Acri, seconded by Mr. Wright, Council Members present voted unanimously to place the memo of oral reprimand in Mr. Mummert's personnel file.

Mr. Musser noted for the record that it is the consensus of Council to have Mr. Ron Acri work with Mr. Caldwell on the Labor and Industry requirements and bring a report back to Council at the next meeting. Mr. Musser said that we have sixty (60) days to appeal or request an extension.

Mr. Kovach asked if there was an update on the Playgrounds. Mr. Musser said he forwarded the last one he received to Council members. He said he will be out of the office on Tuesday for Election Day, and asked Mr. Kovach to call him on Wednesday to remind him and he will contact the engineers for a written status report.

There being no other business before Council, on a motion by Mr. Wright, seconded by Mr. Acri, the meeting adjourned at 7:43 p.m.

Respectfully submitted,

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Michael G. Musser, II  
Borough Secretary

Kathleen D. Handley  
Assistant Secretary