

Council Chamber, October 26, 2016

President Noble convened the meeting of Hanover Borough Council on Wednesday Evening, October 26, 2016, 7:00 PM, in the Hanover Municipal Building, 44 Frederick Street, Hanover, Pennsylvania as advertised.

The meeting began with the Pledge of Allegiance to the Flag of the United States of America, followed by a moment of silence. On roll call the following answered as present: Mr. Angel, Mr. Baumgardner, Mr. Funke, Ms. Libertini, Mr. Marcoccio, Mr. McLin, Mr. Noble, Mr. Reichart, Mr. Roth and Mr. Shea; Mayor Adams; Solicitor Yingst; Manager O'Rourke and Secretary Neiderer.

It was moved by Mr. Reichart, seconded by Mr. Roth to approve the minutes of Hanover Borough Council from September 28, 2016 as presented. Motion carried.

It was moved by Mr. Shea, seconded by Mr. Roth to approve the payment of the bills. Motion carried.

It was moved by Mr. Shea, seconded by Mr. Angel to approve the report of the Mayor and the Report of the Fire Chief. Motion carried.

It was moved by Mr. Angel, seconded by Mr. Marcoccio to approve the reports of the following Borough Administrators:

Reports of the following Borough Administrators:

- a.) Report of the Borough Manager
- b.) Supervisor of Public Works
- c.) Superintendent of Water & Wastewater Treatment
- d.) Supervisor of Water Treatment Plant
- e.) Supervisor of Water Distribution
- f.) Supervisor of Water Meter Department
- g.) Engineering Department
- h.) Library Director

#### **CITIZENS WITH ITEMS OF BUSINESS TO BE BROUGHT BEFORE COUNCIL**

- Ms. Deb Sanders, 249 Baltimore Street: Questioned on behalf of the Boy Scouts, if the public hearing was scheduled regarding the future of the garbage and refuse service. She wanted to know specifically if the Recycling Center on North Street would be discontinued since the Boy Scouts man the center on Saturdays and generate significant funding for the scouts. Mr. Noble and Mr. Shea indicated that nothing has been set in stone at this point; no requirements have been set, but there will be a public hearing scheduled in the future.
- Mr. Arthur Becker, Esquire: Stated he was present on behalf of Shawn and Patty Yingling, 216 Potomac Avenue. He disagrees with the decision of the Hanover Borough Zoning Hearing Board regarding their approval of curb cuts on the plan to allow the Hospital to demolish the current structure and construct a parking lot at 220 Potomac Avenue. He has provided the Solicitor with the decision of the Commonwealth Court on a similar issue. He stated that the Zoning Hearing board had no authority to render an opinion on Article XVI, Section 140-105, and it should not have been filed as an interpretation. He asked for the application to be taken back to the Zoning Hearing Board for a special exception or variance application, and asked for the item to be removed from tonight's Council agenda. Mr. O'Rourke stated the motion should indicate the Planning Commission, and not the Zoning Hearing Board. Mr. Becker stated he intends to file an appeal with the court, and asked Solicitor Yingst to render a decision. Solicitor Yingst stated he cannot render an opinion without adequate time for review, as he was just given this information.

**CITIZENS WITH ITEMS OF BUSINESS TO BE BROUGHT BEFORE COUNCIL**

- Mr. Tim Seitz, 230 Primrose Lane: Mr. Seitz stated he is a member of the Hanover Borough Planning Commission. The Planning Commission approved the plan, and referred same to the Zoning Hearing Board which approved the plan. He agreed with Attorney Becker that an application for a special exception should have been filed with the Zoning Hearing Board instead of an application for interpretation of the ordinance.

It was moved by Mr. Reichart, seconded by Mr. Shea to table the item on this evening’s agenda for approval of the curb cuts on the Proposed Parking Lot Plan for 220 Potomac Avenue for Hanover Hospital 300 Highland Avenue, drawn by Gerald D. Funke, PLS, bearing project number 163050, dated September 26, 2016, as per the approval of the Zoning Hearing Board on October 17, 2016. Mr. Funke recused himself from the vote on the motion. On roll call, the following voted in favor of the motion: Mr. Angel, Mr. Funke, Mr. Marcoccio, Mr. McLin, Mr. Noble, Mr. Reichart, and Mr. Shea; Mr. Baumgardner and Mr. Roth voted in opposition to the motion. The motion passed with seven (7) voting in favor of and two (2) voting in opposition to the motion. Motion carried.

Mr. Hockenberry, CEO of Hanover Hospital stated the hospital is simply trying to quell the neighborhood complaints to manage off-street parking. 316-400 Stock Street parking lots were already approved in the same manner. The goal is to take vehicles off the streets and promote a good neighbor policy. The hospital is a growing vital part of the community. The lot will not be illuminated and Hanover Hospital does not allow smoking on parking lots.

There was discussion on how the hospital’s smoking ban could potentially compel their employees who smoke to park on the street instead of in the hospital’s lots.

**REPORTS OF THE STANDING COMMITTEES**

**Finance & Personnel Committee – Mr. McLin**

It was moved by Mr. McLin, seconded by Mr. Shea to ratify the action of the Borough Officers in making the following investments with People’s Bank for a period of 31 days, September 30, 2016 to October 31, 2016 at a variable interest rate of 0.58%:

| <u>Funds</u>                       | <u>Investments</u> |
|------------------------------------|--------------------|
| General Fund                       | \$6,714,000.00     |
| Sewer Fund                         | \$797,000.00       |
| Guthrie Memorial Library Fund      | \$0.00             |
| Regional Wastewater Treatment Fund | \$377,600.00       |
| Market House Fund                  | \$32,000.00        |
| Liquid Fuels Fund                  | \$94,600.00        |
| Equipment Fund                     | \$152,900.00       |
| Local Services Tax Fund            | \$185,600.00       |
| Business Privilege Tax Fund        | \$307,400.00       |
| Sewer Projects Fund                | \$0.00             |
| Library Projects Fund              | \$18,700.00        |

## REPORTS OF THE STANDING COMMITTEES

### Finance & Personnel Committee – Mr. McLin

| <u>Funds</u>                      | <u>Investments</u>     |
|-----------------------------------|------------------------|
| Hanover Recreation Endowment Fund | \$296,500.00           |
| Water Revenue Fund                | \$2,700,000.00         |
| Water Projects Fund               | \$186,500.00           |
| Hanover Recreation Reserve Fund   | \$34,700.00            |
| Library Endowment Fund            | \$1,657,297.75         |
| 2013 Water Bonds                  | \$0.00                 |
| 2013 Sewer Bonds                  | \$100,000.00           |
| 2013 General Bonds                | \$165,000.00           |
| 2015 Water Bonds                  | \$3,500,000.00         |
| Total                             | <u>\$17,319,797.75</u> |

It was moved by Mr. McLin, seconded by Mr. Roth to award the bid for police uniforms to Red the Uniform Tailor, Lakewood, New Jersey, successful bidder in the amount of \$40,785.00 as per bid specifications. Motion carried.

It was moved by Mr. McLin, seconded by Mr. Roth to approve the annual York County SPCA Contract for 2017 in the amount of \$7,645.00. Motion carried.

It was moved by Mr. McLin, seconded by Mr. Funke to approve the tuition reimbursement for Jose Gonzalez in the amount of \$1,370.00 for successful completion of courses taken at the University of Phoenix toward his Criminal Justice Administration degree. Motion carried.

It was moved by Mr. McLin, seconded by Mr. Funke to release the donated funds in the amount of \$36,594.25 from the Borough of Hanover accounts to the Greater Hanover Area Fire Museum. Motion carried.

It was moved by Mr. McLin, seconded by Mr. Funke to direct the Borough Solicitor to develop an agreement whereby Parcel No. 670000503640000000, known as the Old Eagle Fire Station located on East Hanover Street, would be deeded to the Greater Hanover Area Fire Museum with a reversionary clause allowing the building to revert back to The Borough of Hanover if the Museum should default on obligations of the said agreement. Motion carried.

It was moved by Mr. McLin, seconded by Mr. Roth to authorize the hiring for replacement of one (1) office clerk, due to a recent vacancy of the position. On roll call, the following voted in favor of the motion: Mr. Funke, Ms. Libertini, Mr. Marcoccio, Mr. Roth and Mr. Shea; the following voted in opposition to the motion: Mr. Angel, Mr. Baumgardner, Mr. McLin, Mr. Noble and Mr. Reichart. Mayor Adams broke the tie vote of five (5) in favor of and five (5) against with his vote in favor of the motion which carried.

It was moved by Mr. McLin, seconded by Mr. Roth to authorize the Hertzog Appraisal Services, Hanover, PA to conduct appraisals of the following Hanover Borough owned properties:

## **REPORTS OF THE STANDING COMMITTEES**

### **Finance & Personnel Committee – Mr. McLin**

- a. Wilson Avenue Extended, Tax Parcel 67-DD-56A
- b. 111 Frederick Street, Tax Parcel 67-8-40
- c. Ruel Avenue, Penn Township, Tax Parcel 44-18-21
- d. 434 Baer Avenue, Rear, Tax Parcel 67-4-292

Mr. McLin questioned if 434 Baer Avenue was Attlesberger Park, and Mr. O'Rourke noted this was correct. Motion carried.

### **Planning & Traffic Committee – Mr. Roth**

It was moved by Mr. Roth, seconded by Mr. Shea to request the York County Commissioners to transfer funding in the amount of \$200,000.00 from the Jackson Street, Juniper Lane and Commerce Street Storm Sewer Improvements (Project Number 45582013 amount of \$150,000.00 and Project Number 45571986 amount of \$50,000.00) to the Hanover Commons Storm Sewer Reconstruction Project (Project Numbers 45511980 – 45561902 – 45572131) project to be completed under the CDBG funding. Motion carried.

It was moved by Mr. Roth, seconded by Mr. Angel to award the bid for the Hanover Commons Storm Sewer Reconstruction Project to Barrasso Excavation, Inc. 1523 Memorial Highway, Oley, PA 19547 low bidder in the amount of \$352,500.50 which is the base bid amount and bid Alternate Number 1, upon proper review and acceptance by Hanover Land Services, Inc., York County Planning Commission and Borough staff verifying submission of all necessary documents and qualification of bidder according to the specifications. Motion carried.

It was moved by Mr. Roth, seconded by Mr. Shea to approve the final Subdivision Plan for Hanover Ice Company, Inc. (Parcel # 0149) conveying a small section of land to Hanover Home Association (Parcel # 0149B). The plans were drawn by Worley Surveying, 551 Baltimore Street, Hanover, PA bearing file number E-2827 Subdivision, and dated April 27, 1991. Note these plans were approved by Borough Planning Commission on May 29, 1991 and Hanover Borough Council on June 5, 1991. The plans were not recorded with the County and Hanover Land Services, Inc. 585 McAllister Street, Hanover, PA is resubmitting plans for re-approval and recording with the County. Motion carried.

It was moved by Mr. Roth, seconded by Mr. Angel to reduce the required security amount of the Irrevocable Letter of Credit No. 5-14033 from \$60,860.25 by \$56,795.75, for Larry Redding for the Peach Tree Terrace Development thereby leaving the remaining balance of \$4,064.50 to be held for the completion of the required public improvements as referenced in the Agreement dated November 6, 2014 and plans dated June 24, 2014 last revised August 25, 2014, bearing File No. 121141. Mr. Funke recused himself from voting on the motion. Ms. Libertini asked why the money was being refunded. Mr. O'Rourke responded that there is no longer a need to hold this portion of the funds since the improvements were completed. The remaining funds of \$4,064.50 will be held until the balance of improvements are completed. Motion carried.

### **Public Safety Committee – Mr. Funke**

It was moved by Mr. Funke, seconded by Mr. Reichart to approve the proper officers of The Borough of Hanover to submit a "Letter of Intent" to the Pennsylvania Governor's Center for Local Government Services to request technical assistance for a Police Management Study. Motion carried.

## REPORTS OF THE STANDING COMMITTEES

### Public Service & Communications Committee – Mr. Shea

It was moved by Mr. Shea, seconded by Mr. Roth to grant the request of the Kiwanis Club of Hanover to lease a stand at the Hanover Market House for sale of pecans on Saturdays from November 5<sup>th</sup> through December 31<sup>st</sup>, 2016, at a rate of \$5.70 per week for the vendor stall rental. Motion carried.

It was moved by Mr. Shea, seconded by Mr. Funke to approve Ordinance No. 2252 entitled **“AN ORDINANCE OF THE BOROUGH OF HANOVER, YORK COUNTY, PENNSYLVANIA, AMENDING THE CODE OF THE BOROUGH OF HANOVER BY REVISING CHAPTER 259, SECTION 259-3 TO PROHIBIT SMOKING AT ALL PUBLIC PARKS AND RECREATION FACILITIES AND THE PARKING AREAS ADJACENT THERETO.”** Mr. Baumgardner asked how this would affect 3 Hogs Barbeque who rents the concession stand, since patrons routinely eat lunch and smoke at the picnic tables outside. Manager O’Rourke stated that the State’s smoking/non-smoking laws would preempt the Borough’s ordinance in the restaurant itself, but it is questionable whether this ordinance would apply to the picnic tables outside the enclosure since the tables are utilized by patrons of the restaurant and are adjacent to the restaurant. On roll call, the following voted in favor of the motion: Mr. Angel, Mr. Baumgardner, Mr. Funke, Ms. Libertini, Mr. McLin, Mr. Noble, Mr. Reichart, Mr. Roth and Mr. Shea; Mr. Marcoccio voted in opposition to the motion. Motion carried.

It was moved by Mr. Shea, seconded by Mr. Roth to grant the recommendation of the Hanover Borough Recreation Board to increase fees as follows:

a. Good Field & Moul Field Complex Field Use Fees

|               |                    |
|---------------|--------------------|
| Current Fee:  | \$250.00 Flat Fee  |
| Proposed Fee: | \$100.00 per month |

b. Men’s Softball Season

|               |                   |
|---------------|-------------------|
| Current Fee:  | \$300.00 Flat Fee |
| Proposed Fee: | \$350.00 Flat Fee |

c. Lighted Field at Moul Field Complex

|                        |                  |
|------------------------|------------------|
| Current Lighting Fee:  | \$10.00 Per Hour |
| Proposed Lighting Fee: | \$15.00 Per Hour |

d. Overall Tournament Fees

|               |                  |
|---------------|------------------|
| Current Fee:  | \$ 0.00          |
| Proposed Fee: | \$50.00 Flat Fee |

e. Tournament Game Fees

|               |                  |
|---------------|------------------|
| Current Fee:  | \$10.00 Per Game |
| Proposed Fee: | \$15.00 Per Game |

Motion carried.

It was moved by Mr. Shea, seconded by Mr. Roth to grant the request of Southwest York Baseball to utilize the following fields at Good Field Complex: baseball field #1 (front left field furthest from concession stand) on Mondays, Wednesdays, and Fridays; baseball field #2 (front right field closest to concession stand) on Tuesdays and Thursdays; and one (1) softball field (back left field farthest from concession stand) for baseball practices and games from April 1<sup>st</sup> thru October 31<sup>st</sup>, 2017 for a fee of \$1400.00. Motion carried.

It was moved by Mr. Shea, seconded by Mr. Roth to grant the request of Southwest York Outlaws Softball to utilize two (2) softball fields # 1 and #2 at Good Field Complex and two (2) upper softball fields at Moul Field Complex for the 2017 Snacktown Showdown Tournament for 14U and 16U girls on Friday, June 2<sup>nd</sup>, Saturday, June 3<sup>rd</sup>, and Sunday, June 4<sup>th</sup> for a tournament fee of \$50.00, plus a \$15.00 per game fee. Motion carried.

## REPORTS OF THE STANDING COMMITTEES

### Public Service & Communications Committee – Mr. Shea

It was moved by Mr. Shea, seconded by Mr. Roth to grant the request of Southwest York Outlaws Baseball to utilize four (4) fields at Good Field Complex and two (2) fields at Moul Field Complex for the 2017 Snacktown Showdown Youth Baseball Tournament on Friday, June 9<sup>th</sup>, Saturday, June 10<sup>th</sup>, and Sunday, June 11<sup>th</sup> for a tournament fee of \$50.00, plus a \$15.00 per game fee. Motion carried.

It was moved by Mr. Shea, seconded by Mr. Roth to grant the request of Bulldog Baseball Club to utilize the following fields at Good Field Complex: Baseball field #2 (closest to the concession stand) on Mondays and Wednesdays Baseball field #1 (farthest from the concession stand) on Tuesdays and Thursdays from March 6<sup>th</sup> through July 28<sup>th</sup>, 2017 for baseball practices for a fee of \$500.00 dollars. Motion carried.

It was moved by Mr. Shea, seconded by Mr. Roth to grant the request of Mason Dixon Ruffnecks to utilize four (4) Fields at Good Field Complex for Spring Slugfest Tournament on Friday, April 7<sup>th</sup>, Saturday, April 8<sup>th</sup>, and Sunday, April 9<sup>th</sup>, 2017 and the Father's Day Rumble Tournament on Friday, June 16<sup>th</sup>, Saturday, June 17<sup>th</sup>, and Sunday, June 18<sup>th</sup>, 2017 for a \$50.00 fee per tournament, plus a \$15.00 per game fee. Motion carried.

### Water & Sewer Committee – Mr. Reichart

It was moved by Mr. Reichart, seconded by Mr. Roth to approve Resolution No. 1137 and settlement agreement with the Pennsylvania Department of Transportation for Impounding Dam Road Bridge Relocation Project. Motion carried.

It was moved by Mr. Reichart, seconded by Mr. Funke to approve Resolution No. 1138 for the Municipal Election to "Opt-In" to the Development & Implementation of the *York County Regional Pollutant Reduction Plan* as part of the Chesapeake Bay cleanup effort which coincides with the MS4 permitting regulations. Motion carried.

It was moved by Mr. Reichart, seconded by Mr. Angel to enter into an agreement with National Water Main Cleaning Company, Canton, Massachusetts, for cleaning, grouting, root removal, bypass pumping and lining of Sanitary sewer main at Good Field in the amount of \$56,250.00. Motion carried.


## MAYOR'S REPORT

On October 18<sup>th</sup>, Mayor Adams read a proclamation for the Fire Department's Fill the Boot campaign which benefits the Muscular Dystrophy Association; over \$18,000 was raised between the departments.

## Adjournment

It was moved by Mr. Funke, seconded by Mr. Shea to adjourn the meeting at 7:55 PM. Motion carried.

Respectfully submitted,

  
Dorothy C. Neiderer  
Borough Secretary

NO. 2252

AN ORDINANCE

AN ORDINANCE OF THE BOROUGH OF HANOVER, YORK COUNTY, PENNSYLVANIA, AMENDING THE CODE OF THE BOROUGH OF HANOVER BY REVISING CHAPTER 259, SECTION 259-3 TO PROHIBIT SMOKING AT ALL PUBLIC PARKS AND RECREATION FACILITIES AND THE PARKING AREAS ADJACENT THERETO.

BE IT ENACTED AND ORDAINED by the Council of the Borough of Hanover, York County, Pennsylvania, and it is hereby enacted and ordained by the authority of same as follows:

Ordinance No. 2188 (the Code of the Borough of Hanover) is hereby amended by revising Chapter 259, Section 259-3 as follows:

1. The following subsection is added to Section 259-3. Park rules enumerated:

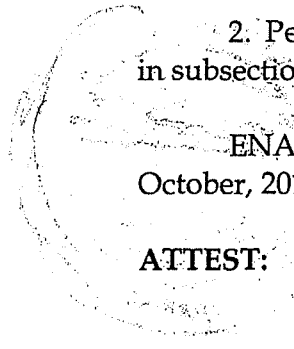
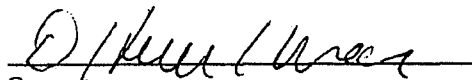
P. Smoking is prohibited in all public parks and recreation areas maintained and/or owned by the Borough of Hanover, including in the Borough-owned parking areas adjacent thereto and used in conjunction therewith. For purposes of this subsection, the word "smoking" means inhaling, exhaling, burning or carrying any lighted or heated cigar, cigarette, or pipe, or any other lighted or heated tobacco or plant product intended for inhalation, including hookahs and marijuana, whether natural or synthetic, in any manner or in any form. "Smoking" also includes the use of an electronic smoking device which creates an aerosol or vapor, in any manner or in any form, or the use of any oral smoking device for the purpose of circumventing the prohibition of smoking set forth above.

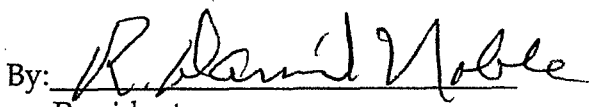
2. Penalties for the violation of Section P set forth above shall be as already set forth in subsection N of Section 259-3.

ENACTED AND ORDAINED by the Hanover Borough Council on this 26<sup>th</sup> day of October, 2016.

ATTEST:

BOROUGH COUNCIL OF THE  
BOROUGH OF HANOVER

  
  
Secretary

By:   
President

Approved this 26<sup>th</sup> day of October, 2016.

  
Mayor