

ELIZABETHVILLE BOROUGH COUNCIL MEETING MINUTES
ELIZABETHVILLE PENNSYLVANIA
April 12, 2010

The Elizabethtown Borough Council met on April 12, 2010 in the Municipal Building at 14 South Market Street in Elizabethtown. President Fredrick Renn called the meeting to order at 7:00 P.M. The meeting opened with the Pledge of Allegiance.

ROLL CALL:

Roll call taken with the following present: James Facinelli, Stuart Margerum, Timothy Motter, Fredrick Renn, Gary Shadle and Brian Stahl. James Lodge was absent.

ALSO PRESENT: Linus Fenicle, Solicitor; Peggy Kahler, Secretary; Michelle Henninger, Codes Enforcement Officer; Michael Maurer, Roadmaster; Timothy Matter, Mayor.

GUESTS: Hilario Gonzales, Melissa Stahl, Dennis Henninger, Russell Snyder, Laverne Brown, Joe Kierstead, Karen Kierstead, Laverne Brown Jr., Joanne Meredith, Marilyn Henninger, Scott Shadle, Jessica Shadle, Doug Schade, Jake Nice, Michael Leitzel, Walter Troutman, Adelle Facinelli, Judy Zigner, John Zigner, Steven Stence, Cynthia Stence, Ben Scott, Jim Ditty, Craig Henninger, Bill Mattis, Tony Shiffer.

Approval of Minutes: Motion made by Timothy Motter, seconded by Gary Shadle to approve the minutes of March 8, 2010 as presented. Motion carried.

ACKNOWLEDGEMENT OF GUESTS: President Renn recognized Walley Troutman who requested council purchase moveable-portable crosswalk signs that could be use at intersections through-out the town.

All the other guests were given the opportunity to speak; most of the people who attended were landlords opposed to the "Landlord/Tenant Inspection Ordinance" adopted at the March meeting. The following items were again addressed as concerns:

- The ordinance is more about control and takes away privacy as a renter.
- The proposed fees and penalties are too severe.
- More regulations will not encourage good landlords to buy property in Elizabethtown.
- Who will be doing the inspections and are they certified.
- The ordinance doesn't have a grandfather clause and will cause the landlord great money issues.
- Neither the landlords nor the tenants can afford another fee.

Council also received several letters of support for the new ordinance.

Upon request Marilyn Henninger, Tax Collector prepared a statistically report regarding landlord/tenant information. Report attached to the minutes.

- a) Approximately 641 properties within the borough.
 - 46 % are rentals -----54% are owner occupied
- b) Approximately 300 rental units (apts, houses, etc.) 500 people live in the units 1/3 of the population of Elizabethtown.

- c) Approximately 100 landlords within the borough.
 - 80% of the landlords live outside of the borough -----20% live within the borough
- d) Approximately 365 people turned in for delinquent taxes.200 of them are renters.
- e) Approximately 247 complaints investigated since May 2008.
 - 62% were rental property related - 38% were other issues, (property violations, disorderly conduct, vandalism, littering, etc.)

REVIEW OF CORRESPONDENCE:

All general correspondence was reviewed and made available to council; further action was required on one item.

Yard & Craft Day: Motion made by Brian Stahl, seconded by Stuart Margerum allowing the Elizabethville Community Volunteers to hold a Yard & Craft Event on June 5, 2010, and authorizing the closing of Broad Street to thru traffic (between Church and Market Streets) on June 4th & 5th between the hours of 7:00 am and 3:30 pm. Motion carried.

COMMITTEE REPORTS:

Streets & Maintenance – The committee has listed the following streets for possible paving this summer; Vine, Callowhill, Moore, Franklin, Buttonwood, Smith and Pine Streets. Raudenbush Engineering will be contacted to prepare the bid package. A new storm drain grate was installed at the intersection of Maple and Birch Streets. The maintenance department plans to install a French drain on Spruce and Franklin Streets; this should alleviate the standing water condition alongside of Spruce Street (behind Mopac Plant). Bill Mattis has offered to donate some of the piping for this area. Street sweeping in the borough has been completed, it is estimated that the committee saved about \$3500 on the unit that was rented this year.

Police & Safety – Nothing to report.

Code Enforcement Officer – Michelle Henninger reported that District Justice Margerum delivered guilty verdicts for two residents who failed to remove snow from their sidewalks. Monthly report attached to the minutes.

Building, Lighting & Grounds – Nothing to report.

Water, Refuse & Sewage – Linus Fenicle solicitor for the Elizabethville Area Authority reported that litigation on the oil spill is ongoing. Lawsuits have been filed against three insurance companies; the home owners, the oil supplier and the Authority's.

Planning & Development – Nothing to report.

Budget & Finance – Nothing to report.

Park & Recreation – The committee will post signs around the Legion Baseball Field and playground area alerting people to <Park and Play at your own risk, low flying balls>. Research is still being done

to determine the best method on permanently filling the swimming pool. Water meters are being installed at the park restrooms and the little league ball field. A coil pit setter which is necessary for the installation will cost approximately \$430.

Insurance – Nothing to report.

Upper Dauphin Tax Representative – A board meeting was held on March 29th. A short term (2yr) proposed tax collection agreement with the Upper Dauphin Income Tax Office was presented. The Upper Dauphin School District’s Solicitor has a number of issues they addressed.

- Frequency or manner of tax distributions.
- Agreement requires the office to make annual (not quarterly) reports.
- Agreement should state that the District owns the tax collection information stored in the offices records and database.
- Limitation on damages is too restrictive, prohibits the district from recovering lost interest earning on tax fund.

The agreement was forwarded to the Reager & Reager for their review and comments.

McKonly & Asbury Audit Firm submitted an invoice of \$8,596.00 for cost over run on the 2009 financial audit of the Upper Dauphin Tax Office operations. There was some discussion on who should be responsible to pay the invoice and the charges since they related to assigning extra people to perform account reconciliations, correct adjustments and mispostings.

No action was taken; the board didn’t have a quorum.

COG – Representative Position - Vacant.

Personnel – Nothing to report.

Mayor’s Report – Nothing to report.

Solicitor’s Report – All items covered on the agenda.

Engineer’s Report – Nothing to report.

UNFINISHED BUSINESS:

Resolution 2010-02: Motion made by James Facinelli, seconded by Brian Stahl to adopt pursuant to Ordinance No. 334 an inspection fee for a *Certificate of Compliance* for residential rental property in the amount of \$25.00 for the first rental unit, and \$10.00 for each additional unit of the same location. Roll call vote taken; James Facinelli, yes; Stuart Margerum, yes; Timothy Motter, no; Fredrick Renn, yes; Gary Shadle, yes; Brian Stahl, yes. Motion carried.

NEW BUSINESS:

Resolution 2010-02: Motion made by Gary Shadle, seconded by Stuart Margerum authorizing Peggy Kahler, Borough Secretary as the Designated Agent for executing forms and documents on behalf of the Elizabethville Borough for the purpose of obtaining financial assistance under the Disaster Relief and Emergency Assistance Act. Motion carried.

Letter to Lykens Borough Council: Motion made by James Facinelli, seconded by Brian Stahl authorizing the Borough Secretary to write a letter to Lykens Borough Council requesting their approval to work with their secretary. Motion carried.

REVIEW OF FINANCIAL REPORTS:

Motion made by Gary Shadle, seconded by Timothy Motter, to accept the Financial Reports as presented. A roll call vote was taken and the motion carried unanimously.

Total Revenue	\$ 85,012.06
Total Expenditures	\$ 44,066.21

The meeting was adjourned at 8:45 p.m.

Respectively submitted,

Peggy P. Kahler
Borough Secretary