

Council Chamber, October 9, 2013

Hanover Borough Council met in public session, Wednesday Evening, October 9, 2013, 7:30 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. Connor, Mr. Eline, Mr. Gerken, Mrs. Griffin, Ms. Hormel, Mr. Hufnagle, Mr. McLin, Mr. Morris, Mrs. Yingling; Junior Councilman Sheaffer; Mayor Adams; Solicitor Yingst, Manager Krebs and Secretary Miller; Mr. Funke was absent.

President Gerken noted an executive session of Hanover Borough Council was held Wednesday, October 2, 2013 at 7:00 PM in the Hanover Municipal Building, 44 Frederick Street, Hanover, PA to discuss legal issues.

BID OPENING

President Gerken announced the next item on the agenda were the bids to be opened for the Library Place ADA Ramp and New Curbing Improvements. Three (3) bids were opened, read and recorded (*see bid tabulation sheets attached*).

MAIN STREET HANOVER & ECONOMIC UPDATE

President Gerken introduced Ms. Katie Caples, Manager of Development and Main Street Hanover, York County Economic Alliance. Ms. Kaples referred to her Economic Development and Main Street Update which was distributed to Council members as a handout this evening. She outlined the current status of the Hanover Regional Economic Development Plan Process, noting the Visioning, Review of Existing Conditions and Review of Business and Assessment & Resources have thus far been completed and the next step is the development of Strategies. The last step being a Final Draft of the Development Plan. The total Economic Value Calculations for General Economic Development of 445 hours amount to a dollar value of \$9,450. Since the last update in August, hours increased by 184.5 and value dollars increased by \$3,917.00. She outlined the grants received, awarded and those applied for to maximize the investment dollars which total \$37,600 in grant/trade opportunity. The Economic Value Calculations for Main Street Hanover amount to \$14,535 with 684 hours, noting since the last update in August, the hours increased by 167 and the value dollar amount increased by \$3,549.00. Ms. Kaples invited Council to the Main Street Hanover logo unveiling ceremony which will be held on Thursday, October 10th at 4:30 PM in Center Square with an alternate location of 22 Carlisle Street if it is raining. The Keystone Community Designation was submitted and is currently under review, and if granted will open up new opportunities for grant monies. She thanked all who attended the Art & Music in the Park event on September 14th and noted two (2) upcoming events, the Holiday Scramble to be held on Black Friday, November 29th and a Small Business event on Saturday, November 30th. She invited all citizens and Council to participate by serving on any of the Committees for Main Street Hanover; more information can be found on the Chamber of Commerce website or by calling Ms. Kaples at the Hanover Chamber of Commerce.

Ms. Kaples introduced Mr. Blanda Nace, Senior Manager of Development at the York County Economic Alliance who asked for public input via the Economic Development Survey at <https://www.surveymonkey.com/s/EDplanUpdate>. He invited all to attend the Economics Club Breakfast scheduled on Wednesday, November 13th at 7:30 AM at the Yorktowne Hotel, for an update of the York County Economic Development Plan.

Mr. Nace and Ms. Kaples thanked Hanover Borough Council for their continued cooperation and the opportunity to make their presentation this evening.

President Gerken thanked Mr. Nace and Ms. Kaples for their presentation this evening.

CITIZENS WITH ITEMS OF BUSINESS TO BE BROUGHT BEFORE COUNCIL

Ms. Megan McDonald, 10 South Penn Street and one of the owners of the Broken Cookie Bakery addressed citizens and Council with a critique of her business plan to lease an area of the library and help with fundraising and community events. The process began when she was approached by the Library Director of Development as a potential lessee in July, then submitted a business proposal shortly thereafter; on August 28, 2013 Hanover Borough Council formally approved this lease. At the September 11th Council meeting there was opposition to this effort. She noted many incorrect references on the "Save Hanover's Public Library" Facebook page. She stated she has an approved lease, she has already booked nineteen (19) events for her venue, and anticipates great success, not only for her, but for the library as well. Ms. McDonald further stressed that her purpose this evening was to highlight her group's intent in supporting the library as a community center and helping with financial relief for the library. She looks forward to planning many classes and smaller events, which all would coincide with library and community venues.

Ms. Amanda Weaver who owns a business in Penn Township voiced her support of Megan and other small businesses in the community. She stated she does not approve of the library being used as a scapegoat and disapproved of the children's area being moved. She asked Council to consider a better solution to the library's financial problems.

Mr. Brian Hissong, 11 Monroe Street, stated he is a librarian and supports the Guthrie Gals lease with the library. He recognizes that the modern library is so far removed from that of 1911, and understands that change is often difficult to accept, but feels this lease would be a viable solution to help with financial relief for the library.

Mr. John Hollinger, 5 Holly Court, questioned what the bids for the library were for. Manager Krebs clarified that the bids were for sidewalk and curbing improvements paid for through a Community Development Block Grant.

Mrs. Kathryn Hoar, 741 Sheppard Road, owner of the Sheppard Mansion, wished Ms. McDonald every success in her business in the community. She stated she met with Manager Krebs and Solicitor Yingst to discuss the future of the library. She stated her group's goals to save the library include: Financial stability with the Borough only paying its fair share; a return to the former floor plan layout with the children's area being moved back to the second floor; a designation for the Library Board of Governors to be the entity taking a more active role as governing body that runs the library; the need for fundraising and development to sustain the library in the future; an operating agreement; and lastly, a detailed account of the history of the library reconstruction project, which she has asked Manager Krebs to provide.

Mr. Kevin Hayward, owner of the Ox Paper and Tube, Maple Avenue, feels there is a miscommunication between the management, Council and the public. He noted the Borough's long term debt and acquisition of more bonds due to infrastructure development needs and complained of general apathy with all parties and offered his knowledge and support.

Mrs. Prudence Keffer, owner of 227 Baltimore Street, expressed her dissatisfaction with Council's lack of attention to the 219 Baltimore Street property where the roof has collapsed; and thought there should be a change in Council's policies.

Sandy Long, owner of the property at Broadway and York Street, asked Ms. McDonald if she planned to bring in the food to the library or if the baking and cooking would be done on-site. Ms. McDonald answered that she would bring the food to the library, to avoid the renovations and addition of a cooking/baking facility. Ms. Long then asked her about a Liquor License. Ms. McDonald responded she would operate under a BYOB policy, and utilize certified employees.

CITIZENS WITH ITEMS OF BUSINESS TO BE BROUGHT BEFORE COUNCIL

Councilman Eline thanked Ms. Weaver for her attendance this evening, being a resident of Penn Township. He encouraged her to attend the meetings of the Penn Township Commissioners to make them aware of the Fair Share Funding support that is needed for the library. Mr. Eline noted the lack of fair share support from surrounding municipalities. Manager Krebs clarified how fair share contributions are calculated; they are determined by level of library use from each municipality. Letters are sent to each corresponding municipality annually designating the amount of their fair share contribution. Manager Krebs encouraged Ms. Weaver to attend her township's meetings in support of the library's need for the payment of their fair share contribution.

Manager Krebs stated that the library's debt service is between \$742,000 and \$750,000 annually.

Councilman Eline clarified that the recent Bond Issues are a direct result of the State Department of Environmental Protection mandates for infrastructure improvements such as those of the reservoirs, water filtration plant and sewer plant.

President Gerken thanked all for their concerns and attendance this evening.

Finance Committee Chairman McLin made the following statement:

"Comments on the Executive Session: I did not attend the executive session held Wednesday because I felt that the agenda of the meeting was dangerously close to violating the Sunshine Act. The purpose of the meeting was according to the following Statement from Manager Krebs:

'Good Morning Everyone, for clarification the purpose of this meeting is to hold an executive session to update all of Council on the meeting held Friday with Scott Roland and Kathy Sheppard Hoar concerning the withdrawal of the lease with the Guthrie Gals. Council will need to decide how they wish to move forward with the library so staff and legal counsel can draft a motion to be voted on at the October 9, 2013 7:30 meeting of Council. Our Solicitor then will be able to draft a letter including all of Council's decisions concerning the library. My hope is by the end of this discussion management will have direction on the library budget issues concerning staffing, hours of operation, utilization of the second floor and which activities will be allowed to be utilized for room rentals. We will also be updating Council on the Blue Quarry Farm as well. Barbara A. Krebs, Manager'.

This Council has in my opinion erred repeatedly on the non-disclosure side in what can be discussed from the Executive Sessions. This has resulted in the failure to do its duty to include the public in its decision making. The lease with the Guthrie Gals first appeared on the agenda with no public discussion about the many issues involved with the lease. The lease was prepared by our Solicitor and given to the Budget Review Committee who recommended to Council to approve the lease. The many issues regarding taxation, usage, zoning, deed restrictions, financial feasibility, and budget impact of the Guthrie Gals lease were never addressed in public and barely discussed in private. I was never aware of any discussions regarding the \$37,000 contract to renovate the third floor of the library until questions were raised at the Finance meeting on September 18th. The legality of that contract has never been addressed in my presence outside of the public comment period at the Finance meeting. When these issues and others about the Guthrie Gals contract were brought before the Council on September 11th by Attorney Frey, Council listened, but did not join the discussion. After the last Council meeting on September 27th when a plea was made to stop the lease now the Council President said our lawyers would be talking with no indication of Council's position. There has been no public discussion about Council's current position on the Guthrie Gals lease. The termination of that lease is finally an item on tonight's agenda. This is not the only issue that Council has been less than open on. The nature trail project off Eisenhower Drive was moved forward by Council with little or no open discussion. A Council member, Heidi Hormel, was accused of misbehavior warranting removal from office regarding Facebook comments about the nature trail. An executive session called to discuss this so-called personnel issue resulted in no action, based on no evidence of an offense warranting removal from office. The only thing Heidi was guilty of was disagreement with Council's openness policies and expressing views that differed with other Council members and staff. The Budget Review Committee formed after last year's twenty-five percent tax increase is a third area contributing to an appearance of lack of openness. The Committee has been meeting without an official chair since Sonny Eline resigned as chair after the first meeting. The Committee is not technically a Committee under the Sunshine Act but rather an advisory group because it is not advertised and a quorum of councilors does not attend. The Borough Manager prepares the agenda and essentially chairs the meetings. At the last meeting on September" (blank) "the Borough Manager stated that she never recommended not raising taxes in 2014 and she presented a budget in August to the Finance Committee requiring a 27 percent 1.3 million tax increase need to assure adequate carryover. There is an alarming lack of openness between Council and the public and the President and Borough Manager and the rest of Council. What can Council do to fulfill their responsibilities under the

CITIZENS WITH ITEMS OF BUSINESS TO BE BROUGHT BEFORE COUNCIL

Sunshine Act? In my opinion, a change in leadership is needed. I am therefore requesting a motion for nominees for a new Council President."

Mr. McLin asked if there was a motion to appoint a new Council President. Councilperson Hormel stated she would make such a motion. The motion died for lack of a second.

REPORTS OF THE STANDING COMMITTEES

Finance & Personnel Committee – Mr. McLin

It was moved by Mr. McLin, seconded by Mr. Hufnagle to ratify the action of the Borough Officers in making the following investments with Members First Federal Credit Union for a period of 31 days, September 30, 2013 to October 31, 2013 at an interest rate of .20%:

<u>Funds</u>	<u>Investments</u>
General Fund	\$948,622.52
Bicentennial Fund	\$1,377.48
Sewer Fund	\$400,000.00
Bucks for Books Fund	\$112,000.00
Regional Wastewater Treatment Fund	\$160,000.00
Market House Fund	\$16,000.00
Liquid Fuels Fund	\$60,000.00
Equipment Fund	\$60,000.00
Local Services Tax Fund	\$169,000.00
Business Privilege Tax Fund	\$14,000.00
Brier Memorial Fund	\$11,470.00
Leisure Services Fund	\$43,000.00
Old Hanover Videos Fund	\$980.00
Sewer Projects Fund	\$0.00
Library Projects Fund	\$170,000.00
Hanover Recreation Endowment Fund	\$295,000.00
Water Revenue Fund	\$250,000.00
Water Projects Fund	\$186,000.00
Market House Reserve Fund	\$5,656.45
Hanover Recreation Reserve Fund	\$12,649.53
Library Endowment Fund	\$764,376.06

REPORTS OF THE STANDING COMMITTEES

Finance Committee – Mr. McLin

<u>Funds</u>	<u>Investments</u>
Sewer Reserve Fund	\$0.00
Total	<u>\$3,680,132.04</u>

Motion carried.

It was moved by Mr. McLin, seconded by Ms. Hormel to enter into an Amendatory Contract for the Hanover Borough/Penn Township Joint Comp Plan Community Development Block Grant #45351889, with the York County Planning Commission which acknowledges a decrease in funding by \$10,353.90, for a total grant of \$9,646.10. Motion carried.

Water and Sewer Committee – Mrs. Griffin

It was moved by Mrs. Griffin, seconded by Mrs. Yingling to approve Resolution No. 1058 authorizing the Proper Officers of The Borough of Hanover to trade nutrient credits as designated under Pennsylvania's Nutrient Credit Trading Program through the Pennsylvania Infrastructure Investment Authority (PENNVEST), in compliance with Department of Environmental Protection Regulations. Motion carried.

It was moved by Mrs. Griffin, seconded by Ms. Hormel to authorize the proper officers of The Borough of Hanover to enter into a water consumer deposit agreement with Joseph A. Myers, 160 Ram Drive, Hanover, PA for installation of approximately 900 feet of 6" water main on Friendly Drive; including 14 – 1" service laterals in the Chapel View Development Phase II Sec.2C at a cost of approximately \$24,300.00. Motion carried.

Public Service Committee – Mr. Eline

It was moved by Mr. Eline, seconded by Mrs. Yingling to table the proposed termination of the lease with The Guthrie Gals, LLC, d/b/a Galas at the Guthrie, for rental of portions of the Guthrie Memorial Library for a period of five (5) years beginning October 1, 2013, as previously approved by Council at its meeting held August 28, 2013. On roll call, the following voted in favor of the motion: Mr. Morris, Mrs. Yingling and Mr. Eline; voting

REPORTS OF THE STANDING COMMITTEES

Public Service Committee – Mr. Eline

In opposition to the motion were Mr. McLin, Mr. Connor, Mrs. Griffin, Mr. Hufnagle, Ms. Hormel and Mr. Gerken. Motion failed.

It was moved by Mr. Hufnagle, seconded by Ms. Hormel to terminate the lease with The Guthrie Gals, LLC, d/b/a Galas at the Guthrie, for rental of portions of the Guthrie Memorial Library for a period of five (5) years beginning October 1, 2013, as previously approved by Council at its meeting held August 28, 2013. On roll call, the following voted in favor of the motion: Mr. McLin, Mr. Connor, Mrs. Griffin, Mr. Hufnagle, Ms. Hormel and Mr. Gerken; voting against the motion were Mr. Morris, Mrs. Yingling and Mr. Eline. Motion passed 6 – 3.

Ms. Hormel commented Council is not passing judgment on the business itself; and in fact, supports The Broken Cookie as an excellent bakery in the community.

It was moved by Mr. Eline, seconded by Ms. Hormel to award the contract for Library Place ADA Ramp and New Curbing Improvement to Doug Lamb Construction, Inc., low bidder, in the amount of \$12,977.50. Motion carried.

MAYOR'S REPORT

Mayor Adams reported his attendance on October 4th at the Hanover High School Homecoming Parade.

OTHER MATTERS

Communications

Manager Krebs asked Council Members to review the budget drafts she distributed this evening in preparation for the Finance & Personnel Committee meeting scheduled for Wednesday October 16th.

ADJOURNMENT

President Gerken thanked all citizens, staff and Council Members for their attendance this evening.

It was moved by Mr. Eline, seconded by Mr. Hufnagle to adjourn the meeting at 8:53 PM. Motion carried.

Respectfully submitted,



Dorothy C. Miller
Secretary

BID TABULATION SHEET

BIDS AWARDED WEDNESDAY, OCTOBER 9, 2013 at 7:30 PM

LIBRARY PLACE ADA RAMP AND NEW CURBING

as per bid specifications

	* Doug Lamb Construction, Inc. 1180 Zeager Road Elizabethtown, PA 17022 <u>NAME OF BIDDER</u>	Washington & Dowling Contractors, Inc. 361 South Warren Street York, PA 17403 <u>NAME OF BIDDER</u>	Carbaugh Concrete, Inc. 3834 Jefferson Road Glen Rock, PA 17327 <u>NAME OF BIDDER</u>	<u>NAME OF BIDDER</u>
Item 1 - Concrete Curb Removal - 25 LF	\$ 500.00	\$ 750.00	\$ 750.00	\$
Item 2 - Concrete Sidewalk Removal - 135 SF	\$ 472.50	\$ 1,080.00	\$ 675.00	\$
Item 3 - PA DOT Vertical Curbing - 116	\$ 5,220.00	\$ 5,800.00	\$ 5,800.00	\$
Item 4 - Concrete Sidewalk Installation - 515 SF	\$ 4,635.00	\$ 7,210.00	\$ 5,150.00	\$
Item 5 - ADA Ramp with Warning Surface	\$ 1,100.00	\$ 2,500.00	\$ 3,500.00	\$
Item 6 - Install Detectable Warning Surface - 3	\$ 1,050.00	\$ 750.00	\$ 750.00	\$
TOTAL BID PRICE:	\$ 12,977.50	\$ 18,090.00	\$ 16,625.00	\$

* Indicates successful bidder at meeting held Wednesday, October 9, 2013