

**COLUMBIA BOROUGH COUNCIL – REGULAR MEETING**

February 12, 2019 | 7:00 PM

Paul W. Myers Council Chambers

**MINUTES**

1. Council President Murphy called the meeting to order at 7:00 PM.

**Councilpersons present:** Berntheizel, Burgard, Fitzgerald, Kress-Hartman, Murphy, Novak and Williams. Mayor Lutz was also present.

**Junior Councilpersons present:** Misciagna. Cover, Black and Simpson was absent.

2. A moment of silence was observed
3. Mayor Lutz lead the pledge to the flag.
4. Council President Murphy announced that on February 12, 2019 at 6:00 PM Council held an information session to receive information only items from its Borough Manager and Solicitor. Additionally, Council President Murphy reviewed protocol for Citizens Comments and requested all phones be silenced or turned off. Council President Murphy announced that the meeting is being recorded but not live-streamed, as this is a test run of the equipment. He also announced agenda item 12 will be moved up to item 8 on the agenda.
5. Citizen Comments on Agenda Items Only are incorporated at the end of these minutes.
6. Motion to approve Borough Council Meeting Minutes for January 22, 2019.

Motion by:	Second by:	Voice Vote:
J. Novak	C. Berntheizel	All Favored – Motion Carried

7. Mayor Lutz

Mayor Lutz discussed the budget process and quoted the Borough Code on rules for amending a budget. He also discussed a recent meeting he and Police Chief Brommer had with representatives from Blueprints detailing their program that works as a “warm hand off” to get patients into treatment and recovery.

8. Public Works & Property

- a. Presentation and Discussion of 2019 Public Works – Work Program (Borough Engineer, Derek Rinaldo, C.S. Davidson)

Mr. Rinaldo provided an overview of the proposed street, stormwater, and other infrastructure projects for the Borough’s 2019 Public Works Work Program. Mayor Lutz thanked Engineer Rinaldo for addressing street degradation as part of the effort to update the Borough’s street opening ordinance. The Mayor and Borough Manager Denlinger added comments on the need for inspectors to oversee road projects. Mayor Lutz announced this year’s Smart Growth Transportation application will open in April. Borough Manager Denlinger responded with details.

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- b. Motion to approve change order for the Walnut Street Improvements Contract with Pennsy Supply in the amount of \$20,402.07 for work completed in the 500 and 600 blocks of Walnut Street.

Motion by:	Second by:	Voice Vote:
F. Fitzgerald	J. Novak	All Favored – Motion Carried

- c. Motion to approve the application for payment for the Walnut Street Improvements Contract with Pennsy Supply in the amount of \$129,483.17, reflecting the recommended retainage amount of \$22,907.13 to complete punch list items, for work in the 500 and 600 blocks of Walnut Street.

Motion by:	Second by:	Voice Vote:
F. Fitzgerald	J. Novak	All Favored – Motion Carried

- d. Chair Fitzgerald accepted the Public Works Report – January 2019

9. Community Development

- a. Chairperson Berntheizel announced the social media policy is now in the hands of the Solicitor and that the Borough Manager will also be following up with a conversation with the Non-Uniform Union representatives to get their input.

10. Finance

- a. Borough Manager Denlinger provided an update on the lease of Borough owned property at 137 South Front Street to KT Graham.

Council President Murphy made the following motion:

Last month we authorized the Borough Manager to enter into a lease agreement with KT Graham, Inc. conditioned upon the Borough obtaining a lease from Norfolk Southern for the property known as 101 South Front Street and approving a sub-lease of that property to KT Graham, Inc. with KT Graham, Inc. to assume all rental fees. The lease agreement itself does not cover the ground known as 101 South Front Street. The Borough has applied for this lease and sub-lease to Norfolk Southern.

I hereby move that we adopt Resolution 2019-08 to authorize the Borough Manager to enter into the lease agreement with KT Graham, Inc. for the tax parcel known as #110675580000 only which is 137 South Front Street and that upon the Borough obtaining a lease from Norfolk Southern for parcel #1104348700000 101 South Front Street, that the Borough Manager, with assistance from Solicitor, prepare an addendum to the lease sub-leasing the same to KT Graham, Inc. with KT Graham, Inc. assuming all rental costs. By approving this Motion, Council would be authorizing KT Graham, Inc. to immediately occupy the leased premises under and pursuant to the lease agreement, but would not be authorizing KT Graham, Inc. to use the property known as 101 South Front Street for parking or any other use.

This Motion does not change Council’s previous Motion directing the Borough Manager to work with the Borough Solicitor to file appropriate tax assessment appeals for 137 South Front Street.

<b>Motion by:</b>	<b>Second by:</b>	<b>Voice Vote:</b>
K. Murphy	T. Burgard	All Favored – Motion Carried

Council President Murphy motioned to approve Resolution 2019-08 a Resolution of Borough Council of the Borough of Columbia, Lancaster County, Pennsylvania, approving the lease of 137 South Front Street. 1.A lease in substantially the form attached hereto of the Borough’s property known as 137 South Front Street to KT Graham, Inc. be and hereby is authorized and approved and the Borough Manager is directed to take any and all action necessary to consummate the same; and 2. Upon the Borough obtaining a lease for property known as 101 South Front Street from Norfolk Southern or its successors and assigns, the Borough Manager is hereby authorized and directed to enter into an Addendum to the Lease Agreement attached hereto as Exhibit “A” subleasing 101 South Front Street to KT Graham, Inc. pursuant to the terms of the Lease Agreement with the provision that KT Graham, Inc. be responsible for reimbursing the Borough for any and all lease payments required to be paid by the Borough to Norfolk Southern or its successors and assigns

<b>Motion by:</b>	<b>Second by:</b>	<b>Voice Vote:</b>
K. Murphy	J. Novak	All Favored – Motion Carried

- b. Motion to approve the December 2018 Financial Reports including Check Register Report, Treasurer’s Report, Budget Performance Report: General Fund, Capital Fund, State Fund (Liquid Fuels), Capital Fund and Tax Collector Report.

Resident Frank Doutrich called a point of order to communicate his lack of access to the finance packet that was being voted on. Council President Murphy and Borough Manager Denlinger responded.

<b>Motion by:</b>	<b>Second by:</b>	<b>Voice Vote:</b>
K. Murphy	C. Berntheizel	All Favored – Motion Carried

- c. Motion to approve Resolution 2019-05 Destruction of Borough Records Authorization.

<b>Motion by:</b>	<b>Second by:</b>	<b>Voice Vote:</b>
K. Murphy	J. Novak	All Favored – Motion Carried

- d. Motion to approve Resolution 2019-06 Surplus of Police Department items for disposal.

<b>Motion by:</b>	<b>Second by:</b>	<b>Voice Vote:</b>
K. Murphy	J. Novak	All Favored – Motion Carried

- e. Columbia Borough Economic Development Initiative – Redevelopment Assistance Capital Program (RACP) Funding Application. Borough Manager Denlinger gave an update and noted that the Borough will be submitting the \$500 application fee to formalize the application to PA Department of Community and Economic Development.

- f. Council President Murphy introduced that Columbia Life Network (CLN) is requesting funding support from the Borough in the amount of \$66,000.00 and noted that Borough Staff identified some personnel cost savings due to early staff retirements that could be used to cover this amount coming from the General Fund. Mayor Lutz addressed the proposed request and discussed CLN's current financial situation and the work they plan to do over the course of 2019 to become solvent and financially sustainable. Council President Murphy and Councilperson Berntheizel voiced their opinion on the issue and the difficulty of deciding on the request for funding support. Council Person Kress-Hartman questioned the change in the amount being requested from \$25,000 to \$66,000. Jamie Weider of Columbia Life Network provided an overview of where the requested funds will be allocated. Council Person Novak voiced his gratitude for the services of CLN, discussed the difficult (deficit) budget process that led to the decision to not fund community organization requests, and offered his views on the request.

Resident Frank Doutrich called a point of order and voiced his opinion that State Law prohibits a Council President from making this motion.

Motion to approve funding support from the General Fund to Columbia Life Network in the amount of \$66,000.00 for the year 2019.

Motion by:	Second by:	Roll Call Vote:
P. Williams	J. Novak	Novak – No Williams – Yes Fitzgerald – Yes Kress-Hartman – Yes Berntheizel – Yes Burgard – No Murphy – Yes 5 "Yes" 2 "No" – Motion Carried

#### 11. Personnel

- a. Motion to approve Resolution 2019-07 Protocols and Rules of Decorum for Public Meetings.

Motion by:	Second by:	Voice Vote:
M. Kress-Hartman	J. Novak	All Favored – Motion Carried

With approval, Borough Council directed the Borough Manager to re-advertise the Borough Council Work Sessions to reflect the changed 6:00 PM start time.

#### 12. Public Safety

- a. Public Safety Chair Burgard accepted the following Reports as presented to Council for review: Police; Fire Department; Code Compliance; Board of Health; Zoning/Planning/EMA; School Resource Officer; SVEMS. The CQRS/EMS Reports is missing.

#### 13. Reports, Comments, and Announcements

- a. Solicitor's Report - None  
b. Secretary/Treasurer

Borough Manager Denlinger announced the Borough Office and Public Works Department will be closed Monday, February 18, 2019 in observance of Presidents Day.

- c. Boards and Commissions – None
- d. Council Members – None
- e. Citizen Comments on Non-Agenda Items Only are incorporated at the end of these minutes
- f. At 6:00 PM on February 26, 2019 Council will hold an information session to receive information from its Borough Manager and Solicitor.


14. Motion to adjourn the meeting at 09:32 PM.

Motion by:	Second by:	Voice Vote:
P. Williams	J. Novak	All Favored – Motion Carried

**MOTIONED AND APPROVED** this 26<sup>th</sup> day of February 2019, by the Borough Council of the Borough of Columbia, Lancaster County, Pennsylvania, in lawful session duly assembled.

**BOROUGH OF COLUMBIA, LANCASTER COUNTY, PENNSYLVANIA**

By:

  
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 Kelly Murphy, Council President

ATTEST:

  
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 Rebecca S. Denlinger, Secretary/Treasurer

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CITIZENS COMMENTS

**AGENDA ITEMS ONLY**

**Sharon Lintner – 500 Chestnut Street, Columbia PA**

Questioned agenda item 9E, RACP Grant Application regarding address of parcel for acquisition. Borough Manager Denlinger responded that there is no parcel identified for acquisition at this time. Questioned agenda item 9B, Revolving Loan Fund regarding applications. Council President Murphy responded that there are no new applications at this time.

**Frank Doutrich – 1001 Ironville Pike, Columbia PA**

Questioned agenda item 9F, Columbia Life Network funding support. Council President Murphy responded. Questioned agenda item 9E. Borough Manager Denlinger responded. Discussed the revolving loan fund. Asked if our Solicitor has advised Council that the law suit being brought against the Borough is moving forward. Borough Manager Denlinger responded.

**Gerald Hawn – (owner of) 103 N 5<sup>th</sup> Street, Columbia PA**

Questioned agenda item 12B. Borough Engineer, Derek Rinaldo responded. Discussed a high crown on Walnut Street. Asked who approved keeping the Crown. Borough Engineer, Derek Rinaldo responded. Asked for clarification on how contracts for road work are approved. Borough Manager Denlinger and Council President Murphy responded. Asked for clarification on the bid process for road projects. Borough Manager Denlinger responded.

**NON-AGENDA ITEMS**

**Sharon Lintner – 500 Chestnut Street, Columbia PA**

Asked if the Borough has been informed of a law suit being brought against them. Borough Manager Denlinger responded no. Asked why the Borough Solicitor has not attended the last 3 meetings. Borough Manager Denlinger responded. Discussed the 2016 Council vote to support HARB's decision to ban electric signs. She asked why a church in the HARB district can display an electric sign. Borough Manager Denlinger responded.

**Heather Zink – 31 S 9<sup>th</sup> Street, Columbia PA**

Discussed the 2019 fee schedule. Voiced her concern with the increase in the cost for a "Quick Ticket" appeal. Borough Manager Denlinger responded. Discussed the condition of the 900 block of Ave I between Locust & Park Ave. and asked if this location could be considered for repair.

**Gerald Hawn – (owner of) 103 N 5<sup>th</sup> Street, Columbia PA**

Discussed the Columbia Life Network funding request and questioned why the amount being requested was not listed on the agenda. He also voiced his opinion on the decision made on Columbia Life Networks request. Discussed the need for an inspector for road projects done in the Borough. Voiced his opinion that the amount of money withheld from the contractor for the work done on the 500 block of Walnut is not sufficient. Asked how residents are notified when road work on their street is going to happen. Discussed the need for an approved list of painters or contractors to be offered by the Borough to residence. Council President Murphy, several other Council Persons and Mayor Lutz responded.

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CITIZENS COMMENTS

Asked for an update on the activity and use of 119 N 5<sup>th</sup> Street. Borough Manager Denlinger responded. Mr. Hawn claims the property at 119 N 5<sup>th</sup> Street is being used as a recovery house with a capacity of 12 residents but currently only 11 are occupied. Asked for clarification on how the property can be used in this manner and if it conforms to our zoning ordinance. Several Council Persons, Mayor Lutz and Borough Manager Denlinger responded. Mr. Hawn detailed a recent issue he had with an inspection of one of his units.

**Frank Doutrich – 1001 Ironville Pike, Columbia PA**

Discussed the list of unpaid Borough property taxes provided in the finance packet. Council Person Novak responded. Discussed the road project map that was reviewed. Borough Manager Denlinger responded. Discussed funding for the road projects. Discussed the donation to the Columbia Life Network. Several Councilpersons responded. Discussed his opinion on the need for an inspector for road work done in the borough. Discussed disclosing proposed road work projects. Councilperson Novak responded. Discussed a new contractor doing work in the borough.