

**Millersburg Borough Council Committee of the Whole  
Minutes**

May 25, 2016

Millersburg Borough Council Chambers

Present: Committee Chairs Chris Dietz, Joy Breach, Kathy Wolfe, Trudy Paden, Gary Ibberson. Mayor Rick Ibberson and Borough Manager Chris McGann were also present. Borough Solicitor Terry Kerwin arrived at 8 a.m.

Guests: Kathy Mumma, Jeff Wilhelm, Rita Ruch, Aaron Troutman, Guy Beneventano.

The meeting came to order at 7 p.m.

**Guests**

Kathy Mumma: Ms. Mumma attended to follow up on the Millersburg Memorial Day Veterans Banner Program proposal. She needs PPL and Borough approval to hang the banners. Previously 38 poles were approved for attachments and the engineering company that she has been working with (Katapult Engineering) has agreed to assess 25 more at no cost. In addition, the program has requested that the Borough serve as repository of the funds. The borough auditors approved this proposal. McGann was directed to prepare a letter giving formal permission to use the 38 poles already approved and to allow Katapult to assess additional poles. The project area includes Market Street between the Wiconisco Creek bridge and the northern end of town, Union Street from the Square to the State Street Split, and the full length of River Street. Chair Dietz recommended only hanging banners on the sidewalk side of poles at corners. Past experience showed that banners on the street side were a safety concern. McGann was directed to post information about the project on the Borough's website. Ms. Mumma then left the meeting.

**New Business: Authorization to attach banners to utility poles**

**New Business: Millersburg Borough Fund Repository**

Rita Ruch and Jeff Wilhelm: Ms. Ruch and Mr. Wilhelm are organizing the American Legion Car Show, slated for the first weekend in October. The committee discussed changes to the event. No outdoor band will be held this year. The Legion is applying for permission to sell alcohol outside. The event will be held in the Legion lot (including the Borough's right of way) and River Street. Mayor Ibberson will research rules at other car shows to see if additional special provisions are necessary for the Facility Use agreement. Ms. Ruch and Mr. Wilhelm then left the meeting.

**Streets: Facility Use Agreement – American Legion Post 326 Car Show**

Aaron Troutman: Mr. Troutman reported that he has secured a sponsor for his proposed MYO Music Festival and the event can move forward on Saturday, Aug. 27. WQLV will provide the necessary insurance coverage, including liquor liability. Vendors will be present, so the \$10 vendor fee applies. McGann will provide Mr. Troutman with contact

information for the constables and fire police. This will be a BYOB event and procedures will be in place to prevent underage drinking and possession of excessive amounts of alcohol by participants. Proceeds from the event will be donated to the Borough's Capital Improvement Account to fund park improvements. Six performers will do 45 minute sets between 1 p.m. and 6:45 p.m. Mr. Troutman signed the Facility Use request and then left the meeting.

### **Parks: Facility Use Request – MYO Music Festival**

Guy Beneventano, Esquire: Mr. Beneventano was appointed as solicitor for the Zoning Hearing Board at the last Borough Council meeting following the Planning Commission's review and recommendation. He attended to discuss the Borough's vision for the zoning ordinance and to discuss some of the legal and technical aspects. He made it clear that the Zoning Hearing Board is distinct from the Borough Council and it is possible that the two entities could be adversaries in legal proceedings. There was also a discussion about when the zoning hearing board would need to convene. If the Zoning Officer determines that building plans are not in compliance with the ordinance, then the applicant has a right to appeal that decision to the Zoning Hearing Board. Mr. Beneventano offered to review the current ordinance draft and the proposed zoning ordinance application free of charge. Finally, the Council reviewed the changes requested by the Planning Commission at their last meeting (see Planning Commission Meeting minutes of May 9, 2016). Eight items were reviewed. A frequently asked questions (FAQ) was suggested and a number of minor wording changes were made. Committee members requested additional clarification on point 4 (see planning commission minutes). There was also discussion of point 7 regarding the regulation of communications towers. After discussion, the committee decided not to pursue regulation at this time. Following the discussion, Mr. Beneventano left the meeting.

### **Old Business: Zoning Ordinance Edits**

### **Old Business: Set and Advertise Public Hearing**

### **Employee Relations**

Overtime Rules: The Committee briefly discussed new overtime rules set by the U.S. Department of Labor. Beginning Dec. 1, 2016 any salaried employee earning less than \$47,476 must be paid for overtime beyond 40 hours worked in a week. This affects the salary of Manager McGann. This will not have a significant impact on the 2016 budget as the Manager typically has only limited overtime in December. McGann did prepare a list of typical overtime periods and Chair Paden requested a copy. This expense will be considered for the 2017 Budget.

### **Executive Session**

Executive Session: The Committee met with Solicitor Kerwin in executive session for an employee matter and a legal matter. Solicitor Kerwin left after the executive session.

## **Finance and Risk Management**

Facility Use Agreement Guidelines: In recent years, the Borough has entertained a number of facility use requests in which a formal agreement and liability insurance is not appropriate. After consulting with our insurance agent, McGann drafted a resolution setting Borough policies addressing when agreements and insurance are required. Committee members received a first draft via email and our insurance agent suggested two changes. Committee members were asked to review the draft further and send McGann any revisions by Friday, June 3.

Flood Insurance: The NFIP policy on the MYO restrooms is about to expire. The cost to renew is \$604 for \$16,000 coverage and \$2,000 deductible. As previously discussed, a private market policy from The Flood Insurance Agency costs \$556.74 and provided \$50,000 coverage with the same deductible.

**Finance and Risk Management: Resolution No. \_\_\_\_: Facility Use Policy**  
**Finance and Risk Management: Flood Insurance – MYO Restrooms**

### **Parks**

Wheelchair Swing: McGann presented a proposal to use funds donated in memory of Dr. Kreiser to purchase a park swing that is designed for folks in wheelchairs. Depending on the final cost, the Borough may approach MAWT to supplement some of the cost. McGann asked if the committee members had any objection to the idea so that he can proceed with getting additional spec's and prices. The committee had no objections.

Stage Rental Fee: A rental fee for the stage at Riverfront Park is not included in the current fee schedule. McGann recommend adding a fee of \$55 via resolution. The Committee directed that the public works crew assess the structural integrity of the stage as it has not been used in some time. If the stage is safe, Council will consider adding the fee.

Brush Pile Clean Up: Chair Dietz noted that the Borough received a larger than expected reimbursement from the health insurance consortium. He asked that the full Council consider using some of those funds to finish the clean up at the MYO Park brush pile.

**Parks: Resolution No. \_\_\_\_ Stage rental fee**  
**Parks: MYO Park Recycle Site Clean Up**

### **Property**

Computer/IT Services: McGann reported that he was able to get pricing from one local business for IT Services. Mayor Ibberson added that Cpl. Wise is working on two other quotes.

**Property: IT Service Quotes**

## Streets

Melter Applicator Purchase: McGann presented a request to purchase a melter/applicator for crack sealing. The \$1,200 unit heats the material to the melting point and allows the operator to directly apply it to the street. McGann also demonstrated the current method of applying material and highlighted safety concerns. The committee directed McGann to inquire if it would be possible to borrow and “test drive” the unit before Council considers this purchase.

Parking Meter Gaskets: The housing of each parking meter has a rubber gasket that keeps moisture out of the meters. These gaskets are failing and need replaced. The cost is \$315 plus \$10 shipping. This was an unbudgeted expense. McGann was directed to purchase the gaskets.

Transferable Parking Permits: A business owner has inquired about the possibility of being able to purchase a single parking permit, transferable to all of the business’ delivery drivers. The Committee decided that all parking meter permits will be transferable. McGann will work with Mayor Ibberson to implement this policy.

No Parking Proposal: McGann presented a request to restrict parking along the Wiconisco Creek along Keystone Street. The Committee did not see any reason to restrict parking.

2016 Salt Bill: The Borough has received the bill for salt purchases for the 2015-2016 winter season. The total cost will be \$2,581.38.

**Streets: Ordinance No. \_\_\_\_\_ Transferable Parking Permits**  
**Streets: 2016 Salt Bill**

There being no further business, the Committees adjourned at 9:45 p.m.

Respectfully Submitted

Christopher McGann  
Millersburg Borough Manager