

## **MONT ALTO BOROUGH COUNCIL MEETING**

**CALL TO ORDER** – Council President Michael Gossard called the Regular meeting of May 4, 2009 of the Mont Alto Borough Council to order at 6:33 p.m.

**ROLL CALL** – Dennis Monn, Beverly Spicer, Debra Lee, Rick Lee, Tom Lowson, Shannon Strizziere and Michael Gossard present.

**MAYOR** – Mayor John Esser present.

**BOROUGH STAFF** – Maurice Gossert Engineer, Michael Hansen Zoning Officer and Patricia Kocek Borough Secretary.

**INVOCATION** – P. Kocek

### **PLEDGE OF ALLEGIANCE**

#### **VISITORS**

Allison Stains	The Record Herald
Michael Cermak	Accredited Services
Timothy Misner	Representing Apex of Mont Alto
Irvin Jones	Discuss Comcast Cable

**Apex at Mont Alto** – Council President M. Gossard recognized Attorney Timothy Misner.

Council President M. Gossard stated that the development was proposed for a housing unit for student housing and/or anyone else who would be interested in renting an apartment there, not necessarily was the criteria to be a student solely.

M. Gossard continued, and at the time the permits were approved to be built there was discussion about a fitness area and a common area. At that time it was also discussed and discovered that should that occur that changes the zoning requirements and at that time it was not approved as such.

M. Gossard has a copy of the Lease and all of the information that is being given to the 80+ students who have already rented beds up there. He read the list of items that the renters are being told will be available in the Common Area. M. Gossard stated that this common area was not approved or not shall we as of the existing zoning requirements.

M. Gossard said that he has a copy of the lease and it was solely explained that if you are not a student you are not permitted to rent a piece of property up there.

M. Gossard brought the following before Council.

The Occupancy Permits per such or whatever we can do to stop this needs to be enforced now until this all cleared up.

T. Misner told Council that when this was approved there was a document presented to Council that was approved except the one exception, 12:00 A.M. was stricken and midnight put in. #5 document states: “A clubhouse will be constructed within one of the townhouses”

Council President M. Gossard stated that this was discussed but it was stricken from because of the use required under the Zoning.

T. Misner contends that the Declaration of Covenants and Deed Restrictions that was approved by Council on April 7, 2008 allows for a Common Area in the Apex development.

A very lengthy discussion followed on all aspects of whether or not a Common Area is an allowable use in the Apex development. M. Hansen and M. Cermak discussed the zoning aspect of the Project.

D. Monn made a motion to issue a Cease and Desist Order for the Clubhouse until such time as the Borough can seek legal counsel, D. Lee seconded, any further discussion, any further discussion, all in favor Aye, opposed No, motion carried.

M. Gossard instructed M. Hansen to issue a Cease and Desist Order until such time that this is resolved.

Short discussion about only students being allowed to rent the units at the Apex development.

T. Misner left the meeting at 6:46 p.m.

Council, M. Hansen and M. Cermak continued to discuss the issues at the Apex development.

**Liens against Grist Mill properties** – Council President M. Gossard brought it to the Council’s attention that Troy Beam is clearing lots to build duplexes. There are liens against this property for clearing brush two (2) times.

M. Hansen told Council that from a zoning viewpoint he is in compliance. M. Hansen recommended that Borough Council consult their solicitor about the matter of the liens.

P. Kocek to notify J. Evans about the duplexes being built on Grist Mill Drive and the liens against the property.

## **VISITORS**

Irvin Jones                      Comcast Cable

Council President M. Gossard recognized Irvin Jones. I jones is concerned about the way Comcast Cable is always chaing the line up of channels for the cable and they have taken a lot

of the stations away from the customers. M. Gossard told I. Jones that the channel selection is up to the cable company. I. Jones doesn’t feel Comcast is living up to their original deal.

M. Gossard will instruct J. Evans to send a letter to Comcast Cable.

I. Jones left the meeting at 7:03 p.m.

## **ACCEPTANCE OF ZONING OFFICERS REPORT**

**April 2009** – D. Lee made a motion to accept the Zoning Officer’s Report for April 2009, D. Monn seconded, any further discussion, any further discussion, all in favor Aye, opposed No, motion carried.

**BOROUGH OF MONT ALTO**  
**ZONING OFFICERS REPORT TO THE BOROUGH COUNCIL**

Michael Hansen  
 for Accredited Services, Inc.  
 Zoning Officer

Report Period: April, 2009

**LAND USE PERMITS**

<u>Date</u>	<u>Name</u> <u>Project Address</u>	<u>Inspections</u>	<u>Comments</u>
4/07/09	Barbara Hagerich 292 Verdier Street		Permit 09-03 New 10' X 8' Deck
4/20/09	Borough of Mont Alto Mont Alto Recreation Area		Permit 09-04 Install 3 Fences
4/21/09	Boswell Property Management 526 Park Street		Permit 09-05 New Single Family Dwelling
4/21/09	Jason Grimaldi 109 Poplar Street		Permit 09-06 New 24' X 28' Garage
4/21/09	Equitable Holdings 2 Grist Mill Drive		Permit 09-07 New ½ Duplex
4/21/09	Equitable Holdings 4 Grist Mill Drive		Permit 09-08 New ½ Duplex
4/23/09	Brian Phillips 219 Park Street		Permit 09-09 New 12' X 17' Deck

**DEMOLITION PERMITS**

NONE

**SUBDIVISION REVIEWS**

NONE

Land Use Permits Issued This Month	7	Demolition Permits Issued This Month	0
Land Use Permits Denied This Month	0	Demolition Permits Denied This Month	0
Land Use Permits Issued To Date	9	Demolition Permits Issued To Date	0

Subdivision Reviews This Month	0
Subdivision Reviews Year To Date	0

**Building Code Officials Report April 2009 and Complaint Log** – M. Hansen very briefly reviewed the open issues listed on the Report with the members of Council. (Copy on file)

**Item #8 Vehicles 108 Park Street** - The problem with the cars at 108 Park Street has not been abated. This item was referred to the Solicitor for action. M. Hansen has to sign the criminal complaint at J. Evans' office. Waiting to hear from J. Evans' secretary.

**Frank's Taste of Italy** – M. Hansen is working with this establishment to see if they can have tables outside during the summer. He can't find anything in the Zoning Ordinance to prohibit this use. D. Lee told M. Hansen that Frank's Taste of Italy is a BYOB establishment. It was also suggested that some type of barrier be erected to keep vehicles from running into the tables. Continued discussion. M. Hansen will look into this matter.

**Clean up Mont Alto Initiative** – Mayor Esser inquired about the status of this project. Zoning Officer M. Hansen told Council that he has not issued any letters since the last time but he has two (2) properties ready to cite.

**Commonwealth Code Inspection Service, Inc. Report** - For your information.

**Accredited Services Report** – For your information.

## **APPROVAL OF MINUTES**

**April 6, 2009**

D. Monn made a motion to approve the Minutes of April 6, 2009, S. Strizziere seconded, any further discussion, any further discussion, all in favor Aye, opposed No, motion carried.

## **ACCEPTANCE OF TREASURER'S REPORT**

**March 31, 2009** – D. Monn made a motion to accept the Treasurer's Report of March 31, 2009, D. Lee seconded, any further discussion, any further discussion, all in favor Aye, opposed No, motion carried.

Table the April 30, 2009 Treasurer's Report until the June 2009 meeting.

**ADOPT RESOLUTION NO. 484 TRANSFER OF FUNDS APRIL 2009** – M. Gossard made a motion to adopt Resolution No. 484, Transfer of Funds for April 2009, D. Lee seconded, any further discussion, any further discussion, all in favor Aye, opposed No, motion carried.

## **FINANCE AND ADMINISTRATION COMMITTEE**

**COLA Policy** – Council President M. Gossard has a draft copy of the Policy. He will email this to Council for their review.

**VACANCIES** - None

## **ATTORNEY'S REPORT**

**Recreation Fees for developers** – T. Lowson reported that the committee has not met to discuss the fees for developers.

## **MAYOR'S REPORT**

**May 4, 2009** – The May 4, 2009 report was provided to Council in their packets on April 3, 2009.

Mayor J. Esser briefly reviewed the May 4, 2009 Mayor's Report with the members of Council. (COPY ON FILE)

Mayor J. Esser told Council that Penny Jo Bach was sent a letter asking her not to park her van at the small recreational area parking lot on Constitution Avenue.

After learning about this letter and the office receiving a call from Ms. Bach, Mayor Esser contacted P. Bach. The letter that J. Esser passed out this evening is from P. Bach citing the reasons they park at the small parking lot.

After a lengthy discussion, P. Kocek was instructed to write a letter to P. Bach stating that Council prefers that they not park there but if she does the Borough assumes no responsibility for her vehicle.

M. Hansen and M. Cermak left the meeting at 7:22 p.m.

**Status new ball fields PSU** – Short discussion. Mayor Esser will contact Mr. Gnage at PSU.

## **ENGINEER'S REPORT**

**Report on progress of Borough boundary project** – M. Gossert reported that a small amount of surveying was done this past month, but they are scheduled to survey the Penn State area on May 18, 2009.

## **WATER/SEWER COMMITTEE**

**Water problems – Carbaugh/Baker property Slabtown Road and Furnace Road** – Council Vice President D. Monn told Council that J. Bakner and L. Wenger spoke to G. Carbaugh. One meter will be installed because G. Carbaugh pays the bills for all of the trailers.

The problem at the Baker property has not been resolved.

**Monitoring Water Treatment Plant and the wells on the weekend** – L. Wenger was told by his DEP representative that the Plant has to be physically checked every day.

D. Monn feels the SCADA System can take care of the weekends and holidays and the SCADA system can be monitored with the computer.

The MAMA agreed to pay the extra money for the weekend and holiday visits to the Plant.

Discussion. M. Gossert suggests going over the inspectors head to his supervisor and explain what the SCADA System does to monitor the water system.

P. Kocek instructed to put this item on the MAMA Agenda for Monday May 11, 2009.

## **STREET COMMITTEE**

**Joint road maintenance with Quincy Township** – Nothing at this time.

**Mont Alto Borough Square Project Update** – Council Vice President told Council that the right of way agreement has been signed so that the Project can go forward but the right of way touches the Smith's building.

The Smith's are trying to sell the property so after the Project is finished the Borough will do what needs to be done to deed 10' of property to the Smith's so that they have access to their property and cellar way.

**Political Signs in Center Square** – The signs are a site hazard. T. Lowson pointed out that political signs cannot be placed on Borough property. After discussion it was decided that the P. Kocek will write a work order to have the employees move the political signs to the Borough garage. P. Kocek will call and tell the candidates that they can stop at the Borough garage and pick up their signs.

P. Kocek to notify J. Evans to write a Resolution forbidding signs on any Borough property.

**Street signs Fir Street** – Council Vice President D. Monn reported that new signs have been installed on Fir Street to take care of the problems that were mentioned at the Conditional Use Hearing for the Bed & Breakfast on the corner of Fir and Main Streets.

## **PROPERTY & SUPPLY COMMITTEE**

**Glessner's Alarm and Communications**

**NAC ACT Division Alarms (fire & intrusion)/Card Access System** – Council Vice President and L. Wenger will review the quotes for the alarm system and then present the findings to Council.

**Office Upgrade** – L. Wenger reviewed the three (3) quotes for this Project. L. Wenger recommends awarding the work to J.R.M. Woodworking.

D. Monn made a motion to take L. Wenger's recommendation of J.R.M. Woodworking at a cost of \$2,326.65, D. Lee seconded, any further discussion, any further discussion, all in favor Aye, opposed No, motion carried.

### **Proposal from Verizon Wireless**

**Proposal from Nextel** - Council Vice President D. Monn told Council that there have been problems with the Nextel phones and explained the steps that have been taken to try to correct the problem and/or obtain information about a different phone system.

Council President Michael Gossard suggested that D. Monn contact AT&T Singular phone company. D. Monn will arrange for a presentation by AT & T Singular.

At 7:56 p.m. Council President M. Gossard turned the meeting over to Council Vice President D. Monn and M. Gossard left the meeting.

Council President M. Gossard instructed P. Kocek to provide J. Evans with the brochure from Apex and also instruct J. Evans call M. Gossard.

**Skid Loader** - D. Monn read the specs on a used skid loader from Cleveland Brothers at a cost of \$22,225.00. There is not a warranty on the used skid loader. A new skid loader from Antietam Tractor is \$39,500.00.

T. Lowson said that \$6000.00 per year can be applied towards the purchase of the skid loader from the Liquid Fuels Fund.

Council discussed the pros and cons of buying used versus a new piece of equipment. Table this item until the next meeting.

### **ELECTRIC COMMITTEE**

**Letter from Penn State University Re: Street light** - D. Monn reported that the light has been changed and the globe cleaned. D. Monn checked various lights in the area with a light meter and there was a wide variety of readings.

One LED light is being ordered and will be installed at the corner of Park Street and Slabtown Road.

D. Monn is still working on obtaining a grant to purchase LED lights for the whole town. LED lights save 30-40% in energy and they last approximately 15 years. Discussion.

**Allegheny Power Cooperative NYPA** - For your information.

**Electrical Grant** - Covered previously.

**Senate Bill 168** - D. Monn said that Bill 168 came out of committee and letters have been sent to the senators in our area to let them know that Senate Bill 168 would be detrimental to the Borough

**Letter to Mont Alto Borough electric customers** - Council Vice President D. Monn reported that he has received very positive comments about the letter that was sent to all electrical customers last month.

**Meeting with Steve Hirsch Downes Associates** - T. Lowson explained that the PPA and the basic electric rates need to be adjusted.

S. Hirsch has offered to come and hold an evening meeting so that Council can discuss these matters. Discussion on when to hold the meeting with S. Hirsch. T. Lowson will email the dates that S. Hirsch is

available to Council and then a date will be chosen to hold the meeting. The meeting will have to be advertised and this is the only subject that will be discussed at that meeting.

#### **PERSONNEL COMMITTEE**

**Request from Mont Alto Volunteer Fire Department** – D. Lee does not have a Policy written at this time.

**SANITATION & SAFETY COMMITTEE** - Nothing.

#### **RECREATION COMMITTEE**

**Joint venture Mont Alto State Park** – B. Spicer reported that a meeting will be held on May 19, 2009. B. Spicer and S. Strizziere will attend. It was noted that this date is Election Day.

**REPORT ON COG (COUNCIL OF GOVERNMENT) ISSUES** – There will be a meeting later in May.

**VISION 2015** – D. Monn reported that the Vision 2015 Committee will be meeting with the County Commissioners on May 6, 2009. D. Monn provided an email to the members of Council and is asking for suggestions for topics concerning the Borough that need to be discussed with the Commissioners. Contact D. Monn if you have items that should be brought before the Commissioners.

#### **OLD BUSINESS**

**NIMS Certification** – Nothing to report at this time.

**Public Gathering/Festival Ordinance** – M. Gossard wanted Council to review the fee schedule.

Copies of the fee schedule were provided by email for Council to review. M. Gossert discussed the Ordinance with J. Evans and suggested some changes. J. Evans will provide an updated copy of the Ordinance.

D. Monn told the members of Council that there are already two (2) tractor pulls scheduled for the Carnival grounds.

M. Gossert discussed how to measure the sound coming from events at the Carnival grounds. M. Gossert obtained his information from the Chambersburg Borough website.

Table the discussion about the Ordinance until the next meeting.

#### **ELECTRIC COMMITTEE (Continued)**

T. Lowson found his list of dates that S. Hirsch is available to come to the Borough to meet with Council.

After discussion the date for the meeting was set for Thursday May 21, 2009 at 6:30 p.m. T. Lowson will confirm this date with S. Hirsch and then notify Council. P. Kocek to advertise the meeting.

P. Kocek will contact the Cemetery Association and ask them to meet upstairs on May 21, 2009.

#### **OLD BUSINESS (Continued)**

**Ordinance 35 – An Ordinance Regulating Hawking, Peddling and other Borough Ordinances** – S. Strizziere reported that she is working on the Project.

**Generator for Mass Care Center** – Council Vice President D. Monn told Council that this on hold until money is available.

**Emergency Operations Plan** – Mayor Esser is working on the EOP.

**Emergency Management Coordinators** – Mayor Esser and D. Monn will meet and discuss the role of the Emergency Management coordinators for the Borough of Mont Alto.

**Franklin County Drug Task Force Breakfast 5-8-2009** – B. Spicer, S. Strizziere and T. Lowson are going to attend the breakfast.

**Joint Police Department Venture Mayor J. Esser** – Discussed previously in the meeting.

#### **NEW BUSINESS**

**Franklin County Emergency Service Alliance Meeting** – B. Spicer and D. Monn attended this meeting. D. Monn gave a brief report on various items that were discussed at the meeting.

**Basketball Net issue Verdier Street (Letter of complaint)** – Previously there was a basketball net on Verdier Street and it was removed by the Borough and is at the Borough garage. The new net is in the road way and this is not allowed.

P. Kocek was instructed to send a letter to the owner of the net and give them five (5) days to remove the net or the Borough will remove it.

**Franklin Cty Assoc of Supervisors, Auditors & Tax Collectors Annual Spring Meeting May 28, 2009** – Mayor J. Esser will attend this meeting.

**Request from Waynesboro Area Human Services Council** – After discussion it was decided not to make a contribution to the Waynesboro Area Human Services Council.

**Home Improvement Consumer Protection Act (Act 132 of 2008)** – P. Kocek explained that this Act new requires all contractors earning more than \$5000.00 per year to register with the State. Their ID number must then be noted when obtaining a Land Use Permit. P. Kocek provided this information to J. Evans so he can make sure there isn't anything further the Borough has to do.

**Countywide Earned Income Tax Collection Committee** – The Borough is required to appoint someone to serve on this Committee.

Council Vice President D. Monn suggested that Ron Strite, Tax Collector serve on this Committee. D. Monn will contact R. Strite and ask if he will serve on this Committee.

**Swine Flu** – Discussion. No one from Council or the Borough's Emergency Management Coordinators attended this meeting.

A. Stains and M. Gossert left the meeting at 8:53 p.m.

**EXECUTIVE SESSION** – Council Vice President D. Monn called for an Executive Session at 8:54 p.m. to discuss personnel issues.

Council Vice President D. Monn called the Regular Meeting of May 4, 2009 back to order at 9:07p.m.

**Adjournment** –D. Lee made a motion to adjourn the Regular Meeting of the Mont Alto Borough Council of May 4, 2009 at 9:08 p.m., S. Strizziere seconded, all in favor Aye, opposed No, motion carried.

Respectfully submitted,

Submitted to Council for their approval on  
June 1, 2009.

*Patricia A. Kocek*

Patricia A. Kocek  
Borough Secretary

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Michael Gossard President

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Dennis Monn Vice President

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Debra Lee President Pro Tem