

Borough of Steelton

Council Agenda

Monday, August 3, 2015

Call Meeting to Order: Vice President Maria Marcinko

Pledge of Allegiance: Vice President Maria Marcinko

Moment of Silence: Mayor Thomas F. Acri

There were no executive sessions held between meetings.

Approval of minutes of previous meetings as presented:

December 16, 2013

June 16, 2014

August 18, 2014

Public Comment on Agenda Items Only

Presentation:

Josh Fox, HRG

Engineer's Report

Kara Allison, Hull & Associates, Inc

Brownfield Project Update

Communication:

None

Unfinished Business:

None

New Business:

Borough Manager

Approval of Brownfield Grant Agreement in the amount of \$180,500

Motion/Second/Vote

Mr. Wion

Approval of Grant of Temporary Construction Easement Agreement with Herman Perdes needed for the Firehouse Improvement Project.

Motion/Second/Vote

Mr. Wion

Approval of Grant of Temporary Construction Easement Agreement with Donald Deitz needed for the Firehouse Improvement Project.

Motion/Second/Vote

Mr. Wion

Resolution eliminating the special purpose parking at 31 Chestnut Street.

Motion/Second/Vote

Borough Manager

Resolution establishing special purpose parking for Tera & Osinin Akpan on N. 2nd Street.

Motion/Second/Vote

Mr. Wion

Resolution to appoint Commonwealth Code Inspection Services as the Borough's third party agency.

Motion/Second/Vote

Audience Participation

Council Concerns

Executive Session

Other Business

Adjournment

Present:

Vice President Maria Romano Marcinko, Presiding
Michael Albert, Pro Tem
Brian Proctor, Councilman
Steve Shaver, Councilman
Denaë House, Councilwoman

Mayor Tom Acri

Absent:

Jeffrey Wright, Council President
MaryJo Szada, Councilwoman

Staff Present:

Sara Gellatly, Borough Manager
David Wion, Esq., Solicitor
Ken Klinepeter, Public Works Director
Mick Shrauder, Codes Enforcement Officer
John King, Police Chief

Call to Order

The August 3, 2015, meeting was called to order by Vice President Maria Romano Marcinko at 6:30 p.m.

Pledge of Allegiance

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

Executive Sessions between Meetings

There were no Executive Sessions between meetings.

Approval of the Minutes of Previous Meetings

Vice President Marcinko asked for a motion to approve the minutes of the following meetings: December 16, 2013; June 16, 2014; and August 18, 2014.

Councilwoman House asked why did we only have these three particular meetings. Borough Manager Gellatly stated that she gave the transcriptionist three of the shortest meetings so that she could get used to the voices and the flow of the meeting.

Councilman Shaver stated he had some corrections to the minutes. There were three corrections in the attendance portion of the minutes:

- 1) June 16, 2014 – Under “Absent” the name MaryJo Szada should be stricken since she was in attendance.
- 2) August 18, 2014 – Under “Absent” the name Michael Albert should be stricken since he was in attendance.
- 3) Staff names should be listed under “Staff Present”.

Councilman Proctor made a motion, seconded by Councilman Michael Albert to approve the minutes as presented, pending a total of 3 changes. Council Members Marcinko, Albert, Proctor, and Shaver voted yes to accept the minutes. Councilwoman House voted no. Motion carried.

Public Comment on Agenda Items Only

Emmuel Powell
321 Lebanon Street
Steelton, PA 17113

Mr. Powell questioned how he could comment on items on the agenda such as the Engineers Report another presentations when he did not have a copy of the report before the meeting. Council Vice President Marcinko stated to him that he could comment during public comment at the end of the meeting regarding anything he heard in the Engineer’s Report or during any other presentation.

Presentations:

Josh Fox, HRG

1) Blueberry Alley & Washington Street Storm Sewer Replacement: Mr. Fox reported that the Borough submitted its 2016 DCBG Grant Application on July 10 requesting funds for this project. Additionally HRG assisted the Borough Manager in preparing the Borough’s 2015 Local Share Municipal Grant Application. The total amount for this project is \$457,800. On July 27, The Borough Manager and HRG attended the Borough’s pre-application conference at the County.

2) Harrisburg & Pine Streets Utility Improvements Projects: Mr. Fox announced that a reconstruction conference was held on July 2, 2015 to review the anticipated construction schedule. The preliminary construction schedule is as follows: Detour will be set on August 28, 2015; Water line work will begin on August 31 and be completed by November 3; Sewer work will begin November 4 and completed by November 13; Drainage work will begin November 16 and be completed by November 19; and Detour will be removed on November 20 and the road will remain open again until March 14, 2016. Mr. Fox will coordinate with Penn Dot and will make sure that the schedule is out as soon as possible. After the winter months the detour will be set again on March 14, 2016. and then they will be working on the paving. After that they switch to Harrisburg Street. It will take some time to go through it and it will not be an ideal situation. The condition of the road now will be very similar throughout the winter but in the spring the Borough can anticipate a nice new road all the way down Pine Street.

3) Firehouse Improvement: Mr. Fox reported that pending the Council's approval for the easement for construction purposes the final item we have is the coordination with UGI for the generator. The generator is going to be a natural gas generator. The service from the mainline to the firehouse had to be upgraded. HRG is working on the coordination with UGI. UGI takes care of the actual construction of the service, the Borough is part of the contract and the contractor will be responsible for restoration. It is in UGI's hands right now and they are supposed to be submitting to the Borough Manager an agreement to do that work within the next week or so. As long as we get agreement within the next week, HRG will be ready to bid the project on August 27, 2015 and construction will be able to start before the winter. If for some reason the project is delayed and the bidding is delayed into September or early October it is very likely that HRG will make a recommendation to wait for spring so the Borough is not fighting freezing conditions to try to deal with the water issue.

Vice President Marcinko asked Mr. Fox if the trees planted during Streetscape 2 that the Borough is having the issue with are under warranty. Mr. Fox reported they are. HRG reached out to Reogle and they talked to the landscaper and agreed that it is better to wait at least through August into September so the trees can be replanted. They will have a better chance for survival and won't have to go through the process several times.

Councilman Shaver made a motion to authorize HRG to go ahead and contact Keystone Retaining walls with the information that they developed so far on the condition of the retaining wall on Swatara Street. Seconded by Councilman Proctor. Motion carried unanimously.

Borough Manager Gellatly asked a Question on the pump station sewer grinder project. She asked Mr. Fox if DEP does not issue the permit by the end of the week would HRG be asking the County for an extension. Mr. Fox indicated that he understood the extension was needed to begin the grant. Borough Manager Gellatly stated at the last Council meeting when Council approved the change orders and the additional project it was very important that it happened that night so the Borough would not lose any money. She asked if DEP does not issue the permit is the Borough going to be in jeopardy of losing any of that money because it is not in our control? The Borough approved everything and got done everything the County wanted in that time frame and the permit is not under the Borough's or HRG's control. Mr. Fox reported that it is one of those permits that is very minor so it is not getting a lot of attention. HRG is contacting them on a weekly basis to try to promote because of the importance of the grant. The County is aware of the situation so he could not say without a doubt that the Borough wouldn't be able to do that work but all indications are that they will allow the Borough an extension to get that completed. Mr. Fox reported that this very minor compared to the rest of the project so it is not going to hold anything up. Borough Manager Gellatly stated that since the County is being kept updated it will not be a last minute deal. She also asked about Pine and Harrisburg St. and Council's authorization to have an HRG inspector along with staff during the project when the lines are being laid. Mr. Fox reported that there will be a RPR from HRG once the actual water line/water main work is in place. When PennDot is doing their work that is not associated with the Borough, HRG will not have a representative but once any of the water work, sewer or storm work that is the ultimate responsibility of the Borough Authority, HRG will have a representative there to make sure everything is installed properly and according with Borough specifications. This agreement is already in place.

Vice President Marcinko stated that we have been working right along on the Front Street project and Ms. Allison was here to share some exciting news.

Ms. Allison stated she has been working on this project since 2006 and the Brownfield's study was completed in 2011. Initially the Borough applied for a USEPA grant to clean up the 3 properties across the street from Borough Hall, the vacant lot across the street, Bik's garage and Mark's garage. The USEPA grant application went in in 2011 and the Borough found out in July 2012 that the Borough was not awarded that grant and through conversation with the PADEP the Borough was informed that there may be money available through a Growing Greener program. The Borough applied and found out in the spring of 2014 that the Borough was successful and was awarded \$180,500. The Borough has spent the better part of the last year doing the contract work with the DEP. All the signatures are in place and the project ready to move forward. The Borough is ready to put together the bid specs, do demolition of the physical structures that are across the street and that grant will also cover soil removal and clean up. It has been a long time coming but the Borough finally gets to move forward on this project. Ms. Allison introduced Dominic Enseldo, who will be the project manager. He works out of the Pittsburgh Office.

Ms. Allison reported that there is plenty of grant money out there for Brownfield clean up and since the Borough has a master plan from the Brownfield study, the Borough could apply for money to clean up those. Vice President Marcinko reported for the edification of the public present that when you do a project of this nature you cannot do anything to the property until it was brownfield studied because many of these properties were garages that had oil and gas tanks in the ground. The Borough could not even develop it until it is shovel ready meaning that all that soil has to be cleaned and replaced. The Borough did not have the money for demolition or clean up. The Borough didn't get the money from the EPA but now the Borough has it from the state and the Borough is ready to move forward and see something happen with this project.

Mr. Wion reported on the form of the contract- DEP Form Contract 7CF8.0 was a contract revised July 31, 2013. That was the DEP grant agreement for the Brownfield Grant program. At that time, the agreement was signed by Mayor Acri and then sent to the State and has gone through their whole process and finally signed off of by the state on June 22, 2015. So it would appropriate for the Council to ratify the July 31, 2013 agreement as signed by the Mayor and subsequently by the Commonwealth. That would be the motion for this Council.

Vice President Marcinko called for a Motion to ratify the July 31, 2013 agreement as signed by the Mayor and subsequently by the Commonwealth. Councilman Albert made the motion and it was seconded by Councilman Proctor. The motion was approved unanimously.

Ms. Allison reported that she believed the demolition could be started as early as this fall.

Vice President Marcinko discussed the lease agreements currently out there on the properties that will be demolished. She believed that Council needed to give Ms. Gellatly direction to notify the lessees that we will be terminating their leases within the required period of time.

The three properties involved are 120, 140, and 154 North Front only. A motion was made allowing the Borough Manager to work with the solicitor to send out letters to the lessees terminating their lease agreements. The letters will be in accordance with the lease agreements. The Borough Manager reported that she was not sure what was in the agreement with Mark's garage but the Beaden's lease is a 30 day

notice. The motion was made by Councilman Albert and seconded by Councilman Proctor. Motion carried unanimously.

Communications

Vice President Marcinko announced that there were no communications for review.

Unfinished Business

Vice President Marcinko announced that there was no unfinished business.

New Business

Mr. Wion discussed the approval of the grant of a temporary construction easement relating to the Firehouse project, which follows the presentation made by Mr. Fox in his engineering report. The Firehouse improvement project is ready to move forward. However, because of the work that has to be done at the rear and side of the firehouse it was necessary for the Borough to secure grants of temporary reconstruction easements so that the contractor would be able to go on the property of both Mr. Hernan Paredes and Mr. Donald F. Dietz, in order to do certain things involving construction, particularly the placing of a membrane along the wall to prevent water from coming in. Through negotiations we have received a signed grant of temporary construction easement from both Mr. Hernan Paredes and Mr. Donald F. Dietz granting permission for that temporary construction to occur. The Council should consider a motion to grant temporary construction easement with Mr. Hernan Paredes. A motion was made by Councilwoman House seconded by Councilman Albert. Motion carried unanimously.

The next temporary construction easement was with Mr. Donald F. Dietz and it is the same basic agreement although the amount paid for this easement is to be \$500. A motion was made by Councilwoman House and seconded by Councilman Shaver. Motion carried unanimously.

Mr. Wion reported that we have a resolution eliminating special purpose parking for Minnie R. Pugliese for a portion of 27 and all of 31 Chestnut Street. In this situation, we originally had given a special purpose parking to Ms. Pugliese who was living at that address with her brother Raymond. That request was the only one that was put in ordinance form. In fact, in 2005 or even before that Ms. Pugliese had passed away and there was a resolution authorizing this special purpose parking for Mr. Raymond Pugliese, however, this resolution was never, after 6 months put in an ordinance. Mr. Raymond Pugliese just passed away and this matter came to the Borough's attention and the approved special purpose parking was still the one in the name of Minnie R. Puglise. Resolution 2015-R-16 is to eliminate that special purpose parking for your consideration.

A motion was made by Councilman Shaver and seconded by Councilman Proctor. Motion carried unanimously.

Mr. Wion presented Resolution 2015-R-17 which is required to effectuate the traffic study done by our Police Department for a special purpose parking area for Tera & Nsini Akpan, 742 North Second St. for Council consideration. A motion was made by Councilman Albert, seconded by Councilman Shaver. Motion carried unanimously.

Mr. Wion stated that the next matter is not a resolution. In discussion with our Code Enforcement Officer it was determined that in many instances, particularly commercial and industrial ones, it is necessary for the Borough to appoint a third party agency, which municipalities do in order to have code inspection services (particularly of UCC matters) which are complicated and other difficult matters that are necessary for certain expertise to occur, the Borough staff has secured a general contract with Commonwealth Code Inspection Services, Inc., which Mr. Wion has reviewed with Mr. Shrauder and both are recommending that they be permitted to strike the contract with Commonwealth Code but there are some changes that should be made. The reason this contract is before Council is that they want your authorization and approval to enter into that contract when the language is appropriate and acceptable to the Borough so that we don't have to wait until the next Council meeting.

Councilman Proctor stated he was confused as to why we were going to enter into this contract with a third party when we have a new Codes Enforcement Officer. Mr. Wion stated that there are certain inspections our Codes Enforcement Office simply cannot do because they do not have the certifications or expertise to perform the work. Mr. Wion reported that most municipalities in the area have entered into these types of agreement some time ago when the UCC was adopted, which was approved by us in 2009. This allows the Borough to use them in those situations where it is necessary.

Councilman Albert asked what the cost would be to the Borough. Mr. Shrauder reported that the cost would be on the applicant not the Borough. Vice President Marcinko asked how often the Borough will need these services. Mr. Shrauder reported that it only happens in those cases such as commercial and industrial areas. Councilman Shaver stated that basically the property owner would be responsible for the costs. He also stated that he remembers at a previous meeting where a member of the public talked about a particular commercial property and was upset with us because we didn't enforce certain things but it is clear now why we didn't because our former Codes Enforcement Officer was not certified to do it.

Mr. Wion did mention that if Commonwealth Codes had to appear at any legal proceedings relevant to this agreement they charge \$75.00 an hour with a three hour minimum for that service to support the agreement in relationship to what they are doing. Those charges would be the responsibility of the Borough.

Councilman Albert made a motion to authorize the Borough to enter into a contract with Commonwealth Code Inspection Services, Inc. with the provision that Mr. Wion and Mr. Shrauder were going to go over the contract to make it feasible to the Borough and the Code Enforcement Officer. Seconded by the Councilman Proctor. Motion carried unanimously.

Councilman Proctor left the meeting at this point.

Audience Participation

Vice President Marcinko ask any participant to step up to the microphone and state their name, address and that they would have 3 minutes to discuss their issue.

1) Markis Millbery, who stays at 349 Spruce Street, Steelton, PA 17113

Mr. Millberry stated that he got a little confused when we discussed the third party inspections. Is Mick (Shrauder) certified to do commercial inspections right now? Mr. Shrauder responded that he can do

some inspections but not all. Mr. Millberry asked, as far as the new business that opened up on Front Street, the new soul food place, did Mr. Shrauder sign off on that?

Mr. Shrauder said that there was nothing to sign off on in regard to that property. The kitchen operation equipment was already there.

Vice President Marcinko asked about Commonwealth Code Inspections primarily being contracted to do commercial construction inspections. Mr. Wion said our focus was primarily to have them do construction and industrial inspections but that they could do other things if necessary or needed.

Councilman Shaver commented that when we lost our last Codes Enforcement Officer he believes we authorized staff to bring in a third party contractor to do this type of work, if necessary.

2) Emmual Powell, 321 Lebanon Street, Steelton PA, 17113

Mr. Powell asked that when the sweeper is out of commission is there any way that residents can be notified that there will be no sweeper during that week. Vice President Marcinko responded that at previous Council meeting it was determined by the Council that the no parking signs will be enforced regardless of the status of the sweeper.

Council Concerns

Councilwoman House - had nothing

Councilman Shaver - Thanked everyone for coming out and thanked Kara Allison for her efforts in spearheading something that has taken too long but at the end of the day will be a project that will be worthwhile.

Councilman Albert - Questioned when the dip in the road on Front Street in front of Family Dollar will be repaired. Vice President Marcinko reported that she observed three PennDot officials there today. Borough Manager Gellatly reported that it is PennDot's responsibility to ensure that the road is restored to the proper condition.

Mayor Acri

The Mayor received a call today from a Beau Brown, with Bennett Williams Realty, Inc. regarding the property at 120 Lincoln Street. They asked Mayor Acri if the Borough would be interested in taking that building for \$1.00. Mayor Acri stated could not answer that on behalf of the Borough and it would be Council who would have to make that decision. His opinion was that he would never be in favor of that because he knows that there are many, many, dollars of back taxes, delinquent water/sewer bills and other things.

Vice President Marcinko asked the Borough Manager to have this put on the agenda for the next Neighborhood Economic Development Committee meeting.

Mr. Klinepeter had nothing to report at this time.

Vice President Marcinko- hoped everyone got to attend National Night Out

Vice President Marcinko reported that she received a notice from PPL that they will be in the neighborhood cutting trees for safety reasons. She encouraged anyone that got the notices to contact PPL if they did not want them to cut their trees.

Councilman Shaver made a motion to go into Executive Session to discuss personnel and legal issues, seconded by Councilman Albert at 7:28 p.m. Motion was approved unanimously.

A motion was made at 8:14 p.m. by Councilman Albert, seconded by Councilman Shaver, to go back into regular session. Motion carried unanimously.

It was reported that Mr. Klinepeter will be resigning his position in the middle of September to take a position with United Water.

A motion was made by Councilman Albert, seconded by Councilwoman House to immediately advertise for the position Public Works Director. Motion carried unanimously.

A motion was made by Councilman Albert, seconded by Councilman Shaver to adjourn the meeting at 8:16 p.m. Motion carried unanimously.

Respectfully submitted:

Sara Gellatly
Borough Secretary