

**Millersburg Borough Council Committee of the Whole**  
**Minutes**  
**September 26, 2018**  
**Millersburg Borough Council Chambers**

Present: Committee Chairs Chris Dietz, Dave Rivera, Gary Ibberson, Brent Boyer, Nichole Hooper, and Joy Breach. Mayor Rick Ibberson and Borough Manager Chris McGann were also present.

Guest: Ed Fegley, Commonwealth Code Inspection Services

The meeting came to order at 7:05 p.m.

**Ed Fegley, CCIS**

Mr. Fegley attended the meeting to bring the Committee members up to date on the status of the Borough's property maintenance program. He indicated that the property maintenance issues at approximately half of the properties he has investigated so far had been remediated following initial notices of violation. He then went through a list of properties that had not been addressed by owners. He said that most of these properties will be receiving a final 30-day notice of violation and then citations will be filed with the Magisterial District Judge. There was also a brief discussion of quality of life ordinances. In general quality of life ordinances allow a code official to cite a property owner with the equivalent of a parking ticket for issues like high grass and weeds, garbage, and furniture stored outside without the formal violation notice. The intent is to address such issues immediately. It was noted that certain properties in Millersburg Borough tend to be repeat offenders and that a violation notice is required every time a violation is discovered. Committee members will continue to consider such an ordinance. Mr. Fegley left the meeting at 8:21 p.m.

**Executive Session**

A brief executive session was held to discuss personnel matters.

**Training Request**

Secretary Jackson requests approval to attend a one-day training at the Pennsylvania Administrative Assistants Conference Nov. 30 in Harrisburg. The cost is \$199 and there is \$225 budgeted for such an expense. This will be an action item at the Business Meeting.

**Shared Services Agreement**

Committee members reviewed the proposed draft. The agreement would allow employees from the Borough, Upper Paxton Township and the Millersburg Area Authority to perform work for another of the entities and still be covered under their employer's workers compensation insurance. The agreement also spells out the insurance coverage responsibilities in cases where equipment is borrowed by another entity covered by the agreement. McGann was directed to circulate the draft to the Township and Authority for review.

### **2019 Fee Schedule**

The draft fee schedule was tabled for further discussion. Committee members were asked to review the draft.

### **State Aid – Volunteer Fire Relief Funds**

The Borough has received the annual state aid allocation for volunteer fire relief associations. The allocation amounts to \$10,699.64. This must be paid out to the Millersburg Fire Company's Relief Association within 60 days of receipt. Approval of this payment will be an action item at the Business Meeting.

### **Swinging Bridge Report**

Committee members were provided with the relevant five pages of the report. Chairman Boyer will assist Manager McGann with getting appropriate price quotes. The report also contains a recommendation for verbiage on proposed caution signs at the bridge. Committee members decided not to pursue the signage at this time.

### **Facility Use Request – Veteran's Day Service**

The VFW Auxiliary requests the use of Veteran's Park for the annual service. The insurance certificate is in order and this will be an action item at the Business Meeting.

### **Facility Use Request – MotorTrend Group**

As reported at the last Committee meeting, MotorTrend would like to do some filming at Riverfront Park. The last date was cancelled due to the river height. They would like to reschedule for Oct. 14. The insurance certificate is in order and this will be an action item at the Business Meeting. A special provision allows for rescheduling due to weather.

### **Tree removal**

The tree trimming and removal project has been completed as previously approved by Council. The Borough crew took down the Christmas tree, saving us \$350. However, it became necessary to have a tree at Riverfront Park trimmed. This added \$375 to the bill, so the final amount was \$25 more than authorized.

### **YSM Invoice**

We have an invoice from YSM for the MYO Park project totaling \$2,711.25.

### **Mold Remediation**

McGann reported that the public works crew discovered some mold growth in the garage. A remediation contractor has provided a rough estimate of \$3,700. After discussion, Committee members directed that the mold be removed in-house with a mixture of bleach and water. Appropriate personal protective equipment is to be worn.

### **Pine Street Lot**

The Authority Manager has provided some drawings of the site. It appears that there was once a town well on the property. They are investigating and hope to be able to map the exact location of this old well.

### **Storm Water Fees**

McGann reported that Keystone Collections provided some promotional materials indicating that they are equipped to collect stormwater fees if the Borough would institute them under Act 68 of 2013. McGann was directed to add this proposal to items to be discussed when the 2019 budget is developed.

### **Compact Parking Ordinance**

As discussed at the last Business Meeting, LTAP will send a representative to Millersburg to study possible “Right Turn Only” regulations on Market Street.

### **Handicapped Parking Request**

Committee members discussed the request for a handicapped parking space at 422 River Street. Per Section 3354(d)(2) of the Pennsylvania Vehicle Code, municipalities may establish handicapped parking spaces on public streets, upon request, but they are not required to do so. The requirements for establishing such a space were reviewed. A special sign would be required and an ordinance passed for this particular parking space. It was noted that approving one such request would set a precedent that would lead to many more requests for similar accommodations. Historically, the Borough has denied these requests to avoid installing and maintaining numerous dedicated handicap parking signs and spots all over town. Accordingly, committee members agreed to deny the request. McGann will send a formal notification to that effect to the property owner.

### **Zoning Ordinance Amendment**

The Amendment language was reviewed by Committee members. The amendment would address the following items:

1. The number of allowable yard sales would be reduced from 12 to 6 per year. It also removes language that would allow properties holding more than the allowable number of yard sales to be considered “commercial” properties.
2. Sets regulations for siting mini-cell towers. The appearance of such facilities would need to be approved by Council prior to permits being issued. If deactivated, they would need to be removed in a timely manner.
3. Allows by right the installation of solar panels on buildings and ADA ramps. It was noted that zoning permit fees for these items could be reduced substantially since reviews could be done in-house rather than by CCIS. However, both types of facilities still require permitting under the UCC.

The Committee agreed to start the adoption process at the next Business Meeting.

### **Business Sign Review**

Committee members addressed a trailer containing a business sign that is currently parked on private property on Route 209. Since it is part of a vehicle, it is not technically considered a sign. Rather it is more like a logo on a commercial vehicle. Based on the location, McGann was directed to review the trailer with PennDOT to see if it qualifies as a road-side billboard. McGann did report that he learned Honesdale Borough actually prohibits the parking of any commercial vehicle in a residential district.

### **Swimming Pool Request**

The Swimming Pool Association would like to install a pre-fab shed on the property. McGann explained that the shed would be well within the zoning requirements and no UCC or stormwater permits would be required. For that reason, McGann can sign off on the permit rather than forwarding it to CCIS. That would allow the Borough to waive the permit fees. The Pool Association also requested the Borough's assistance with preparing the site. The Borough leases the land from the School District and the Pool Association manages the facilities. Committee members agreed to the fee waiver and to provide assistance with site preparation.

### **HRG Invoice**

The Borough has another invoice from HRG to tend to during the Business Meeting. This one totals \$28,066.92.

### **Zoning Hearing Board**

McGann asked Committee members if they would be in favor of paying the Zoning Hearing Board Solicitor approximately \$250 to convene a meeting of the Board. No hearings have been required since the Zoning Ordinance was passed in 2016. It was also noted that the membership of the Board has changed since the Board was formed. Committee members were not in favor of the expense and McGann was directed to circulate an email to the Board members informing them of the change in membership.

### **Ordinance No. 5-18**

McGann noted that this Ordinance will be on the Business Meeting agenda for final passage. The Ordinance makes corrections to the Landlord-Tenant Reporting Ordinance.

### **The following items will be on the agenda for the Oct. 10 Business Meeting:**

**Employee Relations: Training Request**

**Finance and Risk Management: State Aid – Volunteer Fire Relief Funds**

**Parks: Swinging Bridge Estimates**

**Parks: Facility Use Agreement – VFW Auxiliary**

**Parks: Facility Use Agreement – MotorTrend Group**

**Parks: YSM Invoice**

**New Business: Zoning Ordinance Amendment advertisement**

**Unfinished Business: HRG Invoice**

**Unfinished Business: Ordinance No. 5-18**

There being no further business, the meeting adjourned at 9:25 p.m.

Respectfully Submitted,

Christopher M. McGann  
Millersburg Borough Manager